

LAKE LATONKA PROPERTY OWNER'S ASSOCIATION

OPEN MEETING MINUTES

AUGUST 23, 2018

The Open Board of Directors meeting of the Lake Latonka Property Owner's was called to order by the President, Dick Harper at 7PM. Those present recited the Pledge of Allegiance and roll call was taken.

Board Directors present: Dick Harper, Tom Rizzo, Mike Turton, Graig Filer, Justin Safran, Ken Komoroski, Glenn Graeves

Board Directors absent: None

Mr. Krupa, General Manager and Ms. Baker, Office Manager were also present.

There were approximately 145 plus members in attendance.

Mr. Harper stated that the meeting minutes from the July 26, 2018 Open meeting were approved at the August 9, 2018 Executive meeting and handouts are available on the table.

There were no motions at the previous Executive meeting pertaining to the membership to be ratified.

REPORTS:

President: Mr. Harper shared that the dredging was progressing well and the last zone will be finished in three (3) to four (4) weeks with what was contracted out per Mr. Rizzo. Mr. Harper stated that the settling (desilting) ponds are performing as they were designed, even though there were a few issues in the beginning. He stated that they are filling nicely but there is plenty of space for more silt to be deposited. Mr. Harper announced the opening of Duke & Lola's Café. Mr. and Mrs. Day took over the deli lease and are up and running with some great ideas and asked the community to support them. Mr. Harper again thanked Mr. Richey for all of his efforts in the construction and the implementation of the Nature Trail. He also thanked all the other members who helped with donations and time to help make it possible. Mr. Harper also stated that the community center building study group of the board along with the Long Range Planning Committee and Mr. Jim Cardillo, whom most know as an architect, has created an outline as to what steps need to be followed to implement a repair or replacement of the existing facilities. Mr. Harper shared that they are planning to go to other lake communities in Ohio, Indiana, and Pennsylvania, as well as community centers, condominiums and townhouse facilities locally, to see what others are doing to get some ideas. The process of the decision as to how that project is to go forward will be a put before the membership. Mr. Harper stated that there is plan to have a consultant hold public meetings to obtain input from the community on appearance and cost. Mr. Harper stated he will keep the membership up to date on the progression of this project, and he stated all options are on the table at this time.

Treasurer: Mr. Graeves stated that the dredging is in its final phase. He also shared that we are down to one more payment to the contractor (H&H Materials). Mr. Graeves stated at the last open meeting the LLPOA is within the original two percent (2%) of the budget despite some delays that were experienced early on. He shared that the budget was approximately 1 million dollars less than the initial estimates for the project. Mr. Graeves stated that Mr. Safran will be working with the dredging company to utilize the capacity that still exists in the desilting ponds to come up with a cost to dredge into the fall to use up the available space. Mr. Graeves explained that the cost savings would be advantageous as the equipment and piping is currently on site.

Secretary: Mr. Rizzo thanked all for coming out. He reiterated, for those that did not hear his dredging timeframe, that it will be complete in three (3) to four (4) weeks. Mr. Rizzo thanked all that applied to become a potential candidate for the Board of Directors. He explained that there are two (2) immediate open positions on the board, and there will be a

meeting this Sunday (August 26, 2018) at 6PM to hold interviews for the four (4) of the applicants to determine who will be appointed to fill the two (2) vacancies. Mr. Rizzo stated that all applicants will be considered for the normal fall election to the Board of Directors.

General Manager:

Nature Trail: Mr. Krupa thanked all the members that donated time, energy, and money to the trail and stated what a great addition to the community.

Maintenance Ditch Work: Mr. Krupa stated that ditch work will continue through the fall months. He shared that many of the roads are being assessed presently for future road repairs. Mr. Krupa stated that he will be looking at all of the roads but asked if you have a road needing attention to please call the office.

Helmets: Mr. Krupa stated that the LLPOA follows the PA Code from the DCNR rules. He stated per this rule all must wear a helmet when operating an off road vehicle. Mr. Krupa stated that golf carts are exempt from this rule within the community. He shared that the DCNR pamphlet is available as a handout on the table for review.

Security: Mr. Krupa stated that in the fall and winter months, security does offer a free drive by house check service for those that were not aware. He stated that this free service consists of them driving by and observing that all is in good condition. Security will listen for your grinder pump alarm (if it is sounding it may be indication of an issue). He also shared that if you have temperature warning light for furnace failure present they will watch for it as well. Mr. Krupa stated along with the free service, they will do a more extensive house check for a fee of \$25.00 per week. He stated that this check consists of Security pulling into your driveway, exiting the vehicle, walking around the perimeter of your property to make sure that all is in good condition, and checking all doors and windows on the home. Mr. Krupa stated that security is not permitted to enter the home/outbuildings but will contact you or your designee with any issues. Mr. Krupa stated that the forms for these services are available in the office.

