



**Board Meeting Minutes
October 21, 2023
Bethany West Meeting Room
and Via Zoom**

President Dave Wiecking called the meeting to order at 9:30 a.m.

Board Members in Attendance: Dave Wiecking, Margie Cyr, Kate Munteer, Don Deraska, Kerry Hall, Holly Fluty Dempsey, George Rayburn, Bob Wood, and Paul Bradley by Zoom (in and out)

Community Members: Peggy Taylor, Jane Certo, Joe Woolman

Others: Cathy McCallister and Donna Hugues, Solutions Property Management

Motion re: Recording Meeting Bob moved, George seconded that recording of any type of the meeting except for the Zoom recording initiated by the Board or its property manager is not allowed. All were in favor.

Meeting Minutes: Don moved, George seconded approval of the September 30, 2023 Board Meeting minutes. All were in favor.

Property Manager's Report: Cathy McCallister (Solutions Property Management)

- RFP (request for proposal) information has been sent to Holly for landscaping and Dave for trash.
- Staff bonuses have been mailed out.
- The covenant amendment ballot to prevent marijuana-related businesses in Middlesex has been mailed. There is no deadline printed on the ballot. Cathy recommends reminding people every 10 days or so, and Dave asked Margie to include this in the next Email blast.
- Cathy is following up on a reported streetlight out on Bayberry Rd, for which Delmarva has no record.
- Trash contract: there would be a \$35 per container fee for Republic Services to collect their trash bins should we choose to go with a different vendor. We will have a hard time finding another trash contractor that will allow its trucks to back down dead-end streets. Most other companies want to use arms to lift the trash bins. Nonetheless, Cathy will do due diligence and bid it out. She finds Republic to be very responsive.
- Snowplow contract: David Elechko, Shore Home Improvements, agreed to plow streets at a reasonable rate last year, and MBA reimbursed him for a required license fee. Don asked if we should get other bids. Paul reported that other companies wanted an upfront payment, even if it never snowed, so we declined those bids. Kerry will speak

to Dave Elechko about this, and Don will speak to someone he knows. We may want to include snow removal in a future landscaping contract, and include treatment for ice.

President's Report:

- Dave invited Board Members to attend sessions of the Community Association Institute (CAI) on November 10.
- George moved and Don seconded that the Board pay \$100 per month to rent the Bethany West community room for its meetings. This includes the audio—visual equipment used to broadcast and record our meetings. Bob assured us that there are sufficient funds in the budget. All voted in favor.
- Happy Hour this evening at home of Bob and Toni Wood.
- Website: Kate and Dave met with Cathy and Donna about moving to a new website host. A discussion ensued about email forwarding (as in for Board email addresses.) Margie asked about who would manage a new website. SPM would manage it, with admin privileges for a couple of MBA folks. Margie also asked if there was a reason to move from our GoDaddy website to another host. An advantage to the site is that we could use it for email and texts, which would eliminate the need to use MailChimp. Several other advantages were discussed. Bob says we have \$2,000 in the budget for the website. The Board will be able to view and comment on the new website before the old one is retired.
- Drainage Inventories: Dave is collecting these in one place.
- Beach scraping permit: Dave has applied for a two-year permit renewal, which permits MBA to mechanically scrape sand from the beach to the dunes (subject to DNREC oversight).
- Mediacom has recently connected several fiber optic cables that were run in the spring of 2022, which will bring better service to their customers than the old coaxial cable.

Treasurer's Report: Bob referred us to his written report that is posted on the website for the period ended September 30, 2023.

- New CDs have been purchased in our Morgan Stanley account in accordance with the ladder started by former treasurer, Jerry Kafka.
- A new checking account has been set up for T-shirt sale money, which is about \$1,750, with one invoice still to be paid. A discussion ensued about setting up a separate entity to manage volunteer contributions. Margie recommended setting up a separate nonprofit entity for donated beach funds, perhaps a 501(c)(3). George recommended against this because of the expense and management requirements. Kerry asked if a restricted fund would be useful. Cathy says in the future, the money should go through SPM.
- Invoices to Indian Beach and North Indian Beach for lifeguard services have gone out, and have been approved to be paid in October.

Budget/Finance Committee:

- **Reserve Funds Policy** Bob presented a proposed policy for Beach, Capital and Legal reserve fund expenditures, based on the policy enacted by the Board in April 2006. Any expenditure from reserves must be approved by the Board. Kerry pointed out that there is no restriction based on third party reports (i.e., outside reserve study). Bob confirmed that a reserve study is a tool to be used to recommend reserve levels, but does not dictate what we can and cannot spend reserves on. Paul said Mary Schrider-Fox, the Association’s attorney, advised that we should spend the reserves on what we told the community we were taking their money for, and if we want to change that, we should come up with a policy that outlines why and how we are spending the money that is in the reserves. This proposed policy does that.

