

WOOSTER LAKE CONSERVATION & CONTROL ASSN., INC.
INGLESIDE, ILLINOIS 60041
MINUTES
Sunday, November 15, 2006



President – Dave Bond 847/546-7235	Vice President – Steve Pearson 847/791-4219			
Treasurer – Peggy Trelford 847/740-5421	Secretary – Ruth Bond 847/546-7235			
DIRECTORS:				
Vic Ligenza 847/740-1352	Joanna Kretschmer 847/740-3395	Joe Nakanishi 847/966-0228	Gale Pitasch 847/740-4142	Tim Triggs 847/489-3602

Call to Order – Dave Bond called the meeting to order at 6:33 PM.

We established quorum with 8 of 9 board members present.

Dave Bond asked if there were any corrections to the minutes of the September 17, 2006 meeting. Peggy Trelford objected to the NOTE at the end of the Comments & Questions. We could not agree on new wording but agreed to remove the NOTE. Peggy Trelford then questioned another area of Comments & Questions concerning Covenants/Bylaws. It did not have any effect on the minutes. Peggy Trelford then made a motion to accept the minutes as changed. Joe Nakanishi seconded. Motion carried.

Tim Triggs questioned whether the board had given permission to Mr. Kochanny to videotape the meeting. A motion was made by Tim to ask Mr. Kochanny to discontinue the videotaping. Steve Pearson seconded. The motion carried but Mr. Kochanny refused to discontinue. Tim Triggs then moved to adjourn the meeting unless Mr. Kochanny complied with the request of the board to discontinue. Steve Pearson seconded. A vote was requested. A tie vote resulted. Motion defeated.

Peggy Trelford gave the Treasurer's Report:

<i>Corrections to 9/17/06 Treasurer's Report:</i>	
<i>Balance as of 8/14/06</i>	<i>\$3435.68</i>
<i>Expenses</i>	
<i>Weed control</i>	<i>50.00</i>
<i>Secretarial expenses</i>	<i>39.00</i>
<i>Total expenses</i>	<i><u>89.00</u></i>
<i>Balance as of 9/17/06</i>	<i>\$3346.68</i>
 <i>Current Treasurer Report:</i>	
<i>Balance as of 9/17/06</i>	<i>\$3346.68</i>
<i>Expenses</i>	
<i>Weed control</i>	<i>50.80</i>

Secretarial expenses	39.00	
Secretary of State	5.00	
Total expenses		<u>94.80</u>
Balance as of 10/15/06		3251.88

OLD BUSINESS

1. When was the current definition of membership contained in the Bylaws written and voted on? – This was discussed during one of Peggy Trelford’s objections to the minutes. The language has not changed since 1995. At the June 8, 2005 meeting the covenant relating to membership requirements was approved by the membership to be moved to the Bylaws. The exact wording was moved.
2. (Ann Wach emailed the secretary to request answers to some questions she had. This entire section deals with her questions raised in that email)

What types of items are voted on only by the board and what items are brought to the general membership vote? - Board powers are described in the Bylaws (Article 5.9) and have remain unchanged since 1995. Sue Rochlis pointed out that WLCCA also adheres to the Illinois Not for Profit Act (1986), which does address this.

What is the impact if a husband and wife both serve on the WLCCA board? - In 1998 Ken Calvert was elected as President while his wife also served on the board. In 2004 Rob & Sue Rosenlof and Dave & Ruth Bond were elected to the board. Dave commented that no question was raised at those times but if this is indeed a concern perhaps a Bylaw should be introduced. Ruth Konetshny stated that the concern was whether both would receive a vote. Only during board voting will each have a vote. When it comes to membership voting the couple only has one vote.

Whatever happened to the committee that Don Rowden chaired to find the answers to the many questions that were raised? - The many questions that were raised refer to the minutes of October 9, 2005, which state, “During the discussion of the guidelines members raised various questions centering on how Round Lake could pass an ordinance that affected Wooster Lake and why and also the technique used to accomplish it. It was decided that Don Rowden would chair a committee to find the answers...” At Don Rowden’s request, Dave Bond presented a document to the Village of Fox Lake, which consisted of a rebuttal to the 7 justifications cited for the necessity of such an ordinance.

Jim Cogar asked for clarification as to why a vote was not taken when the membership requirements was moved from the Covenants to the Bylaws. The board had moved items previously under a different President from the Covenants to the Bylaws. This board simply followed their direction to simplify the incorporation of relevant Covenants into the Bylaws. The membership clause was approved at the June 8, 2005 meeting. It was requested that the June 8, 2005 minutes accompany these minutes.

Using Ann’s email as an example, Dave Bond noted that there was still some misunderstanding centering on the Covenants. He asked how many present believed the Covenants were legal? The only response was to question the definition of the word “legal”. After further prompting, Peggy responded, “They’re not illegal, they just weren’t recorded.” Dave stated maybe his prior discussions regarding the Covenants were not believed and perhaps the words of past board members would serve to verify his statements. He then

proceeded to read excerpts from past WLCCA minutes quoting comments from members and past board members concerning the legality and enforceability of the Covenants. Names have been replaced by "board" or "member". The most significant quotes are noted below.

