



**PHA DELEGATES COMMITTEE MEETING
NOVEMBER 13, 2007
MINUTES**

ATTENDANCE:

Julio Bagué	PHA Board & Casillas de Palmas
Luis Lomba	Plaza Resort
Pedro Cosculluela	Southeast District
Rafael Santos del Valle	Aquabella
Rubén Chamorro	Palmas Reales
Jose J. Martínez	Montecarlo
Reynaldo Encarnación	Palmanova Plaza
Miguel Santiago	Fairlakes I
Ricardo Collazo	Beach Village I
Carlos García	Palmas Doradas
José Colón	La Jolla
Jaime Fernández	Las Villas II
Daniel Vasse	Anchors Village
José Beauchamp	Harbor Lights
Mirna Rios	Business Association
Frances Olivieri	Shell Castle Club
Antonio Roig	Plaza del Puerto (alt.)
Graciela Roig	Villa Franca
Ángel Del Moral	Palmas Plantation (alt)
Servando Díaz	Costa Verde & PHA Board Member

Delegates Absent/Excused

Providencia Walker	Palmarina
Marie Silvia Rivera	Maralago
Juan Gracia	Flamboyán Greens
Ivonne Cruz	Haciendas de Palmas
Héctor Robles	Montesol I
Radamés Acosta	Montesol II
Marcos Comas	Beach Village III
Néctor Robles	Crescent Beach

Gladys Fornaris
Eva Candelario
Michael Shulevitz
José Bacardi
Lizann Plá
José Bacardi
Agapito Cosme
Isabel Maisonet
Gordon MacDonald
Rita Molinelli
José Garcés
Pablo Quiñones
Joseph Barlia
Miguel Guiot
José Garcés

Palladio
Club Villa
Bahía del Sur
San Marcos Island
Fairlakes III
San Marcos
Sunrise
Harborside
San Miguel Island
Beach Village II & V
Seascape
Beach Village III
Las Villas
Crescent Cove
Seascape

Others Present

Manuel Morales, Jr.
Luis Rodríguez
Edd Siler
Félix Santoni
Luis López Lebrón
Wilfredo López
Antonio Maldonado

PHA Board
PHA Board
PHA Board
PHA Board
PHA Security Director
ARB Executive Director
PHA Executive Director

I. CALL TO ORDER

Initial call to order was made at 6:30 pm. No quorum was noted. Mr. José Juan Martínez, Chairman, called the Delegates Committee meeting to order again at 7:00 pm with quorum established at 45% in accordance with the PHA Delegates Committee Rules and Regulations.

II. APPROVAL OF MINUTES

Minutes of the October 9, 2007 meeting were approved upon a motion by Mr. Luis Lomba seconded by Mrs. Graciela Roig. .

III. PHA 2008 BUDGET PRESENTATION

Mr. Antonio Maldonado, PHA Executive Director presented a detailed and comprehensive report outlining all the aspects of the PHA proposed budget for year 2008. The budget was assembled by the PHA Budget Committee consisting of Mr. Julio Bagué, PHA President; Mr. Salvador Ramos, PHA Treasurer; Mr. Victor Nieto, PHA Board

Director; Mrs. Shirley Morales, PHA Comptroller; Mr. Alex de Jesús, PHA Accounts Payable and Mr. Antonio Maldonado, PHA Executive Director.

Mr. Maldonado's presentation consisted of an overview of the 2008 Budget underscoring the salient budget items, a breakdown of the revenues and significant variances, a detailed discussion of the operating expenses contemplated in 2008 and significant variances from previous year and the capital and special projects for 2008. Significant impact items include the upgrade of security services and systems, the PHA Building loan interests, the increase in federal wage minimum and Christmas bonus, the restoration of the Palmas Forest preserve and the operation of the new PHA Teen Center. There is no increase in assessments in 2008 and a 2 ½ % discount will be offered to homeowners paying their 2008 assessments in full prior to January 31, 2008.

Following a question and answer period, the PHA Delegates Committee endorsed the 2008 Budget. The Budget will also be reviewed by the Executive Committee and will be submitted to the PHA Board for approval on November 16, 2007. Copies of the approved budget will be sent to the PHA membership in accordance with the PHA statutes.

IV. ARB PRESENTATION

Mr. Wilfredo López presented a report to the PHA Delegates outlining the actions taken by the Palmas del Mar Architectural Review Board (ARB) relative to a series of requirements levied by the PHA Board as a result of the recommendations made in the ARB Special Committee report dated January 21, 2005. Also, actions taken by the ARB on requirements associated with the approval of funding for a second ARB inspector.

