

**Bay Quarter Shores Association  
Board Meeting Minutes  
February 14, 2009**

Meeting was called to order at 9 a.m., Jennifer Troy-Black presiding.

Board members present: Michael Goodrich-Stuart, Frank Klein, Richard Lacy, Robert Morris, Jerry Gorman, Donna DeToll, Ruth Franck, Bud Stotz; also present were Dick Lee, Lynton Land, John and Gay Collier, Jim and Jean Ince, Bob Michael, Bill Piggott, Frank Stewart, Curtis Black, Sandy Rowe and Craig Palubinski.

**Guest Speaker**

In advance of Old Business, the board welcomed Lynton Land who spoke on the phragmites, an invasive plant which is present on BQS common property near the mouth of Presley Creek. Mr. Land displayed a sample specimen of the plant, which he said establishes itself typically at the headwaters of a stream and spreads through rhizomes (its root system) like most grasses. He said that the phragmites possibly came to North America in shipments of porcelain from Europe centuries ago when the stems were used as a packing material. Since that time, it has spread across the eastern United States and in so doing establishes a monoculture in marshlands in which there is little or no plant variation. Such a situation is not desirable in that the marsh is a highly productive ecosystem otherwise, which ordinarily produces food for birds, fish and other living things. Phragmites has some good points, however. It can retard erosion and provides habitat for red-wing blackbirds. Otherwise, though it is considered a detriment to the environment per scientific consensus, Land said. He offered the names of other scientists in the area, Paul Clark being one, who would support this opinion should anyone on the board be interested. He also said that Sandy Rowe, who owns a home on the other side of Presley Creek, would confirm his thoughts. Mr. Rowe spoke briefly, noting that an area on his property had been overtaken by the plant and said he was engaged in attempts to eradicate it. He said that Mr. Land had started spraying the area around his home in 2002 but that when he (Mr. Rowe) bought the property in 2005 it was overrun with phragmites. Now, about three years after his purchase of the property and intensive treatment, the plant is nearly eradicated.

Mr. Land has a grant that provides him with funding to spray herbicide on this species to minimize and control its spread. He has sprayed the phragmites on BQS property over the past two years, but he said that the dead plant material left behind needs to be either removed or burned to permit continued spraying of surviving specimens so that native plants can return to the ecological niche. He said the phragmites plants affected by the herbicide can remain dormant for two or more years and can resume growing if they are not continually monitored. His prescription is to spray heavily in the fall so the plants absorb the poison, then to burn/cut the dead plants, and spray the returning plants again the following spring and/or fall.

Mr. Land suggested that BQS engage in a controlled burn to remove the remaining plants and make it easier to identify and spray surviving specimens. He proposes this be done in the next couple of months under the supervision of the fire marshal.

Gay Collier asked about the herbicide being used. Mr. Land said it's similar to the commercial product Roundup but with a different surfactant that makes it non-toxic to marine life so it is approved for use in wetlands. He informed the board that it had been sprayed via helicopter and spoke of the recent chopper crash in Dameron Marsh; that helicopter had been scouting for stands of phragmites to spray when it went down.

Richard Lacy asked if we did take the steps Mr. Land suggested, if it would be a perpetual battle. Mr. Land said that he has had some areas of 100% success but brought up a case in Fleeton where a landowner had sprayed for three years, stopped spraying for a couple of years, and in the fifth or sixth year had a resurgence of the plant that was as severe as the original problem. He said it requires constant and consistent treatment. Another board member asked what would happen if the phragmites were left alone, and Mr. Land said they would likely spread throughout the Presley Creek marsh areas; he went on to say it grows in either fresh water or brackish water areas.

Jennifer Troy-Black said she had been in contact with David Woolard of the Callao Fire Department who told her his group would be willing to conduct a controlled burn on the BQS common property. She said he indicated it would take about an hour and would not cost the association anything. (She said she felt the association would likely be willing to offer a donation for this service.) Mr. Rowe asked Mr. Land when the red-wing blackbirds nest since a burn might disrupt them. Mr. Land said he did not know. He went on to say that burning marshland is generally good and prevents other fires later on. He said controlled burns had been conducted on the Northern Neck for hundreds of years.

Robert Morris asked Mr. Land how individual surviving plants are sprayed after the controlled burn. Mr. Land said he would undertake the spraying using a backpack sprayer but said that would be dependent on the weather, tides, and other factors.

A motion to permit a controlled burn was made and approved with one dissenting vote by Michael Goodrich-Stuart who is concerned about the possibility of the controlled burn getting out of control.

Frank Stewart asked what liability the association might have if the burn should get out of control. Jennifer Troy-Black said she would check with Mr. Kilduff (the association's attorney) to determine the answer to this question.

Mr. Land said a controlled burn is very controlled but that when he asked the advice of a Virginia state employee on how to conduct a controlled burn, she would not assist him due, he felt, to her concerns about liability should anything go wrong.

