

**Masthope Mountain Community  
Board of Directors Meeting  
September 24, 2016**

Transcriber: Kelli Myers  
Beach House

8:31 AM Meeting called to order and Pledge of Allegiance said.

Roll Call: Present –Bruno deVinck, Ed McClary, Foster McCoy, Michele Torre, Peter Torchio, Cynthia Wyatt, James Graziano, Eugene Principe, Jim Fox and Gerhard Buhler.

Absent: Dan Clark

Bruno asked for approval of the agenda. New business there will be a discussion about DUIS and the WIFI in the lodge.  
Agenda approved unanimously.

Bruno asked for the Approval of the Minutes from the August 20th, 2016, Board of Directors Meeting.  
The Minutes were approved unanimously.

Treasurer's Report- for period ending August 31, 2016. Foster McCoy-see attached.  
Treasurer's Report approved unanimously.

**Correspondence Report-Michele Torre**

Michele received correspondence from Mike Seyfried in regards to Remembrance Park. Michele read aloud. See attached.

**Bruno called for Committee Reports**

- a. Ski & ATV-Sheldon-had nothing to report. Randy reported that he met with a surveyor that will proceed to work with the township to begin the process of creating the ATV training course in Masthope. Ski has started working on the mountain preparing for the lift inspections. Inspections have to be done every 7 years and include a load test of the lift. Ski is upgrading some of the snow making equipment. They will be getting the new lift delivered in October, it is similar in function to the Magic Carpet. It will be up and running this ski season.

Ski is waiting on the State before they can continue with the tubing expansion. They hope to have permit by October 15<sup>th</sup>. The house has been painted and cleaned up. Realtors will be coming out to suggest an asking price and then it will be put on the market. Ski office will open after Columbus Day weekend. Ski is hoping for rain to replenish the snowmaking pond which is down about a foot in water level.

- b. Audit-Maria Porter-nothing to report except that there will be a meeting Friday the 30<sup>th</sup>. Everything that has been looked over, has been compliant.
- c. Strategic Plan-Bruno deVinck-final report will be given at the December meeting.
- d. ECC-Randy Schmalzle-see attached. A new home is being built in the community.
- e. Westcolang Lake Association-tabled. Gerhard mentioned that the next regular meeting of the WLA is scheduled for Sunday, October 16.
- f. Documents-Carl Harrison-nothing to report.
- g. Fire Prevention-Jim Fox-Smokey has been moved to a moderate risk of fires. Use common sense if burning.
- h. Beautification-Cindy Wyatt-thanked Leatrice for pointing out all of the dead trees near the mailboxes. The committee came out to see and mark the 20 dead trees. Pruning needs to be done on some trees as well. November 12<sup>th</sup> there will be a tree pruning party at the beach. Cindy thanks everyone for all of their help. Randy stated the rocks have been removed and will be getting prepared for the signage at the four corners.
- i. Boating-hiatus until the beginning of the new year.

President's Report-Ed McClary-Summer is over; the mountain is preparing for the next season.

Manager's Report-Randy Schmalzle-see attached.

Jim Fox asked for an update on the temporary cell tower. Randy said it is in place. It was repositioned to hide it better. He did not know if it was running however we are collecting rent on it. He also inquired about the water tower. Randy answered that he has not heard anything from Aqua. Aqua did repair 22 leaks in the tower a few months ago but does not know when they will begin working to replace the water tower.

## Old Business

### a. Follow-up List-Michele

1. Acknowledged Jerry Ferraiuolo's correspondence on volunteer recognition and the speeding watercraft on the lake. She stated that the Board has some very good ideas being discussed in regards to volunteer recognition. As for the speeding on the lake, we have no jurisdiction on the lake once the watercraft is in the water. She apologized for not getting an official response to him in a timely manner. She will be getting that response to him.

2. A property owner was inquiring about getting additional passes. Dan was to follow-up with her. This will be followed up at the next meeting with Dan.

