

**White Birch Lakes**  
**Board of Directors Meeting Minutes**  
**January 8, 2022**  
**(Meeting conducted through GoToMeeting.com and at the Clubhouse)**

**I. Call to Order:**

President Boos called the meeting to order at 10:01 am.

**Board Members Present:** President Boos; Directors Brandle, Heiden, Simons and Cooley also, Secretary/Treasurer Lisa Trojanowski, Manager Michelle Waters and Jess Johnson, Maintenance

**Board Members Attending by Teleconference/GoToMeeting:** Director Barnes

**Board Members/Others Absent:** Director Bryant

**Note: There were 6 Members listening to the meeting through GoToMeeting and approximately 11 Members in Attendance at the Clubhouse.**

The Invocation was given by President Boos.

The Pledge of Allegiance was recited by all present and listening through GoToMeeting.

**II. Approval of Minutes:**

1. *Director Simons moves to approve the minutes from the December Board Meeting as presented, 2<sup>nd</sup> by Director Brandle, All Ayes, motion carried.*

**III. Secretary/Treasurer's Report:**

2. *Director Heiden moves to approve the financial reports for December as presented, subject to the Auditor's approval, 2<sup>nd</sup> by Director Cooley. All Ayes, motion carried.*

3. *Director Heiden moves to approve the December Payables as presented, 2<sup>nd</sup> by Director Simons. All Ayes, motion carried.*

**IV. President's Report:** President Boos reported the following:

"I would like to make comments on our new staff and our new lead maintenance, the new manager, secretary/treasurer and maintenance leader have done a fine job for White Birch, I for one am happy they are aboard. It looks like our roads are in pretty good shape today, thanks to Jess and Justin. And I have further information on the gates, so far this fiscal year there has been 4 service calls on the gates, the first one was the electrical underground and the next one was an encoder failed and the part cost was only \$48.00, the third one they had to come back and reprogram from the quarter part and that didn't cost us anything it was under warranty and the last time they had to reprogram the gate and it was basically a learning session for us to possibly self-diagnosis the problem as it arises".

**V. Manager's Report:** Michelle Waters reported the following:

"We have a low electric line on Pear Way that Jess is concerned about the grader going under. We have already called Consumers and they put in a work order for a new pole, they said it is not really that low but they are concerned about the big equipment going under it so they are using the truck on that road." The pool was closed last week for a few days because we had someone throw up in the pool so it had to be sanitized for 24 hours and then we have to clean the filters and everything. The chemicals were back to normal and we opened the pool and then the chemical levels went a little crazy so we had to shut back down and get the levels back to normal. We have a few boards in the men's sauna that have some holes in it from the screws and Marty Perkins has volunteered to come in this week and repair that for us. There has been a little bit of stuff going on in the men's room, we think it may be teenagers. Please keep track of your children so we don't have to clean up after them. Our Generac was serviced on December 10, I keep getting warranty updates and status from them. Right now, we are at our 3<sup>rd</sup> year of our warranty, which includes parts only, we can purchase additional warranty on the Generac 5 which would be parts and labor. At this time, we have only 5 hours on the Generac. The additional warranty would cost 5 years for \$495 or 10 years for \$995.00, which would put us to the year 2029

4. *Director Simons made a motion to purchase the 10-year warranty to add an additional 8 years for parts and labor on the Generac for \$995, 2<sup>nd</sup> by Director Heiden. All Ayes, motion carried.*

"Also, we would like to ask if we can get a membership to Sam's Club, because we can get some additional supplies cheaper there rather than going to our chemical company. It is a \$100 fee and it is a credit card, after we spend \$500 a year, you do get some money back."

5. *Director Brandle made a motion to purchase a Sam's Club membership, 2<sup>nd</sup> by Director Cooley. All Ayes, motioned carried.*

"We are still working with GFL to get rid of that garbage can in the campground picked up, they know they need to pick it up they just haven't yet. I called and left another message this week. We are still working on it. I will call again Monday."

We currently have Windows 8.1 on our operating system on the computers and Microsoft is going to stop updating that. We are looking into Windows 11 soon and will get pricing and bring it back to the board. We were going to contact Larry the computer guy to look at the computers to make sure they can support the upgrade. Director Heiden asked if we were going to also have Larry try to get us into the computer system that we are locked out of from previous employees, which we will if he comes out for the upgrade.

