

**Highlands at Ocean Point Condominium Association
Board of Trustees Meeting
August 16, 2016
Pool Clubhouse**

Attendance: Lesley Pitts (Chair), Helen Jones (Secretary), Gary Gersten (Treasurer), Pam Claughton, Emily Gallup. Onsite Property Manager Tony Baldwin.

Observers: Gerry LaCasse, Carol Weber, Tom and Marie Young, Janice Brodil, Mary Beth Riley, Jim and Donna Franke, Ginny Sands and Joanna Zarkadas.

At a regular meeting of the Highlands at Ocean Point Board of Trustees, held in the Pool Clubhouse on Monday evening, August 16, 2016, the Chair called the meeting to order at 6:20 p.m.

Summary of Board Actions Taken in the Meeting:

The Board voted or agreed through discussion to:

- Accept the recommendation of the deck cleaning vendor to have him tighten up the remaining widows walks rather than remove them.
- Purchase 6 additional recycling bins to place near the dumpsters at 25/29 and building 4.
- Authorize BRG to hire a new cleaning company for all common areas at \$360/month.
- Send letter to all owners and residents reminding owners to help prevent leaks by checking appliances.

Additionally, the following happened, although no Board action was taken:

- Owner Tom Young proposed that a committee work through the details of the most recent proposal from Kingston Propane, get remaining questions answered and come up with an in-depth analysis of our options. Tony Baldwin nominated Trustee Pam Claughton, who has been doing all the research and negotiations to date, to chair the committee. Jim Franke volunteered to work on the committee.
- BRG advised the Board to budget for antifreeze replacement every five years.
- The Board reiterated the 2014 decision to turn heaters on November 1 in building 29, and December 1 in the other 4 buildings.
- The Chair asked the Maintenance Coordinator to closely monitor the fall inspections of the sprinkler systems, and to require better reporting from FSS this year.
- Some owners volunteered to help the Board with various projects as may be needed. The Board acknowledged the need for volunteers to help with the newsletter, spring and fall property cleanup, the propane committee, and the development of a request for proposal for administrative property management.
- It was agreed that maintenance contracts will be kept on file at the offices of Baldwin Realty Group and will be available for owners to view during regular business hours upon request.

The Treasurer and BRG Property Manager being delayed by attending to a gas leak in unit 3007, the Chair announced that setting a meeting schedule for the year will be deferred until everyone arrives, and that we would move the discussion of Kingston Propane to the first item. *[Note: The Treasurer and Maintenance Coordinator arrived immediately after this decision, and were present for the entire meeting.]*

1. The first order of business was a report on negotiations with Kingston Propane. Trustee Pam Claughton reported on her negotiations. We have learned that, in order to switch propane providers, we would have to purchase not only all the tanks (\$1,000 each), but also all the meters (\$125 each). Further complicating negotiations is our relationship with the Dunes and OPMT; Kingston has been reluctant to agree to contract with the Highlands independently. We have 14 tanks, plus the Dunes' 2 and the one that serves OPMT (pool). The Highlands tanks probably have 10 to 15 years left on them, but the Dunes need replacement now. Cost to replace the meters is estimated at \$125 per meter (\$9,250 for 74 meters). The \$12/month meter fee is non-negotiable, as it is set by their parent company, Amerigas.

It was noted that Amerigas has a track record nationally of consumer complaints of price gouging and class action suits. The Chair pointed out that Kingston Propane justified the \$12 meter fee with the cost of training and monitoring required to meet federal regulations. When P. Claughton talked with Churchill, she asked them how we would monitor safety and compliance with federal regulations; Churchill said that they monitor that.

It was noted that if we purchased the equipment and contracted with a different propane providers, we would probably save money over time, but we would be adding administrative costs (meter reading, invoicing, collections). District manager Keith Bossung will propose some numbers for our consideration.

Observer questions related to Kingston Propane:

- C: Purchasing the propane tanks adds another liability on top of the wastewater treatment plant. As an HOA member, I'm not comfortable with that. We should check with our attorney to better understand what our liability would be, and consider paying the additional cost plus the \$12 per month fee to stay with Kingston.
- Q: What is the estimated cost of reading 74 meters, sending out 74 invoices, collections?
- A: That cost has not been estimated.
- Q: Could we mark up the rate slightly to cover administration?
- Q: Could we look into meters that read themselves?
- Q: Why would tanks on OPMT property be the Highlands responsibility?
- A: OPMT has only one tank, for the pool. The rest are for either the Highlands or the Dunes.
- C: **Owner Tom Young proposed a subcommittee come up with an in-depth analysis of our options and report back to the Board. Tony Baldwin nominated Pam Claughton to chair the subcommittee. Owner Jim Franke volunteered for the committee.**

No Board action.

