

Alliance of Delray Residential Associations, Inc.

Serving the Membership ♦ Improving the Community Lifestyle ♦ Working Toward Sustainable Development

Visit Our Website at: www.allianceofdelray.com

May 2020 issue of The Alliance Connection

The South County Civic Center is not allowing any meetings, large or small,
from now through April 15 th. Therefore,

APRIL 1, 2020 MEETING CANCELLED

Next Meeting

Wednesday May 6, 2020

Topic:

Legislative Session 2020

The Good, the Bad, and the Ugly!

**Find out what new laws will impact our community
lifestyle and personal lives.**

Presented by

Our Distinguished Palm Beach County Delegation

**Including Senator Lori Berman, Representative Tina Polsky,
and Victoria Nowlan, Executive Director PBC Legislative Delegation**

Plus updates from PBSO, Fire Rescue, Government & Elected Officials

Meetings are held at the South County Civic Center Jog Road, Delray Beach

Doors open 9 AM. Meeting begins 9:30 AM

The Public is Welcome

OFFICERS AND DIRECTORS OF THE ALLIANCE:

Robert Schulbaum, *President*

Lori Vinikoor, *Executive Vice President*

Norma Arnold, *Vice President* Allen Hamlin, *Vice President*

Arnold Katz, *Vice President* Ken Markowitz, *Vice President*

Evelyn Spielholz, *Secretary* Deborah Borenstein, *Treasurer*

***Directors:* Paul Finkelstein Carol Klausner Phyllis Levine Susan Zuckerman**

***Assistants to the President:* Rose DeSanto Madalyn Freund John Gentithes**

Rhoda Greifer Karen Rose Joel Vinikoor

***Legal Counsel:* Joshua Gerstin**

ALLIANCE OF DELRAY 1 MAY 2020

Alliance of Delray Meeting Summary March 4, 2020

President Bob Schulbaum called the meeting to order at 9:30 am. He announced that no one applied to become a new member of the Board, so the elected Board members are Bob Schulbaum, Lori Vinikoor, Susie Zuckerman, and Paul Finkelstein.

Captain Rob Sandt of the Palm Beach County Sheriff's Office recommended leaving extra time for automobile traveling because of the increased traffic at this time of year. He warned that thirteen car thefts, particularly of Toyotas and Hondas, have occurred recently. He also warned that calls supposedly from the DEA (Drug Enforcement Agency) are scams.

Chief Tony Tozzi of Palm Beach Fire Rescue reported having a marked increase in calls.

Octavio Diaz, MD, Chief Medical Officer from Delray Medical Center warned of deaths due to the coronavirus. He did emphasize that the flu is rife, but the coronavirus is more lethal. Hospital staffs are being educated about it and are partnered with EMS. He urged the audience to use protective measures such as frequent hand washing, use of disinfectants, no handshakes, and general caution.

Karen Brill, member of the Palm Beach Board of Education, reported that staff is deep disinfecting all cafeterias and teaching better hygiene to the faculties and students.

Nick Uhren, Executive Director of the Palm Beach Transportation Planning Agency, explained that federal and state gas taxes are used to implement multi-modal systems of transportations. Measures are being made to reduce the many accidents and fatalities in our area. These measures include more and better street lighting, bicycle and pedestrian lanes, and additional infrastructure. These plans are being formulated in partnership with the Department of Transportation. He also provided an update on the expansion of Atlantic Avenue. Widening Atlantic Avenue between Lyons Road and State Road 7/441 from 2 to 4 lanes and adding bike lanes and sidewalks will begin construction in summer 2022. Widening Atlantic Avenue between the Turnpike and Jog road from 4 to 6 lanes and adding bike lanes and sidewalks will begin construction in summer 2026.

Steven Abrams, past Palm Beach County Mayor and Commissioner, is the executive director of the South Florida Regional Transportation Authority. This Authority is responsible for both Tri Rail and Brightline. Steve informed that Tri Rail is experiencing high ridership because of tourism. Tri Rail now goes directly to the Miami Airport and will soon expand into downtown Miami. He also explained that Brightline is an inner-city access line. As such, it provides a solution to workforce housing.

Meeting was adjourned at 10:45 am.

