

BMPOA Monthly Board Meeting Minutes: January 9, 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, Erica Santana

Board Members Absent: Director At Large David Cook

Total Number of Membership Present: 28 - 8 Board Members, 17 Members at Lodge, 2 members via Zoom, 1 Guest (Walt Mabe - Warren County Supervisor for BMSD)

Items of discussion: President Introduction, Previous month (Dec 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 6:05pm 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 December 2022 meeting minutes. He then motioned in lieu of 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 with Director At Large Carl abstaining as he could not attend the December meeting. 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. However, in preparation of Board Member voting at the August 2023 Annual Meeting, the Nominating Committee will be asking current Board Members whose positions will end this year, if they will be running for reelection. The purpose is to comply with current BMPOA Bylaws Article V, Sec. 5.11, which states " The property owners are invited, and will be notified by mail annually, to submit candidates. All such nominations must reach the Chairman of the Nominating Committee by July 1". 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 December 2022.

BMSD: We have \$98,784 in checking, \$63,879 in reserve for assets of \$162,663. There was no income this month. We had expenses of \$2787 (\$10 supplies, \$2777 roads maintenance).

BMPOA: We have \$52,467 in checking. This FY we have had income of \$5801 and expenses of \$16,951 (detailed on the funds report). The January 2023 BMPOA Financials report can be found in the BMPOA Financials section of the <https://bmpoa.org/board> website.

Mr. Veasey then provided information on Warren County's requirement to provide BMPOA a check

BMPOA Monthly Board Meeting Minutes: January 9, 2023

for taxes in January. 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.

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. President Giordano stated the decision will be made in February so this issue is complete for this meeting. The President then requested the Roads Report.

Roads Report (Carl Herz)

Carl informed us the Roads Committee is in need of volunteers. He then mentioned he appreciated members making requests and providing recommendations via the 'Roads' section of bmpoa.org. This helps them aim efforts better. They are working on filling the grit barrels and have added several per member recommendations. The committee is working on pothole repair and ditch cleaning.

- ***Opening Woodthrush Way to Old Linden Rd:*** Carl initiated a discussion on connecting Woodthrush Way to Old Linden Road. He provided reasoning supporting the connection which included Tom Wallenius, who had requested this in the December meeting, providing the original BMPOA map showing the intent was to connect the roads. President Giordano informed him this issue had been discussed in last month's meeting Carl couldn't intend. That meeting discussion included Mike Veasey informing us Warren County had informed BMPOA they will not connect the roads, meaning BMPOA would have to connect them at BMPOA's expense. Carl mentioned that he had talked to the 4 different residents this would affect and they were equally split between connecting and not connecting. Jackie Veasey informed Carl that just about everyone in last month's meeting agreed that this was a big waste of our money and a very bad precedent. Carl then made a motion to conduct a survey on the feasibility of connecting those roads. After discussion Carl tabled his motion. Mike Veasey then made a motion to disapprove connecting those roads. The motion was seconded and approved with Carl abstaining.

- ***Status of Lot 593A and roads usage extension request for incomplete/delayed logging operation*** (R.C. Timber (Jay Ghazarian)): As no one from R.C. Timber, or representing them on this matter, has attended this meeting or the last 3 meetings and we have received no reply from certified letters, President Giordano informed us that they no longer have authority to use any BMPOA roads. Any left over logs on the road can be used by BMPOA.

- ***Status of Old Log Road Repavement:*** Carl will solicit the required number of procurement bids

BMPOA Monthly Board Meeting Minutes: January 9, 2023

via public notice. He estimates road pavement will cost approximately \$40,000. He believes in 2 years Cliff Road will be repaved, then 2 years later Allegheny Road will get repaved. He recommends budgeting for an 8 to 9 year replacement cycle on those roads so we are not surprised by the degradation. These would be reinvestment expenditures. This can be discussed at another meeting.

Public Safety Report – (Dan Zeman)

Dan informed us that when we install the security cameras we can finish fixing the mirror safety issue.

Security Cameras BLUF: Dan made a motion to approve \$2500 for purchase of the 9 cameras, system, wiring and installation he had provided to the Board via handouts prior to the meeting; the motion was seconded, discussed, and approved with 6 Yeas and 2 Nays. He asked that the handout he provided not be included in meeting minutes for security reasons. Per his request, it is not.

