

Sleepy Hollow Lot Owners Association Newsletter

www.shloa.com

Dec. 2020



SHLOA BOARD Sleepyhollowhoawv@yahoo.com	
President	Rick Inclima
Vice President	Vacant
Treasurer	Rick Roscoe
VP Roads	Larry Znaniecki
VP Communication	Beth Znaniecki
VP Common Facilities	Stacey Weiant
Secretary	Rose Carpenter

SHLOA BOARD MEETINGS

A notice announcing the Date, Place & Time of a Board Meeting will be placed on the bulletin board at the mailboxes approximately 10 days before each meeting. If you have any questions, please contact a board member.

TO CONTACT THE BOARD: Please address all issues to the Board in writing.

Send your correspondence to: SHLOA
65 Audubon Road
Hedgesville, WV 25427
email: sleepyhollowhoawv@yahoo.com

EMERGENCY NUMBERS

FIRE or Emergencies: Call 911

Morgan County Sheriff Non-emergency **304-258-1067**

Berkeley County Sheriff Non-emergency **304-267-7000**

State Police/Martinsburg **304-267-0000**

State Police/ Berkeley Springs **304-258-0000**

Div. of Natural Resources; Enforcement **304-267-0037**

*****Remember, SHLOA is not a law enforcement agency*****

You need to call the proper authorities when you need help.

FROM THE BOARD

A MESSAGE FROM YOUR PRESIDENT

It is hard to imagine that we are closing out 2020, but I can't say I'm sorry to see it go! It has been a difficult year for many families throughout WV and the entire United States. But Americans are a strong and resilient people, and we will prevail together.

The global pandemic has affected virtually every aspect of life, including the operations of SHLOA. In compliance with CDC and State guidelines, we held our summer monthly meetings outdoors to protect members of the Board and our residents. Now that winter is setting in, we will be holding our monthly Board meetings via Zoom until the weather warms. If you have any questions about these temporary measures, please do not hesitate to contact me or email the Board at sleepyhollowhoawv@yahoo.com.

The SHLOA Board meets monthly (2nd Saturday @ 10:00am) throughout the year to discuss and address matters affecting Sleepy Hollow. And of course, we conduct SHLOA business on almost a daily basis via email, written correspondence, and phone. Especially during these challenging times, residents are encouraged to address non-emergency issues to the Board in writing. The Board will endeavor to address the matter at hand and provide a written response.

In recent months, the Board of Directors has been met with numerous questions from residents regarding the proper interpretation of the restrictive covenants as they relate to the use of lots for purposes other than for "one residence." Specifically, the Board has been asked whether a lot or combination of lots may be used as a location for multiple individual camping sites or as a campground. In response to these questions and concerns, the Board has adopted an Interpretative Rule which is published in this newsletter in its entirety.

As we head into 2021, I would like to express my appreciation to members of the community and the SHLOA Board for their efforts in making Sleepy Hollow a great place to live and enjoy. Throughout the past year, a small group of community volunteers have repaired potholes on our roads, picked up trash, cut trees and brush, checked in on neighbors in need, and assisted with community activities. Thanks to all who have helped out in big ways and small; keep up the good work in 2021!

Wishing you and your family a safe and enjoyable holiday season and a great new year ahead.

Rick Inclima

Treasurer Report

The assessments are coming in at a much slower rate, however still collecting some. Am in the final stage of bringing another property judgment to closer. Have filed six (6) new property liens due to nonpayment of assessment obligations. SHLOA will still set up payment plans for those interested.

All 2021 invoices have been mailed on December 7, 2020.

