



## Board Meeting Minutes

Saturday, September 22, 2018

The meeting was called to order at 9:30 am by the President, Jeff Sella, at South Coastal Library.

### **Board Members Present:**

Sharon Adams, Judy Bennett, Margie Cyr, Tris Kruger, Steve Larsen, Jeff Sella, Marty Shecter, Nancy Glasgow and Ellen Throop.

### **Others Present:**

Paul Bradley (13 Short) and RuthAnn Barnes (CAS).

### **Review of September 1 Board Meeting Minutes:**

Judy motioned and Steve seconded the approval of the September 1, 2018 Board Meeting Minutes. The September 1, 2018 Board Meeting Minutes were approved.

In reviewing the Minutes, it was noted that it was stated the Beach Patrol was going to be on duty until 4:00 PM on Labor Day but that they left the beach at 2:00 PM.

### **Review of September 1 Organizational Board Meeting Minutes:**

The September 1, 2018 Organization Board Meeting Minutes were discussed. Several edits were proposed and agreed to. With the corrections, Steve moved and Judy seconded their approval. The Minutes were approved as corrected.

### **Review of September 1 Community Meeting Minutes:**

The September 1, 2018 Community Meeting Minutes were discussed. Several edits were discussed and approved. Margie motioned and Judy seconded that the minutes be approved for presentation to the Community to be approved at the May 2019 Community Meeting.

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

Violation letter was sent to 13 Bayberry related to their fence.

RuthAnn, Steve and Jeff had a meeting with Republic concerning trash pickup. Main problem is Saturday pickups because of driver hours of service and 5 pm close of the

## September 22, 2018 MBA Board Meeting Minutes

landfill. Weekend traffic is a huge issue for the trucks so sometimes routes may not be completed. Republic noted:

- We were the only community that they serve that has three trash pickups (we have three trash pickups per week in July & August);
- They would provide better service if we could eliminate the Saturday pickup;
- Polluted recycling is a nationwide problem and MBA has the same problem. It was suggested that we need a better and more proactive educational effort;
- Our contract was last executed for 2014 and we have simply rolled it forward (with escalation) through 2018. It is a 12-month contract;
- Yard waste recycling was discussed with more pickups in the fall and less in the summer.

If we elect a Monday/Friday trash pickup, we would need to move the current Friday recycling to a different day.

Republic will submit various alternatives and pricing in October. If we do change the pickup schedule, it was agreed that we will need to enforce our rules as it relates to having large enough trash enclosures and enough garbage cans to hold the trash created. We need an expedited system so that notices can be sent immediately. It was noted that property owners that rent need a quick notice so that they can withhold the resulting fine from their tenant's deposit.

RuthAnn mentioned that a contract had been signed with Homewise to deliver resale disclosure documents. Ellen inquired about who is responsible for the accuracy of the documents and whose liability it is to ensure that the documents are accurate. Ellen requested that RuthAnn send to her a copy of the contract for review.

RuthAnn has still not received quotes to deal with the tent caterpillars. She will obtain two quotes. The first to deal with trees on MBA property and a rate for any homeowner that wants to treat their trees at the same time. The goal is for a Spring treatment.

The encroachment letter has been mailed to every property owner.

The past-due assessment letters have been sent.

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

Website archive issues were discussed. Margie volunteered to work on this next summer. The primary goal would be to determine what needs to be saved from the old website and possibly housed on the current website. Margie will coordinate with Jay.

The recent accident where a driver headed northbound on Route 1 was discussed. The driver lost control of his vehicle and left the road. His car ended up damaging a section of our fence. The Board appreciates Ann Raskauskas for her prompt notification of the accident. The State Police responded. The car was insured by Nationwide but the mother has approached CAS about personally paying the damages rather than filing an insurance

## September 22, 2018 MBA Board Meeting Minutes

claim. Jeff circulated an email to the Board and the Board members agreed to allow the mother to pay the damages. The Board ratified this decision.

As a footnote, the fence was repaired by Dave Greer and Joe Burke, Community Facility employees, on September 21st.

