



**Meeting Minutes  
March 21, 2015  
Orchard House  
4599 Shepherdstown Road  
Martinsburg WV 25428**

**Board Members:** Neal Nilsen, Acting President, River View Park  
Phyllis Smock, Secretary, Stonebridge  
Nance Briscoe, Membership Chair, Cloverdale Heights

**Other Attendees:** Josh Arzt, Maddex Farms; Bob Ayer, Spring Mills; James Bell, Duchess Estates; Jenny Beidler, Forest Haven; Susan Beidler, Forest Haven; Rick Barrow, Mt. View Acres; Stephen Boykin, Mt. View Acres; Vicki Bucher, Sylvan Grove; Drew Ewing, Bentwood Estates; Brian Frye, Kingsbrook HOA; Gene Frye, River Hills; Megan Garland, The Townes of Inwood; Paul Gavin, Federal Hills; Allen Grimm, Coventry Group; Paul Koehler, Spring Valley; Larry Lam, Spring Mill Farms; Becky McCarthy, Stonebridge; Ginny McSweeney, Apple Knolls; Terence McSweeney, Apple Knolls; Suzanne Malesic, Patrick Henry Estates; Barbara May, Apple Knolls; Barbara Rice, Martinsburg Station; Jan Schiltz, Potomac Terrace; Ted Schiltz, Potomac Terrace; Mark Schloemer, Coventry Group; Crystal Spaoh, Potomac Terrace; Bob Stevenson, Glenwood Forest; Laurel Swauger, Bentwood estates; Richard Sussmann, PMP; Frank Stottlemeyer, Apple Knolls; Tina Stottlemeyer, Apple Knolls; Mike Tervo, Applefields of Heaven; Ray Thomas, Meadow Spring Farm; Becky, Tokarick, Meadow Spring Farm

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Neal called the meeting to order at 9:03 a.m.

**Approval of Minutes-** Nance moved to accept the minutes from Feb. 18, 2015 meeting as written. Neal seconded. Motion passed without objection.

**Treasurer' Report** – Elliot Simon was unable to attend the meeting but sent in the treasurer's report for the period of Feb. 19, 2015 through March 21, 2015: Opening balance of \$7,853.97, deposits of \$775.00 and dispersals of \$1,409.49. Closing balance is \$7,219.48. Copies of cash flow statement and checking account statement were placed into the record.

**Membership Report- Nance Briscoe:**

Nance introduced Brian Frye from Kingsbrook HOA, a renewed individual

member, and his father, Gene Frye, a new individual member from River Hills. Nance reported 87 people visited the EPOHOA table at the Home Show with 4 potential new members. She announced the winner of the EPOHOA table raffle at the Home Show is RoseMarie Baldwin from Hammond's Mill.

**Education Report:**

Following this meeting there is a workshop planned and Richard Sussmann will introduce the speaker on "Alternative Collections for HOA Assessments".

**UNFINISHED BUSINESS**

EPOHOA has paid in advance for the rental of Trinity United Methodist Church/Orchard House up through June at \$100 per meeting date.

**NEW BUSINESS**

**Voting on Amending EPOHOA Bylaws:**

A final version of the new Bylaws was posted on the EPOHOA website for members to review. The new Bylaws have been standardized and are in accordance and compliance with West Virginia Code Chapter 31E, the non-profit corporation act. Also there are provisions in the new Bylaws that state if any of the West Virginia laws are changed that these Bylaws have the phrase "as amended from time to time," to be in compliance with State law.

Of the three submissions or suggestions for additional changes to the Bylaws, Richard Sussmann explained that these submissions were already covered by the State Code in the Bylaws.

Under the existing Bylaws of the EPOHOA, only members of HOAs in good standing are eligible to vote. Nance conducted a roll call and handed out ballots to eligible members. In addition there were ballots cast by members in good standing online. There are 47 HOAs on the membership roll.

Neal asked the membership to please cast their vote.

Phyllis Smock was asked to count the votes and report the tally. Twenty representatives voted to affirm the amended Bylaws. There were no votes cast in the negative. New Bylaws passed unanimously.

