



SSSFHOA Board Meeting Report

Provided by Lucy Archer. Send comments to
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Monday, March 5, 2018, 6:00 to 8:00
pm

Park City Community Church
at 4501 Bear Hollow Dr. (Hwy 224)
behind and west of PC Nursery

In Attendance, 11: Clay & Lucy Archer (38), Edward Robertshaw w/ his wife, Paula (Lot 16), Hunt Williams (Lot 107), Elena Gladson (Lot 172), Allison Dittmer (Lot 198), Rick Hovey (Lot 10), Bill Noland (Lot 27), Polly Reynolds (Lot 171).

Ryan Dickey - Model HOA Manager since December 2016.

Absent: Joan Benson, Terry Lachowicz, David Yaroslaski

It was discussed that Rick Hovey has resigned from all his volunteer positions on the board due to his January purchase of 922 Cutter Lane in Ranch Place. He apparently is planning to move into that house. Noland said he invited Hovey to this meeting so he could glean expertise from his "guest".

The Meeting Convened with a board quorum in attendance:

No agenda was provided to attendees nor was it posted on the BOT website.

Meeting Rules : Members visiting may observe the meeting but do not have the right to participate in the board's deliberations or votes. Members may address issues during the open forum portion of the meeting for 3 minutes. They are cut off if they exceed the short allotment. If attendees become "disruptive", they may be expelled from the meeting.

Open Forum: Lucy Archer asked the Trustees whether they had received her **Ticket 109** (3/1/2018) regarding the fulfillment of the promise Rick Hovey had made to her in 2015 to seat her as the chair of the CCRs re-write Committee. Rick Hovey made no comment. Robertshaw snapped that she would never be put on any HOA committees because of her strained relationship with the Trustees. (See end of this Report for continuation of this discussion.)

Archer asked why the Tickets she has been sending to the Trustees since the beginning of the Ticket system last summer have all been marked “Closed” on the BOT website though only two have been responded to. Robertshaw snapped that the Tickets were closed “because no one will be responding to them.”

Archer then inquired about **Ticket 110** (3/3/2018) regarding the Document Retention policy discussed at the previous BOT meeting. (see [January 8, 2018 Report](#)) Former BOT President Harry Fuller recently donated two boxes of documents from his term in office. Ryan said the board had decided and instructed him via email that he could sort through the boxes. There did not seem to be anything he recommended the HOA would need so he shredded and disposed of the donations. Archer asked the BOT and the manager if they were going to throw the materials away that she would like to add them to the archives she has maintained in her home since she moved here in 1982. Robertshaw snapped that he would rather have Ryan shred and dispose of them than to see Archer incorporate them into her collection. He demanded that Archer turn over to him her collection. Archer demurred stating the collection is hers, all items personally received, researched, authored by her. Archer began to read the text of Ticket 110, halfway into it Robertshaw cut her off saying her 3 minutes were over. Robertshaw, and Dickey’s explanation, had cut into her time for Tickets and Articles of Incorporation discussion with the trustees.

Robertshaw closed the Homeowner Forum.

The List of Tickets and their content can be found at [TICKET LINK](#).

Minutes from the January 8, 2018 meeting were approved without comment.

REPORTS:

--**BUDGET** - Treasurer: Elena Gladson

Ryan

-- **ARCHITECTURAL** – Allison Dittmer, Chair. New Little Lake resident David Yaroslaski at (LLSS-3) was nominated tonight by Robertshaw to replace Hovey. David was not present. No architectural experience or familiarity with County codes or the Board’s Architectural Standards was cited nor scrutinized by Hovey in the manner he did during January’s meeting and that month’s nominee.

--Standards Solar Access to comply with Chapter 8a Community Association Act.

--Fees to comply with CAA.

--The re-written “Architectural Standards”, put into play February 2018, were not provided to, nor approved by, the Homeowners.

