

Birchwood Lakes Community Association, Inc.
Regular Board Meeting Minutes
July 11, 2017

Present: Chas Ritson, President; Dennis McMahon, Vice President; Secretary Flatt and Directors; Cecilia Buckle, Kevin Crawley, Adam Fass, and Thomas McConnon.

Also Present: Carrie Ridner, Community Manager.

Absent: Marcella Livingston, Treasurer

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

APPROVAL OF THE MINUTES FROM PRIOR MEETING:

- June 13, 2017 Board Meeting Minutes

Motion to approve the June 13, 2017 Board Meeting Minutes made by Director Flatt, seconded by Vice President McMahon. All voted in Favor. Motion Passed.

Action Without a Meeting

June 21, 2017

This Action Without A Meeting is to approve the signing of the Delaware Township Waiver of Time Limitations for the Conditional Use Permit and Land Development Plan for the proposed Maintenance Facility.

Discussion: Initially when presented with the Waiver, it was forwarded to our legal counsel and engineer. The engineer indicated that this is a familiar practice however, legal counsel cautioned signing the document due to the complete waiver of all time limits.

President Ritson and I attended the Planning Commission Meeting on June 20th, and a more detailed explanation was given by the Planning Commission and their legal counsel.

The entire permitting process must by state law be done in 90 days. If the Township does not meet its timeline the project would be deemed approved (automatically). If BLCA does not meet its timeline the project would be denied and we would start from square one. This Waiver eliminates those timelines for both sides. Our legal counsel was updated as to the discussion at the Planning Commission and it is his and our recommendation to sign the waiver.

Cecilia Buckle	-	Yes
Kevin Crawley	-	Unavailable
Adam Fass	-	Yes
Vincent Flatt	-	Yes
Marcella Livingston	-	Yes
Dennis McMahon	-	Yes

Tom McConnon - Unavailable
Chas Ritson - Yes

Motion to accept Action Without a Meeting, dated June 21, 2017 made by Secretary Flatt, seconded by Vice President McMahon. All in favor. Motion Passed.

June 21, 2017

This Action Without A Meeting is to approve Rand's Perk & Environmental Services, Milford PA to perform, Perk Testing and Septic Design work in the amount of \$1,125. Plus Township Permit Fee for the proposed Tamarack Maintenance Facility.

Discussion: Our land development plan application includes a bathroom facility. We need get a septic permit approved as part of the application process, which requires a perk test and septic design. Rands is a local company working Pike County for over 30 years. (I think he did most of the perk tests in a majority of the communities).

Cecilia Buckle - Yes
Kevin Crawley - Unavailable
Adam Fass - Yes
Vincent Flatt - Yes
Marcella Livingston - Yes
Dennis McMahon - Yes
Tom McConnon - Yes
Chas Ritson - Yes

Motion to accept Action Without a Meeting for Rands Perk Services, dated June 21, 2017 made by Secretary Flatt, seconded by V. President McMahon. All Directors voted in favor. Motion Passed.

TREASURER'S REPORT:

President Ritson presented the Bank Balances and the Income and Expenditure Reports, in the Treasurers absence.

Write-Offs:

Write off requested Lot 3, Block 59, Section 8 due to foreclosure in the amount of \$2,419.58

Write off requested Lot 18, Block 31, Section 5 due to lot improvement in the amount of \$1,616.

Write off requested Lot 3, Block 77, Section 10 due to deedback in the amount of \$900.00

Write off requested Lot 43, Block 94, Section 12 due to deedback in the amount of \$900.00

Motion to approve the above Write Offs made by Secretary Flatt, seconded by Director McConnon. All in favor. Motion passed.

Collections – President Ritson updated the Board on the status of Collections, in the absence of the Treasurer.

Budget Transfer – None

MANAGER’S REPORT:

CM Ridner provided the Manager’s, Maintenance and Public Safety Reports.

Motion to accept the United American Security contract for 3-years with a 30-day out clause, made by Secretary Flatt, seconded by Director McConnon. All directors voted in Favor. Motion Passed.

