**Pocono Farms East Association, Inc.**

**ANNUAL MEMBERSHIP Meeting**

**Saturday, OCTOBER 27, 2012**

**MINUTES**

The meeting was called to order by President Susan Anderson-Krieg at 12:15pm in the conference room of Pocono Farms East Association, 3170 Hamlet Drive, Tobyhanna, PA.

**Board Members present:**

Susan Anderson- Krieg, President - Margaret Miller, Vice President - Marisol Santos, Treasurer – Jose Ramos, Secretary - Josefina Garcia, Director - Tykieyen Moore, Director – Marion Kelly, Director.

**Staff present:**

Robert M. Zito, CMCA, AMS, General Manager

Renee Villanueva, Office Manager

Gregory D. Malaska, Esq., Young & Haros

**Board Members absent:**

Gloria Kirschner, Director - Fred Milteer, Director

**Members present:**

The following membership entities were accounted for, either in person or by proxy:

|  |  |  |
| --- | --- | --- |
| Wilkinson: Lot H-9/10/12 | Fry: Lot 1-513 | Kerin: Lot 9-4310/11 |
| Smith-Hughes: Lot 7-3616 | Harriton: Lot 5-5409 | Thorp: Lot 5-4828 |
| Prevete: Lot H-31 | Riccardi: Lot 6-2501 | Ramos: Lot 4-2336 |
| Mercado: Lot 9-4513 | LoSchiavo: Lot 6-1627 | Orlando: Lot 1-810 |
| Meurer: Lot 3-1119 | Miller: Lot 2-1303 | Garcia: Lot 5-5411 |
| Morongello: Lot H-32 | Grier: Lot 8-4105 | Carr: Lot 5-4923 |
| Stevenson: Lot 6-3115 | Suggs: Lot 6-2616 | Mangan: Lot 4-2310 |
| Patchadjian: Lot H-4 | Hayes: Lot 2-2118 | Juarez: Lot 2-1006 |
| Penzola: Lot 1-210 | Ng: Lot 3-1520 | Stulic: Lot 5-4902 |
| Perkalis: Lot 6-2708 | Pullara: Lot 4-2313 | Santos: Lot 5-5501 |
| Folks: Lot 4-2330 | Loukatos: Lot 1-626 | Sofia: Lot 5-5424 |
| Nenna: Lot 8-4008 | Grant: Lot 7-3510 | Sullivan: Lot 5-5418 |
| Sudul: Lot 6-2517 | Sostre: Lot 5-5333 | Thomas: Lot 4-1919 |
| Gonzalez: Lot 9-4238 | Kuruc: Lot 7-3308 | Rodriguez: Lot 1-212 |
| Wieber: Lot 9-4618 | Reynolds: Lot 7-3202 | Mochitta: Lot 4-2202 |
| Drake: Lot 4-2339 | Luciano: Lot 1-704 | Kelly: Lot H-18 |
| Krieg: Lot 1-620/1 | Sandford: Lot 5-4811 | Arturi: Lot 8-4003 |
| Brodus: Lot 1-813 | Horne: Lot 5-5325 | Bonelli: Lot 3-1429 |
| Albitz: Lot 6-3122 | Sanderson: Lot 2-1310 | Dziak: Lot 7-3423 |
| Sanchez: Lot 3-1414 | Stith: Lot 1-114 | McPherson: Lot 2-1306 |
| McSherry: Lot 4-2009 | Labadie: Lot 4-2101 | Rivera: Lot 4-1942 |
| Martinez: Lot 5-5118 | Greene: H-34 | Johnson: Lot 1-726 |
| Houmphanvira: Lot 2-1413 | Gotty: Lot H-3 | Castro: Lot 6-2815 |
| McNulty: Lot 4-2317 | Skakandi: Lot 9-4405 | Lot: Sotille: 1-600 |
| Yockey: Lot 1-819 | Ferrantino: Lot 3-1415 | Fair: Lot 5-5509 |
| Hanton: Lot 6-2601 | Robinson: Lot 4-1908 | Aust: Lot 8-4224 |
| Sparks: Lot 5-5304 | Miller: Lot 6-3020 | Serrano: Lot 1-627 |
| Knight: Lot 5-5420 | Lane: Lot 6-3109 | Schlegel: Lot 1-725 |
| Rizzo: Lot 7-3410 | Arch: Lot 5-5505 | Stulic: Lot 5-4902 |
| Stakias: Lot 2-1116 | Fernandez: Lot 1-714 |  |

89 membership entities were present, either in person or by proxy. Upon review, all were determined to be in good standing. Therefore, having met the quorum requirement of 25 members, a quorum was determined to be present.

**Introductions:**

Ms. Anderson-Krieg introduced the Board members, staff and counsel present to those in attendance.

**Remembrance of Larry Williams and Charlie Sofia:**

Ms. Anderson-Krieg kindly asked those present to remember two long standing residents and former Board members Larry Williams and Charlie Sofia, both of whom passed away this year. She stated that their outstanding contributions and dedication to the community during its growth will forever be appreciated by the community.

