

Birchwood Lakes Community Association, Inc.
Regular Board Meeting Minutes
May 12, 2015 @ 7pm

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

Absent: Jim Luttrell, Assistant Treasurer

Also present: Carrie Ridner, Community Manager

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

APPROVAL OF THE MINUTES FROM PRIOR MEETING:

- April 14, 2015 Board Meeting Minutes

Motion to approve the April 14, 2015 Regular Session Meeting Minutes made by Vice President Wagner, seconded by Secretary Martin. All in favor. Motion passed.

- Action Without A Meeting –April 15, 2015

This Action Without A Meeting is to approve a settlement offer from Federal National Mortgage (I008-57-08) for \$3,500 in back dues/fees/assessment, \$875.00 Capital Improvement Fee, and \$200 Resale Certificate Fee.

Discussion: Property was foreclosed by Federal National in August 2014. Birchwood disputed the fact that proper notice was not provided and sought the full amount (\$7,037.69). Federal National's attorney and Bob Kidwell, Association Attorney have gone several rounds with the notification issue and are on opposite sides. We have spent approximately \$1,000 in legal fees in our attempt to get the full amount. AT this point Fed. Nat'l attorneys have made the above offer to close this matter and get the home sold. They do have a buyer ready. Bob Kidwell's strong opinion is that it will cost more to fight this case than it worth. Bob feels there is no clear legal authority to support our position or case law to guide a judge.

All Directors were contacted. Directors Luttrell, Palma and McConnon were unavailable. Director McInerney voted no. All other Directors voted in favor. Motion passed.

Motion to approve the Action Without A Meeting dated April 15, 2015 made by Secretary Martin, seconded by Director Jarvis. All in favor. Motion passed

- Action Without A Meeting – April 16, 2015

This Action Without A Meeting is to approve the CAU Insurance renewal for the 2015/2016 fiscal year.

Discussion: Community Insurance renews May 1. Community Package was a three year policy in past years. There is no longer an option for a three year lock in; policy is now annual. There is no change in coverage or deductibles from the previous policies. Auto will see a decrease when we remove the F-550, which should be in the next few months. Budget for 2015/2016 for insurance is \$58,000.

All Directors were contacted. All Directors in favor. Motion passed.

Motion to approve the Action Without A Meeting dated April 16, 2015 made by Secretary Martin, seconded by Vice President Wagner. All in favor. Motion passed

- Action Without A Meeting – April 21, 2015

This Action Without A Meeting is to approve budget transfers for lines items as indicated in the amended budget as presented by Management. Spreadsheet is attached.

Discussion: Management presented the budget amendment for the April Board meeting to cover budget line overages with those line items that we know will be under budget. This spreadsheet was sent to our Auditor, Bill Owens and discussed with him as to whether it is an acceptable practice for the audit process. Owens only requires to Board Motions during the audit process. So long as the Board approves the amended budget, the requirement is satisfied. Any documentation that our Bookkeeper, Linda McGinley, produced was for the sole benefit of the treasurer. It is my understanding that there was some concern that this method of accounting for changes in budget lines items would not be understood or supported by our bookkeeper; Linda was involved in the process in developing this spreadsheet for the board and feels that this will be more efficient for her.

All Directors were contacted. All Directors voted in favor. Motion passed

Motion to approve the Action Without A Meeting dated April 21, 2015 made by Director McInerney, seconded by Secretary Martin. All in favor. Motion passed

- Action Without A Meeting – April 21, 2015

This Action Without A Meeting is to approve the document request from I018-87-11 for Engineers “report & proposal” for community well.

Discussion: Attorneys opinion is: *“I believe the Assn. is bound to provide this document to the community member in accordance with Art. VIII, Sec. 2. Members are entitled to examine and make copies of “records of the proceedings of ... the Directors...” Instantly, the Board requested a Community Water System Report from McGoey, Hauser and Edsall. I am of the opinion the Assn. should disclose this document since it is a record of the Assn. As an aside, if we were in litigation w/ this particular community member this document would be discoverable.”, Robert Kidwell*

All Directors were contacted. Director Palma was unavailable. All other Directors voted in favor. Motion passed.

Motion to approve the Action Without A Meeting dated April 21, 2015 made by Secretary Martin seconded by Director Jarvis. All in favor. Motion passed

TREASURER'S REPORT:

Treasurer Anthony Palma presented the bank balances and the income and expenditure reports. (Copies attached)

Write-Offs: None

Budget Transfers – None

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

MANAGER'S REPORT

CM Ridner, provided the Manger's, Maintenance and Public Safety Reports (attached).