Phyllis Smock, secretary will get the new Bylaws notarized and Nance will record the Bylaws with the WV Secretary of State.

Question was asked under the new Bylaws, how many members are now eligible to vote in the future? There are 47 HOAs; 16 Individual members; and 5 Business member making a total of 68 members eligible to vote.

**Appointment of Nominations Committee**

Neal read Section 8.3-Committees:

“The Organization shall have a Nominations Committee which shall be responsible for soliciting and evaluating candidates for the Board of Directors. The Nominations Committee shall have an odd number of members of not less than 3 and shall appoint their Chairperson.”

Phyllis Smock nominated Bob Ayer of Spring Mills to serve on the Nominations Committee. Bob agreed.

Nance Briscoe nominated Aileen Curfman of Potomac River Farms 1 & 2, who volunteered to serve on the Nominations Committee via email.

Phyllis Smock also nominated Roberta Elliott, an individual member from Hammond’s Mill, who volunteered to serve on the Nominations Committee at the Home Show.

Neal nominated Brian Frye, an individual member from Kingsbrook HOA. Brian agreed to serve.

Phyllis nominated Rick Lindvig from Bentwood Estates and he also indicated his interest in serving on the committee.

Phyllis moved to appoint these volunteers to serve as the Nominations Committee. Nance seconded the motion. Motion passed without objection.

Neal requested the Committee to organize itself, chose a Chairperson, and give a progress report to the EPOHOA Board as soon as possible.

The Nominations Committee’s role will be to put together a slate of candidates to run for election to the Board of Directors. All candidates will be vetted by the Committee as to their eligibility and willingness to serve. Nance will help design some forms allowing for a short candidate statement to indicate their interest in running for the Board. Neal requested the Committee try to present a slate of candidates at the next meeting on April 15, 2015.

The membership will vote on the slate of candidates on May 20<sup>th</sup>.

### **MEMBERSHIP DISCUSSION**

\*Discussion of Berkeley County Tax Assessor who does not comply with State Tax Assessor directive dated July 11, 2012. The ruling from the State Tax Assessor is that common areas are not subject to a separate tax. Spring Mills recently got a ruling from Berkeley County Tax Assessor that they will not be billed for common areas in 2015. Bob Ayer shared his experience in corresponding with the Berkeley County Tax Assessor and appearing before the Berkeley County Council on this matter. He also discovered that several small plats within his HOA were in the County Clerk’s office owing small amounts of back taxes. He was able to gain clear title to all these small lots in Spring Mills. Bob recommends every HOA should research their sub-division for ownership of any stormwater management

lots.

\*Discussion about Berkeley County Tax Assessor who sells stormwater management lots by auction if taxes are not being paid, even within an HOA, and sometimes the HOA is unaware of the lot that is being sold by auction. The Berkeley County tax link is available on the EPOHOA website menu “Public Database.

\*Discussion about organizing a class action lawsuit regarding the irregularity of the county selling these lots that are located within an HOA but sold to an individual. No definitive action was taken relevant to this discussion.

\*Discussion regarding an HOA where a fire occurred in one unit and upon inspection found that the entire development was built without proper firewalls being installed. The HOA is now seeking restitution from the builder or the county because apparently the development passed county inspection before units were sold to individual homeowners. Suggestion was made to contact State Fire Marshall’s office which is the authority having jurisdiction to conduct an inspection. Another suggestion was to seek restitution from builder based on “latent defect,” under West Virginia Code 55-2-6a, if applicable. Ultimately HOA will have to seek attorney’s advice on how to proceed.

\*Discussion of difference between Bylaws and Resolutions passed by Board of Directors. Board of Directors, who are duly elected by the community to govern the community in accordance with its Bylaws and other governing documents, may pass a Resolution to enforce such incidences deemed to be general a nuisance or other restrictions spelled out in governing documents.

Meeting adjourned at 10:10 a.m.

Minutes submitted by

Phyllis Smock, Secretary, EPOHOA

**Next Scheduled Meeting  
April 15, 2015 7:00 p.m.  
Orchard House  
4599 Shepherdstown Road  
Martinsburg WV 25405**