

LAKE SENECA PROPERTY OWNERS, ASSOC., INC.
BOARD MEETING JUNE 12, 2014

Pledge of Allegiance

Minutes of the Lake Seneca Property Owners Association, Inc. Trustees Meeting held at Lake Seneca Arrowhead Lodge on June 12, 2014

Wayne introduced Russ Davies from our insurance company to explain our general liabilities from injuries suffered from anyone riding on Lake Seneca Property with any type of vehicle; car or recreational vehicle. He stated LSPOA would be liable only if Lake Seneca was negligent in some way. For instance not taking care of a pot hole that we were aware of and someone gets hurt by running across it. He stated we have \$100,000,000.00 worth of coverage only. He said we do not want to jeopardize our ability to buy insurance in the future. He said "collectively" we are responsible for what happens on our roads here at the lake. Wayne asked what if we created a dirt bike track with people manning it with liability forms signed. He said this would be additional liability to the lake. People asked about buying permits for their ATVs. The agent explained that people's homeowner's insurance policies do not extend to an all terrain vehicle once it is off their own property. Bill Collins (homeowner) asked about signs maybe covering our liability issues and he stated the signs help but do not change our risk. He said that in 2003 the board has coverage so they are not held liable for lawsuits for their decisions. We thanked Mr. Davies for his information. (Applause)

Wayne introduced a member of the Sheriff Dept Joe Romes who spoke on behalf of the Williams County Sheriff Dept. He stated we are considered a "private" community because we maintain our own roads. They, however, have jurisdiction over people riding any vehicle and breaking the law. Driving on our roads with an open container of alcohol would be reason for a property owner to get a ticket for an OVI. Also they must maintain the posted speed limits or they will be ticketed. He explained that if they are called, they come up to the lake to investigate. If anyone is operating a vehicle with a suspended license they can be ticketed. According to the Ohio Revised Code all ATVs are supposed to be registered with the State but they are not enforcing this rule at this time. If there is an accident on or off public or private property they are required to file a report. They let the people know at that time that it is required that they register their ATV but are not cited at this time. Jim Coolman stated that he observed 7 year olds driving on the roads recklessly with their parents just watching them do it. He wanted to know what we can do. He said when we approach a parent about it they tell us to "Go to Hell". Wayne stated we were going to fix that. Bill Collins stated that only issues that are "specific" for private property owners and their right to use it can be dealt with. He said only specific things such as speeding, reckless operation and driving under the influence are "statutes" and are the only elements that can be enforced for private property. He stated the rules we make at LSPOA have no statutory power whatsoever. The Sheriff then said LSPOA could actually set our own penalties here. Mr. Collins then said LSPOA could not because we did not have the right under this level. People that don't pay their dues have signed a lien and are responsible only to pay for monies owed and for any property that has been damaged and only the cost of repairs. He stated we do not have the ability to fine anyone. The officer stated their power is only by the ORC. Rocky Warner asked if he witnesses someone driving recklessly and he calls the Sheriff Dept what can they do if they didn't actually see the person. He stated that if there is "probable cause" they can issue a citation. He stated any evidence such as pictures or videos that would help also. More conversation continued about the legality of people doing damage at the lake and rules for drivers. He stated that they are very short handed in Williams County at this time and apologized for that. He stated that the more evidence they have documented the better. Much more conversation from audience with the deputy. He stated to call the Sheriff's office and request for them to come back to one of our

LSPOA Board Meeting June 12, 2014 Sheriff Deputy Continued.....

meetings and they will try to accommodate us. Talk about speeding down the hill by Seneca Isle. Having a speed trailer at the top of the hill may help. Deputy Romes said to call the County Engineer's office and speak with Will Allomong to maybe get one at the lake. Deputy Romes was thanked for coming out. Applause.