**Appointment of Parliamentarian:**

Ms. Anderson-Krieg, on behalf of the Board of Directors, appointed Gregory A. Malaska, Esq. as Parliamentarian for the meeting.

**Appointment of Judges of Election:**

Mr. Malaska, on behalf of the Board of Directors, called for volunteers to serve as Judges of Election for 2012. There was a clarification that no persons either on the ballot or intending to be nominated from the floor at this meeting would be able to serve as Judges of Election. Ms. Renee Labadie, Ms. Dot Yockey and Ms. Camille McPherson volunteered to serve. The Board of Directors appointed these three members, who then retired to the Administrative Office to begin compiling submitted proxies.

**Call for Proxies:**

Members present holding proxy ballots were asked to submit them at this time. None were submitted.

After preliminary review of ballots submitted by mail, and a review of the member sign-in sheet for today’s meeting, it was determined that eight members present were entitled to and were issued in-person ballots.

**Secretary’s Report:**

The minutes for the Annual Membership Meeting held October 29, 2011 were presented to the membership present for review and approval.

**A motion to approve the minutes of the Annual Membership Meeting held October 29, 2011 and dispense with the reading of same was made and seconded. Discussion followed.**

Ms. Darlene Sandford pointed out the vote for the possible purchase of kitchen appliances discussed at the 2011 Annual Meeting was omitted from the draft of the minutes. Mr. Zito stated that at that meeting, due to a freak snowstorm that morning, Recording Secretary Mary Ellen Perloni was not present. Notes of that meeting were taken by both Board members and Mr. Zito in her absence. Mr. Zito said he would check the notes and revise the minutes as appropriate. Mr. Malaska suggested that anyone else seeing any discrepancies in these minutes forward their concerns to Mr. Zito.

**The motion was amended by Bryan Sandford, seconded by Rose Marie Nenna, to approve the minutes of the Annual Membership Meeting held October 29, 2011, with appropriate corrections. All in favor. Motion carried**.

**Call for Nominations for Director:**

Mr. Moore, Ms. Anderson-Kreig and Ms. Kelly (incumbent Board members) submitted their names for nomination for Director prior to the meeting, and thus were included on the proxy ballot sent to membership.

Mr. Malaska called for further nominations for Director from the floor among those present. Hearing none, he asked for a motion to close nominations.

**A motion was made by Bryan Sandford, seconded by Herson Martinez, to close nominations for Director. All in favor. Motion carried**.

**Call for Nominations for Alternate:**

No members submitted their names for nomination for Alternate prior to the meeting, and thus Mr. Malaska called for nominations for Alternate from the floor among those present.

**Mr. Ramos nominated Clara Rivera. Ms. Deborah Moore nominated Mr. Sandford.**

**A motion was made by Mr. Martinez, seconded by Ms. Moore, to close nominations for Alternate. All in favor.**

**Call for Voting for Director and Alternate:**

Mr. Malaska asked that all ballots be turned in to the Judges of Election at this time.

**Treasurer’s Report:**

The Treasurer’s Report was presented by Mr. Zito. The proposed 2013 budget was discussed for review and comment. The budget proposed a one-time (for 2013) assessment of $10.00 per property to set up a fund to address abandoned properties within the development. Mr. Zito explained that due to the glut of foreclosures in Monroe County, PA the Sheriff Sale process is taking upwards of 24 months to complete. Mr. Malaska agreed, stating that during this process there is no legal way to force the bank / mortgage company who ultimately will gain ownership to take responsibility for the property, as their responsibility begins when the Sheriff Sale is struck down.

The proposed dues structure for 2013 would thus be $145.00 annually for an improved lot, $100.00 annually for an unimproved lot, pending membership approval. Discussion followed.

**Old Business:**

No old business was brought forth.

**New Business:**

At this time, as the counting of the votes continued, the floor was open to comments from those present.

