

Birchwood Lakes Community Association
Regular Board Meeting Minutes
April 13, 2012 @ 7pm
Conference Room

Present: 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.

Absent: Charles Ritson, President

Vice President Bennett opened the meeting at 7:00pm with the Pledge of Allegiance.

APPROVAL OF THE MINUTES FROM PRIOR MEETING

- March 13, 2012 Regular Board Meeting

Motion to approve Regular Board Meeting Minutes from March 13, 2012 made by Director Livingston, Seconded by Director Martin. All Directors voted in Favor. Motion Passed.

- March 19, 2012 Action Without A Meeting

This Action Without A Meeting is to approve sending letters to homeowners that did not respond or chose not to participate in the initial baseline water quality assessment to obtain permission for testing. Director McInerney unavailable; all other Directors voted in Favor.

- March 19, 2012 Action Without A Meeting

This Action Without A Meeting is to approve inviting the homeowners that were requested to participate in the baseline water quality testing but did not respond or chose not to participate to the informal meeting scheduled for March 24, 2012. Director McInerney was unavailable. All other Directors voted in Favor.

- March 19, 2012 Action Without A Meeting

This Action Without A Meeting is to approve offering bottled water to all four impacted homes. Director Balke voted yes but asked that the quantity be stated. Director McInerney was unavailable. All other Directors voted in Favor.

- March 21, 2012 Action Without A Meeting

This Action Without A Meeting is to authorize Chas Ritson, President, Clare Bennett, Vice-President, Marcella Livingston, Treasurer and Bettye White, Community Manager to meet as needed for the purpose of reviewing and making recommendations to the Board of Directors regarding the salt issue. Director McInerney was unavailable. All other Directors voted in Favor.

- March 21, 2012 Action Without A Meeting

This Action Without A Meeting is to approve a meeting between PADEP representatives and the Board of Directors on April 6, 2012 in regards to the salt issue. Director McInerney was unavailable. All other Directors voted in Favor.

- March 21, 2012 Action Without A Meeting

This Action Without A Meeting is to approve contracting with Legion Security Services for a period of one year with a “thirty day out clause” effective April 1, 2012 at an hourly rate of \$19.75 including vehicle and gas. Director McInerney was unavailable. All other Directors voted in Favor.

- March 23, 2012 Action Without A Meeting

This Action Without A Meeting is to approve two changes to the Public Safety contract at the request of Legion Security Services. Change one is to add “with cause” to “...may be terminated by either party upon thirty (30) days written notice.” Change two is to waive the CPR requirement until May 1, 2012 due to the initial startup window and time required to register employees for a class. All Directors voted in Favor.

- March 24, 2012 Action Without A Meeting

This Action Without A Meeting is to approve additional testing of soil samples to include segregated soil by Brian Oram, consultant. All Directors voted in Favor.

- March 24, 2012 Action Without A Meeting

This Action Without A Meeting is to approve completing Outer Drive using “fine binder: per Wayco’s proposal. Director Balke abstained as he was not present or meeting. All other Directors voted in Favor.

- March 24, 2012 Action Without A Meeting

This Action Without A Meeting is to approve the summary report provided by Brian Oram, Consultant, to be delivered to DEP, contingent upon corrections to go to DEP. All Directors voted in Favor.

- March 24, 2012 Action Without A Meeting

This Action Without A Meeting is to approve going to bid on Butternut and Basswood for drainage to include tar and chip. Director Balke abstained as he was not present or meeting. All other Directors voted in Favor.

- March 27, 2012 Action Without A Meeting

This Action Without A Meeting is to approve offering bottled water for BL-1, BL-11, BL-12, BL-16, BL-17, and BL-18 sites based on the available water quality data and recommendation of Brian Oram. (BL-3 and BL-4 sites are already being provided bottled water as requested.). All Directors voted in Favor.

- March 29, 2012 Action Without A Meeting

This Action Without A Meeting is to approve signing the acknowledgement of risk regarding hydrostatic pressure as requested by Strand Pool Supply LLP for the draining of the pool as a part of the evaluation by Wade Associates. Director Martin voted No. Director Fredrickson was unavailable. All other Directors voted in Favor.

- April 4, 2012 Action Without A Meeting

This Action Without A Meeting is to approve painting the lines as requested by the swim team when the pool is drained for the structural evaluation by Wade Associates. Director Fredrickson was unavailable; Director McInerney added as long as pool is safe to empty. All other Directors voted in Favor.

- April 9, 2012 Action Without A Meeting

This Action Without A Meeting is to approve a second informal meeting with all homeowners that were requested to participate in testing regarding the salt issue on Saturday, April 21, 2012 at 2:00 pm in the Clubhouse. All Directors voted in Favor.

Motion to approve the above 15 Actions Without A Meeting made by Director Livingston, Seconded by Director Fredrickson. All Directors voted in Favor. Motion Passed.

TREASURER'S REPORT

- Write-offs

Motion to approve the write-off for Lot 4, Block 8, Section 10 in the amount of \$5,275.54 made by Director Livingston, Seconded by Director Martin. All Directors voted in Favor. Motion Passed.

