

# THE BEAR ISLAND E-NEWSLETTER

PUBLISHED FOR THE RESIDENTS OF BEAR ISLAND IN WEST PALM BEACH, FL  
FALL, 2011

## **President's Report:**

### [Whatever happened to the Dog Days of Summer?](#)

What is supposed to be a quiet summer in South Florida turned into a very busy summer. The Bear Island Board of Directors have been very busy working on a variety of issues, having special meetings on top of our regularly scheduled meetings. A lot of associations cancel meetings in the summer months.

Some of you may or may not have heard about the "dog bite" issue. I would like to tell you what the **facts** are and what the Board has been doing in reference to the issue.

On April 1, 2011, a homeowner's pit bull attacked and bit the leg of an air conditioner technician working at the home next door. The homeowner who hired the tech sent a letter of concern on April 15 to our management company.

On April 3, 2011, the same homeowner's pit bull attacked and seriously bit another homeowner's dog (poodle). The pit bull ran across the street to attack the dog. This homeowner sent a letter to our management company on April 8 and called animal control to report the incident.

At the May 2 Board meeting, none of the affected homeowners were present (possibly due to a miscommunication). The regular business was discussed and when it came to communications to the Board, the 2 dog letters were discussed. After a lengthy discussion, and pursuant to our governing documents, a motion was made and seconded to order the homeowner of the pit bull to remove the dog from the community within 10 days. The concern of the Board was the HOA's future potential liability, now that the Board is on notice. The liability would come into play in the event the dog, if not removed, is involved in another incident.

The owner of the pit bull requested to appear before the Board to appeal the Board's decision. At the June 6 meeting, the owners of the dog appeared and argued that the dog has since gone to obedience school and should be allowed to stay. The Board agreed to temporarily allow the dog to remain in the home as long as the dog would not be allowed on the common areas of Bear Island, in other words, the dog would have to be walked off premises and not be allowed anywhere in Bear Island. The dog would enter and exit the community from the home through a closed garage. This temporary compromise was reached pending the homeowner investigating ways to protect the 226 other homeowners in the community by way of insurance policies, hold harmless agreements, etc., and this information would be presented at the next meeting.

At the meeting in July, the homeowner did not present any proposals to protect the potential future liability to the homeowners of Bear Island. As a result, the Board met with our attorney, and spoke to our insurance agent. After being advised by both that the board and the members of the HOA would not be covered by our insurance should another incident occur, another letter went out to the homeowner asking for an affidavit that the dog has been removed or in the alternative, offering pre-suit mediation, pursuant to Florida statutes. The homeowner requested mediation and as of this writing, mediation will take place in the first week of October.

We have many dog owners in our community and on our Board and know how much a family pet can mean to a person. However, there is no getting around the liability issue in the event there is another incident. The Board has a fiduciary duty to 227 homeowners in the community, and to act otherwise would be setting up the HOA, and you to potential liability. Of course, this is costing the HOA added attorney fees. We will keep you informed.

The second big issue the Board is dealing with is foreclosures. As you are aware, banks have been slow to close foreclosures, partly because they would then have to pick up part of the delinquent assessments and pay in full from the day they take title. Your Board has implemented three proactive measures to mitigate this problem: (1) by foreclosing on the HOA lien, or (2) by filing for appointment of a receiver, and (3) by filing motions to compel the bank to move forward. The first two procedures authorize the HOA to rent the premises and recoup part of the delinquent accounts, until the bank decides to move forward on its foreclosure.

A progress report—of the 5 homes that accounted for the majority of delinquent accounts—approximately \$56,000.00, one home has been taken over by Fannie Mae and we received our back assessments. In addition, Fannie Mae is now responsible for paying the quarterly assessments. Another home has been sold through a “short sale” and the HOA has recouped the assessments and attorney fees. In regards to the third home, the Board has accepted a settlement agreement with the owner (where the Court dismissed the foreclosure proceeding because of faulty paperwork), and is awaiting signatures. This will allow the homeowners association to be paid in full in 24 months. If not paid in full, then the HOA gets an automatic judgment and takes possession of the home. If this settlement goes through, then the two remaining homes account for approximately \$26,000.00 in delinquencies. These two homes are in the hands of our attorney who is working to speed along the process. The foreclosures, and the homeowners who are delinquent in payments, are an ongoing process that the Board constantly monitors. Foreclosures and delinquent owners are facts your HOA has to live with. Rest assured, that your Board will be as vigilant as it can be to protect the interests of the HOA.

