



# Higgins Lake Property Owners Association<sup>SM</sup>

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## Higgins Lake Property Owners Association

**Annual Meeting – July 13, 2019**

**Roscommon Elementary School**

**Call to Order and President's Opening Remarks:** The meeting was called to order by President Charlene Cornell at 8:45 A.M. Mrs. Cornell stated that today, we would expand on current programs which strive to achieve our mission statement "to protect, preserve and enhance the beauty of Higgins Lake". Mrs. Cornell then introduced the HLPOA Board members, who collectively have enjoyed more than 650 summers on Higgins Lake: Greg Semack – Vice-President, Bruce Carleton – Treasurer, Herb Weatherly – Secretary and Board members Chuck Brick, Wayne Brooks, Becky Gibson, Mark Lutz, Bob McKellar, John Ogren and Fred Swinehart. Mrs. Cornell thanked the Board members for their dedication and hard work throughout the year!

President Cornell then introduced State Senator Curt VanderWall. The Senator stated it was a privilege to be our Senator. Yesterday, he visited 3 DNR locations, West launch, South State Park & North State Park, with HLPOA Board members Charlene Cornell and Greg Semack, to observe Aquatic Invasive Species (AIS) issues. Mr. VanderWall has a home in Lake County, where he is actively involved with AIS. Senator VanderWall said the state needs to work on this issue, which he will address in Lansing. The floor was opened for questions.

Jason Trautz asked about informing people about AIS and would there ever be a mandate requiring boat wash usage. The Senator replied that would be the goal and the state needs to do a better job at the boat washes. Tim Caldwell inquired about the funding from the state, as most members have boats that never leave Higgins Lake. The Senator said there is a concern that currently the brunt of financial responsibility is assumed by the property owners.

Richard Bos asked if there is any state funding for sewers. Mr. VanderWall said there are some grants available. Rick Throop asked where we are with septic enforcement, as MI is the only state without a septic code. The Senator replied that many counties have septic codes in place, but each county has a different directive due to soil composition, adding that failed septic systems are causing problems, not septic systems in general. The Senator is willing to present to Lansing any solution we may have. Mrs. Cornell thanked Senator VanderWall for his time and participation at today's meeting.

### **Approval of 2018 Annual Meeting Minutes:**

President Cornell announced that, based on the registration of members present in person or by proxy, a quorum was present. The 2018 Annual Meeting Minutes were included in the annual meeting packet. A motion to approve these Minutes was requested. Motion for approval was made by Ken Dennings, seconded by Bob Hoffman. There being no discussion, a card vote was taken. The motion passed.

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**Treasurer's Report:** Treasurer Bruce Carleton stated that our process for producing financial statements has remained the same, however two changes in our financial reporting took place during the year. We changed posting the direct interim financial statements on our website from monthly to a quarterly basis. We also changed our CPA firm to Croskey Lanni, PC, who is enrolled in the AICPA Peer Review program, providing us an additional level of quality assurance.

Mr. Carleton reviewed the fiscal December 31, 2018 financial statements prepared by Croskey Lanni, PC, also provided in the annual meeting packet. He highlighted several areas including commenting on all significant expense items, pointing out the significant change in net assets, and noting the strong net worth increase of 50% over the past year. Mr. Carleton also noted that, by relocating our office, we cut our rent expense by more than half and now have utilities included. In conclusion, he stated we posted a very solid and improved financial position at year-end. He also mentioned that our June 2019 interim statements (not yet published) showed the positive trend continuing in all major categories through the first six months of this year.

Mike Hentgen inquired as to how the membership count has changed. Charlene stated we had 507 members. The correct membership count as of July 13, 2019 was 486 and increased to 504 members.

Mr. Carleton then asked for a motion to approve the financial statements for the year ending December 31, 2018. A motion was made by Bob Frye, seconded by Joe Kane. There being no discussion, a card vote was taken. Motion passed.

**Nomination and Election of Directors:** Co-chair Bob McKellar introduced co-chair Herb Weatherly and stated they need a third member at-large, for a one-year term, to join this committee. If anyone is interested, please see Bob following the meeting.

Mr. McKellar proceeded to explain that biographies were included in the annual packet for 4 positions, the first being a partial term position expiring July 2020. He asked if there were any nominations from the floor. There being none, Mr. McKellar asked for a motion to elect Becky Gibson for the one-year partial term. A motion was made by Ken Dennings, seconded by Glenn Fausz. A card vote was taken, and the motion passed.

Mr. McKellar stated we have 4 incumbents for three-year terms: Chuck Brick, Wayne Brooks, Bruce Carleton and Herb Weatherly. He asked if there were any nominations from the floor and there were none. He then explained that, according to our Bylaws, when there is only one nominee for each position, there shall be no election and it is simply announced that each nominee shall assume the open position.

### **Riparian Committee:**

#### **Mission Statement:**

The Riparian Committee, under the direction of the HLPOA Board, acts as a study group and resource making recommendations to the Board on the wide range of riparian issues affecting Higgins Lake. The goal being to advise the HLPOA Board of riparian developments and to act at the Board's instruction to represent our members as well as possible as regards lake issues.

