

## **BMPOA Monthly Board Meeting Minutes: November 13, 2023**

*Minutes recorded by Secretary Patrick Patton*

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

**Board Members Absent:** Acting President Jim Critcher, 2<sup>nd</sup> Vice President Jonathan Morrison

**Guests:** None

**Total Number of Membership and Guests Present:** - 7 Board Members, 6 Members

**Items of discussion:** President Introduction, September 2023 BMPOA Board Meeting Minutes Approval, Financials, Roads, Recreation, the Dam, Committee updates, any old or new business and aa Public Comments period.

### **President Call to Order/Opening Remarks**

Acting 1<sup>st</sup> VP Harry Davis opened the meeting at 6:00pm welcoming everyone. He then asked Patrick to provide information on the status of his house fire. Patrick provided that and thanked everyone for their support and help offerings.

### **Previous Meeting Minutes Approval** (Secretary Patrick Patton)

Patrick stated that, via email, the September meeting minutes 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 stated there was nothing to report.

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

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

**BMPSD:** Began the FY with \$129,801. Began this period with \$106,601. Income this period \$7648 sanitary district fees. Expenses this period of \$33,952 (\$16 postage, \$270 lake maintenance, \$23,680 lodge maintenance, \$580 mowing, \$4511 stone, \$4895 road maintenance). BMPSD has CD in reserve for \$64,385. Funds in checking account \$80,297. Total funds available \$144,682. Expenses are shown in the 'BMPSD Financials November 2023' file.

**BMPOA:** Began the FY with \$67,868. Income this FY of \$7100 (wedding). Expenses this FY of \$43,005 (\$544 electric, \$5106 security, \$7200 wedding compensation, \$750 marketing compensation, \$2000 lodge halloween social, \$2320 lodge cleaning, \$69 cleaning supplies, \$150 maintenance supplies, \$24,615 lodge maintenance, \$250 trunk or treat). Checking account balance of \$31,963. 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 provided the following: We have just wrapped up a sweep through all areas with regular maintenance, have a handful of barrels to visit and fill, and a pile or two of reserve material to top off. Then we'll batten down the hatches and buckle up for the winter season. I will be conducting my annual roads survey over this winter, which helps me to guide next season's maintenance activities. Already, we know we have some culvert replacements and related maintenance, as well as all the

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usual activities. Although not present at last month's meeting, I heard there were questions regarding maintenance planning and scheduling. Anyone who has the time or interest in helping to work out detailed plans is welcome to contribute.

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

- **Lodge:** Dave Cook stated there was nothing new to discuss.
- **Deer Park Recreation Area:** Chairperson Garrett McNamara stated there was nothing to report.
- **Halloween Parties update (Kris Nelson/Tina Marie Johnson):** The Halloween party was fantastic! We had approx 50-60 people come through throughout the day. We came in under budget by \$6.95 🍷. Next year, we will do it a week earlier as to not be on the same schedule as town and county events in hopes of more volunteers, adding trunk or treat and more members.

### **Lodge Access Report (Dave Cook)**

Dave Cook stated there was nothing to report.

### **Lodge Update Committee Report (Morgan Fox Elder)**

The Lodge Update Committee met on Friday November 10th and did a walkthrough of the building. We tried to determine items that needed to be listed in updates for the next 5 years. We have a good understanding of the repairs and facelift items the lodge needs but not an understanding yet per the pricing. We deemed what we believed to possibly be important within the next year or two to be AC/Heat AKA Mini splits, exterior painting of the whole building, repair and paint of the underbuilding where "cocktail hour" normally takes place, and the corner post repairs that Jonathan is tackling this winter. We would like to get pricing on these items listed to see what realistic place they can be on our timeline for the next 5 years. And that also entails other items I did not have the chance of bringing up yet, but reaching out to contractors to see the pricing for all of the items on the list will help determine the 5-year plan and items that will go first to last. The lodge committee learned at the meeting it needs approval from the board first before we can even get quotes from contractors. A list has been made, but nothing further has been done.

### **Membership Committee (MC) (Beth Herz)**

Beth could not attend the meeting however Carl provided the following notes Beth had provided for the October meeting that was cancelled: 3 new properties for sale this month; 5 welcome packets sent to new homeowners; 4 properties currently listed are being monitored.

