

## Sunset Shores Property Owners Association 2021 Fall Meeting

Location: New Buffalo Township Library Pokagon Room

Saturday September 11, 2021 10:00am ET - 12:15 pm

The Call to Order was made by the outgoing President, Ron Watson

Roll Call was performed with outgoing officers Sharon Kelly, Cheryl Istvan, Arlene Pokuta, and Ron Watson present.

Presentation of May 2021 meeting minutes: The outgoing secretary sent minutes to all before the meeting so as to not to take the time to read them aloud. Sharon mentioned a few items the board had promised to take action on: ByLaws, Picnic Invitation and Park use preference questionnaire, pricing of playground equipment – all of which were ready for this meeting's discussion or vote to be taken. (There was a motion to approve the minutes and the motion was seconded)

### Officer Reports:

President: Ron Watson- Comments/Overview of recent Activities Ron explained that he was not seeking re-election but would serve on the new board as per the bylaws. He emphasized that good communication was becoming increasingly a reality since the social media committee chair Missy Goldberg had done a fine job with our Facebook and web page and we redoubled our efforts to collect workable email addresses from all members. He urged members to make sure their new board has their correct contact information. Ron also talked about the other items that would be in today's meeting and their importance: park playground equipment / having a creek committee to respond to the frequent problems caused by blockage of the creek causing flooding and massive erosion to the homeowners and their yards who are along each side of the Lighthouse Creek. Ron thanked the board and the committee chairs for all their outstanding work and cooperation. He went on to thank Arlene Pokuta for her outstanding service as Treasurer and Resident Agent of Sunset Shores for twenty years and he presented her with a small personal gift as a token of appreciation.

Ron offered his parting advice for the new officers-elect: Be logical, honest, transparent, and use common sense.

Vice President: Cheryl Istvan spoke about her time on the board and agreeing with Ron's comment about using one's best judgment in the many matters that present themselves. Cheryl thanked each of her fellow outgoing officers and mentioned that she would speak later regarding her role of ByLaws Committee chair and the recommendations that the committee was putting forth today.

Treasurer: Arlene Pokuta handed out copies of the financial report for the members to read, rather than reading the details aloud. She stated that the total going forward was \$34,933.98. The previous May 12 balance was \$34,566.31 as reported at our May membership meeting.

Income we brought in over the summer with dues was \$5326.20 and total expenses paid out were \$4958.53. The importance of establishing working budgets for the various committees was mentioned.

Secretary: Sharon Kelly noted that the president had given her a special assignment aside from her being a park committee member to research price ranges for playground equipment. Over the course of the board's research prior to this, other people in charge of purchasing playground equipment in town were consulted for who they used and members looked at about 4 viable providers. Sharon provided pictures by email and had a couple of samples of quotes the day of the meeting of playground configurations we could consider that would fall in the \$12K range. There was much conversation and questions regarding competitive quotes, installation, researching available grants (this had been done in the past to no avail). Member John Taylor who had previously volunteered and repaired the concrete and installed our new flagpole now volunteered his services to excavate/grade the playground site and install the required safety sand which was widely appreciated by the membership. The best quotes were from a site called Willygoat.com whose owner Jim can be reached at 888/920-4628. All materials regarding the quotation will be turned over to the new board in short order. She said a vote re: how to proceed would be taken later in the meeting.

Sharon also reported on the results of the park use survey sent out with the RSVP request for the July park picnic. Members put forth the following ideas: 2 or 3 people each topic: Music in the park / Game nights/ lawn games / swap meets-rummage sales / Gazebo / walking trail around the perimeter / swimming pool / bonfire/ potluck gatherings like the July picnic / trim tree limbs before they cause injury./movies in the park

Two other suggestions made:

Install a neighborhood Cellular FCC approved Signal booster to improve our spotty cellular and wifi reception in the neighborhood, especially for use during weather events which are becoming more common. This would not be recommended for installation near the children's playground equipment. These are installed over large farm properties and some higher end campgrounds which exceed the area of our association. These do require a large capital investment. (Aside: With the emerging 5G service for 5g devices and Wifi 6 technology standards-- perhaps other workarounds for optimal service here could be shared among members and perhaps with City Council and/or Pokagon Fund involvement.)

The most common response: Leave as much wide open green space in the park as possible for games of wiffle ball, football, playing catch, etc. Members remarked they leave over developed city and suburban locations to come here where they want as much nature and space as possible in the park.

