



RBYCCPOA Meeting – April 21, 2021

This meeting of RBYCC POA Board was held as a Gotomeeting session because of the restrictions from the State of Delaware limiting meetings. Thanks to Samantha Setzer for arranging the “GoToMeeting” session for this online meeting.

Board members John Cikota, President; Andy Staton, Vice President; Howard Cyr, Secretary; James Mease, Treasurer; Eddie Engles, John Bator; Doreen DiLorenzo, Mark Lane and Will Freshwater. Samantha Setzer of Seascapes also participated in this meeting.

Call to Order

The meeting was called to order at 6:10 pm

Approval of Minutes of the October 22, 2020 Online Meeting

Minutes for the meeting of October 22, 2020 were approved.

Approval of Minutes of the February 10, 2021 Online Meeting

Minutes for the meeting of February 10, 2021 were approved.

Covenant Committee Report

Eddie Engles led the discussion. The Board approved a motion having the opportunity to amend our covenants annually and to have 50% of the homeowners needed to pass amended covenants.

The Board approved a motion to go ahead with the proposed covenants as drafted by Bonnie Benson.

- Earlier this year, we (Eddie Engles, John Cikota and Will Freshwater) met with our attorney, Bonnie Benson, and explained our intentions as a board surrounding the modification of our covenants. That explanation was in line with our agreed to, and communicated strategy – in 2021 we would need to pass and amendment to the “C” covenants changing both the calculation (land size) and time period (currently 10 years) by which we could modify the covenants. In 2025, we would need to do the same with the “S”/”Kingbridge” section with the goal of by taking both actions, we would both align timing of both sections.
- Bonnie understood our request and in late March, returned the draft resolution, which will need to be signed/completed by a majority of homeowners (calculated by land size) and enacted during the 6 month window which begins in June of 2021.
- The attached above is the output of that effort from Bonnie and reflects two changes:
 - Moving the calculation from land to one lot, one vote
 - Moving to an annual period (this I see as a discussion topic for the board tomorrow night – aligning a 2021 and 2025 cycle could take us on a path of doing it odd years or every year – I don’t have an opinion other than to say this is not something we would do every year, but should reserve the right to put something like this in front of the community when we need to)
- Our next steps are as follows:
 - Finalize the attached document (including agreeing to the period we want to align on) – two options I see are every year, or every other year. I can argue both. (April 2021)
 - Finalize with Bonnie the mechanism that we need to execute this with (paper, paper w/ notary, electronic/docuSign) (May 2021)
 - Prepare a communication to the community ahead of the annual meeting that outlines both the ongoing strategy, intent, document, and instructions. (early June 2021)
 - Give update to community during the annual meeting (June 2021)
 - Solicit and engage “street volunteers” to get the documents collected. (During Annual Meeting – June 2021)
 - Distribute the documents to the community at the start of the period. (July 2021)

- Collect the documents (as needed/required) and ensure 60-70%+ in favor to have overwhelming majority – as expected. (July – August 2021)
- Have Bonnie file documents on our behalf (September 2021)

Treasurers Report

As of April 19, 2021 we have:

- \$55,986.18 in Checking
- \$29,115.74 in Reserve
- \$ 7,386.00 in Bond

The year to date ARC Transaction Report, the Bond Report, Balance Sheet, Budget vs Actual and Delinquency Report as of April 19 were provided to Board members by e-mail on April 19 in advance of the meeting.

We have 18 members in arrears for 2021 HOA dues which represents 6.5% of the community representing a total of \$4,074.25. This total includes one member owing \$859.25 who is currently in bankruptcy and will remain in arrears for the foreseeable future. A lien on this property has been filed. It also includes three members who owe \$60.00 each for past notices of lateness.

E-mail notices of delinquency were sent to all HOA members in arrears for 2021 on Feb 15, Mar 18, and Apr 11. Going forward the board decided these members should receive a letter notifying rather than e-mail notices until paid. Continued delinquency will result in a lien being placed on these properties.

All accounts are in good standing as of April 19.

Board Members were asked to provide any special budget needs they may have to the Treasurer for inclusion in advance of the proposed 2022 budget being prepared and presented for approval at the next Board meeting on May 19.

Once approved by the Board the 2022 budget will be presented to the community during the annual meeting in June 26 for final approval.

At our next meeting on Wednesday, May 19th we will go over the 2021 budget proposal.

Foxx Electric has not responded about dimming the lights on entrance report.

Management Report

We need to get back signed contract from Landscaping Company. We will ask Minni Landscaping to check the approximately 20 catch basins (20) once a month.

President's Report

John reported that the flooding issue regarding the Brogan property has been resolved.

Committee Reports

- **Building Approval Committee**

Mark Lane reported on construction of two new homes. 1 Kingbridge and corner of Kingsbridge and Buckingham.

Mark proposed a motion that work hours be set at 7:30 am to 6:30 pm 8:30 Monday through Friday and 7:30 am to 5:00 pm on Saturday. No work permitted on Sunday. The Board approved the motion.

- **Common Area Oversight Committee**

Revisited the issue of mowing along Country Club highway behind 2 and 4 Sheffield Road. The grass will be mowed. Mowing was already part of the contract with Minni Landscaping.

New Business and Board Suggestions

- Financial Planning, Communication, Use of Technology

John Bator has put together suggestions on technology. Better tools than emails. Got 1400 emails. Slack is better. John is term limited.

