

Birchwood Lakes Community Association
Regular Board Meeting Minutes
June 8, 2012 @ 7pm
Conference Room

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

Also Present: Bettye White, Community Manager.

President Ritson opened the meeting at 7:10pm with the Pledge of Allegiance.

APPROVAL OF THE MINUTES FROM PRIOR MEETINGS

- May 11, 2012 Regular Board Meeting

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

- May 18, 2012 Action Without A Meeting

This Action Without A Meeting is to approve, with permission from the candidate, publishing the resume of candidates for the Board of Directors in the Birchwood Voice, including posting of the newsletter on the website.

- May 18, 2012 Action Without A Meeting

This Action Without A Meeting is to approve the Agreement prepared by the Association Attorney between BLCA and well owner(s) as recommended by Brian Oram, PG for the gathering of data, water samples and otherwise testing of the well(s) servicing the premises for a period of 48 hours with BLCA agreeing to compensate for any wear and tear to the owner's well pump, electricity or any mechanical equipment failure occurring during the testing.

- May 24, 2012 Action Without A Meeting

This Action Without A Meeting is to approve temporarily suspending Section 98 - Subsection 60 - Recreational Areas Rules and Regulations (6) "Flotation devices, small tubes, swim masks, scuba-diving equipment, arm floaters, etc., are not permitted in the pool. For non-swimmers, life jacket floating vests, small tubes and arm floaters may be used in the lake provided the non-swimmer is accompanied by an adult swimmer. The non-swimmer using the flotation devices and the accompanying adult swimmer must stay in one area, designated by the lifeguard" as regards arm floats and life vests for the period of May 26 – 28, 2012 and June 2 – 3, 2012 as long as an adult or child over 16 years of age is present in the pool with any child wearing these devices pending Board discussion at the June 8, 2012 Board Meeting.

- May 30, 2012 Action Without A Meeting

This Action Without A Meeting is to approve Duane Moyer Well Drilling's proposal in the amount of \$6975.00 for a 48-hour pump test as recommended by Brian Oram, PG at BL-3 and BL-4 from account #7350-001 Other Professional Fees. Alternate bids will not be solicited based upon the contractor's knowledge of the site conditions including prior work as relates to salt contamination.

- May 30, 2012 Action Without A Meeting

This Action Without A Meeting is to approve Duane Moyer Well Drilling's proposal for a replacement well at the maintenance facility in the amount of \$8966.00 utilizing funds from account # 80260 Maintenance Facility. Alternate bids will not be solicited based upon the contractor's knowledge of the site conditions including prior work as relates to salt contamination and emergency nature of the well replacement.

- June 1, 2012 Action Without A Meeting

This Action Without A Meeting is to approve the Mold Remediation Agreement & Project Specifications with Integra-Clean & Dry, LLC in the amount of \$6110.00 plus tax for mold remediation at the BLCA Office. Upon approval the work can be initiated on June 18, 2012.

- June 2, 2012 Action Without A Meeting

This Action Without A Meeting is to approve Duane Moyer Well Drilling's proposal in the amount of \$8672.00 for pulling and reinstalling the pump at four locations recommended; documenting static water levels at 26 wells; and well modification at BL-1 and BL-16 as recommended by Brian Oram, PG from account #7350-001 Other Professional Fees. Alternate bids will not be solicited based upon the contractor's knowledge of the site conditions including prior work as relates to salt contamination.

- June 2, 2012 Action Without A Meeting

This Action Without A Meeting is to approve utilizing Cornerstone Consulting for submission of the Butternut/Basswood proposed work to the Pike County Conservation District for \$750 and contracted roadwork pre-construction services to include attendance at a pre-bid meeting, preparation of bid sheet (items only - no quantities provided to contractor, budget quantities for bid evaluation will be provided), and attendance at post bid meeting to assist in reviewing bids and assistance in forming follow up clarifications on the bids for \$1200.

Motion to approve the eight (8) Actions Without A Meeting above made by Director Livingston, Seconded by Vice President Bennett. All Directors Voted in Favor. Motion Passed.

