

WINTERGREEN PROPERTY OWNERS ASSOCIATION INC.  
BOARD OF DIRECTORS MEETING  
February 6, 2020 COB 1:30 PM

MINUTES

Members Present:

Tom Steele-Secretary  
Joe Ely-Vice President  
Larry Luessen-President  
Karen Asher  
Jim Wright  
John Coy-Treasurer  
Bill Gatewood  
Rod Kessler-Telecommunicating  
Mark Fischer-Telecommunicating

WPOA Staff:

Jay Roberts- Executive Director  
Theresa Harris

**CALL TO ORDER** – 1:32 PM

President Luessen called the meeting to order and reviewed the agenda

**MINUTES:**

**Approval of (2 sets) minutes -November 9, 2019 Annual meeting and Board of Directors meeting**

Motion - Asher  
Second - Gatewood  
Carried

**TREASURERS REPORT** - Mr. Coy gave the Treasurer's report.

FY 2019 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.

Budgeted Income and Expenses show \$106K positive budget balance from 2019 These are budget (booked income) numbers. Actual Cash forward was \$7,720.16.

Reimbursement to the WPOA Operating Account (General Fund), for any and all ACP related expenses incurred in 2019 was completed from the "Settlement" (S&R) Account (most were paid directly from the S&R account) in the amount of \$16,550.93

Large Culvert projects budgeted, and emergency repairs were handled with in the 2019 budget. Prepaid road funds were cut at the end of 2019 for early Spring 2020 in the amount of \$280K Payroll quarterly reports for 2019 and other year-end payroll work has been completed. 1095 processing for 2019 should be complete by 2/28/2020.

Annual Assessment Due Date - February 1, 2020 – Annual Assessments are still coming in with the 2/1 postmark (mail is extremely slow). PayLease-payment of annual assessments through

our web site is gaining interest and sign ups increase each year. Payments are on track to date. Late notices will be sent next week, and this begins the formal collection process. The January 2020 budget was normal by all standards without a large snow event. Road and Capital Equipment reserves have been funded for 2020. Fire & Rescue Operating funding will be processed this month.

**EXECUTIVE DIRECTORS REPORT**- Mr. Roberts gave the Executive Directors report.

- Tree cutter - former owner - foreclosure suit is ongoing. Will we ever get paid? Will it cover our legal bills?? Hearing in Bedford County VA is scheduled for March 12<sup>th</sup>.
- WPD still on track to move away from Alpha and use same law enforcement software platform used by NCSO (June 2020)
- Assessment payments coming in OK – similar #'s to previous years. 42 properties 2+ years delinquent. Approximately 220 properties expected to pay late fees.
- Cross utilizing staff, finding efficiencies and looking for ways to improve service - ongoing.
- 2019 audit is underway, should not be as difficult as 2018 audit.
- COB landscape project ongoing – plants ordered with bulk of the work scheduled for late March and early April. Native garden will help ARB educate owners when building homes or improving landscapes. Goal is to have individual property landscapes include no less than 50% native plants. Timeframe TBD
- Gary Cornwell is retiring in the Spring after 30 years of dedicated service.
- The Emergency Services Plaza is mostly complete. We will be adding additional landscaping and benches in the coming months.
- 2020 is going to be a big asphalt & surface treating year. Working on schedules to try and minimize negative impacts. Asphalt overlay on SC East and Black Walnut back to SC West is on the schedule along with Wintergreen Drive, Devils Knob Loop, Blue Ridge Drive. Lower Wintergreen Drive may be a wait and see, depending on ACP.
- Pool season is going to be here before we know it. I am brainstorming ways we might reduce overcrowding and the negative impacts of VRBO use. Solutions will likely include new rules from the BOD about number of guests, owners only pool times, etc. More discussion on this in New Business
- Raven Roost deck and railing repair is scheduled to begin first part of April and could take 1 month to complete. Overlook will be closed during construction and owners will be notified.
- Firehouse dormer project is planned for 2020 – new business item
- COB project – we will begin interior repairs and kitchen improvements to the original (currently ARB) end of the building. Majority of the work will be done in house during February and March.

