

Glastonbury Landowners Association, Inc.
Board of Directors Meeting - Final
August 12, 2019

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

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

PRESENT: Dennis Riley (President), Kevin Newby (Vice President), Mark Seaver (Treasurer, by phone), Charlotte Mizzi (Secretary), Newman Brozovsky, Gerald Dubiel, Ken Hurley, Richard Johnson, Jerry Ladewig, and Andrea Sedlak (by phone).

Also Attending: Karleen McSherry (Administrative Assistant)

Landowners: Donna Andersen, Miriam Barker, Tim Brockett, Yvonne Buck (on phone), Claudette Dirkers, Leo Keeler, Debbie Newby, Alisha Roskind, Don Taylor, Linda Ulrich, Ia Williams.

2. Set Agenda

Add 12.3 Hornack Settlement Offer.

3. Visiting Landowner Input Period

Linda Ulrich - email voting too selective not confidential enough for privacy concerns, may break governing documents, detrimental to LOs for various and numerous reasons; Ia Williams— concerned about using the word “alleged” on the agenda regarding the Johnson’s subdivision and believed it was a way for the board to dismiss complaints; everyone crossed out “alleged” from the agenda; Donna Andersen – the subdivision was a matter of public record; Tim Brockett asked a number of questions regarding the 2018 issues with Goldmeyer Creek, an Army Corps of Engineers violation letter to Walter Wunsch, and the 310 permit to move Goldmeyer Creek because of a road conflict; Dennis presented the facts regarding the issue up to that point as far as he knew;

Action Item: Dennis - follow-up with the Corps of Engineers and the county regarding the status of the Goldmeyer Creek issue.

4. UNFINISHED BUSINESS

5. Officer and Committee Reports

5.1 President’s Report

5.1.1 Policy/procedure for board email vote

Board email voting had become inconsistent in the way it was handled.

Action Item: Ken and Charlotte to work on a policy and procedure for board email voting.

5.2 Project Review Committee Report

5.2.1 NG 29-C Taylor driveway

Kevin reported the setbacks were met for the pads that were intended to be the foundations of a house and garage in the future; driveway access was through an easement across the neighboring property. **Motion:** Kevin motioned and Richard seconded to approve the project with a 12 ft. driveway and reseeding as well as the installation of a 12” culvert by the access point. **Amended motion:** Kevin motioned and Richard seconded to accept NG 29-C’s new driveway across 29-B, the entrance off Capricorn with 10” culvert and to reseed all land not being used by the driveway. **Amended motion carried unanimously** by voice vote.

5.2.2 SG 83 Kassing garage addition

Gerald and Richard reported that the addition would be built alongside the existing garage and it was more than 50 ft to the boundary at Sagittarius Skyway. **Motion:** Gerald motioned and Richard seconded to approve the project with the condition that disturbed land be reseeded upon completion. **Motion carried unanimously** (10 in favor) by voice vote.

5.2.3 Should driveway standards be met/upgraded when new projects are approved?

The board discussed whether to suggest or require grandfathered driveways be upgraded at the time of a new project. Consensus was that driveways constructed before the Master Plan could not be required to change but the board could recommend the upgrade as part of the conditions of the new project approval.

5.2.4 NG 8A-2 & 3 E & R Properties subdivision

Gerald spoke with Edwin Johnson who informed him that his subdivision was court ordered. Discussion centered on whether this was a second subdivision, the need to research the issue at the county, or to receive a copy of the court order from the Johnson's.

Action Item: *Gerald – contact Edwin for a copy of the court order or have him fill out a project review application.*

5.3 Treasurer's Reports - MS

5.3.1 P&L, Balance Sheet, Deposit/Check Details, Customer Balance Summary July 2019

Motion: Mark moved and Jerry seconded to take \$30,000 from the general savings account and to put \$15,000 to the NG road reserve and \$15,000 to the SG road reserve. **Motion carried unanimously** by voice vote.

Motion: Andrea moved and Charlotte seconded to accept the treasurer's report. **Motion carried unanimously** by voice vote.

5.3.2 Small assessment statement balances

Mark informed the board that people who owed less than a \$1 didn't receive assessment statements in July; he explained the disconnect between the covenant with the extra 30-day leeway for new charges and the end of the billing month deadline for any carryover balances to not receive added interest and penalties; although October statements would be sent to all landowners with balances of any amount, he would not send interim statements for balances of less than \$5.

The board had received a letter from Mr. Sherwood detailing accidents and ill health in the previous several months that prevented him from fulfilling the requirements of his payment plan. **Motion:** Mark motioned and Kevin seconded to extend Robert Sherwood's payment period by four months with no additional interest and penalties. **Motion carried** by voice vote (9 in favor; 1 opposed – Jerry).

Mark reported that the GLA attorneys were moving to foreclose on two properties.

5.3.3 NG 29-C Taylor's assessment interest & penalty

Mark explained that the Taylors didn't receive assessment statements during the first two quarters. **Motion:** Mark moved and Charlotte seconded to rescind interest and penalties accrued during the first half of the year on NG 29-C. **Motion carried unanimously** by voice vote.

