



**Meeting Minutes
August 20, 2014
Bedington Ruritan
3947 Williamsport Pike
Martinsburg WV 25401
Berkeley County**

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

Other Attendees: Bruce Holtje, Whitetail Ridge; Kathy Holtje, Whitetail Ridge; James Kief; Jean Kopper, Ashton Forest; Larry Kump, Potomac Hills HOA; Larry Lam, Spring Mill Farm; Mark Liddell, Carriage Park; Kristin Loken; Mary McLean, The Townes of Inwood; Mark McLean, The Townes of Inwood; Judi McIntyre, Spring Mill Farm; Barbara May, Apple Knolls; Suzanne Malesic, Patrick Henry Estates; Paul Myers, Whitetail Ridge ; Evelyn Myers, Whitetail Ridge; Paul Perkins, Blossam Gas; Nina Redlin, Cressen Run; RosaLee Riggins, Ashton Forest; Tammy Stanley, Cressen Run

Note: This document is provided solely for informational purposes, and no one should rely on it as legal advice. You are strongly encouraged to consult a qualified attorney for advice on any particular situation.

Neal Nilsen called the meeting to order at 7:05 p.m.

President's Message—Neal reviewed several items that the Board has been working toward over the past months:

1. Obtaining insurance coverage. Suzanne Malesic has given the Board two proposals; one for Directors & Officers insurance and another one for general liability insurance from Sentinel Insurance. The Board will vote on this matter later during the business portion of the meeting.
2. Needing to update the By-Laws for this organization. This resulted in appointing a By-Laws Committee, chaired by Richard Sussmann.
3. Once By-laws have been adopted, an election for new Board members will be conducted.

4. As a result of the issues discussed at the various meetings in the past, an Education Committee was formed, chaired by RosaLee Riggins.
5. In future meetings, the Board will meet at 6:30 to discuss new issues before beginning the regularly scheduled meeting at 7:00 p.m. All meetings are open to the public, including EPOHOA's Board administration of the business for the Organization.

Education Committee Report—The next Education workshop will be on the topic of Stormwater Management on Saturday, September 20, 2014 from 8:30 a.m. to 12 Noon at the First Baptist Church of Inwood, 634 Middleway Pike, Inwood, WV 25428.

The presenters are Tanner Haid, Urban Forestry Coordinator, Cacapon Institute and Matthew Pennington from Eastern Panhandle Planning and Development Council (Region 9).

This workshop will be in lieu of the next September EPOHOA meeting.

Nance will be posting a registration form on the website.

Membership Discussion

Nance announced new members to the EPOHOA: Crystal Lake HOA, Stoneleigh HOA of Berkeley County, Colonial Village, and Mountain View.

Forest Silver from Oakhurst is considering joining.

Paul Gavin who is already an individual member is asking Federal Hills HOA to vote to join.

Bob Miller from Duchess Estates has invited Nance to speak at their HOA meeting and they are considering joining.

Paul Perkins of Blossam Gas is considering joining as an individual.

In answer to a question of how many members are in EPOHOA, Nance responded that a rough number is 42 HOAs representing a little over 7,000 homeowners. The exact number is on the website.

Open Forum to Members

General discussions on topics included:

- Sending out violation of Covenant letters, putting liens on delinquent homeowners, and use of processor servers to ensure notices are received;
- Announcement of Oct. 25th Education Workshop will address collections, and handling delinquent accounts.
- Control of use of private roads in an HOA that still remain public right of ways;
- Cloverdale's experience of working with Department of Highways to widen their road over a period of 15 years in order to be in compliance with requirements for school busses to enter the community and to be in compliance with the 1990 American Disability Act;
- Patrick Henry Estates won a lawsuit for ownership of the roads and as a result of the court decision, the developer is not allowed to bring in construction equipment or commercial vehicles on the HOA private roads to access his land;
- Carriage Park which has two separate HOAs sharing the same roads, and different sets of CCRs was advised to consult an attorney about how to collect money from the other HOA for maintenance of the roads;

- When performing duties as a Board member, it is important to keep accurate logs, receipts, and gas mileage and submit a request for reimbursement to an HOA board using the currently published rate of reimbursement for non-profit organizations. If reimbursement is not covered in the By-Laws, it could be addressed by passing a Board Resolution;
- Rules for number of parking spaces allowed in an HOA.

Larry Kump, Delegate representing District 59 and a homeowner in Potomac Hills HOA encouraged the EPOHOA to continue working through the WV Legislative to get the Uniform Common Interest Act Chapter 36B amended. Jennifer Syron is the chairman of the EPOHOA Legislative Committee and is continuing to work with attorneys, delegates and senators to amend this law.