#### **Objectives:**

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1. Act as a resource for the HLPOA Board by gathering and assembling information on the broad range of riparian issues affecting Higgins Lake, including marinas, road ends, funneling, illegal mooring, zoning ordinances, liability, enforcement, etc.
2. Help the HLPOA Board to educate members and the broader Higgins Lake community through dissemination of important, usable riparian information, including through the HLPOA website.
3. Provide a resource for the HLPOA Board regarding riparian issues raised by HLPOA members and other interested parties.
4. Help the HLPOA Board to formulate appropriate actions and policies regarding riparian concerns.
5. Act as a resource for the HLPOA Board and the HLPAC on riparian issues being considered by local and state governments and encourage them to develop and protect riparian rights on the lake.
6. Act as a resource and information sharing center for riparians on lakefront ownership issues.

### **Current Activities**

1. Monitor DNR and local launch sites and report to the HLPOA Board.
2. Continue work with Lyon and Gerrish Townships and local law enforcement to address illegal mooring and road end issues. Last August we met with local residents and discussed issues that were brought to our attention that dealt with repetitive violations. We began meetings which took place in September, November, January, and May. In each of those meetings, we discussed: road end laws and enforcement, illegal mooring, anonymous reporting, removal of anchors commonly used illegally, steps to report repetitive problems to law enforcement, how to work closely with the marine patrol, what issues could be expected to be handled quickly by local law enforcement and what issues could only be handled through the courts. Within this group we worked to publish a method, now posted on our website, for anonymous reporting of violations. Members of the riparian committee are now watching for potential road end mooring violations and believe we are better situated to share our concerns with local law enforcement to develop solutions to problems, along with improved communication and open dialogue.
3. Acting as a resource and sharing information for riparians on lakefront ownership issues.
4. Reviewing and updating the comprehensive document called Riparian Rights, published on our website in the spring of 2018.

The floor was opened for questions.

Jason Trautz inquired if local law officers were going to respond to Jacobs Law vs the Lyon Township ruling. Mr. Semack said that law enforcement and the townships cannot do anything on the spot as Jacobs is a civil offense; however, law enforcement can provide a report to use in litigation.

Lee Ann McGinnis asked if you have to provide your name for anonymous reporting. Mr. Semack said to refer to the anonymous reporting method that is now on our website. In some cases, the reporting party may want to identify themselves if the response that they seek requires their name, but if they wish to be anonymous, they have the option to remain so.

Sally Voorheis asked if anyone can attend the Riparian Committee meetings. Mr. Semack stated the meetings are open to select committee members only in order to keep the size of the meeting group small enough to

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move quickly through many topics, but feel free to contact any committee member to voice your concerns which will then be discussed.

Charlotte Mlot asked if there is anything in the Riparian Rights document about mooring in front of your home for the day, noting the many boats consistently at the Flag Point area. Mr. Semack said that law enforcement is reluctant to respond due to the difficulty of determining lot lines. Issues such as disorderly conduct can be enforced immediately, and law enforcement wants these incidents reported.

**Environmental Committee:** Chair Fred Swinehart introduced the Environmental Committee members, stating they were a good source of information about the lake. He continued with reporting the success of the second year of the Water Quality Testing Program, performed by Roscommon High School chemistry students led by chemistry teacher, Chuck Schepke. Mr. Swinehart also introduced John Blizzard of Raven Laboratories, where water samples are taken for analysis. Two participating students, who are utilizing their chemistry skills and putting them into practice, were introduced. The Water Quality Sampling reports are posted on our website under the "Environmental" tab.

Mr. Swinehart spoke of a new project aimed to obtain a baseline comprehensive study of the lake, due to the invasion of Starry Stonewort (SSW). He introduced Board member John Ogren, who added that the HLPOA Board recently entered into a contract with Dr. Jennifer Jermalowicz-Jones, from Restorative Lake Sciences, to conduct this study to provide an objective Higgins Lake invasive species management and ecosystem improvement plan. Dr. Jennifer Jermalowicz-Jones will begin field work next month. Her team has 125 years' experience amongst them. She is currently the Lake Manager of Houghton Lake.

The cost of this study is \$25,000.00 and Mr. Ogren added that, at the June 10, 2019 HLPOA Board meeting, several Board members personally committed a total of \$15,500.00 to initiate this study. He added that if each HLPOA member donated \$20.00, the balance would be covered. When completed, the full study will be posted on our website. Dr. Jennifer Jermalowicz-Jones was then introduced.

Dr. Jennifer Jermalowicz-Jones stated that her goal is to help preserve the lake for us and for future generations, by creating an active working lake management plan. She reviewed a slide presentation showing several studies which will be undertaken.

Lee Ann McGinnis inquired about the wild rice planting. Dr. Jennifer Jermalowicz-Jones replied that you need the blessing of the DNR and the Board majority vote.

Mike Hentgen stated he has been a part of the water sampling program and asked if this data could be utilized. Dr. Jennifer Jermalowicz-Jones said, "absolutely".

