



HOA Board Position Opening – by Jim Sorenson

There will be an opening for a Board member position for our Home Owners Association (HOA) in March 2010. Michael DiSanto’s Board position will be opening and he does have the opportunity to run for re-election. Board member nominations, and a vote by the meeting attendees, will occur at the next HOA meeting that will be held in March (exact time, date and location to be determined).

Residents interested in running for the Board position are encouraged to submit a campaign article to be included in our March 2010 newsletter. Articles must be submitted by end of day February 20 and are limited to 300 words. Recall that someone else must nominate a candidate at the HOA meeting (no self-nominations), and each candidate will have the opportunity to briefly speak to the meeting attendees. The newsletter article will at least give candidates a head start to represent themselves prior to the HOA meeting.

Articles should be submitted to me via newsletter@lakeeriesthores.net. I will send a return email to confirm that I have received your article. I do not read email everyday, but if you do not receive a confirmation email within 3 days that probably means that I have not received it. You can embed your article within your email or attach a file.

For reference, this article should have 222 words.

Home Ventilation – by Jim Sorenson

Last month I discussed sealing your home’s attic & basement, and a blower door. This month, the topic is ventilation.

Home ventilation is simple enough: supply fresh air and remove stale air. However, although the concept is simple, there is much more detail involved but we can only scratch the surface in this brief article.

The air in our homes should be exchanged for several reasons such as: we need oxygen to breath & live and moisture levels should be controlled. The American Society of Heating, Refrigerating, and Air Condition Engineers recommend that the air in our homes be exchanged about every 3 hours and there are different types of ventilation systems to accomplish this.

Whole-house exhausts can ventilate an entire home and can actually help lower energy bills since the air conditioner can be used less. Do not expect a whole-house exhaust fan to offer the same comfort levels as air



conditioning on a 100 F day though. These systems help more with moderately warm days. They are generally ceiling mounted and located in a central location of the home – such as the 2nd floor hallway.

A common type of spot ventilation is to have individual exhaust fans in each bathroom and perhaps one in the kitchen. Each fan is probably controlled manually (with a wall mounted switch) and is vented directly to the outside. Most builder-grade exhaust fans are probably better at generating noise than exhausting air.



An in-line ventilation system uses a single fan housing, usually placed in a central location in the attic.



Ducting is run from several rooms to the fan’s inlet, and the fan outlet is ducted to the outside. When the central fan unit is turned on, it exhausts air in all of the rooms connected to it.

Ventilation systems with energy recovery units help pre-condition the incoming air with the outgoing air. When bringing in new, hot summer air into the home, why not cool it down some with the cool, stale air that is being exhausted rather than just exhausting the stale air outside (and vice versa in the winter). Energy recovery units are just heat exchangers.



Ventilation systems can be set up to run automatically, manually and from multiple switch locations. Timer controls can be set so that the bathroom exhaust fan will run for several minutes after it is turned off to help remove moisture since moisture is the enemy of bathrooms. Timers can also be used to run ventilation systems at set intervals such as operating a 2nd floor hallway bathroom for 15 minutes every 2 hours.

Moisture level controls can be used to automate fan operation based on a humidity level. Some bathroom exhaust fans have built-in moisture sensors, while still retaining manual control. Electronic controls should be more reliable than our own “seat of the pants” measurement.

Cheap bathroom exhaust fans may be more of a noise maker than an actual exhaust fan. Is your bathroom mirror always steamed up after a shower, even with the fan activated. If so, you should remedy the problem because long-term moisture can create high-dollar problems with both your health and your home . Price is usually a good indicator of fan quality and noise levels. A low-priced fan usually has low quality and high noise.

Sizing a ventilation fan properly is not just choosing the color and appearance – there is some math involved.

Panasonic has an interactive form on their web site where you input the room type & dimensions, specifics about the ducting and then it does the math for you.

If you go to the trouble to replace a fan, it would be prudent to assess the ducting as well. If it is the insulated flex type ducting, it would be wise to replace it. Ducting with a smooth interior (such as PVC or metal) is best. You should also assess the duct insulation and most likely add more. Do you remember what happens when warm moist air goes through a cold duct: the moisture condenses, and this is bad, bad, bad.

One of our 2010 wish-list projects will be to replace several bathroom fans with higher quality units. Our builder-grade units (read cheap units) that came with the house, are just noise makers at this point. We would like to replace the ducting at the same time. We expect to pay about \$150 for a bathroom exhaust fan.

Here is a simple test: cut a hole (slightly smaller than a credit card) in the side of a box and then tape a credit card to the inside of the box (just on the top side) to cover the hole and create a flapper valve. Place the open end of the box over the ceiling mounted exhaust fan and measure how much the credit card flap deflects when the fan is turned on. Did it open at least 1.5-inches? If yes, congratulations, you have passed this test (but just this test). If no, it is definitely time for a home repair project!

This is an extremely condensed article on home ventilation, but hopefully you have a better appreciation for it.

