

BMPOA Monthly Board Meeting Minutes: April 10, 2023

Minutes recorded by Secretary Patrick Patton

Board Members Present: President Joe Giordano, 1st Vice President Jim Critcher, 2nd Vice President Jonathan Morrison, Treasurer Mike Veasey, Secretary Patrick Patton, Directors –Harry Davis, Carl Herz, David Cook

Board Members Absent: Director At Large Erica Santana

Guests: Walt Mabe - Warren County Supervisor for BMSD

Total Number of Membership and Guests Present: - 8 Board Members, 10 Members at Lodge, 3 members via Zoom (Gregg Leonard, Janet Wildman, Renee Grebe; 1 Guest

Items of discussion: President Introduction, February 2023 BMPOA Board Meeting Minutes Approval, Financials, Roads, Recreation, the Dam, Committee updates, any old or new business and any membership questions/open forum discussion.

President Call to Order/Opening Remarks

President Giordano (Joe) opened the meeting at 6:01pm welcoming everyone and informing them the meeting was being recorded via Zoom. He then moved to prior meeting minute approval.

Previous Meeting Minutes Approval – President Gordano

President Giordano stated that, as the February Minutes had been reviewed and agreed upon by all Board members in emails, he made a motion that, in lieu of reading the minutes, a vote for approval/disapproval happen. The motion was seconded and approved. Patrick mentioned that even though there was no meeting in March, Mike Veasey sent the February Financials. Patrick created the 'March 2023 BMPOA Board Meeting CANCELLED' file and included the March Financial statement Mike provided. Both the February and March files will be posted on <https://bmpoa.org/board>. President Giordano then made a motion to approve an immediate Executive Meeting to discuss personnel matters. The motion was seconded and approved. President Giordano requested all members to vacate the building during the Executive Meeting which he anticipated would last 10 minutes. Once completed members will be notified they can return. Once the EM was completed all members returned and President Giordano requested the Nominating Committee report.

Nominating Committee Report (Treasurer Mike Veasey)

Mr. Veasey informed us of the Board key position vacancies requiring election in August, 2023: Vice President, a Secretary, a Director At Large, and two people to serve on the nominating committee. Additionally, we need personnel interested in chairing the Roads Committee, Arbitration Committee, and Recreation Committee. The Roads, Arbitration, and Recreation positions are appointed by the Board. Mr. Veasey then told the Board that 4 people have asked to be considered for election at the annual meeting. That ended the Nominating Committee Report. The President then asked for the Financial Report.

Financial Report (Treasurer Mike Veasey)

The BMPOA Treasurer, Mike Veasey presented the Treasurer's Report for January 2023. All reports are in the 'Board' section of <https://bmpoa.org>.

BMSD: There was no income this month but there were \$741 in expenses (\$100 website, \$34 new checks, \$60 Quicken software renewal, \$260 road maintenance, \$92 road supplies [cold patch for

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pavement repair], \$195 filling sand barrels. There is \$148,481 in checking, \$63,880 in reserves for a total of \$212,361 available assets Expenses are shown in the 'April 2023 BMSD Financials' file.

BMPOA: We started the FY with \$63,618 and had income this FY of \$20,153 (\$6400 this period). We have expenses this FY of \$18,626 (\$659 this period: \$152 electric; \$199 internet; \$308 lodge maintenance). This leaves a checking balance of \$65,145. Mr. Veasey asked if there were any questions. There were none. He informed everyone they can always contact him if they have any questions or would like to see the financial reports.

Blue Mountain Sanitary District Tax Assessment: Mike reported that due to the new property values from the county the board voted to lower the Blue Mountain sanitary district assessment rate from 24 cents per \$100 to 21 cents per \$100.

