

**Birchwood Lakes Community Association  
Regular Board Meeting Minutes  
September 14, 2012  
Clubhouse**

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

Absent: Leonard Glamann

Also Present: Bettye White, Community Manager

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

**APPROVAL OF THE MINUTES FROM PRIOR MEETINGS**

- August 14, 2012 Regular Board Meeting

**Motion to approve Regular Board Meeting Minutes from August 14, 2012 made by Director Livingston, Seconded by Director Martin. All Directors voted in Favor. Motion Passed.**

- August 25, 2012 Annual Meeting

**Motion to approve Annual Meeting Board Meeting Minutes from August 25, 2012, with change from Conference Room to Clubhouse, made by Director Livingston, Seconded by Director Martin. All Directors voted in Favor. Motion Passed.**

- August 25, 2012 Organizational Meeting

**Motion to approve Organizational Board Meeting Minutes from August 25, 2012, with change from Conference Room to Clubhouse, made by Director McInerney, Seconded by Director Livingston. All Directors voted in Favor. Motion Passed.**

- August 17, 2012 Action Without A Meeting

This Action without a Meeting is to approve sending a letter and packet of information to Representative Rosemary Brown and Senator Lisa Baker requesting any assistance possible in the Association's efforts to provide potable water, including a new well, to those homes impacted by salt contamination within the Birchwood Lakes Community. The packet of information would include Brian Oram's report and a timeline with current and planned activities. All Directors voted yes

- August 21, 2012 Action Without A Meeting

This Action without a Meeting is to deny the request for a waiver from compliance with BLCA Rules and Regulations Section 98-50-26 Septic Tank Maintenance from 012-004-0200 and

001-042 & 043-0200. Marcella Livingston abstained (not at the July meeting). All other Directors voted in Favor

- August 21, 2012 Action Without A Meeting

This Action without a Meeting is to deny the request for removal of interest by 025-008-0500. Marcella Livingston abstained since she was not at the July meeting. All other Directors voted in Favor

- August 21, 2012 Action Without A Meeting

This Action Without A Meeting is to approve a payment plan for 046-015 & 016-0600 in the amount of \$70/month for the 2012/2013 dues and a payment plan for \$100/month for prior arrears and to provide a letter to the bank indicating the agreement. Should the homeowner default on the payment plan agreement, collection actions will immediately be reinstated. Marcella Livingston abstained since she was not at the July meeting. All other Directors voted in Favor.

- August 21, 2012 Action Without A Meeting

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- August 21, 2012 Action Without A Meeting

This Action without a Meeting is to approve the building permit application for a garage for 093-005,006,007,016 & 017-1200. Director Bennett and Director Martin voted no; Director McConnon Unavailable. All other Directors voted in Favor

- August 23, 2012 Action Without A Meeting

This Action Without A Meeting is to approve the Estimate 10-1161 from Moyer Well Drilling to supply and install a 500 gallon poly tank with 1 hp jet pump and SE UV light, piping, fittings and labor estimated to be \$10,602.62 to service BL-3 and BL-4 utilizing funds from account #7350-001 Other Professional Fees with an Agreement to be prepared by the Attorney and executed by the Association and the homeowners regarding same. Director McInerney and Director White unavailable. All other Directors voted in Favor.

- August 23, 2012 Action Without A Meeting

This Action without a Meeting is to approve payment to Pike County Plumbing for Invoice #10820 in the amount of \$192.10 from account #7350-001 Other Professional Fees for the

replacement of fittings due to corrosion from salt. Director McConnon unavailable. All other Directors voted in Favor

- August 27, 2012 Action Without A Meeting

This Action without a Meeting is to approve an additional twenty hours of Public Safety services for morning bus stop patrols at the contracted overtime rate. Director White unavailable. Director Glamann felt inadequate information available to make decision. All other Directors voted in Favor

- August 28, 2012 Action Without A Meeting

This Action without a Meeting is to approve the transfer of \$791.00 from account #7950-001 Contingency to account #7020-003 Recreation R & M Buildings for payment to Home Depot. Director McInerney was unavailable. All other Directors voted in Favor

