



Meeting Minutes
October 17, 2012, 7:00 PM
Bedington Ruritan
3947 Williamsport Pike
Martinsburg WV 25401
Berkeley County

Board Members: Pete Appignani, Gap View Village, President
Neal Nilsen, River View Park, Vice President
Elliot Simon, Blue Ridge Acres, Treasurer
Phyllis Smock, Stonebridge, Secretary
Nance Briscoe, Cloverdale Heights, Membership Chair

Other Attendees: Mark Barney, Crossings on the Potomac; Mike Boyle, Locust Hill HOA; Chris Cody, Breckenridge HOA; Samantha Cronk, *The Journal*; Kristin Grubb, Ryan's Glen; James Kief, Springfield Village HOA; Kathy Knight, Carriage Park HOA; Jean Kopper, Ashton Forest HOA; Larry Kump, Potomac Hills HOA; Suzanne Malesic, Patrick Henry Estates; Barbara May, Apple Knolls; Eula Odom, Sheridan Estates; Rosalee Riggins, Ashton Forest HOA; John Stottlemyer, Apple Knolls; Tina Stottlemyer, Apple Knolls; John Swauger, Bentwood Estates; Laurel Swauger, Bentwood Estates; Gail Zurenda, Bentwood Estates; Stephen Zurenda, Bentwood Estates

The meeting was called to order at 7:00 am by Pete Appignani at the Bedington Ruritan Berkeley County.

Approval of September meeting minutes

Neal Nilsen moved to approve September meeting minutes as written. Motion was seconded by Nance. Motion passed without objection.

I. Executive Reports:

Treasurer Report –Elliott reported for two reporting periods commencing with 8/16/12 through 10/17/12. Opening balance of \$4,766.16. There was \$200 in deposits from new members and total dispersals of \$317.68 to Jennifer Syron and Suzanne Malesic for their trip to Charleston, WV. The closing balance is \$4,648.48 as of 10/17/12. Report was put into the record.

Membership Report –Nance Briscoe reported new members include Larry Kump and Jim Kief as individual members and Ryans Glen and Sheridan Estates HOAs. Three other HOAs are considering membership. Total membership is now at 38 representing a cumulative membership of 7500.

President's Brief:

In accordance with the EPOHOA Bylaws, only representatives of member HOAs are allowed to vote. Pete asked that voting representatives please sign in at the beginning of each meeting.

Pete noted a new item added to the Agenda, "In the News". If a representative from an HOA is present at the meeting he or she will be given time to discuss an issue or topic concerning their HOA.

Pete also stressed importance of participation and getting involved in EPOHOA committees. He said we are working on policies for determining guest speakers and also for speaking on behalf of EPOHOA at other public meetings.

Committee Updates –

Legislative Review Sub-Committee update—Suzanne reported the next date the Senate Interstate Relations Committee Review is scheduled for November 27, 2012. Jennifer Syron and Suzanne Malesic will be attending the meeting in November.

Ad Hoc Committee on Bylaws—No report. Bylaw revision will have to be decided at the December meeting.

Old Business

Emergency Services Contacts—Neal reported that Jefferson County will be announcing a new communications liaison very soon and just as soon as that person is on the job, Neal will establish a formal communications relationship for EPOHOA. He hopes to have more information at the next meeting.

Absentee Ballots- Pete is working with Bylaws Committee to create an absentee ballot.

Status of Web Site—Nance is working on the upgrade. EPOHOA.com.net.org is officially moved to a new hosting service. Original website EPOHOA.org is up and functional. The working website is on Nance's home system and she expects to have new site up by end of Dec.

New Business

November Meeting –Elliot moved to postpone meeting on November 21 (day before Thanksgiving) to December 1, 2012. The meeting will be on a Saturday at the Bedington Ruritan. Neal seconded motion. Motion passed without objection.

Jefferson County Chamber membership dues – Suzanne Malesic is the EPOHOA representative. She reported there are many functions sponsored each month by the Jefferson County Chamber. Suzanne stated the luncheons present the best opportunity for networking and would like to see at least two or three other people from EPOHOA attend the luncheons. The dues are \$50. The Board discussed the benefits for being a member which includes good publicity and visibility in the community, a certain amount of good will for being a member, listing on the Chamber website, receiving news blasts from the Chamber and opportunity to display EPOHOA promotional materials. There also is an opportunity to send out EPOHOA news blasts to the Chamber members.

Dallas Grim previously volunteered to be the EPOHOA representative at the Berkeley County Chamber of Commerce. Berkeley County dues are more expensive. Berkeley County renewal membership is not up for discussion at this time.

Neal moved to renew 2012-2013 membership dues in the Jefferson County Chamber of Commerce. Elliott seconded the motion. Motion passed without objection.

Rent for space at Independent Fire Company

Beginning in January, 2013, the Independent Fire Company in Ranson will begin charging \$50 to use their meeting space, which would amount to \$300 for six meetings for the EPOHOA.

