

BEAR ISLAND HOMEOWNERS ASSOCIATION, INC.
MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS
Tuesday, January 3, 2012

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 7:00 P.M., Tuesday, January 3, 2012, in the dining room of Bear Lakes Country Club, West Palm Beach, Florida. Present were: Directors Howard Berman, Diana Kaufman, Gail Saunders, Stephen Seftenberg and Karen Spina . Mr. Berman acted as Chair and Mr. Seftenberg as Secretary. The Chair declared that a quorum was present. Also present were, Byron Welch, LCAM, MMI of the Palm Beaches, Inc., the Property Manager, Ron Warnecke, 1100 Bear island Drive, Gate Liaison and President of the Villages Property Owners' Association, Rick Marcinak, 1065 Gator Trail, interim Chair of the Architectural Control Committee, and residents Joseph Kaufman, 1525 Bear Island Drive, and Alex McConnell, 1030 Bear Island Drive. Minutes for the November 16, 2011 and December 5, 2011, regular meetings were approved.

B. Reports:

1. President's Report. No report.

2. Manager's Report. Mr. Welch's written report and the financial report for the period ending November 30, 2011, will be filed with the minutes. Mr. Welch noted that over a short period five street lights had stopped working and were replaced by FPL. He also noted that Mr. O'Hara had contacted him to apologize for turning the irrigation on for an owner and assured him it would not happen again. Mr. Seftenberg suggested that the locks be changed on the irrigation station. Mr. Welch noted that the "blue light" had alerted the Gate House to an irrigation problem, which turned out to be two "stuck" valves.

3. Communications Committee. Mrs. Kaufman will circulate a first draft of the E-Newsletter to the other Directors for comments and suggestions. She expects to complete the final E-Newsletter by mid-January. She requested an article on the water leak problems and an article by Florida Image. Mrs. Kaufman noted that Mr. Seftenberg had made numerous suggestions with respect to the web-site content. She and Mr. Seftenberg will collaborate on a "mark-up" of the web-site so Mr. Holbert will have clear directions as to the desired changes. Ms Saunders requested Mrs. Kaufman to research changing the platform of our web-site so it can be managed internally by one or more directors.

4. Irrigation and Water Committee. No report

5. Architectural Control Committee. Mr. Marcinak reported that the only applications

during the month of December were for painting and roof repairs that received expedited approval.

6. Property Owners Association Report. Mr. Warnecke reported that the amount of delinquencies by various HOAs is being whittled down. He noted that Florida Image had been called because its personnel were blowing debris onto Village Boulevard and had been assured it would not be repeated.

7. Gatehouse Report. Mr. Warnecke reported that the transition to MMI Security went well. Two Gate House personnel switched to MMI. One man resigned to run a successful business full time. The replacements seemed to be working into stride.

C. Unfinished Business:

1. 1235 Owl Point Circle Update. Mr. Welch reported that Mr. St. John refuses to make repairs to his residence, which continues to deteriorate. At Mr. Seftenberg's suggestion, Mr. Welch will contact City Code Enforcement.

2. 1170 Gator Trail. In the absence of Mr. McElroy, this issue will be put over until February.

3. Water Shutoff Valve Locations. No report but see D(3) below.

4. January E-Newsletter. See Mrs. Kaufman's report at B(3) above.

5. Kontos Dog Issue. Mr. Berman outlined the background of this controversy, noting that Mr. Kontos had agreed to remove the dog from Bear Island no later than December 31, 2011. Mr. Berman, knowing that both the purchase of Mr. Kontos' new residence and the sale of his old residence were delayed, asked Mr. Welch to call Mr. Kontos to check on the status of his plans and to invite him to the January meeting. Mr. Welch stated that when he called Mr. Kontos to ask about the status of Mr. Kontos' announced plans, Mr. Kontos swore at him, told him to "tell Howard Berman, Gail Saunders and the Kaufmans "to back the f...k off and [that] the Board better tread lightly," and said he would not attend the Board meeting. Mr. Kaufman reported that shortly after this event, he was practicing golf outside his back yard, which faces the 11th hole of the Links course, when Mr. Kontos, playing in a foursome on the 17th hole, crossed two fairways to confront him in a loud and threatening manner. Mr. Kaufman said that he and his wife have filed a complaint with the Country Club. Ms Saunders then reported that after these events, Mr. Kontos called her to complain about harassment by the Board and the Property Manager. She said she stopped him, informing him that Mr. Welch's call was from the Board to see if he needed an extension of time for complying with the stipulation agreement. At this, Mr. Kontos "apologized profusely" and indicated that they would in fact need an extension of time. After additional discussion, the consensus of the Board was that Mr. Berman should send Mr. and Mrs. Kontos a letter by certified mail, return receipt requested, inquiring as to the status of their planned move and inviting them to request extension of the stipulation agreement. Mr. Berman noted that the Association's legal bills on this matter now exceed \$5,000 and that filing suit would involve additional expense and delay, although the eventual decision should be

favorable (noting that another litigation with an owner, while successful at every level, has dragged on for almost six years).

