

**Thursday, August 18, 2022**  
**Lake Hauto Club Meeting: 7:00 PM Community Center**

Zoom Link:

<https://us06>

**Agenda:**

1. Steve Daderko, President
  - a. Calling the meeting to order.
  - b. **Note:** Meeting is being recorded.
  - c. Pledge of Allegiance
  - d. Welcome & Updates.
    - Thank you to all our volunteers at the lake. If anyone would like to volunteer to help, please call the office or reach out to maintenance.
  - e. President's Remarks
    - Sewage problem at Eastwood Beach on Monday has been resolved
    - Voting Ballots – the white envelopes have been mailed to everyone

2. Maria Matsago, Secretary
  - a. Reading of the July 21, 2022 minutes. (This can be by-passed by a motion).

**Motion: Craig Tiano**

**Second: Brady Forte**

**2022-08-01:** Motion to approve the June minutes.

3. Craig Tiano, Treasurer
  - a. Treasurer's report
  - b. Motion to approve Treasurer's Report
  - c. Motion to approve all bills received up to 08-18-22

**Motion: Amy Yorke**

**Second: Ryan Barwis**

**Motion: Craig Tiano**

**Second: Ryan Barwis**

**Committee Updates:**

4. Maintenance (Docks/Dam/Water Safety/Beaches/Building & Grounds/Beautification): Ray Doyle
  - Winding down for our summer help – we had 5 young men helping over the summer. 1 will stay on and work part time in the winter.
  - Thank you to our maintenance team for all the hard work they did getting ready for the annual picnic
5. Sub-Committee:
  - a. Docks: Craig Tiano
    - Starting to get a plan together for winter work

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- b. Dam/Water/Safety: Steve Daderko  
Been doing weekly testing – everything has been OK
- c. Building, Grounds, & Roads: Ryan Barwis  
Planning on starting the Oak Court storm project in October  
Tippets has been chipped & sealed, did some patch paving & crack sealing, backed up road edges
- d. Beautification Committee: Amy Yorke (Liaison)  
Thank you to all the volunteers for your time.  
Next meeting is August 30, 2022 @ 7:00 pm at the Community Center
- e. Recreation Areas: Open  
Nothing New at this time
- f. Security: (Gates/Cameras/Other): Chair: Brady Forte  
~ Bryan Smith has completed the work to repair all the broken cameras and upgraded  
Several of the older cameras  
All Gates are working properly  
Malachi has been our regular Security Guard and will continue.  
Security will end Labor Day weekend
- g. Permits: Chair: Steve Daderko  
Received 1 new permit – and 1 permit that is looking to extend
- h. Recreation: (LH Events/Summer Entertainment/Lifeguards/Fish): Chair: Maria Matsago  
Co-Chair: (Fishing Club): Brady Forte (Liaison)  
~ Thank you to Frank Smell and the maintenance crew for all your help with setting up for the  
Lake Hauto Annual Picnic  
~ Thank you to everyone who came out and volunteered their time for the Lake Swim. We had a  
record of 71 swimmers and 33 people on Kayaks & paddle boards all ranging from 3 years old to  
75 years old.  
~ This Saturday, August 20<sup>th</sup> we will have a Kids Movie night at Crescent Beach – the Movie is  
Chip N Dale Rescue Rangers and will start at dusk. Hot Dogs, Popcorn and Sno Cones will be  
provided. We are looking for donations of water, juice boxes and additional snacks. Donations  
can be dropped off at the office or contact Brady or myself.  
~ August 24, 2022 – we will have a meeting to start organizing the Children's Halloween Party  
at 7:00 pm at the Community Center. Anyone who would like to volunteer and be involved is  
welcome to attend.

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~ The Community Yard sale will be held August 27, 2022 from 8:00 am to 2:00 pm – if you are going to participate, you can email the office by noon Friday, August 26<sup>th</sup> to be included on a email that will be sent out later that afternoon.

~ There will be a Band, Another Side, on August 27, 2022 at Crescent Beach from 7:00 pm to 11:00 pm

~ Labor Day weekend:

September 3<sup>rd</sup> : Band and Fireworks – The band is Gunslinger – The Fireworks will start at dusk – approx. 8:30 pm – 8:45 pm

September 4<sup>th</sup> : Band – Eight:17 at Crescent Beach 7 -11

(Fishing Club): Brady Forte (Liaison)

~ Catfish Contest – August 26<sup>th</sup> & 27<sup>th</sup> – no official registration. Begin Friday, August 26<sup>th</sup>. All Catfish will be weighed (live) in on Saturday, August 27<sup>th</sup> at 7:00 am at Oakwood Pavilion. The cost is \$20 per person to register. Registration deadline is Thursday, August 25<sup>th</sup> at 12 Noon – sign up sheet is in the office.