The report on Grass Carp to Lower Lake, was actually the Middle Lake that was approved.

Warranty for New Truck (Dodge Ram) - Discussions took place over the warranties options for the new truck. The Board has tabled this item until we received more information on the available warranty options.

Commercial Loan - Approval for a commercial loan was received from Wayne Bank. The term sheet was discussed. Inquiries where made regarding the term of the loan, interest rate options and the purpose of the loan. A meeting will be set up with Dime Bank to discuss their loan options. President Bennett suggested that when more information is received, a joint meeting should be scheduled with the Board and the Finance/Budget Committee.

Reserve Fund – CM Ridner stated that our By Laws require a Reserve Study to be done every year. The Board approved CM Ridner to get proposals to do a Reserved Study.

Construction Easement Agreement – The agreement was emailed to all members (hard copy to Secretary Martin) CM Ridner reported that the Construction Easement Agreement for the Upper Lake Dam was drafted by Bob Kidwell and it will be personalized to each individual and will be sent out once the contract has been awarded.

COMMITTEE REPORTS

Community Safety – President Bennett asked the Board to review the list of Committee meeting minutes from past years and note minutes that are missing.

Governing Documents - None

Road Maintenance -

- Eugene to set up meeting

Budget Finance –

- Treasurer Palma proposed to lower the Clubhouse Rental fee from \$150.00 to \$50.00.

Motioned to lower the Clubhouse Rental Fee from \$150.00 to \$50.00 made by Vice President Wagner, seconded by Director Moffa. All in favor. Motion passed.

- Treasurer, Palma explained the request for copies of the minutes were free up to 30 days. After the 30 days, the fee was \$1.00 per page. President, Bennett stated that electronic copies are available on the website.

Motion to approve the request for any type of copies at a fee of 25 cents per page made by Vice President Wagner, seconded by Director Jarvis. All in favor. Motion passed.

- Late fees for Citations – The late fees for citations and the wording was discussed. The wording on the citation letter will read “If the citation is not paid within 30 days, there is an additional charge of \$20.00 for administrative cost added to each citation. President Bennett explained that the fee increase will help cover the cost of sending the citation certified return receipt.

Motioned to increase the late fee on citations from \$10 to \$20 made by Director, Jarvis, seconded by Secretary, Martin. All in favor. Motion passed.

- Purchase of Gate Cards – Treasure Palma stated that every homeowner receives 2 (two) gate cards free and any additional cards would cost \$15.00. Discussion took place regarding the use of gates cards and the amount of gate cards being purchased for non-family members vs. immediate family members.

Motion made to change that non-family members will be charged \$35.00 for additional gate cards made by Vice President Wagner, seconded by Director Jarvis. All in favor. Motion passed.

- Replacement/Damage/Lost Gate Cards – Treasurer Palma discussed the fees for damage/lost cards and some cards eventually don’t work and are worn out. Gate cards that are worn out and don’t work have been replaced at no charge.

Motion to charge \$15.00 for damage or lost card made by Secretary Martin seconded by Director Jarvis. All in favor. Motion passed.

- Tenant Gate Cards – Discussions took place regarding tenant gate cards. Tenants can purchase 2 (two) gate cards when they move in at a cost of \$10.00 each and the gate card fee is refundable when they move out. The landlord should notify the office when a tenant vacates so the office can delete the gate cards. It was discussed that tenants should not get a refund on the gate cards but will be grandfathered effective May 12, 2015 grandfathered.

Motion made to make tenants gate cards non-refundable and grandfathered effective 5/12/15 made by Vice President Wagner, seconded by Director Moffa. All in favor. Motion passed.

Recreation

- The Recreation Committee had a meeting and revised the calendar dates. Some events dates were change and some events were canceled because the Security Officer who was going to do the seminar is no long with us. Family Night was changed to Community Night and is being held every other Wednesday so that the Swim Team can have their events the other two Wednesdays. Mother’s Day Arts & Craft was held and the Community Yard Sale is set for Saturday, May 23rd and the Memorial Day Pool Party is set for Sunday, May 24th.
- Concession – President Bennett sent an email to Board stating that the swim team concession had fallen through. Discussion took place regarding the conflicting dates and items to be sold. The Recreation Committee would take over the concession at recreation events.

Lake Management

- The Committee met on Saturday and where out on all the lakes. The committee would like to suggest the purchase of pooper scoopers and signage. Member Ritson stated he participate in a Penn State webinar and he the explained that the main cause of algae was water runoff, geese and people fertilizer their lawns at lake front. There are very few geese on the lake this year 5-7 compared to 35 last year. 24 eggs were addled.

