

EFAC BoD Mtg Notes

10-14-15 at 6pm

Attendees: Sharon Anson, Dick Presser, Sue Montovani, Kara Lusby, Lindsey Grossnickle

Location: Conference call

Topics:

Community Pier Removal

The Community Pier has been removed and needs to be stored. Per the Conference, EFAC can no longer store the pier on their property over the winter. The costs from Davidsen's:

- \$798 the cost for removal
- \$400 the cost for storage

Davidsen's will be contacted to let them know pier posts are still in the water. EFAC approves payment of Davidsen's once the posts are out of the water.

Meeting Minutes

- EFAC discussed and approved the 6-27-15 and 7-25-15 Shoreline Walk notes.
- EFAC discussed and approved the 9-05-15 observations from water notes.
- Additionally EFAC needs to review and post the following EFAC BoD minutes:
 - 3-28-15 (can be done via email)
 - 8-15-15 (can be done via email)
 - 8-29-15
 - Annual EFAC members' meeting (Powerpoint)

Onshore Assignment Relocations

EFAC discussed the Stine pier move dispute. Communications have taken place via email with a proposal for pier assignment to fall within onshore property lines and a response of acceptance was sent by EFAC. Proposal by Stein has now been withdrawn. Dick Presser will send a notification restating EFAC's stance on the need for assignment relocation by Stein.

EFAC discussed that the Bath pier assignment move (to fall within onshore property lines) has been agreed upon by all parties, but needs to be formalized in writing. Sue Montivoni will send an email to Julie Bath asking for the formal proposal in order to finalize the changes.

EFAC Officer Elections

EFAC conducted Officer Elections for 2015-2016 Term:
Results were as follows:

- Sharon Anson – President (Dick and Sharon were both nominated); Elected by a 2-3 vote.
- Dick Presser – Vice President Elected unanimously
- Sue Montivoni – Treasurer; Elected unanimously
- Kara Lusby – Secretary; Elected unanimously

Community Pier Needs

EFAC needs to determine maintenance and administrative needs/issues for community pier. It has been suggested in the annual EFAC meeting to form a Community Pier committee to gather input from the assignees, determine needs and make recommendations/proposals to the EFAC BoD. The BoD supports this approach. Jerry Titsworth was identified as the chair of this committee. EFAC should expect to receive proposals in January of 2016. Additionally, Sue has been in contact with various pier companies regarding maintenance options and costs and will get reference info on all companies involved as well as costs.

One new community pier spot will open for 2016 as the new owner of the former Mueller property does not want their pier assignment.

Procedures and Administration

- Sharon indicated that she wants to start identifying and enforcing timelines for EFAC actions.
- EFAC identified the action to update/amend the documented Bylaws and Policy with changes that have been formally approved by the EFAC (per the BoD meeting notes).

Appendix

The following is email correspondence to use as reference regarding the requests and proposals between EFAC and Bob Stine via the efpier@gmail.com mailbox. It is sorted from most recent to older correspondence.

| | |
|--|----------|
| Epworth Forest Administration Committee <efpier@gmail.com> | 10/20/15 |
| <input type="checkbox"/> | |

Robert,

Your appeal was reviewed and during the 10/14/15 meeting, the EFAC again confirmed the need to relocate your pier and attachments onto your own property. The EFAC also again confirmed that your request to move your pier 22 feet to the east was accepted by the EFAC as you requested. This will leave room for Tran's pier where yours was previously located. Although the location of the Tran pier is between Tran and the EFAC, attaching the pier at the same location as your pier was attached, as you suggested, is acceptable to the EFAC. This location is acceptable to the EFAC only if the pier is angled more to the east so there is a gap between Tran's pier / lift and Chapman's lift sufficient to allow for the entry and exit of a wave runner. Tran could also move the pier attachment 4 feet to the east of your current

location and keep the same angle as your previous location. Either placement is acceptable to the EFAC.

Keeping your current placement in 2016 will result in fines as specified in the EFAC enforcement policy.

Richard Presser on behalf of the EFAC.

On Thu, Oct 15, 2015 at 5:01 PM, Robert Stine <robert.stine@hotmail.com> wrote:
EFAC, please advise whether the appeal was granted or denied.

Bob Stine

Robert,

The EFAC will be meeting via conference call on 10/14. We will discuss your appeal at that time.

Richard Presser on behalf of EFAC

On Mon, Oct 5, 2015 at 10:37 AM, Robert Stine <robert.stine@hotmail.com> wrote:
EFAC, please advise of your next meeting's timing.

Bob Stine

----- Forwarded Message -----

Subject:Re: Pier Relocate Request

Date:Thu, 24 Sep 2015 23:28:35 -0500

From:Robert Stine <thestines@sbcglobal.net>

To:Epworth Forest Administration Committee <efpier@gmail.com>

EFAC, our earlier proposal, extended in a spirit of compromise, was made in a contingent manner. EFAC apparently was in agreement with only 1/2 of our proposal. Therefore we have now withdrawn our request to relocate.

As such, the only topic of appeal is EFAC's request for our pier to move 9 - 10 feet east.

