

**Washington House Condominium Association
Council Meeting Minutes
18 April 2012**

Those present at 7:00 p.m.

Presiding: President, Bruce Chase
Vice President, Bob Persak
Secretary, Pamela Bobbs
Enforcement Officer, Joy Scott
Member at Large, Len Sawyer

OPENING REMARKS

The regular Council meeting began with Mr. Chase discussing the difference between Council meetings and the Forums owners participated in prior to the transition from the Declarant's appointed Council (consisting of David Sills until November of 2011 when Bruce Chase and Bob Persak were appointed to the Council) to the owners' Council elected by the owners in the annual meeting held on 19 January 2012.

The Forums, he explained, were informal meetings of groups of owners trying to gather and assess the data needed to help them figure out how to transition the management of WHC from WHP LLC to the owner elected Council.

Full owners meetings are required in or before December to approve the budget for the coming year and in January to elect Council members to the seats coming vacant in any given year. Items on the agenda for these meetings will be discussed and reports made after which the floor will be opened for public comment prior to votes by all owners present.

Mr. Chase welcomed and encouraged all owners to attend regular Council meetings but reminded those present that, except for budget and election votes in which all owners participate, only Council members vote on the items discussed at Council meetings. Public comment will be a part of any discussion similar to the Newark City Council meetings.

He explained that the Code of Regulations and the Declaration require Council to exercise Robert's Rules of Order in the conduct of regular Council meetings and begged everyone's indulgence as we adjust to this new format.

Mr. Chase then asked for questions from Council members and then from the floor. In response to questions he said that Council Meeting Minutes will be available upon request and that while the sign-in by attendees was not required by the Code, we would continue to use it to enable Council to follow-up with individuals who were not in attendance should it be necessary. The sign-in sheets will be included in the minutes binder.

A. Approval of Council Meeting Minutes — 19 January 2012

MOTION BY MR. PERSAK, SECONDED BY MS. SCOTT: THAT THE MINUTES BE APPROVED AS WRITTEN.

MOTION PASSED UNANIMOUSLY: VOTE: 5 TO 0.

Aye — Bobbs, Chase, Persak, Sawyer, Scott.

Nay — 0

B. President/Treasurer Report — Bruce Chase

1. Opening Remarks

- a. Mr. Chase thanked his fellow Council members and the committee chairs and committee members for their time, effort, and dedication to getting the Association off to a good start.
- b. He then introduced the Council members and explained that this is the Council owners voted on in January with the exception of Keith Joos who found it necessary, for personal reasons, to resign. In accordance with the WHCA Code of Regulations, the remaining Council members appointed Len Sawyer to serve the remainder of Mr. Joos' term.

2. Status of turnover
 - a. Full audit of the books from 2009 to 2011 has been completed by Chuck Vincelette the middle of January from the materials sent from WHP LLC.
 - i. The \$1000 paid by owners into the WHCA Capital Fund at the time of purchase should have been \$44K by now but was only \$21K as the funds had been used to fill in the operating budget.
 - b. Financial turnover of funds is complete as of 4 April 2012.
 - c. Financial records for first quarter of 2012 are due the end of this week.
 - d. Owners' Council is acknowledged by WHP LLC as duly constituted.
 - e. Reserve/Replacement fund is set up and currently has a balance of \$30,450. The balance would have been \$170,000 if it had been paid into regularly from January 2010 (the time of the reserve/replacement study) onward.
 - f. Ninety percent (90%) of the contract service providers have been contacted. Some had not been paid. Payments were made and contracts are now with WHCA.
 - g. Post office box has been set up for the Association (P.O. Box 238 at the Post Office across the street) and two bank accounts (one checking and one savings for the Reserve/Replacement fund) have been opened at Citizen's Savings. Two signatures are required on all checks. Current signatories are Chase, Persak, and Bobbs.
 - h. Second quarter billings that were not hand-delivered to save the expense of stamps, were mailed and payments are being received at the post office box.
3. Existing dispute about liens and back dues payments

Following a City Council meeting in January, Mayor Funk informed Mr. Chase of the foreclosure suites against WHP LLC. Mr. Chase contacted WHCA attorney, Dick Franta, who prepared liens against WHP LLC to ensure that WHCA would be first in line (according to the UPA and DUCIOA) for payment of outstanding condo fees at the sale or foreclosure of the remaining unsold units. A unit settled in February and the fees were paid. After learning of the liens, WHP LLC claimed that the WHCA Council was not legally constituted and had no right to file the liens.

