

Stonycreek Valley Development Corporation

Board of Directors Meeting

Date: April 21, 2022

Directors in attendance: Brad Meneilly, Larry Rosage, Phyllis Picoulas, Derrick St.Clair, Marcia Rogish, Shelley Glessner, Jeff Blough, Jeff Haynes-via phone

Directors absent: Joe Piccini

Guests: Darlene & Chuck Baker, Nancy & Donald Shine, Pete Mishko, Mark Wilt, Craig & Kelley Duppsstadt, Randy Weaver, Christine Forgues

VIA Zoom: there were 25 people attending via zoom

The meeting was called to order by Brad Meneilly 6:00pm

Additions to the agenda were called for: none

The updated minutes from the February 17, 2022 meeting were reviewed; M. Rogish made a motion to approve the minutes; seconded by S. Glessner; all were in favor; minutes approved.

The Board reviewed the March 17, 2022 meeting minutes; M. Rogish made a motion to approve the minutes; seconded by L. Rosage; all were in favor; minutes approved.

New correspondence (Thank you cards from the deVries family and Pine Springs Camp were reviewed.

L. Rosage presented the Financial Report. M. Rogish made a motion to approve the report; seconded by J. Blough; all were in favor; report approved.

B. Meneilly went over the Old Business List. Old business item in regards to water testing was discussed. Brandon Stone stated that the water testing kits are now available from Penn State. M. Rogish made a motion to approve the purchase of 2 kits at a cost of around \$232; seconded by D. St.Clair; all were in favor; motion passed. The Stone's will test 2 sites by Memorial Day. An updated Old Business List will be attached to these minutes. An updated Old Business List is attached to these minutes.

The Board reviewed a building plan approval request from G. Leah. The Board discussed the plans with Mr. Leah who was attending via zoom. D. St.Clair made a motion to approve the plans; seconded by J. Blough; all were in favor; plans approved.

The Board reviewed a building plan approval from R. Miller (dock-20ft. pontoon). P. Picoulas made a motion to approve; seconded by D. St.Clair; all were in favor; plans approved.

The tabled M. Jenkins building plan approval request (shed) was reviewed. B. Meneilly-Vice-President and acting Chair of the meeting read his prepared report in response to the request. (A copy of the report is included with these minutes). Mr. Jenkins provided copies (provided by the SVDC) of a similar shed approval request that was approved by the Board in 2016. L. Rosage being the one referenced in the request responded in regards to the shed approval. Mr. Jenkins's request was tabled.

Mark Wilt asked for approval from the Board to hold a (slow ride) boat parade at 3:00 on June 18, 2022 in memory of his uncle and longtime Lake Stonycreek boater Bob Stull. There is no entry fee however any donations will be given to the Michael J. Fox Parkinson's Foundation in memory of Bob. Flyers will be handed out by Mr. Wilt at the Annual Lot Owner's Meeting in May. M. Rogish made a motion to approve the parade; seconded by J. Blough; all were in favor; motion approved.

The Board reviewed a request from Harry Neel to approve the same accommodation for him as was given to Joe Piccini and Fred Clark in regards to owning a front and back lot. He provided minutes from the April 16, 2020 zoom meeting where the Board approved the lot fees (lake maintenance fees) for Mr. Piccini and Mr. Clark at \$250 per year. After reviewing the SVDC records provided by Phyllis and Lynette it was determined that the billing is correct for Mr. Piccini and Mr. Clark and that there was no revised billing done. Also, records were provided as to why Mr. Neel's fees are \$300 for his front and back lots. M. Rogish made a motion based on the history that no change be given to Mr. Neel and that a written response be sent to Mr. Neel; seconded by L. Rosage; D. St. Clair opposed; all others were in favor; motion passed.

The Board discussed the mowing and fertilizing of the breast of the dam. Larry read a quote from Brad Dively in regards to seeding and fertilizing the downstream side of the breast (\$750) and the mowing twice a year of the breast (\$800). L. Rosage made a motion to approve the cutting and fertilization of the breast; seconded by M. Rogish; all were in favor; motion passed.

Larry talked about the upcoming weed treatment by AEC. The 1st installment of AEC's Lake Treatment Proposal is due. L. Rosage made a motion to pay the 1st installment of \$8190.00; seconded by D. St. Clair; all were in favor; motion passed.

Larry talked about the upcoming dredging project. Larry will set up a meeting with Musser Eng. for he, Phyllis, and Derrick to attend.

Donation request from St. Mark Church and Shanksville Fire Co. were discussed. S. Glessner made a motion to donate \$500 to each; seconded by L. Rosage; all were in favor; motion passed.