-- **UNDERDRAINS** – **Bill Noland, Chair** (since 2006). He is planning to oversee Pipe Pro with a hosing out of the underdrains on Willow Loop and East Meadows on Friday, March 9th, “a full month early due to the rise in temperatures and low precipitation”. This is a waste of HOA money and water. Currently there is little discharge at the outlets (partly because owner irrigation water is not turned on).

This unsanctioned “committee” continues with the controversial boondoggle* underdrain project; the dispute between this “committee” and the Homeowners has been growing for a decade. Good and objective reasoning and alternative methods for water mitigation methods for high water in spotted lots and locations have not been considered, or made known, therefore not reviewed by the Homeowners. Neither has this committee produced or provided the comprehensive Cost Analysis the Homeowners have been requesting since 2014.

***boondoggle:** work or activity that is wasteful or pointless but gives the appearance of having value. A waste of money or time on unnecessary or questionable projects.

Noland’s draft CCRs show both of his committees’ are working together intent on assessing and spending hundreds of thousands of Homeowner dollars to repair, replace, and extend these old tubes. The underdrain tubes lay dormant for nearly forty years. A number of Homeowners who have experienced water incidents successfully remedied them with the installation of sump pumps and foundation perimeter French drains on the individual lots that required them.

These two committees’ chairman has endeavored to contact various State officials in pursuit of forcing the drains into a position of ownership, liability and

responsibility by our Association; this is a breach of fiduciary duty to the Homeowners who have continually held the position that they do not want the liability or expense of the underdrains. Many other Park City subdivisions and individual homes have the same ground water conditions, managing them without imposing on their neighbors. Little benefit will come to a very few properties; some have already had underdrain work done *unsuccessfully*. Work on the underground drains does not guarantee a benefit nor an improvement to the vast majority of our subdivision properties. The cost to these few individual owners is miniscule in comparison to the cost and extensive damages to properties that the draft CCRs are proposing to impose and saddle on the whole Association, and for who knows how many years.

Draft CCR Article 8. Subsection 10 Special Assessments: proposes \$180,000 assessment (an unlimited repeatable number of times each year) to pay for repairs for those individual lot owners who think their neighbors should pay for water mitigation on their private property.

We encourage you to Vote NO! on the specious documents provided by certain volunteers on the Board.

<https://www.linkedin.com/.../hoas-overreaching-monsters-new-.../>

-- **NOMINATION COMMITTEE**— Joan Benson, chair, is absent. No report.

--**CCRs COMMITTEE** – **Bill Noland, Chair**, no other members at this date after Rick Hovey resigned. Morris & Sperry had to be prodded to respond to his calls. A call was received after another law firm recently hired by this BOT chair prodded them with a letter, demanding they complete the March 2, 2017 Members Meeting input and deliver it to this BOT. The April 2017 draft with some March 2, 2017 Homeowner Meeting input was forwarded to the chairman.

How much will all these attorneys cost the Homeowners? The annual tally is usually very large, especially when we consider that SSSF does not own any common area amenities. The consultations are mostly for pushing forward the underdrains boondoggle. To what end?... Without the underdrains issue our subdivision does not need a HOA! IMAGINE HOW MUCH MORE PEACEFULLY WE COULD ENJOY OUR PRIVATE PROPERTY. This alone would greatly increase the value of our real estate.

Read Owner comments at:

https://www.facebook.com/SilverSpringsCommunityUT/?ref=br_rs

Trustee Hunt Williams had prepared comments and concerns regarding the draft CCRs this committee has been influencing since mid-2015. Robertshaw told Hunt that they had discussed this in emails and that he had been instructed to make these remarks via email to the other trustees. Hunt said he disagreed, he feels gathering in a board meeting is the proper forum for the trustees to discuss openly the draft Declarations' Articles, and the dispute they have created with the Homeowners. He wants to have a live discussion with his colleagues on the board to go over concerns and interpretations of the draft's negative effects on the Homeowners and our subdivision. Robertshaw continued to interrupt and talk over Hunt's comments. Unabashed and forthrightly, Hunt continued with his concerns specifically regarding:

-Article 4.1 Easements: Association Responsibility for Maintenance of Underdrain System. [The Homeowners have never voted for the underdrains intrusion into private property, huge liability or ownership of 40 year old plastic temporary tubes; quite the contrary in 1985, 1994, 2008, 2014. This document, if it is passed, anticipates and seizes creation of liability and responsibility and large assessments and damages to the Homeowners.]

