

**Birchwood Lakes Community Association
Regular Board Meeting Minutes
October 14, 2011
Conference Room**

Present: Marcella Livingston, President, Clare Bennett, Vice President, Carolyn Martin, Treasurer, Linda White, Secretary, Carl Fredrickson, Thomas McConnon, Joanne McInerney, Charles Ritson, Theodore Balke

Absent: Bettye White Gross, Community Manager.

President Livingston opened the meeting at 7:05pm with the Pledge of Allegiance and welcoming new board members Director Ritson and Director Balke.

APPROVAL OF MEETING MINUTES AND ACTIONS WITHOUT A MEETING.

- September 9, 2011 Regular Board Meeting.

Director Martin indicated a correction needed on Page 10: change to *request full payment of 6,450 dollars*

President Livingston indicated a correction on Pg. 5 under Capital Projects: *change Road Supervisor to Maintenance Supervisor*

Motion to approve the Regular Board Meeting Minutes with amendments noted made by Director Martin, Seconded by Director Bennett. Director McInerney abstained since she was absent. Directors Balke and Ritson abstained since they were not sitting members of Board at that time. All Other Directors voted in Favor. Motion Passed.

- September 15, 2011 Board Review Panel

Motion to approve the Board Review Panel Meeting Minutes made by Director Martin, Seconded by Director Bennett. Directors McConnon, Balke and Ritson abstained as Directors Balke and Ritson were not seated on the Board at the time. All Other Directors voted in Favor. Motion Passed.

- September 16, 2011 Action Without A Meeting

This Action without a Meeting is to approve \$317.53 over budget for Security gas bill. To transfer \$317.53 from Account #7890-004 Security/Citations to Account #7220-004.

Motion to approve the Action Without A Meeting Minutes made by Director Bennett, Seconded by Director Fredrickson. Directors Balke and Ritson abstained since they were not sitting members of Board at that time. Director McConnon

abstained since he was unavailable for initial vote. All Other Directors voted in Favor. Motion Passed.

- October 1, 2011 Action Without A Meeting

This Action Without a Meeting was to approve transfer of \$2,200.00 from Account #6110-003 Recreation Payroll to Account #7380-003 Recreation/Outside Services to pay Sequoia for two tree removals from Hurricane Irene.

Motion to approve the Action Without A Meeting Minutes made by Director Martin, Seconded by Director Bennett. Abstained: Carl Fredrickson who was unavailable for initial vote, and Directors Balke and Ritson abstained since they were not on Board at that time. All Other Directors voted in Favor. Motion Passed.

- October 1, 2011 Special Meeting

Motion to approve the Special Board Meeting Minutes on voting results made by Director Martin, Seconded by Director McInerney. Directors Balke and Ritson abstained since they were not on Board at that time; Directors McConnon and Frederickson abstained since absent at this meeting. All Other Directors voted in Favor. Motion Passed.

- October 1, 2011 Special Meeting on Vote Results

Motion to approve the Special Board Meeting Minutes on By-Laws' voting results made by Director Bennett, Seconded by Director Martin. Directors Balke and Ritson abstained since they were not on Board at that time; Directors McConnon and Frederickson abstained since absent at this meeting. All Other Directors voted in Favor. Motion Passed.

- October 7, 2011 Action Without A Meeting

Motion to approve the Action Without a Meeting to appoint Theodore Balke to fill the 1 year vacancy on the Board and Charles Ritson to fill the 3 year vacancy on the Board effective October 10, 2011 made by Director Bennett, seconded by Director Martin. Directors Balke and Ritson abstained since they were not sitting members of Board at that time. Directors McConnon and Frederickson abstained since they were unavailable at time of vote. All Other Directors voted in Favor. Motion Passed.

TREASURER'S REPORT

Director Martin gave the Treasurers Report.

