

## VILLAS AT FIVE PONDS ZOOM BOARD MEETING

March 2, 2021

**PRESENT:** Rick Rodgers (RR), Mark Schwartz (MS), Joel Mickelberg (JM), Paul Luff (PL), Tina Talansky (TTa), Amy Wert (AW), Merle Neulight (Scribe)

### I: PRIOR MINUTES

- A. **JM:** Accept the minutes from January 26, 2021 as presented. **MS: 2<sup>nd</sup>.** All approved 5-0.

### II: FINANCIAL REVIEW

#### A. Delinquency Report

- a. **AW:** XXX Clubhouse Ln-Short \$10 on the monthly COA.
- b. **AW:** X Fairway Dr-\$20 fine.
- c. **AW:** XXX Fairway Dr-\$100 fine.
- d. **AW:** XXX Fairway Dr-\$260.
- e. **AW:** X Five Ponds Circle-\$20.
- f. **AW:**XX Five Ponds Circle-\$25 fine.
- g. **AW:** XX Villa Dr-\$25.
- h. **AW:** XX Villa Dr-\$10.
- i. **AW:** X Ponds Circle-\$5.00.

#### B. Treasurers Report

- a. **MS:** The C&N MMF accounts were closed, and the money was transferred to Centric for 1% instead of 0.35%. We now have two Money Markets accounts instead of three.
- b. **MS:** The TruMark CD came due. It was the first money market account at 0.70% that was due. **MS: Motion:** Approve a rollover. **PL: 2<sup>nd</sup>:** Approved 5-0.
- c. **MS:** R28104-Penn Community CD of \$245K was rolled over at 0.65% for 22 months. We can pull it out once during that time with no penalty.
- d. **MS:** R28102-Centric Bank CD was due on February 21 for 0.50%. Moved all \$250K to American Heritage at 0.50% for 12 months.
- e. **MS:** 5050-Assessments from unit owners was \$10.00 off the standard amount. 52 Villa paid the \$260, but it was accidentally put in the system as \$250. This will be adjusted next month.
- f. **MS:** 5060-\$9K added to the Capital Account from three resales.
- g. **MS:** There is \$1700 in our Capital One Cash Back credit account.
- h. **MS:** 6446-Pool Maintenance payment of \$666.87 for replacement of the solenoid valve.
- i. **MS:** 6465 – Snow. This season total (2020-2021) will be about \$127,000. Worst year in history: 2010 \$110,500; 2014 \$110,300; and 2017 \$110,000. Discussion. **PL** noted that the cost this year, with the price increases in the contract, are probably about the same as the other seasons, adjusted.
- j. **MS:** 6531-The Cleaning account showed no bill, but the bill arrived late in the mail. It will be accrued and show up as paid next month.

- k. **MS:** 6542-Contract with AM Mechanical. Jack will be here this week to change all the air filters.
- l. **MS:** Capital One credit card payment-annual contract with Scott HVAC to maintain the refrigeration equipment in the kitchen.
- m. **MS:** Empire Fitness-\$1200 in repairs in anticipation of use in 2021.
- n. **MS:** 6720-Insurance showed zero, however it was adjusted to \$1359, the monthly accrual.
- o. **MS:** 6740-We will be receiving a rebate check for Corporate tax overpayments in 2020.
- p. **RR:** Ordered the 12 Carbon monoxide for \$487.20 which was taken from Capital and will be paid directly to RR as he paid it personally.
- q. **MS:** Bill from Stefan Richter for the letter sent on January 8, 2021 for \$63.75.

### III: LANDSCAPE

#### A. Grounds Maintenance Schedule

- a. **PL:** Review of the snow damage items, and JM noted lawn damage as well. **RR** noted the wall damage at XXX Fairway that was personally witnessed.

### IV: EXTERIOR CHANGE REQUESTS FOR APPROVAL

- A. **PL:** XX Villa AR – request for approval of an awning over the deck. All in order, Committee approved. Approved by Board 5-0.
- B. **PL:** XX Villa AR – landscape around patio, standard plant materials. All in order, Committee approved. Approved by Board 5-0.
- C. **PL:** XXX Fairway AR – landscape along front walkway, standard plant materials. All in order. Did not have time to go to committee for review, received just prior to meeting. Approved 5-0.

### V: MAINTENANCE SCHEDULE

- A. **PL:** Review on monthly open items. **RR** noted that all Gas/CO detectors were replaced with new equipment.
- B. **RR:** Noted that Anchor changed the sensors on two doors that were intermittent failures in the middle of the night. No issue since replacement.
- C. **RR:** Anchor did diesel maintenance; water test to be done when outside temperatures are increased. Pool roof opened and closed.

### VI: OPEN ITEMS

#### A. Total Turf

##### a. Letter from Dan Schmucker from Total Turf (TT)

- i. **AW:** Dan is trying to change our contract to suit himself. Dan needs to be given direction. What occurred with Dan should never have happened.
- ii. **PL:** JM should have tried to contact Continental Management by sending AW an email. TT is our biggest contractor and worst culprit on management/communication issues.
  - 1. **TTa:** TT is trying to run the show.

