

February 6, 2024

## **Tolomato Owners Org. Newsletter**

### **A New Year, Much to Do**

We extend our warmest wishes for a Happy, Healthy, and Prosperous New Year.

The contributors and editors of the Tolomato Owners Organization Newsletter have stepped back for several weeks to give the newly elected TIPOA Board of Directors a chance to organize, hold its first public meeting and communicate in a meaningful way its goals for the upcoming year. We are pleased with the tenor of its first public meeting and appreciate the noted lack of drama, and a much nicer and acoustically pleasant meeting site.

Building on the positive, there are several issues of importance that need to be considered. In this and the next few issues we will bring them into focus, and sponsor discussion, for the common good, on our [www.tolomatoowners.org](http://www.tolomatoowners.org) website, in preparation for the TIPOA Board's Town Hall meetings in March or our own action.

The Tolomato Owners Organization, and the Special Interest Group (SIG) distinguished itself in the December 2023 TIPOA Board of Director's election, by bringing the issues before the owners - ALL the owners – eliminating many, not all, of the ways of stacking elections and unquestionably got record setting numbers of owners to vote.

More importantly, we have provided all owners with vehicles (this newsletter and the web site) to discuss matters of importance or reveal the truth. The Tolomato Owners Organization continues to be a large, representative group committed to the betterment of our community. We will always support the good deeds of the Board of Directors and will help keep all matters in focus.

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## Just Plain Fun!

What is more fun than taking a bunch of “kids at heart”, who haven’t bowled in 30 years, bowling for someone’s birthday party. Or, grabbing a beverage and finger food to share and visiting with friends and neighbors at a fire pit, even in mid-winter. Or, filling your hand with a knife and your belly with fresh, delicious McIntosh oysters at one of several community oyster roasts, or Shag Dancing with the Shag Club or helping a neighbor train a new pup, or providing an extra pair of hands for a project, some food for those in need, or introducing new neighbors to “old timers” at an impromptu reception, or teaching kids how to fish or operate a boat. The opportunities for fun are many and varied in our neighborhood as are the opportunities to help those in need, ill or in stress. We don’t need a lot of organization to have fun or extend care to a neighbor; we just need to participate!



*Sharing the warmth of a fire and friends.*



*The last of the stout-hearted to enjoy the fun and oysters in the wind and pouring rain.*

## Tabby Ruins Preservation Efforts

Following up on an article “*Preserving our Valued Assets*” in the October 23, 2023 Newsletter, [https://tolomatoowners.org/images/easyblog\\_articles/13/TO-News-10-23-23.pdf](https://tolomatoowners.org/images/easyblog_articles/13/TO-News-10-23-23.pdf) Doug and Lu Burger, George Bigham and other volunteers have worked to mill the rough sawn oak lumber provided by Brittan Flowers of True Cut Saw Works, LLC into framing for sections of the ruins described as

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window lintels. The purpose of the framing is to provide support for the tabby structure above the door and window openings. The work is preservative, that is, the original windows and doors are not being restored, the work is being done to prevent further deterioration. Without such action, portions of the ruins will most certainly fall.

In the next work session (s), the milled pieces will be dressed with preservative and final fitted to the openings and the remaining openings will receive the same treatment. The work is slowed by the lack of electricity on the site needed for power tools. During the work sessions cracks in the tabby walls were noted that make the structures unstable. The group is working toward low-cost preservative solutions to arrest unwanted movement.



It is said a portion of the Hippocratic oath promises “first do no harm”. The folks working on the ruins are being particularly careful. Each opening is considered individually. Each crack in the structure has its own hazards. In lay terms, the tabby ruins represent an assortment of complex problems besides preservation. As important to Tolomato Island’s efforts is real Stewardship. We have been entrusted with an ancient and priceless piece of our history. We have not always put forth the efforts needed to support preservation

physically and financially. We need to change that paradigm.

### **Another Tolomato Owners Org. Website Attraction**

Wonderful neighbors are leaving us soon. Jim and Shine Tino are moving closer to kids and grandkids in the next few weeks. While we will miss them, we won’t forget them. Tolomato “expats” are always welcome in person, or to remain part of our website or email list.