- August 28, 2012 Action Without A Meeting

This Action without a Meeting is to approve the payment of \$25.00 from account #6120-003 Recreation/Bonus to Delaware Township Volunteer Ambulance Corp. Director McInerney unavailable. All other Directors voted in Favor

- September 5, 2012 Action Without A Meeting

This Action without a Meeting is to approve the payment of \$25.00 from account #6120-003 Recreation/Bonus to Delaware Township Volunteer Ambulance Corp. Directors Fredrickson and Glamann were unavailable. All other Directors voted in Favor

**Motion made by Director Livingston, Seconded by Director McInerney to approve the twelve Actions without a Meeting. All Directors Voted in Favor. Motion Passed.**

Director McInerney asked that the Board consider changing the response time for “24-hour” Actions Without a Meeting to the end of the following workday. Board Directors had no objection to this request.

#### TREASURER’S REPORT

Treasurer Livingston reviewed bank balances and Income/Expense Report.

- Write-offs

**Lot 21, Block 80, Section 10 (due to foreclosure) \$3,257.40**

**Lot 15, Block 4, Section 1 (due to foreclosure) \$2,810.89**

**Lot 29, Block 67, Section 9 (due to bankruptcy) \$6,507.12**

**Motion made by Director Livingston, Seconded by Director Ritson to approve the three Write-Offs above totaling \$12,575.41. All in Favor. Motion Passed.**

- Budget Transfers  
None

- Collections

The breakdown of collection activities is as follows: civil court hearings (5); civil complaints filed (9). These are now being prepared and filed by the BLCA collections clerk; members received the final notice prior to filing of civil complaints (4); judgments filed (3); writ of executions on banks (3); writ of execution on property (3); domestication of judgment (1); and payment plans initiated (14). The accounts have been returned from Rickart Collection Service as approved by the Board. In the upcoming month, final notice letters will be initiated against delinquent accounts prior to the filing of civil complaints. 75 properties located in Birchwood Lakes are scheduled for tax sale September 19, 2012. Community Manager Bettye White noted there are several accounts over \$12,000. Community Manager Bettye White was asked to obtain additional information in costs if we pursued using higher court system to ensure full collection of past due accounts. Tabled decision on delinquent accounts over \$12,000 until attorney opinion received.

MANAGER'S REPORT (Original Report attached to adopted Minutes)

Community Manager Bettye White summarized her report.

Information on the 739 entrance has been discussed and provided to the engineers as directed by the Board. The Board approved a letter incorporating our plans to respond to the safety concerns regarding the entrance and traffic to be sent to PADOT.

**Motion made by Director White, Seconded by Director McInerney to approve sending the letter to PADOT. All Directors Voted in Favor. Motion Passed.**

The Board set October 12, 2012 for the bid deadline with all bids to be presented no later than 4:15 pm. The notice of bid is to be placed in The New Jersey Herald, The Scranton Times, The Pocono Record and the Times Herald Record, Orange County, NY.

**Motion made by Director Livingston, Seconded by Director Martin to approve the timeline for the pool bids as October 12, 2012 no later than 4:15pm, as well as the placement of the notice of bids in the newspapers stated above. All Directors Voted in Favor. Motion Passed.**

The DEP has responded to the Emergency Action Plan submissions. The information has been discussed with the engineer and the revised EAPs are pending. A tentative timeline was submitted to the DEP and they have responded that the timeline is acceptable.

**Motion made by Director Ritson, Seconded by Director McInerney to accept the timeline for the Upper Birchwood Lake Dam Permitting process. All Directors Voted in Favor. Motion Passed.**

The Board discussed the issue of financial bonding for East Birchwood Lake. DEP has advised that we will require a minimum of \$50,000. Community Manager Bettye White summarized why bonding

is required. Director White indicated she will forward some company names to Community Manager Bettye White that she can contact for information on bonding.

