

Antigua Condominium Association

Minutes of the Meeting of the Board of Directors

(Executive Session)

October 2, 2025

The meeting of the Board of Directors of the Antigua Condominium Association, in Executive Session, was called to order by Randy Ditch, president, on October 2, 2025, at 7:01 p.m. The meeting was held via conference call. The following directors were present: Randy Ditch, Mike Falkner, Paul Kotula, Robert Mayer, Bonnie Medford and Ellen Schweiger. Mary Dischinger, Mike Keenan and Sheri Miller were absent. A quorum was present.

The executive session was held to consider a legal matter, the responsibility of ETC in rebidding the coating project. Md. Condominium Act §§11-109.1(a)(3).

Kirk Parsons of ETC was present.

Randy stated that the purpose of the meeting was to discuss with Kirk ETC's responsibility and billing with respect to the East Coast Contracting contract. Kirk addressed the matter and answered questions.

Kirk went over the first bidding process. The request for bids was sent out to several potential contractors. Four, including East Coast Contracting, submitted bids. He spoke with the contractors about the project and provided information they requested. There was a pre-bid meeting with all the prospective bidders at the building where he went over the project and answered questions about it. There was a mock-up board at the pre-bid meeting that Ev-Air had prepared earlier in the year when it worked on the building to fix several leaks. It showed the coating and texture that was expected. Kirk had conversations with Seth Merson of East Coast Contracting about the project and the work involved which included the parge coat. Seth Merson was handling the bidding for East Coast.

Tom Merson, President of East Coast Contracting, raised the issue of a parge coating and proposed a change order to add a parge coat at a cost of \$265,000. At a meeting with Tom Merson and his brothers, in September 2024 the condominium agreed to pay \$225,000 for the parge coat. Tom Merson agreed. A change order was prepared and sent to East Coast, but East Coast did not sign it or respond to it. Shortly after this, Tom Merson told Kirk that it could not get its bond. The condominium terminated the contract for that reason.

Kirk spoke with the other bidders. All had included the parge coat in their bids. Kirk was felt that there was more involved than the parge coat, particularly since the condominium agreed to pay for it.

Kirk prepared an analysis of ETC's fees to date. The fees for the Design Phase were \$4,387.00; the first Bidding Phase, \$2,596.60; the mock-up and asbestos testing, \$17,342.95; the construction administration services, \$12,650.20; the the second bidding process and design modifications, \$5,063.00; and the construction administration for the spring work with Ev-Air, \$36,407.36.

On February 17, 2025, Kirk estimated the total engineering fee would be about \$130,000. On May 21, 2025 he broke his estimate into various categories of work and estimated the engineering fee would be a little under \$130,000. He felt that even with rebidding the job, the total engineering fee will still be within the original estimate.

Kirk discussed ETC's billing process. The invoices include a breakdown of his time which the condominium requested but is not usually included in its invoices. The time records show standard categories. They are general and do not show the specific work performed. The planning category covers many types of activities. All time is billed in tenths of an hour. In looking at the categories as estimated on May 21, 2025, the inspection category was under where he had anticipated it at this time and the meetings category was higher. Otherwise, they were about where he expected.

Kirk was asked if East Coast could have worked on all eight stacks simultaneously as Ev-Air is doing. Ev-Air is a larger company and all of its workers are its own employees. East Coast is smaller and uses subcontractors. He did not know if East Coast would have worked on all eight stacks together. It had the ability to do the job. If it had worked on fewer stacks, it would have taken longer to complete the job. He was familiar with East Coast from other projects. Its work was satisfactory and it had the skills to do the work.

Randy asked Kirk if ETC would waive the \$5,063 follow-up bidding and design modification fees. He was willing to do that.

The matter was discussed further after Kirk left the meeting. Robert reviewed his observations including a telephone call with East Coast Shutters. East Coast Shutters had been trying to reach the site supervisor at East Coast Contracting to coordinate their work schedules. When the site supervisor finally called, he said he and another person responsible for the work had been fired and that East Coast Contracting did not want to go forward with the project.

Ev-Air's second quote was \$300,000 under its first quote.

The general sentiment of the board was that the matter should be discussed and decided at an open board meeting so that the owners could be heard and their views considered. The board was generally favorably disposed to the \$5,063 credit proposal.

Adjournment

Bonnie moved and Robert seconded that the meeting be adjourned. The motion was passed on a voice vote without objection. The meeting was adjourned at 7:50 p.m.

Respectfully submitted,

/s/ Robert Mayer
Robert Mayer
Secretary