

**Cowpet Bay West  
Board of Directors Meeting  
November 8, 2011**

**Present:** Max Harcourt, Barbara Walters, Bob Cockayne, Rosie Wells, Sharon Koehler, Vince Verdiramo, Jon Cassady, Louanne Schechter  
Bill Canfield is off island.

**Security Gate:** Mr. Daryl Padola, the welder, is repairing the manual gate. The bid was for \$460.

**September Minutes:** Sharon requested her revisions be made to the minutes. Under Resolution April resolution had not be executed nor was it attached to the minutes. The revisions were accepted.

**Treasurer Report:**

Treasurer's Report – November Board Meeting 2011

October 31, 2011

Bank balance (all accounts) Oct. 31, 2011 - \$559,100

Reserve account through 11/4/11 - \$473,600

Owner arrears, 60 days and over - \$ 32,267; Alton - \$17,500

Owed to General fund from Reserve fund for capital improvements - \$41,224

Owed to Reserve fund from General-Oct.& Nov.@ \$4785= \$9570

General Observations

Expenses over budget:

Lots of fuel for generator, thanks to WAPA outages and storms- 138% over budget (\$5,756)

Lots of truck repairs – 243% over budget (\$4,058)

Lots of water leaks – 13% over budget (\$2,000)

Lots of Accounting fees (insurance funding meetings, attending board meetings regarding insurance, review of revised budget, etc. – 56% over budget (\$2,100)

Guard Service, due to increased hours – 22% over budget (\$9,400)

Office Expense, new computer, new a/c – 24% over budget (\$3,700)

Masonry/Cistern CI- 57% over budget (\$25,950)

Sewage/gray water – 11% over budget (\$4,230)

(Sharon)Will be on island mid until end of November; will be working with Jon, Bill and Louanne on 2012 budget, and anyone else who wants to join us.

**L-41:** Owner returned statement with a note that he filed for bankruptcy in 3/11 and discharged in May 2011. Vince stated that unless the owner can prove otherwise, because we have a lien on the property, he still owes the Association all charges. Vince suggests the Association consider foreclosing on lien.

**Old Business**

**Meet n Greet and Owners Meeting Date & Place:** The Meet and Greet is February 9 and the Owners' Meeting is February 11 at the Caribbean Fish Market

**Review of Bylaw changes voted on during October Meeting**

Article 2 section 3: Subparagraph k added

Article 2 section4: All vacancies should be voted on the same ballot

Article 2 Section 8: Electronic Mail

Article 2 Section 9: Electronic Mail

Section 11: No business transacted until a forum is achieved

Section 15: Executive Committee 2<sup>nd</sup> paragraph, last paragraph: Recommend that *merging the Association* should be deleted. All in favour

Section 16: 30 days after the inspection

Section 19: Added

Article 3 Section 3 Special Meeting: Addition

### **Bylaw changes discussion continued**

#### **Article 5 Section 2 Insurance:**

**Section 2. Insurance:** Highlighted suggested changes by Max and Bob are inserted into minutes for this discussion. (At this time Vince excused himself from the meeting.)

Changes are highlighted in yellow:

*The Board of Directors shall annually obtain and maintain, to the extent obtainable, the following insurance:*

1. *Fire with extended coverage to include earthquake and flood coverage, vandalism and malicious mischief endorsements insuring the entire buildings and "common elements" together with all service machinery contained therein and covering the interest of the Condominium, the Board of Directors and the Common Interest of the unit owners in an amount to be determined by the Board of Directors.*
2. *Windstorm, insuring the entire buildings and "common elements" together with all service machinery contained therein and covering the interest of the Condominium, the Board of Directors and the Common Interest of the unit owners in an amount to be determined by the Board of directors.*
3. *Worker's Compensation; Public Liability covering each member of the Board of Directors, the managing agent, the manager, the office manager and each unit owner; Vehicle and other such insurance as the Board of Directors may determine in amounts to be determined by the Board of Directors.*

*All policies of physical damage shall to the extent obtainable contain waivers of subrogation and waivers of any defense based on co-insurance or of invalidity arising from any acts of the insured, and shall provide that such policies may not be cancelled or substantially modified without written notice from the Board of Directors.*

*From time to time or as required by insurers, the Board of Directors shall obtain from a certified and USVI licensed real estate appraiser an appraisal of the full replacement value, without deduction for depreciation, of the buildings, common areas and facilities for the purpose of determining the amount of insurance required.*

