

# BEAR ISLAND E-NEWSLETTER

## President's Message By Howard C. Berman

I hope everyone enjoyed the holidays, and are thankful we survived another hurricane season.

Several homeowners have approached Board members about the increase in quarterly assessments. The Board had a "Budget Workshop" in September and carefully went over, line-by-line, each budgeted item. The Board is aware of increasing costs, especially in light of the present economy, and the fact that many homeowners are on a fixed income.

I can assure you, and I speak for the Board, that we have a "bare bones" budget and there isn't any "fluff" in the Budget. The Board is always diligent in finding cost-cutting measures. For example as you are aware in May, 2011, we switched landscapers and saved approximately \$16,000.00. In November, we voted to change security companies, from Allied Barton to MMI, our current property management company. We really weren't dissatisfied with Allied, but we are able to save approximately \$6000.00 in costs. In addition, James and Antoine are continuing on with MMI and Maury left for the music business. We are constantly looking for ways to save, such as using preferred vendors, which will provide us with their service at reduced prices.

Just as a reminder, the Bear Island HOA is part of The Villages POA. We currently pay over \$52,000 a year to The Villages POA; this means that all residents of Bear Island are entitled to use the pools, tennis courts and playgrounds throughout The Villages. If you're thinking why don't we cut this expense – we can't. We are legally bound to this by an agreement between the original builders of Bear Island and The Villages. We encourage you to take advantage of the services that you are paying for.

As has been previously written in mailings to homeowners, our reserves were woefully underfunded. Our community infrastructure is over 23 years old and we have to plan for the future. A few homeowners, who may have unlimited income, believe that we should just assess homeowners between \$2000 and \$5000 to achieve the same results. The Board feels that this is not the appropriate avenue to take as it would cause a hardship to many homeowners on fixed incomes.

I invite any homeowner to come to a Board meeting, or request a meeting with our treasurer or property manager to review the budget. The Board is always looking for input as to how to save money for the community.

## UPDATES

**Foreclosures**—we currently have two homes that account for over \$27,000 in unpaid assessments. The Board and our attorneys continually monitor the situation. A third homeowner entered into a stipulation for payment and is currently making payments.

**Dog Bite Issue**—the homeowner informed the Board, through our attorney, that they would be moving out of the community. The Board, therefore, entered into a Stipulation in lieu of mediation where the homeowner agreed to leave the community by 12/31/11. This date has now been extended to mid-February, 2012. The dog is still not allowed on the common areas of the community.

**Lawsuit**—some of you may be aware that there has been a long (4-5 years), ongoing lawsuit between a homeowner in Bear Island and the Homeowner's Association. The Fourth District Court of Appeal ruled in our favor on December 7, 2011, which should end the issue. Our attorney will be seeking attorney's fees against the homeowner.

With our Property Manager and other volunteer homeowners, the Board is trying to maintain the Bear Island Community that everyone moved into. As the community gets older, it seems that being a Board member is becoming a full-time job. The community is fortunate to have dedicated and hard working board members to volunteer their time for the betterment of Bear Island. Of course, there are always those few homeowners who criticize and complain when something doesn't go their way. The solution—show up at Board meetings and have your voice heard. Volunteer to be on the ACC (Architectural Control Committee) or the Fines Committee.

### **Secretary's Report By Steve Seftenberg**

On or about January 1, 2012, each Bear Island owner will receive a package containing new "Architectural Standards and Procedures" and amended "Rules, Regulations and Reminders of Courtesy for Bear Island." These documents are the product of several years' study by your Board. Their purpose is to explain in the clearest and simplest language possible how to comply with the rules regarding living in a homeowners' association. Please read them carefully and the cover letter accompanying them. Your Board invites written constructive comments and suggestions for improvement that you can drop in the Green Box at the exit, or e-mail to [Bwelch@miamimanagement.com](mailto:Bwelch@miamimanagement.com) or FAX to (561) 686-7284 or U. S. postal mail to 1201 U. S. Highway One, Suite 330, North Palm Beach, FL 33408.

### **Water Leaks FAQ-- A Community and Individual Problem By Diana Kaufman**

2011 was not a good year for Bear Island's water system. We had the misfortune of experiencing water leaks caused by lightning hitting a tree, tree roots enveloping pipes and valve failures. Who pays is a dilemma the Board has been wrestling with.

As a gated, private community Bear Island owns the piping which delivers potable water to every one of us, as well as, the roads under which the pipes run. Your HOA assesses all for water problems occurring on community property -- the common areas -- with the individual homeowner being responsible for water leaks occurring on the homeowner's property. To do otherwise would entail an extraordinary assessment increase at a time when your Board is striving to keep quarterly

assessment increases limited as possible. Your Board realizes that Bear Island's infrastructure is aging -- pipes and valves have a finite useful life, trees grow unchecked with their roots crushing the pipes. In the past, valve location and maintenance has been more myth than reality. These contingencies are why we conduct reserve studies and include reserve amounts in our budgets. Over the past few years, your Board has confronted the need to increase reserve funding for all Bear Island's infrastructure -- its domestic water distribution system being only one, but a substantial part.

