

◆ Blue Mountain Newsletter ◆

Blue Mountain Property Owners Association

Summer 2005

THE PRESIDENT'S CORNER

By Jim McManaway

The big consideration for the Property Owners meeting this August 21st is that the By-Laws and Covenants Committee has finished work on both documents. Proposed substantive changes are included in this newsletter along with a proxy in case you can't come to the meeting. Your representation is needed so please vote. The By-Laws are pretty straightforward. Very little change was needed to bring them in line with how we wish to conduct the business of the Association and to make it easier to be able to make decisions and move on to other things.

A major change in the By-Laws was made to bring more continuity to the Board. We are suggesting that there be an election every year for members of the Board, up to five members in even years and four in odd years.

The Covenants presented a greater challenge, the first of which was how to go about changing them and if it was worth it to chase down returns from over 50% of the property owners. The Board decided we needed to attempt to update the Covenants and they will be discussed at the meeting and put to a vote this fall.

Most importantly was an amendment to ensure that our setback restrictions were not in conflict with those of Warren County. This has the added advantage of shifting the burden of enforcement to the county. The county setback restrictions are less stringent than the old Blue Mountain ones but



BLUE MOUNTAIN PROPERTY OWNERS ASSOCIATION

bmpoaboard@bmpoa.org

BMPOA Board Roster

President

Jim McManaway (H) 635-7630

1st VP

Kathy Murphy (H) 635-6637

2nd VP

Nynette Rourke (H) 635-6381

Treasurer

Pete Plourd (H) 636-3657

Secretary

Cathy Berger (H) 635-1259

Directors

Tom Higgenbotham (H) 635-4577

Jonathan Morrison (H) 636-8349

Jack Davis (H) 636-6517

Chuck Campbell (H) 636-3848

ANNUAL BMPOA MEETING AUGUST 21, 2005

12:30 Potluck Lunch

1:30 Meeting

At the Blue Mountain Lodge!

By-Laws Vote, and discussion of
Covenant changes scheduled

we will have the option to retain some control over this if the County becomes too lax on this.

We have for some time been shifting responsibility for enforcement to the county areas such as use of our roads, leash laws, shooting, open burning etc. It makes sense to do this because of our costs to enforce these rules and the fact that the Sheriff and building inspectors certainly can do an effective job quicker.

Some newcomers are bringing a love for streetlights and yard lighting to Blue Mountain. This has caused concern for a number of others who prefer a more natural environment so that they can enjoy the night sky and encourage the wildlife to stay here. We hope to have reached a suitable compromise in the new covenants with lighting that is switchable from inside the house and which is only on when the homeowner needs it rather than all night.

Whether or not we forge ahead on these issues will depend on your input at the Annual Meeting on the 21st of August. We will have that meeting at the lodge so everyone can see the progress that has been made. There will be a potluck lunch at 12:30PM and the meeting at 1:30.

We plan to at least pave Cliff Road to the tree in the road before winter. This was the demolition derby site last year.

We are fortunate to have a very active and responsible set of new folks who have been moving to Blue Mountain for the past year or so. They are the ones who are refurbishing the lodge and two of them have joined the Executive Board. I will introduce everyone at the meeting in August.

**BMPOA Board Meetings
are held on the 2nd Monday of
each month.**

**Location may vary, please check the
website or call a board member
to confirm site.**

**Schedule alterations due to holidays
will be posted on the bmpoa.org website.**

**Homeowners are welcome
and encouraged to attend.**

GRAVEL ROADS MAINTENANCE

*by Kathy Murphy 1st V.P.
And Co-Chair Roads Committee*

We have completely redone four major areas this quarter – The lake and recreation roads, the road to the lodge, Red Robin and Far View as well as the addition of new ditches and a small amount of new gravel. Most of the remaining maintenance budget is earmarked for a small amount of work on Tomahawk and cleaning out those culverts and ditches that have become clogged. With luck the continuation of hurricane season will not wash us away completely. If damages are minimal I can use the last of the allotted funds to work on the intersection of Rocky Spring and Rocky Boulder.

