



**Meeting Minutes
August 21, 2013
Bedington Ruritan
3947 Williamsport Pike
Martinsburg WV 25401
Berkeley 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: Bob Ayrer, Spring Mills Unit Owners; Betty Beckley, Whiting's Neck Farm Estates; Marilee Cunningham, Potomac Terrace; James Kief, Springfield Village HOA; Jean Kopper, Ashton Forest HOA; Larry Lam, Spring Mill Farm; Suzanne Malesic, Patrick Henry Estates; Joe Pieczunka, Stoneleigh; Thomas Resler, Potomac Hills; Rosalee Riggins, Ashton Forest HOA; Ted Schiltz, Potomac Terrace; Jan Schiltz, Potomac Terrace; Richard Sussmann, PMP; John Swauler, Bentwood Estates;

The meeting was called to order at 7:00 pm by Pete Appignani at the Bedington Ruritan Berkeley County.

Approval of July 17, 2013 meeting minutes

Nance moved to approve July meeting minutes. Elliot seconded the motion. Motion passed without objection.

I. Executive Reports:

Treasurer Report –Elliot reported for period of July 18, 2013 through August 21, 2013, opening balance \$5,436.57, deposits of \$500, dispersals of \$139 for renewal of membership in Berkeley County Chamber of Commerce, and a closing balance of \$5,797.57. Report was put into the record.

Report on Status of Application for 501 (c) (3)—Richard Sussmann reviewed the application and recommends a CPA write an opinion regarding the policy of disposition of assets should the organization cease to operate. Elliot will contact two CPAs, Brett Hersh and Wayne Thompson, to get an estimate on the cost of writing such a letter of policy. Pete will contact the by-laws committee, Susan Beidler and John Wilgeroth, and advise them that this policy must be incorporated into the by-laws as an amendment.

Membership Report –Nance reminded HOA members to go to EPOHOA web site and review their own unique HOA information form. She requested members to update the form with names of officers and any pertinent information about the community. She also requested that when the form is updated, whoever is doing the update to be sure to include their name so she can verify information is correct. Nance said she had been contacted by 3 different HOAs showing interest and asking for information about EPOHOA which she provided. Nance also assisted Elliot in contacting HOAs about renewal of membership. Elliot said there are only 5 HOAs that have not renewed and thanked Nance for the help.

Ad Hoc Committee on Bylaws—No report.

Legislative Review Committee—No report.

Policy Committee on Web site sponsors and advertisers—Richard Sussmann presented a summary of committee recommendations as follows:

Recommendation: do not allow advertisement;

Recommendation: draft and adopt a formal sponsorship policy consistent with 501(c)(3) regulations;

Recommendation: make budget provisions for sponsorship expenses, for example, sponsorship expense that would be legal advice to review any forms, applications, checklists and policies to ensure compliance with 501(c)(3) or other applicable regulations;

Recommendation: adopt five levels of sponsorship in the following denominations: \$250, \$500, \$1,000, \$1,500, and \$3,000;

Richard moved to modify and expand the Advertising/Sponsorship Exploratory Committee into a permanent Sponsorship Committee, with the purpose of 1) creating all necessary forms and guidelines to comply with 501(c) (3) regulations, and 2) to screen all potential sponsor to ensure their goals are compatible with the objectives of EPOHOA. Neal seconded the motion. No discussion. Motion passed without objection.

Policy Committee for Legal Advice

Richard Sussmann presented a draft Policy on Legal Information vs. Legal Advice. Phyllis moved to accept the Policy on Legal Information vs. Legal Advice with one correction of one word change on second page from “requiring to require.” Nance seconded the motion.

Discussion: Nance would like to add text of links in the policy and incorporate language from the links into the policy. No further discussion.

Motion approved. Policy applies to all officers and members of the EPOHOA if they are representing the organization.

Phyllis Smock will sign the policy and the final policy will be posted on the EPOHOA web site.

Unfinished Business

Legislative Liaisons—Pete contacted the two current Legislative Liaisons, Mike Roberts and Russell Kitchner, regarding the removal of the position of Legislative Liaison, and they had no objection.

Elliott moved to remove the positions of Legislative Liaison. Neal seconded the motion. Motion passed without objection.

A permanent standing Legislative Committee chaired by Jennifer Syron is already in place.

New Business

EPOHOA Officers' Organizational Retreat

In the absence of Jennifer Syron, Suzanne reported that Jennifer will be sending out an e-mail to the Officers and Directors (4 officers and 3 Chairmen of Committees), later this week suggesting some dates. Once a date is confirmed, she will work on finding a location and work on an agenda.

