

BAYSHORE BEACH CLUB, INC.
BOARD OF DIRECTORS MEETING
Saturday, July 17, 2021

In Attendance:

Kenn Apel, Director	District 1
Gina Bebek, Director	District 2
Steve Sager, Director	District 3
Jacque Smith, Corp. Secy	District 3
Carolyn Gardner, Director	District 5
William Nightingale, President	District 7

Absent:

Tom Hurt, Vice President	District 4
Mark Mugnai, Director	District 6

The Corporate Secretary determined that a quorum was present. The Board of Directors' Meeting was called to order by President Nightingale at 1:03 pm.

President Nightingale welcomed everyone to the hybrid Clubhouse and Zoom meeting. He went onto explain he had been forced to work mandatory overtime that morning due to a Covid outbreak at the medical facility where he works and he apologized for not being present at the Clubhouse. In addition, Vice President Hurt was at a family reunion and Director Mugnai had an emergency arise so neither would be able to attend.

Secretary/Treasurer. President Nightingale brought up that the position of Secretary/Treasurer had not been filled.

Motion. President Nightingale moved, and it was seconded by Corporate Secretary Smith, to nominate Director Gardner to serve as the Secretary/Treasurer. As there were no objections, the Motion passed unanimously.

Approval of Minutes

It was asked if there were any changes before accepting the Minutes of the Annual Meeting of June 19, 2021 Meeting. No changes were offered. The motion passed unanimously.

REPORTS:

Financials. The financial reports for June 2021 were accepted as submitted and are attached. President Nightingale read Accountant Musial's report since he was not able to attend.

- As of June 30, 2021, the 2021 Operating fund balance was \$140,632.70.
- As of June 30, 2021, the 2022 Operating fund balance was \$ 119,357.40.
- As of June 30, 2021, the Long-Term reserve fund balance is \$369,492.61.

- Accounts receivable balance as of June 30, 2021 is \$134,712.78. This includes 1 account that is currently in collection. It also includes the balance of next year's billing in addition to any unpaid amounts from the 6/30/2021 year.
- Late fees and interest have been charged to all past due accounts as of March 31, 2021.
- Current Liabilities including accounts payable and payroll related items total \$17,857.05 as of June 30, 2021.
- There were 10 property transfers in June and a total of 92 for the fiscal year. Interest income is well below the budget as a result of the maturity of the treasury bills. This should increase once the funds are transferred to new accounts. There was no change in the CB Financial accounts as of June 30, 2021. Funds in CB Financial need to be transferred to a new interest-bearing account.
- Net cash flow from the year ending 6/30/2021 is approximately \$81,183.67. I would recommend that \$80,000.00 be transferred from the 6/30/2021 operating fund to the Long-Term Reserve fund. The major portion of the excess funds came from the pool closure and contingency funds not used.
- Legal fees were \$14,720.45 with a budget of \$7,500.00 in the budget for the year.
- The CPA who has prepared the tax returns for the past few years is retiring at the end of the year. He is willing to prepare the current year end return. However, I would recommend that the board find a new preparer now and not wait until next year.

Finally, I will not be at the board meeting on 7/17/2021. Please feel free to call me if you have any questions. As this will be our final month of working at Bayshore, I would like to say thank you for a wonderful 7 plus years.

Planning Committee. Report Submitted. Robin Adcock gave a recap of the activity for the past month. See attached report. Mary Lou Morris submitted an invoice from Darrin Goodrick dated July 7, 2021 in the amount of 770.00 for work related to the work to clean/mow the canal behind Oceanic Loop, mowing around the Clubhouse and removal of trash and rotten board to the dump. There was discussion that the canal work had been approved by the previous Board, however, going forward that we would need a contract in place with agreed upon terms before work could proceed.

Motion. President Nightingale moved, and it was seconded by Director Apel, to pay the \$770.00 invoice from Darrin Goodrick. As there were no objections, the Motion passed unanimously.