Attorney Leventry's bylaw amendment was discussed. A motion to forward the amendment to the lot owners for action was made by L. Rosage; seconded by M. Rogish; all were in favor; motion passed. Voting on the amendment will go out in the Notice of the Annual Lot Owners Meeting letter.

The Board also talked about the call for candidates for the upcoming election of the Board in May. The deadline for candidates is April 25th. A ballot will be included in the Annual Lot Owners Meeting Letter going out the first week in May.

The Board talked about the regular monthly Board meeting for May. The meeting scheduled for May 19th will be held as usual in the church hall.

B. Meneilly gave an update on the lawsuit. He stated that the hearing date is April 29th at 2:00pm in the Somerset County Court of Common Pleas in courtroom #3. He read his report on the matter of publishing deposition transcripts (a copy is included with these minutes). D. St.Clair had a problem with Brad's report, saying it is his opinion and should not be included in the minutes. He formally requested a copy of the Cincinnati Ins. Policy and to have the motion to compel be put on the website.

Brad talked about the topic of transparency. He presented his report on transparency (a copy is included with these minutes). D. St.Clair and Mike Jenkins voiced their concerns with things not being put on the website that were provided. Brad pointed out that the SVDC is a private corporation and not a public entity and therefore are governed by Title 15 of the PA Code and are not subject to the PA Sunshine Law; like Boroughs, Townships, and County Governments. Mr. Jenkins voiced his concern with the website not being updated and also disagreed with the cost of copies of the depositions. Brad responded to his concerns.

New Lot Owners Don & Nancy Shine questioned the Board on the 800sq. foot requirement on a dwelling in the SVDC Rules & Regulations and the process of approval. M. Rogish and L. Rosage explained the process.

D. St.Clair asked to be put on record stating "It is very unreasonable for Brad (acting as Chair for the first time) to want 5 pages of his personal opinion added to the minutes, all of which is against Mike Jenkins."

J. Blough made a motion to adjourn; seconded by S. Glessner; all were in favor; meeting adjourned 7:50pm.

Respectfully submitted; Lynette Fleegle

Nex Meeting is May 19, 2022

The zoom recording of this meeting will be posted on the website.

Following up on MJ request for a variance to place a storage shed at the waters edge .

The Vice-president submits the following report:

The SVDC Rules and Regulations:

Sec. 6 C. ii ; states that "[all buildings] ...must be on the back two-thirds of the lot opposite from the lake front".

Section 6B i-iii sets forth the required building request submission information.

Responding to Mr. Jenkins comments at the last Board Meeting.

Reviewing past minutes Mr. Rosage requested and was granted approval at the November 17th 2016 Board meeting to place a storage shed within the front third of his property at 350 Lakeshore Rd.. The minutes do not reflect the rationale for granting the approval only the action taken. The minutes indicate that Mr Rosage who was then serving as President of the Board did not vote on the request. While the Board's rationale for granting the approval would be interesting to know; under Robert's Rules (Section 48) minutes are to record actions taken; but not necessarily record everything that is said. That being the situation here; this Board cannot speak to the prior Board's decision.

In Community planning, variances to Zoning Regulations or HOA Rules are not uncommon but should not be common. Generally, they are only granted upon a "showing of need" by the property owner, and that the variance, if granted, will not adversely impact the community, neighborhood or neighbors. As a general construct "convenience " alone is not a sufficient reason for granting a variance. Looking at Mr Rosage's shed; one cannot address the "need" for the placement; but the placement does not seem to adversely affect the neighborhood or his neighbors views of the lake.

As to Mr Jenkins request for a variance; we do not recall him, in submitting his request, stating any reason he "needs" to place a 10x12 shed along the lakeshore. In a subsequent (3/18/22), email to the Board, he did state that "What is good for the Goose is good for the Gander" While appropriate to a community like Lake Stonycreek, I have not encountered it as a recognized principle in Pennsylvania property law.

In addressing a variance request the Board must use its independent judgement as to the impact of a variance on the neighborhood. Neighbors often acquiesce to variance requests, by their neighbors, to be "neighborly", or for fear of retribution. Mr Picini has shared with me that he received comment from a neighbor(or neighbors) opposing the granting of a variance. That neighbor(s) has asked not to be identified.

Under the recognized common-sense principle that : "Two wrongs don't make a right" this Board has to make an independent decision on Mr. Jenkins request for a variance; based on his

March 2016 submission. Mr. Jenkins has not demonstrated a need to place the shed as requested. Nor does his submission provide the information required under the Rules & Regulations.