In compliance with PHA requirements Mr. López informed that the ARB is pursuing its enforcement role aggressively to insure projects are built according to plans. Non-complying construction projects are being stopped, several contractors have been cited for expulsion hearings in accordance with the PHA Covenants and two lawsuits were filed against property owners for violation of the Covenants and the ARB Design Codes. Mr. López added that the ARB has developed procedures to insure projects meet infrastructure needs in accordance with the Palmas Master Plan and is not issuing Use Permit endorsements to projects that do not comply with ARB approved plans. Also, Mr. López reported, the ARB has developed an information and education program to keep the community informed of new projects and their impact upon surrounding communities. Several meetings have already been held to discuss new projects such as Solarea and the Views (Sunrise III).

Mr. López informed the Delegates that the ARB will submit to the PHA Board a resolution approving a system of fines to violators of the construction rules, Covenants and the Design Codes aimed at eliminating construction violations and to increase the ARB cash flow. The fines will be included in the PHA assessments and will be payable with the PHA assessments. This will also allow placing of liens on property for unpaid violations.

Following Mr. López presentation Mrs. Frances Olivieri inquired into the status of the South District Control Point that has been waiting for approval by the ARB for considerable time. Mr. López replied that the project has been evaluated by the ARB. He added that at the last ARB meeting the ARB requested a traffic study and when such a study was reviewed the ARB became very concerned with conflicting information as the traffic study did not take in consideration the future developments of Guayanés.

Mr. Luis Lomba pointed out that what is happening at the ARB with the South District Control Point project is an exact copy of what the ARB did with the reopening of the Candelero Hotel by Empresas Santana. According to Mr. Lomba, on that occasion the ARB used a lot of excuses to delay or to keep the hotel project from moving forward forcing the PHA Board to supersede the ARB endorsement authority given by ARPE and PHA endorsed the project directly to ARPE. Mr. Lomba further added that based on PHA endorsement the project construction permits were issued by ARPE and subsequently both PDMPI and the ARB took ARPE to the Appellate Court to reverse ARPE's decision. The Appellate Court decided in favor of ARPE recognizing in this decision PHA's authority over the ARB in the ARPE endorsement process which dates back to the early 1980's.

Mr. Lomba also pointed out that, since PDMPI is giving instructions to the ARB on how to proceed on this project and it is evident it is blocking the installations of the much needed South District Access Control Point, PHA should issue the endorsement for this project. Mr. Lomba added that he is aware of PDMPI efforts to have the Municipal Permits Office revoke the permits for this project.

Mr. López replied that any resident can go to the Municipality and oppose a project.

Mr. Pedro Cosculluela informed that a meeting was held by representatives of the South District with Jaime Morgan in November 2007 to review this issue. Mr. Cosculluela added that Mr. Morgan had asked for a few days to think about the matter and provide them with a response; however, to date nothing has been heard from Mr. Morgan.

Mr. Julio Bagué informed that Mr. Gabriel Espasas also has been negotiating and discussing this matter with Mr. Morgan and a meeting between the presidents of the South District and Mr. Morgan is being planned on November 16, 2007. However, According to Mr. Bagué, if these efforts fail and PHA needs to override the ARB and issue an endorsement to the project it will do so.

Mr. Wilfredo López pointed out that ARB Directors who are also PHA Directors have informed the ARB that there is a PHA Board special meeting pending to discuss the South District Control project. Mr. López added that the ARB is waiting for such a meeting before taking further action as he understands that there are PHA Directors that oppose the project.

Mr. Julio Bagué pointed out that he is not aware of any pending PHA Board meetings to discuss this matter or that there are any PHA Board members that oppose this project. According to Mr. Bagué this is an ill-intended rumor that is coming out of some members of the ARB for the sole purpose of placing obstacles to the project. The PHA Board unanimously approved the funding for this project several years ago and very recently PHA sent to the ARB another letter of endorsement to the project. As far as PHA is concerned there should be no more excuses or obstacles to delay this project any further. This matter has been fully discussed at the PHA Board as late as October 2007 to include a comprehensive historical review of all actions leading to the new South District Control Point project proposal. Also, the security procedures for the South District have been reviewed by the PHA Board and there are no/ nor will be any restrictions or access limitations to Palmas homeowners wishing to visit that area at anytime. Mrs. Frances Olivieri further attested to the fact that there are no restrictions for homeowners and that the security procedures of the South District reflect this position.

