

Boynton Waters Homeowners Association Inc.
Board of Directors Meeting
Wednesday, August 25, 2010
Meeting Location – Library – 6pm

Call to order.

The meeting began at 6:05 pm

The general members present were **Bobbie** Bobbi Malkin, Eric Malkin, Phil Kline, Teny Nameth, Sonia and Lori Goetz and Robert Galvin.

The following board members were present:

Larry Lofaro, President
Maura Slaughter, Communications Director
Kip Brandrup, Special projects
Robert Uhrie, Treasurer
Charles Mucciolo, Secretary
Mark Halmo, Special Projects

A quorum is present.

Mark Halmo moved to approve the minutes of the last meeting, seconded by Maura Slaughter, all in favor.

Larry Lofaro made a statement regarding the meetings that have been held at his home with several board members in response to community talk that meetings are being held improperly. He explained that according to our bylaws and the Florida Statutes that board members have the right to meet to discuss administrative issues so long as the majority of board members are not present. He further stated that no voting takes place and that the meetings are necessary to effect progress on the issues at hand. Meetings will continue to be held from time to time in accordance with the statutes and bylaws.

Treasurers report:

As of July 30, 2010 balance of interest bearing account was \$21,698.54.

As of July 30, 2010 balance of checking account was \$23,675.65.

For the third quarter there remain 4 homeowners with unpaid dues.

Attempted to make contact with these homeowners for payment, no response to date.

Board is allowed to charge a late fee of \$25 after 30 days. Discussion regarding ability to charge interest according to bylaws and statutes. Question posed by Larry Lofaro to the board as to whether or not we will charge interest on delinquent accounts. General agreement that we must not be selective in charging late fees or interest.

Charles Mucciolo read from the bylaws stating that the board must charge interest if we elect to impose a late charge.

Larry Lofaro stated that the highest allowed interest rate in the state of Florida is 18% annual compounded monthly.

Larry Lofaro asked the board if they wanted to go forward with charging interest and all present agreed and Mark Halmo reiterated that we can and must according to the bylaws.

General discussion –

- Whether or not we proceed with liens if these fees are not paid and the fact that we will incur attorney's fees to do so.
- That we may want to work with homeowners on a payment plan.
- We are charged with a fiduciary responsibility to collect fees on a timely basis on behalf of the community and should not make exceptions.
- Whether or not we can file a lien without an attorney; felt that we cannot.

- Regarding Smith residence, we are going forward with a lien to collect unpaid dues. \$3,976 owed to us inclusive of attorneys fees. Smith has been notified by us twice regarding the unpaid dues. The attorneys are going forward with the lien and we incur charges whenever the attorney nudges them for payment.
- Regarding Bartell – (too much side talk to understand what the issues are here) some discussion regarding filing for foreclosure for this residence.

Charles Mucciolo made a motion to have Maura Slaughter contact the attorney to determine whether or not it is in our best interest to foreclose on these homes that are so far in arrears, seconded by Mark Halmo, all in favor.

Maura Slaughter asked how to go forward with those four homeowners that are currently delinquent in dues. Larry Lofaro responded that the next dues statement will show a late charge and interest charge. Board agreed to send a letter to all homeowners notifying them that we will be charging late fees and interest going forward and to do this prior to the next statement of dues going out.

Charles Mucciolo stated that a question had come up with regards to making rules and levying fines and that he recently received from our attorney and answer to that question. Copies of the email were handed out to all members present so that they may review it for our next meeting.

Architectural review:

A quorum was not present so the one application was tabled.

Violations committee:

Eric Malkin presented the board with their list of some 30+ homes with violations. The board reviewed and discussed the violations and approved them for letters to be sent out. Discussion regarding Estalella and the fact that 30 days ago they got approval for painting and that they have been in violation for quite some time. The next step is a 14 day letter to be sent by the board regarding the original violations that have not been corrected.

Discussion regarding 9399 Aqua Vista - Charles Mucciolo gave a brief overview of what has taken place over the past few months. The former resident does tailgate to get in the community however until we are able to present to the police and official eviction notice we can not take action against the former tenant as he has the right to access the property until the eviction notice is finalized.

Robert Uhrie made a motion to have the violations committee send out 30 day letters for all of the 33 homes cited, seconded by Mark Halmo and approved.

Larry Lofaro asked that we look into rental applications through our attorney; can we charge fees, etc.

Charles Mucciolo introduced Lori, daughter of Sonia Goetz. Lori is a property manager for numerous communities and has offered her expertise, at no charge, to assist us with the revamping of our bylaws. She is a resident of the community and can be on a committee. Bobbie Malkin has not been able to make a lot of progress due to work and other obligations. Suggested that Bobbie and Lori exchange phone numbers to begin the process.

Fine enforcement:

Bobbi Malkin present; nothing to report.

Welcome committee:

No one present

Crime watch:

Phil Kline reported that the security alert and follow-up alert was distributed to all homeowners successfully.

