



**Minutes
September 19, 2015
Orchard House
4599 Shepherdstown Road
Martinsburg WV 25428**

Board Members: Anne Kask, Acting President, Crystal Lake
RosaLee Riggins, Treasurer, Ashton Forest
Phyllis Smock, Secretary, Stonebridge

Other Attendees: Jenny Beidler, Forest Haven; Nance Briscoe, Cloverdale; Heather Field, Clagett Management; Michael Carroll, Rattlesnake Run; Robert Finch, Greystone on the Opequon; Paul Gavin, Federal Hills; Terry Linn, Cacopon Highlands; Odiloa Lopez, Maple Creek Landscaping; Blaine Lytle, Riverview Park; Robert McCauley, Mason Farms,; Terry McSweeney, Apple Knolls; Jim Ruddy, Mountain View; Gary Stewart, Sleepy Creek Orchard; Jean Stewart, Sleepy Creek Orchard; Jennifer Tillett, Potomac Valley Vista

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.

Business Meeting

Anne Kask called the meeting to order at 9:10 am

Approval Minutes: RosaLee moved to approve the minutes as presented. Phyllis seconded the motion. Motion passed without objection.

Financial Report: RosaLee Riggins reported the Treasurer's Report from August 20, 2015 through September 19, 2015:

Previous Balance:	\$7,138.11
Deposits:	\$200.00
Expenses: CAI Membership for the Board	\$300.00

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Checking Account Balance as of Sept., 2015: \$7,038.11

Membership Report: Nance will report at next meeting.

Pending Business:

Committee Appointments:

RosaLee Riggins moved to withdraw the vote taken at the last meeting appointing members to committees. The Board had insufficient information on appointments to the committees, and appointments had not been properly vetted. Phyllis seconded the motion. Motion passed without objection.

Meeting location: RosaLee announced the 2016 meetings will be held at Orchard House. Meeting dates will be posed online and the 2016 calendar rack cards will be printed.

New Business:

EPOHOA received notice of resignation by Josh Arzt, President, for his own reasons, creating a vacant position on the Board of directors. Anne Kask, Vice President, now assumes the position of President for the remainder of her one year term in accordance with the Bylaws, Section 6.7 – Vacancies. “Any vacancy on the Board of Directors may be filled by appointment of the remaining Board of Directors. Each Director so appointed shall hold office for the remainder of that term.”

Phyllis moved to appoint Nance Briscoe to fill the Board of Director’s vacant 3-year term position expiring in 2018. RosaLee seconded the motion. Motion passed without objection.

RosaLee moved that Nance remain Membership Chairman. Phyllis seconded the motion. Motion passed without objection.

Announcement:

Richard Sussmann was scheduled to conduct the Mini-Education Session: “Adopting Resolutions vs Amending the Governing Documents” during today’s meeting. Due to a family emergency this session will be postponed until the next meeting on October 21, 2015.

RosaLee Riggins moved to adjourn business meeting. Phyllis seconded. Motion passed without objection. Meeting adjourned at 9:26 am.

Minutes submitted by
Phyllis Smock, Secretary, EPOHOA

Open Forum

First time attendees were introduced:

Mike Carroll, Rattlesnake Run, Shepherdstown, (9 homes) Jefferson County;
Jennifer Tillett, Potomac Valley Vista, (41 lots and 15 homes) Morgan County;
Terry Linn, Cacapon Highlands, (98 lots and 10 permanent homes) Morgan County;
Robert McCaulley, Mason Farms HOA, (20 lots and 14 homes) Berkeley County.

*Odilon Lopez of Maple Creek Landscaping Services made a short announcement regarding his company and services offered. He will meet with anyone interested in more information after the meeting.

