



Eastern Panhandle Organization of Homeowners Associations, Inc., P.O. Box 1320 - Harper's Ferry - West Virginia 25425

**Meeting Minutes
July 16, 2014
Bedington Ruritan
3947 Williamsport Pike
Martinsburg WV 25401
Berkeley County**

Board Members: Elliot Simon, Blue Ridge Acres, Treasurer
Phyllis Smock, Stonebridge, Secretary
Nance Briscoe, Cloverdale Heights, Membership Chair

Other Attendees: Bob Ayrer, Spring Mills HOA; Bruce Holtje, Whitetail Ridge; Kathy Holtje, Whitetail Ridge; James Kief, Springfield Village HOA; Larry Kump, Potomac Hills HOA; Jean Kopper, Ashton Forest; Mary McLean, The Townes of Inwood; Mark McLean, The Townes of Inwood; Suzanne Malesic, Patrick Henry Estates; Charles Mordecai, Hammonds Mills; RosaLee Riggins, Ashton Forest; James Ruddy, Mountain View; Robert Ryan, Bentwood Estates; Paul Stern, Colonial Village; Richard Sussmann, PMP

The meeting was called to order at 6:47 p.m. by Elliot Simon

Treasurer's Report -Elliot Simon submitted the Treasurer's report for the period of 6/22/14 to 7/16/14. Opening balance of \$7,297.03, deposits \$100.00 and closing balance of \$7,397.03 as of 7/16/14. Report was put into the record.

Approval of May 21, 2014 meeting minutes

Bruce Holtje moved to approve May meeting minutes as presented. Motion was seconded. Motion passed without objection.

Discussion Notes from meeting held without a quorum on June 21, 2014 were also put into the record.

At this point Richard Sussmann took over as presiding Chair of the meeting.

Membership Sharing:

Mary McLean of The Townes of Inwood submitted a check to join EPOHOA. The Townes of Inwood has about 50 homes. Nance will provide the membership application to Elliot.

Mary McLean introduced herself as the president of The Townes of Inwood, and Mark McLean is vice president. There are approximately 50 townhomes. Mary has been working this past year to solve a lot of problems and they are now getting ready to have their Annual Meeting. Mary has recently accomplished getting insurance for the HOA.

Nance introduced new member, Paul Stern, representing Colonial Village HOA, from Morgan County. Colonial Village has 94 lots and about 50 homes.

Mr. Stern of Colonial Village spoke about his HOA, which is south of Berkeley Springs just past Cacapon State Park. One of the major problems the HOA faces is maintaining gravel roads. Collection of assessments is another one of the problems the HOA faces. James Kief suggested a donation to the Volunteer Fire Department might result in some free consultation on constructing and maintaining the gravel roads.

Elliot Simon of Blue Ridge Acres HOA has 10 ½ miles of road, most are dirt and gravel. They have a volunteer chairman of the roads committee and they create a budget. The HOA managed to buy a backhoe and a dump truck, and they haul in the amount of gravel needed.

Bruce Holtje of Whitetail Ridge has 7 ½ miles of gravel roads which they maintain. He has found consulting a State Forester to be very helpful providing free information regarding shaping and maintaining gravel roads.

Suzanne Malesic of Patrick Henry Estates has contacted professional representatives from Region 9, EPA and a professional hydrologist from the Cacapon Institute and some other advisors on the topic of stormwater management. Cacapon Institute Community Environment Management had a program that gave out grants to communities about 2 ½ years ago. Patrick Henry Estates applied for and was given a grant for consultation on stormwater management and arbor issues.

Richard Sussmann stated the Education Committee will be planning a September workshop on the subject of stormwater management.

Introduction of Visitors

Jim Ruddy, president of Mountain View HOA in Gerradstown. There are 35 lots and 12 homes.

Charles Mordecai, of Hammonds Mill, introduced himself. His HOA Board of Directors has indicated they do not want to become a member of EPOHOA. There are 602 homes but Mr. Mordecai stated the Board of Directors does not run a transparent HOA. He has several disagreements with the management of the HOA. Richard Sussmann stressed that Mr. Mordecai needs to get an attorney involved in order to get the HOA to follow the governing documents.

Comments:

Larry Kump reported that the work EPOHOA is doing to get the law regarding Chapter 36B amended through the WV Legislative process might take several years to get legislation passed, but he encouraged EPOHOA to keep working.

Delegate Kump reported there is an ongoing lawsuit brought by the American Farm Bureau and the West Virginia Farm Bureau regarding the Chesapeake Bay against the EPA.

