



Silver Springs Single Family Home Owners

Tuesday, October 8, 2019

Annual Meeting 7:00 p.m. to 9:00 p.m.

at St. Luke's Episcopal Church

This full Annual Meeting Report is provided for Homeowners' information. It is agreed Model HOA's version of Minutes are merely lines of topics without inclusion of discourse or process; eliminating new information, pros and cons, and the understanding of the attendees as to action(s) to be taken. In this manner the board remains opaque and independent of fiduciary trust obligations, using their new "Board Code of Ethics" to rein in trustees who do not agree nor can comply with the board, even when a trustee has communication and input from Homeowners.

Six Board Trustees: Paul Reddy (91), Edy McConnell Celarec (45), Elena Gladson (172), Hunt Williams (107), Chris Kautz (54) left early, [replacing Hartley] new board appointee-Heinrich Deters (159).

Absent: Joan Benson- resigned/end of term (101). [Ed Robertshaw (16) appointed in her place, also absent.]

Property Management Co. -Model HOA - Allyson Dickey, Jessa Gagnon. Arrived later: Ryan Dickey.

38 +4 not identified = 42 Home Owner Lots Represented: Jock Roberts (3), Russ Paskoski (5), Paula Robertshaw (16), Brian Mehregan (17), Tim Dougherty (18), Ed Cody (29), Clay and Lucy Archer (38), Rick Klein (43), Jim Flynn (46), Bill Tafuri (52), Scott Johnson (58), Steve Kotsenburg (65), Mike Collett (67), Terry Lachowicz (68), Jesse Tibbetts (75), Frank Thomas (77), Patrick Brennan (82), Richard Callahan (84), Richard Giles (122), Chris Bachman (96), *Jason Berkin* (103), Richard Lewis ? (109), Bill Klusman (111), Bonnie Adams (116), Mary Irion (120), Bruce Kirchenheiter? (128), Patti Gomes (129), Tracy Tanner and Rob Nielson (155), *Shane Bognasky* (158), David & Jessica Wiltsee (164), Chris & Jodi Butler (170), Polly Reynolds (171), Megan Williams (107). A 51% Majority from 188 = 95.88 or 96 Lots/Votes. [31 households +4 -- plus 6 board = 35 +6 + 66 proxies= 107 Lots out of 188 were represented.]

*names in italics in above list and below are new 2019 Homeowners.

16 New Owners, (these 14 not in attendance): *Gareth & Megan Trayner* (5), *Kimberly Hale* (10), *Matthew & Margot McKee* (23), *Andrew Phillip* (28), *Greg Schmidt & Jodey Fey* (47), *Benjamin & Cassandra Brown* (71), *Scott & Micheline Carter* (76), *Julie Schoenfeld & Christopher Parker* (99), *Michael & Marissa Larochelle* (139), *Lori Kirk* (138), *Justin Wehner & Sarah Altshuler* (143), *Jeff & Liz Williams* (157), *Ben & Beth Holzman* (168), *Tim & Kim Raduenz* (LL-3).

A paper Agenda and a Ballot for Candidates was provided at this meeting to all attending lot Owners. The **2018** Annual Meeting Minutes were provided for the first time tonight, written and edited to conform to the board agenda.

Call to Order by Reddy.

