

Birchwood Lakes Community Association, Inc.
Regular Board Meeting Minutes
January 12, 2013
Clubhouse

Present: Clare Bennett, President, Joanne McInerney, Vice President, Marcella Livingston, Treasurer, Carl Fredrickson, Thomas McConnon, Carolyn Martin, Leonard Glamann, Directors

Absent: Linda White, Secretary; Charles Ritson, Director.

Also Present: Bonnie Siple, Community Manager

President Bennett opened the meeting at 9:05am with the Pledge of Allegiance

President Bennett welcomed the new Community Manager, Bonnie Siple. She stated that Ms. Siple just assumed the position of Birchwood's Community Manager the previous Monday and was in the process of learning the policies, procedures and activities of the Association.

APPROVAL OF THE MINUTES FROM PRIOR MEETING

- December 8, 2012 Regular Board Meeting

Motion to approve the December 8, 2012 Regular Board Meeting Minutes made by Director Martin, seconded by Director McInerney. All Directors voted in favor. Motion Passed.

- December 11, 2012 Action Without A Meeting

This Action Without A Meeting is to approve one of the bids below for the drilling of the exploratory wells for the purpose of determining if either sites is suitable for the communal well. The bids are for two wells at 600 ft deep with 100 ft of casing. 6" drilling, 6" casing,

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|----|--|--------------------------|
| A. | Craig Williams Drilling
1200ft of drilling @ \$8/ft
200ft of casing @ \$14/ft
2 sanitary well caps @ \$100ea
2 Drive Shoes @ \$100 ea | Estimate Total: \$12,800 |
| B. | Duane Moyer Well Drilling
6" drilling at \$10.75/ft
6" casing @ \$15/ft
6" Locking well cap @ \$75 each | Estimate Total: \$16,050 |
| C. | Greg Sorber Well Drilling
6" drilling @ \$10/ft
6" casing @ \$15/ft
2 Drive shoes if needed \$130
Mobilization & demobilization @ 1,500
Silt fence for containment of drilling material @ 300 | Estimate Total: \$16,930 |

If your vote is a YES please indicate Bid Option A, B, or C.

All Directors were contacted. Director Glamann abstained due to a conflict of interest. Three Directors voted for Option A. Five Directors voted for Option B. Motion Passed with Option B.

- December 18, 2012 Action Without A Meeting

Action Without A Meeting is to rescind the Action Without A Meeting of November 26, 2012. Corrected payment for camera upgrades and repairs as follows:

Cost for upgrades: \$2113.00 + \$126.78 tax to be paid from Reserve Acct. #80170.

Cost for repairs/focus to be paid from Operating Acct. #7060-004 Security/R&M Gates. Cost \$260.00 + \$15.60 tax. Transfer \$275.60 from Acct. #7850-004 Security/Equipment Purchase to Acct.# 7060-004 Security/R&M Gates. All Directors were contacted. Director Fredrickson was unavailable. All other Directors voted in Favor.

- December 21, 2012 Action Without A Meeting

This Action Without A Meeting is to transfer of \$725.00 from Acct. #80420 Reserves/Upper Birchwood Lake Dam to Acct. #80410 Reserves/Upper Birchwood Lake Dam Permit to pay Hanover Engineering for review of plans and permit application. All Directors were contacted. Director Glamann was unavailable. Director Ritson voted No. All other Directors voted in Favor.

- January 3, 2013 Action Without A Meeting

This Action Without A Meeting is to approve the transfer \$1100.00 from Acct. #6110-001 Admin/Payroll to Acct. #7060-004 Sec./R&M Gates for payment to Eastern Alarm for Camera, cables at Doolan Gate and repairs. All Directors were contacted. Secretary White was unavailable. All other Directors voted in Favor.

- January 3, 2013 Action Without A Meeting

This Action Without a Meeting is to approve the transfer of \$2000. from Acct. #7330-001 Admin./Legal to Acct. #7340-001 Admin./Collection for payment to Newman, Williams for attorney/sheriff foreclosure fee (Falcone). All Directors were contacted. Secretary White was unavailable. All other Directors voted in Favor.

Motion to approve the above five (5) Actions without a Meeting made by Director McInerney, seconded by Director Martin. All Directors voted in favor. Motion Passed.

TREASURER'S REPORT

Treasurer Livingston provided the bank balances and income and expense reports.

Write-offs – There were no write-offs this month.

Budget Transfers

Motion made to rescind the above Action Without a Meeting dated December 21, 2012 by Treasurer Livingston, seconded by Director Martin, as it was later determined the invoice was not in relation to the Upper Birchwood Lake Dam Permit. All Directors Voted in Favor. Motion Passed.