The proposal by CAS to create an investment policy statement was discussed. The potential benefits of investing in securities was discussed as well as the inherent risks. It was determined that our reserve funds should not be subject to market risk since we do not know when the funds would be needed. Ellen motioned and Tris seconded a proposal to have funds remain in bank insured accounts and to use the sweep function to ensure that the funds would remain federally insured. All approved. RuthAnn indicated that this would be done.

Traditionally former Board members were awarded a gift certificate as a thank you for their service to the Community. Jeff motioned and Steve seconded that Dave Burgess and Jim Dempsey each be given a \$100 gift certificate as a thank you.

There have been several group email blasts sent by Community Members to various Community Members. Some of these email blasts have contained inaccurate, misleading or erroneous information. The proper response was discussed as well as the proper forum for the discussion. Both Steve & Ellen mentioned that the proper forum to address community concerns was in the Board Meetings. Steve felt that a response for inaccurate information should be provided but acknowledged that it was a slippery slope. It was agreed that the current process should be enhanced. The current process is for Jeff to respond to certain emails directly. Other emails should be drafted by Jeff and vetted by the Legal Committee before a response is sent. Other emails should be responded to with an invitation to attend the Board meeting and/or join a committee.

### **Committee Reports:**

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

46 Dune: Building permit has been approved

Margie also requested that both large and small approved permits be added to the website. Jeff will coordinate with Jay.

#### **Treasurer's Report / Budget Committee:** Steve Larsen

Construction log still not balanced – off by a small amount.

Expenditures are basically on target with a couple of categories under budget. It was noted that the Beach Patrol will come in close to budget and that Community Patrol will be slightly over budget.

There will be a budget meeting on September 23, 2018.

## September 22, 2018 MBA Board Meeting Minutes

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

Steve discussed the historical bonuses paid to the Community Patrol. He would like to pay bonuses to this year. He felt that Joe and Dave deserved a larger bonus. Jeff will research to determine what the bonuses were in 2017.

Steve also informed the Board about the repeated petty vandalism that occurred. This included the removal of our private beach signs and the vandalism of the signs when they were painted a solid black. The most recent incident included a group of adolescents that were on the dune breaking apart the dune fence. A police report has been filed for both the defacing of the signs and for the vandalism to the dune.

Steve also indicated that there was some pettiness that existed between the Beach Patrol and the Community Patrol. He felt that the Beach Patrol would benefit from having one radio. He also felt that a joint meeting, at the beginning of the season, would be beneficial. Jeff commented that relations between these two groups of employees has improved. He pointed out that, although progress has been made, there remains room for improvement.

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

Jeff updated the Board on his meeting and exchange of emails with Anthony Nozzoli (4 Dune). Jeff, Marty and Anthony walked the entire length of Dune Road on September 15th. It was their opinion that the current footprint of Dune Road should be repaved with a gravel apron added on the west side of the Road. Steve indicated that, in a previous meeting with many of the Dune Road property owners, that it was agreed that we would have the road assessed by an engineer. Steve feels that we should follow this original process.

RuthAnn indicated that an engineer has been located and is available on several days in October. Jeff and several Board members were available on October 5th and requested that RuthAnn schedule the meeting for that day.

Jeff also mentioned that Matt's Paving has previously had a backlog, so we should attempt to get on their schedule. Margie mentioned that 46 Dune Road would be bringing in heavy equipment related to their building and wondered if waiting until March made more sense. The counter-voicing argument was that heavy equipment may damage the current road. This is a question that would be posed to the engineer.

A discussion ensued related to the gravel apron. There was general agreement that gravel should be added but the costs, process and type of gravel are unknown at the moment. This would be another topic for the engineer.

Marty inquired about the history of this paving project. Initially the paving was going to be a simple repaving of the existing footprint. This was later changed to expand the footprint by 18 inches on the west side of the road. Since that decision, the Board has been made aware of additional issues that would need to be addressed to add the extra width to the road including a DNREC permit, an environmental study, and a water or storm water study. In addition, there are concerns about the storm water runoff and additional radiant heat from an expanded pavement.

