

# Directors Meeting Minutes

## January 21, 2010

### Promenade Towers

Directors present: Bruce Hopkins, Leonard Ney, John Rastl, Margie Thomsen and Jim Zafirson

Directors absent: Michael Lincourt and Karen Winslow

1. The meeting was called to order in the Community Room at approximately 7:05 PM.
2. The meeting minutes from December 3, 2009 were approved as written.
3. Treasurer's Report. John Rastl said that a formal report of the Association's finances as of December 31, 2009 is required by our By-Laws and will be sent out within the required 90 days. He said overall we were in good shape with increases in our Reserve fund of approximately \$64,000 and in our Operating fund of approximately \$19,000 over the end of the previous year. Three owners are more than 90 days behind in their monthly fees with two of those units for sale, and one of those for sale also facing foreclosure. The total amount over 90 days late is less than \$6,000. Our tax returns are now being finalized by our CPA. As soon as they are complete, the annual financial report can be completed.
4. Unfinished Business:
  - a. Jim Zafirson said we have installed a gutter at the back of the garage across from the front door to catch water draining from behind the wall. A sump pump moves the captured water out of the garage directly toward one of the driveway drains. A box has been built around the pump and will be painted when weather warms. We now have electricity to the garage 24/7 allowing us to use heat tape to keep the water in the gutter and pipes from freezing.
  - b. Gutter downspouts. Too much water is getting into the garages from our new gutters/downspouts. Mr. Zafirson said we will install brackets to extend the downspouts toward the drains. We will also test one downspout with a full length to the ground to see if this keeps the water from being blown back into the garages.
  - c. Update on stairwell heating improvements. Mr. Zafirson said we have purchased and installed a replacement heater in one of the stairwells for one that failed. *He reiterated the Board's policy to heat the hallways and most common areas to 60 degrees and the stairwells to 50 degrees.* The stairwell heat is required to avoid frozen sprinkler pipes.
  - d. Update on trash room/closet flooding. When the driveway was redone, it ended up being higher outside the trash room creating a puddle that overflows under the door and then flows into the trash closet during each storm. Mr. Zafirson is still interested in installing a threshold at the door to keep the water out. It was also suggested that we wait till summer and have the paving corrected to remove the bump or water dam. Mr. Zafirson said he also will consult with Gary Koocher, an owner whose business includes doors.
  - e. Washing machine hoses. Mr. Rastl said a washing machine hose burst this past Monday badly damaging that unit and the one below with some water damage to the hallway. That makes two such failures in less than six-months, both doing considerable damage. A burst hose pumps out 650+ gallons of water per hour. The damage could have been much worse in both cases if the owners had been out of town. The Board has discussed in the last couple meetings a resolution that requires the Association to buy new high-quality hoses that have a 20-year or longer guarantee and require the owners to install them. *Mr. Rastl read the attached Resolution for the Board to vote on. Paragraph 4 was added after discussion and the amended Resolution was passed unanimously.* The Board had ordered one set each of what it found to be the two best

hoses available and after inspection all agreed on the FloodChek brand hose. The FloodChek Company has been in business 20 years and none of their hoses have ever failed. They are installed in many high-rise buildings around the country. Mr. Rastl will order 80 sets at a total cost of approximately \$3,050 (including shipping). Mr. Rastl will turn the Resolution into a letter to be sent to all owners to explain why we are doing this and what the owner's responsibilities are.

f. Roof inspection. We do not yet have a quote to repair areas identified in the last roof inspection.

g. Mid-month decisions that had been made by unanimous Director emails were confirmed:

- o Buy a gift certificate for \$75 at Becky's Diner for our long-time plumber, Henry Gagne, who retired at the end of December.
- o Purchase a new heater for one of the stairwells (Bldg 2, 3<sup>rd</sup> Floor) at an approximate cost of \$1,800.

#### 5. New Business:

a. Mr. Rastl read portions of and discussed a new Maine law added to the Condominium Act that allows Associations to require anyone that purchases a unit to make payments into an escrow account until the balance of that account equals 6-months of condo fees. When a unit is sold, or foreclosed, the Association could keep any balance due up to the 6-month amount and return the balance to the owner. Mr. Rastl recommended the Association not adopt this optional requirement because it would make it more difficult to sell units and the accounting requirements (including interest payments) are legal obligations that outweigh the advantages. *Motion was made, seconded and agreed to not impose this requirement.*

b. Mr. Rastl spoke on behalf of Michael Lincourt and his request that the Office issue Visitor Parking Passes to each unit. These were issued several years ago and they are available to anyone for the asking but several recent owners had never seen one. The purpose of the Parking Pass is to identify the vehicle as being a visitor of a specific unit. If the vehicle needs to be moved for any reason, the staff knows who to call. A separate but similar form was to be used for contractors but has seldom been used. Mr. Rastl recommended that all owners/residents be sent three passes along with the next future mailing (minutes, etc.) and that these be used both for visitor's parking and for contractor's parking. The goal is to identify the unit where the vehicle's owner can be found if needed.

