



Timber Cove Homes Association
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Timber Cove Homeowner's Association
Board of Directors Meeting
Saturday, February 20, 2016
TCHOA Office
9:00 am

AGENDA

Directors: T. McKusick, SE McCann, S. Moulton, S. Todd, J. Pearson, S. Culcasi, T. Giacinto (absent) S. Lynn (Administrative Assistant)

Guests: A. Vernon, J. Rea, B. Todd (Roads Manager; President of TCWD), D. Bolt, Loma Alameda, C, D. Fedderson, H. Clayborn, K. Seymour.

Executive Session (9:00 am)

1. ST expressed concern about continued unsolicited, abusive phone calls from SC and has requested he not contact her by phone or email in the future. As a result of his demeanor and comments she continues to have reservations about the compromising of Executive Session confidentiality.
2. Pending litigation and proposed mediation around trails. Discussion of letter from L. Gabrielson and T. Wick at the County. Additional questions need to be answered. Discussion of property owner complaint to Sheriff citing alleged damage to trails. No one from TCHOA or the Trail Committee was working on their property. Dates have been confirmed.
3. Employment description discussion for Administrative Assistant and Proposed Management positions. Will revisit next meeting for decisions. Our employees need annual reviews.

CALL TO ORDER 10:00 (by T. McK Vice President)

Approval of Agenda: SM moved, ST seconded to add topic of new director election and move 7, 8 to agenda.

Approval of Minutes: January 16, 2016; SM moved, ST 2nd approval. Unanimous approval.

Election of a New Director is necessary since T. Giacinto resigned yesterday. His term ended 2017. SC moved, SM seconded we postpone appointment of new Director until next meeting. It will be on the March agenda.

Reports:

1. President's Report

Executive Session Summary: See above.

2. Administrative Assistant: (S. Lynn)

Correspondence: Received yesterday evening by email letter from Leonard Gabrielson. Interest statement from RCU. Received notice of Annual meeting from Liberty Mutual Insurance. Received notice about our service from Verizon—upcoming changes in their structure. Burkhard Shephard has screening proposals, Linda has proposal for solar panels. Jingles Delang has plans to submit for their house. T.G and T.McK received a letter from PG&E about easements.

3. **Architectural Report:** SL noted we have 3 projects. One is a new project on Thursday for Gilmore house on Kelly Court. ST got a request from homeowner regarding approved sheds that could be tapped into rather than starting all over. We will ask JH to describe this for us.

4. **Security and Fire Abatement** (Nicholas Lee, Written Report)

1/16-20 Some showers with periods of rain.

Tree down on Ninive but not blocking road.

1/24: Unattended vehicle on Koftinow, No one present.

Mushroomers?

1/27-2/14: Vacation; Stephen Drapkin substitute

2/17: Small fire on Umland; sparks from small burn pile ignited duff, roots and log. Called TCFD who came and extinguished it. Fire Prevention in progress, letters sent Registered mail to first list of those at fault. Letter sent to several on the list, also.

SM suggested that all written fire abatement documents that are sent out reiterate that no unattended fires are permitted. SL needs guidance regarding Unit 1. NL will assess these properties at no cost to the HOA. All properties are part of the Water District.

5. Treasurer's Report (SE McCann)

a. **Budget update:** (Handout) Road Committee/BT will provide estimate. BT will do an analysis of the roads. Discussion of Capital Plan for roads. People with Road emergency questions should call Nicholas Lee. SL will follow up with Tom regarding Trail Survey bids.

b. **Payment of Bills** (Handout) SM moved, JP 2nd. Unanimous approval.

6. **Trail report:** H. Clayborn reported we are waiting for the Steve Brown survey. We are missing only a very small percentage of trail markers. She has created a PDF of the markers and maps. S. Brown will give us a price to find missing markers and setting existing markers. ST reported on the complaint filed with