-Article 8.4, 6 & 10 Special Assessments [the board would hold all the cards for amount and number of assessments per year for the **underdrains**. There are many. All unauthorized by the unsuspecting homeowners.]

-Article 10.1 3 & 4. Property Rights in Lots. General Easements to Lots and the **underdrains are at boards sole discretion.** *"The Association shall have nonexclusive [unrestricted] easements **with the right of access** to each Lot to make inspections, to accomplish any action allowed in this Declaration on the Lot, to prevent or mitigate damage to the Underdrain System, and to maintain, repair, replace or effectuate its restoration and those portions of any Lot that the Association is responsible for maintaining (if any) which are accessible from such Lot."*

Though Hunt asked the trustees for participation and discussion, they exhibited glossophobia [fear of public speaking].

Robertshaw moved forward with his agenda.

The Board has not consistently allowed access to this document on the board website. Since April 2017 it has always been available on our community's website at this address. The entire document is over-reaching and irredeemable.

March 2, 2017 Member Mtg Input w/ Morris Sperry – [Silver Springs CCRS Declarations Draft Reviewed by Members 03-2017](#).

--**COMPLIANCE COMMITTEE** – Joan Benson, chair, is absent. Terry Lachowicz is absent. Robertshaw: "This Committee is not really functional at this date." Tonight Hunt Williams may have been added to this committee.

--**COMMUNICATIONS COMMITTEE** – Robertshaw, chair. He and his wife designed some new "tiny" logos for our subdivision. Little enthusiasm for any of them. Finally, design 3C was selected. Looks a lot like our entry monument signs. Volunteer Katy Lillquist told Robertshaw if someone else writes the content, she will organize it into a newsletter. Lucy Archer provides a plethora of news at www.silverspringscommunity.com/ and [facebook.com/SilverSpringsCommunityUT](https://www.facebook.com/SilverSpringsCommunityUT) allows comments.

Noland requested that this Committee produce a survey to distribute to the Homeowners to gather their expectations regarding the board. An extended discussion ensued on how to manipulate the content of the survey questions to achieve the responses Noland wants the survey to provide; and what the timing should be for distribution of the survey. Also whether to use post cards (\$180 for each mailing), email, etc. to notify the Homeowners. Ryan reported he has all but nine email addresses for the 188 Homeowners. The discussion revealed the board and management company have little experience for Homeowner notifications.

--**REPRESENTATIVE TO MASTERS ASSOCIATION** – Allison Dittmer. Their budget continues to grow, over \$400,000. Thanks to the 2010 forced assessment. [Newly learned information: found that a board or president who forces an assessment without the 66 2/3% vote of the HOA membership; and who then

places a lien on a protesting member's property, can be subject to a \$10,000 fine for each incident.]

--UNFINISHED BUSINESS

--HOA Manager Ryan Dickey just returned from his vacation. The Homeowner annual payments were due by February 28th, processed by Jessa Gagnon. Jessa signs her emails as "Manager, Model HOA". Also she incorrectly identifies the trustees as "directors".

--Ryan, now titled "President" of Model HOA, reported that he went through the hard copy HOA items he was given. He scanned items he considered important, then shredded everything, including the two boxes of documents Harry Fuller delivered to him. He has electronic records in a digital Dropbox folder to comply with State and IRS length of time requirements.

-- **DICK MITCHELL MEMORIAL PARK, Plat C**—the board is in a wait and see mode. What they are waiting for since 1984 is unknown. What will Brian Mehregan's attorney propose for a solution? The SSSFHOA and the MA have no legal or ethical position or expectation of ownership for this small parcel. This small parcel is an extension of Lot 17, it has no County parcel number and no County Assessor tax number. The Gladson's are also interested in a small corner of this property that extends to their Lot 172.