Roads Report (Carl Herz)

Carl informed us that standard maintenance is in progress. That includes clearing ditches and working on resurfacing a portion of Source Lane after recent construction. Old Log repaving options are intended to be presented to the board for consideration in May's business meeting, and we're anticipating the operation to take place in June. Carl asked if there were any questions. Walt Mabe asks if we consider the current road impact fee to be sufficient, which is \$2500 less county administrative fees. The committee will consider this. Then President Giordano informed everyone this will be held until the last part of the Meeting.

Recreation Reports (Chairman Jonathan Morrison)

- **Lodge:** Jonathan could not attend. No report.
- **Deer Park Recreation Area:** Chairperson Dan Zeman provided the 'DPRA Sub-Committee Report 4-10-23' (Attachment 1) and the 'Hiking Trails - Update 2 April 2023' (Attachment 2) prior to the meeting.

Lodge Access Report (Dave Cook)

Dave Cook stated there was nothing to report.

Membership Committee (MC) (Beth Herz)

Beth could not attend the meeting however Carl provided Beth's notes: The membership committee has sent welcome letters to five of seven properties sold within the last 4 months, The remaining two records are still being updated. There are currently four listings for sale and the listing agents are being approached to ensure their knowledge of our active POA.

Legislative and Public Relations Committee (Kris Nelson)

Kris informed us the Warren County Assessment will do a final vote on the tax increase this month. She will provide an update in May.

Arbitration Committee (Currently No Chair)

President Giordano informed us there was no committee Chair and stated if anyone was interested to please contact him.

Architectural Review Committee (Jim Critcher)

Jim said he has nothing to report.

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Covenants Enforcement Committee (Billy Orndorff)

Billy is working on a letter to the member at had nothing to report. Dan Zeman asked if Billy was going to do anything about the realtor 'Pointer Signs" that are not authorized. Billy said that was not a priority

Covenant Review/Modernization Status (Erica Santana)

Erica was not at the meeting but asked Patrick to provide the following:

1. Covenants committee has grown by 2
2. Committee is working on chronology of POA identity, name, and status changes over time
3. List of questions for legal counsel is being finalized
4. Once we get key questions answered, we can more appropriately determine the level of effort on the revisions

Bylaw Review/Modernization (Kris Nelson)

Kris stated she would be working with Mike Veasey to update certain sections of the Bylaws. She then asked if there was a status on consulting an attorney. Patrick went into the notes Erica had provided for the Covenant Review/Modernization committee. Kris was fine with that.

Deer Lake Reports

- **Lake Operations:** Mike Veasey said as the lake opens Memorial Day (May 29th) he would be ordering sand for the beach, arranging to have the portable toilet cleaned and opened, and arranging for the contract mowing services for the common area and lodge. We also discussed the need for a guard at the lake and the board approved hiring a guard for the summer.
- **Dam Maintenance:** Carl informed us he was submitting the required 7 year Maintenance program to Warren County this month. Otherwise, he had nothing to report.

OLD/FOLLOW-UP BUSINESS

- **Chipping Contract** (Jim Cook): Jim couldn't make the meeting but provided Patrick an update that will be posted on the website and Facebook. There was change to the chipping dates and contractor. The contract with Timber Works has been approved and signed. Timber Works will complete chipping on May 4th and 5th. On May 6th members should contact Jim if their piles have not been chipped, as Timber Works will do all missed piles on May 8th. See the website and Facebook pages for any updates, and contact Jim via Facebook Messenger with any questions.
- **Firewise VA Community Hazard Mitigation Grant Program (Patrick Patton):** Patrick thanked the more than 35 members that have provided their deadfall bunching work hours and dollar costs. We are well on the way to getting the VDOF grant in July to assist in payment for Fall chipping.

NEW BUSINESS

- **Lodge Usage Requests** (Morgan Fox - Lodge Coordinator): Morgan has gotten the Lodge Calendar on bmpoa.org. It shows the dates the Lodge is reserved for. She said the calendar is

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really basic, but that is all we can do with our current web host/domain registrar GoDaddy.

