



## BOARD MEETING MINUTES

March 15, 2025

Nally Homes, 33222 Coastal Hwy  
and Via Zoom

President Dave Wiecking called the meeting to order at 9:30 a.m.

**Board Members Present:** Dave Wiecking, Margie Cyr, Bob Wood, Kate Mounteer, Paul Bradley, Kerry Hall, Alan Lescht, George Rayburn, and Cathy McCallister, Solutions Property Management (SPM). **Not Present:** Barbara Friedman

**Motion re: Recording Meeting** Bob Wood moved that recording of any type of the meeting except for the Zoom recording initiated by the Board or its property manager is not allowed. Motion seconded. All were in favor.

**Unfinished Business (part 1)** Due to time constraints of some Board members, President Wiecking asked that we move some important items that have been the subject of extensive discussions requiring votes to the beginning of the meeting.

- **SPM Contract:** George Rayburn moved that we approve the contract with SPM (Solutions Property Management) that was most recently circulated. Motion seconded. All present voted in favor. This contract covers two years: April 1, 2025 – March 31, 2027.
- **Bylaws:** Paul Bradley moved that we approve the Bylaws as amended and circulated. Motion seconded. All present voted in favor.
- **Budget:** Bob Wood moved that we approve the budget that would have an assessment of \$3,325, including \$2,250 to cover operating expenses, \$650 going to Beach Reserves and \$425 going to Capital Reserves. Motion seconded. All present voted in favor.
- **Building Regulations:** Before voting on the Building Committee's proposed rules and regulations that will take effect in September 2025, a couple of disputed recommendations were discussed.
  - **Permit Extension Fee:** There was continued (from previous meetings) discussion about the Building Committee's recommendation that a \$250 fee be imposed to extend a building permit beyond the proposed 15-month limit. Some feel this would incentivize owners to get their projects completed; others felt that homeowners have sufficient incentive to get their jobs done. It was noted that if we are allowing a permit extension without any fee, it just becomes paperwork. **Motion:** Bob Wood moved that we include a \$250 fee with the application for a six-month extension of a building permit. Motion seconded. Voting in favor: Bradley, Cyr, Hall, Lescht, Mounteer, Wiecking, Wood. Opposed: Rayburn. Motion passed 7-1.
  - **No Work Holidays:** The Building Committee has recommended that we allow work to be done on the Saturdays of MLK, Jr. and Presidents' Day weekends. The Board

had asked that work also be permitted on Veterans Day and Juneteenth, which the committee opposes. It was pointed out that there doesn't seem to be any

connection with the length of time projects are taking to be completed, and the number of days work is allowed. It was pointed out that the Association did culvert work last Juneteenth and tree work on President's Day. In order to deal with the complexity of the issue, several motions were made.

**Motion:** Margie Cyr moved that work be permitted on the Saturdays of MLK, Jr. and Presidents' Day Weekends. Motion seconded. Discussion: Paul Bradley reiterated his support for the Building Committee's proposal. Vote: All in favor. **Motion:** Kate Munteer moved that we allow work on Veterans' Day and Juneteenth. Motion seconded. Vote in favor: Hall, Lescht, Munteer, Rayburn, Wood; Opposed: Bradley, Cyr, Wiecking. Motion passed 5-3.

**Motion:** George Rayburn moved that MLK, Jr. Holiday and Presidents' Day be dropped from the "no work" holiday list. Motion seconded. Discussion: Margie Cyr strongly opposes this. The list of remaining "no work" holidays was reviewed. Voting in favor of allowing work on these two Monday holidays: Hall, Lescht, Munteer, Rayburn, Wood; Opposed: Bradley, Cyr, Wiecking. Motion passed 5 – 3.

**Motion:** Bob Wood moved that the Building Committee's proposed Rules and Regulations, to take effect September 3, 2025, be approved with changes only to the "No Work Holiday" list. Motion seconded. (The Board added 4 allowable work days to the Committee's proposal: MLK, Jr Day, Presidents' Day, Juneteenth, and Veteran's Day.) Voting in favor: Bradley, Hall, Lescht, Munteer, Rayburn, Wiecking, Wood; Opposed: Cyr. Motion passed 7-1.