~ Poker Run – September 3, 2022 – the cost is \$10 per person – Start at 12:00pm - Register at the office. Must be 21 yrs old. This is BYOB. Accepting Donations for prizes to be raffled off the day of the Poker run. There is a List on Amazon for prizes – you can have the items shipped directly to the office by selecting “other addresses” and selecting “Stacey Mika (gift registry address)”

Shopping list link:

[https://www.amazon.com/hz/wishlist/ls/39XT4V0FFANGK?ref=cm\\_sw\\_sm\\_r\\_un\\_un\\_MiBGe1Ur8rdcS](https://www.amazon.com/hz/wishlist/ls/39XT4V0FFANGK?ref=cm_sw_sm_r_un_un_MiBGe1Ur8rdcS)

**New Business:**

- a. Motion to approve a one-time suspension of LHC Rule L Hunting, subject to the parameters set forth in the attached Goose Hunt Guidelines

Motion: Ryan Barwis

Second: Craig Tiano

- b. LHC Governance: Tom Nanovic, Esq. LHC Solicitor  
Gave the board 2 handouts that are attached to these meeting minutes.  
Please note on the handout the circled items are what pertain to LHC.

**Welcoming New Members:**

Harry and Susan Penny  
Taras Shulyk

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**Open Discussion**

**Marcia** – Pertaining to the sewage leak at Eastwood Beach, did anything get into the lake?

- No, Frank Smell dug 2 trenches to stop it from getting into the lake – it never reached the lake. They dug up 24 CY of contaminated sand, pressured washed the concrete and cleaned the entire area.

**Howard** – he has Barberry bushes; can he spray them with Round up to kill them?

- Yes, that is the primary way to kill them

**Brian** – Thank you to the Board for your volunteerism for all the work you do for the roads & activities.

Hemlock road is very bad, not projected to be fixed for 3 years?

- Ryan: the road budget is \$35K, there is no other solution. We do not have sufficient funding right now to do it properly. We could do a temp fix by tar & chipping it or scratch coating

**Questions from Zoom –**

- **Can something be done with all the lily pads on the lake?** The Contractor will be coming in to spray in the fall
- **Is there a plan for the hunt of the geese?** We have guidelines we put out but nothing specific to a certain area.

**Dave Snyder** – At the meeting representing his family and honoring his father's dying wishes.

- Presented a Plaque to be hung in the Community Center aside of the door going into the gym area and also presented LHC with a check for \$25K to be used for recreation purposes at Eastwood Beach

**Charlie Sincavage** – Please explain the ballot, people are confused and feel the explanation may be a bit misleading to members. If the dues increase does not pass, the dues in 2023 will be more?

- Craig – if the dues increase does not pass, a special assessment will be needed in 2023 – this was not noted on the ballot.

**Kim** – If you tar & chip Hemlock, how long will it last.

- The road is very bad will need to be scratch coat and patching.

**Howard** – Served on the board from 2005 to 2011 – he wanted to plan for the future but there was no support from the board or members. He is happy to see that this board is trying to do it now.

**Walter** – he checked elevation at the Rubino house and the neighbor, and the setback is less than 10' – he hopes this will not be a precedence going forward.

- NO LHC goes by 10'

**Dave** – Can the Judge of Elections go over the voting procedure

- Jay O'Neil – there are volunteers to count the votes and observers
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- Jay and a member of LHC go the the Post Office on Saturday to get the ballots. The ballots get locked in a box at the office until Sunday morning. Jay and the member who went with him are the only 2 people who have a key to the box.

**Motion to Adjourn.**

**Motion: Craig Tiano**

**Motion: Amy Yorke**

**Meeting started at: 7:03 pm**

**Meeting ended at: 8:26 pm**

**In attendance: RD, AY, CT, SD, BF, MM, RB, BS**

## Lake Hauto Club Goose Hunting Guidance

The resident goose population at Lake Hauto has increased significantly and is projected to continue to increase without intervention. The resident goose population has become a nuisance and a potential health threat due primarily to their feces.

Based on discussions with US Department of Agriculture Wildlife Biologists and other Subject Matter Experts it was determined that the most effective way to control the population of resident geese is by hunting. The purpose of this hunt is to have a significant reduction the number of resident geese at Lake Hauto.