We choose to appeal in writing via this message rather than in person. See 'appeal specifics' below. Please advise when your next meeting is scheduled where this will be reviewed and voted upon by all 5 directors.

Should EFAC withdraw its original request, that outcome is acceptable. If this course is selected, please provide meeting minutes confirming this decision and this matter will be considered closed.

Otherwise, please proceed expeditiously with your next meeting. Should appeal denial be the decision of a majority of all 5 members of the committee, please provide meeting minutes in this regard. We will then proceed to the Circuit Court for review and ask that you advise us of your Counsel's name for representation in this matter (should representation be maintained).

Thanks,
Bob and Molly Stine

Appeal Specifics:

* in its July 15, 2015 e-mail (inserted immediately below), EFAC asked that our pier location be moved 9 - 10 feet east.

* our reply is that the judgement and guidelines clearly indicate that on-shore locations are intended to be permanent. We are not requesting relocation, therefore the committee must maintain our pier's current permanent location.

On 9/24/2015 2:19 PM, Epworth Forest Administration Committee wrote:
Robert,

Per the court order, EFAC requested that you place your pier and attachments upon your own property. Your responding proposal to move your pier 22 feet to the east in 2016 was accepted by the EFAC as you proposed. Not sure why EFAC accepting your proposal is no longer acceptable. If you wish to appeal your own proposal, you may do so at the next meeting of the EFAC board. The next meeting date has not been set.

The location of Tran's pier is between the EFAC and the Trans. The location of Chapman's pier is between the EFAC and the Chapmans.

If the Trans have an issue with the requested placement of their pier, they can appeal to the EFAC board and will be invited to appear at a mutually agreed time at an upcoming board meeting. The next meeting date has not been set.

Richard Presser on behalf of EFAC.

On Fri, Sep 18, 2015 at 3:26 PM, Robert Stine <thestines@sbcglobal.net> wrote:
EFAC, excess greed of shoreline (Chapman) may be acceptable to at least some on the committee, but it is not to us.

Our previous offer was quite clear. With this notice, we hereby withdraw our request to move our permanent pier location.

We also serve notice of appeal to EFAC of the committee's original request for our pier to be moved 9 feet east. On several occasions, we have requested information on how the committee's appeal process works (process, time frames) - this has not been provided and we again ask that this be done as soon as possible.

Also, if the committee is able to share your Counsel's name and contact information, that would be helpful information for our attorney Mr. Snyder.

Bob and Molly Stine

P.S. one clarification, your message below states that the court has ordered us to move. This is not in fact true. EFAC has asked us to move based on an erroneous interpretation of the judgement and guidelines. We are comfortable letting the court settle this to the benefit of our community in the end.

On Fri, 9/18/15, Epworth Forest Administration Committee <efpier@gmail.com> wrote:

Subject: Pier Relocate Request

To: "Stine, Robert & Molly" <thestines@sbcglobal.net>

Cc: "Chapman, Roy & Linda" <bchap64@yahoo.com>, "An Tran" <antran8440@gmail.com>, "An & Huong, and Quyen Tran" <yentran26@hotmail.com>

Date: Friday, September 18, 2015, 1:23 PM

Mr. Robert Stine,

The EFAC Board has reviewed your response to the EFAC request to relocate your pier and attachments onto your own property as ordered by the Judge in his ruling.

Our wish is to ensure the following three issues are addressed:

- 1)
 - 1) Stines to relocate their pier and attachments onto their own property as ordered by the court.
- 2)
 - 2) Trans to retain their assignment on Stine's property, although in a different location.
- 3)
 - 3) Chapmans to have room to the east of their pier placement to allow the entry and exit of their wave runner.

Robert, you have the right to place your pier and attachments upon your own property in the location you wish. Moving your pier 22 feet to the east is a valid location. This will require Tran to place his pier to the west of your new placement. Since there is now a two foot gap between your lift and that of the Chapman lift, this will leave a gap of 24 feet (22 + 2) between your lift and Chapman's lift. If Tran were to place his pier and lift such that there is a two foot gap between your lift and his pier, this will leave a six foot gap between Tran's lift and Chapman's lift. This placement would require Tran's pier to be four feet to the east of your current pier placement or the angle of the pier to be changed to angle to the east. Either placement approach is acceptable as long as there is a 6 foot gap between Tran's lift and the Chapman's lift. If there is not sufficient space for Chapman's wave runner to pass safely between Tran's lift and Chapman's lift, then the location will be deemed too crowded and Tran's assignment would be in jeopardy.

The new location of

Tran's pier would place him both on the Stine property and on the Chapman property. This would satisfy the requirement of both properties for an off-shore assignment.

Thank you all for your consideration and cooperation.

CC: Tran and Chapman

Richard Presser on behalf of EFAC.

--

Epworth Forest Administration
Committee, Inc. PO Box 214, North Webster, IN
46555www.efpier.org
efpier@gmail.com

Robert Stine <robert.stine@hotmail.com>

9/8/15

EFAC, we'll begin with thanks to Dick Presser for taking the time to meet with us Saturday Aug. 29 to assess the pier situation in our area. While we clearly have different perspectives on what is appropriate for shared access, Dick is taking valuable time away from his family and interests in helping with EFAC - his effort to connect directly is appreciated.

