

# Directors Meeting Minutes

## Promenade Towers

### June 16, 2016

Directors present: Megan Ladd, Leonard Ney, John Rastl, Mark Rockwood and Jim Zafirson

Directors absent: Gunnel Hansen and Dave Mathieu

- 1) The meeting was called to order in the Community Room at approximately 7:00 PM.
- 2) The meeting minutes from May 19, 2016 were approved as written.
- 3) Treasurer's Report: John Rastl presented a summary of our income and expenses through May.
  - The Operating account balance was \$34,693 and Reserve balance was \$715,374 as of May 31, 2016.
- 4) Unfinished Business:
  - Roof – Jim Zafirson provided information on two options for replacing the roof in Building 2
    - Glidden Roofing would replace the roof with an adhered system which uses an EPDM synthetic rubber membrane. They have provided a quote.
    - Saco Roofing would use a material called Duro-Last®, a custom-prefabricated, thermoplastic single-ply roofing system. They are coming to take cores samples next week and will provide a quote after that.
    - Both proposals would remove all the stone ballast and concrete pavers from the roof, remove and replace the insulation and install walkway pads on the new roof.
    - Mr. Zafirson said that from his research, the most important aspect of a new roof isn't the type material used but how the work is done by the installer.
  - Elevator – Mr. Rastl said about 6 items remain until the project is totally complete. Painting began today. State Inspection will be done in July.
  - Pool fence/gate – Mr. Rastl reported that the project is complete but rocks will be placed around the border to make lawn care easier.
  - Fire Alarm – Mr. Rastl informed us that the project was 100% complete and paid for.
- 5) New Business:
  - Amendment to Declaration and Bylaws with 2015 Maine statute revisions – The Board approved the attached resolutions. The approval of these changes will be added to the Annual Meeting's Agenda.
- 6) Property Manager report:
  - Fobs which do not work with the new pool gate can be exchanged when Dave deBree is in the condo office.
  - There were 4 move-ins and 1 move-out
  - There were 2 noise complaints in Building 2. The manager of the unit was contacted and there have been no complaints since.
  - 3 requests for flooring underlayment were approved.
  - HVAC service was performed in the units which requested it.
  - A leak in the pool return line was fixed
  - The wind blew an umbrella into a tree. It was retrieved by a tree service. Joe will drill holes so that the thumb screw goes into the posts.

7) Meeting was adjourned at 7:24 PM.

A handwritten signature in black ink, appearing to read "Megan H. Ladd". The signature is written in a cursive style and is positioned above the printed name.

Megan H. Ladd  
Secretary

1 Attachment – Board of Directors Resolutions, June 16, 2016

**PROMENADE EAST CONDOMINIUM ASSOCIATION**  
**BOARD OF DIRECTORS**  
**RESOLUTIONS**

WHEREAS, the Maine Legislature amended the Maine Condominium Act in 2015, revising certain Notice requirements for Association meetings and revising the process for authorizing special assessments, and whereas the Board has determined it is prudent to amend its governing documents to maintain consistency with the Maine Condominium Act;

NOW THEREFORE the Board adopts the following resolutions:

1. That Section 3.4 of the Bylaws be amended to conform to notice requirements of 33 M.R.S. §1603-108 as follows:
  - a. Change the maximum number of days of notice in advance of a members meeting from twenty (20) to sixty (60), by deleting the words “not more than twenty (20) days, before the date set for the meeting” to be replaced with the words “not more than sixty (60) days, before the date set for the meeting.”
  - b. Authorize an additional method of notice by deleting and restating subsections A and B, and adding new subsection C, as follows:
    - A. By hand delivering it to him,
    - B. By mailing it, postage prepaid, addressed to the member at the address of the Unit or any other address designated in writing by that member with the records of the Association or which the Association customarily communicates with the Unit Owner, or
    - C. By electronic means to any other address, including an e-mail address specifically designated by the Unit Owner.
2. That Section 6.2 (A) of the Bylaws be amended to conform to 33 M.R.S. §1603-103(c) changing the minimum number of days for notice in advance of a Members

meeting to ratify the budget from fourteen (14) to ten (10), by deleting the words “not less than fourteen (14)” to be replaced with the words “not less than ten (10).”

3. That Section 10.5 of the Declaration be deleted and restated to clarify that ratification is required for amending budgets, as follows:

**Section 10.5: Budget.** The proposed budget and any revised budget adopted by the Association’s Board of Directors shall be adopted unless rejected by two-thirds (2/3) vote of the Association.

4. That Section 10.2 (F) of the Declaration be deleted and restated as follows to require conformance with Maine law in approving special assessments:

F. Upon a determination that circumstances exist, which require additional funds to be raised beyond the amounts generated by regular monthly assessments, the Board of Directors may levy a special assessment as an additional common charge on such terms and conditions as the Board may establish, including without limitation, the due date(s), terms of payment, late charges, interest and costs of collection, including reasonable attorneys' fees and expenses. The process for approving or ratifying a special assessment shall be as set forth in the Bylaws consistent with the Maine Condominium Act. The special assessment shall be allocated to and due from each Unit in accordance with its percentage liability for common expenses, shall constitute a lien against each Unit which may be foreclosed in the same manner as a mortgage, and shall be the personal obligation of each Unit Owner. Upon the sale of any Unit, the seller shall be responsible for informing the purchaser of the existence of any pending or outstanding special assessment.

5. That Section 6.4 of the Bylaws be deleted and restated to specifically conform to the special assessment requirements of 33 M.R.S. §1603-103(g), as follows:

**Section 6.4: Revised and Special Assessments.**

A. If at any time the Board shall determine the amount of the common charges to be inadequate, whether by reason of a revision in its estimate of expenses or income, the Board may adopt a revised budget, which shall be submitted to the members for ratification in accordance with the procedures in Section 6.2(A) of these Bylaws. Thereafter monthly common charges shall be determined and paid on the basis of the ratified revised budget.

B. The Board may, upon determining that circumstances exist which require a special assessment of the members, make special assessments as follows:

1 The special assessment must be ratified by members in accordance with Section 6.2(A) of these Bylaws, except that if payment of any portion of the proposed special assessment is due after the end of the association's current budget year, ratification requires approval of a majority in interest of all unit owners.

2 If the amount of the special assessment does not exceed two months common charges and the board determines that the assessment is necessary to meet an emergency, the board may make the special assessment immediately in accordance with the terms of the board's vote, without ratification by unit owners.

6. That the foregoing amendments to the Bylaws and Declaration be proposed to the members for approval at the annual meeting of members scheduled for September 14, 2016.

ATTESTED:

The foregoing resolutions were adopted by majority vote of directors at a duly called Board meeting on June 16, 2016.



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Megan Ladd, Secretary