COMMITTEE REPORTS:

Recreation – Director Buckle reported the committee met to discuss the talent show. The July 4th kickoff was a huge success with approximately 150 people in attendance.

Governing Documents – Secretary Flatt reported the committee met and revised the Dangerous Structure and Abandoned Homes rules. The tree policy is currently being worked on. After the election the committee will get back to bylaws.

Community Safety - Director Crawley reported additional stop signs were needed. The committee discussed the possibility of an emergency generator for the clubhouse.

Lake Management - President Ritson reported that Aqua Link will be in to treat the lakes next week.

Communications – Clare Bennett Chair announced the deadline for the next newsletter is July 15th. Committee discussed additional methods of communicating with the owners. Committee is also looking at a member’s only section of the website.

Ad Hoc Technology – Conference call meeting was held. Committee saw no reason to change bylaws for the conference calls. Discussing changing the clubhouse phone to include long distance calling. Laserfiche quote was well over budget. Working on getting additional vendors.

PAYMENT OF BILLS - None

OTHER UNFINISHED BUSINESS:

Salt Advisory/Shared Well – CM Ridner reported the status of the Barberrry well drilling. Pollution insurance is still in the process of being obtained by the contractor. Brian Oram has requested dates and a timeline from the well driller.

Upper Birchwood Lake Dam – Dam Safety has acknowledged receipt of the revised plans, but indicated they are backlogged and could not give us an estimate of when the review might occur.

Maintenance Facility – CM Ridner reported that a meeting was held with the Planning Commission and our submission was accepted. Perk Test has been completed and septic permit issued. Well permit has

been applied for. Township engineer has provided his 50 point comment letter on the land development plan and conditional use permit. Our engineer is working on the comments for resubmission.

Highway Occupancy Permits – Church owners signed the required Penn Dot paperwork to enjoin them to the permit process and the construction agreement. Met Ed has provided a quote of \$9,000 - \$11,000 for relocated of the telephone phone.

2nd Reading Dangerous and Abandoned Structures – Secretary Flatt presented the Board the committees revisions based on homeowner and legal counsels feedback.

98-50-18a – Dangerous Structures

Restoration of Dangerous Structures

In the event of total or partial destruction of any dwelling/structures on a plotted lot by fire or other disaster or casualty rendering such dwelling/structure unusable or unsafe for normal and reasonable habitation or use, by a vote of the Board of Directors, the owner shall be responsible for taking all action necessary to restore the dwelling to its original or equivalent condition, or to restore the lot to its original unimproved state with respect to grade, clearance of obstructions and removal of debris. In the event of total or partial destruction as set forth above, the lot in question shall be immediately made safe by taking any and all measures to secure the structure and property until such time as the lot is restored to its original improved or unimproved condition, and the lot owner files plans and commences meaningful action to restore the dwelling. Until required permits are filed with the Association and meaningful action commenced, said property shall be deemed unsafe until restoration is complete.

98-50-18b – Abandoned Structures

Any dwelling/structure deemed abandoned, unsafe, unusable and/or an attractive nuisance for normal and reasonable habitation or use, by a vote of the Board of Directors, the owner shall be responsible for finishing construction of the dwelling/structure or to restore the lot to its original unimproved state with respect to grade, clearance of obstructions and removal of debris. The lot or dwelling/structure in question shall be immediately made safe by taking any and all measures to secure the structure and property until such time as the lot is restored to its original improved or unimproved condition, and the lot owner files plans and commences meaningful action to restore the dwelling. Until required permits are filed with the Association and meaningful action commenced, said property shall be deemed unsafe until restoration is complete.

Failure to comply with 98-50-18a and/or 98-50-18b

Upon notification from BLCA that a structure is deemed unsafe, the property owner has 15 days to make the structure safe.

If a member can demonstrate reasonable efforts have been taken to remediate the structure and lot they may submit a request for extension of the time limit. Request for extension should be made in writing to the Board of Directors and supported by evidential paperwork.

Fine 98-50-18a and 98-50-18b Unsafe: If the property is not made safe within 15 days after notification from the BLCA Office the fine shall be \$ 500. After an additional 45 days the fine shall be an additional \$500 per month until the lot deemed safe.