### Specific Guidelines

Lead/Point of Contact: Jason Strohl, 570-657-7250

- All hunters must have a valid Pennsylvania hunting license, follow all applicable Pennsylvania hunting regulations, and be registered with the Lake Hauto Club Office by COB Tuesday August 30, 2022.
- Lake Hauto Club reserves the right to limit the number of participants.
- All hunting will be done from boats. **No hunting from dry land will be permitted.**
- Shotgun shells should be retrieved to the extent possible to minimize environmental impact.
- Bag Limit: 8 per hunter per day. All geese will be removed from Lake Hauto Club property.
- Allowable hunting times:
  - Thursday September 1, 2022 from first light until 10:00 AM
  - Friday September 2, 2022 from first light until 10:00 AM
  - Tuesday September 6, 2022 to Friday September 9, 2022 from 8:00 AM until 10:00 AM each day.
  - The Lake Hauto Board of Directors reserves the right to add hunting times as necessary to accomplish the goal of a significant reduction of the flock of resident geese at Lake Hauto.
- Safety Zone (no shooting within this area)
  - 150 yards from any building or dock.
  - All shots must be away from the north shore, and in a safe direction away from any moored watercraft.

**Note: The Lake Hauto Club Board of Directors reserves the right to modify these guidelines based on member input.**

## 68 Pa.C.S. § 5302

Pa.C.S. documents are current through 2022 Regular Session Act 28; P.S. documents are current through 2022 Regular Session Act 28

*Pennsylvania Statutes, Annotated by LexisNexis® > Pennsylvania Consolidated Statutes (§§ 101 — 9901) > Title 68. Real and Personal Property (Pts. II — III) > Part II. Real Property (Subpts. A — F) > Subpart D. Planned Communities (Chs. 51 — 54) > Chapter 53. Management of Planned Community (§§ 5301 — 5322)*

*\* Items that are circled pertain to LHC \**

### **Notice**

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▶ This section has more than one version with varying effective dates.

### **§ 5302. Power of unit owners' association. [Effective December 18, 2018]**

(a) **General rule.** — Except as provided in subsection (b) and subject to the provisions of the declaration and the limitations of this subpart, the association, even if unincorporated, may:

- (1) Adopt and amend bylaws and rules and regulations.
- (2) Adopt and amend budgets for revenues, expenditures and reserves and collect assessments for common expenses from unit owners.
- (3) Hire and terminate managing agents and other employees, agents and independent contractors.
- (4) Institute, defend or intervene in litigation or administrative proceedings, or engage in arbitrations or mediations, in its own name on behalf of itself or two or more unit owners on matters affecting the planned community.
- (5) Make contracts and incur liabilities.
- (6) Regulate the use, maintenance, repair, replacement and modification of common elements and make reasonable accommodations or permit reasonable modifications to be made to units, the common facilities, the controlled facilities or the common elements, to accommodate people with disabilities, as defined by prevailing Federal, State or local statute, regulations, code or ordinance, unit owners, residents, tenants or employees.
- (7) Cause additional improvements to be made as a part of the common facilities and, only to the extent permitted by the declaration, the controlled facilities.
- (8)
  - (i) Acquire, hold, encumber and convey in its own name any right, title or interest to real or personal property other than common facilities; and
  - (ii) convey or subject to a security interest common facilities only under the provisions of section 5318 (relating to conveyance or encumbrance of common facilities).
- (9) Grant easements, leases, licenses and concessions through or over the common facilities and, only to the extent permitted by the declaration, the controlled facilities.

## 68 Pa.C.S. § 5302

**(10)** Impose and receive payments, fees or charges for the use, except as limited by other provisions of this subpart, rental or operation of the common elements other than the limited common elements described in section 5202(2) and (3) (relating to unit boundaries).

**(11)** Impose charges for late payment of assessments and, after notice and an opportunity to be heard:

**(i)** Levy reasonable fines for violations of the declaration, bylaws and rules and regulations of the association.

**(ii)** For any period during which assessments are delinquent or violations of the declaration, bylaws and rules and regulations remain uncured, suspend unit owners' rights, including, without limitation, the right to vote, the right to serve on the board or committees and the right of access to common elements, recreational facilities or amenities.