**HLSIO/Swimmer's Itch Report:**

Mr. Semack noted that the incident of Simmer's Itch has remained low and that we have been continuing the program of trapping and relocating merganser ducks.

Dr. Curt Blankespoor was introduced.

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Dr. Curt Blankespoor reported this is the 4<sup>th</sup> year his team has been working to reduce Swimmer's Itch (SI) on Higgins Lake and now have a maintenance program in place. He highlighted a slide presentation showing progress since the program's initiation. One merganser brood has been removed this year, with the possibility of one or two more sighted. Dr. Blankespoor concluded by stating this is a great success story at Higgins Lake!

Karen Trautz asked why you don't want reports of male mergansers in the lake. Dr. Blankespoor said adult birds are not able to be removed as they cannot be easily captured with a brood of ducklings that they remain with long enough to be trapped.

Richard Bos asked how one determines if the birds are males or females. Dr. Blankespoor stated that females are grey with a reddish head and males are largely white with a green head, adding that the males do not show colors until their second year.

Ken Dennings asked if you are able to tag ducklings. Dr. Blankespoor explained that we are tagging ducklings, when possible, this summer.

Rick Throop asked about the results of the duck hunt. Greg Semack replied that there were not enough hunters to conduct the hunt but hoped to schedule one for this year.

**HLPOA Friend of the Lake Award:** Secretary Herb Weatherly shared that it was not long ago when a virtual plague identified as Swimmer's Itch (SI) hit our lake. Two Board members volunteered to find a way to combat this invasive species. They were Ken Dennings and Jim Vondale. They contacted Dr. Curt Blankespoor. Mr. Dennings and Mr. Vondale formed an organization and created a plan to find donations in order to contract with Dr. Blankespoor. As a result, we have witnessed great success, where SI has been reduced significantly and we are now on a maintenance program. We have these two men to thank for getting SI under control.

Mr. Weatherly said that Jim Vondale could not be present, so an HLPOA Friend of the Lake Award will be mailed to him for a job well done! Mr. Weatherly then introduced Ken Dennings, to receive his HLPOA Friend of the Year Award.

Ken Dennings thanked Senator VanderWall for being here, stating how appreciative we are for the \$250,000.00 state appropriation which is shared by MI Swimmer's Itch Partnership Lakes. Mr. Dennings added that it was the scientific approach by Dr. Blankespoor which accelerated our success with the SI program. He said that he and Jim Vondale were a team and that this award really belongs to the entire group working on this effort, prior to obtaining MI Legislative support. Mr. Dennings thanked Dr. Blankespoor and his father for taking on this project on the basis of a handshake.

**Membership and Communications Committee:** Co-chair Wayne Brooks reported that our 2019 Membership Directory was paid for by our advertisers and asked our members to support them. Mr. Brooks then thanked member Sally Voorheis and her assistant Cindy for donating the graphic work for this project.

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**Legal Report:** Bill Carey reported about the AMVETS lawsuit filing, where there is disruption in a residential, single family zoned area. He informed us that the lawsuit is in a stage where depositions will be taken and questions answered, adding that ultimately, there will be a trial in mid-2020.

Regarding the legal level of Higgins Lake, Mr. Carey addressed the "Citizens for Higgins Lake Legal Levels" group (CHLLL), as litigation is pending. He informed us that the HLPOA, along with the Higgins Lake Land Conservancy, jointly filed a motion to intervene. Mr. Carey stated we are not taking sides, but we want to be a part of the proceedings and be able to provide advice at upcoming hearings.

Mr. Carey wanted to expand on two previously asked questions answered by Greg Semack. Regarding the question asked by Jason Trautz about the enforcement of Jacobs Law, he stated that this is a court case between particular people and was made law by the courts. While that case provides value, future participants are not bound by that case. There is not enforceable action that can be taken by different people. However, portions of Jacobs Law were made into state law declaring overnight mooring and the placement of private docks, boat hoists and similar structures at road ends illegal.

Bill Carey then addressed the question regarding daytime mooring asked by Charlotte Mlot. Mr. Carey stated this is one of the biggest problems, not unique to any part of the lake. There is not a black and white answer due to the right to navigational servitude and the right of temporary anchorage. Law enforcement will take a report and you must identify the violator.

Lee Ann McGinnis said that in Gerrish Township, there are signs posted by the police at most road-ends with the Jacobs Law restrictions. Mr. Carey replied that we, HLPOA, made those signs because of contempt hearings. Mrs. McGinnis then asked why Lyon Township was not seeking enforcement vs the HLPOA. Mr. Carey said that the AMVETS lodge was built prior to Lyon zoning. Their expanded use is what neighbors are taking exception to in an area zoned residential.

Charlene Cornell thanked Bill Carey and asked if there were any other matters for discussion or questions. There being none, she asked for a motion to adjourn the meeting. A motion was made by Bill Cornell, seconded by Steve Ricketts. There being no discussion, a card vote was taken, and the motion passed.

**The meeting adjourned at 10:59 A.M.**

Recording Secretary: Kathleen Barger, HLPOA Administrative Assistant

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