Write-Offs:

- Lot 16 Block 65, Section 8 \$ 311.11
- Lot 17 Block 65, Section 8 \$ 3,165.36
- Lot 18 Block 65, Section 8 \$ 311.11
- Lot 30 Block 65, Section 8 \$ 311.11
- Lot 6, Block 75, Section 10 (original write off was approved August 2011. Interest to be written off as the current interest was included in billable amount twice) \$24.99
- Lot 7 Block 75, Section 10 (original write off was approved August 2011. Interest to be written off as the current interest was included in billable amount twice) \$ 25.09

Totaling: \$4,148.77

Motion to approve the Write-Offs totaling \$4,148.77 made by Director Martin, seconded by Director Bennett. All Directors voted in Favor. Motion Passed

MANAGER'S REPORT

President's Update (in lieu of Community Manager's absence)

President Livingston provided following updates:

- The pool inspection has been delayed due to hydrostatic pressure after weeks of rain. Wade Associates recommended a 2 to 3 week delay to see if the water table around the pool starts to drop. The new completion date is 11/18/11. Director Bennett asked if we could cover pool temporarily since she felt it was an attractive nuisance to the kids.
- Compliance with the new septic rule is progressing. As of 10/14/11, 429 residents have provided proof of inspection and/or cleanout of their systems.
- BLCA attorney sent a letter to Delaware Township on the burned out house on Aspen Road. There has been no response from the Township to date.
- The cost for mailing the newsletters approximately \$625 per issue. The Board should consider distributing this newsletter by email and/or office pickup since we publish four times a year and that would save us \$2,500.
- Wayco is doing drainage and road paving on Outer Drive. A speed bump was installed on Aspen by Red Pine. The Wisperwood mailbox area was also paved.

COMMITTEE REPORTS

Roads & Maintenance: – Director Bennett noted the committee has not had a meeting. They are waiting for Wayco to finish, and that a meeting will be set up in immediate future.

Voting & Elections: – Director Martin noted that under Voting and Elections, we received 167 ballots.

Finance, Budget & Contracts: Budget Meetings were held on 10/1/11, 10/7/11 and the next one is October 15th at 3:30. The Committee is working on the next budget to be presented to the Board for their approval at the December Board Meeting.

Rules & Regulations: The committee met jointly with the By-Laws Committee on October 8th with the main subject being Rental discussions. The next meeting of this committee is November 5th. Discussions at that meeting will focus on items not related to Rentals.

By-Laws: Director McInerney summarized By-Laws discussions on proposal for rental restrictions, requesting the Board approve that the document be sent to the Attorney for his review. Director Bennett asked all Board Members to review the document and get any comments to her via her mailbox no later than next Friday, and all of the questions will be sent to our attorney for review and comment. Next meeting of the joint committees for the purpose of further discussion on the Rental issue is Nov. 12th @10AM

Community Affairs: Newsletter ready to be mailed as soon as our check is received. Check was mailed last Friday, but not received as of today by the Mailer. Deadline for next issue: January 2012.

Community Safety: Director McConnon – Next meeting is 10/15/11

Lake Management: Director Ritson summarized their meeting held October 8th which consisted of reviewing past activities to determine future activities. He intends to meet with Joe Gallagher from Eco Solutions since they want to set their budget on lake. Next meeting: first week of November.

Beautification Committee: Director Fredrickson noted the gatehouse is painted. All rocks as you go in are filled in. Next year he hopes to cover this area with sod or dirt. The Board commended Director Fredrickson for the nice job he and Maintenance did on the Gatehouse.

Recreation: Director McInerney indicated she has no volunteers signed up for Recreation. As a result, she cancelled Halloween party. She did receive a message from a member offering to help with our Christmas Party and will follow up on that. She asked that this budget not be reduced for next year assuring that summer activities should

go forward with help of staff and others. Director Ritson noted he has a chart of each committee. He asked the Board to review the list and see where we, as Board Members, can step up, especially on those committees very much in need of members. He noted that there are some Board Members doing more than they should have to while others need to make a bigger commitment.

OTHER UNFINISHED BUSINESS

Director Ritson recommended using existing lake treatment monies to buy one gallon of the geese repellent at \$250/gallon to treat all our beaches twice as well as adjacent grass areas, and after this trial, we will determine if this project is worthwhile. Maintenance people should be doing application in spring, but we should purchase now.

Director Ritson recommended we purchase 5 additional warnings signs at \$80 each totaling \$400.

Director Ritson gave a brief overview of the solar lights to help in geese control, recommending we purchase two of these solar lights to see if they are effective. Two would cost \$800. Board members discussed, deciding on purchase of one solar light to try at this time. This would all be charged against the Environmental Services line 07430-006 (\$400 plus \$250 and \$400 – totaling \$1050)

Motion to approve expenditure of \$1050 plus tax from Environmental Services Account 07430-006 for purchase of solar light, additional warning signs and geese repellent spray made by Director Bennett, Seconded by Director McConnon. Directors Balke opposed.

