

ACNA Meeting Minutes January 24, 2019

The first quarterly meeting of the Allen County Neighborhood Association was held on January 24, 2019 in the Omni Room on the Garden Level of the Citizen Square Building. It was called to order at 6:30 by Kris Krishnan, ACNA Co-Leader. 44 residents were in attendance.

Kris thanked those in attendance for coming, and began the meeting by asking for residents to step up and take on some of the duties of the ACNA. More information on the needed help was presented later in the meeting. Joanne Bergman, the other Co-Leader of the ACNA and Mike Green, Allen County Public Information Director, were also in attendance. There is a strong feeling amongst those in attendance that the ACNA provides a valuable function and that in order for it to continue, more volunteers are needed.

Henry Najdeski, Attorney

- Henry was present to answer legal questions pertaining to associations from the attendees.
- Is there a method to keep a disruptive resident from attending association meetings? If the actions of the resident are unreasonable and disruptive, yes, you can try to keep them out. Start with a written letter informing them that they are not welcome. If the disruption continues, you may seek legal remedy and have a restraining order issued.
- What information may be posted on FaceBook or in your newsletter in regards to past-due dues collections? Use common sense. Don't try to shame or embarrass people. Avoid using specific names. You may list addresses but try to keep your postings clean.
- If a board member is served a summons, can the association ignore the summons or not involve a lawyer? Best to have a lawyer at least review the summons. Many will not charge to simply look at the letter. They can then advise a course of action. Simply ignoring it, even if you feel it is frivolous, is not a good course of action.
- What legal liability does an association risk if somebody is injured during a voluntary clean-up day? Associations should carry insurance and if they do, there should be no issues in this instance.
- Does an association assume liability if they advertise for a group rate for work to be done in the association? Example was a group rate to have houses power washed. Best action would to simply list a directory of preferred contractors and let the residents decide who they hire.
- Can an association use a voluntary fund for projects in the development? Example of collecting funds to have trees installed in common areas. No liability – just be responsible and open with the funds.
- Association was dissolved in 1999. Can it be brought back or need to start over at square one? Check the old covenants to see what they say. If no old covenants are available, then check with the Secretary of State to see if the association was ever listed and if it was, then see if they can have it reinstated. This could become reasonably complicated so legal representation should be used.

- Can associations report past due dues to a collection agency? No, it is not recommended to try to harm a person's credit rating for dues.
- If a board is violating the by laws in handling elections, what can be done? Situations like this should be handled with legal representation.
- What is the difference between dues and maintenance fees? This would depend on the wording in the covenants.
- Covenants should be reviewed every few years and if necessary, changes should be made following the procedures in the covenants. Times change – need to make sure covenants keep up with the times.
- How do you start a new association? First step is with covenants. Covenants will tell you the rules to follow. Developers usually have a format they follow and will hold the majority of the voting rights until all of the lots are sold. The rights are then passed on to the residents.

John Caywood – Allen County Building Commissioner

- Discussion on building in Allen County in 2018 and beyond.
- NWAC Schools is building new school in the northwest area. 1,279 new houses were constructed in Allen County in 2018.
- Home values are increasing so many residents are remodeling their homes.
- If you are remodeling, make certain to use trustworthy contractors. The heavy load of new houses being built means that most local contractors are very busy. Times like these bring out a lot of unlicensed contractors.
- John introduced Betsy Keisler (260-449-7596), a building inspector for unsafe issues with over thirty years' experience.
- Betsy discussed issues seen in Allen County in recent years.
- There are many unlicensed contractors in the area. They can't get permits if they are not licensed and will try to have the homeowner obtain the permits or won't bother with them. This is illegal. If you use an unlicensed contractor and work is done without a permit, the recourse of action will fall on the homeowner. Remodels require permits and proper inspections.
- Associations should educate the residents about this through newsletters and social media. Help residents before they get into bad situations.
- Worst case in recent history – homeowner hired unlicensed contractor, contractor had resident apply for permits, major remodel was undertaken, shoddy and dangerous work was performed so much that the house was in danger of collapse and the resident paid over \$50,000 up front for the work. The work was not done properly, the contractor disappeared and the homeowner was left with a house that might collapse. Respectable contractors are hesitant to get involved as they don't want to take on the liability for the shoddy work. This resident is in a terrible situation.
- Permit violations could be as little as \$500 or up to \$500 / day per violation.
- Call the Building Department if you want to check on your contractor to see if they are reputable. They can also tell you if your project requires permits or not.
- Betsy is available to come to association meetings to discuss permitting.
- Does the Building Department have any type of news release that can be put in newsletters or on social media? No, but that is a good idea so they will look into making one. If simply painting or replacing floor covering over an existing floor,

