

**Bay Quarter Shores Association
Board Meeting Minutes
December 8, 2007**

Meeting was called to order at 9:00 a.m., John Collier presiding.

Board members present: Mike Silagyi, Michael Goodrich-Stuart, Frank Klein, Jennifer Troy-Black, Ruth Franck, Stan Johnson, Fraser Getgood; also present were Dick Lee, Curtis Black, Jean and Jim Ince, Roger Guy, George Kranda, Scott Nichols and Rob Morris, Jr.

1. Minutes of the October meeting (there was no meeting in November) were approved unanimously with no changes.
2. The financial report was presented by Jennifer Troy-Black. Current assets: \$193,342.12. The report was accepted unanimously.

Old Business

1. George Kranda and Scott Nichols of the Presley Creek Association (PCA) made a presentation on the PCA's history and goals. Mr. Kranda noted that the PCA was formed about a year ago for the purpose of maintaining a tidal exchange in Presley Creek. The Rowe project, which was intended to protect a property at the mouth of the creek, was the impetus behind the formation of the PCA due to concerns among members that the project might land lock Presley Creek. Mr. Kranda said that supposed danger no longer exists. So far, the PCA has raised \$17,000 from member donations to fund an engineering study by VHB with the intent of finding a way to maintain a permanent opening of Presley Creek into the Potomac. The PCA's intent is to apply for a permit for this work from the Northumberland County Wetlands Board and the Virginia Marine Resources Commission. PCA board members met in July and voted to go forward with a completed design and are still awaiting a permit. The estimated cost to build the design they approved is \$300,000, which Mr. Kranda said would be raised solely through donations from PCA members and any grants the PCA might win. One such grant is currently being sought from the U.S. Fish and Wildlife Department.

Mr. Kranda went on to describe the PCA's plans for a Service District, which is a designated area in which property owners can be charged for maintenance of public projects that benefit said area. By law, a Service District cannot be used to build projects, only to maintain them, according to Mr. Kranda. Before last year, a Service District could not be established for the maintenance of a waterway in Virginia. However, last year, with the urging of the PCA, Mr. Kranda said the General Assembly passed an amendment to the law that permits such districts to be created. Once a permit to work on Presley Creek has been issued, in order to establish a Service District to maintain it, the PCA will ask the Northumberland County Board of Supervisors to hold public hearings to gain input on any potential action that might be taken in this direction.

Mr. Kranda said he has spoken with Ken Eades about this project, and said Mr. Eades has been supportive so far. He went on to say that the establishment of a Service District would, in his opinion, not impact all of Bay Quarter Shores, but only those property owners with riparian rights (water frontage) on Presley Creek. He continued by saying that funds raised in a Service District are earmarked for specific purposes related to the Service District and do not go into the taxing authority's general fund.

Frank Klein asked what might happen if the creek opening was created as planned but later destroyed by a storm. He wondered if "maintenance" funds would have to be used to re-open the creek. Mr. Kranda responded that elected officials would have to make such a decision. He continued by saying that the chosen plan calls for two-ton stones that would (according to engineer Jim Dunn) resist all but the most severe storms.

Fraser Getgood asked how the Service District tax is determined. Mr. Kranda said that whether the tax can be a designated fee per lot or a variable charge based on a property's assessed value was still to be determined. Fraser wondered whether the tax might be more equitable if it were based instead on the waterfront footage on Presley Creek. His concern was that if a tax was assessed on a per-parcel basis, those with large parcels on the creek would not pay a fair share of the costs while those with smaller properties would be unnecessarily burdened. Mr. Kranda said that it would be ultimately up to the Board of Supervisors how any Service District tax policy would be implemented.

Roger Guy expressed a concern that if it were determined insufficient maintenance funds were being raised by taxing those with water frontage on Presley Creek, the tax might be extended to all those on the Presley Creek watershed, but Mr. Kranda said that would not be the case.

Fraser mentioned the BQS access lot(s) on Presley Creek (there is one near the mouth of the creek and another further up the creek where the canoe pier is located). He wondered whether this might impact all of BQS in terms of Service District taxes. (WRITER'S NOTE: Since BQS is a not-for-profit corporation exempt from property tax on common properties, would it not seem logical we'd also be exempt from any Service District tax?)