The Board is still struggling with the costs and permanence of paving and we have yet to decide on paving additional roads beyond Cliff Road. That decision will affect whether I can devote the attention needed to the Rocky Spring/Boulder area, or whether I need to patch it up and also

do a small amount of work on May Apple and PeeWee. I know this year has seen many roads go past “marginal” and I am looking forward to the infusion of new monies in the spring. Next year should have us past the point of needing to spend so much on large projects and should allow the greatest part of our cash to be spent on the spreading larger stone needed to rebuild the roads, and to rent the equipment needed to roll it firmly into place.

If you have a clogged culvert that you cannot clear or a missing street sign, please help by notifying a Board member. Our volunteer time is spread thin, and those hours spent driving the roads to search and find problems could be minimized if each property owner would report on problems they see in their areas. I may not be able to fix it immediately, but your information makes sure your problem gets on the list, and not overlooked when repairs come around. Thank you for the help, and for your patience.

ARCHITECTURAL REVIEW/ COVENANTS ENFORCEMENT

by Tom Higgenbotham

A few homeowners have expressed concerns about possible violations/ infractions of the Building Codes of Warren County and how to file a complaint with discretion.

Warren County has inspectors to enforce its building codes. First they conduct an investigation, determine if violations have actually occurred and resolve any issues through the judicial process. These codes were created for your safety and to preserve your property values and the quality of your community. Building permits must be displayed on all new construction and for many “home improvement” projects such as additions, garages, etc. Contact your County Building Inspectors directly at 636-9973 to determine if a Building Permit is necessary before starting any project.

If a property owner has concerns about work being done with a permit, the Architectural Review Committee will provide property owners with the standard form required by the County Building Inspection Services Department located at the County Government Center in Front Royal. Property owners are encouraged to question possible infractions. If a property owner prefers, Call me at 540-636-4577 and the Architectural Review Committee will file the complaint for the Association.

In recent developments, Mr. Andres Parrada submitted plans for a new home on Mount Oriole Dr. and by Mr. West Salak for a new home on Far View. Both were approved.

NOTIFICATION OF PROPOSED AMENDMENTS TO BMPOA BYLAWS AND COVENANTS

Our By-Laws and Covenants were last revised 13 years ago. Both are in need of revision and each specifies different procedures for doing so. A copy of the current Bylaws and Covenants as well as a complete copy of the proposed version can be downloaded from our web site at: <http://www.bmpoa.org/>.

A Committee was formed from volunteers at the August 2003 Annual Meeting to compile recommended changes to both documents. All of the recommendations of the Committee have been reviewed, revised, and changes made and approved by the current Board of Directors and are now being presented to property owners (POs) for review and comment at the Annual Meeting on 21 August.

By-Laws:

The proposed changes to the By-Laws will be voted on at the Annual Meeting on August 21st. A summary of proposed substantive changes which focus mainly on the duties and responsibilities of the Board, President, Treasurer and Secretary, is included in this newsletter. Copies of all proposed amendments to the By-Laws will be available for review and approval at the Annual Association Meeting August 21st and at all other BMPOA functions between now and then. Additionally, they have been posted on our website. Approval of recommended changes requires a majority vote of all POs present and represented by proxy at the Annual Meeting.

ARTICLES I AND II

No substantive changes

ARTICLE III – BOARD OF OFFICERS AND DIRECTORS

3.2 DUTIES AND RESPONSIBILITIES OF THE BOARD

(b) Addition: *The Board of Directors may after careful consideration, accept donations to the Association from its members or other entities or organizations if said donations, in the opinion of the Board, are in keeping with the Bylaws and Covenants of the Association.*

(d) Clarification & Addition: *To call special or emergency meetings of the Board as necessary. Such meetings may be called by the President or Acting President and any two other members of the Board. The Board shall attempt to notify Property owners of the time and place of all special meetings at least 24 hours in advance. Signs posted prominently around the subdivision, and posted on the Web page and/or an email, would satisfy this requirement. A full accounting of actions taken at all Special Association or Board meetings shall be recorded in minutes following The Virginia Freedom of Information Act (F.O.I.A.) guidelines.*

