

**Masthope Mountain Community
Board of Directors Meeting
January 30, 2016**

Transcriber: Kelli Myers
Beach House

8:35 AM Meeting called to order and Pledge of Allegiance said.

Roll Call: Present –Bruno deVinck, Dan Clark, Michele Torre, Foster McCoy, Ed McClary, Cynthia Wyatt, Paul Bakos, Peter Torchio, Eugene Principe, Jim Fox and James Graziano

Bruno asked for approval of the agenda. Dan Clark wants to add a motion to purchase new televisions for the lodge to New Business.
Agenda approved unanimously.

Bruno asked for the Approval of the Minutes from the December 19, 2015 Board of Directors Meeting.
The Minutes were approved unanimously.

Treasurer's Report-for period ending December 31, 2015-Foster McCoy-see attached.
Bruno asked for approval of Treasurer's Report.
Treasurer's Report approved unanimously.

Correspondence Report-Dan Clark

Dan stated that there was correspondence giving accolades to Diane Longo in the POC Office. The letter stated that she is an asset to the office and is always very helpful. He also received a letter complimenting the Beach Café Staff. Michele shared with the Board, 2 emails from Mike Siegfried prior to today's meeting that are related to issues on the agenda.

Bruno called for Committee Reports

- a. Ski & ATV-Randy announces that everything is open on the Mountain. Ski will make snow before Presidents' Week. Ed spoke about the 2nd APV meeting. Only five proposed changes to the rules of the APVs. Other suggestions were to use UTVs as a patrol vehicle and rescue vehicle. (see attached changes)
- b. Real Estate- No report.
- c. Audit-Maria Porter-No issues at this point.
- d. Strategic Plan-Bruno deVinck –Looking into off site storage space for property owners' "toys" (jet skis, ATV, trailers, etc), possibly the shale pit area. There will be Tiki expansion information available at the next meeting. The architect is drawing up plans. Ed asks how many have completed the survey. Sheldon stated that when he last looked it was up to 600.
- e. ECC-Ron Tussel states permits have slowed down. See attached.

- f. Westcolang Lake Association-Dan Clark-Had a meeting last week, milfoil is always an issue. Masthope, Fawn Lake and the Village want to try to treat the lake at the same time for milfoil. Cindy Wyatt states that the lakefront property owners also treat the lake for milfoil which helps the Community. Peter inquired about a snow fence. Dan and Paul responded that it is being discussed and the township is aware of the potential hazard. Jim states that there used to be a sign showing a snow drift area ahead. That is also an option being discussed.
- g. Documents-Carl Harrison-Spoke to Attorney Alan Young about drones, trusts and board members being on committees. Carl is not ready to report on the three topics. Issues are still being discussed. Committee meets next week. Paul adds trusts to Old Business.
- h. Fire Prevention-Jim Fox-Corrections to the informational handout are still not completed. We are currently in a low fire risk.
- i. Beautification-Cindy Wyatt-Gary has been a great help to the committee. The committee has a tentative plan for the four corners. Gary has done some pricing for the material and installation of new welcoming walls at the four corners. Possible idea is just to do 2 walls that would be double sided. Discussion ensued.
- j. Boating-James Graziano-The committee met last month and made a lot of progress. They are meeting Feb. 13th and will further discuss the rules that are in place and the enforcement.

President's Report-Dan Clark-quiet time on the mountain.

Manager's Report-see attached.

