

Bayshore COA Meeting March 21, 2018

Meeting called to order at 7:00 pm.

COA Council members present: Kevin Cunningham, Pat Hoffman, Hilary Felinski

Property Managers Rachel Cooper, Seascope Property Management, was unable to attend.

Homeowner attendees: M. Bragdon, M. and L. Muller, T. Zimmerman, C. Phillips, D. and J. Galvin, P. and D. Buck, V. Minutolo, R. & C. Fenfert, P. O'Brien, R. Hinkle, A. Mistretta, J. Rusnak

President Kevin Cunningham reminded members in attendance that no interruptions during the presentations are permitted, with all comments and questions to be addressed during the Open Discussion period. President Cunningham also informed those in attendance that the meeting is being recorded both by the COA Council and by M. Bragdon.

Meeting Minutes: P. Hoffman made a motion to approve the COA Council Meeting minutes from January 17, 2018; seconded by K. Cunningham; motion carried.

Financials:

P. Hoffman presented the financial information including notation that the line item for Snow Removal (6581) is already over budget for 2018. From an Accounts Receivable perspective, P. Hoffman explained that the Council has recently learned that, when a member passes away, the Association has 90 days from the date of death in which to file a claim against the estate. If the Association is not informed as to the member's passing, it may put the Association at a disadvantage when it comes to recouping monies owed for the quarterly assessments. Papers have been filed with two estates, but it is recognized that the Association may only receive two quarters worth of assessment payments.

For other Accounts Receivable accounts, it was stated that Seascope has been provided permission to file a lien against Morrison. While several agreements have been reached, the owners have not held to those agreements. Regarding Payne and Schmidt, both of these owners have filed for bankruptcy. Schmidt is obliged to both stay current as well as to pay a specific amount each month for 5 years, as ordered by the bankruptcy court. The decision by the court has not yet been finalized regarding Payne's bankruptcy.

The 2015 Audit report is complete. P. Hoffman read a paragraph that states that expressed satisfaction with the financial principles and recording of same, as applied by the community.

H. Felinski motioned to approve the Treasurer's report; seconded by K. Cunningham. Motion carried.

Management Report: H. Felinski reported on her behalf of R. Cooper:

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- a. Powerwashing of the community was begun on 3/19/18, with Teal, Heron and 3 buildings on Pelican Court completed that day. Work continued on Thursday, 3/22/18, with the remaining buildings on Pelican Court, Teal and Sandpiper scheduled to be completed by Friday, 3/23/18. Work on Turnstone begins on Saturday, 3/24 and volunteers are still needed. Power washing should be completed by Tuesday, 3/27/18.
- b. Email will be sent to all COA members, requesting that permission be granted to provide meeting notices via electronic means only. This approach could save the community as much as \$1200/year. Electricians will be out to the community, over the next several days, to analyze and investigate the lights on the community sign at the main entrance on Long Neck Road.
- c. Owners are responsible for the sewer lines from the house to the street.
 - a. Several community members expressed concern that, in their reading of the community documents, it appears that the above statement is in conflict with those documents. C. Phillips mentioned the Declarations, article 7, b.

P. Hoffman motioned to approve the Treasurer's report; seconded by K. Cunningham. Motion carried.

Committee Reports:

ARC: L. Miller reported that the final draft of updates to the ARC Guidelines had been provided to the COA Council and POA Board. Expectation is that the updated guidelines will be provided to Seascope in the next week or so, pending the approval of both the Council and the Board. No new COA applications have been received, to date, in 2018.

Neighborhood Watch: P. Buck reported that there have been about 14 hours, to date in March, where the committee members are walking and riding through the community. P. Buck reminded those in attendance that locking car doors, as well as house window and doors, lighting at night are all things that all owners can and should do. P. Buck thanked the members of the committee, including T. Zimmerman, D. Buck, M. Miller, for their participation. P. Buck also reminded members that there are several non-emergency telephone numbers available – for the State Police, Seascope and board members. If you see something, please report the information to the council/council member, or to Seascope. C. Fenfert inquired about whether Bayshore has provided permission to the State Police to allow them to drive through the community as part of their regular patrols; P. Buck to follow up.

