

**RETREAT LANDOWNERS ASSOCIATION**  
**Board of Directors Meeting – June 12, 2010 @ 9:00am**  
**Dick Bogg's Residence – Elk Ridge Road**

Attending: Danny Perugini, Claude Alkire, Dick Boggs, Mike Frederick, Terry Larsen, Mary Nolan, Peter Sinnott  
Also Attending: Dennis Bicknell, Peggy Burch, Victoria and Guy McCoy, Duke Sumonia

President Danny Perugini called the meeting to order. The agenda was adopted with the addition of an item regarding letters (time permitting). The minutes of the March 20, 2010 Board meeting were approved.

**Landowners' Comments:** The following written comments dated June 12, 2010 were submitted by Duke Sumonia to be included in the minutes, not as an attachment:

Reference: RLA Policy on Meeting Minutes –  
“Written landowner comments submitted at the beginning of the meeting shall be included as submitted.”.

Until Rob Squire's proposed Motion # 1 presented at the 2009 Annual Meeting which showed only six BROA parcels, the Retreat and its previous boards accepted that there were more than six. That determination was made by Marcy Trahan, RLA president (past BROA president) and reported to the RLA membership in 1999, reconfirmed by RLA president Kent Mills in a **sworn affidavit** in June 2004. It was understood and approved in the BROA/RLA merger in 1997. This refutes the RLA president statement (e-mail of 6/9/2010, “The question has been answered several times and the board still contends that there are six Bulwark properties”.

The board has provided no supporting documents or evidence to sustain their contention.

Therefore the board has error in its decision and needs to correct its error.

Respectively submitted

Duke Sumonia

Duke also requested the bylaws and policies on the website be corrected as he submitted. He announced that a bronze sculpture will be dedicated in memory of Tim Mayhew on June 19<sup>th</sup>, 11:00am at the Fairgrounds in Estes Park. Also, Maynard and Beverly Avey's son passed on.

Guy McCoy submitted the following written comments dated June 12, 2010 to be included in the minutes, not as an attachment:

Memorandum of Record to RLA Board of Directors  
Subject: Contract for Services, RLA and Hobert Office Services, Ltd.

References: April 30, 2010, letter of request for records to Daniel Perugini, board president May 4, 2010, letter of reply from Daniel Perugini

The May 4 letter of reply by the RLA board president, referenced above, states that Hobert's "Proposal for Services" dated September 3, 2008; the minutes of the November 2008 board meeting; and the Budget workshop's projected costs for the year 2009, taken altogether, serve as a contract for services between the RLA and Hobert Office Services. The Hobert's Proposal for Services states that there is to be a review of monthly costs, ". . . after 90 days from the time a contract is signed and executed." The bare minimum of the cost of this proposal is \$4200 per year, a significant amount of the annual RLA budget.

To have instituted this business relationship, and continued it for 21 months, without a contract between the parties, violates the intent of Article VII, Section 1, Subparagraphs (d) and (f) of the RLA Amended Bylaws.

Also, proper execution of fiduciary responsibility on the part of the RLA board is called into question by lack of a contract for such important and extensive rendering of services that are ongoing.

The HindmanSanchez law office's Web site contains several articles outlining the essential elements and importance of a good contract.

Furthermore, not having a binding written contract may place in jeopardy the indemnification by the Association's insurance company should a future serious dispute arise between the business partners.

In light of the above factors, I request that a comprehensive, signed contract be executed promptly, cited in the RLA newsletter and posted on the RLA Web site.

Guy D. McCoy, RLA Member in Good Standing

**Board Member Comments** – A comment was made that the current agreement between the RLA and Hobert's Office Services is adequate and sufficient.

## **REPORTS:**

**Treasurer** – Written financial reports were submitted by Hobert Office Services. The checking account balance is \$14.45 and the money market account balance is \$88,437.32 as of June 9, 2010. Two properties have sold since March 18<sup>th</sup> and 10 assessments have not yet been paid. The property owners who have not paid their assessments will have liens filed on their properties and will lose annual meeting privileges. The financial reports were accepted with the deletion of "twelve months" from the P & L column heading so it reads instead, "Actual results ending June 9, 2010".

