



## Board Meeting Minutes

Saturday, July 20, 2019

The meeting was called to order at 9:25 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 (by phone).

### **Others Present:**

Ruby Halligan (CAS), Tim and Janie Switzer (1 Dune), and Greg Pichler (20 Dune).

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

The June 22 Board minutes were reviewed. One change related to the beach wheelchair was requested. Judy motioned to approve the June 22 Board Meeting Minutes as edited. Marty seconded. All in favor.

### **Property Manager's Report:** Ruby Halligan

Republic will not provide individual trash pickups on non-scheduled days unless trash pickup is missed on a scheduled day. Owners can call for an individual household bulk pickup but not for regular trash/garbage.

St. Martha's Church has been reserved for the Annual May Community Meeting. Ruby requested a diagram of the room setup the church requires when the meeting concludes.

Trash Rebate letters and forms were sent on June 24 to all commercial properties that meet eligibility requirements.

A second height survey was ordered for 27 Errett. Adams-Kemp Associates will schedule the survey by the middle of next week.

Owner of 26 Dune requested the return of their construction deposit. Check mailed 7/15/19.

Reimbursement for QR code scanning storage database was approved—\$29.

Chuck Taylor is addressing concerns about landscaping issues with Ben McCabe.

Railing on Bridge Road was damaged by a Dollar General truck. Chuck Taylor contacted Frank Williams to repair/replace the railing. Insurance company for Dollar General is waiting for a written estimate for the damage.

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Owner of 5 Addy asked that 4 Addy be requested to clean up their yard. Son of owner of 4 Addy will take care of it.

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

In Steve's absence, Jeff calculated the trash rebate to be \$543 per commercial property. Tris moved and Nancy seconded that the amount be approved. All in favor.

CAS is currently holding 16 keys for MB properties. Keys were given to CAS by Right Property Management. CAS has confirmed that they do not have a separate contract with any of the property owners. Ellen stated that there is liability with the holding of keys. CAS will return all keys to the owners who must make their own separate arrangements with either CAS or someone else. Middlesex Beach Association will not be involved.

Some properties are exceeding the 25 person limit on beach passes. Owners will be contacted to reiterate the policy of obtaining a Special Event pass from the Guard House when daily beach use will be greater than 25 persons. A weekly special event pass can be issued. There is no charge for this pass for regular beach use.

115 Evergreen has a trash enclosure located on MBA property. During their renovation the trash enclosure was moved and then placed back. Board approved the location.

### **Community Input:** Jeff Sella

Jeff asked the members attending the meeting if they had any issues to discuss. Greg Pichler asked again about the letter M. Shecter sent to the community and wanted to know how the community will know it is not a Board approved communication. At the May Community Meeting, Marty confirmed that this was a personal letter sent at his personal expense. The minutes of the May Community Meeting will reflect that the letter was sent by Marty as an individual community member and not as a Board member. Those minutes will be included in the mailing to the community prior to the Fall Meeting. Marty once again emphasized that the letter was his personal letter as a community member, not as a Board member.

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

Steve was not present. No report.

Jeff has reviewed the financial statement.

### **Committee Reports:**

#### **Building Committee:** Marty Shecter for Margie Cyr

26 Dune – complete, inspected, and finalized. CAS has been requested to return deposit.

13 Short – complete and inspected but we don't have Sussex County CO yet.

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27 Errett – inspected, potentially complete except for a lot of interior work (painting, etc.) which is being done by the homeowner. We are ordering a second opinion on the height check and waiting for this to be scheduled. Also waiting for Sussex County CO. County will be notified if there is unapproved occupancy. There is currently an emergency permit to fix nonfunctioning garage doors. Owner anticipates failure of air conditioner in old part of house. They have been told they will need to submit an emergency request to Jeff if and when this happens.

29 Addy – Margie and Alex did a walk around with owners and contractor. This project is enclosed and work has stopped. It will begin again after Labor Day. They will need another agreement for removal of the MB fence.

119 Evergreen – Sussex County did not approve because the Inspector could not see behind the walls. Contractor has cut holes into the walls at various locations and is working with the County to complete the inspection and then will repair/patch the holes after the inspection is complete.

