

Sea Pines Homeowners Association

Newsletter

May 29, 2007

Dear Neighbors,

Meetings abounded this past Memorial Day Weekend. The Facilities Management Board held its scheduled meeting in the Clubhouse at 8:30 on the 26th. The Annual Meeting of the Owners occurred on the 27th and then the reconstituted FMB met immediately after the Annual Meeting. The news will be in two parts – the news stemming from discussions and decisions at the first two meetings followed by the news related emanating from the second FMB meeting of the weekend.

On the personal front, we owners took time to recall the lives of Betty Liddle and Ed Quigley, endearing residents who left us this past year. We also saw more than a few owners who have been recovering from major surgeries; the medical community should prepare a note of appreciation for the business provided by our generous owners. New owners were welcomed. The ownership also displayed a heavy appreciation for Terry Milligan's service as President over the last several difficult years; Terry has resigned as President but will complete his term on the FMB. The owners also saluted the resigning FMB members for the value of their regular contributions over time; this august group encompassed Messers Godwin, Rose and Wiesel. Then we owners extended significant recognition to Craig McGowan and his staff at Mercantile Property Management.

Treasurer's Report

Frank Fiorentino reported that the expenditures during calendar year 2006 were actually \$11,000 under budget and for 2007 expenditures to date accord with the budget. Frank and Craig noted that, as is normal, certain line items show a surplus while other items show a deficit, yet the total usually is in balance. These numbers, consequently, must be read with the understanding that there are certain variable expenditures that could prevent matching budget by the end of the year.

The FMB is seeking bids from firms that could provide evaluations of our physical facilities. The last evaluation was done approximately fifteen years ago. This evaluation serves as a primary input into the decisions to fund long-term capital reserve accounts for needs related to areas such as roofs, siding, chimneys, irrigation, lighting, road paving and pool and Clubhouse facilities. A Capital Reserves Committee usually meets in September to develop the recommendation to the FMB for funding the capital accounts; this meeting attracts non-board members as well. (And, by the way, an owner does not have to be a member of the FMB to participate in any of the committees that keep our community operating.)

Grounds Committee

Joanne Keuch provided extensive information over these two days – directly and indirectly. She continuously and conscientiously surveys the grounds and meets with other committee members at least twice a month. Joanne has served long and *extremely* well as Chair of this committee and will be leaving her post when the new President appoints her replacement.¹

¹ At this point I sense that my continuing encomiums make this newsletter appear similar to organizations that promote debutante-coming-out balls, garden parties and spelling bees won by four-year-old grandchildren living on the west coast! But you owners have shown generous recognition for the individuals who have served our community well. Walter Winchell and Paul Harvey would be even *more* intrepid in recognitions.

Joanne reported significant loss of plants due to a combination of unusual “winter kill” and an aged base of bushes. Mass replacement may not occur this year, yet the committee is soliciting an expert opinion on plants needing replacement and related costs. However, some plants will be replaced under a warranty from the landscaping firm.

The Five-Year Plan has reached completion of its full cycle and will start over again for Landing Lane. In the Fall, this committee will solicit owners in Landing Lane for suggestions on what should be done when the replanting activity occurs next Spring.

Some reminders: Our irrigation system was designed more with lawns in mind so owners are asked to monitor water needs for plants closer to the units; per our Rules and Regulations, parking spaces are not to be used over night for vehicles/trailers of contractors²; yard trash should be placed outside the respective trash rooms to be picked up weekly. Our contractor will not take our heavier trash. Please arrange to deliver it to the town’s “transfer station” which is located on Round Hill Road off Satucket Road.

A homeowner appealed a decision of the grounds committee to the FMB, an option explained in the By-Laws. The committee allowed a homeowner in the Hollow to install AC units within 20-30 feet of the bedroom of a neighbor in a free standing unit. (Since the appellant could not attend the FMB meeting, Terry described the matter.) The FMB voted to uphold the decision of the Grounds Committee, the basis resting on precedent for similarly-stationed AC units and the inability of the owner requesting the variance to install a ductless system – that owner’s preferred approach.

Pool Committee

The pool is open!

