

# Tuscalawilla Hills

CITIZENS ASSOCIATION NEWSLETTER

SPRING 2011

## Property Management People

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## Community Manager

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## Finance & Collections

Alex Williams x1010  
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## PMP Office Hours

M-F 9:00 a.m. to 5:00 p.m.

[www.pmpbiz.com](http://www.pmpbiz.com)

## BOARD & CITIZEN MEETINGS

The next Board of Directors Meeting will be held on Monday, April 4, 2011, at the Jefferson County School Board Office on Mordington Ave, Charles Town at 7:00 p.m. Citizens are invited and welcome to attend.

The Next Citizens Meeting will be held Tuesday April 11, 2011 at 7:00 p.m. at the Jefferson County School Board Office on Mordington Ave, Charles Town at 7:00 p.m.

## 2011 Board of Directors

The Annual meeting held on January 11, 2011 was very successful. The Board would like to take this opportunity to thank the nominations committee for stepping up to help out in the community. Members of that committee are: Christine ,Stevens, Jamie Johnson and Lewis McElfresh. **Your 2011 Board of Directors is:**

Gary Kable – President

Phil Larcomb– Vice President

Bob Tansill – Treasurer

Christi Stevens – Secretary

Steve Thompson – Member at Large

## PRESIDENTS REPORT

1. In 2010, the combined efforts of the Boards of Tuscalawilla and Locust Hill prevailed against the Charles Town Utility Board wherein the utility board acknowledged and accepted responsibility for the fire hydrants in Tuscalawilla & Locust Hills.

2. Paving is complete. This is the last patch/repave for the next 3 years. In 2014, one third of the entire community is scheduled to be repaved.

## 2011 Meetings

April 4, 2011	Board Meeting
April 12, 2011	Citizens Meeting
July 5, 2011	Board Meeting
July 12, 2011	Citizens Meeting
Sept 6, 2011	Board Budget Meeting
Oct 3, 2011	Board Meeting
Oct 11, 2011	Citizens Budget Ratification Meeting

3. Installation of speed bumps in most prevalent areas was completed during the paving project in November. This was completed as a test and will be reassessed in the Spring for additional bumps to be added, as needed.

4. Completed removal of dead trees and trimming of others to increase light in the community around street lights.

5. Completed replacement of signs where needed.

6. Completed a portion of the common area cleanup (13 areas). This is an ongoing need within the community.

7. 2010 ended with a surplus that allowed the additional funds to go toward snow removal.

8. Tusawilla Hills HOA was able to get the tax rated changed and the assessment reduced for the common area lot on Rt. 51, by the townhouses, to \$900 a year.

## **SPEED HUMPS**

By now we've all experienced the recently installed speed humps in our community and most of us are in agreement that their presence insights a love-hate relationship. Their installation has had mostly positive effects in our community primarily the reduction of speeding. With that comes inconvenience and a sort of "rattling of the brain" if we forget to slow down until it is too late.

More importantly, we are experience a side effect that was anticipated to some degree that is "avoidance". A few (and we do believe it is only a few) homeowners or their guests are literally driving off of the pavement, into private property, sometimes with all four wheels, to avoid the speed humps thereby causing shoulder and private property damage. In an effort to deter this type of behavior, we have installed 6 ft wheel stops at the ends of some of the most troubled areas.

Folks, this is NOT a measure we as a Board, wanted to take. We know it is not attractive or appealing, and we do not want to have to continue to take steps to cause rude, disrespectful drivers from damaging our neighbors' property.

We need your help! If you see a driver avoid a speed hump by driving one or more wheels around the humps, please note their license plate number and a description of the car and email or phone Renee' Hall at PMP. She will follow up with the local Sheriff's Department to file a report and contact the owner of the vehicle. We would appreciate it very much if you would take one additional step and continue to follow the driver to their destination within the community and provide us with the address at which they parked their vehicle. This will expedite solutions to this problem and we may be able to remove the wheel stops altogether.

The alternative could become much less appealing so please, please help.