Trustees Present: Wayne Yoder, Janice Bilton, Pamela Sheets, James Delcamp, Jim Coolman, John Raszka and Andy Hricovsky

Member Comment: Rocky Warner – Stated he saw some construction going on and looked at the building permit and rules. He said the rules do not match the permit regarding the deposit for new construction. He states the rule number 72.2 needs to say for “New Houses Only” to match the permit. He also stated the excavation permit needs to be more technical then what they are using now. Wayne told him we are using what he was showing is almost identical to what the county issues.

Member Comment: Tom Fiser – 238 Seneca Drive. He stated that if there is $\frac{3}{4}$ to 1 inch of rain that his property floods. He stated there is a large culvert under the road that goes into his yard. He said there is a tile there but when it rains it can't keep up with it. The water that comes in starts at Modoc road both sides of the road and runs all the way down to his property. Most of it is on this side of the road and goes under the tile. If you can see the water running out of the lot and the restaurant, you would understand part of the problem. On the side of the restaurant, the east side, there is a 6" tile that he could not see where that comes from that runs wide open down to his yard. He said the water that goes into his yard is not his water but “our” water. He said he filed a formal complaint on May 16, 2014 and spoke with a couple members and has not heard a word or seen anyone down by his property. He asked everyone to picture how they would feel if their yard was flooded after working so hard on it. He didn't feel this was an acceptable method of drainage and we need to check into this. More discussion followed from the board. Jim Coolman and Janice Bilton explained that we cannot change the natural waterway and he said that we cannot run water through his property. One of his neighbors corroborated what he said about the flooding. He said he has lived there 11 years and it is just happening now. Maybe there is a plugged tile and they will check into this. Tile may need to be changed. More possible solutions to the problem were discussed.

Member Comment: David Deubner – Seneca Isle Bridge – Contacted Bell Engineering at his own expense to inspect the bridge as it is now and to provide some options on upgrading the surface and load characteristics. The criteria used today for load limits are not the same as 14 years ago. He also checked into building a causeway over the lake and whether or not a permit was needed. He checked with the DNR and was told that a permit is needed but provided not by the State of Ohio but the Army Corp of Engineers. He spoke with their regional office in Oak Harbor and they confirmed that also. They are sending him an application and when he gets it he will give it to the board. He provided us a copy of the contract with Bell Engineering. He asked if anyone had any questions. He was thanked for all his efforts.

LSPOA Board Meeting June 12, 2014 continued.....

Approval/Minutes from previous meeting May 8, 2014....

Jim Delcamp requested a change from page 6 changing amount from \$39,000 to \$139,000 on the road repair previously reported in error at the May 8, 2014 meeting per the recording.

Motion made by: James Delcamp Seconded by: Jim Coolman
Motion Passed: Yes = 7 No = 0 Abstained = 0 **Motion #14/06/01**

Treasures Report: James Delcamp – Treasurer’s report as of May 31, 2014

LSPOA Checking	-----	\$	49,419.48	
Petty Cash	-----	\$	200.00	
Dam Fund - Savings	-----	\$	58,372.46	
Capital Reserve Account	-----	\$	80,511.01	
Operating Reserve	-----	\$	331.51	
LSPOA Checking w/Huntington Bnk		\$	2,710.12	
Special Road Assessment	-----	\$	66,228.05	
5 Year Waterway Cleaning Assess-	---	\$	10,183.36	
Emergency Reserve Fund	-----	\$	10,137.81	
Total Current Assets				<u>\$278,093.80</u>

Wayne Yoder asked for a motion to approve the Treasurer’s report as submitted.

Motion to accept the Treasurer’s Report subject to audit for May 31, 2014 as submitted

Motion made by: Pam Sheets Seconded by: Jim Coolman
Motion Passed: Yes = 5 No = 0 Abstain = 2 **Motion #14/06/02**

Committee Reports

Maintenance: Jim Coolman – Docks are being put in but not finished yet. Rich Sheets is building more docks that are in Jim’s garage. Need help putting them in. Randy is putting regrind asphalt down on some of the roads. Pam Sheets asked if we could have a dock put in by the access lot across from Manito. Randy said it is very deep but it is not impossible. Carol Swiatkowski stated that people who live off the lake should have access to a dock for fishing. Jim stated we never have enough people to help put the docks in. Access lot 915 is not accessible due to the property owner next to it being taken up by his personal docks and equipment.

