

OHCA Board of Directors
Minutes of monthly meeting Tuesday, April 18, 2023
Eastport Fire Station, 7:00 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
- Nancy Plaxico, Board Member

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
- 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 7:03 pm, noted the presence of a quorum, and asked for a moment of silence.

Approval of Minutes for March 21, 2023 Board Meeting

Chairman Dunkley noted that the draft minutes were sent to all Board members several weeks ago for review, and there were no requested changes to the minutes.

Nancy Plaxico moved and Chairman Dunkley seconded a motion to approve the minutes of the March 21, 2023 OHCA Board Meeting. ADOPTED BY VOICE VOTE.

Financial Reports for March and Fiscal Year-to-Date

Special Tax Treasurer Patty Jenkins recommended that, in order to earn higher interest, we move some of the OHCA funds into Certificates of Deposit with staggered terms at Morgan Stanley and the money market account at Truist Bank. She also recommended that we keep no more than \$250,000 at Truist Bank since that is the maximum amount insured by FDIC.

Nancy Plaxico moved and Chairman Dunkley seconded a motion to transfer all the OHCA funds at First National Bank and \$300,000 of the funds at Truist Bank into Certificates of Deposit with staggered terms (3 month, 6 month and 9 month) at Morgan Stanley, keep \$100,000 in the Truist checking account, and move \$150,000 into the Truist money market account. ADOPTED BY VOICE VOTE.

Patty will work with ProCom to move the funds per the approved motion.

President's Report

President Kathy Burk reported that ProCom assumed responsibility for OHCA finances and financial reporting on April 1. Claire Dillon will stay on as needed. ProCom is recommending auditors to conduct the annual OHCA audit, and is getting three proposals to do that audit.

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

Piers & Harbors (P&H): Effective April 1, ProCom assumed financial responsibility for P&H. There will be a P&H voucher approval process from here on, with President Kathy Burk, P&H Chair Barrett Hill, and Association Treasurer Drew Lawson approving all vouchers (approval of all three will be needed for any P&H voucher).

Slip agreements were sent out in March and slip fees are starting to come in. ProCom will be managing slip fees in the future.

Security: Some boats were broken into at Fishing Creek Marina and some things taken. There were two incidents, with three teenagers involved in one and one teenager in another. A Police Report was filed.

The Security Committee got four proposals to do security for OHCA, from ICS, Don Ross-State Troopers, Sgt. Hardesty-Anne Arundel County Police, and Tactical Elite. The committee prepared a handout (see Attachment A to the minutes) that compares the costs and other factors of the various proposals. Key considerations are whether the security guard should be armed or unarmed, whether there should be a marked patrol car, and what tracking system would be used and at what cost. The preference expressed at the Board meeting is for an unarmed security guard.

President Kathy Burk and Security Committee Chairs Jody Tracy and Peter Vail recommended that ICS be selected since their bid is the lowest cost, their tracking system is included at no additional cost, and they were reliable and responsive in the bidding process.

Joe Matta moved and Chairman Dunkley seconded a motion to approve ICS as the security provider for OHCA. ADOPTED BY VOICE VOTE.

President Burk thanked the Security Committee for all of its work.

Community Property: Joe Matta reported that we have two bids for new beach furniture (eight picnic tables and two beach chairs). The furniture will have a 15 year warranty and be made of polywood. The only needed maintenance will be powerwashing each year. Joe recommended the bid from Backyard Billy's in Grasonville. No further motion is needed from the Board since the cost of

the new beach furniture will be less than the amount authorized in the motion approved at the 2/21/23 Board meeting, which authorized spending “up to \$25,000 for new outdoor furniture for the beach.”

Roads and Drainage: ProCom is getting bids on needed repairs to asphalt and the speed bump on Washington Drive. Roads and Drainage Committee Chair Mike Wierzbicki is meeting with property owners who are having drainage issues. We will get bids on what needs to be done, and if the cost of a project is more than \$2500, ProCom will get three bids.

Beach: ProCom will work with the Beach Committee to get the ivy, vines and invasive plants that were starting to creep onto the beach removed.

Social: Social Committee Chair Barrett Hill reported that there was a great turnout for the Sock Burning in March and Easter Egg Hunt in April. The Beach Opening Party will be on June 3. Having a food truck at the beach worked well and the food truck wants to come back. An ice cream truck will be at the beach several days in coming months.

Transition to ProCom as OHCA’s Property Management Company

On April 10, Fran McDonnell from ProCom and President Burk spent three hours walking through the community and compiling a list of needed repairs in the community. That list was handed out at the Board meeting and is at Attachment B to these minutes. Fran asked what the priorities are about which projects should be addressed first, and the response was that those with safety or liability concerns should be prioritized. Nancy Plaxico suggested that Fran work with the committee chair each section of the list, and the two of them can prioritize the projects and ProCom can move forward with implementation, consulting with the committee chair as needed during implementation. If a project costs more than \$2500, ProCom will get three bids. President Burk noted that after the projects have been costed out, some may need to be brought back to the Board.

