

**Masthope Mountain Community
Board of Directors Meeting
November 20, 2021**

Transcriber: Wendy Walsh

Location: Property owner's lounge and Teleconference

Chairman: Bruno deVinck

8:30am: Meeting called to order.

Pledge of Allegiance

Roll Call: Phil Balzafiore, Gerhard Buhler, June Carrozza, Bruno deVinck, Anthony Falcone, Tom Garrity, Herman Matfes, Christopher Pisani, Eugene Principe, Stephen Walsh

Absent: Foster McCoy

10 of 11 Board member present. Bruno declares a quorum.

Review and Approval of Agenda

No updates to be added.

There was a brief executive session prior to meeting, regarding personnel and legal matters. There will be no added executive session after this meeting.

Motion to approve the agenda.

1st Gerhard Buhler 2nd Eugene Principe

Approved unanimously.

Approval of Minutes

Review of minutes from October meeting.

Motion to approve minutes for October.

1st Anthony Falcone 2nd Gerhard Buhler

Approved unanimously

Treasurer's Report: Gerhard Buhler- See attached.

Discussion of Treasurer's Report ending October 31, 2021

Noticing a trend with rental properties: 30 properties are requesting their rental deposit to be returned and giving up their rental privileges. Discussion with Anthony to clarify. June and Gerhard explained. Phil added it is not known if the properties were full rentals or if they were allowing family to use home. June states there are only 9 properties properly registered with the township and Masthope at this point.

Motion to approve Treasurer's Report

1st Bruno de Vinck 2nd Chris Pisani

Approved unanimously

Correspondence: June Carrozza – See attached

President's Report: June Carrozza – see attached

Management Report: Tom Thompson – See attached

Committee Reports: Inaudible recording through to Financial

Appeals: None

Audit: None

ECC: Peter Torchio – Inaudible

EC Appeals: None

Financial: Gerhard Buhler – The committee is starting to work tomorrow on the budget for the next fiscal year (May 2022-April 2023). The committee will be working throughout December to compile numbers. In January, there will be a town hall meeting to introduce the budget to the members.

Document Review: Tom Garrity – Current project the committee is working on is to index every document and prepare a schedule of review for each Masthope document. There are five motions today to correct some discrepancies in the Bylaws and to add some needed changes.

Ski: Lisa Lawler – not present. June states ski swap is today. They post the monthly meeting dates in the Masthope weekly messages.

Strategic/Facility Planning: Matt Spalding – by phone, Trail cleanups will continue in the spring. Looking into the resurfacing of the tennis courts and finding a better way to utilize this area. Will compile suggestion and bring to management and the board. Also still looking at feasibility to have a disc golf area. Also looking into space in the fitness center. Next meeting is schedule for 12/13 at 7pm.

Fire: Jim Fox – Nothing to report. It was a summer with low fire risk due to the amount of rain.

ID pass: None

Technology: Herman Matfes- none

Westcolang Lake Association: Gerhard Buhler – No new report. January is the next meeting.

Old Business:

RFID and Scanner System Update: Equipment has been ordered, per Tom Thompson.

Aqua water and sewer plant update: See President's report

Review lots for lot swap: The lots were looked at by board members. There will be no swaps at this time.

Frontsteps: payment issue and request for president's personal information - on hold

Aqua Rate Increase: See President's report

Pass Policy: Work session after meeting

New Business:

Memorialize the Grandfathering Motion: Motion read

Discussion on how to monitor Short Term Rentals: Long discussion by the board. Discussed the roles of the Township, ECC and ECO in the inspection of inside and outside of homes. Liability was brought up when talking about inside inspection of homes. Discussion on number of passes and the number of people within a rental. The role of Public Safety was discussed and the use of our HOA management system to keep up to date any violations of renter and rental properties. Discussion on Township effective dates and Masthope effective dates. Discussion of number of violations before a rental permit will be cancelled. It was brought up that within the

Masthope Website in the Property Owners section, forms and permits have been updated to be filled out. Under rental section there is a guide to the rules of rental properties.

Discussion and motion on Article II.Q.14 During State of Emergency: June comments that she is apprehensive with this addition of granting more power due to the amount of State of Emergencies that occur in Pennsylvania. Tom says that this is not adding power to the board, it is just stating where the power given to the board is coming from.

Discussion and motion on removing election committee from Art III C: June makes Tom aware that the election committee is mentioned in another area of the documents not just this section.

Discussion and motion to clarify the two different appeals committee: No discussion.

Discussion and motion to introduce sunseting: After discussion by board and not all in agreement on the understanding of sunseting, the motion will not be voted on today. Text clarification will be provided and motion done electronically.