PAYMENT OF BILLS – None

OTHER UNFINISHED BUSINESS

Salt Update –

- Committee will be meeting on Tuesday. Brian Oram is conducting test pits on Tamarack Trail.
- Tamarack Trail – Wetlands Study was discussed. More information will be available once Brian Oram gets his test pits results back.

NEW BUSINESS

Tree Removal Requests – Cherry, Hayes, Kohan, Laux, McGhee, Dahl, Boby, Van Houten

Cherry – Discussion took place regarding the request to remove 10 trees. Vice President Wagner was at the site and stated the reasons for the removal.

Motion to approve removal of 10 trees submitted by Cherry made by Treasurer, Palma seconded by Director Moffa. Director McInerney voted no. Director McConnon abstained. All in favor. Motion passed.

Hayes – Request to remove one tree that is leaning on RV.

Motion to approval removal of one tree made by Director Jarvis, seconded by Treasurer Palma. Director McConnon abstained. All in favor. Motion passed.

Kohan – Request to remove 1 big tree that can fall and take down utility line.

Motion to approval removal of one tree made by Secretary Martin, seconded by Director Jarvis. Director, McConnon abstained. All in favor. Motion passed.

Laux – Request to remove 8 trees to widen driveway for play area. Vice President, Wagner was at the site and stated that 5 trees were under 3 inches.

Motion to approval removal of eight trees made by Secretary Martin, seconded by Director Jarvis. Director McInerney voted no. Director McConnon abstained. All in favor. Motion passed.

McGhee – Request to remove 1 rotten oak tree next to driveway. Damage was made to windshield when dead branch fell on it.

Motion to approval removal of 1 oak tree made by Director, Jarvis seconded by Director Moffa. Director McInerney voted no. Director McConnon abstained. All in favor. Motion passed.

Dahl – Request to remove 1 dead chestnut tree.

Motion to approval removal of 1 dead chestnut tree made by Director Jarvis seconded by Treasurer Palma. Director McConnon voted no. All in favor. Motion passed.

Boby – Request to remove 2 trees starting to rot at base and is close to the house.

Motion to approval removal of 2 tree made by Director, Jarvis seconded by Treasurer, Palma. Director McConnon voted no. All in favor. Motion passed.

VanHouten – Request to remove 2 tall trees that are close to the house and the branches hang down on the electrical wires with heavy snow.

Motion to approval removal of 2 tall trees made by Director, Jarvis seconded by Vice President Wagner. Director McConnon abstained. All in favor. Motion passed.

Resolutions – None

Credit Cards – A fee schedule was presented from First Data. Wayne Bank requires us to accept credit cards as this is one of their prerequisites for obtaining a loan. Wayne Bank stated that their experience with other communities is that more people are paying their dues and assessments with credit cards. Members come to the office and want to pay with credits cards in order to get points, mileage, etc. We currently use Pay Pal which is done through an email link that the Bookkeeper sends to the member with an invoice amount. Members have had problems with the link. By using credit cards, members can come in on Saturdays and pay without having to wait for the Bookkeeper to send them an email link. Two other companies have been contacted to get rate pricing.

Swim Team – Will continue to their concession.

Internet /Cameras at 739 Gate – In order to enhance service and better monitor the 739 main gate, we are recommending that we install internet access and long distance service to the gate. Internet access will allow Management and Public Safety to monitor gate activities remotely. Example: When Fed Ex calls the office, how do we now it's really Fed Ex?

Long distance service will allow expansion of the Resident Call Box. Members have express that the only reason they have a home number is for the gate. This could be a potential savings to those owners of up to \$300 a year.

Cameras at the pool with addition of internet access will help Management monitor the pool and lifeguard activity remotely.

Cost involved:
Cameras up to \$800
Replacement DVR up to \$500
Internet/phone estimated at \$1,500 per year
Face Camera for Directory up to \$200

Blue Ridge Cable is offering a 2-3 year agreement for \$107.95 for phone with unlimited long distance/unlimited calling and internet access (plus taxes/fees). Currently we are paying \$35.00 for phone service at the Directory with Verizon, so our net cost will be \$73.00 per month during the agreement. Discussion took place regarding what line items the money would be allocated from. \$1,500 will come out of the reserve fund for the cameras and the other \$1,500 will come out of the contingency fund. Follow up with Bill Owens on the \$300,000 surplus so we allocated the \$1,500 appropriately instead of using the contingency fund.