3. Dual owners wanted additional passes. Randy responded to them.

4. Peter spoke with Eric from Modern Gas. He is supposed to get back to Peter about the tank inspections. Gerhard had the maintenance work done on his tank. They installed the new magnesium bags on one side, but measurements show that only one side of the tank is now in compliance. They will be coming back to finish the work. Bruno asked how long will they last. Gerhard answered it is largely based on soil conditions.

5. Bruno asked if there was anything new with Remembrance Park. Randy answered not really and feels that possibly the Beautification Committee or some volunteers should get involved along with a property owner that has created an incredible 9/11 memorial at his house to move forward with ideas to upgrade the Park. Michele asked if Cindy would like to head up this project. Cindy responded that her committee does the most physical work out of all of the committees. The committee has discussed the park and welcome more volunteers. Randy feels that someone needs to come up with a concept for upgrade of the park. Possibly John Grandy or Skip Lavigna would have some ideas for the park.

6. Eugene asked if the pool was closed for the season. He was answered, yes, it is. It was explained that at the end of the season the coating in the pool starts to "pop off". Maintenance repairs it. It happens every year with every pool. Cindy asked about the mushroom at the pool and why it is discolored. The water constantly running over it acts as an abrasive. It does get painted every year. Bruno asked about the one water slide and how it does not seem to be put together properly. Michele answered that it was a problem in the beginning and they have adjusted it but it still has the dip in the slide.

7. Michele asked if Ron Tussel looked into the costs of having the fish study conducted on Westcolang Lake. Ron is not present so it will be followed up next meeting.

8. Bruno asked about the ECC fine schedule. Peter will follow-up with this next meeting. Randy clarified that there was nothing specific, but maybe a couple of additions to the fine schedule. There is a generic line that is to be a "catch all" however that does not work with all of the violations.

9. Two story garages need to be revisited. There is one issue with a property owner at this time. Randy feels that the Board needs to look at this again. He will sit with ECC and go over this. Peter suggests possibly going back to the old rule of a height of 15 feet. Eugene suggests that MMC inspects the structure after it is built to make sure that it is not habitable and have them sign off that they are abiding by the MMC rules and regulations. He acknowledges that some owners do need upstairs storage especially if they are storing watercrafts and all-terrain vehicles.

- b. The Pontoon Issue-A motion will be presented to approve or disapprove the granting of a waiver for Ken Rindos' non-compliant 20foot pontoon boat. Ken had requested a waiver during the August Board Meeting. The rule in effect is 18ft maximum length for watercraft in MMC.

#### New Business:

- a. Confirmation of the electronic motion to approve the purchase of a sandwich/salad refrigerator for the Summit.
- b. How can Public Safety enforce DUIS? Bruno suggests that something should be added to our Handbook. Possibly banning the offender from the amenities for a set number of days. John Costellano asked if the Board would like the Document

Committee to look into this. They responded yes. Randy explained that he spoke to the DA and was told that they were able to prosecute DUIs in private communities. A question at hand is a policy. When do you call state police? If a curtesy was granted and then the offender goes out, then ultimately hurts someone did we have an obligation to hand this over to the state police. Right now it is at the discretion of the officers. There have been several of these situations this summer. We are not certified to do breathalyzers and do not have the equipment. We want everyone to have fun but if someone is in trouble they should ask for help. Public Safety have driven intoxicated owners home. This will be addressed with Alan Young and see how he advises. Randy will also be in touch with Hemlock Farms to see what policy they have in place.

- c. WIFI on top of the mountain will be a motion. The current WIFI is very sketchy. The new company does content policing on their end and will shut the user down if there is anything inappropriate being viewed. Michele brings up the WIFI at the beach is awful when it is busy and only works in limited areas outside. Randy explains they will be looking into upgrading the beach WIFI as well.

