

**BIRCH CREEK FOREST PROPERTIES, INC.
MINUTES OF REGULAR MEETING OF BOARD OF DIRECTORS
DECEMBER 4, 2021**

THE BOARD OF DIRECTORS OF BIRCH CREEK FOREST PROPERTIES, INC. MET AT THE COMMUNITY BUILDING IN BIRCH CREEK FOREST SUBDIVISION ON SATURDAY, DECEMBER 4, 2021 AT 8:00 A.M.

VICE-PRESIDENT CHRIS HENNING CALLED THE MEETING TO ORDER, THERE BEING A QUORUM PRESENT. PRESIDENT MELVIN LEHMANN AND ASST. SECRETARY DAVE SMITH WERE ABSENT.

MINUTES OF THE REGULAR BOARD MEETING HELD NOVEMBER 6, 2021 WHICH WERE POSTED AND CIRCULATED, WERE APPROVED, UPON MOTION BY JOHN DUNKLEMAN AND SECONDED BY CHRIS HENNING. THE MINUTES WILL BECOME A PART OF THIS MEETING'S RECORDS.

THE TREASURER'S REPORT AS OF NOVEMBER 30, 2021 WAS GIVEN BY JOHN SCHOELLMAN. UPON MOTION BY JOHN AND SECONDED BY JOHN DUNKLEMAN, THE BOARD APPROVED THE REPORT AS PAID. THE REPORT IS TO BECOME PART OF THIS MEETING'S RECORDS.

COMMITTEE REPORTS:

ABATEMENT: NONE

ARCHITECTURAL: NONE

GRIEVANCE: NONE

BUILDING RENTAL: TWO, SATURDAY, DEC 4 AFTER MONTHLY MEETING AND SUNDAY, DEC 24.

SWIMMING POOL:

JERRY POTENZA REPORTS THE POOL CIRCULATION PIPE STILL LEAKS. HE HAS TURNED THE PUMP OFF AND WILL CONTINUE TO MONITOR THE WATER TO PREVENT ALGAE GROWTH.

JOHN SCHOELLMAN NOTED THAT MELVIN OBTAINED A QUOTE FROM A CONTRACTOR TO LOCATE THE LEAK FOR \$695.00. WHEN THE LEAK IS LOCATED REPAIR WOULD FOLLOW. HE ALSO REPORTED THAT MELVIN ALSO OBTAINED A QUOTE FOR REPLASTERING THE POOL FOR \$30,000.00. SINCE THIS IS VERY EXPENSIVE, ADDITIONAL QUOTES WILL BE OBTAINED. THE CONDITION OF THE POOL IS NOT CRITICAL, YET, AND WE MAY DELAY REPLASTERING UNTIL AFTER NEXT SEASON.

OLD BUSINESS:

1. VICE-PRESIDENT CHRIS HENNING NOTED THAT THE MAINTENANCE FEE STATEMENTS FOR 2022 HAVE BEEN MAILED TO ALL PROPERTY OWNERS A LETTER EXPLAINING THE REASON FOR THE INCREASE IN THE HOA FEE FROM \$75 TO \$82 PER LOT PER YEAR WAS INCLUDED IN EACH MAILING. THE FEES ARE DUE BY JANUARY 31, 2022. AFTER THAT A LATE CHARGE OF \$10.00 PER LOT WILL BE APPLIED. A PAYMENT PLAN CAN BE ARRANGED AT THE OFFICE: (979) 535-8978.

2. CHRIS WAS ASKED LAST MONTH TO DISCUSS THE SURCHARGE THAT PROPERTY OWNERS IN SECTIONS 5 AND 6, WHO ARE NOT MEMBERS OF THE HOA ARE REQUIRED TO PAY. HE PROMISED A DISCUSSION AT THIS MEETING. HE STATED THAT THERE WAS NO EASY ANSWER TO INCENTIVIZE PROPERTY OWNERS TO JOIN THE HOA AND THE SURCHARGE WAS SUGGESTED BY OUR ATTORNEY SOME YEARS AGO. CHRIS ASKED IF ANY OF THE HOMEOWNERS WOULD LIKE TO MAKE A COMMENT AND SEVERAL DID:

A. ONE PROPERTY OWNER REFERRED THE BOARD TO A MAGAZINE ARTICLE ON WAYS TO ENCOURAGE MEMBERSHIP IN THE HOA.

B. A PROPERTY OWNER ASKED HOW MANY OWNERS IN SECTIONS 5 AND 6 ARE MEMBERS OF THE HOA. OVER 85% IN SEC. 5 AND OVER 90% IN SEC. 6 ARE MEMBERS OF THE HOA AND ARE NOT AFFECTED BY THE SURCHARGE. OVER THE YEARS MORE AND MORE OWNERS HAVE CHOSEN TO BECOME MEMBERS. LESS THAN 40 OWNERS OUT OF A TOTAL OF OVER 300 FOR BOTH SECTIONS ARE NOT MEMBERS .

