

# SKY VIEW LAKE

---

LAND OWNERS ASSOCIATION, INC.

## **BY-LAWS**

### **TABLE OF CONTENTS**

- **ARTICLE I. NAME OF ORGANIZATION**
- **ARTICLE II. PURPOSE**
- **ARTICLE III. MEMBERSHIP**
- **ARTICLE IV. VOTING RIGHTS**
- **ARTICLE V. FUNDING**
- **ARTICLE VI. MEETINGS**
- **ARTICLE VII. BOARD OF DIRECTORS**
- **ARTICLE VIII. ELECTION OF BOARD MEMBERS**
- **ARTICLE IX. OFFICERS**
- **ARTICLE X. COMMITTEES**
- **ARTICLE XI. ASSOCIATION RECORDS**
- **ARTICLE XII. GRIEVANCE PROCEDURE**
- **ARTICLE XIII. ASSOCIATION BOUNDARIES**
- **ARTICLE XIV. ADOPTION AND AMENDMENT OF THE BYLAWS**

## **ARTICLE I. NAME OF ORGANIZATION**

**Section 1 NAME OF ORGANIZATION:** The name of the organization shall be: Sky View Lake Land Owners Association, Inc. located in Greentown, Pennsylvania. Hereinafter referred to as the Association.

## **ARTICLE II. PURPOSE**

**Section 1 PURPOSE:** The purposes for which the Association is organized are:

- a. To enhance the livability of the Association by establishing and maintaining an open line of communication, transparency, and liaison between the Association, government agencies and other communities in the region.
- b. To provide an open process by which all members of the Association may involve themselves in the affairs of the community.
- c. To do and perform all of the activities related to these purposes, to have and enjoy all of the powers granted and engage in any lawful activity for nonprofit corporations that may be organized under Pennsylvania nonprofit corporation law.

## **ARTICLE III. MEMBERSHIP**

**Section 1 MEMBERSHIP:** All lot owners of Sky View Lake shall be a member of Sky View Lake Land Owners Association, Inc.

### **Section 2 MEMBERSHIP RIGHTS:**

Privileges of membership shall include:

- a. The right of members to have access to the lots they own by traveling over the roads maintained by the Association.
- b. Use of the facilities established and maintained by the Association for the convenience of the members.
- c. The right to attend all open meetings of the Association.
- d. The right to vote as described in Article IV.

### **Section 3 MEMBERSHIP OBLIGATIONS:**

Membership Obligations include:

- a. Providing the Association with up-to-date information regarding the member's mailing and electronic addresses i.e. their address of record, and their preference for in person or absentee ballots.
- b. Compliance at all times with the Declaration of Protective Covenants, Restrictions, Exceptions, Reservations and Conditions and Amendments (the Covenants) and any official Rules and Regulations of the Association and these Bylaws and being responsible for compliance by their family members, guests and tenants
- c. Being responsible for all damages attributable to the member, their family members, guests and tenants.
- d. Paying all Association dues, assessments, fines and user fees by the required deadlines.

## ARTICLE IV. VOTING RIGHTS

**Section 1 VOTING RIGHTS:** Voting Rights are extended to Association members-in-good-standing who are in compliance with the Association's official Rules and Regulations and are up-to-date with payment of all current and past annual dues, assessments, fines and fees set forth by the Association.

Further, the members entitled to vote are the property owners whose name(s) appear on the registered deed for the lot. If a lot is owned by more than one party i.e. there is more than one name on a deed, the property owners shall be entitled to only one vote for the lot. Owners who own multiple lots may cast one vote per lot up to a maximum of three votes, regardless of the number of lots owned within the boundaries of the Association.

Members can cast their vote(s) in person or by an absentee or proxy ballot.

**Section 2 ABSENTEE BALLOTS:** If a member has requested to vote via absentee ballot, the following process will be used.

