



MINUTES OF THE MBA BOARD  
September 26, 2015

The Board was called to order at 12:35 PM on September 26 at the Bethany/Fenwick Chamber of Commerce building.

Present:

Jeff Sella, Dave Wiecking, Steve Larsen, Margie Cyr, Jim Dempsey, Tris Kruger, Judy Bennett

Others:

Ginny Heier (RPM)

The minutes of the Regular Board meeting of September 5 were reviewed and approved.

The minutes from the Board's Organizational Meeting held on September 5 were reviewed and approved

The minutes from the MBA Community Meeting were reviewed, and it was moved to submit those for approval to the membership.

RPM Report:

Ginny reported that based on poor past performance of trash pickup, supervisors had been assigned to follow trash truck pick-up to ensure improved service. This appears to be resulting in improved service.

Ginny noted an issue with the pick-up of yard waste. While earlier in the season recycling trucks were taking most everything that had been left out for pick-up, lately the yard waste pick-up rules were being more closely adhered to by the contractor, which has meant some non-compliant waste was not being picked up.

President's Report:

It was reported that Dollar General has improved the condition of their property.

Jeff reported that Resort Quest had angled dryer vents out toward Route 1 in response to noise complaints by MBA residents and intervention by the Board.

With regard to the application of the new MBA covenants that restrict certain activities, including commercial laundries, Jeff noted that outside counsel had reviewed this issue and raised questions about whether this could be applied retroactively to an existing use that pre-dated the new covenants.

Jeff also noted that the use of fleet vehicles, if part of the continuing operations of an otherwise prohibited activity, would also likely be grandfathered if the activity in place was in place before the covenants were passed.

The Board was also reminded that Sea Colony is now managed by Wyndham Resorts, and Wyndham is not a Resort Quest company.

On the matter of the restricted hours of operation in the new covenants, Jeff reported that there is a strong case for enforcement. This would apply to McDonald's and Dunkin' Donuts and any other businesses, and for example, any trash pick-up outside the allowed hours of operation. Jeff asked Judy to head up efforts to develop a proposal for the implementation of new hours of operation in a gradual manner.

On the topic of the member survey, Steve Larsen, Jim Dempsey, and Mary Byrd have volunteered to assist Dave W in the preparation of the survey.

#### Treasurer Report:

Jim indicated the owner of one lot has not paid the assessment; they have been notified by RPM.

#### Building Committee:

Margie reported that 11 new permits had been issued since August 15 (mostly self- issued).

Among those discussed were:

7 Short Road – a new home permit was issued in the spring, but owner put the project on hold for the summer, and then the project was started after Labor Day.

119 Evergreen Road - a house demo permitted was issued for this property. It is a heavily treed lot, and the permit request includes removal of 11 trees.

20 Dune Road – a request to replace a side porch had just been received-the structure was erected in the 1960's and intrudes on the setback requirement near the Addy Road beach walkway by several feet. The structure is currently grandfathered as a non-conforming structure; the Board discussed that repair work on the structure would be allowable, but it was exact nature of the work not clear from the permit request. If a structure is removed, it is no longer grandfathered. In order to better understand the proposed work, the Board requested that the homeowners submit a design plan for the work, and also suggested the homeowners be informed that the project may need DNREC or Sussex County approval.

Next the Board was informed that although under rules issued in the Spring, which allowed Saturday construction from November 1 to June 30, the website had different dates for Saturday. The website will be updated.

The Board discussed the fact that over the Summer, many complaints were received regarding noise, trucks and general appearance and aesthetic issues related to construction that continued into the Summer. It was noted that as the Building Committee takes up revisions to these rules over the Winter, one solution to be considered is whether to ban all construction in July and August completely

#### Commercial Property and Community Facilities:

Dave W. reported that the Addy Road dune crossing shows evidence of minor damage, but is scheduled for replacement this spring. The exact nature of the new crossing (sand-based ramp or elevated wooden crossing) had not been decided, but that new draft DNREC regulations would permit a dune crossing (either style) of 6' wide.

Dave also reported difficulty in getting in touch with Brandon Parker (our maintenance contact at Sposato) regarding ditch clearing. He indicated the prospect of having to withhold payments until a response was received.

#### Security Committee:

The Board discussed ideas relating to security cameras on MBA property, given some reports of suspicious activity on the property. It was noted that the guardhouse has electricity and could be a possible location to support a camera. The viability of a neighborhood watch program was also discussed. The Board did not take action on this item at this time.

Next the Board discussed having more security guards next summer to increase full-time presence at the north and south ends of the beach in July and August. The board also discussed whether limits on the number of people who can access the beach from a single beach pass should be imposed. It was noted that there had been instances of large groups on the beach that entered using a single pass, including at least one group of Sea Colony occupants over the summer who had clearly been given an MBA beach pass by a community member. Ideas discussed include limiting the number of people who enter on a single pass (such as 12 individuals), and also prohibiting the transfer or loaning of beach passes to nonresidents. The Board agreed to continue discussion of this item in the future.

#### Beach Committee:

It was reported that issues of beach litter and cleanliness at Indian River beach, as observed by Middlesex Beach lifeguards who worked there, had been resolved.

#### Social Committee:

No updates were reported

#### Beautification Committee:

Margie discussed some options for benches to be situated near the Little Free Library. It was reported that the library appeared to be getting a lot of use. It was suggested consideration be given for another LFL box near the Bayberry gate on the beach side.

#### Other:

The Board discussed a personnel issue.

Having no further business the board adjourned at 2:48 PM.