On another subject, Mr. José Juan Martínez asked Mr. López for a status report on the problem of swimming pool back wash pipes draining into Beach Village areas. This problem was discussed at the last Delegates meeting. Mr. López indicated that backwash pipes have been connected to the sanitary lines. There is an old construction in this area that is also discharging used waters into the green area. This is a violation but since it is an old construction the ARB and the Regime affected should get together to develop a course of action.

V. CHAIRS REPORT

A. *PHA Building Inauguration and Open House*

This was a very nice event held on November 10, 2007 with excellent community participation. Everyone had an opportunity to visit and to see first-hand the magnificent new facilities for the Association.

B. *Renewable Energy*

There was a recent congress on renewable energy held at Palmas del Mar touched on all aspects of renewable energy. This event was held in coordination with the East Region Manufacturers Association. Mr. Reynaldo Encarnación added that the program presented was very broad covering almost every aspect of renewable energy options and how these programs are progressing throughout the nation and the world. However, the installation of these options in Puerto Rico currently appear to be long term investments as Puerto Rico lacks the incentives to fully exploit or implement alternatives. Nevertheless, this area presents great opportunities for Palmas del Mar and the community should not lose sight of the progress being achieved as we continue to look for affordable renewable energy alternatives.

C. Youth Committee

PHA continues to work with our youth participants on equipment needs and the layout for the use of space within the Teen Center. Equipment and design proposals have been requested.

VI. PHA EXECUTIVE DIRECTOR'S REPORT

A. Artificial Reef

On October 2007 a joint meeting was held with the heads of Department of Natural Resources (DNR) and the Environmental Quality Board (EQB) to review this project. Project was again enthusiastically received and assurances were obtained from the EQB that the project will receive a Categorical Exclusion to avoid having to go through the lengthy process of an Environmental Impact Statement. Paperwork for the request of the Categorical Exclusion as well as the Joint Permit Application is being prepared. The Artificial Reef Committee also met to discuss a study proposal to determine the amount of sea bottom displacement that will take place as a result of this project. This study is necessary as it will impact the calculation of materials needed for the project thus affecting the overall costs. The study proposal presented was considered very expensive (over \$100,000) and the committee concluded to look for other proposals. Additionally, a second opinion is being sought from Moffat & Nichol, experts on this area, to determine the financial and technical viability of this project before committing to spend more resources, time and effort on this project.

Mr. Julio Bagué added that DNR also informed that this project will require an appraisal to determine the value of the area where the artificial area at the sea bottom will be placed. An 8 % of the established value will have to be paid to DNR as part of the project.

Mr. Luis Lomba pointed out that he is aware that PDMPI and possibly other developers are not going to contribute to this project in a significant manner other than a proportion similar to that paid by the homeowners. Consequently, he is of the opinion that Dr. Torruellas should be consulted to modify his study and design proposal to see if the artificial reef could be relocated and reduced in size. The idea of this change will be to leave the Candelero area out of the project and to concentrate the efforts in the built up areas from Crescent Beach to Beach Village. Homeowners alone cannot afford this project thus a reduction in scope and costs of the project may be necessary.

Mr. Luis Rodríguez suggested that before engaging the regulatory agencies in a complex review of this project, the community should ascertain the viability of the project. Without a reasonable certainty that the project will be built, the community should avoid wasting any money and the time of the regulatory agencies.

Mr. Ricardo Collazo indicated that PDMPI and Solarea's developer position regarding this project should be clearly ascertained. A limited participation from these key community developers would significantly alter the financial scheme to support such a project. Mr. Maldonado clarified that PDMPI is already on record outlining how will they participate in this project. According to the PHA Board minutes, PDMPI has already stated for the record that they will participate on this project in a proportion similar to the participation of other homeowners. They do not contemplate making a special or significant contribution to this project beyond their corresponding proportion as outlined in the PHA Covenants. Mr. Maldonado further explained that the original financial scheme for this project envisioned the participation of the community, Palmas developers, the Palmas Master Developer (PDMPI) and the government. If any of these components falters it will be difficult for the other parts to pick up the slack. However, the plan outlining the details of such a financial scheme has not been developed. A key aspect of this project is to also find a capable person that could assist the Artificial Reef Committee in orchestrating such a financial scheme.

Mr. Servando Díaz indicated that this project should not be exclusive of any community. Everyone must participate. Mr. Díaz added that the community should keep its feet on firm ground and not go to the regulatory agencies pursuing an unrealistic project.

Mr. Carlos García commented that he has noted that often people make comments at these meetings based on hearsay. He feels before making comments the records or minutes should be checked to be as accurate as possible.