Vendors are being researched and contacted regarding the move of the office to the Conference Room. The Board indicated this is one of the top priorities, requesting that Community Manager Bettye White proceed with tasks needed to accomplish the move by mid-November. They also asked that the staff provide input. The Board also asked Community Manager Bettye White to research the purchase of a shared printer/copier/fax/scanner. Tabled for October Agenda.

Director McInerney voiced an issue regarding the distribution of Birchwood bingo money. She asked for consideration by the Board to amend a past motion. Director McInerney was asked to come back with a motion for the Board to discuss at the October agenda.

Some gatherings this summer included large numbers of people, numerous vehicles parking on the roads, alcohol and violation of curfew hours. As a result of the difficulties and additional work created by private gatherings, it is recommended that the Board consider a pro-active mechanism to assure the safety of individuals both in attendance and in surrounding areas, as well as compliance with the Association's rules and regulations. The Board should also address the additional workload created for Public Safety and the BLCA staff. This will be looked at before next summer.

**Motion made by Director Ritson, Seconded by Director Livingston to approve purchase of 23 tons of stone for \$550 for use at the East Birchwood Lake Boat Launch which will be paid from the recreation Account No. 6101-003-03 recreation payroll. All Directors Voted in Favor. Motion Passed.**

Compliments were offered to our new collections clerk as we are seeing improved activity in collections.

President Bennett stated that our lawyer responded to a question on members in good standing, advising that the Board does not have to entertain discussion and/or questions from a member who is *not* in good standing in the community. Discussion ensued resulting in the Board sending the subject to the By-Laws Committee, requesting a report back from said committee by the November meeting.

#### COMMITTEE REPORTS

Proposed Government and Regulatory Advisory Committee – At the Organizational Meeting Director Ritson had suggested the formation of a new Government and Regulatory Advisory Committee. Director Ritson reviewed the concept, indicating that part of the scope of this committee may be to review/attend township meetings, AOCA meetings, etc. Director Glamann had expressed that he may be interested in chairing or participating on such a committee. Rescheduled to October agenda so that Director Glamann can participate in the discussion.

*By-Laws:* Director McInerney – no date set yet.

*Rules and Regulations:* Director Martin – meeting set for 9-22-12 at 10am

*Recreation Director:* Director McInerney stated that the year ended well; a meeting will be held tomorrow at which time the committee will discuss future recreational events.

*Lake Management:* Director Ritson is planning a lake seminar with Joe Gallagher for October 20<sup>th</sup> at 10am at the clubhouse.

*Capital projects:* Meeting on pool bid review may be October 13, to be confirmed.

*Community Affairs:* Director White indicated that the Newsletter deadline is 9-25-12 requesting all articles be submitted, and will look for a meeting by next weekend to finalize details/articles.

*Budget Committee:* Director Livingston indicated that a meeting is set for 9-29 at 9am.

*Beautification Committee:* Director Fredrickson indicated that the front entrance grew nicely.

PAYMENT OF BILLS - None

OTHER UNFINISHED BUSINESS

Request for Payment Plan – 095-060 & 061-1300

**Motion made by Director White, Seconded by Director Ritson to approve a payment plan that requires a \$725 lump sum deposit, with \$142 a month current dues as well as \$100 a month added to this to pay off past dues. Director McConnon Voted No. All Other Directors Voted in Favor. Motion Passed.**

Request for Reimbursement – BL-18- The Board's hydro-geologist also indicated his review of water tests does not support this was caused by salt in water.

**Motion made by Director White, Seconded by Director Ritson to deny request for payment of a new water heater based on the expert opinion received that the salt did not create the failure of the homeowner's water heater. All Directors Voted in Favor. Motion Passed.**

Recreation Committee Co-Chair – President Bennett indicated that Director Glamann did not agree to be the Co-chair of the Recreation Committee. This is now an open position on the Committee.

NEW BUSINESS

Tree Removal Requests:

Director Fredrickson summarized his review of the application and property recommending that the Board take following actions:

Falzone – There are six trees that the homeowner claims insurance is requiring him to remove.

