

Birchwood Lakes Community Association
Regular Board Meeting Minutes
May 13, 2011
Conference Room

Present: Marcella Livingston, President, Joanne McInerney, Vice President, Carolyn Martin, Treasurer, Clare Bennett, Secretary, Louis Freeman, Carl Fredrickson,

Also Present: Bettye White Gross, Community Manager

Absent: Linda White, John Meola (arrived late), Thomas McConnon (arrived late)

President Livingston called the meeting to order at 7:03pm

Approval of Meeting Minutes and Actions Without A Meeting

- April 8, 2011 Regular Board Meeting Minutes with minor amendment under Roads & Maintenance Committee Report.

Motion to approve the April 8, 2011 Regular Board Meeting Minutes with amendment made by Director Fredrickson, seconded by Director Freeman. Director McInerney abstained as she was absent from previous meeting. All other Directors voted in Favor. Motion Passed.

- April 15, 2011 Action Without a Meeting

This Action Without a Meeting is to approve the four tree removal requests from Frank Pugliese for 20 plus trees, Timothy Hazekamp for 17 trees, Alvin & Josephine Peselnick for 10 trees and Zbegniew Pajk for 1 tree. One Director was unavailable, One Director voted no (needs specific purpose for tree removals). All other Directors voted in Favor.

- April 28, 2011 Action Without a Meeting

This Action Without a Meeting is to approve over budget bills due before next Board Meeting:

1. Transfer \$376.78 from A/C#7640-007 Postage to A/C#7240-007 Office Telephone.
2. Transfer \$481.78 from A/C#6500-004 Contracted Security to A/C#7230-004 Security Electric.

All Directors voted in favor.

- May 9, 2011 Action Without a Meeting

This Action Without a Meeting is to approve transfer of \$3,956.50 from A/C#7980-001 Contingency Fund to A/C#7310-001 Insurance (Administration) for payment Community Association Underwriters for D&O Insurance. One Director was unavailable. All other Directors voted in Favor.

Motion to approve the April 15, April 28 and May 9, 2011 Actions Without a Meeting made by Director Freeman, seconded by Director Bennett. All in Favor. Motion Passed.

Treasurer's Report

Treasurer Martin presented the Treasurer's Report.

Write-offs

Lot 16, Block 97, Section 13 in the amount of \$926.20

Lot 3, Block 31, Section 5 in the amount of \$1,057.84

Lot 37, Block 70, Section 10 in the amount of \$534.76

Lot 1, Block 74, Section 9 in the amount of \$101.90

Lot 2, Block 74, Section 9 in the amount of \$922.37

Motion to approve the 5 write-offs made by Director Martin, seconded by Director Fredrickson. All in Favor. Motion Passed.

Manager, Public Safety Reports

Betty White Gross, Community Manager, presented the Manager's and Public Safety Reports.

Easter Party was a big success. The children were happy to visit with the Easter Bunny. Photos will be in the next issue of the Birchwood Voice. The Board thanked the "Bunny" for his participation.

BLCA is currently hiring lifeguards and a Recreation Coordinator. A meeting of those lifeguards who have already responded will be held Saturday, May 14th.

Insurance claims have been submitted on the two BLCA maintenance vehicles that were vandalized and damaged. The total amount of damages including towing is \$4,381.91. The vandalism took place at the maintenance yard. If anyone has any information they are asked to contact the office.

Public Safety will be instituting summer hours shortly.

Board Decisions

The Board agreed on a date of June 4th at 10am to meet with the Community to discuss the plans for the new maintenance yard.

The Board agreed that a letter, with additional language, be sent from the BLCA attorney to the Township regarding the plans for Crossing Road.

Committee Reports

Budget – The Committee is recommending changes to the collection procedures and the wording of the 30 and 60 days collection letters. In addition, they recommended eliminating the 90 day collection letter and sending the collection to the attorney after the 60 day expiry period. The Board recommended that the 60 day letter require proof of mailing.