B. Children's Park

Initial clean up of the park is complete. PHA is working now on the site preparation to include installation of appropriate drainage in the area. Equipment proposals were received from City Parks and these are being evaluated by the PHA Board. A site preparation plan is being developed for submittal to the ARB.

C. Recycling Program

The program has been coordinated with the Municipality of Humacao to commence in mid-January 2008. The concept of this new program is based on a house-to-house pick up of recyclables. Materials are to be placed in clear plastic bags and are limited to glass, paper, aluminum and plastic. A community education program is planned during the month of December. An agreement must be signed by each residential area participating in the project.

D. Power Outage

PREPA has advised there will be a power outage on Thursday, November 19, 1007 from 9:00 am to 3:00 pm affecting the Palmanova, Harbourside, Palmanova Village, Plaza Resort and the San Miguel areas. Outage is related to the electrical connections of the Outer Marina project.

E. Cart Path Illumination

Sample light poles were installed at the corner of Candelero Road & Palmas Drive. Complete installation is awaiting final ARB approval.

F. Sunset in Los Lagos

This community event is being co-sponsored by PHA. Invitations were sent to all homeowners. Activity starts at 4:00 pm on Saturday, November 17, 2007.

G. Traffic Study

Information needed from PDMPI to complete the study was received. PHA has contracted completion of the project. It should take six weeks to receive the updated study.

H. Meeting with Developers

A meeting will be held on November 12, 2007 to seek initiatives that will help developers make their projects successful while assisting PHA in meeting the objective of insuring property values. This is an important and timely initiative in view of the slow down in sales seen at Palmas over the last two years. A successful project that sells quickly is not only good for the developer but also for the entire community.

Mr. José Beauchamp recommended that a written procedure be developed detailing the procedures for the use of the PHA Electronic Billboard. The board's main use is for emergency purpose and to announce items of community interest. Entities that request posting of events at the Board should understand priorities and procedures for posting such activities.

I. Security Update

PHA Security continues to meet with the Police CIC on a weekly basis. CIC representatives are also attending PHA Security Committee meetings. Good results are being attained in the solution of burglaries that took place during the July-September time-frames. Most perpetrators have been positively identified and several have already been placed under arrest.

There were no homicides, sexual aggressions, robberies or stolen vehicles reported during the month of October. There were five burglaries reported (Fairlakes, Harborlights, La Jolla, Sunrise and Las Villas). These cases were investigated by the CIC and in each instance, except for the one in Sunrise, it was concluded that all of them were inside jobs by service personnel who work within the affected communities. Two illegal appropriations were also reported in October (Fairlakes and Las Villas). Nine (9)

individuals were arrested by PHA Security and processed by the Police. Two of these individuals are prime suspects of burglary activity within Palmas del Mar.

Mr. Félix Santoni gave testimony for the record of the outstanding service being provided by the St. James Company. In his particular case he received a call at 2:30 am from the guard at La Jolla reporting that a person saying she was his daughter had shown up to be allowed in his property. Instead of allowing her in, the guard opted to call him. It turned out that this person and another woman had entered Palmas in a stolen vehicle with the apparent purpose of breaking into several villas. Both were placed under arrest and turned over to the police. Mr. Santoni stated that he is a member of the St. James Board of Directors but did not want to pass the opportunity to give proper recognition for a job well done.

VII. OTHER BUSINESS

A. Cart Path Illumination

Mr. Edd Siler made reference to page 7 of the minutes of October 9, 2007 regarding the Cart Path Illumination project. At that meeting, Mr. Siler added, he had made certain comments on this topic that were not reflected on the minutes.

Mr. Siler then indicated he would like to restate for the record the following comments made on October 9 and proceeded as follows:

“This project has not been approved by the ARB. The project was submitted to the ARB on July 11, 2007 and on August 16, 2007 a letter went out advising PHA that the plans were reviewed but were not endorsed. An appeal from PHA came in on August 27, 2007 and the appeal was denied on September 11, 2007. On October 11, 2007 the ARB requested that Architect Raúl Rivera who sits on the ARB and the PHA Board, Mr. Gabriel Espasas and Edd Siler meet with Tony Maldonado to seek other alternatives.

The area where the lights are in; of course there is only three lights on each side now, but there is going to be in the Aquabella side six lights. For every three lights there will be a collector. If any of you have gone to see this collector, this huge thing, it just does not look very good. But my biggest concern is across the street. On that side there will be 24 lights with eight (8) collectors. It is going to look like a runway with this thing sticking out of the thing. I am in favor of solar power and conserving energy but these are just outrageous. If these things are going to be allowed to be installed what you have to remember is that they will become the typical of what anybody decides in the community. If I need lights in my cart path in my area since we already approved a typical light that is what will be installed anywhere in Palmas.

