

## SSFHOA Board of Trustees Meeting Minutes, February 2nd, 2009

Board members present: President Bill Gunter; Vice-President Sue Pollard; Secretary Kristian Mulholland; Treasurer Chris Butler; Bill Noland; James Larson; Jan Zinn.

The meeting, held in the Summit County Kimball Junction branch, was called to order by President Gunter at 6:30 p.m.

**Underdrain Report.** Explaining the first agenda item would be a presentation by Board Member Bill Noland concerning the SSFHOA's underdrain system, President Gunter stressed the board was receiving information only, for discussion and decision-making at a subsequent board meeting.

Describing the underdrain network from its installation in 1979 until the present, Mr. Noland explained the underground system, consisting of buried lines of perforated PVC pipe, met Summit County Commission requirements for managing a high water table known to exist when what became SSFHOA received development authorization. It collected ground water delivering it to an outflow point. During ensuing years, Noland reported, written and reported responsibility for underdrain system "maintenance" became increasingly unclear as various changes in document references to the matter occurred. Summit County officials and the subdivision developer signed a letter assigning the underdrain responsibility to the SSFHOA, Noland said. However, when the Masters Association was formed in 1989, gaining control over maintenance of "common areas," it was eventually assumed this would have included the underdrain system, but, Noland said, there are no Masters Assn. records verifying this. Summit County officials, although county government did correct at least one water seep problem attributed to underdrain failure, consistently deny responsibility for "maintaining" the underdrainage network. The SSFHOA has done the same, he said. This has now caused a serious impasse, he added, since water entering home crawl spaces -- such as his -- yards and driveways have disclosed the system has been invaded at various places by tree roots, other "organic matter," possible collapses and displacements, turning it, at times and at certain spots, from a collection to a distribution system. Who, then, he stressed, is responsible for determining the potential for water seepage difficulties, meeting them and dealing with them when actual damages and threatened damages appear? He suggested three options -

1. The SSFHOA assumes ultimate responsibility.
2. Petition the Masters Assn. to take responsibility.
3. Wait until someone sues over damage and an eventual court decision assigns responsibility.

Noland reported an attorney told him a lawsuit would probably result in a judge ruling who was responsible for maintenance. He suggested reasons for the homeowners to deny responsibility would be to avoid maintenance costs and potential liabilities while reasons for accepting the responsibility include protecting the homeowners membership from costly damages, thereby protecting property values and simply assuring control over the system. The association would then be presented with further questions about how to proceed, including fixing problems when they occur or finding impending failures and "roto-rooting" them out or devising a systemwide plan for preventing problems before they arise. As current Masters president, he guessed petitioning that board would be futile. He observed that getting general approval for the SSFHOA to accept full responsibility could be complicated by the fact that not every lot in the community is directly on the system's route. However, former SSFHOA President Skip Dominic, attending the meeting, pointed out that when the system starts distributing instead of collecting water -- especially during Spring's heavy runoff period -- it could easily spread beyond the system's line, threatening property just about anywhere. During general discussion, it was suggested "maintenance," mentioned in documented language about the system should be better defined; that a "survey" could help determine how serious the problem really is; that, in the final analysis, the board of trustees, is obliged to draft a homeowners membership plan for meeting the problem. President Gunter, thanking Mr. Noland for his substantial and impressive work compiling the underdrain report, observed it might be helpful to find and engage a company that could survey the situation to determine its scope, probable mitigation alternatives and possible associated costs.

Homeowners Website. Confirming that the board remains unsatisfied with the purported relinquishment by former board member Lucy Archer of the association's website, President Gunter said all her apparent agreement achieved was creating another website which the association could use, but in conjunction and possible conflict with one she would operate. Bill Noland moved that Chris Butler continue his efforts to establish a single association website, seconded by Sue Pollard. During discussion, Clay Archer, from the audience, contested Mr. Butler's statement that the association had spent \$1,500, plus fees and domain charges, on the website but that Ms. Archer had managed to gain control, which she, in effect, refuses to transfer, although no known board decision authorized such perpetual control. Mr. Archer said he paid for the domain and registered site and that he has paid for another three years, although he said he did not know who the site was registered to. Skip Dominic, saying the website creation was launched during his administration, asked Mr. Archer: "Why do you want it?" Mr. Archer answered the board should be happy that someone wants to voluntarily maintain and operate a website providing information for the membership. Mr. Dominic countered that the board paid for the website, developed the graphics and should control it. During further exchanges of viewpoints, some sharply stated, such as Sue Pollard's, asserting Ms. Archer publishes libelous statements on the website, Mr. Archer acknowledged that Ms. Archer became determined to maintain a website when she was threatened with lawsuits. Mr. Butler said if that, indeed, occurred, it was only after he tried several times to get an amicable agreement from Mrs. Archer to relinquish the website but only met with refusal. When President Gunter ended discussion, the board unanimously approved Mr. Noland's motion.

**Budget.** Board Accountant Lynn Cier's submitted 2009 association budget proposal, estimating an annual \$47,075 spending total, was approved, reaffirming a \$250 per household dues payment for 2009. Largest single expenditure in the budget, \$33,075, is annual payment to the Masters Assn.

**Misc.** Asked who gave permission for a group to build an ice-skating oval on Lake Mary Michael (the Big Lake), Bill Noland, Masters Assn. president, said he only discovered the quarter-mile oval "today" at 5 p.m. Contacting Les Caniel, a lakeside resident and former Masters president, about it, Mr. Noland said he was told the U.S. Speed Skating Assn. created the oval to train on for a future outdoor speedskating tournament. He contended that, although the Masters gave no permission for the oval, the homeowners, as lake owners, could be held liable if someone used it -- "it's like a magnet" -- and was injured. Harry Fuller, a homeowner member present at the meeting and a lakeside resident, said he had been watching the oval being built and that the likelihood of someone using it unauthorized was low since someone from the work crew was always around. To which Mr. Noland said no one was at the oval when he visited it at 5 p.m. Monday and, in any event, the reason signs warn against people swimming in the lake and prohibition exists against operating power boats on the lake is to prevent liability claims resulting from serious accidents. Board member James Larsen said a gap exists in the association's insurance coverage for such things as a speedskating oval. Mr. Noland said he intended to investigate and if the Masters can't be satisfied, work on the oval would be shut down.

The next board meeting was scheduled for Feb. 10, 6:30 p.m. at the home of President Bill Gunter, 1517 Willow Loop Rd.

Chris Butler moved the meeting be adjourned, seconded by Jen Zinn, the motion was passed unanimously and the meeting concluded at 8:42 p.m.