

**VILLAGE OF FOUNTAINVIEW COUNCIL MEETING AT THE
NEWARK SENIOR CENTER AND VIA ZOOM
MAY 10, 2023**

Vice President Deborah Ingram called the meeting to order at 6:37 pm.

ROLL CALL

PRESENT: Linda Malm, Lisa Bolin (FSR), Deborah Ingram, Kelley Piel, Paula Kelly, Bill Anderson, Mary Ellen Fish (on Zoom) **ABSENT:** Carrie Bolen; Zoom: 16

ANNOUNCEMENTS

NEW RECYCLE BINS: Deborah Ingram said the new recycle bins were delivered to the west side of Bldg. 2000 and the north end of Bldgs. 3000 and 1000. The smaller bins were moved between 1000 and 2000.

Paula Kelly spoke with Stephen Reeder who is in charge of recycling for the City of Newark. After two years of trying to educate the community about recycling, we continue to have problems with residents understanding what and what not to recycle. It was discussed that VOF might stop recycling, but the City will not allow us that option. Each time the recycling is contaminated, the community will be fined \$100. Recycling is collected twice a month; that will be \$2400 for the year. However there are three possible options that could be implemented to deal with the recycling. In addition to reeducating the community, the City has offered to move the recycle bins back and away from the regular trash. That means if people want to recycle, they will have to make a conscious effort to walk further to throw away their recycling. Second, cameras can be installed to detect the offenders from outside the community who are throwing their trash in our recycling. Third, a volunteer or captain can step forward to go through the recycling.

DISCUSSION: Residents continue to put inappropriate items in the recycling, Linda Malm said. While she has gone through the recycling, sometimes you can't reach inside far enough to remove the inappropriate items. Bill Anderson said that if you are unsure if it is recycling, put it in the garbage. Deborah Ingram added that if she has to wash it, then she doesn't recycle it as she does not wash garbage. Someone else suggested using the phrase - "when in doubt, throw it out". Lisa Bolin said she could get a recyclable list from the City, and it could be posted. Dennis Duckett questioned if recycling was mandatory. While it is mandatory for the City to offer recycling, Reeder did not respond to that question but just that they were not going to give us that option. No decision was made; further discussion is needed although residents seemed inclined to move the recycle bins away from the trash bins.

UPDATE ON BLDG. 3000 FROM SERVPRO: The following email from Logan Brown of Servpro also is on the website and was read by Deborah Ingram: As we come to the final mitigation steps we have a few items to address. For mail, we have left the entrance on the north side of the building (by the office trailer) open wide enough for people to access by foot.

All mitigation labor tasks are completed in the 3000 building (demolition and drying). Demolition is completed on the 4th, 3rd, 2nd, and 1st floors. Drying equipment has been removed from the building. We have installed our "2000 CFM air scrubbers" in the hallways of the building having 3 pieces of this equipment per floor. Servpro personnel will not be on-site unless they have scheduled appointments

with subcontractors/insurance adjusters/homeowners/HOA/city. Listed are the items that need to be completed.

1. Cabinets and Appliances: We have been scheduling with homeowners' adjusters to come out on site or give us clear directions on how to proceed with damaged cabinets and appliances. These items need to be disposed of prior to industrial hygienist's visit to the building.
2. Exterior Rot: The rot on the side of the building needs to be addressed before reconstruction starts to reconstruct the 13's and 15's units. With the rot being present the industrial hygienist will not come out to inspect the entire building until this matter is fixed due to bad test results.
3. Shower sub floor rot: Rot in some units of the bathroom under the bathtubs and showers is another issue that needs to be addressed before industrial hygienist visits. Permits will need to be filed with the City by the reconstruction to remove this material.

