

**Minutes of the Regular Meeting of the Board of Directors  
Timber Cove Home Association  
June 16, 2018 at the Fort Ross School**

A regular meeting of the TCHA Board of Directors was held on Saturday, June 16, 2018 at 10:00 a.m. at the Fort Ross School.

**Attendees:**

Directors:

Ron Case, President  
Russell Wells, Vice President  
John Gray, Treasurer  
Cindy Culcasi, Secretary  
Bob Leichtner  
Rosemary Gorz  
Margaret Grahame

The Wi-Fi phone connection worked for the entire meeting.

Also attending:

Melany Collett, Office Manager



**TCHOA Meeting  
Attendance - June 16,**

The President chaired the meeting; the Secretary kept minutes

**Call to Order**

Mr. Case called the meeting to order at 10:06 a.m.

**Approval of Agenda**

Mr. Case stated he was adding two agenda items; Architectural Review and Broadband. Upon motion duly made and seconded, the agenda was approved 7-0

**Approval of Minutes of the May 19, 2018 Meeting**

Upon motion duly made and seconded, the Minutes of the regular board meeting held May 19, 2018 were approved 6-0-1; Ms. Grahame abstained as she was absent.

## **Public Comment**

A member asked about security for the community. Mr. Case noted there is no security currently implemented. The budget is limited and thus no dollars are being spent on security. The member suggested that using volunteers might be a possibility. Mr. Case stated security is a topic he will bring up to the community. The dues may need to be raised if security is reinstated.

A member asked if the home owners are aware that PG&E may shut the power off to homes when there are high winds, high fire danger, and low humidity.

Dianne Feddersohn congratulated Margaret Grahame on becoming a US Citizen. John Gray presented Ms. Grahame with flowers and balloons. Ms. Grahame stated she has gone through so much to become a citizen. She said she wants to give back and asked herself "What can I do as a citizen?"

## **Presidents Report**

Mr. Case spoke briefly and stated that Legal Issues, the Community Roads Survey, and the Annual Meeting would be discussed later in the meeting.

## **Office Communications**

Melany Collett passed out one key to each new mailbox owner. Ms. Collett will keep one spare key for each mailbox. If a person loses their key, Ms. Collett will make a new key. There will be a charge to replace all lost keys.

The new boxes will be available on June 22. There are 3 new boxes: A, B, & C. The postwoman will make a trial run on June 21. Any mail still in the old mailboxes will be moved by Carly, the postwoman, to the new post boxes. The middle postal box is made for an apartment building. To upgrade the box to meet postal standards would cost about the same as purchasing a new box. Mr. Case requested \$100 donations to help pay for the post boxes. When donations are received, a receipt will be given.

Mr. Gray suggested that 2 new post boxes should be purchased at the cost of \$1,400 each. The Board agreed. The addition of new boxes will increase the number of boxes to 48 and the plan is to eventually increase the number of boxes to 64. Ms. Collett will purchase two new banks of post boxes.

A member asked if the HOA can charge persons who request a box but do not live in Timber Cove. Ron Case stated that due to legal issues, the HOA cannot charge outside individuals for a box.

Mr. Case thanked everyone who helped. Mr. Case called out Chris Feddersohn and Warren Doyle who did quite a bit of work. John Gray, Stu Drake and others also assisted.

## Treasurer's Report

Mr. Gray presented the Treasurer's Report, with PowerPoint Slides. A copy of the slides will be posted with the minutes on the timbercovehomes.org website.

Among the points noted:

\$400 was collected in donations for the new postal boxes. Funds are in a separate account earmarked for the mailboxes only.

Dues collected in June total \$3,361.60. Total dues collected thus far total \$70,247.16.

Liens have not been placed on properties for back dues for a couple of years. Ms. Collett noted that going forward Pro-Solutions will begin placing liens on properties when appropriate. Liens must be in place if there is a tax auction or when property is in escrow. If a HOA member requests a payment schedule when they are behind in dues, Ms. Collett will work with them to implement a payment plan.

The special assessment of approximately \$336 to be requested later this year, may need to be increased due to legal fees incurred because of the current lawsuit. Alternate cost sharing is being explored. The board will keep the members informed as they learn more.

