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COMMONWEALTH OF MASSACHUSETTS  
FARRWOOD GREEN CONDOMINIUM PHASE II

\* \* \* ANNUAL BOARD MEETING \* \* \*

OSGOOD PLACE  
1600 Osgood Street  
North Andover, Massachusetts 01845  
Tuesday, March 22, 2011  
7:18 p.m. - 8:47 p.m.

Brenda M. Ginisi  
Court Reporter

**Meeting  
March 22, 2011**

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APPEARANCES :

BOARD MEMBERS :

Sean O'Connell, President

Todd Lariviere, Treasurer

Theresa Poore, Clerk

Jonathan Campbell, Grounds and Buildings

Also Present :

Jim Toscano, Property Management

Elaine Romano, Property Management

Dan Braese, Esq., Counsel

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P R O C E E D I N G S

MR. LARIVIERE: Okay. If I can call everyone to order, we'd like to start our annual meeting for 2011. We have counted the votes, as everyone knows, so we do have a quorum so we can proceed with our meeting tonight.

Like Arcadiy said, please do not leave without signing a proxy because we are right on that edge, so if you leave we won't have a quorum to finish up the meeting. And if you haven't signed in, if you could please see Elaine to sign in.

And now, if we want to go over the budget, are there any questions on this year's budget? Could you stand up and give your -- or just give your unit number; you don't have to stand up.

THE FLOOR: Mary Sheehan, 158. On the payback for the loan --

MR. LARIVIERE: Yes.

THE FLOOR: -- does that include the interest; and if so, how much?

1 MR. LARIVIERE: How much interest?

2 THE FLOOR: Interest, yeah; is it  
3 included in there?

4 MR. LARIVIERE: Is the interest  
5 included in the loan payback that we have,  
6 Elaine?

7 MS. ROMANO: Yes.

8 MR. LARIVIERE: Do you know how much  
9 that specifically is?

10 MS. ROMANO: I didn't even think to  
11 separate it, no. Can I ask what the unit  
12 was that's asking so I can do a follow-up  
13 on it?

14 MR. LARIVIERE: What is your unit,  
15 Ma'am.

16 THE FLOOR: 158.

17 MR. LARIVIERE: 158. Excuse me for  
18 just a second. Any other questions on the  
19 budget? Yes?

20 THE FLOOR: Arcadiy Ivanov, 138. We  
21 have two budget items, which changed  
22 dramatically; it's gutter repair cleaning  
23 from 1,000 to 10,000 and foundation repair  
24 5,000 to 11,000. What are we doing there?

1 MR. LARIVIERE: In terms of the  
2 foundation repair, we have run into quite a  
3 few cracks of the foundation walls over the  
4 past year and that's being a structural  
5 item, it's up to the Association to pay for  
6 those, so we allocated some more money in  
7 that direction so we can have it covered as  
8 people are finding. With all the water and  
9 rain this year, probably more people notice  
10 if there's a crack, so we want to make sure  
11 we are prepared if that happens.

12 And the gutters, same thing. When  
13 we've cleaned the gutters and done the  
14 gutter repair it's been a little more  
15 expensive than what we had budgeted in the  
16 past, so we increased the budget to make  
17 sure we have it covered this year.

18 THE FLOOR: Okay, thank you.

19 THE FLOOR: Mary Sheehan, 158. In  
20 regard to the foundation, the leaks, the  
21 water leaks and this -- is the Board paying  
22 for the -- or the insurance paying for the  
23 new rugs that have gotten ruined?

24 MR. LARIVIERE: What we have done --

1 we haven't been paying for replacement,  
2 correct, Elaine?

3 MS. ROMANO: Correct.

4 THE FLOOR: I'm sorry?

5 MR. LARIVIERE: We have not been  
6 paying to replace the rugs or the drywall  
7 that may have gotten ruined.

8 THE FLOOR: I'm sorry, I don't hear  
9 too well.

10 MR. LARIVIERE: My apologies. We  
11 are -- no.

12 THE FLOOR: She heard that.

13 THE FLOOR: That I heard.

14 MR. LARIVIERE: Yes?

15 THE FLOOR: Could you elaborate why  
16 we're not paying for the damages to the  
17 interior caused by water seeping from the  
18 exterior?

19 MR. LARIVIERE: The long and short  
20 of it, it would fall under the insurance.

21 MS. ROMANO: Well, we didn't file a  
22 claim because it wouldn't have reached the  
23 deductible.

24 MR. LARIVIERE: Okay.

1 MS. ROMANO: All right. However, we  
2 did take care of the foundation, and I  
3 believe Procare is scheduled to do the  
4 drywall. The only thing that has a  
5 question that Mary is asking is whether or  
6 not the Association is going to take care  
7 of the carpeting in the family room.

8 MR. LARIVIERE: I think it boils  
9 down to we're repairing the structure and  
10 keeping that what's -- what would be a  
11 normal item that would need to be fixed  
12 because not everyone has interior finished  
13 spaces.

14 THE FLOOR: Unit 138. If the water  
15 is coming in from -- first of all, which  
16 rugs are we talking about; are we talking  
17 basement, ground-level rugs?

18 THE FLOOR: Yes.

19 THE FLOOR: I think Jim Toscano has  
20 something to say.

21 MR. TOSCANO: I was just commenting,  
22 I don't believe that under the policy that  
23 ground water is covered as damages as a  
24 result of ground water covered under the --

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THE FLOOR: I don't hear to well.

MR. TOSCANO: I'm sorry. I believe in your policy -- well, most -- all policies, I'll have to check yours specifically, but generally insurance, ground water -- damage is caused by ground water and usually not an insurable expense. It's usually expense that's going to be covered by insurance. Generally, it's not one included as one of perils. Does that answer your question?

THE FLOOR: Can tell me about it later?

MR. TOSCANO: Sorry.

THE FLOOR: Allison Colby-Campbell, 112. How is it ground water if it was the roofs and stuff melting down, or is it just her specific incidence; if there was water damage caused by the -- how does that end being ground water?

MR. TOSCANO: Well coming in through the foundation. If it's seeping into the ground coming through the foundation crack,

1           then they consider that ground water as  
2           opposed to water over a sill, water coming  
3           in through a siding, water coming in  
4           through a roof. If it's in the ground  
5           through a foundation, regardless of whether  
6           it's rain or melting, it's considered  
7           ground water.

8                     And again, I'd check the policy to  
9           see. The other question is, what is the  
10          deductible, Elaine; do you know offhand?

11                    MS. ROMANO: 2,500.

12                    MR. TOSCANO: The deductible's 2,500  
13          per incidence, so you have an issue there  
14          if there's \$2,500 in damage if it is  
15          covered.

16                    THE FLOOR: 112 again. Is that  
17          accumulative?

18                    MR. TOSCANO: No.

19                    THE FLOOR: So it's one incident  
20          per --

21                    MR. TOSCANO: No, that's per  
22          incident.

23                    THE FLOOR: Meaning, per unit; you  
24          have one flood that floods 10 units, is it

1 2,500 per unit or per flood?

2 MR. TOSCANO: It's per claim, so you  
3 put a claim in.

4 THE FLOOR: Okay.

5 THE FLOOR: 138. Todd, we are still  
6 repairing the drywall and everything else  
7 caused by leaks through the walls, not the  
8 foundation, walls, siding and roof,  
9 correct, or not?

10 MR. LARIVIERE: Yes.

11 THE FLOOR: Okay, good.

12 MR. LARIVIERE: Peter.

13 THE FLOOR: Peter from 133 Farrwood  
14 Drive. Are we talking about all the units  
15 or just isolated one or two units?

16 MR. LARIVIERE: In terms of?

17 THE FLOOR: Of flooding or problems?

18 MR. LARIVIERE: I think it's been  
19 across several buildings, that we have had  
20 units within multiple buildings.

21 THE FLOOR: Okay, so half of them?

22 MR. LARIVIERE: Huh?

23 THE FLOOR: All of them, half of  
24 them?

1 MR. LARIVIERE: Units or --

2 THE FLOOR: No, buildings. There's  
3 eight buildings all together.

4 MR. LARIVIERE: I would say about  
5 half the buildings.

6 THE FLOOR: 138. Are we talking  
7 cracks in the foundation, or are we talking  
8 generalized?

9 MR. LARIVIERE: Cracks in the  
10 foundation.

11 THE FLOOR: Half the buildings?

12 MR. LARIVIERE: Yes.

13 THE FLOOR: Oh, my God. Okay.

14 MR. CAMPBELL: If I may?

15 MR. LARIVIERE: Yep.

16 MR. CAMPBELL: These are all great  
17 questions, but should we be focused on the  
18 budget in this portion and to get is passed  
19 or voted on and then have discussion or  
20 questions further on?

21 MR. LARIVIERE: Yeah, yeah.

22 MR. CAMPBELL: Okay.

23 MR. LARIVIERE: Are there any  
24 further questions on budget items?

1 THE FLOOR: Unit 107, Carlos. What  
2 is covered under Miscellaneous Repairs? I  
3 see there was a huge spike there, then it's  
4 gone back down to 2,000 and the 11-month  
5 actual was 15. What is covered under that  
6 Miscellaneous Repairs section, and why did  
7 it spike up so high and then go back down  
8 to normal?

9 MS. ROMANO: I'm sorry, I didn't  
10 hear what Carlos said.

11 MR. LARIVIERE: The building's  
12 miscellaneous repairs in the middle of the  
13 page jumped to 15,000.

14 MS. ROMANO: That was due to we held  
15 off all the interior repairs that were  
16 caused in 2009 and 2010 until we put the  
17 new roofs on, and that's when we did all  
18 that interior work, after that. That's why  
19 you saw the jump on Miscellaneous.

20 THE FLOOR: Okay, thank you.

21 MR. LARIVIERE: And, just in  
22 general, for Miscellaneous Repairs would be  
23 fixing a light that might be broken,  
24 changing light bulbs and things like that.

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1 THE FLOOR: Okay, thank you.

2 MR. LARIVIERE: Anymore questions on  
3 the budget? Yes, B.J.?

4 THE FLOOR: Under the line item,  
5 Buildings, Gas Pipe Repair and Placement --

6 MR. LARIVIERE: Yes.

7 MR. CAMPBELL: She needs to identify  
8 her unit.

9 THE FLOOR: Unit 114. I thought we  
10 were supposed to go out to bid for  
11 contracts. Is this the line item where  
12 it's PMA's employee that did all the pipe  
13 replacement and painting?

14 MR. LARIVIERE: We did bid that.  
15 No. It wasn't PMA's that did the  
16 replacement; they did do painting, correct?

17 THE FLOOR: Well, Lyle Carter --

18 MS. ROMANO: Lyle Carter --

19 MR. TOSCANO: Painting was  
20 subcontracted out.

21 THE FLOOR: Jim will answer that.

22 MR. TOSCANO: The plumber -- Lyle is  
23 the one who big on the plumbing, but the  
24 painting is by David Miller; he doesn't

1 work for PMA.

