



Ponderosa Pines Property Owners Association
Special Board of Directors Meeting Minutes
December 3, 2022
Remote Online Meeting: Zoom Platform

The Special Board of Directors meeting was called to order at 6:10 pm. Directors present: Cheryl Riddle (*Treasurer*), Jeremy Martineau, Tina Kemp, David Trachsel, Tim Pile, Kent Dollarhyde, and Steve Maurer. Quorum has been met.

Members in Attendance: Approximately 13

Steve Maurer read some verbiage from Statutes. See Addendum 1 on the next page.

Minutes

- November 17, 2022, Regular Board of Directors Meeting – David Trachsel made a motion to approve the minutes. Cheryl Riddle seconded. With no further discussion, the board unanimously approved the minutes.

Steve Maurer made a motion to amend PPPOA Resolution #04-30-13 (1) Pay Scale Rev 07 to PPPOA Resolution #04-30-13 (1) Pay Scale Rev 08 with a second from David Trachsel. Motion was unanimous.

Jeremy Martineau accepted the position of Commons Liaison.

Meeting Schedule for 2023 was discussed and will be sent out to the members.

Tim Pile made a motion to adopt Ad-Hoc Roads Committee Recommendation (2022) dated 10/16/2022 with the following out of scope exceptions:

(Paragraphs 9 and 10 in whole). (Paragraph 11 Sentence #2) (Paragraph 12 Sentences #1, #5, #6)

And reflect these exceptions with a single strikeout line through the effected sections with a footnote stating “Adopted by Board of Directors 12/3/22 with the shown out of scope exceptions.” This will be the only official copy of this report released. The motion was seconded by Cheryl Riddle. Motion passed with votes Aye (Tim Pile, Cheryl Riddle, Tina Kemp & Steve Maurer. The votes Nay were (David Trachsel, Kent Dollarhyde & Jeremy Martineau)

David Trachsel made a motion to adopt two reports as written. One is contributing causes of Chipseal Rd project failure dated 5/26/2022. The second one is the review of Ponderosa Pines Rd surfaces dated 5/1/2022. Cheryl Riddle seconded. Motion was unanimous.

Steve Maurer made a motion to release the Charter, the adopted reports, the reference materials, rosters and any minutes on file regarding the ad hoc enhanced gravel Roads Maintenance Committee upon request from members. David Trachsel seconded. Motion was unanimous.

David Trachsel made a motion to adjourn the meeting with a second from Cheryl Riddle. Meeting was adjourned at 6:39 pm

Respectfully submitted,

David Trachsel
PPPOA Secretary



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Addendum 1: Chairman's comments 12/3/22

For the record, I would like to brief some items of law pertaining to current activities we are seeing.

The Oregon Revised Statutes 94.640 contains many different rules addressing behavior and duties. There are rules applicable to confidentiality stated in ORS Chapters 65,199 and 801. Within these Chapters, Directors are governed by confidentiality laws that pertain to "executive sessions".

Executive Sessions shall always be held strictly in confidence. ORS further states that any business discussed with an attorney on matters concerning any topics eligible for Executive Sessions, are to be considered as being an Executive Session, and all applicable rules apply.

In addition, any discussions with an attorney by the Board of Directors concerning Association business, is privileged, and can only be released by the Board itself with a 2/3 majority vote of Board Members.

In short, anyone who was privileged in the Executive Session, and who discusses or releases information from that session is considered in breach of confidentiality, and subject to all pertaining laws.

The same ORS, our Bylaws and Robert's Rules pertain to committees, as well as the Directors. All of them state that the committees are formed for specific reasons and are assigned specific tasks. Whether individuals physically sign NDAs or not, the committee members are still subject to all pertaining rules.

All the different rules, the ORS, Bylaws and Robert's, say basically the same thing. That committees, whether Special or Standing, are created to only address topics applicable to the tasks assigned them. The output of their work is solely for the purpose of recommending to the Board of Directors actions they might take into consideration in performing Board duties.

Unless granted special privilege by the Board of Directors, the committee is to report only to the Board, and are in breach of confidentiality to report otherwise.

Even though breach of confidentiality in committees may not be considered actionable by legal processes, it is considered illegal, and definitely unethical.

