

**Avant
The 200 Delaware Residential Condominium
200 Delaware Avenue
Buffalo, New York 14202**

**MINUTES TO THE ANNUAL HOMEOWNERS MEETING
May 12, 2014**

The 200 Delaware Residential Condominium Association met on May 12, 2014 at 6:00 p.m. in The Avant Room #1 of the Embassy Suites Hotel located at 200 Delaware Avenue, Buffalo, New York 14202.

The following individuals were present:

Uniland Property Management Representatives:

Deborah Geden, Property Manager
John R. Greene, Senior Property Manager
Doug Engl, Director of Property Management

Residential Board of Managers / Officers

Present

Wayne Mertz
Rachel Stenlik
Gary Brost

Absent

Michael Montante

Recording Secretary

Sandra A. McCarthy

A. CALL TO ORDER

A quorum having been determined, the meeting was called to order at 6:06 p.m. by Mr. Wayne Mertz, President, who presided at the meeting.

B. ROLL CALL

The following homeowners were present: *Wayne Mertz, Natalie Barnhard, Ray Dintino, Dennis Dintino, Marty Marks, Kathy Marks, Rachel Stenclik, Gary Brost, Willow Brost, Arnold Shykofsky, Richard Stephens, Tony Martinez, Eme Short, Rohan Bansal, Andrew Kulyk, Mike Connelly, and Dave Pietrowski.* Sid Starkman was not present but a proxy ballot was received. Each homeowner identified themselves, their unit number and the length of time they have been a resident at the Avant.

The following individuals were introduced:

Board of Managers:

- Wayne Mertz, President. Mr. Mertz has completed his three year term.
- Rachel Stenclik, Vice President. Mrs. Stenclik has served one year of her three year term.
- Michael Montante, Secretary and Sponsor Board Member was not present.

Officers of the Condominium Association:

- Gary Brost, Treasurer.

Uniland Property Management:

- Deborah Geden, Property Manager
- John R. Greene, Sr. Property Manager
- Doug Engl, Director of Property Management

C. PROOF OF NOTICE OF MEETING OR WAIVER OF NOTICE

Notice of the meeting is attached. The notice was served via United States Postal Service at the unit owner's last known address.

D. READING OF MINUTES OF PRECEDING MEETING

The minutes from the Annual Homeowners Meeting held on April 29, 2013 were distributed to all homeowners. Mr. Mertz waived reading of the minutes.

E. APPROVAL OF MINUTES

Richard Stephens made a motion to approve the minutes of the April 29, 2013 Annual Homeowners Meeting, seconded by Gary Brost and approved by the Board.

F. ELECTION OF INSPECTORS OF ELECTION

Mr. Mertz requested a volunteer from among the homeowners to serve as the Inspector of Election. Andrew Kulyk volunteered to be the Inspector.

G. ELECTION OF MANAGERS

Mr. Mertz announced that he has completed his three year term as a member of the Board and would not be seeking re-election. He further advised that solicitations were mailed to all homeowners seeking candidates for election to the Board of Managers and Gary Brost has decided to run for a position on the Board. It was reported that once all condominium units are sold Michael Montante will be stepping down from his position of Sponsor Board Member. Mr. Mertz urged all residents to consider running for the Board in the future. Board Member Rachel Stenclik also encouraged fellow residents to consider joining the Board.

Mr. Mertz advised that the vote would be taken by written ballot.

As there was not a majority present at the meeting, Rachel Stenclik made a motion to accept written ballots, seconded by Willow Brost and approved by the Board. The ballots were tallied and Gary Brost was elected to the Board of Managers by a unanimous vote.

H. REPORT OF COMMITTEES

Landscaping Committee

Rachel Stenclik reported on the efforts of the Landscaping Committee.

Ms. Stenclik advised that the Committee is currently in the second year of a three year plan to renovate the residential courtyard. The current phase will include the placement of new planters to obscure the black fence along the building, planting of additional privacy shrubs along the perimeter of the courtyard, and the purchase of a table for residents to entertain outdoors.

Ms. Stenclik encouraged any residents with gardening interest to volunteer for the beautifying of the courtyard.

