

## Glastonbury Landowners For Positive Change

*The mission of the GLFPC is to foster a landowner's association, of the people, by the people, and for the people of Glastonbury, create a harmonious and inclusive community, and enhance property values.*

This Summary/Interpretation of the GLA September 12, 2016 Board Meeting is offered as a volunteer service by the GLFPC.

Your suggestions are welcome, should there be oversights or errors.

### Key Points

- President Charlotte Mizzi announced that the newly instituted ban on photography at GLA meetings would continue. She made the pronouncement without board discussion, and in spite of member input calling the ban illegal.
- Parker's reinstatement of assessment discounts, after they were quietly discontinued in 2014, remains a controversial issue for the board.
- The board spent nearly 1½ hours trying to resolve a Project Review application that should have been immediately sent back to committee.
- On numerous occasions, Mizzi did not stop board members and landowners from interrupting and talking over each other.
- The board was asked to deal with the fact, that the election of non-landowner John Carp as NG Ombudsman did not follow the Governing Documents.
- The board is over budget on roads, administration, office expenses and accounting.
- Applause to board member Kevin Newby for negotiating with Park County to get Dry Creek sealcoated. His actions saved the landowners considerable money.

### Summary and Interpretation

The first in-person board meeting in nearly four months opened with a call from President Mizzi for the usual protocol. In a departure from the past, board member Kevin Newby invited those who did not want to pray to step outside during the prayer.

### Landowner Input

One member asked when the board would create standards for member discounts and how the board plans to verify a member's inability to pay regular assessments. At issue was the recent action by Treasurer Rudy Parker to reinstate assessment discounts, a long-time practice which

was quietly discontinued in 2014.

The same landowner called for a recount of the votes cast during the Special Membership Meeting held on August 27, 2016, because the wrong assessment payment date was used to determine voter eligibility. While it is understood that the recount will not change the fact that members did *not* want to reduce GLA interest from 18% to a retroactive 12% interest rate, the landowner insisted that the recount should happen because official GLA records need to be accurate.

On the same theme of calling for accurate records, another asked for a correction to the official July board minutes. The minutes show that she and her husband were in attendance when they were not.

Another asked how it was decided that there would be six neighborhood meetings to discuss the future use of the soccer field. As a member of the Community Property Committee, the landowner asked if she had missed a meeting, because to her knowledge, there was no committee consensus to proceed with these six meetings. Mizzi, who chairs this committee, said that while the matter had been tabled last fall because too much was going on, there is time now to begin the discussion. Though the landowner repeated her question of who decided to proceed with these soccer field meetings, it was not answered.

***GLFPC Note:*** *Other landowners remember that planning for the future use of the soccer field had to be tabled last fall when landowner research raised numerous complex legal issues, which if resolved, have to date, not been mentioned.*

Another landowner told the story of a member who was outraged when she heard the worker she hired bragging about getting an assessment discount, while she herself is being threatened with lien for protesting board actions by not paying her assessments. She also asked why the board has not answered several official document requests about discounts that are now some six to eight weeks old. The board had no response to any of her comments either.

***GLFPC Note:*** *Montana law for corporations, like GLA, requires the board to respond to documents requests within five business days.*

Applause followed when a landowner thanked board member Kevin Newby for his work with Park County to place new sealcoating on Dry Creek Road. Newby's careful diplomacy diffused long-standing fears and misunderstandings, which led to various board members being certain that GLA, should use landowner assessments to pay to maintain this county road. Newby potentially saved the landowners a minimum of one hundred and fifty thousand dollars.

Another landowner said she wanted all board members to know that the delay in answering the official document requests about the discounts was not really about waiting for the attorney advice, as the board claimed. She reminded the board that dating back two years, the board's very same attorney, already advised them to discontinue discounts, until they adopted a discount policy and procedure. Instead, she implied the board simply chooses who gets timely responses to the document requests and who does not. To support that implication, a different

landowner noted that her and her daughter's Official Document Requests, dated August 8, 2016 remain unanswered, as well.

After hearing from a landowner that there is a difference between contractor liens and judgment liens the board was unresponsive.

On another note, a landowner informed the board that the recent ban on photography at GLA meetings is actually unlawful, as is the request that anyone who is recording the meetings needs to announce the fact. She referenced her lawsuit against the board, where the judge upheld the right of GLA members to record meetings, and added that recordings can be audio or visual. In support of this finding, another landowner informed the board that state law also supports the right of members to record GLA meetings.