Mary Lou Morris discussed the background of tree and shrub issues and how the Planning Committee deal with complaints. She stated that the Board adjudicates the process and is the entity that actually charges the fines and places liens on properties when an issue is not resolved. That information can be found in the Declarations of Covenants and Restrictions Violations and Fine System. She further went on to say that the Planning Committee encourages owners to work together with their neighbors to resolve issues before involving the Planning Committee.

Long Range Reserve & Physical Assets.

Motion. President Nightingale moved, and it was seconded by Corporate Secretary Smith, to nominate Craig Jacobs to serve on the Long-Range Reserve and Physical Assets Committee. As there were no objections, the Motion passed unanimously.

Facilities. Report Submitted. Facilities Manager Tunison discussed how a new model of the robotic pool vacuum had come out that was very similar to the more expensive \$5,800 model that was tentatively approved at the June 2021 Board Meeting. This new model better fits the size of our pool and was substantially less expensive at \$1,999. The \$1,999 was approved by the Board via email with a vote of 7-1-0.

Facilities Manager Tunison then discussed the repaving of the basketball court. Since the June board meeting, three separate appointments were made with cement contractors to get bids on the project. As was the case in the Spring of 2019, none of the contractor bid appointments were kept. At this point and since cement contractors appear to have their late Spring/Summer/early Fall schedules booked by mid-February of each year, my intention is to delay attempts to schedule appointments for bids on this project until January/February of 2022 for consideration of several bids by the board at the February, 2022, board meeting.

During the June board meeting, the Facilities Manager's report included the subject of Board consideration being given to enclosing the gravel lot west of the clubhouse in order to avoid (or severely limit) the ongoing problem of illegal parking in the lot as well as providing a method for installing signage that effectively posts the parking restrictions for those intending to use the lot. The purchase of signs was brought up at the June meeting as a suggested way of addressing the problem without resorting to enclosing the lot but was disregarded due to the size of the lot and the inadequacy of reasonably sized/cost effective signs to remedy the problem. At that meeting, two distinct methods of enclosing the lot were discussed: 1) enclosure by means of installing a four-foot high, two rail, wooden fence with an opening (not a gate) and signs posted at that opening highlighting parking restrictions, the anticipated costs of wooden fence would be approximately \$3,139; and 2) continuation of the current boulders on Pacific Way around the remaining lot perimeter with an opening at which a post(s)/sign(s) would be installed listing parking restrictions. The anticipated costs of boulder fence would be approximately \$4,544.00.

Motion. Director Sager moved, and it was seconded by Director Apel, that Bayshore should install the split rail fence to enclosed the gravel lot area across from the Clubhouse. As there were no objections, the Motion passed unanimously.

Facilities Manager Tunison then discussed that he has been working with Craig Jacobs, a Bayshore Member, who brought to the attention of the Board during the June Board Meeting an issue with beach access points 67B, 67C, and 67D. They met with contractor Terry Thiesel who has been heavily involved with moving sand for members whose homes are in the areas of accesses 67C and 67D as well as homes south of those accesses along Oceania Drive. It was determined that we would need to first have accurate surveys of these accesses by an outside surveyor who will stake out the true paths as well as supply Bayshore with the width of each access as well as the depth to which each access can be established. With that information in hand, Terry Thiesel can then provide an estimate for re-establishing the accesses as well as providing an estimate for maintaining the paths which could be on an annual or multi-year basis depending on the degradation in each path over time. Facilities Manager Tunison has contacted outside surveyors and the cost per survey will lie between \$600.00 and \$800.00 which will depend on onsite inspection by the surveyor. It is important to note that a survey is not anticipated (although may be required upon inspection) as being needed at the access behind the clubhouse but that surveys of accesses 67C and 67D will be mandatory considering the severely degraded condition of those accesses.

In order to take any further steps allowing a bid to be presented to the board for the original opening of these accesses, the Board will need to approve the expenditure of between \$600.00 and \$800.00 for accesses 67C and 67D if they wish to proceed with this project.

Motion. President Nightingale moved, and it was seconded by Director Apel, to approve the expenditure of between \$600.00 and \$800.00 for survey of access points 67C and 67D. As there were no objections, the Motion passed unanimously.