C. ANOTHER PROPERTY OWNER ASKED WHAT ARE THE CURRENT DISINCENTIVES FOR NOT BEING A MEMBER OF THE HOA. CHRIS STATED THAT BESIDES THE SURCHARGE FOR USE OF THE TRASH DUMP AND THE POOL, NON MEMBERS MAY NOT VOTE IN HOA WIDE ELECTIONS AND MAY NOT HOLD OFFICE, SERVE ON THE BOARD, OR COMMITTEES. CHRIS NOTED THAT UPON BECOMING A MEMBER OF THE HOA THE SURCHARGE IS WAIVED AND ALL THESE OTHER PRIVILEGES BECOME EFFECTIVE IMMEDIATELY.

D. A PROPERTY OWNER POINTED OUT ANOTHER INCENTIVE FOR BEING AN HOA MEMBER: THAT IN DISPUTES ARISING OVER DEED RESTRICTIONS AND EASEMENTS THE BOARD IS ENPOWERED TO GRANT WAIVERS AND VARIANCES TO PROPERTY OWNERS WHO ARE IN GOOD STANDING, THAT IS, HOA MEMBERS. NONMEMBERS MAY BE EXCLUDED FROM FAVORABLE CONSIDERATION.

E. CHRIS HENNING NOTED THAT SINCE NONMEMBERS ARE NOT BOUND BY DEED RESTRICTIONS AND FOR THAT PRIVILEGE THE BOARD WAS ADVISED TO ASSESS A SURCHARGE FOR SOME HOA SERVICES. IF THEY WISH TO BE A MEMBER THEY MUST WILLINGLY SIGN UP. CHRIS SAYS BY FOLLOWING OUR ATTORNEY'S ADVICE WE ARE ASSURED OF FOLLOWING THE LAW AND PROTECTING OURSELVES AND SAFEGUARDING THE RIGHTS OF ALL PARTIES.

NEW BUSINESS:

THE BOARD DECIDED TO PUT OFF APPROVAL FOR THE CONTRACTOR PROCEEDING WITH THE LEAK DETECTION AT THE POOL SINCE NOT ALL OF THE BOARD ARE PRESENT TO DISCUSS IT. CHRIS HENNING MADE THE MOTION, SECONDED BY JOHN SCHOELLMAN AND APPROVED UNANIMOUSLY.

COMMENTS FROM THE FLOOR:

1. A PROPERTY OWNER COMPLAINED THAT CONSTRUCTION ACROSS FROM HIS HOUSE HAS BEEN GOING ON FOR AN EXTENDED PERIOD AND ASKED THE BOARD TO TAKE ACTION. JOHN SCHOELLMAN SAID HE IS AWARE OF THIS AND THE BOARD ACT.

2. A PROPERTY OWNER COMPLAINED A MOBIL HOME NEXT TO HER HAS NOT BEEN KEPT UP AND IS AN EYE SORE. JOHN SCHOELLMAN RECOMMENDED THAT ANOTHER GRIEVANCE BE SUBMITTED AS SOMETIMES OWNERS PROMISE TO CLEAN UP A PROPERTY BUT DO NOT. CHRIS HENNING EMPHASISED THAT THE BOARD HAS A FORMAL PROCEDURES FOR DEED RESTRICTION VIOLATIONS AND WILL SEND LETTERS BEFORE REFERRING AN ISSUE TO OUR ATTORNEYS. THIS ASSURES THAT WE ARE FOLLOWING THE LAW.

3. A PROPERTY OWNER WHOSE LAND IS ADJACENT TO ONE OF THE PUBLIC PONDS IN THE SUBDIVISION COMPLAINED THAT THE POND HAS A BROWN SCUM ON IT AND ASKED WHAT CAN BE DONE. SEVERAL PEOPLE OFFERED ADVICE ON COURSES OF ACTION. IN THE PAST PROPERTY OWNERS HAVE SPRAYED APPROVED ALGAEICIDE AND THAT TOOK CARE OF THE PROBLEM. IT WAS ADVISED THAT THE STATE OF TEXAS (TEQC) HAS RESPONSIBILITY FOR LAKES AND PONDS AND THAT SIX FEET OF SPACE ALONG THE BANK IS RESERVED FOR PUBLIC ACCESS.

4. ANOTHER PROPERTY OWNER STATED THAT TREES AND BRUSH ARE BLOCKING VISIBILITY ON THE STREET BY HIS HOUSE. THE COUNTY IS RESPONSIBLE FOR THE ROADS IN OUR SUBDIVISION AND THEY DO THE TRIMMING. HE CAN CALL COUNTY PRECINCT NO. 4 COMMISSIONER, CAROL HILL: OFFICE (979) 596-1022. CAROL WILL ALSO BE COMMISSIONER FOR PCT. NO. 4 FOR NEXT YEAR (2022).

THERE BEING NO FURTHER BUSINESS, A MOTION BY CHRIS HENNING, SECONDED BY JOHN SCHOELLMAN, TO ADJOURN THE MEETING WAS APPROVED AT 9:04 AM.

BCFPI'S NEXT MONTHLY MEETING WILL BE **SATURDAY, JANUARY 8, 2022 AT 8:00 AM** IN THE COMMUNITY BUILDING.

THESE MINUTES WERE APPROVED BY THE BOARD OF DIRECTORS IN THE REGULAR

MONTHLY BOARD MEETING OF THE _____ DAY OF _____, 2021.

SECRETARY

PRESIDENT

