



Timber Cove Homes Association
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**TIMBER COVE HOMES ASSOCIATION
REGULAR MEETING
November 12, 2016
Lyon's Court Office
10:00 am**

ACTION TAKEN

- Developing partnership with CalFire and local fire agencies to do major work to make community fire safe. Individual properties affected will require signed permission forms to be sent out asap.
- Russell Wells and Eric McConn elected to two seats on HOA Board.
- Officers elected: Tim McKusick, President; Joe Pearson, Vice President, Susan Moulton, Secretary, SueEllen McCann, Treasurer.
- Future cost of mailboxes will be included in Architectural Review process.
- MSP unanimously to pay the bills.
- ProSolutions will continue to work to recover unpaid TCHAO accounts.
- Next HOA meeting January 21, 2017 at 10:00; Executive Session at 9:00 if needed.

Present: T. McKusick, SE McCann, J. Pearson, (R. Wells, E. McConn, new members voted in)
L. Moretto, S. Todd (proxy for S. Moulton)

Absent: Sal Culcasi

Guests: Robby Barns (Cal Fire), Sharon Lynn (AA), Stephen Drapkin, Nicholas Lee (Security)

Executive Session: 9:00

1. Censure status
2. Insurance status
3. Personnel Review

Call to Order: Tim McKusick called the regular meeting to order at 10:00 and reported that SL will be taking minutes since SM is ill.

Approval of Agenda: ST moved we add revision of the IDR Policy under Old Business. As "IDR Revision." 2nd TMcK. Unanimous approval. Added to agenda.

Approval of Minutes from Oct. 15, 2017. Tabled

Announcement: ST announced the current policy regarding recording meetings stands until the Board should decide to change it: Meetings may be recorded only by the Secretary and kept for up to 90 days. It was requested the topic be put on the next Town Hall agenda.

REPORTS

1. President's Report: SC is out of town. Summary of Executive Session: Discussion of on-going items. Insurance Claim; Censure; Personnel review; Declaratory Relief will be added today to the agenda and on further agendas.

Forest Mgt. Collaboration will be moved to item 6 on the Agenda.

Election of Officers held off until later in the meeting after ballots are counted.

2. Administrative Assistant's Report (SL)

Correspondence: Joe Pearson put notices out in mailboxes by the weir property. There were several responses. Hannah Clayborn sent information about the logo for the trails. Robby Barns will be here later to talk about trimming debris along the roads. O'Neal septic charges: TCCWD will pay for the monthly costs for the port-a-potty and the HOA will reimburse them for our half of the cost.

2.1. TMcK noted large equipment evidently hit the mailboxes boxes and they got tweaked. SL believed the tree trimmers, working in this area bumped into the boxes when they backed up with their tree trimming chipper equipment. The metal roof was lifted up. Discussion of covering the mailboxes.

Suggested we expand our insurance to cover the mailboxes at the entryway.

2.2. Escrow Reports: 22060 Cundall is in escrow right now. 22102 Lee Drive (Burke's house) is being sold. Two pieces of property are being foreclosed since Oct.: 21950 Timber Cove Road (MacKenzie) ; 22125 Umland (Rodriguez/Johnson). Both properties were sold.

2.3. We received a notice about a public workshop on Sea Level Rise, Nov. 29 4-6 pm at Marine Laboratory, Bodega.

2.4. JP asked about Gallo's questions. TMCK reported Gallo is requesting a return of his dues. Our historical documentation says there were 283 lots in all the subdivisions. One lot in Unit 1 merged; the remainder are in Unit 2. There were multiple lots that were neither Unit 1 or Unit 2. Gallo has been involved with the HOA for over 20 years. JP believed that when he was on the HOA board years ago he opted his property into the association.

Robby Barns CalFire: discussion about trimming trees: (Handouts)RB from CalFire is assigned to our area. Over the last couple of years they have helped out with fire prevention efforts. They are working with Regional Parks to improve fire safety; fuel breaks. He was concerned about the clearance along our roads and wanted information about the HOA responsibility vs property owners. This opportunity to partner together to help remove the foliage to free the area up for fire engines or other 12 x 12' emergency vehicles. They would also limb up the trees in step 2 and define the parameters of how far back and up to go to increase access for emergency vehicles and fire safety. They were aware of the need for privacy screening. They want Cal Fire to get in and homeowners to get out in a fire to stop an average contained. The Cal Fire 792 Form gives Cal Fire access to do the work. It is required of all affected property owners. The form would contain a description of the project. Step 2: define the project. Step 3: submit these to his bosses. The local unit would