All Other Directors voted in Favor. Motion Passed.

NEW BUSINESS

- Committee Chairpersons

Discussion ensued on the issue of specific officers filling standing committee chair positions based on our By-Laws. The wording of the By-Law “shall be considered” was determined to mean that should no-one step up to fill the chair on specific committees a specific office seat fill that position, i.e. Secretary serve as By-Laws Chair. However, the Board agreed that if a Director expresses interest in chairing a specific committee, the including of the wording “be considered” allows for this. President Livingston indicated there are some open seats on various committees.

Roads & Maintenance - Director Bennett indicated since By Laws require a board member to serve as Chair, she will be Chair and Louis Freeman will be Co-Chair, Co- Chair for Community Safety –Director McConnon indicated he may have someone that may fit. It was felt with Director’s Balke’s background, he would be a perfect fit, and should sit on this Committee.

Property Development – has open Co-chair seat

Rules and Regulations – Has a Co-chair open seat. Director Bennett has agreed to be Co-Chair should no other Director step in.

Recreation – open co-chair seat, and in much need of additional members as Director McInerney is the only sitting member at this time.

Director Ritson reiterated we all need to step up where we are needed. Discussion ensued.

- Safe Deposit Box Inventory

Inventory is done. Two people must be signers: the Secretary and two others. Two of the three must go and perform inventory at same time. Director White, Secretary, Director Martin, and Director Bennett in that order noted.

- Ditch Cleaning by K & S

Reference FC Spott company letter of 9/28/11 which indicated they can remove sediment and material from pipes, storm drains and inlets. Director McInerney voiced concerns on the mess K&S Landscaping left in the area of Chestnut and Pine. It was asked that the Board review the pricing, and that this issue may be resolved by an Action Without a Meeting.

- Tree Removal Requests
 - Rogers Residence – several dead trees inspected by Director Bennett & approved
 - Greco Residence - several dead trees inspected by Director Bennett & approved

President Livingston stated that Director Bennett stepped in as Tree Inspector temporarily and asked if another Director would like to take this on. Director Balke agreed to serve in this capacity. Director Bennett noted she would assist him in his first reviews as the Tree Guidelines are very detailed.

Motion to approve Tree Removal Requests for Rogers & Greco made by Director Ritson, Seconded by Director Fredrickson. All Directors voted in Favor. Motion Passed.

- Doorking (Gate System)

Reference a memo from Sherri Gonzalez dated 9/23/11 relating to fees that are estimated for a month. There are 1400 residents at each gate, so it costs approximately \$35.80 a month if we use the Doorking IM Service.

If we commit before October 31st, we get 3 months free, only having to pay April, and then incorporate these charges for next year's budget.

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Motion to approve contract with Doorking made by Director Bennett, Seconded by Director Ritson. All Directors voted in Favor. Motion Passed.

- Inspection of Corporate Records – Capano

Reference Capano request for all documents on closing of beach 4 pool. What we have discovered in files is minimal.

Motion to approve request and release of all available documents on Beach 4 Record to Dan Capano made by Director McInerney, Seconded by Director Bennett. All Directors voted in Favor. Motion Passed.

Reference made 9/15/11 as to request of all records of those who received any constructions, repair, or alteration permits, whether approved or disapproved, and the fines imposed.

The request is for names of people, number of fines, original complaint, and qualifications of complainant. Based on our attorney's input, we can release to Mr. Capano the number of people who were issued citations for no permit for work done without a permit, as well as the fines for the past several years but cannot release the names. The office does not maintain a computer program for release of building permits since they are records that go into the homeowner's property file and not maintained as a separate record. They do maintain a computer inventory of all citations.

Motion to approve release of the number of residents who received citations from January 2009 to present (no names to be released), the reason they received those citations as well as the amount of the fines imposed. Motion made by Director Ritson, Seconded by Director McInerney. All Directors voted in Favor. Motion Passed.

- Right of Discovery – Capano (2) – 9/16 and 9/26 requests

9/16 Request - This request covered under prior request of 9/7/11 (Request for the Inspection of Corporate Records).

9/26 Request - It was decided a letter be sent to Mr. Capano indicating these powers are specific within our By-Laws, Rules and Regulations, and Act 180.

Motion to forward response letter on this request of Capano indicating the Board is within its rights to require permit process, not only under the Community Act 180, but specifically lists same under our By-Laws and Rules and Regulations made by Director Bennett, Seconded by Director McInerney. All Directors voted in Favor. Motion Passed.