Discussion to include a directed proxy to establish a quorum at GMM: Discussion was to find ways to meet a quorum at GMM when there are no issues to vote on. Sending a proxy to members to sign as attendance at GMM so a GMM can move forward and not have to be rescheduled. Noted that the November GMM will be held one hour prior to the March GMM. November will be at 9:00am and March will be at 10:00am

Discussion on Copy Machine: this was discussed in the Managers Report. The board cannot sign contracts that are more than a year. Many companies require more than a year service contracts. Request of a bylaw change to allow board the ability to sign multi-year contracts. Herman requests a way to cap at a cost limit. The motion will be drafted and voted on electronically.

Property Owners Time: Report of 34 callers online and 34 present

Michael Seyfried – 157 MR- Past boards have created a 2-class system with grandfathering. However, he feels the current board is out of order to change grandfathering.

Rich Seidel- 578 MR- States opinion on pass policy, owner since 2005, was given the handbook as to what entitled to, eg. Number of passes. He has followed the handbook. Feels the board does not have right to change without a negotiation with the owners

Denise Kleinman – 64 FW- She has attended Lackawaxen Township meetings. The town states that Masthope has to enforce its rental policy, can Lackawaxen township officials attend a meeting to discuss and explain enforcement further.

June replied Masthope will be monitoring and enforcing as we have discussed earlier.

Bob Butler – 640 FW – Went to the office on 11/6, and was denied a membership pass since they had above 12. The moratorium on additional passes was not explained well by the office staff or with additional emails. If this is a proposed change, how is it being enforced if it is not approved yet.

June responded that the policy is not done hopefully there will be something done today that can be given to the owners. What was done was a motion to stop the adding of additional passes at this time. So, there is a cap at 12 lineage and an addition 4 can be

purchased, to bring pass total to 16. No more than 16 will be given to a property. Passes up to 12 by lineage will be allowed.

Loretta Fonseca- 1088 FW – Adding past board members to an advisory committee is a good idea. Asked how many day passes were issued from Memorial Day to Labor Day. Asked if amenities not being used by homeowner passes, the 12+4, is there a fee to be charged to additional visitor for day or week.

June, at present time only homeowners can purchase day pass. No day passes were issued on holiday weekends.

Jerry Ferraiuolo – 861FW – Question if rental inspection will be done since we are the only community besides Woodloch allowing short term rentals. He saw a rental that listed battery operated smoke detectors, which is a violation of the town's ordinance. A house listed for sale is stating 5 bedrooms but from the pictures doesn't look like legal bedrooms. Is someone checking this.

June asked if he forwarded it to town. The home he saw is not a rental at this time Steve – we wouldn't inspect smoke detectors, but they need to be interconnected according to the town, if the house becomes a rental the town will check the plans of the house that are on file, and if the advertised bedrooms exceeded the plans it would flag at the town. Phil – when becoming a new rental, the town is scheduling inspections, they are supposed to be doing that.

Dawn Balnis- 521 MR – Appeals to the board as a grandfathered member who has been here since 2004. Wishing the board will reconsider and keep grandfathering. Family has enjoyed and wants to continue to enjoy as is. Bought for the grandfather clause. Already pay dues don't want to pay for more passes. If you move near train tracks you cannot have them moved because of the noise. Feels that's what is happening

June, asked her lot number, not seeing on list as grandfathering. Dawn states lot number again. Board is not penalizing anyone. Will discuss in pass policy

Rosemary Roser – 847 MR- Will board consider requiring CO and rental homeowner insurance policy when accepting rental application supplement with ECO checking the outside. Is there an update to the Aqua CAP plan, which is separate from the rate increase?

June and Gerhard, the town will check the insurance when renter applies for license. There is no update, CAP still in process. Steve asks Randy if there is a date for the DEP public comment. Randy states that nothing has been announced.

Lauretta Fonseca – 1088 FW- Recent requirement that rentals register license plates being parked, how will Masthope enforce illegal use of a home not registered as a rental. Not answered before is the number of day passes from memorial day to labor day, please answer, and the amount of day passes by people not using homeowners pass.

June – we do not have the data for the day pass use. The rate being charge will be discussed at the pass policy meeting. Need to report illegal renting to office. We cannot check all license plates of all homeowners.

Joe Kosiba – 213 FW- On the board in 2004, grandfathering wasn't illegal, had the same counsel, and the board was challenged in court on the grandfathering. It was done legally for a reason. Do your due diligence, if you think wrong, go ahead and change, it was done for a reason, and

legally. Asks if motions for the GMM will need 2/3 majority for changes to by laws. Wants to make sure occupancy is not confused with the number of passes.

June reads original motion. 2/3 majority for by law change, 2/3 of all for covenant change. Gerhard confirms that pass number is not the same as occupancy number.