The humps installed exceed the transportation department requirements in that they could be more extreme in height and shorter in depth. The approved measurements are 24" deep and 4" high. Ours are 30" deep and 3" high. That said, the Board and PMP are investigating options for modification that will be more palatable and still achieve the desired result. We will keep you updated.

Please help by reporting license plate & vehicle description information to the Board or PMP. Thank you.

## **Vote on Revenue Ruling 70-604**

President Gary Kable presented the Revenue Ruling to the membership in attendance. Following a discussion, a vote was taken and the ruling was approved. (63 Approved; Zero Opposed)

## **Yard Waste Recycling**

The spring yard waste recycling project is scheduled for **ONE DAY ONLY on SATURDAY, MAY 7, 2011 FROM 9:00 AM TO 3:00 PM** at the park on Tuscawilla Drive.

Residents are asked to bag their yard waste in **RECYCLABLE BAGS ONLY** - NO PLASTIC BAGS will be accepted. These can be purchased at Home Depot or Wal-Mart at a reasonable cost. (Please stock up now to be prepared to take advantage of this service this November.)

Volunteers are needed to assist in taking the yard waste from homeowners. If you are interested in helping, please contact Gary Kable 304-725-5108, Bob Tansill 304-725-9593, Phil Larcomb 304-725-2267 or Steve Thompson 304-728-6320.

## **ANNUAL INSPECTION**

Thank you to all homeowners who completed repairs or maintenance to their homes in 2010 after receiving our Annual Inspection letter. Thank you for contacting PMP to let us know they were complete or that you needed additional time.

Our 2011 Annual Inspection will begin in the next 30-45 days. Please take this time to evaluate the condition of your property and make a plan for repairs and maintenance.

**RECREATIONAL VEHICLES  
TRAVEL TRAILERS  
UTILITY TRAILERS...**

**...4 WHEELERS, JET SKIS, CAR TRAILERS, CAMPERS, BOATS, ETC.**

The RV Rules were ratified at the April 13, 2010 Citizens Meeting. The last inspection revealed that MANY utility trailers parked continue to be parked in driveways. Please be sure yours are NOT on the streets, NOT in your driveway unless your driveway extends down the side of your house and that is where they are parked! Otherwise, please put them under a deck, in your garage or discretely placed in your backyards.

## **LAWN CARE ONLINE SURVEY**

The Eastern Panhandle Regional Planning & Development Council is working on a project with the WV Department of Environmental Protection to determine local lawn care practices. This involves learning what local homeowners know about the use of fertilizers and herbicides and their general lawn care practices. To accomplish this we have created an online survey for local homeowners to complete.

The surveys are completely anonymous. We are not collecting any personal information from anyone completing the survey. If you would like to review the survey, click on the link below and scroll down to the Eastern Panhandle Lawn Care Survey project.

Link:

<http://www.region9wv.com/ProjectsPrograms.aspx>

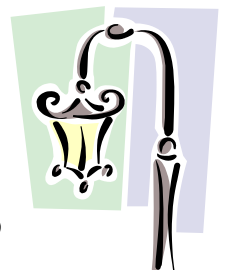
The survey is the first phase of the project. Phase two involves education and outreach to homeowners. The third phase is a follow-up survey to determine what changes homeowners have made in their lawn care practices.

The ultimate goal of the project is to clean up our local creeks and streams by eliminating chemical run-off from the improper use of fertilizers and at the same time saving homeowner's time and money by education them on the best lawn care practices for the region. Please take a few minutes to go to this link and help us help each other. We'll be sure to share the results with the community.

## **STREET LIGHTS**

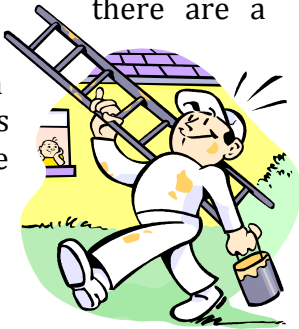
If you notice a street light out on your street or in the community, please call PMP.

Before contacting PMP at 301-694-6900 x1023 — please locate and write down the pole number located on the light post. If there is no pole number, please provide the address of the property closest to the pole.