There are no individual home water meters in Bear Island. Thus, when there is a leak caused by a water distribution failure the primary focus is on expeditious repair with as little community inconvenience as possible. After the leak is located, the zone and individual property shutoff valves must be closed to effectuate repairs. Unfortunately, not all of these valves are readily located. Once they are located, isolation of the failed pipe or valve can commence. If zone or individual property valves do not work then the entire community may have to suffer a shut down until the repair is completed.

When a failure is located in the common areas the HOA fixes it and absorbs the costs. When a failure is on individual homeowner's property the remedy belongs to the homeowner -- so long as the property shutoff valve can be closed isolating the leak. When a property shutoff valve cannot be located or will not shut, then the HOA's property manager, MMI, proceeds, posthaste to repair without waiting for the owner to have it fixed, which might take days. The owner may even decline to fix it. The reasoning, hopefully, is clear to all. Any leak results in Bear Island possibly losing water pressure, and definitely being billed for water wasted. (As either full or part-time residents of South Florida please remember the almost annual water restrictions caused by declining reservoirs. Who wants to see this environmental disaster exasperated by Bear Island water running unchecked down the street?)

The remaining question is -- at what point does responsibility and financial obligation transfer from Bear Island as a community to the individual homeowner? A pragmatic solution was needed. Your Board did not want to act arbitrarily, so it obtained an opinion letter on this subject from an expert in this area of law. It was the attorney's opinion that the dividing line is in the shutoff valve boxes located near the sidewalks. That is where the transfer from community to homeowner obligation occurs. Any failure occurring in the shutoff valve in the valve box and in a pipe on the street side of the valve is the responsibility of the HOA. Any failure occurring in the pipe on the house side of the valve is the responsibility the individual homeowner.

Accepting a moderate increase in reserve funding for community infrastructure repair and maintenance while calling upon individual homeowners to step-up to the cost of repair and maintenance of the piping on the homeowner side of the shut off valve is the fairest financial allocation the Board could conceive using the attorney's letter as a guide.

(Editor's note: To clarify, although front yards are owned by the homeowner, the HOA maintains the yards just like they do the common areas. However, according to the Rules and Regulations, residents must complete either the Lot Alteration Application and/or the Landscaping Approval Form if they are planning to add or remove any plantings or alter the front yard. If there is a substantial change, then they may have to record the changes so that when they sell their home, the new owner is aware they may be responsible for the upkeep, etc.)

### **DUCKS, DUCKS, DUCKS! By Karen Spina**

Yes, we have them in our community lakes and yes, their number has increased, especially over the summer months. Something that has decreased though is the amount of duck poop on the sidewalks. **Given the increase and decrease factors, isn't it interesting that the ducks have not had their winter season benefactors putting out bird seed.** After some online research, I have learned that ducks, cranes and other such wildlife do not benefit from being fed by humans. A good site is [myflorida.custhelp.com](http://myflorida.custhelp.com). Info there shows that feeding wildlife is generally discouraged and, in some cases, illegal. In Florida, it is **illegal** to feed sandhill cranes, bears, raccoons, foxes, and alligators. Intentionally placing food or garbage, allowing the placement of food or garbage, or offering food or garbage in such a manner that it attracts black bears, foxes, raccoons, or sandhill cranes and thereby creates a public nuisance is prohibited. As we have a rodent and raccoon problem in our community, putting birdseed out in open spaces is only attracting more critters, not to mention being illegal!

So the message here is **PLEASE DO NOT FEED THE DUCKS**. We can enjoy watching them float in the lakes and walk across the roadways with the little ducklings following in a line, but no need to worry about their food source. That is provided by nature. One thing we can all do is to slow down or stop as they walk across the roadways. It does not take that much time and it is not pleasant to see one of them lying dead in the road. Thanks in advance for everyone's cooperation.

### **Property Manager's Report By Bryan Welch**, LCAM Senior Community Association Manager MMI of The Palm Beaches

Much has been accomplished by your Board of Directors over the past few months. It is a pleasure to work for such a knowledgeable, energetic and dedicated Board.

#### **1. ADT Alarm Monitoring:**

Bear Island has a bulk alarm monitoring package in place for you paid for by the Association. If you wish to have your home alarm monitored by ADT you need to call Judi Feduniec cell 954-614-2176 or Email: [jfeduniec@ADT.com](mailto:jfeduniec@ADT.com) to have your alarm set up. Any additions or custom work inside your home is your responsibility. Remotely monitored alarm systems must be registered with the City of West Palm Beach. There is an annual permit fee of \$25.00 you must call 561.822.1940 or e-mail them at [alarmservices@wpb.org](mailto:alarmservices@wpb.org). The \$25.00 city fee is due whether or not you activate the ADT system.