Facilities Manager Tunison then mentioned that Bayshore probably has a leaking pipe in the pool area. He will contact the company that last helped Bayshore with a similar issue before.

Facilities Manager Tunison then asked the Policy and Procedures Committee to clarify and specify a description about members wanting to rent the Clubhouse

Safety Committee. Report Submitted. Chair Uhlman stated the Committee is being very active and is working on a Mission Statement. He mentioned that materials for the Cache had been purchased in the amount \$890 that had been allotted for the prior fiscal year. He talked about what a CERT is and mentioned that people could get training if they were so inclined. He also was pleased that the fireworks were less than prior years and felt that the new signs had an impact and thanked the membership for their support. Chair Uhlman specifically thanked Roger Smith and Karen Fitzgerald for their hard work in getting this Committee moving in the right direction.

Policies and Procedures Committee. Report Submitted. Director Apel shared the Committee's Report in Chair Ferguson's absence.

1. Board would like the committee to provide both the old definition and the recommended version of "member in good standing" together in one document. He thinks this could be done when convenient and might not need to wait until the next meeting.
2. They approved striking the term "business interests" from the Policies and Procedures manual given the ethics statement covers that.
3. They would like the committee to think of alternate names for the "office secretary term." They don't believe Office Administrator works because a) it sounds as if that person is an administrator and b) it would suggest a higher wage.
4. As the Board has reinstated of the Canal Committee it will be readded to the Policies and Procedures.
5. The Board plans to ask Director Hurt to "halt" the process of the attorney reviewing the Policies and Procedures manual. This is a moot point as the Board has previously decided to put this on hold for the foreseeable future.
6. The Board would like the Policies and Procedures committee to develop a description for the circumstances when a member must pay for use of the clubhouse vs. not.

Motion. Director Apel moved, and it was seconded by Corporate Secretary Smith, to strike the term "business interests" from the Policies and Procedures manual given the ethics statement covers that. As there were no objections, the Motion passed unanimously.

Social Committee. Report Submitted. Committee member Roger Smith gave a report in Chair Bradshaw's absence. The "Life's a Beach" Meet & Greet was held on Saturday, July 10, 2021. The four-hour event included a catered meal from Lazy Dayz Cafe and 80's music provided by Weird Science. There were an amazing 168 attendees of all ages that participated. Door prizes were given out and also prizes for the Best Beach Shirt.

It is with a sad heart that the Social Committee announced that Rose Bradshaw and Kerry Terrel have resigned from the Committee. The Board wants to thank them for their years of service and enrichment to our community.

President Nightingale thanked Rose for her service.

Communication Committee. Corporate Secretary Smith reported that the website and email had been taken down on July 12, 2021 without any warning to the current Board. It was a hectic week getting a new domain created, getting the office email set up, restoring the older emails so the office could function and creating a new website from scratch since the previous website was no longer available. Corporate Secretary Smith then reported that the new website was "up" at BayshoreBeach.com. The cost of the domain and email account cost \$35 per year and the domain hosting cost \$33 per year and that rate was locked in for 3 years. This results in a cost savings of almost \$1,600 for the given three-year contract period versus what the previous Board's had projected cost of \$600 per year or a total of \$1,800.

Good Neighbor Committee. Report Submitted. A newly formed committee accepted a mission statement as follows:

Our Mission is to enhance the quality of life between neighbors, foster community satisfaction, and increase property values. We believe there is no better substitute for resolving community issues as neighbors. Our goal is enforcement of rules and covenants, providing support for initiatives that strengthen bonds among residents, and fostering a community that supports everyone's desires for peaceful enjoyment. In fulfilling our mission and achieving our vision we value honesty, fairness, firmness, equity, common sense, participation, respect, cooperation, and neighborliness in all our actions.

The committee's future goals are 1) to create a Bayshore Good Neighbor Facebook page; 2) meet with local Vacation Rental Companies to understand how complaints are handled and resolved. Work together to resolve issues; 3) work on Welcome Packet for new members moving into our community that will include basic information, a copy of the Policies and Procedures, utility information, etc.