2 MR. LARIVIERE: But it was bid,  
3 there were bids for it.

4 THE FLOOR: But I'm confused,  
5 because Lyle Carter's and employee with  
6 PMA, so how does he fit in?

7 THE FLOOR: Who is Lyle Carter?

8 MR. TOSCANO: He put a proposal in,  
9 told us -- he gave us an estimate of what  
10 it might cost to do the work and put a  
11 price in and submitted it to the Board. We  
12 just did hours and material. Just figured  
13 how many hours and how much material, and  
14 put a dollar value on the hours and then  
15 submitted it as a price to the Association.

16 THE FLOOR: So who reviewed his work  
17 to make sure that it was done correctly?

18 MR. TOSCANO: The plumbing  
19 inspector; he inspected them all. He even  
20 came into some -- some that weren't on the  
21 original list, and said he wanted them done  
22 and they were done at no additional cost,  
23 because the -- the way we did it was we'd  
24 say we'd take care of them as required, all

1                   that were required.

2                   Was it two more or three more,  
3                   Elaine?

4                   MS. ROMANO: There were three more.

5                   MR. TOSCANO: Three more that the  
6                   plumbing inspector says had to be done that  
7                   couldn't just be painted, and those were  
8                   done at no charge. So plumbing inspector  
9                   checked them all, including the ones that  
10                  just were painted.

11                  THE FLOOR: When you're saying the  
12                  plumbing inspector --

13                  MR. TOSCANO: The City of Haverhill.

14                  THE FLOOR: He didn't come out and  
15                  check the paint?

16                  MR. TOSCANO: No. He checked the  
17                  plumbing.

18                  THE FLOOR: Actually, they did, but  
19                  the guy had to come back, and I don't know  
20                  why, I didn't see anything wrong. Plumbing  
21                  inspector made him come back and I said,  
22                  why are you here -- 132. Why are you here,  
23                  you know, they already painted it? He  
24                  said, the plumbing inspector said that we

1 had to paint it again.

2 MR. TOSCANO: Oh, he had to put two  
3 coats on. After they were painted once, he  
4 was required to put a second coat on by the  
5 inspector.

6 THE FLOOR: So right now they've all  
7 been inspected and properly painted?

8 MR. TOSCANO: That's correct. And  
9 passed by the city plumbing inspector.

10 THE FLOOR: Well, I was just  
11 surprised to find out that we had PMA  
12 employees bidding; I thought they were  
13 supposed to be third party completely?

14 THE FLOOR: What was the name of  
15 that employee?

16 MR. TOSCANO: Well, they're consumed  
17 third-party. There are jobs that will be  
18 asked to bid on, mostly plumbing related.  
19 In your case, it really doesn't affect you  
20 that much. We have common area heating  
21 systems; the plumber we have is always  
22 asked to put a price on it to replace the  
23 furnaces. We get a lot of requests for  
24 bidding on plumbing.

1           The plumber we have has been with us  
2           for a long time; he's been pretty good, so  
3           we're always asking the plumber to put a  
4           price in and we'll put a price in. If he's  
5           lower, if he's not good enough, or the  
6           price isn't good enough, the Association  
7           would go somewhere else.

8           THE FLOOR: So his license and all  
9           of that was checked?

10          MR. LARIVIERE: Oh, absolutely.  
11          He's a full-time plumber.

12          Any more questions on the budget?

13          MR. CAMPBELL: Ask for a motion.

14          MR. LARIVIERE: A motion for passing  
15          the budget. Well --

16          THE FLOOR: Blaire Payne, 111. I  
17          vote that we pass budget as presented.

18          MR. LARIVIERE: Do we have a second?

19          THE FLOOR: Unit 138, Arcadiy  
20          Ivanov, I second the motion.

21          MR. LARIVIERE: And now we need to  
22          vote.

23

24

(Vote taken)

1 MR. LARIVIERE: Well, do we need to  
2 do it by unit number or can we --

3 MR. CAMPBELL: We can do votes.

4 MR. TOSCANO: We can do it by vote.  
5 Is there any objection? All in favor, any  
6 objection? We have no objections here  
7 anyways.

8 MR. LARIVIERE: So all in favor?

9

10 (Vote taken)

11

12 MR. LARIVIERE: Any objections?

13 Motion passes.

14 Continuing on. Items that have been  
15 going on, this was a little bit more of  
16 what Sean was going to be talking about,  
17 some of the stuff that happened this past  
18 year. We did do all the gas pipe repair  
19 and painting.

20 In terms of the snow this year, we  
21 had more snow than we've had in years past  
22 so the plowing was a little chaotic at  
23 times. The plowing contract was kind of a  
24 boilerplate contract when we first came in,

1           because it was when Sean and I and Arcadiy  
2           first took over with the Board. So now  
3           that we have a little experience under our  
4           belt, we are currently rewriting the specs  
5           for the plowing contract, which is going to  
6           be going out for bid this summer, so there  
7           will be new bids for that and new  
8           specifications that will hopefully curb  
9           some of the problems in the past.

10                         In terms of the snow on the roofs,  
11           with all of the roof collapses, and with a  
12           lot of the units getting water coming into  
13           the units, we felt it was the best thing to  
14           do to have the roof shoveled and get the  
15           snow, which is basically three feet of  
16           water sitting on the roofs, off the roofs.  
17           And the contractor that put the roofs on is  
18           the contractor that did the shoveling off  
19           the roofs so that, you know, it was his  
20           roof and his responsibility in terms of  
21           shoveling it off. And there may be  
22           questions about the -- just a second.

23                         There may be questions about the  
24           clearing behind a couple of units. Some

1 people called up and said that they had  
2 piles of snow behind their unit, that they  
3 weren't going to be able get out. So it  
4 was felt that it was prudent for us to open  
5 that up in case there was emergency access  
6 needed into a unit.

7 We do realize that the Bobcat driver  
8 wasn't familiar with the terrain, so he may  
9 have scraped or pushed some of the grass,  
10 or I think he may have hit a couple of  
11 items. I know there was a planter near me  
12 that was pushed. So we're working with him  
13 in terms of repairing the lawn with his  
14 insurance company, and we will be working  
15 with a new -- with our landscaper, which  
16 has also gone out for bid, in terms of  
17 making repairs to those.

18 So the question on the snow?

19 THE FLOOR: Yes. First of all, I'm  
20 very glad -- Eric, 54 -- Unit 54, Eric  
21 Nugent, N-U-G-E-N-T. I'm very glad that  
22 you guys shoveled off the roofs and cleared  
23 out, you know, so people could escape if  
24 there was a fire. But I saw -- as the snow

1           was melting I saw in my front lawn, tiles  
2           from a brand new roof that I'm afraid might  
3           have come off when they shoveled. And I'm  
4           wondering if you've had a roof inspector,  
5           now that everything's melted, to go back up  
6           there to make sure all the tiles are in  
7           place?

8                         MR. LARIVIERE: We haven't. Kind of  
9           waiting for the weather to essentially  
10          break, but we'll certainly do that.

11                        MS. POORE: That was brought to our  
12          attention previously, and we did contact --  
13          Elaine contacted the people that did the  
14          roofs.

15                        MR. LARIVIERE: Have they been up on  
16          it yet?

17                        MS. POORE: I don't believe so. I  
18          think they were waiting for the weather,  
19          but it has been brought to their attention.

20                        THE FLOOR: Blaire Payne, 111.  
21          Regarding the leaks, those are brand new  
22          roofs. The ice dams went up how far?

23                        MR. LARIVIERE: The ice and water  
24          shield should have been up six feet. So

1           essentially they're going to lap it  
2           six inches, so five-foot-six.

3                   THE FLOOR: And the units incurring  
4           leaks were as the result of the roofs  
5           leaking into the unit?

6                   MR. LARIVIERE: Yeah. I think it's  
7           a combination of there might have been  
8           water backing all the way up past that ice  
9           and water shield, which was then leaking  
10          down. And I think just with the amount of  
11          rain that we had there was icing on the  
12          soffit, so it was actually draining passed  
13          the soffit and then kind of trailing along  
14          the soffit and back into the wall. So it  
15          was coming below the roof and then  
16          essentially coming in.

17                   THE FLOOR: Through the wall?

18                   MR. LARIVIERE: Through the wall.

19                   THE FLOOR: So the ice shields  
20          weren't sufficient in terms of depth of the  
21          roofs?

22                   MR. LARIVIERE: The ice shield's  
23          actually more than what's required by code  
24          to get up. Code only requires two feet

1 passed the inside of the face of the wall.  
2 And so, with a five-foot-six that would  
3 be -- should be more than sufficient. But,  
4 again, we had that foot-and-a-half of snow  
5 followed by rainstorm, so it was just a lot  
6 of water ended up on the roof.

7 THE FLOOR: There was already ice  
8 there.

9 THE FLOOR: 138. Are we going to  
10 take a look at what's happening at the top  
11 of the walls under the soffits? Because --  
12 at least take one shingle and take a peak  
13 in certain places, especially where the  
14 leak occurred? Because from what I've seen  
15 last year, the gutters are attached;  
16 they're actually screwed in directly into  
17 the wall under the roof.

18 And, for example, in my gutters a  
19 few pins, which were holding the gutter,  
20 were missing, and there was a direct hole  
21 into the wall from the gutter. So with  
22 things like this changing roof won't  
23 matter, you're just going to have water  
24 over and over again.

1                   Are we going to look at the top of  
2                   the walls, take the shingles off, not  
3                   everywhere, but at least some places?

4                   MR. LARIVIERE: We have had someone  
5                   out looking at some other concerns that we  
6                   had over the summer. We'll probably do  
7                   that again in areas -- correcting units  
8                   that we did have water, to just try to  
9                   discover a little bit more where the  
10                  water's coming in or if there's an issue  
11                  right at that spot.

12                  I know I saw something in my  
13                  building where the water's definitely  
14                  coming across the soffit. So, yes, we will  
15                  try to get somebody out there to try to  
16                  pull down those soffits to take a look,  
17                  because it was definitely coming across the  
18                  soffit and ending up with water against the  
19                  wall.

20                  THE FLOOR: Okay. Thank you.

21                  MR. LARIVIERE: Any other questions  
22                  on things that we've done? Yes?

23                  THE FLOOR: Allison Colby-Campbell,  
24                  112. Stuff like, and I know it's brought

1 on by the excessive amount of snow, but the  
2 whole fence along the parking lots have  
3 been crushed by the snow that's been put on  
4 them so they're all pretty much splintered,  
5 at least down on our end of the parking lot  
6 there. Are those to be replaced by the  
7 plower, or is that something that happens  
8 with the landscaping; what happens with  
9 those?

10 MR. LARIVIERE: Damage to the lawn,  
11 to the paving, to fencing caused by the  
12 plows would be -- go to the plow company;  
13 that they would be fixing and repairing  
14 that. So we will be talking to them about  
15 those things.

16 THE FLOOR: And those repairs will  
17 be made before it's decided whether they're  
18 going to be retained for an additional  
19 year? Because I wonder how much help  
20 they'd be if it was after.

21 MR. TOSCANO: We hold back some  
22 money.

23 MR. LARIVIERE: Yeah. There'll be  
24 money held back from this year's contract

1           until those things are fixed. So they'll  
2           be looking to get their money to complete  
3           the contract. But, yeah, because the  
4           contract will be going out in the middle of  
5           the summer, so they should hopefully be  
6           fixed by the end of spring.