98-50-18a and 98-50-18b Restorative/Corrective Action: If no restorative/corrective action is completed within 6 months after notification from the BLCA Office the fine shall be \$500. After an additional 90 days the fine shall be \$500, and every 90 days thereafter.

If no corrective action is taken BLCA may take legal action. Such legal action shall additionally seek to hold the lot owner responsible for all legal costs and expenses incurred by BLCA.

Motion to approve new rules 98-50-18a Dangerous Structures and 98-50-18b effectively September 8th, 2017, as amended made by Director McConnon, seconded by Secretary Flatt. All directors voted in Favor. Motion Passed.

Motion to deem 137 East Lakeview as a dangerous and abandoned structure under the new guidelines, made by Secretary Flatt, seconded by Director Crawley. All directors voted in favor. Motion Passed.

NEW BUSINESS:

Tree Removal Request –

Motion to approve tree requests from 154 East Shore Drive for removal of three trees, 170 Spruce Drive for removal of two trees, 115 Palm Drive for removal of two trees, 125 Arrowood Drive removal of twelve trees, 125 East Lakeview Drive for the removal of six trees, and pending final review 155 East Lakeview for three trees, made by Secretary Flatt, seconded by Director McConnon. All Directors voted in Favor. Motion Passed.

Fireworks – President Ritson discussed the Fireworks display on Lower Lake. There were complaints from last year’s display. Homeowner was notified prior to the display to make them aware of the rules and regulations and fine associated with fireworks in Birchwood. President Ritson stated that he was very concerned that these very large fireworks displays may be causing harm to the lake, its fish and other animals, but acknowledged that he had not been able to find any definitive scientific studies to support his concerns, based on a cursory review of the internet. He further mentioned that while out fishing on Lower Lake the morning after the fireworks display, he observed at least 1/3 of the lake covered in debris from the fireworks, including a scum of small pieces of debris combined with an algae bloom (likely caused by the phosphorous in the fireworks), hundreds of inch size pieces of brown paper, larger pieces of white paper with Chinese type writing on them, and some very large circular pieces of plastic. Lastly, President Ritson committed to presenting a more thorough report on the possible impact of fireworks on lakes and ponds to the next Board by late Spring 2018.

Board Panel Review – Three Directors need to volunteer for two panel reviews. Dennis McMahon, Kevin Crawley and Vinnie Flatt volunteer to sit on the panel.

COMMUNICATIONS, WRITTEN & ORAL:

- A. Petitions – None
- B. Hearings – None
- C. Properties – None
- D. Community Affairs Committee Members/Complaints Resolutions – None

Phil – 144 Arrowood – Is there a smoking ban at the common facilities? CM Ridner replied that buildings are no smoking as is the fenced in area of the pool. All other outdoor areas smoking is permitted. Would also like the Board to consider forming a Tree Mediation Committee, for the purpose of being able to adjudicate disputes of dangerous trees on neighboring properties. President Ritson responded that it is not appropriate for the Association to be involved in neighbor to neighbor disputes.

Michael 130 Outer – Supports a full ban on smoking and vaping anywhere in Birchwood including common facilities, roads and buildings.

MISCELLANEOUS:

President Ritson addresses the letter from I002-25-05 regarding abatement of septic fines.

Motion to abate the septic fines and related fees of I002-25-05 due to extenuating circumstances (compassionate) made by Secretary Flatt, seconded by Director McConnon. Vice President McMahan voted No. Director Fass abstained as he couldn't hear. All other Directors voted in Favor. Motion Passed.

President Ritson allowed the property owners from I023-53-07 to discuss their letter correspondence regarding the Boards denial of a fishing/pontoon boat.

Motion to make an exception to the board rule for I023-53-07 and allow the 13ft pontoon boat, with no further exceptions going forward, made by Secretary Flatt, seconded by Director McConnon. All Directors voted in favor. Motion Passed.

Motion to adjourn the Regular Board Meeting at 9:06pm and go into Executive Session made by Secretary Flatt, seconded by Director Buckle. All in favor. Motion passed.

Respectfully submitted,

Vincent Flatt
Secretary