

**UPPER GREENWOOD LAKE PROPERTY OWNERS ASSOCIATION
BOARD OF TRUSTEES REGULAR MEETING MINUTES
July 14, 2020**

Attendance

Abbruzzese, Michael	P	Jones, Jim	E	Surman, Dave	P
Becker, Heather	P	Manzo, Rene	P	Zielinski, Gary	P
Ballan, Linda	P	Marino, Joseph	E	Zemsky, Eric	P
Culhane, Margie	P	Morrison, Debra	P	Open seat	
Decina, Dennis	P	Quirk, Andrew	P	Open seat	
Donoghue, Paul	P	Sarnowski, Karen	P	Open seat	
Grayson, Doug	P	Sarnowski, Shelby	E		

P = Present E = Excused A = Absent R* = Remote – non-voting/quorum

Attorney Present – Chris Miller Y/N

With a quorum present, the meeting was called to order at 7:18pm by Dennis Decina.

The Board reaffirmed the virtual meeting procedures established in April for this meeting.

A motion was made to approve the June 2020 Regular Meeting Minutes at 7:18pm by Dave Surman, seconded by Mike Abbruzzese. 0 Opposed, 0 Abstained, 13 In Favor

A motion was made to approve the June 2020 Executive Session Minutes as corrected at 7:23pm by Paul Donoghue, seconded by Gary Zielinski. 0 Opposed, 0 Abstained, 13 In Favor

Correspondence:

Sewall, 45 Upper Greenwood Road – email requesting a meeting for discussion of bulkhead work that is necessary to stabilize the area.

Treasurer’s Report:

General Comments:

Continuing clubhouse restrictions limiting opportunities to meet up with Tanya – hoping with an easing of restrictions this can be done in the near future. Fairly active

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month collections-wise with success in collecting past due fees bringing overall numbers closer to budget (75%).

Still hoping to spend time in the coming months to review the banking arrangements to see what can be done to improve protection of funds. Still need to resolve Columbia Bank check issue – now they have re-opened this should be easier.

Easement:

- Easement collections are now at 68% of budget (cf. 63% in May) - \$305,196 Additional collections: past year collections have increased - \$33,570 (\$25,445 May) Total

Collections ~\$38,766 (75% of budget)

- o Second round of billing to be done by end of month so should improve receipts

- We have revised allowable spend up to 75% of budget in agreement with original budget proposal.

- o Several areas are currently over the allowable spend (notably stumps and ID stickers) but

are within overall budget. Additional funds are available for Stumps that we can re-allocate at year end to cover increase expense. Parkland expense is creeping up.

- Risk remains of not having fully funded budget but improving

- Current discretionary budget spend limited to 39.4% of budget.....

POA:

- Total POA paid membership ~\$172K (93% of budget), (86% May) Additional collections - ~\$7K (tenants, double dock & specials) Total POA dues collected \$168K (91% of budget 607 POA and other), (cf. 85% of budget, May)

- FW surety bond listed as “other expense” on P&L so that it’s easier to track. This will be reversed after the FW event – scheduled for later in July?

- Activities continue running a deficit and may (will) continue for remainder of the year.

Overall:

Collections are comparable to the prior year. A second round of “due” notices will be sent this month and should result in additional revenue, potentially bringing us in line with budget collections. Current budget allocations have been restored following improvements in prior-year collections especially for Easements.

Cash flow continues to be good. Total assets have decreased ~\$60K from last month – due to decreases in Lakeland CC Account and Checking Account.

Activity income remains down and will be significantly compromised this year unless significant changes in the State regulations for gatherings take place.

Significant financial risks continue to exist. Revenue is still down compared to expectations however the potential for member refunds still exists but has decreased

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significantly now the beach is open. Financial caution is still advised for the remainder of this quarter.

