

**BOYD LAKE HOMEOWNERS ASSOCIATION, FIRST FILING**

P.O. Box 1656

Loveland, CO 80539-1656

Board of Director's Meeting Minutes 5/20/2015

-----DRAFT MEETING MINUTES, not approved by Board-----

**Board Members:**

President: Wayne Callaway- Present

Secretary: Daryl Stolte – Present

Treasurer: Katy Craig – Present

Advisor: Ken McCrady - Present

Web Master: Terry Walsh -Present but abstaining from the discussion due to a conflict of interest

Advisor: Phil Hershman-Absent

Meeting called to order 7:06 PM

**Agenda:**

- Appeal of ACC Decision

- The Board of Directors will review an ACC decision at the request of Ellen Daily and her attorney. Appeals of ACC decisions are permitted by paragraph 5.2 of the Amended Covenants for Boyd Lake Shores First Filing.
- The ACC decision to be reviewed is a request made by the Walsh's concerning a fence and two replacement trees. This request was approved by the ACC on 4/14/15.
- A written request for appeal of this ACC decision was received by the Board President on 5/6/15.
- Discussion
  - After several minutes of questions posed to community members in attendance and discussion, the following motion was made to assure community member input and allow consideration of the agenda item to proceed.
  - Motion: Daryl Stolte moved that each community member in attendance could address the Board for 5 minutes. This motion passed with all in favor.
  - There was further clarification of Terry Walsh's role in this meeting. He abstained from all participation as a Board member and was in attendance as a community member.

Summary of Community Member comments:

- Jeffery Cullers, attorney for Ellen Daily:
  - Clarified that the issue is the fence not the trees. Main issue is the question of protecting Ellen's view. He is asserting that ACC is ignoring the covenants direction to preserve views.
  - Articulated his view on the fiduciary duty of the board.
  - Discussed more specifically why the covenants protect views.
- Doug Fasolini:
  - Discuss issues associated with previously approved ACC decisions around lake views. Expressed his dissatisfaction with the response to his communication with the board.
- Sarena:
  - Board is extremely resistant to addressing issues associated with concerns of view preservation.
- Terry Walsh:
  - Explaining in some detail about the fence size and configuration and arguing that this fence would not be an obstruction to the lake view. Terry would be willing to pull the bushes out that are partially blocking the view. Terry also explained that he minimized the rail size. Pointed out there are other fences on the east side of Valley Oak.
- At this point the board agreed to use the written appeal as a guide to further discussion. In the written appeal three points were outlined under Section II "Basis for Appeal"
  - Discussion: Point A "Failure to protect Views"

- Daryl: View is not guaranteed by the covenants. The only mention of view in the covenants has to do with structures. The item under consideration is a open rail fence.
    - Katie: ACC has a good mix of people located on the lake and off. The ACC took the concerns of view seriously.
    - Wayne: Only reference to view in the covenants relates to structures. (houses, towers, etc.)
    - Ken: Historically not much has changed, people stay for a long time. Puzzled by the discussion on views as this has not been an issue in the past. ACC seemed to act in good faith.
  - o Discussion: Point B "Notice and Procedure Problems"
    - Daryl: No reason for decision to be overturned based on "Notice and Procedure". ACC operated and acted in good faith. There may indeed not be processes to notify neighbors but this has no bearing on this particular appeal.
    - Wayne: Board members, 3 on lake, 3 off lake. Commented that some other residence had been contacted
    - Katie: ACC has raised the bar to improve the process and procedures of the committee.
  - o Discussion: Point C "Findings by the ACC"
    - Wayne: Rail fence similar to other fences in the HOA which are not detrimental. No need for association to maintain fence.
    - Daryl: The fence meets the general guidelines of the covenants. There is no issue with HOA maintenance and the improvement is in harmony with the rest of the development.
    - Katie: Brought up section 3.11 perimeter fences are prohibited.
- Motion: Katie moved that we vote to overturn the decision by the ACC on April 13 regarding the Walsh's plans. Yes, to overturn. No, to not overturn.
  - o Motion fails, the Board has decided not overturn the decision by the ACC. Vote by written ballot, 4 vote no; 0 vote yes; One member abstained, one member not in attendance.

Meeting was adjourned at 8:34 PM.

Respectfully Submitted,  
Daryl Stolte