

The Longboat Harbour

INFO

4454 Gulf of Mexico Drive Longboat Key, FL 34228

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Work... Work... Work



It's Off to Work We Go

The summer certainly was a busy one for the Operating Committee, whose main activities were reported to the October 15th Board Meeting. Mailbox installations, new carpet placement and the harbour walkway improvements were just some of the activities that took place during the time most of us were away.

It was not without some “burps,” however. Town officials appeared with the usual demand that all work of any kind required a permit. Zoning and Building Agent, Ms. Heidi Micale, on July 15th stopped all work on four projects: paver installation, walkway carpet replacement, elevator lobby tile replacement and, even, palm tree trimming.

Meetings were held with Town Manager, Bruce St. Dennis, and Randy Fowler, Planning, Zoning, & Building Manager. Permits were demanded. The cost? \$8,030.00. However, permits could be issued only to an authorized General Contractor; so Lou Brown, well known to many here at Longboat Harbour, was retained at a cost of \$1,000.00 that recognized payment for his time and responsibility.

Fortunately, some of the work, at least, was not delayed unduly. With the assistance of Hal Lenobel, Longboat Harbour Owner and Longboat Key Commissioner, a permit for the paver and building walkway projects was issued an unheard of three working days after the permit application!

The additional cost of \$9,030.00 was distributed to the projects *pro rata* based on the contract values.

Major Projects

Initiated/Completed

The committee report gave a status review to the Board as follows:

1. **Mailbox installation** – This project has been completed. The authorized cost to be funded from the Operating Committee budget was \$21,000. The actual cost including new building directories was \$20,839.
2. **Canal sidewalk pavers** –Pavers on the canal sidewalks and all remaining building sidewalks and beach house sidewalks are now completely installed. The authorized cost funded by a special assessment was \$95,000. The actual cost was \$92,998. (Note that the quoted cost to replace the canal sidewalk instead of covering it with pavers was over \$136,000.) The total paver area including the four pool decks is

approximately 50,000 square feet, and all pavers were sealed at a cost of \$10,000.

3. **Building walkway covering** – The porcelain tile for the elevator lobbies is in place. Replacement of the carpet on the walkways is progressing; and barring problems with weather, the carpet installation should be completed in November. No additional costs for this segment of the work are anticipated beyond the currently contracted cost.

The total authorized cost for the walkways was \$233,000, funded by a \$200,000 special assessment and the \$33,000 positive balance in the Northern Trust bank account. This later amount resulted from “under runs” of prior projects and interest earned. The actual cost for the tile installation was \$54,065 and the carpet installation is \$157,493 for a total of \$211,558. The lower cost was the result of deleting the painting of unit doors.

TV Contract

The current Comcast contract ends March 31, 2004; and quotes have been obtained from Comcast for four year, six year, and ten year periods. Digital Fusion was requested to provide pricing for a satellite system for similar periods. The channel lineup between Comcast and Digital Fusion is roughly equivalent with Comcast currently offering 71 channels while Digital offering 62. Our current Comcast cost is \$18.47 per unit per month. The average cost proposed over the contract period by Comcast for the four, six and ten-year contracts is \$18.725 per unit per month. The average cost for Digital Fusion is \$18.00 per unit per month.

Landscape Contract

The contract with Landscape Management Services for maintenance of our lawns and shrubs ends October 31, 2003. A contract has

been entered into with Youngs Landscape and Irrigation starting on November 1, 2003.

Building Renovation Committee

To date, 176 Owners have responded to the mailing on the possible formation of a committee of interested Owners to consider and recommend to the Board building features. The list of items to be reviewed should include:

- unit door colours,
- building colours (primary and secondary colors),
- building appointments (shingles, vertical wood posts, mansard roof colour/materials, etc.),
- building lighting,
- carport modification/esthetic changes, and
- unit screen door rules/guidelines.

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We begin this month a new feature called
“Reflections.”