The third major issue is the water difficulty, which has been addressed in the previous newsletter. As some of you know, lightning struck one our trees Sunday, August 14 at approx. 6:30p.m., in the front half of Bear Island (Meadowlark and Wilderness). This caused a major water supply pipe break as the lightning travelled down the tree, cracked the sidewalk, breaking a 4” pipe, cutting off water to at least the front half. Several Board members, property manager Bryan Welch, and homeowner David

McElroy spent many hours making sure the repairs were done as quickly as possible. The worst possible scenario occurred. After breaking up the sidewalk, it turned out that the pipe break was underneath the tree and the roots of the tree were wrapped around the pipe. The tree had to be cut down and all the roots removed. This required additional time because a back-hoe and tree-trimmer were necessary to complete the job. Our



property manager kept the community apprised of the progress via the One-Call system.

This emergency was a “wake-up” call as to how to handle future occurrences, and hopefully, going forward, we will be better prepared. We will be implementing emergency procedures. We are looking into hiring an engineering company to outline all the shut-off valves and to make sure they are all

working—another unanticipated expense. Remember our community and infrastructure is over 23 years old. Considering the circumstances, and the fact that it happened on a Sunday night, being without water for approximately 19 hours was an inconvenience—one that we will hope to mitigate in the future.

So you can see that your Board has been busy this summer and continues to work diligently to keep Bear Island a beautiful community. It is easy to criticize a Board for inactivity or not responding quickly enough. However, please keep in mind that we are a volunteer board and most of us have “other” lives. We take our duty to the Bear Island Homeowner’s Association very seriously. You are fortunate to have a Board that is dedicated and hard-working and I am proud to be working with these individuals.

Howard C. Berman

### **Treasurer’s Report**

As part of the budgeting process for Bear Island’s 2012 budget, your Board retained Four Jay’s Consulting in May of 2011, after a request for proposal process, to review and update the 2010 Reserve Allocation Estimates that were used in preparing the 2010 budget. A professional reserve study has not been done on Bear Island since it was turned over to the HOA from the developer.

The intent of the review is to provide an estimate of the periodic funding required for replacing the wearable assets of the Association at the end of their useful life and defray the need for large future assessments. In order to attain this goal, it requires all monies allocated to a particular reserve category or element represent the actual funds needed for replacement.

The reserve study, in full, is available on the Bear Island web site ([www.bearisland.us](http://www.bearisland.us)) for your review. Please note that the total estimated replacement costs are exactly as presented on the report while the amount reserved has changed and is presented below as of the end of this year based on current reserve allocations.

In March, 2010 when I was elected to the Board as Treasurer, the 2010 budget had already been approved, after being submitted for review to the members, by the Board. That budget had very few specific reserve categories: Capital Improvements, Concrete Repair and Entryway were the only three categories. As of March 31, 2010, total collected funds for these three categories totaled approximately \$139,000.

When preparing the 2011 budget MMI and your Board members set up the following reserve accounts and reallocated funds from the previous reserve accounts and retained earnings into these categories: Main Roadway Paving, Pumping Station, Concrete/Pavers, Entryway and a Contingency reserve for unexpected items. As of **December 31, 2011**, our collected reserve funds will total approximately \$284,000. Don’t get too excited about this as there is MUCH to go! [The Four Jay’s report indicates the following reserve needs and length of time we have to fund as of December 31, 2011, \(end of this year based on current reserve allocations\):](#)

