



**Meeting Minutes  
September 21, 2013  
St. Leo's Catholic Church  
2109 Sulphur Springs Road  
Inwood, WV 25428  
Jefferson County**

**Board Members:** Pete Appignani, Gap View Village, President,  
Nance Briscoe, Cloverdale Heights, Membership Chair,  
Jennifer Syron, Legislative Review Committee Chair,  
Richard Sussmann, Policy Committee for Legal Advice & Web Site  
Sponsors Chair

**Other Attendees:** Bob Ayrer, Spring Mills Unit Owners; Ted Schiltz, Potomac Terrace; Jan Schiltz, Potomac Terrace; Cheryl Middleton, Sylvan Grove; Suzanne Malesic, Patrick Henry Estates; Trudy Slater, Gerard Acres; Cheryl McConnell, Ryans Glen; Marilee Cunningham; Pete Dougherty, Jefferson County Sheriff

The meeting was called to order at 9:07 am by Pete Appignani at the St. Leo's Catholic Church Jefferson County.

Quorum discussion. After a short discussion with Richard, since our Committee Chairs are also Board members a quorum was established.

Approval of August 21, 2013 meeting minutes.

Nance moved to approve the August meeting minutes with changes. Change Harrisonburg to Harrison and delete "and have been vacated" on page 3. Bob Ayrer and Marilee Cunningham asked to correct the spelling of their names. Richard seconded the motion. Motion passed without objection.

**Executive Reports**

**Treasurer Report** –Pete reported for period of August 21, 2013 through September 21, 2013, a closing balance of \$5,772.57, with disbursal of \$408.40 and deposits of \$150.00. Report was put into the record.

Report on Status of Application for 501 (c) (3)—After review of the Articles of Incorporation, it was determined that the bylaws did not need to be changed. The Articles of Incorporation, Exhibit A, already contains the necessary language concerning the distribution of assets upon dissolution of the organization.

**Membership Committee Report** – Nance is putting together the 2014 meeting calendar and needs assistance with finding meeting space for the February, May, August and November meetings. Please contact Nance if you can offer assistance. She is communicating with homeowners who have been told by their Board they cannot attend our meetings. Our meetings are open to the public and anyone can attend. Please pass the word to “oppressed” homeowners that our organization is open to their attendance. Leisure Acres of Shepherdstown is interested in becoming a member.

**Ad Hoc Committee on Bylaws** – No report

**Legislative Review Committee** – Jennifer asked that this topic be moved until after the Sheriff spoke. The agenda was amended without objection.

**Web site sponsors and advertisers Committee** – No Report

**Legal Advice Committee** – No Report

**Education Committee** – No Report

**Guest Speaker Sheriff Pete Dougherty:**

The Sheriff explained his roles and responsibilities and since he lives in an HOA he was sympathetic to some of our problems and issues. The Sheriff’s responsibilities extend to enforcement of court order & criminal laws, safety of the roads, respond to emergencies, provide security for function in the County, performing welfare checks, animal enforcement and rescue, tax collector for county, board of education and municipalities, and provide security for the court house (bailiffs). Limited by resources – the county is under served and has less deputies per capita than any other county in the state.

He explained the limited role of Reserve Deputies, who assist with traffic accidents and security at large county functions. If you are interested in becoming a Reserve Deputy, please contact the Sheriff; however, understand that it does require a significant commitment on your part.

The Sheriff explained limitations on enforcing traffic laws in HOAs. They will respond when then can, especially for repeat offenders and things like ATVs. The Sheriff will enforce a court order for debt collection but he explained why this could be problematic. He will work with the HOA to enforce the court order. He then fielded questions from the members in attendance.

- Do you still need a letter from the HOA to access the HOA? He does not require a letter to come on HOA property as his predecessor did.
- HOA speed limit enforcement: He can only enforce speed limits set by the Department of Highways.
- ATVs: He can charge a parent if they catch a minor riding an ATV. He is using new technology such as cameras with a GPS locator, tied to the world clock that takes photos with date & time stamps (e.g. cell phones) to gather evidence. There was a short discussion on HOAs complying with the county ATVs ordinance process, but nothing

was finalized. He did state that for HOAs that cross county boundaries, to report the incident to the county where the incident occurred.