Everyone thanked her and Sarah Hutchison for getting that done.

- **Adopt a Highway** (Carl Herz): Carl brought up the Adopt a Road program. BMPOA has adopted BMR from Far View Lane up to Fire Trail, and Freezeland Road from Fire Trail down to Woodthrush Way. This year the volunteer litter pickup will happen on April 22nd, which is Earth Day, and in the future the date for this activity will be set for the Saturday of, or following April 22nd each year, and will be communicated well ahead of time in the newsletters, etc. This year a note will be put on the web page and on Facebook to try to gather volunteers. Carl then welcomes anyone in attendance to consider pitching in to help on the road committee or with the adopt a road effort.

Public Safety Report – (Dan Zeman)

Prior to the meeting Dan provided the 'Public Safety Committee Report 4-10-23' report (Attachment 3). President Giordano read a section of that report referencing zoning issues, then read his email accusing the board of being criminals operating an illegal enterprise, and finally read the letter from Warren County establishing our zoning and allowances which negate all false claims in Dan's report.

Open Forum (President Giordano)

Nothing to discuss.

Meeting Adjournment (President Giordano)

President Giordano asked if there were any other items for the Open Forum. There were none. The meeting was then adjourned at 7:25pm.

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Attachment 1 - DPRA Sub-Committee Report 4-10-23 (Dan Zeman)

The Committee spent this past week restarting work on its repairs and improvements to the upper recreation area. There was additional damage to the fence surrounding the tennis court from the ice storm and the chairman will have to make another trip into their woods to see if they can locate any more 1 7/8" pipe. Repairs have begun to the damaged and missing top rails and chain link. The court has been completely cleaned of leaves and deadfall. The repaired net and posts will be put up this weekend. Downed limbs and trees are being gathered and processed and the roadwork from the fall seems to have held up well throughout the winter. The gates are completed but the posts still have not been set. The committee has finally gained another member Garrett McNamara who has proposed no cost trails as outlined in the attached .pdf. The tree stands he discovered while scouting need to be discussed, and we have already completed the small trail from the court to the dam side of the lake,

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Attachment 2 - Hiking Trails - Update 2 April 2023 (Dan Zeman)

Deer Lake Recreation Area Sub-Committee

Update - Hiking Trails

April 2, 2023

Objective: To establish a network of non-motorized, hiking trails in the 93 acre plot of BMPOA property while minimizing impact to green space.

Planned trails

Prepared by: Garrett McNamara, Owner, 545 Shady Tree Ln
202 507 9703 | garrettmc@gmail.com

Updates:

- Blue trail between the lake dam and Deer Park Recreation Area has been cleared and is ready for use. The trail begins at the south end of the dam and ends near the tennis court.
- Remaining trails (green, red, and purple) have been laid out and flagged for follow-up efforts.

Benefits to these non-motorized, hiking trails:

- Great use of the property with minimal impact, footprint, cost, and time to implement
- A place to actively enjoy nature that is safer than the WMA during hunting season and does not require purchase of a state permit
- Provides a convenient foot patrol route for oversight of the entire plot to detect any current or future illegal use of the land (e.g. squatting, hunting). Right now there are blind spots as most of the land isn't regularly explored and it borders private properties downhill, hidden from plain sight.
 - o While scouting trail routes I discovered three unauthorized hunting stands (Appendix A) and an ATV trail
- Minimal liability
- Minimal upkeep that can be done by many community members not requiring specialized tools or materials (e.g. debris removal and re-painting blazes as needed)
- Accessible 24/7/365
- Pet-friendly
- Healthy

Strategy:

- Scouting and brush clearing labor provided by Garrett McNamara and volunteers.
- Create trails only as wide as necessary and with strategic impediments to make misuse by 4x4 trucks and ATV/UTVs difficult
- Choose routes that avoid impact to live trees and minimally impact small live brush, instead opting to move dead brush wherever possible
- Navigate trails along great views and rock features

