

THE



Issue 41.12



BULLETIN



December 2015

Free Copy

Champions of Residents' Rights Since 1975

The POA Website - www.poa4us.org

HAPPY 40th BIRTHDAY POA!!!

The Officers and Directors of the Property Owners' Association (POA), are pleased to present the following article celebrating some of the POA's accomplishments over the last 40 years. It is with pride that we present major happenings over those years, where we have advocated and worked for the protection of the rights of the residents here in The Villages. We acknowledge the sacrifices made by the volunteers, through commitment and dedication to explore contentious issues, research the facts and advocate in support of the residents, over the last four decades.

The PROPERTY OWNERS' ASSOCIATION OF THE VILLAGES, INC., formerly known as "Orange Blossom Gardens Property Owners' Association, Inc." was incorporated on November 20, 1975 - forty years ago. To this day, it has remained true to its stated Mission:

- It is an independent organization devoted to our home ownership experience.
- Its' objective is to make The Villages an even better place in which to live, where Residents' Rights are respected, and local

governments are responsive to the needs and interests of residents.

- It serves Villagers through programs of education, research, analysis, representation, advocacy, and legislative action.
- It functions as a "watchdog" organization overseeing the actions of our Developer and our local governments.
- It has no ties or obligations to the De-

veloper which might compromise the POA position.

It is appropriate here, to contrast the mission of the POA compared to that of the Villages Homeowners Association (VHA), as "outlined" in the following letter (displayed on page 2) from Gary Morse to the VHA Board of Directors, which was sent shortly after the 1991 POA lawsuit.

(Continued on page 2)

Village Center CDD Rejects IRS Settlement Offer of \$1.5M and Counters With a \$300,000 Offer

In January of 2008, the Village Center Community Development District (VCCDD) received an inquiry and a request for documents from the Internal Revenue Service (IRS) pertaining to the VCCDD's (and later SLCCDD's) bonds issued for the purchase of Amenity Contracts/facilities. The IRS challenged their tax exempt status.

The IRS identified three areas of concern regarding the VCCDD's bonds.

First, since 2008, the IRS has taken the position that the VCCDD was not a political subdivision eligible to issue tax exempt bonds.

Is the Village Center Community Development District, the Issuer of the Bonds un-

(Continued on page 8)

Tuesday, December 15, 2015
POA GENERAL MEMBERSHIP MEETING
Third Tuesday of the Month - 7 PM
Laurel Manor Recreation Center

**Rules of the Roads
and Multi-Modal Paths
for Pedestrians, Bicyclists, Golf Carts
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Presented by Lt. Robert Siemer
Sumter County Sheriff's Department

Followed by Questions & Answers
Audio and Visual in Overflow Room

Ollie's Frozen Custard after the Meeting

All Residents Welcome - Come and Join Us!

Happy 40th Birthday POA (Continued from page 1)

H. Gary Morse
Vice President and C.E.O.
1200 Avenida Central • Lady Lake, Florida 32159
Private Phone: 904/753-6238



The Villages

OF LADY LAKE

*Rep
Gen
Lub
Dor*

September 21, 1992

The Director and Officers
of The Village Homeowners Association
C/O Yvonne Knudson, President
726 Roseapple
Lady Lake, Florida 32159

Dear Ladies and Gentlemen,

At the time your group was founded, we met with your organizers and agreed to meet with you in spite ^{of} ~~if~~ the fact that we refused to meet with the POA.

We agreed to these meetings, on the provision that your organization would not be a forum for, or a conduit to the developer, for individual's complaints, thus preventing your organization ~~from~~ becoming the grievance board for the minority of disgruntled residents that the POA professed to be.

I regret having missed your first meeting of the fall, as I understand that it regressed to a format that will be unacceptable if our meetings with your organization are to continue.

After all, this is not a union vs. management scenario. We are real estate developers who are in the process of building an active adult recreational community, and we have efficient mechanisms in place to handle individual complaints.

We are, however, always trying to improve our development in the common goal that we share with the majority of our residents, that goal of creating Florida's Finest Adult Recreational Community.

To that end, we are always happy to meet with groups or individuals who are able to help us accomplish that goal.

I would like to arrange a meeting between your group and our staff at the earliest possible convenience to determine if your organization can help us with that goal, and if so, under what ground rules we would meet on a continuing basis.

Sincerely,
Gary
H. Gary Morse
Vice President and CEO

*even good possibility
by spring '93 meet
and w/ appraisal + time
60x75*

Need adv agenda

*no more open forum
changes will report
data gathering techniques
Cheryl Hill - city govt
+ will be filed*

(Continued on page 4)

POA Mission Statement

The Property Owners' Association of The Villages is an independent organization devoted to our home ownership experience.

The Vision/Objective of the POA is to make The Villages an even better place in which to live, where Residents' Rights are respected, and local governments are responsive to the needs and interests of residents.

The POA serves Villagers through programs of education, research, analysis, representation, advocacy, and legislative action.

The POA also functions as a "watchdog" organization overseeing the actions of our Developer and our local governments.

Specific POA attention is focused on housing, community, neighborhood, and local government issues. Special emphasis is focused on the Amenity Authority Committee (AAC), our Community Development Districts (CDDs), the Florida Chapter 190 law that regulates CDD operations, and our Developer.

The POA has no ties or obligations to the Developer of The Villages which might compromise the POA position or its advocacy of Residents' Rights.

The POA, founded in 1975, is the original homeowners' organization in The Villages. Membership is open to all Villages residents. □

The Villages Residents' Bill of Rights

RESIDENTS have RIGHTS to:

1. Be treated in a respectful, fair, and responsive manner by the Developer and our local government officials.
2. Have decision making authority for important issues in our community.
3. Elect our top government officials and approve appointments of the top administrative officials in our community.
4. Approve major purchases of common property and the related debt obligations assumed by residents.
5. Have local governments that are free of any conflict of interest issues.
6. Be charged honest monthly amenity fees that are used only for the stated purposes.
7. Receive full disclosure when purchasing a home here in The Villages.
8. Receive an objective market appraisal for major purchases of common property.
9. Receive objective, unbiased, unslanted news reporting from local news sources.
10. Be informed beforehand by the Developer on any major change in our community. □

Another Golf Cart Fatality

We have now had **SIXTEEN** golf cart related **FATALITIES** in The Villages since 2007 – that’s an average of two per year. Actually, there could be even more as a number of residents who were critically injured in a golf cart crash were air lifted to the Ocala or Orlando Trauma hospitals and we have no knowledge as to whether or not they survived.