 - a. A meeting with Messrs Sills and Bauerle took place on Thursday, 29 March in which they agreed the current WHCA Council is duly constituted. They claimed, however, that there were additional expenses not on the books turned over for the audit. They were invited to provide documentation for said expenses to be reviewed and verified. Nothing has been received to date. There has been no resolution of the problem.
 - b. Mr. Franta says the WHCA position on this dispute is strong. Council will, however, endeavor to resolve this issue without litigation.
4. Council is working to bring the three rental units in the complex into compliance with the Declaration. None of the paperwork or refundable bonds had previously been requested.
5. Effective 1 April 2012, WHCA has contracted with JR Leonard of Avalon Associates to handle property maintenance. This was done because (a) Council had to move quickly, (b) Andrew Haldeman (who left Daystar to work for Avalon) knows the building, (c) JR knows the history of the building, etc., and (d) JR is willing to work with the WHCA on a trial basis. WHCA needs this experience and knowledge in order to ensure that WH is properly maintained. Initially the arrangement is for Andrew to be on site 10 hours a week. Anything that WHCA needs to have done in excess of that can be done on a time and materials basis. Council asked owners to give Avalon some time to get up to speed and then to provide feedback to Council regarding the maintenance work. Maintenance costs will be higher than anticipated, but will be manageable as some other expenses, like snow removal, have been lower.
6. Approximated current financial position overall on the budget
 - a. Trash pickup is high because the increased number of residents means an increase in the amount of trash, which resulted in the need for additional trash pickups. Cleaning bill is also higher primarily due to the fact that the old cleaning company did not submit some 2011 bills until 2012.
 - b. The capital fund (not the Reserve Fund) is available for covering these temporary shortfalls.
 - c. Council plans to provide owners with the option to receive future bills electronically rather than by USPS. When this is set up and ready to go, owners will be asked to respond regarding their preferred option.

- d. Also, in future, Council plans to combine condo fees and water bills in one invoice. This will minimize the number of bills owners have to process and reduce the cost and work involved in sending quarterly bills.
 - e. When the combined condo fee/water bill cycle is implemented the bills will go out at the beginning of each quarter rather than at the end of the previous quarter.
 - f. Eventually, there may be an option to pay by EFT as well. Owners will be notified when this is available and the procedure for setting it up.
7. Various committees have been set up to handle work that would either have to be delayed until Council members can get to it or would have to be hired out. Most committees have begun working productively and the results of their efforts will be discussed later in the meeting.
 8. Owners were reminded to bring any questions or concerns to a member of Council. He then opened the floor to questions from attendees. Questions and answers included:
 - a. How many months of dues do the liens cover? 2009 thru 2011. They are still accruing for 2012 (less any money WHP LLC can document they paid to keep the building running in the first quarter).
 - b. What about the unpaid dues on sold units (prior to sale)? WHCA could go to Chancery Court to endeavor to collect these funds.
 - c. What happens if the unsold units foreclose? If units go to foreclosure, the maximum the Association will get is \$2700 per unit according to DUCIOA.
 - d. If WHCA gets the 90K will it change the monthly dues? Probably not given that the Reserve Fund should be \$170K at this time and is only \$30K due to the fact that amounts have not been paid in on a regular basis until November of 2011. The budget was deliberately made as conservative as possible to ensure that no additional assessment would be required for some time. Council will look carefully at each budgeting cycle to see if fees can be reduced.
 - e. A recent buyer said that he had paid significantly more than the \$1000 at the time of purchase. He was asked to provide a copy of the settlement papers to the Council to see if the amount was for the WHCA or to the seller. If to the seller, the WHCA can't do much.
 - f. Have the Chases been reimbursed for their payment of the legal bills prior to takeover? They are delaying to see how the first two quarters work out and then reimbursement will be made.
 - g. How will you know if there is a foreclosure? The Court will advise the WHCA of any foreclosure or other legal action involving WHC.
 - h. Who is handling sales for WHP LLC? Tracey Green, the accountant at Daystar Sill.

