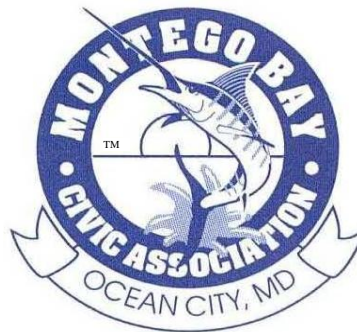


MINUTES
Board of Directors Meeting
March 12, 2011

Approved by the Board: April 9, 2011



President Vera McCullough 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 16 (of 17) voting members were present.

President Vera McCullough – Present					
P = Present		Voting Members		A = Absent	
Name		Name		Name	
Sue Frankowski, VP	P	Sandy Kvech, Treasurer	P	Tony Kendrick, Secretary	P
Eileen Furnari	P	Bill Hastings	P	Linda Herzberg	P
Larry Holdren	P	Dennis Julian	P	Bob McCluskey	P
John McDermott	P	Bill Neimiller	A	Barbara Reniak	P
John Shifflett	P	Alin Springer	P	Paul Svoboda	P
Bill Trumpler	P	Al Weber	P	(vacant through 8/2011)	X

Second Reading of the Proposed New Bylaws:

Motion: Tony Kendrick Seconded: John McDermott	Consider the second reading as having been read and that the proposed new bylaws be voted on and approved.	Passed
Voted in Favor: 11	Eileen Furnari, Bill Hastings, Linda Herzberg, Dennis Julian, Tony Kendrick, John McDermott, Barbara Reniak, John Shifflett, Alin Springer, Bill Trumpler, Al Weber	
Abstained: 0		
Voted Against: 5	Sue Frankowski, Larry Holdren, Sandy Kvech, Bob McCluskey, Paul Svoboda	

DISCUSSION: Tony Kendrick, Chairman, Bylaws Committee, remarked that the Special Board Meeting of February 26, 2011, was the first reading of the proposed new bylaws and the meeting was very successful and collegial. “Issues were raised and answered and adjustments were made. The meeting operated on the consensus basis and changes were made and everyone left the meeting with a set of bylaws that everyone could agree with. The changes agreed to during the first reading were made and the revised document was sent out [March 3, 2011] to the Board for their individual review. No responses were received that the changes were not captured correctly.” Mr. Kendrick then proposed approving the proposed bylaws with changes from the First Reading and that the Board had reviewed and no further changes were forthcoming.

- Paul Svoboda requested that the definition of full-time resident be limited to being domiciled in Montego Bay and exclude the additional definition that the individual must be eligible to vote in Ocean City elections.
 - The President and Mr. Kendrick responded that the definition of full-time was agreed to by the Board at the first meeting.
 - Sandy Kvech questioned the value that being eligible to vote in Ocean City elections brought to filling an Officer position. Melissa Leone responded that being eligible to vote in a jurisdiction is evidence that someone lives in a location full-time and it has nothing to do with being able to perform the job. The President agreed that it is merely further evidence that someone lives in Montego Bay full time. Ms. Kvech further stated, “I live here full time. But I am not registered to vote in Ocean City.” Mrs. Leone responded that Ms. Kvech was eligible to vote in Ocean City, which is the only requirement – “no one has to vote in Ocean City, they only have to be eligible to register to vote in Ocean City.” Mrs. Kvech stated, “My tax records do not reflect that Montego Bay is my primary residence.” Alin Springer pointed out that declaring a primary residence of Montego Bay or elsewhere is a personal choice. Mrs. Kvech then responded, “Based on my understanding of the definition and my personal situation, I no longer meet the residence requirements to perform this job [as Treasurer].” Eileen Furnari responded that Mrs. Kvech’s understanding was absolutely correct. Mrs. Springer asked whether Mrs. Kvech is eligible to be the Treasurer or not and Mrs. Kvech responded, “I am not.” Mrs. Kvech stated that when she ran for Secretary she was told she only needed to live here full time. Mrs. Kvech continued, “What

