

Birchwood Lakes Community Association  
Regular Board Meeting Minutes  
October 8, 2010 @ 7pm  
Conference Room

Present: Marcella Livingston, President, Joanne McInerney, Vice President, Clare Bennett, Secretary, Carolyn Martin, Treasurer, Charles Ritson, Thomas McConnon, John Meola, Carl Fredrickson; Louis Freeman Directors  
Also Present: Bettye White Gross, Community Manager

President Livingston called the meeting to order at 7:05pm

**Approval of Meeting Minutes and Actions Without A Meeting**

- August 20, 2010 Special Board Meeting Minutes

**Motion to approve the August 20, 2010 Special Board Meeting Minutes made by Director Martin, seconded by Director Ritson. All in Favor. Motion Passed.**

- August 28, 2010 Annual Membership Meeting Minutes

**Motion to approve the August 28, 2010 Annual Membership Meeting Minutes made by Director Freeman, seconded by Director Bennett. All in Favor. Motion Passed**

- September 10, 2010 Regular Board Meeting Minutes

**Motion to approve the minutes of September 10, 2010 Regular Board Meeting made by Director Bennett, seconded by Director Martin. Director Freeman abstained as he was absent from that meeting. All other Board Members voted in Favor. Motion Passed.**

- September 16, 2010 Action Without A Meeting – This Action Without a Meeting is to approve the placement of a notice for a Tastefully Simple Fundraiser for the Swim Team on the 739 Message Board by Maria Moffa. Director Fredrickson unavailable. Two directors voted yes, remainder voted no. Motion did not pass.
- September 23, 2010 Action Without A Meeting – This Action Without a Meeting is to approve an additional four days of ditch cleanout work by K&S based upon work performed September 20, 2010 at a rate of \$675.00 (a day) utilizing Account #8037-008 Culvert Maintenance. Director Bennett was unavailable, all other Board Members voted Yes. Motion Passed.

**Motion to approve the Actions Without a Meeting of September 16<sup>th</sup> and September 23<sup>rd</sup>, 2010 made by Director McInerney, seconded by Director Martin. All in Favor. Motion Passed.**

Director Freeman asked to discuss further the issue of the Swim Team's request to put their Tastefully Simple event up on the Message Board. He believes that we need to re-examine our Policy on use of the message board. One Board Member indicated that she had suggested prior to the event that they prepare a flyer and place it on the sandwich board which gets a very good response. The Board agreed to examine the policy at the next meeting.

### **Treasurer's Report**

Treasurer Martin presented the Treasurer's Report.

There were no write-offs this month as we did not get Real Estate Transfers for September.

Director Ritson questioned why the expenditure was so large under the recreation line item for supplies? If it is accurate, where is the money for the remainder of the year's recreation needs coming from? The Treasurer will look into the accuracy of this line item and report back to the Board.

### **Managers, Maintenance, Public Safety Reports**

- K&S Landscaping is coming in this Monday weather permitting, for four days, to perform the contracted work as approved previously by the Board.
- Specifications for the survey for the pool area have been sent to Addio Surveying and we are now waiting for the cost back from them.
- The Lot Improvement for the Maintenance Facility showed a discrepancy between the deed and the map. A New deed has been prepared by the Attorney with the correction. The Attorney is now looking into the Title.
- Copy of member complaints for month/year as a whole.
- Wayco, Inc. completed the roadwork the week of September 30, 2010. Pocono Spray Patch has provided a quote regarding spray patching roadways.
- The DEP provided comment on the drainage study hot spots regarding their permitting requirements. Meeting has been scheduled with the Conservation District to review their permitting requirements. The District suggests the engineer attend the meeting. The Board is asked to approve this expenditure.
- The 90 day collection letters for outstanding accounts have been processed. Remaining outstanding accounts will be turned over to the Attorney for processing in October. One hundred members were no longer delinquent between the mailing of the thirty and ninety day notices.
- The SBA billing, Special Notice of Rule and Regulation Enforcement, Special Notice regarding the East Birchwood Lake Dam Cap and Notice of Fee Increased have been mailed to all members on September 30, 2010. Due date is October 30, 2010. Members who did not receive the statement should contact the BLCA Office immediately.