Old Business

- a. Wayco –Randy explains Soden is the culvert contractor. Wayco is the road contractor. Paving will occur in the spring. Shoulder work will be done. There will be a major water project on Heritage this spring.
- b. Parking lot expansion at beach-nothing new to report.
- c. Tiki Bar area expansion-plans sent to architect. Jim asks if it can be done for the next summer season. Randy answers that it is a possibility depending what they what done. There is money in capital available. If it is over \$50,000 it will have to be voted on by the property owners. Dan announces that we have a mailing in regards to the budget that has to go out 30 days prior to the March GMM. He urges Foster and Bruno to get correspondence for the mailing to the office as soon as possible so printing can begin. There is a short amount of time to get the mailing together and out to the Property Owners, so the sooner the office can begin working on the mailing the better. The Budget Board Meeting is not an official meeting and minutes are not necessary.
- d. "Ski House"-Randy met with contractors, has 3 separate bidders that will be discussed during executive session.
- e. Property Owner Survey-Sheldon will look into the current number of completed surveys. Property Owners are encouraged to continue completing the survey if they have not done so already.
- f. Falling Waters emergency access is still being discussed.
- g. Deer population control-the main purpose of a deer cull is to save our woods. The deer destroy the forests due to overpopulation. A biologist will come to give a presentation to the community to educate everyone about the impact of deer in a

community. After this information has been provided, all options can be explored. Ultimately, the community will have to vote whether or not to have a deer cull. This biologist works for the USDA and can recommend if a cull needs to be done or not. Discussion ensued.

- h. Drone policy-privacy issue discussed with Alan Young and he brought up personal right issues. The Board believes people have a right to fly a drone on their own personal property. Bruno suggests we need to take a common sense approach to regulating drones. Drones will not be permitted on common property unless a permit is obtained. There are circumstances where it may be appropriate for a drone to be used in common areas. A motion will be created for next month.
- i. Appeals Committee-Michele was concerned about only 3 people being picked to make a decision on an appeal. She believes more members involved the better. There is a concern about the process used for selecting the voting members. Carl explains that it has always been 3 people that make the decision. Everyone at the meeting have input but only 3 vote. It eliminates the question of why would one appeal have 3 or 5 or 7 voting members. Jim asks if there is a different way to pick the 3 voting members. The Board suggested that there should be a written procedure in place for future appeals. It is suggested that a board member attend an appeals hearing to witness the process. (Dan is going to attend) Bruno suggests Carl write up an SOP for the appeals process.
- j. Trusts-discussed with Alan Young, in 2004 MMC passed a motion that when a deed changes the new owner is entitled to 12 picture passes only. There is an option to purchase 4 more picture passes at the cost of \$100 a year. We need to put the proper language into the handbook. Discussion ensued about passes and how many a property should have and who should be entitled to a picture pass.
- k. Board of Directors on Committees-One issue is a lack of volunteers-therefore Board members step up to volunteer their time. Alan Young feels it is advisable to have Board members on committees. Appeals does not have any BOD members on it. Foster chairs the Budget Committee. The president can sit in on any committee meeting. ECC has 2 board members on the Committee. The concern is there a question of them having influence. Bruno requested a list of all the committees and members.

New Business:

- a. Fireworks date-Sunday, July 3rd 2016 with a rain date of Saturday, September 3rd 2016. The Board would like to set the fireworks for July 1st for 2017 also.
- b. APV changes-Ed explains the changes to the rules and regulations that the committee wants the Board to approve.(see attached)
- c. Dan feels that there is a need for 5 new tvs in the lodge. The lodge is utilized the most during ski season. The tvs would also be able to be used for Board presentations.

MOTION: 01:01:30:16

Whereas two town hall meetings were conducted to address safety concerns regarding APV usage in Masthope.

Therefore be it resolved that the Masthope Mountain Community Board of Directors approves the changes to the APV rules as attached.

**FIRST: ED MCCLARY
SECOND: FOSTER MCCOY
MOTION PASSES 10 For, 1 Against**

MOTION: 02:01:30:16

Whereas there is a need to update our televisions in the lodge.

Therefore be it resolved that the Masthope Mountain Community Board of Directors authorizes the expenditure of up to but not exceed \$5,000 to be taken from the BOD Operational Discretionary Funds to purchase 5 TVs and mounting hardware.

