



Board Meeting Minutes

Saturday, June 22, 2019

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

Board Members Present:

Sharon Adams, Judy Bennett, Nancy Glasgow, Tris Kruger, Jeff Sella, Marty Shecter, and Ellen Throop. Margie Cyr (by phone when available)

Others Present:

Ruby Halligan (CAS), Alexander Sella (25 Short), Janie Switzer (1 Dune), Carol Tucker-Foreman (11 Dune), and Jim and Jamie Stokes (29 Addy).

Review of Meeting Minutes:

The May 18 Board minutes were reviewed. Ellen motioned to approve the May 18 Board Meeting Minutes. Nancy seconded. All in favor.

Property Manager's Report: Ruby Halligan

Marty is assisting with getting contact information for the local barracks of the Delaware State Police about Route 1 pedestrian crossing safety issues. No response yet but will continue to contact.

Dave Greer asked for additional trash cans for Dune Road. Ruby contacted Republic and they supplied 9 cans at no cost to MBA.

The 2019/20 Trash Schedules have been laminated and are available at the Guard House. February and March dates have been corrected and two yard waste pickups have been added to the November schedule.

Owner packets not distributed at the Community Meeting were placed at the Guard House. Most have been distributed with fewer than 10 remaining.

Lifeguard and Community Patrol employee paperwork has been completed.

McDonalds' parking lease has been signed and 1st quarter payment received.

Working with our insurance company to assure MBA has coverage for special events sponsored by MBA and at no additional cost.

Cost to increase our data package on the CP cell phone from 2MB to 5MB for \$5 per month

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was approved.

President's Report: Jeff Sella

In Steve Larsen's absence, Jeff reviewed some budget/financial categories and asked Ruby to check on several accounts—06060 and 06070, Security Payroll and Passes—to determine if any adjusting entries need to be made.

Two additional yard waste pickups have been added to the November schedule as requested by property owners.

Excess trash pickups were discussed. Republic states on their website that they can provide individual bulk pickups with a special request. Ruby will contact Republic to see if the service would be available to Middlesex residents who need a private pickup. Overflowing trash containers continue to be problematic. Jeff will send a newsletter to the Community reminding them of the rules for trash containers and trash enclosures.

CAS has reached out several times to the St. Martha's Church minister regarding the Annual Meeting complaint but there has been no response.

Jeff indicated that in Steve's absence, he would calculate the trash rebate and submit for approval at the next Board meeting. The Board then reviewed the letter to be sent to the commercial property owners. Ellen edited the letter for it to be sent.

Jeff reported on a break-in to the construction trailer at 29 Addy. Police responded and police reports were filed.

Community Patrol will be fully staffed on July 4 and signs stating the fireworks policy will be posted at the walkways.

Treasurer's Report: Steve Larsen

Steve was not present. No report.

Committee Reports:

Building Committee: Alex Sella for Margie Cyr

Deadline for 100% completion of projects is Sunday, June 30 for property owners and Saturday, June 29 for contractors. All projects have been made aware of these deadlines and all have agreed to comply.

5 Errett – Still in progress

6 Errett – Deck repairs still in progress

13 Short – Appears to be almost complete. Have reminded them to screen the HVAC platforms.

115 Evergreen – Appears to be complete. Waiting for some final work by a utility.

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119 Evergreen – Appears to be complete but have not requested final inspection yet.

26 Dune – Appears to be work still in progress but looks nearly complete.

27 Errett - Simpler Survey attempted to perform the height survey on 6/10/19 as owner advised it was ready. Simpler discovered that the roof was not yet complete. Simpler received a call from the contractor saying it is now complete and height survey was re-scheduled for 6/21/19 and results will be received next week. The kitchen in the original cottage will be converted to a wet bar/pantry. The stove will be replaced with a large wine cooler. Although it appears there is a lot of work to be done, the owner assures that it will be completed. Two concerns are the height survey and the June 30 completion date.

29 Addy – Project will not be completed by June 30, but it will be completely enclosed and the project halted until after Labor Day. Owner and contractor advised that all equipment, materials, porta potty, and dumpster must be removed from the site prior to June 30. The owner's fence and the MB fence must be restored. Contractor has advised they will need to request removal of the MB fence again after Labor Day. Judy moved and Nancy seconded that they should replace the fence, put pine needles on the dirt, and negotiate a new contract for fence removal in the Fall. Bushes that require replacement will be replaced in the Fall. All in favor.

46 Dune – Final walk-through inspection by Margie and Marty is scheduled June 24. As of today, landscaping in the front is not completed and the HVAC platform has not been screened. There are two sets of stairs in the South setback which were not indicated in the approved landscaping plans. Owner replied that stairs were installed as a requirement of DNREC. Owner was advised that changes to the plans required review and approval by MBA prior to work being done. Margie contacted DNREC and reviewed plans with them. DNREC scheduled a site visit on 6/21. Owner met landscaper and Marty at the site on 6/20. Owner agreed to remove stairs and replace them with a flat surface and flat stones strategically placed as a walkway. A revised site plan will be submitted to MBA for approval. DNREC 6/21 inspection revealed work that does not violate their requirements. DNREC agrees that the project must comply with Sussex Co/DNREC/MBA requirements. MBA will send the approved site plan to DNREC for their approval. Owner was advised that project will not be closed out until the work has been completed per approved plans.

18 Bayberry – Margie received a message from a contractor about a culvert collapse at 18 Bayberry. Alex and Jeff have visited the site and Alex and Jeff will meet the contractor there later this afternoon to investigate the problem.

