**Pocono Farms East Association, Inc.**

**Board of Directors REGULAR Meeting**

**Saturday, JANUARY 21, 2017**

**MINUTES**

**Board Members present:**

Margaret Miller - President, Jose Ramos – Vice President, Susan Anderson-Krieg – Treasurer, Marisol Santos – Secretary (arrived 9:04am), Debra Youngfelt – Director.

**Board Members absent:**

Marion Kelly – Director, Tykieyen Moore – Director, Gloria Van Winkle – Kirschner – Director. Josefina Garcia - Director,

**Alternate Members present:**

Janice Smith – Hughes.

**Alternate Members absent:**

None.

**Staff present:**

Robert M. Zito, CMCA, AMS, General Manager, Ann Delaney, Citations Officer, Renee Villanueva, Secretary Pro-Tem.

**Members present:**

Sanford (5-1539/5-4810), Broxmeier (5-0335), Nowicki (6-0206).

The meeting was called to order by President Margaret Miller at 9:00 am in the Community Room of Pocono Farms East Association, 3170 Hamlet Drive, Tobyhanna, PA.

**Since there was not a full complement of Directors present, a motion was made by Ms. Anderson-Krieg, seconded by Mr. Ramos to move Ms. Smith-Hughes up to Director for this meeting. All in favor. Motion passed.**

1. **Minutes**

The draft minutes from the December 17, 2016 Regular Meetings were presented and considered for approval. No corrections were forthcoming.

**A motion was made by Ms. Anderson-Krieg, seconded by Ms. Youngfelt to accept the meeting minutes of the meeting on December 17, 2016. All in favor. Motion passed.**

1. **Maintenance Report – as presented by Robert M. Zito**

The written maintenance report for the period of December 15th 2016 to January 4th 2017 was presented by Mr. Zito. The following items were discussed:

* Two rotten trees at the mailbox pavilion were removed.
* The recessed lighting at the mailbox pavilion was upgraded to outdoor specifications.
* On Christmas Eve, a burglar alarm was responded to by Mr. Zito and Mr. Ramos.
* A bagster was dumped on Graham Lane by a renter who moved out.
* The Community Room, hallways and bathrooms were painted.
* The best method to protect the walls of the Community Room from damage due to renters storing chairs and tables after parties. Facilities Committee will discuss this.

**A motion was made by Ms. Youngfelt, seconded by Ms. Smith-Hughes to accept the maintenance report. All in favor. Motion passed.**

1. **Permit Report – as presented by Robert M. Zito**

Mr. Zito presented the written permit report for the period ending January 10, 2017.

* Nine permits are active.
* One new tree permit was issued since the previous report.
* Four permit extensions have been applied for.
* Two permits are on hold.
* 23 building permits were closed out in 2016.

**A motion was made by Ms. Anderson-Krieg, seconded by Ms. Santos to approve the permit report as presented. All in favor. Motion carried. NOTE: Ms. Smith-Hughes left the meeting (9:21am) prior to this vote taking place.**

1. **Compliance Report – as presented by Robert M. Zito**

Ms. Delaney presented the written Compliance Report for the period ending January 5, 2017

* Since October 20, 2016, 62 citations have been corrected.
* 51 citations are active. Some have been corrected.
* 51 warnings are to be rechecked.
* Potential hearings (and 15 citations already corrected) for February 11th were discussed.

The results of the citation appeals hearing on January 14th were discussed.

* An owner of a possible unregistered vehicle on Glouster Road produced a valid registration.
* A homeowner on Lamont Way (garbage cans) is now compliant.
* An owner of a possible unregistered vehicle on Dorset Road responded by letter. Mr. Zito will write to the homeowner requesting further information as per the Committee.
* An illegal fence on Chelsea Circle has been removed. Homeowner did not show up for the hearing. This case has been sent to Atty. Greg Malaska.
* The homeowner on Campbell Way with an illegal fence did not show for the hearing. This case has been sent to Atty. Greg Malaska.
* A commercial vehicle on Northampton Road was moved to the front of the driveway. Homeowner did not show for hearing. This case has been sent to Atty. Greg Malaska.
* A homeowner on MacBeth Way (garbage cans) did not show up for the hearing.

**A motion was made by Ms. Anderson-Krieg, seconded by Ms. Youngfelt to relieve the fines issued to the homeowner on Chelsea Circle due to the illegal fence having been removed. All in favor. Motion carried.**

**A motion was made by Ms. Youngfelt, seconded by Ms. Anderson-Krieg to relieve the fines issued to the homeowner on Glouster Road due to a valid vehicle registration having been produced. All in favor. Motion carried.**

Mr. Sandford asked to speak at this time. Ms. Miller said it was not time for public input. Mr. Sandford objected due to a management staff member being allowed to speak and not letting him, a dues paying member, speak.

