



### How Painesville Got It's Name – by Mary Jo Nosse

Painesville Township, it's where we live near Lake Erie and what we call home. I was curious to find out the history of how the place we came to live in was named Painesville.

Painesville, like many Northeast Ohio communities, was first settled in the early 1800s. The town was first named Champion, after the surveyor Henry Champion, but was later changed to Painesville, in honor of Revolutionary war hero, General Edward Paine.

Edward Paine was born in Connecticut in 1746 and entered the militia there. In 1776, he became a first lieutenant in Captain Brig's company and was ordered to go to New York. By 1777, he was made captain and served as such until the close of the war. He was later made Brigadier General of the militia in New York state.

In 1796 Paine and his son went west from New York on an exploring trip. They went as far as the mouth of the Cuyahoga River, having come from Buffalo in a sail boat. From Cleveland they started to return on foot. When they reached the mouth of the Grand River, they were struck with the beauty of the location and scenery.

Later General Paine bought a large tract of land where Painesville now stands. He interested a party of 66 people in the new territory, and the entire party started toward our area from the east arriving in 1800. They came west to Buffalo, using sleighs as it was winter, and expecting to take the ice from that point to their destination. 30 miles west of Buffalo the ice failed them and they waited until spring to continue their journey.

A number of the men went ahead on foot to the present site of Painesville and began to prepare their future homes. In May the following spring, the rest of the party came in on open boats, the ice having broken up by that time.

General Paine brought his wife, Rebecca White Paine, and eight children with him and they built a log cabin. Later he built a pretentious residence but it burned down. He started the work of preaching and school teaching in the new territory. He was noted for his high intellectual attainments and was twice elected to the Ohio legislature. He died August 28, 1841 at age 95.

Today in downtown Painesville, you can see



the large monument erected to Edward Paine by The Daughters of the American Revolution. His grave was located and the remains of General Paine were placed in the base of the monument. The inscription on the monument says in part :

General Paine was a Revolutionary Hero, an early Ohio Legislator and the founder of Painesville.

The Daughters of the American Revolution took part in the unveiling of the monument on July 21, 1900.

Sources:

- Ohiohistorycentral.org
- Familytreemaker.genealogy.com
- Ohioseniors.com (photo)

### Mulch Party

On Friday June 4<sup>th</sup>, LES is getting 100 yards of wood chips and a skid steer delivered to the playground, and we need help to spread it. So, if you want to help make the playground look awesome, stop on by after 4:00 PM. The goal is to finish that evening so that we only have to pay for a 4-hour rental term. We



can get some pizza and drinks if you want too.

Please contact John Guian [aliashenry@aol.com] to let him know if you can help. Rakes, shovels and wheelbarrows would be helpful as well but the majority of the moving will be done by the skid steer.



### Save The Dates

EVENT 1st ANNUAL ADULT PARTY  
 PLACE BEACH PAVILION  
 DATE SATURDAY, JULY 17th  
 TIME 7pm-11pm  
 COST Free to L E S residents, \$5 for sponsored non-residents

EVENT 2nd ANNUAL CORNHOLE TOURNAMENT  
 PLACE PLAYGROUND PAVILION  
 DATE SATURDAY, AUGUST 14th  
 TIME TBA  
 COST TBA



Both events are ages 18 and over.

MORE DETAILS TO FOLLOW FOR BOTH EVENTS!!

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## Yard Sale a Group Effort – by Jordan Levy

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I want to thank everyone who helped out with this year's yard sale. Despite the rain on Saturday, it was a success. We had over 60 homes signed up, and numerous last minute additions. I found some great bargains on preview night and even bought a chest of drawers Thursday.

The Home Owners Association pays for the advertising and supplies, such as balloons and paint, but with out all the volunteers it could not happen.

This was a group effort. Mary T. volunteered to repaint all 16 signs this year, and several people helped hand out balloons and maps. Davis S. helps me hang the signs every year, and this year Scott B. helped me take them down, even in that torrential rain. I also wanted to thank Paula for helping coordinate the volunteers.

