



OLDE CANAL VILLAGE BOARD OF TRUSTEES
HOMEOWNERS MEETING
Minutes of Tuesday, June 12, 2018

Members present: Peter Garvey, Roger Lange, Jim Hayden,
Don Godeke, Bill Williams and 44 Homeowners

1. Opening: Chairman Peter Garvey welcomed the homeowners and thanked them for the very good turnout. He had new residents of #30 OCW, Kathy and Jim Langin, stand to be welcomed. Peter also thanked Judy Lange for the wonderful goodies provided for the meeting. Peter then had Romeo Berthiaume give the election results and also thanked Bill Oncay for his work of setting up the online election process again this year.

2. Election: Romeo reported that 55 residents had voted, which was 77% of the Village residents. 17 Residents did not vote. Peter was re-elected by 74% of the vote. Romeo encouraged all residents to vote next year so we can have a voter percentage closer to 100%.

3. State of the Trust: Peter reported the Trust is in sound financial condition. Bill Williams will give details in his report.

The Trustees work very well together and are a strong team. The Trustees who have served before us have paved the way and did an excellent job: Andrew Habe, long-time chairman served for 12 years; Roger Lange is in his 12th year; Tom Fermi, Marianne Williams, and Romeo Berthiaume each served for 9 years.

Peter reported that OCV Condo Trust has been recertified by HUD for two more years. That is significant for future sellers as lenders look more favorably upon a condo trust which meets that standard. HUD requires a property description, detailed financial information including an annual budget, current balance sheet, current income and expense statement, current reserve statement and prior year certified accounting report. They also need proof of 100% replacement hazard insurance, liability insurance and fidelity insurance. In addition, HUD wants a FEMA flood map. Fortunately we are currently a zone X (no flood zone). They also ask for a statement that there are no litigations or special assessment past, present or in the future (which they were given as we have none).

Speaking of insurance, our carrier, CAU, had in independent inspector check our complex early this spring. He drove and walked around and was given access to a unit. He had only favorable comments as to the upkeep, most noticeably our streets and driveways. We have had no follow up comments from our carrier so all would appear to be well. Our policy for the current year was already in effect.

4. Finances: Treasurer Bill Williams presented the financial report. The OCV Condo Association Trust is in sound financial condition. With the condo fee increase (our sole source of income) implemented

January 2018, our annual total is \$215,088. Barring any unforeseen catastrophes, OCV condo fees should remain unchanged for 2019 and 2020.

Contracts have been negotiated with several businesses holding current pricing for 2018 and 2019.

Contract items (landscaping, trash removal, snow removal, insurance, etc.)	\$ 114,820	53%
Utilities (electric, gas, water and sewer, irrigation water)	\$ 8,000	4%
Financial (reserve account, accounting, management and taxes)	\$ <u>53,600</u>	82%
Sub Total	\$ 176,500	

The balance of \$38,500 represents 18% of total income needed to cover all maintenance, resources for water line repair, equipment & supplies, handyman, etc.

The OCV checking account has maintained a positive balance. Timely deposits of condo fees enable the board to monitor incoming bills and manage payments. 34 units use direct deposit to our checking account. The board has installed a mail slot dropbox, located on the rear entrance of the clubhouse for other residents to drop in their condo fee checks, saving a stamp. Residents who use third party bill pay are asked to address checks to: William Williams Treasurer, 28 Nature View Drive, Uxbridge, MA 01569. Bill Thanked all for getting their funds in on time.

The reserve account thru June, is: \$142,953.

Our roof replacement program is underway. Building #1 on Olde Canal Way is now completed. A \$20,000 transfer from reserves was budgeted for 2018; to date \$15,000 has been transferred. The Board of Trustees will evaluate other roofs for the next replacements. This process will be continued over the years to avoid a special assessment. The roads still have to be sealed this year.