**Motion:** Alan Lescht moved that we remove the requirement for a permit for emergency repairs. Discussion ensued without the motion being seconded. The current Emergency procedures as stated in the Annual Directory and on the website specifically state that an MBA Building Permit is not required **to initiate** Emergency Repair Work, but they are requested to notify MBA within 24 hours of starting any such work. The Board last year removed the requirement for permits for INTERIOR repairs. This causes some confusion when our construction monitor circulates through the community and notices workers at houses where there is no building permit. This is something the Building Committee and SPM are grappling with. A question was raised about whether or not the Building Committee is taking on a different role in policing the community.

**Rule Enforcement:** Cathy McCallister noted that there are no immediate repercussions when property owners are in violation of our rules. This makes it difficult for SPM to enforce rules, and she thinks this should be rectified. This would require revisions to the MBA Covenants-particularly section 12 which calls for hearings before any such fine is allowed to be imposed.

- **MBA Insurance Coverage:** Cathy McCallister reported that although SPM sought multiple proposals, the insurance industry locks out companies from bidding because we already have an identified agent. We were only able to get a bid from our current broker, Pratt Insurance. This includes a 17% cost increase, based primarily on the Workers Comp rate. Cathy is pushing back on this, because she is told this is based on an event from 2021 that should no longer count against us. We could save on D&O insurance by lowering the coverage from \$5 million to \$1 million, or even \$3 million -- our Umbrella coverage of \$5 million would also cover any claims against directors. Cathy may also seek ways to get other bids next year.

Alan Lescht pointed out that reducing D&O coverage is a bad idea since our research showed that homes near pickleball courts can drop in value by 10-15%, potentially resulting in a \$50 million loss to our community if pickleball is allowed for all. He suggested increasing coverage to mitigate potential damages. Cathy McCallister Another point of view was suggested that we'd have more suits brought by people who were NOT allowed to enjoy pickleball in the community. George Rayburn also noted that lawsuits against HOAs are generally brought in communities where the HOA installs new pickleball courts, or replaces tennis courts with pickleball courts. Paul Bradley noted that it is hard to know what may happen, but the real question is do we want to shift the risk more to an insurance company or not.

Bob Wood noted that we have been budgeting \$25,000 for insurance, while the current proposal is for \$17, 203. Bob will adjust the budget to reflect this.

**Motion:** Margie Cyr moved that we accept the insurance proposal from Pratt Insurance, as presented by Cathy McCallister, that includes coverage of \$2 million Property & Casualty, \$1 million Workers' Comp, \$5 million Directors & Officers, and \$5 million Umbrella. Motion seconded. All in favor except Mounteer opposed. Motion passed: 7-1.

**Meeting Minutes:** George Rayburn moved approval of the February 15, 2025 Board Meeting minutes. Motion seconded. All were in favor.

**Executive Session Minutes:** Bob Wood moved approval of the February 15, 2025 Executive Session minutes. Motion seconded. All were in favor.

**Property Manager:**

- Cathy McCallister noted that she and Donna are getting bids to treat the invasive phragmites.
- The Ocean View Church of Christ has been reserved for the May 3 Community meeting. Mailing needs to go out ten days prior to the meeting date (which would be Wednesday, April 23 (Dave is aiming for April 18). Margie asks that we use small fonts to reduce the number of pages that need to be mailed. We will choose to email many of the usual enclosures, rather than printing and mailing them.

- We have received no further clarification from the State about the 130-day limit for unemployment insurance claims, despite Cathy's many efforts.

**President's Report:** Dave Wiecking

- The individuals who are coordinating social activities have asked if they can again use one block of Beach Plum Rd (between Bayberry and Errett) on July 1 for the "Family Block Party" (as was done last year) and additionally on Saturday, May 24 for the "Meet and Greet". There was no objection.
- A contract with CRL (Chester River Landscaping) was unanimously approved by the Board via email on March 4, 2025. The term of the contract is nearly 3 years: March 1, 2025 through December 31, 2027.

**Committee Reports:**

**Budget/Finance Committee:** Please see report online for the period ending February 28, 2025.

**Community Facilities:** Don Deraska. See Committee Reports. Also, Dave Wiecking contacted DNREC and got the informal okay to straighten the dune crossing as needed; he will proceed with the formal permit.