**VI. Maintenance:** Jess reported the following:

“Sand and Salt, will be ordered next month, I have a shed and an quarter left from our last load. The gates were opened last week because of the storm. I will be shutting the back storage gates down shortly, so if anyone wants to get into their campers, they will have to call the clubhouse and schedule a time to open them for security reasons. There will also be a camera set up pointing at the gates.”

“We contacted the post office after the mailman came in upset about the mailboxes, and members are responsible to clear away their own mailboxes in White Birch, we are no different than the county, we are trying to push back so you can get to your mailboxes, but there will be times that you have to clear out your own area.”

“A lot of people coming up too close to the Sterling and the grader, if you cannot see us in the mirror, we cannot see you and you are way too close. There have been some concerns and comments about the roads, the only way I know is if you call the clubhouse or maintenance line. I cannot be on every road all the time, so if you give us a call, I will check it out. Clearly the roads are too hard for potholes and I cannot do anything until Spring when the roads soften up.”

**Discussion:** Director Simons addressed that there have been comments made when we had less than 3 inches on the ground and to not take them personally and send them to someone on the board and we will explain that there will be more damage plowing into gravel. “Thank you. You are doing a great job regardless of what some people are saying.” Director Heiden also reminded the staff that if he is around to give him a call and he is happy to check out the roads. Director Heiden also addressed that he as well as others are aware of the issues with the postman and Irene at the post office is aware.

Director Brandle asked if the sand and salt were in the budget and Jess confirmed that it is. Also, maintenance has requested a 55-gallon drum of motor oil at all times for vehicle changes. We are getting close to needing to replace it. Michelle got prices. A 55-gallon drum of 15W40 oil is anywhere between \$687 to \$1028.19.

*6. Director Brandle made a motion to purchase a 55- gallon drum of 15W40 oil from Napa at the price of \$687, 2<sup>nd</sup> by Director Heiden. All Ayes, motion carried.*

**VII. Committee Reports:**

**C & R and By-Laws Committee:** Tim Vajcner wanted to acknowledge that Noah Slatinsky was also present with him. Tim Vajcner presented the Board with a handout and stated “That we are continuing to do some background work with understanding C&R language as it potentially affects White Birch and how it pertains to temporary canopies on vacant land.” An update on BOCA, BOCA code has been mentioned twice in the C&R, which is the Building Office and Code Administration. That is no longer in effect as is. It has been superseded by the International Building Code and the Michigan Building Code. The Michigan Building Code has adopted the International Building Code with some exceptions. Clare county uses the Michigan Building Code. As it deals with tents and canopies in these smaller sizes the MBC says they are not going to deal with and to refer to the International Fire Code. The International Fire Code states that it is less than 400 square feet and used for less then 80 days and used for recreational camping purposes that they don’t care. So, where the C&R references both of the code, it could be interrupted that it could be of use. Still working on this and would like to roll it together and sit down outside of the board meeting with a few of you and work through what we have and how we are interrupting some things with ultimately moving forward.

**EPC Committee:** Marty Perkins stated he believes there are 5 trailers left on lots, we have called, left messages and the EPC has turned this over to the board. This EPC is not going to the county. Director Heiden stated that he has personally went to every lot and drove every road and there are 5 campers left on lots, he has called and left a message for each of them. The EPC is stating that we need a fining system and suggest legal counsel. Everyone is aware that the trailers need to come off. This is less than 5% of the people that have not taken their trailer off their lots.

**Activities Committee:** Lisa Cooley stated that they had a fun Christmas Party. The calendars have been replenished and are available for resale. Bingo is tonight at the clubhouse between 4-5:30 pm.

**Policy Committee:** Director Cooley stated that they have completed its work reviewing the cataloging of existing policies that were contained in the policy book provided by the Associations secretary. Mary Sherry has said that she will be providing an outline to this work to the board next week with the hope that it can be discussed by the board at the February meeting in which she should be attending. The committee would like board input on whether or not we agree with the direction before proceeding further. They also reviewed the letters from our attorney’s in regards to short term rentals. We have done some research on how other communities are handling short term rentals. The committee would like clarification on what input the board would like the committee to provide, based on the attorney’s letter.

