




# Playa del Mar Newsletter



Playa del Mar

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Volume 111 Issue 1

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JANUARY 2008

## BUDGET MEETING November 2007

### MAINTENANCE INCREASE



On November 15, the board approved a 2.5% maintenance increase for 2008. The board expects a small special assessment in the summer to cover last year's budget shortfall. If we win the insurance claim (see below), there may not be an assessment. (See prior newsletters for detail). Most likely this special assessment will be small, and about equal to one monthly payment owners are paying for their current assessment.

Bob Boffa, the President of the Board, in his way of making owners feel better about the 2.5% maintenance increase, pointed out that our sister building, Playa Del Sol, had an 18% increase in their maintenance for 2008. (Both buildings have exactly the same layout and were built around the same time). Bob said that the Board's highest priority is to keep costs under control and reduce expenses wherever possible. But, Bob added, there are differences among board members as how to achieve this goal.

### INSURANCE CLAIM FOR WILMA

We are in the process of developing legal action against our former insurer, QBE, for not reimbursing us for \$400,000—which represents the difference between our cost of damage due to hurricane Wilma of \$1.6 million and our deductible of \$1.2 million (Note- our deductible has since increased to \$1.8 million). We are also part of a class action suit against QBE with some 80 other condos in Florida for the same reason.



### DECORATING UPDATE



Joan Weinberg, who has been on various decorating committees over the past six years, addressed decorating plans. Joan is a respected professional decorator.

Now that most of the exterior work is complete, owners are anxious for interior redecorating to begin. The budget for decorating and carpeting is approximately \$430,000, which is in reserve funds specifically earmarked for this purpose. The board appointed a decorating committee (see notice posted in the mail room) The committee members and board liaison, Annette Gamburg, are in the process

**Cont'd on page two. Column one**

## BUILDING PROGRESS REPORT

### UPDATE ON BUILDING PROJECTS

Mike DeMonia is the board member responsible to oversee all external and internal building construction work. We thank him for taking the time to provide us with an update on building work. Mike has worked in Washington State as project manager for construction company and has an in depth knowledge of building structures and contractors.

### LEGAL ISSUES WITH SPS



Just about all of the building's construction activity is complete. We have a "new building" from a structural view. The contractor SPS performed most of the exterior work (except the roof) either directly or through sub-contractors. There are now four issues regarding the workmanship guarantees per our contract with them. Mike wants the owners to be aware of these issues and makes it clear that the board intends to have the contractor pay for these repairs, **not** the owners.

**BALCONIES....**One of the issues is to get SPS to honor its contract and fix unit owners' balcony railings where the paint is peeling off. The defective railings first appeared to be predominantly on the south side of the building, but reports are now being received all around the building of peeling paint.

**DECKING....**The second issue is to fix the decking surface, which was installed at the building entrance and guest parking area. Shortly after the coating was applied, bubbling occurred -- either because the deck was too damp and/or too hot at the time of application. It appears that the sub-contractor hired by SPS did not do adequate planning and scheduling when applying the coating. SPS has agreed to install another top coat on the deck. It was decided to wait until the beginning of 2008 to schedule the re-work. (So get ready for garage and visitor parking closures again).



**CLEAN UP** The third issue with SPS involves final cleanup of leftover materials, and miscellaneous issues.

**Cont'd on page two. Column two**

**DECORATING UPDATE CONT'D**

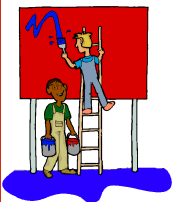
of selecting paint colors for the residential corridors. A larger baseboard molding will be added to give an up-to-date appearance. Utilizing the reserve funds specifically for these projects, the committee hopes to be able to change the furniture and lighting fixtures and replace the hallway carpeting. The ceiling tiles and grid system will be repainted. In the lobby, the wallpaper will be removed and walls will be painted. The committee is looking at the costs of new furniture versus reupholstering the existing furniture as well as other inexpensive decorating ideas.

The committee understands that everyone has different preferences, but they are trying to make selections that will be agreeable to most. Everyone's cooperation and input are greatly appreciated.



**MISCELLANEOUS**

A solar blanket has been ordered to cover the pool at night in order to prevent heat from escaping. This should provide a cost savings regarding heating the pool. The Ladies Card Room has become a TV/Movie room, at no cost to the owners. Bob suggested renting movies once a week for a community "movie night."



