

APPROVED

ELIZABETH LOFTS CONDOMINIUMS  
BOARD OF DIRECTORS MEETING  
FEBRUARY 2, 2021  
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MINUTES OF THE BOARD OF DIRECTORS MEETING OF THE ELIZABETH LOFTS CONDOMINIUMS HELD ON TUESDAY, FEBRUARY 2, 2021 AT 5:00 PM VIA ZOOM ELECTRONIC VIDEO CONFERENCING FORMAT.

**PRESENT:** Jim Kennedy, Chairman  
Paul Mollomo, Secretary  
Brenda Peterson, Director  
Robert Steele, Director  
Steve Rose, Director  
Paula McGee, Director  
Tina Tsai, Commercial Director

**BY INVITATION:** Pat Foran, Association Attorney  
**Wyse Kadish LLP**  
Tom La Voie, CMCA, CCM, PCAM, Community Manager  
Brian Case, Project Coordinator, Facilities Asset Management  
**COMMUNITY MANAGEMENT, INC., AAMC**

**I. CALL TO ORDER**

The meeting was called to order by Chairman Jim Kennedy at 5:00 PM.

**II. UNIT HEARING (UNIT 1113)**

Owner Thomas Freedman was present to petition the Board to remove fines, late fees, and attorney fees from his account, as spelled out in his letter to the Board dated January 31, 2021. Paul Mollomo prefaced the hearing with a recap of the fines that were imposed for failure to observe the garage gate protocols, which were affirmed by the Board at the June 2019 monthly meeting. Mr. Freedman was then given an opportunity to address the board and answer the Board questions. Attorney Pat Foran of Wyse Kadish LLP was present in the event his counsel was needed.

**AGREED: Brenda Peterson moved to table the matter to a later date so that the Board could consult with legal counsel in Executive Session prior to the next Board meeting. Steve Rose seconded the motion, which passed without opposition.**

**III. APPROVAL/AMENDMENT OF AGENDA**

**AGREED: The agenda was approved by consensus, with the addition of taking advantage of Pat Foran's presence to discuss a number of legal issues in front of the Board during tonight's meeting.**

ELEC Resolution: Steve Rose recapped the discussion that resulted in the draft Resolution forming the ELEC Committee and extending liability indemnification coverage to Committee members. Specific language required by the Elizabeth Lofts governing documents and insurance policies was included in the Resolution. The ELEC Committee inquired whether non-owner residents could be committee members and indemnified under the Resolution. Rose explained that the Elizabeth Lofts Bylaws require committee members to be owners and that it would require a vote of the owners to amend the Bylaws, not just Board action. Also under the Bylaws, committee members must be appointed by the Board. Rosenblum responded that ELEC would like to pursue amending the Bylaws to allow non-owner residents to participate fully as committee members. Pat Foran stated that the Elizabeth Bylaws are unusual in that non-owner residents are not allowed to be members of any committee. He also noted that an amendment to the Bylaws for this type of issue would require a simple majority vote of the owners.

**AGREED:** Steve Rose moved to approve the Resolution creating the ELEC Committee and extending indemnification coverage to the members, as drafted by Pat Foran. Brenda Peterson seconded the motion, which passed without opposition.

**AGREED:** Steve Rose moved to appoint owners Larry Rosenblum, Bob Garsha, and Eric Lipanovich to serve on the ELEC Committee for a one-year term. Brenda Peterson seconded the motion, which passed without opposition.

The Board agreed to pursue an amendment to the Bylaws and asked Pat Foran to draft the language to do that. La Voie mentioned that it would be prudent to consider having Foran conduct a review of all governing documents, including all amendments that have been approved to date, along with any state laws that may have been enacted since the original documents were filed.

**Repair and Maintenance to Sliding Glass Doors and Balcony Doors:** La Voie recapped that in the past the Board has determined that repair costs for sliding glass doors and balcony doors are the owner's responsibility, following the rule applied to windows. Foran stated that the Bylaws are clear that interior doors are the owner's responsibility, but do not provide that the exterior doors are the owner's responsibility. Based on the language of the Bylaws, he concluded that repairs to the exterior doors are mostly likely the Association's responsibility. He advised that the Board would be prudent in accepting responsibility for these repairs and reimbursing those owners who have paid for the repairs directly. Paul Mollomo emphasized that owners should be instructed on routine maintenance of the slider rollers and tracks in order to prevent damage and suggested that owners be made aware of their ongoing maintenance responsibility. He suggested that the Association inspect the sliders for correct operation when the terrace drains are inspected annually. Foran stated that maintenance of the sliders is the owner's responsibility. Bob Steele will work on the specific language that will be sent to the owners, along with Paula McGee and Brian Case. Case will reference the O&M manuals for specific information on required maintenance.

