



SILVER SPRINGS SINGLE FAMILY
HOMEOWNERS ASSOCIATION
BOARD OF TRUSTEES MEETING

September 8, 2009

Unposted Meeting was held in a private residence

Board Members Present: James Larson, Kristian
Mulholland, Chris Butler, Harry E. Fuller Jr., Bill Noland,
Bill Gunter, Sue Pollard.

Board Members Absent: 0

Visitors: Lyn Cier, Michael Winer

Meeting called to order at 6:05 PM

Minutes were approved for the August 3, 2009 meeting. Past board secretary Kristian Mulholland reported that the June 23, 2009 board meeting minutes have been irretrievably lost, unavailable for reproduction. His report was received without comment.

Small Claims Court Results: Gunter and Fuller reported that the Summit County Small Claims Court ruled against the board in its suit against SSSFHOA Members Clay and Lucy Archer, in which the board asked for damages totaling \$4,228.90 for website expenses to third-parties for work on the website from April 2006 to March 2008, the period of time when the Archers were not involved with the website. The alleged damages were contrived when the Archers refused to relinquish the website they had built and then salvaged on behalf of the Association Members, and that Gunter, Winer, and Pollard had taken action to shut down on November 6, 2008. [The Archer's felt that these three individuals wanted to shut down the website to cover up and remove the minutes for October 2, 2008 and October 13, 2008, and the subsequent reports on the activities of these three individuals when they stole the October 13, 2008 HOA Election and usurped the 120 votes cast by the Association Members.]

Gunter said the judge ruled the board had failed to show how it was actually damaged. In November 2006 the board had paid PCWeb for ten web pages at \$75 each. Beginning in March 2008 the Archers had produced dozens of pages for free. Also the website domain and hosting is paid for by the Archers. The www.silverspringscommunity.com website is provided by the Archers, accessible by all the members of the thirteen subdivisions in the Silver Springs Community without cost to any of them. Gunter also reported that during the mediation preceding the actual court hearing, the mediator suggested to the Archers that they offer to settle the matter by splitting with the board half of the cost of the work performed by PCWeb to convert the site from html to WordPress. This conversion had been approved and paid for by the board in March 2008. WordPress itself is a free program, downloaded from the Internet. To get the matter resolved the Archers agreed to make this suggested offer. Gunter and Fuller declined to accept this offer, insisting on the full \$4,228.90. Therefore, the matter was then moved forward to the court for the judgment.

Chris Butler, who started a fourth SSSF website domain in March 2009, said the experience ought to be considered a lesson on how to protect and preserve the association's assets, and member contributions such as the website (See [Website History](#)). Attempts have been made to replace the website established in 2000, there are now approximately five new domains, none of which have nearly the amount of content nor the free access that is available on the www.silverspringscommunity.com website.

Harry Fuller added that the Archer's mediation offer demonstrated their willingness, for the sake of the greater good, to overlook how they have been slandered, ostracized, and damaged in a number of ways [by a few former and current board members who have acted improperly to cover up their 2008 election fraud].

Bill Noland advised that board meeting minutes carry a "disclaimer" advising that none of the board meeting contents should be published by parties other than the homeowner's board without permission. [When permission is requested, the request is just ignored. Why doesn't Noland want the board to have full disclosure and transparency?] Noland explained this was how he instructed the MHOA board, of which he is president this year (2009). (See [HOA Laws](#)).

New Website Update: Gunter reported that "lots of documents" are now posted on the website that Butler started. [All SSSFHOA documents are posted on the www.silverspringscommunity.com website] Asking how passwords can be obtained without members waiting for six months for access, Gunter asked Butler to have all e-mail from Lucy Archer forwarded to him. Access to that website is issued after ascertaining that the member applying for an email password and access to Butler's site is "in good standing", then Gunter will eventually approve the application and the hosting server will automatically provide a password to the member. Eight SSSFHOA members have registered on Butler's site in six months, as well as a few from the MHOA.

Lyn Cier, HOA bookkeeper, said she will provide to Gunter a list of all Association members "in good standing". HOA documents including [Bylaws and CC&Rs are in digital form](#), Gunter reported.

