

LAKE WALKILL COMMUNITY, INC.

General Membership Meeting

May 28, 2016

TRUSTEE		OFFICERS			DISTRICT REPS	
Mike Curry	E	Bob Smith	President	*	#1 Rosemary DenBleyker	E
Phil Capobianco	*	Carmel Grieco	VP Community Relations	*	#2 Vacant	
Rich Koop	E	Tim Olsen	VP Insurance /Safety	*	#3 Kerri Summa	E
Terry Matthews Sr	E	Bob MacLean	VP Lake Management	*	#4 Vacant	
Eleanor McLean	E	Vacant	VP Public Relations		#5 Pat McGannon	*
		Lynne LaCarrubba	VP Security	*	#6 Larry McGannon	E
		Jennifer Costello	Secretary	*	#7 Nathalie Brill	*
		Chris Merck	VP Operations	*	#8 Alexis Phalon	E
		BT Thompson	Treasurer	*	#9 Peggy Merck	*
					#10 Jan Jaeger	*
Manager, Brendan Jaeger n/a						
* = in attendance E=excused U=unexcused						

MINUTES OF MEETING

Meeting called to order at 10:10 by B. Smith. He led the group in the Pledge of Allegiance.

Bob Smith asked for any questions or comments on the November & March minutes including the Executive Sessions and management Committee Meetings. He then asked for a motion to accept the minutes. Phil Capobianco motions, Peggy Merck seconds. All in favor, minutes accepted.

Treasurer Report:

Bill Thompson, Treasurer reported: As of 4/30/16 – fund balance of \$264,089 less liabilities of \$35,514 equals Community funds available of \$228,776. Budget prepared based on 280 paying families. Currently 254 have paid or have a payment plan in place. 45 MPS (Membership Privileges Suspended).

Kelly law reimbursement of \$30,000 was submitted to Vernon. Reimbursement typically occurs in the Oct/Nov timeframe.

Legal fees have exceeded the budget. Over by \$28,000 related to the defense of the lawsuit.

President's Update: The lawsuit was decided with a judgment issued by Judge Hansbury on March 28th 2016. This followed a trial that was held in January. In addition to the written judgment a number of the issues were decided on Summary Judgment prior to the Trial:

The case was originally filed by the Plaintiffs in the Law division. Lake Wallkill successfully petitioned to have the case transferred to the Chancery Division (the court of equity).

The Plaintiffs petitioned to have Eileen Born of Dolan & Dolan (our attorney) removed from the case. This petition was denied.

Lake Wallkill filed counter claims with a demand for payment of dues arrears on all three plaintiff properties including collection fees, breach of their membership agreements and trespass for the Plaintiff's use of our private roads and other amenities. Decisions on the counter claims covered below.

The Plaintiffs filed a third claim that the New Jersey Civil Rights Act was violated.

Summary Motion Decisions:

The judge dismissed the Plaintiffs second count for Slander of Title. (Lake Wallkill's favor)

The judge dismissed the Plaintiffs claims for attorney fees and punitive damages. (Lake's favor)

The judge dismissed the Plaintiffs claim that the NJ Civil Rights Act was violated. (Lake's favor)

The judge dismissed the Lake's claim of trespass as it was not practical that the Plaintiffs could avoid travelling on the Lake's private roads to get to their properties. (Plaintiffs Favor)

Trial Decisions:

The judge found that the liens were legal, that membership is mandatory with property ownership, that there is physical notice that Lake Wallkill is a private community, that there is an equitable servitude that requires dues payment. (Lake's Favor)

A judgment was entered for two of the Plaintiffs to pay all of their arrears. For the third Plaintiff the judgment was for arrears from the time he purchased his property. The judge reasoned that because there was no lien on the property at that time he did not have notice of the arrears. (Lake's Favor)

In May, The Plaintiffs appealed the decisions of Judge Hansbury and the case now heads to the Appellate Division. We are again represented by the Insurance Company paid lawyers for certain aspects of the case as well as Eileen Born for elements of the appeal that are not covered by our insurance. Lake Wallkill has made a counter claim, on appeal for the dues arrears that were excluded by the judge on the basis of no lien being filed and for the Collection fees applied to each Plaintiff account that were not awarded in the judgment or discussed in Judge Hansbury's decision. Our attorneys estimate the appeal process can take 12-18 months to resolve.

