

**STONEYBROOK AT GATEWAY MASTER
HOMEOWNERS ASSOCIATION, INC.
NOTICE OF BOARD OF DIRECTORS MEETING
May 12, 2009 @ 7:00 PM
Stoneybrook Community Clubhouse**

Present: Richard Nussbaum, Joe Mikulka, Brett Asbury, Sherry Bucar, Margaret Fineberg, Jeremy Toback, Matt Davis and Kim Proudfit representing Alliant Property Management.

- 1) **Call To Order/ Establish a Quorum:** A quorum was established and the meeting was called to order at 7:01 pm
- 2) **Proof of Notice:** The meeting notice was posted at the clubhouse, on the bulletin board and on the door, at the guard house, on the website and on channel 95.
- 3) **Approval of the Minutes:**

April 14, 2009 Board Minutes

Motion: Motion was made by Richard Nussbaum to approve and accept the April 14, 2009 minutes as written, seconded by Jeremy Toback. **All in favor, motion passes.**

March 30, 2009 Organizational Minutes

Motion: Motion was made by Sherry Bucar to approve and accept the March 30, 2009 minutes as written, seconded by Richard Nussbaum. **All in favor, motion passes.**

March 30, 2009 Annual Minutes: Were reviewed.

4) Comments and questions from owners pertaining to agenda items only

- Can bank statement and financials be made available at meetings?
Yes this can be done.
- Residents have not received bills but receive past due notices.
Call Alliant Property Management.
- Tennis Court lights are on after 11:00pm.
Security will be notified to turn these off.
- Why are there no activities for May/June?
There are exercise classes for May, there will be some activities for June.
- Visitor Gate - Will be discussed later in meeting.
- Credit & debit card fees discussed.
Alliant Property Management will try to reduce the debit fee rates.

5) Alliant Report was given by Kim Proudfit:

- a. I attached the Minutes and the Newsletter to the Alliant website.
- b. Ordered and received parking and violation tickets. Discussed the violation procedures with Angie and how we are going to track them.
- c. Followed through to make sure we received the letter from Dino D'Angelo, with Everyday Maintenance stating they are dropping the legal action case.
- d. Implemented the fines and made sure the transformers will be turned off for the two fines and hearing cases we had on April 21st.
- e. Called San Carlos Roofing and faxed them the contract stating they can repair your clubhouse roof. This has been completed.
- f. Dismissed Vana Prasad, who worked on Saturdays only, replaced her with your Activities Coordinator, Cindy Saccone.
- g. Spoke with Aces and Commercial Pool regarding your control pads. They were insisting you replace the control pads and I notified them that Aces stated they were only locked out at 85 degrees and just need to be reset. Aces could tell them how to reset these.
- h. I transferred your Committee List to an Excel spreadsheet; this is also in the process of being up-dated. Once this is finished, I will e-mail to everyone on the board and on the committees.
- i. Coordinated with Angie and Commercial Pool to have Richard Nussbaum check the pool chemicals on the weekends, since this is required by law.
- j. Notified your board about the legalities on gambling within your community.
- k. Discussed the rental process, estoppels and your \$1,000 capital contribution fee with our new employee, Jennifer Moore.
- l. Ordered business cards for Angie.
- m. Processed several compliance letters including Fines and Hearing notices.
- n. Prepared spreadsheets showing all your vendors and insurance policies, their addresses, phone numbers, dates of contracts and expiration dates.
- o. Prepared and ordered your coupon books for your quarterly payments.

6) Treasurers Report was given by Brett Asbury:

i.	Operating Total Assets	\$489,411
ii.	Operating Liabilities	\$208,301
iii.	Operating Equity	\$281,934
iv.	Reserves	\$ 53,526

Outstanding unpaid fees/fines \$410,487

28 units / 135 foreclosures

\$96,000 30 days late / \$18,000 over 31 days late

7) Committee Reports:

a. ARC Committee Report was given by Cheryl Brophy:

All ARC forms submitted have been approved.

b. Clubhouse/Activities Committee Report was given by Richard Nussbaum:

Suggestion by Sherry Bucar: Having an activity day when the people whom have businesses can set up booths to sell their services/products, this will be sent to Cindy for review.

Baseball field fence needs repairs. Angie will be emailed to have John repair
Baseball field is looking much better.

c. Comcast Negotiation Committee Report was given by Joe Mikulka:

No meetings were held.

One (1) section under contract- deals with performance. Comcast is not responding to Stoneybrook so this constitutes lack of performance.

d. Engineering Committee Report was given by Brett Asbury:

Met with Attorney- most of the defects are on the property not owned by Stoneybrook and are owned by Gateway Services and maintained by them.