- Heinrich Deters presented the boards candidates through the Nominating Committee, and discussed how this year's committee and Homeowners would like to see the nomination process officiate without bias, all Owner volunteers are to be on the ballot without prejudice.
- 100% of the Owners completing the current Neighborhood Survey also expect that the board cannot deny participation to any homeowner in 'good standing', who desires to join in on any committee or to be listed on the Annual Meeting Ballot of the Owners choice.
- Treasurer Elena Gladson presented interim financial results for 2019, and discussed the 2020 budget approved by the Board at its September meeting. The Treasurer expects a modest surplus this year, and reported that there is no planned increase in the owner assessment in the 2020 budget. The board continues to furtively maintain a contingency fund for the underdrains without authority from the Homeowners. This contingency fund is subsidized from HOA funds.
- Russ Paskoski [discussed the recent maintenance on the underdrain terminus outlet](#) including the cleaning last March and the video inspection yesterday Oct. 7th. For the video inspection, they ran a camera ~150 feet into the system where they identified a tree root and cement block impeding the path. Next, they will run a press to cut the roots to prevent clogging of the main outflow. Second UD Committee Member Clay Archer agreed.
- Edy McConnell discussed the HOA's plans to maintain the open space [parcel "V" at the corner of Meadows Connection and Silver Springs Drive](#). Expenditures to receive ownership of the piece will be high, over \$5,000 for a survey; County recording of a new plat and section map; legal fees; installation of an irrigation system; landscaping; premium liability insurance as [the parcel borders the 2004 Lake Agreement water channel Parcel "Q"](#); weekly maintenance, parcel furnishings; etc.
The actual benefit to the subdivision is expected to be very small. The board has planned within their "As is" 1994 CCRs for this annexation and for excessive assessments to the Homeowners. This disputed annexation will be the only common area property owned by the SSSFHOA which also escalates our State responsibilities and liability. The common area lakes, parks, one tennis court, are deeded to the Master Association and maintained by them.
- Chris Bachman reported on activities of the Master HOA this year, including the change of the old aerators from the large lake to the little lake, and installation of new aerators on the big lake (somewhere around \$129,000). Installation of new playgrounds (\$80,000 for each park), modification of the boat launch, and the return of the annual neighborhood party (Attended by 18 households of the 513 possible).
Chris, the VP of the MA, does not anticipate a Master HOA assessment increase in 2020. <https://www.silverspringshoas.com/> The 2010 unratified assessment collection continues its largesse in the MA budget. More comprehensive site information, including the dozen subdivisions at: <https://www.silverspringscommunity.com/master-association/>
- Architectural Review Committee: 2019 Re-Model Projects reviewed in Silver Springs Single Family Neighborhood. Bush-Hillard Lot 9, Kirchenheiter Lot 128, Reddy Lot 91, Thomas Lot 77 , Schmidt Lot 47, Moffitt Lot 146, Lytle Lot 141, Revoy Lot 142. Total for the year is around 34.

Just before 8 p.m. Paul Reddy walked from his seat at the front of the chapel, back to the table where Model HOA employees were sitting. Paul appeared to give the woman instructions to send his prepared

email to Homeowners pleading for more votes from the Homeowners before the culmination of the meeting. **Check your emails: Oct. 8 at 8:02 pm. Subject: "We need 9 more votes!" Reddy claimed** "...readable document. No rule changes, it just creates document we can all read/understand. Please help!" Basically he prevaricated. He added the underdrains, added annexation, and the developer's decade's old items. It is a list of handpicked Articles and rules in favor of Reddy's agenda. Having just voted in January, nine months ago, to not approve Reddy's CCRs, today nearly 50% of the Owners abstained from this additional hurried and awkward, pressured vote for "As Is" 1994 CCRs.

Reddy then returned to his seat. The meeting continued another hour while other committee officers presented their reports. When all were concluded Reddy announced Chris, Hunt, and Jessica had been elected to the 2020 board using the paper ballots distributed at this meeting, and an additional 16 of the board's Official Proxys. **The Homeowner supported candidates were elected.**

Red-faced Reddy then announced the "As Is" 1994 CCRs had NOT received a majority of the Homeowner votes in time before the culmination of the Annual Meeting. Bill Klusman seated at the north front of the audience asked Reddy if he was going to extend the voting period again like Reddy had done for the last vote, extending it from October to January 31st when he had not received the results he wanted. Reddy answered, "No" he would not do that again.

Before this meeting the trustees had discussed whether to allow the vote to continue until October 8th 11:59 p.m. after the meeting was adjourned, or to "culminate the collection of ballots when the announcement of results of the vote was made to the Homeowners just before the adjournment of the Annual Meeting and Election." At the outset of the Annual Meeting the culmination of collecting votes was to be just prior to the adjournment. Reddy overrode, on his own recognizance to collect additional votes after the announcement to the Homeowners of voting results just prior to the culmination of the meeting. This creates bad faith for the president and the board.

When Reddy received the "final count", he announced to the assembled Homeowners that the CCRs had **NOT** passed, had failed to receive a majority of 95 votes. Reddy announced they were short by 5 votes, plus 14 ballots rescinding their "For" vote, reversing it to "Against" **changed the tally to 81**. This is NOT a majority. The "As is" 1994 CCR were NOT approved by the Homeowners according to the Model HOA CCR Vote Results indicating "74 'For' votes ". See the document at the end of this report. The congregation was pleased with the election results....114 votes 'Against' the CCRs or abstained from participation in this flawed balloting.

