



Community Meeting Minutes

Saturday, May 5, 2018

The meeting was called to order at 10:02 am by the President, Jeff Sella, at St. Martha's Episcopal Church in Bethany Beach, Delaware.

Board Members Present:

Judy Bennett, David Burgess, Margie Cyr, Jim Dempsey, Tris Kruger, Jeff Sella, and Ellen Throop.

September 2, 2017 Community Meeting Minutes:

Comments were solicited but none were received. Motion made to approve the Minutes, motion seconded, and approved.

Introduction of Board Members

Introduction of Committee Chairs

President's Report: Jeff Sella

Introduction of New Community Members

Discussed the creation of two new committees as a result of feedback received at the September Community Meeting. The first was a temporary ad hoc committee related to parking and parking concerns. The second was the Usage of Beach Committee related to the use of the beach (separate and distinct from the Beach Patrol committee).

Updated the community on the resignation of Jennifer Kazemzadeh and the choice of Dave Burgess to fill her unexpired term.

Noted for the community that two dog waste stations have been installed along Beach Plum Road.

Noted that the dunes are in great shape with additional sand being trapped over the winter. The net result is that the dunes are now approximately 12 feet wider despite multiple nor'easters this past winter. In addition, the walkways have been cleared in anticipation of the clay mix being installed prior to Memorial Day. Furthermore, the dune crossing at Evergreen has been moved. The previous dune crossing crossed over a portion of the community owners property at 6 Dune Road. The owners had requested that the dune crossing be removed from their property.

The beach is also in great shape.

May 5, 2018: MBA Community Meeting Minutes

Discussed the repaving of Dune Road. At the community meeting in September it was noted that Dune Road was to be repaved over the winter. Just prior to the repaving, several community members contacted the Bethany Beach Fire Department for his input on the paving. The Bethany Beach Fire Department suggested that the road be widened as much as possible. As a result of this comment, the paving was postponed. The Board approved a survey of Dune Road to understand exactly where the property lines are. At the moment, revised quotes have been requested from Matt's Paving and the paving should proceed after Labor Day.

Updated the community on the rental fee petition. The Board had received a request to place a vote of the community to approve a rental fee. The Board studied this issue and determined, with the advice of outside counsel, that this petition was seeking approval of something that could not be implemented based upon our covenants. Therefore, the Board rejected the petition.

The nearby public beaches are being replenished this summer. The equipment will be unloaded in South Bethany and both South Bethany and Bethany will receive additional sand. The Board has been approached for approval to allow the dredging company to move their equipment over our beach. Sea Colony has received a similar request.

The community was reminded that fireworks are illegal in Delaware. These rules apply to Middlesex Beach. He also mentioned that he was informed that Delaware may amend their laws as it relates to certain types of fireworks and that Middlesex Beach will comply with the current laws that are in force.

The concept of "private beaches" remains under assault and it is important that every property owner recognize that our private beach is an amenity that should not be taken for granted. This basic tenet continues to guide the Board in decision making.

Jeff introduced Community Association Services, Inc. (CAS) and RuthAnn Barnes. RuthAnn is the point person for our community. RuthAnn made some introductory comments and provided her contact information and office location. She also indicated that CAS was looking for a new location in Delaware north of Indian River.

Treasurer's Report / Budget / Assessment:

Jim Dempsey reviewed the budget and answered questions from the floor. Jim explained that some of the historical categories have been combined for simplification. Jim also explained the Reserve Study and our need to ensure that we maintain proper reserves. Our current reserves are adequate except for our beach reserve. A major storm could result in a special assessment of the members. Jim also pointed out that we have been adding funds to this reserve over the past few years. Our reserves for the roads is appropriate.

Questions from the Floor:

- **Why have legal fees increased and why do we continue to budget for higher legal fees?** At the September Community Meeting, the membership requested tighter enforcement of our rules and covenants. This has led the Board to retain the services of outside counsel (Mary Schrider-Fox) as it relates to our covenants and the desire of some property owners to exceed what our covenants allow. This enforcement has

May 5, 2018: MBA Community Meeting Minutes

also led to one lawsuit, which is ongoing. Furthermore, legal counsel was retained to provide legal advice to the Board as the Board studied certain issues. It is anticipated that our legal costs will continue to escalate as a response to the increasing prevalence of lawsuits.

