

FIRST MEETING OF THE NEW KFA MAINTENANCE ASSOCIATION

Introductory Overview

Saturday, December 1st, 2018 the first meeting of the newly formed Keyes Ferry Acres Maintenance Association (KFAMA) was held. A report of the meeting is provided below, but first I'd like to open with a general introductory overview.

The question of cost. Most of us probably want a better idea of what this new association is and what it means for us. By authority of the Jefferson County Commission, the association has been set up legally as a non-profit corporation. This includes a lengthy list of provisions that define the purpose and powers of the association as well as how it will be governed (by an elected 5-member board of directors). But, really, probably the foremost question on all minds is "Just what is it going to cost me?"

Definitely a key function of the association is to get a handle on the costs of road repair, maintenance and improvements. From there the board will develop a budget to the membership. See Declaration Section 6.2 and 6.3. The budget will provide the rationale for the proposed annual (potentially monthly) fee per lot based on what is justifiable, reasonable and sufficient for the organization needs. That budget and the fees still remain to be determined.

Importance of participation. The central change brought about by this new association is not the collection of road maintenance fees (although collection is now legally enforceable). The real change is not in any commitment to pay, but that we now have a say. Legally, for every lot owned we have a vote. In practical terms, for the duration that Lee Snyder retains extensive holdings (within his corporation) and therefore a considerable block of votes, the power of our fewer votes may seem limited. But the power of our say in matters goes well beyond the tally of our votes. The true power of our say is through the committees to be formed to act on behalf of the community.

The committees are where we get to express our concerns, raise our questions or submit our constructive proposals. Better yet, a committee is where we actively partner to find solutions. The more of us who participate, the more creative, constructive and productive this organization can be. Consider joining or even forming a committee--it's the power of participation.

Report of the Meeting

The Saturday meeting convened at 10:10am at 270 Industrial Blvd, Kearneysville, and lasted 2-1/2 hours with 23 people attending. The charter of the association sets out that it shall be directed by a five-person board elected by the membership. Therefore, choosing a board was the primary order of business, which was completed by the close of the meeting. The board oversees official business and expenditures and has oversight over the committees. From among those present who expressed interest in serving, the following board members were elected: Lee Snyder, Emily McFarland, John Womack, James Nelson and Susanne Koenig. Upon election, the board itself determines who serves in which roles.

Attorney's overview. Steve Prunty, Mr. Snyder's attorney, attended and led an extensive part of the meeting, giving an overview of what the non-profit corporation definition and provisions are as set out by law.

Prunty responded to various questions, such as the recurring one whether previously unpaid road fees can be collected – they cannot. Whether a lot owner who's in arrears can be prohibited their vote – they cannot. He outlined the legal recourse in the event of recurring non-payment – through an attorney the association can file suit in Magistrate Court, so that a judgement can be attached to any piece of property owned no matter where located. By becoming public record, the judgement becomes known so when they hope to sell, the organization potentially will recover past payments + interest. Legal action can be taken collectively at one time against all lot owners who haven't paid, not just one by one. (Also, if anybody becomes aware of someone selling, perhaps noticing their sale sign, by contacting the Realtor we can put them on notice that fees may be owed, obligating the Realtor to honor the issue.) Prunty also raised the point that there are organizations who offer leniency in collecting in the event of a hardship situation. We were additionally assured that insurance coverage for the corporation has already been put in place. This now protects lot owners from liability in the event of legal action that might argue negligence created poor road conditions that played a role in causing damages. Prunty touched on many various other points in response to questions.

Balance of power. The share of votes held by Lee Snyder with the power it confers stirred discussion and a certain amount of friction. Prunty's response was, 'Look, the sooner roads and the community can be improved so Snyder can sell his properties, the sooner the voting power becomes dispersed. What action would Snyder take that wouldn't serve the community as a whole, even if it is self-serving for him?' Whatever amount we may pay in fees individually per lot, would be multiplied by Oak Meadows over three hundred lots as the amount Snyder would owe. This reasoning seemed to pacify people's concern. The board members in fact heavily represent Snyder's choice in accordance with proxy authority through his corporation--Emily Reed McFarland, administrative assistant; John Womack, comptroller for Snyder Environmental; and Snyder himself. Independent KFA residents are James Nelson, with property management experience; and Susanne Koenig, with experience in years past when Keyes Ferry Acres had a citizens' association devoted to road issues but primarily to water system concerns; and participation in the recent Citizens for KFAMA. Snyder has agreed that he would support Susanne Koenig, as President and James Nelson as Vice President upon a meeting of the Board to elect officers.

Establishing working funds. Undoubtedly one of the most challenging determinations ahead will be setting the fee owed per lot. There has been a six-month reprieve in fees owed due to the delay in finalizing the association. Payment to cover those missed months cannot be compelled, but in the interest of building up funds, any extra payment volunteered would be wholeheartedly welcome. Paying anything above what is officially owed may sound insane,

agreed. But the object is to build working funds with which to serve the community road needs, especially in anticipation of winter road clearance expenses almost immediately ahead.

Conclusion. Formal minutes of the meeting prepared by Emily McFarland based heavily on input from Mr. Prunty are available upon request and will be posted on the website.

Respectfully submitted,

Susanne Koenig

December 4, 2018

Please help us communicate more efficiently with you. Please go to kfama.org and send us your email. We will use this email address only to communicate with you regarding what the Maintenance Association and its committees are doing. You can also just write your name on a piece of paper and mail it to the Keyes Ferry Acres Maintenance Association at 270 Industrial Blvd., Kearneysville, WV 25430.