

Board of Directors Meeting Minutes
May 14, 2022
(Meeting conducted through GoToMeeting.com
and at the Clubhouse)

I. Call to Order:

President Boos called the meeting to order at 10:00 am.

Board Members Present: President Boos; Directors Brandle, Heiden, Cooley, Simons, Barnes and Bryant also, Secretary/Treasurer Lisa Trojanowski, and Manager Michelle Waters

Board Members Attending by Teleconference/GoToMeeting: None

Board Members/Others Absent:

Note: There were 5 Members listening to the meeting through GoToMeeting and approximately 28 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. Additions/Deletions to the Agenda:

1. Make the June Birch Bark an Election Edition
2. Ratify Email motion for campground cement increase

III. Approval of Minutes:

1. *Director Simons moves to approve the minutes from the April Board Meeting as presented, 2nd by Director Cooley, All Ayes, motion carried.*

IV. Secretary/Treasurer's Report:

2. *Director Simons moves to approve the financial reports for April as presented, subject to the Auditor's approval, 2nd by Director Cooley. All Ayes, motion carried.*
3. *Director Simons moves to approve the May Payables as presented, 2nd by Director Heiden All Ayes, motion carried.*

V. President's Report: President Boos reported the following:

“With the winter vacationers and campers returning, more good memories are about to begin. Welcome back to another joyful summer. All the roads have been graded and brined in time for the opening of camper’s weekend. Thanks to the staff, they did a great job. All the campers in the campground sites need to be removed, so that the campground can be cleaned up in time for Memorial Day camping. The bathhouse at the campground have been opened. Keep in mind that Memorial Day weekend, garage sales and members gathering both have been posted in various locations.”

VI. Manager’s Report: Michelle Waters reported the following:

“Good morning, as you see we have gotten the new vending machines. The vending machine company maintains, fills and takes the cans back. We receive 5% of the sales. We have also contracted a new ice vending company, which saves us \$425 a year. We do not have to rent their ice box. And the cost of the bags will be a little cheaper. We are only able to get the small bags, they are \$2.00 a bag.”

“A couple of reminders for everyone: Please do not put trash on top or beside the dumpsters. Discount Dumpsters will not take anything around our dumpsters. Let’s keep our facility looking good. Please do not move the tables and chairs at the parks. Last year we had people putting them in the lakes. The cornhole pads and pavilion walkway cement is finished and ready for use. We have cornhole bags for members to check out from the clubhouse attendant or bring your own. The holiday and summer hours are in your packet for your approval.

4. *Director Simons moves to approve the holiday and summer hours as presented. 2nd Director Cooley. All Ayes, motion carried.*

The tentative schedule for lake treatments is also in your packet, this will be posted on our website, Facebook and the campground and entrance boards. Christine from soil and erosion group contacted me and is in need of volunteers to help collect samples at our lakes. These volunteers will need to be able to get on the lakes. If anyone is interested, please let me know so I can give you the information for training. You do have to watch a couple of videos. Fish update – the blue gills fell through this season. Steve Brandle and Dave Conelly are figuring out if we are going to order different species.” Steve Brandle stated we would probably get yellow perch. “I’ve included the pricing for Fisher Gravel, for the cost to add gravel to White Birch Lane, that Jeff had asked for, if we decide to move forward with this project.” Director Simons asked Jess’s opinion on if this gravel is needed and she stated that that we do need gravel but there are a lot of roads besides White Birch that needs it and that it could also be a consideration to patch more roads and get only 50 tons and dump it where we need it, to keep costs down. We need to prep the roads and would not be able to order it at this time.

“I have been in contact with 3 webhosting companies for pricing, they will provide quotes to update our website and for hosting annually. The next board meeting, I will have more information to determine which way we want to proceed. I have had 2 electric companies give quotes to install hand dryers in the campground restrooms. The 3rd electrician did not come this weekend as planned. He was contacted 3 times. The quotes that I have gotten are \$2520 from Hawk electric and \$1500 from SLS. The hand dryers that I would like to order cost \$325 each.”

