

Antigua Condominium Association

Minutes of the Meeting of the Board of Directors

June 21, 2023

The meeting of the Board of Directors of the Antigua Condominium Association was called to order by Mike Falkner, the president, on June 21, 2023, at 7:00 pm. The meeting was held telephonically by conference call. All directors were present. The directors are Mary Dischinger, Randy Ditch, Mike Falkner, Kat Ilkhani, Mike Keenan, Robert Mayer, Sheri Miller, Ellen Schweiger and Rosey Whittaker. A quorum was determined to be present.

Twenty-one unit owners were present telephonically. They were Robert and Kathryn Fitzgerald (104 & 806); Peggy Sheer (406); Nancy Willford (905); Donald Brown (103); Timothy and Joyce Kelly (1101); Jane Preble (107); Randall Hess (608); Wanda Ditch (706); Patty Brann (301); Leon Hasnain (1207); Cindy Frederick (901); Daniel Snyder (808); Barbara McCollum (1303); Steven Hessenauer (1203); Randy Cowan (105); Christopher Vallone (904); Diane Brecha (702); Bonnie Medford (1202 & 1305); John Emden (403). Unit owners left the meeting at various times. Three left the meeting by 8:00; two more by 9:00; and eight more by 10:00. Eight were present throughout the meeting.

**Owner Comments and Concerns**

Mike Falkner announced that the Board would endeavor to open the floor to owners for their comments at the beginning of board meetings and asked if anyone wanted to speak. Patty Brann (301) inquired about the status of painting the doors. Mike stated that there were four doors in the pool area that were going to be repaired (and in the case of one, replaced) and painted. These doors will be painted the new color, Sherwin-Williams Adriatic Sea, a blue shade. The color for all unit doors will be determined by the Board with owner input.

An owner asked about the new pool passes. Mike stated that last year there were concerns that the pool was being used by individuals who were not owners, guests of owners or renters. This year, in an effort to prevent this, we were trying wristbands. All owners and rents can obtain wrist bands at the office. However, they are not working out. The wristbands, which cost less than \$40 for all of them, tend to quickly deteriorate rapidly in water. The office staff is suggesting that they be attached to keys or something else that would be visible. Mike added that we are looking forward to next year for more durable wristbands or other alternatives.

Cathy Brown (103) commented on the security camera. Her car was vandalized the prior weekend but the security cameras do not capture activity in the parking lot. Joyce Kelly (1101) added that security cameras should also cover the bike rack area and the whole perimeter. Sheri Miller (401) also added that her license plate had been stolen while her car was parked in the parking lot. Mike acknowledged that the security cameras do not cover the entire property. He also said the security camera system was relatively old and that the Board would be looking

into the security system as a whole. He noted that replacing and extending it could be expensive.

### **Presentation and Approval of Minutes**

The Minutes of the meeting of the Board held on April 19, 2023, were approved subject to the deletion of an editorial comment. The Minutes of the meeting of the Board held on May 26, 2023, were approved as presented and for publication.

The Minutes of the owners' meeting held on May 20, 2023, were presented to the Board. The draft was prepared by Bonnie Medford and Ingrid Miller. Robert asked that his draft with respect to the election of directors be substituted. It addressed in more detail the error in the reminder email notice sent immediately before the annual meeting which contained a ballot stating that the owners could vote for five directors. Kat stated that the official notices of the meeting correctly stated that there were four openings on the Board but that the last email reminder notice incorrectly stated there were five. The error was brought to the attention of the members at the meeting and the tellers were directed to review all ballots and determine if any, in fact, voted for five directors. The tellers reported that no one voted for more than four.

Robert stated that he was presenting them for the Board's review but that the Board could not approve them. The owners need to approve them at the next owners' meeting. However, with the Board's review they can be published with the explanation that they are the draft minutes and need to be approved at the next owners' meeting. It is better to review them now while memories are fresh so that they will be more accurate. Kat asked that the number of owners present by proxy be added. Mike agreed to review the proxies to determine this and that it would be added to the minutes.

