

## **BMPOA Monthly Meeting Minutes July:**

*Minutes recorded by: Kelly Ludke*

*Board Members Present: Greg Young, Mike Veasey, Jonathan Morrison, Sean Pond, , Jim Cook, Dave Cook, Kelly Ludke*

*Members: Bev Pond, Jackie Veasey, Dan Zeman , Ben Hutchison, Senie Byrne Carter, Joe Giordano, Janet Davis, Harry Davis, Patrick Patton, Elizabeth Owens, Kris Nelson*

*Guests: Walt Mabe, Sheriff Mark Butler*

### **Called to Order: 6:00 PM**

#### **Item: June Meeting Minutes**

**Action:** Approved Unanimously. Kelly Ludke to send them to Ben Hutchison to post to the website. Walt Mabe to be forwarded a copy as well.

#### **Item: Financials**

**Discussion:** Financials were sent out prior to the meeting. Mike reviews the expenditures for the members of the community who are in attendance.

Walt: When do you expect the County to give you money?

Mike: Before the end of July.

Kris Nelson: Is there somewhere to see an expense report?

Mike: Yes, they are all online.

#### **Item Roads**

##### **Discussion:**

##### **Roads report:**

- Old Sawmill, Mockingbird and a couple other troublesome spots in area 1 and 2 are getting some re-grading, ditching, and new surface materials. Areas 1, 2 and 3 are getting ditching, pothole repair and rut repair at this time. Recent heavy rains have proven again that keeping ditches and culverts clear and operational are the keys to good road surface longevity. An additional contractor is clearing roadside brush where it has become obtrusive, throughout all the areas. Several missing road signs have been replaced by the County, at our request.

- The issue with the property at the end of Little Indian (apparent property line discrepancy/improper setback) has been resolved by the owner obtaining an updated plat that shows the 50' setback off the front of the house, therefore the association will continue to maintain the road normally to fifty feet of the building, and will provide a blue barrel at this location as well, precluding the need for any other method of ice-removal.

- Area 4 improvement project: Road surface durability and reduced irregular maintenance costs depend on building a properly shaped and compacted road surface. This greatly reduces the

formation of ruts and potholes, and combined with clear drainage, it is the best we can expect to do with the roads we have. Therefore, in accordance with the prior stated positions of the committee, the committee plans to move ahead with spending approximately \$8,000 in the end of July/early August to build up, compact and perform standard maintenance to approx. 2,500 feet of Woodthrush and Mt Oriole. This is less than the 3,850 target feet of roadway previously surveyed, but as a proof of concept this exercise will determine the extent that such a practice will be appropriate for us. This expense is also not remarkably significant within the annual scheme of road maintenance. If deemed effective, this process and its expedient nature will allow us to deploy elsewhere, at predictable and scheduled times which reduce costs. A similar technique has been regularly used in the past, except now we will compact the road material with a heavy roller, which will greatly increase the density and reduce the porosity of the road surface. There is a chance that the project may delay beyond target date due to labor or weather issues.

This process will involve:

- Clearing ditches and dressing existing potholes and ruts, with compaction
- Distribution of 10 loads (~180T) of crusher run directly onto prescribed portions, 2-4" deep
- Immediate feathering and crowning of the linear road bed
- Immediate compaction using appropriate roller
- Clean up and move out

This project is anticipated to last one full weekday with enough area to move around that traffic delays will be minimal. The expected returns on this project will be reduced unscheduled maintenance (pot-holes, ruts, etc.) for the next three years on these portions of road, which coincides with the eventual target of performing this rotating 4-year scheduled maintenance cycle, area-by-area. This project will very much serve as a proof-of-concept demonstration that eventually may allow us to quantify our roads' individual needs and costs can be categorized and quantified, allowing us to more carefully orchestrate and efficiently operate.

Patrick: Any Update on Mockingbird?

Greg: Yes. We are still getting to it, but with the weather, the rain keeps ruining it as soon as we are finished.

**Dam:**

-We are awaiting the results of the detailed inundation study which is largely complete. In the meantime we are evaluating techniques and procedures to fill the groundhog holes in the dam embankments. We will request an inspection from Bander & Smith, a regional engineering/inspection outfit that came in 2013 and performed a standpipe and outflow pipe inspection using a robotic camera and creating a full and detailed report. This is required to move ahead with our 2 year conditional operating and maintenance certificate from the State which has been submitted and is under review. This expense is not yet known, though we can find it in our records from 2013 and determine a rough idea. It should not be extraordinary.

