



Bent Tree Harbor



Informational Update

Issue 7–November 2023

The final AOC has been received from the MDNR.

This issue is packed with *a lot* of information. The general items will be summarized at the beginning and then the AOC information will begin. Additionally, a copy of the AOC will be posted on the HOA facebook page and you will be able to download it to review, make notes, and provide any questions or questions you may have to the BTHTrustee@yahoo.com email address. Please note that the document is large but there has been a considerable effort made to summarize it to make it easier to read.

So, let's get started:

- **OFFICE:**
 - Invoices have been sent out and payments are due by the end of the year.
 - Although the automatic option for payment plans is no longer available, please reach out to the trustees for a case-by-case consideration. This will be discussed later in this issue.
 - Payment by credit card will be allowed and a transaction fee will be applied.
 - Over \$130,000+ was invoiced to Owner's that HAVE NOT been invoiced in the past (in some instances, since 2018). As noted in the October newsletter, no recorded information, explanation, or agreement existed in the Owner's file granting the waiver; therefore, the invoice was sent, and the Owner can provide explanation for the situation to the trustees.
 - BTH has hired an accountant (part-time) to assist with needs in the office.
 - **Collections \$\$\$\$\$\$**. If you are behind on dues, don't be surprised if you receive a phone call. Please be respectful when you do. Although we know people do have hardships, BTH still has obligations to meet and that is what the dues are used for so PLEASE PAY. There really shouldn't be any reason why a phone call should be made for dues **which break down to \$15 a month. per lot** for the first lot. Basically, **two hours of labor spent trying to collect it totally wipes out one month of dues**. Please think about the strain that is put on the rest of the members when payment is not made when due.
- **STICKERS.**
 - The 2024 stickers are available in the office.
 - Please be on the lookout for an updated policy on the use of stickers that will be implemented in the first quarter of 2024 that will align with the BTH covenants and bylaws.
- **SECURITY LIFT GATE:**
 - The automatic lift gate will be installed at the Security entrance soon. At this point, the services are being donated so the cost is to be minimal! THANKS TO EVERYONE!

FALL means cleaning those ditches and CULVERTS!

Please get your service requests in so they can be addressed in a timely manner. Additionally, it's time to address the ditches as they are going to be full of leaves which will block the culverts. As a reminder, the ditches and culverts, along the property frontage are the responsibility of the Owner to keep clean and maintain. That means no leaves or trash in your ditches and no clogged culvert pipes. Please note that damage to the roads due to lack of maintenance on the Owner's part will fall to the owner financially.

If you need a culvert, reach out to the maintenance department before you purchase, and they can help you determine the correct diameter and gauge needed for your site location. Bent Tree will install it at cost to at least cover the labor and materials used.

Helping



Hands

- Locations
 - Food Pantry is in the foyer of the Community building.

- Clothing and small appliances can be placed in the closet located at the pavilion. If you take anything out, please ensure that you leave the hangars behind so the next person donating can use them.

Please do not leave either of the above in the mail room. It just generally puts the mail person in a very foul mood.....and getting mail is something none of us want messed with 😊!

Community Group for the Betterment of Bent Tree Harbor

Assessments started in September for those properties that had not addressed the letters received. Calls have been coming in from some that were, well, we'll say 'disgruntled'. Obviously, the message that was shared along with the letter wasn't taken very seriously.

NOTICE: Keep your eyes open!!!! ALL properties are being monitored!!!!

If you have received a letter-you need to clean up your lots and continue cleaning your lot. If you stop making progress with cleaning your lot, you will be fined. It would be wise to contact the committee and let them know of any obstacles that are hindering your progress.

Remember, you as the Owner of the property, have the responsibility to ensure that whoever you allow to inhabit the premises must abide by the bylaws and, ultimately, YOU are financially responsible for any assessments. The Owner has the responsibility to work out how they will be reimbursed.

Thanks to the many of you that have acted on the letter and to those that regularly maintain your lots and don't get letters. It sure looks a lot nicer!

APPLICATIONS FOR THE FOLLOWING POSITIONS:

Guards and Maintenance

Applications are on BTH website or in the office and must be turned in to the office.

Maintenance Department General Duties: Check Equipment and Perform Preventative & General Maintenance; Mow and Weed Eat Common Grounds; Maintain Bathrooms and Roads, and Buildings; Assist with Sewer Plant; Perform Snow Removal; other duties as requested.

Guard Shack General Duties: Receive & log incoming packages and notify residents; take pump out requests; Ensure valid entry of vehicles and assess fees accordingly for ATV's & UTV's; maintain the visitor log, emergency vehicle log, keep work environment clean, accept

fees for ice.