7                         THE FLOOR: Ninety-seven. I have a  
8           question about the snowplowing and the  
9           specs that you're going to be looking for.  
10          This company had one plow that did eight  
11          buildings. I mean, he was rude, amongst  
12          other things, and he wasn't there early.  
13          You know, we sat with tons of snow, and  
14          then behind some of the cars he left eight  
15          feet of snow that we had to shovel out.  
16          You know, some of us aren't 20 anymore.

17                        MR. LARIVIERE: Yes. We are  
18          addressing those kind of issues in the snow  
19          contract.

20                        THE FLOOR: And more than one plow?

21                        MR. LARIVIERE: Yep.

22                        THE FLOOR: 114. The front-end  
23          loader that came in, was he part of the  
24          plow contract, or was he something special?

1                   MR. LARIVIERE: That would be above  
2                   and beyond the plow contract.

3                   THE FLOOR: Because he caused damage  
4                   to the arborvitaes and was picking up the  
5                   snow and pouring it basically on top of  
6                   trees. And I just happened to park over  
7                   there to see that he broke off a lot of  
8                   branches, and I believe he also ruined a  
9                   lot of the curbing down Heritage Hill that  
10                  looks like it was recently just put into  
11                  place but was broken.

12                  And with that, what concerned me  
13                  most is I don't know if he broke it, but  
14                  the curbing around the two sewer drains  
15                  where the chirren stand, the one on the  
16                  opposite, the curbing looks like it got  
17                  broken. I don't know if that's going to  
18                  collapse. And if that collapses because  
19                  the curbing's broken, we own it.

20                  MR. LARIVIERE: At the sewer drain?

21                  THE FLOOR: Yep. The opposite side  
22                  where the children stand where the sign is.  
23                  I mean, none of this is intentional. But  
24                  when we bring third-parties on and they

1           have no idea about the lay of the land  
2           they're just --

3                   MR. LARIVIERE: Yeah. Well, the  
4           loader actually was the --

5                   MR. CAMPBELL: Subcontractor loader.

6                   MR. LARIVIERE: No. It was Ferris  
7           that was doing the plowing, so it was  
8           just -- it's still within the contractor  
9           that was doing the plowing, so he'll be  
10          doing the adjusting as well.

11                   THE FLOOR: Because I realize this  
12          is an unusual year of snow. But what  
13          concerns me most is there seems to be a  
14          lack of communication in terms of  
15          understanding how water needs to run given  
16          our topology and our history.

17                   So when I happened to go out to my  
18          car on that Saturday or Sunday that the  
19          front-end loader was here, G historically  
20          has flooded, and G had all the snow on the  
21          roof, all the snow in their little 4-foot  
22          backyard, and the loader was just piling it  
23          up and piling it up, and piling it up. And  
24          where it's freezing they were basically

1 plowed in with nowhere for the water to run  
2 if we continued. Thank God we didn't; we  
3 had the last storm -- I mean, the last  
4 major storm on a Wednesday.

5 So that concerns me that the history  
6 isn't there to make sure that snow gets  
7 rerouted.

8 MR. LARIVIERE: And again I'll go  
9 back to the snow contract we tried a couple  
10 years ago to kind of designate areas from  
11 them to pile the snow up so we avoid areas  
12 like that. So we'll be more specific with  
13 the new contractor; we'll walk him through  
14 the site and actually show him where we  
15 want the snow to be to avoid piling snow  
16 where we've had a lot of problems.

17 THE FLOOR: Because another problem,  
18 at least behind building E, my building,  
19 when the Bobcat went through a couple of  
20 the drain pipes that I happen to have in  
21 the backyard, and I guess to fix the snow  
22 after it was taken off the roof, I wasn't  
23 there when this happened, but the way they  
24 plowed they covered over the drain pipe

1 completely that the water runs from. I  
2 shoveled it out. It was a lot of work, but  
3 it all froze after that.

4 Thank God, once again, Mother Nature  
5 cooperating, we had a slow melt, because we  
6 have a natural brook that runs all back  
7 there. And if we had had a lot of rain and  
8 that snow, the way it was pushed by the  
9 Bobcat that stayed there, that really would  
10 have put a lot of our units at risk in  
11 terms of water flow. So, I mean, I can  
12 only take care of mine. It just got to be  
13 an awful lot, just a lot of work so that  
14 the water could run away.

15 MR. LARIVIERE: Okay.

16 THE FLOOR: Debbie Harvey, 103,  
17 complaint about the snow removal. Building  
18 C and D are very tight. I'm going to say  
19 something, I'm sick of shoveling my parking  
20 spot. After every single storm I have to  
21 shovel at least two feet back, or more, and  
22 able to pull in my spot, all right.

23 We're on the north side. There's no  
24 sun at all on building D. I still have

1 over a 3-foot mound of snow in front of my  
2 building right now with all the warm  
3 weather. They don't plow anywhere near  
4 where the land ends because they're worried  
5 about tearing up the lawn's, which kills be  
6 because, you know, we plowed out back and  
7 the lawn's all torn to shit and everyone's  
8 like, oh, well.

9 But, I mean, if they were doing  
10 their normal plowing and went back far  
11 enough and there was a little patch moved  
12 up, that would be normal repair. So  
13 they're not even willing to do that. My  
14 spot is never plowed. We are so tight.

15 I think Debbie will agree that it  
16 takes an act of God to be able to maneuver  
17 out of the spot when it's friggin' -- even  
18 when shoveling when Joe's backing up I look  
19 and I cringe how close he is to my car, and  
20 that's after shoveling my spot.

21 So if I get fed up and don't shovel  
22 anymore and just pull into the spot and how  
23 they plowed it, neither one of us will be  
24 able to -- like, in my spot in 103 and the

1 people across from me, we won't even be  
2 able to drive out of our spot to turn, it's  
3 that tight.

4 And one person in the building also  
5 brought in his own equipment one time to  
6 pull it out he was so sick of his truck  
7 sticking out where people can't even get  
8 through, and that's ridiculous. And the  
9 last storm I think you saw me; you saw the  
10 look of my face when I was shoveling that  
11 spot and how disgusted I was.

12 MR. LARIVIERE: Yep.

13 THE FLOOR: I mean, as you said, not  
14 all of us can shovel and it's hard enough  
15 clearing off the car. You know, and what  
16 was it, Groundhog Day, I was so sick of the  
17 storms and I stayed out of work. I ran  
18 after the guy who plowed and asked him to  
19 clean off my spot a little more. But what  
20 he did was just pushed it back; he didn't  
21 go across where you should be plowing.  
22 That should be done right from the  
23 beginning. It's never been done so every  
24 time they go it's a little further away.

1           So now when I shovel off, not only is it  
2           difficult, but I had to go up because there  
3           was absolutely nowhere to put. I mean,  
4           someone's going to drop dead of a heart  
5           attack. We all live in a --

6                       MR. LARIVIERE: Okay.

7                       THE FLOOR: -- condo in order to  
8           shovel all the time. I'd have my own house  
9           without all this crap if I wanted to do it.  
10          Do you know what I mean?

11                      MR. LARIVIERE: About the hitting  
12          the lawns, the issue is the sprinklers are  
13          on that edge. So in thinking about the  
14          contract I was thinking about what we --  
15          when we do the landscaping this summer  
16          maybe we need to talk to the landscape  
17          contractor to see if there's a way to move  
18          those, shift those a little bit, so if they  
19          do hit the lawn that they're not going to  
20          be hit, they're going to be out of the way.

21                      THE FLOOR: But it's not even  
22          marked. As long as they don't hit the  
23          building or that tree right in front it, as  
24          far as I'm concerned, it's fair game.

1           Because our cars, we pay a lot of money for  
2           our cars. You know, it's ridiculous to  
3           have to go through this. And I'm not going  
4           to anymore; I'm not moving. So you're  
5           going to get a call next year when we  
6           cannot get out of our spots; it's going to  
7           be that tight.

8                       MR. LARIVIERE: Okay.

9                       THE FLOOR: All right. I'm not  
10           moving it. If he leaves eight feet of snow  
11           behind my car again, I'm not moving it.

12                      THE FLOOR: Deb Washington, 93.  
13           Just a personal comment against everything  
14           that everybody said here.

15                      I met one of the plow drivers under  
16           an extreme snowstorm, and he actually  
17           helped unlock my neighbor's car; she had  
18           locked her keys in her running car. And he  
19           came over, took off his antenna, broke his  
20           antenna to help her get her window open so  
21           that she could get into her car to move it.  
22           And, to me, that was above and beyond  
23           anything you would expect from a snowplow  
24           driver that's just been sworn at two units

1 away.

2 So, I mean, some of these crews are  
3 excellent people, and they should be  
4 praised for putting up with all of us in  
5 all of our dire straits.

6 MR. LARIVIERE: Okay, moving on.

7 MR. CAMPBELL: Do you want Dan to  
8 talk?

9 MR. LARIVIERE: What?

10 MR. CAMPBELL: Dan to make a  
11 statement?

12 MR. LARIVIERE: Yes. Do you want to  
13 fill them in on what's going on?

14 MR. BRAESE: If they want to hear  
15 it.

16 Probably know there's -- you're  
17 involved in one active lawsuit, and you're  
18 about to be involved in another active  
19 lawsuit. The lawsuit that is active right  
20 now involves a number of parties. You're  
21 represented by insurance counsel, defense  
22 counsel, and so insurance is picking up the  
23 tab for it. That doesn't mean it's not  
24 going to be reflected somewhere down the

1 road in your condominium fees, but the  
2 insurance company is paying to defend you  
3 through this lawsuit.

4 The second lawsuit is about to  
5 start, and it's regarding your former  
6 treasurer. And it involves a lack of  
7 response in the negotiation with her. So  
8 we're going to move to the next step with  
9 that and see if we can finish that up  
10 within the next few months. So that's  
11 where we are in the update in the  
12 litigation department. Any questions?

13 THE FLOOR: What's the first  
14 lawsuit?

15 MR. BRAESE: The first lawsuit is  
16 the one that's active with Mr. Brodeur,  
17 who's sued the Association.

18 THE FLOOR: Oh, he did do it, didn't  
19 he?

20 MR. BRAESE: Oh, yeah, he did do it.  
21 To give you a little bit of background in  
22 that, he did sue the Association once  
23 before, it was thrown out; he then sued the  
24 Association again in a slightly different

1 form, which give him a little bit more  
2 traction, for lack of a better way of  
3 putting it.

4 But from an effective standpoint,  
5 from your standpoint, what it means is that  
6 the insurance company hires insurance  
7 counsel and they defend you through it. So  
8 they defended you through the first one,  
9 which got dismissed, and now defending you  
10 through the second one.

11 The stage where we are in that is  
12 called the discovery stage. Most  
13 lawsuits -- all lawsuits start off with a  
14 complaint, which he filed, the defendants  
15 answer that complaint, and then there's a  
16 long period of what's called discovery.  
17 Discovery, basically, is everybody finding  
18 out each other's secrets. So we're in the  
19 process of doing that. We're also in the  
20 process of attempting to derail the lawsuit  
21 before it gets any further; we're very,  
22 very active on that. As a matter of fact,  
23 we're actually almost all done with that.  
24 So once that happens -- you know, my

1 interest is you guys, the Association  
2 itself. Hopefully, we'll be out of that.  
3 Go ahead.