Stoneybrook can file a suit if over \$100,000.00 for Clubhouse defects and common grounds to make it worth while.

e. GSD/Stoneybrook Advisory Committee Report was given by Margaret Fineberg:

None

f. Landscape Committee Report was given by Margaret Fineberg:

They meet last weekend and discussed a master plan for plantings to make things look nicer with less care.

Pebble Brook area was also discussed.

More detail on landscape report to come at next meeting

g. Neighborhood Watch Committee Report was given by Cheryl Brophy:

Kevin Farro from Sheriffs Department was at last meeting trying to help get a crime watch committee formed.

Evening activities discussed for the kids 13-17 years old.

Echo District can be called to patrol the area.

h. Compliance Committee Report was given by Joe Allington:

We have eight (8) volunteers now. Seven (7) for streets and Joe Allington as Chairman. Warning notes are being left first.

Chain of command. Notify Alliant Property Management or Angie Free, then notify street agent.

i. Fining Committee Report was given by Joe Targia:

Two hearings last month. Fines set and transformers were turned off.

j. Community Affairs Committee Report was given by Sherry Allan Bucar:

The appeal was denied.

There are 4 court cases that are still pending; the Writ of Certiorari, which appeals the issuance of the Lee County Special Exception permit; the civil action suit, which petitions that the Special Exception Permit violates the 1992 Lee County Resolution that says "no solid waste disposal facilities will operate at the landfill site after the landfill is closed," The GSCDD Appeal of the SFWMD Stormwater Permit; and the Petition against the DEP Draft Operating Permit for

the transfer station. The Lee County Development Order allowing Waste Management to begin construction has been denied pending resolution of the Stormwater Permit appeal. The traffic portion has also been reopened for evaluation.

8) **Unfinished Business:**

a. **Board Member Meeting Attendance:**

Discussed Matt Davis attendance. Tuesday is not a good meeting date for Matt Davis.

b. **Basketball Court/Back Stops Installation:**

Not installed yet but should be installed ASAP.

c. **Stout Spa:**

Attorney Darin Schutt is reviewing and taking over case.

d. **Dead Palm Tree-Update:**

The tree is carveable. Designs will be discussed and we will have something to show with prices at the next meeting.

e. **Ficus Trees:**

Everyday Maintenance did not trim these trees according to their contract.

Irrigation also in that area does not work.

Landscape Committee will discuss this with Brett Ashbury and try to get the costs reduced.

9) **New Business:**

a. **Monthly Meeting Date:**

Motion: Motion was made by Richard Nussbaum to change Board of Directors monthly meeting to the second Thursday of every month, seconded by Sherry Bucar. **All in favor, motion passes.**

b. **Diapered Children in Pool:**

Residents will be warned that when children are in the pool and accident occurs, the pool will be closed. This information will be put in the Scoop and on channel 95.

c. **Saturday Clubhouse Hours:**

Board discussed Saturday hours to remain 9:00 am to 1:00 pm

d. **Letter to Comcast:**

See attached letters

Motion: Motion was made by Brett Asbury to mail both letters to Comcast after Darrin Schutt reviews and approves them, seconded by Jeremy Toback. **All in favor, motion passes.**

e. **ARC Manual-revised sections only:**

See attached

Motion: Motion was made by Margaret Fineberg to approve the ARC changes attached but remove the 3.2.3 Fencing section, seconded by Richard Nussbaum. **All in favor except Jeremy Toback opposes, motion passes.**

f. **Assignment of Rents Document**

Motion: Motion was made by Joe Mikulka to approve adding to Rental Agreement, seconded by Sherry Bucar. **All in favor, motion passes.**

g. Permanent Guest List/Access Cards/Transponders

Motion: Motion was made by Richard Nussbaum to dissolve the Permanent Guest List as of July 1, 2009, seconded by Sherry Bucar. **All in favor, motion passes.**

10) Comments and questions from owners pertaining to non-agenda items only:

Ugly orange cones by gates.

They belong to GSD and are helping to keep people from running the gate.

11) Adjournment:

Motion: Motion was made by Richard Nussbaum to adjourn the meeting at 9:52 pm, seconded by Sherry Bucar. **All in favor, motion passes.**

**Respectfully Submitted by
Kim Proudfit, CAM
Alliant Property Management, LLC**

2.21 Clothes Drying Area

(Section 5.19 Master –Declaration)

No outdoor clothes drying area shall be allowed unless its location and design are approved in writing by the Community Association.

