



SSSFHOA Board of Trustees Meeting Minutes

Sept. 7, 2010

The meeting, held in the St. Luke's Episcopal Church library, was called to order at 6:36 p.m.

Members present: James Larson; Treasurer Chris Butler; William Gunter; Secretary Harry Fuller; Member Richard Krebs; Member Kristian Mulholland; Member Brian Robinson; unelected

representative to the Silver Springs Master Assn. Board of Trustees Bill Noland; SSSFHOA Bookkeeper Lynn Cier.

Report. A report of the Aug. 2 Board of Trustees meeting, which was unofficial because of lack of a quorum and largely informational, was approved as a recorded document and for exclusive republication on the SSSFHOA website with one change -- a statement concerning the Master Assn.'s large and small lake dams included only the privatized small lake.

Annual Meeting. Gunter, observing that the SSSFHOA annual meeting will include elections to the board of trustees, said it was essential to start creating a ballot for that purpose. It was confirmed that three terms must be filled, ones now expiring for Gunter, Vice President Larson and Treasurer Butler. Gunter suggested it will be necessary to collect proxy votes from voting members not apt to attend annual meetings. Secretary Fuller said the required nominating committee should be formed immediately to actually conduct election procedures. The SSSFHOA bylaws require the nomination committee to include one Board of Trustees member and two or more members at large. Gunter said he was willing to accept that position as long as he received help from other board members, adding he does not intend to appear on the ballot. Treasurer Butler volunteered to provide necessary assistance. Names of possible non-board member committeepersons are required along with potential board candidates. Secretary Fuller observed that it would be helpful if board membership included a better balance from throughout the association neighborhood and that it was observed following last year's elections that the board lacked female representation.

Bookkeeper Lynn Cier acknowledged she would mail ballots to SSSFHOA members who are in "good standing" (having paid required legitimate annual dues). Gunter declared the annual meeting date to be Oct. 12, a Tuesday, rather than the required second Monday in October, because that day this year is Columbus Day and bylaws permit such a deviation when the second Monday in October is an official holiday.

[The board has had since February 2010 to make remedy for their part in the Master Association illegitimate capital improvement assessment for the private small lake disregarding the required vote and approval of the Community property owners at large

as written in the SSSF CCR's Article V. Section 4. Special Assessments for Capital Improvements. Members of the board have ignored the property owners who have asked the board to uphold the charter rules. The property owners who have not paid the capital improvement assessment of \$182 additional MA fees are upholding their rights to vote as provided in the Bylaws and CCRs as a matter of principle. The members who have paid the \$182 mostly have done so to avoid the bullying by board members they have witnessed against the Community Group members who have asked that the board uphold the HOA charter documents. Rather than having an open dialog the boards have chosen to ignore the very rules they were elected to uphold. Also see SSMA Article III Section 5a. Quorum...in special assessment circumstances, in which express provisions require a sixty-six and two-thirds (66 2/3%) percent vote of the members present (either in person or by proxy)."]

Architectural Committee. Committee Chairman Brian Robinson reported a request from Mike Odernheimer, 1418 Willow Lane, to do a "build-out" for a garage. He said Mr. Odernheimer owns two lots 132 and 133 at the site with space for an accessible driveway, has submitted all necessary paper work as well as required deposit. He also reported that Lucy McIntyre has asked to construct a permanent small shed at the corner of her lot 150 at 5161 N. East Meadows Dr. Frank Thomas, Lot 77 at 1526 Willow Loop, was given approval for a fence construction. A complaint about a tree house on Lot 84, which could be conspicuously "ugly," especially during months when trees are bare, was discussed and an inspection was scheduled.

Mountain Regional has been working for over a month on a lateral line leak at Lot 48 on Lake Front Court. This work included cutting through the cement of the owner's driveway and Sport's Court, infringing on the landscaping, and periodically turning off the water to the residence. The original infrastructure for the water lines seems to have been the cause of this breach in the water line.

CC&R Compliance. Treasurer Butler and Vice President Larson reported that compliance with suggestions for front yard corrections has been "good." A discussion ensued about possibly extending the current 4 consecutive day limit for "recreational vehicles" *parked in noticeable [?] driveways*, particularly during summer months. Secretary Fuller observed that dates should be specific for such an extended period. A suggestion that a formal ballot vote by SSSFHOA members be taken on the matter was considered without action resulting. Gunter suggested the permitted vehicle parking period could be included with architectural guidelines rather than resorting to complicated, prolonged CC&R amending. [This is in the CCRs] It was generally conceded discussion of the matter could be on the annual meeting agenda.