- **Why is nothing budgeted for housing?** We have determined that we no longer need to provide housing for our Beach Patrol as a recruitment incentive.
- **Why did we purchase a new golf cart for the Community Patrol? Is that the \$10,000 shown in the budget? It was just bought, why is it in the 2018-2019 budget?** The unanimous opinion of the Community Patrol last year was that the previous cart was unsafe in crossing Route 1. The acceleration was slow and unpredictable. The new cart was purchased in April, which is in the current fiscal year. The cost was approximately \$10,000.
- **What is happening with drainage?** This category was combined with other categories to simplify the budget.
- **When will drainage be improved?** RuthAnn has met with the appropriate officials that have agreed that we have a problem and that we would be added to their list of projects. They also indicated that they have a long list of projects and that ours will be dealt with but not in the near future. The problem is along Kent. The ditches along Kent need to be cleaned and realigned. Some of the ditches run uphill and need to be realigned.
- **Why are we not lobbying more forcefully?** We have made overtures and reached out. However, the political realities are against us since many of our property owners do not vote in Delaware. Volunteers were solicited to lobby State and local representatives. There was not an immediate response to this solicitation.

A motion was made and seconded to approve the assessment. The motion was approved. As a note, there were 64 proxies as well with 54 voting in favor of the proposed assessment.

Listening Sessions / Community Survey Results: Jeff Sella

Margie thanked everyone that attended the listening sessions in January, February, and March. She indicated that 95 members representing 58 properties attended these meetings. The comments from these meetings will be posted on our website.

Margie Cyr provided updates on the listening session and indicated that the comments received have been accumulated and were ready for pickup after the meeting. These comments will also be posted to the website.

Jeff Sella then reviewed the results of the survey. He noted that 133 properties were represented by completing the survey. The results of the survey and the comments will be posted on the website.

Comments from the Floor:

There was a long discussion concerning the Board's decision to reduce the number of beach

May 5, 2018: MBA Community Meeting Minutes

passes from two to one. Some members wanted to revert back to the two beach pass policy, while other members mentioned that they were in favor of the new one beach pass policy.

Jeff articulated the problems that the Board has identified with two beach passes. Some community members were giving away the second pass to family and friends. One or more passes may have been sold to members of the general public.

This unauthorized use of the beach pas was identified in 2015 and the Board, at that time, affirmed that the beach passes were non-transferable, and this was noted on the beach passes. However, this has not deterred the abuse of the beach pass. The Board considered multiple options and determined that enforcement was not practical. The Board adopted the one beach policy in an attempt to stem the unauthorized use of the beach pass.

The Board also heard from the Community that there were concerns about a beach pass being inadvertently taken back with a renter or guest. We have always maintained a replacement pass policy but, in response to these concerns, we are also working on a temporary day pass.

Another discussion point was on drainage and ditches. The Board pointed out that many of our drainage challenges cannot be resolved until the drainage along Kent Ave is fixed. The Board and CAS have reached out to Sussex County and they have noted and agreed that there is a problem, but they have not provided a timetable for resolution.

Beach Patrol:

David Taylor reminded us of the dangers of rip currents and noted that brochures were available for anyone that wanted to take one home. He reviewed both the returning and the new lifeguards.

The Junior Lifeguard program is filled for the summer. This program continues to be well received and well attended.

The dates of various competitions and hot dog barbeques/safety demonstrations were announced and will be posted on the website. They are also available on the inside cover of the annual directory.

Recruiting was once again successful, and we have more local guards.

Beautification:

Tris outlined the past projects that were completed including the new plants along Route 1. The maintenance contract with McCabe and Sons Landscaping has been renewed.

Building:

Margie reminded everyone that all construction projects must be completely finished, or all activity must be terminated as of June 30th. Unfinished projects can resume after Labor Day.

May 5, 2018: MBA Community Meeting Minutes

Margie also reviewed the new construction and related rules that will become affective in September.

Adjournment:

A motion to adjourn was made, seconded, and approved.

The meeting adjourned at 12:02 pm.

Next Community Meeting:

September 1, 2018 at 10:00 am at the Ocean View Presbyterian Church.

Respectfully Submitted,

Tris Kruger, Secretary