

# **L.C.P.O.A MEETING MINUTES** Monday, July 25, 2016 - 7:00pm

**Meeting called to order at 7:00pm**

## **Pledge of Allegiance**

**Board members in attendance:** Dennis Blain, John Gosinski, Coleen Crampton, Dave Dahl, Thomas Stachnik, Robert Shelby

**Board members absent:** Ron Phelps, Paul Bates, Mike Olszewski

## **Open Discussion:**

Chuck Falahee and Ryan Beal, both property owners, gave a presentation about Community Legacy. They are avid hikers and bikers and love the Spirit Trail in Clark Lake. He has talked to some past board members, Tim O'neil and Harry Breniser who are interested in seeing something like this here. There was an article in the Exponent about adding on to the Spirit Trail. The project is in its infancy stages. They passed out maps and brochures. Wanted to get our support for this project. We can get around the lake now but there are some very dangerous areas. Robert Shelby asked what do you mean by our support, who is going to fund this? Ryan Beal then told everyone about the non-profit leg of the Chamber of Commerce that could do things the Chamber can't get involved in. So they organized Community Legacy 2 years ago, the purpose and mission of the Legacy is to provide a vehicle for funding projects and jump starting projects that will advance the Irish Hills. Ryan has been working for 2 years on a connector from Brooklyn to the Spirit Trail and when Chuck called the timing was perfect. The Legacy is the vehicle to fund the projects. Ryan showed the red areas on the map that are dangerous with cars going 55 or 60 mph. This is not going to be a through the woods dedicated pathway. The idea is to put some connectors in place to make the existing roadways more navigable. The Legacy had a community meeting at the Township hall about 6 months ago to discuss continuing the trail, they had a good representation from people that live on the spirit trail, in terms of litter there is none, people who use it clean it. The enhancements are just in the dangerous areas. A member asked if they were talking about a sidewalk. They haven't gotten that far yet, would like to make it as nice as possible with what we can use even if it's just the county easement. We are just expressing an interest and want everybody to know what's going on. By support we would just like to hear that it's a good idea & run with it. This is a very feasible project by comparison to the 3 miles of trail they want to add to the Spirit Trail.

The Board agreed to let the activities committee host another pallet painting in the park for Sept 11 at Karen Ct park, 10% of the money made will go back into the activities committee. Discussion about tables and a lakefront pavilion followed.

Dennis Scott-Bayview Shores, Robert Shelby read his email that said he lives on Garrison Dr and he is concerned with the distasteful behavior at Castlewood park on the weekends. Mooning, heavy drinking and bad language that gets louder as the

day goes on. Robert Shelby stated that he doesn't think it's affecting the people on Castlewood because they are all on the other side of their homes. More obviously it's affecting people on Garrison and Claremont Circle. Dennis asked if we could notify the sheriff to patrol after park closes. Robert Shelby said he would forward Dennis's email to everyone.

Ed Ponagai - Bayview Shores has a couple questions for the vice president, There is a pontoon boat between your docks in front of your house and I'm wondering if that is your pontoon boat? John Gosinski answered yes, Do you have a Lake Columbia sticker on it? John answered no. discussion followed.

Cathy Langley - Bayview Shores asked what about people who leave dilapidated boats on vacant lots? Coleen Crampton asked if it was on a trailer, then discussion followed about another boat that she got moved off the easement on Archwood Cir. Coleen said if Cathy talks to the right people at the township, they will check the registration and license and all that stuff and if they do have grounds to pursue it they will.

Dennis Scott - Bayview Shores asked if there is any way we can police the non use of stickers, discussion about making members put them on and the guidelines for towing vehicles.

June Jacobs Neighbor- Wanted to ask about vacation rentals, If anything has been done? She was told it will be addressed later in this meeting.

## **OFFICERS REPORTS:**

**President:** None

**Vice President:** The Fence litigation is over. We met with the mediation attorney and the township. We were able to get it all settled. What we came up with is the fences that were installed at 6 parks initially get to stay with no changes. Moving forward we can replace the old sections of fence at the water's edge with the new vinyl. They are anywhere from 8" to 3' away from the water, depending where the lot line is. Then we can continue to do the perimeter 25' from the water. We don't have to pay any permit fees. We do have to fill out some paperwork but there are no fees.

