

# Middleton Estates Community Association

Carlisle, PA 17013

## Monthly Board Meeting

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**DATE:** April 12, 2017

**LOCATION:** Stuart Community Center

**TIME:** 7:00 pm

**BOARD MEMBERS IN ATTENDANCE:** Tracy Sharp, Judy Hershey, Stephanie Bragg, Kathy Kauffman, Jana Books, Katie, Denise Adams

**BOARD MEMBERS ABSENT:** none

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### AGENDA:

- Call to Order: Tracy called the meeting to order at: 7:00 PM
  - Open Floor: There was 0 member(s) in attendance.
  - Open Floor Closed: 7:01 PM
  - Architecture Issues:
    - It was noted at the December 2017 Board meeting that the discussion/vote regarding driveway maintenance that was brought up at the 2017 Annual meeting was not included in the April minutes. The discussion and vote was reaffirmed at the December meeting and this addendum added.
    - On the advice of the Association Attorney Andrew Shaw (see attached e-mail and plot information) the current Board has decided unanimously NOT to provide driveway sealing or maintenance as part of the Association duties. It is specifically noted on the original subdivision plan (Recorded in Misc. Book 340 pages 622-645) that the "alley" behind buildings 1-4 is to be maintained by the existing association. The driveways are not.
  - Meeting Adjourned: 8:30 PM
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**ADDENDUM TO MEETING MINUTES SUBMITTED BY:** Tracy Sharp (December 2017)

## Tracy Sharp

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**From:** Andrew Shaw  
**Sent:** Wednesday, April 12, 2017 2:01 PM  
**To:** tsharp@wolfecr.com  
**Subject:** RE: Alley

Tracy,

Correct. According to the plan, the HOA is required to maintain that area. This should resolve that issue, and if anyone asks, you can refer to the subdivision plan which is binding on owners and the HOA.

As for your first question regarding maintaining private driveways, I would recommend that you be very cautious about moving forward with this. Under the Declaration, the HOA has the authority to maintain the private drives, but is not obligated to do so. The past practice has been to leave maintenance of private drives to the individual owner. Should the HOA choose to take over that responsibility, the HOA now opens itself to potential liability if someone (even the homeowner) gets injured and claims that the HOA failed to properly maintain the driveway. Before making this commitment, you will need to make sure that your current insurance policy covers this, and if it does not, you will need to find insurance to protect the HOA.

In addition to the legal liability that would come with this decision, the board should be prepared to have to answer to homeowners who think their driveway requires attention. This may become quite more involved than the board has anticipated.

Lastly, if the board were to begin maintaining the private drives, I don't think it will be easy to get out of it in the future if the board were to change course. In the future, there could be some property owners who are angry because their driveway required maintenance but the board stopped maintaining before that owner's driveway was repaired.

This decision is completely up to the board, as it has the authority to choose how to proceed. In light of the above issues, I would advise that it is not in the best interests of the association to begin maintaining private drives.

I trust this e-mail provides adequate explanation. If you should have any further questions or concerns regarding this matter, please do not hesitate to contact me. Thank you.

Andrew

Andrew H. Shaw, Esquire  
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**From:** Tracy Sharp [mailto:tsharp@wolfecr.com]  
**Sent:** Wednesday, April 12, 2017 9:43 AM  
**To:** Andrew Shaw

**Subject:** Alley  
**Importance:** High

I have attached scanned copies of the tax map and subdivision plan. After looking at this in a little more detail and zooming in so I can actually read it.....I think I answered my own question. On the subdivision plan it actually states in the notes #5 – The access drive and parking is to be maintained by the existing homeowners association, as recorded in the Cumberland County Courthouse in Misc. Book 340 Pages 622-645.

## **Tracy L. Sharp**

### **Wolfe & Company Realtors**

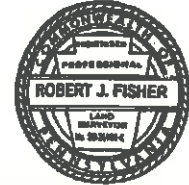
**33 South Pitt Street**  
**Carlisle, PA 17013**  
**717-243-1551 (office)**  
**717-243-0472 (fax)**  
**RS#308238**

# NOTES

1. THIS PLAN WAS PREPARED BASED ON THE LOT GEOMETRY AND TOPOGRAPHICAL INFORMATION CONTAINED ON THE FINAL SUBDIVISION PLAN-PHASE 1 "MIDDLETON ESTATES" PREPARED BY WHITLOCK-HARTMAN DATED 6/23/88.
2. ALL DWELLING UNITS WILL BE SERVED BY INDIVIDUAL WATER AND SEWER LATERALS LOCATED WITHIN THE PROPERTY LINE OF THE DWELLING UNIT BEING SERVED.
3. ALL PROPERTY CORNERS WILL BE MARKED WITH IRON PINS, EXCEPT THOSE DESIGNATED AS HAVING CONCRETE MONUMENTS, IF
4. PROPOSED CONSTRUCTION ON LOT 4-H MUST COMPLY WITH THE REQUIREMENTS OF THE NORTH MIDDLETON TOWNSHIP FLOOD PLAN REGULATIONS.
5. THE ACCESS DRIVE AND PARKING IS TO BE MAINTAINED BY THE EXISTING HOMEOWNERS ASSOCIATION, AS RECORDED IN THE CAMBERLAND COUNTY COUTHOUSE IN MISC. BOOK 340 PAGES 822-845.

3-B	4,395	0.10
3-C	4,437	0.10
3-D	4,480	0.10
3-E	4,523	0.10
3-F	4,566	0.10
3-G	4,609	0.11
3-H	9,870	0.23
4-A	10,061	0.23
4-B	4,832	0.11
4-C	4,875	0.11
4-D	4,918	0.11
4-E	4,966	0.11
4-F	5,100	0.12
4-G	5,269	0.12
4-H	14,568	0.33

MIN. LOT SIZE:  
MIN. WIDEOR  
MIN. BLDG SET  
FRONT YARD  
SIDE YARD  
REAR YARD:  
MAX. BLDG. H  
MIN. OPEN SP  
MIN. PLAY ARE  
MIN. DISTANCE  
PROPOSED NO.  
PARKING REQU  
PARKING PROV



**BK -**  
**7**