Motion made to approve Internet /Cameras at 739 Gate, Long distance and Cameras at the pool made by Director McInerney seconded by Director Jarvis. All in favor. Motion passed.

Maintenance Part Time Position – Position would be for approximately 15 weeks. Duties to include roadside trash, daily garbage detail, painting, general labor as assigned by supervisor. Jimmy from maintenance sprained his hand and broke it in three places. He is on light duty and has been picking up trash, shredding and other duties. The estimated cost for the part time position was explained. Discussion took place regarding the effect of 32 hrs. and Obama Care and where the money would be allocated from. The Maintenance staff is very busy especially during spring and summer and having a part time person would allow maintenance staff to take care of other duties that they are more experienced at.

Motioned to hire Part Time seasonal Maintenance personnel up to \$10 hr. up to 15 weeks made by Treasurer Jarvis, seconded by Secretary Martin. All in favor. Motion passed.

10' X 20' Canopy for Pool - Funding to come from Reserves Playground. Description of the canopy was given. There is no shade at the pool and members enjoyed the shade from the canopy that we had last year.

Motion to approved 10' X 20' Canopy made by Secretary Martin seconded by Director Jarvis. All in favor. Motion passed.

Staff Training – Consider staff training on excel for Sherri and Linda and/or programs available online. Follow up to decide where the money for training would be allocated from.

Pool Furniture – The chairs at the pool are breaking. Sales quote was discussed. Discussions took place regarding the quality and amount of chairs/lounges needed. Some members bring their own chairs and some members don't want to carry their own chairs.

Certificate of Deposit – Motion to approve the purchase of two Certificates of Deposit from excess surplus operating funds to be designated as follows:

\$100,000 designated as Operating Surplus – 3 year CD

\$100,000 designed for Salt Remediation Expenses – less than 6 months.

CM Ridner explained that the CD would yield 2 – 2.4% instead of the 1% that the \$300,000 was making in a money market. We would make about \$7,000 a year if we put the money in a CD account. President, Bennett suggested that we should follow up with the accountant to get answers on the \$300,000 surplus money.

Motion to approve the CDs made by Director Jarvis seconded by Vice President Wagner. All in favor. Motion passed.

Gate Remotes – Remotes are being utilized by staff and given to school buses and ambulances. The remotes are very old. CM Ridner purchased, out of her own pocket, remote clickers to test. They work very well and you don't have to be close up to the reader. The direct cost would be \$25.00 each and be limited to two for each household. It was suggested to charge \$35.00. It was suggested that we should use them in-house first. CM Ridner will look into getting more information on pricing in bulk, shipping, etc.

COMMUNICATIONS, WRITTEN & ORAL

A. Petitions - None

B. Hearings - None

C. Properties - None

D. Community Affairs Committee Members/Complaints Resolutions - None

MISCELLANEOUS

Email 4/23/15 Lake Management Committee – Chairperson Ritson when over the recommendations of overflow/storm water runoff pipes into Lower Birchwood Lake. There two pipes carrying water to Lower Birchwood Lake - a replacement overflow pipe from Middle Birchwood Lake and a new storm water runoff pipe from Old Oak Court. Both Pipes were inspected from the lake on 4/18/15. Discussions took place regarding the recommendations and homeowners in Old Oak Court will have to be notified.

Habitat for Humanity – Grand breaking ceremony on Saturday, May 22nd at 109 Pine Lane. President Bennett and CM Ridner will not be able to attend. Director Moffa stated that he can attend on behalf of the community.

Foreclosure – CM Ridner and Bob Kidwell regarding a foreclosure that we were not notified of. The outstanding balance on this property is \$14,043.90. The bank wanted to offer us \$2,500 and we refused. They asked us to counter offer. We countered with \$7,500. They have not gotten back to us. The property has \$5,525 in citations. We believe they have a buyer. The \$7,500 would cover the cost of the citation and assessments.

Motion to counter with \$7,500 made by Treasurer Palma seconded by Director Jarvis. Director McInerney voted no. All others in favor. Motion Passed.

CM Ridner stated that CAI has a dinner meeting on June 26th. The meeting is about the “Blighted Abandoned Homes Act”. CM, Ridner and President Bennett will be attending.

Motion to adjourn Regular Session Board Meeting at 10:21 pm and move into Executive Session, made by Secretary Martin seconded by Vice President Wagner. All in favor. Motion passed

Respectfully Submitted,

Carolyn Martin
Secretary