Paul Reddy still standing before the Owners, asked whether they had questions on his "As is" 1994 CCRs. He commented there had been no open forum provided by the board to discuss the content of his CCRs. Owners had been bombarded by his numerous emails into 'approving' them. There were uneasy moments. Lucy Archer, standing at the center back of the middle aisle, raised her arm, waiving it, "I have some questions." Reddy's face went redder, ..."Lucy!" "Thank you for recognizing me. First, I would like to know why the First Article in your CCRs is for "Annexation". What piece of land are you planning to annex? The only contiguous parcel to SSSF is the [corner Parcel 'V' at Meadows Connection and Silver Springs Drive](#)? A very small ownerless parcel promised to Lot 17 decades ago, and voted by acclamation of the Homeowners on at least two Annual Meeting occasions, to allow it to transfer to Lot 17. The costs to gain ownership will be disproportionate

to the value to the Owners. The board seeks to incorporate maintenance costs into the CCRs as the first common area property in our subdivision, and will require for the **first time capital improvement assessments** for its maintenance. And it alters our HOA's standing to State Law. It will open a Pandora's Box of problems for the SSSF Homeowners. No true benefit to them." No comment from Reddy or anyone else.

"O.K. my second question is why you think the "As Is" 1994 CCRs are appropriate for our present subdivision when the 1994 Board worked diligently to improve them, creating seven versions. Only the third version included the underdrains which were quickly removed in alignment with discussions with the County Commissioners who advised the SSSF board not to take the underdrains under the auspices of the Homeowners Association as doing so could create clouds on titles and lawsuits from the Homeowners and their Property Insurance companies against the Association and board trustees.

"What Homeowners are looking for is a fresh, simplified document that does not tie this SSSF subdivision to the early 1979 Developer of the original 7 or 8 Silver Springs community of condominium and single family home subdivisions; and conforms to our 2008 Articles of Incorporation (approved by an 82% majority of Homeowner voters). Homeowners do not have to, nor want to take on various obligations, agreements, and multiple-family rules and requirements of the early 1980's CCRs."

"Why did the board maneuver the vote only for "approval" votes, leaving out instructions for voters to **disapprove the CCRs**, while not providing any forums for discussion or questions? Why did YOU insert the 1982 developer underdrainage agreement with the county into these 1994 CCRs when the Homeowners and the County consider them to be a settled matter, the County is completely out of the 1982 Agreement(DIA), they hold no mandate that our HOA be responsible for aging plastic pipes on private land they nor the HOA own. Our SSSF Homeowners voted at the SS incorporation meeting in October 1985 to ignore the underdrains as they are not owned by the HOA and are located under more than 90 HOMEOWNER PRIVATE PROPERTY LOTS.

Since before 1985 the Homeowners voted to accept the fact that individual Homeowners are responsible for their own private property as outlined in the SSSF charter documents, Articles of Incorporation, deeds, Title Reports , Insurance Policies, plat maps, REPC's, surveys, mortgage documents, etc.

The board repeatedly creates issues that have led to Homeowners voting in **1985, 1994, 2008, 2014, 2017, January 31, 2019 to not include the underdrains under the auspices of the SSSFHOA**. So why has Reddy planned to damage and divide our neighborhood with the old "As is" 1994 CCRs that now include Articles supporting his agenda?" Now we understand what "As is" really means..... "Buyer Beware."

No reply, no comments. No additional votes, therefore, no majority, the CCRs FAILED!

Reddy Adjourned the meeting at 9:00 p.m.

With the meeting adjourned, and the announcement of the election results, the Homeowners were pleased with the outcome. As Homeowners were dispersing, Reddy called a quick standing board meeting with the former and new trustees to elect the 2020 board officers. Reddy announced he was

continuing as president of the board, Edy McConnell would continue as V.P, Chris Kautz (now absent) would continue as secretary. Jessica Wiltsee will be the new Treasurer.

The next board meeting will be on Monday, January 13, 2020, providing Reddy a quarter of a year to complete his next CCRs and new Board Bylaws. Bylaws he announced, for which he is not required to receive Homeowner approval for their content; he and the board can alter the content at their sole discretion, to give the board unlimited power over us and our private property. WATCH OUT!

Amid the revelry in the parking lot for the double win for the Homeowners, Reddy in dark demeanor, black briefcase in hand, walked alone to his car. We forebode he was not going to allow the failure of his "As is" 1994 CCRs, and loss of his hand-picked candidates, to defeat his plans for the underdrains, the takeover of Parcel "V" and for another set of CCRs in 2020. Cognitive dissonance in full blown crisis.

Meeting attendees, upon arriving home, sent out emails announcing the results of the voting to their neighbors. The old "As Is" 1994 CCRs had been defeated and the Homeowner supported "JCH Team" candidates had been elected. Good Effort Everyone.