TREASURER'S REPORT

President Ritson indicated that due to the mold problem which occurred the day after Memorial Day and again this week, the staff was unable to work in the office full days and were sent home. Therefore, most of the financial documents are not available for

tonight's meeting, but will be printed out next week and placed in the Board boxes. Director Livingston was able to present the Expense Report.

Write-offs

From amnesty program #061-011-0800, 061-17-0800, 061-016-0800, 061-012-0800

Motion to approve the Write-off on A/Cs #061-011-0800, 061-17-0800, 061-16-0800, 061-012-0800 in the amount of \$4,828.01 made by Director Livingston, Seconded by Director Martin. All Directors Voted in Favor. Motion Passed.

Collections

Community Manager Bettye White summarized the status of collections. The Attorney needs further information from us to proceed on the execution of judgments pending and she indicated that this information would be provided the following week. Several more judgments are ready to process. Our Collections person has nearly completed the report detailing all delinquent accounts and status of each account. She will be sending the 30 Day Letters to delinquent members this month.

Director Livingston asked if the 15 accounts we had for collection with Rickert were being pulled back? Community Manager Bettye White indicated two were paying and a third case was out of state. Director Livingston said that we need to be sure that we are not paying for two professionals on these collection items.

MANAGER'S REPORT (Attached)

President Ritson informed the Board that PADEP have denied our request to raise Upper Lake. He asked Community Manager Bettye White to call DEP Dam Safety and make sure that they are aware that the dam application is pending other surveys requested of us. President Ritson also asked that Community Manager Bettye White send a letter to the lakefront property owners notifying them of DEP's decision.

COMMITTEE REPORTS

- *Beautification Committee:* Director Fredrickson requested a 200' hose be placed at the 739 Entrance to allow easier watering of the new planting area at the Entrance.
- *Community Affairs:* Director White stated that the newsletter is going to the publisher that night for layout.
- *Lake Management Committee/Capital Projects:* President Ritson noted both these meetings were cancelled. He also noted that Eco Solutions had treated the East Lake and it is much improved.

PAYMENT OF BILLS

None

OTHER UNFINISHED BUSINESS

Alcohol at Community Events

Attorney Opinion provides that the Association cannot sell or distribute alcohol at an Association sponsored event. However, Members can bring their own alcohol to events for their own consumption.

Adult Dinner Dance

Director McInerney stated that because of the initial questions regarding the distribution of alcohol at Association events she cancelled the Adult Dinner Dance. She is proposing a potluck dinner instead. Director McInerney indicated there will be some changes to the calendar due to the Recreation Coordinator vacancy. Director McInerney will forward a note on changed dates once date availability is confirmed.

037-010-0600, 037-011-0600 Settlement Offer Update - No response to this offer.

Aspen Property Cleanup Update

This property has been cleared of all debris by our Maintenance and the debris accepted by the Township. The Board thanked the Township for their cooperation on resolving this issue.

Membership Recognition Candidates

Vice President Bennett presented draft guidelines for a Membership Recognition Program. It was agreed that a program be put in place to provide Members with the opportunity to nominate Birchwood volunteers for an annual award that would be presented to one volunteer at the Annual Meeting. The final selection would be completed by the Board of Directors. A plaque or some other type of award would be presented. Community Affairs would oversee this program. The Board was asked to review the draft guidelines and provide feedback to Vice President Bennett within the next couple of weeks. The Board agreed, due to limited time, they would nominate an award recipient for this year's Annual Meeting on August 25th.

Website Guidelines

Vice President Bennett developed some website advertising guidelines for Board review and discussion. After Board discussion Vice President Bennett said she would continue to work on this document and asked that the Board provide their feedback. It will be placed on the July Agenda for continued discussion and review.

Playground Equipment

There is only enough money in the budget for one daisy spinner, not two as previously thought.

Motion made by Director McInerney, seconded by Director Martin to rescind prior motion of buying two daisy spinners due to costs. All Directors Voted in Favor. Motion Passed.

Motion made by Director McInerney, Seconded by Director Martin to allow Community Manager Bettye White to use remaining monies from reserve to retrofit, to replace or purchase new equipment within our budget. All Directors Voted in Favor. Motion Passed.

