



**Board Meeting Minutes
November 18, 2023
Bethany West Meeting Room
and Via Zoom**

President Dave Wiecking called the meeting to order at 9:35 a.m.

Board Members in Attendance: Dave Wiecking, Margie Cyr, Holly Fluty Dempsey, Kate Mounteer, George Rayburn, Bob Wood; Kerry Hall and Don Deraska (via video link) **Not present:** Paul Bradley

Community Members: In person: Ron Thomas; **via Zoom:** Marty Shecter, Terry Errett, Nancy Glasgow, Rita Cavanagh

Other: Cathy McCallister, Donna Hugues, Solutions Property Management (SPM)

Motion re: Recording Meeting Don moved and Kerry 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 present were in favor.

Meeting Minutes: George moved and Bob seconded approval of the October 21, 2023 Board Meeting minutes. All were in favor.

Property Manager's Report:

Cathy McCallister (Solutions Property Management) reported.

- The new contract for three years of trash services by Republic is ready for approval. After some discussion, Margie moved, Bob seconded approval of the contract. All present were in favor.
- Community members are reminded that if a trash pick-up is missed, it should be reported to Solutions Property Management within 24 hours.
- Snow plow contract: Cathy is still collecting bids.
- We are ready to move ahead with Harry Caswell, Inc. re: jetting culverts. After some discussion, a cap of \$10,000 for the job was agreed upon. The job will start with one side of Evergreen, both sides of Addy, and the underground pipes leading out of the community. If money remains, as is expected, they will continue onto Bridge and move north. (The MBA budget includes \$50,000 for drainage maintenance work.) Don moved, and Margie seconded that we proceed with the contract with Harry Caswell, Inc. for jetting culverts asking them to add a cap of \$10,000 before they do any work. All present were in favor. The Board needs to notify community members that this will be happening once we know the dates.

- Vote on Covenants change regarding the prohibition of marijuana-related businesses: the current vote is 139 in favor and 18 opposed. We need 60 percent to approve the change, or a total of 147 in favor.

President’s Report: Dave Wiecking

- Dave asked Cathy (SPM) to follow up with Sussex County Sewer to address the sink hole at 32 East Addy.
- Dave asked Margie to check with DelDOT to see if there is a sign that could be installed to warn drivers about penalties for not stopping at flashing lights.
- George is hopeful the new median signs will be installed before the end of the year.
- Capital Reserve Study: Bob moved, George seconded accepting MillerDodson’s proposal to update our capital reserve study for a fee of \$2,800. It was recommended that ditches/swales be included. All present were in favor.
- Beach Replenishment: DNREC and the Army Corps of Engineers (USACE) control beach replenishment. In the past we were told we would need to find our own borrow site if we wanted sand on our private beach. Discussions with Tom Olson of Sea Colony and Tyler Littlefield of GBA indicate a new policy, and we may be able to buy sand from USACE if we get permits. The Sand Committee will investigate further.
- Dave and George met with beach consultant Mike Jandzen who said our beach is in good condition. An invasive species, Japanese sedge grass, has been found in spots on our dunes. It has long roots that hold sand in place, but doesn’t stand up, so it doesn’t knock down wind-blown sand and contribute to increasing the size of dunes. The Sand and Landscaping Committees will explore what to do about it.

Treasurer’s Report: Bob referred us to his written report that is posted on the website for the period ended October 31, 2023. Year-end bonuses have been paid. A bank account for community T-shirt sales has been opened.

COMMITTEE REPORTS

Budget/Finance Committee: Bob is planning for Budget process.

Capital Reserve Policy: The Board’s attorney, Mary Schrider-Fox, reviewed the Reserve Fund Policy that was presented at the October meeting, and found it to be excellent in articulating what reserves may and may not be used for. As discussed in October, Bob added a provision that any capital expenditure must be greater than \$5,000 and have an expected life of more than one year. Any expenditure below \$5,000 will come out of the operating budget. Bob moved, George seconded that the Reserve Policy be adopted. All present were in favor. The policy will be posted to the website.

Community Facilities: Don referred to his written report.

