



# BLUE RIBBON COMMUNITY NEWSLETTER

October 2018

Newsletter@indianriverfarmshoa.org



## Trick or Treat Time

BY: ANITA SUMNER

Trick or Treat Time,  
Have Some Fun.  
Practice Safety,  
Walk don't Run.

Drive really Slow,  
Keep Safety in mind.  
Trick or Treaters',  
can Pop out anytime.

Witches and Gouls,  
Enjoy the Treats.  
Let your parents,  
check your Eats.

Porch lights Off,  
If no goods.  
Keep off the grass,  
In the neighborhood.

Trick or Treat  
As fast as you can,  
Because 8pm  
Everything has to END.

So goodnight Witches, Goblins, Princesses, Jedis and more,  
Because at 8 o'clock we lock our doors.



NOVEMBER

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Remember, this is a COMMUNITY NEWSLETTER, meaning anyone can submit an article or an advertisement for your business. Articles can be submitted via email to [Newsletter@indianriverfarmshoa.org](mailto:Newsletter@indianriverfarmshoa.org)

A color copy of the newsletter can be found on the website [indianriverfarmshoa.org](http://indianriverfarmshoa.org)



### Board Members and Contact Info

Donald Darcy

Diana Merciez

Sun Betancourt

Jim Smith

Mike Bongiorno

*[Boardofdirectors@indianriverfarmshoa.org](mailto:Boardofdirectors@indianriverfarmshoa.org)*

UPA Property Manager

Jennifer Copeland

*[jrcopeland@unitedpropertyassociates.com](mailto:jrcopeland@unitedpropertyassociates.com)*

757-995-1391

757-497-9133 (fax)

Post card reminders will continue to be mailed out by UPA. If any changes to the date a meeting will be held you will be notified in advance.

We will continue to have topics of interest listed on the card.



Indian River Farms  
Yard of the Month  
For August and September

Congratulations goes to  
Christina and Louis  
Lopez  
3841 Affirmed Way

The yard of the month for 2018 has ended but hopefully the HOA will  
bring it back for 2019.

## New ARB Members

Thank you to the 3 homeowners who volunteered to serve on the ARB Committee.

ARB stands for Architectural Review Board. The responsibility lies with this committee to do a quarterly walk through the common area of our neighborhood and report any issues to the board. This may be areas that the landscapers aren't attending to, blocked grates in the park, issues with playground equipment, fences, trees etc.

In addition, if a homeowner chooses to make structural changes to their home or yards that requires HOA approval, this is the place to start.

An application is submitted to UPA/ Jenn Copeland who then forwards it to the ARB committee for review. Once approved you will receive a letter from Jenn. If additional information is required you will also be contacted. An application can be found on the website and at the end of the newsletter.

Thank you to: Existing member Janet Wilms and new members:

Billy Tatem  
Theresa Azzarillo  
Sharolyn Rancour



## Newest Board Member

Welcome Mike Boungiorno!!

Mike and his wife Marcy have lived in Indian River Farms since 2009.

He retired from Federal Service in 2011 after almost 42 years in telecommunications. Included in these 42 years are 4 years of active duty in the USAF. His career has lead him to work in many cities across the US as well as Europe.

On a community level Mike was active in PTA and served at the elementary and High School levels which included President at both levels. In addition he served on the VA Beach City Wide PTA in the 1990s.

Mike has expressed his desire to make a difference and understands that in order to do so one must become active in the organization.

We welcome Mike to the board and look forward to his input.



## Looking Back

This column "looks back" at the most recent BOD meeting and report on items of interest that were discussed.

- The board received 3 bids for the sidewalk extension to the playground however the board had additional questions and have asked for clarification from the firms.
- The board reviewed the proposed annual budget and the board asked that there be no change in dues and okayed the budget used for 2018. This will be sent out to the homeowners for review before a formal adoption of the budget on Nov. 13th
- The board has chosen May 4, 2019 for the rescheduling of Community Day.
- The board accepted resignations from 2 ARB members and accepted 3 new members.
- Having met homeowner quorum a new board member was elected to fill the seat vacated by Tina Sudduth.
- The board will be receiving bids from landscaping companies as our current contract with All Things Green ends at the end of the year.

