

**LAKE SENECA PROPERTY OWNERS, ASSOC., INC.**  
**BOARD MEETING MAY 10, 2012**

Minutes of the Lake Seneca Property Owners Association, Inc. Trustees Meeting held at Lake Seneca Arrowhead Lodge on April 12, 2012

**Trustees Present:** David Deubner, James Delcamp, Mark Shenkel, Jim Hulisz, Sue Shenkel, Jim Donze and John Halderman were present.

**Approval of Agenda:** David Deubner asked if there were any additions or changes to the agenda. There were none.

**Property Owners' Time** – Karlee Farley: I have a question for Rita Mercer who could not be here tonight. When are you going to fill the holes on back roads? Mark Shenkel stated that we have no paid maintenance employees. David Deubner said this is where we're coming to. Since the membership has chosen to not supply adequate funds, every time we make a request as a member, we are actually requesting that another member volunteer and take from their time and come out and fix our problem. Even with the volunteer effort, we are running out of funds to adequately support the volunteers. We are reaching the point of no return. The answer to the question is when another member feels like going out and fixing those holes, that's when they'll get fixed.

**David Deubner asked for a motion to Approve Minutes for April 12, 2012.**

**Motion to approve the April 12, 2012 Minutes as printed**

Motion made by: Sue Shenkel Seconded by: Jim Hulisz

David asked for discussion. James Delcamp said that under Committee Reports, Maintenance, Mark Shenkel said we finish mow around here about 20 to 26 weeks per year. James Delcamp is getting estimates on the field mowing. James Delcamp stated: James Delcamp is not getting estimates on field mowing.

**Motion Failed:**      Yes = 2                  No = 5                  To be reviewed at the next meeting

**Treasures Report:** James Delcamp- Treasurer's report April 2012.

LSPOA Checking	-----	\$	50,571.39	
Petty Cash	-----	\$	200.00	
Operating Fund - Savings	-----	\$	9.67	
Dam Fund - Savings	-----	\$	65,455.93	
Capital Reserve Account	-----	\$	58,261.37	
Operating Reserve	-----	\$	31,318.80	
LSPOA Checking w/Huntington Bnk		\$	492.92	
Special Road Assessment	-----	\$	5,093.49	
Emergency Reserve Fund	-----	\$	<u>16,125.77</u>	
<b>Total Current Assets</b>				<b><u>\$227,529.34</u></b>

James Delcamp explained the accounts on the Balance Sheet and the Income Statement. Under revenues we received \$43,671 for the month of May. We have received so far for this fiscal year \$103,655. We still have \$193,745 more to come in to meet the budget.

David Deubner explained that the budget we have here has not been approved by the membership. It is an operating budget based on last year's approved revenues to tie us over until the membership meeting when we get an actual budget approved.

## **Board Meeting May 10, 2012 - Treasurer's Report Cont.:**

James Delcamp asked to turn to the balance sheet. We have \$50,571.39 in the checking account and \$200 in petty cash. There is only \$9.67 in the Operating Fund Savings account. Last year on the 15<sup>th</sup> of May, it was \$56,970. Most of that fund was used with the checking account to get us through the fiscal year. There's the Dam Fund, which is locked in only for the dam. It's \$65,455.93. We have enough to make the first payment in 2012. There is a total of \$227,529 in all of the accounts.

James Delcamp asked for any questions. Bill Collins asked, is there any way we can get the capital projects shown separate from the other income and expenses? James Delcamp stated that it is separate. The Capital Reserve revenue shows on the balance sheet and the expense is on the income statement under expenses. The expense so far this year is \$1,296.37. Last year \$113,000 was spent and I will have the break down of that at the annual meeting on a slide presentation. No other questions.

David Deubner asked for a motion to accept the Treasurer's report.

### **Motion to accept the Treasurer's Report for April 2012**

Motion made by: Jim Donze Seconded by: Sue Shenkel

**Motion passed:** Yes = 6                      1 Abstained

**Motion #12/05/01**

### **Committee Reports**

**Maintenance:** Mark Shenkel – We're servicing the John Deere that hasn't had any service for over a year. The little Ford tractor is down, but we're not spending that kind of money right now to fix it unless someone else makes another decision. Other than that, all the rest of the equipment is ready to go except for the dredge. Everything is off the dredge, ready to be shipped out and repaired if we are going to repair it.

