



THE NEW VOICE

Newsletter



Volume 5, Issue 2

www.ballantraecondoassoc.com/

June 2022

It is difficult to think of anything but pleasant thoughts when eating a homegrown tomato.

Lewis Grizzard, American humorist

"Common Elements and Legal Protections."

Editor's Note: Common element is property solely owned by all of Ballantrae and managed by the Association.

Someone sent me John Frazzini's comments regarding the skylight mentioned at the May 27 special meeting. John informs us that all the proper paperwork was presented for approval, so everything is okay. But John seemed to have missed my mentioning the "incursion into common element" statement that I was actually focusing on. With all the new things I get to do this year as Board President, responding to issues about common element property is definitely the thorniest.



Last year, John made the assertion that 11-D assumed control of property deemed common element. I can't disagree. My point is that John himself in February 2021 authorized another resident to assume control of common element property with a skylight. His present explanation seem to indicate that because other skylights have been original to the community or authorized in the past this does not match the violation of taking common element "space."

You see, **our attics and roofs are common elements** under the legal definition of the documentation that John is claiming to defend. Those details were created by our Association 40 years ago. Yet, Florida law says no condominium board member (**no single signature or a majority**) has the right to give that space away for anyone's private use. Only **100%** of our Association members can grant that permission to anyone. **No Board Can!**



The Association owns and provides care for the roofs and attics, but allows individual owners to maintain HVAC ducts, electrical and plumbing equipment in that space. You may put down plywood to create a small storage area near your ladder. But nothing else can be done to impact that area without getting permission. And, with what our legal advisors (both attorneys actually) have told us, no board can grant that permission.

Not Mine Just sharing

Demands to remove the encroaching portion of a lanai at the owners' expense are one thing. However, following through with every homeowner who has added a non-original skylight or tube light and requesting them to remove the fixtures and restore the roofs to original state seems unjustly punitive and a difficult issue. Following the exact letter of the law seems likely to adversely impact each and every owner in Ballantrae, and not only in their pocketbooks. We look to the law to guide us, **but is there one absolutely correct solution?**

LOTS MORE...

Independence Day Party

and

Wildlife Notes
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There is no simple way to fix this “mess.” It has been evolving in subtle ways by board action for over a decade. The current Board doesn’t want to take a punitive approach to these issues. Hence our decision to “settle” with an agreement between parties that may **be considered less than perfect**. We chose a path based on items we are not able to discuss with owners due to attorney client privilege. All five board members were actively involved and focused on the bottom line – not just of law but of dollar costs to our community. **Both are board responsibilities under law.**



What we do know is that the Board needs to tighten up the approach to managing our community so these situations shouldn’t happen again.

Our board members understand that normal practice for a condo association having a conflict with a resident is to have the management company issue a letter to the homeowner, seeking to stop the action and come to an understanding. A second more strongly worded letter from the management company is step two. The action of last year’s officers bypassed normal processes. And here we are.

We have been working hard, with the help of many volunteers, detailing and finalizing Architectural Review documents and seeking to institute a committee to oversee resident requests for building changes. To establish concrete rules for Ballantrae property management, following the rules of our Association and the State of Florida, one **requirement** was to “grandfather in” older violations and start with a clean slate. [EDITOR NOTE: This is the exact strategy John Frazzini brought to our Ballantrae community meeting in 2021 as a “band-aid” solution.] Such an action has not changed in the current board’s hands. This “potential or temporary repair” – offered by the legal counsel in 2021 as well as to current board members



has been halted. We can’t continue with our plans because of the letter threatening legal action from an attorney hired by one or more Ballantrae residents and mailed to each current board member. ***While this issue is unresolved, we cannot move forward to enact a solid accurate Architectural Review process without a clean slate provision, which the attorney’s letter challenges.***

We were advised in January that our “inherited enforcement issue” is far greater than a single lanai extension. We had hoped our settlement – which we are told cannot be legally altered – and the recommendations of our legal representative would provide a stable base for Ballantrae into the future.

There is a lot of work involved in managing our properties. Working within the rules and laws, we are trying our best to make solid decisions for the benefit of every resident.

