

Parkside Place Homeowners Association
Board Meeting
November 7, 2011, 6:00p.m
Clubhouse

Minutes

Meeting was called to order by Mr. Frank Corcoran, Pres. at 6:05p.m. Board members present included Mr. Corcoran, Mr. Jim McKillop, Mr. Alex Grissom, and Ms. Charlotte Duplissey. Ms. Marie Miley was absent. Quorum was established and meeting was posted properly.

New Business
Special Meeting

The sole purpose of this meeting of the BOD was discuss a particular parapet wall deterioration between units 2206 & 2208. Mr. William Kananack, Esq. was present with Ms. Laura Fadden, owner of 2206. A realtor representative (Mark Realty) of the owner of 2208 (Crabtree) was also present.

Mr. Frank Corcoran opened the discussion with the purpose of this meeting. He apologized to Ms. Fadden for what he deemed was a lack of communication. Mr. McKillop then described what he saw when the site was visited by himself, Mr. Bob Algood from I.H.B. and Mr. Rich Phillips of DPM. Water damage and wood deterioration was evident on the outside parapet wall on the balconies of the two units. The wall was not secured to the main outside wall, and was loose. All three suggested that this wall should be opened up at the bottom section to investigate any possible water damage and/or termite damage below.

Mr. Corcoran offered a summary discussion of some of the salient points of the attorney provided legal opinion on this matter.

Mr. Grissom then offered a presentation and review of the governing documents as it applies to PSP. He referred to Section 5, specifically 5.01.5, 5.01.8, 5.02, 5.03, 6.01.3, 6.01.4, 6.02.3, 7.03, 8.22.1, and 9.03. He strongly believes that this is an insurance issue and the exterior of the buildings should be covered. He also provided a dissenting opinion of the legal review and believes that those issues dealing with insurance have been ignored in the preparation of the legal opinion.

Legal Opinion - the BOD solicited and received a legal opinion on this issue from their attorney, Taylor & Carls, specifically, Mr. Paul Hinkley, Esq. This was discussed between BOD members.

Mr. Grissom inquired from Ms. Fadden, owner of Unit 2206 if she had received a quote regarding the damages incurred. She stated that she had 'no way of knowing the total damages' because the roofing or decking under the balcony is also damaged.

Additionally she claims that the insurance adjuster who visited on Friday removed plastic sheeting and subsequent rains further damaged the wall and areas exposed at that time. Ms. Fadden proceeded to inform the BOD that the building had not been painted in over eighteen years, however, PSPHOA records show that it was painted in 2004, the fascia was repainted in 2010 and it is scheduled to be painted again in 2012 per the normal building painting rotation that has been in force at PSPHOA for over a decade. Ms. Fadden also claims that her entire unit needs to be brought 'up to code' and wanted to know who would provide necessary plans and funds to accomplish this.

A general discussion ensued as to who would be responsible for these repairs to these two affected units. Ms. Phillips of DPM cautioned the Board of Directors to consider two (2) bits of information impacted by any decision made by the BOD:

1. The governing documents of the PSPHOA could only be amended by a 2/3 affirmative vote of the membership as evidenced by the recent Fourth Amendment which Taylor & Carls assisted with for over two years. This statement was presented to remind the BOD that T & C would not have missed anything in the documents regarding the insurance or anything else in rendering its opinion as the firm and its attorneys have been fully immersed in PSPHOA documents for several years.
2. PSPHOA has a D & O policy which will protect the BOD members when making decisions when the BOD uses prudence and due diligence in making those decisions. Management cautioned the Board that choosing to go against an obtained professional, competent, and relevant legal opinion might be cause for denial of coverage by a D & O carrier if litigation were to ensue.

The BOD acknowledged understanding of Ms. Phillips and DPM's professional opinion and recommendation in these matters regarding those two points.

There was a motion by Mr. Corcoran, 2nd by Mr. Grissom that Parkside Place HOA cover the exterior repair of the parapet wall shared by units 2206 & 2208. Motion passed 3 to 1 with Mr. McKillop voting NO.

There was a motion by Mr. Corcoran, 2nd by Mr. McKillop to rescind the above motion. Motion passed 3 to 1 with Mr. Grissom voting NO.

There was a motion by Mr. Corcoran, 2nd by Ms. Duplissey that Parkside Place HOA cover the exterior repair of the parapet wall shared by units 2206 & 2208 not to exceed 20K. Motion passed 3 to 1 with Mr. McKillop voting NO.

Apex Pest Control will be contacted to complete an entire inspection for termites on above units and bids will be obtained from licensed GC's to repair this damage. By affirmation Ms. Angela Phillips of DPM will contact Mr Hinkley to discuss releasing the legal opinion to other parties.

Adjournment

Meeting adjourned at 7:45p.m.