



Baytree Bulletin

www.baytreecommunity.org

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COMMENTS FROM THE BCA PRESIDENT

by Tony Studds



In this the first of many periodic briefings to you fellow Members, I extend my very best greetings!

For those of you whom I have not had the pleasure of meeting, it is appropriate to provide a sketch of my background. I graduated from Mount St. Mary's University, Emmitsburg, MD, in 1960. I was commissioned in the United States Marine Corps for nearly 34 years of active service, attaining the rank of major general. Following retirement from the Corps, I was the President/CEO of a large trade association in the electronic-commerce industry. Sybil, my lovely bride for 50 years now, and I retired to Baytree 13 years ago. We have four adult children and three grandchildren. My education includes a BS degree (Economics); assorted pro-

fessional military schools and management courses; and I graduated from the Naval War College (graduate-level education) with distinction in National Strategy and Policy. Mount St. Mary's University awarded me an honorary doctor degree (LHD) in 2005, for distinguished service to the Nation. Civic involvements include such positions as an association director in Fairfax, VA, for two terms; as a member of a Department of Defense Dependents School Board in Beaufort, SC; as a member of the St. John The Evangelist Catholic Community's Building Committee; and in several BCA elected positions. I am currently a Member of the Board of Trustees at Mount St. Mary's University, where I serve on both the Academic Affairs Committee and the Student Affairs Committee. Now, let's transition to BCA Matters.

Your Neighborhood Voting Member has informed you of the results of the Annual Meeting of the Voting Members and their selection of myself, David Taylor, and Donna Smail to serve as BCA Directors, each for a two-year term. At the Organization Meeting of the "new" Board, Dan Kaminski and Brent Mitchell were each appointed to a one-year, term. Once duly constituted, the Directors, unanimously gave direction to Marie Thibodeaux, BCA Manager, to inform Clayton & McCulloh, our contracted law firm, to cease work on the Declaratory Judgment sought by the

previous Board, in order to provide us, the current Directors, an opportunity to review the matter, including the Association's financial commitment to same. Per our By-Laws, as President, I scheduled a Special Meeting of the Board of Directors for the evening of 27 April. Your Neighborhood Voting Member has also provided you the results of that special board meeting. In essence, the Directors, voted unanimously (Dan Kaminski was absent) to cancel the Declaratory Judgment, and to seek return of the ten-thousand dollars "advance", which had been disbursed by the previous Board. Both results have since occurred!

Why did the Board do so? Of course, each Director arrived at his/her own assessment leading to their vote; and I share mine with you as follows. I focused exclusively on the chain of actions/inactions culminating in the pursuit of a judicial decision.

Continued on page 2

CONTENTS

| | |
|------------------------------------|----------|
| <i>BCA Meeting Schedule.....</i> | <i>2</i> |
| <i>BCA Board of Directors.....</i> | <i>3</i> |
| <i>BCA Website.....</i> | <i>4</i> |
| <i>Voting Member Changes.....</i> | <i>2</i> |
| <i>Manager's Corner.....</i> | <i>3</i> |

I focused not on the merits of any of the various voting-system proposals, all of which are blemished to varying degrees. I believe the substance of some proposals was not fully understood by all of the Voting Members when their votes were cast.

I question that all Voting Members were properly elected to vote in behalf of their respective neighborhood. I believe that the petition signed by some Voting/Alternate Voting Members did not present a grievance of sufficient magnitude to warrant the Declaratory-judgment initiative. In that regard, I offer that it is the Voting Members of the larger neighborhoods who are the more "burdened" in their representative responsibilities. I believe that during the proceedings, our Declaration, which was reviewed by Clayton & McCulloh and recorded with the Brevard County Clerk but a few months previously, was seriously violated in two instances. Article XVI precludes the Voting Members from amending the Declaration if affecting the powers of the Board of Directors or the Voting members. Further, Section 16.7, that Article, states in part, "No judicial or administrative proceeding shall be commenced or prosecuted by the BCA unless approved by a vote of the Voting Members representing seventy-five percent (75%) of the total votes in the BCA." The vote taken to seek a Declaratory Judgment was 86 votes insufficient (261 yes/201 no). Lastly, I believe our Governing Documents are sufficiently adequate to revise to any Owners' vast consensus. We should not depend on the expensive uncertainty of the judicial process.