- Mixed paper recycling remains a challenge. In the last 6 months we have replaced and improved signage, lighting, etc at the dumpster sites on the mountain. Efforts to get Nelson County to improve signage on their recycling containers still unresolved.
- Discussions about incorporating better fire protection measures into ARB approved building and landscaping plans is a goal for 2020. We need to revisit rules related to lot clearing and specifically the rule that owners are prohibited from clearing trees, bushes, etc. beyond 10ft from the footprint of homes. Current rules encourage planting up against homes, greatly increasing fire risk.

**Update from Mitchell: (Deputy Director of Infrastructure)**

- Tree work, ditch work and Leaf removal ongoing.
- Fountain at entry into SC complete. Cost approximately \$11K
- Snow removal expense remains low, trucks are being washed regularly to remove salt residue and extend life.
- Deer de-pop is underway, goal is to remove 100+ animals in the next 2 months.
- 4 door truck and New Holland roadway mowing tractor are slated for replacement in 2020.
- Continue partnership with SC Golf Maintenance to try and manage storm debris, etc.
- Significant right of way tree cutting completed in December of 2019 and January of 2020. If we have a good financial year, we hope to complete major roadways on the mountain in November and December of 2020. This is major Ice Storm preparation.
- Major culvert projects in 2020 include COB, Wintergreen Drive, Station 2, possibly more.
- We continue to meet with owners about tree view cutting. We are trying hard to maintain a balance between enhancing property while protecting forest and other negative impacts.
- Sewer project near Devils Bend is in the design and surveying stage. Project is overdue but bogged down with easement issues, conflicts with other utilities, etc. Goal is to start this work this Spring.

**Update from Curtis: (Deputy Director Fire & Rescue) Chief F&R**

- Rescue currently has an ambulance on order. In-service date should be approximately June. Cost approximately 250k of which 125k is grant money. Once the new unit arrives, we anticipate reducing the ambulance fleet from 5 to 4 by selling the van. The concept is “fewer and newer”.
- Rescue continues to upgrade a number of smaller items which have aged out.
  - Light Tower on Squad – 18 years old.
  - High Pressure Air Bags – Age unknown, over 20 years.
  - Air Chisel set – Age unknown, over 20 years.
- The Fire Department isn’t purchasing any vehicles in 2020. Our next challenge will be our air-packs which expire next year. We have been unsuccessful in obtaining a grant for this despite trying for the last 3 years. This year we hired a professional grant writer to improve our odds. If we don’t receive a grant the replacement air-packs will cost approximately 225k and the bottle filling station located at Station 2 will cost

approximately 75k. If we end up paying full price for the packs, we will delay the replacement of Engine 62. Engine 62 is currently 24 years old. (New 62 approximately 600k)

- The Fire Department continues to replace fire hose which has aged out. Like last year, we will replace 10k worth of hose this year.
- We are currently fully staffed with one out on injury leave and one out on paternity leave.
- For over a year we have been working on “agency specific patient care protocols.” Regional protocols, which have been our guide since the squad was formed, no longer keep up with the skills of our providers. Your better systems such as Albemarle and Orange County have their own protocols. Dr. Just has approved our final draft, and by mid-year we should be operating under our own protocols.
- We intend to teach an “Emergency Medical Responder” class this year. EMR is the old “first responder”. Its essentially a 50-hour advanced first aid class and is a precursor to EMT. It will be taught at TCH.
- Our radio interoperability project is now essentially complete. All Wintergreen frequencies have been added to the dispatch center in Lovingston. All public safety vehicle at Wintergreen can now communicate with all other public safety vehicles in the County.
- Major pending projects include Parkway exit, Firewise ARB standards, valley evacuation pathways, and public warning system.

#### **Update from Dennis: Police Chief**

- Accreditation Assessment completed with a decidedly favorable report, which all but guarantees Reaccreditation in May.
- All police cruisers received radio upgrades with digital encryption providing enhanced interoperability with Nelson County.
- Rewrite of entire Agency policy manual with assistance from Lexipol (nationally recognized law enforcement legal policy writing group).
- Shared Computer aided dispatch (CAD) process continuing with Go Live in early June. Administrator training scheduled for mid-March.
- Electronic Speed Sign acquired for Valley deployment.
- Deer de-population program commenced in the Valley and on the Mountain. Goal is to remove 100 deer in the next few months.