5. *Director Simons made a motion to purchase 4 hand dryers at \$325, each. 2nd Director Bryant. All Ayes, motion carried.*

VII. Maintenance Report: Jess reported the following

“First of all, Smokey the Bear is going to be handled by the Environmental Group now. They are working on the signs and getting them all ready. Right now, we have a no burn warning. We have been really busy painting at the beaches, so all the benches and everything is ready for the Memorial Day weekend. I want to remind everybody, that the burn pile is not for stumps, and if you do have stumps that make it down there, don’t put them in the burn pile. They do not burn. Marty Perkins is going to work on our road signs because Jack is no longer with us.” Jeff Simons brought up that Jack used to also touch up the signs, which is something that maintenance may consider doing. We put off staining the new Gazebo last year but, I would like to get with you guys to see what we want to do about getting it stained this year. Just an idea of what kind of stuff we want to use. The bath house is open and I know we had sewer to come in and clean it but there was a towel or rag of some sort that we snaked out of it. That was pretty upsetting, especially when we just redid that whole line 2 years ago. People need to pay more attention to what they are flushing down the toilet.” Jess was asked to check out the corn hole boards because one is loose, and she will go down there and take a look at it. We are also going to contact Discount Dumpsters to see if we can remove the lids so that members are not stacking the trash on top of the dumpsters which would result in the company not picking up the trash. Jess also stated that she looked at the trail to make behind the dumpster to make it easier to access the back and she does not feel we have enough room to make one to fit a vehicle or side by side unless we cut a few trees down.

VIII. Committee Reports:

C & R and By-laws Committee: Tim Vajcner reported

“The committee is beginning some very preliminary discussions on possible C & R changes; this is predicated on if the board elects to pursue some C& R changes. This committee is just starting to give some thought a little bit of back and forth to start figuring out. Obviously, the board is going have to define the overall scope of what changes.”

Policy Committee- Marie Sherry reporting

“Since the last time we were in front of you, we have only had informal meetings in March and April. We are still looking into improving the camping policy. In light of some of the discussions with the C& R’s, we are kind of holding off a little but, just to see what direction things are going with the Township.

Safety Committee: Steve Biechele reporting,

“Just wanted to give an update, Clare County Sheriff sends out a report each month that lists activity by township. For Lincoln Township, I just made a little analysis of last year from February to September, of the top 6 items, anything that was more than 10 reports. Ambulance and Rescue an average of 18-19 calls per month, general assistance -12, property checks – 206 was a the highest and the lowest was 119/117, Suspicious persons- single digits, traffic patrols – between 24-60, and traffic stops was between 24-60. There was not a spike in the warmer months, like I thought there would be. I am not able to get anything specific to White Birch. The email that we were going to set up for the Safety Committee, after reflection with the things on Facebook and some other things, we have decided not to do that. Lisa has been kind enough to set up a folder and will collect any suggestions or whatever residents/members have and the committee will collect them from the office.”

Conservation Committee: Toni Maize reporting,

“I was going to talk about the Co-Operative Water/ Lakes Program but, Michelle kind of handled it. I do have Christiane’s number if anyone needs it. The Gypsy moths are out so do what you need to do to protect your things outside from their debris and we will probably spray within the next 10 days.”

Technology Committee: Teresa Stephens reporting,

“We have had very little interest in being on this committee, we had one person when we had a telephone conference last fall, he can no longer participate due to a job change. So, this has kind of fell to Brian, myself and one other person, Brian has his hands full with personal issues and I do not feel I am qualified. I looked into electronic voting, I looked into electronic surveys, it is certainly doable for not a whole lot of money. Again, I do not feel like I am the best person to review it and make recommendations to the Board to spend any money on it. I would like to see in the next year, people get involved in this, there are a lot of technological savvy people around here. It does not have to be a meeting where you are psychically meeting here, we can conference call or video conference call. We need to get more people involved, if that is something you really want to do. I think this will save the association money in the long run with mailings and etc.”

