

Birchwood Lakes Community Association, Inc.
Regular Board Meeting Minutes
February 9, 2019

Present: Bob Wittrien, V. President; Kevin Crawley, Secretary; Marcella Livingston, Treasurer and Directors, Chris Diaz, Nick LaRusso, Tom McConnon, Dennis McMahon (via conference phone) and Lorraine Storms.

Also Present: Carrie Ridner, Community Manager.

Absent: Clare Bennett, President

APPROVAL OF THE MINUTES FROM PRIOR MEETING:

- January 12, 2019 Board Meeting Minutes

Motion to approve the January 12, 2019 Board Meeting Minutes, made by Secretary Crawley, seconded by Director Storms. All voted in Favor. Motion Passed.

- AWAM – January 17, 2019 – Building Color

This Action Without A Meeting is to approve the building and roof colors for the Maintenance Building on Tamarack:

Building Color -	Slate
Roof Color -	Bronze

Discussion: The builder has provided a color chart, (attached) for the available colors. The Ad Hoc Maintenance Committee has reviewed and recommended the colors above. These colors need to be chosen ASAP as the builder cannot order the materials or schedule us without them.

Clare Bennett	-	Yes
Kevin Crawley	-	Yes
Christopher Diaz	-	No Response
Nick LaRusso	-	Yes
Marcella Livingston	-	Yes
Dennis McMahon	-	Yes
Tom McConnon	-	Yes
Lorraine Storms	-	Yes
Bob Wittrien	-	Yes

Motion to approve the January 17, 2019 AWAM –Building Color made by Director McConnon, seconded by Director Storms. All voted in Favor. Motion Passed.

- AWAM – January 24, 2019 – Investments

This Action Without A Meeting is to authorize the President and Treasurer to invest in Certificates of Deposits, as recommended by Management, to maximize the interest earnings on our funds. Funds can be in any financial institution that is FDIC insured.

Discussion: Management has provided a projected spreadsheet of funds that could be invested in other FDIC insured financial institutions to maximize our interest earnings. The best available terms, rates and financial institutions would be approved by the President and Treasurer.

Clare Bennett	-	Yes
Kevin Crawley	-	Yes
Christopher Diaz	-	Yes
Nick LaRusso	-	Yes
Marcella Livingston	-	Yes
Dennis McMahan	-	Yes
Tom McConnon	-	Yes
Lorraine Storms	-	Yes
Bob Wittrien	-	Yes

Motion to approve the January 24, 2019 AWAM –Investments made by Secretary Crawley, seconded by Director Storms. All voted in Favor. Motion Passed.

- AWAM – January 25, 2019

This Action Without A Meeting is to approve an additional \$3,620 to Pioneer Building for the Maintenance Facility, for township required emergency lighting; ADA accessible shower rough plumbing and room modification and additional permitting review required by Township.

Discussion: Attached are the comments from Pioneer Building for additional items required. Room modified for ADA shower \$720; Additional rough in plumbing, water & sewer line for ADA shower \$950; Emergency lighting \$1,100; and additional round of permitting review and architectural changes \$850. Total \$3,620.

Clare Bennett	-	Yes
Kevin Crawley	-	Yes
Christopher Diaz	-	No Response
Nick LaRusso	-	Yes
Marcella Livingston	-	Yes
Dennis McMahan	-	Yes
Tom McConnon	-	Yes
Lorraine Storms	-	Yes
Bob Wittrien	-	Yes

Motion to approve the January 25, 2019 AWAM –Pioneer Extras made by Director McConnon, seconded by Director LaRusso. All voted in Favor. Motion Passed.

TREASURER'S REPORT:

Treasurer Livingston presented the Bank Balances and the Income and Expenditure Reports.

Write-Offs:

Lot 6, Block 100, Sec 5 due to foreclosure \$13,709.85

Motion to approve the above Write Offs totaling \$13,709.85 made by Treasurer Livingston, seconded by Director McConnon. All voted in Favor. Motion passed.

Collections – Treasurer Livingston updated the Board on the collection status.

