

White's Creek Marina Condominium Association

155 Naomi Drive
Ocean View, DE 19970



2023 ANNUAL MEETING MINUTES

Date & Time: *Saturday, March 25, 2023 - 10:00 AM*

Location: *Millville Fire Company Meeting Room, 35554 Atlantic Ave., Millville, DE 19967*

Call to Order: Acting President/Vice President Paul Lubold called the meeting to order at 10:15 AM and stated that with the 22 proxy votes received by the meeting, and those in attendance, the Quorum of at least 88 members had been met. Paul introduced Board Members David Gormley, Treasurer, and Kathy Sutphin, Secretary. He also announced that the meeting was being recorded to help with meeting notes. *(For the record: a January 23, 2023 mailing to all slip owners in preparation for the annual meeting included a cover letter with the 2022 Annual Meeting Minutes, the 2022-2023 Financial Report and 2023-2024 Estimated Budget, a Required Renter Information Form, a WCM Ballot/Proxy Voting Form with opportunities to nominate additional candidates, 2023 Marina Boating Season Invoice, and the 2023 annual meeting agenda. Follow-up emails to slip owners with the same annual meeting information were sent as well as a subsequent email reminder of the meeting.)*

The following persons were recognized for their support of White's Creek Marina over the past year:

- Robert Naylor - Former WCMB President for his service and for the FlagPole Donation
- Flag Pole Volunteers: Gary Cicchini, John Stapleton, & Rose Walker
- Harbor Road Gardeners: Herb & Jeanne Speck
- Former Board Members: Tom Burns, Karen Pennypacker
- Marina Volunteer Work: Larry Pennypacker, Bill Anderson, Bryan Staley and John Bailey
- Paul Henkel for his help in reviewing and guiding the marina reconstruction contract components.
- WCM Sign and Garden Work: Kathy and Stan Sutphin

Treasurer's Report: David Gormley greeted attendees and reported that, to date, 94 members had submitted their dues, noting that the required boat, trailer, etc. stickers would be mailed or distributed when the owners submitted their required, up-to-date proof of insurance with at least \$300,000 minimum liability coverage. He noted that boat stickers should be placed on the port (left) side of the bow and placed under the line of any covers, making them easily visible during marina inspections. He reminded slip owners that insurance regulations mandate that boats cannot be refueled in the marina harbor because of the fire hazard. David noted that insurance was the marina's greatest expense, adding that we wanted to stay in compliance and possibly shop around to ensure that White's Creek Marina was getting the best coverage at the best price.

David reported that the current regular checking account had a balance of \$42,116 and the Capital Improvement account had a balance of \$240,430. He added that the WCM CD, which had been earning 0.3% in interest, was changed in January to a one-year CD with 3.4% return and had a current value of \$32,612.08. A motion to accept the 2022-2023 financial report was made by Joe DeAngelis and seconded by Stan Sutphin, was passed by attendees. A motion to accept the 2023-2024 budget by Steve Tindall with a second by Don Shoute was passed by the attendees.

Secretary's Report: Kathy Sutphin greeted attendees and explained that she would be busy during the annual meeting taking minutes. She asked if anyone had suggestions for revisions to the 2022 Annual Meeting Minutes and no one responded. A motion to accept the meeting minutes from last year by Robert Hall with a second by Don Shoute was passed by the attendees.

Guest Speaker: Paul Lubold introduced Petty Officer Nathan Greene, who had served from the United States Coast Guard (USCG) for the past 17 ½ years. Nate noted that he would soon be deployed to the Middle East, and explained that the USCG is a branch of the federal military that can board and search any vessel without probable cause. Nate shared the following carriage requirements for motorized boats less than 26 ft. that USCG officers expect to see when they board a vessel:

- **Life Jackets:** One USCG-approved life jacket for each person on a vessel with appropriately sized, USCG-approved personal flotation devices for each individual under 13 years of age,
- **Square Throwable:** A throwable flotation device (USCG-approved Type IV) within arm's reach of the boat operator,
- **Fire Safety:** An accessible, USCG-approved marine-type fire extinguisher,
- **Sound Signaling:** A sound-signaling device for emergency use. A whistle is acceptable but it must work without a pea,
- **Visual Signaling:** For vessels that go out of the inlet into open water, USCG-approved day/night flares to use for visual signaling in an emergency. (He noted that LED/electronic visual distress signals are acceptable for nighttime use only if there is also a USCG-approved distress flag onboard for daytime use), and
- **Kill Switch:** Engine cutoff switch worn by the operator when the boat is in motion (engines >3 hp).

In closing, Nate said that the best way to contact the USCG in a life threatening situation was to call 911 with a cell phone (Sussex County Emergency Center) or #16 (Mayday) via VHF radio. Nate reminded boat operators to regularly check that their day/night flares and/or onboard fire extinguishers had not passed their expiration dates. He added that USCG Auxiliary members do free vessel safety inspections to help boaters prepare for possible USCG inspections. Nate, a local resident, received a hearty applause of appreciation from attendees.

