



**Meeting Minutes  
April 15, 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:** Joyce Ashworth, Pebble Ridge; Josh Arzt, Maddex Farms; James Bell, Duchess Estates; Everett Cruse, Duchess Estates; Aileen Curfman, Potomac River Farms 1 & 2; Jae Dowell, Pebble Ridge; Paul Gavin, Federal Hills; Kathy Holtje, Whitetail Ridge; Bruce Holtje, Whitetail Ridge; 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; Jackie Miller, Potomac Terrace; John Miller, Potomac Terrace; RosaLee Riggins, Ashton Forest; Janis Schiltz, Potomac Terrace; Ted Schiltz, Potomac Terrace; Richard Sussmann, PMP

**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 called the meeting to order at 7:05 pm

**Approval of Minutes-** Member noted misspelling of name of Crystal Spach in minutes. Nance moved to accept the minutes from March 21, 2015 with correction. Motion was seconded. Motion passed.

**Treasurer' Report** – Elliot Simon was unable to attend the meeting. No report.

**Membership Report- Nance Briscoe:**

There are no new members to report, however, Apple Knolls (238 homes) has submitted an application for membership and Nance is waiting for confirmation from the Treasurer, Elliot Simon. Nance will introduce EPOHOA to Glenwood Forest (350) homes) on Saturday, April 25, 2015, during their annual meeting.

All 70 member pages on the EPOHOA website have been updated: (1) Change title from Officers to Board of Directors; and (2) include ARTICLE IV—MEMBERSHIP (amended 3/21/2015). Nance reminded everyone to continue to use the Membership Update Form on the membership page to update their own

information.

Nance also reported that she attended the CAI Chesapeake Chapter seminar for HOA/Condo Insurance protections.

**Education Report:**

RosaLee Riggins, Chair of the Education Committee, welcomed Terence McSweeney who joined the committee recently.

Next workshop is scheduled for Saturday, June 20, 2015, following the EPOHOA regular business meeting. Mason & Mason will be giving a presentation on the importance of conducting a Capital Reserve Study and establishing a Reserve Fund. The workshop is open to the public. RSVP form online. Lunch will be provided by the presenters.

**Nominations Committee:**

Aileen Curfman reported for the committee as Committee Chair. Cy Kammeier volunteered to serve on the committee, if appointed by the Board. Nance Briscoe will continue to assist the Committee by developing an online nomination form, and printed form that can be surface mailed and/or faxed to the Committee, and she will assist other requests from the Committee. The Committee will verify all nominees. Candidates will have an opportunity to submit their qualifications and introduce themselves at the May 20<sup>th</sup> meeting. Election for the Board of Directors is scheduled for June 20<sup>th</sup>. Nominations can be made from the floor on the day of the election, providing a nominee meets all qualifications of being a member in good standing

Neal moved to appoint Cy Kammeier to the Nominations Committee. Phyllis seconded the motion. Motion approved without objection.

**UNFINISHED BUSINESS**

On March, 23, 2015, the amended revised Bylaws were signed by Phyllis Smock, EPOHOA Secretary and then notarized by an attorney. The Bylaws were filed with the WV Secretary of State. Nance provided a receipt for the \$25 filing fee dated March 24, 2015, and requested reimbursement.

Regarding access to documents available at the WV Secretary of State's office, Nance reported the Sec. of State will email whatever form or file requested such as Articles of Incorporation or other Governing documents. The Sec. of State will provide a document image, however Nance offered to convert the image to a keyword searchable file; or anyone can do this with the right software. There is no fee for a virtual image. The Sec. of State's telephone number is (304) 558-8000 or toll free (866)767-8683.

**Additional Unfinished Business:**

Nance submitted a report from the Home Show. There were 33 HOA visitors at the Home Show table. This year EPOHOA provided a bowl of random trivia questions to help answer various questions related to HOAs. EPOHOA provided a

Fiskars Garden Tool Set valued at \$100 to the Home Show silent auction and it was sold at \$128. The silent auction is designed to help defray some of the costs of the Home Builders Association Show. A percentage of the money is donated by the Home Builders to Habitat for Humanity.