C. Building Issues and Maintenance Report — Bob Persak

1. Open Issues List — Daystar has been addressing Building Construction issues but has not made much progress lately. Most of their effort has been in the build-out of 209 (the new sales office) and units recently sold.
2. Parking signs — New parking signs have been installed in the unnumbered spaces on the lower level in an effort to clarify the use of restricted parking on the ground floor. WHCA will not police the parking lot. However, if owners notice cars parked overnight without WH decals or visitors placards, they are asked to take down the license number and give it to a Council member.
3. Entry door from GL Garage — An incident resulting in the shattering of the glass in a building access door on the ground level parking area was caught on the security camera. The glass has been replaced at a cost of \$600. The responsible party has been identified and will, hopefully, pay for the replacement.
4. Key Inventory — To date keys for all but five units are now on file. Owners need to understand that if it is necessary to enter their units and there is no key, whatever damage that occurs in the entry process will be the responsibility of the owner ... not the emergency responders who must enter the unit.
5. Water Leak Survey — After the initial survey request and two follow-ups, all but nine owners have returned the water leak survey. These nine units will be counted as "no leaks" in the summary report for Council. That is: No response = No leaks.
6. Common Electric Use — Mr. Persak introduced the proposed policy Regarding the Use of Electrical Outlets in Common Areas stating that it was a preventive measure looking to the future of electrical vehicles. The WHCA Info Sheet was sent to owners with the second Council Meeting reminder on 11 April 2012. Mr. Persak opened the discussion to the floor. Questions arose about small appliances such as tire pumps. Concerns were raised about the cost of recharging cars. Comments were made regarding

it being OK to use an outlet to plug in a vacuum to clean the area around one's condo or equipment in the Community Room for an event.

- a. MOTION BY MS. BOBBS, SECONDED BY MR. SAWYER: THAT THE VOTE ON THE INFORMATION REGARDING THE USE OF ELECTRICAL OUTLETS IN THE COMMON AREA BE TABLED UNTIL THE NEXT MEETING TO ENABLE COUNCIL MEMBERS TO WORK ON THE INTENT AND WORDING. MOTION PASSEDTWITH A MAJORITY VOTE: 4 TO 1.
- b. Aye — Bobbs, Chase, Sawyer, Scott
- c. Nay — Persak

D. Committee Reports — Committee Chairs

1. Facilities and Grounds Committee — Bob Persak

- a. Completed the committee's scope document which will be available as part of these meeting minutes.
- b. Compiled contact list of 20 vendors doing business with WHCA.
- c. Contacted all vendors with new building information via letter.
- d. Contacted 15 vendors by phone to confirm billing change and provide building contact information and updated or new service agreements.
- e. The committee is in the process of establishing a vendor maintenance schedule (nine vendors).
- f. WHCA has taken over the fire and elevator emergency contact responsibility with five owners and one Avalon Associates employee on the list. The list is:
 - i. Bob Persak — 908-510-2610
 - ii. Bruce Chase — 302-388-2261
 - iii. Len Sawyer — 443-907-2644
 - iv. Pamela Bobbs — 302-894-9022
 - v. Joy Scott — 302-563-3210
 - vi. Andrew Haldeman — 302-563-0001
- g. Revised Garbage and Recycling contract to include additional equipment and pickups. Pickups are now three times a week on Mondays, Wednesdays, and Saturdays with a pickup on Friday for recycling from the Stoneballoon. The contract can be revised in future as needed. Previously the objective was to reduce the number of pickups but this resulted in higher and more frequent "spot" charges. Recycling bins will still be taken down only once a week on Monday. Cardboard takes up a lot of space in the recycle bins even when broken down. Take it down to the ground level area for large items. More recycle pickups will mean additional charges. Owners interested in keeping costs down are invited to pick up the debris, etc. around the property. It will save owners money hiring this work out.
 - i. Ms. Scott cautioned that while Styrofoam is recyclable it must be in separate bins. WHC does not have Styrofoam recycle bins, therefore Styrofoam goes down the garbage chute. Dr. Tuttle said that Styrofoam packing materials are accepted by the UPS stores.
 - ii. There are several new places for the disposal of large electronic items. Ms. Scott will send an announcement regarding the exact locations. NO electronic items of any type are to be put in the recycle bins, down the trash chute, or by the compactor room.
 - iii. Mr. Hornor volunteered that Pine Brook Apartments accepts electronics. Ms. Woods advised that Best Buy will accept two items per day per family at their stores.
- h. On behalf of WHCA, Council has initiated a contract with Avalon Associates to provide ongoing maintenance services. Their basic service is limited to 10 hours per week for a set price of \$2000/month. Additional work can be arranged on a time and materials basis. Work inside of individual units must be negotiated and paid for by the owner directly with Avalon.
- i. Committee members have been cutting and trimming the lawn resulting in a savings of \$150 per cutting. The Committee is looking for additional members to assist. Current members are Messrs Chase and Persak.
- j. Mr. Persak announced that residents can turn in household hazardous waste this Saturday as part of the NCCO Household Hazardous Waste Disposal program. Anyone needing more information was invited to see Mr. Persak after the meeting.
- k. The building access code will be changed this week. The code was given out to many trades people, workers, etc. by the developer. Daystar will have a new code for its workers doing

