

**HAMPTONS AT MAPLEWOOD
HOMEOWNERS ASSOCIATION INC.**

Board of Directors Meeting

THURSDAY, October 23, 2008 @ 6:00 p.m.

Location: Bristol Management Office

MINUTES

Meeting called to order at 6:00pm by the President Lou Marcati

Present: **President** **Lou Marcati**
 Treasurer **Charles Godfrey**
 Secretary **Richard Thomas**
 Director **Frank Mossadeghi**
 Vern Hetherington **Bristol Management**

MOTION: Richard Thomas made a Motion to accept the Minutes of the September 25, 2008 Meeting as submitted. The Motion was Seconded by Frank Mossadeghi. All Approved the Motion. The Motion Carried.

MOTION: Motion was made by Richard Thomas to Approve, not to exceed \$1500.00, the hiring of Off Duty Jupiter Police Officers for patrolling the Hamptons during the holidays. The patrols are to be twice a week commencing the week before Thanksgiving and extending through to New Years. Frank Mossadeghi Seconded the Motion. All Approved the Motion. The Motion Carried.

MOTION: Motion was made by Richard Thomas to Approve hiring a "Santa" for the holidays to distribute candy and to try and obtain a PBC fire truck for the process to escort the "Santa" through the community for a total cost not to exceed \$500.00. Lou Marcati Seconded the motion. All Approved the Motion. The Motion Carried.

MOTION: Motion was made by Charles Godfrey to ACCEPT and Approve the ARC Committee recommendations for the plastic fence guidelines as submitted. Lou Marcati Seconded the motion. All Approved the Motion. The Motion Carried.

MOTION: Motion was made by Charles Godfrey to Approve the four proposals submitted by Southern Exposure for the landscape modifications of \$22092.50, \$4661.00, \$4561.25 and \$543.95. Richard Thomas Seconded the Motion. All Approved the Motion. The Motion Carried.

MOTION: Motion was made by Charles Godfrey to Approve the expenditure of

not to exceed \$2500.00 to add mulch to all three entrances. Richard Thomas Seconded the Motion. All Approved the Motion. The Motion Carried.

MOTION: Motion was made by Richard Thomas to Adjourn at 8:25pm. Lou Marcati Seconded the motion. All Approved the Motion. The Motion Carried.

The next regular Board Meeting and 2009 Budget Meeting is set for November 20, 2008 at 6:00pm at the Bristol Management Conference Room.

**Vern Hetherington, LCAM
Property**

September 6, 2008

To: Hamptons Board

From: Lou Marcati

Subject: Meeting to Summarize and Understand Hampton Liabilities

As you know, we recently had a meeting with our attorney, Gary Fields who represents the Hamptons, the Hamptons Board of Directors, and Bristol Management in the conference room at Bristol Management on Wed Aug 27th at 5:30pm. The purpose of this meeting was to provide a clearer understanding of who is responsible for certain items of the Hamptons. These items are:

- a) street trees
- b) sidewalk conditions
- c) root pruning
- d) driveway/swales raising up
- e) street damage from roots

We have had a recent issue with someone getting hurt on a sidewalk on a homeowner's property, and there is concern for our resident's liability and for their quality of life. So with that in mind, this is a brief review of the meeting.

The attendees at the meeting were:

Lou Marcati	Hamptons Board	Steve Inglis	Bristol Management
Charles Godfrey	Hamptons Board	Vern Hetherington	Bristol Management
Frank Mossadeghi	Hamptons Board	Gary D. Fields, Esq.	Attorney
Colleen Scalzo	Hamptons Board		

Before we started with questions, Gary provided some historical information. He said these discussions have been going on for many years, between the Hamptons and the Town of Jupiter. He continued that we should keep in mind that the Town, while they may be responsible for certain items within the Hamptons, there really is nothing that be done to force them to either pay for it or do it.

Gary went on to say that when the Hamptons were originally planned, a "development order" was generated. This "development order" set specific standards; which one part was concerning trees and the number of trees, for the Hamptons to maintain. That is the baseline for the tree issues and what is now followed by the Town. That order or plan

must be followed unless we could change it. According to Gary this would be almost certainly impossible.

Therefore, it seems that like it or not, we are left with being held to this development order, by the Town.

Next, we reviewed and discussed the following points:

1. *Who is responsible for the street trees?*

The Town of Jupiter is responsible for the trees along the street but they have no money or desire to initiate any improvements, removals or changes with the trees. Therefore it does not appear that the Town is going to provide us any immediate support for the trees.

2. *When is the Town going to remove some of the trees that are causing problems?*

The Town of Jupiter does not have to remove any tree, at any time, no matter what. Even if we litigate and win, they just don't have the money to remove the trees. We will have to work with the Town if there trees that must be removed.