31 E. Addy – Request to place inserts into the MB fence along Route 1 has been withdrawn.

Community Input:

Jeff asked non-board attendees for any issues. Janie Switzer stated that they were disappointed that their full statement about the violation process was summarized in the minutes rather than inserted in its entirety. She also asked that the Board announce Board meeting dates by email blast just as we do for Happy Hours. Jeff replied that all Board meeting dates were published on the website but we can remind with an email blast.

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Community Patrol Committee: Marty Shecter for Steve Larsen

Marty noted that the pedestrian crossing signs are obscured by trees that need trimming. CFC will look at trimming trees or DelDOT can move the signs.

Commercial Committee: Judy Bennett

Judy talked to McDonalds about business hours since McDonalds was open until 12 am on June 1. They are now scheduled to close at 11 pm.

Surf Shop sign that was damaged has been repaired.

Produce stand has had some issues – car for sale, dumpsters not enclosed, and various trailers, tractors, and coolers on the property. Tenants said it would all be cleaned up by yesterday but not done. Jeff will contact the property owner.

Community Facilities Committee: Jeff Sella

Fog sealing Errett and Addy Roads – we have received two comparable bids from Seal Tech and Matt's Paving – \$8450 and \$8650. Sharon moved and Ellen seconded that we sign the contract with Matt's Paving to have the fog sealing done this fall. All in favor.

Dune crossings have been completed. There is still some sand left on the street at Bayberry which will be cleaned up. A comment was made that the handrail on Bayberry is too low as a result of extra sand deposited on the walkway this winter. DNREC does not permit removal of the blown sand on the dune.

If parking spaces are realigned as angled spaces on Errett, we may gain one additional space and one handicapped space. Tris moved and Nancy seconded that the parking spaces be realigned to angled spaces. All in favor.

Alex Sella has done crack sealing and pot hole repair on Beach Plum. He has also rebuilt 3 of the 5 foot washes at the dune walkways. Tris recommended a special thank you to Alex for all the volunteer work he has done for the community. Carol Tucker-Foreman recommended that a thank you letter be posted on the website.

Jeff had the outdated signs removed from the walkways. Instead of ordering new signs each time rules change, the Board recommended that in the future, all rules will be printed on the beach passes.

After investigation of the culvert problem at 18 Bayberry, the recommended action may be put to a board vote by email.

Legal Committee: Ellen Throop

- Norman lawsuit – Executive Session.
- Privacy Policy/Terms of Use for Website – in final review.
- Collection Policy – approved and is final. Jeff Sella and Tris have signed.

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- Rules of Conduct for Board Members – Tris moved and Judy seconded that the revised draft with the proposed edits be adopted. All in favor. All Board members will be asked to sign.
 - Any candidates for Board elections should be reminded that they will be asked to sign.
- Rules of Conduct for Employees – Done. All employees have signed.
- Rules Enforcement Procedure/Fining Resolution – sent to Mary Schrider-Fox for review and returned. Judy moved and Nancy seconded that we adopt the policy with the final proposed edits if Mary Schrider-Fox approves the edits. All in favor.
- Document Request Process – in process.
- MB Proper insurance for beach events with outsiders (competitions) – all competitors must sign a release.
- 6 Errett – No information. Still waiting for documentation of signing powers for property.
- Trash enforcement – the Board must decide what is a violation and how those violations will be resolved. To ensure that enforcement is not selective, Community Patrol will document violations with photographs taken Saturday mornings, Sundays before sundown and Thursdays before sundown. Carol Tucker-Foreman recommended that we re-educate the rules for trash containers with an email to the community.

Beach Patrol Committee:

David Taylor was not at the meeting. Jeff stated that he asked David to post some signs near the beach patrol exercise equipment warning residents and guests about the danger.

New Business:

- **Mobi Mat:** Marty asked about the budget for the additional Mobi Mat at Errett Road. The mat is budgeted in Capital Reserves in the budget and should be ordered in March 2020 so that the spring walkway maintenance can be adjusted for the mat. We still need one more 25 foot section for the existing mat.
- **Beach wheelchair:** this issue has been tabled due to liability concerns such as maintenance issues and multiple use issues.
- **Dogs on the beach:** Marty proposed that we adjust our policy regarding dogs on the beach. After discussion, the following proposal will be presented to the community for consideration at the Fall meeting: Marty moved and Tris seconded that from May 1 through September 30 dogs be permitted on the beach from 8 pm until 8 am, except on holidays and holiday weekends, for a trial period beginning the summer of 2020. Vote was 6 yes, 1 no (Throop), and 1 abstain (Sella).

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- Covenant changes: tabled

Executive Session:

Ellen moved and Judy seconded that the Board go into Executive Session at 12:22 pm to discuss:

1. Produce stand
2. 27 Errett
3. 46 Dune
4. 41 Dune
5. Bennett Lawsuit

All in favor.

The Board came out of Executive Session at 1:14 pm. As a result of the Executive Session, the Board voted:

1. Produce stand: Jeff will communicate violations with the property owner
2. 27 Errett: Community Patrol will monitor construction times and dates
3. 46 Dune: Wait to receive revised plans
4. 41 Dune: tabled
5. Bennett Lawsuit: No action from the Court

Adjournment:

Sharon motioned to adjourn. Marty seconded.

The meeting adjourned at 1:17 pm.

Next Board Meeting:

July 20, 2019 at 9:30 am at the Bethany-Fenwick Area Chamber of Commerce.

Respectfully Submitted,

Tris Kruger, Secretary