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Attachment 2 - Appendix A

Tree Stand 1

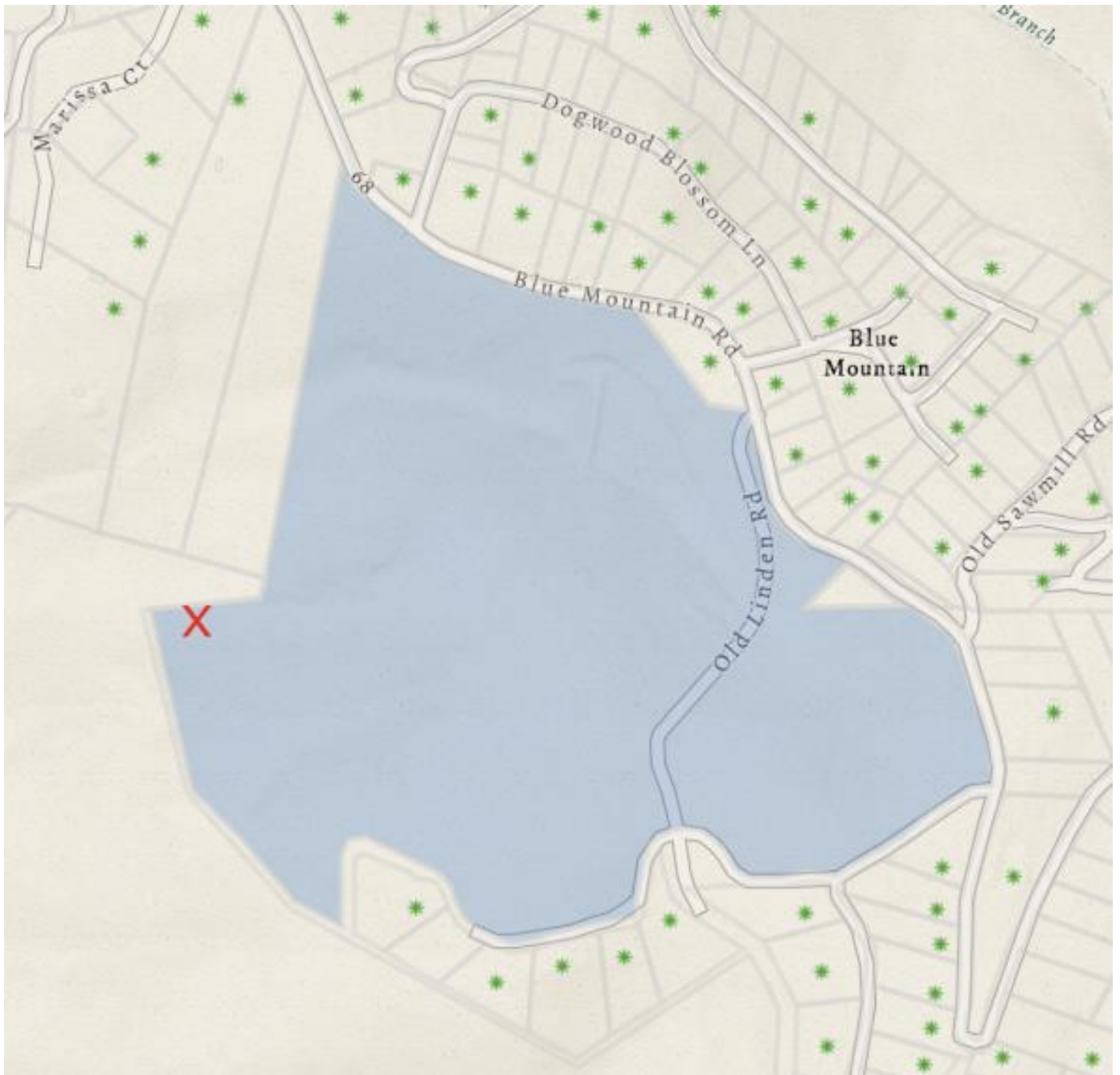
This single tree stand is rusty and appears to have been in place for years. It is on POA land by a few meters. Its orientation allows shooting onto POA land.