The next day Reddy pulled out his bag of tricks, see his next email to All on Wednesday October 9 at 1:29 p.m. "CC&R Ratification and Annual Meeting Summary" ... The announced Final Results at the culmination of the Annual Homeowner Meeting were being countermanded by Reddy. On October 9th, the day after the meeting, Reddy claims the board received eight additional votes nearly at 11:31 P.M. **He did not acknowledge the 14 rescinded votes, nor the 17 proxy votes delivered by trustees, that had preceded the meeting, yet he readily accepted votes in his favor, received after the meeting adjourned.** Even with the new votes he claims he received after the culmination of the vote announcement, he still does NOT hold a majority.

On October 9th, 2019, the day after the Election meeting, Reddy claims "98 owners voted "for" adopting the compiled "As is" CCRs" AFTER the culmination and adjournment of the election.

For the record:

There were three forms of voting for this meeting. It seemed the purpose was to control the outcomes. An objective that failed.

-The online "Official Ballot" useable as a Proxy, was only for the CCR "approval" vote.

-The vote for candidates was a paper ballot available to Home Owners at this meeting.

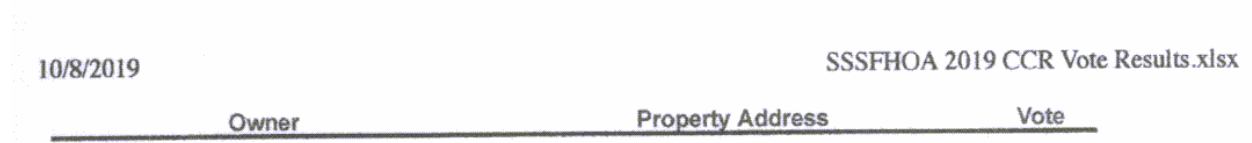
Homeowners Supported Candidates were: Jessica Wiltsee, Brian Mehregan (withdrew), Hunt Williams. Unfortunately, Reddy's hasty ballot failed to include the list of ALL the candidates who applied for the HOA 2019 Election ballot. Divisive Board action supported only 3 Candidates on the Ballot: Mike Collett, Tracy Tanner, Chris Bachman.

-The votes to accept the October 2018 Annual Meeting Minutes (copies first available tonight) and to accept the Annual Budgets (completed in 2019 and the 2020 Proposed) were hands up or down votes. Anyone get a count?

The above proceedings are only the beginning of the errors and over-reach Reddy has rushed to commit and record. In effect, **Reddy and Kautz hurried to Coalville to record the FAILED CCRs.** Find Reddy's "As is" 1994 CCRs at [Entry 01119538](#) Book 2533 (19 pages) are recorded as "Amended Declaration of Covenants, Conditions and Restrictions for Silver Springs Development Subdivisions". The additional 13 pages are full of mischief!

Recital D of this “No Rule Changes” document admits it contains the same provisions as the 1979 developers’ original and subsequent Declarations of the Association as have already been amended and recorded, including the 1982 Amendment containing underdrain language, since deleted, were never unratified by Owners, and were recorded by a Title Company in October 1994.

Page 1:



10/8/2019 SSSFHOA 2019 CCR Vote Results.xlsx

Owner	Property Address	Vote
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List of all SSSFHOA Members and vote status are listed on pages 1, 2, 3.
There was no reason to list all the Homeowner names, addresses, and vote status here.
The number of votes is the data needed to learn how the voting was misdirected.

Page 3:



FOR	74
AGAINST	11
GAP	21

The above is Model HOA’s Vote Tally as provided by Allyson Dickey and Jessica Gagnon on Page 3 of 3 pages posted after the culmination of the 2019 Annual Meeting.

Pages 1 through 3 at bottom:

<https://www.dropbox.com/home/SSSFHOA%20Board%20Materials/governing%20documents/2019%20CC%26R%20Vote/Vote%20Results?preview=SSSFHOA+2019+CCR+Vot>

The above SSSF Board Dropbox address on each page indicates where this 3 page list was deposited: “dropbox.com/home/SSSFHOA%20Board%20Materials/governing%20documents%20/2019CC%20R%20 Vote “ etc.

Model HOA’s Tally on page 3 lists 74 Homeowners voted “For” the CCRs. Not a majority from 188.
The true majority, 114 chose to vote “Against” or to abstain from participation in this unexpected repeat push to ratify the appalling 1994 CCRs with the underdrains and excessive assessments added furtively.

ModelHOA’s Tally lists 11 Homeowners voted “Against” the CCRs, added to Hunt’s 17 = 28.
Model HOA did not add the 17 proxy votes “Against” the CCRs delivered to Hunt Williams.
Model HOA did not include the proxy votes collected by the JCH Team, viz. Chris Bachman.

See the Homepage “As is” 1994 CCRS FAIL. [What is recognized is there are too many irregularities in the vote count to consider it valid.](https://www.silverspringscommunity.com/)