

PITCHFORK ASSOCIATION, INC.
BOARD OF DIRECTORS MEETING
JULY 14, 2020
VIA ZOOM

Present: Bill Coburn
Jess Legere
Roman Kolodziej
Kathryn Keller
Chris Young
Various unit owners
Scott Kelley, Toad Property Management

Scott called the meeting to order at 5:30 pm and confirmed there was a quorum. Scott explained the vacation of an easement had previously been agreed by the Board via email in lieu of a meeting but after comments from some owners it had been decided to hold a meeting to discuss the matter further. Scott said Bill Coburn would be recusing himself from any vote as the easement crossed his lot.

The authority of the Board to vacate a public access easement was questioned. It was explained specific language in the Pitchfork Covenants mentioned the Board's right to create easements (3.5.I) but was silent on the Board's ability to vacate easements. In Section 3.4.G of the Pitchfork Covenants the need of a majority vote of homeowners present or by proxy at a meeting for changing Common Elements was mentioned. Concern was expressed if adequate snow storage had been addressed on the three lots. Pete Weber indicated the snow storage areas and said the Board and the Town had accepted those snow storage areas. Pete Weber explained Town had concerns about snow shedding from roofs onto the Rec Path and vacation of the easement had been put forward as a solution. If the easement was not vacated stairs would be built on the hillside to provide access to the easement and concern was expressed about liability issues and keeping the stairs clear of snow. Bill Coburn said in his opinion the access was not a benefit to the community and was something shown on the original plans for the south end of Pitchfork but as more homes were built the access did not seem to be an amenity for the Community.

Scott explained the easement being discussed was on Lot 65 and the easement had been given to the Town of Mt. Crested Butte by the Developer. Responsibility for building, maintaining the stairs and liability had not been clarified and there was no documentation to establish the responsibility.

Bill Coburn explained the Town attorney and the Developer's attorney had recommended the Pitchfork Board could make the recommendation to vacate the easement. Bill clarified the discussion had focused on the legality of the easement vacation document, not the right of the Board to vacate the easement. Scott said Marcus Lock, the Association's legal counsel, would be asked to give an opinion on whether the

Board could vote to vacate the easement or if it needed to be an Association vote. Liability and maintenance of the stairs would need to be discussed further.

Scott said the annual meeting would be on August 6, 2020 and documents would be sent to all owners.

Concern was expressed by some owners about a lack of transparency and the feeling the vacation of the easement was being pushed through too quickly.

The request to vacate the easement was withdrawn by Bill Coburn, the applicant, and no further action was taken.

At 6:25 pm Roman made a motion to adjourn the meeting. Kathryn seconded the motion and it was unanimously approved.

Prepared by Rob Harper,
Toad Property Management