approve and we also would need the approval of neighboring fire areas. Then it would need environmental review to insure CEQA compliance. Cal Fire would do that at their own expense. It is being done at Sea Ranch and Still Water Cove. The work could be done soon by various government sponsored groups that would work with county Fire to get a chipper. They could do multiple burn piles which need additional approvals. The hope to partner with HOA, County Fire Cal Fire, etc. to get this done. They would be ready around February/March of next year. Archaeological review takes some time. TMcK noted the TCCWD has taken on fire abatement and has been applying for grants and that it is important to coordinate these options. LM noted on the map we have a boundary with the Rosson's property which is a high fire danger—solid wall of tan oaks. What can be done? RB has been talking with them. Cal Fire can require clearing around homes. They can be encouraged, and are trying to build something around the whole subdivision. They focus on ridges and the bottom of drainages where fires usually start; getting the fire crews in and people out. Their focus is on the roads right now. ST asked what is the next step? TMCK reminded the HOA controls the easements across private properties. ST: We have a road manager, Brian Todd, and Joe Pearson is the person on the board with Tim who oversees the roads. They can work with Cal Fire to get this going. JP noted we put our roads and trails on easements. We all hope property owners will opt in and help out. TMcK noted we did a Forest Management Plan which helped us qualify for grants. Matt Green has been helping us with grant applications. SEMcC suggested to get buy-in from the community we should help property owners understand why fire abatement is so important. Are there flyers or literature that can help owners understand how this helps improve their property values, etc. assuring them it won't be a clear-cut. The Valley Fire is a one time event, but protection like this allowed people to get out safely. ST wondered if this would help our fire insurance? TMcC believes one of our insurance companies would reduce our charges if we did something like this. Fire Wise is a national insurance accreditation program; California Fire Safe Sonoma is a county program similar in what they do. Fire Hazard Severity Zone Maps FHFZ is put together by Cal Fire. TC has a "very high" worst case threat to structures. We live in a forest. SEMcC : first step is to check if there is community cooperation. We need to notify everyone of the program. Discussion of concerns about privacy. ST asked if there were a letter Cal Fire has used before summarizing what they have done before. MT said they can supply a letter on Cal Fire letterhead which we can send out. SEMcC asked about contact with a community they had worked with? ST asked about a time line. MT said as soon as he knew people would be filling out the forms, they can get in line for approval. If we don't burn, don't need an archaeological review for CEQA. That could take a month. Even if we sped things up, are looking at March 1. Once approved we have 7 years to do work. They can return in 4 years to do more touch up work. RB will focus on roads first, then clearing foliage farther in. There are 3 levels of evacuation: full evacuation; then putting people in temporary refuge area; stuck in home. Office/Clubhouse can be one of the "safe zones" for people to gather. Identify other spots in the subdivision for people to go to. ST on Koftinow there is no place to get out. Would have to identify areas where we can make it safer for a refuge area. There is pedestrian/equestrian easement across the top from TC Rd. to Koftinow which could be an escape route. BT noted David French would be willing to give us a vehicular egress to tie in with Timber Dell for emergency purposes. Should develop a community plan for various areas. Discussion of other grants available Matt Green is aware of. RB was thanked for all the effort he is making to help us become fire safe. Stillwater Cove is a good example of where work is being done.

3. Election: Stephen Drapkin announced Russell Wells and Eric McConn received the most votes and were elected to the Board for the next year. SEMcC moved we elect new officers

and that TMcK remain President. Seconded. Approved unanimously. LM moved we appoint Joe Pearson Vice President. 2nd. Approved unanimously. ST moved we retain Sue Ellen to continue as Treasurer; ST moved we retain SM as Secretary; 2nd. Unanimous. TMcK thanked Stephen Drapkin for his help with the election. ST noted the potential for community building was enormous here and that our current Board is very qualified and capable. She was thanked for her service on the board, particularly for her fairness, and professional skills in dispute resolution. Her service has been invaluable to the community.

