

CLPLPOA Annual Summer Meeting Minutes
July 9, 2022

1) Call to Order

President, Kevin McMaster, called meeting to order at 10:00am and reviewed the change in board report order to facilitate the extended discussions of the budget and bylaw revisions. Board members were introduced: Present were Kevin McMaster, Thea Kirkwood, Bob Conn, Rick Applegate, Mike King and Patty Maher.

2) Pledge of Allegiance

Introduced new members: Jim Carr (Becky not present) purchased Karl's home on Crystal Lake. They are from Sylvania, Ohio. Also, John and Angie Crisman who just built a house on Perch lake were welcomed.

3) President's Report

Kevin explained the voting process to be used and the need to formalize the process. Members were checked in by Mike King and Diane Ostrosky and given a yellow voting card-one vote per family/entity. Proxy vote forms were checked for membership in good standing and held by the representative. A 2/3 majority is required for bylaw revision. Amendments to the bylaws from the floor are permitted with the line item pulled for discussion with specification of the change in the form of a motion and separate voting by the membership. The secretary will record the amendment proposal for presentation to the board and quorum.

4) Secretary's Report:

First order of business was to approve the minutes for the April 23rd, 2022 Spring Meeting. Draft minutes were sent to the membership via email attachment and posted on the website for review. A motion was made by Wayne Snyder to approve with a second by Joann Gauss. All members voted 'Aye'.

Members were invited to attend the annual picnic at 1:00 at McCourtie Park. Appreciation was extended to Barb Yamarino and her many volunteers for making the Hawaiian picnic possible.

5) Road's Report

Rick offered members to ask questions and acknowledged his appreciation for the members who assist in maintaining our dirt roads. He asked if any member would consider joining the board to replace him in the road capacity. It can be someone who doesn't want to work on the roads but will coordinate the efforts and report at the meetings.

Costs have increased but we were able to stay under budget due to the lack of snow this fall and the decreased need for snowplowing. That will allow us to keep the same fee of \$275 for the coming year.

6) Lakes' Report

Bob indicated that it was necessary to go overbudget by \$1000.00. It has been a tough year on the lakes with an increase in costs from PLM. As of today, \$11,420.00 on Perch for invasive weed control, including pond weed which is domestic. The weather has been difficult for Perch and we are trying to keep it open for boating. On Crystal, we have spent 10,670.00 for similar weed control. We can no longer use copper sulfate but a different copper product which is not as effective but has slower acting release. Invasive weeds can be sprayed throughout the lake but algae and pond weed can only be sprayed 100ft from shore. We are stocking fathead minnows to eat algae and muck in an organic fashion. We no longer use

cutter boats because it washes up on the shore or harvesters, but these are being considered as options. The average harvester cost is \$3500.00 a day for 12 hours. The Foundation has agreed to cover the overage on our budget and to consider paying for harvesting on Perch Lake to allow boating.

Kevin shared that Elizabeth LaPorte has removed herself from the adhoc lake position so we would welcome anyone who wants to volunteer for this position. Bob will remain for another year.

7) Treasurer's Report

Annual Budget Review and Adoption:

Kevin introduced Diane Ostrosky who will become the new treasurer as of today. He acknowledged the efforts of our outgoing treasurer, Mike King, and his service on the board. The road crew kept us under budget so we are able to keep the same road dues for next year. We planned for \$40,200.00 and spent \$38,000.00. We increased the budget for roads for next year due to increased costs so our budget will be \$42,200.00. The budget does not include any changes that may occur as a result of today's vote on the bylaws. A detailed report of money spent and budget expenditures will be added to these minutes at the request of a member (per past practice) and posted to the website.

There are 2 people on the lake who have not paid their dues and will be contacted again. Nonpayment will result in a lien on these properties.

The bylaws indicate a need for \$50,000.00 in our contingency fund which we will attempt to build. This fund is our emergency resource for expenditures such as our grader or a catastrophic event on the lakes. A question was asked about the origin of the \$50,000.00 amount. Marty Mulloy explained that the board felt that was a reasonable amount to address most emergencies that could be anticipated.

There are two auditors who will audit the budget and accounts with a presentation at the fall meeting. This is one of the changes to the bylaws allowing the auditing process to occur after the summer meeting and coordinate with our fiscal year. Bob Conn also explained how the fee to create the SAD was taken from the general fund but is being repaid. He also explained how the changing role of the Foundation, as a support to the SAD, will help offset expenses and meet the budgetary needs.

Mike thanked Diane for taking over in this role.

A motion was made by Wayne Snyder to approve the budget as submitted with a second by Jim Tetreault. All members voted 'Aye'.

8) Review of Revised By-Laws and Membership Vote

Patty thanked the founding members for creating bylaws that have served our community so well. As co-chair of the bylaw committee, Patty detailed the process utilized to create the final draft of bylaws presented to the membership and the procedures we will follow to approve and/or amend. The topics covered were:

- The process used and the extensive planning.
- Meetings that were held including input received from current board members, past board members, and legal input via Judy Moskcus.
- Revisions including removing outdated language, clarifying governance, outlining roles and responsibilities of trustees.
- Special meeting for all membership.
- Input received electronically from concerned members.
- The themes from comments and questions focused primarily on the definition of a member in good standing, low speed/no wake with enhanced electric capabilities,

financial controls for the board, road maintenance fees for second dwellings and lots, and short-term rentals.

- Multiple drafts written and made available to all members.
- The voting procedure – cards held in the air with counts by Mike and Diane. To pass there must be a 2/3 majority (47 yes votes).

Kevin thanked everyone who had been involved in the creation of the proposed bylaws including Gedy Love who has contributed immensely throughout the years.

