

**OHCA Board of Directors
Minutes of monthly meeting Tuesday, March 21, 2023
Eastport Fire Station, 7-8:45 PM**

Board Members present:

- Winston Dunkley, Chairman of the Board
- Kathy Burk, President & Board Member
- David Ginsburg, Board Member
- Calvin Kidd, Board Member
- Joe Matta, Board Member
- John Maxwell, Board Member
- Benny McCottry, Board Member
- Dianna Zaring, Board Member

Board Secretary Nancy Plaxico was traveling and gave advance notice of her absence.

OHCA Officers and Committee Chairs Present:

- Patty Jenkins, Special Tax Treasurer
- Don Krause, Vice President
- Jody Tracey, Recording Secretary and Security Committee Chair

- Dan Craig, Chair of the RFP/Remediation Committee and Beach Committee
- Shawn Danoff, Chair, Finance Committee
- Barrett Hill, Chair, Piers & Harbors Committee and Social Committee
- Mike Wierzbicki, Chair, Roads and Drainage Committee

ProCom Community Managers present:

- Fran McDonnell
- Angela Ashe

About a dozen OHCA residents attended in person and via Zoom.

Call to Order

Chairman Winston Dunkley called the meeting to order at 7:01 pm, noted the presence of a quorum, and asked for a moment of silence.

Approval of Minutes for February 21, 2023 (draft minutes emailed to all Board members March 16)

Chairman Dunkley moved and Calvin Kidd seconded a motion to approve the minutes of the February 21, 2023, OHCA Board Meeting. ADOPTED BY VOICE VOTE, with David Ginsburg abstaining because he was not present at the February Board meeting.

Welcome to ProCom, OHCA's New Community Management Company

OHCA's Board Chairman and President joined in welcoming Oyster Harbor's new community managers Fran McDonnell (who has 13 years of experience with ProCom) and Angela Ashe (who will work with Fran on Oyster Harbor's management and community issues).

Financial Reports for February and OHCA's balance sheets for FY 2023

Special Tax Treasurer Patty Jenkins reported that OHCA had recently received a \$408,000 payment for FY 2023 from Anne Arundel County, which has been added to OHCA's Special Community Benefit District (SCBD) checking account at Truist Bank, bringing its balance to over ~\$600,000.

Given the recent failure of several banks and ongoing turmoil in financial markets, Patty expressed concern about putting so much of the community's money into a single bank account when the FDIC only insures up to \$250,000 per account. OHCA also has an SCBD checking account at First National with a balance of ~\$125,000, so she recommended moving ~\$100,000 there and opening a third bank account so all of OHCA's funds are covered by FDIC insurance and are earning more interest than they have in past years. Patty, Kathy Burk, and various committee chairs discussed possible investment options including interest-bearing checking accounts and instruments such as CDs, which are now yielding over four percent interest annually. Angela Ashe noted that ProCom has an established relationship with Morgan Stanley while Shawn Danoff recommended Fidelity. Mike Wierzbicki and others suggested that OHCA let its new community manager ProCom make a recommendation to the Board on how best OHCA should handle and invest the community's special tax district funds.

President's Report and Update on Transition to ProCom as OHCA's Property Management Company

Kathy reiterated that OHCA had received the bulk of its funds from the County for FY 2023 but that another \$45,000 check was expected sometime this summer.

County dumpsters are expected to arrive in Oyster Harbor April 3-5.

OHCA has re-enrolled in the County's summer mosquito spraying program; individual households may opt out of having their yards sprayed if they wish.

Kathy delivered OHCA's committee reports, asking committee chairs to chime in as needed:

Piers & Harbors (P&H): will be a top priority for ProCom, which will handle slip leases starting April 1.

- The P&H bank balance at PNC is \$3,400, which is low since P&H funds, not SCBD tax revenues, pay for social events and other expenses. Kathy and Barret recommended increasing P&H reserve funds, which has not been done in recent years.
- Barrett and Kathy proposed that OHCA increase slip fees \$1/foot/month (from \$2 to \$3) starting in May 2023.
- For calendar year 2023 (January through December), which overlaps Fiscal Year 2023 (July 2022-June 2023), Barrett recommended that the proposed \$1/foot/month increase be

applied May 1-December 31, arguing that the increase was revenue neutral for OHCA and cost neutral for slip holders.

