



## Silver Springs Masters HOA March 16, 2009 Minutes

**Board Members in Attendance:** 1) Bill Noland –SSSFHOA, 2) Phil Tisovec –Silver Meadows, 3) Allen Durfee –Ptarmigan, 4) Nancy Samson –Quail Meadows II, 5) Steve LoRe –SouthShore, 6) Isa Wright –WillowBend East.

**Board Members Absent:** 1) Anthony Sands –Quail Meadows I, 2) Whit Logan –Meadow Springs, 3) Jane Hamilton –Park Place, 4) Bill Rusconi –The Springs, 5) Jane Washington –NorthShore, 6) Karen Williams –WillowBend West, 7) Rosemary Craighill –Meadow Wild.

**Proxies:** 1) Karen Williams –WillowBend West, 2) Rosemary Craighill –Meadow Wild.

[“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.]

**Visitors & Committee Members:** Gaylynn Mooney –NorthShore, Les Carriel –SSSF, Harvey Shapiro –Quail Meadows II, Richard Krebs –Little Lake-SSSF, Bill Gunter –SSSF, Ron Duyker –SouthShore, Peter Harrison & Michael Miller of Vial Fothergham –Attorneys.

2) **Call Meeting to Order:** 7:08 PM.

3) **Approval of February 2009 Minutes:** Steve LoRe moved to accept minutes. Allen Durfee seconded the motion. All present were in favor. Motion carried.

4) **Reports:**

a) **Lakes/Maintenance Plan:** The lake committee presented their maintenance plan for the 2009 season. They plan on using 5-6 types of treatments this year, and estimate that the cost will be around \$5,000 dollars. Allen Durfee moved to accept the plan. Bill Noland seconded the motion. All were in favor. The motion carried.

5) **Unfinished Business:**

a) **Insurance/Liability:** It was reported that Association Members have always had the potential of covering an award that exceeds our insurance limits. Our insurance is currently \$2 million per incident, \$4 million overall. The underwriters really want

specific restrictions. We are covered and for the moment we are okay. After the insurance adjusters assess our property, suggestions will be made, and we will revisit this matter. We might consider a meeting of all members concerning insurance, dues amount, common areas maintenance and development, etc.

- b) **Signs/Tagging:** Our new “Private Property” signs look great except that Homeowners is misspelled. We have been tagged on two signs with graffiti. Bill Noland talked with Summit County Sheriff Sergeant Burton and he suggested that we replace them as soon as possible. We also had some tagging on the slide. Bill N. was unable to clean it off however the signs will need more work. Robyn will talk to Park City Signs to replace them.
- c) **Property/private easements:** Ron Duyker, a non-board visitor and entrenched voice who takes up a lot of board time to express his fear of board leadership and decision-making, again gave an unrequired overview to the board stating that in the last few years the MHOA has performed its duty. [Though the group pretty much has ignored its initiating charter, Bylaws, etc.] Former MHOA President Ralph Stanislaw created and built the two entry monument signs. Further, Community signature light posts were replaced with black metal posts, playground equipment was added in the Park, and the Silver Willow Lake was accepted in its “as is” condition on the authority of one signature (without asking for the support of the Association Members at a General Meeting). There has been no audit since 1990 of the HOA books, and over \$80,000 of excess dues placed in CDs is not accounted for on the P&L nor the monthly budgets. The MHOA then spent \$143,000 dollars or more, as well as many volunteer hours from Members, to bring the lake up to the Division of Water Rights standards. Ron explained that these activities had added value to the community and that all thirteen Associations have been assessed and paid their dues. Ron then stated that “the easements are different” (?) even within the same Association and that in order to get accurate information he recommends to have a title search and survey each property. [See Summit County Recorder website to check on the unnecessary of Ron’s recommendation.] As always, Ron told the board that an attorney should be asked to look into it. Ron believes that this could be costly. High Country Title suggested that those few who “think that there are easements” should prove that they have access around the lakes. Many of Ron’s assertions and concerns are answered by reading the letters, minutes, documents posted at <http://www.silverspringscommunity.com/lakes-in-silver-springs/>, also at <http://www.silverspringscommunity.com/waterways/> and in the early [Silver SpringsSFHOA 1982+ meeting minutes](#). And the early [1989-1990 MHOA Minutes](#) and [MHOA Documents](#).
- d) **Bylaws/Legal:** The MHOA board received a briefing from Michael Miller and Peter Harrison from the law firm of Vial Fotheringham LLP. This law firm specializes in work with HOAs. They have offices in four states and have around 1,500 clients. The HOA business and the HOA legislation that attorneys have assisted in having passed in state legislatures makes HOA work very profitable. Vial Fotheringham attorneys charge \$150-160. per hour and their aids are paid \$65-70. per hour. After they left Bill motioned to have this firm revamp the MHOA 1990 documents that may be outdated. Steve LoRe seconded the motion. Allen Durfee abstained from the vote. Seven votes but cast but whether they were votes of attendees or of board

members is not clear. Steve LoRe offered to work with the law firm. Lucy Archer has a longstanding offer to also work on these documents on behalf of the Members.

