

Glastonbury Landowners Association

Newsletter ❧ Spring 2017

New GLA Annual Election Procedures Voter Eligibility

At the April 10, 2017 board meeting, the GLA directors voted to change the 2017 election procedures to require payment in full of assessments by October 31, 2017 in order to be eligible to vote at the Annual Election Meeting, November 11, 2017.

Assessment fees for the 4th and final installment of the current year and any past due assessments, must be postmarked on or before this same cut-off date of October 31, 2017, and delivered into the GLA PO Box 312, no later than Thursday, November 9, 2017 at 4:00 pm. Again, this requirement must be met to assure your voting eligibility at this year's GLA Annual Election Meeting, November 11, 2017.

Please note that this is a change from past procedures. Walk-in payments on the day of the Annual Election Meeting will be accepted, however, paying will not make you eligible to vote at the November 11, 2017 Annual Election Meeting. All payments must be made by midnight October 31, 2017.

Nomination period. The nomination period for Directors and Ombudsman will be August 1 through September 13, 2017. No additional nominations to be accepted for inclusion in the voting packet after September 13, 2017. Voting packets will be mailed on September 25, 2017 allowing 45 days for return of absentee ballots.

Payments for Landowners mailing absentee ballots. No payments are to be included in absentee ballot envelopes. Payments must be mailed in a separate envelope and postmarked by October 31, 2017 and received no later than November 9, 2017 at 4:00 p.m. in order for landowners to be eligible to vote when sending their payments and voting via absentee ballots.

Representatives for legal entities. Land in Glastonbury owned by legal entities such as corporations, trusts and LLC's must designate in writing their representative who will vote on behalf of the legal entity. This Representative Designation Form will be mailed in June to all Corporations, Trusts, LLC's and Associations. Individual members will continue to use the standard proxy form.

If you have any questions about these new procedures please contact the GLA Election Committee co-chairs at Info@glamontana.org, 406-451-0033, PO Box 312, Emigrant, MT 59027.

Late Assessment Fees, Interest, 5% Penalty

As per Covenant 11.06 our accounting procedures have been updated.

January 1 installment: due January 31

April 1 installment: due date April 30

July 1 installment: due date July 31

October 1 installment: due date October 31

There is a 30 day grace period after the due date of each installment. All penalties will be levied on day 30 of the grace period, if no payment has been received on or before that day. All interest for the grace period will be levied the day after the grace period expires.

Please contact GLA Treasurer, Mark Seaver, 301-421-1682, if you have questions about your account.

GLA Late Payment Interest Rate

For the last two plus years, the Board of Directors has been concerned that the 18% simple interest rate in Covenant 11.06 could be considered usurious and could lead to court actions. In August 2016, the Board asked Members to approve a 12% interest rate and for it to be retroactive to 1997. The change required 172 votes to pass and received only 97 in the affirmative.

On March 31, 2017, the current Legal Committee held a conference with Rick Landers, a Collections Attorney, to discuss the usurious issue in detail. The conversation generated some very specific questions about the classification that an assessment debt fell into, and under what principles a court decision might be made.

Previous attorney advice has been that the GLA assessments would fall into the category of a loan, under MCA 31-1-107. During the conference call with Rick Landers, contract laws were reviewed and questions became focused on the need to accurately determine how GLA assessments would be adjudicated.

Shortly after the conference call concluded, Rick provided the GLA with the long-awaited answer to these questions, some very specific guidance and case law from Montana Supreme Court that supports GLA's 18% interest rate. The details of the Supreme Court case are posted on the GLA website at: <http://www.glamontana.org/wp-content/uploads/2017/04/E.C.A.-Envtl.-Management-Servs.-v.-Toenyas-208-Mont.-336.pdf>.

Look for the yellow highlighted portion on pages 4 and 5.

His direct advice to the Legal Committee and GLA is as follows:

"I believe the GLA can continue to charge 18% interest on the past due amounts as well as a 5% late payment fee. Therefore, if you wish to keep charging these amounts, no amendment of the Covenants is necessary."

South Glastonbury Board Opening

Ed Dobrowski has resigned from the board effective May 2, 2017. The board will be appointing a person to complete the remainder of his term, which expires in November 2018. We thank Ed for his service and wish him the best. If you are a SG member in good standing, including those who represent an LLC, Corporation, or other business entity, and desire to serve

The GLA's Official website is: www.glamontana.org

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on the board, please send your name and contact information to the board by June 12, 2017. Candidates are encouraged to attend the monthly board meeting on June 12, 2017, 7:00 p.m. at Emigrant Hall in Emigrant MT. Candidates may write a bio and request it to be posted on the website before June 12.

