

Middlesex Beach Association
Board of Directors, November 22, 2014

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

Other Attendees: Dan Lyons (MBA Member); Ginny Heier RIGHT Property Management

The meeting was called to order at 9:30AM at the South Coastal Public Library, Bethany Beach

The minutes from the October 18th, 2014 meeting were reviewed and approved.

PRESIDENTS REPORT:

Ginny reported on the status of the covenant votes. There are 142 votes in favor, and 4 votes in favor that need additional signatures. If these partial votes are executed fully, the total number of yes votes is 146, one vote short of the 147 votes necessary for passage. The Board discussed outreach to the owners that submitted partially executed votes, and Board Members agreed to contact those who had partial votes pending.

Ginny provided an update to the Board on the MBA's Liability Insurance Coverage, responding to questions raised in the prior Board meeting regarding the scope of the coverage. The MBA liability coverage extends to Committee Chairmen and members.

The Board discussed options for conducting a Survey of Members, noting that the last survey was over 5 years ago. After discussion, the Board agreed to proceed with the preparation of an updated survey. Dave Wiecking was appointed to Chair the committee; Steve Larsen and Jim Dempsey volunteered to help.

Sharon updated the Board on discussions with Quality Staffing, a staffing agency that could assist the MBA in the hiring and management of MBA staff. Using a staffing agency could relieve the MBA of administrative tasks associated with hiring and administering staff, such as processing paychecks and scheduling, while preserving for the MBA the ability to make hiring decisions. It was also noted that use of such an agency would solve the issue of seasonal employees seeking unemployment benefits, which would lower costs to the MBA. The Board expressed a desire to continue to pursue this approach as an option, and to gather additional information.

TREASURER'S REPORT:

Jim reported that there were no delinquencies in assessments. He also indicated the budget process for 2015 would be accelerated.

BUILDING COMMITTEE:

Judy reported that there were a number of major projects underway in the community, including 2 new homes, several major renovations and several roof repairs. She indicated the contractors doing the work have been compliant with MBA rules.

The Board reviewed the proposed policy on Emergency Work prepared by the Building Committee. After discussion and some modifications to clarify the policy, a motion was made and seconded to adopt the Emergency Rules, and the motion passed without objection.

The Board discussed ways to ensure members are aware of the newly adopted policy, and it was agreed that a communication would be sent advising members of the policy.

Judy discussed the practice of conducting pre-construction conferences with owners, and the benefits of having the owners become familiar with the applicable rules in advance of the project. The Board discussed whether having a simple, consolidated document containing the applicable procedures and rules would be helpful to owners and contractors, and agreed that the Building Committee should prepare such a document and that it should conform to the existing rules and covenants.

COMMERCIAL COMMITTEE:

Natasha reported that the letter was issued to the commercial property owners explaining the formula used to calculate the annual trash rebate.

Natasha discussed efforts to determine if reports that McDonalds was considering construction on the property, such as an additional drive -thru, were accurate. She indicated that a local manager was not aware of any plans for construction on the property.

The Board discussed a report that work was being performed inside at the ShoreMart after permissible hours. According the storeowners, the work was needed to clean up a spill of cleaning chemicals.

COMMUNITY FACILITIES COMMITTEE:

Dave reported that a replacement vehicle for the community work vehicle had been ordered, and that the price was \$11,000, within the budget established by the Board. It was expected that the vehicle would be delivered around Thanksgiving.

Dave also reported that he had to meet with a potential contractor to perform drainage and other work for the MBA, and would follow up.

Dave provided the Board with an update on the efforts to extend the Highway Fence along a portion of Route One. He has discussed the situation with the new owners whose property abuts the area where there is a gap in the fence.

The Board was updated on issues related to DNREC permits, which would be needed in order for the MBA to participate in future beach replenishment projects. Jeff, Dave and Sharon, along with other members met with a lawyer familiar with the current process and with recent developments regarding permitting. Board members have had discussions on the issues with Sea Colony and individuals at DNREC. One significant issue raised and discussed by the Board was recent action by one of the permitting offices at DNREC which suggests that permits for replenishment may require the permittee, such as the MBA, to grant to the general public access to certain portions of the beach which were replenished. Such a result would impact the current beach property rights of the MBA. The Board discussed the legal basis for such a requirement and its implications, as well as the pros and cons of preparing for the permitting process. The Board noted that the MBA beach is currently not in need of replenishment, and there appeared to be risks involved in pursuing permits at this time. However, the Board agreed to retain a Delaware lawyer experienced in the permitting process to monitor the actions of DNREC and advise the MBA on the issues going forward.

LEGAL COMMITTEE:

Ellen noted that she co-taught a course in community association law and has helpful materials on the topic.

The Board discussed a proposed letter to an MBA property owner whose property remains in a state of disrepair following extensive tree removal work over the summer. The letter notes violations of the covenants and applicable standards. The Board suggested revisions, which Ellen would incorporate in the letter.

Ellen also reported that the Beach Party Policy was still under review by the legal committee.

The Board discussed the proposed policy on Trash and Recycling Enclosures and the applicability of the policy to existing enclosures and new structures. It was noted that the policy relating to trash enclosures is intended to address situations where bags of trash are left outside of the bins and where trash cans and enclosures are inadequate to accommodate the trash generated by a property owner. The Board suggested modifications to the policy to make clear which portions of the policy applied to current enclosures and which applied to, or required, new enclosures.

OTHER:

The Board discussed the annual ambulance invoice for the MBA and was informed the invoice would be the same for the coming year as for the prior year.

Having no further business, the meeting adjourned at 12:25 pm.