- is the purpose of the full-time resident? As an Officer, is it to be available and accessible? Is the issue the legality? Or is it the accessibility and availability? I accept whatever decision of the Board.”
- Mr. Kendrick stated that the last definition of full-time was set by the Board in [January 2011] when he was elected by the Board to be Secretary – that Montego Bay needed to be established as his primary residence by the Maryland Tax records, that he was to be eligible to vote in Ocean City, that his car needed to be registered in Ocean City, that his driver’s license address needed to be listed as Ocean City, and that he had to live here full time. Mrs. Kvech said that that no longer mattered. Mr. Kendrick stated that a definition should not be adjusted to benefit a single individual. Mr. Kendrick pointed out that under the current bylaws; Mrs. Kvech is not eligible to be Treasurer because Montego Bay is no longer her primary residence. Mr. Kendrick further stated, “What is being discussed is historically how this Association has been run which is on a double-standard. You had a standard for ‘Tony’ to get on the Board and now you want to have a standard for ‘Sandy’ to keep her on the Board. What is being discussed today is ‘Let’s have a standard for Sandy so she doesn’t have to get off the Board.’ We need to decide what makes sense 10 years from now. And I think, because it was an issue up until I got back on the Board that you had to have documentation showing you lived here and there were people who watched to make sure your car was in the driveway; I see no problem saying you have to be domiciled here but there should also be something else that shows a connection to the community.” Mr. Kendrick added that ten years from now “let’s not have the same debate because someone wants to get on the Board’ or be kept off the Board.
 - Sue Frankowski stated that since Mrs. Kvech was elected to her position as Treasurer she should be grandfathered in and serve out the remainder of her term even though she no longer met the criteria for the office. Mrs. Frankowski later added, “In the past we looked at the Maryland tax records to make sure they were permanent residents. Years ago I went back to try and get Larry Holdren off the Board. Our bylaws said you had to own property, but he did not live here. I wanted that changed to domiciled. The only two people who voted for that change was John McDermott and myself.” Mr. Svoboda clarified that that change was to apply to Directors as well as Officers.
 - John McDermott stated that Mrs. Kvech has been an asset to the community and agreed with removing the criteria of eligible to vote in Ocean City so that Mrs. Kvech could remain as Treasurer. Later, Mr. McDermott clarified that his comment was “not meant to find an escape for Sandy but for future people who may run into this problem.”
 - John Shifflett remarked that there are many reasons that would make someone ineligible to vote in Ocean City and, therefore, that should be stricken. “You may live here in Montego Bay but one year you didn’t pay your taxes and you got locked up and you weren’t eligible to vote.”
 - Mr. Julian countered that he saw no problem with the definition the way it is stated
 - Bob McCluskey added that he knew of many Baltimore residents who took advantage of the lower tax rates of Ocean City and changed their residency to Ocean City even though they didn’t live in Montego Bay full time. He said, “What we want to do is get it right. If someone is living here full-time then that person should be eligible to be an officer in this community. All the eligible-to-vote is to create a grey area where they can camouflage to conceal the fact that they are not here when legally they could be.” Mr. McCluskey followed up with, “John triggered a memory when he spoke about people not being eligible to vote here. We have always had a class of citizens in this country called resident aliens. People who have come here from another land and are here legally. I am not talking about illegal aliens. But people who have resided in this country for a long, long time and have chosen not to become citizens of the United States, for whatever reason. I don’t know how many or if any of those people live in Montego Bay. But it is an excellent category of someone who cannot vote but they could serve on the Board as long as they own property in this community and pay their membership dues. There would be nothing to obstruct them from running for this Board. But they would not meet this requirement right here because they would not be able to vote in Ocean City.”
 - Mrs. Springer responded, “This goes to show you that when Tony was running for the Secretary position and everyone, including Sue, was up in arms that his residency was not in Ocean City, that his car wasn’t registered in Ocean City, so he couldn’t do that job. There were those who were against it. And so we had to wait until he was registered to vote. That is the double-standard that I am talking about and he was talking about.”

- Paul Svoboda made a secondary motion regarding the definition of “full-time” because of a division among the Board.