For those of you who didn't want to bring your items back into the house, Marlo B. organized the pickup by Purple Heart. In 2009 we had a second option for donations, but that person moved away.

Is anyone interested in contacting Habitat for Humanity, the Salvation Army or any other organization and seeing if they are willing to schedule pickups at people's houses the week after the yard sale? If you are willing to organize the donation process please contact Paula using the LakeErieShores.com website. Send your information to either the Volunteer Coordinator or the Yard Sale Volunteers.

To everyone who participated I have two questions:

1. Do we continue preview night? It seems like a good idea, but I'd like some feedback.
2. Do we continue making maps showing the participating homes? It takes about 2 – 3 hours to assemble the information and create the map. Are they useful to people? Do you hand them out? Or see anyone carrying them?

Please send your responses to [yardsale@lakeErieshores.com](mailto:yardsale@lakeErieshores.com). Once again thanks everyone, I'm looking forward to next year.

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## Recreational Committee – by Jon Adkins

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### Urgent Help Needed

The recreational committee is in the planning stages for this year's 4th of July neighborhood gathering. We are in urgent need of volunteers to help make the event a success. No amount of volunteer time is too small. Even a few hours of your time can make this event a success. From planning, to decorating, to helping set-up or even



clean-up, we need YOU. If you are interested in offering any type of help please let us know as soon as possible by e-mailing [jonsuzannaadkins@sbcglobal.net](mailto:jonsuzannaadkins@sbcglobal.net).

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## Deed U Know?

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Section 4 – Signs: No sign or other advertising device of any nature shall be placed upon any portion of the Property except for signs and advertising devices installed by or at the direction of the Township or the Master Association, or which the Master Association approves as to color, location, size and similar characteristics. “For Rent” and “For Sale” signs shall be permitted by the Master Association, provided that such signs shall meet the requirements of all applicable governmental agencies. Notwithstanding the foregoing, the restrictions of this Section 4 shall not apply to Developer.

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## Chuck Hillier - Volunteer Trustee

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Have you seen the movie “Taken” starring Liam Neeson? I did about six months ago and for a long time I wanted to see it because I love “shoot em’ up guy movies” and this one sounded like it certainly would fill the bill. I rarely get to watch “guy movies” with my “Better Half” as she's not crazy about the violence, however I found her in a weak moment so we watched it together and believe me when I tell you, since then I have thought about that movie a lot!

The storyline revolves around an ex-CIA agent (Liam Neeson) who is wrestling the clock against an international human trafficking organization that kidnapped his beautiful and naïve high school age daughter on an ill advised vacation to Paris with a friend. If you enjoy action films, you would certainly enjoy this one but the storyline itself is what has troubled me. I recall asking myself both during the movie and afterwards if this was just a good storyline or does this stuff really go on in real life. I come to find out that it is all too true and that trafficking of humans for prostitution occurs everywhere, even here in Ohio.

Being surrounded by beautiful women in my own family, the thought of any one of them being forced into prostitution just sickens me as it would surely sicken any of us. In “Taken” the storyline is brought front and center into the lead actor's life and by proxy, into each of our own lives. Now instead of seeing it as just a movie, I was feeling his pains and anger as a father and wanted to seek the same vengeance he did. Often when we hear about this stuff in the news, its generally referenced to overseas, so although it is a horrible crime, it's easy to quickly forget because you know, there is “nothing that anyone can do about it”, so why lose any sleep over it. Well that's not the case and there is something we can do about it.

Currently Ohio is one of only seven states that do not have laws pertaining to the trafficking of human beings but

that could soon change as there is pending legislation in the Ohio Senate, SB235 which will criminalize human trafficking and punish criminals who exploit others for profit in Ohio. Passage of this legislation means prosecutors no longer will have to stitch together other crimes, which often carry lighter sentences, in order to stop human traffickers from harming vulnerable people in Ohio!

