

**Briarwood Falls Condo Association
Executive Board Meeting Minutes
September 9, 2021 10:00 AM (approved 10/14/2021)**

Chair: Chris Burke

Minutes Submitted by: Joe Geiger

Board Members Present: Chris Burke, President, Pat Perna, VP, Karen Pontrelli, Treasurer/Director, Bill Cucchi, Director, Joe Geiger, Secretary/Director, and John Pacheco, Director

Guests:

Board Members Absent:

TOPICS	DISCUSSION	ACTION
1) Call to Order	<ul style="list-style-type: none"> Chris Burke called meeting to start at 10 AM. 	
2) Additions to Agenda	<ul style="list-style-type: none"> No additions to Agenda. 	
3) Community Member Input	<ul style="list-style-type: none"> No Community Member Input at start of meeting. 	
4) Approval of Board Meeting Minutes	<ul style="list-style-type: none"> Karen Pontrelli moved to accept the minutes Bill Cucchi seconded the motion. Minutes were approved; All in Favor 	
5) Repairs and Maintenance	<ul style="list-style-type: none"> Bill Cucchi stated that there was minimal damage in the community from tropical storm IDA; some water leakage and tree limbs down. Cleaned up downed limbs at end of Grouse and behind 6 Grouse and a split, leaning tree in back of 21 Mockingbird had to be taken down. Also, a main trunk limb split off on an ornamental tree in front of 5 Oriole leaving a rather long wound. Most of the tree is still standing and let's hope mother nature quickly heals the wound and the tree survives. 10 Mockingbird – filled cracks in basement where water was leaking in. 12 Snowbird – repaired downspout 	

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- 70 Mockingbird Hornet nest at Eve Peak. Ron White made assessment of hives and was able to spray it to rid/kill hornets and later remove it using a water hose. Owner's dog was stung by hornets that got into house and he suffered some distress.
- 8 Snowbird – Hornet's nest. Ron White was able to spray it to rid/kill hornets and later remove it.
- Ron White painted picnic tables in preparation for Sept. 18 picnic.
- Ron White & Ron Baribeau cleared bushes around sides and under entrance bridge to prepare for upcoming 5-year Bridge Inspection.
- 4 Snowbird – sealed foundation cracks
- 80 Mockingbird – found source of water leakage in trim around lower-level sliding door and made repairs to fix problem.
- 11 Oriole – water leakage into main bath due to failure of roof boot seal at sewer vent pipe. New boot to be installed.
- 12 Mockingbird – same problem with vent line boot seal. To be replaced.
- 65 Mockingbird – Power washed
- 2 Starling – some water leakage into basement where the main water line penetrates foundation wall. Ron White applied sealant around pipe at inside of foundation.
- 8 Oriole – some water leakage through foundation scaffold pin. Ron White to seal pin once preferred sealant can be obtained. There is a shortage of the preferred sealant product at present time likely due to demand for the product after the recent heavy rains.
- Ron White announced that Friday September 17th will be his last day of service to the BWF Community indicating that he really plans to retire. After his retirement date, he would appreciate that Community members contact the Board for help or questions rather than him.

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<p>6) Committee Reports</p>	<p>a) Landscaping Committee John Pacheco said landscape waivers were approved and Owners are implementing the changes. Bill Cucchi pointed out that most of the waivers fit into 2 categories: Landscape or Maintenance/Repair. Board should send Landscape waiver requests to John Pacheco and Unit additions/ improvements, Maintenance and Repair waiver requests to Bill Cucchi.</p> <p>b) Social Activities Committee Pat Perna reported that Preparation for the Sept 18th Community Picnic are going well and that the Committee is doing a phenomenal job. About 53 Community members have responded saying they plan to attend the picnic Pat said that at start of the Picnic at 1 PM, there will be a Dedication Ceremony for the Plaque mounted on the granite stone by the flag pole. Three members of the American Legion will here to do the Dedication and they will be welcomed to share in the Picnic activities afterwards.</p> <p>Pat reported that the Activity Committee found that it was going to be too costly to add a subscription for Sling TV. This means that the planned Football Game Night (Nov. 7) will be cancelled. Also, the Activities Committee will not do the 50/50 raffle collection at event in order to keep it fresh.</p> <p>c) Declaration Committee On behalf of the Committee, Joe Geiger presented Proposal 2 Amended Declaration to the Board for its review and approval. As per the Committee Charge, Proposal 2 Amended Declaration incorporates all changes that were in the base Proposal 1 Amended Declaration relative to current State Statutes</p>	

