



BEAR CREEK LAKES CIVIC ASSOCIATION

57 Pool Drive, Jim Thorpe, Pennsylvania 18229
(570) 325-3334

Board of Directors Meeting – August 15, 2020 **Via Zoom Videoconference**

Attendees: Ken Levitz, Todd Laudenschlager, Margo Schaefer, Madeline Ligenza, Ray Bradley, Rand Asher, Bill Gullone, Ron Kerwood, TJ McKeon, Jack McGeehan, Roger Stewart, Pete Matone, Ned Ramm, Steve Sosnowski, Ross McCartney, Tom Nanovic

Visitors: James Dyer, Al Fanelli – Honeysuckle Drive; Kevin McGrath, Marge Dunford, Greg & Denise Booker – BCL Drive; John Kreckie, Paul Martino - White Oak Drive; Heidi Mullen, Wylie Johnson – Mountain View Drive; Michelle and Iordanis Fetfatzis – Hawthorne Drive; John Dawson – Piney Woods

President Ken Levitz completed roll call, had a quorum, and called the meeting to order at 9:06AM.

PREVIOUS MEETING MINUTES

- Reviewed and approved July 2020 minutes:
 - **MOTION: 20, 8-15-01**: Ligenza made motion to approve minutes. Seconded by Kerwood. All in favor. Motion carried.

TREASURER REPORT

- Margo explained that the construction escrow funds (\$30,000) mis-categorized as building permits so accountant moved them. Capital Improvement Fund is funded only from property transfers.
 - **MOTION: 20, 8-15-02**: Kerwood made motion to approve Treasurer's Report. Seconded by Stewart. All in favor. Motion carried.

Balance Sheet

Cash Balance of \$1,653,740 as of July 31, 2020 comprised of:

| | |
|--------------------------------|------------|
| Operating Funds | \$ 378,469 |
| Capital Reserves & Improvement | 1,245,091 |
| Construction Escrow | 30,025 |

Capital Expenditures during July 2020 - None

MEMBER CONCERNS

- James Dyer – Honeysuckle Drive: He was looking for details on the White Oak property. Ken responded there is offensive, threatening behavior on the part of the resident.
- Kevin McGrath – BCL Drive: Thanked Madeline for the removal of the Intrepid security signs. Thank you to the outgoing Board members. He was looking for the status of the approved permits list being posted on-line. Ron is working on this.
- John Kreckie/Paul Martino – White Oak Drive: He appreciates that the White Oak residence was placed on the agenda for this meeting. He gave a brief account of the events. Ken and Tom indicated we have done everything we needed to do.
- Marge Dunford – BCL Drive: She was concerned with everything being jammed on North Beach and asked that the pavilion project be cancelled and boat racks be re-located to the South Beach.
- Greg Booker – BCL Drive: Concerned about the North Beach pavilion regarding trespassing, loud noise. Asked that a fence be placed between the beach and property lines.

- Al Fanelli – Honeysuckle Drive: Concerned with the \$10 tree removal fee. Ken replied the revised application listed a \$10 fee to fund research and trial planting for tree species.
- Heidi Mullen – Mountain View Drive: Thank you for all the Board has done. She would like more information from the candidates who are running for the Board. Margo stated this is not an agenda item for this meeting.
- Wylie Johnson – Mountain View Drive: He agrees with Dunford and Booker about a fence being erected. Looking for the amount allocated and spent. Margo stated this item was approved NTE \$22,000 and \$17,000 has been spent so far.
- Michelle and Iordanis Fetfatzis – Hawthorne Drive: Would like an opportunity to speak to those running for the Board. Steve explained that due to COVID, we are prohibited from getting together for a Meet & Greet. We solicited for bios and they went out with the ballots. BCL does not have an official Facebook page.
- John Dawson – Piney Woods Drive: He asked if the candidates can set up their own Zoom meeting/link.
- Denise Booker – BCL Drive: Denise would like to know when Committee meetings are scheduled and asked if minutes can be posted/issued. TJ will create a web page with the published committees and chairpersons.

OTHER OFFICERS REPORTS & ATTORNEY COMMENTS

- Officers –See the attached position paper, Addendum and 2 emails from residents. In summary, Annual Membership Meeting Format: Ken said the Bylaws require we have an annual membership meeting which includes elections. They looked into a number of options and found the safest is for a Zoom meeting and to ensure the security and integrity of the election, mail-in voting. Ken said he has never had a problem with this. White Oak Issue: We have increased Security patrols on a random basis. North Beach Pavilion: The Dunford and Booker residences are the nearest to this project and they have sent emails expressing their concern. Ken said we are trying to maximize access to non-lakefront owners. We are still waiting PFT's approval. If we cannot proceed within the budget allocated to this project, we will choose other options.
- Attorney – Tom had nothing to report.