Discussion included Dan informing us the system they've chosen will meet the projected needs of BMPOA. Jonathon Morrison volunteered to assist Dan with installation so there is no Installation charge. Two Board members, Mike Veasey and Jim Critcher, concerned in longevity and maintenance of the system, who will be responsible for monitoring the system and taking action if there is a problem with the system or at the Lodge, and who takes care of it without the current Public Safety Committee (PSC)? Also, Mike asked what the Artificial Intelligence (AI) capability does. Dan explained AI capabilities and, with Erica's assistance, stated Monitoring will be shared across the PSC with the full responsibility falling to the PSC Chairman. In the event that the PSC steps down there would be a successor to ensure the functionality is maintained. System warranty is 5 years.

Recreation Reports (Chairman Jonathan Morrison)

- **Lodge:** Jonathan informed us he would assist Dan with installing the Lodge Security system. He stated that was the only issue for the Lodge. Morgan (Lodge Coordinator) asked when the Lodge floor will be done. Jonathon said it will be done when it is warm enough to wash the floors as they must be washed a few times before painting to ensure the paint will stay. That is usually early Spring. The Lodge can be used 2 to 3 days after floor painting. That is done on weekdays.

- **Deer Park Recreation Area:** Chairperson Dan Zeman informed us that there was nothing to report, however, when the weather is good, he will be asking for volunteers on Sundays.

Lodge Access Report (Dave Cook)

Dave Cook was unable to attend the meeting. However, he informed President Giordano he did not have any updates from last month.

Membership Committee (MC) (Beth Herz)

Beth could not attend the meeting, however she asked Carl to tell us she has been engaged with a couple of realtors and a couple of new residents, pointing them to the direction of resources they can find at bmpoa.org.

Legislative and Public Relations Committee (Kris Nelson)

Kris stated there was nothing to report.

Arbitration Committee (Currently No Chair)

President Giordano informed us there was no committee Chair and stated if anyone was interested to

BMPOA Monthly Board Meeting Minutes: January 9, 2023

please contact him.

Architectural Review Committee (Jim Critcher)

- **Airbnb 12 Far View Lane** Matthew Williams & Jay Gilbert (Owner is FarView Cabin LLC). BLUF President Giordano motioned to not approve this Airbnb request. It was seconded and approved. A lengthy discussion on Airbnb/Conditional Use Permit allowance ensued. The major concern was they didn't want Blue Mountain to be known as an Airbnb location with no monitoring. All members and Board members in attendance agreed that if an individual member that owns a property wishes to use it as an Airbnb, that is fine. However, BMPOA would request denial to Warren County of any company (LLCs are an example) owning a property within the BMPOA, using it for the sole purpose of an Airbnb. To do this, members and Board members would have to attend the Public Hearing on that specific Airbnb request. Member Liz Owens informed us there is a Virginia law that outranks the County laws. That law states that communities may limit the number of commercial type business like Airbnbs. NOTE: *The link is now on bmpoa.org/homeowners, and is an official advisory opinion from the Virginia Attorney General for Virginia, not law.* Walt Mabe reminded us that even if an Airbnb is approved by the Warren County Planning Commission, if you don't like what is going on at that particular Airbnb, notify the Planning Zoning Commission who can take action. The Covenants Review/Modernization Chair, Erica Santana, informed us that decisions here will be reflected in her committee's modernization procedures.

Covenants Enforcement Committee (Billy Orndorff)

President Giordano informed us that Billy Orndorff volunteered to chair this committee. He will need volunteers.

Covenant Review/Modernization Status (Erica Santana)

Erica informed us the Covenant Review/Modernization Committee (CR/MC) (Erica, Liz Owens, Jennefer Kesler) is Billy to modernize and reenforce the Covenants. Goals are to align the original intent of the community as it was through the years with what the community is now. Decisions will be made on what we want to keep, what we want to modernize, and what isn't relative to our current community. We will be focusing on how we can assist members in coming into compliance with the covenants rather than forcing compliance. Other important issues are short term rentals and the possibility of having a fee/penalty system for people who willfully, after several notifications, violate important covenants. These will be discussed in the committee and must be approved by the membership. Erica provided milestones to achieve these goals with the plan of presenting a final version at this year's annual meeting. The best resolutions will come from more members of the committee, so please volunteer. Finally, the committee is working on the history of BMPOA to add to our official website. They've received lots already, including Richard Long's book, Blue Mountain Memories, and would appreciate anything members can add.

Bylaw Review/Modernization (Kris Nelson)

Kris had no update on the Bylaw review and modernization. Her goal is to make the Bylaws more inline with the Covenants. The revised bylaws should be clear and easy to read and understand.

BMPOA Monthly Board Meeting Minutes: January 9, 2023

Currently that is not the situation. She emphatically requests volunteers to join the committee.