This message confirms our agreement with EFAC's proposal - as long as the specifics occur as stated below.

We first want to be clear on two key points:

1. while we may agree to help as good neighbors, we do not believe there is ANY valid reason for the request. Our pier is in its correct assigned location as it has been for years - and the pier remains along the waterfront in front of our home.

That certain members of the committee have changed the definition of pier - not legally or in the guidelines but simply in their minds - is not a valid reason to shift our location. 'Pier' in our community has always meant just that - a 3 or 4 foot wide pier section. It has not and does not mean all items in the water. That is just common sense.

Also, due to the judgement in place, property boundaries legally stop at the water's edge - there are NO 'riparian rights' in Epworth Forest and the committee has been provided with documentation of that fact. Because of this, nothing in the water 'crosses over' any boundary.

2. we do not like or appreciate the request at all. It appears to run counter to the very purpose of the court rulings and your committee, namely to 'allow and protect shared access while not overburdening on-shore owners'.

With these points stated, the solution below accomplishes all of the following:

- A. meets EFAC's stated concern of all items in the water being wholly in front of the shoreline in front of our home,
- B. meets OUR concern about preserving the Tran family's access, and
- C. is consistent with all other pier guidelines including minimum width between items in the water.

If EFAC approves the request IN FULL and we are provided with meeting minutes documenting this, this matter will be closed and we all can move on to other things. If it is not approved in full (i.e. both sections), please be advised we WILL further be pursuing this matter legally so EFAC will need to advise of any appeal process specifics right away.

REQUEST TO EFAC

PART 1: Effective Spring 2016 and contingent on approval of 'Part 2' below, we hereby request that EFAC approve relocation of our permanent on-shore assignment for Pier 56 and the 2 boats and boat lifts each to be moved 22 feet east of their current location.

Note: to be clear, this will allow all items we have in the water to be within a 24 foot width AND be completely in front of the shoreline along our property. It will also allow minimum guideline spacing to be maintained between all items in the water in our area.

PART 2: The Tran family's assignment 'Pier 56A' be relocated to the exact same spot as our current assignment with their one boat / lift to be located along the west side of that pier.

Note: by doing this, the minimum width between items in the water will still be maintained. In fact, the distance between Tran and Chapman will actually be increased from the current situation because the Tran pier is 1 foot less in width as ours and their lift is not as wide.

If both parts are not approved together as written, our request to move is hereby withdrawn.

Please advise of the outcome of this request.

Thanks,
Bob and Molly Stine

P.S. Dick Presser shared a request of Chapman for a minimum 5 feet between them and Tran's reassigned location - supposedly because Chapman wishes to place his jetski / lift on the east side of his pier. This is clearly a 'red herring' request with no basis in reality or the pier guidelines. Consider:

- A. Chapman has had the jetski and its lift for years - it has ALWAYS been used on the WEST side of his pier (when it has been used at all, which - like his boats - is rarely).
- B. There is over 15 feet of unused open space on the west side of Chapman's pier, far more than enough for jetski access
- C. If Chapman desires more spacing on the east side of his boats, he can always request a pier location move westward from EFAC. There is certainly more than enough room to do so without impact to him or overburdening his neighbors.

Epworth Forest Administration Committee

<efpier@gmail.com>

8/5/15

to

Robert

Per the Court Orders, the Epworth Forest Administration Committee, Inc. (EFAC) was established and approved by the Secretary of State, June 20, 2014. The 1994 Judgment and any subsequent orders including the 2014 Orders govern and apply to all decision making by the EFAC Directors/Board. The compliance issues from both judgments as they related to piers were reviewed at the annual meeting in September, 2014, which you attended.

As previously stated in the two emails sent to you earlier, all four Directors walked the shoreline to identify any pier out of compliance. Because a concern about your boat/lift possibly being over your property line on the west side, Kara located your survey mark by your fence and all four members verified you were indeed over your property line. Both the 1994 and 2014 Judgments said "that the on-shore owners may establish a pier at their location of choice UPON THEIR LANDS (emphasis added)...". As the Conference/Dick Mann have no authority over EFAC, therefore the letter you presented is of no value.

You indicated in your letter that perhaps an individual on the Board (Montovani) had taken upon herself to pursue this compliance issue. You need to know none of the four Directors disagreed that you were out of compliance. Also, you should be aware that there are three additional onshore owners who were or are in the same situation as you. After the Annual Meeting in September 2014, two onshore owners requested they be allowed to adjust their piers during the Spring 2015 installation, one has requested they adjust their pier during the 2016 installation, and then you are the fourth onshore owner who needs to adjust now or in the Spring of 2016. Please advise us of your decision.

You have a right to appeal the Board's decision and if you so choose, have legal representation. Please send all correspondence to EFAC, P.O. 214, North Webster, IN 46555.

Epworth Forest Administration Committee, Inc.
PO Box 214, North Webster, IN 46555
www.efpier.org
efpier@gmail.com