Submitted by Carol Klausner, Director

ENDOVASCULAR SURGERY & LIMB PRESERVATION

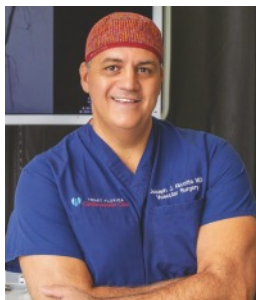
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Joseph J. Ricotta MD, MS, DFSVS, FACS
National Medical Director, Vascular Surgery and
Endovascular Therapy, Tenet Healthcare;
Chairman, Department of Vascular Surgery,
Delray Medical Center



Keith Jones, MD, FACS, RPVI
Vascular Surgery
St. Mary's Medical Center



CONDITIONS TREATED:

- Aortic Aneurysm
- Carotid Artery Disease
- Deep Vein Thrombosis/
Pulmonary Embolism
- Diabetic Peripheral Neuropathy
- Diabetic Ulcers/Wounds
- Mesenteric and Renal Disease
- Pelvic Congestion Syndrome
- Peripheral Vascular Disease/
Peripheral Arterial Disease
- Vascular Malformations
- Venous Disease

DELRAY Medical Center

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DelrayMedicalCtr.com | 833.918.1211



901 45th St., West Palm Beach
StMarysMC.com | 866.516.7904

To learn more about our treatment options and receive a referral to an endovascular specialist, please contact us.



Message from District Chief Anthony Tozzi 4 th Battalion

Thank you to Chief Tozzi (photo left) for the following updates:
To my friends at Alliance of Delray,

Palm Beach County Fire Rescue has been preparing for the possibility of COVID-19 reaching our county since January. Our Fire Rescue Department has been closely researching, following and developing best practices based on recommendations from the Centers for Disease Control (CDC) and FDOH (Florida Department of Health.) This relates to preventative measures for our personnel and stations as well as COVID-19 specific patient care.

Palm Beach County Fire Rescue has taken the following actions:

In late January, we developed procedures to include directions for 911 Dispatchers to start asking additional questions of 911 callers related to travel and symptoms. These additional questions are to determine if the caller meets any of the risk criteria associated with COVID-19. This process allows Dispatchers to notify firefighters-paramedics that they will be responding to a suspected COVID-19 patient.

The responding firefighter-paramedics take extra precautions to protect themselves and the public. Fire Rescue personnel will put on additional PPE (Personal Protective Equipment.) The additional PPE includes: gown, goggles, gloves, mask, booties & a cap. Working collaboratively with the hospitals, the firefighter-paramedics will also notify the hospital staff that a suspected COVID-19 patient is being transported to the facility. Once the patient is transferred to the hospital, the firefighters will conduct a complete decontamination of the Rescue truck.

It is important to note that none of this will delay in any way Palm Beach County Fire Rescue's emergency response.



UNTIL FURTHER NOTICE



IF YOU ARE EXPERIENCING AN EMERGENCY, PLEASE CALL 911, AS WE MAY BE OUT RESPONDING TO 911 CALLS FOR HELP. OUT OF AN ABUNDANCE OF CAUTION, ALL FIRE STATIONS WILL BE RESTRICTING NON-ESSENTIAL STATION VISITATION TO ENSURE THAT THE CITIZENS, VISITORS, AND FIREFIGHTERS OF PALM BEACH COUNTY ARE KEPT SAFE AND NOT EXPOSED UNNECESSARILY TO COVID-19. WE APOLOGIZE FOR THE INCONVENIENCE, AND WE LOOK FORWARD TO OPENING OUR STATIONS TO THE COMMUNITY AND OUR VISITORS SOON.

Beware of scams associated with COVID-19:

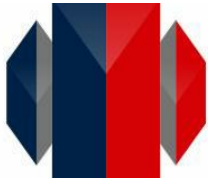
- Scammers are knocking on doors wearing either Florida business casual attire or white lab coats offering to test residents for the Coronavirus at a cost up to \$300.
- Scammers are making phone calls saying “claim your COVID-19 stimulus check.”
- Scammers are sending e mails offering vaccinations for COVID-19. There is no vaccination available for COVID-19 at this time.
- Scammers are making phone calls asking for “donations” relating to the Coronavirus Pandemic.

The phone number to report scams to Florida’s Office of the Attorney General is:

1(866)9NO-SCAM

Precautions for COVID-19





GERSTIN & ASSOCIATES

ATTORNEYS & COUNSELORS AT LAW

Coronavirus & Community Association Emergency Powers. How Florida's Emergency Power Statutes Can Help Keep Your Community Safe.

Both President Trump and Governor DeSantis invoked states of emergency and triggered the statutory emergency powers for Florida's community associations. Found in Sections [718.1265](#), and [720.316](#) of the Florida Statutes, these emergency powers were enacted with hurricanes in mind. However, the statutes apply whenever a national or state emergency is declared. As such, these emergency powers can assist community associations in their fight against the spread of the Coronavirus. Below is the statute with certain parts highlighted in bold you may find useful for your community association. Although the statute set forth below is the version for [condominium associations](#), an identical version applies to [homeowner associations](#). As always, speak with your association's attorney before implementing any of these statutory emergency powers and follow the most updated directives from your local health officials.

