

Birchwood Lakes Community Association
Regular Board Meeting Minutes
May 10, 2013 @ 7pm
Clubhouse

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

Absent: Leonard Glamann, Director

Also Present: Bonnie Siple, Community Manager

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

APPROVAL OF THE MINUTES FROM PRIOR MEETING

- April 12, 2013 Regular Board Meeting

Motion to approve the April 12, 2013 Regular Board Meeting Minutes made by Director Livingston, seconded by Director Ritson.

Amendments noted by Director Livingston: Page one – March 18, 2012 AWAM needs to reflect the transfer of \$250 from Account #7670-003 Rec/Special Function to account #6110-003 Rec/Payroll for recreation coordinator up to 30 hours before May 1, 2012.

Amendments noted by Director Ritson: Page six – redundant wording second paragraph beginning with 'homeowners '. Secretary to make amendments represented on minutes.

Director McConnon abstained as he was not present at the meeting. All other Directors voted in favor with amendments. Motion Passed.

- April 19, 2013 Action Without A Meeting

This Action without a Meeting is to approve an Insurance Carrier 1, 2 or 3 listed below for the annual renewal of Community Insurance due May 1st, 2013. Description of coverage for each carrier is listed on the attached spreadsheet.

#1 – Man, Levy & Nogi Inc.; #2 – CAU; #3 – Dingman, Delaware Ins. Co

Director McConnon Abstained since was not at the meeting; Director White voted for #1, all other Directors Voted for #2. Action Passed for approval of #2 Insurance Carrier (CAU).

- April 25, 2013 Action Without A Meeting

This Action Without A Meeting is to rescind Budget Transfer approved at March 12, 2013 Board Meeting to transfer \$200.00 from Acct. #7680-003 Recreation/Furniture to Acct. #7240-003 Recreation/Telephone (no money in account). Director Glamann abstained as he was absent from the March Meeting, Director McConnon abstained since he did not know the circumstances. All other Directors voted in favor. Action Passed.

- April 25, 2013 Action Without A Meeting

This Action Without A Meeting is to approve the transfer of \$200.00 from Acct. #7690-003 Recreation/Newsletter to Acct. #7240-003 Recreation/Telephone. All Directors Voted in Favor. Action Passed.

- April 26, 2013 Action Without A Meeting

This Action Without A Meeting is to approve the transfer of \$1500.00 from Acct. #6210-001 Admin. /Payroll Tax to Acct. #6500-004 Security/Contract. Director Glamann unavailable. All Other Directors Voted in Favor. Action Passed.

- April 26, 2013 Action Without A Meeting

This Action Without A Meeting is to approve the estimate (estimate 10-1387) from Duane Moyer Well Drilling to convert the well pit at Bl 1, and Bl 18 for the purpose of taking water samples or a total not to exceed \$865. The well as it is cannot be accessed to obtain the samples and the homeowner does not live at the home, but has granted permission to modify the well. Director Glamann abstained. All Other Directors Voted in Favor. Action Passed.

- April 26, 2013 Action Without A Meeting

This Action Without A Meeting is to transfer of \$800.00 from Acct. #6210-001 Admin./Payroll Tax to Acct. #7230-004 Security/Electric. . Director Glamann unavailable. All Other Directors Voted in Favor. Action Passed.

- April 26, 2013 10-1378 Action Without A Meeting

This Action Without A Meeting is to approve the estimate (Estimate #10-1397) from Duane Moyer Well Drilling for the modification of the maintenance well BL-2 in the amount not to exceed \$3,840.00. The purpose of the modification is to seal off the upper portion of the well where salt is leaching in and utilize the well to determine the quality of the water after the installation of a packer. Director Glamann abstained due to conflict of interest. All Other Directors Voted in Favor. Action Passed.