Office/Collection: James Delcamp – The bills for the dredge and road assessments will be mailed out shortly. Collections, the membership voted to change the By-Law to anyone who is overdue by 30 days “shall” be sent to collections. They have 57 going to collections at the cost of a little under \$4000.00 around the 15th of next month. They have 29 people on a payment plan. They signed a promissory note set up by the office.

Newsletter – Pam Sheets- Working on the newsletter that will be going to print. She announced that if anyone has something for the newsletter to please contact the office or send an e-mail. Carol Swiatkowski mentioned that anyone interested in running for office must have their resume to us no later than July 18, 2014. Anyone wanting to make changes in the By-Laws must present them for the newsletter also. Wayne asked if anyone would like to be on the nominating committee to let him know.

LSPOA Board Meeting June 12, 2014 Committee Reports Continued.....

Buildings & Grounds: Janice Bilton – She apologized to Mr. Fiser for not getting back to him and that she did not forget him. She did not have an answer for him yet. She stated the membership does not have the money to dig up the tile and replace it. Mr. Fiser stated that maybe they can look into using stone for a temporary fix. She said Mr. Coolman was really working hard right now on the docks. Mr. Collins stated that there is getting less and less places to fish for people off the lake. She didn't have any new building permits. Joe Smith is putting up a big pole barn and some people are putting in sea walls. She said the lake is really coming along. More talk about the permit situation. It was explained that when someone fills out a building permit that Carol in the office faxes it to the County and they issue their permit to the member. If the inspector finds that someone did not obtain a permit they will be fined. This is why we do not issue permits to people who are not in good standing.

Lake & Dam and Waste Water: Andy Hricovsky – He went down and tested the water last Friday and everything seems to be fine. He spoke with Randy and he is going to have him show him the valve (weir). Wayne told him there is a whole book of materials that showed what needs to be done before we have another inspection. Wayne offered to help him.

Security: Wayne Yoder – Changed the combination to the boat ramp again. The new number was sent to all members via mass emails. Everyone that is a member in good standing gets the change. We expressed again the importance of correct information from members for good communication.

Dredging & Crane & Legal: John Raszka – Mechanically the dredge is coming along and will be in the water soon. The pits have been measured; they are doing their job because of the dredging. Jim Coolman asked why the dredge is not in the water yet. He explained that the pipe has to go across the road first.

Beautification Committee: Barb Hulisz – Thanked everyone who used the dumpster on “Clean Up Day”. It was left for an entire week. She thanked Jim and Pat Delcamp for the work outside of the lodge. Rita Mercer has been working by Dorothy and Henry Huner's home. They got a lot of mulch to put down by the guard shack and the bridge. Pam said that the solution she got off the internet works very well and should be “Eco-friendly” near the bridge. Barb stated she will be out of town for the garage sale and Rita Mercer will be taking over. Everyone will be getting a call for help. Rocky Warner asked if Joseph Graber (Amish) could set up by the lodge to sell his baked goods. He stated he was willing to pay \$10. Barb stated she did not want him here that day. Discussion followed both pro and con. Rocky stated he talked to Joseph who said he would not show up that day.

Recreation Committee: Carol Swiatkowski – No changes. No meetings or activities. They have \$593.04 in the checking account.

Road Committee – Janice Bilton – Jim Delcamp will be talking about the resurfacing of the roads. The maintenance people have been fixing the pot holes around the lake and she thinks they are doing a pretty good job.

Steering Committee – Wayne Yoder stated that Karen Raszka has resigned as head of the committee. He was looking at previous minutes to see how the committee got created and what it

LSPOA Board Meeting June 12, 2014 Committee Reports Continued.....

was asked to do . At one point it was a lot sales committee as it was called, something else before that and then it became a "steering committee". He stated this was confusing because "steering" committees actually "steer" the organization in a direction making suggestions for fund raising and capital projects. At that point he wanted to make a motion to suspend the steering committee. He stated this committee did a good job with what they were working on.

