

# CASA DEL SOL CONDOMINIUM

<http://www.casadel-sol-ocmd.com>

BOARD OF DIRECTORS MEETING via Zoom

Wednesday, November 09, 2022, 8PM

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**Meeting called to order by Mike Bufano at 8pm via Zoom.**

**Participants:** Adele Bradley, Lou Napoli, Tom Bell, Bob Surette, Doug Rollins, Mike Bufano Igor Conev (Mann Properties), Chris Woodley (of Williams, Moore, Shockley, Harrison, LLP - Attorneys at Law) and Suzy Hartz (taking notes in Russ' absence due to business travel)

In his opening remarks, President Bufano thanked Russ Hartz for filling the recent vacancy on the Board. Mike also acknowledged and thanked Chris Woodley for attending the meeting.

Chris Woodley was invited to participate to answer any additional questions pertaining to the Board's authority – specifically regarding windows and sliding doors. A letter was drafted and reviewed at Mann properties. Due to Chris' attendance, the Board moved the New Business discussion point to the beginning of the agenda:

**a. Discussion with Attorney concerning the procedure/enforcement of requested changes.**

Adele Bradley and Lou Napoli met with Chris Woodley in beginning of November regarding this matter.

Chris began by suggesting an 'association approved' contractor that is also an engineer or has the help of an engineer to make sure that requested work is being done properly.

**Questions from Board | Answers from Chris**

In response to Tom Bell's question regarding the Board's authority in determining the type/style of a window or slider that a resident installs:

*Chris stated that the Board absolutely has the right to determine/dictate the style.*

Brief discussion ensued regarding differences in manufacturers and that Casa Del Sol has a very consistent front and back. If there is slightly different width – it may make things look different ie if someone wants a 5" vs 2".

**In response to Adele Bradley's inquiry regarding rules and regulations recognized as part of HOA Bylaws as these indicate that rules and regulations are to be enforced. How do we make sure these are part of those?**

*Chris suggested readopting all of the laws.*

**Per Section 11.1.11 – the Board is able to get engineer(s) and approve a policy. Mike Bufano asked if this should be done at an annual meeting?**

*Chris confirmed this should be done at a Board meeting.*

**Mike Bufano asked in the event an engineer needs to be consulted, is that chargeable to the unit owner?**

*Chris responded that it will be necessary to put a rule in place that specifically outlines why it is imperative to use a trustworthy (reasonably priced) contractor to make sure work is being done safely and properly – further emphasizing the need for an engineer. As for Manufacturer - get opinion from engineer as to the specifics on why some are better than others etc.*

**Mike Bufano asked if there is a difference between city inspection and engineer inspection?**

*Chris relayed that city inspection provides the permits needed to have work performed, but they are not necessarily trained engineers. An engineer is trained and licensed to render opinions regarding safety and structural integrity.*

**In response to residents who bypass permits or Board approval:**

*Chris answered that these scenarios must be addressed on a case by case basis. Policies should be reviewed and the Board should not act arbitrarily.*

**Can the tenant be fined?**

*Chris answered Yes - but getting to the step where you can impose the fine is difficult. If it results in recording a lien – in theory -, you could foreclose on the lien (Sec 14.203) However, keep in mind foreclosure is only permitted on the basis of assessments, late fees and interest – not fines. That said, taking an owner to court does a lot to compel other unit owners.*

**KEY POINTS from Chris:**

- Regardless of the matter, **consistency of enforcement** is key.
- In a court of law, a judge wants to know that the Board of a Home Owner's Association is enforcing policies consistently.

Mike Bufano asked if anyone else had anything to add.

**Motion:**

Tom Bell made a the motion to go forward with contacting engineers and drafting the protocol that Mr. Woodley suggested. Bob Surrette seconded the motion. Every board member favored the motion except Doug Rollins who opposed the motion.

**1. APPROVAL OF THE DRAFT MINUTES OF THE CDS BOARD MEETING of 9-22-2022**

**Motion:**

Mike Bufano made a motion to approve the draft minutes of the CDS Board Meeting from 09/22. The motion was seconded by Bob Surrette, and passed unanimously.

- Note to send to Robin.