4. Architectural:

- 4.1. Definition of Shed vs. Art Studio:** SL reported JH submitted information about the distinction: everything built needs to go through architectural review; and conform to our guidelines. Those who want to build a studio (120 sq. feet or less) still need to follow the guidelines and the process, including septic/waste control they will provide (or why they are exempt). ST noted the confusing part as well is the county doesn't have a say but we still retain review responsibility. So any kind of project needs to go through the process. People need a sanitary facility to deal with waste. That is the missing link right now. ST noted it is still confusing. When is a building permit required and not required? It is critical to make this clear. ST requested we put this on the next agenda to help the new members be brought up to speed. Our CC&Rs imply we should be able to build something to take care of your property, store your tools to maintain your property. JP noted people try to do an end-run around the septic system. If you want to live in your structure you need a septic system and water, etc. LM asked if it is a separate system or connection to an existing system. The Coastal Commission does not require sheds go through Coastal review. The Camping Policy also comes into play, but exactly when is not clear. ST noted there is a definition of 30 days for camping. ST will provide a link to the county policy. ST noted it is costly to stay in a motel or camp in local campgrounds. The CC&Rs seem to give permission to have a shed. SEMcC suggested we do a package to address and clarify this. EMC noted that once plumbing has been added it is no longer a shed. ST noted the CC&Rs excluded studio from the list of out dwellings considering it is used only by property owners or their servants or tenants
- 4.2. Timber Cove Resort/Inn:** LM noted down in the yard in front of TC Inn on the uphill side they are doing a lot of work. They have many containers there and at the end of it people go to the bathroom outside. It is extremely unpleasant. There are evidently no port-a-potties for the construction workers. NL noted they appear to use the storage containers just for storage, not for construction and they have been there for years. NL reported the corner lot belongs to TC Inn and is a fire trap and unsafe for visibility and could cause a traffic collision.

5. Mailboxes: TMcK noted in the future the costs will be included with architectural guidelines. JP asked if the costs would be about \$100. Sharon reported we needed wording for architectural so when people submitted plans for a house, they would pay a fee for a future mailbox. People with boxes to be placed at the weir location. needed to respond. SL reported JH sent her revisions to the Architectural Guidelines with mailbox language. In general these Guidelines regularly need to be updated and we should add the different language for the shed/studio plus Coastal Permit and language for conforming mailboxes. She will add the mailbox language for our review. ST noted this is kind of like an addendum.

6. Security Report: Oct. 15 the last meeting, we have had quite a bit of rain. On the 19th road repairs and improvements commenced; HWY 1 the mailbox area got paved. On the 25th there was a tree down on the south side of Lee Drive subsequently removed by Eric and Warren. On the 20th he had a complaint from Anne Vernon who witnessed midnight “mushroomers” with headlamps on their property. He told her to call the sheriff. On November 1 he removed the “no open fire” signs. On the 4th there were more mushroom hunters and he started giving out the sheriff information. He tagged one car and it turned out they were friends of Luciano’s. On the 8th he assisted a property owner who got locked out. We had a found dog with a harness, black Labrador. Finally, the property on the north end of Lee drive that has been for sale for a long time has a sold sign. The HOA stone sign was vandalized. Letters were ripped off. There are port-a-potties now on Umland Circle indicating there will be another large party there. ST noted under “Rural/Residential” definition of our community the zoning requires if there is an event in which more than the number of people which the septic can support they must get a use permit. Mark Provost should be notified. They are obviously having an event and it is over the usage meant for this area. TMcK noted the first paragraph of our CC&Rs addresses obnoxious noise and things like that. This is the Timber Cove Inn rental on Umland. ST suggested in the balance of “tenants” vs. “Commercial use” that if that house is being contracted through TC Inn who then allows their workers to utilize that home, then ultimately the landlord should be responsible. This appears to be “commercial use” of this home. The homeowners need to be held accountable for abusing their neighbors and putting everyone at risk, if there is a fire, the road is blocked, etc. She understands that if there is a major event like a wedding or something like that they would check with their neighbors and get the permit and port-a-potties they are being responsible and community-minded, but it sounds like this didn’t happen the last time and it isn’t happening this time. They are blocking the fire access. We need to put them on notice. They have taken over the middle of the road. Nick will go by and inquire about what is going on and contact Mark Provost. Nick reported Timber Cove Inn plans to extend to the ridge. They purchased Ross Fiori’s house for employee housing. He has heard they are putting many trailers up there for employee housing and it is going to be a huge garden for food for the Inn, there will be a spa with a pool, there will be a vineyard and tasting room and helicopter landing space. This property is on the ridge, not in the HOA. They are doing an extension of the Inn up there. This is across the road from the Seymours. It closed escrow a few weeks ago: 31260 Sea View Road.

