

WENTWORTH CONDOMINIUM CORPORATION NO. 171
Minutes of the Board of Directors' Meeting
held on Monday, June 10, 2019 at 4:30 p.m.
In the Party Room, 67 Caroline Street South, Hamilton, ON

PRESENT Rob Byl
Brenda Ginn
Anna DiMarcantonio
Kope Nastos
Bill Siudak

Paul Casuccio, Property Manager, of PMC York Properties Inc.
Margot Casuccio, Recording Secretary, of PMC York Properties Inc.
Justin Casuccio, Assistant, of PMC York Properties Inc.

CALL TO ORDER The meeting was called to order at 4:30 p.m.

CONFIRMATION OF BOARD POSITIONS

Bill Siudak put forth a recommendation that Kope Nastos be named as President, since he had the highest number of votes from the recent meeting. Bill Siudak stated that the recent vote showed that in his opinion, the unit owners had lost faith in the current board. Kope Nastos agreed to stand.

Brenda Ginn nominated Anna DiMarcantonio based on the fact that she has eight years of experience on this board. Anna DiMarcantonio agreed to stand. Bill Siudak stated that the board should “stop the bullsh*t”.

By board consensus, the positions were set as follows:

President – Anna DiMarcantonio (with 3 in favour, and 2 opposed)

Vice-President – Brenda Ginn (with 3 in favour, and 2 opposed)

Secretary – Rob Byl, (all in favour)

Treasurer – Kope Nastos, (all in favour)

Director – Bill Siudak, (all in favour)

Bill Siudak stated that the three board members from last year, (Anna, Brenda, and Rob), have no mandate from the current unit owners and have completely lost credibility with the unit owners.

Appointment of Liaise:

The liaise person is designated to communicate on a regular basis with Paul Casuccio. Bill Siudak stated that undoubtedly he is the most qualified person, and if he is not appointed as the liaise person, it will prove once again that the current board is still holding the same position as the previous board members who were not recently re-elected. Bill Siudak stated that the liaise person should not be one of the existing three board members from last year, since they would just “kiss-ass” with Paul Casuccio.

The property manager stressed that everyone at the board table must speak with mutual respect. Bill Siudak commented that the property manager brings “bullsh*t” to the board and he does not need to give respect to that. Bill Siudak stated that Paul Casuccio is a contractor working for the board and will be told what to do by the board, and he personally doesn’t care about the tone that he uses in doing so.

Brenda Ginn nominated Anna DiMarcantonio as the liaise person, based on the fact that Bill Siudak’s communication style is abrasive and rude.

Anna Dimarcantonio agreed to take this position, and to ensure that communication styles are kept respectful.

Brenda Ginn asked that Bill Siudak refrain from swearing in the board meeting, moving forward.

With Anna, Brenda, and Robert in favour, with Bill opposed, and Kope abstained, Anna DiMarcantonio was appointed the liaise person.

CODE OF ETHICS

Bill Siudak asked that approval of the board’s code of ethics be postponed.

Brenda Ginn stated that she feels it is very important that the board of directors Code of Ethics be discussed. Anna DiMarcantonio asked what Bill’s concern is with the Code of Ethics.

Bill Siudak stated that the board of directors has a fiduciary duty to the unit owners. This has nothing to do with the Code of Ethics. The COE is not in the by-laws, declaration, or the Act, but it is something that is recommended by the Canadian Condominium Institute. Bill Siudak stated that since the Code of Ethics has no legal weight, the board is “sitting on a pile of bullsh*t”.

Brenda Ginn put forth a motion that the solicitor be consulted on whether there is a conflict of interest if a board member were to be consulting or working with another lawyer to directly oppose decisions made by the board of directors.

Anna DiMarcantonio, Brenda Ginn, and Rob Byl handed in their Code of Ethics form.

Bill Siudak stated that the COE is not a document, it is a fantasy that the board believes in, and is, in his opinion, a “piece of garbage”.

Paul Casuccio reminded board members that there is a collective power of the board during board meetings, but board members do not individually have power outside of a board meeting.

Bill Siudak requested that all board members be notified of any communications between the property manager and Anna DiMarcantonio. Anna DiMarcantonio confirmed that there will be open communication.