SEE AT: <https://www.silverspringscommunity.com/silver-springs-parks/dick-mitchell-memorial-park/>

And at: <https://www.silverspringscommunity.com/silver-springs-parks/ssf-creek-easement-parcel/>

--NEW BUSINESS

__All of the committees are short on volunteers. The Archers have volunteered for most of them but Noland's protégé, Ed Robertshaw is using his position to block their inclusion and acceptance to work within any of the committees.

As the meeting was re-organizing, Hovey rose from his chair to leave. Someone across the table called out to him, "Well, Rick you're getting out at the right time." Someone else added "in time to avoid **the big new Assessment.**"

March 7, 2018 Board Meeting ADJOURNED. Executive Session to Follow.

As she was exiting the room Lucy Archer addressed the seated trustees, saying that she was surprised by Robertshaw's statement that she had strained relations with the Board trustees, that they had an issue with her. She said she has not had any conflicts or ill-feelings with five of them. There has been a running state of disagreement with Rick Hovey and Bill Noland, neither are elected trustees.

Rick: I have an issue with you Lucy, right now, do you want to talk outside?

Lucy to Rick: Yes. Lucy to trustees: "So if I have in any way offended anyone or...

Ed: "I think it is the accusations of fraud and corruption generally that you make."

Lucy: "Well, I don't think those reports referred to this board in particular, but certainly past boards in 2009, 2010, 2013, etc. I have documentation for all of what I reported. Ed, you have lived here only a couple years, as Noland's protégé I don't find you to be open to becoming fully informed."

Archer apologized to everyone present if she has said or done anything to offend them. In return Archer could see that the women trustees were uncomfortably smiling and seemed to accept her sincere comments to endeavor to create friendship (but not here, not in this company).

"If you want to talk to me about it call me, the community website is available, there is a Facebook page where you can post a question or comment, you know my email addresses, my phone number and where I live, there are a whole bunch of ways you can reach me.

If you and a couple others don't approve of what I report change what you are doing. ... I'm just trying to bring out information that is being denied to me [and the Homeowners]. And so as a homeowner if I can't get that information from the board then my only recourse is to research it myself. And the things that I

find out are very distressing. It necessitates that I put my findings on the Community website, because the trustees will not talk to me, neither are they being totally open. I have sent emails to everybody here. And you know which one of you or two have replied to my emails.

You don't want to have correspondence with me but you want to correct what I say by ignoring me. That doesn't make sense, does it? So I have done everything I can to give you Master Association reports, give you other reports, everything I can to remain involved in my neighborhood issues."

Polly: "I have an issue, I read your notes from the last meeting. It was like I was at a different meeting. "

Lucy: "You can call me and tell me your concerns. The last meeting brought out a number of issues that required explanation. I put in background details that I felt were important to understand the topics."

Polly: "With a lot of commentary ... Its not news, it's an editorial report."

Lucy: "That's right, you as the secretary write the meeting minutes to the best of your ability from your point of view. I write an editorial report that includes background, homeowner input and concerns, items not discussed but that are current and relevant. It is an Editorial Report for my neighbors. They appreciate knowing important details that the board minutes gloss over or completely leave out."

Ed: "This is the reason you are getting the reaction you're getting, keeping you off, you can't serve on a committee, if you want to get on committees you have to get on with the people on the committees. It doesn't work otherwise."

Lucy: "Who are you to say I don't "get on" with people on the committees when I have not been allowed on a committee? Does each committee member have to have the same opinion in order to "get on"? In thirty-six years I have two people I know I disagree with, Bill Noland and Rick Hovey. With most everybody else, I have a good neighborly relationship. I have a lot of documentation on HOA topics. Rick, I thought was my friend. As my friend in August 2013 Rick asked me

to do deep research on the underdrains. His promised next project for me was to be the chairman of the CCRs rewrite committee. For reasons I have yet to fathom, Rick placed Noland in that position. Since 2006 Noland has also been the unelected chairman of the unsanctioned underdrains committee.”

Ed: “His appointment, if it isn’t clear, was to complete the end Todd’s term.”

