

Mallard Bay Property Owners Association  
Minutes  
Meeting of Board of Directors  
Monday, July 1, 2024

*Note: Attachments to this report are available to all MBPOA property owners from the Secretary, MBPOA Board of Directors*

The meeting was called to order in the Mallard Bay Clubhouse by MBPOA President Carol Bracker at 6:30 p.m.

Board Members present:

Carol Bracker, President  
Larry Tupper, Vice President  
Jeanne Widenmyer, Treasurer and MBPOA Registered Agent  
Barb Bromley, Board Member-at-Large  
Susan Barr, Board Member-at-Large

Board Members absent:

Lynne Cerar, Secretary

Committee and Support Personnel present:

John Barr, Maintenance Committee  
Debbie Evans, Clubhouse Manager and Webmaster  
Amanda Marston, Clubhouse Maintenance  
Bob Mitchell, Social Committee  
Debby Tupper, Amenities Committee

Property Owners present:

Scott Beers  
Bill Bracker  
Theron Holt  
Ben Packett

### Opening Comments

Mrs. Bracker opened the meeting by thanking everyone for coming and confirming the quorum.

### Reports

**Secretary** (Lynne Cerar was absent) –Mrs. Bracker asked for a motion for the approval of the Minutes of the June 3, 2024 Board meeting, which Ms. Cerar had sent out to the Board members via email. No discussion was forthcoming, and Ms. Widenmyer moved to approve, the motion was seconded, and on a voice vote the Board approved the Minutes.

**Treasurer** (Jeanne Widenmyer) – Ms. Widenmyer advised that three of the six delinquent homeowners have sent in their dues. Of the remaining three property owners, one lot owner's son has taken over the matter and

will pay, and Ms. Widenmyer will hold off on filing a lien pending receipt of those monies. Another lot owner's son reports he has not received any of the previous letters, but will pay the dues. He has asked for a one-time waiver of interest, which the Board approved at a later date, after Ms. Widenmyer had sent the son's letter to the Board via email. The sixth delinquent lot owner has not responded and Ms. Widenmyer will file a lien on his property next week. The Association is \$5600 under budget.

**Clubhouse Manager and Webmaster** (Debbie Evans) – Ms. Evans reported that no one has reserved the Clubhouse for July other than for the regular Board meeting, regular bridge game and 4<sup>th</sup> of July picnic.

The blog has gotten busy with swimming pool information. Ms. Evans will post only twice/month regarding items for sale.

**Property Manager** (Brant Hays was absent)—No items to report.

**Pool Technical Maintenance** – Mrs. Tupper reported problems with low chlorine, which was improved by Paul Malloy conducting a backwash. Ms. Evans reported that the algae problem has been solved. Five new volunteers are skimming, vacuuming and brushing the sides of the pool. A new kit is now testing for chlorine, pH, alkalinity, hardness and phosphates. Mrs. Tupper reported that in the process of using the robot, she has noticed that a lot of the lining of the pool is being picked up. Paul Malloy has said that this will continue as the lining ages, that this may be the reason that the algae has been a problem, and that eventually the lining of the pool bottom and sides will have to be redone. The pool maintenance team recommends that the pool be closed on Sunday evenings at 9pm for a good cleaning after the weekend and opened the next morning. On holiday Mondays, cleaning and pool closing will be on Monday evenings at 9pm. Additionally, Mrs. Tupper noted that above all, safety should be our priority. She observed a number of young adolescents at the pool without an adult and she is very concerned about the lack of supervision, as well as guests of owners using the pool without the owners being present. Mr. Bracker noted that an accident would inure to the whole of the MBPOA community and all owners would be liable and subject to a lawsuit. It is imperative that the rules and regulations be upheld. More signs are needed and must be more visible upon entry to the pool. Anyone under the age of 14 must have an adult present. The Board approved and seconded a motion that new signs clarifying the use of the pool should be ordered.

**Dockmaster** (Allen Garland) – Mr. Garland was not in attendance. No items to report.

**Architectural Review Committee** (currently no Chair)—No items to report.

**Landscaping Committee** (Lynne Cerar) – Ms. Cerar was not in attendance. She had sent out an email to the Board about the dead lantana at the entrance gate. Lace bugs have destroyed them and she will replace with something else.

**Social Committee** (Bob Mitchell) –Mr. Mitchell announced that the 4<sup>th</sup> of July picnic will be held on Thursday, July 4 at 5:30 pm. He needs help with decorating the Clubhouse on July 3 at 11:00 am. Menu will be fried chicken. Mr. Mitchell reported that Social Committee funds are in adequate shape.

**Maintenance Committee** (John Barr)—Mr. Barr has been busy! The two posts in the parking lot that were falling down have been fixed; the upper and lower dam signs reminding people that no cars are allowed are built, painted and will be installed week of July 1; the grill has been fixed; the kayak rack has been repaired, but Mr. Barr wants to rebuild it in the fall or spring; there is a new fire pit--the benches for the fire pit have been donated by the Barrs. The tennis court latch is fixed; the tennis court bench has been sanded, repainted and put back; the crabbing dock electricity has been repaired—there is power at the dock and lights. Mr. Barr will be working on the playground set; the two metal picnic tables will be sanded down and weather-proofed—the

picnic table near the tennis courts is not being used and will be moved to the fire pit/playground area. Mrs. Barr has suggested a small grill for the area, but that will be revisited next year. Phil Marston fixed the Clubhouse railing which had broken. Regarding dock rescue ladders, Mr. Barr will wait for the end-of-summer sales to buy; he will rebuild and fix the bench at the end of the large pier; the dock tables will be resealed and nailed to the dock.

