

Regular Meeting of the Five Lakes Association Board of Directors
September 13, 2010

A regular meeting of the Board of Directors of the Five Lakes Association was held at the Farwell Middle School Library/Media Center, 500 E. Ohio Street, Farwell, MI on September 13, 2010. The meeting was called to order by President Dave Southworth at 6:00 p.m. The Pledge of Allegiance was recited.

Roll call was taken:

Board members present: President Dave Southworth, Vice-President Cory Gingery, Secretary Chris Butche and Area Representatives, Tim O'Neal, Steve Cohoon, Dick Haynack, and Bob Jeffords.

Board members absent: Treasurer Karen Wittich and Area Representative Dave Peterson.

Association members present: Mary Chamberlain, Peggy Connelly, Dan Connelly, Pam Cohoon, Ralph Greenfield, Nancy Grover, Catherine Church, Darrell Dick, James Colt, Dolores Colt, Don Dysinger, Rich Henk, Oscar DeDeckere, Mike Vitale Mary Vitale, Tom Meskill, Meg Miller, Steve McNaughton, and Jerry Kissman.

President Southworth stated an Association member died, Gordy Johnson. Acknowledgement will be placed in the Newsletter by Secretary Butche.

Treasurer's Report: Treasurer Wittich was absent, no Treasures Report.

Committee Reports:

Tim O'Neal (Weed Control, Landscape Maintenance and Dam Management): Representative O'Neal stated Savin Lake Services was to treat the lake on September 9th, although group discussion uncovered that no one saw the treatment. O'Neal to contact Savin to verify treatment or treatment date. Steve Cohoon stated Savin will be or used Round Up to treat the lily pad area and the best time for treatment is fall. If the treatment was completed, results should be visible in about two weeks. O'Neal to notify the board if Savin did complete the treatment.

It was asked if the Round Up treatment would kill the Milfoil, Cohoon said no, the leaf must be treated and the Milfoil is not above water, the time to kill Milfoil is in the spring. President Southworth asked if Savin could treat for the Milfoil in the spring. Cohoon stated we would need to obtain a variance from the DEQ and wait until the loons are off the nest. Ralph Greenfield submitted a satellite picture of the lake with a request to have a spraying variance for the loon nesting area to 250 ft. vs. requirement of 500 ft. to help with lily pad control. It was stated by Rich Henk a variance was obtained in a previous year, Savin should have that documentation. O'Neal to discuss the variance and spring treatment with Savin as he validates the September treatment.

Loon Watch: President Southworth stated we have a new Committee, Loon Watch – Ralph Greenfield, Chair. President Southworth presented Greenfield with some Loon watch information.

Area Reports:

Area S – Dave Peterson: Dave is absent, no report.

Five Lakes Drive – Bob Jeffords: Nothing to report

Peninsular Drive – Dick Haynack: Nothing to report

White Birch Drive – Steve Cohoon: Andy Sikkema's house has been refurbished and is up for sale.

Pebble Creek & Deep Woods Drive – Tim O'Neal: Nothing to report.

Action Items:

1. Dam fence modification - Tim O'Neal contacted the Allen Agency regarding liability if the fence at the damn is modified to allow turtle access. Tim reported the damn area is insured with or without the fence. The fence has been modified.
2. Loon Buoy removal – Ralph Greenfield reported the buoy's have been removed. President Southworth asked Greenfield if he could place and remove the buoys at the appropriate time next year. Mr. Greenfield stated he has done some research and discovered the buoys need to be 500 ft. from the loon island. He has mapped out the area and will place the buoys at the appropriate place. Peggy Connelly raised a concern regarding shallow waters and the logs in the loon area. With the buoys removed, the logs need to be marked so boats don't get grounded and tubers and skiers are aware and won't get hurt. Ralph Greenfield volunteered to mark the logs with milk cartons when he places/removes the buoys in the no wake area.
3. Savin Lake Services – see above discussion in minutes. Tim also stated Savin has committed to do whatever he can, within his permit, to expand the lily pad area as much as he can. Currently the permit allows treating 40 feet from shoreline which should take care of most of the lily pad issues. Built up silt is still an issue for boat egress, increased boat traffic could help disperse the silt. Cohoon notified Savin of the new silt trap which requires a clear path through the lily pads. Savin committed to pay special attention to that area.
4. Bog elimination – President Southworth read an e-mail report submitted by Linda Verardi. She noted the Bogs are the bottom of lake (silt, stumps, leaves and other organic matter) surfacing due to the high temperatures and built up hydrogen disulfide gases which push the matter to the surface. The DEQ does not get involved with the removal or treatment of the bogs unless they become a navigation disturbance, in that case, it would be Coast Guard jurisdiction and they don't service inland lakes. A recommendation is to utilize an inexpensive boat to hit the bogs which would most likely disperse the matter, not supported by the group. President Southworth noted if the association became involved in Bog removal, even though they had been removed in the past, it could become a liability issue. Many association members commented on the removal of the bogs including getting the Sherriff involved (Dick Haynack), DNRE involvement only at the damn or boat launch (Ralph Greenfield), just letting them sink (Peggy Connelly).