2. The next order of business was the Treasurer's Report. Income projections are within 1% of budget. We transferred some funds from reserves for capital improvements. We are spending \$11,000 over budget in Administration, \$5,000 in monthly insurance payments, and \$3,000 in legal expenses. The Maintenance line looks like it's overspent by \$29,000; however, only \$5,000 of this is actual overspending; the rest is related to insurance claims. We've made our reserves contributions every month, and there has been no borrowing from reserves. A Trustee asked whether all amounts borrowed from reserves in previous years been paid back. The Treasurer will check as to whether previous years' borrowing has been fully paid back.

No Board action.

3. The next order of business was an update on leaks.

In Buildings 24, 30 and 29: The Treasurer continues to manage insurance payments and payouts to owners. We're still working on 4 units.

In Building 4: The insurance company's adjuster has been out to inspect the damage, but we haven't heard back yet. SERVPRO's bill for water extraction was \$12K; that doesn't include repairs. Tony Baldwin will follow up with the adjuster.

Observer questions related to bldg. 4 leak:

C: I believe there is mold in 411's storage unit. The basement carpet needs to be replaced.

BRG: SERVPRO would have cut out wallboard and ripped up carpet if they believed it needed to be done.

C: SERVPRO said they had no authority to cut into sheetrock to assess mold or damage. There is water still weeping into the storage unit that was being used by 412. That water has to be coming from somewhere.

BRG: There is no water coming in. The sheet rock in 412 storage unit will be replaced. There doesn't appear to be a mold problem.

The Chair asked BRG if we can replace the carpet; Tony said that we could. The Chair asked the commenting owner whether it is uninhabitable due to the carpet condition. The owner replied that it is unpleasant.

No Board action.

4. The next order of business was an update on the assessment of our sprinkler system. Tony Baldwin spoke to Diane, the owner of Fire Sprinkler Systems (FSS), who advised not hiring a mechanical engineer. She advised that building 25 didn't use the product that allegedly caused the problem; so that building should be OK. Her opinion was that the severe freeze last February was unusual, and that the weeping from sprinkler heads can be managed. FSS says the key is keeping the antifreeze levels balanced.

Tony is seeking referrals to other companies for a second and third opinion. He is getting quotes for the Dunes now, as their system needs to be replaced. Tony advised that we should be budgeting for replacement of the antifreeze every five years. For budgeting purposes, that could be estimated at 400 gallons per building, at \$20-\$25/gallon (\$8,000-\$10,000 per building), every 5 years. A Trustee asked, has FSS not been recommending that we do this every 5 years? Is FSS the right company? It was noted further that FSS rated one of the buildings as OK, even though it didn't meet the 5 degrees below zero criterion. The Chair requested that BRG tell FSS we need better reporting from sprinkler inspections, and asked Tony to be on top of inspections this fall.

No Board action.

5. The next order of business was an update on the annual sprinkler inspections and reports. BRG has hired another person, Natalie, to go through the old Highlands maintenance files and organize them. The Chair emphasized how important that is, and thanked Tony.

No Board action.

6. The next order of business was the Onsite Property Manager's Maintenance Report.

The powerwashing of decks is started. Replacement of boards will be determined on a case by case basis. Regarding building 4's need for paint, this is not a summer job; it will be done when the weather shifts the focus to indoor work. There is a storm door that frequently breaks due to the door being repeatedly left open; Earle will fix it. Earle has completed the project of putting backplates on

all exterior lights. Tony noted that Earle is very efficient and manages his time well. Jobs are coming off the maintenance log faster than they're going on it.

Landscaping and snow removal bids: BRG met with two other companies, and is awaiting bids (Egan, Fairway, and Maffei). Hard trimming is not in Egan's contract this year; it is needed every 5 years.

Widows walks: Per BRG recommendation, the Chair proposed, and **the Trustees approved, to have Donny tighten up the remaining widows walks as proposed (repair one with brand new spindles, use the old spindles to repair the rest; bid \$25/hour).**

Sealcoating: In July, they had put us on their schedule for September. Tony Baldwin asked them to do a walk through; we haven't heard back. There is a possibility the quote may go up.

Energy assessments: The Chair asked BRG if the energy assessors have been out yet; Tony said they have not, although he has reached out to them several times. They left it that they would get in touch with him. Further discussion was deferred due to the late hour.

Heaters out: The Chair asked BRG to make sure the heaters are on, and to have a schedule so we know when they're going on. They'll be counted during the energy audit. **It was noted that in a previous Board decision (2014), the Board instructed to turn the heaters on in building 29 on November 1, due to its exposure, and in the rest of the buildings on December 1.** BRG noted that the new heaters will be on a thermostat; won't have to worry about turning them on and off.

