

# ENCHANTED FOREST PROPERTY OWNERS ASSOCIATION

## BOARD OF DIRECTORS MEETING GUTHRIE LAKES CLUBHOUSE AUGUST 14, 2010 9:00 a.m.

### MINUTES

**Attending:** Max Grider, Carlee Allen, Al Gamichhia, Denis Schulte, Nancy Gregg, Laura Hodder, Sarah Madonna

**Absent:** Jason Hoffman

#### I. Call to Order

- A. President requests moving Public Comment to beginning of agenda if acceptable to Board.

Motion by Laura Hodder to allow Public Comment at beginning of meeting, second by Denis Schulte.  
Motion carried 7-0.

#### II. Public Comment

- A. Don Hart (Lot 426): Compliment new Property Manager Don Schmidt. Mr. Schmidt is making visible changes, cosmetic updates that have needed to be done. Updates are needed to help maintain property values, pride in our community. We appreciate this and want Mr. Schmidt to know that.
- B. Barb Herman (Lot 435): Regarding damage to water mat at White Birch – I swim at the beach every day and the watermat was in fine condition. I would assume it was vandalism. Is there any insurance to cover it?
  1. President: we do have insurance, have not investigated if it will be covered. When we use plan, have to consider deductible, rates going up. Property Manager will look at mat to see if there is any repair/salvage that can be done to get it back in the water.
- C. Nancy Gregg (Lot 360): We have a water trampoline that we are not using. We would like to donate it to the Association if people would enjoy it.
  1. Property Manager will take trampoline and install at swim beach. Thank you for donation to the neighborhood
- D. Keith Proulx (Lot 416): Is there a warranty on the mat?
  1. Property Manager will check for purchase information and see if there is any warranty information.
- E. Shelly Zion (Lot 230): Is there any liability with the use of the water trampoline?
  1. No different than with use of water mat. Water trampoline is now property of the Association; have had similar item in past and used without issue.
- F. Bob Mogle (Lot 621): I either row or kayak the lake daily. I know for a fact the rip was maybe 6 inches long and the additional damage was done overnight. It was probably done the same night that all of the furniture was placed on the merry-go-round My daughter works there and it was small rip one night and in two pieces next morning.
- G. Barb Herman (Lot 435): I also want to address that there was a large dog at the swim beach and in water one day. I asked whose it was and people pretended they didn't know dogs weren't allowed. There used to be signs that said "no dogs" and now they are gone. Can we consider putting up new signage at the beach? There should be signs for both "No Dogs" and "Residents Only."
- H. Nancy Gregg (Lot 360): I feel that we need five signs. This is needed at all of the parks. Those same people with the dog were asked to leave twice. They admitted being from

Gaylord and that they have friends who live here but they weren't at home so they were using the beach anyway.

- I. Don Hart (Lot 426): There is military signage that is missing. I have spoken to the Camp Commander and they will take care of it. This is at their expense, not the expense of the Association.
- J. Bob Mogle (Lot 621): On Tuesday there were 13 people at Legend Park and they were all from Frederic. They were using two boats and jet skis, were using the grills and tables, and had dogs with them. Our beaches are getting used by non-members.
  - 1. President: This is an issue we will be addressing on our agenda today.
  - 2. Mr. Mogle: The State ramp is so shallow that no one can launch boats from there. People are saying "I know someone who lives here" but that is not how it works.
  - 3. Nancy Gregg: We need to post NO TRESPASSING signs as well.
- K. Greg Stauffer (Lot 589): We have dumped filler rocks at the boat ramps but the permit process was lengthier than expected. There were a lot of people at Legend who weren't from here; it might be a good idea to put a person there on weekends to check lot numbers and guests of residents. How many guests are allowed?
  - 1. Residents are allowed five guests per lot. They are supposed to be with their visitors OR let Property Manager know that guests will be using amenities with resident's permission.
  - 2. Denis Schulte: We have a lot of complaints about people being there without an Association member.
  - 3. Max Grider: We need to address this and look at options, including cost to hire additional help, reality of being able to monitor usage, etc.
- L. Ketih Proulx (Lot 360): Didn't we have annual parking permits at one time? It would be real easy to check.
  - 1. Max Grider: This may be most cost effective. The Board will review options and try to come up with suitable solution.
- M. Don Hart (Lot 426): Given that we have no enforcement powers, how do trespassing laws apply; is there an avenue that can be pursued? Can we write down/photo license plates? People do get a little nervous when someone is out taking pix of licenses.
- N. Jim Herman (Lot 435): This is more of an enforcement issue – dogs on the beach and running around in neighborhood, vandalism, non-residents using facilities. Whatever the solution, it is probably going to cost money but we need to weigh against long-term benefits. Residents pay the dues and deserve the use of facilities.
- O. Bob Mogle (Lot 621): My daughter was working at White Birch when an ex-resident who is not allowed on property came to boat house. He is not allowed on our property and there is a legal finding to support this. This was Steven Savalli.
- P. Shelly Zion (Lot 230): Thank you for the work on the boat ramps.
- Q. Barb Herman (Lot 435): I have concerns about the two people that took significant time and attention away at the July 3<sup>rd</sup> annual meeting. Can the Board review the bylaws, Roberts Rules of Order, etc. to find a way to prevent this from happening have that not happen next year?
  - 1. President: we are going to do our level best to make sure next meeting is not dominated by a couple of people.
- R. Jim Herman (Lot 435) Regarding internet – who do we contact if there are issues? The internet has been very slow.
  - 1. President: this is yet to be determined. Dan Yale managed previously and internet options are on agenda today.
- S. Shelly Zion (Lot 230): In the past residents had laminated Guthrie Lakes passes; maybe we should have these and guests could show them.
  - 1. Vice President: the only problem was people losing them, or becoming members in bad standing still have card to show. Could be difficult for clubhouse workers to know the difference.