### **Legislative and Public Relations Committee (No Chair)**

### **Arbitration Committee (Currently No Chair)**

### **Architectural Review Committee (Jim Critcher)**

Jim was not at the meeting however he informed Patrick there was nothing to report.

### **Covenants Enforcement Committee (Billy Orndorff)**

Billy could not attend the meeting. No Report.

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

The Covenants Modernization Committee has had inconsistent participation and interest over the past several months. Some members have expressed an inability to continue participating due to

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personal reasons. The remainder of the active members feel that modernization efforts need to be tabled for the time being and that the committee instead focus on strengthening enforcement of existing Covenants. Once solid and consistent enforcement is happening, then modernization efforts will resume. The group is now shifting gears to strategize toward this end. The committee will be formulating a list of properties that are in egregious violation of existing Covenants and pursue rectification of those violations as an initial step. The committee would also like to build a stronger partnership with the County to work on joint enforcement and pursuit of action against chronic violators. The Modernization Committee will work closely with the Enforcement Committee in this effort.

### **Bylaw Review/Modernization (No Chair)**

No Report

### **Deer Lake Reports**

- **Lake Operations:** Toni Magro was not available. No Report. Her November Agenda item, Funding Request for an additional picnic table, steps for the “second entrance” to the beach, and a doggy waste station near the dam, will be placed on the December Agenda.
- **Dam Maintenance:** Carl provided the following: We have been given our regular operation and maintenance certificate from the Virginia DCR. Now we can focus on building up our regular maintenance plans and the need to eventually replace the aging level control system (the standpipe and outflow pipe). The ‘BMPOA Dam Safety and Floodplain Regular Operation and Maintenance (O&M) Certificate’ is in **Attachment 1**.

### **OLD/FOLLOW-UP BUSINESS**

- **Loading Dock Repair (Dave Cook):** All repair has been completed.
- “Watch for Pedestrians” Sign (Carl Herz): Carl said this was still in the works with Warren County (Walt Mabe). This will continue in every Old Business/Follow-Up Business until resolved.
- Proposal for a community yard clean-up effort (Billy Orndorff): Billy was not at the meeting. Nothing to report. This will be added to Old Business in December’s Agenda.
- Short term rental policy revisited and clarified: Harry said there was no one there to discuss this. However, this was discussed in the New Business section’s ‘116 Mossy Rock Ln AirBnB Request Status’. COMPLETE
- Trash can and ash receptacle in front of lodge: Both are now there. COMPLETE

### **NEW BUSINESS**

- **Policy for Appearance by Political Candidates\_at/after BMPOA board meetings and the annual meeting:** Mike Veasey provided the proposal that the Board does not allow any political candidates appear at any of our Board Meetings, and they only be allowed to present after the Annual Board Meetings in August each year. Patrick seconded the proposal. After a small discussion the proposal was unanimously approved.

