

Pocono Mountain Lake Forest Community Association
Regular Meeting
Date: January 26. 2019
Time: 11:00am
Location: PMLFCA Clubhouse
Minutes

Pledge

STATEMENT OF COMPLIANCE addressed

Roll Call as follows:

- John Swift (Interim President) - present
- Linda White (Interim Vice President) – present
- Lara Winkler (Interim Secretary) - present
- Joe Griger (Interim Treasurer) - Present
- Ben Garner (Interim Director)-Present

Motion to waive the reading of minutes from (12/16/18) and workshop minutes from (12/29/18) was made by Interim president Swift, accepted first by Interim Vice President White and Seconded by Interim Secretary Winkler all in favor was unanimous.

OLD BUSINESS

Mailing list: President Swift states that we did get a complete list from the tax office of all the members (Tax record is the accepted standard for a complete record of all owners of lots in PMLFCA)

- We will use this to organize and to figure out which lots are owned by whom and how many. It will be broken down into who owns multiple lots, where do they reside here or elsewhere, which lots are just properties that went to tax sales also which lots are owned by businesses and which lots are owned by the community. This will allow us to get a true membership list.

- If anyone has any changes that know of that may be different than what the tax record shows, they need to let us know.

Background check: States that there is a form but, we have not had a chance to fully implement it. It is a volunteer criminal background check item. We will complete. Vice President White states that we have already executed confidentiality agreements.

- Meaning you cannot discuss pending litigation
- Financial information /personal information/ individual information

Mail: President Swift states that the postal service was looking for a third party to give the mail to a third they were looking for an arbitrator. They ended up giving it to Larry Floss because he was the old board and ended up being easier for them. His attorney had made a claim as well as our attorney.

- Concerns were addressed about what prevents this from happening again in the future
- President Swift states that administration order gave Floss the mail not sure if it went to a court judge.
- Vice President White states it was from the US Post office

Appointment of committees: President Swift states that we have several committees we authorize that each committees pick a chairperson for that committee.

Vice President White list the following as committees:

- Roads/maintenance
- Office help/front desk
- Security/Neighborhood watch
- Recreation
- IT
- Beautification
- Grievance
- Finance

Newsletter (Amended motion to add this committee was made by President Swift seconded by Vice president White, all in favor was unanimous

**Note President Swift states that we are a little reserved on doing a grievance committee until we can figure out who is involved in what litigations, discipline issues etc... We are trying to get in as many people who are independent and unbiased as we can. We would need to sit down and discuss this, because this is the most important committee we have. We want to put some balance into it so we can avoid the heartache like the previous board did.

President Swift makes a motion to establish the above committees and to work toward detailing their charter. Vice President White seconded it all in favor was unanimous. (Note: exception of grievance conditions stated above)

Vice president White states that these committees will have a Charter and a layout/outline of task that will go in the bylaws in the future.

Vice president White states the board will work on an outline for the committees to follow according to our bylaws and will be sent out to everyone sometime in the near future.

Questions and concerns were addressed: an every resident be on a committee? Vice President White states we have go by the rules according to our bylaws so if you are a member not in good standing you cannot be on a committee.

Petition: Vice President White addressed a petition that was written by our attorney that should be signed by residents which is anyone who lives here age 18 years or older. Everyone is affected by what is going on in this community. This petition is to show support and unity it's not meant to say I am a member in good standing. It is to put weight behind it, showing that we are not alone there are others out there who agree with us. The petition is to show that you as a resident living here and that this is your community too and we want it back! It is not a document that you can get sued over.

Insurance: Intact until July (includes building, community, and roads) Vehicle is separate but it is also valid (Was checked again on Friday 1/25/19)

Insurance company is Nationwide and questions and concerns addressed such as what prevents Floss from cancelling like he did with the gas company? President Swift states that Insurance was prepaid and now that Floss has told the gas company to not deliver we will be looking for a new company for that as well as getting quotes for insurance co. For the mean time we will have to winterize the clubhouse to keep the pipes from freezing. These are budgeted items that there should be money for as well as being paid for by prior board. They refuses to take care of the requirements (Gas, insurance road plow etc.) When prior board was here the building heat was set on 74 degrees. When it shouldn't have been when no one was even in here. They took advantage of us and we are paying for it now.

