



Confusion of meeting status; the BOT website changed details for this meeting four times in the previous two days.

SSSFHOA Board Meeting Report

Provided by Lucy Archer. Send comments to webmaster@silverspringscommunity.com

Monday, January 8, 2018 from 6:00 to 8:20 pm

Park City Community Church at 4501 Bear Hollow Dr.
(Hwy 224)

(This is the first time the BOT has met in this Church (basement, room for 4th & 5th graders)

Your annual HOA fees Payment in amount of \$375.00 is **due 2/28/18**.

<https://www.silverspringscommunity.com/our-community/silver-springs-sf/model-hoa/>

In Attendance, 16: Clay & Lucy Archer (38), Edward Robertshaw (w/ his sister or wife, did not introduce her)(Lot 16), Harold Kaufman (Lot 98), Frank Thomas (Lot 77), Hunt Williams (Lot 107), Elena Gladson (Lot 172), Mike Collett (Matthews Lot 67), Terry Lachowicz (Lot 68), Allison Dittmer (Lot 198), Joan Benson (Lot 101), Rick Hovey (Lot 10), Bill Noland (Lot 27), Polly Reynolds (Lot 171).

Ryan Dickey - Model HOA Manager since December 2016.

Open Forum: Robertshaw explained to each visiting Homeowner that they would be allowed 3 minutes to state why they were in attendance, their complaint, or question. Visiting Homeowner introductions and comments as follows: Kaufman has underdrain location interests. Thomas introduced himself. Terry Lachowicz is a new neighbor, bought Frank Weinrauch's property, lives next door to Mike Collett. Mike Collett spoke complaining he has over a thousand dollars' worth of water damage in his basement. Said he has three sump pumps but has not installed the recommended foundation French drains. The underdrains run the length of his north and west property line (appear these underdrains are located on Lot 68 side of fence). Underdrain work has been performed here. Clay and Lucy Archer spoke of several concerns regarding BOT candidate bias, Election fraud, 2017 Annual Meeting & Election bungling of notification, misuse of a proper ballot and Bylaws procedures, and BOT conduct. Continuation was cut off by Robertshaw. He instructed the visiting Homeowners in attendance to not disrupt BOT proceedings during the remainder of this meeting.

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The BOT meeting began with Robertshaw asking Archer why she provided a second letter version of Williams' initial letter. Archer reported the corrections and changes on the second letter were discussed in emails back and forth between them, viz. from Williams to Archer: **On Mon, Nov 27, 2017 at 9:47 PM: "You can edit the letter for the one's on your list...."** Williams and Archer both want to be honest, there is nothing improper to hide. Is the BOT trying to create a rift; these two people seated at this table tonight adhere to the Bylaws and believe the BOT authority comes from the Homeowners. Archer explained that their relationship was very fluid; the work incorporates waves of inspiration which obliges some editing. Archer and Gladson both had copies of the two letters with the changes highlighted. These and the printed emails were ignored during the **interrogation by Robertshaw**. The BOT made no comment on Archer's explanation nor Williams' concurrence. As quickly as the interrogation began, it ended.

Williams' and Archer's goals are to help the Homeowners retain their property rights, to have a fair and honest board exhibiting full transparency, and to enjoy a happy, safe, caring neighborhood free of legal entanglements. Flyers and Reports, such as this one, researched and reported by Lucy Archer, some delivered to your homes, can also be found at: <https://www.silverspringscommunity.com/> sometimes listed on the Minutes or Home page.