Lucy: “Due to illness, Todd left in November [2016]. Noland was put on the board just days before the last [2017] Annual meeting. Do you see how that looks?”

Polly: “And that is because we realized it isn’t by election, it is by appointee. We were thinking we were looking for four people...” [**Vacancies on the board were: 1 Evans, 2 Lilliquist, 3 Cody, 4 Zilvitis**]

Lucy: “What is that, by appointee? Do you mean by appointment? There were four vacancies, one created November 2016 by a resigned board member.”

Polly: “Right.”

Ed: “That is not correct. We were looking to fill three vacancies, and one resigned member.”

Lucy: “There was nearly a year period of time from when Todd resigned to when Noland was appointed days before the election. Noland was not an announced candidate.”

Ed: “That might have been an oversight. The seat was vacant; to be on the ballot you have to be selected by the Nomination committee. Or by nomination at the meeting.”

Lucy: “So Noland was or was not selected by the Nomination Committee? Was the board afraid he would not be elected if he was placed on the ballot?”

[[Bylaws Article V. Nomination and Election of Trustees. Section 1. Nomination. The Nomination Committee shall make as many nominations for election to the Board of Trustees as it shall in its discretion determine, but not less than the number of vacancies that are to be filled.](#)

[Section 2. Voting. Election to the Board of Trustees shall be by secret written](#)

ballot. At such election the Members in good standing or their proxies may cast, one vote per lot per office vacancy. The persons receiving the largest number of votes shall be elected.

Also see Articles of Incorporation Article X. Officers.]

[Polly Reynolds, the Nomination Committee chair, earlier at her house told me: “the men on the board told me the addition of candidates on the ballot was my choice since the election of candidates to the board is by the Nomination Committee not by the Homeowners.”... “Look it up, I’ll send you the link,” she told me. To this day she has not sent to me any links or email. But she reaffirmed this statement tonight.

Of course, Polly Reynolds did not acknowledge on Ticket 99 dated September 21, 2017, that she was the Nomination Committee chair. Instead she told me she would forward my question regarding who was the chair of the Nomination Committee to Ryan Dickey of Model HOA.]

[Polly Reynolds’ instructions from “the men on the board” are again a tortuous misinterpretation of the charter documents; perhaps the attorneys they hire provide them a means using the word “proxies” to circumvent the SSSF Bylaws, viz. the statement of “nominations for election” and their authentic intent. This misinterpretation also manipulates and denies the Homeowners’ right to vote to elect the candidates they prefer. It therefore allows the sitting trustees to control each election’s outcome. Dangerously it maintains the same group of cohorts to run the board any way they want without a level playing field, and without the Homeowners authority or inclusion.]

[Also on November 25, 2017 Rick Hovey told me the election of trustees during the last several years has been by the Nomination Committee, no longer by the Members. That is why the ballots are no longer important, and the disenfranchised Members are given only the option to delegate their proxies to the board trustees. That also explains why the same names are presented for election year after year. The original direction has to be reinstated to include the Homeowners.

The SSSFHOA is so out of control that the safest and most logical move is to completely dissolve the Association by the majority vote of the Homeowners.]

Lucy: “In mid-September I volunteered to be on the ballot. No one on the board responded to me about what was happening in regard to the selection of candidates. (See HOA Ticket #99 dated September 21, 2017.) Polly Reynolds would not acknowledge to me that she was the chair of the Nomination Committee nor would she discuss the disposition of candidates.” [**Candidates: 1. Hunt Williams, 2. Lucy Archer, 3. Joan Benson, 4. Elena Gladson**]

Ed: “To get on the ballot you have to be selected by the Nomination Committee.”

Lucy: “The Nomination Committee is to make certain that enough nominated candidates are on the ballot to fill all the vacancies for the upcoming elected board. In this regard the Nomination Committee can add willing candidates to the ballot. There is nothing in the Bylaws limiting the number of candidates or who can be a candidate on the ballot. A recent limitation of how many and who can be on the ballot is undemocratic over-reach by the trustees since around 2010. Before that year the Homeowners have always had the right to volunteer to be on the ballot or to nominate a neighbor to be included on the annual ballot. More candidates than vacancies are winnowed out by the number of votes from the Homeowners each candidate receives at the Annual Election.”