- T. Gail Gamichhia (Lot 285): I would like to thank Stacy Smith for the flowers out front. They look wonderful.

III. Accept approved minutes from July 3, 2010 9am & 12pm regular meeting

Motion to accept the July 3, 2010 9am regular meeting minutes as written by Laura Hodder, second by Carlee Allen.

Motion carried 7-0

Motion to accept the July 3, 2010 12pm regular meeting minutes as written by Nancy Gregg, second by Carlee Allen.

Motion carried 7-0

IV. Agenda Approval

Motion to accept the August 14, 2010 regular meeting agenda minutes as written by Laura Hodder, second by Carlee Allen.

Motion carried 7-0

V. Presidents Report/Max Grider

- A. I have spent last month trying to get to know people in the association. I have made a point of introducing myself. I have a lot to learn. I am new to presidency and to the board. One of my goals is to do some healing in the Association. I believe the good people of this Association want to do what is best for all involved. We want this to be a community where we can work toward common goals; find we have more in common than not.

VI. Treasurers Report/Carlee Allen

A. Cash flow has improved

1. Sold lot 34
2. Sent out 2<sup>nd</sup> half dues invoices
3. Sent out registered mail to past due people
  - a. Amount past due approx \$32K
  - b. Sent to everyone over one year behind
  - c. Getting several phone calls
  - d. People are trying to pay; I am trying to work with them when possible
4. Laura Hodder: if we're going to give people option to pay
  - a. In past they have started to pay and then stopped
  - b. Should we get SS# if we need to take them to small claims?
5. Carlee Allen: I have not told people they had access to amenities
6. Max Grider: another option, in lieu of legal action is to have people quit claim deed the lot back to the Association
  - a. Carlee Allen: I included quit claim deed w/ past due letters
  - b. CA: at this point we want to collect as much as we can

Motion to accept the Treasurers Report as presented by Nancy Gregg, second by Sarah Madonna

Motion carried 7-0

VII. Manager's Report/Don Schmidt

- A. I have received 12 complaints regarding Legend Park
1. Every time I get a complaint I go out there
- B. Also receiving a lot of animal complaints
1. Property Manager is going to call animal control to see if anything can be done
- C. Nature Trail is usable again
1. Boy Scouts are coming out to work on Nature Trail

- 2. Property Manager will keep working on it to continue improvements
- D. Complaints about age limits on various equipment, amenities
  - 1. Have put age limits on weight bench, treadmill, sauna as safety precaution
  - 2. Accidents would be covered by Association insurance
- E. All electrical in Clubhouse is fixed
- F. Currently painting posts throughout Association right now
- G. Will begin work to repair row boats

Motion to accept the Property Manager Report by Nancy Gregg, second by Laura Hodder.  
Motion carried 7-0

