

DRAFT  
CONGREGATIONAL SUMMER ASSEMBLY  
SPECIAL MEETING

Date: January 9, 2021  
Virtual Meeting via Zoom

**Call to Order:** President Freeburg called the meeting to order at 11:05 a.m. EDT, advised the meeting would be recorded for purposes of drafting accurate minutes and noted a quorum was present. Ms. Wise opened in prayer. Ms. Freeburg then introduced the panelists for the meeting: Ms. Wolszon, Vice President; Ms. Meeker, Secretary; Ms. Smith, parliamentarian; Ms. Congbalay, Chair of Communications Committee and moderator; Ms. Murphy Burroughs and Ms. Carrella, Co-Chairs, Membership Committee; Ms. Cunningham, Trustee; Mr. Belknap, Trustee and Chair of the ad hoc Lake Michigan Dunes, Bluff and Beach Committee (“DBB Committee”); and Mr. Gillett, representative of the Property Owners seeking approval to build a seawall on CSA common property (“Owners”). She set the adjournment time for 1:05 p.m. EDT. Five proxies were filed with the Secretary in advance of the meeting. She appointed Barbara Patterson, Barbara Perry and Jane Cooper as the reader committee to review the minutes of this meeting. Ms. Freeburg announced that, in accordance with the Michigan Non-Profit Corporations Act, a list of all eligible voters had been published via the Zoom chat function, and for privacy reasons the list of addresses of eligible voters was available from the Secretary. Ms. Freeburg noted if there are inaccuracies in the Member list, to provide correct information to the CSA office; it is the responsibility of CSA property owners to advise the office when property changes hands.

Ms. Freeburg then noted the pandemic has required the CSA to do things differently and thanked the participants for staying engaged with CSA business. She stated purpose of the meeting was to vote on the Owners’ seawall proposal, a Member decision because the seawall will be built on CSA common property. All Members have the right to bring forth proposals to the Board, which can act or not act on such proposals. The Board determined this proposal was important to bring to the Members. The Board did not vote to approve the seawall but agreed to put forth a motion to let the Members decide. The weather, high lake levels and strong winds have dealt the CSA Lake Michigan dune and beach a severe blow and access is currently unsafe. Board priorities are preserving the CSA beach and dune from erosion and finding temporary and long-term solutions for pedestrian access to the beach. As stewards of the CSA and in the spirit of being good neighbors, the Board is working with the Owners to find mutually beneficial solutions. She then introduced Mr. Belknap to provide an update on the work of the DBB Committee, which would be followed by Mr. Gillett explaining the Owners’ proposal. She directed all questions to be typed into the Q and A function, and questions would be answered after the presentations.

Mr. Belknap then provided an update on the work of the DBB Committee. Progress to date included aerial imagery developed, CSA property survey due at the end of January, and a decision next week which engineering firm to retain. He discussed the destruction of the sand dune and damage to the bluff, which cannot be rebuilt as the dunes can. He noted that access to the beach is dangerous, and footsteps cause additional damage to the bluff. The DBB Committee has two objectives: to identify the best location for short-term and long-term access to the beach, and to determine what steps, if any, can help mitigate damage to the bluff until the water level recedes. The engineering report and recommendations are expected near the end of March; further work will then be Member decisions, followed by permitting and construction of approved solutions. He noted the Owners have agreed to maintain their construction access open until the end of September, at no cost to the CSA, to allow the CSA to do any work without creating its own construction access. In addition, the Owners will pay the cost of remediating the damage done by the construction access path. Creating short-term access to the beach for this summer is a priority, including potentially rebuilding the current wooden stairs. He noted that according to experts’ seawalls do create additional erosion, and if the Owners’ proposal to save their cottages is approved, there will be some additional erosion of the CSA bluff.

However, the incremental erosion cannot be quantified without significant expense, and he said there will be a trade-off between protecting cottages and protecting the bluff to an extent. However, the bluff is in danger with or without the seawall. He noted if approval of the Owners' proposal is delayed, their cottages may be lost, like the Miller cottage to the north which is in the process of being demolished due to bluff erosion. He stated that an important part of the engineering review will be a recommendation for where to locate long-term beach access, and the use of the Owner's construction access is a significant benefit to the CSA. He read an email from the Owners indicating willingness to work with the CSA and expressed the hope the CSA would act in a spirit of kindness and fairness to its neighbors.

Mr. Gillett then reviewed the Owners' presentation supporting their request for approval to build the seawall and to cross CSA property on a portion of the construction path. He noted the significant damage to the bluffs in front of the three cottages, and described the permits being obtained from several state and federal agencies, which are expected in mid-March. He described the proposed location and materials to be used for construction and expressed hope construction could be completed prior to the start of the summer 2021 season. He also noted further consideration is being given to construction access, which, depending on where the CSA survey shows the property line, could be built overlapping with CSA property which could then be used as temporary or permanent beach access.