This occasional column will recall some of the important, unusual and, perhaps, whimsical events of the past here at Longboat Harbour. In the first of these, **Faye Schonbrunn**, one of the several original Owners still with us, reflects on the “re-patriation of the Recreation Lease. It is a fascinating story that tells us how the wonderful facilities we have come to be ours.

Owners are encouraged to share with us through the **INFO** their “Reflections” on the history of Longboat Harbour. Events humorous or tragic, important or whimsical that you think others would find of interest can be jotted down and left in the INFO box at the office. Don’t feel you need to write a big story. A short note will do. One of our editors will contact you for the details.

We hope that the telling of stories such as the one that begins this “series” will help us appreciate the history of Longboat Harbour.

“Reflections”

Repatriation of the Recreation Lease

In the mid-70's your editor was building homes in Boca Raton, FL and has vivid memories of the outrage condominium owners expressed when they learned that the amenities which they thought they were acquiring when they purchased their units were not, in fact, included in the purchase price. Buyers, quite naturally, assumed that the pool, tennis courts, meeting rooms – all those lovely amenities shown on the sales brochure – were included in the purchase price. Often, however, this was not the case.

It was quite common in those days for the developer to “carve out” the amenities, making them a separate condominium and leasing them to the Owners, frequently on outrageous terms. Here, from the Palm Beach Post July 29, 1996 is a question put to lawyer columnist, Gary A. Poliakoff:

Question: *In December of 1986, my wife and I purchased a condominium in Boynton Beach. At the time we purchased, there was no mention of the existence of a recreation lease. After closing, we received a letter from the attorney along with a loan payment book.*

Notwithstanding the fact that the lessor pays no taxes or maintenance on the recreation facilities since they are paid by the unit owners, the lease payments escalate every four years. Rent payments which were \$43.47 a month in 1984 will reach \$1,059.18 a month at the end of the lease (99 years). I am surprised, frustrated and just simply cannot understand how our legal system allows these scams. I am eight-five years old and don't have much fight left, but I don't understand how these scam artists are allowed to steal our homes utilizing these unconscionable devices. R.H., Boynton Beach.

Answer (in part): “ ... the tying of long term leases and management contracts to the sale of condominiums was commonplace in Florida

during the 1960's and 1970's. Consumerism in the mid 1970's brought legislative reforms which afforded protection for new purchasers but, according to the courts, the reforms could not apply retroactively because it would constitute an impairment of a contract. [For example] the recreation lease of Naranja Lakes, a Homestead condominium destroyed by Hurricane Andrew, contains a provision that requires payment of the recreation lease notwithstanding total destruction of the community

At Longboat Harbour we enjoy a marvellous array of facilities: Community Hall, Pool and Card Rooms, Gymnasium with saunas and change rooms, Meeting Rooms, Library, not to mention two units for the arts and storage as well as an apartment for the resident manager. This is not to forget the beach house and direct Gulf Access. For 300 units, this is a remarkable list of amenities.

Could we have been subject to terms such as those described in the letter from R.H.?



These facilities were originally intended not only for the 300 apartments at Longboat Harbour alone. They were to have been used

by Longboat Harbour South, now Sutton Place (80 units), Longboat Harbour Towers (73 units) and, yes, part of Longboat Harbour North (now Windward Bay) (30 units certain and possibly all the 151 units). In all, these amenities were to have been shared by not 300 but at least 483 and perhaps as many as 604 Owners. You may be surprised to learn that the developer at one time actually reserved the right to increase those permitted access to owners of any units developed by him within two miles (that's right two miles) of the “community hall and related facilities.”

And the lease terms?

The developer retained the right “exclusively” to use the “housing showrooms and administrative offices and model apartments, parking spaces, etc. without charge.”

