



Cap Estate Association (CEA)

Minutes of Annual General Meeting (AGM)
held Sandals Golf Clubhouse
on Wednesday, 27 April 2022 at 17:30

Facebook Group News: [Cap Estate Community](#) | eMail: CapEstateCommittee@gmail.com

~~Strikeout~~ = DONE | ACTION

Existing CEAC Members Present (A-Z):

de Verteuil, Andy	President, Legal Sub-committee, & Zones 4 & 6W Rep.
Fenelon Jr., Raymond	Environment, PRO & Social Sub-Committees
Guillaume, Paul	Infrastructure Sub-committee
Kessell, Christopher	Treasurer
Moffat, Timothy	Security Sub-committee
Read, Celia S.	Secretary, PRO, & Animals Sub-committee

Existing CEAC Members Absent (A-Z):

Clarke, Hans	Floor Member & Leader, Infrastructure Sub-committee
Sidone, Cornelius	Floor Member
St. Rose, Kim	Zone 9 Rep.

The Agenda contained these items for the AGM to consider:

- Welcome
- Acceptance of the minutes of the last AGM
- President's Report
- Presentation and acceptance of 2021 Financial Report
- Presentation of 2022 Financial status to date
- Election of executive committee members
- President
- Vice president
- Secretary
- Treasurer
- P.R.O.
- Floor Reps (4)
- Any other Business
- Refreshments

Andy de Verteuil, CEAC's President, welcomed assembled Members (of which there were 15), to the second CEA AGM Meeting, and thanked Sandals for hosting the event. He referred to the screen-shared Agenda, the first item of which was the President's Report, followed by the Financial Report, then Elections, and Any Other Business. Refreshments were provided, and an open bar for purchase of liquid refreshments.

The current Committee were then asked to introduce themselves, starting with the Secretary, Celia Read, then Vice President, Paul Guillaume, the Treasurer, Christopher Kessell, and Security Leader, Timothy Moffat. Committee Members not present at this point were Raymond Fenelon (who arrived later), Hans Clarke, and Cornelius Sidonie. Additionally, Zone 8 Rep., Randall Bain, and Roston Taylor, Zone 4 Rep., were present, Zone 9 Rep., Kim St. Rose was not.

The Minutes of the 2021 AGM were moved by Randall Bain and seconded by Paul Guillaume, with no matters arising.

1. PRESIDENT'S REPORT

Andy de Verteuil had prepared and screen-shared supporting slides regarding the following content:

1.1 **Street Signs**

Andy confirmed that this project was complete, with OpenStreetMap.org having been updated with all Cap Estate street names, then physical maps printed and distributed to all Emergency Services, including Guardsman.



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1.2 De-bushing

In lieu of the Ministry sending their teams, we undertook the most urgent and dangerous areas ourselves, at a labour cost of EC\$735. He suggested that we should be able to afford to undertake this work from Membership Fees going forward.

1.3 Road Repairs

Andy confirmed that he had requested an update from our Parliamentary Representative on the status of the road paving contract of Flamboyant Drive to the junction with Flamboyant Crescent, given to Nationwide Construction by the previous Government.

Just yesterday, he had discovered that contract had been cancelled, and there will be no further paving works for perhaps two years, possibly resuming in 2024.

He highlighted a list of roads in dire need of repair, including:

- Flamboyant Road and Flamboyant Drive (between Osprey Road and Man-o-War Drive)
- Kilibwi Road, Warbler Place, and Oriole Place
- Hibiscus Crescent
- Bamboo Road, and
- the two Immortels

He mentioned a broken culvert at Palmis Way, and a blocked culvert at the junction of Mahogany Drive with Immortel Way.

The Parliamentary Rep. said he would see what could be done to emergency repair these roads in lieu of paving to last year's standard in the future.

1.4 Street Lighting

LUCELEC had repaired seven (7) non-working lights reported to them, and Andy requested that anyone seeing a broken light should take a note or a photo of the pole number and report it to him to pass on to LUCELEC for repair.

He also stated that he has requested then (10) new Street Lights along dark sections of Windward Road, sections of Flamboyant Drive and Mahogany Drive, and at Bécune Point. The Parliamentary Rep. advised that these are not forgotten, but are "in the works" for when LUCELEC have more lights, and CEAC will continue to follow-up.