The vast majority of crashes resulted from a resident turning left in front of an oncoming vehicle and were then ejected, a golf cart operator taking a curve or turn too fast which resulted in a passenger falling out and striking the concrete head first, and golf cart operators who hit a curb and were ejected landing on the pavement. Others include hitting the concrete wall when entering a tunnel, and a visitor standing on the back of a cart and falling off when the driver made a quick turn. Golf cart operator ERROR has been the major cause of most of these incidents and the use of a seat belt might have saved many of them.

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The POA Bulletin is published monthly by the Property Owners' Association of The Villages, Inc. Articles represent the opinion of the POA or the writer, and Letters to the Editor postings represent the opinions of the writers. Care is taken to ensure that facts reported herein are true and accurate to the best knowledge of the POA and are taken from reliable sources.

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MAKE AN INVESTMENT IN YOUR FUTURE

On behalf of the Officers and Directors of your POA, we would like to say "THANK YOU" for the tremendous response of members renewing their POA memberships and also for the many, many new members who have joined with us in this past year as a way of supporting Residents' Rights for ALL Villagers. Our desire is to keep each of you informed of facts about issues which may not have been clearly, or fully, presented in other media. The POA Mission Statement and the POA's 'Bill of Rights for Villages Residents' can be found on page 2 of this Bulletin.

Our membership year runs from January 1 through December 31. We are now accepting "NEW" POA memberships for 2016, 2017

and 2018. **Please use the form below.** POA members will have access to discounts provided by our Discount Partners listed on page 23 and our web site – poa4us.org. POA members who have provided us with an email address will receive our monthly POA Email Newsletter with a reminder of the speaker and date of the upcoming monthly POA membership meeting, as well as information on any matters that we believe should be announced on a timelier basis than what our monthly Bulletin can provide.

IF YOU APPRECIATE THE EFFORTS THE POA MAKES ON YOUR BEHALF, **IT IS TIME TO SHOW IT** – SEND IN YOUR POA MEMBERSHIP APPLICATION TODAY. □

POA 2016 AND BEYOND MEMBERSHIP & CONTRIBUTION FORM

Please complete each section and return to: The POA, P.O. Box 386, Oxford, FL 34484

New Member Renewal Number of People in Household: _____

PLEASE PRINT! or Use the **ONLINE FORM** found on our website **POA4US.ORG**

NAME(S)(1) _____
(SAME LAST NAME)

NAME(S)(2) _____
(DIFFERENT LAST NAME)

ADDRESS _____

VILLAGE _____ VILLAGES ID# _____

CITY/STATE/ZIP CODE _____

PHONE _____

EMAIL _____

(We respect your privacy. Your email address is for POA Official use ONLY)

- MEMBERSHIP DUES (Please Select One):**
- One year - 2016 - \$10 per/household
 - Two years - 2016/2017 - \$20 per/household
 - Three years - 2016/2017/2018 - \$30 per/household

ADDITIONAL CONTRIBUTION IF DESIRED: Please accept my additional contribution to the POA in the following amount: \$ _____

TOTAL AMOUNT FOR DUES AND ANY CONTRIBUTIONS: \$ _____

- Enclosed is a Stamped, Self-Addressed Envelope, along with this form and my check. Please mail my Membership Card to me.
- Please hold my POA Membership Card for me to pick up at one of the monthly POA Meetings.

THANK YOU FOR YOUR SUPPORT OF THE POA

POA - 40th Birthday

(Continued from page 2)

We applaud the VHA for the many things it does for the residents, but as indicated in the letter on page 2, they are not permitted to advocate for the residents like the POA can – they would never file a lawsuit against the Developer or criticize actions or inactions of the Developer in their monthly publication. However, they do provide programs for residents such as: Helping Hands, New Resident’s Night, Golf Car Safety, CARFIT, and others.

Over the last 40 years, the POA has addressed many issues, on behalf of Villages residents, that we believed to be either unfair or in need of some attention. That is our mission, but it does not mean we are “anti-developer”. We are simply the unified voice of a large number of residents who would not

be “heard” or “heeded” as a single voice. The POA has never enjoyed pursuing disputes and solving them through litigation. However, there have been a few times when solutions could not be achieved and residents had little choice but to seek legal relief.

The **first lawsuit** occurred in **1991**, between the Developer and the residents.

A) Trail fees were imposed for those golfers playing the Silver Lake and Hilltop executive courses. Articles in nationally circulated magazines had specified “FREE GOLF FOR THE REST OF YOUR LIFE; NO TRAIL FEE”. This had been the inducement to buy homes for many residents in Units 1 – 13, in what are currently the Villages of Orange Blossom Gardens, Silver Lake and Country Club Hills.

B) Other reductions in services were fees being imposed involving RV storage, basic cable TV, and garbage pickup, which had also been part of an incentive package for some residents with their original purchase.

Legal counsel was obtained by members of the POA and the two parties in the class action lawsuit reached agreement on February 4, 1991, with settlement by court approved mediation. The terms grandfathered protected residents from future payments of these fees.

The **second lawsuit** occurred in **1995**, in a case that went all the way to the Florida Supreme Court. A Judge ruled against the residents when he ruled that the residents had no authority to intervene in the bond validation process because their “position as contractual users of the facilities would not be altered by the issuance of the bonds.” (Note that the 2008 VCCDD lawsuit, where the residents won over \$39M indicates that, in fact, their position was altered by the tremendous bond debt.)

The **third lawsuit** occurred in **2007-08**, and was filed against the Villages Center Community Development District and the Developer. The Court ruled in favor of the residents and approved the Settlement Agreement granting the VCCDD amenity program \$39+ Million Dollars and the creation of an Amenity Authority Committee, composed primarily of residents elected by residents (5/6), who were given control over all of the settlement funds and amenity funds not required by the bond debt into perpetuity. (For more on this, go to poa4us.org and click on the link Class action lawsuit.)