#### **2. Gate Information Updates:**

Please keep the entry gate and MMI informed of changes to your information. You should add or remove vendors, permanent guests, and add, remove or change home phone numbers. **Added to the information form is a section to describe an owner's pet(s) and their rabies license number. Every pet owner should fill out this form and turn it in. The intent is to be able to return a missing pet to its owner should it be found wandering.** It is also a good idea for pets to be micro chipped. Forms are available at [Bwelch@miamimanagement.com](mailto:Bwelch@miamimanagement.com) or [www.bearisland.us](http://www.bearisland.us) or

at the Gate House. Bear Island has a voice mail update feature allowing home owners to receive telephone voice mail if there is an emergency. Forms are available on line or from our office. Beginning on December 30, 2011, the Gate Service will be taken over by employees of MMI. The only changes you will notice will be a change in uniforms. The Gate Attendants will have oxford blue shirts and khaki slacks

**3. Trash & Landscaping debris**

Please do not put trash, recycle bins or landscaping debris out in the street before 5 p.m. the night before trash pick up. This is a City of West Palm Beach Ordinance. Remember; trash bins and recycle bins must be stored out of sight before trash pick up times and after pick up. Please be courteous to your neighbors and keep Bear Island clean and neat.

**4. Exterior Modifications to your home or lot:**

Remember ANY exterior modification to your home requires the prior written approval of the Architectural Control Committee. Forms are available on your website [www.bearisland.us](http://www.bearisland.us) or from my assistant [Smartelli@miamimanagement.com](mailto:Smartelli@miamimanagement.com) or at the gate house. It is not necessary to seek approval for common repairs.

**5. Selling or Leasing your Home?**

For your convenience there is a form to fill out should you desire to sell or lease your home. It grants specific permission to your real estate agent when showing or managing your home. The form is available from [Smartelli@miamimanagement.com](mailto:Smartelli@miamimanagement.com) or your website [www.bearisland.us](http://www.bearisland.us) or at the Gate House.

**It is important to remember if an owner is delinquent in his or her dues or if there are outstanding violations on the property, the Board has the right to refuse to grant approval for a sale or lease.**

**Gatehouse Report By Ron Warnecke**

As of January 1, the Board decided to contract MMI for Gatehouse personnel management. Two Allied Barton employees who were stationed at Bear Island, without solicitation, sought out MMI and applied for a position, specifically for Bear Island.. James and Antoine were immediately hired, James actually stated that "It feels like family here and the residents treat me so well. I could not even think of going anywhere else."

Our new members of the gatehouse staff are Brendan Speanberg, Cerone Penza, and Walner Alcius. All have readily adapted to their positions and most of our neighbors have warmly welcomed them.

**Is your dog a good canine citizen? By Diana Kaufman**

Does your dog know how to walk on a leash without pulling? Does it heel, sit, stay, not jump, and do a down? Has your pet been socialized with other dogs and people? The Communication Committee has asked Ms. Karen Vermeegan, the Director of Training at a well known facility to write

an article concerning many of these issues. Karen is a CPDT-KA and TTouch Practitioner and is certified in the Netherlands and the USA. She has 25 years of experience in obedience training and behavior modification. Look for her article in this issue.

Please pick up after your dog. If you have visitors  
please ask them to do the same.  
Thank you.

### **Keeping your Dogs Safe in the Neighborhood**

In a perfect world people would walk their perfect dogs on a perfectly loose leash through the neighborhood without any trouble. Unfortunately, this is not a perfect world and the chances are that your dogs are not always “perfect”. In the real world many dogs pull the leash, run from side to side, chase, and lunge or are overexcited. Teaching your dog appropriate leash manners is often a time consuming process, and may be highly frustrating for owners and dogs.

If people could apply some basic rules, walking your dog would be a lot safer:

1. Your dog does not need to meet and greet everybody – dogs that constantly want to do that look for entertainment away from you. Instead of enjoying a walk with you, you’ll teach your dog that the fun comes from other people and dogs and why would he mind you?
2. Use proper equipment. Easy Walk harnesses (with the leash attached to the chest) and Head Halters (with the leash attached under the dogs’ jaw) can be a great help for dogs that pull. For small dogs a step-in harness would be the safest choice.
3. If you only take your dog out once day for a short walk, all the energy will come out at once. Taking your dog out more often and for longer walks will help your dog to behave.
4. Do not encourage dogs to play on leash. Many dogs are more stressed out and more reactive when they do not have a flight option. Instead have play dates with some nice neighbor dogs for off leash socialization. Perhaps in someone’s backyard.
5. Give structure to your walk by always having your dog stay on one side. This could be left or right, but you don’t want your dog to cross in front or behind you. If your dog pulls, you stop or instantly turn around. Never follow a tight leash.
6. Take some treats with you. Reward your dog for polite leash walking. Walking together should be a pleasure for you and your dog. Be consistent and patient.
7. If your dog is reactive on the leash: keep moving. When you stop with a dog that acts out, the energy will instantly build up. Moving is the only way to dilute this energy. Whatever your dog

does, you should stay calm and just go. Your dog will learn that his behavior will not be turned into an event anymore and soon calm down.

