10/08/2019 – Board Meeting Minutes 6pm et / 5pm ct

A meeting was scheduled for this date. Due to scheduling issues with Board members and other work commitments meeting moved to 10/22/2019.

10/22/2019 – Board Meeting Minutes 6pm et / 5pm ct

In attendance;

Sharon Anson

Jim Lease

Randy Plew

Tom Earhart

Gerry Powell

Copies of Board meeting minutes for 08/13/2019 – 08/24/2019 (annual EFAC meeting) – 09/10 & 09/17/2019 were sent to all for review.

We missed approving minutes from the 08/13/2019 at the 09/17/2019 meeting.

Minutes for 08/13/2019 were reviewed – Randy made motion to approve – 2nd by Sharon - all approved as written.

3rd draft of Annual meeting minutes of 08/24/2019 have been created. Information on the insurance policy has been entered along with the sign in sheets from the attendance at the Annual meeting. This will be presented at the 2020 Annual meeting for approval.

Minutes from 09/10 & 09/17/2019 were reviewed. Randy made motion to approve – 2nd by Sharon – all approved.

Finance – No checks have been written since last Board meeting – we have one bill to pay – Tom’s hours for the Annual Meeting and on-site review for Pier 35/35A issue. The amount is $750.00 for this work. Gerry made motion for Randy to pay this bill. 2nd by Jim – all approved. Tom submitted a bill for September work. Randy thinks this is in the EFAC PO Box and will pick it up for review in the November meeting.

Ryan Sigler from Blueriverd is handling the Website move to the Board’s control. Randy & Ryan have been trying to contact Mr. Presser for the admin passwords to finish the move to the new web Host site.

We are working on a dead line of Thanksgiving week for completion.

In reference to the Drone mapping that was done of Epworth Forrest, the bill will be $2625.00. They were working on the site info and placing names at the pier locations. Randy informed them that names on the file would only cause the Board issues moving forward through the years. He indicated to them that it would be more appropriate to use the pier number on the file. We all agreed that pier number would be the best way to proceed. With properties being sold on a somewhat regular basis the names would constantly be changing – but – the pier numbers would remain the same thus the file would not have to be continually changed.

They will notify Randy when they have completed the mapping file so it can be reviewed. Randy indicated he will notify all of us when they finish. We all can then review the file and offer any changes we see that need corrected before we accept the job as complete.

It was agreed again to tentatively set the December meeting as our review & creation of the 2020 budget.

Tom’s review of issues with Matt that the Board asked be done.

Community Pier - Helm’s request for additional attorney fees due to what he see’s as us not moving fast enough was file with the Court – Matt sent a rebuttal on 10/07/2019 – the Court took the action up for review – no decision has yet been issued. Matt feels we need to wait on Judges response before we move forward on any issue concerning the Community Pier.

Robert’s is not in compliance with the existing Court judgements & rulings. Pier 35A is a court ordered & approved location of 16ft on the East side of the seawall at this locstion. The Board has asked Tom to draft a letter outlining the issue that will be forwarded to both Roberts & Dingledine’s with the Boards requirements for the 2020 season. This will be presented to the Board for final approval.

You do not lose your pier space even if you do not install one each year. The court has ordered that pier spaces are permanent as assigned in the Court orders. All pier spaces assigned in the Court orders are billed each year. Pier appearance is not an issue that is within the Boards governing responsibilities. We could send notification to pier assignee’s that a pier does not need to be added annually. Sharon indicated that a lack of trust would eliminate most people from not placing a pier each year. The court does not say your need a boat even though you are assigned a pier location.

A decision was held concerning EFAC By-laws as written. Any change to this document would require a court hearing with all parties (on-shore – off-shore – legal counsel and the Court) involved. It would then be the Courts decision to allow/disallow any changes.

Tom is drafting a set of notes to be included with the 2020 invoices to reflect some of the issues that the Board has been working on in regard to the Court Judgements & ruling that may not be clear to all members.

Steffens -

Has asked about Pier 96 / 96A and their assignment. Jim & Randy indicted no access points to allow assignment of pier 96A. Sharon feels that there is an access point. Gerry will take a physical view of the location asap, with Jim and/or Randy if available to determine if an access point exists. This may not happen until spring 2020.