- Slip holders and others will be asked for input so that the Board can vote on a new slip fee schedule for 2024 by November 2023.
- There was considerable debate about the proposed increase for OHCA slip fees from \$2 to \$3/foot/month, with people noting that OHCA's fees are significantly less than commercial marinas in Annapolis but more than neighboring communities such as Bay Ridge. David Ginsburg asked if unused slip fees would be refunded to slip holders (Barrett answered no) and asked if the Board would have to approve increased fees for 2024 (Kathy and Barrett said yes, underscoring the need to build up reserve funds in the Piers and Harbors account in the event of a natural disaster or other emergency). Patty and Shawn reiterated that P&H funds are also used to fund social events and other non-SCBD uses. Barrett said we needed at least \$8,000 in P&H reserves; Kathy noted that 15 years ago the reserve was \$70,000, which was probably too much. Joe Matta asked if OHCA could generate revenues by charging a nominal fee for canoe and kayak stickers (Barrett replied that it was under consideration). Mike Wiersbicki noted OHCA has about 40 rentable slips and the Board should adopt a policy for how P&H funds can be used, given limited annual P&H revenues.
- When the Board Chairman asked what the Board's P&H priorities should be, Kathy noted that insurance is not a panacea for natural disasters such as Hurricane Isabel and that OHCA had to spend SCBD money to clean up our community while it took Arundel on the Bay years to get FEMA and insurance companies to help pay for their damages. Board and audience members then discussed how OHCA should establish slip fees and spending priorities, with a resident emphasizing the need for collegiality. David Ginsburg suggested a zoom meeting so that slip holders could voice their recommendations; Kathy asserted it should be a general community meeting since slip fees and the waiting list involve all OHCA households, not just slip holders. Barrett stated that in the near future, the Piers and Harbors Committee would hold an open meeting of stake holders to discuss fees and general policy concerns.

Kathy Burk moved and Benny McCottry seconded a motion to temporarily increase slip fees \$1 from \$2 to \$3/foot/month for the period May 1 to December 2023 in order to preserve OHCA's P&H revenues: The motion failed on a tie vote 4-4 (Kathy, Bob, Calvin, and Benny voted yes; Joe, John, Dianna, and David voted no).

- Dredging: Kathy and Barrett noted that OHCA is working to find companies to help research and write dredging permits for the channel at Oyster Creek and OHCA's water access at the Fishing Creek Pier. OHCA has solicited three bids and received one response to date. Jody and Barrett advised the Board about OHCA's efforts to dredge the channel and the Coast Guard's plan to start dredging Fishing Creek in July 2023 (Jody reported that we are too late to piggy-back on the USCG effort).

Security: Kathy described OHCA's efforts to reestablish private security patrols in early 2023, saying the community has received three bids from reputable organizations and she is currently awaiting one additional bid from the County Police (Southern District) before making a recommendation.

- ICS, which patrols Heritage Harbor, has good references and has submitted a 33-week security proposal for \$30,000. Tactical Elite wants \$62,000, while the Maryland State Troopers are

asking \$41,000. Both Kathy and Barrett spoke favorably about ICS's qualifications and professionalism based on their personal interactions.

- Board members discussed whether the community wants patrols to be armed or not and whether they should have arrest powers (both involve additional costs).
- ProCom will make OHCA security a priority when it takes over community management on April 1 and hopes to have new patrols in place by May (with Board approval). Kathy noted that ProCom has public opinion survey capabilities and could poll OHCA residents about their preferences for new security patrols, especially during the summer. Joe Matta asked if OHCA could save money by joining forces with neighboring communities; Jody has already raised the question with AOTB, which is not interested at this point in working on security with OHCA.

Community Property: Kathy and Joe reviewed efforts to upgrade equipment at the two playgrounds (including a new basketball hoop at Fishing Creek and moving the mulch retaining wall around the swings so that children playing team sports do not trip as they run across the field) and the general need to improve community signage, beach security, and access to community facilities.

Roads: Kathy noted that the County's asphalt patch at Washington and Shore was failing and should be remedied in the near future. [Installation of a new County sewage line under Washington Drive is still planned for this Spring.] She has also asked the resident contractor who installed a non-compliant speed bump on Washington Drive to bring his work up to County Code so that OHCA does not have to pay another company to remedy the faulty work. The Board discussed the history of moving the old speed hump on Washington in order to alleviate flooding and who should pay for repairing the new speed bump, which does not meet County specifications and lacks necessary signage. Kathy asked for the Board's guidance on who should pay for getting the problem fixed and, as a general matter, whether OHCA should ask past contractors to remedy deficiencies in their work. Mike recommended that ProCom be charged with finding a solution; Angela said ProCom would be happy to handle the speed bump problem. Dianna asked why OHCA would use the same contractor to remedy the problem when the Board had agreed not to give that contractor any further work; Kathy reiterated that it was a matter of asking him to perform warranty work, which could save OHCA money. Kathy said fixing the non-compliant speed bump was urgent to avoid potential liability, per an Anne Arundel County engineer. Finally, Kathy and Calvin discussed three complaints for deficient swale and drainage work along Fishing Creek, Creek, and Shore Drives. Mike said he would handle them as chairman of the Roads Committee, and Kathy asked ProCom to include a damaged driveway on Creek Drive in its pending survey of community paving needs.

