

Shield-O Terraces Homeowners' Association
Board Meeting Notes 2/26/07---Tom DiCecco

These notes were created by Tom from the live recording of the meeting and may be used as Minutes at the discretion of the Board.

The Meeting was called to order at 7:05 PM. Board members present were

Tom DiCecco
Larry Leonaitis
Eric Hansen
Michael Vernon
Kevin Michalson
Sallie Shatz – by phone
Michal Brimm- by proxy.

Other parties present were

Mark Regan SOT Member – Old Pond Way - Board Member of Mesa Road Assn.;
Joy Hartman SOT Member – Old Pond Way;
Stephen Shane SOT Member – Old Pond Way;
Clare Shane SOT Member – Old Pond Way;
Kelly Hansen SOT Member - Upper Shield-O Road;
Mike Doherty SOT Member Old Pond Way;
Nancy White (Not a SOT member - Board Member of Mesa Road Association);
Rick Cote SOT Member – Upper Mesa Road;
Victor Gerdin (not a SOT member; Board Member of Mesa Road Association);
Muriel Frei SOT Member – Snowmass Creek Road;
Sid Schneider SOT Member – Upper Shield-O Road;
Lynn goldsmith SOT Member – Upper Shield-O Road;
Margaret Walker SOT Member – Casey Court;

Tom DiCecco presented certification of the meeting notice sent on 2/7/07, declared a quorum and opened the meeting for business.

Tom announced that the meeting was being recorded for archival purposes.

Lynn Goldsmith and Sid Schneider were first on the agenda regarding multiple complaints:

1/22/07 Eric Hansen (private contractor) damaged their property as a result of his snow plowing;
Lynn believes that Eric's snow-cat is not appropriate to do snow push-back;
Lynn intends to hold the Board and Eric individually responsible for the damage;
Lynn requests that different equipment be used for the push-back job.

Eric Hansen responded to Lynn's complaint:

Upper Shield-O Road has been closed by snow drifting several times during the past years;

Eric presented a letter from the fire company requiring a minimum of 16' width for access;

Eric presented the Thikol manual stating that the snow-cat is a minimal-ground-pressure vehicle that is the best to use for push back;

Eric stated that he intends to push snow and takes extra precaution not to go down to the land level;

After the snow push-back, the snow-cat had a mechanical failure and was parked on the North side of Shield-O Road, outside of the sub-division. Eric had permission from Joe Zuena to park the snow cat.

There were 7 foot drifts at the point in question. Both sides of the road are higher than the roadway and quickly fills with just a little of wind. Eric mentioned that there are boulders and one shed in the ROW and he tries to accommodate them by pushing snow to either side.

Tom related that the Board would take the matter under advisement and respond to Lynn.

Mark Regan was invited to make his presentation to the Board.

Mark mentioned that all members of OPW were present at this meeting except Meyers.

Mark related that he did not like being billed by both SOTHA and Mesa. He mentioned that SOT had not taken care of OPW since 1977. His deed is also encumbered by the Mesa Assn. The condition of OPW was discussed. Joy mentioned that Hal had been plowing OPW.

Tom related that no matter how OPW maintenance had evolved, OPW is association property and SOTHA is responsible and is required to maintain the road equally with other subdivision roads.

Safety issues with OPW were discussed. Tom mentioned that CCIOA requires associations to treat all members equally.

Michael Vernon mentioned that CCIOA is requiring assessments and benefits to be equal. Road maintenance, Water Storage & hydrants for wildfire fuel mitigation, noxious weed abatement, etc. The goal of the SOTHA board is to provide all members with these services and bring OPW up to date no matter what occurred during the past.

Joy Hartman mentioned that we must develop an agreement with Mesa for OPW residents use of Mesa Road.

Michael Vernon mentioned that SOTHA had prior discriminated by adjusting assessments to certain members based on services they received. With equal services all members will receive a common assessment.

Muriel Frei mentioned that she and Dr. Lauricella live within the association along Snowmass Creek Road and she feels that she does not receive any services from the Association. She does not feel that equal assessments are fair or just.

Michael Vernon suggested that Ms. Frei, Dr. Lauricella, and other peripheral members could apply to SOTHA for secession. This is a costly process but the general consensus was that a proper application would be favorable received by the Association.

Eric mentioned that Ms. Frei actually does derive benefit from the Association: access to water tanks and hydrants; maintenance of roadways to access hydrants; architectural review of adjacent property undergoing construction; noxious weed abatement.

Victor Gerdin indicated that he came up with the idea of treating OPW residents equally and he supports it very much. He feels that a simple agreement for Mesa to unencumber SOT members could be drafted so that OPW members will not be billed by both associations.

The Covenants were discussed regarding the possibility of amendment: They may be amended at any Member meeting by 100% affirmative vote of the membership, or, they may be amended at a 5-year anniversary by a 2/3 majority.

The Board unanimously resolved to alter the prior practice of delegating the maintenance of OPW.

The Board unanimously resolved to eliminate multiple levels of assessments and bill all members an equal assessment based on the budgetary requirements of the Association starting at the next fiscal year, 7/1/07.

The Board unanimously resolved to amend the Association rules to change a typo error of the date of 2007 to 2006.

Joy asked if the Board would be receptive to giving credit to members that providing snow plowing. The general consensus was positive.

Michael Vernon suggested that the Board consult with its Counsel regarding information for peripheral members to secede from the Association.

Tom said he will ask Counsel 1) whether or not SOTHA is permitted to seek information for its members that may wish to secede from the Association, and 2) if SOTHA may seek such information, what are the items that must be considered or fulfilled by members wishing to secede?

Tom related that Board member Michal Brimm has indicated that she can no longer participate on the Board due to personal obligations. At this point, she offers her seat to the discretion of the Board. The Board is authorized to select a member for the vacant seat, and offers the position to Joy Hartman who has accepted the nomination. No other nominations were offered and upon unanimous resolution, the Board appointed Joy to Board.

There being no further business to come before the Board, the meeting was adjourned.

Tom DiCecco, President