



The Harbor Pointer



Monthly Newsletter for Harbor Pointe Residents; Titusville, FL

May, 2014

¿¿¿PROXIES???

The Board requests of all owners to check their E- or Snail-Mail for the forms involved in the upcoming Limited Proxy Vote.

To even hold an Owner's Meeting requires that the majority of unit owners agree to hold Owners' Meetings. They vote for this either by being present in the room when an official meeting-to-have-a-meeting is held, or by their proxy, which shows their intent--in the event that they do not make the meeting.*

Toward this end, for Harbor Pointe to hold its FIRST OWNERS MEETING EVER, the majority of owners need to submit their proxies to the Board to allow such meetings to take place.

In order for us to hold an Owner's Meeting, at least 104 owners will have to sign and return their proxy forms and prior to our scheduled meeting date: May 22 at 7 PM.

Should questions arise, please contact either Board President Harry Holmgren or on-site manager Doreen Horvath.

**** Important to note: If you change your mind about your proxy vote, you can change your vote while you're present at the meeting.***

Titusville is Third in Air Quality

Titusville has the third best air quality in the United States. It is slightly outclassed by (#1) San Francisco and (#2) Malibu, CA, both high-rent joints.

Indeed some say the air of Malibu, located in the USA's wealthiest congressional district, is enhanced by the amount of American currency contained within. Stacks of American currency apparently remove pollutants from the air like oysters do from water. (See **Oyster Gardens**, Page 6)

What Will the "Owners' Meeting" Vote Upon?

Prior to 2011, Harbor Pointe records were not sufficiently detailed or accurate to allow for the required independent financial audits of the association. Since that time, records have been up to snuff, their quality vindicated by genuine CPA-performed audits that have taken place for fiscal years 2011 through 2013.

However, a few owners at Harbor Pointe, themselves active board members during the pre-2011 period, have filed continuous, ever changing objections and complaints, and have threatened to sue the association unless their own unsubstantiated spread sheet figures are used to replace the audited figures.

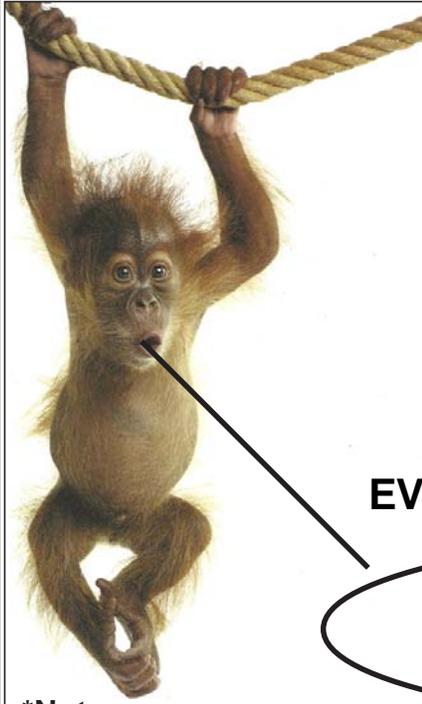
It is important to note that these persons do not contend that funds are missing from the Association treasury, but, rather, that money that is in **reserve accounts** * X, Y and Z, should instead be shifted to accounts A,B and C.

The justification for this contention has never been made satisfactorily to the current Board.

Leland Management, the CPA firm that performs our annual audits, and Board members that have served on the 2012, 2013 and 2014 Boards oppose the replacement of current figures by these early-Board members' spreadsheet figures.

But legal challenges, even frivolous ones, are not to be taken lightly, so the Board of Directors are recommending that the membership put an end to this by voting for Option A on the limited proxy as follows:

(We) approve Harbor Pointe retroactively waiving the funding of reserves for the years 2008-2012, in the alleged amount of \$59,350 and approve the Harbor Pointe Replacement and Deferred Maintenance Fund balances, commonly known as the "reserve accounts" listed in the reconciled and audited financial statements for the year 2011 through 2013, including reserve accounts, the associated budgets, and the 2014 approved budget.



**YOUR BOARD HAS WORKED HARD TO
GET HARBOR POINTE
TO THE PRESENT CONDITION
DON'T WAIT UNTIL THE MAY 22
MEETING
GET YOUR PROXY AND VOTE IN ASAP
EVEN IF YOU PLAN TO ATTEND THE MEETING**

Please Don't Leave Us Hanging. Thanks!

Board of Directors
Harbor Pointe Condo Association

*Note

The New Board

Elected at a meeting held on March 27, the new Board adds two new members, and retains three incumbents.

