

Oaks Homeowners Association Board Meeting
March 23, 2010
353 Oak Lane

In Attendance: Don Hassenbein, President; Jim Graeff, Vice President; Eric Hoffman, Secretary; Pat Raskauskas, Treasurer, Ray Urban, ACC. Homeowners attending the meeting were; Don Bliss, nominee for President, Todd McGonigal, nominee for President, Mack Copeland, nominee for ACC, Francis Offei, nominee for ACC and Katie Daniels, owner of KSD Communications.

The meeting opened at 6:38PM with a motion to approve the February 16, 2010 minutes by the Treasurer, seconded by the Vice President, motion was approved.

The Secretary's report included the following topics:

- **Website:** Katie Daniels reported that she has been working on the website, the new homeowner request feature is up and running. Katie was given an original copy of all HOA legal documents; the Incorporation, the Declaration and the By-Laws for use with the new website. A test request was submitted by the President and an email was received by the ACC informing him of the request. In the next coming days the Board will be sending Katie various archived information for the website such as: minutes from 2007 to the present, financial reports, past issues of the newsletter, architectural requirements and specifications, photos of the sign, and a history of the association. A handout was distributed by the President with all the information that needs to appear on the new website. The targeted completion date of the website is by the Annual Meeting on April 5, 2010. The President queried 131 homeowners and received only 6 responses (all negative) to a survey regarding the possible use of PayPal online to pay for Maintenance Assessments, with HOA paying PayPal fees. There was a motion by the Vice President to drop the consideration of using PayPal on the new website seconded by the ACC, motion was approved unanimously. Katie encouraged the Board to go and check the website out and inform her of any changes. Katie then informed the Secretary that once the website is up and running, the inputting of documents would be fairly easy and will be something that the Secretary could accomplish.

- **2010 Election:** Election procedures for the upcoming election were discussed. Any ballots that are returned without a signature will be deemed as not valid. Any ballots that abstained from voting on a particular office position cannot and should not be filled in by those counting the ballots. The election audit will be conducted by the Secretary and the President, immediately after the Annual Meeting.

- **Nominating Committee Nominees:** The Secretary proposed that Curt Heisey and Robert Daley be appointed by the Board to serve on the 2010 Nominating Committee. There was a motion by the Treasurer, seconded by the ACC, motion was unanimously approved.

The President's report included the following topics:

- **2010 Annual Meeting:** An agenda for this year's annual meeting was distributed and the board walked through the agenda. The question and answer period for this year's meeting will be moved to after all the reports have been submitted, which should speed up the meeting.

- **Officer's Books:** Several documents (contact list, member lists, signed contracts, legal document, etc) were passed out for the board members to update their officer's books.

- **Significant Oaks Issues:** The President distributed and reviewed a handout entitled Summary of Significant HOA Issues. This document talked about issues such as basketball nets, parking of boats, trailers and RVs, use of common ground, barking dogs, US flags, property line violations, privacy fences, satellite dishes, unpaid assessments and quitclaim or quiet title claims on common ground.

- **Common Ground:** A homeowner has requested permission to place plants on a wooded area of common ground, which had been bulldozed by a resident of Hickory Street, without authorization by the Board. The Board discussed deed issues that could arise by allowing this to occur. The President recommended a motion to deny this request. There was a motion by the Treasurer and seconded by the VP and the motion was unanimously approved.

- **Township Meetings:** The President attended the April 15 Township Supervisor's Meeting and reported on the results. He also presented the notes from the Jan & Feb meetings. Next meeting scheduled for Wed April 7 at 3pm with the VP scheduled to attend.

- **Oaks Streets Repair:** The President reported on a meeting between the President and VP of the association and township officials, Mike Booth (Asst Mgr) and Mr Blouch (Roadmaster) regarding the poor condition (sections are porous and/or cracked) of the roads within the Oaks. 75 pictures of the streets were taken by the President with many passed along to the township officials in hopes of getting the proposed resurfacing projects moved up. Mr. Booth and Mr. Blouch informed the President and VP that Apple Blossom was scheduled for 2016 and the rest of the Oaks for 2019 but this could very well be moved up. Both the President and VP were then informed on the various types of road projects that the township conducts on roadways, ranging from crack sealing and cutting to 1 ½ overlayment.