**Architectural** – Chairman Dennis Bicknell submitted a written report stating that one application had been received from John and Lynda Stocker, Lot 7, Filing 4, 38 Barking Coyote Drive, to build a cabin. The Stockers obtained two setback variances from Larimer County.

**Roads** – Dick Boggs reported that 450 tons of recycled asphalt were applied to the roads. Volunteers Frances Cunningham, Ron Spurlin, Mike Frederick, Danny Perugini, John Nolan, Dennis Bicknell and Rich Gilmore donated their time for three days of roadwork which saved the RLA considerable money. It was moved, seconded and carried that those volunteers not currently serving on the board of directors receive \$50 gift certificates to a restaurant in appreciation of their time and help. It was discussed that someday the roadwork labor will need to be out-sourced and it was

recommended that a bid be obtained next year to help estimate future costs. Chairman Dick will submit a plan to repair a portion of Copper Hill Road to the Board.

**Environmental/Forest Preservation** – Peggy Burch reported that the mountain pine beetles are expected to emerge much earlier this year and, therefore, preventative spraying must take place very soon. Danny Perugini stated that he still has pheromone packets available for purchase if homeowners need some. It will probably be a bad year for aphid infestations for both evergreen and deciduous shrubs and trees as evidenced by little tufts of white cottony material on evergreens and curled leaves on deciduous plants. Using insecticidal soap on them will help control the aphids. Pruning and/or cutting live limbs of pine trees should be delayed until fall as the aroma/sap will attract beetles.

Dennis Bicknell reported that the USFS has started its fuel reduction project south of Estes Park and plans to continue with Forest Service areas adjacent to the Retreat. The Colorado State Forest Service has some grant funds available for fuels reduction/fire mitigation.

**Website** – Dick Boggs suggested the Records Committee (chaired by the president) look into the policies, edit them, sign and date them, and put them on the website. The Board Secretary will need the signed copies to keep on file.

**Newsletter** – The next newsletter will follow the annual meeting.

#### **OLD BUSINESS:**

**Phone Tree** – Terry Larson agreed to update the phone tree and submit to Hoberts Office Services to put on the RLA website.

**Lawsuit** – The lawsuit was voluntarily withdrawn by Becky Lorenz. A chronology of the lawsuit will be submitted with the annual meeting packet. The RLA attorney found, after considerable research, that the Larimer County Clerk and Recorder had received and recorded the Covenants on November 17, 1971 along with the signed plat.

**Membership Withdrawal** – There are no provisions in the Covenants or Bylaws to excuse anyone from membership.

**Stocker Variance Request** – Larimer County approved the Stocker setback variance requests, the Architectural Control Committee also recommended approval of the variances and no objections were received from neighbors. It was moved, seconded and carried that the RLA Board of Directors also approves the two setback variance requests.

Extending the meeting past 11:00am was voted upon and approved.

#### **NEW BUSINESS:**

**Annual Meeting** – Jan Ricker has volunteered to help the Hoberts with preparing and distributing the annual meeting packets.

**Post Annual Meeting Activity** – Peter Sinnott researched numerous places to hold a picnic and/or softball game but all facilities are booked. Most people present at this meeting preferred to schedule a wine and cheese gathering the night before the meeting instead of an activity following the meeting. A wine and cheese will be scheduled for Friday, July 23<sup>rd</sup> with the location to be determined.

**Mail-in Ballots** – The Board discussed at great length reintroducing a motion to allow mail-in ballots. Several motions were made and withdrawn before seconding. It was then moved, seconded and carried that a motion be drafted by Mary Nolan and Danny Perugini to amend Sections 5 and 6 of the Bylaws (regarding voting) to allow mail-in ballots, that such motion be submitted to the other Board members for approval,

and then it be submitted for the annual meeting packet and voted on at the annual meeting.

**Nominations for Directors** – Danny Perugini's and Mike Frederick's terms end and to date the only candidate running for the Board is Danny Perugini. Efforts will be made to try to obtain more nominations.

Meeting adjourned 11:50am.

Joan Van Horn  
Meeting Recording Secretary