- The repairs to the plow mount were covered under auto insurance. Repairs under property coverage fell below the deductible and these costs must, therefore, be covered by the Association. Repairs are in progress.
- Additional proposals have been received for the electrical work needed to the clubhouse ceiling fans and speed switch replacement, if deemed necessary, as well as problems relating to radio transmissions due to the repeater. The Board will need to approve a budget transfer if work is approved.
- K&S Landscaping performed the one-day ditch clear-out as approved. An additional four days approved by the Board is scheduled for week of 10/11/10.
- Information has been provided to the Board to discuss replacement of the salt shed and upgrading the Maintenance Facility.
- No response has yet been received to the advertisement placed in the Pike County Dispatch seeking relief drivers and contractors for the 2010/11 winter season.
- Clarification is needed on what specific items should be indicated on the pool survey.
- A request has been made by the Maintenance Supervisor to change vehicle signage from magnetic to vinyl lettering. The Board is asked for approval. Bettye White Gross recommends returning to the vinyl lettering.
- Encroachments are being addressed by Maintenance at Poplar the week of October 18<sup>th</sup> and the property owner has been advised of the need to remove their encroachment from Association Property. Several other members have complied by removing encroachments as advised in letters sent to them. Those not in compliance will be referred to the attorney per Board decision.
- New Member Orientation will be held on October 23<sup>rd</sup>. Postcards have been sent to new owners inviting them to attend and an information packet is being prepared as a handout.
- The Board will need to decide to proceed with the permitting relating to the dredging study. K&H is still interested in the project. Recommendations have been made to complete the permitting process in anticipation of a future increase on permit costs.
- Annual Filing has been provided to the State on the Change of Officers.

Maintenance Supervisor report indicates that October Activities will include pothole patching, repainting road markings, removal of rain barrels, replacement of batteries in thermostats and clocks, replacing clubhouse filters, winter dry runs, community review items, replacement of vandalized and anti-littering signs.

Public Safety Report is pending. Public Safety had two tires on their Vector vehicles slashed in September. Several lights were broken at the Clubhouse in September, the State Police contacted in regards to the incident.

Recreation reports that the Halloween Party will be held on Saturday, October 23<sup>rd</sup> from 1 to 3pm at the Clubhouse.

Board Decisions in Response to the Manager's Report

**Motion to approve that the Engineer from Cornerstone attend the meeting with the Conservation District set for November 10<sup>th</sup> and that associated costs for that Engineer's attendance will be paid for by BLCA. Motion made by Director Ritson, seconded by Director Freeman. All in Favor. Motion Passed.**

**Motion to approve that the lettering on the trucks be reversed to vinyl lettering and discontinue the use of magnetic signs made by Director Ritson, seconded by Director Freeman. All in Favor. Motion Passed**

New Member Orientation on Saturday, October 23<sup>rd</sup> at 10am in the Conference Room. President Livingston verified what Board Members will be available to attend. Directors Meola, Martin, McInerney, Bennett and Livingston agreed to be there. A draft Agenda was discussed by the Board and will be finalized by Director Bennett.

The Board agreed that notification of the SBA Statements availability at the office for Members who did not receive theirs will be placed on the Message Board, Bulletin Boards and the Website.

**Committee Reports**

**Rules and Regulations** – Their next meeting will be October 30<sup>th</sup> at 10am at the Office. Director Ritson asked the Committee to move forward on 1<sup>st</sup> and 2<sup>nd</sup> Readings for Rules and Regulation changes.

**Roads & Maintenance** – Director Freeman that the Committee assessed the roadwork that had been recently completed and believed that Wayco had done a decent job this year.

Director Freeman asked if Maintenance was going to paint the speed humps and pedestrian crossing soon. Bettye White Gross indicated that Maintenance is scheduled to do this work.

The Committee discussed the Pocono Spray Patch proposal which came in higher than hoped for and, as a result, the monies are not available in this year's budget under Roads. President Livingston suggested that if the winter proves to be less severe there may be money left over in the Spring to put towards this project. The Board all agreed that they were eager to see this project come to fruition and will work with Roads to coordinate efforts come Spring.

Clean-out of Swales – K&S did a good job the one day they were in, covering about a mile and a half of roads. This will prove beneficial when the time comes for plowing. He anticipates that the four days K&S come in this week to continue the work will see even more benefits and he hopes that we continue to utilize K&S in the future.

Director Freeman asked if the Committee could go around and mark key culvert pipes with stakes or something similar so that Maintenance know to visually check those specific locations regularly. BWG suggested they use rebar which has been successful in the past.

**Budget & Finance** – Director Martin stated that the Committee had recently met on September 25, and the next meetings scheduled are October 9<sup>th</sup> and then October 23rd. The Committee is working on the budget and a Preliminary Budget will be submitted to the Board in time for the November Board Meeting.

**Recreation** – Director McInerney said the Committee met on October 2<sup>nd</sup> to discuss the Halloween Party that will be held October 23rd from 1-3pm. We hope the weather will permit us to do the parking lot “Trunk or Treat”. Otherwise, it will take place in the Clubhouse.

**By-Laws** – The next meeting of the By-Laws will be November 6<sup>th</sup> at which time the Committee will confirm recommended changes to be reviewed by the Attorney before it goes out in the next mailing early December. The next issue that will be discussed in By-Laws will be the issue of Rentals within the Community. Members are encouraged to join the Committee and participate in discussions on this and other issues important to them.