“I wanted to get on that Conservation Committee for Smokey the Bear, the sign is pretty warped and can’t really be used anymore, it was on plywood. So, my suggestion would be to put it on some kind of metal, so we don’t have this issue again in the future. I found a place where we can get the decal for \$26 which is pretty inexpensive, the expense would probably be more in the metal. I am asking the Board for a little bit of money to put toward this so we can get this done once and for all. It will still need to be somehow sealed; I would think yearly so the decal doesn’t get too damaged. I think the other one was here 9 years. I think more people will pay attention to the fire danger if they see that. We will then have Marty make new signs for the bear, so we have a decent looking sign out there. The other thing I would like to ask for is volunteers to kind of keep an eye on fire danger and help change the signs out. Right now, we just have a couple of us and it is kind of hard for us to do it all week, every week, all summer. If we could get other volunteers, I will get the phone number on who to call and the boards to be changed will be kept up here in the clubhouse maybe in a closet or somewhere yet to be determined. So, whoever’s week it is can come to the Clubhouse and get the new signs to change. If you want to volunteer let Michelle or Lisa know and they can get the information to Toni or myself, I appreciate it.”

Activities Committee: Brian Heiden reporting,

“Lisa is not here today, so if you notice in your package there are 4 options for the annual meeting. I was leaning toward doing this for the quorum, to try and get people to come, but we really don’t need to do this because the absentee ballots are included in the quorum. Now, I am starting to think the opposite, I would like to get all the people we can to come to the meeting, regardless on if we need a quorum. So, these are some options for that and I feel like should probably make a decision soon. She has some basic donuts from a couple different places and got the coffee broke down. She always went to Big R’s and got a couple of quotes; one was for breakfast and the other was for BBQ pork.” We also have a property owner that owns a catering business, and a truck and Steve Bryant told her to get ahold of us. “It is \$2700, for the breakfast and \$2100 for the pork. Obviously, the

donuts are a lot cheaper \$144 and \$110". Jeff Simons personal opinion, he liked the coffee, pop, water, donuts and the food truck. Brian stated" He thinks we should keep pushing people to come to this meeting, and if it takes having food to get them to attend, we should.

"Also, the committee are having a lot of zoom meetings, it is costly and we are only limited to 30 minutes. In our past Zoom meetings, we are getting to the 30 minutes and getting cut off. I feel that us as an Association, should get Zoom, Go To Meeting, or something for the committees to use. It is felt that it is not fair to the committees to have to spend a couple hundred dollars of their own money for meetings." It was questioned if we could se the same account we do for the monthly meetings, and we will look into it

"Also, Bingo is tonight at 4:00 in the Clubhouse. There is also a Memorial Day Celebration that is posted on Facebook, flyers, the Website and front gate." There will be hot dogs and a DJ, dish to pass and bring your own beverages.

6. *Director Heiden made a motion to have Big R's do breakfast for the annual meeting at the sum of \$2760. 2nd Director Barnes. Director Heiden and Director Barnes Ayes, Director Cooley, Director Bryant, Director Brandle and President Boos Nay. Motion failed.*

Election Committee: Theresa Stephens reporting,

"There are 3 seats open for the Board this year, all 3 are 3-year terms. Letters of intents need to be turned in by June 1, 2022. They can be emailed, dropped off, faxed and mailed; however, you want to get it to the office. The absentee ballots requested are in the April, May and June Birch Bark, it is also posted on the website. Those need to be in by June 30, 2022, in order for us to get an absentee ballot mailed out to you. We are doing 2 mailings, June 15 and June 30. If you want to vote absentee that is great, but you need to get it into us on time and use the correct documents. Your information has to match the information that Lisa has in the office, which matches the tax roll. If you vote in person, make sure you bring ID. Voting is July 16, 2022. Meet the candidate at 9:00, meeting at 10:00 and voting directly after. We are trying to streamline the voting process so people can move through faster." There is a lock box sitting out in Lisa's office to receive absentee ballot request at this time.