The Members:

Harry Holmgren, President (Incumbent).

Dan DeVoss, Vice-President (Incumbent)

Wes Hicks (Newbie) 2nd Vice-President . New to the Board, Mr. Hicks has also served Harbor Pointe for some time, Mr. Hicks will continue to oversee the Landscape Committee.

William Dickinson, Treasurer (Incumbent)

Mike DeVoss, Secretary. (Newbie) Is a brother of Dan. This is his first term as Board Member, but he's served Harbor Pointe for some time, notably by creating its excellent website: www.harborpointe.com.

**The monkey shown is a random monkey and is not intended to represent any Board member, past or present. We just think monkeys are cool.*

'Tis The Season To Be Stormy

Hurricane season is fast approaching. Should a storm hit, chances are you will shut your shutters to keep your glass and psyche intact. When the storm abates, there may be a power outage that prevents you from using AC to re-open them.

Accordingly, Please check the TORA power supply unit for your shutters to make sure it works. Keep it plugged in all the time. If you need info on replacing TORA batteries, please contact Rusty.

Save The Ceilings

Unbeknownst to many, there's a pan under your Air Conditioning unit that collects the water that condenses on the coils. This water is supposed to then fall down a PVC pipe to the sewer below. There's also a safety switch that is supposed to shut off your AC in case something goes wrong with the drain.

Unfortunately, we had a ceiling ruined by an overflowing AC pan. The pan drain was clogged, and the protective float switch was installed upside down. The resultant flood of water did a number on the lower unit's ceiling wallboard.

As a preventive measure, please pour a small amount of household bleach down the drain tube there's a cap to give you drain access that's put there for this purpose-- and check out the operation of your safety switch. You can flip it by hand while the AC is running and see if it stops.



Remember the 1963 song line?:

“And it’s bee-yunn the ruin of many a poor boy..”

Few people knew then what we know today, that that song was about skateboarding in condo parking lots.

Skateboards, which are un-brakeable and only nominally steerable, and condo-complex cars, which are often operated by vintage personages, make a deadly mix.

Accordingly, **the Board has banned all skateboarding.** It invites interested boarders to carry their boards across the street to the superb pavement that awaits them in the City skatepark down by the Marina! Great facility, and right next-door.

Fire at La Cita

Since our last issue, Harbor Pointe itself has been spared fire and flood.

Unfortunately, in nearby La Cita, a popular Titusville neighborhood whose picture windows are within a golfball’s throw of where many of our residents spend their afternoons, fire destroyed a fifteen unit apartment building.

The fire originated in a microwave. The alarmed householder threw the burning rag out, but it landed on the wooden balcony, and rested there awhile, gathering strength.



Barking Now Discouraged

The Condo Board requests that you and your dogs stop barking, or at least limit the barking to the minimum necessary to carry on proper monitoring and communication.

An informal poll of thirty-four HP residents revealed that ALL 34 preferred almost any other sound to barking. It was also found that those who had no personal affiliation with dogs found barking especially annoying.

Meanwhile, Harbor Point’s team of sound technicians have discovered that locking a barking dog on out on the balcony diminishes the barking decibel level within that condo, but concomitantly enhances the bark effect upon the rest of the complex.



La Cita 15 unit apartment building on Raney Road damaged by fire, smoke and water, March 27. No one hurt. Building condemned.

Titusville: The Next Act



TITUSVILLE —

A Florida-based company is now aiming to build a Mars-themed land in [Brevard County](#).

"It will be the largest simulated Mars environment in the world," said Mark Homnick, President of 4Frontiers Corporation. "It's over 22,000 square feet and there will be a Mars yard there where they can experience the surface of Mars."

New Port Richey-based 4Frontiers Corporation is devoted to settling Mars. Nearly a decade ago, Homnick and his team assembled 70 researchers, scientists and engineers to develop the technology required to settle the red planet. "We feel we even know more about it than NASA," said Homnick.

While they do want to go to Mars, the company decided in the meantime they should apply that technology to create a Martian landscape here on earth, and allow a limited number of guests to live and stay in the indoor Mars yard. They call it Interspace Florida. "Some of the guests can even elect to stay for several days on the surface," said Homnick. "And they will be a settler, they'll live and work just like a settler so they can experience life in the early space frontier, on Mars."

The company's subsidiary, NewSpace Center, LLC is just \$10 million shy of its \$80 million goal to begin construction on phase one, which will be located near I95 at Space Coast Regional Airport in Titusville. The company hopes to begin construction next year, creating 200 direct and another 100 indirect jobs when it's all finished.

