

Bay Square Condominium Trust

Minutes of the Board of Trustees
June 28, 2006

The regular monthly board meeting took place in the Bay Square lobby. Three board members, Jackie Landau, Ann Oppenheimer, and John Patrick, were present. Absent were Anne McNeil and Susan Tschesnok. Also present were Derik Opdyke of Thayer and Associates, Joe Andrade, superintendent, and two unit owners.

The meeting was called to order by Jackie Landau at 7:02 pm.

Open Session: No owner wished to speak to the Board at this time.

Minutes: The minutes of the previous meeting were approved.

Financials: Derik reviewed the financial statements (Summary Income & Expense Information for the Operating Fund and the Reserve Fund) for the first five months of the year. A few questions were asked about payments, and the answers indicated that the variances from budget were due to timing issues (e.g., two months of expenses paid in the same month).

Status of Condo Amendment: Approximately 30% of the beneficial ownership has voted to date, with nearly 21% voting in the affirmative and 9% in the negative. In the interest of obtaining enough votes from Unit owners to obtain a reasonable consensus, Board members will call as many Unit owners as possible. Yvonne will provide names and telephone numbers, and Bobbi Bishop may be able to provide contact information for investor owners. Amendment forms for Unit owners to sign, and the letter of explanation, will be available at the concierge desk. It was emphasized that the intent of the amendment is to change the percentage required to amend the Master Deed from 75% to 66% of the total beneficial ownership—NOT just of the ownership voting. The fact that only about 30% of the ownership has voted to date reflects the Board's concern about the difficulty of getting sufficient votes in a timely manner should an important amendment become necessary. A notice about the amendment vote will be placed in each elevator to get the attention of Unit owners. These notices will be posted for a short period of time, and may be re-posted if necessary.

Roof and Water Infiltration Issues: Two roofing membranes have failed and need to be replaced, with Units 512, 513, 608, and 613 affected. Two types of membranes (loose-laid and adhered) were discussed. We expect to recommend the loose-laid type of fiberglass thermoplastic "Sarnafil", and will proceed to obtain bids, with an expected cost of about \$10,000.

This roof discussion led to questions about other roof areas, particularly those that also serve as large balconies, and whether any of these are common areas rather than deeded as exclusive use for a Unit owner. We may request that deeds be researched to confirm "ownership." Any roof areas that have been designated as common areas will remain common areas.

Owner requests: Two owners addressed the Board about on-going (for more than one year) uncomfortable encounters initiated by another Unit owner that have been perceived as threatening and as a form of harassment. We asked Derik to contact our lawyer to find out what action we can take, and then draft a letter to the offending party.

Two unit owners asked if they could install skylights in their unit's roof if the integrity of the building and roof would be retained, and the look of the building would be enhanced (or at least maintained). The Board is checking to see if the change would be legal, since it involves some common property.

Whirlpool/Spa: The whirlpool has a water leak that must be repaired. In order to find the cause of the leak and fix it, we need to drain the water immediately. Associated Pools will be contacted to determine the problem and propose a solution. Joe will close the whirlpool, and post a sign. Repairs will be made as soon as possible.

Elevators: The project to replace the elevator buttons is proceeding, and completion is expected by Labor Day, after which the brass interior will be refinished.

Railings and Club House roof: A bid of \$1,300 has been received for painting the railings for the balconies on the PH, 6th and 2nd levels. A bid of \$1,800 has been received for repairing the Club House roof (beneath 212, 213). It was moved, seconded, and approved unanimously to have Derik offer \$3,000 for both jobs.

Awning: A Unit owner brought to our attention that the Mass Ave Market awning is in severe disrepair. Derik will speak to the tenant about replacing the awning.

Insurance: Our insurance broker, WT Phelan, has suggested that we increase the building deductible from \$5,000 to \$10,000. It will save the Condo Association about \$2,350 in insurance premiums per year, and also discourage submission of small claims. It was moved, seconded, and approved unanimously to increase the deductible to \$10,000, if Anne McNeil concurs. This change in the deductible might mean a minimal increase for Unit owners in their HO-6 premium to cover the deductible, and may not impact them at all. WT Phelan will prepare a revised letter to Unit owners to inform them how to coordinate their individual HO-6 policy with the Condo Master Policy. This premium savings will be used to partially offset a proposed increase to \$30,000,000 for policy limits on the Condominium building (this increase is likely to be mandated by the insurer next year).

We will ask Anne McNeil her opinion of the value of adding “back up of sewers and drains” coverage for the Condominium Association for an additional \$1,500 premium.

Kitchen sink traps: These traps are original equipment and have begun to fail, often causing water/waste backflow and damage to Units and contents. We need to make sure the drain pipes are clear by snaking them, and using power jet spray cleaning of some of the main drains. This process can cause an old trap to fail. While the cost of replacing these metal traps under kitchen sinks is the responsibility of Unit owners, we decided it would be helpful to ask Unit owners, by letter or memo, if they want to have the trap replaced. If there is sufficient interest, we will get a reduced price to replace them at the same time. It was pointed out that Units on the second floor have the greatest need for traps in good condition (because of the configuration of outflow pipes), which should be stressed in the letter to Unit owners.

Rules and Regulations: The Board recently reviewed the Rules and Regulations that are distributed to Unit owners, tenants, and prospective Unit owners for any omissions and/or inconsistencies, especially with regard to meeting requirements of the Commonwealth of Massachusetts. The revised draft of Rules and Regulations prepared by Board members was moved, seconded, and approved unanimously with one minor change. These Rules and Regulations will be distributed to all Owners and tenants, and made available to real estate brokers. We acknowledged that there are conflicting rules now posted in the pool area, and these conflicting signs will be changed or replaced.

An on-going issue was raised about rules for the disposal of trash, especially trash put down the chutes on each floor. We will prepare more explicit rules about trash. Joe Andrade has not complained about the extra work he must do to remove the broken glass, sticky food, jammed crates, etc., lodged in the chutes or at the end of the chutes due to improper disposal. We need to be respectful of him and his time, and dispose of trash properly.

New Business: Diane Remin complained about the loud noise from a party of about 50 people on one of the large roof patios a couple of weeks ago. The tenants were asked twice to quiet down, once by the concierge on duty and once by Joe, but they did not comply. We asked Derik to send a letter to the Unit owner, and fine him/her \$25.

Unit 507 recently requested permission to install a satellite dish on their European balcony. We denied the request, but will let the Unit owner know that they may install the dish inside their Unit.

Derik was asked about the status of the Mac-Gray contract for new washing machines and dryers, and responded that the contract is almost ready for the Board to sign.

John Patrick, web master of the Bay Square Website, is ready to go live with our website. It was moved, seconded, and approved unanimously to authorize up to \$20 a month for hosting our website. John will arrange to have the monthly bill sent to Thayer for payment.

The Board will meet again on August 7th or 9th.