- Neighborhood Watch: The issue was a neighborhood watch driving around with a weapon. The Sheriff was very diplomatic and urged no one to use a weapon for intimidation. A Reserve Deputy who lives in a subdivision can patrol his subdivision.
- Fireworks: Virtually impossible for an HOA to enforce fireworks restrictions. The Sheriff's limited resources make this problematic for his deputies. However, if you notice someone being endangered call the Sheriff.

**Legislative Review Committee** – Jennifer related that she had met with Senator Snyder. She needs to rewrite the bill using the model act and conform to West Virginia law, including the addition of the items we want. After the documents are merged three attorneys from the Eastern Panhandle will review them. Hopefully, we will meet with Senator Snyder at the end of October so he can introduce the bill at the beginning of the legislative session.

Jennifer needs assistance in finding newspaper articles throughout WV on HOAs that illustrate the problems they have encountered. This will help illuminate the depth of the problem to the legislators and raise the fact that these public policy issues also affect their constituents – it is not just an Eastern Panhandle issue.

### **Unfinished Business**

#### Activities/meetings in the past month

- Energy Efficiency Group, meeting October 13<sup>th</sup>. Contact Nance Briscoe for details
- Internet Bandwidth meeting at Jefferson County Commission. Watch the video on Jefferson County Commission web site 09/25/2013 meeting.
- Berkeley County Council meeting, concerning doing away with enforcement of zoning controls in Berkeley County. The covenants and restrictions that the various associations are charged with enforcing provide one of the few barriers that prevents Berkeley County from backsliding into just another Appalachian blight.

EPOHOA Officers' Organizational Retreat (re: Jennifer/Suzanne) No activity yet.

### **New Business**

#### December meeting

Richard Sussman moved to cancel December meeting. Motion was seconded.

The December meeting is scheduled on 12/21/13. Last year we cancelled the November meeting because of Thanksgiving. Suggestion to send out notice in mid December with draft November meeting minutes, financial report and wishing everyone a happy holiday. Motion passed. Nance will contact the Ruritan. Since we usually send out notices we will send out a notice as suggested.

### The September Workshop

Richard thanked Nance for the surveys. The surveys indicated that the workshop was balanced. Surprised that many board members were not aware of the legal obligations it had concerning the HOA. Many attendees appreciated the budget session and want more information on preparation of a budget. We have audio of the first two sessions as well as copies of the PowerPoint presentations that will be put on the web site shortly. There was a suggestion to put together a generic budget at a future meeting. It was noted that budgets should to be tailored for each HOA.

One clarification from the workshop was made by Richard. WV Code 31E does not allow for disenfranchising a member (i.e., not allowing them to vote). State laws supersede covenants, bylaws and polices. This issue has not been addressed by the WV Supreme Court and it was suggested that to be safe not to disenfranchise members of your HOA. It was also suggested that your bylaws require all Board members and officers to be in good standing. Note that WV Code 31E implies that unincorporated organizations also must follow the code.

The President expressed thanks on behalf of EPOHOA. More workshops are being considered.

### In the News – Only if the HOA is represented at the meeting

Sylvan Grove: The entrance was closed by CSX in April. The developer finally signed the roads over to the HOA. CSX threatened to remove the crossing, but the HOA contacted the WV Department of Highways and Senator Blair who intervened. Railroads are exempt from adverse possession and no statute of limitations that apply to railroad crossings. This saga continues.

### Announcements:

- Please complete the Envision Jefferson 2035 Survey. Suzanne to send verbiage to Nance who will send a mail chimp message to Jefferson County EPOHOA members.
- Elections for Board/Officers will be held in January.
- Another workshop is anticipated to be held in the January/February 2014 time frame. Richard will discuss with Rosalee Riggins

Richard Sussmann moved to adjourn. Jennifer Syron seconded the motion. Meeting adjourned at 11:39 PM

Pete Appignani  
EPOHOA President

**NEXT SCHEDULED MEETING**  
**Wed, October 16, 7pm – 9pm**  
**Bedington Ruritan,**  
**Berkeley County 3947 Williamsport Pike**  
**Martinsburg WV 25401**  
**EPOHOA.org**