

2019 Year in Review (past 6 months)

Dear LOW Homeowners,

The HOA board has been in office for only 6 months, not a full year. It has been an extraordinarily busy time. Many accomplishments have been itemized in the minutes, and I encourage you to review the minutes and treasurer notes. Particularly noteworthy, but not included in the minutes is the transparent and democratic way the 2019 board has functioned - with each board member participating fully and equally.

Enforcement of Covenants and Restrictions

As the board works with Kaman & Cusimano, a legal firm specializing in HOAs, in order to better understand our formation documents, many items are being clarified. Importantly, we have learned that it is the legal duty and obligation of the HOA board to enforce the Covenants and Restrictions. This is not the most pleasant task, but it is our legal obligation and we do so as judiciously as we can. It is always a bit of a tightrope to navigate the interests of individual owners with the good of the community as defined in our HOA Restrictions and Covenants, our Bylaws, and the laws of the city of Akron. At all times, we try to take the most prudent course possible taking under advisement expert opinions. Always, the goal is to enforce the Restrictions and Covenants without having to resort to a civil suit. We attempt to solve issues with the least means possible, beginning always with discussion of the issue and progressing stepwise only if needed.

LOW Lake

We are also working with Kaman & Cusimano to clarify duties and responsibilities regarding the lake. We have learned that the entire lake and all its surrounding land, up to the border with Signet, is privately held by 6 LOW homeowners. A very good map showing this is attached. (On this map, please do not interpret the tree shadow at northeast corner as lake property. Per our plat maps, this home does not own any portion of the lake.) There is no access to the lake for other LOW homeowners, excepting for maintenance by the HOA. The lake is for viewing only; there is no swimming or boating upon it, per our covenants. As stated in a previous newsletter, the HOA is not responsible for algae or the aesthetic appearance of the lake but, according to our formation documents, the HOA is responsible for dredging when it is needed. Although this seems inequitable, it is not an uncommon arrangement. Many times an HOA is tasked with maintenance of items that are shared, but not common for everyone; this seems to be an expedient approach by the developer to arrange for upkeep of these items. A legal body – the HOA – is tasked with this in lieu of having to address getting 6 owners to agree on methods, timing, and cost of upkeep of the shared item. The lake is differentiated from the stream and water in the ravines that are on so many of our properties. As the board learned, the efforts

involving streams and ravines are considered “protecting one’s property” from the incursion or effects of water. For the lake, the focus is on “management of storm water”, not on the surrounding property.

The lake has existed for 37 years and appears to be in very good condition at this time. Recent dredging proposals have ranged as high as \$200,000+, which would have required a special assessment of \$2000 to each homeowner, \$3000 for those with 1.5 lots. Other dredging firms with different dredging methods were also consulted, but all are problematic for one reason or another. Fortunately, consultations with Aquadoc, a firm that manages more than 200 lakes in NE Ohio; Julie Berbari, Storm Water Specialist, Summit Soil & Water Conservation District; and Dan Joseph, PE, City of Akron, Water Reclamation unanimously agreed that dredging is not needed at this time. Ms. Berbari also pointed out that dredging should never be done unless it is absolutely necessary because dredging destroys the delicate balance of the ecosystem. She guided us on criteria that would indicate dredging is beginning to be needed; our lake, fortunately, has none of those criteria. It is difficult to predict when dredging will be needed because it is a function of nature. The rate of sediment deposit so far can be a guide, but this too can change. In addition, the sediment does not deposit evenly on the lake bottom, and some areas (inflow and outflow) are more critical than others. Unfortunately, our lake does not qualify to be included in the wetland reclamation credit program by the Ohio EPA, which would have offset some of the costs of lake maintenance. Therefore, the potential costs of future dredging need to be a prominent consideration in evaluation of our reserves and prudent planning for the future. Many thanks to the Lake Committee – Mike Pancoe, Denise Schaffner, Dale Freygang, Ken Jonas, Brian Gage, myself, and Gary Himmel for working on this.

Other Legal / Treasurer Notes

Other advisements from Kaman and Cusimano include having our Bylaws filed and recorded, as required by the Planned Community Act passed in 2010, and establishing an enforceable dues collection policy in order to support the difficult job of the treasurer.

Annual dues should be paid in January and February, with tardy homeowners paying in March. Collections should be completed by mid-March. This collection time coincides nicely with our annual meeting date, which should be in early winter per our bylaws. It also allows the board to begin making necessary improvements as soon as the weather breaks. After several email reminders, 1-2 paper notices, and 1-2 text messages, there are still several homeowners who have not paid their 2020 dues. For those homeowners, please remit payment as soon as possible to Kathy Negrelli, 420 Lake of the Woods. You may place your check in the basket on her front porch, or mail it to her. Many thanks, too, to Tom Lentz for assisting the HOA with tax filings, and updating our accounting methods and record keeping.

Architectural Review Board

Lastly, we would like to take the opportunity to once again remind every homeowner to contact, and get approval from, the LOW Architectural Review Board (ARB) **prior** to beginning any

construction projects outside of their homes. As read aloud at the annual meeting, our formation documents describe the duties of the ARB as

“No building or construction shall be erected on any lot until the design and location thereof have been approved in writing by ARB. The ARB reserves the right to reject all such plans and specifications for any reasonable grounds, including, but not limited to aesthetic reasons. The decision of the said subcommittee shall be final and binding unless modified, changed, or overruled by the affirmative vote of 2/3 of our members.”

Formation Documents

Everyone in Lake of the Woods has *chosen* to live in a planned community. As such, we all must abide by our Restrictions and Covenants and our Bylaws. These documents were written in early 1980s by our developer, Tony Petrarca of Cedarwood Builders, and at least in part, reflect his interests. If we, as a community, find our formation documents too onerous, we have the options of amending our documents or even writing new ones that better reflect our concerns and needs.

Succession of Board Officers

Per our bylaws, election of *all* board officers should not take place every year. The officers will decide among themselves who will serve for 3 years, 2 years, and 1 year. This ensures passage of information and continuity on projects. It is extremely difficult to get a handle on everything if everyone is new each year.

Upcoming Projects

We hope to improve the landscaping in the front portion of the island directly beneath our Lake of the Woods signage on our newly restored brick entry wall. This is a very prominent area and gives the first impression of our community. We hope to incorporate some evergreen plantings as well as some rocks; this should give some structure to this area as well as providing year round interest, particularly on our long gray winters.

Review of past records indicates that we should have water access on all 3 portions of land (west of entryway, island, and east of entryway), yet we only find water access on the west portion. If anyone is aware of water supply in the other areas, please let the board know. Also if anyone would like to participate in watering to help settle in the new plants, especially in August, please make yourself known.

Final Thanks

If there is anyone we neglected to thank, please accept our apologies. Many persons have been called upon to help answer thorny questions or to offer guidance in their field of expertise. We can not list you individually, but please accept our thanks to each of you.

2019 LOW HOA Board members:

Carrie Brown - Dale Freygang - Kathy Negrelli - Sharon Shapiro - Jim Stetz