- April 26, 2013 10-1387 Action Without A Meeting

This Action Without A Meeting is to approve the estimate (Estimate #10-1378) from Duane Moyer Well Drilling for an 8 Hour Pump Test on the new test well at the Ivy Court location, including set up and tear down for a total not to exceed \$5,372.00 Director Glamann abstained due to conflict of interest. All Other Directors Voted in Favor. Action Passed.

- April 26, 2013

This Action Without A Meeting is to approve the estimate (estimate 10-1402) from Duane Moyer Well Drilling for Static Water Testing on the homes surrounding the new tests well at the Ivy Court location as well as BL 1, 2, 6, 7 and BL 18 at a cost not to exceed \$750 a day. Note that Scott Moyer stated that they should be able to complete about 20 wells a day. Director Glamann abstained due to conflict of interest. All Other Directors Voted in Favor. Action Passed.

- April 26, 2013

This Action Without A Meeting is to approve the estimate (estimate 10-1403) from Duane Moyer Well Drilling to replace the pump at BL2 for a cost not to exceed \$1,022. Director Glamann abstained due to conflict of interest. All Other Directors Voted in Favor. Action Passed.

- May 2, 2013 Action Without a Meeting

This Action Without A Meeting is to approve the "Wayco base bid" of **\$124,192.09** for road project "Butternut & Basswood" and the additional "Alternatives" bid of either 1A at **\$35,403.00** (Full Asphalt Binder 25mm) or 1B at **\$24,000.00** (Fine Binder 19mm) description of each alternative described below.

- **Alternative # 1A**-(**\$35,403.00**) *Scarify the existing roadway base, * install an average of 3" of 2A Sub base, * install 2.5" of compacted 25mm Binder, * install 1.5" of compacted 9.5mm Wearing, * Place 1' wide modified shoulders. Life span **10-15 years**
- **Alternative # 1B**-(**\$24,000.00**) * Scarify the existing roadway base, * install an average of 3" of 2A Sub base, * install 2.5" of compacted 19mm Binder, * Place 1' wide modified shoulders. Life span 3-5 years
- The Recommended Alt. would be # **1A** with a life span of **15-20 years** vs. Alt. # **1B** with a life span of **5-7 years**
- Funding for Butternut & Basswood road project will come from the Reserve contracted Road acct 2011/12 of \$133,263.53 with either a 10% overage and or balance to be pulled from the 2012/13 contracted Road acct. *Discussions of placing access fill onto BLCA property which would give us potential savings of up to 6,000 dollars.

Directors voted as follows: Chas Ritson 1A, Clare Bennett 1B, Marcella Livingston 1B, Linda White 1A, Carl Fredrickson 1A, Carol Martin 1A, Joanne McInerney, 1B, Tom

McConnon yes 1A, Lenny Glamann 1A - Majority of Directors Voted 1A – Action Passed.
Vote: (6) Yes or 1A; (3) 1B

Motion made to approve the above eleven (11) Actions Without A Meeting made by Director McInerney, seconded by Director Fredrickson. All Directors Voted in Favor. Motion Passed.

TREASURER'S REPORT

Treasurer Livingston presented the Treasurer's Report.

- Write-offs (to be completed as an Action Without A Meeting due to error)
- Collections from 4/8/13 thru 4/30/13:

Member Accounts forwarded to the Attorney for Final Notice Letter: (6) Civil Complaints Filed: (7) Constable Service Ordered (1) Civil Court Hearing Dates: April 19th (1); April 25th (1); May 30th (7) and June 7th (1); Judgments Received (2) Judgments Certified (6); Judgments that have been Recorded/Lien (1) Payment plans initiated (from Board meeting). Payments Received (from delinquent accounts 04/08/13-04/30/13) \$12,520.29

- *Administrative Costs:* Payment Plans administrative fees are \$25. Two payment plans, current and arrears, which requires a great deal of administration. Treasurer Livingston is recommending that the Board ask By-Laws to review the fee schedule and amend the schedule to reflect a \$25 administrative fee for each payment plan. The Board referred this to the By-Laws Committee.
- *Board Approval for Member Meeting Procedure:* The Board, at a previous meeting, recommended our treasurer and bookkeeper sit with delinquent members to develop a payment plan. This Motion is to memorialize that decision.

