

## BOARD OF DIRECTORS MEETING SEPTEMBER 12, 2013

Meeting called to order by President Donna Capobianco at 9:31 AM. Scriber Mona Laventure was introduced to the attendees by Donna Capobianco.

### **Board Members in attendance:**

**Donna Capobianco, Dan Glickman, William Morse, Danielle LoBono**

**Via telephone: Eugene Goldman, Pierre Laliberte, Charles Lusthaus, Ira Somerset, and Fred Rosenzveig.**

### **Open Mic**

Barry Kimball of Newport Q: Expressed displeasure in the fact that the grasses being cut around the ponds, specifically the pool area, are not being bagged. This is causing the grasses to go into the ponds. Donna Capobianco advised Barry that the cutting of the grass throughout the perimeter of his building belongs to his association; therefore all complaints should be submitted to the property manager of his building. Barry states that if he personally calls the property manager, the issue remains un-resolved. Complaint has been taken under advisement by the Board.

Additionally, Barry brought up the topic of the potential office opening in the clubhouse. He expressed concern that the Comcast rates, which is already high, will increase for the individuals who will be using their computers in the clubhouse. Donna reminded Barry that Master Management has nothing to do with the internet portion of Comcast billing, only the contract relating to television. Barry is requesting for the Board to revisit the contract and add Internet service as it may lower the cost if it is done as a bundle. The Board will take Barry's request under advisement.

Janelle Kimball of Newport Q: Janelle spoke to the Board requesting to have a Catch and Release sign be placed around the lake for those individuals who are fishing on the lake, but are not following the catch and release rule. However, since there's no fishing allowed, there's no need for a sign.

### **Minutes**

August 15<sup>th</sup>, 2013 Master Management Meeting: Donna requested to have the verbiage on page four, fifth line from bottom changed to reflect the following change:

- Original verbiage: "Walter Magenheim stated that any associations who does any work on their property and does not call *Master Management* are financially responsible for any destruction or damage to any other provider or utility lines".

- Revised verbiage: “Walter Magenheim stated that any associations who does any digging on their property and does not call *811-Sunshine* are financially responsible for any destruction or damage to any other provider or utility lines”.

**Dan Glickman made motion to accept the minutes with the change noted. Danielle LoBono second. The motion carried unanimously.**

August 28<sup>th</sup>, 2013 Executive Session Meeting: **Danielle LoBono moved and it was seconded by Dan Glickman to waive and accept the reading of the minutes. The motion carried unanimously.**

September 9<sup>th</sup>, 2013, Executive Session Meeting: **Danielle LoBono moved and it was seconded by Dan Glickman to waive and accept the reading of the minutes. The motion carried unanimously.**

### **Treasurer’s Report – William Morse**

The CVE Master Management Financial Report was distributed and a hardcopy given to all Board members and discussed in detail. Following is a breakdown of the report as of August 31<sup>st</sup>, 2013:

- Total Revenue - \$981,328
- Total Expenses - \$863,974
- Revenue over Expenses - \$117,353
- Year to Date Revenue - \$7,841,660
- Year to Date Expenses - \$7,322,638
- Revenue exceeds Expenses by \$519,022

### **Balance Sheet**

- Cash - \$1,673,000
- CD - \$1,838,000
- Monthly Assessments Receivable - \$914,200
- Total Assets are - \$4,912,000
- Total Liabilities are - \$3,345,000
- Total Equity - \$1,568,000

Bill stated in regard to the outstanding net assessments receivable, \$84,388 represents a year’s worth of uncollected items. A breakdown of the outstanding items up to a six year period was also provided to the Board and they are as follows:

- Outstanding items up to two year - \$141,634
- Outstanding items up to three years - \$188,995
- Outstanding items up to four years - \$261,048
- Outstanding items up to five years - \$341,729
- Outstanding items up to six years - \$95,233

Bill advised the Board that the process that has been put in place to provide the Board with status of the collection report in October prior to the Board’s meeting is proceeding as planned. There are no issues present at the moment. Bill also stated that the collection process that is

going through the attorney against the outstanding items, including legal fees and interest is approximately \$140,000 collected thus far. Donna asked if the collection made is in reference to any of the categories mentioned, to which Bill responded in the affirmative.

Bill also stated that the irrigation expenses are running under budget, which is one of the contributing factors to the revenue running up.

Fred Rosenzweig asked if the amounts owed include fees to which Bill answered that the amount owed includes \$69,000 in late fees.

**President’s Report – Donna Capobianco**

**Golf Course Property:** Donna gave an update on the status of the purchase of the golf course property. As of this meeting, there has been no significant update. Donna stated that the seller’s realtor made various verbal proposals, however, has not submitted a written proposal as of yet. Master Management is hopeful that they will receive a written proposal shortly that will outline the high cost of remediation and restoration of the 81 acres of the property.

**Budget:** Budget planning is in progress and should be ready for the Board’s review by the October meeting with an estimated deadline for completion by November 1, 2013.

