

Birchwood Lakes Community Association, Inc.
Regular Board Meeting Minutes
December 13, 2014 @ 9am

Present: Clare Bennett, President; William Wagner, Vice President; Carolyn Martin, Secretary; Anthony Palma, Treasurer; Jim Luttrell, Assistant Treasurer; Directors Joanne McInerney, Eugene Jarvis, Thomas McConnon, Michael Moffa,

Also Present: Carrie Ridner, Community Manager

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

APPROVAL OF THE MINUTES FROM PRIOR MEETING:

- November 8, 2014 Regular Session Board Meeting Minutes

Motion to approve the November 8, 2014 Regular Session Meeting Minutes made by Vice President Wagner, seconded by Director Moffa. All in favor. Motion passed.

TREASURER’S REPORT:

Treasurer Anthony Palma presented the bank balances and the income and expenditure reports. (Copies available at the office)

Write-Offs:

Lot 8, Block 101, Section 14 (write off requested due to foreclosure)

Prior Dues	\$4,540.80
SBA	\$ 250.00
Annual Late Fee	\$ 300.00
Interest	\$1,792.32
R/R Fines	\$ 295.00
R/R Late Fee	\$ 20.00
Total	<u>\$7,198.12</u>

Lot 4, Block 67, Section 9 (write off requested due to deedback)

2014/15 Dues	\$885.00
Interest	\$ 63.96
Total	<u>\$948.96</u>

Lots 14, Block 47, Section 6 (write off requested due to deedback)

2014/15 Dues	\$882.00
Interest	\$ 65.25
Total	<u>\$947.25</u>

TOTAL WRITE OFFS

2014/15 Dues	\$1,767.00
Prior Dues	\$4,540.80
SBA	\$ 250.00
Annual Late Fee	\$ 300.00
Interest	\$1,921.53
R/R Fines	\$ 295.00
R/R Late Fee	\$ 20.00
TOTAL	<u>\$9,094.33</u>

Lots 15, Block 41, Section 0600 (court ordered fine reduction, date: 11/5/14)

R/R Fines	\$ 1,210.00
R/R Late Fee	\$ 10.00
Total Due:	\$1, 220.00
Half of \$\$:	\$ 610.00
Total on Complaint rounded down	\$.38
Total Write-off:	\$ 610.38

Lot 8, Block 28, Section 5 (due to sheriff sale – personal property seized)

SBA	\$ 100.00
Gypsy Moth	\$ 25.00
R/R Fines	\$ 2,320.00
R/R Late Fee	\$ 10.00
Interest	\$ 7.29
Court Costs	\$ 198.63
Sheriff Costs	\$ 500.00
TOTAL	<u>\$ 3,160.92</u>

Additional Write-offs totaling \$169,324.80 (due to 2014/2015 repository sales)

2014-15 Dues	\$ 17,750.00
Prior Dues	\$ 85,954.17
Interest	\$ 43,529.91
SBA	\$ 6,120.00
L.I. Surcharge	\$ 250.00
Payment Plan Fee	\$ 30.00
Annual Late Fee	\$ 7,150.00
GMA	\$ 488.57
Administration Fee	\$ 4,747.45
Cap Improv. Fee	\$ 3,304.70
TOTAL	<u>\$169,324.80</u>

Motion to approve the above write-off made by Treasurer Palma, seconded by Vice President Wagner. All in favor. Motion passed.

Budget Transfers

Motion to approve the transfer of \$1,500 from A/C #6220-001 Admin – Employee Health Benefits to A/C/ #7491-001 Other Miscellaneous, for payment to Carrie Ridner, Community Manager for Continuing Education conference taken. Motion made by Treasurer Palma, seconded by Director Moffa. All in favor. Motion passed.

Collections – Treasurer Palma and CM Ridner updated the Board on the status of collections.

MANAGER’S REPORT

Carrie Ridner, CM, provided the Manager’s, Maintenance and Public Safety Reports (attached).

COMMITTEE REPORTS

Lake Management – Co-Chair Chas Ritson noted that he had not heard back from Joe Gallagher of EcoSolutions for an end-of-season report, nor had the aerators been shut off. He recommended maintenance proceed with shutting off the compressor before the frigid weather sets in.

PAYMENT OF BILLS – None

OTHER UNFINISHED BUSINESS

Salt Update – President Bennett and CM Ridner updated the meeting on the salt contamination activities. President Bennett noted that we would not have the estimate for the shared well system until January at the earliest. The board was asked to approve payment of an invoice to Pike County Plumbing & Heating in the amount of \$153.00 for replacement of a broken shower arm at BL-21. The board was advised that initial examination of the damaged parts do not indicate any erosion caused by salt or chloride and that the part appears to have been stripped. Brian Oram is examining the parts and will provide a written report. The Board stated that if no corrosion by salt or chloride is evident then the homeowners should reimburse the Association.