EPC Committee: Michelle Waters reported the following

"Marty wasn't feeling well, so I am reporting for him, he just wanted us to know that he had 5 applications for tree removal, 1 fence, 1 garage, 1 well and 1 driveway. They were all approved."

Tim also reported, "There were 5 trailers that were never removed during the winter months and the Board needs to give him direction on what we should be doing."

IX. Comments from the Floor:

1. Dawn Holzer, Lot 1103, "2 things, on this dinner or whatever, for the Annual meeting, I think the Board should consider having a meal. We haven't been able to have a meal because of COVID. Keep in mind, I think we should have food. Secondly, with the campers still on their lots, something needs to be done, like restrict their usage of the pool or whatever, or they will just continue to be doing it year after year and there will be more."
2. Steve Biechele, Lot 1321, "Did I hear correct, that there was not going to be food provided at the Annual meeting? All Winter long, during holidays and that sort of thing, the Board kicks in some money towards things, whether it be Christmas or Thanksgiving, when the campers are not here. Obviously, they can drive up here for the day, but not too many people do that. I would like to make sure we have food for the members that are here for that meeting."
3. Al Isaac, Lot 514, "In the new business, there is a lot of business in changing the C&R's, one is changing voting methodology. What is that are we talking about how it gets determined if it passes or not? Or are we talking about the method of voting, whether we do it electronic or mail?"

4. Teresa Stephens, Lot 1323," The stumps that are at the maintenance yard, is there any way we can move them and put them over by the drive by Holiday Lake to stop trespassers?"

X. Unfinished Business:

In regards to the Agenda item of "Common Property Taxes Court Docket," There is nothing new. We will leave on the agenda until we do get something.

In regards to the Agenda item "Short Term Rental Legal Opinion", President Boos stated, "We have 3 attorneys' opinions that were sent in, the insurance company will not give us a commitment to stand behind any lawsuit. They have to wait until the lawsuit starts to make a decision. So, I think we are in dead water here. The gentleman that started this item is moving outside of White Birch." Director Simons stated, "We have enough there to restrict amenities, based on our current C&R's. Not trying to tell people what to do with their homes, but they are advertising our amenities and profiting off of it. At this time, they are violating our C & R's, using their home as a business." Director Simons stated they need to be sent letters of cease and desist, of advertising our amenities. The concern is that Townships and cities are holding off to avoid lawsuits and we need to find another way to solve this issue. It was suggested that we have a public executive session to invite these people for questions and answers. We can tell them our concerns on how they are kind of abusing their membership here and ask them for suggestions on how to resolve this. It does not have to be a special meeting just the executive board open to the public.

7. *Director Brandle made a motion to rescind the motion to send letters to short term rentals. 2nd Director Bryant. Direct Brandle, Director Bryant, Director Heiden, Director Barnes, Director Cooley and President Boos, Ayes. Director Simons Nay. Motion carried.*

In regards to the Agenda item "5005 White Birch Lake," There are legal opinions in the packet. The best way to resolve this is to take them to court and get a judgment, just like the township does. This is not the only home we have. Marty Perkins did stop by and leave a note and it looks like clean up has started. Marty also went over and helped them. We need to address all the homes like this.

XI. New Business:

In regards to the Agenda item "C & R, Portable/Temporary/Hard sided Sheds/Canopies. At the last board meeting Tim Vajcner presented information in considering the portable temporary canopies as camping accessories and he listed several things in his consideration based on the State of Michigan BOCA codes. It is a concern that we have had C&Rs for 20 years and now we are going to temporarily put blinders on, until we can have a C & R change. This does not set a good precedent for future boards to just reinterpret anything in the C & Rs to fit their needs.