Deputy Sheriff Mark Provost on Oct. 6, 2015 regarding alleged damage done to a neighboring property on Oct. 4 at end of Davis Way. She contacted the property owner when she found out about the complaint and police report. She followed up on all that to clarify the record. The Trail Committee did not have a work party on that date in that area. The gossip around this caused problems with accusations and misinformation. JP will follow up to see where the damage was. The complaint was filed by someone without property on Davis Way. ST read a statement clarifying the on-going issue of trail easement rights. *"The contentious issue that has become known as the "Trails Issue" is really quite simple. In 1965 Timber Cove Properties, Inc. offered to the public Pedestrian and Equestrian Easements throughout Unit 2 by way of the Subdivision Map of Unit 2. The County declined to accept this offer on behalf of the public. Under California Law this offer then became an Irrevocable Offer of Dedication. One of the very few ways that this Irrevocable Offer of Dedication can be eliminated from any subject property is for the owners of these properties to apply for a Vacation of Right of Way. The Vacation only applies to the Public Right to use these easements. A Vacation does not affect private easements. Those are described on the Subdivision Map and granted by the CC&Rs. When each and everyone of us bought in Timber Cove we accepted our deeds. These deeds were and are a "covenant" - a legally binding agreement that we all accept and live by the CC&Rs and the Subdivision Map. Whatever exceptions to Fee Simple Ownership are fully described on both the Preliminary Title Report and Final Title Report. Since use of these Private Easements are vested in ALL Timber Cove property owners, the issue is legal and not administrative. The TCHA cannot give away anyone's property rights i.e. individual property owners use of private easements. If any owner of a parcel wants to perfect their title by eliminating these easements they can buy the easement rights from every owner of parcel in Unit 2".*

ST read the draft Proposal and explained how this clarifies questions that have arisen. *"Proposal for Procedure to Request the Relocation of Pedestrian/Equestrian Easements. A Property Owner (PO) shall submit a formal request to the HOA Board which must include a map drawn by a licensed surveyor with the existing easement highlighted in red and the proposed relocation highlighted in yellow. TCHA shall retain a dated copy of this map. (Official survey of proposed relocation.) The relocation can only be approved if it enhances or adds to the community trail system, and shall be denied if it subtracts or detracts from the community trail system. PO to mark the existing easement on their property with red tape and the proposed relocated easement with yellow tape to identify the proposed relocation. TCHA Board Members or any interested property owner should be allowed to see both the existing and proposed relocated easement by appointment. Photo documentation of these two locations will be submitted to the Board. Notification must be sent to the membership (at the expense of PO) describing accurately their intention to relocate the easement and to invite the membership to view/walk the proposed easement. After 60 days, a Public Hearing is to be held. The PO makes their presentation, answers questions and the meeting is opened up to public comment. All property owners (100%) are required to approve (in writing) the relocation of the proposed easement. A single failure to respond or "no" vote stops the action. Any costs*

for Admin time, mailings, etc. will be billed to the property owners initiating the request. The Conditions, Covenants and Restrictions (CC&R's) for Timber Cove Properties, Inc. Unit Two states the following with respect to easements, "Easements, reservations and rights of way shall be reserved on and across said property for the erection, construction and maintenance of...easements for pedestrian and equestrian access." The pedestrian and equestrian easements are shown on the recorded subdivision map. Importantly, the CC&R's do not provide for a procedure to expunge or remove easements. In other words, the CC&R's create the easements but do not grant the TCHA Board power to remove the easements. The Map of Tract 340 (Timber Cove Properties, Inc. – Unit Two) on record with the County Recorder shows both "Pedestrian Easements" and "Equestrian Easements." The Subdivision Map Act ("Map Act"), Government Code section 66469 states that a final map or parcel map may be amended to make a correction, if the correction does not alter any right, title, or interest in the real property shown on the recorded map.-Legal - Perry, Johnson, Anderson, Miller, & Moskowitz Attorneys - Nov. 2, 2015." Discussion of proposal with suggestions by property owners. TMcK noted there is a distinction between public and private easements.

7. Roads and Signage Report (done as item 3) BT work done on Ninive to clear the ditch along the 8 acres and rehab the culvert. Owner will do her part to open up swale on the other side to the bluff. Trees on Ninive planted too close to the road, are tearing up the road. Planted by property owner; need to be removed. Discussion of Capital Improvement projected work. Rust was put in the wrong location. Being put back into the right of way. Work has started on that. TCCWD and HOA will pay for this. BT estimates this will cost maybe \$3,000-\$7,000 in the TCCWD Budget for the time being; he will get hard numbers soon. Will work on Ruoff, get cost estimates for putting turnouts as close together as possible in phases over the next few years to accommodate fire trucks and cars. Would have gridlock with 12 foot roads; need 16 feet. We have culverts that are too deep. He will get estimates on fixing these. Homeowners are responsible for culvert maintenance.

TMcK noted that widening the roads is affected by the big tan oaks. If we thin out the tan oaks, it will be healthy for the forest. He contacted Daryl Rogers who will come clear out some of the tan oaks for the firewood. There is a section on Ruoff with tan oaks that have to be cleared. JP suggested we take the pine, too. JP noted that E. Lynn gave a bid for Signage. We decided to go ahead with the work. JP plans to put a redwood cap board on old signs.