Action item issue discussion was paused for the reading of the previous meetings minutes.

Minutes: August 9, 2010 minutes were read by Secretary Butche. Don Dysinger asked for clarification on an item regarding the Boards position on building permits for decks. Significant discussion followed around the requirement to approve deck plans which also lead to discussion about all property changes including fencing. Some members thought abiding by building codes would address conformance to covenants thereby making deck permits redundant. Nancy Grover's stated her opinion that all Association members were aware and agreed to conform to the covenants. Bob Jeffords explained the building inspector is responsible to enforce codes, the Association has additional expectations to maintain the integrity and uniformity of the neighborhood. It was agreed the Board is responsible to uphold the covenants which include building permits. President Southworth stated the Board must approve the construction of decks. It was moved by Bob Jeffords and seconded by Steve Cohoon to approve the Minutes. With a 26-Yes 0-No vote, the motion carried. Post the minute approval, Don Dysinger stated fences also require permits and must be approved by the board.

Action Items (cont'd):

5. Pro/Con analysis for Lake Board participation – President Southworth tabled this item until October meeting. A survey has already been taken, Southworth to review information and talk to participants. Peggy Connelly stated some additional investigations have taken place including a possibility to have Grant township designated as a special assessment district as seen in Inland Lakes and Streams website. This would allow the Association to maintain control, and may be a better alternative to Lake Board participation. President Southworth to discuss this with Pat after the meeting. President Southworth referenced Lake George.
6. East Bay Silt Trap Proposal – Cory Gingery stated the silt does need to be removed. Current permit is still valid. Cory to investigate cost with Cotter Drag Line. He has been walking the stream towards the expressway. There is a moving flow although in some places silt is causing some natural diversion. No need, nor could we (private property/marsh land), remove the silt. Peggy Connelly concerned about the process of silt removal, the digging of the silt unless the silt barrier is properly placed allows silt to move to other areas. Cory asked if the tube from stream to lake has ever been cleaned, Dysinger stated the county cleaned it several years ago and a mess put over tube. Cory also asked about the longer tube going from the stream to the lake, Dysinger stated it stays pretty clear due to the natural flow of the water although it has never cleaned. Cory will begin spring cleaning process as he has cost and contract with Cotter Drag complete.
7. New Buoys – Cory Gingery stated Mrs. Garvin has purchased the new buoy although no receipt for reimbursement has been submitted. Cory to follow up.
8. Web Site improvements – Tom Meskill stated he installed a “Bulletin Board” on the site to make it more user friendly. It can be accessed by a link on the 5 Lake web site (www.fivelake.org) and signing up (user name and password required). Once accessed, you can view and comment on the current categories (silt trap, loon, weed control, Board), more categories can be created. Peggy Connelly commented it is a nice tool. Tom will monitor the site and will forward pertinent comments/information to the Board. It was asked if the Drafts of current Board meeting minutes could be posted, prior to approval, to keep everyone current. President Southworth agreed to allow the non-approved minutes to be posted with a DRAFT watermark and the acknowledgement of the membership they were unapproved.
9. North American Lake Association membership – President Southworth has read the material, it appears the Lake Association is for larger lakes like Lake St. Clair. We will no longer pursue this item.
10. Lake Boards Benefits – President Southworth will table this item until October. One survey is available and needs review. Also, Dave has asked for an additional Board member to help meet with the local lake association people and ask them for pro’s and con’s. A major concern is each lake would allow only 1-2 members on the lake board which could influence how the covenants could be upheld and if there are any legal issues.
11. Grant Programs – President Southworth reported pursuing Grants are in progress. It is difficult to find Grant programs that cater to non-profits. Previous grant programs were cancelled.
12. Pebble Creek Back Lot Shed – President Southworth has seen the shed, Ray Brusseau is in process of checking with Building Inspector to find out who owns the property and what the intent, are they going to build a house, who built the shed.
13. Wes Hanks Beach – President Southworth contacted the realtor (Peyton) who contacted Hanks. Hanks was in agreement to have the lake area cleaned, which he did. An additional problem has now surfaced, the adjacent property, owned by Shook, is now in worse shape than Hanks due to the boat traffic and wind patterns. Dave will try and contact Shook to see if he can clean up the property. Peggy Connelly highlighted an issue with “requiring”

property owners to clean their property. For example, the picnic area, owned by the Association has similar problems with smell, leaves, dead fish... If an issue is made with a homeowner, we need to assure our property is presentable. Dave mentioned there were significant complaints by the neighbors of Hanks, and he stated the Association didn't TELL him to clean it, only suggest it be cleaned and maintained, the Association doesn't have that authority. Peggy Connelly suggested a community clean up day for the beach, all agreed it was a good idea.