4 THE FLOOR: Seventy-four. What is  
5 the basis of Mr. Brodeur's lawsuit?

6 MR. BRAESE: Which one? Well he's  
7 got about -- doing this a little bit from  
8 memory. He's got about, maybe, 12 causes  
9 of action in the lawsuit. So it's not a  
10 singular type thing where he said, you did  
11 something wrong, therefore I'm going to sue  
12 you.

13 What he's saying is, in a somewhat  
14 disjointed fashion, you did 12 things  
15 wrong. And they stretch everywhere from  
16 fixing your roofs to just not liking the  
17 management of the Board of how it's done.  
18 To not -- like with PMA, they're not  
19 putting it out to bid, not putting the debt  
20 for the roofs out to bid. They're a lot of  
21 little things. I'm doing this from memory.

22 THE FLOOR: So basically he's  
23 throwing a bunch of stuff against the wall  
24 and seeing if anything will stick?

1 MR. BRAESE: Exactly.

2 THE FLOOR: George being George,  
3 right?

4 MR. BRAESE: I wouldn't -- that's up  
5 to you to say that. I'm not going to say  
6 that.

7 THE FLOOR: That will be reflected  
8 in the minutes.

9 THE FLOOR: He alleges to care about  
10 the condominium complex; this is what he  
11 alleges. When in truth, he doesn't care  
12 squat about this place or the people in it.

13 MR. BRAESE: It's all public record,  
14 so if you're interested it's a good  
15 reading; you can pull the actual  
16 information out.

17 But again, from an effective  
18 standpoint from your position is that,  
19 anytime the insurance company goes out and  
20 spends money to defend you they're going to  
21 increase your premium down the road. So  
22 this -- and this one, this is the second  
23 lawsuit in three years from him.

24 THE FLOOR: Can we have it reversed

1 on him?

2 THE COURT REPORTER: You've got to  
3 speak up everybody.

4 THE FLOOR: Folks. Folks.

5 THE FLOOR: As well they should  
6 because he has no merit.

7 MR. BRAESE: Anytime you -- in the  
8 pleadings, what the insurance counsel does  
9 is ask for attorneys fees. So all  
10 pleadings do that.

11 In the United States it's a very  
12 strong presumption towards everybody paying  
13 their legal bills. So if it turns out -  
14 and I know insurance counsel's going to  
15 argue this - if it turns out that it's  
16 looked on as a frivolous lawsuit, which I'm  
17 a little skeptical on that, then a judge  
18 may come down and, if he's in a good mood,  
19 come down and say, okay, you're going to  
20 get your attorney fees. It's substantial.  
21 The attorney fees on this is substantial;  
22 this has been a lot of work. I mean, we  
23 had a four- or five-hour meeting at my  
24 house about two months ago.

1 THE FLOOR: Mm-hmm.

2 MR. BRAESE: Three months ago.

3 THE FLOOR: Maybe more.

4 MR. BRAESE: Where we went over  
5 depositions all night. And so, I mean, you  
6 look at that and say -- I mean, just for  
7 the two attorneys involved there it's a  
8 huge amount of money. So it's one of those  
9 things that -- the best way to get rid of  
10 stuff like this, as far as an Association  
11 is concerned, is peer pressure. I hate to  
12 say it, but peer pressure. Now, whether  
13 that works, I don't know.

14 THE FLOOR: He'll probably try to  
15 93A us for crying out loud, and get triple  
16 damages. How does that all work?

17 MR. BRAESE: You can't do a 93A  
18 against him, because he doesn't fit with  
19 that strategy.

20 THE FLOOR: No. But, you know,  
21 they'll find something we did wrong  
22 somewhere.

23 MR. BRAESE: Well, I don't think so  
24 because, you know - and this will be a

1 personal editorial - since the Board took  
2 over in -- a few years ago, the new Board,  
3 it's been pretty tight; it's been run  
4 pretty tight. And people make, especially  
5 judges, will look at, when they do this  
6 type of litigation, would look at where the  
7 Association is tracking.

8 So, in other words, if you have an  
9 Association that is poorly run and it stays  
10 poorly run, the judge will look at it  
11 differently. If he looks at it and says,  
12 okay, this Association is tracking well; in  
13 other words, you're going in the right  
14 direction, there's a heavy presumption  
15 towards letting Associations run themselves  
16 the way they want to run themselves.  
17 Because if you read chapter 183A, which is  
18 the Massachusetts Condominium Statute,  
19 which enables you guys to do what you're  
20 doing right now, there's nothing in it that  
21 says, you know, you shall run a certain  
22 way.

23 So you know, it's fairly broad. You  
24 have to do certain things, certainly; you

1           have to do certain reportings, and  
2           everybody has access to the books, but  
3           there's nothing that says, you know, you  
4           have to do this. You have to plow your  
5           road this way, or you have to do this.

6                        So there's a lot of leeway for an  
7           Association to do things the way they want  
8           to do it. The purpose of that is because  
9           you own the Association, and you guys  
10          should decide how you want your roads  
11          plowed or how you want your roofs fixed  
12          or -- you know, what you want to do. So --  
13          go ahead.

14                      THE FLOOR: What is the period of  
15          time that the second lawsuit is covering;  
16          is it before '07, or just '07 through --

17                      MR. BRAESE: From 2001 on. And, you  
18          know, a lot of -- if you read the  
19          complaint, a lot of it is, it was poorly  
20          run so therefore I have a cause of action.  
21          You read that -- I mean, it's -- I don't  
22          know how long it is, 35 pages, 40 pages?

23                      THE FLOOR: Yeah. Eighty items of  
24          physical discovery, 80 documents.

1                   THE FLOOR: So does that mean going  
2                   for the period '01 through '07 it's  
3                   involving the management at that time,  
4                   which was all volunteers, versus '11 when  
5                   you have our scenario of PMA and  
6                   different --

7                   MR. BRAESE: Yeah. I mean, it  
8                   involves everything. It involves  
9                   everything in the 21st Century, of which  
10                  we're in the 11th year.

11                  But the good thing about that is  
12                  it's like throwing whip cream at a wall.  
13                  Nothing's really going to hit anything;  
14                  it's not going to really stick. The  
15                  essence of lawsuits, typically that  
16                  succeed, are focused. This has a lack of  
17                  focus, which -- and that is, again, an  
18                  editorial.

19                  So I think from an Association  
20                  standpoint you're going to be okay.  
21                  There's a lot of defendants, it's not just  
22                  you guys. There's a lot of defendants in  
23                  this. Everybody's representing themselves  
24                  and getting their own counsel, you know,

1           dealing with it. But from my standpoint  
2           and where my interests lay are with you  
3           guys. And I think we're going to be okay  
4           with you guys, getting you out. And once  
5           you're out of it it's not going to matter,  
6           because I'm not so sure he has a lot of  
7           interest in anybody else. I think he has a  
8           lot of interest in the Association itself.

9  
10           THE FLOOR: 112. How many people  
11           are part of this lawsuit besides  
12           Mr. Brodeur?

13           MR. BRAESE: As plaintiffs?

14           THE FLOOR: Mm-hmm.

15           MR. BRAESE: He is the sole-named  
16           plaintiff.

17           THE FLOOR: You're saying named as  
18           though that means there can be unnamed  
19           plaintiffs?

20           MR. BRAESE: No. When you sue  
21           there's a plaintiff and defendant. He's  
22           suing the Association and a bunch of other  
23           people.

24           THE FLOOR: And what does he want?

1 MR. BRAESE: \$100,000, I think.

2 THE FLOOR: As a remedy to the  
3 Association he wants \$100,000 for himself.

4 THE FLOOR: For what?

5 MR. BRAESE: Right.

6 THE FLOOR: Absolutely incredible.

7 THE FLOOR: He should distribute it  
8 to all of us.

9 THE FLOOR: Oh, in that case, go  
10 right ahead.

11 MR. BRAESE: So that's that lawsuit.  
12 I think you're going to be okay with that  
13 lawsuit. But again, you know, like I said,  
14 the problem you have is that anytime you  
15 sue somebody, that money, although covered  
16 by insurance, like any insurance, is going  
17 to come back to haunt you eventually down  
18 the road. So the less lawsuits you get  
19 involved in that involve insurance the  
20 better off you are.

21 THE FLOOR: Does the dismissal of  
22 the first lawsuit, at all, stick to the  
23 second in terms of flavoring a judge's  
24 determination?

1 MR. BRAESE: He will be swayed by  
2 it. But in the judgment on the first  
3 lawsuit in the dismissal he left the -- the  
4 judge at that time dismissed it leaving a  
5 loop hole on how he brings the lawsuit. So  
6 what -- essentially what the judge said was  
7 that -- and get a little technical here.

8 He can bring what's called a  
9 derivative lawsuit. In the first case he  
10 brought a lawsuit, but it was an individual  
11 lawsuit; it was thrown out. He can bring  
12 what's called a derivative lawsuit, what  
13 is -- this goes back to your named  
14 plaintiff question. The derivative lawsuit  
15 is a lawsuit where he sues on behalf of  
16 himself and all unit owners currently  
17 situated, is the wording. Now what that  
18 means technically is you're all suing  
19 yourself. And so that's the loop hole to  
20 be allowed.

21 Now, the problem with that as far as  
22 I'm able to get technical again, is that  
23 Massachusetts law allows what's called a  
24 Litigation Committee. And so what a

1           Litigation Committee is, is a committee of  
2           you people that gets together and decides  
3           that they want to be partner of a  
4           derivative lawsuit. And so we've already  
5           convened the Litigation Committee; I worked  
6           with them to work through the issues,  
7           they've actually voted and are in the  
8           process of signing a vote of them of that.  
9           So that Litigation Committee actually  
10          represents you guys. That Litigation  
11          Committee was appointed by the Board, just  
12          unit owners. Those people have already  
13          voted. I can't tell you how they've voted,  
14          but they have voted. And that is being  
15          submitted to the Court. And that,  
16          hopefully, is going to get the whole thing  
17          dismissed.

18                   THE FLOOR: So if the Litigation  
19                   Committee decided to not side with  
20                   Mr. Brodeur, then that determination by the  
21                   Litigation Committee is what applies to all  
22                   other non-Brodeur unit owners?

23                   MR. BRAESE: That's right. So if  
24                   they decide, we're going to keep this

1 lawsuit going the lawsuit stays going,  
2 because they are the derivative in the  
3 derivative lawsuit. If they decide not to  
4 keep it going then the Court will dismiss  
5 the case.

6 THE FLOOR: But they want to sue  
7 themselves?

8 MR. BRAESE: Well, essentially,  
9 you're suing yourself right now. I hate to  
10 say it, but you are essentially suing  
11 yourself right now.