VIII. Board vacancy and appointment to position

- A. Received four letters of interest
  - 1. Three applicants are in attendance; one unable to attend due to prior obligation
- B. Mr. Brownell:
  - 1. I am Bill Brownell. I am interested in running for this vacancy and feel I could use my time for volunteering. I have ideas to improve the Association in moving forward. Thank you for your consideration
- C. Mr. Novack.
  - 1. I am a long time resident of Guthrie Lakes. There have been a lot of things Board has done that I have enjoyed and not enjoyed. I am an advocate of the lake. We need to take a look at what happens on the lake. We haven't in a long time. This is a major resource in our community. There is silting taking place and I don't want it to turn into lily pad. People drive boats and ignore safety rules. I even go home on 4<sup>th</sup> of July. I can't stand to watch boaters. Thank you.
- D. Mr. Wilson
  - 1. I threw my hat into the ring due to the July 3, 2010 Annual Meeting. I thought perhaps I could lend some of my experience to help and bring together of the Association. We bought here in 2007 and love to come up here almost every weekend. Contributing to the board and enhancing our facilities can hold property values. Thank you.
- E. Voting procedure:
  - 1. Position is through June 2011
  - 2. Checked bylaws (Article 10): silent on whether it is majority or quorum vote.
  - 3. President requests motion for highest vote getter
    - a. If there is a tie, will have 2<sup>nd</sup> vote

Motion to accept the highest number of votes to fill Board vacancy by Sarah Madonna, second by Laura Hodder.  
Motion carried 7-0

IX. Shannon Hinterman is appointed to Board vacancy

- A. President: thank you to everyone for your interest. Please remain active and consider running one year from now.

X. Committee Reports:

- A. President sets 2010-11 committee assignments
  - 1. Employee Relations: Max Grider, Laura Hodder, Denis Schulte
  - 2. Budget & Finance: Carlee Allen, Nancy Gregg, Keith Kaufman, Yvonne Grider
  - 3. Government Relations: Max Grider, Brian Wilson, Fred Novack
  - 4. Security: Laura and Ed Hodder, Al Gamichhia, Tom Sehlhoff, Bob Mogle, Greg Stauffer
  - 5. Rules & Regulations: Nancy Gregg, Roger Crowe, Sarah Grider
  - 6. Building and Grounds: Don Schmidt, Sarah Madonna, Jim Buchanen

- 7. Activities: Jason Hoffman, Stacy Smith, Don Schmidt, Bill Brownell, Mary Ellen Gleeson
- 8. Deeded Restrictions: Max Grider, Nancy Gregg, Polly Buchanen, Randy Rothe, Greg Prokopp
- 9. Presidents Advisory Committee : Doug Schneider, Randy Rothe, Carl Lord, Dan Yale, Barb Herman, Greg Prokopp, John Gleeson
  - a. Sarah Madonna: what is capacity of this committee?
  - b. Max Grider: a resource for the president
    - i. My goal is healing
    - ii. This may not be a long standing, permanent committee
    - iii. Want to feel comfortable that I have people I can contact
  - c. Carlee Allen: how will this be reported back to the Board?
    - i. Max Grider: I will report back to Board as I have issues on which I need advice
    - ii. Will include in President's Report
  - d. Sarah Madonna: will this committee make recommendations to Board?
    - i. Max Grider: No. The committee will not have that capacity.
    - ii. The committee has no power over the Board
    - iii. This is a resource to me.
- 10. Communications: Max Grider, Sarah Madonna, Sandy Sugden
- B. If any others want to be included on any of these committees, please contact the Board

## XI. New and Unfinished

- A. Boat ramp
  - 1. Already discussed
  - 2. Crushed rock has improved the condition but major improvements still necessary to completely correct the issue
- B. Legend Park concerns
  - 1. Non-member use
    - a. Will consider ways of better identifying Association members
    - b. Cards, stickers, etc.
  - 2. George Leinerth (Lot 212)
    - a. We used to have stickers
    - b. We could put up signs, if you aren't registered owner w/ sticker, vehicle may be towed
      - i. President: Laura Hodder pointed out that people in arrears could still have sticker
      - ii. Mr. Leinerth: That is true but would only be for one year
        - 1) Can be updated yearly
        - 2) Rather have someone in arrears using instead of non-residents
      - iii. Greg Stauffer (Lot 589)
        - 1) Are we allowed to tow and/or put up a no trespassing sign?
          - 1. Yes.
          - 2) One ticket or tow and the word will spread
          - 3) Need signs are there, visible, new/fresh signs
  - 3. Potential to move Boathouse over to Legend?
    - a. It might be best to have boat house, boats, kayaks, etc. on Legend side
    - b. Legend is easier to access; boathouse workers could monitor usage
  - 4. Keith Proulx (Lot 360): where things are now is convenient for a lot of people
    - a. More people on this side of the lake than the other side
    - b. White Birch is a little more hidden, hard to find
    - c. Could create hardship; the way it is now is fine, needs to be monitored