Dick Lee asked if such a controlled burn had been attempted before by the Callao Fire Department, and Mr. Land said he didn't know. Jennifer Troy-Black said she would find out the answer to that question and reiterated that she would contact Mr. Kilduff.

Bill Piggott asked whether the association could afford to undertake the controlled burn, and Jennifer replied that the fire department requested only a minimal donation.

The discussion ended around 9:30 a.m. and Mr. Land and Mr. Rowe departed.

## **Old Business**

1. Minutes of the January 10, 2009, meeting were approved unanimously.

2. Jerry Gorman presented the financial report. He said the association is presently about \$20,000 off budget and that about \$50,000 in dues are in arrears. He has met with two attorneys about collection efforts and said they stressed the board's fiduciary responsibility concerning the collection of dues. He noted that individuals who don't pay dues are impacting members who do by causing them to unfairly have to pay more. He said a plan is in place to collect unpaid dues: in the future, initial bills (first notices) will be sent in September; final notices will be sent in November; in January any dues unpaid will be sent to the attorney for placement of liens (conventional liens having a duration of 20 years). He read to the board a draft of a letter which would be sent with final notices and informed other board members of the need to move quickly to avoid a statute of limitations on current unpaid dues. Gay Collier asked what happens to monies collected by the attorneys. Jerry said that we are paying the attorneys on an hourly basis so that funds collected will come directly to the association. We also in placing the liens ask for the recovery of any attorney fees, so the net cost to the association would be small. He said that Mr. Kilduff places liens in batches to minimize hourly charges to the association. John Collier asked about steps that could be taken after the lien is placed to potentially force the sale of the property. Donna DeToll said she would prefer selling the property after the association takes possession of it in such a case. John urged the board to plan for the disposition of such properties well in advance due to issues that had arisen when the board disposed of surplus properties in the past. Jerry made a motion to dispose of properties that come into the possession of the association using a licensed realtor to list the properties only after seeking legal counsel to confirm the board's decision. Further discussion on this motion took place. Robert Morris asked when we would make such a sale and asked if there was a time limit. He wondered if we should take all properties on which dues are owed asking if there might be some we did not want to own. Ruth Franck suggested that a list of properties for sale under this circumstance be put in the newsletter and posted in the clubhouse to help prevent the board from appearing to be hiding anything from membership. The board was reminded of a situation last year when a member offered to donate a lot so he would not have to pay dues and the board refused his offer. Following this discussion, Jerry withdrew his motion for further consideration. He asked the board who would be responsible for acting on behalf of the board to prevent people in arrears whose privileges have been suspended from using common property, the pool and clubhouse facilities. Frank Klein said that the pool attendants have a list

which lets them know which members are permitted entry; being listed as a non-paying member has resulted in the past in some people writing checks to cover their debts. He said the same situation has occurred in the campground. He noted, though, that enforcing the suspension of privileges for other facilities (notably the boat launch, tennis courts and driving range) is more problematic.

John Collier urged the inclusion of a statement in the final notice letter informing recipients that failure to pay their delinquent dues would result in them being trespassers if they use common facilities without making payment and that trespassers would be subject to prosecution. Jerry agreed to include such language in the final notice and the board concurred.

3. Donna DeToll announced plans for an Easter weekend scavenger hunt on April 11. It will begin around 5 p.m. and will be followed by a potluck supper around 6 p.m. Since only eight slots will be available for scavenger hunt teams she said pre-registration will be required to participate. She will provide information to the membership with a notice in the upcoming newsletter. Future plans include the possibility of a parade on Memorial Day weekend.

4. Frank Klein gave an update on the pool repairs. The final bill from JoPa totals \$17,244. He said he had an estimate of \$1862 from JoPa for additional work required to bring the pool into compliance with new federal safety regulations. This work is scheduled to be completed before the pool opens on Memorial Day weekend. Frank also discussed repairs to the clubhouse roof where leaks are causing damage. He said Mike Silagyi is working with RMC (HVAC contractor) to have exhaust pipes moved from their current location (venting out the roof) to the side of the building. Jennifer said the total cost of this will be around \$625 to move the vents and about \$270 to repair the roof shingles and plywood. Frank Stewart suggested that Bill Sanford be asked to repair the ceiling drywall. Ruth Frank asked whether it might be advisable to install acoustical tiles on the ceiling at this time. Frank Klein said he felt it would be a project that would be better to discuss in the next budget cycle.

Frank then gave a maintenance report:

- A. The barn walk-through door has been replaced with a solid metal door following a break-in. Cost was \$923.04.
- B. The tractor cylinder has been repaired at a cost of \$368.
- C. Cleanup has been started at the campground.
- D. Some grading of roads has been performed which required the purchase of a load of gravel.

5. Michael Goodrich-Stuart asked that items for the April newsletter be given to him by the next board meeting in March so they could be proofread and provided to Jim and Jean Ince, who are assembling the newsletter for the printer.