12 MR. TOSCANO: What do they get if  
13 they win? Do they split it?

14 THE FLOOR: He's threatened to sue,  
15 I don't know how many times as far I know.  
16 As far as that, has anyone looked into his  
17 past history? And, if that be true, would  
18 that be admissible evidence to show this  
19 guy's a crackpot?

20 MR. BRAESE: No. Unfortunately, a  
21 lot of crackpots are in the business. No.  
22 It wouldn't be something that'd be  
23 admissible, his personal history. It all  
24 goes by the evidence.

1                   And, you know, where we are in the  
2                   lawsuit is very early in the stages, and  
3                   that's why we're trying to knock it out at  
4                   this point. You know, the idea most people  
5                   have is that you file a lawsuit and then,  
6                   you know, two weeks later you're at trial,  
7                   which is just simply not true. There is  
8                   such a huge gap between filing a lawsuit  
9                   and getting to trial it's not even in the  
10                  ballpark. And you try -- from your  
11                  standpoint, from a defense standpoint you  
12                  try to knock it out at each stage as you go  
13                  along. So that's what we're doing.

14                 THE FLOOR: How much longer do you  
15                 think it will take - 114 - to get the  
16                 lawsuit involving the former treasurer  
17                 solved?

18                 MR. BRAESE: Oh, that's probably  
19                 going to happen the next seven to 14 days.

20                 THE FLOOR: What exactly's going on  
21                 with that? 103.

22                 MR. BRAESE: I can be very rough in  
23                 general with it.

24                 THE FLOOR: Okay.

1                   MR. BRAESE: But, essentially, we've  
2                   had negotiations, I have had negotiations  
3                   with her lawyer; I don't feel it going  
4                   anywhere at this point. I was out for a  
5                   little while with a medical condition so it  
6                   kind of lapsed a little bit. But I don't  
7                   feel that, at this point, that it's going  
8                   to get to a resolution that we want to get  
9                   to.

10                   The Board has given me a framework  
11                   on what they're willing to agree to, and I  
12                   don't think we're going to get to in  
13                   negotiation. Now, that doesn't say that if  
14                   we file a lawsuit that they don't come back  
15                   and try to negotiate at that point, because  
16                   sometimes lawsuit gets people's attention.  
17                   And people start paying attention at that  
18                   point saying you're actually more serious  
19                   than they might have though you were.

20                   So I think, ultimately, it's going  
21                   to be settled out. But I think it's going  
22                   to take a little bit more work; it's going  
23                   to take the actual lawsuit so -- and  
24                   that'll go in the next week to two weeks

1 so --

2 THE FLOOR: Unit 138. How long do  
3 you think it's going to take to wrestle  
4 them into settlement?

5 MR. BRAESE: It's tough to say. I  
6 think we won't get much further than we are  
7 with the Brodeur lawsuit. My gut feeling  
8 is that we'll get a settlement fairly early  
9 in the lawsuit, because I don't think they  
10 have any desire to go that route any more  
11 than he has to. And the expenses on your  
12 side are the same expenses on their side.  
13 And, you know, suing people is an expensive  
14 sport, and you have to be very careful.  
15 And people usually come to their senses  
16 fairly quickly when the legal bills start  
17 running up. We lawyers are way too  
18 expensive.

19 THE FLOOR: Cha-ching.

20 MR. BRAESE: Yeah, exactly. So  
21 that's where we are. Any other questions?

22 THE FLOOR: 112. Where we're doing  
23 the suing of the treasurer there, what's  
24 the likelihood we're actually going to get

1 the money?

2 MR. BRAESE: Collectionwise?

3 THE FLOOR: Yes.

4 MR. BRAESE: 100 percent.

5 THE FLOOR: And within what time  
6 frame would you imagine?

7 MR. BRAESE: That's a little tougher  
8 to say. And the reason being is that if  
9 they settle it'll be immediate. If it gets  
10 to a judgment from the Court, then it's a  
11 matter of attachments, garnishments, so on  
12 and so forth. Without getting into too  
13 much specifics there are assets.

14 THE FLOOR: And what happens -- if  
15 you go to Court and that then increases the  
16 cost to the condominium association, do you  
17 then increase what you're expecting to come  
18 out of that?

19 MR. BRAESE: Oh, sure. Because  
20 remember what we're suing for with that,  
21 she's essentially paid back what she took,  
22 as far as the audit is concerned. The  
23 audit identified --

24 THE FLOOR: As far as you're able to

1 prove.

2 MR. BRAESE: Right, yeah. So the  
3 audit identified a certain amount. She's  
4 essentially paid that back. What we're  
5 going for is the cost to find the problem,  
6 which was actually more than what the  
7 original problem was. So, you know,  
8 there's no reason why you guys should be on  
9 the hook for something that she caused.

10 THE FLOOR: And is there any police  
11 involvement to happen or has happened?

12 MR. BRAESE: No. And I'll give you  
13 the reason -- reasoning behind that. The  
14 police are very -- how do I put this  
15 correctly? They have little interest in  
16 this type of thing. Law enforcement  
17 typically treats this type of thing as a  
18 internal civil matter, and if you can solve  
19 it with a civil issue -- or solve the civil  
20 issue with civil litigation, they have much  
21 less interest in it. District Attorney for  
22 this type of money, they won't even return  
23 your phone call. You might get a return  
24 phone call, but it's not going to go very

1 far.

2 THE FLOOR: And does the negotiation  
3 cover the requirements of the insurance  
4 company, if you don't call the police?  
5 Because that's been something that's come  
6 up many times.

7 MR. BRAESE: Well, the insurance  
8 company would reimburse you. And so what  
9 we're going for is that reimbursement  
10 without the insurance company, which will  
11 keep your insurance fees down, which is  
12 what we're trying to do.

13 THE FLOOR: And I may be incorrect,  
14 because I don't know, my understanding was  
15 that only if you got the police involved  
16 would the insurance company ever handle  
17 that.

18 MR. BRAESE: I don't think that's  
19 true.

20 THE FLOOR: That's not true?

21 MR. BRAESE: I don't think that's  
22 true. You know, the insurance company,  
23 they look at this the same way; they look  
24 at it as an internal matter, which they

1 deal with. But I think -- you're sort of  
2 lucky here, because the person involved  
3 didn't just simply disappear, and that  
4 sometimes happens. Still there, still has  
5 assets.

6 THE FLOOR: Paying condo fees?

7 MR. BRAESE: I don't know. I would  
8 imagine she is paying condo fees, right?  
9 Anybody know?

10 MR. LARIVIERE: I don't know  
11 offhand.

12 MR. BRAESE: If she's behind she's  
13 in collection, because they're fairly  
14 aggressive in collections.

15 MR. LARIVIERE: Yeah, we don't wait.  
16 If you're behind, it's all over.

17 THE FLOOR: Eric Nugent, 54. And no  
18 offense meant by this: Will the lawyers  
19 fees be more than we're going to get back  
20 from her?

21 MR. BRAESE: No.

22 THE FLOOR: No. That will be under  
23 that?

24 MR. BRAESE: No. It will be under

1           that.

2                   THE FLOOR:   Slightly.

3                   MR. BRAESE:   You know, that's the  
4           thing.  That's why -- you know, a lot of  
5           lawyers will tell you sue, sue, sue.  I  
6           don't happen to be one of them because my  
7           opinion is you have to make a business  
8           decision.

9                   Suing people is a business decision.  
10          You have to get more money back than you're  
11          going to pay out to get that money.  And it  
12          has to be worth it, because you take your  
13          chance.  If you actually sue somebody and  
14          spend \$10,000 to get \$20,000 you're taking  
15          the chance you're not going to get that 20,  
16          but you're going to have to pay that 10.

17                  So when I talk to the Board about,  
18          you know, lawsuits or any sort of  
19          litigation, or any sort of negotiation,  
20          money always coming up, because that's the  
21          basis of what you're doing here.  So you  
22          always talk about if it's worth going after  
23          X to get Y, you know, or spending Y to get  
24          X.  You have to be careful about that; it's

1 always part of the analysis.

2 My opinion, the Board makes good  
3 decisions. I represent condo associations  
4 where the Boards don't make good decisions  
5 so I have to talk them out things. This  
6 Board, I don't have to talk them out of  
7 much.

8 MR. CAMPBELL: And in this case, we  
9 had a meeting a few months ago to get  
10 direction from them, members, on how to  
11 proceed.

12 MR. BRAESE: That's right. That's  
13 right. And they do ask you guys a lot.

14 MR. LARIVIERE: So I'd like -- to  
15 get it wrapped up, I know Arcadiy's been  
16 itching for a question, so if there's one  
17 or two more then, after Arcadiy, we'll be  
18 done.

19 THE FLOOR: I have a very short one.

20 MR. BRAESE: Yes.

21 THE FLOOR: Is it possible to ask  
22 insurance to finance an offensive legal  
23 action so that we don't have to pay a lump  
24 sum and maybe take the hit in the cost of

1 premiums rather than --

2 MR. BRAESE: Yeah. You could ask  
3 them to do that. The minute you get them  
4 involved, though, that's premiums. So  
5 it's -- you're weighing, again, cost versus  
6 benefits. Everything is a cost-benefit.  
7 And so once you get your insurance company  
8 involved you're going to have to deal with,  
9 you know, increased premiums.

10 THE FLOOR: Okay.

11 MR. BRAESE: But it's something to  
12 consider; it's something for the Board to  
13 consider as you go along so -- any other  
14 questions?

15 THE FLOOR: Thank you.

16 MR. LARIVIERE: Thank you.

17 MR. BRAESE: Thank you.

18 MR. LARIVIERE: As we found out at  
19 the beginning of the meeting, getting a  
20 quorum here is very difficult. And I thank  
21 all of you for showing up; it is nice to  
22 see you participating in what's going on in  
23 the Association. It is difficult to know  
24 kind of how people feel, if you don't come

1 to meetings like this, tell us what's going  
2 on.

3 I try to -- like the snowplowing  
4 stuff, I try to get out and stay out there,  
5 help people, and then also keeping an ear  
6 out, listening to people, what they're  
7 saying, what they're experiencing for the  
8 snowplowing, at least up in my parking lot  
9 area. So again, I thank you for showing  
10 up.

11 But the problem that we have  
12 tonight, which is the next thing on the  
13 list, which is motions by Association  
14 members, we don't have enough people here  
15 for you guys to make a motion for us to  
16 vote on. So if there's something that  
17 you're looking for us to do or make a  
18 motion about something, there's not enough  
19 people here.

20 THE FLOOR: There's not a quorum?

21 MR. LARIVIERE: Correct.

22 MR. CAMPBELL: There is a quorum  
23 for --

24 MR. LARIVIERE: Yeah. When we first

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1           took, over, Sean, Arcadiy and I, at that  
2           first meeting when we had, I think --

3                     THE FLOOR:   Sixty upwards.

4                     MR. LARIVIERE:   Yeah, 68 percent,  
5           which was enough for the quorum, we asked  
6           everybody there to lower the quorum  
7           requirement for board members and budget,  
8           because without a budget and without the  
9           board members, the Association can't work.