In future endeavors of such importance, the Board of Directors, at the time, needs to ensure a more-patient approach to the study of all related courses of action and their potential impact on all entities of our Association. Such findings should be communicated to each Owner, permitting sufficient study and discussion

before a vote is sought. The catch-you-at-the-front-door approach and the "he said/she said" emails are harmful to the task.

In closing, I take seriously my two-year commitment to serve you as an Association Director. I favor only the Governing Documents; a community of good will towards one another; and the enhancement of our property values. There is much work to do, and I shall provide you periodic updates.

Very sincerely,

Tony Studds

President, BCA

BCA-UPCOMING MEETING SCHEDULE

By Marie Thibodeaux

The BCA BOD meetings are being scheduled as follows and are subject to change:

- **July 10, 2009** at the golf clubhouse from 6-7 pm.
- **October 6, 2009** at the Viera Library from 6-7:30 pm.
- **November 6, 2009** TBD (Budget adoption meeting)
- **January 2010** – week of 12th-18th TBD
- **April 2010** –week of 12th-18th – TBD (annual meeting)

(All meetings are subject to change. All meetings are posted at the guardhouse at least 48 hours prior to any meeting. All owners are invited and encouraged to attend).

GOLF CART USAGE AND INSURANCE

Did you know that Brevard County has a rule that children under the age of 14 cannot drive a golf cart on the street in Baytree? Did you know that

you should obtain insurance for your golf cart in case someone gets hurt? Please contact your Insurance Agent for more details to better protect you and your loved ones.

VOTING MEMBER (VM) CHANGES

Thanks to retiring VMs and AVMs

There have been a few VM changes recently: Joe Deluca and Lou Corino have stepped down from Arundel. The Board thanks them both for all their services to the community.

The Board is asking for your help to hold a neighborhood meeting to elect your VM and AVM. If this doesn't happen soon, the BCA BOD will have no choice but to appoint someone for you. Allison Mallis, AVM from Saddleworth, has stepped down and Chuck Westrip is seeking her replacement.

Warren Knapp and Richard Bossler, from Kingswood, have stepped down and Bob McPeak is working to hold a neighborhood meeting soon to elect new a VM and AVM.

The Board also thanks them both for all their services to the community. If there are any owners from Kingswood who would like to step up to the plate, please email Bob at:

Bobmcpeak62@gmail.com

2008 YEAR END FINANCIAL REPORT

By Marie Thibodeaux

If you didn't receive a copy of the 2008-year end financial report at the annual meeting in April and would like a copy, please send your request in writing to Marie Thibodeaux of Bayside Management Services, Post Office Box 100130, Palm Bay, Florida 32910 or by email at:

bayside1@mpinet.net

PROPERTY INSPECTIONS

By Marie Thibodeaux, Manager

Management does inspections of homes every other month. We base our reports on the condition of your home and landscaping details.

We have been experiencing a lot more owners that are having their tree/brush clippings on the street several days before it's picked up. Please make sure your Landscaping Company removes their clippings.

Our policy is that it cannot be placed curbside until Sunday, for Monday's pick up. 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.

BCA ARC CORNER

Requests must be made in writing to the ARC if you plan to alter, modify or make improvements 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

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.

Oak Trees - Several owners have been cutting down oak trees due to disease, which must be approved by the ARC prior to cutting them down. The County has very strict guidelines on these trees as well as our documents. Those trees cut down must be replaced with the same size and type of tree.

MANAGER'S CORNER - FRIENDLY REMINDERS

By Marie Thibodeaux, Manager

- **Tree/Brush Clippings** – Clippings are not allowed to be placed curbside until Sunday due to Monday's pick up. Your landscaper should remove all clippings and take them to the dump. Please do not block storm drains when placing trash curbside.
- **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.
- **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.
- **Speed Limit** – The speed limit is 25 M.P.H. within the community. Please slow down and be considerate of your neighbor.
- **Garage Doors** - They must be kept closed when not in use.

