



**Meeting Minutes
February 20, 2013
Bedington Ruritan
3947 Williamsport Pike
Martinsburg WV 25401
Berkeley County**

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

Other Attendees: Joshua Arzt, Maddex Farm HOA; Bob Ayer, Spring Mills Unit Owners; Betty Beckley, Whiting's Neck Farm Estates; John Birl, Spring Mills; Jane Cook, Potomac River Farms HOA 1&2; Aileen Curfman, Potomac river Farm 1&2; Paul Gavin, Federal Hills HOA; Dallas Grimm, Crossings on the Potomac; Cy Kammeier, Weber Springs HOA; James Kief, Springfield Village HOA; Kathy Knight, Carriage Park HOA; Jean Kopper, Ashton Forest HOA; Larry Lam, Spring Mills Farm HOA; Mark Liddell; Carriage Park I; Richard Lindvig, Bentwood Estates; Cheryl McConnell; Ryans Glen; Suzanne Malesic, Patrick Henry Estates; Thomas Resler, Potomac Hills; Rosalee Riggins, Ashton Forest HOA; Robert Ryan, Bentwood Estates; Chris Spicher, Musselman Square; Sandy Spicher, Musselman Square; Keith Stains, PMP; Richard Sussmann, PMP; John Swanger, Bentwood Estates; Jennifer Syron, Chapel View HOA; Zack Walker, PMP; John Wilgeroth, Round Top Estates POA; Roger B. Williams, Orchard View HOA

The meeting was called to order at 7:10 pm by Pete Appignani at the Bedington Ruritan Berkeley County. Pete asked board members to introduce themselves as listed above.

Approval of January 16, 2013 meeting minutes

Nance moved to approve January meeting minutes noting the need to amend page numbers. Suzanne seconded the motion. Motion passed without objection.

I. Executive Reports:

Treasurer Report –Elliot reported opening balance as of January 17, 2013, of \$3,837.99; deposits of \$575.00; dispersals of \$231.33, and a closing balance of \$4,181.66. Report was put into the record.

Elliot noted membership dues are now due for the start of the new year. He is preparing invoices and has already received dues from some members.

Membership Report –Nance explained that in order to join EPOHOA, a homeowners association must register and be certified by the West Virginia Secretary of State every year.

She handed out information including reinstatement documents, West Virginia Tax clearance forms, fees and other information regarding fiduciary responsibilities. Potomac River Farms is comprised of two separate HOAs and they are working out the paperwork to join. Birch Creek in Berkeley County is also in the process of getting certified by the Secretary of State and plans to join EPOHOA. There are currently 7,114 total members; 31 HOAs and 11 individual members.

Ad Hoc Committee on Bylaws—Committee has completed a report. Pete asked the Committee to submit their report to be placed on the agenda for next meeting.

Legislative Review Committee—Jennifer Syron recapped the principal beliefs of the committee that led to working with State Legislators to draft new legislation that would amend the 1982 Uniform Common Interest Act and specifically Chapter 36B.

The EPOHOA Legislative Review Committee's basic beliefs are:

1. Property values in Common Interest Communities (CIC) can only be maintained when homebuyers are given full financial disclosure enabling them to make financial decisions;
2. (CIC)s are properly established and declarant is held accountable during declarant control;
3. CICs are able to assess both immediate and long term operation maintenance obligations;
4. CICs are able to collect in full annual assessments;
5. CICs are established with bylaws enabling them to operate;
6. CICs have legal standing and financial resources to function;
7. CICs have a legal guarantee of express and limited warranties;
8. Homeowners are protected from overreaching boards;
9. Homeowners have the right to request and review records;
10. Homeowners are guaranteed the right to participate in open meetings;
11. Homeowners are protected by incorporation of association;
12. Transparency practices are clearly defined for all participants.

Currently there is an exemption in the 1982 UCIOA law that allow developers to exempt all but 3 clauses of the law and the EPOHOA legislative committee would like to close that loophole. Senator Snyder and Delegate Kump have worked with the EPOHOA legislative committee. The State Legislative Committee voted a review of the law out of committee. This item will now be taken up during this year's legislative session. However, an attorney from Bowles Rice is currently reviewing the recommendations to ensure they are in compliance with West Virginia Code. The matter of full financial disclosure for all communities may be in question, but a required budget has been proposed for potential homebuyers when construction is underway. The EPOHOA committee would like an unfunded reserve study requirement for every community so that homebuyers can plan for the future of replacement of capital improvements such as roads, storm management, landscaping, etc. as part of a full disclosure package.

