

**FOREST LAKE PROPERTY OWNERS' ASSOCIATION
BOARD OF DIRECTORS
MEETING MINUTES
May 13, 2023**

I. CALL TO ORDER

Daniel LeFevre/President called the meeting of the Forest Lake Property Owners Association ("FLPOA") Directors to order at 9:01 a.m.

II. ROLL CALL

Board Members Present: Daniel LeFevre ("LeFevre"), James Kelly ("Kelly"), Vito Manzella ("Manzella"), Debra Wojie ("Wojie"), Gene Ross ("Ross"), Tracy Reitzloff ("Reitzloff"), Ron Swagman ("Swagman")

Board Members Not Present: Daniel Mancani ("Mancani")

III. REVIEW OF PREVIOUS MEETING MINUTES

Moved by Ross, seconded by Reitzloff, motion carried to approve the April 15, 2023, Meeting Minutes.

Voting Yes: LeFevre, Kelly, Ross, Wojie, Manzella, Reitzloff, Winberg, Swagman

Voting No: None

Absent: Mancani

IV. DIRECTOR REPORTS

A. Dam Safety (LeFevre) – There will be a Forest Lake Level Authority Board ("FLLAB") meeting on May 18, 2023 at 1:00 p.m. held in the Forest Lake Clubhouse, public is welcome. LeFevre refers to a grant chart. NRSC Grant (potential) will fund 75% of project costs. FLLAB consists of Arenac County Board of Commissioner/Sally Mrosinski, Arenac County Drain Commissioner/Larry Davis, Moffatt Township Representative/Ray Daniels, Clayton Township Representative/Bryon Fogarasi, and Forest Lake Property Owner Association Member/Daniel LeFevre. We are expecting up to \$9,000,000.00 in grants to help minimize the need for future special assessments during the first phase of the project. FLLAB is considering three 3 concepts, with Alternative 1 looking promising. Once a design concept is agreed/voted upon the design process should occur over the summer, submitted late-September to EGLE for approval, and construction beginning over winter months. Alternative 2 would move inlet structure/box culvert 50 feet toward clubhouse. However, the USDA grant does not fund new installations, just repairs, so the grant would not fully fund Alternative 2 and a special assessment would become necessary. Special assessment funds may be necessary to fund future upgrades/repairs/maintenance.

B. Legal, Lake Ecology, Fish Stocking, Insurance (Swagman) – Dredging, contracted with Savin Lake Services to build a holding cell in Highland area on 10 acres owned by FLPOA. Subcontracted with a tree service who removed necessary trees. Cleaning up and excavator is on site, removing stumps and creating a bowl effect, completed within 3-4 weeks.

C. Parks and Recreation (Reitzloff) – Researching FLPOA parks’ future/current needs. Some tree removal/clean-up completed at Whippoorwill Park and playground equipment sanded/painted. Future park clean-up day this fall/spring. The Garden Club has done a nice job on the signage flower beds located at Wolverine and Whippoorwill. The Garden Club is looking for volunteers.

D. Campground, Office, Activities (Kelly)

SBA loan has new requirements/loan officer. Looking to terminate the SBA loan (which was back up to 2021 special assessment). The Garden Club is looking for volunteers, please contact Marie VanHemel. Ox Roast volunteers, please contact Karen Kelly.

E. Maintenance (Ross)

Red maintenance truck has been repaired. John Deere tractor repaired in-house. Playground equipment sanded/painted. Campground bathhouse open.

F. Security, Communications (Manzella) - Name badges provided to security personnel. New signage at lake access points stating no lifeguard on duty, thin ice warnings. Forestlakemi.com website is up and running. All FLLAB updates will be posted on the website.

G. Refuse, Merchandise (Wojie) – All dumpsters now open, no bulky items, furniture and/or construction materials. Moffatt Township Clean-Up Day - June 3, 2023. Online Forest Lake store merchandise is available.

