

## **BMPOA Monthly Board Meeting Minutes: December 12, 2022**

*Minutes recorded by Secretary Patrick Patton*

**Board Members Present:** President Joe Giordano, 1st Vice President Jim Critcher, Treasurer Mike Veasey, Secretary Patrick Patton Directors – David Cook, Harry Davis, Erica Santana

**Board Members Absent:** 2nd Vice President Jonathan Morrison, Director At Large Carl Herz

**Total Number of Membership Present:** 19 - 10 Members at Lodge, 2 members via Zoom, 7 Board Members

**Guests Present:** None

**Items of discussion:** President Introduction, Previous month (Nov 2022) BMPOA Board 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**

President Giordano (Joe) opened the meeting at 6pm Welcoming everyone and informing them the meeting was being recorded via Zoom and read the required opening remarks informing all personnel the recording is to assist the secretary in writing meeting minutes and BMPOA has no liability for any loss or damage incurred or reliance on information provided in Zoom. He then turned to the secretary for meeting minute approval.

### **Previous Meeting Minutes Approval** – Secretary Patrick Patton

Patrick informed all Board members he had requested their review via the emails sent to them for their review of the November 2022 meeting minutes. He then motioned in lieu reading each month's minutes, a vote that the reading be waived as copies of said Minutes were made available for review prior to this meeting. The motion was seconded and approved. The minutes will be posted on <https://bmpoa.org/board>. President Giordano then requested the Nominating Committee report.

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

Mr. Veasey informed us there were no positions needing nomination. The President then asked for the Financial Report.

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

The BMPOA Treasurer, Mike Veasey presented the Treasurer's Report for November 2022. BMSD: We had income of \$3197 (county disbursement) this month. Our expenses year to date are \$2,619 (\$100 website, \$2515 roads, \$4 bank charges) leaving a Closing Balance of \$101,572. We have reserves of \$63,879 for total assets of \$ 165,451.

BMPOA: We began the year with \$63,617. Income this FY is \$4701 and Expenditures were \$16,119. This leaves \$ 52,200 in our BMPOA Checking account Of the \$16,119 in expenses, \$5346 would have been covered by the Sanitary District in the past. The December report can be found in the BMPOA Financials section of the <https://bmpoa.org/board> website. Mr. Veasey asked for 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. The President then requested the Recreation reports.

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### Committee Reports

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

- **Lodge:** Jonathan Morrison could not make the meeting, however Dan Zeman had spoken with Jonathan and informed us the lodge winterizing had been completed and the Lodge was now closed for the winter. Discussion included recommended cutting of several trees that are dead and are a safety concern. Additionally, trees that had fallen last month have been cut and cleared.
- **Deer Park Recreation Area:** Chairperson Dan Zeman provided the status on the repairs being done. This is included in the *Deer Park Recreation Area (DPRA) Sub-Committee Report (Attachment 1)*. His request for what color the new fence should be resulted in it being yellow as this is good for safety. Also included in that report is a request for BMPOA to have a BMPOA Inc. dedicated pre-loaded physical or virtual debit card for project purchases. After some discussion, President Giordano tabled this request for discussion in the January meeting. Mr. Zeman agreed.

#### **Public Safety Committee Report – (Dan Zeman)**

Dan provided the *Public Safety Committee Report (Attachment 2)*. The report includes Security Camera replacement status, Mirror replacement status, and Fallen Tree actions. Dan stated removal of the rest of the fallen tree is taken care of immediately. Several residents will assist when asked.

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

Mr. Carl Herz, Roads Committee (RC) Chairman, could not attend this meeting due to illness. Dave Cook informed us that road maintenance is still going on. This included removal of debris from the ditch lines, chipping out rocks that are 3 inches or higher from roads.

#### **Lake Operations Report (Mike Veasey)**

Mike said there was nothing to report.

