

BMPOA Monthly Board Meeting Minutes: June 12, 2023

Minutes recorded by Secretary Patrick Patton

Board Members Present: Acting 1st Vice President Harry Davis, Treasurer Mike Veasey, Secretary Patrick Patton, Directors –Erica Santana, Carl Herz, David Cook

Board Members Absent: Acting President Jim Critcher, 2nd Vice President Jonathan Morrison

Guests: Walt Mabe - Warren County Supervisor for BMSD; Crystal Cline (Running for Warren County Sheriff; George Cline (Crystal's husband)

Total Number of Membership and Guests Present: - 6 Board Members, 11 Members at Lodge, 3 members via Zoom (Matt Iden, Janet Wildman, Renee Grebe)

Items of discussion: President Introduction, May 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

Acting 1st VP Harry Davis opened the meeting at 6:06pm welcoming everyone and informing them the meeting was being recorded via Zoom. He then moved to prior meeting minute approval.

Previous Meeting Minutes Approval (Secretary Patrick Patton)

Patrick stated that, via email, the May Minutes written by Jackie Veasey (as acting Secretary) had been reviewed and agreed upon by all Board members in emails. Patrick made a motion that, in lieu of reading the minutes, a vote for approval/disapproval happen. The motion was seconded and approved.

Nominating Committee Report (Treasurer Mike Veasey)

Mr. Veasey provided the following report: The window remains open for nominations from the property owners for all positions up for election at the annual meeting through the end of June. As of now, one person has asked to be nominated for a director's position and one person has indicated an interest but not committed to run for a director's position. All other positions have one candidate so, if that remains the case, the election would be uncontested and held by acclamation at the annual meeting. No ballots nor proxies would be required. We will know for sure if that is the case on 1 July.

Financial Report (Treasurer Mike Veasey)

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

BMSD: Income this month was \$7289 from County Distribution of Sanitary District Fees. Expenses were \$7946 and included: \$100 web page; \$176 post office box rental; \$66 supplies; \$2956 lake and dam maintenance (\$1006 beach sand, \$1950 beach prep); \$580 mowing; \$243 roads (ad for repair work); \$3825 lake security. There is \$ 141,790 in checking, \$ 63,879 in the Reserve CD. Total Available Funds are \$205,669. Expenses are shown in the 'BMSD Financials June 2023' file.

BMPOA: The Beginning Balance in BMPOA Checking was \$65,629. Income this period \$7500 from weddings. We have expenses this period of \$5223. This included: \$425 electric; \$199 internet; \$3000 wedding compensation; \$250 marketing compensation; \$1160 lodge cleaning; \$75 cleaning supplies; \$22 wedding supplies; \$17 maintenance supplies; \$75 exterminator. This leaves a checking balance

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of \$ 67,903. 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.

Roads Report (Carl Herz)

Carl informed us that the paving proposals were evaluated and a contractor was selected, and recommended to the board by the roads committee, motioned to approve 35,000 for the repaving of old log, adjacent aprons, and the mailbox area of Indian lookout Road. This was approved without objection. There was some brief discussion about this work taking place in early August, that we would notify affected residents as the time came closer.

For regular maintenance, we will be deploying for regular pothole and ditch maintenance through all the areas after the recent rains.

Recreation Reports (Chairman Jonathan Morrison)

- **Lodge:** Dave Cook stood in for Jonathan as he could not attend. Dave informed the Board that immediate action must be taken on the broken railing of what is called the loading dock. He put warning tape around the area and will have it corrected in the next week. Patrick stated that Jonathan informed him he is installing wireless smoke alarms in the Lodge and will provide login and passwords for those who wish to assist in monitoring them.

- **Deer Park Recreation Area:** Chairperson Garrett McNamara informed the Board that he's opened a call for volunteers on Facebook to assist with the hiking trails and will continue posting any major updates. Progress will be slow at least through mid-July due to his work travel. On the tennis court front Dan Zeman has identified a tree that needs to be cut down. I can confirm with him but he'll likely tackle that himself. He'll also work on a maintenance schedule for the court, and is restoring the bench in the area. ‘

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 sent two welcome letters to recently sold properties, and continues to monitor home sales.

Legislative and Public Relations Committee (No Chair)

Kris Nelson volunteered to take this position which she had been 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)

Acting 1st VP Davis informed us there was no committee Chair and stated if anyone was interested to please contact him.

Architectural Review Committee (Jim Critcher)

Jim was not at the meeting. Patrick and Jonathan had no known issues.

Covenants Enforcement Committee (Billy Orndorff)

Billy informed us there were no major enforcement activities this month. He did propose an idea for an effort to clean up some of the most unsightly yards. He proposes that the board consider

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conducting a yard clean up contest with cash prizes for those who make the most significant transformations of their yard. He and Brian Elder will present an outline of this plan for the board to consider at next month's meeting. Walt Mabe (BMSD Board of Supervisors Representative), informed us that Warren County can help with litter/trash problems and offered his assistance to Billy.

Covenant Review/Modernization Status (Erica Santana)

Erica informed us that there has been no substantive progress on the covenants modernization front. I played a couple rounds of phone tag with the Pond Law Group and am awaiting a return call from them. The outstanding question for the consultation is what legal authority BMPOA has to enforce covenants and what legal recourse the POA has to hold violating property owners accountable. Once we know the answer to that, we can decide on a strategy for what level of revisions we'd like to entertain.

