



**SILVER SPRINGS SINGLE FAMILY
HOMEOWNERS ASSOCIATION**

BOARD OF TRUSTEES MEETING

December 8, 2009

Unposted Meeting held at The Dakota, at the
Canyons Resort, 6:00 PM

Board Members Present: 1- Chris Butler, 2-
Secretary Harry E. Fuller, 3- Bill Gunter, 4- Kristian
Mulholland, 5- Richard Krebs, 6) Brian Robinson.

Board Members Absent: James Larson.

Association Members Present: Leslie Carriel, Bill Noland, Lyn Cier , Julia Loughlin,
Sue Pollard.

Meeting was called to order: at 6:07 pm.

Approval of Minutes - The Nov. 9, 2009 board of trustees meeting were unanimously
approved on a motion from Kristian Mulholland, seconded by Treasurer Chris Butler.

HOA Budget. Bookkeeper Lynn Cier reported that eight 2009 membership dues are still
unpaid. She said, since the Silver Springs Homeowners Master Association Has not yet
finalized its 2010 budget, it's not possible to finalize the SSSHOA 2010 budget. Two
invoices could be mailed, one for SSSF dues and one for MHOA assessments.
Bill Noland said the MHOA budget could be finalized as soon as estimated costs for
repairing the Little Lake's drain system are revamped. Gunter commented there should
not be many SSSHOA bills paid before the first of next year. Bookkeeper Cier said there
is an approximate \$16,000 carry-over for the 2010 budget. Fuller asked, as a point of
information, what the procedure is for collecting long-term non-paid dues. Cier answered
that "final" notification letters are sent signed by a HOA lawyer and if that does not result
in payment after 30 days, a property lien is filed.

SSSHOA 'Rules and Regulations' Carrying a 2008 date were written by John Coursen
as a request by interim president Michael Winer. Gunter reported that, while perusing the
SSSF association's records, he discovered a 2008 mention of HOA "rules and
regulations" and asked if anyone knew about them. Bill Noland said it was a project
launched to further define CC&Rs, but was not completed. During discussion of CC&Rs,
it was noted the [1991 amendments](http://www.silverspringscommunity.com/our-community/silver-springs-sf/hoa-docs/index-hoa-docs/) were published on the Community website at
[http://www.silverspringscommunity.com/our-community/silver-springs-sf/hoa-
docs/index-hoa-docs/](http://www.silverspringscommunity.com/our-community/silver-springs-sf/hoa-docs/index-hoa-docs/) Kristian Mulholland said the pertinent documents filed with
Summit County are the ones published at the above links.

Master Association Report.

1) **Subdivisions Resign from MHOA** - Gunter asked Bill Noland if there had been any
movement on current dispute over Master Association membership. Noland answered:

"No," adding that the issues are "being sorted out." Two condominium HOAs, Ptarmigan comprising 20 units, and Quail Meadows II, comprised of 9 units, in addition to The Springs single family subdivision, comprised of 4 homes, have expressed the opinion that they are not members of the Master Association since they were not signators on agreements made to establish the MHOA in 1990. [Incorrectly,] Julia Loughlin, a lake view owner, suggested that smaller condo HOAs gained initial county development approval when they agreed to join the Master Association since it held recreational property, implying dropping out now would constitute bad faith. Dropping out can also imply recognition that recreational property is held as "Exclusive Private Enjoyment Easements" for lake view owners only. Most of the condo subdivisions were approved prior to 1990, and the one that was later developed did not sign the MHOA founding documents. So her comments are not accurate. See

<http://www.silverspringscommunity.com/lakes-in-silver-springs/>

Gunter said he understood the seceding was being examined. Butler asked what was the unit percentage membership of the SSSFHOA in the Master Association Noland said 38 percent, to which Butler asked if, considering that figure, wasn't it time to press for a weighted vote on the Master Association Board of Trustees?

2010 MHOA Residential Unit/Member clarification:

Total residential units in the Silver Springs Community = 512

Four houses on W. Quail Meadows Drive are not MHOA members = 508

Four houses in The Springs subdivision have resigned MHOA participation = 504

Twenty Ptarmigan Townhomes have resigned MHOA participation. = 484

Nine Quail Meadows Townhomes resigned MHOA participation = leaving 475 units

There are 29 Large Pond/Lake view owners, 25 Little Pond/Lake view owners = 54

Total Single Family residential units = 386

Total Condo-Townhome residential units = 126

Remaining 2010 Single Family residential units in the MHOA = 378

Remaining 2010 Condo-Townhome residential units in the MHOA = 97

As of November 17, 2009:

Single Family Home members = 3/4 of membership = 5 votes on the MA Board.

Condos/Townhomes = 1/4 of membership = 5 votes on the MA Board.

Les Carriel, a former Master Association Waterways official and lake view owner said he did not think it was necessary to go that far and that the current situation has worked well for 20 years. This remark is widely contested by the residential unit owners in Silver Springs, with the exception of some lake view owners.