### **Reports**

#### **President's Report**

Mike reported on the pool incident. He reported the incident to the condominium's insurance carrier to put it on notice of the incident. The insurance carrier will contact witnesses to take their statements and will take pictures of the pool area. This is standard practice when there is a significant incident and is not an indication of liability. The Health Department inspected the pool and found everything in order. It noted that the depth markings should be repainted which is being done. Mike also spoke with the condominium's attorney. Mike sent an email to all owners immediately after the incident with a very brief statement of what was known at the time.

Rosey said that rumors had started as soon as 15 minutes after the incident and continued to spread. She added more details of what happened. It was agreed that Sheri and Rosey would send Robert their statements of what happened; that Robert would draft a short statement for the owners; that the statement would be reviewed by the Board members; and the statement would be emailed to all owners.

Kat was critical of the manner in which this was handled. She said that no notice should have gone out to the owners and neither the insurance carrier should nor the condominium's attorney should not have been contacted until there was an emergency Board meeting to discuss the matter and all the information had been verified.

### **Treasurer's Report**

Mike presented the Treasurer's Report which included the Monthly Financial Report and the status of the T-bill investments. He noted that there was about \$185,000 in the operating account that was not collecting any interest. He suggested that some of it be placed into a short-term T-bill so that it would earn some interest. In reviewing upcoming expenses, especially the payment of the insurance bill, he suggested a 4-week non-renewing T-bill of \$50,000. It was noted that operating funds and reserve funds should not be comingled. Mike replied that the 4-week T-bill would be separately accounted for and that all interest and cash from the repayment of the T-bill would go directly back into the bank account from which it came, that is, the operating account. The reserve T-bills go back into the reserve bank account. Mary moved that two months of repayment of the reserve account (\$15,600 each for July and August for a total of \$31,200) for the loan from the reserve account to the operating account be made now as prepayments; that \$18,800 be added to the prepayment amount; and that the \$50,000 be invested in a reserve account T-bill. The motion carried.

Mike further reported that the audit of the 2022 financial records was well underway. The auditors asked for additional information which was being supplied. He expected the audit to be completed in the near future.

### **Secretary's Report**

Robert reported on how he had prepared the agenda for this meeting and would endeavor to prepare future agendas and his concern about the Maryland Condominium Act's Open Meetings statute and actions taken between meetings. HE said that he would like the draft agenda to go out to Board members on the Friday or Saturday before the regular Wednesday meetings and to owners on Saturday or Sunday. The Board package will be sent out with the agenda. Some items may be removed from the package that is sent to owners, such as individual assessment arrearages or other sensitive information. In order to meet these deadlines, anyone who would like something placed on the agenda should let him know by noon on Friday. When the draft agenda is ready, he will send it to Mike, the presiding officer for his review and to make sure all matters are included on the agenda. An unidentified owner stated that she appreciated receiving the notice of the Board meeting and the agenda in advance of the meeting and would like it to continue.

Robert reported that he is concerned about the Open Meeting statute and the Board's practice between meetings. The Open Meeting statute requires meetings of the Board of Directors to be noticed to owners with a time set aside for owners to comment on matters before the Board or of concern to them. Actions taken between meetings are not noticed to

the owners and they have no opportunity to comment on them. Kat defended the practice, citing a provision of the Bylaws. Robert said he would look at the Bylaws provision and provide further information.

Robert recommended that the next meeting be held by Zoom. A subscription costs \$149.99 a year and can accommodate up to 100 participants. It is simple to use and can be used from a cellphone, tablet or computer. The matter was discussed. Kat said that the present FreeConferenceCall.com service also provided video meetings. Robert moved that the next Board meeting be held via Zoom. The motion was seconded. All directors except Kat, voted in favor of the motion. The motion carried with a vote of 8 to 1.