H. Liens & Foreclosures (Winberg) – Processing 2023 FLPOA annual due payments. The amount of delinquent FLPOA annual dues are declining.

I. Clubhouse, Storage Area (Mancani) – None.

V. NEW BUSINESS

Reitzloff states that 2023 Board Member nominations were timely received. Three (3) FLPOA board seats open, nine (9) nominations received, two (2) nominations accepted, one (1) seat remaining open and will be appointed (2 members expressed interest).

Member states there are actually four (4) seats available as Winberg was appointed/accepted and should have run again this election cycle.

A. Member requested refund of his two (2) Option No. 4 payments of the July 2021 Special Assessment.

Member originally chose the 2021 Special Assessment/Option No. 4 (10 x \$200.00/year payments) but no longer wants to participate, requesting refund of two (2) \$200.00 payments made. Member further states that he believes the 2021 Special Assessment was created improperly. Response, there is 91% member participation, showing the majority of the membership supports the 2021 Special Assessment and wishes to continue moving forward. The Board does not support member’s request for reimbursement. Kelly states the new FLLAB is responsible for spillway construction only and the 2021 Forest Lake Special Assessment is now being allocated to fund lake dredging once appropriate.

B. FLPOA member offers to share a personal copy of the original plat drawings with the FLPOA Board in exchange for waiving the members July 2021 Special Assessment obligation.

A property owner is in possession of original FLPOA plat drawings and will provide the drawings to FLPOA only if their 2021 Special Assessment obligations are forgiven.

C. Consider FLPOA approval and consent for FLLAB for payment of the following invoices through the USDA/NRCS professional services grant program:

FLPOA owns the property/land, FLLAB has the authority to approve invoices (contracted with Spicer, GEI and Fisher), but is asking that FLPOA also approve invoices.

- i. Spicer Group Invoice #221011 dated April 27, 2023, in the amount of \$6,132.00 for professional services rendered;**
- ii. Fisher Contracting Change Order #9 dated May 3, 2023, in the amount of \$18,160.11 for repair of erosion caused by the siphons during high flow (re-starting the siphons and re-installing buoys); and**
- iii. Fahey Schultz Invoice #11199 dated May 1, 2023, in the amount of \$9,178.01 for legal services rendered in connection with the establishment of the FLLAB.**

Moved by Kelly, seconded by Ross, motion carried to approve payment of the above-mentioned three (3) invoices (Spicer Group Invoice #221011, Fisher Contracting Change Order #9, and Fahey Schultz Invoice #11199).

Voting Yes: LeFevre, Swagman, Kelly, Wojie, Manzella, Reitzloff, Winberg, Ross
Voting No: None
Absent: Mancani

VI. PUBLIC COMMENT

Member states he requested reimbursement of 2 previously paid \$200.00 Special Assessment payments as he does not feel the 2021 Special Assessment was created properly. Member disagrees with the flat rate per member regardless of property value. Member states his problem is with the creation/administration and not with payment obligation. Member further objects to receiving delinquency notices and the penalties imposed therein. Member objects to being labeled “not in good standing” as a result of his delinquent special assessment payments. LeFevre states he has had numerous conversations with Member regarding this matter and legal opinion regarding this matter has been rendered. To date, there has been 91% membership participation and starting the process over would not only be unproductive, it would jeopardize the project and grant funds. LeFevre is, however, open to further discussion.

The Special Assessment Notice language always stated “spillway, dredging, docks”, the funds are being used in accordance with such intent.

Member asks if a member’s association dues were paid, why would stickers be withheld? Response, association dues are paid but special assessment payments are delinquent, therefore the member is not in good standing. Member asks if FLPOA counsel could clear things up. Response, the FLPOA Board serves the Association as a whole, not just a few. The 2021 Special Assessment creation process, 2

options were considered: (1) tax roll route which would have resulted in higher cost and further delays, and (2) FLPOA Special Assessment which would expedite the process, keeping costs down. Legal counsel was consulted. The FLLAB now controls any future special assessments. In 2021, when creating the FLPOA Special Assessment, we did not know the complexity of the project and hoped to expedite the construction.