- no permits are needed. Replacing an existing toilet does not require a permit. If you are relocating a toilet, you need a permit.
- The Building Department is not trying to scare people – they are in place to ensure that repairs are done properly. The penalties are for those who knowingly skirt the rules. Simple errors by residents can usually be worked out.
 - Check the license your contractor posts. Some will post fake licenses.
 - If you are going to widen a driveway, do you need permits? Probably not a Building Department issue but a Zoning Department issue.
 - Roofing contractors should always be licensed. They should never ask the resident to get the necessary permits.
 - Is there a list of the fly-by-night contractors? No, but if you call the Building Department, they can tell you if the contractor is reputable or not. There are over 7,000 contractors in Allen County.
 - The Home Builders Association can provide you a list of reputable builders.
 - A resident wants to build a large pole barn that meets covenants but does not fit surrounding homes. Can the Building Department stop this? No, the Building Department can only enforce State Code. It might possibly be a Zoning matter so contact the Zoning Commission.

Tom Fox – Allen County Department of Environmental Management

- Tom was present to discuss current changes to his department and the programs they offer.
- Formerly known as the Solid Waste District.
- Tox Away Day used to be one day a year in September.
- Now have a facility at 2200 Carroll Rd that is open every Tuesday for waste collections.
- This facility is trying to be expanded to more than just one day a week. Minor fees are charged for items to be dropped off. Since the facility opened in July 2018, over 900 cars have been through it.
- There are also six recycle trailers in area shopping centers that accept recycled items. These (not all) are staffed from 8:00 AM – 4:30 PM weekdays.
- Electronic items may be recycled at the Omnisource facility on New Haven Avenue. Contact them at 260-449-7878 for hours and fees for electronic items.
- Tires are not accepted at the Tox Away facility. ACDEM is working with area tire dealers to accept tires. Most charge a small fee for disposal.
- Dumping of waste items is illegal. Contact the local police if you notice dumping going on.
- Light bulbs can be recycled at the Tox Away facility. Many local big box retailers will accept light bulbs. Area Do It Best locations also accept bulbs.
- Batteries are not accepted at the Tox Away facility. Batteries can be taken to Battery Plus Bulbs on Washington Center for disposal.
- The Waste Watcher pamphlet is updated every year. The new issue will be coming out next month and new this year, it will be mailed to every resident in Allen County. It is full of valuable information.
- www.ACwastewater.org
- Educators are willing to attend association meetings. Heavily using social media, including Nextdoor Neighbor app to get the word out.

- Do you accept mercury? The Tox Away facility can accept it but there are fees for the disposal and it will depend on how much you have.
- Eel River is collecting bottle caps for a bench building project.
- All of the so-called junk mail you receive can be recycled. Do not throw it in the trash. Recycle it!
- Current hours of the Tox Away facility is tough for the working people to get there. Can it be open later or on weekends? Yes, they are looking at hours of operation and trying to address them.

Marvel Embrey – Pheasant Run Civic Organization

- Volunteer to the ACNA. Present to discuss a plan for the July 25th meeting for a Round Table discussion format.
- Handout – “ACNA Planning Committee Information on Panel Discussion”
- Looking for 6-8 people willing to sit on the panel and discuss their experiences with associations and have a question and answer session at the meeting.
- Looking for varying sizes of association members for the panel.
- Asked for a show of hands on those interested. Many questions on it from the audience.
- Who are the planners of this meeting? The ACNA Coordinators and area volunteers.
- If you aren't interested in being on the panel, please use the form to submit ideas that interest you.
- ACNA hoping to add new faces to the audience.
- Marvel presented magnets with her contact information (260-466-3066 or maembrey3636@gmail.com).
- Audience member suggested small groups of people meet first before the panel discussion. This idea was not well received by the others present.
- Associations that use Property Management Company would be good to have on the panel.
- Looking for success stories to present on the panel!
- Need more involvement to keep the ACNA moving forward.

Open:

A question was asked of how many associations are there in Allen County? Over 450 – how to get more people to attend and get involved? Joanne introduced Nelson Peters, County Commissioner in attendance. Mr. Peters has been a strong supporter of the ACNA since its inception.

Joanne handed out a “Volunteer Responsibility” handout. This handout listed some of the areas the ACNA is looking for members to take on. Please consider one or more of them. Please fill out on the distributed forms and let the ACNA know what topics interest you and can be used for future meetings.

Kris mentioned Dan McCrea, who had taken on the Coordinator title but had to step down due to medical conditions.

Kris closed the meeting at 7:45 PM. He thanked everyone for attending.

The next meeting will be April 25, 2019 at 6:30 pm in the lower level Omni Room in Citizens Square. The remaining 2019 meeting dates are: April 25; July 25; October 24.