

Wintergreen Property Owners Association Inc.

Minutes February 15, 2019 –1:30 PM Community Offices Building

Members Present:

Karen Asher
Joe Ely
Jim Wright
Larry Luessen
John Claman
Tom Steele

Telecommunicating

Mark Fischer
John Coy

Not Present

Rod Kessler

WPOA Staff

Jay Roberts
Theresa Harris

PO Observing

Bill Gatewood

1. The meeting was called to order at 1:30 PM by Jim Wright, President, WPOA.
 - a. Review Agenda-Approved

2. Larry Luessen moved to accept the minutes from the Annual Meeting November 10, 2018.

Second: John Claman - Carried

Joe Ely moved to accept the minutes from the Board of Directors Meeting November 10 2018.

Second: Karen Asher – Carried

John Claman moved to accept the minutes from the Special BOD Meeting January 3, 2019

Second: Joe Ely - Carried

3. Secretary Larry Luessen gave the Treasurer’s Report.

2018 has been closed and the Accountant is working on our Financial Statements/Audit for Year End. We hope to have audited financials to hand out at the April meeting. The 2018 financials are much more “complicated” than prior years.

Budgeted Income and Expenses show \$19K positive budget balance from 2018 These are budget numbers. Cash forward was \$14K.

There was a large Snow event December 9, 2018, over 20" in places on the Mt.

Large Culvert projects completed along with emergency repairs. All handled in the 2018 budget.

Payroll quarterly reports for 2018 and other year-end payroll work has been completed. 1095 processing for 2018 should be complete by 2/28/2019.

Annual Assessment Due Date - February 1, 2019 – A few Annual Assessments are still coming in with the 2/1 postmark (mail is extremely slow). Of the 287 owners who signed up with PayLease since 2017, our web site payment option, just over 134 actually paid using this service in 2019. We anticipate more will sign up each year. Payments are on track to date. Late notices will be sent this week and this begins the formal collection process.

The January 2019 budget was normal by all standards without a large snow event.

Road and Capital Equipment reserves have been funded for 2019.

Fire & Rescue Operating funding will be processed this month.

4. Mr. Roberts gave an update of current and completed WPOA operations/projects.

- Snow removal, tree removal, leaf removal efforts continue – nothing out of the ordinary
- More snow/ice in the forecast for the next week and cold air in March could provide a big event. Stay tuned
- Emerald Ash Borer remains a big concern. Trees are showing clear evidence of disease/death. We are working to identify trees along main roads and developing a strategy to address. Tree removal will be a combo of in-house effort and using contactors.
- Winter/Spring Facility related projects include HVAC work at Tuckahoe, WPOA shop, exterior work at Rodes farm pool, plunge hiking trail, white fence SC entrance, parking lot lighting at SC.
- Paving and surface treatment plans are being worked on for 2019. I remain committed to a new and improved approach with less patch work and more full street repairs. An additional \$200K will be spent on asphalt overlay.
- ARB – Ed Gilliam resigned - discussion over replacement will be covered in new business. We are experience normal business levels and staff reorganization/job sharing is working out fine.
- 2019 will include IT related focus – Owner D-base upgrades, website improvements, better security, system backups offsite, etc.
- Updates on Napier and Hawes suits will be covered in old business
- ADIPSY controversy will be covered in new business
- Nelson County is upgrading their 911 and law enforcement IT systems. WPD is exploring options to integrate as part of this process. NC is willing to pay for our 911 center related upgrades...
- Assessment payments continue to trickle in. Of 3607 owners billed, 180 properties are late. As a point of reference, 205 properties were late in 2018. Normal/slightly better.

- Cross utilizing staff, finding efficiencies and looking for ways to improve service - ongoing.
- 2018 audit is underway, should be complete in the Spring
- Phase 2 of the SC entrance landscape re-do is in the works. I plan to meet with Jim and Karen soon to share ideas and receive feedback. The trees/shrubs planted 30+ years ago have overgrown the center island and a re-do is required.
- Landscaping related work around the culvert project across from Station 1 planned for this Spring – bushes, small trees, maybe Juniper, etc. Gary is working on a plan.
- Additional space in Tuckahoe is a wonderful thing. Community use of that building continues to grow.

