

## **BMPOA Annual Meeting Minutes: August 21, 2022**

*Minutes recorded by Patrick Patton in lieu of Secretary Byrne*

**Board Members Present:** 2nd Vice President Jonathan Morrison, Treasurer Mike Veasey, Secretary Senie Byrne, Directors at Large – David Cook, Jim Critcher, Carl Herz,

**Board Members Absent:** President Greg Young (Resigned)

Guests: Walt Mabe – Warren County Board of Supervisors (WCBOS) Shenandoah District Manager

**Total Number of Membership Present:** **Total Unknown** - 6 Board Members, numerous Members at Lodge, 1 Guest (Walt Mabe - Warren County Supervisor for BMSD)

**Items of discussion:** President Introduction, 2022 Ballot Counting, August 2021 Special Meeting Minutes, 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**

2<sup>nd</sup> Vice President Jonathan opened the meeting at 1:35pm welcoming everyone. He then requested the ballot count for the 2022-2023 Board voting.

### **Mail-in Ballots Counted by Board Members** (Carl Herz, Senie Byrne & Jim Critcher)

Carl informed us there were 28 correctly submitted ballots. 12 were non-proxy votes and 16 were proxy votes. There was 1 write-in for 2nd VP position for Dan Zeman. There were 2 write-in votes for a Director at Large position for Harry Davis. The total votes are as follows: President – 16 for Joe Giordano; 1st VP – 21 for Patrick Poole; 2nd VP – 21 for Jonathan Morrison; Director At Large – 21 for David Cook and 15 for Patrick Patton. Carl said that was all the voting from mail-in ballots. 2nd VP Morrison thanked him and turned to Secretary Byrne for the 2021 Annual Meeting Minutes review/approval.

### **Previous Year (2021) Annual Meeting Minutes Approval** – Secretary Senie Byrne

Senie read the entire minutes. After completion 2nd VP Morrison motioned to approve the minutes as read. This was seconded and approved. The President then asked for the Financial Report.

### **Nominating Committee Report** (Treasurer Mike Veasey)

Mr. Veasey informed

### **Financial Report** (Treasurer Mike Veasey)

The BMPOA Treasurer, Mike Veasey first wanted to recognize the Secretary for providing the intensive 2021 Annual Meeting Minutes. There was a loud applause from all attendees. He then presented the Treasurer's Report for August 2022 (End of FY).

***BMSD Account:*** At the beginning of the Fiscal Year (FY) September 1, 2021, we had \$151,627. Additional income through Sanitary District fees, donations, Road Impact fees and the like we received \$162,974. This meant that, through the course of the year we had to spend \$314,601. We actually spent \$181,361. This leaves us \$134,240 in the BMSD checkbook. He explained what was actually spent out of the \$181,361 and included the \$63,755 CD BMPOA has leaving our total assets in the BMSD account at \$197,996. This is more than we spent in the current year and leaves is in very good financial condition.

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**BMPOA Account:** We began the FY with \$59,500. We had revenue of \$37,594. Expenses were \$37,181. This leaves us with a balance in the BMPOA checkbook (tax money) of \$59,913.83. Mr. Veasey then explained that BMPOA Board has made the decision to try to make the Lodge self-sufficient. We used to pay for the Lodge maintenance, electricity, and cleaning out of the BMSD account. We have transferred all those expenses to the BMPOA account which includes all Lodge fees for weddings (\$36,950) and other Lodge usage payments. This assist in keeping our taxes down. The 2023 BMPOA Financials report can be found in the BMPOA Financials section of the <https://bmpoa.org/board> website.

**Discussion of Sanitary District Fees for FY23 -24** Prior to the meeting, Mike had provided the Board a 'Sanitary District Rates' document with his analysis of determining what dollar value BMPOA should recommend to Warren County for the purpose of maintaining sanitary district operations in FY24. The analysis is based on the county's request for a BMPOA recommended amount needed to operate in FY24. His recommendation is to inform the county that BMPOA needs \$183,847 to sustain operations in FY 24. The analysis document contains all reasoning. Director Harry Davis asked if the jump between the amounts in FY2021 and FY2022 will be an going precedent? Mr. Veasey stated the increase was mainly due to road maintenance. Carl Herz informed us that this is a trend we cannot avoid as the number of enhanced requests has increased extensively due to the increase in permanent residents. This increased traffic results in an increase of road maintenance. Mr. Veasey asked when Warren County will be able to finalize their assessment with our recommendation of \$183,847? Walt Mabe said they should be able to complete the assessment in February. 2<sup>nd</sup> VP Morrison stated the decision will be made in February so this issue is complete for this meeting. The President then requested the Roads Report.