Archer requested a copy of the **Meeting Agenda**. The BOT does not post one to their website. Robertshaw and Dickey told her an agenda is not required. Ryan gave the BOT a copy when they arrived at the monthly meeting. Robertshaw continued that there was no requirement in the Bylaws for an agenda to be provided. (~~An agenda is a courtesy given to inform participants, and the Homeowners, of the purpose of the meeting. How are the Homeowners supposed to look at the agenda online to decide whether the meeting discussion topics are ones in which they would like to prepare to participate enabling them to make a meaningful contribution, or to monitor the topics the BOT are working on as a means of transparency provided to the Association Owners. Isn't it common sense? There are no provisions in the Bylaws for use of stringent Robert's Rules or to use "Tickets" yet they are both used to restrain Homeowner participation. There is no mention in our Bylaws that the Board Trustees can willfully disenfranchise the Homeowners' authority and votes, yet this has been occurring since December 2008. There is nothing in our Bylaws or CCRs regarding underdrains, yet without Homeowner support or authority, the BOT has expended \$170,000 on them and their attorneys since 2005 when they were furtively resurrected by Noland and Gunter.~~) Link: [FAQ's- What Is the Big Deal About the Underdrains?](#)) One of the participants sitting closest to Archer handed her their copy of the agenda. Thank You.

FAQ's: <https://www.silverspringscommunity.com/wp-content/uploads/2017-FAQs-on-the-Silver-Springs-Developers-1979-Underdrain-System-5pgs.pdf> [Highlight, copy then paste this link onto your browser.]

BOT AND COMMITTEE REPORTS:

Minutes for the Monday, November 6, 2017 Board Meeting – Board Officers were installed on this night to include candidates Elected at the October 10, 2017 annual meeting/ election (convened without a Homeowner quorum). Hunt Williams received the most SSSF Homeowner votes and proxies. Hunt Williams, provided timely notice to the board that he could not attend on Nov 6th the date the board elections were to take place, he would be out of town on business. Polly Reynolds told him he was "a moving target" she would not accommodate his schedule, resulting in his being excluded from officer votes; neither was he placed on the committees he sought to serve on; he had communicated them to the BOT via email. Though Robertshaw and a number of committees continue to claim they welcome volunteers, Williams remains the only ELECTED member of the board without a committee assignment. Jan. 8th Robertshaw outlined Hunt's situation without calling for a motion or response from the seated trustees to place Williams on any of their committees.

Treasurer's Report: Elena Gladson- Treasurer since November 2017, seemed confused by the abrupt change, moving from the opening interrogation to her report. She deferred to Ryan Dickey, manager. No legal fees since attorneys Morris & Sperry completely dropped the ball on the re-write of the CCRs and Bylaws. They have not done any more work since the March 2, 2017 meeting with the Homeowners. They are not returning the BOT or re-write committee chair Noland's phone calls. The Board paid the firm \$7,000 for the Drafts of the Declarations.

The HOA account has around \$28,000 balance with another \$32,900 to be collected this and next month from the Homeowners; and also \$42,000 in their illegal underdrain contingency fund.

Architectural Review Committee: Volunteer Rick Hovey chairman, a retired local real estate agent. There is much work to be done, he said he could use some help. On January 11, 2018 Robertshaw wrote an email to the Homeowners, "Please let us know if you would like to volunteer and **get involved in the HOA. Any member** can be appointed to serve on a committee,"... On November 25th the Archer's told Hovey they would like to help on the Arch and Compliance Committees. Hovey told them he had nothing to do with who was on those committees. During tonight's meeting Williams nominated Archer to be on the Arch Standards Review committee. Hovey asked her what she knew about the new 2017 Standards written by Eddington (which have not been provided to the Homeowners for review or approval). Archer pointed to her 3-ring binder containing a printout of the 48 pages as well as additional pages from CAI and other professionals providing recommendations for successful HOA Arch representation, explaining she was prepared. Hovey then stated, "I've heard enough. Sorry I asked; too much information." The nomination died on the table. Lucy Archer has university Design & Drafting training. Also Archer has lived in SSSF since 1982 and is familiar with the owners and homes in our neighborhood. She also was a Park City real estate broker familiar working with home owners.

