



The Mountain Memo.

Apathy Wins Out at Cacapon Highlands Property Owners Association Meeting

*Berkeley Springs, WV
May 20, 2000*

There were not enough people at the meeting of the membership of the Cacapon Highlands Property Owners Association to make a quorum for the vote on proposed changes to the Association's bylaws and covenants.

The Association held its annual meeting at the Cacapon State Park on May 20. In addition to regular business, the agenda included a discussion and vote on the proposed changes to the Association's bylaws and covenants. This was considered by the board to be one of the most important items ever discussed by the Association since its inception over 20 years ago.

A member of the ad hoc committee, which was established to develop the changes to the documents said, "We took this responsibility very seriously. The committee proposed changes, the board considered them, and then sent the proposal to the membership for comment and final vote. I can't believe the members are not interested in such an important matter as this."

Even though a vote could not be called, those who attended the meeting had an opportunity for additional input to the changes. Association President Jim O'Brien said, "I think those in attendance helped to iron out areas in which there was some disagreement. Hopefully, next time around we can get more people to send in their proxies."

The matter was tabled until July when the board will meet. In the meantime, the changes recommended by the attendees will be made and another mailing will be sent to the membership. The board hopes that this time enough members will return their proxies that the changes can be approved.

Mr. O'Brien said, "The board considers this an important issue and we will not rest until we gain approval on the updated bylaws and covenants." He pointed out that, because the documents are multiple pages, costs to mail to the members total about \$150 of Association money."

Until July, the Association will continue to operate under the present covenants and bylaws.

THE GYPSY MOTHS ARE BACK

After a hiatus of several years, the mountain is once again under attack from Gypsy Moths. Several property owners have reported severe damage to trees on the mountain.

Gypsy Moths are hatched from the cocoons that can be seen attached to the bark of trees, under the eaves of your houses, in fact almost anywhere they can attach themselves. The caterpillars that hatch from the egg masses in the cocoons and then travel up the trees to the leaves do the damage. It becomes obvious they are there when the leaves on the trees become lacy looking and you can hear and feel the caterpillar droppings in the woods.

Ken Kisling reports that the Association has applied to the Department of Agriculture for an egg mass count each fall, and for three years qualified to be part of the state spraying program. For the past two years, however, it was determined that the Gypsy Moth infestation had ended and no egg mass count was made. Unfortunately, the problem has reappeared.

Spraying is done in the spring and Mr. Kisling feels certain that the Association properties will need to be sprayed next year. He said that he will submit a report to the board as soon as he has talked to a representative of the Department of Agriculture.

FROM THE TOP—A letter from the Board Chair

Dear Members:

At our annual meeting on May 20th at Cacapon Lodge, we were unable to

ratify our new covenants due to the fact that we did not have the number of votes, either in person or by proxy, required under our Constitution to do so. Three fourths (3/4) of the membership is necessary for passage, and we barely had sixty-five percent (65%).

Although disheartened by this turn of events, the Board is steadfast in its resolve to get these new Covenants and Bylaws approved. The matter was tabled until the board meeting on July 20th, 2000.

We did, however, take the opportunity to address each item in the Covenants and Bylaws with all those attendance and reached consensus on all proposed changes. The final draft of the Covenants and Bylaws reflecting the proposed changes, including those agreed to at the meeting, is forthcoming, along with yet another proxy. Please fill out this proxy immediately, and either mail it or fax it, as instructed so that the membership votes can be counted in July. Please note that each time we fail to make a quorum it costs your Association both time and money.

On another note, Al Palmieri and Carol Johnson were elected to the board at the meeting.

We look forward to convening the new Board in July and to getting on with the business at hand, which is to make and keep Cacapon Highlands a pleasant place to live and/or visit.

Sincerely,
H. James O'Brien
Chairman
Board of Directors

Watch your mail for a copy of the bylaws and covenants. Return your proxy as soon as you can!!

**The Mountain Memo is a publication for the members of the Cacapon Highlands Property Owners Association; it is published on an irregular basis.*

An Open Letter to the CHPOA Members

Talking to Board members and other property owners, I'm finding that there is a lot of confusion about what has transpired on the mountain the last couple of years. I would like to try and tell you how I understand what has happened.

It started originally with a property owner who had a falling out with a tenant. It's my understanding that he contacted the Board of Directors regarding the problem. The board could not act on it because, in fact, it was a problem that did not involve the Association. When he did not receive any help from the Association he decided to name the Association in a lawsuit along with the tenant, owner of the property, and the rental agency.

We have all known that a lawsuit of some sort was a very real possibility. Needless to say while serving on the board we all held our collective breaths and prayed it would never happen. When it did happen, the board met the situation in accordance with all the rules and defended all of us as members of the Association. As you know, we won the case but the legal costs were well over \$7,000. It depleted our cash reserves.

If that experience wasn't bad enough it was shortly followed by the logging incident.

A large number of us bought our properties because of the trees. In the past, the Association—representing the landowners—spent thousands of dollars spraying the gypsy moths in order to protect the trees. Now our wooded mountain was threatened by the logging industry. The elected board members voted unanimously to protect our beloved trees that we had enjoyed for so many years and sued to stop the logging.

Again, it had to be handled through an attorney. Unfortunately the costs involved were astronomical!!! (I personally have had a difficult time dealing with the amount of money we had to spend for legal fees. But hopefully that is all behind us now.)

This lawsuit resulted in a special assessment on each of the properties. I am asking you, if you have not done so yet, to pay your special assessment fee so that the Association can pay off that debt.

Please understand that our properties have sold very quickly in the past in part because our Association had such a good reputation for being well run. But, bad news travels quickly, and I'm sure that the problems in our Association are common knowledge in the area now. I truly would hate to see the property values lowered because of a misunderstanding of why things were done the way they were.

Remember the people who serve on the board are not experts in all the areas that require attention. When I started as a board member, I was as green as they come. But with the help of other property owners and a little research I had learned a lot by the time I finished my terms as a board member.

We must work with our elected board members and support them. We should attend the annual meetings so we know exactly what is happening. If you have a question, then call a board member and find out what's going on. Become involved!!! We must work together to preserve the beautiful area that we have enjoyed for so many years.

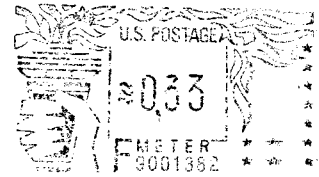
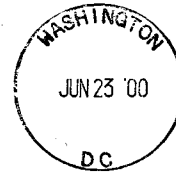
I have nothing but fond memories of the years (1981 - 1995) we spent up there when we had our cabin. We met so many wonderful people and made some lasting friends. It truly saddens me that what has happened is causing so many concerns among you. Hopefully this letter will help clear up some of your questions. Let's all work together.

Respectfully yours,

Shirley DePaolis
Former CHPOA Board Member and
Property Owner

Make your voice heard—Return your proxy promptly

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