David Deubner asked for any questions. There were none.

**Office & Collection:** James Delcamp – We've got some people in short-term collection. We have 3 members who have gone through the collection process and are now at the attorney for foreclosure procedures.

The office is busy getting collection information around, getting stuff around for the annual meeting and doing the normal business at this time of year. Any questions? No questions.

**Legal:** Jim Donze – No additional comments.

**Buildings & Grounds:** Jim Hulisz – There has only been a few permits for small projects. One for a pole barn and two other minor ones. There were no questions.

**Lake & Dam, Waste Water:** David Deubner – I did an inspection yesterday. The dam looks very nice. There are a couple of logs against the dam, but nothing like it was last year.

I took my first water sample and will be tested tonight or tomorrow.

**Security:** Sue Shenkel – House checks are turning out okay. Three weekends ago I called the sheriff and had a non-member charged with trespassing. He paid the fine. A renter physically removed the gate from the boat launch. They then backed their boat into the water. The volunteers have secured the gate so if anyone tries to take the gate off its hinges, they will have to destroy the gate to do so. There is a new sign down there with 3 phone numbers to contact.

## **Board Meeting May 10, 2012 – Committee Reports – Security Cont.:**

There is also a sign donated by Rural King that says please keep gate closed. It looks really nice over there. I also get complaints about members not in good standing with their boats on the water. It is up to you people to police that. Right now I'm getting no support from either the DNR or the Sheriff department once they get on the water. If I can catch them going in or at the launch, then I can do something.

More discussion followed on how to control the members not in good standing and the non-members from getting their watercraft in the water.

**Dredging & Crane:** John Halderman – Not a lot going on. We've been working on the dredge. We've taken it apart because it needs major repair. There's no way we can do this repair ourselves. We do not have the tools that are needed. As for the crane, we cannot dip into the river until after June 15<sup>th</sup> when the spawning season is over.

**Beautification Committee:** Barb Hulisz – The clean-up date is the 19<sup>th</sup>. We have signup sheets in the office and in the porch of the lodge. Next Wednesday we will have mulch delivered. We have to get the entrances weeded. We will have a dumpster here for anyone who wants to use it. Mark Shenkel added that tires will not be accepted. If you have any used oil you don't know what to do with it, bring it up here. We have a company that recycles it and pays us \$0.35 a gallon for it. David Deubner asked if someone has something to recycle, what do they do with it? Mark said to bring it here at the shop. If you can't move it, call the office and we'll get someone to help you. More discussion continued on the recycling and problems with bills from Allied Waste.

Barb Hulisz continued with her committee report. We don't have any tools for cleanup day. You'll have to bring your own. We'll be here from 9:00 am to 1:00 pm. We also need more volunteers to help on garage sale day with the food.

Another project Beautification wants to do, with the board's approval, is re-do the men's and women's restrooms. We want to put new tiles, new stools, new sinks and new flooring. It will be handicapped accessible. We want to do it in July sometime when the lodge isn't being used. Another project is to get the dead trees on Tass cut down and replace them. We're working on what kind of trees. We would appreciate any input from the membership. I want to thank Jan Boerst for all her hard work out here. It really looks nice.

Jan Boerst added, I want to personally thank Rocky & Patty Warner, Pam & Rich Sheets, Lynn & Nancy Elston and Karen & Roger Wilson for working on the S up front. They made it a fun project. Dorothy & Henry Huner could use some help with their area and probably Linda Earhart also.

**Krafter's Klub:** Nancy Elston – Absent. Financial Report submitted.

**Social Activities Committee:** Merrie Ann Ferow – Absent. Sue Shenkel reported that as of 4-30-12 we have \$778.92 in checking. On 4-21-12 we hosted a Spaghetti Night. Doug and Sandy Tansel provided the spaghetti, John & Ingrid Halderman brought the salad and Gary & Anna Mossburg brought the bread. Great food was had by all. Barb Hulisz won the 50/50 drawing. A total of \$337.43 was raised. Our committee has purchased 5 wooden swings to replace the ones at the beach area. Those 5 that were there were broken and rotted beyond repair. We still have to paint the new ones. On Sunday May 27<sup>th</sup> we will host a pancake & sausage breakfast. We will be serving from 9:00 am to noon to accommodate the late risers and the church goers. Our next meeting will be June 13<sup>th</sup> at 7:00 pm at the lodge. We invite everyone to come and join us.