10                    So those were the two items that we  
11           could see immediately when we took over  
12           kind of, you know, in the deep end, saying  
13           these are things that we need to fix.   But  
14           so, if you had a general motion right now  
15           we don't have enough people to vote on it,  
16           or if we needed a bigger item like in the  
17           fall, we had a special meeting about the  
18           lawsuits, but again, we didn't have enough  
19           people show up in order to have an official  
20           decision at that meeting.

21                    So we would like to lower the quorum  
22           requirements so that we can get more  
23           association business done at these  
24           meetings.   And I guess we're more opening

1 up for a question, if anybody has any  
2 concerns or questions on doing that.

3 THE FLOOR: What is the percentage  
4 needed? We just finished passing a budget,  
5 so it's over 30 percent.

6 MR. CAMPBELL: Thirty percent for  
7 the budget, and 30 percent for the  
8 elections. Those are the only two that are  
9 30 percent.

10 THE FLOOR: And then what's the  
11 other --

12 THE FLOOR: Fifty percent for  
13 general motions and bylaws amendment, and I  
14 think 66 percent for amendment of certain  
15 articles of bylaws.

16 So in order to basically change even  
17 your fines, for example, increase the  
18 maximum amount of a parking fine, you need  
19 at least 50 percent of the entire  
20 Association with proxies. This way right  
21 now, the only thing we can vote on and to  
22 vote to be actually legal or have an  
23 effect, is budget, by passing the budget  
24 and electing the Board; these are the only

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two things we can decide.

Unit 138. I would like to propose something which Dan has recommended for a long, long time. Do not change the quorum requirements, but to redefine the quorum as people present at the meeting with proxies, rather than with the entire body of the Association who have -- the percentage of the entire body of the Association.

Because, this way, we will always have quorum. We will need to put a requirement that in order for any meeting to be held there needs to be a certain announcement, announcement needs to be public. But if the public announcement to all the members of Association has went out for two weeks before the meeting is announced, then we should be able, with the body of the Association present with proxies, we should be able to amend the bylaws and conduct the other business of the Association.

MS. POORE: I just have a quick question in regards to that, and I think Dan would be the one to answer this.

1 Theresa Poore, 79. If a motion is made  
2 tonight, I know we cannot vote on it, but  
3 as the Board, can we send out a ballot and  
4 have it returned, because we don't have the  
5 quorum tonight for the Board to people  
6 here; but could we send out a ballot and do  
7 it that way?

8 MR. BRAESE: You do have a quorum  
9 tonight, I believe, right?

10 THE FLOOR: We do have a quorum for  
11 passing the budget by electing the Board.  
12 We need 50 percent to amend the bylaws.

13 MR. BRAESE: Yeah. You could --  
14 well, let's step back for a second. The  
15 reason why I sort of recommended that you  
16 do it from a standpoint of a quorum from  
17 whoever shows up plus proxies, just  
18 because, effectively, the problem you have  
19 like we have tonight, which is if you  
20 didn't get an extra one or two people to  
21 show up here you wouldn't have been able to  
22 vote on your budget. Part of that budget  
23 is PMA, the Board. If somebody wanted to  
24 get off the Board they wouldn't actually be

1           able to get off the Board.

2                   THE FLOOR: That's one way to keep  
3           them.

4                   MR. BRAESE: Yeah, that's one way to  
5           keep them. So the quorum is really  
6           important. The way I've seen the meetings  
7           track is that there's been less and less  
8           people showing up, so you get closer and  
9           closer to not getting that quorum.

10                   The other way of doing it is the way  
11           that was just talked about, which is, if  
12           you don't have a quorum we actually could  
13           do a vote by essentially a remote vote,  
14           which is we have a ballot, we send it to  
15           your house, whoever returns it, with  
16           proxies or without proxies, if you get to  
17           that, whatever the quorum number is, then  
18           that vote would be valid.

19                   To me, that's a sloppier way of  
20           doing it. I'd rather see it done the way  
21           we have it here, because you guys can ask  
22           questions, the Board can tell the answers  
23           to them, you can look at something physical  
24           in front of you. You know what you're

1 voting on a little bit more clearly, I  
2 think, in this environment.

3 So I'd rather see it done from a  
4 standpoint of a quorum is whoever shows up  
5 plus the proxies available than a certain  
6 solid number. You're just getting very  
7 close to not being able to conduct  
8 business. But that's my opinion. You guys  
9 run the show and decide however you want to  
10 do it.

11 THE FLOOR: 112. What is your  
12 experience with that? Are there a lot of  
13 Associations that have to do that, or is  
14 this something related to us?

15 MR. BRAESE: No. You guys are very  
16 typical. I represent, probably 10 or 12  
17 condo associations and everybody does the  
18 same thing. If there's nothing really  
19 exciting going on then nobody shows up.  
20 And the problem with that is that you don't  
21 have quorums, and the mundane things like  
22 budgeting and roofs and shoveling, it  
23 just -- sometimes it doesn't get addressed.

24 I've seen very large condo

1           associations have to carry budgets over for  
2           multiple years because they just cannot get  
3           enough people to come to meetings. And  
4           then they can't change their constitution  
5           or they can't change their bylaws because  
6           they can't get enough people to come to the  
7           meetings. So they're sort of stuck in  
8           this, you know, rotating never-world where  
9           they can't actually get anything done.

10                   And what happens from a real estate  
11           standpoint is whatever happened last year  
12           just gets rolled over into the next year.  
13           I've seen people on Boards who haven't been  
14           able to get off Boards for two years  
15           because they don't have enough people to  
16           vote them off, so it's one of those strange  
17           things. So I'm always a supporter of  
18           lowering quorums. Whoever's interested is  
19           going to show up; whoever's not interested  
20           is not going to show up.

21                   MR. TOSCANO: Based on what you've  
22           said, you're never going to get a volunteer  
23           from here to get on the Board again.

24                   MR. BRAESE: Because you'll never

1 get off the Board.

2 MR. TOSCANO: That's right. You've  
3 blown that one now. It's a life sentence,  
4 is what it's become.

5 THE FLOOR: I'm Connie, 49. I just  
6 find it so reprehensible that people who  
7 own property and -- that they just don't  
8 care enough time after time, year after  
9 year. I've been here 24 years and I missed  
10 one. And I just can't understand why  
11 people don't care enough about their  
12 property and all the expenses they're  
13 paying to not come. So I got an idea, if  
14 they don't come to the annual meetings or  
15 these meetings we offer, why can't we find  
16 them?

17 MR. BRAESE: Well, that's up to you  
18 guys.

19 THE FLOOR: It makes no sense.

20 MR. BRAESE: It's the same thing in  
21 any municipality. You know, where I live,  
22 the municipality I live, they have town  
23 meetings and we'll get three percent of the  
24 voting population at the town meeting, and

1 we're voting on the school systems and  
2 their budget for the -- you know, just --  
3 most people just don't. And, you know, to  
4 each his own.

5 THE FLOOR: And then they complain  
6 afterwards about the votes and --

7 THE FLOOR: Or sue.

8 MR. BRAESE: So anyway --

9 THE FLOOR: And go to Florida.

10 MR. BRAESE: -- that's my two cents,  
11 as far as how it goes.

12 THE FLOOR: 111. You know, could  
13 part of the answer be for the -- for  
14 perhaps PMA and the Board to be more  
15 aggressive a few weeks prior to the annual  
16 meeting and actually making phone calls?

17 MR. BRAESE: Could.

18 THE FLOOR: You know, I mean, we get  
19 the nice package from PMA, which is great,  
20 you know, usually get two. You get the  
21 proxy package first and then you get the  
22 budget package, but that's pretty much it;  
23 you know, you're counting on the mail,  
24 people opening the mail and reading the

1 mail. But if we actually were a little  
2 more aggressive, 128 unit owners, we're not  
3 talking about calling 500 people we're  
4 talking about. We have telephone numbers  
5 of people, their cars are supposed to be  
6 registered.

7 THE FLOOR: E-mail.

8 THE FLOOR: To call, you know, leave  
9 a message, anything, but just to say how  
10 important it is. Just maybe for next year  
11 as a test -- as a litmus test for something  
12 like that.

13 MR. BRAESE: I heard e-mail over  
14 here; I think that's a --

15 THE FLOOR: That's great.

16 MR. BRAESE: I'll tell you, if you  
17 want to get in touch with me you e-mail me.

18 THE FLOOR: I know. I know. But  
19 I'm agreeing. You know, what's the most  
20 important thing you own that you have value  
21 in it, it's your property. And it's ashamed  
22 that we can't get more people to come once  
23 a year. And we're not asking them to come  
24 during vacation periods like in July.

1 I mean, it's kind of a time of year  
2 that -- if there is a time that's conducive  
3 to these sorts of things, this certainly  
4 would seem more reasonable for people to  
5 make it.

6 But I don't know, I just -- I think  
7 if maybe we were a little more aggressive  
8 in terms of, you know, even calling,  
9 e-mailing, whatever, but just as a second  
10 attack on trying to get people to come to  
11 this very important meeting.

12 MR. TOSCANO: We instituted both  
13 systems this past month. One is Voice  
14 Blast, which similar to like a Reverse 911.  
15 So if we have everyone's phone number on  
16 file, which we're soliciting for, we'll be  
17 able to do a phone message and dial it out  
18 and, as you just said, there's a meeting  
19 tomorrow night, don't forget. You know,  
20 you do it as many times as you wish. That  
21 system is in place now; we're just trying  
22 to make sure we have everyone's phone  
23 numbers for accuracy.

24 And e-mail, they call it I-mail, the

1 system they just put in, which does as you  
2 just said, you can do a mass e-mail, and if  
3 you don't have e-mail it just automatically  
4 prints an envelope for those without e-mail  
5 and send a follow-up.

6 So the options are there now; it's  
7 relatively new technology at our level. I  
8 mean, Reverse 911's been around at least  
9 for a long period time, but now you can get  
10 it for businesses.

11 THE FLOOR: It's a little easier to  
12 delete an e-mail than it is to not pick the  
13 phone up.

14 MR. TOSCANO: Yeah. You're going to  
15 see the light -- you answer it if it's  
16 ringing or you're going to see a message  
17 blinking on your answering machine or your  
18 cell phone. You're going to hear  
19 something. So, if nothing else, you'll get  
20 this full message and waiting to hear it.

21 So between both systems it's going  
22 to communicate a lot better with residents,  
23 I think. For the next year -- when the  
24 next annual meeting comes we'll have both

1           those systems in place to use for the next  
2           annual meeting.

3           THE FLOOR:   So can we make a motion  
4           to adopt this?

5           MR. CAMPBELL:   We can't do any  
6           motions.

7           MR. LARIVIERE:   As just as kind of a  
8           side-note, I've been running over in my  
9           head, as well as maybe doing a letter after  
10          this meeting for those people who weren't  
11          here, saying, essentially, sorry that you  
12          weren't; and hopefully let them know that  
13          we're disappointed as a Board and  
14          Association that they're not being active  
15          in the Association, and maybe that might,  
16          hopefully, drum some people up.

17          THE FLOOR:   Eighty-three.   Just a  
18          question.   Can we legally say that if  
19          they're not here they're in automatic  
20          agreement with the Board?   If they aren't  
21          here to voice any disrespect or issues,  
22          then don't we have the right to assume that  
23          they agree with the majority?