- Budget Transfers

Motion to approve the transfer of \$100 from account 7080-002 Maintenance/Tools to account 7240-002 Maintenance/telephone and to transfer \$450 from account 7880-002 Maintenance/tool rental to account 7230-002 Maintenance/electric made by Director Livingston, Seconded by Director McInerney. All Directors voted in Favor. Motion Passed.

- Collections

Director Livingston noted we had two cases in court and have received judgments. The new employee is working on writ of revival for about 23 accounts and 14 accounts for civil complaints. Our prior collection company (Rickart) has several accounts open from 1996, two of which are being paid. If there is no activity in 12 months, we can close these out with them. The Board discussed one case where the property owner resides in NJ and it was decided that we will ask our attorney to domesticate the claim if their firm has a licensed New Jersey attorney on staff. Our Community Manager will check with our attorney to see if we can expedite this claim within 30 days. Subject rescheduled for update to next month's agenda.

MANAGER'S REPORT (Attached as part of minutes)

Abandoned boats: It was determined that there are only two unclaimed, unregistered boats remaining at the office and that both these boats are damaged. It was decided to post a request on the website and in our next newsletter for donation of boats to the Association for use at the lakes.

Swim team: Vice President Bennett summarized discussions with the swim team based on their requests for the upcoming swim season.

Motion to send a letter to the Swim Team detailing Board agreements and restrictions in response to their letter to the Board. The letter should also stress that only Members in Good Standing are permitted to participate on the Swim Team and this will be monitored closely. Failure to comply will result in withdrawal of Birchwood support. Motion made by Director White, Seconded by Director Fredrickson. All Directors Voted in Favor. Motion passed.

COMMITTEE REPORTS

By-Laws Committee: Director McInerney summarized the recent By-Laws meeting centered on rentals. This subject is on agenda under New Business. Another By-Laws meeting is set for April 20th at 6pm.

Recreation Committee: Director McInerney requested the Board agree to continue lap swimming in the mornings an hour before opening for adults only on Mondays, Wednesdays and Fridays. The Board agreed.

Lake Management Committee: Director McConnon stated that a meeting is scheduled for next Saturday. They are presently working with adding of geese.

Community Safety Committee: Director Balke noted a Community Safety meeting is scheduled for tomorrow @ 11AM.

Beautification Committee: Director Fredrickson reminded everyone that next Saturday, April 21, is Annual Clean-up Day from 9am to noon. Work will continue on the 739 Entrance wall area garden.

Community Affairs Committee: Director White indicated some did not receive newsletter even though Vice President Bennett had comprised a current membership listing. The newsletter is posted on web, and we will be working with our new vendor on the next issue.

Rules & Reg Committee: Director Martin noted their next meeting is May 5th .

PAYMENT OF BILLS

- Ciccone Construction, Inc.

Motion made by Director Livingston, seconded by Director McInerney to pay Ciccone Construction, Inc., for overage fee relative to demolition of salt shed requiring extra fill and excavation for \$1,750 from Account #80260 Reserves. All Directors Voted in Favor. Motion passed.

OTHER UNFINISHED BUSINESS

- Wish List

Vice President Bennett asked the Board to review this list and be prepared to discuss this at a future meeting. She also suggested they review it to determine items that should be brought before their Committees for discussion and recommendation to the Board.

- Route 739 Entrance

Vice President Bennett noted we received a quote for visitor boxes at other entrances. The left hand turn signage was deemed not acceptable by PADOT as a possible solution. Vice President Bennett recommended we run figures for three weeks and get a better handle on who uses this entrance since the one week run showed little consistency on users during peak time. Director White indicated there may be some DOT grants available and questioned if we researched this. Subject rescheduled to May.

- Pool Playground Equipment

Director McInerney summarized that the cost of a new merry go round was too expensive and asked to rescind prior motion to purchase one and purchase two daisy spinners instead.

Motion made by Director McInerney, seconded by Director White to rescind purchase of a new merry-go-round and make a new motion to purchase daisy spinners within budget. All Directors Voted in Favor. Motion passed.

- Teleconference Equipment

Vice President Bennett and Director McConnon did a trial on use of laptop and Skype program to allow absent members to participate at a meeting. Our By-Laws allow for teleconferencing by Board Members. We will need a microphone and some speakers which are inexpensive but which will enhance communication.

- Recreation Calendar

Director McInerney indicated this is not ready, and may need to be done through an Action Without a Meeting. Director White reminded the Board we were going to try and use one of these dates to recognize a special resident's volunteerism.

- HSA Presentation

Community Manager Bettye White indicated this presentation will review an alternative to traditional medical insurance. This presentation with the agent is scheduled for May 11th @ 6PM.

- Roads

Motion made by Director White, seconded by Director Fredrickson to authorize tar and chip work and hot spot work pursuant to the Road Work map dated 2011-2012 (attached). All Directors Voted in Favor. Motion passed.

