

MILLPOND ESTATES COMMUNITY HOMEOWNERS ASSOCIATION, INC.

ANNUAL MEMBERS MEETING

January 11, 2023

G. Bernard Zanetti, President; Stan Kowal, Sec; Joanne Boyle Fisher, Treasurer; Andy Christophersen, director. Absent: Mary Herrmann, V.P. Also present: Attorney Web Melton, Qualified Property Management LCAM – Amanda Manion & Judith Bowes
The meeting was called to order at 7:00 pm by Bernard Zanetti; Web Melton led Pledge of Allegiance followed by a moment of silence for our troops and departed members.

Financial Report read by Treasurer, JoAnne Boyle-Fischer, from the balance sheet. A motion made, seconded by Andy to accept the treasurer's report: All in favor, Aye. Motion carried, Financial Report approved. Minutes from 2022: Secretary, Stan Kowal stated minutes from last meeting were posted for a year on the bulletin board located in the clubhouse lobby. Motion: wave the reading of the 2022 Annual Meeting Minutes and seconded. Motion to approve the minutes made and seconded; motion carried.

Bernard introduced attorney Web Melton. Web confirmed with Amanda Manion, LCAM from Qualified Property that we had a quorum for the meeting and that proof of notice was mailed to all the residents of Millpond in accordance with Florida Statutes. Proxies were counted quorum confirmed. Web: Vote for rollover of surplus funds –IRS tax rule allows rollover of excess funds in lieu of paying taxing on them. Motion to approve; seconded; motion carried to rollover funds. Board elections – we had no new candidates for this election - the 2023 board will remain the same as 2022: Andrew Christophersen, Stan Kowal, Mary Herrmann, JoAnne Boyle Fisher, G. Bernard Zanetti. There are no reports from any other directors; no unfinished business & no new business at this meeting.

Questions: 1: Hot Tub Repairs – Bernard is looking for a reputable repair company, Web recapped that someone had stuffed something into the spa jet tubes and it has been clogged. Bernard has yet to find a company (reputable) that can fix this.

Question 2: Status of the lawsuit on pool deck. Web responded: contractor did not fix the coping on the pool deck that they installed poorly from the start. The association withheld final payment pending the adequate repair of the deck coping. The contractor filed a lien against the property (clubhouse) and a lawsuit for the remaining money they feel is owed to them for the inferior work. The association has a counter claim, and the insurance for the contractor has handled that counter claim. We are currently in discussions to resolve that case for the benefit of the association. Good news is we have the money, given the amount at stake and the cost to litigate cases, we are trying to be cognizant of that. To resolve quickly and effectively, keeping legal fees as low as possible.

Question 3: Are they going to pay our legal expenses for all the trouble they caused? Web: Unfortunately legal fees are not necessarily recoverable. In the USA, we have something called the American Rule which is each party has to bear their own legal costs (default rule). In this situation there are some possibilities for recovery of funds but not as clear as we would like as with HOA condo. If there are any that are recoverable; that would be sought.

Question 4: How does the Association choose reputable contractors? Was that how the pool deck company was picked? Bernard had checked their previous work, they had superior fiberglass product to other companies we looked at. They had several years' experience with using this product, which was done to our satisfaction. It was the coping that was installed poorly.

Question 5: How did you choose this company over others? Web: Bernard checked with BBB and attended an Association Seminar on vendors & contractors, looked for negative reviews about the company and there was none. Web: The Community Association Group (Suncoast chapter) has an approved list of contractors that other Communities use. Bernard found this contractor based on reviews and due diligence, there were no issues flagged. Good news is you have insurance which makes this claim much easier than if you did not. There are bad contractors and good contractors that do bad jobs; which is what happened here. Bernard: It was the coping that was bad the actual work in the pool was good.

Question 6: Are you looking for other contractors to fix this? Bernard: When we had no satisfaction from the original contractor, I started getting bids from other contractors.

Question 7: What is the cost of replacing the coping compared to attorney legal fees? Bernard & Web: At the time the cost was between \$10 & \$12 thousand dollars for the coping – Web estimates the attorney fees are much less at a couple thousand dollars. Our objective is to resolve this as effectively as possible, keeping attorney fees down in case they are not recoverable. Bernard: We are holding back the final payment, roughly \$17,000 and change.

Question 8: Is board actively looking for pool tile and spa repair companies? Answer: Bernard is looking at 3 contractors for the pool. Nobody yet for the spa.

Question 9: Can they place a lien on Millpond for that amount? Web: Yes, they placed a lien on the clubhouse, which has no value if you are not in Millpond, so the lien is more for show. Because we cannot sell the clubhouse, the lien means nothing. It's nothing to be concerned about, but a good question.

Question 10: Can surveillance cameras determine who vandalizes? Bernard: We have 32 cameras covering pool decks, parking lots, entrance & exits to parking lots, outside and inside the clubhouse. We can see everything. We have 2 cameras solely for reading license plates (tag cameras) Web: These were installed because it's one thing to catch someone on video camera, but it's crucial to know who they are; especially if they don't live in Millpond. Most of the time when there's a problem, it's not Millpond residents. That's why tag cameras come in handy.

Web: Motion to Adjourn; Second, All in favor Aye, Meeting adjourned at 7:31 pm

Respectfully submitted: JoAnn Cavallo, Administrative Assistant