Robert Shelby stated that he walked out of mediation thinking we couldn't have gotten a better deal. He also stated he had nothing to do with it just for the record. It's honestly amazing how this ended up.

John Gosinski added that Marty Lozier will need to add the new language from mediation to the deeds for the parks in case there is ever a question from future boards. Robert Shelby added that this is now grandfathered in and we never have to take fences down or pay for a permit.

**Dennis Blain motioned to add the language from mediation to the deeds for all the parks, 2nd by John Gosinski all in favor motion carried.**

Coleen Crampton asked, we didn't do anything with Castlewood and we didn't do any at Somerset, Dennis Blain stated the parks we have done already we are going to revisit.

John Gosinski stated it will be on next year's park budget to do Somerset, we already have Castlewood's fencing. Coleen then asked if Somerset because of how the road is, will it go across the front by the road also? John answered yes, Coleen stated she didn't know if it would be necessary at that one, Dennis added that they are boxing the parks in so people don't drive on them. A member asked if there would be openings in the front so the children won't have to go in the parking lot or the driveway to get into the park? She was answered yes. She stated that's not how it is now especially at Bayview park. John Gosinski answered that's Bedford, we couldn't fix it because of the litigation with township. Robert Shelby agreed legally it was better to do nothing. That park will be revisited in the future.

**Secretary:**

Coleen Crampton stated "1st thing before I ask about approval for the other minutes, our April meeting, and I know people are gonna say will you shut up it's done, it's not done as far as I'm concerned. At the April meeting I voted no on one of the topics and I specifically said and it's on tape, that I wanted it noted why I was voting no. For some reason that did not get typed into the minutes. So at the next meeting which would have been June I asked about it again and they said its noted we'll change it before we put them on the website. I said thank you, that's in the minutes also. So then when the April minutes came on the website, I looked and my reason for objecting was still not in there. If it was on the tape if it was recorded to be put on before they went on the website then that change should have been added to that so it reflected that in the proper months minutes, I would like to see the website corrected." Discussion about whether it was said on the tape in the April meeting and if board approval is needed to change minutes that are already approved. Andrea (office staff) stated that corrections made at the meeting need to be approved by the board. Andrea also agreed to make it easy, they will just change it.

Coleen Crampton asked for approval for Mike Olszewski of the regular board meeting minutes for June 27 2016, as she handed out pages of changes she had to the board. Coleen stated that she listened to the 5 1/2 hour long tape and all of these things that I'm passing out were left out misstated or not put in at all and they're not correct. Andrea stated that Mike approved the minutes before she sent them to the board. Dennis Blain suggested that they table it until the next meeting so they can have a chance to read them.

Coleen Crampton stated "same thing for the executive meeting minutes from June 27 2016, there are several things that are either incorrect or are not stated correctly. Dennis Blain again suggested it be tabled, Coleen stated that she listened to the tape and she thinks they need to go out appropriately and have the truth in them so I would like all those changes put in."

**Robert Shelby motioned to table the regular and executive minutes from June 27 2016 until next month's meeting, 2nd by John Gosinski, all in favor, motion passed.**

**Treasurer:**

As of June 30, 2016, the Lake Columbia Property Association had total assets of \$1,627,363. The Cash on hand as of 6/30/16 was \$903,672 of which \$379,900 is marked for Lake Management Reserve and \$111,450 is in reserve for the Dam. Our Cash on Hand decreased by \$84,088 during the month of June.

The leading expenses for the month of June were the Granger Trash expense at \$19,584, Weed Control expenditures of \$17,839, Park and Dam updates/repairs for \$9,610, \$7,820 for Insurances, and Legal fees for June totaled \$7,020 for fence litigation.

Review of the LCPOA 2016 Annual Budget at the midway point of 2016 found everything in line with the exception of legal routine. Legal expenses are approaching the 2016 total yearly budget in June and will slightly exceed that estimate in July. The good news is that the fence litigation is coming to a close and currently there is no foreseeable legal expenses after the July invoice arrives.

**Dennis Blain motioned to approve the July 25th Treasurer's report. Thomas Stachnik 2nd, All in favor, motion passed.**

Robert Shelby stated they are adding 2 items to the agenda, one is the petition, Coleen is going to take that. Coleen Crampton stated, "a few months back, I don't remember exactly what month, Mr. Umlauf, representing Archwood Circle, came to us and said that he was in the process of making up a petition to have Archwood Circle paved. He is getting the appropriate petitions etc... etc...and so he said that when he had it ready he would come back and present it to the board because we do have a small park area down there that would be a part of this paving project. So he informed me that they have it ready so I will turn it over to him and let him present it".