(f) Clarification: *Upon request from any property owner and within a reasonable time frame, the Board shall either make available for inspection or provide copies of any available records except membership lists.*

(g) Expansion of Board's function as the Managing Agent for the BMSD: *Pursuant to an agreement with the Warren County Board of Supervisors (WCBOS), the governing body of the Sanitary District, the Board develops and, with Association approval, recommends to the WCBOS an annual tax rate. Spending is limited by the agreement between WCBOS and BMPOA. The Board may appoint or hire an accountant, counsel, other employees and/or a general manager for the Association. Any salaried or contract employees shall be responsible to and directed by the Board. Consultants and employees shall not have a conflict of interest, potential conflict of interest, or present the appearance of a conflict of interest to the general membership.*

(h) Board Meetings, Addition: *The President may decide from time to time to go into executive or closed session but shall do so in accordance with F.O.I.A. guidelines.*

(i) New Duty: *To ensure that all business conducted by the Association and its elected representatives comply with current guidance as provided in the Virginia F.O.I.A.*

(j) New Duty: *To direct quarterly production and distribution of the Association Newsletter. The Board, Secretary, and Chairmen of all Committees should provide the preparers of the Newsletter with timely and accurate input of their proceedings. The President has*

the authority to review the Newsletter prior to publication.

(k) New Duty: *To ensure that the BMPOA website is maintained and up to date.*

3.3 VACANCIES. Change: *All persons elected by the Board to fill vacancies shall be included in the slate of candidates for election at the next annual meeting.*

ARTICLE IV – DUTIES OF OFFICERS AND DIRECTORS

4.2 TERM OF OFFICE. *No Officer or Director shall hold the same office for more than two terms, except by reelection by a majority of the property owners voting at the Annual Meeting.*

4.3 PRESIDENT. *The President may designate in writing any other elected officer to countersign checks or official documents.*

4.5 SECRETARY. *The duties of the Secretary are amended to include:*

The Secretary may delegate the following additional duties:

- *Maintain a current roster of all property owners and their last known addresses as recorded by Warren County;*
- *Keep all other records of the Association and BMSD, other than financial records;*

• *See that all notices required to be given or reports to be rendered by the Association and BMSD are duly served;*

4.6 TREASURER. *Duties of the Treasurer are amended to include:*

- *Close the Association and BMSD books as soon as possible after August 31st, the end of the fiscal year.*

• *Submit the books to the auditor within 60 days of the end of the fiscal year and then to the WCBOS by its due date.*

• *Prepare and file annual reports to the Internal Revenue Service by the required dates for both the Association and the BMSD.*

• *Prepare and file by the required dates, annual reports to maintain our non-profit status with the State of Virginia as well as reports required for the annual Warren County audit, insurance certifications, etc.*

• *Ensure that monies are received from the county when due and deposited promptly. Ensure that Impact fees for new construction are collected and deposited promptly.*

continued next page

ARTICLE V – COMMITTEES

5.1 STANDING COMMITTEES.

By omission, the existing Bylaws failed to include the Nominating Committee as a Standing Committees of the Association.

5.2 STAFFING OF THE STANDING COMMITTEES.

Staffing of each standing committee no longer requires the inclusion of either a Director of Officer of the Board. Additionally, the President may no longer appoint a non-Board property owner to chair a standing committee.

5.7 THE LEGISLATIVE AND PUBLIC RELATIONS COMMITTEE

The duty to publish the official Association newsletter becomes an additional duty of the Board.

