



Timber Cove Homes Association  
22098 Lyons Court Jenner, CA 95450  
[www.timbercovehomes.org](http://www.timbercovehomes.org)  
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**Timber Cove Board of Directors Meeting  
Monday November 16, 2015  
Lyon's Court Office 10:00 am  
MINUTES**

**Present:** T. Giacinto (President), Tim McKusick (Vice President), Susan Moulton (Secretary), Sue Ellen McCann (Treasurer, by phone: left 11:45), Joe Pearson, Sal Culcasi,

**Staff:** Sharon Lynn

**Guests:** John Howland, Ann Vernon, Hanna Clayborn

**Executive Session (9:00 am)**

1. **Employees' annual review:** Our Administrative assistant needs to update websites; remove emails of people for TCCWD notifications. The biggest part of management is accounting. Need updated job descriptions for the AA and Security positions.
2. **Status of Trail Litigation Issue:** Discussion of violations of Civil Code in presenting the issue, voting on it and failing to do fiduciary duty in researching the issue and potential fraud. Need for protocol in considering moving a trail, not vacating an easement. Tim McKusick and Sylvia Todd will be on a committee to develop a written policy and provide information to property owners who wish to consider property lot line adjustments and offering an alternative trail.

Call to Order: 10:07

Approval of Agenda: MSP amended agenda:

Approval of Minutes of October 19, 2015: MSP unanimously  
Reports

President's Report (TG): Nicholas Lee will be the key person in following through with fire abatement. Security Cameras for the office provided by the Water District. He spoke with Steve Brown about updating our trail survey.

**Correspondence (SL):** SL received another property owner that moved; another escrow is closing;

**Security Report (NL):** Fire Abatement notices have been sent twice. Some properties have been cleared or begun clearing. Nicholas will begin contacting the cutters and proceed with clearing.

A dead tree was ready to fall across Umland Circle. It was removed. The rental property on Umland had redwood trees cut without permission. Owner contacted. Not clear if homeowner or tenants cut the tree or what size it was. We have a Tree Cutting Policy which property owners must follow. It comes out in April with the HOA packet.

Contacted phone company about a low hanging telephone cable over Umland Court; a dead tree had fallen on it.

**Architectural Report (SL, TG, John Howland);** Process clarified and defined; What to do when a permit is not renewed.

JH recommend that the TCHA should make changes to the Design Review Procedures, see attached Procedures highlighted in yellow.

- a. These changes will allow the applicant apply for a Sonoma County Coastal Permit while preparing their construction documents. The final approval requires the construction documents to be completed before approval.
- b. This would save the applicant the time that is required for a Coastal Permit, between 6 to 9 month process.

**SM. Moved that the TCHA Board adopt the revisions as presented, TM second, motion passed unanimously.**

JH and TG are investigating the possibility on merging the TCHA architectural approval process with the Coastal Permit process. We had a meeting with Sonoma County Planner Cynthia Demidovich and will be talking to Planner Lisa Posternak about changing the Coastal Plan to include. This would save the applicant:

- a. The Coastal Review fee of \$2,600.
- b. Duplication of notifications.
- c. Review time by county officials.

**For information only, No motion.**

The owners of 22090 Lyons Court has requested the TCHOA Board to renew their approval of their architectural plans. Documents provided, Approval letter dated 6/27/2012, signed extension 4/16/14.

•SM moved we approve renewal; TMcK seconded. Discussion: in the real estate world the realtor needs to notify owner about deadlines. TG asked about the language in the bond; the money was for damage to roads, etc. Somehow it got tied to a performance bond. MSP unanimously.

TG suggested we notify owners at least 30 days before the expiration date. SL noted we are holding bonds from people since 2005. A few got extension letters. SL will automatically notify the owners 30 days before the date of expiration.

•SM moved we include a \$350 renewal fee; JP seconded, Passed unanimously.