## Complaint Form From UPA

On the next page you will find the first page only of a form titled Indian River Farms Homeowner Complaint Form.

This is not a new form however it has been updated. Jenn, our Property Manager has asked that it be included in this month's Newsletter so that everyone knows it is available. It will also be placed on the website for ease of access. The second page will appear on the website. This page is for UPAs use.

Prior to submitting any complaint form, please consult the governing documents and include on/with the form any documentation to support your claim.

The governing documents for our neighborhood can be found on the website.

[www.indianriverfarmshoa.org](http://www.indianriverfarmshoa.org)

Once you have accessed the website click on:

*Documents and Forms*

Then choose:

*Rules and Regulations*

**Indian River Farms Homeowners Association  
COMPLAINT FORM**

This Form is available to all Association Owners as required by Section 55-530.E of the Code of Virginia, 1950, as amended ("Virginia Code"). Please complete and return this Form to the Association's Manager at least fourteen (14) days prior to the next scheduled regular Board of Directors Meeting to insure review at that Meeting. The Board will provide a written response to any submitted Association Complaint Form within seven (7) days of the Board Meeting during which the Complaint is reviewed.

Member Name (Printed): \_\_\_\_\_

Member Name (Signature): \_\_\_\_\_

Address: \_\_\_\_\_

Date: \_\_\_\_\_

Please outline and/or address your specific complaint and attach to this Form. Please include copies of all applicable provisions of the Association's Declaration, Architectural Guidelines, Articles of Incorporation, Bylaws and/or Rules and Regulations to assist the Board in understanding your complaint. Please be sure to identify and/or attach the provisions of all specific provisions of the Virginia Code you believe may apply.

Forward the completed Association Complaint Form and all attachments to:

United Property Associates  
525 S. Independence Blvd. Suite 200  
Virginia Beach, VA 23452  
Telephone: (757)497-5752  
Facsimile: (757)497-9133  
Email: [resolutions@unitedpropertyassociates.com](mailto:resolutions@unitedpropertyassociates.com)

Your signature on this form acknowledges you have received and reviewed the Association's Complaint Procedures Resolution.

Should you need assistance in understanding your rights and the processes available to common interest community Members, you may contact Virginia's Office of the Common Interest Community Ombudsman ("CICO") for assistance. The CICO may be reached:

Department of Professional and Occupational Regulation  
9960 Mayland Drive, Suite 400  
Richmond, Virginia 23233  
Telephone: (804) 367-8510 Email: [cic@dpor.virginia.gov](mailto:cic@dpor.virginia.gov)

## Kickin' It In The Kitchen

**Please send in your favorite Holiday Cookie recipe for our November Newsletter.**

**Submissions can be sent to**

**[Newsletter@indianriverfarmshoa.org](mailto:Newsletter@indianriverfarmshoa.org)**

**Lets see how many tasty treats we can incorporate in this years holiday baking!**



## BMP UPDATE

Letters were mailed out to those homeowners who live on the BMP's informing them of the status of the pending court hearing and what that means for those homeowners.

In the interest of transparency the letter has been included in this newsletter.

Please understand that if you did not receive a letter through the postal service you are not required to respond to the letter.

If anyone has any questions, concerns or comments please contact Jenn Copeland at UPA and she can relay the information to the attorneys.

We ask that no homeowner contact the Attorney's office directly as they have asked all correspondence to go through Jenn.

