

Minutes of Board Meeting held on January 19, 2005

A regular meeting of the Board of Administration of Mayan Towers Condominium II, Inc was held on January 19, 2005, at 10:00 A.M. in the Clubhouse at 145 S. Ocean Avenue, Palm Beach Shores, Florida, pursuant to notice given in accordance with Law and By-Laws of the Corporation.

The meeting was called to order by the President, Art Donelan at 10:10A.M.

Members present: Art Donelan, Gene Price, Kay Bresnahan, Anthony Traversa, Barbara Haag, Al D'Andrea, Georgianna Ellis and Richard Dragone. Sal Incatasciato joined the meeting at approx. 12:10P.M.

Also Present: (all members of the Association) Harold Haag, Joe Haimes, Jim Ditello, Annette O'Donnelle, Jean Traversa, Susan Dunn, Ed Lehner, Mary Schneid, Marie Price, Dorothy Haimes, Esther Carr, Gil D'Andrea and Chuck Kasbee.

Following the roll call of members, the Secretary verified proof of notice of the meeting.

Additions or Deletions to agenda: None

Approval of minutes from Board Meetings December 15, 2004 and Annual Meeting February 9, 2004

Motion made by Barbara Haag to accept the minutes of December 15, 2004 and 2nd by Al D'Andrea. Motion carried unanimously. (1)

Motion to accept Annual Meeting Minutes of February 9, 2004 was met with a discussion. Al D'Andrea said the minutes should contain only what was stated at a meeting. Art Donelan said, "Editors Notes" are needed to clear the record of minutes of the 2/9/04 meeting. The Board agreed to have "Editors Notes" at the end of the minutes. Al D'Andrea made said motion and Richard Dragone seconded the motion. Motion carried unanimously.(2)

Treasurer's Report: G. Price quoted the year end report that indicated we are in good fiscal shape.

Operating Account: \$93,840, Reserve Bonds: \$15,000, Reserves :\$123,412, Reserves short : -\$144,765.

Hurricanes cost \$8000 for a mold report, \$13000 Roof repair.

We will be able to reduce the reserve shortage by ½.

We are talking to a public insurance adjuster, Brian Schlooser, National Fire Adjustment Co., Inc. to help us with our insurance claim for a 10% fee. A. Donelan said adjuster looking at around \$700,000 loss.(details later)

We are going to hire a Reserve Analysis to advise us about reserve funds as to whether we should pool or vote for non statutory reserve. A discussion about changing reserves, which was discussed in a letter by Ken Direktor Esq. and also recommended by Kathleen Bordeleau, CPA took place. A. Donelan stated we need an experienced person to come up with accurate figures for 1 year to use as a base line figure.

Sales & Lease Committee: Chairlady K. Breasnaham unhappy with renters and some owners. Rules are not being adhered to. A. Donelan stated we need to work on obtaining a security person to handle some of these situations. B. Haag stated, some people are propping open the side doors and they should not be left open as “any one” can gain access to the building. She felt that people who are not welcome in the building are gaining access by thus propping the doors open.

Maintenance: T. Traversa filled in for Chairman S. Incatasciato, he stated that all of the roof fans except the 2 stack have been replaced and the exit lights are being installed in-house. New garage lights are also being installed. Baseboards are being installed in the Clubhouse. The ladies room has a new tile floor and will have a new vanity soon. The carpet leading from the Clubhouse to the pool is going to be replaced.

Landscape: G. Ellis stated the hibiscus plants out front are not recovering from the hurricanes. She has ordered 14 new plants. We are still fighting air vine, so there will be no new impatiens for now. Palm Tree on north side was hit by lightning – may come back if root not damaged. 4 Palm Trees due from Town Hall to replace other lost trees are on order, but not expected for a few months since prices are still too high.

Insurance: A. D’Andrea is getting 2 quotes for insurance. Bill Hamilton at Ray S. Celedinas & Associates can’t compete with Brown & Brown Inc. We could get a quote from QBE. G. Price said we may try a self-insurance plan – paid \$90,000 each year – yet we get nothing for our claim. 90% of claims are denied in Florida. A. D’Andrea said he will meet with Mack Insurance. He suggests we get an update appraisal from Allied Appraisal which did one in 2003 for \$300. The insurance committee will meet soon to discuss whether to do an appraisal of the options.

Minutes Approval:

Engineer Charbonneau presented 3 bids received for our Roof Replacement and a bid proposal package was given to each Board member. T. Traversa said the Roof Replacement Committee members, B. Haag, A. D’Andrea, S. Incatasciato and himself will meet with Charbonneau the 1st of the week. We have several questions, RE process, of Charbonneau that need to be clarified. S. Incatasciato contacted several condos & received good references for Advance Roofing, the lowest bidder. Other bids of \$280,000 (approx.) did not include removal & reinstallation of the A/C units. A/C units will be assessed & the owners informed if they need to be replaced; at a good rate for a Traine or Rheem. There is an 8 week completion estimate for the job. R. Dragone made the motion to pay Eng. Charboneau the \$3800 invoice, A. D’Andrea 2nd the motion. Motion carried unanimously.(3)