Membership Secretary Report:

Current Membership as of end of June 2020 was:

POA – 581 (605)

Double Docks – 10 (11)

Tenants –9 (13)

Specials – 7 (8)

Total POA – 607 (637)

Total Easement – 1357 (1378)

Overall numbers remain lower than 2019. But they are not all that bad given the circumstances. We have collected a total of \$33,569.63 in past easement fees and associated late fees for 2020.

Committee Reports:

A) Activities: Discussion regarding yoga on the beach once or twice per week.

B) Beach:

The Beach is continuing to operate smoothly with the Social Distancing Plan in effect.

· An update was received from the Board of Health that with the new Phase of openings, opening the shared equipment areas can be explored: however, a disinfection plan must be explored for high touch areas. The Committee is discussing next steps and will communicate these changes once they take effect.

· Beach will be closed for Fireworks night as the area that is allowed to be occupied during blasting would only accommodate 6-10 families with current required social distancing in place.

C) Boathouse: – Received a request that the Board consider renting one of the bays to a local group for storage.

**A motion was made to move to Executive Session at 7:57pm by Paul Donoghue,
seconded by Dave Surman. 0 Opposed, 0 Abstained, 13 In Favor**

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A motion was made to exit Executive Session at 8:52pm by Paul Donoghue, seconded by Eric Zemsky. 0 Opposed, 0 Abstained, 13 In Favor

D) Bylaws, Rules & Regs:

The bylaws committee proposed a change in the Bylaws regarding action on unpaid POA memberships with docks.

A motion was made at 8:54pm to change the Bylaws as follows (changes underlined) by Paul Donoghue, seconded by Karen Sarnowski:

Current Rules & Regulations Section III 2 - 3:

3. Effective January 1, 2021, UGLPOA dues unpaid as of May 1 of a given year may subject the dock owner to a, b, c, and d of #4 (below).

0 Opposed, 0 Abstained, 13 In Favor

Due to State of New Jersey COVID-19 restrictions, the Board moved the date of the public meeting and elections to Saturday, August 29th, 2020.

E) Clubhouse: – Discussion of Tropical Storm Fay and necessity of financing of a new roof before winter. Discussion of No Trespassing signs needed at the boat launch.

F) Dam:

The Dam Inspection was successful and the grade awarded (Satisfactory) was the highest possible. The report called for only minor work to be done to clear light vegetation from the upstream rip-rap, southeast trans-basin diversion, and the right abutment catch basin.

Diving Services Inc. (DSI) of Rhode Island has only one crew instead of the normal four and they are being hampered by Covid-19 pandemic quarantine rules. I have begun the process of looking for an alternative company to do the work as it seems likely that further delays will occur with DSI. The Committee will need to find another contractor to complete the installation of the parts that were already delivered. These include the

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actuator, stem and stem guide. Only the newly manufactured wedges have not been delivered. DVI has agreed to ship any remaining parts that they have.

The water level on July 10th before Tropical Storm Fay was minus 1.5 inches from crest.

Volunteers for fireworks cleanup at the dam are needed on Sunday morning.

G) Docks:

Processed Applications:

- Completed with Docks installed – 17
- In Progress of Dock Installation – 9
- Assigned Dock Needing Repair in Process: 2

Repairs:

- Completed – 1
- In process – 3
- Turned Down/on hold due to Covid /Unresponsive: 4

Second Notice Sent: 1

Waiting for Specific Area: 1

Needs Inspection to be Completed: 2

Current Dock Aps with Location Issues: 2

Newer Applications: Repair – 1, Dock Space – 10

With Issues: See Report

Total to Date pretty much done: 39

Still to assign or deal with Issues: 16

Dock Plates: The Committee states that there is currently a dock plate shortage from the supplier. A list of new dock assignees has been given to Security so they are aware of who is legal and approved to build a dock during this shortage. Research is being done and referrals requested from our other vendors for alternatives.

H) Dredging: no report

I) Easement: no report

J) Entertainment: no report

K) Environmental:

Dead perch fry were reported to be washing ashore in mid-June.