A Reminder About Our Roads

A reminder: the speed limit for Dry Creek Road is 35 mph. The speed limit for paved roads in North Glastonbury is also 35 mph.



It is everyone's responsibility to adhere to the 25 mph speed limit on our gravel roads. Higher speeds destroy our roads. Save your speed for Route 89.

Are You Building or Planning to Build?

The Covenants require that all road building, construction projects and improvements to property be submitted to the association for approval prior to beginning construction. It is the Board's role to ensure that the standards and requirements outlined in the Covenants and Master Plan are being followed. In order to have the Project Review Committee review your project and make any recommendations to the Board at the next meeting, you must have complete application forms submitted a minimum of two weeks prior to the board meeting. Board meetings usually occur on the second Monday of each month and are posted on the website calendar. Forms and new instructions may be found on the GLA website www.glamontana.org in the left hand column under "Building and Construction" and then "Projects/Improvements: Instructions & Forms."



An application is not considered complete, and thus ready for processing/review, until the corners of the corner survey markers for the lot are found and flagged. The corner boundaries are required to be viewed during the on-site review process. The flagging must be completed by the time the application is submitted. Project Committee personnel are not expected to find the corners, and/or any easement boundaries, for the landowners. If the landowners are not capable of this work, the GLA has a FAQ on the website about getting local surveyors. An example of a site plan and a building plan with proper boundary and stakes located can be found on the website under Projects/Improvements: Instructions and Forms.

Please contact the Project Review Committee by calling 406-451-0033 and voicemail extension 103 if you have any questions.

Lot Number on Payment Checks

Please indicate on the memo line of your check which lot(s) your payment is intended for. This will insure proper credit of your payment. This is especially important if you own more than one lot in Glastonbury.

Road Policy Advisory Group

The Board has formed a Road Policy Advisory Group to review the current Road Policy and make recommendations for changes. If you would like to be a part of this Advisory Group please contact the Board or attend a meeting of the group. Meeting dates are posted on the GLA website calendar.

Ombudsman, Available to Serve You

Article X of the Bylaws describes the role of Ombudsman.

B. General Responsibilities. The Ombudsman's role is to communicate with the Members and residents in Glastonbury North and Glastonbury South, respectively, and to convey the concerns of the residents and Members, not otherwise addressed by the Board of Directors, to the Board. They may attend the Board meetings and convey such concerns at the appropriate time on the agenda. The Ombudsman's role is advisory in nature and they shall otherwise have no official powers or authority.

North Glastonbury Ombudsman, John Carp and South Glastonbury Ombudsman, Miriam Barker were elected in November 2016 to serve a one year term. John Carp may be contacted at, glaombudsman@mail.com. Miriam Barker may be reached at 406-333-4106.

The Ombudsman may take questions, complaints, or disputes to the GLA Board from individual members. Contacting your ombudsman may eliminate a lot of time and energy spent at Board meetings. Whether it is wrong mailing addresses, property line issues, or board communications, the ombudsman can take such issues to the Board and report back to the individual with responses and suggestions from the Board, or the Board may respond directly to the individual on a private basis.

Weed Control

State Law requires weed control in Montana. The Board must work to control weeds in the platted road easements. Landowners are required to control weeds on their property. It is an ongoing battle. Some experts think cutting weeds is more effective than spraying. The goal is to not spray weeds but to cut them, saving our health and money. Cutting instead of spraying requires removal of rocks along the road easements. The GLA asks landowners to remove rocks along the roadside for a distance of about 10 feet from the road edge to enable cutting the weeds and grass. It will take time to remove rocks to transition from spraying weeds as has been done in the past to cutting the weeds with a roadside mower. In the interim we plan to spray. We will be spraying earlier this year and requesting bids from other weed control companies. The Board will select the best company. See website for weed spraying schedule. If you don't want spray in your road easement please post "No Spray" signs and plan to remove the weeds yourself.

Become an Agenda Subscriber

Would you like to know what the board is planning to discuss at its monthly meeting so you can attend to offer your wisdom on topics important to you? Are you interested in attending various committee meetings? Become an agenda subscriber. Inform the board and you will receive notice by e-mail regarding meetings as well as date, time and venue changes.