Rick Roscoe Treasurer

2020 Budget as of November 30, 2020	2020 BUDGET	YTD	DIFFERENCE
INCOME			
2020 HOME OWNERS ASSESSMENTS	\$139,700.00	\$133,420.02	6,279.98
PAST DUE (2018 AND PRIOR) TARGET	\$3,000.00	\$8,811.04	5,811.04
MISCELLANEOUS INCOME	\$140.00	\$2,978.76	2,838.76
OPERATING INTEREST		\$0.00	0.00
REFUNDS	\$0.00		0.00
MAIL BOXES		\$635.00	
TOTAL INCOME	\$142,840.00	\$145,844.82	3,004.82
2019 RESERVE ALLOCATIONS			
CAPITAL IMPROVEMENT FUND	\$20,955.00	\$21,876.72	921.72
EMERGENCY FUND	\$13,970.00	\$14,584.48	614.48
TOTAL RESERVE FUND	\$34,925.00	\$36,461.20	1,536.20
FIXED EXPENSES			
INSURANCE/TAX/LICENCES/PERMITS	\$5,000.00	\$5,325.42	325.42
STORAGE	\$600.00	\$600.00	0.00
PHONE AT LAKE	\$600.00	\$491.33	108.67
LIGHTS AT BALLFIELD AND LAKE	\$320.00	\$283.47	36.53
RELIEF STATIONS	\$1,000.00	\$873.15	126.85
COMMUNICATIONS	\$1,800.00	\$1,702.20	97.80
TOTAL	\$9,320.00	\$9,275.57	44.43
ADMINISTRATIVE			
ADMINISTRATIVE/OFFICE SUPPLIES	\$500.00	\$453.33	46.67
COMPUTER, SOFTWARE, OFFICE EQPT	\$100.00	\$0.00	100.00
LEGAL FEES	\$5,000.00	\$16,000.00	11,000.00
TREASURERS/ACCOUNTING/INVOICING	\$2,500.00	\$975.25	1,524.75
TOTAL	\$8,100.00	\$17,428.58	9,328.58
ROAD UPGRADES			
UNPAVED	\$40,000.00	\$44,480.00	4,480.00
PAVED	\$1,000.00	\$6,142.99	5,142.99
SNOW REMOVAL	\$15,000.00	\$2,419.30	12,580.70
TOTAL	\$56,000.00	\$53,042.29	2,957.71
COMMON FACILITIES			
LAKE ATTENDANT	\$5,500.00	\$6,500.00	1,000.00
LAWN CONTRACT	\$6,100.00	\$5,424.20	675.80
MAINTENANCE	\$5,000.00	\$1,456.99	3,543.01
CASUAL LABOR	\$1,500.00	\$467.00	1,033.00
COMMUNITY ACTIVITIES	\$1,000.00	\$0.00	1,000.00
TOTAL	\$19,100.00	\$13,848.19	5,251.81
2020 RESERVE FUND			
	\$15,395.00		
TOTAL 2020 EXPENSES	\$127,445.00	\$130,055.83	15,788.99

SLEEPY HOLLOW LOT OWNERS ASSOCIATION, INC

RESOLUTION TO ADOPT INTERPRETATIVE RULE REGARDING CAMPGROUND DEVELOPMENT SITES

Statement of Authority and Reason

Under the provisions of West Virginia Code ss 36B-3-102 and the restrictive covenants as are set forth of record establishing a uniform scheme of development for Sleepy Hollow subdivision, a common interest community, the Association is vested with authority to enforce the restrictive covenants governing use of the common areas of the subdivision and the unit lots. A copy of the restrictive covenants dated August 20, 1968 and recorded in the Office of the Clerk of the County Commission of Morgan County in Deed Book 751 at page 345 is attached which contains the provisions pertinent to this interpretative rule. Incident to the Association's covenant enforcement responsibilities, the Board of Directors has been met with questions regarding the proper interpretation of the restrictive covenants as they relate to the use of lots for purposes other than for "one residence." Specifically, the Board has been asked whether a lot or combination of lots may be used as a location for multiple individual camping sites or as a campground. The Board has been asked whether paragraph (11) which permits "the use of temporary camping trailers" on a lot within the subdivision can be appropriately construed so as to permit lots to be used for multiple camping sites and/or multiple campground sites.

Interpretative Rule Prohibiting Campground Development Sites

FOR THE REASONS FOLLOWING, THE BOARD FINDS THAT, UNDER THE RESTRICTIVE COVENANTS, CAMPGROUND DEVELOPMENT SITES MAY NOT BE ESTABLISHED, MAINTAINED OR USED ON A LOT OR COMBINATION OF LOTS WITHIN SLEEPY HOLLOW SUBDIVISION.

Definitions:

"Campground Development Site" refers to a lot or group of lots established, maintained and offered for the location or placement of two or more camping units in which one or more amenities are provided such as water, electric or sewer hookups.

"Camping Unit" means and includes, but is not limited to, tents, tent campers, fold down campers, pop up campers, travel trailers, camping vans, motor homes, pick up coach campers, or any other unit built or mounted on a vehicle or chassis and capable of being self-propelled or towed.