- e) **2005 Developer-Homeowner Agreement** – An Amendment to this October 3, 1989 document is being proposed regarding the fifth agreement in this document. The MHOA wants to have the ability to separately bill each Member for their portion of the annual dues. SSSF currently sends over \$33,000 annually (2/3 of their dues) to the MAHOA.

**AGREEMENT 5.** *Common Area Costs.* *The expenses for improvement and maintenance of the common areas (as described in the attached exhibits), including taxes, assessments and insurance, shall be distributed among all members of the master association as follows:*

*(a) Each developed lot, single-family residence, and condominium or townhouse unit will be an assessable property, one share each, for purposes of allocating common area expenses associated with the common area properties. By way of illustration only, if the development and/or maintenance costs for the subject common areas, at any given point, are in the amount of \$50,000.00 and there are collectively 400 lots, single-family residences, townhouses and condominiums, the per unit assessment would be \$125.00; by appropriate vote of the master homeowners association members, this assessment could be payable on a prorated basis over a period of time. Any of the lots proposed for development in Parcel 1-G [NorthShore] of Developer's project shall be considered a "developed" lot, and thus liable for assessments, upon recordation of the plat for that particular phase of development, it being contemplated that Parcel 1-G will be developed in stages. Provided, however, that the liability of the Developer and/or owner(s) of any lot in any phase of Parcel 1-G development shall not accrue, nor shall payment of common area costs be required, until all developed units which are under the governing authority of the master association and which are assessable under provisions of this paragraph 5(a) are liable for payment of such costs.*

**6) New Business:**

a) **Meeting Dates:** Third Monday of each month.

b) **Meeting Schedule on Website & Agenda:** Bill N. proposed that the meeting schedule be placed on the open-to-all homepage of the website. The board agreed. Also a request has been made that since the [www.silverspringscommunity.com](http://www.silverspringscommunity.com) website has the most Association Member readership the manager should send the monthly minutes,

budgets, and other announcements to that webmaster.

c) **Financial Audit:** Bill N. reminded the board that the 189 Member SSSFHOA continues to request a financial audit for the \$88,200 annual budget the manager has had unlimited access to since 1990 without any true oversight. She states that “There is much more to this than meets the eye.” Steve has experience with “them” (the finances?, the audits?, or the auditors?) and will help narrow our choices (of?) at the next meeting.

d) **Lake History Summary:** A time line of the history of the lakes is available on the [www.silverspringscommunity.com](http://www.silverspringscommunity.com) website at [Silver Springs Lakes](#) with maps, photos since 1980, documents, etc. This information is provided by the Archers for the benefit of the Silver Springs Community and as assistance to its various boards.

e) **Property File/Tennis Courts:** A Property file is available online on the [www.silverspringscommunity.com](http://www.silverspringscommunity.com) website that [lists all the parcels within Silver Springs](#), those deeded over to the MHOA, and those bordering Homeowner properties.

Bill Noland made a motion to create a standing committee to research our responsibility for each parcel of land deeded to the MHOA. The committee can use the permanent and assessable records available on the [www.silverspringscommunity.com](http://www.silverspringscommunity.com) website. Having an online record of this depth allows all current and future board members access to important information needed to make crucial and valuable decisions. The Archers should be thanked for all the important research they have done and provide online for all the Associations.

“A committee membership would be filled after the Board defines the committee tasking specifics.” The motion failed. After further questions by Nancy the motion was again presented. No record of a second or number of affirmative votes.

7) **Confirm next meeting:** April 20, 2009, at 7:00PM at the Bailey house.

8) **Public Input:** The board agreed that board members could identify non-board visitors to participate in board business discussions, a reversal of the policy the board established during the summer of 2008 when visitors were required to wait until the end of the meeting to make comments or give input.

9) **Adjourn meeting:** 9:05 PM

**Next Meeting on April 20, 2009**

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).