

**North Fork Property Owners Association, Inc.**

**Board of Directors Meeting**

Monday, June 24, 2019

Old Town Hall – 1000 Town Hall Rd

Jupiter, FL

**MINUTES**

**CALL TO ORDER:**

Steve Makris called the meeting to order at 6:38 p.m.

**ROLL CALL:**

Quorum was established with the following Board members being present:

Steve Makris, President, Milton Jacobs, Vice-President, Dan Perez, Treasurer, Randy Scheid, Secretary, Marilyn Mull, Director, Robert Burr, Director and Bob Koch, Director.

Steve Makris commented that it was great to see that all Board members were once again able to make it in person for the meeting.

Also, in attendance was Steve Desvernine, LCAM Representing Capital Realty Advisors, Inc.

**MINUTES:**

The Board reviewed the May 27, 2019 meeting minutes. After the Board had a chance to review the minutes, Randy Scheid commented that there was no record of the violation in the manager's report regarding the rusted VW Bus parked in the driveway at 104 Victorian and asked the property manager to contact the owners concerning this vehicle. Management mentioned the letter should have been sent out, but it will be sent when once CRA's office admin gets back from being out sick. The manager stated in this letter that the owners of 104 Victorian have three options to remedy the rusted VW Bus violation: 1) park it in their garage, 2) put a fitted car cover on it, or 3) park it on North Fork Drive. Marilyn Mull motioned to approve the minutes as presented. Milton Jacobs 2<sup>nd</sup> the motion, all in favor. May's minutes were approved.

**PRESIDENT'S REPORT (Steve Makris):**

Steve commented that there was nothing of any major new significance to report on or comment on for this month.

**TREASURER'S REPORT (Dan Perez):**

Dan's report was brief and stated that we are in good shape financially YTD through May. Dan recommended that the POA deposit approximately \$15,000 in reserves each quarter into the Bank Florida CD, to take advantage of the current 2.6% interest rate.

**MANAGERS REPORT (Steve D.):**

Steve D. reviewed the management report dating back to the last meeting. Manager informed the Board that he has been corresponding with Tom McCarthy, with McLeod, McCarthy & Associates, to set up a meeting with the Board to discuss the tire ruts in the road in the cul-de-sac by the tennis courts on the West side. Steve D. advised that he is working on a date/time for members of the Board to meet with Tom McCarthy to discuss this situation further and will advise once the meeting is scheduled.

Steve D. advised that he has called Comcast twice and spoken to two different customer service representatives and asked them to have someone come out and secure the (2) two High-Voltage boxes behind the entrance walls. The manager was told by the first Comcast customer service representative that they would be out within a week, so after ten days Steve D. called them back only to find the first repair ticket was never entered into Comcast's system. So, manager asked them to put another repair ticket into their system and to come out as soon as possible. Manager explained this is a potentially unsafe situation as the Comcast box cover is slightly bent and therefore does not close/latch properly, resulting in a risk of electrical shock should someone inadvertently open the door and touch the wiring inside the box. Steve D. also stated that he tried to secure the box himself but was unable to do so as the door will not stay latched in the closed position. **Steve D. spoke to a CS person named Dana, and our ticket number is CR852757633.**

Marilyn Mull commented about a home (on the right-hand side or 26 Victorian Ln.) which, according to ARB guidelines, does not appear to have the required number of bushes/trees in their front yard (*they recently removed a number of trees*). The manager was asked to investigate and issue a violation letter, if necessary, to bring this property into compliance.

### **COMMITTEE REPORTS:**

#### **1) A.R.B. Update:**

Ed Petuch, ARB Chairperson, provided an update from the ARB Committee meeting that was held immediately before the Board meeting, where two (2) open ARB applications were reviewed and approved. The first application was for impact doors and windows for 118 Victorian, which was approved with no conditions. The second application was for 131 Victorian for a new tile roof, which was approved with no conditions.

#### **2) Welcoming Committee Update:**

Nora Palladino informed the Board that there are currently ten houses on the market for sale. Nora commented that since our last meeting, 155 NRDE has gone off the market, 175 NRDE is new to the market, and 121 Victorian has gone off the market, as it was rented. Nora also commented that the property at 134 Gothic Circle has closed, but the new homeowners will not be moving in for another month or so.

### **Unfinished Business:**

#### **A.R.B. & Lease Amendments – Review update:**

Robert Burr commented that he is working on the updates to the amendments that were discussed at the last meeting and is planning to have a revised draft available for review at the July BOD meeting. Rob also recommended that POA counsel should review and approve any proposed changes/amendments to the governing documents once the draft is complete and the Board has approved it before sending it to membership for a vote sometime in the Fall 2019.

