

MINUTES  
COBMOOSA SHORES ASSOCIATION BOARD  
September 11, 2021 9:00 a.m.

*(As usual, members present were welcome to comment throughout the meeting)*

CALL TO ORDER: 9:05 a.m.

MEMBERS PRESENT: Rich Campbell, Sara Collins (remotely), Ed Dedic, Paul Jordan, Tim Pieri, Dennis McKelley, Bill Raffail

MEMBERS ABSENT: Tom Boersma, Rick Emerson

GUESTS PRESENT: Jill Dedic, Diane Frazine, Mark Hendrickson, Tim Jaspers, Janis Morrison, Barb Raffail

COMMUNICATIONS: These were all covered under other agenda items

REPORTS:

- **Secretary:**

- *Minutes August meeting*

**Motion: To approve the August minutes as published. Motion made by Bill Raffail and seconded by Tim Pieri. It passed unanimously**

- *Should we establish a target/deadline for agenda items?*

This item was submitted for the agenda by members Diane Frazine and Jill Dedic. Discussion ensued regarding the possibility that the draft agenda could be made available to members prior to the meeting to produce better member input and participation. This would not preclude the addition of items subsequent to the publication of the draft agenda.

**MOTION: The deadline for trustees to submit items for the draft agenda will be the Wednesday before the meeting. The draft agenda will then be shared with the membership. It was moved by Dennis McKelley and seconded by Paul Jordan. The motion passed unanimously.**

- **Treasurer:**

- *Report deferred to October due to the Treasurer's absence -- see addendum on page 5*
- *Response to Linda Van Sprange's concerns*

Member Linda Van Sprange had expressed certain concerns that the Board has been expending funds in violation of the Bylaws. A letter containing her concerns was attached to the minutes of the Annual Meeting. Paul Jordan read his comments to the effect that all of the expenditures about which she was concerned had been made in accordance with the provisions of the Bylaws. (There was no objection to their [attachment to the version of these minutes](#) that is posted on the website.)

- **Roads:**

Ed Dedic reported the roads were in good condition at the time of the meeting. Roads were graded to prepare for the final brining of the season. Roads were brined with the same amount as the times before. Ridge Trail was not brined because the Dolomite does not seem to produce dust. The brine that would have been used on Ridge was added to the sunny areas on all of the other roads.

New speed barrels with “Please Slow Down” signs as approved at the previous board meeting have been placed on each road. The speed barrels on Chippewa have been outfitted with signs facing both ways. This new board approved approach has shown to slow traffic, especially on Ridge Trail.

Repairs have been done on Erie Trail to curb the water and keep the erosion of the road sides to a minimum. A combination of cleaning, spreading asphalt millings, applying asphalt cold patch and compacting was completed by Dean Gentel and Ed Dedic last week. In addition, a load of 4-8” stones have been purchased and delivered to use on the steep slopes to slow the watershed from eroding alongside and undermining the road bed. This technique is used on highway projects on steep slopes to slow water flow and curb erosion. This stone work will be completed over the next few weeks.

- *Electric wires*

This item was added at the request of member Mark Hendrickson. There are many wires along the CSA’s roadways. Mark wondered if there had been any consideration to having them placed underground. Mark and Dennis McKelley will look into the issues (and potential cost) of burying wires.

- **Beach:**

- *Repair of lower stringers at South access*

This will be done later in the fall using volunteers.

- *Firepit cleaning*

There was an email from member Ron Holtz about one of the firepits, and Dennis McKelley had responded to clarify that the firepit in question was indeed a CSA firepit. Volunteers are needed to clean the four pits around early October. Volunteers for helping with the beach are always welcome. Contact Dennis McKelley if you are interested in helping.

- *Pack it in, pack it out concerns*

Barb Rafaiil contacted the board about the kayaks and concrete block by the South Access, and discussion ensued. The block was apparently fished out of the lake. The accumulation of personal articles on the beach seems less than in previous years, though some people have left their kayaks, a canoe, and a sailboat on the beach the entire summer. All in all, members have responded to the policy though renters may be less responsive.