The South Garage floors were painted by PDM employees, and they will be used to perform painting duties whenever possible. This will reduce building painting costs in the future.

The Board also appointed Mike DeMonia as assistant secretary to replace Mike Marsalona (who has since passed away). Mike D. could not be appointed as secretary because our board was split 3 to 3 in approving him with a full secretary position. The law permits the Board President to appoint an assistant secretary and Mike was appointed.

**ANNUAL MEETING FEBRUARY 26,2008**

**Just a reminder of the upcoming Annual Board Meeting in February. Ballots for the election of new board candidates will be mailed out no later than Feb. 12th. Make sure to attend the "Meet the Candidates" night. When held, ask questions and get to**

**KNOW YOUR CANDIDATES**

**and how they will best serve the needs of Playa del Mar! Your vote counts. VOTE!**



**BUILDING REPORT CONT'D**

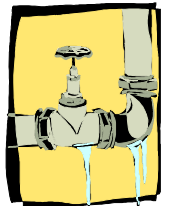
**LOBBY ROOF.....** The fourth issue concerns the cement structure covering the outside entrance to our lobby. It was damaged during work done by SPS. Mike explained that when replacing the "green rock," which runs up the front of our building, the top of the cement covering was not properly protected and some 100 rocks penetrated the waterproof membrane of that structure. SPS tried to patch up some of the holes with unsightly black patches. This now has inadequate protection against water penetrating our lobby ceiling. Mike said SPS must install a new membrane on the top of the cement covering.

**COOLING TOWER COVER AND WATER BILL REDUCTION**

Mike also discussed the completed project of replacing the old fiberglass covers of the south wing cooling tower (blown away by Wilma) with new stainless steel covers. The absence of covers could have contributed to the additional water consumption (and a water bill which was \$70,000 over budget in 2007). The coverless towers permitted water to splash out with gusts of wind and evaporate at a greater rate.

**LEAKS ON NORTH AND SOUTH SIDE DECKING**

Mike said that the board continues to identify and fix leaks into the garage on the building's north and south side decking and promenade. He feels that replacing the decking is not necessary at this time and the deck can be fixed without additional costs to the owners as part of our on going repair budget. The first series of leaks was corrected by getting rid of the planters on the pool deck and replacing expansion joints. Leaks which still persist in the garages are caused as a result of penetrations drilled into the concrete slab to anchor the new light pedestals. One by one they are getting repaired. A few other leaks around pipes and electrical conduit penetrations are targeted for repair. All the repairs on the decking should be completed in a few months.



**COST CONTROL A PRIORITY**

Mike wanted to emphasize to all owners that the board members are dedicated to keeping costs under control. He said that he, in overseeing all construction projects for our building as well as other board activities, would make sure that the least expensive solution be tried first in resolving building problems. He is determined to keep the PDM spending within its maintenance budget, and not incur any further assessments. Contractors will not be able to get away with things they do at other condos here at the PDM under his watchful eye.





President Bob Boffa called the board meeting to order. The first order of business was to fill the two vacancies on the board. The two people chosen to replace former board members Mark Stern and Michael Marsalona are Annette Gamburg (unit 802) and Carolyn Kervin (unit 2604). These appointments were made under protest from board members Grace Antonello and Heide Von Schlieffen. The three board members who voted in favor of the appointments were Dan Lecht, Michael DeMonia and Bob Boffa.

Bob advised the owners that because there were five board members on the board at the time of the appointment, only three board members were needed to approve the appointment. These two appointments are expected to bring to an end the board's near even polarized split, which could have threatened the operations of our building.

Over the past few months, three board members have questioned if Bob Boffa could legally serve on the board. Bob reminded all at the meeting that Florida law allows those who served prison time to serve on a condo board, if the state in which that person resides has restored his or her voting rights. Bob presented documentation (which is posted on the mail room bulletin board) showing that he had his voting rights restored in New Jersey for some 20 years, and therefore has the right to sit on a condo board in Florida.