NEW/OLD BUSINESS:

Reconsideration/Repeal of Resolution R3-2018: Mr. Harper shared that the board was surprised at the reaction from the membership when this resolution passed. He stated that the board respects the membership's opinion and appreciates the willingness to speak out. He thanked all for that. Mr. Harper was surprised by the fact that some believed that this resolution was being implemented for the opposite intention then it was created. It was created to try to preserve property values. He stated after consideration of the membership views and outside legal opinions procured and submitted by a group of members, it was felt that it should be looked at by legal counsel for advice. He stated that LLPOA legal counsel concurred with the outside legal opinion. Mr. Harper stated the board is going to take action per legal advice and get this issue to rest.

****Mr. Harper made a motion to repeal Resolution R3-2018 and a resolution be adopted and executed by the Board of Directors of LLPOA tonight designated R4-2018 which reads as follows: The Board of Directors of the Lake Latonka Property Owner's Association hereby rescinds and repeals Resolution R3-2018 absolutely and for all purposes, adopted this 23rd day of August 2018, and will be signed by the Board of Directors, seconded by Mr. Graeves. There was discussion and Mr. Komoroski spoke up asking the Board to postpone this vote. The motion was voted on and carried with six (6) in favor and one (1) opposed (Mr. Komoroski).**

CLUB/COMMITTEE:

Latonka Players: Mr. Dunham gave a recap of what his group did this summer. He introduced Greg Nourse whom is chairing the Fall Festival, so please donate your time. May – two act Play on the new chairs and tables that were bought for the barn and all monies collected were donated to the office for fireworks. He shared the first movie night was over Memorial Day weekend. On July 6th the second movie night with Open stage before the movie. The club sponsored the

Friendly Frolic sound system and a live band before the fireworks. He shared that they again held the Beach Party in July. Mr. Dunham thanked Mr. John Chamberlain for the use of his bay for ski school, all of the parents that helped, and Mr. Greg Lytle for the use of his boat. He shared that August 4th was the final movie night, followed by the Car Cruise on August 11th. Finally, he stated that the club will be sponsoring October Fest at the Barn in October that includes a Polka Band and all these events are free due to the proceeds for the Fall Festival.

Fall Festival Chairperson: Mr. Nourse reminded all the Fall Festival was two (2) weeks away from Saturday and they are still in need of volunteers. He shared that the Women's Club would be cleaning and food prepping Thursday – Saturday. He shared that in 2017, \$14,000.00 was made at the festival. Mr. Nourse stated that this year there was a third shuttle bus added, as well as arts and crafts for children along with face painting. He stated Mrs. Gwen Rizzo was again handling the All Day raffle. He shared this year there are two (2) information booths (one at each venue) with a nice brochure and map. He shared that currently there are approximately 116 vendors scheduled to participate.

Social Club: Mr. Cummings stated that the club will be selling Cow Patty Bingo tickets for \$50.00, each with a chance to win \$5,000.00 and need not be present to win, to help defray some of the Nature Trail costs. The tickets are available in the office, outside this evening, and at the Fall Festival.

QUESTIONS/COMMENTS:

G. Wright – 121 Sequoia Drive: Ms. Wright shared that she was unhappy with R3-2018, as she is trying to sell her home and had to take a significant loss on the sale price. She stated she cannot afford to live here and can no longer upkeep her property.

C. Becker – 380 Latonka Drive: Mr. Becker apologized to Mr. Komoroski, the Board and the rest of the membership for his earlier outburst. He gave his opinion on how the board should function. He suggested that some internal housekeeping be done.

A. Tannert – 688 Latonka Drive: Mrs. Tannert stated that she felt that R3-2018 passed at night without communicating it to the membership. She feels there should be an amendment to the LLPOA Code of Regulations that the board should give the community thirty (30) days to provide input. She thanked the board for rescinding R3-2018.

L. Chamberlain – 262 Latonka Drive: Mrs. Chamberlain stated that R3-2018 can affect my home values, dissention on the board, rules being bent for some and being forced to wear helmets no matter what your age. She asked that the board adopt the "Sunshine Law," and she explained the law.

J. Bikowski – 862 Latonka Drive: Mr. Bikowski stated that Susan Bikowski was his wife. He immediately shared that she had resigned from the board due to health issues, intimidation, and fear of physical harm by another board member. He also chastised the board for not taking action in this matter. He asked that Mr. Komoroski be removed for ethics violations and that Mr. Harper resign from the board as well for spending unnecessarily.

K. Marion – 150 Latonka Drive: Mrs. Marion shared that she purchased her current home on August 3, 2018 and R3-2018 came into play on August 6, 2018. She stated that the group of twenty-five (25) homeowners got a legal opinion for free. She stated that the LLPOA has three (3) important documents. She stated the most important is the Deed Restrictions and these were recorded at the courthouse. By-laws would be the next important and Section 5 sets the powers of the boards. She stated the final and least important is the Code of Regulations. Mrs. Marion thanked the board for rescinding R3-2018.

G. Wirth – 866 Latonka Drive: Mr. Wirth just wanted to follow up on Mrs. Marion and Mr. Bikowski's comments. He shared he was on a board and the fiduciary responsibilities of being on a board. He shared his disappointment in the board's action with regard to R3-2018.

