

Meeting Minutes
September 15, 2012
Independent Fire Company
200 West 2nd Avenue, Ranson WV
Jefferson County

Board Members: Pete Appignani, Gap View Village, President
Phyllis Smock, Stonebridge, Secretary
Nance Briscoe, Cloverdale Heights, Membership Chair

Other Attendees: Susan Beidler, Forest Haven POA; Jenny Beidler, Forest Haven POA;
Mike Boyle, Locust Hill HOA; Jean Kopper, Ashton Forest HOA; Walter
Logan, Maddex Farm; Suzanne Malesic, Patrick Henry Estates; Rosalee
Riggins, Ashton Forest HOA; Trudy Slater, Gerrard Acres HOA; Jennifer
Syron, Chapel View HOA;

The meeting was called to order at 9:05 am by Pete Appignani at the Independent Fire Company.

I. Approval of August meeting minutes

Nance Briscoe moved to approve August 15, 2012 meeting minutes as presented.
Motion was seconded by Pete. Motion passed without objection.

II. Executive Reports:

Treasurer Report -Elliot Simon unable to attend. No report

Membership Report –Nance Briscoe reported a correction in membership. Potomac Hills, a mobile home park, is not a member and not in a position to join at this time.

III. President’s Brief:

Pete reminded attendees that only official HOA representative members of the EPOHOA are eligible to vote on issues.

Pete encouraged greater participation and noted that any member can request any relevant item to be placed on the agenda for further discussion.

Pete has been talking to the Community Associations Institute (CAI) about arranging for training workshops, however their workshops are expensive. He hopes to be able to find some scaled down type of training and asked the question, “Is your HOA willing to pay for training?”

Committee Updates –

CAI Working group update— No report

Legislative Review Sub-Committee update—Jennifer Syron reported that Suzanne Malesic and she attended the Interstate Cooperation Committee meeting in Charleston on September 11, 2012. A WVU law extern, Katrina Harper, provided an overview to the committee, however there was no substantive discussion.

They also attended Senator Snyder's campaign event and were able to network with several delegates and senators to further efforts in gauging agreement on proposed UCIOA legislation. (Note, neither Jennifer or Suzanne contributed funds to Senator Snyder's campaign and no EPOHOA funds have been contributed.)

Regarding the EPOHOA sub-committee on the UCIOA study, the committee has finished reading all sections of UCIOA Law and amendments, and now is in the process of writing a position paper to present to the EPOHOA Board for approval.

Jennifer reviewed the UCIOA which does essentially 3 things: (1) attempts to protect Developer's rights to develop property and protect investment, while striking a balance with the need to protect home buyers; (2) establishes standards and guarantees structure for the management of an HOA; (3) guarantees financial disclosure so that homebuyers and homeowners can make informed financial decisions.

The UCIOA 2008 amendments include a new item that gives the State the power to create or endow an agency to supervise Declarant progress and to ensure continued disclosure, and take action throughout the declarant period and transition to homeowner control.

The sub-committee has some concerns about: (1) the readability of the law; (2) is opposed to sections that allow developers to exempt HOAs from most of the law and thereby avoid having to offer financial disclosure; (3) would like to have a mandatory reserve study performed by the Developer prior to sale of the first home to inform all interested parties of future costs of operating and maintaining the HOAs. Finally the sub-committee is leaning toward recommending adoption of Article 5, which deals with state oversight during build-out.

Nance Briscoe moved to reimburse expenses incurred by Jennifer and Suzanne not to exceed \$250 for trip to Charleston on September 11, 2012 upon presentation of receipts. Pete seconded the motion. Motion passed without objection.

Pete moved to approve future reimbursement of expenses for Jennifer and Suzanne to attend the Interstate Cooperation Committee meeting in December, 2012 and the Judiciary Committee meeting in February, 2013 on behalf of EPOHOA. Nance seconded the motion. Motion passed without objection.

Ad Hoc Committee on Bylaws—Tabled to next meeting.

Old Business

EPOHOA Survey---Suzanne Malesic handed out a compilation of the 2012 EPOHOA Survey results in order of importance with related topics. This will be posted on the EPOHOA web site along side of the previous chart which breakdowns topics of interest.

Emergency Services Contacts—No report.

Common Property Taxes—On July 11, 2012, Jeffrey Amburgey, Director Property Tax Division for State of West Virginia sent a letter to all county assessors regarding common interest communities and attached guidelines for assessors on taxation of common elements under the UCIOA. Jennifer Syron noted the letter is in error in reference to the UCIOA. The letter states West Virginia adopted UCIOA into law in 1980, but it was not written until 1982 and adopted in 1984.

The guidelines fail to explain the common elements are taxed separately once one unit has been sold if there are no development rights reserved for the common property. Note that this statute does not say that the common elements are not to be taxed; it merely states that they are not to be taxed separately.

Absentee Ballots – The Ad Hoc Committee on Bylaws is preparing an absentee ballot for board approval.

Status Web site upgrades—Nance is actively working on a new web site and hopes to have it up and running by Thanksgiving. In the meantime everything is still available on the EPOHOA web site and she continues to add documents to the current site.

Roundtables

The following issues were discussed during open session among the attendees:

HOA which does not have any approved bylaws and homeowners questions are met with hostility from its current board members;

UCIOA implications;

How to find out if the road contractor hired by a POA is in compliance and up-to-date with EPA regulations;

HOA has no reserve funds—how to conduct a Capital Reserve Study;

How to find reliable contractors;

How to get information from an HOA Board when the Board states it doesn't have to

supply information or budget or list of homeowners to its community;

How to develop operating procedures from one Board to next Board to include “calendar of operations”, officer responsibilities, etc

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Suzanne moved to adjourn meeting. Nance seconded the motion.
Motion passed. Meeting adjourned at 10:05 am

Phyllis Smock
Recording Secretary

NEXT SCHEDULED MEETING
October 17, 2012 at 7:00 pm
Bedington Ruritan 3947 Williamsport Pike
Martinsburg, WV 25401
Berkeley County

epohoa.org/info@epohoa.org