The **fourth lawsuit** occurred in **2014**, and was filed against the Villages of Lake Sumter, Inc. and the Sumter Landing Community De-

(Continued on page 5)

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- Leesburg Christmas On The Water - Dec 5th

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POA - 40th Birthday

(Continued from page 4)

velopment District. The Court ruled against the residents who were seeking fulfillment of the Developer's promises to create an Amenity Authority Committee for the SLCCDD territory and agree on a revised formula for determining the amount the Developer would receive for future amenity contracts and facilities. (For more information on this, go to poa4us.org - click on Bulletins - Archived Bulletins - and then the September, 2015 issue.)

In the vast majority of situations, issues were addressed by speaking at District meetings and providing information, in articles in the monthly POA Bulletins, in order to inform the residents on the issues. Listed below is a sampling of the many issues the POA has addressed on behalf of the residents:

- Promoted the Straw Vote that would have given residents north of CR466 voting control of amenities in the VCCDD, which they later accomplished through the 2008 lawsuit.
- Called attention to the deteriorating condition of the original Paradise Recreation Center on the east side of Hwy 441/27. The POA conducted a survey, organized

residents, pleaded with the VCCDD to renovate the center, advocated renovation in the Bulletin, and were eventually successful in getting this \$5 million project off the ground. In order to do so, the VCCDD had to issue a junior bond on one of its' previously issued bonds.

- Challenged a New Activity Policy (passed in 2005 by the VCCDD and SLCCDD, elected/appointed by the Developer), that substantially restricted the basic Constitutional rights of Villages residents to assemble, demonstrate and protest. Accord-

(Continued on page 6)

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POA - 40th Birthday

(Continued from page 5)

- ing to the New POLICY, two or more persons shall not gather to speak, parade, protest or picket, etc., without first applying for and obtaining a Special Activity Permit from the District Manager, which required a certificate of liability insurance of 1 million dollars. Center District Boards later rescinded this policy after articles in the POA Bulletin challenged them.
- Identified continuing poor service and performance in our Villages Hospital ER over the years, documented over 125 instances of serious problems in the ER and publicized the problems. In response, the Leesburg Regional Medical Center brought in a new CEO of the hospital, a new director of the ER, dedicated more resources and

staff to the ER, hired more nurses, established better training programs, and brought in three Villagers to sit on the Board of the hospital's parent organization (LRMC).

- Reported being constantly notified by residents about the sloppy work and installation procedures which characterized the building effort of the contractors for homes in The Villages south of CR466 in the 2005 -2008 time period. Credit has to go to Ray Micucci, and his wife Lori, for spearheading the inspection of over 1,500 homes and prodding the work of The Villages Warranty Department and various contractors to repair the problems.
- Documented the fact that some Center District employees were in line to benefit financially from certain dealings with the Developer. We viewed this as a conflict of interest. As a result, one Center District employee was re-assigned, and any dealing like this, in the future, will be scrutinized for any potential conflict of interest problems.
- The POA was the first organization to publish the financial statements of the two Center Districts. Prior to that the District Manager said that it was not important to pro-

vide that information for residents. Thankfully, the Center Districts now routinely publish this information and include it on their website (www.districtgov.org).

- Reported in the POA Bulletin on several instances of violence on the Squares. As a result, Center District administration worked with local law enforcement to provide a heightened law enforcement presence on the Squares.
- Supported the residents call for the return of the gate, when The Villages Health System East Campus was blocked by a wall, cutting off this path and leaving some residents on the wrong side with no way to get past. After much discussion, the wall was removed.
- Sponsored a committee to inspect the vinyl siding on over 1500 houses, primarily south of CR466 in The Villages, and worked with contractors to replace the vinyl siding on many of these homes.
- Demonstrated that the Free Wind Mitigation program would reduce home insurance bills for homes in The Villages which meet certain requirements for sturdy home construction. Many residents benefited from those inspections and received reduc-

(Continued on page 7)



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POA - 40th Birthday

(Continued from page 6)

- tions in their homeowners insurance.
- Led the effort in advocating action on defective roof shingles purchased from Owens Corning. This action continued for years, prior to all the problems being resolved.
- Publicized and reported complaints regarding loss of Freon in the copper tubing lines of some air conditioning systems, and in conjunction with contractors, found the problems attributable to a number of factors including poor copper piping, bending of pipes to go underground, bad welds and pushed the Developer until he relented and provided a ten year replacement warranty.
- Addressed issues with cell phone reception in some homes and in some areas of The Villages thought to be caused by lack of cell towers. In working with the companies, the POA has made some progress with some companies involved.
- Brought to the attention of residents, a voluntary recall of GE dishwashers because an electrical failure in the dishwasher's heating element could pose a fire hazard. Those involved were able to obtain a free replacement.
- Established a committee to research the

possibility of a self-insured fund, of interested homeowners, to cover the expense of sinkhole losses that are not catastrophic and thus, not covered under their homeowner's insurance policy.

- Publicized that Village residents have enjoyed parades to celebrate their favorite holidays for years. The Developer's Entertainment Department decided to discontinue these parades. As a response, the POA stepped forward and met with the various parade committee chairmen and assisted them in getting the Recreation Department to co-sponsor the parades.
- Took the initiative to review the causes and outcomes of golf cart accidents. Utilizing the information obtained from Lt. Wolfe of The Sumter County Sheriff's Offices, the POA promoted the safety idea of installing and wearing seat belts in golf carts as a means of preventing golf cart serious injuries or death, particularly those where the occupant or occupants were ejected from their golf carts and no one was using a seat belt. Perhaps, in response

to these accidents and the seat belt focus from the POA, the VHA has finally discontinued advising residents not to use seat belts in their monthly golf cart safety seminar.

- Publicized and questioned the rationale of the request from the Developer's Foundation, for contributions from residents, for radiation equipment for Moffitt Center under questionable pretenses, as they later acknowledged that they did have reserve funds available.
- Provided frequent IRS updates, including information from the POA on incomplete reporting in the *Daily Sun*.
- Challenged the questionable use of "assessable acres" as a formula for financing the Project Wide Agreement (PWA).
- Challenged giving the SLCCDD Board of Directors, elected by the Developer, the sole authority on what items will be included in the PWA for funding by resident maintenance fees (the SLCCDD controls the expenditure of 47% of the CDD maintenance fees).