Ponderosa Pines Property Owners Association

Ad-Hoc Roads Committee Recommendation (2022)

Summary:

The Ad-Hoc Roads Committee has found there are multiple reasons the recent chip seal applied to Ponderosa Way (and Loop) has failed, and each cited concern is listed below with a brief explanation. We believe, based on our knowledge and experience, that applying chip seal over our gravel roads is not viable. This finding is also supported by previous studies found from past PPPOA documents and recommendations.

Analysis of Chip Seal Failure:

1. Current gravel roads lack adequate road base to support chip seal - There are no lifts of larger rock capped in progressively smaller layers, wetted & compacted between each layer. An adequate road base is built up to provide a foundation, which prevents drifting and moving of material and allows water to drain through the wet seasons of the year. An adequate road base with proper drainage also prevents water from penetrating the road surfaces and helps to prevent extreme frost heaving and controls thaw at an even rate. This process is critical to a solid road that will properly support chip seal or pavement, and without it our current gravel roads will never be considered more than a basic dirt road for simple use.
2. Variable or inadequate base material – Current road base throughout our community varies. Original documentation from PPPOA inception specifically states that roads were created of red rock cinder (this has been verified by taking samples of the roads throughout the development). This material is not suitable for a hard base foundation because it smashes, sinks, and drifts, and it is not a suitable material for a stable foundation for any road. Without a solid road base, the chip seal drifts, flexes, or breaks down. Chip seal must be installed over a solid surface because it is not flexible as a standalone product, and CRS2p is especially brittle and fragile. There are very few products in the chip seal type family produced in the world that are considered flexible. A reference to one such product would be Otta Seal (this is not a recommendation, but simply a referral to a product that claims flexibility).
3. Pumice dust - The road buildup (not a base) we have above the red cinder is a mix of whatever gravel we have been able to get from local suppliers over the years. There are different types of gravel and crushed rock, and it all contains a high concentration of pumice dust. The pumice dust tends to separate from the gravel, and it causes a lot of dust in our development as roads are used (this is a common complaint from residents). The pumice dust also causes other technical issues for the adhesion of the chip seal because it causes a distinct layer of loose, fine sediment in the top layer gravel. This prevents the chip seal oil from adhering to the road surface, which has been noted extensively by the Ad-Hoc Roads Committee. The chip seal Contractor also blamed it for the failures he saw and concurred with observations by other professionals on the Committee. We have found the dust present in all our gravel roads, and we believe it accounts for a large percentage of the overall material make up in our roughly 14 miles of dirt roads throughout the development.
4. Use of reclaimed logging roads - Some of the roads in the PPPOA, per unverified local knowledge, are alleged to be reclaimed logging roads from pre-1977. No one knows what the base under them is, but it is fair to assume they were local materials supplied by grading whatever material was present (most likely native soil, consisting of sandy loam), and would not be suitable for long term use.
5. Selected chip seal material – Through discussion with the manufacturer of the selected product (McAsphalt Industries LTD.), CRS2p is not a flexible material. Ad-hoc Roads Committee members spoke directly with the Manufacturer, bases in Ontario, Canada, and they stated CRS2p is not considered to be a very flexible product when it's cold. According to the Manufacturer, the material will fracture and break very easily in cold temperatures without a solid base. As we have seen here, impacts of tires from washboards and potholes will cause the material to fracture and break. The Manufacturer also stated that without a completely solid and immobile base, the product is not tolerant of heavy loads and would not be considered a good option for medium to heavy traffic (even passenger type cars). The Manufacturer clearly stated that the product is generally intended for application over asphalt and would require an adequate base to remain durable and provide any longevity under heavier traffic loads.
6. Road shape and drainage – Current roads in the development lack adequate drainage. Most roads have a high build up with a crown in the middle and drop off at the edge/shoulder. This causes water to run away from the road surface and keeps it from soaking into the base material that supports the road surface. PPPOA roads do not have a shoulder, nor do they have developed drainage with ditches and/or culverts to move the water away from the road surface and lower layers. This flaw or shortage of infrastructure allows water to free stand or puddle in areas for extended lengths of time, so it soaks into the lower levels of the roads and leads to muddy conditions and frost heaving. This water infiltration also contributes to an inconsistent and inadequate road base.