Anna DiMarcantonio reminded all board members that any type of social meeting of unit owners should not be labelled as a “board” event, unless duly executed through the board, with proper notification sent out to all owners.

Director Training:

Bill Siudak and Kope Nastos will forward their certificate of completion of the Directors’ Training.

Bill Siudak suggested that Rob Byl should complete the training, even though he is not obligated to do so under the Act. Rob Byl agreed to do so.

SUPERINTENDENT

Bill Siudak stated that apparently there was an ad hoc unit owners meeting, wherein somebody suggested that the superintendent’s hours could be cut to part time, and that this information was relayed to Andy Rocheleau. Bill Siudak recommended that, in order to ensure that Andy Rocheleau is not disheartened or demoralized with his employment, that the board propose to Andy Rocheleau a new “no-cut” contract, guaranteeing that he will not be terminated. Anna DiMarcantonio agreed that if this corporation would lose Andy it would be a great loss to all the unit owners. Anna DiMarcantonio asked if it is the general feeling of the unit owners that the board is not supportive of the superintendent, as this does not appear to be the case.

Bill Siudak felt that offering this type of contract to the superintendent would elevate the board in the eyes of the unit owners and show that they are willing to make changes. Bill Siudak stated that last year’s board of directors had lost all respect from the unit owners, and had “destroyed the board”. Bill Siudak stated that there were many very angry unit owners who felt they hadn’t been heard by the previous board.

Anna Dimarcantonio asked that the board be given the opportunity to further reflect on this.

SOLICITOR

Bill Siudak asked who recommended the current law firm of Robson Carpenter, LLP. Paul Casuccio stated that it had been his recommendation – Michelle Kelly came highly recommended, she has spoken at many of the ACMO conferences.

Bill Siudak asked for clarification from the law firm on the rights of the board of directors to proceed with the EIFS system. Bill Siudak stated that he has a problem with Michelle Kelly, and that she does not seem to understand that the stucco and the EIFS system are not a “repair”. These are a replacement or an enhancement. This should have been a Section 97 requirement which would require unit owner approval.

The property manager stated that the solicitor had been consulted and a legal opinion had been obtained prior to the commencement of the project.

In response to a question from Bill Siudak, Paul Casuccio noted that the quote to paint the balcony areas with an elastomeric product was approximately \$73,000.00, and the quote to apply an acrylic/stucco type finish was approximately \$144,000.00, however the more expensive option is a long-term solution which, it is believed, will save money in the future. The property manager stated that this option had been the recommendation from the engineers. Bill Siudak stated that he would like to speak with the engineers about this.

Kope Nastos asked what made up the remainder of the \$275,000.00 quote. The property manager noted that beyond the scope of the Maresco contract, the board had asked for additional pricing to do the perimeter wall of the parking lot, balcony inner guard-walls and ceilings, and the terrace areas of the penthouse units. That work, along with the associated engineering fees totals the \$244,000.00 plus HST (approx. \$275,000.00).

Bill Siudak stated that if the board failed to do a Section 97 approval from the unit owners, they will be getting a lawsuit from the unit owners. Anna DiMarcantonio stated that the board did their due diligence by consulting both the engineers and the lawyer, and relying on the professional advice and information received.

Bill Siudak reiterated that this issue may well go to court and the unit owners will “come after the board” and hold them personally liable. Bill Siudak said that a group of owners wishes to shut the whole project down. Bill Siudak told Anna DiMarcantonio, Brenda Ginn, and Robert Byl, “Don’t think you’re in the clear. These people are going to pursue this legally.”

BALCONY FINISH

The owner of Unit 2B sent in an email with a picture showing the interior of the balcony walls, and asked if anything was being done to coat the metal anchor at the balcony walls. This was forwarded to the engineers, and Edison Engineering stated that this metal piece needs to be painted, but it was not intended to be stuccoed.

The board discussed what directive should be given to the engineer. Bill Siudak suggested that they should be told that instead of installing stucco on the inner balcony walls, they should instead be cleaned up and painted with the same elastomeric acrylic that is on the walls. Paul Casuccio noted that the engineers will be meeting on-site on Thursday, June 13th, at 1:30 p.m., along with Maresco, and at that time this suggestion can be raised. All of the board members were invited to join this meeting. Bill Siudak, Kope Nastos, and Anna DiMarcantonio stated their intention to attend.