Thank you

# INMAN & STRICKLER P. L.C.

ATTORNEYS AND COUNSELORS AT LAW

KEITH DENSLOW • MICHAEL A. INMAN • BARRY RANDOLPH KOCH JENNIFER T. LANG-  
LEY • JEANNE S. LAUER • STEVEN P. LETOURNEAU GREGORY J. MONTENOTTE •  
THOMAS E. SNYDER • STEPHEN A. STRICKLER ROBERT V. TIMMS, JR. • ROSA R.  
WILLIS

October 9, 2018

RE: INDIAN RIVER FARMS OWNERS ASSOCIATION LAWSUIT RE-  
GARDING RETENTION PONDS

Dear Owners:

For many years there has been substantial disagreement as to the responsibility for maintaining the areas around the storm water retention ponds. Indian River Farms Owners Association has adopted differing resolutions relating to maintenance issues and with the changing board members over the years, the pendulum has swung back-and-forth as to whether it's the job of the owners who surround the ponds or the responsibility of the IRF Association, for the benefit of all the owners impacted by storm water management practices, to ensure that the property is maintained adequately. IRF has sought legal advice and a copy of the most recent opinion letter from our firm is included. We have concluded that IRF is liable for the care and maintenance of the easement area. Counter to this advice, several owners, which include some of the current members of the IRF Board, disagree with the Association maintaining any portion of the pond area.

We all agree that there needs to be control of vegetation and efforts to insure that the quality of the water and plant materials is neither an eyesore nor a hazard. Our law firm has suggested that rather than continue to dispute the responsibilities of the various parties involved, we should obtain a ruling from the Circuit Court to tell us who is

responsible. This is called a Declaratory Judgment. The need for a decision includes the concern that the City of Virginia Beach may fine or take legal action against whoever is ultimately the responsible party, if proper maintenance is not done. The obvious answer would seem to be to ask the City who they believe to be responsible however when the question was posed, the City indicated that it would proceed against both the Association and the owners to allow the Court to make that determination. Rather than waiting to be sued and because we believe that a decision must be made, our recommendation of the best way to proceed is to seek a binding determination from the court.

As a technical matter, all of the affected owners, that is all the owners who surround the retention pond, would need to be made parties to the lawsuit. You may choose to join the Association's position, which will be at no cost to you, and you will not need to obtain

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INMAN & STRICKLER P.L.C.

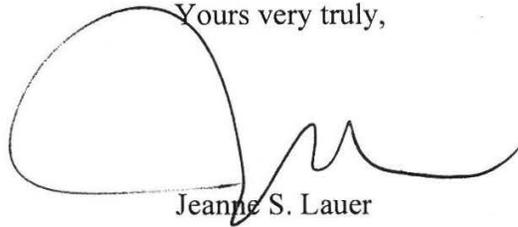
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any additional counsel, although you may certainly do so. If you disagree with the Association's position, then we are required to name you as an adverse party to the suit. It will be entirely up to you whether you seek legal representation of your own, represent yourself or you may choose to rely on other owners who have already expressed a desire to retain counsel for their position. These are choices which you will need to make, and there is no penalty if you prefer not to endorse the IRF position, however, if you do agree, please return the enclosed form so that we may include your name with the Associations on legal filings and so that you are sent appropriate documentation about the status of the lawsuit.

Please feel free to contact me with any questions you may have. With best regards, I remain,

Yours very truly,

A handwritten signature in black ink, appearing to read 'Jeanne S. Lauer'. The signature is fluid and cursive, with a large loop at the beginning and several smaller loops and flourishes towards the end.

Jeanne S. Lauer

cc: Indian River Farms Owners Association

# ROBERT'S RULES Of Order

Per the IRF bylaws we are to be using Robert's Rules of Order to conduct our board meetings. Outlined below is the order of how the meetings will be conducted.

*Call to Order*

*Welcome and Introductions*

*Approval of minutes*

*Homeowner Forum*

*Management Report*

*Treasurer Report*

*Committees Report*

*Old business*

*New business*

*Comments / Announcements*

*Adjournment*

If you are unable to attend a meeting but have a comment or question for the board, you may email these to:

[boardofdirectors@indianriverfarmshoa.org](mailto:boardofdirectors@indianriverfarmshoa.org)

Here are some key objectives for all meetings.