Motion to suspend the Steering Committee Indefinitely

Motion made by: Wayne Yoder Seconded by: Janice Bilton

Motion Passed: Yes - 7 No - 0 Abstain - 0 **Motion #14/06/03**

Old Business

Expenses – James Delcamp explained the paid expenses so far for the month of June 2014

Motion to approve Expenses

Motion by Pam Sheets Seconded by Janice Bilton

Motion Passed : Yes - 7 No - 0 Abstain - 0 **Motion #14/06/04**

James Delcamp explained again about the contract with the two companies that were considered for the next part of Seneca Drive. He stated the Board voted to hire Ten Mile Creek Excavating to do the job due to the combination of both quality and cost.

Motion to accept Ten Mile Creek Excavating LLC Bid Proposal of \$163,340.00 for Seneca Drive

Payments to be made as follows:

\$50,000.00 upon signing of the contract

\$50,000.00 when cement reclaim is completed

\$50,000.00 when three courses of chip and seal with fog sealer is completed

The balance within 10 days of completion of the total job

Discussion – Wayne asked if this is being paid with money we currently have or are we going into other monies? James explained that the road fund and the capital reserve fund is put together. We will have to use at least \$20,000.00 out of the road fund that is being billed. Wayne explained that the \$20,000.00 that is being used is for the next section of roads but we are doing the next section now. We will be going all the way to the bridge because if we wait, it will cost more next time. We are just getting more road done ahead of time. James stated they will start on the roads after the 4th of July. Carol asked if flyers will go out ahead of time and the board said yes. We can't send a flyer until we know the exact start date.

Motion by: James Delcamp Seconded by: Jim Coolman

Motion Passed: Yes - 7 No - 0 Abstain - 0 **Motion #14/06/05**

Motion to transfer \$50,000.00 from the road account to checking account to make the first payment for road work for Ten Mile Creek Excavating LLC

Motion by: James Delcamp Seconded by: Andy Hricovsky

Motion Passed: Yes - 7 No - 0 Abstain - 0 **Motion #14/06/06**

LSPOA Board Meeting June 12, 2014 Old Business Continued.....

Septic System: James Delcamp stated we need to talk to Mr. Torkelson about the problem with the shared septic system. It was decided to have a private meeting with him; show him the papers we have and what we think should happen. He would like to see this done no later than the first of September.

Seneca Isle Bridge: Jim Coolman – Received a bill from Bell Engineering for \$4,600.00 that Dr Deubner has agreed to pay. Jim stated we can't afford to do the bridge in the standards that Dr Deubner wants at this time.

Wayne asked Jim if he had anything to say about the docks at this time and Jim said no.

Wayne mentioned again if anyone wanted to be part of the nominating committee for the annual meeting he would appreciate their help. He explained the function of the committee.

New Business

Wayne asked Bill Collins why we can't assess fines to members who violate rules. Does he think that "we" as a Board cannot create rules with fines or special assessments? Bill stated that this would be at the higher By-Law level. He stated the By-Laws limit how we can get money from the members. The only things we can collect for are dues and assessments. He stated we can recoup moneys to repair property that a member may damage. These are the only places the Board can get money from the members. Wayne asked him why we are able to charge for dock spaces. Bill stated those are voluntary things that members agree to buy. He stated that the only way we can take people to court is if someone agrees to accept a lien to their property. He stated we are researching this because we are trying to make a list of rules with assessments. Pam asked Bill if we could get a change in the By-Laws. Bill stated this would be a giant leap forward but would also involve the deed restrictions. Rocky Warner stated that if rules are violated by a member not in good standing then we could state they were actually trespassing. They are not allowed to use the common facilities because of their non-payment of dues.

New Motion: To change current rule regarding All Terrain and Recreational Vehicles from page 6 Rule 89.1 in its entirety to the following new rules....

