



CHESAPEAKE ISLE CIVIC ASSOCIATION
P. O. BOX 150 NORTH EAST, MD. 21901

CICA Board of Directors Meeting – Minutes January 27, 2004

The meeting began at 7:10 in the pavilion.

BOARD OF DIRECTORS PRESENT:

Bill Dryden, Janet McKenna, Ward Keever, Michael Szep, Sr., Rob Green, Gordon Osborne, Jim Abel, Sonny Hayes, Vern Orndorff, Jay Gilfillan

ABSENT: Brian Clare, Ken Knapp

Committee Members and Guests Present: Committee Chairpersons Barry Miller, Les Fritz, and Dave Byler. Jack and Joan Ferrick, Karen Dryden, Jorja Osborne, Trish Foley, Bobby Jones, Marie Borromeo, William and Ethyl Hayes, Karen Giffing, Joan Kluge, Beth Beckert, Charles Nier, Neil and Barbara Barr, Brad Fager, Dick Ullman, Kevin McMenamin were guests present.

President's Report: The meeting was called to order. Mike welcomed the guests and Committee Members present.

I would like to extend my thanks to the snow plow team (*Jim Abel, Glenn Culler, and Sonny Hayes*) for another great job. Another thank you goes to the folks who led the holiday festivities:

Caroling - *Joan Ferrick and Barbara Barr,*
Light contest - *Chmn. Susan Clare & judges Harvey, Robinson, Walsh, and Szep,*
and Santa's visit - *Ruth & Carl Claus-Killian*).

I want to let you know that Ken Smith, a former president of CICA, my friend and neighbor, and a past president of the CICA passed away last week. Ken has been in this community for over 25 years. He will be greatly missed and our thoughts and prayers are with Rene Smith and family.

SECRETARY'S REPORT: Four sets of the minutes which were out for review will be taken individually tonight for approval.

10/28/03 -- first on the agenda; no changes were given. Sonny Hayes moves to accept the minutes, Bill Dryden seconds the motion. The Board accepted the minutes as submitted unanimously.

11/18/03 – One question regarding the set of plans for Basin and Turkey. It was ascertained that revised plans were indeed approved as submitted to the Architectural Review Committee. Jim moved to accept the minutes, Sonny Hayes seconds the motion. The Board accepted the minutes as submitted unanimously.

12/9/03 – One change on attendance: Jim Abel was present for the Board of Directors. On page five a change from “9f” to “of.” No other changes were made. Bill Dryden moves to accept the minutes, Vern Orndorff seconds the motion. The Board accepted the minutes with changes unanimously.

Note: Sonny Hayes recommends the following paragraph be inserted to memorialize that on the 12/9/03 meeting there were some community members who were opposed to the by-law changes. “There were a large number of members present who expressed opposition,” will be added in the 12/9/03 minutes.

Sonny Hayes moves to accept the minutes for 12/9/03 with the above sentence, Rob Green seconds the motion. The Board approved the change unanimously.

12/16/03 – No changes were given. Jim Abel moves to accept the minutes; Sonny Hayes seconds the motion. The Board approved the motion unanimously.

In connection with the 12/16/03 minutes, a community member questioned how the Board counted the “non-votes” in the recent by-law change balloting. The President stated that, as described in the newsletter, the Board voted last Fall that for this proposed bylaws change, ballots that were not returned by members in good standing in the CICA would be considered *non-objections*. The Board did not count these votes as in favor or not in favor, but a non-objection. Historically, non-returned ballots have been counted as votes in favor of the Board's recommendations.