Visitor Introductions

Paul Myers introduced himself as the new president of Whitetail Ridge HOA in Mineral County. He and his wife, Evelyn are first time visitors. He stated he is interested in the workshop in October on collections.

Tammy Stanley and Nina Redlin from Cressen Run introduced themselves as new visitors. Tammy said Cressen Run has 100 lots and about 50 homes. They have about a \$10,000 budget and are fortunate to have a retired DOH homeowner in their HOA who volunteers to maintain their roads. Both Tammy and Nina plan to attend the EPOHOA workshops. They are trying to find ways to enforce the covenants.

Kristin Loken introduced herself as a Candidate for the House of Delegates in District 62. She said she was attending the meeting to learn about issues concerning homeowners. She also said she was past president of the Potomac Park Development Association

Paul Perkins introduced himself representing Blossam Gas. He made his card available at the sign-in table.

Larry Lam from Spring Mills announced there will be a Public Hearing on September 23 at 2:00 and 6:30 p.m. in Berkeley County Council concerning a proposal to increase rate on public sewers that may go as high as an 84% increase. More information is available at the Berkeley County Planning Commission website.

A similar situation is occurring in Jefferson County. Suzanne Malesic reported that an individual in Jefferson County has conducted an investigation and determined that engineering estimates and fees were being passed on to 2,400 customers that might cost as much as \$14 million dollars

Larry Lam said that a \$10 million bond bill was passed and signed by the Governor, but the Governor has never authorized the funds. Delegate Kump said there was a technicality in issuing the bond, and it has taken time to clear up but the bond will be issued. However, it still will not be enough money to cover the costs of the sewer rates increase.

Mark Liddell referred to last month's meeting minutes regarding the lawsuit brought by the American Farm Bureau and the West Virginia Farm Bureau regarding the Chesapeake Bay

against the EPA and asked if there was a “stay” in this lawsuit. Delegate Kump explained there is no “stay”. The lawsuit is working its way through the court system and is currently in the appellate court.

Board Meeting

Approval of the Minutes:

Elliot moved to approve the minutes without the discussion notes. There was no second. The minutes were not passed under this motion.

Phyllis moved to approve the minutes as written until there is a new format decided upon. Nance seconded. Three ayes voted in favor and one objected to the motion. Motion to approve the July 16, 2014 minutes as written was approved.

Treasurer’s Report:

For the period of July 17, 2014 through August 20, 2014, opening balance of \$7,397.03, deposits of \$150 and dispersals of \$25. with a balance of \$7,522.03. Cash flow statement and bank statement were placed in the record.

501 (C) (3) Committee – waiting for decision on application.

Bylaws Committee – Richard has prepared a draft of the bylaws. He will email the draft for review by the committee.

Nominating Committee- no action

Education Committee: Workshops are scheduled for Sept. 20 and Oct. 25.

Legislative Committee---no report

Sponsorship Committee—no report

CAI Exploratory Committee—has not met yet.

Unfinished Business

Discussion of two insurance quotes followed. Board member suggested a postponement of discussion of the insurance at a special Board meeting.

In the meantime in order for Nance to put together a calendar of meeting dates and locations, she needs a certificate of proof of liability for holding any meetings in public schools or public buildings

Suzanne Malesic who worked on getting the insurance quotes through a broker stated one quote is for a General Liability policy through Sentinel a subsidiary of Hartford for \$548 per year, and the other quote is for Directors & Officers insurance from American Society of Associations through Aon for \$611.34 per year or a total of \$1,159.34.

The treasurer noted the amount of insurance would represent 30% of the budget.

Suzanne stated that the insurance quotes she presented were jointly quoted at the same time as a package and by voting for one policy and not the other might result in EPOHOA not getting exactly the same rates in a separate vote at a separate time.

The Directors and Officers policy was tabled for future discussion.

Neal made a motion to accept the General Liability at \$548 per year. Elliot seconded the motion. Three voted in favor of the motion. One opposed. Motion passed.

A general discussion about inviting candidates running for office to speak at the EPOHOA meetings ended with the need for the Board to determine a time policy. It was generally agreed that the EPOHOA are public meetings and anyone can attend and introduce themselves.

Nance moved to adjourn the meeting at 9:10 p.m. Phyllis seconded motion. Motion passed without objection.

Minutes and discussion submitted
By Phyllis Smock, EPOHOA secretary

Next Scheduled Meeting

Education Workshop: Rain, Runoff & Containment

Saturday, September 20, 2014

8:30 A.M. – 12 Noon

First Baptist Church of Inwood

634 Middleway Pike

Inwood, WV 25428

Berkeley County

epohoa.org/info@epohoa.org