- a. Each member who is eligible to vote and who is using an absentee ballot will be sent the ballot mailing that is postmarked at least thirty (30) days before the meeting where voting will take place.
- b. The ballot mailing will include: (1) the ballot, (2) an envelope on which the members sign his or her name and in which he/she places their ballot, and (3) a self-addressed return envelope to/from the Association into which he/she places their sealed ballot.
- c. Members using an absentee ballot must return their ballots to the Association postmarked at least seven (7) days before the meeting or their ballots will not be counted.
- d. Prior to the meeting, a minimum of two (2) tellers appointed by the Board, will remove the signed inner envelopes, record from whom absentee ballots were received, tally the votes and at the meeting combine the absentee votes with the votes of those present at the meeting.

**Section 3 PROXY BALLOTS:**

- a. The Board of Directors shall provide proper forms, to be sent with the notice of each meeting, to permit any member unable to attend a meeting to designate a person to exercise his or her proxy.
- b. The proxy shall name another member of the Association, a proxy holder, to cast their vote.
- c. The proxy is counted toward establishing a Quorum for the meeting.
- d. The proxy form must be completed for each meeting where a member wishes to exercise the use of a proxy and the proxy expires when the meeting is adjourned.

## **ARTICLE V. FUNDING**

**Section 1 DUES:** Annual dues, which must be paid by all Association members, will be set by a resolution of the Board of Directors. At the Board's discretion and resolution, a portion of the annual dues may be designated as a contribution to a Reserve Account for the Association's large scale projects that may arise from time to time.

Properties owned by the Association are exempt from paying annual dues.

**Section 2 SPECIAL ASSESSMENTS:** Special assessments, as may be needed from time to time by the Association, and which must be paid by all Association members, will be set by a resolution of the Board. The resolution must include a documented rationale for any special assessment.

Properties owned by the Association are exempt from any special assessments.

**Section 3 FEES:** Reasonable fees will be determined by the Board of Directors. Fees will be collected by the Association for such activities as preparing resale certificates, late dues payments and for attorney's fees or any other agent's fees with whom the Association contracts for the collection of delinquent dues and assessments of a member.

**Section 4 CONTRIBUTIONS:** Voluntary contributions, both monetary and in kind e.g. volunteer assistance with community projects will be accepted to help support the operations of the Association. Voluntary contributions cannot be substituted by Association members for their dues, special assessments or fee payments.

## **ARTICLE VI. MEETINGS**

**Section 1 GENERAL MEMBERSHIP MEETINGS:** There shall be at least two (2) general membership meetings each year and held on days decided upon by the majority vote of the Board. Notification for all meetings shall require at least thirty (30) days advance written or electronic notice to all members of the Association at their address of record. Notifications need to include the agenda and all related information such as proposals and, if indicated, ballots for Board of Directors elections.

**Section 2 ANNUAL MEETING:** One (1) membership meeting shall be designated as the Annual Meeting. At this meeting:

- a. The President shall report on the State of the Association.
- b. The Treasurer shall give an annual Financial Report, which must include the budget for the upcoming fiscal year.
- c. Elections for Board Members shall be held.

**Section 3 SPECIAL MEETING:** A special meeting of the membership may be called as deemed necessary by the President, by a majority of the Board of Directors or at the request, in writing, of at least five (5) percent of the Association members-in-good-standing. Notification and purpose of the special meeting shall require at least fourteen (14) days advance written or electronic notice to all members of the Association at their address of record.

**Section 4 AGENDA:**

- a. The President shall prepare the agenda for general and special meetings of the membership. Any member may suggest an item to be added to the agenda by submitting the item in writing to the Board of Directors at least seven (7) days in advance of the meeting.
- b. At the general and special meetings any member of the Association present at the meeting may make a motion to add an item to the general or special agendas. Adoption of that motion requires a second and majority vote by the members present.

**Section 5 QUORUM:** A quorum shall be five percent (5%) of the total number of members eligible to vote as described in Article IV. Unless otherwise specified in these Bylaws, decisions of the Association shall be made by a majority vote of those members present in person or by proxy at any meeting.

**Section 6 PARTICIPATION:** Any general, special or committee meeting is open to any property owner who wishes to be heard. However, only members as described in Article IV are entitled to vote. All actions or recommendations of the general, special or committee meetings shall be communicated to all affected parties.

