

Middlesex Beach Association Board of Directors  
Minutes from the September 27<sup>th</sup>, 2014 Meeting

Board Members Present: Jeff Sella, Ellen Throop, Steve Larsen, Sharon Adams, Glenn Hamilton, Judy Meyers, Natasha Reatig Dave Wiecking

Other Attendees: Mary Byrd, Chair, Social Committee; David Taylor, Beach Committee ; Bill Gay, Margie Cyr, Building Committee; Susan Hillebrecht, Dan Lyons, MBA members

The meeting was called to order at 9:33am at the WSFS Bank in Ocean View.

The Board reviewed and approved the minutes from the August 30 Board meeting.

The Board considered the minutes from the August 30 Community meeting. It was suggested that the minutes reflect a complaint from a community member that a call to the RPM had not been responded to in a satisfactory way. With this change, the minutes were approved for publication.

Susan Hillebrecht discussed a permit request for a family event on the beach expected next summer or fall, and sought general guidance from the Board on beach access, usage and acceptable dates. The Board discussed some issues related to parties on the beach during the peak summer season in July or August, including parking for invitees, parking for trucks if the event involved catering, music, and other potential set-up requirements .The Board noted there were not detailed criteria for beach party permits to guide applicants, and the suggestion was made to consider reviewing the policies of the Indian River Life Saving Station which hosts such events and has policies in place. The Board advised Susan that June or September would likely be more favorable dates for the event. The Board referred to the Legal Committee the task of considering a policy for special events on the Beach. Possible issues to be considered for the policy include: size of the event, time of year, parking needs, alcohol policy, and trash and sanitation requirements.

Jeff Sella noted that there did not appear to be a formal process for the processing of special event permits. Jeff proposed that the following process should be followed: after a special events permit is submitted via the MBA website, the permit would be forwarded to RPM, who in turn would provide the permit to the President, who would then make the request available to the remaining Board members for the review and consideration

PRESIDENT'S REPORT:

The Board received an update on the Covenant votes from RPM. The current vote was: 139 yes votes, 4 yes votes missing complete signatures, and 36 ½ no votes. If the 4 yes votes with incomplete signatures were cured, the Board noted 4 more votes were needed to reach the necessary 147 yes votes.

The Board agreed to review the list of non-responding owners and attempt to make personal contact before the next Board meeting.

The Board considered the provision of modest gifts for outgoing board members as a token of appreciation and in recognition of the hard work and many hours devoted to MBA business. After

reviewing past practice for the provision of such gifts via email after the Board meeting, the Board approved providing a gift certificate to out- going board members for \$100.

Sharon Adams next raised for consideration the need to update and clarify MBA employment agreements for lifeguards and security personnel and reviewed areas in need of updating or work. The Board discussed the instance of a seasonal employee was collecting unemployment in the offseason. There was a suggestion that the employment agreement contain language relating to the appropriate use of social media. Work to update the employment agreements was referred to the Legal Committee.

It was suggested by Bill Gay that there was a trend in homeowners' association to have employees hired through property management firms to minimize liability exposure. In the ensuing discussion it was noted that workman's compensation provides coverage for work related injuries, and in past the MBA had used agencies for employment and the results were not optimal.

### TREASURERS REPORT

Jeff Sella provided the Treasurer's report.

### BUILDING COMMITTEE REPORT

Judy Meyers and members of the Committee provided the report of the Building Committee.

There are 6 open permits, including 2 homes built from scratch and other minor projects.

Margie Cyr reported on the status of "emergency work" permits and noted that there was not a clear definition of emergency work and not a clear process for transitioning emergency work into a permitted process for building work. While emergency work may be necessary to permit repairs or remediation to a particular property, there is a need to protect members of the community from work not authorized or in violation of rules and covenants.

The Board engaged in a discussion regarding enforcement authority in light of complaints and concerns raised in connections with tree work done by a property owner on Addy Road who asserted it was needed on an emergency basis. The work continued for an extended period during the summer and stumps, chips, tall grass and disturbed property remains on the property. The Board discussed the chronology of events and actions taken to enforce MBA rules. The Legal Committee was requested to review enforcement options and authority. There was discussion regarding the applicability of State and County regulations and their applicability and enforceability in the Community. The Board agreed that a letter be written to the property owners advising them of any outstanding violations, and the Building Committee agreed to explore any State and Local enforcement options.

The Board also discussed the necessity of having a clearer process for the reporting of complaints up to the Board members and Building Committee.

### COMMERCIAL PROPERTY COMMITTEE:

Natasha Reatig reported on the trash pick-up rebates provided to owners of Commercial Properties. Everyone has cashed their FY 2013 rebate checks except for Long & Foster; Natasha will follow up. A follow up letter, requested by Joe Raskauskas, concerning the formula which will be used to determine future trash rebates is in preparation by Dave W. – Natasha will get the information and prepare a draft letter to be reviewed by Dave, Geoff and Ellen. It was agreed that the letter be sent via regular mail to every Commercial Property owner.

#### COMMUNITY FACILITIES COMMITTEE:

Dave Wiecking indicated he had obtained contact information for firms performing Reserve Replacement Studies. Dave also noted that he obtained documentation from Sea Colony's most recent permit application in connection with a prior permitting process that could be useful to the MBA.

Dave reported on a possible Artesian water leak that was being investigated.

Dave also provided an update on the MBA community work vehicle which is a state of disrepair and either needs replacement or significant repair work done. There was a general discussion about repairing or replacing the vehicle, and the Board requested that options for replacing the vehicle be explored and a report provided at the next Board meeting.

There was a discussion regarding the need to maintain clearance of trees over the MBA roads to permit access by fire company vehicles. Dave will prune in an "asphalt to asphalt" corridor up to 20 feet.

Dan Lyons commented that pipes were being stored near homeowners' property and pipes on Pine Road. It was suggested that more appropriate storage be located.

#### LEGAL COMMITTEE:

Ellen Throop reviewed on-going work of, and assignments to the Legal Committee, including nonconforming signage on a commercial property, a revised trash enclosure policy in development, and the enforcement issues raised earlier in the meeting. It was also noted that one method of enforcement is to include in MBA work permits the owner's acknowledgement and obligation to pay any MBA attorneys' fees should in the case the MBA brings legal action to enforce covenants.

#### BEACH COMMITTEE:

David Taylor provided an updated on the year and noted it was a successful beach season. He discussed the practice of providing year-end bonuses to lifeguards on a sliding scale based on experience and other factors from funds remaining in the Beach budget. The Board approved the request for bonuses. David also indicated that there will likely be fewer returning guards next year, and this will add to the equipment expense in 2015. He also noted for the Board his efforts to maintain the desirable housing arrangements for guards from this year into next summer.

#### SECURITY COMMITTEE:

Glenn Hamilton indicated there were no new items to report.

SOCIAL COMMITTEE:

Mary Byrd discussed the schedule for Happy Hours, and indicated that invitations for winter/spring events would be coming after Christmas. She also indicated that for the next Community Meeting the Committee would not sponsor the Magic Show due to low attendance.

OTHER BUSINESS:

Mary Byrd requested that the Covenant vote be displayed on the MBA website.

Susan Hillebrecht asked if there had been follow up to an incident in which an animal, believed to be a fox or coyote, followed beach goers to the water's edge one evening. No specific action was taken.

The Board adjourned to Executive Session to discuss matters relating to the enforcement of MBA covenants and rules.

The Meeting was adjourned at 12:30PM.

Respectfully submitted:

Steve Larsen

Board Secretary