"Most tourism today, people stop in this town for two to three hours at a time, and look at this and look at that," said Paul Kosieracki, a broker advising NewSpace Center. "I expect this to create an entire destination tourism." If all goes as planned, Interspace Florida would open to the public in August 2016. When Interspace Florida does open, there will be two options. For about the same price as a ticket to Disney World, guests can explore the training center and spend a short time on Mars. The more expensive option, about as much as a cruise, will allow guests to sleep and eat on the simulated Mars yard for two to four days.

Ask Mr. Condo Man

Dear Condo Man: *I live in a development of condos and townhouses that has 214 units, and which is not Harbor Pointe or anybody you know. Some of the units are onestory pool villas. There is an owner with a two-car garage model who decided to store his boat in his garage when he comes down for the winter season.*

He trailers it with a hitch when he goes fishing, and then he stores it back in his garage. I have put in a written complaint to management and the association board, together with a copy of Article IV, 'Use of Property' which is in our documents. This states "No Boat, Boat Trailer, Camper, or vehicle shall be left or stored on the condominium property." I was told by a board member that, as long as the garage door was closed, it was not a problem. Is this so, and if not, what is the responsibility of management and/or the board to rectify this situation?

Frustrated in Florida City.

Dear Frustrated:

Your board has a fiduciary duty to enforce the association covenants, so if there is a rule, it should be policed to a reasonable extent. If the board ignores a clear violation, it raises the possibility that a future homeowner will be able to defend against a covenant enforcement action for the same issue by claiming that the association has waived its right to enforce the rule, or is attempting to enforce the rule selectively (only against some owners) — both of which would bar enforcement.

You should start your analysis by looking to the definitions in the declaration of condominium to determine what the phrase "condominium property" it actually covers. If the term is defined only as the common elements, the board would be correct that there is no problem with an owner keeping a boat inside his garage (or in his home, for that matter, if such was possible). But, if the term is defined more broadly, the owner may be prohibited from keeping his boat in the garage, even if it is his own property (and whether or not the door is closed).

Dear Condo Man: *I was wondering if you knew the ADA requirements for an HOA's responsibility to provide sign language and captioning services for deaf and hard-of-hearing residents who attend board meetings, as well provide sign language interpreters for deaf individuals who are selected to be on committees.*

Mystified in Miami

Dear Mystified : The Americans with Disabilities Act prohibits discrimination against persons with disabilities (a physical or mental impairment that substantially limits a major life activity) in employment, access to public entities and public transportation, and access to places of public accommodation (such as stores, restaurants, schools and hotels), among other things. The law rarely governs homeowner's associations or condominiums.

Instead, housing providers are governed by the Fair Housing Amendments Act, which requires, in the context of a person with a disability, that the association allow reasonable modifications of the common elements to allow the disabled person full use of the property (at that owner's expense), and that the association allows reasonable accommodations of its rules and regulations (most commonly this covers allowing service animals, but it also covers any situation where an association rule must be modified).

Gary A. Poliakoff and Ryan Poliakoff are co-authors of *New Neighborhoods—The Consumer's Guide to Condominium, Co-Op and HOA Living*. Gary Poliakoff is a founding principal of Becker & Poliakoff, P.A., and Ryan Poliakoff is a senior counsel at Sachs Sax Caplan, P.L. Email questions to condocolumn@gmail.com. Please be sure to include your hometown.

Presidential Podium

The Other Half of the Story

by Harry Holmgren, current Board President.

Ed. Note: 2014 is the fourth Harbor Pointe Association Board Harry has served on.

The funding issue discussed on Page One of this issue of the **Harbor Pointer** did not arise on our watch, but we have corrected it with the approval of the State. This correction was subsequently challenged by two or three members of Boards long-past.

The State of Florida, which receives correspondence from these people on a regular basis, wants the issue closed. They gave us, the current Board, two options: Either the owners will vote to support the current Board, or they won't. In the latter case, the State asks that we support the old Board Members' idea.

The problem we have is not just with this allocation of reserves money. Rather the problem is that this is merely their issue of the week. Next week it will be something else--the roofs or the way the trees are trimmed, or the type of fertilizer used, or the amount of water we spread over the plantings.

For each of these, a lawsuit is usually threatened, sometimes against Harbor Pointe, and sometimes against the Board members. They are not really issues oriented, but use issues for their own gain.

These people try their best to stymie the Board at every turn, perhaps hoping to return our association to the dismal condition we were in before 2011. They will NEVER stop unless you tell them to by your vote. And they don't want you to vote because of fear that your voice will be heard.

