



Baytree Bulletin

www.baytreecommunity.org

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BCA PRESIDENT'S MESSAGE

By Tony Studds, BCA President



Dear BCA Members,

The big news since the last BCA Newsletter is the enactment of the 2011 Revised and Amended BCA By-Laws. Two years ago, the Board of Directors noted the ever-growing disparity between Florida Statutes and our Governing Document. During 2010, meetings of the By-Laws Committee resulted in proposed amendments to the then-current BCA By-Laws to address the deviations between it and Florida Statutes, as well as other needed refinements. In January past, the Committee's proposed revision was reviewed by the Board of Directors, who concurred in the Committee's product and added several propos-

als of its own. The Board of Directors then convened special meetings of the Neighborhood Voting Members to consider same.

I cannot praise too highly the professional effort put forth by each Neighborhood Voting Member (or Alternate) during their deliberations. The very friendly atmosphere was conducive to the exchange and thorough evaluation of all opinions and proposals.

Each Section of each Article of the 2011 Revised and Amended By-Laws received a unanimous vote.

The changes in our new document are too numerous to mention herein, and I encourage you to visit the BCA Website where a copy is now posted. I do mention, though, a change that addresses a concern of many Owners several years ago regarding the voting-member-weighted-vote and the associated disadvantage perceived for Baytree's smaller Neighborhoods. The 2011 By-Laws assigns "one vote" to a Voting Member serving as a Member on a BCA Committee (Budget, Nomination, ARC, By-Laws, etc.). The Voting Member votes the total votes of his/her respective Neighborhood only when in meetings of the Voting Members (involves the Governing Documents and the election of BCA Directors).

This current Board of Directors has also been very active. It repealed all of the BCA Policies enacted in the

past, which, in the Board's judgment, are more appropriately addressed in the BCA Governing Documents.

Because of the changes to the County Refuse Collection dates, the Board reviewed and reaffirmed the BCA Policy that yard clippings may be placed curbside beginning Sunday P.M. for the Tuesday pickup.

Lastly, I note, that the Board has established an ad hoc committee, chaired by Director Brent Mitchell, to review the BCA Website and make changes that will improve its content and presentation. One of the goals is to make it easier for each of us to refer to the current Governing Documents.

With best regards,

Tony Studds
BCA President

CONTENTS

<i>Manager's Corner.....</i>	<i>3</i>
<i>BCA Board of Directors.....</i>	<i>2</i>
<i>BCA Committees.....</i>	<i>2</i>
<i>Personal Information Sharing.....</i>	<i>5</i>

BOARD OF DIRECTORS (BOD) MEETING

All regular Board meetings are posted at the guardhouse at least 48 hours prior to any meeting. All owners are invited and encouraged to attend.

The Annual Meeting of the Association was held in April with the following new Officers, Directors and Committee Chairs:

Officers:

- **President** – Tony Studds
- **Vice-President** – Brent Mitchell
- **Secretary** – Lou Castro
- **Treasurer** – David Taylor
- **Director** – Ray Knight

Standing Committees:

ARC - Brent Mitchell.

Budget – David Taylor

By-Laws – Tony Studds

Due Process (DPC) – Virginia List.

Nominating – Ray Knight

Professional Review (PRC) – Ray Knight

Community Relations – Lou Castro

Ad-Hoc Committees:

Newsletter- Tony Studds and Maria Hernandez

Website – Jim Blake and Brent Mitchell

NEIGHBORHOOD VOTING MEMBER (VM) CHANGES

Please update your records to reflect the following VM and AVM changes in your neighborhood:

Turnberry – Sue Kirwan replaces Lou Castro as the AVM.

Hamlet – Len Jean replaces Bob Eksten as the AVM.

Windsor- Maggie Sherbin replaces Jeanne Sanford as the VM. They plan to hold a meeting soon for a new AVM.

Arundel and **Saddleworth** are still looking for an AVM. Please volunteer!

We wish to thank all outgoing VMS for your many years of service and welcome all new VMS and AVM.

MESSAGE FROM THE TREASURER

By David Taylor

First I would like to thank the community and the Board for the opportunity to serve as treasurer for the BCA. I will try to match the excellent service of Dan Kaminski who stepped down after serving several years as Treasurer.

