



**Board Meeting Minutes
November 18, 2015
Orchard House
4599 Shepherdstown Road
Martinsburg WV 25404**

Board Members: Anne Kask, President, Crystal Lake
Nance Briscoe, Vice President, Cloverdale
RosaLee Riggins, Treasurer, Individual Member, Ashton Forest
Phyllis Smock, Secretary, Stonebridge

Other Attendees: Bob Ayrer, Spring Mills; Michael Carroll, Rattlesnake Run;
Bruce Holtje, Whitetail Ridge; Kathy Holtje, White Tail Ridge; Roger Kryger,
Steeple Chase; Larry Kump, Potomac Hills; Larry Lam, Spring Mill Farm; Becky
McCarthy, Stonebridge; Linda Monroe, Inwood Meadows; Kim O'Neil,
Glenwood Forest; Nina Perkins, Inwood Meadows; Gary Stewart, Sleepy Creek
Orchard; Jean Stewart, Sleepy Creek Orchard; Jan Schiltz, Potomac Terrace; Ted
Schiltz, Potomac Terrace; Connie Suddueth, Spruce Hill Estates

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 7:00 pm

Approval Minutes: Nance Briscoe moved to approve the minutes as presented. RosaLees seconded the motion. Motion passed without objection.

Treasurer's Report: RosaLee Riggins reported the Treasurer's Report from October 22, 2015 through November 18, 2015:

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Previous Balance:	\$7,090.62
Deposits:	\$200.00
Expenses:	0

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Checking Account Balance as of Nov. 18, 2015:	\$7,290.62
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Nance moved to accept the Treasurer's Report as provided. Phyllis seconded. Motion passed without objection.

Membership Report:

Nance Briscoe asked the new members attending the meeting to stand and introduce themselves. They are: Nina Perkins, Inwood Meadows (187 homes); Linda Monroe, Inwood Meadows; Roger Kryger, Steeple Chase (52 homes); and Connie Suddueth, Spruce Hill Estates (97 homes).

Old Business:

Status of Amending 36B. Anne Kask explained EPOHOA is working with the WV state legislature to amend the clause in WV Code 36B which refers to Limited Expense Liability Planned Community, also known as Planned unit developments (PUD), WV Code 36B to include all HOAs.

Nance reported that she and Phyllis attended “Breakfast with the State Legislators” held on Nov. 7th. The three legislators who attended to answer questions in a public forum sponsored by the League of Women Voters were Senators Unger & Snyder and Delegate Skinner. Nance said there was a Bill introduced 3 years ago in the State Legislature and 2 Bills introduced in the past 2 years amending Chapter 36B. These bills are on hold. When she asked the legislators what the status of the bills amending the Uniform Common Interest Ownership Act, Chapter 36B, the legislators basically told her this was not a priority issue.

Larry Kump, former delegate from Berkeley County, gave a short summary regarding introducing bills in the State Legislature. He stated that when a bill is introduced during a Legislative Session and it does not pass, it basically dies and has to be re-introduced the next year. Since EPOHOA already has a draft of a bill, the organization needs to get a sponsor to re-introduce the bill. He suggested inviting members of the legislature to attend an EPOHOA meeting and as a practical matter it would be a good idea to invite members of both parties (Democrat and Republican) to improve the chances of getting a bill introduced. He also suggested inviting candidates running for office who may be looking for an issue to help their campaign.

RosaLee asked Larry if he would meet with members of the Board to build a strategy for 2016.

EPOHOA Reminder Letters: Nance reported all reminder letters have been mailed to the members to renew their membership.

New Business:

Correspondence to WV State Tax Assessor. Nance reported the Board has prepared a letter to Mark Matkovich, West Virginia State Tax Commissioner, asking him to alert all county tax assessors to comply with the current 1984 UCIOA Act, Chapter 36B which exempts HOAs from being separately taxed for common areas. All West Virginia Legislators will also receive a copy of this letter and a press release is planned to go out to the media. Phyllis moved to approve the letter be sent to the WV State Tax Commissioner. RosaLee seconded the motion. Motion passed without objection.

Larry Lam reported that he had attended a joint Berkeley County Council and Sewer District meeting recently when the discussion centered on how to fund the federally mandated stormwater management (MS4) program “rain tax” in Berkeley County. One of the County Council members stated they plan to contact the State Legislature for assistance in finding a way to raise revenue.

Nance requested anyone who attends a county meeting or any other public meetings to send status and new information to info@epohoa.org.

Application for EPOHOA Membership:

RosaLee reported the anniversary invoice renewal date is changed to reflect standard invoicing used by other membership organizations.

Beginning in 2016 – New Members: Anniversary invoice renewal date will be the month of application of each year. We will discontinue a policy of pro-rating memberships.

2009-2015 Existing Members: Anniversary invoice renewal date will be January of each year.

RosaLee moved to adjourn business section of the meeting at 7:40 pm. Phyllis seconded. Motion passed without objection.

Mini-Education Session - Knowing the Answers

"Challenge Questions"

Presented by Nance Briscoe, EPOHOA Membership Chairman

Open Forum – Membership Discussion

*Discussion on HOA liability insurance and enforcing the posted speed limit in an HOA. The importance of HOA liability insurance is to cover legal fees should the HOA be sued. HOAs cannot enforce the speed limit. Police enforcement is non-existent because HOA roads are defined as private roads. It is important that HOAs perform due diligence and install stop signs and speed limit signs. The driver is responsible for the consequences of reckless driving. An EPOHOA education session is scheduled on the topic of association insurance next year.

*Discussion of commercial vehicles parked in a subdivision. Governing documents often prohibit commercial vehicles but the HOA has to be careful when issuing notice of violations that it is fair and just in notifying all homeowners who violate the same covenant.

*Bob Ayer from Spring Mills reported the Berkeley County Tax Assessor, Larry Hess exonerated back taxes for his community for 2013, 2014 and 2015. The tax assessor also pulled the property in Spring Mills off the auction block after discussion with Bob Ayer.

Announcements:

There will be a mini-education session on “Board of Directors Fiduciary Duties & Responsibilities” at the next meeting.

**Next Scheduled EPOHOA Meeting
Saturday, December 19 at 9 am
The Orchard House
4599 Shepherdstown Road
Martinsburg WV 25404**