## **REC Herbicide Usage:**

-No updates on progress, REC is not scheduled to perform this type of work until next year, and not until 2025 for the areas treated in 2020. (5-year application cycle). Contributors are most welcome to assist in gathering information on our legal rights as the easement owners to mandate to the utility that the practice of chemical-based maintenance is prohibited within the POA, if in fact that is the official position and request or becomes so in the future. For a full briefing, please join this committee.

## **Other:**

-Mr Joe Giordano has presented his licensure and insurance credentials and was welcomed to present us with a proposal for a permanent repair to the loading dock and retaining wall at the Lodge. He is expected to be in attendance at July meeting to present it. The association has also published solicitations publicly in the recent past for this service, with no interest received.

## **Other:**

Bev: Two groundhogs are back.

## **New Item:Mailboxes**

### **Discussion**

Walt: Are you still doing the mailboxes?

Jim: Yes.

Walt: I still have the ten mailboxes.

## **Item Recreation**

### **Discussion:**

Jonathan: Well nothing is broken because we haven't been renting the lodge.

## **Recreation Area:**

Janet: Can we use the area that is blocked off.

Greg: Yes, you can.

Janet: Then why is it blocked off?

Greg: We have to block off because the vandalism, dumping of trash and construction debris. But if you want to use it, if anyone wants to use it, just contact the Board.

We will give you the gate code.

## **New Item:Loading Dock**

## **Discussion**

Joe: We have a couple of options for the retaining wall and loading dock. The first option is to dig it all out, brace the loading dock, re-pour the wall and replace it with trex decking. This option will be between \$25-30k.

The other option to reinforce what's there, don't mess with the deck. Pour footers. This option is around \$15k.

I'll get a more complete picture for the next meeting.

Greg: Great. I think its good anytime we can give business to our property owners.

Joe: And I'm Class A licensed, in business since 1984.

Dave: The cheaper option is \$10k cheaper but how long will it last, 50 years?

Joe: Yes, but doing it the proper way it would last longer.

## **Unfinished Business: Homeowner putting up a tower**

### **Discussion:**

Walt: The court is having a hearing on September 23. Then we will have an answer. So the County can't stop him right now.

## **Property Owner**

### **Discussion:**

#### **Back Taxes:**

Janet: I used to collect back taxes. Does anyone still do that?

Greg: The County does it now.

Mike: Yes they do it.

## **Enforcing Covenants:**

Harry: I have a question about enforcing covenants. I get the impression no one cares about our rules. Some people think the County supersedes the POA but I think it's the opposite.

Walt: It is the opposite.

Kris: These by-laws were written too long ago and need to be updated.

Jim: Because of the by-laws, it takes  $\frac{2}{3}$  of the owners in the BMPOA to vote on it to change any of the covenants. And we also have to weigh the cost of enforcing the covenants vs what impact it's really making because we don't have the finances to go after each one.

Harry: If you enforce some of them and not all then it would be worse.

Greg: Well they aren't even reading the letters we are sending them.

Harry: We just have to set a precedence.

Jim: Part of the thing is to get people to respond.

Janet: I already spoke to a lawyer.

Kris: Can't we make it easier using social media or facebook?

Dan: Did they make it hard to change the rules for a reason?

Greg: I want to update the bylaws but we cannot do it without mailing it out. Not everyone is on social media.

Kris: But we can help.

Greg: We have tried. We have a Facebook page and a website.

(Owner, I don't know the name) People don't even know you have it though.

Elizabeth: I didn't know about the group or anything. My neighbor Patrick told me about it.

Greg: That's the responsibility of the realtors. We have signs up.

Ben: Carl put up signs for speed but we failed to put the web page on the signs. I can make something for the signs.

Patrick: I think we need to make sure we spell out Blue Mountain Property Owners Association and not abbreviate it. And Janet was talking about legal issues. Do we have email for all the owners? We did this on another group saying that if you don't reply to the email or mailing then that would be your vote.

Janet: When I was in the hospital I wasn't checking my email. I wouldn't want that to be my vote.

Harry: The annual meeting is next month.

Kris: We should use Facebook and social media to get the word out.