BCA BOARD OF DIRECTORS

President: Tony Studds - 757-9911 bcapresident@baytree-community.org

Vice President: David Taylor - 259-4452 bcavicepresident@baytreecommunity.org

Secretary: Brent Mitchell - 751-9811 bcasecretary@baytree-community.org

Treasurer: Dan Kaminski - 255-2886 bcatreasurer@baytree-community.org

Director: Donna Smail - 751-2329 bcadirector1@baytree-community.org

OWNER DIRECTORY

By Marie Thibodeaux

The Board is looking at publishing another Owner Directory slated to be published sometime in August/September, IF we are able to secure a Publisher. If you have any corrections or need to add your phone number, please give Bayside Management Services a call at 321-676-6446.

HURRICANE SEASON –STORM SHUTTER POLICY

Hurricane season is here! Shutters may be in the closed position only during hurricane season during a homeowner's absence. Clear shutters are not allowed to be installed year round.

BAYTREE BCA WEBSITE



Baytree Community Website:
www.baytreecommunity.org

The BCA has established an interactive website. Please add this to your saved favorites on your browser, as you will want to access it often.

The website changes almost weekly and allows residents to add information too! There are many exciting tools for you to use, including items for sale and a classified section for residents.

Check out the community events section and the recent announcements tab, see photos from past events, you can even receive email alerts on topics of interest that you select from the user profile tab.

Your email address always remains confidential to protect you from unwanted emails or spam.

This website will become our main form of communication to our residents. Please Login now to see the many benefits of our new communication tool. Go to the **request login** tab for **first time logins**. You need to complete the required information only and send.

A password and login ID will be sent to you within 24 hrs. You can change your login and password at any time. This process matches you to our database to insure that only residents have access to private sections of our website.

www.baytreecommunity.org

NOTE:

The CDD also has a website. Please visit www.baytreecdd.org.

AMENDED DECLARATION

By Marie Thibodeaux

You can download a copy of the recorded Declaration of Covenants, Conditions and Restrictions that was recorded in December 2008 on our website. If your home is for sale, you must provide copies of all Documents to the buyer. If you do not have access to the web, please request a one time free copy in writing to Bayside Management Services, Post Office Box 100130, Palm Bay, Florida 32910.

COMMUNITY EVENTS

Details of all Baytree Events are on the Web Site at: www.baytreecommunity.org

Current events include the following:

Baytree Ladies Luncheon

The second Monday of every month, 12 noon at Duran Golf Club. For more information, please contact Maria Hernandez:
mghernandez1@bellsouth.net

Home: 321 751-0014, Cell: 321 427-7250 or Joanne Waltman at 321 259-7590.

Thirsty Thursday

The 1st Thursday of each month. 5pm-7pm at the Clubhouse. Enjoy a fun evening with other Baytree Residents. We enjoy a wide variety of appetizers for a small door charge of \$5.00 per person.

The Baytree Bar always has drink specials available as well as non-alcoholic drinks, so you can't go wrong.

Since there is drinking, we encourage only adults, over 18, attend this function.

Baytree Tennis

Kids and Adults Schedules Hosted by Shane Daniels, USPTA Certified Pro and 10 year Tennis Pro for Eau Gallie Yacht Club. For details contact Shane Daniels, 615-1001

Adult Play Mixed Doubles: Wednesday Nights - No Cost any level / with or without a partner ! All levels of players. If you don't have a partner, come and play anyway ! *Everyone needs to bring a can of 'hard court' Tennis Balls and lots of Bottled Water. There is no fountain available.

Lighted courts on 1 hour timer, can be reset repeatedly. Lights take up to 10 minutes to get powered back on; so don't let the timer run out ! Residents can also play any night of the week !

Private Lessons Available: \$50.00 per hour call for appointment, 615-1001, Shane Daniels

Each player will need to bring: a Tennis Racquet, balls (hard court), large container of water, towel, (non-mark) "white sole" tennis shoes and sunscreen.

Email: shanedaniels1@hotmail.com