Motion to approve the new collection procedure and letters made by Director Freeman, seconded by Director Martin. All in Favor. Motion Passed.

The meeting recognizes that Director McConnon joined the meeting at 7:30pm.

By-Laws – The Committee is recommending that the Board approve the proposed By-Laws changes relating to Director’s qualifications, Director attendance at meetings, Member in Good Standing status and Breach of Ethics procedure, as outlined in the memo dated May 6, 2011. The Board is requested to approve including the proposed changes in the next mailing for membership vote.

Vice President McInerney read the proposed changes to the meeting attendees.

Motion to approve the proposed changes to the BLCA By-Laws as outlined in the May 6, 2011 Memorandum and to approve sending the proposed changes to the Membership for vote in the next mailing, made by Director McInerney, seconded by Director Martin. All in Favor. Motion Passed.

Additional proposed By-Laws changes will be presented to the Board at the June Board Meeting.

Capital Projects – The Committee reviewed the three proposals received for the initial step of the office project and recommend that we use Cornerstone Engineering. Cornerstone is doing other projects for us, these being the road drainage and maintenance facility. In response to our query they indicated they will credit the cost outlined in the proposal should we use them for the project and will give us an additional 10% discount on the cost.

Motion to approve the Cornerstone proposal for the first step of the office project in the amount of \$950 made by Director Freeman, seconded by Director Fredrickson. All in Favor. Motion Passed.

Lake Management Committee – The Committee presented the Board with several recommendations:

- A request to hold the Well Water and Septic Seminar on July 23rd. To host a “Spotlight on the Lakes” in August, date TBA.
 - A greater presence from Public Safety, checking badges, boat decals, in an effort to eliminate illegal use of our lakes. The lakes are for the use of Members in Good Standing only. We have a problem with members not in good standing as well as people coming in from outside boating and fishing in the lakes. President Livingston recommended that members of the Lake Management Committee be present at the lakes on known busy days, during off-security hours, distributing flyers. This has proven successful in the past with bus stop/vehicular issues.
 - That boats without decals be taken to the maintenance area to be claimed. All boats in BLCA are required to have decals. They also want the board to consider installing boat racks that could be rented to boat owners for a nominal fee.
 - That Penn Fish and Boat be contacted to do spot checks.
 - Installation of highly visible signage stating that the BLCA Lakes are for Member in Good Standing usage only.
 - Consider putting up fencing to stop trespassing on the East Lake Dam.
 - The Committee would like to see the dredging report once it is completed. They will formally request a copy through the office.
 - Consider having a boat on every lake.
1. The Board agreed to hold the Well Water and Septic Seminar on July 23rd at 2pm. Information will be developed for the newsletter and website as well as for flyers that will be distributed in each mail area.
 2. Donation of signs from committee will be researched by Member Chas Ritson.

3. The Board will verify with the attorney if we can remove those boats with no decals from the beaches. It was suggested we look into this soonest so that we can issue flyers Memorial Day Weekend. It was also suggested that we consider putting a sticker on any boat not displaying a decal informing that said boat will be removed in 30 days if a decal is not obtained from the BLCA Office.
4. The budget does not allow for the additional cost of boat racks or all new registration stickers. The Lakes Management Committee should put a recommendation to the Budget Committee for next year.

Recreation Committee – Kathleen Brady has been named by the Recreation Committee as co-chair. The Committee presented this season's proposed recreation calendar for Board approval. It was noted that the Easter Party is not on calendar – it is to be determined at a later date and funded with any left-over budget money from Recreation.

Motion to approve the recreation calendar made by Director Bennett, seconded by Director Fredrickson. All in Favor. Motion Passed.

