



**Board of Directors Meeting Minutes  
February 8, 2014**

President Barbara Reniak at 9:00 A.M, called the meeting of the Board of Directors of the Montego Bay Civic Association to order. The President led the Pledge of Allegiance.

**Roll Call:** The President and nine voting members were present.

President Barbara Reniak – Present					
P = Present		Voting Members		A = Absent	
Linda Herzberg, VP	P	Monica Cofiell, Treas <sup>1</sup>	A	Tony Kendrick, Sec	P
George Carter <sup>1</sup>	P	Sue Frankowski <sup>1</sup>	P	Eileen Furnari	P
Dennis Julian	P	Barbara Rayner <sup>1</sup>	P	Kim Schulz-Goss <sup>1</sup>	A
Tom Seibold <sup>1</sup>	P	John Shifflett <sup>2</sup>	P	Al Weber <sup>3</sup>	A

Highlighted names are up for re-election in August 2014

**Good of the Association:**

- Neighborhood Watch, Coordinator Roger Bellarin: No report.
- Tony Kendrick reminded the Board and those attending the meeting of the Facebook group established for-owners-by-owners is not controlled by the Board and is not a vehicle for the Board to communicate to the owners. The purpose is for owners to use the site to share information, post classified ads or requests or offers of assistance, and serve as a forum for owners to talk to owners. To join the Facebook group, search for “Montego Bay Residential Community Facebook” and a link should appear. It was also added that, as owners, Board members can also join the Facebook group but their communications should not be as a Director or share information that was not available to all owners if they had attended an open meeting. As an example, some of the Facebook friends heard about a home that was destroyed by fire in the community and those who live in the community responded with comments and photos. Another example was the sonic boom that was reported as an earthquake in Ocean City and folks outside the area used the Facebook group to find out the local information about the “earthquake.”
- Barbara Reniak thanked Ann McDermott for coordinating and arranging the Open House Christmas Party. She said more people attended than the year before. Ms. Reniak also thanked all the volunteers who helped set up the room with decorations and who donated the food. The Christmas party is not funded with Association money.
- The President again asked if any owners in attendance wanted to speak. No owner wished to speak. The President then announced that the business portion of the meeting would begin.

**Business Meeting – Director and Officer and Committee Member participation only**

**President’s Report:**

- The President received a registered envelope dated February 6, 2014, containing an undated letter from a member of the community with his opinion about the actions of the Board related to voting procedures, approval of construction requests, and signage in the community. The President then read the letter and asked the Board to discuss the letter during and after the meeting (the following is a composite of the discussions during the meeting):
  - It was pointed out the letter was sent to the President in her role as President for the purpose of informing the Board and, according to the writer, on behalf of all residents; therefore, any resident who wishes to have a copy of the letter can contact the office to receive a copy.
  - It was pointed out that since the letter was read aloud that the misinformation, misinterpretation, and misstatements should be addressed so that the writer’s single opinion is given context and a response and not left to stand as if it was correct.
  - The writer stated that “the election you are holding is totally invalid” because it does not provide for accountability of individual ballots.
    - Board clarification: There is accountability for one-property-one-vote. Each property receives a ballot mailed (first class) to the primary mailing address provided to the