September 10, 1995

Board: "That is why we need to discuss this legal draft of the covenants sent to everyone with this meeting notice because everyone's input is very important in accomplishing the main goal of the Lakebottom Association. Once the members review and approve the covenants and By-Laws then as many *members as possible* need to sign the covenants and By-Laws to have them applicable and enforceable on each one of their lakebottom properties." **Board:** "Once members agree and sign the covenants and By-Laws they are enforceable against that member and lakebottom owner."

March 22, 1996

Board: "The changes previously approved by the general membership need to be incorporated into the Covenants and then possibly an up-to-date set of Covenants could be signed on to by the Lakebottom paid members or not signed on to by such members who disagree with the updated covenants."

November 10, 1996

Member: "How the Lakebottom Covenants are going to be enforced." **Board:** "The procedure of those that do sign on to the Covenants that they would run with the land from that time on. Those that do not sign on, there is no enforcement with these members."

January 13, 1997

Board: "The agreement has no binding power. It is really a gentleman's agreement. Only covenants that are recorded on deeds will be binding. Two other board members have done research on how to attach the covenants to a deed. When we approach developers with the covenants, it adds more power if we can say the x% of the members have signed an agreement to abide by these laws."

Board: "Lake Zurich does record their agreements on the deeds but they don't have every one signed on. Lake Zurich's association has sued for not following the covenants in three instances, at substantial expense to the association."

Board: "Is (there) any grandfather clause provision for people who had existing situations before the amendments were voted in. Specifically, one of the board members has a swan that needs the water aerated year round to keep the water open because it's wings are clipped." **Board:** "There is no provision. The majority voted in the amendment because they didn't want year round aeration. The swan could be brought to a nearby pond in Ingleside where there are other waterfowl. "

Member: "He didn't want to sign something that would put a lien on his property."

Board: "We can't regulate the size of the motors because pontoons need a larger motor. We need to use common sense." **Member:** "regulating speed makes more sense than trying to limit horsepower. That is why we voted in the 'no wake after sunset' clause." (Covenant)

March 19, 2000

Board: "The only way we could legally enforce anything is to have every lake bottom owner write into their deed that they accept the Covenants. We were only able to get two lake bottom owners to sign an agreement to abide by the Covenants. There is no way we would get 100% of the owners to add it to their deeds."

February 2, 2003

Member: "Won't Cambridge owners challenge why they have to follow the covenants and other lake owners don't." **Board:** "The board needs to adhere to the covenants. We acknowledged that we can't legally force anyone to comply. It has always been a gentleman's agreement."

In conclusion, Dave indicated that he has the above information and other information that indicates that there was fraud and deception perpetrated on associations and on villages. This data will be available to anyone who may wish to bring legal action against individuals or the association in general for past wrong doings.

3. Results of election - Discussion ensued concerning individuals from Holiday Park who were not included in the dues and membership list received from HP. Various reasons were offered by different individuals. Joe Nakanishi made a motion to accept these individuals as members for the upcoming year. Peggy Trelford seconded. Motion passed.

Prior to the meeting Ruth Bond had received several illegal unofficial ballots. She notified those individuals and supplied them with an official WLCCA ballot. Ruth asked those present at the meeting if they knew who had created the unofficial ballot and circulated it throughout our area. No answer was given. A notice was enclosed with these unofficial ballots instructing people who to vote for and to not turn their ballots in to the secretary prior to the meeting but instead give them to Gail Pitasch, Peggy Trelford, Penny Cummings, or Joanna Kretschmer. Ruth Bond believes the people responsible for this activity should be held accountable. Peggy Trelford said she did not draft the ballot but she knew about it. Steve Pearson made a motion to seal the ballots and turn all the information over to a third party for an independent evaluation of this situation to determine the validity of this election. Ruth Bond seconded. Motion carried. The ballots were sealed and the envelope signed and taped over the signature to ensure no tampering.

Joe Nakanishi motioned to adjourn. Steve Pearson seconded.

After the adjournment all seams of the envelope containing the ballots were taped by Dave Bond and witnessed by Jim Cogar and Joe Nakanishi.

NEW BUSINESS

1. Property Rights of Wooster Lake – will be placed on the next meeting agenda
2. Meeting schedule for 2007 - Ruth Bond met with the Township office to select meeting dates for next year. Every effort was made to follow the same meeting dates as before. (These may be changed based on availability of the hall.) The following dates have been reserved for WLCCA meetings at the Community Hall on Molidor Road:

March 19	April 19	May 14	June 11
July 9	August 6	Sept 6	Oct 8

COMMENTS & QUESTIONS

If anyone has an item to be placed on the agenda for the next meeting, please contact a board member. All items should be submitted to the secretary before March 4, 2007.