Robert further reported that he was so far unsuccessful in locating any prior minutes of meetings other than those on the website. They go back to 2021. He asked for any help in locating prior minutes. He will inquire in the office to see if any are there.

### **Roof Committee**

Mike, Chair of the Roof Committee, reported that they were moving forward with their work. A roof scan had been conducted by an independent third party. It found several spots that indicated moisture, particularly on the roof of the elevator tower. The report was shared with the three roofing companies that submitted bids for the work. One company had done its own roof scan but found no anomalies. Mike did not have confidence in this report. Overall, he reported that the roof was a candidate for coating as an alternative to totally rebuilding the roof. The Committee received proposals from three roofing companies for coating the roof. Two of the companies also submitted proposals for rebuilding the roof. The Committee did not distribute the proposals but will do so when it has further information. The Committee will continue its work. The other two members of the Roof Committee are Ingrid Miller (1302) and Charles Zeigler (202). Neither were present at the meeting.

### **Property Management Report**

Mike presented the Property Management Report. Dave, the principal of 1 Stop, was hospitalized for several days but is now at home recovering.

Mike reported the following actions taken during the last month:

#### Matters carried forward from April 19, 2023:

7<sup>th</sup> Floor North Tower Stair Railing Repair – completed

Pressure Wash and Seal Wood Surfaces – open; to be done

3<sup>rd</sup> Floor Sliding Door Handle at Elevator Foyer – completed

Fire Marshal Violation Corrections – mostly completed; All matters have been attended to except the southside exit door does not fully close.

Atlantic Ref Geothermal TD Valve and Peerless Pump Repair – completed

Domestic Water Line – the domestic water line will have to wait until the fall; Ingrid Miller

(1302) is speaking with Five Star about the repair.

Trash Room Drain – open; to be done

Exterior Common Area and Owner Door Repairs – This was discussed later in the meeting.

Annual Elevator Inspection – completed; We are waiting for the certificate to be delivered.

ARK Systems annual testing – completed; The sprinklers were tested and are okay.

#### New items since April 19, 2023:

Geothermal leak in Unit 605 – There is a leak in a drain line. Atlantic Refrigeration and Hancock (plumbing) are working on the repair. The 05 stack may need to be closed for the repair.

Geothermal repairs; Unit 804 – completed

New hires and office hours – The two new Office Assistants were introduced at the owners' meeting. The two Building Attendants positions have not been filled. The search continues for them.

Contractor Log Sheet – It is in operation.

Parking and Pool Passes – See discussion above. This will be reviewed for next year's summer season.

Key sign-out – It is in operation.

Main Door Lock – It was knocked off the wall. Mike Keenan is working on this.

Southside Shop Cleanup – It has been substantially cleaned up and is looking a lot better.

Jane Preble (107) asked that the lobby doors on the first floor be looked at.

#### **Old Business**

##### **Owners' Statements**

Owners' statements of their accounts were reviewed by the new bookkeeper. Those that showed arrearages were not sent out to owners pending review by the Board and a decision on imposition of late charges. The matter should be considered in a closed meeting because it deals with individual accounts. Consideration was postponed until a later closed meeting.

##### **Door Repairs, Painting and Color**

The issue of the new door color was raised. The door on 408 was a replacement door and as a part of the replacement, it was painted "Antigua Blue" at the factory. Four blue color strips were taped to the door of 706. Several owners commented on the colors. Barbara McCollum (1303), Cindy Frederick (901) and Jane Preble (107) all expressed a preference for the "Antigua Blue" which is actually Sherwin-Williams Adriatic Sea. There was a robust discussion of door color. The immediate issue is the repair of the four doors on the four "pool" doors. They are the doors to the two bathrooms and the two doors to the stairways. One of the doors is so deteriorated that it will be replaced and the other three will be repaired. They all need to be painted.