**FIRST: PAUL BAKOS
SECOND: ED MCCLARY
MOTION PASSES UNANIMOUSLY**

Property Owner's Time-10:59AM:

Leatrice Langer 458MR-The township has a work session 6-7 where community people can talk to supervisors about their concerns. . Meetings are the 3rd Monday of the month. (Holidays would change the Monday it falls on). The township is aware of the problem at the corner with snow drifting possibly may put up a fabric fence She suggests that maybe Masthope should allow property owners to speak before the BOD meetings so any of their concerns could be addressed at the meeting.

Maria Porter 1246FW- Asks if the Ski/ATV are 2 committees. Dan answers no they are not 2 committees. ATV is not a standing committee. Ed acknowledges that Property Owners have requested to have the trails maintained and extended.

Open Session ended at 11:08am.
Executive Session began 11:18am.
Executive Session ended 12:01pm.
Back to Open Session at 12:02pm.

MOTION: 03:01:30:16

Whereas the engineering plan for the top of the ski mountain ski area needs to be conducted.

Therefore be it resolved that the Masthope Mountain Community Board of Directors approves entering into a contract with Woodland Design at the cost not to exceed the previously approved \$20,000 from the Board of Directors' Capital Contingency Fund. This is for a 1 year contract starting February 1, 2016.

**FIRST: DAN CLARK
SECOND: BRUNO DEVINCK
MOTION PASSES UNANIMOUSLY.**

Meeting ended at 12:04pm.

ATV/UTV and other Alternative Personal Vehicles

A) General Information

This section applies to ATV's, UTV's, Side x Side's Golf Carts, GO-Peds and any other similar type vehicle. For the purpose of this section the term "Alternative Personal Vehicle" or "APV" will be used to refer to this entire category of vehicles.

Rules pertaining to a specific type of vehicle in this class will be shown separately.

Masthope Mountain Community is one of the few communities that allow ATV's, UTV's and similar vehicle to be operated on community property. Their use however is strictly regulated.

Masthope Mountain Community has adopted the Pennsylvania State All-Terrain Vehicle Regulations that are contained in Chapter 77 of the PA Vehicle Codes. The State Regulations are in Title 17 PA Code Chapter 51. They are also available on the Masthope Mountain Community website for viewing and download.

Masthope Mountain Community Property shall include all property within our borders whether it be on or off road

B) Vehicle Registration and Insurance

Any Vehicle beside golf carts which are not DCNR or DMV registered will not be allowed to be registered to operate within Masthope Property.

Any APV operated within Masthope shall be registered at the POC Office each fiscal year (May 1st to April 30th)

A registration Fee must be paid yearly to the MMC POC for Plates and Yearly Stickers for each APV.

Any property owner wishing to register an APV must be a member in good standing for the fiscal year they are registering.

All APV's must be properly insured and ATV/UTV's must have a DCNR Registration and Plate.

Proof of Insurance is required for all vehicles and DCNR registration proof must be provided for ATV/UTV's.

All Registration Plates and year stickers must be clearly displayed on the rear of all APV's.

All APV's must be registered in the name of the deeded property owner.

A deeded property owner of an improved property may register up to 4 ATV/UTV's and up to 2 golf carts or other APV's.

A deeded multiple property owner shall be allowed to register vehicles on one property only.

In the event a deeded property owner was allowed to register more than four ATV/UTV's in the fiscal year 2003-2004 said property owners shall be allowed to register the ATV/UTV's or replacements for the same.

ATV/UTV's that were previously registered can be replaced with new ATV/UTV's upon notification of the change to the POC Office.

A property owner of an unimproved lot may not register APV's

Guests and Renters will also not be allowed to register APV's in Masthope Mountain Community.

APV owners and or operators shall hold Masthope Mountain Community and its Property Owners harmless from any and all claims that arise from the use of APV'S on Masthope Property (Including off-road usage)

C) Operating Requirements

APV Operators may bring their ATV or other appropriate Safety Training Certificates to the POC and have a special sticker applied to their MMC ID to designate that they have completed the designated courses. Pennsylvania State Law requires Operators 16 and younger to keep a copy of their certificates on their person while operating an ATV/UTV.

