



## Board Meeting Minutes

Saturday, May 19, 2018

The meeting was called to order at 9:32 AM by the President, Jeff Sella, at the Bethany-Fenwick Area Chamber of Commerce.

### **Board Members Present:**

Judy Bennett, Tris Kruger, Steve Larsen, Jeff Sella, and Ellen Throop.

### **Others Present:**

RuthAnn Barnes (CAS), Pam Baratta (Usage of Beach Committee), Paula and Jay Sella (25 Short), Skip Dawson (37 Dune), Shirley Rooney (135 Evergreen), and Carol Tucker-Foreman (11 Dune).

### **Review of Board Meeting Minutes:**

The April 21 Board minutes were reviewed and multiple edits were suggested. One edit involved whether a particular position, articulated during the April meeting, should be noted with or without attribution. It was determined that the minutes attribute certain remarks to one Board member. Steve motioned and Tris seconded the approval of the minutes as amended.

The May 5<sup>th</sup> Board minutes were reviewed. Tris motioned and Steve seconded that these minutes be approved.

### **Review of Community Meeting Minutes:**

The minutes for the May 5<sup>th</sup> Community Meeting were reviewed. There were a couple of edits and the Board approved the submission of these minutes to the community for approval at the September community meeting.

### **Property Manager's Report: RuthAnn Barnes (CAS)**

Reviewed all Community Patrol applicants and scheduled selected interviews with Steve Larsen. Called all selected candidates and offered them a summer position. Researched previous hourly rates. Hiring is now complete. There are four returning members and four new members. New hire paperwork will be completed by RuthAnn and sent to CAS corporate for processing to ADP. RuthAnn noted that no one can work until their paperwork is complete.

- Beach and parking passes were distributed at the Community Meeting. Remaining

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passes will be at the guard house through Memorial Day. Any remaining passes will be mailed after Memorial Day.

- Community Meeting packages were mailed.
- DNREC application was completed and submitted for moving the Evergreen dune crossing.
- All Beach Patrol equipment and uniforms have been ordered. These will be delivered to Justin at Beacon Middles School.
- Simpler Survey was retained to survey the Evergreen dune crossing and Jeff met with them onsite.
- Submitted two resale packages
- Scheduled the dumpster delivery and pickup with Allied Waste
- Established accounting codes for books and records in conjunction with Jim Dempsey.
- Converted accounting codes for the budget presentation for consistency with prior years.
- Scheduled Foresight to survey Dune Road.
- Scheduled emergency repair to the water line at the guard house (Atlantic Plumbing).
- Discussed the general use of an MBA credit card. Ellen motioned and Steve seconded the application for a Middlesex Beach Association credit card with a \$5,000 limit. The user will be Susan McCurdy, owner of Community Association Services, Inc.
- The Kent Ave ditches are currently full preventing the draining of our ditches.

### **President's Report:** Jeff Sella

The guard house lease has been signed. Ellen motioned and Steve seconded the ratification of this lease agreement and the Board ratified. It was noted that the lease is for five years with five one-year renewals. There is a kick out provision, should 30 Dune be sold.

Great Lakes Dredge and Dock Company has begun positioning equipment in South Bethany and will be transporting the equipment north across our beach starting on Sunday. Jeff coordinated with Tom Olson (Sea Colony) on a permissible schedule for the May movement. The southward movement is scheduled to occur in June but the dates have not yet been determined. Ellen motioned and Tris seconded the ratification of the schedule that Jeff agreed to for the movement of equipment north across our beach. Board ratified. Ellen then motioned and Tris seconded the authorization for Jeff to work in conjunction with Tom Olson for scheduling the southward movement of the equipment. Board approved.

Board then discussed Tom Olson's comment to "rip off the bandage". Depending on the southward movement, the Board expressed support for a one-day movement versus five

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partial days, if this would be possible.

Jeff also met with Pat Voveris for a brief conversation on the center stripe on Evergreen. Jeff informed Pat that MBA did not have an opinion on whether the yellow line remains or is removed.

Jeff & Steve shared a new revelation that they discovered in their meeting with Tom Olson. Sea Colony now has a ten-year contingent replenishment permit. Sea Colony hired a consulting firm to handle their application and approval process. The cost was approximately \$8,000. The Board agreed that CAS should reach out and obtain a quote from the same consulting company. Steve will provide the contact information to RuthAnn.

Jeff reviewed the request from Ann Raskauskas to have a memorial celebration on June 9<sup>th</sup> with parking for up to 20 cars. This request was circulated to the Board prior to the meeting. The Board ratified the approval of this special event permit.

Jeff shared the note from David Wolf requesting that a fence be installed along the east side of Beach Plum, consistent with the other fences on the east side of Beach Plum. It was agreed that the review of this request would be handled by the Beautification Committee.

### **Committee Reports:**

#### **Community Facilities:** Jeff Sella

Jeff reported that the Evergreen dune crossover has been moved. All dune crossovers are being packed with clay. Work will continue throughout the weekend and into early next week. The recent rains have not helped.

The Board has been copied on the comments that have circulated concerning the repaving of Dune Road. Jeff is working on a comprehensive response. Some of the e-mails claim that the property owners may pursue an adverse possession claim. The survey is now complete but it was noted that any paving would be after Labor Day. The survey was one of several steps that the Board has taken to make an informed decision.

