



Meeting Minutes

March 16, 2013

Independent Fire Company
200 West 2nd Avenue, Ranson WV
Jefferson County

Board Members: Pete Appignani, Gap View Village, President
Neal Nilsen, River View Park, Vice-President
Phyllis Smock, Stonebridge, Secretary
Nance Briscoe, Cloverdale Heights, Membership Chair

Other Attendees: Chad Elliott, Ryans Glen; Julie Elliott, Ryans Glen; Beverly Fransen, Oakleigh HOA; Kathy Knight, Carriage Park; Mack Liddell, Carriage Park; Suzanne Malesic, Patrick Henry Estates; Cheryl Middleton, Sylvan Grove; Sandra Poole, Apple Blossom Meadows; Dan Reap, Sylvan Grove; Richard Sussman, PMP; Laura Taylor, Middlebrook

The meeting was called to order at 9:10 pm by Pete Appignani at the Independent Fire Company

I. Approval of February meeting minutes

Neal Nilsen moved to approve February meeting minutes as presented. Motion was seconded by Pete. Motion passed without objection.

II. Executive & Committee Reports:

Treasurer Report –In absence of Elliot Simon, treasurer, Pete submitted the Treasurer’s report. The closing balance as of 3/16/13 is \$3,799.26. Report was put into the record. Pete has contact information for Elliot if anyone needs to get an invoice for dues.

Membership Report –Pete read a report from Nance on membership. At the Home Show, 21 people from HOAs visited our exhibit table. Nance documented many of the issues raised at the Home Show in her report. Pete expressed thanks to the 9 volunteers who worked at the Home Show and especially Nance Briscoe who worked all three days.

Beverly Fransen from Oakleigh HOA joined EPOHOA as an individual member at the meeting.

Ad Hoc Committee on Bylaws—no report

Legislative Review Committee— Pete read the following report from Jennifer Syron regarding status of amending Uniform Common Interest Ownership Act.

A draft bill was sent this week to the legal staff of the legislature for preparation to be introduced. There is still confusion as to what exactly is being introduced as another version was sent the week before by a different party involved in the process. It's unclear if the two versions are the same or different. We won't know exactly what is being introduced until it is, although we have one copy and are checking it now to see how it aligns with the Uniform Law Commission's model act. We are also preparing a packet of information to support our requested language for the tightening or sale of the first home and the establishment of the assessment, a study of the infrastructure components, their useful life, and cost of repair/replacement be conducted. This study, along with a proposed budget would be used to establish the assessment so that there would be an operational account and a reserve account. Disclosure of the study would be required and the study would be updated every five years. Existing HOAs would be required to perform and disclose an analysis, but not required to fund a reserve. The details are still being worked out.

It is going to be very difficult to get this legislation passed this year due to the delay. The bill must be introduced to the Senate by March 25, discussed, amended, and read three times, supported and passed by April 2 for the legislation to move out of the Senate and into the House by April 2nd.

III. Presidents Brief:

On February 27, 2013, Pete made a presentation about EOHOA at the Jefferson County Comprehensive Planning Steering Committee. Pete emphasized volunteer participation in moving forward priorities on legislative issues and education for HOA Boards.

IV. Old Business

Braun Hampstead will conduct an HOA Board of Directors Mini-Seminar on Sat., April 20, 1013, 9:00 am till Noon. At the Kingdom Life Cathedral Ministries, 551 Willow spring Drive, Charles Town, WV. Please RSVP if you plan to attend. Suzanne encouraged anyone attending to be sure to read your governing documents.

Neal reported on Jefferson County Homeland Security and Emergency Management communications with HOAs. A nationwide program of communication has been initiated called NIXEL. It is an information tool that all allows the communication manager for Jefferson County to send alerts about public safety via the web, e-mail accounts, Facebook, or cell phones. Anyone can sign up for this service and receive emergency information. The communication manager for Berkeley County is Renee Hall. Information for sign up will be posted on the web site.

V. New Business

Pete suggested moving the topic of Mentors to the Parking Lot for discussion at a later date.

Jefferson County Days April 7-8, 2013. Nance has made bus reservations for two people. Rosalee Riggins and Richard Sussman. will be attending and setting up a table for EPOHOA. The deadline to get on the bus is March 21, 2013.

