

Pocono Mountain Lake Forest Community Association

Regular Meeting

Date: December 16, 2018

Time: 11:00-12:30

Location: PMLFCA Clubhouse

**SUMMARY MINUTES**

Interim President John Swift announced that this was the first public meeting of the board and called the meeting to an order starting with the pledge to the flag

Statement of compliance was addressed by President Swift stating this was the regular monthly meeting required by our bylaws for the board of directors

**Roll call** as follows:

- John Swift (Interim President) - present
- Linda White (Interim Vice President) – present
- Lara Winkler (interim Secretary) – present
- Joe Griger (Interim Treasure) – present
- Ben Gardner (Interim Director) – present

Motion to waive the reading of the minutes from (12/2/18) was made by Interim President Swift, seconded and approved by the entire board.

Motion to adopt the minutes on 12/02/18 was made Interim President Swift seconded by Interim Treasurer Griger. All in favor was unanimous

Vice President White states that minutes will be posted at clubhouse and sent out to everyone's emails that we have. (As of now we do not have access to the PMLF Community web site to post there)

**New attorney** was hired: Mr. Richard Henry (Honesdale, PA)

- He is familiar with community and associations
- Retained and starting to use him on some of the transitional items
  - We have closed the Citizen Bank accounts
  - Bank accounts have been transferred
  - Regular working accounts for the associations
    - Of those 5 accounts less than \$2,500
    - Another bank states that we owe \$100,000 (letter of credit) some may be disputable some may not.
      - Based on the proposed budget we are paying only the interest on that loan. There was no plan for the loan to be paid off

- This is one of the major faults of the past boards operation. It is supposed to be reported. Members need to know what needs or should be done with debt or any future debt.
- There is a lot for us to research there is a lot for us to figure out. It takes time. We are doing what we can.
- Previous board forms and files are incomplete. They refuse to give us any information.
- We have no bond ratings meaning we have no credit. If we wanted to get a loan we couldn't, so we are basically starting from scratch
- Audit says there should be a reserve set aside which doesn't exist

Concerns were voiced about who was paying for the lawyer. Chair Swift responded he personally payed an advance and there were many people volunteering their time.

Question from member about accountant Gurian as to if he was still our accountant? Treasurer Griger replied that, he is only up to the month of April on our records, so he is behind on his job by 7 months. He isn't being cooperative and he won't work with us unless we give him money he is owed. (Approx. \$1,200 or \$1,500) He doesn't have year-end done or any records of employees. We don't even know if he filed the IRS forms. We may have to have our attorney get in touch with him too.

Chair Swift suggested that we solidify a budget and that we should also think about raising dues. He wants to be able to give members a true assessment.

President Swift states that certain things we will need the attorney to intervene in order to have access.

He clarifies that this an interim board and as an interim board our focus needs to be on getting a **true election process**. A true election is contingent on a number of things.

**Need:**

1. Membership list
2. Memberships status
  - The former board has surrendered nothing (this will be another issue for the court to decide)
  - At this time we are trying to build our own list and figure out who is up to date who is on tax budget etc... we need a true budget

**Time table for election:** Hoping for early March 2019

Need candidates, anyone interested in sitting on the board please submit their resumes

**By Laws:** Waiting on an opinion from of the attorney as which are the true by-Laws of the community. There are so many splits and ambiguity in the rules and regulations. The judicial order isn't as clear as it seems, so we are asking the attorney his opinion. As of now going by 2008 by Laws

Vice President White announced that we have started to go through some of the files (about 50 files so far) and all we are finding that they are filled with past due bills and no indication of what was paid. This is a big concern since we only went through a small amount of files.

Treasurer Griger stated that Floss wasn't using the computer system to write checks he would go get checks and write them out manually and not keep track of them. In addition Floss is using the community credit card.

President Swift states that a lot of this is speculation it is really too early in our investigation. We have to put some order to all the information from these files. Our priority is to take care of the essentials of this community. We are assured that the snow plowing contractor is good. President Swift spoke with a person named Brian, but he had not seen the contract yet from the previous board, we are going to need real information on that in writing.