**MOTION: 01:09:23:16**

**Whereas an electronic motion was presented for the replacement of a food cooler at the Summit.**

**Therefore, be it resolved that the Masthope Mountain Community Board of Directors re-affirms the motion passed on August 29, 2016 to purchase a new Avantco Sandwich/Salad Refrigerator. The cost of the unit is \$1349.00 with tax and shipping the cost is \$1849.24.**

**FIRST: BRUNO DEVINCK  
SECOND: GERHARD BUHLER  
MOTION PASSES UNANIMOUSLY**

**MOTION: 02:09:23:16**

**Whereas the intention of this motion is to replace the current limited lodge WIFI with a state-of-the-art fiber optic system which would cover the entire top of the mountain area, and whereas the month-to-month carrying costs would be comparable to the current system.**

**Therefore, be it resolved that the Masthope Mountain Community Board of Directors approves the purchase and installation of GuestLinx high speed WIFI system to service the of the mountain area. The project to be capped at \$6,000 and funded from the Board capital contingency line item (see attached)**

**FIRST: ED MCCLARY  
SECOND: JIM FOX  
MOTION PASSES UNANIMOUSLY**

The next motion was read but opened up for comments from property owners before the Board voted on it.

**Whereas a property owner (Mr. Ken Rindos) purchased a boat that does not meet the rules and regulations of Masthope Mountain Community and he has not been allowed to register said craft due to that fact, a waiver is being requested by Mr. Rindos to allow him to register the non-conforming watercraft. Only a vote by the Board of Directors can decide whether this waiver is allowed or denied.**

**Therefore, be it resolved that the Masthope Mountain Community Board of Directors hereby votes to approve Mr. Rindos' request for a waiver allowing him to register the non-conforming watercraft. If the boat is sold, damaged beyond repair or is otherwise de-commissioned from use he will not be allowed to replace it with a craft not conforming to the Rules and Regulations of Masthope Mountain Community.**

Property Owners Time 10:49am:

Michael Seyfried 157MR- Stated he does not have an opinion on boat size but does not understand why the Board would make a motion to allow Rindos to have a waiver when he purchased the non-compliant boat after being advised not to.

Hal Jungerheld 1007FW- He and his wife have been members of the community for 11 years, he thanks the Board for their service. States he does not own a watercraft. We need to be concerned with size and horsepower of watercraft on the lake. He would much rather see a larger pontoon boat on the lake rather than jetskis. Rindos has been a big advocate for the lake. He would like to see the waiver approved for Rindos on the sheer merit of his advocacy.

Brian Hertig WP23-1C- He and his husband just purchased property here. They look forward to getting to know everyone and to enjoy the area. He thanks the Board for everything that they do for the community.

Joe Gladis 117FW- Believes a waiver would be out of order. MMC took a stand against larger boats in Westcolang. A Fawn Lake Member purchased a 20 something foot watercraft against the Board's recommendations. MMC and Westcolang Lake Association took a stand against the large watercraft and succeeded to having it remove. Rindos should have gotten waiver first before purchasing the watercraft.

Maria Porter 1246FW- She feels the same way as Joe Gladis.

Dan Wyatt 250MR- Fawn Lake and the Village have a more diverse group of watercraft. We continue to allow faster watercraft on the lake. We increased the outboard horsepower. Ed responded that you can buy an 18ft pontoon boat and put 8 people on it. He added that jet skis are much more affordable to purchase than large boats. The rules are in place; you can like them or not.

Ken Rindos 1017FW- All new pontoon boats are 20foot and longer. He feels that there should be a separate category for pontoon boats.

Gina Levash 1028FW-She supports the waiver for Rindos and supports the issue of adding a pontoon category. Ed explains we voted several meetings ago to support the current Boating rules and regulation. She asked why was there a petition on Labor Day Weekend. Ed explained that it was not a petition but a survey. What did owners feel about larger watercrafts on the lake was on the survey. Gina stated she wants to see pontoons as a separate category. Ed stated it may be once the Boating Committee reconvenes however the length would be 18feet. As a homeowner, she is concerned how some Board members are acting in an inappropriate way to what their obligations and responsibilities are. There was a survey for property owners to address what they would like to see in the community.

Jerry Ferraiuolo 861FW-The Boating Committee was a good idea. Meetings should have taken place at the height of the summer. He says we should control what happens on the lake. Ed explains that we do not have jurisdiction on the water. PA Fish and Boat police the water. Jerry stated it is not the length that matters for watercraft but the speed in which they are traveling.

Mike Seyfried 157MR-Doesn't have any issue with lengths. He has an issue with jet skis. He has a problem with granting a waiver but feels that MMC should allow 22foot pontoon boats.

