



**SILVER SPRINGS SINGLE FAMILY
HOMEOWNERS ASSOCIATION
BOARD OF TRUSTEES MEETING**

February 2, 2009 in the Auditorium
Kimball Junction County Building at 6:30 PM

Board Members Present: 1- Jan Zinn, 2- Kristian
Mulholland, 3- Chris Butler, 4- Bill Noland, 5-
James Larson, 6- Bill Gunter, 7- Sue Pollard

Members in attendance: Clay Archer, Harry Fuller, Skip Domenic, Michael Winer, Lyn Cier, (a couple men with whom Bill Noland had conferred with about the underdrain system).

No agenda was provided to attendees.

Underdrain Report. Bill Noland explained the 1978-1979 SSSFHOA French drain/underdrain system. Noland distributed a thick sheaf report to each of the board members. The information received was for information purposes only. Discussion and decision-making to be at a subsequent 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 SSSF subdivision received development authorization. It collected ground water delivering it to an outflow point. Summit County officials and the subdivision developer signed a letter in 1982 assigning the underdrain responsibility to the SSSFHOA, Noland said.

[In October of 1985 the SSSFHOA at a General Association Meeting, the board and members voted to abandon the irrigation system and the underdrain system. This was done for reasons listed below*, and by removal of the verbiage referring to these systems from the new Amended Declaration of CCRs Entry 244975, Book M370, Pages 267-275, and by including the statement on CCRs Page 273: **“All [prior] Declarations relating to the Silver Springs Development Subdivision were repealed”**]

However, when the Masters Association was formed in 1989, gaining control over maintenance of “common areas”, Noland assumed this would have included the underdrain system, but, Noland said, there are no Masters Association records verifying this as the underdrain is located within Silver Springs Single Family subdivision Phases A & B and within individually owned properties therefore not definable as “common area” but instead as “private property.”

During 1993-1994 written responsibility for underdrain system “maintenance” was worked out by the presiding board in various CCRs draft documents referencing the

underdrain then again removing any reference to the underdrain system. The ending document that was approved by the Association on November 17, 1994 and was recorded at Entry # 419440, Book M851, Pages 334-339, has no reference to any responsibility to an underdrain system by the Association, supporting the 1985 Association vote to abandon the system. No subsequent HOA documents include any reference to the underdrain system which has been abandoned by the Association as defunct, and we imagine the system has for a great part returned to nature.

Although Summit County government did correct at least one water seep problem attributed to underdrain failure (in conjunction with the storm drain?), Summit County officials consistently deny responsibility for “maintaining” the abandoned underdrainage network. The SSSFHOA has done the same, Noland said. Noland feels this has now caused a serious impasse, he added, since water entering home crawl space –such as his and maybe three or four others –, 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 during spring run-off, and at certain spots, from a collection and outflow system to a distribution system gathered on a number of subdivision lots. In the spring the sewer system and the storm drain system can become clogged or over burdened. Willow Creek has been known to overflow and the storm drains provided for this increase in seasonal flow need to be monitored to clear debris and branches from hampering proper drainage.

Who, then, Noland stressed, is responsible for determining the potential for water seepage difficulties, meeting them and dealing with them when actual damages and threatened damages appear? Noland suggested three options –

- 1. The SSSFHOA can be petitioned to take ultimate responsibility. [See above for Oct. 1985 and November 1994 Association votes.]
- 2. Petition the Masters Association to take responsibility. [Highly unlikely to occur as it is not part of their charter and other Silver Springs Member Subdivisions have petitioned and been turned down for similar work.]
- 3. “Wait until someone sues over damage and an eventual court decision assigns responsibility.” [The responsibility is already assigned, the SSSFHOA CCRs state in [Article IX Easements](#): “Section. 1. The rights and duties of the owners of lots within the properties with respect to sanitary sewer and water, electricity, solar heating systems, gas, telephone, and Cable Television lines **and drainage facilities** shall be governed by the following:... The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.” See <http://www.silverspringscommunity.com/utilities/water/underdrain-system/> for more information.]

