

**BEAR ISLAND HOMEOWNERS ASSOCIATION, INC.**  
**MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS**  
**MONDAY, JUNE 6, 2011**

**A. Call to Order, Notice, Roll Call, Determination of Quorum, Approval of Prior Minutes:** The regular meeting of the Board of Directors of Bear Island Homeowners Association, Inc., pursuant to posted notice, was held at 7:01 P.M., at Faircloth Meeting Room, West Palm Beach, Florida. Present were: Directors Howard Berman, Diana Kaufman, Gail Saunders, Karen Spina and Stephen Seftenberg. Mr. Berman acted as Chair and Mr. Seftenberg as Secretary. The Chair declared that a quorum was present. Also present were Bryan Welch, the Property Manager on behalf of MMI of Palm Beaches, Inc., Ronald Warnecke, 1100 Bear Island Drive, Zorina Caylor, 946 Bear Island Circle, Rita Hartman, 1220 Bear Island Drive, Joseph Kaufman, 1525 Bear Island Drive, Kristine Kontos, 1315 Bear Island Drive, Richard Kontos, 1315 Bear Island Drive, Charles Land, 1415 Bear Island Drive, Chris Reilly, 1385 Bear Island Drive and Diana Rose, 1150 Bear Island Drive. The minutes of the May 2, 2011 meeting were approved with the following correction: in B(1)(iii), a resident had stopped the President on the street instead of sending him a letter. As amended, the minutes of the May 2, 2011 meeting were approved. Approval of the minutes of the May 19, 2011 meeting were deferred.

**B. Reports:**

1. **Manager's Report.** The Manager's written report will be filed with the minutes. The Manager pointed out that our reserve deposit exceeded \$250,000 and that the excess was not insured. Ms Saunders requested the Manager to obtain quotes for 6 month and one year CDs so the reserve could be split between a CD for a portion of the roads reserve and the balance for the balance of the roads and for other reserve items.

2. **Gatehouse Report.** Mr. Warnecke stated that the Gate House personnel were performing their duties with few complaints and such complaints were usually the result of Owners' forgetting the rules.

3. **Architectural Control Committee.** Ms Spina and Mr. Seftenberg reported that the ACC had held a properly called meeting on Sunday, June 5, 2011 at which three applications for statues in Owners' Front Yards were approved. Ms Caylor stated that upon receiving a violation letter, she moved her statue to her Back Yard. The ACC has not received any applications from other Owners who have statues in their Front Yards and suggests that MMI follow up.

4. **Irrigation and Water Committee Report.** No report.

**C. Old Business.**

6. **Kontos 1315 Bear Island Drive Dog Issue.** The Chair requested and obtained the Board's approval of taking this subject out of order. The Chair made a brief statement of the facts as he understood them, viz. (1) on April 1, 2011, Damien, a part Bull Dog, owned by Eric Kontos, who travels as a golf professional, bit an AC technician working at a neighbor's house, (2) on April 3, 2011, Damien attacked Ms. Caylor's small dog, mauling it severely, (3) Ms Caylor sent a letter reporting this incident to the Association on April 8, 2011, (4) the Owner

whose AC technician had been bitten, sent a letter to the Association on April 15, 2011, (5) MMI notified Mr. and Mrs. Kontos in writing of these events. (6) a Board member discussed these events with the Association's insurer and was told that the insurer would decline coverage if the Association failed to correct the situation and another event resulted in litigation involving the Association, (7) at the May 2, 2011 meeting, in the absence of Mr. or Mrs. Kontos, the Board unanimously voted to instruct MMI that Damien had to be removed permanently from the community and (8) there was no "vendetta" against Mr. and Mrs. Kontos and there was no call for anyone to attack any of the Board members for simply doing their duty.

The Chair then called on Mr. and Mrs. Kontos. Mr. Kontos apologized for any pain these incidents caused and accepted full responsibility for any liability resulting from them. He stated that Damien had been taken to a trainer for a month and was now a well-trained and well-behaved dog. He was willing to indemnify the Association and its officers, Directors and employees against any future liability arising from future problems caused by Damien. He said that if he were permitted to bring the dog back into the community it would be taken out of the community for any exercise, would be put into the car in the garage with the door closed and not taken out of the car on its return until the garage door was closed.

Ms Caylor stated that her dog appeared to have recovered from the mauling by Damien, did not plan to sue Mr. and Mrs. Kontos or their son, but did expect to be reimbursed for any expenses incurred because of the incident and if and when the Board allows the dog back into the community, she would not oppose it.

Ms Kaufman reported an incident with Damien that occurred a year ago involving a threatened attack by Damien on her dog.

Upon questioning by the Board, Mr. and Mrs. Kontos said that should Damien be allowed back, he would always be muzzled.

The Chair thanked all of those present who spoke for being calm and polite. He invited Mr. and Mrs. Kontos to put any proposal in writing with figures and the Board would consider their proposal at the July meeting. Until further notice, Damien is not to be allowed out of the Kontos residence except to be taken by car outside the community for exercise, etc., as outlined by Mr. Kontos.