* Mr. Martinez said that he was attacked by dogs while jogging. He requested that the membership again be reminded to leash their dogs.
* Mr. Sandford asked if the proposed $10.00 increase in dues was being considered an “assessment” rather than a dues increase. Several Board members stated funds collected (the last $10.00 paid by each property owner in 2013) would be restricted and the program would be evaluated next year to see if it would be worthwhile to continue.
* Ms. Sandford asked why the banks could not be forced to clean the property up. As stated before, Mr. Malaska noted that the property, although abandoned, is still the responsibility of the property owner of record. The bank’s responsibility begins after they take legal ownership. The process of foreclosure is taking up to 24 months, and he stated there is “no magic pill” for this situation.
* Ms. Kelly said the abandoned homes in the community are a “lose, lose” situation. If we do nothing, we assume no responsibilities, yet we risk property values going down and encourage vagrants and junkies to move in.
* Ms. Riccardi made the Board aware of a home that had a tree fall through its front window on Warwick Circle.
* Mr. Sandford asked about the Area Maintenance and Snowplowing line items on the P&L statement. Mr. Zito offered an explanation of these expenditures.
* Ms. Alberta Thomas asked if the Association would take legal responsibility if neighbors attempted to clean up abandoned properties on their own, or more specifically repair the damaged window that Ms. Riccardi spoke of. The consensus of the Board and Mr. Malaska was that PFE could not take responsibility for such actions. Mr. Malaska stated that in a perfect world you might get the owner to grant a legal release allowing such action to be taken, but it would be unlikely in cases such as these.
* Mr. Charles Skakandi asked if a sub-corporation could be established that would limit the Association’s responsibility in such matters.
* Ms. Kelly asked Mr. Malaska if the Association could be held liable for not addressing situations such as the one Ms. Riccardi described. Mr. Malaska stated that if you do not attempt to remediate, you assume no duty; if you do attempt action, you assume risk.
* Ms. Sanford stated that if we addressed the situation on Warwick Circle, we would have to address other similar situations.
* Mr. Zito and Mr. Malaska went into a detailed explanation of the actions taken by the Association to deal with the issue (unsightly property) at 1206 Titania Road. Mr. Malaska went on to express his thoughts on an “anti-blight” program.
* Mr. Sandford and Ms. Moore both expressed concern regarding the potential liability taken on by the Association with such a program.
* Ms. Moore asked about going after the current owner for reimbursement of costs association with any subsequent cleanup of the property. Mr. Malaska explained that bank foreclosures only allow the Association to go back six months from the date of foreclosure in terms of collection. At an Upset Tax Sale, the Association can go back three years.
* Mr. Martinez asked approximately how many houses are abandoned in PFE. Mr. Zito stated that, to his knowledge, approximately 30-35 houses were abandoned at this time.

**At this point (1:45pm), there was a motion made by Ms. Nenna, seconded by Mr. Martinez to recess the meeting. All in favor.**

**At 2:15pm Ms. Anderson-Kreig called for the resumption of the meeting.**

**More comments were heard at this time:**

* Ms. Labadie suggested that a bereavement group be started at PFE.
* Ms. Kelly said many people have great suggestions, but no one volunteers to allow implementation of such programs.
* Mr. Moore reminded everyone of the new Monroe County E-911 system and the address change that came along with it.
* Mr. Ramos invited all to our annual “Trunk or Treat” on Halloween night.

**Election of Directors:**

Having concluded their review and compilation of both mailed-in proxies and in-person ballots, the Judges of Elections announced the following results for Director:

Marion Kelly 66

Susan Anderson-Krieg 62

Tykieyen Moore 62

**All were elected to three year terms, concluding October 2015. Ms. Kelly, Ms. Anderson-Kreig and Mr. Moore were congratulated on their election, and each accepted the position.**

**Election of Alternates:**

Having concluded their review and compilation of both mailed-in proxies and in-person ballots, the Judges of Elections announced the following results for Alternate:

Marisol Santos 9 (Currently serving as Director)

Fred Milteer 7 (Currently serving as Director)

Gloria Kirschner 7 (Currently serving as Director)

Margaret Miller 7 (Currently serving as Director)

Clara Rivera 7 (Elected)

Josefina Garcia 6 (Currently serving as Director)

Jose A. Ramos 5 (Currently serving as Director)

Bryan Sandford 5 (Elected)

Marion Kelly 5 (Currently serving as Director)

Tykieyen Moore 4 (Currently serving as Director)

Susan Anderson-Krieg 3 (Currently serving as Director)

Barney Simon 1 (Not present to accept)

J. McSherry 1 (Not present to accept)

**Ms. Rivera and Mr. Sandford were elected to a one year term as Alternate, concluding October 2013. Ms. Rivera and Mr. Sandford were congratulated on their election and each accepted the position**.

**Call for Voting on Proposed Assessment:**

Mr. Malaska read and reviewed the proposed assessment change presented for membership vote:

**Consideration of the following question:**

To establish a PROPERTY CLEANUP RESERVE FUND to address ABANDONED PROPERTIES ONLY, during the period of time after which the property becomes abandoned and prior to the time ownership transfers at Sheriff (foreclosure) Sale. In most cases, properties in this condition can remain so for a period of up to 12 to 18 months.

During this time the Board of Directors will take pro-active steps to remove trash and debris from these properties. Landscaping (mowing and weedwacking) will also be done on these properties once or twice during the growing season to minimize the adverse effect these properties have on adjacent properties and, in turn, on all properties within PFEA.

All monies expended on these efforts would be attempted to be collected from the property owner of record.

To initially establish the resources to fund this effort, the Board of Directors has voted to recommend increasing the annual dues for all properties by $10 per year. **All monies initially collected with his increase would be segregated for the above stated purpose.**

The Board of Directors will, in the future, assess this program to determine if continued funding is warranted.

Yes 42

No 40

**The proposed assessment increase was thus approved by the membership.**

**Adjournment:**

**At 2:25pm, a motion to adjourn the Annual Membership Meeting of 2012 was made and seconded. All in favor. Motion carried.**

**NEXT ANNUAL MEMBERSHIP MEETING: Saturday, October 26, 2013 at 12:00pm.**

**Submitted by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Robert M. Zito, Recording Secretary**

**Witnessed by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Jose Ramos, Secretary**

**Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**