



## Board Meeting Minutes

Saturday, August 24, 2019

The meeting was called to order at 9:29 am by the President, Jeff Sella, at the Bethany-Fenwick Chamber of Commerce.

### **Board Members Present:**

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

### **Others Present:**

Ruby Halligan (CAS), Tim and Janie Switzer (1 Dune), Greg Pichler (20 Dune), Carol Tucker-Foreman (11 Dune), and Paul Bradley (13 Short, Legal Committee).

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

The July 20 Board minutes were reviewed. Marty asked about the 4 Addy status and the McCabe & Sons Landscaping status as mentioned in the minutes. Both issues have been addressed. Margie motioned to approve the July 20 Board Meeting Minutes. Marty seconded. All in favor.

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

All trash rebate checks have been sent.

A second height survey was done for 27 Errett. Adams-Kemp Associates of Georgetown, DE did the survey and confirmed that the height of the home was in compliance.

Construction deposit checks have been returned to 27 Addy, 119 Evergreen, 26 Dune, and 13 Short. A check request has been sent to the accounting office for 115 Evergreen.

Chuck Taylor addressed some landscaping issues with McCabe & Sons Landscaping and has agreed that they have completed the contract standards.

Bridge Road pedestrian railing was damaged by a Dollar General truck. The insurance company has agreed to send a check for \$1200 which will pay for the repair/replacement of the railing by Frank Williams. Chuck Taylor will work with the company to schedule the repair.

Meeting packets for the annual meeting were sent to all owners. We have received 29 Proxies/Ballots to date.

Ruby contacted all owners that CAS has keys to their property and asked them to make

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arrangements to pick up their keys.

Sent draft of noise violation letter to Jeff for review.

Ordered reflective flags and reflective tape. Received and placed in storage for next year.

Ordered Smoke-Free Signs. Signs received and installed. There is a minor misspelling on the signs which Signarama will correct and/or make new signs as it was their error.

There were some issues with trash pickup; however, they are minimal and have been addressed as quickly as possible.

The Late Fees listed on the Aging Receivables Report will be reviewed to ensure all are legitimate charges.

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

A copy of the existing Golf Cart Guidelines, which were passed in a previous year were discussed. The original document was edited and retitled Golf Cart Rules. The main changes were who can operate a golf cart (property owners and their families, guests and tenants, all operators need a valid driver's license) and adding compliance with all applicable Delaware Code. Ellen will check with Delaware State Law. All golf carts on MB property should have a MB parking sticker but will not be required to be registered with Community Patrol. Final edits will be done before publishing the policy.

A suggestion was made to incorporate all the MB community rules into one document and have it available to all owners, families, guests, and tenants.

Board approved ordering "No Trespassing, Private Property" signs to be placed along Pine Path and along Kent Avenue at the gates at the west end of Middlesex Beach.

24 Bayberry – Executive session.

A demolition permit has been approved for 1 Dune. The application for the Building Permit is in process. Neighbors at 3 Dune have requested copies of the building plans. A discussion followed concerning the right of other property owners to view/obtain copies of building plans. Since the plans, once approved, are part of the books and records of MB, property owners do have the right to view or copy the document but must pay the costs of copying and the hourly charges of CAS to retrieve and return the copies from storage as well as provide space for review. Owners should mark the plans as "Copyrighted" to ensure that others cannot copy them for their personal use.

It was suggested that MBA retain a professional engineering or architectural firm to review building plans to ensure adherence to our covenants. This would provide a layer of objectivity. It was discussed if all projects should require professional review or just those projects that cost \$25,000 or more?

Margie moved and Marty seconded that "Projects of \$25,000 or more will be submitted to a professional engineering/architectural firm for architectural review. Cost will be absorbed by the homeowner." All in favor. Ellen will check with Mary Schrider-Fox for names of appropriate companies to solicit. Construction rules will need to be updated next May; until then the costs will be absorbed in the MBA budget.

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The Board unanimously approved 3 Special Event Requests: Chuck Taylor/Margie Cyr yard sale, Woolman 21st Annual Beach Party, and Mark McCulloh Party.

A homeowner has requested that the Board send a message to ask that people clean up their trash on the beach, and especially asked that this also refers to biodegradable trash such as peanut and other nut shells since many people are allergic to them. Board agreed to send that message. He also asked about the Beach Patrol having Epi-Pens available on site in case of an allergic reactions. David Taylor researched with other beach patrols and First Responder Certification trainers and none specify Epi-Pens as being available. Self-carry and self-administering is generally the rule for those who may need them. Carol Tucker-Foreman asked if we were excluding self-carry Epi-Pens and the Board provided clarification that is not the case.

The Compilation Financial Statements have been approved and will be available next week. The paving of Dune Road was capitalized and will be depreciated over the estimated life.