### OLD/FOLLOW-UP BUSINESS

#### **Lodge Coordinator Contract (Joe Giordano)**

The contract for Morgan Fox's company, Elder Fox LLC, was approved last month. Morgan has already begun work on Lodge presentation for future reservations.

#### **Lodge Access (David Cook)**

David informed us the Lodge Access Committee (Chair Dave Cook, Mike Veasey, Kris Nelson, Cathy Jo Cook, Janet Davis) completed the 'Lodge Usage Guidelines' which were reviewed and approved. The document will be posted on [bmpoa.org](http://bmpoa.org) before the next meeting. David informed us that, per our insurance policy, all events must be BMPOA sponsored events. We will be allowing access every Tuesday morning and night that must be supported by BMPOA member volunteers and plan to sponsor a Game Night at least once a month (pending lodge availability). Procedures are provided in the 'Lodge Usage Guidelines' David will be posting on [bmpoa.org](http://bmpoa.org).

#### **Little Indian Road Mail Box Status (David Cook)**

David informed us this project is complete. Several attendees applauded the efforts taken to make it happen. Dan Zeman informed David there were some owners wanting to work on their own mailbox stands on Old Sawmill Road, and asked if they could do that? David said it would require Board approval, however the Board would most likely approve replacement requests as many of the stands have run their life.

**Status of Lot 593A and roads usage extension request for incomplete/delayed logging operation (R.C. Timber (Jay Ghazarian))**

No one from R.C. Timber, or representing them on this matter, has attended this meeting or the last 2. President Giordano asked if there had been any information from the company or Mr. Ghazarian. Everyone that answered said No. He said he or Carl Herz will email the representative telling them to provide a date when they will remove the logs that are right by the road and, once those are removed, they no longer have authority to use any BMPOA roads.

**Purchase a BMPOA Zoom Pro Account for use in all Board Meetings (Patrick Patton)**

Patrick said the purchase for a 1 year account was complete and he is working on the technical issues to resolve speaker and microphone problems.

**Chipping of Deadfall status (Mike Veasey)**

The decision was made to continue with the current process of doing deadfall in the spring. This was done in the November meeting. Issue closed.

**Covenant Review/Modernization Status (Erica Santana)**

Erica informed us the Covenant Review/Modernization Committee (CR/MC) is tentatively put together and includes herself, Jen Kesler, Liz Owens, and Billy Orndorff. They're just starting and have put together a plan of action. The idea is to mold the revisions on 3 key areas: Public Safety; Community Engagement, and Mountain Aesthetics. Requests for member ideas, feedback, and recommended changes. She's already received feedback from 6 members. Their feedback was focused on aesthetics, things on member's property that can be seen from the road such as trash and vehicles, and questions on fairness in covenant enforcement. The project will take considerable time and inclusiveness throughout the community will result in covenants fair to all. Harry Davis stated we will need someone to chair the Covenants Enforcement Committee (CEC). Erica said there would be a closeness with the CR/MC and the CEC. She recommended that the CEC be renamed the Covenants Reinforcement Committee. This would need to be done in the *Committees* section (Article V) of the BMPOA Bylaws.

Dave Cook provided what the CEC may do, which is primarily sending a written notice to the offender. Paragraph 18 of Article IV, Protective Covenants and Restrictions, of the BMPOA Covenants provides exact guidance. The discussion continued with talks about potential legal actions, trash removal, and adopting some sort of fee schedule. President Giordano stated this type of discussion should be done in the committee meetings and that there could be a Special Meeting to discuss these particular issues. He felt we could finalize that in February 2023.

**Bylaw Review/Modernization (Kris Nelson)**

Kris Nelson requested information on voting procedures for amending the Bylaws. The discussion included the differences between voting requirements in the Bylaws Article IX, Amendments, where approval is based on a majority of the property owners *present or represented by written proxy* at an annual Association Meeting, and Covenants Article V, Provisions, paragraph 3.(5), where approval is based on approval of the proposed Covenant changes requires a *majority vote of the property owners*. More discussion on notification procedures ensued and was resolved by reading the policy in the current Bylaws. Kris thanked the Board for the guidance.