The financial situation of the Baytree Community Association is stable and on-track. The revenue stream is based primarily on the Home Owner's Association (HOA) fees which is unchanged from last year. The Board recently voted to eliminate actual fees for matters before the Architectural Review Committee (ARC) and replaced the fee schedule with fully refundable deposits. This has reduced revenue slightly but the BCA is still operating under scheduled budget spend plans. Interest income from the certificate of deposit, as we are all aware, is not significant revenue source.

The primary cost to the BCA is legal expenses and Tony has been vigilant in his use of the legal counsel's time. BCA by-laws limit the access to the BCA lawyer to only the president and Tony has been very frugal. The result is we are operating under our planned budget and the Treasurer is very happy!

TREE/BRUSH CLIPPINGS

By Brent Mitchell

Baytree's policy is that tree/brush clippings cannot be placed curbside until Sunday, for **Tuesday's** new pick up day.

Please make sure your Landscaping Company removes your clippings in between these times so it doesn't stay on the streets.

County ordinance number 08-42 & 7, section 94-49 requires contractors engaged in the landscaping or tree cutting business to collect and dispose of the yard trash generated from their operations.

PROPERTY INSPECTIONS

Management does inspections of homes every other month. We base our reports on the condition of your home, roof, driveway, sidewalks and landscaping details. Our job is not to offend you if you receive a letter. We are only protecting the property values in Baytree and want your home/property to always look it's best.

Some of the areas that we look for are: cleaning of roofs, driveways and sidewalks, painting of homes, rust stains on homes/sidewalks, condition of yards-weeds, trimming, etc., Electrical boxes, gas meters, solar pipes, any type of piping/electrical on your home must be the same color of your home. A/C units and/or pool equipment must be screened in with mature shrubs so you are not able to see it from the street. We also need to note that shrubs need to be trimmed to less than 5 feet in height.

MANAGERS' CORNER-FRIENDLY REMINDERS

- **Fireworks** in Baytree are not allowed. This is a Brevard County Law. The Association has fined an owner \$1000 for shooting off fireworks.
- **Trash**-please put your household trash in garbage cans and not plastic trash bags. Our wild critters have a field day!

- **Boats and/or Commercial Vehicles**- Are not allowed unless you park them in a closed garage.
- **Overnight Parking** - Parking in the streets overnight is prohibited.
- **Blocking Sidewalks**- Please do not block the sidewalks when parking your vehicle for safety reasons.
- **Loud Music**- please be considerate of your neighbors and have the volume turned down after 11 pm.
- **Dog Owners**- If you are out walking Fido, please don't forget to pick up after them. No one likes to step in a mess and the person behind the lawn mower would appreciate it also. We do have a problem with children walking dogs and not picking up after them.
- **Invisible Fences** - It's been brought to our attention that several owners have installed invisible fences for their animals. Please be advised that this is not allowed in Baytree. The County does not sanction these fences and pets still have to be leashed when outside your home. We have had instances in the past where aggressive dogs have charged at other owners and these dogs have passed through the invisible fence. There have also been known instances where a mild manner dog that has been "enclosed" by this invisible fence" has been charged by an aggressive dog out on it's walk that has charged at the mild manner dog who can't get away since it's trapped by the fence. We hope that this will give you some insight as to why Baytree nor the County endorses these invisible fences, because they do not work.
- The **speed limit** is **25 M.P.H.** within the community. Speeding Traps can result in a ticket from the Sherri's Office. Please **slow**

down and be considerate of your neighbor and children playing.

- **Tree/Brush Clippings** –Please do not block storm drains when placing trash curbside.
- **Rental/Leasing Requirements** – If you rent your home, please provide a copy of the lease to Management for our records. All leases should be for 12 months. There are no short-term rentals allowed in Baytree. Please refer to page 34, section 13.17.2 in the Declaration for more details.
- **Year-end statement**- If you didn't receive a copy of your 2010-year end statement, you must request a copy in writing.
- **Waste Management** - Please call them for any special pick up for extra large tree clippings as well as any Florence light bulbs.

SPRINKLER-IRRIGATION SYSTEM

Did you know that you can only water your lawn 2 times a week?