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	<p>(Ct. Statute 828 CIOA), and recommendations of Pilicy & Ryan but keeps Association and Unit Owners responsibilities for maintenance, repair & replacement of Limited Common Elements the same as in our existing 2006 Declaration.</p> <p>The presentation given included discussion of some of the changes to the declaration, identified all of the Common and Limited Common Elements that the Association is responsible for under our existing Declaration (circa. 2006) and gave the projected 30-year costs to the Reserve to repair and replace the elements. A copy of the presentation is attached to the minutes.</p>	
<p>7) Treasurer's Report</p>	<ul style="list-style-type: none"> • Karen Pontrelli presented the financial statement for the last month, August 2021. <ul style="list-style-type: none"> ➤ Total Income: \$22,813 ➤ Total Expenses: \$22,894 ➤ Difference was negative (-\$81) ➤ The YTD difference of income vs. expenses was a positive of \$4,736 ➤ Total Reserves at the end of quarter: \$157,745 (includes the CD). 	
<p>8) Waivers</p>	<ul style="list-style-type: none"> • 9 Oriole – removal of existing shrub/bushes and replace with smaller plants. • 5 Starling – add grab bar at outside of entrance door. • 14 Snowbird – replace deck lattice and paint it and deck, replace window. • 1 Starling – Install outside Stand-by Generator. • 24 Mockingbird – install decorative interlocking tiles over patio deck. These are removable for Winter. • 23 Mockingbird –install Mitsubishi split AC Unit in 2nd (front) Bedroom • 2 Snowbird – replace weather stripping at back door and replace back door light. <p>All waivers were approved.</p>	

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<p>9) Landscape Contracts</p>	<ul style="list-style-type: none"> • Bill Cucchi presented details of Ron Baribeau’s 3-year contract proposal for landscaping/Snow Removal: Contract cost/year for Landscape and snow removal service by Ron and fertilizer applications service by a separate contract with Ken Rosen: Landscape & Snow Removal Services: \$140,586 (includes Taxes) Fertilizer and Applications: \$14,704 (includes Taxes) Total \$154,704 Projected 2021 YE services \$141,524 Difference \$13,180 Proposed contract cost/year is about 9.3 % increase over Ron’s previous 3-year contract. Ron had talked earlier that he was considering a 5% increase in charges for new contract. Overall, the community has been very pleased with Ron Baribeau’s services • Pat Perna moved to accept the contract. • John Pacheco seconded the motion. • All in favor, contract was approved. 	
<p>10) Old Business</p>	<ul style="list-style-type: none"> • No old business 	

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<p>11) New Business</p>	<ul style="list-style-type: none"> • Joe Geiger proposed to move ahead with preparation of Proposal 2 Amended Declaration in a WORD format compatible with the “Track Changes” version of Proposal 1 Amended Declaration received from Pilicy & Ryan. This will facilitate Chas Ryan’s review and acceptance of the changes which hopefully will help keep the legal charges at a minimum. Committee will proceed to prepare and schedule Declaration presentation to the Community. • Ron Sabatos asked if Ron Baribeau’s contract included a cost/unit for new units to eventually be added in Phase 3 of the Condo development. Bill Cucchi said it was not included. Chris Burke said that this was unlikely to be needed for this contract given the uncertainty for the project to actually restart building units. It probably should be a part of the next contract. • Ron Sabatos asked if the Declarant’s Amendments (Amendments 3 -33) could be put on the BWF Association’s websites in the Document Folder. Karen Pontrelli said that this can be done and that she will get the Amendment PDF files to Pat O’Rourke to put on the website. • Joe Geiger asked question about instructions for using video/audio system in Community Center. Board said operating info is posted near the equipment. Also, Experienced community members can be contacted for help about how to operate the equipment. These include Pat O’Rourke, David Pontrelli and Steve Risk. • Bill Cucchi, on behalf of the Board, thanked Ron White for his many years of service and presented him with a card and token of appreciation. 	<p>Add Amendments 3-33 to Website Documents</p>