- Association. The ballots are mailed by the printing company and not the Association. No replacement ballots are provided. If a ballot is returned to the Association as undeliverable, it will be held until claimed by the property owner after required updated contact information is provided.
- Board response: Before 2009 there was strong opposition by the Board and the community that they did not want there to be any way that a ballot could be tied back to an owner. That concern was respected and there has not been any further support to changing that process.
  - Board response: The proposed voting procedure recommended by the writer will be provided to the Bylaws and Permit Processing Committee to include in various voting procedures currently under consideration.
- The writer proposed that every owner should vote on each item in the covenants and “the board should not have the right to push a package.”
    - Board clarification: The Bylaws, Section 7.3, establish that referendum ballots must state the issue that can be answered by voting “yes” or “no.” To follow the writer’s recommendation would conflict with the Bylaws, which were passed by a majority of owners.
    - Board response: The proposed Declaration is five pages but there are 187 lines, 11 sections, and 39 subsections. At a minimum there would have to be 50 boxes to check. In addition, the draft Declaration was sent out and owners could have identified where they disagreed, only a few did. This writer did not.
  - The writer stated that the “committee that approves building plans seems to be approving a little more than what they should be doing.”
    - Board clarification: The writer is wrong. The Architecture and Permit Processing Committee follows the Restrictions (and the May 2013 Resolution) for approving construction and maintenance requests.
    - Board response: The Committee also ensures that the Town of Ocean City approves all permit requests, and then the Committee ensures that all Montego Bay requirements are met.
  - The writer states that “variances for larger homes was granted only for lots that were wider than 40-feet.”
    - Board clarification: The writer is wrong.
    - Board response: There is physical evidence that variances have been granted for wider homes by various Boards over the past 20-years regardless of lot size.
  - The writer stated that “the covenants still address the “24-foot rule.”
    - Board clarification: The writer misinterprets the “24-foot rule.”
    - Board response: The covenants give the Board the authority to define the width of homes. The covenants do not dictate the width of homes.
    - Board response: The covenants state that “... no homes with a width of more than 24 feet shall be permitted, *unless the MBCA Board of Directors gives written permission...*”
  - The writer states “the home on the corner of Oyster Lane and South Ocean Drive ... is in total violation” of the driveway requirements for all owners.
    - Board clarification: The writer is wrong. There is no MBCA restriction regarding the width or length of driveways. Therefore, the Association has no authority (or responsibility to assume liability) to enforce Town of Ocean City codes.
    - Board response: The writer should contact the Town of Ocean City.
    - Board response: The property owner is not in violation of any MBCA restrictions or MBCA requirements.
  - The writer questions why the Association has not taken action to have contractor signs removed for jobs that have been completed.
    - Board clarification: There is no MBCA restriction regarding the duration of how long a sign can remain on a property. The Association, therefore, has no authority to require the removal of signs.
    - Board response: In addition to requesting removal of signage, the Association has been active in issuing letters to owners in violation of the restrictions regarding upkeep, maintenance, and appearance of their property. As of the date of the meeting 38 properties were identified as in violation and letters have been and are being sent out.

- The President recognized the Chairman of the Teller Committee, John McDermott, who reported on the counting of the ballots regarding updating the Declaration of Restrictions.
  - Members of the Teller Committee were John and Ann McDermott and Bob and Rita Chapman.
    - 1,501 owners were eligible to vote. (*Corrected total post-vote.*)
    - 846 ballots were received.
    - 1 ballot was invalid.
    - 99 ballots were “no”
    - 746 ballots were “yes”
    - The updated Declaration of Restrictions failed to pass by 5 “yes” votes.
    - The 1992 restrictions plus the 2013 resolution, remain in effect.
  - The President recognized Owner, June Shaffer, who asked whether failure to pass means that travel trailers and vehicles can be parked on the front of lots across driveways and the grass? The answer was, “yes.” The President pointed out that had the proposed restrictions passed, it would have been a violation of the restrictions and the Association would have the authority to take action to have the violation removed.
  - Dennis Julian shared that he has received positive comments from many owners who are pleased with what the Association is doing, but they don’t turn in their ballot. Tony Kendrick responded that the majority of homeowners who are satisfied with how things are going rely on active voters to protect their interests.
  - The President recognized owner, Steve Genua, who pointed out that having 846 return their ballot was a significant response.
  - George Carter remarked that the results of the votes received are representative of the entire community and most likely the ballots that were not returned would be in the same “for” and “against” ration. He recommended that the popular vote should prevail. He also pointed out that the Association is stuck with restrictions that are 20 years out of date, some sections are invalid, and others are illegal. The proposed Declaration took care of all of those things. He remarked that a lot has occurred in the last 20 years and to remain stagnate to what they were 20 years ago is not reasonable.
  - Tony Kendrick reminded the Board that the Committee did recommend a change in the Restrictions, after the first voting results, from “greater than 50 percent of owners” to “greater than 50% of owners must participate in voting and the results of ballots returned will determine the outcome.” Like the vote in April 2013, this February 2014 vote did get greater than 50 percent participation and the results would have passed the proposed Declaration.
  - Tony Kendrick pointed out that the failure to pass the proposed Declaration:
    - Failure to pass the proposed Declaration still gives the Board the authority to override any vote of the General Membership. Greater than 50 percent of owners can vote but the 20-year-old restrictions still require that the results of the Board received “the consent of the Board.” Which means a Board can withhold their consent if they disagree with the outcome of the ballot. The proposed Declaration would have taken away the requirement of Board consent and gone with the will of the owners.
    - Failure to pass the proposed Declaration allows junk cars, travel trailers, and RVs, to remain on properties and they can be parked on a lot across the entire front of the lot. The proposed Declaration would have given the Association authority to intervene.
  - Tony Kendrick pointed out that if the “no” votes were because they thought it would allow 25-foot-wide homes; the 20-year-old restrictions allow 25-foot-wide homes and whether the proposed Declaration passed or not, it would not have made any difference to the 25-foot-wide issue. If a 40-wide lot is next to an oversized lot, the larger home on the larger lot would be “one foot closer” to the 40-wide lot. Because, in the past the Board applied the “15-foot” setback of the City and not the “16-foot” setback of Montego Bay. “If you voted ‘no’ hoping to stop 25-footers, you did not.”
- The President reported on various ongoing activities and projects.
  - The bathrooms at Pool #1 (Office Pool) will be revamped and repainted.