He only saw one that may be a problem. Deny this request.

Larick – Acceptable to approve

Glamann – Acceptable to approve

Bartomeo – Acceptable to approve

**Motion made by Director White, Seconded by Director Fredrickson to approve the Larick, Glamann and Bartomeo tree removal requests. All Directors Voted in Favor. Motion Passed.**

**Motion made by Director Fredrickson, Seconded by Director Martin to Deny the Falzone tree removal request since it did not comply with our Tree Removal policy. Director McConnon voted No. All Other Directors Voted in Favor. Motion Passed.**

- Child Clearance Requirement – The issue of whether or not we should proceed with doing a background check on anyone that works with the youth in the community was discussed. Director McInerney will research information and report at October meeting.
- Leadership Workshops – noted the various programs available to aid board in different programs.
- Request for Corporate Documents – Fattorusso

**Motion made by Director White, Seconded by Director Livingston to release, if a report or file is available, data requested by Mr. Fattorusso. All Directors Voted in Favor. Motion Passed.**

- Upper Birchwood Lake Dam Causeway – Community Manager Bettye White requested guidance from the Board on whether or not we wanted to proceed with a causeway out to the island. She noted permits will be required for this, and will involve outside agency reviews and approvals. Director Ritson said we should stockpile the stones for possible use within our community. Board agreed not to proceed with a causeway plan.
- Clubhouse HVAC Maintenance - Community Manager Bettye White said we received 2 quotes. After discussion, it was decided to set this up as a bi-yearly schedule for both air conditioning and heating system (Fall and Spring).

**Motion made by Director White, Seconded by Director Livingston to approve Pike County Plumbing to service the system in the Fall at a quote of \$259 for maintenance services (plus parts). All Directors Voted in Favor. Motion Passed.**

- Safe Deposit Box Inventory

Directors White and Martin and President Bennett will conduct the safe deposit box inventory this month. President Bennett will coordinate.

- Request for Payment Plan – 041-014 & 015-0600

**Motion made by Director Livingston, Seconded by Director White to approve a payment plan requiring homeowner to pay \$500 as a lump sum payment, that they pay \$142 per month for current dues over next six months, as well as another \$50 per month for arrears past due. Director McConnon voted No. All other Directors Voted in Favor. Motion Passed.**

- Request for Payment Plan – 092-005 & 014-1200

**Motion made by Director Ritson, Seconded by Director Livingston to approve a lump sum payment of \$800 with a monthly payment plan requiring homeowner to pay current dues of \$142, and past dues monthly payment of \$200. Director McConnon voted No. All Other Directors Voted in Favor. Motion Passed.**

- Request for Payment Plan – 073-008- 0900

**Motion made by Director Livingston, Seconded by Director Ritson to approve a payment plan, subject to his current year’s dues being paid by October 1st, amounting to a lump sum payment of \$500 and a monthly payment of \$150. Director McConnon voted No. All Other Directors Voted in Favor. Motion Passed.**

- Re: 040-050-0600

**Motion made by Director Ritson, Seconded by Director Livingston to resend the deedback policy to the owner. Should the owner not be interested in pursuing this, then the homeowner must submit payment of past dues owed BLCA. All Directors Voted in Favor. Motion Passed.**

- Resolution Committee Chair Extension of Term

**Motion made by Director Ritson, seconded by Director Martin to approve extending Nancy Halliday for Resolution Committee Chair (extended term) due to lack of volunteers for the position. All Directors in Favor. Motion Passed.**

- DEP Salt Update

President Bennett summarized the calls relative to tank installation, noting she also spoke with John Hannigan from DEP who is satisfied that we are progressing. He did get several calls from legislative inquiries, and was able to address those calls. One of the recommendations offered is to go to a 72 hour vs. 48 hour test based on recommendations by our experts. One of these residents had a failed pump that was replaced; the other homestead is presently without water but is a seasonal owner and both are receiving bottled water.