All Golf Cart/UTV occupants under the age of 16 must wear a DOT approved helmet and they are strongly recommended occupants of all ages. An operator of an ATV is required to wear an adequately secured helmet at all times.

Operators of UTV/Side x Side type vehicles are required to possess a valid driver's license to operate the vehicle within Masthope Mountain Community Property.

Operators wanting to tow anything behind an APV will be required to have a valid driver's license in order to do so

Operation of APV's shall only be allowed from sunrise to one half hour before sunset. Driving APV's before or after this period is not permitted.

The maximum load capacity of each APV shall be determined by the manufacturer plate and cannot be exceeded. Capacity can be determined by the number of occupants or by weight load.

Two riders are not allowed on an ATV designed for single rider. (Aftermarket attachments allowing for single rider ATV use by multiple riders is prohibited)

D) Violation of ATV Rules (This Section Unchanged)

E) Age and Size Restrictions

No one under the age of 10 shall be allowed to operate an APV within Masthope Mountain Community

APV operators between the age of 10 and the date they receive their driver's license must complete an official ATV/UTV or other valid safety training course specific to their vehicle and carry a copy of said certificate on their person while operating an APV

APV operators between the age of 10 and the date they receive their driver's license MUST be accompanied by a licensed adult 18 years of age or older operating another APV either: alongside, directly in front or directly behind the younger operator. (Taken from PA ATV Regulations) Following an underage operator in a car or truck is not allowed.

APV operators age 10 thru the date they receive their driver's license must "FIT" their APV.

Golf Carts

Driver must be able to sit with their back against the backrest on the seat and be able to reach all controls. No modifications of any kind will be allowable to enable the operator to do so.

ATV's

Rider must be able to stand on the foot rests and clear the seat by at least 2". Modifications again are not allowable to enable rider to do so.

Rider must be able to fully turn the handlebars left or right and comfortably reach all controls while doing so

F) Rules and Equipment Requirements Specific to ATV/UTV's

(Taken directly from PA All-Terrain Vehicle laws)

A brake system capable of producing deceleration of 14 ft per second at 20 mph

A functioning headlight and tail light

Headlight must produce a white light sufficient to reveal a person or vehicle 100 ft away.

The tail light must produce a red light visible at a distance of 500 ft

A muffler in good working order with a spark arrester

Sound emitted from the exhaust system must not exceed 99 decibels at a distance 20" away from the exhaust pipe.

Side x Side/UTV's must have seat belts installed.

(Sections G and H Also Unchanged)

X ATV/UTV and Other Alternative Personal Vehicles (APV's) Infraction and Fine Schedule

(All Suspensions would started at the point the violation fine is paid)

APV Violation (ATV,UTV, Golf Cart or other Alternative Personal Vehicle	1st Offense	2nd Offence	3rd Offence	Reference
APV Infractions				
1) Failure to comply with insurance and registration rules	\$50	\$100	\$250	X,B
2) Failure to comply with Operating Requirements	\$100 plus loss of Masthope Plate for 30 days on offending vehicle	\$200 plus loss of Masthope Plate for 60 days for offending vehicle	\$400 plus loss of Masthope Plate for 90 days on offending vehicle	X,C
3) Illegal Parking of APV	\$100	\$200	\$400	X,C,12
4) Eluding Public Safety	\$200 plus loss of Masthope Plate for 90 days for offending vehicle	\$400 plus loss of Masthope Plates for 1 year for offending vehicle	\$800 plus Revocation of all APV privileges for Offending property owner for life	X,D,12
5) Reckless driving	\$100 plus loss of Masthope Plate for 30 days for offending vehicle	\$200 plus loss of Masthope Plate for 60 days for offending vehicle	\$400 plus Revocation of all APV privileges for Offending property owner for life	X,D,3
6) Driving an APV without Masthope Plate or while on Suspension	\$100 plus loss of Masthope Plate 60 days beyond original suspension timeframe	\$200 plus loss of Masthope Plate for 90 days beyond original suspension timeframe	\$400 plus loss of Masthope Plate for 1 year beyond original suspension timeframe	X,D
7) Stop Sign Violation	\$100	\$200	\$400	X,D,7
8) Under Age Operation of APV	\$100 plus loss of Masthope Plate for 30 days on	\$200 plus loss of Masthope Plate for 60 days for offending vehicle	\$400 plus loss of Masthope Plate for 90 days on offending vehicle	X,E

