



Board Meeting Minutes

Saturday, August 18, 2018

The meeting was called to order at 9:30 am by the President, Jeff Sella, at St. Martha's Episcopal Church.

Board Members Present:

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

Others Present:

Iris Hobbs (CAS), David Taylor (Beach Patrol Committee), Marty Schecter (19 Bayberry), Greg Pichler (20 Dune), Carol Tucker-Foreman (11 Dune), Pam Baratta (Usage of Beach Committee), Alan and Ellen Lescht (51 Dune), Jane and Tim Switzer (1 Dune), and Jay Sella (25 Short).

Review of July Board Meeting Minutes:

Jim motioned to approve the July Board Meeting Minutes. Steve seconded. The July Board Meeting Minutes were approved.

Property Manager's Report: Iris Hobbs (CAS)

Iris asked that the Board approve the signers for the Fulton Bank Account. Dave moved, and Sharon seconded, that Jim Dempsey, Ellen Throop and Susan McCurdy (CAS) be approved signers. All in favor.

Steve moved, and Ellen seconded that the use of a credit card for items under \$500 per transaction be approved for use by CAS. All in favor.

Iris stated that she received the Compilation Audit done by Book Associates.

President's Report: Jeff Sella

Upcoming September 1 Community Meeting and the Board Meetings will be held at Ocean View Presbyterian Church at 67 Central Avenue. Three CAS staff members will be there to assist with registration, voting, etc. Mailing to residents was done on 8/17 as required. Chuck Taylor has agreed to assist in monitoring the vote counting along with CAS.

Jeff moved, and Steve seconded that the dates for our Drone / UAV Policy prohibiting launches or landings on the beach be changed from May 20 through September 21 to May 1

August 18, 2018 MBA Board Meeting Minutes

through September 30. All in favor.

Feral cats are becoming a problem in the community. Carol Tucker-Foreman suggested that we contact Bethany Town Cats for inclusion in the catch, neuter and release program. Iris will contact.

Tent caterpillars are prevalent in the trees along Dune Road. CAS will call to obtain quotes for spraying. Tris suggested that individual property owners may want to pay to have additional spraying done for trees on private property. David Taylor suggested that we call Daryl Duffie from the Delaware Division of Fish and Wildlife for advice on the best solution. Iris (CAS) agreed to call and obtain quotes.

Treasurer's Report: Jim Dempsey

Jim reported on the Schedule A charges from CAS that are over budget. As of the end of July there are 15 unpaid assessments. Judy reported that one owner has not yet received an invoice and asked if there were others. Iris will check unpaid assessments and contact property owners. Jim reviewed July month-end financials and found nothing unexpected.

The house at 14-16 Dune is built in the middle of two lots and has historically been billed as one improved and one unimproved lot. The covenants state (10.1) "The aforesaid assessment shall be levied upon every lot upon which improvements are then located or upon which any stage of construction is underway as of the voting date." Therefore the previous decision to assess the property owner as having one improved and one unimproved is in direct contravention to the covenants. Dave moved and Jim seconded that we strike the former vote and enforce the covenants to bill for two improved lots. All in favor.

Committee Reports:

Building Committee: Jeff Sella for Margie Cyr

- 12-foot driveway restriction: after realizing that the 12-foot width restriction was not readily feasible even though it is part of construction rules, the Board wishes to rectify the situation. Steve moved, and Dave seconded that the Board will not enforce the portion of Rule 23 of the recently passed construction rules that limits driveways to 12 feet in width. All in favor.
- 46 Dune: plans for new construction have been received. Height of roof meets the 35-foot limitation, but lightning rods that are shown on the drawings would exceed the 35-foot height restriction. Covenants state that lightning rods may be allowed to exceed the height limit only when specifically permitted and approved by the Board. The drawings did not specify either the number or height of rods. Ellen moved, and Sharon seconded that the Board give either Jeff or Margie the power to approve the lightning rods if they do not exceed 15 inches. All in favor.
- 13 Bayberry: construction of fence without building permit. Steve will finish drafting a letter stating the violation and inviting the property owner to appear at the September 1 Board Meeting.

August 18, 2018 MBA Board Meeting Minutes

Community Patrol Committee: Steve Larsen

Steve reported that several of our Private Beach signs had been vandalized – spray painted black. Replacement signs are expensive. Suggestions were to repaint and re-letter the signs or order cheaper signs. During beach replenishment at South Bethany we had increased incursions on our beach. For next year we need to discuss schedule and timing of our night Community Patrol.

A homeowner on Short Road discovered someone sleeping on their porch and called 911. Since the homeowner did not press charges there is no police report.

The new STOP signs at the Guard House have helped traffic safety. At this point, it was the Board was undecided as to whether or not they would begin fining for traffic violations.

Jeff noted that he had granted approval for the dredging company to move equipment across our beach to complete the replenishment project.

Commercial Committee: Judy Bennett

Judy noted that the No Left Turn sign at the Bridge Road exit by Dollar General is often ignored creating a traffic hazard. She will talk to Jack Burbage about ways to enforce the traffic pattern.

Judy noted that there were no issues with the produce stand.