**Ventnor B vs. Adelphia, Comcast and CVEMM Lawsuit:** A lawsuit was brought by Ventnor B vs Cable Co's and CVEMM. The plaintiff Ventnor B settled with cable co's for \$145,000 and then asked the court to certify a class action for settlement purposes against cable companies’ only. CVEMM objected to the settlement and the class certification. The court overruled CVEMM's objection and allowed the class to be certified.

Ventnor B, as class representative, indicated they sent requisite mailings to the class members (all garden associations), to opt in or opt out. Allegedly 121 associations, not all submitting proof of damages, opted in knowing the class action was against the cable companies only and not CVEMM. The class action settlement was \$72,500 by Adelphia and \$72,500 by Comcast. Of the \$145,000 total paid, legal fees were \$65,000, Ventnor B testified it took \$58,000 for itself, leaving the balance of \$22,000 to be distributed amongst the alleged 121 associations who opted in and provided proof of damages. We are unsure at this time who has been paid and who has not. If distributed among all 121 associations, \$22,000 divided by 121 would be about \$181 per building. Only those buildings that submitted proof of damages should have been paid something.

The case proceeded forward, we attempted to depose the representatives of Adelphia, and the court denied it. Last week the court granted motions for summary judgment in favor of cable co's. That means, at this time, the cable companies are no longer defendants in the suit. Only CVEMM remains as a defendant. The case went forward, set for trial. Then on 8-26-13, Ventnor B for the first time requested another class action now be certified against CVEMM. The court granted this on 9-10-13.

Ventnor B sued FIGA in Tallahassee for the damages to the Ventnor B building from the fire loss of 7-7-05. That was resolved by way of appraisal with Ventnor B's selected appraiser and FIGA's selected appraiser agreeing to an amount of \$371,114.20 for cost to repair the building,

and \$37,111.42 for overhead and \$ 37,111.42 for profit. That appraisal amount was upheld and affirmed by the court in Tallahassee.

Ventnor B, to-date, has already received in excess of \$440,000 in insurance payouts, plus the \$58,000 settlement from the cable companies, plus an unknown amount of additional monies from donations, like the fundraiser held at Shelby's some years ago.

Since the class was certified Tuesday, Ventnor B is the class representative, Garrity is class counsel and the case has now been continued. If the case proceeds against CVEMM and a judgment obtained in favor of Ventnor B , without us appealing on any issues, CVEMM would be responsible to pay the judgment to Ventnor B, minus any monies it had already received from other collateral sources.

CVEMM is exploring all its rights including the right to appeal.

## **Operations Report – Marcel Korman Executive Director**

Marcel spoke in regard to the customer service system that was implemented approximately a month ago. Marcel encouraged the community to use the system to submit any issues instead of communicating verbally. By doing so, it will help customer service keep an accurate record of reported issues. All work orders can be submitted via email to customerservice@cvedb.com, by telephone to the CVEMM customer service or visit the office and fill out the service order form. As a result of the implementation of this system 46 work orders have been received with some completed or currently being worked on.

**Irrigation Project:** As of the September 6<sup>th</sup>, 2013, 242 zones out of the 920 zones are completed. Master Management has also been notified by the contractor that they are increasing their staff.

**Transportation:** Received several responses in regard to the RFP. There's no decision made as of yet. Master Management is in the process of conducting background checks on two vendors of interest.

**Comcast:** Meeting held with Comcast's local representative and regional manager in regard to providing an extension to the agreement which ends in 2014 before any change of service can be provided. Master Management is in the negotiation process.

**Street Lighting:** As the lights are maintained by FPL and expenses are paid by Master Management. Marcel is conducting a research as to the owner of the light fixtures.

Resident asked if the research pertains to the lighting located on the association property. Marcel responded that the research is focused on street lighting on Century Boulevard, not on association property

**Curb Appeal:** Marcel is looking into improving the curb appeal along the common areas and the restoration along the perimeter hedge with coco plums to fill in all missing plants. Marcel also requested for Seacrest to do more striping and painting of curbs along the main entrance.

A resident asked the question of whether pruning and trimming on a regular basis will be part of the process of the three miles of perimeter hedge maintenance to which Marcel answered that it is part of the Seacrest contract to do so.

Ira suggested considering some other plant materials for those areas. Steve Kittredge from Seacrest understood Ira's request and will go over the process with the Board. Marcel pointed out that consistency must be point of focus because various species can't be mixed with others.

**Committee's Report**

None

**Business**

Unfinished – None

New – Ira stated that various meeting minutes are not in a consistent format. He also stated that the Executive session minutes only contain the bare minimum required under the Robert's Rules, therefore does not contain enough information regarding the Board's thoughts and reasoning. Board members discussed various ways the meeting minutes can be improved for upcoming Executive meetings

**Ira moved that the minutes for all meetings of the Master Management Board be complete and in an existing format. Fred Rosenzweig seconded. Motion carried unanimously by a Roll Call Vote.**

Next meeting October 10, 2013

Meeting adjourned at 10:20 a.m.

Respectfully submitted,

Danielle LoBono  
Secretary of the Board of Directors CVEMM