**AGREED:** Steve Rose moved to disseminate information to owners who have a sliding glass door that it is their responsibility to maintain the sliders. Paul Mollomo seconded the motion, which passed without opposition.

**AGREED:** Paula McGee moved to reimburse the five owners who have paid for repairs to their exterior doors, totaling approximately \$6,800, following review of the invoices. Paul Mollomo seconded the motion, which passed with five votes. Director Brenda Peterson abstained from the vote as her unit was one of the five units in question.

**Isabel Update:** The Association is still in a priority position to obtain reimbursement for outstanding assessments. The court held a hearing in January to deliberate on the foreclosure by Beneficial Bank and its petition to auction the property. The judge referenced the COVID foreclosure ban imposed by the Oregon legislature, even though the Governor had stated that the ban was lifted December 31, 2020. The judge pushed her decision out until March 5 at 9:00 am.

The Board thanked Pat Foran for all of his counsel over the past weeks.

#### IV. APPROVAL OF PREVIOUS MEETING MINUTES

**AGREED:** Brenda Peterson moved to approve the minutes, as previously circulated, from the January 5, 2021 and January 21, 2021 Board meetings. Paula McGee seconded the motion, which passed without opposition.

**V. MAINTENANCE COMMITTEE REPORT**

Bob Steele presented the Maintenance Committee Report. Four tasks have been completed and eleven are pending. Steele pointed out that there are tasks included in the Reserve Study maintenance manual that need to be addressed this fiscal year.

Otis Elevator Contract: Steele reminded the Board that the elevator maintenance contract with Otis ends in May and requires between 90 and 120 days to cancel the automatic renewal. Case stated that there are performance issues that Otis will need to address, as well as competitive bidding. Case also stated that since Otis is the manufacturer of the elevators, we would have to go through them to get replacement parts, which would be more expensive if Otis is not the maintenance holder. Mollomo asked if we could rectify the performance issues if we were to remain with them. Kennedy pointed out that they often charge for return visits when maintenance issues should have been addressed with their monthly inspections. Case will arrange for alternative providers to bid the contract within 30 days. Peterson reminded the Board that there had been a discussion of non-renewal at the November Board Meeting. Steve Rose agreed to provide language for communication with Otis and requested that CMI send the letter via certified mail. Bob Steele stated that the Committee will make the elevator contract a priority.

Snyder Roofing Contract: Snyder Roofing presented a proposal to renew the annual inspection contract at a set price of \$2,246 for two visits, spring and fall. This was verified to be the same price as the existing agreement.

**AGREED: Bob Steele moved to approve the Snyder Roofing contract renewal at \$2,246. Paul Mollomo seconded the motion, which passed without opposition.**

Call Box Wiring: Steele presented a proposal from Metro Access to replace the wiring from the call boxes to the telephone portal, which would need to happen when the call boxes are replaced. This is an attempt to immediately improve the operation of the call boxes.

**AGREED: Bob Steele moved approval of the proposal from Metro to rewire the call boxes at a total cost of \$2,330, provided that the wiring is at least CAT-6. Paula McGee seconded the motion, which passed without opposition.**

Garage Gate Proposals: Steele presented proposals from Metro regarding garage gate operation. There are two options, one which would be a new sensor mounted above the gate and therefore out of reach (\$3,990), and a second option that would prevent the gate from operating if the existing sensors are taped over or tampered with, resulting in a phone call (\$1,280). Defaulting to "failure to open" would be the more secure option but would result in a service call. Steele suggested that this issue be revisited at the next meeting after the Committee has had the opportunity to research the options and make a recommendation to the Board.

RDH Reserve Study Meeting: Steele reminded the Board that there is a scheduled meeting on Thursday, February 4 at 1:00 pm, to review the Reserve Study proposal for the coming fiscal year. The Zoom meeting information will be provided by RDH.

Community Room Security Panel: Brenda Peterson inquired about the maintenance report entry for West Meyer Fence. They returned to install the small security panel for the Community Room and the Association may have been charged for that extra trip. La Voie verified that the expense noted in the

report was the total amount of the bid and that only one invoice had been received in the amount of \$1,987.

#### VI. COMMUNITY MANAGER'S REPORT

Financial Statement: Tom La Voie reviewed the December 2020 financial statement. Expenses for the month were \$21,534.37 over projection, and year-to-date expenses were over budget \$37,918.90, \$18,882 of which is the insurance premium overage. The Board had allocated \$24,000 from the operating contingency to balance out the insurance increase, along with an additional \$24,000 from Working Capital, if necessary. For the first six months of the fiscal year, the cash reserves increased from \$77,683 to \$107,314, and the Working Capital increased from \$126,808 to \$135,150. La Voie stated that the additional increase in insurance premiums beginning February 1 will add an additional \$10,000 to the insurance premium over-budget amount. Utility usage is over budget a total of \$7,908 year to date, due mostly to residents being home during the pandemic and usage increases. Building maintenance is over budget as are expenses related to the Building Maintenance Coordinator time. La Voie stated that he is planning to present a draft budget prior to the March meeting, which will give the Board a couple of months to study the proposal.

