

Birchwood Lakes Community Association
Regular Board Meeting Minutes
March 13, 2012
Conference Room

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

Also Present: Bettye White, Community Manager.

President Ritson opened the meeting at 7:00pm with the Pledge of Allegiance

President Ritson acknowledged Vice President Bennett for the great job overseeing our Board business, during his absence.

APPROVAL OF THE MINUTES FROM PRIOR MEETING

- February 11, 2012 Regular Board Meeting

Motion to approve Regular Board Meeting Minutes from February 11, 2012 made by Director Livingston, Seconded by Vice President Bennett. All Directors voted in Favor. Motion Passed.

- February 18, 2012 Action Without A Meeting

This Action Without a Meeting is to approve the statement contained within said minutes sent to all recipients of an email dated 2/16/12 entitled "The Office: Pennsylvania Office of Attorney General". The purpose of this statement is to correct inaccurate and misleading information so that Members can make an informed decision. Director Balke was unavailable, Director McConnon opposed. All Other Directors voted in Favor.

- February 23, 2012 Action Without A Meeting

This Action Without a Meeting is to approve placing the statement on the Birchwood Lakes Website and to include it in the next issue of *The Birchwood Voice*. Director Balke opposed. All Other Directors voted in Favor.

- February 24, 2012 Action Without A Meeting

This Action Without a Meeting is to approve a change in the employee medical insurance coverage from the PAN POS No Referral 6 to Aetna PAN POS 24 as outlined in a memo dated 2/24/12 as to 3/1/12 renewal date. The current Aetna PA plan renewal rate would result in cost increase of 14.12%. The switch to Aetna PA 2.4 results in a 0.5% cost decrease. Directors Livingston, McConnon, and Fredrickson were unavailable. Director McInerney opposed since she didn't receive the memo. All Other Directors voted in favor.

- March 5, 2012 Action Without A Meeting

This Action Without a Meeting is to approve a meeting with impacted homeowners as relates to the salt issue on March 24, 2012. A form of letter sent to the homeowners inviting them to this meeting and offering an additional private meeting should they request same. Director McConnon was unavailable. All Other Directors voted in Favor.

- March 8, 2012 Action Without A Meeting

This Action Without a Meeting is to approve inviting the non-impacted homeowners that participated in the baseline water quality assessment to the informal meeting with the impacted homeowners on March 24, 2012. Directors White, Fredrickson and McConnon were unavailable. All Other Directors voted in Favor.

- March 8, 2012 Action Without A Meeting

This Action Without a Meeting is to approve sending letters to non-impacted homeowners that participated in the baseline water quality assessment to obtain permission for additional follow up water testing. Directors White, Fredrickson and McConnon were unavailable. All Other Directors voted in Favor.

Motion to approve the above six Actions Without A Meeting made by Director Martin, Seconded by Director Bennett. All Directors voted in Favor. Motion Passed.

TREASURER'S REPORT

Director Livingston gave the Treasurer's Report.

- Write-offs

Lot 3, Block 30, Section 5 (due to foreclosure)	\$3,302.58	
Lot 2, Block 30, Section 5 (due to foreclosure)	\$1,151.88	
Lot 4, Block 30, Section 5 (due to foreclosure)	\$1,151.88	
Lot 1, Block 30, Section 5 (due to foreclosure)	\$1,151.88	
Lot 27, Blok 54, Section 7 (due to foreclosure)	\$1,262.81	
TOTAL WRITE OFFS:		\$8,021.03

Motion to approve the 5 Write-Offs for a total of \$8,021.03 made by Director Livingston, seconded by Director Martin. All in Favor. Motion Passed.

