

DIRECTORS
Harry Killian, President
Kevin Fuelling, Vice-President
Sharon Willis, Treasurer
Claudio Romeo, Secretary
Ralph Estep, Jr., Director



Autumn Issue

THOMAS COVE MAINTENANCE CORP.
PO Box 673
Odessa DE 19730

VISIT US ON THE WEB

In cooperation with communities throughout the United States, the Thomas Cove Maintenance Corporation has established a Website at www.neighborhoodlink.com/middle-de/thomascove. It is still in the construction stages but we have already posted our By-Laws, Deed Restrictions, Maintenance Declaration, 2008 Budget and Summary Income and Expense Report.

There is a Community Calendar to post garage sales, scout meetings and other types of community events. There is also a Discussions Forum where you can discuss local issues and concerns with your neighbors.

There are also links to New Castle County Government as well as the New Castle County Police Department.

You can also post a free personal home page! Put up a picture of your kids. Let your neighbors know about your prize-winning garden, your hobbies, interests and occupation. Or simply let the world know you're here. (Please do not post commercial advertisements in this area as the Website Manager will delete them.)

The Board of Directors hopes that you will make this site a "Favorite" and utilize it to its full potential.

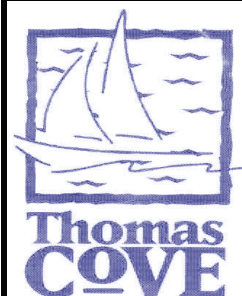
Membership Meeting Schedule

**Wednesday,
December 5, 2007**

**Wednesday,
April 2, 2008**

**Wednesday,
August 6, 2008
(Annual Meeting)**

**Meetings start at
7:30 PM
Meetings are held at the
Odessa Fire Co.
Main Street, Odessa.
Hope To See You There**



Thomas Cove Newsletter

A Publication of the Thomas Cove Maintenance Corporation
VOLUME 3 **ISSUE 2**

MEMBERSHIP SAYS "NO" TO DEED RESTRICTION ENFORCEMENT

The Annual Membership Meeting of the Thomas Cove Maintenance Corporation was held at 7:30 PM on Wednesday, August 1, 2007 at the Odessa Fire House.

PRESIDENT'S REPORT

The President gave the Annual Report as follows:

Harry thanked Tom Sherwood for his service as President of the Maintenance Corp. for the past few years.

He announced that New Castle County has filed a Letter of No Objection with DelDOT and that the streets in Thomas Cove will finally be accepted by DelDOT in time to apply for Snow Removal Reimbursement this winter season. He said that while this will provide some financial help, it doesn't come close to matching the actual cost for snow removal.

He noted that we were required to file judgments against three (3) properties for non-payment of the annual assessment. One property appears to be abandoned, the 2nd property is making payments and the 3rd has recently paid.

ELECTION OF DIRECTORS

The next item was the election of Directors. The current Directors, Ralph Estep, Jr., Kevin Fuelling, Harry Killian, Claudio Romeo, and Sharon Willis, said they will serve again. The President asked if there was any other nominations. No additional names were submitted, therefore the current Directors were re-elected by unanimous ballot.

ANNUAL ASSESSMENT

The Budget had been sent in the Meeting Notice and the Budget called for an Annual Assessment of \$150.00.

The vote was 36 to 1 approving the Assessment.

INVITED GUESTS

The President said that Representative Dick Cathcart was unable to attend as he was in Tennessee where his grandson is participating in the Junior Olympics.

His aide distributed her card and encouraged anyone who had a question or comment for Mr. Cathcart to contact her.

Harry Killian said that our County Councilman Bill Bell had been invited but had not responded.

DEED RESTRICTIONS

The President opened the discussion of enforcing Deed Restrictions by the Maintenance Corp.

There was a lengthy and sometimes heated discussion on both sides of the argument.

One resident who sells real estate said that boats, trailers and other items parked in yards were turning off potential home buyers and could result in lower home resale values.

Another resident said that she felt the her neighbor's boat was an asset as it was well maintained and not an old rowboat with crab traps attached.

Several residents pointed out that it is next to impossible to purchase a new home in Delaware without agreeing to abide by deed restrictions and that was coercion.

It was also pointed out that if the Maintenance Corp. was to enforce

(Continued on page 2)

(Continued from page 1)

deed restrictions they would be required to enforce all deed restrictions.

The President said that deed enforcement issues would be heard to Chancery Court and our attorney advised that it could cost as much as \$4,000 or more per violation, with no guarantee that the court costs would be recovered even if successful .

At the conclusion of a sometimes heated discussion, a vote was taken. The result was 23 AGAINST the enforcement of deed restriction and 14 FOR enforcing restrictions.

It was pointed out that this only stops the Maintenance Corp. from enforcing deed restriction. It does not prevent individuals from filing suit.

FUTURE MEETINGS

Several residents commented on the good attendance at the meeting and requested that more frequent meetings be held to keep the residents informed.

It was agreed to have a meeting every four (4) months at the Odessa Fire Co.

STORMWATER MANAGEMENT

Bernadette Casella, a Stormwater Management Area Inspector from New Castle County was introduced by the President to discuss the deficiencies in the Stormwater Management Inspection Report.