5.4 Secretary's Report – CM

5.4.1 Yvonne Buck potential assisted living house, # of employees

Yvonne Buck inquired about the possibility of buying a house in Glastonbury that would be used for a small assisted living facility, which she believed would be an asset to the community by keeping residents close to family and friends as well as being better able to accommodate individual needs. The house would be a single-family residence with one kitchen and a number of bedrooms. Seven employees would be required to run the facility. The board discussed that such a facility didn't fit within the framework of the GLA's governing documents that allow for a cottage industry with up to three employees and light manufacturing with a maximum of seven employees; the strict codes and licensure of such facilities that the GLA would need to verify she had met the requirements of; and the fact that the board could grant a variance to the type of business and number of employees.

Action Item: Yvonne Buck – submit a written proposal to the board regarding the property being considered and the plan for the facility, including number of employees needed.

5.4.2 Newsletter

Motion: Kevin motioned and Ken seconded to send a newsletter out via email and postal mail. **Motion carried unanimously** by voice vote.

Action Item: Board send articles to Karleen by 9/13.

Action Item: Karleen - remind board members by September 3rd to submit articles; send newsletter out by September 27th.

5.4.3 Dec BOD mtg date

Discussion ensued regarding the December board meeting being the Monday after Thanksgiving week. **Motion:** Charlotte moved and Ken seconded that the board change the December 2nd board meeting to December 9th. **Motion carried unanimously** by voice vote.

5.5 Road / Management Committee Report

5.5.1 Spring maintenance wrap-up

Ken reported that the spring maintenance work had been completed; only half of what was requested was done in South and the bill reflected that; the North Glastonbury invoice was \$19,000 but there were discrepancies between the work orders and what was finished; Chad eventually fixed those areas.

5.5.2 Road repairs

Ken reported that the committee had received bids from Chad Standish for asphalt repair on Capricorn where water had pooled last winter; the committee wasn't unified in whether to raise the road by the Sandoval property or if that would just move the water to somewhere else; the next Road Committee meeting was scheduled for Thursday the 15th and the above issues were to be on the agenda as well as Brookhart's issue and the question of when and why a flooding road is a road committee problem.

Joanna Dawson completed most of the agreed upon work in North Glastonbury but hadn't done anything in South.

Action Item: Ken – ask Joanna to detail on the invoice the work finished.

Action Item: Karleen – forward bills to the committees.

Action Item: Ken – contact Debbie Newby to let her know when the mowing of Arcturus would be done.

5.6 Complaint Committee

5.6.1 Tom & Christy Willie building

The Complaint Committee tried to find Mr. Willie to inform him of what he would need to do to come into compliance but he refused their certified letter. **Motion:** Jerry motioned & Andrea seconded to close this issue as a complaint and send it to the legal committee to handle. **Motion carried unanimously** by voice vote.

5.6.2 Herb & Joanna Dawson unsightliness

The Dawsons hadn't responded to letters sent to them regarding property unsightliness other than when Joanna came to the board meeting. **Motion:** Andrea moved and Jerry seconded to find Mr. Dawson in violation of the covenants and to authorize a notification letter be sent to him. **Motion carried unanimously** by voice vote.

Action Item: Jerry – draft a letter to be signed by Dennis telling the Dawsons they're not in good standing and therefore can't vote or submit a project application.

5.6.3 Robert Sherwood nuisance & eyesore

Jerry reported that the committee was trying to find Mr. Sherwood to let him know that he's facing a court date.

Action Item: Karleen - send Jerry the date of Sherwood's latest letter.

Action Item: Karleen – shred all medical records sent to us by Sherwood.

5.7 Governing Documents Committee - JL

5.7.1 Update on status to incorporate amendments into Bylaws

After final board approval of the proposed election procedures that were going out for landowner 30-day review, the Governing Documents Committee planned to add them to the bylaws along with other proposed changes that would be put before the members for review and a vote in 2020.

5.8 Legal Committee Report – DR

5.8.1 O’Connell case updates

The Montana Supreme Court rejected the O’Connell’s appeal of their vexatious litigant status.

5.9 Election Committee Report – DR

5.9.1 Vote for Andrea to be co-chair

Motion: Newman motioned and Charlotte seconded to nominate Andrea as co-chair of the Election Committee. **Motion carried** by voice vote (9 in favor; 1 abstention – Andrea).

5.9.2 2019 proposed election procedures

Motion: Andrea moved and Charlotte seconded that the board approve these proposed procedures to go out for 30-day review. **Amended motion** – Andrea moved and Charlotte seconded to add to her previous motion that the procedures be sent simultaneously to Seth. **Motion carried** by voice vote (8 in favor; 2 opposed – Kevin & Ken).

5.9.3 Documents to be sent in nomination election mailing

It was noted that the North Glastonbury documents included the addition of a fourth opening that would be a one-year term. **Motion:** Charlotte moved and Jerry seconded that the board accept all nomination documents with one edit - removing the middle signature line on the nomination form, leaving one on front and one on back as indicated in yellow. **Motion carried unanimously** by voice vote.

