

CROMWELL PARK at SALEM CONDOMINIUM ASSOCIATION
Board of Directors Meeting
Cromwell Park – Zoom Meeting
July 16th, 2020

July 16th was held as a Virtual Meeting via Zoom

The HOA Board for Directors is convening the meeting based on the COVID-19 emergency provisions provided by law. “the nature of the declared emergency makes it impracticable or unsafe for the governing board to assemble in a single location and the purpose of meeting is to discuss or transact the business necessary to continue operations of the common interest community association and the discharge of its lawful purposes, duties, and responsibilities.”

Board Members

Gary Scott, Charles (Chuck) Brisbin, Brett Poyner, Adrienne McCoy, John Russo

Community First Management Company

Chris Hassell

Gary opened with a review of the January 9th draft meeting minutes. It was pointed out that the date was listed incorrectly as January 20th. Gary also talked about some recent challenges we had with the website. We will be posting the meeting minutes in draft form in order to give homeowners time to review the minutes ahead of the meetings. When the prior months minutes are approved at the meeting, it will have the draft designation removed from the website copy. John advised the group that the new insurance info has been posted. A motion was made to accept the minutes. Motion was seconded and approved.

Owners Forum Topics

Status of the Pool

- A homeowner asked for a status update on the pool. The current information seems like the pool is still being serviced but it is still closed. We had the pool serviced and readied for opening with the hope that the Covid requirements would loosen up and allow us to eventually open the pool. Gary talked about our pool service contract and that we have asked for a reduction in the billing as the pool is not being used and so it is not

being cleaned as often as if was in use. We got about a \$300 rebate so far. Gary also talked about his conversation with the Virginia Beach Health Inspector and our Insurance company. He described that the pool is on the border line of a pool facility that can be opened in Phase 3. He reviewed the sanitation station requirements, the social distancing in and out of the pool, and the cleaning of the rest rooms between each use or every two hours. The furniture would also have extensive cleaning between each use. There was also an interview of questions that each person entering the pool would need to ask. The individual responsible for monitoring the social distancing and attending to the cleaning requirements, would need to ask these questions. This person could not be a homeowner or related to a homeowner. Gary then asked our attorneys if we were able to comply with these requirements, where we would stand. They advised that if an infection could be attributed to the pool, clubhouse, or homeowner interaction outside the clubhouse, the Home Owners Association and the Board would not have liability coverage. Based on all of these considerations, the board regrets that we will not be able to open the pool due to all of the associated risks. We will be going back to the pool service provider and have the pool closed back up for the season and recuperate some of the expenses to maintain the pool. Chris from Community management commented that the only pools with defined lap lanes that are open.

Homeowners Association Lawsuit Questions

- A homeowner commented to Gary about a lawsuit against the community and individuals in the community. She didn't want to know about details but was upset that the community didn't know about this. She also stated that if homeowners tried to refinance to take advantage of the lower interest rates some lending organizations will not process refinances with a pending lawsuit against the Homeowners Association. She was upset that something like this that affected the homeowners that wanted to sell, or refinance wasn't communicated to the community. Gary confirmed that there was a litigation against the Homeowners Association. When these were filed in November of 2019, the Board was instructed by our legal counsel that because it was a homeowner bringing legal action against the Homeowners Association, that the Board must be extremely careful not to release any information about the litigation because the case was new.

From that point forward, we worked with our insurance company who is providing our defense. They compiled our defense document and submitted that on the Homeowners Association behalf. By the January/February timeframe, we have not as yet heard anything back, and that is the time that the Covid-19 Virus started to impact the state and impacted the processing of the case. The Circuit Court of Virginia Beach, that these proceedings would need to go through, has been shut down. There is no estimate of the timeline of when the courts may open up again. As far as a notification, Gary talked to the legal team that we have 132 homeowners in the community, and we needed to get some information to them. Gary requested some information from them that was not in legal terms, that everyone would be able to understand, and that we could send out in an e-mail blast and post on our website. Gary received this communication yesterday before our meeting. Tonight, the Board will see the communications for the first time and review it in our executive section of the meeting. Once it is reviewed, we will e-mail it out to the community and post it on our web site. In general terms, it doesn't provide any more information other than what was just discussed.

- A homeowner asked for clarification if there was more than one litigation. Gary said this information was part of the public record and homeowners were free to look it up.
- **Virginia Beach Circuit Court Litigation Case # CL19-5519**
Department of Professional and Occupational Regulation
FHB # 2019-02830
HUD #03-19-2211-8
- As far as buying, selling, or refinancing, neither the homeowner's Association Board nor our legal team has any insight on what the banking industry decides to do in these types of situations
- One of the homeowners stated that it was her understanding that our insurance didn't cover a homeowner's suit against the Association, and if there was any type of payout, this would need to be paid by the homeowners in the form of an increase in our homeowner's fees. Gary stated that this could be some of the mechanical transactions that could take place down the road. Right now, our position from our defense is that Board of Directors made no errors and that claims made have no validity. A homeowner asked that they could not imagine that the legal team would not know that this would impact banking for the homeowners and that

homeowners should have been notified much sooner than 8 months after the suit was initiated. Gary stated that with the approval of our legal team, the Board would provide regular information via our meetings of any progress, updates, or changes.