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Mount Laurel canal is in poor shape with lily pads and lyngbya, in parts completely covering from one side to the other. In the past, this location was considered for dredging and/or pellet treatment. The water in the canal is shallow and getting more so each year.

From discussions with various vendors (Solitude) it has become apparent that using aeration close to docks and in shallow water to control lyngbya, particularly in Audubon Cove, would not be effective. Ultrasonic units would also not have good results, so it is recommended that the Board proceed with mechanical methods of control in addition to chemical control methods used sparingly. Possible use of a vacuum unit was discussed, but it appears that hydro-raking and or physical removal of the weeds would be the best way forward.

After high use weekends more weeds are seen floating on the surface. On July 4th at 3:00pm, 79 power boats, 15 jet-skis and 8 kayaks were counted out on the Lake.

L) Insurance:

The UGLPOA insurance coverages have been renewed.

M) Legal:

Committee reported on septic easements that are in process.

N) Master Plan:

O) Parklands:

Bulkheads (Erosion Control):

Encroachments:

Board discussion regarding unsupervised behavior of minors on parklands at "Everest."

P) Publicity & Public Relations:

Community management software is being explored.

Q) Security:

Due to COVID-19 restrictions, the beach will be closed to public for fireworks this year.

R) Stumps: no report

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S) Weeds:

Audubon cove was treated for lyngbya algae with good results. It will likely return. Having discussions about plans for possible septic leachate study, inflow water sampling, sediment depth in Audubon, and hydro raking among other techniques in an attempt to alleviate this recurring issue. Audubon may be well served with dredging in the next round.

Water is somewhat turbid likely due to boat traffic and shallow mud bottom. Turbidity will help decrease weed growth. Following the Secchi depths for possible algae blooms. If weeds become a problem, it may be necessary to do harvesting which would remove weeds and phosphorus. This is favored over herbicide in relation to not inciting algae blooms.

T) West Milford Lakes Association: Andrew Quirk, representative

U) Ad Hoc Committees:

1. Storm Drains - Andrew Quirk.

All the work performed by Julia Held on behalf of the Association pertaining to the December 1, 2012 Settlement Agreement between the Township and UGLPOA, including every Quarterly Report by the Township and all email correspondence, has been reviewed. The following is a summary of the Agreement and its implementation.

The Township has installed or retrofitted six Priority "A" drains at Firehouse, Audubon, Dover, Boat Launch, Witte Road and the Canal since 2012. In addition, work at seven Priority "B" sites was completed. The Agreement also listed 46 Priority "C" outfalls and set up the following cleaning schedule:

1. Road sweeping of UGL roads in winter to pick up grits if weather conditions permit.
2. Annual sweeping of UGL roads in spring.
3. Inspect and clean, if necessary, using jet vac 4 times a year for Priority "A" and "B" sedimentation basins, and once a year for catch basins.
4. Inspect and clean, if necessary, using jet vac twice a year for Priority "C" sedimentation basins, and every other year for catch basins.

Subsequent cleaning "if necessary" was defined as being over 75% full. Reports referred to logs being compiled by the operator of the jet vac.

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5. Township will produce an Annual report “reflecting which sedimentation/catch basins have been cleaned” and will provide a map of outfalls with cross-referencing to the numbering of outfalls on the Steve Eid map.

2. UGL Environmental Management Task Force (UEMTF) – no report

A motion to adjourn was made at 9:54pm by Paul Donoghue, seconded by Karen Sarnowski. 0 Against, 0 Abstentions, 13 In Favor

Respectfully submitted,
Margie Culhane, Secretary

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Attachment 2 – Docks – Executive Session - CONFIDENTIAL

Ashley Alexander Mann

Warwick Tpk Bulkhead/Boardwalk/Deck Issue on Parklands

Met with PO and her husband to inspect installed dock. Explained that the board had come to a consensus to allow her to keep the continuation over the parklands and area of concern, the width of the dock plus 3' extended on either side to allow for protection of anyone mis-stepping and possibly falling in the reported crumbling bulkhead area. She was also told if she felt it would provide more protection that she could install a railing at this section. I suggested that she could leave the framing and add more stone and then soil to plant flowers over the area of concern and also prevent anyone from walking in that area. It would make it look nice and also create a barrier.