Rami Joudah- FW 1239 – We are a family of 5 that rents our home. Year to date is there a number of complaints to public safety regarding renters. Trying to see if social media complaints about renters is warranted of the criticism, or is there an overuse of public safety with excessive policing.

Steve – This is also his concern. After election he looked into this, the statistics were not accurately kept. With help of Tom and the use of the HOA management system, we will have the data moving forward.

Rose Perrotti – 164 FW – Comment on Pass Policy, the process as explained was the committee would work on, then the board workshops, then a town hall for discussion, then a vote. The changes and the board vote to the grandfathering is not fair since the whole process has not happened. Understands that the board is trying to cap off the grandfathering, but she does not think it is fair since there has been no townhall yet. Requests the board tables the vote on grandfathering.

Micheal Seyfried – 157 MR – Since the township rental policy is requiring designate parking spaces at a rental unit, how will parking spaces be enforced? Required to pave driveway and paint lines?

Gerhard – When you apply in the office for a rental permit, you must submit proof of the number of spaces you can fit, by either a drawing or a blueprint of the property with parking marked. ECO will go out and confirm what was submitted.

Jim Fox – 284 FW – Asking why the Indian was removed from the lodge lobby if only one person complained about it.

June – It was found to be offensive to someone in the community, she suggested it be removed for a little while. Anthony asks when it will be put back. Herman – If it is offensive to someone then it should be removed from the community area.

Rose Perrotti -164 FW- Just want to add if you consider tabling the motion on grandfathering will you retract the previous change to the policy that is already in effect.

Ginna Rogers – 178 FW – Why was grandfathering not put together and presented at a townhall?

Phil – Pass policy is intended to go to a town hall. Grandfathering came up in the current pass policy discussion. The thought of grandfathering is not appropriate today, if grandfathering came to me today, I would not support it. It was started as of that day; the concern was that some people may take advantage of the passes and get more for anyone they could. The decision on this was not unanimous. This was discussed and done in the public meeting so everyone would know.

Rick Hubert – 246 RM – How was the date determined to end grandfathering? Why only have past board members on an advisory committee, why can't anyone be on it

June – The past board member would be able to bring insight into why decisions were made at that time. No date yet on grandfathering. Herman – that would be a question for when the pass policy is finished.

June explains the number of grandfathered properties that have over the 16 passes, after going through all deed changes and properties being sold. The number is 25 properties. Herman responds that all these numbers have been brought up in previous work sessions, he encourages everyone to participate.

Vote on Motions

Motion 1:11:20:2021

Whereas the mandates and restrictions placed by government agencies during the recent COVID-19 pandemic made it necessary for the Masthope Board of Directors and Community Manager to perform their operating plans and procedures under emergency conditions, and Whereas the current Bylaws are lacking in providing the authority to operate in a state of emergency, and

Whereas Bylaws clause was developed in consultation with legal counsel to address this issue Therefore, be it resolved that the Masthope Mountain Community Board of Directors approves to provide the attached clause for the consideration and approval of the members of the Masthope Mountain Community.

1st Bruno deVinck 2nd Tom Garrity
10 yes 0 no
Passes unanimously

Motion 2:11:20:2021

Whereas the Election Committee was eliminated by vote of the Masthope Community at the July, 2020, General Membership Meeting, and

Whereas the Election Committee is still mentioned in the Bylaws section of Article III.C, and Whereas this leads to conflict with current procedures in place,

Therefore, be it resolved that the Masthope Mountain Community Board of Directors approve the submission of the attached modification for the consideration and approval of the members of the Masthope Mountain Community

1st Tom Garrity 2nd Gerhard Buhler
10 yes 0 no
Passes unanimously

Motion 3:11:20:2021

Whereas the Masthope Mountain Community Bylaws require a modification to clearly differentiate between the Citation Appeals and Environmental Appeals committees,

Therefore, be it resolved that the Masthope Mountain Community Board of Directors approves the presentation of the attached modifications to the Bylaws related to the Citation Appeals

and Environmental appeals committees to the members of the Masthope Mountain Community for consideration and approval

1st Tom Garrity 2nd June Carrozza

10 yes 0 no

Passes unanimously

Motion 1:10:24:2021

Whereas Masthope's Board of Directors has grandfathered privileges of members in the past, most notably the grandfathering of unlimited ID passes for members who became property owners prior to May 22, 2004, and this created unfair and inequitable policies, Therefore, be it resolved that the Masthope Mountain Community Board of Directors resolves that, with respect of members still qualifying as grandfathered into the pre- May 22, 2004 lineage pass rules, no new lineage passes exceeding the current lineage pass limit of 12 may be granted or retained other than to replace passes for such lineage persons who have been issued a valid pass prior to the date of this motion. Any pass above the limit of 12 that is surrendered will be remove from their count.