COMMITTEE ACTION ITEMS

- Pennoni Engineering Storm Water Management Plan – Ken reported we are seeking proposals from law firms to handle and negotiate the easement agreements of 2 parcels (same owner) that will be impacted to some degree when work on the stormwater takes place.
- North Beach Pavilion Permitting – See attached Officers Comments Reports and Addendum from the Executive Committee. If we can't come within budget, we would go back to the Board for discussion.
- Non-Complying Structure – Tom sent a proposed draft to the Executive Committee yesterday and is awaiting their response. If OK, Tom will send out to owner. Ken will share the proposal with the entire Board.
- Beach Bulkhead Modifications – Todd and Jack met with Maintenance. Can possibly do a ready rock design. Jack will discuss with Lake and Dam Committee and come back to the Board with a recommendation.
- Proposed Diaper Rule Revision – Background is that members have been pulling diapers off non-potty trained children and putting them in the pool and lake. Ron distributed proposed rule.
 - **MOTION: 20, 08-15-03**: Kerwood made motion to accept the proposed diaper rule. Seconded by Stewart. All in favor. Motion carried.

- Ongoing Security Issue: White Oak Drive – Madeline explained that we added more Security hours. She said between Security, the Board and Crime Watch, we have made a statement in this community. There has been less noise.

UNFINISHED BUSINESS

- Declaration Rewrite Process – Jack said the declarations in the deeds are in need of updating. Members will be able to have a say in this process by voting. The updated bylaws allow us to do this. The sub-committee will work on a draft. Thank you to Ken for being the committee chair and he will continue to stay active on this committee. Committee consists of Ken Levitz, Kevin McGrath, Jack McGeehan, Madeline Ligenza, Gary Benedick, Kathryn Shimp, Ned Ramm (chair).
- Rental Committee Recommendations – Ron sent the Board a report on this and still has 2 outstanding items. Ron is attending the Township meeting on Monday and will brief the Board. He hopes to have a document for the Board's review in September and in place by the end of the year.
- Formal RTK Request Form – Todd took the lead on this and gave a sample RTK form to Tom for his thoughts.

STANDING COMMITTEE REPORTS

- Lake/Dam –Lake: Jack reported that rack "Q" from the boat launch area has been permanently removed and resulted in two additional parking spaces. With the additional racks that were placed on North Beach and an additional rack placed near the rear of racks L&M at the Boat Dock area, we increased kayak and canoe spaces available to the members. Striping will be completed at the boat ramp so it will be safe for entering/exiting the lake. Dam: The lake level had risen to 4 ¾" due to the Tropical Storm Isaias. Nothing from DEP on the spillway project.
- Finance – Margo distributed the Proposed Capital Expenditures of items that may need to be replaced over the next 3 years.
 - **MOTION: 20, 08-15-04:** Schaefer made motion to accept proposed capital expenditures. Seconded by Kerwood. All in favor. Motion carried. Margo will send to the office for insertion in resale folders.
- Special Projects – Elections: Steve said there is a lot of interest. Ballot needs to be inserted in return envelope with address and lot # showing. Steve is collecting ballots, opening them, and recording them on a spreadsheet, which will be turned over to the secretary after ballots calculated. Ballot needs to be received by August 26. Anything received after that date will not be counted.
- Lifeguards – Ken said lifeguards are returning to school. Schedule has been posted for the balance of the season on pool openings/closings. Board needs to discuss earlier in the season how lifeguarding will be handled next year.
- Maintenance – Bill reported all is going okay. Behrens Road crosswalk has been striped and signs displayed. Ross said the new truck is out of commission for about a week so the spreader can be repaired. It is still under warranty. He said he will be working on selling the old truck in September/October when the market is better.
- Roads – Bill said all driveway permits are OK.
- Environmental – Ned said tree permits have been very active. The committee is working on a workshop on invasives. New tree removal request form has been posted is on the web site. Jack said we are using Pottsville Environmental to take samples on a bi-annual basis and compare to wetland area by peninsula.