During the meeting many owners expressed their view that it is time for building's political division to come to an end. Many expressed disgust about the bitter political disputes of the past few years having turned neighbor against neighbor. They asked all board members to start anew and try to work for the common good of the building. They asked all owners to question anybody who repeats a "whisper rumor" to them and disregard unsigned letters. Both of these means of campaigning have provided a rich source of character assassinations of board members as well as other owners in the past few years. Most owners and board members agreed that the next election campaign should be positive and only address what that candidate will do for the building. They should avoid and denounce personal attacks as a method of campaigning.

### ANNOUNCEMENTS

Bob said that there remain several problems from all the project work we faced over the past few years. As men-



tioned elsewhere in this newsletter, Bob spoke of two problems we are having with the contractor SPS, concerning our outside decking and balcony railings. Bob also said that there were some individuals who reported rusting on their balcony decking. Bob asked that residents make the PDM office aware of any balcony problems. Bob also said that if SPS does not take steps to begin the balcony railing repairs by February, he will contract out the repair work and bill SPS via the money we are still holding-which represents the final payment to them.

Some owners complained of various cleanliness issues in the building---such as odors around the garbage chute, and unclean carpets. **Bob said that all residents of our building are the quality control "eyes and ears" for the board. He asked that residents notify the office of these types of problems when they see them.**



**The first floor has part of the hallway painted in the new color selected for all hallways at the PDM. Interested residents should look at the paint colors. The decorating committee is working on the final plans to redecorate the lobby and hallways.**

### BUILDING MANAGER'S REPORT

#### PROJECT WORK FINALLY NEAR COMPLETION

Keith Tannenbaum said that most of our major project work in the building has finally been completed, after almost three years. One open project is the lobby and hall decoration, which is discussed in this newsletter under "Budget Meeting."

#### SHOPPING CARTS

The new shopping cart procedure is working very well. Residents are returning their carts to the garages in a timely manner, and there have been no reports of unavailable carts. Additional cards and carts have been ordered to facilitate requests by residents who need more than one card per unit. The cost of a card is \$10, and can be obtained from the PDM office. When inserted into a lock, a shopping cart is released. When the cart is returned and the key is inserted into the lock, the card is released.



#### POOL HEATER

The new pool heater is installed. The warmer temperature appears to satisfy pool goers.



**OUR ELECTED OFFICIALS ON BEACH RESTORATION AND INSURANCE**

Several members of this newsletter attended a meeting with our congressman, Ron Klein and our Broward County commissioner, Ken Keechl. A portion of that meeting addressed concerns of residents of the Galt Ocean Mile on beach restoration as well as wind insurance costs.



Regarding our beach restoration, they explained that the Army Corp of Engineers is in the middle of performing an 18 month environmental study reviewing the success of various methods of restoring beaches in our part of Florida.

They said that getting the attention from the Army requires a coordinated effort by both Broward County and the federal government. Ron and Ken assured us that this was being done.

Ron said he meets with a representative from the Army Corp of Engineers every month in Washington. Ken spoke about his successful battle to designate a portion of Broward tax revenue to pay for our beach restoration.

They both promised that our beach will be the very next beach to be restored as soon as our army's study is completed.

Regarding insurance, Ron Klein was the co-sponsor of a bill which passed the House of Representatives, providing for a federal plan for catastrophic insurance. Basically, the bill would provide catastrophic coverage for all states from fire, earthquakes, floods, hurricanes, etc. If this becomes law, the benefit for us is that it will limit liability for insurance companies in the event of a major hurricane. This should encourage more insurance companies to compete for our business, and lower our costs, not only for our own homeowner's policy, but also for our building's wind insurance, which has tripled for us this past year to an amount of about \$900,000.

**WELCOME "HOME" SNOWBIRDS!**



So nice to see all the familiar faces back in "Paradise". We wish everyone a Happy, Healthy and Prosperous New Year. Let us know if you have a upcoming special event, some pictures or stories for our next Newsletter.

**WELCOME NEW RESIDENTS**

Joining our PDM family are the following:  
October November 2007

- Florence Sauer #508
- Bernard Lenes & Howard Flynn (Lease) #706
- Marie & Shecky Greene (Lease) #817
- Marc & Maria Gerstel #911
- Mario Contreras #1712
- John Richard Chapmann III (Lease) #2215

December 2007

- Margot & Vahe Shaldjian (Lease) #606

January 2008

- Michael McAllister (Lease) #208
- Christine Woods (Lease) #514

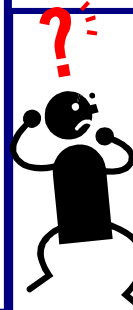
**WELCOME TO PARADISE!**

Reminder to all owners, guests and those that are leasing!