- Budget Transfers

Transfer of \$650 from account 7430-006 (Lakes/Envir) to account 7230-004 (Sec/Elec)
 Transfer of \$600 from account 7430-006 (Lakes/Envir) to account 7240-004 (Sec/Tel)
 Transfer of \$300 from account 6110-003 (Rec/Payroll) to account 7240-003 (Rec/Tel)
 Transfer of \$200 from account 7260-007 (office/supplies/not R&M) to account 7270-007 (Office/Service Contracts)
 Transfer of \$150 from account 6110-001 (Admin/Payroll) to account 7490-001 (Misc/notary etc)
 Transfer of \$600 from account 6110-003 (Rec/Payroll) to account 7250-002 (Maintenance/Refuse)

Motion to approve the six transfers listed above made by Director Livingston, seconded by Director Martin. All Directors Voted in Favor. Motion Passed.

- Collections

Director Livingston reviewed status of collections:

- 13 cases for court in April and March
- 6 writs of execution
- 17 filed on execution of personal property
- 34 liens filed
- 7 waiting on receipts of liens
- 59 to be filed
- 20 with update waiting for attorney processing

MANAGER'S REPORT

Bettye White, Community Manager, presented the Manager's Report. *(See Attached)*

Board Discussion/Decisions arising from Manager's Report

Sale of Spreaders - Discussed advertising on Craigslist as well as in the newspapers. Director McConnon agreed to place the ad on Craigslist.

Motion to approve the placement of an ad in the newspapers and on Craigslist made by Director Fredrickson, seconded by Director Bennett. If bid doesn't exceed the \$600 estimate for scrap metal, sell as scrap metal. All Directors Voted in Favor. Motion Passed.

Maintenance Facility Cleanup - Other Scrap Metal

Motion to approve sale of an old box grader, sickle bar and york rake for scrap metal made by Director Bennett, seconded by Director Martin. All Directors Voted in Favor. Motion Passed.

Crossing Road Gate/Fencing

Motion to install two standard size cow gates for approximately \$1,200 made by Director White, Seconded by Director Bennett. Tom McConnon opposed, all other Director Voted in Favor. Motion Passed.

Burnt-Out House on Aspen

Motion authorizing Community Manager Bettye White to represent BLCA at tomorrow night's Township meeting made by Director White, Seconded by Director Fredrickson. All Directors Voted in Favor. Motion Passed.

Medical Insurance – Issue tabled for discussion in April.

Pool – It was decided to ask Wade Associates about core borings vs. a hammer test. The Board questioned if it is necessary to drain the pool to do the evaluation of the pool by Wade. This will be handled after data is received through an Action Without A Meeting.

Unclaimed Boats

Motion to take the unclaimed boats for use at each lake made by Director Livingston, seconded by Director Martin. All Directors Voted in Favor. Motion Passed.

Birchwood Lakes Swim Club was asked to meet with Community Manager Bettye White to discuss swim club requests.

Vector Citation Settlement

Director Martin moved to accept the \$600 offer. Motion failed due to lack of second. Motion to accept \$1,000 made by Director Livingston, Seconded by Director Bennett. All Directors Voted in Favor. Motion Passed.

COMMITTEE REPORTS

Community Safety – Director Balke indicated our attorney reviewed mission statement requesting some amendments. He also noted he has put a request for volunteers for this committee in our next newsletter.

Beautification – Director Fredrickson stated the Committee is getting ready for Clean-up Day, scheduled for April 21st from 9 to noon and that he will pick up the items needed. Director McConnon asked if this committee could look to see if the 739 Entrance at the gates can be made more attractive.

Community Affairs – Newsletter completed and sent to the Journal News for layout.

Lake Management: President Ritson indicated goose addling will start soon, as well as the pyrotechnics program. The solar light to repel geese has been received and potential location discussed. President Ritson will meet with Joe Gallagher on lake treatment programs emphasizing the East Lake.

Motion to continue the geese addling and pyrotechnics programs and to locate the solar light at Beach One made by Director Bennett, Seconded by Director Martin. All Directors Voted in Favor. Motion Passed.

