

Sleepy Hollow Lot Owners Association Newsletter

www.shloa.com

FEB. 2024



	<u>SHLOA BOARD</u>	
President	Rick Inclima	
Vice President	CJ Happel	
VP Communication	Rick Roscoe	
VP Roads	VACANT	VACANT
Treasurer	Zoe Harris	
VP Common Facilities	Rose Carpenter	
Secretary	Amanda Cooper	

SHLOA BOARD MEETINGS

Board meetings are regularly scheduled for the second Saturday of the month at 10:00am at the ball field during warm weather months. All owners are welcome attend. During winter months however, the Board meets at the home of a Board Member or virtually via ZOOM. If you have any questions regarding meetings of the Board, please contact the President at the phone number listed above or via email at the address below.

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.**

Clearing the Air on SHLOA's Gypsy Moth Control Efforts

Over the past several months, there has been a lot of information, misinformation, accusations, and passionate discourse concerning the SHLOA Board of Directors' efforts to address a significant Gypsy Moth (aka, Spongy Moth) infestation in Sleepy Hollow. In the spirit of full transparency, this correspondence is intended to help clear the air about SHLOA's efforts: How we got there, why we went there, and the benefits and risks of action vs. no action.

As background, SHLOA last sprayed Sleepy Hollow's 856 acres to control Gypsy Moth defoliation and tree mortality in 2008. That effort was conducted in cooperation with the WV Department of Agriculture's (WVDOA) Gypsy Moth Suppression Program and contributed, in part, to the suppression of the gypsy moth population in SH for nearly 15 years. The 2008 SHLOA Board approved funding and spraying of the SH Development under its authority without any ballot referendum vote of the membership. In 2008, there appears to have been no notice published in the SH Newsletter or opt-out options offered.

As announced in our 3rd and 4th Quarter 2023 Newsletters, the current SHLOA Board approved participation in the WVDOA's gypsy moth egg mass count/survey. By letter dated November 21, 2023, the WVDOA advised that SHLOA's application to participate in the Cooperative Lymantria dispar (Gypsy Moth) Suppression Program had been reviewed and the site visit to conduct an egg mass count had been completed. The WVDOA site survey confirmed that spraying for control of Gypsy Moths (aka, Spongy Moth) in Sleepy Hollow is justified based upon the survey count of an average 3217 egg masses per acre. The 11/21/23 letter to SH stated, "*Be advised that if you have egg masses per acre above 1200, BT will provide foliage protection, except in high egg mass densities. Mimic is more persistent and will provide foliage protection and egg mass reduction even in high egg mass densities.*" (Emphasis added) [See information on BT and Mimic below.]

Therefore, under the same authority and precedent established by the 2008 Board, the current Board of Directors voted in December 2023 to approve treatment in cooperation with the WVDOA.

TIMELINE OF SHLOA BOARD'S ACTIVITY – GYPSY MOTHS

1. **June/July 2023:** Board members began receiving calls & emails from concerned residents about gypsy moths, egg masses on trees, and caterpillar dropping observed in SH.
2. **August 12, 2023:** Board meeting agenda included discussion regarding the current infestation and the WVDOA Suppression Program. By a vote of 6-0, the Board approved \$500.00 payment to WVDOA to conduct a site visit and egg mass count for SH.
3. **December 12, 2023:** Board President receives and reviews letter from WVDOA, dated Nov. 21th, notifying SH of our high egg mass count (3217 per acre) and our eligibility to participate in the Cooperative (Gypsy Moth) Suppression Program. Letter further advised that a 50% deposit was due by 12/8/23 in order for SH to participate in the spring 2024 suppression efforts.
4. **December 13, 2023:** Board President contacts WVDOA and asks for an extension of deposit due date. The due date for our deposit was subsequently extended to December 15th by the WVDOA.
5. **December 13, 2023:** WVDOA's 11/21/23 letter with attachments was emailed to the Board of Directors. The Directors were asked to review the materials and vote on two questions, (1) vote for or against approving the 50% deposit and participation in the suppression program, and (2) vote to select an available treatment option, either BT or MIMIC.
6. The Board of Directors subsequently voted 6-0 (with one member not casting a vote) to (1) approve the down payment, and (2) approve the selection of MIMIC based upon the egg mass count per WVDOA assessment.
7. **December 14, 2023:** SHLOA's 50% down payment was overnight mailed to the WVDOA on in order to meet the 12/15/23 due date extension.

