

SILVERLAKES-GATEWAY HOA

**c/o Compass Rose Management
1010 NE 9th Street
Cape Coral, FL 33909
239-309-0622**

**Board of Directors Minutes
August 17, 2022 – 6:00 pm
Silverlakes Community Clubhouse**

1. Establish Quorum/Call to Order: The meeting was called to order at 6:00 pm with President, Lauren Siegel; Vice President, Joe Connors; Treasurer, Catherine LeGendre; Secretary, James Wisniewski; and Director, Claude Marku in attendance. Scarlet Milano, CAM, was also present representing Compass Rose Management.

2. Proof of Notice: Notice was posted more than 48 hours in advance as required by Florida Statute at the Silverlakes Community Clubhouse and the community exit gates.

3. Pledge of Allegiance: The Pledge of Allegiance was recited.

4. Approval of the Minutes:

a. May 18, 2022, Board of Director's Meeting Minutes

Motion: A motion was made by Lauren Siegel to approve the May 18, 2022, Board of Director's Meeting minutes. Seconded by Catherine LeGendre. **All in favor - Motion Passed.**

5. Old Business

a. Treasurer's Report: The report was provided by Catherine LeGendre.

Aged Owner Balances Total: **\$20,970**

Cash – Operating: **\$240,928**

Cash – Reserves: **\$744,058**

Total Cash: **\$984,985**

Expenses under budget: **\$10,642**

Aged Owner Balances at the end of July were \$20,970. There are eighteen (18) accounts that have fines which total \$5,198. There are eighteen (18) outstanding assessments totaling \$15,274. In July, the HOA reached a settlement on a past due account and collected approximately \$10,000. In August, the HOA collected approximately \$4,000 on a past due account. The HOA has also been notified by their attorney that payment in the amount of approximately \$6,526 has been mailed to the management company for the account their firm had in collections. The association is under budget for the year by \$10,642. . The association is under budget for the year by \$10,642. Jim Wisniewski and Catherine LeGendre from the Board and Ray Beard from the Finance Committee will meet on August 19th to begin developing the 2023 budget.

Motion: A motion was made by Catherine LeGendre to move four (4) Ramiro Rodgers Landscaping invoices totaling \$5,192.50 from the operating account to the reserve account as the expenses were not related to routine landscape projects. Seconded by Jim Wisniewski. **All in favor - Motion Passed.**

b. Old Business

i. Clubhouse Acoustics – Ray Beard read a report on behalf of the Ad Hoc Committee for Acoustics. The clubhouse meeting space is similar acoustically to a church service hall or conference room. Those spaces benefit from panels made of high absorption acoustical materials. The Committee

proposes to install the panels themselves to save money. While there is no guarantee regarding the level of improvement, there will be some benefit to installing the panels. The Committee also investigated ceiling tile modification for acoustical purposes. A bid from \$6,000 - \$13,000 was given to the Board for ceiling tile modification. The Committee does not recommend pursuing ceiling tiles. They believe the wall panels would be the better solution. Another possible solution is a fire suppression product that also acts as a sound suppressant. The product is sprayed on the ceiling and is frequently used in newly constructed buildings in the area. Jim Wisniewski will reach out to Committee member, Sam Manoj, to go over his presented calculations as some of the formulas in his report are not clear. The clubhouse carpet could also be replaced to help with the acoustical issue. Carpet replacement is slotted for 2022 according to the latest reserve study. There may also be an option to place a quality, cork underlayment under the carpet to absorb some sound. The VOC will begin to solicit proposals for interior clubhouse painting so that if the Board decides to proceed with the acoustic panels, the project is not delayed due to the paint project. The Social Committee will work with the VOC to determine the paint color. According to the latest reserve study, the clubhouse's interior is slotted to be painted in 2023. If the panels are purchased the Board will likely move forward with both the interior paint project and the replacement of the clubhouse carpet at the same time. The Board recommends that the Committee consults with either vendors who are out of state or an independent sound engineer to ensure that the information they receive is not only applicable to the needs of Silverlakes but is also not manipulated by a salesperson trying to make a commission. Since the options for addressing the acoustical issues in the clubhouse are so varied, and since every room is unique with regard to acoustic properties, the unbiased opinion of a sound engineer could be of great benefit. Joe Connors believes a sound engineer should only be consulted as a last resort due to the cost. He has visited several local businesses with acoustic panels and discussed them with the proprietors. They have advised that the panels help a bit but there is no guarantee the results would live up to the HOA's expectations. Joe also believes that there is no risk in allowing volunteers to install the panels themselves to save on installation costs. The association's attorney and insurance broker have advised the Board in the past, that allowing volunteers to perform work that may put them at risk for injury is not recommended. The Board has a fiduciary duty to protect the assets of the association. Jim Wisniewski believes that is a dereliction of the Board's responsibility to not consult with licensed professionals when doing so would be warranted. He also believes that ignoring counsel's advice regarding the liability involved with allowing volunteers to perform certain activities is negligent and litigious.