Jim Kief will check into the availability of Shenandoah Junction Ruritan and Suzanne will check into the availability of a church in Charles Town. Elliott moved to schedule the Jan. March and May meetings in 2013 at the Independent Fire Company for an expenditure of \$150 with the understanding that the EPOHOA is looking for an alternative location. Neal seconded the motion. Motion passed without objection.

Placeholder Items:

Elliott said he spoke to an IRS agent and it would cost \$400 to apply for 501(c)(3) status. He recommends this procedure to ensure our tax exempt status. Elliott moved that he would follow through to apply for the 501(c)(3) status. Neal seconded the motion. Motion passed without objection.

In The News

Patrick Henry Estates—Suzanne Malesic, president of Patrick Henry Estates, summarized the HOAs efforts of going through the court system to gain custody of the development's roadways and common areas from the developer. The HOA discovered 4 years ago that the developer planned to turn a vacant single-family residential lot into a road which would be in violation of Patrick Henry Estates covenants and ultimately change the character of the neighborhood by making U.S. 340 a cut-through road. The lawsuit went through the U.S. Federal District Court, two courts of appeal and on October 1, 2012, the homeowners were notified that the U.S. Supreme Court had denied the developer's petition. Patrick Henry Estates won its case and the developer is responsible to repair the roads in the HOA.

Sheridan Estates—Eula Odom, president of Sheridan Estates, reported on their efforts to get Jefferson County to finish the construction roads in the development. The developer went out of business before completion of the HOA and the bond was called in by the county in 2005. Although the HOA has an agreement with Jefferson County signed in 2003 that states if the developer defaults, the county will use the bond funds to finish the roads, the roads have still not been re-surfaced. The county engineer has been slow to finish the roads. On September 26, 2012, the Jefferson County Commission voted to finish the roads before winter. The Commission requested a consent form from each of the homeowners agreeing to use the bond money set aside to complete the roads. Ms. Odom delivered authorization forms she personally collected from each homeowner to the Jefferson County Commission office. However, Ms. Odom received an e-mail today and learned that the Jefferson County Commission is scheduled to meet on Thursday, Oct. 18 and the agenda will address a proposal from a new developer who has purchased the remaining lots in the subdivision. Pete Appignani urged Ms. Odom to make sure each person on the Jefferson County Commission receives a copy of the letter she has from Bowles & Rice that indicates they have been in communication with Jefferson County for several months regarding this proposal. Ms. Odom plans to attend the Jefferson County Commission meeting on Thursday, Oct. 18th representing Sheridan Estates, and ask the county to reject a new proposal for a new developer to finish the development of the subdivision using the funds specifically set aside to finish the roads in Phase One of the development.

Bentwood Estates—Laural Swauger, Treasurer of Bentwood Estates, representing 90 homes, stated their HOA is just in the initial process of organizing. The developer turned over control of the development to the homeowners 2 years ago, but during the time the developer was in control, he never collected assessments, did not enforce restrictions or covenants, and did not inform homebuyers of their responsibilities as a planned community. Two years ago when the developer turned over control, some homeowners realized they did not have funds to operate the HOA and began the process of educating homeowners. About 50 percent of the community was not aware that they had purchased a home in a planned community and would have to pay assessment fees to operate. Bentwood Estates has made progress in putting up a website, posting covenants and bylaws, however, their roads have not been completed and the developer is not responding to their concerns.

Pete reiterated to the group as a whole, that the EPOHOA does not give legal advice. But some suggestions were made to Bentwood Estates such as getting an attorney, getting on the Berkeley County Commission Agenda, and filing paperwork to prevent the bond from being pulled so they have leverage to get the roads completed.

Ryans Glen—Kristin Grubb, co-chair of the 340 Steering Committee formed by Ryans Glen. is one of the residents who would have to vacate her home if the proposed expansion of U.S. 340 is implemented. Since 1998, the West Virginia Department of Transportation's Division of Highways has considered the area in Jefferson County as a possible site for expansion of U.S. 340. However, Jefferson County approved Ryans Glen as a subdivision in 2006. There are three potential route options under consideration, however all three of the proposed routes will affect taking 3 homes in Ryans Glen. The EPOHOA is supporting Ryans Glen by posting news articles and writing a letter to WVDOH supporting reconsideration of the proposed expansion of U.S. 340 that would affect these homes.

Comments: Kathy Knight stated that the State of West Virginia does not own any roads. All roads are either county or Federal highways.

Jim Kief announced that Berkeley County is hosting an all-day legislators meeting on Dec. 3, 2012 on the campus of Blue Ridge Technical College and it is open to the public.

Berkeley County Chamber hosts an Eastern Panhandle Legislators meeting in December and in June. He will provide the dates to Nance to be posted on the website.

Roundtable discussions took place among the members.

Neal moved to adjourn. Nance seconded the motion. Motion passed. Meeting adjourned at 9:00 pm.

Phyllis Smock
EPOHOA Secretary

NEXT SCHEDULED MEETING
December 1, 2012 (Saturday) 9:00 am
Bedington Ruritan
3947 Williamsport Pike
Martinsburg WV 25401
Berkeley County
epohoa.org/info@epohoa.org

