



## Silver Springs Masters HOA

February 9, 2009

### Minutes

**Board in Attendance:** 1) Steve LoRe (South Shore), 2) Jane Washington (North Shore), 3) Nancy Samson (Quail Meadows II), 4) Isa Wright (Willowbend East), 5) Alan Durfee (Ptarmigan), 6) Anthony Sands (Quail Meadows I), 7) Bill Noland (Silver Springs Single Family)

**Board Absent:** 1) Rosemary Craighill (Meadow Wild), Karen Williams (Willowbend West), Phil Tisovec (Silver Meadows), Jane Hamilton (Park Place), Whit Logan (Meadow Springs)

**Proxies:** Rosemary Craighill (Meadow Wild) Robyn Bailey, Karen Williams (Willowbend West) Robyn Bailey, Phil Tisovec (Silver Meadows) Robyn Bailey and Jane Hamilton (Park Place) Robyn Bailey

[“1990 Silver Springs Master Homeowners Association Bylaws:

Article V. Section 3. Quorum. A majority of the Board of Trustees shall constitute a quorum for the transaction of business. In the event a Trustee is not available for a Board Meeting, his written proxy sent to any **trustee** will establish his vote.” ---The above Proxies given to Robyn Bailey are therefore not valid proxies as Bailey is a hired manager without a contract and not an elected trustee. See Section 4. Compensation.]

**Members:** Jim Harsh (SSSFHOA and Little Lake committee member), Michael Winer (SSSFHOA past master president), Gaylynn Mooney (NorthShore lake committee member), Les Carriel (SSSFHOA lake committee member), Ron Duyker (South Shore and Water Way/Master Property committee member) and Harvey Shapiro (Quail Meadows II) and Robyn Bailey manager

**Guests:** Jim Kennicott (attorney for Masters)

**Meeting Started at 7:10 p.m.**

**Last month’s Minutes, January 12, 2009, were approved by all present.**

**1. Introduction of the New Board:** Bill Noland introduced himself to the members and guests. He is our new Masters President. He then introduced Steve LoRe as the Vice President, and Nancy Samson as the Secretary/Treasurer. Bill

explained that he will be following Roberts Rules of Order for our meetings. Everyone will have a chance to be heard in an orderly fashion.

**2. Brief update on ice rink:** Bill explained the speed skating rink that was set up on the big lake. The group was not authorized to build the rink. They are a group not affiliated with any club but hoping to be Olympic Speed Skaters. This



group thought that they had a right to our lake due to the new [Utah Conaster](http://www.silverspringscommunity.com/waterways/conatser-july-18-2008/) [http://www.silverspringscommunity.com/waterways/conatser-july-18-2008/] ruling that states all water ways are public. They noticed that we were conveniently located and decided to build the rink. This new water law was made for fishermen and recreational type businesses like rafting companies, so they could fish and float on the river with in private property.

Jim Kennicott explained river-fishermen property rights. If you can enter rivers, streams, and lakes on public property you can move up or down stream with in private property you can move up or down stream with in the private property then to exit the water ways you must leave on public property. All of our land around our lakes is private property. One must have permission to cross private land. The speed skating group did vacate the property. The group did express an interest in getting permission to maintain a rink.

Bill asked Jim if they were guests of one or more lake or property owners, as the snow tracks led to Eric Fraleigh's and Grant Hedges houses, and Eric had built an ice rink in front of his house the last three winters. What is our responsibility? Jim said that there can be limits placed, either no guests to unlimited guests. He said that many HOA'S allow guests only if accompanied by an owner. The lake could be an attractive nuisance and could be a liability. How do you patrol the nuisance?

Gaylynn asked for clarification between the rink builders and the lake owners that build hockey rinks. Jim said that clearly the people building the rink did not live here, however little rinks are a hazard as well. Ice conditions change.

Bill made a motion to have our properties signage looked into by our insurance companies risk management department and to notify all members what their responsibilities are as members. It was suggested that the word “guest” be taken off the sign. Steve LoRe asked not to include “guest” on the signage. Jim said that you can only shift liability a little bit. Jim recommended the wording to say “Silver Springs Residents Only” on the new sign.

Anthony commented that we currently allow guest to play tennis with us, to play basketball and use the lakes. He said that to not allow guests would have severe consequences. Anthony proclaimed that he would sue because this changed the use of our properties. Bill asked if Anthony had this in writing such as on his title. Anthony said no but it still changes his use of the property.