Sea Pines has received a proposed plan for reconstitution of the area around the swimming pool. This proposal is displayed on a chart in the Clubhouse and leans against the wall near the galley. The bid for performing the job is over budget. Owners are asked to examine the chart and make suggestions for the plantings and the deck surface with a keen eye for meeting budget constraints.³ And please take some time to examine possible lower-cost substitutes for a concrete deck; these paving blocks sit on the patio within the pool area. The plan is for construction to begin when the pool closes.

Clubhouse Committee

Susan Rose and Barbara Sullivan discussed the Art Show to be held in the Clubhouse for the two weeks beginning June 30th. This show is open only to owners in Sea Pines and their guests; it is not a public occasion. Owners are asked to submit their creations for viewing and you may even allow them to be purchased. Only products of the skills of the owners will be allowed.⁴ Sea Pines will not pay for insurance not currently covered.

The opening of the Art Show coincides with the Cocktail Party scheduled for the evening of the 30th in the Clubhouse. BYOB. But please come! This institution has weakened in recent years and many long-time owners recall its strong contribution to the well being of our community.

² Please see the Rules and Regulations for time period and requirements.

³ The bulletin board in the Clubhouse contains the list of committees and respective chairpersons. And any interested parties should volunteer. Contact the new president. (Ah! Just wait and I reward such patience when I reveal the name of this singular individual.)

⁴ Sorry, Frank Pease. Your attic’s collections of Renoirs and Matisses will not be accepted.

Susan Powers donated a piano for use in the Clubhouse. It purportedly is in “fine tune” and there is a request for a volunteer to “work” some of the cocktail party on the 30th; call either Barbara or Susan. (Do not fear, despite a chronic wordiness, I will not serenade y’all!)

An owner asked the FMB to consider installing “wifi” in the Clubhouse. The FMB subsequently reviewed the conditions related to the installation of wifi and decided not to install it due to cost and legal concerns. There are wifi hot spots nearby in Brewster, including the Brewster Ladies Library.⁵

Insurance Committee

John Phelan reported in absentia; he is recovering from a knee replacement, a recovery that is not amusing John. He is talking to Travelers, our current carrier, seeking a quote for a policy that needs to be in place this summer. Please provide John with the names of other carriers offering insurance to Cape residents. The cost to Sea Pines for property insurance has grown very much over the last several years. Currently this item accounts for ten percent of our operating budget. The Association’s deductible is five percent per building.

Recreation Committees

The annual 4th of July Tennis Tournament at Sea Pines occurs by tradition on the 4th (big surprise, huh?). However, since the 4th falls on a Wednesday this year, the tournament will be held on the weekend of either July 1 or July 8. Please state your preference to Lloyd MacDonald who will then post the substitute date on the bulletin board located near the courts and in the Clubhouse. Roger Federer and Serena have not yet responded to Lloyd’s invitation to participate.

Deane Keuch asks that boat owners register with him the name and location of their respective boats that “reside” on Sea Pines property. The Commodore also requests that boat owners consult the By-Laws for information as to location, removal and storage.

Website Committee

Christopher Wroten created and manages the Association’s website. Please visit this site because it contains far more information than is contained in this irregularly published “rag.” Christopher exhorts owners to consult the front page of their Sea Pines Directory when they need to find the address of our website. Even I remember that the address is www.seapinesbrewster.com (but my recollection comes from having looked at the Directory only yesterday!). By the way, this newsletter is also available as hard copy in the Clubhouse.

Bluff Committee

The Conservation Commission (CC) has prepared its Order of Conditions for Sea Pines, an order that establishes our pruning limits for the next several years. The owners heaped on Bob Wiesel and Steve Koppel for their efforts over the last two years; they were effective and saved Sea Pines thousands of dollars. Dave Sullivan and Jim Dalton, also members of the Bluff Committee, contributed mainly by staying out of their way and applauding the loudest when commendations were passed out at the Annual Meeting.

Sea Pines essentially received what it requested when we filed the Notice of Intent with the CC. In addition to permitting conditions granted four years ago and a subsequent approval of

⁵ Owners being served by Comcast need not cancel their service if they will not use it in the winter. One can suspend service and pay a nominal monthly fee that probably costs less than the cost of re-installing service for the Spring and Summer. Indeed, the limited service in the off season still covers basic TV reception and use of the cable for internet access for when one makes a winter visit to Sea Pines.

an amendment that allowed a second pruning, the CC allowed Sea Pines an additional view corridor and modifications to two existing view corridors.