Motion to approve the payment of \$153.00 to Pike County Plumbing and Heating for services rendered at BL-21. In the instance that it is confirmed damage is not caused by sodium or chloride, costs will be charged back to the homeowner. Motion made by Treasurer Palma, seconded by Secretary Martin. Director McInerney voted against. All other Directors voted in favor. Motion passed.

739 Entrance Traffic Study – CM Ridner informed the meeting that McGoeys Hauser and Edsall had provided the Board with the new traffic study and she distributed copies to the board for their review and information. President Bennett asked that a meeting be set up with McGoeys to discuss the study and determine next steps.

Actions Without A Meeting – The board revisited the discussion relating to voting on Actions Without a Meeting electronically via email or text in lieu of a verbal response. Several board members believed that such an option would allow people who are not members to respond on behalf of the board member. Other board members thought there was little likelihood that that would occur and added that the AWAM is read out at the following board meeting where a director would know if someone voted in their place.

Motion to approve that vote responses to Actions Without A Meeting can be conducted via email or text as well as verbally in person or by phone, made by Director Jarvis, seconded by Director

Luttrell. Directors McInerney and Martin voted against. All other Directors voted in favor. Motion passed.

NEW BUSINESS

Tree Removal Requests – Cobis

Motion to approve the tree removal request from Cobis, made by Vice President Wagner, seconded by Treasurer Palma. Director McInerney voted no; Director McConnon abstained because he disagrees with the tree guidelines. All other Directors voted in favor. Motion passed.

Further discussion ensued regarding the tree guidelines. As a result, President Bennett suggested it be sent to the Governing Documents Committee for review and that those board directors who want to see changes should attend and participate on the Governing Documents Committee.

Resolutions Committee – Citation #8285

Motion to approve the citation fine reduction as recommended by Resolutions for Citation #8285, from \$105 to \$50, made by Director Jarvis, seconded by Director McInerney. All Directors voted in favor. Motion passed.

2015-2016 Budget

Treasurer Palma presented the budget to the Board to approve sending it to the Membership in the December mailing for the budget vote. President Bennett stated that the Board met the previous night at a workshop to discuss the budget and to propose some changes. These changes do not affect the bottom line, but did include some line item adjustments.

Motion to approve the proposed budget and to send it out to the Membership in the December Mailing for the budget vote made by Director Jarvis, seconded by Secretary Martin. All in favor. Motion passed.

Employee Policy – Bereavement and Holiday OT – The Board discussed recommended changes in the bereavement and holiday overtime sections of the Employee Policy. The board agreed to leave the bereavement policy as it is presently written stating that if an employee needs extra time he/she can utilize vacation or personal days.

The Board did agreed, however, that the Overtime Compensation section did need to be revised and agreed to the following:

Employees are compensated by the Association on the basis of a 40 hour work week (unless otherwise agreed to between the employee and the Association). Hourly employees will be compensated for overtime whenever they have worked more than 40 hours in one week. **ONLY HOURS ACTUALLY WORKED WILL BE USED TO COMPUTE OVERTIME.**

During winter season, overtime (at the rate of time and one half) will be paid for any and all hours worked on certain days (Thanksgiving Day, Christmas Day and/or New Year's Day only) and the employee may choose between being paid 8 holiday hours or receive a floating holiday.

EMERGENCY WORK (other than snow plowing)

If an employee is called in and/or scheduled to work outside their normally scheduled hours, that employee will receive no less **than 2 hours pay**, acknowledging that the employee would have had to work 40 hours to receive overtime pay.

Motion to approve the above changes (in bold above) made by Treasurer Palma, seconded by Director McInerney. All in favor. Motion passed.

Community Safety – In Car Dash Cameras

Motion to approve the use of in-car dash cameras by our public safety officers and the purchase of two HERO4 dash cameras in an amount not to exceed \$1,000 to come out of the Camera reserve money, made by Director Luttrell, seconded by Director Martin. All in favor. Motion passed.

Delinquent Owners – 739 Entrance

Motion to approve that Members Not in Good Standing be prohibited from using the 739 Entrance Gate at any time until all outstanding dues and fines are paid to date, to be placed in effect March 1st, 2015. Motion made by Treasurer Palma, seconded by Vice President Wagner. All in favor. Motion passed.

Judges of Elections

Motion to approve the Judges of Elections as being Michael Bukaj, Nancy Halliday, Marcella Livingston, Sally Pohlman and Carolyn Todino. Motion made by Secretary Martin, seconded by Director McInerney. All in favor. Motion passed.

Safe Deposit Box - Directors Bennett, Martin and Wagner to attend to the Safe Deposit Box on Monday, December 15, 2015.