Beach: Kathy and Dan reported that port-a-potties have been delivered to the beach gate and Fishing Creek Park and that the beach would be cleaned just prior to the Sock Burning Party scheduled for Friday, March 24. Dan discussed the twice-weekly beach cleaning that would go into effect during the summer (beach raking and trash removal every Friday; trash removal Mondays). He also indicated that he would restring the sagging jellyfish nets and refloat the raft prior to the weekend.

Social: Barrett mentioned that the sock burning event would likely slip to Sunday, March 26, because of rain forecast for Friday the 24th. He said the Social Committee was also working on a beach opening party for early June and other events.

Update on OHCA's Wetland Remediation Project at the West End of Cross Road

Dan Craig advised the Board that as of March 21, OHCA was still waiting to proceed with the MDE-approved remediation plan to remove unauthorized landfill from the wetlands between Cross and Thomas Point Roads. The matter is currently pending with Stuart Anderson, the non-resident landowner whose property is included in MDE's violation notices. MDE gave Mr. Anderson until March 31 to develop an alternative plan that is acceptable to MDE if he decides not to grant OHCA access to his land in order to carry out the State-approved restoration work.

- On February 28, 2023, MDE denied in writing Mr. Anderson's request for a contested hearing on MDE's decision last October to approve the OHCA-Underwood & Associates remediation plan, noting that "There is no provision under Maryland law that would afford Mr. Anderson the right to a contested case hearing for the Department's approval of a restoration plan as a part of an ongoing enforcement action against OHCA to restore wetlands and remove unauthorized landfill between the west end of Cross Road and Thomas Point Road." MDE also reaffirmed that a wetland violation exists which must be remedied on all affected properties, including OHCA's Cross-Creek Right of Way, Mr. Anderson's undeveloped lot at 1209 Creek Drive, and 25 feet of the illegal trail/road bed on property owned by the Fishing Creek Farm Homeowners Association (FCFHOA).

Dan noted that on March 14, 2023, FCFHOA granted OHCA additional time to access FCFHOA land for the purpose of removing the unauthorized trail (until July 1, 2023). FCFHOA originally gave us permission on October 21, 2022, to finish the remediation work by December 31, 2022, but Mr. Anderson's delays and appeals prevented the project from starting on time last November.

To the best of our understanding, MDE's stance on remediation continues to be that all of the unauthorized landfill must be removed from Oyster Harbor's wetlands by April 30, 2023. Although it continues to endorse the OHCA-Underwood plan approved last fall, MDE may now be willing to separate the restoration work into two separate projects in order not to hold OHCA hostage indefinitely while Mr. Anderson continues to deny us access to his land.

Dan also noted that MDE is unlikely to let OHCA proceed with remediating FCFHOA's land until there is an agreement on how to restore Mr. Anderson's land because MDE doesn't want to "strand" the middle portion of the existing roadbed by remediating the wetlands on either side. Allowing remediation of OHCA, FCFHOA, and Mr. Anderson's land at different times would mean re-disturbing the wetlands near Cross and Thomas Point Roads in order to access Mr. Anderson's property in the middle—something which State and County regulators do not want to do.

At present, the RFP/Remediation Committee and Underwood & Associates agree that doing the entire project at one time is preferable, both in terms of cost effectiveness and minimizing disruptions to community property and local residents. We hope to have word in April from MDE on when and how best to proceed.

Update on the Special Audit of OHCA's Finances, FY 2016-FY 2022

Chairman Dunkley noted that the audit of OHCA's Special Community Benefit District tax funds and separate Piers & Harbors account [as requested by Anne Arundel County and ordered by the OHCA Board in February] was still pending, with a report from the auditors expected early this spring.

After a quick discussion between David Ginsburg and Patty Jenkins about why OHCA had paid MDE \$750 for dredging in FY 2022, there was no further old or new business to come before the meeting.

Adjournment: David Ginsburg offered a motion to adjourn; Dianna Zaring seconded. There was no discussion and the motion was approved by voice vote at 8:20 pm.

Minutes drafted by Acting Board Secretary Dan Craig and approved by OHCA Board at 4/18/23 Board Meeting