

Birchwood Lakes Community Association
Regular Board Meeting Minutes
December 8, 2012
Clubhouse

Present: Clare Bennett, President, Linda White, Secretary, Marcella Livingston, Treasurer, Charles Ritson, Carl Fredrickson, Thomas McConnon, Carolyn Martin, Joanne McInerney, Vice President (arrived at 9:30am)

Absent: Director Glamann

President Bennett opened the meeting at 9:00am with the Pledge of Allegiance.

APPROVAL OF THE MINUTES FROM PRIOR MEETINGS

- November 9, 2012 Regular Board Meeting

Motion to approve the Regular Board Meeting Minutes from November 9, 2012 made by Director Martin, Seconded by Director Fredrickson. All Directors voted in Favor. Motion Passed.

- November 14, 2012 Action Without A Meeting

This Action without a Meeting is to approve Sequoia Tree to remove downed trees and stumps from the Doolan Road Entrance from Hurricane Sandy for no more than \$4700.00, as it is a safety hazard for the bus stop children. Take \$4700.00 from Admin. Payroll Acct. #6110-001 to pay for tree cleanup. Director McConnon abstained since he hadn't reviewed transfer. All Other Directors Voted in Favor.

- November 14, 2012 Action Without A Meeting

This Action without a Meeting is to approve the transfer of \$500.00 from Acct. #6110-003 Recreation/Payroll to Acct. #7060-004 R&M Gates/Security for payment to Flair for gate boards. All Directors Voted In Favor.

- November 16, 2012 Action Without A Meeting

This Action without a Meeting is to approve the transfer of \$289.00 from Acct. #6110-003 Recreation/Payroll to Acct. #7090-003 R&M Signs/Recreation for payment to Signs on Anything for pool rule sign. Directors McInerney, Fredrickson, and McConnon were unavailable. All Other Directors Voted in Favor.

- November 26, 2012 Action Without A Meeting

This Action without a Meeting is to approve the transfer of \$500.00 from Acct. #6110-001 Administrative/Payroll to Acct. #80170 Reserves/Security Cameras. Amount in account - \$2019.64; Bill- \$2515.38 Balance shortfall- \$495.74 (10% over + \$201.96). Director Glamann was unavailable. All Other Directors Voted in Favor.

- November 30, 2012 Action Without A Meeting

This Action Without A Meeting is to approve the 2013/2014 Budget with a \$75 increase with a breakdown of \$35 for operating and \$40 extra for Reserves. This budget is approved to send in the December 2012 Mailing for Membership Vote. Director McInerney voted no. Director Glamann was unavailable. All Other Directors Voted in Favor.

Motion to approve the above five (5) Actions Without a Meeting made by Director Martin, Seconded by Director Livingston. All Directors voted in Favor. Motion Passed.

TREASURER'S REPORT

Director Livingston presented Treasurer's Report.

- Write-offs

Lot 76, Block 97, Section 13 (due to bankruptcy)	Total \$ 370.68
Lot 38, Block 97, Section 13 (due to for settlement)	Total \$2,929.81
Lot 39, Block 97, Section 13 (due to settlement)	Total \$ 759.71
Lot 37, Block 97, Section 13 (due to settlement)	Total \$ 759.71
Lot 16, Block 101, Section 14 (due to settlement)	Total \$2,929.81
Lot 17, Block 101, Section 14 (due to settlement)	Total \$ 759.71
Lot 15, Block 101, Section 14 (due to settlement)	Total \$ 759.71

TOTAL WRITE OFFS: \$9,269.14

Motion to approve the above seven (7) Write-Offs totaling \$9,269.14 made by Director Livingston, Seconded by Director Fredrickson. All Directors voted in Favor. Motion Passed.

Sweetfern – Mr. Palma brought a drainage issue in front of his driveway to the Board's attention. There is no culvert along Sweetfern and the road appears flat. In reviewing the photos it appeared that the homeowner's driveway dipped. The homeowner indicated he does fill his driveway with modified but it washes away. Director Ritson stated that we had a drainage study performed on our roads and that Sweetfern was not indicated as having a drainage problem on that report. President Bennett told Mr. Palma that when our engineer was on-site again we would have them review Sweetfern. President Bennett will contact Mr. Palma after this review is conducted.