EDITOR'S NOTE: At my request Ms. Vermeegen has written the above article as a public service for the community--it is not intended as an advertisement. She is a certified professional dog trainer-knowledge assessed and dog behavior therapist.

**SCAM ALERT!** The telephone rings and a nice person excitedly congratulates you on winning a \$1 million dollar sweepstakes! To claim your winnings you need only wire or mail some money to cover fees and taxes. Of course you would never fall for this, but thousands of U. S. residents have been bilked of as much as \$300 million in 2011! This month alone two senior citizens in Broward County lost more than \$50,000 to Jamaican-based lottery scams. Who really wins? The criminal syndicate, that's who. But not always – on November 19, a Deerfield Beach man was arrested outside his apartment while waiting for a package containing \$9,000 in cash sent by an 88-year old Kansas man who had been told he had won a \$1 million sweepstakes. You can do your bit to combat this plague by calling the U. S. Postal Inspection Service at 877-876-2455 or you may fill out a complaint form available on its web site.

Steve Seftenberg

**FINES, FINES, FINES.** The situation your Board finds itself in, however, is not fine. We have, at the suggestion of the Florida legislature, created a due process system for enforcing our rules, but are stymied by the fact that no one seems to want to serve on the Fines Committee. Without this, some of the residents in Bear Island can get away with breaking the rules designed to protect and preserve our community. We need five fair-minded men and women who take pride in our community. The work is not time-consuming. The Committee meets only after a would-be scofflaw ignores a number of "violation" letters. Even then the scofflaw is given a chance (1) to plead his or her case before an independent committee and (2) to appeal an adverse decision by that committee to the Board. If you are interested in finding out more about this vital service, please e-mail me at [seftenberg1020@gmail.com](mailto:seftenberg1020@gmail.com) and I will contact you.

Steve Seftenberg

### **Landscaping by Florida Image**

Scott Reiter of Florida Image has done a magnificent job of keeping all our common areas beautiful. Florida Image is also Bear Island's sprinkler expert. If you need any special watering needs please contact MMI who will then contact Florida Image to help you adjust the watering of new plantings, etc. Please **do not have** any other landscaping contractor try to adjust the sprinkler timing. Thank you for your cooperation. For your information, if you place a red reflector by a plant the landscapers will not touch it. We also want to thank Scott for coming to our aid, and putting up the holiday lights free of charge.

## **Holiday Lighting Fundraising**

During 2012 we will still be collecting for holiday lighting. We have approximately \$260 in the kitty for this year but most holiday lighting companies charge around \$1500. Please keep the donations coming in and during the March meeting please don't forget your checks! This coming holiday lighting will hopefully out do what we had in 2011!

## **Our Website**

At present our website is being updated. Your patience is appreciated. We are adding updated Rules and Regulations and Architectural Standards and Procedures adopted in 2011. Also, several forms have been updated and will be added to the website shortly. In the mean time please contact MMI or see the gatehouse attendant. Thank you for your cooperation.

## **Fashion outlet to fill empty mall!**

The Palm Beach Mall will be redeveloped as the Palm Beach Fashion outlets, bringing construction and ultimately hundreds of jobs to the mostly shuttered retail center. Stores such as Saks Fifth Ave. Off 5th, Nordstrom Rack, Bloomingdale's Outlet Store, and Neiman Marcus' Last Call are all showing interest. (From Palm Beach Post, October 21, 2011.)

This news item is included in the newsletter to inform residents that the area around Bear Island is being re-gentrified, and hopefully, will lead to improved property values in The Villages.

## **Editors' Notes:**

### **Common Misconceptions:**

**Please note that front yards are not considered "common" areas according to our documents. The HOA provides front yard maintenance as a means to keep the community looking beautiful. The HOA does not own your front yard or the landscaping thereon.**

### **Volunteers Needed:**

**Our HOA is in need of volunteers** for the ACC, Fines, Water and Irrigation Committees. Also, if any resident would like to write an article for the newsletter (please note, editors discretion will prevail) please contact Bryan Welch at [bwelch@miamimanagement.com](mailto:bwelch@miamimanagement.com).

**HAVE A HEALTHY AND PROSPEROUS NEW YEAR!**