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- **116 Mossy Rock Ln. Airbnb Request Status:** Jackie Veasey informed everyone that, per Nancy Grey, the WC Planning Commission (WCPC) turned the decision to approve/disapprove this Airbnb request over to the WC Board of Supervisors (WCBOS). The WCBOS meeting is scheduled for tomorrow night. Jackie stated there were a minimum of 3 letters from BMPOA members sent directly to the WCBOS requesting disapproval. These included the exact reasonings. Kris Nelson clarified what WCBOS normally does (puts stringent requirements that must be met or the WCBOS will remove approval). She said she could provide feedback from that meeting in next month's BMPOA Board meeting. Nancy Hillard informed every one of the procedures she used to get her AirBnB request at 82 Moonshiner Way approved. She also stated that disapproval was made to a request that did not adhere to the WC 100 yard distance from adjoining properties. However, the WCPC will be discussing changes to that WC 100 yard rule at tomorrow's WCBOS meeting. She recommended a board member attend and bring the dates the police were there and the issues. Jackie stated WCBOS has all of that in the 116 Mossy Rock Ln packet. Nancy just suggested a BMPOA member/Board member have it with them as well to support BMPOA's request for disapproval. Kris Nelson said she would be attending either virtually or in person. Harry said she could speak up for us. WCBOS meeting agendas can be found at [https://warrencountyva.portal.civicclerk.com/?category\\_id=26](https://warrencountyva.portal.civicclerk.com/?category_id=26).
- **BMPOA Representation at Warren County Coalition of Community Associations (WC3A) Meetings** (Erica Santana): The Warren County Coalition of Community Associations (W3CA) is a newly-formed community group centered around communication and coordination among HOAs and POAs in Warren County. The Coalition was formed out of a concern for proposed County ordinance changes to regulations governing short-term rentals and set-back distances of conditional use permits for rental properties, and a desire to establish a platform for organizing around shared community interests. W3CA has asked HOAs and POAs in the County to send leadership from their respective organizations to their monthly meetings during this time of formation around the CUP issue. Ultimately, they envision quarterly meetings for sharing updates, community news, coordinating with the county on pursuing shared goals and initiatives. There were mixed opinions about BMPOA attending these meetings by the sitting Board. At this time, the meetings, which occur on the second Tuesday of each month, are not being attended by anyone from BMPOA. Erica Santana, Board member at large, cannot attend these meetings due to a work schedule conflict. There was some discussion at the meeting as to whether other Board members were able to attend. At this time, no other Board members had interest. Erica will reach out to Tracie Lane, W3CA's president, to see if BMPOA can send representation of a non-Board member and will report on findings at next month's meeting.
- **Deer Lake Fish Restock Request** (Mike Veasey): Mike Veasey brought up that there is a buildup of algae forming on the lake. While some of this could be attributed to low flow because of reduced rainfall, algae build up usually means that the fish population is dwindling and needs to be restocked. Bev and Sean Pond did this about 5 or 6 years ago so it is time to restock the lake. Marc Nelson has agreed to work this issue this year. He will research with the hatchery what kind of fish we need, in what quantities and the best time to release the fish. He will then make arrangements to execute the plan. Mike Veasey requested an amount not to exceed \$1000 for this activity and the board unanimously agreed and appropriated the money.

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### **Public Safety Report – (No Chair)**

No Report

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

1 BMPOA member, Nancy Hillard (83 Moonshiner Way), signed up to address the Board. Nancy stated there are 2 trees on the corner of Moonshiner Way and Old Sawmill Road that block firetruck access to Moonshiner Way which could be a fire safety issue and would like them removed. She then stated that the bigger picture is how many other roads on Blue Mountain have the same issue. She said she would be willing to help find a way to resolve this as she wasn't sure if it was a Firewise issue or a Roads issue. She suggested that the Firewise lead should do a drive through to determine all areas that are affected and she would be willing to go with them. Patrick informed Nancy that he is the Firewise Lead and will talk with Lisa from the Warren County Fire Department (WCFD) for suggestions. Erica said it wouldn't be the fire department but may be the Virginia Department of Forestry (VDOT). Patrick let them know VDOT does not handle anything not owned by the government. Mike Veasey stated those trees have been there for more than 50 years and there has been no problem. He provided the best route to get to Nancy's house on Moonshiner Way. Erica stated the Fire Departments don't look for the easiest most direct route. They use Google Maps and, if coming from Howellsville Road they go on Blue Mountain Road (SR638) and turn straight up Old Sawmill. Again, Patrick will contact Lisa (WCFD) and provide information at the next meeting.

### **Meeting Adjournment (Acting 1<sup>st</sup> VP Harry Davis)**

Harry 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 7:03pm.