Motion made by Director Fredrickson, seconded by Director Martin to approve the Birchwood Lakes Bookkeeper and the Board Treasurer meeting with Members Not in Good Standing to discuss their accounts and set up payment plans. All Directors voted in favor. Motion Passed.

- *Non-collected Fines:* The Board discussed the list of outstanding, non-collected fines dating back from 2005 through to 2010. The process of collection will be difficult since most appeared uncollectable fines and abilities to contact these many non-residents would be difficult and costly. The last two itemized on the list dated in 2012 will remain open and will be contacted for outstanding payment of fines.

Motion made by Director Livingston, Seconded by Director Fredrickson to vacate the list of non-collected violations for fines except for the two from 2012. All Directors voted in favor. Motion Passed.

MANAGER'S REPORT (Original attached to Minutes.)

The Community Manager reviewed the Manager's, Member Complaints and Public Safety Reports. The Maintenance Report was not supplied.

Director Ritson voiced concerns as to what appears to be a large crack located on the inside of the centerline of the pool. The Community Manager was asked to address this on Monday.

Director Ritson asked for confirmation that the newly installed sump pumps in the office crawl space are connected to the dehumidifier and that they kick on automatically. Ms. Siple confirmed it is and works effectively.

Discussion ensued on the merry-go-round and other playground equipment. Ms. Siple stated she viewed the merry-go-round with the Maintenance Supervisor and they did not believe it can be fixed. She suggested it be removed and that Yogi be put in its place. Swings will be painted. Beach 3 is missing baby swings and replacement will be coordinated.

Director Livingston asked Ms. Siple the status of the removal of the brush at Upper Dam. She reminded Ms. Siple that our lawn service company shared that there is a systemic chemical that can be used that is lake safe. Director Ritson asked that Ms. Siple obtain documentation on the chemical and that it be provided to Lake Management to confirm it will not harm the lake.

Director Livingston stated that East Lakeview still has large potholes requiring repair. Director McConnon asked how do we handle complaint on potholes? Are we getting complaints by E-mail? Discussion ensued. President Bennett stated she will look at previous minutes to determine the decision previously made. Community Manager was asked if inspections are made to make sure complaints are being resolved and addressed. She confirmed she does review the work completed.

COMMITTEE REPORTS

Rules and Regulations – Director Martin indicated that the Committee reviewed the area of fines as it relates to untidy properties offering some changes to current fines imposed. The Committee recommends that the Board amend Section 98-50-12 relative to imposition of fines for untidy properties, noting if violation is not resolved within 30 days, fine would be \$50 per week instead of \$25 per day until addressed.

Discussion ensued. Several Board directors felt fine is still too much money and, instead, recommended that the fine be \$50 for first two months and third month and thereafter it be \$100.

Motion made by Director Martin, seconded by Director Fredrickson to amend Section 98-50-12 relative to imposition of fines, noting if violation is not resolved within 30 days, fine will be \$50 each month for the first two months and the third month and thereafter it will be \$100 a month until resolved to the satisfaction of the Association. All Directors voted in favor. Motion Passed.

The Board discussed this issue further as it relates to some of the large amount of fines owed by some members and the fact that they continue to ignore the fines and maintain untidy properties. The Board asked Community Manager Siple to check with our Attorney to see if these types of violations can be addressed in a civil suit procedure in order to achieve compliance. Ms Siple will advise after discussing it with the Attorney.