Education Committee:

Phyllis Smock moved to nominate Rosalee Riggins as chair of Education Committee.

Neal seconded the motion. Motion passed without objection.

Richard Sussmann, Betty Beckley, and Suzanne Malesic volunteered to serve on the committee.

In the News

On behalf of Maddox Farms, Richard Sussmann, reported that the Maddox Farms Annexation Committee has approached the Shepherdstown Town Council about annexation of their community. They are investigating all the pros and cons of annexation. No decisions have been made at this point.

Pete reported that the WV Public Service Commission has withdrawn as an intervener from the Federal Energy Regulatory Commission PATH case. Pete noted that the utilities are trying to recover its investments in building the proposed Potomac Appalachian Transmission Highway (PATH). But at this point in time the PATH is a dead issue. Nance expressed concerns about the homes in Cloverdale that were affected by the proposed PATH. Members suggested Cloverdale should bill the owners of the properties for their assessments.

Betty Beckley asked about the status of the proposed purchase of the Harrison Plant. Pete reported a settlement had just been posted on the PSC web site before tonight's meeting, but he did not have the details, other than the fact that all the

interveners have agreed to the settlement except for one.

Suzanne Malesic reported the developer of Patrick Henry Estates has surveyed his land and plans to install a post and wire fence to define his property. His survey seems to include some parts of homeowners' lots. Pete advised Suzanne that it appears that homeowners will have to get surveys of their own to protect their property rights.. The HOA is investigating limitations on length of time a person can claim property.

Announcements

Board training—Ed Thomas and Richard Sussmann will be presenting a HOA Board of Directors training session on Sat. Sept. 14, 2013 at the Comfort Inn in Martinsburg. Nance has posted the announcement on the web site and asked anyone interested to please register as soon as possible.

Jefferson County Commission is planning a meeting on broadband cable issues during the daytime hours (time and date to be determined).

Suzanne noted an EPOHOA meeting is scheduled for Dec. 21 and would like the Board to reconsider the date. Pete will add this item to next month's agenda.

Roundtables

Bob Ayers, representing 467 homes in Spring Mills HOA, spoke about their experience with Berkeley County. In 2010 Berkeley County Council passed an ordinance, which adopted the International Building Maintenance Code. Berkeley County employed Donna Seiler to be the Safe & Clean enforcement officer for that ordinance code. Ayers said that she has been very helpful in keeping the Conditions, Covenants & Restrictions from being violated. However, the Berkeley County Council announced that they intend to eliminate the position that Donna Seiler holds and that her responsibilities will be shared between Solid Waste Authority and Engineering Authority. These departments have indicated to Bob Ayers that they do not have the manpower to do anything to help Spring Mills especially in regard to enforcement of the International Building Maintenance Code.

Ayers explained that filing a lawsuit for Breach of Contract is about the only legal recourse an HOA has for violations of CCRs. For delinquent assessments, the Magistrate Court will cut a Writ of Execution, but the Sheriff will not enforce the Writs. Most of the delinquent accounts in Spring Mills are people whose credit is overextended and the Sheriff told Bob that they do not have resources to confiscate items or store items for auction. The only way a Writ is successfully carried out is when the violator is able to settle with cash.

Bob Ayers has asked for agenda time at the Berkeley County Council meeting on September 5th to find out what they have in mind for giving some enforcement back up to an HOA in their efforts to keep an HOA in compliance with the

International Building Maintenance Code. Ayers invited others to attend this meeting on Sept. 5th in support of his requests.

As soon as Bob has more information about the County Council meeting, Nance will send out a broadcast announcement.

Marilee Cunningham, president of Potomac Terrace in Harpers Ferry introduced herself as a new member. She stated their HOA is facing many problems and she is attending the EPOHOA meetings to learn. Pete encouraged her to attend the workshop in September.

Rosalee Riggins of Ashton Forest, asked for clarification regarding process required for filing a lien on property homeowners. Following discussion, Rosalee was advised that due process must be followed as stated in the Covenants for her particular HOA, which usually allows for interest to accumulate and all court costs being recovered, except for cost of releasing the lien.

Richard Sussmann moved to adjourn. Neal seconded the motion. Meeting adjourned at 8:35 PM

Phyllis Smock
EPOHOA Secretary

NEXT SCHEDULED MEETING
September 21, 2013 (Saturday) 9:00 am
St. Leo's Catholic Church
2109 Sulphur Springs Road
Inwood WV
Jefferson County
EPOHOA.org