



Meeting Minutes

May 16, 2012

Independent Fire Company
200 West 2nd Avenue, Ranson WV
Jefferson County

Board Members: Pete Appignani, Gap View Village, President
Neal Nilsen, River View Park, Vice-President
Elliot Simon, Blue Ridge Acres, Treasurer
Phyllis Smock, Stonebridge, Secretary
Nance Briscoe, Cloverdale Heights, Membership Chair

Other Attendees: Joshua Arzt, Maddox Farm HOA; Betty Beckley, Whiting's Neck Farm Estates; Samantha Cronk, The Journal; Randolph Dean, Whiting's Neck Farm Estates; Beverly Fransen, Oakleigh; Neil Gillies, Cacapon Institute; Dallas Grim, Crossings on the Potomac; Kathy Knight, Carriage Park HOA; Jean Kopper, Ashton Forest HOA; John Maxey, John Brown's Farm; Rosa Lee Riggins, Ashton Forest HOA; Jennifer Syron, Chapel View HOA

Guest Speaker: Neil Gillies, Cacapon Institute

Mr. Gillies explained that urban lands, including HOAs, contribute a certain amount of the total load of the Bay's pollutants of concern (nutrients and sediment) in stormwater runoff.

- Cacapon Institute is committed to seeking ways to reduce these pollutant loads in stormwater by facilitating the widespread adoption of voluntary best management practices (like tree plantings and rain gardens), rather than regulatory remedies.
- Cacapon Institute will be funded through the WV Bay Implementation Grant to work with up to three HOAs to pilot a **Community Environmental Management** program. The goal is to educate these communities on storm water management and on practices that homeowners can easily implement on their property that, in concert with other property owners in their development, have the potential to significantly reduce stormwater runoff. This reduction will reduce pressure on the storm water management systems HOAs are required to maintain, in addition to helping with the Bay goals.

Mr. Gillies provided handouts regarding the Potomac Watershed Partnership and the WV Chesapeake Bay Phase II Watershed Implementation Plan.

The meeting was called to order at 7:10 pm by Pete Appignani at the Independent Fire Company

I. Approval of April meeting minutes

Elliot Simon moved to approve April meeting minutes as presented. Motion was seconded by Neil. Motion passed without objection.

II. Executive Reports:

Treasurer Report -Elliot Simon submitted the Treasurer's report. Opening balance of \$4,919.43, deposits \$200, dispersals of \$407.38 and closing balance of \$4,712.05 as of 5/16/12. Report was put into the record. Breckenridge Owners Association and Green Valley did not renew membership.

Membership Report -Nance Briscoe reported new members in EPOHOA include: Maddox Farms, Crossing on the Potomac, and Whiting Neck Farms Estates. White Oaks is voting on membership at their annual meeting. Currently membership totals 33 HOAs representing 7,445 homeowners and 14, 890 constituents.

III. Old Business:

Update on Rt. 340 – Kathy and Nance attended Jefferson County Planning & Zoning meeting. The May 16th DRAFT version of the US 340 Gateway Plan is now available to the public for input. The public hearing is scheduled for **June 12th at 7:00 p.m.** in the basement of the Charles Town Library.

Member Directory—Nance reported the EPOHOA will have greater visibility through the use of ChimpMail. Suzanne Malesic was a guest on WRNR radio talking about the Patrick Henry Estates favorable decision. WRNR would also like to have guests from EPOHOA on the radio.

Ad Hoc Committee on Bylaws—no report

EPOHOA Debit card – Elliot and Nance will work out logistics regarding this issue.

Berkeley County Chamber of Commerce Membership—Elliot has filed for membership for \$134 fee. Elliot designated himself as the representative for the time being. A link to from their website to ours is an additional \$50.

IV. New Business:

Jefferson and Berkeley County fairs—Berkeley County Fair is Aug. 4-11, 2012. The fee is \$250 for 25' x 25' space. Jefferson County Fair's fee is also \$250 for 12 x 20' space. Jefferson County Fair is the last week in August. Discussion resulted in asking Nance to send out a Request for Volunteers through ChimpMail to see how many people would be willing to work at fairs before registering.