Future Special Elections: President Swift states that we have address from the tax office. We still need to refine it. We do have some emails we are still looking to add emails. When it comes down to voting we will need to have ballots, resumes and a newsletter, we will have to spend the money for that mailing. Right now we have very little resources to work with. Members asked if we can post in News Media etc. Concerns were addressed

Newsletters and Mailings to Residents Is supposed to go to all the residents. In the past they blamed it on the post office, your 911 address etc.... regardless everyone should get a ballot and a newsletter. We are going to take the tax records to get the accurate mailing list, recommended by our attorney. We are hoping for April or May at this point for a special election. Will be

looking for residents to hand in their resumes to sit on the board everyone is welcome to hand in their resume who is good standing and owns property Everyone has their own unique qualities to add to the board and your opinions and ideas are welcome. Will need to look into further on who is in good standing because of the abuse from prior board with fines and fees etc. We may have to be more liberal in our voting policy for this election due to the fact that the past boards abuse on fines it will take some time to figure out who is “in good standing” according to Interim board not prior board standards. Of course you have to be paid up on your dues.

Director Griger stated that we will have to get an update of Tops account system to see who is up to date on their dues. We will have to be cautious and consider how they kept their paper copies when looking into who is up to date in dues. Hopefully they kept better records on this way. We will need resumes before we can send out the ballots. The Interim board has to hand in their resume too (We are just here now to guide change and getting this community back on track we still need to get voted in like everyone else)

Vice President White asked that the previously adopted resolution adopted December 2nd needs to be amended on name only so resolution heading was changed to Pocono Mountain Lake Forest Community Association and will be posted accordingly.

Motion was made to accept resolution by President Swift, first by Vice President White, seconded by Secretary Winkler, all in favor was unanimous.

Update on financial status: President Swift states that an association cannot go bankrupt because we have assets (viable income, homes etc...). Somewhere we will have to balance the budget. Unfortunately it will take years to rectify some of the problems caused by prior board mismanagement. Residents questioned how the interim board will deal with collection of dues and that any dues sent in will not go to prior board accounts. Discussion ensued on setting up own mailbox, suggestions given on setting on electronic payment options or setting up pay pal. Members in audience volunteered to assist with these efforts. President Swift reiterated we are following our attorney’s advice as to what we need to do to get ourselves out of the hole the prior board has dug us into. Collections of past and future dues discussed. President Swift noted we have financial obligations of maintaining proper ledgers and recordkeeping and these records will be turned over verifying dues paid etc. President Swift states we are keeping a strong ledger and if you paid in advance it would show as a credit. Members ask for everyone to please if you owe please pay now without amnesty. There will be no penalties or interest added just past due amount.

President Swift states the attorney wants us to work as directors and collect funds and function as best we can under the framework of our existing rules regulations and by laws. President Swift states everything collected is fair game and will have to be budgeted accordingly. Vice President White States that they past board has not had a balanced budget in years. President Swift adds the fact that the prior board compounded to this unbalanced budget when they

reduced dues at the time they removed the dumpster. Even though they owed past due amounts. We also have evidence of ballot tampering.

President Swift stated that Prior board moved the improvement fund into a checking account and spent it. They took this year's money to pay last year's bills.

Vice President White stated that we gave the attorney a 4 page document of fiscal mismanagement that Floss did not do according to the Bylaws and we have the facts and proof to back it up.

Director Griger states we really need access to the Topps system to get ahold of true finance records to figure out what kind of budget we can work with

One of our residents brought up a good idea and reminded residents about insurance riders and to check your home owners insurance which also helps to protect against special assessment in a community. The cost of this extra insurance is approximately \$30 a year

NEW BUSINESS

Ratification of Snow Removal contract discussed noting that as of now we have no contract and not much monies. In view of this we are still depending on our wonderful residents for their help. The snow contractors we had hoped to hire asked \$35,000 to finish the season with a max of 14 visits which included a deposit of \$6700 up front and second deposit on the first of February. We tried to negotiate but eventually they wanted just to do the one storm for \$6700 and no contract. After asking them to provide us with insurance and bonding information they decided they didn't want the job and drove away. We did hire several individuals to assist the residents and are still looking for donations for salt and gas.

