



Twin Lakes Owners' Association

P.O. Box 2182, Harrisonburg VA 22801

540.423.3879

Board of Directors Meeting Minutes

July 16, 2020

v.3 [Approved by email vote: 7/28/2020]

NOTICE: This meeting was held virtually. A period of public comment was allowed beforehand by publishing and distributing the meeting agenda earlier in the week.

PRESENT VIA ZOOM: Patrick Moctezuma, Chad Denby, Sue Lance, Peggy Keens, James Hayslett, Jane Garton and Paige Stough from APMS. Francis Fiduk via phone (until removed). Jane Garton agreed to take minutes.

CALL TO ORDER: 7:00

Pursuant to TLOA bylaws Article III, Section 7, the President opened for discussion the matter of removing Francis Fiduk from the Board due his not fulfilling his duties of the Office of Secretary, and his subsequent refusal to step down from that office, choosing instead to instigate a confrontation with the Board with baseless and unsupported accusations.

Mr. Fiduk demanded to know why he this vote was taking place, and he was reminded of the "Cause" already provided to him via letter, which was then read into the record:

"The Board concludes that this unnecessary and unreasonable confrontation created by Mr. Fiduk results in an atmosphere of distrust, lack of cooperation, and lack of confidence that he will be able to fulfill the responsibilities of a board member. His actions and behavior rise to the level of being disruptive and harmful to the Board's ability to function for the Twin Lakes Owners' Association and Twin Lakes Community."

Mr. Fiduk was given the opportunity to make a statement into the record. None was offered.

Motion made by Chad Denby, seconded by Jane Garton. With the exception of Francis Fiduk, the vote to remove him was unanimous (the President abstained from voting, as usual). Mr. Fiduk then became yet more argumentative, questioning the legitimacy of the Board's actions, and quoting state law that he believed supported his position. When refusing to leave the meeting so that the Board could continue with its business, he was removed.

[Note: the vote to remove Mr. Fiduk was preceded by more than a month of email and correspondence interaction, where - after neglecting his duties of his office and Board

membership, attempted to relieve himself of those duties while at the same time refusing to step down from that office (Secretary). When warned that the Board would surely take action in response, he responded by attacking the Board with unfounded accusations instead of addressing the situation that he himself created, by adopting an unreasonable and illegitimate position. It is this confrontational response in addition to the neglect of his duties, that moved the Board to take the action that it did during this meeting.

It is most important to note, that *Francis Fiduk was never elected to the Board of Directors by the Membership of Twin Lakes Owners Association*. He was a *provisional* member of the Board only, having signed an agreement to serve and been approved for that temporary status by the Board (this is commonly done when a new volunteer steps up in mid-year, so that they can serve until the Annual Membership Meeting occurs). That provisional Board membership only exists while two conditions are met: adherence to the agreement, and support of the Board. Neither was true when this meeting took place, and so Mr. Fiduk was not even a *provisional* member of the Board, much less a legal and proper one.

In short: the Board was in no way legally obligated to conduct this official vote in open meeting, but decided to do so in the interests of transparency and fairness, and to remove any doubt that it was not operating in compliance with state law and TLOA Bylaws.]

Business continued on the topics of Board membership and officers:

Nominations requested for the position of Secretary. Jane Garton was nominated by Peggy to take over the duties of Secretary. Unanimously approved. Jane Garton is once more Secretary of the Board.

Patrick commented that the episode with Francis Fiduk highlighted some potential ambiguities about Provisional Board membership, and he would work on a new proposed Bylaw to better spell out the requirements and limitations of that membership, for the Board's consideration. If the Board approves the proposal, it would be offered to the Membership at the annual meeting for consideration and approval.

Patrick has proposed that APMS send out letters to homeowners of good standing to see if we can spark some interest to join the board. That mailing list would further be edited to exclude former Board members. He is working on the letter content.

PUBLIC COMMENTS: no comments received.

APPROVAL OF MAY 2020 MINUTES: Passed by e-mail on 7/9/2020. No APMS email received.

APPROVAL OF JUNE 2020 MINUTES: Still in review.

REFINEMENT OF VIRTUAL MEETING RULES:

Patrick proposed that Board meeting attendance be opened to interested members, when requested by email, and stating the reason for request, their name and address (and Lot #). Motion made by Jane and seconded by Sue. Unanimously approved.