- May 19, 6 pm Meeting to Approve 2022 Budget and Prepare for Annual Meeting

Motion was approved to have our annual meeting on June 26 at 10 am. This will be an online meeting.

Respectfully submitted,

W. Howard Cyr
Secretary, RBYCC POA

RBYCC POA is managed by:



ATTACHMENTS

Should these be included?

Covenant Committee Report - April 2021 – Eddie Engles

Here is my report in advance of the meeting so that folks can understand and digest.

- Earlier this year, we (Eddie Engles, John Cikota and Will Freshwater) met with our attorney, Bonnie Benson, and explained our intentions as a board surrounding the modification of our covenants. That explanation was in line with our agreed to, and communicated strategy – in 2021 we would need to pass an amendment to the “C” covenants changing both the calculation (land size) and time period (currently 10 years) by which we could modify the covenants. In 2025, we would need to do the same with the “S”/”Kingbridge” section with the goal of by taking both actions, we would both align timing of both sections.
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○

ATTACHMENT from Bonnie Benson

Sussex County Tax Parcel Nos.:
See Exhibit "A" attached

Prepared By and Return to:
Bonnie M. Benson, P.A.
33718B Wescoats Road
Lewes, DE 19958

AMENDMENT TO DECLARATION OF RESTRICTIONS
APPLICABLE TO CERTAIN LOTS CONTAINED IN
REHOBOTH BEACH YACHT AND COUNTRY CLUB

—

THIS AMENDMENT made this ____ day of _____, 2021 by Rehoboth Beach Yacht & Country Club Property Owners Association, a Delaware non-stock corporation, (the "Association").

WITNESSETH:

WHEREAS, the Association was created February 24, 1992;

WHEREAS, the Association, by this Amendment to the Declaration of Restrictions (the "Amendment"), intends to amend the restrictive covenants (collectively, the "Restrictions") as they apply to the lots identified on Exhibit "A" attached hereto, ("Lots"), as set forth in the following deeds:

(1) That certain Deed from Wendy Cabbage Straub, et al., to Great South Beach Improvement Co., dated February 19, 1975 and recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware in Deed Book 724, Page 215; and

(2) That certain Deed from Great South Beach Improvement Co. to Margarete C. Jones, dated December 17, 1981 and recorded in the aforesaid Office of the Recorder and Deeds in Deed Book 1096, Page 101.

WHEREAS, the Restrictions contain various conditions, covenants, agreements, easements, reservations, restrictions and charges, (collectively, the "Restrictions") applicable to the Lots:

WHEREAS, pursuant to Article G (Organization and Operation of Property Owners Association) of the Restrictions, after more than fifty percent (50%) of the aforementioned lots were

sold to individual purchasers, all privileges, rights, powers, duties and authority of Great South Beach Improvement Co. vested in the Association; and

WHEREAS, under Article F (Modifications of Restrictions) of the Restrictions (“Article F”), the Association, by and with the written agreement executed by the then record owners of more than fifty percent (50%) in area of all the lands conveyed by Great South Beach Improvement Co., can amend, modify or alter the Restrictions; and

WHEREAS, the Association desires to amend the Restrictions in order to revise the voting formula for amending the Restrictions and obligations set forth therein; and

WHEREAS, under Article F, an amendment of the Restrictions may be effectuated only within six months prior to the expiration of any successive ten-year period after December 17, 1991, in this case between June 17, 2021 and December 17, 2021(the “Amendment Period”); and

WHEREAS, the Association desires amend the manner in which amendments to the Restrictions are approved in the future to a one vote per lot formula as hereinafter set forth; and

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: The Association hereby amends said Restrictions as follows, to wit:

The fourth paragraph of Article F shall be amended to read as follows:

“Any or all of the conditions, covenants, agreements, reservations, restrictions and charges, created and established hereunder may be waived, abandoned, terminated, modified, altered, changes or added to, as to any lands conveyed which are subject to the Restrictions with the consent of a majority of the lot owners, with each lot having one vote. No such changes shall become effective until an instrument of writing setting forth such changes in detail, and certified by the Association, that such changes have been approved by a majority of the lot owners, and such instrument is recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware.”

The sixth paragraph of Article F shall be amending to read as follows:

“All Restrictions shall continue in force unless, within the six months prior to the 31st day of December of each consecutive year hereafter a written instrument, certified by the Association, verifying that a change or modification to the Restrictions has been approved by a majority of the lot owners, in the manner provided for in Article F, as amended, and such written instrument is recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware.”

3. Except as specifically amended by paragraphs 1 and 2, all other provisions of said Restrictions shall remain in full force and effect.

4. This Amendment shall be interpreted in accordance with Delaware law.

5. This Amendment to the Restrictions shall run with, burden and bind the Property, their respective owners and their heirs, successors and assigns.

IN WITNESS WHEREOF, the Association has caused this Amendment to be duly executed this _____ day of _____, 2021.

Rehoboth Beach Yacht & Country Club
Property Owners Association

Witness

By: _____ (Seal)
President

STATE OF DELAWARE :
 :SS
COUNTY OF SUSSEX :

BE IT REMEMBERED that on this ____ day of _____, 2021, personally appeared before me, a subscriber, a Notary Public for the State and County aforesaid, _____, President of Rehoboth Beach Yacht & Country Club Property Association, a Delaware corporation, known personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of said corporation as authorized by its Board of Directors and the requisite percentage of its members.

SWORN TO AND SUBSCRIBED before me on the day and year aforesaid.

Notary Public
My Commission Expires: _____

EXHIBIT "A"

Lots