# BMPOA Monthly Board Meeting Minutes: November 13, 2023

## Attachment 1 - BMPOA Dam Safety and Floodplain Regular Operation and Maintenance (O&M) Certificate Documentation

Travis A. Voyles  
*Secretary of Natural and Historic Resources*

Matthew S. Wells  
*Director*

Andrew W. Smith  
*Chief Deputy Director*



### COMMONWEALTH of VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION

Frank N. Stovall  
*Deputy Director  
for Operations*

Darryl Glover  
*Deputy Director for  
Dam Safety,  
Floodplain Management and  
Soil and Water Conservation*

Laura Ellis  
*Deputy Director for  
Administration and Finance*

## DAM SAFETY AND FLOODPLAIN MANAGEMENT

### Dam Safety Regular Operation and Maintenance Certificate Low Hazard Dam, Inventory Number 187004 (Legacy No. 18704)

Blue Mountain Property Owners Association, owner(s) of Deer Lake Dam in Warren County, is(are) entitled to operate and maintain this dam pursuant to the provisions of the Dam Safety Act (Section 10.1-604 et seq., Code of Virginia) and Virginia Soil and Water Conservation Board Regulations (Regulations) promulgated thereunder.

This certificate is for a term of six years. It becomes effective Friday, June 30, 2023 and expires Saturday, June 30, 2029. In accordance with §4VAC50-20-105B of the Regulations, the owner shall apply for a new certificate 90 days prior to its expiration.

Additionally, owners of high or significant hazard dams shall conduct annual drills and conduct a tabletop exercise every sixth year in accordance with the provisions of Section 4VAC50-20-175(E) of the Virginia Impounding Structure Regulations. Annual owner inspections are required every year that a professional engineer's inspection is not required in accordance with the provisions of Sections 4VAC50-20-105(C) (2) and (E) and Section 4VAC50-20-180 of the Virginia Impounding Structure Regulations.

A handwritten signature in cursive script that reads "Darryl M. Glover".

Darryl M. Glover, Deputy Director of  
Dam Safety and Floodplain Management &  
Soil and Water Conservation

600 East Main Street, 24<sup>th</sup> Floor | Richmond, Virginia 23219 | 804-786-6124

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Travis A. Voyles  
*Secretary of Natural and Historic Resources*

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## COMMONWEALTH of VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION

Tuesday, October 31, 2023

Frank N. Stovall  
*Deputy Director  
for Operations*

Darryl Glover  
*Deputy Director for  
Dam Safety,  
Floodplain Management and  
Soil and Water Conservation*

Laura Ellis  
*Deputy Director for  
Administration and Finance*

Re: Regular Operations and Maintenance Certificate

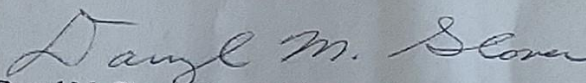
Dear Blue Mountain Property Owners Association:

Attached is the Regular Operation and Maintenance (O & M) Certificate, valid for six years, approved by the Virginia Soil and Water Conservation Board. For general responsibilities regarding inspections, reporting requirements, maintenance, dam break inundation zone maps, and emergency action plans and exercises, please check the latest Dam Safety Act, Impounding Structure Regulations, and Guidance Documents available at <http://www.dcr.virginia.gov/dam-safety-and-floodplains/>.

We also want you and your engineer to be aware that on March 23, 2016, the Board's new Probable Maximum Precipitation (PMP) Study for Virginia dated November 2015 (and the associated PMP Evaluation Tool and Database) became effective. The 2015 Virginia PMP values replaced the several decades old PMP values that were previously required for use in the design of impounding structures in Virginia. Information regarding the status of the new PMP values adopted by the Board at their December 2015 meeting and a link to download the new PMP Tool, Database, and Implementation Guidance may be found at the two PMP links provided on the dam safety web page provided above. An estimated 95% of the PMP values across the Commonwealth have been reduced and may potentially result in a change to your impoundment's spillway design flood. It is also possible that upon performing updates to your dam break inundation zone maps that it may be found that the hazard classification of your structure may also change and the properties identified as impacted under your Emergency Action Plan or Emergency Preparedness Plan, as applicable, may be altered. It is important that you as an owner and your engineer review these new Dam Safety Program PMP values to see how they might affect the design and hazard classification of your impounding structure.

If you have any questions regarding your Certificate or the new PMP values, please contact your Regional Dam Safety Engineer or me at [Darryl.Glover@dcr.virginia.gov](mailto:Darryl.Glover@dcr.virginia.gov).

Sincerely,

  
Darryl M. Glover, Deputy Director of  
Dam Safety and Floodplain Management &  
Soil and Water Conservation

Enclosure: Regular O & M Certificate

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