Meanwhile, each Owner paid \$20.00 per month in lease fees. However, this cost was to be adjusted upwards (never down) by the Cost of Living Index. The first upward kick was to be in 1980, then every five years thereafter. Today, the rent would be approximately \$90.00 per month (over \$1,000.00 annually per Owner) *and climbing.*

Long-term leases (99 years) with an escalating income stream were highly desirable investments, especially when the lease contained an opportunity to raise the payment to protect the investor against inflation. The need for cash usually prompted developers to sell these leasehold interests, however. I.Z. Mann, developer of this community, did just that, in 1971, to the Pollack Realty Group, a New York, Park Avenue firm.



It takes little imagination to realize the great debt we owe to some energetic visionaries. It is understood that then head of the Operating Committee, Harold Kries, and Sidney Ochs, one time mayor of Longboat Key and father of two of our current residents, were the principal negotiators. The files reveal another significant contributor, R.H. (Bob) Allen, whose 17 typewritten page economic and financial analysis provided the “ammunition” for our representatives. Several trips to New York by these two men produced a deal – the acquisition

(repatriation, some would say) of the lease for the sum of \$800,000.

June 25, 1975, 28 years ago, was a very important day in the life of Longboat Harbour.



Some “old timers” would call it “Freedom Day.” Each owner was assessed \$2,700 to buy the “Rec Lease.” Little has been said; but special arrangements were made on an “ability to pay basis” for those who found the lump sum difficult to handle. For them, staged payments could be made at the rate of \$35.00 per month over 116 months, which would amortize the loan at an interest rate of 9%.

Those of us who now enjoy this remarkable community with all its facilities are in debt to energetic and forward thinking individuals, such as Harold Kries, Sidney Ochs, Bob Allen and no doubt many others. Perhaps we can find a suitable way to commemorate their contribution.



A very special “Thank you” to Faye Schonbrunn for the information, names, situations and events she was able to recall.

All these are the basis for “Reflections” in this issue. Our appreciation also goes to Hank Airth who rummaged through the files and sent me reams of documents to read, papers that helped fill in the blanks in the history of this important contribution to our community. Of course, thanks also to our trusted and humorous advisor, Mary Jane Meyer, who not only agreed to be the mentor of this project but also edited our writing.

There must be many more stories to be told. Just jot a note and leave it in the INFO box at the office.

Building Renovation Committee

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Of the 176 responses 55 Owners have indicated a willingness to be a member of the committee. Of these 65% are currently in residence with 80% of them to be here by the end of October.

The Board approved the establishment of this "Design Coordination Committee." It is intended that an initial meeting as outlined in the letter to Owners will be held toward the end of November. Owners who indicated willingness to participate in these deliberations will be advised. Their names will be filed in the Office.

Building Storage Room Termite Treatments

Dry wood termites were found in a recent inspection of the 3rd floor storage rooms in buildings C, E, and F. Treatment requires removal of the items stored in the storage cages in order to properly treat the wood and the ceiling areas. Owners will be advised when it will be necessary to move their items.

NOTICE - Roof Accesses are Padlocked

Owners should be aware that access to the roof in all buildings is locked. Therefore, air conditioning repair technicians will need to contact Leanne or a member of the Operating Committee if access is necessary.

Locking the roof access was initiated after it appeared that an air conditioning contractor damaged the roof causing a leak that was not discovered before water damage to a 3rd floor unit occurred.

Although I am many miles away from my friends at Longboat Harbour, I want you to know how truly grateful I am for your messages of support and your words of encouragement following my recent mishap. Thank you so much for everything.

Marg Aubrey

Manager's Report

This was a very busy summer, but I was assisted with a willing and able staff of employees, and a great Operating Committee. Many projects have been completed, and we have had lots of comments on how lovely our community looks. We are all working hard to keep it that way.

Oh, OH . . . Another Accident! Once again a broken toilet has caused a lot of damage not only to the apartment in which the leak originated, but to surrounding units as well. Please have your toilets checked.

Toilets have a limited life. If you are unsure of a toilet's condition, please arrange for a plumber to check it for you. Check connections and make sure that the water can be turned off at the toilet and that it can be turned. Better still, install a main shut-off to minimize damage should your toilet (or any other water supplied fixture) leak.