Reitzloff asks the audience, via show of hands, if anyone believes a \$1,500.00 property owner obligation out of a possible \$6-8,000,000.00 final project cost to be an unreasonable and/or unfair personal responsibility? No response and/or show of hands.

Member states people have paid the 2021 Special Assessment and are simply looking for progress.

Member asks if there is funding available for dredging at this time. Response yes, we have \$655,000.00 being held in escrow by Arenac County. We have received a 1.5 year extension, due to the newly contracted with engineering firms.

Member states the Army Corps of Engineers original installation of the Forest Lake dam resulted in the beach being public. Response, the Army Corps of Engineers did not construct the dam and the non-profit status is a separate issue which requires FLPOA provide certain public services. As a non-profit, FLPOA does not pay taxes on its common property/parks, etc. We will determine the cost to members individually should we lose our non-profit status. Campground/docks/trash monies fund our budget along with nominal yearly dues. Financial information is available for review in the office upon request. Kelly responds requests will be honored when submitted clearly and concisely. LeFevre will provide a balance sheet and income statement upon request.

Member states he has attended many meetings and consistently hears practice versus Bylaws, seems to always be an issue. Member states the Board should consistently govern its business pursuant to Bylaws not past practice. Revise the Bylaws if outdated. Response, acceptance of nominations to serve on the Board is very telling, the hours spent by the Board are many and as volunteers. Member states the current Board is very transparent, and communication is at its best. LeFevre asks members to submit suggestions/concerns as it relates to the Bylaws to any Board member in writing. Bylaws can be changed, covenants changed only by Court Order.

Member recites Bylaw language regarding FLPOA board member election practice. Member further states a Petition/57 signatures was presented to the FLPOA Board regarding membership vote as to the appointment of the Forest Lake FLLAB single member. Response, the FLPOA Board concluded that the Bylaws do not require a membership vote and allow for certain voting procedures which the FLPOA Board has followed. Further response, the construction project ready to begin and any delay could result in its derailment and loss of funding. The Bylaws do not provide for a membership vote on the appointment of any FLLAB member, the duly elected Board conducts its business on behalf of the membership as a whole. LeFevre suggests that members submit any proposed Bylaw/procedural changes in writing to Board members.

Several Board members excuse themselves.

Member asks as to facility rental if not in good standing. Response, there are rental agreements in place for both Forest Lake and Moffatt Township residents.

Member states Clayton Township also falls within Forest Lake, can they also take advantage of facility

rental along with Moffatt Township members.

Member states there is a fallen tree on a power/cable line by boat launch, are we responsible? Ross responds this would fall under preventative maintenance.

Member states he signed the aforementioned petition, wanting to only make sure that the Bylaws allow the Board to appoint a member to the FLLAB without a membership vote? Member is good with the appointment if allowable under said Bylaws. Ross states we consulted with counsel and our actions are allowable under the Bylaws.

Member reiterates his suggestion that the FLPOA Board follow the Bylaws and not past practice(s). That way Board actions are easily explained/demonstrated.

Member states if funding/grants are received, there will not be an additional special assessment immediately, but eventually there will be one.

Member cautions FLPOA members planning to attend the upcoming FLLAB meeting be cautious/conservative as to their public comments.

VII. ADJOURNMENT

Moved by LeFevre, seconded by Wojie, motion carried to adjourn the May 13, 2023, Meeting at 10:41 a.m.

Voting Yes: LeFevre, Wojie, Manzella, Reitzloff, Winberg, Ross
Voting No: None
Absent: Mancani, Swagman, Kelly



Tracy L. Reitzloff, Secretary
Approved: July 1, 2023