FINANCE COMMITTEE:

Treasurer's Report:

Operating Account Balance: \$50,337.15

Reserve Account Balance: \$13,289.14

Monthly bills total just over \$16K. Operating has an excess far exceeding \$20K, so a motion was made to move that amount to the Reserve account, currently being used as a short-term savings account for the down payment toward the major culvert repair on Geranium Rd. Motion made by Peggy and seconded by Sue. The materials down payment required \$40K with an additional amount due of \$47K to make up the project total. Repayment will be made by \$5K paid monthly. The Board expects to have the down payment ready by the end of August, and Chad was encouraged to contact the contractor and get on their calendar.

Finance Committee has set July 23, 2020 for their meeting to discuss finances and budget proposals. Lakes will need an increase.

APMS legal actions

APMS to review online filings, warrants in debt. Liens do not have to be renewed per Jane so APMS does not need to review any existing liens. However, there is a need for new liens to be filed and release of liens that were paid.

APMS has been asked to do an e-mail blast extending the forgiveness to homeowners to the end of August.

ROADS COMMITTEE:

There were no new recently completed projects.

Current Projects

The committee is currently working with our landscaping service to repair a culvert outlet at about 279 E. Daffodil.

Roadside trimming by Michael will begin near the end of this month.

Future projects being considered

The big project we have been putting off for years now has finally become urgent. This is the replacement of two HUGE 5ft wide culvert pipes at about 474 Geranium Road. We have cleared out the area significantly and fortified the area over the past few years but the pipe is too heavily damaged to remain stable. We are currently saving up for the \$40k deposit to cover the material price and will owe another \$47k to complete the project after that. This is by far one of our most expensive culvert projects in Twin Lakes history, as well as extremely vital at this point.

We are still generally planning to meet with Lt. Fried to discuss placement of speed limit signs to help with speed enforcement in the community. However our focus remains on saving up a down payment for the Geranium culvert replacement project. So this needs to remain on hold for the short term.

LAKES AND DAMS COMMITTEE:

The riser at the dam has now been repaired and the lower valve is closed 100%. Unfortunately, with the lack of rain the lake is very slow in refilling. Plants are now higher than the water level will be, creating a marsh environment that may persist until the weather turns colder. Some lakeside owners are going down and cut away as much grass as they can get to and also plans to send out an e-mail asking that any of the lake owners, that can, to mow or cut down the marsh grass that is growing around the lake shoreline as far as they can go.

Our landscaper (Four Seasons) has cut down the two trees at the dam as were planned. Due to the dry weather the grass seeding has not taken hold on top of the dam so it is still completely bald and we may have to reseed again at our own expense in order for the dam to become stabilized. It was suggested by our engineer that we might want to have the soil tested to see what kind of nutrients might need to be added.

Someone was setting off mortar fire works on the 4th at dam #3 parking lot, leaving all the debris behind. Littering continues to be a problem in Twin Lakes.

Sue has found the hard copies of the inundation studies that were done on all dams in 2010, and any ones that Virginia cannot locate in their document system will be sent to the DCR. This is what we've been told, is holding up the full Operating & Maintenance Certificate for Dam 3.

RULES COMMITTEE:

Violations reports are still showing that the majority of violations are due to unkempt yards, uncovered or untagged vehicles. There is still some unlawful dumping going on next to 209 E. Daffodil (Lot #). The brush and tree limbs dumped there have caused that culvert to be completely covered and we will need to get equipment in there now to clear. Patrick suggested that we might want to add to our budget

money to acquire some web cams to install at some of our problem areas to catch those who dump illegally or do damage.

There is still an ongoing issue of drain field runoff on to E. Daffodil at the 5239 AMICUS ROAD Patrick was told by neighbors that the health department issued a permit to have a new drain field installed. We just do not know when that will take place. Patrick is going to send a letter to the health department requesting a copy of the application and permit and get the status of the project. Also, may send a letter to the Virginia State Health Dept. for action against this property owner, depending on the results of requesting documents from the local health official.

New property inspections set for next week with Paige and to follow-up and past violations.

Jane has suggested that we set a specific time each month to do inspections with APMS.

Patrick is going to craft a bylaw proposal on Provisional Board Members who can vote on all matters except voting someone in or out of the board.

COMMUNICATIONS COMMITTEE:

Summer newsletter is being put together and asking for anyone that wants to add content to the newsletter to have it to Patrick by the 27th.

Website report: Interest is about the same with 48 views from Ruckersville and 27 from Charlottesville. The website is kept up to date on a regular basis. Web tracker is still on hold.

SPECIAL PROJECTS COMMITTEE:

Nothing new at this time.

NEW BUSINESS:

No new business

ADJOURNED: 9:08 PM