

UP3259, Capital Hill Apartments
Executive Committee Meeting # 122

Monday 23 November, 2020.

At 30/23 State Circle Forrest, socially distanced.

Minutes

Attendance: Executive members: Paul Perkins (PP) 30/23, Chair, Karen Gassner (KG) 12/19, Secretary, Gaye McDermott (GM) 203/17 (by phone), Horace Saducas (HS) 118/23. Peter Ford (PF) 115/21, Ricky Bolton, (RB) 20/21. Note Gaye McDermott has apologised due to family commitments.
Others: Kelly McMahon (MA), Managing Agent. Patrick Roberts (RTAS); Items 2 & 3 only.

Business

Chair (PP) opened the meeting at 4.00pm.

Resolved:

- I. Accept Apology from Gaye McDermott
- II. Welcome Ricky Bolton to the committee, and
- III. To note tabled documents foreshadowing agenda items for “Other Business” and “Work Calendar”.

1. Minutes:

a. ECM Meeting 121, 28 September 20.

Resolved: Approve the Minutes of ECM 121, 28 September 2020 as circulated via Portal and Webpage.

b. AGM, 29 October 20.

Resolved:

- I. Note the Draft minutes of the Reduced Quorum AGM held on 29 October 2020, as circulated to all owners and via portal and Webpage.
- II. Note that all resolutions will be operative subject to the 28 day rule.
- III. Note the election of Karen Gassner, Gaye McDermott, Peter Ford, Horace Saducas, Ricky Bolton & Paul Perkins to the executive committee.

2. Catastrophe Insurance Contracts

Two contracts circulated previously: Advanced Buildings (CHU approved) \$860,437.47 and Advanced Buildings (Private Variation to meet BCA) \$40,128.00).

Resolved:

- I. Note AGM authority for Executive committee to include Private variation to meet BCA by use of Klip-Lok product in Sinking Fund Budget and negotiate appropriate contractual arrangements.
- II. Seek Collective Insurance Brokers (CIB) clarification of CHU “Solar Panel approval” and question of consequential losses from this replacement program (MA 18/11/20 refers). Action: PP.
- III. Approve urgent legal advice on the efficacy of the insurance approvals and the contract documents to hand. Action: PP.

- IV. Seek proposal for Contract and Project oversight by experienced architect, Patrick Roberts. Action: PP
- V. Agree to meet at a Special Executive meeting on 1December2020 to consider and determine the two contract proposals and project oversight arrangements. Action: PP, KG.

Patrick Roberts joined the meeting at 4.15 pm

3. Water Ingress Issues:

a. Report on Water Ingress..into apartments & basement..

Draft report from RTAS (revision 4, 11/11/20) circulated to members provides conclusions and options in relation to 3 types ingress problems. Patrick Roberts attended the meeting and assisted discussion on the 3 issues.

PP reported costs for RTAS approved for payment approximate the original total estimate approved. In addition, 6 Star Plumbing involvement including destructive testing, has incurred significant additional costs. A detailed cost report will be prepared for the next ECM.

Members discussed the need to finalise all of these reviews, including remediation staging options and priorities, in sufficient time to allow input into the Sinking Fund Revision, before next AGM. Owner consultation including a possible General Meeting re Rules variations and subsidiary area (balcony) use / garden boxes, etc, must be included.

Resolved:

- I. Note RTAS report and Patrick Roberts' clarifications of issues.
- II. Agree findings on surface flow & drainage at para35-40 and agree to scope further investigation of options. Action: PP
- III. Agree recommended option 1 – Sikaflex Pro sealant replacement, for prototype remediation of Leak #1-Pre-cast walls, initially 15/19, 23/21 & 24/21.
- IV. Agree to expedite recommendations RE Leak#2- external landscaped areas. Action: PP review scope & timing with RTAS.
- V. Agree recommended partial solutions, for prototype remediation Leak#3- terraces, initially 109/19, 115/21, 117/21 and 205/19.
- VI. Authorise Letter to residents likely impacted by investigations confirming process, and seeking agreement to advice of activity, short notice access, advice re noise etc. Action: PP, MA.

b. Basement Review authorisation.

Previously approved basement water ingress problems was deferred. We now need to invite completion by Ross Taylor & Associates, (RTAS) & 6 Star Plumbing. PP's notification of potential personal interest noted.

Resolved: Delegate authority to PP to approve Proposal & cost estimate from RTAS to complete basement water leak studies and report on remedy

options. With destructive testing and ancillary involvement of 6 Star Plumbing, total cost is likely to be of the order of \$10,000. Action: PP + report to next ECM.

c. Priority Prototypes, Project Management, Specifications, etc.

