



## Board Meeting Minutes

Saturday, February 22, 2020

President Margie Cyr, at the Bethany-Fenwick Area Chamber of Commerce, called the meeting to order at 9:30 am.

### **Board Members Present:**

Margie Cyr, Nancy Glasgow, Alex Sella, Marty Shecter, Ellen Throop, and Tris Kruger.

### **Others Present:**

Ruby Halligan (CAS), Janie and Tim Switzer (1 Dune)

### **Review of January Board Meeting Minutes:**

Nancy moved and Ellen seconded to approve the January 11, 2020 Board Meeting Minutes. All in favor.

### **Property Manager's Report:** Ruby Halligan (CAS)

- Three owner's accounts were turned over to our attorney for collection.
- Three Landscaping companies (Ruppert, Coastal Edge and McCabe & Sons) are scheduled to meet with the Beautification Committee and give proposals for landscaping. Our current contract with McCabe ends on March 1, 2020.
- CAS met with Margie and the Budget Committee to discuss corrections to the GL coding. These corrections have been made.
- We are still waiting on a renewal contract from Republic for trash services.
- A new GL line has been created for Beautification for budgeting purposes.
- A check was sent to Golf Cart Sales and Service for the replacement of the batteries in the Community Patrol golf cart.
- Applications are being reviewed from Indeed for the position on Community Patrol.
- We are still awaiting a response from Delmarva Power to replace the lights on Dune Road.
- Our insurance agent was contacted to send a proposal for renewal. Insurance renews in May 2020.

### **President's Report:** Margie Cyr

## February 22, 2020 MBA Board Meeting Minutes

- Lifeguards have all been hired; Community Patrol is still in need of one employee.
- Residents at 62 Dune Road would like the sand moved from the dune in front of their house. Tris made a motion and Marty seconded that the dunes are protected and therefore the board should not engage any employees to remove sand and/or snow fencing from Middlesex Beach property. All approved. The owner will be referred to DNREC (Delaware Department of Natural Resources and Environmental Control) with questions and concerns.
- A permit will be submitted to DelDOT to request closures on the crossovers on Route 1 on the evening of July 4th.

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

- Payment of \$2375.00 (Culver Repair, 18 Bayberry) from Capital Reserve account #6202.
- Payment of \$8400.00 (Fog sealing on Addy and Bridge Roads) from Capital Reserve account #8390.
- A motion was made by Ellen and seconded by Marty to ratify both of these payments. All in favor.

### **Committee Reports:**

The Board reviewed the Committee Reports and there were no questions.

### **Legal Committee:**

- The Bennett lawsuit has settled (settlement terms attached).

### **Old Business:**

- Margie and Ellen are still working on Committee Organization Resolutions.
- Produce stand: there are no updates.
- Budget, April 2020 – March 2021- All budget items must be submitted to the Board by mid-March for approval of the budget at the Community Meeting May 2, 2020. Accurate financial reports are necessary.
- A second request from a property owner for minutes of Executive session was received. A motion was made by Margie and seconded by Michael to affirm that Executive Session minutes are not to be forwarded to Owner in this case in accordance with Delaware Law. All approved.

### **New Business:**

## February 22, 2020 MBA Board Meeting Minutes

- Median Strip signs – Alex will submit a permit from DelDot with specifications to install new MBA signs for the median strip. He will also get a cost proposal for making these signs.
- 14 Addy has not closed out its construction project with a require final inspection and submission of the Sussex County Certificate of Occupancy. A letter has been sent to the property owner requesting this close out by a certain date. The deposit will continue to be held.
- Beach and Parking Passes review – two changes were made to the Beach Pass – Residents and Guests will be added to front and No Smoking or Smoking Devices on the back.
- 1 Bayberry Fence request– Owner would like her old board on board fence removed by MBA and replaced with fence matching that of MBA's. Marty will speak with owner about options.
- 30 Dune – Owner is doing renovations and would like MBA fence and related landscaping removed for better accessibility into house. Margie will meet with the owner to go over safety concerns due to location of fence.
- 32 E. Bayberry Mailbox request – Owner was told her only option was to put mailbox across the street in order to not take away any parking spaces on Bayberry.
- Fog Sealing of Beach Plum – This will be the next street done at a cost of \$6,000.00.
- Dog Waste Station – Marty made a motion and Nancy seconded to install a dog waste station (on a trial basis) at 8 Dune Road. All in favor with the exception of Alex, who abstained.
- Request from community member to solicit donations to support Beach Patrol – The board has no involvement with individual donations of projects in the community. The Membership directory is not to be used for solicitation.
- Beach Committee – Margie chooses to appoint Mark McCullugh as chair of the Beach Committee. Ellen makes a motion, seconded by Michael and all are in favor.
- Dune Crossing – Alex makes a motion, seconded by Marty to dig out the walkways and replace with clay at a cost of \$3,500.00. This work will be done by Alex in May.

### **Executive Session:**

Ellen moved and Marty seconded to go into Executive Session at 12:20 pm to discuss:

- 29 Addy Violation Hearing
- CAS Performance

The Board came out of Executive Session at 12:45 pm with the following results:

- The property at 29 Addy has two building violations along with MBA property damage. Owners were notified that a Hearing would take place today and March 15, 2020.

## February 22, 2020 MBA Board Meeting Minutes

Owners were not in attendance today. No action was taken.

