

Minutes of the Board of Directors, Westbury Condominiums Association

Tuesday, March 17, 2015

WITH CORRECTIONS

Board President Alan Shechtman called the meeting to order at 7:00 PM. Board members Ted Calabrese, Joyce Falkin, Lynn Swanson and David Heilbrunn were present, as were Alan Comrie, Financial services, and Brian Milano, property manager. There were ten owners present.

The minutes of the February 17, 2015 Board meeting were read by Joyce Falkin, Secretary. Alan Shechtman asked Board members if there were any questions or discussion. He asked for a Motion to approve the minutes. The Motion was approved, and the minutes will be posted to the Westbury website by Alan Comrie.

Financial Report

Alan Comrie stated that results for February YTD are down \$7,000; Miscellaneous and Laundry income is down; Administrative/Operating expenses (snow and tree removal) are up. Utilities and Maintenance are to the good. Alan sees no cause for concern at this time. He noted that Building 30 is experiencing higher than usual water consumption. Property Manager Brian Milano suggested that under-door notices be sent to all building residents alerting them to the problem and seeking their cooperation in repairs as needed. Alan will transfer \$100,000 from our reserve fund at Alliance Bank to our reserve fund at United Bank to keep our accounts within FDIC guidelines. Special detail on all finances may be found on the Westbury web site (www.westburycondo.com)

Committee Reports

Ad hoc Chair Patty Brulotte reported the committee is waiting to hear if there is a contract agreement between Westbury and Tim Wooldridge. She also reported the committee would like to remain a viable entity during the renovation process, providing assistance to the Board. Alan Shechtman stated that a draft copy of the contract between Westbury and Wooldridge Interiors Ltd. would be e-mailed to Patty on or soon after March 17, 2015.

Susan Ahearn for the Bylaws Committee stated that she would put aside work on the comparison of Westbury documents with the changes to the Common Interest Ownership Act of 2010. Any comparison work done to date on the Bylaws as well as the Westbury Declaration will cease for the time being, and Susan will focus on recording minutes at upcoming Board meetings.

Lois Menold for the Finance Committee questioned Alan Comrie, asking: "Where did we spend our reserves in 2014?" Alan replied that he would pursue this with Lois, going back to financials for the fiscal year 2013. Alan also stated that Westbury will end the fiscal year "pretty break even; we won't have a surplus to anticipate." Lois informed the Board that she would like them to find another owner willing to take on the current responsibility for ensuring that name tags on mail boxes reflect the current resident(s) name(s). She expressed appreciation to Alan Comrie for his time on Westbury finances as well as the web site.

The subject of a web administrator arose among Board members, with David Heilbrunn suggesting the formation of an Internet Committee. Alan Comrie offered and advised that if others became involved in posting information to the web site, they must be very careful who has access to what information on the site and how much information is posted. Alan was asked by the Board if it would be helpful to him if a committee assume responsibility for web activity. Alan said he would like to think more about it.

Property Manager's Report: Brian Milano began his report by relating that the fire-alarm company made a site visit, as "one line was down, but there was no need for concern as the system is always up and running." "Residents should only be concerned if they hear a loud siren. The following activities/issues were reported on by Brian:

- Luis has cleaned out the drains and scuppers on building roofs. He experienced several days of absence last week due to a health issue, but has now resumed his work schedule;
- A Building 20 bathtub overflow beginning in Unit 306 affected not only Unit 206 but also the first floor unit, 106. The resulting expense for clean-up/repair will be taken care of by insurance;
- There was a noise from the furnace in Building 869, and the problem has been resolved;
- Luis is looking for "sweeps" to install in Building 30;
- Concerning the windows issue in Building 30, Unit 301, Brian stated that Graham (the maker of the windows) will send a regional representative to do an inspection of the windows in this unit. Graham is currently researching Westbury's warranty;
- The smoking issue, also in Building 30 has been addressed initially via a letter sent by Imagineers to the occupant;
- A broken window in Unit 105, Building 30, will be repaired by Imagineers, and the expense will be billed back to the owner;
- Comcast has sent a more detailed contract of their proposal to Westbury.

No other issues were mentioned, and Brian concluded his remarks.

Old Business

Alan Shechtman related that a draft contract between Westbury and Wooldridge Interiors Ltd. has been prepared; however, areas highlighted in grey either need to be amended or omitted. He also asked Board members to review the reverse side of each contract page. Joyce Falkin asked when would the contract be taken to an attorney for review, and doesn't the Finance Committee have some input in viewing the contract. Alan Shechtman suggested that the first half of the contract should be the focus of the attorney review, and Board members should focus on Exhibit A, the scope of the renovation. Lois Menold expressed concern should a death or non-performance issue arise.

Heat, 869 Farmington —

Alan Shechtman suggested that Brian have Luis check the settings, also mentioning that in previous years there were sensors used and readings were taken when the sensors were collected.