The Board gave their appreciation to all that helped this past snow storm whether it was monetary, plowing or throwing salt and sand out from your car window, to making hot coco and delicious foods so the people out plowing could stop have a place to stop and warm up. Special thanks to Jeff Shirley who helped out when the snow contractor we almost sign with tried to rip us off the day of the storm. We have collected \$2200 in donations. A question asked if this was all dues or donations. Director Griger stated we have from our accounts in the bank \$2100 of that only \$600 is spendable the \$2200 is only donations that recently came in.

Vice President White states we don't have all the accounts Floss does and he has the credit card too. President Swift states there are certain items that we still need to look into in regards to finances hopefully we will have answers from our attorney by the end of the week. Vice President White states there is evidence that the prior board has collection agencies from banks after the community.

Question and concerns addressed:

Update on our equipment: Director Griger addressed the backhoe was found damaged with the front grill smashed in which caused a crack in the fuel line. He is currently repairing it and keeping it safe so we will have it for use in upcoming storms. Although reported stolen by Floss and Anders, the state police contacted members and agreed we have a right to keep our property safe. Director Griger stated that we are looking into fixing the sander and whatever else is left in the yard, which is not much.

Vice President White stated how very happy we are with all the volunteers who helped in repairing and are going to help with future repairs on any of the damaged or un-kept equipment.

Question asked if board knew if past taxes were paid. President Swift stated it does not appear like the prior board have been paying taxes, based on their financial records. Looks like they haven't paid in years. President Swift stated that they used an alternate agency Paycheck for payroll so can't see all taxes paid, but the association itself we have not seen at all.

President Swift states even if we declared bankruptcy the association would still be responsible for paying this. Director Griger states we will have to let our accountant know about this so there is no penalties and to make sure they have sent out 1099 forms.

Questions and concerns asked from residents about going to police and DA office. President Swift said we will know more after our Attorney gets back to us. President Swift states we may have to look into doing a forensic audit. One of the members from audience stated they have a scheduled appointment with the DA in the near future. President Swift stated that the DA is looking for us to do all the research all the hard work and hand it in to them. If we do this then they will look at it. Basically we need a forensic audit before we can go to the DA which will cost money, which we don't have. Our Attorney says that in PA going to either the DA or the state police is a waste of time because they will not get involved with private community stuff.

We are looking for an accountant or someone who knows about accounting or licensed to step up and join the board to help with the financial work involved at board level. Volunteers asked for from residents.

Resident asked for status on Blue Ridge and what is the hold up? President Swift answered this was blocked by Anders with threats of lawsuits to each of these entities. Members present noted their unhappiness that the former board still sends out emails and do not want to be on their email list.

Vice President White addresses members comment on mail vs email noting that the board will be sending a letter out to everyone letting them know what is going on, we understand there are people who do not have access to the internet and don't live here and own a lot and who may not know what's going on. Members volunteered money for postage and stamps to send out

letters to let everyone know the truth, not the lies that the prior board is emailing everyone. Cost to mail out to all the members would be approximately \$700

Member Julie Evcimen stated again publicly that she resigned from the board on November 26, 2018. As of 11/26/18 there has not been a board quorum. If you go back even further than that when Darnell Chuck resigned Floss stood alone on the board. Let's not forget that Floss resigned in writing on June and the Bylaws state that if a president fails to complete a term of office they then are ineligible to fill a seat ever again.

Vice president White asked member if they had any more questions or concerns. Hearing none, board moved to close meeting.

Motion to adjourn was made by President Swift, seconded by Vice President White, all in favor was unanimous.

Respectfully submitted,

Lara Winkler, Interim Secretary

CERTIFIED AND ADOPTED AT THE BOARD'S MEETING OF

2/17/19

ATTEST:

Lara Winkler

(SIGNATURE OF SECRETARY)