Carol Tucker-Foreman acknowledged meeting last summer concerning the repaving of Dune Road. She feels, however, that the Board needs to have another meeting with the property owners along Dune Road to discuss various options, including whether or not to widen Dune Road. She feels that she has been badly treated concerning this and appreciated the time to directly address the Board.

Skip Dawson appreciated the opportunity to address the Board. He stated that the repaving is an important issue for him. He appreciates the survey and the clarification of where MBA property is. He notes that some trash enclosures and other items have encroached onto MBA property and he noted that he had received a letter at some point in the past informing him that he had encroached on MBA property. His major concern is the current drainage issues and he is concerned that widening Dune Road will exacerbate the drainage issues

Jeff wants transparency on the repaving project and he will attempt to coordinate a meeting for all interested Dune Road property owners for June 16<sup>th</sup>.

The culvert at 139 Evergreen has begun to fail. The Board authorized Jeff to proceed with

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replacement using Matt's paving.

### **Community Patrol Committee:** Steve Larsen

Discussed the training of the community patrol members on Friday. Part of the discussion included enforcement of the towing policy. Steve mentioned that he had granted authority to the Community Patrol to immediately tow certain violators. Other violators would need approval from Steve, Jeff and/or Sharon. The Board determined that all tows need be approved by Steve, Sharon, or Jeff, not some prior to the vehicle being towed. Steve will instruct the Community Patrol of this change. The Board also directed that pictures be taken of all cars prior to towing to document the location of the car.

### **Legal Committee:** Ellen Throop

Ellen noted that the legal proceedings against 2 Beach Plum and Steve Norman continue. Marshall, Dennehey, Warner, Coleman & Goggin continues to represent MBA in the continuing lawsuit with 2 Beach Plum and Steve Norman.

Mary Schrider Fox through her law firm, continues to represent MBA in all legal matters. Ellen motioned and Steve seconded that Steen, Waehler & Schrider-Fox, LLC continues to be authorized to represent MBA in all respects, acting under the direction and in conjunction with the President and legal committee. Motioned passed 4-1.

### **Beautification:** Tris Kruger

Shirley Rooney mentioned that she was the spokesperson for expressing concerns that the new plantings have not been watered but also noted the irony of making this observation after a week of heavy rains. Jeff explained the challenges faced with mobilizing the water effort from a cut electrical cord in the Polaris, to rewiring only to discover that the pumps had failed. At the time it was completely fixed mother nature intervened.

### **Building Committee:** Margie Cyr

Margie was not present but the height rule mentioned in the approved construction rules was not consistent with what is stated in the covenants. It was agreed that the covenants will control for determining the height restriction.

### **Commercial Committee:** Judy Bennett

Atlantic Shoals has added a second truck to their property. The owner was contacted during the meeting. He believed that permission had been granted for a second truck. The Board discussed, Judy motioned, Tris seconded, that the second truck be approved. Motion passed.

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### **Usage of Beach Committee: Pam Baratta**

The procedures for obtaining the temporary day pass were presented for final approval. The Board approved but noted that there may be situations where a need may arise for a pass to be issued for two days. If the temporary day pass is acting as a temporary replacement, it was agreed that the pass would be good for up to 25 people. If it was being used in addition to an existing pass then it would be limited to 10 people.

Pam will update the Community Patrol on the procedures for issuing and tracking temporary day passes for beach usage. She will review with RuthAnn the procedures for issuing a replacement pass.

It was noted that the usage of beach (regular pass, temporary pass, replacement pass) can and should be denied for any property owner not "in good standing". The definition of what it means to be not "in good standing" was discussed. It was agreed that any past due assessment, invoice or fine would be deemed to be not "in good standing". There are currently two outstanding invoices and it was agreed that the follow-up invoice will note the possible forfeiture of the beach privileges.

### **Executive Session:**

The Board voted to go into Executive Session at 12:45 PM to discuss:

- 1) Employee Background checks
- 2) 53 Dune Road
- 3) The continuing lawsuit with 2 Beach Plum
- 4) New signage at McDonald's
- 5) 3 Addy
- 6) 30 Beach Plum

Sharon joined the Executive Session telephonically. Judy excused herself during the discussions related to 2 Beach Plum.

The Board came out of Executive Session at 1:45 PM. As a result of the Executive Board Meeting, the Board decided:

- 1) That what issues on a background should be an immediate disqualification for an employee or applicant. Further discussion is needed.
- 2) A violation notice was sent to 53 Dune Road. A question was raised if the fine was ever sent and, if sent, was it paid. Jeff will research.
- 3) Additional items will be noted in the continuing lawsuit with 2 Beach Plum and these will be covered with the attorneys for MBA.
- 4) The signage at McDonald's will be investigated and Ruth Ann will send them a reminder that any new sign needs Board approval.
- 5) 3 Addy has agreed to pay their fine but payment has not yet been received (per

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RuthAnn)

6) 30 Beach Plum has not responded nor sent payment for his fine and permit fee.

### **Adjournment:**

Tris motioned to adjourn. Steve seconded.

The meeting adjourned at 1:55 PM.

### **Next Board Meeting:**

June 16, 2018 at 9:30 AM at the Bethany-Fenwick Area Chamber of Commerce.

**Respectfully Submitted,**

Tris Kruger, Secretary