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12) Next Board Meeting	<ul style="list-style-type: none"> October 14, 2021, at 10 AM 	
13) Community Member Input	<ul style="list-style-type: none"> Walt Rosinski, having listened to the earlier discussion about removing hornet's hives, asked if this meant that the Board was assuming responsibility to handle pest control for all Units. The Board responded that Pest Control was not the Association's responsibility. However, in these cases once the Unit owner reported the hive problem to the Board, Bill Cucchi and Ron White determined that it looked like it could be easily handled by Ron and would not require use of a professional service. This has been the standard practice for the Board but, if it was required to use a professional service the Unit owner would be responsible to get it resolved. 	
14) Adjourn	<ul style="list-style-type: none"> Chris Burke called to adjourn the meeting Bill Cucchi moved the motion to adjourn Pat Perna seconded the motion Meeting was adjourned at 11:25 AM <p>Attachments: Declaration Committee Presentation</p>	

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DECLARATION COMMITTEE PRESENTATION to BWFA Board - 9/09/2021

Proposal 2 Amended Declaration

The Board received via E-mail on Sept 5th the Proposal 2 Amended Declaration compiled by the Declaration Committee. For clarification, Proposal 1 Amended Declaration, the base document, is the one submitted to BWFA Unit owners in September 2019 and which was voted down.

As per the Committee's Charge, Proposal 2 Amended Declaration incorporates all changes that were in the base Proposal 1 Amended Declaration relative to current State Statutes (Ct. Statute 828 CIOA), and recommendations of Pilicy & Ryan but keeps Association and Unit Owners responsibilities for maintenance, repair & replacement of Limited Common Elements the same as in our existing 2006 Declaration. You also received a second attachment, a summary of the Sections in the Declaration where the Committee made changes to the document. Also, the changes in the document are in RED font.

The Committee found that reviewing and understanding the State Statutes and the declarations was a formidable challenge. It was surprising to us to find out what the Limited Common Elements are that the Association is responsible for under the Current 2006 Declaration. The Committee also found several typo errors and some omissions of text in Proposal 1 Amended Declaration and these were corrected. The Committee also recommends two new Articles for the Declaration: Article 28 – Reserve Study and Article Section 29 – Financial Audits.

Using information from the Reserve Study the projected 30-year cost for major repairs and replacement of the Common and Limited Common elements that the Association is now responsible for is 5.73M\$. Also, there will be additional annual expenses for routine and break-down maintenance on these elements.

The committee has a proposal for the next steps to be taken but before we get to that I would like to first spend some time discussing the Board's comments and questions on Proposal 2 Amended Declaration that was submitted.

To facilitate our discussion, the handout includes the Summary of proposed changes to the document, a list of all elements the Association is responsible for and information on the costs to the reserve for these elements.

NEXT STEPS.

Once the Board approves Proposal 2 Amended Declaration the Committee proposes these next Steps:

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- Presentations to the BWFA Community addressing the governing documents for Condo Associations, Proposal 2 Amended Declaration and the responsibilities for Limited Common Elements (LCE) as stated in Proposal 2.
- Reserve Study presentation to BWFA Community highlighting the Associations 30-year costs with existing LCE responsibility. And options for reducing these costs by shifting some responsibilities for LCE to the Unit Owners.
- Survey BWFA Community for feedback on possible changes to Responsibilities for LCE and change LCE responsibilities based on survey feedback.
- Document review by Pilicy & Ryan and approval
- Submit final Amended Declaration for Unit Owner vote.

BWFA Declaration Committee: Joe Geiger, Chris Norman, John Pacheco, Pat Perna, Ron Sabatos

Declaration Committee

Summary of Proposed Changes to the Amended Declaration

This is a record of the proposed changes the Committee has made to the Original Proposal 1 Amended Declaration, Sept 19, 2019. The Committee's version is titled **Proposal 2 Amended Declaration, Sept 02, 2021**

Table of Contents - sections where changes were made are highlighted in Red

Section 1. Definition 1.10 - Added "Declarant" as this was omitted in original draft and then renumbered remaining definitions.

Section 4.1 - corrected typo sixty-five; it should be sixty-six

Section 4.3 (b) (ii) - added sump pump.

