



**Meeting Minutes
April 17, 2013
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: Betty Beckley, Whiting's Neck Farm Estates; Danny Chiotos, WV Sierra Club; David Fish, Wrights Field; Brian Frye, Kingsbrooke HOA; Cy Kammeiev, Webber Springs; Larry Lam, Spring Mills; Lewis McIntyre; Spring Mills; Suzanne Malesic, Patrick Henry Estates; Keryn Newman, StopPATH, WV; Clifford Peyton, Spring Mills; RosaLee Riggins; Ashton Forest HOA; Robert Ryan, Bentwood HOA; Richard Sussmann, PMP; John Swanson, Bentwood; Patience Wait, StopPATH

Guest Speakers: Danny Chiotos, representing WV Sierra Club, and Patience Wait, a consumer advocate, spoke about West Virginia energy resources. They explained the implications of the recent Allegheny Power merge with Ohio-based FirstEnergy in 2011. As a result of this merger, Potomac Edison has been inconsistent and unable to explain its billing policy. Monongahela Power and Potomac Edison is now proposing to the WV Public Service Commission to purchase the FirstEnergy Harrison Power Station at a cost of \$1.1 billion dollars. The cost of the transfer will be passed on to Potomac Edison customers by raising rates by 6 percent across the board. And the rates will continue to increase in the future.

Danny Chiotos is asking for citizens to oppose this purchase and also consider energy efficiency programs such as installing new lighting, weatherizing homes, and other energy efficiency resources which has the potential of creating 19,000 new jobs.

Patience Wait, ask members of HOAs to sign a petition opposing the purchase and send it to the WV Public Service Commission calling for them to reject the proposal to purchase the Harrison Power Station.

April 17, 2013

The meeting was called to order at 7:45 pm by Pete Appignani at the Bedington Ruritan.

Approval of March meeting minutes

Nance Briscoe moved to approve March 2013 meeting minutes as presented. Motion was seconded by Neal. Motion passed without objection.

I. Executive Reports:

Treasurer Report -Elliot Simon submitted the Treasurer's report. Opening balance of \$3,799.26, deposits \$1,912.50, dispersals of \$50.00, and closing balance of \$5,661.76 as of 4/17/13. Report was put into the record.

Status of 501 (C) (3) -- No report.

Membership Report –Nance Briscoe reported Potomac River Farms has filed appropriate tax status papers with WV Secretary of State and will soon become a new member of EPOHOA . Spruce Hill North as declined to renew membership. New members include Bentwood and Sylvan Grove HOAs and Brian Fry from Kings Brook HOA joined as an individual. Invisible Fence of Apple country joined as a business. The contacts are Carter Smoot and Jonathan Price. The membership now totals 33 HOAs, 13 individuals, and 9 businesses. The HOA homeowners total 7,463 homes or 14,962 constituents (based on 2 voting persons per home on average).

Nance proposed the EPOHOA plan a summer picnic to be held at the Bedington Ruritan. Betty Beckley moved to approve the proposed EPOHOA Family Day summer picnic. Elliot seconded the motion. Motion passed without objection. Nance will work up a budget and find out what dates are available. Motion passed.

Ad Hoc Committee on Bylaws – no report.

Legislative Update– Jennifer Syron emailed a summary regarding the status of SB 611. The summary is attached and will be posted on the EPOHOA website. The bill did not get introduced for consideration in this year's legislative session, but Senator Snyder remains committed to the bill and will be working with the EPOHOA Legislative Committee to get it ready to be introduced the first day of the 2014 session.

II. Unfinished Business:

Jefferson County Day at the Capital

Richard Sussmann, Rosalee Riggins and Elliot Simon attended Jefferson County Day at the Capital. Richard and Rosae set up a table in the Capital Rotunda and handed out pamphlets. Elliot met with the Eastern Panhandle Caucus. All were able to network with the legislators at a reception. EPOHOA was presented with an official certificate for attendance at Jefferson County Day.

Sponsors for web site

Following a discussion about adding sponsors and advertisements to web site, Elliot moved to form a committee to formulate a policy to establish requirements and rates for advertisements and sponsors. Suzanne seconded the motion. Motion carried. The following members volunteered to be on the committee: Elliot Simon, Suzanne Malesic, Richard Sussmann, Rosalee Riggins, Neal Nilsen, and Brian Frye. Richard Sussmann will serve as Chair.