### **Recreation Reports (Chairman Jonathan Morrison)**

- **Lodge:** Jonathan informed us this would be the last year he would work as the Lodge Maintenance chair with the goal of having Lodge maintenance minimal for the foreseeable future. He suggested the Board contract maintenance out to repair the kitchen area loading dock. A member said someone was interested in the Maintenance contract. Jonathan said he would train that person. A member noted that Billy Orndorff would like to take over Jonathan's Lodge Maintenance position. Additionally, Beth Herz (the current Lodge Coordinator) informed him she was retiring at the end of the season (October/November 2022) and the Board needs to put that position out for bid. The audience applauded Beth thanking her for all her work over the years.
- **Deer Park Recreation Area:** A discussion on fixing this area included suggesting a subcommittee to manage this area. Jonathan thought this was a great idea and asked who would volunteer to chair it. Dan Zeman volunteered to chair this new Deer Park Recreation Area subcommittee. He then requested that bmpoa.org add a section allowing members to contact him for volunteer work.

### **Roads Report (Carl Herz)**

Carl informed us the Roads Committee is working a plan with homeowners, REC and the association to manage the ditches that have overgrown tree roots and are dirt filled. The committee is studying if it is feasible to install culverts in 2 locations that currently don't have them. And there are several other culverts needing repair. These will be scheduled. Carl said to contact the companies of delivery

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trucks that are exceeding road conditions (10mph) as these are tearing up our roads. Additionally, Carl said they are putting up more 10mph and other signs to help reduce tearing up roads. He is also working to put back an old Blue Mountain sign that was posted many years ago. The committee is stockpiling for this coming winter to ensure our roads are as safe as possible. Those interested in assisting can contact Carl, or any Board member to volunteer assistance. Last, but not least, for your personal safety, be sure to keep gloves, shovels, tire chains, blankets, and flashlights in your vehicles. Carl asked if there were any questions. Nynette Rourke asked if we should approach the drivers. Carl said that is not recommended. Contact the company's management as issues could arise. Roland Carter informed Carl of a problem he is having due to the new house near him removing trees. When it rains the water floods his yard and is ruining his backyard cutting away parts of it. Carl said he has reviewed the area Roland is talking about, and, though it is possible to put in new drainage, there are several large trees that prevent it. Removing those trees could cause more drainage problems. Additionally, he believes the developer failed to preserve the necessary vegetation between lots which is typically used to drain water away from the ditches. He knows of no other particular recourse other than to pressure that particular owner to keep that grass tall in the backyard. If they let a little bit of brush and weeds grow that will reduce the drain-off. Additionally, when he was looking at the property, he saw there is an old culvert built around the property. He doesn't know the reason why, but he said we need to discuss this further as there maybe something we can research or find another avenue to help resolve the issue. Walt Mabe (WCBOS) informed us that Warren County is adding new CIP program requirements to their property review that does include vegetation and drainage requirements. Additionally, he informed Roland Carter and Senie Byrne that he believes they have a problem with their yard, and that Roland and Senie actually helped to start that process of changes to the CIP program. The process is being worked on as we speak and will be out by the end of 2022. Senie thanked Walt. Carl thanked Roland for bringing the issue up.

Harry Davis mentioned that BMPOA had tried working with Warren County to get them to email us letting us know there was a permit given. This would allow us to know and address issues quickly. That did not happen. Harry suggested we try to get that going.

Carl informed us that Mr. William Raborn gave a generous donation to the BMPOA Road Maintenance.

Carl finished his segment by asking members to contact him when there is an issue with the road in their area.

### **Lodge Access Report (Beth Herz)**

A discussion on how to show Lodge availability resulted in suggestion of a kiosk as well as a calendar on bmpoa.org. The discussion ended with a statement that we just need a policy, procedure, and volunteer to work it. I believe Dan Zeman said he could do a sign, but there were no volunteers.

### **Dam Report – (Carl Herz)**

The Dam is in good condition and has met all requirements. Our full and permanent certification is up to date with both the State and County. An engineer is required to inspect the dam every 7 years. Our concerns are the aging Stand pipe and Out-throw pipe. These are far past their lifespans. Although a video inspection shows they are still in surprisingly good shape, the inspectors and engineer that

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inspected recommend replacement systems. We need more committee assistance in determining a reliable, cost-effective replacement as well as getting contractor bids. Carl asked that those interested contact him.