Draft legislation will be prepared and some of EPOHOAs recommendation will be considered.

Jennifer also reported another piece of legislation SB65 has been proposed. It has to do with sales and use tax on homeowners reserve funds. It will be posted and discussed after she has had time to review it.

Guest Speaker: Elaine Mauck, Berkeley County Council Member

Councilwoman Mauck was invited to speak on the subject of roads. She stated Berkeley County has many subdivisions with no governing associations but their roads are private. The WV State Department of Highways only plows roads paid for by public funds. The State is no longer accepting any orphan roads. Jefferson County is working on an update of the county's 2014 Comprehensive Plan. Berkeley County also has a Comprehensive Plan and an update is due in 2016. Ms. Mauck urged people to get involved to address these issues. She also noted that during the past 4 years there are many new people now serving in the Berkeley County Planning Department and on the County Council and they will be addressing many of these issues with a fresh approach.

President's Brief:

Pete announced he would be representing the EPOHOA at the 2/27/13 Jefferson County Comprehensive Plan Steering Committee at the Charles Town Public Library. Pete also encouraged volunteers to participate on EPOHOA committees. He restated EPOHOA priorities which include legislative issues and education for HOA Boards.

Pete also emphasized the importance of HOAs filing for certification with the WV Secretary of State's office to keep current.

Suzanne Malesic reported on the initiatives for the Jefferson County Comprehensive Plan and provided handouts regarding Lunch and Learn Workshops, held on Wednesdays throughout March and an Agricultural Community and Economy Workshop scheduled for March 4, 2013. Suzanne encouraged feedback from the community and to get involved with the Jefferson County Comprehensive Plan. These decisions will affect Berkeley County as well. She also announced a transportation workshop scheduled for Wednesday, March 6 at the Airport Authority in Berkeley County. PanTran and some other transportations resources will be there.

Old Business

Emergency Services Contacts— Neal Nilsen was not in attendance. Renee Hall will be the contact person for Berkeley County.

Education Seminar

Pete reminded everyone that EPOHOA has scheduled an HOA Board of Directors Seminar on Saturday, April 20, 2013 from 9 am to 12 Noon at the Kingdom of Life Cathedral in Charles Town. The facilitator is Braun A. Hamstead.

Status of Web Site—Pete congratulated Nance on transition to new web site. Nance also thanked Josh Arzt for his assistance.

Eastern Panhandle Home Builders Association—EPOHOA will be an exhibitor at the Home Show March 8 through March 10. Need volunteers to work for an hour or two during the Home Show.

Meeting Place—Nance handed out new calendars which indicates starting in July meetings will be held at St. Leo's Catholic Church every other month.

New Business

Suzanne announced there is a Farmland Protection Survey on line and she encouraged people to take the survey. Nance will put the link on the web site.

Mentors—postpone discussion to later date.

Jennifer Syron would like to put together a group of people who live in communities where the Developer has left and the bond has been pulled to talk about solving problems. She will give information to Nance to put on web site.

Pete asked the question if there is any interest in EPOHOA attending the Eastern Panhandle Transit Authority regional planning session. PanTran will pick up people in an HOA upon request, but they do not have scheduled routes inside HOAs. Elliot Simon will attend the meeting scheduled on Feb. 27th and will report back to EPOHOA.

In the News

Phyllis Smock reported that Stonebridge Golf Course was foreclosed on by United Bank. The Stonebridge Golf Community is very interested in seeing that the property remains a golf course and will oppose any attempts to a plan change for commercial or residential development.

Ryan's Glen was also in the news regarding efforts to expand Rt. 340. Cheryl McConnell reported they are waiting for announcement of new proposal.

Jennifer Syron announced Chapel View has control of their HOA after many years of negotiating and solving issues.

Pete asked Elliot to complete the work on application for 501(c)(3) status

Meeting adjourned at 8:30 pm.

Phyllis Smock
EPOHOA Secretary

NEXT SCHEDULED MEETING
March 16, 2013 (Saturday) 9:00 am
Independent Fire Company
200 West 2nd Avenue
Ranson WV
Jefferson County
EPOHOA.org