I. UNFINISHED BUSINESS

Transwave Internet Service

Mr. Mertz again discussed his positive experience with Transwave, the internet provider for the office tenants in the Avant building, and advised that Transwave continues to extend its internet and telephone service to the homeowners. Mr. Brost also shared his positive experience with Transwave. An outline of the services available

through Transwave, including current pricing, was provided to the homeowners. Mr. Mertz suggested any homeowners unsatisfied with their current provider and/or interested in learning more about Transwave, should contact Deborah Geden.

Real Estate Tax Assessment Challenge Update

Mr. Mertz reminded the homeowners that in 2017 the Empire Zone veil will fade.

Mr. Mertz introduced guest Peter Weinmann, Esq. of Wolfgang and Weinmann to report on the status of the tax assessment challenge. Mr. Weinmann thoroughly discussed the issues and planned strategies, including his “smoking gun” which is the City’s legal obligation to publish the percentages of common interest in each unit and its failure to accurately do so. He reported that the City has manipulated these percentages, which he intends to reveal within the litigation at hand. Mr. Weinmann also advised that since his last report, the City of Buffalo has hired outside counsel for this matter, as this litigation is too technical and out of the expertise of the current staff of the Corporation Counsel’s office. The City has retained Joel R. Kurtzhalt, Esq. of Bennett, DiFilippo & Kurtzhalt, LLP who recently filed the Notice to Admit on behalf of the City. Mr. Weinman reported he is very familiar with Mr. Kurtzhalt and has handled several other matters opposed to him. Mr. Weinmann remained very encouraging and feels confident he is on the winning side of this issue.

Shower Temperature Issue

Deborah Geden reported that the issue of fluctuation of hot and cold water in the en suite shower units is still being investigated. Last year, Uniland engaged the services of the engineering firm of Nussbaumer & Clarke, Inc. to evaluate the problem. Testing conducted on the boiler system, water pressure and hot water loop indicated these systems are working properly. Nausbaumer provided a list of recommendations, which are systematically being implemented by Uniland. One such recommendation was to perform maintenance on the Grohe en suite shower controller units, which included the cleaning and replacement of internal components. This work was performed as a test in one unit and yielded favorable results, significantly reducing the temperature fluctuations. As a result, additional replacement parts were ordered to perform the same maintenance on the other units experiencing an issue with temperature fluctuations. Due to a recent redesign by the manufacturer, these replacement parts are presently on back-order and are expected to be received within the next few weeks. While these problems are still ongoing, they are not affecting all units. One unit has reported a separate issue with a lack of hot water supply to their unit. Deborah Geden is keeping a log of these incidents and urged residents to promptly report any such issues. This collective data is important and helpful to the engineers in tracking and ultimately resolving the problem. In addition, Uniland has once again engaged the services of Nausbaumer & Clarke to evaluate the entire domestic water plumbing system serving the Residence. Building maintenance is also conducting routine maintenance of the system components, i.e., dismantling, cleaning and replacing valves, etc. and these efforts have helped significantly.

Mr. Engl added that many of the problems reported to date have been related to the Grohe fixtures. Uniland has investigated replacement of these fixtures with another manufacturer's parts; however, at this time, there is no replacement available for the existing Grohe four-piece en suite shower ensemble

Deborah Geden will continue tracking these problems until all issues are resolved and confirmed that all costs of said investigation are being covered by the Sponsor. The Board will follow up on this issue.

J. NEW BUSINESS

Financial Reporting

The 2013 year-end financial report was included in the packet mailed to homeowners prior to the Annual Meeting. In addition, the financial report for the quarter ending March 31, 2014, as well as a five-year historical expense comparison and expense forecast through 2018, were provided to all homeowners at the Meeting. Mr. Brost thoroughly reviewed the provided materials and welcomed questions regarding same.

Mr. Brost advised that the \$50,000 line of credit secured from M&T Bank remains in place in the event of an emergency. Combined with the \$30,000 of monthly receivables on hand this totals \$80,000 cash on hand in the event of any disaster or emergency.

Capital Reserve Study

A copy of the Reserve Study Executive Summary prepared by Reserve Advisors was distributed to all homeowners at the Meeting. Mr. Brost provided a comprehensive analysis of the suggested budget and increases outlined in the study.

Automated External Defibrillator (AED)

Deborah Geden reported that an automated external defibrillator (AED), which is a portable device to check the heart rhythm and, if needed, can send an electric shock to the heart to try to restore a normal rhythm will be installed in the immediate future on the 15th floor. A brief training session and/or instruction materials on the use of the AED will be provided to all residents upon installation.