**NEW BUSINESS**

**Discussion of Sanitary District Fees for FY23 -24 (Mike Veasey)**

Mr. Veasey announced that the December meeting is usually the meeting at which he proposes the Sanitary District assessment rate that should be forwarded to the county for the next FY operations. This year, however, the county has delayed providing budget guidance because of the on-going reassessment of property values. It is expected that property values will increase between 30 to 40% across the board and this, of course, dramatically impacts the proposed Sanitary District assessment. In a departure from normal procedure, the county intends to ask the Sanitary District for an overall amount of money that will be needed to support operations. When the property assessment is completed and property values known, the county will then calculate the rate that needs to be approved to raise that amount of money. That rate will be provided to the BMPOA Board for approval or adjustment before being officially submitted to the County Board of Supervisors. The county anticipates this whole procedure to be completed prior to the end of January.

**Warren County Sheriff Request for Donation to Youth Drug Education Fund (Mike Veasey)**

Mr. Veasey informed us of this request for a donation to support child safety and drug education. The cost is \$2.50 per child. President Giordano said this used to be the D.A.R.E. (Drug Abuse Resistance Education) program. Mr. Veasey motioned we allot \$250 for this program. The motion was seconded and approved.

**Old Log Road Repavement (Dave Cook)**

There was a discussion on why Old Log Road needed to be repaved. Dave informed us that due to lots of traffic, people pulling off to the sides of the road, and winter plowing it really needs to be repaved. Dave knows two companies that could handle this. Next Spring we will make a final decision. He estimates the cost for Old Log Road may be \$60k. President Giordano mentioned that Allegheny Road needs to be patched. Between him and Dave, they will be able to patch it for 2 or 3 patchwork bags. They then mentioned Cliff Road would be next. That could be done in the Spring.

**Opening Woodthrush Way to Old Linden Rd (Dave Cook)**

Dave provided information on who and why it was requested. Tom Wallenius voiced his concern as he was the member requesting this be done. He stated whenever there is a major snow storm causing all powerlines to fall as well as trees. With no alternative way to exit, and the fact that there wasn't anyone from BMPOA to clear the debris off the road, all people on Woodthrush were stuck and without power. Dave told Tom that there is a lot better crew on the mountain now compared to 2017, and that there are some other roads that would be in the same situation. Connecting all roads that are in that type of situation would cost a lot of money. Mike Veasey said Warren County has already told us they will not connect the roads. That means BMPOA would have to do it, and the cost would be tremendous. We could not afford to pay for it. If a motion was made to approve this request Mike and Dave stated they would vote No. All previous requests for underdeveloped roads to be developed had been rejected. Dave said if a situation occurs immediately use the BMPOA emergency contact on the [bmpoa.org](http://bmpoa.org) site and the situation will be resolved very quickly.

**BMPOA.ORG Website Administration (President Giordano)**

President Giordano informed us that Sarah and Ben Hutchinson's contract to maintain the [bmpoa.org](http://bmpoa.org) website has been renewed.

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### **Lodge Usage Guidelines Update Request (Erica Santana)**

Erica had some recommendations: No pets, Separate trash from recyclables, and Making specific smoking areas away from the building. Kris informed Erica that the only recycle location is on the road past the Apple House on SR55. Erica thought everyone used that, however that is not the case. Many of our members use the garbage drop on the corner of Howellsville Road and Blue Mountain Road. There is no recycling there. Erica agreed to remove this request from the list of Lodge Use Guidelines given this information, with potential to revisit in the future. Morgan Fox (Lodge Coordinator) informed us that not allowing pets at the Lodge would affect many of the customers renting the Lodge for Weddings, as some request their pets be a part of the ceremony. There was discussion on when pets would be allowed. President Giordano stated we are getting into Committee work and need to move forward. This took us to the smoking request. The discussion ended with several recommendations including placement of cigarette butt receptacles and locations. President Giordano ended the discussion reminding everyone this should be resolved by the *Lodge Access Committee* and presented in the January meeting.

