SUMMER REACH

Summer Reach Condominium Trust
Board of Trustees
Special Meeting Minutes
Wednesday, November 4, 2020 at 5:30 PM
Open Meeting Held Online via Zoom

Attendees: Rosemarie Barry, Chairperson, Doug Boyer, Vice-Chair, Mike Malone, Member, Leslie Murphy, Recording Secretary, John Varitimos, Treasurer

Call to Order

Rosemarie Barry, Chair called the special meeting to order at 5:30 P.M. This meeting was held to address the concerns of the community concerning the $10K fiscal year cap on legal expenses contained in our governing documents and the actual legal expenses that have been incurred through September 30, 2020.

Legal Expenses

The legal expenses incurred from January 1, 2020 through September 30, 2020 were broken down for the benefit of the community as follows:

1.) <u>Generator details: $4,625</u> for two Board disputes, 1) Board member recusal for two Trustees voting on an Architectural Modification Request submitted by them for approval; 2) placement of generators. Two legal opinions were obtained, 1) MEEB for $225 in which a Board member felt it was off-track and did not interpret our governing documents very well; 2) Attorney Charlie Perkins for $4,400 which provided no clear conclusion on either dispute.
2.) <u>Criterium: $1,105</u> for the engineering report surveying the deficiencies related to the transition.
3.) <u>Violation of Master Deed: $1570</u> for a potential violation of our Master Deed. The Trustees requested The Dartmouth Group to consult with legal. This is still pending.
4.) <u>Recording of new Board members: $177.35</u> recording fees for two new Board members which is legally required in the State of Massachusetts.
5.) <u>Transition: $15,211.65</u> has been spent for this one-time situation. The is the Board's most important project to date which necessitated legal counsel centering around our punch-list and establishing monetary amounts to these items, negotiations on our Escrow Agreement, the identification of an independent inspector, and negotiating the terms of our final settlement to protect the interests of the community.

Newly Approved Budget Controls

The Board announced that the following **14 Step Plan** would be implemented immediately in order to better control/manage future legal expenses:

1.) Board approval required before referring any matter to legal counsel;
2.) Assign no more than two members to serve as contact points between the Board and counsel on any matter;
3.) Request cost estimates whenever possible;
4.) Place dollar or time limits on any matter referred to counsel whenever possible and require further approval before any additional money or time is spent on any matter;

5.) Enter into fixed/flat fee arrangement with counsel;
6.) Review and audit all invoices prior to payment;
7.) Attempt to negotiate a better hourly rate/seek concessions;
8.) Monitor legal fees on a monthly basis;
9.) Require counsel to provide a more detailed breakdown of services rendered in their invoices;
10.) Keep all legal expenses to a minimum by formulating questions and objectives in advance of any telephone call or conference with counsel;
11.) Have finance committee to review all legal bills;
12.) Establish a clearer payment authorization procedure;
13.) Require management company to submit date and time evidence of any calls or conferences with counsel on any matter; and
14.) Require management company to immediately notify the Board upon receipt of any legal bills.

A Motion was made by Mike Malone and Seconded by Leslie Murphy to put a moratorium on legal spending through December 31, 2020 and to require Board approval before making any calls to legal counsel. The Motion was unanimously approved by a vote of 5 to 0.

Related Issues
In response to a question from the community about who requested the legal opinions on the generator/recusal issues, the Chair answered that the Dartmouth Group did so and that they have full authority to seek the advice of legal counsel at our expense as they deem appropriate under the terms of their contract.

The Chair affirmed that the Board would meet next week to develop a plan to monitor all bills and to require a signature from at least one Trustee on all checks.

Some members of the Finance Committee expressed frustration with their inability to obtain key budget details from The Dartmouth Group that is needed for the preparation of our 2021 budget.

A notice will be sent out to the community requesting volunteers for membership in a Property Management Search Committee.

Landscaping/Snow Removal Contract
The bid specifications and evaluation process concerning the landscaping/snow removal contract was explained to the community along with details of the winning bid submitted by A.J. Tomasi Nurseries, Inc. that will take effect on January 1, 2021.

Old Business:
Modification requests #233790 and 233649 for 37 and 39 Gristmill Road, respectively for basement renovations, were considered simultaneously due to the similarities of the projects. Mike Malone made a Motion to Discuss, Seconded by John Varitimos. After discussion, a Motion was made to approve both modification requests subject to the following conditions:

<u>Both 37 and 39 Gristmill Road</u>
1.) any leakage due to window installation will be the sole responsibility of the home owner to repair;
2.) construction of a basement bedroom as part of each project is permitted;
3.) landscaping must be returned to its original state;
4.) unit owners must post amended modification requests on The Dartmouth Group portal;

<u>Specific to 37 Gristmill Road</u>

5.) one egress window cut from a pre-existing basement window, plus one smaller cut for a basement-sized window on the southeast side of the unit is permitted;

6.) no egress window facing the street of the unit is permitted; and

<u>Specific to 39 Gristmill Road</u>

7.) the permitted egress window is to be an enlargement of the existing basement-sized window.

The Motion was approved by a vote of 4 to 1 with Doug Boyer voting in opposition to both requests.

Mike Malone made a Motion to Adjourn and the same was Seconded by Rosemarie Barry. The Motion was unanimously approved and the meeting was adjourned at 7:42 P.M.

Submitted to the Board of Trustees on January 13, 2021.

Leslie Murphy, Recording Secretary