- o Four concrete tables will be placed at each pool. They have been ordered and will be shipped to arrive and be placed before the pools open for the season.
- o The shuffleboard at Pool # 2 (Oyster Pool) will be revamped.
- o The Montego Bay Residential Community sign at 130<sup>th</sup> and Ocean Highway has been removed. The City notified the Association that the sign was leaning and coming out of the ground and requested that we take care of it. So we are. The support posts will be placed deeper in the ground and the sign will be cleaned, repainted, and sealed.

**Secretary’s Report:**

- The Board established at the December 2013 meeting that the Executive Committee could take any routine actions between the December meeting and the following scheduled Board meeting (February 8, 2014). The Executive Committee carried out approving the minutes of the December 14, 2013 minutes on January 14, 2014, and they were posted on the web.

Motion: Tony Kendrick Seconded: Tom Seibold	<b>Approve the minutes of the December 14, 2013, Board Meeting.</b>	<b>Passed</b>
Executive Committee Voted in Favor: 5	Monica Cofield, Linda Herzberg, Tony Kendrick, Barbara Reniak, Tom Seibold	
Abstained: 0		
Voted Against: 0		

DISCUSSION: None.

**Treasurer’s Report:**

The Chairman of the Budget and Finance Committee presented the Treasurer’s report.

Motion: John Shifflett Seconded: Sue Frankowski	<b>Approve the December 2013 – February 2014 budget report as presented.</b>	<b>Passed</b>
Voted in Favor: 9	George Carter, Sue Frankowski, Eileen Furnari, Linda Herzberg, Dennis Julian, Tony Kendrick, Barbara Rayner, Tom Seibold, John Shifflett	
Abstained: 0		
Voted Against: 0		

DISCUSSION:

- We are doing pretty well. The insurance expense is over about \$600 and that will be discussed with the insurance agent to ensure that what is being insured is correctly assessed because the Budget Committee feels that the insurance is too high. The pools and the pond went over their budget slightly. At the end of the day there are sufficient funds to cover expenses for the remainder of the fiscal year and we anticipate transferring around \$40,000 into the Reserve Account.
- The President called for the vote. Passed.
- Eight accounts were turned over to the Attorney for being delinquent.
- The Treasurer and Committee appreciate the Board’s support in requiring owners with multiple properties to have all properties in good standing and if one property was delinquent or in violation of a restriction or bylaw, then all of their properties would be delinquent. It was very motivating for many owners.
- Approximately 250 annual dues payments have been received.
- The Association was partially reimbursed the expenses paid by the Association as a result of spray paint vandalism of swastikas and drawings of a sexual nature. One of the vandals will pay restitution of \$75 to the Association and receive community service hours. The other vandal will be tried in juvenile court. Both of the juveniles live in the community. Steve Genua coordinated and worked with other volunteers to remove the graffiti reducing the cost to the Association for materials only.

