

Dry Creek Road Debacle

Violating GLA Road Policy caused DCR to deteriorate

The people who are responsible for this debacle know who they are, and the fact that it is being exposed in this article gives them the chance, in all fairness, to explain themselves to lower South Glastonbury landowners and to the community.

Dry Creek Road is a county road that was paved by the GLA in 2002. Park County chip sealed Dry Creek Road in 2003. Neither the GLA nor the county had maintained Dry Creek Road since chip sealing it – up until it was recently crack sealed by the county in 2015. The crack sealing managed to save the road, but the complete lack of attention and maintenance to Dry Creek Road during the aforementioned time-period caused the road to start to disintegrate. The damage is becoming evident to South Glastonbury residents, as they have had to navigate around potholes.

Alligator cracking is prevalent along the entire road as it continues to disintegrate. This means South Glastonbury residents will have numerous potholes to look forward to.

The Covenants say that the county should maintain Dry Creek Road; and no mention is made of the GLA having an obligation or a right to do so. However, the Covenants do not prohibit the GLA from maintaining it, either – just as Covenants did not prohibit the GLA from paving it at the GLA's expense.

Historically, and at the time the Covenants were created, Dry Creek Road was maintained by the Church and then later by the GLA – up until the time the GLA paved it at a cost of approximately \$128,000 plus interest to South Glastonbury landowners.

After the pavement was laid, the road no

longer required grading and graveling. Most of the money saved on grading and graveling Dry Creek Road was spent on roads up in high South. A question remains as to what was spent on North; however, not nearly enough was spent on Arcturus, which has the highest density of population using a single Glastonbury road than any of the other roads in Glastonbury. Arcturus should have received a lot more attention than it did. Furthermore, a Dry Creek Road fund was not set up for future maintenance of the asphalt.

As it stands, if the GLA decides to do any work on Dry Creek Road, South Glastonbury landowners will probably be paying a Special Assessment to finance it – unless we get our DCR funding back and tell high South to pay for their own roads.

Glastonbury roads are not mentioned by name in the Covenants, but the Road Policy names Dry Creek Road as South Glastonbury's primary road, and the Road Policy ([See Road Policy](#)) states that primary roads take first priority when it comes to maintenance.

It appears that the GLA board decided to ignore the Road Policy when it came to the maintenance of Dry Creek Road because certain board members who lived in high South or had property interests up there, including Legal Committee members and Road Committee members, were claiming that the Covenants did not support Dry Creek Road being maintained by the GLA, which is what certain high South landowners had been saying all along. Unfortunately, the majority of board members seemed convinced by them that the GLA could not legally maintain the road – since such was supposedly the advice coming from the GLA attorney. This, of course, was a falsehood and at best is questionable.

As a result, money that would have funded Dry Creek Road maintenance went straight up to high South to maintain the roads in high South.

Furthermore, the Board led by the Legal Committee claimed that landowners could sue the GLA if the GLA maintained Dry Creek Road, since it is not a Glastonbury owned road. The Legal Committee also claimed that the GLA would have liability if it maintained Dry Creek Road, and they continue to say they can't maintain it because the road does not belong to us.

The Board's claims are fallacious because the GLA has liability insurance for roads, and when board member E.D. asked the GLA attorney about liability, the attorney said the GLA could get liability coverage for Dry Creek Road. And as already stated, the Church and the GLA, in succession, had maintained Dry Creek Road up until the time the GLA paved it.

The suspicion has been raised to the board that the real reason Dry Creek Road was neglected is because the board members in question were serving their own interests and seized upon the scheme to redirect funds from Dry Creek Road maintenance to the roads up in high South, which is exactly what happened. (See [10-Year Overview of Snow Removal Costs](#).)

When South Glastonbury landowners voted to pave Dry Creek Road they, naturally, expected that the GLA would continue to maintain Dry Creek Road (along with the county), as they had no reason to think otherwise – especially when one considers the huge investment South Glastonbury landowners made in Dry Creek Road. Instead, the GLA stopped all maintenance to Dry Creek Road – without even informing landowners of its decision. Had lower South Glastonbury landowners known, they could have taken action and voted on maintaining Dry Creek Road – which would have prevented any possibility of a lawsuit! Therefore, the board cannot use the threat of lawsuits as an excuse for letting the road deteriorate.