- **Building:**

- Lot 002 | S Ottawa Trl - **Courts** | At siding and finish stone stage
- Lot 121 | E Ottawattamie Trl - **Jones** | Basement is poured, Framing to start soon
- Lot 190 | W Chippewa Trl - **Zvoch** | Complete
- Lot 342 | W Erie Trl - **Vander Werp** | Exterior mostly complete, Well drilled
- Lot 189 | E Ridge Trl - **Kelly** | Complete

- **Trees:**

- *Hemlock Woolly Adelgids*

Bill Rafaiil summarized the meeting provided by Drew Raynor (DNR) and Keely Dunham-Adkins (West Michigan CISMA) in which they described HWA (and showed samples of infected branches), summarized the pros and cons of the various treatments, and offered their assistance both to the board (to assess trees on Association property) and to individual property owners (to do the same on personal property). They also agreed to forward to Bill additional materials which he will then share via the eNewsletter and CSA website. Paul Jordan mentioned that in addition to the need to plan for the possible treatment of hemlocks on the CSA

roadway, there was a more urgent need to treat those trees along the roadway that are already in apparent distress. The following motion was moved by Paul Jordan and seconded by Bill Rafail:

**MOTION:** The Tree Committee is directed to develop a plan for the control of hemlock wooly adelgid (HWA) on CSA property. The plan should include an estimate of treatment cost, recommendation regarding the means of treatment, a timeline for implementation, and a plan for ongoing treatment (if indicated). The committee should also develop a plan to encourage and assist property owners to assess and treat as necessary the trees on their personal property. These plans should be submitted to the Board at its April 2022 meeting. In addition, the Tree Committee is directed to identify severely infested hemlocks on CSA property that require immediate treatment, and to expend up to \$300 to do so. The motion passed unanimously.

#### COMMITTEES:

- **Park and Entrance:**

Mowing is ongoing. It would be good if whoever mows the sides of the accesses would blow the cut grass off the walkways.

- **Social and Event:**

The Labor Day coffee seemed to be a complete success, with good attendance.

- **Communications:**

Bill Rafail reported that in the last month there have been 3 updates to the website, 2 News & Notes posted, and 3 eNewsletter sent.

- **Nature:**

- *Nature information at coffees?*

Barb Rafail asked if it would be possible for the Nature Committee to set up informational posters at coffees. The consensus seemed to be that this was a good idea to pursue.

- **History: Tell your Story!** [history@cobmoosashores.com](mailto:history@cobmoosashores.com) just send an email with a picture attached and explanation of who, what, where, when.

#### OLD BUSINESS:

- *New owner welcome packets*

Sara Collins reviewed the draft welcome packet. It will be prominently posted on the CSA website.

- *Amerigas pricing change:*

Ed Dedic reported that Amerigas has been unresponsive since the negotiation of the spring propane price was agreed to \$1.42<sup>9</sup> per gal. The paperwork was not finalized yet and no contact was able to be made even through corporate. On Friday, Aug 27, 2021, Amerigas representative called to tell us that the pricing had changed to \$1.98<sup>9</sup> per gallon and that they could no longer honor our previous amount due to increases in propane prices. We understand that members have received bills with prices as high as \$2.15 per gallon and we have been told this will be adjusted when we get amounts agreed to and paperwork finalized. I was able to get a hold of Amerigas last night and they have agreed to sit down and negotiate final pricing and a long term plan going forward.

- *Truestream Update:*

It was mentioned by a few of those present that it is possible to call GLE/Truestream to schedule the installation of Truestream. The only prerequisite is that the outside installation of the “gray box” must already be completed. After a brief discussion it was suggested by Diane Frazine that the membership needed to be informed of this. Bill Raffail agreed to send a CSA eNewsletter to update the membership.

- *Petition drive.*

A year ago there was a drive related to rental regulation. Tim Pieri was seeking information about it, which prompted a discussion of rentals.

