



# Community Newsletter

The Voice of Condominium, Civic, & Homeowner Associations of Pasco County

Volume 4 - Issue 4

Council of Neighborhood Associations, Inc. since 1985

April 2006



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**Government Committee**

Reynolds Smith Sr. 863-0734

ReynoldsSmithsr@msn.com

Jim Turtle 938-3878

**Government Committee**

## **C.O.N.A. MEETING**

**Wednesday,  
April 19, 2006**

New Port Richey  
City Hall,  
in Chambers, at  
5919 Main Street  
meeting begins at 9:30 a.m.

### **Jim Martin, Director**

**Emergency Management**

*presentation will include:*

- **Hurricane/Disaster  
Preparedness and Recovery**
- **Lessons Learned from 2005  
Hurricane Season**
- **What's New in Pasco County  
for the 2006 Hurricane Season**
- **Q & A**

### **Contact Information**

**Jim Martin**

**Emergency Management**

**Director - Pasco County**

**Email:**

**jmartin@pascocountyfl.net**

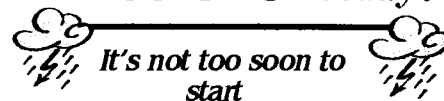
**Phone: (727) 847-8137**

*C.O.N.A. meetings are open to the  
public. Bring a friend.*

*Let our speakers feel appreciated  
by high attendance.*

## **Hurricane Preparedness**

are **YOU** ready?



**T**he 2005 hurricane season is a memory residents in the South will never forget. Many are still feeling the effects from the vast devastation. With the 2006 season fast approaching, now is the time to prepare and protect your home and family.

Review your flood and home-owners insurance policies. If you are concerned with your coverage amount or how your policy will respond to a claim, call your insurance agent. If you do not currently carry flood insurance, think about this important coverage. There is a 30-day waiting period for flood insurance to take effect--don't let the storm catch you unprotected.

Conduct a home inventory. A videotape or photos will speak a thousand words if a claim occurs. Date the video by recording the front page of your daily newspaper. Trim trees that could cause damage to your property. Check your roof for loose shingles or existing damage.

Plan and practice an evacuation route (if necessary.) This plan should include information on the safest routes to shelters or out of

See **Hurricane** page 2

Hurricane - from page 1

the area. Teach all family members how to turn off gas, electricity and water. Teach all family members how to turn off gas, electricity and water.

See Editor's Note below.

Additional tips and precautions can be found by visiting the Federal Emergency Management Agency ([www.fema.org](http://www.fema.org)) and the American Red Cross ([www.redcross.org](http://www.redcross.org))

**Editor's Note:**

If you turn off the water to your home, don't forget to turn off the water softener, and the water heater at the electrical box coming into your house.

I'm trying to get the AAA hurricane kit to hand out at a meeting. I hope they are printed in time for our last meeting in May.

Reprinted in part from AAA magazine "Going Places."

**Names of Hurricanes.**

**2006**

- |                 |                |
|-----------------|----------------|
| <i>Alberto</i>  | <i>Leslie</i>  |
| <i>Beryl</i>    | <i>Michael</i> |
| <i>Chris</i>    | <i>Nadine</i>  |
| <i>Debby</i>    | <i>Oscar</i>   |
| <i>Ernesto</i>  | <i>Patty</i>   |
| <i>Florence</i> | <i>Rafael</i>  |
| <i>Gordon</i>   | <i>Sandy</i>   |
| <i>Helene</i>   | <i>Tony</i>    |
| <i>Isaac</i>    | <i>Valerie</i> |
| <i>Joyce</i>    | <i>William</i> |
| <i>Kirk</i>     |                |

The name Lili was retired after the 2002 hurricane season.

# Computer Etiquette

If you send E-mail to your friends of the ilk below, please have mercy and ask the person on the receiving end if they want what you intend to send, especially if it is to be forwarded via another person and is a long E-mail.



A team of prominent psychologists studies the phenomenon of compulsive E-mail forwarding.

## WHAT YOUR BOARD IS UP TO!!

- We now have a checking account instead of a savings acct.
- Working on a new brochure
- Working on new bylaws - now in the hands of an attorney.
- Considering ads in Newsletter... checking with IRS to see if there is any tax obligation on our part.
- Considering a Website.
- Considering sending Newsletter by E=mail.

