



**Meeting Minutes
November 19, 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; Edward Burger, Briar Run Estates 1,2,3,; Roberta Elliott; Todd Fagan, Steamboat Run; Bruce Holtje, Whitetail Ridge; Kathy Holtje, Whitetail Ridge; Debra Hovatter, River View Estates; James Kief; Jean Kopper, Ashton Forest; Cy Kammeier, Webber Springs; Tony Kramer, Briar Estates 1,2,3; Larry Lam, Spring Mill Farm; Suzanne Malesic, Patrick Henry Estates; RosaLee Riggins, Ashton Forest; Ted Schiltz, Potomac Terrace; Jane Schiltz, Potomac Terrace; Lynne Wiseman; River View Estates; Gary Wilfont, Crossings on the Potomac

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.

Elliot Simon, having established a quorum present, called the meeting to order at 7:02 p.m.

President's Message from Neal Nilsen—Elliot reported a message from Neal. He expressed his gratitude for everyone who came to the EPOHOA Workshop last month and to the combined efforts of the committees, especially to the Education Committee who organized the Workshop on Debt Collection and Delinquent Accounts. Neal also noted that the Board is working hard to complete updated By-Laws. Neal also sends best wishes for a warm and happy Thanksgiving.

Approval of Minutes- Nance moved to accept Oct. 15, 2014 minutes as written. RosaLee Riggins seconded. Motion passed without objection.

Nance moved to accept minutes as written for Aug. 20, 2014. RosaLee seconded. Motion passed without objection.

Treasurer' Report - Elliot reported on the period of Oct. 16 through November 19, 2014: Opening balance of \$6,932.03, deposits of \$875.00 and dispersals of \$49.00, closing balance is \$7,758.03. Copy of cash flow statement and bank statement were placed into the record.

Membership Report- Nance reported there are 5 new members which include: Briar Run Estates, Sections 1, 2, 3; Nollville Manor HOA; Charles Mordecai (individual membership); Bell Robinson Financial (business membership- Chris Bell); and Spring Mill Farm. Our current membership is 6,916 and with the new members brings the total as of Nov. 19th to 7,126 of which 45 are HOA members and 19 are individual and business members.

Elliot noted no payment has been received as of this date from Charles Mordecai and Nollville Manor.

Education Committee Report—RosaLee Riggins gave the following report:

1. The Oct. 25th workshop was a resounding success. There were 63 people in attendance. The speakers were fantastic and even volunteered to stay longer than planned to answer questions. The evaluation results were positive with one complaint that there was not enough time.
2. The Education Committee has tentatively planned for 2 workshops in 2015 as well as some “mini” workshops to be held at our monthly general meetings. She encouraged anyone to submit topic ideas to be included as part of these workshops.
3. On September 23, Suzanne Malesic resigned from the Education Committee effective at the end of the Oct. 25th Workshop. RosaLee thanked Suzanne for all the hard work and contributions that she made to the Education Committee over the last year.
4. The Education Committee is looking for 1 or 2 more volunteers to join the committee. If interested, please contact RosaLee Riggins.

By-Laws Committee—Elliot reported for Richard Sussmann. The Committee needs several more meetings to complete the up-date of the By-Laws. A completed report will be presented to the Board for approval.

Sponsorship Committee—no report

Legislative Review Committee—no report

Nomination Committee—no report until By-Laws are amended

Status of 501 (c) (3)—Elliot has received an inquiry from the IRS requesting additional information. Elliot and Richard will review the 4 questions asked and provide the information as soon as possible.

Status of D & O Insurance—application has been made but the check requires two signatures which Elliot and Neal will take care of as soon as possible.

Status of Jefferson County Chamber of Commerce Membership Dues—Elliot will take care of payment to renew membership and he is the liaison.

Open Forum to Members

- Discussion of advantages of HOA (Briar Run Estates, Section 1, 2, 3) being annexed by

- Discussion of advantages of HOA hiring a Property Management Company; suggestion was made for EPOHOA to conduct a mini workshop on this topic;
- Discussion of advantages of contracting for snow removal on private roads as well as on roads which have been adopted by the State through the Orphan Road Program;
- Discussion of disadvantages of declaration of State of Emergency such as a heavy snowstorm, where FEMA does not provide funds to cover expenses incurred by HOAs for snow damage;
- Discussion of advantages of hiring an attorney who is a HOA specialist to resolve delinquent accounts, as well as other issues with developers;
- Discussion of the amount of money that can be charged to individual homeowners calculated by the frontage road versus an equal amount shared by all homeowners in an HOA; homeowner presented an abstract of WV Code paragraph 7-1-3a with reference to: “a verified petition of persons, firms or corporations owning not less than sixty percent of the frontage of the lots abutting on both sides of a street, etc.....”
- Discussion of road maintenance versus road improvement. HOA seeking engineering firms to help develop a long term plan for road improvement; a road survey is located on the EPOHOA website under the Library menu, keyword Reserve Study;
- Discussion of storm water management with specific focus on keeping water off roads;
- Discussion of requirement of Jefferson County Health Department modification for approval application for additional hook up to septic and well on a single residential lot. Most HOAs Covenants do not allow an additional dwelling, such as a RV on a single residential lot. Question was raised whether Berkeley County Health Department also has such an application modification form for additional hook up to septic and well;
- Discussion of Rain Tax passed in Maryland and the implications that this may have in West Virginia and on HOAs;
- Discussion of \$180,000,000 bond being issued using excess lottery funds of which Berkeley County is expected to receive a \$15,000,000 grant for storm water management;
- Discussion of HOA case which they won in Circuit Court against 4 homeowners who were delinquent in payment of assessments. The homeowners have now filed a class action appeal to the WV State Supreme Court and if the State Supreme Court finds in their favor, this action will impact all HOAs ability to collect assessments;
- Discussion of assessments vs. special assessments;
- Discussion of comment made by attorneys at Workshop for Debt Collection. Attorneys stated that individuals representing their HOA which is a corporation actually need legal representation in Magistrate court; if the defendants contest the ruling in Magistrate Court, the case will automatically be sent to Circuit Court. An individual who is not an attorney but representing a corporation could actually be charged for practicing law without a license;
- Workshop was videotaped and will be made available on the website in the future, and the power point presented by Sherriff Dougherty will be on the website also for members only;
- Discussion of amending governing documents.

Next meeting will be held on Saturday, December 13, 2014 at 9:00 a.m. at St. Leo’s Catholic Church.

Nance moved to adjourn. RosaLee seconded. Meeting adjourned at 9:05 p.m.

Minutes submitted by

Phyllis Smock, Secretary, EPOHOA

**Next Scheduled Meeting
December 13, 2014, Saturday at 9:00 a.m.
St. Leo's Catholic Church
2109 Sulpher Springs Road
Inwood WV 25428
Jefferson County**

eohoa.org/info@epohoa.org