Dan Wyatt 250MR-Horsepower was increased for outboard for one property owner but the door was shut on this property owner. He would like to see more diverse watercraft on the lake. Bruno added the lake really is a pond. Ed continues that everyone has a problem with one or the other rule of the community but we all have to abide by them. Our community has grown. Rindos did not abide by the rules. Gina Levash stated the president told him to put it in the water. Ed stated that the president doesn't have the authority to allow that, he was being a nice guy. The 11 Board members are the only ones with the authority to vote on the rules.

Gina Levash 1028FW-Rules are meant to be changed.

Peter adds that he presented the Board with a book on pontoon boats. Recreational Statistics 2014, pontoon boats are listed separately. Ed stated that pontoon boats could be a separate category but the length will be 18feet.

Jerry Ferraiuolo 861FW-Suggested that Ron Tussel and ECC cited Ken Rindos. He asked if Rindos has the right to appeal. Randy clarified that is was a public safety citation, that Rindos received. Yes, he has the right to appeal.

Cathy Schaefer 1027FW-The survey was misleading. When it was asked about allowing larger watercraft, it was misrepresented, she perceived it as faster watercraft. Ed explained that some property owners expressed that they did not want larger watercrafts permitted in the community. Michele added that they all did research and gathered information about watercrafts. She spent a lot of time talking with owners about their concerns and was open minded to their suggestions about what they want. Michele clearly stated that she did not have an agenda and is very honest. She wanted to get a bigger picture of what the majority wants to see. Michele continued that she is here for the property owners and is always available to the members. She is the only Board member that has an email available to the public so that anyone can contact directly. She urges property to contact her because she is always willing to listen to suggestions or concerns.

Jerry Ferraiuolo 861FW-Acknowledges that this is getting emotional for all parties. He stated that they lost the category of pontoon boats and feels that pontoons should be added as a separate category at another time.

Henry Walker 1175FW-The Appeals Committee did hear the appeal by Ken Rindos on his non-compliant 20foot pontoon boat. The Committee did not make a decision until there was a ruling made by the Board.

Property Owners comment time concluded and the Board proceeded to vote on the motion.

**MOTION: 01:09:23:16**

**Whereas a property owner (Mr. Ken Rindos) purchased a boat that does not meet the rules and regulations of Masthope Mountain Community and he has not been allowed to register said craft due to that fact, a waiver is being requested by Mr. Rindos to allow him to register the non-conforming watercraft. Only a vote by the Board of Directors can decide whether this waiver is allowed or denied.**

**Therefore, be it resolved that the Masthope Mountain Community Board of Directors hereby votes to approve Mr. Rindos' request for a waiver allowing him to register the non-conforming watercraft. If the boat is sold, damaged beyond repair or is otherwise de-commissioned from use he will not be allowed to replace it with a craft not conforming to the Rules and Regulations of Masthope Mountain Community.**

**FIRST: ED MCCLARY**

**SECOND: EUGENE PRINCIPE**

**MOTION FAILS: FOR 4, AGAINST 6**

Property Owners time continued.

Mike Seyfried 157MR-What was stated in the minutes misrepresented his intention. He feels that the park should just be for the 9/11. That bench should not have been put down there. He wants to know what is going to be done to clarify his position? James responded that Dan read his letters aloud and that his letters are attached to the August Meeting minutes that just got approved and will be on the website. Mike continues that the motion should have come first before the bench was in place. He states that he believes that she deserves the memorial however it should be placed somewhere else. Maybe create a new park. Randy stated Remembrance Park was a motion of the Board not of the people so the Board has authority to change a Board motion. Ed stated that we are looking into adding to Remembrance Park and that bench is off to the side nowhere near the 9/11 part.

Mary Apuzzo 919CF-It is Remembrance Park and we wouldn't have it if it wasn't for Skip's hard work along with Frank's and June's. Maybe move the 9/11 memorial.

Mike Seyfried 157MR-The motion was insufficient. It stated that it has to be a member and a loved one not that it had to be approved by the Board.

Peter adds that it was brought up by the Book Club for Val.