TREATMENT OPTIONS AVAILABLE THROUGH WVDOA PROGRAM

BT is a bacterium commonly found in forest soils worldwide. It has become one of the most valuable biological pest management tools for a variety of agricultural, forestry, and urban pests. While it is highly toxic to target pests, it is very safe in regard to humans and animals. For example, different formulations of the same biopesticide are labeled to be

applied to organic grains such as shelled corn and soybeans during storage and/or to organic bagged grains (popcorn) to prevent Indian meal moth. (Source: WVDOA brochure, www.agriculture.wv.gov.)

In agriculture, Mimic® (tebufenozide) is also used to protect many crops from caterpillar pests; this product is known as Confirm®, and is used to protect fruits, vegetables, and many field crops from harmful caterpillar pests. Mimic does not affect any other orders of insects, including honey bees, native bee pollinators, ants, wasps, beetles, dragonflies, grasshoppers, or flies. Spring defoliating forest insects occur earlier, or are in different locations than many of the attractive butterflies (such as the monarch butterfly) that are associated with pastures, parkland, and roadside areas. Mimic also does not affect beneficial insect parasites, parasitoids, and predators that help to naturally control the populations of the forest defoliator pests.... Mimic has no direct effect on birds as they do not have the insect ecdysone hormone which is triggered by Mimic; and exposure to the spray or consumption of affected larvae by birds has no direct impact upon them either.... Additionally, Mimic has no impact upon wild or domesticated animals, or upon fish or amphibians.... Mimic has no effect upon vegetation or soil organisms.... Mimic has no impact upon humans....(Source: PA DOA, www.pgc.pa.gov/Wildlife/HabitatManagement/Documents).

THE THREAT OF UNCONTROLLED INFESTATION

According to the WVDOA, the spongy moth (previously known as the gypsy moth) is the most serious insect pest ever to invade West Virginia's forests. These circumstances created the need for a spongy moth cooperative suppression program for landowners in the generally infested areas in West Virginia (including Morgan and Berkeley Counties).

Per documents published by the WVDOA, repeated heavy defoliation by spongy moth kills trees. **Spruce, pine and hemlocks die after a single heavy defoliation. Hardwood tree mortality, after two successive years of defoliation, can reach as high as 80%.** The forest trees preferred by this insect are oaks, and the oak-hickory type makes up about 77% of West Virginia's woodlands. Studies by the West Virginia Department of Agriculture and West Virginia Division of Forestry confirm that as much as 25 percent mortality after one year of heavy defoliation could be expected in timber stands if spongy moth populations are left untreated. Additional information about the threat of gypsy moth infestation, and the efficacy and safety of treatment options, can be obtained through the WVDOA, or by visiting their website at www.agriculture.wv.gov. Information will also be posted on our website (SHLOA.com) and in upcoming newsletters.

OPT-OUT PROCEDURES FOR LOT OWNERS

If as a lot owner you object to treatment, please **send written notice to SHLOA** of your objection with your full **name and contact information** (i.e., mailing address, SHLOA property address, phone number, email address, section/lot number, and area concerns). Opt-out notices will be received **via mail at SHLOA, 65 Audubon Road, Hedgesville, WV 25424 or via email at Sleepyhollowhoawv@yahoo.com**. Please put Gypsy Moth in the subject line of your email. SHLOA will share your opt-out information with the WVDOA per the Program's requirements.

