

January 22, 2017

Re: Road project: the facts, half-truths and misinformation for those willing to listen.

Dear Neighbor,

We would like to thank all of our neighbors who attended the meeting on Thursday, January 19th, with no agenda other than to listen, ask questions respectfully, and share their thoughts calmly with each other and the Board in an open dialog. Unfortunately, that did not happen. Like many of you, we were appalled at the few that came to disrupt the meeting to spread false information verses having the opportunity for each of us to speak respectfully with each other in a neighborly fashion.

Instead of an open meeting, a reactive response ensued as an unintended result of the recent Special Assessment Notice. The Special Assessment should come as no surprise as progress has been communicated all along the way through Meeting Minute Summaries, Facebook, the email list, Nextdoor, and monthly meetings. The problem lies in the fact that instead of seeking the correct and true information directly from the Board, some people chose to react emotionally to partial information and even some misinformation that was not a full picture of the evolution of our study and analysis of the proper solution to the road repaving.

We are grateful for those members of the community that continue to act in the spirit of being a good neighbor, and we thank you for your continued support as we move forward with what we confidently believe, through additional support from the input of numerous members that were involved with past meetings, is best for our association and all of its members.

The meeting on the 19th was unlike any other here in recent years. It had had absolutely no chance of proceeding smoothly. Therefore, we would like to try to set the record straight here, so you hear our side coming directly from us, and not from a second, third, or fourth party. As many of you know that have attended past HOA meetings in 2016, the Board has encouraged healthy and respectful discussion. Meetings often last past 10:00 pm to allow everyone to have an opportunity to share, but it was unfortunately the case that this meeting was everything but orderly and neighborly, and it was clear that emotion immediately overcame a few attendees and the objective of a fully open meeting was irretrievably disrupted. We have been more transparent than any board in the past and continuously strive to keep our neighbors updated with the changes and happenings via mailings, physical postings, and online communications. We too have been victim of past Boards that did not respect input from the community. We pledged never to act in such a manner.

The intent of this letter is to present the facts about road repair and to help clarify the Road Repaving Project to those of you who are willing to consider the facts surrounding the Board's efforts over the last year. After reviewing the timeline which is available on the website, it should be clear that there have been over a dozen fully open discussions regarding the roads. Homeowner opinions through a community-wide questionnaire, special meetings, industry professional presentations, and countless reports posted on our website have been researched for months. In fact, August marked a meeting specifically geared to discuss the presented road options and financial options that were generated through homeowner input.

So, a recap:

1. It all began with an engineer's report, the Road Reserve study, which was commissioned by the prior Board through Sadat Engineering whom contracted a second engineering firm to assess the roads through scientific and expert methodology and evaluation.
2. Two independent engineering firms reported 1-2 years of useful life left based on core sampling and other assessment criteria.
3. The roads, currently at the end of their lifespan, and in the 25 or so years, there was never an increase in dues to fund the Road Reserve. Consequently the reserve was only funded at 50% of the funds needed.
4. The current Board and those in the community willing to participate proactively proceeded with researching options for the road repair and maintenance project.
5. We've shared the information and research via the website, newsletter, meetings, and meeting minutes.
6. We've reviewed 6 funding options.
7. We've sought member opinions at meetings and even in a community-wide questionnaire/survey that was completed by only a dozen or so members.
8. We've held multiple open meetings to discuss the roads, one of which was specific only to the roads, which consolidated questionnaire responses for those that chose to attend.
9. We've sought independent professional engineering and project management inputs.
10. We've reviewed the covenants, articles, and bylaws with respect to the road project and speed humps.
11. We have reviewed legal opinions regarding the roads, assessment, and speed humps.
12. We've researched and reviewed multiple scientific and other credible publications regarding the roads.
13. The community was fortunate to have volunteers in our community's road committee, who have real-world construction experience, knowledge and expertise on the matter to help guide the community in this process.
14. An additional independent engineer worked closely with the road committee and the board to develop specifications, create a vendor RFP, review the work scope and construction variables, request proposals from 15 paving companies, compare the returned bids, and to weigh the cost-vs-benefits of several options.
15. The conclusion by the board was that all options have been heard, weighed, and that we, as a community, need to repave the roads all at one time was the best overall approach. We believed that there was a risk in doing the roads "piecemeal," and that the Reserves Study commissioned by the last Board pretty much dictated the need to repave the roads. It did not seem financially prudent, nor required, to engage a community vote for a \$3,000 to \$5,000 cost to reaffirm what the engineers told us. The presence of the Road Reserves account is expressly and exclusively for use to repair (repave) the roads at the time deemed appropriate. No community vote is required to maintain the roads at the proper time.
16. We selected 2 contractors from the 6 that returned bids at an open HOA meeting. The vendor, Ranger, was selected.
17. We renegotiated Ranger's contract and supplemented it with an addendum prepared by the association attorney.
18. We have received an estimated 25+/- years of service from our roads with essentially no repairs, which is 2-5 years beyond normal lifespan. That is amazing! We hope to repave the roads with the same quality that they were initially installed.