Secondary Motion: Paul Svoboda Seconded: Larry Holdren	Remove the requirement of being eligible to vote in Ocean City from the definition of ‘full-time’ and leaving only the requirement to be domiciled in Montego Bay.	Passed
Voted in Favor: 9	Sue Frankowski, Bill Hastings, Larry Holdren, Sandy Kvech, Bob McCluskey, John McDermott, Paul Svoboda, Bill Trumpler, Al Weber	
Abstained: 1	John Shifflett	
Voted Against: 5	Eileen Furnari, Linda Herzberg, Tony Kendrick, Dennis Julian, Alin Springer, Barbara Reniak	

DISCUSSION of Secondary Motion: None.

DISCUSSION (continued) of Primary Motion:

- Paul Svoboda recommended tabling the primary motion to approve the proposed bylaws until further discussion of particular items.
 - Mr. Kendrick responded, “At the first meeting, everyone left the meeting agreeing to the changes that are reflected in the document here. This document was given out to everyone to review before this meeting and there were no responses for more changes. Therefore, I call for the vote and if it doesn’t pass then we can get back into discussion. I am calling for the vote. This is the document that every director who was here left the room agreeing to. And this is the document that was prepared and went back out to the Board that everyone was silent on. To have discussion now that should have taken place at the first reading is inappropriate.”
 - Sue Frankowski asked for clarification that if the bylaws are approved then the supporting bylaws section of the Operational and Procedures Manual was also approved. Mr. Trumpler stated his understanding that the vote would be on the bylaws and not the manual. Mr. Kendrick clarified that the bylaws are supported and further defined by the manual and, therefore, voting on one is voting on both.
 - Mr. Trumpler asked for clarification that if the bylaws are passed that the items being discussed now can be brought up again at a Board meeting. Mr. Kendrick responded that if the bylaws and manual pass then the items can be brought up again by the owners. The Board can also bring them up again but only a referendum that the owners would vote on.
 - Mrs. Herzberg also asked whether the bylaws under discussion are going out to the Owners for their approval. The response was, no. Under the existing bylaws only the Board votes on changing the bylaws. If the proposed bylaws are approved by the Board then future changes would be done by votes of the owners.
 - Sandy Kvech and Mr. Svoboda disagreed and that discussion to make changes takes place at the second reading. Mr. Kendrick disagreed pointing out that the first reading is when discussion and changes take place and agreement is reached and he again called for the vote. The President asked the Parliamentarian, John Shifflett, for his opinion regarding the readings. His opinion was, “I feel we do not have to give two more readings.”
 - Mr. Svoboda and Mr. Trumpler stated that the procedures manual was not made available at the first reading and they did not get it. Mr. Kendrick responded, “Yes, you did. At the last meeting it was prefaced that because of Mr. Almand’s recommendation we were going to separate into a procedures manual and throughout the discussion we had on the 26th was the entire content of the bylaws and procedures manual and there were many references to ‘yes, this will be moved to the procedures manual’.” There was agreement that what Mr. Kendrick described was correct.
- Mr. Svoboda repeated, “If we just vote on it, people will see that some of these are actually illegal as far as City Hall, the Police Department, and everybody else.” The President asked Mr. Svoboda to cite examples of what is in the procedures manual that is against the law.
 - Mr. Svoboda said, “Entering someone’s property, to go onto someone’s driveway and to lift a canvas up to look and see if there are tags is illegal.” Mr. Kendrick responded that it is not illegal “if it is in our bylaws and approved we can do that the same way our restrictions say we can go onto somebody’s property if they don’t correct a violation.” Mr. Svoboda responded, “Zoning enforcement says it is illegal, the police department says it is illegal, but Tony says it isn’t.” Mr. Kendrick said, referring to the meeting of February 26, “When the Board left the Board was saying that the Board agreed to these things.”
 - Mrs. Springer stated that Mr. Kendrick called for a vote. “If you don’t agree with something, don’t vote on it. He asked for a vote to approve or not. If you don’t approve, then vote you don’t approve.”