**Motion made by Director Ritson, Seconded by Director Livingston to approve a 72 hour pump test and to approve a Moyer invoice for the work on the 2 wells BL-3 and BL-4 using Moyer pumps at \$14,465. All Directors Voted in Favor. Motion Passed.**

Discussion on how to accommodate the homeowner in home that will be without water ensued, with a decision that this will be reviewed and handled through an Action without a Meeting.

Exploratory well permit approved and ready to schedule.

Two water tank agreements were developed by our attorney for BL-3 and BL-4. Before they are executed, several changes will be noted.



**Motion made by Director Ritson, Seconded by Director Martin to approve execution of the agreements subject to the agreement wording being corrected to indicate ‘Will provide water as needed’, and that the one agreement clearly specify ‘owner understands and acknowledges agreeing to allow adjacent home to connect to and use this water tank supply. All Directors Voted in Favor. Motion Passed.**

Community Manager Bettye White indicated that Moyer has indicated that if our maintenance does the laying of the discharge pipe, they will deduct \$700 from the cost. They agree to supply all materials and will be on site. It was agreed Maintenance can provide this service.

The Moyer quote for installation of a greensand filter was discussed. We will use a water company to fill the water tank until internal service can be provided. The water at the clubhouse is potable and will be used after the initial fills.

**Motion made by Director White, Seconded by Director Ritson to approve payment to Moyer for \$ 2,486.01 for installation of a greensand filter, and for purchase of the 500 gallon water tank. All Directors Voted in Favor. Motion Passed.**

**Motion made by Director Ritson, Seconded by Director Fredrickson to approve Blue Hawk Water Company to haul potable water to BI-3 and BL-4 until clubhouse well and tank is available at a cost of \$350 per delivery. All Directors Voted in Favor. Motion Passed.**

September 25<sup>th</sup> is the next date for the scheduled quarterly water testing.

Four potential lots have been identified that may work for the possibility of installing a shared well. Surrounding homes will be contacted for their survey data. Finalizing this task will be done through an Action without a Meeting.

President Bennett indicated we should set up another homeowner’s meeting in late October.

Request for Water Testing discussed. BL29 and BL30 requested that they be included in the field testing tests.

**Motion made by Director McInerney, Seconded by Director Ritson to approve baseline testing on BL29 and BL30 if recommended by Brian Oram. All Directors Voted in Favor. Motion Passed.**

Lake Management Recommendations:

Director Ritson summarized concerns that leaves are being blown into the lakes noting we should look at this for future rules and regulations. Some lakefront owners have large dead trees lying in the lakes that must be removed. We should have all boats registered and he requested that reminders go on the website and in the late spring/summer newsletter. There are boats on the lakes without decals and people without badges.

Director Ritson asked the Board to consider a catch and release program. He questioned if we should consider treating weeds in the lakes in the Fall with remaining monies in the budget since weeds and

water lilies are overgrowing. Board agreed that some of these items should be looked at, also agreeing to have a Catch and Release Program in the community.

**Motion made by Director Ritson, Seconded by Director McInerney to post before Spring that this community is. Catch and Release only. All Directors Voted in Favor. Motion Passed.**

The other issues were directed to the Rules and Regulations Committee.

Storage of documents: Discussion ensued on concerns of loss of records and how to deal with storage of our documents. Community Manager Bettye White indicated files can be removed after 7 years and there are new laws safeguarding official records. The Board asked that Community Manager Bettye White begin research on microfiche or digital archiving.

#### COMMUNICATIONS, WRITTEN & ORAL

None

#### MISCELLANEOUS

- Blboard Correspondence – Alex Thomas letter was a sales request.
- Barbara Lopes – Respond that the By-Laws will review.
- John Correspondence – Community Manager Bettye White responding.

**Motion to adjourn meeting at 10:45pm made by Director Martin, Seconded by Director White. All Directors Voted in Favor. Motion Passed.**

Respectfully submitted,

Linda White  
Secretary