- 7. Fire Abatement and Roads:** BT reported that Fire Abatement is continuing. He met last week with Ray Frost and Cathy Schezer to discuss issues regarding brush elimination and potential for fire. One of the things to come out of the discussion regarded wax myrtle, a fire safe and water wise shrub that makes fantastic screening. They will drop the requirement to get rid of the myrtle. It does provide some seed for birds, but that is secondary. It is not as flammable as tan oak. Discussion of the benefits for screening. There are people who are contracting with service providers there to do the fire abatement work. He does not know what will happen with the Black property or the M. McCabe property which was supposed to be done in phases. They have been communicating via their attorney. No word regarding the actual work. The tree on South Lee Drive came off Marin McCabe’s property onto our property.

Roads: The pothole is on the county right of way. It appears there is an insufficient structural section underneath that causing our chip seal to break away. He will follow up again. A notice was provided to the road foreman on that. This was in response to Ron Case’s concern. Trowbridge Ct. will take hot mix and more work. It is also a sight where

county and private interests mix. Timber Cove has never worked on this to the extent it deserves. SEMcC asked regarding the budget if there was more road work to be done before the end of April? BT said not much. JP asked about the culvert at the end of Signaigo. BT doesn't know if Mark Mann has contacted Frontier to find out what they want to do. It is pretty shallow. They may want to set it deeper. JP noted that area needs to be finished; it is just as dangerous as it was. The old well head could also be paved over. BT noted we saved \$20,000. SEMcC noted we still have about \$30,000; when the \$20,000 was spent we were going about \$1500 into the reserves. We had \$40,000 from the Reserve and from the budget \$24,000. JB imagines it would cost \$3,000 tops to take care of the culvert. JP would like to see Signaigo up to Lyons improved and widened so two cars can pass since both the HOA and TCCWD are using this road for the office. JP noted for next year, we have problems on Ninive. Roots are coming through. They checked survey markers and Ninive is actually in the easement on the west end. ST asked if there could be a form letter for property owners to remind them of their responsibility. This could be a nicely worded letters. BT has worked with Lisa Kernan, one of the property owners, and her drainage issue appears to have been solved. A lot of people planted trees without permission along Ninive in what was a coastal prairie. The trees are encroaching on the right of way, the road is too low, we have roots growing in the road and we have stuff falling down and clogging the ditches. The trees should be removed. We can also work with Cal Fire as part of our grant. JP noted grass was coming up in the road and the people there didn't want it sprayed. BT understood it is kind of an annoyance and the cracks wouldn't be there without the other contributing factors (trees) that caused the cracks. Roots move the pavement. The trees are the biggest threat; the needles fill up the ditches creating further drainage problems. It would be his recommendation to get rid of these trees. TMCK noted some people have planted in the road easement. ST asked if Cal Fire would take on these large trees? Can it be included in the scope of work? The wood could go to Ocean Cove to be sold for campfires. Discussion of other tree companies that would take wood.

8. **Treasurer's Report:** SEMcC explained our budget a monthly financial report including income/revenue and expenses. At the bottom is a report of our current assets and bank balances. In dues we have about \$14,000 still outstanding to be collected. We are looking into a collection agency The other fees, are fairly normal. We will reach our goal. Staff costs are fine. Under Road Manager, there hasn't been any expense in that category. They are working with BT to define his status as employee or contractor. Under accounting, when SMC came on board they tried to figure out taxes. Our CPA retired without notice. We followed up with IRS and hired another CPA and should be up to date with that soon. Under the Management Consultant this was an added category to hire consultants to help us become compliant with the CC&Rs and our By-Laws and employment status. We are about ready to use these funds and establish our priorities. ST noted we consulted with Lisa Krikos who spent a day here and didn't charge us, so we have had consultants. It was very generous of her. Under Road Maintenance, see discussion above; under Current Assets, \$113,000 in that line item can only be used for road maintenance and property improvement. At the beginning of the year we had a balanced budget and determined the road maintenance would require more. That's when you go to the Reserve Fund, and we decided we would spend up to \$40,000 on the roads from this account. Goods and Services are self explanatory. For the Insurance, the reason we had an overage was we were expecting to have a larger deposit return. Our legal expenses have been discussed at length in pervious meetings. We are seeking Declaratory Review to get a judgment regarding our use and description of the trails.

Bills: Discussion of expenditures listed, including approval of mailboxes.
Clarification of the budget process for possible new Director.

- TMcK moved bills be paid; SEMcC seconded. Unanimous approval.