Irene Damage/FEMA Claim – Our appeal through Vernon was submitted to FEMA on February 29th. The new mayor has been very supportive of the appeal. FEMA has a 90 day clock to respond to the appeal which comes due at the end of May. Follow-up with the town will occur. Past experience suggests that FEMA will take longer in their review of the appeal.

Nominating Committee:

Carmel Greico, in Terry Matthews absence nominates Jennifer Costello for open Officer position on the board. Carmel motion, Peggy Merck seconds. All in favor, motion carries. The President assigns Jennifer to the open position of Secretary.

Safety/Insurance:

Tim Olsen advised that all lifeguards have been hired for the summer season. First meeting to be held Sunday May 29th. Waterfront class scheduled for those that need to complete this required training. Sports Club director has also been hired.

Lake : Bob MacLean reported on conditions of lake. Aquatic Analyst have completed 2 weed treatments. Summer treatments will be done going forward. Clarity is excellent at 9 ½ ft. More dye will be added to minimize sunlight reaching the bottom of lake. Fish supply is good, Fall stocking made possible by a local pond owner that was getting rid of ~300 Bass. It was estimated that about 100 were large bass 20-24" in length, these were donated at no cost to the Lake. Silt removal done in the fall should make for an improved swimming experience in the beach area.

Swim Team: BT Thompson: Swim Team would like to place a shed in the lower parking lot to store supplies for the meets. The Board discusses the location of the shed placement. Since the shed is movable, it will be placed near the evergreens (currently marked by traffic cones) and evaluated if this location works. Landscaping to be provided as needed to address any visual issues. Bob makes a motion to approve, Carmel Grieco seconds. All in favor, motion carries.

Operations: Chris Merck

New water regulations for lake potable water system have been time consuming. Community volunteer day is June 25th. Security booth to be fixed up. Road survey was completed. A grading system for the roads is being tested by Brendan to guide and determine long range plans.

Community Relations: Carmel Grieco advised Gloria & Mike Bolino will be running clubhouse again.

Security: Lynn LaCarrubba – Comet security again hires. Started last night. Will be here every weekend and added Sunday July 3rd.

Finance Committee: Phil Capobianco

30 financial plans in place: 26 active and on time, 3 paid in full, 1 delinquent.

Treasurer to be notified of delinquency. Not included are 2 in progress. Plan initial payments were received. Will be incorporated in next report.

Bob and BT discuss timing of letters to go out to Late Payers (people who normally pay but not in yet) and Pay Plan members that are late or inconsistent with payments. Agreed letters will go out before the end of June.

District Reps:

Nathalie Brill – inquiring about having a making strides breast cancer 5k/walk over Halloween weekend. Bob Smith asked for more info to be brought to July meeting and if they want outside people to participate in the event, like the Garage Sale discussed last summer, any participants must leave following the event unless they are guests of a member with badges.

Bob Smith stated that there were still open Office positions. Anyone interested should contact the nominating committee. There are also two open District Rep positions in District 2 & 4. All interest can be relayed to Terry Matthews chair of the nominating committee.

Fence request from resident on Decker Pond Rd. Looking to install a spilt rail fence with mesh for protection from bears for children / pets. The homeowner supplied a formal request and sketch of the fence outline on the property. Following a discussion Phil Capobianco brought the motion to approve, Lynn LaCarrubba seconds. All in favor, motion carries.

General Membership Comments:

J. Nielsen – 14 Birch Rd. Ladies Night Out will be 8/12/16. \$85 dinner included.

She also asked what can be done about people putting large items out for garbage pick up – washer/dryer, TV. Bob Smith asked for a list of addresses and will contact the members and as needed the town to determine action.

At 10:45 Bob asks for a motion to adjourn.

Jan Jaeger motions to adjourn, Peggy Merck seconds. Meeting is adjourned.