5. President: we won't make final decision today; we will continue to review options

- a. Asks Property Manager to talk to clubhouse workers and reemphasize sign-in rules, verifying lots, etc.
- b. Will post new signs on Association properties

XII. Legal Update

- A. Collection of legal fees for enforcement of deeded restrictions/Schilling case is ongoing
- B. Max Grider received letter from attorney requiring signature before any additional money can be spent on legal fees
  1. This contract for legal services was approved at prior meeting
    - a. Identified positions with whom the attorney can communicate
    - b. President, Vice President & Treasurer
- C. Max Grider: as a new member of the board, I do not know exactly where we stand
  1. Laura Hodder: as far as we know, we won case
    - a. The Schillings need to pay legal fees
    - b. Attorney has sent to their attorney
    - c. Stated in judgment & Association's Deeded Restrictions that they need to pay legal fees
    - d. Have not heard back
  2. Mr. Howe's questions at July 3 Annual Meeting were in reference to Deeded Restrictions
    - a. Payment of legal fees
    - b. What qualifies as commercial business
  3. President will write a letter on behalf of Board to Mr. Howe
    - a. Will site bylaws, sections of the Deeded Restrictions apply
    - b. Will ask attorney to make another contact with Schillings and update Board on where we stand with case

XIII. Internet service

- A. Previous Property Manager helped install, maintain internet service
  1. Do we need to find a contractor to maintain?
  2. Do we need to find another provider?
  3. Do have quite a bit of money invested
- B. Al Gamichhia: is there a total of money that has been spent on internet so far? What do we collect monthly?
  1. 25 subscribers being charged \$30/month
  2. Almost \$23,000 in expenses, \$14K in income
    - a. \$9K outstanding
    - b. 25 @ \$30/month is only \$750/month
    - c. Never going to make money back
    - d. Spending \$500/month for T-1 line, to bring in 2<sup>nd</sup> T-1 would be add't'l \$500/month
  3. 25 capacity was only brought to Board's attention last winter
  4. Still don't have anyone to maintain, troubleshoot
- C. Cherry Capital has several clients out here
  1. Their service is good, response to problems quick
  2. \$50/month
  3. 24/7 service
  4. 3MG download time
  5. They are going to upgrade tower at bombing range

(Laura Hodder leaves at 11:20 a.m.)

- D. No question that CCC/Mr. Malone has technical ability, resources
  1. Questions about the business interactions, professionalism

- 2. Comments from both sides may be unfair
- 3. Have we sat down with them recently, objectively to review the present facts
- E. Sandy Sugden (Lot 26): can we have options or is it only one choice?
  - 1. If Guthrie Lake's service is holding its own, can we keep it?
    - a. Yes we can keep it, but we don't have anyone to maintain it
  - 2. Will my equipment work w/ CCC?
- F. Don Hart (Lot 426): both Keith Proulx and I have been researching
  - 1. Keith has service, I do not
  - 2. Real dilemma is future viability of Guthrie Lake's ability to provide service
    - a. I don't think it is viable
    - b. We will have to contract out
    - c. T-1 is going to be overloaded
  - 3. CCC has given us an out
    - a. They will grandfather existing owners
      - i. People will not lose equip/investment
      - ii. Will be seamlessly transitioned over
- G. Sarah Madonna: I think the Board lost focus
  - 1. Amenities are focus; we need to protect amenities
  - 2. We are not internet providers
  - 3. In my opinion, dues paying members would say: protect my docks, boats, picnic tables, nature trail, clubhouse; maintain our property values

#### XIV. Property Manager

- A. Equipment: tractor is 29 years old
  - 1. Needs extensive work; tires, battery, fluid, motor issues, alternator
  - 2. Lappans said approx \$1,000 to get it working
    - a. Offered \$1500 as trade
- B. Quotes
  - 1. Zaremba offered \$3600 trade, \$4,000 approximate for new
    - a. Will get new mower for approx \$1500 after trade in
    - b. \$1200 after tax breaks for new equipment as well
  - 2. For price of repairing we can get mower

Motion to purchase a new Cub Cadet zero-turn mower from Zaremba Equipment for \$X,XXX and \$3,600 trade from Carlee Allen, second by Denis Schulte.