Frankly, we're getting tired of this. We ask that you, as an owner, start accepting some of the responsibility for defending your Board members, all of them volunteers, from such constant squabbling and harassment.

Please help us stop this handful of political troublemakers by filling out your proxies, and voting with the Board on this issue. We know you're busy. This public expression of your opinion may take ten minutes of your time, but could save many, many man days of Board struggle and legal expense.

Thanks!

Keep The Sun Shining

Let's Not Go Back to

Overcast Skies and Black Clouds!

By Bill Van Engelenburg, Board President for the 2012 and 2013 sessions.

As your Board President for the past two years, I feel there is now a great team and a set of effective policies in place to guide the Association. This include a commendable collections policy that has radically reduced the number of condo fees accounts in arrears, and a dedicated management team that works with your Board to keep costs in check. Together, these two factors have allowed your dues to be reduced for the last two years, and perhaps again this budget year.

We have developed good team work among staff, management, the Board of Directors and owners. The reserves are adequately and fully funded as per the adopted budgets for the last three years. Property condition and improvements are at an all-time high. Landscaping looks better than it ever has before. Property values are rising, in part due to the recovering economy, but also due to the excellent facility maintenance and care of recent years. Financially and maintenance-wise, Harbor Pointe is in fine shape.

But there are a few among us who are spreading miscommunication around via E-mail and mailed letters. Their goal is to prevent owners from voting, telling you that it is not necessary to do so. What they neglect to explain is that by not voting, they will get their way-- Option B on the voting sheet will automatically take place.

It is your happiness, wallet and quality of life at Harbor Pointe that will be ultimately affected by their manipulating ways. I strongly encourage you to VOTE "Option A"--to KEEP THE SUN SHINING OVER HARBOR POINTE. Thanks.

Oyster Gardens

Some 30,000 volunteers are working to "plant" Oysters in the greater Indian River Lagoon.

Not just incredibly tasty, oysters actually clean the water, 50 gallons per day per oyster--adding immeasurably to the general health of water-based ecosystems. At one time, millions of oysters were harvested from the Indian River. And it may be possible again, if we residents care enough to make it happen.

To find out what oyster fans are up to at Harbor Pointe, please contact fellow resident John Bragg (jbraggjr@googlemail.com) for info.

EDITORIAL

The DSB Strikes Back

If you're new to Harbor Pointe, you may not be aware of how things were here prior to the 2011 change of Board members.

Prior to 2011: Because of leadership at its top, fractiousness rocked the Board and made real governance almost impossible. Insults flew back and forth at every Board meeting, and nothing got done about HP's real problems, which were exacerbated by the 2009 crash. This was despite there being some "Good Men and True" involved with the Board and in HP's various volunteer sub-committees.

Since May, 2011: Everything visible at Harbor Pointe, from the landscape to the standards of building maintenance, has been improved. The old do-nothing law firm was let go, and a new one appointed, so units in arrears of dues diminished from 35 to seven. With arrears finally being paid, and operating costs kept in check, membership dues were reduced twice. The reserves have been substantially bolstered. Insurance, which was sloppily issued, did not cover one of the buildings in 2009. The insurer has changed, and problems with insurance are now rectified. The previous, almost unbelievably incompetent management company has been replaced with Leland Management. And record-keeping which was extremely poor, with many records of the early days missing completely, and for which no CPA would ever issue an audit, is now at a professional level. Our CPA has been changed, and audits confirmed the books' accuracy and fiduciary quality for 2011 through 2013.

The difference between, for example, the Board of 2008 and of 2012 was fractiousness. Both had potentially hard-working, capable people, but with the political fever that was stoked, nothing of importance got done in the early years.

Unfortunately some past Board members, now ostensibly retired, still want to keep their hand in--and they complain constantly about the post 2010 regimes.

This "**Disgruntled Shadow Board**" or "**DSB**" as the current Board calls it among themselves, maintains its earlier expertise at sowing dissent and causing political divide. For example, it issued a flurry of incomprehensible E-mails to residents hoping to stir up discontent with the current elected Board, and hoping to enable their own interference in the way HP operates. You've probably received several of these yourself. They complain in their difficult-to-fathom way about the way the trees are clipped, about the new paint in the building lobbies, about the appointment of the new law and accounting firms, and whatever else comes to their minds, often with threats to sue.

The current **DSB** issue: \$59,350 which it states is mis-allocated in the Reserve Funds. DSB does not contend this money is "missing", but, rather, that it should be restored

to what it claims are the accounts it was originally placed in, instead of being placed where the post-2011 team determined it would be maximally useful and appropriately categorized.