## **PROPERTY IMPROVEMENTS**

Most of you know that Tuscawilla does not have a formal architectural review process. However, there are a few restrictions in the covenants that must be adhered to and are being overlooked by some homeowners.



- All improvements to your property must meet the setback requirements as outlined in the covenants and as required by the county.
- Building permits are required by the county for improvements to your property. Make sure you obtain yours.
- ALL swimming pools, over 18" MUST be placed inside a 4 ft fence or the side wall must be 48" high with a removable ladder or "locking" ladder.
- Sheds MUST be on a permanent foundation. If yours is not you need to remedy that now.
- Do not store or build anything in the common areas, utility easements or right of ways. You will be required to move it.
- Sheds, decks, fences and other improvements must be maintained. That means painting, staining, repairing, etc.

## Direct Account Access

Last summer we announced the new webpage at PMP where you can now make a payment, view your payment history, check your account balance; see if late charges have been posted to your account and access tools for responding to a violation letter you may have received. You can also download community documents and interface directly with Property Management People. Go to <https://myaccount.pmpbiz.com> this site will also provide you with the ability to automatically receive news about the community and your account.

Please use your account number for the login and your assigned security password to login and use this valuable tool.

## THIS LINK IS ALSO AVAILABLE FROM YOUR COMMUNITY WEBSITE AND VISA VERSA.

## ADDITIONAL SECURITY LIGHTING INSTALLED AT THE PARK

The Board did decide to move forward with additional lighting at the park to deter suspicious night time activity reported at the park. The Board will stay in contact with the owners of nearby residences to determine if the situation has improved or if the lights are obtrusive. There was no cost to install (other than the fixed monthly cost of electricity) and will be no cost if the Board decides to remove them.

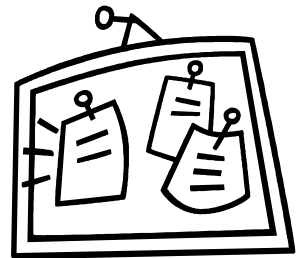
Additional wheel stops were also installed at the park along the utility road because people continue to park in the grass.

PLEASE remind your teen drivers and their friends, the park is closed after dusk and before dawn. Parking is not allowed on the "homeowner side" of the street. There are rules posted that should be respected.

## BULLETIN BOARDS

Tuscawilla provides two bulletin boards for resident use. They are located at the Central Postal Station on Tuscahill Dr and at the Summit Point Entrance off of Lindsey Dr.

Please note that materials placed on either of the bulletin Boards will be removed after 7 days



## FEMA UPDATE

*We received a final response from the State of West Virginia's Division of Homeland Security and Emergency Management Department and our request for public assistance for snow removal expenses incurred in 2010. The state denied our appeal. If there are any new developments we will be sure to pass the information along.*

## **CHANGES IN THE UNIFORM COMMON INTEREST OWNERSHIP ACT**

This information was shared with us by the Jefferson County Organization of Homeowners Associations. Pay particular attention to section (17) below. It is our understanding this bill passed (same as Senate Bill 376) and Completed Legislation awaiting Governor's signature. It amends 36B-3-102 of the UCIOA

### **H. B. 3109**

(By Delegates Morgan, Crosier, Shaver, Hartman,  
laquinta and Talbott)

[Introduced February 11, 2011; referred to the  
Committee on the Judiciary.]

A BILL to amend and reenact §36B-3-102 of the Code of West Virginia, 1931, as amended, permitting unit owners' associations to institute legal action against a unit owner to collect dues or assessments that are overdue or in arrears to the association; and setting forth the types of legal actions permitted.