c. Mr. Zafirson discussed changing of the lighting in the Library, using recessed-can type lighting in place of the dated fluorescent fixtures. After the Library lighting is finished, the Board will consider it as an option to replace the lighting in the Community Room as a start of that room's remodel.

d. Mr. Rastl said the Association purchased a Black & Decker Thermal Leak Detector to monitor cold spots in the stairwells. It is in the Office and owners may check it out to use in their units.

e. Mr. Rastl noted that some air conditioning vents on the outside of the building are starting to show a faint trail coming out of the water drain vents that looks like a rust stain on the building's elastomeric coating. Mr. Zafirson said we will investigate when we have the lift here with Knowles to inspect the façade this spring. We may need to pressure wash any such stains at the same time.

6. The meeting was adjourned at approximately 8:15 PM.



John M. Rastl  
Acting Secretary

1 Attachment: Board Resolution, January 21, 2010

# Promenade East Condominium Association

## Resolutions of the Board of Directors

January 21, 2010

*WHEREAS*, Section 4.3 of the By-Laws states that “The Board of Directors shall generally act on behalf of the Association, shall have all powers and duties necessary or appropriate for the administration of the affairs of the Association, and shall have all powers referred to in the Declaration, the By-Laws or otherwise provided under the Maine Condominium Act or the Maine Nonprofit Corporation Act”; and

*WHEREAS*, Section 6.9 of the By-Laws empowers the Board to “adopt, modify, and revoke, in whole or in part, such further reasonable rules and regulations governing the Condominium as it may deem necessary”; and

*WHEREAS*, Section 10.6 of the Declaration states that “The Board of Directors shall have the power to levy fines against the unit owners for violations of reasonable rules and regulations established by it to govern the conduct of unit owners”; and

*WHEREAS*, the Association’s individual owners and many other condominium associations have experienced substantial damage due to bursting washing machine hoses; and

*WHEREAS*, the Association deems it necessary for all owners to install new, high-quality, guaranteed washing machine hoses; and

NOW THEREFORE, BE IT RESOLVED that *the following requirements are hereby adopted regarding washing machine hoses:*

1. Purchase of hoses. The Association will purchase a set of new, high-quality, guaranteed washing machine hoses for each unit. This will ensure a consistent quality and a lower overall cost based on a quantity purchase of 80+ pairs of hoses.

2. Installation of hoses. Each owner will be responsible for the installation of hoses selecting one of the three options below:

a. The Association will select a plumbing contractor and schedule installations in groups to minimize cost. The Association will pay the plumber and invoice the unit owner for the installation charge. The office manager will contact the owner to ask if they want to use this option and schedule the installation date; or

b. Owners may hire a licensed plumbing contractor of their choice. In such case, the owner will pay the plumber directly; or

c. Owners may install the hoses themselves. Owners shall be fully responsible for all damage and injury resulting from a faulty or incorrect installation.

If Option b or c is used, verification of compliance is required to be documented by the Maintenance Superintendent not later than April 30, 2010.

3. Replacing the hoses requires shutting off the water. If the unit’s washing machine shut-off valves are defective, they must be repaired or replaced at the owner’s expense. Having these valves operational is as essential as having new, high-quality, guaranteed hoses.

4. Any unit that does not have a washing machine must have brass caps installed on the water outlets. These caps can be obtained from the Office, paid for by the Association. Compliance is required to be documented by the Maintenance Superintendent not later than April 30, 2010.

5. Failure to comply with the terms of this Resolution shall result in a fine of Fifty Dollars (\$50.00) per month assessed as a common charge against the owner for each month of noncompliance after April 30, 2010.

The undersigned hereby certifies that I am the duly elected and qualified President of the Promenade East Condominium Association (the "Corporation"), a nonprofit corporation duly organized and existing under the laws of the State of Maine, and the foregoing is a true and complete copy of the Resolution duly adopted by its Board of Directors in accordance with applicable law, its Articles of Incorporation and By-Laws, and any agreement by which it is bound, at a meeting at which a quorum was present and voting, held on January 21, 2010 and that such Resolution is now in full force and effect.

I FURTHER CERTIFY that the present officers of the Corporation duly elected or appointed are as follows:

<u>Name</u>	<u>Title</u>
James Zafirson	President
John Rastl	Treasurer

IN WITNESS WHEREOF I have hereunto set my hand on January 21, 2010.

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Its President