**7. Land/Wells Fargo 1415 Bear Island Drive--Association Lien and Foreclosure for Overdue Assessments--Mr. Land's Proposed Payment Plan.** The Chair noted that the Owners of 1415 Bear Island Drive were in arrears by \$13,120 as of May 31, 2011 and that the Board had voted to foreclose on this debt, but deferred action when Mr. Land submitted a payment plan and requested a hearing. The Chair then called on Mr. Land.

Mr. Land explained that his income was limited, that he and his father had refinanced with an adjustable rate loan that "exploded" in 2008. This foreclosure had been one involving "robo signing" and as a result the final judgment had been vacated. He had offered to pay \$350 per month until he could either raise the funds needed to cure his defaults.

The Chair outlined the possible procedure the Association might follow: file for foreclosure, go to mediation, enter into a written agreement approved by the court and then recorded requiring Mr. Land to pay an agreed amount each month and including confession of judgment if Mr. Land missed a single payment. Ms Saunders pointed out that the offered amount would be applied first to the arrearage amount (\$13,120 as of May 31, 2011) which with interest and attorneys' fees and expenses would never reduce the balance due.

1. **Water Shutoff Box Replacement.** In the absence of Mr. McElroy, this subject was deferred.
2. **Reserve Study.** Ms Saunders pointed out that the Four Jays reserve study did not refer to the water and sewer lines under the streets. The Manager said he would bring this up to Four Jays.
3. **Bear Island Circle Plantings.** In the absence of Mr. McElroy, this subject was deferred.
4. **Florida Image Landscaping, Irrigation.** In the absence of Mr. McElroy, this subject was deferred.
5. **Electronic Message Board.** At Ms Kaufman's request, Mr. Kaufman outlined the cost of installing an electronic message board. For \$11,400 up front and \$1,200 a year thereafter (\$10,000 for hardware consisting of two 40" TVs, two waterproof boxes on stand and PC controls; \$200 set up fee; and \$1,200 a year for software). Ms Saunders pointed out that we do not have this kind of money in the 2011 budget. The proposal failed for want of a motion or second.

Mr. Seftenberg proposed as an alternative that standard plastic message boards be erected at each of the 14 mailboxes. The Chair requested the Manager to obtain a quote for such message boards.

**D. New Business.**

1. **Tree Trimming Proposals.** The Manager has submitted three bids as follows:

	Hardwood Trees		Palm Trees		Total
Arbor Experts, Inc.	1,230	\$23,164.00	571	\$12,273.00	\$ 35,437.00
Only Trees *	996	10,363.50	648	13,260.00	23,623.50
Tri Brothers, Inc.	474	11,850.00	723	7,230.00	19,280.00

\* Only Trees is the only arborist proposing to remove and replace a sabal palm at the Gate House

Ms Saunders pointed out that our 2011 budget estimated the cost of these services at \$22,000. On motion duly made and seconded, the Tri Brothers' bid was approved.

2. **Bear Island Circle Security.** The Manager obtained a quote from Florida Image of \$6,080 for planting 380 purple bougainvillea in three gallon pots on trellises along the inside wall of Brandywine and Bear Island Circle. The subject was deferred until it can be considered in connection with the 2012 budget.

3. **1070 Gator Trail Birthday Party June 25.** At the May 19, 2011 special meeting of the Board, a proposal for a water slide in the Common Area behind 1070 Gator Trail was denied unless the Owner submitted a certificate showing that the Association, its officers, Directors and employees were "additional insured" on the Owner's Homeowner's Policy. The Manager reported that the Owner has no homeowner's insurance. Upon motion duly made and seconded, the proposal for a water slide on the Common Areas on June 25, 2011 was unanimously denied. Mr. Warnecke advised the Manager that the Villages has space that can be rented out for such parties and suggested that the Manager give the Owner the telephone number of the Villages office.

4. **2855 Wilderness Road Construction Site.** At the Chair's request, the Manager attempted to call the Owner to tell him that his contractors were to stop parking on the grass, threatening to injure the grass and the irrigation heads. The Manager reported that the Owner never returned his call. The Chair requested the Manager to post a notice on the site that if a contractor's truck is parked on the grass, all contractors will be barred from entering the community.

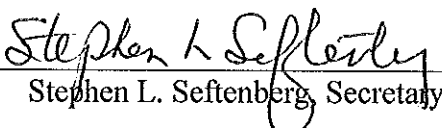
E. **Communications to the Board.** There were none.

F. **Executive Session.** The Chair then requested that everyone except the Directors and the Manager leave the meeting so the Board could go into executive session with respect to the Land foreclosure. Following the executive session, the Chair stated that he would request advice from our attorneys.

G. **Next Meetings; Adjournment:** The Chair set the next regular meeting of the Board for the Faircloth Meeting Room at a time and on a weekday shortly after July 4, 2011, depending upon availability of the Faircloth Meeting Room. He said he was calling a special meeting to discuss the landscape and irrigation issues facing the Association for 6:30 P. M., Wednesday, June 15, 2011 at Panera or in Duffy's board room (preferably Duffy's). He requested the Manager to post a timely notice with the site of the meeting at the Gate House.

There being no further business, the Chair adjourned the meeting at 9:15 P. M.

Respectfully submitted,

  
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Stephen L. Seftenberg, Secretary

Approved: 7/5, 2011

  
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Howard Berman, President