- Don continues to use a text work group list to recruit volunteers for tasks. He is keeping track of hours. Twenty-four members are on the list. He is hoping to have a spreadsheet for tasks linked to the website. He also is considering set work days throughout the year.
- Don has made efforts to connect with Sea Colony and South Bethany regarding invasives, but has had no reply.
- Buying a trimmer to keep swales groomed.
- 20 Errett driveway broken culvert to be replaced for \$1500.
- Guard shack is winterized.
- Some Beach walkways may be hard to navigate due to shifted sand, but Bridge and Errett are quite passable. All to be addressed in the spring.
- Thanks to Chuck Taylor for repairing benches at Dune Crossings.
- We are considering replacing split rail fence on Short Rd by the Sea Colony parking lot, but in a manner that permits golf carts to pass through.
- Pedestrian Barricade on Bridge Rd has been repaired thanks again to Chuck Taylor.
- Dave is exploring replacing fencing along Route 1.
- We are still awaiting information regarding Guard Shack materials.

Landscape Holly submitted a written report. We are actively collecting pine needles. Coastal Plant Care fertilized 103 trees and shrubs. Invasive vine survey has been completed, and an email will be sent offering to cut vines on private property. Community survey regarding landscaping is nearing completion. Blake Moore will meet with Holly and Dave on November 20 to discuss invasive species in swales. Some bamboo along Beach Plum has been removed. Materials for spring packets are being collected.

Commercial – George has not found a replacement for chair of the Commercial Committee, and we agreed we would like to keep him in that capacity. He agreed to stay on.

Building: See Margie’s written report.

Community Patrol (CP) / Security: Kerry and Dave have spoken with two different providers of security cameras to be mounted on the guard shack. One will be aimed along Bridge Rd towards the highway; a second will be aimed northward along Dune Rd. There is significant foliage blocking any camera view to the south. The intention is that cameras may help identify anyone causing damage. A proposal will be brought forward for cameras, possibly at next month’s meeting.

Pass Scanning (QR Codes) Process: We need to track passes to maintain our private beach. Dave is exploring what information is being tracked. The system currently in use is tied to the user database on our existing website, which we are planning to replace, so this will need to be taken into consideration before preparing passes for the coming season.

Beach Patrol: Mark will be working with Bob to prepare next year’s budget. We are wondering if we need three vehicles, one golf cart and two Polaris.

Sand: See earlier discussion.

Social: No report.

OLD BUSINESS

Canopies for Special Events: The Association's attorney, Mary Schrider-Fox, has reviewed the proposed rule and recommended some minor changes. This revised document will be circulated to the community for discussion at our next Board meeting, December 16. Holly asked that we specify that a canopy can have no walls. Notification of this meeting must go out to the community 15 days prior to the meeting, either via email or USPS. We are investigating our various member lists in hopes of obtaining an email address for every property in the community, so we can circulate this electronically. Margie, Dave and Cathy will handle this.

Website Conversion: See report. George moved, Bob seconded that we approve up to \$750 to move forward with the creation of a new website. All in favor, except Margie abstained.

NEW BUSINESS

20 Errett Driveway Culvert – Margie moved, and Kate seconded that we approve the property owner's application to install a second culvert, at their expense, at the west front of their property, and that we approve the replacement of the existing broken culvert, at MBA's expense, at the east front of their property. (The Association will only maintain one culvert per property.) All present were in favor. Don further mentioned that we may have culvert material in our possession that will help lessen the Association's cost of \$1500.

Community Survey –Holly is are working on survey questions that will include landscaping questions to help inform our request for a new landscaping contract; Dave is working on questions related to other aspects. Discussion ensued about landscaping, including watering plants.

COMMUNITY COMMENTS Ron Thomas asked us to include in the survey a question whether we want to continue maintaining Pine Path. He also mentioned asking McDonald's to turn off lights at night. Also, the commercial property at 30 Beach Plum has even brighter lights on rear and sides that are problematic.

BOARD OPERATIONS AND OBLIGATIONS At 12 noon, the Board welcomed Association attorney, Mary Schrider-Fox to discuss Board Member obligations under our governing documents and Delaware law. New members signed the Board Code of Conduct. The Board also discussed timing and other requirements of minutes, notice of meetings, the budget process, and the possibility of updating our bylaws.

