

**UPPER GREENWOOD LAKE PROPERTY OWNERS ASSOCIATION  
BOARD OF TRUSTEES REGULAR MEETING MINUTES  
November 10, 2020**

**Attendance**

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

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 7:17pm by Paul Donoghue

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**A motion was made to approve the October 2020 Executive Session Minutes as corrected at 7:19pm by Debra Morrison, seconded by Andrew Quirk. 0 Opposed, 1 Abstained, 11 In Favor**

**A motion was made to approve the October 2020 Regular Meeting Minutes at 7:20pm by David Larsen, seconded by Rene Manzo. 0 Opposed, 1 Abstained, 11 In Favor**

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**Correspondence:**

1. 249 Pt. Breeze - septic notification dated 9/29. Board discussion of the non-standard installation and proximity to parklands and the water. The PO has recorded a deed that describes what the system is, and she has agreed that she will comply with all laws related to the system, give access when requested, and follow the maintenance contract.

**Treasurer's Report:**

Not having a treasurer, as a past treasurer here are Paul's comments on the October 2020 Easement and POA financials.

We are still awaiting the 2019 audit by our outside auditor. It has been delayed due to COVID.

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**Easement:**

- Income from current year and past year late payments/fees is at 98% of budget.
- Most of the sinking funds have been fully funded, with the exception of Dredging due to concerns about the account going over FDIC insurance limit.
- Expenses are generally at or under budget.
  - Weeds is slightly over as is Parklands expense. We can move money from the contingency fund to cover any overages.
  - Stumps is significantly over due to all the stump work done this year. We can move funds from either contingency or the stump sinking fund to cover the overage.
- We are \$138K underspent year to date. Approximately \$71K of that will go to the dredging funds.
- Keep in mind that we still have two months of expenses yet to come in and most of our income is done for the year.
- We should look to prepay as much of the dredging loan as we can as even at 2% interest, it is more than we are earning on our bank accounts.
- Overall, the easement income versus expenses for this year is in very good shape.
- On the balance sheet, we have \$1,458,527 in current assets (money on deposit). \$560,948 of this are funds committed to sinking funds (reserve accounts) for dam, dredging and stumps. Keep in mind we have yet to fund the dredging sinking fund.

**POA:**

- Despite not receiving much in the way of clubhouse rentals due to COVID, we are still at 99% of expected income due to strong POA membership numbers, late fees, and prior year dues collections.
- Expenses are generally at or under budget.
  - Clubhouse payroll expenses are significantly down due to lack of clubhouse rentals.
- We have a small profit of \$29K but there are still two more months of expenses.
- On the balance sheet we have total assets of \$334,298. Taking out expected expenses for the next two months, this means we barely have 1.5 years' operating expenses in reserve. As membership in the POA is optional, our goal has been to keep 2 years of POA operating expenses in reserve to better be able to weather an economic downturn or a catastrophic event requiring significant cash. This is the lowest our reserves have been over the last several years.

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**Membership Secretary Report:**

Current Membership as of end of October 2020 was:

POA – 654 (647)

Double Docks – 12 (11)

Tenants –12 (16)

Specials – 9 (8)

Total POA – 687 (682)

Total Easement – 1569 (1556)

POA numbers continue to be higher than 2019. Two delinquent accounts have already been forwarded to our attorneys for collection or dock removals. Tenants remain four fewer than last year. Will monitor to see if there is an increase in 2021. Most of the recent dock assignments will be new POA members for 2021, so next year's numbers should go up.

Even with the elimination of clubhouse revenues due to Covid restrictions, overall revenues for 2020 are at 99% because of strong membership numbers and collection of past due amounts and late fees.

We have received an additional \$20,000+ in past due Easements this month, totaling to date \$92,177.80 in past owed amounts, and we are continuing to work on delinquent accounts. We continue to “find” new owners from 2-3 years ago that never contacted us and ignored the past due mailings which always are addressed to the past owner or to “CURRENT RESIDENT.” Therefore, it can be assumed that new owners are ignoring these billings. Not sure if the attorneys are remiss or if the realtors are, or if it is simply people trying to avoid paying. It's difficult to know.

Last billing for late easement payments was sent mid-September, and we are continuing to get inquiries and payments. In comparison to 2019, we are thirteen members over 2019 numbers which is pretty good considering this year and the Covid Pandemic. We are still receiving payments and probably will throughout this month. Our collection rate is 77%.

The association has managed remarkably well with membership for 2020.

On another note regarding Membership, Governor Murphy signed a law that clarifies the terms under which private lake communities and homeowner associations may pursue mandatory assessments on residents who refuse membership. The legislation

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states that communities may not rely solely on the 2017 Planned Real Estate Development Full Disclosure Act (PREDFDA) legislation but may still charge fees if another legal basis exists such as title documents or deeds. Upper Greenwood Lake is specifically mentioned in the article in the NJ Herald:

<https://www.njherald.com/story/news/2020/10/06/gov-murphy-new-jersey-lake-communities-can-mandate-fees/3630171001/>

“A 1979 case involving Upper Greenwood Lake in West Milford established that voluntary associations could impose mandatory assessments for the upkeep of their communities on residents who derived even an indirect benefit from living near the lake. Several communities, including Lake Lookover in West Milford and Lake Parsippany in Parsippany, have relied on that case to collect fees.”

