

Antigua Condominium Association

Minutes of the Special Meeting of the Board of Directors

April 3, 2024

The meeting of the Board of Directors of the Antigua Condominium Association was called to order by Mike Falkner, president, on April 3, 2024, at 7:00 p.m. The meeting was held via Zoom. All directors were present: Mary Dischinger, Randy Ditch, Mike Falkner, Kat Ilkhani, Mike Keenan, Robert Mayer, Sheri Miller, Ellen Schweiger and Rosey Whittaker. A quorum was present.

The following owners were present via Zoom: Alayne and Rob Rosner (1007), Linda Garcia (1002), Bonnie Medford (1202/1305), Mary Ellen Marsalek (408), Tom Pinto (703), Dennis Marsalek (408), Pat Haskins (306), Beth Ebersole (1206), Robert & Kathryn Fitzgerald (104), Harry Baumohl (1102), Steve Penyak (1205), Barbara McCollum (1303), Steven Hessenauer (1203), Chris and Helen Vallone (904) and Patty Brann (301).

Unit Leaks and Ev-Air-Tight Proposal

There are leaks from the exterior of the building into seven units: 504, 602, 702, 906, 502, 1007 and 1206. Ev-Air-Tight looked at the leaks, took pictures and submitted a proposal for all but 1206. The proposal is to lower a swing from the roof and do a water test on each one. If the leak is from the sealant, the old sealant will be removed and replaced with a silicone sealant. Unit 1206 was being investigated separately because of the window issue. No permits are required for this work and Ev-Air-Tight will have to work with Raintree to protect the new roof coating.

Kat Ilkhani suggested that nothing be done, that the work be postponed until the exterior coating work is done. Rob Rosner (1007) felt that allowing the leaks to continue was inappropriate. Robert noted that the coating work will begin in September and will proceed by stacks. There are leaks in four stacks. Depending on when a stack is scheduled for work, the leak might not be addressed for a year.

Randy Ditch moved and Mike Kennan seconded that the Ev-Air-Tight proposal be accepted. The motion was passed with seven directors voting in favor and two opposed. The directors voting in favor were Mary Dischinger, Randy Ditch, Mike Falkner, Mike Keenan, Robert Mayer, Sheri Miller and Ellen Schweiger. The directors voting against were Kat Ilkhani, and Rosey Whittaker.

Coating Project

A bidder requested access to the exterior of the building to remove two 2 by 2-foot sections of the coating and texture as a test. The work will assist the bidder in preparing its bid by evaluating the difficulty of removing the coating and texture. The matter was discussed.

Robert moved that the bidder be given access to two 2 by 2-foot areas, that it be responsible for any issues that may arise when the final coating work is done and that it provide a Certificate of Insurance. Mike Kennan seconded the motion. The motion was passed with seven directors voting in favor and two opposed. The directors voting in favor were Mary Dischinger, Randy Ditch, Mike Falkner, Mike Keenan, Robert Mayer, Sheri Miller and Ellen Schweiger. The directors voting against were Kat Ilkhani, and Rosey Whittaker.

Roof Leak into Unit 1301

Mike Falkner introduced the issue of the roof leak into Unit 1301. This was the second roof leak into the unit. In addition to damaging the ceiling, it also damaged the tile backsplash in the kitchen. The owner received a proposal for \$2,500 for the backsplash repair. Mike Kennan obtained a proposal from United Restoration for \$7,319 for the work. Mike K. and Robert looked at the work that had been done by the painter for the ceiling and the backsplash. Mike K. felt that the painter should be called back and the backsplash workers has not completely cleaned up after their work. He felt that the contractors should be paid, subject to acceptance by the unit owners.

Kat Ilkhani was opposed to paying for the backsplash work. She felt that the condominium was only responsible to putting the unit back into the condition it was when it was first sold by the developer. The backsplash was a later upgrade and should be the unit owners' responsibility.

Robert Mayer noted that the association is responsible, through the board of directors, to maintain the common elements. If there is a leak through the common elements without fault on the part of the association, Robert would agree with Kat's analysis. However, if the loss is the fault of the association, then the association is responsible for all the damages without limiting it to the condition of the unit when the developer sold it. It's the responsibility of the board to distinguish between the two situations.

In this instance, there was a prior leak in the same area. This leak was more extensive in that the water damaged the ceiling of the upstairs bedroom as before and then flowed to the kitchen where it damaged the backsplash and drywall behind it. Raintree felt that the first leak was through a vent due to the nature of the storm. Nothing was done after the first leak to repair the source of the first leak. Robert was unaware of any other instance where there had been a leak of this nature through the roof vent despite the numerous storms over the years. Robert was told that after the second leak, that Raintree felt that both leaks were from a roof penetration.

The roof coating was underway when the second leak occurred. The old roof was removed around the door to the roof because it had failed. However, Raintree protected the roof and its work by installing a temporary sealed roof membrane where it had removed the old roof. When Robert went up to the roof door, the area was filled with water which was later pumped out.

Robert felt that the condominium was at fault in not maintaining the roof in this instance, particularly where there was a prior leak which put the condominium on notice of the problem and for which no remedial action was timely taken.

Kat thought that this set a bad precedent and opened the condominium to significant exposure from future problems. Robert said that each instance is taken individually, on a case-by-case basis. The facts of each one must be reviewed to determine which legal principle should be applied. In this instance, if there is a question of which legal principle should be applied, Robert suggested asking legal counsel to review it. There was no interest in that.

Bonnie Medford felt that board members were being blamed. Robert said that the analysis did not reflect on individual board members, but the management model the board had adopted, and particularly the effect of self-management since Robyne was replaced by two less experienced office attendants.

Mike Falkner moved and Randy Ditch seconded that the owners be reimbursed \$2,500 for the drywall and backsplash damage. The motion passed with six directors voting in favor and three voting against. The directors voting in favor were Mary Dischinger, Randy Ditch, Mike Falkner, Mike Keenan, Robert Mayer and Sheri Miller. The directors voting against were Kat Ilkhani, Ellen Schweiger and Rosey Whittaker.

Deadbolt

One unit owner had told Charlie who worked for 1 Stop not to lock the deadbolt after he entered the unit. It was locked and when a tenant arrived, a locksmith was called to gain access to the unit. The unit owner asked that he be reimbursed for the expense. The matter was discussed. There was a suggestion that there was an “off-season deadbolt lock policy.” In the off-season, all deadbolts would be locked if a unit were entered. There was some discussion of whether there really was such a policy and, if so, whether it should be continued. The board decided that locksmith expenses in these instances are the responsibility of the unit owner.

Power washing

It is necessary to schedule the power washing to get it done before the season begins. It was decided to have it scheduled for May.

Adjournment

On motion made by Mike Falkner and seconded by Sheri Miller and approved on a voice vote, the meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Robert Mayer
Secretary