

## **Draft Agenda for August 20, 2024 OHCA Board Meeting**

- 1. Call to Order**
- 2. Moment of Silence**
- 3. Approval of Agenda** (draft sent out previously)
- 4. Approval of Minutes for 7/22/24 Board Meeting** (draft sent out previously)
- 5. Board terms**
- 6. Designate new officer to provide second signature on OHCA checks**
- 7. Financial Reports for July/YTD FY2025** (sent out previously)
  - a. SCBD Accounts**
  - b. Piers & Harbors Account: Association Treasurer Stephanie Orr**
- 8. President's Report**
  - a. Finance Committee**
  - b. Security Committee**
  - c. Community Property Committee**
  - d. Roads & Drainage Committee**
  - e. Beach Committee**
  - f. Social Committee**
  - g. Piers & Harbors Committee**
  - h. Election**
- 9. Update on Revision of OHCA Constitution: Brandon Dall'Acqua**
- 10. Update on Emergency Vehicle Turnaround: Dan Craig**
- 11. Update on Booker Pier Non-Conforming Use Registration: Haley Jurkowski**
- 12. Projects invoiced and paid for but not completed: Report from board committee and guidance from Board Attorney**
- 13. Other Old Business**
  - a. Legal services policy**
  - b. Community access to list of slip holders and slip waiting list**
- 14. New Business**
- 15. Adjournment**

**OHCA Board of Directors  
Draft Minutes of Board Meeting Monday, July 22, 2024  
Eastport Fire Station, 7:00 PM**

**Board Members present:**

- Dan Craig, Chair
- Winston Dunkley, Vice Chair
- Kathy Burk, President
- Barrett Hill, Board Member
- Haley Jurkowski, Board Member
- Joe Matta, Board Member
- John Maxwell, Board Member
- Benny McCottry, Board Member
- Sharon Merrick, Board Member
- Nancy Plaxico, Board Member and Board Secretary

**OHCA Officers and Committee Chairs present:**

- Bill Blakefield, Special Tax Treasurer
- Stephanie Orr, Association Treasurer
- Jody Tracey, Security Chair
- Trisha Thomas, Corresponding Secretary

About ten OHCA residents attended in person or online.

**Call to Order**

Chair Dan Craig called the meeting to order at 7:02 pm and asked for a moment of silence.

**Approval of Agenda**

A draft agenda for the July 22 board meeting was sent to all board members prior to the meeting. Chair Dan Craig requested that an item be added to the agenda under Old Business, "Options for recovering funds for projects invoiced and paid for but not completed."

**Nancy Plaxico moved and Winston Dunkley seconded a motion to approve the agenda as amended.  
APPROVED BY VOICE VOTE.**

**Approval of Minutes for June 18, 2024 Board Meeting**

The draft minutes were sent to all board members prior to the meeting and no changes were requested.

**Winston Dunkley moved and Nancy Plaxico seconded a motion to approve the minutes of the June 18, 2024 OHCA Board Meeting. APPROVED BY VOICE VOTE, with John Maxwell, Joe Matta and Barrett Hill abstaining since they were not at the June meeting.**

Sharon Merrick asked if the votes of board members participating online can count toward a quorum and in board votes. The general response was yes for both, per Robert's Rules of Order. Trisha Thomas noted that the Constitution Update Committee has discussed that and agrees, since if something is not addressed in OHCA's Constitution, Robert's Rules apply.

### **Financial Reports for June and FY2024 Year-to-Date**

**Special Community Benefit District (SCBD) Accounts:** Special Tax Treasurer Bill Blakefield reported on the end-of-June balances in the Truist checking account, Truist money market account, and Morgan Stanley investment account. SCBD assets at the end of June totaled \$661,295.

Mr. Blakefield noted that two Certificates of Deposit (CDs) are maturing and, as approved by the board at the June board meeting, he is reinvesting that \$150,000 in 6 month CDs earning 5 ¼% interest. Since June is the last month of OHCA's fiscal year, the June financial statements will be the final ones for the fiscal year.

**Piers & Harbors Account:** Association Treasurer Stephanie Orr reported that the end-of-June balance in the Piers & Harbors account was \$14,881.71, and June expenses totaled \$5747, which were the final payments for catering and the band at the May beach opening party.

### **Legal Services Policy**

President Kathy Burk passed out a revised draft of the Legal Services Policy proposed by the Finance Committee at the June board meeting, and noted that Chair Dan Craig had participated in some of the revisions.