6. Approve minutes: June 10, 2019 BOD Meeting; July 22, 2019 Special Meeting of Members & Special Board of Directors Meeting.

Motion: Charlotte motioned and Jerry seconded to approve the June 10 & July 22 2019 meeting minutes. **Amended Motion:** Charlotte motioned and Jerry seconded to accept the June 10, July 22 Special Meeting of the Members and July 22 Special Meeting of the Board meeting minutes. **Motion carried unanimously** by voice vote.

7. Ombudsman Reports

Linda had a call from a landowner about overgrown thistle on a neighboring lot. She contacted that person but hasn’t heard back.

8. Finished Business

8.1 Email Votes

1. Vote to hold the special meeting at 6:00 pm

June 12-14, 2019 **Motion:** Kevin motioned and Gerald seconded to have the Special Meeting on July 22 at 6:00 p.m. **Motion carried** (8 In favor – Kevin, Gerald, Andrea, Charlotte, Ken, Dennis, Jerry, Richard; Did not vote – Newman, Mark).

2. June 24, 2019 Motion: Charlotte moved that any people interested in filling the vacant positions for NG on the board need to let us know by the August meeting. Discussion.

Restated motion: If the two open NG positions are not filled at the August board meeting, then those positions will be announced, along with the normal three, to the NG membership as open seats in the September nominations mailing to be filled at the annual meeting. Discussion. **Motion stalled** – one of the open positions is already slated to be refilled at the November election so there would only be four open positions on the ballot not five; bylaws state that the board shall fill open positions

therefore even if members vote someone in for the position that expires in 2020, the board still has to approve that candidate; Dennis sent the issue to Seth for an opinion.

3. June 29-July 4, 2019 **Motion:** Andrea motioned and Ken seconded that the board must view and approve by vote all materials that are to be sent to the full membership. **Motion carried** (7 in favor – Andrea, Mark, Ken, Richard, Dennis, Gerald, Kevin (changed vote from no to yes); 2 opposed – Jerry, Charlotte; 1 didn't vote – Newman).
4. Related to #3
June 29, 2019 Charlotte's recommendation to amend Andrea's motion for Jerry to edit correspondence along with Dennis and Charlotte. No amendment was offered.
5. Related to #3
June 29, 2019 **Motion:** Jerry motioned that a minimum of four board members must review material before it goes to final copy. **No second.** New motion cannot be submitted until a vote is completed on the original motion.
6. July 1-12, 2019 **Motion:** Jerry motioned and Mark seconded that the board approve the attached letter to resolve the June 14, 2019 complaint by D. Newby. **Motion carried** (7 in favor – Jerry, Mark, Dennis, Andrea, Ken, Newman, Richard; 1 opposed – Kevin; 1 abstention – Charlotte; 1 didn't vote - Gerald).
7. July 6-8, 2019 **Motion:** Andrea moved and Charlotte seconded that the board approve this dried-in letter with the alternative wording usage depending on whether it is before or after the 15th of the assessment month. **Motion carried unanimously** (10 BOD).
8. Aug 1-3, 2019 **Motion:** Pursuant to the second amendment to the Bylaws, voted upon by the members on April 14, 2014 and adopted by the Board of Directors at their monthly meeting on June 9, 2014 that allows for email to be used as a method of communication and notice with members for the purpose of saving time and money, simplifying and streamlining procedures as well as utilizing the conveniences provided by modern technology, and

Whereas the GLA accepts faxed ballots from landowners for annual elections and other member votes, such as changes to the governing documents, and

Whereas a survey of the members conducted in the spring of 2019 that asked landowners whether the GLA should allow email voting indicated members were in favor of it by a margin of almost 2.5 to 1,

Charlotte moved and Jerry seconded that the board allow landowners to vote by email in all circumstances and situations requiring a member vote. **Motion carried** (8 in favor – Charlotte, Jerry, Dennis, Andrea, Mark, Gerald, Richard, Newman; 1 opposed – Kevin; 1 didn't vote - Ken).

9. Visiting Landowner Input Period

10 Adjournment

Meeting was adjourned at 10:08.

11. Next Board Meeting: September 9, 2019

12. Closed Session open at 10:13

The closed session was called to order by Dennis Riley at 10:13.

12.1 Legal issue vote

Motion: Kevin moved and Charlotte seconded to follow Alanah's advice. **Motion carried unanimously** by voice vote.

12.3 Hornack Settlement offer

Motion: Mark moved and Charlotte seconded to accept Hornack's offer. **Motion carried unanimously** by voice vote.

12.2 Employee's issues

Motion: Kevin moved and Newman seconded that Project Review applications sent to non-board committee members were to have personal information including phone number(s), signature(s), assessment fees owed, floor plans, etc. redacted. **Motion carried** (9 in favor; 1 opposed – Kevin).

Meeting adjourned – 11:05