- 1. Driver must have current motor vehicle driver's license. No underage drivers are permitted to drive motorized vehicles on Lake Seneca Roads. Underage drivers must confine themselves to their own property.**
- 2. Proper safety equipment should be worn while riding ATVs**
- 3. ATVs, golf carts and any other motorized recreational vehicles are permitted to be driven only on member's private property or Lake Seneca roads. No one may operate ATVs, golf carts, or any other motorized recreational vehicles on private property; including Lake Seneca owned lots, without written permission from the owners.**
- 4. The 25 mph speed limit must be observed by all vehicles.**
- 5. Members will be responsible for any guest driving the member's ATVs, golf cart, or any other motorized recreational vehicle on Lake Seneca roads.**
- 6. For safety, all ATVs, golf carts or motorized recreational vehicles, even if recognized as "street worthy" must display an orange flag with a minimum of six foot post**

LSPOA Board Meeting June 12, 2014 New Motion Continued.....

attached to the rear of their vehicle. Members can obtain the flag from Do It Best Hardware in Montpelier.

7. All members must display on both sides of their ATV, golf cart, or motorized recreational vehicle, even if “street worthy,” their address with three (3) inch numbers that are a contrasting color from the vehicle. Only the numbers of the address are needed. This way they are easily recognized as to where they live in case of a problem.
8. Anyone caught destroying property with any motorized vehicle will be assessed the cost of repairs to the roads or common facilities.

Fines assessed for the above rules are as follows....

1st violation \$50.00

2nd violation \$100.00

The rules become effective July 1, 2014

Members will be notified of these assessments (fines) by way of written notice.

Motion made by: Pam Sheets Second by: Andy Hricovsky

Discussion about rule number 2 stating that members “should” wear proper safety equipment should be changed to “shall”. More discussion about rule number two. A member spoke up stating that he bought a home for himself and his family and how can we make rules now? Bill Collins stated that the membership chose not to have any restrictions to ATVs. The membership chose not to “ban” ATVs entirely.

Motion Failed: Yes = 2 No = 2 Abstained = 3 **Motion #14/06/07**

At this point, the recorder stopped because it was full. The remainder of the meeting was not recorded. The following motions were as follows.....

New Motion: To table motion on 89.1 revision to annual meeting

Motion made by: John Raszka Second by: James Delcamp

Motion Failed: Yes = 3 No = 3 Abstained = 1 **Motion #14/06/08**

New Motion: To rescind rule on page 2 number 66.6 that reads, “Temporary guests are not allowed to put any type of watercraft on Lake Seneca” to “Temporary guests of a member in good standing are allowed to use watercraft on Lake Seneca provided the member in good standing obtains a temporary pass at the office and pays \$10 per day that the guest will be visiting their home. The member will be responsible for the guest and see that they follow the State of Ohio Waterway and LSPOA rules for their watercraft.

Motion made by: Pam Sheets Second by: Janice Bilton

There was no vote taken per the motion sheet **Motion #14/06/09**

New Motion: To table motion 66.6 for revision to next meeting

Motion made by: James Delcamp Second by: Andy Hricovsky

Motion Passed: Yes – 6 No – 0 Abstain – 1 **Motion #14/06/10**

New Motion: Transfer \$3,400.00 from the Capital Reserve account into the Dam Loan Account to meet the June 15th loan payment. This \$3400.00 will be transferred back to the Capital Reserve Fund when the dam loan assessment money is received.

Motion made by: James Delcamp Second by: Janice Bilton

Motion Passed: Yes – 7 No – 0 Abstain – 0

Motion #14/06/11

LSPOA Monthly Board Meeting June 12, 2014 Motions Continued.....

Oil Filter on the Beach: Per the Agenda there was no motion regarding oil filters on the beach (Jim Coolman)

New Motion: To pay 1/2 of survey payment for the Lamberson Property

Motion made by: Jim Coolman Second by: Janice Bilton

Motion Passed: Yes – 6 No – 0 Abstain – 1 **Motion #14/06/12**

Wayne Yoder adjourned the meeting.

Wayne Yoder, President

Approved

Pam Sheets, Secretary