24          MR. BRAESE:   No.   You actually have

1 to issue a proxy.

2 THE FLOOR: 114. I think this is  
3 the calmest meeting I've been to. Number  
4 one, you have to sell the convenience, the  
5 beautiful facility, because the largest  
6 turnout we had, the people came, the place  
7 was overcrowded, it smelled like smoke, you  
8 couldn't hear, parking was a problem. We  
9 never got a good turn out after that.

10 So the people who have never come  
11 don't know the walk from their facility  
12 over to here is allowing them to park, come  
13 in into a really nice environment, and they  
14 have that in the back of their mind, number  
15 one.

16 And number two, to the extent these  
17 condo fees are pretty low in the whole  
18 scheme of things, there might be people who  
19 care about their property and just have  
20 limited time and for 200 bucks a month they  
21 don't care, so you're not going to get them  
22 in.

23 MR. LARIVIERE: Yes.

24 THE FLOOR: How about cocktail hour?

1 THE FLOOR: 112. I think what  
2 Blaire was saying, there was some part of  
3 it that I think, if there were a group  
4 among us who placed these calls personally,  
5 because I think if you're speaking to  
6 someone you could say well -- if you're  
7 willing to make the calls and you have any  
8 knowledge of how to deal the people you  
9 could say, are you aware this is one of the  
10 issues we should be voting on, and to try  
11 to entice them to come.

12 Whereas, if it's a recording it's  
13 going to be limited, this is where it is,  
14 it's around the corner. And if you're  
15 calling you could say, I'll pick you up,  
16 which is not something you're going to be  
17 able to do in a recording either.

18 THE FLOOR: Or could I come by and  
19 pick up your proxy?

20 THE FLOOR: Right. Right. So I  
21 think that personal touch, I think, would  
22 maybe help unite the group a little bit.

23 MR. LARIVIERE: And I know from my  
24 standpoint, of just having been on the

1 Board long enough, that I'm learning  
2 things. I've got kind of the base  
3 knowledge down now, so now it's expanding  
4 on finding those little things that we need  
5 to do to try to get instituted to help, you  
6 know, make the Association better. So  
7 thank you. Theresa?

8 MS. POORE: Can I just ask you a  
9 quick question. I think these are all  
10 great ideas, and I'm willing to try them,  
11 if I'm still on the Board next year. But I  
12 think realistically we need to -- and I  
13 know we can't do it tonight, but I guess I  
14 need to understand, how can we vote at a  
15 quorum where we can't get a full 50  
16 percent? Because tonight we don't have  
17 anything necessarily that needs a motion  
18 for the 50 percent, but how do we go about  
19 this in the future? Because I think  
20 realistically we really need to look at --

21 MR. LARIVIERE: Well, I think  
22 ultimately the Board is going to need to  
23 discuss it, and we'll probably end up doing  
24 what -- the mail voting part of it.

1 MS. POORE: Do we need any motion  
2 tonight in order to send out the mail votes  
3 or no?

4 MR. BRAESE: No. The Board can send  
5 out the mail vote by themselves. You do  
6 need a quorum to lower the quorum. You can  
7 do it from the standpoint of a mail vote.  
8 My recommendation to the Board right now  
9 would be, if you're going to do something  
10 like that, then convene a special meeting  
11 or wait until next year. And make sure  
12 that -- any change you make to the bylaws  
13 you want to be well thought out. And the  
14 Board has to be sort of unanimous on it and  
15 be able to convince the membership, you  
16 guys, that it's a good idea to do it,  
17 because quorums do exist for a reason. And  
18 the reason is to keep a minority of people  
19 from controlling everything. So it's got  
20 to be something that you've got to think  
21 about a little bit and make sure that  
22 you're okay with it. Yes?

23 THE FLOOR: Seventy-four. My guess  
24 would be a vote, like the mail vote on

1                   lowering the proxy, would probably incur  
2                   lawsuit number three.

3                   MR. BRAESE:   It's possible.   It's  
4                   possible.

5                   THE FLOOR:   Because that's a  
6                   significant change.

7                   MR. BRAESE:   It needs to be thought  
8                   out.

9                   MR. LARIVIERE:   And we wouldn't just  
10                  send out a ballot and say, here.   You know,  
11                  like Dan said, it would probably be  
12                  something that'd be in the fall.   You know,  
13                  so over the summer you would get something  
14                  explaining it so people would have time to  
15                  think about it and ask questions.   And,  
16                  ultimately, we might do that.   You know,  
17                  essentially do it in the next annual  
18                  meeting so people will have plenty of time.

19                  THE FLOOR:   To kind of piggyback on  
20                  what B.J. had said, you talked about that  
21                  last -- the big meeting was the meeting  
22                  where we were in that awful hall downtown  
23                  and the smoke from the bar was going full  
24                  tilt in the background.   But there was

1 something big at stake there, which is why  
2 you had such a big group. And I think what  
3 people don't realize is there is still  
4 stuff that's big at stake here. But in  
5 terms of a well-run meeting and calm,  
6 people aren't yelling, things are  
7 organized, and you have a budget that shows  
8 everything you brought it in, I mean, it's  
9 very thorough. It's very different from --

10 MS. ROMANO: What we're used to.

11 THE FLOOR: Yeah, to what we were  
12 sometimes experiencing before. And I think  
13 that's really an important point to get out  
14 to people.

15 THE FLOOR: I was also key about  
16 attendances. At 4:00 a.m. a bright yellow  
17 flier was put on 128 doors the day of the  
18 attendance as a reminder, so that's  
19 dove-tailing on the phone call.

20 MR. LARIVIERE: Okay. So I'd like  
21 to wrap up. There was a question over on  
22 this side.

23 THE FLOOR: I'd just like to say, I  
24 know I've done it before, but, you know,

1           would it work just to try to send out one  
2           other newsletter. It's important -- just  
3           to say that we can't get things  
4           accomplished; we can't do it without  
5           getting them there so that people who don't  
6           come feel a little bit more --

7                     THE FLOOR: Guilty?

8                     THE FLOOR: Guilty. Yeah.

9                     THE FLOOR: Guilt can be a useful  
10            thing.

11                    THE FLOOR: No. Well, also a little  
12            bit fearful, maybe, because, after all,  
13            it's their property too. If they want  
14            something done they can't get it done; we  
15            don't have the budget. You know, with the  
16            verbiage as such that it's going to affect  
17            them personally. So the language would be  
18            very important. And it doesn't have to be  
19            derogatory, pleasant. You know, kind of a  
20            team thing, because if we're not a team,  
21            then, you know, we can't play.

22                    MR. LARIVIERE: Okay.

23                    THE FLOOR: I don't think it would  
24            be very costly. I don't know if it would

1 work.

2 THE FLOOR: Carlos, 107. I was just  
3 thinking, would it be possible at next  
4 year's annual meeting to come forward if we  
5 tried another channel whereas we could do  
6 like a live conference call along with  
7 whoever's here and count the people -- you  
8 know, do a role call on the call as well?  
9 Would that work as far as -- would that, as  
10 far as legality would that count as them --  
11 because I know when we have conference  
12 calls at work, I mean, we're all present  
13 through the conference call. Sometimes  
14 people can't come for whatever reason and  
15 you have another option, another channel  
16 for them to be here, although they're not  
17 here, per se?

18 THE FLOOR: How about a Web cast?

19 MR. CAMPBELL: The only problem with  
20 that, if somebody's here on the conference  
21 call by the beginning of the meeting and  
22 they hang up at some point and they're  
23 considered part of the quorum, we'd have to  
24 then look at does that raise or lower us

1 below the quorum level.

2 THE FLOOR: Right. But it's another  
3 option to have more people here.

4 MR. BRAESE: Again, just my opinion,  
5 the idea of spending two or three hours  
6 500 yards from your house is probably not  
7 -- I don't disagree with you. But I think  
8 the idea of coming down the street and  
9 sitting in for the Association where you  
10 own a part of, you really -- I don't think  
11 that's asking somebody to do something out  
12 of the ordinary.

13 THE FLOOR: I don't think it's out  
14 of the ordinary either; I'm just saying for  
15 those who have children --

16 MR. BRAESE: For those who can't  
17 make it.

18 THE FLOOR: -- for those that can't  
19 make it, it gives them another avenue to be  
20 here than not be here, and it just gives us  
21 more of a chance to meet the quorum.

22 MR. BRAESE: Yeah. You know, one of  
23 the things, as far as babysitting is  
24 concerned or people with kids, I represent

1 an Association who will set up babysitting  
2 with the people.

3 So in other words, some people have  
4 relatives that babysit or whatever, and  
5 they'll say that night, you know, my son or  
6 daughter is available to babysit your kids  
7 while you go and spend three hours down at  
8 the Association meeting.

9 I don't know if that's a big issue  
10 with you guys, with the people that aren't  
11 showing up, if kids are an issue. You  
12 know, these are all ideas that you should  
13 talk amongst yourselves and get out.  
14 Figure out how to do it because it's your  
15 Association. You know, you guys are  
16 running the show so --

17 THE FLOOR: I have a question. What  
18 are the motions that we're not going to be  
19 able to discuss?

20 MR. LARIVIERE: Well, like a couple  
21 years ago Blaire, I believe, made a motion  
22 for us to do clean up at the end of  
23 Farrwood Drive, which was an expense, an  
24 added expense to the budget. But it was

1 something -- you know, it was property that  
2 we didn't own, but it's something to help  
3 essentially beautify our neighborhood. You  
4 know, something like that that we're  
5 spending money that isn't necessarily in  
6 the budget.

7 THE FLOOR: Right. But were there  
8 specific motions tonight that would have  
9 been presented that are not going to be?

10 MR. LARIVIERE: No.

11 THE FLOOR: Except lowering the  
12 quorum.

13 MR. LARIVIERE: Yeah. Last  
14 question?

15 THE FLOOR: Number 71. We're saying  
16 we don't get enough participation, but when  
17 they do participate the meeting is bogged  
18 down. So we got to -- we're speaking out  
19 of the both sides of our mouth. They say  
20 people don't participate and when they do  
21 come we complain because they slow us down.

22 MR. LARIVIERE: Well, we'll try to  
23 keep them going.

24 MR. BRAESE: That is a function of

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1 the person running the meeting. If he  
2 keeps it running then it runs. Sorry, Tim.

3 MR. LARIVIERE: That's why that was  
4 the last question. We're moving on.

5 THE FLOOR: Unit 97. Has anything  
6 been done about the main road?

7 MR. LARIVIERE: The main road, I  
8 believe, is still being essentially worked  
9 on with the Phase 1 and the contractor in  
10 terms of what he's doing behind them.  
11 Basically, he doesn't want to do anything.  
12 And with the economy the way it is --

13 MR. CAMPBELL: Are you talking about  
14 Mr. Wienstein, is it?

15 THE FLOOR: Yeah, Wienstein.

16 MR. CAMPBELL: Yeah, he's reluctant  
17 to do anything.

18 MR. LARIVIERE: Are there any  
19 volunteers that would like to participate  
20 on the Board for the Association?

21 MR. TOSCANO: For life.

22 MR. LARIVIERE: Anybody want to  
23 nominate someone that's not here to get  
24 them here?

1 MR. CAMPBELL: Can I make a comment?

2 MR. LARIVIERE: Sure.

3 MR. CAMPBELL: I joined the Board  
4 last year, first time I'd ever done  
5 anything; I think Theresa joined as well.  
6 It's a challenge at times; it's  
7 interesting. But if you're really  
8 interested in getting to know the nuts and  
9 bolts of what goes on in your units and  
10 your property, I would encourage you, if  
11 you have any interest at all, try it. I  
12 mean, we have openings for up to five  
13 people on the Board. If you're interested  
14 on doing this sort of thing come on out. I  
15 mean, we want your input; we welcome all of  
16 it, and get involved.