For derelict properties in the community, ProCom will draft letters to the owners, which will be signed by Chairman Dunkley. ProCom will also send letters to the owners of two boat trailers parked on the community property next to the channel.

Fran McDonnell and Angela Ashe from ProCom reported that ProCom will send Board members the Board meeting materials in the future and post them on the Oyster Harbor website. ProCom will send a letter to all Oyster Harbor property owners soon announcing that ProCom is the property management company for OHCA.

The community can use the ProCom web portal at no additional cost, and there was discussion about whether we should keep the Oyster Harbor website as well as use the ProCom portal. ProCom agreed to demo the ProCom portal at the Board and Community meetings in May.

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

RFP/Remediation Committee Chair Dan Craig reported that OHCA has still not received the go-ahead from the Maryland Department of Environment (MDE) to proceed with the remediation.

Mr. Craig handed out a Violation Notice that MDE issued to Stewart Anderson on 3/29/23, which is based on an inspection MDE made of Mr. Anderson’s property at 1209 Creek Drive on that date. Mr.

Anderson and his representative Joseph Louis accompanied MDE on that site inspection. The Violation Notice (which is included as Attachment C to these minutes) states that:

“Inspection of the site was made today in response to a statement by Mr. Louis (during a virtual meeting with MDE on 3/28/23) that work was conducted in nontidal wetlands without authorization approx. the week of March 20 - 26, 2023...During today’s inspection, Mr. Anderson stated that he removed the unauthorized fill that creates a path through nontidal wetlands on his property in 3 locations ‘last week’ (approx. between March 20 and March 26, 2023)...The work within nontidal wetlands, regulated buffer and stream was conducted without first obtaining an authorization....A restoration plan was not submitted to MDE for review and approval before the aforementioned work in nontidal wetlands, regulated buffer, and stream was conducted; despite the fact that the property owner and his consultant, Joseph Louis, had already been told multiple times verbally and in writing that a restoration plan, approved by MDE, was required before any work could take place in the wetland, the regulated buffer, or the stream, and that any restoration must include the complete removal of the unauthorized trail/fill. **The following violation of Environment Article Title 5 by property owner Stewart Anderson was observed this day with corrections needed immediately:** Unauthorized work within nontidal wetlands and regulated buffer...STATE LAW PROVIDES PENALTIES FOR VIOLATIONS OF MARYLAND ENVIRONMENT ARTICLE TITLE 5 FOR EACH DAY THE VIOLATION CONTINUES. THE MARYLAND DEPARTMENT OF THE ENVIRONMENT MAY SEEK PENALTIES FOR THE AFOREMENTIONED VIOLATIONS OF TITLE 5 ON THIS SITE FOR EACH DAY THE VIOLATION CONTINUES...”

Mr. Craig also handed out a Violation Notice MDE issued on 3/29/23 to OHCA and Anthony Fox, resident at 1215 Cross Road, which was based on a site inspection MDE made on that date with Mr. Fox, Mr. Anderson and Mr. Louis. The Violation Notice (which is included as Attachment D to these minutes) states that:

“Mr. Fox suggested that he remove all the fill that he added and bring the site into pre-construction condition...The following violation of Environmental Article Title 5, by the property owner Oyster Harbor Citizen Association and the contractor Anthony Fox continues on site with corrections needed immediately: Placing an unauthorized fill, consisting of mulch, broken concrete, gravel and wooded boards, into non-tidal wetlands and regulated buffer. BEFORE APRIL 29, 2023, SUBMIT A RESTORATION PLAN TO MDE FOR REVIEW AND APPROVAL. THE PLAN SHOULD ADDRESS THE REMOVAL OF THE ENIRE UNAUTHORIZED FILL/TRAIL (APPROX. 300 FEET LONG) FROM NONTIDAL WETLANDS, THE REGULATED BUFFER, AND THE STREAM. PRIOR TO ANY WORK, WRITTEN PERMISSSION TO CONDUCT THE WORK SHOULD BE OBTAINED FROM ALL PROPERTY OWNERS IMPACTED BY THE WORK. ONCE APPROVED BY MDE THE PLAN SHOULD BE IMPLEMENTED ON SITE.”

Mr. Craig reiterated that OHCA’s remediation plan was approved by MDE in December and we have been awaiting the go-ahead from MDE to proceed with the remediation. Since Mr. Anderson has not given OHCA permission to conduct remediation on his property, OHCA has asked MDE to allow OHCA to proceed with the remediation on OHCA property.

