

Woodlands Winding Brook HOA

Board Meeting Minutes

April 11, 2019

7:00 pm Conference Room, Noodles & Company

- I. Call to order / Welcome
 - a. Elizabeth called the meeting to order at 7:10pm. Members Present: Sarah Taylor, Doris Hahn, Steve Wennerberg, Shelley Taylor, Kriste Lindberg, Keith M., Jeanette Clausen, Matthew Odle, Linda Parrott, Alessandra Ferrerio, Ken Shafer, Connie Beckwith, Valerie Grim, Dan & Paula McQuillen
- II. Approval of minutes from March 21 regular meeting and March 31 called meeting.
 - a. Minutes from the March 31st called meeting were not available to approve.
 - b. Ken moved to approve the March 16th and March 21st minutes. There was a call for discussion:
 - Elizabeth expressed concern over minutes that were too detailed as a best practice for nonprofit organizations because of a potential risk of liability. Ken responded that we need strike a balance.
 - c. Sarah seconded the motion. Ken, Linda, and Sarah voted in favor of approving the motion. Elizabeth and Connie abstained. The motion carried.
- III. Homeowner comments (up to 15 minutes). Shelley Taylor has requested 5 minutes for report on meeting with the Center for Justice And Mediation (CJAM).
 - a. Shelley Taylor read her letter regarding CJAM and her request for the Board's participation in mediation to facilitate treating homeowner issues separately. She asked that the letter be reflected in the meeting minutes.
 - b. Ken asked if any board member attended their first meeting. No one did. James from Jamar Properties did attend. Ken asked that if they schedule another meeting to please invite the Board and not just specific Board members.
 - c. Linda expressed concern about portraying the relationship between homeowners and Board as adversarial. Shelley responded that she phrased it this way as a result of past interactions with the Board.
 - d. Connie stressed that disagreements are not necessarily adversarial and that we should focus on our common agreement that we all signed on to and that we welcome homeowner ideas and participation particularly through committees. She stressed that we are beholden to our governing documents.

- e. Ken suggested that we think of issues as a heavy ball that we are all underneath carrying it together from one place to another rather than as a ball that we are tugging in different directions.
- f. Elizabeth reiterated that we are working on setting priorities and we are willing to work with homeowners as we develop these for the community.
- g. Kristie suggested that we look into new funding options that may be available in the near future through the community foundation.

IV. Financial Manager Report

- a. Carolyn Brown was absent, so the report was summarized in the Treasurer's Report below.

V. Property Manager Report--Jamar Properties

- a. James reported:
 - i. The tires by the dumpster on the court were removed, and the lock was fixed.
 - ii. The lattice along Rogers Rd was fixed. It was not extended. Homeowner Shelley Taylor expressed concern that there are gaps in coverage of this fence, and she felt that it should have been extended. The group discussed how we should wait until we see what the new Rogers Rd construction project is going to affect those units before we do any additional repairs or otherwise to that fence.
 - iii. The insulation from water spigots was removed.
 - iv. He is working with different vendors to do inspections of multiple units expressing claims of damages to their basements.
 - v. Affordable and Terminix are both coming back to do an inspection on half of the property. Before we agree to a contract we want to see where our issues are and what our options are for dealing with them. This will also give us a good idea of how these companies operate.
 - vi. He inspected some of the decks for posts that need to be addressed because of safety issues. This opened discussion regarding past HOA practices of treating modified decks as homeowner responsibility. Ken made a motion to have Jamar survey all decks and identify those that are an immediate danger and fix those and also identify those that are needing repair but are connected to patio issues. Elizabeth seconded. Discussion was held on whether any inspector would ever say don't fix any deck that was at all out of alignment. The motion modified to authorize Jamar and Kevin to inspect all decks and they are authorized to spend up to \$2500 to

repair the worst. Elizabeth seconded the motion. The vote was unanimous. The motion passed.

VI. Treasurer Report—Ken Shafer

- a. Ken gave the report. The financial reports indicated that we currently have just over \$90,000 in cash. He explained this is about \$37k less than last year because we had a loss of about this much last year. The indication is that where resources are constrained, a rushed approach can be counterproductive. We need to make sure we are doing the right things in the right sequence.
- b. Copies of the Treasurer report are available via email. Please send an email to the Board or to Ken to request them.
- c. Changes to the Quickbooks reports will be broken out between those that need expert advice and those that can be handled with Ken and Carolyn. They will also collaborate with someone from Stampfli.
- d. Ken participated in an Appfolio demo and received a sample export of a maintenance reports that the software used by Jamar can produce. He is still trying to edit those to be more user-friendly.
- e. There were no homeowner questions.