- Mr. Trumpler asked if it is in the bylaws to enter onto their property and an issue comes up is the owner going to say "because you have it in the bylaws it is okay?" Mr. Trumpler said that Mr. Svoboda says the police says that you can't. Mr. Kendrick responded, "The police can't. But the Association can if it is in the bylaws. The Restrictions allow us to go onto someone's property. According to Paul's theory, that is illegal. Then for 40 years something illegal has been enforced. And the Restrictions also say that ours can be more strict than the City zoning and codes."
 - Mr. McCluskey stated he did not agree with Mr. Kendrick's interpretation. Mr. McCluskey said, "We cannot do something that is illegal even if it is in the bylaws. We can't write in here that African Americans cannot vote in Montego Bay." Mr. McCluskey's statement was strongly and loudly derided by a majority of the Board. He continued, "I am making an exaggeration. It comes back to the point that we cannot do anything we please."
 - Barbara Reniak pointed out meetings where some officers and directors reported they had entered onto someone's property under construction and took pictures, measured rooms, etc., and those entries were not allowed by the restrictions or bylaws. She also described when entering onto someone's property is allowed such as cutting grass, checking the light-sensors for the street lamps, etc.
- Mr. Svoboda stated, "...there is another policy that I am totally against is that we can go in there, we see some problems we can fix that and charge the person whatever, excluding the lawn. I can quote it if you want. Section 1.10.3.2."
 - Mr. Kendrick pointed out that, as the section is written, entry and correction is authorized only after the Association has provide the owner written notification and the owner is given a reasonable time to remove the violation. The Board was in general agreement that Section 1.10.3.2 was reasonable. Mr. Kendrick also pointed out that 1.10.3.2 was what is currently reflected in the Association's restriction document.
 - Mrs. Springer added that across Maryland that is the same policy – notify, give owner a chance to repair or the Association will make the repairs, and if the owner doesn't pay then a lien is placed against the property.
- Mr. Svoboda also pointed to Section 1.10.1.13 as another standard that he did not agree with. Mr. Svoboda said, "Suppose you had your screened porch and you want to put window treatments, I'm talking you spend money to put valances and blinds and are you including you can't have blinds either?" There was general agreement among the Board that blinds were allowed. Mrs. Leone explained that the section was against putting rags or stuff to cover the screen. Mr. Svoboda continued, "I understand that, but it says 'window treatments' too." The Board pointed out to Mr. Svoboda that the operative word was 'similar' to bed sheets, plastic sheets, and newspapers. "So, if you have window treatments you are okay?" The Board indicated that window treatments in good repair were okay.
 - Mrs. Leone added, "Yes, but if you have bed sheets, newspaper, or other garbage that you might want to hang" that would not be appropriate window treatments.
 - Mr. Kendrick clarified that the intent of the recommendation was not to question window treatments that are interior to the home but for external screened-in porches; where, as stated in the section "generally, wire mesh screen is used."
 - Linda Herzberg also added that the standard is also a way to hold landlords accountable for the maintenance of their property.
 - Mrs. Furnari added that for those who may have that situation due to reasons beyond their control we should offer to help them instead of judge them. There was general agreement of the Board to that sentiment.
- Mrs. Springer asked for clarification of how the Board would be reduced and would any of the current members be cut from the Board. The President responded that it would be by attrition and that all current Directors and Officers would complete their elected terms.
- Mr. McCluskey stated his concern that 1.6.5.2.5 requires permit approval to be signed by the President and the Permit Process Chairman. Mr. McCluskey stated, "Instead of a minimum of two people it changes it to a maximum of two. It says that only the Chairman and the President can sign. We would be better off to scratch this and continue with what we have, that anyone on the permit committee can sign the permit approval." Mr. Kendrick pointed out that the proposed bylaw requirement is to ensure that the President and the Chairman sign it and it doesn't mean that others can't also sign it. Mr. Kendrick remarked that, as written, "It means that the President and the Chairman will know what is going on in the community because they will be aware of the permits. You can have as many others look at it but you better have the President and yourself sign it."

- John McDermott remarked that five people when it comes to semantics you are not going to get agreement much less among 15 people. He commented, "On the first reading, we passed this. Why all these questions and comments now?"
- The President concluded the discussion by declaring her agreement with Mr. McDermott that there would never be agreement and added, "as long as we keep nit-picking."

Dennis Julian departed the meeting at 10:30 a.m.