- HR – Rand said the office is busy. Ron and Rand will be working on how the office will be updating the new permits log on line.
- Permits – Ron thanked Todd for working with him and showing him the ropes. He is working with 2 members on work that did not have permits and a non-complying shed issue with Tom.
- Recreation – Madeline reported the Yard Sale is August 22, with a raindate of August 23, tennis tournament August 22 at 9AM, 5K run scheduled for September 6 has been cancelled by the volunteer. The Firehouse has been reserved for the May 29 Informational Meeting. Thank you to the lifeguards for lap swim and water aerobics—last day for these events are 8/20 and 8/21, respectively. Bob Schuler did not use the pavilion for census training due to the storms that day. He thanked us for allowing him to use the pavilion and said they may use it in October instead.
- Security – Security report is attached. Crime Watch meetings are held the 2nd Saturday of the month, but because of COVID, they have not been held. Madeline thanked Crime Watch and 6 of the Board members for help with the overflow of people from Beltsville. Thank you to Grace for badge checking. Madeline would like to get placards for next year that hang from the rearview window.
- Membership Services – Margo said a few more hearings have been scheduled for those members owing over \$1000. Once hearings are over and judgments have been made, we will then start getting paid. Margo will add a statement to the Dues Invoices of those who still owe us back dues.
- Communications – TJ reported communications are going out on website, Facebook. Steve asked TJ to put a reminder out about ballots received after 8/26 will not be counted.
- Computer Technology – TJ had nothing to report.
- Pool – Pete reported there was a sewage problem, but it was taken care of with minimal shutdown at the pool. We will need a new pool cover. Thanked Dylan for ongoing efforts with COVID, overseeing the lifeguards, and donating a window air conditioner to the lifeguard shack; air conditioner will be returned at end of summer season.
- Rules – Ron mentioned some ideas the Rental Committee have been working on and hopes to have a draft by the September meeting.
- Landscaping – Ray had nothing to report.
- Stewart Hall – The October wedding rental for Stewart Hall has been cancelled due to COVID.
- Long-Range Planning – Roger reported there will be a committee meeting in September before the next Board meeting. Bylaws require we do a long-range plan and we hope to get it out within the next year.
- Thank You – Margo thanked Ken for his service, dedication, and always going above and beyond.

NO NEW BUSINESS

NO EXECUTIVE SESSION

NO AWARDING OF CONTRACTS

FUTURE ACTION ITEMS

- North Beach Pavilion Permitting -- Todd awaiting Township's decision. (Nov19-Aug)
- Beach Bulkhead Modifications – Jack will give Board a recommendation. (July20-Aug)
- Revision to Proposed Rule to Prohibit Use of Millings in BCL – Ron will revise Driveway Permit. (Jan20-Aug)
- Boat Stickers – Readjust written rules in the new year. (July19-Aug20)

- Declaration Rewrite Process – Ned and his committee working on a draft. (Oct19-Aug)
- Special Projects – Steve will arrange for an Industry Expert to come to future Board meeting, after new Board in place. (Jan20-Aug)
- Environmental – Ken working with County Forester to tentatively hold program in September to discuss tree preservation and slowing down growth of invasives. (Feb20-Aug)
- Maintenance – TJ will get a fillable Work Order form on Web and shared drive. (June19-Aug 20)
- Stewart Hall – Ray is checking on our eligibility for electric service provider rebates. (Oct19-Aug)
- Board Member and Employee Conduct Standards and Training – Rand will work on Part 2 for Employees. (Jan 19-Aug20)
- Grills at the Pavilion – TJ will research and come to April meeting with planning structure or plans. (March20-Aug)
- Long Range Planning -- Within the next month, Roger would like to generate a draft of the Strategic Plan. Within the next year, Roger will have a long-range plan as required by the bylaws. (May20-Aug)
- Formal RTK Request Form – Todd sent sample form to Tom for comments. (June20-Aug)

ADJOURNMENT

- **MOTION: 20, 8-15-05:** Levitz moved to adjourn at 11:33AM. Seconded by Stewart. All in favor. Motion carried.

Respectfully submitted by Linda Sott, Recording Secretary

Week of 7/12-18

6 citations
1 permit check
2 welfare checks
84 amenity checks
2 alarm calls
3 dog calls
1 call fishing on N Beach
(unfounded)
1 golf cart call
2 resident vs. resident
complaints

Week of 7/19-25

5 citations
1 permit check
3 permit calls (unfounded)
3 welfare checks
80 amenity checks
2 alarm calls
1 dog on beach call
7 RV Parking calls
1 badge monitor call (no badges)
1 truck blocking parking lot call
(unfounded)
1 teenager on dam call (unfounded)
2 neighbor disputes
1 drunk & disorderly

Week of 7/26-8/1

8 citations
1 permit check
2 welfare checks
81 amenity checks
1 alarm call
1 loose dog call
5 neighbor complaints (1 call
unfounded called in by CW)
1 truck blocking emergency lane at
South Beach
1 criminal mischief vandalism-
street signs turned/removed
1 psychiatric/medical from Frank

Week of 8/2-8

5 citations
2 permit checks
1 welfare check
73 amenity checks
2 alarm calls
2 dog calls

8 neighbor complaints
1 medical call
1 theft call-boat motor
1 swimming at boat dock
(unfounded)

Officers Reports

Your Executive Committee is, obviously aware of member concerns and expressions of dissatisfaction dealing with various issues: ranging from the format of our annual membership meeting an election, security coverage in the White Oak area to the planned construction of a pavilion at North Beach. The following comments are intended to provide some structured response to members comments that will be heard immediately prior to the agenda item: Other Officers' Reports.

