

Breakaway West Board of Directors Meeting Corrected

February 7, 2023

BOD Attendees:

President Andrew Cuomo - Absent
Treasurer Scott Payant – In attendance
Secretary Mark Maglio - In attendance
Director Chris Hagie – In attendance
Director Steven Slater – In attendance
Director Gail Avgeris - In attendance

Property Manager Steve Burns – In attendance

Owner Attendees:

Denise McLean Unit #423
Jim Hockensmith Unit # 412
Bruce Chapman Unit # 442

Call to Order at 5:07 PM by Scott Payant in Andrews absence.

President's Report:

- Scott presided in Andrew's absence.
- Scott stated the approach of the pool/open space renovation is (before we spend potentially one million dollars to renovate the pool/hot tub/green space), to make sure the underlying support is sound. Two weeks ago, Andrew, Steve and OAC met with Martin & Martin (M&M) to review the plan for inspecting the "Post Tension Tendons PTT" embedded in the garage ceiling. We need to make sure the PTT are structurally sound. M&M will identify about 15 of the PTT and test them. Some PTT have corrosion on the exposed section.
- Steven Slater stated that it's difficult to navigate in the garage due to the piers. He asked for M&M to provide any ideas that would make it easier to maneuver, including ideas for angling painted spaces or other ideas that are not structural. To take advantage of, say, engineers' and others' eyes on the project. Scott stated it was not in the original scope of the project and we should wait for M&M's evaluation of the PTT before we discuss any modifications to the garage piers. Scott stated that the spaces could not be reduced since all spaces are part of the Association Declaration based upon square footage. Steve Burns said difficulty of spacing was due in large part to the size of many SUVs.

- The pool renovation project was supposed to be reviewed by VRB on Jan 23rd but was postponed to Feb 1st. They did approve the proposed drawings. VRB asked for us to use a recyclable turf product as opposed to synthetic. Our architect will incorporate recyclable turf.
- OAC is working on obtaining bids from concrete contractors recommended by M&M.
- Regarding Short Term Rental STR properties at BW, Scott stated that according to the interpretation of TOV STR statute, BW does not meet the requirements for on site property management, which would categorize STR homeowners with the less restrictive regulations currently applied to a 24/7 hotel-style with on-site presence. Therefore, STR homeowners must abide by the two TOV Short-Term Rental requirements documents. The BOD does not have the authority to enforce the TOV regulations. However, the BOD will look at ways of aesthetically enforcing the TOV exterior posting requirements.
- Jim H asked did TOV provide any information if you don't have a local property manager? Scott stated to review the TOV documentation. Jim said he did review the documentation and he does not have a local property manager. Steve Slater suggested the BOD appoint a representative to ask TOV for a variance or waiver so that BW would fall into the on-site property manager requirements. (The rationale is that in most every circumstance of a disruption complaint – which the statute clearly aims to address is that Steve Burns plays that role for STR property owners, per se). If called on to quell a nuisance, Steve said he first calls the owners. If the owners do not respond, he calls the police. While the BOD took up Steve's offer that he can serve as that local contact requirement, Steve Burns stated that he should qualify as the local contact, but he cannot fulfil the other requirement of the local rental agent. Mark Maglio provided the TOV contact Matthew 970-479-2100 to everyone on the call.
- Steven Slater proposed a task force or another BOD meeting to discuss. Scott agreed to postpone this discussion until Andrew is available.

Manager's Report:

- Steve stated most of the roofs have been cleaned. The back of the 100 and 200 buildings still needs to be cleaned.
- One hot tub is still waiting for the correct jet pump to be delivered. The water is warm, but the jets do not work. The renovations will make the HT up to current code.
- Steve Slater thanked Steve Burns for his tireless work and snow removal. Everyone agreed.

Secretary's Report:

- Mark stated we need to approve the board of directors' minutes from the January 10th, 2023, meeting. Scott motioned and Gail seconded. Chris and Steve abstained since they were not in attendance. The minutes were approved.

Treasurer's Report: Scott, please update as needed. You talk too fast 😊

- Net income is \$19K ahead of budget. Under budget items are \$8,500 for insurance and \$6,000 for electric. While \$4,700 for gas per month is on budget, gas/heating is running 73% higher than the same time last year. Overall there will be a 10% increase that may not be sufficient to cover the actual costs for FY23.
- Mark and Steven will post the latest financials from Christine.
- Steven asked if at the end of the year there is a surplus where does the money go. Scott stated it gets allocated as owners' equity which is an unallocated account. In the corporate world (for profit), owners equity serves as retained earnings. Mostly due to our non-profit status, Scott stated we aim to have a zero budget.

New Business:

- Denise asked about the two garage spaces that were in litigation. Scott stated the two spaces have been sold to one existing owner, however what remains in litigation between the two parties is who pays the attorney.
- We will schedule a future BOD meeting for March 21st, 2023 @ 5:00PM.
- Scott will call Andrew to discuss the TOV requirements for signage in preparation for the next BOD meeting.

Meeting Adjourned at 6:04PM MST

Respectfully submitted by Mark Maglio Secretary