NEXT STEPS

The next scheduled meeting of the SHLOA Board of Directors is Saturday, March 9, 2024 at 10:00am at the ball field pavilion. All owners, both those for and those against treatment are strongly encouraged to attend the meeting. SHLOA has extended an invitation to the WVDOA to send a representative to discuss the suppression program and answer questions. However, the department has not yet been able to confirm their acceptance or participation on March 9th.

Additionally, SHLOA will make every reasonable effort to give residents advance notice through posted signs, email and our website as to the date spraying is scheduled. Spraying normally takes place in May; however the exact date will depend upon weather, wind, and other factors as determined solely by the WVDOA. Out of an abundance of caution and consistent with best health and safety practices, people and pets should avoid direct exposure during the aerial spray application.

CLOSING COMMENTS

The SHLOA Board recognizes and respects that there are differences of opinion regarding treatment v. no treatment; the scope of the Board’s authority and responsibility as may be conveyed through the Bylaws, Articles of Incorporation, and pertinent WV Code to approve treatment and funding; and the level of threat posed by uncontrolled infestation of this invasive pest. While differences of opinion are inevitable given the nearly 400 lot owners in SH, the unfounded accusations and insults directed at the Board by a small but vocal minority is uncalled for, unnecessary, and counterproductive. In every matter, actions of the Board are undertaken with the best interests of the community in mind. We are all owners and members of the Sleepy Hollow community. In this matter, the Board determined in good faith that waiting another year or more to take action against this invasive and destructive pest was not in the best interest of the community we all call home. With potential massive defoliation projected this year and the prospect of 80% tree mortality within two years; the resulting danger of death, injury, and property damage from falling trees; and the increased wildfire risk due to increase fuel load, the Board felt compelled to act in the best interest of the community. The SHLOA Board of Directors is elected by the lot owners to serve as a representative body and act in the best interest of the owners and the community. All Board members are volunteers and receive no compensation or benefits, other than the benefit and satisfaction of giving their time and talent for the betterment of Sleepy Hollow. Thank you for taking the time to read this important update. *(Emailed to owners and posted by the Board of Directors, 1-24-24)*

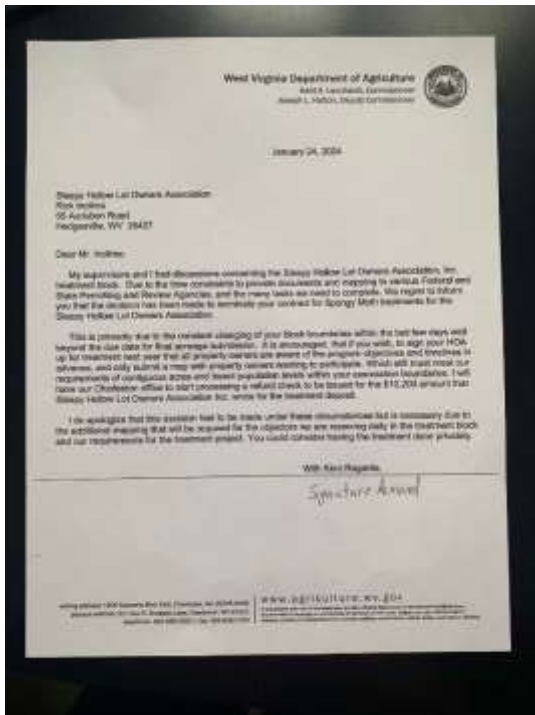


Spongy Moth Male



Spongy Moth Female

**** IMPORTANT GYPSY MOTH UPDATE 2/1/24 ****



By copy of a letter from the WVDOA dated 1/24/24 (copy at left), SHLOA was informed that *“the decision has been made to terminate your contract for Spongy Moth treatments for the Sleepy Hollow Lot Owners Association”* *“This is primarily due to the constant changing of your block boundaries within the last few days well beyond the due date for final acreage submissions”*