Recreation: P. Hoffman reported on behalf of S. Witmer. Green Bingo was held on 3/16/18

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and was attended by 18 members. April 2018 includes a Game Night. The pool opens in May, with the first of the Hot Dog sales also occurring on opening day. The calendar is posted on the website, but there are some dates that will be finalized as the time gets closer.

Calendar: <http://www.bayshorepoa.org/WebCal/month.php>.

RFP: H. Felinski reported that the first meeting of the RFP Committee occurred on 3/12/18 and the second is scheduled for 3/26/18. Members have been gathering information about past RFP's, including having obtained copies of the two most recent. P. Buck and H. Felinski also met with some members of the POA Board and COA Council to gain their perspective on the process.

H. Felinski motioned to approve the committee reports; seconded by K. Cunningham; motion carried.

Old Business:

1. Phone bridge: Account has been re-established. Expectation is that the phone bridge information will be available for the next COA Council meeting (April 2018).
2. Leases and Mortgages: In Rachel's absence, it is not known how many more members have provided their Mortgage information, where applicable, or notified Seascope if they do not have a mortgage. Copies of leases have been provided, but, as with the mortgage information, the exact count of those received vs. those that are outstanding is unknown at the moment. Current information will be provided at the April meeting.
3. Power Washing: Refer to item above. Checks in the amount of \$10 have been issued to the people who volunteered before the work started on the power washing. For those who may now choose to volunteer, contact should be made to R. Cooper at Seascope (phone or email).
4. Common Interest Complaint (CIC) form: This form is to be used to communicate concerns about issues (aka start the process) or to dispute a decision that has been made by the COU Council. The form is to be completed and submitted to Seascope. Disputes may also be filed with the Ombudsperson for the State of Delaware; that filing also carries a fee.
5. Painting estimate is being pursued for the front doors and trim. Two bids have been received (\$14,600 and \$17,650). Rachel will be asked to research to identify the vendor who performed this service, in the past. Also waiting on third bid.

Motion to approve made by H. Felinski and seconded by K. Cunningham. Motion carried.

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New Business:

1. Written Collection Policy: COA Council has voluntarily composed a documented collection policy that provides a step by step outline of what occurs when monies are owed to the community. Motion made to approve this policy by H. Felinski and seconded by K. Cunningham. Motion carried. See Appendix A, below for the entire policy.
2. Member waiver form: Members are requested to allow COA and Seascope to only provide electronic notice regarding Council meetings. Refer to management report above. R. Cooper will be directed to send email out to all members, with separate forms for the POA and COA.
3. Waiting for School Buses: Members are reminded that, even while waiting for school buses, cars are not to be parked on the grass. Parking on the grass may damage the area, depending on the weather, as well as the possibility of damaging the sprinkler system.
4. Dog Waste: With the weather, it is not feasible to see how much waste has been accumulated in the swales. If you see someone not disposing of their dog's waste properly, and you are not comfortable in asking the person about it, please do not hesitate to contact a council member or Seascope.
5. Propane Issue: As reported by B. McLaughlin, the tank that provides gas to their unit had run dry. As the tank runs dry, the odor of the gas intensifies. Poore's was called and had investigated, but needed to return when the same odor was detected the next day. Rachel will be directed to have Poore's check all the tanks in the community. Tanks are buried. Comments were made as to the way the ground is around the lids of the tanks. Rachel was also asked to check on the contract with Poore's.
6. Email to community from J. Dill: J. Dill addressed an email to most community members with his explanations regarding an incorrect payment that he authorized. J. Dill has provided information that he has also filed a complaint with the Ombudperson's office. To date, the COA council has not received any information from that office regarding this complaint.
7. Bragdon lawsuit 1: Discoveries have been received by the POA Board, regarding the first Bragdon lawsuit. These discoveries request that the names of all Board members and committee members, for the past 5 years, be provided. COA Council is awaiting the receipt of the equivalent demands. The COA Council wants COA Members to be aware that their names may need to be provided, if they have been on the COA Council

in the past. As a reminder, to date, the legal costs for this lawsuit have been covered by the community's insurance policy and will likely result in an increase in the policy premium once the full cost is known.