- iii. **JM:** TT went totally off the contract and instead of billing on the inch contract basis for the December storm, he attempted to bill T&M .
- iv. **RR:** We must have AW be the contact.
- v. **AW:** The point of having a Property Manager (PM) is for everything to go through the PM.
- vi. **JM:** We have a snow contract that is good thru next season with TT, and we are not amending the contract because TT thinks we should.
- vii. **RR:** Request a motion on the additional payment. **JM: MOTION:** Approve payment of \$1495 for the additional trucks used in December storm to TT. **PL: 2<sup>nd</sup>.** PL asked RR to review the conversation with TT. Discussion. Approved 5-0. AW should be the contact. **JM: Question-**Will TT be in the snow business after 2022?
  - 1. **TTa:** Going forward, AW will deal with TT.

## B. Clubhouse

### a. BCCSC Zoom Presentation

- i. **JM:** CAI is having a 1 ½ hour presentation on March 17<sup>th</sup>. Stefan Richter is one of the presenters. We are not protected from any legal proceeding arising from problems with Covid-19. The risks are great.
- ii. **JM:** Who will do the BCCSC Zoom presentation on March 9<sup>th</sup> at 4:30?
  - 1. **PL:** I will be able to go on the BCCSC zoom presentation.

### b. Change Clubhouse HVAC controller and thermostats

- i. **MS:** Nothing has been done yet with the HVAC controller issues.
- ii. **JM:** We have a contract with AM Mechanical for maintenance and it would be good if they were able to service any new changes to the systems.
- iii. **AW:** If AM Mechanical is doing the work, we should let them handle it. AI has a relationship with Mark, but a quote from AI is necessary.
- iv. **JM:** One of the side benefits by going digital is that we have the potential for being more efficient. Plus, AI is familiar with our equipment.

### c. Planning for Clubhouse Opening

- i. **JM:** I have been in contact with other communities, plus speaking to legal and Mark speaks to our insurance agent. Our primary concern must be about the safety of residents.
- ii. **TTa:** Other communities are opening their facilities, but residents must sign a “do not sue” form, however, they must wear masks.
  - 1. **AW:** Five Ponds is not taking risks, which I appreciate.
- iii. **PL:** Many Five Ponds residents are receiving their vaccines.
- iv. **RR:** Must be careful. The Directors’ and Officers’ (D&O) Insurance does not protect the Board against lawsuits that arise from this virus.
- v. **PL:** Residents must sign a waiver. Any lawsuits regarding Covid-19 would require a special assessment to cover the cost of defense and/or settlement.
- vi. **AW:** If a resident sues and there is a special assessment, that resident would be paying towards their own lawsuit.

- vii. **RR:** If insurance does not cover the excess, we could be liable if a resident states that we were negligent in handling Covid-19 stating that the Board allowed this to happen.
  - 1. **TTa:** But if everyone has both shots, how could we be sued?
  - 2. **AW:** Even if we are protected because of two shots, we can still spread it.
- viii. **MS:** As per the Smith Group, if the community is aware that the Board is not covered, they can sue each individual Board member.
- ix. **AW:** Liability insurance will not cover Covid because it is a communicable disease.
- x. **JM:** I have examples of waivers from other HOA's. You could ask the resident to show proof of the Covid shot – need to check if that is allowed.
- xi. **PL:** There is a business opportunity for a company to monitor and check residents plus clean. Discussion.
- xii. **AW:** Will investigate a company for crowd and regulation control plus they would have their own insurance.
- xiii. **MS:** Proof of vaccination, social distancing, masks, etc.
- xiv. **PL:** Probably a four-phase opening process: 1-Opening pool and bathrooms; 2-Limit the amount of people; 3-Opening the Gym area; 4- Open the rest of the Clubhouse. PL would spearhead opening of the Clubhouse, Pool and Gym.
  - 1. **TTa:** We should have a separate meeting to discuss this: Social distancing with six-foot minimum, Clean bathrooms each hour, Wear masks, Waivers.

#### VII: CORRESPONDENCE

- A. **AW:** XX Villa-Does not like the Clubhouse trash cans being out along Clubhouse Lane.
- B. **AW:** XX Villa-Stating the need for a priority list for driveway snow removal. Discussion. **MS:** **ACTION:** Will respond to resident stating that, unfortunately, priority can change overnight.
- C. **AW:** XXX Villa-Unhappy with the snow removal company. **AW:** **ACTION:** no additional response needed.
- D. **AW:** XX Fairway-Resident unhappy because the Board increased fees.

#### VIII: ADDITIONAL OPEN ITEMS

- A. **RR:** Spoke to resident about the report to police about prank unsolicited calls. RR identified that the FBI is now involved.
- B. **MS:** Regarding Stefan, do we have the right to bill for the costs that have been incurred?
  - a. **JM:** Could they be charged back for additional charges?
- C. **MS:** Should AW call Clayton for the invoice #20393 from February 22 for the snowstorm? Specifically, the time sheets. He did not write down the hours. Discussion. Tabled.
  - a. **JM:** If you look at the line that says shovel-that implies people, not equipment. It is an inaccurate representation of what was done.
  - b. **AW:** When he is trying to hide the number of hours, he does not have the number of people. We do not know what his start and end time and this should be accurate all the time.

**IX: NEXT ZOOM BOARD MEETING**-Tuesday March 23, 2021 at 9:30am

**X: ADJOURNMENT**

A. **JM: MOTION:** Adjourn meeting. **MS: 2<sup>nd</sup>**. All in favor 5-0. Meeting adjourned at 11:30am.