**PLEASE** pull your beach chairs back to the seawall when you leave the beach. Also, please note that they are not designed to be pulled into the ocean. Let's be mindful of our responsibility to respect our shared pleasures. Putting towels on chaises that sit for hours waiting for expected guests should be offered up to an owner if requested. If you expect a large amount of guests, **PLEASE** provide your own personal chairs during high demand , allowing availability to other owners .



**EDITORIAL COMMENT**



Your PDM Newsletter has done its best to avoid writing about the conflicts between Board members. However, the recent conflicts, which spilled over to owners and resulted in a split board, had threatened the operations of our building.

In the July 2007 Newsletter issue we discussed a "Town Meeting" held by Mark Stern to oust Bob Boffa from the Board. We hope that the following articles on page 5 of this Newsletter, will clarify the issues, beginning with the "Town Meeting" held by Bob Boffa to oust Mark Stern from the board. And, more importantly, we will discuss the recall of Mark Stern from the board. To our knowledge, PDM owners have never recalled a board member before.

## OWNERS REMOVE MARK STERN FROM THE BOARD



A majority of PDM owners voted to remove Mark Stern from its Board. The tally is 206 votes (92%) to recall Mark Stern, 17 votes (7%) to retain him. The number necessary to recall (remove from the board) at the PDM is 186.

The notice of service for the recall of Mark Stern was served on board members Dan Lecht, Vice President and Treasurer, and Michael DeMonia, Assistant Secretary on December 5, 2007 at 6:10 PM by a process server as proscribed by Florida Statutes and Administrative Codes. At that date and time no more written recall agreements can be submitted by the owners to the board of directors nor can the written revocations of the recall agreement be delivered to the board of directors.

If the board does not meet within 5 days of this notice being served, the removal of that Board member is automatic per Florida law.

In a meeting of December 10, 2007, a lawyer for our association provided guidance under Florida law to both owners and three of the board members in attendance: Mark Stern, Heide Von Schlieffen and Grace Antonello. (There needs to be four PDM Board members present for a quorum, therefore, this was not a board meeting).

Mark Stern challenged the authenticity of the owner's ballots, the legality of Bob Boffa to be President, the legality of how the notice was served and many other procedural issues. He was notified by our lawyer that he was no longer on the board, and his replacement would be determined by the remaining board members. (Legal documents were presented to Mark after the meeting regarding his removal).



### EVENTS LEADING UP TO REMOVAL

Three Board members, Bob Boffa, Dan Lecht and Mike DeMonia, held a "town meeting" November 13 to provide a platform for owners and other board members to air publicly, their opinions regarding the recall of Mark Stern.

Bob Boffa summarized the charges against Mark Stern.

They were that Mark did not return a briefcase containing documents, a passport and a laptop computer to its rightful owner in a timely fashion. Further, that Mark contributes nothing to the Board to assist them in their efforts to do their work and continually files legal actions that cost owners attorney fees. During the meeting, Mark Stern presented his



rebuttal in which he said he made an honest mistake thinking the briefcase was his. The wife of the owner of the briefcase read a letter from her husband (who was out of town) which supported Mark Stern's position. Further, Mark Stern said he and his board allies are isolated from day to day board activities by other board members, and therefore cannot get involved as they want to and were so elected by owners to do.

Details of both Bob's and Mark's positions were sent to owners during the recall vote procedure and details will not be repeated in this newsletter.

An owner, Fred Nesbitt, stood up at this town meeting, and identified himself as the author of the draft of the



Mark Stern recall letter and coordinator of the recall vote. He explained that he was a lobbyist for the Policemen and Firemen's union pension funds in Washington for many years. Because of his experience, he became familiar with the principle that trustees and board members must be held to a higher standard than the ordinary person.

He said their character and behavior should be "beyond reproach".

Mr. Nesbitt said that Mark's response contacting the owner or building security when he discovered he picked up the wrong briefcase displayed insensitivity and poor judgment.

