

HEATHER LAKE ESTATES HOA  
ANNUAL MEETING MINUTES  
October 17, 2006

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**Call to Order:** The meeting was called to order by Lou Barak at 7:40 p.m. at the Waldon Middle School Cafeteria. Lou welcomed the residents and introduced the Board members. A copy of the 2006 Annual Report was distributed to the residents in attendance. Board members present: Lou Barak, Ed Zaucha, Russ Fielding, Howard Sherman, Suzanne Clarkston, Joanne Gunanbalan.

**Quorum:** The quorum requirements were met during the first thirty minutes of the meeting when several latecomers arrived and Annie Laginess went back to the subdivision to obtain two additional proxies.

**Approval of Minutes:** Jack Thompson motioned to approve the Minutes of the October 27, 2005 Annual Meeting. Seconded by Debbie Gilder. Motion passed.

**Street Lighting Project: MEP Engineers**

Jack Czuchra of MEP Engineers was invited by the Board of Directors to address the residents with respect to the proposed street lighting project. Mr. Czuchra gave a power point presentation of the scope of the project, maps indicating location of street lights, diagram of the proposed lamp post and top. The lamp posts will be installed at the bus stops first and then at designated intersections identified earlier by the Board. The posts will be connected to the nearest DTE transformers located within the subdivision. Some private driveways may have to be cut in order to pull power to the lamp post. The DTE utility bill is anticipated to be \$3000 annually for the electricity at 18 poles. Lamp posts will be 6-7 feet from the corner. They will be photocell type lamp posts that come on at dusk and turn off at daylight.

Jack Thompson, Lot 275, suggested making the street signs more visible with the experimental reflective paint that was applied on 2-3 signs earlier in 2006. Lou Barak, said that the new Board would look into it.

Janet Downey, Lot 27, expressed concern about trenching across her lot especially with heavy equipment and its potential for lawn damage. Jack Czuchra said the equipment will of moderate weight and trenches would be 12 " inches deep.

Ernie Laginess, Lot 271, expressed concern about the effect on driveways the following season after the project is done. Mr. Czuchra said that they will include follow up for possible future driveway repair in the specs.

Ron Kulenkamp, Lot 195, asked whether the capital improvements funds could be used for street repairs. The Board stated that the Oakland County Road Commission has a tax method for handling major road repairs in a subdivision, a Special Assessment District (SAD). The Association would be hard pressed to accumulate enough funds to repair or replace the roads.

Dawn Thompson, Lot 275, suggested that the subdivision switch to one trash hauler to save wear and tear on the streets.

**Financial Report and 2007 Budget:** Howard Sherman presented the financial statement. He reported that Association funds were moved from Oxford Bank to Charter One Bank to take advantage of better interest rates and as a result, the association earned \$4,470 in interest to date and is projected to earn \$6000 before the end of the year.

Howard reported that ten homeowners have not paid their current association fees and most of the ten have not paid past association fees.

Lot 149 is unbuildable because of the wetlands; the Board determined it was uncollectible and removed it from the dues paying rolls.

Howard reviewed several line items in the new budget. The budget reflects funds for the lamppost project.

Tom Kimble, Lot 113, motioned that the 2007 Budget for Revenues at \$104,880 and Total Expenses at \$103,000 be approved. D'Arcy Gonzales, Lot 289, supported the motion. All were in favor; there were none opposed

Ernie Laginess, Lot 271: Motion to approve that total amount of capital improvement fund of \$62,000 be applied to the lighting improvement project along with the \$15,000 net of the 2007 operating budget plus the \$12,000 surplus from 2006 and give the Board reasonable leeway to handle minor overages up to 5% without a vote of the residents.

Second: D'Arcy Gonzales. Lot 289. Vote: One opposed, all others in favor.

**Augmentation Well:** This report was presented by Ed Zaucha. Ed recognized Debbie Gilder for her work on the project. Ed reported that all of the lake residents paid into the augmentation well fund. The fund earned \$1,800 interest. The well came in under budget by \$35,000. The Board will retain \$15,000 for another year in the event of problems. Before the end of 2006, \$19,200 will be returned to the lakefront owners i.e. \$300 p lot after Birkmeier Well Drillers completes the punch list. After November, 2007 the remaining funds will be returned to the lake front owners. The pump must be pumping at 1000 gallons per minute.

Ernie Laginess, Lot 271, asked when the well will be started up. Ed said it will be started up manually in the spring after the snow melts.

Jim Neisch, Lot 60 asked how will the lake level be controlled.

Ed stated that there is a gauge at a certain location where it will be measured and reported to the State each month.

Dawn Thompson, Lot 275, asked for the approved lake level.

Ed stated it is at 1031 elevation above sea level, the ordinary high water mark (OHWM)

Jack Thompson, Lot 275, suggested that the Board look into an automated system.

**Other Business:** Rick DeShaw, Lot 116, asked if the security gate will be operational soon.

Motion: Tom Kimble, Lot 113: The Board investigates the use of one trash hauler vs. multiple trash haulers to reduce the wear and tear on the subdivision roads.

