



## CAMBRIDGE AT ABACOA HOMEOWNERS ASSOCIATION, INC.

### Board of Directors Meeting

August 16, 2004

### MINUTES

The Board of Directors of Cambridge At Abacoa Homeowners Association, Inc. met on August 16, 2004 in the community center. Directors present were Patricia Feinberg, President; John Armstrong, Secretary; Fran Sachs, Treasurer; Ryan Copple, Vice President; and Mark Outlaw. Chuck Strode and Steve Inglis represented *Bristol Management Services, Inc.* Several homeowners were also in attendance.

**Call To Order:** The meeting was called to order at 7:05 p.m. by the President, who noted that notice had properly been posted and that a quorum was present.

**Secretary's Report:** The minutes of the July meeting were briefly reviewed. **Motion by Mr. Copple**, to accept the minutes as written and presented; seconded by Mr. Armstrong and **so approved.**

Mr. Armstrong solicited phone numbers and e-mail addresses from the homeowners present who wished to receive electronic communications. Also, management was asked to provide 40 paper copies of the approved minutes for the distribution box in the community mailroom, and to send a text file copy to Mr. Armstrong for electronic distribution as well.

Mr. Armstrong stated that Roberts Rules Of Order provides that Directors may abstain from voting on motions made by simply stating their abstention, or by voting "present" at the time the vote is called.

Mr. Armstrong stated that the governing documents of Cambridge At Abacoa provide that no member who is delinquent in the payment of assessments may serve on the Board of Directors.

**Motion by Mr. Copple**, to accept the Secretary's Report as presented; seconded by Mr. Outlaw and **so approved.**

**Treasurer's Report:** The July financial statement was briefly reviewed. Ms. Sachs discussed some of the line item expenses which were currently over budget, such as irrigation repairs and contracted landscape maintenance services, due to unanticipated needs. Mr. Armstrong expressed concern that these significant differences might lead to a year-end deficit. Mr. Inglis noted that the age of the irrigation system, in combination with the slightly corrosive nature of the I.Q. water used, is contributing to the increase in irrigation system repairs this year.

Clubhouse/community room rental income will be reviewed for calendar year 2004 to date, to ensure that income received is consistent with the types of rentals or reservations made. Management will verify the proper posting of the income to the appropriate general ledger chart of accounts line.

Collection of delinquent accounts was briefly discussed, and the delinquency list for July 31 was also reviewed. The Board expressed concern that past due amounts be secured and collected at the time of transfer or sale of a home, and management confirmed that estoppel procedures of the management company, the accounting services provider, and the various closing agents or attorneys used by buyers and sellers virtually assured that past due amounts are collected at closing and then remitted to the Association. It was suggested that the Association's Sale Approval Certificate language be modified to include a statement that 'approval herein is contingent upon all outstanding assessments, fees, costs, and other such charges levied by the Association are collected and remitted at closing, and that the parties are in compliance with all other applicable conditions or restrictions related to the sale or transfer of this Unit at the time this approval is granted' (or similar).

Line item expenses categorized as 'general' or 'miscellaneous' will be reviewed by management and any necessary re-classification of expenses will be done in order to assist the Board in future budget forecasting.

**Motion by Mr. Armstrong**, to accept the Treasurer's Report as presented; seconded by Mr. Copple and **so approved.**





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**Open Forum:** The floor was opened to allow members present to address the Board regarding items of concern or items on the Agenda.

*Parking on Merrimack Way* – The owner of 102 Waterford discussed ongoing concerns regarding the lack of parking slots on Merrimack Way, compared with the number of homes in that area. The homeowner conferred with Jupiter police authorities, who stated that parking on the street (where no ‘cut-in’ spaces are provided) **is permitted**, if no more than 12” from the curb, and parked in the direction of the flow of traffic. Residents in the area desire the Board’s assistance in resolving the issues by creating additional parking spaces or converting the street to one-way traffic; Mr. Inglis advised that the Town Of Jupiter would likely not consider bearing the expense of constructing new parking spaces, due in part to the existing drainage systems, irrigation, and utilities buried underground. After some discussion, it was agreed that, while parking on the street may be permitted according to Town police, it is **not preferred** by the Association, due to issues of safety and restricted visibility in that area. Mrs. Davis of 102 Waterford was encouraged to solicit suggestions for changes or improvements from her neighbors, and to submit these recommendations to the Board for future review and consideration.

