

# **Lely Country Club Property Owners Association, Inc.**

## **Board Meeting Minutes**

**May 13, 2025**

### **1. Call to Order & Establish Quorum:**

**Paul Labonte called the meeting to order at 6.00 p.m. at Royal Palm Golf Club 405 Forest Hills Blvd, Naples, FL 34113**

### **2. Proof of Notice:**

Due notice was given, and a quorum was met with the following attendees:

- Will Rudman
- Sharon Sutton
- Paul Labonte
- David Tate
- Jerry Golf ZOOM
- Victor Faszczuk
- Dana Finnegan ZOOM
- Karen Poufcas

### **Also Present:**

- Philippe Gabart of Resort Management.
- 10-unit owners in person and 8 via ZOOM

### **Absent:**

- Bart Andersen.

### **3. Approval of Previous Meeting Minutes:**

Paul Labonte asks for comments on the minutes and any changes.

**Dave Tate moved to approve April 8, 2025, minutes. The motion was seconded by Sharon Sutton and passed unanimously.**

### **4. President Report.**

Paul Labonte addressed the need for a new Treasurer due to the absence of the previous officeholder. He volunteered to serve as Interim Treasurer until a permanent replacement is appointed.

**Dave Tate moved to approve the nomination of Paul Labonte to be appointed as Treasurer on a temporary basis. The motion was seconded by Sharon Sutton and passed unanimously.**

Paul Labonte read a statement regarding the resolution of litigation related to leasing matters. The Association's attorney confirmed that the street covenants remain in effect and that the leasing documents have been properly filed.

Homeowners will be notified about the new rental amendments, including requirements for tenant background checks. Paul Labonte provided copies of the notices to the property manager for distribution to all homeowners.

## **5. Treasurer's Report:**

Paul Labonte provided an overview of the Association's recent financial performance:

### **Financial Summary:**

- Monthly Surplus: \$5,039
- Operating Cash: Decreased by \$23,705, primarily due to a \$25,000 transfer to the Reserve Account. This was partially offset by increased dues collections.

### **Delinquencies:**

- Delinquent accounts remain above expectations but are showing a downward trend.
- Notices have been distributed, and 45-Day Notices were issued to 12 owners with balances exceeding \$500.
- If payment is not received by June 2, 2025, liens will be placed on these properties.

### **Operating Expenses:**

- General Administrative Expenses exceeded the budget by \$2,945.
- This includes a \$2,500 retainer paid to our new legal firm, Gunster Law.

### **Cash Position:**

- Beginning Operating Cash: \$181,722
- Transfers & Purchases:
  - \$25,000 transferred to Reserves
  - \$25,000 invested in a CD at Wintrust Bank
- Ending Operating Cash: \$133,017
- Reserve Account:
  - Beginning Balance: \$126,969
  - Ending Balance: \$152,334
  - Includes \$365 in interest earned and the \$25,000 transfer: no expenditures to date.

### **Comparative Analysis:**

- Operating funds are \$4,717 higher than in the same period last year.
- Accounts receivable are \$1,153 higher year-over-year.
- Reserve funds have increased by \$33,310 compared to last year.

#### **Year-End Projection:**

- Estimated year-end operating balance: \$67,171, assuming all receivables are collected, all obligations are paid, and the current budget is followed.
- Reserve year-end balance will vary based on approved expenditures

**Karen Poufcas moved to approve the treasurer's report as presented. The motion was seconded by Dana Finnegan and passed unanimously.**

#### **6. Old Business:**

##### **a. Villa Roofs/New Proposal – ARC committee:**

##### **Roof Repairs:**

Paul Labonte emphasized the need for a new proposal regarding roof repairs and requested that a formal presentation be prepared for the next board meeting.

##### **Board Training & Legal Guidance:**

After attending a recent training session, Paul recommended that all vote denials be formally recorded and brought before the board to help mitigate potential legal issues.

##### **Fence Request Procedures:**

Paul Labonte and Dana Finnegan discussed the current process for handling fence requests, stressing the importance of obtaining full board approval before any decisions are finalized.

##### **Community Aesthetics – Roof Shingles:**

Paul noted the importance of ensuring consistency in roof shingle selection to maintain the overall visual integrity of the community.

##### **b. Monument Repair:**

Paul Labonte discussed the ongoing need for monument repairs and outlined the process of obtaining contractor estimates. Bart Andersen had submitted a proposal for stucco repairs on the west side of St. Andrews. The board underscored the importance of completing all restoration work in accordance with the original construction standards.

Paul emphasized the necessity of a testing period to ensure the repairs are watertight, noting that the timeline for this phase would extend into August. There was some discussion about whether a formal board vote was required, with several members pointing to the county's financial commitment to the project as a significant factor.

To ensure a comprehensive evaluation, Paul recommended securing a third estimate and updating the existing ones. He also noted that Bart would return to reassess the issue. Concerns were raised regarding potential delays on the county's part, with some

members suggesting that a rain-induced failure might finally trigger action. The board also acknowledged current issues the county is facing, including leaks and mismatched fittings.

Paul advised waiting for the county to complete its current repairs before moving forward with new estimates or decisions. Additional concerns were raised about the condition of the electrical panels, with Bart recommending immediate repairs due to safety risks. A budget of \$2,500–\$3,000 was proposed for this work.

Further damage to irrigation systems, electrical infrastructure, and landscaping was reported. Paul noted that the contractor would be held responsible for all related repairs. The board emphasized the importance of avoiding liability and protecting the nearby wells. It was confirmed that some repair work had already been completed, and the board opened the floor for questions.