The last landowner to speak asked the board to consider that a 20 minute overall limit on member input is unrealistic when there are, as was the case at this meeting, 18 members in attendance and each is allowed to speak for three minutes. Again, the board did not respond.

**President's Report:** Mizzi limited her report to a statement that the newly announced ban on photography at GLA meetings would continue. This pronouncement was made with no board discussion or vote.

**Project Review:** Two project applications, one for a modular home in NG and another for a garage in SG, were approved by the board as recommended by the Project Review committee.

However, questions about the problems found by the committee on the application for a new home on SG 51, took at least 1½ hours of board meeting time. The applicant's engineer persuaded the board to *conditionally* approve the application pending new measurements that would likely be confirmed by the committee on the morning after the meeting.

To clarify a related, but non-agenda issue, the engineer challenged the committee's call for a stamped engineering report. He queried where and how the committee has the authority to make such a demand on a landowner. His question got lost in the overtalk. One board member on the Project Review Committee actually said, "That we (the board) made it up."

**GLFPC Note:** *If the board had wanted to uphold the committee's procedures, which state that all paperwork and marking of parcel corners must be done two weeks before a board meeting, the president would have immediately sent the application back to committee.*

**Treasurer's Report:** Introducing the Treasurer's Report as everyone's "favorite agenda," Parker read from the reports prepared by GLA's accounting firm. The bottom line is that the board is over budget on roads, administration, office expenses, and accounting. Unallocated savings are being tapped to meet those shortages. About \$11,500 remains in the unallocated savings account.

On the other hand, about \$20,000 has been collected from past due accounts. Some payments have been received when properties were sold, and some from the lien notice letters, but the majority, from a volunteer landowner's diligent phone calls. The treasurer's report was

approved with seven “Yes” votes, two “No's” (Newby and Dobrowski) and two abstentions (Riley and Seaver).

Parker did not directly answer Newby's question as to which board members were aware of the action to reinstate member discounts. Instead, Parker claimed he has the emails where board members Dan Kehoe, Dennis Riley and Mizzi, concluded that the long-standing discounts were never rescinded because there was no board vote to do so.

Secretary Charlene Murphy, (who served as treasurer when the discounts started), reported that the original motion to grant discounts some ten years ago, did not mention any time period for the discounts. This means that those who originally received the discounts may have automatically continued to get them year after year, until 2014. At that time, Regina Wunsch stepped in to inform then President Alyssa Allen that discounts were illegal and must stop. Parker decided to retroactively reinstate the discounts for 2015 and 2016, at the same time that other landowners are receiving letters stating that liens will be placed on their properties if they do not pay their back assessments ASAP.

**Update on recalculation of past due accounts:** At a cost of nearly \$5,000 in accounting fees, it is now apparent that past bookkeeping errors inflated the amount owed to GLA by \$67,069.69.

After considerable discussion, the board decided to seek legal counsel about how to handle other issues with past due accounts.

The question of whether the existing 18% interest rate will be used to move forward with collection procedures, and to update the estimated 35 outstanding liens, was not addressed. Per legal advice (of course, paid for by landowners), the 18% rate is legal because all GLA members have voluntarily accepted it. However, per further legal advice, the 18% interest rate is claimed to be usury and illegal. Nonetheless, at a Special Membership meeting held on August 27, 2016, landowners voted *not* to lower the 18% interest rate to a retroactive rate of 12%.

**Secretary's Report:** Murphy accepted a correction from GLA's volunteer financial consultant Regina Wunsch, about the fact that July 31, not August 31, should have been implemented to determine voter eligibility at the Special Membership Meeting on August 27, 2016. Though a recount is expected to correct the official records, it will not change the overall result.

Murphy announced that there would be an Election Committee meeting on Wednesday, September 28, 2016 to review all procedures. In particular, the new procedures to guarantee secret ballots will be critiqued on August 27, 2016.

Murphy also announced that the deadline for nominees to submit forms to fill six open board positions will be noon on Friday, September 30, 2016. New board members are elected at the Annual Membership meeting in November, 2016. Charlene Murphy (appointed, not elected), Newman Brozovski (appointed, not elected), and Gerald Dubiel, are completing their terms in NG. In SG, Dan Kehoe, Rudy Parker (appointed, not elected) and Ed Dobrowski, are completing theirs. Though some of these board members have served for YEARS, they are each able to seek

a new term because there are no term limits for board members.