Nance also thanked the following volunteers: Phyllis Smock, Barbara May, RosaLee Riggins, Mark Schlomer, Aileen Curfman, Becky McCarthy, Paul Gavin, and Richard Sussman who helped her with the Home Show. A total of 56 man hours were put into the Home Show. This is EPOHOA's 4 year participating in the Home Show.

### **MEMBERSHIP DISCUSSION**

\*Discussion of gravel road maintenance. Question was raised regarding information about geo-textiles as a product used for roads. Potomac Valley Audubon Society's parking lot at Yankauer Nature Preserve uses this product. Suggestion made to contact someone at the Audubon Society for more information. University of Pittsburgh offers a dirt road and gravel maintenance course.

\*Discussion regarding what to do when Developer/Builder goes bankrupt. Builder has recently started building new homes, but no longer owns the lots. Bank releases lots as he builds new homes. Question is regarding Covenants that expired in 2010. How does the HOA get the builder to pay assessments on the lots. Ultimately, an attorney must be consulted to examine governing documents and help establish authority of the Home Owner Association.

\*Discussion of process regarding Berkeley County stormwater management lots in HOAs. Homeowners can go to the Berkeley County Court House and obtain original plat of HOA which will include survey of development and lot number assigned to stormwater management area. If no taxes are being paid on the stormwater management lot, a letter is sent by Sheriff's office to original owner of lot for taxes due. If taxes are not paid, then Sheriff puts the lot on auction block. Lot can be sold to an individual without HOAs knowledge. If HOA learns of this action, it can re-purchase the lot in a 3 year period. Most HOAs do not know that their stormwater management area was sold to an individual. Berkeley County Council Member, Elaine Mauk is trying to help HOAs regain ownership within their development.

\*Discussion continued regarding owner of undeveloped lots being held responsible for payment of assessments and for having liability insurance.

\*Discussion revisited the issue of Berkeley County Tax Assessor sending out tax bills due on common elements of an HOA which includes, roads, open grass areas, tot lots, etc. The ruling from the State Tax Assessor in 2012, states common areas are not subject to a separate tax. HOAs must write letters to County Tax Assessor requesting relief from this double taxation. Suggestion made for HOAs in Berkeley County to join together to protest tax on common areas, since one HOA, Spring Mills, has recently been notified that their common areas will not be taxed in 2015, all HOAs should receive same treatment.

\*Question was also asked if there is a standard check list submitted by developers that includes a review of the CCRs. The Berkeley County Planning Commission does have a check list but so long as declarant's covenants are submitted, the commission is satisfied. State law does not require the county to read the declarant's covenants since any restrictions run with the land which is a contract between seller and buyer.

\*Discussion regarding Uniform Common Interest Act, Chapter 36B has protections in the law for developers, builders and homeowners. HOAs are corporations guided by Chapter 31E. Basically HOA should adopt industry standards of common practice which might include amending Bylaws. Any HOA unsure of their governing documents, especially the Conditions, Covenants, and Restrictions, should consult an HOA attorney on best way to amend documents.

\*Articles of Incorporation must be filed with the WV Secretary of State and may include, though not always required, Declarant CCRs, Bylaws and Amendments.

### **PUBLIC SERVICE ANNOUNCEMENT**

Suzanne Malesic announced the Jefferson County Planning Commission recently appointed two new committees:

1. Committee to handle and review campgrounds and recreational area ordinances. Neal Nilsen has been appointed to this committee.
2. Suzanne will serve on Committee on Subdivisions. There will be a change in wording on applications which could affect individuals, small businesses or corporations planning to build in Jefferson County. For more information, contact Suzanne.

Nance moved to adjourn meeting at 8:30 pm

Minutes submitted by  
Phyllis Smock, Secretary, EPOHOA

**Next Scheduled Meeting  
May 20, 2015 9:00 a.m.  
Orchard House  
4599 Shepherdstown Road  
Martinsburg WV 25405**