

## THE HIGHLANDS AT OCEAN POINT CONDOMINIUM ASSOCIATION

### SPECIAL MEETING OF TRUSTEES

**DATE:** Wednesday, May 27, 2009 at 7pm at unit 2506

**SUBJECT:** Liability issues relating to contractors

**ATTENDANCE:** Jan Zabriskie, Mark Wells, Joe Ruggio, Bill Brissette, Frances Forte

The meeting was requested by Bill Brissette. The reason for requesting the special meeting was to share with the trustees my concerns of possible liability issues that may be able to be eliminated with the development of a set of protocols for dealing with contractors that the property manager might be able to use as a tool.

In particular Bill noted that a ladder was left in open position, leaning against the building overnight on one occasion. He also objected to painters accessing some decks by walking through units, carrying cans of paint and other items. Furthermore, residents left doors open for the contractors to paint with the understanding that they contractors were being supervised by the property manager, but when Bill returned home he found garage doors still open and the property manager not on site. He wants to establish rules that would prevent these shortcomings.

The trustees agreed that contractors should be told to close and pack up materials and equipment when it is left on our property overnight. When owners give a key or access to their unit to a property manager, it is with the assumption that Donna or some other owner is accompanying the contractor into the unit and locking up behind them. That should be the policy. Management should show concern for owners' belongings when entrusted with access.

Regardless of the facts of this case, the trustees agreed that, generally speaking, management should supervise contractors on-site carefully, especially when they are inside units whose owner is not at home, and that vendors doing outside work should be prepared to access all parts of the building from the outside.

Some open maintenance items were then noted as follows:

- Broken balaster (post) is laying in the seam to the left of the building 24 center entrance roof. (Subsequently removed)
- The water level in the pool was too low and it seemed like the skimmers aren't working. (Subsequently addressed by pool operator).

The meeting adjourned at 8:15pm.

## Addendum to Special Meeting of May 27, 2009

Note: Donna Crone, who was not invited to this meeting, responded subsequently as follows:

- Every unit owner in building 24 was made aware days in advance that the painters would need access to their garage to paint the doors and that owners should remove any valuables and lock the door to their storage area or interior space.
- In particular, the owner in 2416 who keeps an expensive sports car in the garage off-season was called and informed about this as was asked to remove it. Mr. Palmieri told Donna that he had no problem with the car being unsecured 'because it is insured' and simply asked that Donna put the fabric cover over it to prevent paint splatter. Donna did that for him.
- All front doors were closed and locked before Donna left the premises.
- Some owners were asked if they were willing to allow the contractors to access their decks through the unit. That was not required, only requested as a favor. Some owners allowed it, some declined. Where the painters could not access through the unit, they used a ladder.
- There were no complaints to Donna about the contractors except when they
  - o delayed power-washing of building 4 due to weather and other factors
  - o missing shingles
  - o Damaged plants at bldg 4