



## Board Meeting Minutes

Saturday, October 20, 2018

The meeting was called to order at 9:30 am by the President, Jeff Sella, at the Ocean View Presbyterian Church.

### **Board Members Present:**

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

### **Others Present:**

RuthAnn Barnes (CAS), Greg Pichler (20 Dune), and David Wiecking (15 Dune).

### **Review of September 22 Board Meeting Minutes:**

Judy motioned to approve the September 22, 2018 Board Meeting Minutes as amended. Margie seconded. The September 22, 2018 Board Meeting Minutes were approved.

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

Clark Trees has completed the tree trimming for the community—raised branch level to 16 feet and 5 feet from the road edge. Invoice is ready for approval.

Beach closing process – RuthAnn mentioned that a resolution was passed dealing with beach closing. She has an unsigned copy of this resolution and needs a signed copy for our records. Dave Wiecking indicated that he had the original and would provide it to CAS.

Received payment from Teri Collins (\$570.72) for damage repairs to our Route 1 fence caused by the 9/17 car accident.

Both Indian Beaches have paid their share of Beach Patrol expenses.

Republic Services has submitted their pricing for 2019 community trash service. Our previous summer schedule of 3 trash pickups per week (Monday, Thursday, Saturday) creates problems since heavy traffic on Saturday limits efficiency and the truck driver is legally limited to 55 hours per week. Republic has requested that we forego the Saturday pickup and schedule 2 trash pickups per week, 1 recycle pickup per week, and yard waste pickup every other week. This may change the cost of 2019 trash service.

Margie moved that we have two trash pickups per week (Mondays and Fridays), one recycle pickup per week (Thursday), and yard waste every other Wednesday from Memorial Day to

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Labor Day. From Labor Day to Memorial Day, there will be trash pickup once per week, recycle pickup every other week, and yard waste every other week except January, February, and March when yard waste pickup will be discontinued. Nancy seconded. All in favor. Steve mentioned that we need to continue to insist that all homes have sufficient trash containers to hold the trash generated by maximum occupants. Dave Wiecking asked if required trash containers were specified in Building regulations when new homes are constructed. Margie replied that they were not but it would be considered when Building Rules and Regulations were amended.

Delmarva Power has not replaced the two street lights that were removed when new poles were installed on Dune Road. RuthAnn has called and needs to give the address and pole number to get replacement bulbs. Dave Wiecking stated that they used to charge by the number of lights. When checking the bill, Delmarva Power is not charging for the missing lightbulbs but is charging for usage. RuthAnn will call to get bulbs replaced.

Spraying for tent caterpillars should be done in the spring. RuthAnn will call Brasure's Pest Control to get a quote for spraying if individual homeowners wish to have their trees sprayed. The caterpillars have been found only on Dune Road private properties to date. If caterpillars are found on community trees, we will contract for Brasure's to spray the trees on community property in the spring.

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

Jeff deferred to Ellen to discuss the proposed 2019 contract submitted by CAS to provide property management. The contract specifies a 25 hour/week limit. There were several other questions for discussion but they were deferred to Executive Session.

Mary Vollmer, the steward of the oceanside Little Free Library (LFL), suggested that the oceanside LFL be moved from its current location on E. Errett Road to a space on E. Bayberry for better visibility and usage. Tris moved and Marty seconded that the LFL be moved to E. Bayberry. All in favor. Jeff agreed to have CFC move the LFL. Margie will check to be sure adequate space is available on E. Bayberry.

Some community members have requested that the agenda for upcoming Board meetings be posted on the website prior to the meeting. A discussion of the pros and cons of advance postings ensued with the emphasis that the posting must be prominently labeled as a "DRAFT AGENDA" and with the caveat that many times last-minute subjects can be added to the agenda and/or items listed for discussion may not be discussed due to time or other considerations. Steve moved that we use our best efforts to post a draft agenda subject to change one week before each Board meeting on the website only. Margie seconded. All in favor.

A discussion was held on membership of Board Committees, focusing on qualifications for membership and size of the committees. Our bylaws (III 3.5) state that the President will appoint Standing Committees and that Standing Committees shall each have 3 members in addition to the Chairman and the President. Board agreed that the Committee Chairman shall choose the members. The Board discussed what the qualifications should be for standing and ad hoc committee membership. Steve moved and Sharon seconded that to be

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a member of a committee or the Board, you must be a member in good standing. All in favor.

### **Treasurer's Report:** Steve Larsen

Steve stated that the financials were only received Friday night so an in-depth review was not possible. His early review showed that we were in good financial shape overall. We are \$20,000 behind in income but we have just received a \$10,000 check from one of the Indian Beaches that will reduce that shortfall. He reviewed budget categories – Security slightly over budget because of additional security needed for both north and south ends of the beach. Beach expenses are on target. Legal has used 2/3 of their budget but has not used any of the reserve. We have a profit from sale of Middlesex Beach merchandise which has been purchased and sold outside of the MB financials. After discussion, the Board determined that purchase and sale of MB merchandise should be brought “in house” next year.