Budget Transfer – None

MANAGER'S REPORT:

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

COMMITTEE REPORTS:

Lake Management Committee – Chas Ritson, Chairman discussed email regarding members that want to do maintenance in the lake near their shorelines. There is one member that has contracted with Ecological Solutions to do some muck removal, but the Lake Committee feels there should be oversight and evaluation of the work to be done prior.

Motion to adopt a requirement that any project using mechanized equipment/contractors in any lake be reviewed by the Lake Management Committee prior to approval of such project, made by Secretary Crawley, seconded by Director Storms. All voted in Favor. Motion Passed.

The Board gave the Lake Committee Chairman permission to contact the member interested in doing the muck removal for further details.

Next, there was a discussion regarding the draft rule regarding trees that have fallen into the lake.

Secretary Crawley asked Ritson to send him the tree information as the Governing Documents Committee would be meeting shortly. Secretary Crawley moved to table the tree in lake issue.

Governing Documents Committee – Secretary Crawley reported that the Committee has met to review member feedback on the Rules and Regulations. Also, the Committee has reviewed an Alternative Dispute Resolution Policy as drafted by our legal counsel to support the new law.

Motion to approve, as a first reading, the Alternative Dispute Resolution policy to be added to Rules and Regulations, made by Secretary Crawley, seconded by Director Diaz. All voted in Favor. Motion Passed.

Alternative Dispute Resolution

- A. The Association adopts this Section in compliance with the provisions of Act 2018-17 (H.B. 595), § 7, approved May 4, 2018, eff. July 3, 2018, which amended the Pennsylvania Uniform Planned Community Act to allow planned communities to establish procedures for the alternative dispute resolution of disputes between: (i) two or more unit owners; or (ii) a unit owner and the association.
- B. “Alternative dispute resolution” (ADR) is defined as a procedure for settling a dispute by means other than litigation, such as arbitration or mediation.
- C. Upon passage of this Section in accordance with Article XVII of these Bylaws, there will exist an ADR procedure in the Association to adjudicate disputes between unit owners and between a unit owner and the Association.
- D. ADR shall be limited to only those disputes where all parties agree to ADR.
- E. To commence an ADR proceeding with another unit owner and/or the Association, a Complainant must submit a formal Request to Submit Matter to ADR (the “Request”) to all prospective parties to the ADR.
- F. The Request must set forth the nature of the dispute with reasonable particularity and the proposed form of ADR (i.e., arbitration, mediation, etc.)
- G. The responding party(s) will be given 30 days to provide a response, in writing, setting forth whether they agree to submit the dispute to ADR and, if so, what form of ADR they would prefer.
- H. If all parties are in agreement with ADR, the ADR procedure will commence upon the selection of a mutually agreed upon Arbitrator or Mediator. The Association can provide names of Arbitrators and Mediators upon request.
- I. Unless otherwise agreed upon, the Complainant will be responsible for contacting the chosen Arbitrator or Mediator and coordinating the date of the Arbitration or Mediation.
- J. Costs and fees associated with ADR (e.g. the cost of the Arbitrator or Mediator) shall be shared equally by all parties to the dispute. The parties are responsible for their own legal fees.
- K. If a Complainant exhausts the ADR procedure without a resolution or more than 100 days have passed since the Complainant commenced the ADR procedure and parties have not reached a resolution the ADR process will end and the unit owner will be free to exercise the rights set forth in 68 Pa.C.S. § 5322.
- L. Nothing in this section shall be construed to affect or impair the right of a unit owner or the Association to pursue a private cause of action or seek other relief.

Recreation Committee – Director Diaz reported on the upcoming St. Patrick’s Day Dinner and Live Band on March 23rd. He would also be discussing an Easter event with the committee. Further the Committee will be discussing Summer Recreation events.

Voting & Elections – Secretary Crawley reported on the recent Budget/Reserve votes: Reserve Withdrawal of \$309,600 – Void Ballots 5 – YES Ballots – 136 - NO Ballots 38. Total Ballots Received 179. Fiscal Budget for 2019/2020 – Void Ballots 5 – YES Ballots 108 – NO Ballots 66. Total Ballots Received 179.

PAYMENT OF BILLS:

OTHER UNFINISHED BUSINESS:

Shared Well - As of now, the 72 hour well testing is scheduled for March 10th. Moyer will then do a cleaning of the well, and setup for the second production well.