Ed: “These are the rules that we are trying to have updated.”

Lucy: “The board conversations have been about the CCRs, election rules are in the Bylaws. No one has really talked about the Bylaws. In what way are you trying to “update” our Election Rules? By eliminating the Homeowners right to vote?”

Ed: “Thank you for your input. I have given you more time than I am inclined...”

Lucy: “This is my apology, if, like Ed claims, I have offended anyone on the board I ask for your forgiveness. I am unaware of any problems. I am a homeowner who wants to know what is going on. When people won’t tell me, I try to find out on my own. There are many others in our neighborhood who feel it is our right to be informed.”

Ed: “There are ways to deal with people. Look into how you are dealing with “us”. “

Lucy: “What do you mean by “us.”? I simply went to your house to give you an annual report regarding the Master Association; now you are banishing me from Association participation.”

Lucy to all in attendance: “I don’t know if you have given Ed your permission to speak for you in all things HOA, he does most of the talking. You each have seen the email that Ed sent to me [on January 21, 2018, titled: “NOTICE: Lucy Archer to

stay off my Property 1539 meadows connection and stop stalking” Is that how an HOA president should appropriately interact with a homeowner?”

Ed: “You should never be on my property. No member should ever be on my property. These meetings are open.... My property is private property. You should never be on my property.”

Lucy: “Have I been back to your house since you sent your nasty email?”

Ed: “ I don’t know.”

Lucy: “Well, I haven’t. “

Ed: “You should never be on my property.”

Lucy: “I know that now, you being a new neighbor how was I supposed to know you were so restrictive and hostile.”

Ed: “To avoid future misunderstandings you should stay off my property.”

Lucy: “What you did, and how you continue to act toward me, is really out there, over the top rude. Your example of how to deal with people holds no merit.”

Clay: “She just put the report on your porch. Did you look at your surveillance camera recording?”

Lucy: “I placed the report on your mat in full view of your surveillance camera.”

Ed: “ To avoid future misunderstandings, stay off my property. You and the homeowners should never be on my property.”

Lucy: “YOU should look at how YOU are dealing with me and the Homeowners. Why don’t you post “No Trespassing” signs on your property before some other unsuspecting, friendly neighbor offends or frightens you with a visit?”

[Editorial comment: The first conversation I had with Ed was on his driveway on March 7, 2017: we established that Ed knew who I was and I knew who he was...

Taken from an email I sent to Ed the next day: “Much of what you said sounded like a tutored script

from Rick Hovey. I wonder how much was truly your informed opinion? My point of view is to support the trust, rights and safety of our Owners. **Your statement that the Home Owners are disinterested and apathetic to the board's management of our Association really annoyed me.**" This seemed to be a direct quote from Rick or Bill. That is the excuse they use to do as they please. I have heard both of them reference the Homeowners in this derogatory and unfair manner.

During our March 2017 conversation, other, nearly word for word, comments and opinions I was familiar with from R & B were tossed at me by Ed. I wonder how Bill's protégé (that few residents knew), was added as our HOA Board as president after the last annual "election". Is this another example of being appointed instead of elected, this time by the trustees? Ed makes rude responses to me at every turn. Ed has very little respect or kinship for our neighborhood Homeowners.]

Rick, Clay and Lucy leave the room.

Rick Hovey asks to talk to Lucy upstairs now that we have been dismissed from the board meeting. *[During the course of his abusive tirade I realized Rick's attack was not only about me, it was a display of his guilt, his disappointment, frustration, hurt and anger that the trustees did not thank him, no accolades or attempt to keep him on the committees he has been serving on. In January he bought a house in Ranch Place but he remains the owner of the house on SSSF Lot 10. Rick's theme: "for four years I worked my ass off for the board." (Lucy's thought: ... while betraying the Homeowners.]*