Motion: A motion was made by Joe Connors that the current study from the Ad Hoc volunteers continue with the addition of more experienced volunteers, including Jim Wisniewski and Joe Dowling, until such a time that they determine an acoustical engineer is needed. Seconded by Lauren Siegel. **Affirmative votes: Joe Connors, Lauren Siegel, Catherine LeGendre, and Claude Marku. Negative vote: Jim Wisniewski. Motion Passed.**

ii. Roadway Gutters – Joe Connors reported on the bids received for the roadway gutter repairs. The initial bids are now several months old and have increased due to inflation by a considerable amount. The initial bids also covered much more linear footage than the current bid and may have included some areas that are not in critical need of repair at this time. In Joe's opinion, there are eight (8) addresses with significant damage to the roadway gutter near their home. It is approximately 520 linear feet, and the cost is \$33,975. According to the latest reserve study, the roadway gutters are slotted for 2025. There are some areas however that need to be addressed now.

Motion: A motion was made by Joe Connor to move forward with repairs to the eight addresses: On Lakehurt Ct -13030 and 13050, on Lakeland Circle – 11285, 11173, 11142, 11108, 11047, 11045, total cost \$33,975 for 520 LF. Seconded by Catherine LeGendre. **Board Discussion - Jim agrees with six of the eight addresses cited but questions if the linear feet quoted is correct. Jim’s calculations, relying on the VOC calculations presented to the board earlier, are significantly less than the vendor quoted. Measurements in the proposed contract needs to be accurate. The VOC is the group responsible for overseeing vendors and their calculations need to hold heavier weight than those of a vendor who is trying to sell us something. Jim believes the cost is significantly and unnecessarily inflated and will have a negative impact on the reserves. Jim pointed out that there is no warranty in the proposed contract. There are no defined payment terms. The vendor has made several verbal promises regarding repairing damages that they cause but there is nothing in writing in the contract. Jim states that these deficiencies in the contract must be remedied prior to signing it. It would be negligent for the board to sign the proposed contract as is. Affirmative votes: Joe Connor, Catherine LeGendre, Claude Marku, Lauren Siegel. Negative votes: Jim Wisniewski. Motion Passed. Jim Wisniewski stated that the Board absolutely must fix this contract before signing it and any board member signing the contract as-is would be negligent in their fiduciary responsibilities to the association.**

c. Committee Reports

- i. **Architectural Control** - The ACC has continued meeting the first Tuesday of the month. At the last meeting, nineteen (19) requests were considered. All were approved. They reviewed applications for hurricane windows, storm shutters, roof replacements, paver driveway installations, and exterior paint requests.
- ii. **Communications** – No report. Newsletter submissions are due by Monday.
- iii. **Clubhouse Social** – Pat Macchia reported that the July 4th event was a success. The parade was not as successful due to a rumor that had been disseminated that the parade was cancelled. The committee will host Bingo on Saturday, August 20th. Bingo cards are 3 for \$5. Refreshments and snacks will be served. On October 5th, guest speaker, Gene Damm, will discuss his book “In the Eyes of an Alzheimer’s Patient”.
- iv. **Finance** – The Finance Committee submitted minutes from their meeting to Catherine.
- v. **Fine Appeal** – Carol Walker reported that the committee received three (3) waiver requests for parking tickets. One (1) fine was waived, the other two (2) were not.
- vi. **Exercise** – No report.
- vii. **Vendor Oversight** – Ken Willmering reported that the VOC has been working with the vendor Florida Aquatic to diagnose the multiple problems with the fountains. This is following several months of unsuccessfully attempting to work with the HOA’s current vendor, Solitude Lake Management. Solitude has not responded to several emails and phone calls in which the HOA has attempted to get the issues resolved. The VOC recommends terminating Solitude Lake Management and hiring Florida Aquatic. Florida Aquatic is a locally owned company, established in the 1990’s and their bid is less than the current contract the HOA has with Solitude Lake Management.