- Maintenance: Roger Lange reported that dryer vent cleaning has been completed as of June 12. Trim painting of the condos has begun and one building unit is now completed. Gutter cleaning and screen installation on some units will be done during the summer months. Dave Dopper has completed sump pump testing and one cycle of the weed whacking of the retention pond, which he will do again during the three months prior to winter. The Village roads, driveways, and sidewalks will also be resealed in July or August by the Ed LaFleur company. All residents will be notified by a color coded handout which will list the dates and exact areas to be sealed. An owner asked about spraying for ants. Roger said that is scheduled for Dave to do next week.
- Snow Plowing, Water Line Leaks, Roofing, and Trash: Jim Hayden reported that snow plowing was again done by J.R. Dowding this past winter. The overall job done was better than the prior season. One owner complimented on the job done; others echoed that as well. More salting was done and streets were cleared when less snow fell than was done the previous winter. Snow removal toward the end of the season was a problem when a plow crossing from one driveway to the other removed plants. Jim said we will do a better job of using markers next year to avoid that. Also post winter reseeding was done but it appeared that salt in the soil kept the grass from growing well. More spring watering of those areas needs to be done by the Village. It was suggested that the reseeding needs to be done better with the use of good soil to counteract the winter salt. There was one water leak this spring and a new company, Caya Construction, was hired. They responded quickly, got the needed permits, did a wonderful job and were less costly than our previous company.

Superior Roofing finished the roofing of building #1 on OCW. They included zinc strips along the north ridges that will help prevent the growth of fungus build-up. A new membrane was also used that improved protection under the shingles. Some siding trim replacements and shingle repairs were also needed after strong winds; the company came and fixed them quickly.

Trash pickup continues to be done by the Waste Management Company. The pick-up day for the Village continues to be Fridays unless there is a holiday or a storm delay when the pick-up will be on Saturday. The company continues to charge the same fee as they have done for 3 years. This spring we had requests for replacement of a number of recycle bins and they have been delivered within a week. Residents are also reminded that the two bins when placed outside, must be 12 inches from each other; the machine that picks up the bins needs that space to do the pickup effectively.

7. Landscaping, Smoke Alarms, Spring Clean-up, Lawn Sprinklers and Care: Don Godeke reported that, due to some late snow storms, our lawn spring cleanup was delayed a few weeks but once Village Green was able to come to the Village they spent 3½ days cleaning-up, mowing, fertilizing, and mulching. Their work will continue until fall with the mowing, edging, and application of fertilizer, lime, and other lawn products as needed, and fall cleanup.

The sprinkler system was tested by Bourque Brothers and replacement of some spray heads was done where needed in April. The system was only recently activated (in June) for the summer and adjustments to the sprinklers will be made as needed.

Romeo and his brother Jerry have begun their summer work of clean-up of damaged trees and plants and will continue to do shrub trimming throughout the summer and fall.

Don continues to check outside garage lights and replace any bulbs that are burnt out. If any outside garage lights are not working due to faulty sensors, Dave Doppler is notified and replaces the sensors. When asked to do so, Don also replaces smoke alarms in the condos. There is a fee to cover the cost of the alarms. Dick Earle of 21 OCW has also assisted Don with the smoke alarms recently in the replacement of high and multiple alarms.

As secretary for the Trustees, Don also writes the minutes of the Trustee meetings each month.

Residents may note that in the last couple of months all minutes have been delivered in the hard copy form. When we again send the minutes online to most of the residents, Sylvia Habe and Bonnie Trombert deliver hard copies to the NVD residents who do not have online options and Don does the same for those OCW residents. Only 20 residents need the hard copy minutes at this time. The Trustees found two residents, Mike Leger and Robin Lavalley, who will assist Bill Oncay in his work as webmaster.

8. Questions and Comments: Before opening up this agenda item, Peter made a couple of quick general comments.

First, the Article of Trust calls for quarterly open meetings like the one tonight. This has not proved practical in the past, but Peter emphasized any Owner can attend a regular monthly Trustee meeting to discuss any issue. All the Trustees ask is that the Homeowner call Chairman Peter before the meeting and indicate the topic so the Trustees can have information available to respond. The Homeowner will be put on the agenda and will talk immediately following the meeting opening. No topic is off limits.