718.1265 & 720.316 Association emergency powers.— ([click here for HOA version](#))

- (1) To the extent allowed by law and unless specifically prohibited by the declaration of condominium, the articles, or the bylaws of an association, and consistent with the provisions of s. 617.0830, the board of administration, **in response to damage caused by an event for which a state of emergency is declared pursuant to s. 252.36 in the locale in which the condominium is located**, may, but is not required to, exercise the following powers:
 - (a) Conduct board meetings and membership meetings with notice given as is practicable. Such notice may be given in any practicable manner, including publication, radio, United States mail, the Internet, public service announcements, and conspicuous posting on the condominium property or any other means the board deems reasonable under the circumstances. Notice of board decisions may be communicated as provided in this paragraph.
 - (b) **Cancel and reschedule any association meeting.**
 - (c) Name as assistant officers persons who are not directors, which assistant officers shall have the same authority as the executive officers to whom they are assistants during the state of emergency to accommodate the incapacity or unavailability of any officer of the association.
 - (d) Relocate the association's principal office or designate alternative principal offices.
 - (e) Enter into agreements with local counties and municipalities to assist counties and municipalities with debris removal.
 - (f) Implement a disaster plan before or immediately following the event for which a state of emergency is declared which may include, but is not limited to, shutting down or off elevators; electricity; water, sewer, or security systems; or air conditioners.
 - (g) **Based upon advice of emergency management officials or upon the advice of licensed professionals retained by the board, determine any portion of the condominium property unavailable for entry or occupancy by unit owners, family members, tenants, guests, agents, or invitees to protect the health, safety, or welfare of such persons.**

(h) Require the evacuation of the condominium property in the event of a mandatory evacuation order in the locale in which the condominium is located. Should any unit owner or other occupant of a condominium fail or refuse to evacuate the condominium property where the board has required evacuation, the association shall be immune from liability or injury to persons or property arising from such failure or refusal.

(i) Based upon advice of emergency management officials or upon the advice of licensed professionals retained by the board, determine whether the condominium property can be safely inhabited or occupied. However, such determination is not conclusive as to any determination of habitability pursuant to the declaration.

(j) Mitigate further damage, including taking action to contract for the removal of debris and to prevent or mitigate the spread of fungus, including, but not limited to, mold or mildew, by removing and disposing of wet drywall, insulation, carpet, cabinetry, or other fixtures on or within the condominium property, even if the unit owner is obligated by the declaration or law to insure or replace those fixtures and to remove personal property from a unit.

(k) Contract, on behalf of any unit owner or owners, for items or services for which the owners are otherwise individually responsible, but which are necessary to prevent further damage to the condominium property. In such event, the unit owner or owners on whose behalf the board has contracted are responsible for reimbursing the association for the actual costs of the items or services, and the association may use its lien authority provided by s. 718.116 to enforce collection of the charges. Without limitation, such items or services may include the drying of units, the boarding of broken windows or doors, and the replacement of damaged air conditioners or air handlers to provide climate control in the units or other portions of the property.

(l) Regardless of any provision to the contrary and even if such authority does not specifically appear in the declaration of condominium, articles, or bylaws of the association, levy special assessments without a vote of the owners.

(m) Without unit owners' approval, borrow money and pledge association assets as collateral to fund emergency repairs and carry out the duties of the association when operating funds are insufficient. This paragraph does not limit the general authority of the association to borrow money, subject to such restrictions as are contained in the declaration of condominium, articles, or bylaws of the association.

(2) The special powers authorized under subsection (1) shall be limited to that time reasonably necessary to protect the health, safety, and welfare of the association and the unit owners and the unit owners' family members, tenants, guests, agents, or invitees and shall be reasonably necessary to mitigate further damage and make emergency repairs.

Educational purposes only. Not meant for legal advice, please consult your attorney for legal advice.

Stay Informed will Alliance e mails!

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Message from Captain Robert Sandt PBSO District 4

Thank you to Captain Sandt (photo left) for the following updates:

1. Please continue to be extremely vigilant of a noticeable increase of scams occurring throughout West Delray and surrounding areas. Below are the most commonly, but not limited to reported: (Please report any suspicious calls or requests to local Law Enforcement immediately)

A. Compromised bank/debit cards- DO NOT surrender your cards to ANYONE! Notify your banking institution via the number on your card for status verification.