Fred emphasized that all costs associated with this recall letter and processing of recall votes—which includes paper, stamps, etc. were paid by owners who are **not** current **nor** past board members—and **not** paid by the association. Fred said the recall letter was signed by 20 owners who were not only in agreement but were also upset with the board's bitter split. Fred said that these owners were not ashamed to sign the letter and be identified.

Fred offered the contrast of this open and signed recall letter to other letters sent out to owners over the past few years which never contained a person's name, just the word "anonymous" or "Citizens (or Residents) for a Better Playa Del Mar", or "Cyber Citizens For Justice." These unsigned letters have questioned the character, honesty and judgment of current and prior board members. Fred said that he and many other owners were fed up with that type of divisive behavior, which has split the board and owners of the PDM.

He then asked Bob Boffa, if those "Residents For A Better Playa Del Mar" would identify themselves at the



Bob did, and those who acknowledged involvement were Mark Stern, Grace Antonello, Heide Von Schlieffen, Barbara Testa and Pat Price. Some owners at the meeting accused Board member Dan Lecht of being a member. Dan said he participated with those groups until last February. He said he made a mistake in joining and supporting them, but has nothing more to do with them now and asked for his contribution to be returned to him.

**(Ed note-** Just before this meeting began; Mark's representative served Bob Boffa with a lawsuit against the Board and Betty Cholst, to stop the recall vote. For the record, Ms. Cholst was the agent of the owners designated to receive, open and hold in custody the recall ballots. Betty neither wrote nor did she sign the recall letter circulated containing the signatures of 20 owners. She acted on behalf of owners as a neutral and fair person who would safeguard owners' ballots. Additionally, Ms. Cholst has no interest in running for the board. Mr. Stern's lawsuit against the board will cost owners legal fees to defend and have the lawsuit dismissed. Since the removal of Mark Stern, an additional suit has been filed against the board by Mark Stern, asking for arbitration on the issue, thus costing owners more legal fees.)

**Your Newsletter Staff**



<b>Barbara</b>	<b>Rich</b>	<b>Phyllis</b>	<b>Scott</b>	<b>Lance</b>
<b>2304</b>	<b>2704</b>	<b>2404</b>	<b>2115</b>	<b>2512</b>

**The Newsletter welcomes Scott Bond as staff photographer. Scott, a recent graduate of the Art Institute of Fort Lauderdale with a degree in graphic design will bring fresh ideas to the Newsletter. Fred Nesbitt has resigned to pursue other interests. We thank Fred for his contribution, his time and his interest in bringing topics of great interest to owners.**



We regret to inform residents of PDM of the passing of PDM Board member **Michael Marsalona** on December 2, 2007. Mike was a dedicated and hard working director of the board, and he enjoyed a wealth of friends and loving family members. **He will be greatly missed.**

**MISSION ACCOMPLISHED**



**Our management team of Keith and Caren have fulfilled their commitment of remaining with PDM with a goal of completing projects. Aside from the major concrete restoration effort,**

**Hurricane Wilma, parking assignments, new balconies, etc. they also successfully worked with and brought up to speed, an entirely new Board of Directors. We wish them the best with their new challenges and continued success.**

**Our condolences to Board Member, Grace Antonello whose father recently passed away. It was posted in the mailroom but unfortunately, it was not noted who he was. A long time resident, Mr. Gennaro DeMaio had been ill for some time For those wanting to express their sympathies, Ms. Antonello is listed in the PDM directory..**

**2007 EMPLOYEES HOLIDAY FUND**

A special thanks to all owners and residents who contributed to the 2007 Playa del Mar Employees Holiday Fund. A holiday luncheon for our employees was held on December 21 in the Ocean Lounge at which time the holiday gifts were presented and acknowledgement of their services to the PDM community.

**The Holiday Fund Committee  
Lucille Fannin, Fred Nesbitt,  
Scott Bond & Ray Tokumoto**

**PDM WELCOMES NEW MANAGEMENT**



**Introduce yourselves to the new Manager, Carol Muller (left) and Assistant Manager, Rosie Bowers.(right) Both are hard at work, learning the operation of**

**this massive complex, becoming familiar with the issues and identifying the many faces here.**

**MISSION STATEMENT**

Our mission is to provide a newsletter that will be up to date and be a consistent source of information to Playa del Mar residents. We communicate regularly with the Board of Directors, share current issues, provide progress reports and stimulate interest in activities at the Playa del Mar.