*Be it enacted by the Legislature of West Virginia:*

That §36B-3-102 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

### **ARTICLE 3. MANAGEMENT OF THE COMMON INTEREST COMMUNITY.**

#### **§36B-3-102. Powers of unit owners' association.**

(a) Except as provided in subsection (b), and subject to the provisions of the declaration, the association, even if unincorporated, may:

***(in addition to sections 1-7 that remain unchanged removed only for the purpose of condensing this document to bring your attention to the modified sections)***

(8) Acquire, hold, encumber, and convey in its own name any right, title, or interest to real estate or personal property, but: (i) Common elements in a condominium or planned community may be conveyed or subjected to a security interest only pursuant to section ~~3-112~~ one hundred twelve of this article and (ii) part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest, only pursuant to section ~~3-112~~ one hundred twelve of this article;

(9) Grant easements, leases, licenses, and concessions through or over the common elements;

(10) Impose and receive any payments, fees, or charges for the use, rental, or operation of the common elements, other than limited common elements described in ~~sections 2-102(2) and (4)~~ subsections (1) and (4), section one hundred two, article two of this chapter, and for services provided to unit owners;

(11) Impose charges for late payment of assessments and, after notice and an opportunity to be heard, levy reasonable fines for violations of the declaration, bylaws, rules, and regulations of the association;

(12) Impose reasonable charges for the preparation and recordation of amendments to the declaration, resale certificates required by ~~section 4-109~~ section one hundred nine, article four of this chapter, or statements of unpaid assessments;

(13) Provide for the indemnification of its officers and executive board and maintain directors' and officers' liability insurance;

(14) Assign its right to future income, including the right to receive common expense assessments, but only to the extent the declaration expressly so provides;

(15) Exercise any other powers conferred by the declaration or bylaws;

(16) Exercise all other powers that may be exercised in this state by legal entities of the same type as the association; ~~and~~

**(17) Institute litigation or administrative proceedings in its own name against a unit owner for the collection of dues or assessments that are overdue or in arrears, including, but not limited to, monetary damages, placing liens on real and personal property that prohibit the sale of that property until all late fees and assessments are paid in full, garnishee wages of the delinquent unit owner and requesting the court to deny services and amenities that would otherwise be provided to those delinquent unit owners; and**

~~(17)~~ (18) Exercise any other powers necessary and proper for the governance and operation of the association.

The complete copy of this section of the UCIOA can be viewed at  
[http://www.legis.state.wv.us/Bill\\_Status/bill\\_status.cfm](http://www.legis.state.wv.us/Bill_Status/bill_status.cfm)

### WATCH FOR LEGISLATION ON SB 569 IN 2011

The House amended version of SB569 is an outstanding piece of legislation. It corrects legislation that did not sufficiently address the legal and governmental specificities of the state of West Virginia.

To the author's credit, it is simple and clearly written – the way legislation should be written. New common interest communities will have no need to consult a lawyer to interpret this amendment.

This legislation will give **future** common interest communities the flexibility needed to assume responsibility for their communities in an ever-changing world while guaranteeing them all the protections of WV Chapter 36B. At the same time, it will protect small planned communities, whose needs clearly do differ from that of larger communities, from unnecessary organizational and financial burden.

The promise of common interest communities has always been the protection of property values. The House Judiciary committee's amended version of SB 569 will ensure that all **newly formed** communities are free to realize this promise. If this passes, it will be a win not only for homeowners living in these communities, particularly those in Jefferson County, but for all residents of West Virginia.

**For more information on either of these bills:**

***Visit the Community Website at:***  
**[www.tuscawillahills.org](http://www.tuscawillahills.org)**

### SHERIFF PATROLS WILL INCREASE IN NEIGHBORHOOD

The Board & Property Management have requested the Jefferson County Sheriff's Department to increase patrols in Tuscahill Hills.

While the schedule for the patrols is not provided, the Sheriff's office has indicated they will be more frequent.

# **YEAR END FINANCIAL REPORT**

## **DECEMBER 31, 2010**

As of January 31, 2011, operating cash totaled \$60,616, unpaid assessments (receivables) totaled \$49,193, and 'other' cash (or cash equivalents) totaled \$44,882, for total assets of \$163,709.

Accounts Payable totaled \$50, prepaid assessments totaled \$45,906, and 'other' liabilities totaled \$440, for total liabilities of \$46,396.

For the month, the Association ended the month in a positive cash position of \$117,313.

For the month ending January 31, 2011, the Association incurred expenses and accrued costs totaling \$17,283, under budget by \$3,188.

For the fiscal year ending January 31, 2011, the Association incurred expenses and accrued costs totaling \$17,283, under budget by \$3,188.