Lake Management – Director Ritson summarized a meeting he and Ms. Siple had with Joe Gallagher of Eco-Solutions:

PALMS Grant - stated that he will be starting on the riparian buffer at the pool area in a few weeks. A list of plants will be sent to the Lake Management Committee for review before purchase. Lake Management and Beautification Committee members may volunteer to help plant and their time could be included w/ in-kind expenses. Joe Gallagher also stated that he believes that the Old Oak Ct survey expenses can be included in submissions to PALMS as an in-kind expense, but that the appropriate area within the grant must be referenced.

As to lake treatments he confirmed the use of more expensive and more effective herbicides (Aquathol and Navigate) this season, focusing on East Lake, the northern cove of Lower Lake, and Middle Lake, if needed. The algae treatment scheduled for yesterday had to be rescheduled due to heavy rain. The treatment will now occur this Thursday or Friday or early next week at the latest. Eco-Solutions was reminded of our plan to run a small grass carp trial on Middle Lake, pending outlet refitting and permit approval.

Aerator Compressor Replacement - The compressor has been ordered and will be installed as soon as it is received.

Chemical retainer - The \$1000 retainer is tabled for this year. Apparently, cheaper chemical prices can be obtained by buying them upfront, so a retainer to pay for these chemicals was requested. The first treatment on East BL will more than cover the \$1000.

5. DINO 6 - This equipment will be used on portions of the PALMS grant, where sediment needs to be removed from Beach #3 and the small stream outlet in Lower BL. Mr. Gallagher agreed to do a trial removal of the peat islands in Middle BL, when the equipment is here.

Discussed whether Mr. Gallagher contacts office when he is working on lakes, suggesting he be advised that he is required to do so.

Community Safety – Director McConnon researched the cost of megaphones which is around \$75 and has many functions of use benefiting us. Director McConnon indicated he will pick one up for our use. He stated that the Committee is having a breakfast meeting at 9am tomorrow morning.

He voiced concerns on appearing before our Resolution Committee if a citation is not justified. He stated that he found committee very respectful. President Bennett explained that she has asked Community Manager Siple to institute a weekly ‘in-house’ training program to ensure that security personnel are fully knowledgeable in all areas of the SOP’s, By-Laws, Rules and Regulations, policies and issuance of citations.

Budget & Finance – Treasurer Livingston stated that the Committee drew up recommendations for the reserve vote to be discussed later on the agenda.

Beautification- Director Fredrickson stated that he had a meeting that morning with Joanne Woods and new member Vince Flatt. The improvements being considered this year would be staining the planters as well as improvements to the Doolan and Rt. 739 Entrance. He noted he has received complaints on bathrooms not being maintained. Ms. Siple is to address this with maintenance and the recreation coordinator. She stated that she will look into upgrades for the bathrooms too. The Board asked that a plan for these upgrades be submitted to Board.

Community Affairs – Director White indicated the next deadline for all articles is July 10th. June 1st is deadline for resume for Directors for the Board. June 28th is deadline for Volunteer Recognition Program.

Recreation – Director McInerney suggested having some helium balloons for the reopening of the newly renovated pool Memorial Day Weekend, subject to the weather. The Board also requested that we provide some drinks and snacks.

PAYMENT OF BILLS

- Budget Transfers – none

OTHER UNFINISHED BUSINESS

- Office Renovation Proposals-Office

- Approval of Contractor for Renovation

Discussion ensued on the three bids received. Community Manager Siple recommended Diamond Homes at a cost of \$29,925 for several reasons. The Board will need references, proof of insurance and a signed contract before proceeding.

Motion made by Director Ritson to approve Diamond Homes at a cost of \$29,925 for the external office renovations, subject to submission of a signed contract, references, and insurance certificate, as well as verification that all permit fees included in cost proposal. Seconded by Director Fredrickson. Director McInerney abstained as this person ignores rules, illegal parking; All other Directors voted in favor. Motion Passed.

- Installation of Vents in Attic – covered under the office renovation
- Sump Pump(s) for Crawl Space – already installed
- Integra-Clean Inspection – Board agreed to have Integra-Clean back in to inspect the office crawl space, attic and the clubhouse building to ensure there continues to be no evidence of mold.