5.11 THE NOMINATING COMMITTEE

Duties of the Nominating Committee were rewritten for clarity. Additionally, the Committee was charged to ensure that all *Nominees shall not have a conflict of interest.*

ARTICLE VI – ASSOCIATION MEETINGS

6.2 NOTICES. Additions as follows: [For Annual Meetings] *A proxy will be provided in the Newsletter. That proxy may be entrusted to the Board or any designated property owner. Notice of a Special Association Meeting will be postmarked no less than fourteen days prior to such meeting and posted prominently around the community. The notices should also be posted on the BMPOA Web page along with proxy procedures.*

6.3 QUORUMS AND VOTING Addition: *The Board shall prescribe the form of the proxy which shall be included in the notice of the meeting as set forth in Section 6.2 above and shall be included on the BMPOA web site.*

ARTICLE VII – ELECTION PROCEDURES

No substantive Changes

ARTICLE VIII – FINANCIAL MATTERS

Addition: *...out-of-pocket expenses must have the prior approval of the Treasurer and be supported by a receipt or voucher.*

ARTICLE IX – AMENDMENTS

No Changes

Covenants:

A copy of all recommended substantive changes to our Covenants follows. These proposed changes will be discussed, but not voted on, at the Annual Meeting on August 21st. Changes from this meeting will be compiled and copies mailed to all POs for formal approval. These changes will require the approval of majority of ALL POs — not just a majority of those present at the Annual Meeting. This very difficult standard, adopted 13 years ago, will be very difficult to meet because, historically, only a minority of POs participate in Association meetings. With this in mind, only those changes considered essential are being proposed. These deal with the way the Covenants can be changed in the future, bringing our Covenants into agreement with County setback restrictions, and the growing issue of streetlights and outside illumination. The Committee and the Board concur in recommending that, in the future, changes to the Covenants requires the approval of 75% of those attending the meeting or responding by written ballot or proxy.

A Summary of Proposed Substantive Changes to BMPOA Protective Covenants and Restrictions

Article IV, Section I. General Covenants and Restrictions

4. ...Lot owners will not require such written approval to post *two*, standard size “For Sale” or “For Rent” signs.

12. The use of any unlicensed recreational vehicle (such as, but not limited to, motorized trail bikes, “go carts”, ATVs, snowmobiles, etc.) is prohibited within the subdivision. **Exception: Snowmobiles may be used for emergency transportation.**

14. Street lights are prohibited and exterior illumination shall be low key and low in intensity to preserve the natural setting of the subdivision. Exterior mercury vapor lighting is prohibited. Exterior lighting shall be controlled by an interior switch, used only as necessary, and shall not be left on all night.

Section II. Improvement and Maintenance of Properties

7. Setback restrictions shall be those set by Warren County Code. Otherwise, buildings shall be built no closer than seventy five (75) feet from the centerline of Route 638 and no closer than seventy (70) feet from the centerline of any internal road or right of way, fifteen feet from the side lines and thirty five feet from the rear line of any lot.

12. **Satellite receiving antennas of less than three feet in diameter no longer require approval by the Architectural Review Committee.** The Architectural Review Committee prior to installation must approve large antennas or towers **of any sort.** To be approved they shall be located so that they are not easily seen from any road **or within the view of any other property and require a minimum amount of tree clearing.**

Article V Provisions

3. The vote to change said covenants shall be conducted according to the following procedure:

d) **Proposed changes require the approval of 75% of those attending the meeting or responding by written ballot or proxy.**

Proxy and Ballot
for
August 21, 2005 Sanitary District Meeting

This proxy will serve as your vote as a property owner at the Sanitary District Meeting on August 21st. The proxy is to be completed and mailed or given to an attending Blue Mountain property owner (insert named representative below) to be delivered on your behalf if you are unable to attend the meeting.

IF YOU ARE NOT THE OWNER OF RECORD, PLEASE FORWARD THIS PACKAGE AND PROXY VOTE PROMPTLY TO AN OWNER FOR SIGNATURE.

Proxy: To Jim McManaway, President,
Blue Mountain Property Owner’s Association, Inc.,
or to _____ (Blue Mountain property owner)
to vote at the August 21, 2005 Blue Mountain Sanitary District Meeting.

Signed: _____
(Blue Mountain Property owner of Record)

Ballot for Proposed Changes to the BMPOA By-Laws

It is proposed that the Blue Mountain Subdivision ByLaws be changed as proposed in this newsletter.