3. *Can a homeowner cut a root or limb that is encroaching on his property?*

If a root or tree encroaches onto the homeowner's property, the owner has the right to trim the root or tree. However, the town has the right to tell you how and what to do.

4. *There is Town Of Jupiter ordinances that reflect on the trees. Therefore we must adhere to this ordinance.*

5. *Can we do root prune and do we assume any liability if we do?*

If we root prune, without any previous agreements with the Town of Jupiter, will we assume or take on the liability – YES.

6. *What can we do if we want to root prune without inheriting all of the liability?*

However, if the Town of Jupiter does the root pruning we will not assume any liability. Therefore, if we fund the pruning, but do **not** contract for it, we will be protected by the Town of Jupiter's immunity.

7. *What about the condition of some of our sidewalks, the patches and raised up areas of the sidewalk?*

Concerning the sidewalks, Bristol Management has already informed the Town of Jupiter about the possibility of someone tripping on sidewalks. However, it is still the property owner's responsibility to do their best to insure the safety of their property. And yes, we the Homeowners Association can be sued. So there will always be possibility of litigation, no matter what.

8. *The Board of Directors has asked Bristol Management to document and inform the Town of Jupiter, via letter, about the road, gutter and drain conditions on*

Hampton Place in Phase III. The Board believes this presents a serious safety hazard and requires attention. There are serious dangers concerning these conditions.

Has this letter been sent to the Town and how was it sent? I have not received a copy of this letter to date.

9. *Who is responsible for each home site? Sidewalks, apron, trees etc.* Ultimately, the individual homeowner is responsible for his trees or driveway or anything else on their property. It is up to the homeowner to maintain his property in good condition and to maintain it to the best of his ability to avoid injury to other.

In summary, the Town of Jupiter can do whatever they decide is reasonable and safe. There is very little that we can do to push them to do anything they don't want to do. It appears that we are taking the right approach in working with them, to a mutually agreeable cost effective solution.

The consensus or opinion of those in attendance was that the homeowner is responsible for the driveway, root pruning etc. This will be done under the direction and approval of the HOA and the Town. The tree will not be removed unless approved by the Board of Directors and the Town and the replacement tree will be at the homeowner's expense. The Homeowners Association will pay for the landscaping – sod, etc replacement.

Please feel free to make any comments or correction to this report. Please note, there were no decisions made by anyone, just comments. As we discussed, the Board needs to go slow and to make sure we consider all of our options.

Thank you,

Lou Marcati
President
Maplewood H.O.A.



Pine Tree Trail, Jupiter, Florida

September 25, 2008

Subject: Hamptons HOA Irrigation Inspector Authorization

Move to authorize hiring of a part time irrigation inspector per program outlined below.

Job Description: Perform "wet checks" (cycle the irrigation zones) as follows:

1. Flag "gushers" or non-functional heads for follow up by TCI techs.
2. Flag incomplete coverage areas for TCI followup.
3. Identify and flag valve boxes on owner premises which require service.
4. Locate hidden valve boxes and flag for clean up service.
5. Record results pre-printed inspection reports and fax these reports to TCI and to Bristol Management.
6. Coordinate with TCI techs, supervisors, and with the HOA Irrigation Coordinator as needed.

Target hours:

Months 11/2008 & 12/2008 not to exceed 20hrs per month.

Months 01/2009, 02/2009, 03/2009 not to exceed 12hrs per month.

Compensation & payments. Inspection Tech will be an employee of Bristol Management Services, with Workmen's Comp insurance under Bristol's coverage. Actual pay rates will be adjusted by Bristol to result in a "netpay/take-home" to the tech of \$15/hour. Estimated cost to the HOA NTX \$25/hr.

The work of the Inspection Tech will be directed by the Irrigation Coordinator and/or the Property Manager. The program will be reviewed by the Irrigation Coordinator with the board each month, and the entire program will be reviewed in detail in March 2009 to determine if it is accomplishing its purpose and warrants continuation. At that time it may be modified, continued or discontinued.

The HOA will purchase a portable transmitter/receiver set to be used in this program. This T/R set allows the inspector to cycle/re-cycle each clock zone as needed without having to return to the clock for each test cycle. The estimated cost is NTX \$1,000.

The Inspection Tech to be hired under this program is: Stan (Seymore) Nudleman, 167EHW. Stan is an experienced irrigation tech having operated an irrigation services operation in NY before "retiring" to Florida. For a number of years Stan was employed by the Loxahatchee Club in their irrigation services department.

The primary objective of this program is to improve our irrigation maintenance by more closely monitoring the maintenance needs and assuring that TCI's efforts are more efficiently used.

Hamptons at Maplewood HOA, Inc.

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