A legal bill of \$2887.23 was received from the new attorney since the last period. As a result, the HOA has exceeded the \$7500 amount budgeted (budget was prepared prior to the filing of the lawsuit) for 2018. We have discontinued doing business with the Perry Law Firm. The new law firm retained is Spaulding, McCollough, and Tansil LLP.

The HOA Audit began June 14. The cost is \$11,500. No details are available to share currently.

There are some missing documents needed for the audit. Ms. Collett is organizing the files and requesting missing documents from Redwood Credit Union. She will pick up the documents ordered next week.

Upon motion duly made and seconded, a bill totaling \$2,500.00 for a road sweep was presented and approved 7-0 for payment.

Chris Feddersohn stated the Water Board may help with roads costs including tree trimming. Currently, the roads will be swept, but no mowing will be completed for the easement since funds are limited. The mowing keeps weeds from growing into the edge of the chip seal in addition to helping with fire abatement.

Several trees fell on Lee Drive. Warren Doyle cut the trees, so cars could pass. The property owners should clean up the trees. Mr. Doyle and Mr. Gray will meet and review the tree issue on Lee Drive. The Board will send a notice regarding fallen trees and confirm the owner's responsibility.

### **Use of Lyons Court**

A request to use the Lyons Court clubhouse has been received. The Board denied the request. Lyons Court is hardly a clubhouse and is permitted only as a storage unit. Additionally, the building is not ADA compliant. The Board will work with the Water Board to rewrite the memo to state the building is not for community events and is to be utilized for office use only by the HOA and Water Board. The TCHOA does not own the building. There are confidential records of the HOA and the Water Company in the building.

### **Timber Cove Road Maintenance Agreement Committee Update**

Ron Case stated the Board will proceed with sending out the survey with a letter to the HOA members. Mr. Case noted that the Board is neutral regarding the issue. Bob Leichtner stated the committee provided a petition with more than 10% of HOA signatures (twice as many signatures as needed) with a proposal to replace the TCHOA with a voluntary contractual Roads Maintenance Agreement. The survey will provide preliminary feedback from TCHOA Members. A Town Hall will then be scheduled to discuss the details/questions. A formal vote administered by the TCHOA Board is the next step to determine if there is a clear statement from the members to proceed with the implementation of a roads maintenance agreement and the dissolution of the TCHOA.

Mr. Leichtner stated he did not see the Drakes Landing Roads Agreement attached as an example. Ms. Vernon noted the example was a separate document. A member noted that the TCHOA cannot be dissolved if there is pending litigation and Mr. Leichtner agreed. Anne Vernon and members of the committee will make phone calls and use snail mail to contact HOA members who didn't respond to the initial petition request. Ms. Vernon and committee members will discuss the survey with community and request a response to the survey. The committee will honor anyone who opted out. Ms. Grahame stated there must be a clear distinction that the Board is neutral. After discussion with committee members, Mr. Case suggested the Secretary of the Board receive the survey responses and Ms. Culcasi agreed.

Chris Feddersohn suggested a meeting to discuss the Road Maintenance Agreement Survey after the Annual Meeting in September. All documentation will be ready to mail by July 5. Ms. Graham asked if the Town Hall will occur before or after the survey is sent. Ms. Grahame suggested the town hall occur prior to the survey being sent. After some discussion it was determined the meeting will occur after the survey is sent to HOA members, so members have time to review the details. A member suggested an outside facilitator for the meeting.

### **Legal Committee Report**

There is no new or additional information on the Labor Department Complaint filed by Carmen McKay.

Melany Collett is receiving phone calls from TCHOA members requesting additional information for the Carmen McKay Law Suit. Some are members concerned have their property for sale. TCHOA is at the point when we have a complaint filed against us, but our attorney has not responded to the complaint

yet. Documentation is being gathered and the attorneys will probably respond to the complaint in the next week or so. Discovery is next step. The Discovery period is when both sides can find out as much about the facts of the case as possible. Both sides ask questions and may take testimony under oath (deposition). It goes on for months. This process is confidential. After Discovery, a trial date will be set. Both sides may request an arbitration or mediation to get to a settlement prior to the trial.

