

**TIMBERTON VILLAGE HOA**  
**ANNUAL MEETING JUNE 29, 2015**  
**MINUTES (PENDING APPROVAL)**

**-Meeting called to order at 4:08 PM by President Steve Beuby**

**Board Members Present: Steve Beuby, Betty Harmon, Joe Iacono, Steve Frenzl, Rich Durbin**

**Village Residents: 28 households represented in person, 22 households represented by submitted proxies.**

**-Determination of Quorum: Secretary Rich Durbin announced a quorum of Board Members (100%) and represented households (64% of 78 households).**

**-MSP to approve agenda (all ayes)**

**-Introduction of new homeowners: None identified**

**-Introduction of current Directors – Steve Beuby**

**-MSP to approve minutes from the last TVHA Annual Meeting, June 23, 2014 (all ayes)**

**-MSP to approve minutes from the Regular Board meeting June 1, 2015 (all ayes)**

**-MSP to approve minutes from the Special Board meeting June 13, 2015 (all ayes)**

**-MSP to approve minutes from the Special Board meeting June 16, 2015 (all ayes)**

**-Comments from the Chair: Steve Beuby – Presently there are a reported 61 million people in the world displaced due to war and civil unrest. At this time last year, the reported count was 45 million. We in Port Ludlow have much to be thankful for with our comfortable lives.**

**-Committee Reports:**

**A. ARC: Steve Frenzl - A total of 28 ARC Requests were processed during the year, 17 were Fast Track.**

**B. VMC: Betty Harmon – Thanks to all serving on the VMC for a number of accomplishments including work on the signature tree near the entrance to Timberton, work with consultants, negotiations with the County for rapid removal of weeds blocking visibility at the village entrance, help to homeowners requesting tree removal and greenbelt issues, efforts to obtain No Parking signs for the top of Timberton Drive, and the development of VMC Goals.**

C. FMC: Joe Iacono – Noted that approval of the request on this year’s ballot to reduce the billing cycle to every six months will reduce costs by \$150.00 per year; maturing 6 month or 1 year CDs will be changed to 30 or 90 day CDs to take advantage of expected increases in interest rates in the near future.

**-Old Business:**

A. Recommendations from the VMC regarding roadside weed control – Betty Harmon – Joe Iacono and Wildflower surveyed the area to determine actions for proper weed control- Wildflower plans to spray and will then burn off the dead weeds; Neil Black and Debbie Wills surveyed the neighborhoods for the presence of weeds; One resident, Shirley Davies-Owens, has effectively used a weed killer consisting of vinegar, Epsom salts and Dawn detergent; Steve Beuby – At the next Regular Meeting, the use of herbicides (Round up) will be discussed with the community.

B. The new Website will be discussed in the President’s Presentation to follow.

**-New Business:**

A. Timberton’s Emergency Management Team Program – Tom Carter – Tom introduced the Block Captains, Timber Heights & Vista Wood Court – John Germain, Leighbrook Lane – Rich Durbin, McKenzie Lane – Dennis LaMance, Timber Ridge Drive – Harlen Whitting, Timber Meadow Drive – Dale Wills, Heritage Lane – Tom Carter; Tom discussed the responsibilities of the Captains to provide emergency communications, aid to the extent possible, assist residents in gas and utility shut-off, observe and report to emergency authorities through the emergency centers, etc. Tom invited all residents to pick up pertinent handouts available near the room entrance.

B. Status of Lawsuit – will be discussed in the following President’s Presentation.

**-Annual Report and Voting Options: Steve Beuby- State of the Village:**

**Achievements FY 2014-2015:**

A. Changes approved at last year’s Annual Meeting are working well – Reduction of Board from 7 to 5 seats – Reduction of meetings from monthly to bi-monthly – 10% increase in homeowners’ dues (prior Board had asked for 26% increase which was voted down).

**B. Recent End-of Year Fund Balances:**

30 June 2010	\$78,921	30 June 2014	\$34,990
30 June 2011	\$68,244	30 June 2015	\$43,113 (projected)
30 June 2012	\$56,204		
30 June 2013	\$34,620		

Projected cash balance increase for the past year is +\$8,123. Of this amount, a total of \$4,316 came from savings in Land and Capital Improvements (\$2,264), savings in legal costs (\$990), savings in miscellaneous costs (\$855), and other line items (\$207).

C. **Timberton Village Web Site:** New resident webmaster, Rick Hellewell, created an entirely new, modern and highly popular web site with much of the prior legal paperwork removed to hard copy, available at the Bay Club.

D. **Completed the first year of a two year contract with Wildflower for grounds maintenance with over \$300 per month savings vs. the previous contract. This contract can be extended for up to two additional years with mutual agreement.**

E. **TVHA survived the “Timberton Lawsuit” with no financial damage and with guidance for future actions.**

F. **Renewed the TVHA insurance with CAU for another year, adding coverage for accident insurance for volunteers working on TVHA sponsored projects for an additional cost of \$300. There were no penalties resulting from the lawsuit costs. Additionally, a savings of \$222 per year was granted since we do not utilize a management contractor. Accordingly, the annual premium increase is only \$78.**

G. **Updated and improved the TVHA Newcomers Welcome Program, with Betty Harmon chairing a committee of volunteers to establish greeters for each cul-de-sac, gather homeowners’ information via standardized forms and provide that information to the TVHA Secretary for updating member rosters. Closer coordination with the SBCA Newcomers Program was also effected.**

#### **TVHA’s Future Focus:**

A. **Lawsuit Resolution:** The final order from the Superior Court is on the website and includes a transcript of the Judge’s comments at trial.

