

GREENWICH PROPERTY OWNERS ASSOCIATION, INC.
BOARD OF DIRECTOR'S MEETING

Tuesday October 8, 2019
Greenwich Community Pool Cabana
145 Greenwich Circle, Jupiter FL 33458
MINUTES

CALL TO ORDER

The meeting was called to order at 6:42 pm. A quorum was established. Board members present: Dean Carter, President; and James DeVoe, VP/Secretary, Nicole Chiavarini Second Vice President, and Steve Sanders, Vice President. Maria Sanders Third vice President was absent. Corey Shipley from Five Star Adjusters and Jeff Green, LCAM from Capital Realty Advisors, Inc. were also present.

OLD BUSINESS

Roof Claim Update – Corey Shipley of Five Star Adjusters reported that after being reviewed by two adjusters, the Associations insurance claim for roof damages had been sent to the carrier's legal department. The carrier was disputing the POA's claim that the damage was a result of Hurricane Irma. Corey reported that he had presented all supporting documentation to the carrier including that matching tiles were no longer manufactured and he disputed the insurance carriers' engineers who had not inspected the roof tops claim that the damage was not storm related. James reported that he had contacted three law firms to discuss what legal steps could be taken to force the Insurance company to reach a decision. It was reported that the first step should be to engage a Law Firm to serve a Civil Remedies Notice on the carrier. Corey presented the names of three law firms that were successful litigators who could represent the Associations interests. James will scan and send copies of the proposals to Directors.

Master Association Update - James provided details about the current problems with the Master Association; as well as, a broad overview of the September 19, 2019 meeting attended by both the POA's Board, the Master Association's Board and the property managers and attorneys representing both parties. James pointed all possible actions the P.O.A could take in response to the Master Association's requested 224% increase in fee and further explained why he believed a lawsuit against the Master Association could be pursued and would be the best option for the Association. James also noted a need for Section 5.5 of the Declaration to be amended, in addition to many other sections of the Declaration. Currently, Section 5.5 of the Declaration requires the Board to seek 75% approval from all Unit Owners should the Board wish to pursue such as preventing the Master Association from increasing its fees without providing any back-up materials or justification for the increase. James suggested seeking declaratory relief and to have the governing documents amended to conform with Florida Statute 720.306, which only requires 30% of the total voting interests in the community to approve the Board in its undertaking to appropriately defend the Association. James made a motion which was seconded by Dean to hold a meeting in two weeks at which time a decision on how and if the Board may want to pursue a vote to file litigation against the Master Association. The reason for the possible lawsuit would be to challenge the 224% increase in fees brought on by Master Association.

FINANCIAL REPORT

FINANCIAL REPORT

James reported the current financial condition of the Association. He indicated that the line items for Legal, Contingency, Landscape and Irrigation were all exceeding the Year to Date budget at this time, but the budget continued to be balanced due to the cancellation of the Comcast contract and the lack of water used for irrigation. Legal costs were higher because of the need to engage legal counsel caused by increased problems with the Master Association. A new landscape contract was entered into at a cost which included repairing and maintaining the irrigation system even though the POA had already been paying the Master Association to maintain and repair the irrigation system. Since the Master Association

Financial Report Continued

failed to appropriately use the money paid to it by the POA, the POA has been forced to choose either to pay for irrigation costs twice or to otherwise let landscaping die from a lack of water.

APPROVAL OF THE LAST MEETING MINUTES

The Board reviewed the minutes from the August 2019 Board of Director's meeting. Following the review, James made a motion to approve the minutes. Steve seconded the motion. All in favor.

OLD BUSINESS Continued

Master Association Update - James provided details about the current problems with the Master Association and disclosed some of the details about the September 19, 2019 meeting with the Master Associations Board, managers and attorneys. James pointed out actions that the P.O.A would have to take before a lawsuit against the Master Association could be pursued. A vote to amend the Associations Documents to allow following wording of the Florida Statutes 720.303 (30% vote) versus the current provisions that require a 75% vote of members supporting a lawsuit against the Master Association. James made a **motion** which was seconded by James to hold a meeting in two weeks at which time a decision on how to pursue the removal of Section 5.5 in governing documents and determine how a vote required to change the Associations Documents could be accomplished, the motion was carried by a unanimous vote. The need for the possible lawsuit would be to challenge the increase of the 2019 Master Associations Assessment of \$67,750.00 by 244% to over \$210,000.00.

FINANCIAL REPORT

James reported the current financial condition of the Association. He indicated that the line items for Legal, Contingency, Landscape and Irrigation were all exceeding the Year to Date budget at this time. Legal was higher because of the needed legal issues caused by increased problems with the Master Association. A new landscape contract at an increased cost and repair costs made because the Master Association did not maintain the POA's system.

NEW BUSINESS

Irrigation Plans - Steve reported on his meeting with Treasure Coast Irrigation to discuss a contract to monitor the amount of irrigation water being provided by Loxahatchee River District. The Master Associations poor maintenance of the system was depriving P.O.A landscape of adequate water that has led to the dying landscape. Jeff was directed to contact Greenway, Bermudian, Regions Bank and Florida Bank and ask them to participate in the cost incurred for the monitoring of the irrigation water supply because all will benefit. Jeff will also ask for the names of persons who TCI should notify if their valves malfunction. James suggested contacting the owner of Bermudian and asking him to pay \$25.00 per week and Steve supported that action.

Violations - Jeff reported that violation warning notices had been sent to members who were in violation of Trash rule #8. Jeff was directed to send warning notices to members who still had windows covered by shutters for the past 45 days since Storm Dorian. They will be given 14 days to remove the shutters or be subject to fines of \$100.00 per day for the time that they remain in place.

Fire Alarm System - Jeff reported that he had received notice from Life Safety Company advising that our using a separate company than them to maintain the Alarm system was against the County Fire Codes. Jeff will bring information to the Board before the December meeting.

NEW BUSINESS Continued

Aged Receivables - Jeff was Directed to meet with Gio to make sure that First Notices of delinquent payment were mailed to all members before they were turned over to legal counsel for collection.

Request from Resident - Jeff reported that a tenant in a unit owned by IH 5 was asking the Association to waive the rental of property more than one time in the calendar year to enable them to stay on in their home for the first 6 months of 2020. It was agreed that a one time exception would be made subject to a maximum lease of 6 months with a penalty fine equal to 1 months' rent being paid to the Association.

Jeff was advised to tell the tenant that all further requests should be made by their landlord.

OPEN DISCUSSION

Members who were in attendance participated in discussions throughout the night about items on the agenda.

NEXT BOARD MEETING / ADJOURNMENT

Next scheduled Board meeting will be Tuesday, December 10, 2019.

There being no further business, a motion was made and approved to adjourn the meeting at 9:26 pm.

Respectfully Submitted,

Jeff Green, LCAM for the Association.