*Just a reminder for those of you who rent your unit – we must have the application and \$100 fee in the Office before your tenants arrive. **This will be strictly enforced by the Office and the Board of Directors. This is applicable even if the same individual(s) has rented your apartment in prior years. Applications must be renewed annually.***

As well, please make sure that your renters have all the necessary keys (mail box, common areas, etc.)

I hope you will stop by the office and say hello to Sabrina and me when you arrive.

We would be happy to see you and be of assistance if needed.

*Regards,
Leanne*

Parking Stickers

Just a reminder that cars are to be properly identified as belonging to Owners or Tenants.

Over the course of the summer it is not unusual for some of us to change cars. If you do get a new car, be sure to identify it as belonging here.

Please get your sticker (actually it is not a sticker; it is something that sticks but it is not a sticker) from the Office. Folks who rent should also have a similar identifying marker on the rear window.

Recreation



The Oktoberfest Party will be held on Saturday November 1. Be sure to check your Bulletin Board for times and registration requirements. (It's not at all certain you will be reading this before the deadline; but we included it just in case we were able to get the INFO out in time.)

Bill Holland and Joe Callahan report that The Men's Club has already resumed its meetings at the Club House. (Nothing was said about any card games.)



Mark your calendars for **the Autumn Golf Outing** scheduled for November 29th. Watch your Bulletin Board for details.



The New Year's Eve Celebration needs helpers. Please try to be one of those who will help make this a memorable evening.

A leader is needed.

Just let the office know you are willing!

(Should that graphic be changed to 10:00?)

Beach Chair Storage



Last April the Board authorized a clean up of the beach chair storage area at the Beach House. Over the summer, our staff painted over names on shelves and each storage space was numbered.

There are 300 units and only 247 spots, 12 of which (65 to 76) are inaccessible for chairs but can be used for umbrellas and noodles.

With a few exceptions, chairs were kept in their same space. However, 47 chairs had either old tags or no tags and have been removed. Those have been stored **temporarily** behind the clubhouse.

A lot of work has gone into cleaning up this area, so please help keep it orderly. It's important to remember that we do not own storage spaces for beach chairs. Still, if your chairs have current tags, you keep your space.

A list of space numbers with the person's name is being compiled and will be posted in the beach house and kept up-to-date in the office. **Any chairs without current tags will be removed the beginning of November and will be temporarily stored behind the clubhouse.**

**Federation of Longboat
Condominiums**

The October Meeting of the Federation dealt with “The Fiduciary Responsibilities of Board Members.” That session was well attended by members of our own Board.

The November Meeting will deal with Insurance issues, while December’s agenda calls for a review of development on the Key, especially the implications of reduced accommodations for visitors.

Many are looking forward to the January Meeting that will face the problems with Public Works and code enforcement on the Key. (That should be a good one!)

☉ ☉ ☉
*Only Irish coffee provides in a single glass all four
essential food groups: Alcohol, caffeine, sugar and fat.*
☉ ☉ ☉ *Alex Levine*



KUDOS

To Lou Longo, Ann Sweet and Carol Fischbein who made a list of whose beach chairs are in each spot. (Some people had two, three and four spots and one family consigned to themselves slots for seven chairs.) Not surprisingly, many former Owners still had chairs stored there. Even a port-a-crib was found.

To Al and Carol Fischbein who numbered every spot so the reorganization could take place.

To Mark Longo for his tireless efforts to procure permits for a floating dock.

To Hal Lenobel for his push to obtain permits quickly.

To Many Other Silent Owners who quietly work to help make our community a better place.

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THE LONGBOAT HARBOUR
INFO

Many people help to bring the INFO to you. Included among them are Maryellen Comeforo and her assistant Ken, Mary Jane Meyer, the Office staff and others.

We hope you appreciate the effort that goes into its production.
**Jean and Bart Wassmansdorf,
Editors**