A small but vocal minority (<4%) of Sleepy Hollow residents have frustrated the WVDOA and SHLOA’s good faith efforts to protect your trees and property values from this invasive and destructive pest. With our treatment contract terminated due to the activities of the minority, the lot owners of Sleepy Hollow can now only hope for the best and prepare for the worst. The best would be that a naturally occurring virus, Nucleopolyhedrosis virus (NPV) or a fungus known as Entomophaga Maimaiga, will cause the gypsy moth population to collapse in 2024. However, this is most likely “wishful thinking” as the natural cycle of population growth and collapse is cyclical and generally occurs over a period of a many years. Should the worst case scenario play out this spring/summer of 2024, significant defoliation and the resulting tree mortality

could devastate our beautiful wooded community in one or two years. Residents should do what they can to protect their trees themselves because SHLOA's good faith efforts to protect your trees and prevent costly property damage have been thwarted by the minority despite SHLOA's best efforts. SHLOA has appealed the WVDOA's decision to terminate spraying for 2024; however, a decision on the appeal had not been received prior to publication of this newsletter. SHLOA's deposit will be returned by the WVDOA if our appeal is denied and 2024 treatment does not occur. The Association can reapply for treatment in 2025.

Unfortunately, this infestation will likely not go away on its own. All the literature points to probable wide-spread defoliation and resulting tree mortality. **The cost to individual owners for removal of dead and dying trees can be thousands of dollars per year, and the risk of wildfires could increase exponentially due to increased fuel load.** It is expected, but hopefully not certain, that damage will be evident throughout our community this summer/fall. Should you as an owner want to opt-in or opt-out of possible treatment in the spring of 2024 (contingent on appeal outcome) or 2025, please fill out the form below and mail or email it to SHLOA at the address indicated ASAP. Thank you.

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Sleepy Hollow Lot Owners Association
Gypsy Moth Treatment opt-in, opt-out Form
 (Please Print)

NAME: _____

MAILING ADDRESS: _____

SH PROPERTY ADDRESS: _____

SECTION(S) & LOT(S) #: _____

EMAIL ADDRESS: _____

TELEPHONE NUMBER _____

MARK ONE OPTION BOX FOR YOUR PROPERTY(S), 2024-25

YES, I AUTHORIZE TREATMENT

NO, I DO NOT AUTHORIZE TREATMENT

OWNER'S SIGNATURE: _____ DATE: _____

Please mail or email the completed form to:
 SHLOA
 65 Audubon Road
 Hedgesville, WV 25427
 Email: Sleepyhollowhoawv@yahoo.com

Please attend the Annual Membership Meeting in June for more information on Gypsy Moth infestation and treatment options. These invasive pests pose an existential threat to our community and property values. Hope is not a strategy; we need to hear your views and ideas on addressing this serious threat.

SHLOA ANNUAL MEMBERSHIP MEETING

The Annual Membership Meeting is *tentatively* scheduled for Saturday, June 8, 2024, at 10:00 AM at the ball field pavilion. This is your opportunity to meet the Board of Directors, volunteer for committees, ask questions, and get involved. All residents are invited to attend. Please bring a lawn chair!

The final date and location of our June 2024 Annual Membership Meeting will be confirmed and announced in the 2nd Quarter Newsletter. We look forward to your participation in the Annual Meeting.

CALL FOR RESUMES - SHLOA BOARD OF DIRECTORS

It is time to elect members to the SHLOA Board of Directors. This year there are three (3) positions open for election on the Board. Resumes received will be printed in the 2nd Quarter Newsletter and the names of candidates submitting resumes will be printed on the ballot. Ballots will be mailed to all owners of record in May.

You can self-nominate for a Board position by submitting a resume including your name, section/lot number(s), a brief description of why you would like to serve on the Board of Directors and any other information you would like to share with our community. Resumes must be received by April 15, 2024.

Eligibility Requirements: A lot owner is eligible to run for a position on the Board of Directors if he or she is a Member in Good Standing. A Member in Good Standing is any lot owner who has paid all lot assessments as of the Date of Record, April 15, 2024.