Basis for Interpretative Rule

"The fundamental rule in construing covenants and restrictive agreements is that the intention of the parties governs. That intention is gathered from the entire instrument by which the restriction is created, the surrounding circumstances and the objects which the covenant is designed to accomplish." Foster v. Orchard Dev. Co. (a recent case arising from Berkeley County W. Va., the 23rd Judicial Circuit in which Morgan County is also located).

Sleepy Hollow was clearly established with the intent that it be a residential community with lots improved only by permanent dwellings. That is made clear in paragraph (4) of the attached covenants which permits only permanent structures, paragraph (5) which permits only one "residence" per lot and paragraph (6) which only permits residential use of a lot. A residence is commonly defined as the place where one

lives, his/her dwelling. A dwelling is commonly defined (as stated in Wallace v. Sl Clair) as a permanent place of abode. Sleepy Hollow was clearly developed to be free from commercial like activities. Although the developer reserved the right to develop one lot for commercial purposes, even that did not occur.

Additional "surrounding circumstances" that are relevant to the developers' intent include the fact that the developer constructed a lake and walking easement for use and benefit of 'till lot owners" in paragraphs (14) and (16). These amenities are preserved for the private use of the lot owners as opposed to the public.

The covenants are replete with provisions intended to establish and preserve the exclusive private residential character of Sleepy Hollow free from activity that would disrupt or interfere with its private residential character. In addition to the above paragraphs, examples are also [bund in paragraph (5) prohibiting the use of any lot to access property outside the subdivision; the requirement that outbuildings appurtenant to a dwelling must conform in appearance to the dwelling found in paragraph (6); the prohibition against signs or advertising of any nature in paragraph (7); the establishment of set-back limits for the dwellings to be located on the lots in paragraph (8); the requirement that health department regulations be complied with for septic tanks that would serve the individual lot dwelling units in paragraph (9); the prohibition against further development or subdivision of lots for any use found in paragraph (10); the prohibition against trailers and mobile homes in paragraph (11); and the prohibition against trucks and unsightly abandoned vehicles on the lots in paragraph (12).

The Board recognizes the intent of the restrictive covenants to permit a lot owner to place a camping trailer temporarily on his or her lot. This exception was included in paragraph (11) since all trailers of any kind and type were otherwise prohibited under it. However, this exception cannot be properly read to permit the development of lots with an infrastructure or amenities designed to accommodate multiple camping units on a single lot or combination of lots. To do so would unquestionably undermine and defeat the clear intention of the restrictive covenants. The objects and purposes of the restrictive covenants was to establish and maintain the one residence per lot private residential dwelling character of the community. free from activity other than single residences on a lot and uses that are directly appurtenant thereto.

Therefore, by vote and acclamation of the Board of Directors of Sleepy Hollow Lot Owners Association on this 10th day of October, 2020, be it so resolved that the foregoing interpretative rule is adopted for the purposes set forth therein.

Adopted and Recorded
SHLOA Board of Directors

COVID-19 ALERT

Common Facilities, including the lake and ball field, are for the common use and enjoyment of Sleepy Hollow lot owners.

Due to the Coronavirus Pandemic, the State of WV and the Centers for Disease Control (CDC) have issued mandates, guidance, and recommendations for public gathering places.

Please protect yourself and those around you by following all State and Federal guidance to prevent the spread of Covid-19 while recreating and socializing in and around Sleepy Hollow.

For more information visit www.wv.gov and www.cdc.gov.

SLEEPY HOLLOW SNOW PLOWING POLICY

SHLOA follows a long-established policy regarding the plowing of roads during winter weather. The policy provides that roads are plowed whenever the depth reaches 3 inches anywhere in the development. We also have unpaid volunteers checking on snow depth throughout the community, especially in the problem areas. Roads will not be plow when snowfall is less than 3 inches. Please drive carefully on winter roads and allow extra travel time during weather events.



How You Can Help This Winter

Remove all vehicles from the roadway to facilitate plowing and treatment of road surfaces;

Do not park in cul-de-sacs because plow trucks need to turn around and need places to push snow;

Do not attempt to plow roads yourself. This can damage the roads and impede drainage;

Please be patient with our contractors and the SHLOA Board; we are doing our best to provide these services;

Please check in on your neighbors for their safety.

Thank you!