Underdrains Committee: a “committee” created contrary to the wishes and votes of the Homeowners. Bill Noland, has been the lone chairman since his exhuming project began. Noland invited Homeowners to attend a noon tour on November 15, 2017 of his underdrains boondoggle. Hunt & Megan Williams, Randy Cassidy, Clay & Lucy Archer waited at the appointed time and location for half an hour. The meeting location was to be five homes north of Noland’s house. Megan Williams could not get an answer at Noland’s door, therefore the first three parties returned to their homes. The Archer’s scouted along E. Meadows and Willow Loop where they eventually found Noland, Hovey, and Gladson looking at Lot 68’s manhole cover. These five then moved to Lot 87 to look at the plastic manhole cover. Gladson left. The remaining four: Clay & Lucy Archer, Hovey and Noland, engaged in a prolonged conversation, until past 3 PM, regarding a variety of Association topics recorded on the **Tour report**.

Nomination Committee: Committee chair is Joan Benson (Has her husband, Dwight Hibdon, found the disputed and fraudulent 2013 Election (over-voted and late) ballots he took home as the BOT 2013 president?). Assistant is new trustee Elena Gladson. New member added tonight is Terry Lachowicz. Terry is the new owner of Frank Weinrauch’s home on Lot 68 (right next door to Anne Matthews and Mike Collett on Lot 67); bought this Silver Springs SF home in June of 2017. These appointments give the BOT from now until October to find honest, fair, potential candidates. [Now remind me why Frank and Anne Weinrauch moved out of Silver Springs.]

CCRs Re-write Committee: Bill Noland chairman (never elected by the Homeowners). SSSFHOA charter documents have never mentioned the underdrains. Noland’s obvious influence on the specious re-write draft CCRs added the underdrains to 14 sections and subsections. March 2, 2017 Association **meeting with the attorney John Morris** produced much push back from the Homeowners. Today Noland announced **Morris & Sperry are no longer returning his calls**. My guess is this “committee” is getting too far afield from what is legal, conducive, and beneficial to the Homeowners in this Association. And the Homeowner’s are not likely to allow the Noland M&S draft to pass. The general consensus is that it is past time for the BOT to find a new chairman of this committee. Someone who can represent the Homeowners, move the documents work ahead, and who will dismiss Morris & Sperry as SSSF Association attorneys, particularly John Morris, since there is little realistic expectation that he will deliver acceptable-to-the Homeowners completed drafts of charter documents. Morris & Sperry were recommended by friends within our HOA and hired by the BOT though their bid was the most costly.

The board questions whether it is ethical and contractually legal to approach other barristers to inquire their position for accepting the job of representing our HOA in advance of completely closing the M&S contract. The required course of action is for the Board to draft a letter accepting John Morris’s offer to resign, representing his firm, agreeing that the \$7,000 already received by Morris & Sperry from SSSF Association will be accepted as full payment for the documents and work they produced; thereby both parties agree to terminate their contract.

There are two qualified, recommended replacement attorneys. Attorney Sam Bell of SEB Legal is familiar with our HOA and BOT issues and was included in the 2015 selection process. Opinion is that his bid was the most reasonable and concise, however, nepotism prevailed. This year’s second candidate is an acquaintance of manager of Model HOA, Ryan Dickey - John Richards of Richards Law. Both attorneys have offices in Salt Lake City. The new attorney is to be engaged to take on the task of **producing new draft documents** that will represent the rights, authority, and wishes of the majority of SSSF Homeowners in a manner that is clear and enforceable for future trustees to understand and be duty-bound to support. Non-supportive, non-compliant trustees shall be removed from office. SSSF Bylaws Article IV, Section 3. Trustees - Removal.

Clay and Lucy Archer began volunteering for the re-write CCRs Committee early in 2015. To date they have not received a response from the Board Trustees.

Compliance Committee: Robertshaw and Benson are the committee. Model HOA makes the inspections. Hovey suggested the Homeowner Compliance fees and Application fees be increased from the present \$250. up to \$1,000. per incident. Mumbblings, no known vote on the suggestion.