**2. FINANCIAL REPORT.** Account balances as of November 8, 2022.

<b>a. Checking (1012)(1013)</b>	<b>\$ 183,098.54</b>
Prior year amount owed to reserves	(56,288.00)**
Current Year owed to reserves	<u>(66,954.00)**</u>
Net Operating cash	59,856.54

**b. Reserves**

i. Money Market Improvement Fund (1060)	\$ 64,481.53
ii. Farmers Bank CD (1090)	\$ 105,044.76
iii. Farmers Bank CD (1211)	\$ 68,422.42
iv. Taylor Bank Money Market (1213)	\$ 246,298.82
v. Cash – Charles Schwab (in Transit)	\$ 100,000.00*

vi. Amounts owed from Operations

\$ 123,242.00\*\*

**Reserves Total:**

**\$ 643,008.00**

**Motion:**

Tom Bell made a motion to move reserves totaling 123, 242.00 to Charles Schwab from the checking account – Lou Napoli seconded the motion and it was passed unanimously.

**Regarding funds:**

183K available – but not all for operations. HOA had a CD that was returned from Discover Bank – we are trying to share the presentation. There is an FDIC limit to each bank and of course money is insured by each bank. While there is no compelling reason to move the money, consolidating is cleaner and easier for home owners to read.

Doug Rollins questioned why the reserves from a prior year were still there as one year seems sufficient for the funds to be transferred. It was stated that things are being worked out with Charles Schwab. Igor stated that in the past, there was a waiting period until the last quarter to make contributions to reserves, and Insurance is due in the 4<sup>th</sup> quarter.

**\*\*:** Per the audit at the end of 2021, the operating account (1012) owed the reserves \$226,288. In March, 2022, the Board moved \$70,000 from the operating account into reserve account 1213 (Money Market account at Taylor Bank). Last Month, 100,000 was transferred to Charles Schwab. So the operating fund now owes \$56,288 from prior years; plus this year's contribution of \$66,954.

**c. Assessments Receivable**

**i. Condo Fees (1310)**

**\$ 6,405**

3 units one payment behind. 1 unit 4 payments behind and in collection.

Other AR for \$7102.38 (from 8 members) for other charges such as 3<sup>rd</sup> story deck repair



**c. Bills Paid (September 16 – November , 2022):**

09/27/22 AP4804 2032 270.58 DELMARVA POWER

10/06/22 AP4806 2033 1,160.00 MANN PROPERTIES, INC. – Management Fee

10/27/22 AP4818 2034 994.00 FirePro

10/27/22 AP4818 2035 3,001.00 MILLER DODSON ASSOCIATES  
Reserve Study Balance

10/28/22 AP4820 2036 100,000.00 CASA DEL SOL CONDO ASSOC. CD  
Ladder investment

11/03/22 AP4822 2037 1,160.00 MANN PROPERTIES, INC.

11/04/22 AP4824 2038 361.60 DELMARVA POWER

Reminder – back bill 720 -for pinched wire.

**d. Discussion of Investments and CDs.**

Update on the status of the CD ladder invested with Charles Schwab. Paperwork completed and signed by Tom Bell and Mike Bufano and forwarded to Igor. Igor sent paperwork and check to Charles Schwab Corporate is asking for additional information including clarity around HOA vs corporation. They are doing their due diligence.

**3. BUSINESS OF THE CONDOMINIUM:**

**a. Reserve Study.** The reserve study was reviewed at the last meeting. A copy of the reserve study should be placed on our website.

**Motion:**

Bob Surette made a motion to accept the final reserve study. Tom Bell seconded the motion. The motion was passed unanimously.

**4. OLD BUSINESS:**

**a. Trash Receptacle Bollards/Fences.** At the August 23, 2022 CDS Board meeting, Bob Surette provided an update on the bollards and fencing to be installed by Rupperts. Specifically, bollards are to be installed on the east end of the 600 building where the fence was damaged and bollards to be installed on the west end of 700 building, to include a fence to keep the cans from being blown around. Work was completed on the 700 building and the 600 Building.

**Update:**

Bollards and fence have been installed at west end of 700 unit.

Regarding the 600 fence which is leaning – Rupperts has been instructed to straighten and reinforce. A walk through will be done on 11/11.

Lou Napoli mentioned that **the west end fence next to Sea Grass** looks broken. Adele Bradley responded that the fence belongs to the Sea Grass. It is not known if they have a condo association. Adele offered to look out for a resident of Sea Grass and inquire.