!!!! AOC UPDATE: SCOOP ON THE POOP !!!!!

- The Abatement Order On Consent ("AOC") has been negotiated and the final version has been received and is ready for signature. You will find it posted on the HOA face book page and on the website for your review.
- DNR has agreed that the AOC; with all the included requirements, needs to be voted on by the membership to confirm agreement to comply with the AOC, its conditions, and agreement to fund the project. To try and make the document a bit less daunting to read, we'd like to break it down, so you are able to reference the sections that correlate to the statements that are being presented. The hopes are that this provides an easy road map for your review.
- Section 10, page 4: **outlines the original requirements** that were to be followed by BTH and are, as follows:
 - ✚ Individual, sealed, vault-type holding tanks with a capacity of no less than **1,000 gallons** for temporary [**seasonal**] residents (individual occupying the lot **140 days or less per year**), and no less than **1,500 gallons** for **permanent residents** (individual occupying the lot occupying the lot **more than 140 days per year**) for single-family [residential] lots. **Note:** These are still applicable.
 - ✚ Camper Lots were to utilize the dump stations for wastewater disposal and no permanent structures shall be permitted in the part or parts of the Development designated as "camper" or campers only. **Note:** There are changes to this
 - ✚ Septic tanks shall not be permitted. **Note:** there is no change, but they have indicated they will consider an opportunity on a case-by-case basis for 5 acres or more.
- Section 13, page 5 forward: details the **designations of each lot in BTH** as Camping/Residential/Commercial. If you have any questions about your property designation, you can look in that section.

- The sections from there up to Section 31 outline the various times of contact, observations, violations, etc.
 1. Section 31 states that we are going to resolve the issues.
 2. Section 32 states the agreement is binding including successors, including changes in ownership, corporate status, transfer of assets, etc. SO, basically, we are hooked.
 3. Section 33 states BTH can be penalized in an amount up to **\$10,000 per day per violation**.
 4. Section 34/35 states the DNR is suspending the \$6,000 administrative penalty for 2 yrs along with conditions and meeting the following:
 - a. BTH to continue to operate and maintain the existing Wastewater Treatment Plant (“WWTP”) while new and/or upgraded facilities are completed. (*ref: Section 36, pg. 15*)
 - b. **All Lots:**
 - i. BTH will use legal descriptions of lots when revising bylaws and/or declarations to implement the requirements of the AOC (*ref Sec 37 p. 15*)
 - ii. Ensure existing holding tanks are maintained to prevent discharge to the environment. (Ref Section
 - c. **Camping Lots w/holding tanks and permanent structures (“Deviations”)** (*ref Section 38 pg. 16*) “Deviations” are the camping lots that were modified and purchased prior to the date of the AOC.
 - i. What is allowed?
 1. Existing structures are allowed to remain in place. **BIG WIN**
 - a. No additional permanent structures will be allowed unless the requirements of meeting the 15,000 square feet are met. **BIG WIN**
 2. Tanks
 - a. Any tank the leaks or takes on water must be replaced.
 - b. Permanent residents: the tanks must meet the 1,500-gallon requirement, for
 - c. Seasonal residents: the tanks must meet the 1,000-gallon requirement.
 - d. Installation can be by tie-in to the existing tank or by complete removal and replacement of new is acceptable. **BIG WIN**
 - e. A separate tank for grey water only is not allowed.
 - ii. BTH must track deviations of all lots, to include (*ref Section 39(b) pg 17*)
 1. Permanent or Seasonal
 2. Existing Structures
 - a. Number of, size, and location
 3. Tanks
 - a. Tank placement,
 - b. Tank condition (operable/damaged),
 - c. Size of tank as of date of AOC,
 - d. Date/size of tank replacement to meet the minimum requirements,
 - e. Method of replacement (total replacement or tie-in),
 - f. Installer, and
 - g. Permit #.
 - iii. BTH must establish an enforcement policy to ensure compliance with the following within sixty (60) days from the signing of the AOC and submit to DNR within ninety (90) days (*ref Sec 39 (c) (d) pg 17/18*)
 - d. **Camping Lots (original state)**
 - i. Are not allowed to install holding tanks or septic systems.
 - ii. Owners that have multiple lots that are together (contiguous) that meet a minimum of 15,000 square feet can replat those lots under the following conditions (*ref Sec 43 pg. 19*) **BIG WIN**
 1. will be prepared by a Missouri licensed land surveyor,
 2. drawing will be in accordance with Missouri laws,
 3. will be approved by the Trustees, and
 4. will be recorded with the Benton County Recorder of Deeds