## NEW ON THE BOARD

**Gulf Harbors Woodlands HOA**  
President - Sharon O'Donnell  
Vice-President - Vince Assini  
Secretary - Ken Hill  
Treasurer - Ron Leone  
Vice-Chair - Art Brusso

**Orchid Lake Civic Association**  
President - Laura Grady  
Vice-President - Greg Rehm  
Secretary - John Grady  
Treasurer - Rene Patrick

**Sea Pines Civic Association**  
President - Ernie Reed  
Vice-President - Art Nuzzo  
Secretary - Lucy Davis  
Treasurer - Pat Piccininno

**HOA of the Glen at River Ridge**  
President - Thomas Celotto  
Vice-President - Otto Georgi  
Secretary - Julie Nichols  
Treasurer - Phil Snyder

**Hunter's Ridge HOA, Inc.**  
President - Hugh Tounsend  
Vice-President - Jerry Firlik  
Sec/Treasurer - Cathy Kowal

**Signal Cove Owners, Inc.**  
President - Stan Shepherd  
Vice-President - Joe Murray  
Secretary - Georgianna Damsel  
Treasurer - Carol Ertle

**Oaks at River Ridge**  
President - Sherri Novick  
Vice President - Barbara Yeider  
Secretary - Barbara Vasiljevich  
Treasurer - Shaun O'Connell

**NEW MEMBERS**  
**Veterans Villas II HOA**  
President - Tom Kehoe

**Briarwoods HOA, Inc.**  
President - Tom Kehoe

Please *record your corporation* with the State of Florida. The cost is \$61.25. If you let your recording go inactive...the cost is *considerably* more to reinstate your corporation.

**DISCLAIMER:** UNDER NO CIRCUMSTANCES WILL LIABILITY OCCUR IN THE EVENT OF, INCIDENTAL OR CONSEQUENTIAL DAMAGES IN CONNECTION WITH, OR ARISING OUT OF, THE PROVIDING OF INFORMATION HEREIN, REFERENCE TO ANY SPECIFIC COMMERCIAL PRODUCTS, PROCESS, OR SERVICE OR TRADE NAME, TRADEMARK, MANUFACTURER, OR OTHERWISE, DOES NOT NECESSARILY CONSTITUTE OR IMPLY ITS ENDORSEMENT, RECOMMENDATION, OR FAVORING BY COUNCIL OF NEIGHBORHOOD ASSOCIATIONS, INC. OR ANY ENTITY THAT SUPPLIES INFORMATION IN THIS AND SUBSEQUENT "NEWSLETTERS." THE INFORMATION SET FORTH IN THIS NEWSLETTER IS GENERAL AND SUMMARY IN NATURE AND IS NOT INTENDED AS SPECIFIC LEGAL ADVICE APPLICABLE TO YOUR ASSOCIATION. IF YOU HAVE QUESTIONS REGARDING THE CONTENTS OF THIS NEWSLETTER AS IT APPLIES TO YOUR SITUATION, PLEASE CONTACT THE ASSOCIATION ATTORNEY RESPONSIBLE FOR YOUR ASSOCIATION. IN ADDITION, WE WISH TO REAFFIRM THE FACT THAT THE PRINCIPLES OF LAW CITED HEREIN ARE SUBJECT TO CHANGE FROM TIME TO TIME. ■

## Legal Report

Michael Brudny of Brudny & Rabin, P.A. - reprinted from "Suncoast Review" of Community Associations Institute - Feb/March 2006

**P**eople who move into either a condominium, single-family or townhome communities with rules and restrictions must be aware of the fact that they are giving up some degree of freedom to do as they wish in exchange for the benefits provided by community living, including maintenance which is performed by the association, and protection from other owners who may cease undesirable conditions through exterior alterations, commercial vehicles, nuisances or other disturbances of the peaceful enjoyment of property, or lack of maintenance of the property.

There are basically two types of restrictions relating to the use of property: (1) those contained in the declaration (the bylaws in a condominium may also contain use restrictions), and (2) board-adopted rules and regulations. The courts have recognized that since the restrictions contained in the declaration and other governing documents of the community are generally recorded in the public records, and people purchase with notice of these restrictions, and based upon an implied agreement that they will comply with them, it is not necessary for the reasonableness of each restriction to be justified in order for the restriction to be enforceable, and this generally means that they must be addressing some issue relating to

safety and welfare in a manner which is appropriate and which is reasonably designed to accomplish the desired purpose.

Condominium living generally involves more rules and restrictions than single family homes, due to the close proximity of the units and the strict regulations which have developed at the state level over the past 30+ years. A hybrid form of development

**...rules adopted by  
the board  
of directors  
must be  
reasonable in order  
to be enforceable**

which has recently become more prevalent is the townhome community. Although these units generally have two or more units in a building, and therefore have common maintenance and other concerns, from a legal standpoint a townhome community is governed by a homeowners' association and the law which applies is similar to that which applies to detached single-family residences. The statutes do not have any particular provisions relating to townhomes, and therefore the governing documents of the community are very important. However, many issues are often not properly addressed in the governing documents, including maintenance responsibility, insurance, pest control, and other issues which are unique to attached units in a homeowners' association setting. This can lead to confusion and disputes unless the documents are clarified.