APPROVAL OF MINUTES

The minutes of the board meeting held April 29, 2019 were approved on a motion by Brenda Ginn, seconded by Rob Byl, and carried with the three board members who had been in attendance at the meeting all in favour.

The minutes of the February 26, 2019 meeting will be amended to add the following statement:

“Elizabeth Parsons, Unit 17E, noted (a) that it was unrealistic that the Board expect owners to make a \$6 million decision after the presentations at this meeting, could the voting not be postponed so owners can reflect on the information; (b) that the windows themselves were not the source of the leaks but rather water getting into the frame of the windows so no need to replace them now, (c) that she had consulted with a real estate lawyer, a real estate broker, and a financial consultant involved with real estate regarding the loan and that all three stated that the proposed loan would be detrimental to the value of the condominiums, making it difficult to both sell our units or for someone to buy into the Bentley.”

APPROVAL OF FINANCIAL STATEMENTS

The financial statements for the month of April, 2019 were approved as prepared by PMC York Properties Inc., on a motion by Anna DiMarcantonio, seconded by Brenda Ginn, and carried with all in favour. Paul Casuccio noted that to date, there are three unit owners who have not yet remitted the first or second installment of the special assessment, and these owners have been sent notification that interest will be charged at 18% per year (1.5% per month). If these amounts remain outstanding by the 2nd day of July, a 10-day Notice of Lien (warning letter) will be issued.

The next progress payment from Maresco Limited will be paid out within the next week, as authorized by Edison Engineering.

Signing Officers:

Anna DiMarcantonio and Sharon Cole were previously on file as signing officers at the Bank of Montreal. Sharon Cole's name will be removed, and it was agreed that Kope Nastos will also file the required paperwork to become a signing officer.

UPCOMING OWNERS' MEETING

Paul Casuccio noted that he and Margot had recently met with Kevin Green, of First Condo Group Ltd. to discuss the three additional options supplied by First Condo Group for “front-end loading” the corporation's reserve fund. PMC is currently working on a power-point presentation to show the impact of these three new options on the projected condo fees moving into the future. In addition, Kevin Green will be available at the meeting to answer questions from the unit owners.

It was agreed that feedback from unit owners at the upcoming meeting, will be helpful as the board sets the budget figures for the 2020 operating budget, particularly as it relates to the amounts to be contributed to the reserve fund. Bill Siudak asked if a white-board could be purchased. PMC York will look into purchasing both a white board, which could have a dual use of a projector screen, and a projector. The board authorized a budget of \$1,000.00 for these purchases.

YOGA

Diana Remiggi, of Unit 17E, requested permission for the use of the corporation's Party Room in order to hold a yoga class with a qualified instructor. Each participant will be asked to pay a nominal fee for this class. The board was in favour of permitting this request, provided that the corporation's insurance provider confirms that this does not pose any liability risk to the corporation.

BUILDING SECURITY

Paul Casuccio reported that the hydro box was ripped off the wall at the front entrance. A building entrance fob was stolen from this box, which was then used for the perpetrators to gain access to the building's underground garage and cause extensive damage to the bicycle room door, and may have stolen some bicycles. Once again, the video footage will be forwarded to the Hamilton Police Department.

The board also discussed the real estate and other lock-boxes that are attached to the metal railing at the back of the building, and it was agreed that a more secure system needs to be found. Paul Casuccio will speak with a company about providing a safe that could accommodate these lock-boxes.

COMMITTEES

Kope Nastos asked how unit owners could participate in committees, such as a social, communications, or environmental committee, etc. A hand-out will be given at the upcoming owners' meeting asking for volunteers and other suggestions.

UNIT 1B

This unit owner has reported that she is experiencing an ongoing issue with homeless and vagrant people trespassing around her patio door, and taking lawn furniture, etc. This owner has called the police on some occasions, however to no avail. The board discussed whether installing a fence or additional lighting at this area could help solve this problem. This will be discussed at a future board meeting, and in the meantime the property manager will look into pricing for a motion-sensor light.

NEXT MEETING

The next board of directors' meeting was scheduled for Wed. July 24th at 4:30 p.m.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:37 p.m. on a motion by Anna DiMarcantonio and with all in favour.

Accepted by the Board of Directors: _____
Signature