Paul Lubold, as a follow-up to Nathan Greene's presentation, noted that Ralph Carotenuto, a USCG Auxiliary member, will visit White's Creek Marina on Sunday, June 4, from 9 AM to 12 noon to do 15-minute vessel safety inspections. (Nate cautioned that proof USCG Auxiliary inspection has no legal weight.) He encouraged attendees to use the sign-up sheet on the front table to schedule an appointment before leaving the meeting. Paul added that, if there was interest, the WCMB will try to secure an additional inspection day. Paul, using a detailed PowerPoint presentation, conducted the remaining portion of the meeting and covered the following topics.

Old Business:

- 2021-2022 Reconstruction of Pier/Dock B was completed and provided a foundation of things to do, to change, and to avoid while completing the reconstruction of Pier/Dock C, the Promenade, and Pier/Dock D.
- The marina ramp fee was raised from \$75 to \$100 beginning with the 2022 boating season. (It was noted during the meeting that the ramp sign on the gate needed to be updated and revised, for liability reasons, that the ramp was for the use of White's Creek Marina slip owners and persons with WCM season stickers. In 2022, 7 persons applied for ramp permits.
- White's Creek Marina Board (WCMB) President Robert Naylor donated and dedicated a flag pole at the Harbor Road entrance to the marina.
- Herb and Jeanne Speck refurbished the Harbor Road marina garden using plants native to the area.

- Security cameras, which record locally, were installed on two sheds at the marina due to several incidents of theft.
- WCMB Vice President Paul Lubold became the Acting President after Robert Naylor resigned due to health issues.
- Several of the ice eaters, which are submersible motors with propellers that are used to prevent marina waters from freezing during the winter months, were rebuilt at the cost of \$6,661.00. They do not need to be refurbished this year but they will need to be taken out and power washed before being stored.

Acting President/VP's Report:

The search for Marina Reconstruction Contractors yielded the following:

- 12 vendors were solicited for the remaining Marina reconstruction,
- 3 of these 12 vendors responded the job was too big (no long reach),
- 2 of the remaining 9 vendors could not engage for 2 years,
- 1 of the remaining 7 vendors could only do the promenade,
- 3 of the remaining 6 vendors never called back,
- Three vendors from the original 12 responded with actual bids,
- Droney Marine Construction was selected as the primary contractor because of the quality of his work and his reputation in the Ocean View area,
- As part of the agreement with Droney Marine Construction, a level of tolerance was addressed in regard to pylons; Pier C and D will be raised up to promenade height; Pylon caps, which are included in the quoted price, will be installed by the contractor; and the installation of the rub rails will be the responsibility of the marina;
- Ocean View Plumbing was established as the official White's Creek Marina Plumbing Contractor and will do all plumbing work related to the reconstruction and the marina,
- Lambent Electric was established as the official White's Creek Marina Electrical Contractor and will do all electrical work related to the reconstruction and the marina,
- Boat lifts on Pier/Dock C and D will no longer be required to be wired back the electrical box Per Lambent Electric,
- A flat fee of \$250 per boat lift, which was negotiated with Lambert Electric for the rewiring of lifts after the Pier/Dock C reconstruction (boat owners with slips will need to sign a reconnection agreement),
- A Professional Services Agreement was drafted and used for the primary reconstruction contract thanks to an attorney's pro bono support of the marina, and
- Confirmation that the marina reconstruction permit issued by DNREC is valid until November 15, 2024.

Additionally, Paul Lubold reported that the marina security cameras continue to be up and running with the WCMB members working toward a live feed/website in the future. He added that marina maintenance is a continuing challenge, especially with Pier/Dock D. Loose boards and electricity will continue to be a problem on Dock D until its reconstruction is completed in 2024. He reminded Dock D slip owners to plan to remove pulleys, ropes, hoses, etc., at the end of the 2023 boating season. Paul asked slip owners to let WCMB know about loose boards or any other maintenance issues.

Paul made the following ongoing reminders:

- Safety is paramount as marine insurance is a major marina expense that will continue to increase,
- Boat owners must properly secure their boats,
- Slip owners must keep their contact information up-to-date with the WCMB,
- Slip owners who rent their slips are responsible for keeping their renters informed and for completing the new Required Renter Information Form,

- Slip owners with lifts must remember to attach a line (rope) to their boats to avoid float aways,
- No marina foot traffic during the reconstruction,
- No servicing of boats or transferring fuel or oil in the marina,
- No fishing from WCM Docks, Piers, or Promenades,
- WCM stickers must be placed on the port (left) side,
- There is a \$5 fee for each lost WCM sticker,
- Inform the WCMB of all slip sales, for settlement purposes, as early as possible.
- Proof of the minimal required personal vessel insurance must be up-to-date and submitted to the WCMB,
- Please Volunteer to Help Keep Costs Down! From Board Officers to gardeners to bumper installers, there is a need for White's Creek Marina volunteers! Paul added that the WCMB was grateful that Joe Hyde had volunteered to return.