Motion. Director Bebek moved, and it was seconded by Corporate Secretary Smith, to nominate Erin Allman, Chair, Paul Rodby, Michael Vest, Heidi Wright, and Skip Carey to be committee members of the newly formed Good Neighbor Committee. As there were no objections, the Motion passed unanimously.

Budget. Director Gardner asked for volunteers to help out with the Committee. Director Gardner and Corporate Secretary Smith also mentioned that we are looking into moving money in to higher rate accounts.

UNFINISHED BUSINESS:

Beach Access. Facilities Manager Tunison and Craig Jacobs have been working on this issue. See the Facility Manager's report above. There was discussion about looking into seeking grants for possible beach wheelchairs and/or a boardwalk to make the beach more accessible for everyone who wants to enjoy. Director Apel stated two members had already volunteered to serve on the task force focused on solutions to make the beach more accessible.

Yard Signs. Director Apel shared that some members had not taken down their signs that were in violation of the Policies and Procedures. Per the Board's Motion in the June 2021 Meeting, prohibited signage must be taken down by July 31, 2021. If this does not happen, the Planning Committee will start sending out violation letters.

NEW BUSINESS:

No Parking Signs in Division 3 and 7. A member suggested that we add additional no parking signage in Division 3 and 7. After research, it was found out that this likely is a county issue.

Canal Committee. There was discussion in general about getting members more involved, especially those that live on the Canal.

Motion. President Nightingale was nominated as liaison. As there were no objections, the Motion passed unanimously.

President Nightingale requested all members who live on the canal or who have concerns regarding the canal meet at 11:30 before the next Board meeting in August.

Survey. Director Apel spoke about how the Board was developing a survey to get members' input on multiple topics. This data will be used to help shape the future of Bayshore and help guide the Long-Range Reserve & Physical Assets Committee.

HOA Management Company. President Nightingale said that he had spoken with a member about this. There were several different levels of management services and he suggested that the Board look in to it to see if it is viable for Bayshore.

MEMBERS COMMENTS:

1. Bill Ruegg
2. Steve Fitzgerald, see attached letter

EXECUTIVE SESSION:

The Board went into Executive Session to discuss the duties related to the two positions of the office staff members. It was reported that the interview committee would be interviewing candidates the week of July 19, 2021. No actions were taken.

Adjournment. The meeting was adjourned at 3:09 pm.

Minutes prepared by Jacque Smith, Corporate Secretary

March 10, 2021

Clinton Jeffrey Cope, Board Certified Master Arborist, ISA

4845 SE Third St

Corvallis, Oregon 97333

Re: Bayshore property conifer tree age assessment at 1705 NW Carter

Greetings Mr. Cope:

You performed an age assessment on a Sitka spruce at 1705 NW Carter which has been the subject of much controversy and potentially affecting the ocean view determinations for the nearly 1,000 property owners of Bayshore. Normally, your professional and ethical requirements are strictly for your client at that address. However, we submit to you that, since your report has become part of our public record (in the Board meeting proceedings and Bayshore "Breeze" Newsletter) and has impact on future ocean view restoration policy and decisions, your obligation now extends to our community as a whole.

In the past decades, native original protected trees have been designated or assessed from an inspection of a 1965 aerial photograph (appended for your review). If the tree was present within the resolution of the aerial, it was protected. All other vegetation (native and non-native) is subject to a six foot height limit when obstructing ocean views of neighboring properties. Ocean views are of primary importance to the homeowners' enjoyment and property value. Landscaping and urban forest considerations are secondary.