Staff Holiday Party Funding

Motion to approve the transfer of \$250.00 from A/C# 6220-001 Admin-Health Benefits to A/C #7670-003 Special Functions for payment for the Staff Holiday Party. Motion made by Secretary Martin, seconded by Director McInerney. Vice President Wagner voted against. All other Directors voted in favor. Motion passed.

Governing Documents Amendments – Director McInerney presented some proposed Rules and Regulations and By-Laws changes to be presented to the membership for feedback and/or vote.

RULES AND REGULATIONS

98-10-5 Vehicle Decals – At the October 14th Regular Session Board Meeting the board approved discontinuing this program effective immediately.

98-50-12 - Untidy Lots – The Governing Documents Committee revised the wording and recommends the following wording be approved by the board.

- A. Members shall maintain their lot in a neat, clean and orderly condition. *Examples of violations include but are not limited to: any item in significant disrepair; overgrown grass/weeds on the lot; storage of discarded items such as household furnishings, appliances and vehicle parts, etc.; ; bulk items as defined as Garbage-Solid Waste Disposal namely garbage, rubbish, trash, litter, construction debris, tires, yard waste; visible storage of excessive and/or broken home maintenance equipment, building materials, etc.; broken lawn furniture or furniture intended for indoor use;

If, in the opinion of BLCA Public Safety and Administration, the lot is untidy or unmaintained, a written warning shall be sent to the member allowing thirty (30) days, ten (10) days for overgrown grass/weeds, to comply, after which a citation shall be issued if the condition is not corrected.

B. Violation amount and wording to remain the same.

8-50-08 – Feeding Wildlife Prohibited (NEW HEADING) – The committee recommends the following wording be approved by the board.

- A. It shall be prohibited to place or offer any food or enticement on any property located with BLCA which results in attracting and feeding, deer, bear, waterfowl, turkey and feral cats. (NEW WORDING)
- B. Violation amount and wording to remain the same

BY-LAWS

P) **QUORUM** shall mean and refer to the number of members in good standing who are required to be present in person in order for an official meeting to take place. *Quorum by mail-in ballot shall mean and refer to the number of received ballots by mail required in order for a vote count to be valid.* (page 6)

Section 7: SPECIAL MEETING QUORUM

A *special* meeting of the members *at which a vote shall be held* shall not be organized for the transaction of business unless a quorum is present unless otherwise stated in these BY-LAWS. The presence, in person, of ~~two~~ hundred [200] of members in good standing shall constitute a quorum, except as otherwise provided by law or in the BY-LAWS. The members present at a duly organized meeting may continue to do business until adjournment, notwithstanding the withdrawal of enough members to leave less than a quorum. In the event that a quorum is not present, the meeting shall be adjourned. A second meeting shall be scheduled for the purpose of acting upon any resolution of other matter set forth in the notice of the meeting. A written notice shall be given at least ten [10] days prior to the date set for the second meeting to each member of record entitled to vote at the second meeting. This notice shall state that if a quorum is not present the second meeting shall be adjourned and those members in attendance shall nevertheless constitute a quorum for the purpose of acting upon any resolution of other matter set forth in the notice of the meeting.

ARTICLE VI VOTING, ELECTION AND ELIGIBILITY

Section 7: QUORUM OF BALLOTS

Only members in good standing are permitted to vote. Receipt of 20% ballots delivered by mail, or directly by a member, to the office by the date and time set by the Board of Directors shall constitute a quorum and, therefore, allow for the ballots to be opened and counted. In the event a quorum is not present the count shall be adjourned, a new date and time deadline shall be set by the Board of Directors and notice sent to the members. This notice shall state that if a quorum is not present at the second meeting of the judges of elections, the votes received shall constitute a quorum.

A By-Law ballot quorum will be the amount of votes received from members in good standing by the vote deadline as set by the Board of Directors. A Simple Majority of the quorum will be required for the vote to pass.

Board Panel Review – Bill Wagner, Eugene Jarvis and Clare Bennett. January 3, 2015 @ 9AM.

Amendment to Reserve Vote – Dredging Beach 1

Motion to withdraw \$6,000 from the dredging reserve fund money made by Director Moffa, seconded by Director McInerney. All in favor. Motion passed.

Motion to ask the Membership to approve reallocating the \$6k withdrawn from the dredging reserve vote to a 739 Entrance Signage Improvement Reserve fund. Motion made by Director Jarvis, seconded by Director Moffa. All in favor. Motion passed.

Communications, Written & Oral – None

Miscellaneous – Already addressed.

Motion to adjourn Regular Session Board Meeting at 11:44am and move into Executive Session, made by Vice President Wagner, seconded by Secretary Martin. All in favor. Motion passed.

Respectfully submitted by,

Carolyn Martin
Secretary