Mr. Leichtner stated we have a very capable attorney. Our instructions to the counsel is to try to get the HOA out as soon as possible, and if we are on the hook and it really should be another party who is responsible, we may want counsel to go after the other party to recover the money so the HOA is minimally out of pocket. Mr. Leichtner said the board will consider costs prior to pursuing further action against another party. We will request a brief statement for Melany from the TCHOA Attorney to use as a reference when members call with questions. Most questions from members are regarding sales of homes and lots to determine the impact of the lawsuit. TCHOA members selling their property may consider putting money in escrow to cover the costs of a settlement so the buyer will not have to cover the cost. Some members selling their property have used this strategy.

### **Community Bulletin Board**

Ron Case would like to add names of companies who service Timber Cove to a community bulletin board. Many residents have trouble finding services because of our distance from larger cities and towns. This information will be added to the Timber Cove website. A form listing different service types was handed out for members to complete. Margaret Grahame asked if there is liability to the TCHOA if this list is posted to our website. Ron Case will add a disclaimer to the list. A member will share the disclaimer used at the end of the community email that goes out weekly. To add a name to the services list, please email Melany or mail in the service form to Lyons Court. Additional comments may be added such as "reasonable price, great experience", etc.

### **Architectural Review**

Ron Case reviewed some drawings that were submitted since there was no one available to look at the drawings. Mr. Case did contact another architect in Sea Ranch, but she was not available. Since he is on the board, he cannot profit from the review and will donate the money towards the community. Mr. Case doesn't want to continue reviewing drawings since it could be considered a conflict of interest.

John Gray asked if we really need an architect to review. Since there are specific guidelines, the guidelines can be the point of reference and the Board can review. Mr. Case reminded everyone, story poles need to be put up, variances considered, and the CC&Rs are out of date. For example, the CC&Rs allow cedar shakes, which is no longer allowed by county guidelines. Mr. Case recommends an architectural committee with one member who is not an architect. Margaret Grahame asked if there was previous public comment. Mr. Case said there was public comment in a prior meeting. Additionally, it was noted that the neighbors also review the plans prior to approval.

### **Underground Power Lines**

A member of the community spoke to Ron Case regarding a push for underground power lines.

### **Frontier Broadband**

A member of the community asked to represent the TCHOA Community in an upcoming Sonoma County Meeting, Access Sonoma Broadband Meeting, scheduled for June 20. She has requested that she be formally appointed by the Board to attend. The Board did not feel it necessary to appoint a formal representative, but would be interested in being kept informed if a member attends on a voluntary basis. The meeting will discuss faster broadband and available grants. Rosemary Gorz suggested a Utilities Committee be created where this member would be a participant.

Mr. Case will let the member know that we are appreciative of her offer and would add her to the next agenda to update the community if she chooses to attend.

### **Upcoming Election**

A member of the community reminded everyone the election is coming up and is scheduled for September. Technically, the by-laws state the annual meeting should be in August. Ron Case noted a 60-day notice is required that timeline results in a September Annual Meeting.

Russell Wells asked if the draft of the letter he wrote regarding the upcoming election will be included in the election packet. Bob Leichtner recommended the general packet be sent and the letter not be included since all necessary details are covered in the packet.

A member asked if the CPA who counted the votes should be invited back to count the votes for 2018. It was determined that if 2 or less seats are open, the CPA is not needed. If more than 2 seats are open, the CPA will be invited to count the votes.

### **Timber Cove Sign on Highway 1**

Russell Wells has suggested that all letters be removed from the sign since a couple of letters are already missing and the sign looks sloppy. The sign is on Mark Richardson's property. The Board would request access to the property to remove the letters. The sign was donated by Tom Giacinto. Ron Case will contact Mr. Giacinto and will let him know this is an issue and the board is working to resolve it.

### **Adjournment:**

There being no further business, the meeting was adjourned at 12:03 p.m.

**The next meeting is July 28. The CPA will attend and discuss the recent audit.**

Respectfully submitted,  
Cindy Culcasi, Secretary