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Location: 38°57'37.2"N 78°02'50.0"W - <https://goo.gl/maps/9KYxr4vDUo8HJS6A>

Approx:



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Tree Stand 2

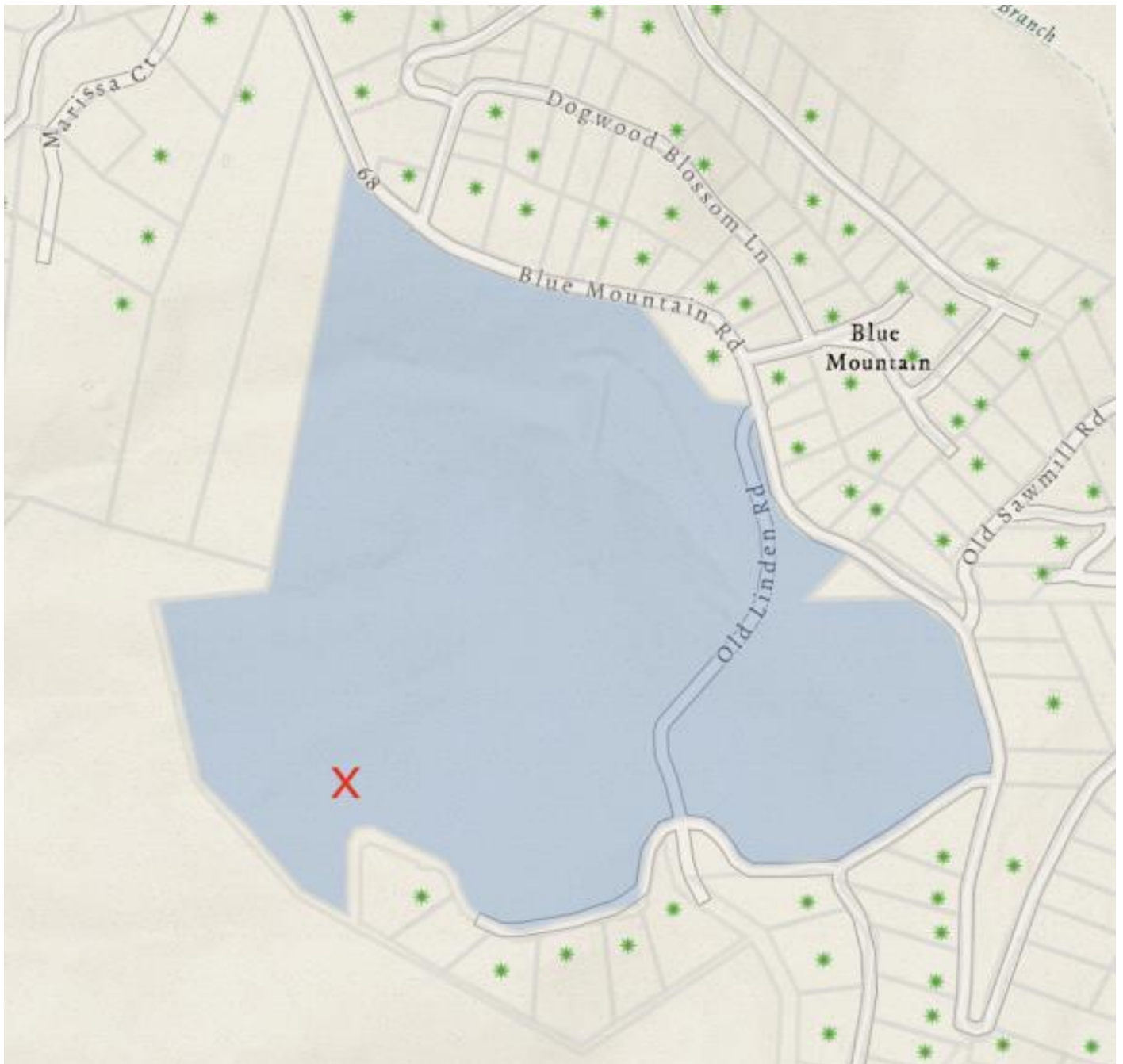
The stand is within sight of Scarlet Tanager Ln.



