

Saturday May 19, 2018....12 PM, BHW Special Meeting

Blue Heron Woods POA Directors met at the home of Sandy and Lou Lombardo

President-John Scagliotti; Vice President-Rich Klein; Sgt Arms-Lou Lombardo

POA Members: Pat Scagliotti, Isabell Klein, Sandy Lombardo

Minutes recorded by Lou Lombardo

TOPIC: The NYPDES (National Pollution Discharge Elimination System) the permit expires on January 1, 2019; does the Blue Heron Woods POA renew the permit? The permit covers 5 years. There is a fee for the permit.

----Legal Counsel: Attorney John Spall has recommended that the BHW POA not renew.

----Actions: John Scagliotti and Rich Klein have communicated with PCCD (Pike County Conservation District) officials with questions regarding the NYPDES permit.

CONCERNS

1. Individual BHW property owners signed the NYPDES agreement/document upon land purchase. Why is it a 5 year permit? Why is there a cost? Is this a fee or a tax?
2. The PCCD wants a lump sum payment for the permit. It does not bill individual BHW property owners. The BHW POA must assess and collect individual payments and then cut a BHW check for the PCCD. There will be a problem collecting money from some BHW property owners.
3. BHW roads are complete. Property owners have built homes under the 2008 and 2013 Permit regulations. The permit is still in the hands of Jim Comes of Landview. We have abided by the engineering requirements of the PCCD. Why must we be liable for the 2019-2024 permit fee?
4. People who build homes in 2019 are responsible for the engineer process and cost that is mandated by the PCCD.
5. Based on the PCCD formula, the new NYPDES permit could be \$25,000.00+ for the BHW POA. We contend that the cost should be covered by any property owner who builds a home after December 31, 2018. This cost should be \$2,000.00 or less.
6. There may be a new assessment for BHW common grounds, roads, and easements. In that case **current** home owners and **property** owners who have not built homes would share that part of the NYPDES fee.
7. The PCCD has implied that the BHW POA must renew (and pay) the NYPDES permit, or, they will deny permission for property owners to excavate and build homes.
8. If we do not renew by January 1, 2019 the PCCD can change the terms of the permit agreement. IE. impose harsher regulations.
9. We cannot wait until December, 2018 to deal with this situation. We either start the permit transfer process (Jim Comes Landview has the permit) or get legal assurances that we are not obligated to renew the permit.

ACTIONS

Alissa Weiss is getting information from the Kiley Engineering Firm

Rich Klein is getting a second opinion from another law firm.

John Scagliotti is communication with the Pike County state representative.