*Discussion on the Declaration of Covenants and Bylaws for an HOA. The Articles of Incorporation are filed with the WV Secretary of State. Declaration of Covenants, Conditions and Restrictions (DCCR) are resident typically with the settlement attorney when homeowner signs all documents for homeownership. If the attorney or developer does not retain the DCCRs, the county in which it does business has an archive of the DCCRs, however it may be within another state. Bylaws are not always with the DCCRs. Some developers choose to leave the writing of the Bylaws up to the HOA. Bylaws may be filed, though not required, with the WV Secretary of State and/or the county clerk or with an HOA attorney. Bylaws are a guiding document and cannot override the DCCRs. A Deed of Transfer for an HOA is filed with the County Clerk's office.

*Discussion of developer's responsibility to pay HOA assessments. Developer is responsible for taxes on undeveloped lots. After the developer turns over the subdivision to the HOA, then the HOA collects annual assessments on all lots within the sub-division. A Developer, at times, chooses to exempt a portion of lots from the sub-division and the DCCRs.

*Discussion of recent ruling from Larry Hess, Berkeley County Tax Assessor. Beginning with the 2015 tax bill, HOA common areas are exempt in agreement with the WV State Assessor's guidelines of 2012 citing no double taxation.

*Discussion of a particular developer who exempted himself from about 30 percent of townhouses he built and owns from having to pay assessments in the Declaration of Covenants, Conditions and Restrictions. Once the HOA was formed and learned it was responsible to collect assessments to cover maintenance of sidewalks, roads, fences, railings, front doors, all exterior portions of townhouses it found that the assessments were insufficient to cover costs. The HOA passed a special assessment to increase assessments in order to get enough funds to cover its costs. The HOA then negotiated with Developer who agreed to pay 50 % of assessments on his properties.

*Discussion of amending DCCRs. The HOA needs to know what changes are needed to amend their governing document. Some, not all, HOAs need 51% or more homeowners to agree to amend. Most HOAs must notify homeowner members not greater than 30 days and not less than 14 days according to the Uniform Common Interest Ownership Act, Chapter 36B.

*Discussion of proxies for controlling voting. Homeowner's name and Lot number must be included in the proxy.

*Discussion of Board of Directors adoption of resolution, policy or guidelines. Homeowners must be notified of adoption.

*Discussion of creating community spirit in HOA. Social interaction and sponsoring community events often leads to community spirit. Value of President's annual report to the community can stress importance of homeowners' involvement and value of EPOHOA and its mission to develop communication skills, education sessions, and sharing information with other HOAs.

*Discussion of insurance requirements and need for Directors & Officer's insurance and Liability insurance covering common areas.

*EPOHOA does not endorse any business, insurance agency, management companies, or attorney, but the organization shares information on individual level. EPOHOA is not part of any political party and does not endorse candidates running for office. There is an education session planned on insurance.

*Discussion of Potomac Edison chemical spraying around power lines. Potomac Edison is supposed to get permission to come onto private property.

*Discussion of HOAs qualified to be covered under the Uniform Common Interest Ownership Act (UCIOA), Chapter 36B. This information is found in the DCCRs where it states the community is covered by selected sections of the Act or is covered by the entire Act. One of the EPOHOA goals is to convince the West Virginia Legislature that all HOAs should enjoy the full protection of the Act.

*Discussion of Resale Certificate. Governing documents should be part of the package given to a new homeowner. Dodd-Frank Act was passed as a guideline for mortgage companies. It is federal code for three reasons: (1) for interest rates; (2) viability of property sold at the highest possible value on open market; (3) to grade sub-divisions. Resale certificate outlines, budget in current year, how many homes in HOA, how many are delinquent, how many are current, capital reserve balance, how many accumulative acres are in common area including miles of roads. This information is provided to the attorneys and mortgage companies to stay within the guidelines.

This information is also provided to settlement attorneys by property management companies.

The next meeting is October 21 at 7 pm at the Orchard House. Meeting adjourned at 11:00 am

**Next Scheduled EPOHOA Meeting
October 21at 7:00 pm
The Orchard House
599 Shepherdstown Road
Martinsburg WV 25405**