Chair Craig said that he supports the concept of providing more structure and transparency in legal spending. He noted that the revised draft (version 4 from 7-21-2024) has an important grandfather clause which clarifies that Board Attorney Kurt Karsten will continue to handle the existing four "buckets" of OHCA legal matters: the claim OHCA filed with CNA Insurance Company, the criminal investigation of OHCA finances from FY2016 to FY2022, remediation of the wetlands at the end of Cross Road, and revision of OHCA's Constitution. He also noted that the revised draft adds an Emergencies section that addresses legal emergencies between board meetings.

President Burk proposed that additional language be added to the revised draft. Nancy Plaxico requested that the proposed additional language be distributed to the board, and – so that the board has time to review the revised draft and proposed additional language – that the board consider the proposed legal services policy at the August board meeting.

President Burk said she would email the revised draft and proposed additional language to the board and officers.

John Maxwell asked who would enforce the policy, and President Burk responded that would be a board responsibility per the OHCA Constitution.

**Kathy Burk moved and John Maxwell seconded a motion that board members review the revised draft legal services policy and her proposed additional language, and email her, Joe Matta or**

**Barrett Hill with any questions, comments or proposed changes by July 29. UNANIMOUSLY APPROVED BY VOICE VOTE.**

Chair Craig noted that he does not want OHCA to be stranded without access to legal advice when needed, and that having an effective grandfather clause is a concern of some other board members as well. Bill Blakefield said that the point of the proposed policy is to put approval for legal expenses at the board level.

**President's Report**

President Burk reported that a resident on Oyster Creek Drive provided a copy of his tax bill that shows he paid taxes into OHCA. The County said that if he has been paying taxes to OHCA, he is part of OHCA. ProCom will add the residents of Oyster Creek Drive into the community list, and they will be given access to OHCA facilities and services.

CNA Insurance Company had questions about the insurance claim OHCA filed in May, and we provided responses to those questions.

There is no feedback yet from the County on what would be a reasonable repayment plan for the \$90,036 that has to be repaid to the SCBD account. There will be a footnote in OHCA's FY2024 SCBD audit report to the County referring to the repayment plan, but there is no specific deadline for submitting the repayment plan.

The November general community meeting will be on Monday November 25 rather than Tuesday November 26 since the Fire Department meeting room is available on the 25th.

The Finance Committee met last week and is developing a plan for implementing the Reserve Study and a specific budget for Piers & Harbors.

Security: A group of teens have been jumping into the channel despite warnings and requests to not do so from nearby residents. Signs are being made to go on both sides of the channel saying no swimming, jumping or diving. Security Chair Jody Tracey checked with the Department of Natural Resources (DNR) and it is illegal to jump into a channel. DNR requires that there be a ladder at a channel if anyone needs to get out. OHCA has such a ladder at the southwest corner of the channel, but it is bent and will be repaired.

Some cars were broken into on Washington Drive and some things taken. Security Chair Jody Tracey asked ICS to make some changes in the staff who patrol in Oyster Harbor, and that should improve our security patrols. Arundel on the Bay is considering hiring ICS for security. If they do so, OHCA and Arundel on the Bay could combine security services, which would benefit both communities. At the August board meeting, there will be a presentation on a security camera for OHCA.

Beach and Roads: The beach gate was down one day this week, but Fran McDonnell from ProCom came out and got it repaired. Beach Chair Dan Craig reported that a teen drove a motor bike on the beach recently. Tom Cagle said that the mini bikes some teens are driving on Oyster Harbor roads are illegal. Haley asked if mini bikes are illegal, why not call the police? Tom Cagle said the police will enforce a prohibition on such bikes if OHCA turns it over to them. Jody Tracey commented that it is

tricky because if mini bikes are illegal on our streets, golf carts would be also. She will research the matter and bring it back to the board.

Tom Cagle asked if OHCA can purchase a bike rack for the beach. Joe Matta said he will look into getting bike racks for the beach, Fishing Creek Park, and Harbor Lot.

Community Property: President Burk reported that American Concrete Service has given us a quote of \$13,000 to fix the sinkhole at Booker Pier. We are going to get quotes from Carroll Brothers and Crew Cuts, and think the cost will be about \$5000.