Take a moment to read more about this important subject at: <http://actioncenter.polarisproject.org/component/content/article/35-action/873-oh-webalert-s235> and if you feel compelled, there is a link to your state legislator you can forward your opinion to.

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**Save The Dates**

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Event: 1st Annual Adult Party  
 When: July 17th  
 Time: 7 PM to 11 PM  
 Where: Beach Pavilion  
 Ages: 18 and Over  
 Details to follow next month

Event: 2nd Annual Cornhole Tournament  
 When: August 14th  
 Time: TBA  
 Where: Pebble Beach Park/Pavilion  
 Ages: 18 & Over  
 Details to follow next month

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**I survived the Cleveland Marathon (events) – by Jim Sorenson**

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Myself and several family members were signed up for the 2010 Cleveland Marathon Weekend events - notice “events” and not “the marathon”.

I pushed our son in a jogging stroller for both the Saturday 5k and Sunday 10k and Nick even offered words of encouragement along the way: “Run faster daddy, faster!” Nick also participated in the Saturday Kids Run.



I ran so fast that multiple companies want to sponsor me for my awesome athletic capabilities. That must be why I got all of the free merchandise [banana, water, milk, snacks, etc.] at the finish line of the race right? Oh course it is, although I am not sure why no one has called me back yet.

The announcers stated that over 15,000 people were enlisted for the Sunday events [10k, half & full marathon] and the crowd size seemed to validate that statement. Many people wore clothing displaying their charity of choice and everyone has their own specific motivation for participating in these types of events.

There were however some individuals that

We had to get up at 5:00 AM for both Saturday and Sunday and we normally do not rise that early on a daily basis. After the Sunday race, we were enjoying the post-race festivities and my wife and I commented to one another that it felt like it was about 300 PM. Yet, when we looked at our watches, it was only 940 AM!

This was the first time that we participated in a running event this large and we would definitely like to participate next year as well.

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**Swim, Bike & Run for Fun – by Jim Sorenson**

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Sunny days will be here soon enough and it is time again for another season of triathlons where people swim, bike and run ... for fun of course. Here is what I know so far:

1. Sunday, July 25: Triathlon at Fairport Harbor Beach. [[http://www.lakemetroparks.com/programs/Triathlon\\_Kayak-Triathlon.shtml](http://www.lakemetroparks.com/programs/Triathlon_Kayak-Triathlon.shtml)]
2. Sunday, August 8: 2010 Greater Cleveland Triathlon at Headlands State Beach in Mentor [<http://www.ncmultisports.com/gct.html>]
3. Sunday, August 8: 2010 Cleveland Triathlon held in the downtown Cleveland area [<http://www.pacificsportsllc.com/cleveland-tri-event-info/>]

A college buddy of mine has committed to visit us from West Virginia and do the July 25 event with me at Fairport Harbor, and his teenage son is signed up as well. So far, according to reports from my buddy, his son is going to whoop us.

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**David Spall - Volunteer Trustee**

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Garage Sale

THANK YOU! To our VOLUNTEERS who helped with the Garage Sale.

I had a lot of great comments about our Community from the outside shoppers. This is a great event for us that many shoppers are returning annually for this event.

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**David Spall - Volunteer Trustee**

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Landscaping Committee

Bridge Staining Project on June 26, 2010

A staining project is scheduled for June 26. In an effort to keep the cost of the project down in the budget, volunteers are being asked to help with the staining project [staining clothes only on this project].

We will meet at 9 a.m. at the Lake Pavilion. A lunch will be provided at the pavilion at 1 p.m. for the volunteers.

To know approximately how many commitments we will have prior to June 26, please contact David Spall by email at davidspall@sbcglobal.net or by phone at 440-637-4559 if you will be able help.



Your Homeowners Association needs your participation in this Staining Project. If you are able, please consider volunteering.

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**David Spall - Volunteer Trustee**

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THANK YOU! To our VOLUNTEERS who helped with the STREAM CLEAN-UP!