Second, none of the Board has a law degree so they use their best interpretation of the Master Deed and Articles of Trust.

Next Peter brought up “the elephant in the room,” namely the recent raise for the property management stipend paid to the Trustees and voted by the Trustees. This was first published in the September minutes and then announced at the December 11, 2017 Homeowner meeting. In that interim no one commented or asked questions about that. The latter fact was confirmed by an Owner in attendance at that December meeting. Two Owners did ask about the increase, one via email in January and a second by phone in April. Both were given the following explanation:

The Article of Trust III, Sect 3.05 “Compensation of Trustees” was read in full at the meeting. It addresses payment to the Trustees for their service including duties not specified in the Master Deed and Article of Trust. This same Article III, sect 3.05 was also cited to vote for payment for the duty of “property management” in 2008, at which time a greater than 50% majority of beneficial interest voted payment for same. Sect. 3.05 (the entire wording can be looked up) highlights after “approval of Unit Owners holding more than 50% of the beneficial interest,” “Each Trustee may receive such reasonable remuneration” ...“as shall be from time to time” “fixed and determined by the Trustees.”

Note: it does *not* say a fixed dollar amount or that it shall be “fixed and determined” by greater than 50% majority of Unit Owner beneficial interest. Peter pointed out that the 2008 vote did include a fixed dollar amount of \$144.00 for each Trustee for “property management” which was not required by the Article of Trust 3.05 as part of that Article but was a courtesy and did not become official until so voted by that sitting Board of Trustees at their October 2008 Trustee Meeting.

Another Article of Trust V, Bylaws, Sect 5.1 (xiii) “Powers of the Trustees” (which can also be looked up) states the Trustees may “employ, appoint and remove” virtually anyone (including chief cooks and bottle washers—not so stated, but you get the idea) and delegate the vast majority of their Trustee duties, with the exception of altering the Master Deed or Articles of Trust, to those individuals hired including...“and may from time to time designate one or more of their own number to be Managing Trustees for the management and administration of the Trust property.” If someone is employed that generally means they are compensated.

Peter then opened the meeting to general discussion. There were many Owners commenting; some were upset with the fact they were not consulted by the Board concerning the stipend increase and allowed to vote on same, others had no issue with the increase and thought the Trustees were doing a great job. One Owner expressed the opinion that had the Board asked the Owners for a vote on the increase it would have most likely been approved by the Owners. Another Owner read a handwritten note complimenting the Trustees on their performance and felt they deserved whatever money they receive. There was a rousing round of applause by virtually all in attendance.

The discussion then became that the Owners were not as concerned with the present Board of Trustees, but voiced the fear that future Boards could abuse the powers and give themselves whatever they want. Peter pointed out that even if that event would occur there is an election every year for two Trustees (or one every third year) and only three of five sitting Trustees are required for a majority vote.

Any owner can write up an amendment or amendments to change the Master Deed stipulations or Articles of Trust (as long as the changes do not violate Massachusetts Chapter 183A) and submit those to all the Owners on record for a vote. If so voted by a majority (or whatever percent stipulated in the Master Deed depending on the topic) the Board would certify the results and file them with the Registry of Deeds.

There was also a discussion about coming up with a process and/or personnel to address future pay increases to the Trustees. Peter said anyone was welcome to do that. He also emphasized that the Board plans to hold the current condo fees for three years which would, of course, include Trustee "remuneration."

Peter mentioned he forgot to report earlier that the lockboxes were completed by the Uxbridge Fire department that day. Apologizes he neglected to acknowledge and thank Bill Williams for his hard work and effort in that endeavor as well.

9. Peter again thanked all attending and adjourned the meeting at 8:26 pm.

Respectfully submitted by Don Godeke, Secretary