### **Additional Items to Discuss (Jonathan Morrison)**

- *BMPOA Website Contract*: The website contract with Sarah and Ben Hutchison ends August 31 and they have decided not to pursue the next year contract. If anyone is interested, or knows someone that is interested, please contact any Board member. This opportunity will be posted on [bmpoa.org](http://bmpoa.org).

- *Lodge History*: A member, Jack Davis, requested the opportunity to explain why it is important to work together to keep the BMPOA. He started by explaining how, from 1992 through 2004, the Lodge steadily went downhill, and ultimately, in 2004, was in total disrepair. It was so bad that Warren County locked the doors and posted it could not be used. Board meetings were held at the old church in Linden. The Board was going to recommend pulling it down and leaving the area clear. However, Jonathan Morrison volunteered to work to bring it to a usable condition. All attendees applauded for Jonathan. Mr. Davis went on and explained why BMPOA is maintaining the Lodge, all recreation areas, and the roads. In 2003 Warren County created the Blue Mountain Sanitary District (BMSD). The BMPOA board and BMSD made an agreement that BMPOA would maintain those items and Warren County would return the tax dollars BMPOA owners paid. That money would only be used for those items. *\*EDITOR'S NOTE: The Pond Law Group, PC in Front Royal, VA has a copy of this agreement and provided it to Patrick Patton.* Mr. Davis continued stating he came to the meeting with a fear that, because of all the arguing and carrying on against the Board and each other, we may lose sight of the maintenance benefits we have with BMPOA/BMSD agreement/contract. That is what has happened at Shenandoah Farms. They now rely on Warren County (WC) maintaining all common areas and roads and are fighting with WC to get some rights back and have had no luck. The audience applauded Mr. Davis for providing these references.

- *Unity in the Community*: Kris Nelson said she hopes that moving forward the Board can be a cohesive unit, and ensure that board actions are not made into a Facebook Forum. Everyone applauded in agreement. She said we could all work together as a community and make this the greatest place to live.
- *Air BnB Concerns*: Liz Owens requested that AirBnBs not be commercialized and that BMPOA authorize no more than 5% of the homes on Blue Mountain be allowed to be an AirBnB. Her concern is that the mountain is becoming more commercialized, and she believes BMPOA is in agreement that we do not want this to happen. There was a 5 minute discussion on this, with Mike Veasey saying he believes the current number of AirBnBs is less than 5%. Kris Nelson said the Virginia State Law ruled that the POA can limit the number of these, but must have this restriction included in their Bylaws. Carl stated that both the request for a cap on AirBnBs and a latency period for approval of AirBnB requests, are good ideas and require consideration. Dave Cook stated that he is concerned, however Virginia State Law also allows owners to do what they want with their property. Also, he noted that the law also states that if there are continuing problems with a specific AirbnB, the POA can contact WC and request removal of the AirBnB permit. This item will need a great amount of research. The Covenants Review/Modernization committee will need to work this and should include a list of unauthorized actions such as gun

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firing, ATV usage, wild motorcycle riding, etc.. Walt Mabe said there is a checks and balances the county looks at. He also stated they have pulled permits in other POAs and will continue to do so if the problems are provided. He also said if there is a problem, do not contact the offender, contact the Sheriff. That procedure eliminates face-to-face problems, and puts the problem on record. The Sheriff also calls WCBOS (Walt) and he calls Planning and Zoning who will contact the landlord. If the landlord fails to resolve, or continuously has problems, the county will revoke the permit.

### **Annual Elections and Voting for 2022-2023** (Mike Veasey – Nominating Committee)

As the ballots had been counted and the vast majority of votes were: President – Joe Giordano; 1<sup>st</sup> Vice President – Patrick Poole; Treasurer – Mike Veasey; Directors at Large – David Cook and Patrick Patton, Mr. Veasey made a motion that voting be done by applause for those members as they were unopposed. The motion was seconded and approved. All in attendance were asked to applaud if they agreed with approval of the positions. Any opposition could voice their disagreement. The applause was unanimous as there were no voiced opposition.

### **Meeting Adjournment** (2<sup>nd</sup> VP Jonathan Morrison)

2<sup>nd</sup> VP Morrison asked if there were any other items for the Open Forum. There were none. He thanked everyone for attending and keeping the meeting civil as that is the way the meetings should run. The meeting was then adjourned at 3:30pm