Social Media Committee Update: Chair Missy Goldberg reported our website sunsetshores.org is alive and kicking as is our facebook page Sunset Shores Neighborhood. She encouraged members to peruse, join, post photos and info, etc. Missy remarked that she had been given meeting notes, info, minutes back to 1984 to consider how best to post these and whether a different type of archive is necessary for continuity of the association...Ron mentioned that the Social Media chair is provided information for posting and guidance by the recording secretary.

Tim Schultz was acknowledged for his and his late wife Roberta's many years of volunteer service to the community and in the park in particular.

Park Status: Linda Hankus, resigning park chair provided a great amount of detail supporting the facts that she had painted everything that needed to be painted(equipment, signs), replaced what needed to be replaced (benches/picnic tables) and solicited sand from a new house build which was then used to

bolster the area around our swingset. She also recruited members to volunteer their services in repairing / constructing/ painting / planting/tree limb trimming/ donating a “book exchange” box...and watering of purchased or transplanted plants at our park that has no water service, with that watering volunteerism ending on 9-11. She offered her ideas for the next park committee and the new board that we could possibly consider memorial bricks. She thanked all the volunteers she recruited who had so generously given their time and efforts for a beautiful result.

Beach/Beach Stairs Report: Helen Shannon also had much to share. She reported that since volunteering as chair she has taken on the task of analyzing many years of notes and information regarding our East and West Beaches and the association’s easements, title deeds, quitclaim deeds, etc. to support the committee’s efforts to retain the ability to use our easements... We’ve enlisted an attorney for 2.5 hours of supporting work. And we are considering having another survey performed with present quotes running \$2.5K each. Some members said we should seek more competitive quotes.

Helen wanted to state clearly that “non-use of an easement does not constitute abandonment -- there must be a clear intent by the easement holders.” She mentioned meetings of her committee are open meetings. She remarked we are waiting on an opinion on a quitclaim deed. She also reminded the members that in the past we had made three donations to the NB Shoreline Alliance since 2017. She estimated the committee’s budget going forward might start around \$5,000. Helen mentioned there was an outstanding bill from attorney John Wojik.

Ron interjected that we have loads of data that substantiate our easements. There was much conversation with input from many members regarding disputes and resolutions of those disputes over the association’s many years in existence.

Ron Watson asked the Beach chair to introduce the other beach committee members: Marie Pusinelli, Linda Hankus, Kathleen Rohan, and Cheryl Istvan. Ron asked the Park chair to introduce her committee members: Brian Abele, Rita Watson, and Sharon Kelly.

#### New Business:

- Proposal for New Park playground equipment (to be voted): Sharon Kelly redisplayed the two choices of playground equipment which were around \$12K. Those quotes (which were the best quotes received) were from Willygoat.com and they included installation and tax also. John Taylor volunteered his services for grading the area and spreading of safety landing sand. The association would need to obtain the permit from the city. Ron interjected liability insurance would not increase as a result of this. If we wanted to purchase additional insurance for accidental physical damage to the equipment itself, that would result in an additional charge. Many Questions were asked regarding the details that were provided to members by email and printed on the examples brought to the meeting. Usage of the swings was requested and Sharon whose house and work office face the playground area reported about three groups of children per day use it. We were told that the equipment is available in blue and silver like our swings and some of our park furniture with the exception of a grasshopper bouncing rider which is only available in grasshopper green.

Ron interjected he had already gone to the city planning committee and was given the ok on installing a few more piece of equipment. The expenditure to buy the equipment was approved in 2019 so some

members urged decisive action be taken so the process could get underway – so installation could be completed before next Spring at the latest. Members expressed their opinions on their preferences for the type of equipment and the number of pieces of each type of equipment. Sharon answered a question regarding if grants had been pursued and if preferential “public” land use pricing was available. Both of these avenues had been explored in the past with Michigan grantees turning down our request and also since we are private, no public preferential pricing was available in the past. If the new board and park chair would like to test the grant waters again, perhaps they could quickly surmise if money was available without holding up purchase, preparation, and installation. Likewise of course preferential pricing may be sought even though we are “private” use.

A motion was made to buy a slide. This motion was seconded and then by a show of hands, this motion decidedly was approved. A second motion was made to buy additional pieces of equipment shown in the sample given as well. This motion was seconded and then by a show of hands, this motion decidedly was approved. A third motion was made to reaffirm the \$12,000 cap that was already approved for the purchase and installation of that which was approved in the first and second motions. This motion was seconded and then by a show of hands, this motion decidedly was approved. All information will be shared with the new board and their new park chair in short order so they may improve upon the initial quotes, verify service reputation and get the process underway with a mandate to purchase multiple pieces of color coordinated equipment for a price around the \$12,000 shown at the meeting for the equipment install or lower.