Mike Seyfried 157MR-If we have a maintenance department, why do we have volunteers? Randy said they love to do this and Foster added that we would have to increase our budget for maintenance payroll. Cindy added that they want input about adding to the 9/11 memorial and welcome more volunteers.

Richard Seidel 578MR-ECC Questions-He has noticed many old vehicles that haven't been moved in years. Rules were that they need to be registered and inspected. Peter and Jim respond that ECC is citing owners for not having vehicles registered and inspected.

Jerry Ferraiuolo 861FW-The ATVs are not allowed to operate after dark. There are no restrictions on boats. Boats are just as noisy as ATVs. Ed responded that restrictions were not put in place because of fishing. Jerry continues we should be able to figure out a way to limit the number of jet skis on the lake. The boat master could keep track of how many are on the lake and only allow a certain number on the lake. Randy stated Masthope employees are not going to be put in that situation. Jerry continued that overall we need to look into improving the lake water quality and noise quality. Ed feels that everyone needs to take a break from the boating issues. It has become too emotional and volatile. Gerhard commented that Jerry generates a lot of innovative ideas on how to improve the lake experience for Masthope, and he appreciates it. However, which ideas can be implemented without overstepping our authority needs to be seen. Eugene feels that there should be a town hall meeting held to discuss these issues.

Maria Porter 1246FW-There still are no rocking chairs at the lodge. Randy said it was his fault. Foster added that they did not find the large rocking chairs. Randy continued that he did come up with some other ideas but did not present it to the Board. This will be readdressed at the October Board meeting.

Karen Spano 541FW-Wanted to the status of the deer cull. Ed explains nothing is happening. It was only a presentation to the Board about wildlife management, and culling was only one of the options presented. That would have to be a decision made by the members of the community.

Peter had the displeasure of listening to a drone for 3 hours being operated near his house. The sound was disturbing.

Joe Gladis 598AF-Asks how can he get rid of these stray cats that are around his house. The Board refers to Karen Spano. She recommends going on line to see what can be done to deter cats from an area. She continues to explain how the feral cat program works.

John Grandy 6CM-Asks how long are the tank's warrantees. Ed explains if you lease the tank it is the company's responsibility not the property owners. John suggests that the Board look into allowing tanks to remain above ground because of the ground quality. Gerhard added that there is no ideal solution. There are other issues with above ground tanks. John offered maybe require a maximum size above ground.

Mike Seyfried 157MR-Asks if anyone heard of Periscope. You can broadcast to Smart phones. So, you video the board meeting and property owners could watch the meeting regardless of where they are. Ed said at some point that may be an option.

Property Owners time ended 11:02am.  
Meeting Adjourned 11:02am.



Treasurer's Report for Period Ending August 31, 2016

**UNAUDITED**

Collections

	Aug 15	Aug 16
Total	2,060	2,056
Billable	1,761	1,757
Paid in Full	1,414-80%	1,425-81%
Outstanding	347	332

Income and Expense- YTD-2016

<u>Operating</u>	<u>July YTD</u>	<u>Aug YTD</u>
Revenues to date	\$2,199,835	\$2,336,344
Expenses to date	874,185	1,086,625
Net Surplus (deficit)	1,325,650	1,149,719

The Summit

Rev. to date	364,764	545,104
Exp. to date	372,871	509,466
Net Surplus (deficit)	(8,107)	35,638

The Market Place

Rev. to date	123,450	174,223
Exp. to date	117,028	156,943
Net Surplus (deficit)	6,422	17,280

Summit/Market Net Surplus (deficit)

	(1,685)	52,918
--	---------	--------

**Board of Directors  
Masthope Mountain Community**

For inclusion in Correspondence  
Board of Directors Meeting  
September 24, 2016

Board Members:

Pertaining to the published Motion: 8:20:16:7

Maker: Peter Torchio

Second: Foster McCoy

[Whereas Remembrance Park is a place where property owners memorialize loved ones.]

[Therefore, be it resolved that the Masthope Mountain Community Board of Directors approves the placement of the donated bluestone bench.]

[Motion passed unanimously.]