David Dicke, President

In Memoriam

A dear neighbor on Killarney Drive, Pamela Davis, died June 6 after a period of declining health. She shared her Sarasota home with her brother Philip “Flip” Davis. Pam was a native of Worchester, MA. She taught former junior high physical education for a number of years and retired from education and her role as a school librarian. Her great loves were her family, including nieces Casey and Amanda, her cat Fenway and travel.

Ballantrae extends heartfelt sympathy to Flip and his daughters.



INDEPENDENCE DAY GATHERING

THURSDAY, JUNE 30 at 6 p.m.



Hot dogs, sausages and buns and water will be provided. Adam Troz and Lane Bliss will be grill masters.

Fran Clymore is accepting RSVPs so we can have a head count. Please contact her at fclymore@comcast.net or text or call her at 941-266-1485.

The weather will be hot. Light salads and desserts might be great potluck options. If you would like to provide additional drinks or know other ways to help, contact Fran. (*Social Activities have been operating this year with volunteers and special donations and it has worked well!*)

We hope to see everyone at this early celebration.

(Why not a July 4 event? Lane has July 4 off as a paid holiday, so we organized our gathering to allow him a long weekend with his family.)

SPECIAL TOES AND GOOFY FEET?



An adult great blue heron can weigh about 5 to 6 pounds. The sum total of all its feathers weigh more than its bones.

In June 2016, Kevin Kurtz blogged about the “goofy looking” feet of a great blue heron. Unlike a human, a great blue heron can walk through a salt swamp and not get stuck because his feet are well suited to the muck. It has to do with “pressure,” the force created whenever one thing presses on another thing. Any animal that is not currently swimming or flying or hanging out on a plant is putting pressure on the ground. Part of what is creating the pressure is the force of gravity pulling the weight of the animal down.

Great blue heron feet are adapted to apply very little pressure on anything the heron stands on. It has really long toes, three going forward and one pointing backwards. They also have a small amount of webbing between some of their toes. This creates more surface area that keeps their legs from sinking in the mud. If they couldn't walk in the mud without sinking, there would be no way they could walk into the water to catch the fish they need to eat.

Also See

Answer to Your Question

Emergency Preparedness



Landscape: The Dynamic Backdrop of Ballantrae

GANO - What!

I took this photo to show residents something we discovered while getting estimates for palm tree trimming. Steven Burch, the arborist with Brightview Tree Care Services, pointed out **Ganoderma**, an "exotic shelf mushroom" growing at the base of some of our Areca Palms. I was quite surprised to learn more about it.

This is a species of wood-decaying fungi often found on fallen trees. It employs enzymes to degrade lignin and cellulose in their hosts, attacking the bottom 4-5 feet of the plant and causing roots to rot. While this process is ecologically important as a means of decomposition, *Ganoderma infection in live plants is lethal*. It has been the cause of other palm removals and what killed the Royal Poinciana at the rear of Carnoustie Drive.

Infected palms are being removed around our grounds in order to control spread of the disease. The best process of removal involves waiting for several weeks after cutting down the trees before grinding the stumps. This reduces the potential of fungi spores traveling to other trees on our property. Unfortunately, there are no chemical treatments to prevent the disease or cure a palm once it has been infected.

If you see this exotic mushroom growing at the base of your tree please reach out to us immediately.

Your landscaping committee

Ganoderma on a Palm Tree



Whether you are a long-time Florida resident or this is your first experience of a hurricane season, do you know about **ALERTSarasota County**? It is a mass notification system for rapid emergency updates. This service sends alerts via phone, text and/or email, according to your preference about **issues of concern**. It replaces the old CodeRED warning system that was last in operation five years ago.

Under this service, you subscribe for alerts in various areas of Sarasota County where you live or work.

To register, visit
www.alertsarasotacounty.com/ **to set up an account and manage your alert subscriptions**

Or download a free [Everbridge mobile app](#) that provides access to all public notifications issued through the Everbridge system.

Another resource to learn more is www.scgov.net. **It has a hurricane preparedness section under emergency services.** There are recommendations to set aside a supply of clean water and non-perishable foods in preparation for a weather incident.