B. Grandchild or Child Arrested or Involved in Accident- DO NOT send anyone cash, checks, money orders or gift cards! Contact Law Enforcement if you should receive this type of call and, IF you CAN NOT confirm identity of caller.

C. Social Security or Tax Refund- DO NOT send anyone your social security number or tax information.

D. NEW Coronavirus scams are beginning to surface. (Please report any suspicious calls or requests to local Law Enforcement immediately)

2. Please leave yourself plenty of time while traveling on the roadways. With current roadway construction projects and improvements occurring, coupled with our high volume of seasonal residents still in town, we have experienced a 15% Increase in traffic crashes YTD.

3. Please remember to lock your vehicles and remove your spare keys and fobs. We have recently experienced a decline in our residential dinner time burglaries, HOWEVER, please remain vigilant by locking your doors, leave interior/exterior lights on and set your car and home alarms.

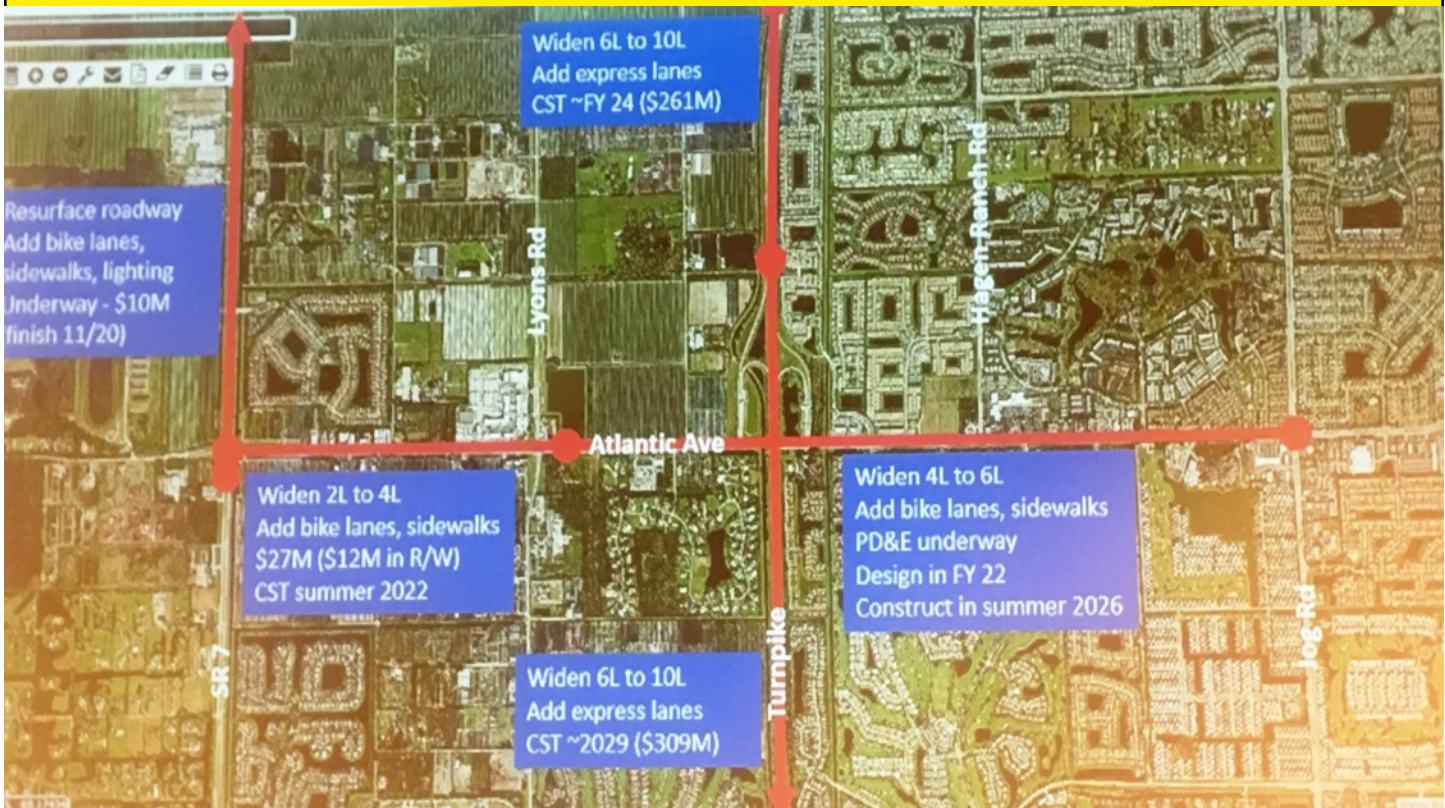
4. Please continue to monitor real time updates through the CDC regarding the Coronavirus, and take *recommended precautionary measures* via our health professionals in order to minimize your risk to exposure; however, please remember not to panic.