Mike Silagyi asked whether any resistance to the PCA has been evident, especially from people who want to preserve the tranquil nature of Presley Creek by limiting access to personal watercraft. Mr. Kranda said he'd not heard of anyone objecting to the PCA's goals, and went on to say that the creek is currently home to lots of personal watercraft which are at present trapped within the creek. He felt that opening the mouth of the creek to navigation might actually reduce the number of these vessels in Presley Creek since they could venture out into the Potomac.

Mr. Kranda offered his personal phone number to anyone wishing to inquire further about the PCA and its goals. It is 804-580-2728.

2. There was a brief discussion about the possibility of getting broadband internet access in the BQS area. Caballero is putting a tower in Bundick that would need a repeater tower in BQS to permit area residents to access their service. It is possible that if BQS were to permit Caballero to install an 80-foot pole on the clubhouse grounds, they would offer free broadband access in the clubhouse as a quid pro quo. A potential site is at the far east end of the Clubhouse lot.

Officer Reports

1. Mike Silagyi presented the following Maintenance Report:

Clubhouse

Mike wanted to thank Frank Stewart for allowing BQS to use his gutter attachment from his leaf blower to clean out the rain gutters on the clubhouse.

RMC performed the fall inspection of the clubhouse heating system on October 15, 2007. No problems were found.

The clubhouse wall covering (for sound mitigation) was installed on November 1 and 2, 2007. The balance of \$812.50 was paid on November 8, 2007. Mike offered thanks to Frank Klein and Ruth Franck for their assistance.

Mike had to replace an electrical switch for the lights in the clubhouse on November 26, 2007.

Nature Trails

Mike offered thanks to Dick Lee for clearing some trees that had fallen across the nature trails.

Campground

The water was turned off in the campground on November 1, 2007. The air compressor was used to blow out the water lines and reduce the possibility of residual water in the lines freezing and breaking the water pipes. RV antifreeze was poured into the commodes, urinals, sinks, and water fountain "J" traps so these lines would not freeze and break. The hot water tank was drained. The water will be turned on April 1, 2008.

Tree Removal Contract

Mike bartered with the contractor to have two additional trees removed on the border with Mrs. Culp in lieu of grinding the stumps in the beach picnic area. These trees were leaning in such a way that he felt they would better be removed than left to threaten property damage were they to fall. The stumps remaining on the clubhouse property will

be cut down a little more and filled with sand from the beach so that they do not become trash receptacles.

The removal of trees, final grading, and reseeding were completed on November 14, 2007. Final payment of \$8,775 was made on November 16, 2007.

Equipment Shed Contract

The equipment shed was completed on October 23, 2007. The balance of \$5,856.34 was paid on October 24, 2007. BQS received an approved "Final Inspection" dated October 23, 2007, from Northumberland County.

Pool

The pool was covered November 13, 2007. Mike would like to thank Frank Stewart for his help with this task.

NNEC

Northern Neck Electric Company came to BQS and dropped two dozen trees along Cod Creek Drive, Muriel Drive, Augusta Drive, Bay Quarter Drive, Barn Road, and the campground. These trees were in danger of falling across electrical lines.

Tractor

One of the controllers for the three point hitch required repairs, along with a wheel height controller on the large mower deck.

2. Stan Johnson reported that a total of 61 BQS stickers have been sold so far. He said that all boat/trailer BQS sticker requests were up to date with the exception of two requests he had just received. Signs for the beach area are on hold pending a final decision on how to address the swimming area and jet skis.