**VIII. Comments from the Floor:**

1. Dawn Holzer, Lot 1103, "Since there has been a problem with passwords in that office, may she make a suggestion to get everyone's password and put it in the safe, so we don't have this anymore."

2. Tim Crook, Lot 517-518, "As you address the short-term rentals in unfinished business in addition to the two attorneys' input, please keep this in mind Section 5 Paragraph B of the By-laws indicated that a tenant is not identified as an associated member of the association unless specifically designed as such by the board of directors. Moreover, Section 6 of the By-laws indicates that the use of common properties is provided to members and associate members and not others. Article 2 of the amended declaration 13<sup>th</sup> Paragraph A indicates that every lot should be exclusively for single family residential purposes and finally Article 1 Paragraph B 3 references the underlying purpose of the amended Declaration and Restrictions are in enhancing and protecting the value, desirability and attractiveness of the development as a whole and each lot and parcel situated therein. I understand that the By- laws and the amended Declaration restrictions therefore do not allow short-term tenants to utilize the common properties and the impact the short-term rentals in the association directly contradicts the purposes for which the association was established. When discussing please put aside any personal agendas and do what you were elected to do which is to uphold the governing documents and should there be any type of vote on this manner, I request a roll call be rendered".

3. Bob Cooley, Lot 419, "As a member and associate member able to use the property, so if my son comes up, who doesn't live with me to stay in the cabin he not allowed to use the bike he isn't allowed to use the pool. Or if my friends can come use the amenities. We are opening a new can of worms when we say associate members and member only."

4. Marty Perkins 1095, "Pertaining to the same discussion, there are no businesses that are allowed to be run in the association. Rental. Is that not a business? Seems simple to me."

5. Tim Vajner, Lot 34, "Lincoln twp. active ordinance change dealing with temporary storage structures on vacant lots. Lincoln Twp planning commission had a public hearing last month. Ultimately the planning commission voted out the amendment that was submitted as is. It is the Boards hands the next meeting is Monday Jan 10, and I am assuming it is going to be on the agenda. I personally view the amendment as it is, is still very restrictive to campers. I am still hopeful that the board will make some changes before the very final is approved and implemented."

6. Tim Crook, Lot 517-518, stated that he found out the previous secretary/treasurer was a Notary. And that was something that the association offered, with the new personnel changes we don't have that, I would just like to recommend that that board consider looking into the new secretary/treasurer become one.

#### **IX. Unfinished Business:**

In regards to the Agenda item of "Update Re: Common Property Taxes Court Docket." There is a zoom meeting set for January 19 at 9 am, I have already talked to Steve Bryant and he will be here for that zoom meeting. Tim will be looking at the files this week.

In regards to "Letter forwarded to EPC", Dawn emailed Deb Trim and told her that we think someone is trying live there again, there are vehicles outside, a generator running and lights on. She said that she would take a look at it. Director Simons is requesting if we can find the mortgage lender on this property. President Boos asked if they are current and Director Simons would like to know how many years, they are in arrears.

In regards to the "Short term letter" Everyone read the letter from the attorney and how he would write it to our Air Bnb people. President Boos asked if everyone was in agreement to sending out the letters. There are currently 5, that we are aware of at this time. Director Simons said that at the bare minimum we have to stop these members from advertising our amenities as part of the rental. Director Heiden feels that this letter will be a start and we will have to make more decisions as we receive recourse from our letter.

*7. Director Simons made a motion to send short- term letters to rental, 2<sup>nd</sup> by Director Heiden. All Ayes, motion carried.*

In regards to the Agenda item of "EPC Policy/Fines", President Boos presented a copy of a policy for enforcing the C&R Violations, will continue to review. Tim also presented the camping and fit pit regulations form that stated that if campers do not remove their campers from their lots they agree that WBLRA may access their lot. If necessary, to remove by the expiration date. WBLRA will fine the owner of the lot. The camping lawsuit said we cannot remove the campers or impose the fines and is thought that it is not the current policy. This policy is from 2012. According to the lawyer's we are not allowed on other's property and we cannot impose fines. We will reach out to the lawyer for advice and a draft of a letter imposing a fine schedule and how to implement such action. We will table this topic until next month's meeting.