Community Facilities Committee: Jeff Sella

- Tree trimming: Jeff submitted a \$7,500 proposal from Clark Tree Expert Company to raise the branch level on community streets to a height of 16 feet and 5 feet from edge of roadway, remove any deadwood 2 inches or greater over roadway, and remove wood and debris. One or two more bids will be requested before finalizing. Canopy height of 16 feet is needed for clearance for fire trucks and other large vehicles. Iris (CAS) will obtain two additional bids.
- Beach Permit from DNREC: currently we do not have a permit to move or replenish sand on our beach due to legal advice that DNREC permit language stated that sand from public areas placed on our beach would make our beach public, not private. At that time, Sea Colony withdrew their permit. Steve's conversation with Bob Henry (Sea Colony) indicated that this may not be the case now and suggested that we have a permit on hand in case of an event that destroys our beach. Steve moved, and Ellen seconded that Steve contact a consulting firm to inquire about the cost of hiring them to research the issue and possibly applying for a permit. All in favor.
- Beach walkways: Mobi Mats have been installed on Evergreen beach walkway and received multiple favorable comments. Weekly maintenance is required.
- Dune fencing: David Taylor asked that new dune fencing be installed 10 feet east of the current dune fence to continue to catch sand to build the dunes. This spring Alex Sella placed the clay, with an underlying fabric, to maintain the walkways and provide

August 18, 2018 MBA Board Meeting Minutes

a semi solid surface.

- 53 Dune mailbox: the location for the mailbox at 53 Dune determined to be inappropriate because it would eliminate an existing parking space and that the Board understands that an alternative spot for the mailbox existed.
- Cluster mailboxes: In checking with the Bethany Beach post office, it was stated that cluster mailboxes require the agreement of every person receiving mail.
- Bridge Road: walkway from Route 1 to Dune Road needs to be repainted.
- Dune Road: there are some areas of the road that have some serious deterioration problems. Decision must be made whether to patch only the damaged areas or repave the entire road. A suggestion was made that University of Delaware Engineering Department will provide a study at no cost to evaluate the condition of the road. CAS will contact University of Delaware to get details. Carol Tucker-Foreman asked that some Dune Road residents be included in the evaluation committee.

Legal Committee: Ellen Throop

Ellen stated that the two lawsuits (Norman vs MBA and MBA vs Norman) have been consolidated and attorneys are discussing mediation.

Ellen circulated a letter to go to all property owners concerning encroachments onto Middlesex Beach common areas. A similar letter was sent in 2004. Dave suggested 3 changes which will be incorporated. The letter will be sent this year and then every year thereafter with the assessment invoice.

Steve and Ellen will revise standard violation notices to streamline the process.

Letters, fines and violation notices to 30 Beach Plum for paving without a permit have been ignored. Ellen moved, and Steve seconded that Ellen contact our attorney to start the lien process. Seven in favor with one abstention.

The general condition of 3 Addy has generated community complaints. Board will send a violation letter with a photograph of the property asking that the property be maintained in accordance with community standards.

A revised Special Event Form was presented for review. Requiring a rental fee or security deposit was discussed. If a sponsor required community resources (i.e., security, etc.) for the event, that expense would be billed to the sponsor. No fee would be charged for hosting the event, but a security deposit to ensure total cleanup and/or damage repair would be required. Deposit will be returned to the sponsor (minus damage/cleanup charges) after the event. Judy Bennett offered to collect and return deposits to eliminate administration charges. Steve moved, and Tris seconded that we require a \$250 security deposit for a special event request which would be refunded (less damages/cleanup) after the event. All in favor.

Usage of Beach Committee: Pam Baratta

August 18, 2018 MBA Board Meeting Minutes

Pam stated that Middlesex Beach t-shirts, sweatshirts, umbrellas, etc., are available for purchase online and accessible from the website.

Beach Patrol Committee: David Taylor

Beach Patrol handled an incident with a 19-month old on the beach professionally and correctly. Parents opted not to take child to the hospital.

Junior Guards and Beach Patrol competed in national events and brought back numerous medals. Check the website for details and pictures.

Umbrella tension devices were installed on the guard chairs to prevent umbrellas from breaking loose.

Community Comments: Marty Shecter

Marty Shecter continues to work with DelDOT to increase the safety of pedestrian crossing on Route 1. A sign blocks the electronic speed sign and will be moved to increase visibility.

Executive Session:

The Board unanimously voted to go into Executive Session at 12:10 p.m. to discuss:

1. 1 Dune
2. CAS contract

The Board came out of Executive Session at 1:33 p.m. As a result of the Executive Session, the Board voted:

1. 1 Dune: homeowners will pay fine for work without a permit and restitution for removing community property landscaping. Beautification Committee will decide what, if anything, to replant on the community property.
2. CAS contract: Jeff will respond to Mary Grimm (CAS) about her/our issues and indicate that we have to protect our community by possibly exploring options. Ellen may reach out to other providers depending on the response.

Adjournment:

Ellen motioned to adjourn. Sharon seconded.

The meeting adjourned at 1:37 p.m.

Next Board Meeting:

August 18, 2018 MBA Board Meeting Minutes

September 1, 2018 at 9:00 am at Ocean View Presbyterian Church.

Respectfully Submitted,

Tris Kruger, Secretary