A decision was reached Re: the proposal of Mary Lou Lookabill at the 11/17/2004 Board Meeting to become the Manager of MTN. The Board developed a counter proposal. MLL asked for an hourly wage increase for Secretarial & Bookkeeping duties. The Committee issued a listing of duties to include MLL hours Monday-Friday 9AM-3PM, office open to membership 9-10AM and 2-3PM, transcribe Board meeting minutes, only Board members and Officers permitted to enter Administration Office, overtime pay only after 40 hours (per week). A performance review on 3/06 and consideration for possible pay increase, etc.. G. Price made the motion and S. Incatasciato 2nd the motion. Motion carried unanimously. (4)

New Business:

Our attorney Ken Direktor submitted to our Board a memo outlining an amendment to the Association By-Laws. Presently, our By-Laws allow the Board to vote special assessments with out submitting such to the membership for approval. Note: this rule was passed on by a vote at the last Annual Meeting 2/9/04.

The new amendment would generally limit the Board to assessing the members to no more than three (3) months of maintenance assessments annually. Any special assessment that exceeds the three monthly assessment amount would require a vote of the membership.

Footnotes: RE: Motions 3,4

This issue was visited often by the membership going back to the Annual Meeting of 2/9/04 when the new By-Laws were passed. There was a lot of misunderstanding surrounding this issue which should be remedied by passing the amendment discussed. The Board voted its recommendation and endorsement that this amendment be passed at the Annual Meeting 2/14/05. Motion by A. D'Andrea, 2nd by R. Dragone. Motion passed unanimously. (5)

The Board discussed the engagement of J. F. Frazer, a Reserve Analyst, to examine and report on the status of the "Reserve Accounts" and the projected life of various items, such as elevators, concrete, etc. A required investment of \$1400. (of a total of \$2800.) for this service is required at signing. A discussion by the Board followed by a motion by B. Haag to accept the agreement as stated but, line six had to be deleted from the document (line 6 – provided for 4 yearly updates of the agreement at \$700. each). G. Price 2nd the motion. The motion received 8 Yes votes and 1 No vote by A. D'Andrea. The motion carried 8-1 (6)

It should be noted that we have engaged Bruce K. Schlosser, National Fire Adjustment Company, a licensed public adjuster, for hurricane damage claims at no cost to MTN. Their fee for successful negotiations or legal challenges against the insurance companies would be 10 % of the recoveries.

We are currently trying to get an agreement with EBS (Eastern Beach Services) for their services operating on our property (the beach). Our attorneys say we could be liable if an accident were to happen. They apparently are a registered corporation in Florida and apparently are insured.

A. D'Andrea questioned if we found any information as to where the property lines are? A. Donelan said that the Mayor of Palm Beach Shores said that, we own the property up to mean high water. The association pays a yearly invoice of \$900, for the cleaning of the beach area, to the Town. Properties along Palm Beach Shores ocean front, that have agreements with Oceanside Beach Services (OBS) do not pay the cleanup fee since: their agreement states that it is paid by OBS.

R. Dragone suggests we have EBS list us on their umbrella policy and draw up an agreement and have them sign. S. Incatasciato says EBS does have their chairs & umbrellas on our property and we would be responsible. K. Breshnahan stated that the Executive Committee had a meeting with Cindy from EBS to talk about an agreement. Our attorney said that the agreement would be costly if drawn up by the Firm. He felt that since, they are doing business on our property, they should present their offer. He further stated that they should present the agreement. EBS and Eastern Beach Services apparently hold several corporations but insurance is in the name of EBS, according to the Florida Dept. of State official records. The association does have an exposure to various liabilities on association property (beach) that must be addressed.

Comments and Questions from Owners of the Association:

K. Breasnahan stated the minutes of 10/14/04 should be corrected to reflect that J. Haimes said we should hire someone at \$50,000-\$60,000. It should have stated that to get an experienced full time manager, would cost \$60,000. and he did not recommend that.

B. Haag questioned if Item #7 on the agenda, "Expenditures over \$1000" had been skipped? A. Donelan stated the expenditures had been covered during the Board meeting by each topic covered. Yes, the expenditure items should have come under #7, Expenditures over \$1000, on the agenda.

T. Traversa suggests we look at updating the Rules & Regulations. People with skate boards, moving on weekends & not following the parking rules. We have ordered stickers to help with this problem also.

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J. Haimes stated the minutes from the Annual Meeting 2/9/04 were worked on by A. D'Andrea and himself and then given to A. Donelan with a note stating he would sign if no further changes were made but did not wish to sign if there were changes.

J. Ditello Chairman of the Social Committee stated that he was glad that some of the residents were able to use the supplies that are keep in the Social Committee's closet during the hurricanes in September. Jim announced upcoming events: weddings, horse races, superbowl party, etc. Jim invited everyone.

B. Haag made a motion to adjourn the meeting and A. D'Andrea 2nd the motion. Meeting adjourned at 1:20 P.M.

Respectfully Submitted,

Kathleen Bresnahan
Secretary