NEW BUSINESS

Tree Removal Request – Kohan, DeCola, Winkler, Keeslar, Cancelino, Peletz
Director Balke indicated all trees were dead or dying of disease and the requests can be approved.

Motion made by Director Fredrickson, seconded by Director White to approve Tree Removal Requests of Kohan, DeCola, Winkler, Keeslar, Cancelino and Peletz. All Directors Voted in Favor. Motion Passed.

Pool Design/Bid Packet

Ability to move forward on renovating vs. enlarging the pool was discussed. Aside from insufficient funds to expand the size of pool, Delaware Township will not likely provide us the variance to do so as there is insufficient room for an enlarged pool and the necessary parking. The Board had previously requested that \$35,000 be placed on the reserve vote, but it has since been determined this is not sufficient to get the pool project done and requested an additional \$5,000. Wade Associates will create the design and bid package.

Motion made by Director White, Seconded by Director Fredrickson to approve Wade Associates to design specification work for bid process, with authorization given to Community Manager Bettye White to negotiate a lower fee than the 6% quoted. All Directors Voted in Favor. Motion Passed.

Director McConnon expressed concern that there are some Members that have voiced a desire for a larger pool area. President Ritson indicated these repairs provide a 10-20 yr. life to existing pool. A larger pool will not fit in this area due to location/lake and we will not in all likelihood get Township variances. As we renovate the pool, we can move fence outwards, allowing for more area for people to sit.

Motion made by Vice President Bennett, Seconded by Director Fredrickson to increase the reserve vote on pool from 35G to 40G. All Directors Voted in Favor. Motion Passed.

Requests for Reimbursement

Motion made by Vice President Bennett, seconded by Director Fredrickson to reimburse Director White \$50 for supplies purchased for Rt. 739 landscaping. All Directors voted in Favor. Motion Passed.

Motion made by Director White, seconded by Director Balke to approve the request for plumbing repairs made to a homeowner's home due to corrosion with piping from salt at a cost of \$83, after review by maintenance staff confirming damage. Director McInerney opposed. All Other Directors Voted in Favor. Motion Passed.

Guard Clocks

Director Balke reviewed costs and installation. Director Balke indicated the units were \$735 (includes software) each. It was decided right now there is a lack of monies to purchase these and to look at putting it on a later reserve request.

Candidates Board of Directors

There are four openings on the Board. Five petitions were submitted to the office, one being Director Balke's. President Ritson discussed the current rules that require candidates to be a member in good standing for a full year and that attorney opinion indicated we cannot make an exception. Director Balke understood, noting he didn't become a sitting director until after this new by-law went into effect, by appointment. If someone resigned, he would be eligible but he cannot run for this term now.

Salt Update

President Ritson summarized activities since the Community wide May 12th meeting including the approved for a 48 hr. pump test, further field and lab testing, static water level testing, and camera studies. An Agreement for the 48hr pump test was developed by our attorney and sent to two homeowners for their review and signature. Once obtained, the test will be scheduled. Letters are to go to all the area homeowners for their permission to test their water. Once we receive signed permissions testing can proceed.

As to the well on the maintenance yard, it is decided to install a packer and see if this method will be successful. We will be receiving a contract from Moyer Drilling and will set a date.

Cornerstone to provide additional surveying of new wells and use info to update maps. Awaiting agreements to set scheduling.

Community Manager Bettye White attended the Wednesday night Supervisor's Meeting at the Township to inform them of the salt contamination issue. She added that permits will be required and she would appreciate their cooperation in expediting them when they are required. The Supervisors thanked her for the update and agreed that they will work with us as needed to help resolve the situation.

We have received quotes from two outside labs to take water samples and perform testing. The Board asked Community Manager White to try and find a third lab for comparison purposes and report back to the Board so that we can do an Action Without A Meeting.

The Board discussed the issue of a possible buried tank in the maintenance yard. We have received two proposals on finding this tank which may or may not be located between old salt shed and maintenance building. Hawk Mtn came in at \$1900. They would use ground radar for tank. If there is a buried tank, we will need to test soil around it. Testing is \$100 so total would be \$2G. Concept would be to eliminate this open question. If there was a past spill or a buried tank, it will mean more monies involved in a cleanup.