Mark Umlauf stated "the formal petition states based on the public act of 188 of 1954, states you need 51% of a special assessment district. There are 37 properties within what we're considering a special assessment district, which is Archwood lane, coming off of Somerset dr and Archwood Circle. Actually it's 29 properties on Archwood Circle that have an address on Archwood Circle. The association hasn't signed yet so we need 51% of all of those individuals to approve it before we can move forward. As of today we have 77.9 or 79.4% so were already past the 51%. What's key to that is there are other properties that do not have an actual address, I'm sorry actual frontage on Archwood Cir or lane, they will then also be assessed equally once we divide the total cost. We are still in the process of getting the new cost updated so there's going to be a couple concerns, so what I'm here today is to present the formal petition and according to the township I would need approval of the board and the signature of the President. Discussion followed about the park and different footage for neighbors, Mark reiterated that it is 37 properties dividing it equally. The 5 lots in the center he owns and will pay those 5 shares. Coleen asked what the cost would be, Mark answered as of February 12 it was \$3000 a share over a 3 year term, that includes the township administrative costs. John Gosinski stated that the association gets an advantage anyways because a portion over there is no man's land. Discussion followed.

**Coleen Crampton motioned to go ahead and agree to this, 2nd by Dennis Blain, all in favor, motion passed.**

They will have an informal meeting with Coleen at the Clark Lake Golf club to talk about the plans once they get it formalized. Discussion about doing other areas around the lake.

Coleen Crampton stated "last month June Jacobs presented this thing about why couldn't we sue whatever, whatever, in the meantime since last month one of the members said to me and this is very understandable because we had mentioned last month that we had 3

court cases where we tried to sue rentals and we lost all of them because nothing had ever been done in the past about that." Coleen passed out a case law and said she has read it all and highlighted the interesting parts, "In Allegan county, because we are a private association and because we are a non-profit, I mean overall, because we have it in our deeded restrictions that there are no businesses, renting is considered a business because the homeowner benefits from the rent. There's several things listed in this article that we can win a case. These are all cases that have been won and I'm no legal expert by any means at all but in reading through this I think that we could use this, as a case that has been proven in court, we could probably win against this and it does say that pretty much the ones that have been gone after, so to speak, were the short term rentals. Discussion followed about legal bills now and advice from Marty Lozier

**Coleen Crampton motioned to give the case law article to Marty Lozier for further review and input to see if it's something we can possibly do, 2nd by Thomas Stachnik, all in favor, motion carried**

## OPERATIONS REPORTS

### A. MAINTENANCE:

1. Stone wall at the Goose Creek house- Mr. Snyder bought this house from the association. He would like to install a stone wall along the side of his bank, which we actually own. Mr. Snyder said if we buy the geotech fabric he would donate his time and the stones to build the wall. 200' is what he needs. It will help stop erosion on his shoreline.

**Dennis Blain motioned to provide the geotech fabric he needs, 2nd by Dave Dahl, all in favor, motion carried.**

2. Fence work at dam- Complete with no issues.
3. Needed repairs at the parks- John pointed out and showed pictures of little things at parks that are trip hazards. Some of the things can wait until next year when parks are revisited. The steel wall at Southern Shores needs welded. Some stuff is important and needs fixed right away, the dock at Waverly and the trip hazards, plumbing and electrical. Discussion followed about who to use for the little jobs and what it would cost. We will have to get a bid on the repair of the steel wall, but all others repairs need done.

**Dennis Blain motioned to repair all the hazards at the parks, 2nd by Dave Dahl, all in favor, motion passed.**

Discussion about who owns the stone dam in Goose creek and how water usually flows over it but the water table is very low so some stones were removed to let kayaks through.

4. Signs for the parks- John Gosinski suggested we have Dan Bush install the signs at the parks. We have all the materials for Castlewood and Somerset.

Discussion about the fence at the dam that's missing, we need measurements to replace.