Next phase is to plan for reconstruction to take over control of the project. Estimated time is unknown until insurance and their consultant comes to an agreement with pricing and reconstruction contract is signed. As far as getting a second bid for work that is completely up to the HOA, it is your building and you have control as to who you want to use to perform the work. Risk of getting a second bid is that you could potentially have to restart the negotiations between contractor and insurance company's consultant because the insurance company is the bill payer and they control how much they will pay for services. Also you will have to find a contractor that is able to work with insurance pricing and not self pay pricing in which they would bid upon. A new contractor will have to rescope all the work that has to be performed from mitigation and create new estimates. Also new contractors will have to be able to deal with master policy base grade material budgets and handle the individual units betterment policy which could create miscommunication on what is to be installed per units' preference. Also a new contractor will have to set up a subcontractors schedule which could hinder their timeline (which could happen to Servpro as well). There are a lot of factors that can hinder the timeline of reconstruction such as material availability based on homeowner's choices. Also another concern to hinder timeline is the discovery if there is a way to seam the gypcrete which Servpro and JS Held are working together to find the answer. The benefits of dealing with a cleaning, restoration, and construction company such as Servpro: you are able to get a professional post construction cleaning to reduce the risk of health hazards that could arise from an unclean job site, especially when dealing with a 55+ age group. Again the choice is up to HOA. Servpro has been listening to the homeowner's wants, needs, and concerns.

Audrey Mann(TH) questioned who will pay for the outside damages (exterior rot) – the insurance company or the association? Lisa Bolin replied that this was preexisting before the flood.

Audrey also wanted to know if VOF is within our budget. Lisa said the Profit and Loss (P & L) shows that VOF is not outside its perimeters. Because it is unknown how much this repair will cost, it is not known how it will be paid for. An engineer will be needed to assess the damage and make recommendations. There also was a question about the shower rot and its origins; Lisa said it was from the flood. The facade rot is preexisting; this will be addressed later in the meeting.

Pat McNelis (Bldg 3000): Because the gate is locked, the mail truck cannot get through to deliver the mail. Residents must go to the post office to get their mail, but also need to put in a forwarding address.

Bill Scheper (Bldg. 1000): Questioned if Servpro has come to the completion of their work. Lisa said we have come to the end of mitigation. The next step is rebuilding, and who will handle this job. We

are waiting for specifications from Travelers (our insurance). Our insurance policy tells us what to do and how much they are going to pay. The issue is not bidding out the job as that money already has been allocated by the insurance company. Now we are looking at companies and the kind of reviews they receive, their experience, and if they give us a good vibe but most importantly their communication with the home owners. Lisa will give Council two other companies to look at, but she sees that Servpro has been outstanding in their communication with the residents of Bldg. 3000. Plus the residents are comfortable in dealing with Servpro. But that will be Council's decision to make in regards to rebuild. Bill Scheper also wanted to know if a construction manager would be hired for this multi-million dollar rebuild. Lisa said that most of these companies have their own construction managers. However, if Council wants an engineer for this project, it would be an additional cost. Lisa's boss recommended that whomever Council picks for this project, that we get a bond which will say that the contractor is liable and must return to fix whatever goes wrong. A bond will cost more; Lisa does not know how much. Bill Scheper asked how long the bond would be good. Lisa said she would have someone from the insurance department at FSR to review it first. Bill also asked if VOF chooses to go to another contractor as we have residents who have contracted with Servpro to restore their units, what would the status of these contracts be? Lisa responded that this could hold up the process; Servpro will finish what they need to and then they will be out, but it is Council's responsibility to decide.

Jeanette Adams (Bldg 3000) questioned if the residents of 3000 and not Council will have a say in whom is chosen for the rebuild. Lisa said nothing has been decided. Another resident said that they hoped Council would get feedback from 3000 residents in regards to this decision. Lisa suggested that a presentation could be made on the pros and cons of each company. Several residents said they wanted Servpro. But Lisa posed the question that if something goes wrong, will people come back and say that Council did not do their due diligence and get two other estimates. If everyone in 3000 wants Servpro, then Council will have to make that decision.

Another resident questioned why we had a faulty pipe. Travelers have sent in engineers and experts, but we do not have a reason yet. But they have put three different companies on notice for a possible law suit. The sprinkler inspection company, fire alarm monitoring company, and the pipe manufacturer have been put on notice for an intent to sue. The sprinkler inspection company and the fire alarm monitoring company have stated it is not in their best interest to continue working with VOF since our insurance company, Travelers, has served them legal papers for a 2 million dollar law suit.