**Capital Projects** - will be meeting shortly but a date has not been set yet as we are still gathering information needed for that meeting.

**Lake Management** – Director Ritson stated that the Committee met on October 2<sup>nd</sup> to recap what was completed this past year, and develop a plan for the year ahead. Director Ritson asked that the Board make a decision on the Dredging Study so that we could proceed as needed.

**Motion to approve the completion of the contract with Hanover Engineering, complete the permitting and obtain a report from Hanover. Motion made by Director Ritson, seconded by Director Freeman. All in Favor. Motion Passed.**

Director Ritson expressed concern over the virtual lack of enforcement on the lakes with regard to vehicle decals and badges. We do have a system in place where a flyer is placed on vehicles under question informing them that they need to display decals and badges and that violations will result in citations. It is difficult to enforce when the boats are out on the lake. Director Ritson asked the Board to review the recommendations made by the Lake’s Committee for discussion at a later Board Meeting. President Livingston stated it will be placed on next month’s Agenda.

**Community Safety** - did not meet this month. However, Director McConnon has dropped off two “Do Not Speed” signs donated by the Rotary Club for Maintenance to install at key locations.

**Beautification** – Director Fredrickson will contact the members of the Beautification Committee and get some conversation going on what they will do for the Holiday. Director McInerney informed Director Fredrickson that there are decorations in the Clubhouse closet that she and Member Woods sorted through last year, all in great condition and working order.

**Property Development** – Director Fredrickson indicated a memo from Bettye White Gross listing about 20 properties that are now in repository sale. Board discussion is later on the Agenda.

**Community Affairs** – Why is the newsletter late again? It was submitted to the publisher but they indicated they did not receive it. The Newsletter Editor resubmitted it and it is now under follow-up.

### **Payment of Bills**

Delaware Auto Parts – Transfer \$247.79 from A/C# 7070-002 (Maintenance R&M Supplies) to A/C# 7040-002 (Maintenance R&M Vehicles).

Pike County Dispatch – One-year subscription. Pay \$38 out of A/C# 7790-007.

CAU – Auto Insurance for the new truck. Transfer \$316.50 from A/C# 7980-001 (Admin. Contingency) to A/C# 7310-001 (Admin. Insurance).

Bettye White Gross – Training and to cover shortfall. Transfer \$686.24 from A/C#7980-001 (Admin. Contingency) to A/C# 7490-001 (Admin. Miscellaneous)

To Cover Shortfall – Transfer \$1823.28 from A/C# 6110-003 (Rec. Payroll) to A/C#6210-003 (Rec. Payroll Tax).

**Motion to approve the payment of the four bills and the transfer of funds to cover shortfall made by Director Martin, seconded by Director Fredrickson. All in Favor. Motion Passed.**

### **Other Unfinished Business**

Traffic Study

We received two proposals for this study; one from McGooley Hauser and the second from Frederick Spott and Associates. Bettye White Gross shared with the Board that McGooley Hauser has been working with us so far on the traffic study issues brought to us from PENNDOT. This Study will focus on Route 739 and Aspen and we are hoping that the study will show that a traffic light is not needed at the entrance. The Board discussed the two proposals at length.

**Motion to approve the proposal from McGooey Hauser and, as per their costing out in the proposal, to attempt to get Community volunteers to do the manual account, thereby, lower the cost to the Association, made by Director Ritson, seconded by Director Freeman. All in Favor. Motion Passed.**

#### Upper Birchwood Lake Diving Operation

Three proposals have been received for this project, which the Board discussed at length. Of the three we have used the personnel of GOE previously. The Board agreed that their proposal was the most cost effective and they have proven before that they can do the job. In addition, they have the required insurance.

**Motion to accept the proposal from GOE made by Director Ritson, seconded by Director Freeman. All in Favor. Motion Passed.**

#### Pool Analysis

We have received three proposals for the inspection of the pool to determine its structural integrity. The Board has more questions and Bettye White Gross will follow up with Recreation Management on getting the answers to those questions while Director Ritson will call references. Specific questions the Board wants answers to include:

- What does Recreation Management specifically include in their proposal?
- Does it include one or more core borings? If it is one, do we want more than this?
- Will they repair the core borings once testing is complete and is this included in the proposal?
- What specific reports do they provide to the client afterwards?

#### Maintenance Fence

**Motion to approve the proposal from American Fence to replace the fencing around the Maintenance Facility for the amount of \$560, as well as straighten the entrance gate at no extra charge. Motion made by Director Freeman, seconded by Director McInerney. All in Favor. Motion Passed.**

#### Electric Work

**Motion to approve the proposal from B&G in the amount of \$440 to make the necessary repairs to the Clubhouse fans, the Doolan Road Entrance work and to install an outlet on the Message Board for Christmas lights. Motion made by Director Bennett, seconded by Director Freeman. All in Favor. Motion Passed.**

**New Business**

Board Vacancy

Director Ritson steps down from the Board as of October 15, 2010. The Board has received resumes from two interested candidates and interviews were held prior to this Board Meeting. The new Board Member will be notified early next week once the Board has made a decision.