Spigots: The Chair asked BRG to make sure all spigots are winterized properly. In building 4, the plumbing was improperly pitched. Tony B. explained that Earle winterizes common area spigots, but he doesn't have access to spigot turnoffs inside units. Some owners may not even know they have to winterize them. **Tony will ask Earle to take a walk around to identify all NON-common area spigots, after which it was proposed that the Board should send each owner of a non-common spigot reminder to please turn off the water line to your spigot.**

Recycling: BRG called Lombard's 3 times last week; the driver didn't come, but Lombard's didn't know it. They are scheduled to come Monday and Friday. We called Tuesday. They missed 2 pickups, but they came Tuesday. The company is responsive. As for additional recycling barrels, there are no extra barrels. If we want to purchase more, Lombard's will empty them. During a discussion of where to put them, suggestions included in front of building 30, where there used to be a large recycling dumpster, or maybe we could fit 2 more on either side of the dumpster at 29/25. Building 4 needs 2 more, and there is room.

On the proposal of the Chair, the **Trustees voted to Purchase 6 more recycling bins to place at the dumpsters for buildings 25/29 and building 4.**

OPMT missing pool signs and ladder: Those will be replaced next year.

Broken window repair unit 2502: It will be a custom order for the window to match the rest of the building; we are waiting for delivery. Anderson is coming out Friday for unit 401 between 11:00 and 2:00; we can ask them to look at the window in the back stairwell of building 24 at that time.

7. At this point, the Chair opened the floor to questions and comments from observers.

Q: Does anyone check periodically throughout the winter to make sure the hall heaters are working? With so many people away during the winter, this could get overlooked.

BRG: Let BRG know wherever no one is here over the winter and they can add that to their plan.

Q: If we approve underdecking, could that contribute to water problems?

- BRG: If it is channeled properly it should drain properly. The Board will approve the design; if it is not in compliance it should come down. As Donny washes the decks, he will determine as they go along whether each underdecking is draining properly or not.
- Q: Why are we washing the decks mid-season instead of in the fall?
- BRG: We have a small window of time during which the weather is appropriate, and each deck takes 3 days to complete. We have a list of 8 or 9 units that have been waiting more than 2 years. First, we'll do the 8 or 9 decks on the list; most of these are in building 29. Second, we'll do the front landings. So it will be awhile before we get to most decks. Not every deck needs to be done.
- C: We need more than 24 hours' notice to clear our decks.
- BRG: We are trying to get a timeline from the vendor.
- Q: The maintenance log indicates that my issue is resolved, but it isn't. Earle tried to fix the light that's out on our deck stairs, but was unable. Shannon had an electrician look at it, who told us that he suspects the wire is cut inside the wall, and that there may be a live wire inside the wall. When I asked him if it was a fire hazard, he said that it was.
- BRG: This is the first I'm hearing of it; I know nothing about a cut live wire. I think when your electrician installed your gas fireplace, instead of installing a new breaker for the fireplace, she may have used that line and disconnected your exterior light. You should check with your electrician, and let BRG know what you find out. If we need to have an electrician come back out, we will.
- Q: What material is being recommended for undecking? Is metal appropriate for installation next to the ocean?
- BRG: The product has a warranty for salt water.
- C: An owner had sent for a sample of a product called ToughTech and requested to present it. Lowe's in Kingston stocks the product.
- Q: What would I do if I wanted to install underdecking? Who would I talk to? Is there a required color?
- A: Ask permission of Board. We're putting a package together to define the standards.
- C: I'm concerned that underdecking may cause a problem with ice.
- A: It must drain water away properly. We may be asking owners who have it installed to remove it if it doesn't meet the standards. If they wish to replace it, it must meet standards.
- BRG: We expect the standards will address materials that are warrantied for salt, pitch, gutters and downspouts.
- Q: I'm currently getting quotes to remodel my kitchen. It does involve walls. What do I need to do?
- A: The Board needs assurance from the contractor that the wall impacted is not a load bearing wall. We also need the total cost, for insurance company notification. The contractor's certification of insurance must name the Association as additional insured.
- Q: Can I put a dumpster outside for 6 weeks during construction?
- BRG: You can put the dumpster in your parking spot.
- Q: Are we going to put gutters on building 4?

A: We are waiting for a quote to help us make that determination, not just for building 4 but all buildings.

C: Donna Crone has something that goes across her roof above her sliders to redirect the water around her slider.

BRG: We will look at what Donna has.

C: I wouldn't recommend that until we solve the problems on bldg. 4.