Approval of Executive Committee Minutes: Margie moved, Holly seconded approval of October 21, 2023 Executive Committee minutes. All in favor.

Adjournment: George moved, Bob seconded adjournment. All approved. 3:35 p.m.

Respectfully submitted,

Kate Munteer, Board Secretary

Next Meeting, December 16

11/18/2023 Committee Reports

Community Facilities Committee:

We continue to use the "MBA Work Group" List for tasks in the Community. I'm keeping track of person hours spent so that we'll have a more accurate estimate of what is entailed for future work. Many thanks to Jeremy & Val Peizer, Kate Mounteer, Chuck & Peggy Taylor, Tim & Patty Sheffey and Dave Wiecking & his band of friends for tasks done in October that included repairing interior line of dune fencing, raking pine straw out of Addy Rd swales, transporting the pine straw to & distributing it along to Beach Plum Rd and trimming boxwoods at the intersection of Beach Plum Rd & some of the pine side roads. There are still some piles of pine straw on Beach Plum Rd, so if anyone has the time & inclination, feel free to head out there with a rake & disburse them! Please e-mail [donderaska@gmail.com] or text [781-367-1271] me if you do so & let me know approximately how much time you spent (and how many people were involved) so I can update that log.

I'd like to move ahead with posting a list of tasks that need to be done on the volunteer page of our website. I'm envisioning something that specifies the task, tools needed, estimated time commitment & whether supervision from one of the CFC members is required. I'm thinking we'd work out a time for a committee member to be around at the convenience of the volunteer when supervision is needed (and would of course provide supervision or teaching for anything if requested).

I also think we should consider having a monthly (or bi-monthly) planned volunteer work session over the Spring/Summer months when more people are around to tackle some of the regular maintenance (such as swales, walkways/footbaths, etc.).

I welcome thoughts & suggestions about all of the above.

General:

In addition to the removal of a dead tree from in front of 2 Short Road, Clark Tree also removed the debris piles along Addy, Errett & Beach Plum Rd created from Ophelia on 9/23/23 and our Fall clean up.

Signage:

George Rayburn is still coordinating with DelDOT and Ad-Art for the installation of Middlesex Beach signs in the median of Route 1.

Drainage Maintenance:

We have a verbal quote from Harry Caswell for jetting out the pipes on the west end of all pine side roads & ALL culverts under the driveways of Evergreen & Addy Rd. They will give us a formal written proposal, however this will list their hourly rate of \$275/hr (up slightly from \$250/hr when last done in 2021) but cannot give us a total cost (we are free to specify a cap, however given the scope of work seems much less than that done in 2021 when we had to stop due to reaching our budget of \$6000, I think this should be LESS than that and we have plenty of money budgeted for drainage maintenance in this year's budget).

Blake Moor [Natural Resources Agent from University of DE Cooperative Extension who is the Chair of DE Invasive Species Council] is meeting with Dave & Holly on 11/20 to give us recommendations on managing our invasive vegetation. I've reached out to South Bethany's Public Works Supervisor [Jon Stiffler] regarding their plans to manage this issue but got no response

(according to their Fall/Winter newsletter (posted 10/4/23), they've hired Envirotech Environmental Consulting, Inc. (based in Lewes) to implement an "Integrated Vegetation Management" program on their west side canals. I've reached out to two folks at Sea Colony [Doug Bowden & Rick Parrett] to introduce myself & coordinate our efforts about drainage as well but have not heard back from either so far.

We're still planning to invest in an electric trimmer with brush cutter attachment for swale & other maintenance. Should be about \$300.

We've addressed the concern about unevenness of driveways over the culverts of some properties on Bayberry Road to the satisfaction of the homeowners by filling in some gravel.

Guard Shack area:

Hibiscus plants have been dug up & repotted/brought indoors for the winter...no guarantees they'll make it but we'll give it a go! We'll keep an eye on/may need to "winterize" the ceramic pots they were in so they don't crack from ice buildup over the winter.