- b. Parking Stops.** The plan was to have Ruppert replace the parking stops at the same time the trash receptacle bollards/fences are installed (see paragraph 4b. above). Seventeen parking stops were reported replaced by Ruppert.

The number of stops to be replaced are 614, 618, 626, 632, 634, 638 (missing), 640, 656, 674, 676, 730(missing), 736, 770A,B,C,D (common parking spot in lot). The list of bumpers to be updated by the Bob's inspection of work in the next week or two. (11/11)

*Bob Surette will check the 17 (formerly 16) parking stops.*

- c. Request from Owner of Unit 670.** At the March 14, 2022 CDS Board meeting, the Board passed a motion to approve the installation of the electric vehicle charging station at unit 670. Further, the owner stated that she sent all the appropriate information to the insurance company months ago. In an email dated August 29, 2022, the owner indicated she was still waiting for the official document from her insurance company. They have verbally approved everything but still have no document in the owner's insurance file. The owner indicated she will contact them this week to see about the delay. In an email dated September 12, a copy of the insurance was forwarded to Mann Properties. An email was then received showing the cancellation of the insurance. Mann properties to follow up with unit owner

**Update: Unit owner sent most recent copy to Mann Properties for review.**

- a. In an email dated August 30, 2022 to Mann Properties, the owner of unit 720 stated that they have not received a bill nor invoice, nor communication from Mann Properties that they had an outstanding balance. They requested copies via email so that payment can be made. A series of emails followed between the Board and Igor Conev (Mann Properties) discussing the situation. *Mike Bufano also placed calls with the owner per her email request.* **Update: Mike's call was not returned and the matter is therefore still unresolved.** An attorney was involved at some point as the unit owner was in arrears. As stated, minutes and requests were forwarded to no avail. Unit owners still claim they haven't received anything. Note: There has been no returned mail. An attempt to email the bill will be made.

## 5. NEW BUSINESS:

### a. Request for Approval: Unit 722 Door Replacement.

In an email dated 10/28, owner reported changing their door. Igor responded to unit owner that the proper paperwork was not filled out. In an email dated, 11/3, Adele reported that a door had been placed by the trash cans. The owner of unit 722 confirmed that it was theirs and bulk trash pickup was called. The bulk trash pickup will be charged to the unit.

**Update: Approval was given. Proper documents returned and sent to Mann properties – bulk trash scheduled to pick up door that was placed behind trash receptacles on the west side of the 700 building. .**

Doug Rollins asked about tracking whether or not a replacement is approved. Igor responded that the Board developed a tracking spreadsheet. In the past, owners were asked to sign a document disclosing the licensed contractor, name, license number; however, owners were not asked to provide a copy of the permit. It is imperative that signed forms are received in a timely manner so that the tracking spreadsheet can be properly (and timely) updated. It was also mentioned that in the future the Board request a copy of the permit as well as the contractor document. No motion made at this time.

Suzy Hartz asked if there was a resource list of contractors or preferred vendors? She asked if there was some type of Welcome letter to new owners referring them to the rules and regulations and perhaps contractors they should use? Igor Conev said that the HOA bylaws are given as part of the home buying documents, but they are easily lost in process and amongst all the other documentation- and this only shares the rules and regulations, not contractor list. Ideas around a Welcoming committee or welcoming letter to new tenants was briefly discussed.

**b. Request from Owner of Unit 666:** In an email dated September 15, 2022, to Mann Properties, the owner of unit 666 stated that he is in the process of getting bids to replace all 3 sliders. They have settled on Wincore coastal series sliders, hurricane rated and energy star doors. The owner asked what he needed to do for approval. Igor Conev (Mann Properties) replied that the CDS Board desires that all owners use the same products so that all doors look the same and provided a list of products. Further, Igor requested that the owner submit the technical data and pictures for the Board's review.

In the board meeting September 22,2022, The board discussed and reviewed the information provided by the owner. The board decided to request that the owner provide pictures of the product so we can complete the evaluation.

- The owner proceeded without approval from the board.

- The contractor's installers damaged the boardwalk by dragging the new sliders encased in wood. The specialized paint was scraped from the boardwalk. Photos were provided by Lou Napoli.

Adele Bradley consulted with Charles and Joe Pasqualine, a local painter and former board member. Adele also consulted with Sherwin Williams numerous times. Waves of Color was also consulted.