## NEW BUSINESS”

- *Advertising defines commercial activity*

Tim Pieri expressed the view that the Association should define rental “commercial activity” as being indicated by it being advertised. He is concerned that those involved in renting should be aware that they are violating the deed restriction against commercial activity.

**Motion: “Advertising for rentals is commercial activity.” Moved by Tim Pieri, and eventually seconded by Ed Dedic. Bill Raffail moved to table the motion, with a second from Paul Jordan. The motion to table passed unanimously.**

Bill Raffail will make sure that the deed restrictions are more prominently located on the website, and promulgated among the membership.

- *Benona Township short-term rental ordinance*

Rich Campbell has received a copy of Benona Township’s draft of a short-term rental regulation zoning ordinance. Such an ordinance would provide a registration and enforcement mechanism that could be used by neighbors concerned by a short-term rental. Copies of the draft will be distributed to trustees and discussed at the October meeting. Such a regulation would not eliminate the deed restriction against commercial businesses.

- *Combine the Nature and Tree committees into a single committee*

This was deferred to a later date. Right now, the Tree Committee will be focused on developing a plan to control hemlock woolly adelgids. Volunteers will be needed to assist in the efforts. (Contact Bill Raffail or Rick Emerson.)

## OTHER ITEMS:

- Please update your contact information on CSA Website or <https://forms.gle/ejEma59QAYXGEsYy8>

NEXT MEETING: October 9, 2021, 9 a.m. at the Stony Lake Inn

ADJOURNED: 10:43 a.m.

Respectfully submitted,

Paul Jordan, Secretary

*[NOTE: This report has not yet been reviewed and formally accepted by the Board]*

## Treasurers Report 9/08/2021

As of 08/31/2021 the balances in accounts is as follows:

Checking: \$21,041.78  
 Money Market: \$21,331.40  
 Cash on hand: \$41.83

## Budget Status 2021

Item	Budget	Spent since Last Report	Balance
Roads	\$ 24,000.00	\$13,197.29	\$ 9,844.45
Trees	\$ 2,400.00	\$ 0	\$ 2,400.00
Beach and Parks	\$ 3,000.00	\$ 210.00	\$ 1,517.00
Insurance	\$ 3,750.00	\$ 3,261.00	\$ (866.00)*
Accounts Receivable Clerk	\$ 1,000.00	\$ 0	\$ 1,000.00
Communications	\$ 2,000.00	\$ 0	\$ 2,000.00
Postage and Supplies	\$ 1,000.00	\$ 138.32	\$ 846.51
Miscellaneous Admin	\$ 730.00	\$ 66.00	\$ 303.23
Legal and Professional	\$ 200.00	\$ 0	\$ 200.00
Taxes	\$ 800.00	\$ 205.45	\$ 595.55
Social	\$ 600.00	\$ 216.64	\$ 296.11
Contingencies	\$ 5,000.00	\$ 0	\$ 5,000.00
Total	\$44,480.00	\$17,293.70	\$ 23,136.85

\*This negative line item will be eliminated when we receive the refund for the unused premium from The Cincinnati Insurance Co.

Accumulated Surplus: \$32,893.59 (Calculated as statement balances, plus petty cash on hand, plus deposits since statement, plus receivables minus remaining budget minus outstanding checks).

The Money Market account balance reflects receipt of \$0.91 in interest and an inactivity service charge of \$3.00 since the last report.

Checkbook balance is reconciled with bank records as of 09/07/2021

Approximately 65% (about \$28,800) has been received from members so far for 2021/2222 dues.

*(Presented at the 9/11/21 Board Meeting by Paul Jordan)*

### **REPLY TO LINDA VAN SPRANGE**

Scrutiny of a governing body is a good thing because it can lead to improvements by challenging the way that it has conducted its business. I believe that the CSA Board meets the challenge posed by the comments that Linda Van Sprange made at the June Board meeting, repeated at the Annual Meeting, and which have been attached to the minutes of the Annual Meeting.

I will not attempt to summarize Linda's comments since they are available elsewhere. I will, however, address several key points where I believe she is mistaken. The comments here are my own and not those of the CSA Board.