Website:

No one present

Landscape and Irrigation:

Larry Lofaro stated that the board has been looking into alternate landscape maintenance contractors in an effort to find a contractor who will be more proactive than the current one and to keep the community looking better without board members or others needing to bring issues to their attention. Charles Mucciolo presented a spreadsheet showing the proposed services and related costs from four contractors including the present one (Coconut). He explained that the starting point was to list the services in Coconut's agreement and then to have the other contractors provide their schedule of services on a line item basis. Compared were Coconut Palm, Sunflower Landscape, Landscape Dynamics and Harry Maxime. He explained that the lawn cuts were virtually the same while there were differences in the rates of application for pesticide and fertilizer and the number of times we would need to trim palms. One general member challenged the validity of the comparison and said that Coconut would do the job for several thousand less than was presented. It was discussed that the numbers were derived from the current contract and that even if the price was lower, that was not the issue here, and that the issue was the quality of work received from Coconut that drove the investigation of alternate contractors. Discussion regarding the elimination of fertilizer from the contract as we do not see the need to fertilize the grass. Discussion regarding subcontracting of work and Charles Mucciolo stated that most contractors will subcontract things such as pest control and tree trimming. Discussion regarding whether or not Sunflower would mow individual lawns and Charles Mucciolo stated that they may entertain cutting the residential lots but that it would be a different crew because of the equipment used. Mark Halmo commented that he was impressed in meeting with the Sunflower representative. Question about irrigation responsibility; Charles Mucciolo stated that Sunflower would do a monthly wet check and make normal repairs at no charge. Mark Halmo read from Sunflowers proposal the irrigation responsibilities and found them to be quite extensive.

With no other questions from the board Larry Lofaro made a motion for the board to entertain changing from the current landscape contractor and a suggestion of whom they would use.

Mark Halmo stated that while he likes Luis and will continue to use him on his personal residence he cited a lack of expertise for the community and made a motion to select Sunflower, seconded by Maura Slaughter and approved unanimously by the board members present.

Larry Lofaro stated that he had spoken with Larry Berdoll last night and discussed the fact that we were going to try and make a decision on how to go forward with the landscape contractor; Larry Berdoll had stated that until he had a chance to review the comparisons he would vote to stay with Coconut.

Larry Lofaro requested that Maura Slaughter prepare a letter terminating the contract with Coconut Palm Landscaping in accordance with the current agreement and to speak with Luis directly regarding same and to determine a date to cease his work in accordance with his agreement which provides for a 30 day notice to cancel.

Lake maintenance:

Mark Halmo:

- Water is clarifying
- Grass will be maintained up to 2 feet from the water to promote littoral plant growth and to assist in slowing down erosion.
- Littoral plants will go in by the end of the week.

A water sample will be taken in approximately 45 days for comparison to previous readings.

Gates and Security:

Larry Lofaro stated that the entry gates and access control was hit by lightning.

Mark Halmo stated that two circuit boards of the gates were destroyed and will be replaced. We need grounding rods for elements that do not currently have them. The phone access circuit card was destroyed which is why the gates will remain open until fixed. Larry Lofaro asked for an emergency meeting of the board to discuss the options for the access control repairs and stated that we should not throw money at something that is outdated. We have had several gate access contractors' review the system and all concur that the system is beyond its useful life and that to continue to make repairs does not make sense.

General discussion regarding the ability of the board to make certain repairs that may be perceived to be expenses above and beyond the right of the board. Mark Halmo stated that if we have the spare circuit board for the phone access in the guardhouse we should be up and running however, if we do not, then the entire access control needs to be replaced. We have the desire to replace the system with one that is a few notches above the current system. The question also arises as to the status of permits for the existing gate setup. Charles Mucciolo has spent time at the county building department and finds it unclear as to what permits were actually obtained for the gate and access control systems.

An emergency meeting of the board was scheduled for Tuesday, August 31, 2010 at 6pm.

Charles Mucciolo was directed to contact the attorney to determine if the board can make a decision on this issue without homeowner approval.

Phil Kline was asked to send out a brief security notice regarding why the gates are open.

Special projects:

Street lights – general discussion to table the street lights on the basis that the cost approved by the homeowners was \$3000 and the actual cost is closer to \$6000 and because of the immediate needs to address the access control system.

Mark Halmo made a motion to table the street lights, seconded by Robert Uhrig, all present members in favor.

Social committee:

No report

Bylaws:

No report

COBWRA:

Eric Malkin gave a brief overview of recent actions. He also discussed that the property at Jog and Boynton has a condition of approval stating that the center must be built all at once and not piecemeal. A gas station is a part of that approval from 10 years ago.

Old business:

Nothing

New business:

Nothing

Larry Lofaro made a motion to adjourn, seconded by Mark Halmo, all in favor. Meeting adjourned at 8pm.

Next meeting date (emergency meeting): August 31, 6pm at Larry Lofaro's residence.

End of tape

Transcribed by Chuck Mucciolo, Secretary