Piers: Mr. Pierce sent a contract—Mr. Barr sent back a contract that includes all that needs to be done, i.e., the bulkhead on the ramp will be replaced as well as the walkway on the bulkhead; debris removal will be included. Mr. Pierce is licensed and insured. The main pier will not be shut down during construction. The crabbing pier will be shut down for construction.

Mr. Holt noted some problems with the center section of the dock having no water. Mr. Barr will look to see what the problem is.

Mr. Barr emphasized that the larger problems with the dam must be addressed.

**Amenities Committee** (Debby Tupper) – Mrs. Tupper and the Board expressed their great appreciation for all the work Mr. Barr has done. Mrs. Tupper will put all those items on a spread sheet so that maintenance can be tracked.

Mrs. Bracker noted that currently there is no Safety Watch Committee. Anyone interested should contact a Board member.

### **Discussion/FYI Items**

Dams:

Mrs. Bracker noted that Mr. Tupper received some information from Marshall Sebra (past president of MBPOA Board) about the dam issues. Mr. Tupper said that Mr. Sebra had been in touch with the Virginia State Department of Conservation and Recreation. There is a lot of detail in the engineer's report, and Mr. Tupper will forward the report to anyone who wishes to see it. The problem with the lower dam should be of major concern to the MBPOA Community. The Flyaway Lake Dam (upper dam) and the Eagle Lake Dam (lower dam) were inspected by an engineer two years ago. An engineer is required to inspect the dams every six years and write a report. There are different classifications for hazard status of dams. Two years ago, the engineer gave both dams a "low hazard" classification, even though the lower dam has issues, mostly maintenance-related. Trees should not be on the lower dam, because the roots go down deep and rip up the soil. We have a certificate for each dam for operation and maintenance for two years. Both certificates are either about to expire or have already expired. Mr. Sebra's suggestion is that the Board contact DCR and see exactly what our status is and what we need to do. At a minimum, we will need to do the maintenance that the engineer recommended—mowing the embankment, clearing woody vegetation, reseed low area, remove burrowing rodents, remove debris from the intake structure, mow channel bottom and side-slopes, repair erosion, reseed bare areas, clear debris from entrance. None of that has been done. Mr. Tupper believes that the first step is contacting DCR and seeing where we stand. Mrs. Bracker said that one of the emails from DCR's Dam Safety and Inventory System stated that we have a conditional two-year certificate; the application was accepted on August 31, 2022, meaning we have two months to do that work. Mr. Tupper posited that DCR may not be in a hurry to issue penalties, but that they could also be in a position to penalize us. Mrs. Bracker said that she did not see anything about Flyaway Dam—that this was about Eagle Dam. Mrs. Bracker asked Mr. Tupper if he would contact DCR to see what they recommend and the timeframe in which to accomplish it. Mr. Tupper agreed. He noted that the engineer who wrote the report was head of the dams division of an engineering company named AMT. Mrs. Bromley stated that we have not done what the report recommended and that we should be doing it. Mr. Tupper noted that even Eagle Lake Dam was given a low hazard classification, though there is seepage around it. The issue is the maintenance and we have not been

able to find anyone to do that work, other than weed-whacking by Brant Hays and Wesley Roper. Mrs. Barr asked if there is a record of how much we paid the engineer to come, and if it is not a large cost, perhaps we could get another engineer to come out. She also stated that someone must be able to do this work, even though the ravine is very steep. Ms. Widenmyer said she would look up the cost for the engineer.

Mr. Tupper added that, as one approaches a higher level of hazard classification, the State has a fund to help with repairs of dams, even a private dam like ours. Mr. Sebra told Mr. Tupper that he believes there is another fund, not through the State, that also helps with dam repair costs.

Ms. Evans asked about elimination of burrowing rodents. Mr. Holt reported that the State told him that beavers are not endangered, cannot be transported to another place, are considered a nuisance and can be killed.

Dredging of Boat Ramp:

Mr. Holt went to three different vendors. He got one response from Chesterfield, Virginia for an estimate of \$12,000, to include bringing their equipment here. A local business is coming July 11 to look at the project.

Mr. Packett has been trying to get derelict vessels removed from the RV lot. He is awaiting for feedback from VMRC on whether or not we have ability to transfer vessel title to MBPOA as a group or as a private entity. Once he receives an answer, he will put ads in the local newspaper stating that we are applying for title of the vessels. He may have an answer by the next Board meeting.

Mrs. Barr asked about storage for pool chemicals. Ms. Evans reported testing strips and chemicals degrade in the heat and that the pool maintenance team recommends an air conditioner in the pool house, as well as a lock of some kind so that entrance is restricted to only those members of the team, as the chemicals housed there are dangerous. Additionally, the Brackers have donated shelving so that chemicals can be off the floor so that if one thing leaks, other chemicals are not adversely affected. Ms. Widenmyer moved that an air conditioner be purchased (for about \$150); Mrs. Bromley seconded. The motion passed.

#### **Board Comments**

There were none.

#### **Open Comments**

The next regular meeting of the Mallard Bay Board of Directors will be Monday, August 5, 2024 at 6:30 p.m.

There were no other comments, Mrs. Bracker asked for a motion to adjourn, Ms. Widenmyer so moved, Ms. Barr seconded, and the regular meeting was adjourned at 7:25 p.m.

Submitted by:

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Lynne Cerar, Secretary  
(Transcribed from audio recording)