Linda's objections are based upon Articles 2, 3, and 6 of the Association's Bylaws.

Article 2 of our Bylaws identifies the purpose of our Association and the things for which the Board may authorize expenditures. While she refers in passing to Articles 2(a) and 2(c) of our Bylaws, Linda's main contention seems to be that the Board may only spend funds "to maintain/improve roads and beach accesses and other common areas" as provided in Article 2(b).

Linda suggests that Association expenditures for such things as administration, supporting members' efforts to fight tree diseases, legal consultation, logo redesign, etc., therefore violate the Bylaws because they do not further the narrow purposes outlined in 2(b).

If the Association were to accept this logic, then it could be argued that the Board also has no authority to spend money on things such as printing and mailing the annual newsletter, renting the township hall for the Annual Meeting, maintaining a website, or on any number of other things that are routine and necessary for the Association's functioning.

Her interpretation overlooks the broader authority that is granted through Article 2(c). This subsection empowers the Board to spend funds on "anything necessary and proper for the accomplishment of the above stated purpose within the context of the provisions set forward in this document". That "above stated purpose" is not limited to those that are detailed in 2(b).

Article 2(c) provides much broader latitude for Board action within the bounds defined by the Bylaws as a whole. It certainly does not limit permissible spending to only the roads and other common areas. It clearly includes disbursements that are necessary to fulfill a broader "purpose" that includes the subject of Article 2(a): "Consider and deal by all lawful means with events common to the general welfare and interest of the association" (emphasis added).

The disbursements that Linda specifically challenges are all either directly related to the purposes defined in 2(b) [e.g., the beach sandbags and maintenance of trees on the CSA roadways], or they promoted the "general welfare and interest of the association" as required by 2(a).

This also counters Linda's second objection, which she bases on Article 6. This Article requires that dues and (special) assessments must be used for the purposes outlined in Article 2—and they have all been used for purposes outlined in one or another of the subsections of Article 2.

Moving on, the subject of Article 3 is the extent of the Board's authority to expend funds. More than anything else, her third objection (based on a narrow interpretation of Article 3) highlights the fact that in my opinion the Article's language is imprecise and open to interpretation. Linda's assumption seems to be that any specific expenditure that is not detailed in the budget as it was approved by the membership is a "non-budgeted item", even when those expenditures clearly fall within a category that exists within the budget as it was approved.

This last statement is critical. The budget that is approved by the membership has never included detailed descriptions of anticipated expenditures within each budget category. I am certain that every member who votes on the budget understands that the specific expenditures that will be made during the year within each budget category will be based on the current needs of the Association, and that the nature of these needs will vary from time to time as circumstances change.

Expenditures larger than 10% of the budget total may even be routine, particularly in connection with road maintenance. What she seems to question are non-routine expenditures that amount to more than 10% of the approved budget total—even if they fall within an existing budget category and are made in response to a critical need that could not have been anticipated at the time the budget was approved.

Her objections overlook the fact that our budget, like almost all organizations' budgets, is a broad spending plan with amounts estimated to be needed for specific budget categories that together define a spending limit within which the Board is expected to operate. It is both necessary and routine for every board to make decisions concerning its specific expenditures over the course of the year to address the organization's current needs in fulfillment of the organization's overall purpose. (Indeed, if there were no need for such decisions over the course of the year there would be no reason to have a decision-making board in the first place!)

As a result, total expenditures in some budget categories will increase while others will decrease over the course of the year.

Such routine adjustments within the budget may be formal or informal. If they are formal, a motion may be passed that moves money from one budget category to another. If they are informal (as is more usual in small organizations such as ours), then over-expenditures in one category are anticipated to be offset by under-expenditures in others.

This is precisely what the Board of the CSA has done over the years while being mindful of two things: That the expenditures must be for purposes identified in Article 2, and that total over-expenditures cannot exceed the budget's authorized spending ceiling by more than 10%.

In conclusion, I'd like to thank Linda for testing the Board's practices against the standards defined by our Bylaws. I think it has passed the test.

Paul Jordan, Trustee  
Bill Raffail, Trustee