(Continued on page 8)

WILLS AND TRUSTS PROBATE MEDICAID PLANNING



Katina Pantazis, Esq.

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P
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POA - 40th Birthday

(Continued from page 7)

- nance fees collected by CDDs 5 – 11).
- Continuously monitors the Amenity Authority Committee (AAC) expenditures for residents north of CR466.
- Challenged, and then paid for, notification to residents who had been inadvertently overcharged for interest when they paid off their bonds. (District staff said the District would not pay for these notifications to residents.)
- Provided information to the residents on the pros and cons of the proposed district consolidation.
- Took the lead in promoting safer multi-modal paths by advocating recreation trail striping at the request of residents who use their golf carts at night and during inclement weather.

This is an incomplete listing of POA activities and actions on behalf of the residents, offering the reader a good picture of the true role of the Property Owners' Association of The Villages in protecting the rights and interests of ALL Villages residents. You can visit the POA website, poa4us.org, for more information and access to Bulletins from 2002. □

IRS Update

(Continued from page 1)

der investigation, a qualified issuer of tax exempt bonds? The VCCDD's position has been clear since the beginning – "If the IRS wants to change how a political subdivision is determined, the new definition should be applied prospectively and not retrospectively." The VCCDD won this challenge as the IRS agreed to not apply their new "definition" retroactively.

Second, the IRS took the position that the District paid an amount in excess of the value of what was purchased.

Did the Series 2003 Facilities acquisition price reflect the fair market value of the assets? Was the Bond Issue properly sized to carry out the government purpose of the Bonds? How does the Developer's control over the District's governing board and the related party aspects of this relationship impact the use and/or allocation of Bond proceeds to a governmental purpose or an essential government function? After years of analysis and review of this issue, the VCCDD attorneys claimed that the IRS analysis was flawed and that when errors were corrected, the price paid was actually in the best

interest of the District. (The IRS has not made any further claims regarding this issue.)

Lastly, the IRS took the position that the bonds were private activity bonds and therefore did not qualify to be tax-exempt.

Were the Bond proceeds used for an essential governmental function or do the nature of the Facilities acquired with the Bonds result in private business use, and hence the Bonds are Private Activity Bonds? The IRS has never responded to the VCCDD response to this allegation which was submitted last March until the current settlement offer.

At the November 12th VCCDD Board meeting, Supervisor Moyer (the District's "liaison" on the IRS challenges) advised the Board that legal research suggested that it could prevail if it wanted to reject the IRS \$1.5M settlement offer and fight to the end. He advised that even though the VCCDD attorneys believe they have a strong case, it would then likely go through the IRS appeal process, another costly process estimated to be about \$300,000.

The VCCDD Board voted unanimously to make a \$300,000 counter offer (the approximate cost of an appeal).

Supervisor Moyer will present the VCCDD results to the Sumter Landing CDD as it has a potential impact on that board.

STAY TUNED!!! □

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POA Response to VHA President's Message on Recent CDD8 Board Decisions

VHA President Fred Briggs stated in the November 4th edition of the *Daily Sun*: "I hope everyone followed the outcry and display of silent majority power that occurred at the October District Eight (8) Board of Directors Meeting."

POA Response: A *silent majority* is defined as an unspecified large *majority* of people in a country or group who do not express their opinions publicly. **Majority** is defined as a number greater than half of a total. The District website lists the number of homes in CDD8 as being 5,193, which would equate to approximately 10,000 residents.

This "SILENT MAJORITY" Mr. Briggs referred to was so invigorated that ONLY an estimated 100 of them took the time and made the effort to attend the October CDD8 meeting. To say that these 100 individuals represented the silent MAJORITY is QUITE A STRETCH OF THE IMAGINATION.

Mr. Briggs statement: "A majority of the five Supervisors at their board meeting in

September decided that they would band together, ignore their constituents, and ramrod through a decision that was not well thought out."

POA Response: The three CDD8 Supervisors who voted to proceed with edge striping were, in fact, responding to the requests of **their constituents** who had asked for striping. The striping is necessary to assist golf cart operators who, at least on occasion, operate their golf carts at night and/or in inclement weather. They reported that the edges of the dark asphalt were very difficult to see under those conditions. (Note: Cart paths have edges of white concrete which become dark gray or black when wet.)

Mr. Briggs statement: "What made it worse, was that all three were members of the POA and were viewed as attempting to ambush their constituents and circumvent a decision made by the Project Wide Advisory Committee that had been supported by their representative on PWAC."

POA Response: RECALL, at the July 6, 2015 Multi-Modal Path Discussion Group (MMPDG), there was a motion by Diane Spencer, seconded by Ron Ruggeri, **WITH ALL DISTRICT REPRESENTATIVES IN**

FAVOR, directing "...Staff to take the necessary steps to issue a bid or Request for Proposal (RFP) for the costs and engineering associated with the median markings and EDGE LINE MARKINGS."

Staff never did supply the MMPDG with a breakdown of costs which would show the true annual cost of paint or thermoplastic based on longevity of the material, leaving residents with the impression it was going to cost \$300,000 a year to put the striping down (Sticker Shock).

Next, prior to the August meeting, the District Manager raised the question of liability if the Districts did not follow the "actual recommendation" of the Engineer who had based his position on crash data only. (**Note - Legal Definition of Negligence:** A failure to behave with the level of care that someone of ordinary prudence would have exercised under the same circumstances. The behavior usually consists of actions, **but can also consist of omissions when there is some duty to act - i.e., residents have advised the District Boards that there are visibility issues on the multi-modal paths at night and in inclement weather.**)

The fact is that the three supervisors be-

(Continued on page 10)

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POA Response

(Continued from page 9)
 lieved that they had a responsibility to address this visibility issue, even though District Staff had thrown out every roadblock they could think of, to keep edge line striping from becoming a reality, (i.e., inadequate information on costs, one-sided presentation on liability issues).

Mr. Briggs Statement: "As I have said before, I want to believe that no one runs for a Supervisor position with anything other than good intent. Having said that, I personally feel that we as voters have to be vigilant about making sure that no organization is allowed to gain control of a voting majority on any board so that their agenda can prevail."