#### **Bulk Cable Contract – Status Update:**

Randy Scheid advised that Communications Consulting Group (CCG) has reached out to several providers since the May BOD meeting and that three providers expressed an interest in bidding on North Fork's media business and that CCG will be prepared to give the Board an update on their progress at the July meeting. Randy commented that CCG provided some statistics from Comcast indicating that the vast majority (*i.e., 90-95%*) of North Fork residents are currently subscribing to internet service.

### **Entrance Wall painting bids – Status update:**

After reviewing several painting proposals, the Board briefly debated whether or not painting the walls was really necessary at this time. It was generally felt that the walls are in pretty good shape overall since they were last painted in 2012/2013, although it was noted that there are a few areas that are exhibiting some signs of bubbling/peeling/discoloration, which is only visible when one views the wall up close. After some discussion, it was agreed that we would defer painting the walls for another year or so and re-visit their aesthetic condition again next year.

### **NEW BUSINESS**

The Board reviewed the two lake fountain maintenance agreements; one from Cascade (*current provider*) and one from Superior Waterways. After some brief discussion, the Board approved terminating the contract with Cascade and signing a new contract with Superior Waterways, as it represents a savings of \$40 per quarter for the same exact scope of work. Additionally, it was noted by the property manager that there have been some responsiveness issues with Cascade in the past.

Irrigation system and new irrigation time clock: After some discussion, the Board agreed to approve BrightView's proposal to install a new irrigation time clock at a cost of \$1,548, as the current clock is old/original and, as per BrightView, is not working properly and requires constant re-calibration.

### **ARB Fence Request – 140 Corinthian Circle**

The DeVarona's submitted an ARB application for a fence in the backyard of their home. The ARB Committee has reviewed the application and has been working closely with the DeVarona's over the past several months; however, it advised the Board that it does not have the authority to approve it, as is, as the request entails a variance request to encroach several feet on POA common property adjacent to the lake in their backyard, where there is a 20-foot ROW. The ARB only has jurisdiction over a homeowner's property and not the POA common property. The ARB has therefore referred the application and, more specifically, the encroachment question to the Board for its' review and/or decision.

The DeVarona's were present in the meeting and presented their ARB request and work plan/survey for the proposed fence installation to the Board. Dan Perez provided an overview/explanation of the restrictions that are contained in the POA's governing documents; specifically stating that the POA's common property is for the unencumbered enjoyment of all. Effectively, this prohibits a homeowner from restricting access to any part of the POA's property. The Board determined that the DeVarona's request to install the fence in-part on POA property would therefore be in violation of the POA's governing documents and, as such, could be challenged by any homeowner should a fence be installed thereby limited access to that property. POA Counsel rendered an opinion that this challenge could prevail requiring the homeowners remove the fence. While the Board was very understanding/sympathetic with the DeVarona's desire to fence in their rear-yard for the protection of their pet, it expressed a major concern that, should the request to encroach on POA property be approved, it would set a dangerous precedent that would then open the door to any other homeowner who would like to encroach on POA property and would make it very difficult to draw a line on how far to allow an encroachment. The Board also expressed a concern about the potential liability issues should someone be injured on the fenced-in portion of POA property, or if there was an irrigation issue, as the Association would still be liable and financially responsible for that fenced-in portion of POA property.

Several Board members expressed regret that this request has been outstanding for several months and the fact that an ARB approval letter was inadvertently and erroneously sent to the DeVarona's by CRA ,

giving them a false sense of hope. Mr. Devarona advised that he also received an ARB approval letter for a roof application that he never applied for, which was the responsibility of the Property Manager. Bob Koch made one last comment stating that the ARB and Board of Directors have worked very hard and have bent over backwards to try to make the DeVarona’s fence application work because we are all neighbors of the North Fork community.

After much discussion amongst the Board members and the DeVarona’s, Steve Makris called for a vote to be taken to either “approve” or “not approve” the DeVarona’s encroachment request. The vote result was as follows:

*“FOR” Approval* -- Milton Jacobs; *“AGAINST” Approval* -- Steve Makris, Dan Perez, Randy Scheid, Marilyn Mull, Robert Burr, and Bob Koch. The final vote tally was (1) FOR and (6) AGAINST. Accordingly, the DeVarona’s fence application was not approved.

Adjournment: Steve Makris motioned to adjourn the meeting, Bob Koch seconded the motion, all in favor the meeting was adjourned at 8:50 pm.

APPROVED