Kat objected to any consideration of changing the color of any of the doors – both doors to units and doors to various common areas (for example, trash chutes, electrical rooms, pool bathrooms, stairway access) – and insisted that they be painted the existing green color. She noted that there were seven cans of green paint that cost about \$30 each and the association could save money by using them. Her objection, however, was that the vote taken at the October 15, 2022, owners’ meeting was invalid. At the meeting the owners voted to change the color of the doors to blue. The vote was 35 in favor of blue and 30 (which included 15 proxies held by Kat) voted to retain the existing green. The matter was on the scheduled agenda and fully and robustly discussed. Kat’s current objection is that the owners could not vote to make the change because they did not have the details of the costs involved in changing the door color before them. Thus, the vote was invalid. In addition, she said, the Board cannot approve a color change without owners’ approval because it would constitute an alteration that cost more than \$10,000.

The cost replacing the one door and painting the four doors will be \_\_\_\_\_. Ellen moved that the for exterior doors in the pool area (two to the bathrooms and two to the stairways) be painted Sherwin-Williams Antigua Blue. The motion was seconded by Mike Keenan. Ellen said that the interior doors could be a lighter shade of blue to be decided later. Kat again objected to the vote. The motion passed by a vote of 8 to 1, Randy, Mary, Robert, Sheri, Ellen, Mike K, Rosey and Mike F. being in favor and Kat opposed.

Mike F. then stated that several owners had asked when they could paint their doors and what color. As to when owners can paint their individual unit doors, he said that owners had previously been told that they could paint their individual doors during the summer. He wanted to know what he could tell them about color. Kat again objected to consideration of painting unit doors anything other than the existing green on the same grounds as she stated before, that the owners’ vote was invalid and an owners’ vote was necessary because changing the color of the doors would cost more than \$10,000. She argued that although the unit owners were responsible for painting their own doors at their own expense, except that the condominium will provide the paint so that the color is uniform, this would inevitably determine the color of the common doors because they would have to be the same color; that painting and repairing the common doors would cost more than \$10,000; and that painting them a different color was an alteration costing more than \$10,000 and required owners’ approval at an owners’ meeting; and that the approval at the October 15, 2022, owners’ meeting was invalid because the owners were not advised of the costs involved.

Mary read a part of the email that Kat, as president of the Antigua Association, on October 21, 2022, to owners after the October 15, 2022, owners’ meeting reporting what had transpired at the meeting. It addressed the vote on the door color change and when the doors would be painted. The subject line was **Antigua Update - Fall Owners Meeting - Door Color/Maintenance Vote Results**. It said in full on this subject:

**Owners Front Doors - Color Change, Repairs, Maintenance**

Please take note that owners will be required to perform maintenance and repairs on their front doors. Per our Bylaws, all owners are responsible for the maintenance, repair and replacement of their doors, windows, balcony sliders and all the framework, locks, and hardware.

This maintenance also includes painting your doors and frames. But in order to maintain consistency, Antigua provides the paint color for your doors and the paint color for your door frames and front window frames.

Currently, the doors are a light green color and the owners voted to change the color. The frame color for the door frames and window frames will remain a dark bronze color.

Results of the owners' vote were:  
35 in favor of changing the door color  
30 to keep the current door color

This is only for the exterior side of your front doors. You may choose to color the interior side of your front doors any color you wish.

We will be looking at proposals for a bulk discount for any owners who wish to have their doors repaired or replaced and painted. Antigua is only doing this as a courtesy and will not be covering the cost. If you wish to be a part of this bulk proposal you will be responsible for the cost.

Owners have a right to choose their own contractor for the work or do the work themselves but the quality of the work must be consistent and the paint must be obtained by Antigua.

If you hire your own contractor or do a DIY, there is no cost to obtain the paint from Antigua but you must provide your own paint stripper, rust inhibitor, brushes, rollers, primer, labor costs, etc. etc.

Owners will have time to do the necessary repair or replacement of their doors before painting begins. Anticipated start time for painting is Spring of 2023. We will be sending more details with dates and reminders to everyone about this project as we get more information.