POA Response: It would be interesting to see how many of the District Boards have three or more VHA members serving on their Board. Both the POA and VHA organizations may have positions on issues, but the individual Supervisor should not be chastised because he or she belongs to one, or both, of the Associations. We believe Mr. Briggs' position on "Board Control" is counter to our American democracy. Whether or not the individual will

make a good Supervisor should be the criteria, not what association he or she happens to be a member of.

NOTE: Mr. Briggs may not realize it, but all five CDD4 Supervisors are members of the POA. Additionally, at least two of them have served as officers of the VHA, and several are also current members of the VHA.

Further, the CDD4 Supervisors are not provided with a "POA agenda" as he asserts. They are likely members of the POA because they believe in the POA mission – the POA is an independent organization devoted to our home ownership experience and has no ties or obligations to the Developer of The Villages (or its District Manager) which might compromise the POA position or its advocacy of Residents' Rights. They have listened to their constituents on issues, and followed through with their wishes, even if they were counter to the District Management position.

Case in point: The administration and Districts recent initiative to review concerns over the identification of medians and edge lines on the Multi-Modal Paths (MMP) would likely not have happened if the CDD4 Board had not gone "rogue" and installed center line striping on their MMPs in response to input from their

(Continued on page 11)

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POA Response

(Continued from page 10)

residents, thus going against the recommendation of the Engineer and keeping the striping issue alive. The POA is pleased that the Engineer was recently directed, by the MMPDG, to review and recommend improvements to the markings of medians, obstructions and 'blind curves' to the MMPDG at their September 21st meeting. And, that he finally recommended adoption of the MUTCD guidelines for these situations, but we believe they should have been installed when the paths were originally built and **designed by that same Engineer** – not five to ten years later. (At the April 8, 2015 AAC meeting, Ms. Tutt acknowledged in regard to identification of the medians that neither she, nor the Engineer, were aware of the problems residents were having with the use of a single (or in some cases, multiple) reflectors, because it did not provide them with the width of the bullnoses. As a result, they had Mr. Wartinbee add additional reflectors to the bullnoses to indicate their width – still not in compliance with MUTCD recommendations.

Finally, the Engineer is now going to follow the instructions in his "bible". It's too bad numerous residents who struck the bullnoses had to suffer bumps, bruises and or cuts and cart damage because the medians were not properly marked for them to see at night time and in inclement weather. (Note: Now that Ms. Tutt and the Engineer have been made aware of the problems residents are having with visibility of the multi-modal paths at night and during inclement weather, they should work together with the District Boards to resolve this problem.)

IN CONCLUSION, the POA realizes that night time users of the multi-modal paths are in the minority, but local governments approved night time usage and the residential CDD boards who have oversight of these paths should take responsibility for seeing that the visibility needs of these users, **be they members of the POA, the VHA or neither Association**, are accommodated. □

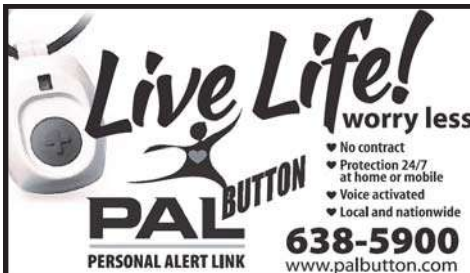
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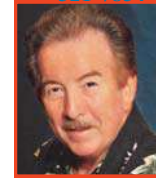
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VILLAGES HEALTH ANNOUNCEMENT

New Patients Must Be On A United Healthcare Medical Advantage Plan

The Villages Health announced that as of October 16, 2015, it would only accept United Healthcare Medicare Advantage Plans for **NEW** patients. Many residents who were not yet of Medicare age, insured by Tricare, under former employer plans, etc., were aghast that they would have to pay for medical coverage that was currently being provided to them by some other source, if they wanted to participate in The Villages Health program. Similarly, even those covered under Traditional Medicare could not join, but existing enrollees were allowed to continue. The blogs clamored that it was just a way for The Villages to make more money. Unfortunately, much to our chagrin, health care is big business. While it may be financially beneficial for the Developer, we believe that there is another important issue that residents need to consider.

Gary Morse was a visionary as evidenced by The Villages itself. He was also a visionary in regard to health care for retirees. Back in 2012, when The Villages Health USF (University of South Florida) partnership was just beginning with the first primary care center two years away, Dr. Darrell Kirch, president and CEO of the Association of American Medical Colleges, made a visit to The Villages. He pointed out that he believed it was vitally im-

portant for patients to become partners with their primary care physicians. He stated that, "What you're doing here is pioneering, innovative, very different, and unusual for a community to undertake".

Fast forward to 2013 when The Villages had constructed and opened a number of care centers throughout The Villages, but the system was not YET complete. The Villages Health needed a Specialty Care Center to treat the patients who needed care of a specialist that was part of the system, so as to truly provide total care for its patients. In November of 2013, the USF Health Specialty Care Center in The Villages officially opened for business in the renovated old Wellness Center near the Sharon Morse building. It opened with specialists in cardiac thoracic surgery, gynecology, plastic surgery, orthopedics and endocrinology, with other disciplines expected to be added.

Unfortunately, less than six months later, the USF "quietly" got out of that business and purportedly walked away from a \$4 million investment in building construction and equipment by its Doctors Group before the losses grew even greater. In June of 2014, USF turned its operation over to its for-profit partner, Villages Health, which owned the property and continued to operate the Center.

A September 17, 2014, article in the Tampa

Bay Times by Jodie Tillman stated that within months of opening, **USF officials decided they could not make enough money for the center to succeed with one of the main reasons being: "lower-than-expected sales of a Medicare managed care plan at the heart of USF's revenue projections"**. Dr. Lowenkron, CEO of the USF Physicians Group, indicated the Group needed about 230 patients a day to make the finances work and when they shut down they were drawing fewer than 100 patients a day.

The business model that was used relied on getting enough patients to enroll in a United Healthcare Medicare Advantage plan created especially for The Villages. In the first year approximately 6,000 Villagers signed up, but in order for it to work financially for the Specialty Group they would have needed about 20,000.

This being said, it would make financial sense for the Villages Health to hold remaining spaces for new patients for their primary care centers for Advantage patients only – at least until they have high enough numbers to make the Specialty Care a profit making venture. Maybe at that point, they may reconsider this requirement.

