

APACHE HILLS PROPERTY OWNERS' ASSOCIATION, INC
ANNUAL MEETING MINUTES
St Vincent's Catholic Church
637 Sixth Street
Pentwater, MI 49449
10 a.m. September 24, 2022

Call to order:

President Mark Trierweiler called the meeting to order at 10:15AM.

Determination Membership Roll call and Quorum Determination

Quorum is as follows:

Owners of 61 lots are present in person and proxies have been submitted from owners of 58 lots. Accordingly, the owners of 119 Lots are present in person, or by proxy, at this meeting, and therefore the required minimum of 25 members is met and there is a quorum for conducting business.

Introduction of the Board of Directors

Mark Trierweiler - President
Ann Krpichak – Secretary
Joe Donovan- Treasurer
Tom Roose – Chairman of Grounds Committee
Don Enyart – Chairman of Building Committee
Gregg Andersen – Director
Dan Woodhead – Director

Approval of the Agenda.

Judy Britt made a motion to submit a replacement agenda that, in her opinion, would better support the voting for directors and a more detailed version of the financial reporting. The motion was seconded, and the motion was denied by Rollcall vote. Judy Britt withdrew the motion. (attachment Britt Agenda Document) in the middle of the vote.

Kim Lupini made the motion to remove Mark Trierweiler from the president position. There was an appeal for denial. Roll Call Vote: N – 66, Y – 48, N/A – 19.

Gregg Andersen made the Motion to allow Gorecki to vote with past due amount owed on her lots. The By-Laws state that any unpaid balance due after the grace period of four weeks before the annual meeting prohibits member from voting. Gregg argued that it should allow Jean to vote on at least one of her properties, as she had paid the principal amount of the past due amount and Judy Britt paid the \$75.00 remaining after the four-week limit. Theresa Broemer seconded this motion.

Point of Order for Roll Call vote was made. Vote: No – 66, Yes – 48, N/A – 19. Motion denied.

Approval of 2021 Annual Meeting Minutes – Ann Krpichak, Secretary made a motion to approve the Annual Meeting Minutes 2021.

Motion by Mark Young and seconded by Gregg -that all of the proxies provided by Mark Trierweiler should not be used because of the validity of Trierweiler being a Director in 2021 – 2022 because he did not own property. He was not a member of the association until 6/27/22. Minutes below are Mark Young's proof.

4/26/22 elected on 5/26/21
6/23/22 Consultant

5/17/22

8/1/22

Ruling – not denied

Appeal – vote on record

Motion on floor appeal your denial

Give evidence in one week. Proof Submitted on website of minutes 6/2/22 and 6/27/22

Point of Order –Mark Trierweiler was not the president of the board from 5/17/22 after Trish stepped down. Ruling: not denied. Appeal – Roll call vote on record.

Roll Call was agreed by Acclamation : N 65, Y 42, N/A 21

Committee Reports:

Building Committee Report – Don Enyart

- Bob Spreenberg was in charge of the Building Committee, and he stepped down in August 2022 He supplied the following information:
- The Duer house is in progress on lot #'s 11, 12
- The driveway project at Petersen's (lot 75) is completed. The final inspection needs to be completed to determine if there is road damage, if not then return his deposit check.
- Broemer's, lot #55, has a request to build a storage shed, the status is pending. The actual plans need to be inspected and then an approval given.
- Denton Lot #37 has completed their home. He has plans for Lots# 36 and 38 which have been approved by Bob Spreenberg. He suggests that we look at them again before the project is started. It may be some time before the project is started.

Grounds Committee Report – Tom Roose

- The question was asked of Tom if his vendors have been paid. He assured the members that both the snowplowing and lawn cutting have been paid up to date. Snowplowing was light last year. Salt was spread at the entrance when needed. The Ottawamie Hill at the end of Ottawa was not being plowed by the county because they said the trucks cannot make it back up the hill and they would not drive over our roads with all the weight. The Oceana County Road commission said they would supply us with a barrel of sand/salt mix at the hill to help out. I will have our plow guy plow the hill as well.
- Lawn cutting has been done every other Thursday.
- Roads were crack-sealed last spring, so we will not look at them again until this coming spring for any needed repairs, assuming funds are available.
- Boat launch weed control has not been bad, but most weeds at the boat launch occur in the fall. We will watch to see how it goes.
- It was mentioned that Pentwater Township wants to put a hold on building permits in Apache Hills for those lots that have sewers, until the agency can address overtaxed sewer systems. One fix would be to pump the sewage to Hart. The latest idea would be to expand the drain field to manage the overflow. The Township has tabled this request until October.
- The Village of Pentwater is investigating the possibility of becoming a City. There is concern that annexation of adjacent high value properties, like Apache Hills, could be the motivation for such a change, which is not believed to be in the interests of AH residents.

There are issues about low areas of Blackfoot Road. A potential fix would be to add a layer of Asphalt to the road. Currently there are inadequate funds for this work.

Dave Paterson made a Motion to change the order of the agenda so that item seven, election of officers, be moved up. Jim Krpichak seconded the motion.

Kim Lupini made a motion to deny Dave's motion.