Concierge Proposal: La Voie presented the CMI proposal for 24/7 Concierge service at \$26,000 a month. The proposal reduces each shift to 8 hours and eliminates the overlap of shifts. The proposal would allow elimination of the overnight security rounds, as well as weekday lunch coverage. Kennedy inquired if there have been any issues regarding lunch time that would require security. La Voie stated that there have been issues of keys being left at the desk when the Concierge was on break, which could result in a security issue. Peterson stated that having a draft budget early will help to determine allocation of funds for the coming year.

Architectural Review: La Voie reported that there has been one electric vehicle charging station installed by Hughes and OpConnect, and that there are a couple more in the works.

#### VII. BOARD REPORTS

Commercial Director: Tina Tsai stated that there has been an uptick in crime in the neighborhood. The Eye Studio experienced an incident with a customer refusing to wear a mask and stealing several pairs of glasses as she left the store. Sabina's also had a second incident of broken glass, also involving lost merchandise. Tsai reported that she called 911 during the mask-related incident; the police responded and conducted a search for the person. La Voie stated that the Old Town/China Town response to campers has increased that activity in the Pearl District. The PDNA is working with the police department on strategies for the Pearl.

Beneficial Bank: Paul Mollomo inquired whether the vacant retail space negatively impacts the Association. La Voie stated that the Bank was renting the space, and that the current owners are paying the monthly fees; it shouldn't have any negative financial impact on the Association. He did note that the empty restaurant played a part in at least one insurance carrier declining to provide a quote.

#### VIII. COMMITTEE REPORTS

ELEC: Larry Rosenblum reported that annunciator training will be held on Saturday, February 6, between noon and 2:00 pm. A notice will be sent to all residents alerting them of the possibility that the fire alarms may be heard throughout the building along with test announcements. Rosenblum will provide a notice to CMI to send to all residents, including the retail spaces as well. Rosenblum also revisited the need for mass texting and requested that CMI follow up on the possibility of providing this service to the

community. He also noted that the south stairwell is set to be rekeyed this week; he will follow up with the Concierge staff regarding the storage of the keys and the protocol for distribution in the event of a prolonged power outage.

#### IX. NEW BUSINESS

Electronic Recycling: Paula McGee inquired about the Electronic Recycling program announced by the PDNA and asked how the Elizabeth became included in the program. La Voie stated that the last time this event was scheduled, Stan Penkin, PDNA President, was living in the building, and it was perhaps a continuation of that involvement. CMI will have the Concierge Staff facilitate the program in the building.

Owner Confronting Dog Owners: Bob Steele requested that the Board discuss the two complaints against an owner who has been confronting dog owners who allow their dogs to relieve themselves in the street tree wells in violation of House Rules.. Steele stated that the rules are clear on dog behavior, but wondered whether some of the rules are enforceable as written. Kennedy suggested that there might be other options for the pet waste problems and suggested that the Board consider action regarding the confrontations. Paul Mollomo wondered how a general notice could address the dog rules as well as how residents relate to one another. Steve Rose suggested that it might be a good idea to designate space for a dog relief area but wondered where that might be a possibility. Kennedy stated that with the number of dogs in the building it is a valid concern and that all options should be considered. Paula McGee suggested that the Board revisit the wording of the rule in question and consider revising in a way to make it more enforceable. Brenda Peterson observed that most of the dogs who are relieving themselves on our trees and bushes belong to the building and are not random neighborhood dogs. She suggested a dog-owner fee could be considered. Bob Steele stated that if a resident sees a rule being broken, the resident should alert the Board or CMI and not confront the other resident personally.

**AGREED: Steve Rose moved to add this to the next meeting agenda, at which time any rules revisions could be considered. Paula McGee seconded the motion, which passed without opposition.**

#### IX. OWNERS' FORUM

Jeff Ghitelman inquired about the ceiling insulation in the Flanders garage that was damaged due to the first-floor restroom leak and wanted to make sure that it will be repaired. La Voie stated that it is included in the scope of work with Charter and should be completed soon.

#### X. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:20 PM. The next Board meeting will be via Zoom on Tuesday, March 2, 2021 at 5:00 PM. Log-in information will be provided prior to that date.

Minutes approved at the March 2, 2021 meeting.

Approved:

  
Paul Mollomo, Secretary