They threatened to sue Harbor Pointe for its reallocation, and protested to the governing body that controls condos in Florida.

The current Board is fighting the **DSB** not because this \$59,350, (itself an apocryphal number), or its allocation, is important to the future of Harbor Pointe. Both the current Board and the **DSB** know that with millions of dollars in reserve, Harbor Pointe is sitting fine, regardless of how this particular issue plays out, and will make no meaningful difference whatever to HP's short- or long-term health.

Rather, in the views of currently active Board members, the **DSB** is trying its darndest to find an issue of contention by which they can leverage their way—as unelected persons—into a larger role in governance of Harbor Pointe. This is why the Current Board wishes you to hand in your proxy, and to attend the meeting on May 22--if you can. If you can't, your Proxy will vote for you. So please turn in your Proxy now.

Unlike most other condo associations, Harbor Pointe has been unable to have an actual Owner's Meeting. A majority of owners must approve the very idea of the meeting before one can take place. It is the Current Board's expectation that when a real meeting is held and owners are given a forum in which to discuss issues in a real fashion, the **DSB's** purely political motivation will be plainly revealed.

If you don't personally know what Association governance was like prior to 2011, please ask one of your longer-term neighbors. If you do remember the days when the **DSB** was in power, we think you'll join the new Board in wanting a regular Owner's Meeting and public forum as an integral part of HP governance. In this latter case, please send in your proxy and vote to allow the current board to keep our reserve money where it's now allocated, in substantiated, audited reserve accounts.

FOR FURTHER RESEARCH ON THIS TOPIC:

The DSB has E-mailed select residents "sound bites" from the letter by a former State of Florida official that DSB claims supports their view of things. The current board thinks just the opposite, and that the sound bites misrepresent the real meaning of the letter. Judge for yourself. You can read the letter in its entirety on the Harbor Pointe Website: www.harborpointe.com

FIXERS OF THINGS

NEED A PLUMBER, AC DUDE OR MAYBE
A GENERAL HANDIMAN?

These are vendors your neighbors at
HP have used or recommend.



A.C.-Heat Too Hot or Cold?

Britt's A.C. :321 267-6370

Comfort Services:
Dave 268-3784

***Space Coast Cooling
& Heat/*** David 631-5755

Appliances Gimpy?

Applianceville : 267-9463

***Uncle Craig's Appliance
Repair:*** 321 593-0111

Bugs Which Are Not Pets?

Econo-Kill:Vince
632-3563

Terry Nix Pest Control:
321 576-0694

Bryan Pest Services:
264-1919

Carpet Cleaning?

Atomic 264 2594

Cleaning, Help With?

Clean Team:Michelle de
Voss 607 6787

Kim's Cleaning Service:
321-267-5489

Mr. Fastidious:Kevin
561-239-0162

Electrical Repair?

Bonafide Electric:Tanner
302-3333

D & E Pump/267-8287

Flooring Contractors?

4 Star Flooring: 634-5419

Garage Door Repair

Affordable Garage Door:
321-636-0054

Garage Door Clickers?

Go to ***Lowe's or Home De-
pot.*** Pick up a 315
*MegaHertz opener for doors
made after 1993.*

Handyman?

***Dana--All Coast Wood
Restoration:*** 383-1222

Gary Bishop: 268- 8383

Locksmith?

A-1 Locksmith. Ken
269-5522

Plumbing?

Alligator Plumbing
269-9735

Orange Plumbing
268-1043

Shutter Repairs?

All Shutter Maintenance,
Jack Miner 795-5975
www.allshuttermaintenance.com

Disclaimer: Harbor Pointe Condo Association does not endorse or guarantee any of these vendors. We see, hear and know nothing about them. Results not our fault. List composed by Doreen Horvath.

Condo Association Safety Reps

Each of the four buildings has a Board-appointed volunteer rep from among the residents whose task it is to see that basic safety regulations are upheld in your building. You may consult them on such safety questions as the washer hose replacement campaign. The reps are:

Building 1: Harry Holmgren 443 926 3123
Building 3: Walt Covington 321 383-9742
Building 5: Harry Holmgren 443 926 3123
Building 7: Bill Dickinson 321 267 7399

Condo-Watching Service

The Board has announced an ***official*** Harbor Pointe Condo Watch for people who will be out-of-town for extended periods.

The price, of \$30 per month, includes a monthly check of your residence, and a round of toilet flushing and shower water running, and AC verification. Water will be shut off for you between unit checks.

Reserve through the Association office. See Doreen or Rusty for more info or to sign up.