They reiterated the need to obtain a third estimate before proceeding. The design for the monument improvements was also discussed. Paul mentioned ongoing consultations with a designer but noted the difficulty in securing contractor bids. Some board members expressed a preference for managing the project internally, provided that any additional expenses are reviewed and validated by an independent third party.

**c. Code of Conduct/Feedback:**

It was also suggested that a reminder regarding the code of conduct be sent to Board members.

**d. Newsletter/Status:**

Technical issues with the newsletter template were acknowledged, but the goal is still to distribute it by the end of the month.

**e. Update on Compliance:**

Dave Tate provided an update on compliance efforts, noting that while progress has been slow, friendly reminder letters have proven effective in encouraging homeowner action. He brought forward a specific case regarding **Unit 764 St. Andrews**, recommending a **\$500 fine** due to ongoing maintenance issues and continued violations related to landscaping and debris. The board discussed the overall effectiveness of fines and considered the alternative of hiring a landscaper to address the issues directly. Legal limitations on fines were reviewed, and it was agreed that both enforcement options should remain on the table.

**Motion: Impose a \$500 fine for landscaping and debris violations at 764 St. Andrews.**

- **Moved by: Karen Poufcas**
- **Seconded by: Victor Faszczuk**

**Vote Results:**

- |                   |     |
|-------------------|-----|
| • Will Rudman     | No  |
| • Sharon Sutton   | Yes |
| • Paul Labonte    | Yes |
| • David Tate      | Yes |
| • Jerry Golf      | Yes |
| • Victor Faszczuk | Yes |
| • Dana Finnegan   | Yes |
| • Karen Poufcas   | Yes |

## **7. New Business:**

### **a. Holiday Lighting:**

Victor Faszczuk presented options for holiday decorations, which included renewing the current vendor contract, hiring a new vendor, or completing the work in-house. He highlighted ongoing issues with the current vendor's performance and emphasized the need to account for the damaged monument at St. Andrews in the planning process.

He outlined four proposals from the current vendor, with costs ranging from \$5,700 to \$8,000 per year, as well as a \$10,000 proposal from an alternative vendor. As a more cost-effective option, Victor proposed a self-supported initiative for holiday decorations, with a \$3,000 budget and requested the board's approval to move forward. Victor Faszczuk discussed the possibility of terminating the contract with the current vendor due to a breach of contract and pursuing a refund. The board engaged in a debate over the validity of the signed contracts and whether the vendor had formally acknowledged the breach. Some members expressed skepticism about handling the decorations in-house, while others, including Speaker 2, supported terminating the contract and seeking reimbursement. The board further discussed the legal and practical implications of terminating the agreement, including the potential for pursuing action in small claims court.

**Victor Faszczuk moved to approve that the 2025 Christmas decorations and lighting be completed in-house rather than by an outside vendor. The motion was seconded by Karen Poufcas. The motion passed as follows:**

- |                   |     |
|-------------------|-----|
| • Will Rudman     | No  |
| • Sharon Sutton   | Yes |
| • Paul Labonte    | No  |
| • David Tate      | No  |
| • Jerry Golf      | Yes |
| • Victor Faszczuk | Yes |
| • Dana Finnegan   | Yes |
| • Karen Poufcas   | Yes |

### **b. Roadways/Traffic:**

Paul shared concerns about speeding and dangerous driving on Augusta, St. Andrews, and Warren Street. He mentioned speaking with Glenn Church, the Neighborhood Watch Captain, as well as representatives from the Sheriff's Department regarding the issue. A question was raised about whether the Sheriff's Department had offered any resolutions. Speaker 1 suggested that residents should call the non-emergency number daily to draw more attention to the problem. Paul and other board members discussed the possibility of installing speed signs and implementing other traffic-calming measures. It was noted that the speed signs previously installed on St. Andrews had stopped working and were subsequently removed. An offer was made to provide information about alternative speed sign options. The idea of rethinking road design—narrowing lanes and adding tighter curves to naturally slow down traffic—was also suggested. Paul and others discussed the ongoing difficulty in getting the county to approve of the installation of speed bumps or similar traffic-control measures.

**c. Monuments/Electrical Panel Repair:**

Concerns were shared regarding the condition of electrical panels, with Bart Andersen recommending repairs due to safety hazards. A budget of \$2,500–\$3,000 was proposed for this work.

**d. Discussion on Delinquencies:**

Paul discussed the process of sending out notices to delinquent members and the possibility of referring those accounts to the Association's attorney for collection. The steps involved in this process were explained, including the potential for initiating foreclosure if the accounts remained unresolved. It was mentioned that some members have automatic payment systems in place and may unintentionally overlook late notices. Paul and other board members discussed the option of sending warning letters as a preliminary step and reviewed the associated costs of placing a lien on a property.

**e. New Financial Format/Proposal:**

Paul explains the current financial reporting system and its detailed nature. It was suggested that the financial reports could be summarized to make them more accessible to members. Paul agrees to consider the proposal and discusses the possibility of changing the financial reporting format if a new treasurer comes on board. It was discussed the importance of clear and concise financial reporting for the board and members.

**8. Comments.**

**9. Adjournment:**

**Dave Tate moved to adjourn the meeting, and Sharon Sutton seconded the motion. With unanimous approval, the meeting was officially adjourned at 7:30 p.m.**

Respectfully submitted.

Philippe Gabart, CAM