Director McConnon questioned how we intend to respond to the complaint we received last summer on the beaches being covered with geese droppings, asking if we can somehow get this done earlier in the morning? Community Manager Bettye White noted Maintenance rakes weekly and that the lifeguards rake daily when they first come on duty. This will be re-evaluated, but it not feasible to bring the lifeguards in at 8am.

By-Laws/Rules & Regulations – A joint meeting is scheduled for March 23rd. The focus is on the rental issue.

Recreation Committee – Breakfast with the Easter Bunny is March 31st from 9 to 11:30 – adults are \$3, children 12 and under are free.

PAYMENT OF BILLS

None

OTHER UNFINISHED BUSINESS

- Wish List

Director White summarized a concept on developing a wish list we can put out as a flyer to our residents asking them if they were cleaning house or garages and had items like beach umbrellas, benches, lawn chairs, etc. in good condition to consider donating to the Association for use on our facilities. It was commented that this can be done on our website under Classifieds. President Ritson asked who would be willing to oversee this and check items for acceptance. Director White indicated she would do so.

- Route 739 Entrance

President Ritson reminded the Board that PENNDOT will not grant us a permit for the 739 Entrance until the left-turn northbound issue is resolved. The cost of installing a left turn lane or opening up another entrance on 739 will exceed \$200K. We have asked our consultants to approach PENNDOT to consider another option we have presented to them but PENNDOT did not approve the option. We are trying to come up with an option that will not financially impact us so hard. At this time we are requesting another meeting with PENNDOT Officials. Director Balke questioned the concept of putting another call box at silver lake or Doolan to allow guests to come in this area as well. Community Manager, Bettye White, clarified all of the entrances need permits. All entrances except 739 addressed, but we will not need to do separate permits. It was believed that locking out delinquent members during the 4-6pm, Mon-Fri time period would not have enough impact to satisfy PENNDOT requirements. It was suggested that Members may volunteer not to use this entrance during the time period, if it avoided having to raise funds in excess of the \$200K. A Member asked why no permit had been obtained when the Association first opened that entrance. President Ritson stated that it was originally deemed a construction entrance but when the Association was formalized nobody obtained a permit. Member Nester asked about going to our elected officials to help us with this. President Ritson said we will try to find a solution but if we can't find one agreeable to PENNDOT we will ask for assistance from our elected officials.

- Directors' Attendance

A letter was sent to two Directors who had missed 3 or more meetings to date. A response was requested from those Directors. President Ritson stated he will make every effort to attend all meetings through to the Annual Meeting. Director McInerney stated that we should look at the By-Laws regarding mandated meetings to see if some of these meetings should not be counted as a full meeting, providing the example of the Voting Results Meeting. The Board also asked the Committee to discuss if meeting attendance should be based on a daily incidence – i.e. multiple meetings in one day count as one missed. Director McConnon added that missing the January meeting meant he missed 3 meetings in one day, one of which were scheduled only the week or so before.

Director Livingston moved that no action be taken at this time by the Board against Directors Ritson & McConnon, Seconded by Director Fredrickson. All Directors Voted in Favor. Motion Passed.

- Beach 3 Playground Equipment

Motion to use reserve monies to purchase new swings and merry go round for beach 5, and move the swings and merry from Beach 5 to Beach 3 made by Director McInerney, Seconded by Director Bennett. The see saws on Beach 3 will be refurbished by Maintenance. All Directors Voted in Favor. Motion Passed.

- Swim Team – tabled until they have met with the Community Manager.

NEW BUSINESS

- Tree Removal request – Kohan – Cannot approve at this time since tree was not identified. Request was for a dead tree removal. Open issue.
- Upper Birchwood Lake Dam -Wetland Delineation/Survey/Topo

Motion to approve the Flood proposal of \$750 for topo survey for Upper Birchwood Lake dam work, made by Director Livingston, seconded by Director Martin. All Directors Voted in Favor. Motion Passed.

Motion to approve the Sparron proposal for wetland delineation of \$1,400 for Upper Birchwood Lake dam work, made by Director White, seconded by Director Martin. All Directors Voted in Favor. Motion Passed.