This article supports our approach of collections from our members, knowing or not knowing the rules aside.

Board members should always mention to new community members to notify the office when moving into the community to avoid any future large billings for missed easements. The office always let potential buyers know if the property(s) they are looking at is current or delinquent at the time of inquiry.

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**A motion was made to enter Executive Session at 7:35pm by Karen Sarnowski, seconded by Debra Morrison. 0 Opposed, 0 Abstained, 12 In Favor**

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**A motion was made to leave Executive Session at 7:57pm by Karen Sarnowski, seconded by Andrew Quirk. 0 Opposed, 0 Abstained, 11 In Favor\***

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\*Doug Grayson had exited the Zoom meeting briefly and rejoined at 8:07pm

**Committee Reports:**

- A) Activities: no report
- B) Beach: no report
- C) Boathouse: no report

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D) Bylaws, Rules & Regs: no report

E) Clubhouse:

- 1] Work was completed on the clubhouse roof by Barbaris Bros. We are now safeguarded for the upcoming winter and for years to come.
- 2] Gary was able to locate new 'door checks' for the rear exit doors that seemed to be previously slamming into the coach lights. He and Doug installed them.
- 3] Gary also researched and bought a pack of new square spindles to match the existing ones, and replaced the broken ones that are a hazard to small guests on our deck.
- 4] A company has been contracted to do repairs and upgrades; power wash the whole place, replace the rotten sill plates under doorways, refurbish the front entrance, and more. Work will be done by year's end. Once the deposit is received, work will begin.
- 5] Doug and Gary are researching new stone bathroom sinks and a tile 'chair-rail' surround to spruce up the bathrooms; currently waiting on a quote.

F) Dam:

Diving Services of Rhode Island broke down on route to UGL. This is the second time this happened. The work is now scheduled to begin on Monday November 9<sup>th</sup>

G) Docks:

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**A motion was made to approve a 5' removable extension dock piece for a property on Passaic Drive to accommodate their 25ft boat at 8:11pm by Joe Marino, seconded by Rene Manzo. 0 Opposed, 0 Abstained, 12 In Favor**

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**A motion was made to approve a dock extension up to 6' for a property on Upper Greenwood Road at 8:14pm by Doug Grayson, seconded by Tim Marzinke. 0 Opposed, 0 Abstained, 12 In Favor**

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**A motion was made to approve a dock of 20-22' for a property on Audubon Road at 8:19pm by David Larsen, seconded by Rene Manzo. 0 Opposed, 0 Abstained, 12 In Favor**

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H) Dredging: no report

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I) Easement:

The annual public Easement meeting is Saturday 11/14 at 10:00 AM under the pavilion. Tanya sent out the postcards. A budget ballot and agenda are being developed. We will be using 2,020 easement properties to calculate the easement fee. Last year we used 2,035. The number has been going down for years as the Township forecloses on properties and adjacent homeowners buy empty lots and consolidate.

J) Entertainment: no report

K) Environmental:

The Committee met outdoors to review the year and to prepare the report for the Annual Easement meeting. Eric Zemsky urged all Committee members to stay current with West Milford's ordinance concerning septic pumping and to encourage neighbors and friends to do the same. A clean-up of roads and waterways around the Lake was organized by Kathy Straubel and took place on November 7th.

L) Insurance:

The insurance company was informed of Tristan Bakalian's drowning for record purposes only. The Board reiterated that all boaters are required to follow the laws of the State of New Jersey as stated in the UGLPOA Rules & Regulations:

*9. Boating regulations as issued by the State of New Jersey govern the use of boats on Upper Greenwood, Mt. Laurel and Upper Mt. Laurel Lakes and they are deemed to be part of these rules and regulations.*

and in addition boaters must observe the rules specific to UGL as mentioned later in the section referenced above. Discussion about adding a direct link to the NJ boating regulations on the UGLPOA website.

M) Legal: in Executive Session

N) Master Plan: no report

O) Parklands: no report

Bulkheads (Erosion Control):

Encroachments:

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P) Publicity & Public Relations: no report

Q) Security: no report

R) Stumps: no report

S) Weeds: no report

T) West Milford Lakes Association: Andrew Quirk, representative

U) Ad Hoc Committees:

UGL Environmental Management Task Force (UEMTF): no report

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**A motion was made to accept the Clubhouse COVID-19 Policy as presented at 8:46pm by Andrew Quirk, seconded by Eric Zemsky. 0 Opposed, 0 Abstained, 12 In Favor**

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**A motion was made to adjourn at 9:06pm by Tim Marzinke, seconded by Doug Grayson. Approved by acclamation.**

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Respectfully submitted,  
Margie Culhane, Secretary