On a number of topics discussed at this night's meeting, Hunt Williams held the moderate view, saying that all matters rooted in existing **Summit County Safety and Building Regulations supersede the HOA rules**, therefore, the Board is making duplicate, and at times more stringent (unenforceable?) rules which serves only to generate anxiety and disagreements in our neighborhood. Tonight, each time a trustee suggested that an attorney be contacted for his opinion, Hunt, a calmer voice, would remind them that attorney's cost Homeowners money. The board was elected to use the charter documents, and voted opinions of the Homeowners, to guide them in making decisions required during BOT meetings to maintain peace and enjoyment of our neighborhood properties.

Communications Committee: Edward Robertshaw: Is working with volunteer Katy Lillquist to produce a **neighborhood newsletter** to distribute to the Homeowners. It may be ready in early February. A Silver Springs Community Facebook page, that delivers current as well as archived information, with convenient easy access by all our SSSF Homeowners has been available online for two+ years at ... **Facebook Silver Springs Community@SilverSpringsCommunityUT**. Also there are a number of Homeowners communicating via Twitter.

-Robertshaw proposed that the domain name for the BOT **HOA website be changed to sssfhoa.org**, the domain name the Archer's owned for more than a decade, as the online home for the original Silver Springs website. Apparently, Robertshaw purchased this domain name on November 16, 2017 citing ownership to a secret organization name located in Toronto, Canada. News to the Board? Robertshaw's position appears to be that this domain is a "tiny" and more representative way to describe what we really are: 188 single family abodes organized as an Association. Trustees argued that the current website was already established; that it has taken years for the few Homeowners who visit this site to become acquainted with the domain name and to make a visit; a different domain name would require re-acquainting Homeowners with a different site address. Homeowner interest in the BOT site may wane and require BOT effort to reestablish its use.

Robertshaw argued that the current HOA website costs \$450 a year to maintain including hosting, domain name registration, updates, changes and additions made by "HOA Sites". He volunteered to do all the work required to develop, organize, redesign, publish and continually update the site on a timely basis-- for free. The only costs to the Association will be those owed to outside parties (domain name and registration accredited by ICANN, hosting of the site content, development of a new logo, content fees, and whatever else is decided in the future.) Robertshaw continued that his changes would save the HOA a couple hundred dollars a year. What he did not disclose is that by being the owner of the domain and therefore the content, he will have full control of the site. The board is being lured into abdicating the Association's rights to him. (Reminds me of the story of selling your birthright for a bowl of stew.) Will he be expecting to be a board member forever? Does he realize there is an underlying rule established that the HOA website webmaster cannot be an Association trustee? [Fuller-Gunter]

Robertshaw moved here in October of 2015, how few votes put him in office? What do we really know about him? Other than that he does not want to be hassled or harassed by the Homeowners, and that he has written that his "property is not a place of business for the SSSFHOA and is private property... **Visits are unacceptable** and maybe considered trespass and or stalking. I am therefore putting you on notice that visiting my property is unacceptable..." This warning is from a Board member, volunteering to be webmaster. Do you find it *frightening*?

Model HOA –Property Manager's Report: Ryan Dickey asked what the BOT wants to do regarding **Document Retention**. Ryan would like to reduce the amount of documents he has accumulated since November 2016 when his company was hired by the BOT. Williams asked what the law required on this topic and if different types of subdivisions require more or less paperwork. Ryan manages condominium subdivisions that require much more paperwork. Ryan would like to trim both paper and electronic records from retention. Robertshaw discussed the request with Ryan. Little commentary from the other trustees. Archer raised her hand to provide input. She was

ignored. So here it is: ~~The BOT should learn that failure to retain records could expose the management company and the BOT to liability for negligence or more likely for unfair and deceptive practices, while also not providing adequate security for this information. The BOT's failure to supervise and investigate potential record loss on a regular basis might compromise the board's position should litigation ensue. Loss of documents is a serious problem called "spoliation" whether by a party or its agent. It can lead to court sanctions, the loss of a case, extensive legal fees and is also a criminal offense. ~~

Ryan was asked to draft a document to define the policy for the board to hopefully investigate before approval.