I (we) vote to (CHECK ONE): _____ Approve the proposed changes
_____ Reject the proposed changes.

Signed: _____
(Blue Mountain Property owner of Record)

If you are unable to attend the Sanitary District Meeting where a vote on this proposal will be taken and absentee ballots will be accepted, please mail both proxy and ballot to:

**BMPOA Property Owners Association
PO Box 114
Linden, Va. 22642**

Your entry MUST be received by August 18, 2005

**Proposed changes to the Covenants will be discussed at this same meeting.
Follow-up mailings and votes will be held according to the existing Covenants.**



Return Address: _____

**Proper
postage
required**

**Blue Mountain POA
PO Box 114
Linden, VA 22642**

fold here, tape, stamp, and mail

THE LODGE IS NOW AVAILABLE FOR USE

Although the Lodge is not in pristine condition yet, property owners may use it again for social events with a \$150.00 deposit completely refundable with the understanding that the renter will clean before and after use. The activity may not be held for profit and a Blue Mountain property owner must be the signature on the rental agreement. Donations over and above this fee will be gladly accepted and will be used to fund future events!

TAKE CARE, TICK SEASON IS IN FULL SWING

Please educate yourself and your family and guests on the prevention and dangers associated with tick bites. Many good websites are out there with photos and details. The big clue is a red, raised ring that appears around a tick bite. Please take the time to learn the symptoms of Lyme disease and always use repellent. Children and pets are at risk, and should be protected with a spray or solid repellent that is appropriate for them.

DON RICHARDS IS BACK ON THE CASE

Our "Thanks" to Don Richards for continuing to be on the job beyond his official capacity! Again this year, he is

working with our security company and watching out for our community safety. We very much appreciate the time and effort that takes!

RECREATION AREA PASSES

Many residents lost the pass that was included with the winter newsletter. One was included in each envelope. Since the season is halfway over we have elected to hold off on replacement until next year. The security staff has a listing of all property owners and have been instructed to consider any year's pass as valid and allow entry. The next time they are mailed, they will be stapled inside the winter newsletter and a notation written on the outside.

VOLUNTEER NEEDED

We now have a full slate of Officers and Directors but we are still in need of a volunteer to Chair our Recreation Committee and to coordinate events, schedule use of the lodge and facilitate yearly needs of the recreation area. If you have an interest in part or all of this job, please contact a Board member.

SUNSET AT THE LODGE

The first "Sunset" evening of the summer was held on June 10th at the Lodge. The 40-50 people attending enjoyed the fantastic mix of DJ music (a little something for everyone)

provided by Chuck Campbell and Jeff Edwards. Thanks guys!!!

Clythie Clarcken, Cathy Price, Paula Salak, Joan Carpenter, Laurie Villani and Nynette Rourke planned the event, creating a fun party atmosphere and providing a delicious variety of party food. Good job party girls!! Also, a special thanks to those who stayed behind to help clean up. Based on the enthusiastic response from those attending, more fun evenings are planned:

JULY 30th (Sat) 7pm-10pm
AUGUST 27th (Sat) 7pm-10pm
SEPT. 16th (Fri) 7pm-10pm

Bring Your Own Beverage of choice. Ice, iced tea, lemonade and sodas will be provided.

FOOD: Some party food will be provided, but **please** feel free to **bring** food to share.

MUSIC: Chuck and Jeff will provide the music.

For more information or directions call Clythie @ 636 8116 or Cathy @ 635 3848

DONATIONS: are needed to help offset expenses and to fund future events and the fireworks for the next 4th of July. Make checks payable to BMPOA and mail to P.O. Box 114, Linden, Va. 22642, or bring with you. Cash always accepted!!

Added Attraction: A copy of proposed changes to our By-Laws and Covenants will be available. You may vote your proxy on the revisions to the Bylaws at the Sunset evenings.

COME JOIN THE FUN!!!!

Blue Mountain Property Owner's Association
P.O. Box 114
Linden, VA 22642

Address correction requested



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