T. Fry – 297 Latonka Drive: Mr. Fry first asked that the last Open meeting minutes be revised to reflect the comment that he commended the Social Club for the creation of the Nature Trail. He cited the Bylaws on the section of Executive Board Meetings that states, The executive meeting shall not be open to the membership unless otherwise permitted by the Board of Directors. Any action taken by the board at an executive meeting which is not of a confidential nature shall be ratified at the next regularly scheduled open meeting. At this time, he referred to Roberts Rules of Order. A meeting of an Executive session is generally a result of confidential data or disciplinary proceedings around privilege. He asked when did the rules governing deed restrictions, charges for dock rentals, stickers and construction of a lake trail become privilege. He gave Webster's definition of "privilege". Mr. Fry stated that the board is creating a class system of membership by your actions in direct contrast of our by-laws, and he referred to Article II Section 1 – Class of Members and read it at this time. He also shared that per Roberts Rules of Order, any member has a right to examine these reports being kept by the secretary and the record books including those of the executive sessions at a reasonable time and place. Mr. Fry reiterated communication is a problem on the board, and decisions are being made in secrecy and a vale of cloaked silence. He does not believe that is right and believes has caused the issues at the lake. His suggestion would be to publicly announce through a mass mailing any proposals being discussed. Mr. Fry addressed Mr. Komoroski for his actions and wants the board to be put on notice for their actions.

G. Lytle – 468 Latonka Drive: Mr. Lytle shared that he has been here twenty (20) plus years and asked why all do not come out unless there is a giant controversy. He stood up for the board of directors and stated he did not think there was ill intent. He shared that they do not make many mistakes and suggested coming to the Open meetings to see what's going on.

J. Wirth – 866 Latonka Drive: Mrs. Wirth wanted to follow up with Mr. Lytle's comment and she also believes there was not ill intent and then gave her opinion on how this all began. She stated that it started when Mr. Komoroski realized that Mr. Yokel purchased the property next to Mr. Komoroski and planned to tear down the existing home and rebuild. Mr. Wirth stated that Mr. Komoroski does not want his view to change as his home sits closer to the road and she believes this is where it all began. She asked who on the board put the words to the amendment/resolution. She asked how long are the board members going to keep sticking up for one another.

At this time, Mr. Harper came up to the podium to inform Mrs. Wirth about her fallacious and defamatory comments and then proceeded to inform the membership on how this resolution came about. The process began in 2011 and the records of the association reflect this. He stated that in 2011 when the Code of Regulations was adopted, it was under a previous manager, Mr. John DiCola, who was the Chairman of the Board of Supervisors in Neshannock Township in Lawrence County and later township manager. Mr. Harper stated that Mr. DiCola raised the question that the LLPOA lacked a provision in our regulations for uniformity where homes are built. At that time discussion ensued about this type of resolution, and it was not implemented at that time as they could not figure out how to make it work on all the irregular shaped lots and on the angular roads that exist within the association. The only place it worked is on the lake. It was laid aside until Mr. Robert Yokel came to the board and asked them to impose a regulation that required everyone with vegetation on their property that was blocking someone's view be required, at their expense, to cut it down. The board refused to do that. He stated that in the discussion, following Mr. Yokel's appearance in front of the board, the issue came up again in the context of what do we do if someone builds a house down there. Mr. Harper stated, to answer Mrs. Wirth's question, he wrote the resolution and at the meeting that it was adopted at the Executive meeting every board member had the resolution in their hand. Mr. Harper stated that they had an opportunity to discuss it, and it was a lengthy discussion and we have all that on record. Mr. Harper stated, with the permission of the board, the minutes and the recording will be released. He stated every board member present at that meeting voted in favor of the resolution. At the next public meeting it was on the agenda to be ratified per our rules. At that meeting all but one member of the board voted to ratify the resolution. He stated that there was nothing wrong with the resolution.

C. Montabon – 888 Latonka Drive: Mr. Montabon stated he was not an attorney. His only comment was that this has been in effect for years and now it is a problem. Why not just is neighborly.

D. Rassel – 225 Latonka Drive: Mrs. Rassel stated she was not going to speak this evening but decided to get up. First she thanked all that helped with the generous donations for the Nature Trail and what a great addition she believes it is. She went on to say that R3-2018 has caused much dissention within the community. She also went on to say that when they built here thirteen (13) years ago, it was a home not an investment. Mrs. Rassel ended by stating it is the people that keep us here and be grateful for what we have. She thanked the Board.

J. Hart – 330 Manito Trail: Mr. Hart stated that Mrs. Rassel said it well. He also stated that the Friendly Frolic supports itself through sponsors and raises more money. The excess goes back into the LLPOA account.

D. Knopp Jr. – 724 Latonka Drive: Mr. Knopp wished we could have ended the comments with Mrs. Rassel. He thanked the Board and stated that they are volunteers. He also wanted to remind all that we are a community and despite our differences should leave here as a community.

****Mr. Turton made a motion to adjourn the meeting at 8:10PM, seconded by Mr. Safran. The motion passed unanimously.**

APPROVED: 9-13-18