New Business:

Paul Lubold reported on the status of the Pier/Dock C and Promenade Reconstruction and related issues. The slide presentation included several recent photos of the promenade reconstruction. Paul explained that during the first week of work, the contractor had uncovered rotting wood and problems requiring the unplanned replacement of failing tie back rods (deadmen) and some pylons - specifically on the promenade area between Docks C and D. It is essential to fix these items now while it is open or it will cost much more later. He showed attendees one of several worn and rusted deadmen, some of which had snapped during the work causing a wave of water that moved through the entire marina. Clark Droney of Droney Marine Construction, who was available to respond to questions about the marina reconstruction, explained the use of the deadmen, manta rays, MR1 anchors, etc. in the promenade reconstruction. When asked about a warranty on workmanship, Clark said there were warranties on some of the materials, such as the vinyl sheeting, which will last much longer than the wooden sheeting. He added that it was important to use the correct type and size of materials. Clark added he did not put a warranty on his workmanship as any problems typically were caused by storms or other acts of God.

Paul explained that Pier D is planned to be completed next year before the DNREC permit expires on Nov. 15, 2024. He explained that there would be about \$60,000 left from the current year's project to apply toward the total Pier/Dock D construction cost of \$363,012. This total amount includes the Pier D construction at \$273,400, electrical work at \$40,562, plumbing work at \$14,050, and a 13% uplift potential of \$35,000 less the \$13,000 for the deadmen replacement. Therefore, the remaining project balance will be about \$303,000, which must be paid from special assessments. Paul explained that he and David Gormley visited County Bank, Millville to confirm that the marina condominium association could borrow funds needed to complete the reconstruction and a 7½ to 8% interest rate quoted at that time, costing about \$11,000 in interest.

Paul presented two options to attendees to fully complete the White's Creek Marina reconstruction before the DNREC permit expiration date. Option 1 was to raise the needed funds through one special assessment of \$2,200 in Fall 2023 for each slip in the marina without borrowing funds from the bank. Option 2 was to borrow any needed money from the bank and require two special assessments per slip: \$1,100 due this fall, and another \$1,100 due about 8 months later in 2024. He added that the WCMB goal was to ask for only the money that was needed; any remaining funds will be used to address marina issues, such as the condition of the ramp. The special assessment options were discussed at length, with some suggestions on possible ways to stage the payments, which would be challenging for Board members to manage and ensure adequate funds to order the Dock D materials when needed. One slip owner commented that the owners should consider planning a capital improvement fund to plan for the future and support the next needed marina

reconstruction to avoid problems like this. Another pointed out that there had been a total of \$7,000 in special assessments in the past 6 or 7 years. Paul noted that these conversations were never easy but noted that the special assessments were an investment and the value of the marina slips had increased considerably. Someone else asked if this would be it. "I will never say never," said Paul, "but we should be done for a really long time."

Additional discussion focused on the hazardous rusted steel boat lift pilings remaining in about 12 slips. Paul noted that these steel pilings were slip owner issues, not marina issues, and noted that one slip owner had used a marine welder to successfully remove them. Clark Droney explained that the epoxy-coated steel pilings, which were very difficult to remove, were promoted by the previous marina owner and had been a trend 40 years ago but time had proved them to be problematic.

Emerson Wells voiced the need to have a good directory of correct contact information for each slip owner in the event of emergencies, such as the Fall 2022 Nor'easter (after Hurricane Ian) that caused flooding in the marina. A motion to create a digital marina directory of basic slip owner contact information, specifically the slip owner name, boat slip number, email addresses and phone numbers (not physical addresses), was made by Joe DeAngelis and seconded by Steven Finlayson. Paul Lubold noted that the directory would not include renter information because renter information can change on a yearly basis and slip owners are ultimately responsible for contacting their renters. The motion passed unanimously.

Recognizing the need to adjourn, the discussion returned to the marina reconstruction and the need for attendees to vote an option for financing the balance of the reconstruction. A motion to adopt Option 1, the single \$2,200 special assessment per slip to be paid by December 15, 2023 to complete the marina and Dock D reconstruction, was made by Steve Finlayson and seconded by Cliff Higgs. The motion to adopt Option 1 was passed unanimously by all attendees. Paul explained that a notice and bill for the special assessment would be sent in a postal mail to all slip owners. Additionally, a special assessment will be sent just to the Dock C slip owners with boat lifts to pay the \$250 negotiated electrical reconnection fee.

Meeting Adjourned: A motion to adjourn the 2023 Annual Meeting was made by Joe DeAngelis, seconded, and passed unanimously at approximately 11:55 AM. David Gormley with some help from Kathy Sutphin accepted annual due payments and distributed WCM stickers to the slip owners who paid their dues and provided the required insurance documentation. A few slip owners also chose to pay the \$2,200 special assessments.