1.5 Roundabout Upgrades

Andy reaffirmed that the plans as presented, with instructional and directional signage, have been planned for quite some time, but the signs for both Roundabouts cost around EC\$19,000, so this project is also "in the works".

He was able to confirm, however, that Cabot have agreed to pay for all the signs for the first Roundabout, and le Sport will sponsor the second Roundabout, so the signs have been ordered, and hopefully they should be installed within the next two months. These, together with the road markings, will make the Roundabouts legal.



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1.6 Bus Stops & Shelters

Andy reaffirmed that the Poll we held overwhelmingly voted in favour of these, and we are in the process of obtaining DCA approval.

Andy confirmed to the floor that the proposed Bus Stop by the Mexican Embassy had been abandoned following objections, and the sign had been removed after just eight hours.

We estimate that each Shelter will cost around EC\$6,000 each, and Cabot has agreed to pay for them all, so he hopes to have them installed before the end of the year, together with garbage bins which will be added to the regular Waste Management collections. However, Andy had told Cabot that, if they wish, their Architects may redesign them (and add a small and discreet Cabot logo) provided CEAC reviews and approves their design.

1.7 Covenants

Over the past two years, CEAC has had to address several Breaches of Covenant. He listed the Clauses concerned, which were:

*2. **BUILDINGS:** Not more than one dwelling house and other usual outbuildings shall be constructed on The Property. No hut, shed, caravan or temporary building or structure of any kind may be erected or placed on The Property except that with the written approval of The Intending Vendor a temporary hut or shed may be erected on The Property to be used only for and during the works incidental to the erection of a dwelling house on The Property. The Guide to Building issued by The Intending Vendor and attached hereto should be adhered to unless otherwise allowed in writing by The Intending Vendor.*

*5. **USER:** No building erected on The Property shall at any time hereafter be used for any other purpose than as a private dwelling house with garage and out buildings belonging thereto and no trade manufacture or business of any kind shall at any time be carried out on The Property except such profession as may be approved by The Intending Vendor nor shall anything be done thereon which may be or become a nuisance, injury, annoyance or disturbance to The Intending Vendor or the neighbourhood.*

There have been breaches of Covenant in the past with respect to these Clauses; however, CEAC maintains the position that, unless some unique or special circumstances are involved, we are adamantly opposed to any such Breaches of Covenant in the future.

CEAC continues to be proactive and will contest in writing wherever such Breaches are brought to our attention.

There have been instances of businesses being conducted illegally, and in each case we have written to them, and this seems to have had some impact as it appears there are not so many loud parties. However, if they continue, we may have to take legal action and, as an Association, we will lobby to stop any business activity and enforce the ethos of the Covenant to maintain a peaceful residential area.



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Following a question from the floor, Andy confirmed that he has spoken and written to Dave Elliott, the owner of the movie business at the end of Bougainvillea Road, advising him that he does not have DCA approval for Change of Use, so running his business from there is illegal and a Breach of Covenant. However, Andy was told he is simply working from home and only employs a couple of people. He warned him that he is in Breach and on notice, so not to erect any signs or have high volumes of customer visits, and that if complaints are received, he will be shut down. CEAC is monitoring the situation and if the Community wants to stop him, we do have the legal footing to do so.

Andy acknowledged that there will be more instances of people working from home, and this is a grey area, but there is fear that this is setting a precedent. However, he asked where do we go with this? – we cannot write a solicitor's letter unless we are prepared to take the matter further, which involves a cost to the Community.

There is, however, precedent for the DCA to close an illegal business down upon receiving objections, so that may be an option; but Celia Read raised the issue of the previous Administration's Head of DCA denying ever having received objections prior to the date limitation, to a multi-occupancy application in Gate Park (which happens to be outside the Cap Covenant purview), which is why Andy now makes a point of hand-delivering.

Randall Bain queried just what constitutes running a business. Most agreed that working from home where there is no physical customer interaction is acceptable, but he cited the horse tour business that ran from Bécune Park, with horses stabled there, for many, many years without sanction. However, it transpires that the owner has long since moved out of Cap Estate to Cas-en-Bas.

Andy further noted that a couple of Change of Use notice boards have appeared for multi-family dwellings or apartment blocks, and we now have a standard objection letter to send to the DCA as soon as these appear.