Harry: Let's start broadcasting it now.

Greg: Our FB page has close to 200 owners. We can let them know we want a bylaw rewrite committee.

Kris: I volunteer!

Janet: what about the covenants?

Greg: We don't have an enforcement mechanism so we use the County. We could hire an attorney but that's a lot of money we don't necessarily have.

Janet: People just want to break the rules with their shooting and fireworks.

Kris: Realtors are legally supposed to be handing out covenants.

Walt: It would be a good idea to send the major realtors in this area, particularly the mountain, a copy of the covenants.

Jim: But we have no repercussions.

Kris: Or we can just shoot an email to the real estate agents.

Jim: We can try.

Dave: But we actually have hundreds of realtors to contact.

Dan: Doesn't everyone talk about our lake? We need a sign for the lake.

Ben: Weren't you the person who opposed the signs we put up?

Jim: There used to be a sign.

Kris: Can we do another sign?

Greg: If someone comes up with a thought out proposal where we have details on size and cost. We can vote at the next meeting.

Harry: Are mailboxes individual owners?

Greg: Mailboxes are the post office responsibility.

## **New Business: Homeowner Filing for Short Term Rental Discussion:**

Mike: When a property owner wants to use their home as short term rental they file with County and then they give it to us to recommend approval or not. This owner already has one short term rental and would like their second home to be a short term rental too.

Patrick: I'm concerned about too much of this going on on the mountain and these people bring ATVs or whatever they are into.

Elizabeth: I've already had a problem.

Jonathan: Short term rental agreement is not that different from house rental. It's just shorter. As long as its R1 use.

Patrick: Can the POA get something out of it?

Jackie: Well we get the fees they pay to the Sanitary District.

Janet: We have people shooting off guns and fireworks.

Johnathan: Maybe we should have rental owners give out covenants. How long is the rental agreement for?

(I'm not sure who answered) : Probably until they sell or decide not to continue.

Walt: The County is saying as long as you say yes, they will say yes. S if you say no gunfire we follow that.

Jackie: Shouldn't we go through the owner first? Harry: Is everyone aware of the covenants?

Kris: They should be.

Dan: Doesn't the covenants say no short-term rental?

Greg: We follow the process through the County. But the covenants are so old I can't imagine that short-term rental is even something mentioned. Okay let's vote.

#### **ACTION:**

#### **Board votes unanimously to approve the short-term rental.**

Mike: I have air bnb and hot tub heaven and we have contacted the owners and it worked out. Just tell them your next call will be the sheriff's office.

Walt: The next step will be to go through the board of Supervisors. You can be there to stop it as well.

Tyler: There was an altercation at the lake. Were there incident reports we can see about this?

Jim: In this instance, we have to have a closed session until resolved.

Tyler: That makes sense.

Jim Cook: I'd like to introduce Sheriff Butler.

Sheriff Mark Butler:

Some POA's don't want us there . When we start getting to private roads we can only enforce reckless driving or DUI. The department is focusing on the Constitution and Law. I will err on protecting the constitution over feelings. We don't have the deputies we need. So we don't know all the POA covenants. We will have deputies assigned to this HOA. We have been able to crack down on a few things, the stolen property, ATVs.

Many : Thank you!

Jim: It wasn't some random traffic stop it was investigated.

Senie: With the dogs that run loose can you tell me if there's a leash law and when can a dog be shot?

Sheriff: If a dog comes on your property. You have the right to protect your property. I DO NOT BELIEVE THIS FULLY DESCRIBES WHAT THE SHERIFF STATED. I THINK THIS:

If a dog comes on your property you have a right to protect it and especially if your physical being is threatened. Shooting a dog simply because it's in your yard is not appropriate. Like everything that ends up in court, there is no black and white. When the facts are all presented and sorted out, who really knows what a judge or jury will decide.

Janet: You would need to handle it right away.

Sheriff: Every person has the authority to go swear out a warrant at the magistrate because you have first hand probable cause. We are trying to get a video magistrate. Also looking to get more deputies policing the areas better.

Kris: We had 2 shootings where a dog killed livestock, the other incident there was no evidence that the dog did this. Does the dog need to be attacking or just on property?

Mark: if you feel like the dog is being aggressive or you are attacked then you can defend yourself or your property. We stop them more than the Town. I would suggest you call a deputy.