After further discussion of the color and Kat's objection, Randy moved and Mike K. seconded, that the doors be painted Sherwin-Williams' Adriatic Blue. The motion passed with six votes in favor, two opposed and one abstention. The votes in favor were Randy, Robert, Sheri, Mary, Mike F. and Mike K. Those opposed were Ellen and Rosey. Kat abstained. Ellen stated that her opposition was not to the change to a blue color, but that she felt Adriatic Blue would be too dark on the unit doors and she preferred a lighter shade of blue.

After further discussion of Kat's objection, Robert agreed to look at the Bylaws provision relating to alterations and report back to the Board.

#### **ATT&T Antenna**

Mike stated that he was disappointed with the slow progress of the association's consultant who was negating the change in the antenna contract with AT&T. He felt it was dragging out and the most recent bill was for \$1,000. Don Brown (103) asked for more information on the background of the matter. Mike said that AT&T wanted to upgrade its antennas and had sent a proposal to the association. However, upon reviewing the proposal, it became apparent that the radiation was too high and would preclude access to and use of substantial portions of the roof and the exterior balconies of units 1301 and

1308. This was unacceptable and a revised proposal was presented to the association. Robert said that there were two matters of concern to him. The first was whether the new proposal's radiation levels were safe and the need to modify the provision of the existing contract that enabled AT&T modify the contract merely by sending the association the proposal and the association failing to object to it. AT&T followed that procedure here and had the association not promptly objected we would have been bound by a new provision that would have resulted in unsafe radiation level for the owners. The provision should be modified to require the association's actual consent. As to the safety of the new proposal, the consultant disclaimed any responsibility to determine the safety of the proposal.

Mike said that we needed to hire our own third-party expert to review the radiation levels and the safety issue. He would contact the consultant to get a recommendation for a third-party expert. Kat reminded the Board that the consultant had said that an approach would be to have AT&T warrant that the radiation levels were not exceeded and that this was an approach. Robert noted that AT&T would have the responsibility to operate within the agreement, but that the issue was whether the parameters proposed were safe and we could not rely on AT&T to affirm this. It was, he said, like asking the fox if the chickens were safe in the henhouse.

Cathy Brown (103) stated that she was uncomfortable with any 5-G antenna being on the Antigua building. No further action was taken.

### **New Business**

#### **Intra-Meeting Actions**

Robert moved and Mike K. seconded that the purchase of the safe be ratified. The motion was agreed to on a unanimous voice vote.

#### **Health and Safety**

Incident Reports and Procedures

Rosey raised the matter of having an office procedure to document incidents. There was a brief discussion.

Free Standing Junction Boxes in the Pool Area

There are two electrical junction boxes in the pool area. The metal conduit leading to the junction boxes is about two feet above the ground level. Rosey noted this as a potential trip hazard. Mike said that he had attempted to attach a small table to each protrusion but that it was not adequate. He would look into something else. In meantime, Rosey said that she thought they should be marked with yellow or orange caution tape to make them more visible. Mike will look into this further.

7<sup>th</sup> Flor North Tower Stair Railing Repair

Mike stated that this had been completed.

#### **Office Procedures and Manuals**

Mike reports that Lacey was working on written office procedures.

#### **Committee Formation and Assignment**

Randy reported on committees that could be formed with the objective of improving the functioning of the Board and the condominium and encouraging owner participation. There were four suggestions:

Safety Committee – The committee would look at condominium property as a whole to spot safety issues and help make the condominium a safer place. It would ensure that the condominium is meeting all safety rules and regulations for the building's common areas, grounds and pool and make recommendations to the Board.