NOTICE OF VIOLATIONS FROM THE CITY OF NEWARK REGARDING BLDG. 3000

1) The Exterior Walls: These shall be maintained, weather proofed, and free of holes, breaks, and loose rotting materials. When the studs were visible inside, rotting sheathing was seen. It looks like the cause of this is moisture getting behind the stone facade. The City said this must be fixed or no one can move back in. Servpro was able to point out that this was a preexisting condition because there are spots that show that it has been worked previously.

2) Roof flashing: found metal pieces of roof on grass

3) Infestation: When one of the workers was taking out the ceiling in unit 413, a ball of bees fell on him. Honey combs can be seen coming down the interior walls. Lisa reached out to 3 engineering companies, and Lisa and Carrie agree that it is in the best interest of the community to hire an engineer to oversee all this work. There are two proposals – one from Walker consultants and the Falcon group. A third company, Criterium, declined to work with VOF as they were involved with the lawsuit regarding the Bldg. 2000 facade. Those two proposals recently have been submitted to Council. Walker came recommended by FSR, but it might take them as long as two weeks to get out here. Lisa, who has worked with Falcon, contacted them. They immediately asked for pictures, asked to take a moisture test and asked about attic access to the roof as they will utilize a boom to get up there if needed. Falcon said that if Council approves them, they will be out within 2-3 days of notice. Lisa's recommendation to Council

was Falcon, but Council still is reviewing it. The gentleman that would be involved with this project is Mark McCann, a facade specialist. Lisa has dealt with him on two different club houses with facade issues and moisture. It is now Council's decision to move forward and approve one of these contracts and resolve the violations.

Also the bee issue must be addressed. Delmar has been dusting for bees, but if they are honey bees then they must be relocated. When the engineer comes out and looks under the facade, he can determine what kind of bees they are and how to handle them. Lisa has informed the City that we are hoping to have a signed engineering contract this week to address these issues. She also is working on a sprinkler contract to take care of the deficiencies. Although Bldg. 1000 has not been checked, it will be addressed too.

Deborah Ingram said that time is of the essence and asked for a motion.

MOTION: Linda Malm made the motion that we select the Falcon Group to resolve the violations as cited by the City of Newark. Kelley Piel seconded it. All were in favor. The motion passed.

Jeannette Adams (Bldg. 3000) expressed concern about some rot that was found by her patio door in unit 214. Lisa will mention it to Mark McCann.

SWIMMING POOL

Bill Anderson has been involved with the pool committee a number of years; an ongoing issue has been whether grandchildren can use the pool. Bill researched the issue online and how other communities handle the situation. Early April, Bill sent an email to all six committee members who voted 4 – 2 originally to open the pool to everyone during normal pool hours. Then there was a change, and the vote went to 5 - 1. So if grandkids come unexpectedly, they can use the pool whenever they want. Bill said the pool is big enough to handle an exercise class and children.

MOTION: Bill moved that we follow the Pool Committee's recommendation to eliminate the adult swim, and the pool will be open to everyone during the normal pool hours. Paula Kelly seconded it.

DISCUSSION: Linda Malm said she also has been on the pool committee since the beginning. She understands that in an age-related community, there always is going to be the issue of wanting to entertain grandchildren. There also are people who move to this type of community and expect more quiet time. Some have issues of vision and balance – things that make them feel unsafe with children in the pool. Last year we eliminated the afternoon adult swim time as it wasn't being used. Two hours in the morning is a reasonable compromise to allow people to have quiet time that leaves nine hours a day. For a perspective, that is similar to the hours of noon to 9 pm in community pools. That gives grandparents nine hours a day to spend time in the pool with their grandchildren. That is a reasonable compromise that gives people at both ends of the spectrum some time to enjoy the pool in the way that they would like. A survey was done several years ago that resulted in the adult swim. While the rules are posted, it also says that people may be reminded of the them.

VOTE: Bill Anderson: YES, Mary Ellen Fish: Yes, Linda Malm: No; Paula Kelly: Yes; Kelley Piel: No ; Deborah Ingram: Yes; Carrie Bolen: Yes. The vote is 5 – 2. The motion passed.