building construction work and the build-out of units. Individuals on the emergency call list will have the code. No one else will.

2. Landscaping Committee — Jamie Chase
 - a. Springhaus Landscaping has done the spring clean-up and mulching.
 - b. A contract with Tru-Green is currently under consideration for the fertilization and re-seeding of the grass on the Delaware Avenue side of the building.
 - c. The Landscape Committee (i.e., Jamie Chase) is handling weeding and pruning at this point. Interested owners are invited to join the committee.
 - d. Council members are cutting the grass (e.g., Messrs Chase and Persak).
 - e. Dog owners are reminded that they must clean up after their animals, even in the mulch.
 - f. The dying Red Bud trees along the Lang property parking area (east side of the building) will be taken care of AFTER construction of the new apartment complex is completed.
3. Architectural Review Committee — Eric and Ginny Mailman
 - a. This committee has identified the sections in the Declaration and the Code of Regulations that require any modifications to the common or limited common elements (e.g., balconies) to be approved by Council.
 - b. The general process for handling requests for changes to balconies, etc. has been drafted. This includes the request form and the review channels.
 - c. The criteria for assessing each and every request using the same standards are in process. This is proving to be the hardest part and is taking the most time. The Committee will be working with Council in the coming weeks to determine how to expedite this process.
 - d. Mr. Mailman thanked owners with requests currently before the committee for their patience and understanding.
4. Community Liaison Committee — John Hornor
 - a. At its 26 March 2012 meeting, the Newark City Council adopted an amendment to the Planning and Development Department's housing density proposal. The updated recommendation is 20 units per acre for apartments with three or more bedrooms, 50 units per acre for 2-bedroom units, and 90 units per acre for owner occupied projects all with a total building height limit of 78 feet and a ceiling height limit of 15 feet per floor.
 - b. While the amendment does not change much of what has been happening (all of the recently approved projects would have passed under these guidelines) it is seen as a message to builders that the City Council wants to reduce the amount of student housing and to encourage developers to focus on owner occupied housing in the downtown area.
 - c. Questions about the request for entertainment included in its request to the Alcohol Control Board for alcoholic beverage service at The Taverna on Main Street was done for efficiency. The owner said that the same request has been made for all of the Platinum Group's establishments but that he does not intend to have entertainment.
 - d. During this discussion Mr. Chase said that he and Mr. Persak met with Mr. Lang regarding the changes in the parking entrance and exit for the property at 132. The outcome of their meeting was that Mr. Lang would stay in contact with Messrs Chase and Persak and update them as to the schedule for construction. After some discussion, it was agreed that there were no changes in parking entrance and exit which would have been mutually beneficial.
5. Safety and Security Committee — Mary and Kent Woods
 - a. The first draft of the Washington House Condominium Emergency Action Plan (EAP) was sent to Council for review on 8 March 2012. Comments have been received and are in the process of being incorporated into the document.
 - b. The Committee sent the Access Card Inventory form with the second e-mail reminder of this Council Meeting on 11 April. Only five owners have responded. It is important that all owners understand that cards not accounted for on this form will be removed from the security system and will have to be replaced at the cost of \$75 per card, irrespective of type. The deadline for the receipt of this information is Monday, 30 April 2012.
 - c. Mr. Chase noted that if owners cannot read the numbers on their cards they should give the card(s) to him so they can be read electronically. Do this before the deadline.
 - d. Ms. Scott commended the co-chairs for the extraordinary job they did on the EAP document.