Some of the causes of problems which residents have in connection with living within community guidelines include:

(1) A lack of understanding of the rules and restrictions prior to the time of the purchase. This is often due to the reluctance of realtors and sellers to provide copies of the restrictions, and the failure of purchasers to thoroughly review the restrictions and rules before acquiring a unit. One manner to address this is through a welcoming committee or something of that nature, in addition to possible orientation of the new purchaser or resident in connection with an interview prior to occupancy, if that is provided for in the governing documents.

(2) Cumbersome and poorly written documentation also cause difficulty since a very small percentage of owners and residents actually read the declaration and other documents which govern the community. Some solutions to address this problem include updating the governing documents to eliminate obsolete wording and make the documents consistent with actual practice of the community and with the changes in the law which have occurred. Another approach is to prepare a summary of some of the key restrictions in the documents and to provide the summary to people rather than expecting them to read the entire documents.

(3) Another issue relating to community guidelines concerns the small percentage of residents in almost every community with rules and restrictions. These individuals present the greatest challenge for the association and the other residents.

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## Legal from page 3

Once violations do occur within the community living setting, it is helpful to have a well-thought-out enforcement procedure in place. This includes reviewing the type of form letters that are sent to people who are allegedly in violation of the rules; attempts to contact individuals by telephone or otherwise in order to try to explain the purpose behind the rules and the need for compliance; and other means of attempting to gain compliance without alienating persons who may not be complying with all of the guidelines. Recently, there has been an increased use of mediation and other less adversarial procedures in connection with dispute resolutions, and it is expected that this trend will continue since it is appropriate in situations where people must continue to live together.

When initial methods for enforcement are not successful, tools such as fines may need to be utilized, and involvement of the association attorney where appropriate.

. Regardless of the procedures used, however, the goal should be to try to further the purposes of community living and gain compliance through the most appropriate method under the circumstances.

The condominium concept certainly creates a challenge for all persons involved in order to see that reasonable rules are uniformly enforced and adopted, and to educate owners and occupants regarding the rules and restrictions and attempt to obtain compliance. It is inevitable that conflicts will arise when people from different backgrounds are brought together in a community living setting, and the demographics and makeup of each community are unique to some extent. The boards of directors, management companies and attorneys for associations need to work together to attempt to achieve the ideal situation where people are living together under the guidelines which have been established, and a sense of community exists.



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## Community Associations Institute - Suncoast Chapter (CAI)

Have breakfast while CAI provides updated information valuable to every board member and every unit/home-owner as an aid to providing the best management of your association.

### "Almost" Free Legal Advice

#### Attorney Q & A

**Speakers:** Shawn Brown, Esq., Peter Cardillo, Esq.,  
Harry Carls, Esq., Joseph R. Cianfrone, Esq.,  
Jonathan Damonte, Esq., James DeFurio, Esq.,  
Ellen Hirsch de Haan, Esq., Franics "Matt"  
King, Esq., Nichaolas Lang, Esq.

**Where:** Tucson's - 13563 Icot Blvd., Clearwater - off  
Ulmerton Road, 1/2 mile East of US 19 in  
Icot Center

**When:** Thursday, April 13, 2006  
Breakfast 8:30 AM, Program 9:00 AM

**Cost:** \$10 each CAI Member/\$12 each no-member  
\$15 late registration (after Monday, April 10, 06)

Please RSVP by Monday, April 10, 2006

Payment in advance is appreciated  
(no shows will be billed!!)

Call for reservations (727) 345-0165 FAX 727.345.0170

#### Editor's Note:

This meeting is extremely helpful for associations AND individuals. (the food is good too !)

### "First Impressions"

#### How Your Community's Entry Affects Property Values

**Speakers:** Shelley Blood - Hillborough Cty, Office of Neighborhood  
Relations

Mark Harrell - Creative Mailbox & Sign Design

Larry Latimer - Raumow Enterprises

Kevin McNulty - Porter Paints/PPG

**Where:** The Tampa Hotel (formerly Holiday Inn)  
1701 East Fowler Avenue, Tampa

**When:** Tuesday, April 25, 2005  
Breakfast 8:30 AM, Program 9:00 AM

**Cost:** \$10 each CAI Member/\$12 each nonmember  
\$15.00 late registration (after Thursday)

Please RSVP by Thursday, April 20, 2006

Payment in advance is appreciated  
(no shows will be billed)

Call for reservations (727)345-0165 FAX 727.345.0170

#### Editor's Note:

First impressions are lasting...is your entrance inviting?

Attend this meeting and see what you can do with your entrance.



If you want to print your web address in the Cona Newsletter send it to me by E-mail at [hogan1@gte.net](mailto:hogan1@gte.net)

We already have two - [www.magnoliavalley.org](http://www.magnoliavalley.org) (&) (Riverside Vlg) [www.rsve.org](http://www.rsve.org)