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Location: 38°57'31.1"N 78°02'43.8"W - <https://goo.gl/maps/8SWXyRAgkyfPo2887>

Approx:



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Tree Stand 3

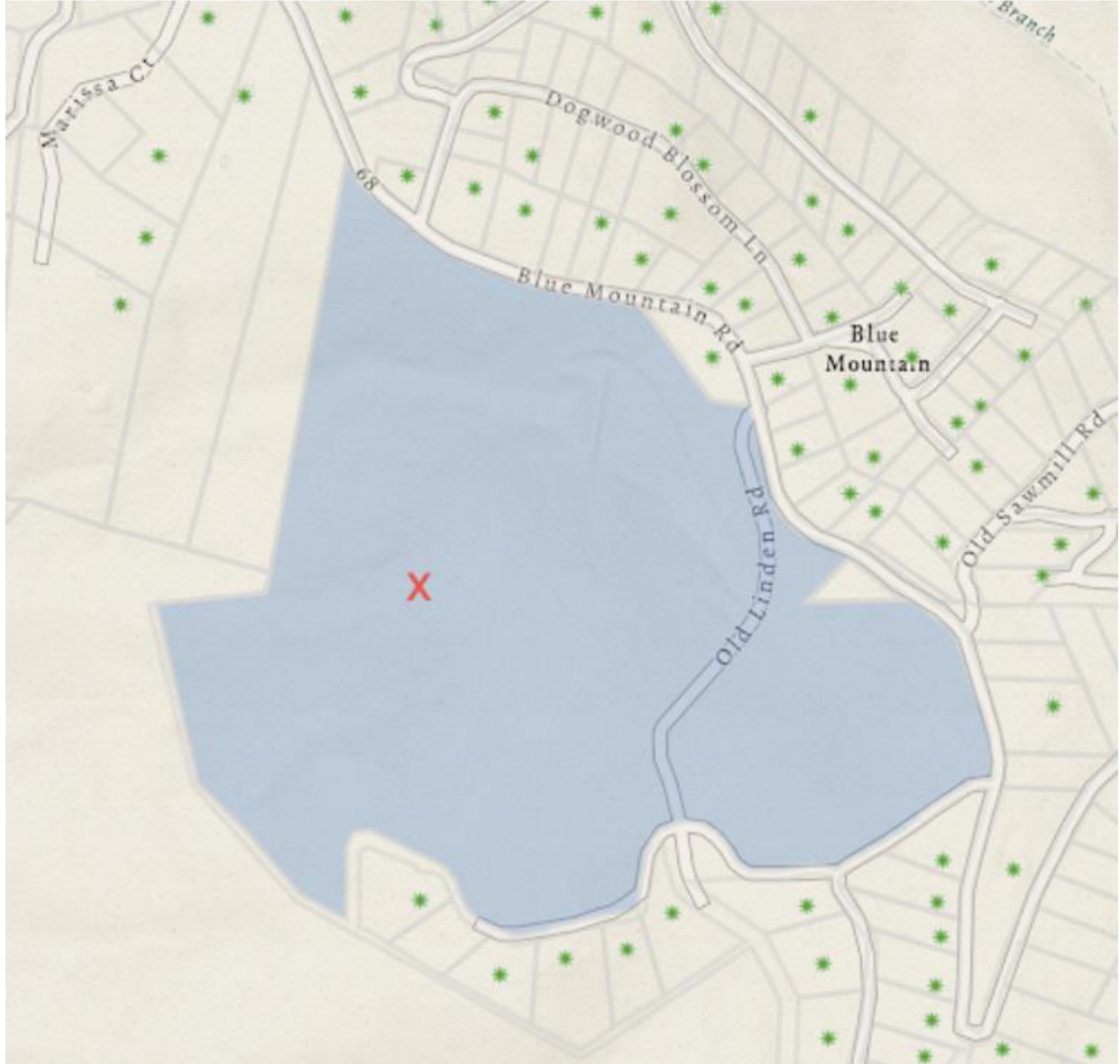
This stand was not present when I scouted the area originally in April 2021. The stand also overlooked at least two game/trail cameras and a feeding apparatus.