BLOCKED AND MISSING DRIVEWAY CULVERTS ARE A MAIN CAUSE OF EROSION

Installing and maintaining driveway culverts is the responsibility of property owners. Please keep your driveway culverts clear of debris to facilitate water flow into the ditch lines. Otherwise, water flows out on the road and causes serious erosion damage, especially to the unpaved roads. Please help us keep our roads passible and in a state of good repair by installing and maintaining your driveway culverts.

WINTER ALERT: Do Not Apply Salt on Unpaved Roads

Unfortunately, there are limited options for dealing with ice on unpaved (dirt) roads. Ice cannot be plowed down to dirt level. The only viable option is to spread cinders. Salt CANNOT be used on dirt roads, it will make a bad situation MUCH, MUCH worse. There are cinder barrels in the neighborhood for resident's use. Please avail yourself to some when ice is forecast.

Applying salt to dirt roads will make them mushy, muddy and virtually impassable. Such damage often requires the hiring of a contractor to excavate and resurface the area. SHLOA will have no choice but to hold persons spreading salt on our unpaved roads liable for such costs. Please do NOT apply salt on unpaved roads! Thank you and have a safe winter.

Abandoned/Unwanted Vehicle

In past SHLOA Newsletters and individual correspondence, we have raised the issue of abandoned/unwanted vehicles within the confines of Sleepy Hollow and the applicability of Restrictive Covenant No. 12, which states:

12) No trucks, buses, old cars or unsightly vehicles of any type or description may be abandoned on said lot.

The bad news is that abandoned/unwanted vehicles in Sleepy Hollow present a safety/environmental hazard to residents and adversely affect your fellow property owners and property resale values. The good news is you can sell your unwanted vehicles or donate them to charity.

Numerous charities accepting vehicle donations and offering free towing and a tax deduction can be found online. As a community service, we have listed several such charities below.

- Disabled American Veterans, 833-227-4328. www.dav.org/vehicle-donation
- Vehicles for Veterans, 855-838-5444. www.vehiclesforveterans.org/west-virginia
- Wheels for Wishes, 855-226-9474. www.wheelsforwishes.org
- Kars for kids, 877-527-7454. www.karsforkids.org/donate-car-wv.php
- Human Society of Morgan County, 304-258-5592. www.hsmc-wv.org

Additionally, several local salvage companies offer **cash payments** for unwanted vehicles. The ads below were published in the Martinsburg Journal newspaper on Sept. 5, 2020.

107 Autos Wanted
\$150 - \$300 Cash
For Unwanted Cars,
Trucks & Vans. *We Pick
Up With FREE Tow!!*
CALL: 304-283-8961

CASH PAID: \$150 to
\$300 cash for unwanted
cars, trucks & vans. We
will pick up; Free tow!!
★ 304-283-8961 ★

J & K SALVAGE
USED PARTS!
WILL BUY YOUR
UNWANTED
VEHICLE!
304-261-8683 / 261-4899
304-268-4096
3285 Cannon Hill Rd.,
Hedgesville, WV

TOMMY'S AUTO
304-676-9769
WE PAY \$\$\$\$ For Your
UNWANTED VEHICLES
& Metal- Clean Up
& Junk Removal!

We sincerely thank all those who have already responded, and respectfully request the continued cooperation of owners in the removal of abandoned/junk vehicles.

HOW TO AVOID HITTING A DEER

1. **Know where the deer are likely to be.** Areas with high deer populations are normally marked with a bright yellow sign. Deer also tend to graze in wooded areas or open fields. When driving your usual route to work, be attentive to areas where you've seen deer in the past – they are likely to cross there again.
2. **Be alert at sunrise and sunset.** Deer are more active during dawn and dusk hours.
3. **Use your high beams.** When possible, use your high beams for better visibility. The extra light will help make it easier to spot a deer, or other animals, lurking alongside the road.
4. **Don't rely on deer gadgets.** Whether it's a deer whistle, deer fence or other type of product to scare away the deer... don't rely solely on them to keep deer away. Research isn't exact on whether or not these products truly work.
5. **When you see one... you'll probably see more.** Deer travel in groups. If one comes across your path, proceed with caution in case there are more.
6. **Don't swerve.** Swerving isn't always the safest option. Hitting a deer might often cause less damage than swerving to avoid it... and then hitting a more dangerous obstacle, like a vehicle in oncoming traffic.
7. **Wear your seat belt.** If you do hit a deer, wearing a seat belt decreases your chances of injury.
8. **Spread the word.** When friends or family head out on the road, let them know to be careful and alert. Even a simple reminder can help prevent deer collisions. (**Source:** www.erieinsurance.com)

From our neighbors

Our family gathers every season to create yummy ornaments for our outdoor Bird Christmas Tree. We enjoy watching the birds munch on their holiday meal. These treats are easy and fun to make.