Fitness Center

Deborah Geden reported that a second treadmill has been purchased for addition to the Fitness Center to prevent wait time. It is the latest model but very similar

to the current model and she confirmed there is sufficient space in the Fitness Center for installation.

Homeowner Natalie Barnhard inquired as to keeping a stationary bike that suits her needs in the Fitness Center. Her disability prevents her from utilizing the public equipment. Deborah Geden and Wayne Mertz advised that personal equipment was not permitted in the Fitness Center due to space constraints. Willow Brost suggested that this request be revisited once Natalie moves into her unit and the size and space requirements of her personal equipment are determined.

Windows

Mr. Ray Dintino advised of a further window leak in his unit. He has alerted Dave Spaulding of this issue and was advised by Dave that it will be addressed soon. Deborah Geden advised that repairs are being scheduled for the few window leaks reported.

Construction Damage

Mr. Brost has advised that there is continuing dialog with Uniland regarding its assessment of any damage due to construction. As construction is nearing completion (projected for late summer) it will be discussed if replacement of the soiled carpets and cracked marble tile is adequate or if a deposit by the Sponsor into the Reserve account is a better solution.

Building Fire Alarms

The issue of building fire alarms was discussed. The homeowners expressed concern over contradictory audible instructions of the alarms, depending on which floor you are on. Deborah Geden explained that the initial announcements by the system will vary depending on the location and type of alarm received (smoke detector vs. sprinkler activation). It was discussed that recent alarm was the result of a broken sprinkler head on a resident's patio. Uniland is unable to turn the alarm off due to the protocol of the Buffalo Fire Department. Upon arrival, the fire department will survey the issue and silence the alarm. A fire evacuation plan is currently being prepared.

Solarium

Andrew Kulyk utilized the solarium in December, 2013 to host a fundraiser for Compass House. He inquired at Embassy Suites about its providing serving utensils, dinnerware, etc. The hotel advised rental was available at a cost of \$250.00. Compass House opted to purchase its own. Mr. Kulyk suggested the homeowners purchase for community use serve ware, dinnerware, glassware, flatware and utensils to stock the solarium for any future events. This suggestion was taken under consideration provided the homeowners are responsible for cleaning same following each event.

Open Discussion

Elevators: Willow Brost noted that there are often unsightly hand prints on the elevator walls and all residents were asked to keep their hands at their sides to avoid this.

Embassy Suites: It was discussed that better room rates can often be obtained on-line for the hotel than those offered directly to by the hotel front desk. The hotel explained to one homeowner that Hilton will often run web-based promotions that the hotels are not aware of locally.

Security: The services of the security personnel were discussed. Timely notification of package deliveries to homeowners has at times been an issue. Homeowners were informed that security has the ability to send delivery notifications via text or voice message, and if they can make their preference known to Uniland, the security staff will be instructed accordingly. Deborah Geden also stated that the security personnel offer concierge services to homeowners and packages can be delivered to their door if so requested.

Basement Elevator Lobby Door: The swiftness of the door closing was discussed and it was requested that the door movement be slowed so as to allow homeowners to move the carts in and out easily. Deborah Geden advised she would have the door adjusted.

Residence Entrance: It was raised by Ray Dintino that the door leading to the main lobby takes several seconds to close and lock upon entry and departure. He has concerns about non-residents being able to enter. Deborah Geden advised she would have the door adjusted.


HOA Fees: Eme Short requested the HOA set up auto-draft for payment of monthly fees. It was confirmed that this was not feasible as the fees change monthly. It was mentioned that some homeowners chose to pre-pay their HOA fees to avoid writing a monthly check. Statements are mailed to all homeowners on a monthly basis to track their current account balance.

Approval of Non-Standard Hardware: Natalie Barnhard stated that she has requested Board approval for the installation of a specialty entry lockset on her unit to provide her with independent access. As the construction is nearing completion this approval is becoming imminent. The Board is awaiting information on the proposed lockset from Ms. Barnhard prior to approving the installation.

Social Events: Rachel Stenclik announced that a condo crawl will take place on Wednesday, May 14th on the 15th floor. Invitations will be sent via email.

K. MOTION TO ADJOURN

There being no further business to come before the meeting, motion was made to adjourn the meeting by Wayne Mertz and seconded by Rachel Stenlik. The meeting was adjourned at approximately 7:45 p.m.


Sandra A. McCarthy,
Recording Secretary

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