Therefore; there is insufficient information on which the Board can grant a variance. The matter has to be tabled.

This report will be included in it's entirety in the Board minutes as Mr Jenkins is currently a plaintiff in a legal action against the SVDC.

Brad Meneilly as Vice President

"Litigation Report: On the matter of Depositions".

As an Officer of the Corp I have an independent fiduciary duty to report to the Board, and in this case the community.

Vice President's report on the matter of publishing Deposition Transcripts :

Under the terms of our Cincinnati Insurance Policy; we, as the Corporation, and as Board members have an affirmative duty to cooperate in the defense of the lawsuit which has been brought against the SVDC by Neal, Jenkins and Cavanaugh .

To not fully cooperate with the Insurance company and the Attorney they have retained to represent us; could jeopardize the coverage provided by our insurance policy. To not cooperate could be grounds for the Insurance Company to invoke the "Reservation of Rights" clause in the policy; stripping the SVDC of \$1,000,000 in liability coverage , plus unlimited defense costs (which are outside the policy limits).

The SVDC has been asked, by our attorney and Insurance company, not to publish the Depositions that have been taken to date, or may be taken going forward. As an Attorney who has provided legal advice to over 150 Pennsylvania Non-profit Corporations over the past 44 years I cannot fault their request.

There is sound and rational basis for this request.

1. To publish these Depositions will taint future depositions and trial testimony of anyone who reads them.
2. The Plaintiffs depositions do not include any comprehensive cross examination by the defense.
3. The Depositions are laced with leading questions and inuendo by the Plaintiffs attorney; as he seeks discovery information.
4. Many of the answers are hearsay (repeating 2nd or 3rd hand comments or actions attributed to others) and as such would be inadmissible in court at trial.
5. Objections have been raised or reserved concerning questions asked and answers given. The court has to rule on those matters.

Finally, to date the Defense has taken no depositions. To date depositions are only those that the Plaintiffs attorneys have requested; from people they must believe will help their case!

In this country , we have a legal system that provides a full and complete process that seeks to ensure equal justice to all the parties involved in litigation.

Three years ago, the Plaintiffs brought a lawsuit against the SVDC and under our legal system they deserve their day in Court. At that time the Court will be the "finder of the fact" in this matter and render a legal judgment for us or against the Plaintiffs .

The plaintiff's issues should not, for the good of our community, be litigated over beers on back porches, around Lake Stonycreek.

The Plaintiffs in their rush to file their complaint chose the field on which this matter is to play out; we all must resolve to let this lawsuit proceed under the processes set forth under our Commonwealth's legal system.

Brad A Meneilly as Vice President SVDC and acting Chair

SVDC Board Transparency

The following actions have been taken by the Board of Directors to assure "transparency" in its deliberations, actions and lot owner communications since 2019.

[To be attached to the April 2022 Board of Directors minutes.]

1. Updated and expanded its Website to provide lot owners with more access to information about the Lake and the Board activities. Lot owners can sign up get a password and have access to Board Agendas, Minutes, Lawsuit updates and Financial reports. Also the Website has the SVDC Bylaws and Rules and Regulations plus information on Safety and Events around the Lake. The Home page has information on the "Latest News, Notices and Reminders".
2. Upon request a lot owner can have the Board Secretary email them Agendas, Minutes and monthly Financial reports.
3. Board meetings have been opened to the Lot owners. It should be noted that it is highly unusual for a Board of Directors to open its meetings to shareholders (for-profit corporations) or members (non-profit).
4. Since late 2020 or early 2021 the monthly Board meetings have been broadcast on ZOOM. Email notice of the sign-in is usually provided a few days before the meeting; along with a notice on the Website Home Page.
5. The Board has formalized a Budget process and it is available to the lot owners.
6. Before any proposed expenditure over \$20,000 is approved; lot owners are given notice and a chance to comment or provide input. This has been done with the Dam Valve Repair, Weed Treatments, Fish Stocking.
7. Even during Covid lockdowns the Board held outdoor Annual Meetings to report to the lot owners, and take questions.

Additionally

8. The Board proposed a Bylaw amendment to the shareholders" to provide "one lot one vote" protection to the lot owners; which was adopted in 2019

9. Also in 2019 the Board formed a joint Bylaws Committee which produced Proposed Revised Bylaws which were presented to the Lot Owners in 2020.

The proposed Bylaws were adopted by a quorum of the Lot owners with 127 (83%) votes for the adoption of the new Bylaws. With only 27 votes opposed.