8. *Director Cooley made a motion to accept the interpretation of the C & R committee to allow temporary sheds and canopies as written by the C & R committee. 2nd Director Barnes. Director Cooley, Barnes, Heiden, and Simons Ayes. Director Bryant, Brandle and President Boos Nays. Motion carried.*

In regards to Agenda item "C & R's, Camping and Policies discussion," I just put some stuff in the packets to try and determine or come up with a way on how permits can be written. We need to read the C&R's closely on whether we can have consecutive days or weeks permits. Basically, this is for a discussion down the road. We have already started the season do this would be down the road. Our C & Rs allow year-round camping with a permit, our lawyer's suggestion is to not withhold them on the off season, but to issue it with the warning that if you camp you are violating the Lincoln Township Ordinance. So, this just needs to be a discussion and added to the list of C & R's to be discussed.

In regards to the Agenda item, C & R, "Changing Voting Methodology", This was brought up in a C&R meeting, that we need to discuss this when we try to change the C & R's. When they changed the C & R's in 2002, they changed the wording on how to count the votes. The discussion in our C & R meeting was Why? If they really wanted it to mean the same as the original, why did they change the wording. Because the new version is worded

weird. We have two attorneys that already agree that it has to be the majority of the members not the voters. After researching this, the State of Michigan, if you are an HOA, you can change you Bi-laws, you have to have the majority of the members not the majority that voted. Our association requires 50% plus 1.
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In regards to the Agenda item, C & R's "Changing/ Starting Process", Do we need to give them direction to start working on the temporary storage things, and the timing of camping? They can start working on it, it is up to the board to approve it.

9. *Director Brandle made a motion that the June issue of the Birch Bark will be specifically for election documentation, with the insertion of the President and Manager's report. This is the specific election addition that is mailed to all members. 2nd Director Simons. All Ayes, motion carried.*

Director Brandle stated that in our previous discussion about the dumpster, we failed to plan ahead for the Memorial Day weekend, which is coming up. Last summer, for each of the 3-day weekends, we had a 20 yard roll off dumpster brought in. Director Brandle was reminded that it was in the original bid and has been scheduled.

10. *Director Simons made a motion to ratify the email motion to have the cement poured and taken out of the contingency fund up to \$4100.00. 2nd Director Cooley. All Ayes, motion carried.*

11. *Director Bryant made a motion to purchase 100-ton gravel to patch the roads up to \$1505.00 to be taken out of the contingency fund. 2nd Director Simons. All Ayes, motion carried.*

XII. Additional Comments from the Floor:

5.. Mark Brooks, Lot 742, "Just got a critique and a clarification, Number one Lincoln township had accessory use, Ordinance 44, as an ordinance for a long time. Critique, I don't know if it is code related how the tables are set up, all of your voices are projected over there and we are having a hard time hearing you. If possible, maybe a horseshoe arrangement."

6. Allen Isaac, Lot 514, "I thought I heard a comment from a Board member that the C & Rs provide for year- round camping. Do you know what section it is in?" Is this in conflict with the section in the C & R 's that specify end of season?"