**Old Business:** Community Security Meeting results.

- Tom Seibold reported on the open meeting last September with owners regarding whether the Association should install video cameras in the community, or pursue additional measures. The purpose of the meeting was to get feedback from the community on how they would like the Board to

proceed. The secondary purpose was to provide to the community the measures that the Board was already undertaking regarding access to the pools and tennis courts, and the putt-putt course.

Approximately 16 members attended.

- Everyone was in favor of the card access system to enter the pools and tennis courts.
- Everyone was not in favor of putting security cameras in the community because the \$50,000 to \$60,000 cost and a yearly maintenance cost was not worth the small benefit to the community.
- The President recognized Steve Genua, owner, who mentioned that the City is installing cameras to record the license plates of cars driven into Ocean City.
- Tony Kendrick, project officer for the Access Membership Cards, reported that all the cards had been received, the gate locks, and the installation materials. They will be installed and working before the swimming pool season starts.
  - The President recognized Bill Terrill, owner, who asked if the pool hours had been changed. The President answered yes.
    - Pool hours for Pool #2 (Oyster Pool) will be from 10am until 7pm.
    - Pool hours for Pool #1 (Office Pool) are 10am until 6pm.

### **Committee Reports:**

**Advisory and Strategic Planning**, Bill Trumpler, Chairman, no report.

**Architectural & Permit Review Committee:** Tony Kendrick, Chairman, reported:

- The writer of the letter implies that things that they see are not being monitored or no action is taking place. That is incorrect. There are 38 violation letters that have been sent or are in process. Beyond that, the Association is not going to release private information of which particular owner is in violation or what the violation is. The point is things are being done and there is a process that takes time.
  - For owners who receive a violation letter the Association is making it clear that the Association is not their property manager to advise them of a pending violation. The restrictions clearly state that the owners are responsible for maintaining their property. Homeowners should never get a violation letter. Once a violation letter is issued it is because the owner has failed in their responsibility to maintain their property, year round. A violation letter is not a warning letter, it is a violation giving them a date when to remove the violation or receive a fine.
  - For owners who receive a violation letter, that is evidence they are not monitoring their property to maintain it within community standards. Therefore, for owners who repeat the same violation or are not monitoring their property (such as not maintaining their lawn, trash and debris are accumulating, the appearance is not clear or neat, etc.) each violation letter they receive will be an automatic \$75 penalty.
  - If an owner is waiting to correct a violation on their property until they receive a violation letter, it will cost them \$75 and they will not be members in good standing (for all properties owned) and their membership cards will not grant them access to the pools or tennis courts until the violation is corrected.
  - Some owners who are getting letters respond angrily that they did not know their property was in disrepair because they live out of the area and "this is the first I even knew about it." They are told that it is their responsibility to monitor or arrange to have someone monitor their property so that the Association does not have to issue a violation letter. The Association notifies an owner when a violation occurs, the owner is responsible to ensure the Association does not have to send them a violation letter.
- Most of the violation letters are for missing or damaged skirting. There are warnings issued by the City about feral cats, rabid animals, and foxes are seen in Montego Bay regularly. It is likely they are living in Montego Bay under the homes that have incomplete skirting around their homes or their decks. Homes have to be maintained to keep such animals out of the community.
- The focus of the community inventory this time was on skirting and general appearance of the property. The next inventory will also focus on sheds and other outbuildings. There are many sheds that need attention because doors are missing, they are rotting, they need painting, etc. Also, quite a few homes have siding issues from either mold on the outside, rusted bolt and nailheads, missing siding, and in need of paint.