The County has been enforcing these rules and can fine owners that are watering more than twice a week.

VANDALISM

Is your car locked? Baytree has experienced several car thefts due to cars being unlocked with valuable items in site. Please keep your car doors locked and also keep your garage door down at all times.

WHAT IS THE BCA

The Baytree Community Association (BCA) is an elected, volunteer association, responsible for maintaining and enforcing all of the covenants,

conditions, and restrictions related to use of the property in Baytree.

Any planned new construction, additions, or exterior modification to existing structures or landscaping must first be reviewed and approved in writing by the Baytree Architectural Review Committee (ARC), whose members are appointed by the BCA board.

Contact Marie Thibodeau from Bay-side Management at 676-6446 for information about property use restrictions (parking issues, pets, or any nuisances).

BCA ARC CORNER - NEW DEPOSITS FOR APPLICATIONS

by Brent Mitchell

The ARC meets the 1st and 3rd Thursdays of every month at the golf clubhouse. Notices are posted at the security gate with times. Requests must be made in writing to the ARC if you plan to alter, modify or improve to your home. Such request includes items for landscaping, painting, pools, etc.

Absolutely **NO FENCES or Arbors** are allowed without the express written permission of the ARC. Please submit your request to: Attention Susan Bell, ARC Manager. You can drop them off to the guardhouse. Please feel free to download your application at our website: baytree-community.org

Brent Mitchell - Chairman	751-9811
Susan Bell – Manager	255-9838
Tony Fugaro	253-4613
Barry Halpern	259-7573
Nancy Green	254-7908

HURRICANE SEASON –STORM SHUTTER POLICY

Hurricane season is here. Just a reminder that all metal shutters MUST be painted the color of your home. Permanent shutters MUST have approval before installation. Please refer to the Covenants for an in-depth review on the shutter policy.

FOR SALE OR FOR RENT SIGNS

If you have your property listed for sale or rent, please make sure your Real Estate Agent uses the correct sign in Baytree. Only a Professional white or cream background standard sign with dark green lettering is permitted. No Suntree or hand made signs are permitted.

QUEEN PALM DISEASE

By Brent Mitchell

There is a fungus disease (Ganoderma) killing the Queen Palms in our neighborhood and your help is needed to keep it from spreading. The primary symptoms are wilting, slower growth and off-color crown starting with the bottom fronds. The lower leaves turn yellow, droop and eventually die. There is no effective treatment for the disease so prevention is critical. Once infected, the tree will eventually die and require replacement.

The best method to prevent the spread of the disease is to always sterilize gardening tools after each tree. Prior to pruning, squirt a nickel-sized dot of hand sanitizer gel onto a soft rag. Open up pruners, loppers and shears as wide as they will go and spread the gel over the entire surface of each blade. If you are sterilizing a saw, spread the gel on both sides of the cutting surface. Let the

gel sit on the blade for 15 or 20 seconds. Wipe the gel off with a clean, dry cloth, being sure to remove any sap or wood particles from the blade too. Then, wipe the blade with a damp rag to remove any remaining gel residue.¹

When hiring a contractor to prune your palms, make sure they sterilize their tools before beginning work. Since contractors go from yard to yard, they can significantly contribute to the spread of the disease. Don't let your palms become the next victim.

http://www.ehow.com/how_4615798_sterilize-pruning-tools.html

CARE FOR OUR TREES

By Brent Mitchell

Yes those big canopy trees can be messy and don't always look the best during the cooler weather, but they are one of the best things for our neighborhood. They provide many benefits:

- Leaves can be used as mulch.
- Trees increase your property value.
- The "messy" deciduous type trees, can provide shade and reduce cooling costs in the summer.
- Trees, especially a group of them, can protect your house during a hurricane.
- Trees protect the Indian River Lagoon by reducing and slowing down storm water runoff.
- They use carbon dioxide and release oxygen, which should be enough reason to keep trees.

It is becoming more common to see trees "hacked", especially oak trees. These trees were not pruned, which is good for the tree, but severely

"topped", reduced to only a few large branches or made into a "lollypop" as shown in this picture. We have many live oaks in Baytree and it is



important for them to be pruned properly to produce a good structure. Proper pruning is equally as important when thinning mature trees. Using a Certified Arborist is one way to ensure your trees receive the proper pruning. A list of Certified Arborists is available at

<http://www.isa-arbor.com/findArborist/findarborist.aspx>

Searching by area code is a quick way to get a good listing. Use the Cocoa area code 32922 to get a fairly large list within Brevard County.