#### **Firefly Update and Nelson Cable Update:**

All backbone fiber is in and drops complete in the valley per Gary Wood of CVEC-Firefly. Firefly (CVEC) is connecting additional folks as they sign up; we added 2 or 3 last week. We do have a couple of services we owe you that Mitchell is working with our contractors to get completed. On the mountain, the fiber hut is fully connected to our network ring and the internet. All backbone fiber on the mountain is in place. Splicing will begin soon (maybe in the next week) which will get light moving through the fiber. We will then begin placing service drops and connecting services. At present we have about 300 single family homes that have applied for service. We hope to have them connected between now and April. Firefly will soon send a second round of marketing material to let folks know we are live and connecting accounts.

On the condos, it has taken a bit to get easements to use a different route than following the electric lines under the parking lots. That work is nearing completion and we intend to place multi-unit network interfaces on each building to allow any condo owner to choose the service also. They will market to these owners to let them know about the availability.

They intend to have all connections done on the mountain by summer for those who sign up during construction. They (Firefly) will then be back every 2-4 weeks to add more services as we get new applications.

We have seen 40-50% of CVEC members take some form of internet service and expect the numbers to be similar on the mountain.

Jay contacted John Holman of Nelson Cable for an update. Mr. Holman stated 2019 showed growth, with 2020 being very bright. IP TV and Channel 29 links were completed.

#### **ACP Update:**

- Amicus Brief complete – Supreme Court of the US, hearing scheduled for February 24, 2020, with ruling expected in June 2020. DC Circuit case on hold until after SCOTUS verdict comes out. The brief from the Park Service employees was well done. The appeal could very well be pushed back to the 4<sup>th</sup> Circuit Court.

#### **BRP Exit Project:**

- Site clearing is complete for phase 1 of the project. See sitework design and survey. Phase 2 will include a meeting with Augusta and Nelson Building Officials to discuss earthwork and determine which county will conduct inspections. Phase 3 will be the garage concept if we go this route.
- Laurel Springs Fire Road is partially repaired. It is passable for pickup trucks and UTV's, more extensive repairs are needed to increase chances this road will not slide again in the future. Current repairs cost approximately \$10K.
- Curtis remains very active on the BRP Project. An agreement with BRP over access remains elusive.

#### **Carbon Credit Update:**

They are putting finishing touches on PDD and will submit for validation this month, hopefully in next two weeks. CC in discussion with Microsoft and others about buying Wintergreen's tonnage. Prices for forestry credits are on the rise - \$10-15 per ton, we have approximately 74,100 tons.

#### **ARB Update:**

**NEW CONSTRUCTION:** We have fifteen (15) houses that have been approved by the ARB and are currently in some phase of construction. Twelve (12) of the homes are in Stoney Creek and the remaining three (3) are on the mountain. There are another seven (7) houses that the ARB has given "preliminary" approval and are waiting for the final plans, color boards, material samples, etc. before final approval will be granted. Four (4) of those are on the mountain and three (3) are in Stoney Creek.

**ADDITIONS:** Currently there are fifteen (15) open projects on the mountain and two (2) in Stoney Creek. These projects are for such things as garages, storage buildings, deck enclosures, room additions and such that are being added to existing houses or properties.

**MAINTENANCE/FENCES/ETC.:** These projects include work such as reroofing, painting, replacing windows, repairing or replacing siding, fences, etc. We currently have eight (8) such projects open on the mountain and five (5) open in Stoney Creek.

**COMMITTEE AND ASSIGNMENT UPDATES:**

Carbon Credits: See Executive Directors report above

Tuckahoe School: Karen Asher reported the old water fountains have been removed and bottled water placed in the two refrigerators. The ice machine is not in the kitchen which is a big improvement. Jay is working on expanding parking and handicapped parking to the rear of the building.

Nature Foundation: No report this meeting.

**EXECUTIVE SESSION:** Mr. Luessen called an Executive Session, actions will be reported.

Discussion of S&R Funds and FERC Suit at the Supreme Court level.

Executive Session ended and return to regular meeting: No action

**RESORT UPDATE:**

Fischer and Kessler – Telecommuting

Mr. Kessler reported it to be a tough winter (warm & rainy/foggy). Zack Marlow and staff have done an amazing job of making come backs and taking every opportunity to make snow when possible. Marketing and Communications have been spot on in their timing of reporting conditions. Spring, Summer, and Fall planning is underway and very strong with events. The new Speaker Series is popular. The production, Oklahoma, will be this summers play/music event. New Membership Director, Nancy Tynes, has great new member ideas. Devils Grill has an amazing new Chef.

