

Meeting Minutes
Apache Hills Property Owners Association Board of Directors
February 9, 2023

1. Rollcall

In Attendance: Tom Roose, Dan Woodhead, Don Enyart, Alyssa Mellish, Joe Donovan, Jerry Saylor, Mark Trierweiler.

2. Agenda

Alysa made a motion to approve the agenda and Dan seconded.

3. December 19, 2022 Minutes

The draft minutes of the December 19, 2022, meeting were approved with the following changes:

- a. Item 9-clarify that the owners of lots 136 and 137 will continue to pay dues and fees on both lots.
- b. Add Errol Goldman's, AHPOA attorney, last name to Item 6.
- c. Joe asked to clarify in agenda item 7, third bullet, that 2023 member dues are \$157.50 plus a \$100 assessment, for a total of \$257.50.
- d. Alyssa made a motion to approve the minutes with above changes; Dan seconded it.

4. Old Business

- a. A Lien was placed on lot 126 for 2020 and 2021 past due dues and assessments and has since been paid in full. Dues and fees for 2022 remain unpaid. Paperwork was given to Secretary Trierweiler for filing

5. Building Committee Information-Mark Trierweiler

- a. There were no new requests since the 12-19-22 Meeting
- b. Dan asked if satellite towers for Internet access are permitted on homes in Apache Hills. After discussion, it was agreed that the By-Laws are silent on satellite towers on home roofs. Recent Spectrum outages have highlighted the need for alternatives. Dan said Spectrum's Apache Hills cable facilities dates to the 60's and could account for the outages. Dan said he will be meeting with a satellite provider (Space Link) on Feb 15 and will provide Board members of the outcome for the purpose of evaluating whether APHOA needs to have a policy on towers. Other Internet providers, including True Stream and others are planning for service high speed service offerings up to a gigabyte.

6. Grounds Committee-Tom Roose

- a. There were two snowfalls during December and late January (six plows and sand). The \$2,000 pre-payment to Ruggles and Sons has not been used up.
- b. Tom said that he and Don repaired the PVC sleeve the AH sign and it's no longer hanging.
- c. Tom reported on the January 9 Village of Pentwater Council Meeting (attached)

- Park Place is getting an improved kitchen and new dock and boat launch.
- Full dredging of the Pentwater channel will be done in spring 2023; a partial dredging was completed in 2022.
- The North and South Shore Sewer Pump Stations were quit claim deeded from Pentwater Village to Pentwater Township for \$1. The question was asked who would be servicing the system? Tom said the people on the system likely will have to maintain it. Previously it has been reported that the pump and fields are undersized.
- In Pentwater Township news from the Feb 8 Meeting, Longbridge Road is sinking and cracked on the center of the northbound side and will be fixed in the spring, during which the northbound lane likely will be closed during repairs. The walking paths also are need of repair.

Pentwater Township received a grant for a “sand mobility study.”

A new map is available for the Pentwater Township Cemetery.

The old township/village building, 327 Hancock, has been sold to the Village for \$1.

Transfer Station *free days* will be June 17 and October 7.

Pentwater Township is converting to a .gov website, which is more secure.

7. Treasurer’s Report-Joe Donovan

- a. Joe said that AHPOA has paid \$45,000 to date on legal expenses to Hirzel Law. An additional \$17,000 is owed: \$10,000 is owed to Hirzel, \$6,000 related to the Penny Bennett lawsuit against Board members, and \$1,000 for miscellaneous legal expenses related to attorney responses to other members.
- b. A reconciliation of the APHOA Quick Books-database will be undertaken to check for inaccuracies and conflicts with the website. Joe will send the QuickBooks database to members of the Board for their review. Ann’s database will be used for comparison and to add email addresses, but the Quick Books database will be the official database going forward.

Joe made a motion to approve the Financial Report and Dan seconded; all directors approved.

8. Financial Report

Joe, reporting on SNC’s appeal to the Supreme Court and whether APHOA should respond to the filing. Hirzel Law has offered to prepare a respond on behalf of APHOA for a flat fee of \$7,500 vs. the \$10,000 for the appeal of the Springstead decision. Concern was expressed that the \$7,500 was only for the response and there will likely be other legal expenses, as there were with APHOA’s appeal of the District Court Decision, which were

unexpectedly high and, in the view of some directors, with inadequate documentation stating what was to be included in the \$10,000 fee.

Joe, reported on responses the Litigation Committee received from Hirzel Law (Kayleigh Long) related to APHOA's possible response to SNC appeal and related questions. Based on those responses,

- the Board will hold off enforcing short term rental-by-laws until the Supreme Court decides on SNC's appeal.
- There is only a slight chance that the Supreme Court will overturn the Appellate Court's decision if AHPOA does not respond to SNC's Application.
- The SNC appeal likely is motivated by wanting to make a statement on the greater SRT issue in MI.
- The MI Uniform Fraudulent Transfer Act will apply if the losing party tries to avoid paying court ordered costs.

The Legal Committee will meet again, including a brief discussion with Attorney Goldman, to discuss whether AHPOA will file a response and will be prepared to make a recommendation to the BoD at its February 14 meeting ahead of the February 17, 2023 filing deadline. Joe made a motion to check with Errol Goldman, AHPOA attorney, to get his opinion on the need to file a response to the SNCs appeal or stand by the record AHPOA created with the winning Appellate Court Brief. Dan seconded the motion, which was unanimously approved by Board members.

Directors agreed at the next meeting to decide whether to pay \$7,000 to Hirzel Law, \$6,000 related to the Penny Bennett lawsuit and the miscellaneous \$1,000 balance, and whether to file a response in the SNC appeal.

9. Community Survey

The latest version of the APHOA Community Survey was discussed. After discussion, it was agreed that two surveys will be done: The first will deal exclusively with issues about Apache Hills, and the second about short-term rentals--after the Michigan Supreme Court issues its ruling on the SNC appeal.

Given the amount of time required, it was agreed that the survey will be discussed on Feb 14, with whatever time is required to complete the review on that date.

10. President Letter

President Enyart said he wanted to notify AHPOA members about the SNC Appeal and will keep it short and to the point. Mark will send suggestions for the letter.

11. Planning For 2023 Annual Meeting

After discussion, it was agreed that Attorney Errol Goldman will be asked to attend the 2023 Annual Meeting. Louise and Joan again will again be asked to help with the Annual Meeting Document Mailing and Annual Meeting tabulation responsibilities of the Secretary.

12. Next Meeting

The next Board of Directors meeting will be held on February 14 at 6:30 p.m.

13. Adjourn

Tom made a motion to adjourn, and Alyssa seconded it.