The pristine Alsea spit and dune system is long lost. This occurred during the massive excavation of the development beginning in 1963 and introduction of European beach grass (an invasive plant). A document prepared with the sponsorship of the US Fish and Wildlife Service and Army Corp of Engineers published in March, 1984 (Wiedman, Alfred. Ecology of Pacific Northwest Coastal Sand Dunes: A Community Profile), laments: "Area 16 Alsea/Waldport... narrow parabola dunes obliterated by development" (p. 95), "Parabola dune system in Bayshore destroyed by large scale levelling of the land" (p.68). This is readily apparent from the aerial along with large scale European beach grass plantings. The subject property appears to be within this destroyed habitat and away from the preserved ridge of trees to the north. This historical perspective is relevant to our discussion as to the hostile environment for Sitka spruce germination and growth. Wiedman also states regarding plant succession on the dune deflection planes : "Usually lodgepole pine (e.g. shore

pine) is initially dense providing shelter to the Sitka spruce seedlings which are not tolerant to salt spray”(p. 56). The inadvertent tilling and seed spread with subsequent home building in Bayshore could now provide wind and salt spray protection and shade conditions for germination and rapidly growing Sitka spruce in these areas and, in particular, the subject property and tree.

There is also a pictorial history to the subject property and its state of vegetative development or lack thereof. I have included two photographs of this property taken in 1965 (panorama with structures) and 1967 (couple in front of home with subject lot in background) with a recent one of similar aspect for comparison. Based on your tree age/height estimates the tree would have been between 42 and 68 years of age in 1965. Unfortunately, these images, though available at the time of your evaluation were not given to you for reference. The photographic evidence alone should establish the fact that the tree was not there and looking at the wide spread degree of disturbance, the tree was either planted or seeded sometime after these photos were taken.

We, and many other concerned residents have reviewed your assessment and can relate to the simple diameter at breast height (DBH) calculated estimates recommended by the ISA. Although the DBH of a tree increases as it ages (adds a ring of wood every year), there is huge variability in the diameter-age relationship. Thus, diameter alone is often insufficient to age a tree. Substituting a diameter equation for Douglas-fir would be inappropriate. Having no diameter equation for Sitka spruce, one doesn't substitute and use a diameter equation for another species, even with caveats. For some conifer species, you can use branch whorls to age a tree or get close to what the age is. Using branch whorls to age a Sitka spruce is difficult compared to pine or Douglas-fir. Thus, increment coring and the photographic evidence is the best determinant of age.

We also appreciate the disclaimers and precautions regarding this method of age estimation along with the more accurate estimates determined by counting the rings or increment core boring. Increment coring would verify the age. Tree injury is a legitimate concern for urban hardwoods and when coring diseased trees without intervening disinfection or cuprous fungicide application. Coniferous softwoods such as Sitka spruce have a resin system and are rapidly self-healing making this a moot point. I (Fitzgerald) have cored thousands of trees in my career and they have not been damaged as the tree pitches over the small wound. An increment core along with the photographic evidence would pin point the age of the tree in question. For instance, if the tree was 65 years old (1956), then a ten year old tree was planted.

We would agree that, when possible, other techniques should be employed. For instance, when one knows the date the tree was planted or germinated that would serve as another accurate dating method commonly utilized by foresters and arborists. The accuracy of age/height and increment core techniques, all subject to potential inaccuracies and outliers, use this type of chronology as the absolute age comparison. Since trees don't have birth certificates, forest age for previously clear-cut units is based on date of planting seedlings. Other trees in such units may germinate naturally and would be somewhat younger. Tree growth in a plantation or farm can be accelerated by applying amendments to the soil or supplementation with nitrogen and phosphorus. In fact, these strategies have been found useful for Sitka spruce, among the fastest growing of all conifers.

We do not want to belabor this point, but the subject property, and nearly all of Bayshore was literally beyond “clear-cut” and replanted, not with trees, but European beach grass. Normal succession continues with native shrubs and then shore pines leading to Sitka spruce and to some extent, western hemlock and Douglas fir forestation. European beach grass would inhibit or severely slow tree establishment (via seed) unless the tree (when small) was dug up from somewhere else and planted there. However, the subsequent urbanization of this unit accelerated conditions suitable for tree seed germination and rapid growth. The proliferation of pavement and structures has wicked water drainage into the intervening green spaces while also reducing wind stress. This setting has been further altered by the presence of on-site septic systems and wide dispersion of effluent below ground. This creates moisture and nutrient-rich conditions conducive to rapid tree growth. This more than mitigates the effects of summer drought and poor, sandy soil conditions. In fact, phosphorus and nitrogen supplementation is proven to promote rapid and healthy forest tree growth. It is well known that septic leach lines are high in such nutrients.