<b>RESERVE NEEDS TABLE</b>
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<u>Reserve Fund Name</u>	<u>Reserve Fund Name</u>	<u>Reserve Fund Name</u>	<u>Reserve Fund Name</u>	<u>Reserve Fund Name</u>	<u>Reserve Fund Name</u>
Road/Asphalt Paving	4 years	\$340,050	\$206,249	\$133,801	\$33,450.25
Concrete/Pavers Sidewalks & Gutters	8 years	\$654,270	\$26,766	\$627,504	\$78,438
Pumping Station & Irrigation	8 yrs on Pumps 18 yrs on S.S. Cabinet 1 yr on valves 11 yrs on pressure tank	\$35,000	\$35,000	-0-	-0-
Security (includes visitor's entry, resident's entry, exit unit, guard house, security lighting, entry monuments.	4-11 years on various aspects	\$40,400	\$1,001	\$38,999	\$5,571.29
Exterior Painting (mailboxes, park seats, guardhouse, entry walls, Brandywine Road sign, old pumphouse)	3- 10 years depending on item	\$66,400	\$15,000	\$51,400	\$6,425
Contingency Fund (used for unexpected items such as emergency water line breaks, removal of trees from root invasion of water lines)	Ongoing need to maintain this fund		\$57,998	\$-0-	Need to replenish this fund annually
<b>Total Reserve Funding</b>		\$1,136,120	\$284,016	\$852,104	\$123,885

Please note that the contingency fund that had approximately \$58,000 collected funds will be reduced by approximately \$7,320 due to the lightning strike that occurred in August. Plumbing repairs of

\$5,320, tree removal of \$800 and concrete repair expenses of \$1,200 will be deducted from this fund. The total amount reserved as of 12/31/11 does not include the contingency amount of \$57,998 as those funds are held for emergency issues that may arise during the year. A water main break under the road pavement could exceed our contingency fund balance.

[As you can see, our financial needs in the upcoming years are great and we have a lot to do.](#)

Our very frugal 2011 budget came at \$926,859.96. You may be interested in the major categories: **Utilities** (water & sewer, electricity, telephone and alarm monitoring) came to \$307,264 (33.15%); **Grounds** (Common Area and Front Yard maintenance, tree trimming, fertilizing, insect control, replacing broken irrigation sprinklers and maintaining and repairing the pumps and fountains) came to \$297,100 (32.03%). **Gate Control** cost us \$157,380 (16.97%). **Management** (Property Manager, legal, accounting, insurance and office expenses) totaled \$60,276 (6.5%). **Reserves, POA fees, and General Maintenance and Repairs** (storm drain cleaning, janitorial, plumbing, electrical, mechanical and pressure cleaning of the sidewalks) soaked up the remaining \$104,840 (11.31%).

Preparing the 2012 budget will be challenging, in view of the increasing cost of virtually everything and the number of necessary projects being considered to improve and maintain our community, all of which will involve added expense. Funding our reserve accounts, as outlined by the Four Jay's recommendations, would mean an annual allocation of \$123,885 in the 2012 budget, a \$72,201 increase over the 2011 budget.

We live in a 23 year old community. We, not the city, are responsible for water lines, road work, irrigation lines and sidewalks. The oak trees throughout the community between the streets and sidewalks, while beautiful, present ongoing water line breaks/leaks and expenses. We must be prepared to maintain and repair these assets as it becomes necessary.

In closing, many residents have asked the ACC and Board to replace trees, cut trees down, replace landscaping, install new mailboxes, replace sidewalks, etc. You can see that unless we have significant increases in our HOA dues, or have a special assessment, the funds simply are not there to spend at this time. We still have a few residents that unfortunately, due to the current economy, are behind in their dues as well as several properties in foreclosure. Given the state of the economy, your Board is committed to keeping our HOA fees as low as possible. However your assistance and patience is necessary when requesting items that are not considered essential at this time.

Gail Saunders

### **Secretary's Report**

The Board's effort over the last two years, to update our Rules and Regulations and to draft Architectural Standards and Procedures for obtaining permission for "changes" to the exterior of our homes, may be complete by the time you read this Newsletter. These important documents will be physically distributed to all homeowners for their comments and suggestions, when the 2012 budget is sent out. The Board is shooting for final approval at the Board meeting in conjunction with the Members' Meeting in March 2012. Both documents borrow liberally from the documents adopted by other Florida Homeowners Associations. Your Board believes they strike the right note of clarity, completeness and reasonableness.