**Kathy Burk moved and Nancy Plaxico seconded a motion to approve fixing the Booker Pier sinkhole at a cost of up to \$5000. UNANIMOUSLY APPROVED BY VOICE VOTE.**

President Burk reported that LB Landscaping filled in the significant sinkholes at the southwestern edge of the channel. LB Landscaping is coming out regularly now on Thursday or Friday to do their weekly beach and landscaping cleanup. President Burk asked what areas in the community need more landscaping care and board members brought up various areas.

President Burk thanked Brandon Dall'Aqua and all the community volunteers who put up the new sea nettle net. Board members expressed their appreciation for the new net and all the volunteers who installed it.

President Burk said that the dingy rack cleanup is ongoing.

Roads & Drainage: President Burk reported that Chamberlain gave a quote to repair the sinkhole at Shore and Washington Drive for under \$2000. Chair Craig asked if the sinkhole could have been caused by the County sewer line underneath. President Burk said that we have asked the County about that but they have not responded.

President Burk reported that Creek Drive needs repaving, and that will be done in conjunction with the Reserve Study. Sharon Merrick asked that we consider paving the roads in concrete rather than asphalt.

President Burk pointed out the 2010 Biohabitats report on "Oyster Harbor Natural Drainage Assessment and Planning Project" that was sent out with the materials for this meeting, and noted that it is still relevant. She asked if the board would like to move forward with a comprehensive stormwater management plan for the community, and the response from board members was affirmative. She noted that we also want to look at protecting the roads from rising tides, and tidal remediation was not included in the 2010 Biohabitats study.

President Burk asked how the board would like to proceed, and Nancy Plaxico recommended that the stormwater management plan be referred to the Finance Committee, which can look at it in conjunction with the Reserve Study and come back to the board with recommendations. Haley Jurkowski noted that the work could be done in stages, and Mike Wierzbicki said that OHCA could possibly get grants for parts of it. Chair Craig asked Mr. Wierzbicki if he knew why OHCA's recent

stormwater management grant application was not funded, and Mr. Wierzbicki said he would check into that and get back to the board.

Regarding speeding on Arundel on the Bay Road, President Burk said that ProCom has requested that the County do a traffic study on that road. President Burk noted that ProCom needs to be more proactive and timely in their responses and work for OHCA.

OHCA Constitution Update: President Burk reported that the Constitution Update Committee (CUC) will soon send the board a draft of their proposed revisions to the Constitution. Trisha Thomas, who is a CUC member, added that the CUC has been meeting a lot and doing a lot of work. The proposed revisions need to go to the Board Attorney as well as the board before being sent to the community.

President Burk recommended that we authorize up to \$1300 for the Board Attorney to do an initial review of the revisions and giving us an estimate for a full review with proposed legal language. Barrett Hill said that review by a paralegal would be less expensive, and we should also send the proposed revisions to a second law firm for an estimate. Sharon Merrick noted that any law firm we send it to should have expertise on constitutions of Special Community Benefit Districts.

**Kathy Burk moved and Sharon Merrick seconded a motion that, at a cost of up to \$1300, we ask the Board Attorney and another law firm to do an initial review of the proposed update to the OHCA Constitution and give us feedback, plus give us a cost estimate for a full legal review including the drafting of legal language. UNANIMOUSLY APPROVED BY VOICE VOTE.**

#### Wetlands Remediation at the West End of Cross Road

Chair Craig reported that he has the 20-page application to get an after-the-fact Joint Permit from MDE and the US Army Corps of Engineers for the emergency vehicle turnaround so that it can stay in place in front of 1216 Cross Road. The MDE application fee is \$750 and the remediation fee will be \$400 to \$600. Anne Arundel County will also need to approve an after-the-fact Standard Grading Plan, which OHCA can pursue simultaneously with MDE's Joint Permit Application. When the Chairman met with two MDE officers on July 16, they still seemed willing to entertain OHCA's idea of letting the unauthorized turnaround from 2017-2019 stay in place at the west end of Cross Road.

**Sharon Merrick moved and Dan Craig seconded a motion that OHCA spend up to \$2500 to file State and County permit applications to allow the emergency vehicle turnaround at the west end of Cross Road to stay in place. UNANIMOUSLY APPROVED BY VOICE VOTE.**

#### Old Business

Booker Pier: Chair Craig reported on the complaint filed by the owner of a property next to the Booker Pier lot claiming that the Booker Pier is not in compliance with County setback requirements. At no charge to OHCA, the Board Attorney gave us this pro bono feedback on the issue:

The pier was inspected and approved by the County when it was built in 2006. The lot is zoned R2, and a change to the zoning code after the pier was built specifies that a pier on an R2 lot is a non-compliant use. OHCA can file to register the non-compliant use, and such registration would be necessary if OHCA needs to replace the pier in the future.