Please do yourself a favor and go look at these things. One, at night, there is no doubt that they put out light. But the fact of the matter is that this type of lights is

not the type where the light comes down. If you ever heard of light pollution this is a good example of it. These lights flood but up in the air there are down. Cart path lights, and this is why we are asking Tony to meet with us to see if we can find alternatives, need like bollard type lights where you light up the cart path not the trees.

The ARB has reviewed this three times and made comments all three times that this is not the type of lights which should be put in there. One, the type of light pole and the light itself does not match anything in Palmas. Even though we have said three times that these lights are not approved yet we continue to install them and we continue to try them. I go on the record that they are not approved lights”.

At this point, Mr. Jose Juan Martínez asked Mr. Siler what was the opinion of Architect Raúl Rivera on this matter. Mr. Siler replied that “Architect Rivera agrees that the lights do not match anything we have in the area. He thought that maybe you could put the solar panel on the existing light pole. I have every letter that the ARB has written to PHA. In the first letter we told PHA that the lights are not compatible with the existing lights and that the solar collectors should be installed on the existing street solar lights”.

Note of Clarification

To clarify the record the comments made by Mr. Edd Siler at the October 9, 2007 meeting regarding the Cart Path Solar Illumination Project are as follows:

“Excuse me, as a member of the ARB, if you look at the plans, this is a small area for this many lights and poles. If this is the typical lights we are going to use throughout Palmas you will have hundreds and hundreds and hundreds of poles that do not match anything. This is not a good plan”.

Following Mr. Siler’s comments Mr. Julio Bagué pointed out that, as already observed by Mr. Carlos García, people must be careful and accurate in what they say to avoid misleading others. According to Mr. Bagué, the fact is that following PHA request for reconsideration three solar poles were installed at each side of the Candelerero/Palmas Drive intersection to illustrate first hand to the ARB members and to the residents of Palmas what the system will look like.. Mr. Gabriel Espasas and Architect Raúl Rivera both members of the ARB evaluated the system installed and both found the system compatible with other systems installed at Palmas and acceptable within the ARB codes. Also, there will not be 6 lights on the Aquabella side nor 24 lights across from Aquabella as indicated by Mr. Siler. These lights will be placed at specific spots needing illumination. The collectors are compatible with other solar light collectors installed throughout Palmas and the light pole is similar to the ones installed at the Main Entrance to Palmas and at Costa Verde development. These opinions were given in writing to the ARB via e-mails now on record.

| Mr. Bagué added that people must not lose sight of the fact that the purpose of these light poles are not for ornamental purposes but to solve a safety and security problem

identified by the Delegates Committee at a meeting more than two years ago. A problem which the PHA Board responsibly addressed as a valid community concern and unanimously approving nearly \$100,000 for their acquisition. Mr. Edd Siler and Mr. Luis Rodríguez, both members of the PHA Board and of the ARB, approved then the acquisition of the same system they now oppose for the reasons just pronounced by Mr. Siler. This opposition makes no sense and is capriciously at best.

Mr. Bagué further added that the design of these light poles, contrary to the bollard type mentioned by Mr. Siler, is precisely to illuminate to the maximum extent dark areas and prevent people from becoming afraid or intimidated as they walk along the cart-paths at night. Also, the illumination is design to deter potential criminals from hiding behind trees and shrubs in these dark areas. People like to walk at night and today you see them walking on the road because they are concerned with their safety and security along the paths. This was precisely the concern brought up at a Delegates meeting by Mr. Victor Nieto more than two years ago and remains a problem today due the inaction by the ARB.

According to Mr. Rafael Santos del Valle, developer and PHA delegate, the people from Aquabella who have three lights in front of them like these lights and concur they have solved a great problem in that specific area. Mr. Bagué concluded by urging the ARB to approve the installation of the cart path luminaries before Christmas. Mr. Bagué clarified, contrary to what Mr. Siler said, that the two PHA representatives at the ARB have already given their approval to this project.

At the conclusion of Mr. Bague's remarks, Mr. Edd Siler indicated that he concurs with Mr. Bagué that "we should watch what we say and that everything that is said should be recorded and not just certain things recorded but everything that is recorded". Mr. Siler further added that "wants to go on record a 100% that I agree with you that I love areas that are dark and we have lights in them or that we should have lights not only for security but for people to walk down the paths at night, and see where they are going and not tripping down. It is a good idea to have lights but I don't think this will be an issue if those lights had not been already purchased".