D. New Business:

1. Sidewalk Repairs. Mr. Welch has obtained three bids:

(A) T&P Pavers proposed (1) to remove approximately 240 square feet of broken concrete, remove the roots, install root barriers and pour new concrete and (2) to remove approximately 80 square feet of pavers, remove the roots, install root barriers and replace the pavers, for a total cost of \$6,200.

(B) Al Jordan proposed (1) to remove approximately 130 square feet of broken concrete, remove the roots and pour new concrete and (2) to remove approximately 20 square feet of pavers, cut the roots and replace the pavers, for a total cost of \$2,335. [This proposal did not include any root barriers, which Mr. Jordan asserts do not work).

(C) BC Spraydecking proposed “to cut, repair and remove excess concrete” for a total cost of \$1,800.

Mr. Seftenberg noted that the BC Spraydecking proposal did not mention pavers and does not specifically include cutting the roots and installing barriers, so this bid may not be comparable to the other two. He suggested that BC Spraydecking should be asked to submit a detailed proposal including the square footage involved and whether the raised pavers will be put back. He also noted that the square footage in the first two proposals do not match and this needs to be explained. The Chair suggested that Mr. Welch obtain explanations and revisions as suggested and put over consideration of this problem to the February meeting.

2. Water/Sewer Leak Repairs Responsibility. Mr. Welch had circulated Mr. Krivok’s opinion letter dated December 30, 2011, stating that “In the absence of a provision that expressly states that the Association is responsible for broken water pipes and shut off valves located within a Lot, it is our opinion that such damage falls within the maintenance responsibility of the individual Lot owner.” Mr. Welch described the procedure he follows when a leak is reported: essentially find the leak and fix it and then decide who pays for the repair. Even if it is clear that the potable water pipe is broken in the Front Yard, it is in the interests of all the owners to stop the leak as promptly as possible since they all share in the cost of the water being lost. Mr. Berman will draft an article to be included in the E-Newsletter. In addition, he will draft a letter to accompany notice of the Annual Meeting to make sure that all owners are made aware of the Association’s policy, based on the legal opinion. In the course of the discussion of this issue, Mr. Kaufman pointed out that it is even more urgent to locate and put in working order each water shut off valve serving a single home. Hereafter, for convenience, the main shut off valve will be referred to as the “community” valve; each valve serving a specific neighborhood will be referred to as the “neighborhood” valve; each valve serving a single home will be referred to as the “lot” valve and the valve attached to the home will be referred to as the “house” valve.

After discussion, Ms Saunders requested that the Property Manager add a new line item to our financial statements entitled "Water Leak Repair Expense."

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\$326.98*

3. 1230 Bear Island Drive Water Valve Repair. The Property Manager reported that a bill for \$~~326.98~~ had been sent to the homeowner for the expense of repairing a water leak in the homeowner's Front Yard, and that the homeowner was refusing to pay the bill on the grounds that he should have been given the opportunity to have the repair done by his own plumber and was threatening litigation. The Chair noted that when a leak is discovered in the Front Yard of a home, it amounts to an emergency situation because of (1) the extra expense of paying for wasted water and (2) the possible damage to the foundation and landscape of the home involved. He offered to write a letter to the homeowner explaining the Association's policy and requesting that the owner pay the bill promptly.

4. Landscape Proposals. Mr. Welch reviewed the property with our landscape company, Florida Image. Florida Image has submitted a proposal to replace dead or dying plant material at six locations shown on its proposal dated December 29, 2011. Upon motion duly made and seconded, the proposal to replace dead and dying vegetation at a total cost of \$573 .00 was unanimously approved.

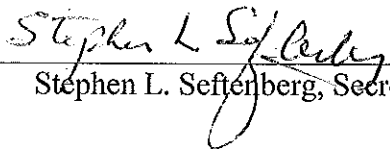
5. Backflow Valve Repairs. Mr. Welch reported that two fire line backflow valves at 2701 Brandywine Road failed the test conducted on December 19, 2011, by Flamingo Plumbing and Backflow Services, Inc., and will have to be replaced at a total cost of \$350.00. Upon motion duly made and seconded, the replacement of the failed valves at a cost of \$350.00 was unanimously approved.

E. Communications to the Board. There were none.

F. Next Meetings; Adjournment: The Chair set the next regular meeting of the Board for the Faircloth Meeting Room for Monday, February 6, at 7:00 P. M..

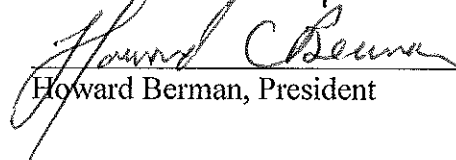
There being no further business, the Chair adjourned the meeting at 8:45 P. M.

Respectfully submitted,



Stephen L. Seftenberg, Secretary

Approved: February 6, 2012



Howard Berman, President