

LONG HILL ESTATES CONDOMINIUM ASSOCIATION
BOARD OF DIRECTOR'S MEETING
NOVEMBER 12, 2008
4:30

Review President's report
Review minutes of previous meetings: August 21 and August 28
Discuss using recorder for minutes in absence of any clerk

Treasurer's Report
Review final landscaping cost between units 12 & 17.
Review owner payment status
Do we need any board letters sent to delinquent owners

Finalizing by-law amendment:

Decision re arched window flashing

Review Rich Hamilton's report on unit inspections of dryer duct venting systems
Ask to coordinate venting systems through roof with John Norton?

Review maintenance plans
Gutters – all to be cleaned (bucket of water down spouts)
Roof clearing this winter – care
Replace loose shingles at tip of roof over garage room on unit #17

Plan on sending out new association address:
100 Long Hill Estates Condominium Association

Discuss Volunteer Liability

Abutment Committee – Ann reports

LONG HILL ESTATES
BOARD OF DIRECTOR'S MEETING MINUTES
NOVEMBER 12, 2008
Unit 21

Meeting opened: 4:35 p.m.

Present: Directors Nancy Clarke & Ann Lammers, Pres. Marilyn Britton and Treas. Julie Clattenburg

Absent: Clerk. (Lyn Campbell had accepted Clerk position but later declined.)

Reviewed President's Report. (attached)

Highlights:

Still trying to contact fire code officer, Dan Failla, concerning materials for dryer vents.

Observed pre-installed aluminum flashing under trim on arched windows when John loosened trim.

Owners (16) attended dryer vent meeting. Ten more owners responded but couldn't attend.

Rich has inspected all units, with exception of 8, 11, and 21. We need reports from these units.

Review of previous minutes:

August 21: Approved as written, by Ann Lammers and Marilyn Britton.

August 28: Approved as written, by Ann Lammers and Marilyn Britton.

October 9: Approved as written, by unanimous vote of all three members.

Treasurer's Report:

Balance Sheet (attached). JW's latest bills (\$750 & 3000+) are still to be paid from Checking. Discussed late owner's fees. Reminder notes to be sent by Treasurer. (Due on first of month. In order to prevent cash flow problems, we need payments before middle of month.)

Payment for painter was borrowed from Working Cap and will be paid back @ \$500/month.

Motion made and passed to take \$599.44 from Cap Replacement to pay Park's Electric for five new street light fixtures and repairs on some others.

Motion made and passed to take \$265 from Cap Replacement to reimburse Lyn Campbell who paid a contractor for an association repair on part of her arched window.

Motion made and passed to take \$99.58 from Working Cap to reimburse Marilyn Britton for speed signs, extra post & No Soliciting sign.

Motion made and passed to take \$1395.08 from Capital Replacement to pay Our Town Landscaping for drainage landscaping and planting river birch between units 12 and 17.

By-Law Amendment needs to go to Registry of Deeds on Temple St, Nashua (882-6933). Members alerted that any one of us can bring it in. Not official until registered.

Decision re: flashing on arched (round) windows. John Norton showed us 1 1/2" to 2" aluminum flashing, which was part of original window installation and, along with caulking, is enough to keep water out. No water damage has been observed around tops of these windows. If we were to add extra flashing, clapboard would have to be removed and it would be quite costly. Motion made and unanimously passed to accept work on these windows as done. President will report to owner who originally questioned quality of flashing.

Pg 2 of 11/12/08 BOD meeting minutes.

Rich Hamilton's reports on inspection of dryer vents expected tomorrow. Marilyn will discuss with Rich the possibility of coordinating installation of new systems, where needed, with John Norton doing minor roof work to accommodate venting through roof.

Maintenance requests: clean all gutters and check that downspouts are clear. Replace loose shingles over #17. In snow season, avoid clearing snow down to bare roof from sunroofs. Ann volunteered to be John Norton's primary board contact.

New mailing address in all material mailed out – 100 Long Hill Estates. Mail to be put in drop box in mail building. Marilyn will ask Post Office to forward mail from PO Box 415. We will keep this box for a period of time.

Abutment Committee: Ann reported that chair Ed Hampson along with Audrey Carvalho and Glen Swanson make up this committee. At present they are asking Planning Board for all materials on Tim Steel's request to build directly to the east of our property with a planned road off of Long Hill Rd. Board will keep this committee informed of any town notices about this matter.