Mr. Fisher discussed he new Wintergreen App. Board members were downloading as soon as they heard about it.

## **NEW BUSINESS:**

Asphalt: See Executive Director and Deputy Director of Infrastructure reports above.

Pools: Overcrowding and capacity issues and ideas for owner use are being discussed. Policies will be presented at the April 3, 2020 board meeting for the board to address.

Firehouse Dormer Project: Plans shown to the ARB this morning and their ideas presented to the board with approval of 1 large dormer and 3 windows centered over the bay doors. Lap siding vs. cedar and the metal shed style roof will be decided upon after the next rendering.

Tuckahoe Parking Expansion: Additional parking and handicapped parking spaces can be added in the back of the building with the removal of the old shed (taking to the Sporting Club archery area at Rodes Farm) VA Pines will be cut this week to make room for spaces. Playground location and size still under discussion. There is a nice playground and grassy area at Rodes Farm Park/Pool. Monocan would be the ideal location for a large playground-discussion ongoing with WP LLC.

ARB Fence issue: SC clarification and updated guidelines. Discussion. Keep existing policy and review of case by case request, with side yards included in the possibilities. The HP

COB Building Updates and Landscaping: The oldest portion of the Community Offices Building (1975) will have an “fresh” new look and a re-work of the kitchen area in early 2020. Landscaping plans and work are ongoing and will take a few years to complete.

## **OLD BUSINESS:**

On December 26, 2019 Larry Luessen made the following motion by email.

Motion to allow Carolyn Elefant to retain Dan Geyser in support of our Amicus Brief, with the fees for his services not to exceed \$20,000.00.

Motion: Luessen  
Seconded: Joe Ely  
Carried- All in favor by email

ARB Fox Run: Jay- House on Fox Run has exterior complete. There was a discussion with the Building Official. Issues with the complaining owner are ongoing.

Village to Village -Karen Asher

Thanks to Charles Batchelor and Jay the survey was a huge success. 478 residents responded, 180 people showed at a meeting in Tuckahoe to discuss and offer comments. Many volunteered to be on the Focus groups. Structure, Software/Legal, and Transportation groups established regarding aging in place

here at Wintergreen. A Board of Directors was formed and there will be a 501c3 filing with by-laws as funds were donated to the group to get it to a formal enterprise. Mr. Gordon Walker, retired JABA CEO and Mr. Tinsley Rucker (Pharmacy issues) both volunteered their expertise. Mr. Batchelor has been a huge help in establishing web site and email presence.

Wintergreen Overlook: Ongoing discussion with the Nature Foundation about donating it back to WPOA (it was voted on by the owners to give TWNF as a building site, before the Trillium House became available). It needs work and Jay is discussing this with Doug Coleman, Executive Director, TWNF.

Fire Road: The fire road from LS to Peggy's Pinch suffered a major slide last summer, closing this egress from fire suppression equipment. The initial estimates were \$40-50K to repair and make passable. We were able to have this opened as a pass way for \$8K plus mobilization (bill coming) this Winter.

Laurel Springs Exit to Parkway: Lobbying efforts by Congressman Rigglesman continue with the Park Service for egress onto the parkway as an emergency exit. This effort has been ongoing for at least 30 years, to no avail. Congressman Rigglesman has given it new life as part of the serious nature of wildfires (Gatlinburg) and the ACP issue. Jay will be working with Nelson County and Augusta county regarding land disturbance, as we have done some clearing on our part and wish to complete work to our boundary line by June. Preliminary plans still show a building for equipment storage in case of fire (undecided). Curtis Sheets has worked tirelessly on this project and has done a great job keeping it in the forefront of the Park Service and Congressman Rigglesman's office.

Cardboard Recycling: Jay has discussed recycling and signage with County Administrator Steve Carter. These discussions are ongoing.

### **CLOSING COMMENTS:**

The next board of directors meeting is scheduled for an earlier time than normal. **9:30 am** on Friday, April 3, 2020.

Mr. Luessen adjourned the meeting at 2.45 PM.

### **Scheduled Meeting Dates:**

April 3, Friday 3<sup>rd</sup> **9:30 AM**

June 12, Friday 12<sup>th</sup> 1:30 PM

August 14, Friday 14<sup>th</sup> 1:30 PM (Budget)

November 7, 2020 – Saturday - Annual Meeting – no election