- David Spall
- Chuck Hillier
- Eric Wright
- Gregory Wilcox
- John Delsanter
- Jason Basiger
- Melvin Rankins

We had a great day for the stream clean-up. The weather was good for this project. We removed many bags of trash & wood from the streams and also freed up areas that were blocked. The clean-up job was completed in 3.5 hours with 7 volunteers.

We ask every home owner not to put YARD WASTE or TRASH in the stream area or dry basins. We need more volunteers on these projects!!! Please keep in mind about volunteering to our community. We are doing projects that save on the budget and helps beautify Lake Erie Shores.




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**Chuck Hillier - Volunteer Trustee**

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Thank You Michael DiSanto for all you did for the Association while serving on the board as Trustee. I can honestly tell you that Michael worked exceptionally hard for us and routinely would save the association money by just “taking care of business” on our behalf out of his business office. Sure he’s the developer and has a vested interest in the success of Lake Erie Shores but if you’ve ever spoken with him personally about the development you surely felt the passion he has for it and working with him I can sense it is based on more than just dollars and cents. Michael and I haven’t always agreed on every issue but he was always been professional in the manner in which he handled the disagreement once the issue was resolved it was quickly forgotten.

Over the last four plus years, there were countless times John Guinan and I have had “issues” that neither we nor the management company were able to get resolved and every

time we asked Michael for his help, he quickly responded. Often he would see a problem before we did and just head it off at the pass. I remember one time a builder was delinquent on numerous properties and needed Michael, as the developer to make a property improvement so he could begin construction on it. Michael told this builder that just as soon as his maintenance fees were brought current to the Association he would be happy to take care of the request. I believe it was within three days this account was brought current and it couldn’t have come at a better time. Although he’s no longer on the Board, Michael’s still working behind the scenes for us and I surely appreciate having that experience and resource available.

At our Annual Meeting in April, David Spall (Clipper Cove) was elected to replace Michael as Trustee. Dave is a very likable, easily approachable and hard working gentleman who willingly jumps in and helps out whenever he can. Last year he led us in two major projects, the clean-up of the streams (spring and fall) and the painting of the pavilions and park areas. They turned out terrific and along with the volunteers who jumped in, we saved an estimated \$8,000 in general fund expenditures. I’m happy to say that all three board positions are now filled with residents of Lake Erie Shores, so feel free to contact us (David Spall, John Guinan or myself) with any issues we can be of assistance with.

The Adult Party at the Beach Pavilion is set for July 17th so mark your calendars, it’s sure to be a good time. We will have live entertainment by a local band called Legacy who performs regularly at local wineries and night spots. Bring your own beverage and an appetizer to share; there is no fee for residents and only a small one for guests. Hope to see you there!

Plans are moving along for the July 4th Party at the Park on Pebble Beach. I do know the Recreation Committee could use some help. The more help they get, the more fun things we can do, so if you can spare a few hours that morning, we promise your time will be well spent. Please contact Recreation Committee Chairman Jon Adkins at jonsuzannaadkins@sbcglobal.net for further information.

We just approved two new contracts for mulch, one for the common areas in the development and the other for playground mulch. Between the two we budgeted \$13,500 and it’s good to report that we secured them both at \$2,200 under budget!

In other business we’ve gone out for bids to have our Reserve Study and we’re also close to finalizing replacement signs for all the ones damaged, vandalized and missing from the Lake Road parking lot and beach area. We budgeted \$2,000 to replace all the signs and hope to have them made and installed by early June.

Finally, we began April with \$128,993.19 in our checking account and after paying expenses for the month totaling \$7,229.15 and making a deposit of \$844.75 to our reserve account, we ended it with a balance of \$140,946.49. Year to date our paid membership as of April 30th is at 87%, a slight improvement over the same period of time last year. In 2009 we completed the year with paid membership at

92% so overall it appears we're on track and doing pretty good. Based on what the management company has told us, we are doing better than most other associations, so that too is good news.

If you have any questions, please contact me via email at [avcmcchi@sbcglobal.net](mailto:avcmcchi@sbcglobal.net) or at home 350-1640.