Budget. Bookkeeper Lynn Cier reported that only 12 members are delinquent in annual dues payments as of September. She said Master Assn. dues assessment for this year has been paid in full though all property owners have not paid the illegitimate special capital improvement assessment. Gunter said the next billing to delinquent members will be from the association attorney, explaining payment obligations including that attorney fees will be billed to those members whose compliance must be achieved by

legal action. Bookkeeper Cier reported that member Lucy Archer made a SSSFHOA \$105 dues payment and a SSMA \$175 dues payment but did not make the SSMA \$182 payment, remitting copies of the cancelled checks to Bookkeeper Cier after the copies that were delivered to Treasurer Butler were returned to Archer a month after she submitted them to his address. Secretary Fuller suggested the bank be asked for confirmation of the Archer payment.

Master Assn. Report. SSSFHOA Representative to the Master Assn. Bill Noland reported that the MA Board of Trustees' next two meetings should define its annual budget for "readiness" by the first of next year. He said work on MA Bylaws and the Articles of Incorporation continues. He did not ask for member participation in this process.

When Kristian Mulholland asked if an audit of MA finances had been done, Noland said an internal audit by MA board of trustees members with ability to do such work concluded no glaring errors had been uncovered requiring further costly professional auditing. Mulholland asked if that information could be reported to SSSFHOA membership. Noland said the internal report included a "lot of boring" detail and asked if a summary would be sufficient. Richard Krebs said that should be O.K. and could be explained at the annual meeting. Secretary Fuller supported that option. [One of the two Community auditors stated that only records between 2003 and 2009 had been audited. And there was no way to tell whether all records had been provided for the audit. There were no documents provided that showed the disposition of the \$80,000+ CD that has been an item of inquiry since May 2008.]

Reporting on consultations concerning pending rehabilitation for the MA's private small lake dam and drainage structures, Richard Krebs said state authorities will accept the water release there being one water outlet, leaving just one, instead of two, drains needing repair. Also, he said, the small dam's 2 1/2 feet height between lake surface and dam crest has been accepted by the state as meeting a 3-foot requirement. Both developments, it was conceded, should cut costs on the projected small lake rehabilitation. Bill Noland said it is now questionable whether that work can be done this year. He said work might also include two spots on the large lake dam that need raising to the 3-foot level, some vegetation removal and other structural repair is on private lake view lots property.

Kristian Mulholland observed that projected small lake savings might raise questions about this year's "capital improvement assessment" MA dues collection. **Noland observed the amount assessed was determined by previous, original estimated costs and if the project cost is less, the remaining amount could be held in reserve for future lake work sure to be required. He speculated the (savings) could be (prorated and) refunded, which would be exceedingly complicated, but, given assurances about later lakes repair, "it would probably be recollected again."** He additionally pointed out the MA hasn't a sizable reserve now. A considerable amount has been spent on attorney costs for consultation. He acknowledged that MA annual dues should actually vary, based on what is required to meet each year's budget expenditures. A

possible significant bylaws change, he reported, is consideration of revamped board composition, such as each HOA delegating MA representatives who would then select by vote a smaller representative MA Board of Trustees, which would be concerned about MA responsibilities and functions rather than individual member HOA interests. "At large board members," Secretary Fuller observed. **The HOAs would not have a direct vote on the MA Board of Trustees**, Kristian Mulholland observed. Noland agreed, adding the HOAs would still be involved through their designated MA reps.

On an unrelated matter, unanimous board vote granted Noland's request to go "off the record" to discuss possible legal actions.

[The **Community Group** has presented a recommendation that the 126 condo owners would maintain and finance the cost of the two tennis courts common area. This would be a cost saving set up. The 54 lake front owners would be responsible for the lake's maintenance with a token contribution from NorthShore, SouthShore, and Silver Springs for the 443 linear feet of access to the large lake available to the majority of the property owners. The small lake is private property surrounded by an Exclusive Private Enjoyment Easement for the 25 or so small lake front owners. The Park would also be maintained by these three subdivisions. Neither the SSSFHOA board nor the SSMA board have provided any input or communication on these Community Group recommendations.]

Underdrain. Discussion concluded a "big cutter" should be engaged to trim roots still invading certain underdrain sections. Answering Secretary Fuller's question about costs, Richard Krebs said companies generally charge between \$125 to \$185 an hour for such work. Krebs was delegated to obtain cost estimates for this year.

[There was no mention of property rights, viability of valuable trees and private landscaping and driveways for a system that has been voted as abandoned by the majority of the property owners in Silver Springs at two separate Annual Membership meetings.]

New Business. Brian Robinson reported complaints about not being able to reach the SSSFHOA website. Treasurer Butler said he would assist anyone directed to call him for help in gaining website access. The www.silverspringscommunity.com website is showing widespread support by the membership. It has recorded 40,000+ hits to date. Also the [Silver Springs Community](#) can be visited on Facebook and Twitter/SilverSpringsUT.

Oct. Board Meeting. The next board meeting was scheduled for Oct. 5 at 6:30 p.m. in the St. Luke's Episcopal Church library to plan the annual meeting Oct. 12.

Adjournment. Richard Krebs moved adjournment, seconded by Kristian Mulholland; unanimous vote concluded the meeting at 8:30 p.m.