Master Association Report: Allison Dittmer missed the MA Annual Meeting. -The Master Association became involved in a **lawsuit regarding the Park City Nursery** accused of not having the water metered that runs through the nursery property. It is paradoxical for these reasons. First, because Mountain Regional Water allows the SSMA to water the 2.01 acre Parcel H Lake Park without being charged for this water use, yet the MA is a party in the suit against the Nursery for basically the same gratuity. Second, the land and water rights the Nursery is using belong to the Community Church (in whose meeting room we gathered tonight). Third, according to Mountain Regional there actually is a meter on the nursery creek, however, it is broken while parts are being sought to repair it.

-The Master Association continues to skirt its responsibility to prepare and pass Bylaws since the Summit County cited this requirement when the MA was organized in 1989. They have been **operating for 27 years without authority** to assess or collect dues from the Homeowners, and without valid rules of conduct and responsibility.

[-The MA uses attorney Edwin Ted Barnes, a conflict of interest, esp. in matters involving **common areas** since SSSF subdivision has also received advice from Barnes regarding **common areas**. The underdrain issue was bolstered in 2014 mostly based on Barnes advice in a letter to Hovey suggesting the underdrains **may** be the Association's responsibility or ignore them. Is that why Barnes literally ran a Homeowner out from his 13th floor SLC office at the beginning of another private, secret underdrain meeting, at \$350 an hour, with Noland and Hovey on August 12, 2014? *Tonight Noland made an issue, on another topic, of the meaning of the word "**may**" as "**may not**".*]

-The **Master Association held its Annual meeting** on Tuesday, December 5, 2017 at St. Luke's Church. A full report is available at: <https://www.silverspringscommunity.com/wp-content/uploads/2017-12-05-REPORT-MASTER-ASSOCIATION-ANNUAL-MEETING.pdf> [Copy and paste this link onto your browser.]

UNFINISHED BUSINESS:

Dick Mitchell's Memorial Park parcel: Status has not changed since before 1984 when Dick Mitchell purchased the adjoining Lot 17. Mitchell took care of this spot of land up to his death on his 86th birthday in 2015. Mitchell and the new Lot 17 Homeowner are the only legal and appurtenant claimants. There is **no ethical or legal reason** why the MA or the SSSFHOA should want to own this small parcel or why they have blocked the addition of its title to be transferred to the Lot 17 owners. The attorneys are the only ones benefiting. Full story at:

<https://www.silverspringscommunity.com/silver-springs-parks/dick-mitchell-memorial-park/> [Copy and paste this link onto your browser.]

Meeting Location and Schedule for 2018: Robertshaw expects to continue use of the Community Church facilities. He introduced his proposal that the **BOT meet only every other month**. He said there is not that much work for a monthly meeting and that the BOT communicates frequently enough using email. Meetings for 2018 will convene on Monday, **March 5, 2018** at Community Church on Bear Hollow Drive, west of the Park City Nursery. 2018 Meetings thereafter will be held on **Mondays** as follows: ~ **May 7th** ~ **July 9th** ~ **September 10th** ~ each at **6:00 PM** The ANNUAL MEETING and ELECTION will be held in October . Day, time, place TBA.