Second: Ernie Laginess. Discussion: Russ Fielding stated that Washington Disposal has given the residents the lowest bid to the subdivision. Motion: passed.

Ernie Laginess recommended that the Board find a legal mechanism to so that one waste carrier would service the entire subdivision. The carrier would have to pick up yard waste, beach waste, seaweed, offer recycling. Lou suggested that a special meeting of the residents would be called once data is collected and have the residents select the carrier. Bob Check, Lot 277, would like to see the trash bill go through the association dues collection.

Ernie Laginess, Lot 271, reported that an aggressive lake weed is growing at his shoreline and onto the property. Aquatic Nuisance did spray in the water but would not spray the beach. Ernie wants Aquatic to look into the matter and determine if other lake lots have the same problem.

Jack Thompson, Lot 275, reported that sand is coming out of a storm drain easement on their lot. The township and drain commission have denied responsibility. Mr. Thompson wants to know if this is the Association's area of responsibility.

David Cheklich, lot 16, asked for the completion status of Lot 18. Lou Barak stated that the owner of Lot 18 has been invited to Board meetings but has been a no show.

**Election of the Board:** James Gillen, lot 172 and Jack Thompson, lot 275, nominated themselves to serve on the Board. The returning Board members were: Lou Barak, Russ Fielding, Suzanne Clarkston, Howard Sherman, and Joanne Gunabalan.

Motion: Tom Kimble, lot 113, close the nominations and vote for the slate.

Second: Dink Card, lot 78. The Board of Directors was approved by acclamation.

**Adjournment:** Ernie Laginess, lot 271, motioned to adjourn the meeting; seconded by Howard Sherman, lot 213. The meeting was adjourned at 9:30 p.m..

Respectfully submitted,



Suzanne Marcus

## COMMONS AREA REPORT

The regular maintenance of the commons areas and park has been contracted with L & J Landscaping Co. of Lake Orion. L & J has been the lawn maintenance contractor for (5) years. The Common grounds are cut once a week, at Clarkston Rd, Klais, Hampshire and the park. The street frontage of Lot 81 (owned by Independence Land Conservancy) is also cut every week. Spring clean up, (2) shrub trimmings and monthly weeding are also part of the contract; fall clean up is underway and will be completed by early November.

The Board is considering proposals for improving the cul-de-sacs at Hawksmoore Ct.; Thornhill Dr. Camden Ct. and Bristol Court. The entrance signs and curbs were power washed in the spring at Clarkston Rd., Klais and Hampshire.

The beach was professionally raked (3) times during the summer months. The turf areas including the park are fertilized (4) times during the season by Natural Way of Lake Orion.

Natural Way also is contracted to apply a goose control product on the turf areas at the park. This has been successful with keeping geese off the grass.

Holiday lighting was installed by Erdodi Maintenance and Holiday Décor. 2006 was the third year in a (3) year contract with the company. The Board is reviewing vendors for 2007.

### Snow Removal:

A (3) year snow removal contract was been signed with Warner Brothers of Waterford. With the Board's approval, the manager negotiated the three year agreement saving the association \$600 over the three year term. Warner Bros. will plow the streets after every 2" snowfall. It is a seasonal contract rather than a per push arrangement. The contractor will not salt the roads. This will be left to the Oakland County Road Commission.

### Security Gate and Gate Passes:

The Board implemented a gate pass distribution plan to ensure that each resident personally received the pass and signed for it. One hundred twelve (112) passes were distributed over two weekends in July and August. The gate is re-activated. There was at least one incident of vandalism to the reader and several power glitches but it appears to be working now.

### Right of Ways:

The new safety path on the north side of Clarkston Rd. has enhanced the curb appeal off Clarkston Rd. A majority of the residents at Clarkston Rd. have improved the appearance of the right of ways and have kept their rear lot lines trim and neat. Baldwin Rd. residents are also asked to keep the right of ways clean.

### Trash Clean-up at the Park

We would like to remind the residents that the Waste Management Company will not accept unbagged trash. All picnic and fishing refuse should be bagged when using the park. Bring along a trash bag as you would in any public facility. Two new signs have been posted at the park as a reminder to keep the community area clean.

### Vandalism

The subdivision has experienced several incidents of vandalism including damage to lawns, driveway lamps and mailboxes. Three of the association's street signs disappeared. Please report trespassers and any vandalism to the Oakland County Sheriff's department. The sheriff's department will increase patrols of there are vandalism reports on file.

### Lot Cutting

All owners of vacant lots and lots under construction received a letter outlining the schedule for required lot cutting. Uncut lots were referred to the respective townships for ordinance enforcement. If the Association contracts out the lot cutting, the lot owner must reimburse the Association or be liened.

Nest Destruction Program:

Once again, the Association was eligible to participate in the DNR goose nest destruction program. John Hakala and Tom Fifelski volunteered to troll the lake and locate the nests. Thanks to John and Tom for volunteering their time for this important practice in goose control.

Boat Storage at the Park

All boats at the park must be registered with the Management Company. You will be issued a Homeowner's Association sticker for the boat. We are considering re-registering the boats again in 2008.