*Garage space conversions* – It was reported that a number of homeowners have apparently enclosed portions (or the entire space) of their garages and converted them into living or storage space, preventing vehicles from being parked within. This would be prohibited by the *Declaration*, which specifically requires that garages be maintained to accommodate the number of vehicles for which they were designed to house. Management advised that an inspection demand had been sent to the owner of 123 Andover, and that other such notices would be sent if the particular addresses of suspected converted Units were provided.

*Landscape maintenance contractor* – Detail services (shrub trimming, edging, weeding, and the like) seemed to be lacking at this time in many areas. Management will meet with the contractor to discuss these concerns and seek timely resolution. Trimming and lifting of the tree ‘canopies’ (walk-under height, up to 8’ above ground level) is currently underway throughout the property and should be completed during the month of September.

*Pest control – Ants* – Many residents have complained recently about the increase in ant activity throughout the Community, including the mailbox room. Management advised that due to the recent heavy rains, the ant colonies have come to the surface. In addition, there is a new strain/breed of ant referred to as Caribbean Crazy Ants which are causing problems and somewhat resistant to conventional chemical treatments. Ms. Sachs noted that *Saunders Landscaping* was authorized a few months ago to perform additional pest control services to help control this problem. Management will meet with the contractor to address these concerns.

**Manager’s Report** A written report is attached to and made a part of these minutes. In addition, the following items were discussed or brought before the Board for review and consideration:

*Gateway Commons commercial property* – Management previously relayed the Association’s desired changes to the site plan, to the architectural firm and Rendina Corporation. The Board instructed management to advise Rendina, via its representative Scott Hedge, that the Association is adamant that a perimeter wall be constructed, similar to the Eckerd’s property wall, along the north boundary of Gateway Commons, and that the wall be included as part of the site plan design to be presented to the Town Of Jupiter for review and approval.

*Playground equipment repairs* – Management will follow up on earlier efforts to obtain replacement parts for the playground structure, and will ensure the timely removal, repair, or replacement of any structurally-damaged parts which may present a hazard to children at this time. In addition, quotes for the excavation of the sand base and the installation of rubber mulch or padding will be obtained for the future consideration of the Board.





## CAMBRIDGE AT ABACOA HOMEOWNERS ASSOCIATION, INC.

**Unfinished Business:** The following items were again brought before the Board -

*Town Of Jupiter acceptance of roadways and other engineering concerns* – Mr. Inglis reviewed the issues of concern and advised the Board that he is attempting to schedule a meeting with Town officials to resolve ongoing problems with communication and to expedite the completion of this administrative process. Further action was **tabled at this time**, pending the conduct of this meeting.

*Landscaping and irrigation system maintenance* – **Motion by Ms. Sachs**, that the landscaping, pest control, and fertilization services contracts be put out for bid by qualified contractors. Job specifications to be developed by management for the Board's review prior to be issued to the bidding contractors. Mr. Armstrong provided a draft of such specifications; this draft will be reviewed and edited and then presented to the Board at its next meeting, or as soon thereafter as practical. Ms. Sachs' motion was seconded by Mr. Outlaw, and **so approved**. Ms. Sachs also suggested that *Treasure Coast Irrigation* be consulted to determine if the current volume of irrigation equipment repairs might entitle the Association to a negotiated fee structure in order to control and minimize the expenses incurred. Mr. Inglis also suggested the Association consider the employment of a part-time or casual labor Bristol staff employee for the performance of simple irrigation repairs (broken heads, leak repairs, time clock adjustments, etc.) at a significantly lower billing rate. **No action was taken at this time**, but *Bristol Management* was asked to supply labor rate information for review and consideration.