**(12)** Impose reasonable charges for the preparation and recording of amendments to the declaration, resale certificates required by section 5407 (relating to resales of units) which shall be one charge that may be made by the association solely because of the resale or retransfer of any unit or statement of unpaid assessments. In addition, an association may impose a capital improvement fee, but no other fees, on the resale or transfer of units in accordance with the following:

**(i)** The capital improvement fee for any unit shall not exceed the annual assessments for general common expense charged to such unit during the most recently completed fiscal year of the association, provided that:

**(A)** in the case of resale or transfer of a unit consisting of unimproved real estate, the capital improvement fee shall not exceed one-half of the annual assessments for general common expenses charged to such unit during the most recently completed fiscal year of the association;

**(B)** in the case of resale or transfer of a unit which was either created or added to the planned community in accordance with section 5211 (relating to conversion and expansion of flexible planned communities) at some time during the most recently completed fiscal year of the association but was not in existence for the entire fiscal year, the capital improvement fee shall not exceed one-half of the annual assessments for general common expenses charged to a unit comparable to such unit during the most recently completed fiscal year of the association; and

**(C)** capital improvement fees are not refundable upon any sale, conveyance or any other transfer of the title to a unit.

**(ii)** Capital improvement fees allocated by an association must be maintained in a separate capital account and may be expended only for new capital improvements or replacement of existing common elements and may not be expended for operation, maintenance or other purposes.

**(iii)** No capital improvement fee shall be imposed on any gratuitous transfer of a unit between any of the following family members: spouses, parent and child, siblings, grandparent and grandchild, nor on any transfer of a unit by foreclosure sale or deed in lieu of foreclosure to a secured lending institution as defined by the act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law.

**(iv)** No fees may be imposed upon any person who:

**(A)** acquires a unit consisting of unimproved real estate and signs and delivers to the association at the time of such person's acquisition a sworn affidavit declaring the person's intention to reconvey such unit within 18 months of its acquisition; and

**(B)** completes such reconveyance within such 18 months.

**(13)** Provide for the indemnification of its officers and executive board and maintain directors' and officers' liability insurance.

- (14) Exercise any other powers conferred by this subpart, the declaration or bylaws.
- (15) Exercise all other powers that may be exercised in this Commonwealth by legal entities of the same type as the association.
- (16) Exercise any other powers necessary and proper for the governance and operation of the association.
- (17) Assign its right to future income, including the right to receive common expense assessments. Reserve funds held for future major repairs and replacements of the common elements may not be assigned or pledged.
- (18) Assign or delegate any powers of the association listed in this section to a master association subject to the provisions of section 5222 (relating to master associations) and accept an assignment or delegation of powers from one or more planned communities or other incorporated or unincorporated associations.

**(b) Restrictions on limitations in declaration.** — Notwithstanding subsection (a), the declaration may not impose limitations on the power of the association to deal with declarants which are more restrictive than the limitations imposed on the power of the association to deal with other persons. Any exercise of a power under subsection (a)(7), (8) or (9) which would materially impair quiet enjoyment of a unit shall require the prior written approval of the owner of that unit.

## History

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*Act 1996-180* (H.B. 1757), P.L. 1336, § 1, approved Dec. 19, 1996, eff. in 45 days; *Act 2004-189* (H.B. 1329), P.L. 1486, § 4, approved Nov. 30, 2004, eff. in 60 days; *Act 2018-84* (H.B. 1499), § 12, approved October 19, 2018, eff. December 18, 2018.

Annotations

## Commentary

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### UNIFORM LAW COMMENTS.

Uniform Planned Community Act Comments, National Conference of Commissioners on Uniform State Laws, 1980. (These comments refer to the Uniform Planned Community Act. The Pennsylvania Uniform Planned Community Act may not conform to the UPCA in its entirety.)

1. This section permits the declaration, subject to the limitations of subsection (b), to include limitations on the exercise of any of the enumerated powers. The bracketed language making a specific reference to unincorporated associations is not intended to exclude other forms of association; the unincorporated association would have such powers, subject to the declaration, regardless of the legal status of an unincorporated association in the state. If a state wishes to permit the association to be unincorporated and the law of the state is unclear whether an unincorporated association would have such powers in the absence of the language, the bracketed language should be retained and the brackets removed.
2. Required provisions of the bylaws of the association, referenced in paragraph (1), are set forth in Section 3-106 [68 Pa.C.S. § 5306].
3. This Act makes clear that the association can sue or defend suits even though the suit may involve only units as to which the association itself has no ownership interest.