We can only hope, as many residents love the proximity of the Villages Health services but must seek care elsewhere. □

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AAC Meeting Summary November 12, 2015

New Business:

- **Springdale Fitness Trail:** As follow-up to last month's discussion wherein the Committee discussed the possibility of adding ribbon curbing to the edges, widening it to the same width as the transportation trails, and/or simply making an extra effort to keep it cleaned up, Staff reported that they had contacted the abutting property owners regarding their willingness to support the use of any necessary land for the addition of ribbon curbing and/or widening of the trail. Ms. Tutt reported that CDD4 Supervisors unanimously supported the use of necessary land and improvement of the Trail and the Developer advised that they would provide the land necessary for ribbon curbing and authorize a construction easement on their property to accomplish the improvements. Staff also received requests to inquire about the possibility of installing a separate soft pedestrian trail adjacent to

the paved asphalt trail. After discussing the pros and cons, the AAC authorized Staff to have an engineer examine the current trail's construction and provide recommendations as to the options/costs of adding the curbing or possible expansion.

Old Business - Capital Projects Update:

- **Mulberry Grove Pickleball Courts:** The cost to construct the two additional pickleball courts at the Mulberry Recreation Center is estimated at \$12,500, plus the costs for the sidewalk and wind screens.
- **Chula Vista Postal Facility Traffic Pattern:** A resident suggested the traffic pattern be changed to a one-way system around the postal facility. Staff raised some concerns. After discussion the AAC requested the Traffic Engineer review the location.
- **CDD4 Expansion Proposal:** Ms. Tutt reported that they are still investigating the status of the property adjacent to CDD4 that previously housed the First Baptist Church (before they built their new and larger facility). The Church is interested in selling the property and continues to review the proposed Purchase and Sale Agreement prepared by the AAC's attorney.
- **Del Mar Gate Issues:** Per the October meeting AAC decision, Community Watch began

manning the gate on November 2, 2015, 7 days a week between the hours of 6:00a.m. and midnight. Traffic in and out of the gate is being recorded with electronic sensors and guards will keep a daily log on traffic observations for the next six months. The data will then be analyzed to identify the appropriate hours for attendants to be present.

- **Saddlebrook Recreation Center Renovation:** The sprucing up of this 15 year old Rec Center was estimated to cost approximately \$200,000. The Committee requested that information on more severe improvements be prepared by staff. The new estimate to complete a total renovation is that it would cost between \$400,000 and \$500,000. It would include replacing the plumbing, kitchen, windows, counter tops, etc. in order to bring it up to the standards of the recently constructed Villages Recreation Centers.

PLEASE GO TO THE www.district.gov WEBSITE FOR THE OFFICIAL MINUTES, AGENDAS AND MEETING SCHEDULE. NEXT AAC MEETING—WEDNESDAY DECEMBER 9, 2015, 9AM AT THE SAVANNAH CENTER. □

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What CDD Am I In?

The POA has received a number of calls from residents inquiring as to which Community Development District (CDD) they live in. They read articles in the various publications that identify CDDs by number and do not know if it applies to them or not. Note: Residents who live in Lake County are not located in a CDD.

So, below is a list of the Villages in each of the numbered CDDs:

North of CR466 (in the VCCDD Amenity Territory)

CDD1: Villages of Allende, De La Vista, Hacienda, Palo Alto (except Unit 21), Rio Grande, Rio Ponderosa, Rio Ranchero, and Tierra Del Sol.

CDD2: Villages of Alhambra, Belle Aire (Harmswood only), Palo Alto (Unit 21 only), Santiago, and Santo Domingo.

CDD3: Villages of Belle Aire (except Harmswood), Glenbrook, Polo Ridge, and Summerhill.

CDD4: Villages of Briar Meadows, Calumet Grove, Chatham, Piedmont, Springdale, and Woodbury.

South of CR466 (in the SLCCD Amenity Territory)

CDD5: Villages of Ashland, Belvedere, Bonnybrook, Bridgeport at Lake Miona, Liberty Park, Lynnhaven, Poinciana, Sunset Pointe, and Winifred.

CDD6: Villages of Amelia, Bridgeport at Miona Shores, Lake Sumter, and Lake Shore Cottages, Caroline, Largo, Mallory Square, Sabal Chase, Tall Trees, and Virginia Trace.

CDD7: Villages of Bonita, Duval, Hadley, and Hemingway.

CDD8: Villages of Buttonwood, St. Charles, Bridgeport at Laurel Valley and Creekside Landing, Pennecamp, St. James, and Tamarind Grove.

CDD9: Villages of Bridgeport at Mission Hills, Charlotte, Fernandina, Gilchrist, Pinellas, and Sanibel.

CDD10: Villages of Collier, Collier at Antrim Dells and Alden Bungalows, Dunedin, Hillsborough, LaBelle, Lake Deaton, Osceola Hills and Osceola Hills at Soaring Eagle Preserve.

CDD11: Village of Fruitland Park. □

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Seniors vs. Crime and You

Bryan Lifsey, Sumter County Office

Representatives from the local Marion and Sumter County Seniors vs. Crime (SVC) offices were in attendance for our Aug 18 POA meeting where Bryan Lifsey, Manager of the Sumter County Office was our featured speaker.

Highlights from his presentation follow:

SVC is a special project of the Florida Attorney General's office staffed not only by volunteers, but also by retirees who have walked in the shoes of the POA member audience. When one of our senior moments costs us a few dollars we are a little reluctant to tell some young whippersnapper that we messed up and lost our money. But if you talk to the SVC people, who are just like you, retirees, you are much more comfortable talking to them.

SVC is a volunteer organization and they charge nothing for their services. "Part of the SVC mission is public education, which is what

I'm doing tonight. The theory is, if I can educate you about scams, so that you don't get taken, and you don't come to our office, I'll have a lot more time to play golf and go to the pool." While many seniors may not think of themselves as rich, from an outsider looking in, especially here in The Villages, the appearance is that everyone is rich. These "outsiders" have a mission, a mission to take your money and to make it their money.

They're good at it. We're going to talk about how you can keep them from taking your money away from you.

Something to remember when dealing with anyone offering services here in The Villages is that there is no good reason to pay anyone in advance. Even if they offer to leave a piece of equipment with you until the next day, or some other sort of assurance that they will be back to finish the job.