Upper Birchwood Lake Dam - All responses to Tech review #6 have been provided to Dam Safety.

Maintenance Facility - Pioneer Building was onsite this week to do some layout work for the building. It is expected that we will have a potential start date shortly.

Highway Occupancy Permits - A meeting with Penn Dot and Rep Rosemary Brown has been scheduled for March 1, 2019 at Rosemary Brown's office.

Delaware Township Ambulance Donation Request – Tabled until the Board has more information.

2nd Reading of the Rules and Regulations – These rules have been sent out to the Membership for feedback. One member has provided feedback which has been reviewed by the Governing Documents Committee.

Motion to approve the following Rules and Regulation changes, made by Director McConnon, seconded by Secretary Crawley. All voted in Favor. Motion Passed.

INTRODUCTION

The following procedure has been adopted by the BLCA Board of Directors to inform our members in advance that a new or revised rule is being considered and to give them the opportunity to send their comments and/or suggestions to the Board before this document is finalized and implemented. (New effective 5/11/12)

- 1. The Board of Directors will review recommendations from the Governing Documents Committee to adopt a new rule or revise a current rule.**
- 2. If in agreement with the recommendation, the Board by a majority vote of those Directors present will send the proposed rule (new or revised) to the membership for their information and comment. If not in agreement, the document will be returned to the committee for further discussion. Members shall be notified of any proposed rule changes, notification method choosing one or more of the following communication methods; letter, electronic, newsletter posting, as deemed appropriate by the Board. Member comment period shall be 20 days for review.**
- 3. After reviewing member input/comments, the Board of Directors shall vote to approve the proposed rule by a majority vote of the Directors present or to send it back to committee for further discussion. The Board shall take into account all feedback, but is not obligated to change the original document under consideration.**
- 4. All new or revised rules will be effective immediately after final approval by the Board.**
- 5. Special Note: The Board may immediately implement a new or revised rule on a strict exception basis for all items considered to be a public health, public safety or other emergency issue.**

Untidy/Unsightly Properties - Section 98-50-12
(amended effective 10/11/13, 2/13/15, 9/11/18)

A. Members shall maintain their lot in a neat, clean and orderly condition. *Examples of violations 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, motor vehicles 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. If violation is not resolved within 30 days or 10 days for overgrown grass/weeds, fine will be \$50.00 each month for the first two months and the third month and thereafter it will be \$100.00 a month until resolved to the satisfaction of the Association.

Leaves - Section 98-50-14
(amended effective 4/14/15)

- A. Raking, blowing or otherwise depositing leaves and/or any other debris in the lakes, roadway, culvert or ditch areas is strictly prohibited.**
- B. The fine for violation of Section 98-50-14 shall be \$50.00.**

NEW BUSINESS:

Tree Removal Request – Secretary Crawley discussed tree request for 164 Aspen Road.

Motion to approve the tree request for 164 Aspen Road for trees in a selected removal area, as presented and reviewed, made by Secretary Crawley, seconded by Director McConnon. All voted in Favor. Motion Passed.

USDA Goose Management Agreement – CM Ridner presented the Goose Management Agreement with the USDA Wildlife Services as recommended by the Lake Management Committee.

Motion to approve the Goose Management Agreement for 2019 with the USDA Wildlife Service's not to exceed \$6,100, made by Secretary Crawley, seconded by Director Storms. All voted in Favor. Motion Passed.

COMMUNICATIONS, WRITTEN & ORAL:

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

MISCELLANEOUS:

Email Correspondence I008-09-02 - This member was in attendance at the Board Meeting, and was satisfied with the Board actions regarding reviewing members that want to remove muck in the lake.

Letter Correspondence I020-70-09 - Letter from member regarding road paving from over two years ago and their private driveway. Road Committee Chairman went out to review the complaint and found the circular driveway with one drive just fine, and the secondary driveway is at a high pitch and the road would need to be dug down 6 or more inches. The homeowner needs to make their own driveway repairs.

Motion to adjourn the Regular Board Meeting at 10:28am and go into Executive Session made by Treasurer Livingston, seconded by V. President Wittrien. All voted in Favor. Motion passed.

Respectfully submitted,

Kevin Crawley
Secretary