Mr. Bagué replied that he already had recognized that the lights had been purchased with the approval of the PHA Board prior to obtaining the ARB approval. and that it serves no purpose in raising this issue over and over again. What is important now is to solve a security and safety problem at hand with a solution that has proven acceptable to Palmas homeowners and to PHA representatives at the ARB.

Mr. Maldonado clarified that the intent of the project is not to install lights all along the Candelero Cart Path to "make it look like a runway" as indicated by Mr. Siler. Lights will be installed in sensitive areas already identified as security and safety risk areas. This has been repeatedly explained to the ARB. Mr. Maldonado added that there is not going to be six lights in front of Aquabella and there is not going to be twenty four lights across the street from Aquabella either. The three lights already installed at each side are sufficient.

Mr. Maldonado further indicated that Mr. Siler failed to mention that the PHA letter of appeal to the ARB pointed out the fact that the pole lights being installed were similar and compatible with the ones already installed in the Main Gate area. Also, the letter advised the ARB that it was technically impossible to install the new solar light poles in the existing street solar poles. The distance, location and differences in technical specifications do not permit such a change. Additionally, Mr. Maldonado indicated that he had met with Mr. James Shanks, Mr. Luis Rodríguez to look for alternatives but got nowhere. Mr. Siler did not attend this meeting. He also met with Mr. Espasas and Architect Rivera and they concurred with the proposed project contrary to what Mr. Siler said.

B. Palmas Reales Paving

Mr. Carlos García inquired if there was a PHA policy to determine which streets are paved by PHA within Palmas del Mar. In the past Palmas Reales has requested that its streets be paved.

Mr. Maldonado replied that this matter has been addressed several times before and an answer was specifically given to Palmas Reales. PHA dedicates the collection of road repair fees for the repaving and repairs of common streets within Palmas del Mar. The streets within private regimes or residential areas such as Palmas Reales are not considered common roads even if they are dedicated to the municipality. Those roads are the responsibility of the particular regimes.

C. Marbella Lawsuit MOU

Mr. Luis Lomba inquired into the status of the Memorandum of Understanding (MOU) for the settlement of the Marbella Park lawsuit. Mr. Julio Bagué responded that the negotiations have stopped and the case is back in the courts. Marbella Club refused to accept settlement terms previously negotiated with Mr. Jim Harvie thus sending the case back to square one. The entire case including the portion pertinent to PDMPI is back with the lawyers to complete the discovery phase.

D. Lomba's Letter

The letter circulated by Mr. Luis Lomba at the last Delegates' meeting and recorded in the Minutes of the October 9, 2007 meeting was forwarded to the PHA Board for action as appropriate. The Board addressed Mr. Lomba's concerns and the following letter was received at the Delegates meeting on November 14, 2007:

*Comité de Delegados
Att: Sr. José Juan Martínez, President
Palmas del Mar Homeowners Association (PHA)
PO Box 9027
Humacao, PR 00792*

Estimados Señores Delegados:

Hacemos referencia a los comentarios circulados para el record por el Sr. Luis Lomba en la reunión del Comité de Delegados celebrada el 9 de octubre de 2007 para la consideración de la Junta de Directores de PHA. Por este medio deseamos informarle que la Junta de PHA ha considerado estos planteamientos y deseamos exponer lo siguiente:

- 1. Nos agrada tomar nota de la disponibilidad y del ofrecimiento del Sr. Lomba “para colaborar con los Delegados y la Junta en los retos que nos ocupan sirviendo a la comunidad y su entidad administrativa PHA”. Sus conocimientos en asuntos de la comunidad puede ser de gran beneficio en esfuerzos/decisiones en los que estamos comprometidos y en las que el Sr. Lomba coincide como esta evidenciado en nuestros archivos.*
- 2. En cuanto a los temas neurálgicos mencionados en la carta del Sr. Lomba que a su entender tiene que atender la comunidad a través de su organismo central PHA deseamos indicarle:*

- a. **Seguridad.** Estamos de acuerdo con sus observaciones y agradecemos el respaldo y reconocimiento al excelente esfuerzo que realiza PHA y su compañía de Seguridad St. James para atender lo que todos consideramos la prioridad número uno de nuestra comunidad. No escatimaremos en esfuerzos y recursos para darle a nuestra comunidad la paz y la tranquilidad que todos merecemos. En adición a los nuevos programas ya implementados, cambios en enfoques y la calidad de recursos y equipos estarán reflejados en el presupuesto del 2008.*
- b. **Tránsito.** En coordinación con Palmas Del Mar Properties Inc. (PDMPI), PHA está atemperando el estudio de tránsito realizado en el 2006 con los desarrollos actuales y futuros para asegurarnos que las vías de circulación de Palmas responden a las necesidades de la comunidad. Una vez concluido la actualización de este estudio el mismo será remitido a las agencias reguladoras para su acción pertinente y monitoreo de los aspectos de tránsito en la medida que continua el desarrollo de nuestra comunidad.*