- There were several coding errors found in the General Ledger Report. The board will wait before approving the Financial Report.

### **Adjournment:**

Alex motioned to adjourn. Marty seconded.

The meeting adjourned at 1:20 PM.

### **Next Board Meeting:**

March 14, 2020 at 9:30 am at the Bethany-Fenwick Area Chamber of Commerce.

**Respectfully Submitted,**

Tris Kruger

Nancy Glasgow



**GRANTED**

EFiled: Feb 17 2020 03:09PM  
Transaction ID 64732920  
Case No. 2017-0919-PWG



**IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE**

DMF ASSOCIATES, INC.

Plaintiff,

v.

MIDDLESEX BEACH ASSOCIATION,

Defendant.

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

C.A. No.: 2017-0919-PWG  
Consolidated

**STIPULATION OF DISMISSAL WITH PREJUDICE**

IT IS HEREBY STIPULATED and agreed by and between the undersigned counsel that all claims, including counterclaims and cross-claims, between and amongst DMF Associates, Inc., The Norman Law Firm, LLC, and Middlesex Beach Association are hereby dismissed with prejudice with each party to bear its own costs and attorney's fees.

*[Signature Page and Order Follows]*

<p><b>Whiteford Taylor &amp; Preston LLP</b></p> <p><u>/s/ Chad J. Toms</u>  Chad J. Toms (ID #4155)  Renaissance Center, Suite 500  405 N. King Street  Wilmington, DE 19801-3700  (T): 302-353-4144  (F): 302-357-3273</p> <p><i>Attorney for DMF Associates, Inc. and  The Norman Law Firm, LLC</i></p>	<p><b>Marshall Dennehey Warner Coleman &amp; Goggin</b></p> <p><u>/s/ Art C. Aranilla</u>  Art C. Aranilla (ID #4516)  1007 N. Orange Street, Suite 600  P.O. Box 8888  Wilmington, DE 19899-8888  (T): 302-552-4300  (F): 302-552-4340</p> <p><i>Attorney for Middlesex Beach  Association</i></p>
<p><b>The Norman Law Firm, LLC</b></p> <p><u>/s/ Stephen P. Norman</u>  Stephen P. Norman (ID #4620)  30838 Vines Creek Road, Suite 3  Dagsboro, DE 19939  (T): 302-537-3788  (F): 302-258-0705</p> <p><i>Attorney for DMF Associates, Inc. and  The Norman Law Firm, LLC</i></p>	<p><b>Steen, Waehler &amp; Schrider-Fox, LLC</b></p> <p><u>/s/ Mary R. Schrider-Fox</u>  Mary R. Schrider-Fox (ID #3866)  92 Atlantic Avenue, Unit B  P.O. Box 1398  Ocean View, DE 19970  (T): 302-539-5600  (F): 302-539-7800</p> <p><i>Attorney for Middlesex Beach  Association</i></p>

SO ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
J.

This document constitutes a ruling of the court and should be treated as such.

**Court:** DE Court of Chancery Civil Action

**Judge:** Patricia Griffin

**File & Serve**

**Transaction ID:** 64730222

**Current Date:** Feb 17, 2020

**Case Number:** 2017-0919-PWG

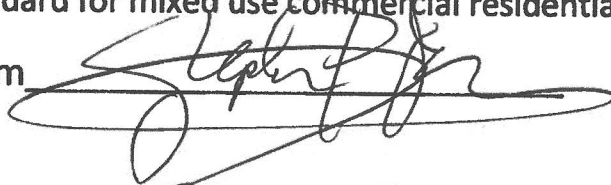
**Case Name:** CONS W/ CA#2018-0404 DMF ASSOCIATES, INC. VS. MIDDLESEX BEACH  
ASSOCIATION

**/s/ Judge Griffin, Patricia**

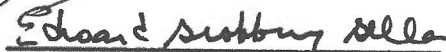
Norman v. Middlesex  
Settlement Terms, Dated November 15, 2019

1. Money. The Norman Law Firm ("Norman") will be paid \$15,000.00 within 15 business days of a signed settlement agreement.
2. Release. Mutual release including insurance company of all claims and counterclaims and stipulation of dismissal with prejudice. No admissions by either party.
3. Sign. At the earlier of the departure of Norman from property or at end of current lease term plus existing options, Norman has the choice to do one of the following:
  - a. Remove sign completely;
  - b. Convert sign to not be in shape of V, so that it is back to back; or
  - c. Apply to Middlesex for permission to maintain the sign as is or subject to additional restrictions.
4. Sign Message and Frequency. Norman agrees that the frequency in changing message shall be no sooner than every 3 hours, on intervals starting at the turn of the hour at 12, 3, 6, 9 ect. Message is limited to business conducted onsite. Message must be static with no animation.
5. Sign Size. Norman will provide verification of size and height of sign conforms to size (limited to 100 sq. ft.) and height (limited to 18 feet,) plus or minus slight variations for construction tolerances. Sign installer to provide verification of size and height.
6. Existing Signs. Two preexisting ground signs will be removed.
7. Other Restrictions. Norman agrees that other restrictions contained in the current Section 5.2 of Covenant will be honored.
8. Sign Illumination. Sign will be reduce in brightness from 11 p.m. to 7 a.m. to nighttime standard for mixed use commercial residential areas.

The Norman Law Firm



Middlesex Beach Association



DMF Associates, Inc.