We hope that the facts presented will provide ample evidence for you to reconsider the assumptions and conclusions of your previous report. I would encourage you respond and communicate to our community as a whole.

Sincerely,

Bill Ruegg, Bayshore property owner

Stephen Fitzgerald, Bayshore property owner & Professor of Silviculture, Oregon State University.

(The mention of OSU by no means constitutes an endorsement by Oregon State University)

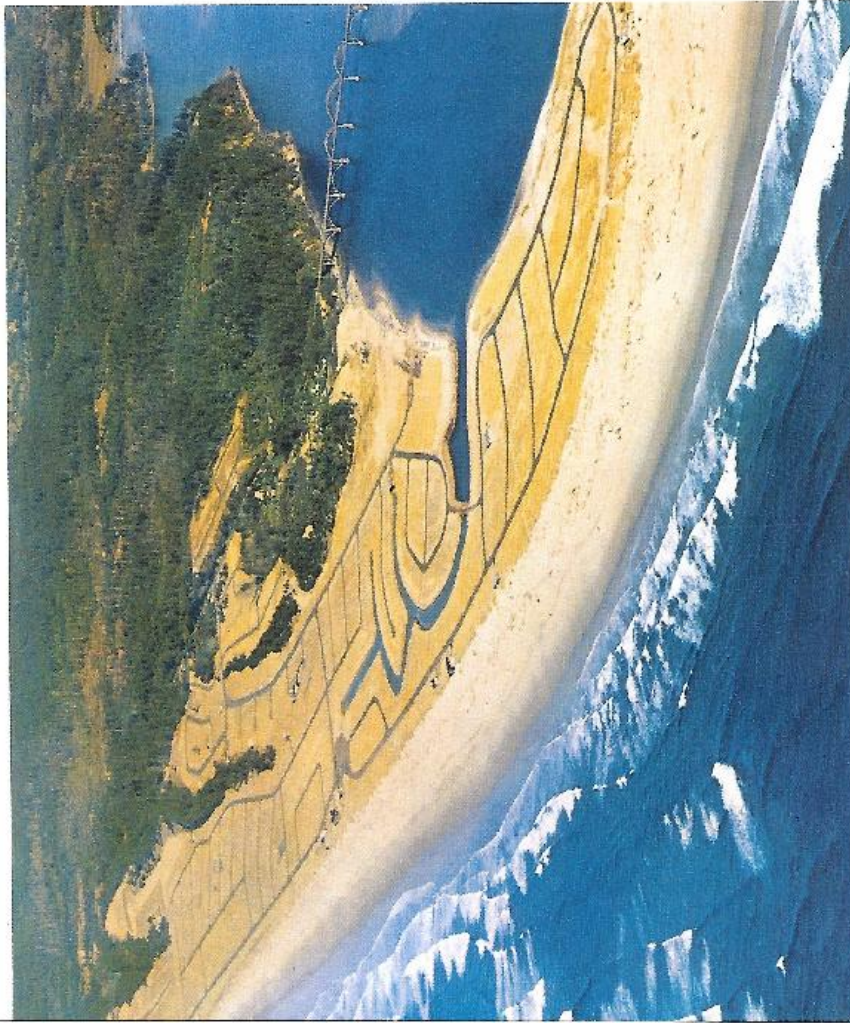


Figure 1 1965 Bayshore Aerial



Figure 2 Modern Bayshore Imagery



Figure Panoramic View of beach grass dune Plateau in 1965 of subject property and tree location



Figure 1967 Unannotated Photo of Couple with Tree property in background



Figure Couple with tree position

marked



Figure Recent photo of 1713 Parker with subject tree over left roof line