Paul asked how we can ensure we will meet future reserve needs. Bob suggested we may want an outside reserve study and provided a document on reserve balance analysis for discussion. Bob advocates that in addition to having a policy and requiring Board approval of reserve expenditures, there needs to be an analysis of how we will rebuild reserves after large expenditures. This should be part of the annual budget process.

After considerable discussion, Bob agreed to revise the policy statement and forward it to Mary Schrider-Fox for her review. Dave wanted to clarify that we have a beach “reserve” fund, not a beach “replenishment” fund, and that reserve funds could be used for beach-related needs other than replenishment.

A reserve study can be funded from Capital Reserves. Estimated cost: \$5,000 for first-time client; \$3,500 thereafter.

- **Reserve Balance Analysis** Bob suggests that with a new clarification of Operating vs Reserve expenditures, it is possible that operating expenditures may go down, as we draw more from reserve accounts. This will require greater replenishment of reserves. We need to be analyzing annually what portion of the assessment goes to operations and what goes to reserves, and communicating this clearly to the community. Bob believes we can manage the budget so that annual increases remain nominal and anticipated (inflationary), while still building for our future needs. (See Reserve Balance Analysis, attached.)
- **Reserve Study** – George moved, Kerry seconded that Cathy get a bid from Miller Dodson, a firm she highly recommends, for a reserve study. All in favor.

Committee Reports:

Community Facilities: Don thanked everyone who helped with work projects over the Oct. 7-9 weekend, and referred us to his written report.

- We are reaching out to Harry Caswell, Inc. to jet out pipes at the west end of Pine Side roads, as well as the driveway culverts along Addy and Evergreen which were not done in 2021, the last time MBA had similar work done.

- Don will reach out to community member Bill Graves about measuring the effectiveness of drainage on our streets, and gathering data about drainage. (Dave has added a schematic map of MBA drainage on our website.)
- MBA will replace the existing culvert at 20 Errett, where the homeowners are adding a second culvert at their own expense as part of a Building project.
- George has been tasked with the ongoing struggle to get DelDOT's approval to install our new median signs, which are ready and waiting. The approval is "in process."
- Dave has created a webpage and map that includes all our Coastal Highway fencing, including when it was installed, to help us keep track of what needs to be replaced. Holly mentioned that fencing and landscaping need to be coordinated. Dave will ask Cathy to get estimates for some fencing that currently needs to be replaced.
- Holly will get an estimate from Jeremy Hager for removing a dead tree on MBA property at 2 Short, as well as collecting some piles of brush, including recently cut bamboo on Beach Plum.

Landscape

- Holly will have her questions for the landscape survey ready by the end of the month.
- Holly, with Dave and Margie, is working towards getting Delmarva to provide landscaping at the west end of Bridge Rd alongside the Delmarva substation.
- Blake Moore, UD Extension Services is coming November 20 to advise about how to eliminate invasive *Phragmites australis* in the Addy swales, and yellow flag iris (*Iris pseudacorus*) in Bayberry swales.
- We still need pine needles for mulch.
- We are aiming to get three bids for a new landscaping contract based on results of the landscaping survey.

Commercial

- Andrew Ratner, commercial property owner, wants to replace a fence behind Verizon / Berkshire Hathaway (along Beach Plum, between Bridge and Addy.) He wants to install a white vinyl fence. Discussion followed about the pros and cons of removing the MBA wood fence. George moved, Kate seconded that we allow the property owner to remove the existing MBA wood fence in conjunction with installation of a white vinyl fence on his property. Dave, Kate, George, Bob, Kerry, Don approved. Holly, Paul, Margie opposed. The motion passed. Dave will contact him regarding the need to submit a permit application.

Building:

- Margie moved, George seconded that we return \$1,000 demolition deposits to 56 Dune and 8 Short. All approved.

- The owners at 20 Errett will be adding a second driveway culvert; the legal agreement between MBA and the owners at 20 Errett is being drafted for the future maintenance of the additional culvert on the property.

Community Patrol (CP) / Security: Kerry is considering changing one daytime position to a swing shift to cover 11 am -7 pm. On the off-season September weekends, a swing shift might provide adequate coverage. (See written report for more details.) Thanks to Tom Glasgow for the suggestion.

Beach Patrol: No report.

Sand: Steve Larsen, Dave, Paul and Margie met via Zoom to discuss issues relating to sand.

- a. Should we charge entities that want to cross our beach in order to complete sand replenishment for others?
- b. If Sea Colony is getting sand, can we also?

Dave has asked former DNREC employee Tony Pratt to advise us on how the permitting process works from an insider's perspective. Margie also recommends speaking with Tom Olsen of Sea Colony to learn what they are doing, and which permit they are renewing, DNREC's or the Army Corps'.

Social: No report.

OLD BUSINESS

Request for Tent on Beach, 38 Dune. Kate moved, Kerry seconded that we submit a new rule to the community for comment to allow a canopy to be erected for special events under certain conditions specified in the rule as drafted and amended by the Board.