8. Water District Report (done as item 4) BT reported we are not in a moratorium. We had a draft letter regarding a moratorium on new connections that was based on erroneous knowledge and assumptions by the State. We got the letter February 19 where there were significant differences from the draft we were given in December. We are now under a correction order for a Source Water Assessment Report that would entail taking the amount of water we need for the subdivision and the amount of water we can get to determine if the source is adequate to meet

our needs. He has contacted our consulting engineer who will undergo this shortly. It needs to be done by August 2016. Most of the work has already been done. The State assumptions were grossly inaccurate. He will address these issues. They are making plans to put in a new treatment plant that will allow for an amazing amount of conservation. We use about half the water we treat for backwashing, etc. We should have treatment plant in place by late 2017. It will be an almost fully automated system; it will even clean itself. It will save time and money and water. We hit a new source of water in a new well; the amount is less than 80 gallons per minute. We need 30 gallons per minute, so that should be adequate for full build-out. The Water District paid \$50,000 to purchase the well property.

PUBLIC COMMENT AV asked regarding the January 24, 2016 letter. Was it reviewed by the entire board? Who supplied the narrative regarding the suit? She wished to comment on this old suit. Because this has been commented on by the board. She demanded to speak more than 2 minutes. She read a statement regarding her perception of the suit. TMcK noted he prevailed in the lawsuits. ST clarified that in August the community was asked to write to the County regarding protesting the vacating of the 109 feet the Vernon Drake's petitioned for. She and SM were asked to put together documents and respond. The letter the board sent was then rebutted by the Vernon Drake's. She has acquired the documents so the HOA can represent all homeowners, including the Vernon/Drakes (V/D). There were things in the Vernon/Drake letters that needed clarification. We responded with documents to clarify the V/D letter paragraph by paragraph as they had done with ours, including attachments to support our statements. This was submitted to PRMD and the Board of Supervisors. If corrections need to be made we will make those. HC commented that speaking and stating facts has to be backed up with evidence. If there is a question about validity, one must rely on documentation. She praised ST for her careful review and her integrity.

OLD BUSINESS

- 1. Lyons Court Office:** TMcK and JP reported thanks to Tom Giacinto we have put in a bathroom. Plumbing and the floor are in. There is more work to be done. Landscaping and road are in. Daryl Rogers in Annapolis will come remove tan oak trees. It will open up our forest and alleviate potential for a crown fire. Homeowners wishing to remove tan oaks can contact him.
- 2. Camping and Trailer Policy:** TMcK noted clarification on time frames is needed. He suggested the 30 day cap in the CC&Rs be enforced. What constitutes approved cover for a trailer? SM noted that there has been an on-going discussion at the County level about the implications of Air B&Bs and private homes becoming permanent rentals. This will be discussed at the Town Hall meeting. Our CC&Rs are clear about businesses in our residential community. Diane Feddersohn remarked that they have been renting their home for some time with no problems for the community. ST asked if she would share her contract with the HOA so that we could develop a recommendation for others. DF declined.

- 3. Procedure for Pedestrian and Equestrian Easement Proposed Changes (discussed)** This will be discussed at the spring Town Hall Meeting.
- 4. Strategic Plan:** SMcCann presented the Strategic Plan. A SP helps set priorities for a period of time, in this case, a period of 3 years. It includes a vision, mission, core values, operating principles, plus 4 areas: community, sustainability, governance and maintenance, infrastructure. Each area has objectives with specific initiatives to reach objectives. We will discuss this at the Town Hall Meeting.
- 5. New Property Owner's Welcome Packet:** ST spoke with a new property owner and asked what she would have appreciated. This is also a Town Hall agenda item: getting a call from a Director to learn how to get all the information from the HOA; she wanted on the email list; to learn about the committees; receive timely information from the TCHA; know the Architectural Guidelines, the CC&Rs, By-Laws. She got a binder from her Escrow Company as a sample. ST suggested we form a Greeter's Committee to welcome new property owners. SL noted everything is on the Website. The Realtors can access this themselves.
- 6. Town Hall Meeting, March 5, 2016** (note: since postponed)
- 7. CC&R Issues:** Rental properties: posting information for non-residents. Discussion of the impact of Airbnb and our CC&R requirements regarding businesses in our residential community. To be included in Town Hall and at next meeting.
- 8. Communication/Newsletter/Facebook status:** SM reported that the next newsletter would follow the February HOA meeting. With the website, newsletter, and detailed minutes more homeowners are better informed.
- 9. Entrance and Mailbox Report**

NEW BUSINESS

Agenda: date, time and location of March Meeting: March 19, 2016
Adjournment: msp unanimously, 12:10 pm.