

**Birchwood Lakes Community Association**

**Regular Board Meeting Minutes**

**August 9, 2011**

**Conference Room**

Present: Marcella Livingston, President, Joanne McInerney, Vice President, Carolyn Martin, Treasurer, Carl Fredrickson, Linda White, Thomas McConnon

Absent: John Meola, Clare Bennett, Louis Freeman, and Bettye White Gross, Community Manager.

President Livingston opened the meeting at 7pm and the Pledge of allegiance stated.

**APPROVAL OF MEETING MINUTES AND ACTIONS WITHOUT A MEETING.**

. July 12<sup>th</sup>, 2011 Regular Board Meeting

Corrections noted by Joanne McInerney: on the second page. Second paragraph, add verbiage indicating 'from beaches and common areas'.

**Motion to approve the July 12<sup>th</sup>, 2011 Regular Board Meeting Minutes with amendments made by Director Fredrickson, seconded by Director Martin.**

**President Livingston abstained (as she was not present at the July Board Meeting). All other Directors voted in Favor. Motion Passed.**

Director McInerney asked about the Reserve Recreation Funds: has anything been done yet on the upgrades to the Beach previously discussed. President Livingston indicated that Director McInerney was supposed to research the playground equipment costs. Director McInerney clarified that she was questioning if there was any refurbishing started by our maintenance staff on existing facilities.

Director McInerney questioned the Tree Removal permit process asking who goes back to insure and confirm that only those trees approved were removed. She noted on one site we approved removal of 8 trees, but she counted 14 trees removed. Discussion ensued as to the need to make sure only those trees approved to be removed were inspected and confirmed.

Director McInerney asked the Board revisit the Tree Policy to make sure it is in order and to add the need for a follow up inspection upon removal of trees approved. Director Frederickson seconded. Director McInerney indicated she has filed a complaint on this with the office.

. July 15, 2011 Action Without A Meeting

President Livingston reviewed the July 15<sup>th</sup> tree removal request of Amy Bush, recommended for approval by John Meola, which was subject of an Action Without A Meeting.

**Motion to approve the Bush Tree Removal Request made by Director Martin, seconded by Director Frederickson. All in Favor. Motion Passed**

#### **TREASURER'S REPORT**

Director Martin gave summary of the Treasurers report submitted to the Board of Directors in their packages, summarized final budget numbers for Reserve, Total Restricted Reserve, Tenant Security, SPA Reserve Funds, and grand totals of funds available (\$1,652, 417.80)

Total Expense Line Items Reviewed. There were no comments and/or questions asked on Treasurers report.

Director Martin reviewed three write-offs for properties listed as: Lot 5, Block 75, Section 10 = \$5,052.55, Lot 6, Block 75, Section 10 \$3,869.75 and dollar amount for Lot 7, Block 75, Block 75, for \$4,468.41 with a grand total of \$13,390.71.

**Motion to approve writeoffs in the amount of \$13,390.71 made by Director Martin, seconded by Director-Frederickson. All in Favor. Motion Passed**

#### **MANAGER'S REPORT**

President Livingston read the manager's report submitted to Board by Community Manager Bettye White Gross dated August 4, 2011 attached.

Maintenance Facility Project/Salt Shed: letters were sent to several homeowners requesting permission and agreement to participate in baseline water quality assessment testing. Upon receipt, further testing will be done.

East Birchwood Lake Boat Launch - a response on the boat launch permit application was received from Pike County Conservation district requesting further information. Maintenance has assisted in obtaining some of the information needed.

Office Project: Cornerstone was to provide a report prior to this night's meeting. A report was not received.

Dredging Study – Hanover Engineering provided a status update. We will hold off on any action at this time.

Contracted Roadwork: Response received from Pike County Conservation on August 1, 2011 for swale maintenance on Outer Drive. Cornerstone in process of responding to the District in approximately thirty days to comply with requirements requested. Wayco is requesting permission to begin seal coating work prior to beginning Outer Drive based upon projected timeline of approval from Conservation District and contractual deadlines with Wayco. It was recommended that the Board approve that Wayco will complete the work on Outer Drive work within forty five days of receipt of approval from the Pike County Conservation District at no additional cost to Association. Seal coating to be done within originally contracted time frame.

**Motion to approve extension of contract providing for completion of work on Outer Drive within 45 days from receipt of approval from Pike County Conservation District made by Director White, Seconded by Director Martin All in Favor. Motion Passed**

Member Suggestion/Complaints: The board was provided with the statistics for the month of July as well as the year to date on complaints received.

Lower Birchwood Lake Valve: GOE has acknowledged receipt of the Agreement to provide services for the diving operations on Lower Birchwood Lake. A response after their review is expected end of this week.