*Unit owners shall be encouraged to carry Home Owners insurance on their "apartment unit" for their own benefit provided that all such policies shall contain waivers of subrogation and further provided that the liability of the carrier(s) issuing insurance obtained by the Board of Directors shall not be affected or diminished by reason of any such additional insurance carried by any unit owner.*

*The Board of Directors will provide owners a concise summary of all insurance coverage and costs at each Annual meeting.*

*The terms "common elements" and "apartment unit," as mentioned above, are defined in Article 5, Section 10 "Routine Maintenance and Repair."*

Bob will follow-up with several insurance agents regarding information on waivers of subrogation. (At this time Bob excused himself from the meeting) This paragraph requires further discussion by the entire Board. No vote was taken.

### Section 3 Recommended changes

*The association shall only be responsible for inspecting unit interiors to determine if damage is structural or due to external causes, or if adjacent unit damage is caused by external causes, or unless that unit is owned by the association. Unless that unit is owned by the association, repair by the association of other unit damage will be limited to structural damage, that caused by external or adjacent unit causes, and will not include property or fixtures installed by the owner or previous owners.*

Max determined that further discussion was needed by the entire board and tabled this section.

### Section 10 Recommended changes

An "apartment unit" is considered the space inside the perimeter walls, interior walls, floor and ceiling to include:

1. All decorating elements including: paint, wall and floor coverings, paneling, molding and tiles; finished cabinets and mirrors.
2. All electrical appliances including: refrigerator, stove, washer, dryer, dishwasher, garbage disposal, hot water heater and air-conditioning equipment (including compressor).
3. All electrical fixtures including: wall ceiling and floor outlets, switches and fuse box.
4. All plumbing fixtures including: tubs, showers, sinks and faucets.

Additionally, the unit owner shall be responsible for the routine lubrication and adjustment of doors and windows, and, unless major casualty related, replacement of broken glass, wooden or glass slats and damaged screens. The unit owner shall also maintain and assure the operability of the storm shutters installed on that unit and is responsible to close them in the event of a windstorm. Damage caused by failure to do so is the responsibility of the owner if net insurance proceeds are insufficient to cover such damage.

Max made a motion to accept the definition of "apartment unit" All were in favour .

"Common elements" are considered to include all other elements of the buildings and property except those specified as being part of the "apartment unit." Additionally, the following are considered common elements:

1. Electrical supply to the fuse box, electrical supply lines in the walls (including interior walls), floor and ceiling.
2. Water and plumbing lines in the walls (including interior walls), floor and ceiling to the valves at sinks, showers, tubs, hot water heater, and toilets, etc.
3. Drains to the first connection outside a wall.

External air conditioning compressor units shall be maintained by the owner in a reasonable state of preservation. The Association may require owner to remove inoperable and/or un-maintained units or do so at the owner's expense

Max stated this change (above) includes electrical supply lines in walls. Jon stated the cost to the budget would be substantial with this change. Max assigned Jon to determine the estimated budget implications based on these recommended changes. Max also would like to include a statement that holds the Association harmless if the original wiring and plumbing was changed by the owner.

Matrix

Category (Not Intended to be all-inclusive)	Owner Maint/Repair Responsibility	Association Maint/Repair Responsibility	Association Insurance Responsibility	Owner Insurance Responsibility
Exterior Walls and Interior Damage Caused by Leaks		x	x	
Roof and Interior Damage Caused by Roof Leaks		x	x	

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Interior Damage caused by Adjacent Units (Leaks, etc.)	X			Owner of Adjacent Unit's Insurance Responsible
Front Doors	X If Not Original	X If Original	X If Original	X If Not Original
Screens	X		X	
Exterior Sliders		X	X	
Exterior Wood Fittings		X	X	
Exterior Windows	X If Not Original	X If Original	X If Original	X If Not Original
Electrical System to Breaker Panel		X	X	
Electrical System, Breaker Panel to Outlets, Junction Boxes	X If Not Original	X If Original	X If Original	X If Not Original
Electrical Fixtures	X			X
Plumbing Inside Walls/Floors	X If Not Original	X If Original	X If Original	X If Not Original
Condo plumbing not in walls/floors	X			X
Plumbing Fixtures	X			X
Interior Walls	X		X	
Interior Doors	X			X
Cabinets	X			X
Furniture	X			X
Appliances	X			X
Wall/Floor Coverings (tile/carpet)	X			X
Hurricane Shutters	X		X	
Furniture	X			X
Personal Property	X			X
External A/C elements	X			X
Internal A/C elements	X			X
Landside Porch/Steps/Railings		X Excluding Tile	X Excluding Tile	
Seaside Balcony/Railings		X Excluding Tile	X Excluding Tile	

**Max requested Jon review Matrix and comment on each item.**

**Special Meeting:** Max requested the Directors meet Friday, November 18<sup>th</sup>, at 9:45AST to complete the discussion on the Matrix and budgetary concerns.