Noland suggested reasons for the homeowners to deny responsibility would be to avoid maintenance costs, to conserve irrigation water to lawns, trees, gardens within each lot, to avoid costly intrusion by roto-rooting and damage to private property; while reasons for accepting the responsibility include protecting an undetermined number of homeowners from costly damages [which are actually owner responsibilities], and simply assuring control over the abandoned 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 system wide plan for preventing problems before they arise. As current Master HOA president he guessed petitioning that board would be futile. He observed that getting general approval for the SSSFHOA to accept full responsibility could be complicated by the fact that not every lot in the subdivision is directly on the system’s route and some lots are affected in the front and backyards.

However, former SSSFHOA President Skip Domenic, who is also experiencing spring runoff issues and his property may be on an artesian spring, 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; and that a “survey of members” to determine who is or is not affected could help determine how serious and wide cast the problem really is. In Noland’s final analysis, the board of trustees, is obliged to draft a homeowners membership plan for meeting the problem. Most homeowners are already aware if there are runoff issues associated with their own properties. The suggested movement of this size and scope would need to be approved by a majority vote by the entire Association Membership before it can be implemented.

Attendees were impressed with Mr. Noland’s substantial work compiling the underdrain report. It was generally discussed that a survey of our property owners is necessary to determine if more than four or five properties are being affected by spring runoff, artesian springs, artesian wells, etc.

*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”, and whether a dead zone of irrigation would occur along the proposed areas. It is also important to consider that in these years of drought the effect of a water collection or underdrain system will leach your irrigation water away from the lawn and garden areas contiguous to and under the underdrain system. The few homeowners who are experiencing runoff in their yards and water in their crawlspaces seem to occur in the spring, whereas the revival of the underdrain would leach water from homeowner properties 365 days of the year. Also it is important to consider the economic times, is it prudent to create more expenses for work that is clearly not a benefit to the Association at large?

Commentary was provided on this matter in an email to the board on March 4, 2009.

Homeowners Website. Bill Gunter stated that he was not satisfied with the codes, logins, and passwords for the www.silverspringssfhoa.org website. Gunter and Pollard displayed anger and commenced bickering while Clay Archer was explaining how a website is hosted and funded, etc. Clay then stated, “So you want to keep the website and work that Lucy produced but you want to get rid of Lucy.” Jan Zinn asked why there is always so much discord from Bill and Sue whenever the website is discussed. It was generally

agreed that the website Lucy built was a wonderful, expansive resource that is provided to the community as an endowment from the Archers.

Skip Domenic, saying the website creation was re-launched in 2006 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 and a place to post meetings, minutes, and activities. Little work and few updates had been added to the site since its inception of the eleven original pages, or during Domenic's administration. Mr. Domenic countered that the board paid for the website, developed the graphics and should control it. Archer responded that the graphics and the eleven pages that the board developed over two years are still in the board's control and ownership plus work donated by Mrs. Archer.

Chris Butler said that the domain name belongs to the entity that first purchased it. Clay thanked him for that clarification, as it was he, Clay Archer, who first originated the domain in 2000 and paid for it for five years. The Archers hosted the site without cost to the HOA from 2000 to 2005, and now are again paying for all expenses relating to the community site.

During the discussion, Clay Archer expanded on Mr. Butler's statement that the association had spent \$1,500 on the website. Those fees include the annual hosting fee of \$108 to Beco Technologies, domain registration (12-60 months at a time, cost depends on provider and term), an annual design fee of \$300 to PCWebDesign, and the \$900 one-time upgrade conversion by PCWeb of the website to a dynamic HTML using WordPress architecture which makes the site easier to use and administer, it also provides the HOA website a perpetual calendar, a Search function, portability, polling survey capabilities, password protected pages for the membership directory etc, and provides for individual pages to be developed by Members interested in creating and building their own HOA related page(s), etc. Since 2000 the Archers have not been remunerated a single cent for their contributions, research, expenses, and building of the website for the SSSFHOA and the MAHOA, tapping information necessary to understand that group and why our HOA pays the MAHOA \$33,075 annually in dues. See:

<http://www.silverspringscommunity.com/master-association/>

To read the History of this website see

<http://www.silverspringscommunity.com/home/website-history/>.