Point of Order made by Trish Davidson, to have a Roll Call Vote. Vote taken by Acclimation. Dave's motion was approved. Y- 65, N- 42, N/A - 21

Voting Process

Point of order President Mark Trierweiler) was challenged by Mark Young, stating that Ann Krpichak was not the person up for election this year, but rather Mark Trierweiler. Motion was made to amend the ballot showing that Mark Trierweiler will run for Board of Director instead of Ann Krpichak. The motion was seconded, and the ballot was modified.

Point of Order – regarding the validity of proxies collected by Mark Trierweiler and whether those proxies should be counted.

Point of ordered denied, Point of Order – call for a Roll Call Vote. N – 65, Y – 42, N/A – 21. Motion denied. Mark provided valid proof that all proxies were dated after 6/17/22.

Mark introduced the Board of Directors recommended by the board of directors:

Don Enyart
Dan Woodhead
Alyssa Mellish
Mark Trierweiler

All other candidates that are to be nominated from the floor gave a 3 min. speech and the voting process began.

Nominations from the floor were:

John Lupini
Gregg Andersen
Judy Britt
Mark Young
Stephanie Emms

The Voting Process was handed over to the Secretary, Ann Krpichak, for instructions and the process to be followed.

- Ballots were explained
- Identification of the vote counters – Tom Roose and Mike Britt, observers of the count process were Theresa Broemer and Ann Krpichak
- All votes were carried by members to the vote-box-and deposited.
- After a call to complete the voting process, members were given one minute to complete and close the voting process.
- The vote counters started the count votes via tick sheet.
- The Count was completed, and tally sheets were given to the President for announcement of the winners.

The winners of Director positions were:

- Nomination Mark Trierweiler was elected to term ending 2024
- Nomination Don Enyart was elected to term ending 2024
- Nomination Dan Woodhead was elected to term ending 2024
- Nomination Alyssa Mellish was elected to term ending 2024

The New Board of Directors for 2023– 2024 are as follows:

Mark Trierweiler – term ending in 2024
Ann Krpichak – term ending in 2023

Dan Woodhead – term ending in 2024
Tom Roose – term ending in 2023
Don Enyart – term ending in 2024
Joe Donovan- term ending in 2024

Secretary Ann Krpichak announced that the meeting had to be continued or rescheduled for another time because the AHPOA only had St. Vincent reserved until 3:00 PM. A ten-minute recess was called. Secretary Ann Krpichak was not present for the continuation of the meeting; another member took notes for the balance of the meeting.

Financial Report - Joe Donovan

Joe was not present, so Mark answered questions.

Gregg Andersen asked if Trish Davidson had completed her donation to the legal fund. Mark stated she was waiting to see how today's election went.

DRAFT Continuation of Minutes continued

AHPOA Annual Meeting

September 24, 2022

Centenary United Methodist Church

Pentwater, MI

At 3:32 pm, President Mark Trierweiler called the continuation of the meeting to order; the previously established quorum remained in effect. Sixteen AHPOA members were in attendance, who also represented 40 proxies between them.

Discussion resumed about Treasurer Joe Donovan's financial report for the year ended May 31, 2022. Several members stated there are flaws and incorrectly stated financial results.

Point of Order made by Dave Peterson to make an agreement that members' questions regarding the current financial status of the Association be submitted to President Trierweiler via email by October 1, 2022, and that he will forward them to Treasurer Joe Donovan for written replies to be posted on the AHPOA website.

Mr. Peterson's Point of Order also included a second part stating that the newly elected Board has the responsibility to manage AHPOA's finances and litigation, and that litigation strategies should not be discussed in a public meeting such as this one.

Litigation Discussion

- Discussion turned to the financial consequences of the litigation in which the AHPOA is involved. President Trierweiler reported that \$50,000 has been spent on legal expenses during the last fiscal year. As of September 22, 2022, he reported that legal fees for the suit against SNC was \$52,305.66.
- Laurie Hoffman \$646; and \$793 for email inquiries made by Britt Holdings. Mike Britt stated, for clarification, that Britt Holdings was never in litigation with the AHPOA; Judy Britt explained that her inquiries to Hirzel Law were for information denied by the Board (see Attachment 1).
- The lawsuit filed against the Board filed by Penny Bennett was reported by President Trierweiler that the Bennett/Hoffman suit is in the process of being settled; the total cost to the Association will be about \$12,000 with \$6,500 being covered by the AHPOA's insurance leaving about \$5,500 to be paid by the Association, or \$80 per lot owner.
- Regarding the appeal on the ruling of the SNC suit, President Trierweiler reported that \$10,000 in legal fees have been paid.

Board member Gregg Andersen stated that the Board, of which he was a member under former President Trish Davidson, never approved going ahead with the SNC lawsuit.

Other discussion topics:

- AHPOA Board of Directors (BOD) Communication needs improvement
- Lack of BOD transparency
- Invoices are not being sent out in a timely matter
- Meeting Minutes are not being sent out in a timely manner
- Concern about the BOD authority to end STRs
- Annual Meetings aren't available on Zoom

Meeting Adjourned:

President Trierweiler adjourned the meeting at 5:05PM following a motion by Mr. Ripley, and seconded by Mr. Young and approval by acclamation.

Attachments:

1. Judy Britt's amended agenda
2. Accounting for contingent liabilities arising from litigation by Sarah Kanitz
3. Email from Judy Britt to Michael D McCulloch written on 9-23-22