### **Lodge Smoking, Animals, Trash and Recyclables Policy Request (Erica Santana)**

This was covered in the *Lodge Usage Guidelines Update Request* above.

### **BMPOA Member Notification and Newsletter Communications (Patrick Patton/Harry Davis)**

Harry Davis is working on the BMPOA Winter Newsletter. He recommended the Covenant Review/Modernization Committee change the current requirement that all BMPOA notifications (proposed changes to Covenants, Bylaws, voting, Newsletters etc.) be mailed to the property owners, is changed to add email and U.S.P.S. only be used for those who request hardcopy notifications instead of email. He then informed us he was hoping to have the newsletter out by the end of 2022. He said he needs more content and he had already gotten information on Zoom and Lodge Access, however he would like short paragraphs from each committee on their projects such as progress on the Recreation Area, the Lake and Dam, Winter prep on Roads, a post on the new BMPOA logo, and anything else deemed relatable to members. The back of the newsletter will have the mailing address as well as any Business advertisements for a specific fee. This would help defer the cost of mailings. He currently estimates the newsletter cost is approximately \$430 including 4 pages (2 double-sided pages) with mailing addresses printed on it. Including the mailing address when printing the newsletter eliminates the cost of purchasing labels and envelopes and having the labels printed separately and individually put on the envelope. Harry asked how he gets the mailing list. Patrick said he will send it as Mike Veasey provided him with the latest BMPOA Property Owners list provided by Warren County and added columns for email, first and last names and filtered eliminated duplicate mailings. Harry thanks Mike and Patrick and ended his discussion asking that the requested information for articles be sent to him within the next 2 weeks. Patrick asked if the newsletter will have a section on the request for property owner's email addresses. Harry said yes, and that the article will include the email address, [bmppoa540@gmail.com](mailto:bmppoa540@gmail.com), for them to send their email address.

### **Open Forum (President Giordano)**

**Vehicle Left on Road Causing Hazards** - Senie Byrne requested assistance on getting a property owner to remove a vehicle that is placed on the side of the road (Mount Oriole) as, with Winter coming, this is a driving hazard just trying to get around that vehicle and a fire hazard because fire crews and emergency vehicles could not get past the vehicle in an emergency. She has asked the owner several times, and this included sending them a letter. In her most recent request the other day, the owner's response was via a hand

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signal basically telling her they weren't going to do it. Dave Cook said they had the same problem, and the only resolution is to first send the offender a certified letter informing them of the problem and that, if they do not remove the vehicle within 30 days, BMPOA will take action to have the vehicle towed. Senie said the letter had already been sent, and there are 'No Parking' signs at the beginning and end of Mount Oriole. David said they will put a 'No Parking' sign in that area as an additional precaution and to support any legal action if needed. Senie asked if this could happen very quickly due to the upcoming winter? David said he will get it done within the next few days. Patrick asked if a motion had to be requested as this would require funding? President Giordano motioned that \$200 be provided for these actions. This was seconded and approved.

**Winter Road Problem** – Senie Byrne asked if the same procedure used last year (putting crush on the roads in her area) will happen again this year, as the potholes are getting bad again. David Cook said this was done in that area last year at a cost of \$15,000, and the result, two weeks later, was the potholes were back. They will not be doing that again this year as the cost outweighs the 2-week benefit. Senie then asked if they could smooth the ruts in the Mount Oriole and Woodthrush roads to protect them somewhat for the Winter. David said he will send a crew member out in the next couple of days specifically for that purpose. Senie thanked everyone for the assistance with the roads and the vehicle problem.