Brian Oram is writing up a protocol for maintenance to do the field testing on regular basis and we will have this shortly.

The Board discussed testing of wells going forward. It was clarified that the first test on any new wells should be a comprehensive. Thereafter, baseline testing should be conducted quarterly unless Brian Oram recommends that an exception is needed.

Additional requests for drinking water were approved by the Board, based on the parameters provided by Brian Oram (500mg TDS, 250mg Chloride). It was discussed how much water is required per person and its usage, i.e. drinking, cooking. Community Manager White was asked to research this.

The Board requested that Community Manager Bettye White find several plumbing companies for Board review at the July Regular Board Meeting.

We need to remove the soil piles from the yard. Community Manager White was asked to get a price from Ciccone, and if the high is bid, to get other bids.

Pool Rule

Tubes, scuba diving and noodles are not permitted. Only arm floaters and life vests will be allowed in shallow end accompanied by adult while in water effective immediately.

Board Approved Rule Change

(6) Tubes, swim masks, scuba-diving equipment, noodles, etc., are not permitted in the pool. For non-swimmers, arm floaters and/or coast guard approved life jacket floating vests may be used in the pool, shallow end only, and the lake provided the non-swimmer is accompanied by an adult swimmer while in the water.

Motion to approve the above rule change was made by Director Bennett, seconded by Director Martin. Director McInerney voted No because she did not agree with the use of arm floaters. All other Directors voted in favor.

This new rule change is effective immediately.

017-011-0300 Deedback Request

We originally denied this since there was no inheritance tax filed. We have now been notified by our Attorney that the title is clear.

Motion to approve the deedback made by Director Livingston, Seconded by Vice President Bennett. All Directors Voted in Favor. Action Passed.

Upper Birchwood Lake Dam Environmental Proposal

This is required as part of the dam application process. Cost would be \$2,600 by Sparnon Wetland Services. We just completed the wetlands survey and now we are required to provide an Environmental survey.

Motion made by Vice President Bennett, Seconded by Director McInerney to approve the \$2,600 Sparnon Wetland Environmental Proposal for Upper Birchwood Lake Dam. All Directors Voted in Favor. Motion Passed.

Payment Plan Request – 034-007-0500

The individual claimed they didn't receive the original notice. The Office Manager confirmed that they did not receive the change of address notification until after invoices were mailed March 1st. The Board agreed to waive the \$25 penalty, and suggested the property owner be sent information on our deed back policy. Board accepted payment plan request.

Proposed Changes to Rules and Regulations

Proposed changes discussed by Director Martin. On commercial vehicles, for exceptions, contact the office (i.e. moving vans, septic installers/haulers). Fishing and boating: abandoned boats go to storage area and ownership by lake. Excessive noise, fireworks and explosive devices prohibited. In accordance with our 1st and 2nd Reading it was requested by the Board that they go out in the next mailing, posted on website and, if possible, in the newsletter.

Motion approving the proposed rules and regulations changes be sent to the Membership for their review and comment in accordance with our 1st and 2nd Reading Policy made by Director Martin, Seconded by Vice President Bennett. All Directors Voted in Favor. Motion Passed.

Office

President Ritson summarized mold problem in the office noting it is affecting the staff who work there. Integra Cleaning has been hired to do the remediation this coming Monday at a cost of over \$6,000. They were initially scheduled to work the middle of July but they pushed us up on their schedule because of our staff concerns. President Ritson indicated that we purchased an additional air purifier and a larger dehumidifier for the crawl space and moved the smaller one into the office. We had maintenance HEPA vacuum the entire office and are looking into the viability of having a professional office cleaning company come in.

President Ritson indicated he contacted Williams Drilling to review the well on this site to see about the water overflowing as it is possible that the overflow may be impacting the crawlspace and contributing to the wetness down there.

Discussion ensued on moving the office to the Conference Room in the Clubhouse. Although it may be feasible, there is no way to move the staff that quickly. Therefore, we must remediate the office now so that the staff can continue to work there until we can make the move to the Conference Room.