**68 Pa.C.S. § 5303**

Pa.C.S. documents are current through 2022 Regular Session Act 28; P.S. documents are current through 2022 Regular Session Act 28

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**§ 5303. Executive board members and officers.**

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**(a) Powers and fiduciary status.** — Except as provided in the declaration, in the bylaws, in subsection (b) or in other provisions of this subpart, the executive board may act in all instances on behalf of the association. In the performance of their duties, the officers and members of the executive board shall stand in a fiduciary relation to the association and shall perform their duties, including duties as members of any committee of the board upon which they may serve, in good faith; in a manner they reasonably believe to be in the best interests of the association; and with care, including reasonable inquiry, skill and diligence as a person of ordinary prudence would use under similar circumstances. In managing the association's reserve funds, the officers and members of the executive board shall have the power to invest the association's reserve funds in investments permissible by law for the investment of trust funds and shall be governed in the management of the association's reserve funds by 20 Pa.C.S. § 7203 (relating to prudent investor rule). In performing any duties, an officer or executive board member shall be entitled to rely in good faith on information, opinions, reports or statements, including financial statements and other financial data, in each case prepared or presented by any of the following:

- (1) One or more other officers or employees of the association whom the officer or executive board member reasonably believes to be reliable and competent in the matters presented.
- (2) Counsel, public accountants or other persons as to matters which the officer or executive board member reasonably believes to be within the professional or expert competence of that person.
- (3) A committee of the executive board upon which the officer or executive board member does not serve, designated in accordance with law, as to matters within its designated authority, which committee the officer or executive board member reasonably believes to merit confidence.

An officer or executive board member shall not be considered to be acting in good faith if he has knowledge concerning the matter in question that would cause his reliance to be unwarranted. The executive board and its members shall have no liability for exercising these powers provided they are exercised in good faith, in the best interest of the association and with care in the manner set forth in this section.

**(b) Limitation on authority.** — The executive board may not act on behalf of the association to amend the declaration under section 5219 (relating to amendment of declaration), to terminate the planned community under section 5220 (relating to termination of planned community) or to elect members of the executive board or determine the qualifications, powers and duties or terms of office of executive board members under subsection (e), but the executive board may fill vacancies in its membership for the unexpired portion of any term. The executive board shall deliver to all unit owners copies of each budget approved by the executive board and notice of any capital expenditure approved by the executive board promptly after such approval. In addition to other rights conferred by the declaration, bylaws or this subpart, the unit owners, by majority or any larger vote specified in the declaration, may reject any budget or capital expenditure approved by the executive board within 30 days after approval.

**(c) Status during period of declarant control.**

## 68 Pa.C.S. § 5303

- (1) Subject to subsection (d), the declaration may provide for a period of declarant control of the association during which a declarant or persons designated by the declarant may appoint and remove the officers and members of the executive board.
  - (2) Any period of declarant control extends from the date of the first conveyance of a unit to a person other than a declarant for a period of not more than:
    - (i) seven years in the case of a flexible planned community containing convertible real estate or to which additional real estate may be added; and
    - (ii) five years in the case of any other planned community.
  - (3) Regardless of the period provided in the declaration, a period of declarant control terminates no later than the earlier of:
    - (i) sixty days after conveyance of 75% of the units which may be created to unit owners other than a declarant;
    - (ii) two years after all declarants have ceased to offer units for sale in the ordinary course of business; or
    - (iii) two years after any development right to add new units was last exercised.
  - (4) A declarant may voluntarily surrender the right to appoint and remove officers and members of the executive board before termination of that period. In that event the declarant may require, for the duration of the period of declarant control, that specified actions of the association or executive board, as described in a recorded instrument executed by the declarant, be approved by the declarant before they become effective.
- (d) Election of members during transfer of declarant control.** — Not later than 60 days after conveyance of 25% of the units which may be created to unit owners other than a declarant, at least one member and not less than 25% of the members of the executive board shall be elected by unit owners other than the declarant. Not later than 60 days after conveyance of 50% of the units which may be created to unit owners other than a declarant, not less than 33% of the members of the executive board shall be elected by unit owners other than the declarant.
- (e) Election of members and officers following declarant control.**
- (1) Not later than the termination of any period of declarant control, the unit owners shall elect an executive board of at least three members, at least a majority of whom shall be unit owners, provided that the executive board may consist of two members, both of whom shall be unit owners, if the planned community consists of two units. The executive board shall elect the officers. The executive board members and officers shall take office upon election.
  - (2) In the event that the election of the executive board by the unit owners fails to take place not later than the termination of a period of declarant control as provided in this section, then a special meeting of the unit owners may be called for such purpose by any member of the executive board elected by the unit owners or, if there is no such member of the executive board, unit owners entitled to cast at least 10% of the votes in the association.
- (f) Removal of members.** — Notwithstanding any provision of the declaration or bylaws to the contrary, the unit owners, by a two-thirds vote of all persons present and entitled to vote at any meeting of the unit owners at which a quorum is present, may remove any member of the executive board with or without cause, other than a member appointed by the declarant.

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## History