

WALKER LAKESHORES LANDOWNERS ASSOCIATION

REGULAR MONTHLY MEMBERSHIP MEETING MINUTES

SATURDAY, APRIL 27, 2019

I. Call to Order

The Walker Lakeshores Landowners Association Regular Monthly Meeting was called to order at 10:00 am, by President Janice Hahn.

II. Salute to the Flag

III. Call for any objections to recording of minutes for accuracy. No objections received

IV. Roll Call

Members present: Mario Aieta, Mike DeVita, Carol Gillen, Janice Hahn, Ron Lisciandrello, Bill McCarthy, Rose Murphy, Maryann Muschlitz, Paul Palladino, Vicky Perrotta (left meeting at 12:05pm), Carol Reynolds, Marvin Schechter, John Weber

Members Absent: Bill Reese

Guest: Attorney John Steih

V. Approval of BOD Meeting Minutes

Motion made by Maryann Muschlitz, seconded by John Weber, to accept the Saturday, March 16, 2019 Regular Monthly Meeting Minutes. Carol Gillen opposed, all others voted aye. Motion passed.

Motion made by Vicky Perrotta, seconded by John Weber, to accept the minutes of the Special Meeting, April 6, 2019. One correction noted by Marvin Schechter, Ron Lisciandrello abstained, Carol Gillen opposed, remainder voted aye. Motion passed.

VI. Approval of the Agenda

Motion made by Paul Palladino, seconded by Carol Reynolds, to approve the Agenda. All voted aye, motion passed.

VII. Presidential Remarks

Thoughts and prayers offered for the sudden passing of Diane Tishler.

Attorney Steih was introduced and made the following remarks to the Board.

Letters were sent to Maple Park individuals for failure to pay their pro rata share for West Shore Beach. Letters were sent to the Attorney General/Better Business Bureau of Consumer Protection on WLLA behalf addressing the filed complaint. The claim for for the Ditech

bankruptcy was filed on our behalf. Pennsylvania does not recognize an Association Constitution.

An individual resale packet has been reviewed which reference WLLA being comprised of 4 developments, including Maple Park. The question was whether that statement forever binds Maple Park to WLLA. The answer in his opinion is no. According to the Uniform Planned Communities Act, WLLA is bound by the resale packet only to the extent that it contains information about dues or assessments. Individual resale packets need to be reviewed on an individual basis for possible reimbursement of partial fees. Resale packets are no longer to be provided to Maple Park but a separate document will be used, issued by WLLA as outlined in the Uniform Planned Communities Act to inform the buyer of his financial responsibility to WLLA.

Maple Park residents are not members. Extensive research has been completed going back to 1960, and concluded there is no evidence/documents that exist that legally tie Maple Park to WLLA or that requires Maple Park to be part of WLLA. It is a separate category, a hybrid, and the only tie between WLLA and Maple Park is the right to use the lake. Nothing obligates, requires, or mandates Maple Park to be part of WLLA or obligation for residents to be members of WLLA.

Atty. Steih reinforced the legal principle that if you have the right/privilege to use of something, you have the obligation/collateral duty to pay to maintain it, regardless of Deed covenants. Maintenance by Maple Park is paying their pro rata share since they have the right to use the lake. Past court documents supports this. Even if there aren't any deed covenants, if they have the right to use the lake, they are obligated to pay their share of the maintenance of the lake. Description of prior court cases sited that even if it isn't stated in your deed covenants. Maple Park does not have the right to use WLLA's clubhouse building/office, the roads, lake access or beaches as bound by their deed covenants. They have the right to use the roads of Maple Park, the water system that is still functioning, the picnic grounds on West Shore Beach and the right to use the lake. As a result of WLLA owning the lake and operation and maintenance of it, and based on Maple Park's right to use the lake, they have the duty to pay their pro rata share. We are not maintaining their roads, water system, and whatever else exists and Maple Park has no obligation to pay us to maintain WLLA roads, etc. As owners of the lake, WLLA has a right to establish rules of the lake and enforce them by sanctioning those who are in violation, including Maple Park residents. The way to do that, since WLLA does not have police, is to establish a rule and if someone violates the rule as stated in the Uniformed Planned Community Act and the Planned Community Code, WLLA has a right to sanction the violator. Sanctioning could be financial in nature with failure to pay equal to failure to pay assessments and there is a process to apply automatic liens, which is commonly used. Or place a judgement on the party involved.

The definition of a member currently is someone who owns 50% interest in a lot and has lake rights. WLLA has the right to redefine who can and cannot be a member. That definition can be redefined. You cannot mandate people to join but you can make it optional, refuse people to be members, or establish different categories of membership. An example given was if you

didn't want members to be full voting members of WLLA for whatever reason but they want to use your amenities, there is no prohibition on creating different categories.

A question arose with regard to limiting rights of future developments in WLLA, specifically the 299 acres for sale on Twin Lakes Road. That particular lot has the right to use Walker Lake but has not been granted an access. They would have to come to WLLA to get an agreement for the right to access it. WLLA has the right to define membership.

With regard to a letter received by several buyers in Maple Park requesting a refund of the closing costs of the resale packet they received, in the amount of \$00 each. Their resale packets will be reviewed and appropriate refunds issued.

A question with regard to Shohola Township Building code was discussed.