Nancy suggested that as a temporary measure, we adjust the signage to read “Private Property -Silver Springs Residents” and revisit the signage in four months. Jim stated that the ownership of the lakes changed.

Harvey suggested that we need better lake signage posted around the lakes. Michael Winer asked who would be policing guests. Jim then stated that there are three tiers of liability: 1) Invited people- this being the highest level of liability, 2) Invitees- contracted to do work, and, 3) Trespassers- no right to be there, however the owner still has liability. Jim suggested that the sign says “Private Property”. Steve asked that it say “Private Property for Silver Springs Residents”. Ron stated that he teaches this in real estate, and it should be obvious as to ownership. He suggested the sign read “Private Property Silver Springs Masters Homeowners Association”. All present were in favor of this wording. Signs will be made.



“Private Property” verbiage added to Lake sign - 2009

**3. Water Way Report / Master Property:** Ron brought out a aerial map with property lines. There are nine parcels 1) NSS-B-WA this is wetlands North west corner butting up to Ranch Place. 2) NSS-B-WOS Waterway in Northshore between Heather lane and Creek side Lane. 3) NSS-A-CA Northshore berm. 4) SOS-A-PARK Park south of the Big Lake. 5) SOS-A-BERM Berm from North shore entrance to Walker court and includes the Ross Lloyd Park on the Little Lake 6) PP-98-A-10 big Lake 7) PP-98-A-I-A Steam bed north of W. Silver Springs connecting to Big Lake 8) PP-98-A-6 Little Lake and 9) PP-91 Tennis court park. [See these listed and photographs at <http://www.silverspringscommunity.com/master-association/ma-common-area-parcels/>

Bill asked Ron about a document he found relating to lake front homeownerships private enjoyment easements rights. Bill asked if it was a valid document. Ron said he is not certain of the validity of this document. He stated that there are many different HOAs that may not be consistent with each other. Bill motioned that Ron expand his report to include a legal definition of the lake owners property and easements that might be included. Jane Washington seconded the motion. [See documents at <http://www.silverspringscommunity.com/lakes-in-silver-springs/> and other links on this website.]

Jim indicated that the county could have this information. The motion passed with one vote abstaining (Ptarmigan) all others present in favor. Anthony made a motion to have the map Ron brought scanned and put on the web site. All present were in favor motion passed. Robyn will have the map scanned and put on web sites.

**4. Liability Report:** Jane asked that we attach her report to the minutes. Jane asked Jim how we should handle the liability we have with the lakes. Bill asked Jane what her purpose was with this report. She replied that she wanted to know what our liability is. Steve asked her where she came up with the amount and or numbers that she has on her report. Are the numbers scare tactics, legitimate estimates based on past lawsuits or guesses? Steve also asked if there were other lawsuits that we are aware of in Utah. Jane said that the numbers were just estimates.

Bill asked Jane that we look into two issues: 1) Liability- ask for two insurances to look into risk factors and lawyers to look into the settlement amount if death or disability occurred due to negligence. 2) Create a LLC to limit our liability and off load our lakes. Jane commented that in addition to signage and risk assessment regarding these lakes, we need to know what the real judgments have been that pertain to Utah.

Ron then asked that the motion should be to gather data; studying risk factors and having more than one insurance company look at this. Then we would distribute the information to all members. Bill agreed that once we see and know our risks then we should notify members of the liability and that the board has placed the liability with its members. Nancy seconded the motion. All present voted in favor of gathering data, studying risk factors with more than one insurance company and then let every member know what our liability is.

**5. Other:** Alan Durfee asked what the latest was with [Walgreens](http://www.silverspringscommunity.com/our-community/silver-springs-commercial/blue-roof-rezone-proposal/) <http://www.silverspringscommunity.com/our-community/silver-springs-commercial/blue-roof-rezone-proposal/>. Jane Washington reported that the developer has not brought this

to the planning commission to a working meeting and all would be informed when and if it is.

**6. Public input and concerns:** None

**7. Meeting adjourned 9:05p.m.**

**Next meeting March 16, 2009 7:00p.m.**

[Minutes written by Robyn Bailey.](#) Photos, links, and comments in brackets added by Lucy Archer.

Silver Springs Master Homeowners Association Board Meeting Minutes are the property of the Association Members. In this manner the Board is held accountable for their actions. The Association Members hold the right of free access, perusal, and use of these documents and chose to do so at the Member website at [www.silverspringscommunity.com](http://www.silverspringscommunity.com).