17 MR. LARIVIERE: And the basic  
18 requirement is one meeting a month, we  
19 don't meet in December, and coming to the  
20 annual meeting, and then essentially just  
21 keeping track of the things that are going  
22 on with the Association.

23 THE FLOOR: Read your e-mails.

24 MR. LARIVIERE: Okay. So I guess

1           there's no new volunteers? In the past  
2           you've done the vote.

3           THE FLOOR: I can make a motion.

4           MR. LARIVIERE: Okay, go ahead.

5           THE FLOOR: Unit 138. I move to  
6           reelect the Board as it's been elected in  
7           fiscal year 2010 consisting of Todd, Sean,  
8           Theresa, and I'm sorry --

9           MR. CAMPBELL: Jonathan.

10          THE FLOOR: Jonathan.

11          MR. LARIVIERE: Do we have a second?

12          THE FLOOR: Second.

13          MR. LARIVIERE: Unit number?

14          THE FLOOR: 132.

15  
16          (Vote taken)

17  
18          MR. LARIVIERE: Any objections?

19          Motion carries.

20          THE FLOOR: Congratulations.

21          MR. LARIVIERE: Are there any  
22          further quick questions that anybody has?

23          THE FLOOR: I don't have a question;  
24          I have a concern I'd like to express

1 related to parking and snowplowing and  
2 everything else. Unit 138.

3 We have rules and regulations which  
4 describe how exactly people are supposed to  
5 move out of their spots, where they're  
6 supposed to park, how long they're going to  
7 wait until everything's plowed and when  
8 they can come back. What happened this  
9 year, and in fact it happened every time as  
10 far as what I could observe in our parking  
11 lot, all parking lots in buildings C, D, E,  
12 F, G, H come out simultaneously, they plug  
13 Heritage Hill, nobody can move in and out.

14 In fact, I personally observed a  
15 fire truck not being able to get in to help  
16 a dehydrated little girl in our building  
17 because everyone got out. And people  
18 simply do not know -- for them it comes  
19 somehow as a surprise that you're supposed  
20 to wait for the plow to come into your  
21 parking lot, get out, sit with your car so  
22 that you could move expediently back when  
23 the plowing is done. Because in that  
24 particular case, it obstructed the

1 emergency services from reaching the  
2 building it was so bad. And once Heritage  
3 Hill is plugged and the Heritage Circle is  
4 plugged there is no way to get in and out;  
5 it becomes very, very tight.

6 So unfortunately we can't vote on  
7 anything today, it goes back to the quorum.  
8 But I would like to increase the fines for  
9 improper parking under snow conditions and  
10 increase enforcement of the snow emergency  
11 rules and regs, because eventually somebody  
12 will get hurt by not being able to get in  
13 and out of the area.

14 MR. LARIVIERE: Not that it's  
15 necessarily the reason why, but this year  
16 we had so much snow it became a problem.  
17 But it goes to a little bit of we have had  
18 discussions about maybe we're going to have  
19 somebody from a building that's going to  
20 help out in those situations to keep people  
21 in their spaces or tell them when they're  
22 supposed to move.

23 THE FLOOR: Todd, historically on  
24 that point, prior to the '07 Boards

1 forward, we were communicated to not park  
2 on Farrwood Drive. And when we had the  
3 problem with the fire truck and an  
4 ambulance prior to that that Arcadiy's  
5 referring to, it was not only our people  
6 parking on Farrwood, it was Phase 1. So  
7 there needs to be the cross-communication,  
8 because in the past the cross-communication  
9 would be there.

10 So the fire truck had a tough time  
11 exiting. I helped him get out because  
12 people don't stop, and I took him down so  
13 far because there were cars on both sides.  
14 He was trying not to hit the trees, not to  
15 hit the cars and deal with people coming at  
16 him and walking. I was on the outside.  
17 Coming inside, whether it's --

18 MR. LARIVIERE: I don't want to cut  
19 you off, but I don't necessarily need the  
20 whole --

21 THE FLOOR: The fire hydrants are  
22 not being shoveled consistently from year  
23 to year. High snow, low snow. That's a  
24 serious issue. Multiple phone calls and I

1 don't understand why --

2 MR. LARIVIERE: On Farrwood Drive?

3 THE FLOOR: On Farrwood that's our  
4 responsibility for our units, on Farrwood  
5 Drive.

6 MR. LARIVIERE: Okay. That falls  
7 under the purview of all six units.

8 THE FLOOR: Then there's something  
9 not being communicated that every year  
10 phone calls have to be made for them to be  
11 shoveled out.

12 MR. LARIVIERE: Okay. Is there a  
13 final motion?

14 THE FLOOR: I just want to make sure  
15 that -- I wasn't talking about Farrwood  
16 Drive; I was talking about our own  
17 property, Heritage Hill, being clogged.  
18 Farrwood Drive was fine this year, as far  
19 as I could observe. We couldn't get a fire  
20 truck into the parking lot.

21 THE FLOOR: It came in. It was out  
22 there. It got through because there were  
23 cars only on one side where the -- what do  
24 you call it, the blue stripes are.

1 THE FLOOR: The fire truck was stuck  
2 on Heritage Circle.

3 MR. LARIVIERE: Arcadiy, I don't  
4 want to argue the point of something that's  
5 gone in the past. Do you have a question?

6 THE FLOOR: 178. I don't want to  
7 argue the point either, but Farrwood Drive  
8 was a problem this year. I know because of  
9 the snow. But when everyone was out on  
10 Farrwood Drive, you could not get up and  
11 down Farrwood Drive.

12 MR. LARIVIERE: Again, that contract  
13 I think is going to be up this year so  
14 we'll get together, the six associations,  
15 and make sure we're clear on that one.  
16 Yes?

17 MR. CAMPBELL: Not that it was the  
18 cause or anything, but there was also a  
19 problem I think with the contractor not  
20 plowing in a timely manner in order for  
21 people to -- you know, normally we're  
22 supposed to come out when he honks and he's  
23 not there when he needs to be there, and  
24 people still have to run their business or

1 go get groceries or whatever else. And you  
2 know, just to get out of their space.

3 THE FLOOR: Unit 97. You put  
4 parking spaces along up the hill and  
5 through the -- where the mailboxes are, and  
6 in the wintertime, because we're losing  
7 parking spaces, some of us had to park over  
8 there. So, of course, now it's snowing and  
9 we're already there, and that caused a lot  
10 of problems because the cars were there.

11 MR. CAMPBELL: We did put them in  
12 there. Part of the problem is, for  
13 building C and D there are not enough  
14 spaces for people to have their two spaces  
15 for every unit. So we had to find  
16 something --

17 THE FLOOR: I know. And I agree,  
18 and it was fine.

19 MR. LARIVIERE: When we do the snow  
20 regulations for next year I'll make it more  
21 of a point on how to use those spaces.

22 THE FLOOR: Why don't you put signs  
23 up?

24 MR. LARIVIERE: Anything else?

1                   THE FLOOR: Yeah, Peter, 127. I  
2                   have one wish list item for the contractor;  
3                   I don't expect it to be happening, but I  
4                   would like to know sort of an ETA of when  
5                   they're going to show up. I can deal with  
6                   like, getting out of whatever. But one of  
7                   the things is, I'd like to know some  
8                   time -- like, okay, they're not going to  
9                   make it until like 6:30 in the evening, I  
10                  can deal with that.

11                  MR. LARIVIERE: That's something  
12                  we're going to have in the contract, that  
13                  the contractor will call us an hour before  
14                  he's going to come over. There'll be a  
15                  contact. And then that way someone on the  
16                  Board, whatever, will know when it's going  
17                  to start.

18                  THE FLOOR: You can stick it on the  
19                  Web site.

20                  MR. LARIVIERE: Yeah, or at least,  
21                  when you're out brushing off your car, you  
22                  know, one of us will be able to hit a  
23                  couple of parking lots and start passing  
24                  the word, he's on his way, ring a couple of

1 doorbells.

2 MR. CAMPBELL: We can do a Reverse  
3 911.

4 THE FLOOR: Quick question. Just to  
5 clarify: Who plows the main drive; is it  
6 the town or our own? I'm asking for a  
7 reason.

8 MR. LARIVIERE: The six associations  
9 get together and put it out for bid and  
10 then there's someone who's awarded the  
11 contract. So the six associations have to  
12 get together to apply that.

13 THE FLOOR: So just to let you know,  
14 and I think I let Elaine know on the phone,  
15 that that time we had that ice storm, oh, I  
16 pulled into Farrwood Drive and I'm waiting,  
17 and it looked like a lot of traffic up  
18 ahead. I thought, well, they're just  
19 taking their time.

20 So low and behold, 15 or 20 of us  
21 stuck, cannot move up the hill. I was  
22 like, oh, no, there goes my new car; I got  
23 to get home to my doggie. I was going to  
24 leave the car and just walk and you

1                   couldn't even walk.

2                   Well luckily, some people did come  
3                   out by hand with the buckets and  
4                   individually threw sand and salt under each  
5                   car, let that one go, and one at a time we  
6                   went. Took me an hour to get home that  
7                   night. And I appreciate all the help that  
8                   everyone did, but it was really scary.

9                   There were cars --

10                  THE FLOOR: That was Sean, myself,  
11                  and one other guy.

12                  THE FLOOR: Thank you. And I knew  
13                  Sean but --

14                  THE FLOOR: It would have been  
15                  really nice if one or two other people had  
16                  then gotten out of their cars when they got  
17                  home and come down and joined us. It was  
18                  only us until all that traffic was gone,  
19                  and it was pretty exhausting work.

20                  THE FLOOR: And I've been here a  
21                  long time, I've never seen anything -- and  
22                  I know ice is kind of unpredictable, but  
23                  any salt it, nothing. We were all pretty  
24                  much stuck. Once you turned into that road

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you were stuck.

MR. LARIVIERE: Is that it?

MR. CAMPBELL: Motion to adjourn.

MR. LARIVIERE: I need a second.

THE FLOOR: Second.

MR. LARIVIERE: Meeting adjourned.

Thank you again.

(Meeting adjourned at 8:47 p.m.)

COMMONWEALTH OF MASSACHUSETTS

I, BRENDA M. GINISI, COURT REPORTER, do  
hereby certify that the foregoing is a true and  
accurate transcription of my stenographic notes,  
to the best of my knowledge and ability.

WITNESS MY HAND, this 31st day of March,  
2010.



*Brenda M. Ginisi*  
Brenda M. Ginisi