Preliminary Reserve Project List

The Board agreed to hold a special meeting in advance of the Budget approval to discuss the Budget as well as the preliminary Reserve Project List. A date will be set and the Board notified.

Tree Removal Requests – Askar, Swanson, Celentano

**Motion to approve the Tree Removal Requests from Members Askar, Swanson and Celentano made by Director Martin, seconded by Director Fredrickson. Director McInerney abstained. All other Board Members voted in favor. Motion Passed.**

Rules and Regulations

**Motion to approve the corrections in the Rules and Regulations as noted in the memo dated September 23<sup>rd</sup>, 2010 and that the recently approved Tree “Guidelines” will replace the existing Tree Rules and Regulations under Section 98-50-17, made by Director McInerney, seconded by Director Bennett. Director McConnon opposed. All other Board Members voted in favor. Majority passed it.**

Tree Removals

**Motion to approve Sequoia Tree Service to remove three trees from common land at \$2,850, the monies to come from 7980-001 - Contingency Fund. Motion made by Director Freeman, seconded by Director McInerney. All in Favor. Motion Passed.**

Transfer of Funds

B&G Electric – to cover repeater (\$180) and shortfall. Transfer \$2,775.95 from A/C# 7980-001 (Contingency) to A/C# 7040-002 (Maintenance R&M Vehicles)

B&G Electric – to cover clubhouse fans (\$260) and shortfall. Transfer \$312.96 from A/C# 6110-003 (Rec. Payroll) to A/C# 7020-003 (Rec. R&M Building).

**Motion to approve the above transfers made by Director Martin, seconded by Director Freeman. All in Favor. Motion Passed.**



Board Panel Review – Will be held on October 22, 2010 at 5pm in the Office.

Entrance Signs

**Motion to purchase wooden signs in lieu of the sandblasted because of the large price discrepancy made by Director Ritson, seconded by Director Bennett. All in Favor. Motion Passed.**

Refuse Contract

**Motion to approve the new Waste Management Contract made by Director Martin, seconded by Director Freeman. All in favor. Motion passed.**

Repository Lots

**Motion to approve the purchase of 23 lots in a repository sale at \$25 each made by Director Ritson, seconded by Director Fredrickson. All in Favor. Motion Passed.**

#### **Communications, Written and Oral**

None

#### **Miscellaneous**

037-001-0600 Correspondence - this correspondence is ongoing from the previous Board Meeting. The Board determined that the Member owes the Association the full amount of money and have instructed Bettye White Gross to contact the Member to offer him a payment plan.

046-005-0600 Correspondence – Member Gangi shared his concerns about the new Septic Rule and Regulation. He believes the Board should be educating and training the Membership and that we need to work with the water and sewage people to establish a maintenance program that everyone can abide by. He believes the fine to be too punitive.

Member Golden commented that we are talking about two separate issues. We need better education and attention to the environment and we need to do everything we can to make that possible and, secondly, the logic of the fine system that was placed upon this Rule.

The Board informed the Membership that we have provided more awareness and education in the past five years than has even been done in the history of the Association. We have had three annual seminars on septic systems, well water testing at greatly reduced prices, articles in the Newsletter and Website and, in fact, the next Newsletter will have an article about available grants.

The Board remarked on the lack of attendance at these events by the Membership despite having been set up to benefit the Membership and the Community. The Board agreed to have the Rules and Regulations Committee revisit the fine for the Septic Rule. The Board asked Members to understand that this was not established by the Board to cause hardship but so that the Members of this Community can understand the seriousness of this issue for the Association, for each Member, their neighbors, and our lakes and environment.

099-010-1300 Correspondence – The Board instructed Bettye White Gross to speak to the Member asking him to enter into a payment plan of \$100 per month until his is reemployed and that he must not default on the payment plan. To default will result in the Association executing on the Judgment.

081-003-1000 Correspondence – The Board agreed that this should go to Resolutions.  
006-001-0100 Correspondence – The Board agreed to grant their request for an extension on the encroachment correction until no later than November 30<sup>th</sup>, 2010.

002-021-0100 Correspondence – The Board asked Bettye White Gross to send this Member a letter informing him that this Board is not against raising the level of our security. However, the cost is prohibitive without a significant dues increase. We will, however, look at changing up some of our existing security schedules.

**Motion to adjourn the Regular Meeting of the Board of Directors September 10, 2010 at 9:40pm and go into Executive Session made by Director Ritson, seconded by Director Meola. All in Favor. Motion Passed.**

Respectfully submitted,

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Clare A. Bennett  
BLCA Secretary