46 Dune – The stairs facing eastward in the south setback are in violation of our covenants. Inspection of the interior of the house was completed on June 24 by Margie and Marty. The interior complies with our covenants. The owner will submit a revised landscaping/site plan for remediation of the steps in the south setback. This has not been received yet. Owner has requested the return of part of the deposit. Building Committee does not have authority to do this. Ellen agreed to check the covenants to see if this is permitted.

1 Dune – preparing for a new house project in the fall. Have just approved a demolition permit for house demolition to begin after Labor Day.

Margie has received two inquiries from realtors about the potential for swimming pools on the Pine Side.

### **Community Patrol Committee:** Marty Shecter for Steve Larsen

Community Patrol responded to noise and firework complaints about residents at 7 Dune. Exchange between parties was reported to be confrontational. Jeff agreed to draft a letter to the property owner(s) describing the incident and inviting the homeowner to respond. Letter will be circulated to the Board before sending.

Jeff noted that a private firm of off duty police is available to hire to enforce Delaware Law. Price is \$85/hour with a four-hour minimum.

July 4th traffic on Route 1 was heavy after the fireworks. Two people were struck (one killed) crossing Route 1 just south of Evergreen Road. Jeff proposed that we rent large lights and use flares next year to increase visibility for pedestrians crossing Route 1 when the fireworks are over. Jeff also suggested placing reflective flags on both sides of crosswalks on a year-round basis for pedestrians to carry when crossing Route 1. The acquisition of the flags was approved and the renting of the roadside floodlights was approved however additional information will need to be obtained for next year.

Bill for ID badges for Community Patrol will be paid when CAS receives a proper invoice.

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

Produce stand has been cleaned up a bit but still not in compliance with the covenants. Judy and Jeff have contacted property owner and the property owner has requested a meeting.

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

Culvert at 18 Bayberry needs to be replaced. Jeff has received a quote for repair (\$4800). This action tabled until quote can be circulated to the Board for approval.

### **Beach Patrol Committee:** David Taylor

Our beach patrol has participated in multiple competitions to date and has done exceptionally well. Beach Patrol have received many medals and several have qualified for national competition.

Board received an email describing an incident on the beach related to water rescue. David investigated with the beach patrol and contacted the family involved. All are satisfied with the response.

Jeff reported that there was a small group of non-residents that crossed over from South Bethany and set up umbrellas and chairs on MBA property. They refused to move and become confrontational. Delaware State Police were called and informed the individuals that they were trespassing and that this was their first, last and only warning. A police report was filed. Jeff thanked David Taylor for Justin's response and support.

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

- Norman lawsuit – Executive Session.
- Privacy Policy/Terms of Use for Website – in final review.
- Rules of Conduct for Board Members – in final edit. Approved.

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

Additional plantings needed on the east side of Beach Plum from Bayberry to Short Road.

### **Nominating Committee:** Sharon Adams

There are 4 Board positions open for the Fall election. Candidates who wish to have their names on the ballot mailed with the Fall mailing should let her know by August 7.

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### **Executive Session:**

Sharon moved and Marty seconded that the Board go into Executive Session at 10:58 am to discuss:

1. Bennett Lawsuit
2. 41 Dune
3. Produce Stand
4. 30 Beach Plum issues

All in favor.

The Board came out of Executive Session at 11:20 am. As a result of the Executive Session, the Board voted:

1. Bennett Lawsuit – no additional information
2. 41 Dune – lock installed on breaker switch and breaker switch turned off for stove. Tabled for final action.
3. Produce stand – ongoing discussion with property owner.
4. 30 Beach Plum – Mary Schrider-Fox to respond

### **New Business:**

Nancy would like to place signs stating that our beach is smoke free at each walkway. She will inquire about prices for 6 signs.

Marty would like to inquire again about placing dog waste stations on Dune Road. He will contact owners to try to find an appropriate spot.

### **Adjournment:**

Nancy motioned to adjourn. Judy seconded.

The meeting adjourned at 11:30 am.

### **Next Board Meeting:**

August 24, 2019 at 9:30 am at the Bethany-Fenwick Area Chamber of Commerce.

**Respectfully Submitted,**

Tris Kruger, Secretary