Management presented a proposal for services to remove invasive plant materials from all 'preserve' areas, as required by Town Of Jupiter officials, by *Saunders Landscaping*, in the amount of \$2,500.00. **Motion by Mr. Outlaw**, to accept the proposal and authorize the work; seconded by Ms. Sachs, and **so approved**.

*Legal Counsel services* – Discussion ensued regarding the Board's previous action to change legal counsel providers. Due to concerns that there was a lack of proper communication between management and attorney Gary Fields, a **motion was made by Ms. Sachs**, that the Board table further action in obtaining or changing to new counsel by delaying the signing of the engagement letter provided by *Becker & Poliakoff, PA* at this time. Motion was seconded by Mr. Outlaw and **unanimously approved**. Management was asked to contact attorney Fields to determine what opinions were solicited on the Board's behalf during 2004 and what, if any, responses (written or verbal) were provided. Mr. Inglis advised that he would invite attorney Fields to the Board's September meeting, so that some concerns might be addressed to the Board's satisfaction.

*New owners/tenants* – Mr. Armstrong asked management to provide him with information regarding any sales or leases and the resulting new residents. Management was asked to notify all off-site, non-resident owners of the existing sales and leasing review and approval restrictions and procedures.

*Streetlighting* – Management was asked to notify *Florida Power & Light* of the need for an additional street light on Promenade Way near Military Trail.

*Truck parking – 137 Middlebury* – The owner's truck was previously granted approval for parking if 'capped' as proposed, however it appears this modification has not yet occurred; management was instructed to notify the owner to provide proof of the modification's completion for the Board's review. If none is forthcoming, the matter may be referred to legal counsel for appropriate enforcement action.

**Committee Reports:** Written and/or verbal reports were provided by the following Committees:

*Architectural Control* – Mr. Outlaw advised that three requests were recently approved by default, having not been acted upon within the 30 day review period provided in the *Declaration*. Management will meet with Mr. Outlaw and the Committee members to streamline and improve the review process, including receipt and transmittal of review request forms and supporting documents.

*Fining* - Minutes of the Committee meeting held in July are attached to and made a part of these minutes.





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**New Business:** The following items were brought before the Board for consideration:

**NEXT MEETING:** Monday September 20, 7:00 pm

*Covenant Enforcement procedures* – Management suggested the Board consider streamlining the enforcement process by eliminating fining and the required hearings, due to the cumbersome nature of the proceedings and the resultant creation of an additional enforcement action (the collection of any fines assessed). Referencing Article XVII of the *Declaration* and Article III, 11.D. of the By-Laws, it was pointed out that the Association need not hold hearings or levy fines, but may instead pursue relief through an action at law or in equity (i.e., seek injunctive relief), and that the prevailing party would be entitled to reimbursement of costs related to such action(s). Management was directed to draft a proposed procedure for the notification of violations or maintenance needs, and the enforcement steps to be taken, for the Board's review at its next meeting or as soon as possible thereafter. Such draft to be in compliance with any applicable revisions to Florida Statutes Chapter 720, as amended in 2004.

*Revisions to Florida Statutes in 2004* – Mr. Inglis advised the Board that a number of changes to statutes governing Homeowners Associations become effective on October 1, and that many also became effective upon signing into law earlier this year.

**Motion by Mr. Armstrong**, that the Association's legal counsel be employed to review the *Declaration* and other governing documents to ensure that they comply with any applicable changes. **Motion died for lack of a second.**

**Motion by Mr. Armstrong**, that the 'new owner orientation' information be modified to include references to FS Ch720 as revised in 2004. Mr. Armstrong provided a draft of the information to be included; however, due to the late hour, Ms. Feinberg suggested that review of the draft be **tabled until the next meeting**, in order to give the Directors an opportunity to read the document.

There being no further business to come before the Board, the meeting was **Adjourned** at 9:20 p.m.