Bylaw Review/Modernization (No Chair)

No Report

Deer Lake Reports

- **Lake Operations:** Toni Magro informed us of the following: Starting 5/27 we have had 246 property owners & guests enjoy the lake; We had 9 new requests for Lake passes. Two were rejected, 6 were approved & one was a correction; Thanked Cathy Jo for doing a good job with trash; Request the board to consider increased hours for security guard. Maybe adding a 7pm-11pm shift. Also, to consider clean up around the 2nd, or middle entrance to lake, which would make it easier for security to keep an eye on the beach.
- **Dam Maintenance:** Carl informed us the application for our 6-year regular operation and maintenance certification will be made in the coming weeks. Nothing further.

OLD/FOLLOW-UP BUSINESS

- **Chipping Contract (Jim Cook):** Jim Cook informed the Board that he is working with the contractor to pick up remaining deadfall piles that were missed. These will be picked up this week and the chipping contract will be complete. He noted that any piles that appeared to be very recent (leaves on the branches; green, fresh cut wood) will have to wait until the next chipping contract is rendered. Jim provided the previous year's chipping total and costs from the company East Coast as well as this year's chipping total and costs. Last year the total chipping was 72 cubic yards and we paid \$7,500. This year was 420 cubic yards and we paid \$25,000. If you compared the cost and amount of chipping from of last year to this year at last year's rate, this year would have cost us nearly \$45,000 (\$43,750 precisely). We got a very good deal. Patrick Patton requested people continue to provide deadfall collection hours as he needs them to add to the \$9,000 Department Of Forestry (DOF) grant request being sent in July.
- **Research Findings on Corporate law governing the propriety of Board Members using proxy voting and participation by Zoom for BMPOA meetings (Harry Davis):** After speaking with 2 corporate attorneys, each board member has a fiduciary responsibility to their position. Therefore, no other member can vote at regular monthly meetings in their place. As far as zoom meetings a board member can participate and will count as part of the quorum,

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and have voting powers. The zoom meeting can be hybrid or entirely electronic as long as the zoom is open to all members.

NEW BUSINESS

- **Tina Johnson Individual Request for Covenants Transportation Exception** (Carl Herz):
Request approved. See Attachment 1.

Public Safety Report – (No Chair)

No Report

Crystal Cline Presentation on Warren County Sheriff Election (David Cook)

Ms. Cline presented her thoughts and plans if she wins the County Sheriff's position in the November 7, 2023 election. Members appreciated hearing her plans for the future which, in part, included more emphasis on POAs.

Public Comment (3-minute Limit each) (Secretary Patrick Patton)

2 BMPOA members and 2 guests signed up to address the Board (Attachment 2). Jennifer Kesler (member); Toni Magro (member); Crystal Cline (guest); George Cline(guest).

- Jennifer would like the Board to grant her special permission for the Human Society to bring 1, no more than 2, dogs to the lake as a field trip for the dog. Jennifer would be the POC the Human Society would contact. Dog field trips would be done on Tuesday through Friday, never on a weekend and never unannounced. Trips would be no earlier than 10am and no later than 2pm for no more than 1 hour. The dogs will be well supervised and Jennifer will be at each event and ensure the area is clean when finished.
- Toni Magro wanted the Board to know that there are skateboarders skating down Blue Mountain Road and Freezeland Road. She would like to know if this is legal as it is definitely a driving hazard.

Meeting Adjournment (Acting 1st VP Harry Davis)

Patrick asked if there were any other personnel that would like to speak to the Board during the Public Comment period. There were none. Harry moved to adjourn the meeting. It was seconded and received unanimous Board approval. The meeting was then adjourned at 7:29pm.

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Attachment 1 - Tina Johnson Covenants Transportation Exception Request/Approval

This agreement is made and entered into between Tina Johnson and the Blue Mountain Property Owner's Association (BMPOA). It specifically states that allowance is being made and permission granted, for the 2023 recreation season only, allowing Ms. Johnson use of her golf cart to aid her in getting to Deer Lake.

It is understood that her golf cart is only to be used for transportation to get to the lake area. Once there, it cannot be used on the beach or on the dam.

It is furthermore agreed that BMPOA assumes no liability for personal injury, loss or damage either on the roads leading to or in the lake area and Ms. Johnson will hold harmless BMPOA or its agents in the event of injury or loss.


This agreement is revocable if the terms of the agreement are not adhered to. It is our sincere hope that this agreement will allow Ms. Johnson continued access to Deer Lake and we wish her the best in her ongoing recovery.



Tina Johnson

6/8/2023

Date



David Cook
Representing BMPOA board

6/8/2023

Date

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Attachment 2 - BMPOA 230612 Public Comment Signup Sheet

BMPOA June 12, 2023 Board Meeting Public Comment Period SIGN-UP Sheet

This is a Board Listening period. As such, the Board will not answer questions posed, address any allegation, or argue in any way. During the Public Comment period, speakers wishing to address the Board shall clearly state their name and address. The Public Comment period shall be limited to thirty minutes, with a maximum of three minutes for any one speaker. Speakers may only speak once. Speakers will be heard in the order in which they have signed up. The Secretary will manage the time and record the speaker allowing the Board to review prior to the next meeting. If there is time remaining it will be offered to persons in the audience in the order determined by the President.

Speaking Order	Name	Address	Subject
1	Walt + Jeff Mabe	Front Royal	Mabe
2	JENNIFER KESLER	155 FERN TRAIL WAY	HSWC Home Society
3	Toni Magro	3337 BMR	Mountain Skateboarding
4			
5			
6			
7			
8			
9	Crystal Cline		Sheriff Campaign
10	George Cline		Husband