Architectural Committee: An addition to a home on Ranch Place and Willow Lane has been approved.

CC&R Committee: Another proposal has been made for CC&R enforcement guidelines. Gunter read his draft proposal as follows:

"Face to face discussion (or via phone or e-mail if member does not reside locally) concerning CC&R violation(s) and asking member's cooperation in resolving issue."
Within a week, send a follow-up letter to member citing violation of CC&R and attaching the relevant passage from our CC&Rs (along with web link address). Document the conclusions of the previous discussion with the member.

"A month after follow-up letter is sent and no progress has been made resolving the issue, a second letter should be sent notifying the member that failure to comply with the CC&Rs within the next 30 days will be accompanied by an appropriate monthly fine to be determined by

the Compliance Committee.

“After 60 days of inaction since sending the initial follow-up letter, a fine will be invoiced to the member on a monthly basis.”

“Suggested monthly fine: \$400.”

During discussion of the fine amount, homeowner Michael Winer observed that if the fine is too low, a property owner renting a property could overlook the amount as not worth worrying about. Board member James Larson said the time involved could be eight weeks for compliance for a major infraction. Butler suggested that the fine be retroactive to the first notice. Gunter said that should be considered. Harry Fuller asked, “Shouldn’t this be submitted to our legal counsel for comment?” Noland agreed that it should be. Also such punitive actions should be presented to the Association Membership for voted approval or decline.

Underdrain system: Gunter reported that a contractor had submitted an estimated cost of between \$500-\$600 for sending an exploratory camera into the underdrain system that was abandoned by a majority vote of the Association Membership in 1985. The camera will provide pictures that might show obstructions that have occurred during the last 24 years of disuse. There are four or so HOA members who have spring run-off and seepage in their crawlspaces and who want the HOA to take responsibility for it. It has not been determined by a neutral party whether the seepage is due to a high water table under these few homes, or whether artesian springs or wells exist similar to those found under the Silver Springs ponds and lakes, or whether it is seasonal run-off from snow melt.

To solve “the problem” for these individuals they have proposed that the HOA take responsibility for, and pay for, excavation work to be performed along the underdrain system pathway. Noland said a tree may need to be removed and a fairly large excavation could mean that a neighbors fence, driveway, landscaping may need to be removed to clear a path. The affected property owners are not happy about that prospect. Gunter said he wasn’t sure yet if tree removal is absolutely necessary, that anything like that will be determined after obstructions are identified.

It is important to sum up how many Silver Springs properties are affected, whether individual sump pumps are an appropriate remedy, how much personal property in the form of fences, patios, sheds, trees, gardens, driveways, etc. would be negatively affected by the “roto-rooting” exploration and at what expense to the individual homeowner, the Association, and the perceived re-sale image of our neighborhood. One of the voiced concerns is that if we should not proceed to tear into properties without a neutral party study, because of purported water related issues we could become a stigmatized neighborhood such as Propector was affected. The entire Association Membership should be thoroughly informed and a majority vote collected on whether this project should continue. The benefit to a few does not warrant the cost to the many.

Also it is important to consider the economic times we are experiencing, is it prudent to create more expenses for work that is clearly not a benefit to the Association at large; we have the most expensive water in the state via Mountain Regional, and if global warming-summer drought conditions persist do we really want an underdrain system to draw away the water from our yards, plantings, and properties that we are dearly paying for? Do we want to re-landscape and repair fences, etc. Our contiguous subdivisions do not have underdrain systems, they rely on the

storm drains, the creek inlets and outlets to channel the overflow into the creeks and retention ponds, on out of our subdivision.

Attorney Lincoln Hobbs was paid \$2000 from HOA funds for an opinion letter regarding the underdrain system. This 2008 letter was addressed to interim board president Winer. Though there have been a number of requests to get a copy of this letter it is being kept secret.

Opinion: Any properties that are built on or close to artesian wells will not benefit from an underdrain in someone else's yard. A sump pump on the individual property affected by seasonal flow and water table upflow is a more responsible solution.

Fact: Ground water and seasonal melt off flow on subdivision lots is the responsibility of the individual property owner. See at Article IX of the CC&Rs. Section 3 . Easements.