The next Budget Committee meeting will review our Reserve Study. Steve encouraged all Board members to read it before next Board meeting.

### **Committee Reports:**

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

Margie stated that driveways that cross MB community property must be pervious. Pavers can be pervious or non-pervious depending on the base—sand/gravel or concrete. Pavers set in concrete are non-pervious and therefore will not be permitted.

Violation notices for working on a holiday (Columbus Day) and working without a permit were issued. Property owners should be aware that permits are required before beginning any construction. Steve moved and Margie seconded that violation letters be sent to the property owners of 53 Dune for (1) working on a holiday and (2) working without a permit.

Building Committee will consider adding requirements for trash enclosures to building rules and regulations.

Current major construction: 1 on Dune Road, 2 on Evergreen, and 1 on Addy.

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

Overall, we had a good year. Most of this year's personnel plan to come back next year. With only 2 employees sharing the night shift, we were sometimes not able to staff all shifts, so we need to plan for a solution next year.

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

Trash rebates for commercial properties are ready to be mailed to those who are eligible.

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Judy noted that one evening a large truck was parked behind McDonald's and was running on and off all through the night. State police should be called as it is illegal to keep the motor running.

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

Beach Permit from DNREC: Steve Larsen had no update at this time.

Dune Road: RuthAnn, Jeff and Marty met with Matheu Carter, P.E., from University of Delaware to evaluate paving needs for Dune Road on October 8. They walked Dune Road from south to north. His opinion was that the road should be milled before repaving. Some cracks are normal and do not need special attention. There are some alligator cracks and some degradation of the road base that should be sawcut and removed. Area should be excavated 9-18 inches to a firm sub-grade and rebuilt with crushed rock. Other areas need to be stress tested after milling and before paving to determine if they need to have the base rebuilt. Adding gravel to the western side of Dune to reduce pressure on the road edge was encouraged. In M. Carter's opinion speed bumps should be removed and replaced with STOP signs at each intersection. When rebuilt the road should have a crown in the middle with a 2% slope. Before repaving we should place all utilities on notice that, after repaving, any cuts they make in the road must be repaired by repaving intersection to intersection, edge to edge.

The group also toured the pine side roads. His opinion is that all the roads should be fog sealed to extend their useful life, with Errett and Addy needing it the most.

David Wiecking had insight into the history of Dune Road paving and offered to lead a walking tour at 3:00 today to help with decisions on milling and the sub-grade depth in order to prepare a final proposal for paving.

Jeff will contact Matt's Paving to get a reserved date in the spring for the repaving and a proposal for the addition of the gravel from driveway to driveway to the western edge.

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

Ellen stated that the Norman lawsuit is ongoing.

The policy for Document Request Process requires a legitimate reason for the specific request and only for specific documents related to the reason. The requestor must pay all expenses of the retrieval.

Ellen submitted a draft of a standard violation letter to be used for any MB violations. Ellen will edit and present for approval at next meeting.

A revised Special Events form was presented for review. After discussion of whether a non-property owner can ask for a Special Event permit, the Board decided that only an owner of a MB property may request the permit for the non-owner and the owner will assume all responsibility for the non-owner event. Ellen will make suggested edits and present for approval at next meeting.

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Ellen submitted a revised draft of the MB Resolution for the Collection of Assessments. She will make additional edits incorporating such aspects as not in good standing and recirculate to the Board.

Ellen will request that our attorney send a \$5000 demand letter to Right Property Management for debts owed.

David Wiecking was recognized to discuss whether election of Jeff Sella as President violated the Bylaws. Our attorney, Mary Schrider-Fox has already stated that the election was legal due to the election of Tris Kruger as President in 2016. When he resigned, Jeff completed Tris' term. After Jeff's election in 2017, the Board determined that he was eligible for a 2nd term in 2018. Steve recommended that the issue be referred to the Legal Committee to address with David Wiecking.

### **Beautification Committee:** Tris Kruger

Tris discussed the progress and plans for the landscaping at the south end of Dune Road.

He stated that two of the new trees that were planted have died and McCabe has not replaced them. He suggested that we consider changing our landscaping contract to Herker and is planning to get a quote from them.

### **Executive Session:**

The Board unanimously voted to go into Executive Session at 12:55 pm to discuss:

1. 2019 CAS Contract

The Board came out of Executive Session at 2:00 pm. As a result of the Executive Board Meeting, the Board voted:

1. Ellen will review the current terms of the 2019 contract and document the changes we would need in order to approve. Board members should read the contract before next meeting.

### **Adjournment:**

Sharon motioned to adjourn. Judy seconded.

The meeting adjourned at 2:03 pm.

### **Next Board Meeting:**

November 10, 2018 at 9:30 am at the Bethany-Fenwick Area Chamber of Commerce.

**Respectfully Submitted,**

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Tris Kruger, Secretary