- Review Current ByLaw Proposed changes and clarification:

Cheryl Istvan the association VP had volunteered to spearhead the ByLaws Committee since the members had requested changes at the Spring meeting but there were no member volunteers to participate. The Board which consists of officers and standing committee chairs met several times and did email exchanges sharing deficiencies noted in the 2014 ByLaws and members’ suggestions to bring them up to reflect current needs and to make some provisions clear. After much deliberation and drafting changes that would bring our bylaws in alignment with current practice and also clear up confusion about membership and meetings, the six person board voted unanimously to present this 2021 ByLaws version to the membership. Cheryl ran through some of the changes in the document which the recording secretary had distributed to the membership for review/vote at the membership meeting. She noted many of the revisions were not actually a change but merely a codifying of things which had been common practice but were not previously specified.

A Change being recommended is that standing committee chairs who are voting members of the board should be elected rather than appointed we also felt it was important that anyone running for office be a member in good standing for at least two years prior to an election to demonstrate ongoing support of the association and to affirm that they have been able to gain knowledge and experience with the organization. Also included is a provision that an officer could be removed from office -- something that is common in other nonprofits but was missing from our bylaws. The most significant changes made to the bylaws are the following: first we define what it means to be a voting member the previous bylaws only said that a member is someone who resides in Sunset Shores-- this did not account for people who own more than one property or someone who owns property but does not reside in the community. The new document defines a member as someone who is a property owner in sunset shores who is current and paying their dues it defines the dues obligation as one dues payment per property per year

and it states that votes are qualified for one vote per property that is currently paying dues. For a person who owns several properties that pays dues for each is allowed one vote per property and a corporate owner who pays dues would also be allowed one vote. The board felt it was important to make this clear so that there are no ongoing misunderstandings. Second we clarified how membership meetings are to be conducted; the former bylaws said simply the association shall meet regularly at a time and place determined by the president and the special meetings may be called. The new bylaws codify our longtime practice of holding regular spring and fall membership meetings -- it requires at least two weeks of notice for any meeting, it requires a quorum which is described as 51% of the board of directors, it states that votes require a simple majority of those present and eligible to vote for approval. The document also specifies that a special meeting will require two weeks' notice; it will require a quorum and that votes of 2/3 of the members present and eligible to vote are required to approve any measure brought before the meeting. This 2/3 number is the same that our previous bylaws specified for amending bylaws-- we felt that for a situation that was important or out of the ordinary items of business and that the greater hurdle of approval should be the same. We did allow for proxy or mail voting for special meetings; we also added a section to allow for electronic or teleconference meetings in an emergency. We did not have this provision in the previous bylaws and that caused a problem during the COVID lockdown. We made some changes to the suggested changes to the committees we felt it was important to add a creek committee to the regular committees along with the social media and nominating committees.

A member remarked that the lack of a definitive end date for officer's term did not sit well with her.

Cheryl explained that Section 8 Article 6 2014 election of officers shall be held annually in August or September returns of office shall run for one year from date of elections and with the new change election of officers shall be held annually at the fall meeting. If the meetings aren't exactly one year apart -- in case you have a meeting on September 10th and the next year the meeting is on September 4th .

A member added that she thought the officer term should be amended to two years and there was much discussion.

Cheryl said that the board didn't want to make too many changes in one document-- we hit what we thought were the biggest problem-- that the gaps were there or there wasn't enough information and bylaws did not align with our current practices. This is a living document and it was being suggested that the committee person attend as a standing committee member board meetings so that it can be improved. We were just trying to plug in the holes from the 2014 one which was missing major sections. Any ideas such as two year terms is something to be amended-- something that going forward can be recommended by the new board and ByLaws committee and then put out to the membership before the vote since they are recommended to be reviewed annually.

Ron interjected that he was going to make a motion in a few minutes to have standing committee members be voting as board members going forward.

So in 2020 we didn't have a fall meeting due to Covid restrictions but now we could 'cause we have enough email addresses where there can be a quorum so we say in these new bylaws that there can be a zoom meeting and for special meetings that it can even be by proxy and mail so it is a different situation we have enough emails that we have a quorum and we can do electronic if physical restrictions ever happen again.

These bylaws give us a right to have electronic meetings and now we have enough verified emails that we could have an electronic quorum. The 2014 bylaws are deficient in this respect. It was suggested that if there's just one or two things that need to be discussed and then potentially changed that we could bring a motion to pass with an amendment on point A or point B point and then we could move forward with this as the road map for the association to run smoothly and the board did a good job with pulling that together and identifying the stuff that didn't match up to ensure a bit more harmony in the community and to keep things running smoothly.