	offending vehicle			
9) Operating of APV without required safety equipment	\$50	\$100	\$200	X,F,G
10) Infraction of Snow Mobile Rules	\$50	\$100	\$200	X,H

Treasurer's Report for Period Ending December 31, 2015

UNAUDITED

Collections

	Dec 14	Dec15
Total	2,070	2,058
Billable	1,771	1,759
Paid in Full	1,574-89%	1,560-89%
Outstanding	197	199

Income and Expense- YTD

	Nov 15 YTD	Dec 15 YTD
Revenues to date	\$3,324,951	\$3,449,298
Expenses to date	\$2,494,331	\$2,852,536
Net Surplus (deficit)	830,620	596,762

The Summit

Rev. to date	\$ 696,156	\$ 768,706
Exp. to date	\$ 695,884	\$ 816,636
Net Surplus (deficit)	312	(47,930)

The Market Place

Rev. to date	\$ 268,773	\$ 299,450
Exp. to date	\$ 251,814	\$ 304,365
Net Surplus (deficit)	16,959	(4,915)

Summit/Market Net Surplus (deficit)

	17,271	(52,845)
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ECC Code Officer Monthly Report January 2016

Date	Type of Permit	Property Owner	Lot Number	911 Address	Permit Number	FEE
1/5/2016	4 sale	Correa	409FW	194 Eagle Rock	50470	
1/9/2016	open house	Allarco	101MR	174 FWB	50471	
1/13/2016	dumpster	Haas	198FW	150 Robin Way	15107	
1/13/2016	tree	Braine	156FW		20467	
1/15/2016	trees	DeFrank		227 Eagle Rock	20468	
1/15/2016	New Home	Bassis	441R	111 Blueberry Ct	2097	\$660.00
1/11/2016	New Home	Torres	117 MR	103 Snifter Ct	20996	\$660.00
1/18/2016	dumpster	Nascak	177MR	114 Musket	15108	
1/19/2016	open house	Excell		106 Karl Hope	50472	
1/19/2016	paint/strain	Sanna	419FW	161 Eagle Rock	9546	
1/19/2016	dumpster	Sanna	419FW	161 Eagle Rock	15109	
1/26/2016	deck repair	Sanna	419FW	161 Eagle Rock	20998	
1/28/2016	4-sale	Gill		225 Powderhorn	50473	
1/28/2016	4-sale	VanNorstrand		117 Turkey Circle	50474	
1/28/2016	4-sale	Birmingham		115 E. Lakeview	50475	

Managers Report

January 29, 2016

Projects:

1. Falling Waters Culvert – Clean up will continue in spring.
2. Beach House Generator – Done and working
3. Athletic complex – Electrical installed, Bathrooms nearly done, meeting with compactor company February 10.
4. Falling Waters Emergency access – work in progress.
5. Beach Parking – nothing new

Public Safety

1. Normal activity.
2. Additional shift added to investigate a situation. No findings on situation

Maintenance

1. Horse trails – Work to be done in spring.
2. Fitness Trail – Completion in spring.
3. Minimal plowing, all equipment in order.

Summit

1. Numbers on par with the season we are having, working to control costs.

Administration

1. Collections – Work is progressing on foreclosures and collections.
2. Deer Cull – Biologist will be available for a future meeting.