



Beacon Hill Townhomes Condominium

Council Meeting Minutes

(prepared by Terri Lacoff)

February 26, 2019

Meeting Location: 8 West Court

Council Members Present: Dick Stausbach, President; Terri Lacoff, Treasurer

1. Meeting wasn't called to order until 6:20 p.m. after it was presumed Dorothy Hyatt was not attending. We called her cell, but there was no answer and the voicemail box was full.
2. The September 25, 2018, meeting Minutes (held by Terri and Dorothy only) were corrected by Terri prior to the meeting and posted on our website. The October Minutes from the Annual Meeting of Unit Owners have also been posted on our website as unofficial until they can be officially approved at the 2019 Annual Owners Meeting.
3. Treasurer's Report: Beyond the customary monthly delinquent notices and subsequent final notice sent by Peg, two courtesy email attempts (one sent by Terri as Council Treasurer) were made to an Owner in an effort to avoid it going into legal collections. All correspondence went unanswered. As a result, the Owner's condo fees were accelerated for the entire year and their account sent to our attorney for collections. The legal demand letter was issued on February 24th.
4. Old Business:
 - a. Terri spoke with contractor about a recurring problem with water leaking at the seam where one gutter connects to another. Contractor recommended replacing with a seamless gutter. We will be looking to do this replacement on an as-needed basis. So far, Unit 4 is on record for replacement.
 - b. The shutter replacements are complete.
5. New Business:
 - a. In order to protect BHTC from a Seller leaving unwanted personal items on the general common elements, Peg was instructed that all Resale Certificates will have standard language inserted under the question: *Has the Executive Board given or received written notice that any existing uses, occupancies, alterations, or improvements in or to the unit or the limited common elements assigned to that unit violate any provisions of the Declaration?*

After Dick and Terri reviewed the previous language used on the Resale Cert, minor changes were made and the language set is now: *Any violation, including (but not limited to) personal items left on the general common elements by the Seller, will become the possession and liability of the new Owner upon settlement. Accordingly, it is the Buyer's responsibility prior to settlement to verify no violations exist under the Beacon Hill Townhomes Condominium Rules and Regulations and the Code of Regulations.*

- b. New Collections Attorney: Even though BHTC recoups its legal fees from the Owner in collection matters, Terri saw instances where it appeared the attorney was adding uncustomary fees. When questioning the attorney, he said we may want to consider a new attorney, so we did so. Our new collections attorney is E.J. Fornias. His billing is at a fixed amount for demand letters, lien filings, and complaint filings. If a matter progresses to Court level, then his hourly rate of \$300 would apply.
 - c. Commencing April 15, 2019, the BHTC fee on delinquent balances at or over \$100 will increase from \$20 to \$25. In addition, in accordance with the BHTC Code of Regulations, Article VIII, Section 5 and Section 2233 of the Unit Property Act, it will be our policy to assess interest at 18% per annum on delinquent balances sustained at or below \$100 for one full year from its origination. The interest will be assessed on the balance at its one year anniversary, and the time clock will then reset. If the delinquent balance is paid off any time before the one year mark, zero interest will be charged. Should the balance accumulate to \$100 or more (resulting from a late fee on a condo payment, legal fees, fines, etc.) in any given month, the standard \$25 fee will be assessed for that month and any month thereafter the balance remains at or above \$100. Council does not see the need to revise the BHTC Rules and Regulations to document this interest assessment policy, since it is referenced in the Code of Regulations. BHTC continues to have a lenient fee policy when compared to other condo communities.
 - d. Dereliction of Duties by Council Member. The Council Secretary, Dorothy Hyatt, has not been fulfilling her duties with some resulting in repeated requests for information by Peg and Council.. Recently, several requests were made by Peg and Terri for the Meeting Minutes. These Minutes are required by our Accountant as part of his review of our 2018 financials. After the multiple requests for the information and then subsequent corrections to such, it was necessary for Terri to make the necessary revisions and additions to the Minutes in order to avoid further delay in the preparation of the Review.
6. Owners Concerns:
- a. An East Court owner called Peg on February 6th complaining another resident was frequently parking in her assigned spot. She asked for a Council Member to call her. Peg assumed Dorothy would be the likely person to look into the matter since the complaint was coming from her Court. Accordingly, Peg directed an email to Dorothy and copied Dick and Terri. Council has received no word from Dorothy on the status of the complaint. Dick emailed Dorothy two times requesting an update on the matter, but has not received a response.

- b. Center Court owner emailed Peg inquiring as to who is responsible for the Unit's water and sewer line. Dick responded to the Owner with the following :

Council has received your question about who is responsible for the water and sewer line. To summarize the matter for you, Council has had several discussions as to whose responsibility it is. Because we were a bit unsure, we contacted our attorney to get his advice. In a brief explanation, he indicated after reviewing all our documents and referencing court precedents, that should an owner have a leak or damage issue, they must contact the management agent or a Council member of the problem. It is then up to BHTC to acquire a contractor to have any necessary repairs done which would involve the lines between the exterior of the basement wall to the mains in the court. The Council has definitely determined that we certainly don't want any "willy-nilly" contractor digging up our lawns, curbing and blacktop and doing a poor job of patching it up after the repair. We must control that procedure to assure that the restoration is done properly. However, the lawyer did state that according to our Code of Regulations, BHTC does have the legal right to assess the homeowner for the cost of the repair because it involves a specific owner's limited common element. Since we have yet to experience such a situation here in our condo, we have not had to face that actuality. Accordingly, Council cannot give a pat answer, because it might depend on the circumstances of what caused the repair to be necessary. For example, if we had an earthquake and several lines were damaged, it would likely be BHTC to accept the responsibility and cost of the repair. If it were to be determined that the repair was caused by the owner (or anyone hired by an owner, such as a contractor, etc.) or if it were caused by tree roots of a tree on the owner's limited common element or the general common elements, then Council might possibly decide to assess the owner the cost because it would apply to only that specific owner's line.

7. Meeting adjourned at 7:20 p.m.