

Glastonbury Landowners Association, Inc.
Board of Directors Meeting Minutes – Final
November 2, 2018

1. Call to Order, Pledge of Allegiance, Prayer and one minute of silence

The meeting was called to order by Dennis at 7:00 p.m.

PRESENT: Dennis Riley (President), Dan Kehoe (Vice President), Regina Wunsch (Treasurer), Newman Brozovsky, John Carp, Gerald Dubiel (7:08), Richard Johnson, Leo Keeler, Charlene Murphy, Kevin Newby, and Mark Seaver.

Also Attending: Karleen McSherry (Interim Administrative Assistant)

Absent: Charlotte Mizzi.

Landowners: Donna Anderson, Debbie & Ken DeGraff, Claudette Dirkers, Ken Hurley, Sharon Johnson, Dorothy Keeler, Jerry Ladewig, Debbie Newby, Andrea Sedlak, Linda Ulrich, Ia Williams.

2. Set Agenda

Add 10. Closed Session – Reply Stone Counterclaim Including Directors

3. Visiting Landowner Input Period

Ia Williams asked for confirmation about whether Ron Price had withdrawn his nomination to be on the board and then rescinded his withdrawal. Discussion ensued regarding whether someone can be reinstated after withdrawing, if he should be accepted as a regular candidate or as a write-in, and legal precedent regarding the issue. **Motion:** Mark motioned and Leo seconded that the board recognized Ron Price officially withdrew by a phone call, and the board would contact an attorney for advice regarding whether a subsequent phone call would count for him to be reinstated. **Motion carried unanimously.**

Action Item: *Legal committee to contact Seth on Monday.*

4. UNFINISHED BUSINESS

4.1 Bush driveway/pasture repair

Because of conflict between Lisa Bush and Chad Standish, none of the excess dirt from Gemini would be delivered to Lisa Bush for her pasture. Dennis reported that the dirt was moved back into the hillside and the easement. **Motion:** Charlene and John seconded to close the Lisa Bush dirt in the pasture issue. Motion carried (10 in favor and 1 abstention – Kevin).

Action Item: *Dennis to send Lisa Bush a letter letting her know the board has closed her issue.*

4.2 SG 57-C Bennett correct 2nd motion re: septic

Karleen reported that somehow in the September 10, 2018 meeting minutes, the motion regarding the Bennett's standing to vote erroneously included their septic system.

Motion: Charlene motioned and Mark seconded that the board amend the October 8, 2018 board meeting minutes to remove the words "septic and." **Motion carried unanimously.**

Action Item: *Karleen to fix minutes and Mark to post to website.*

4.3 SG 57-C Bennett driveway

Dennis received and passed along the completed Form E driveway application and reported that they had corrected the culvert. **Motion:** Kevin motioned and John seconded to accept Form E. **Motion carried** (10 in favor and 1 abstention – Leo).

5. Officer and Committee Reports

5.1 President's Report – Dennis Riley

5.1.1 Secretary resignation

Mark resigned as secretary and the issue of who would read the quorum report and voting results at end of the annual meeting was discussed. **Motion:** Dan motioned

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and Charlene seconded that the president handle the secretary's duties at the annual meeting. **Motion carried** (10 in favor and 1 abstention – Mark).

5.2 Project Review Committee Report – Kevin Newby, Gerald Dubiel

5.2.1 SG 74 Allen pergola

Richard reported that he had checked the property and all of the setbacks were met.

Motion: Richard motioned and Leo seconded to approve the Allen's pergola project with the conditions that they obtain any necessary permits and reseed upon completion. **Motion carried unanimously.**

5.2.2 Well logs

Previously the board had voted to waive the well log requirement for the June and November elections and to leave it as unfinished business for the next board. Claudette Dirkers questioned whether the board had the power to waive a covenant. Leo responded that by covenant 12.01 the board could waive it in the interest of the general membership. But it could only be waived for a specific (short) time to avoid being considered a Covenant Change. The issues discussed involved the discrepancy between the manner in which well logs were handled over 20 years ago when the requirement for GLA copies was written into the covenants and the way they are handled now. The state keeps all well log records and 50% of the houses in Glastonbury don't have recorded well logs; that it's a water rights issue, that it's a problem because of the number of shared wells in Glastonbury. The next board might consider a covenant change to not require the logs but that would require a landowner vote. Linda Ulrich found the well log for her property by researching who drilled her well. That contractor is required to keep the well log and give it to the landowner when asked for. Help with this can be received from the Montana Department of Natural Resources and Conservation (DNRC) in Helena.

