

2022 OPPOA
Good Faith
Mediation
Attempts with
HVYC

Email from HVYC to OPPOA 01/20/2022

From: g.leighton@[REDACTED]

To: president@oldepoint.net,

Subject: Upcoming OPPOA Meeting

Date: Thu, Jan 20, 2022 11:45 am

Mr. William Keith:

I wanted to reach out to you regarding the invoice for my annual HOA dues that I recently received and the questions that were attached.

Specifically, the questions concerning the Harbour Village Yacht Club for Olde Point Property Owners and the use of the facilities at the Club, mainly the use of the boat ramp, recreation area and parking lot.

Perhaps I may be of some assistance regarding those accessibilities as not only a homeowner here in Olde Point but as the Commodore of the Harbour Village Yacht Club. There is specific language regarding the relationship of HVYC and the property owners that was created when the development was first formed that we abide by to the letter.

I know that you are currently on the Wait List of the Club and hopefully you will see first hand the benefit of our Club to the community we live in and the dedication we exhibit to providing a safe and secure environment for our boating enthusiasts. To that end, we will be notifying the Olde Point ramp users that we will be closing the ramp next month for a period of time as the original ramp has become broken and a safety hazard to all boaters. We have signed contracts to replace the ramp which will ensure a safe releasing and retrieving of boats for decades to come. This expense of over \$150,000 will be underwritten by the Club and yes there is a sharing of that expense reflected in a slight increase in ramp fees.

Again, I welcome the opportunity to go into further detail with you and your BOD prior to or at the Feb 3rd meeting.

Thank you,

Gregory P. Leighton

Commodore

Harbour Village Yacht Club

804-[REDACTED]

Response email from OPPOA to HVYC 01/20/2022

From: president@oldepoint.net,

To: g.leighton@[REDACTED]

Subject: Upcoming OPPOA Meeting

Date: Thu, Jan 20, 2022 10:19 pm

Mr. Leighton,

Thank you very much for reaching out. Myself and another member of our Board would be more than happy to meet with you to gather further details.

Would 2pm this Sunday, the 23rd, at 'Nineteen' restaurant work for you?
Thank you for your time and I look forward to our discussion.

ACUALLY MET AT HVYC

Best Regards,
Bill Keith, OPPOA
508-[REDACTED]

ATTEDANCE: KEITH, W., ^{JOHN}~~LEON~~ BROWN (OPPOA BOD)
GREG LEIGHTON, NICK FERRANTE
ED PULLEN, BOB GESSNER

January 23, 2022
In person meeting
occurs between
OPPOA and HVYC

Principles Present:
OPPOA President
OPPOA Vice President
HVYC Commodore
HVYC Membership Chair
HVYC Past Commodore I
HVYC Past Commodore II

Email from OPPOA to HVYC 01/27/2022

From: president@oldepoint.net,

To: g.leighton@██████████

Subject: Items for mediation

Date: Thu, Jan 27, 2022 9:09 am

Good morning Greg,

I appreciate you taking the time to speak on the phone yesterday afternoon. As you requested during that conversation, below is a summarized list of concerning items that the OPPOA would like to address and work through with the Harbor Village Yacht Club.

- 1) Removal of the "Right to Deny Use" and "Indemnity" clauses on page two of the 2022 Rules and Regulations for non-members.
- 2) Removal of unenforceable Rules and Regulations that place limits on OPPOA deeded access and use.
- 3) Removal of any language that requires deed holders to "apply for use" or threaten to "revoke privileges" from page one of the 2022 Rules and Regulations for non-members.
- 4) Removal of numbered items four, five, and six from the Registration Process for 2022 Olde Point Residents.
- 5) Removal of Sections two, three, and four from the "Application for Boat Ramp Access" page on the HVYC website based application.
- 6) Elimination of language associated with the requirement to provide proof of ownership and insurance from the 2022 Rules and Regulations for non-members and Registration Process for 2022 Olde Point Residents.
- 7) Elimination of language associated with costs for additional sets of stickers.
- 8) Elimination of language associated with late fees.
- 9) Financial transparency between OPPOA and HVYC regarding the amounts of annual fees received and the application of where those fees are spent. It is the OPPOA's opinion that any fees received by HVYC related to the use of our deeded easement should not be spent on any HVYC business or recreational dealings, costs to operate as an organization, or parts of that easement which OPPOA property owners do not have access to; i.e. the structure of the building, restricted amenities around the building, and costs associated to maintain the building.
- 10) Any additional items that may be discussed over the course of a negotiation but not covered here.