Presidential remarks continued:

Cincinnati Insurance was selected as our carrier for General Liability and Directors and officers coverage at the Special Board Meeting on April 6, 2019, at the cost of \$14,644 yearly, to be paid in two separate invoices. Cincinnati Insurance recommended background checks for all who handle money should be conducted. The State Police of PA offer a free background check for volunteers and paid employees cost \$22.00. The BOD approved the fee for our Office Assistant, Kathleen Zimmerman. Cincinnati Insurance recommended background checks for all volunteers who will be assisting in programs with children under eighteen years of age. Also, Cincinnati Insurance agreed that West Shore Beach can accommodate fishing, swimming and boating from the property but the fishing section should be clearly marked with new signage. No fires are allowed on the beach.

The tabled proposed bylaws was brought forward for a vote. After much discussion, motion made by Paul Palladino, seconded by Marvin Schechter, to table the vote on the proposed Rules and Regulations until the Rules and Regulations Committee meets again to discuss the social vs associate membership, the Red Book write up, and the comments/recommendations made by Atty. Steih regarding the By Laws. All voted aye, motion passed.

WLLA is actively pursuing delinquent assessment accounts through small claims court. The amount in arrears reported was \$114,000+ but after receiving payments and a few corrections the actual amount to date in arrears is \$110,746.70.

The 2019 stickers are in the office and can be picked up and secured on current tags.

At the Executive Board Meeting on April 6, 2019, Linda Verge was removed for cause from the BOD because she is not a member.

Carol Reynolds will assume presidential duties as of the May 2019 Board Meeting.

VIII. Treasurer's Report - Carol Gillen

Treasurer supplied report for all attending to review. Motion made by Mike DeVita, seconded by Carol Reynolds, to pay bills as written (see attached). All voted aye, motion passed.

IX. Standing Committee Reports

A. Finance - Carol Gillen -Assessments in arrears by community members discussed. Motion made by Maryann Muschlitz, seconded by Mario Aieta, to file in small claims court the list of community members in arrears. All voted aye, motion passed.

Members in arrears were offered a payment plan and as yet no one has responded

B. Membership/Nominations - Margaret Lisciandrello-This years election will use the same ballot box as last year. Candidates are needed for President, Vice President, 4 directors. Recommendations considered to attract more candidates. Suggestions included shortening the meetings and having evening weekday meetings.

C. Program/Youth - Maryann Muschlitz - Discussion of future plans. T-shirts will go on sale, Community yard sale, wildlife talk, "Close Encounters-Birds of Prey and Safe Haven in August will have a program in the clubhouse. Donations to the Conservancy requested and denied. Motion made by Maryann Muschlitz, seconded by John Weber to co-sponsor the Raptor program in the amount of \$50 from the Program Committee. All voted aye, motion passed.

D. Lake - Peter Wulfhurst -Request to approve 5 contracts for treatment of the lake with AquaLink (see report). Motion made by Mario Aieta, seconded by Mike DeVita, to approve the 5 contracts proposed for AquaLink. One opposed, remaining voted aye. Motion passed. The lake must be lowered sometime in the Fall to inspect the Dam screening and Outlet valve as required by the D.E.P. Applications for permits will be secured. It is not determined at this time how much it will be lowered but will coordinate with lakefront homeowners who would like to do cleanup at the shore. Homeowners may need to apply for individual permits to do so. Any possible dam repairs will be revealed around September/October. Accepting requests from homeowners at lakefront desiring the water lilies be sprayed and notification to be placed in the newsletter. The Emergency Evacuation Plan is in progress.

E. Road - Mike DeVita - Empire Excavating has completed snow plowing for the season and sweeping roads. Trees Overhanging roads needs to be addressed and will be discussed with the attorney. Drainage correction/repair on Onandaga Road has been completed, potholes on asphalt roads completed and gravel roads will be inspected and estimate of cost to repair will made.

F. Legal - Janice Hahn- Discussion of cutting trees overhanging roads which impedes snow removal and road repairs, and if we should correspond with Bill Reese from Hinkel Estates. Claims have been filed against Wayne Bank and Fran Orth.

G. Newsletter - Mike DeVita- All current events are posted on the Facebook page. Graphic for the Community Yard Sale is shared on Facebook and Craigs List. Still seeking backup person for the website.

H. Rules and Regulations -Marvin Schechter -.Request made for all comments with regard to the proposed ByLaws to be sent to Marvin Schechter. Work on new proposed ByLaws still in progress.

I. Security - Carol Reynolds - requesting more volunteers to be on the committee. No committee meeting is scheduled.

J. Beach and Grounds - Four bids received for Landscaping/Lawn Maintenance. Keystone Landscaping proposed lawn cutting 10x per season, spring and fall cleanup at the cost of \$5120/year for a 2 year contract. Motion made by Mario Aieta, seconded by Mike DeVita to hire Keystone Landscaping for a 2 year contract at \$5120 per year. One opposed, all remained voted aye. Motion passed. Stickers are available for Membership and boat tags and can be picked up in the office.

X. Old Business- P & N Fire and Burglar Alarm only proposal in place. Two more proposals needed before decision can be made.

Three bids for sand was presented. Motion made by Carol Reynolds, seconded by Maryann Muschlitz, to use D&S Hauling at a price of \$250/load for 3 loads for the Clubhouse Beach. All voted aye, motion passed.

Member Comments - Stephanie Delaquinto presented a complaint of a dirt bike rider speeding in the community and requested signatures of residents in support.

Phyllis Gambino questioned special assessment and suggested that everyone should pay the special assessment, not just those paying regular road assessments be considered.

Request for consideration of night time weekday board meetings and shorter meetings, decrease the size of signs and whether to allow spouses on Board.

XI. Adjournment - Motion made by Carol Reynolds, seconded by Mario Aieta, to adjourn the meeting at 1:45 pm. All voted aye, motion passed.