HOA Dues and Budget: Bookkeeper Cier said eight members still owe 2009 dues and asked for authority to bill them with registered letters. Her financial report showed that the year's approved \$63,000 annual budget has so far covered disbursements of \$38, 205.85. The largest portion being the dues allocated to the MHOA for \$33,075. The second highest expense, \$1,204, was for the [underdrain system](#) repair work even though that system was abandoned by a majority vote of the Association Members in 1985 because of its limited benefits to the Association homeowners.

In past years the HOA bookkeeper would submit an updated budget report that was part of the monthly minutes. This board seems to provide few disclosures. No budgets have been made available since January 2009.

2009 Annual Association Meeting and Election : It was reported that four board of trustees positions are expiring in October: Noland, Mulholland, Pollard, Fuller. Fuller and Mulholland will be on the ballot, Noland and Pollard will not seek re-election. An election committee (Bylaws: Nomination Committee) was created with Cier, Julia Loughlin, and Pollard (the 2008 election usurper). This trio is responsible for distributing the election notice and request for nominations. Winer (a 2008 election usurper) volunteered to collect ballot proxies in his neighborhood. It was explained that proxies would, in accordance to the HOA Bylaws, be validated by the board secretary, Harry E. Fuller. It was generally agreed that matters other than the election should be reported at the annual meeting (none were enumerated). It was also decided that at the board's monthly meeting on October 8, 2009 the Association Meeting and Election details would be reviewed and finalized.

Master Association Report: Bill Noland, SSSFHOA nominee to the MHOA, is currently serving as the MHOA board president. Noland reported that the MHOA board will conduct a field trip on Saturday September 12, 2009, to review the common areas to which the MHOA holds title, and subsequently, holds responsibility for maintenance. Noland also reported that the [State Water Engineer dam inspector, Everett Taylor](#), is due on Monday, September 14, 2009, to make an inspection of the Dams 1 and 2 located one each on the Silver Springs [Silver Willow Lake](#) and [Pond](#). Taylor will make recommendations regarding alterations and maintenance needed to be in compliance with his department rules, and with the Klinefelder Report and Cross Marine 50 Year Warranty stipulations for the work they completed on the MHOA lake dams in 2005-6. The next MHOA board meeting will was held on Tuesday, September 15, 2009 at St. Luke's Church. Noland displayed photos of a drain (storm drain or underdrain?) problem on a property

at Park Place. Photos showed a water line that ends on this property. See CC&Rs that state all these conditions are the responsibility of the individual homeowner, definitely not the responsibility of the MHOA.

With characteristic error, Noland stated he is gathering bids to resolve this problem, though it is not within the parameters of MHOA authority or responsibility.

Community Park: Many community property owners have [voiced disapproval of the MHOA's handling of this Park's maintenance](#). The trees and shrubs removed have left the Park with the appearance of being bare. Answering James Larson, Noland said the debris of branches, tree limbs, and cut bushes along the beach had been there since August 1st or so. Robyn Bailey's Greenleaf maintenance crew went overboard to make the Park easier for them to maintain. The Greenleaf crew needs to clean up after the fire department's free chipping service chops up the branches.

Noland added that the drains/dams on the Silver Willow Pond (small lake) will probably be repaired next year. Funds for this project, (\$80,000 to \$120,000) are being held in MHOA CD's for next year.

New Business: Chris Butler asked if there was any interest in installing traffic regulation machinery on the Silver Springs Road used by himself and many others to drive their children back and forth to school five days a week. He observed that vehicles tend to regularly exceed the 25 M.P.H. speed requirements. He said the units cost \$3,500 a piece to purchase and \$300 to install. (Can we install it in front of his house?) Noland moved, and Fuller seconded, the motion to explore this idea. Summit County should be asked to provide this item under one of their programs. Motion passed.

Noland reported a grass fire in Willow Creek. The tall grasses are drying out; a potential fire hazard is posed on the lot at the corner of Willow Creek and East Meadows Drive. The owner will be contacted and referred to the fire department if no action is taken to mitigate the potential danger.

Meeting was adjourned at 7:30 PM.

Next meeting is scheduled for October 8, 2009 at 6:00 pm.