

Old Mill Village Homeowners Association

SUMMER – FALL 2020 NEWSLETTER

I think there is one thing that we can all agree on - 2020 is a year that we will all remember and we all want to survive. In this newsletter I will try to give you information regarding our association and the actions the board has taken which, while they may not be popular, were felt to be in the association's long term best interest.

COVID 19 – This virus and how to deal with it has guided almost every decision we've made. From hosting our annual and board meetings by Zoom, to our decisions with regard to the pool, clubhouse and tennis courts. I'm not sure any of us expected exactly how the coronavirus was going to affect us, but we shortly began to find out. Our insurance company notified us that we had no liability protection for COVID 19 with regard to anyone using any of our fixed common property (pool, clubhouse and tennis courts). In addition, the association itself and the individual board members would be responsible for their own legal expenses as a result of any claims made if someone got sick or died while using the pool as a result of the coronavirus. We were unable to find another insurance company that would provide this protection. We considered waivers, but were advised that even meeting all guidelines required by the Ohio Department of Health as well as the Medina County Health Department would not limit possibility of litigation. In addition our employees (lifeguards and pool managers) could not be forced to sign a waiver. If you look at the bills that Congress is considering today, liability protection for businesses and schools is under discussion.

We realize the decision not to open the pool is unpopular, but considering being personally exposed to the possibility of litigation, what would you have done?

Why did you have to pay an assessment this year? The association still has fixed expenses (taxes, insurance, lawn and tree care and snow removal contracts among others) whether we're open or not. We also determined that we had the opportunity to complete all needed repairs to both the pool, tennis courts and clubhouse, thereby fulfilling the requirements of The Ohio Planned Community Act (5312 O.R.C.) which includes The Power of Association - 5312.06 of the Ohio Revised Code which directly addresses our reserve requirements.

Section 5312.06(A) (1) reads as follows concerning the issues of reserves:

- (A) *Unless otherwise provided in the Declarations or the Bylaws, the owners' association, through its board of directors, shall do both of the following:*
 - (1) *Annually adopt and amend an estimated budget for revenues and expenditures. Any budget shall include reserves in an amount adequate to repair and replace major capitol items in the normal course of operations without the necessity of special assessments, unless the owners, exercising not less than a majority of the voting power of the owners' association, **waive the reserve requirement annually.***

(2) Collect assessments for common expenses from owners in accordance with Section 5312.10 of the O.R.C.

In 2018 we hired Criterium-Ackerman Engineers who specialize in the types of studies needed to comply with the reserve requirement and at a special meeting of the membership that summer they presented the results. We needed to increase our reserve to \$275,000 or complete the reserve waiver requirement and that is the path the association has been using.

By utilizing the recommendations as a blueprint we have addressed the work needed on the clubhouse and most of the common property (tree) issues. That still left the pool and tennis courts. With regard to the pool we have addressed many unseen issues (pool filters, stingle switches for drains, tanks, heater, pumps and diving board). Still to be addressed is the need to replace the pavers and tiles for both the main and baby pool as well as installing a system to regulate the chemicals that our pool uses. Finally, the sports/tennis courts have had issues for many years and have made the tennis courts unusable. Knowing all this, the board decided that with the clubhouse off the list we could take care of the pool and tennis courts while still leaving enough in reserves to meet the state mandated requirements and eliminate the need to complete the yearly reserve waiver form.

The pool has caused the most concern, and we have spent months talking to companies who specialize in pool repairs. At the same time we realized that the majority of homeowners associations as well as many cities have also decided to keep their pools closed and instead do repairs and maintenance. It took time, but we received multiple bids and have contracted with Aqua Pools, Inc. of Akron and work will begin in August. We have moved budgeted funds for operating the pool (wages, BWC, taxes and pool supplies) to pay for this project and our reserve funds were not touched. The pool will be ready Memorial Day weekend of 2021 and the life expectancy extended another 20 years.

At the same time we looked for companies regarding refurbishing and updating the Old Mill Village Sports/Tennis courts and returning them for use as two tennis courts. The association has contracted with Vasco Sports Contractors of Massillon who will also start work in August. The board voted to return it to two tennis courts and eliminate the two half basketball courts. In addition, the court will be lined for pickle ball, which I understand is popular, although I've never heard of it. Again, some of the cost is being absorbed from the pool's budgeted operations cost for this year. The board is looking for every option to reduce costs in other areas so that little if any funds are needed from our reserves.

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Please feel free to e mail any board member with any questions.