

Newbold Board Meeting
March 27, 2025 at 7:00pm

Participants

Board Members:

President Bruce Williams
Secretary Kevin Gilchrest
Treasurer Peter Bromley
Grounds Lead Jose Figueroa
Deputy Treasurer Jonathan Midura
Landscape Committee Liaison Chris Spanos

Property Manager

Marie Beck

Owners

Frank Salatel, Ken Terzian, Barbara and Joe Gyomory, Kathy Bromley

Motion(s)

1. The board unanimously approved draft meeting minutes for February 20, 2025
2. The board unanimously approved renovation work (update) for unit 31 to include updating the electrical circuit panel for a 240v circuit to pass through a drilled hole in the fireplace for an electric heater.
3. The board unanimously approved to contract Bella Terra to obtain the permit required and to perform the work to remove two dead trees and plant two replacement trees.
4. The board unanimously approved for unit 18 to replace their HVAC unit.
5. The board unanimously approved to contact an attorney regarding the matter of the hearing before the Board of Adjustments on April 28th, for the owners of 1001 Scarborough Ave ext., who have appealed the decision by the city to deny their request to subdivide their lot.

Discussion

The board unanimously approved the draft minutes from February 20th.

Bruce: Kathy, do you want to explain briefly the renovations and the additional details?

Kathy: When I read the minutes I realized that Peter didn't give a full presentation of what it is that we are requesting. What you gave approval for was for a dedicated line from the box to a firelog set that we want to put in our fireplace. The other piece of that is that we need to run the wire through our cabinets into the base of the firebox. So we can plug the unit in in the firebox so there are not cords running outside the firebox that people would trip over. That means we

need to create a small hole at the base of our firebox where it would connect with our cabinets. I wanted to make sure that was part of the presentation we're asking for.

Bruce: So that would make the firebox unusable. But the firebox is already not usable.

Kathy: Correct. And we're talking about a very small hole just big enough to run an electrical wire through.

Bruce: If somebody wanted to make the firebox usable they would have to do all the flue work and use some type of approved cement to fill the hole.

Kathy: That is my understanding.

Bruce: Does any board member have any questions? Does any board member want to change their vote? That approval works. We also had another informal approval for unit eighteen for her HVAC equipment. She provided specs that it was all a direct replacement of the same type. I went ahead and told her since she was anxious to get it done; no problem, and I would bring it to the board for formal approval. I have all the paperwork showing that she is conforming to specs.

This work was unanimously approved by the board.

Bruce: We had a discussion about the smoking policy. Chris, was there anything that was holding up the distribution of the survey?

Chris: No, just my focus on something else. So, I will jump on that. Thank you for bringing that to my attention.

Bruce: Pool furniture was ordered. We ordered a 48 inch table and four small tables. Marie, do we have an indication of when that will be expected? Before the season starts?

Marie: It should get here before the season starts. And I picked up the four little tables.

Bruce: Marie, you received the locks for the doors and for the gate. You're waiting on the extension through the gate to be long enough to tie the two halves together?

Marie: Yes. I need the extension piece. And I have the locks for the outside doors. I will be dropping them off Monday to the locksmith. It will take him two or three days to rekey them. And then I can start the installation.

Bruce: And a reminder that we decided to rekey them to the keys that people have. People will notice that they have a new lever lock but their keys should work.

Kevin: I have a question about that, Bruce. I sent an email a month ago about the rekeying. I have concerns because of my own experience with new locks for #23 and #3. After the rekeying was done our keys didn't work. In my email I suggested that perhaps we should stick with the original keys. Of course, we would be asking owners to have to make new copies of keys if they need more. I am nervous about the rekeying process, is it the effect of making a copy of a copy of a copy? A few years ago, in #23, one of our keys sort of worked. So we had to have all new keys made. And Stephanie's keys didn't work either. When we had the new doorknob put on #3, approximately a month ago, two of our keys worked and two of them didn't. So, I'm just concerned about having them rekeyed to our old keys. Keys are different ages. Some of them are old. Obviously there is an issue and I'm concerned and maybe if we went in the other direction, and in the board meeting there was discussion about this, if we went in the other direction and use the factory keys we would eliminate that problem. I would much rather have

keys that function really well and have to go to ACE to have more copies made. To me, that would be my preference.