- Salt Update:

President Bennett updated the Meeting on the salt problem. She stated that we recently approved several Actions Without A Meeting to move ahead with further testing of the exploratory well at Ivy Court to determine water quality, yield and static water levels of surrounding homes. This testing will provide the information we need to confirm the viability of that site for the communal well. We also approved modifying the maintenance well using a packer to determine if we can separate the good strata from the bad, thereby, obtaining clean water from that well.

President Bennett informed the meeting that we are looking to haul water internally to fill the water tanks at BL-3 and BL-4 and once we have everything in place we will complete a test run to determine its feasibility. Quarterly lab testing will be mid-June; field testing next week. The Board approved some slight modifications to two of the wells we need to test. We are looking to host another community meeting in late June, depending on the completion of the above testing. Once we determine if Ivy Court will work as the communal well site, Brian Oram and Cornerstone Engineering will submit a plan to DEP. We will not be able to do anything with this well until we have DEP approval.

President Bennett informed the meeting that she will be sending a letter to the homeowners surrounding the Ivy Court exploratory well, explaining what we are doing and seek their permission for various testing.

- 739 Entrance

The Board discussed the options presented by Directors McConnon, Ritson and White. These options are contingent on not getting enough volunteers to meet our decreased left hand traffic requirement into the 739 entrance. Director Ritson had offered to review the gate access reports and the traffic study that was completed a couple of years ago. He determined from the traffic study that we need to decrease left turn entrance anywhere from 52-66 during this period of concern (4pm to 6:15pm) listed.

The group presented some options to the Board for consideration. After further discussion the Board agreed to initially issue a letter explaining the situation as asking for volunteers. The letter will be distributed in the mailboxes, handed out by Public Safety at the 739 entrance, placed on our bulletin boards and our website and included in the next newsletter. If we do not receive enough volunteers to satisfy the requirements of the PADOT the Board will proceed with the plan outlined in the letter. Deadline date for volunteering will be June 1, 2013.

NEW BUSINESS

- Tree Removal Request- LaRusso (3 trees – 40' high) drainage and aesthetics, Bosch (3 trees for horseshoe pit), Hayes (4 trees for parking lot) and Dahl (2 dead trees)

Motion made by Director Ritson, seconded by Director Fredrickson to approve LaRusso removal of 3 trees at 40' high due to drainage and aesthetics. Director McInerney voted No; Director McConnon abstained since he disagrees with Tree Removal guidelines. All other Directors voted in favor. Motion Passed.

Motion made by Director Martin, seconded by Director Fredrickson to approve Bosch removal of three trees to allow for installation of a horseshoe pit. Director McInerney voted No; Director McConnon abstained since he disagrees with Tree Removal guidelines. All other Directors voted in favor. Motion Passed.

Motion made by Director Fredrickson, seconded by Director Ritson to approve Hayes removal of 4 trees to create a parking space. Director McInerney voted No; Director McConnon abstained since he disagrees with Tree Removal guidelines. All other Directors voted in favor. Motion Passed.

Motion made by Director Ritson, Seconded by Director Fredrickson to approve Dahl removal of two dead trees. Director McConnon abstained since he disagrees with Tree Removal guidelines. All other Directors voted in favor. Motion Passed.

- Pool hours

Board discussed extending pool hours on weekend. The Board agreed to change the pool hours as follows: Monday thru Thursday 12-7; Friday 12 – 8; Saturday 11 – 8; Sunday 11 – 7 from June 15th. Treasurer Livingston will review cost of lifeguards for extra swim pool hours.

- Swim Team Rules – drafted 5-2-13

Discussed ensued. Every year there are concerns that the swim team isn't abiding by our rules and regulations, including allowing some members not in good standing to use the pool. The swim team is to provide a list of their swimmers. When we get a member list and the pool sign-in sheets following practices, and find out there are members not in good standing using the pool, then we have right to suspend. The letter is to be amended to indicate all are subject to Resolution No. 1-1992, our Rules and Regulations and our By-Laws. The Board will vote on the revised letter through an Action Without A Meeting.