Lake Report:

The lake at the beach area was tested several times this summer by the Oakland County Health department as part of a regularly scheduled testing program. There was no evidence of ecoli in the water.

The Board of Directors postponed additional stocking of the lake until the completion of the augmentation well. The Board is also considering a lake weed harvesting program next year.

The Board invited the biologist from Aquatic Nuisance to its Board meeting on June 28, 2007. Under the current contract, the company treats about five (5) acres of celery around the shoreline. A survey around the lake shows that around 25 acres could be treated. If the association decided to approve this additional acreage the cost is \$420 p. acre.

Please see the attached report from Aquatic Nuisance Plant Control for specifics regarding lake treatment.

Boats and Trailers/ Motor Homes / Selling Cars

Please remember that the parking and/ or storage of boats and boat trailers on lots or driveways is prohibited. There are several residents who continue to violate this restriction. Motor homes, campers, and trailers must be stored in your garage or away from the premises. Cars for sale are not to be parked in the commons area or on your lot. Please use your driveway if you must show your car for sale.

**CAPITAL IMPROVEMENTS**

The augmentation well was started up on June 14, 2007. There are at least two problems that are being addressed ; the water stream from the air release valve creates mud around the well enclosure; and, the panel is scheduled for additional electrical safety features. Final payment is pending .

MEP Engineers of Farmington Hills provided the lighting project specs and went out for bid to (5) vendors. Three responded with bids. The Board has already met with one of the vendors. The project is a challenge and involves interface with DTE and the OCRC. The Board is looking at options to bring the project within budget. Realistically, the project will not begin until spring of 2008.

**ARCHITECTURE COMMITTEE**

The following plans were reviewed and approved by the Committee in the past year (listed by lot )

<u>Homes</u>	<u>Additions/ Modifications</u>	<u>Pools</u>
none	48, 90, 199	188, 309

The Architecture Committee reviews plans so that minimum size, setbacks and approved materials are in compliance with the deed restrictions. The homes must be completed within one year of construction. Landscaping must be completed within one year from certificate of occupancy. Variances are approved only when the owner can show that the house can best be situated elsewhere due to lot configuration, elevation problems or location of adjacent homes.

Other architecture control issues involve the building of secondary structures (including seawalls) which are not permitted without approval by the Architecture Control Committee. Tennis courts, sport courts and pools also require written approval from the Committee.

An Alteration/Modification form is required for any changes to an approved house plan. Please contact a Board member or the Management Company if you have any questions.

#### ENFORCEMENT OF COVENANTS AND RESTRICTIONS

The Board of Directors is again reiterating the importance and the necessity of abiding by the Covenants. One important purpose of the Covenants and Restrictions is to maintain the architectural integrity of the homes that are built in this community thereby, protecting our investment.

In addition, the neighborhood is experiencing an increase in the number of residents who are parking and/ or storing their boats, trailers, motor homes and recreational vehicles in their driveways or on the lot. The Board continues to address this situation on a case by case basis and will use the remedies available to it as outlined in the Covenants.

The Board of Directors has been reviewing Covenants and By-laws of other subdivisions with the intention of bringing our Covenants up to date and including stronger enforcement options as well.

#### SOCIAL COMMITTEE/ SUBDIVISION GARAGE SALE

The Social Committee needs volunteers. The Board is hoping to find someone to chair this important committee.

Connie and Carl Fleck organized the Annual Subdivision Garage Sale. Thanks to Connie and Carl for distributing flyers, and for placing the ads and signs.

#### OTHER BOARD ITEMS

The Board met (10) times during the past year to conduct the Association's business.

Here is a list of what the Board accomplished this year:

- Completed the augmentation well project. Start up was June 14, 2007. Two maintenance items pending. The well was shut off for the winter on September 30<sup>th</sup>.
- Renewed the contract for lawn maintenance, fertilization and entered in a (3) year snow plowing contract to lock in on cost savings.
- Approved participation in the DNR goose nest destruction program .
- Continued to enhance the web site for the Heather Lake Association residents.
- Approved the cleaning of entrance signs and curbs.
- Reviewed trash services of (5) companies and published this comparison for our subdivision residents.
- Interviewed and selected a new attorney to assist the Board with collections, deed restriction enforcement and plans to re-write and update the Covenants and Restrictions. .
- Hired MEP Engineers to move forward with the street lighting project. Reviewed bids and interviewed the contractor who will most likely be selected to get the bid.. A contract has not been signed to date with the electrical contractors.
- Pursued the stop sign petition through to the Oakland County Road Commission level. Although the OCRC denied stop signs, it did install three (3) yield signs.
- Met with the biologist from Aquatic Nuisance Plant Control to discuss additional areas for treatment.
- Explored the possibility of harvesting the lake weeds in shallow parts of the lake..
- Solicited bids from (3) vendors to make improvements to the park path leading to the newest boat launch. Beach sand was also priced out.
- Distributed new park passes. Re-activated the gate.
- Continued the financial policy of placing association funds in higher yield CD's to maximize savings.