Bruce: I know with rekeying, they change, basically the balls in the slots. And match with the key. So, it's the wear on the key that can cause an issue with the lock itself, whether it's new or whether it's rekeyed, should not have the signs of wear that the keys have. Marie, you want to talk to the locksmith about that rekeying process and make sure we're not causing headaches for people by rekeying?

Marie: Okay, I'll talk to him before we start that. I understand what he's saying. I'll be in touch as soon as I find it out, okay, Bruce?

Frank: What Kevin said, we have experienced, with various locks over the years. One out of three or two out of four don't work. I would suggest whatever is done that it be tested on the lock to be sure that it works before the new keys are handed out. And go to Penn Del for new keys because they have a better quality.

Kevin: Frank, the reason we're doing it this way is so no one has to get new keys. What I'm saying is my old keys...

Frank: What I'm asking is that they're tested before they are given to the owner. That's all.

Kevin: The new locks are going to be on the door. That's when we are going to test them.

Frank: However it's done it should be tested that it works. Whatever process is used it should be tested.

Bruce: Marie has keys and so she can test them before she puts the lock in. She can test it before she puts the lock in. The mailbox legs are here and Marie was working on them today and she's going to be working on them again tomorrow to get them stood up. But the mailboxes are close to being fixed. That takes care of odds and ends, now we'll get to the meat of the agenda. Let me just remind folks that two weeks ago Geoff went into the hospital and was there for six days and came out and is still recovering at home. So, I haven't had my usual focus on items at Newbold. We have a budget to put together, we've got the reserve study, we have the situation with 1001 neighbors trying to subdivide. And we had the inspection of the steel bulkhead and the pressure treated bulkhead. Marie, is the report going to be done in two weeks?

Marie: I think they said it would take them four weeks. Am I right, Kevin?

Kevin: They told me under normal circumstances, the report would take eight weeks. But if we asked for it to be expedited, it could take four weeks.

Marie: I asked them to get it to us as soon as possible because we were doing a budget.

Bruce: Kevin, do either you or Marie want to give a brief report on the inspection? I had planned on being there but was unable to attend.

Kevin: I felt a lot of relief when I was listening to them do their work because I was bracing for bad news and there wasn't bad news. First, they inspected the wooden portion of the bulkhead from end to end, four-hundred feet. Mostly, he said everything looked good for its age, the wooden bulkhead has quite a bit of time left before anything would have to be done. Regarding the steel bulkhead, Nick told me when steel corrodes, it balloons up to thirty times its size. He didn't find any place where there was more wear than there had been in 2018. He said he found a pinhole in one area that could be rectified by welding a plate on. He came to the same conclusion the previous inspectors did. That we need to epoxy the bulkhead at and below the water line. And that we could put that off until the next fiscal year, it's not a pressing issue. He

said the life of this type of bulkhead is fifty to one-hundred years and that for its age, this bulkhead is in really good shape. They were there until about 12:30. That's my summary unless Marie has anything else to add.

Marie: No, I think you covered it.

Bruce: Good news. Does anyone have anything else?

Jonathan: Marie, how is the pool doing with holding water now?

Marie: I won't know until I get it uncovered and measure it.

Bruce: On the bank loan, the \$1,000 we put in this year's budget is based on what the bank said should be right for the increase in the year six for the loan. The insurance, we need to go to \$64,000 based on what we heard before the last meeting. I'm assuming we'll put a percentage in for an increase for Marie. The appraisal, we won't have to put anything in, we had been figuring \$1,400 based on the last one but it came in at \$600. We will have to increase Bella Terra based on their contract but I don't know what the figure is but we'll get that. Tree maintenance will have to be increased because we still have work to do. The pool maintenance has to increase and I'm beginning to despair the current leadership in the city with the stormwater utility fee will not happen because they are not discussing it again this year. We have money set aside this year and we may have up to \$5,000 for other needs. The final thing I'll mention, based on the preliminary reserve report, they are recommending \$45,000 per year contribution instead of \$36,000. That will increase the assessment to the owners. \$278 for each upper pays per quarter would go to \$348 and the lower unit's \$172 would go to \$213. So, we will see about getting that budget put together in the near future. We also have to get the reserve study reviewed and finalized. That will tell us what we can do about putting CD's as part of the portfolio. We have talked with the bank, they have good rates. What we have left on the agenda is the landscape update, if we can dispense with that we can spend the rest of the meeting dealing with the subdivision issue with 1001.