A discussion about the appropriate content of minutes for a recent Road Committee meeting, unfolded into some strong disagreements. Contrary to the norm of using minutes to make points, record discussions and create historic records, Murphy has begun to take effort to clean up the situation. However, some committee members, such as Dobrowski, believe that when Murphy finalizes the Road Committee minutes, for example, she should include the pros and cons for a new snow plow truck, even though the Road Committee had already decided against it. Dobrowski also believes the Road Committee minutes should include a list of gravel expectations used for the SG spring gravel and grading work, which was prepared after the meeting, not at the meeting. Regardless, Murphy insisted that minutes are only a record of what actually happened at a meeting.

After Murphy explained, (something that is the president's duty, not Murphy's), that committee chairs approve the minutes, Dobrowski challenged Murphy as to what to do when he, as Co-Chair of the Road Committee, does *not* approve the final draft of minutes Murphy prepared. As president, Mizzi took no leadership to cool down the heated exchange. Instead, she allowed the discussion to move to another contentious road issue in SG, the allegedly incorrect distribution of gravel on HS and LS roads.

Claiming that the Road Committee shorted the amount of gravel put on the HS roads, several donors have withdrawn their donations. Amidst continuous overtalk and numerous side conversations, Mizzi finally called the meeting back to order.

As secretary, Murphy also used her report time to confirm, that according to legal advice, the board needed to act on a petition sent in by a landowner. The petition dated August 8, 2016, asked the board to organize and hold three separate special membership meetings. The meetings would be time for members to discuss the discretionary powers of the board, and to propose (not vote on) amendments to the GLA Covenants that would remove those powers.

**GLFPC Note:** *Of the 37 signatures on the petition, Murphy said only 19 were accepted and verified as those of members in good standing. A minimum of 17 would have sufficed. It is known that some members rescinded their signatures on the petition after receiving a phone call from Mizzi. The landowners, who brought the petition to the board, claimed Mizzi's actions were illegal, and that names cannot be rescinded.*

**Road Committee Report:** In light of the fact that the Road Committee is already over budget for 2016, Co-Chair Paul Rantallo said the guardrail on Hercules is not sinking, as previously claimed. Rantallo assured all in attendance that it is an optical illusion, which can be easily fixed by lowering the minor build-up of gravel under the railing. Though a number of others expressed strong opinions to the contrary, the committee did *not* reconsider.

As for the drop-off area on Gemini where four accidents have occurred, Rantallo stated that the repair plan was to manipulate the grade of the road two degrees to meet county standards. Rantallo assured that the board couldn't be sued if an accident victim attempts to do so. Though some landowners living near the accident site believe guardrails must be installed,

Dobrowski said the committee has no money for guardrails. Well, asked another landowner, "Do you have funds for a lawsuit?"

Returning to his report, Dobrowski also announced that the fall grading would be timed to take advantage of rain, and thus save the cost of a water truck.

In following discussion about the installation of new speed limit signs, snow fence repairs, and additional snow pole installations, one landowner said the \$900 sign expense would do little to slow traffic, and that speed bumps should be used instead. At this point, when more overtalk resumed and the meeting was brought to a standstill, Dobrowski once more asked the board to consider the purchase of a new snowplow truck for SG. He claimed that too few road committee members had discussed the matter, and that the whole community should actually get involved with this decision. His continued plea for a new plow truck continued to go nowhere.

**Communication Committee Report:** Once again, Murphy took over the meeting, and proceeded to tell the two committee Chairs, Mark Seaver and Dennis Riley, that they were behind in responding to document requests and complaints. The two agreed to focus on this in about 10 days, when Seaver, who resides in Maryland, will be at his South Glastonbury home.

**Governing Document Report:** Tabled.

***GLFPC Note:** There has been no Governing Document Committee Meetings for months. Contrary to Kehoe's position that nothing is happening, obviously somehow and somewhere, someone or another is busy working behind the scenes.*

**Legal Committee Report:** In the absence of Chairman Kehoe, Murphy highlighted details of their attorney's letter, which claimed the board has discretion to grant waivers, simply because the board has the authority to sue and negotiate settlements. Murphy went on to say that it turns her stomach to consider granting assessment relief discounts and that she feels strongly that board should discontinue all assessment discounts by January 1, 2017. As she made a motion to discontinue all discounts, a move seconded by Newby, the meeting room went dark due to a power failure, abruptly curtailing the 4-hour meeting.

In the dark, one landowner took quick issue with the recent NG Ombudsman election procedure, where John Carp was allowed to be a candidate for the position without being a landowner. She said the board must deal with the fact that while Carp serves as an agent for a parcel owned by C.U.T., which gives him the right to vote for the specific parcel, the Governing Documents do not address the right of an agent to hold any GLA office. She added that the same is true for two board members who are agents, not landowners.

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