TREASURER’S REPORT: This is a financial report for the 6 months ending 12/31/03. We spent almost 45% of the fiscal year budget expenditures and have received about 19% of the budgeted income so far. Most of the Association's income is received during the first few months of the calendar/membership year. \$3,180.00 was spent in December (expenses exceeded income by \$2,800.00 for the month, but this is typical of December). The annual insurance bill was paid (USF&G’s premium last year showed a large increase; this year’s bill is \$7.00 less than last year). Payment 53 (of 60) on the tractor has been paid. We are still planning to make the last tractor payment made in this current fiscal year (by 6/30). \$4,500 has been moved from savings to checking. One bill is being held (~ \$1800; Linowes and Blocher); we are attempting to have concerns resolved and/or the bill adjusted before paying. Ward Keever moved to accept the report, Gordon Osborne seconded. The Board approved unanimously. (Rob Green)

APPROVED BYLAWS: The President stated that for the benefit of all present, he would take this matter up first before moving to committee reports and any other old or new business. There was no objection from the Directors or guests present.

The President reviewed that at the Board meeting on the 16th of December there were two motions made, the first being: "In regard to the recent vote on changing the Chesapeake Isle By-Laws, I make a motion that the Board accepts the vote count as follows: 129 owners voted in favor of the changes, 37 did not return ballots and are considered non-objecting, 82 voted not in favor of the change and 1 ballot was incomplete. The majority of the 249 members eligible voted in favor of the changes." The second motion was: "Prior to implementing the revised bylaws we will seek legal advice on the issues raised by some CICA members."

The Board consulted an attorney in addressing the second motion of December 16.

Regarding allegations that the Homeowners Association Act (HOA) required one vote per lot vs. one vote per membership regardless of how many lots are owned, *nothing in law requires it to be one way or the other*. The bylaw change vote followed the voting procedure prescribed in the existing bylaws. The CICA, Inc., had the option and prerogative to go either way. The path chosen was uniform and not discriminatory.

Regarding allegations that property owners will have to change their deeds as a result of recording bylaws and putting info in HOA drawer, *no existing deed must be changed*. Per the Homeowners Association Act, selling property owners and their agents will be required to provide future buyers with a copy of the recorded by-laws and other pertinent documents. Title companies will determine whether future new property owner must pay membership. An argument can be made that the CICA, Inc., was a HOA already based on the restrictive covenants which appear in existing deeds and incorporation of CICA in November of 1972.

Guests present were asked if there were questions. There were several comments for and against proceeding. In response to a statement that the ballot was rushed, members of the Board and the Membership Chairman referred those who believe that to **read Board meeting minutes starting with the September 2002 meeting and Newsletters starting with the January 2003 issue.**

One guest expressed concern that the new bylaws would impose new rules and fines for failing to observe them. Officers and directors responded that: 1) The CICA, Inc. has been responsible to enforce the restrictive covenants in our deeds since 1979 on all property owners, whether member or not. The President read the five restrictive covenants and commented that enforcing the restrictive covenants is not easy. Costs are recoverable, but there is no ability to fine any property owner. The Board reluctantly took legal action several years ago to collect several years of mowing maintenance per the restrictive covenants. 2) The CICA, Inc. is incorporated and is bound by its Articles of Incorporation and bylaws. The bylaws can be amended in the future by the process spelled out in the bylaws. There is nothing in the by-laws that gives CICA the ability to

fine anyone. 3) Rules and regulations and other policies and procedures are not bylaws but are subject to the provisions in the bylaws regarding adoption, changes, and discipline. As spelled out in the bylaws, the CICA's recourse is to suspend member in good standing status for up to six months (needed to vote and be accepted for CICA services and events -- for example: bathhouse key, dinghy rack, and social activities). There are no fines or assessments.

One community member expressed continued skepticism and asked for something in writing to ease his mind over concerns of what will or will not happen. Some present expressed a need to have a better understanding of the democratic process, documents, etc., which apply to Chesapeake Isle. In response Sonny Hayes offered to do the "leg work" on specific questions and asked that any questions be sent to him. Mike Szep will contact Mrs. Beckert for her input. A special issue of the Newsletter is contemplated.

Following this discussion, the President noted that the majority of the eligible members approved the proposed changes to the bylaws and that they are the new bylaws of the CICA. These approved bylaws need to be recorded in the records of Cecil County. Ward Keever made a motion to record the by-laws; Gordon Osborne seconded the motion. The Board passed it unanimously.