Several residents questioned the necessity of removing all the vegetation from around the perimeter of both storm water ponds. One resident spoke about the cost to the residents for this.

Ms. Casella said that her job was to enforce the requirements not make them. She emphasized that these were deficiencies from the original inspection in June 2006.

A resident asked what would happen if Thomas Cove ignored the requirement. She said that New Castle County would undertake the work and charge the residents and Thomas Cove would also be removed from the Amnesty Program wherein the County pays for major sediment removal and structural repairs.

She outlined the requirements for eliminating the deficiencies in the May 2007 Inspection.

Harry said they were being addressed and thanked her for participating in the somewhat lively discussion.

STORMWATER MANAGEMENT CHRONOLOGY

Stormwater Management is the most costly responsibility of, and the main reason for Maintenance Corp. It is a cost that the elected officials in New Castle County passed on to all residents that live in ‘developments’.

Our first inspection was June 2006. Harry Killian later met with County Inspectors (including Ms. Casella) and Cornerstone to review the deficiencies noted in the inspection.

Harry requested additional time to correct the deficiencies and presented the Inspectors with correspondence to New Castle County that he had maintained since the original take-over in 2003 about the condition of the storm water ponds including the drainage ditch from Middessa Drive to the

irrigation pond (the pond between Arlinda Court & Thomas Drive).

He insisted that the cost of the drainage ditch work should not be borne by the homeowners.

The Inspectors agreed to postpone any enforcement action as long as the overgrown vegetation and trees were trimmed back and removed and inspection access was provided.

They conducted a follow up inspection. in May 2007. In this report, inspectors agreed that the drainage ditch would be cleaned and all sediment and overgrowth in it removed by New Castle County at no cost to the homeowners. It is estimated that this resulted in a \$10,000 to 12,000 savings.

They also noted that the vegetation and tree removal would now make it easier to insure compliance in future inspections. The phragmites were permitted to re-grow so that they could be sprayed and killed in August 2008. (They must form tassels as that is the part of the plant that is sprayed.)

This inspection also required that vegetation and sediment be removed from the other fore-bays in both ponds. (The fore-bay is where storm water comes out of street drains and enters the ponds.)

The remaining work was completed by A&B Lawn Care and a letter of satisfactory completion has been received from New Castle County.

New Castle County Changes the Rules on Assessment Billings

In an effort to reduce costs, the Office of Community Governing was closed effective July 1, 2007.

It was announced at a recent meeting that effective in 2009 Annual Assessments for all Maintenance Corporations would be mailed in the beginning of March.

For Thomas Cove this will be accomplished in the following manner:

Assessments approved at the August 2008 Annual Meeting will be pro-rated to seven (7) months.

The By-Laws must be amended to change the date of the Annual Meeting from August to January of each year.

Assessment that are adopted at the January 2009 Annual Meeting will be mailed in the beginning of March and be for the period of March 1 through February 28.

Effective with the March 2009 assessment billing, assessment checks will be made payable to New Castle County and deposited by them in a Special Account.

New Castle County will mail one check to each Maintenance Corp. for all the payments received each quarter. This could result in a significant delay in receiving funds to pay expenses.

INCOME & EXPENSE REPORT SINCE TAKEOVER					
REVENUE	Actual 08/03-12/03	Actual 12/31/04	Actual 12/31/05	Actual 12/31/06	Actual 2007 to 6/30/07
Balance Forward	-	15,474	21,125	30,584	37,173
Balance Forward Snow Assessment	-	3,660	4,750	-	-
Total Balance Forward	-	19,134	25,875	30,584	37,173
Developer's Escrow	18,400	-	-	N/A	N/A
Annual Assessment	-	12,390	13,437	15,373	309
Escrowed Assessments	600	2,080	-	-	-
Special Assessment (Snow Removal)	3,660	2,379	-	-	-
Other Income (Reimbursement, etc.)				557	-
Interest & Late Fees	-	107	203	324	333
Total Income	22,660	16,956	13,639	16,254	642
Total Revenue	22,660	36,090	39,514	46,839	37,815
EXPENDITURES					
Landscaping	2,206	7,155	5,643	5,312	1,918
Legal Fees	340	190	560	-	990
Insurance	910	910	910	910	
Stormwater Mgmt. Expenses	-	-	-	-	5,999
Postage	43	74	48	26	14
Bank Fees	7	27	27	30	10
Meeting Expenses	-	150	100	-	-
Office Supplies, Misc.	20	146	96	4	
Taxes	-	25	50		25
Snow Removal	-	1,289	1,496	3,384	
Refund of Pre-Paid Assessment		75	-		
Contingencies	-	125	-		
Corporate Fees	-	49	-		
Total Operating Expenses	3,526	10,215	8,930	9,666	8,956
Reserve for Uncollected Assessments	-	-	-		450
Reserve for Future Capital Improvements	-				
Total Reserves	-	-	-	-	450
Total Expenditures & Reserves	3,526	10,215	8,930	9,666	9,406
Balance Forward	19,134	25,875	30,584	37,173	28,409