Secretary's Report:

Motion: Bill Trumpler Seconded: Larry Holdren	Approve the minutes of the February 12, 2011, Board Meeting and forego the reading of them.	Passed
Voted in Favor: 15	Sue Frankowski, Eileen Furnari, Bill Hastings, Linda Herzberg, Larry Holdren, Tony Kendrick, Sandy Kvech, Bob McCluskey, John McDermott, Barbara Reniak, John Shifflett, Alin Springer, Paul Svoboda, Bill Trumpler, Al Weber	
Abstained: 0		
Voted Against: 0		

DISCUSSION: None

Treasurer's Report: The Treasurer reviewed the profit and loss statement for the previous month and reported no significant expenses. She reported that the insurance company has been changed and the coverage was increased from \$2M to \$5M. The Treasurer reported that the sale of the van has resulted in one bid submitted (\$5,800), that the ad will run in the local papers for the upcoming weekend, it is on WBOC Classifieds, and it is posted on Craigslist. The last date for bids to be accepted is March 15, 2011.

Motion: Linda Herzberg Seconded: John McDermott	Approve the Treasurer's Report of February 2011.	Passed
Voted in Favor: 15	Sue Frankowski, Eileen Furnari, Bill Hastings, Linda Herzberg, Larry Holdren, Tony Kendrick, Sandy Kvech, Bob McCluskey, John McDermott, Barbara Reniak, John Shifflett, Alin Springer, Paul Svoboda, Bill Trumpler, Al Weber	
Abstained: 0		
Voted Against: 0		

DISCUSSION:

- Alin Springer asked what the newsletter amount covered. The response was it covered everything up to the point of taking the finished product to the post office (it did not include the cost for postage).
- Mrs. Springer also compared the amount of money being spent on an accountant to what is being paid to the Vice President over the same period and commented that the accountant was paid so much less and she asked when it could be voted on that the Officers should be fully voluntary and not paid. The response was that now that the new bylaws have passed that the owners can vote on such an issue.

President's Report:

- The President reported that she had followed up from the last meeting by contacting the City Engineer, Terry McGean, and shared with him how Montego Bay had resolved the discharge culvert repair for the pond and that such a method might be useful for the City to consider. Mr. McGean thanked the President and indicated that the City was currently using the same method.
- The President remarked that East Coast Underground had put in the electric lines in front of the pond on Harbour and the result was it needed additional landscaping. She took photos and sent them to Delmarva Power and suggested that if Delmarva Power would consider fixing the landscape issues that it could be considered a Friends of the Pond donation and tax deductible. Mr. Smith thanked her for the suggestion and promised to take it to the Delmarva Power administrators for their consideration.
- The President recognized Tony Kendrick's efforts of cleaning up and detailing the van, including duct-taping the driver's seat, to get it ready to sell.

Good of the Association:

Coastal Bay Foundation: The President reported that the school students will come in when we can give Coastal Bay a date when the eel grass will be at its worse. And Coastal Bay will also work with the students to paint the two transformers that are in the park.

Old Business:

Reserve Account: The discussion at the February 2011 Board Meeting regarding the Reserve Account funding issues did not formally declare the agreement to move the projected Reserve items into the current fiscal year and pay for them with current year funds instead of transferring the funds into the Reserve Account and pay for the items in 2011-2012. The discussion shows that the Board was in agreement with the proposed action, but the agreement did not come to formal closure. Bill Trumpler, Chairman of the Advisory Committee also explained the recommendation of the Advisory Committee was to proceed as proposed. The Secretary requested that the Board formally declare they are in agreement with that proposal.

AGREEMENT	No funds will be taken out of the Reserve Account for the 2011-2012 fiscal year.	Agreed
Voted in Favor:15	Sue Frankowski, Eileen Furnari, Bill Hastings, Linda Herzberg, Larry Holdren, Tony Kendrick, Sandy Kvech, Bob McCluskey, John McDermott, Barbara Reniak, John Shifflett, Alin Springer, Paul Svoboda, Bill Trumpler, Al Weber	
Abstained: 0		
Voted Against: 0		

DISCUSSION: None.