**Section 7 PROCEDURES:** The Association shall follow Roberts Rules of Order (revised) in all areas not covered by the Bylaws.

## **ARTICLE VII. BOARD OF DIRECTORS**

**Section 1 COMPOSITION OF THE BOARD:** The Board of Directors hereinafter referred to, as the Board, shall be composed of a total of seven (7) Board members. Four (4) members of the Board shall be designated as the Officers and three (3) members shall be designated as Board Members-at-Large.

Board members must be Association members-in-good-standing and can be owners who are full or part-time residents of the community or owners with undeveloped lots. Board members are volunteers and serve without compensation. Board members shall be indemnified and the cost of such indemnification or insurance shall be paid by the Association.

There shall be no more than one (1) person from any household on the Board at the same time. There shall also be no direct relatives or family members i.e. children, parents, siblings, aunts, uncles, cousins, etc. or in-laws serving on the Board simultaneously.

### **Section 2 DUTIES OF THE BOARD:**

The Board shall manage the affairs of the Association in the interim between general meetings. The Board shall be accountable to the membership; shall seek the views of those affected by any proposed policies or reactions before adopting any recommendation on behalf of the Association; and shall strictly comply with these Bylaws.

Furthermore, the Board shall enact policies and procedures that ensure the Covenants, the Bylaws and official Rules and Regulations of the Association are communicated and enforced in a reasonable and equitable manner that benefits the entire community. Moreover, the Board shall have the specific power to:

- a. Adopt official Rules and Regulations for the Association.
- b. Adopt and amend budgets for the Association.
- c. Collect dues from the property owners for common expenses, including funds for the Reserve Account.
- d. Determine by whom and in what manner the Association's bills, notes, receipts, acceptances, endorsements, checks, releases, contracts or other documents shall be signed.
- e. Impose and receive any payments, fees or charges for the use, rental or operation of the Association's property and for services provided to the Association.
- f. Impose reasonable fees for the preparation and recording of amendments to the Covenants, resale certificates, or statements of unpaid dues or assessments.
- g. Make contracts, obtain insurance and incur liabilities.
- h. Provide for the indemnification of the Board and maintain Directors' and Officers' liability insurance.
- i. Provide for bonding of the Treasurer and any other Board member deemed necessary to be bonded.
- j. Invest any funds of the Association.
- k. Hire, oversee and discharge managing agents and other employees, agents, and independent contractors.
- l. Acquire and hold for the Association any right, title or interest to the Association's real estate or other property.
- m. Regulate the use, maintenance, repair, replacement and modification of Association property.

- n. By resolution, levy a special assessment that may be required to maintain, repair or acquire Association property.
- o. Cause additional improvements to be made as a part of the Association property.
- p. Suspend any privileges of property owners, or services provided to property owners by the Association (other than those necessary for the habitability of the owner's lot) for non-payment of dues or special assessments; impose charges for late payment for dues and special assessments; and, after notice and an opportunity to be heard, levy reasonable fines for violations of the Covenants, Bylaws and the official Rules and Regulations of the Association.
- q. Propose amendments to the Covenants and Bylaws.
- r. Institute, defend, or intervene in litigation, arbitration, mediation or administrative proceedings matters affecting the Association.
- s. Exercise any other powers necessary and proper for the governance and operation of the Association.

**Section 3 VACANCIES:** The Board may fill any vacancy on the Board or a committee by majority vote of the Board. A member appointed to fill a vacancy shall serve the remainder of the unexpired term.

**Section 4 BOARD MEETINGS:** The Board shall meet at least four (4) times a year with one of the meetings being within fourteen (14) days after the Annual Meeting. The Board can also meet at any other time the President may designate. These meetings shall be open sessions; however, only Board members may vote.

A quorum for Board meetings shall be five (5) Board members. Decisions shall be made by majority vote. Board members shall be notified in advance of Board meetings in writing, electronically, or by telephone. A majority of Board members may call a Board, general or special meeting as deemed necessary.