Kate circulated suggested provisions of the new rule (policy.) There was considerable discussion, and some changes were agreed upon.

In Cathy's experience, Boards may make rules without community input, as long as they do not conflict with Covenants. Margie reported that MBA was required by DUCIOA and on recommendations by MBA's attorney to follow a process that allowed for community input on all rule changes a couple of years ago.

The motion passed, with all present in favor. (Paul had lost Zoom connection.) The proposed rule will be circulated to the community for comment after Mary Schrider-Fox verifies the process for creating a new rule.

NEW BUSINESS

Directory Cover We are looking for a way to get a different colored photo for next year's directory cover. (Not orange.)

Proposed MBA Business Model Changes To be discussed at Board operational meeting.

George moved, and Don seconded to adjourn to Executive Session. All approved. 12:22 p.m.

Board Reconvened at 12:31 p.m.

Executive Session topics discussed: Approval of 2023-09-30 minutes.

Holly moved, Margie seconded, to adjourn. All approved. Meeting adjourned 12:32 p.m.

Respectfully submitted,
Kate Munteer, Board Secretary

10/21/2023 Community Facilities Committee Report

The “MBA Work Group” has grown to 24 members and seems to be continuing to grow. If anyone who is on this wants access to the contact list, please contact me (text to 781-367-1271 or e-mail me @ donderaska@gmail.com) and I’d be happy to share it.

I want to thank everyone who volunteered for the Columbus/Indigenous People’s Day weekend work effort. First of all, kudos to Carrie & Tom Maslen who read the summary of tasks on our website and took it upon themselves to clean out the Bayberry Road swale BEFORE the official start on Saturday – THANKS!!! Holly Fluty Dempsey, George Rayburn, Dave Wiecking & Carrie Maslan cut back the invasive bamboo on Beach Plum Road on Saturday. Holly, George, Dave & Val Peizer continued/finished this on Sunday while Bob Wood tackled the fence repair along the east side of our Route 1 fencing on Sunday. Although the weather cooperated enough over the weekend, Dave, Val & Holly patrolled for pine needle reclamation on Monday. We’ve decided to postpone this effort until there are more pine needles available.

We’re still deciding about whether to have a chipper come out or simply move everything to the bamboo pile along Beach Plum Road & have that hauled away with our last yard waste removal on 10/25.

Other issues:

Signage:

We’re still in the process of coordinating with DelDot and Ad-Art for the installation of Middlesex Beach signs in the median of Route 1.

We’re working on standardizing the “no outlet” signage on all pine side roads.

Fencing:

Armed with a more accurate list of the age of various sections of the existing fencing along Rt 1 than is in our Reserve Replacement study, we’re looking into replacing much of the fencing along Rt 1 from the north end of Short Road to mid-point of the Bridge/Errett block.

Drainage:

We’re still waiting on a quote from the contractor who has blown out the pipes on the west end of our roads in the past. Dave, Holly, Margie & I attended the second of three workshops by Sussex County Conservation District on stormwater management which included information about Tax Ditches, Designer Ditches & management of invasive species. Blake Moor [Natural Resources Agent from University of DE Cooperative Extension who is the Chair of DE Invasive Species Council] will be coming out to meet with us and give us recommendations on managing our invasive vegetation. I’m planning to check with South Bethany regarding their plans to manage this issue and still plan to reach out to the appropriate contact at Sea Colony to try to coordinate our efforts about drainage.

We're looking into investing in some equipment to help us maintain the swales (electric trimmer with brush cutter attachment). Should be just under \$300.

We've filled gravel in some of the driveways along Bayberry Road to address the concern about unevenness over the culverts after the recent drainage work.

Guard Shack area:

The foot washes and Guard Shack plumbing were winterized on 10/16/23 thanks to Ken Griffin & Dave Taylor.

The Guard Shack chair & community wheelchair have been stored in Dick Creswell's garage for the winter (along with the Janice Creswell memorial bench from the Evergreen Road beach walkway which was kindly repaired by Chuck Taylor). Thanks to Dick & Chuck for this!

Beach Walkways:

I need to check with Bethany Beach Volunteer Fire Department about the width of their Polaris to make sure our walkways can accommodate this when needed.

Dunes:

Mike Jandzen (from Aquatic-Marine, LLC) postponed the planned 9/25 meeting to get his recommendation on maintenance of our Dunes as he was in FL while Ophelia was coming through. We hope to meet with him next week. I'll be trying to get a small group together to fix the line of dune fencing that was damaged when Ophelia passed through (the second line in).

Bridge Rd pedestrian barricade:

Fixing the broken section is still under way – proving tougher than expected to straighten the broke/cracked post but we're not out of ideas yet!

Vehicles:

Lisa & Tim O'Brien have agreed to allow us to store the electric Polaris in their garage for the winter – thanks to them for this!