Her husband said/asked, "you mean we have to take the rest off?" And I said yes. He stated that there was all rebar. I said if there is rebar than that would need to be removed to make it safe. Didn't say who was responsible to remove it just that it should be removed. He then walked away from both of us.

Ashley asked me about others with decks, oversized docks, etc. I explained that we stop people from doing anything new and that when someone starts to remove and replace, we stop them and make them come in compliance. I told her the same thing happened to me and that is when I joined the board. She seemed accepting of this compromise, although her husband did not.

We should probably do a visual drive-by and can then send correspondence out to either give a time deadline or thank for their compliance.

Two Incidents with PO's during Dock Assigning:

Most recent-Sunday, July 12, 2020 – Had a dock appt and meeting PO's at Dover Cove parking area to walk over to Sewell Cove. Had a call from the PO's to check location because the man across the street had come out and yelled at them and told them they could not park there. I asked PO if they were parked in Fire Lane and she looked and said no, they weren't. Told them of course you can park there, it is parklands and anyone from the community has the right to park in that location. They had told him that they were meeting the Dockperson about a dock and she said he kinda rolled his eyes with that. When I arrived we were talking in that spot and the PO says, "oh no, he is coming down his driveway", so I turned and gave him a wave and he reluctantly lifted his hand and gave a little wave back.

I will add, that one of their considerations in taking a dock space was him and his attitude. After giving them a space elsewhere, she said, "I don't think I could have taken a spot in Sewell having to deal with that man over there."

So, it also appears that Mr. Guarino is using this area as his own personal parking spot. Every time I am over there his truck (at least I believe it to be his truck) is parked there.

He has also been sent a letter in the very recent past regarding his years of blowing leaves into the lake.

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And recently, on a day that Katie Mekleberg was walking to work, he came out of his house and started yelling at her because he thought she was his mother. Apparently yelling about things he wasn't happy about with the Association. He has also yelled at Tanya in the past about stuff he isn't happy about. And then apologizes. Claims he gets upset and can't help himself.

This behavior, along with the use of that area as personal parking shouldn't be tolerated.

Mr. Belgie – June 2020 – Soon after our last board meeting I went over to Upper Greenwood Rd. to take a look at the access for a few more docks (area near the dam where all the boats park in the summer). I ran into someone I know who I stood and chatted with for a good while, with him in his truck essentially parked in front of Mr. Belgie's residence. We wrapped up our conversation and I proceeded to walk down to the lake to inspect a dock abandoned on the parklands for a dock plate. At the time I assumed it was Mr. Belgie & Ms. Resh's old dock since early in the season they were sent a letter to install their dock since they hadn't been for a couple of years and at this point with so many people looking for dock spaces knew it was a matter of time before someone would "find" that location for a dock for themselves. So they, along with others who only had "spaces" for some time were sent letters explaining that they needed to install a dock for the reasons above or they would lose their space. Subsequently there was some back and forth emails with Ms. Resh (the only deeded PO in this relationship) and with one looking like it may have come from him (totally different tone than prior email), but she agreed to install a dock. There was no plate on the end I was at and could not get around the dock on by walking around it so went back up to the road and down the path to a new dock which I assumed was Ms. Resh's. I was bending over to see if there was a plate on the other end and out of the silence comes a bellowing, "Who do you think you are? Get the hell off of my property". Needless to say it was a bit frightening but I turned around and saw him up on his deck looking down at me, and he says you better get off or I am going to call the police. So as I climbed back up to the road I yelled back at him, I know who I am, I am the Dock Chairperson and I am here to inspect your dock. Besides this is not your property it belongs to the UGLPOA and is available to be used by any property owner living in UGL. We all have that right. He says if you don't stay off of my property I will call the police. And I told him good, I would love to talk to them right now. It's not your property and you are harassing me. He then says, when you want to come and inspect my dock, you make an appointment with me. Told him, I don't think so. I then said he needed to remove his old dock and he said nope, that's your problem. And I replied, What is that supposed to mean, my problem? He then told me the dock belonged to so and so. Hasn't been around in years. I then went back to my car to get my tape measure to do some measuring. After that he went back in his house.