**Section 5 ACTIONS WITHOUT MEETINGS/EMERGENCY POWERS:** In such cases where it is within the Board's scope to take an action at any meeting; Board may also take a similar action without a meeting if all members of the Board shall consent, in writing, to take action without a meeting. Any actions taken by the Board without a meeting must be recorded with the minutes of the Board.

**Section 6 REVIEW OF PROPOSALS FROM NON-ASSOCIATION MEMBERS:** Any person, group or agency who is not part of the Association may propose, in writing, items for consideration by the Board. The Board shall decide whether the proposed items will appear on the agenda of the Board, Standing or Ad Hoc Committee or at a general or special meeting and review the proposal according to the following protocol:

- a. **NOTIFICATION:** The proponent of the proposal and members directly affected by such proposals shall be notified, in writing, not less than fourteen (14) days in advance of the place, day and hour that the proposal shall be reviewed.
- b. **ATTENDANCE:** The proponent may attend this meeting to make a presentation and answer questions concerning the proposal.
- c. **DISSEMINATION:** No later than fourteen (14) days after the meeting where the proposal is discussed, the Association shall submit its recommendations and dissenting views as recorded from the meeting to the proponent and other appropriate parties including the property owners.

## **ARTICLE VIII. ELECTION OF BOARD MEMBERS**

**Section 1 ELIGIBILITY:** Only Association members-in-good-standing who are in compliance with the official Rules and Regulations of the Association and up-to-date with any and all Association financial obligations shall be qualified to hold an elected position.

**Section 2 TERM OF THE BOARD:** Board members shall be elected to serve for two (2) years and can be elected to serve a total of two (2) consecutive terms. Once leaving the Board, a member can be re-elected to the Board after a two (2) year interval.

**Section 3 NUMBERING OF SEATS:** The Board seats shall be numbered from one (1) through seven (7) and these number designations shall remain and determine the year of election. Even numbered seats will be elected in even numbered years and odd numbered seats will be elected in odd numbered years.

**SPECIAL CIRCUMSTANCE:** If the first election for Board members is for an even numbered year, odd numbered seats will be elected for one (1) year and even numbered seats will be elected for two (2) years. If the first election for Board members is for an odd numbered year, even numbered seats will be elected for one (1) year and odd numbered seats will be elected for two (2) years. Subsequent to this election, all Board members seats will be elected to a two (2) year term.

**Section 4 METHOD OF ELECTION:** The following procedures shall apply to the election of Board members:

- a. Any eligible person, as described in Section I of Article IV, who wishes to be considered for a Board position, may submit, in writing, a self-nomination using the form provided by the Association, not less than forty-five (45) days prior to the scheduled elections, which are held at the Annual Meeting. Candidates shall be listed on the ballot in alphabetical order.
- b. Ballots shall be mailed with the notice of the Annual Meeting to all with a voting interest. Votes can be cast either at the meeting or by an absentee or proxy ballot as noted in Article IV.
- c. The election of Board members shall require a plurality vote (the candidate(s) who receives the most votes). Tie votes shall be broken by agreement among the candidates who are tied, or if there is no agreement, by lot, such as the flipping of a coin.
- d. No election shall be necessary if the number of candidates is less than or equal to the number of vacancies. The candidates shall automatically be elected and their names announced at the Annual Meeting.

**Section 5 IMPEACHMENT:** Any holder of an elected office may be removed and replaced by a two-thirds (2/3) vote of a general or special meeting of the membership if there is a Quorum. Removal of a Board member from their office does not require a cause to be stated for the removal.



## ARTICLE IX. OFFICERS

**Section 1 TITLES:** At the first Board meeting, no later than fourteen (14) days following the election at the Annual Meeting, the Board shall elect, from among the Board members, the following four (4) Officers: President, Vice President, Secretary and Treasurer. No member of the Board can hold two (2) offices concurrently.

**Section 2 TERM OF OFFICE:** The term of office for the Board Officers (President, Vice-President, Secretary and Treasurer) is a two (2) year term. The President and Secretary will be elected in the same year and the Vice President and Treasurer will be elected the following year. Officers can be elected for subsequent terms for the same or other Board offices.