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

Assessment income is \$23,000 under budget due to unpaid assessments. Details will be discussed in Executive Session. Maintenance and Community Patrol payroll needs to be reviewed to ensure correct allocations. Before employee bonuses are paid, the Board needs to review and approve the amounts.

We had a proposal from Gahagan and Associates for \$20,400 to prepare the necessary study for a beach replenishment permit. We would be able to piggyback on the work already done for other communities thereby reducing our cost. Our 2019/20 budget allocated \$21,000 in the Beach Reserve Fund to finance the permit. Steve will ask Gahagan and Associates to give a presentation to the Board detailing the proposal.

Steve plans to present budget information at the Community Meeting and asked if there were any large expenses that are planned for the rest of this fiscal year. He will also answer some questions about the Reserve Funds that were raised at the May Community Meeting.

### **Committee Reports:**

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

41 Dune Kitchen – Executive Session

29 Addy – on hiatus for the summer but will resume construction after Labor Day. Will need to renegotiate the contract for removal of the MB fence.

46 Dune setback – Executive Session

27 Errett – 2nd height survey confirmed conformance with covenants. Entire Committee inspected the interior of the house for conformance and approved closing out the permit and removing any violations.

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

Dismissal of night patrol to be discussed in Executive Session.

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

Produce stand – Executive Session

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

There are two culverts at 18 Bayberry and both are deteriorating. Jeff has received a quote for repair (\$4800). Margie moved and Ellen seconded the quote be accepted. All in favor. Jeff will schedule the work to be completed in October. Marty will communicate with the property owner.

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

- DMF Lawsuit – We are in a period of discovery until 11/15/2019. A three-day trial in Chancery Court is scheduled to begin 9/1/2020.
- Privacy Policy/Terms of Use for Website – Sharon moved and Ellen seconded that we approve the policy. All in favor.
- Rules of Conduct for Board Members – Final copies were distributed to Board members for signing. However, a discussion about the statement in the first paragraph (and Section II) related to the prohibition for discussing any information concerning the discussion of such items during the Board meeting has delayed the approval of the document. Since regular Board meetings are open to all members, this prohibition was objectionable to some members. Board members were asked to read the document again and prepare their comments for the next Board meeting.
- Rules Enforcement Procedure/Fining Resolution – Towing is not included in the enforcement and procedure document. Ellen moved and Judy seconded that the document be approved. All in favor.
- Document Request Process – still in process.

### **Community Input:**

Carol Tucker-Foreman asked that more detail be provided to members about items that are likely to be discussed at Board meetings.

Janie Switzer asked if there is a call-in phone number for the Community Meeting. There is none available.

Greg Pichler asked about the policies and procedures regarding signs. The covenants have our specific sign language. Greg also asked whether there were any written rules that define harmony and compatibility. Jeff's response was that he was not prepared to provide a

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complete answer since this issue is currently under litigation.

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

Tris will talk to Ben McCabe about additional plantings for a green wall on the east side of Beach Plum from Bayberry to Short Road.

### **Executive Session:**

Ellen moved and Judy seconded that the Board go into Executive Session at 11:58 am to discuss:

1. Community Patrol
2. 24 Bayberry
3. 33 Evergreen
4. Past due invoices
5. 46 Dune
6. Produce Stand
7. 41 Dune

All in favor.

The Board came out of Executive Session at 1:15 pm. As a result of the Executive Session, the Board voted:

1. Community Patrol – Board ratified the termination of the two guards that were on night patrol.
2. 24 Bayberry – Ruby will check Sussex County records for ownership and send noise violation notice to registered owner.
3. 33 Evergreen – noise violation reported by neighbor could not be verified. No action taken based upon information provided by the property owner at 33 Evergreen.
4. Past due assessments were reviewed and verified. Those outstanding invoices will be sent a second notice.
5. 46 Dune – agreed to remove non-compliant stairs after Labor Day. Margie will check to ensure compliance.
6. Produce Stand – next year will meet with owners to ensure compliance with covenants and approved plans.
7. 41 Dune – tabled.

### **New Business:**

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Nancy asked that Colin Crandell be recognized at the Community Meeting for his 26 years of service to Middlesex Beach Patrol. Board agreed to honor him at the meeting. Margie will order a cake to mark the celebration. David Taylor will be asked to invite him to the meeting and make some remarks about his service.

Jeff will invite Dave Greer to the Community Meeting to recognize his contribution to the Middlesex Community Patrol.

### **Adjournment:**

Sharon motioned to adjourn. Ellen seconded. All in favor.

The meeting adjourned at 1:30 pm.

### **Next Board Meeting:**

August 31, 2019 at 9:00 am at the Ocean View Presbyterian Church.

### **Next Community Meeting:**

August 31, 2019 at 10:00 am at the Ocean View Presbyterian Church.

**Respectfully Submitted,**

Tris Kruger, Secretary