In the process of moving, Jim contacted us about letting our readers know about the sale of his boat, and we were more than happy to list it on the web site. The boat **sold** in a matter of a very few days, to folks familiar with it. It was a great bargain. Still website watchers had the opportunity to review the boat’s price, specifications, and pictures. If you have

something for sale, something to share, or need something our readers may help you with, simply add a “Discussion” to the “Tolomato Market Place” found under the menu “Know your Neighbors”. We ask that you let us know when an item is sold, so it can be appropriately labeled or archived.

### **Editorial – A Professional Business Approach is Mandatory**

Tolomato’s Architectural Review Board (ARB) is the community’s most important free-standing Board. Its decisions can have profound economic implications and, to a large degree, determine the future of the community. Accordingly, its members must maintain a professional posture defined by a consistent, even-handed consideration of the issues that come before it.

In Tolomato today there is, for lack of a better name, a “Shun Committee” the members of which turn their backs and faces away from anyone with whom they disagree. However juvenile or middle-schoolish the behavior, it is their right to act in any way they choose. Such behavior is completely inconsistent, however, with the profile of anyone allowed to serve on the ARB and should be an immediate disqualifier for same. Unfortunately, an active member of the “Shun Committee” currently serves on the ARB.

Anyone with an issue requiring ARB approval should be confident that their issue will be considered in a consistent, thoughtful, nonpartisan manner consistent with the Architectural Guidelines. For any number of those who are targets of this biased approach, a fair hearing would be doubtful thus the credibility and effectiveness of the ARB is undermined.

It would be heartening to think that any corrective action might be taken in this regard however that is extremely doubtful. It turns out that other members of the Shun Committee serve on the “Board of Directors” and in fact have recently appointed a charter member of the “Shunners” as head of the Social Committee...irony of ironies.

*Editorial Panel Comment* – The TIPOA’s Board of Director’s and ARB Member’s agenda or personal opinions or biases have no business in the governance of the Association or in any situation where there is no opportunity for recourse. Any Board or Committee needs to always represent the Community’s wishes, not dictate personal policy. This issue is not about hurt feelings, it is about conducting the Community’s business professionally and fairly.

If officials ask for input, letters, suggestions etc. they should be treated respectfully. Matters before the ARB are also expected to be treated professionally, without implied threats, or injection of personal preferences. ARB members have the added responsibility of responding appropriately and quickly. Delaying any phase of a project for months or years should be not only the reason for member dismissal but may be grounds for a lawsuit. Past Boards have at times crossed lines, and were not tested by the owners, or the legal system. Owners rightfully so, are more inclined now to challenge unfair treatment.

“That’s our opinion, we welcome yours.” Please visit [www.tolomatoowners.org](http://www.tolomatoowners.org) for further discussion.

### **Copy Correspondence to All TIPOA Board Members**

In the past, email addressed to the official TIPOA Board of Directors ( [board@tolomato.org](mailto:board@tolomato.org) ) has not always found its way to all Directors, that is, the officer receiving the email purposely didn’t forward it to other Directors. That temptation still exists.

All Directors, particularly those running as “Fresh” candidates promised Transparency. A good first step is to make sure all Directors see all incoming mail addressed to the association and have a chance to edit or approve any outgoing mail sent under the collective group name, “TIPOA Board”. We encourage readers to copy email and correspondence to all individuals on the Board of Directors. Their names and emails are as follows:

Pam Flowers	Pamelaflowers@outlook.com
Jeff Shaner	lrcjas62@gmail.com
Heather Rowe	heady.r.m@gmail.com

Julia Vaughn	juliaj.vaughn@gmail.com
Lynn Brenton	jljbrenton@gmail.com
George Bigham	georgebigham@darientel.net
Jeffrey Long	jeffreyslong@gmail.com

## **Debt Forgiveness – What was the Rationale?**

The Board of Directors asked for questions and issues, and Mr. Warren Amason wrote the note below, which has not been answered by the Board of Directors.

