

Middlesex Beach Committee Reports
Fall, 2020

Beach Patrol, Mark McCulloh, Chairman:

Since July, there have been a couple of additional rescues as the surf continues to be active vs last year. Everything is operating smoothly and leadership on the beach has been strong. The Covid protocols for the lifeguards are still in place. No new illnesses as far as the guards are concerned, which is not common up and down the coast. All the competitions and Junior Guard Program have been cancelled were cancelled for the summer for health concerns. Issues with people using the walkways incorrectly still persist.

Several Incidents of vandalism have occurred over the last couple of weeks. On two separate occasions, one or more of our life guards stands were thrown in the ocean and washed up at Sea Colony. They were retrieved and are still in use (minus one sign). Community Patrol handled the reporting of the incidents to the State Police.

We have a full staff coming into the end of the year. This is unusual as most of the kids start heading back to school. There is a chance we may need some extra guards in the waning weeks of summer and early fall. I am hearing that leasing activity is stretching into the fall as school schedules are changing (virtual school = more time at the beach). We need to monitor this as beaches could be more crowded than normal thus in need of protection. We have the guards available if the needs are there. The Board will need to consider the financial implications of this to the budget

We are working with the new lifeguards that were built this past winter; and may need to consider additional stands which weigh less and are easier for our staff to manage bringing up and down the beach.

Our staff has performed excellently and I thank each of them for their fine work and care for the MBA community and its members.

Beautification Committee, Tris Kruger, Chairman:

There has been no official committee meeting largely due to Covid19 concerns. Besides trimming the median boxwoods in front of our admittedly dated signs, and prior plantings, there has been minimal activity. Several community members continue to act to better the appearance of the MBA community. Marty Shecter; Peggy and Chuck Taylor; Michael McLaughlin; Nancy Glasgow; and Alex, and Jeff Sella have all contributed on a regular basis. It is very much appreciated!! I saw Jack Byrd picking up trash on the highway on my way out of the community a week ago! Very best to all!!

Budget Committee, Steve Larsen, Chairman

There is no Budget Committee Report at this time.

Building Committee, Jeff Sella, Chairman

At the May Community meeting, new rules for construction were adopted. The changes were minor but these rules are now in place. Every property owner needs to refer to the website for all applicable rules and required permits before initiating any project. These rules apply to new construction, remodeling, renovation and/or major repairs. The following rules are meant to balance the needs of the property owners with those of their neighbors and other community members.

Permissible Days & Times

for Emergency Repairs (1), Construction & Demolition (2), Repairs (3), Maintenance (4), and Tree Removal/Work (5)

Middlesex Beach strictly regulates the Permissible Days and Times for performing interior or exterior work in the community, depending upon the nature of the approved work:

- Emergency Repairs
- Construction & Demolition
- Repairs
- Maintenance
- Tree Removal/Similar Work

MBA regulates the Permissible Days and Times of construction or other work on property and/or lots to enable Lot Owners to cost effectively undertake and quickly complete building projects. These rules are also designed to ensure the peace and quiet of all in the community, and to comply with the MBA Restrictive Covenants, Section 9.1 *NUISANCES*. The Covenants mandate the prevention or occurrence of any activity or event in Middlesex Beach which could constitute “a public nuisance, or eyesore, or menace to public health, safety or welfare, or which threatens to adversely affect the safety of or value of Middlesex Beach and the other properties therein.”

These rules on *Permissible Days & Times* include clear definitions of work types and explain the specific days and hours when certain work is permitted or prohibited. MBA Lot Owners (as well as their contractors) must legally comply with:

- i. these regulations;
- ii. applicable Sussex County Codes, Rules and Regulations; and
- iii. applicable Delaware State statutes, codes and regulations, particularly those of the Delaware Department of Natural Resources and Environmental Control (DNREC).

These *Permissible Days & Times* rules apply to all MBA Lots, and equally apply to:

- all Contractors or agents engaged by MBA Lot Owners, and
- all MBA Lot Owners, their family members, guests, and tenants or renters.

DEFINITIONS

1. Emergency Repairs: Emergency Repairs include only the minimum, immediate, short-term work necessary to control unexpected and immediate threats to people or property, which if not remediated would reasonably result in imminent injury, death or in serious damage, destruction or loss of property.

- a. Work which would otherwise require a permit but is legitimately defined as an “Emergency Repair” by this definition, may proceed as soon as MBA approval is obtained.
- b. Notification and Permits required.
 - i. Notification must be made via the Emergency Repair Notification form on the MBA website or via notification to the MBA President by email or phone prior to beginning any Emergency Repair Work. Please see “*Emergency Repair Procedures*” on the MBA website.
 - ii. Separately, an application for an appropriate Building Permit for construction, demolition, and/or repair must be made as soon as is practical – but not later than seven (7) calendar days after beginning such Emergency Repair Work.
 - iii. If such work is later determined not to be Emergency Repair Work, the property owner may be subject to appropriate fines or other sanctions.