President Swift adds that we hope we aren't accruing expenses that we don't even know

**Concerns for plow contract discussed:**

- Julie Evcimen stood up having information on the snow plowing company "Snow Chaser" (Ms. Evcimen is a member who resigned from the so called Board November 25<sup>th</sup> because she did not agree with the way Mr. Floss was doing business
  - We are covered for \$15,000 (paid in Sept 2018)
  - Of that \$15,000 it cost \$3,785 for each event (each time they come out)

**Volunteering/helping discussed:**

- We need everyone to share contact information emails, address and phone numbers
- Committees
- Rules regulation require 8 people for a committee plus a professional or may need to have an arbitrator
  - (resident: need to be clean)
- Sign-up sheets went around for volunteering
  - Maintenance /road repairs

- Neighborhood Watch
- Office committee (sit at clubhouse for members to pay their dues) \*must be two members at a time
- Recreation Committee
- Grievance Committee
- IT Committee
- Finance committee

### Open Discussion:

Concerns for how we are going to run a community without any money were addressed: Swift replied we need to figure out how much it cost to run this community. We know we have to repair roads etc.... *Our priority is to square up with the essentials. We have options to consider.*

- Special assessment
- Bankruptcy
- Emergency injunction
- Advance due payment
- Payment of dues from those who withheld theirs in the past

President Swift addresses concerns voiced from members about an emergency injunction –vs- bankrupt

- This allows an attorney/accountant to tell us what to do/help get accounts
- This will cost either way

Concern about insurance addressed:

- Yes we have insurance for roads, vehicles and board of directors but not for workman compensation.
- *Note:* there was a big gap (not sure if that will come up as an issue later)

Concerns about the theft of the server and computers discussed:

- We have IT tech people working on getting access to the server
- The state of PA considers our associations' problems as civil so it stalls and takes forever to be seen in court. It should be criminal. You almost have to be your own prosecutor and build your own case, you get no help from the attorney general or the DA.

Concerns about cameras and gates addressed:

- IT is looking into integrating them
- Cameras are working

Statute of limitation addressed: Possibly two years which Swift replies that he suspects most of it is not recoverable

Concerns about payment plan addressed:

- Yes can do this now treasurer Griger is ready to deposit
- Make payment by check not cash
- Make payment at clubhouse
- Receipt will be given

**Use of the clubhouse** only being available for a limited time due to the following:

- Utilities (cost)
- Committees
- Security (looking into another alarm company)

**Post office box/mail/checks received**

- Attorney is looking into this
- As of now the postmaster is holding the mail

**Roads**

- We have no money to fix
- Need volunteers for committees
- Note: we have a pickup truck and a backhoe (don't know the condition of them)

**Letter from Marshall Anders, Esq.**

- President Swift addressed that the letter was sent to him personally
- Mr. Henry sent both Anders and Floss certified letters this just confirms they received them.

**Additional discussion:**

President Swift states that the locks have been changed. President Swift states our attorney sent letters firing Anders and Piazza, so they no longer working for the community.

President Swift states that technically as of July 15, 2017 Floss resigned. There has not been a BOD quorum since then.

President Swift addressed that when Floss had the GMM every resident was to have the right to speak. The GMM is for business to be discussed and disputed. Floss did not have the right to adjourn the meeting without residents questions answered.

**Email address for contacting interim board:**    **pmlf2019@gmail.com**

President Swift states that the locks have been changed and the State police say that if Floss or Mall change the locks again they will be arrested for trespassing.

President Swift states our attorney sent a letters firing Anders and Piazza, so they no longer working for the community.

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There being no further business before the board and no further questions asked form residents, this meeting was adjourned unanimously in a motion by President Swift, Seconded by Secretary Winkler. Roll Call: Unanimous.

Meeting Adjourned.

Respectfully submitted,

Lara Winkler, Interim Secretary

CERTIFIED AND ADOPTED AT THE BOARD'S MEETING OF January 26, 2019

ATTEST:

Lara Winkler (SIGNATURE OF SECRETARY)