## **Board Meeting May 10, 2012 – Committee Reports Cont.:**

**Recreation Committee:** Carol Swiatkowski – Absent. David Deubner stated they submitted a financial report. They have about \$2,700 in their combined accounts.

### **Old Business**

**Expenses approved** – James Delcamp: Bills were presented to the Board.

**Motion to approve bills that were paid and bills to be paid.**

Motion made by: Mark Shenkel Seconded by: Jim Donze

**Motion Passed:** Yes = 6 Abstained = 1 **Motion #12/05/02**

**Torkelson – Check Approval according to motions made April 2012 & December 2010 –.**

Motion to send letter requesting meeting in an Executive Board meeting to discuss the joint septic system issue. (Check was approved in the above motion #12/05/02.)

Motion made by: Sue Shenkel Seconded by: James Delcamp

**Motion Passed:** Yes = 6 Abstained = 1 **Motion #12/05/03**

### **New Business**

**David Deubner** explained the board held an executive meeting yesterday, May 9, 2012. In that meeting there were three motions made. One was to hire a Sargent at Arms for the annual meeting up to \$100 total. Two was to hire Rick Lavinsky as LSPOA attorney for overview of the lake as a whole and pay a retainer. The third motion was to submit to collection all members who are 6 months or more past due with payment of dues or assessments on an ongoing basis. This is intended to mean that when any member reaches 6 months in arrears, they will be submitted to collection. The exception to this is long term uncollectable debt due to inability to contact the party.

Much discussion followed on whether an attorney outside Williams County or an adjacent county can be hired by the association. It is a rule and rules can be changed by LSPOA Board of Trustees.

John Halderman made a motion to rescind rule 70.5 – Association lawyer. LSPOA will retain a corporation lawyer from Williams County; if none available in Williams County, the attorney will be recruited from an adjacent county.

Motion made by: John Halderman Seconded by: Sue Shenkel

**Motion Passed:** Yes = 7 Unanimous **Motion #12/05/04**

**Rock Warner** – Discussion on Rocky's motion for the annual meeting on our By-Law on how officers are selected and what the Ohio Planned Community Laws say about this issue. Mark Shenkel explained that the way our by-laws are and the way the Ohio Planned Community Laws are, they do not allow doing what your motion says. Rocky explained that we, the membership, control our association. We can change our by-laws. Much more discussion followed.

David Deubner stated that we are debating this proposal and it's really not the issue. The issue at hand is whether the combination our by-laws at the time the new law went into effect plus this document (Ohio Planned Community Laws) makes it impossible for you to carry this motion forward. That's what we need to be able to present to you and to the rest of the membership hopefully before but at least at the meeting. Then if the resolution of that is to move forward with the motion, then we'll debate if it really is a good idea. Now is not the time to have that debate.

**Board Meeting May 10, 2012 – New Business Cont.:**

**Janice Bilton** added that when she went to the OLCA meeting, Rick Lavinsky said that the government has tied our hands and we have to go by what they're doing or we could be fined or the right to be an association will be taken away from us.

**John Halderman** told Rocky that the motion Rocky wants to present to the membership is illegal. The attorney said no you cannot do what that motion says. It is illegal

**David Deubner** read, Section 5312.02, item C of the Ohio Planned Community Laws. What this says to me is if Rocky's proposal was in our by-laws and recorded before this law went effect, we could continue with it. Then Section 5312.04 item A says the officers are elected by the members of the board. Given that we didn't have your proposal before, this keeps us from doing it now.

**Mark Shenkel** will send an e-mail to Rick Lavinsky to get something in writing for Rocky.

**David Deubner asked for a motion to adjourn.**

Motion made by: Jim Donze Seconded by: John Halderman

**Motion Passed:** Yes = 7 Unanimous

**Motion #12/05/05**

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David Deubner, President

Approved

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Pamela Sheets, Secretary