- Recycling Center

President Ritson noted there is interest in using property opposite our entrance for a recycling center. Although discussions are preliminary, concerns were voiced about smell, look and how it will, if approved, affect our Community. We will stay on top of any developments. Members are encouraged to contact the Township with their concerns.

- Teleconference Equipment

Vice President Bennett said the By-Laws allow for the Board to utilize teleconferencing equipment for meetings. She had researched some options which the Board discussed. President Ritson asked Vice President Bennett and Director McConnon to test some of the options and report back to the Board in April.

- Pool Maintenance

Motion to approve \$3,500 Strand proposal for the 2012 pool season made by Director Bennett, Seconded by Director White. All Directors Voted in Favor. Motion Passed.

- Request for Payment Settlement 001-035-0200

Property sold at tax sale is sold with encumbrances, and these are monies due the Association.

Motion to deny request for payment settlement offer on 001-035-0200 made by Director Livingston, seconded by Vice President Bennett. All Directors Voted in Favor. Motion Passed.

- Skate Park

Nick Meola submitted over 25 requests from the community for a small skateboard park. The Board asked Mr. Meola to draw up a plan detailing possible location(s), who would construct the park, cost of materials, and if they would be willing to pay a fee for the use of the park to help cover the increased liability costs that would be applied by the Association's Insurance. Mr. Meola was advised that his group should come back to the Board when they have this information.

President Ritson noted there was interest from several board members to move resident participation up to the front of the agenda. This would require a By-Laws change, and was referred to the By-Laws Committee for review.

- Pike County Advanced Life Support, Inc. 2012 Annual Membership Drive

Motion to approve a \$30 to Pike County Advanced Life Support made by Director Bennett, Seconded by Director McInerney. All Directors Voted in Favor. Motion Passed.

- DVR Replacement Community Entrances

Motion made to purchase two new DVR units from Vector from remaining monies in security reserve account (\$1,000) with remainder of funds from Operating Account by Director Bennett, Seconded by Director White. All Directors Voted in Favor. Motion Passed.

- Request for Corporate Documents – Capano (5), Murphy (4)

President Ritson noted that we are required to acknowledge Request for Information within five days. Once this acknowledgement has been provided he stated that obtaining the data requested is based on availability of staff time and priority of workload.

Capano - Request for insurance information. The Board approved, in accordance with BLCA's attorney opinion, providing meeting minutes that address insurance, record of payment, and policy limits but not insurance certificates, policy numbers and/or agents names and phone numbers.

Capano - Request for resale package. Our attorney indicates this is particular to a specific property. General information can be submitted, but we are not permitted to give out specifics on any property. We will supply generic information that goes with any resale certificate.

Capano - Request for financial data including collection and list of members in arrears, as well as tabulation for total write-offs for 2011 with reason. There was no specific purpose provided. Held until Mr. Capano provides proper purpose for request.

Capano - Request for all votes and proceedings on removal of Beach 4 pool. Any records we have on this were previously provided to Mr. Capano.

Capano - Request for all votes and proceedings dealing with the removal of Silver Lake Guard House. If there is any data available, any minutes and/or motions will be provided.

Capano - Request for the last five construction permits issued. Pertinent information will be provided based on prior attorney opinion.

Motion to approval all requests except the Capano request for financial data including collection and list of members in arrears, as well as tabulation for total write-offs for 2011 since there was no purpose provided, made by Director Bennett, Seconded by Director McInerney. All Directors Voted in Favor. Motion Passed.

Murphy Requests (Note: Mr. Murphy was present to discuss his requests.)

Murphy - Request to review all construction plans for new salt storage facility from all board professionals to ensure it is being constructed properly. President Ritson indicated there are no other construction plans other than one design that was approved for the maintenance yard and that this will be made available to Mr. Murphy.