It was agreed that expediting prototype solutions in the most urgent cases will require specialised inputs re cost estimates, specifications, contract management and supervision, beyond available skills and capacity.

Resolved:

Delegate authority to PP to approve retention of Patrick Roberts to provide professional services including cost estimates, to support priority prototype maintenance and remedial projects arising from this report, such services to be provided on the basis of documented scope and cost estimates pre-agreed under this authority. All authorisations to be reported to next occurring ECM. Action: PP, MA.

Patrick Roberts left meeting at 5pm.

4. Legislative Changes & Actions Arising

a. Claims against OC + OC Claims Processing

Meeting noted matter unresolved in part due to legislation changes. Need to reconcile CHU "payments", our payments including large Excess, review case studies, confirm with CIBrokers and prepare agreed communication for sign-off. Independent claims management may be required?

Meanwhile our resolution (ECM #117,14/4/20) requiring advice from MA before authorising actions remains in place.

Resolved: Expedite meeting to finalise and formalise communication to owners. Action: PP, MA.

b. Voting arrangements for Members & EC Meetings

Significant UTMA changes will need clarification and use of Absentee votes etc. Urgency as we need General Meeting approval for most changes.

c. Minutes and Records, Registers, etc

New changes emphasise need for formal records, communications. Need to agree changes, responsibilities and accountabilities.

d. Rules, including Levy Interest, use of seal, etc.

Changes to Rules, formal actions re delegations to Managing agent (B&D), contract details etc require review at least.

e. Delegations of authority: Manager, Individual members , others.

Helpful formal Advice Update from MA on new legislation effective 1/11/29, received 18 Nov20, along with with handy schedule from Kerin Benson Lawyers. Both forwarded to members.

OCN intends training sessions in New Year, and invite engagement with the ongoing Consultative Group (Access CANBERRA).

Resolved:

- I. Note MA's written advice and comments to meeting.

- II. Agree to seek legal advice from Chris Kerin of Kerin Benson Lawyers on impacts and actions arising from the UTMA changes (from 1/11/20, and prospective), Action: PP, MA
- III. Agree to workshop priorities for action, including via a general meeting early in the new year. Action: PP, KG, MA.
- IV. Agree to participate in proposed OCN courses on the new Legislation. Action: KG, PF.

5. Governance:

This first meeting of the new executive committee considered governance issues, positions, responsibilities, extant problems arising from COVID-19 🦠, and legislative matters.

a) Code of Conduct. (Attach't 4)

Resolved: Members agreed to adhere to the Code of Conduct.

b) Appointments: Chair, Secretary, Treasurer.

s.40 of UTMA requires the executive committee to elect office holders, Chair (s.41), Secretary (s.42) and Treasurer (s.43) . It also allows appointment of a member to more than one position.

Peter Ford took chair for this item and call for nominations.

Declaration of Appointments: Karen Gassner- Secretary. Paul Perkins- Chair and Treasurer.

c) Priorities & Responsibilities, Protocols. Work Calendar.

Priorities, delayed by Covid-19 🦠 were slipped, delayed and reordered as set out in Chairs report to AGM. Presently, 1) the Catastrophe insurance matter, 2) the Water Ingress studies, 3) Understanding and reacting to the UTMA legislative changes, an 4) Claims against the OC/Strata Insurance processes are the elephants in our room. However we need to address communications and records, Sinking Fund Review and works planning as well as service efficiency under and post Covid-19 🦠.

Resolved:

Schedule a special meeting after advice on UTMA changes to consider a Work Calendar with priorities, responsibilities and accountabilities, and conditions attaching to delegations. Action: PP, KG.

d) Meeting regularity, location, COVID issues.

COVID 🦠 has limited use of B& D meeting room for ECMs or work sessions. Until this changes, discussed continuing ECM meeting dates and conducting ECMs on site normally at chair's residence where we can accommodate up to 7 attendees socially distanced. These flexible meetings cater for attendance by phone or Zoom as now permitted.

It was also agreed that bi-monthly meetings be the norm with special meetings as required only where out-of-session approvals are not practical.

Resolved:

- I. Ordinary Executive Meetings be held bimonthly in November, February, April, June, August with an EOFY/AGM meeting in September. Special meetings may be called.

- II. Meeting normally be scheduled for second Monday of each Month with Tuesday if a public holiday clashes. Meeting times will normally be 4-6pm.
- III. Meeting attendance is flexible but normally will be physical presence of office holders with others attending by phone, Zoom or by pre-arranged absentee vote.

e) Honoraria and expenses.