*Success is not counted by how high you have climbed but by how many people you brought with you.*

*Wil Rose ~*

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**CONSIDER A LIMITED FIVE-YEAR PROXY TO EASE ANNUAL ELECTION QUORUM CHALLENGE – from the Kaman & Cusimano, LLC web site (<http://www.ohiocondolaw.com>)**

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By David W. Kaman, Esq.

Most associations send out a proxy request year after year. The proxy request is often on a pre-stamped postcard or includes a stamped, self-addressed return envelope. Soliciting proxies is necessary because the Bylaws (or Code of Regulations) of an association generally requires that a quorum of owners be present in person or by proxy to hold a valid and legal annual election meeting. For many associations, the quorum requirement is a majority of the owners, meaning more than one-half of the ownership. Without a quorum, there can be no election. Mailing proxy solicitations is not only time-consuming, but, with rising postal rates, has become increasingly expensive.

To combat rising costs, several associations have recently instituted a great time and cost saving measure by requesting that owners execute and submit a limited five (5) year proxy. Under Ohio law, a proxy is valid for eleven (11) months from the date it is executed UNLESS the proxy specifies a different date on which it expires or the length of time it is to continue in force. A properly drafted proxy could be used for two, three, five or even ten years. Although some owners may fear misuse of such a long term proxy, specifically drafting a "Limited" proxy that may be used ONLY for purposes of obtaining a quorum and electing directors eliminates this fear. More importantly, the proxy specifically indicates that if an owner attends a meeting, the proxy is invalid for that meeting and the owner gets to vote. You can find a sample of a 5-year limited proxy and solicitation letter to the owners at the end of the article.

**PROPER PROXY REQUIREMENTS**

Using improper proxies to achieve a quorum or to swing the results of an election may lead to more problems than not obtaining a quorum in the first place. Whether a board decides to solicit a proxy annually or every five years, DO NOT risk having the annual election meeting contested due to a bad proxy. Ohio Revised Code Section 1701.48 generally controls the legal aspects of a proxy. An association must pay strict attention to the provisions of this law in order to have proper proxies.

The initial requirement under Ohio law is that the owner must appoint his/her choice of a proxy in writing. Showing

up and verbally indicating "I have my neighbor's proxy" is not sufficient. In addition, the owner of the unit, (not a live-in friend or tenant,) must sign the proxy. Finally, the proxy must be dated and must clearly designate who is receiving the proxy authority in the owner's absence.

Here are 10 Frequently Asked Questions (FAQs) regarding proxies and their use. The answers will hopefully help to avoid challenges at your association. Please feel free to incorporate this information into your association's newsletter to also help owners better understand proxies.

**10 PROXY FAQs**

1. What is a "proxy"? The term "proxy" is used to describe either the person who is appointed to represent another, or the written authorization used to reflect the appointment.

2. How long does a proxy last? Pursuant to Ohio Revised Code Section 1701.48(C), a proxy may be valid up to eleven (11) months after appointment unless the proxy specifies a different date on which it expires or the length of time it is to continue in force.

3. What if an owner signs more than one proxy? If an owner signs two (2) separate proxies, only the later dated proxy is deemed valid, in accordance with Ohio Revised Code Section 1701.48(F)(2).

4. Why do we use proxies and what difference does it make if I don't send in my proxy? Recognizing that not everyone is available to attend a scheduled meeting, the vast majority of associations provide for the use of proxies so that owners may still have a "voice" even if they are absent from the meeting.

In addition to providing a "representative" so that an owner may still vote even if he/she cannot attend an association meeting, a proxy is counted for establishing the quorum necessary to have an official meeting. If an association fails to meet the quorum requirement, the meeting would have to be rescheduled, which could cost the association hundreds of dollars or more to send out new notices. Plus, the association may still have to pay room rental charges, the management company, and/or any professionals (e.g. attorney and accountant) for their time in attending a second meeting.