Captain Robert Sandt
District 4- Delray Beach
Palm Beach County Sheriff's Office

Proposed Comprehensive Plan Amendment Thoroughfare Right of Way Identification Map Changes



Atlantic avenue Corridor: timeline for Projects





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WHAT FLORIDA COMMUNITY ASSOCIATIONS MUST KNOW ABOUT DISABILITY-COMPLIANT WEBSITES

By: Carolina Sznajderman Sheir, Esq. and Jonathan Garber

Florida condominium associations are now digital. As of January 1, 2019, Florida condominium associations with 150 or more units are required to maintain a website pursuant to Fla. Stat. §718.111(12)(g). Recently proposed legislation seeks to lower the threshold, requiring associations with 25 or more units to maintain a website and increase the required information that must be made available digitally. While homeowner associations are not currently obligated to maintain a website, one can only assume that similar amendments to Chapter 720, Florida Statutes, which governs homeowners' associations, will soon follow.

[Association websites must comply with certain statutory mandates](#), including the requirement that the website be an independent website or web portal wholly owned and operated by the association; or be a website operated by a third party, provided the association has the right to operate a web page dedicated to the association's activities. An association's website must be accessible through the internet and have a subpage that is protected and inaccessible to the general public, accessible only to unit owners and employees of the association via username and password.

There are specific documents that are required to be posted on an association's website, including, but not limited to:

- The recorded declaration of condominium, bylaws, articles of incorporation, and all amendments thereto
- The rules of the association
- Contracts to which the association is a party
- Bid materials for the past year, or summaries
- Annual budget and any proposed budget
- Financial report and monthly income or expense statements
- Director certifications
- Conflict of interest documents

Additionally, the statute requires that the notice of any board meeting or unit owner meeting and agenda for the meeting be posted on the website in plain view on the front page or on a separate subpage labeled "Notices" as well as conspicuously visible and linked from the front page. All documents to be considered and voted upon by the owners, or any item listed on an agenda, must also be listed on the website. Associations are required to provide safeguards to protect certain confidential information and records, including the obligation to redact them before posting documents online.

Certainly, the requirement that associations maintain a website and digitalize critical documents advances the goals and purpose of maintaining transparency and make it easier for unit owners to obtain information about the operations of the association. Moreover, maintaining a repository of documents online helps prevent loss of documentation that is all too common in an association setting, whether it be caused by a transition of board members and management, or simply the result of the passage of time and/or outdated or inefficient document storage protocols.

One unintended consequence of the recent statutorily imposed website requirements has been a sharp increase in federal Americans with Disabilities Act (ADA), Fair Housing Act (FHA) and/or Communications Decency Act (CDA)-related litigation, however. In addition to the requirements imposed by Fla. Stat. 718.111(12)(g), associations must be cognizant of compliance with requirements pursuant to the FHA, CDA and/or the ADA as may be applicable. Associations should be mindful of creating a digital community accessible to the visually and hearing impaired.

Given that 30.3 percent of Americans identify as "disabled" in some form and further, 58.5 percent of Americans over the age of 65 identify as disabled, it is imperative that community associations respond to their constituents' needs. No doubt, associations should be concerned about potential liability related to website accessibility issues. There is ongoing concern about the risk that an association may be liable for damages and attorney fees, in addition to the costs related to remediation of its website. These costs can easily be avoided, and legal compliance issues resolved if associations focus on serving the real accessibility needs of their residents by designing their websites for inclusion from the outset.

As associations continue to evolve in this digital age, particular attention should be given to ensure that all members are given the opportunity to access and utilize the amenities and services offered. It is important to consult with legal counsel and experienced website development companies to ensure that your association's website is compliant with both the requirements of the Condominium Act, as well as other statutes and regulations, including ADA and FHA.

[Carolina Sznajderman Sheir](#) is a partner at Eisinger, Brown, Lewis, Frankel & Chalet, P.A. Her practice focuses on real estate law, community association law, commercial litigation and developer representation. She can be reached at csheir@eisingerlaw.com or 954-894-8000, ext. 238. Jonathan Garber is the Business Development Manager and Storyteller at Flying Chimp Media. He can be reached at 954-634-2446 or jonathan@flyingchimp.com