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Location: 38°57'37.9"N 78°02'42.4"W - <https://goo.gl/maps/BXSZtSHTWBSvRvUi7>

Approx:



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Attachment 3 - Public Safety Committee Report 4-10-23 (Dan Zeman)

This week the committee visited the Warren County Governmental center to check on any regulations that we would need to follow in order to safely and legally operate as a wedding venue. This was prompted by our lack of fire alarms, smoke detectors or properly maintained fire extinguishers and the 3 already identified major safety/liability concerns of the Halon System, The Loading Dock and the Mirror. On the first visit we were told in no uncertain terms, that the Lodge had nothing that would allow it to be used as such and that we were at risk of being cited and shutdown. The committee was rightly concerned and immediately reported this discovery to the Board. Any Bride calling the County to double check her venue would have been told the exact same thing. Upon receiving no response from the board and suspecting the County must be missing something, a second trip was made the following day to verify this information. We were then made privy to a handshake letter between the Zoning Commission and Jim McManaway that grandfathers the Old Restaurant's Certificate of occupancy and adds to it "Wedding Venue". Why the permits office has no record of this agreement is still unclear. In an abundance of caution the committee then visited a third time today to discuss the implications of having a wedding venue with an occupancy permit from the 70's and no inspections for use as such. The committee spent 45 minutes in conversation with one of the commissioners who signed the 2016 letter and now regrets it, having intended it to cover community weddings and board meetings and never anticipating it would be used in the future to justify use as a full-blown wedding rental to the public. His understanding was that we would now have to come into code compliance with a change of use permit and make any necessary improvements as such. The committee then made its way to the permits desk to request the proper forms where we were told the exact opposite. The grandfathered use of a Wedding Venue that never existed falls into the same category of inspections that were made when the building was built. Additionally, because Warren County never adopted the Virginia Maintenance Code, they do not conduct ANY building inspections beyond initial use or change of use inspections. So after having been told multiple times by the county we were in violation, for weddings, we are in fact NOT. This does not change the fact however that any weddings prior to 2016 were illegal or that basic safety precautions since they began have been missing or went unmaintained. When the chairman of this committee was appointed the first thing they did, was look up for smoke detectors. The committee maintains its stance that there are serious liability issues and legal questions surrounding this unconventional arrangement and the age of the building. The committee still has no evidence that our insurance company knows about this unrelated business or that in the event of an accident or death as a result of our neglect to account for public safety, that we would indeed be covered. Whatever is going on with the basement is not an approved use at all. The issue of whether or not we need a Business License remains unresolved as well. It is the Opinion of the committee that as soon as possible we should hire an attorney to review this unusual situation and hire an independent inspector to make suggestions as to what we could do to limit our future risk. The committee has been informed that work on the dead trees has been initiated and that smoke alarms are in the works. The mirror remains dangerous. If the board believes the future return is worth the risk, then there is nothing standing in its way of continuing this high wire act, except its own Covenant's and Bylaws put in place to disallow just such an exposure from occurring. A first aid kit would be nice as well