As of January 31, 2011, replacement reserves totaled \$44,882.

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## ***TUSCAWILLA HILLS CITIZENS ASSOCIATION, INC.***

### **CONTACT INFORMATION SHEET**

Please update your contact information so that you can receive important updates and alerts about Board actions, community events & projects, snow removal, as well as other important information about your community. Whether you are moving in, moving out and plan to rent your unit, have an alternate mailing address OR just changed a phone number or email address, we need to know. Please complete the following information and fax or email it to our Community Property Manager today!

Owner's Name: \_\_\_\_\_ Tenants Name: \_\_\_\_\_

Property Address: \_\_\_\_\_ Property Address: \_\_\_\_\_

Home Phone #: \_\_\_\_\_ Home Phone #: \_\_\_\_\_

Work #: \_\_\_\_\_ Work #: \_\_\_\_\_

Email: \_\_\_\_\_ Email: \_\_\_\_\_

I am interested in the following Community Committee activities: Nominations\_\_\_\_\_, Governance \_\_\_\_\_, Common Area Grounds \_\_\_\_\_ Parks\_\_\_\_\_, Other\_\_\_\_\_

Please mail to:  
Property Management People, Inc.  
Attn: Renee Hall  
92 Thomas Johnson Drive, Suite 170  
Frederick, MD 21702  
Fax: 301-694-9514 or e-mail to: [renee.ah@pmpbiz.com](mailto:renee.ah@pmpbiz.com)



## **DID YOU KNOW?**

Tuscawilla Hills became a member of the Jefferson County Organization of Homeowners Association in 2010. Board member Bob Tansill represents Tuscawilla at the monthly meetings and provides valuable information to the Board and is a strong representative for our community.

The Organization was formed out of a need for homeowners associations to connect and cooperate of similar matters of interest and importance in addition to forming alliances that represent all communities in one voice at both local and state levels. The organization is non-profit and has proven many times over already to be an invaluable asset to Jefferson County. For more information go to <http://www.jcohoa.org> this link is also posted on the Tuscawilla website.

## **COMMON AREA CLEAN UP CONTINUES**

A triangular shape piece of common area that borders the back yards of homes on Packet, Sunlite & Webhannet is being cleaned up this spring. Overgrowth of saplings, vines, poison ivy and illegal dumping of yard waste will be removed. Homeowners adjoining this common area parcel of land have been notified directly of the clean up and advised that dumping will not be tolerated and to report violations to the Board of Directors or Property Management People at 301-694-6900 x-1023 or [renee.ah@pmpbiz.com](mailto:renee.ah@pmpbiz.com)

## **TREES TRIMMED AND REMOVED**

Our community is unique in that it provides literally thousands of mature trees for the benefit of wildlife and residents throughout our community. With this privilege comes responsibility and Property Management People through the cooperation of homeowners has been able to identify several trees that were in need of removal because they were dead or have deteriorated to a dangerous level.

There is a limit in the budget for these types of services in a given budget year and we have nearly reached that maximum for this year. Only trees that are absolutely necessary to remove for safety purposes will be considered for the remainder of the year.

## **CONTROL YOUR ANIMALS**

Folks, there is restriction in our covenants on the number of dogs any homeowner may own & house on their property. That number is 1 (ONE). The Board has many duties and responsibilities and prioritizing them is critical to the success of our community. Seeking to cause homeowners to choose which dog to find a new home for is NOT something we wish to pursue unless it becomes absolutely necessary. HOWEVER, homeowners may NOT leave their dogs outside all day to BARK and create disturbances to their neighbors. Whether you have one or two dogs, you can rest assured that if your dog(s) are creating a nuisance, you will be complained about by your neighbor and we will have no other choice but to enforce this covenant against you.

## **REGARDING CATS**

Although there is not a specific ordinance in place for the control of cats, homeowners who own cats are reminded to be respectful and mindful of the habits of their cats and how they impact their neighbors. Not all people are cat lovers and no one wants a cat using their flower bed as a litter box. Cat owners can create appealing areas in their own yards that are attractive to cats for these purposes.