Motion carried 6-0.

- C. Anticipate other equipment needs as well
- D. Was there an inventory of equipment?
  - 1. No
- E. Treasurer: there is a capital improvements list somewhere that we need to review, determine what is viable, what is priority

#### XV. Old Business

- A. Denis Schulte: I have been away for about a year; have read minutes from last year's meetings and have some questions
  - 1. November 2009 minutes: Losing money due to reduced early discount on dues?
    - a. Treasurer: More people took advantage of the early discount so there was less money coming
    - b. Budget projected more people paying \$340
      - i. More people paid \$280 early rate instead of \$340
      - ii. Had to adjust budget due to this
  - 2. January 2010 meeting
    - a. Several lots mentioned
    - b. Association was considering paying past due taxes

- c. Following meeting, attorney suggested we wait until past due reached over \$3,000
  - i. Treasurer: Association did pay property taxes so we didn't lose them to tax sale
  - ii. We were going to foreclose instead of county
  - iii. Sent list to atty
    - 1) Atty responded that it is not worth our while to foreclose until amount reached \$3K
    - 2) Don't know how/what we did before
  - iv. Denis Schulte: if we wait until we reach \$3,000, we'll never recoup the property tax expenditures
    - 1) Should we be sell lots for whatever we can get?
    - 2) Treasurer: there was a past practice of lots w/ no homes, pay taxes so county doesn't get and then we start foreclosure

### 3. June 2010

- a. Minutes state there is a folder of legal bills that has gone missing
- b. Treasurer and previous property manager issue met at beginning of Treasurer's tenure
  - i. Property Manager showed file of spreadsheets and bills in file folder in office
  - ii. Folder was never given to Treasurer; kept in office drawer
- c. Treasurer asked Dan to update spreadsheet from 2008 to present
  - i. Former Property Manager informed Treasurer that he folder of legal information was given to Treasurer
  - ii. This was not the case; folder cannot be located at this time

### 4. Habitat for Humanity request to waive dues

- a. Lot owner was going to donate lot to Habitat for Humanity
- b. Board voted not to waive dues for this request

### 5. Denis Schulte provided input regarding ongoing issues w/ CCC in the past

- a. Kept requesting contract for attorney to review
- b. CCC kept giving contract w/ other company's names on it
  - i. Would not provide contract with Association's name on it
- c. Intent had been to generate additional income for association so dues would not be increased
  - i. Intention was good
  - ii. Do believe we need to look at other options
- d. If CCC isn't handled properly, end up with a tax consequence for any income made by GL
  - i. Cannot jeopardize association's non-profit tax status
  - ii. Need to be aware of sales tax consequence as well

- XVI. Al Gamichhia: It is hard to see outside at the pool when it gets dark
  - A. When we redid the pool, there was wiring for lights around the pool deck
  - B. Property Manager: the lights to doors have been fixed
    - 1. Clubhouse workers will turn on lights
    - 2. Will ask what posts are outside of the fence

- XVII. Roger Crowe (Lot 666/667): using pool for last three days
  - A. Too much chlorine being used
  - B. Numerous complaints
  - C. Property Manager: we are going by Health Department regulations; will continue to monitor

- XVIII. Polly Buchanan (Lot 499)

- A. Can we investigate salt water in pool?
  - B. Property Manager: we will continue to investigate
    - 1. Previous Property Manager has reviewed
    - 2. Two years' costs needed for start up
    - 3. Would start to recognize savings 3<sup>rd</sup> year
- XIX. Don Hart (Lot 426)
- A. I like the way this meeting has been run
  - B. Very "customer, user" friendly
- XX. Roger Crowe (Lot 666/667)
- A. Habitat House – who would have profited from that?
  - B. Habitat, not EFPOA
- XXI. President: thank you to attendees for coming, staying, share w/ neighbors that we want your participation, welcome suggestions

Motion to adjourn the August 14, 2010 Regular Board meeting at 12:07 p.m. by Denis Schulte, second by Carlee Allen.

Motion carried 6-0.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sarah Madonna".

Sarah Madonna, Secretary