President Ritson stated that the salt shed will be demolished on March 19th. Our geologist will be taking soil samples once the shed is removed. He added that a meeting is scheduled on March 24th with the area residents who participated or were asked to participate in water testing, and the geologist. Individual Members are invited to meet one-on-one with Board if they so wish. A meeting is also being scheduled with DEP within the next few weeks. After this, a community wide meeting will be scheduled.

President Ritson said the issue at hand is infiltration of salt and chloride in wells, stemming from the maintenance yard. It was initially brought to our attention after one Member had his water tested and he reported his results to DEP. DEP contacted us and we hired the hydro-geologist to conduct extensive testing to see what exactly we were dealing with. Test results are confidential to the individual homeowners.

Murphy - Request for all data on alternate sites for new salt storage facility discussed. President Ritson noted this was done informally. Will respond to request, but understand the review was not formal and sites explored were ruled out because either lot size too small, next to wetlands, or other drainage problems. Mr. Murphy stated he had identified possible sites. He was invited to provide that information to the Board and they would investigate if they had not already done so.

Murphy - Request for all documentation of property owned by Birchwood Lakes. President Ritson said this will be supplied.

Motion to provide Mr. Murphy the data requested as per the direction of our attorney regarding release of Association records made by Director White, Seconded by Director Martin. All Directors Voted in Favor. Motion Passed.

Motion to affirm the Board's position that all discussions on the salt issue, except for those issues that are contractual or legal in nature, will be conducted in Regular Session made by Director Bennett, Seconded by Director White. All Directors Voted in Favor. Motion Passed.

- Combined Energy Services

Motion to approve Combined Energy Services Contract for \$239 plus tax (each) for two accounts effective July 1, 2012, made by Director Bennett, Seconded by Director Fredrickson. All Directors Voted in Favor. Motion Passed.

- Recreation Calendar

Director McInerney stated that the recreation calendar is not ready. She will send when completed as an email, and approval can be done with an Action Without A Meeting.

The position of Recreation Coordinator will be posted this month.

COMMUNICATIONS, WRITTEN & ORAL

MISCELLANEOUS

- *Stirrat* Correspondence –Community Manager Bettye White is asked to send a response thanking Ms. Stirrat her for input, and that her comments will be taken under advisement.
- *Bonadonna* Correspondence – Community Manager Bettye White is asked to send a response referring Mr. Bonadonna to the newsletter and informing him that a community wide meeting will be scheduled soon.
- *Kleymeyer/Capano* Correspondence – letter on Capano demand for reinstatement on Resolutions Committee and issues on construction permit – answered and addressed by Association Attorney in prior correspondence.
- *Murphy* Correspondence – relates to a first letter that requested request for documents discussed above.
- 084-00-1100/052-015-0700 – request for payment plan and waiving set up costs of \$25 (owns four properties). Policy of Board is not to waive administrative fee.

Motion to deny waiver of \$25 administrative fee made by Director Livingston, seconded by Director Bennett. All Directors Voted in Favor. Motion Passed.

- 100-006-0500 -Scheduled for court on April 9th – Owner feels balance is \$1691. Our balance shows \$3417. Howeowner requested a payment plan of \$50 a month, starting on April 1st based on homeowner's calculation of the \$1691 figure.

Motion to deny proposed payment plan, and allow it to continue to go to court made by Director Livingston, Seconded by Director Bennett. All Directors Voted in Favor. Motion Passed.

Director McConnon asked if we could extend the Action Without A Meeting response time of 24 hour since it is too short a response time.

Motion to Email Directors an Action Without A Meeting, extend the response time to 48 hours, and to have the office call when an Action is sent by Email. More critical Actions Without A Meeting may be within a 24 hour period and Directors will be so notified. Motion made by Director White, seconded by Director McConnon. All Directors Voted in Favor. Motion Passed.

Motion to adjourn regular meeting at 9:50pm made by Director Fredrickson, seconded by Director Martin. All Directors Voted in Favor. Meeting Adjourned.

Respectfully submitted,

Linda M. White
Secretary