Annual Meeting Format:

The Pennsylvania Planned Community Act requires an annual meeting. An online meeting is the safest venue we can find at this time. Mail-in ballots have been chosen for the same reason. Return of those ballots in an identifiable envelope ensures the integrity of the voting in that it limits the vote count to members in good standing. As always, the vote count will be conducted by volunteer members. In the 25 years I have lived here, I have not witnessed a vote miscount allegation: or an alleged violation of voter privacy. I have no reason to think this election would be any different.

White Oak Security Issue:

While we are sure the reported incidents are sometimes frightening and always frustrating, your board is taking all available legal steps to contain and control the individuals involved in the reported incidents. Security patrols in this area have been increased and randomly scheduled in an effort to increase protection without creating a routine that is easily predictable. Additionally, we continue to research with our legal counsel, potential uses of our covenants to increase pressure on the actual property owner which may be indirectly applied to the source of the problem.

North Beach Pavilion:

By this point of our meeting, we will all be familiar with Member Marge Dunford's demands to "scrap the project". It is not our intent to "nit-pick" her analysis of the cost associated with the project, but to respond to some inaccuracies in her emailed analysis and to take issue with her assertion of "no value to the community."

Mrs. Dunford's math is correct; however, she has colored her comments with an implied negative comment about members providing "their expertise for free". I don't believe the board has sought such an arrangement with any member. Regardless, I am not sure of how a member can attach a negative connotation to volunteer when we pride ourselves on being a volunteer board.

Secondly, she has made a statement that "We don't even have a drawing ...". Our files include a series of sealed PE drawings and a sealed sketch from a registered architect. While she may be telling us, she has not personally seen a design, her choice of language is less than factual.

Finally, on to “no value”:

I suggest value, like beauty, is in the eye of the beholder – in this case, a fee-paying member whose home is not lake front.

Our community developers created a two-tier membership status when they designed a community plan limiting beach and lake access (minimal beached and boat launch points) for the majority of our membership: while maintaining a single level fee structure. North and South Beach, and any amenities associated with them, basically service those of us in that majority.

In 2015, the board addressed questions dealing with a significant fee increase in a letter formatted as a question/answer dialog. One of those questions deals with the concept of a premium membership fee for lakefront property owners. The answer alluded to implied associated value to all parcels due to the presence of the lake: but basically, acknowledged the value in the simplicity of our fee structure. We are certainly not suggesting a change in that fee structure but, there are those of us on the board who do see a need to more equitably share the community’s good fortune: otherwise, the motion to approve purchase of the pavilion would not have passed. The motion carried after considerable debate. It was not unanimously approved, but received support from a group of board members with fairly diverse backgrounds and publicly acknowledge beliefs on how to better the community.

The construction of this pavilion, if it can be completed within reasonable regulatory requirements and within the approved budget, will, in some small way, diminish the resource discrepancy value we see. We are committed to holding total expense to the approved dollar amount or terminating the project. We have previously held discussions with the vendor and have been advised he cannot offer a substitute product that we could use (our interest was in a new life guard facility). If we cannot complete this project as stated above, we may still find some way to attract a third party who could use this structure while providing a suitable building for BCL at a negotiated and favorable cost for another project.

We are pleased to hear Mrs. Dunford’s offer to volunteer on the Long-Range Planning Committee. I am sure she will be contacted when the new board is seated in September. She may be interested in exploring the above idea.

Officers Reports – Addendum

The attached member correspondence, while initiating privacy incursion complaints, ultimately focused on displeasure with the proposed construction of a pavilion at North Beach. I intend to acknowledge Mr. and Mrs. Booker’s complaint in the course of my comments previously sent to you – entitled “Officers Reports”; and repeat my assertion in the original document: Namely we will proceed with the pavilion project if we can conclude it within the approved budget amount and with regulatory requirements acceptable to us (in light of required future infrastructure improvements or additions). If not, we will withdraw the project and proceed to review additional projects identified by the Long Range Planning Committee.

It is our intent to attach these two documents to the draft August 15, 2020 meeting minutes for review and approval: and posted with the approved minutes.