Without being recognized by the Chair, an audience member repeatedly interrupted Mr. Craig as he gave his report. As with all meetings, comments given without recognition by the Chair are not included in the minutes.

Dave Ginsburg asked if we are opposing a property owner wishing to perform the remediation on his own property. Mr. Craig responded that OHCA is not opposed to Mr. Anderson remediating his own property, and approval of any such remediation is up to MDE.

Chairman Dunkley moved that discussion be tabled until the next Board meeting when the OHCA attorney can be present.

There was no second to the motion and the motion was dropped.

Mr. Ginsburg asked questions about the cost of the OHCA attorney, and asked that the billing statements from the OHCA attorney be shared with the community. Chairman Dunkley said he would look into that and get back to Mr. Ginsburg by May 23 when there is a community meeting.

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

Chairman Dunkley reported that the audit of OHCA's Special Community Benefit District account and Piers & Harbors account for the years FY 2016-FY2022 [as requested by Anne Arundel County and ordered by the OHCA Board in February] is still underway, and the audit firm has requested additional information.

Other Old Business

There was no further Old Business.

New Business

It was asked if we could resume giving a Welcome Packet to new property owners in the community. ProCom responded that they will give a Welcome Packet to all new property owners they are aware of, but since OHCA is a Special Community Benefit District and not a homeowners association, OHCA does not get notified when a property in the community is sold. The only way we know about new property owners is through word-of-mouth.

John Kerster reported that he is putting together a proposal for cameras in the community, which would improve camera placement and upgrade the system. Security Chairs Jody Tracey and Peter Vail are working on that proposal with John, and they will make a presentation at the May Board meeting. Both Jody and Peter noted that we need to get community input before proceeding with any camera plan. It was noted that there is only one camera in the community now, which is at Fishing Creek, and Piers & Harbors Chair Barrett Hill has access to that.

Adjournment

Since there was no further business,

**Chairman Dunkley moved and Dave Ginsburg seconded a motion that the meeting be adjourned.
ADOPTED BY VOICE VOTE.**

The meeting was adjourned at 8:51 p.m.

Minutes drafted by Board Secretary Nancy Plaxico and approved by OHCA Board at May 16, 2023 Board meeting

Attachment A

Security Proposals Summary



OH Security.pdf

Attachment B

April 10, 2023 ProCom Community Walk-Through with OHCA Board President

Beach - Shore Drive:

- Ramp at gate needs replacement
- Paint gate & flag pole
- Power wash all benches & standing table
- Replace trash can lid
- Power wash, repair slats & paint gazebo next to flag pole
- Make decision about what to do with the band stand
- Replace ropes near shore drive pier
- Fill in underneath the pier
- Replace large sign at pier and at the gate
- Replace broken slides
- Remove broken fence by the utility box and replace by the water
- Paint sign by the trash cans (maybe relocate?)
- Repair slats/pickets along Shore Dr (there are about 4 that are bent)
- Confirm water tank is full and functioning
- Clear out weeds at the north end of the beach
- Replace long lost life ring at fishing pier

Boat Ramp:

- Replace entry sign
- Replace the ramp gate and put a lock on it
- Replace the life ring at the end of ramp pier
- Power wash ladders on ramp pier
- Paint arrow on boat ramp & yellow stripes
- Replace rope and wood posts at boat ramp
- Replace no parking sign across from boat ramp
- Landscape along Willson fence and in swale/remove weeds
- Old faded signs

Pier at Booker & Washington:

- Power wash bench
- Paint flag pole
- Remove sign post near flag pole

Harbor Road Playground:

- Replace basketball court sign
- Add skate at your own risk sign
- Look into seeing if the skate ramp is included in the liability insurance.
- Make the sign straight at Creek Drive & Harbor
- Replace faded signs
- Right leaning street signs
- Remove or replace faded crime watch signs

Fishing Creek Park:

- Replace dog and kayak wash sign
- Power wash bench and chairs
- Power wash ladder and bench on pier & sign at entrance
- Three new life rings
- Bow flex equipment left by homeowner (should this be kept – if so need sign to use at your own risk).
- Two addresses to report to county: 1405 Ellis Road; 3342 Arundel on the Bay (in need of repairs/vacant)
- Add a dog station at Washington & Booker
- Right leaning road sign
- Replace or power wash FC Park sign at entrance
- Replace faded dog wash sign

Two derelict properties: are they violation any county zoning ordinances? Can we send a letter to the owners?

Arundel on the Bay

Ellis

Attachment C

3/29/24 MDE Violation Notice to Stewart Anderson



MDE new violation notice for Stewart Anderson, 1209 Creek, 3-29-23 (1).pdf

Attachment D

3/29/24 MDE Violation Notice to Anthony Fox and OHCA



MDE violation notice (OHCA), follow-up meeting with Fox, Anderson, and Louis 3-29-23 (1).pdf