



Meeting Minutes
May 21, 2014
Independent Fire Company
200 West 2nd Avenue
Ranson WV 25438 Jefferson County

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

Other Attendees: Pete Appignani, Gap View; Mike Boyle, Locust Hill HOA; James Corey, Lake Forest; Mark Liddell, Carriage Park HOA; Mary McLean and Mark McLean, The Townes of Inwood; Barbara May, Apple Knolls; Suzanne Malasic, Patrick Henry Estates; Stephanie Miller, Berkeley County; RosaLee Riggins, Ashton Forest HOA; Ted Schiltz, Potomac Terrace; Jan Schiltz, Potomac Terrace; Donna Seiller, Berkeley County; Frank Stottelemyer, Apple Knolls; Tina Stottlemyer, Apple Knolls; Jennifer Syron.

The meeting was called to order at 7:04 pm by Neal Nilsen, Acting President, at the Independent Fire Company.

Sue Lawton was invited to be a guest speaker from Public Service District on the topic of PSD ability to charge for connection to sewers, but she was unable to attend. Neal stated he hoped to have the PSD ruling at the next meeting.

Neal thanked all participants who attended the May 17th workshop. The total attendance was 35 and Richard Sussmann covered a lot of subject matter.

Membership Sharing

Nance reported 4 potential members from Berkeley, Jefferson, Grant, and Hampshire Counties are considering joining, but no EPOHOA applications have been received.

Elliot asked a general question about road conditions in HOAs following the last great storm. Some communities had extensive flooding and road repair.

Nance reported she got permission from the Community Association Institute's editor of their magazine "Common Ground" to post an article on the EPOHOA website on the subject of why FEMA does not cover or give emergency relief funds to HOAs. The

Stafford Act, which is also on the EPOHOA website, defines eligibility for emergency relief funds. HOAs are considered small businesses and not eligible for FEMA funds.

Elliot made the point that HOAs are responsible for maintaining the common areas which include roads, and act like a municipality but are not given any authority or standing as a municipality by State or Federal law.

Guest Presentation

Nance Briscoe presented a summary regarding mail delivery in Cloverdale HOA and how the new GIS/Addresses has affected the HOA. In 1987 the builder originally built a cluster mailbox structure for 145 homes to receive their mail and in accordance to the Jefferson County engineering requirements.

When the Jefferson County GIS system was put into place, the addresses of the Cloverdale homes were changed, but the U.S. Post Office retained the mailbox cluster box number 142, which it now considers a fictitious address.

In 2014, the cluster mailbox structure for the community was in need of repair so the community rebuilt it and Cloverdale installed the new cluster metal boxes.

However, Todd Fagan, the GIS/Addressing Office Director, informed Cloverdale that the HOA does not meet the new 911 guidelines which are used to determine physical location. Sooner or later subdivisions will not have to have a physical address. Consequently, Cloverdale has been forced to add an expense to their annual budget for a P.O. Box at the US Post Office for the annual rental of a box to receive mail for the association at a total of \$1,500 per year which includes gas for 312 days/year round trip for mail pick-up..

The ordinance is statewide –Homeland Security at <http://www.dhsem.wv.gov/gis/Pages/default.aspx> . Nance suggests each HOA should search this website for their own county's 911 ordinances.

A comment was made that Federal laws override any state or county regulations. Mail delivery is one issue and the creation of Homeland Security GIS addresses system is another issue having to do with emergency situations.

If an HOA has a dedicated U.S. Postal P.O. Box, there is no problem.

Neal added a little history to the discussion. In 1890, nearly 41 million people—65 percent of the American population—lived in rural areas. Although many city dwellers had enjoyed free home delivery since 1863, rural citizens had to pick up their mail at the Post Office, leading one farmer to ask “why should the cities have fancy mail service and the old colonial system still prevail in the country districts?”

On Oct. 1, 1896, rural free delivery (RFD) service began in Charles Town, Halltown, and Uvilla in West Virginia.

According to Neal the Post Office seems to be taking away what started as free rural mail delivery and imposing new restrictions.

Question from The Townes at Innwood

Mary McLean asked what can be done with an individual who is in violation of a Covenant, is notified, and the individual complies but within 3 days, repeats the violation.

Ms. McLean asked if she has the authority to inform a renter who has placed a structure on the common area that they are in violation of a Covenant.