5. Retain a professional engineer to evaluate the WWTP, evaluate the holding tank inventory and develop a Facility Plan including recommendations for improvements necessary to enable the WWTP to comply with the Missouri Clean Water Law. Prepare a tank management plan, including inspections and pumping frequency. (*ref Sec 44 pg. 19*) Note: this will require revision to by-laws and covenants/restrictions.
6. A ballot is being prepared and will be mailed out to the membership to gather the counts (Yay/Nay) for:
 - a. AOC approval and compliance of Conditions.
 - b. The \$25 limit on special assessment will be removed and replace with a conditional special assessment of \$100 per lot/year to cover the costs of the AOC requirements (engineering fees, attorney fees, WWTP improvements, a second pump truck to aid in compliance of the pumping frequency requirements), until the requirements are met. These funds will be in a separate account and will not be co-mingled with other funds. A monthly reconciliation of all funds will be presented to the owners. Per guidance from the attorney, the bylaws are conflicting in how the assessment is applied. Given lots get one vote; the assessment will follow the same methodology and the assessment will be applied per lot. The special assessment will be applied to any new owner if ownership takes place after the voting has completed.

The February 3rd monthly informational meeting will be re-purposed as the **Special Assessment Meeting**. This is when the vote for the above will take place. Initial counting will be completed during this time and those results will be shared with the community. Per guidance from the attorney, the **final vote** will be calculated per the schedule below in accordance with Article III (Organization of Association) Section 4 (Voting) of BTH's Covenants and Restrictions (written opinion from the attorney will be available for review at the December Informational Meeting. Final count will be shared with BTH via the Facebook HOA page and the BTH website and will be recorded with the Benton Country Recorder

In the event this is not passed, the MDNR will then turn BTH over to the Attorney General and BTH will relinquish any rights to a settlement with the MDNR.

At MDNR's request to expedite the acceptance/non acceptance of the AOC, the following schedule has been developed for completion of the process:

Proposed Schedule (summarized):

12/02/2023	Information meeting to go over the final conditions of the AOC and gather questions/comments (Regularly scheduled information meeting on 12/2/23).
12/16/2023	Informal Q&A for those that want to attend in person or via conference call to address any questions or comments from the 12/2 meeting that require further input from MDNR.
01/02/2024	Ballot mailing for Approval of the AOC, Bylaw changes and Assessments.
02/03/2024	* Special Meeting for voting. (Minimum 30 days required between ballots mailed and opening for vote results per Bylaws).
02/07/2024	* Final vote count shared with Owners. <ul style="list-style-type: none"> ✓ Provisions pass: Trustees will execute the AOC and submit to MDNR; ✓ Provisions do not pass: notification to MDNR that BTH does not agree to the terms of AOC.
03/10/2024	* The Assessment will go in effect and be due/payable <i>within sixty (60) days</i> to provide for the hiring of the outside consultant engineer to address several of the AOC conditions.

VOLUNTEERS NEEDED/VOLUNTEERS NEEDED/VOLUNTEERS NEEDED

It is nearing the time that we are going to need volunteers to assist with stuffing envelopes for the AOC Vote Ballot. The more the merrier! If you can donate even an hour of your time, that would be great! Dates are posted for when the ballot will be mailed. In the meantime, if you are willing, please let the front office know and put your name on the list along with your phone number.



DECEMBER:

- The Monthly Informational Meeting will be on the first Saturday at 9:00.
- The Trustee Meeting will follow directly after the Monthly Informational Meeting.

JANUARY:

- There will be NO MONTHLY INFORMATIONAL MEETING

November Facts – Who Knew???









- November 1st, 1951 the first episode of “I Love Lucy” aired!!!
- November 4th, 1975 “Born to Run” by Bruce Springsteen was released.....stud!

Weird Holidays

- November 17 Take a hike day (I’m sure there is more than one interpretation of that!)
- November 20 National Absurdity Day (Uh, don’t go there)
- November 23 Fibonacci Day

Thanksgiving word search with Riddle

Find the words in the Word Search. Color each word a different color. When you have found them all, go across the rows, and write the letters that are left on the lines below. This will give you a riddle and the answer to the riddle.

 pilgrim		p	w	h	i	c	h	l	c	 pumpkin
		i	t	c	o	r	n	n	o	
		l	k	u	e	y	w	d	r	
		g	o	a	r	n	'	i	n	
 Indian		r	t	p	o	k	p	a	u	 apples
		i	e	p	p	n	e	n	c	
 turkey		m	a	l	n	i	y	y	o	
		l	o	e	c	k	e	a	p	 corn
		t	u	s	r	k	e	y	i	
 cornucopia		p	u	m	p	k	i	n	a	 pie

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Answer -----