- Collections

Director Livingston summarized collections noting there were 18 civil complaints filed, 2 certified judgments, and that payment plans are being reviewed. She indicated that they had met with one individual who requested a payment plan, who made an initial payment of \$500 and \$250 for December and \$250 a month. A meeting with another delinquent member is scheduled for next week. 8 delinquent property owners were contacted but only two responded. Additional contact calls will be made.

Delinquent cases over \$12,000 cannot be filed in local court, having to file at the higher county court level. It was considered lowering the amount past due and try to keep it under \$12,000 and keep it in local court. There are three cases that have large fines which takes them over the limit, most of which are for untidy properties. Discussion ensued. The question facing the Board was should we consider reducing the fines?

We have four properties that are lots and out of state ownership. It was decided to leave these in abeyance, since taxes are not being paid, and these would probably go to tax sale at which time we should be able to purchase them. After 90 days of non-collection on notices on vacant lots, we can send the deed back policies and maintain this practice as part of our normal business operations. We will write to these owners on deed back options noting that they are responsible for payment of taxes.

Director McInerney entered at 9:30am.

39 houses still do not have judgments. Directors Ritson and McConnon asked how we compare in expending funds on collecting these monies. Director Livingston indicated we spent \$6,300 out of 10,000. We collected fees of \$2,900 so we are collecting under half of what we put out. It was felt this is a matter that should be a workshop meeting in the future. Discussion ensued on payment plans, requiring justification by delinquent owners as to their inability to comply with payment plans. Director Ritson felt we should go back to getting collection reports as part of our packages.

MANAGER'S REPORT

In lieu of Manager's report, President Bennett submitted a President's Report attached to original minutes.

We just received a letter from PADEP that the application for the Upper Lake Dam permit was denied. President Bennett will follow up with Chuck Givler on Monday as to why and what needs to be completed.

PENNDOT update on permit for the 739 Entrance was discussed. President Bennett summarized discussions held by our engineer with PENNDOT. She indicated they are not open to delinquent accounts, but are not opposed to volunteerism in order to lower the vehicular traffic during peak hours. Discussion ensued on how we will proceed with this option. Director Ritson said we should pursue all three avenues: delinquencies, volunteers, and moving/installing a guest gate at Doolan. The Board suggested President Bennett write a letter to include in the upcoming membership mailing updating Members on the 739 Entrance issue and asking for volunteers. President Bennett informed the Board that in discussion with our engineer she was informed that the highway occupancy permit, once obtained, would be contingent upon some minor upgrades and/or repairs at several of the entrances.

Director McConnon spoke on the recycling center denial and information Birchwood gathered to present to the Zoning Board, voicing appreciation for defending our position on this type of activity. This application was denied by the Zoning Board.

The Board discussed listing delinquent names in the Birchwood newsletter. It is done by other Communities. Our attorney suggested we not pursue this as it could open us up to a legal problem if we print someone's name in error.

The copy machine at the office is breaking down on a regular basis. The Board agreed that we obtain quotes for a new copier. Our new manager will have a list of things needing resolution, this being one of them.

There were 8 citations issued in December. President Bennett reviewed the report issued by Legion.

COMMITTEE REPORTS

- *Proposed Government and Regulatory Advisory Committee*

The Board reviewed the narrative from Director Glamann. AOCA, Township and CAI meetings are alliances of the community that should be attended. Someone on this committee should go to these types of meetings. Director White felt the wording was adequate to respond to information

we need. President Bennett felt that attendance at these community type meetings should be part of this committee's mission and will refer it back to Director Glamann for revision.