-Shari Munson

While any size or shape of pinecone can be turned into an easy feeder, a larger, broader cone will hold more food for the birds and will be easier for birds to cling to, swaying less as they feed. Ideally, the cone should be fairly open, but if the cones you have available are closed, you can place them in a warm oven (150-200 degrees Fahrenheit) for several minutes to allow them to dry out a bit and open more fully, but watch them carefully so they do not scorch. If you do warm the cones, allow them to cool completely before turning them into bird feeders. Pinecones that have fallen naturally are the best choice because they will be more open and familiar to birds. Do not use scented pinecones or any decorative cones that have been painted or glittered, as those chemicals can be harmful to birds.

- Peanut butter: Any brand or type of peanut butter can be used, either crunchy or smooth, and it can be past its best by date without any trouble. If peanut butter is not available, honey, [suet](#), lard, or vegetable shortening is also suitable. You can also use other nut butters, such as almond or hazelnut, but avoid sugar-free varieties that don't offer birds good energy. mixed [birdseed](#) is perfect for these feeders, or straight [black oil sunflower seed](#) . Pieces of [nuts](#) or small bits of fruit can also be used and will help attract more species of birds to the feeder. Popcorn and cranberries are a favorite treat.

- String or twine: A piece 8 to 10 inches long is best, but it can be longer if necessary, for hanging. Yarn or ribbon is another good option and can add a burst of color to the feeding area. Avoid fishing line, dental floss, or other very thin threads that can create a dangerous tangle that is a hazard for birds. Strands of popcorn and cranberries are a treat.

Remember that other wildlife may also visit the tree for a meal, such as deer, raccoons, squirrels, and other animals. Share the spirit of the season with all visitors and position some food so they can all reach a nutritious snack.

The Legend of feeding the Birds at Christmas Time

In Hungary, the last sheaf of grain at harvest is kept, and then given to the wild birds on New Year's morning. In Germany, corn is placed on rooftops for birds on Christmas Eve. And in Sweden, breadcrumbs, seeds, or a sheaf of grain are placed at the top of a long pole in an area where birds are known to congregate. It is possible that this custom may have at one time been an offering to ancestral spirits, but over the years it has evolved into a tradition of feeding the birds during the holiday season. Have you heard the legend of the birds' nest? Good luck is supposed to come to a household that has a nest in its Christmas tree. There is even a legend suggesting that when the Three Wise Men were on their journey to Bethlehem, they summoned the birds of the woods to follow them. It is said that all of the birds immediately took flight except for the owl who kept muttering, "Who? Who?" as if demanding to know who would dare ask him to leave his comfortable nest to fly off to an unknown destination. This legend goes on to say that the owl refused to go and that every night he still asks, "Who? Who?" If you feed the birds at Christmas, the sights and sounds of the outdoor festivity can add greatly to the zest and warmth going on inside during this festive celebration.



Pumpkin Ice Cream Pie

Freeze 4 hours Serves 8

Ingredients

- 1 1/3 cups graham cracker crumbs or 1 1/2 cup of crushed gingersnaps.
- 1/3 cup butter, melted
- 1/4 cup granulated sugar
- 3 cups Vanilla Ice Cream
- 1 cup canned pumpkin
- 1/3 cup firmly packed light brown sugar
- 1/2 tsp. ground cinnamon

Directions:

Preheat oven to 350°. Spray 9-inch pie plate with no-stick cooking spray; set aside. Combine graham cracker crumbs, butter, and granulated sugar in bowl., Press into bottom and up sides of prepared pie plate.

Bake 10 minutes. Cool on wire rack, then freeze until ready to use.

Beat Vanilla Ice Cream in bowl with electric mixer on low speed, just until softened. Beat in remaining ingredients until smooth.

Turn into prepared crust and freeze 4 hours overnight.

Let stand 20 minutes before serving.

Garnish, if desired, with whipped cream, additional cinnamon, or crushed gingersnaps.