Ms. Freeburg then reviewed the current status of discussions between the Board and the Owners, including the agreed condition that the Owners allow the CSA to use the construction access at no cost to the CSA until the end of September 2021 and pay to remediate the damage caused by the construction path. She then noted a DBB Committee proposal that had been presented to the Board to include in the legal agreement with the Owners that an easement be granted to the CSA as a condition of approval. On behalf of the Board, Ms. Cunningham noted the Board gave serious consideration to the proposal and continues to listen to the CSA community. The Board determined it wasn't prudent to include an easement as condition of approval of the seawall. She stated the Board is fully committed to building access but does not know at this time where the optimal path is; the construction path is only one option for access. It was the Board's judgment it was not appropriate to preemptively demand private property as condition to approve the right to save these cottages. CSA is about the whole of the best interests to care for the community. She noted that if expert studies do recommend use of the construction access, the Owners are committed to working with the CSA. The Board believed this was in the best interest of all parties.

Ms. Freeburg reiterated that today Members were being asked to vote on approval for construction of our neighbors' seawall. She invited questions and comments and stated there would be a vote on the motion. Mr. Belknap then moved:

**I move on behalf of the Ad hoc Lake MI Dunes, Bluff, and Beach Committee and Board of Trustees that we permit the Smoliks, Burrows and Gosnells (Owners) to access and construct a steel seawall on the Congregational Summer Assembly's (CSA) Lake Michigan beach common property. A "Yay" vote is conditional upon execution of a legal agreement between the CSA and Owners.**

Seconded by Ms. Wolszon. Ms. Freeburg then described the process for the remainder of the meeting and the application of Robert's Rules of Order to the proceedings. She asked that questions be written in the Q and A function of Zoom to be answered in order. If participants wished to speak, their microphones would be turned on with a time limit of 3 minutes.

Discussion followed, including regarding potential construction to mitigate damage to the CSA dune and whether the Owners would pay for such mitigation. Mr. Lorry Spitzer then moved an amendment to the pending motion to be inserted after the words "common property":

provided that if the CSA determines after careful study and deliberation that the access path to be built by the Owners represents the best means of access to the beach by CSA members, the Owners agree to permit such access.

Seconded by Ms. Lurette Frost. Discussion continued on the motion and the amendment. Extensive discussion followed, including about fencing, whether the seawall would affect other properties on the Michigan beach, the urgency of action and loss of the Miller cottage already, impact of Critical Dune regulations, seawall impacts on the dune, the desire by several Members to obtain commitment to the easement as a condition of approval, and whether the Members believed there was sufficient information to vote today. Ms. Freeburg polled Members eligible to vote, and 69% believed there was sufficient information, 31% did not. Ms. Wolszon moved and Mr. Belknap seconded that the meeting time be extended to 2:05 pm. EDT. **APPROVED.**

Further discussion followed, including regarding whether the CSA would build its own seawall and the potential size, likelihood of the dune rebuilding itself in time and covering the seawall, use of boulders as potential means to mitigate erosion, responsibility for paying for mitigation, timing of the engineering recommendation, certain parliamentary questions, and postponing voting until additional information would be available.

In response to a question about how to prevent ineligible voters, Ms. Freeburg indicated any vote count at the time of this meeting would be preliminary, and a final review would be done after the meeting to confirm only one vote per lot was properly cast. In addition, under Michigan law, the CSA Bylaws and meeting custom, the votes would not be confidential. Additional questions of parliamentary procedure were asked and answered.

Mr. Spitzer restated his proposed amendment, which Ms. Freeburg indicated had not had support of the Board.

Ms. Freeburg noted that at 1:50 pm. EDT, there remained 108 questions in the Q and A. Mr. Belknap then withdrew his motion and Ms. Wolszon withdrew her second; with the result that neither the motion nor the proposed amendment would be considered at this time. Ms. Freeburg stated another Special Meeting would be convened on February 20, 2021, which would allow time for the DBB Committee and Owners to continue to develop information which would be helpful for the Members to vote on the seawall proposal, and answer questions remaining in the Q&A. In addition, an Open Forum would be scheduled in advance of that meeting to continue to address questions from the Members.

Beth Wolszon then moved to adjourn the meeting; Mr. Belknap seconded; APPROVED.

The meeting was adjourned at 2:02 p.m. EDT

Respectfully submitted,

Jennifer Meeker  
Secretary