Candidate Forum for General Elections—tabled.

Jefferson county Clerk Request to post Election Schedule Signs at entrance to HOAs—Nance said that the Jefferson County Clerk will make available election signs to be posted at the front entrance of HOA communities, if they so desire, one week to ten days prior to the General Election on Nov. 6th. This information has been made available in *The Journal* and the consensus of the Board is to post this information on the EPOHOA website.

EPOHOA Survey—Jennifer Syron has put together a survey to assess and prioritize common areas of interest and sharing information. The survey will be put out electronically and help in short term and long term planning.

WV Legislative Interim Study—In April, Jennifer Syron participated in a phone conference call with Senator Snyder and the drafter of 36B, the Uniform Common Interest Ownership Act. Carl Lismond is the drafter on the Uniform Law Commission, a non-partisan group that looks at laws in all 50 states and recommends standards for legislation. The topic of the call was amending 36B. West Virginia adopted the Act in 1982 and it has never been amended in West Virginia. However other states have amended 36B and WV is now looking at the 2008 amended version. In 2008 States were trying to control HOA Board members from overreaching and protecting individual homeowners by requiring record keeping, open meetings, and tenants that are renting.

If you live in Jefferson County, it is likely that you live in a limited expense community and your community is exempt from this law.

The discussion resulted in a decision to review the 2008 amended act line by line by representatives including developers, builders, banks, credit unions, ad hoc homeowner groups, CAI, and representatives from large common interest homeowner groups.

Jennifer will post the amendments on the website for all to read and would like to put together an ad hoc committee to go through the amendment. Additionally she would like to create a data base of all HOAs in Jefferson and Berkeley counties.

Elliot commented that fewer than 10 states have adopted the Uniform Common Interest Ownership Act.

Tolling Subdivisions—John Maxey defined two types of Tolling in Jefferson County. Tolling is a term used that means delaying the deadline. The WV legislature passed a law, SB 595, two years ago that provided for a one time extension from Dec 31, 2009 to July 1, 2012 for a developer who had received preliminary plat approval but had not yet started.

A public hearing is scheduled for May 31, 2012 regarding the extension of SB595. Maxey said that it was his personal opinion that any extension of SB595 should be

contingent on the fact that developers be required to meet new storm water management regulations that exist when the development is completed.

The second type of tolling is tolling on bonding requirements. County did not have sufficient bonding in place to protect homeowners. Development community is requesting tolling bonds on subdivisions. If subdivision has not been started, developer files a merger deed which allows him to return the lots if he fails to develop the land. The developer provides a \$10,000 letter of credit instead of a bond for three years. However, developers who have started subdivisions want to toll the bond on remaining phases.

John Maxey recommended that the EPOHOA write a letter to the Jefferson County Commissioners opposing tolling bonding to partial subdivisions and that an EPOHOA representative attend the public hearing on May 31, 2012 opposing the extension of SB 595 which extends the tolling that expires on July 1, 2012.

Following John Maxey's presentation, Pete moved to draft a letter to the Jefferson County Commissioners prior to May 31, 2012 outlining the impact on HOAs if tolling is extended and, in particular, in response to the request by Mike Wiley of Beallair Homes, LLC amending the bonding tolling policy to allow a one-time partial release of previously tolled lots. Nance seconded and motion passed.

Announcements:

Nance announced that the Attorney General has opened an office in Martinsburg to help people with mortgages under water. Approximately \$34 million dollars are available for re-financing and for homes in foreclosure, if applicant qualifies. Stephen Skinner is heading up this program to help homeowners. Information is posted on the EPOHOA website.

Nance also announced that the Jefferson County Sheriff Shirley is offering a Cadet Camp for kids this summer. Applications are due by May 18, 2012. Cost is \$50.

Neal moved to adjourn the meeting. Elliot seconded and motion carried. Meeting adjourned at 9:15 pm.

NEXT SCHEDULED MEETING
June 16, 2012 (Saturday) 9:00 am
Bedington Ruritan 3947 Williamsport Pike
Martinsburg, WV 25401
Berkeley County

Guest Speaker
Mountain View Solar

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