TG suggested if they don't renew their plan approval they forfeit the performance bond. Property owners have two years to renew their plan; after two years the bond is forfeited. If they renew the approved plans beyond 2 years they forfeit the bond. SM suggested a 3 year time frame so the permit times coincide with those of the county.

•TG moved a property owner have 3 years to complete the project (exterior and landscaping) and then if they have not completed, may renew once a year thereafter. SC second, Passed unanimously. We will have our attorney draft the specific language.

(5 minute break: 11:05)

**Treasurer's Report (SMcC; SL)** Current budget needs to be revised. Have gone over in legal expenses (trail dispute) and workman's comp (will receive a refund). SL and Sue Ellen will work to create a revised budget that will include the capital funding for the roads.

Payment of Bills:

•SM moved; TMcK seconded we pay the bills. Approved unanimously.

Maintenance as a regular budget item (defer to roads).

**Trail and Easement Survey Report (TMcK, HC):** TG called Steve Brown who will reply today. HC noted they only have Nineveh left that has not been pre-surveyed. She will make colored copies in a JPEG format for Steve Brown identifying what they found. There are a few problem spots like over-ground water pipes between Timber Cove and Gordon. It comes from the meter box. Somebody built a playhouse in the middle of one from Umland Circle. They would like to take it section by section, planning well for each section. Ideally each property owner should help maintain the trails. Most trails are pretty clear cut now. The markers on Nineveh are there. The neighbors know where they are. Discussion of fundraising regarding benches, plaques, signs for trails.

**Fire Abatement Report:** Covered earlier. There is a pile of trees below the tank farm. Scott Black complained about it; his neighbors uphill pushed it over. AV believes the Inn did this. J. Rea told the trail committee it was "habitat". AV believes it is mostly on the Inn's property.

**Roads and Signage Report (JP):** Joe Pearson is working on the signs. TG bought industrial epoxy which can have color to fill in the holes. Slurry seal could improve originally paved roads; follow the Capital Improvement Plan. JP provided a list of roads and their needs; a list of signs for Unit 1 and Unit 2 and what they need to have done. The posts are the biggest problems. The worst is Ruoff at Koftinow. There is enough lettering to rebuild the existing names for the signs. He is looking for reflective red paint. Need a maintenance person to fix the posts; adjust the locations.

**Public Comment (Limited to 3 minutes per person):** AV asked about the performance bond. It won't be retroactive. ST would like to encourage people to read the CC&Rs, Clause 2: this sets the tone for the CC&Rs. So often the terms in the CC&Rs are unclear. The declarant is the master land developer who is Clements who formed the association who formed the declaration/CC&Rs. The declaration and the HOA governs the property.

## OLD BUSINESS

1. **Lyon's Court Office Update:** Status of telecommunications and internet. Thank SL for getting internet and phone. MOU from John Howland re. jurisdiction of the office. JP suggested we make the agreement to share be 99 years or until both parties agree to cancel it. Should one of the parties wish to nullify the agreement, there should exist a right of first refusal and they donate it to the other party. TG reported they are working on getting the septic. He will submit a bill for materials; he will donate the labor. We will address making it handicap accessible; they will put a few parking places outside.
2. **PG& E Underground Cable:** no activity yet.
3. **Capital Improvement Plan (TG, ST) and Property Management**
  - a. Maintenance and Roads position with permanent manager SE spoke of 3 year Strategic Plan. Putting word out on Facebook—no response yet. We need to look at the budget and what we want. Re: property management and follow up with Lisa Crikos. ST went to neighbors meeting on Saturday where there was a sense of trying to do something different; looking at the situation that affected the community are what Lisa included in her follow-up email. This is not being forced on anyone. If the community wants to go in that direction we will pursue this. We have to look at the lack of consistent enforcement of CC&Rs due to cronyism and nepotism. ST spoke with someone here since 1975 and it is still going on. Lisa C noted consistency of enforcement; civil code compliance; lessening of time for management; no funding requirement from homeowners. A community with members willing to do the work has no motivation to pay for what they are getting for free. Hard to alter years of apathy. Call for a buy-in from members to help with what is being done now. Those who object to outside management be required to contribute the \$25 it would cost for outside management. AV wanted to offer an alternative—have just a road association

or follow Unit 1. She suggested having an in depth questionnaire. ST noted we need to inform folks of what the costs of dissolution and making those changes would be. There is a distinct difference between secession and dissolution. The Davis-Stirling Act discusses dissolving an association. It is very complex, costly. ST reminded we need to hear from property owners who may have complaints or concerns. We have not heard from anyone.