Upper Birchwood Lake Dam – With the response from Delaware Township regarding the closing of Crossing Road, the engineer has been directed to proceed with the Upper Birchwood Lake Dam Permit application. PA DEP has been advised of the action being taken.

Gatehouse: The permit for the gatehouse was received. Maintenance has been directed to proceed with the roof repairs and the Beautification Committee Chair can coordinate gatehouse repainting. Director Frederickson indicated he will coordinate accordingly.

Maintenance: During month of July, maintenance was very busy with pothole patching, pool and facility maintenance activities, creating a planting area at 739 Entrance and painting stripes in clubhouse parking lot. During August, maintenance will continue pothole patching, maintenance, winter preparations and repair of gatehouse roof in addition to regular seasonal tasks.

Recreation: 2011 Swim Team had 83 participants and placed third in league championship.

The Recreation Coordinator resigned. Due to limited time remaining, the Board will not seek a replacement of this position. Our recreation committee, lake management and existing staff will take on remaining tasks and activities.

Lifeguards recently responded to a young child needing assistance at Beach#1. Lifeguards making the rescue were Alex McGinley and Dustin DeVilliers was on standby for assistance.

President Livingston requested we acknowledge their rescue and present the lifeguard with a commendation on this save.

Upcoming events: Fishing Tournament on Aug. 13<sup>th</sup> Adult Dinner Dance on August 20<sup>th</sup>.

Traffic study: DOT asked for a meeting for week of August 22<sup>nd</sup> – President Livingston indicated that August 26<sup>th</sup> looks like it may be feasible, and will confirm time and date if DOT agreeable.

Conditions on East Birchwood Lake: Our Company involved in Lake Management is aware of the excessive weed growth problem in this area, and indicated that the current week killer is not working, but they will look into the issue and address.

As to the old Hotel site: we have asked for assistance from the Township on getting this site cleaned. The Township is investigating this, and is looking at enforcement under their Maintenance Code Ordinance.

Other:

Piping on Old Court discussed.

Boats not bearing Birchwood Lakes decal were removed and are now stored near the office facility.

DEP indicated that no permits are required at their level to do pipework in middle Birchwood Lake to Lower Birchwood Lake. Rausch Excavating was approved for the pipe work between Middle Birchwood Lake and Lower Birchwood Lake.

**Motion to authorize proceeding with pipe work between Middle Birchwood Lake and Lower Birchwood Lake made by Director Frederickson, Seconded by Director Martin. All in Favor. Motion Passed.**

The Workers comp audit was completed, resulting in an increase to our premium.

Beach 2 was closed due to fecal count but has reopened.

Pool Inspection: our pool was inspected by the Board of Health on August 1st, with only a minor correction needed.

Background checks on employees: the question of requiring background checks on new employees is at the lawyer's office. A response is pending.

Wm. Owens completed audit, and can meet with us to discuss findings on Aug. 18th in afternoon. President Livingston will let us know so Directors can confirm their attendance to review audit results.

We provided the Voting Package and Annual Meeting Notice mailings to 741 members in good standing of our Annual Meeting.

Dredging Study: This report received today. Discussion held on holding off on submitting application since any permit expires in 3 years, and you can get an extension. President indicated we are up to Task 6. – And after discussion, it was decided this can be put on hold at this time, and tabled for future reference.

Contracted Roadwork: Discussion continued on the drainage work on Outer Drive and the need for a permit from Pike Conservation District. Our engineer is working on it, and as a result this work will be delayed. All work on Outer Drive per contract will be completed within 45 days of receipt of Pike County Conservation District approval. Contract has to be amended to give this extension of 45 days from receipt of Conservation District for Outer Drive.

**Motion to approve granting a 45 day extension of contract for Outer Drive, made by Director White, seconded by Director Martin. All other contractual work (sealcoating) will be completed per contract. All in Favor. Motion Passed.**

NOTE: 7:30 Director Tom McConnon arrived.

Charles Ritson: Chair of Lake Management Committee asked if the committee could have a copy of the Hanover Report. President Livingston indicated this should be in the binder. Director McConnon agreed to get a copy to Mr. Ritson.

Mr. Ritson asked if on lower lake valve, is there a date of completion? President Livingston indicated date set before the end of the year. The contractor, GEO, has been given approval to move forward. Engineer, Chuck Givler, is moving forward on the dam permit. The Board will review this application. Mr. Ritson asked if there was a way Lake Management could take part in this review since lowering both upper and lower lake will have a significant impact. President Livingston indicated we will have five years to do the job. Mr. Ritson voiced concerns on height of the dam. President Livingston indicated that it is up to the plan and whether or not DEP Dam Safety Division approves same.

