

POSOL RESIDENTS MANAGEMENT COMPANY LIMITED

MINUTES OF THE BOARD MEETING HELD AT QUAYSIDE, PORT SOLENT – 13TH SEPTEMBER 2013

Present: Nick Hewitson (Chairman)
Mike Sandall
Melvyn Farndell
Geoff Saunders

In Attendance: Samantha Simpson
Nikki Avis

1. APOLOGIES

13/09/001 Apologies were received from Ian Currie, Mark Abrams and Barry White.

2. APPOINTMENT OF DIRECTORS

13/09/002 Following discussions prior to the meeting, the Board resolved to appoint Melvyn Farndell and Geoff Saunders as Directors to fill two casual vacancies until the Annual General Meeting.

3. MINUTES OF THE PREVIOUS MEETING HELD ON 16TH AUGUST 2013

13/09/003 Following the amendments made to the minutes prior to meeting, Nick Hewitson proposed, Mike Sandall seconded and the Board approved them.

4. MATTERS ARISING

13/09/004 **Berth []** – A Director asked for clarification of what action is to be taken about the vessel currently situated on berth []. Countrywide advised that it had written to the owner/tenant but that no registration documents had yet been received. Countrywide agreed to follow the matter up accordingly.

13/09/005 **Parking in Cadgwith Place** – Countrywide advised that it had been in discussions with Jane Tume of Portsmouth City Council in regards to POSOL's proposal to alleviate the parking issues in Cadgwith Place.

13/09/006 **Remote Mooring Water Supply** – Countrywide advised the meeting that following the discussions at last month's Board meeting it had written to []. However it has received further correspondence requesting information to be provided on what action is being taken by POSOL.

The Board discussed the matter at length and it agreed that where water is available it had no objections to granting Shareholder access to it for a nominal charge but for the meantime it would postpone the discussion until the next Board meeting to enable POSOL to obtain further information and more Directors to be present.

13/09/007 **Berth []** – Countrywide advised that it has sought advice from Premier Marinas and was still yet to receive a response from Premier Marinas.

A Director proceeded to give a brief history of the working relationship between POSOL and Premier Marinas which over the past two years has significantly declined.

13/09/008 [] **Bryher Island** – Countrywide advised that it had yet to receive a response from the owner of [] Bryher Island and would follow this matter up accordingly. Therefore, at present no action is required from the Board.

13/09/009 [] **Tintagel Way** – Countrywide informed the meeting that it had yet to receive revised plans for the balcony alterations.

5. MANAGING AGENTS & WORKING GROUPS REPORTS

Finance – Budget – Expenditure

13/09/010 **Expenditure Report** – The Board discussed the expenditure report circulated prior to the meeting and Countrywide advised that expenditure to 31st August 2013 amounts to £219,994.

13/09/011 **Bonds** – It was noted that both the Natwest and Santander bonds mature in December 2013. .

Arrears

13/09/012 Countrywide advised the Board that the total arrears amount to £ 17,829.34

13/09/013 [] **Coverack Way** – Countrywide advised the Board that it had received contact from the owner to request copies of his outstanding invoices. Countrywide confirmed that the matter is in hand and that it will report further next month.

13/09/014 [] **Tintagel Way** – Countrywide advised the Board that it has received settlement in full of the arrears on the account.

13/09/015 Countrywide advised the meeting that all service charge accounts currently in arrears have been referred to solicitors' and once the new Property Manager for POSOL commences work, he will initially be tasked with bringing the arrears reporting up to date.

A Director queried which party is responsible for the legal costs incurred in pursuing the outstanding balances. Countrywide advised that the legal costs are added to the Shareholder's account and it is therefore their responsibility to settle these costs.

Countrywide commented that those properties that have a Leasehold berth there is the potential threat of seeking forfeiture of the lease through the courts, which is not possible on a Freehold house. Over the recent months it has had some success by applying to the mortgagor for settlement of the arrears: however to do so POSOL must obtain a court judgement first.

Property Alterations

13/09/016 The meeting discussed the current arrangements for the Covenants Working Group and the handling of submitted applications. The Board decided that the Group required further assistance as over recent months there have been several applications received which had yet to be considered and/or finalised.

Following the discussion, Melvyn Farndell agreed to give consideration to join the Covenant Working Group.

13/09/017 [] **Tintagel Way** – Countrywide informed the Board that it has once again written to the owner of [] Tintagel Way as following the refusal of his application it is believed that works had

commenced. Countrywide had requested all works cease and seemingly no further works have taken place at the property.

13/09/018 [] **Newlyn Way** – Countrywide advised the Board that it had received an application from the owner to carry out an under balcony kitchen extension and partially covert the garage into a utility room. The application had been duly forwarded to the Covenants Working Group for its consideration.

13/09/019 [] **Newlyn Way** – Countrywide advised the Board that it had received an application from the owner to replace the glass in the balcony with tinted glass. The Covenants Working Group commented that it is a standard alteration but it would consider the application and report back.

13/09/020 [] **Sennen Place** – Countrywide advised the Board that it had received an application from the owner to replace the front door of the property. The proposed front door will match in colour but the size and shape of the window will be different.

The Board considered the application and confirmed that it could see no reason to refuse the application as there are many different front doors across the estate. Countrywide agreed to issue conditional consent for the works.

Gardening

13/09/021 [] and [] **Carbis Close** – Countrywide advised the Board that it had received an application from the owners of the properties to remove the tree currently situated in the planter between the houses.

The Gardening Working Group commented that whilst it did not consent to the removal of healthy trees on the estate as they are a visual amenity, the tree in question is not on POSOL's land and therefore should they wish to remove it, they would have to do so at their own cost.