1. During Homeowner Forum all comments will be addressed to the board. No other homeowner should comment unless called upon by the speaker to clarify. Homeowners will remain respectful at all times.
2. Homeowner Forum will be limited to 3 minutes per speaker. Those who request speaking time are asked to sign up prior to the meeting's call to order. A sheet will be provided.
3. Upon closing of Homeowner Forum all further discussion will take place by the board members. They may call on a homeowner for input however at no other time should homeowners interrupt or interject. If a homeowner has something to add that is pertinent they are asked to raise their hand and wait to be acknowledged by the board president.
4. Board members during discussions shall each have an opportunity to weigh in. Each board member shall be given the opportunity to speak when discussing a topic. Board members shall remain respectful to others in attendance at all times. If needed, a second round of discussions will take place once everyone has the chance to weigh in.

**INDIAN RIVER FARMS OWNER'S ASSOCIATION**

**APPLICATION FOR ARCHITECTURAL REVIEW**

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**PLEASE MAIL OR DELIVER TO:**

INDIAN RIVER FARMS HOMEOWNERS ASSOCIATION  
525 South Independence Blvd., Suite 200  
Virginia Beach, VA 23452  
Phone No: (757) 497-5752      FAX No: (757) 497-9133

**WARNING:** Exterior alterations commenced without prior approval of the Architectural Review Board (ARB) are in violation of the covenants and at the applicant's own risk. (Read your Indian River Farms documents thoroughly. Please review all the Conditions, Restrictions, Easements, Charges, and Liens.)

**FROM:**      (Please print in ink or type.)

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Home Ph: \_\_\_\_\_      Work Ph: \_\_\_\_\_

**APPLICATION FOR:**      (Check appropriate work.)

- |  |   |                                       |
|--|---|---------------------------------------|
| <input type="checkbox"/> Landscaping/Grading   | <input type="checkbox"/> Patio          | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Fence                 | <input type="checkbox"/> Shed           | _____                                 |
| <input type="checkbox"/> Deck                  | <input type="checkbox"/> Pool           | _____                                 |
| <input type="checkbox"/> Repair or Replace     | <input type="checkbox"/> Satellite Dish | _____                                 |
| <input type="checkbox"/> Exterior Finish/Color | <input type="checkbox"/> Hot Tub        |                                       |
| <input type="checkbox"/> Play Structure        | <input type="checkbox"/> Driveways      |                                       |

**DESCRIPTION OF ALTERATION:** Supplemental sheets, sketches, plats, all city and state permits, and architectural drawings, fully describing the proposed alteration, must be attached before the ARB will review the application. In case of an exterior color change, a sample of the new color, along with a description of the existing color, must be submitted. **Please submit written explanation of alteration when necessary, on separate sheet.**

**NOTE:** The ARB has thirty (30) days from the date a complete application package (including required signatures, plats showing location of alteration, pictures, and/or sketches of alterations, etc.) is received to approve, deny, or respond in reference to each application. By signing below, you acknowledge that if the modification(s), as constructed, differ in any way from those described herein, your approval will not extend to such modification(s).

Applications are to be received in the Association Office no later than the twentieth (20) of the month in order to be reviewed at the next ARB meeting, which is one week prior to the Board meeting. Any application received after the twentieth will be reviewed at the next subsequent meeting.

OWNER'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

# Business Advertisements

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Call to book session!! 757 515 2404

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Weekend Get-A-Way or that Bucket List  
Adventure? I'm here to help and right in  
the neighborhood. Call and together we  
can make it happen.*

*Mike Bongiorno*

*Travel Consultant*

*757-217-7428*

*[bungie@time4vacation.com](mailto:bungie@time4vacation.com)*

Let us make your holiday meals the easiest ever !!

**Cherry wood Smoked Turkey and Ham**

2016 World Champion Female Pitmaster Finalist

**Champion BBQ at Backyard Price**

**Bigdogbbqva.com 757-619-0704**

**Theresa@bigdogbbqva.com**