Bill Dryden made motion to contact Robert Jones, Esquire, to record the by-laws; Gordon Osborne seconded. The Board approved the motion unanimously. Dave Byler will proceed with the filing.

COMMITTEE REPORTS:

Architectural Review: George Stasky presented new plans through his builder. The plans as submitted still cannot be approved by the ARC.

The house on the corner of Basin and Turkey Point is not being constructed per the plans that were approved. Though the plans are still within Cecil County's legal height limit (less than 35 feet), there are significant changes (3rd level deck & door; roof pitch) from the approved plans. The county will be notified and a letter will be sent to MDF Enterprises, LLC, resident agent Tim McGill. Gordon Osborne and Barry Miller will follow up regarding this matter. (Barry Miller)

Beach: Nothing to report. (Jim Able)

CICA Clothing: Nothing to report. (Dotti Fritz)

E-mail and Web: Nothing new to report. (John Reber)

Erosion: No new information on erosion near lot G-18. Ken Knapp will get an estimate on this as well as looking for a price to rent a bush hog to get the overgrowth cut on Jacob's Nose.

Grass Mowing: Under a white covering.

Harbor: Frozen. The wood for rebuilding from the damage from Isabel to the old pier will be delivered in spring with the price quoted back in 2003. (Bill Dryden)

Historical: Nothing to report. (Audrey Buck)

Legal: Nothing to report. (Dave Byler)

Maintenance: No report given.

Membership: There are 106 paid families so far -- good response. The boat forms (42 are in) are not always coming in with membership forms. Please submit these forms along with the membership forms if you can.

A lot of people are supplying additional contact information as well as updates to the directory. This additional information helps in case of emergency. (Les Fritz)

Newsletter: A newsletter recently went out. Next one is scheduled for April. Get submissions in early. (Les Fritz)

Roads: Nothing new; a lot of work to do on them in the spring and summer. Budget was bumped up for this fiscal year.

Snow Plowing: New resident (Faders) have contacted CICA for snow plowing. Paperwork is in process.

Social: The Progressive Dinner is set for 3/13/04; reservations needed by 2/18/04 (reminder will go on sign and website). The Spring Dinner is scheduled for 4/17/04.

Town Watch: Extended town watch received no response. We are now down to 36 families who volunteered for the regular town watch. We need volunteers. Please call 410-287-8642 to be added to the schedule. (Jay Gilfillan)

Tractor: There seems to be a possible clutch problem, adjustment is needed on the windshield wiper and a light needs to be replaced. Vendor contacted to come to Chesapeake Isle and do the work on the tractor to keep it in good operating shape for snow plowing.

Old Business: Secretary and President committed to speed up posting and distribution of minutes. Goal is to have draft minutes to directors in about 10 days to 2 weeks after meeting date. Approval process will be via e-mail to speed up the process.

Old Business:

The people have been selected for the **Man and Woman of the Year** award, presented at the Annual Spring Dinner. All names have been given to Mike by e-mail, and to John Bates so that engraving for the awards and the plaques can be done.

A new permit for the **Elk Neck State Park Sewerage Plant** (related to the NorthBay conference center project at the Bowers Center) will be passed. We understand that about \$2MM will be spent to significantly improve plant operation which will improve effluent water quality where it enters the Elk River north of Chesapeake Isle.

The President will provide a written proposal on **Saturday morning duty** to the Directors at the next Board meeting. The goal would be to give members an opportunity each Saturday morning between April and November to take on community improvement projects, talk with one of the directors and/or committee chairman, and support the CICA Library volunteers.

The President will follow up on these other old business items:

- offer to assist property owner re: yard cleanup - see prior meeting minutes
- letter to Elk Neck State Park concerning fire hazard concern re: all the fallen trees and underbrush, and encouraging more cutback near power lines through the park.

New Business: No new business on the agenda

The meeting ended 9:42 p.m. Next meeting is scheduled for March 18th at 7:00 at the pavilion (Director Osborne's birthday -- somebody bring a lot of candles).

Respectfully submitted,

Janet McKenna, Secretary

cc: Committee Chairperson
Elk Neck Park Rangers