- Yard Sale – Front Entrance Gate

Motion made by Director Livingston, seconded by Director Ritson to open the 739 entrance gate for the Community Wide Yard sale from 9am-5pm on May 25th. All Directors voted in favor. Motion Passed.

- Reserve Vote -

Director Livingston reviewed the proposed items under Reserve Vote: Road work (\$175,000); extended fence by 7' (\$10,000); CD requirement for Upper Birchwood Lake (\$25,000). The total reserve vote will be \$210,000.

In addition, Treasurer Livingston requested we include on the reserve vote a consolidation of the following reserve accounts under one fund name for each project (combine highway traffic occupancy permit and traffic study as *Entrance Permit*) and (spillways/dams/bridges, Upper Birchwood Lake Dam Permit, as *Upper Birchwood Lake Dam*).

Motion made by Director Ritson, Seconded by Director White to accept the Reserve Vote consisting of: Road work (\$175,000); extended fence by 7' (\$10,000); CD requirement for Upper Birchwood Lake (\$25,000). The total reserve vote will be \$210,000. In addition, wording will be added for approval to consolidate the following reserve accounts under one fund name for each project (combine highway traffic occupancy permit and traffic study and entrances as *Entrance Permit*) and (spillways/dams/bridges, Upper Birchwood Lake Dam Permit and Upper Birchwood Lake dam, as *Upper Birchwood Lake Dam*). All Directors voted in favor. Motion Passed.

- Payment Plan Request – 086-016-1100 – payment plan – paid fee for payment plan. Finished payment plan in 2012. Last payment was March 12th. Current Dues and Arrears. Send Deedback Policy. Board requested payment plan of \$170/month (Regular Payment Plan and Difference in Arrears). Homeowner will be required to pay a \$200 lump sum.
- Payment Plan Request – 031-022-0500 – Board authorized a meeting with the homeowner.
- Payment Plan Request – 012-004-0200 – Board authorized a meeting with the homeowner.
- Payment Plan Request – 079-018-1000 – paid the payment plan fee, and paid \$171 last month. Owes \$2350. Board requires \$171 a month which is regular Payment Plan with difference on arrears.

Denis Murphy noted concerns on abuse of properties by various 4 wheelers running around. It appears we do not prohibit them on private properties. This was referred to the Rules and Regulations Committee for review.

Ms. Gibbins-Negels asked if the Board would allow GAIT, a special needs association, to come to the community for fund raising. In addition, she stated that a group of children in Birchwood have formed an organization, not part of Birchwood, and they would like to raise funds and donate those funds to Birchwood for the Community. President Bennett asked Ms. Gibbins-Negels if they have formed a legal organization and, if so, to provide supporting documentation to the office. Once this is received, President Bennett stated she will ask our lawyer if we can do this.

MISCELLANEOUS

- 061-011-0800 Correspondence – deals with requesting a different classification of membership who is on amnesty program. Letter should be sent that we are not changing the rules.
- 067-028-0900 Correspondence – wants payment plan penalty removed. She received the penalty for late payment plan application. The Board stated that we cannot remove late penalties.
- 006-016-0100 Correspondence – received two citations and missed the resolution hearing due to an unexpected emergency. He did not call the office the day of the hearing to advise them that he would not be able to attend. No relief considered or granted as he did not call the office until several weeks after the hearing.
- 001-060-02 Correspondence – purchased at a tax sale. Person who bought the property indicates it is in litigation with the former owner. Put in abeyance until law suit settled.

Motion made by Director Livingston, Seconded by Director Fredrickson to adjourn this Regular Meeting of the Board at 9:30 pm. All Directors Voted in Favor. Meeting adjourned.

Respectfully submitted,

Linda M. White
Secretary