Delegate Kump also reported on new rules the EPA plans to adopt regarding clean water act and standing water. If these new rules are adopted, they will have a large impact on HOAs regarding stormwater management, water drainage, etc. Permits will be required regarding these new rules and fines for violations or any point of violation will be \$37,000 per day per violation. The Farm Bureau has the complete information available on its website.

Mary McLean from The Townes of Inwood asked a question for clarification regarding HOAs being taxed by County Tax Assessor for common land. Richard Sussmann answered with qualification, that once the developer has transferred the land to the HOA then the HOA is exempt from being taxed for common areas. However, several County Tax Assessors challenge

this interpretation and several HOAs have sued the Tax Assessor stating this tax is already collected in the HOA assessment.

Mary also asked for clarification on a statement in her governing documents that says “as stated in association rules.” Richard said that this is a reference to Resolutions adopted by the Board or Membership as recorded in the minutes.

Activities for the last Month

Phyllis Smock reported that she was invited to meet with the Board of Directors of Dry Run Commons in Berkeley County to talk about EPOHOA. Phyllis provided them with a calendar of EPOHOA meetings, summarized the purpose of EPOHOA, and referred them to the website. Phyllis stated Dry Run Commons is self-governed and self-managed, and she invited them to come to the EPOHOA meetings and workshops.

Education Committee

RosaLee Riggins reported the committee is planning a workshop in September. The subject will be stormwater management. The committee is still looking for a location to hold the workshop. Guest speakers will be from Region 9, EPA and the Cacapon Institute.

The Education Committee wants to focus its workshops on topics related to management and running an HOA. The committee does not want to schedule political issues. RosaLee would like to differentiate what topics HOAs are interested in learning about.

By-Laws Committee—Richard reported that he is finishing the work on revising the By-Laws, but they still need to be reviewed by committee chairs and would like to be able to present them at the September meeting for a vote.

Nomination Committee—Once By-Laws have been passed an election will be scheduled in November.

Legislative Review Committee—No report

CAI Exploratory Committee—On hold until new officers have been elected.

Sponsors & Sponsorship Committee—On hold until By-Laws have been passed.

501 (c) (3) – Elliot Simon reported that he has received a letter from IRS that our application has been received. It takes about 180 days to be reviewed.

Website Committee:

Nance has received several inquiries from members regarding the removal of Draft Minutes, Discussion Notes, and a presentation made by Webber Springs at the last meeting. In 2011 she was asked to routinely post the draft minutes on the website. The Acting President, Neal Nilson also asked Nance to post the definition of constituent and how that is determined.

Recently Neal requested her to take the draft minutes down until approved. He also requested her to take down the Discussion Notes and the presentation made by Webber Springs, and the constituent definition.

Elliot moved to put this discussion on hold until Neal is in attendance. RosaLee seconded the motion. Motion passed without objection.

Insurance Policy for EPOHOA:

Suzanne reported the insurance agent has a general liability policy quote ready, but he is waiting for a quote for Directors and Officers policy.

As an aside the insurance agent is offering to put together a package deal for other types of coverage for EPOHOA members and residents within HOAs.

Richard said it was an interesting prospect, but we would like to have a quote for EPOHOA insurance first before considering other possibilities.

Discussion of Draft meeting minutes:

Elliot made another motion to table the discussion regarding posting EOHOA Draft meeting minutes on the website until the next meeting when Neal is present. RosaLee seconded. Motion passed without objection.

Miscellaneous Item:

Richard introduced the subject for clarification of Question #47. The question is do married couples serving on a Board of Directors each have a vote? Nance explained that when directors are elected by the owners at an annual meeting to serve as a Director on the Board, and the Board has regular meetings to conduct the business of the HOA, each person has a vote. But at the Annual Meeting of an HOA, when it is a meeting of the owners, most governing documents state one lot equals one vote.

Jean Kopper asked for clarification of Board Meetings, General Meetings, and Executive Session. Richard and Elliot responded that EPOHOA is working on a plan to conduct its business meeting efficiently but still conduct an open forum of sharing HOA specific problems. Richard said that the issues have been co-mingled but after the By-Laws have been passed, he hopes that this will issue will be ironed out.

Suzanne motioned to adjourn. Meeting adjourned at 9:03 p.m.

Minutes submitted by
Phyllis Smock
EPOHOA Secretary.

NEXT SCHEDULED MEETING
August 20, 2014 (Wednesday) 7:00 pm
Bedington Ruritan
3947 Williamsport Pike
Martinsburg WV 25401
Berkeley County

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