

Saturday September 24, 2016....9 AM to 10 AM

Blue Heron Woods POA Directors meet with John F. Spall, Attorney at Law
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President-John Scagliotti, Vice-President: Rich Klein, Sgt Arms: Lou Lombardo

Minutes recorded by Coach Lou Lombardo

TOPIC: PCCD (Pike County Conservation District)

NPDES (National Pollution Discharge Elimination System) permit expires in 2019.

What is in the best interests for the Blue Heron Woods POA?

1. Attorney John Spall does not know if Landview has declared bankruptcy. He is investigating federal records. Landview (Jim Coombs). Landview has not reviewed the permit.
2. John: Not sure BHW should renew the permit. The estimate cost is \$30,000.00. Are we liable for Landview sins?
 - Lawyer JS: BHW is not responsible for their sins or the cost of reviewing the permit.
 - BHW is the only community in Pike County presently with a NPDES permit.
3. Lawyer: Every time the permit is renewed you are subject to rule changes'
 - ie. Mast Hope was instructed to deal with road changes, swales, retention ponds, rocks, etc). They chose not to renew the permit. People have still been able to sell their lots.
4. John: the PCCD has stated that a permit is required to build.
5. Lawyer: Hemlock Farms has a storm water drainage issue. They had hoped that Harrisburg would provide a grant to help cover the project expense. The Department of Environmental Protection did not give a grant. The storm water issue persists and people are still able to sell their lots. PCCD may be using a scare tactic.
6. John: Everything is presently in place regarding the PCCD regulations. If we renew the permit established homes are grandfathered. The PCCD can inspect our properties and find us out of compliance, ie. there are driveway issues.
7. Lawyer: Ask the PCCD this question....did you inspect Tinkwood, Tanglewood, Mast Hope, Hemlock farms; non have renewed the permit. This is selective persecution.
8. Coach Lou: Hypothetical to lawyer-what if you had two properties at BHW, a home and a 10 acre lot.
 - Lawyer: PCCD has a minimal staff. They cannot inspect thousands of lots. The ability to comply across the board is not possible.
9. John: If we do not renew as an association then each individual property owner is responsible for the cost of the NPDES permit required to build a home.
 - Lawyer: It is not your obligation to extend the permit.
 - The Hemlock Farms POA were considering bond issues. The future liability is based on rule changes.
10. John: There are "typicals" for every lot spelled out. No cost if you follow PCCD rules and do not seek a variance. We notify the PCCD every time a lot is to be developed. We have an Architect Committee.
11. John: Should we take over the permit and allow it to expire (January 1, 2019)?
 - Lawyer: This is a business/community decision. You must get voter approval from the BHW POA. I recommend individual property owners be responsible for building a house. Landview (Coombs), is the co-permitee until 2019. He is

responsible for the PCCD requirements for all storm water drainage repairs. There could be a natural disaster that causes a problem. The co-permittee must make repairs.

12. John: Can the BHW fix the water problem at the street in front of Rich Klein's property and/or elsewhere?

-----Lawyer: A letter to Coombs....BHW LLC will not be responsible for any repair that becomes problematic.

-----Rich: We must comply with codes; contact PPL etc. before any ground disturbance.

13. John: Can we engage your services to write a proposal letter that we can give to the POA membership?

-----Lawyer: Yes, the BHW POA should be made aware of the NPDES situation.....transparency.

14. John: What happens if the BHW POA dissolves?

-----Lawyer: BHW is still a young development. People are relatively active. Somebody will step up if there is an issue. For example....it is snow season and BHW failed to get a road plow service. The first significant snowfall get people acting.

15. Rich: Please read our rules for building a house regarding the 1 year regulation. Is completion based on gaining the Certificate of Occupancy?

-----Lawyer: The day the building permit is issued the clock starts. (The basic requirement for a CO is at minimum---a furnace, kitchen, bathroom, bedroom, water).

16. John: We wish to contact builders who are past due for completion.

-----Lawyer: It is best to give 1 year for the completion of the outside of the outside of the house. People can complete the inside ASAP. Get specific CO regulations from Lackawaxen, Blooming Grove, and Palmyra Townships.

17. Coach Lou: Can we post your letter to the BHW POA on our web site? Lawyer: Yes.

18. Coach Lou: Should we schedule a special meeting for February 2017 to deal with the permit topic? What do we need to pass the referendum?

-----Lawyer: Give at least 6 weeks' notice for the meeting. A quorum is required for the referendum votes to count. Send my letter with a cover letter.

19. Coach Lou: What if there was fire damage to the trees on a BHW property which encroached from state game lands. This is a potential erosion/storm water issue. How does the lack of a permit effect the repair.

-----Lawyer: The BHE POA can comply with any PCCD regulation without holding a NPDES permit.