



MBA Board Meeting Minutes

August 21, 2021

9:30 AM

Zoom Meeting

In attendance: Board Members Present: Margie Cyr, Nancy Glasgow, Tris Kruger, Alex Sella, Jeff Sella, Marty Shecter and Ellen Throop. (Steve Larsen and Carol Paul absent.)

Hope Wagner – CAS

Community Members – see Zoom list.

Call to order, Margie Cyr, President. 9:30 am

9:31 AM Motion to Adjourn by Ellen and seconded by Nancy to Executive Session for the discussion of contracts, personnel and litigation; all in favor.

10:30 AM Return to Open Meeting

Marty motioned and Nancy seconded that no electronic or any type of recording (video and/or audio, etc.) of the Board meeting in any fashion is allowed except via Zoom initiated by the Board.

Review Board Meeting Minutes: Saturday, July 24, 2021 – Minutes amended to reflect that Carol Paul was not present. Tris motioned and Nancy seconded with amendment; all approved.

Property Manager's Report: Hope Wagner, CAS

Foot washes will be winterized after August 28.

The list of authorized drivers for the Polaris needs to be updated to include Ron Thomas in addition to Mark McCullough, Marty Shecter, Erin, Rick, Beach Patrol Justin and Colin and all approved Community Facilities committee members.

Golf cart needed a new battery.

Claim to owner at 4 Bridge re: tree replacement for screening – work order is in, but no time assigned. Hope calls weekly.

For Assessments and late fees – various owners claim change of address and not received notice issues. Suggest of email blast before mailing.

Republic has missed pickups – 4 calls made to the company. Company returns for missed pickups. Hope will continue to monitor.

Ron Thomas has requested to purchase 5 stop signs to have 2 in reserves. Alex noted the signs are plastic but look wooden. Expenditure in budget. Hope will get cost.

Justin hired new guards for end of year coverage. Paperwork for said individuals has been processed.

Fall meeting packet has been sent. A second mailing has also been sent updating the Proxy/Ballot to include the entire list of candidates for the Board. Proceeding forward with St. Martha's location but book sale is the same day so MBA will meet in church area.

Hope will follow up re: 41 Dune deposit return.

President's Report: Margie Cyr

On 8/14/21 accident at Bridge and Beach Plum – damage to MBA stop sign and MBA fence on Bridge road and Dollar General; MBA is fixing its own property. No additional information from police and no known exterior cameras covering said area. Board agreed no insurance claim before Marty proceeds to repair MBA property.

Dune near South Bethany was apparently surveyed by Sand Piper HOA; South Bethany is checking into details. Member J. Kaftka has not seen other activity.

3 Ruppert proposals for plantings on Beach Plum and Short.

Errett Gate – lock issues and often left open and lock is picked and/or disappears. Ron directed member who keeps gate open to lock. May need to redesign to have lock inset in door.

Mitch awarded Life Guard of the Year by the Bethany-Fenwick Chamber of Commerce.

Treasurer's Report: Alex Sella

- Financial Reports
- Review of End of Fiscal Year

Committee Reports: sent in packet to Board members.

- Beach Committee: Mark McCulloh
- Beautification: Tris Kruger
- Building: Margie Cyr – 2 demolitions approved and 1 more expected. Various large and several small projects.
- Budget/Finance: Alex Sella
- Commercial: Carol Paul
- Community Facilities: Ron Thomas – Errett lock issue by Vacasa members; Carol will address business re; employees leaving door open. Lots of rain and sand has washed away at Bridge, Addy and Bayberry beach walkways. Ron will attend to mobi mat and other areas with volunteers.
- Community Patrol: Steve Larsen
- Legal: Ellen Throop
- Social: Nancy Glasgow – 9/16/21 at 62 Dune.

Questions for Committee Reports

Unfinished Business

- Comcast Update – Jerry Kaftka – in 3 months, infrastructure by Comcast will be in place in 3 months; by FCC rules and business judgment rules, Comcast can't discriminate/can't have exclusive rights to provide cable. 10 years ago a coalition for Telecomm – that contract expired about 1 year ago. Comcast has terms where Comcast pays for cable infrastructure with 5%

income stream. Sea Colony negotiated its own contract and infrastructure in place. Comcast wants MBA to guarantee 100% of member participation. There is Comcast cable along Beach Plum. MBA counsel indicated MBA no right to contract with Comcast. The 100% participation requirement may not be legal. Comcast will not use existing lines as too old. Can MBA be at negotiating table with Comcast? Jerry plans to speak with the attorney who is assisting other communities with Comcast issues. Options 1. Let Comcast charge; 2. Legal advice with attorney with telecomm experience 3. Engage Comcast 4. File complaint with FCC 5. Letter to congress rep like Lisa Blunt Rochester. Time sensitive as installs complete by end of year. Recorded easement in 1959 for cable re: utilities across MBA on Beach Plum.

- Proposed garden area for south end of Dune Rd. – discussion as to how to develop/landscape – add memorial bench but size considerations; need an overall plan not just this section; Tris motioned, and Alex seconded to approve suggested plan; Ellen objected due to owner being relied upon to water; motion passed.
- Fall Meeting Election of Board members – 7 candidates for 6 positions plus any from call for nominations from floor.
- Fall Community Meeting – location & time -St. Martha's confirmed with 60-70 people allowed however, Bishop of Church can change at any time. Discussion to have back up Zoom or conference call meeting. Hope to check into cost. 9:00 am Board meeting discussed, and Tris and Ellen can make; Alex, Jeff and Carol cannot.
- Polaris Usage – discussion ensued re: incident response timing and process, Polaris not equipped for emergency transport, transfer equipment from guard shack to beach, necessity of use by Community Facilities members, and Polaris being left on beach and not properly cared for has increased costs of maintenance; use of such for Beach Patrol tabled.

New Business

- Refund of Construction Deposits:
 - 30 Dune: \$41,000 – inspection requirements met and committee recommends return of deposit. Tris motioned and Ellen seconded; all approve.

Attendee Comments – none.

12:15 pm - Tris motioned and Ellen seconded to go into Executive Session to address 7/24/21 Executive Minutes and delinquent assessments; all in favor.

Adjourn Meeting – 1:00 pm - Tris motioned and Marty seconded to adjourn meeting; all in favor.

Future Meetings: **MBA Board:** September 4, 2021, 9:00 AM – (tentative) followed by Community Meeting