

PBE POA Board Meeting Minutes
24 September 2014

The Potomac Bay Estates Property Owners' Association Board of Directors met at Jon Wergin's home.

Meeting was called to order at 4:00 PM, 24 September 2014.

Board members present:

Jon Wergin, President
Tink Seymour, Vice-President
Martha Hulse, Treasurer
Joe Schlatter, Secretary
Frank Goyette, Member
Lynn Bosmajian, Member
Sallie Mullen, Member

Property owners present:

Pat Bellas, Lot 37
David Dudley, Lot 40

Minutes from 24 July meeting were approved as written.

Agenda:

1. Board will decide on beach restoration proposal, and, Board will vote to determine how to proceed on beach restoration project.
2. Review capital reserve proposal from last meeting. Martha Hulse has expanded the proposal to include all POA funds through 2034.
3. Discuss electronic voting by POA members in accordance with terms of Code of Virginia, Title 55, Chapter 26: Virginia Property Owner's Association Act; Section 55-515.3. Use of Technology.

Jon announced the procedure to be followed: Board members will express their views; property owners express their views; the Board will vote. If do not have majority vote on a proposal to membership, then the beach restoration project ends here.

Jon reviewed developments since the last Board meeting.

- In response to Jon's survey of POA members for their opinions on the beach restoration project:
 - 18 respondents prefer option 1: accept Rowe proposal
 - 12 respondents preferred something else. These opinions were almost evenly distributed among: (1) object to giving up easement; (2) object to spending money on beach restoration; (3) cannot afford to contribute to assessment.
- Jon discussed with Sandy Rowe, Lot 52, possible modifications to his original offer. Sandy agreed to certain modifications of his original offer: consider offer good as long as association takes action by 30 June 2015 with decision about funding deadline to be decided at later date; and, no deadline for collection of POA funds.
- Sharon Murphy (Lot 18) is a realtor; she spoke with real estate attorney used by her firm who reviewed easement agreement. His opinion is the POA is able to give up easement as act of community, not need unanimous consent.

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One Board member reported he obtained a legal opinion that the community cannot surrender an easement without unanimous consent because easements are community property and attempts to surrender easement could result in legal action against the Board.

Each Board member offered opinions on the beach restoration project followed by the two property owners present

A motion in two parts was made:

- 1. The Board will present a proposal to the community that the POA:**
 - a. accept the Rowe offer to contribute matching funds up to \$30,000;**
 - b. accept June 2015 deadline for community action;**
 - c. sacrifice a portion of easement, however, do not do so without providing POA members with a graphic description of the easement we are giving away;**
 - d. do not agree to any language that gives Rowe right to define boundary lines.**
- 2. Jon will take the modified proposal to Rowe, if he does not agree, the Board will not present a proposal to the community.**

The motion was seconded and the question was called.

Yea: 4

Nay: 2

Motion passed.

President will not vote except in case of tie.

A motion was made to amend the original motion:

- 1. Any proposal the Board presents to membership will include a packet of information, including:**
 - a. a map that describes in detail the area being ceded to the Rowe's, and,**
 - b. details of financing to include estimated assessment.**

The motion was seconded and the question was called.

Yea: 5

Nay: 1

Motion passed.

President will not vote except in case of tie.

A motion was made concerning responsibility for maintaining the road across the common area and causeway.

- PBE POA assumes 25% of responsibility for repair of roadway as part of agreement with Rowe as a negotiating point, not a demand on Rowe.**

The motion was seconded and the question was called.

Yea: 6

Nay: 0

Motion passed.

President will not vote except in case of tie.

After further discussion, Jon was directed to withdraw this motion (responsibility for maintaining the road) as an amendment to the Rowe proposal and, instead, use this proposal in his discussions with Sandy Rowe.

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Following these actions, the Board discussed the need for definitive legal opinion on the property in question to include (1) easement boundaries; (2) property boundaries; and (3) content of surveys.

A motion was made as follows:

Board will obtain from Rowe a copy of his most recent survey.

The motion was seconded and the question was called.

Yea: 6

Nay: 0

Motion passed.

President will not vote except in case of tie.

Action on agenda items 2 (capital reserve) and 3 (electronic voting) was deferred.

The Board adjourned at 6:35 PM.