Haley Jurkowski volunteered to take point on filing the registration for non-compliant use, with help from Barrett Hill. Chair Craig said he will send Ms. Jurkowski and Mr. Hill the registration application and all the information he has about the registration process.

Options for recovering funds for projects invoiced and paid for but not completed: Chair Craig pointed out that the options OHCA has for recovering funds misspent during FY2016-FY2022 under the past OHCA President include:

- The CNA claim OHCA has submitted,
- A complaint to the professional insurance carrier for OHCA's auditor during that period (the Board Attorney estimated that drafting such a letter would cost about \$500),
- A civil suit against the OHCA auditor for that period,
- A demand letter to the unlicensed "contractor" who invoiced OHCA and was paid for projects during 2019-2021 that were not completed, and
- A civil suit against that "contractor."

Chair Craig noted that the first step in considering a civil suit should be discussing with an attorney the estimated costs and timeframe for such a suit.

Winston Dunkley asked if the board or community should vote on whether OHCA should file a civil suit regarding the projects invoiced and paid for but not completed. Chair Craig said his view is that any potential civil suit should first be discussed and voted on by the board, and then discussed and voted on by the community.

President Burk pointed out that the board has never engaged the community in legal decisions and the board is the entity under the OHCA Constitution with legal responsibility. She noted that the Board Attorney has said the cost of a civil suit against the "contractor" would probably be more than OHCA could recover in the suit. Bill Blakefield added that it would be tax dollars that paid the cost of a civil suit. Winston Dunkley noted that accountability is what is important to him.

Community member Jeanie Greenwell said that she learned a couple of months ago about the potential malfeasance of the "contractor," and the community should be informed about it. Community member Thao Tuc commented that there needs to be transparency and closure. People have been hearing about payments for work not done in 2019-2021 and are getting upset. There should be an open discussion with the community about what happened and what the options are.

Barrett Hill asked if anyone had talked to the "contractor" about the projects in question. Board members said that there needs to be more due diligence and fact finding. Sharon Merrick recommended that OHCA hire a professional investigator in order to get the most solid information.

**Nancy Plaxico moved and Winston Dunkley seconded a motion that the Finance Committee explore options for recovering funds paid for work invoiced but not completed during 2019-2021, and report back to the board on the options and their estimated costs. APPROVED BY VOICE VOTE, with no nay votes or abstentions expressed.**

Haley Jurkowski asked why these questionable invoices/projects were not included in the Stout audit. It was explained that the Stout audit was focused on the \$270,000 that the past president

transferred from the SCBD account to another account during FY2016-FY2022 and spent in ways not compliant with SCBD requirements, and these invoices were not in the scope of that audit.

Mike Wierzbicki brought up examples of work invoiced by the "contractor" during 2019-2021 but not completed.

Kathy Burk left the meeting after a community member angrily confronted another member about recording parts of the meeting without permission.

Jeanie Greenwell asked what the board's obligation is to the community when it finds out that payments were made for work not done. She added that any candidate in the upcoming OHCA election should know about this issue and state how they would address it. Community members need to know about it now so they can take it into consideration in the election.

Sharon Merrick said that we need accountability even if we have to go to court. Bill Blakefield noted the opinion of the Board Attorney that pursuing a civil suit would probably cost OHCA more than it could recover. He stressed that the community needs to move forward, and this is soaking up the bandwidth of the board and is a distraction to moving forward. Winston Dunkley said he understood Mr. Blakefield's points but is still stuck on the issue of accountability.

Thao Tuc commented that she can see that everyone is very passionate about this, but community members just want to know what happened and put closure to it. Chair Craig said there are no easy answers and many possible paths forward. Jeanie Greenwell asked that the President communicate about this to the community in the near future. Chair Craig thanked Ms. Tuc and Ms. Greenwell for their activism and encouraged them to run for office in OHCA's upcoming September election.

### **Adjournment**

Chair Craig adjourned the meeting at 9:15 p.m. after hearing no objection to a motion to adjourn.

Minutes drafted by Board Secretary Nancy Plaxico.