Chuck Fifield presented his beautiful drawings which will be sold to members with proceeds going to the Foundation. They are posted on our website for viewing and purchase.

A motion was made on the floor by Bob Andrews to vote to accept the 2022 CLPLPOA proposed bylaws in their entirety. Chuck Fifield seconded this motion. The motion was opened to the floor for discussion.

Wayne Snyder made a motion for a 'friendly amendment' to Article VII, Section 1, Item #1 and Article II, 1B and 3B.

He proposed for Article VII, Section 1, Item #1:

"Use of any internal combustion engines on Crystal Lake or Perch Lake are prohibited regardless of season. Electric motors may be used on vessels, but only at a slow-no wake speed, pursuant to Somerset Township Ordinance 90.02." Wayne read the ordinance from the township defining wake.

A discussion occurred seeking clarification and a request for voting on each amendment. Kate Ross suggested that we need an exception clause to Wayne's motion due to PLM utilizing a gas motor. Bob Conn explained that PLM cannot disburse their chemicals without that motor. Additionally, a new member requested using their boat that has a gas motor, but it is raised (not functional) and fuel tank removed (with an electric motor as source of power).

Gedy Love asked to add *"Exceptions to be approved by the board"*. This addressed both of the issues and allows for additional flexibility.

A member asked if people were going to be allowed to make any amendment on the floor or if the previous meetings and discussions held limited the activity to items that had a 30-day notification. Wayne Snyder explained that all previous discussions produced the proposed bylaws but this annual meeting is the opportunity to amend any revised bylaw.

Chuck Fifield made a motion to approve the amendments to Article VII, Section 1, Item #1 and Kate Ross seconded the motion. A vote was held and unanimously passed.

Clarification was requested on Article II Section 3A and 3B regarding the payment of road dues and the correlation to voting rights. Patty Maher explained the language of the bylaw specifies an inability to vote on road issues if you do not pay them. It was clarified that members who do not have the right to vote on road issues have large red check marks on their voting cards to distinguish. This satisfied the question of the article language.

Dan Stevick requested that Article II, Section 9 regarding the Financial Signoff Authority be amended to indicate if this is an annual amount or per event.

The amendment of the article now reads:

"Sign-off of financial authority levels as required per expenditure."

A motion was made by Dan Stevick to approve and seconded by Joann Gauss. A vote was held and unanimously approved.

A question was asked whether we have the legal right to change the bylaws given the lawsuit that determined the road dues could be mandatory and a lien placed on the property for nonpayment. It was explained that this question was asked at the special meeting and answered by Bob Andrews through a reading of the legal document. The terms of the agreement allowed for modification by the board and membership in the future. Those documents were available for review.

An amendment was proposed by Dave VanDerworp regarding Article II, Section 3B to grandfather those with dwellings and lots to maintain the current fees. The new fees would be assessed as the property is sold. The motion was seconded by Marge Lieblein.

Kevin detailed how the fees were assessed historically, per owner, and the implications for reduced revenue to the general fund as members acquired additional properties. Commentary continued related to the equity of payment on a per lot basis, the compromise created and the consideration that multiple lots require greater distance by the road crew. One member indicated they kept the lots empty to provide green space for the entire community. Marty Mulloy, co-chair, explained the research done on other lakes showing that a per lot assessment was the norm. By the current bylaw, someone with deep pockets could purchase half the lake homes and only pay one fee. He further explained that the board proposal was a hybrid model that had only lots with dwellings paying the full fee and vacant lots prorated to \$50 for a lot or \$25 for a half lot. Patty Maher explained that the bylaw capped those fees at a maximum of 20% of the road dues for a full lot and 10% for a half lot. The committee tried to balance the value added by vacant lots with the need to be fiscally responsible to the membership. An example was provided on the approach to equity through the SAD. Prior to the SAD, members were asked to donate \$175 per owner to maintain the lake. Approximately 60% of the owners contributed. After the SAD was implemented, the fee assessed was reduced to \$140 since it was spread over a larger number of owners creating - the equity which is the goal of the bylaw.

Dave VanDerworp rescinded his amendment to Article II, Section 3B-Assessment of Road Maintenance Fees.

A board member assured the membership that if the bylaw did not pass, it would be the right of the membership, and above all else, we want to focus on our relationships on the lake and our respect for each other. The process has been respectful from all parties involved.

A recommendation to adopt the bylaws through the motion still on the floor with the approved amended articles was put up for consideration. Patty Maher reiterated the amendments as they had been approved through the voting process.

Mike King explained that there were 70 voting members present with a two-thirds majority needed for approval. All members were eligible to vote. Nay votes numbered 11, which was not sufficient to reject the proposed bylaws. The proposed bylaws were approved and will be posted to the website with the amendments.

9) Foundation Report

Dave thanked everyone who participated in the Fishing Derby. Money is allocated through the foundation for a possible harvester on Perch Lake, a lake management conference, and the fishing event. He stated the purpose of the foundation is to back-up the lake-treatment program, to provide education to the membership and to fund ideas that benefit the community. He welcomed suggestions from the membership for consideration. There will be a fall fundraiser in addition to the sale of Chuck Fifield's drawings.

10)New Business

There will be a fundraiser for t-shirts/sweatshirts within the next few weeks. Also, the lake photo calendar will be offered for next year. Requests for photos will be sent to members.

A friendly reminder that owners need to have their watercraft registered because the DNR may check for legal status.

Two road issue requests were made: Can we get more 15mph road signs to encourage reduced speed? Can the road commission be contacted to provide 'hidden drive' signs at the north entrance off South Jackson? Cars speed around the bend creating a hazard. Kevin indicate we would consider both suggestions.

11)Adjourn

Motion to adjourn and second.

Thea Kirkwood