ARC Note: See Section 3.2.18, Energy Devices Based on Renewable Resources. Installation Guidance.

1. *Must be retractable and opened only from sunrise to sunset*
2. *Only umbrella types are allowed*
3. *Must be removed prior to storms*
4. *May not be visible from the street*
5. *Must be at least 10 feet from the side of the house*
6. *Must be at within 10 feet from the back of the house*
7. *Homes that have pools with lanais must be individually reviewed as to location of the clothesline.*

3.2.1 Basketball Standards (Moveable)

No permanent basketball standard and backboard may be placed on any lot. Portable (moveable) basketball standard poles and backboards may be installed, only with prior written ARC approval, following these guidelines:

1. It cannot be permanently attached to the ground or any other structure.
2. It must remain portable.
3. May not be used between the hours of 10p.m. and 7a.m.
4. Must be kept in good repair and remain upright.
5. Must be removed or moved inside during extended absences from the home by the occupant (vacation, etc.).
6. Must be removed or moved inside at times of approaching tropical weather systems or when high winds are expected.
7. Must be removed from the property within 72 hours of a Tropical Storm or Hurricane.
8. Shall be placed on driveway. Not on the street or the grass. A portion of grass may be removed and replaced with concrete/brick pavers
9. No sand bags to weight it down. You must fill the base to weight it down.
10. Shall not be placed in a location or position, which is detrimental to any adjoining or adjacent property owners.

To: Comcast Management

Date

From Stoneybrook at Gateway Master Association

Dear Sirs,

This is letter is to notify Comcast that Stoneybrook at Gateway has decided not to renew the service contract dated Oct. 7, 2003. (Attachment #1) This contract was signed by Andy Sorensen for Lennar Corp. and general manager Larry Schweber for Comcast. The termination of this contract shall be as set forth in section 8 of said contract. This notification shall be deemed to meet all requirements as stated in the contract. This will be the final notice of our community's intent. If there are any questions please contact me in a timely manner.

Sincerely,

Margaret Fineberg

President

Stoneybrook at Gateway Master Association

9521Pebblebrook Blvd.

Fort Myers, Florida 33913

(239) 561-0578

Comcast Corporation Date

>
> From Stoney Brook at Gateway (SBG)

>
>
> Dear Sirs,

>
> In January 2009, the head of our committee to explore renegotiating the
> existing Comcast Service Agreement spoke to your representative on the
> phone and was essentially told that there was nothing that could be done.
> In the interim, we have done some research on the issue, both from the
> perspective of Chapter 720 sec.309 and various responsibilities under the
> terms of the Agreement between Comcast and Lennar that the SBG HOA has
> inherited. We feel that these issues are material and absolutely need to
> be discussed. An attempt was made on March 21, 2009 by Mr. Mikulka, our
> committee chairmen, to discuss these matters with your representatives
> that attended a "Comcast Appreciation Event" at SBG that day. He spoke to
> several individuals including the Comcast Community Representative for
> SBG, Roberto Lewis. He was told that a letter from the Board President
> should be sent to him so that it could be forwarded to a Comcast
> supervisor which would move the process forward for a meeting.

>
> A letter was sent on March 23, 2009 to Roberto Lewis from then Board
> President Sherry Bucar. No confirmation was received that a letter was
> forwarded or received. A subsequent phone call to Mr. Lewis initiated an
> e-mail response that the letter had been received and forwarded
> (4-9-2009). It stated that we would hear from Comcast soon. We have yet
> to hear from anyone from Comcast.

>
> Section 12 (a) of the Comcast Service Agreement deals with default. It
> essentially requires both parties to perform at a certain minimal level in
> meeting their contractual obligations. "Performance of service" can be
> deemed to be an entity's willingness to communicate on substantial and
> material problems as well as 'picture quality'. Mrs. Bucar stated in her
> letter that SBG has a list of no less than five significant issues that
> could impact the future ability of this community to survive. You have
> neither agreed to meet with representatives of this community or even ask
> us for a copy of the list of the material issues that we have! You are
> financially damaging this community without regard. That is neither 'Fair
> or Reasonable'.

>
> We are notifying Comcast at this time that you have failed to live up to
> the contract dated Oct. 7, 2003 by denying us our request for a meeting to
> correct these issues. Our attempt to address the problems in a face to
> face meeting has been ignored. This "failure to perform" required
> actions within the specified 30 days under Sec.12 (a) is a default.
> Furthermore that the 60 day period to at least begin to commence with an
> effort to solve said problems will be ending on May 22, 2009. At that
> time if Comcast has not acted we intend to send our 30 day written notice
> of termination.

>
> Margaret Fineberg