**Landscaping:** Barbara Friedman. See Committee Reports.

**Community Patrol (CP) / Security:** Kerry Hall No report.

Alan Lescht recommended that the anti-discrimination policy be distributed and signed by each employee, communicated to our employees in person, and posted in the Guard Shack. Dave will get Kerry's recommended changes so that the documents can be used.

**Commercial:** Marty Shecter - Dave Wiecking acknowledged that he needs to meet with Marty to discuss fencing along Beach Plum Rd.

**Building:** Margie Cyr. See Committee Report.

**Sand:** See Committee Report. Steve Larsen is scheduling a Zoom meeting with GBA (Gahagan Bryant Associates) to get our submitted questions answered. They seem not to have raised their basic hourly rate.

**UNFINISHED BUSINESS (Part 2) –**

- **GO MELVO Sno-Balls** – Jeff McMahon has agreed to our contract proposal, for what he believes will be his 25<sup>th</sup> year serving the community.
- **Sports Courts / Pickleball - Motion:** Dave Wiecking moved that we get through the next year by not allowing any new sports courts to be built, and we limit hours of play to 9 am – 5 pm. The motion was not seconded, but it was suggested that we table this topic to our April meeting. Alan Lescht suggested that we put out an additional survey

with a single question: Should pickleball be prohibited? He remarked that research shows that pickleball courts near homes can cause a 10 - 15% reduction in home value. Paul, Alan, and Margie were asked to draft a survey to find out if the community believes that we should prohibit pickleball, but the key question, “should we prohibit pickleball,” was deleted from the survey, leading community members to believe the Board had approved pickleball courts. A question was raised about whether we would prohibit pickleball in the streets. **Motion:** Alan Lescht moved that we send out a one question “survey” to the community asking if pickleball should be prohibited in Middlesex Beach. Motion seconded. Discussion: Should we ask about pickleball, basketball, shuffleboard and cornhole? Voting in favor: Bradley, Cyr, Lescht, Munteer, Wiecking; Opposed: Rayburn. The motion passed 5 – 1.

## **NEW BUSINESS**

- **Electronic Voting** - Cathy will help us set up electronic voting for the assessment, in addition to a paper ballot, after getting the okay from our attorney.
- **Employment Letters** - Paul asked if employment letters can also be sent and signed electronically. Answer is yes.
- **Directory Updates** - Margie will share with SPM the updated directory information she collected from property owners so that SPM can make sure records are up to date.

There being no further business, George Rayburn moved that the meeting be adjourned. Motion seconded. All in favor. 11:12 a.m.

Kate Munteer, Board Secretary  
*Approved 4/19/25*

## **Upcoming Meetings:**

Board: 4/19/25, 5/17/25, 6/21/25, 7/19/25, 8/16/25

Community: 5/3/25, 8/30/25

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## **COMMITTEE REPORTS – MARCH 2025**

### **Building Committee, Margie Cyr**

- In the draft proposed “Rules & Regulations for Construction ...” there is a new recommended provision establishing a time limit of fifteen (15) months for a valid permit with an option to extend the permit for an additional six (6) months with a permit fee of \$250 for the renewal. This recommendation was made by the Building Committee to establish time limits for completion of projects and an incentive to get them done in a timely manner. The Board did not support the recommended incentive fee. After hearing concerns at the February Board meeting that elimination of the fee would turn the renewal process into a paper exercise requiring more work on the part of the Building Committee, the Building Committee shares this concern and has no interest in additional work that does not, in some way, benefit MBA. Should the Board

confirm its intention to eliminate this proposed fee, the Building Committee will ask that this proposed addition to the Rules & Regulations be removed from our recommendations and struck from the draft.

