

MINUTES  
BOARD MEETING  
FRUITVILLE PUBLIC LIBRARY  
11-3-09

1. The meeting was called to order by President Joe Ficarola at 6:17 PM
2. Proper meeting notice was provided.
3. In attendance were Board members Joe Ficarola, Josephine Picone, Stuart Edelman, Joe Branconi, Ken Smith and CAM Jim Unger. Also present was Gate Committee member Stacy Johanning, and residents Cindi Lesney, Kathy Smith, Michael Vincitore, Thom Barron, Marcos and Carmen Santiago, Johnny and Rosa Smith, and Nora Branconi. A quorum of the Board was present.
4. **Joe Ficarola made a motion that the reading of the minutes of the Board Meeting of 10-7-09 be waived. Seconded by Stuart Edelman. Approved unanimously.**
5. There was a continuing discussion of the safety issue regarding parking in the crosswalk of the front entry to facilitate the pickup of children left off by the school bus. Jim Unger contacted Luis Herrera of the Sarasota County Traffic Engineering and Operations Department who performed a site inspection and responded as follows:  
Mr. Unger,

From a traffic engineering point of view, parking at the entry way for Palmer Glen is not recommended and may not be approvable. Parking is not usually combined with entry ways because it creates traffic conflict points, sight distance obstructions, and unnecessary congestion for any vehicle accessing the development, especially emergency vehicles. In addition, there are space requirements for parking and maneuvering that will have to be met in this area. If your HOA decides to pursue this type of improvement, construction plans prepared by a registered professional engineer will have to be submitted through Sarasota County's Land Development Services.

From an ADA compliance point of view, I visited the area and the existing conditions surrounding the entrance to Palmer Glen appear to be adequately designed. That is: a complete and functional network of sidewalks and crosswalks provide ample connectivity for pedestrian movement.

In regards to parking on Palmer Boulevard's public Right of Way, if it becomes an escalating issue for the residents of your community, you have the opportunity to request the installation of "No Parking Signs" to the Sarasota County's Board of County Commissioners through the Traffic Advisory Council. Detailed information on how to carry out this procedure is available by calling Janet Parsells (941) 861-0957.

Let me know if I can be of further assistance,

Regards,  
Luis

**Luis O. Herrera**

Sarasota County Government  
1001 Sarasota Center Blvd.  
Sarasota, FL 34240  
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Based on the letter from the County, the Board requested that Mr. Unger contact Mr. Herrera and set up an on-site meeting to be attend by Cindi Lesney, Joe Ficarola, Josephine Picone, and Jim Unger.

- 6. Joe Ficarola made a motion that a Comcast contract review committee be formed to determine the feasibility of terminating our contract with Comcast, with him as Chair, and Alan Pressman and Bob Wolfe as members. Seconded by Stuart Edelman. There were 4 yeas; Joe Branconi voted nay. The motion carried.**  
It was agreed that if the Committee feels that action should be taken that it will first be reviewed by the Association attorney who has provided the Association with an opinion letter that follows as Exhibit 1.
7. There was a review of the status of the violations report specifically with regard to cleaning roofs. Basically all roofs that were in violation have been remediated or committed to be cleaned.
8. There was a continuing discussion of the 2010 proposed budget and the Board recommended that the budget which requires a \$425 quarterly payment be sent to the property owners. The Board will vote on the budget at the 12-1-09 Board meeting.
9. Cindi Lesney made a request that the minutes of the 10-7-09 Board meeting be sent to all residents by broadcast e-mail. The Board had no objection.
10. At 7:50 p.m. Joe Ficarola made a motion to adjourn. Seconded by Stuart Edelman. Carried unanimously.
11. The next meeting will be on 12-1-09 at 6:15 PM at the Fruitville Public Library. There will be a short Board meeting followed by the annual meeting.

# EXHIBIT 1

712 Shamrock Blvd.  
Venice, FL 34293

941.492.2100 phone  
941.492.3116 fax

**SHARON S. VANDER WULP, P.A.**

Condominium and  
Homeowners' Association  
Representation  
Real Estate  
Wills  
Probate  
Landlord/Tenant  
Circuit Civil Mediation

October 28, 2009

Sent via e-mail  
and regular mail

Jim Unger, Manager  
Palmer Glen Association, Inc.  
PMB 169  
4025 Cattlemen Road  
Sarasota, FL 34233

RE: Palmer Glen Association, Inc.  
Comcast Cable Termination  
Firm File No. 150.00

Dear Mr. Unger:

Pursuant to the Association's request this office reviewed the Association's current Comcast Cable contract to determine the means and timing for its termination.

The contract is dated September 23, 1999 and is between Comcast Cablevision of West Florida, Inc., Palmer Glen Joint Venture and Palmer Glen Association, Inc. The contract governs Phases I and II of Palmer Glen subdivision.

Contract paragraph 14 provides that the contract term is for 15 years and that it automatically renews for successive period of 15 years unless either party provides the other with written notice of termination at least 120 days prior to the end of the then current term.

The Bulk Billing Payment Addendum provides in paragraph 6 that the initial billing term commences upon activation of the first unit in the subdivision. This date is not ascertained in the contract, but may be ascertained from the Association's records based upon the Certificate of Occupancy provided for the first home in the subdivision.

Based upon these binding contract provisions it is the opinion of this law office that this contract is set to terminate on or about September 22, 2014. In order for the Association to effectively terminate this contract, written notice of termination must be provided to Comcast no later than May 26, 2014. At that time, the Association would provide notice to terminate as of September 22, 2014 and it will be for Comcast to respond

with a later termination date based upon its records as to when the first property in Palmer Glen commenced cable services. Legally, the termination date will be the later of September 22, 2014 or the date of commencement of services to that first lot in the subdivision. Nevertheless, the May 26, 2014 date for providing notice of termination must be provided in order for termination of this contract to be sent in a timely manner.

In the event the Board of Directors attempts to terminate this contract earlier than the termination date described above, then more than likely Comcast will require the Association to provide payment for the monthly fee due and owing until at least October, 2014. The contract provides that if the Association defaults in its obligations under the terms of this contract, then the Association as a party to this contract is responsible to pay the amount due under the balance of the contract term, together with the reasonable attorney's fees and costs incurred by Comcast to enforce the contract.

If there are questions regarding the above, please do not hesitate to contact this office.

Very truly yours,

A handwritten signature in cursive script that reads "Sharon S. Vander Wulp".

Sharon S. Vander Wulp

SVW/lg