



Board Meeting Minutes

Saturday, April 21, 2018

The meeting was called to order at 9:30 am by the President, Jeff Sella, at the Bethany-Fenwick Area Chamber of Commerce.

Board Members Present:

Sharon Adams, Judy Bennett, Dave Burgess, Margie Cyr, Jim Dempsey, Tris Kruger, Steve Larsen, Jeff Sella, and Ellen Throop.

Others Present:

Pam Baratta (Usage of Beach Committee), RuthAnn Barnes (CAS), David Taylor (Beach Patrol Committee), Greg Pichler (20 Dune), Jay and Paula Sella (25 Short), and Peggy Taylor (21 Short).

Review of March Board Meeting Minutes:

Margie motioned to approve the March Board Meeting Minutes and Ellen seconded. The March Board Meeting Minutes were approved.

Property Manager's Report: RuthAnn Barnes (Community Association Services)

Department of Natural Resources provided their report on drainage at Kent Avenue ditches as promised. They recommended a survey be done of the MB ditch elevations to determine if and where any corrections could be made. There was a clean out of the Kent Avenue ditches in April/May 2017 and the Department is trying to add those ditches to their 21st Century Project List.

Transition from RPM — Bank accounts have been transferred. RuthAnn inquired as to what we would like done with an existing \$25,000 Line of Credit—decision to keep or transfer on hold until we determine whether we need to keep it. G&E account transferred. Verizon account for MB cell phone has been problematic to transfer and we may need to cancel and reopen the account. Original account opener (D.Wiecking) has been contacted for assistance.

A conference call line was set up for the Board to use as needed. This is a free service that is provided by Free Conference Call Services.

Bayside Mini Storage was selected to store paper files. The one-year contract and payment will be delivered to Bayside to begin May 1, 2018.

The dumpster from Allied for spring bulk cleanup will be delivered May 4 on the ocean side of Addy & Dune Roads and will remain until May 14. Allied will not pick up a dumpster that is

April 21, 2018: MBA Board Meeting Minutes

overflowing so we need to monitor and call for a pickup and replacement if needed. Clark Tree is scheduled to pick up tree debris and other organic material on Monday, May 14.

RuthAnn reviewed the year-end budget report that analyzes variances that CAS will provide on a monthly basis. Jim Dempsey will review the information presented for the Board and discuss what is needed going forward.

CAS offered a reimbursement check to Jeff Sella for MBA expenses that he had incurred. Jeff declined the reimbursement and refused the check.

President's Report: Jeff Sella

The contract with McCabe for landscaping has been signed (\$25,000). Margie moved and Ellen seconded that the contract be approved. All in favor.

Jim moved and Jeff seconded that Book Associates prepare a Compilation Audit for the past year. All in favor.

Ellen moved and Dave seconded that the Bayside Mini Storage contract be approved. All in favor.

Steve moved and Jim seconded that the Foresight contract for the survey of Dune Road for the widening and paving be approved. All in favor.

The annual audit of MB's Workmen's Compensation Account will be scheduled and CAS is obtaining the information. Concern was expressed that based upon the inaccuracies discovered in the renewal application for the insurance, we may owe additional premium.

Building Committee: Margie Cyr

New construction rules are complete and will be an insert to the Directory instead of being printed in the Directory.

Margie will send a notice to all open construction projects to remind them of the June 30 deadline when all projects must be completed or put on hold until after Labor Day.

46 Dune is revising plans in order to comply with MB setbacks and will also seek a variance to Sussex County front setback. In order to use their home this summer they will reconnect water and sewer and then begin demolition and construction in September.

17 Dune paved across 6 feet of MB property. They have agreed to remove that paving.

9 Dune Road pool has been poured and Building Committee will check the setbacks and lot coverage. They have sent their plans for landscaping to get approval.

Sussex County has damaged Dune Road while doing sewer maintenance. MB will check extent of damage and ask for repair.

Treasurer's Report: Jim Dempsey

Jim presented the budget prepared by the Budget Committee and asked that the Board approve a proposed assessment for 2018/19 of \$2250. Tris moved and Ellen seconded that

April 21, 2018: MBA Board Meeting Minutes

the proposed assessment of \$2250 be approved. Vote was 8 Approved and 1 Opposed. Assessment for \$2250 to be submitted to the community for approval.

Jim asked that the surplus from last year (\$26,000) be moved to the Capital Reserves account. Sharon moved and Dave seconded that the surplus be moved to Capital Reserves. Vote was 8 Approved and 1 Opposed.

Commercial Committee: Judy Bennett

Atlantic Shoals food stand will return and has submitted a request to duplicate the permit that they had for the summer of 2017. Sharon moved and Ellen seconded that we approve. All in favor. A question was raised about the new structure adjoining the surf shop. Judy will investigate.

Community Facilities Committee: Jeff Sella

The new fencing placed on the dunes has given us an additional 6 feet width of dune. Board approved spending \$6500 to plant dune grass next spring to help maintain the dune.

Placement for the second dog waste station that was planned for Dune Road has not found a suitable neighbor-approved site. Therefore, the second station will be installed on the Pine Side. The actual location would be on Beach Plum somewhere between Errett and Bayberry.

Installation of a berm at the west end of Addy Road in Pine Park is still under discussion and has been tabled. However, since MBA construction debris was buried and now has reemerged, Jeff and Tris will meet with neighbors to ensure plans will resolve the problem, beautify the area, and meet permit requirements until a more permanent solution has been agreed upon. Addy Road is also without gates similar to other roads. Twenty-five to thirty concrete conduits are also stored in the area and may have to be removed.

The dune crossing at Evergreen will be relocated to move the crossing off of private property (6 Dune Road). The necessary survey was completed on April 20th and a permit with DNREC is pending.

