



Meeting Minutes
March 15, 2014
St. Leo's Catholic Church
2109 Sulphur Springs Road
Inwood, WV 25428

Board Members:

Neal Nilsen, River View Park, Vice-President
Phyllis Smock, Stonebridge, Secretary

Other Attendees:

Bob Ayrer, Spring Mills Unit Owners; Vicki Bucher, Sylvan Grove; James Corey, Lake Forest; Barbara Corey, Lake Forest; Erik Fox, Rees Broome; Cy Kammeier, Webber Springs; Suzanne Malesic, Patrick Henry Estates; Richard Sussmann, PMP; Jennifer Syron, Chapel View HOA

The meeting was called to order at 9:10 am by Neal Nilsen at St. Leo's Catholic Church. In the absence of a quorum of Officers to conduct business, Neal suggested we would hold an open discussion on several topics.

I. Directors and Officers Liability Insurance Policy for EPOHOA.

Suzanne Malesic said she had contacted Brian Jones from Nationwide Insurance with offices in Charles Town and Kearneysville. Based on the information she provided to him regarding EPOHOA as a non-profit organization that provides workshops relating to HOAs and meetings in a variety of locations, he said he would submit the information to an insurance brokerage firm to get a quote that would combine General and Professional liability coverage as well as Directors & Officers liability. It would take several weeks after filling out an application to get a firm quote. Neal asked her to proceed to get the quote.

Cy Kammeier raised the question if this was a duplication of insurance already held by members own HOAs. Neal said that some meeting locations require insurance in order for EPOHOA to hold a meeting or workshop in their facility so EPOHOA would need its own liability insurance.

Bob Ayrer said that his HOA has a General Liability policy as well as the D & O coverage. In addition they have an auto policy that covers the officers who might travel on behalf of the HOA. He provided a name of a person from Traveler's insurance company to Elliot Simon. Elliot is planning to get in touch with this person.

The important fact to keep in mind is that insurance would cover the legal costs should EPOHOA be sued. Neal also noted that it is important to get at least three bids from insurance companies.

II. Landscaping in HOAs.

Bob Ayrer presented an overview of process he uses to obtain landscaping quotes. He presented the Spring Mills subdivision plat which is composed of residential and commercial sections. The Spring Mills association is responsible for managing both parts of the subdivision. It is complicated because the association must maintain two separate books and comply with two sets of Conditions, Covenants and Restrictions (CCRs). As a result Bob sends out a Request for Quote for Landscape Maintenance with a detailed description of work desired. He actually sends out separate RFQs because the subdivision is divided between the residential areas and the commercial areas of maintenance.

Once he receives a response from potential landscapers, he invites them out to view the actual scope of work. Each bidder is given the same parameters. Once the bids are submitted, Bob said that he averages the bids from low to high and evaluates the bidders on strength of number of employees, considers other factors that enhances the bids, such as amount of liability, renewable contract, op-out option in contract, etc. and eventually is able to determine the contractor he thinks will do the job that meets the parameters he has set up. Bob also mentioned that the contractor he selected offered a monthly payment plan as an enhancement. Since the financial records are kept on a cash flow basis, this was helpful.

Bob said that as a general rule he does not employ homeowners who live in the HOA and that own a landscaping business to work in the community.

III. Status of Private Roads in Briar Run

Richard Sussmann discussed the issue of HOAs having to maintain private roads with public access. For example, in Briar Run, located in Ranson near the Home Depot Store, vehicles, including heavy vehicles carrying up to 20 tons of weight, often cut through Briar Run and connect up with Flowing Springs Road to avoid major highway traffic on Rt. 9. The problem is that the public is using a private road and shortening the life of the private road which the HOA is responsible for maintaining. Speeding through the community is an additional problem. The HOA has the right to put up signs restricting commercial vehicles; however, the HOA has little authority to enforce the unwanted traffic.

Richard said that Briar Run has been successful in reducing some commercial traffic, but speeding remains a problem. The most difficult part of the problem is catching speeders.

Bob Ayrer said his community installed speed bumps to reduce commercial traffic and speeders. It is not popular but does seem to be effective. Bob also stated that his community closes off the 4 entrances to his community during Halloween so that no outside visitors can come into HOA.