- **New Business:**

- **Leases:** There have been two requests by homeowner's to lease their properties. Our Declaration, Article VI, Protective Covenants, 6.01 Residential use, includes a statement **"No Lot or residential dwelling shall be rented for a period of less than 6 months."** The Board interprets this as meaning that the homeowner would have to provide the Board with written proof of a minimum 6 month lease, prior to actually leasing the property. A discussion ensued that the Board felt uncomfortable with this since the lessee, in the lessor's absence, could ignore our Restrictions & Covenants. The President provided a copy of the London Croft declaration (Article VIII, Section 8.1cc, Leases), which states: **"A Unit Owner may lease his or her Unit (but not less than the entire Unit and all structures contained thereon) at any time with the written approval of the Executive Board. The Executive Board may not approve a proposed lease if such approval will result in either: (A) thirty (30%) percent or more of the Units in the Community from being leased, or (B) ten (10%) percent of the Units that are leased being owned by the same person. Additionally, the following shall apply to all leases: (C) no Unit may be leased for transient or hotel purposes or for an initial term of less than six (6) months; (D) no Unit may be leased without a written lease, and (E) the rights of any lessee shall be subject to, and each such lessee shall be bound by, the covenants, conditions and restrictions set forth in the Declaration, the By-Laws, and the Rules and Regulations, and a breach thereof shall constitute a breach under the lease; provided, however, that the foregoing shall not impose any direct liability on any lessee of a Unit to pay any Common Expense assessment on behalf of the Owner of such Unit."** The Board agreed that this verbiage is preferable to ours but there is not enough time to submit a 4th Amendment to the Declaration for approval by two-thirds (101) of the members, prior to the Annual Meeting. Instead, it was recommended that **a simple procedure requiring that the homeowner submit a copy of their proposed minimum 6 month lease (and subsequent renewals) to the President, which should be implemented with the understanding that the homeowner will provide the Lessee with a copy of the Oaks Restrictions & Covenants.** It is also recommended Amendment 4 to the Declaration, covering Leases - using the London Croft leasing verbiage, be issued in the near future.. Motion by Treasurer to adopt the leasing procedure outlined above. The motion was seconded by VP and the motion was approved unanimously.

- **Complaints & Violations:** The President passed out a recommended procedure for handling complaints and violations. The procedure outlines 3 types of violations; Oaks Restrictions & Covenants; Zoning Ordinance and Civil Law. If there is a complaint of violation of Oaks R&C, any Board Member can initiate a complaint if the violation is visible from the street. If not visible from the street, then a written homeowner complaint must be received by the Board. The Board will attempt to resolve the complaint with the homeowner prior to sending a formal Violation Letter, which could carry a \$25 fine per day, if not resolved.. There was a motion by the Treasurer to accept this new procedure, seconded by the VP, motion unanimously approved.
- **Traffic:** It has been brought to the board's attention at a prior board meeting that speeding has been an issue through the Association. A cat was killed on Apple Blossom Lane by a speeding vehicle. The President brought this to the attention of Chief Snyder and 2 traffic surveys were conducted on Apple Blossom Lane. We have not received the final report yet but Chief Snyder is going to continue to look over the results of the survey to see if any other action is warranted.

The Vice President's report included the following topics:

- **Streetlights:** The VP reported that all streetlights within the association are currently working. The VP has received two new globes for the street lights bringing the reserve total to 3 globes.
- **Sign Lights:** The lights at the Oaks sign were replaced and still were not working, it was then discovered that the sensor line was cut by Quantum when they were installing the fiber optic conduit. An invoice will be written up and given to Quantum for payment to fix the cut sensor line.
- **Broken Globe:** A hearing in front of the District Magistrate was scheduled for March 5th @ 10AM on Railroad Street. This was in regards to the broken globe @ 1434 E. Maple Street. This issue was resolved prior to the hearing with the offending subcontractor paying for the damages in full.
- **Electrician:** There was a motion by ACC to sign the proposed 2010 contract for the electrician, the motion was seconded by the Treasurer and the motion carried.
- **Ground Hogs:** Numerous ground hog holes on the hill behind the Pin Oak cul-de-sac were smoke bombed in an attempt to prevent any further erosion of the hill and prevent sinking of the fence.
- **Maintenance Committee:** The VP requested the Board to appoint his nominees of Ron Burke and George Raudensky to the 2010 Maintenance Committee. There was a motion by the ACC and seconded by the Treasurer, motion approved unanimously..
- **New Business:** The VP asked the Board if anyone knew who had placed the blue bird boxes on the chain link fence because some of them are in need of repair. The VP is going to look into repairing and/or replacing the damaged boxes.

The Treasurers' report included the following topics:

- **Financial Reports:** The Treasurer reported that the financial report for 2008-09 has been completed and it will be handed out at the Annual Meeting as well as be posted on the website.
- **Maintenance Assessments:** As of 3/23/10 we currently have 4 unpaid maintenance assessment bills. Second notices are typed up and ready to go out on April 1st, President will contact them May 1 and legal action will start thereafter if Assessment is still not paid.
- **Balances:** As of 3/23/10 we have \$22,725.67 in our checking account and \$33,156.01 in our saving account (\$16,514.86 in our CD, which will mature 12/12/2010 and \$16,641.15 in our Money Market account).
- **Yard Sale:** The yard sale will be held this year on Saturday, May 22nd.starting at 7am.
- **Election Ballots:** As of 3/23/10, the Treasurer has received 79 sealed ballots.
- **New Business:** The 2010 budget along with a 2009 financial summary will be printed up and handed out at the Annual Meeting.

The Architectural Control Committee Chair's report included the following topics:

- **Homeowner Requests:** The ACC reported that no new requests have been received.
- **ACC Committee Nominees:** Betsy Bauer would be willing to continue her service on the ACC and Ted Shipway is on vacation but the ACC believes he would be willing to serve on the ACC. A motion was made by the Treasurer to appoint both nominees, seconded by the Vice President and unanimously approved.
- **New Business:** A master list of all the homeowner requests is being prepared by the ACC and will be available at the Annual Meeting.

The next meeting will be the Annual Meeting held on April 5, 2010 at the Palmyra Municipal Building at 325 South Railroad St. beginning at 6:30 pm.

The meeting adjourned at 8:50PM with a motion from the Treasurer seconded by the VP.

Submitted by Eric Hoffman, Secretary