The guard hose had a leaking pipe, which has now been fixed. In addition, many of the foot washes need repairs and RuthAnn has scheduled a plumber to make the necessary repairs.

There are at least two major patches in the surface of Dune Road. Sussex County was apparently performing sewer work and need to cut through the pavement. It is anticipated that the pavement will be patched

Legal Committee: Ellen Throop

The Norman lawsuit continues and will be discussed in Executive Session. There has been no response to the violation notice sent to 30 Beach Plum and no further communication from the property owners at 3 Addy.

April 21, 2018: MBA Board Meeting Minutes

Survey/Listening Sessions: Margie Cyr

Results of the survey were online this morning. Margie compiled the input from the three listening sessions and had copies for the Board. Board voted to put the results on the MB website and also have copies available at the May 5 Community Meeting. The Board thanked Margie for hosting the three sessions and compiling the results. The Board will review the results of the Survey and the Listening Sessions at the May 19 meeting. A list of priorities will be compiled and presented at the September Community meeting.

Vending Cart:

A proposal from Jay Vending Company to operate a golf cart on our beach either to (1) transverse the beach between Sea Colony and South Bethany or (2) conduct business making one or two stops on MB while crossing. Jay Vending operates a concession business selling beverages, water ice, pretzels and sandwiches and has been awarded a contract with South Bethany and has a contract pending with Sea Colony. They would pay a percentage of sales to conduct business on MB or would pay a fee to simply cross the beach without stopping to sell. After discussion the Board agreed not to allow the golf cart to cross our beach for any reason. It was also agreed that they could not sell any food or other items on our beach.

Employee Background Checks: RuthAnn Barnes

RuthAnn asked whether we wanted background checks done for all employees, both Beach Patrol and Community Patrol. After discussion of various types and degrees of background checks, the Board voted to do a Criminal and Sexual Predator background check on all MB employees.

Usage of Beach Committee: Pam Baratta

Pam brought samples of the new beach passes with the QR code. QR codes will enable Community Patrol to track beach usage by an automated cell phone application. All properties will get one beach pass per property and there will be a process to acquire temporary additional passes when necessary. Steve expressed some concerns that the one beach pass policy will inconvenience some families. In addition, he expressed some concern that we had not historically enforced the non-transferable aspects of the beach pass.

Several guests and board members questioned the one beach pass decision citing some reasons for needing the second pass. Others present discussed the various abuses that they were aware of that occurred with the issuance of two beach passes, including a more crowded beach and fewer parking spaces available to MB residents and guests.

Several proposals for getting an extra pass were discussed and evaluated.

Steve moved and Dave seconded that we implement a day pass system with a limit of 10 day passes per season per lot. After discussion Steve amended the motion to a limit of 5 day passes per season. Dave seconded. Vote was 7 Approved, 1 No and 1 Abstain. The

April 21, 2018: MBA Board Meeting Minutes

day pass process will be evaluated in June and modified if necessary.

The Board also discussed the use of employee passes (Beach Patrol and Community Patrol) for bringing family and guests to the beach. This discussion was tabled until a future Board meeting.

The beach passes for the junior guard program was also addressed. Junior guards would be issued a pass that would allow for up to 5 guests during the time that the junior guard is on the beach. This discussion is awaiting final Board approval as the Board needs to weigh the issues related to maintaining our private beach.

Pam asked for Board approval to sell wearables (T-shirts, hats, etc.) in the Community. She would supply initial funds to purchase the items and would only be reimbursed by sales and she would absorb losses. Any profits would be donated to MB. Board approved.

Community Patrol Committee: Steve Larsen

Seven Community Patrol employees have been hired—4 returnees from last year and 3 new hires. The new patrol vehicle (golf cart) has been purchased and the previous cart will be sold. Shirts and hats have been ordered.

The towing policy was presented and approved as amended. Coastal Towing will be the contractor. Sharon moved and Jeff seconded that the towing policy be approved as amended. All in favor.

New Business:

Peggy Taylor expressed concern about the state of the landscaping and asked about Beautification Committee meetings. Jeff stated that the new contract with McCabes had been signed and they would begin spring maintenance next week. A watering schedule has been established. Tris will organize a Beautification Committee meeting.

Executive Session:

Steve moved and Dave seconded that we move to Executive Session. The Board unanimously voted to go into Executive Session at 1:03 pm to discuss: Judy Bennett recused herself from the meeting after items 1 and 2.

- 1) 3 Addy
- 2) 30 Beach Plum
- 3) Normal Law Firm legal action

The Board came out of Executive Session at 1:30 pm.

As a result of the Executive Board Meeting, the Board voted:

- 1) 3 Addy will receive a violation notice with a fine of \$100 for the blockage of the ditch with sand from their property

April 21, 2018: MBA Board Meeting Minutes

- 2) 30 Beach Plum repaved the parking lot and did not get a building permit. Owner has not responded to the second violation letter with a fine of \$100. A new violation letter will be sent with an additional \$100 fine. Owner will also be required to submit a building permit for the repaving with the appropriate fee.
- 3) Our attorneys will be responsible for responding to the Norman Law firm (Bennett Realty) lawsuit. NOTE: Judy Bennett recused herself from this portion of the Executive Session.

Guard House:

A new 5-year lease was proposed with the caveat that if the property is sold, the new owner can cancel the contract. Jeff and David Taylor will contact the property owner and negotiate a final lease agreement.

Adjournment:

Dave motioned to adjourn. Steve seconded.

The meeting adjourned at 1:54 pm.

Next Board Meeting:

May 5 at 9:00 am at St. Martha's Episcopal Church.

Respectfully Submitted,

Tris Kruger, Secretary