Beach Walkways:

Bethany Beach Volunteer Fire Department gave me a rough estimate of 7' required for their Polaris with horizontal litter in place to clear our walkways. We'll make sure there is that minimal width on as many walkways as possible, and make sure MBP and CP know which they are.

There was some concern over the pile of sand that formed on the east end of many walkways [especially Evergreen Rd] after Ophelia passed through, making it difficult to get to the beach and someone asked me if we were going to dig these out. My feeling was that this was providing us some protection and that this would likely change over the course of the Winter and we could/should dig these out in the Spring at Mobi-Mat installation time. The accumulation at Bridge and particularly Errett is much less and these are currently the easiest places to access the beach.

Dunes:

Mike Jandzen (from Aquatic-Marine, LLC) is scheduled to meet with Dave Wiecking & George Rayburn to give his recommendations to us for dune & walkway maintenance.

Bridge Rd pedestrian barricade:

Fixing the broken section is just about complete - many thanks to Chuck Taylor for this!

Rt 1 & west end of Bridge Rd fencing:

Dave is planning to look into replacing worn sections of the shadow box fencing along the northernmost section of Rt 1 & the west end of Bridge Rd.

Short Road split rail fencing:

We still plan to reinstall the split rail fence in the opening of the current fence along the northeast corner of short road (abutting the Sea Colony overflow parking lot) in such a manner as to allow golf carts to pass through but still encourage bikers (and carts) to slow down to avoid accidents with traffic on Short Rd.

Landscaping Committee

Special thanks to community members who continue to collect and spread pine needles: our precious treasure for winter mulching!

Trees and shrubs on Middlesex community land were fertilized by Coastal Plant Care, 103 in total.

Invasive vine survey was completed for all Pine Side residential properties. Plan is to send a community-wide notice on the work and then to separate individual property owners with the offer to cut invasive vines at the base of their trees.

Community-wide questionnaire on landscaping priorities for the new landscaping contract is in development.

Several Board members attended the three-session Sussex Conservation District webinars. Topics covered included Storm Water 101; Intro to Tax Ditches; Simplifying Designer Ditches; Invasive Plant Management; Magical Meadows; and, Urban & Community Forestry.

A tree located at the end of Short Road and on Middlesex property was removed; assessment indicates its cause of death was due to root loss/soil compaction during construction. Standing trees at that site will continue to be monitored.

October work included bamboo removal on Beach Plum Road by community members. Commenced selection of materials for the spring packet.

Building Committee

There are five active construction projects which are hold-overs from the previous construction year. There are two new home and three large renovation projects in progress. The Building Committee is awaiting submission of two other large renovation project applications. There are numerous approved Small Project permits.

Drainage Update

Paul Bradley and Margie Cyr have been working with DNREC for almost three years on the drainage problems experienced on Kent Ave and in MBA. They have met monthly (mostly) with DNREC during the MBA ditch work begun two years ago and added DelDOT into those meetings as necessary. In August DNREC informed them that it was working with Sussex Conservation District to design a plan for drainage improvements along Kent Ave. As we have been told several times by these professionals, MBA's commitment and work on our internal ditches plus our persistence, has been the key to getting something done out on Kent Ave.

Margie had a meeting on November 1, 2023 with our DNREC drainage contact. (Paul had a work commitment so it was agreed to keep the meeting and not delay it). Sussex Conservation has created a plan for remediation of Kent Avenue drainage and DNREC's Division of Watershed Stewardship, Drainage Program, is on board with it. The plan will provide relief for the south side of MBA defined as Evergreen, Addy, Bridge, and Errett; it may provide some relief for the north side of MBA defined as Bayberry and Short.

The plan is still a rough sketch pending review by DNREC's engineering department. After this, DNREC will work with DelDOT to get their blessing and easements. Some environmental permitting will be necessary but that is not seen as a road block. It will be an expensive project as it requires equipment, piping, and lane closures. They don't have a cost yet and once they have that, they will look for the money. There is not an estimated time frame yet; but in a month, they should have the review back from the engineering department and a budget for the project.

It was suggested to not pressure DelDOT to clean out Kent ditches now since there is a bigger plan in the works.