**Dennis Blain motioned to hire Dan to install the Signs at the parks, 2nd by Thomas Stachnik, all in favor, motion carried.**

5. Dredging- John Gosinski stated that Jeff Peirce emailed him today, he gave us 3 dates, 2 of them won't work because we have 3 Board members missing. The dates were 7/28, 7/29, and 8/9, on 8/9 it's between 10am and 3pm. This meeting is just for Board members not for a bunch of people to come down there, I know people don't like the fact that the water table is so low but this meeting is so we can see what we can do.

Discussion about what day of the week, that it is a Tuesday, narrowing the time down, how long it will take and location. Coleen stated that she doesn't think it's right to exclude the members from listening to the DNR and asking questions. John Gosinski stated that's not what this is about, we set this up for the board to do it and if we get a bunch of people in there, it's going to be chaotic, this is a fact finding meeting, he's going to give us the answers. We can report back to the people. This is what we originally talked about doing.

Denny Steel stated this might not be a good time to do it with the water being so low, the guy John brought in years ago stated that if the water was 6" or less they can't touch it. Most of that out there is 6" or less. John Gosinski answered your right but I think Jeff will understand the drought issue. Member stated the water right now is probably a good foot, he can't even get his boat out the water is so low. Discussion about actual hard lake bottom, how far they could go and how far down they went when they dredged previously. A member asked, don't you compare to some of the other things that you have received from the dredging and what was recommended back many years ago? Don't you compare it to that because these were actually recorded at the same department, what needed to be done? John Gosinski answered what they do changes, I'm not going to say year to year at the DNR, DEQ do things different. They may do just a navigational channel now and something bigger next year or vice versa. They should have had a pre application meeting done then, they could have geared themselves and engineered toward a project the DEQ will say this is what you can do. DEQ said they don't want to just put a band aid on it and keep dredging every few years they want something that works. A member stated you have been using the same excuse for 12 years, we don't want to just keep passing over this.

Another member stated he would like to be sure and see if the board goes in there with a negative attitude about this dredging and what your gonna do you are not listening to the vendors that are coming from that end of the lake, as far as I'm concerned that's doggone prejudice you can do anything you want with them parks but you won't come down that channel and clean it up. Another member brought up safety and people getting stuck on sea doo's. Discussion about safety, the meeting and how long everyone has been here. Dennis stated they had a chance to talk in the open session. A member asked about all the other areas that need dredged. Discussion

6. Tree down on dam property in cemetery- John Gosinski explained that Dick Schiel works for the township at the cemetery and parks, one of our trees fell in the cemetery. Dick said he can clean it up, it wouldn't be over \$1000. It didn't ruin any headstones. It fell in a storm.

John motioned to pay Dick Schiel to clean up the tree, 2nd by Dave Dahl, all in favor, motion carried.

B. COMPLAINTS: Log was passed around to board members.

C. COMMITTEE REPORTS:

1. **Building Control Committee Approvals:** 1 House rebuild, 2 decks, 1 Addition and 1 garage were all approved.

2. **Park Improvements at Southern Shores:** Everything is done over there at Southern shores except for the trees being planted and some landscaping. Discussion about underbrush and where trees will be planted followed.

3. **Mural on the wall at Southern Shores Park:** Paul Bates is absent but he wants to get some sketches from Jerry Shay to paint a mural. Desirae Dukate brought up an idea of bricks on the wall. Discussion followed about what should or shouldn't be done with the wall.

D. MISCELLANEOUS:

1. **Bibbons Property Sale-** John Gosinski explained that Brad Bibbons wants to sell the association some farm land. It was in the works back in the day for the dredging process for spoils, we can put the spoils on the Pierson property. The property is over behind the houses on the dirt part of Kelly rd.

Robert Shelby motioned to not buy the property, 2nd by John Gosinski, all in favor, motion carried

2. **Mooring boats long-term at LCPOA Parks-** Thomas Stachnik stated he thinks we should open up Southern Shores Park at least for pontoons so people can moor them permanently. He said we could put a mark every 10' just like at Lake Leann. Discussion followed about the swim area and how we could regulate it and other members who moor boats. Discussion regarding security again.

Dennis Blain motioned to adjourn at 8:35pm. 2nd by Robert Shelby, All in Favor, Motion carried.

Signed & Approved 8-22-2016:



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Michael Olszewski, LCPOA Secretary or  
Robert Shelby, LCPOA President