He explained that Cap Estate St. Lucia Ltd. had written years previously to the DCA, telling them they are liable to be in Breach of Covenant if they approve such developments, and we now believe the DCA are listening to the CEAC in this regard as we are having some success.

He mentioned that there may come a time when the Community might have to vote on a business application of benefit to the Community in special circumstances, but for now we object to all.

He further raised the issue of the cost of legal action should it become necessary, and the Community would have to decide on expenditure for such action, but we hope that situation will not arise.

There was a question from the floor regarding a DCA placard in Bécune Point for 'Retention of Use', about which no-one knows anything, but Andy plans to further enquire, and to which Andy confirmed CEAC have objected by a letter, first vetted by our Legal Advisor and which will be hand-delivered, as it appears to be for a multi-occupancy development.

Andy stated that he has requested the DCA to include a picture of proposed plans, as is common in other countries, and he confirmed that they do give notice of a time limit on objections (sometimes only one month), in this case until 06 May 2022.

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He made the further point that the more people who complain to the DCA the better, at the contact details always given on the notices, as everyone has the right to object, not just the CEAC.

Another question from the floor enquired as to whom has the authority over Cap Estate St. Lucia Ltd.'s Covenants, and Andy explained that two years ago he queried that with Trevor Cozier, who stated that anyone may take legal action against a Breacher of Covenant, and our Legal Advisor has since confirmed this.

It used to be that Cap Estate St. Lucia Ltd. were the only authority to give development approval to the DCA, but since they are essentially dormant now, CEAC is working with them and partially on their behalf, so that, in conjunction with them, we may also give development approval.

1.8 Security Cameras

We have investigated deploying Security Cameras in pertinent/main entrance and exit locations around Cap, and, whilst the cost has significantly reduced in recent times, the estimate is about EC\$19-20,000, which, of course, we do not have.

Tim Moffat made the point that these cameras will not be monitored, but are to act as a deterrent, and to interrogate after an incident has occurred to determine who has come and gone in the area. He explained that contemporary cameras no longer have to be wired to a system, but work via the cell phone signal, and are solar-powered, but there are questions as to how we pay maintenance charges and the ongoing monthly charges for data transmission and storage.

He also mentioned that his wish is for a cheaper Security Guard service that more people would sign up to.

The Committee had agreed to obtain competitive quotes from other Camera suppliers (although we do not believe it will be much less), so a decision as to how to proceed will be required – whether to deploy Cameras at all or whether we phase the project, and how we finance it – so when we have all the information, we will revert to the Community.

1.9 Beach Assess

There was a question from the floor, to which Andy responded that our Environment Leader, Raymond Fenelon, might have more information, but the public access at the south end of the beach at the Royalton is used by Vendors to entice tourists to their tours, but they are causing an overwhelming mess with a great deal of detritus, so Raymond had involved the Parliamentary Rep. and Waste Management authority, since when a garbage bin has been installed.

An issue of strewn garbage where taxi drivers park at the old Clubhouse was raised from the floor, and Andy proposed that Raymond exercise lobbying pressure on the Taxi Services because, although we plan to have more Clean-ups now that Covid restrictions are eased, that is not the solution – we must engender responsible behaviour from these service providers by installing garbage bins and “No Littering” signs encouraging their use.

The point was made that this is an island-wide intractable issue, with rubbish routinely discarded out of vehicle windows by irresponsible, uncaring individuals, Celia making the point that parents do not care and therefore do not educate their children to care.



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1.10 Community Parks

1.10.1 Windward Road – Flamboyant Park

It is proposed to make a little recreation park of the triangular plot of land beside Jardin Romantique on Windward Road, with planting and a bench seat. CEAC has written to the Trustees of Cap Estate St. Lucia Ltd. in Chicago to request permission, and we await a response.

1.10.2 Great House Road - Derek Walcott Memorial Park

There is a very large and beautiful Flamboyant tree on that plot of land to the left, at which Derek Walcott used to sit and paint, and Sigrid Nama has agreed for us to create a recreational area as a memorial, with a plaque and a bench.

1.11 Community Centre

It was proposed to utilise the empty shell of a building, opposite the old Clubhouse and which used to be a squash court, as a Community Centre for CEAC meetings and community fundraisers, etc., but Cap Estate St. Lucia Ltd. advise it is part of a large parcel of land for sale, and is, therefore, not available.