Chuck Hillier - Volunteer Trustee

As I'm writing this it's the day after Christmas and I'm relaxing trying to recover from the Christmas holiday buzz. I hope your holidays were as wonderful as mine and filled with joy and your New Year is filled with bountiful blessings. Merry Christmas and Happy New Year to you and your family! The past few years have been tough for us all, but here's hoping 2010 fills all of our lives with peace, prosperity and joy.



The Finance Committee approved the 2010 budget and it was mailed out the week of December 21st to all homeowners. If you didn't receive your statement complete with the approved 2010 operating budget please contact First Realty Property Management at 440-720-0100 and they will get one out to you. Fees are due January 1st but are not considered late until March 1st.

I'm pleased to report that for 2010, we were able to reduce fees to \$320. Fully aware of the economic climate we live in we wanted to lower the fees further but felt any additional decreases had the potential in these uncertain times to cause more harm than good. As I'm sure you recall, last year we raised the fees and some stated that once they went up they were never going to go down again. We affirmed each budget stood on its merits and

just as it went up one year it could just as easily go down the next. Hopefully you can see by our actions that we have kept our word.

There are a number of reasons we are able to lower the fees for 2010 such as the hiring's of our new management company and legal counsel along with competitive rebidding of services we utilize (i.e. insurance). Another major contributing factor however resulting in a reduction in fees is the involvement of residents helping with association functions. Once again the Recreation Committee, led by Jon Adkins led the charge by running with a number of activities (i.e.



Easter Egg Hunt, Beach Clean Up, July 4th Celebration) but another committee really stepped it up in 2009 and their involvement saved us roughly \$10,000 in actual expenses. That group is the Landscaping and Beautification Committee led by David Spall. Some key members of that committee include Derek Pointdexter, Judy Cogan and again Jon Adkins, each of whom worked hard planning and executing the working parties for the stream cleanup and painting of the pavilions. It was of course the tremendous turnout of many others at each function that enabled us to perform this work ourselves at a much lower cost than contracting it out would have been. If you know these neighbors, please thank them for all their efforts and if possible provide them a lending hand in 2010 at scheduled events.



There was a news report recently on WKYC TV3 that detailed how delinquent property owners have caused HOA's to raise fees to help offset the cost for those not paying. In the news report it discussed a piece of legislation now being considered in Columbus called a "Super Lien". The Super Lien would place a portion of delinquent HOA fees in front of liens due to banks upon foreclosure. There are other states that currently have this law in place and I believe it would be good for neighborhoods such as ours by helping to keep HOA's viable which ultimately help maintain property values. If you agree, please let your elected officials in Columbus know of your support for this important piece of legislation. This news piece that is still available for viewing on the internet, please take a moment to watch it at

http://www.wkyc.com/news/news_article.aspx?storyid=127336.

If I can answer any questions you may have about our finances or anything else regarding the Association, please feel free to contact me at avcmcchi@sbcglobal.net or simply call me at home (350-1640).

*It is easy enough to be pleasant when life blows by like a song.
But the man worthwhile is the one who will smile when everything goes dead wrong.*

Ella Wheeler Wilcox (1855-1919, American Poet, Journalist)

Budget Talk – by Chuck Hillier, Volunteer Trustee

I'm writing this column to pass along some information pertaining to our 2010 budget. The bottom line is that we have reduced our annual fees to \$320 as the budget was decreased from \$167,280 in the 2009 budget to \$157,440 for 2010. Some of the expenses detailed in this budget have more to do with the hiring of a new management company and their desire to provide detailed/consistent reports pertaining to expenses as it does to actual expenses.

During 2009, First Realty Property Management Company reclassified expenditures in the reports from one line item to another they felt was more descriptive/appropriate. For our annual budget, this practice may have provided the appearance that there are increases or decreases in expenses in a particular line item when the reality is simply expenses were reclassified. It can get confusing so if you have specific questions, please contact me with and I will gladly explain further.

There are expenses in this budget that did not appear in the 2009 budget; several examples of such include mulching of the beds, chemical stream clean up and recreational activities. The mulching of the beds is being performed because we did not mulch our beds in 2009 and we really can't skip this maintenance function for two consecutive years. The purpose of the chemical stream clean up is to kill the phragmites and cat tails that grow wildly in several areas of the streams we are responsible for. Recently, to ensure we have proper flow of water out of our development, we authorized payment to a contractor for several thousand dollars for maintenance crews to physically remove undesired growth of these plants in the streams. Chemically treating these plants is an expense that will over time become less costly than paying wages to control growth so this will become a reoccurring line item to the budget.



The line item for Recreational Activities is actually not a new expense as much it is a reclassification of expenses. In the past we budgeted money and/or had expenses related to the Easter Egg Hunt, July 4th Celebration and Corn Hole tournament but those expenses were accounted for under budgeted line items perhaps not as descriptive as we felt they should be. In addition, this line item details an expense but it needs to be noted that each recreational activity funded also has provided some return of revenues so the total expense as stated on the budget does not reflect a true cost to the Association.