- The overwhelming, professional recommendation is that the boards cannot be repainted due to time of year, temperature and moisture. The boardwalk doesn't get any sun and the boards are covered with moisture/dew every day. If repaired/repainted now, moisture would most likely remain under the new paint which would then prematurely peel. Nothing can be done at this time (Fall / Winter) to protect the paint. This can't be 'spot' done - Sun does not get on boardwalk long enough to dry it out. The process requires a procedure which can only be properly done in the spring or consistent sun, warm and dry weather.

*Note: The city was contacted to confirm that the proper permits were pulled. The owner also provided copies of the permits. Doors were ultimately approved via email.*

- Mann Properties will send a letter to the owner.

**Motion:**

A motion to get pricing from contractors for the cost of the repair was made by Lou Napoli and seconded by Bob Surette. The motion was passed unanimously.

**Motion:**

Tom Bell made a motion to fine the owners of Unit 666 \$1,000 for repairs made without Board approval. There was no second to the motion, therefore the motion was not considered.

**Discussion regarding fines:**

- Igor Conev of Mann Properties reminded the Board that after October 1<sup>st</sup>, you can't just fine people.
- Bob Surette responded that the rules just can't change at the Board meeting. A 30 day notice must be given to all owners of a rule change and owners are then given an opportunity to question etc. at an open Board meeting.

Discussion around precedents for levying a fine ensued. Additional points were made including that it probably is not good precedent to fine after a retroactive approval. Adele Bradley noted that the 700 building is like a 'ghost town' in winter months.

## **Discussion around Board meetings:**

- Mike Bufano noted that it seems too much approval to owners is being done via email. In 2023, it might be prudent for the Board to teleconference more frequently. Tenants need to feel heard in a more timely manner. The Board works better when everyone is on the phone. Perhaps email approval should be saved for the more emergent approvals – when necessary.
- Adele Bradley agreed. Things can get lost in email. Approvals can get misinterpreted. Board isn't always looking at emails 24/7. This is why sometimes things take a long time. In addition, more frequent meetings initially would likely be shorter (30 mins) vs 90 minutes every other month.

### **c. Board vacancy.**

#### ***Motion:***

A motion by Mike Bufano was made to approve Russell Hartz of unit 736 as a board member. Adele Bradley seconded. The motion passed unanimously.

## **6. VIOLATIONS:**

### **1. Unit 732 – Trailer in the parking lot**

- On August 11, 2022, Lou Napoli delivered a Violations Warning to Unit 732 and taped it to the front door (Photo attached) highlighting the violation and took a picture of the trailer showing the Unit #
- On August 12, 2022 I was advised that the occupants had now lifted the trailer onto the bed of a commercial vehicle and it was still parked in the lot.
- On August 13, 2022 I went down to Unit 732 and took a picture, which is attached.
- On August 14, 2022 I delivered an Official Violations to Unit #732, indicating they were in violation of two areas of Rule #4.
- As you know at our August 23, 2022 meeting it was decided by the board to levy a \$250 fine. The occupants were given two written notices that they were in violation and were given 4 days to move the trailer, which they did not. Instead they chose to ignore our rules and keep the trailer in the lot but place it on top of the truck bed. However, the trailer remained in the lot, whether parked by itself or on top of truck bed.
- On October 11, 2022 an email from Unit 732 (Santos) was sent to Mann Properties requesting to appeal the \$250 fine levied on August 23, 2022 by the board for violation of Rule #4 (trailer and commercial vehicle parking in the lot between Memorial Day and Labor Day)
- On October 13, 2022 an additional email was sent to Mann Properties regarding the status of their request for an appeal and any and all photographs taken of the violation.
- On October 14, 2022 Mann Properties emailed all photographs and a timeline of the violation from the warning to the actual written violation.

- On October 14, 2022, Unit 732 (Santos) after acknowledgment of receiving the photographs and timeline of the violation, #732 still wanted to appeal.

**Update:** Mann properties re-sent invoice first week in November \$250. Owner states they will pay.

While not a violation, it was noted that the Director of public works, Ocean City, contacted Casa Del Sol to inform residents that they are back-flushing the sewer.

## **7. ADJOURNMENT:**

The meeting was adjourned at 9:36PM.

## **8. THE NEXT CDS BOD MEETING**

The next BOD meeting will be January 18th at 8pm via Zoom video conference. A discussion around monthly meetings will take place at this time.