There was a motion to to table and then the initiator of this motion attempted to retract this, which was not deemed possible. This motion was seconded and then by a show of hands, this motion decidedly was Rejected.

A member voiced her opinion that a special meeting should be phrased "shall" be held as opposed to "may" be held. Cheryl explained if the recall of an officer occurred so that it could be handled at a regular meeting there might not be a need to have a separate meeting called as well. The same member said the \$3500 threshold for capital expenditures was too high and should be changed to \$2000 since in looking at Arlene's report all expenditures tended to come in under \$2000. It was explained by Ron that the \$3500 was for Capital Expenditures, not ongoing, routine maintenance costs like what mostly were shown on Arlene's report.

There was a motion to vote to Ok the ByLaws 2021 version and This motion was seconded and then by a show of hands, this motion decidedly was Approved.

Arlene interjected that every August the resident agent of our association will get a notice from the state of Michigan department of licensing for nonprofit corporation that be filled out and sent in before October 1st with a \$20 check for a filing fee this is very important to keep our nonprofit status and also make a copy of it includes who are all

- Proposal to vote on Standing Committee Chairs (BOD members): Ron Watson asked to take a vote on the standing committee chairs at which point Arlene Pokuta held up three fingers and announced the three standing committee chairs -- Helen Shannon (Beach Chair)/ Vacated Park Chair to be announced (at the time this was Linda Hankus) / Cheryl Istvan (ByLaws Chair) to make them officially part of the board of directors.

There was a motion to vote to Ok the standing committee chairs as voting members of the Board. This motion was seconded and then by a show of hands, this motion decidedly was Approved. Ron was counting aloud the number of hands that represented the majority – Linda Hankus interrupted Ron and told him she was only serving out Tim's time as park chair. Ron continued counting and said he counted 22 votes and then Barb O'Loughlin said to him that she paid dues on the three houses she owns on Shore Drive and Ron asked her was she voting to approve the standing committee chairs as board members and she said Yes to which Ron said – I guess that brings it to 25 hands I just counted. So the motion passed by an overwhelming majority of those present.

- The nomination committee was chaired by Noreen Adams who recommended a slate of officers as follows: President: Conrad Rieckhoff, VP: Mike Shannon, Treasurer: Tim Slomka (in absentia), and Recording Secretary: Betsy Ruley

The Election Process was handled by Election Committee Bart Goldberg who announced the slate of nominees for President, VP, Treasurer, and Recording Secretary. He said If there were two or more candidates for a position, the vote for the contested office would be by secret ballot.

In each case, he asked if there were any nominations from the floor. Since there were not any additional nominees, a vote was taken by a show of hands for each individual office to install the 4 nominees as our new officers.

- Presentation of New Board: President: Conrad Rieckhoff, VP: Mike Shannon, Treasurer: Tim Slomka (in absentia), and Recording Secretary: Betsy Ruley

Newly elected President Conrad Rieckhoff spoke about using more correspondence going forward to have improved communication in order to make good things happen for our community and boost membership.

Member Comments/ issues raised from floor/Member Feedback:

Noreen Adams presented a situation to the membership re: an open electrical box that was installed not far from her front door to supply power to the park lights which illuminate the fence over the road where our culvert is and the sidewalk installed by the city. Noreen said we have 3 lights because the board approved it. Ron interjected saying that was wrong. Ron told the drain commission to put a safe fence across the culvert bridge. Between the city and the drain commission they decided the city would put in lights to light the fence and the sidewalk that the city installed. Ron interceded on Noreen's behalf with the city. The city told Ron it would cost \$5000 to move it. Ron put this before the board who voted that Sunset Shores is not responsible to pay \$5000 to move that electrical box. Noreen asked for help in having this dangerous and unsightly structure situation mitigated. She specified that in the minutes she wanted it noted that she wants your support and appreciates it. Another thing she pointed out was that she has brand new homeowners next door who are wonderful people who put up a new fence with four by fours with chicken wire (some member offered that it was called "hog" wire) She invited members to check out the fencing suitability. Noreen also spoke re: a skyrocketing water bill situation (most recently in excess of \$1800 and her daughter's last bill was \$450) she is experiencing as well which she suspects is due to a faulty meter. On both matters, Noreen is dealing directly with city leaders.

Conrad proffered that he thought that we should find out more info and he said we'd try our best to find out what we could do to help Noreen get rid of the open electrical box hazard.

Linda Hankus, our resigning park chair offered her personal comments re: Solemn 9/11 Remembrance and Recognition of extraordinary acts of heroism and patriotic unity and she also offered a prayer.

Conrad adjourned the meeting.

Submitted respectfully,

Outgoing Recording Secretary Sharon Kelly