Sea Pines again is threatened by “illegal” pruning. This pruning occurred in relation to views from units 261 and 263 Sea Pines Drive. The evidence was discovered by the agent for the CC. This “spontaneous cutting of shrubs” has occurred in the past in the same area, most recently last year. Such activity threatens the hard-won respect of the CC after a long period of severe, and gradually loosened, restraints on pruning of our Bluff. We fear that the CC will not ignore such infractions in the future and will eliminate pruning throughout the Bluff, including the pathway to the beach and the elimination of invasive species. Owners are asked to stop people observed doing unauthorized pruning and immediately report that activity to Craig McGowan at Mercantile.

“Title V” Issues

Sea Pines satisfies Brewster regulations when it conducts inspections of its thirty-eight systems every three years. At that time, Sea Pines pays a significantly lower cost per system because the job covers thirty-eight systems. With the sale of a home, the state under Title V requires an inspection and necessary repair of that owner’s septic system. Nevertheless, the town requires that for a sale to be approved, the septic system must have been inspected within the last two years prior to the sale.

A former owner has requested that Sea Pines pay for the inspection it undertook because it had been more than two years between inspections. The FMB ruled that Sea Pines will continue the existing policy and require the seller to pay for the extra inspection triggered by the sale of the home. The out-of sync inspection will cost more than the average with all thirty-eight systems inspected during one work order.

Legal Corner

The Beach Rights matter deals with rights to use the four hundred feet of beach to the west end of our 1100 feet of beach. The essential disagreement at this time appears to derive from placement of boats along a portion of the western end of our beach. But, in answer to a specific question about access to that portion of the beach, Terry Milligan noted “How does the plaintiff get to the beach if it has the right to use it? Sea Pines owns the property in front of the plaintiff’s residence.” This case has been tried in land Court; four days of trial concluded in April. Both parties are scheduled to submit Briefs on June 8 and then each party gets to file a reply brief. A date for a decision depends on when the court reaches a decision. Sea Pines still wants to settle the matter.

Both parties in the By-Laws case have asked for summary judgment and the court is taking the requests under advisement. Settlement negotiations are underway in that matter and in the Garage Matter; the parties are the same in both suits.⁶

Elections

Owners in each condominium elected people to fill expired terms and one unexpired term for a member resigning from the board. Condo I owners elected Larry Huller to fill an unexpired two-year term,⁷ and Christopher Wroten was elected to the three-year term. Olwen Saint was

⁶ In the garage matter, an owner applied for a variance to convert his garage six to eight months after construction began. The owner at that time filed for a variance and the FMB denied the request. The garage has not been returned to its prior condition.

⁷ Richard Rose has had to resign from the board after many years of service. He and Susan recently established permanent residence in Florida. Consequently, Richard would not be available to attend FMB meetings for eight months of the year.

elected in Condo II, George Pierce in Condo III and Bob Orem in Condo IV. Thank you all for your willingness to serve!

FMB Actions After Annual Meeting

Upon exiting the Annual Meeting of Sea Pines' owners, the new FMB repaired to the Clubhouse to conduct business. Apart from deciding two matters discussed above, the FMB met to nominate, discuss and elect officers according to the By-laws, in addition to setting meeting dates for the remainder of this calendar year. All members of the FMB serve on the four condominium boards. However, only an owner in a given condominium can serve as an officer for that same condominium.

For the FMB as an entity, the members⁸ elected Dave Sullivan (revealed at last!) as President, Terry Milligan as Vice President, Frank Fiorentino as Treasurer and Vera Fields as Clerk, a position Vera has filled for twenty-eight years.

For the individual condominiums, the positions of President, Treasurer and Clerk are respectively: Condo I - Wroten, Huller and Fields; Condo II - Pease, Saint and Fields; Condo III - Fiorentino, Dalton and Fields; and Condo IV - Orem, Morse and Fields.

The FMB usually meets at 8:30am in the Clubhouse on the last Saturday of the month, except for November and December. If a meeting is cancelled, then a notice will be posted on the bulletin board in the Clubhouse and on the website. The meetings are scheduled for June 30, July 28, August 25, September 29, October 27 and December 1. The date for the capital reserves meeting has yet to be determined.

*

*

*

*

For the FMB,

Jim Dalton

⁸ Due to prior commitments, Ken Jamison from Condo I was unable to attend the meetings last weekend. Otherwise all eleven remaining board members were present.