Clearly, something should be worked out with the county so that the county and the GLA can maintain Dry Creek Road cooperatively – because the county is on an 18-year maintenance schedule for chip sealing; and Dry Creek Road will disintegrate on that plan! With the right co-maintenance plan, however, the GLA and the county together could afford to provide the necessary maintenance Dry Creek Road requires in order for it to continue being functional – which, given the fact that Dry Creek Road is the only primary road for all of South Glastonbury, cannot be regarded as optional.

Further claims made by the Legal Committee were that the Road Policy was not a legal document having any legal standing and that it must not be followed if the GLA wanted to avoid lawsuits. They claimed this information and advice was from the GLA attorney. They claimed that the attorney said that the Road Policy had to be changed to remove Dry Creek Road as a primary road (and, thereby, lift all responsibility from the GLA to maintain it.) They also claimed that the attorney said the Road Policy must delineate road maintenance to high South.

The Road Policy already delineates road maintenance to high South and the Road Policy is inclusive of every road, including Dry Creek Road. Glastonbury roads are maintained according to a tier system. The tier system requires that primary roads are to be maintained first; and fifth tier roads are to be maintained last. And roads are maintained only in so far as there is money in the budget to do so. If the money runs out or if landowners are not satisfied with the level of maintenance they receive on their roads, they may form road districts and fund additional maintenance amongst themselves.

When lower South Glastonbury board member, E.D., contacted the GLA attorney about their claims he found out that all of the claims were false. The attorney told E.D. that the Road Policy was fair and legal. The attorney

put it in writing for the board to see that the Road Policy must be followed. He added that if the Board was not going to follow the Road Policy they needed to change it, but that they should get landowner input if they wanted to change it. He gave no advice, whatsoever, as to whether the GLA should or should not change the Road Policy.

The Chair of the Legal Committee later claimed that it was another GLA attorney who had said those things. This brings up the question as to the kind of dubious facts, or bias, he had presented to this attorney in order to get her to make those claims, if in fact she did make those claims, which is also questionable.

At the February 11, 2016 Road Committee meeting landowners and certain board members still claimed that the Road Policy could not be followed. E.D. challenged them, again, and informed them that he had a response in writing from the GLA attorney saying otherwise. Ironically, the high South Road Committee spokesman replied to E.D. that an attorney would say whatever you wanted him to say.

Because of attorney/client confidentiality, E.D. is not free to post the GLA attorney's response. Nevertheless, landowners have a right to know – as the Road Policy has nothing to do with the lawsuits, and landowners should be informed about matters of this nature.

Furthermore, confidentiality should never provide an opportunity for someone to distort the issues or work in secret along a self-serving course. The board's ignoring and suppression of the attorney's legal opinion on the Road Policy breeds suspicion. The GLA Board needs to be forthright about giving landowners information they ought to have, and it should not have the attitude that landowners are the enemy and are not legally entitled to information.

Contact the GLA!
info@glamontana.org

Ask to see E.D.'s questions and the GLA

attorney's written response regarding the Road Policy. Ask to see it in writing where the other GLA attorney had disagreed with the GLA attorney contacted by E.D., as well as the questions that this attorney had been asked by the Legal Committee. Always demand to see everything in writing.

Lower South Glastonbury landowners, and all landowners who can possibly do so, need to attend GLA Board meetings and the Road Committee meetings. As it now stands, only the landowners group from high South that claims it wants positive change attends, along with members of their group in North. And they attend faithfully and are taking control of Glastonbury road maintenance and GLA governance. Lower South Glastonbury's presence is not felt and lower South is not being heard because landowners from lower South are not there. One cannot expect board members from lower South to be very effective in looking out for the interests of lower South without the support of their constituency to back them up. And *that* is the reason why lower South Glastonbury has gotten the short end of the stick!

Article continues...

See [High South Heist](#)



[Home](#) | [History](#) | [Vision](#) | [Conflicts](#)
[About](#) | [Contact](#) | [Links](#)

All rights reserved