Public Safety: During the month of July, Public Safety provided 628.85 hours of service including 4666 miles and 1996 security checks. 9 citations issued for untidy property, commercial vehicles, illegal parking, failure to provide resale certifications, failure to obtain construction permits and speeding. Several of these are already cleaned up.

**REMINDER NOTE:** President Livingston indicated that some members have yet to pay their monies in sponsoring our swim team...two members' monies outstanding, and asked that these members bring in the monies to office.

## **COMMITTEE REPORTS**

*Finance:* Next budget meeting not set at this time - offered by Treasurer Martin

*Recreation:* Director McInerney indicated things are moving along, and that she is trying to get committee members to help out. Director McInerney reminded members of Dinner Dance and Fishing Tournament, which Mr. Ritson is assisting Recreation with. Director McInerney also indicated the Adult Luau was successful.

*Capital Projects:* President Livingston indicated this meeting is set for August 20<sup>th</sup> at 9AM and we will be reviewing pool, maintenance yard and office projects.

*Lake Management Committee:* The report offered by Chair Ritson reflected a great deal of work expended by our Lake Committee. Mr. Ritson summarized noting that with the exception of the problems with weeds on East Lake, they are happy with status of our lakes. He indicated that on East Lake, normal treatment of weeds did not work, and we will have to go to a better treatment.

Septic and Well Management Seminar: Mr. Ritson indicated there were 22 attendees, as well as the Township's Septic Enforcement officer. They held 6 raffles.

Mr. Ritson voiced concerns on the importance of reviewing the Township's draft septic ordinance (on line) which is different than ours. We need to make sure we review the two and marry the two programs together and this needs to be further reviewed. Sheila Salmon indicated that the Township's Septic Enforcement officer indicated they would accept septic data from us, and that the ordinance is a year away from adoption.

Mr. Ritson reminded all of the Fishing Tournament August 13<sup>th</sup> at 8AM and that he will be overseeing this function. Director White asked Mr. Ritson to get names and permission from parents for those children who win fishing tournament for insertion into our newsletter.

Mr. Ritson reviewed the Lake Management donated sign which he would like displayed on the Lower Lake boat ramp. He indicated sign can be made narrower, and reviewed wording on sign. The Board found, that other than a minor correction, the wording is acceptable. He indicated the sign costs approximately \$60. We will need additional signs for other boat launches. President Livingston advised Mr. Ritson to bring the sign to office. Mr. Ritson summarized we will need approximately four more for the other lake ramps.

Geese Problems. Mr. Ritson indicated Lake Management members have started harassing geese but will need more pyrotechnics. Need 200 more streamers for \$150. He also indicated there is a new product to help eliminate the geese, and we should consider purchasing it. It is a spray that goes on beach and surrounding grass, has a slight odor, and asked if we could purchase about 2 ½ gallons to use between now and Labor Day. That coupled with the \$150 or the streamers will come to about \$400 total. President Livingston advised him to submit paperwork to do so to the office.

Motorcycles on dam: Mr. Ritson personally witnessed motorcycles on dam but since on agenda, will discuss later in evening.

*Community Safety:* Director Mr. McConnon indicated they still have concerns on what the role of security is. President Livingston indicated they are here to enforce our rules and regulations. Criminal issues go to State Police.

*Beautification Committee:* Director Frederickson summarized upgrade of site near Rt. 739 entrance and would like to bring in more rock, and finish it with some plantings behind the rock wall. Director Frederickson indicated he would also proceed on the upgrades to gatehouse structure. Director Martin reminded him about making sure the area around Rebel's memorial rock is cleared.

**UNFINISHED BUSINESS:**

President Livingston reminded members that our Rules and Regulations and By Laws do not allow a member to serve as chair of the Resolution Hearing for more than two years. As Nancy Halliday has done two years, her term is expiring. At the last meeting we agreed to extend Ms. Halliday's term. This needs to be addressed at our next Rules and Regulations committee meeting so that this can be revised.

**NEW BUSINESS:**

*Tree removal requests:*

Askar – asking for removal of one dead tree.

**Motion to approve Askar Tree Removal Request made by Director Martin, seconded by Director Fredrickson. All in Favor. Motion Passed.**

Baum – asking for removal of 15 trees in front lawn for excavation and landscaping on Doolan. Concerns voiced.

**Motion to deny Daum Tree Removal Request made by Director Martin, seconded by Director McInerney based on the need for additional information. All In Favor. Motion Passed.**

*OTHER:*

President Livingston indicated the Pocono Record wants to give free papers for 3 months at no cost to our members. Concerns voiced on those owners that do not live up here, and having papers all over community. After general discussion, it was decided to have a box installed outside office and those that want the Pocono Record during his three month period can go there and take out of box.