**A motion was made by Ms. Anderson-Krieg, seconded by Ms. Youngfelt to relieve the fines issued to the homeowner on Lamont Way due to her now complying with the garbage can rule. All in favor. Motion carried.**

**A motion was made by Ms. Youngfelt seconded, by Ms. Santos to relieve the fines issued to 15 homeowners previously cited, now compliant, rather than force them to come in for a Citation Appeals hearing. All in favor. Motion carried.**

**A motion was made by Ms. Santos, seconded by Ms. Anderson-Krieg to accept the Compliance Report as presented. All in favor. Motion carried.**

1. **President’s Report – Ms. Margaret Miller**

Due to the weather (fog, snow and ice) Ms. Miller stated that she was not able to make the Coolbaugh Supervisors meetings or the meeting for Pocono Mountain Regional Police so she did not have a lot to report. She wished all present a Happy New Year.

1. **Management Report – as presented by Robert M. Zito**

Mr. Zito presented the Management Report for the period ending December 31, 2016.

* 407 accounts remain delinquent, which is slightly higher than the same period for 2015.
* One building permit and six Resale Certificates were issued in December.
* $2,860.02 was written off in December, due to one Repository Sale.
* Percentage of dues collection increased slightly in 2016 versus 2015.
* All planned capital improvement projects for 2016 were completed, along with several needed unbudgeted repairs.
* Reserve account was fully funded as per the 2016 budget.
* Capital improvement account was funded as per collections through November 30, 2016.

**A motion was made by Ms. Anderson-Krieg, seconded by Ms. Santos to accept the Management Report as presented. All in favor. Motion carried.**

1. **Committee Reports**

* **Rules and Regulations:** No meeting.
* **Citation Appeals:** Previously discussed in this meeting. Next hearing will be held February 11th at 10:00am
* **Facilities:** No meeting. Meeting will be held subsequent to the Board of Directors meeting today.
* **Finance Committee:** No meeting.
* **Social Activities:** No meeting. Nothing planned currently.

1. **Financial Report – as presented by Susan Anderson-Krieg and Robert M. Zito**

Ms. Anderson-Krieg asked Mr. Zito to give the report.

* The check register for December was presented. No questions were forthcoming.
* Total revenue for 2016 (unaudited) was $198K, or approximately 20% over budget.
* Total expenses for 2016 (unaudited) were $194K or approximately 17% over budget.
* Surplus of revenue over expenses for 2016 was $4,600. Mr. Zito asked that a motion be considered later in the meeting to transfer the surplus from the Operating account to the Reserve account.
* Approximately $140K cash at year end – Less than $1K in Operating; $33K in Capital Improvement and $106K in Reserve.
* Collection percentage was 84.88% compared to 84.54% in 2015 and 80.63% in 2014.

**A motion was made by Ms. Santos, seconded by Mr. Ramos to accept the Financial Report as presented. All in favor. Motion passed.**

1. **Secretary’s Report – No report.**
2. **Old Business –**  None.
3. **New Business –**

* **New Copier Lease –**

**A motion was made by Ms. Anderson-Krieg, seconded by Mr. Ramos to accept the lease proposal from Jay’s Business Systems, for a remanufactured Sharp copier/fax/scanner at a cost of $86 plus tax, per month. A service contract, costing approximately $800 per year, will cover all maintenance and supplies. The length of the lease will be five years. All in favor. Motion passed.**

* **Painting of PFE Office –**

**A motion was made by Ms. Youngfelt, seconded by Ms. Anderson-Krieg accept the proposal from Grecco Painting, in the amount of $520, to prep and paint the PFE Office interior and all exterior doors. All in favor. Motion passed.**

* **Transfer of 2016 Operating surplus to Reserve account –**

**A motion was made by Ms. Anderson-Krieg, seconded by Ms. Santos to transfer the 2016 Operating surplus (unaudited) to the Reserve account. All in favor. Motion passed.**

* **Discussion of purchasing tablets for Board members to use at meetings –**

No action was taken. Further information will be gathered for possible consideration at a later date.

Mr. Sandford once again questioned why a management staff member was being allowed to speak and he, as a dues paying member, was not.

* **Request for Dues Abatement due to pending deed-in-lieu or foreclosure –**

A homeowner (Lot 4-5110) approached management with a proposal to pay off $1,000 of an approximate $2,400 delinquency so that a deed-in-lieu (returning the property to the lien holder prior to foreclosure action) could take place. Discussion was heard from Ms. Miller, Mr. Zito, Ms. Youngfelt and Ms. Smith-Hughes. The pros and cons of this possible action took place with the acknowledgement that if the property did go into Sheriff Sale, the Association would only stand to collect only six months back from the date of the Sheriff Sale.

**A motion was made by Ms. Smith-Hughes, seconded by Ms. Anderson-Krieg to have Attorney Malaska write an agreement accepting immediate payment of $1,000 plus legal fees as payment in full for Lot 4-5110, with the stipulation that if the property has not reverted to the lienholder by January 1, 2018, all monies previously written off with be put back on the account. All in favor. Motion passed.**

* **Authorization for Mr. Zito and Attorney Malaska to represent PFEA at the Tax Claim Bureau overbid hearing on February 1, 2017**

The Monroe County Tax Claim Bureau informed the Association of a possible claim due to PFEA as a result of a tax sale overbid. The claim identified is approximately $5,600.