**2012 Budget Meeting:** Sharon plans to set a meeting while she is on island during November.

**Section 11:** Addition to section

1. No dogs are allowed on the property, either long term or visiting. The Board may grant exceptions to the NO DOGS ALLOWED rule, on an individual basis, should an owner require the assistance of a service animal (dog) as defined by the ADA. Owners

seeking to obtain such an exemption are required to apply, in writing, to the Board with supporting documentation.

Federal and ADA Compliance, as follows:

*“On July 23, 2010, Attorney General Eric Holder signed final regulations revising the Department’s ADA regulations, including a revised definition of “service animal.” Effective March 15, 2011. “Service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the handler’s disability.”*

*Dogs used for emotional support, that are not task-trained, are called emotional support animals. They are not service dogs”.*

This section is tabled until the opinion of a lawyer is obtained.

### **New Business**

**23W:** An inspection of the wiring of this unit resulted in several items that required repair. The repairs were completed , the owner paid the contractor and requested reimbursement. Jon reviewed the repairs and invoices, Max approved the reimbursement.

### **Manager’s Report:**

**Infrastructure and maintenance:** Monthly scheduled filter changes to gray and fresh water distribution systems were completed. The new fresh water system recommended the filters to be changed every 3 months, Jon has opted to change those filters every month. All other systems are operating properly until this weekend when a WAPA outage heated the breaker of the gray water motor and caused it to burn out. The breaker was changed and we may be changing the meter box. We continue to run the generator for 45 minutes after power is restored as programmed.

### **Off season maintenance items:**

Inspection of steps: 1/3 completed, inspecting on sunny days

Pressure washing 50% complete, inspecting on rainy days

Rails, steps, and parking lot painting will be completed by December 15. Striping and painting will be done after pressure washing is completed.

**Transformer:** should be in Miami tomorrow and is scheduled to be in shipped this week. Once in route, we will schedule Mr. Harvey’s visit to reroute the final 3 phase leg of our electrical system.

**Long Term Planning Committee:** Thursday 11/17/11 10:00 AST to use original code for telephonic conference

**Elysian Payment:** No payment has been received. Jon spoke with Gene last week and was told the check is forthcoming.

**CBE Bylaws:** Jon to contact Andy

**Thefts:** Multiple thefts are continuing at CBW, CBE, Elysian, and Cabrita Pointe. Most of the issues have typically occurred Sunday afternoon, between 11a-2p. During each of these occurrences the owner/renter has left his door unlocked and purses, wallets, etc. in plain view. The Association has strongly encouraged the owner/renter to file a police report. Max asked Louanne to draft a letter to the Police Chief from the Board, requesting the police to be on increased alert and provide increased patrolling during the week and weekends.

**Nomination Committee:** The nomination committee recommendations need to be submitted this month to be sent out to the owners by December 1.

**December Meeting:** The December meeting will be 12/13/11 at 8:45am

**Adjournment:** There being no further business the meeting was adjourned.

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ACTION ITEMS

Retain lawyer to review and give opinion on No Dog Rule	Max
Contact Vince to vote on Executive Committee member	Louanne
Announce Executive Committee	Max
Evaluation of Managers for December meeting	Max
Manual Security Gate repairs	Jon
Budget Meeting	Sharon
L-41 Determine Foreclosure by CBW	Directors
Meet N Greet/Annual Owners Meeting confirm meeting place	Rosie
Obtain info on waiver of subrogation and HO-6 policies	Bob
Budgetary implications based on recommended changes to Bylaws	Jon
Long Term Planning Committee Meeting	Max
Elysian Payment	Jon
CBE Bylaws	Jon
Letter to Police Chief	Louanne
Nomination Committee Recommendations for mail-out by Dec	Bob