MORE WILDLIFE NOTES

Ducks in Trees – and on Roofs: The Black Bottom Whistling Duck

Three black-bottom whistling ducks were seen Friday sitting comfortably atop a Killarney unit roof. Their primary home in our part of the world is generally Mexico stretching into Arizona or Texas, Louisiana and -- a little spot of the gulf coast of Florida, including Sarasota, where they can live year round. These birds can be seen in great numbers every February at Payne Park.

Their vocalizations sound nothing like we think of a duck but they announce themselves noisily! Their sound is a high-pitched whistle sometimes with a lilt at the end.

Very agile on land, black bottom whistling ducks stand erect and walk without the waddle so characteristic of other ducks.



With distinctive coloring of black, chestnut and ivory feathers, long pale ivory or gray necks with pinkish webbed feet and coral bill they are quite distinctive. Nineteen to twenty inches long with wings spanning 30-37 inches, the birds can weigh 1.2 to 2.2 pounds. They are a boisterous and noisy social waterfowl who love to tuck themselves into nooks in trees for roosting or nesting.

A clutch of 12-16 eggs is considered typical. If on the ground, their nests will consist of woven grasses and reeds. Females may also choose to lay their eggs in a large community nest with eggs from other females. The community nests are called “dump nests” and may contain 50 to 60 eggs. Incubation is provided by both sexes in a single nest for 25-30 days, but

numerous contributions for incubation by the flock occurs in a “dump nest.”

Adult male and female Black Bottomed Whistlers look similar. Mated pairs remain monogamous – similar in behavior to geese and swans rather than ducks. The hatchlings have a very different appearance from their parents.

The splotchy, black and yellow ducklings born in cavity nests can climb the walls of a tree hollow and leap from those high nest cavities to the ground within two days after hatching. They are able to feed themselves immediately and will stay with the parents for up to eight weeks until they fledge.



The ducks’ diet is mostly seeds and grains from foraging on land. They may feed by day or night. Flocks will gather on harvested fields to feed on waste grain as well as on prairies and overgrown pastures. In shallow water, the black bottom ducks may wade to reach emergent plants, or dabble at surface or tip up to reach under water.

There is no way yet of knowing if these whistling ducks are just passing through or if they may have found a comfortable environment here to establish a new homestead.

There's Always One More Thing! And it's Good News!

I have absolutely no idea what the readership of The NEW Voice is. It would not surprise me if it were less than 50 percent of our ownership community.

Possibly an equal or greater number of residents never peer into the **Ballantrae Website** at <https://ballantraecondoassoc.com/>, but you should. For several years, the officers have been packing it full of meeting minutes, easy access to the documents that govern our condo community and other resources, such as an up to date directory of your neighbors' names and phone numbers.

There is even a place called **COMMUNITY INFORMATION**. It includes a great project compiled by former secretary Pat Paulson that outlines information on outside vendors that come highly recommended for their service, should you be looking at issues with air conditioners, screens, gutters and downspouts, storm shutters and more!

A Question Answered

A resident asked: "Isn't every member of the community entitled to hear the details of board members' negotiations with an attorney? Aren't we members also clients?"

Actually the right to know details is not granted to everyone in the community. Disputes brought to an attorney by the board frequently involve a member of the community. In meetings (they are called "closed meetings" for a reason) to resolve issues, the resulting discussions and information are legally considered private to the specific group members involved and are not to be divulged into the community at large by either party.



June 24	Cheryl Chay
June 30	Janet Henderson
July 2	Gordon Shonka
July 7	Lane Bliss
July 10	Ingrid Rowland
July 12	Adam Trzos
July 14	Sonja Njolstad
July 17`	Patricia Boustedt
July 22	Laurel Toney
August 1	Carol Cadwell
August 6	Carolyn Smith
August 8	Andrea Mociran
August 8	Juan Ramirez

RESOURCE: Sarasota County Extension Office

When our weather is hot, we can learn about Sarasota area through webinars offered through the extension office. I especially like Armando J. Ubeda's webinars on coastal sharks and other deep water animals.

TRY IT: <https://sfyl.ifas.ufl.edu/sarasota/>