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Ad-Hoc Roads Committee Recommendation (2022)

7. Volcanic activity and hot spots - We live in a caldera; While considered inactive, it isn't a dead volcano per geologic studies. Hot spots (possible vents) seem to be present and could pose an issue to our roads. The Ad-Hoc Roads Committee has tracked areas throughout the development that have temperature variables of up to 16 degrees over just a couple feet of distance between readings. These temperature variables cause huge issues with freezing and thawing throughout fall, winter and spring seasons, and road surface areas affected by these hot spots consistently exhibit failure year after year. No Committee members are registered geologists, and we cannot definitively state the hot spots are due to volcanic activity, however, their presence has been verified by repeated sampling with laser thermometers throughout the year.
8. Recurring road failure (research required) - Many of the potholes present throughout the development recur every year. We find areas that no matter how much grading, ripping, or filling is done many of the same potholes will come back year after year in the same areas. Many of the potholes that showed up in the chip seal on ponderosa way in the thicker chip seal are the same potholes that return every year in the exact same spots. We have probed several of the potholes and the probe will just push into some of them with virtually no resistance for the full length of the probe rod. This can be explained several ways and could not be verified without extensive research. However, there are several possible causes including: underground springs or other ground water, fissures in the bedrock, etc. These failures again lead the Ad-Hoc Roads Committee to understand that the roads within the development lack an adequate base to support pavement or chip seal.
9. ~~Poor contractor selection and due diligence - Consideration must be given to a competitive environment for contractor selection, and due diligence must be performed prior to selecting a contractor or product. Unfortunately, the PPPOA Board of Directors failed to secure more than one bid and did not perform any due diligence on the product proposed. In this circumstance, the Contractor may have just wanted to sell his product and blatantly neglected to take into consideration or failed to point out any of the aforementioned items. One can understand not knowing about soft spots of recurring failure or areas that exhibit highly variable temperature, but the Contractor did or should have known that the product he proposed was not going to last (both due to our environment and the lack of adequate base).~~
10. ~~Past documents overlooked - it is the collective opinion of the Ad-Hoc Roads Committee that the PPPOA Board of Directors were reckless in their oversight and planning of the chip seal project. There are many past planning documents and minutes from previous PPPOA meetings that would have been helpful in discussing the viability of a chip seal product being applied over our gravel roads (for reference see "Ad-Hoc Roads Committee Recommendations 4-28-2016.pdf"). Unfortunately, these documents were either overlooked, or there was no effort made to search for past documentation that would likely have steered the community away from such wasteful spending.~~

Conclusion:

11. The Ad-Hoc Roads Committee finds that chip seal on our existing gravel roads is not viable and will not hold with any longevity, especially for the 7-10 years budgeted and posed to members. ~~When chip seal was previously assessed and presented to the membership, the members were presented information that represented a best case scenario that made the project seem too appealing and did not accurately represent the true investment necessary.~~ Chip seal may be applied over gravel, but it is generally a product intended for use over asphalt and is a sealing product as the name implies.
12. ~~The PPPOA Board of Directors demonstrated a lack understanding regarding current road construction and lacked understanding, based on scientific fact and supporting data, which options for road improvements are actually viable in this development. These roads were created 50+ years ago and there is very little data to document design of the roads, let alone any documentation of road construction. The roads are not adequately drained and there are variable base materials that do not support a hardened surface. Likewise, there was little or no due diligence performed regarding either the contractor or product selected, and there was no competition in bidding the work. While the Board's intent may have been good, they lacked the proper knowledge and scientific data to justify the choices made, which have come at great cost to the members of the Association.~~

Recommendation:

13. The Ad-Hoc Roads Committee recommends abandoning the chip seal product already applied, and that the Association not pursue it further as a form of dust abatement because it is a waste of time and member resources. There are more suitable dust abatement products available which are intended for gravel roads. We have priced several different polymer products ranging between \$7,000-\$9,800 per mile for a 22-foot-wide road. The Board is further advised to involve the community in any future decisions regarding this matter.