2. Construction & Demolition:

- a. **Construction** is defined as *any* interior or exterior work resulting in a new, added, or altered: main structure or its roof or attachments; detached accessory structures including sheds and detached garages; fences, walkways or retaining walls; trash and recycling enclosures; water and sewer lines; signs; and/or imperviously paved areas. This includes any reconstruction, renovation, remodeling, pile driving, drilling, excavating, filling or grading associated with the construction, as well as the staging/storage of materials or equipment related to construction or similar work.
 - b. **Demolition** includes substantially deconstructing, demolishing, disassembling, removing or otherwise reducing an existing structure, whether or not it will be replaced.
3. **Repairs:** Repairs are defined as repair, restoration and/or replacement for the purpose of restoring structures, components or paved areas to safe and usable conditions.
 - a. **“Repairs”** include interior or exterior work such as: patching; mending; restoration; and minor replacement of materials, elements, components, equipment or fixtures. Replacement is considered a “repair” when done on a like-for-like basis. Examples include replacing a door, window, outside deck board, electrical fixture, built-in appliance, faucet, or a small (< 4’ x 4’) section of leaking roof shingles, or similar elements, with a like-for-like item.
 - b. **Work is not considered a “Repair” but is considered “Construction” or “Demolition”** subject to paragraph (2) above if the scope of work would result in an “altered structure” or would remove or add a component. This includes, among others, interior or exterior work such as: adding or removing a deck, wall, door or window; installing a different size door or window; running a new water line; expanding, enclosing or removing a porch or driveway; replacing roof or wall sheeting/sheathing in conjunction with replacing roof shingles or siding boards; adding additional electrical fixtures.
4. **Maintenance:** Maintenance is defined as interior or exterior work that is not *Construction, Demolition, or Repair*, but which is routinely required to preserve property appearance or mechanical operations. Maintenance includes activities such as routine household electric, HVAC or plumbing maintenance; cutting grass or trimming shrubs; minor landscaping; spraying for mosquitoes; cleaning ditches, gutters or drains; re-nailing deck boards; or work required to prevent the interior or exterior of structures from deterioration by screening, painting, or staining, using only hand tools or residential-sized power washers.
5. **Tree Removal and Similar Work:** Tree Removal/Work is defined as any work requiring equipment such as trucks, trailers, cherry-pickers, or power tools to cut, chip, grind, or remove a tree or its limbs, branches, stump or roots from a Lot. This definition is not intended to prevent the use of hand tools to cut small trees, trim shrubs, or to prepare fallen branches or small trees for yard waste pick up.
6. **Signs/Signage:** All signs/signage must be in compliance with the Covenants and applicable MBA rules, including the *Rules & Regulations for Construction, Repair, Tree Removal, Demolition, Paving, Maintenance & Other Work*. Changes to or additions to existing signage and/or erection of new signage must be approved by the MBA Board.
7. **Contractor Work:** Contractor Work is any work performed by an individual, agent or company hired or otherwise commercially engaged to perform work for a Lot Owner.
8. **Lot Owner(s) Work:** Lot Owner(s) work is any Construction, Demolition, Repair, Tree/Removal Work, or Maintenance performed by the property or Lot Owner(s) or by their family and guests.
9. **Holiday and/or Holiday Weekend Work:**
 - a. Contractors may not perform *any* kind of work in Middlesex Beach on Holidays or Holiday weekends, except Emergency Repairs.
 - b. Lot Owner(s) may perform Interior Construction, Repair Work, and Maintenance on Holidays and Holiday weekends.

c. Exterior Construction or Repair is not permitted on these days:

- New Year's Day
- Martin Luther King weekend (Saturday–Monday)
- President's Day weekend (Saturday–Monday)
- Easter weekend (Saturday–Sunday)
- Memorial Day weekend (Saturday–Monday)
- 4th of July (including the 3-day weekend if July 4 falls on a Monday or Friday)
- Labor Day weekend (Saturday–Monday)
- Columbus Day weekend (Saturday–Monday)
- Veteran's Day if the holiday falls on a Monday or Friday (including the 3-day weekend)
- Thanksgiving weekend (Thursday–Sunday)
- Christmas Day

10. Building Permits

MBA Building Permits are required for all Construction, Repair, Tree Removal, Maintenance and any other work as provided by MBA rules governing construction activities. Permits are required for:

- a. **Large Projects:** Any work valued at \$25,000 or more.
- b. **Small Projects:** Any work, repair, maintenance, or tree work valued at less than \$25,000.
- c. **Demolition:** See "*Definitions*," above.
- d. **Emergency Repairs:** Owners must notify MBA via the Emergency Repair Notification form on the MBA website (or notification to the MBA President by email or phone) **prior to beginning Emergency Repair work.**
 - i. **Emergency Repairs include** only the minimum, immediate, short-term work necessary to control unexpected and immediate threats to people or property, which if not remediated would reasonably result in imminent injury, death or in serious damage, destruction or loss of property. Emergency repair work can only be started without a permit in order to control or abate such imminent threats.
 - ii. **Within seven (7) days of beginning such Emergency Repair Work**, owners must also apply for proper MBA Building Permits, as well as applicable permits from Sussex County, and/or DNREC.

Commercial Committee, Marty Shecter, Chairman

Beach Plum fence assessment: In general, the fence is in good condition. The fence from Bayberry to Bridge needs some minor repairs: a new board here and there, and adjusted support or replacement in one or two spots. The fence behind McDonalds is also in good condition. A couple of boards need to be replaced and a few have to be re-secured. The fence from Bridge to Addy is a different story. Approximately half the panels are in need of replacement. These are the responsibility of the owners Berner and Gallo. These fences are on private property and not owned by MBA. I will be speaking to the owners of the commercial properties about correcting the minor fence problems in the fall. The Berner/Gallo properties seem to be more problematic since we seem to be having trouble reaching them.

Ocean Air Produce stand: They were supposed to close the season on Sept. 15th. They have done a great job providing a service to the community, providing us with a lot more than a produce stand and helping us to stay out of the crowded grocery stores. They may be extending their season??

Community Facilities, Alex Sella, Chairman:

During these unprecedented times, I would like to provide an update on the current status of the Middlesex Beach Community's Facilities. Over the Spring and Summer we have completed several projects from damaged culvert replacements, rebuilding the dune crossings, extending the dune crossing handrails,

rebuilding the damaged fences, fog sealing Beach Plum to extend its life, replacing the roof on the guard house, rebuilding the interior of the guardhouse, and completing other small projects throughout the community.

As the fall approaches there are many more projects forthcoming to maintain the community. We have had several community members volunteer to help with some projects and would welcome more support. With the current virus we do not currently have a planned date, but it is looking more likely to occur this fall.

Some more projects that are going to be completed are installing a new row of dune fencing. We will also be performing other yearly maintenance items. We will continue the process of extending the life of the roads through fog sealing. Once scheduled we will send the information to the community.

Thank
In addition, over the next few years, DelDot is installing permanent lighting along Rt. 1 and installing flashing lights at the crosswalks on Route 1. We are waiting on confirmation of their installation dates but have requested one at each un-signalized crosswalk. In early March, DelDot began the installation of a drainage pond in front of Sea Colony.

Due to budget constraints, the replacement of the gateway signs on Rt 1 has been deferred to next year. We have decided this year to focus more closely on the drainage ditches including working through the process of cleaning culverts throughout the community. This should help drainage along with DelDot's work on cleaning ditches on publicly maintained roads in the area.

We are excited for another year and seeing everyone enjoy the beach and community again. We are looking forward to seeing everyone again in the place we all enjoy and look forward to visiting throughout the year. May we all enjoy the tranquility and community we love very soon. Please reach out with any questions or to volunteer!

Community Patrol, Jeff Sella, Chairman

We thank Michael O'Mara for his leadership of the Community Patrol Committee and the MBA CP staff. Michael stepped off the MBA Board in the Spring and Jeff Sella was appointed to Chair the committee and supervise the staff for the duration of the operational year. It has been a challenging summer for the CP staff. The summer began with the loss of a full-time employee; and despite several advertising attempts, the position was not filled. COVID protocols and directional flow for health and well-being of beach goers consumed a lot of staff time. And multiple vandalism events were problematic. The State Police spent quite a bit of time in MBA this summer as compared to other summers. The staff responded to a few noise complaints and parties after Quiet Hours. The Staff continue to function very highly and effectively; and I thank them for their commitment and dedication to the community.

Legal Committee, Ellen Throop, Chairman

There is no Legal Committee report at this time.

Social Committee, Nancy Glasgow, Chairman:

The 4th of July house decorating celebration and contest was a great success. We congratulate all the homeowners who participated. Sadly, COVID has interfered with MBA's normally active social season during the summer. We are crossing our fingers and hoping for the opportunity to gather safely again soon.