Resolution Committee Correspondence

Two letters were received by the Board from Resolution Committee. One involved their determination of when the time begins with construction permits. Vice President Bennett stated that Resolutions might want to refer that rule back to Rules and Regulations for review. The other letter related to dismissal of a complaint when there is lack of a witness. Ms. Halliday, who was present, indicated the Resolution Committee has heard cases without a witness in the past. They believed this hearing should also have been held. She was advised that the Board received legal input and decided on dismissal based on his input.

Road Bid Due Date/Time; Places of Publication

The Board has to set time and place for sealed bids to be due. Community Manager Bettye White recommended the entire bid package be done in its entirety. She indicated we are having Outer Drive done this week as part of last year's contract. This year's work is Basswood/Butternut (roads and drainage). She felt it made sense for Cornerstone to do the bid package to include the drainage project and the roads determined for patch, tar and chip. Vice President Bennett stated that this had always been done by the Community Manager. She expressed concern that the money for this would have to come out of Roads Reserves and such costs hadn't been included in Roads budget when determining how the money would be spent this year. President Ritson stated that Cornerstone would do the bid package for the Butternut/Basswood drainage project and Community Manager Bettye White would create the bid package for the remainder of the roads work.

Motorcycle Access

We received a complaint from a resident who was issued a citation by Legion for going around the entrance gate on a motorcycle without using the gate card. It appears that this is something that has been done for years. In discussing the situation the Board agreed that gate cards must be used by ALL Members as this is a private community to be entered by Members and their guests. The gate cards and call boxes are utilized to support and control this. The Board agreed that notices be posted in the newsletter, bulletin boards and office that citations will be issued after July 1st.

Action Without A Meeting Procedure

When an Action Without a Meeting is sent to the Board Members via email a reply deadline should be noted in the email stating date and time responses due. Actions are 48 hours unless a more immediate 24 hour response is needed. This will be noted. The Board was reminded that responses to Actions Without a Meeting must be telephoned into the Office. Email responses are not valid.

Discussion ensued about some Members emailing Board Directors on their personal email about Board business and, at times, the messages are negative and derogatory in nature. If a Director receives such emails they should be forwarded to *blboard* so that they can be kept on file.

Financial Assessment

Discussed hiring Bill Owens to provide financial assessment over a five year period, particularly reserves and what do we need to do to provide for the future. We should ask him for a proposal, and to come in for a meeting, and if it is a reasonable amount, we will proceed accordingly. We will need to provide information to him. Members agreed it is a good idea to develop this type of proposal. When he does the pre-audit meeting with Board, we will ask him at that time.

Membership Mailing

This mailing will include amendments to the By laws and Rules and Regulations, Candidates resumes, the letter drafted by the President summarizing on going activities with salt contamination, and the Reserve Vote information.

Newsletter Emailing

Vice President Bennett recommends that we create an email account through our website. We can send an email to those whose email we have on file and ask if they want to receive the newsletter by email. We also may have ability to do some broadcasting news. Vice President Bennett will develop a draft email for Board review. The Board agreed to send the newsletter via email through our webmaster to those that have requested the pdf.

COMMUNICATIONS, WRITTEN & ORAL

None

MISCELLANEOUS

Leissler Correspondence – this letter refers to the rule of not allowing arm bands or vests for young kids in the pool. The Board requested Community Manager Bettye White send a short note to the resident explaining the new rule.

Norgaard Correspondence – this is relative to a question from a resident as to who is cleaning out the culverts. Community Manager Bettye White stated those swales or culverts are forwarded to the maintenance so they can look at the culvert in question. Community Manager Bettye White will respond that maintenance does provide this work.

Kayak – this is relative to a request about leaving a Kayak on property in Birchwood. Community Manager Bettye White will respond.

Meeting adjourned unanimously in a motion by Director Livingston, Seconded by Vice President Bennett. All Directors Voted in Favor. Motion Passed. Meeting adjourned at 10:30pm.

Respectfully submitted,

Linda White, Secretary