The aggregate quantum for members honoraria has been set by the OC at \$1000pa. Current understanding that acceptance of honorarium precludes claims for minor expenses. Current amounts are: Chair \$300; Secretary \$200; Treasurer \$200; Member (x3) \$100.

Resolved: Honoraria be approved for the 2020-21 year, for direct payment to members Levy accounts, viz: Chair \$400, Secretary \$200, members (x4) \$100: total =\$1000. Action: MA.

f) Treasurers Report:

a. Status Reports, September & October

Meeting noted that Expenditure and income levels are generally in line with budgets and liquidity levels adequate. Cash level in Admin Fund at end October was less than \$7000 but members' enthusiastic response to AGM approved quarterly levies indicates that we have comfortably achieved liquidity compliance in November.

Queries on on accounting entries have been responded to on request.

Matters requiring attention include 1) Accounting treatment and reporting overdue interest charges and adjustments thereto (Meeting pending), and 2) Accounting and reporting on Claims against our Strata insurance policy or r claims which we have dealt with rather than claim against the policy remain to be addressed.

Resolved: The Treasurers report be accepted.

g) Communications: (verbal discussion: Karen Gassner, Secretary).

a. Corporate Registers: changes of residents.

KG noted circulation of updated Corporate Register. Members assistance sought re changes in tenancy to enable follow-up to ensure compliance. RB asked if Register could be in Excel.

b. Residents Communications, Lift Notices etc.

KG reported that MA had re-issued Minutes of AGM. Lift Notices included Dog Poop, AGM , Misuse of Car spaces, Garage access Repair, Cleaning of Water Header boxes.

c. Webpage, Registers, Technowand etc.

Discussion on priority problems and review re web, shared portal, common document folders & Registers, access etc for 2021 Workplan. Action: KG, RB

d. Christmas Party 🎄🎄🎉.

Resolved: Annual Residents Christmas Party be held Saturday, 12 December, under the Oak tree behind Building 17. Action: KG + Santa's helpers!

e. **Out-of-Session Approvals for Noting.**

Resolved: Note absence of report and agree that all such approvals from 30 September 2020 be reported to ECM 123.

6. Proposals for Approval and Other Business

a. **Exec members, Key Register, etc**

Resolved:

- I. Note Master keys returned and swipes decided by Richard Heaney.
- II. Authorise issue of Masterkey, safe access and reprogrammed swipe to Ricky Bolton.
- III. Delegate responsibility for Security and Access systems including maintaining Key Register and prime liaison with contracted provider Blitz Installations Pty Ltd to Paul Perkins, pending review of system responsibilities between OC, MA and Blitz, including and accountabilities for compliance. Action: PP, HS.

b. **Others, including claims costs not covered by strata insurance.**

Resolved: Noted absence of report and agree that specific items with updated **Claims Register** and **Service Providers Register** be considered at ECM 123.

c. **Access & Security Foyer CCTV Upgrade**

Blitz Security Installations P/L quote for \$6055 incl gst was approved at ECM 119 but deferred till 2020/21. Due to our delay the price has increased.

Resolved: Works Order be issued to Blitz accepting quote dated 18/11/20 for supply, installation and commissioning of 4 Foyer cameras, \$6340, inc.gst.

d. **ACT Owners Corporation network (OCN)**

Resolved: Note PF will represent at AGM on 30 November. PP and others invited to join the Zoom meeting as observers. Action: PF, PP, RB

e. **Building 21 Foyer Repairs & Painting.**

Resolved: Arrange quotes for repainting and repairs of foyers of Building 21 and defer quotes for other buildings. Action: MA

f. **Tree Pruning ASHS**

Report discussed in detail. HS & PP declared personal interest.

Resolved:

- i. Approve Works Order to prune pear trees for compliance under rear powerlines at estimate cost of \$2500, incl. gst. Action: MA
- ii. Decline offer for arborists report re heritage tree in front of Bld23, ask that Minor pruning proceed as offered.
- iii. Note lift pruning of nature strip pin oaks will be scheduled in normal weekly work schedule.
- iv. Note recommendations RE Crimson Sentries and Pear trees and ask for estimates of costs be provided. Action: KG, MA.

g. Foyer Airconditioning Compliance checks

Resolved: Approve Issue of Works Order to contracted HVAC specialists, SEDA, to inspect all 4 foyer aircon systems and controls, test for compliance reporting with recommendations. Price as per contract. Action: PP, MA.

h. Next Meeting(s) date

Resolved: ECM123 be held on 1 December at 5pm.

Meeting closed 7.05pm.

Paul J Perkins, Chair. K Gassner, Secretary, 25 November 2020.