5.3 Treasurer's Reports – Regina Wunsch

5.3.1 P&L, Balance Sheet, Deposit/Check Details, Customer Balance Summary

Because of the early date in the month of the board meeting, the official financial reports were not complete and would be forwarded to the board the following week. Regina presented an overview based on her calculations. Some liens and lien fees had been paid off and new dwellings found that generated added income. Mark wondered if the board could permit people who owed less than \$10 to vote in the coming election on a one-time basis only but this was litigated in the Rakela case and the GLA abides by letter of law. Anyone who owes even a few cents of their assessments are out of compliance and not permitted to vote.

5.4 Finance Committee Report – Regina Wunsch

5.4.1 2019 draft budget

Motion: Leo motioned and Mark seconded to allocate \$1,071 to each of North & South Glastonbury roads for mag chloride. **Motion carried unanimously.**

Motion: Leo motioned and Kevin seconded to zero out block 1200 in the budget.

Motion failed (3 in favor – Leo, Kevin & Dennis, 6 opposed – Newman, John, Gerald, Richard, Dan, & Charlene, and 2 abstentions – Mark & Regina).

Discussion ensued regarding providing basic maintenance; allowing for the upkeep of one field instead of two; leaving the allocated funds in the budget and allowing the next board to decide the fate of the common land. **Motion:** Kevin motioned and John seconded to maintain only one soccer field and for Newman to shut down the water supply to the other soccer field. **Motion carried** (10 in favor and 1 opposed – Leo). Draft budget accepted.

5.5 Secretary's Report –

MtgMins 11 02 2018

Approved 11 30 2018 by email vote

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5.5.1 Email vote - Amend Wartman approval

Gerald amended his motion of October 8, 2018 to include the conditions that all necessary permits be obtained and the ground be reseeded upon completion.

Motion carried (10 in favor- Dennis, Charlene, Richard, Gerald, Dan, Charlotte, Leo, Regina, Newman, John).

5.5.2 Email vote - NG 27 \$1,000 mitigation authorization

Motion: Dennis moved and Charlene seconded that the board authorize \$1,000 to mitigate the damage to NG 27 as follows: 1. Remove dirt along the banks of the road as marked to restore it to the way it was before the dump; 2. Clean up unauthorized ditch area close to the Capricorn intersection at the discharge point of the culvert; and 3. Clean up ditch debris and smooth berm not only on our side but also on the other side of Capricorn between Gemini and Aries. **Motion carried** (9 In favor – Dennis, Charlene, John, Gerald, Richard, Dan, Charlotte, Newman, Kevin; 1 opposed – Leo; 1 recusal – Regina).

5.5.3 Shredder

Motion: Charlene motioned and Leo seconded to buy a shredder at Costco for \$49.99. **Motion carried unanimously.**

5.6 Road and Weed Committee Report – Dennis Riley

5.6.1 Private road signs on Taurus & Aries

After writing to the Story's the GLA received an email from Polly Story stating she understands the GLA roads are private and there were a couple of people who used it by mistake when they were building their cabin but that now they use their own road access. However, people from Glastonbury visit her daughter who lives there and they have the right to use the GLA roads, so there is no need for private road signs. Tom Barry also responded and has agreed to pay an assessment for the use by his ranch of the GLA roads.

Dorothy found a company in Idaho with service in Montana that rents out goats for weed control that maybe more cost effective than the tradition methods.

Action Item: Dorothy – email info about goat rentals to Dennis.

Action Item: Dennis – forward Dorothy's info to the road committee to discuss at its meeting on November 12.

5.6.2 Fall grading update

Mag chloride was applied in North. In South, grading was done and the culvert in high South was done. Standish completed the Aquila repair. No gravel was allocated for South this fall. **Motion:** Richard motioned and Kevin seconded to buy 50 reflectors for \$112. **Motion carried unanimously.**

5.6.3 Use of extra dirt from NG 27

Closed. See 4.1.

5.6.4 Next committee meeting 11/13/18

Correction – the next road committee meeting would be on November 12th.

5.6.5 Road liability

John asked for discussion regarding the general liability of the association pertaining to some GLA road, such as upper Gemini and Hercules that don't have guardrails in areas where there is a drop off. The issue was sent back to the Road Committee for research and recommendations.

Action Item: Regina check liability laws.

Action Item: Dennis contact road engineer we used before and ask him.

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Action Item: John - contact insurance company regarding the limits of the association's liability insurance.