Motion to approve the transfer of \$500 from A/C #7430-006 Lakes/Environmental Services to A/C# 7640-004 Security/Postage. Motion made by Treasurer Livingston, seconded by Director Fredrickson. All in Favor. Motion Passed.

Motion to approve the transfer of \$420 from A/C #6210-003 Recreation/Payroll to A/C #7240-003 Recreation/Telephone. Motion made by Treasurer Livingston, seconded by Director Fredrickson. All in Favor. Motion Passed.

Motion to approve the transfer of \$900 from A/C #7620-003 Recreation/Supplies to A/C #7210-003 Recreation/Heating Fuel. Motion made by Treasurer Livingston, seconded by Director Fredrickson. All in Favor. Motion Passed.

Collections

Treasurer Livingston provided an update on collections. Final Notice letters were sent to 14 homeowners. Ten civil complaints were filed and several court dates were coming up. Judgments have been received on 8 accounts.

Treasurer Livingston asked the Board to approve sending eight accounts over \$12,000 to County Court as they do not fall under District Court jurisdiction.

Motion to approve sending eight delinquent accounts each over \$12,000 to County Court made by Treasurer Livingston, seconded by Director Martin. All in Favor. Motion Passed.

Treasurer Livingston requested that the fine structure relating to Untidy Properties be referred to Rules and Regulations for review. She stressed that the daily \$25 fine is onerous and some of the accounts over the \$12,000 were so high because of this daily fine. President Bennett referred it to Rules and Regulations to consider changing from a daily fine to a weekly or monthly fine.

MANAGER'S REPORT (Attached to Minutes)

President Bennett provided a report in lieu of the Community Manager's Report. She noted that the new Community Manager will provide a monthly report going forward.

COMMITTEE REPORTS

Roads and Maintenance Committee – Meeting is scheduled for January 19th, 9am in the Office Kitchen.

Rules and Regulations – Meeting is scheduled for February 8th at 8pm.

By-Laws – Meeting is scheduled for February 8th @ 7pm.

Recreation – Director Fredrickson noted with disappointment and frustration that the Christmas Breakfast was poorly attended by volunteers and members. President Bennett stated that we may have to review recreation activities if attendance and volunteers continue to be poor. She noted that it takes a great deal of time and effort to put together and work these events and if we do not have enough volunteers we cannot keep putting on these events.

Vice President McInerney stated that she will get the recreation calendar from the office and begin work on the calendar for the upcoming year.

Community Safety – Director McConnon is unable to call a formal committee meeting due to lack of volunteers. An informal meeting was held by the two committee members.

Budget & Finance – The Committee does not need to meet at this time as the proposed budget has been sent to the Membership. Meetings will resume in a couple of months to begin review of potential reserve items.

Beautification – Director Fredrickson stated that he took down the Christmas decorations.

Director Ritson is asking the Board to consider renting the Dino Six from EcoSolutions for future use to remove the peat piles in areas of the lakes. He also asked that we schedule an end of season meeting with Eco Solutions. President Bennett stated that he could go ahead and set up that meeting.

Proposed Government and Regulatory Advisory Committee – The Board discussed the formation of this committee. Director Glamann said that he did not believe we would get volunteers to serve on this committee if they had to attend meetings. President Bennett suggested that if members of the committee are not willing to attend meetings such as Township or AOCA meetings and report back on those meetings then she did not see the value of such a committee.

PAYMENT OF BILLS

Motion to approve the transfer of \$600 from A/C #7620-007 Office/Supplies to A/C #7020-007 Office/R&M for payment towards Williams Well Drilling for office well pump replacement and other well work, invoice total \$1,689.65. Motion made by Treasurer Livingston, seconded by Director Fredrickson. All in Favor. Motion Passed.

Motion to approve the transfer of \$412 from A/C #7980-007 Contingency to A/C #7370-001 Admin/Dam Inspections for payment to Chuck Givler for dam inspections, invoice total \$1,104. Motion made by Treasurer Livingston, seconded by Director Fredrickson. All in Favor. Motion Passed.

OTHER UNFINISHED BUSINESS

Salt Update

President Bennett informed the Board that Moyer Well Drilling has been hired to dig the two exploratory wells and the permits have been received from the Township. They will also be doing a step test on the existing maintenance well. They are expected to be in to perform these activities the end of January.

Quarterly Lab Testing was conducted by Brian Oram, Hydro-geologist on December 17th and 18th and we should be receiving those results in a couple of weeks. We are waiting for the results of the 72 Hour Pump Test.