Bryan next talked about some of the common "wolves in sheep's clothing" kind of scamming that happens to unsuspecting Villagers:

- 1) "How many have seen a pickup truck

running around The Villages with a magnetic sign that says something like "Bubba's Landscaping - Licensed and Insured"? I'm going to guarantee you that when he says he is licensed, he is telling the truth. He really is. Our Sheriff's Department is sharp. If he doesn't have a tag on that truck, they'll get him. That's his license - the license tag on the pickup truck. Insurance? He had to have it the day he got his tags, but does he still have insurance today? Maybe not. What he wants you to think is that Bubba's Landscaping is a licensed and insured business. The sign doesn't say that, does it? The word "is" does not appear on that sign. Just 2 phrases - Bubba's Landscaping - Licensed and Insured. You assume that means that Bubba's Landscaping is licensed and insured, when it's not. He misled you and he intended to. That's what they do to get your money. They've got a whole lot of tricks to mislead you.";

- 2) "Let's just say you have a room full of trophies that you won golfing, bowling or

(Continued on page 18)

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Seniors vs. Crime

(Continued from page 17)

whatever you do. You have a plan. You are going to build this piece of furniture, built with – African Teak – high quality wood – stained to match all of the rest of the furniture in your mansion. You go to the newspaper and there is an ad that says, “Bubba – Master Carpenter”. You call Bubba and he comes out and you show him your plans, you go over it and you agree on a price and everything is fine. He starts to work. The first thing you notice is he is walking into your house with a bunch of wood and it’s pine, and what did you want – African Teak? If you call the Sheriff and say “Sheriff, come arrest Bubba – he’s using pine for my trophy case.” Is that against the law? It’s not. So the Sheriff, accordingly, cannot get involved. He enforces the laws and Bubba is not breaking the law here. The next thing you notice is that the bookshelves are coming out crooked. Bubba is not the master carpenter he said he was, but can you call the Sheriff and ask to have Bubba arrested for shoddy

workmanship? Is that against the law? No! The Sheriff can’t get involved. So what are your options? What else? You have a contract with Bubba, so you can sue him for breaking the contract. Right? You certainly can sue him. All you need is a lawyer to represent you. Everybody who knows an inexpensive lawyer, raise your hand! So, suing may not be a great idea. How about Small Claims Court? Does Florida have that? Oh, yes we do. Is that free? It is not. It will cost you \$400-\$500 to take Bubba to court. But there is good news – you are going to win because Bubba is going to be a no-show. He doesn’t bother to show up, so you win. Now the question is, how much money does the friendly judge hand you? \$0 – the judge hands you a piece of paper that says, “Congratulations, here is your judgment. Go find Bubba and collect”. That’s what you were going to court for. Is there a better option? The third option is us. That’s what Seniors vs. Crime does – Civil Matters. They try to arbitrate, mediate, negotiate, or whatever it takes to get you and Bubba to reach a settle-

ment of this dispute. How much are we going to charge? We charge absolutely nothing for our services – not to you and not to Bubba. We’re pretty successful, maybe 60-70% of the time. A lot of the time, it’s just a misunderstanding. They want happy customers, repeat business and good references. Villagers are a big business for this area. However, we do have that 5-10% who are just scam artists and they’ll do nothing other than put your money in their pocket and run.”

How do you protect yourself against all these scammers? KNOWLEDGE!! The State of Florida does not license any of the following businesses: **landscapers, lawn services, tree trimming services, maid or housecleaning services, driveway pavers, driveway painters, businesses that put acrylic covering on your garage floor or lanai floor, power washing your home or your walkways, interior painters, or handyman services.** Bryan further explained, “When Bubba says that Bubba’s Landscaping is licensed and

(Continued on page 19)

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Seniors vs. Crime

(Continued from page 18)

insured, that can't be.

Florida does not license landscapers. It licenses professionals, like plumbers, electricians, air conditioning technicians, doctors, lawyers, those kinds of people, but not landscapers, not driveway pavers, not house painters, not handy-men. They can't get a license – it doesn't exist. Stop by your local SVC office and pick up the "Outsmarting Investment Fraud Tricks of the Trade" DVD. It was actually designed for investment frauds, but it is actually the training manual for all the bad guys.

The people who use those tricks are the telemarketers, the timeshare salesmen, alarm system salesmen, financial advisors, car salesmen, etc. If you look at this DVD you'll understand their tricks. If you recognize the tricks you won't fall for them. In addition to NOT paying for the job before it has been completed, here are additional hints to help you keep your money in your pocket when deciding to move forward with a project:

- Do a little research. Know what you want.
- Do research on who can do this for you. Check ads, check with your neighbors, check with your friends, get references.

- Get multiple estimates before you commit to a big price.
- If they need a license you should check it out. If you don't know, you can give SVC a call. We'll tell you if they need a license.
- Insurance is a big deal. Should Bubba's Landscaping have business liability insurance, just in case his licensed and insured pickup goes through your garage door? Certainly he should. The other thing is, when Bubba shows up to work at your home he's got 6 or 8 people in the truck, his crew. If they get hurt on your property, who pays their hospital bills? If Bubba did the right thing with his business and has workers comp insurance and they're all legal, it's covered. If not, you can be held responsible for the medical bills.
- Be certain that you and/or your contractor have secured the proper permits to do the work. All planned communities have an organization that approves changes to the look of your home. In The Villages our organization is called the Architectural Review Committee. They look at the requested changes and either gives you permission to do your project or deny your request.
- A good contract is important, make sure you have a copy of the contract. It must be

written, dated and signed by both you and the contractor. It should contain both a start and completion date of the agreed upon project. Additionally, you should get a release of lien from the contractor before you make your final payment because if the contractor does not pay his subcontractors, the "subs" can put a construction lien on your home for their money even though it was included in the bill you paid your contractor. Your contractor is required to give you that release before you make the final payment."

- A number of landscapers knocking on doors in The Villages will want you to pay 6 months to a year in advance. You may be offered a 10% discount or some other incentive, but don't fall for it because if you do you will probably never see the landscaper again.
- On a large contract, often there are time payments. It says when you pour the slab you get "x" percent. When you put the sides up you get "x" percent. When you put the rafters up or the roof on you get "x" percent. That's pretty standard on big contracts. The final payment should be around 25% of the contract, and that you

(Continued on page 20)



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Seniors vs. Crime

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pay only after you are happy and inspect it, all building permits are closed, trash is hauled off, and you've checked out everything.