Update from Chief Curtis Sheets:

- Work continues on the revamp of our strategic plan. This committee is being led by Houston Sorenson. We spent an hour yesterday with the SP team from Henrico Division of Fire and learned quite a bit. Our next meeting will be 2/20 and will include Jim Wright as the representative from WPOA BOD.
- Worked with Steve Key to establish site plan for exit to Parkway. Currently working on building design with the goal of building the least expensive structure possible while conforming to neighborhood standards.
- Met with Denver Rigglesman (Newly elected Congressman for 5th District) regarding the emergency exit. I communicate with him regularly. He and I have each completed multiple media interviews on the issue recently.
- Will attend 2/14 my first Local Emergency Planning Committee meeting in Lovingston. Virginia code requires each locality to have an LEPC. I have never known of an active LEPC in Nelson County. The committee is very small. Represented: County Government, County EMS, County Fire, Law Enforcement, VDOT, American Red Cross, and Virginia Department of Emergency Management. I am the County EMS representative.
- Recruited 2 new fire department volunteers, both of whom already have training and experience. One is a weekend resident at White Oak. The other lives in Afton.
- Developed a conceptual drawing of the “Dunlop Public Safety Plaza”. This plaza will memorialize/honor the Dunlop’s for their exceptional contributions to Wintergreen Fire & Rescue spanning 3 decades as well as honor all life members of Fire and Rescue. Additionally, any employee of Wintergreen Police or Fire/Rescue who have committed over 10 years to Wintergreen will be honored. This brick garden will be dynamic. Updated once a year. The location will be at the entrance of TCH. The brick-yard will be 16’x16’ and have two stone planters with sitting benches attached. The initial estimate from Creation Appreciation is approximately 15k with the brick engraving. Mitchell Barker and Karen Asher have been included in the planning of this project. The WRS and WFD BODs are supportive.

Update from Chief Dennis Russell:

- Our biggest struggle right now is dealing with personnel issues that have strained our resources. Almost half of our sworn staff are off recuperating from medical procedures and others are off for the flu that has run its course through the department.
- Cameras at the entrance to Stoney Creek are being installed soon. (Remote viewing at the Gate)

- Narcan nasal inhalers will be deployed in the field by the end of the week. (opioid overdose intervention)
- Merging with the Sheriff's Office for Computer Aided Dispatch and Records Management.
- Two cruisers purchased and will have encrypted radio capabilities to communicate with the SO. (Curtis stole a little of my thunder on this, but he has done all the work)
- DePop Program resumed 26 deer harvested to date.
- Five snowboard thefts so far this year. One cleared by arrest.
- VACP Winter Conference next week in Richmond.

ACP Update:

- Very quiet with construction delayed months, perhaps more than a year pending appeals, new cases, legislation, FERC re-hearings or new route EIS.
- Trees are expected to remain on the ground until Dominion is permitted to remove them and start work. Dominion has suggested they would support a WPOA request to remove trees. WPOA could get a permit from Nelson County and clean up the right of way without ACP involvement.
- Settlement/Restoration use of funds and tax liability are being discussed with our Accountant Christina Monfalcone and a Tax Attorney (Skeen).

5. Committee Reports

- a. Mr. Roberts gave the Carbon Credit Committee report.
 - a) Forestry is here identifying plots. Jay is working work to make sure they are on WPOA property.
 - b. Mr. Luessen gave the Nature Foundation Report and stated the next meeting (1st of 2019) is 2/23/2019. Update in April.
 - c. Tuckahoe report was given by Karen Asher. Lights are being added and repaired. Room A has a limit of 90 with tables/chairs. A Safety Plaza/Brick Memorial Garden is planned for an area in front of the Clubhouse. (Thanks to Mrs. Dunlop). 2 new water heaters and 2 new heat pumps will be installed in the next month.
6. WPOA Nominating Committee will consist of Chair, John Claman, Directors Tom Steele and Karen Asher. There are two four-year position open in November 2019. (Asher & Claman's terms expire).
7. Mr. Wright called for the Resort Update. Mr. Fischer reported that Christmas week was OK and then the cold air returned. MLK was good- better than the past 3-4 years. Snow forecast for 2/16. 12 Days of Christmas planned for next year that is not all weather related. Working to get more units back in to the rental program. A few Capital Projects planned. Terrace Café, coffee and sandwich shop open.
8. New/Old Business:

- a. Culvert Box (Storm Water Drain) at Station II is slated for a grate inside.
- b. ADIPSY House in Stoney Creek has become an issue with some of the surrounding owners on Saddleback Knoll. Michael & Linda Donovan donated the 9000 sq foot house to this non-profit. Jay has had several meetings with concerned neighbors/owners.
- c. Jay & John Coy met with Mark and Rod on joint effort issues.
- d. ARB has one vacancy. Jay will be sharing Bios via email and the BOD will vote to fill this slot.
- e. Another “protest” letter was received from a Fortunes Point owner (Schwiesow) regarding the payment of an annual assessment as stated in their deeds.
- f. Jay will attend the “Napier suit” in Circuit Court regarding a land dispute with an adjoining owner and property lines.
- g. We are foreclosing on an owners property for non-payment of tree cutting fines.
- h. Donations of lots to Fire & Rescue will not have assessments written off. See prior minutes.

Mr. Wright moved to resolve an outstanding issue related to the 2 lots currently owned by the Volunteer Fire Department - Assessment on these 2 “grandfathered” lots will be deferred and the amount owed will be resolved through a WPOA contribution at time of closing.

Second: Ely – Carried

- i. There was a domestic shooting incident in Stoney Creek on 2/14/2019 that required all of Wintergreen WPD/EMS, Nelson and Virginia State Police to become involved due to the volatility and unknown location of the shooter. An Everbridge/Alert was sent to the SC Community to say inside and keep their outside lights on. Mr. Gatewood spoke to the EMS response and it was the best we could have anywhere. Sheriff Hill and his office were extremely helpful and was the Sate Police. Jay kept Mr. Wright apprised all night. Mr. Fisher applauded Jay for his handling of the situation.

Mr. Wright moved to applaud the professionalism and recognize the many 1st responders that were involved in this very difficult incident.

Second: Ely – Carried

The following Resolution was presented to the First Responders:

Commendation of First-Responders – Stoney Creek Shooting

February 15, 2019

Whereas the Board of Directors of the Wintergreen Property Owners Association is very committed to protecting its residents;

Whereas an incident in Stoney Creek on the evening of Valentine’s Day placed a woman’s life in jeopardy and a community in potential peril;

Whereas the swift and appropriate actions of EMS crews likely saved the woman’s life;

Whereas rapid transport to the hospital by AirCare-5 Medevac insured the patient received surgical intervention as quickly as possible;

Whereas the Wintergreen Police Department in collaboration with their law enforcement partners, Nelson County Sheriff’s Department and the Virginia State Police worked tirelessly throughout the night to confirm all risks to the community were mitigated;

Whereas no emergency scene large or small can operate efficiently without expert 9-1-1 telecommunicators to coordinate field activity;

Let it therefore be resolved, the Wintergreen Property Owners Association Board of Directors is deeply grateful for the actions of all persons protecting our community on the evening of 2-14-2019.

Signed:

Jim Wright
President

Jay Roberts
Executive Director

9. Old Business:

The following motion was voted on by email and is being incorporated into these minutes.

Joe Ely Moved to accept the Path Forward Agreement below as a compromise in resolving previous proposals (original CE Proposal & JSS Redline) not agreed upon by the parties.

Second: Jim Wright

“Present” Mr. Claman

Carried

Path Forward Agreement

January 16, 2019

Whereas WPOA and FOW agree that the best chance of success in winning our individual petitions for review include a good working relationship between the parties and the lawyers representing them. In addition, continued use of JSS to support the FOW petition will be valuable to both parties.

Both parties agree to these terms:

- WPOA will continue to be represented by Carolyn Elefant (CE)
- FOW will continue to be represented by Jennings, Strouss, and Salmon (JSS)
- Both firms will work collaboratively on the opening brief and reply brief as required by the Court
- WPOA will contribute no more than \$30,000 toward JSS legal expenses, allowing FOW to remain a petitioner with independent JSS representation
- Management of the \$30,000 will be the responsibility of FOW
- WPOA contribution is for work completed by JSS, WPOA will not cover costs for other law firms
- WPOA contribution is contingent upon FOW maintaining a good working relationship with WPOA.
- Both WPOA and FOW leave open the option to revisit joint representation at a future date

Agreed to by:

Jim Wright, WPOA Board

John Claman, Friends of Wintergreen Board

d. Mr. Wright adjourned the meeting at 3:26 PM.

The next scheduled meeting:

April 15, 2019 1:30 PM

June 21, 2019 1:30 PM

August 9, 2019 1:30 PM (Budget-no later) Election Year 2 Open Positions-Claman & Asher

November 9, 2019 9:00 AM Annual Meeting