8. Bragdon lawsuit 2: M. Bragdon has filed a second lawsuit regarding charges imposed for the removal of a satellite dish bracket from the roof of one of his units. Seascape has provided notification to the insurance company that a second suit has been filed. M. Bragdon filed suit, in the Chancery court, which requires legal representation, rather than filing the CIC form, described above, or filing with the Ombudsperson's office.

Open Discussion 7:30 pm:

1. M. Bragdon mentioned the following items:
 - a. Items included in first lawsuit include Audits. Brief discussion including remarks by J. Rusnak, as to the need for Audits. Background information was verbally provided as to how the decisions were made by earlier COA Councils to have what was termed an 'audit review' performed, rather than pay for a full audit (2008-2014). These decisions were based on the recommendation of the then Treasurer, J. Dill. It was also explained that the requests for these audits were made early in 2017, of Signature (then the property manager), prior to the M. Bragdon filing suit 1. The contract regarding the audits was finalized approximately September 2017. 2016 Audit will be completed as soon as possible after April 17, 2018, followed immediately by the 2017 Audit. M. Bragdon explained that he had learned that an 'audit review' is not the proper terminology; instead, the terms include 'Compilation', 'Review of Records' (or is it 'Review for Records'), or 'Review for Audit'.
2. J. Rusnak asked M. Bragdon, three times, as to what would it take to satisfy his suit. No direct answer was provided. Several members in attendance expressed frustration with M. Bragdon for both suits, expressing concern that M. Bragdon is battling himself, and that he could have volunteered to be part of the council. Brief discussion included references to suing the Property Management company, but the ultimate responsibility is up to the Council to decide to pursue an audit.
3. Members are reminded that if they see overnight parking in front of any townhouse, to report the make and model of the car, license plate, if possible, and the address involved. The report may be made to either Seascape or to a council member(s).

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4. Concern was expressed regarding a large white van, appearing to be commercial, parking at 32277 Pelican Court. 32277 Pelican Court Owner's vehicle parked in neighbor's driveway at 32272 Pelican Court. Explanation was provided that it is not known if permission was granted by executor of the neighbor's estate to allow that person to park in the driveway. Explanation was also provided that the executor of the estate is the only source of a complaint regarding that parking. The van will be investigated. This issue has been referred to the POA Board.
 5. Seascope will be directed to have the lids of the Propane tanks inspected, based on concerns expressed by members' present.
 6. Seascope will also be directed to research the contract with Poore's. Several members expressed concern as to the length of the contract as well as the rate being charged.
 7. Members also expressed concern that they should have been informed regarding the tank running dry.
 8. Remote cameras and dog waste. Research into the possibility of a remote camera is still underway. A 'game camera' was also suggested. This issue has been referred to the POA Board.
 9. April COA Council meeting is scheduled for Wed., 4/25, instead of Wed., 4/18.
- P. Hoffman motioned to adjourn; H. Felinski seconded; approved. Adjourned at 8:06 pm.

Appendix A: Collection Policy

Bayshore Townhome Owners Association
Collection Policy
pursuant to
Section 5.4 of the Code of Regulations

1. Any Assessment (including but not limited to annual assessments, and violation fines) not paid when due as provided in the assessing document or as provided in the Declaration of Covenants, then such assessment shall be deemed delinquent and together with such interest and cost of collection, including reasonable attorney fees, shall continue on as a lien on the Lot or Unit.
2. Any Assessment not paid within thirty (30) days after the due date, shall bear interest from the date of the delinquency at the rate of legal interest rate authorized by statute.
3. Any Assessment not paid with thirty (30) days after the due date shall be charged a late fee (currently \$35.00) as determine by the Council.
4. The Association may bring legal action against the Owner personally obligated to pay same or may enforce or foreclose the lien against the Unit.
5. The Association may seek the sale of Goods and Chattels, wage garnishment, foreclosure and any other method available to it in order to effectuate collection of any and all outstanding delinquent accounts.
6. Unit owners will be responsible for all attorney fees assessed in an effort to collect said fees. An Attorney will be hired if an owner is delinquent for two quarters of the year. A lien will be filed. After the one year mark, the COA may file a judgment against the delinquent owner. The Owner may be reported to all credit agencies, and the mortgagee of the Unit.
7. Extenuating circumstances, such as ability to pay, cooperation of the Owner, or illness may be taken into consideration during the collection proceeding.