9. Trail Report: No report received except a copy of the logo.

10. Communications: No report.

11. Public Comment: None

OLD BUSINESS

12. Decorum at meetings: deferred

13. Policy about recording meetings deferred to next Town Hall

14. Collection Agency to deal with unpaid dues. Discussion of Pro-Solutions; Stonehenge. Rodriguez is a Pro-Solution account. We have other unpaid accounts with Pro-Solutions still. The main difference is Stonehenge tries to work with owner to work out a payment process. JP noted the kinder route didn't work. Pro-Solutions stuck with the foreclosure process.

- JP moved we go with Pro-Solutions; LM seconded. Discussion: RW asked why we didn't go with the other. EMC suggested we give them a try. ST asked about the fees to be paid. The charges are part of their fee when they get results. Sharon will hire Pro-Solutions and will find out what they need next. She will find out who else they are already working on and provide us with that list. MSP motion passed unanimously. ST asked if we have a list of all merged lots and what fees they pay. SL will bring this to the board next meeting

15. Camping Policy: new form handed out. SL will get a white board for the office for the meetings. Nick will see who has filled out the form and who has a sticker for their vehicle. At the end of 30 days campers have to pack up and move out.

16. Property on Lee Drive. TMcK reported the property sold and the previous owner, Leventer, was in the middle of construction when he died. His family asked for a return of the construction policy fee. SL noted this language needs to be incorporated into Architectural Guidelines. Currently, there is a 5 year window. We have \$58,000 in deposits with only 2 properties that are active. Cash deposits are the only option. The new owner of the Lee Drive property bought the property assuming the deposit. Discussion of policy. ST reminded we need to follow procedure. To allow this we need to change the language of our policy. SL clarified that the issue is grandfathering the new owners. SEMcC suggested we need to notice the new owners of the policy. Sharon suggested we do more research. ST directed we discuss this at next board meeting.

17. Request from John Gallo regarding a refund. He bought a parcel and the one next to it. He has been paying dues on the non-HOA parcel. He claims he wants a refund for everything he has paid over the years. ST suggested we look at it more closely to see what services he has benefitted from over these years. SEMcC says it sounds like it was a mistake we were charging him dues. Did payment of dues mean he "opted in." There is another property that was paying dues and he sold his property to someone else. The new owner opted in when he bought the old Gallo house. We will review the history of the property. People can "opt in" if they want our services. Gallo served on the board and had 10 properties at the time. JP believes he opted in at that time. SL will tell him that we are researching this.

18. Property at the end of Lee. JP noted Lee was a dead end street. For some reason the road was extended back to HWY 1, but it isn't part of TC which has no say over the

disposition of the road. We did road improvements at the entrance to Lee Drive which appeared to only benefit one person. The extent of the improvements was excessive.

- 19. Emergency Preparedness:** TMC would like to create a liaison with this group. Grace O'Malley had some suggestions we could put in place immediately. We would like a volunteer to work with Grace and her committee and should bring her in on Fire Abatement developments. BT might be the best liaison and he could explain our process.
- 20. Sign Vandalism on HWY 1** on Ruoff. ST asked what sort of investigation was done? Lorrie Uribe contacted the Sheriff. JP suggested he hoped they were following junk dealers who might have bought them to melt them down. The rocks and dirt weren't disturbed. They were probably pulled off by a car. It appears they took specific letters: tried to get the T and got the E and R. It coincided with the party at the rental. Uribe is following up. Sharon has forwarded an insurance piece to Lorrie and we should involve Tom Giacinto in the process. SEMcC said if we have to pay the deductible, we need to check the by laws to be sure we can take it out of the Reserve Fund. JP noted it might be cheaper to replace the copper with something less valuable.
- 21. Fall Town Hall Meeting** is next Saturday at 10:00 am. SM is very ill. She won't be available for the meeting. What should we do? Could someone else help facilitate the meeting. TMcK could be there. JP will be there as well. It is nice to have the board presence.
- 22. IDR language clarification** needed for our dispute resolution to become more complete and directive. If someone has a dispute and wants an attorney present the coverage of our attorney must be covered by them; complaints require specificity and we will clarify what we can dispute.
- 23. Next meeting: January** unless we need an emergency meeting. January 21, 2017, 10:00 am with Executive Session at 9:00 if needed. LM won't be in the country.

MSP Meeting adjourned, 12.36 pm. (SM: minutes transcribed from audio recording)