- e. Ms. Woods asked that new owners contact her after the meeting to get Visitor Parking placards and parking decals for their automobiles.
6. **Handbook Committee** — Pamela Bobbs
 - a. The Handbook Committee (comprised of Susan Swan, Andrea Zak, Karen Hornor, and Pamela Bobbs) sent a draft Table of Contents (TOC) and a Committee Charter to Council on 16 March 2012 which are included as attachments to these meeting minutes.
 - b. Having received no changes to the proposed TOC, the committee began drafting the 17 chapters of the handbook. Sixty five percent (65%) of the sections have been drafted. The remaining six are in process.
 - c. The Committee hopes to submit a complete first draft to Council within two months. Once Council has reviewed the draft and its comments incorporated, it will be sent to all owners. It is a living document and will be updated as needed.
7. **Events Committee** — Helene Wiswall

A preliminary report was received from Ms. Wiswall but there were some outstanding questions. As Ms. Wiswall was not able to be at this meeting, this committee's report will be given at the next regular Council meeting.

E. Open Public Comment

There being no further business of the Council, the floor was open for public questions, concerns, and comments.

1. There were several new faces in the room so a quick round of introductions was made. First time attendees (Clair Davidson and Dan Shields owners of 213) and new owners (Vandana Singh - 211, and Bill Montgomery - 316) were welcomed.
2. What is the schedule and plan for repairing the leaks and the lights in the garage and utility room? Daystar does not have any information at this time. Nothing will be done regarding the leak repair until the temperature is 50 degrees F or more because the epoxy will not set. A complete lighting inventory has been done and a massive replacement of bulbs will begin as soon as supplies arrive. Owners need to understand that Council is doing everything it can to ensure Daystar/WHP LLC completes everything on the Building Issues List and will continue to monitor the progress and keep owners updated.
3. They have known about these things for over a year? They are not saying they won't do them. Council will continue to push for completion. If owners have issues inside of their units they may want to schedule a face-to-face meeting with Mr. Sills.
4. There were two male teens goofing off in the Fitness Room, jumping on and off the treadmills while they were moving, and running around. They put themselves in harm's way and broke a \$400 piece of equipment that was donated to the Fitness Room. Was the incident reported? No. Children under the age of 15 are not allowed to use the Common facilities without an adult. Owners and residents have the right and the responsibility to politely ask where people they don't know live or who they are visiting. If they are not a resident or the visitor of a resident or appear to be underage, you should call the Enforcement Officer (Joy Scott) or another Council member to address the problem if you are not comfortable doing this yourself. A suggestion about additional signage was made and will be taken under advisement.

F. Adjourn

With no further questions, Mr. Chase asked for a motion to adjourn.

- a. MOTION BY MS. BOBBS, SECONDED BY MS. SCOTT: THAT THIS MEETING BE ADJOURNED. MOTION PASSED UNANIMOUSLY: VOTE: 5 TO 0.
- b. Aye — Bobbs, Chase, Persak, Sawyer, Scott
- c. Nay — 0
- d. Meeting adjourned at ~8:35 p.m.

Included as part of the 18 April 2012 WHCA Council Meeting Minutes:

1. WHCA Association Policy Governing the Use of Electrical Outlets in Common Areas dated 12 February 2012, rev1
2. WHCA Grounds and Facilities Committee Scope Document
3. WHCA Handbook Committee Charter
4. WHCA Handbook Table of Contents