*8. Director Simons made a motion to have Lisa contact Paul Blanco to request advice and to draft a fine schedule for EPC violations and how to implement them, 2<sup>nd</sup> Director Heiden. All ayes, motion carried.*

Director Simons would like to know if the new covers for the boiler have been ordered. Director Heiden stated that it was already approved for \$4,000.00 and agreed for Michelle to make the purchase from Martin Heating. Michelle stated that they were the rust proof covers at the cost of \$3,900.00 which included installation and tax.

#### **X. New Business:**

President Boos would like to remove Vicky McClusky from banking and add Melisa Trojanowski. This is being done so that Melisa Trojanowski will be able to sign on the bank accounts.

9. Director Cooley made a motion to remove Vicky McClusky and add Melisa Trojanowski to Isabella Bank accounts, 2<sup>nd</sup> by Direction Heiden. All ayes, motion carried.

10. Director Cooley made a motion to remove Vicky McClusky and add Melisa Trojanowski to Huntington Bank, 2<sup>nd</sup> by Direction Heiden. All ayes, motion carried.

11. Director Cooley made a motion to remove Vicky McClusky and add Melisa Trojanowski to Mercantile Bank of Michigan accounts, 2<sup>nd</sup> by Direction Heiden. All ayes, motion carried.

President Boos is requesting that we increase our balance on the debit card from \$2000.00 to \$5,000.00 due to the fact that we are only having the board come in and sign every other week, the deposit into the account is less frequent. This was last increased in August of 2018.

12. Director Heiden made a motion to increase the Isabella Bank debit card account from \$2,000.00 to \$5,000.00, 2<sup>nd</sup> by Director Simons. All ayes, motion carried.

President Boos stated that our current NSF is \$5.00. The bank charges us \$5.00 and we charge the member the same amount and the amount of time it takes to recollect these funds should be taken into consideration. It is suggested to change the fee from \$5.00 to \$15.00.

13. Director Simons made a motion that we have a return check fee of \$25.00, 2<sup>nd</sup> by Director Heiden. All ayes, motion carried.

The campers on the vacant lots. Director Brian feels we should write them a letter. There are 5 campers left on vacant lots. The board was not happy with the original letter on file and would like a new one drafted. The letter needs to have the violation and a reference to the C&R's and what they are in violation and they are no longer a member in good standing. The letter needs to list exactly what the violation is and what the policy and the penalty that is imposed.

14. Director Simons made a motion to create a letter for EPC violations and that these 5 people are no longer members in good standing, 2<sup>nd</sup> by Director Cooley. All ayes, motion carried.

The last item on the agenda is the bonding of the Secretary/Treasurer and Board members. On section 11 of the By-laws it is stated that the Board of Directors may require any office or agent to file with the association, a satisfactory bond conditioned for faithful performance of his/her duties. The board in 2009, that there is a policy that says all persons signing checks should be bonded. Past history was bonded, Vicky was bonded, while checking the history to remove her bonding from here we were told her bonding only covered her notary. Director Heiden asked how much bonding would cost. President Boos is unsure of the amount. Lisa attempted to call the insurance company as they were on vacation but will contact the agency again to get advice and some pricing for a blanket bond.

## **XI. Additional Comments from the Floor:**

Marty Perkins, Lot 1095, would like it on record that he did not call the township on any EPC violations and also stated that maintenance is doing an awesome job.

Steve Brandle, Lots 1369-1370, the ice conditions on the lakes are approximately 4-5 inches. Please be cautious on the lakes, it was noticed that White Birch Lake has a leak in the hose of the Aerator. Also, Holiday right in front of the beach area, has the same conditions.

Noah Slatinsky, Lots 987-988." I will not be able to be here next board meeting, I just have a quick comment on the Air Bnb stuff I don't disagree with the way you guys are going on it. But if it doesn't work out, these people are making money on this in townships and cities I wouldn't be afraid to put 13% fee on them per day or per stay, I mean we can make money on these people. I'm fine not having them, I mean I don't really care I don't have a horse in this race either way but we can make money on this, and that is just my opinion."

Director Simons would like to remind everyone on the Township board meeting is Monday January 10 at 7:00 pm. Tim Vajner stated that they have discussion after the vote.

15. Director Heiden made a motion to adjourn meeting, 2<sup>nd</sup> by Director Simons. All ayes, motion carried.

President Boos adjourned the meeting at 11:40 am.

Submitted by,

Lisa Trojanowski, Secretary/Treasurer