So now I have a couple spots to assign people at and I have to warn them about Mr. Belgie. Talked with his neighbor after that (wife of the guy I was talking with earlier) and she said that as neighbors they needed to make it work and he has been ok with them, and even brings her little girls treats. But she has seen the behavior. The, property owner is a super pleasant women and they actually really like her a lot.

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No one should have to put up with that. I know we had a whole issue with him last summer and our guards swim training in the AM's and that led to other incidents at the CH.

Since this occurred I have met with the people that are going to take that dock and that location. I gave them full disclosure about their new dock neighbor and so far it has been ok. We shall see. They are a younger couple and have actually talked quite a bit with the neighbor I know and hopefully that connection helps with him and how he treats them.

From my emails:

Rebecca,

I have rec'd your application for repair and it is approved as depicted.

I am unsure what the references are to your deed.....your deed gives you the right to "bathe, boat and fish" in the waters of UGL. It does not give you the right to dock ownership or specific parklands. Dock ownership is part of what is offered thru the POA membership, it is not a "deeded right". In no way could the lake accommodate our 2000+ deeded easement members in having a dock. There is simply not enough room. And that is why you were sent the request to install your dock, because we are running out of dock space room.

I wanted to give you this information so you are clear to what your deeded easement rights are since very often there are rumors and information disseminated by others that is incorrect.

Have a nice day and please let me know when you are finished with the dock repair so that I can observe and let the office know that the work is finished. Thanks!

Karen

Regards,

The Dock Committee

Upper Greenwood Lake POA
PO Box 457
Hewitt, NJ 07421

----- Original Message -----

Subject: Dock

From: Rebecca Resh <ambereyrie@gmail.com>

Date: Mon, April 20, 2020 10:17 pm

To: dockcommittee@uglpoa.com

We will be replacing our dock. Please remember this is part of our deed.
Rebecca Resh

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Attachment 3 – Parklands violation letter A – storing dock parts

To PO B1 903 Lot 12
7/XX/2020

Dear Mr. and Mrs. XXXXX;

A recent trip to Schmidtke Lane found that you have stored your floating dock on the UGLPOA, Inc.'s parklands. You need to remove this to your property immediately. It is currently blocking other members' use of the parklands and the waters of UGL. Our Rules and Regulations do not allow for storage of personal items on the parklands and/or the blocking of others' access to the community properties.

If the dock parts are not removed by August 1st, the Association will hire a contractor to remove the parts and place them on your property, and we will in turn bill you for this work.

We urge you to act and take care of your items as soon as possible so as not to incur these costs.

Thank you!

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Attachment 4 – Parklands violation letter B - blocking access to the parklands

7/9/2020

Dear PO,

On June 19th, the Association's Dock Committee Chairperson had an appointment with a member that lives very near to you to discuss their dock. She parked her car along Schmidtke Lane to walk to the member's home. In walking along Schmidtke Lane she found the roadway blocked by a large barrel and a boat trailer - see attached pictures and map; requiring her to have to climb over these obstructions.

Schmidtke Lane, while not a paved road, is considered a "paper road" which has remained for its original design: access to community members to the parklands and the waters of Upper Greenwood Lake. These members all have the deeded right, as you also do, to use the waters of UGL to bathe, boat and fish.