VII. Committee Reports

- a. Building & Grounds – Connie Beckwith
 - i. Connie gave the report. B & G is sponsoring a community spring party and spring clean-up. The date of the party is May 19th 1p – 4p. The spring clean-up date is set for the day before.
 - ii. At the last meeting, funding was approved to re-fit some of the drainage downspouts that are not working correctly. Ken L., the landscaper, and Connie inspected all of the property. So far 38 have been identified that need remediation. All custom fittings were instructed to be in black or brown. They also identified bushes that need to be removed. There were at least 62 that were identified. Bushes with two orange tails will be removed. One orange tail will be trimmed. Trees were also tagged for removal.
 1. The next step will be to get estimates for what this project may cost ultimately so that we can incorporate this into a priority list.
 2. Connie has also created a spreadsheet to help manage this project.
- b. Financial Committee—Ken Shafer

- i. He covered his report during the treasurer report above.

- c. Newsletter

- i. Beth was not present, and Elizabeth iterated that we are still working with her to get a newsletter going again.

VIII. Old business

- a. Stampfli engagement for Quickbooks clean-up

- i. Ken covered this in his report.

- b. Termite inspections

- i. We covered this during the discussion mostly. There was a question posed regarding whether we had enough mulch removed. This project is still ongoing.

- c. Sidewalks

- i. James has requested a bid for repairing one section of sidewalk that was a serious trip hazard.

- d. Basement issues

- i. Policy for Insurance Claims under Master Condo Policy:

- 1. Ken discussed leaks coming in through the foundation that may be covered through HO-6 riders. He strongly encourages homeowners to obtain these riders.

- 2. A review of the financial burden that we have incurred in the past to self-insure revealed that we are incurring about \$12/unit/month annually. In the alternative, an HO-6 rider to cover water coming in through the basement walls would cost homeowners about \$9/month additional.

- ii. Policy "framework" for discussing alternatives and trade-offs for (1) basement leaks and (2) foundation problems:

- 1. Elizabeth discussed the history of basement repairs over the past 15 years or so regarding basement repairs. She reiterated that this was done in good faith based on ambiguous covenants and legal opinions regarding insurance and liability.

- 2. The previous board paid for a legal opinion on these issues from Ferguson and Ferguson that was not very helpful because it essentially directed them to use good judgment.

3. Last year there were several basements that were reporting issues and there were inspections and bids, at the end of the day we sealed a couple basements and some foundations. Around this time we began to discover the Hoosier Water Away issues with downspouts moving and otherwise failing.
4. She explained that this is when we contracted with attorney Scott Tanner who was the first to advise us that we were not responsible for all basement leaks. This was communicated to the current Board. The current Board asked for a second opinion. This is big change in direction and policy. They have since gathered four opinions.
 - a. The newer opinions are converging around HOA not being responsible for maintenance of foundations or supporting walls.
 - b. Elizabeth explained that our difference is that our units are organized as a PUD and not condominiums. Because of this, homeowners are responsible for the land under their basements.
 - c. If there is a shared wall or slab, the attorneys have advised that the shared slab is owned jointly by the owners, and that they would have to contract for any maintenance or repairs on their own together.
 - d. Sarah questioned how this theory of ownership affected negative easements to the HOA to maintain “common areas”
 - e. Ken expressed that there was going to have to be more burden on the homeowners to prove damages directly related to HOA conduct, especially on claims about foundations settling. He also discussed whether the HOA may bear responsibly for work that was done in the past that was either defective or incomplete. He was concerned the HOA could be responsible for correcting work that was already done.
 - f. One homeowner asked if our position was going to be that we are no longer going to cover water coming into the basement and how the homeowner is supposed to determine what is causing the water coming into their basement.
 - i. Elizabeth responded that we are not really sure what our policy is going to state, but yes, that is the

planned direction because of an issue where the previous board covered the basement sealing of a unit that was claiming it could not be sold without the repair only to later discover that the issue was caused by an internal pipe bursting.

5. Ken moved that after one week and no objection from a Board member that the draft insurance policy be sent to Frank Eberle to review. Elizabeth seconded. No discussion occurred. The vote in favor was unanimous.

e. 2293 mold issue

- i. The Board is still waiting on the Kevin Potter report for this unit. There was a flood event in this unit and we don't know what is the cause of the mold. Shelley reported that her discussion with Kevin revealed that there were grading issues that could be causing the mold.
- ii. Shelley also brought up her exterior storage unit needing repair. She is making a claim that there is mold in her storage unit and the particle boards need replaced and that she is unsure where the water is coming in.
- iii. Ken suggested that Shelley prepare a consolidated claim and summary of her communications.
- iv. Allie asked for clarification on the communication requirements for maintenance requests because she was unclear whether a certified estimate is needed for every report.

f. 2354 basement issue

- i. Ken went through emails and did not see any estimates or reports on her unit. The Board is waiting on Kevin Potter report for this unit. The owner has reported foundation issues and past experiences with water coming into the basement.

IX. New business – The meeting was called to an end because of time restrictions. All new business was tabled.

The next regular meeting is scheduled for Thursday, May 9, at 7 pm at Noodles & Company.

Respectfully Submitted,

/s Sarah Taylor

WWBHOA Secretary