13/09/022 The Gardening Working Group commented that it had attempted with no avail to contact the Shareholder who had been put forward by a fellow Director to join the group as due to her profession, she would be an asset to the Group.

He informed the Board that the resident in [] Bryher Island has expressed a keen interest in joining the Group.

Following discussions an estate walk around would be beneficial and Countrywide confirmed that it would make the necessary arrangements.

13/09/023 [] **Bryher Island** – Countrywide presented a brief history on the extensive ongoing issue in respect of the proposed extension to the property and the subsequent works they have carried out to the garden of the property. Countrywide confirmed that in this instance, Premier Marinas advised that it would seek an injunction to stop the building works which would contravene the 7m rule.

13/09/024 [] **Newlyn Way** – Countrywide informed the meeting that the owner of [] Newlyn Way has expressed its concern of the lack of works carried out on their front garden during the rejuvenation works on other properties in Newlyn Way.

The Gardening Working Group commented that the works are being undertaken in a phased programme and it is likely that [] Newlyn Way will be undertaken at a later date

Communications

13/09/025 Nothing further to report that has not been covered elsewhere in the minutes.

Berthing

13/09/026 **Unregistered Boats within the Marina** – The meeting discussed the ongoing issue of unregistered vessels within the Marina and the lack of assistance from Premier Marinas in this matter.

Countrywide advised the Board that it has made contact with Premier Marinas and is awaiting confirmation of a meeting date to discuss the various berthing matters with the Marina Manager and Company Secretary.

13/009/027 **Berth []** – A Director commented that this berth is being used for chartered sailing trips and is in contravention of the rule, that businesses can be run from the berth.

13/08/028 **Berth []** – Countrywide advised the meeting that it has finally received the registration documentation from the owner of the berth for the vessel []. The Board reviewed the registration documents and it agreed that the registration of this vessel can not be authorised as it is co-owner by a non Bryher Island resident nor is the vessel insured by the Shareholder.

The Board asked Countrywide to write to the Shareholder accordingly.

13/08/029 **Sale of Berth []** – Countrywide advised the meeting that the purchaser of berth [] has requested a deed of variation to the sub-underlease for the berth which stipulates with that he has a right of access across the capping.

Countrywide have advised the purchaser, their Solicitor and the agent acting in the sale that this is not necessary as the right of access is granted in the preceding documentations for the Marina. However, the Solicitor has advised their client that is not satisfactory. Countrywide advised that it will continue to liaise with the Solicitor.

The Board considered the matter and agreed that it had no objection to signing a deed of variation should the purchaser wish to pursue the matter; however they would be liable for all associated costs.

13/08/030 **Surface Water Drainage** – Countrywide advised the Board that it had received further communication from Southern Water in regards to the surface water drainage. Southern Water has undertaken various flows across the estate which has determined that in several parts of the estate that the surface water does in fact drain into the Marina. Countrywide are currently awaiting receipt of the report.

Estate Security

13/09/031 Nothing further to report that has not been covered elsewhere in the minutes.

General

13/09/032 **[] Bryher Island** – Countrywide advised that it has received an anonymous complaint stating that the residents are running a business from the property. The Board discussed this matter at length and it agreed that it could not see any nuisance being caused and therefore could not take any action.

13/09/033 **Motor Homes in Newlyn Way** – The meeting discussed at the length the matter of Motor Homes which are currently parked on the estate which are causing distress to several residents and Shareholders. A Director informed the Board that motor homes are defined by the DVLA as a motorised vehicle therefore they are not restricted by the covenant which refers to caravans and Lorries.

A Director commented that some of the motor homes are using car parking spaces on a long term basis and therefore restricting the available to other residents. He also advised that some of the motor homes due to their size are not confined within the space and are overhanging the pavement.

Countrywide commented that whilst it understood the concerns of the residents, the motor homes were not in contravention of any covenant and therefore POSOL is unable to take action in this matter.

A Director queried what action could be taken should the motor home block access to the security gate, which he believed one of them is. In response, a Director commented that this would be a matter for the Fire Brigade or the police.

13/09/034 A Director commented that several properties on the estate are in a poor state of repair and are in dire need of redecorating.

13/09/035 [] **Tintagel Way** – The meeting discussed the issue of Houses of Multiple Occupation on the estate in particular the current residents in [] Tintagel Way as it seems there is upwards of 6-8 people currently living there. Countrywide agreed to report the matter to the local authority on behalf of POSOL and will write to the owner about the action of their tenants.

13/09/036 [] **Tintagel Way** – A Director advised the meeting that the current residents of [] Tintagel Way have been seen to be swimming in the Marina. Countrywide agreed that it would write to the owner about the action of their tenants

6. ANY OTHER BUSINESS

13/09/037 [] **Bryher Island** – Countrywide advised the Board that it had received an enquiry from the estate agent on behalf of the purchaser for POSOL's consideration to them to extend the width of the drive way to allow for the parking of two cars.

Following a discussion of the enquiry, the matter was referred to the Gardening Working Group for its consideration.

13/09/038 **Working Group** – The meeting discussed the current members of the working groups and the new Directors offered their assistance to the Covenants Working Group and Gardening Working Group.

13/09/039 **Berth [] and []** – Countrywide advised the Board that it has received a complaint from the owner of berth [] to advise that since removing his boat from the berth his neighbour has released his fenders on his boat and is therefore trespassing into his water space.

The Board discussed the matter at length and the Berthing Working Group agreed to consider the matter further and also measure the vessel accordingly.

13/09/040 [] **Bryher Island** – The meeting discussed [] Bryher Island as it has been commented that the fence has been painted but the colour used is not in accordance with the paint colour guide on the POSOL website. Countrywide agreed to write to the owner accordingly.

7. DATE OF NEXT MEETING – Friday 18th October 2013