Concerning pier 91C – (on conference property?) – the conference has already stated they will not get involved in this issue. Since 91C is on the Court documents which were agreed to by the Conference in the Courts rulings - we can make an assignment? further discussion at the November 2019 Board meeting.

Assignments to open Off-shore pier locations moved to November meeting.

Meeting closed at 7;04PM ET

G. Powell

Board Secretary

Roberts’ Pier35 – 35A

Tom indicted he thought we had decided the matter with Matt Shipman’s letter to Roberts previously indicating Pier 35A should be allowed on the far East side of the seawall associated with Lot 35.

That said, Tom proceeded to provide his legal opinion in regard to Pier 35A being added. Tom spent 15 + minutes in his analysis of the Court rulings & judgements. He indicated that he believed the Judge would uphold adding Pier 35A as assigned on existing Court documents. He felt that the EFAC Board could not make a decision to eliminate Pier 35A. The only way Pier 35A could be eliminated was through Court Action and not by any Board action. This is a very shorted version of Tom’s opinion. Jim & Randy wanted to run Tom’s analysis past Matt Shipman prior to any notifications being sent. Tom agreed to speak with Matt concerning the analysis he provided to the Board. Tom will be providing the Board with Matt’s view on the issue in the October meeting. If Matt concurs with Tom on the issues, then a formal letter will be sent to Mr. Roberts with the Boards decision and a copy will be forwarded to the Dingledine’s for their notification.

Randy, the Drone mapping has been completed – the files are being created by the company. We have not yet been invoiced for this mapping as of this date. The personnel associated with the mapping have been on vacation for the last 2 weeks. The Board asked Randy to contact them concerning completion of the project as we would like the files available by 01/01/2020 for the Boards review.

The Website was discussed by the Board. While we thank Rick Owens for his offer of moving the website, the Board has chosen an IT company to provide this service. The Website will be moved to a new host location and they will provide yearly service for our uploads that will be required. They will maintain the Website and provide upgrades & maintenance and notify the Board when renewal fees are required. Randy will contact the present administrator for needed passwords and documents for the new IT service company to move the site to our control.

Randy will make sure that anyone wanting to review the EFAC financial reports/QuickBooks files can do so. They will need to contact Randy to set up a time which is agreeable to both parties.

In regard to the J. Kirsh issue of loss of pier 23A assignment is tabled. The Board needs to ask questions of previous Board members concerning the issue of what transpired. We also would like to interview the present on-shore & off-shore individuals located in this area for more information.

Concerning the easement papers submitted by Owens and reviewed by Matt Shipman previously, there will be no Pier assignment or change in any assignment by the Board on this issue. If additional information or a Court ruling showing a pier was granted, the Board will again review that information with our consul.

The Board will take up the issue of the three off-shore assignments at the October meeting.

Huntington Trinity (Don Mathis) has asked Sharon if they could interview the assignee to their location. The Board is not sure this can be granted. They seem to be concerned about what might happen if the values of the assignee and the church do not align. The Board is not sure this is a matter we can rule on. There are guidelines within the Court rulings covering some actions – we can not make policy; we can only act on what the Court has given us permission to administer. The Board feels that the people we would assign are either former ministers of the church or members of the churches associated with Epworth Forest.

We have continued to work with Kokomo/Grace & Huntington Trinity concerning Community Pier Socket removal. There were 33 sockets associated with Community Pier. We believe we have accounted for these locations. If the churches (Don Mathis) find additional sockets – please mark them. We will work with you on he removal. We are not sure where the additional sockets are coming from as they should not have been with the Community Pier. Where does are responsibility end when additional sockets are located? Tom was asked to look into what are possible liability might be for sockets over and above the 33 associated with the Community Pier.

I asked to send a blanket email to all members reminding them that a walk way is to be maintained at the lake front / seawalls and shall not be blocked in any manner. Jim & Randy felt this is isolated situations and does not need to be address by the Board. They suggested I send certified letters to those who are not complying and blocking access.

Next meeting 10/08/2019

Meeting closed at 7:17pm

Gerry Powell – Secretary