5. Why do I need to send in my proxy if I know I will be at the annual meeting? Because of the quorum requirement, the board solicits proxies as a form of "insurance" that an actual meeting will be held. An owner can always revoke his/her proxy if he/she attends the meeting in person.

6. Whom do I choose to assign my proxy if I cannot personally attend the meeting? Although it would be great if every owner could attend an annual election meeting in person, this is not always possible. Fortunately, owners may appoint anyone to act as their proxy. The person appointed as proxy does NOT need to be a member of the association. That means an owner may choose a neighbor, tenant, or even someone who is not otherwise affiliated with the association. Most proxies give an owner the option of filling in a name on the proxy or, if left blank, appoint the board or board president as proxy.

7. What if the person I appoint as proxy cannot attend the meeting? Pursuant to Ohio Revised Code Section 1701.48(E), every proxy granted also carries with it the power of substitution. In order for the proxy to be replaced by another substitute, the person originally appointed as proxy must name a substitute in a signed and dated writing.

8. Is it proper for the board to solicit and/or vote proxies? Again, depending on the quorum requirement, it may not only be proper but also necessary for the board to solicit proxies to ensure that an official meeting may be held. As explained above, owners may choose anyone as their proxy, but many owners, who are happy with how the board is running the association, designate either the board or the board president to vote on their behalf. There is nothing improper with a board's solicitation of proxies.

9. Can a board reduce or eliminate the quorum requirement? A board itself cannot alter the quorum requirement found in an association's Bylaws or Code of Regulations. Instead, a written amendment to the governing documents, approved by the required percentage of all owners and thereafter recorded with the county, is necessary to reduce the quorum to a lower percentage. Several associations have amended the quorum requirement down to just "those present in person or by proxy." This type of amendment would effectively eliminate the need for significant proxy solicitation.

10. Instead of proxies, may an association use mail-in ballots for its annual election? Generally, no. A board itself cannot alter the election procedures found in an association's Bylaws or Code of Regulations. Unlike many other states, especially Florida, most Ohio election procedures require nominations and voting AT a meeting. A written amendment to the governing documents, approved by the required percentage of all owners and thereafter recorded with the county, is necessary to alter the election procedure to permit nominations sixty (60) days in advance of the meeting. The amendment would also include specific procedures for the mail-in ballot process.

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### **Painesville Township Recycling**

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The Township currently offers three recycling drop-off locations: (1) Fire Station #1 – 55 Nye Rd, (2) Recycling Center – 141 Bowhall Rd and (3) Near the Service Garage on Post Rd. There are containers for: (1) paper and (2) "everything else."

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### **Yard Waste Drop-off**

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Yard waste can be taken to the Painesville Township Road Service Garage on Saturday's [1000 AM to 200 PM] and it should also be available on Wednesday's [730 AM to 300 PM] and. The location is 558 Fairport Nursery Rd.

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### **Resident Articles Wanted**

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Thanks to the few residents who have already submitted articles to the Lake Erie Shores newsletter. We would like to have more written articles from residents in future issues. Please submit your ideas to newsletter@lakeerieshores.net – articles should be received by the 20<sup>th</sup> of the month in order to be included in the next newsletter.

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### **Contact Information**



Lake Erie Shores Web Site  
www.lakeerieshores.com

#### Home Owners Association Committees

Welcoming Committee (welcome@lakeerieshores.net)

Covenants/Restrictions Committee Chair – Bruce Buffie  
(buffie723@att.net)

Financial Committee Chair - Randy Van Buren  
(rcvanburen@sbcglobal.net)

Landscaping & Beautification Committee - Dave Spall  
(davidspall@sbcglobal.net)

Recreation Committee Co-Chairs - Jonathon Adkins  
(jonsuzannaadkins@sbcglobal.net) and Cory Wertch

Volunteer Coordinator - Paula Haumesser  
(paulahaumesser@sbcglobal.net)

Newsletter Committee Chair – Jim Sorenson  
(newsletter@lakeerieshores.net)

#### Board of Trustees

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