There are many things a tree service or yard service company might recommend that are detrimental to the tree.

- Topping is one of the most detrimental things that can be done to the tree. Topping is where the large branches and main trunk are cut off and little foliage is left on the tree. Trees that are topped often die within a year or two based on the severity of the cutting.
- “Lion tailing” is another damaging cutting technique. Lion’s tailing is where all of the interior branches and foliage is removed from the tree. This type of pruning eventually results in too much weight at the end of the limb, which can often result in the failure (breaking) of the branch.
- For palms, don’t allow green fronds to be pruned. The green fronds are still actively supporting the tree and removing them puts additional stress on the palm.

Brevard County code enforcement definition of improper pruning includes the following elements, which should be avoided when pruning trees:

- Pruning that reduces the height or spread of a mature tree, by altering the dominant stem(s) within the tree crown to such a degree as to remove the natural canopy of the tree;
- Pruning that leaves stubs or results in a flush cut (a cut too close to the main branch or trunk that does not allow for proper healing); or splitting of limb ends;
- Pruning that results in flat-cutting the top or sides of a tree, to sever the leader or leaders or to prune a tree by stubbing off mature wood, except where removal of a branch is necessary to protect public safety.
- Destroying the natural habit of growth which causes irreparable damage and permanent disfigurement to a tree such that, even with

new growth, the tree will never regain the original characteristics of its tree species.

If you like to take care of your own yard and need to do some pruning, please see the “Follow Proper Pruning Techniques” article that is posted on the Baytree web site.

The article is posted in the resident’s area in the ARC-BPARCS section or you can access the article at the following link:

<http://aggie-horticulture.tamu.edu/publications/landscape/pruning/pruning.html>

PERSONAL INFORMATION SHARING

By Brent Mitchell

In 2010, the Florida Legislature passed a revision to the state statutes that restrict homeowner associations from posting or using homeowner personal information without written consent with the exception of the homeowner name and address.

Homeowner phone and email information is covered under the new statute, so the BCA has hidden all phone and email information that was posted on the web site phone directory.

Also, the BCA has not issued a phone directory this year due to this change. The BCA would like to post phone numbers and email addresses on the BCA web site and produce a new neighborhood directory, but we need your support.

A form, which is included in this newsletter, needs to be completed, signed and sent to Marie Thibodeaux at the following address. The form allows residents to designate what information they are willing and not willing to share. It also provides permission for VM’s and AVM’s to email BCA information to homeowners at their designated

email, which is not part of the new statute but is being requested to help improve communication in the neighborhood.

If there is sufficient response, the BCA is look at producing a new phone directory. **If the BCA does not receive a form, then no personal information will be shared per the new statute.**

Thank you in advance for your help in this matter. Please mail the attached form to:

**Baytree Community Association
PO Box 100130
Palm Bay, FL 32910**

BAYTREE BCA WEBSITE



The Community Development District (CDD) also has a website. Please visit:

<http://www.baytreecdd.org>

Baytree Community Association (BCA) Website:

<http://www.baytreecommunity.org>

Personal Information Use Approval Form

Form Purpose:

Florida State Statute 720.303(5) (c) 5 requires the written consent of a homeowner to post their phone number and email address on homeowner association web sites and publications. This form shall serve to grant the BCA authority to display and use homeowner information as designated on this form.

Date: _____

Name: _____ (Print)

Address: _____

I grant the permission checked below for the BCA to post the following information on the BCA website address book, which is only available to Baytree residents. Please check the appropriate box next to the information you wish to have posted and fill in the information on the blank line.

		Do Not	
Post	Post		
<input type="checkbox"/>	<input type="checkbox"/>	Phone number:	_____
<input type="checkbox"/>	<input type="checkbox"/>	Email address:	_____

Homeowner name and address will be available to other Baytree residents on the BCA website address book. If you do not want your name and address to be posted, which is only available to Baytree residents, please check the box below:

Do not post my name and address