Private roads that have public access is defined in Jefferson County. There are no gated communities.

Neal described a Resolution that his HOA has adopted that will allow his HOA to legally fine speeders for damage to private property because the roads are gravel. The Resolution will allow the HOA to enforce a fine with due process of notice of first offense, second offense and hearing.

Richard described an engineering construct for gravel roads, which narrows the road into a very shallow V, forcing drivers to slow down, or otherwise damage their vehicle.

IV. Newcomers

Vicki Bucher from Sylvan Grove HOA of 250 homes introduced herself. She is the Vice President of the HOA. She is new on the board and is trying to understand the responsibilities of the HOA and issues relating to maintaining the roads. The assessments are \$120 per year and she is in the process of trying to convince the community to increase the assessments.

Suzanne announced the upcoming EPOHOA workshop scheduled on April 5, 2014 at the Kingdom of Life Church. The title of the workshop is "How to Obtain, Read and Understand Your HOA Governing Documents."

Cy Kameier from Webber Springs described the situation in his HOA. The developer was required to put aside \$1000 into a capital reserve fund to build amenities originally promised. But when the developer stopped building, the owners found the \$1000 had disappeared. Webber Springs Homeowners brought a lawsuit against the developer and as a result were able to re-write the Conditions, Covenants and Restrictions and new By-Law, and modify the architectural guidelines. They also employed the law firm of Trump & Trump and the property management company of PMP to help them through the process. They were also able to reduce the power of the developer to only holding a vote for the lots he actually owned. Consequently the Board became more powerful and was able to out vote the developer. They also voted down the installation of a pool amenity.

Cy also said they have two lawsuits pending regarding trailers being stored on homeowners lots and he is awaiting the decision of Judge Yoder on the outcome because it could dramatically change enforcement of the CCRs.

Suzanne raised the question about how HOAs enforce unregistered or licensed cars stored on the homeowner's property which is in violation of the CCRs. Due process is required, which requires notice of violation, a hearing and if the violation still exists, the HOA must obtain a court order for right of entry in order to tow the vehicle from the property owner's property. Cars on the common area can be towed.

Another newcomer, Barbara Corey introduced herself. She lives in Lake Forest with about 80 members and 10 homes and 185 acres of common land including a Lake, pond and a dam. One of the members in Lake Forest wants to harvest trees on the back of his lot and wants to use common land to get the truck up to the area to get the logs. He has suggested a partnership with the HOA to earn money. Richard said if the CCRs restrict the lots for residual purposes only, then the member would be prohibited from harvesting for commercial use. The HOA is divided into two sections and one side has restrictions from taking down trees. She mentioned Lake Forest has a forest plan which includes

cutting some trees to allow new undergrowth to grow in order to maintain a healthy forest.

Jennifer suggested she contact the county to determine what restrictions are in place in the county in terms of cutting trees and storm water management. Neal offered the name of John Maxy as a good resource for her to contact. Jennifer suggested John Petticoat who works at the Cacapon Institute and would be able to identify which trees are non-native. Suzanne also offered the names Tanner Haid and Frank Rogers who are also forestry officers at the Cacapon Institute.

V. Security Issues

A general discussion was held regarding security needs within the communities. Jennifer suggested tot lots, tennis courts and basketball courts tend to invite outside folks into the community and vandalism. Bob Ayrrer offered information about a security system installed in Spring Mills which includes 16 infrared high resolution security cameras. The cost of the base unit was initially about \$1400 and \$200 per camera for high resolution. He also has a program on his home computer that allows him to dial up the camera for viewing from his home. The system was purchased from Speichers in Hagerstown.

Jennifer suggested a presentation on security systems might be a good topic for a future meeting. Neal said since he is a security specialist, he could make a presentation.

Richard reported receiving a message from Nance Briscoe who thanked everyone who volunteered to help at the Home Show in the Martinsburg Mall.

Meeting adjourned at 11:00 am

Phyllis Smock
EPOHOA Secretary

NEXT SCHEDULED MEETING

April 16, 2014 (7 pm)
Bedington Ruritan
3947 Williamsport Pike
Martinsburg WV 25401
Berkeley County
EPOHOA.org

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