The Assessment Meeting was too late in the process to hear opinions reasonable consideration:

The Board has listened to opinions for a year. The need to act is now upon us. At the Assessment Meeting, a majority of dissenting opinions were likely generated by personal feelings and/or emotion. While we understand some are unhappy, it would be unwise and thoughtless not to consider the objective, scientific

research, facts, and evidence supporting the option to repave at this time. While some may believe that the community was unable to vote, that is simply false. During the Road Meeting last year, attended by only 38 members, the vote was in favor of repaving and surprisingly in favor of a one-time assessment. Numerous homeowners, however, appear to have waited until the final decision was being made on an assessment to voice their opinions. But that Assessment has been discussed, openly, for at least 6 months. We just didn't have the final dollar amounts until early this month.

Reasons the Special Assessment was selected to fund the road repair and maintenance plan:

1. The logistics.

- a. The engineer reviewed and processed bids for numerous vendors, and submitted expert input and suggestions during the vetting and selection process.
- b. The vendor contract is guaranteed for only 90-days from the date of issuance (i.e through March). (Once 90-days are exceeded, the cost of the aggregate, directly impacted by rising gas prices, would increase. To date, the cost of petroleum has risen \$0.41/gallon, which can significantly increase the overall project costs.
- c. There have been multiple re-writes and revisions of contract terms and conditions by the Board and Road Committee to help ensure that the interests of our community are protected.
- d. The association attorney was also sought out to supply an addendum to further safeguard the community during and after the project and to help ensure the community is covered legally for all contingencies.
- e. Several meetings between the vendor and engineer took place to be certain that the bid was in compliance with the engineering specifications for paving.
- f. Coupon books and letters to the community are required by law. These needed to be generated and incur a cost to each of us.

2. The number of opinions is huge – based on the large number of variables to consider.

There are just too many opinions that are not fact-based. For example, it is the lay opinion that we do not need new roads. Some individuals feel that they know better options. Others feel that we could have approached it a different way. Many of these people base their views on opinion or feeling and not fact, and many have not bothered to get involved or even review the reports provided. Decisions based on opinion and not fact, as is sometimes observed on Nextdoor, are those based on personal biases which directly hinder reasonable action. Thus, these opinions are ones that likely to create problems, and contribute to missing the key points, and even trump expert opinions of the engineers and other experts that have been consulted for the repaving project.

It is unreasonable and false to suggest that we haven't considered funding options including applying for a loan, increasing monthly dues, and implementing a special assessment. It is also incorrect to think that we haven't considered seal coating, reactive patching, and repaving. There were 5-6 options suggested by homeowners. The research was done and the experts were consulted on all of them. It undoubtedly the case that some individuals will never agree with the decision or consider all aspects no matter how many facts support the decision to repave and impose a special assessment. It is scary to think that some people are convinced that their knowledge of some prior driveway or parking lot blacktop project or repaving should supersede the professional experts, engineers, vendors, and attorneys, all of which have been sought out throughout the year and consulted at each and every step. While unfortunate, it is not prudent to engage every personal disagreement based on opinion and/or emotion.

3. The association attorney was consulted.

- a. After the Road Meeting, we sought guidance for proxy votes, and were advised that we did not need to vote on a special assessment to maintain or repair the common area, namely the roads. From this correspondence, a formalized legal opinion was sought for the repaving project, which was inclusive of information that supported a road repaving assessment.
- b. The attorney explained that this is not a community improvement or upgrade (i.e. capital improvement), but a repair and maintenance item. The confusion between the two has seemingly caused some misunderstandings.
- c. A second formalized attorney opinion was sought for the installation of speed humps on private roads within Starlight Cove. The opinion for speed humps here verified that material changes such as speed humps are permitted for installation by the Board.
- d. Palm Beach County Engineers and Palm Beach Fire and Rescue were also contacted with regards to the installation of speed humps in Starlight Cove and confirmed their installation for the private roads in Starlight Cove.
- e. A second speed hump opinion was received in the past, but this was done by a past President and was not expressed in a formal letter. Rather an informal reply to that past President was provided as it related to a concerned homeowner with respect to legality in Starlight Cove.

Given that these legal opinions were sought out in order to be certain that everything was done in accordance with our by-laws, covenants and Florida statutes, it is disconcerting that some members of the community have taken it upon themselves to interpret our documents in a manner that suits their own personal agenda, and worse completely disregard the legal opinions of experts and licensed HOA attorneys. Perhaps it is the case that those expert opinions do not suit what some homeowners choose to believe, or that their own interpretations are not correct.