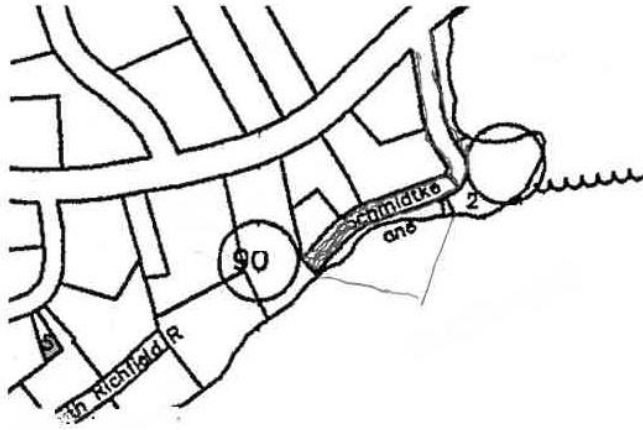
You may have been unaware when you placed these objects in the location shown in the pictures that it is blocking that access and we ask you to relocate them to your property so that this access is once again available to our community members' use.

A nearby neighbor will be installing a dock in this area and will need the access to be able to install the dock and to walk to it in the future with their family. They are very excited to be able to access the lake so near their new home and be able to kayak in the lake that they have grown to love since moving to UGL.

Respectfully,

Upper Greenwood Lake Property Owners Association, Inc. Board of Trustees

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Attachment 5

Community Association Policy

Endorsement

DEFENSE COSTS OUTSIDE THE LIMITS ENDORSEMENT

It is understood and agreed that the Policy is amended as follows:

- I. The third paragraph of the Notice on the Declarations is deleted in its entirety.
- II. Item 5. of the Declarations, the Column entitled SCHEDULED LIMITS OF LIABILITY, is amended to read as follows:
SCHEDULED LIMITS OF LIABILITY (exclusive of **Defense Costs**)
- III. The General Terms & Conditions, the Section entitled **LIMIT OF LIABILITY/RETENTIONS**, the paragraph entitled Limit of Liability is amended as follows:
 - A. The following new paragraph is added:
 - **Defense Costs**
Defense Costs are in addition to the limits of liability.
 - B. The following parenthetical is added in every instance where the defined term **Liability Loss** or **Loss** (other than when used in the defined term **Crime Loss**) appears:
(other than **Defense Costs**)
- IV. The General Terms & Conditions, the Section entitled **DEFENSE AND SETTLEMENT OF LIABILITY CLAIMS**, is amended as follows:
 - A. The subsection entitled Defense of **Claims** is deleted in the entirety and replaced by the following:
Defense of Claims
The Insurer has the right and duty to defend all **Liability Claims**, even if the allegations are groundless, false or fraudulent. The Insurer shall have the right to appoint counsel and to make such investigation and defense of a **Liability Claim** as it deems necessary. The Insurer's obligation to defend any **Liability Claim** or pay any **Liability Loss** shall be completely fulfilled and extinguished if the limit of liability has been exhausted by payment of **Liability Loss**.
 - B. The subsection entitled Settlement is deleted in its entirety and replaced by the following:
Settlement
The Insurer shall not settle a **Liability Claim** without the consent of the **Named Entity Insureds**, other than any **Property Manager**, which consent shall not be unreasonably withheld. If the **Named Entity Insureds**, other than any **Property Manager**, unreasonably refuse to consent to a settlement or compromise recommended by the Insurer, and acceptable to the claimant, then the applicable limit of liability under this Policy shall be reduced to the amount for which the **Liability Claim** could have been settled.

All other terms and conditions of the Policy remain unchanged.

This endorsement, which forms a part of and is for attachment to the Policy issued by the designated Insurers, takes effect on the effective date of said Policy at the hour stated in said Policy, unless another effective date is shown below, and expires concurrently with said Policy.

Must be Completed
Endorsement No.: 7
Policy No.: 0250476811

Complete Only When This Endorsement Is Not Prepared with the Policy <u>or</u> is Not to be Effective with the Policy.
Issued To: Upper Greenwood Lake Property Owners Association Inc
Effective Date Of This Endorsement: 06/30/2019

Authorized Representative