Volunteer Workers: As the association has benefited from volunteer labor, Board had asked Gary Braun to draft a form that would help us continue to use volunteers without getting into a financial liability issue. (Gary's response attached). For our purposes, it seemed that main issues are third person vulnerability and offering reimbursement to volunteer for out-of-pocket expenses.

It would seem we need to check with our accountant on our tax status (if non-profit).

[Julie to provide name and contact info for accountant.] Also need to check with our insurance rep regarding our liability for "third party" injury.

Ann was asked to draft a letter to Gary, asking for a form of exculpatory agreement, further research in regards to reimbursing volunteers for materials used, and advice concerning ways to limit our legal liability in case of injuries to third parties, while uninsured volunteers are working for the association.

Letter from Chris Snow has just arrived, with information about our insurance company's position on the safety of various materials for dryer vents. It appears ready for distribution to owners.

Respectfully submitted,
Marilyn Britton
With assistance from recorder.

Next mtg: WED, DEC 10, 4:30 - unit 35.

brittons

From: Gary A. Braun [GBraun@winerbennett.com]
Sent: Monday, October 27, 2008 9:49 AM
To: brittons@worldpath.net
Cc: Susan M. Tinnin
Subject: Volunteer Activities

Hi Marilyn – I am very sorry for taking this time to get back to you. Here are my thoughts:

1. It is possible under NH law for a party to enter into an exculpatory agreement or contract with another party in order to shield themselves from liability associated with the other party's activities. This type of agreement could be entered into by the association and the volunteer, and would essentially provide that the volunteer doing the work for the association understood that he or she was releasing the association from liability or negligence if the volunteer was injured while performing the volunteer activities. It is important to recognize that this sort of agreement would only protect the association from the potential claims of the volunteer, and not other persons who might be harmed by the volunteer's acts (e.g. abutters to the condo property, etc.) (see further comments below). Such an agreement would protect the association from claims by the volunteer that the volunteer was injured by the association's negligence and the volunteer's own negligence. My firm could draw up such a release or agreement for you. I do not think that the agreement would need to be complicated or lengthy.
2. I initially was concerned that permitting this type of volunteer work might expose the association to claims under NH's workers' compensation ("WC") laws. However, so long as the volunteer is not being paid or compensated in any way by the association, and the volunteer is not using the equipment, tools, etc. of the association, there probably would be no potential WC liability if a volunteer was injured while performing the volunteer activities. It is very important here that the volunteer not be compensated in any way or fashion, including by such things as credits against assessments (which is probably not permitted for other reasons as well). In the first instance, I would be hesitant even to provide remuneration for things like gasoline, etc., though the issue of reimbursing expenses might be an appropriate issue for a bit of further research on my part.
3. An open question exists with respect to potential liability to third parties who might be injured by the volunteer's activities. There is a statute in NH (i.e. RSA 508:17) which operates to limit the liability of a "non-profit" organization and its volunteers for the negligent acts of the organization's volunteers. "Non-profit" entities which are covered by the law include those which possess tax-exempt status under Section 501(c) of the federal tax code. We may need to check with the association's accountant on this issue, but I suspect the association is a non-profit for tax purposes and therefore would be eligible for the protections offered by the statute. However, it appears that the law would provide immunity per se only to the volunteer, and not to the association, for the acts or omissions of the volunteer. The volunteer loses his or her immunity if his or her act or omission is the result of willful, wanton or grossly negligent conduct on the part of the volunteer. Liability of the association in all instances, including for regular negligence of the volunteer, appears to be limited to \$250,000 per person and \$1,000,000 in the aggregate if multiple persons are injured by the volunteer's act or omission. Given the potential for liability to third persons arising from these volunteer activities, I would strongly suggest you raise the issue of potential volunteer work with the association's insurance agent (not the company) and see what the agent thinks. You want to make sure that insurance coverage exists at least with respect to potential injuries to third parties. Given the language of RSA 508:17, I am not sure that the association can be assured that it would not be sued by and be liable to a third party (i.e. someone other than the volunteer) who might be injured by the volunteer's activities.