**SPECIAL CIRCUMSTANCE:** In the year when the Association fully commences its operations, the Board is authorized to establish an initial election cycle for the Officers and the length of their term of office which will insure there will be overlap of the officer positions. For the first election of officers the cycle will require the President and Secretary to be elected for two (2) years and the Vice-President and Treasurer to be elected for one (1) year.

Subsequently, the cycle of elections for Board Officers shall be that the President and Secretary are elected in the same year for a two (2) year term and, in the following year, the Vice-President and Treasurer shall be elected for a two (2) year term.

### Section 3 DUTIES OF THE OFFICERS:

- a. **PRESIDENT:** The President shall be the chief executive officer of the Association and shall:
  1. Prepare the agenda and preside at all meetings of the Board and the membership.
  2. Appoint chairs of committees with majority approval of the Board.
  3. Serve as the contact person for all property sales at Sky View Lake.
  4. Along with at least one other officer, sign all contracts, agreements, deeds, bonds, loans and other obligations authorized by the Board.
  5. Have the general supervision and direction of the other members of the Board of the Association and shall see that their duties are properly performed.
  6. Cause all amendments to the Covenants to be prepared, executed, certified and recorded on behalf of the Association.
- b. **VICE-PRESIDENT:** The Vice President shall assist the President and shall:
  1. Preside at meetings in the absence of the President.
  2. Assist the Secretary with the duties of that office.
  3. Assist the Treasurer with the duties of that office.
- c. **SECRETARY:** The Secretary shall:
  1. Keep an account of the members' addresses of record, etc. subject to the manner which the Board may prescribe.
  2. Distribute all meeting notifications including ballots.
  3. Be responsible for all correspondence for the Association.
  4. Keep minutes and written records of majority and minority opinions expressed at all meetings.

5. Make records of the Association available for inspection for any proper purpose at a reasonable time.
- d. **TREASURER:** The Treasurer shall receive, keep safe and disburse the Association funds, but every such disbursement shall require the signature of one other Board member. In addition, the Treasurer shall:
  1. Keep full and accurate accounts of receipts and disbursements belonging to the Association and shall deposit all moneys and provide a copy of the bank statement and check ledger to the entire Board each month; which shall include any unused or voided checks marked VOID.
  2. Give a report of the Association's fiscal accounting at each general and Board meeting.
  3. Prepare and present the Association budget at each Annual Meeting of the Members
  4. Ensure that any local, county, state and federal tax returns or statements, which are required under the applicable regulations and laws, are filed at the required times.

**Section 4 OFFICERS' SIGNATURES:** All officers shall be named on the Association's checking account(s) and any disbursements from the account(s) shall require the signatures of at least two officers of the Board.

## **ARTICLE X. COMMITTEES**

**Section 1 ELIGIBILITY:** Only members-in good-standing in compliance with the official Rules and Regulations of the Association and up-to-date with any and all Association financial obligations shall be qualified to hold a committee chair position. Others from the community e.g. non-owners, tenants, etc. can serve on any Association committee.

**Section 2 STANDING COMMITTEES:** The following Standing Committees shall be instituted to be responsible for programs and activities of the Association of a long-standing nature and to help the Board manage the affairs of the Association. Standing Committees of the Association and their primary roles shall be:

- Finance - to assist with the accuracy and transparency of the Association's financial affairs.
- Communications & Activities - to provide timely and transparent communications, including assisting the Secretary of the Board with mailings, etc. and also to provide community building activities for the Association.
- Code Enforcement - to help clarify the scope of and compliance with the Association's Covenants and official Rules and Regulations for the Association members.
- Grievance - to address, in a non-biased and timely way, members' grievances that may arise from time-to-time.

**Section 3 TERM OF OFFICE FOR STANDING COMMITTEES:** The term of office for committee chairs and members is a one (1) year term. Committee chairs and members can be re-appointed for subsequent terms.