Architectural and Building Committee – The committee would ensure that the property is being properly maintained and in good repair along with overseeing building policies and their enforcement. It would be responsible for day-to-day operations, including the oversight of the office staff and 1 Stop. It would be responsible for these decisions and could have a small spending limit -- \$500 or so – when and expenditure was necessary to complete a task. It would be able to respond more quickly and effectively than presently where there is an email exchange among all the directors. All no-day-to-day decisions would remain with the Board and the committee would report regularly similarly to Mike's weekly reports.

Landscaping –Oversee the common area landscaping matters and work and make recommendation to the Board,

Planning – The committee would look forward to the next 12 to 24 months to see what is on the horizon so that matters can be handled in an orderly manner. IT would consult the Reserve Study in this regard. The committee would not undertake any particular project or solicit bids. When a project is identified, a separate committee would be appointed to do the detail planning, obtain bids and after the Board has selected a contractor, be responsible for overseeing the project as was done with the Roofing Committee.

Finance and Budget – This committee would work with the treasurer in overseeing the accounting and bookkeeping functions to make sure that all money, both income and expenses, is properly managed and within budget. It would assist the treasurer in the preparation of the annual budget for presentation to the Board.

It was envisioned that non-board members would be members of the committees in addition to at least one Board member.

There were various reactions. Rosey thought that committees could splinter the Board. Patty Brann (301) wanted to make sure that they did not foster the formation of cliques and exclude owners and their ideas and comments. IT was pointed out that some of the committees are short-term, such as the Safety Committee and the Planning Committee. Once their work is done, they would be dissolved. Others, such as the Property Management Committee and the Finance and Budget Committee would be standing committees with continuing responsibilities.

Mike suggested a committee to explore the formation of the committees and flesh out the proposal. On motion made by Robert and seconded by Ellen, the motion carried on a unanimous voice

vote. Robert, Mary, Patty Brann (301), Randy and Sheri were appointed to the Committee on Committees.

### **Building Coating**

Mike reported on the proposal by EV-Air-Tight for proposed repairs to units 908, 604 and 504. They reported leaks into their units. The proposal was basically to re-caulk and seal three windows where leaks are thought to exist. The cost is \$13,700. In addition to the repair proposal, Larry Genovere of EV-Air-Tight sent Kat an email with an estimate for re-siding the entire building. The present siding is showing its age. Last year there was an estimate of \$125,000 to correct the problems then known to exist. This expenditure was included in the 2022-2023 budget but the work was not undertaken. These repairs are necessary if the same type of coating presently on the building is used. In order for the new coating to be effective, the material it is installed on must be in good condition. The email proposed a different type of coating. It is a Dow Corning All Guard coating. It requires stripping the old coating off to the concrete, rout and seal all cracks and joints and then parge the concrete and install two coats of the Dow Corning All Guard coating. The cost for the exterior stacks is \$1,218,160. The cost of the rotunda parapet exterior wall faces and the penthouse is \$313,420 for a total of \$1,531,580. The work could be done in phases but there would be additional mobilization costs. The Dow Corning coating is different from the existing coating and should have a longer life. The \$125,000 of repairs to the current coating would not be necessary if the coating is changed to the Dow Corning coating. The old coating would be entirely removed, including the proposed repairs.

Robert asked about the nature of the leaks in the three units and the urgency of repairing them. The thought was that they were not urgent. (One unit was said to show prior water damage but "barely anything coming in." Another unit had older windows and there may be a problem with the weepholes. No one knew if the three owners had been contacted. Robert agreed to contact the three owners and review the situations with them.

It was felt that if the building is going to be recoated in the near future, we should get further information about the possible types of coatings and estimated costs. We can then decide whether to make repairs or proceed to a new coating.

It was agreed that a committee would be appointed to make a preliminary review of the options. Robert and Mary were appointed and Mike will try to recruit a non-board member as well. Kat declined appointment to the committee.

### **Adjournment**

There being no further business a motion was made, seconded and passed to adjourn to Wednesday, July 21, 2023, at 7:00 pm with the meeting to be held via Zoom.

Respectfully submitted,

Robert Mayer,  
Secretary