Stan brought up a draft action plan for dealing with compliance issues. In discussion of this plan, it was noted that suspension of rights to a member based on non-compliance with BQS rules could be brought about by a "unanimous vote of the BOD" which some members of the board felt was an excessively demanding standard that would permit a single board member to veto the disciplinary action. Other items in the action plan were discussed, including the definition of a "charge" mentioned in Article IV of the rules and regulations, which could be interpreted as a financial penalty or a legal charge. (It was assumed the financial penalty is what the original writers of Article IV intended.) In light of potential misinterpretation of terms noted in the current rules and regulations, Fraser Getgood suggested that all documentation related to compliance issues be clarified and made more specific so they are not subject to interpretation. Others noted that such terms as "unsightly" and "cluttered" are open to debate. John Collier suggested that the specifics of any complaint would make clear what a complainant considered to be in need

of attention. He also wondered whether a compliance subcommittee might be helpful in dealing with members who were deemed to be out of compliance. Ruth Franck gave a personal example of a time when she was asked to paint her house after having gone to considerable expense to stain it, demonstrating that beauty is in the eye of the beholder and illustrating the difficulties facing any compliance committee. John suggested a final draft plan be placed in a future Newsletter for comments from the membership. Stan offered to continue working on the action plan and possible clarifications in the Rules and Regulations so they could be considered at a future board meeting.

Stan reiterated his interest in conducting a member work day this spring. April 12, 2008, was suggested as a date for this proposed event. Ruth Franck offered to check into having a method to dispose of hazardous wastes available on that date. Stan will coordinate the event and look into the cost of obtaining a dumpster which members could use on the work day.

Briefly mentioned were the ideas of having designated board members act as POAVA (Property Owners Association of Virginia) liaison and activities chair. No conclusion was reached.

3. Jennifer Troy-Black asked if any of those attending were interested in serving as the association's POAVA liaison but no one stepped forward. She said she would mention this opportunity in the next issue of the Newsletter and other board members said they would inquire with association members who might be interested. Jennifer will e-mail the board members the schedule of future POAVA meetings. John Collier mentioned that perhaps BQS could host a POAVA meeting since meetings are held in various locations around the state.

Jennifer noted the need to undertake a reserve study and said there had been little response to her request for help and input printed in the last newsletter. Stan said he was willing to work on it if needed. Jennifer said that she'd been contacted by John Smith from Sherwood Forest Shores who had experience in reserve studies and might wish to coordinate efforts with BQS. She will continue to look into other study possibilities. Dick Lee has a copy of the last reserve study, which he had copied and presented to board members at a recent board meeting. Stan said he would try to assemble a team to work on the reserve study before the next board meeting.

4. Frank Klein offered the board copies of an e-mail he had received concerning the possibility of a dues increase. John Collier mentioned that despite the rise in the value of assets and the cost of doing business, we have held the line on dues for several years. He said the board has a responsibility to the community as a whole to maintain and protect assets. Mike Silagyi noted that there is little discretionary room in the budget and that fixed costs have made deferring some projects necessary. Fraser Getgood said that deferrals are only temporary stopgap ways to address budget problems. Roger Guy said he thought that dues could be increased based on the Consumer Price Index without incurring too much debate. John Collier stated that it is the goal of the board to keep

dues affordable but that we need to be good stewards of the corporation's assets and if an increase is needed, the board would have to act accordingly based on the reserve study.

5. Fraser Getgood brought a request for waiver of the 40-foot setback before the board. The owner of lot 93-A on Circle Drive wants to construct a home on the property but the 50-foot rear setback required by the Chesapeake Bay Protection Act limits the available building footprint such that a couple of corners of the home would break the plane of the 40-foot BQS setback at the front of the lot. The lot owner submitted letters from adjacent property owners indicating they had no objections to the small incursions. Fraser recommended approving the waiver. This was done unanimously.

Member Time

1. Jean Ince asked that any items submitted for the next Newsletter be provided by March 1st so the Newsletter could be in the mail before April (which would provide ample time for people to hear about the member work day.) Please send items to Michael Goodrich-Stuart who will proofread them and forward to Mr. and Mrs. Ince.

2. Rob Morris owns lot 20 on Hampton Place. He asked the board for a waiver to permit him to leave his trailer in the campground as a building-camper because he is awaiting final re-approval of his septic system plan and other work on his lot. Because it felt Mr. Morris is acting in good faith, the board unanimously approved his request.

There being no further business before the board, the meeting was adjourned at 10:30 a.m.