

The Element, Newhaven, Owners Association Committee

Minutes of Zoom Meeting 9th February, 2021

7.00pm

Preliminaries:

- a) Present:** Rodney Matthews (RM—Chairman), Ken Webb (KW—Secretary), Martyna Adamowicz (MA), Tony Barry (TB), Linda Gilroy (LG), Grant Laing (GL)
- b) In attendance:** TEF team: Simone Myburgh (SM), Marc Myburgh (MM) and Jakub Swidzinski (JS). Christine Fourie (CF), (*attended for items 1-2*)

1. Minutes of last meeting

The minutes of the meeting on 7th January 2021 were passed by the committee as an accurate record. All matters arising were dealt with in the agenda items.

2. TEF report

a) Finance report

The finance report that had been previously circulated was received. KW noted that the Green fund expenditure was slightly over where we would expect to be at this time. SM explained that the electricity bill was based on estimates and she was expecting a refund. In addition there may be a refund due from Otis, who maintain our lifts. That being the case we are roughly on budget. There are funds in the Red fund that have been budgeted for essential work to be completed during the year.

SM explained that the Green Fund is tightly budgeted and the aim was to use it up by the end of the financial year. If there are funds in hand they are occasionally transferred to the Red Fund to pay for something unforeseen that was not in the Red Fund budget. But money from the Red Fund is never transferred to the Green Fund.

b) CRR Update and implications for Red Fund fees.

SM reported on a meeting that she had had with David Bonar of F3 Surveyors at which RM was present. At this meeting David Bonar agreed with the list of work TEF deemed to be priorities for action in the first two years. SM explained that the next step was to put these out for tender so that a more accurate budget might be created and to establish time frames for the work.

Having set aside funds for essential work to be done in this financial year, SM explained that TEF need to begin to collect funds to pay for work to be completed in 2021-22 and that the sooner they start collecting these from owners the better. The aim is to keep any increase in the Red Fund component of fees and the balance they need to carry over to the next financial year to a level that is acceptable to owners.

RM established the principle that, according to our title deeds, it is the Factors who set the fee that owners are legally required to pay, not TENOA. TEF are happy to listen to what the committee, acting on behalf of owners, think is an affordable increase. RM pointed out that the current system of setting fees and allowing owners to spread the Red Fund fee over the year has worked well since TEF first started managing the Element.

The committee heard that what TEF are proposing is an extra £10/month contribution to the Red fund from 1st April for the six months till the end of the financial year on 30th September and a further £10/ month from 1st October. Thus, our total fees, for both funds would increase to £140 in April and to £150 in October. The committee agreed that, given the work required to address the issues highlighted in the CRR report and prioritised by TEF with David Bonar's agreement, this increase was justified.

LG noted that TEF and the Committee have worked with David Bonar F3 to ensure that the budget is based on a good forecast of required work/critical risks. However, the proposed uplift in fees will not provide for any unforeseen significant additions. SM noted this to be the case. She said that a factor fee of £150 was a good position for the Element to aim for within the local market. As the buildings begin to age there may be a need to consider building a moderate sum for contingencies into the budget to be drawn on in the event of unforeseen costs.

TEF agreed to circulate a letter to all owners at the end of February announcing the £10/month increase in April, and another letter at the end of August announcing the additional £10/month increase due on 1st October for the 2021-22 financial year. **ACTION: TEF**

c) Update on water ingress issues

JS reported that, weather permitting, he has booked two days with the contractor this week to investigate and fix water ingress issues in flats 9 and 13 in 9WHV. Issues in other flats require rope access to investigate and fix. However, the company he normally contracts to provide this service are not operating at the moment. So he has contacted another company from whom he is still waiting a response. JS asked KW to inform him of all who have contacted him about this matter. **ACTION: KW**

MM asked KW to request members to make use of the form on TEF's website to report an issue, rather than sending Emails. That makes it easier for TEF to keep track of and respond to issues reported. KW agreed to pass that request on to members in the Email to which the minutes of the last meeting are attached together with a link to that form. **ACTION: KW**

d) Update on mail box issues

MM reported that after viewing hours of CCTV it appears that the majority of the damage has been caused by residents trying to access their own boxes, either because they were did not have their key or by trying to open someone else's box by mistake. It is impossible to replace the whole front of the mail box stacks, only the locks. The company that manufactured the mail boxes is no longer making parts. So he has sourced a replacement lock that needs an adaptor to fit the hole. He will be trying this out soon. TEF can arrange for a spare lock and adaptor to be ordered and fitted. Owners are responsible for the cost of repair.