The Committee proposes that Beach 3 be reopened using a Porta Potty, instead of Beach 4. It was suggested that very few Members have been using Beach 4 in recent years with a noted increase of Beach 3 usage, although there is no lifeguard posted there. It was recommended we use the lifeguard equipment and swim platform from Beach 4 to Beach 3. President Livingston stated that a permit would be needed for a porta potty and also for the swim platform. The Board agreed to research the viability and costs of opening Beach 3. We will also look at options of opening both beaches, possibly alternative days/hours.

Rules and Regulations – The Committee recommended adding a section under Health Sanitation and Littering and a change in fine structure to the Septic Maintenance Rule. Director McConnon did not agree with the fine structure for the Septic Rule, saying that there should not be any additional fines after the initial \$250 fine. Other Directors argued that without an ongoing fine structure there is no incentive by the homeowner to address the issue.

Motion to approve the two proposed changes to the Rules and Regulations made by Director Martin, seconded by Director Fredrickson. Director McConnon opposed. All other Directors voted in Favor. Motion Passed.

Community Affairs – President Livingston announced that we will need a new Chair for the Community Affairs Committee as the existing Chair/Editor and Co-Editor are retiring this month. The Board thanked Sheila Salmon and Nancy Halliday for all their support and hard work on the Committee, Newsletter and Web Site. President Livingston proposed that Director White assume Chair of this Committee. Director Bennett will remain as Co-Chair.

Community Safety – Director McConnon informed the Board that Dan Capano has requested to be co-chair of this committee. The Committee is recommending to the Board that we implement a webcam security system. The Association had looked into it a few years ago but at that time the technology was not available to run from the gatehouse to the office. At present BLCA are digital computerized. The Board agreed that the Committee could research the options further.

Beautification – The Committee only received two responses in their request for people to water at different locations. May 14th is BLCA cleanup at 8:30am. The Committee will be picking up the plants ordered next week.

Payment of Bills

None

Other Unfinished Business

None

New Business

Tree Removal Requests – Leiper, LaRusso, Rogers

Motion to approve the Tree Removal Requests of LaRusso, Rogers made by Director Freeman, seconded by Director Fredrickson. Director McInerney opposed. All other Directors voted in Favor. Motion Passed.

The Board requested further information from Member Leiper as to why he wants to take down more trees. It was noted that the removal of the trees he requested could increase volume of storm water going down onto BLCA Roads. It was suggested that Bettye White Gross, Director Meola and another Board Member perform a site visit and also that the Member be made aware of the environmental issue that could arise. Leiper request tabled until site is reviewed.

Motion to approve the Tree Removal Request of Ballone made by Director Freeman, seconded by Director Fredrickson. Director McInerney abstained because she wasn't satisfied with the reason provided by the homeowner. All other Directors voted in Favor. Motion Passed.

Request for Corporate Documents – Ritson, Capano, Anselmo, Bennett

Ritson – requesting EcoSolutions paperwork, purpose is so that the documents can be reviewed by the Lake Management Committee.

Motion to approve the Request for Corporate Documents from Member Ritson made by Director Martin, seconded by Director Freeman. All in Favor. Motion Passed.

Capano – requesting Community Manager's Employment Contract, purpose to inspect terms of her contract, confirm length of contract, determine means of terminating contract by either party, determine the CM's duties and responsibilities, determine if the Association has taken steps to determine performance and responsibly base compensation on same.

Motion to approve the Request for Corporate Documents from Member Capano made by Director Freeman, seconded by Director McInerney. All in Favor. Motion Passed.

President Livingston stated that this requesting member is a past president of the Board of Directors and that he has seen the Community Manager's contract and, in fact, negotiated a portion of it. President Livingston also reminded the Members that the Community Manager's responsibilities are a part of and laid out in the By-Laws. She also stated that BLCA has an annual evaluation procedure and forms for said procedure, and procedure is and has been followed since instituted several years ago and that this past president would have full knowledge of this.

Anselmo – requesting copy of letter that was sent to her neighbor’s address regarding a tree leaning over on her property. Purpose is to make sure the owner got the letter.