**A motion was made by Ms. Youngfelt, seconded by Ms. Smith-Hughes to authorize Mr. Zito and Attorney Malaska to represent PFEA at the Tax Claim Bureau overbid hearing on February 1, 2017. All in favor. Motion passed.**

* **Authorization for Mr. Zito to have bagster dumped on PFE property on Graham Lane removed**

**A motion was made by Ms. Anderson-Krieg, seconded by Ms. Youngfelt to authorize Mr. Zito to have a bagster dumped on PFE property on Graham Lane removed.**

1. **Correspondence**

**Gordon Lane - Verbal**

* The ongoing car repair issue on Gordon Lane was discussed.

**Attorney Malaska’s opinion on public participation at PFE Board meetings**

The following summarizes Attorney Malaska’s legal opinion on public participation at PFE Board meetings, which were read at the meeting by Mr. Zito at Ms. Miller’s request.

* Cited Section 5709 of the Nonprofit Corporation Law.
* The PFEA Covenants, Articles, and Rules are silent on procedural meeting issues.
* PFEA functions in a Board of Directors model, not a town-hall model.
* The Board Chair sets forth ground rules for the meeting.
* A property owner does not have a right to interject with commentary on every agenda point.
* Roberts Rules were designed for a large legislative assembly, not a board of directors of a private nonprofit corporation.
* The Modern Rules of Order, published by the Pennsylvania Bar Institute, provide a much more workable set of meeting rules for boards like PFEA.

Ms. Miller stated that going forward her intention was to have a public comment section at the beginning of the meeting, a second one at 11:00am and that comment would not be taken after each agenda item. Ms. Youngfelt agreed, stating that the Board was elected to act in the community’s best interests and should be allowed to do its job. Comments were heard by Ms. Santos and Mr. Ramos.

**Public Input –**

* Mr. Sandford – Once again stated that it was unfair to allow non-members to speak while members could not. He pointed out that tables were blocking an exit in the Community Room, creating an unsafe condition. He asked if all those seated at the Board table, with the exception of the Manager, were dues paying members of PFE. He asked if all the members of the Citation Appeals committee were notified of the January 14th hearing. He asked if a contractor working on the roads was fined due to unsightly conditions and PFE commercial vehicle regulations. He asked if the dues abatement given to a property owner would be offered to all residents. He asked if as a Finance Committee member, he was entitled to more information than was supplied in the public meeting packet. He asked if the Board was cognizant of budget overages. He again brought up the meeting with Attorney Malaska at the end of the 2016 Annual Meeting and claimed it was an improper Executive Session. Citing precedence, he requested to be given a complete list of names and addresses of all PFE homeowners, the stated purpose of which was “providing them with information they might not be aware of and maybe the Board does not want to share”.
* Mr. Broxmeier – Agreed that Mr. Sandford’s request should be granted and said that disagreements should not become personal.
* Ms. Smith-Hughes: Wanted it on record that she was offended by this request, fearing being singled out, harassment and threatened.
* Ms. Youngfelt – Wanted it on record that she did not want her personal information being given out, stating that 1988 (the presumed year a similar request was granted) was a different time and place and that homeowners should grant permission for this information to be shared.
* Ms. Smith-Hughes felt that she wanted it on record that she may be getting singled out by a bus driver who is “the Board member of a wife” who drives down her street each day.
* Mr. Broxmeier – Said that he felt that the public should be allowed to comment throughout and then commented on the difficulty in hearing the meeting in the Community Room. He said he would also like correspondence to be included in the public meeting packet. He asked about the trash cans for the Community Center. He then asked about the 2016 surplus. He complemented the Board on the painting of the Community Center. He asked about the bathroom sink repairs. He asked the Association to write a letter to Coolbaugh Township informing them of the poor condition of Devon Road, due to the water company cuts. He complained about an unsightly property on Coach Road. He asked about the construction sights on Chelsea Circle. He asked about the lights in the Community Room.
* Mr. Nowicki – He said he did not like the tone of some of the earlier discussion and wished everyone a Happy New Year.
* Mr. Sandford – He said he wanted to address the school bus paranoia, stating that his wife was a driver of special needs students, requiring her to go down specific streets within the community and suggested that Ms. Smith-Hughes contact the Pocono Mountain School Board with any concerns. He further stated that at the end of the December meeting, none of the comments he made were properly reflected in the December minutes.
* Ms. Smith-Hughes commented on an inquiry made by Ms. Darlene Sandford regarding her parking in a handicapped designated spot on the day of the Association Christmas event, December 17th.
* Mr. Sandford said the inquiry was made since she said a handicap placard was not visible in the vehicle.

**There being no further business, a motion was made by Ms. Youngfelt, seconded by Ms. Santos to adjourn the meeting. All in favor. Motion passed.**

**The meeting adjourned at 11:41pm.**

**NEXT REGULAR BOARD MEETING: February 18, 2017 @ 9:00am.**

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

**Robert M. Zito, Recording Secretary**

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

**Marisol Santos, Secretary**

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