e) Update on any CCTV issues

MM reported that the police have been very happy with the way TEF have set up the CCTV in the Element, and TEF are cooperating with them to have access when required. Our exit gate camera has been affected by water, so a new camera will be needed. The CCTV policy has been published and will be put on the website.

f) Baltic Solutions Report: The report was noted without comment.

g) Scottish Power substation

J S reported that the Scottish Power construction engineer has inspected the substation and recommends a temporarily prop to support the corroded beams which will all need to be replaced. Rust proof paint must be applied to all the remaining beams once we have resolved the water ingress. JS explained that there has been some difficulty in finding the original drawings of the substation, so fresh drawings will be needed in order to know how much it will cost to replace them. All this has to be tackled first before tackling the matter of making the substation water tight.

LG asked if this was in the Red Fund budget. SM said that £25k to make the substation water tight by repairing the ramp surface was in the budget, but that the cost of replacing beams was not. The committee noted that this was an example of an unforeseen issue that comes up and that the Red Fund has to be able to absorb.

h) NHBC: JS reported that all claims from individual owners have been sent to NHBC, and that decisions about each claim are pending.

i) AOCB: Website fees

KW reported that a member had offered to redesign and update the website for a fee of £126, which was much lower than the committee agreed to pay to an external website designer. He had therefore authorised the work to go ahead. The same person has offered to maintain and manage the website for £20/month. CF recommended drawing up a contract which specifies what that work involves. KW agreed to discuss this with the member concerned and draw up a contract and share this with TEF, since we are using Green Funds to meet this cost. The committee decided that we should ask him to take this on for a trial period of six months. **ACTION: KW**

j) Update on EWS1 certification and cladding issues

RM wanted to make it clear that, contrary to impressions given by recent reports in the media, the cladding and fire breaks in our development, which have all been surveyed and tested, are safe and not made of the same materials as those that were used in Grenfell Tower. The issue for our development is thus not cladding and fire breaks, but the difficulties people are having in obtain an EWS1 certificate that mortgage companies accept is valid.

MM underlined the fact that the Fire Service do not have the correct qualifications to issue an EWS1 certificate. it is also clear that it is up to the owner, and not the factors or the owners associations to arrange for these to be issued by a qualified surveyor. However, it is not clear who has the authority to issue these certificates. And the Scottish Government have yet to publish clear guidelines.

RM reported that he had written to Kevin Stewart MSP, Minister for Housing, Local Government and Planning to ask him what the Scottish Government is doing to get more people qualified to issue the EWS1 certificate, what action is he taking to make sure people are not paying over the odds to obtain this certificate and to get some clarity as to how a body like TENOOA can commission a qualified person to issue an EWS1 certificate for the whole block, since each individual certificate pertains to the whole block anyway.

The committee recommend that the letter be published on our newly updated website.

At this point the Chairman thanked the TEF team for attending and they left the meeting.

3. TENOA Matters

a) Chairman's report: The Chairman had nothing to report other than the issue he has reported in relation to cladding and EWS1 certification.

b) Secretary's report: The Secretary reported the there had been no change in membership since the last meeting and had nothing to add other than the matter of the Website update below.

c) New Website. KW demonstrated the redesigned website that used an updated theme. The committee were happy with the design and ease of navigation around the website. KW pointed out that there were some changes needed to the text and location of items that he would ask the website designer to make. **ACTION: KW**

d) Responding to a complaint: The committee agreed to the wording of a firm and robust response to yet another letter of complaint by the same person as had sent previous letters.

e) Committee member roles and looking for replacement secretary

KW reminded the committee that we need to identify someone to take on the role of monitoring TEF's financial report. The committee are reminded that we need eventually, to find replacements for our chairman and secretary. Since this is usually done by means of informal communication at social gatherings, which we are not currently allowed to have, the matter will need to be settled later.

f) Planning for EGM

RM proposed we hold an EGM in March to decide the single issue of the proposed changes to the constitution. The motion and the reasoning behind it had been circulated to members prior to the AGM that was to have been held in 2020 but that we were unable to hold due to the COVID pandemic and difficulties of voting on issues like this in a live Zoom meeting.

The committee discussed how to do this, given that we would still not be able to meet in person. It was agreed that postal voting was the best option, but that a Zoom meeting at which the rationale behind the proposal would be presented and members would have a chance to comment would be held prior to the ballot papers being sent out. RM agreed to work on details and get back to committee members within a week. **ACTION: RM**

4. AOCB: No other competent business had been tabled.

5. Date of next meeting. 9th March 2021