- Salt Contamination

Vice President Bennett summarized our meeting with the area homeowners on March 24th and the meeting held with DEP April 6th. DEP is satisfied with the way we are handling the salt issue to date. They reviewed the detailed report provided to them in advance of the April 6th meeting. There are several other communities within our area, including on Route 739, that are experiencing similar problems. DEP wants a realistic time line as to work to be done and when we anticipate each step will be taken. The Board will work with our consultants to develop this. Vice President Bennett reminded the Board that we set April 21st at 2pm for another meeting with area residents. The resident of BL 27 will be invited to our April 21st meeting.

Motion made by Director White, seconded by Director Fredrickson to set May 12th at 9AM for the community wide meeting at which time all members of the Association will be invited. All Directors Voted in Favor. Motion passed.

Motion made by Director Livingston, seconded by Director Martin to provide testing for BL27 and to invite the Member to the April 21st meeting . All Directors Voted in Favor. Motion Passed.

Motion made by Director Martin , seconded by Director Fredrickson to provide further testing to develop base line on BL24, BL15, BL21, BL26 and BL27at a cost of \$250 per test plus collection time. All Directors Voted in Favor. Motion Passed.

Motion made by Director White, seconded by Director Fredrickson to provide additional testing for Ph/conductivity/hardness @ \$65 each sample for BL 1, 2, 3, 4, 5, 8, 11, 17, 18 and 19. All Directors Voted in Favor. Motion Passed.

Motion made by Director Livingston, seconded by Director McInerney for replacement of maintenance well pump not to exceed \$5,000 and transfer from account #7820-005 Winter Road Material to account #7020-002 Buildings and Structures. All Directors Voted in Favor. Motion Passed.

NEW BUSINESS

- Tree Removal Request – Kohan

Motion made by Director Balke seconded by Director McInerney to deny request since application to remove does not meet the criteria. Directors Martin and McConnon opposed. All other Directors Voted in Favor. Motion Passed.

- Request for Corporate Documents – Capano

3/25/12 request for citation form for initiating complaint. Request denied as no reason provided for request.

3/25/12 request for attendance for all directors for last 12 months.

Motion made by Director Livingston, seconded by Director McInerney to release attendance information. The Member should also be informed that this information is available on each month's minutes which can be obtained from the office and is, available on the Birchwood website. All Directors Voted in Favor. Motion Passed.

3/26/12 request of 3/24/12 minutes which was an informal meeting of the membership. Mr. Capano will be advised that this was an informal meeting and minutes were not taken.

- Board Review Panel

Director Martin, Vice President Bennett, Director Livingston volunteered to serve on this review panel and will meet April 19th at 10AM.

- Proposed By-Law Amendments

Director McInerney reviewed the discussions held on rentals and requested that the Board approve they be submitted to the Membership for a vote.

Motion made by Director McInerney, seconded by Director Fredrickson to forward recommended changes to Section 4: Rentals and Leasing to Membership for vote. All Directors Voted in Favor. Motion Passed.

- Roads Reserve Vote Schedule

Discussion ensued on changing the reserve vote from a winter vote to a summer vote. The Board agreed. Director Livingston needs a budget meeting to coordinate and Community Manager Bettye White will get other reserve items in for discussion.

- Bus Stop Patrol

Based on concerns over unsafe parking at the bus stop during pick up and drop off in the mornings, it was decided to ask Legion to come in some mornings to deter this unsafe situation.

- Board Email

This subject referred to Community Affairs for review.

- Delaware Township Septic Ordinance

Delaware Township is instituting a new septic ordinance effective sometime in 2013. It was decided we would revisit our septic rule when Delaware Township adopts their ordinance.

- Website Advertising

Vice President Bennett discussed allowing outside companies to use our website for their website advertising. Subject referred to Community Affairs for review.

- Membership Meeting

Set for May 12 @ 9AM and to include all Members

Correspondence:

- 025-006-0500 – reference letter dated 3/13/12

A citation was issued for building without a permit. Although fine was paid, homeowner did not proceed with obtaining our permit within the 15 day timeframe. Original fine was paid but additional monies were for delay in getting permit from Birchwood.

Motion made requiring payment of additional fine of \$120 to be paid to Birchwood for failure to file for Birchwood Construction Permit within the required 15 day period, made by Director White, Seconded by Director Livingston. All Directors Voted in Favor. Motion Passed.

- 012-004-0200 – payment plan – request to allow a 72 month payment schedule.

Motion made by Director Livingston, Seconded by Director Martin to pay \$150 a month as well as keeping current with subsequent year's due. If \$150 is too high, provide a lump sum to defer amount in arrears, and allow payment schedule of \$75/mo. All Directors Voted in Favor. Motion Passed.

- 037-010-0600 – Owes \$36G for back dues and fines. Requested an offer to pay \$5G in a lump sum payment to allow him to sell his house which he has a buyer for.

Motion made by Director Livingston, Seconded by Director Fredrickson to decline the \$5G offer requesting full payment of outstanding dues. All Directors Voted in Favor. Motion Passed.

MISCELLANEOUS

- Capano Correspondence – Board acknowledged receipt of Mr. Capano's 3/25/12 emails..

Motion to adjourn regular meeting at 10:00 pm made by Director Livingston, seconded by Director Fredrickson. All Directors Voted in Favor. Meeting Adjourned.

Respectfully submitted,

Linda M. White
Secretary