- *Lake Management Recommendations*

Director Ritson offered information following up on issues discussed at the November Board meeting. Two recommendations from the LMC require Board approval to utilize dollars from our unspent 2012/ 2013 budget line for lake treatments. Specifically, it was recommended that we purchase in advance sufficient GooseStopper to perform four treatments on each of our beaches and adjacent grassy areas during the 2013 swim season. The treatments would be completed at the end of May, June, July, and August so as to encompass the major holidays/ usage periods. And, that we implement a trial biological control program in Middle Lake in the late spring of 2013 using hybrid grass carp. This program would require a permit application to PA Fish & Boat, installation of a one inch mesh screen over the present "trash rack" on the outlet, and purchasing in advance a nominal number of fish from a certified hatchery for stocking in May/ June. The costs for these two programs are as follows:

GooseStopper: \$110.25 per gallon of concentrate X 4 units + shipping @ \$34.85 + tax @ \$28.55 = Total \$504.40

Grass Carp Trial: Permit application @ \$75 + 1 inch mesh screen @ Estimated \$100 + 25 grass carp @ \$375 = Total \$550

Permit is three pages, typical amount of fish would be around ten fish per acre, meaning about 85 grass carp. Director Ritson indicated we should start with about 25.

We have \$4,000 left in this year's Lake Management budget, so we can proceed with these items, as well as purchasing additional signs that are needed. We will order the fish under this year's budget, but won't receive them until late spring. Director Ritson felt we need ten signs for fines associated with our Catch and Release program. Larger signs are \$35 and smaller signs for fine notation will total around \$200. (Sign will say 'fine of \$100 per fish').

Director Ritson asked that we impose immediately a fine for violating our Catch and Release Program especially with ice fishing that may begin. Discussion ensued. It was decided to put a flyer in boxes and on bulletin board and an article in next newsletter.

Motion made to impose a \$100 per fish effective January 1st as part of our Catch and Release Program made by Director Ritson, seconded by Director McInerney effective January 1st. All Directors Voted in Favor. Motion Passed.

Director Ritson moved that we purchase ten signs advising of the violation fine of \$100 imposed under the Catch and Release Program with a cap not to exceed \$250, purchase the GooseStopper for \$504.40, and purchase the fish carp and obtain the permit for approximately \$550; not to exceed total expenditure of \$1,300. Seconded by Director Martin. All Directors Voted in Favor. Motion Passed.

- *Proposed By-Laws Changes for Community Vote*

Director McInerney reviewed proposed changes and asked the Board to approve sending to the Membership for vote.

Motion made by Director Ritson, seconded by Director McInerney to include the proposed By-Laws changes in the upcoming mailing for Membership vote. All Directors Voted in Favor. Motion Passed.

Recreation: December 16th Breakfast with Santa from 9-11:30am at the Clubhouse.

Clarification of Rules and Regulations Change

Director Martin noted the committee met on December 1st and reviewed commercial vehicles, adding d and e under Section 98-20-3, commercial vehicles (exceptions for ten ton trucks) as requested by the Board.

Motion by Director McInerney, seconded by Director Martin to amend Rules and Regulations providing for changes to Section 98-20-3 adding D and E, restricting commercial ten ton trucks during the 8 week spring thaw with a \$1,000 fine for violation. All Directors Voted in Favor. Motion Passed.

Beautification Committee - Director Fredrickson decorated the interior of Clubhouse, as well as the 739 Entrance. Director Fredrickson noted that there is no electricity to allow decorating at the Doolan Road and Silver Lake Road entrances.

Resolution Committee - The Resolution Committee Report was received and discussed. Board members would like to see these reports on a regular basis. An explanation was given regarding dismissal of some of the complaints. These dismissals occurred as the public safety officer who issued the citations was no longer assigned to Birchwood.

We have an Emergency Action Plan in place for dams, but we do not have a resident program in place. Many of our residents do not want to list their names, but this type of program needs to be put in place for future emergencies. President Bennett referred it to the Community Safety Committee and advised that Public Safety Site Supervisor, Tom Maslin, has some suggestions to share with the committee. We will also cover this in our next newsletter.

PAYMENT OF BILLS

- Budget Transfers: Duane Moyer Well Drilling – \$1,570 from account #6110-003 Rec/Payroll to account #7020-003 Rec/R&M buildings

Motion made by Director Livingston, Seconded by Director McInerney to approve budget transfer, transferring \$1,570 from account #6110-003 Rec/payroll to account #7020-003 Rec/R&M buildings. All Directors Voted in Favor. Motion Passed.

Director Ritson requested we take a water test at the clubhouse with the improvements to the greensand filter to determine the quality of the water. President Bennett said she will ask Brian Oram to sample when he is taking quarterly samples later this month.