During further exchanges of viewpoints, Sue Pollard sharply asserted that Mrs. Archer publishes libelous statements on the website (yet Pollard has never submitted a single correction to Mrs. Archer). Mr. Archer acknowledged that Mrs. Archer became determined to maintain a website, not only because she had agreed to built the site again on a long-term basis, but also because she felt Bill Gunter and Sue Pollard would cannibalize the site to remove the minutes and information regarding their ambush of the October 13, 2008 Annual Meeting and Election that 81% of the Association had participated in. Mr. Archer stated that Mrs. Archer is supported in her actions by many Members. She has been threatened by Gunter and Butler, which makes her even more determined to protect the Bylaws, the Association's interests, and the website. Bill

Noland moved that Chris Butler continue his efforts to communicate with Mrs. Archer and to establish a board website, seconded by Sue Pollard. The board unanimously approved Mr. Noland's motion.

[At this juncture a fair and equitable solution which gives the Association Members continued access to the website they are accustomed to using, and gives the board autonomy and the website that they paid for, has been embarked upon by the Archers. Mrs. Archer left some of her site pages and links she built, namely the HOA DOCs, the newsletters, the password protected Member Directory, and the Realtors-Buyers Link page on the SF website.

The www.silverspringshoa.org domain is now devoid of all website files at great travail and work by the Archers and their support team. The domain home page displays two options to choose from:

“The **official** Silver Springs Single Family HOA website may be found at this address: www.silverspringsSFhoa.org OR The **independent** community website with Silver Springs Single Family and the other eleven Silver Springs subdivisions may be found at this address: www.SilverSpringsCommunity.com”

A couple board members discussed with Mrs. Archer that they preferred the first domain but for the benefit of the Association Members who would look for the expansive information her site provides, this compromise would now create fair access to both websites, and website autonomy to the board.]

Budget. Board bookkeeper Lyn Cier submitted the 2009 Association budget proposal, estimating an annual \$47,250 income total (\$250 X 189 lots). The proposal was approved, reaffirming a \$250 per household dues payment for 2009. The largest single expenditure in the budget, \$33,075 is the annual payment to the Master HOA. The board missed the window in September and October to request that the MAHOA recalculate the dues based on their current expenditures rather than to continue with the amounts specified since 2005 in order to accumulate funds to empty the lakes and repair the infrastructure. The MAHOA is believed to be holding between \$80,000 to \$120,000 in a CD or savings account (not shown in their last known published budget) in addition to their regular budget.

Misc. Someone asked who gave permission to the NorthShore lake-front residents to build an ice skating oval on Silver Willow Lake. Bill Noland, new Master HOA president, said he only discovered the quarter mile oval “today” at 5 p.m. In years past the Mooney's with the help of the Fraleigh's and other neighbors, had cleared an ice hockey rink on the lake area in front of their house. See photo below.



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Noland contacted Les Carriel, a Silver Springs lake-front owner and Master HOA Water Committee Chair, about it. Mr. Noland said Les Carriel told him the U.S. Speed Skating Association created the oval to train on it for a future outdoor speed skating tournament. The tracks lead to the Mooney's and Hedge's homes. See photo attached below.



...Jan. 30, 2009

Carriel contended that although the Masters gave no permission for the oval, the homeowners and lake owners, could be held liable if someone used it –“it’s like a magnet”—and was injured. Harry Fuller, another Silver Springs lake-front homeowner 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 Monday at 5 p.m. 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 Larson said a gap exists in the Association’s insurance coverage for such things as a speed skating oval. Mr. Noland said he intended to investigate and if the Master HOA can’t be satisfied, work on the oval would be shut down.

The next board meeting was scheduled for **Feb10, 2009**, 6:30 p.m. at 1517 Willow Loop Road. (Not posted for Member and public attendance. Whether there were two February meetings is uncertain.)

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

A board member said that a board meeting was held on Monday, **March 2, 2009**, location unknown, not posted. .



Minutes written by Harry Fuller or Kristian Mulholland