

April 20 DUPLEX COUNCIL MINUTES
AND LIST OF TREES DUE FOR SERVICE
Submitted by Tom Schuck

In Attendance

Tom Schuck, Roland Bernier ,Theta Marinelli, Karen, Diane Corcoran, Margy Schuck

Host

Peter DeBisschop

Meeting Called to Order At 7:01pm

Old business:

- Final report of Evergreen Tree Service. Everyone seems very satisfied with work

New Business:

- Review of April Conservancy Meeting decision to keep all amenities closed.
 - Tom presented slide of Lawyer's online discussion regarding the risks facing HOAs
 - See Example Page 2
 - Members asked Tom to create a packet of similar web reports presented by attorneys around the country specifically regarding HOAs and reopening amenities, for the community to read about the risks
 - Theta and others requested that Tom present a motion for the next Conservancy meeting to distribute the saved value of all expenses specifically related to the maintenance of closed amenities to each of the councils' reserves.
- Report by Tom on current schedule of deck paint/siding wash
 - Marble Fawn 9-44 is scheduled

Unit owners Forum:

- Roland B. Observed that extensive lawn damage was done by Butler during snow removal, others commented, observing that apparently, the ground (dirt) has been over salted. Tom replied that he agrees that winter damage would likely equate to expensive repairs, and Butler would save costs by taking more winter care.
- Theta discussed the need to take the subject of annual increases to the monthly Duplex fee more seriously, following up on a comment by Tom that "the more we saved, the more we could avoid increases." Theta commented that the Duplex reserves are far too underfunded and the Duplex homeowners could not roof replacements, etc., without an assessment, unless we continue to raise fees each year.

Meeting adjourned 7:45

Page 2: Detail considerations regarding reopening amenities.

Legal implications

Ashely Lanier represents homeowner associations and condominiums and said the legal implications for opening pools during COVID-19 is something they've never seen before.

Lanier said all the HOAs she has worked with have an exception in their insurance policy that doesn't cover communicable diseases, such as viruses and bacteria, including COVID-19.

Along with this gap in insurance, HOAs also have to comply with extensive mandates from *(their Governor's)* executive order and recommendations from the Department of Public Health, Lanier said. Lanier said some of the mandates are easier to comply with, such as putting up warning signs about COVID-19 and safety procedures. Other mandates include controlling social distancing and requiring enhanced sanitation.

She said this leaves HOAs, which are generally made up of residents who volunteer their time, to come up with guidelines to meet the requirements of the order and keep residents safe.

Lanier said it has been hard for neighborhoods to get the hand sanitizer and sanitation items they need. Others don't have pool staff that can help monitor social distancing and keep the area cleaned, and don't have enough money to hire them.

She said some neighborhoods *have set up pods of furniture to encourage social distancing, requiring reservations to swim or removing all pool furniture.*

Lanier said a few neighborhoods have opened because they already had pool monitors. She said some communities are waiting until guidelines are relaxed, and a few communities won't reopen until the insurance companies provide a plan to cover the gap.

"It's been a real strange situation, where you have the combination of legal issues," Lanier said. "It's unlike anything else I've seen."

Lanier said every community she has worked with has had this gap in insurance, **but the difference between contracting illnesses such as strep throat or the flu and the present risk is how deadly COVID-19 has been.**

She said because of the potential loss of life or long hospital stays from the virus, if an illness were traced back to the pool, it would be financially devastating for an HOA if they were sued. Even if they can't trace it back, it could still devastate small communities who don't have enough money to pay for defense if a lawsuit was filed against them, Lanier said.

Even if communities have residents sign a waiver, it doesn't stop them from filing a lawsuit if they contract COVID-19 and believe they did so from the pool.

"Associations have worked really hard to develop a plan that they feel is reasonable and include waivers and monitors and enhanced sanitation," Lanier said.

Excerpted From <https://times-herald.com/news/2020/06/local-hoas-debate-opening-pools-due-to-covid-19>