Camera Surveys are also expected to be done by Moyer Well Drilling on two wells the end of January. These were postponed from December due to the holidays and homeowner availability.

NEW BUSINESS

Tree Removal Request – Stevenson

Motion to approve the Tree Removal Request from Stevenson made by Treasurer Livingston, seconded by Director Fredrickson. Director McConnon abstained because he does not agree with the policy. All other Directors voted in favor. Motion Passed.

Community Shredding Day

Treasurer Livingston and Community Manager Siple reported on information they received from a vendor to hold a community-wide shredding day. It was noted that there is a large amount of paper that needs to be shredded in the office and these old papers are taking up a great deal of space. The vendor is willing to come for a full day or half day, but would like to know in advance how many people will participate. Community Manager Siple will develop flyers for the mail boxes and notice boards to advertise a date in February to sign up for the shredding. A fee will be charged per box.

A Member in the audience suggested we may want to burn the office papers at an off-site location rather than pay several hundred dollars to the shredding company. The Board agreed that if they did not receive Member feedback they would review this offer. It was noted that should we decide to avail of the offer to burn the materials the Community Manager and/or a Board Member should be in attendance to monitor the burning.

Judges of Elections

Motion to approve the Judges of Elections: Pat Collins, Janet Flaherty, Nancy Halliday, Darrell Hayes and Carolyn Todino for the vote count on January 25, 2013, made by Director Martin, seconded by Treasurer Livingston. All Directors voted in favor. Motion passed.

Dredging Study – Tabled to next month as we are waiting for further information.

BLCA Transfer of Ownership (094-052-1200) - The Member has decided not to sign his well pump over to Birchwood so that we can send it out to be examined so as to determine why it failed. The homeowner has indicated he will send it to be examined himself. The Board requests that he provide a copy of the examination report to the Association once he receives it. Community Manager Sipley is to set up a date and time to meet with the homeowner so that we can return his pump.

Upper Birchwood Lake Dam Permit Application – Our Dam Engineer, Chuck Givler, has notified the Association that PADEP/Dam Safety is requiring communities to obtain surveys of properties surrounding the dams under application. In our case we have to obtain surveys of about 40 plus properties around the Upper Birchwood Lake Dam. We are waiting to hear back from Mr. Givler on specifics as this is a new requirement. We will obtain estimates and discuss further at the next Board Meeting.

Foreclosures – Administrative Issues

President Bennett informed the Board that there have been increasing requests by banks or other financial institutions to obtain access to the Association. Policy has dictated to date that a Recorded Deed or Memorandum of Assignment must be provided to the Association before we update our records to reflect new property ownership. It appears that there are long delays in obtaining recorded deeds and many of these entities do not use a Memorandum of Assignment. In addition, foreclosures through Sheriff Sales appear to take even longer to process. Our Association Attorney recommends that we accept Sheriff Sale Documents or other legal documents that specifically name the new owner as proof of sale so that we can conduct business with these banks, obtain outstanding monies, and grant them access to the property so that they can repair them for resale.

Motion made to approve the acceptance of Sheriff Sale Documents or other legal documents as proof of new property ownership. These documents must specify the name of the new owner. The new owner must still notify the office of any third party access required or third party access will be denied by the Office. Motion made by Treasurer Livingston, seconded by Director Martin. Director Glamann voted No. All other Directors voted in Favor. Motion Passed.

Sequoia Invoice

President Bennett informed the Board that we had received an invoice for \$16,650 from Sequoia Tree Removal for work done on West Shore following Hurricane Sandy. The hurricane caused two trees from Birchwood property to fall on the roof of an adjoining property owner in one location and another tree was hanging on wires and threatening to fall on another home. President Bennett hired Sequoia Services to remove the three trees and signed an agreement. However, while the agreement specified the homes it did not state three trees and the contractor, Fran Stoveken, denies that he was told three trees in total. He stated that he knew when he viewed the sites with Maintenance that it was going to be more than three trees. President Bennett stated that he did not inform her of this at any point. He states that he kept staff informed on what he was doing throughout the work completed. President Bennett disagreed. It was also noted that several of the trees removed were on private homeowner

property and the Association would not have been responsible for those trees. Treasurer Livingston reminded Fran that he should have kept President Bennett informed and he should have told her it was more than three trees and that a bill this size would need entire Board approval. Director McConnon stated that he believed presenting such a bill and not discussing the scope and cost of the proposed work beforehand was poor business practice. Fran offered to do free work throughout the Community if we paid this bill in full. The Board agreed to offer Sequoia a settlement of \$6,500 but no more than \$8,000 for this invoice.