The Trustees did not consider or suggest that **for transparency to exist** the emails between the trustees should become a part of the Meetings record to be posted online. Of course, this could produce much more paperwork for Ryan to keep track of on behalf of the Association. There is little avenue for learning of the BOT activities except to sit in on their every other month meetings. As it now stands, the only way for Homeowners to voice their concerns is by use of the "Ticket" software. Experience proves that using the "Ticket" process is an exercise in expending effort to be ignored by Ryan and the BOT. Hunt Williams is the elected trustee accepting Owner calls. Meeting announcements are to be on the BOT website. Robertshaw and other trustees do not want their contact information on the website. Ed repeated that he considers Homeowners as a source of personal harassment. He

supports only the use of “Tickets” for HOA communication. This effectively puts the Homeowners at a disquieting disadvantage and distance from the activities of the board trustees they elected.

NEW BUSINESS:

Move HOA bank account from our local Wells Fargo Bank to Mutual of Omaha Bank, an online service Ryan is familiar with through another HOA. This would allow for electronic fund transfers directly from the Homeowners bank accounts to the bank. We were told Wells Fargo does not allow election of payment types. Mutual of Omaha does not have physical bank locations in Utah, it is an online service. Sounds like more paperwork. Ryan explained that the HOA would have to cut a paper check to the online bank for any dues, fees or fines paid by Homeowners using paper checks or cash payments to the HOA. Also other fees apply to credit and debit card payments made by Homeowners using credit methods of payment. The advantages of switching were difficult to visualize. More disadvantages are the requirements for Homeowners’ personal financial accounts and information would be disseminated to another online company with unknown security measures. A risky endeavor at best.

Architectural Committee requires three members. Currently there are two, Hovey and Benson. Dittmer must have resigned. The HOA BOT has three or four non-elected volunteers assisting on committees. Again, the Archer’s said they are volunteering to assist this committee. See discussion above.

-Complaints about this committee are for unfair, discretionary pronouncements and fines; and for the length of time between the Homeowners application and the date of response to commence work on the project.

F.Y.I.:

[-https://le.utah.gov/xcode/Title57/Chapter8A/57-8a.html](https://le.utah.gov/xcode/Title57/Chapter8A/57-8a.html)

Compliance with **Title 57 of the Utah Code** Section 108 provides rules against perpetuities and unreasonable restraints by HOA for solar panel installation. Hovey discussions with three Homeowner’s has resulted in cancellation of solar panels on the three properties.

Part 7 Solar Access: https://le.utah.gov/xcode/Title57/Chapter8A/57-8a-P7.html?v=C57-8a-P7_2017050920170509

Section 109 places a limit on fee for approval of plans.

Section 701 – Prohibition or restriction in declaration or association rule:

https://le.utah.gov/xcode/Title57/Chapter8A/57-8a-S701.html?v=C57-8a-S701_2017050920170509

ARC Committee- rule change requested regarding intersection sight lines. Volunteer Rick Hovey requested that he be given board authority to request from the owner of Lot 122, at the intersection of Ranch Place and East Meadows Drive, to further remove branches or even some trees currently existing on this corner. There is no stop sign installed here. Hovey shared that when he drives his motorcycle past this intersection that he has to slide past slowly because oncoming cars from Ranch Place do not see him and once he had to lie down and slide his motorcycle to avoid being hit by a car.

A real discussion occurred as Trustees debated how many of the CCR rules could and should be taken care of by Summit County Safety Regulations. Hunt Williams, an advocate for simple and efficient management that is not overbearing, pronounced that this was an obvious **safety complaint**. Rather than the board giving Hovey more authority over the Homeowners, Hovey was advised to speak to Summit County.

The Meeting was then **Adjourned** close to 8:00 pm.

Secretary Polly Reynolds was finding it difficult to keep up with the proceedings of this meeting for her minutes. This report written by Lucy Archer may supplement her account.

The Trustees dismissed the visiting Homeowners from the room. The board went into a short **Executive Session**.

*May or might? Both words are part of a special set of verbs known as *modal auxiliary verbs*, which means they’re used together with other verbs to talk about permission, possibility, likelihood, suggestions, etc. Talking about a possible situation in the present or the future, you can use *may* when you’re talking about a hypothetical or conditional scenario.