Jonathan: Did Miller Dodson give us a comparison of what went up? What the changes were?

Bruce: I don't think so but based on the conversation we had we can lay out what those are.

Jonathan: Did you find if all the additions were there?

Bruce: Not yet. Chris, do you want to give us an update on the landscape committee?

Chris: We have Frank here as well. I had sent to the board, yesterday, I forwarded Frank's email that he had sent to us, with the recommendation to go with Bella Terra to go with the full remove and replace of the trees. We all supported this direction. It's a little bit more expensive than using two companies but it's more efficient and we should act and close this out. Frank, do you have anything to add?

Frank: I took the dollars that we had got to do two new trees from Bella Terra, \$2,009 and the quote from Complete Tree, for \$875 to remove the two trees. That did not include the permit costs which could be \$150. The total would be \$3,034 including the permit. Bella Terra's full estimate was \$3,475. The advantage of using Bella Terra is they are doing the full thing, including the permit.

Bruce: Is there anything else we need to do?

Frank: Not to my mind. They have everything they need. This seems the simplest approach. That's my recommendation. Mary Jo and Chris Spanos voted for it. Chris Piper didn't vote. If the board votes yes, I will call Bella Terra tomorrow morning.

Bruce: Someone want to move approval. Chris moved and Jonathan seconded.

The motion was unanimously approved for Bella Terra to handle removing and replacing the two dead trees.

Frank: I think we need to normalize exactly where our boundaries are and know exactly where they are. We have surveys but they all look a little different than what's on the ground. The front sign is on the city's property. There's a piece by the shed where Pierce's property takes a right angle turn at the top of their driveway which doesn't show on our survey. There is a tree by the shed which I don't think is our tree but the power company was here during the week to trim it back; we need to solidify exactly where our boundaries are in the front.

Bruce: I do know where the pin is on Pierce's driveway. Thank you, Frank. Now, we're down to 1001 Scarborough. I sent the whole packet of information to the board via FOIA. Their application to subdivide was reviewed by the building inspector and turned down because one of their lots doesn't front on a public street. I followed up with Amy about what she had learned about talking with the city about how to deal with landscaping. Chris ran all the information through ChatGPT. We have to discuss what we want to do. We have between now and April 28th, the date of the hearing. The sense is that we need to get a lawyer involved and the city encourages people to contribute. At the beginning of the hearing they take everyone who is going to testify and put them under oath. Those of us who we decide are going to be in attendance and have something to say can do so. They also accept written testimony. I want to see if anyone has questions or comments about this whole thing. I've been working on this full time this week and I feel like I know a lot and I know nothing.

Frank: Years ago when we had discussions about the lake we used a lawyer named Witsel. He might be a good lawyer, I don't know if he's still in business or not.

Bruce: I did track down a lawyer who was recommended. I can recontact him. His name is James Churchman. He is a lawyer with Fuqua, Willard, and Schab. They do real estate work in the city.

Kevin: I read through the information. Isn't it true if the town denied their request because the lots used to be two lots and now they're one lot, and under their current zoning, it cannot be made two lots again. So, if the board of appeals ruled against the town, in favor of 1001, wouldn't that just be setting a precedent? How likely is it that this is going to be overturned. It seems to me, reading through the information, that when the two lots became one lot years ago, at that time, the zoning was different and you could have two lots, one of them not fronting a street. But under current zoning that's no longer the case. So, it doesn't seem to me that it's very likely that it's going to be overturned by the board of appeals because they would be setting a new precedent that would potentially upend their zoning that they have in place.

Chris: Kevin, my view on that is you're probably in the right direction on that, but I think in this case we make every effort to ensure that we increase the percentages that this is going to go where we want it to go. I would rather spend a little insurance money on legal representation and putting together a strategy that we're represented at the hearing, that we have the right messaging, that we're pulling whatever conversations we need to have. It's not worth the risk in my view.

Bruce: The name of the body they're going before is the board of adjustment. That makes me a little crazy because what are they going to adjust?

Chris: I am looking at the board of adjustment information sheet. One of the things they deal with is appeals; and it's an appeal of the decision of the building inspectors applying code; and they're there to determine if the building inspector interpreted the code correctly. If there's a one percent chance it doesn't go our way, I'd like to do everything we can to protect against that.