OTHER UNFINISHED BUSINESS

- *Budget*

Budget was approved by Board and will go out in the membership mailing later this week. There will be a \$75 increase in dues.

- *Request for Reimbursement* – 038-017-0600 – open issue from last month.

Motion by Director White, seconded by Director Fredrickson to approve request for reimbursement of \$500 subject to receipt of a Confidentially Agreement by homeowner. Director Martin and Director McInerney voted No. Director McConnon abstained since he does not agree with the tree guidelines. All Other Directors Voted in Favor. Motion Passed.

NEW BUSINESS

- Tree Removal Request – Celentano

Motion made by Director Livingston, Seconded by Director Fredrickson to approve Celentano Tree Removal Request. Director McConnon abstained due to his opinion on the tree guidelines. All Other Directors Voted in Favor.

- Community Shredding Day

Director Livingston indicated the Office has a great deal of shredding material in the office. Spoke to a company that is interested in doing a community shredding event. Several options discussed. One option is having a community wide shredding program involving a half day and Members pay \$10 a box for their shredding. We will obtain more information and set up some date options once the new Community Manager starts.

- Board Review Panel

Directors Martin, White, and Livingston will sit on this panel. A date will be set for sometime in January.

- Duane Moyer Well Drilling Estimate for BL-3

Two estimates received: sump pump and related work for installation of sump pump for hauling of water, and monitoring switch from exterior wall. The Board decided to hold off on a decision on the estimate for \$1,451.

President Bennett updated the Board on issues of water hauler and upcoming temperatures. Our current water hauler lent us a 1,250 gallon tank which is now hooked up to the existing water tank. This will eliminate the need for weekly water deliveries.

- Salt Shed update

President Bennett updated the Board, noting that the static water testing and 72 hr. pump test were completed. We will need to wait for the results of this test to come back from Brian Oram, but it is anticipated that it was not as successful as we hoped since the yield from the wells were not as high as expected and one of the wells dried up briefly.

As for the modification of the Maintenance Yard well, President Bennett is seeking Board approval for a step test on this well before we begin the proposed modification, to determine if the existing depth will be acceptable. We are going to do a step test, and run a one day test to see what is the yield at the existing depth on the maintenance well. If it is a good yield, we will put packers in at existing depth, and leave it as is. Depending on the outcome, we will know whether we should dig deeper, or can we do what we want to do at the existing depth.

Motion made by Director Ritson, Seconded by Director Fredrickson to approve the step test on the existing maintenance well for \$750, as long as this amount encompasses all costs for discharging well water. All Directors Voted in Favor. Motion Passed.

Another estimate reviewed involved testing of the soil on the maintenance site to allow us to proceed with removal of the soil from this site. It is necessary to have a TCLP test done to determine lead and arsenic levels in it. Two soil samples will be taken for \$1,281.36 by HAWK Mtn Labs Inc.

Director Ritson made a motion to approve \$1,281.36 for HAWK Mtn Labs Inc. for testing of the material to allow soil removal to commence. Seconded by Director White. All Board Members Voted in Favor. Motion Passed.

President Bennett indicated we received an estimate of \$20,037 from Moyer for two 600' test wells on the two lots that we are considering for a central well location. President Bennett called two other companies for estimates. No response received. President Ritson asked how the estimate is adjusted if they hit water sooner than at 600'. We should get other estimates, and we should also talk to Moyer about reduction of price quoted, and obtain additional information on what if we hit water sooner than 600'.

Brian Oram will be in mid-December for quarterly lab testing.

- TekCollect – Collections Agency

President Bennett indicated this was someone who contacted us. Discussion ensued. We have a collection person on staff, no interest at this time.

- Request for Payment Plans - 074-012-09

Balance due is \$10,997.50. Civil complaint was filed. Willing to pay \$100 a month, which means 110 months of payment, and then come this May 1st, more costs are incurred. It was decided this individual needs to come to the office and meet with staff to support financial inability of meeting payment plan.

- 102-002-14

Balance due is \$2,222.33, wants to pay \$80 a month, already sent in \$25 and \$100 on payment plan; resident indicated she agreed that some months will pay more than \$80 noting she wants to finish past due payments by this April. Board agreed to terms.

