

LGPOA - BOARD MEETING MINUTES

Wednesday, March 18, 2009

1. Call to Order / Roll Call:
 - A. Present: Stu Shafer / Chadd Smith / Terry Gartside / Doug Earle / Craig Benham / Ken Fields / Julie DeRose / Scott Wall / Kammy Frayre
2. Guests: John Waugh / Joe Barberio / Janet Barberio / Tom Antaya / Diana Holka
3. Approval of Minutes of Previous Meetings: Motion to approve Minutes of February 18, 2009. Seconded. Approved.
4. Election of Officers
 - A. Motion to nominate Scott Wall as president, Julie DeRose as Vice President, Stuart Shafer as Secretary, and Craig Benham as Treasurer. Seconded. Passed.
5. Treasurer's Report
 - A. Current financial reports were presented and discussed at the March 11, 2009 Annual Meeting.
6. Committee Reports
 - A. Building Control: Stu Shafer
 - 1) Fence at 505 E. Geneva was approved.
 - B. Beach / Parks: Terry Gartside
 - 1) Two trees at the West Park are dead. No danger of falling. Will arrange to have them removed at the end of the season if budget permits.
 - 2) Chadd: Chadd removed the TIC TAC TOE from the East Park equipment as it was cracked. He got an estimate to replace of \$500-600. Craig believes a friend can recreate the same out of wood for less, and will provide an estimate at the next meeting. Members encouraged to view the equipment before the next meeting.
 - 3) Julie pointed out that the caps are missing on the ends of the metal frame on the playground equipment resulting in potentially sharp areas that could cause cuts and a haven for wasp and other insect nests. Chadd will take a look and either obtain caps or fill with a wood dowel.
 - 4) The rope on the path on the north end needs replacing. The path belongs to the City. Terry will contact the City to see if it will replace the ropes. Also, Terry advise the City that we have had requests for some lighting on the path, and inquire whether the City would consider installing some lighting.
 - 5) River Pump Frame: Chadd looked at it, and believes he could rent a backhoe and remove it for about \$1,800.00. Chadd indicates that we will need an electrician to relocate an electrical box on the frame to the pole. This box feeds the North pump. Kammy provided the name of a relative she believes could do this. Terry offered to obtain several estimates for both the removal of the frame and relocating the electrical box. Stu recommended that we contact the members in the area before any work is started so that they know what is going on. Also, the electric box needs a lock.
 - 6) Brage Golding has submitted a bill for clean up. The Board had

authorized the expense in last year's budget. No explanation for the delay in presenting the bill.

- 7) Discussion about posting a sign near the beaches requesting members help rake debris. Terry will get estimates for a sign.

C. Lake Level / Water Quality: Craig Benham

- 1) Lake Level: Chadd indicated that the lake should either be 4 inches lower or 4 inches higher to avoid damage to sea walls and beaches. Stu will contact Tim Walter to turn on the pumps.
- 2) Discussion regarding the muck on the northwest end and the cove. Last year, the Board authorized having PLM try "Muck Buster" to break up the debris and muck.
- 3) Julie inquired whether PLM checks for bacterial growth in the water. Doug indicated that our insurance does not cover bacterial issues. The Board had several questions about our lake treatment and testing, and requested that PLM come to our next meeting. Stu will get hold of PLM to try to arrange it.
- 4) Matt Sullivan has been observed using a hydrofoil and a two engine boat speeding on the lake. Terry, Scott, and Ken offered to talk to him.

D. Committee Appointments

- 1) It was suggested that appointments be deferred until the April meeting. Anyone interested in a committee should let Scott know.
- 2) It was suggested that a posting be made on the website asking for interested people to get hold of Scott

E. City Liaison: Nothing to report

F. Newsletter and Information Committee: Melissa DeMong

- 1) Discussion about how many Newsletters for this year, and when. Melissa requested a firm date. It was decided that the next Newsletter would be about June 1st. Melissa requested that articles be submitted by May 15th. It was discussed that each of the Committee Chairs should write an article.

G. Compliance Committee (Doug Earle)

- 1) Discussion about overdue dues, and the best way to collect, e.g., liens, collection agency, letters, phone calls. It was suggested to consider use of PayPal or credit cards for members who are overdue. Scott will get hold of Dave Zyble to get information.
- 2) There are fences in Riverwood and Geneva Shores that are out of compliance with old BUR's.
- 3) The issue of enforcement of park rules was raised and deferred.
- 4) Dues Notice: The Dues Notice should reflect the Dues of \$48.00 and a Special Assessment of \$87.00 for a total of \$135.00. Also, if not too late, and if there is room, to indicate that the dues were reduced from \$150 to \$135. Also, Mike should run the wording by Scott.