**Budget and Finance**, Kathie Kendrick, Chairman, combined her report with her presentation of the Treasurer's report.

**Bylaws and Declaration:** Tony Kendrick, Chairman, no report.

**Communications:** Tony Kendrick, Chairman, reported:

- There was significant appreciation received for the winter newsletter. No negative feedback was received.
- The response is evidence that a winter newsletter should be included to occur annually after the Christmas party and give an update as well as Board preparations for the coming year.
- The next newsletter will go out in March before the April General Membership meeting.

**Parks and Pond:** Steve Genua, Chairman, reported:

- He was nominated by Linda Herzberg, and others, and the Mayor and City Council approved him to be part of the Ocean City Beautification Committee. [Applause]
- The asphalt path is doing fine and will be sealed this spring. There were some suggestions that the walkway did not need to be sealed, but that is not the case. Contact was made with multiple paving experts who agreed with the recommendation to periodically seal the walkway, which will extend its useful life.
- The sago weeds, for whatever reason, either the initial treatment or the amount of treatment wasn't correct, or the timing wasn't correct, got out of hand and looked a mess. The health of the pond was never affected. Mr. Genua worked closely with Envirotec to get it under control.
- The motion light on the shed has been replaced with a dusk-to-dawn light so it will stay on all night long.
- The edges of the pond need to be addressed this year.
- Algae proves that the pond is healthy – but an excess just doesn't make it look good.
- The bay pump was pulled and all the diffusers were pulled. The bay pump will go back in after the cold weather is gone.
- The pond contract expires this March. The contract renewal or replacement will be the focus in the short term.

**Pools and Recreation:** Eileen Furnari, Chairman, reported:

- The new furniture (cement tables) will be delivered soon.
- There will be no smoking at the pools this year. Smokers will need to go outside the gate to smoke. Ms. Furnari mentioned that the Montego Bay pools are the only pools in Ocean City that allowed smoking. "No Smoking" signs will be posted at both pools.
- Ms. Furnari recommended that a Bocce Ball court could be built by an individual she has contacted.
  - The President recognized Kathie Kendrick, Chairman, Budget and Finance Committee. Mrs. Kendrick reminded the Chairman and the Board that adding an amenity must be approved by the General Membership before any money can be expended on it.
  - Sue Frankowski remarked that there once was a horseshoe pit by the office and it was taken away. There was no vote of the General Membership to remove it. She asked if it could be put back in, if anyone wanted it. The sense of the Board was yes, if it once existed, it can be restored. Apparently it was removed in the past because it wasn't being used.

*[Dennis Julian departed the meeting at 10:02 am]*

**Nominating:** Alin Springer, Chairman, no report.

**Teller:** *(vacant)*

**New Business:** None.

**Closing Comments:**

- Sue Frankowski complimented the digital sign and how functional it is. She commented that it was a good one because it has weathered through all storms, rain, wind, snow, and she felt it had to be a new one to go through all of that. She also reminded the Board that at the August 2013 General Meeting an owner was very vocal about spending money on such a sign and that she preferred the money be spent for security cameras. Ms. Frankowski asked what was paid for the sign because it didn't show up in the minutes.
  - Tony Kendrick, project officer for the digital sign, explained that there was no need for a vote by the Board on the cost of the sign because it was within the amount budgeted for the Communications Committee. That is why there is no mention of the cost in the minutes. Other than one local area vendor who estimated a used sign would cost between \$4000 and \$6000, and who never located one after six months, the decision was to go with another company.
  - The cost of the sign was \$1,087. The installation cost \$100 to have the fence professionally reinforced with additional pipes. The mounting of the sign was done by Tony Kendrick and cost less than \$70 for materials.
  - There was general agreement by the Board that it was money well spent.

**Adjournment:**

Motion: Linda Herzberg Seconded: Barbara Rayner	Adjourn	Passed
Voted in Favor: 8	George Carter, Sue Frankowski, Eileen Furnari, Linda Herzberg, Tony Kendrick, Barbara Rayner, Tom Seibold, John Shifflett	
Abstained: 0		
Voted Against: 0		

DISCUSSION: The President called for the vote. Passed.

The meeting adjourned at 10:12 a.m.

Submitted By:  
Tony Kendrick, MBCA Secretary