**Section 4 AD HOC COMMITTEES:** The President shall institute, from time to time, with the agreement of the Board, such other committees as are deemed necessary to transact the business of the association.

**Section 5 COMMITTEE REPORTS:** Each Standing and Ad Hoc Committee will provide a written report at each of the Board's four (4) required meetings per year.

**Section 6 APPOINTMENT AND DISMISSAL OF COMMITTEE CHAIRS AND MEMBERS:** The chairs of the Standing and Ad Hoc Committees shall be appointed by the President. Committee members shall be appointed by the committee chair. With the agreement of the Board, committee chairs and committee members may be dismissed, without a stated cause, by the President.

## ARTICLE XI. ASSOCIATION RECORDS

**Section 1 ASSOCIATION RECORDS:** The Association shall maintain the following records in written form or in another form capable of conversion into written form within a reasonable time:

- a. Detailed records of receipts and expenditures affecting the operation and administration of the Association and other appropriate accounting records, including those for the Reserve Account. All financial records shall be kept in accordance with generally accepted accounting practices.
- b. Minutes of all meetings of its members and the Board , a record of all actions taken by the members or Board without a meeting, and a record of all actions taken by a committee of the Association in place of the Board on behalf of the Association.
- c. A record of its members in a form that permits preparation of a list of the names and addresses of all members, showing the number of votes each member is entitled to cast.
- d. In addition, the Association shall keep a copy of the following records: (1) its original or restated certificate of incorporation and Bylaws and all amendments to them currently in effect; (2) the minutes of all members' meetings and records of all action taken by members without a meeting for the past three (3) years; (3) any financial statements and tax returns of the Association prepared for the past three (3) years, together with the report of the auditors of the financial records; (4) a list of the names and addresses of its current Board members.
- e. Any other document which the Board determines will support the goal of the Association to ensure transparency of its operations and decisions.

## **ARTICLE XII. GRIEVANCE PROCEDURE**

**Section 1 PERSON OR GROUP ADVERSELY AFFECTED:** A petitioner i.e. person or group adversely affected by a decision or policy of the Association and in compliance with the Covenants and official Rules and Regulations of the Association and up-to-date with any and all Association financial obligations, may submit in writing a complaint to any member of the Grievance Committee.

**Section 2 RECEIPT OF COMPLAINT:** Within seven (7) days of receipt of the complaint, the Grievance Committee shall arrange with the petitioner a mutually acceptable meeting place, day and hour for a review of the complaint. Within fourteen (14) days of their review, the Grievance Committee will, in writing, recommend a resolution of the grievance to the Board for its action.

**Section 3 RESOLUTION:** Within fourteen (14) days of the Grievance Committee's recommended resolution, the Board shall take action and shall submit a report of their action, in writing, to the petitioner.

**Section 3 FINAL RESOLUTION:** Within the next fourteen (14) days, the petitioner needs to notify the Board in writing if they do or do not accept the Board's action. If the petitioner does not accept the action, a Final Resolution of the complaint shall be presented to the full membership at a general or special meeting. The Final Resolution of the complaint is by the vote of a majority of the membership at the general or special meeting.

## **ARTICLE XIII. Association BOUNDARIES**

**Section 1 BOUNDARIES:** The boundaries of the Association shall be defined as follows: [See map on Page 14 of these Bylaws.](#)

## **ARTICLE XIV. ADOPTION AND AMENDMENT OF THE BYLAWS**

**Section 1 ADOPTION OF THE BYLAWS:** Adoption of these Bylaws shall require a majority vote of the members-in-good-standing who are in compliance with the official Rules and Regulations of the Association and up-to-date with any and all Association financial obligations.

**Section 2 AMENDMENT OF THE BYLAWS:** Amendments to the Bylaws shall be made at any general or special meeting after the members have been notified of all proposed amendments to the Bylaws by a minimum of at least thirty (30) days advance written or electronic notice. Adoption of amendments shall require a majority vote of the members present at the meeting, members voting by absentee ballot or proxy and who are in compliance with the official Rules and Regulations of the Association and up-to-date with any and all Association financial obligations.

---

# Sky View Lake Map