Bruce: What a lot of this hinges on is that the owners of 1001 are claiming that our parking lot is a public street. They make arguments that it's a public use street because the garbage trucks go back there, the mailman goes back there. Somebody else goes back there. That doesn't hold water because if you think about the USPS goes on private property on a sidewalk to put mail in your slot, that doesn't mean your sidewalk is now public property.

Chris: I also think that they've spent money on counsel to draft a multi-point response. I think we're well served to at a minimum have a similar document that refutes that response on a point by point basis.

Frank: The perception I got is that at this time they are not claiming an easement. Because at what point do we want to refute that they don't have an easement, in addition to refuting that it's not a public road. The city just paved all of Scarborough Ave Ext. but they didn't pave our parking lot, so the city doesn't maintain our parking lot. So it's not a public road.

Kevin: Who repaves our parking lot? Who pays for that?

Frank: We do.

Kevin: Exactly.

Frank: Sometimes lawyers know each other, so if you get a lawyer and they don't you know. My last crazy thought is if we win this thing, we could sell them access.

Bruce: Something has appeared on their resubdivision plan, it says access, drainage, and utilities easement. And there is new language beneath that that says ingress/egress easement. I wonder what that contains.

Chris: I just asked ChatGPT if they are claiming an easement and it said they are not. I think this just underscores the need for a lawyer.

Bruce: What I like about this approach is a good basis for taking a packet to a lawyer and we're saying, here, we've done a bunch of work on this, here are the points we think are important, you may find some other ones you find based on your knowledge. But we're not going in blind dumping shoebox worth of stuff. We have good stuff here.

Chris: If you tell ChatGPT that you're preparing to talk to a lawyer, it will act remarkably like a lawyer, but if you ask it to act like a lawyer it will tell you it can't.

Jonathan: I agree with Chris. I think this is not a large amount of money to put in for a fairly serious land grab. I also agree with Frank. There may be room for some agreement with these owners that is in our interest financially.

Bruce: I hear you. I also think about, if they do get a lot out of this, which is not going to be the same as before, because before they were identical. If they have to come in and put their trucks and materials, there is no way they're going to put anything on their lot. They're going to have to put everything on the owners of 1001, or they're going to have to put it on our property. There are technical arguments and there are ones that have a more emotional aspect to them.

Chris: Quantitative and qualitative arguments.

Peter: I agree with all the points that have been made about hiring an attorney. Let's hire the right attorney. I've heard of Saul Ewing before. These people are not going cheap on this

process. It would behoove us to get someone who understands land use law in Delaware. If we're in this thing, let's do it right.

Chris: The way they've gone about this, which we had to discover, and the fact that they have hired a costly attorney, they are quite serious about this and are going to play this in a challenging way. We have to recognize that and elevate to the same level, while maintaining good citizenship.

Bruce: The recommendation for a lawyer comes from the person who alerted me about this whole thing to begin with, who is a vice chair of the planning commission. She knows who does land use in the city and who is good. I feel like she was able to sort through and give us a good recommendation. We've got to get this nailed down.

Chris: So the next step is to reach out to the recommended attorney first thing tomorrow. We don't have a lot of time.

Bruce: Someone want to make a motion to hiring an attorney.

Chris made a motion to move forward to contact an attorney. Peter seconded. The motion was unanimously approved.

Kevin: Bruce, are you familiar with the procedure and how it follows on that day, April 28th. Is there a decision that day or does it happen later?

Bruce: I am not sure.

Frank: The decision they make is that they can subdivide that lot and it would be based upon the fact that our parking lot is a public road?

Bruce: I think their decision could be that they agree with the building inspector that it's not, it would probably go to the chancery court. It could be that if it's denied they could say we want to go for a variance, in which case it goes back to the board of adjustment. If they win, they go back to the planning commission. We have some work to do in the next thirty days. It may involve sending out the word to all the owners, this is where we are and what we're doing and we'd like some support. I have had conversations with some of the neighbors on the street. One of them had long talks with Dutch when he was working in his shed. Dutch said he argued the owner down in price because the property was not subdividable. He's going to, at a minimum, relay his experience with Dutch in his submission. We can fill in a missing spot or two, which may be helpful. Thank you all, and we may have to set up some placeholder meetings. If it's legal strategy, those can be closed meetings; I'd like to keep them open if we can. This meeting is adjourned.