1.12 Pedestrian Sidewalks

Currently, people walk along the sides of Cap Drive which is extremely dangerous, so we have requested to the Parliamentary Representative that Sidewalks be tabled for Budget Planning for the future as this project is expensive and beyond CEAC's scope. The idea was favourably received but will probably take many years to come to fruition, but we will continue to push for it.

2. CEANIMALS

CEAnimals Sub-committee Leader, Celia Read, read out her pre-prepared Statement, as follows:

As we are all aware, and is a serious concern for many, Cap Estate has a problem with owned dogs being allowed to roam outside the curtilage of their property, causing a nuisance of packs in the community, and being a danger in some instances to joggers and walkers, other pets, motorists, and to themselves on our roads.

As you all know, I am an advocate for animals, and it distresses me that there are such irresponsible owners.

I recently proposed to the Committee that a large sign be erected at the Cap entrance, advising residents that it is ILLEGAL to allow one's dogs to roam our streets – however, it was agreed that I would first post such information on Social Media, and I am delighted to report that doing so has had some success in bringing this message to serial offenders.

Of course, this does not address the intractable issue of stray dogs, many of whom are simply attempting to survive, having been cruelly abandoned by their owners. Very occasionally, these often terrified dogs are caught and rehabilitated, then re-homed.

Others are regularly fed by certain kind residents to socialise them so they can eventually be caught and neutered, even if they then have to be returned to their domain.



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My message is that if we treat these poor strays with compassion, it can then be possible to socialise them and eventually find them loving homes. I have personally done this for seven dogs in the past year, and I am currently caring for two more.

In addition, as Fiona O'Carroll has relocated to Jamaica, I have taken the plunge and registered a charitable organisation in order to fundraise in order to pay the veterinary fees and food bills for all the people who have struggled to help these dogs on our streets and beaches since Fiona left – who, by the way, is on the Board of Directors of the charity.

I will publish details of the charity on Social Media soon, and I hope you will all donate to it (perhaps with just a few dollars every month, as this is an ongoing mission), and promote it as widely and globally as you possibly can, please. Thank you.

3. FINANCIAL STATEMENT

Our Treasurer, Christopher Kessell, presented a Financial Statement, summarised as follows (the 2021 Financial Reports are attached herewith):

Our 2021 Revenue was EC\$9,100, from which we spent EC\$5,394.75 on Phase 1 of our Street Sign project – assisting Emergency Services to locate us – EC\$1,337.42 on Speed Bumps, EC\$1,063.13 on Bus Stop Signs, plus EC\$38.19 in Bank Charges – resulting in a profit of EC\$1,226.51 at Year End. At 31 December 2021, our Cash on Hand and at the Bank was EC\$1,879.41.

Our revenue for the year to 26 April 2022 is EC\$10,837.42, being EC\$9,500 in Fees and a EC\$1,337.42 donation.

Our expenditure to date is EC\$2,337.37, as follows:

Independence Day Banner	270.00
Printing of Street Maps for Emergency Services	328.00
DCA Planning Approval Fee for Bus Stops	37.00
De-bushing	735.00
Speed Bump Paint	691.74
<u>Street Signs Phase 2 completion</u>	<u>275.63</u>

EC\$2,337.37

Our Cash on Hand is EC\$1,205.80 and at the Bank is EC\$5,414.16, totalling EC\$6,619.96, plus we have a credit note Asset of EC\$94.74 in respect of Speed Bump Paint. Outstanding Fees total EC\$3,951.40, so our total Assets to 26 April 2022 are EC\$10,666.10.

Our current Membership is 111, of which 83 are paid-up Members - therefore, we urge everyone to bring their membership up-to-date, and encourage your family, friends, and neighbours to join CEA and help us improve our community - it's only EC\$100 per person per year – and as you can see, your \$100 goes a very long way! That's all for Financial.

The 2021 Accounts were moved and seconded. Andy then summed-up Financial by saying that we are in the black and can carefully decided on what to spend the Association's funds, but if everyone paid their dues and encouraged all family, friends, and neighbours to become members, we would be able to achieve very much more, especially on emergency repairs and de-bushing, whilst not detracting from the Ministry of Works' responsibilities.