7. Jenny Baker, Lot 731, "First of all, I emailed all of you about the permits for the township. I have 2 questions about that and no one responded. I feel that this is unacceptable, this is an issue that effects not just me but more than half of the membership here at White Birch. I am really disappointed. My question mainly boiled down to the non-conformatory law of Michigan, which stated that when an ordinance is changed and makes something unlawful that is previously lawful you are grandfathered in. So, that was my question from the Township and I don't have the money for an attorney and that is why I reached out to the Board. However, I found two opinions from professors through Michigan State and just to let you know, we do not qualify for non-Conformatory Law. So, if you are a camper, and because we are a temporary dwelling, and we have to pull off the property we do not qualify under non conformatory rules and do have to get the permit. It is \$100 fine if you are caught without one, and you can get a misdemeanor, if you continue to violate the rules. I also want to encourage you guys, I know you have stuff in the Birch Bark, the Facebook Page, the Website, I really think the communication needs to be better. Especially, with things like this permit. An email blast, may get a little more reach. I realize that we cannot do mailings, that is a lot of postage. But email may reach people better than Facebook. I was writing things down today that could be addressed in email, the C & R's that were discussed, what I talked about with the permits, issued with the bathhouse and people stuffing the toilets. We could remind people; some people just are not aware and once you make people aware, and Teresa is looking for volunteers, Brian is worried about the attendance of the Annual meeting, Board application deadlines and absentee ballot deadlines. These are all things that could be handled with an email blast. If, you do not have people to do this, I will do it. I am experienced in this area and have a Marketing and Communications background. I have notices that you post it on the board, I live in Grand Rapids, people are not going to actively seek out information. I'm sorry that is just the way it is. So, we need to bring the information to them. Finally, about the short-term rentals, I am a short-term rental customer, I don't know what the big issue is with them, I agree with Steve that we need to drop this. They will seriously take you on a law suit. I know this, because I know the people. They are more than willing to work with you guys. So, I would encourage you to sit and talk with them, because again they are more than willing. Again, why don't you take a tour of some of their Air B&Bs. I am not sure what the issue is. I

know there was one crime that was committed but, one does not count as everyone. So, I just wanted to put that out there, that I would be careful when you are talking about short-term rentals because they have been doing this for 20 some years. So, to suddenly say NOPE, I don't understand why, and they are less than a handful in this community."

8. Noah Slatinsky, Lot 963-964, "Just a quick thing on these Air B & Bs, we can't beat them. So, we need to implement some kind of charge like 10 or 12% Association Fee on every stay. The township has their thing, people are making money off of this. They are not going to sue us over that, it is well within our rights to do that. Why not make some money on this, they are going to use our amenities, they are advertising it. Put 10 or 12% on that, we are talking thousands of dollars we can make off of that yearly. So, they are not going to sue us over that and they can't. But we are not going to beat them. Let's embrace it and make some money."

9. Marie Sherry, Lot 713-714, "We have also talked about that in the policy committee, we actually dropped it because the Board wasn't going in that direction. However, if you would like us to look at that again, we can."

10. Al Isaac, Lot 514, "Just to go back to the 5 campers that were left on the lots, if you don't do anything about it, there will be penalties. I don't understand, it is a direct violation. Do something."

11. Brian Baker, Lot 731. "In support of his comment about trailers being left on their lots, we need to do something to encourage the township to impound those trailers. I mean if I leave my car on a road, they are going to tow it to wherever the yard is. This is the same situation; they are in violation of the ordinance and it needs to be taken care of. So, if we need to open the gates to let them in to get them out of here, we should. Once we start doing this, I think everybody will get in line."

12 James Ostrowski, Lot 246, "I just want to make a comment, that I sit here at this board meeting and think about what is happening in the world. When I come throw that gate, when we bought up here, it is our relief from the rest of the world. Our own world up here. I hear a lot of I, I don't hear a lot of we. I hear a lot of I want this. I hope the people that are overlooking our C & R's will take into consideration that there is multiple use of this facility. We are all up here because it is our escape from the world. I just hope as we go forward all sides are represented as we start to review these policies."

A short break was taken at 11:49 am.

11:57 am meeting went into closed session.

XIII. Closed Session:

There were a couple of Employee matters discussed.

Returned to open session 12:18 pm.

12. *Director Bryan made a motion to ratify the motion made in closed session to adjust compensation for Bob Pelfery Claudia Pelfery and Justin Blakemore. 2nd Director Heiden. All Ayes, motion carried.*

13. *Director Heiden made a motion to adjourn the meeting. 2nd Director Simons. All Ayes, motion carried.*

The meeting was adjourned at 12:19 pm.

Submitted by Lisa Trojanowski, Secretary/Treasurer