Road Manager: someone paid on an hourly basis. He would be the HOA advocate; not the contractor advocate. TG noted we had considered Brian Todd who is an engineer and who knows roads. He would do it on an hourly basis. TG has spent days and days on this. It has become a full time job. We need a manager to do this work.

•TG moved we put out an RFP a manager paid on an hourly basis to supervise and recommend priority for jobs and write specifications. SC second. JP, SC no; rest ayes. Motion carried.

TMcK suggested we prioritize our road work re: fire safety.

TG has received bids for existing approved road work on lower Rust; widening of Ruoff.

**4. Beach Access (TG):** None exists at the Inn. We are invited to visit the Inn and enjoy the Inn and its activities.

- 5. Mailbox turn out on HWY 1 (CalTrans Easement/Gateway to the Subdivision)** Discussed as part of roads. Discussion to continue regarding the financial responsibility of Unit 1 and Unit 2.
- 6. Additional Mailboxes:** SL proposed that we add mailboxes (Unit 2 is full); she talked with Dennis Meredith about the design. She suggested we put the mailboxes in a different location. The boxes would cost \$1600. They could be on a pedestal, perhaps up here near the HOA office. SM, TG, SC would like to have the boxes near the office. She was encouraged to pursue this.
- 7. Camping Policy Clarified (TMcK, ST):** JP reported the CC&Rs don't address camping. Founders envisioned people camping. County doesn't have a problem with people camping on their own property. Nothing wrong with it except for fire and port-a-potty or sanitation facilities. The owner or by owner's written permission may camp on their lot(s). ST suggested we need some time frame. Undeveloped lots: use of travel trailer and motor homes is considered camping on your land. Short term, neighbor approval, notice to Security. A warming fire is not prohibited, but check with Security if you want a fire to acknowledge fire dangers. Fire abatement on undeveloped lots: use of motor home or travel trailer that includes sanitation. Property owners may live in motor home/travel trailer once septic and water is hooked up. No house trailer or mobile home parked or stored on ocean side of HWY 1.
- 8. Clarification of Trailers and Storage Containers Policy (TMcK, ST):** If they are covered, they are acceptable. Board has approved 10 x 2 foot sheds.
- 9. Gates and Gate Access Procedures Update (SL, NL)** We need a policy about gate usage. There was a common code for all the gates. All codes will be available at the HOA office; water district office; and with Security. SL will contact Kelly Court and Pacific View for the codes.

**10. Agreement of lot line adjustment** between AON 109-430-009 and APN 109-430-010 aka 21982 Harriette Court and 21980 Timber Cove Road. The two lots were unbuildable without each other. She wanted to merge them so she could build. She will pay the HOA for both lots.

#### **NEW BUSINESS**

- 1. Revenue enhancement options:** defer
- 2. Question around rentals;** Air BnB, VRBo: is it a nuisance? If so, the CC&Rs apply and we can require abatement. ST believes if they use the VRBO, is that considered running a business? In our CC&Rs it implies it is our principle residence. What is key is fire abatement, not being a nuisance, etc. TMcK suggested we write up a rental decorum policy for the subdivision. Ask folks to notify Security when they are renting or friends are visiting: in the past we printed out parking passes and stickers. Noise complaints are the purview of the Sheriff.
- 3. Welcome packet or committee to offer to meet with new owners; to greet them.**
  - 2.3 Monthly social event/town hall to socialize

Adjournment 1:23.

Agenda and time/place for next meeting: December or January 16, 2016 MLK?