Since this motion was likely brought to the table, in large measure due to my past letter objecting to the choice of location within Remembrance Park, I believe that I must offer further comment on several points of the motion as it is clearly deficient and problematic in wording.

Firstly as I pointed out in a previous communication with the Board of Directors the Park is dedicated “exclusively” to the memory of those who perished in the attacks against the American people on September 11, 2001. If you doubt me read the memorial yourself.

Secondly, the wording of the motion clearly indicates, if in fact your premise were true, which it is not, that since it is a place where [“members memorialize loved ones”] therefore the only requirement upon which one might place a memorial in that park is that it be done by a member and that the individual was someone who was loved. The motion sets out no further requirements.

There is absolutely no other standard indicated. Based upon this wording any member might place a memorial in the park. You have no wording indicating any sort of guidelines in the motion to indicate otherwise. It is therefore deficient in this respect.

There might be guidelines which the Board of Directors discussed and exist in your mind, but since they are not mentioned in any way codified within the motion then the legal standard to be held is the straight forward wording of the motion itself.

That standard is based strictly upon two simple issues, membership and love of the deceased.

I would further suggest that the Board of Directors does not have authority to make such decision without bringing the matter before the membership. You are overstepping your appointed authority in this matter.

Read your mission statement. Nowhere in the mission statement does it give you the authority to change the nature of Remembrance Park based solely on your political view. You the Board of Directors are not representative of a quorum of the membership. It is something which might only be done by vote of the majority of the voting membership.

In regard to the motion made to approve the placement of the bench in question in the park, I ask you this question. In what universe of parliamentary procedure does any legally established Board of Directors in

the performance of its due diligence make and approve a motion on any issue after the fact?

This issue is no different than any other matter of concern to the Board of Directors as far as making motion and voting on it. It is always done in advance unless it is something of significant impact upon the community that it must be approved by motion after the fact for reason of safety or emergency financial status.

If something is done involving community resources both financial resources and the utilization of community equipment and manpower ahead of a legal motion of the board of Directors, and this bench clearly does not rise to the level of emergency status, then it is nothing more than legal ass cover. It is unacceptable for any Board of Directors to operate under such circumstances. It is not moral, highly unprofessional and potentially illegal.

This entire matter needs to be given serious consideration and review and opinion by legal consul of the Board of Directors as there are in my opinion potential legal financial accountability ramifications and misuse of property owner funds as well as potential future esoteric reasons.

At this point in time I believe based upon the standard which your motion has been established and codified any member who wants to pay tribute to a loved one might demand that a memorial be permitted in that park.

Your own motion states as much.

Michael Seyfried  
Member



Managers' Report  
September 23, 2016  
Projects:

1. Top of the Mtn development – Still waiting on the NPDES permit.
2. Tennis Court Lights – Cost for lighting was misunderstood by me, I believed it was \$9000 for entire project, it is actually over \$28,000. Quotes are attached.

Public Safety

1. Summer ended gracefully. The summer went well, with stepped up enforcement in several areas I believe our message of safety was well received.

Maintenance

1. Tiki – A meeting was held with the engineers and review of the project was completed, we hope to have plans in the next month or two.
2. Lodge roof repairs were done, unfortunately another leak is being chased, and it was probably a result of some of the repairs.
3. Boat Launch area – Additional work will continue on this project. Money will need to be budgeted next year for an additional dock section.
4. Ski house has been cleaned and repairs made, minor work will continue. As soon as proper title is received it will be put on the market.
5. Road shoulder work to be completed in the fall.

Summit

1. Work is underway getting ready for winter operations.
2. Keep an eye out for upcoming fall activities and events.

## Administration

1. Vehicle registration tracking – Work has been done to investigate registering atvs, boats and vehicles in Topps. Currently individual data bases are being used to register vehicles, our goal is to get everything in one place making management easier.
2. Accessory structures – Alan Young provided a very detailed explanation of uses for accessory structures. I believe our current rules do suffice, but there is now back up information that can be added to the handbook in a future edition.
3. MH property review – Currently we are in the process of updating all properties owned by the community. On completion we will present a plan for dealing with them in the future as it relates to taxes, sewer availability charges and disposal or sale of properties.