Reconocemos que el liderato ejercido por PHA en este asunto fue bajo la incumbencia del Sr. Lomba como presidente de esta organización y confiamos concluir este proceso satisfactoriamente antes de fin de año. Los resultados de este estudio final serán compartidos con los Delegados de PHA y distribuido en nuestra Asamblea Anual.

- c. **Desgaste de Playas.** Como muy bien indica el Sr. Lomba, desde hace algunos años, y por iniciativa de la Lcda.. Rita Molinelli a través del Comité de Delegados, venimos buscando alternativas para lidiar con este serio problema que amenaza el futuro de nuestras playas. Estos esfuerzos han sido reportados y documentados en todas las reuniones de Delegados, de la Junta de PHA y del Comité de Playas, el cual el Sr. Lomba personalmente dirigió hasta abril de 2007, continua atendiendo este asunto y permanece bien activo. Según han reconocido las agencias estatales y federales que monitorean este problema la solución al mismo no es fácil debido a la complejidad del mismo, sus costos, estudios y permisos requeridos.*

PHA ha seguido trabajando arduamente en colaboración con PDMPI y agencias gubernamentales en la iniciativa de construir una solución que nos ayude a contrarrestar el problema de erosión en nuestras playas. Según hemos indicado, continuamos trabajando los aspectos de permiso y los aspectos técnicos de construcción incluyendo estudios adicionales requeridos.

En cuanto al costo y financiamiento del arrecife artificial se refiere, y según estimados preliminares sometidos por potenciales contratistas recomendados por usted, dichos costos rondan alrededor de \$15 millones.

En la reunión sostenida con los contratistas nos percatamos que no se les había suministrado a ellos un alcance detallado del proyecto para que ellos pudieran someter un estimado confiable. Además, hasta que no se concluyan todos los estudios y las agencias reguladoras nos indiquen las condiciones o requisitos finales bajo los cuales podría desarrollarse este proyecto no podemos razonablemente estimar un costo efectivo.

En cuanto al esquema financiero o posible financiamiento de este proyecto el mismo no puede ser montado hasta que no se tenga una idea bastante precisa de los costos envueltos en el mismo. Si podemos decir, como lo hemos informado anteriormente, esto es: la viabilidad financiera de este proyecto dependerá en gran medida de las aportaciones (1) gubernamentales, (2) de desarrolladores y (3) por último, de la comunidad. No será posible que la comunidad por sí sola pueda echarse al hombro un proyecto de esta envergadura y complejidad.

Reconociendo la necesidad de tomar algún tipo de acción con miras de arrestar la erosión de nuestras playas, deseamos indicar que estamos en el proceso de adquirir una opinión de expertos en este tipo de proyectos para determinar la viabilidad de poder realizar tan ambicioso proyecto como es el arrecife artificial.

Más sin embargo, PHA no puede continuar en un proceso de gastos en estudios, consultas y permisos que al final no nos lleven a una feliz conclusión. Una vez recibida esta opinión y determinada la posible aportación de las partes mencionadas tomaremos una decisión.

Finalmente, en cuanto al futuro de nuestras playas, independientemente de la conclusión sobre el Proyecto del Arrecife Artificial, PHA continuará trabajando todos los frentes tratando de buscar alternativas que nos ayuden a lidiar con el problema de desgaste de nuestras playas.

d. Transferencia de Propiedades entre PHA y PDMPI.

*(1). **Bosque.** Por muchos años la comunidad y la Junta de PHA ha reconocido la reserva natural que representa el Bosque de Pterocarpus como una de las amenidades más importantes de Palmas del Mar, y ha solicitado en múltiples ocasiones a PDMPI, incluyendo varias veces bajo la incumbencia del Sr. Lomba como Presidente de PHA, que el mismo le sea transferido para hacerse cargo de su mantenimiento y por ende de la restauración de su paseo tablado. El valor ecológico que representa esta reserva para nuestra comunidad y para el pueblo de Puerto Rico en sus años de vida es incalculable. Por otro lado, el beneficio de contar con un recurso natural de la envergadura del Bosque de Pterocarpus es el enorme papel que juega dentro de los objetivos primordiales para los que se creó PHA que incluyen velar por las amenidades de la comunidad y tomar aquellas acciones que contribuyan a mejorar el valor de las propiedades en la comunidad.*