5.7 Complaints – Dennis Riley

5.7.1 Carp re: Dawson: junk vehicle eyesore
Tabled

5.7.2 Anderson re: Dubiel: delayed project review application
Tabled.

Action Item: Karleen - put Sherwood's eyesore complaint on the December agenda.

5.7.3 Gelderloos re: culvert placement

The board briefly discussed recognition of the issue in the complaint and the temporary steps being taken (extending the culvert up the hill and backfilling that would include the phone lines) as they worked toward a permanent solution; and that the Gemini road extension also needed the same treatment.

Action Item: Dennis - write a letter to Pouwel recognizing the issue and letting him know the association is looking at various ways to mitigate it.

5.8 Legal Committee Report – Leo Keeler

5.8.1 Statute of limitations on first or second liens

According to the MT Supreme Court, the starting date of a lien for the purpose of calculating the statute of limitations is the date a court action is filed and covers eight years back. The GLA's identified cases of past due assessments total an anticipated \$148,000 but that figure would reduce to \$100,000 when the statute of limitations was applied. Over \$27,000 had been collected or obligated by payment plans during the current year. The largest case was Ansara Ali who owed approximately \$40,000 but the GLA would likely only be able to collect \$28,000 with the statute of limitations. **Motion:** Leo motioned and Dan seconded for the board to authorize Tyler Maloney to negotiate on all late assessments to collect no less than the eight-year statute of limitations based on the date of court filings documents plus attorney fees and lien filing charges as invoiced. **Amended motion:** Leo amended his motion and Dan seconded to add past lien filing fees to the original motion. **Motion carries unanimously.**

Ken Mueller, who owes the association \$2,000-\$3,000 and is not at the eight-year point yet, missed his response due date. **Motion:** Leo motioned and Dan seconded for the board to grant Ken Mueller a seven-day extension to respond. **Motion carries unanimously.**

5.8.2 Ramp's gate

Prior to the meeting the board reviewed numerous documents and past board meeting minute excerpts relative to the gate Kathleen Ramp put on her property that blocks the GLA's easement into public lands. Discussion included the concern that none of the documents was conclusive in that it was unknown who from the GLA wrote many of them; the question of whether if the GLA were to try to claim a vehicular road easement, would it involve regular road maintenance; the recognition that the easement was established in 1977 and is not one of platted roads for maintenance; early on it was a jeep trail; the history of repeated lock changes on the part of Ms Ramp that blocked member use of the easement; in the spring Ms Ramp complained about the lock being cut off and about the GLA not taking care of weeds on that road; there were 4 locks on the gate and Ms Ramp eventually gave the DeGraaf's the combination to the bottom left lock.

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Action Item: *Dennis to talk to Alanah to write a letter alerting Ms Ramp to the board's position that if she changes the combination without notice to the association, at the end of 30 days the GLA will cut it off.*

Action Item – the GLA will provide the combination to Landowners.

5.8.3 Collection of Erickson variance fees

Leo stated that the legal committee had asked Tyler whether non-payment of the variance cost that is not an assessment constitutes being out of compliance with the covenants for the purpose of voting, and the best avenue to proceed. They had not yet received an answer.

5.9 Election Committee

5.9.1 Agenda, set up and handouts for annual meeting

The agenda for this year's annual meeting was the same as last year's except that Mark added "s" and "r" for people speaking or someone reading their bio or statement. **Motion:** Charlene motioned and Mark seconded that the board accept the agenda of the November 10, 2018 meeting. **Motion carried unanimously.**
Action Item: *Charlene - send the new version of the agenda to Claudette, Ken and Mark.*

5.9.2 Announcing quorum & voting results

Dennis would make the secretary's announcements at the annual meeting.

6. Approve minutes

Motion: Dan motioned and Gerald seconded to approve the October 8, 2018 meeting minutes. **Motion carried** (10 in favor and 1 abstention – Charlene).

7. Ombudsman Reports

No report.

8. Visiting Landowner Input Period

Dorothy Keeler noted that the meeting went well and was well organized.

9. Adjournment

The meeting was adjourned at 9:40 p.m.

10. Closed Session – Reply Stone Counterclaim Including Directors

The board reviewed three issues regarding Chad Stone's counterclaim.

Motion: Leo motioned and Dan seconded to ask Tyler to talk to Seth to take all actions possible to not have individual board member names included in the countersuit. **Motion carried unanimously.**

Motion: Leo motioned and Mark seconded to ask Tyler not to remove Lindsay Stone from the GLA's lawsuit until the title was clear. **Motion carried unanimously.**

The board was to meet with Tyler via phone on Monday at 3:00 p.m. Defense of 23 claims was due to Tyler on November 15th.