Noland said that, in any case, such a change would have to be approved by [the General Association Members] and the trustees, which is his opinion and not necessarily accurate. Noland said that, in his experience, there had been no bloc voting on the board, taking advantage of any unfair vote distribution. That is unless you read the MHOA Minutes and note that many motions were carried without a quorum, and visitors, not trustees, made a number of crucial motions. Also it should be noted that the lake view owners are very vocal attendees at the MHOA meetings. Asked what the principal issues are causing HOA secession, Noland replied that the primary objection was the cost for common areas

the HOAs involved say they don't use, specifically the lakes. "But that is not," he added his opinion, "an effective legal point." [[There is more to their reasoning.](#)]
Gunter said the lakes have always constituted a "divisive" issue, adding what to do with them is a constant question. See [2010 Feb 10 - Flyer describing ideas regarding the MHOA gathered from the Feb 9th Annual MHOA Meeting](#) Carriel observed that such matters had previously been unsuccessfully managed through leadership. He added later that as a Meadow Wild HOA board member and SSF lake view owner he had heard no complaints about nonuse of common recreational areas, including the lakes. [It is also noted that Carriel is not a consistent attendee of meetings.]
Julia Loughlin, a lake view owner since 2002, said she did not recall any complaints when the "water company" owned the lakes.
<http://www.silverspringscommunity.com/lakes-in-silver-springs/> and 1981-1988-to present lake use dispute history and documents at:
<http://www.silverspringscommunity.com/history/>.

MHOA Proposed Guidelines. Asked about a Master Association committee created to evaluate proposed guidelines for [Master Association Common Area property](#) use, Noland said four of the 12 HOAs have named committee members. This committee is unnecessary as that is the function of the elected trustees. Some discussion ensued about on going [MHOA legal fees projected to rise to \\$20,000 in 2010](#), leading to questions about paying for additional expenses such as the small lake's drainage repairs and strengthening the large lake's dam. The large lake [dam is the line of "beach" from NorthShore Lot 1 through 12](#). In the Spring of 2008 the MHOA board discussed that they had more than \$80,000 in a CD, saved for this work so why is the board now assessing for these funds again? Treasurer Butler said a onetime assessment is probably likely considering all Master Association capital costs. Gunter suggested, "you can't do it all at once," it was already done in 2005-2006 at a cost of \$145,000. Gunter added that the dam is probably the most important project since it represents the largest liability, legal and financial. He said this is not the best time for people to receive a special assessment in addition to Association dues, the recession is costly and leaves uncertainty. Butler asked what the reaction was to the last special assessment in 2005 when single family residents were assessed at the tiered rate an additional \$225. Bookkeeper Cier said: "Not too much." When the matter of residents on the lakes paying a "tiered" assessment of \$270 plus annual dues for having direct recreational access to the lakes was mentioned, Julia Loughlin, a lake view owner, said although that has been proposed before, it just does not seem fair and equitable. Secretary Fuller asked, if such an additional charge was levied, would it not be possible that the lakeside residents might feel even more entitled to expect better and quicker maintenance done on the lakes. "If you think those people feel a greater proprietary claim on the lake now, don't you think that attitude might get greater when they are required to pay more?"
The ponds/lakes include [Exclusive "Private Enjoyment Easements"](#) for 54 pond/lake view lot owners, thereby excluding the majority of MHOA Members from use or access except along the Park's 444' frontage. The remaining 450 non-lake view owners are excluded from full access or use; yet carry the brunt of the cost. A solution could be to deed the lakes to the lake view owners and let them be as proprietary as they want to be and to pay for the full privilege without assessing the non-lake view residents.

Gunter said he did not think the lake view owners could feel any more proprietary about their position. Fuller, a lake view owner, responded that long-time lake view residents and newer ones have taken care of the lakes because they enhance their property values but because those residents also realize the lakes are paid for by all 504 community residential unit owners, [though not] available for use by all Master homeowner association members. Julia Loughlin, also a lake view owner, said, since the dam is what keeps water in the lake, the primary goal should be to make sure it is safe. Many residents would prefer the lake water to be permanently drained and the 2.01 acre Park be enlarged to include the 20.84 acres now under water. Gunter observed that the lakes will be "a constant problem." Julia Loughlin observed that lakeside residents already pay more for their location, through property taxes on higher than otherwise valuation. And she pointed out that the SSSHOA paid for repairing an abandoned underdrain system where it annually threatens only a handful, but certainly not all, SSSHOA members' homesites. But, Gunter answered, that did not grant an ongoing, permanent recreation value.

Returning to the MHOA "special assessment" subject, Noland speculated it might be "around \$200." The distributed budget indicated a 200%+ increase, from \$175 in 2009 to \$357 or \$379 in 2010. Asked by Noland to explain a new large lake problem, Les Carriel said the top of a new large lake drain seems to have been separated from the lower section, causing a leak. He said if that is being caused by lake ice, it could resettle and repair itself next spring. Member-elect Richard Krebs said he did not think repair of the apparent kind would be too difficult or costly. When Fuller asked if the contractor installing the drain carried any warranty responsibility, Kristian Mulholland answered he doubted there would be anything like that after the first year. (The drain was installed two years ago.) [Cross Marine provided a 20+ year warranty on the work they performed in 2005-2006, if properly maintained by the MHOA.]

Noland said this is an example of why the Master Association needs a construction reserve. [And more equitably why draining the man-made Lake is a very dominant option.]

New Business.

1) **Renters.** It was reported that a house in the Association is being occupied by an increasing number of probable renters or other non-owners. Gunter said he would look into the matter. Fuller suggested all board members be familiarized by e-mail with board committees needing staffing next year so possible assignments can be made at the organizing meeting in January. Gunter said he would do that.

2) **New Architectural Committee.** Details, such as solar panel approval, which accepts colors as used by manufacturers. There are many new building products that updating could be constant. Approval is mostly dependent on what the neighbors object to.

3) **Consistent Meeting Dates.** The board was asked if it would be helpful to designate the same date every month for board meetings. It was generally agreed that could be helpful to know precisely when meetings were to be held. Fuller added that e-mail reminders would probably still be advisable.

Meeting Adjourned at 7:45 p.m.

No date for the next meeting was announced.