

09/14/2021

IN ATTENDANCE -

J. LEASE – PRESIDENT

J. WATKINS – VP

R. PLEW – TREASURER

G. POWELL – SECRETARY

B. PYLE – 5TH BOARD MEMBER

Board Meeting Minutes – for July 13th, 2021, were reviewed via email by all Board members prior to the August 7th Annual meeting at the American Legion in North Webster.

Emails for this verification can be found on the EFAC Gmail Account.

No changes offered – no changes made.

These notes were posted on the Website prior to the Annual meeting for everyone's review.

The website was also modified to provide all members notification of the Annual meeting a month prior.

Joe Watkins created signs form material furnished by Randy Plew, that were placed at the entrances to Epworth Forest prior to the meeting.

The August 7th Annual Meeting Notes are not yet complete. There were many multiple discussions taking place at the same time during the meeting. I am still going through all my notes and asking if anyone has any notes or documentation they feel should be in the minutes, please send them to me via email and I will incorporate them with mine.

Randy Financial Report

Just received a \$90 check for deposit yesterday

Balance without this check is \$24992.67 as of today

Three checks were written

Two to the Post Office – our Post Office Box and register letters sent to those who have not yet paid 2021 fees

One check to our lawyer's office for filing a legal document with the state.

Jim made a motion to proceed with lien fees for the On-shore pier and forfeiture for the Off-shore pier.

Gerry seconded the motion – all agreed.

All involved with this non-payment issue have been notified multiple times this year and even a couple from last year.

Those involved are

Ashpole – having phone conversation with Randy

Kokomo/Grace – green card from registered letter was returned

Bouge – green card from registered letter was returned

Johnson – no response as of this meeting

Grace United – no response as of this meeting

Final notices are being sent by Randy this week on these issues. We are using the addresses from the Kosciusko County government data base used for sending tax notices.

Any legal costs for filing of liens for the On-shore pier will be added to the non-paid invoices.

Above actions will be reviewed and acted on at the October meeting, if not resolved before the October Board meeting.

These actions will allow the Board to move forward with the reassignment of the Off-shore pier for the 2022 year. We will also be able to move forward on the necessary filings for Onshore piers.

Randy will be contacting Ramsey concerning payment for his 2nd pier location as he owns two adjacent Onshore properties.

Joe along with Randy have spoken to the Church representative Vince Pragengale again prior to this September meeting concerning the Stump-Seawall issue as mentioned in the previous months Board minutes. The Church has taken steps to correct the problems, but the insurance company is moving slowly. The Church did contact a local contractor for the needed repairs, but again we are still waiting on the insurance company. Joe mentioned there may be an issue with then stump removal, but this is still being addressed by the Church.

Anson's are selling their properties associated with Pier #49A. We have two addresses associated with this one pier. Randy will be checking the emails from Sharon Anson making sure our pier assignment documents reflect the pier is to be associated with the 8388 E. Ashbury Ln only. There is not a second pier associated with the second address.

Review of our Website

We all agreed that some changes would be appropriate if possible.

Randy will be contacting Blue River Digital on other issues this week. He will be asking them for costs related to modifications associated with the Finance Section, Meeting Minutes and Court Documents that would allow greater ease in member usage. We will be looking for a detailed cost and proposal of changes to review in our October Meeting.

Brian Pyle

The following is Brian's response to a question of pier assignment changes from the Annual Meeting.

Here is my note / statement.

As the most recent in a list of attorneys who have filled the position, I have the advantage of being able to tap the collective knowledge of that lineage.

To answer your questions, it was the guidance of the court that offshore assignments were to be permanent. In exploring the meaning of Permanent, it was the intent of the court that the offshore assignments not be alienable except when a Substantial Change in Circumstances occurs. Absent a

Substantial Change in Circumstances, pier zone transfers are to follow the Pier Administration Policy paragraph 9.

Therefore, I believe that the "swap scenario" may be permitted with the "Application/Change for Pier Assignment" form submitted NLT February 1st and prior written Committee approval.

Offshore assignments are permanent. The assignment of the zone ties to the offshore property until the transfer of the offshore property ownership. At such time the application / change form should be completed. If the offshore owner should elect to vacate the assignment or the assignment is removed by Committee action, then the assignment is transferred on the 'first come, first served' basis. Basically, pier assignments must be run through the procedures and approved by the committee. Transfers between parties are not permitted without following the procedures and receiving written Committee approval.

Brian

Further comments from Brian were -

Transparency is needed in our actions.

3rd party research would also be helpful when working issues

Insure we follow procedures in our actions

Follow the documents and review actions within the Board Minutes - do not follow hearsay.

Some questions were addressed to the Board during the Annual Meeting involving pier movements along the shore at 2nd Trail. These changes were made before the present Board was seated.

Joe Watkins has offered to review the old minutes from 2016 and before and will be looking through these older Board Minutes for discussions on pier 12H & 13 in reference to the previous Boards actions in moving these piers.

Joe has completed his investigation and forwarded the following email to all Board Members as shown below.

Joseph Watkins

Wed, Sep 15, 8:02
AM (6 days ago)

to Jim, Randy, Brain, me

Good morning,

Last night I went through quite a bit of documentation from years 2014-2016. I found many lines in the documents that stated Randy Plew removed the steps to the pier in question in 2015. I also saw quite a few lines discussing the placement of steps for another pier.

It appears EFAC did indeed know about the pier removal and worked to reassign the pier to another offshore person.

I didn't research any further because the only concern I have is, if EFAC was informed and involved in the removal and reassignment on the pier and the documents show they were.

I think we should include this research in the minutes to show we were transparent and thorough. This gives everyone a roadmap to do their own investigation in they have any doubts.

JH Watkins

Via emails between all Board Members these September Board Meeting minutes shall be considered amended to include research by Joe involving this issue as detailed above.

We have asked Brian to review Court Documents in reference to the election process for Onshore and Offshore election of EFAC members.

- Election planning
- Clarity of process
- Sharing of election processes between Onshore and Offshore groups
- What requirements/processes did the Court order

Brian indicated he has some court proceedings coming up but will attempt to review documents for the October meeting.

Next meeting set for October 12th, 2021, at 6pm EST.

Meeting adjourned 6pm – September 14th, 2021

G. Powell – Secretary