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There was a floor question regarding property taxes, on which there has been an island-wide moratorium for a few years (and may not be re-introduced until 2024). Although this is outside the scope of CEA, Andy was able to advise that the Government has for years been trying to change legislation to enable property taxes to go directly to local Councils, as opposed to the central fund as currently the case. It is Andy's hope that, should that happen, there would be better efficiency with our money, and that CEAC would have greater lobbying power to get more done to our infrastructure and environment.

4. ELECTION OF CAP ESTATE ACTION COMMITTEE (CEAC)

A Resignation of a Member of CEAC had been received for Thaddeus Antoine, who, whilst stepping-down from the Committee, has agreed to assist as an unofficial Legal Advisor.

Andy indicated that the remaining existing Members were prepared to stand for election to the new CEAC until the next AGM, each being unopposed as no Nominations had been received. This was unanimously agreed.

These persons were re-elected to the following positions:

President	de Verteuil, Andrew
Vice President	Guillaume, Paul
Secretary	Read, Celia
Treasurer	Kessell, Christopher
PRO	Fenelon Jr., Raymond
Floor Member	Moffat, Timothy

The following were elected as new Floor Members to replace Thaddeus Antoine, Hans Clarke, and Cornelius Sidonie:

Floor Member	Bain, Randall
Floor Member	St. Rose, Kim
Floor Member	Taylor, Roston

5. ANY OTHER BUSINESS (AOB)

The issue of abandoned or vacant properties was raised, and Andy said that many are in the hands of the banks, being repossessed, and all we can do is respond to reports of a health hazard with rats or mosquitoes, etc., or vagrants in situ, matters upon which we can act.

Another problem of unpaid property taxes on vacant properties was mentioned, and Andy agreed that the bank should pay for those properties in receivership, but no-one is making the effort to enforce payment.

Celia took the opportunity to thank Andy profusely for being the driving-force behind CEAC and its projects, and to Chris for providing and setting-up the recording equipment for the AGM. Andy also thanked Celia for her work as CEAC Secretary.

6. END OF MEETING

Andy wound-up the Meeting with congratulations to the new Executive Committee, and the meeting was concluded at approximately 19:30, when refreshments were provided for all to enjoy.

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Balance Sheet

As at 31/12/2021

Accrual basis

	31/12/2021	31/12/2020	31/12/2019
Assets			
Accounts receivable	900.00	100.00	400.00
Cash at bank	1,441.26	-	-
Cash on hand	438.15	781.65	600.00
Total — Assets	2,779.41	881.65	1,000.00
Liabilities			
Accounts payable	631.25	-	-
Expense claims	-	-	-
Tax payable	-	-	-
Total — Liabilities	631.25	0.00	0.00
Net assets	2,148.16	881.65	1,000.00
Equity			
Retained earnings	2,148.16	881.65	1,000.00
Total equity	2,148.16	881.65	1,000.00

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Profit and Loss Statement

For the period from 01/01/2021 to 31/12/2021

Accrual basis

	31/12/2021	31/12/2020	31/12/2019
Income			
Donations	-	500.00	-
Interest received	-	-	-
Membership Fee(s)	9,100.00	5,800.00	1,000.00
Sales	-	-	-
Total — Income	9,100.00	6,300.00	1,000.00
Less: Expenses			
Accounting fees	-	-	-
Advertising and promotion	-	-	-
Bank charges	38.19	-	-
Computer equipment	-	-	-
Donations	-	-	-
Electricity	-	-	-
Entertainment	-	-	-
EVENTS			
Environmental	-	-	-
Independence Day	-	-	-
Social	-	-	-
Total — EVENTS	0.00	0.00	0.00
Legal fees	-	-	-
Motor vehicle expenses	-	-	-
Printing and stationery	-	129.60	-
PROJECTS			
Bus Stops/Shelters	1,063.13	-	-
DCA - Planning	-	-	-
Road Safety	-	-	-
Speed Bumps	1,337.42	-	-
Street Signs	5,394.75	6,288.75	-
Total — PROJECTS	7,795.30	6,288.75	0.00
Rent	-	-	-
Repairs and maintenance	-	-	-
Telephone	-	-	-
Total — Expenses	7,833.49	6,418.35	0.00
Net profit (loss)	1,266.51	(118.35)	1,000.00