Section 4.3 (f) (ii) - added sump pump.

Section 4.3 (j) (ii) - added lead in comment related to LCE operating systems to clarify keeping garage door operating hardware as Unit Owner responsibility in Sec. 6.3 (b) as it is in existing Declaration.

Section 5.1 (c) - added bulkhead entrance

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Section 5.3 Compliance with Maintenance Standard - this was moved to Article 6, as Section 6.9. It is more relevant for this to be in Article 6 which addresses Maintenance.

Section 6.3 (a) (b) – rearranged responsibility for some Limited Common Elements in Section 6.3 (a) and (b) to be consistent with the existing Declaration. Also, moved Association LCE responsibilities first in (a) and Unit Owner’s in (b) as this is better alignment to lead in paragraph.

Section 6.3 (b) ending paragraph - added comment to explain why the Association will be responsible for doing Skylight replacement but with cost charged to Unit.

Section 6.3 (e) - added driveways for snow removal to clarify as a number of Unit Owners had questioned if 6 (e) included snow removal from driveways.

Section 6.3 (g) - deleted Dryer Vent Cleaning in Declaration. This topic to be addressed in Maintenance Standard update.

New Section 6.9 - was Section 5.3 Maintenance Standard

Section 8.1(b) - in the existing declaration it is one paragraph. The original (b) and (c) entry in Amended Declaration appeared to be disjointed possibly due to a typo associated with trying to clarify the statement and to separate the easement part. Now (b) and (c) statements here are more clearly stated. Also added 2 missing quote symbols.

Section 8.2 (e) - corrected referenced Section; was 15.5 should be 18.5

Section 8.9 (a) - corrected indent symbols used to designate sub-sections from (a) (b) (c) to (i) (ii) (iii).

Section 8A.2 (b) – changed 208 Units 142 Units. In Amendment 13 where Article 8A was added, Section 8A.2 is 142 Units. Then total units that can be created in Sec 8.2 (b) will be $142 + 66 = 208$ Units, which is consistent to Sections 4.1 and 8.2 (b).

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Section 13.2 – inserted first title paragraph. It looks like this complete paragraph was erroneously omitted during previous editing to clarify/remove wording in this original first paragraph. Originally 13.2 only had the second paragraph with title [Reserved] which made no sense.

New Section 19.3 (a) - added reference to BWFA Collections & Foreclosure Policy

New Article 28 – Reserve Study. This should be in either the Declaration or By-Laws but the amended By-Laws have already been approved

New Article 29 - Financial Audit. Requires Board to periodically assess need and appropriate timing for doing an audit.

Schedule A2 – In final draft of this Proposal 2 Amended Declaration the latest Schedule A-2 from Amendment 33 need to be inserted. Also, Declarant's Amendments 3-33 will need to be attached after Amended Declaration is approved.

Also, notes were made on Schedule 2 about 30 & 32 MB: both Units do have bulkheads; front porch was never built on 32 MB. This should be corrected in some future issue of Schedule 2 which has been the Declarants responsibility.

JTG Rev. 7; 9/02/2021

BWFA Declaration Committee: Joe Geiger
 Chris Norman
 John Pacheco
 Pat Perna
 Ron Sabatos

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Table 1

**Estimated Cost to the Association to Maintain All Elements
in Existing 2006 Declaration**

Major Costs adjusted for inflation over next 30 years based on 2020 Costs:

<u>Element</u>	<u>Cost over 30 Years</u>	<u>Avg Increase Req'd Today in Condo Fee/Month to Fully Fund the Reserve</u>
Reserve Study Base (2006 Declaration)	\$5,848,806	\$112
Remove Garage Doors, Rails, Rollers & Springs	- \$370,136	- \$10
Remove Driveways	- \$290,291	- \$7
Remove Decks	- \$855,056	- \$22
Remove Patios	- \$258,820	- \$7
=====		
Totals	\$4,074,503	+\$66

There will be additional expenses to the annual Maintenance Budget for routine and breakdown repairs to the base LCEs.

Typically, a Condo Association's Reserve is not Fully Funded but the reserve should be a reasonable amount so that there is no negative effect on Mortgage applications, to be able to do needed repairs and replacements in a timely manner and to minimize special assessment payments that may have to be raised to pay for needed repairs or replacements.