*“Dear Board,*

*I have a two-part question for the Board’s consideration:*

*First, a question that has been asked before but, to my knowledge, never answered... Why was \$17,000 of carefully documented fines levied against (Name Removed by Editorial Panel) waived, as is my understanding?*

*The second part of my question is “how does the Board (though I know it was the previous Board) reconcile giving up \$17,000 of the community’s money on the one hand while raising dues to cover a one-time \$18,000 expense (estimate) on the other hand?”*

*I appreciate your answers.*

*Sincerely,*

*Warren Amason”*

*Editorial Panel Comment* – The question posed to the Board of Directors is part of larger issues, involving fairness, transparency, and on-going liabilities. The question has been asked before, most recently in a semi-heated exchange at the TIPOA Annual Meeting. It still needs to be answered. While this is an important issue, what is even more important is the process deployed, or lack of one, that let this happen. This is where the Community’s voice needs to be heard.

Secondly, we would ask why the transaction did not appear as first a receivable, then a write off? Without questioning, the whole issue will disappear from the books. We have not found it in the minutes. As owners we need to know why one person can be fined for cutting a tree, for example, and another forgiven for cutting several trees, and purposefully ignoring ARB rules and Association agreements. Please understand the \$17,000 is a combined total of several items, not just “fines”. No small amount of effort was involved in assessing the appropriate amount, including legal counsel and approval by the Board in place at the time. This is no small amount and should have not been written off without an explanation or proper accounting.

## **Why the Increase in Annual Assessment (Dues?)**

The TIPOA Board posted the Balance Sheet for 12/31/2023. It shows about \$70,000 in account receivables which would be the equivalent of about 88 lot assessments not being paid. There are probably several people who owe more than one lot assessment or multiple year’s

assessment. Whatever the case, owners are delinquent, and if allegations are true, inconsistent collections methods may have led to losses for both those owners and our association.

It also shows cash and receivable assets of \$423,000. Having \$90,000 in checking, still points to a reserve of at least \$333,000, more than enough to cover things like audits, and negates any logical reason for the 5% assessment (dues) increase imposed.

The assessment increase was unjustified at the annual meeting and voted on favorably by only two of the 4 Directors (Fardy and Sowell). Bigham voted against and Flatt was not present. The past President incorrectly said the 2024 Board could not eliminate the increase, which will continue forever. The new Board can and should.

### **What Happened to the Audit and Audit Committee?**

Owners continue to be concerned that there has never been a thorough financial audit of the TIPOA books. The former Treasurer, Asst. Treasurer, President (one person), and current President have both stated publicly there is no need, or more recently at the annual meeting that there are other ways to perform an audit. We need an audit, a thorough audit. Not just a financial audit of last year, but an audit that will investigate allegations voiced during the campaign.

Further we want an independent Audit Committee formed, with persons familiar with the process and who are arm's length away from the Tolomato books. Interaction between the committee and the Treasurer should be confidential, the Audit Committee's role is oversight and a gathering of facts and conclusion, and the Treasurer's role is to provide information.

It is our sincere hope that everything is in order, however as decades pass, the opportunity for errors or abuse increase.

### **The TIPOA Board of Director's Attorney Advice Process**

Past Boards of Directors allowed the Presidents, as they demanded, to be the only member allowed to talk with the contracted Attorney. Other Directors were not allowed to listen in and were dependent on both the Presidents' questioning of the attorney and their interpretation of what was said. A thorough accounting of the Attorney's fees and the number of times consulted has not been provided to those who have asked.

The Editorial Panel cannot determine if the questions asked of the attorney were correct, or the President's interpretation was correct, or if the attorney was tasked with purposely justifying a false narrative. In any case, information was arguably mis-interpreted, and is working its way through the legal system.

Based on outside lawyer's interpretation, the contracted attorney has been in error. Legal errors waste time, association resources and ultimately funding, not to mention create strife. Going forward owners should demand that multiple Directors be present during conversations, phone calls etc. with the contracted attorney, so areas of confusion can be clarified, and outstanding issues can be followed up.

## **Stay in Touch with the Tolomato Community**

If you have not registered on our web site, please join us, and remember to check in frequently, add friends, and participate in the blogs. Things change rapidly.

<https://tolomatoowners.org/index.php/know-your-neighbor/register>

If you know owners who do not receive our Newsletter and wish to receive a copy, simply reply to the email with their name and contact information.

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