

3WALDEN WOODS
BOARD OF DIRECTORS MEETING MINUTES

MEETING DATE: June 2, 2021

STATUS OF THESE MINUTES: First Draft (6/7/2021)

ATTENDANCE:

Directors in Attendance: Dostal, Onessimo, Patel, Schuck, Devlin, Raupach, Yalamanchili, Lattimer, Pelc-Faszczka, Rosario

Directors Absent: Dange

Elite Property Management Representative: Chris Kohnle, Property Manager.

1. CALL TO ORDER:

Director Lattimer called the meeting to order at 7:02 PM.

2. APPROVAL OF THE PRECEDING MINUTES: **MOTION** to approve the Minutes from the February 24, 2021 meeting by Director Pelc-Faszczka with a second by Director Devlin passed with 1 abstention (Raupach)

MOTION to approve the Minutes from the April 28, 2021 by Director Onessimo with a second by Director Dostal passed with 2 abstentions (Pelc-Faszczka and Lattimer)

3. FINANCIAL REPORT: Director Yalamanchili reviewed the financials for each council and the conservancy as provided by Elite. Mr. Kohnle explained that the council funds are where they are expected to be at this time of year.

The Conservancy	Current Year	\$16,363.73
The Village	Current Year	\$20,238.81
The Ridge	Current Year	(\$991.71)
The Duplex	Current Year	\$584.02
The Townhome	Current Year	\$11,595.13

4. MANAGER'S REPORT

a) **Inspection Reports:** Mr. Kohnle said that it has been a busy month. Meetings have been held with the arborist, Butler Landscaping and the painter.

b) **Declaration/Bylaw Update:** There are currently 92 response ballots received. A minimum of 222 are required to approve the updates. Council meetings will address the votes needed. Mr. Kohnle clarified that only unit owners vote, so renters are exempt from responding.

c) **Pool:** Mr. Kohnle confirmed that the advice of the attorney remains to not open

the pool due to lack of insurance protection and therefore financial risk to the community in the event of a lawsuit due to COVID-19.

5. UNIT OWNERS FORUM

At the beginning of the Unit Owners Forum, both Director Lattimer and Mr. Kohnle requested that comments be kept concise and address new information regarding the reopening of the amenities as this has been discussed at length at several meetings. They reiterated that the board of directors have heard and listened to all home owner concerns regarding the closure of amenities and are working with the property manager and the attorney to come up with a plan to open the amenities safely.

Peters (Ridge) – requested a list of board members, their voting habits, and contact information. He had requested his own attorney’s advice regarding the amenity reopening and was advised that any lawsuit would be ridiculous and that there was a greater likelihood of the board being sued.

Yelmini (none given) – requested to know the number of COVID-19 related lawsuits that have been filed similar to those being discussed. She stated that regardless of courts not being open, complaints could still be filed. She questioned why Mr. Kohnle’s opinion seems to be the only one being considered.

Levine (Village) – She mentioned that the AAI form (to be discussed later in the meeting) was not new but streamlined to step unit owners through the process.

Lamoureux (none given) – gave an overview of the state reopening guidelines.

Bernier (Duplex) – stated that it is not too late to open the gardens for the season. The lottery system is only used when there are over 20 participants. She is willing to spearhead the gardens if needed.

Berti (Last Leaf) – asked what other similar condo/common interest communities have done to open.

Dimatteo (Scarlet) – asked under what conditions would the board reopen amenities.

Reed (none given) – said it was frustrating not knowing what can open. She said that the board represents the community and asked them what they need to do to open.

Brick (none given) – stated that no one wants the board to risk being sued.

Carissa (Ridge) – requested to see a letter from the attorney that states what the acceptable limits are for reopening. She said that the town pool is open.

Mary (Pierce) – said she reached out to the town who told her that the pool is

covered by the town umbrella with allows reopening. She said that a committee should be created for cleaning and check-in at the pool.

Several individuals countered that this information was incorrect and that the Walden Woods pool is in no way covered under the town's umbrella policy.

Gardner (Picket) – inquired of Mr. Kohnle if a tree inspection had been done as well as storm drain that was in disrepair.

Yalamanchili (Woodmoor) – restated mailbox concerns dating back to 2019.

Unit owners forum also included many comments from unit owners in the “chat” feature of the virtual meeting, on top of what was said orally by the above-referenced unit owners; many unit owners expressed displeasure with the amenities continuing to be closed.

6. UNFINISHED BUSINESS:

- a) **Rules and Regulations -** Mr. Kohnle said that there is a scheduled meeting with the attorney on June 3, 2021.
- b) **Village Paving Project –** The project is currently in process.
- c) **2021 Amenities Status –** Mr. Kohnle reiterated the viewpoint of Pilicy & Ryan as to why the amenities should remain closed. Mr. Kohnle explained that another one of his communities chose to implement an indemnity clause in the Declaration to protect the board from potential legal liability for claims. Mr. Kohnle said that it would require a 66% approval by all unit owners in the Conservancy. Director Pelc-Faszczka asked if it could be done timely. Director Patel reminded the community that they need to be ready to pay if a lawsuit were to happen. Director Raupach said that the gardens have run out of time for planting. Directors Onessimo and Dostal both were in support of an indemnity clause. Director Devlin suggested putting aside funds in a separate reserve for a lawsuit. **MOTION** to open all amenities with the following regarding the pool: 1. A limitation on guests. 2. No ambiguous writing or signage. 3. An unambiguous waiver must be signed for use that contains a statement acknowledging that COVID-19 is an environmental risk. Motion also to include that the amenities could be opened subject to securing approval for an indemnification clause in the Declaration for legal risk for all amenities from 66% of unit owners and formation of a subcommittee to create the specific rules for safely reopening for all amenities, including those previously mentioned, made by Director Schuck with a second by Director Rosario **PASSED** with 2 no (Patel and Raupach)

There was also discussion among the unit owners in the “chat” feature during this virtual meeting during the board's discussion on the opening of the amenities. Many unit owners expressed willingness to help collect signatures for the indemnity approval in order to get the amenities open. Some expressed disappointment that the indemnity clause would apply to all amenities and not just the pool, but nevertheless continued to be enthusiastic about collecting

signatures to approve the indemnity.

7. NEW BUSINESS:

1. **New AAI Form** – Mr. Kohnle said that the form is more detailed and streamlined. **MOTION** to accept the new AAI form made by Director Patel with a second by Director Pelc-Faszczka PASSED unanimously.
2. **Calendar** – This calendar would be included in the monthly meeting packets and would give an overview of upcoming meetings and scheduled appointments with contractors throughout the year. **MOTION** to approve the use of the calendar in the monthly board packet made by Director Onessimo with a second by Director Patel PASSED unanimously.

8. COMMITTEE REPORTS:

None

9. EXECUTIVE SESSION:

None

10. NEXT BOARD MEETING: Wednesday, June 30, 2021 at 7:00 PM

11. ADJOURNED:

MOTION to adjourn at 8:58 PM by Director Onessimo, seconded by Director Pelc-Faszczka PASSED unanimously.

Respectfully Submitted by,
Robin Daly, Minute Secretary (Non-Member)
Approved by Secretary Nina Pelc-Faszczka