Ms. McLean was advised that the association must be consistent with any policy she wants to institute and not in violation of her governing documents. She was also told to notify the owner of violation of Covenant by certified letter. She was also told any policies of the association should be vetted through an attorney.

Jennifer Syron described her own community's process for repeat offenders.

Babarba May of Apple Knolls reported they had a homeowner who was keeping 2 chickens in their home and letting them out at night. This was a clear violation of the Covenants. The homeowner was reported to a Berkeley County Agency and the chickens were gone within the month.

Suzanne Malesic stated that her community, Patrick Henry Estates, is beginning the process of rewriting their governing documents and welcomes anyone's input who has already gone through this process.

Neal announced the conclusion of the **Open Forum** part of the meeting. The next portion of the agenda will be to conduct the EPOHOA Business Meeting.

Minutes

Elliot moved to approve the April 16, 2014 minutes as written. Nance seconded the motion. Motion passed without objection.

Executive and Committee Reports

Treasurer Report:

Elliot Simon reported for the period from April 17, 2014 through May 21, 2014, opening balance of \$7,826.41; deposits of \$275.00; dispersals of \$739.34; closing balance of \$7,362.07. A decrease in cash of \$464.34. Elliot reminded everyone this is a Cash Flow Statement. Copies were put into the file.

Report on 501 (C) (3) Elliot reported the application has been submitted to the IRS.

Membership Committee – Nance had nothing further to report.

Bylaws Committee—No report

Nominating Report –No Report

Legislative Review Committee – Jennifer reported she had spoken with Senator Snyder. He is currently in Charleston at the Interim Legislative Session. After May 23, she will get together with him, take a look at the Bill and start working on it again. She is recommending that they go through the Uniform Law Commission. Jennifer will be meeting with Senator Snyder and Delegate Skinner. Jennifer hopes eventually to get the entire West Virginia delegation to support amending Chapter 36B.

Education Committee:

Education Committee is developing a list of potential speakers. They are planning to have a speaker talk about the effects of Chapter 36B on HOAs.as one of the subjects.

RosaLee Riggins is working to coordinate speakers for the monthly meetings in addition to putting together workshops. The Education Committee will cull the minutes for past speakers to begin building a pool of speakers for future meetings.

The Education Committee is developing future workshops with a range of educational materials that will include basic information, intermediate information and more advanced courses for people who are more experienced.

Nance said when she talks to homeowners she often finds they not only are uninformed about their governing documents, they are often unaware that the documents can be obtained in the county clerk's office or from a settlement attorney who should have provided them with information about the HOA in which they purchased a home. Nance invites many people to attend EPOHOA meetings to learn more.

Sponsorship Committee – No report. Richard sent a message to Neal that he was stepping down as Chair because he is over-extended in his duties.

CAI Exploratory Committee—Elliot reported that this committee will become active once the Bylaws have been re-written. Jennifer stated she will have more time to help Richard on Bylaws in July.

At the Feb. 19, 2014 meeting, Elliot volunteered to be the Chair of the CAI Exploratory Committee. Nance, Richard, Jennifer and Neal all volunteered to be on the committee.

Nance suggested waiting until the next meeting and announce the committee meeting date.

Insurance Policy for EPOHOA

Suzanne reported State Farm refused to give a quote; no response from Chris Bell whom Bob Ayers recommended; and Brian Jones at Nationwide will get a quote through a broker. Elliot asked her to check with Smith Nadenbousch for another quote.

Old Business

Elliot inquired if anyone was working on a database of all HOAs in the Eastern Panhandle. Jennifer initially started to develop a database because she wanted to know how many HOAs were exempt from Chapter 36B and other relevant information. Exemption is being a Limited Expense Liability Community. There are only 3 sections of Chapter 36B that apply if the HOA is a Limited Expense Liability. Generally, a database is nearly impossible to maintain.

New Business

JCPSD response regarding Public Service District. Neal reported that Larry Kump introduced Bill 4007 during last session of WV Legislature. Jefferson County does not force homeowners to hook up to sewer system, but Berkeley County does require homeowners to hook up to sewer system. Neal asked Sue Lawton to provide the PSC ruling that says each PSD can govern their own rules.

Phyllis moved to adjourn. Elliot seconded. Without objection meeting adjourned at 9:00 p.m.

**Next Scheduled Meeting
Sat. June 21, 2014, 9 am – 12 Noon
St. Leo's Catholic Church
2109 Sulphur springs Road
Inwood, WV 25428**

www.epohoa.org