Motion: A motion was made by Catherine LeGendre to approve the bid presented by Florida Aquatic to perform the quarterly preventative maintenance on all five (5) fountains. Seconded by Joe Connors. After discussion - **Motion Withdrawn.**

The Committee is also getting bids to replace the crumbling concrete parking lot bumpers.

d. Legal Issues –

ii. Account 18368 - The HOA's attorney has been successful in their collection efforts with this property. A check has been mailed to the management company for the balance on this account.

i. Deactivation of Proxy Cards- There are no new cards that need to be deactivated.

ii. Rental tracking – The report generated by Compass Rose indicates twenty-two (22) rentals.

iv. Hardwood Tree Canopy Requirement – The HOA has learned from their attorney that tree branches that hang over the roadways that are to be lifted to the required 13.5' high canopy are the responsibility of the HOA. CRM will get bids to lift the canopy on the twelve (12) trees listed on the manager's community inspection ride report.

e. Association Manager's Report – The CAM read her report.

f. Homeowner's Forum:

- 1) A homeowner suggested that now that the HOA has been made aware that they are responsible for lifting the canopies of the trees which hang over the roadway to the required 13.5' that the HOA make the ACC aware of this responsibility and suggest to the ACC that they do not allow new hardwood trees to be planted too close to the roadway.
- 2) A homeowner reported that they found a set of lost keys on Lakeland Circle. An email blast will be sent to the residents.
- 3) A homeowner reported that the cap at the clean out area in the parking lot was damaged by Extreme Divers. GSCDD will be notified.

6. New Business

a) Gateway Services Update- Public Hearing is scheduled on 8/18. The proposed budget for Gateway residents has increased by 13%. The proposed park is still a point of contention for Gateway residents. The administrative building may be moved to the proposed park location, but the area is zoned for a public park. Gateway will need to get the zoning changed to build there. Residents in Gateway are facing huge price increases in their taxes.

b) Proposed Parking Policy Revisions- The current street parking rule assesses a \$100 fine for the first and all subsequent parking tickets with second and subsequent violations also being subject to towing. Jim and Catherine recommend updating the rule so that the first ticket is a warning ticket. The second ticket is a \$100 fine and the third and all subsequent tickets are also subject to towing. The reason for the recommended change is that all other violations in Silverlakes have a warning as the first step. Additionally, most of the violations are one-time fines. No further fines are accumulated. There is a trend that the AR in fines is growing, likely because the residents know the board has little leverage to attempt to collect fines. Eliminating the first time fine will clean up the financial reports which currently do not accurately report accounts in arrears. The proposed change also includes removing any one-time parking fines that have not been paid and crediting the accounts of one-time offenders who have already paid parking fines in 2021 or 2022. This will not apply to repeat offenders or rentals. There are a total of eight (8) homeowners who have paid the fine in 2021 or 2022. Lauren Siegel stated that the provision in the documents regarding the parking restrictions is the warning. If the resident is reading the documents when they move in, they will know the parking restrictions in the community.

Motion: A motion was made by Jim Wisniewski to amend the current parking restriction policy so the first offense is a warning, the second ticket is a \$100 fine and the third and all subsequent tickets are also subject to towing in addition to fines. Seconded by Catherine LeGendre. **Affirmative votes: Jim Wisniewski, Catherine LeGendre, Joe Connors, and Claude Marku. Negative vote: Lauren Siegel. Motion Passed.**

7. Next BOD Meeting –Wednesday, September 21, 2022.

Adjournment: With no further business to discuss, the meeting adjourned at 8:25 pm.