

Keeping you informed... Lakes Project 1

November 25, 2019

Since 1992 this Board and those who preceded have labored under the illusion that, as our covenants explained, property owners living on a lake were responsible to maintain the shoreline. Upon investigation this tenet has been found to be incorrect. The first document filed in the development of a community is the PLAT, a map of the development which includes streets, lots, easements, declarations and other required information. The PLAT is the highest level of authority; the plats for Berkshire Lakes units 1 through 6 specify the easement surrounding the lake in favor of the Berkshire Lakes Master Association and their responsibility to maintain the lake and its shore line. Three attorneys from two law firms have confirmed the PLAT takes preference over the HOA's governing documents. This information dictates that our documents must be amended to reflect this reality.

We, your Board of Directors, have been proactive in the maintenance of our lakes, which are the nucleus of our stormwater management system. The quality of our lake water is analyzed annually and corrective actions taken to ensure they continue to meet the established standards for all nutrients. Shoreline erosion, its extent and remediation solutions are under investigation by Advanced Aquatics and Hagan Engineering (ORCO). As this activity was taking place Gov. DeSantis created a taskforce and proposed legislation to ensure the quality of water from the stormwater systems does not pollute our rivers and canals and ultimately the Gulf. Southwest Florida Water Management has been tasked to ensure all stormwater management systems in their district meet their design specifications and operational efficiencies. They also have the duty and authority to fine those organizations whose systems deviate from design specifications and water quality. Unfortunately we do not have the option of ignoring the erosion problems in our lakes. This will impact every HOA and Condo Association with a stormwater system. The cost of remediation will increase as the number of HOA's and Condo's compete for a finite pool of engineers and contractors that are licensed to provide this service. Proactive is better than reactive.

Your Board has approved a Lakes Committee comprised of Board members and residents representing Lake front Single Family Homes, Condo Associations and non-lake front Single Family Homes to continue this effort. Specifications and solutions are being worked on and when ready, bids will be solicited from at least three (3) firms who have experience in this field and the permit processes.

Our direction is to remediate the lakes with an approved solution at the lowest initial cost and the least amount of ongoing maintenance. The committee will consult with the Finance committee and the Treasurer, presenting their recommendation to the Board with supporting rationale.

Taking a cue from a resident attending the Town Hall meeting, your Board is investigating the possibility of financing the project through a line of credit. There are of course positives and negatives with this, mainly the interest; however, this must be matched against the increased cost of labor and material if the project is segmented year by year. Another consideration is the project will be done more quickly with less disruption.

The lakes are an asset belonging to all Berkshire Lakes residents and add value to all our homes and Condo's. They also perform a vital function for all, the drainage of water from all our properties and must be maintained as any other asset belonging to our complex.

It is critical this work be done before it becomes a government mandate, to that end your support is essential.

The Board and Committee are here to serve and maintain all our assets in prime condition. Should you have any question please click on the Contact Us on the website. Your query is sent directly to the BLMA office and it will be promptly answered.

BLMA Board of Directors