New Business:

Recycling: Kathy Church asks for the Boards support to take the recycling issue to the Grant Township Board. The Grant Township recycling truck is leaving early and the Surrey Township center is no longer allowing us to use that service so we are not able to dispose of the recyclable in a timely manner. 5 lakes is the biggest constituency and our participation may improve current services or new service. President Southworth will participate with Kathy at the Township meeting voicing our concerns over recycling and yard waste disposal. All are invited to attend. Steve Cohoon stated Midland has a \$.25 per bag yard waste charge, this could be an answer. Also he mentioned there are some lots owned by 5 Lakes we could utilize to dump yard waste, this was not supported by the group, it could open up too many issues. To further show support of the Association, Nancy Grover moved to have a show of hands of all those supporting improved recycling and yard waste removal, a vote was taken – 100% support. Dan Dysinger suggests contacting a landscaping company to see how much they would charge to pick up yard waste.

Farwell Postmaster – Postmaster notified 5 Lakes we can't use mail boxes for Association business (directory distribution). We have been put on notice and if it continues, legal action will be taken. Next distribution would be newsletters. Secretary Butche was asked to provide dates for article submittal for the newsletter.

Audience Participation:

Ralph Greenfield:

- Why does Savin wait until September vs. mid-August to spray? Tim O'Neal to follow up.
- Can the board draft a letter to the DNRE requesting an amendment to the variance from spraying 500 to 250 feet?
- Can the bogs be removed? Dick Haynack noted it is not the Boards responsibility to get rid of bogs, could become a liability issue. There is no plan from the Board to address the removal of bogs. Additional discussion on bog removal followed, including past removal from property owners, concerns for individual safety, and boat damage.
- Loon preserve area property owners have submitted letters to Steve Cohoon. Ralph asked those to be included in the minutes. Cohoon stated the property owners (100%) are supportive of weed control in the area. President Southworth will review and take appropriate action addressing the letter. Group discussion regarding timing of treatments based on Loon feathering/nesting. Rich Henk suggested taking pictures of the loons when they are off the nests to support variance to lake treatment, this had been done in the past. Ralph Greenfield, chairman of loon committee, will take pictures next spring and submit to the Board to submit variance request. Tim O'Neal, Steve Cohoon, and Ralph Greenfield are to meet with Savin to make plans, timing and treatment, of lily pad area next year.

Mike Vitale:

- Suggests absentee ballots for yearly meeting for board representatives. President Southworth stated a change in the Constitution would be required, currently the Constitution states you must be present at the meeting to vote. Group suggestions of proxy votes, web site voting, and continuing the current processes of being at the meeting to vote were all discussed. President Southworth will get some input on how Constitution could be

easily changed, if there is support. Peggy Connelly noted the Constitution is no longer on the Web site. President Southworth had it removed to assure they had been revised prior to 1990, confirming it is still valid. This has been confirmed and they will be put back on site.

Mary Vitale:

- Suggest moving the yearly meeting back to the 4th of July to improve attendance. President Southworth had complaints that having the meeting on the 4th conflicted with family gatherings. Peggy Connelly stated it had always been on the 4th and didn't understand how it could be so easily moved. Southworth said the Constitution requires the meeting to be held in July, not specifically the 4th, and due to the vast number of complaints, decided to move the meeting. Peggy Connelly stated there is a problem with communicating meeting dates, the newsletters are not frequent enough to remind the membership. Additional communication methods were discussed including the street signs and local newspapers. Secretary Butche to continue the street signs and assure newspaper notification is complete next year. Nancy Grover moved and Peggy Connelly seconded to move the Annual Meeting back to July 4th for 2011. With a 26-Yes 0-No vote, the motion carried.

Steve McNaughton:

- Asks for status on the Law Suit including cost. President Southworth stated cost cannot be confirmed without Treasure Wittich being present, and the suit has not been resolved. The Circuit Judge assigned to this suit has a full platter, putting our suit on the back burner. As soon as the issue is resolved, the membership will be informed.
- Asks if there is an Association guideline calling for a reevaluation of a singular expenditure when it exceeds preliminary estimates, i.e. a point where the expenditure/issue needs to be reevaluated. President Southworth noted this law suit was not a financial concern, it was a Covenant issue where the membership voted and supported to uphold and protect the covenants. It was noted this situation will probably never happen again but, the learnings from the experience could influence future decisions where we would ask for more information on costs and timing. Ralph Greenfield asks if this garage is the only one on a back lot. It was stated that is not relevant to this discussion, this Board is enforcing the Covenants. Steve McNaughton again asks if the board is comfortable with the law suit decision. President Southworth stated he can't talk about the lawsuit, on the record. Mike Vitale stated the membership should be polled when cost exceed initial expectation, asking Board representatives to door to door to update and get feedback from Association member. The group noted the Board is elected to make those decisions and there was consensus at the yearly meeting to proceed with the law suit. It and the Board meetings are the appropriate place to determine and communicate status of Association business. Don Dysinger made a motion to move to next topic of business, Bob Jeffords seconded the motion, motion passed 24 Yes, 2 No.

Peggy Connelly:

- Stated this is a meeting of the Association Board, not the home owners. The Board is the only members who should vote, only at the annual meeting is when homeowners are allowed to vote. President Southworth stated his position, this is a "we" not a "you", and all should have input.

Adjournment:

President Southworth asked for a motion to adjourn, Dick Haynack motioned and Bob Jeffords seconded. Motion passed – meeting adjourned at 7:50pm.

Submitted by
Chris Butche, Secretary