The notion to add speed humps was generated from a petition that received an over 2/3rd majority of homeowners in favor of their installation. They were added into the road project as repaving allowed for smooth integration for installation. Other nearby communities in Westchester, Oak Run, and Montreaux have successfully implemented speed humps.

FACT: The roads need to be repaired.

1. False Claim: The roads look fine or there are no potholes..

- Read the Engineer report from FT&E on the website.
- Roads typically last about 20 or so years when properly maintained. Ours have never been seal coated, which is a preventative maintenance measure for roads in “good” condition. We are very fortunate on this.
- Potholes are not indicative of roads needing replaced. Professional core sampling is essential. Various scientific tests evaluating the aggregate, the layer under the surface is indicative of current condition. When the aggregate goes badly, so does the cost which can be exponential in comparison to less expensive re-surfacing.

2. False Claim: Seal Coating is much less expensive and should be applied. .

- Please read the literature on the website
- Seal coating is a preventative maintenance measure for roads in relatively good condition with respect to aggregate and not the surface appearance.
- It costs less, but it would cost Starlight Cove an additional \$30,000 (in estimate) plus the increased costs, if the aggregate worsens, inflation goes up with the cost of oil, goods and services. To what benefit would be a temporary solution when we still need to

repave the roads? It was determined that as a community, we would waste money that could instead be used to repave. For example, if we spent \$30,000 on seal coating now, our total expense in 3 years would be at least \$30,000 more to replenish those wasted funds.

- Anyone that recommends seal coating has not participated in meetings when this option was discussed and has taken the time to read the reports that seal coating is not effective on old roads at the end of their life cycle.
- To reiterate, roads typically last 20 or so years when properly maintained. Ours have never been seal coated, which is a preventative maintenance measure for roads in “good” condition.

3. False Claim: The Board is acting outside their authority and violating the community covenants.

- Some homeowners are upset because they don't want to pay an assessment, and they feel as if the Board is being dishonest and/or they have their own opinions. Others are angry at the Board for the assessment.
- The Road Reserve has not been adequately funded, and now the price to repave and repair the roads has come due.
- The truth is that we are following the covenants. We have maintained the documents indicating the need for the road, supporting documents for need for repaving roads and the authority to act. When the pool was resurfaced by a prior Board for nearly \$30,000, reactions such as these didn't exist. Yes, the project was smaller, and the Board had the duty to have it done. If the situation were turned around for the roads and the money available, it is possible that no objection would occur. Similarly, if the pool resurfacing required an assessment, it is possible that complaining and opposition would ensue.

After all of the work and intent to be transparent, the negative reaction is wholly undeserved. We volunteered to serve our community. We have spent 100's of hours of our personal time on this project. We have had no help from the management company and we have relied on the assistance of our fellow homeowners and on the guidance from experts in the field of roads and paving.

Please remember: we are your neighbors, we write the same check you write, and we are impacted just as you are with the exception that we have given our time and effort to this project. We don't request thanks ever, but to attack and slander us is difficult to fathom. We have nothing to gain except knowing we tried to do the right thing for our community which we all share, which we all pay, and which we all are affected.

Those individuals' seeking to remove the Board via petition is certainly unexpected and incomprehensible. If you didn't have faith in this Board or felt you could do a better job, you had the option to put your name in to run as a member of the Board.

We cannot stress the importance of asking questions, calmly and respectfully, and taking advantage of all the resources and information that are available, but reading two or three website “hits” will not give you the whole story about our roads. It is unreasonable and unfair to wait until the last minute to voice your dissatisfaction especially if it is fueled by misinterpretation of the facts, personal agendas, and/or the assessment cost, but the fact is that the road project is something that this community needs. It is not fair or just to subject the Board with personal attacks, crude phone calls, false accusations and mean spirited postings, when the facts are not considered.

We confidently stand by this decision as it is based on what many of our neighbors that attended meetings and who gave the personal time to help us and helped to solve problems supported. Perhaps if we all

became more involved, when decisions are made, people would not be surprised and actually have a chance to speak their minds.

This is a large project and is a costly endeavor, as we all know. No one is arguing against that, but it is imperative that we see the entire picture and consider only established scientific facts. The research and project has taken over a year in total. The harsh reality is that costs increase over time in an HOA, and that it is our responsibility as homeowners to work together and help secure the future of Starlight Cove. This is not a question of need for the future integrity, safety, and cost savings for all homeowners.

Again, please take advantage of the email address and submit any concerns and comments: StarlightBoynton@gmail.com. At the very least, please read the meeting minute summaries. We are trying to be transparent and share all the information. Aside from going door-to-door, it is your responsibility to stay updated by attending the meetings, reading the minutes, or asking questions. Again, Nextdoor is a multi-community forum, and is not affiliated with the Board – it is not intended to answer specific HOA questions.

Thank you.

Sincerely,

Your Board of Directors.