COMMUNICATIONS, WRITTEN & ORAL

Pierson, Tulip Street

President Livingston advised the Piersons that as this issue is with the Attorneys the Board is unable to address this with the Members. Director Livingston indicated that this road area will be reviewed on the upcoming road work plan and that it is on the Drainage Study. They were encouraged to join the Road Committee.

MISCELLANEOUS

- Correspondence from Ritson – Beaches

Director Ritson indicated it is clear during nice weather that kids are using beaches for partying. After observing this, he would like us to use the no loitering rule. Discussion ensued. Vector has to inspect badges. If they do not have a badge, they are asked to leave. President Livingston indicated she will give Vector a directive that they must patrol these areas and check badges. It was suggested board members review the language on definition of loitering for future discussion.

- Correspondence from Capano – Rentals

Mr. Capano forwards notices of rentals to us, along with other comments on rentals. President Livingston noted we will send him a letter thanking him and that we will take his comments under consideration.

- Correspondence from Capano - Dinner Dance

Director McInerney stated for the record that there were no liquor sales by the Association at this event. This is a BYOB event. President Livingston summarized that a letter will be sent to Mr. Capano confirming that there were no alcohol sales by the Association at the Dinner Dance.

- Correspondence from Woods – Trees

President Livingston indicated our Maintenance Supervisor took down three of the four trees of concern at the Wisperwood mailboxes as mentioned by Mrs. Wood, and the other tree will also be removed shortly.

- Correspondence from Woods – Traps

Mrs. Wood suggested we purchase animal cages and loan them out to our residents. Discussion ensued with members agreeing that that we will not do this, noting that it is believed that the Humane Society offers this type of service.

- Camera upgrades for clubhouse

Estimate for camera upgrades for clubhouse discussed. Some were purchased 2009. Our Maintenance Supervisor will be asked to check quality and advise so we can consider in future.

- Use of Lake For Special Filming Project

Susan Cadoff, as part of her Master's Program, requested permission to film on our lake on October 23rd. The film is about a girl named Autumn and story takes place in rowboat on a lake. Board members had no objection but asked that she be advised of our request and that she complies with no gas motors for boat, that we receive a copy of their Liability Insurance for review by our insurance carriers; that they use a lifeguard who is certified and that we review script to make sure of the contents.

- Request for reduction of payment of Dues, A/C: 009-004-0300

Request made for relief of payment of dues on a lot acquired was reviewed and discussed. Board members did not approve any fee reduction, the Member should be told of the other ways she can be assisted (payment plan option/deed back option)

- Resignation by Marcella Livingston - President

President Livingston indicated that she can no longer serve as the President.. She will continue to serve on the Board.

President Livingston also stepped down as Chair of the Capital Projects Committee,.

Motion to accept President Livingston's resignation as President effective immediately following tonight's Executive Session Meeting, made by Director Bennett, seconded by Director Martin. All in Favor. Motion Passed.

Motion made by Director Bennett to nominate Director Ritson as President immediately after Executive Session, Seconded by Director Martin.

Director Ritson accepted the Nomination

All Directors voted in Favor. Motion Passed.

Director Ritson indicated he will be away for one week the end of October and also the months of January and February as well as the first week in March. Vice President Bennett will be in charge during these periods.

Director Martin offered her resignation as Treasurer.

Motion made by Director Bennett to accept Director Martin's resignation as Treasurer Seconded by Director Ritson. All Directors voted in Favor. Motion Passed.

Motion made by Director McInerney to nominate Director Livingston as Treasurer, Seconded by Director Martin.

Director Livingston accepted the nomination.

All Directors voted in Favor. Motion Passed.

It was noted that Director Livingston will now be Chair of the Finance, Budget & Contracts Committee, with Director Martin as Co-Chair.

For the record it is noted that Director Bennett will remain as Vice President and Director White will remain as Secretary. The office will be notified to proceed with bank signatures.

President Livingston noted we received notes of appreciation from the Office Staff for the lunch, and from our Community Manager for the get well wishes and flowers.

Motion to adjourn the Regular Meeting of the Board of Directors October 14, 2011 at 9:00 PM and go into Executive Session made by Director Ritson, seconded by Director McInerney. All Directors in Favor. Motion passed.

Respectfully submitted,

Linda White, Secretary