**Company Burning Trees** – President Giordano informed us that BMPOA sent a certified letter to the company that was burning the trees and brush they cut while clearing a property for a new house. The company refused to sign for it. Joe talked with Walt Mabe (Warren County Supervisor for BMSD) and Jim Cook, and Joe thinks the Fire Marshall can hand deliver the letter. Mike Veasey said the Fire Marshall didn't get back with him, so we are not sure if the letter was delivered yet, but he will talk with the Fire Marshall before the next meeting. President Giordano said he will inform us of the status at January's meeting.

**Community Yard/Free Sale** – Erica Santana asked if we would be interested in having a Community Yard Sale or Community Free Swap. There was great discussion about this and it was unanimous that this is a great idea. It could be called a Swap Meet and be included in a Game Night. Erica volunteered to do this next Spring when the Lodge was back open. Advertisement will be put on bmpoa.org and our Facebook POA page.

### **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 7:28PM.

**Attachment 1 Deer Park Recreation Area (DPRA) Sub-Committee Report 12/12/22**  
**(Dan Zeman)**

Progress has continued slowly this past month on the first phase of Deer Park repair and renovation.

The 2” square tube stock for the new road gate has been cut and is ready to weld. Once a good stretch of weather presents itself. The posts can be set and the gate mounted. What is the boards preference for color, Bright Yellow or Forest Green? The previously identified straight Locust has been cut down and reduced to four 5’ bollard lengths and they are ready to debark and seal before setting. The large piles of debris are also being chopped up little by little. Hopes of verifying the small pond as spring fed have been dashed as the pipe driven into it and marked has shown that the water level decreases at the rate one would expect through evaporation during dry stretches.

Post caps have been ordered for the chain link fence surrounding the tennis court, and the correct top rails have been located. The tennis net has now been removed for storage and repair over the winter. The previously ordered crank/reel for the net arrived, but was completely different from that which was ordered and missing the handle in addition. A return label and refund to the Pay Pal debit card currently being used for purchases has been requested. Unfortunately, the vendor now suggests the item we wanted is no longer in stock. If we can’t find another supplier, we may have to order a cheaper non-vintage model.

In the future it would be helpful if allocated funds for project purchases were made available to the chairman of a committee through means of a dedicated pre-loaded physical or virtual debit card. This sub-committee is already operating on an all-volunteer basis and should not be expected to have to rely on member’s personal funds and wait for reimbursement.

The sub-committee expects to continue scheduling workdays for Sundays throughout the winter as the weather allows.

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**ATTACHMENT 2: Public Safety Committee Report 12/12/22**  
**(Dan Zeman)**

The committee continues its research into a long-term quality surveillance solution as a replacement for the current archaic system. CCTV Camera Pros remain the only vendor under consideration.

Multiple options are available for each potential camera position and the committee is still weighing factors including differing resolutions, fields of view and AI capabilities for each, while attempting to remain under budget. The committee has gained one additional member (Kris Nelson), but is hoping to find more interested volunteers willing to provide insight or feedback and achieve a diligent consensus for such an important purchase. To that end the committee would like to schedule a time between 9am and 5pm on either Sat 12/17 or Sun 12/18 when it can have access to the lodge for the purpose of finalizing NVR and monitor location, indoor and outdoor camera placements, cable run lengths and security/alarm locations. We would need access to the lodge and any location inside appropriate for centralizing the system. The current attic installation is not ideal for sensitive electronics. We anticipate this survey taking no longer than 3 hours and once it is completed, we feel confident that we can then present the board with the best researched and customized package at a reasonable price, meeting all of our many requirements.

The existing trail cams for the DPRA will also be reinstalled by the committee in the coming months at appropriate locations to monitor any shenanigans.

The mirror reinforcement is also something that will require access to the building but can wait for the new year. A sheet of plywood and a couple strong individuals will be required. We are still attempting to source a supply of backing tape that isn't 50 times what is required.

Over the past month the large dead tree in front of the lodge has shed one of its main trunks resulting in an explosion of wood that could have presented a danger to anyone in the area had it occurred during an event. The committee suggests that action be taken to remove the rest of the tree!