Please mail or email your resume by April 15th to: Sleepy Hollow Lot Owners Association, Inc.
66 Audubon Road
Hedgesville, WV 25427
ATTN: ELECTION COMMITTEE

Or email your resume to: sleepyhollowoawv@yahoo.com

Sign up to Receive SHLOA Newsletters by Email

To receive the SHLOA Newsletter via email, please email us at sleepyhollowoawv@yahoo.com and put "NEWSLETTER" in the subject line. Please include your name, current mailing address, and email address in the body of your message. This is an easy and convenient way you can help us save your hard-earned assessment dollars while not missing any news.

If you previously signed up but are not receiving your electronic newsletter, please notify us again. We may have copied your email incorrectly. Just let us know and we will fix it. Thanks!

NOTICE

SHLOA's **Policy Guidelines and House Rules for Rental Units** are consistent with the existing Restrictive Covenants and applicable to all rentals within Sleepy Hollow. The Guidelines/Rules are posted on our website at www.shloa.com. Owners may also request a copy via email at Sleepyhollowoawv@yahoo.com or by mail to SHLOA, 65 Audubon Road, Hedgesville, WV 25427.

2024 Budget as of Jan 1, 2024	2024 BUDGET	YTD	DIFFERENCE
INCOME			
2020 HOME OWNERS ASSESSMENTS	\$139,150.00	\$66,885.00	\$72,265.00
PAST DUE (2018 AND PRIOR) TARGET	\$5,000.00		\$5,000.00
MISCELLANEOUS INCOME	\$2,000.00		\$2,000.00
OPERATING INTEREST		\$0.00	\$0.00
REFUNDS	\$0.00	\$0.00	\$0.00
MAIL BOXES	\$350.00		\$350.00
TOTAL INCOME	\$146,500.00	\$66,885.00	\$79,615.00
2024 RESERVE ALLOCATIONS			
CAPITAL IMPROVEMENT FUND	\$20,875.00	\$10,032.75	\$10,842.25
EMERGENCY FUND	\$13,900.00	\$6,688.50	\$7,211.50
TOTAL RESERVE FUND	\$34,775.00	\$16,721.25	\$18,053.75
FIXED ESPENSES			
INSURANCE/TAX/LICENCES/PERMITS	\$4,500.00	\$2,618.33	\$1,881.67
STORAGE	\$600.00		\$600.00
LIGHTS AT BALLFIELD AND LAKE	\$320.00		\$320.00
RELIEF STATIONS	\$1,100.00		\$1,100.00
COMMUNICATIONS	\$1,800.00		\$1,800.00
TOTAL	\$8,320.00	\$2,618.33	\$5,701.67
ADMINISTRATIVE			
ADMINISTRATIVE/OFFICE SUPPLIES	\$500.00		\$500.00
COMPUTER, SOFTWARE, OFFICE EQPT	\$150.00	\$49.90	\$100.10
LEGAL FEES	\$5,000.00	\$1,500.00	\$3,500.00
TREASURERS/ACCOUNTING/INVOICING	\$3,700.00		\$3,700.00
TOTAL	\$9,350.00	\$1,549.90	\$7,800.10
ROAD UPGRADES			
UNPAVED	\$40,000.00		\$40,000.00
PAVED	\$1,000.00		\$1,000.00
SNOW REMOVAL	\$12,000.00	\$8,013.51	\$3,986.49
TOTAL	\$53,000.00	\$8,013.51	\$44,986.49
COMMON FACILITIES			
LAKE ATTENDANT	\$6,500.00		\$6,500.00
LAWN CONTRACT	\$5,100.00		\$5,100.00
MAINTENANCE	\$7,300.00		\$7,300.00
CASUAL LABOR	\$1,500.00		\$1,500.00
COMMUNITY ACTIVITIES	\$600.00		\$600.00
TOTAL	\$21,000.00	\$0.00	\$21,000.00
2024 RESERVE FUND			
TOTAL 2024 EXPENSES	\$66,885.00	\$28,902.99	\$31,078.92

**SLEEPY HOLLOW
LOT OWNERS' ASSOCIATION, INC
65 Audubon Road
Hedgesville, WV 25427
ADDRESS SERVICE REQUESTED**