## Your Secretary has a few observations to make about our community:

**First the good things:** The amazing number of new roofs being installed and houses being painted is a good sign that our neighbors are committed to maintaining their properties and improving our community. Our new landscape company, Florida Image, has handled the drought irrigation rules with professionalism. They have responded quickly and effectively to complaints about problems with our pumping station and fountains, sprinklers that don't work and bushes and trees that are dead or dying and need to be removed. Florida Image has even received specific compliments from homeowners. The homeowners seem to appreciate the convenience of the new remote gate openers, as well as, the performance of the well-trained Gate House personnel.

**Second, the not-so-good things:** The Board's efforts to enforce the rules with respect to statues, sculptures, water features, etc., placed in owners' Front Yards without prior ACC approval (10 violation letters between April and July) has been only partially successful. Less successful has been our effort (38 violation letters) to get owners to paint the common walls and end caps. The same few owners put their garbage and recycling bins or yard waste out on the wrong days (16 violation letters). Finally, a few owners, apparently bothered by the noise of the irrigation pumps, have been sneaking out and turning the pumps off at night, with the result that our common areas and yards do not receive their due ration of water! The Board has resorted to researching ways of automatically warning the Gate House when the pumps are turned off, which will increase our expenses in future budgets.

**Third, apathy, a very bad thing:** Enforcing reasonable rules and regulations should not be a perennial problem and the Bear Island Board has certainly not over regulated the community. However, the scofflaw problems will not be addressed effectively, unless and until we can locate at least three owners (not a member or a family member of a member of the Board or the ACC) to serve on the Fines Committee. The Legislature requires "due process" before fines may be levied but the time invested need not be great since the Fines Committee meets only when an owner fails to comply with repeated requests to obey our rules.

Stephen Seftenberg

### **Property Manager's Report**

#### 1. [ADT Alarm Monitoring:](#)

Bear Island has a bulk alarm monitoring package in place for you paid for by the Association. If you wish to have your home alarm monitored by ADT you need to call Charles Mamon cell 561-401-7966 office 561-712-5429 to have your alarm set up. Any additions or custom work inside your home is your responsibility. Remotely monitored alarm systems must be registered with the City of West Palm Beach. There is an annual permit fee of \$25.00 you must call 561.822.1940 or e-mail them at [alarmservices@wpb.org](mailto:alarmservices@wpb.org).

#### 2. [Crime Prevention:](#)

There were vehicles in Bear Island that had items stolen from within them. The vehicles were unlocked. It takes 20 seconds to take your valuable with you and lock your car. Do not leave bait for criminals visible in your car. "Move it or Lose it". Did you know The City of West Palm Beach has a House Watch Program? If you will be away for a while simply call 561-822-1634 and let the City know you will be away, and register your home with the Police Department. Should you hear someone suspicious outside your home at night, simply press your panic button on your vehicle key fob, it will scare anyone away! Then call the Police.

### 3. [Entry Transponders](#)

Transponders are not transferable between vehicles therefore owners purchasing a new vehicle and new homeowners need to apply for a new transponder, and advise MMI of the old transponder that needs to be deactivated. New transponders are available at \$35.00. For those vehicles with metallic windshields, (600 series Mercedes and 700 series BMW's to name a few) a front remote license plate transponder is available for purchase at \$75.00. Forms are available at [www.bearisland.us](http://www.bearisland.us) or at the Gate House. If you wish to order a transponder over the phone, please contact my Administrative Assistant Shelli Martelli at 561-686-7818 ext 209.

### 4. [Gate Information Updates:](#)

Please keep the entry gate and MMI informed of changes to your information. You should add or remove vendors, permanent guests, and add, remove or change home phone numbers. Forms are available at [Bwelch@miamimanagement.com](mailto:Bwelch@miamimanagement.com) or [www.bearisland.us](http://www.bearisland.us) or at the Gate House. Bear Island has a voice mail update feature allowing home owners to receive telephone voice mail in the event of an emergency. Forms are available on line or from our office.

### 5. [Trash & Landscaping debris](#)

Please do not put trash, recycle bins or landscaping debris out in the street before **6 pm** the night before trash pick up. [This is a City of West Palm Beach Ordinance](#). Remember: trash bins and recycle bins must be stored out of sight prior to trash pick up times and after pick up. Please be courteous to your neighbors and keep Bear Island clean and neat. An info sheet on Trash and Garbage removal is available at the gate house.