I will be out of the office for much of the day today, but should be back later this afternoon. I will also be here all day tomorrow if you would like to discuss these matters further. Thanks much Gary

Gary A. Braun

12/9/2008

President's report for Nov-12 08 BD mtg

Wrote up annual mtg minutes from Marcia Pettee's notes – Ann edited

Sent e-mail to owners re issues of timely paying of condo fees, turning in insurance update lists and keeping speed to 10 mph

Wrote up mtg minutes from BD 10/9 mtg – Ann edited

Checked with Town re irrigation water shut off - wasn't on their calendar

Sent e-mails to JW re projects due

Asked JW to get us a list of all chemicals used on property

Checked twice with Town re retention pond care

Sent request to Gary to develop a volunteer policy that would shield association from legal action

Checked on prices for No Trespassing Signs & Link chain

Called PO, Fire Dept re: transferring assoc mail box here from PO so we can get mail quicker

Asked Julie to check records for price of bldg 8 and 9 roofs

Appears that billing was in order

Called Matt Howard re painting mail kiosk & light posts – wknd of 18

Called Rainmaker to reschedule 10-4 app't (their equipment broke down) to 10-11

Walked property with JW and Ann to check brush hogging work – asked for some trimming

Set up time for John's work with units 6, 30 and 32 ... Mon 20th about noon

Called Roblee to check on date for white pine removal – Oct 27, grinding next day

Met with Ann & Rick Hamilton for advice on flashing for arched window trim and dryer vent system check

Called Linda Fisher re way to handle finances of dryer vent modifications

Called HUB, Rick Newman re dryer vent systems re insurance

Called John Norton to set up BD mtg re arched window trim fix – mtg held 24th

Bought and put up No Hunting & Trespassing Signs and Chain

Talked with Matt while on site painting

Passed out letters re dryer duct mtg to owners not responding re 28th meeting

Met with JW and went over remaining project list

Made sign-up sheet for 28th owner mtg for inspections

Owners of 16 units attended 28th mtg ... 10 responded to request

Met with Rich Friday night to give him sign-up list

With Board, drafted a letter in reply to Chris Snow of HUB with requests for specificity on dryer duct system repair project

Called PSNH re two bills for last three months ... call next month with status

Matt had an accident – mail kiosk will be painted next spring

Worked with assistant post office manager: agreed to use 100 Long Hill Estates for address and use drop box inside mail building for our mail

Met with Ann & John re arched windows... saw an inch or inch and a half of aluminum flashing on/around windows...

Have made several calls to fire department personnel (chief, shift duty and fire code officer) asking for their codes/recommendations for our dryer duct vent systems

Sent e-mail to Chris Snow of HUB asking him to include CAU's comments in his letter to us.

Long Hill Est Condo Assoc
Balance Sheet - Period Ending Nov 30, 2008
Cash Basis

Assets.....

Bank, Savings & Investment Accounts

Ocean Nat'l Checking	\$14,401.06
Cap Replacement Savings	\$19,954.71
Working Cap Savings	\$9,958.59
Petty Cash	\$0.00

Other Assets

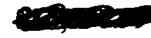
Total Assets	\$44,314.36
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Liabilities and Owners Equity.....

Funds

Working Cap Ckg Fund	\$0.00
Cap Replacement Ckg Fund	\$0.00

Other Liabilities



Total Liabilities and Owners Equity	\$44,314.36
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Long Hill Est Condo Assoc Fees Due/Prepaid

Owners with a zero balance are not shown

Net Due/Prepaid (negative amount indicates prepaid): \$1,691.19

Due: 1691.19

Prepaid: 0

Dec 10 -

<u>Owner #</u>	<u>Owner</u>	<u>Unit Address</u>	<u>Balance</u>
1054	Regina & Alejandro Andres	34 Long Hill Estates	\$272.19 235.
1031	Julie Clattenburg	31 Long Hill Estates	\$235.00
1008	Evelyn Morrisson	08 Long Hill Estates	\$235.00
1017	NH Ball Bearings Inc	17 Long Hill Estates	\$234.00
1059	Marcie Pettee	04 Long Hill Estates	\$235.00
1053	David L. Poirier	12 Long Hill Estates	\$245.00 ✓
1051	Estate of Richard Torla,	27 Long Hill Estates	\$235.00