Sponsors for web site. Nance Briscoe reported nine (9) businesses have approached her regarding sponsorships on the EPOHOA web site. Some of the interested business included *The Journal*, The Home Builders Association, a landscaping company, a snow plowing & earth moving company, JCP, and AHA. A lively discussion followed regarding the meaning of advertising versus sponsorships and the need for a simple contractual agreement which would hold harmless EPOHOA. Richard Sussman reported a definition for sponsorship versus advertising. A sponsorship generally shares an equivalent mission in stated goals of the organization and is usually a long term relationship which would provide support to the organization such as giving equipment free of cost, paying for the cost of an exhibit such as at the county fairs or the home show, whereas an advertiser would simply be asking for exposure on the web site. Pete asked Richard to do a search for any simple contractual agreement that would require the business to provide a copy of their license, bond, or certification that could be adapted for use by EPOHOA.

Pete closed the discussion pending further information at which time the Board will consider appropriate advertising rates for the web site.

Other legislation affecting HOAs & homeowners: Pete invited anyone interested could look at other legislation under consideration. These bills include:

- SB 55-Exempting homeowners' association dues, fees and assessments from consumers' sales and service tax;
- SB 150-Relating to residential construction projects;
- SB 346 Creating Appraisal Management Companies Registration Act
- SB 361 Creating WV Homeowner Bill of Rights

VI. HOA In the News

Dan Reap, president of Sylvan Grove, reported an article will appear in the Sunday edition of *The Journal* concerning their HOA. The Winchester and Western Railroad wants to close the railroad crossing located at Mineral Drive which is the main entrance to Sylvan Grove. He said he has been in contact with the West Virginia Department of Highways and has some members of the state legislature who support keeping the crossing open. They are hopeful that the WVDOH will take over the railroad crossing but they still have a lot of work to do in arriving at this outcome.

Pete reiterated that results are often reached through strength in numbers. Nance said that Senator Snyder encouraged the EPOHOA to report the actual constituents it represents by reporting that each home represents 2.5 people and if we have 8,000 members it actually represents 16,000 constituents or potential voters.

Three homes in Ryan's Glen are in jeopardy of being taken by eminent domain because of the expansion planned for Rt. 340. They have been in touch with Senator Unger and

are waiting for a new proposal from DOH regarding expansion of Rt. 340.

Kathy Knight, former president of Carriage Park, summarized their experience when US Customs and Homeland Security who wanted to re-configure Rt. 340 in Charles Town which would eliminate four homes and some common areas in the community. The community was successful in stopping US Customs from taking the houses under eminent domain and an alternate plan was accepted.

Nance reported that Berkeley County is selling off storm water management areas in HOAs when the storm water management area is not turned over to the HOA by the developer. Phyllis Smock has volunteered to research why HOAs are losing their storm water management parcels.

Pete also mentioned the problem of taxation of common areas. In Berkeley County, individual homeowners pay the property taxes for their HOA which includes the common property. The HOA itself should not be paying the common property tax. It is double taxation. EPOHOA asked for a ruling from the State Tax Department, but have never received one. Following the election of a new tax assessor in Berkeley County, the Berkeley County Commissioners talked with their lawyer, Bentley, and he said he did not agree with the Circuit Court's decision in the Crystal Lake case, so Berkeley County does not plan to change its policy. The tax assessor, Angie Banks, in Jefferson County exempted the common property taxes in Jefferson County.

Another issue discussed was the fact that Jefferson County Commissioners approve developer plans and it is their position that the Covenants is a contract between the homeowner and the developer and therefore the Commission is not required to review them. But in many cases the Covenants are not in compliance with the law.

Suzanne discussed another issue concerning water rates. Jackie Milliron has been fighting the Public Service District to require a rate paying residential customer to be appointed to sit on the Board and to be a part of their decision making process. Developers would prefer to bring all the waste water treatment lines into a development free of cost. Pete sits on the Public Service District Board. Milliron is calling for support from residents to write e-mails to their legislators on this issue.

Change of Venue-- Pete reminded everyone that the Jefferson county meetings starting in July will be held at St. Leo's Church.

Annual Filing --The annual filing for renewal of incorporation in the WV Secretary of State's office is due no later than June 30, 2013. EPOHOA has the links to the form and it can be paid on line.

Suzanne moved to adjourn the meeting. Neal seconded and motion carried. Meeting adjourned at 11:00 am.

NEXT SCHEDULED MEETING
April 17, 2013 7:00 pm
Bedington Ruritan 3947 Williamsport Pike
Martinsburg, WV 25401
Berkeley County

EPOHOA.org info@epohoa.org