We've also budgeted in \$2,500 for a "Reserve Study". In prior articles, I've discussed the need for this but in summary; the Reserve Study will engage an independent company to perform an analysis of our association properties and then place a dollar figure on future

maintenance expenses and project those costs over time. It will tell us how much money we need to put aside on an annual basis to maintain our current properties (i.e. pavilions, bridges, beach property, parking lots, walkways...). For 2010, we budgeted roughly \$10,000 in a Maintenance Reserve Fund pertaining to future expenses that will be detailed in the Reserve Study. We also are required by a Painesville Township resolution to fund \$25/residence to the Shoreline Reserve Fund, which we did again in this budget. There will be additional articles and information pertaining to the Reserve Study in future newsletters but please note our budget is responding to both good practice and pending legislation already in Columbus pertaining to reserve accounts for HOA's.

Although we budgeted \$16,000 for legal expenses in 2009, as of November 30th we only spent roughly \$8,600. Reviewing our legal costs for the upcoming year we anticipate that we will have a significant increase in expenses due to an increased number of liens, pending foreclosures and anticipated legal actions. As of the writing of this article we have recently authorized our legal counsel to pursue two foreclosures and there are other legal actions in the works that are exhausting their process which appear to be heading for legal resolution. All of this and more we felt necessitated the need for the increase in the legal fees line item. If the legal process to each finds resolution before exhausting all options, our expenses for 2010 will be less but we have to plan and budget accordingly using the information and data we have at hand.



Some additional positive news of the current budget, we have noted decreases in budgeted line items over 2009 for Management Fees, Insurance, Real Estate Taxes, Corporate Taxes, Stream Clean-up, Pavilion Maintenance and the Sprinkler System. The final budget for 2010 has gone through numerous changes from the original draft as presented by the First Realty. The trustees met with our management company to discuss the drafted budget and from there I made a number of changes that were reviewed and discussed further again by the Management Company, Trustees and finally with the Finance Committee. The Finance Committee is led by Chairman Randy VanBuren with great assistance from Vic Hribar and John Delsanter. At the final Finance Committee meeting, each line item was discussed in detail and reclassifications/deletions of line items were enacted as applicable. Finally the reduced 2010 annual fee was agreed upon by the Finance Committee and the Trustees.

If you have any questions regarding the Association, please contact me by email (avcmcchi@sbcglobal.net) or simply at home (350-1640).

Painesville Township Recycling

The Township currently offers three recycling drop-off locations: (1) Fire Station #1 – 55 Nye Rd, (2) Recycling Center – 141 Bowhall Rd and (3) Near the Service Garage on Post Rd. There are containers for: (1) paper and (2) “everything else.”

Delinquent Owners Pay Association's Legal Fees - The law firm of Kaman & Cusimano

Are you considering what bills to pay and what bills to put off? If so, think twice before failing to pay the association's maintenance fees. Besides administrative late charges, delinquent owners must also pay the legal fees incurred by the association in recovering the unpaid maintenance fees. In the Ohio Supreme Court case of *Nottingdale Homeowners Association vs. Darby*, a unit owner contested the document provisions of the association allowing the assessing of the legal fees back against the delinquent owner's account. The Ohio Supreme Court upheld an award of \$12,268.89 in legal fees incurred by the Nottingdale HOA as a result of owner Darby's \$2,464.82 delinquent balance. In its review of the matter, the Ohio Supreme Court stated that:

"This is a case of first impression requiring us to determine whether two parties, in a non-commercial transaction, may lawfully contract to require, in a suit between them, the payment by the unsuccessful party of the prevailing party's attorney fees. We hold that they may do so. . .

[Darcy asks] us to disregard the explicit terms of the declaration and bylaws by which [he] agreed to be bound. [When Darby] purchased a unit in Nottingdale, [he] freely agreed to be bound by the terms of the declaration. Accordingly, we hold that provisions contained within a declaration or bylaws requiring that a defaulting unit owner be responsible for the payment of attorney fees incurred by the unit owners' association in either collection action or a foreclosure action against the defaulting unit owner for unpaid common assessments are enforceable and not void as against public policy."

Clearly, you should think twice before failing to pay the association's maintenance fees.

*(The law firm of Kaman & Cusimano represents our Association)

Resident Articles Wanted

Thanks to the few residents who have already submitted articles to the Lake Erie Shores newsletter. We would like to have more written articles from residents in future issues. Please submit your ideas to newsletter@lakeerieshores.net – articles should be received by the 20th of the month in order to be included in the next newsletter.

Contact Information



Lake Erie Shores Web Site
www.lakeerieshores.com

Home Owners Association Committees

Welcoming Committee (welcome@lakeerieshores.net)
 Covenants/Restrictions Committee Chair – Bruce Buffie (buffie723@att.net)
 Financial Committee Chair - Randy Van Buren (rcvanburen@sbcglobal.net)
 Landscaping & Beautification Committee - Dave Spall (davidspall@sbcglobal.net)
 Recreation Committee Co-Chairs - Jonathon Adkins (jonsuzannaadkins@sbcglobal.net) and Cory Wertch
 Volunteer Coordinator - Paula Haumesser (paulahaumesser@sbcglobal.net)
 Newsletter Committee Chair – Jim Sorenson (newsletter@lakeerieshores.net)

Board of Trustees

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Michael DiSanto

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