- In terms of checking out a business, one source is the Better Business Bureau. You can consult their website on the internet. You put in the name of the business of any size whatsoever and they probably will have information about it. Another source is SVC. We will tell you if we have had a complaint against the company. We can tell you the number of complaints, but we can't tell you any details about them. However, we can't make recommendations. □

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LETTERS

Letter to the POA:

Road Rules for Bicyclists

I was wondering if there are rules of biking in The Villages. I have almost hit several riders due to the fact that they are in the cart lane (I am in a car) and they have pulled right in front of me while crossing CR466. Also are there any restrictions as to whether street legal carts are allowed to switch from multi-modal to streets, at will. Other than that, if you could get cart owners to keep their golf towels off of their rear lights it sure would be helpful.

I won't even go to the phone issue. Keep up the great work you do!!!! Jeanne Montross

POA Response: You will be happy to hear that our December 15th, POA speaker is Lt. Siemer from the Sumter County Sheriff's Office who is going to address all of these issues and then some. (See speakers box on page 1). □

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LETTERS

Letter to the POA:

CertainTeed Shingles - Fungus

Most of my neighbors have had their shingles replaced. It's taken me several days to discover that my shingles are not Owens Corning, but are Landmark Design manufactured by CertainTeed. I contacted the manufacturer and they sent me a claim form. However, it requires me to remove a full tile from my roof, take pictures and provide proof of

ownership at the time the house was built and the shingles installed. There must be some kind of action on the books already for this company that I could become a part of. Their rep also said they don't send anyone out to look at the roof. None of this seems right to me. Any Help? Bill Karpuleon

POA Response: Note, however, their requirement of the shingle, etc. is exactly the same as Owens Corning. In that instance, most residents contacted the original roofer and had them come out and remove the shingle. If you do not know who installed your roof you can contact The Villages warranty office and they can tell you.

Bill's update: I contacted The Villages warranty office and they sent a letter to CertainTeed requesting a representative come look at the shingles. Within a week I had a call to schedule a date. The gentleman came by and said the shingles were fine, but I had a fungus growing. They will hire a roofing company to soft wash it with a solution that will not harm the shingles. It comes with a five year warranty and CertainTeed says if it comes back, they will clean it again. They are paying all costs. The young lady at the Warranty office name is Peggy. She did a great job.

POA Response: In an effort to determine the extent of this problem, the POA has been asked

to look into this issue. Are these isolated incidents or were there batches that did not receive the algae resistant/fungus growth sealant? The darker the roof color, the harder it is to detect algae staining/fungus growth damage. We are also concerned with whether or not CertainTeed should be required to replace the shingles rather than just wash them, in the event that the algae staining/fungus growth has caused permanent damage to the topside and underside of the shingles as well as the rest of the roof.

In order to do so, we are asking that any residents who have CertainTeed (AR rated - Algae Resistant) shingles and are experiencing discoloration and shading/streaking on their shingles and what appears to be algae staining/fungus growth, to provide us with the following information:

Name, Address, Telephone Number, email address, Unit/Lot # (on your Villages ID card), date the home was built, the full name and exact type of shingles and color you have on your home (call your roofer for this information), and a brief description of your situation.

Forward to rehesto@poa4us.org or mail to: Property Owners Association, PO Box 386, Oxford, FL. 34484-0386, Attention: CERTAINTEED Program. □

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A Gardener's Version of the Night Before Christmas

Submitted by Richard Jauron, Horticulture Department. Adapted from The Gardener, November-December, 1983

'Twas the night before Christmas and all through the yard the branches were bare and the ground frozen hard;

The roses were dormant and mulched all around to protect them from damage if frost heaves the ground.

The perennials were nestled all snug in their beds while visions of 5-10-5 danced in their heads.

The new-planted shrubs, had been soaked by the hose to settle their roots for the long winter's doze;

And out on the lawn, the new fallen snow protected the roots of the grasses below.

When what to my wondering eyes should appear but a truck full of gifts of gardening gear.

Saint Nick was the driver - the jolly old elf and he winked as he said, "I'm a gardener myself.

"I've brought Wilt-Pruf, Rootone, and Gibberellin, too. Please try them and see what they do.

"To start new plants, a propagating kit. Sparkling new shears, for the old apple tree.

"To seed your new lawn, I've a patented sower; in case it should grow, here's a new power mower.

"For seed-planting days, I've a trowel and a dibble, and a roll of wire mesh if the rabbits should nibble.

"For the feminine gardener, some gadgets she loves; plant stakes, a sprinkler, and water-proof gloves;

"A chemical agent for the compost pit, and for pH detecting, a soil testing kit.

"With these colorful flagstones, lay a new garden path, for the kids to enjoy, and bird feeder and bath.

"And last but not least, some well-rotted manure. A green Christmas year round, these gifts will ensure."

Then jolly Saint Nick, having emptied his load, started his truck and took to the road.

And I heard him exclaim through the motor's loud hum, "Merry Christmas to all, and to all a green thumb!" □

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Dr. Ceriani Going from House to Hospital, 1948. Photograph by W. Eugene Smith

Accreditation means patient safety: FDA urges patient protection

The US Food and Drug Administration has reviewed a decade of data concerning the delivery of radiation for cancer treatment. In April of 2010, they concluded that much greater safety measures are necessary. The agency realizes the critical need for more intense patient protection.

In light of the FDA's conclusion, the American College of Radiology (ACR) called for compliance with its accreditation program for facilities that deliver radiation therapy to cancer patients. Years ago, the ACR established credentialing boards for this specialty. Rigid standards were established. So rigorous that, in radiation treatment, only a small percentage of all facilities are approved. Every facet is evaluated including the physicians, physics and treatment staff, nursing staff, equipment, quality control, and training. The ACR evaluates completely and methodically. Not one thing is left to chance.

In our area of Florida, few facilities are accredited by the ACR. The Robert Boissoneault Oncology Institute shares this distinction with sites like the Mayo Clinic, Jacksonville, the Moffitt Cancer Center, Tampa, and UF Shands.

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