#### **Timeline of events:**

**-October 15, 2013 – Lawsuit filed by Trac C Conservation Coalition (TCCC) against Port Ludlow South Bay Association (SBCA) seeking a Declaratory Judgement to clarify issues related to the SBCA Master Declaration Clause 14.3 and the Platt Language of Timberton Phases II and III. No monetary demands were made, no discovery or depositions were called for and resolution was assumed within about six months.**

**-January 17, 2014 – Two Timberton homeowners asked the Court for permission to intervene in the case.**

**-March 4, 2014 – The Judge allowed the intervention.**

**-March 21, 2014 – The two Timberton homeowners filed suit as Third-Party Plaintiffs against TVHA and another Timberton homeowner, bringing TVHA and the newly involved homeowner into the**

original TCCC vs. SBCA lawsuit as Third-Party Defendants. CAU Insurance provided TVHA with defense counsel.

-13 Months of litigation followed, involving five lawyers, discovery, cross complaints and depositions.

-May 1, 2015 - The case was heard by Judge Kieth Harper, Jefferson County Superior Court.

-June 5, 2015 – The formal, signed Court Order was received from our counsel.

-Findings of the Court:

Section 14.3 exists in full force.

There is no time limit on Section 14.3 and it has not been terminated by merger.

View easements in Timberton Phases II and III do not conflict with Section 14.3. Both TVHA and SBCA easements exist concurrently and contemporaneously. Section 14.3 exists such that homeowners can apply to their village associations and to the SBCA to ask for view maintenance. They can also do it by terms of the Phase II and Phase III Plats.

There is no language in the Master Declaration, Timberton Phase I, II and III Plats, or Supplemental Declaration granting any individual lot owners the authority to exercise view easements or view-easement rights.

There is an issue of material fact as to whether the SBCA's Section 14.3 view easement is superior or inferior to the view easements in the Timberton Phase II and Phase III Plats.

-Order of the Court:

TCCC's motion for dismissal of the Third Party Plaintiffs is granted.

Third Party Plaintiff's cross-motion for partial Summary Judgement is denied.

TVHA's Motion for Summary Judgement is granted.

The "Homeowner as Third-Party Defendant" Motion to Dismiss and Motion for Summary Judgement is granted.

The Third-Party Plaintiffs are hereby dismissed, with prejudice.

All claims asserted by the Third-Party Plaintiffs against TVHA and the "homeowner" are hereby dismissed, with prejudice.

The TVHA and the "homeowner" are hereby dismissed from this case.

-TVHA Board Position on Future View Maintenance ARC Requests – The TVHA Vegetation Management Plan dated June 10, 2010, Page 3, Section 3, Principles: states “As the Board does not always have the ability to rewrite governing documentation so as to eliminate conflicts, when conflicts between or within documents occur, the more restrictive legal governing language shall prevail.” Accordingly, the TVHA Board should always use the more restrictive Platt Language in considering requests for view maintenance.

TVHA’s Future Focus Cont.:

B. More Active Pursuit of Vegetation Management/Capital Improvement Projects. It is planned that a total of \$5,000 will be utilized for VMC and Capital Improvement projects during FY 2015-2016. It is also planned to seek professional lead and landscaping support in improving the TVHA entry area at the base of Timberton Drive.

-Voting Options:

A. Ratify the TVHA 2015-2016 Annual Budget

B. Fully fund the Reserve Balance of our Reserve Study by transferring \$6,691 from the unallocated funds CD to the CD for reserve asset replacement, leaving \$9,013 in unallocated funds. Reserve Asset Replacement funds may only be spent for items in the Reserve Study, unless Homeowners approve otherwise.

C. Reduce the Homeowners billing cycle from quarterly to every six months, saving \$150/ year and reducing work for homeowners.

D. Elect four Board Directors to fill vacating positions. Identified candidates: Steve Beuby, incumbent, Steve Frenzl, incumbent, Debbie Wills, Vicki Derrenberger. Write-ins invited.

E. Adjust the term of one new Director (seat previously occupied by Steve Beuby) to one year to provide a more balanced number of Board seats up for election each year. (Currently 4 one year, 1 the following year – change to 3 and 2.)

-Voting: Secretary Rich Durbin called for ballot completion and collection for counting.

-Voting Results: Announced by Vice President Betty Harmon:

Item 1 – Ratification of the new budget for 2015	47 yes	0 no
Item 2 - Fully fund the Reserve Balance of our Reserve Study	45 yes	1 no
Item 3 – Reduce the dues billing cycle to every six months	43 yes	5 no

Item 4 – Election of new Directors

Four individuals receiving most votes:

Beuby, Frenzl, Derrenberger, Wills

**Item 5 – Balance the number of future board seats to be replaced by a one-time adjustment to the term of seat occupied by Steve Beuby to one year**

**44 yes 1 no**

**-Next Regular Board Meeting will be at 3:00 PM, Monday, August 3, 2015 at the Bay Club. A Special Board Meeting will be held at 3:00 PM, Monday, July 6, 2015 for the Board to elect FY 2015-2016 Officers.**

**-MSP to adjourn at 5:30 PM (all ayes)**

**-Social begins**

**Respectfully Submitted,**

**Rich Durbin**

**Secretary**