- Gary encouraged homeowners to continue to bring forward any questions to either the Board or the Community Management Company.

A homeowner asked if it was the boards intent to start the regular board meetings every other month and she asked the homeowners on the Zoom call if there was interest in resuming the informal community input meetings. We could meet again as we did. Gary commented that he hoped the community could find a way to meet virtually and continue the community input discussions. The homeowner would work to set up a virtual format to continue these meetings if there is interest.

A homeowner asked if Chris could be closer to the camera as we couldn't see him on the Zoom call.

Another home owner stated she felt it was unacceptable that the board did not inform the community about the suit. Gary said he would ask our legal team to understand why they advised the Board not to communicate the suit information to the community.

A homeowner asked if there would be a refund to the homeowners due to the lack of use of the pool for the season and the cost savings. Gary stated that there would not be any refunds provided. The savings would get rolled into the reserve to handle future expenditures. The homeowner didn't understand this accounting and was invited to join our budget committee for this year. The budget process will start in September.

With no other questions, the home owners forum and the meeting switched to the regular portion of the meeting.

Committee Reports

Architectural & Covenants Committee

- There were no pending Requests for the committee

Landscaping Committee

Brett advised that our weekly service is continuing every Thursday

- Another round of tree pruning will happen within the next few days and will be completed on Saturday if needed.
- A drainage problem was taken care of on Winwick and some additional mulching was done on Cromwell Park as an enhancement. A treatment of weed spraying is scheduled for the 24th
- A spray treatment will be applied to the lake banks to handle the broadleaf weeds. The spray we use is safe for wildlife.
- An irrigation system check is scheduled for the 28th.
- Bret advised that we have a scale issue on the Crape Myrtles we typically see every two years. The landscaping company will come in within the next few weeks to take care of the scale.

A homeowner talked about the frustration of the bare spots of the lawn and talked about seeding on their own.

Brett commented that watering of the Fescue as the most important but this isn't something homeowners are expected to have to do. And he has also been turning off the lake pump nearest to his unit as there hasn't been much rain. If homeowners want to throw out additional seeding, they are welcome to do that on their own, but they should coordinate that with Brett to make sure it is properly timed with the broad leaf treatments so it has a chance to grow. Homeowners were reminded they should not apply any chemicals or fertilizers to their lawns as it is part of the common property, and this could cause issues with what the landscaping company uses and cause either lawn damage or an unsafe situation for homeowners or pets. The landscaper is our 4th and by far the best landscaper we have had. He is very well versed in the care of the lawn, but we have our clay issues left by Dragus. We are also looking at our next round of fall bush replacements as needed as soon as the weather cools off. A homeowner asked about things that could do to done to loosen the hard soil. We have looked into that before, and it is very costly.

Pond Committee

Gary reported that one of the fountain pumps isn't working correctly and that a request was put in with our pump company to take care of the repairs. This should occur within the next few weeks.

Brett reminded folks that when we are low on water, he has been turning off the pump at 10:00 pm and turning them back on at 6:00 am to save stress on the pump to help avoid additional repair costs

Social Committee

Adrienne reviewed that all of our social events have been put on hold due to the Covid Virus. We have had a few social distanced gatherings at the lake to just have a get together. Folks have brought lawn chairs and set them up at least 6 feet apart. There are no planned events at this time.

A home owner asked what would happen to the unused social committee funds due to the cancelled events. The unused funds would be rolled back into the general account. Hopefully we will be able to have our Christmas social.

Treasurers Report

- We are currently about \$3300 overspent on our 2020 budget. This is good for the time of year and we should make this up by the end of the year or even be a little bit under budget.
- The current Community Association Reserve account balance is about \$529,000. We are on track with the prior Reserve assessment. The 2021 budgeting activities will begun in September and a budget proposal will be presented at the November Annual Homeowners Meeting

Community Manager's Meeting Report

- Contacted McGriff insurance

- Sewing Club: The Owners plan to gather periodically to sew with sewing machines, as well as some hand stitching. What would be the liability to the Association if someone hurt themselves while participating? General Liability is bodily injury/property damage to third parties.
- Automated external defibrillator: What are the possible liabilities that come with installing an AED? Unfortunately, carriers can't answer scenario type coverage questions, but if there is an incident you can submit a claim and we would be happy to assist you.
- Wrought Iron Fence: Work completed
- Drain Proposals: Work completed.
- Fence Staining: There have been ongoing inspections and violations for fences that need staining.
- Plants over the fence: There have been ongoing inspections and violations for plants that extend over the fence.
- Bay Disposal: has picked up and/or replaced damaged cans that management is aware of.
- Website: Continual updates.
- Entry Gate: repaired
- Investigate Dominion light installation throughout: Dominion owns the streetlights.

New business

- The status of the pool needs to be decided. A motion was made to close and cover the pool and negotiate a reduced contract cost. The motion was seconded and carried. Gary will coordinate with Chris with the pool company about the closing and the reduction in our contract costs.
- There was no additional business and the meeting was adjourned