Deer Lake Reports

- **Lake Operations:** Mike Veasey said there was nothing to report.
- **Dam Maintenance:** Carl informed us that we will be applying for our 6 year Regular Operation and Maintenance Certification in April. Cost is approximately \$490. This will put us in regulatory compliance with the State of Virginia for 6 more years. He then reminded us we have an aging spillway system which is a concern for the near-term future. Within the next year or two we will have to decide how to improve the dam.

OLD/FOLLOW-UP BUSINESS

- **BMPOA Newsletter** (Harry Davis): Harry provided the draft Winter 2023 newsletter and asked everyone to review and provide edits/changes. He then made a motion to approve up to, but not exceeding, \$500 to publish and mail the newsletter to all BMPOA members. The motion was seconded and approved. He hopes to have the newsletter mailed out next week (Jan 16-20).
- **Vehicle Left on Road Causing Hazards** (Senie Byrne): The vehicle is still there causing a safety hazard. A brush fire caused by open burning happened last week and the Fire Department had an extremely hard time reaching it because of the vehicle. Signs have been put up to no avail. There are now 2 vehicles violating laws on Woodthrush and Mount Oriole. Senie called the Sheriff's office. They told her BMPOA individuals could not call and request towing, it had to be a BMPOA Board member. President Girdano had researched this and was told the BMPOA could contract a towing company and, for legal purposes, place warning stickers on the car. He provided an example. He will research towing companies and required insurance and provide this at the February meeting. These documents must be provided to the towing company prior to any action.
- **Company Burning Trees** – President Giordano informed us that, although the company refused to sign for the certified letter, they did take away the remaining wood. Issue closed.

NEW BUSINESS

- **Affect Shenandoah Farms Sanitary District (SFSD) being taken over by Warren County may have on BMPOA** (Carl Herz): Carl asked the Legislative and Public Relations Committee (LPRC) Chairperson, Kris Nelson, for a summary of how the Shenandoah Farms (SF) letter showing that Warren County has taken over all portions of SFSD including roads and community areas could affect BMPOA. Kris said she does not believe it will affect BMPOA as long as we don't ask to be overtaken by the county. Carl said the County Attorney is still revising the language by which the county may assume more responsibilities for Shenandoah Farms which may impact other SDs in the county. Walt Mabe said the changes could affect other communities within SDs. Warren county now manages the properties such as the Dams and Community recreation areas etc.. The major concern is that all SD fees received by SF must be used only for SF. Kris said not 100% of the SD fees are being used for SF needs. Mr. Mabe said, if the community can make money off of their community properties, the county will not seek to manage it. He also objected to Kris and

BMPOA Monthly Board Meeting Minutes: January 9, 2023

Carl's remarks that the county wants all SD under their control. He stated it is a tough job, but the county is not wanting to take over. As BMPOA is taking care of their roads, recreation, and community areas and utilizing them to their limits, the county will continue current procedures.

Open Forum (President Giordano)

- **Chipping Deadfall:** Tom Wallenius asked if, due to the recent ice storm, we might want to contract a company to chip up all the deadfall. It was unanimous that BMPOA will keep the same chipping procedure of early Spring and early Fall as there may be more storms coming. Carl Herz suggested members begin placing their deadfall in piles near the road as that is the only way the chipping company will chip any deadfall. Dan Zeman will provide the secretary, Patrick Patton, the link to the Firewise Virginia Community Hazard Mitigation Grant Program. Patrick will follow up and provide information in the February meeting.
- **Road Plans to Clear Thorough-fares during the Next Storm:** Dan Zemman asked if there was a plan for this. Carl said there is no big plan because road maintenance is subjective, and based on weather and equipment capabilities. He goes out and observes all roads prior to authorizing services.
- **Mount Oriole Pull Off being used by Neighbors:** Roland Carter asked if anything can be done on this issue. There is no sign at that location. Also, the set fence for the house under construction has been pulled down. Now people are parking everywhere. President Giordano said we will put a No Parking sign in the road pull off. Hopefully that will work.
- **Pee Wee Road and Rocky Boulder Lane Road Maintenance:** Suzanne Mondesir asked what can she do when the ice is so bad on Pee Wee Road and Rocky Boulder Lane that her car slides backwards? Also, can anything be done about the pipe that comes down from somewhere and washes out Pee Wee Road? Carl said Pee Wee is our toughest road. He said it gets more maintenance per mile than any other road in BMPOA. He said when you need help be sure to use the Contact link in bmpoa.org's Road section, and be sure to keep a shovel in your car. We recommended getting tire chains, low gear, and no brakes, and...stay inside when you can. Suzanne thanked everyone.

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 8:01pm