Motion to approve payment of \$6,500 but no more than \$8,000 in full settlement of the Sequoia Tree Invoice made by Director Martin, seconded by Director Fredrickson. All in Favor. Motion Passed.

Catch & Release Program – Inclusion in Rules and Regulations

Motion to approve the new Catch & Release Program in the Rules and Regulations under Section 98-60-37. Effective January 1, 2013, Birchwood Lakes Community Association, Inc., has instituted a Catch and Release Fishing Program in all four of our lakes.

- A. Includes all fish species, no exceptions.**
- B. Applies to all four lakes (Upper, Lower, Middle and East)**
- C. The fine for this violation shall be \$100.00 per fish.**

Motion made by Director Martin, seconded by Director Fredrickson. All in Favor. Motion Passed.

Rules and Regulations Changes for Committee

Section 98-50-12 – Untidy Property Fine – Referred to Committee for review.

BLCA Fee Schedule – Collections Fees (pg 18)

Motion to approve the following additional wording made by Director Martin, seconded by Director Fredrickson.

A COLLECTION FEE of \$300.00 will be charged to each member’s account that is processed for collection action. If the complaint amount is paid in full prior to a court hearing, half the fee, \$150.00 will be credited to the account. If a payment plan is initiated and successfully completed with or without a civil complaint being filed, half the fee, \$150.00 will be credited to the account. (The rest of the paragraph remains the same.)

All Directors voted in Favor. Motion Passed.

Review of Winter Roads Materials

President Bennett explained to the Board that Maintenance Supervisor, William Back, approached her following the recent snow storm to express concern about the poor quality of the Anti-Skid materials we are using from D&S. He noted that they had to make several trips during that storm to D&S because the product was not adhering and melting the ice. It was noted that the product was also causing clogging in the trucks because it is not stored in a dry location.

The Board reviewed samples of the anti-skid from both D&S and Dingmans Ferry Stone and noted that Dingmans Ferry Stone had a better product.

Motion to rescind buying our anti-skid from D&S and having Community Manager Siplely write them a letter notifying them of the reason for that decision, made by Director Glamann, seconded by Director Martin. All in Favor. Motion Passed.

Motion to approve Dingmans Ferry Stone as our vendor for anti-skid for \$75 a yard picked up at their salt storage shed on Route 739 as needed. Motion made by Director Glamann, seconded by Director Fredrickson. All in Favor. Motion Passed.

Office Renovation

President Bennett directed Community Manager Siplely to get estimates for the foundation, roof, windows and siding to repair the office building. She also directed Community Manager Siplely to continue the search for vendors for modulars and temporary walls at the Conference Room. Once all these estimates are received the Board can decide how to move forward.

The Board also discussed moving the kitchen wall back in the office to open up the hallway. Community Manager Siplely noted that this could possibly be done by Maintenance. She will discuss it with our Maintenance Supervisor.

Conference Room Floor

President Bennett directed Community Manager Siplely to obtain quotes to lay down flooring in the conference room, probably a vinyl flooring. Remnants were discussed as a possibility. However, Treasurer Livingston stated that the room will have to be measured as remnants may not be wide enough. She suggested that Pocono Interiors be researched along with Home Depot and Lowes.

COMMUNICATIONS, WRITTEN & ORAL - None

MISCELLANEOUS

- 051-005-0700 Correspondence – Community Manager Siplely to meet with Public Safety to discuss concerns.
- 101-002-1400 Correspondence – Referred to Association Attorney
- 013-002-02 Correspondence – Request for Payment Plan

Motion to approve lump sum payment of \$900 and monthly payments of \$200 made by Director Glamann, seconded by Treasurer Livingston. Director Fredrickson abstained. All other Directors voted in Favor.

- Rosemary Brown Letter dated 1/7/13 – The Board agreed that State Representative Rosemary Brown may host a yearly coffee meeting in the Association, have space in The Birchwood Voice for a legislative update column and that Birchwood would provide them with a community liaison. Community Manager Siple will write a letter informing Ms. Brown of the Board's agreement.

Motion to approve State Representative Rosemary Brown's requests in her letter dated January 7, 2013, made by Treasurer Livingston, seconded by Director Fredrickson. All in Favor. Motion Passed.

Motion to adjourn Regular Meeting at 11:55am made by Director Fredrickson, seconded by Director Martin. All Directors Voted in Favor. Motion Passed.

Respectfully submitted,

Linda White,
Secretary