## September 22, 2018 MBA Board Meeting Minutes

Sharon proposed and Tris seconded the following motion:

That the future repaving of Dune Road with hot mix asphalt would be limited to the existing footprint with the gravel apron to be added, on the west side and between the current driveways, when current questions are answered.

The various quotes related to the tree trimming (to cut back the canopy) were reviewed. The highest cost was from Sussex Tree at \$20,100. Three other quotes were also received. Perkins Tree was at \$7,125; Clark Tree was at \$7,500 and Bartlett Tree was at \$9,600. Clark Tree has historically served us well and has always been available after a storm and when needed. Based upon the cost difference between Clark & Perkins, Margie motioned to approve Clark Tree and Ellen seconded. All approved.

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

Ellen discussed the fees that should be assessed on late payments, as prescribed in our covenants. It was agreed that any late payment should be assessed a 5% late fee and interest at an annual rate of 18% until paid.

Ellen also reviewed the history and current outstanding demand that we have with RIGHT Property Management (RPM). This relates to tax penalties incurred by RPM improperly remitting payroll taxes when due. These errors occurred when RPM was owned by Martha and Jerry Wright. The errors were created by Randy and he simply covered over the errors by paying the interest and penalties with Community funds. Steve motioned that a follow-up demand letter be sent to RPM (or their successors). Tris seconded and all approved. Ellen will coordinate with Mary S-F.

Ellen presented a draft of the Special Event agreement. Discussions revolved around the proper name for the form and some technical modifications. The Board then focused on the bigger issue, which relates to who can actually use the beach for special events. It was agreed that property owners could apply for the special event. If they rent their property, then their tenants may also have the right for a special event. Relatives were another category of possible users. The definitional aspects became challenging and this discussion was tabled until the October Board Meeting.

RuthAnn presented a draft resolution for the collection of assessments. Ellen was already working on a draft of this. Ellen will review the draft prepared by RuthAnn and merge it with her working draft.

The outstanding violation for 53 Dune was discussed. It was agreed that the property owner be sent a letter advising them that their beach and parking passes for 2019 will be forfeited if this fine remains unpaid since they will be Members not in good standing. CAS will send this letter.

The outstanding and unpaid fine for 30 Beach Plum was reviewed. Jeff will sign the necessary paperwork next week to file a lien on this property.

Violation notices for unsightly properties were discussed. The challenge was how to define properties that are not maintained. The subjective aspects of this issue were discussed.

## September 22, 2018 MBA Board Meeting Minutes

This discussion was tabled.

**Property owner requests for documents.** The following procedures were adopted for now:

1. Property owner makes a request to CAS
  - a. Need to define what they want
  - b. Need to state the purpose of the request
2. CAS to respond to property owner
  - a. Schedule an appointment at a reasonable time within a reasonable time frame
  - b. Appointment would be a two-hour block of time
  - c. Property owner can inspect/review and copy documents at CAS office
  - d. Costs to be paid in advance (management time and out of pocket costs)

**Usage of Beach Committee:** Jeff Sella for Pam Baratta

Jeff read Pam's report. This summer, there were 6,765 scans of beach passes representing 92% of all properties. There were less than 15 temporary "Day Passes" and approximately 40 junior guard passes issued this summer season. The general consensus was that the use of the QR code system was a benefit; it helped to hold the Community Patrol accountable for walking the beach and the Board to have facts when responding to community charges that the beach had not been patrolled. Furthermore, the system helped to locate guests of property owners on at least two occasions.

Marty commented that he was impressed with how easy the use of one beach pass was and offered an opinion that one beach pass seemed to reduce the demand for parking on the ocean side. There were additional comments about the benefits of the one beach pass policy.

### **Adjournment:**

Sharon motioned to adjourn. Judy seconded.

The meeting adjourned at 12:45 p.m.

### **Next Board Meeting:**

October 20, 2018 at 9:30 am at Ocean View Presbyterian Church.

**Respectfully Submitted,**

Tris Kruger, Secretary