Motion to approve the Request for Corporate Documents from Member Anselmo made by Director Freeman, seconded by Director Fredrickson. Director McInerney Abstained stating that she believes that this would fall under personal correspondence and she is not entitled to it. President Livingston said that the mailing address would be blackened out so as not to reveal personal information. All other Directors voted in Favor. Motion Passed.

Bennett – Copy of D&O Insurance Policy, purpose to present to her insurance company so as to not lose her umbrella insurance and/or home insurance because of her position on the BLCA Board of Directors.

Motion to approve the Request for Corporate Documents from Member Bennett made by Director McInerney, seconded by Director Fredrickson. All in Favor Motion Passed.

Actions Without a Meeting on Budget Transfers – Director White suggests we stop having Actions Without A Meeting on budget transfers. Some of the Board expressed that if we did so we would lose our checks and balances and accountability. The Board agreed to table until next month.

Email Distribution of Board Documents – Tabled until next month.

Board of Directors Statement – The Board agreed that the Board of Director’s Statement be read out to Meeting attendees and be placed on the website and in the newsletter. The Statement was read by Vice President McInerney.

Statement of Support for the BLCA President/Capital Projects Chair – The Board agreed that the Statement in support of the BLCA President be read out to Meeting attendees and be placed on the website and in the newsletter. The Statement was read by Secretary Bennett.

Letter from the Board of Directors in response to the complainant requesting the removal of the Capital Projects Chair, supporting her position and denying her removal as Chair.

Motion to approve that the proposed drafted letter be sent to the complainant made by Director Freeman, seconded by Director Martin. President Livingston abstained because of her position as Capital Projects Chair. All other Directors voted in Favor. Motion Passed.

Payment Plan Requests

089-020-1200 – The Board asked Bettye White Gross to talk to the Member to see if the Member can make a greater monthly payment. Then to set the Member up on the agreed amount under a payment plan and informing them that the Association will still proceed with the judgment but as long as they maintain the payment agreement said judgment will not be acted upon.

071-002, 003 – A judgment has already been filed. The Member is requesting a payment plan. The Board asked Bettye White Gross to establish with the Member a payment plan and inform them that the Association will follow through on the judgment should they stop abiding by the payment plan.

Road Bids – We have received 6 road bids: JF Cavage Construction; Wayco; Northeast Site; Dosch King Co.; Rutledge Excavating; and a late arrival from AMS. It was noted that there were three attempts by UPS to

deliver the AMS bid but UPS delivers late in Birchwood, usually after the office closes. The date of the mailing indicates it should have arrived in the office on time. In view of these mitigating circumstances the Board made a motion to accept the bid.

Motion to accept the bid from AMS made by Director Freeman, seconded by Director McInerney. All in Favor. Motion Passed.

The Roads Committee will review the six bids and come back to the Board with their recommendations.

Pocono Spray Patch have been in performing their work on our roads. It was noted that the office did not receive a single complaint about their work.

The meeting recognizes that Director Meola arrived at 9:10pm.

Communications, Written & Oral

Peselnick – Member Peselnick addressed the Board regarding an encroachment issue. President Livingston informed him that he had been on the Agenda last month but had not attended, and that he had not requested to be on this month. Hence the Board did not have his paperwork at hand. She informed him that the Board would review all the paperwork and address it at the June Board Meeting.

Miscellaneous

Capano Correspondence – The BLCA Attorney has sent Member Capano a letter in response to his letter.

Scicutella Correspondence – Lot Improvement. In view of the Township delay in responding to the Member the Board agreed that the Member be given an additional sixty days.

Walsh Correspondence – The Member said she didn't receive the deedback letter. The Board agreed that we should resend the letter.

Motion to adjourn the Regular Meeting of the Board of Directors May 13, 2011 at 9:30pm and go into Executive Session made by Director Fredrickson, seconded by Director Freeman. All in Favor. Motion Passed.

Respectfully submitted,

Clare A. Bennett
BLCA Secretary