If a "grandfathered" property's deeded owners are all deceased, or the prior May 2004 rule that property is sold or has a deed change, the privilege of multiple owners receiving membership passes shall no longer be applicable. The present-day rules will be in effect and the Board reaffirms its intention to strictly monitor and audit this rule.

These parameters of grandfathered privileges will be frozen as of October 25, 2021

Gerhard confirmed he will work with Tom to make an electronic motion for a change in the bylaws. Discussed earlier the ability of the board to enter into contracts for more than a year. Will be done electronically so it can be done in time to be added for the March GMM to be voted on.

10:40am Motion to close meeting.

1st Herma Matfes 2nd Eugene Principe

Approved unanimously

Treasurer's Report for Period Ending October 31, 2021

Unaudited

Collections - YTD

	Oct 20	Sep 21	Oct 21
Total	2034	2029	2029
Billable	1714	1712	1712
Paid in Full	1570	1457	1543
Percent	91.6%	85.1%	90.1%
Outstanding - Lots	144	255	169
Outstanding - Dues	\$193,175	\$273,829	\$228,763

Unrestricted Income and Expense - YTD

	Oct 20 YTD	Sep 21 YTD	Oct 21 YTD
Revenues to date	\$2,739,152	\$2,743,246	\$2,777,978
Expenses to date	\$1,534,161	\$1,445,976	\$1,661,856
Net Surplus (deficit)	\$1,204,991	\$1,297,270	\$1,116,122
Margin (Net/Revenue)	44.0%	47.3%	40.2%

The Summit - YTD

Revenues to date	\$714,062	\$978,024	\$1,089,653
Expenses to date	\$700,760	\$802,910	\$893,854
Net Surplus (deficit)	\$13,302	\$175,114	\$195,799
Inventory	\$34,190	\$47,270	\$46,841

The Market Place - YTD

Revenues to date	\$297,515	\$274,345	\$309,742
Expenses to date	\$280,727	\$273,910	\$328,544
Net Surplus (deficit)	\$16,788	\$435	(\$18,802)
Inventory	\$20,271	\$16,856	\$15,882

Summit/Market Net Surplus (Deficit)

	\$30,090	\$175,549	\$176,996
--	----------	-----------	-----------

Nov. 20, 2021

Correspondences

I received 49 correspondences this month. Here is a summary:

- Questions and updates from committees, board, office, meetings.
- Follow up questions on covenants, Dmap, trails, renting and pass policy.
- Aqua update. The Aqua suit on rate and wastewater tariff continues, due to confidential and highly confidential material we are limited to what we can update you on.
- Question on what to do for our employees for the upcoming holiday.
- Complaint on audio during meetings, clarification on a motion.
- Update on swim team.
- Property owner input and comments on grandfathering and pass policy.
- Suggestion on creating an advisory board with past board members.

President's Report

I welcome everyone who is present and teleconferencing. It is very important for property owners to get involved. We have had an increase in owners volunteering in multiple areas. What I am asking from all of us today is to talk, not shout. We are here to answer your questions and direct you to the documents that we follow. Facebook has created an array of views, not all of them correct. What our goal is to clarify what is true and what is false. Following today's meeting we are continuing the third part of the Pass Policy Board session. You may listen and any questions can be emailed to feedback@masthope.org. The reason no one is being answered on pass policy questions is the work is not done. Many questions are taken as input and discussed, as we progress on a difficult policy. Once the policy has been proposed it will then be finalized by counsel and then to a Townhall meeting. At that point you will have an open forum for discussion. There is much to discuss today.

Manager Report

November 20,2021

Updates

- 1 **Summer** operations are winterized and equipment stored away. It was a very busy season and we would like to the entire Masthope staff for the dedication and hard work.
- 2 Halloween was as always a fun event for all and we would like to thank Lukus , Carol and the volunteers who built the props .
- 3 Robin Way roadside berm completed
- 4 HVAC for lodge is operational
- 5 Copier report

Department Reports

Food and Beverage

Operating on the fall schedule for both the Summit and Marketplace.

Supplies remain an issue For Nick ,Linda and Christine

Public Safety

Continuing with Caliber set up. Vehicles will soon be online with Tablets

Lou and Steve are looking into in house training.

Office

Kelli and staff are moving quickly through Caliber.

Maintenance

Plow trucks are serviced and ready to go. Road salt and Anti-Skid is stockpiled

Nick and crew are working hard on the leaves

Stables

All Good at the Stables.

Trail rides have ended for the season

Fitness

Streaming workouts seem to be a hit

The center attendance is growing.