Odors in Building 30

Alan Shechtman related that he and Joyce Falkin met with Attorney Scott Sandler of Perlstein, Sandler & McCracken, LLC, of Farmington, CT, with David Heilbrunn and Lynn Swanson on conference call. One of the issues discussed was unpleasant cooking odors pervading the common areas. Attorney Sandler stated there is no clear-cut leverage to resolve the issue, other than fining the offending unit owner. Further, he stated that if the fines go unpaid and accumulate, the Board can take legal action, but the court usually doesn't rule in favor of an association. His suggestion is to try to work out some arrangement with the owners, talking with them separately and together. Ultimately, owners should try to work out an understanding between themselves.

An owner from Building 30, Julie Drechsler of Unit 101, was asked by the Board to provide an update on the problem of smoke entering her unit. She stated that she attempted to contact the resident(s) who was/were the offending smokers as this is a nuisance issue in her building. She related that cooking odors come and go. Brian Milano stated that a letter had been sent to the resident creating the smoking odor.

Landscaping contract

Generally, the Board expressed displeasure with the current vendor who has provided landscaping/snow removal services at Westbury. Lynn Swanson stated that a special meeting of the Board should be held to address this subject. Joyce Falkin stated that any potential vendor under consideration should provide references and property addresses where the vendor performs services. Brian Milano stated that J & H currently services the Hampshire House. D. W. Burke only does snow removal.

New Business / Attorney Scott Sandler

On March 10, 2015 Alan Shechtman and Joyce Falkin met with Attorney Scott Sandler of Perlstein, Sandler. Scott Sandler's specialty is condominium law. David Heilbrunn and Lynn Swanson participated by conference call. A number of issues that are currently of concern to the Association were discussed. Topics included invasion of smoke and odors from units into common areas; the feasibility of 100 percent unit owner occupancy; the efficacy of fining as a way of promoting proper resident behavior; and a review of Westbury documents to assure compliance with the Common Interest Ownership Act of 2010. It was agreed that Attorney Sandler would draw up a Letter of Engagement for the Association to consider. The letter would define the relationship between Perlstein, Sandler and the Association, and outline the fee schedule for various services.

Compactors / Recyclables —

Joyce Falkin reported that Unit Owner Barbara Feinstein had concern about depositing trash and recyclables in the dumpsters during the time when a large amount of snow had accumulated in the dumpster area. There was discussion among the Board regarding the use of building compactors at one end of each building. No definite plan was set forth and discussion will continue concerning this subject.

Canon 3380 Image Runner Copier —

After three unsuccessful attempts by the Board to come to agreement with Martin Levitz concerning his repurchase of the copier he brought into our office without Board approval, and for which he was paid \$5,000.00, the Board decided to turn the matter over to Attorney Howard Rosenberg who specializes in collection issues. The Board hopes this issue will be resolved by the April meeting.

It was at this point during the meeting that the "Audience-to-Visitors" portion of the meeting began. While "Audience to Visitors" was omitted unintentionally from the March Board meeting agenda, the Board began to take questions and concerns from unit owners.

Audience to Visitors —

Murray Zinman commended the Board for its work, but he wanted to speak about some small issues. He expressed concern about the number of senior people at Westbury, and the potential for lawsuits due to mobility issues. He related his incident of a recent fall. He also mentioned that while he has no tolerance for smoking, there is a way of handling the annoyance by talking with the owner rather than by taking legal action.

Jo Magnan thanked the Board for making her unit the most comfortable it has been in years, regarding the increased heat supplied during this unusually cold winter.

Unnamed Owner, Building 30: This owner does not want her name referenced in any written record of minutes, but she has an ongoing issue with another resident who smokes. She asked what the attorney would say concerning how to resolve the issue of second-hand smoke entering her unit.

Patrick Miller put a question to Brian Milano as to how he (Brian) handles these types of issues in other properties managed by Imagineers. Brian stated that he is constantly sending out letters to offending residents, stating in the letters that if the problem continues there will be a hearing before the Imagineers or individual property's Board. There are warning letters, letters announcing a hearing, and letters stating actual fine amounts. Both the renter and the owner receive a letter.

Murray Zinman remarked that when he moved to Westbury, he was informed that there was a financial deficit condition, but now there is a surplus according to some. Alan Shechtman replied that the surplus condition is money that has been saved over time for the renovation of the common areas, and there will be models/prototypes created so that residents can view the renovation process.

Jo Magnan asked if Jim Woodward would be involved in the long-range plan. Alan Shechtman replied that he did not know if Jim wanted to be involved.

Lois Menold asked if she could send out information about parking on a community census form. Alan Shechtman suggested she refer to the Resident Guide.

There were no other comments from "Audience to Visitors".

The next Board meeting will be a workshop at 5PM, Wednesday, April 15, 2015, and a regular Board meeting at 7PM on Tuesday, April 21, 2015. Both meetings will be held in the basement of 20 Outlook.

Alan Shechtman asked for a Motion to Adjourn the March 17 meeting, and the Motion was approved and seconded by the Board.

The meeting adjourned at 9:05 PM, and was followed by an executive session.

Minutes taken by Susan Ahearn, Recording Secretary