### 6. [Vendor and Parking Rules:](#)

**Just a reminder;** vendors or people working on your home must be off the property by **5:00 pm**, unless it is an emergency. An emergency is defined as not having air conditioning when the temperature is above 70 degrees, having no heat when the temperature drops below 65 degrees, if you have no electricity or if you have a leak in your plumbing.

### 7. [Exterior Modifications:](#)

Remember ANY exterior modification to your home requires the prior written approval of the Architectural Control Committee. Forms are available on your website [www.bearisland.us](http://www.bearisland.us), or from my assistant [Smartelli@miamimanagement.com](mailto:Smartelli@miamimanagement.com), or at the gate house. It is not necessary to seek approval for common repairs.

### 8. [Pets](#)

Pets must be kept on a lease and under control **at all times**. **PLEASE** remember to pick up after your pet and dispose of pet waste properly. Pet waste can transmit disease.

### 9. [Selling or Leasing your Home?](#)

There is a new form to fill out should you desire to sell or lease your home. It grants specific permission to your real estate agent when showing or managing your home. The form is available from [Smartelli@miamimanagement.com](mailto:Smartelli@miamimanagement.com) or your website [www.bearisland.us](http://www.bearisland.us) or at the Gate House. **It is important to remember if an owner is delinquent in his or her dues or if there are outstanding violations on the property, the Board has the right to refuse to grant approval for a sale or lease.**

BryanWelch

## Hurricane Tree Trimming Leads to Bear Island Beautification!

Have you been looking around the neighborhood lately? Did you notice how manicured the grass and shrubbery are? Well, we recently had the palms and oaks and other large trees trimmed for hurricane season. This cutting was mostly for safety reasons, however, the cutting really spruced up the back end of the community. Several people have explained how clean and airy the tree canopy looks. The entire community looks beautiful. I would like to commend our Board member Gail Saunders for choosing Tri-Brothers Tree Service, Inc., and saving the community several thousand dollars. We actually came in under budget for hurricane trimming! Diana Kaufman

### **Editor's Notes:**

The Bear Island E-Newsletter is a quarterly e-newsletter. It will come to you in Winter, Spring, Summer and Fall. The Board is asking for all homeowners to submit a current e-mail address to MMI so that the newsletter and other important information can be transmitted in a rapid and efficient, as well as, economical way.

The Communication committee would like to inform or remind you of the following:

Association maintenance fees are due: January 1, April 1, July 1 and October 1 of each year. Please make sure your check is made out to Bear Island HOA, Inc., not MMI.

To make sure our irrigation system is working at the correct pressure needed, a warning light has been installed on Wilderness Rd. so that the guard gate attendants can check it, and report any malfunction. We want to thank Mr. David McElroy, Water and Irrigation Chairman for his diligence and time in this installation and many other contributions.

The community is desperately in need of volunteers for committee work. Please call Bryan Welch if you would like to work with us. Letters to the editor can be e-mailed to [bwelch@miamimanagement.com](mailto:bwelch@miamimanagement.com), and will be forwarded to me. Thanks. Diana Kaufman

### **"Be Safe Campaign" reminders:**

Make sure you lock your cars, and close your garages!

Place garage outside lights on timers for added security.

Please be courteous with guard house staff. They are on our side.

Update your phone numbers and e-mail addresses with Bryan Welch of MMI.

In an emergency call MMI at 686-7818.

### **HOLIDAY LIGHTING CONTRIBUTION:**

THE BOARD WILL BE SETTING UP A SEPARATE ACCOUNT FOR HOLIDAY LIGHTING CONTRIBUTIONS. WE ARE ASKING ALL INTERESTED HOMEOWNERS TO CHIP IN AT LEAST \$10 SO THAT WE CAN LIGHT UP OUR ENTRANCE WAY IN A FESTIVE HOLIDAY MANNER. PLEASE SEND YOUR SEPARATE CHECK FOR AT LEAST \$10 to Bear Island HOA, c/o Bryan Welsh, Property Manager, 1201 US Highway One, Suite 330, North Palm Beach, FL 33408. YOU CAN ALSO PLACE YOUR CONTRIBUTION IN THE GREEN BOX AT THE GATE HOUSE. THANK YOU.

Have a Great Fall Season!