MISCELLANEOUS

- KML Law Group Correspondence

This matter was originally tabled waiting to hear back from the attorneys, who now upped the offer to \$5,341.13 for settlement of past dues/fines. They owed \$7,500. Background was given, noting it was a mortgage company that obtained property. The only amount we lose is \$1,675. Some of these monies were mostly fines for untidy property.

Director Livingston made a motion to accept KML Law Group settlement offer of \$5,341.13, seconded by Director Martin. All Directors Voted in Favor. Motion Passed.

- 088-003-1200 Correspondence – when we do camera survey, he would like permission to replace his pump at his cost at that time.

Director Ritson moved we approve the member's request that he can install a new pump at his cost during the camera survey of his well. Birchwood will cover the cost of pulling up the pump and returning the pump as we would have for the camera survey anyway. Any fees/costs associated with the replacement beyond what we would have paid for the camera survey will be the responsibility of the homeowner. Seconded by Director Martin. Director Livingston voted No. All Other Directors Voted in Favor. Motion Passed.

- 034-014-0500 Correspondence

This individual asked to pay off his past dues in labor. Resident has general knowledge of home maintenance and repair, construction work from driveway repair to sheetrock. Discussion resulted in a request that this resident be advised that we no longer provide this option.

- 082-002-1000 Correspondence

This is relative to repairs made, indicating salt contamination exists, and his request for reimbursement of plumbing parts. Reports on file from water testing indicated there is no salt contamination on this site based on studies we did in this area.

Motion made by Director White, seconded by Director Livingston, to deny request for repair bill based on lack of supporting data indicating that salt contamination created the problem. All Directors Voted in Favor. Motion Passed.

- 080-030-1000 Correspondence

Member contacted us on new well, and will it be the onus of the community to maintain common well or will homeowners be charged with a special assessment. If these common wells become a regulated well, we will have to hire a licensed operator. Reply at this time is premature.

- Rules and Regulations

It was requested that we add a sentence under Section 1 relative to our existing wording within the request for an appeal document, which says resident will be notified of time/place and time. It is recommended that we add one additional sentence to clarify that should a member be represented by an attorney, that it will be necessary to have our attorney present at the time of the Resolution hearing.

Motion made by Director Ritson, Seconded by Director White, to amend Section 1 on Appeals to add clarification that should a resident be represented by an attorney, that the BLCA attorney will be required to attend said appeal hearing. All Directors voted in Favor. Motion Passed.

Weaver – Treasurer Livingston indicated there are numerous judgments on this lot. Our attorney indicated the costs of domesticating the judgment. The attorney also suggested that we retain NJ attorney Cohen on a contingency basis with a 30% collection fee.

Motion made by Director Livingston to approve \$200 up to \$1,000 for domesticating the judgements on the property in NJ. Seconded by Director White. All Directors Voted in Favor. Motion Passed

Motion made by Director Livingston seconded by Director White to retain NJ attorney Cohen on a contingency basis with 30% collection fee subject to his response as to whether there are other mortgages. All Directors Voted in Favor. Motion Passed.

President Bennett indicated she was contacted by a new resident who purchased a HUD home, noting he is having a problem with HUD who will not sign off on the Memorandum of Assignment. We require this for issuance of badges and access cards. We also have not received a recorded deed.

Motion by Director Livingston, Seconded by Director McInerney to permit access cards be issued to this resident while we await a recorded deed. All Directors Voted in Favor. Motion Passed.

Tree removal costs and payment requested by Sequoia for removal of trees on West Shore discussed. President Bennett summarized our work order, noting Sequoia was to remove 3 trees on West Shore, two were lying on member's house, and one was across wires over another member's house. She noted she received an invoice for removal of about ten trees for over \$16,000. She contacted Sequoia indicating the problem with bill and removal of trees outside scope of work. They are reviewing the bill and will re-submit.

Office move is on hold until new Community Manager is hired.

Motion made by Director McInerney, Seconded by Director Fredrickson to adjourn Regular Meeting. All Directors Voted in Favor. Motion Passed.

Meeting Adjourned at 11:45am

Respectfully submitted,

Linda M. White
Secretary