- In considering whether or not the current eleven (plus Thanksgiving weekend) holidays on which work is not allowed in MBA might be preventing contractors from finishing projects in a timely manner, we wanted to test our assumptions that contractors are not making use of and working all the allowable days they could be regardless of the holidays on which they cannot. Using hard data provided by MBA's construction monitor for the period of October 9, 2024 through February 13, 2025, we tested our assumption that one contractor was not fully taking advantage of the allowed days and times for work in MBA.  
During this time frame, the contractor had three (3) large projects in progress. During the testing period, there were four (4) Saturdays that could be worked, and none were. During this period, project #1 was worked 21% of the allowable time; project #2 was worked 33% of the allowable time, and project #3 was worked 17% of the allowable time. On most days when there was no work, there was no work on any of the three sites. It does not appear that the holidays factor into the number of days the contractor is allowed to work but does not do so. Holidays do not appear to create a situation where a project cannot be completed in a timely manner.
- There are currently 26 Small Projects and 14 Large Projects active in the community.

#### **Community Facilities, Don Deraska**

- Dave Wiecking and I have been looking into ordering a gate to replace the chain at the west end of Addy Road. We should be able to do that for \$200-300.
- A flyer was prepared showing how multiple golf carts could share an existing parking space. A few spots on the Oceanside for such carts have been identified, and will be marked with a stencil of a golf cart parking. Clarifying signage for parking of various vehicle types parking is under consideration.
- Lyndon Hitchens will be meeting with Dave (and Margie?) next Tuesday to discuss replacing several culverts on both sides of Errett Rd. In the past, most driveway culverts were replaced at the downhill end of both sides of the street, but some are collapsing and in need of replacement. There is a stretch that has virtually no swale, so one will be dug. The aim is to do this work in the spring, then tackle the much more complicated Evergreen Rd ditch in the fall.
- List/dimensions/spacing of existing pineside speed humps has been compiled and is posted on the Community Facilities portion of our website.

#### **Landscape, Barbara Friedman**

- The final version of the contract with Chester River Landscaping for the Community Property turf and landscaping maintenance has been signed by MBA.
- In lieu of using chemical pesticides to kill weeds on Community Property, Chester River will use a combination of vinegar and soap sprayed on weeds as well as hand pulling of larger weeds.

Residents should note that the vinegar/soap solution does kill off green growth but does not affect the weeds' roots, so the weeds will regrow, requiring repeat applications of the solution. Members of the Community Patrol team who are already watering Community plantings will supplement the solution application as needed

- We are working with Solutions Property Management to engage a company licensed to treat and eliminate the invasive phragmites that are flourishing and in some cases overtaking the Pine Side, mostly on Addy between 5 and 11 Addy, and at the west end of Short Rd, and to a lesser degree on Bayberry between 12 and 16 Bayberry and between 6 and 8 Errett. The only effective treatment to eliminate phragmites is a combination of physically cutting down the stalks in the springtime and then in early fall, spraying the new growth with a chemical pesticide. While the Board is hesitant to use chemical pesticides, we recognize there are no other known effective treatments to eliminate the invasive phragmites. Dave met with one contractor this week, and has another meeting on Friday.

#### **Sand Committee, Steve Larsen**

We received from Gahagan & Bryant Associates (GBA) an updated proposal to serve as the consultant to MBA for the purpose of obtaining the necessary permits from DNREC and the Army Corps to allow us to participate in future beach replenishment projects should the need arise. Currently our beach is in good shape, and this would only likely be needed in the case of a severe and "direct hit" type of scenario. We could not participate in such a project without these permits, and would be challenged to rebuild the beach without the permit should we suffer a loss of the beach/dune.

GBA is currently assisting Sea Colony for the same purpose, and we understand that Sea Colony is likely to receive the necessary permits in the near future, although all final permits have not been issued yet.

We previously engaged GBA for the same task, but abandoned the process after learning DNREC would impose unacceptable conditions if the permit were approved. We understand these types of conditions (such as MBA having to identify a new borrow area, and the risk our beach could be subject to public use if public sand is used) would not be included in the current permitting environment, but we would need confirmation on this, which we have asked GBA. We have also asked GBA for an estimate on what the overall cost to MBA might be for a replenishment project, with whatever assumption needs to be made.

We sent back to GBA a series of specific questions about the proposal, with the primary goal being to ensure GBA utilized any prior work done for MBA, as well as whatever applicable work done on the current Sea Colony permit be used for our application as well.

The cost for the GBA work is quoted as \$47,408.

We plan to have a conference call/Zoom with GBA after they have reviewed our questions, after which we would plan to come back to the Board with a recommendation on whether to proceed with engaging GBA for this work.