Los costos de la restauración y limpieza inicial, supervisado por expertos en conservación del Departamento de Recursos Naturales podrían ascender a unos \$300,000. La limpieza sería mínima porque parte del programa de conservación es precisamente mantener esa riqueza en su estado natural. La restauración puede realizarse en fases con sus correspondientes asignaciones presupuestarias por lo que no se contempla tomar un préstamo para dichos trabajos y no se necesitaría la autorización de la membresía para reconstituir el tablado. Se ha estimado que el costo del programa de conservación del Bosque estaría alrededor de \$12,500 anuales. Como es de

conocimiento del Sr. Lomba, en años anteriores PHA había identificado en su presupuesto partidas dedicadas a la restauración del Bosque.

- e. **Áreas Verdes.** Al igual que el Bosque, desde hace algún tiempo PHA viene solicitando a PDMPI el traspaso de áreas verdes comunes en Palmas del Mar. Esta transferencia sería libre de costo por ser estas propiedades designadas en segregaciones y escrituras como áreas verdes o áreas abiertas a conservarse como tal. Al momento de su transferencia, como toda propiedad, las contribuciones sobre la propiedad deben estar al corriente y la responsabilidad de contribuciones futuras correspondería a su nuevo dueño (PHA) efectivo el día de traspaso. Sin embargo, deseamos indicar que PHA está trabajando en la obtención de exención contributiva del CRIM para sus propiedades como ya lo tiene del Departamento de Hacienda como institución sin fines de lucro lo que representaría economías en estos aspectos.

Sobre los problemas de invasión de áreas verdes, los mismos tienen que ser tratados como cualquiera otra violación a las Escrituras de Restricciones de Palmas del Mar. En estos casos la persona que ha cometido la violación tendrá que pagar por los gastos administrativos, de abogados, legales y de corte incurridos en corregir el problema según lo estipulan las Escrituras de Restricciones. De hecho, desde hace más de un año, ya PHA está envuelto en un caso de invasión de un área verde en Palmas del Mar.

- f. **Transferencia a PDMPI de 600 Metros en Surfside.** PHA no puede ni tiene la intención de vender, traspasar o cambiar la designación de área verde alguna. Estamos muy claros y conscientes de las restricciones que cobijan estas propiedades. También queremos aclarar que PHA no es titular de la referida área de 600 metros por lo que no puede tomar acción sobre la misma. El titular de esta área es PDMPI quien adquirió la misma mediante compraventa de Caribe Canal. Como dueño o titular PDMPI tendrá que cumplir con las cláusulas correspondientes en la escritura de esta propiedad, la cual establece el mecanismo para cambiar su uso, de interesar cambiar la designación de dicho predio de terreno.

Deseamos concluir dejando claramente establecido que la Junta de Directores de PHA tanto ahora como en el pasado es compuesta de personas comprometidas con la comunidad y de verticalidad y honestidad intachable. Como siempre lo ha hecho, PHA representará y velará por los mejores intereses de la comunidad guiado por el más alto sentido de responsabilidad.

Como es la tercera vez que el Sr. Lomba nos trae a nuestra atención algunos de los comentarios referidos anteriormente y los cuales fueron contestados según consta en las actas anteriores, esperamos que con las aclaraciones delineadas en esta misiva se le ponga punto final a estos intercambios.

Cordialmente,

Julio Bagué
Presidente

E. Bicycle Patrols in Harbor Lights

Mr. José Beauchamp expressed his concern with the use of bikes by the tactical security element displayed at Harbor Lights. He feels that bicycles are not the appropriate transportation made for a location such as Harbor Lights. He suggests that a golf cart maybe more appropriate. Also, he questions why security guards are going into private properties.

Mr. Maldonado indicated that there are specific reasons why certain tactics and means of transportation are used to counteract different security situations. The options selected are based on the recommendations by the security experts. In the case of the tactical security element the bicycles are not part of their tactics. This is a stationary night surveillance force. They are not a bicycle patrol. The bicycles are used to have them move quickly from one spot to another should the need arise. Regarding the recommendation about using a golf cart for patrolling in this area, this recommendation was recently implemented by St. James. A golf cart patrol will be used to patrol this area during daytime.

VIII. ADJOURN

The Delegates Committee adjourned at 9:15 pm upon a motion by Mr. Luis Lomba seconded by Mr. José Colón.