**Motion to accept offer and allow Pocono Record to install an Honor Box at our office for the free three month period made by Director Martin, seconded by Director McInerney. All in Favor. Motion Passed.**

*Committee Member Recognition:* President Livingston asked each committee chair to go thru their lists of volunteer members and confirm all who participated within the next five days. She will get a cake, has picked up some small token gifts and will present this recognition of their volunteerism at the Annual Meeting, right before Organizational meeting.

**Motion made to recognize all volunteers at the Annual Meeting made by Director McInerney seconded by Director McConnon. All in Favor. Motion Passed.**

*Board panel review:* Date needs to be scheduled before November 11th and 3 members involved (Clare Bennett, Carolyn Martin, and Marcella Livingston).

*Adult swim:* Director McInerney said in the past we had adult exercise classes but nothing this year. She indicated she has been approached to have an adult's swim where adults only can do laps in AM, and the only thing needed would be to have a lifeguard present. Discussion ensued on guards coming in earlier and time changes made to accommodate swim team. Although few weeks remain now, would like to start so by next summer it is on schedule. It was agreed lifeguards will be there at 11AM and we can try adult swim from 11:15 TO 12 starting this Friday. President Livingston will advise office.

**Motion made by Director McInerney to provide free adult swim for remainder of season, Mondays, Wednesday and Fridays starting this Friday adopted. Seconded by Director Martin. All in Favor. Motion Passed.**

*Judges of Election:* Names selected were Pat Collins, Janet Flaherty, Robin Geiger, Darrell Hayes, and Carolyn Todino.

**Motion to approve Judges of Elections made by Director Martin, seconded by Director McInerney. All in favor. Motion Passed.**

Chas Ritson indicated there is a seminar at Tangelwood that may be a good one to go to since some of the programs may be useful to our community. The seminar is Thursday, August 11<sup>th</sup>.

Mr. Ritson also suggested the Board might want to consider writing to the Township about providing someplace for our residents to bring household hazardous waste, consider some kind of an event one day a year.

President Livingston noted that tomorrow night the Township is going to vote on a 2M upgrade to Camp Akenac. The meeting is scheduled for 6PM.

#### **MISCELLANEOUS:**

*Calebrese:* complaint letter on bad conditions of beach due to goose droppings. In this complaint, Ms. Calabrese noted Point Pleasant Boro had a geese solution. Mr. Ritson indicated he will investigate this boro's program reporting back at our next meeting. Board members discussed indicating we can respond as to the program in place on geese repellants and will look at Pt. Pleasant Boro's program.

*Srdanovic-* letter relative to installation of an outlet pipe and building a dock over outlet pipe, noting they are selling their property. After discussion, it was moved that our community manager draft an appropriate answer to the Srdanovic's.

*Capano* – letter received relative to an untidy property of house on Butternut. This was a repeat of a previous offense as to boat in our Right Of Way. It is a rental home, and landlord came in, cleaned up property. Response should be given to Mr. Capano that the site has been remedied by the landlord.

*Motorcycles on Dam:* Mr. Ritson indicated he witnessed the offense, and questioned the installation of a fence to halt this type of illegal use. Discussion ensued on fencing, etc. Mr. Ritson indicated Lake Management recommended fencing. It was estimated 180' fencing at 4' would be needed. It was

decide we would look at using natural fencing, i.e. rocks, trees, something before next spring, feeling tightly placed boulders are best solution.

*Capano email on voting package and voting 8/19/ at 3PM* as to need for members to vote NO on the changes in By Laws relative to change of form of management discussed. Director McInerney indicated it appears Mr. Capano didn't understand that this has nothing to do with our Community Manager's dismissal, which if we chose, can still be done without full membership input, but that this change is only for if we decided to change 'form of management' which would require a full vote from membership. If we wanted to fire our Community Manager, we have full powers to do so, but if we want to outsource management, this action would have to be made by all of our members in good standing. It was decided to include clarification of this in our response to Mr. Capano on the Butternut issue.

*Hayden correspondence:* Daughter Kathleen was present to discuss with the Board the return of tenant monies owed by her mother. She summarized that the tenant moved out mid-May, and house is for sale. They did not return their gate cards, but office has since deleted their cards. Her concern was payment of the tenant fee since they weren't aware they had to notify office until recently. She said they did not know they needed to notify that the tenant was removed. President Livingston indicated in 2006 this board moved that we would not pro-rate tenant's fee.

**Motion not to refund tenant's fee made by Director Freckrickson, seconded by Director Martin. All in favor. Motion Passed**

**Motion to adjourn the Regular Meeting of the Board of Directors August 9, 2011 at 8:40pm and go into Executive Session made by Director Fredrickson, seconded by Director Martin. All in Favor. Motion Passed.**

Respectfully submitted,

Linda White, Acting Secretary