6. Jennifer Troy-Black said the new BQS phone book is printed but that some corrections have been noted. She will put together an addendum to be included when the books are distributed. The books will be mentioned in the April newsletter as being available at the May meeting for BQS homeowners. Frank Klein said he could also make the book available as a pdf on the website with board approval, which was granted.

7. Richard Lacy and Robert Morris gave a status report on the personal watercraft dock project. They met with Sam Fisher of Fisher Marine Construction who made some suggested changes to the plan which included the addition of a center post to the walkway for stability (which requires the addition of six pilings) and the lengthening of slips to 12 feet along with an increase in the spacing between slips to 12 feet (which would result in 11 more pilings). The proposed changes result in an increase in the project cost from the original \$2,880 to \$3,600. The cost of a piling on which a sign informing watercraft operators that the beach area is off limits to all powered vessels is \$200. Jennifer said that the planned purchase of a leaf blower for around \$3,500 had been deferred so that the added cost of the dock project would not be a budgetary problem. Gay Collier noted that the addition of dock space for PWCs would make it unnecessary for PWC operators to use spaces on the boat ramp; she suggested placing a sign on the boat ramp prohibiting jet skis, an idea with which the board agreed. A motion to approve proceeding with the project at the new cost was approved unanimously.

Robert brought up the permitting process and asked Craig Palubinski to address it. Craig said he would be willing to volunteer to shepherd the project through approval, and said he would speak with William Shirley of Northumberland County. He said that since the project does not involve slips, but merely temporary spaces for use during the day, less permitting would be required. He suggested avoiding the term “jet ski” in making any applications since these craft inevitably cause controversy. He would prefer to call the project “temporary mooring spaces for small boats.” He said a two-month period would be the best-case scenario for obtaining permits and will work for the association on a voluntary basis to advise us on the process.

8. Jennifer addressed the revised Rules and Regulations document and a number of suggested changes. She said the document has been renumbered to eliminate confusion. One suggested change is to increase the age of dependent children and grandchildren permitted to use the pool to the 23<sup>rd</sup> birthday. The board agreed to adopt this change unanimously. Another suggested change was to have pool passes stamped with the lot number of the purchaser when they are purchased. This change was also adopted. Other changes include the following:

A. Personal watercraft and other powered vessels may not be placed upon the swimming beach. Such vessels must be docked at the pier to be constructed upstream of the boat ramp on Cod Creek.

B. Access to the common property on Presley Creek for the canoe pier is off Coral Drive (not Elmington Place as formerly noted).

C. The access lot to the Potomac River on Bay Quarter Drive will be mentioned along with the lot at the end of Bay Quarter Drive. (The Potomac access lot had not been included in the former document.)

D. Henceforth, campers who sell their units cannot transfer their payment to the buyer or receive a prorated refund.

After making these changes, Jennifer will send the document to Michael Goodrich-Stuart for proofreading. He will forward the final document to Frank Klein for posting on the association website.

### **New Business**

1. An incident of vandalism took place at the barn. The walk-through door was pried open and some items including tools were stolen. The Northumberland County sheriff was notified thanks to the vigilance of an association member who noticed damage to the door. The sheriff department's officers investigated the scene and gathered evidence including sneaker prints and tire tracks. After performing their investigation, the officers approached four suspects who confessed to the crime. Three are minors. One, age 18, has been charged with breaking & entering, theft, and three counts of contributing to the delinquency of minors. He is being prosecuted. The trial date is March 11 at 1 p.m. Jennifer Troy-Black said the association is seeking full restitution for the cost of repairs to the barn, which total \$1203.04. No names of those accused of the crimes have been released. The 18-year-old suspect is not a member of the Bay Quarter Shores community though he was the guest of a member. Board members discussed the possibility of adding a camera system to enhance security, but Jennifer suggested we defer this discussion until Ruth Frank and Bud Stotz are able to investigate the initiation of a Neighborhood Watch program for Bay Quarter Shores.

2. Frank Klein said that Kaballero has completed work on the wireless internet system and that upgraded broadband service is now available in Bay Quarter Shores. He hopes to get the router in the clubhouse connected in 7-10 days and will send a note on this for inclusion in the newsletter. A connection will be made in the barn, too, since this is part of our agreement with Kaballero for permitting them to install a tower in that location.

3. Frank Klein noted that we have a new pool manager (Kim Farmer) and asked the board to approve a raise in pay for that position from \$8.50 to \$9 per hour. He also asked the board to increase the pay for pool attendants from \$6.55 to \$7.25 per hour. These requests were approved unanimously.

4. Jerry Gorman asked the board to increase the rate of penalty interest on late dues payments from 1% per month to 2% per month. This was approved unanimously.

**Member Time** -- No members had comments for the board.

There being no further discussion, the meeting was adjourned at 11:35 a.m.