Request to Re-vote on accepting the placement of the deck on Sandy Hill:

Bob McCluskey requested a revote on the motion that was passed by the Board last month to allow the owner on Sandy Hill Drive to leave his deck as approved by the Town of Ocean City. Mr. McCluskey stated that the permit approval guidelines state that “all structures are banned from our 15-foot setback. So clearly the deck is a violation. Since this vote was taken based on false information that was presented to the Board I would like a reconsideration of that vote so that we can reconsider it based on the proper information.” Eileen Furnari asked if Ocean City approved the deck and was told that it did. The President remarked that it was approved by Ocean City and there is another deck exactly like it on Yawl Drive. Mr. Kendrick remarked that what Mr. McCluskey was citing was a permit approval procedure and not the Restriction’s document where it states that the home will not extend into the 15-foot setback and that the vote on the previous motion was only whether to have the owner modify his deck – it was not a vote based on the restrictions or the procedures. The President asked the Parliamentarian, John Shifflett, for a clarification on procedures. The Parliamentarian stated that Mr. McCluskey made a motion for reconsideration and there was no second and, therefore, the motion dies.

Committee Reports:

There were no meetings of the committees and therefore no formal reports were provided. General information was shared from a few committees:

- **Newsletter:** The newsletter was completed and will be provided to the printer for production next week. Mrs. Springer asked if the specifications had been changed. Mr. Kendrick indicated that he had gotten four bids and Sandy Kvech contacted one of the bidders and got a second bid from that company. Mrs. Kvech contacted Ocean Copy for a revised bid based on the page count that was provided to all the other companies who bid. The bid that Mrs. Kvech provided to Mr. Kendrick at the February 12, 2011, Board Meeting contained a revision based on page counts and a revision based on their ability to provide a full production process.
- **Budget:** The assessment letters were mailed out to all residents. She acknowledged the many hours spent by Sue Frankowski and Jackie Frey and the assistance of Louise Fox, Andrea Albrecht, and Tony Kendrick. Everyone was encouraged to spend and/or obligate their portion of the \$36,000 of unbudgeted expenses before the end of April. The \$46,000 Certificate of Deposit was coming due and is recommending rather than putting it in a long-term CD to consider possibly putting the amount in a money market fund.
- **Pond:** Canadian Geese excrement is becoming a problem. General comments were made regarding whether a natural deterrent was effective for the cost. Further alternatives will be explored. Mr. Trumpler reported that all the ponds on golf courses in the Ocean City area has the same problem with geese and no matter what the golf courses try, the geese just keep coming back.

- Pools: The cost for an American with Disabilities Act compliant chair lift for the pool has been increased due to change in requirements. The cost is now approximately \$5,600 and \$3,500 was approved.

Motion: Bill Trumpler Seconded: John Shifflett	Approve the increase necessary to obtain an ADA compliant chair lift for the pool.	Passed
Voted in Favor: 15	Sue Frankowski, Eileen Furnari, Bill Hastings, Linda Herzberg, Larry Holdren, Tony Kendrick, Sandy Kvech, Bob McCluskey, John McDermott, Barbara Reniak, John Shifflett, Alin Springer, Paul Svoboda, Bill Trumpler, Al Weber	
Abstained: 0		
Voted Against: 0		

New Business:

- Sandy Kvech asked whether there was going to be a Volunteer of the Year award for this year. There was agreement to table that suggestion until the next meeting so the Board will have time to consider nominees.
- Sandy Kvech asked whether there was going to be a Montego Bay Yard Sale this year. There was agreement to table that suggestion until the next meeting so the Board will have time to consider the suggestion.

Adjournment

Motion: Alin Springer Seconded: Barbara Reniak	Adjourn	Passed
Voted in Favor: 15	Sue Frankowski, Bill Hastings, Linda Herzberg, Larry Holdren, Tony Kendrick, Sandy Kvech, Bob McCluskey, John McDermott, Bill Neimiller, Barbara Reniak, John Shifflett, Alin Springer, Paul Svoboda, Bill Trumpler, Al Weber	
Abstained: 0		
Voted Against: 0		

The meeting adjourned at 12:21 p.m.

Submitted By:
Tony Kendrick, MBCA Secretary