III. New Business

Development of list of businesses. Pete directed Richard Sussmann to include the necessary requirements needed by businesses to be approved by EPOHOA in their committee discussion.

Neal Nilsen reported on recent meeting with FirstEnergy and Jefferson County Solid Waste Authority. The telephone number for Potomac Edison is 1-800-686-0011 and to report any outage of service of any kind is 1-888-544-4877. When Potomac Edison took over service from Allegheny, several computer-related issues occurred. These issues will be resolved by the end of May. Neal stressed the importance of checking your bills for accuracy and knowing your account number.

Neal also reported on Jefferson Solid Waste Authority, which has now established a single stream recycling center at the Waste Management Station location near the Fair Grounds at Jefferson Orchard. E-cycling is also available at the Waste Station, but Neal cautioned that any electronic equipment should be thoroughly dismantled and wiped clean of any data. An HOA can also request the E-cycle trailer to visit an HOA for e-cycling on site.

In the News

Question was raised regarding HOA insurance being treated as businesses and only being offered business policies. Elliot responded that most HOAs have \$1 million liability insurance coverage, which includes Board members being bonded.

Pete announced EPOHOA Workshop on Saturday, April 20, 2013. Reimbursement for refreshments was approved without objection. Nance said 45 have registered. Nance has prepared a folder for the Workshop with information relevant to HOAs and a survey. Pete agreed that Nance should go ahead and prepare folders.

Neal moved to adjourn the meeting. Phyllis seconded and meeting adjourned at 8:50 pm.

**NEXT SCHEDULED MEETING
May 15, 2013 (Wednesday) 7:00 pm
Independent Fire Company
200 West 2nd Avenue, Ransom WV
Jefferson County**

www.epohoa.org/info@epohoa.org

ATTACHMENT
Summary of the Status of SB 611

From: "jennifersyron@frontiernet.net" <jennifersyron@frontiernet.net>
Date: April 17, 2013 5:02:49 PM EDT
To: Peter Appignani <pappignani@gmail.com>
Reply-To: "jennifersyron@frontiernet.net" <jennifersyron@frontiernet.net>

Dear Pete,
I can't make it tonight.

Legislative Update

EPOHOA's primary legislative interest this year was SB 611, which our legislative committee had been studying since last June. The individuals responsible for making amendments to the model legislation, from the Uniform Law Commission, including Steve Prunty, did not get copies of the proposed bill to the legislature until mid- March. Two versions were sent to Senator Snyder's legislative staff. Eventually, a version was introduced and assigned to the Senate Judiciary Committee on March 22, 2013.

For those of you who might not be familiar with the legislature. Bills are introduced into either the House or Senate by a delegate or senator for consideration by that chamber. They have to be introduced by March 25. For a bill to be considered by the other chamber, it has to go through various committees in the originating chamber during this process the bill can be amended. It has to make it out of those committees and be voted on by the Senate/House in order to be sent on to the chamber for consideration. That all has to take place by April 3, which is crossover day.

Suzanne Malesic and I went line by line through Steve Prunty's proposed version. Among other things, there were changes in there regarding common area ownership that had profound implications for homeowners and HOAs. We also remained at odds with Prunty regarding the limited expense liability exemption.

I've been in touch with Senator Snyder throughout this process. With the bill being introduced so late, there was insufficient time to fix the problems with it in a carefully thought out and researched manner. Senator Snyder threw out the idea of getting the proposed version passed and then going back and fixing it. But I told him that for homeowners associations, this could create an even worse situation with legal and financial repercussions for them because if an HOA was following the law, but found itself in a law suit and the judge ruled the law unconstitutional, the HOA could end up paying all the attorneys fees. So we decided to let it die this year.

Senator Snyder remains committed to the bill and will be working with us during the interim to get it ready to be introduced the first day of the 2014 session. In a few weeks, we'll pick it up again and start working on the changes. As disappointing as it is to have the bill die in committee, I think the extra time is going to allow EPOHOA to really refine its arguments and support them with additional research. We're going to be talking with some experts at the national level and hopefully with some attorneys in UCIOA states that have amended their law. This will also give the legislative committee more time to explain what's in the bill to the rest of EPOHOA.