H. Welcoming Committee: Barb Hamm

- 1) There was discussion whether the Welcoming Committee should be merged with Neighbor Relations Committee.

7. Unfinished Business

- A. Shed Litigation. Stu summarized the status of the “Shed Litigation” and options, recognizing there are differences of opinion among Board members. Riverwood, Geneva Shores, and Chateau Shores #2 have modified their BUR’s. One issue is whether they are defective because of the procedure that was used. Stu pointed out that the BUR’s do not set out a specific procedure. While there may be concerns that signatures were obtained over time or that there was not an opportunity to discuss and/or argue positions in a public forum, there is no requirement in the BUR to follow any particular procedure, and, therefore, it is unlikely that the BUR’s would be held to be invalid for that reason. Another issue is whether the signatures were properly notarized. If not properly notarized, the filing with the Register of Deeds may be invalid, but that would not invalidate the modifications since there is no requirement in the BUR’s that the signatures be notarized. Another issues is whether the signatures are accurate. In order to determine that, we would have to talk to each member who purportedly signed. While there may be criticism of the process used, it seems unlikely that signatures were falsified. Another issue is whether people signed not understanding the documents. Several of the Board members have received complaints from members who signed, who now claim that they did not understand what they were signing. Even if true, it is unlikely that the court would invalidate the modifications based upon “buyer’s remorse” or that the signer did not take the time to read the documents. Another issue is misrepresentation by the presenter seeking a signature. In order to determine the legitimacy of this claim, it would be necessary to speak to each person who signed, and, if they claim there was fraud or misrepresentation, to obtain an affidavit and a commitment that they would testify. Additionally, it would require enough people to reduce the majority to a minority. This would be a prolonged and expensive process with little likelihood of success, and not something that Stu would recommend. Another issue is the effective date of the modifications. BUR’s remain in effect for 10 year periods and are automatically extended for another 10 year period unless they are modified prior to the end of the 10 year period. One interpretation is that the modifications would not take effect until the end of the 10 year period. Another interpretation would be that they take effect immediately. If it is determined that the BUR’s do not take effect immediately, then the Board would have the duty of enforcing the current BUR’s until the modifications took effect. It would also provide time for BURRAC to complete its work while maintaining the status quo. In order to determine the effective date, absent an agreement, the Board attorney would have to file a motion requesting a declaratory ruling from the Court. It was agreed that these issues would be more fully discussed at the next BURRAC, which will make a recommendation to the Board. Stu indicated that the Board had been dealing with the shed issue for years, and, only as a last resort, filed a lawsuit, which the Board, and the Court, believed was the Board’s duty. The subdivisions had the right to modify their BUR’s, which they did. It is now the duty of the Board to enforce the new BUR’s. Stu pointed out, which John Waugh confirmed, that the modifications would permit, for properties with less than 10,000 square feet, two unattached structures, one up to 720 square feet (30 x 24)

and up to 16 feet high, and a second up to 120 square feet. While some members did not believe the new modifications permitted a pole barn, it seems that a 30 x 24 foot structure 16 feet high would qualify as a pole barn. It was suggested that the members of Riverwood and Geneva Shores may be willing to adopt new modifications that would put reasonable controls over the size of unattached structures. BURRAC will be meeting later this month to discuss these issues at length.

B. New Business

- 1) Doug suggested that the new members should become familiar with the duties of Board Members as set forth in the Bylaws. Also, that the Board should enforce the attendance requirements for Board members.
- 2) Stu asked whether Board Members had a Board of Directors Book. Only Doug and Stu had one. Stu pointed out that each member should have a book that gets passed on to new members that include certain permanent items such Bylaws, Resolutions, BUR's, etc, and space for current minutes, Treasurer Reports, etc. Stu asked for authority to purchase note books, copy appropriate documents, and create books for each member. The Board directed Stu to do that.

8. Member Comments

- A. Tom Antaya: Pointed out there is a dead tree on the North end west of the dam. Terry will look at it, and arrange to have it removed either now or the next freeze. Tom indicated there is an old dock that floated over, and asked if he could remove it. The Board indicated he could.
- B. John Waugh: John suggested that the Board do something to recognize the work of Dave Zyble, Dan Skoritch, and Kathy Thelen. This issue was put on the agenda for next month.
- C. Janet Barberio: Commented on how the dues should be noticed out.
- D. Joe Barberio: Inquired whether BURRAC was open or closed meetings, and was told they are closed.

9. Adjourn: Meeting adjourned at 9:50 p.m.