Q: Have the sprinkler pipes that froze been insulated?

A: We insulated where they leaked last year; replaced heads and added extra insulation.

Q: Can we insulate other areas?

A: We are going to do an assessment of our sprinkler system as a whole, to determine what we can do to prevent this from happening again.

Q: Could the building 4 basement rug be replaced with tile?

A: We can take a look at that.

Q: Did the Board review my complaint about my neighbor's grill smoke coming in my windows?

A: The Board will be discussing that in executive session after this meeting.

8. The next order of business was correspondence/communication. The Secretary reported that the website is up-to-date except for outstanding minutes. Outstanding minutes include the June Board meeting, the July Owners meeting, and a couple of in between single-topic meetings. Three people have volunteered to draft a newsletter.

No Board action.

9. The next order of business was consideration of an owner request for the Board to annually send a letter reminding owners to pay attention to water heater, furnace, etc. (leaks affect other units). **Through discussion, Trustees agreed that a proactive reminder is probably a good idea. If should include advice that owners who still have their original water heater should replace it.** The Chair noted that we may come to BRG for technical language.
10. The next order of business was a discussion of volunteer offers to help with the newsletter, weeding, and exploring options for propane service.
- Newsletter: Ginny Sands, Marie Young, and Mal Marvill have volunteered to help.
 - Weeding: Weeding is in Egan's contract. It's fine for owners to supplement weeding where they see the need. Owners are asked to not cut back shrubs, though. The Chair asked if BRG would organize a spring and fall cleanup of the grounds.
 - Propane committee: Tom Young proposed it, and Jim Franke offered to help.

No Board action.

At this point, observers raised additional questions and comments not on the agenda.

Q: Who is onsite to let Verizon into the electrical closet?

BRG: We have a set of keys. Tony Baldwin said that, if he is notified a day ahead of time, he will leave the closets unlocked; however, the main door still needs to be open. Tony said that, while he can't guarantee he'll be onsite, he will make every effort. Tom Young suggested putting a key pad on those doors.

C: The pool light blinks all night. It's on the maintenance log.

BRG: It's on a sensor.

C: It should react to motion – there are people out there now and it's not on.

Additional concerns expressed included that the clubhouse lights were left on all night recently, and that kids under age 16 should not be at the pool without an adult.

11. The next order of business was contracts.

Where to store contracts: The Chair asked who should keep contracts on file available for Trustee or Owner reference as needed. Tony B. said that Baldwin's office could maintain them. The Chair asked whether the official, signed copy of each contract should be filed somewhere onsite. It was noted that we're required by law to have contracts available for owners to view by request during regular business hours. BRG office was identified as the best place for contracts to be available for viewing during regular business hours.

Preparation of Request For Proposals for a management company: We have a list of management company names, including BRG. We need some volunteers to draft this RFP. Trustee Emily Gallup offered to help. Owner Donna Franke also offered to help, adding that she has a background in property management both commercial and residential.

Handyman contract: The Chair asked Tony Baldwin to draw up a contract, and Tony said that he would.

Snow/landscaping: Tony is working on it.

Janitorial services: BRG has identified another cleaning company. It would cost \$360/month including all common areas. On the proposal of the Chair, the Trustees voted to **authorize BRG to hire a new cleaning company for all common areas at \$360/month**. Tony also noted that he has a proposal of under \$1,000 to clean the carpets in building 4, and he recommends cleaning them.

Other contracts (Elevator service; Elevator alarm; Fire alarm; Fire sprinkler; Fire extinguisher; Freeze alarm; Weed control; and Trash/recycling removal): The Chair asked Tony B. to think about whether we will need a new company.

12. The next order of business was the Rules & Regulations. At the time we filed for FHA approval, our attorney told us that our Rules and Regulations document is not up-to-date with Massachusetts law; revisions were made in connection with the FHA approval. We need to register the revised R&R document at the Registry of Deeds now and re-send it to owners.

It was suggested that the rules and regulations have to be cast as bylaws. The Chair noted that we can't change bylaws without a huge process. The Secretary noted that our bylaws already incorporate language to the effect that rules & regulations passed by the Board of Trustees become part of the bylaws. [reference: Section V of Declaration of Trust is the Bylaws. Section 5.10, second paragraph: "All Rules and Regulations adopted hereunder shall be deemed to be additional By-Laws and are incorporated herein by reference."]

No Board action.

At 8:35 p.m. the Chair announced that the Board would go into executive session and any remaining observers left the meeting.

The business of the Executive Session having been completed, the Chair adjourned the meeting at 9:40 p.m.

Respectfully submitted, Helen Jones, Secretary, December 18, 2016

Approved, Lesley Pitts, Chair, January 8, 2017