Bill Anderson also reminded everyone to sign and hand in their pool waivers. They can be handed to any pool committee member or slide them under Bill's storage closet #301, Bldg. 1000. Deborah Ingram asked Bill to name everyone on the Pool Committee.

Sylvia Queppet unit 201, Bldg. 2000; Mary Ellen Fish Bldg. 3000; Pat Wolfe, Bob Angelone, and Linda Malm all in Bldg. 1000.

There were questions about what the waiver does. The waiver says that people have read and

understand the rules, that you are not going to sue VOF for any injuries, and that VOF is not responsible for any lost item. The Insurance Commissioner has mandated this been done. Bill is not sure if this really protects us, but thinks an attorney should be asked if it would really protect VOF from a law suit.

TREASURER'S REPORT: Kelley Piel read the report for March. The report will be posted on the bulletin boards and the website.

BLDG. 3000 UTILITY BILLS: Residents were concerned about the water and electric bills they are receiving since they are not using these utilities, but Servpro is. (Please see April's meeting minutes for explanation). The residents are seeing many bill errors. Lisa said Council can look into possible reimbursement from the insurance. Resident's (from Bldg. 3000) daughter suggested turning off the electricity. Another 3000 resident said she received an electric bill for \$500, and the City expects payment. Lisa suggested that she contact her insurance company to determine if it is included in your policy. Another resident suggested contacting Servpro and having them turn down the heat to 60. Bill Anderson suggested going to the town hall or call them and ask them to come out and read the meter again. He said you should match up your bill with your readings. Bill also said that the local City Council member (Corinth Ford) should be the buffer between Fountainview and town hall. She is the one to be looking to for answers and solutions. Another source of support is the Empowerment Center located at 62 East Delaware Ave. in Newark. They may be able to pay a portion of these bills.

SERVPRO MEETING: Scheduled for Saturday, May 13th at 11 am. outside the trailer.

SPRINKLERS

Bill Anderson said that when the other sprinkler company came the other day, they were acting on the issues that Wayman found with the last inspection. It is a state law that you can't have any paint on the sprinkler heads, and it will be enforced. There are two or three units in the whole community with paint on the sprinkler heads so you might be paying for that if it is your unit. Painters need to be watched. If you are having painting done, be sure they tape around the heads, and that they don't get any paint on any part of the sprinkler head. When the new sprinkler company comes through, they will be sticklers about this. What the paint does is insulate the head so it will make it go off later, and that is not good.

LOOSE FLOOR BOARDS

If anyone on floor 2, Bldg. 2000 sees a loose floor board, please put a piece of masking tape on it that can be seen. We will make a master list and have contractor return to fix that and the elevator floor as well.

It also is noted, that Council will hold a special meeting in regards to choosing the company for the rebuild. Pat Pfeifer's daughter, Sandy, will bring a list of resources for Bldg. 3000 residents to the meeting on Saturday or email it to Deborah Ingram.

COUNCIL OPEN FORUM

Nancy Balogh(TH): There are three dead trees in the community and one in the courtyard that doesn't seem like it will survive. They will need to be removed. Lisa suggested Nancy put in a work order for that. If Lisa is able to get someone to come out, she would like Nancy to show them the trees.

Mary Ellen Fish: Wanted to share that she is living in Washington state with her son because the relocation allotment on her policy was not enough to keep her in Delaware for the next year and that is

something that everyone should be examining in their homeowner's policy. She also thought Servpro has been amazing, and they have done a spectacular job. She is very much in favor of them redoing her condo. If additional contractors are brought in, we risk delaying the finished product. Deborah Ingram replied that if we polled those present including the Council, everyone would be in agreement that we're comfortable moving forward with Servpro. The questionable issue is would we be in violation if we didn't interview another contractor. Linda Malm suggested that we ask people at the Saturday meeting if they are comfortable with Servpro and if so we should move forward. A showing of hands at the meeting indicated that the majority would like to go forward with Servpro.

Mickey Matthew complained about the lack of cut-outs in the sidewalks and the low seats at the pool.

ADJOURNMENT

Kelly Piel made the motion to adjourn the meeting. Paula Kelly seconded it. All were in favor. The meeting adjourned at 8:03 pm.

Respectfully Submitted,

Paula F Kelly
Secretary