As I stated during our telephone call, OPPOA's sincere intention is to preserve the value and benefits that the boat ramp and parking area provide to our community while preserving and enforcing the deeded easement rights of *all* present and future OPPOA property owners.

OPPOA believes that the establishment of a transparent financial record between our two organizations, and the alterations to the HVYC established 'Rules and Regulations', as sighted above, would eliminate any future misinterpretation of our relationship.

I am optimistic that we can lead our two organizations towards a mediation that maintains respect and civility between our members, while continuing to provide a safe, clean, and valuable asset to all of Olde Point. I look forward to hearing from you.

Sincerely,
William Keith
OPPOA President

Email from OPPOA to HVYC 02/04/2022

From: president@oldepoint.net,

To: g.leighton@██████████

Subject: Request to address items of concern

Date: Fri, Feb 4, 2022 9:33 am

Good morning Greg,

Thank you for attending last night's OPPOA Annual Meeting and answering some of the questions and concerns from our membership. I believe we were able to maintain a neighborly dialog that respected both sides of the issues, and I hope you feel the same.

Referring back to our email conversation from 27 January, I trust that you and your Board have had the time to review our items of concern. I would once again like to extend an offer to further build on our constructive dialog addressing these issues.

As could be seen from last night's conversation, we have many OPPOA members who share our concerns regarding our deeded rights, and we intend to confront these issues in the most transparent way possible. I *continue* to remain optimistic that we can civilly lead our two organizations towards a mediation that maintains respect and civility between our members while minimizing the financial burden that a full blown legal battle would place upon our two organizations.

Again, thank you for your participation, and I look forward to hearing from you

Sincerely,
William Keith
OPPOA President

Response email from HVYC to OPPOA 02/08/2022

From: g.leighton@[REDACTED]

To: president@oldepoint.net,

Bcc: d.maurer@[REDACTED], gessner.bob@[REDACTED], daleolm@[REDACTED], jtwilliams1255@[REDACTED],
janelewis@[REDACTED], frankgugino@[REDACTED], marc.golightly@[REDACTED],

Subject: Re: Request to address items of concern

Date: Tue, Feb 8, 2022 3:54 pm

Dear Mr. Keith:

In reference to your January 27th email concerning the items that you would like removed from our rules and regulations for the boat ramp as well as some of the other topics of conversations.

As I have mentioned to you previously those rules and regulations are necessary for the safe operation of the ramp and facilities to insure that Olde Point residents along with our membership (many of whom are Olde Point residents as well) have 24/7/365 access to the most up to date boat ramp at a very minimal cost. Again, I have made you aware of the tremendous investment we are undertaking to replace the ramp due to deuteriation due to ever increasing numbers of Olde Point users. In addition, we continue to be a major lightning rod for property value increases for the residents of Olde Point.

Regarding the recent OPPOA meeting, once you had announced the retention of legal council which was made prior to that OPPOA meeting, your intentions were anything but transparent to the Harbour Village Yacht Club and the relationship that you and I have started.

If this is the course you and your Board have chosen than I must along with my Board of Directors take vigorous steps to defend our position, our Club and its membership. Therefore, we respectively will not change the Rules and Regulations for boat ramp access at this time.

It is unfortunate that our 30 year history of providing a safe, secure, ever improving boat launching facility for the members of the Olde Point Community has come to this. I remind you that without our leadership in the creation of the boat ramp and related docks it would be just a pile of sand benefiting no one all while respecting each of the homeowners rights and following to the letter the spirit and rules set forth in the covenants.

Thank you,

Gregory P. Leighton
Commodore
Harbour Village Yacht Club