

BOG Meeting December 13, 2021

In attendance: President Jeff Roche, Governors Beau Breeden, Neil Macindoe, Cheri Fairchild, Michele Shipley, Dawn Myers, Bill Szczytko and Mary Lamb, Town Manager Ryan Anderson, attorney Tim Larsen, BioHabitats representative Joe Berg, Rob Welsh of Bay Bridge Companies, and guests Becky Benner, Stacy Wildberger, Bob Bishop, Dirk Schwenk, Steve Arnold, Joann Marshall-Hobbs, John and Anna Arnold, Norm and Carol Sue Mayfield, and Cathy Gazzo.

President Roche called the meeting to order at the clubhouse at 7:31 pm. He introduced the residents of 1220, 1222, 1224 and 1226 Riverbay Road who made a presentation regarding their combined applications for a bulkhead. The new wall would be constructed across all four properties to replace the bulkheads and retaining walls that were destroyed by sustained winds and high tide during the October 28, 2021 storm. Anna Arnold led the presentation along with waterfront construction consultant Rob Welsh, showing photos and video of the damage to existing structures and the water levels in their yards during the storm, and providing specifications of the planned wall. It is to be constructed using pilings driven down to solid material (expected to be 25-30 feet), Deadman supports laid horizontally and perpendicular to the wall into the residents' yards, 6x6 whaler supports across the pilings and 14 or 16-foot corrugated vinyl panels driven 7-9 feet into the sand. There will be a 9-inch gap channel ward of the existing walls for access during construction that will be filled with stone to create a water chimney for drainage. With the gap, whalers, vinyl and pilings, the wall will be a maximum of 36 inches channel ward of the existing walls. The top will be finished with 2x8x20 deck toppers. The proposed straight wall will be landward of the existing structures on two properties, channel ward for the other two, and up to two feet higher than the existing walls. The 5-foot elevation, open water fetch of 32 miles to the northeast and bay boat traffic makes their properties particularly vulnerable to wind and wave action, as occurred on Oct 28 with a 5-foot tide surge. The current beach restoration project is planned to include a groin and a cobble beach that should reduce the wave action and allow accretion of sand that has been scoured away for decades, further protecting these properties. The planned cobble beach is expected to cover approximately 3 feet of the wall for most of its length, with less coverage at the easternmost end.

The residents asked for approval on the application so that they may apply for expedited permits with the county. Tim Larsen said that the final decision would not be made that evening. The Board must closely examine the wall plans, check with the engineers of the current beach plan on compatibility with the wall, and check into necessary permits. Governor Fairchild said the Board needs to go through the normal process of due diligence and determine if more information is needed or if a decision can be made in closed session. Questions were raised by board members, the attorney representing CSCIA, and residents regarding necessary maintenance, parties responsible for damage/decay, limitations placed on future owners of the homes, other options such as a living shoreline or rip rap, timelines, property lines, necessary permits, etc. To summarize, the residents have chosen this option over a living shoreline because it will best protect their homes from wave damage during storms while maintaining the smallest footprint over other options. When the current walls were constructed as far back as the 1940's, the beach was up to 200 feet wider than now, where there is little to no beach. The applicant residents understand that the proposed wall will not necessarily protect them from 100-year storm tide levels. Their engineer informed them that they will need to rely on the cobble bar for future protection. Construction does not need to occur before placement of the cobble beach as the panels are driven into the sand/cobbles with no excavation necessary. The currently planned cobble bar will cover part of the wall and there is no objection to future sand placement covering more of the exposed vinyl. Scouring could occur if there is a storm with tides high enough that waves reach the wall, or if the cobble beach is not installed. A copy of a letter stating that no permit is needed from Maryland Department of the Environment (MDE) because the wall is not encroaching on the mean high tide line was provided, and letters for the other properties are to be provided along with similar letters from the Army Corps of Engineers. Maintenance and repairs to the wall are the responsibility of the lot owners on whose section of the wall there is damage or decay. They do not have an agreement to be filed into the land records outlining responsibilities for current or future owners. The life expectancy of most of the components of the wall is 40-70 years. It would take about a month to complete construction of the wall and cost about \$600 per linear foot.

After discussion, President Roche stated that the request will be discussed in closed session and that he would contact the applicants the next day as to the application status. A resident asked at what time they would be notified with a decision, and would it be before 11 am. President Roche said that he could not estimate a time for the decision because they do what they can to process building requests timely but there are questions that involve other agencies. He added that the Board is made of volunteers with full-time jobs and they will follow the process as usual for any other application. The residents then presented Mr. Larsen with copies of a letter to be sent to the Maryland Department of the Environment (MDE) stating that as their request was denied, they are opposing the construction of the cobble beach. The 30-day comment period for the MDE expires at noon on December 14, and with an opposition, the beach restoration project would be held until a resolution is reached. The residents and Mr. Welsh said that they want both the cobble beach and the wall.

President Roche called an end to the presentation and discussion. Governor Breeden made a motion that a 5-minute recess be called and that upon return to the meeting, comments from the floor be taken so that any other residents with business to attend to could do so and leave if desired. The motion was seconded by Governor Fairchild and approved unanimously. A recess was called at 9:00 pm. At 9:05 pm, the meeting was reconvened.

COMMENTS

Resident Dirk Schwenk commented that the Board is aware they need to protect community property, that this wall is a threat to community interests and that he does not appreciate the residents threatening the board and not considering potential damage to community property.

Stacy Wildberger reported that the Cape Conservation Corps (CCC) would be weeding at the rain garden at the Little Magothy Beach. Through the Tree Troopers program in conjunction with the Watershed Steward Academy, 87 native species trees were obtained and distributed for planting on the Broadneck Peninsula. The informational sign for the Serene Ravine was ordered 8 weeks ago, which in the 6 to 12-week window expected for delivery. The spraying of Bushkiller is complete for the year and the first invoice of \$2100 was paid by CSCIA. That completes the CSCIA obligation and further invoices will be forwarded to CCC for payment with CCC and grant funds.

Becky Benner reported the Garden Club provided wreaths for Lawyer's Mall in Annapolis, the clubhouse doors, the Cape office door, the guardhouse door and the Broadneck library. The combined January/February meeting will feature a speaker discussing garden prep and seed sowing.

She added Goshen Farm's Annual Meeting will be held January 19 at the clubhouse and next social gathering will be Java & Jazz, Teas & Tunes on March 13, 2022.

President Roche commended the Board on the Christmas Tree lighting and thanked Governor Szczytko for his participation as master of ceremonies. Bob Bishop thanked him also.

Steve Arnold commented that he and the others had agreed to the cobble beach while their walls were functioning but now they feel backed into a corner and must use the cobble beach as leverage to instill a sense of urgency with the Board. Governor Breeden said that if a complaint is registered, a permit will not be issued on January 5, and the beach project will be stopped at those properties until issues are resolved. The resolution time would mean removal from the hearing scheduled for January 4 with the Board of Public Works. The next earliest hearing would be January 19 which would be too late to get sand from the dredging that must be done by the February 15 deadline. Without the sand, the cobble beach cannot be constructed, or sand placed on the main beach. If the project is not completed, funding could be forfeited. The beach restoration project for Site #1 could be stopped completely. Mr. Arnold reiterated that the complaint is intended to speed up the decision-making process on the request for a wall. President Roche stated that did not account for all logistics involved in the beach project. Mr. Arnold said he was assured by Matt Wallach from MDE that submitting the complaint would allow for a specific resolution period. Governor Breeden stated that Mr. Wallach is not the decision maker at his agency, does not determine the BPW hearing agenda, nor is privy to the county permitting or necessarily BPW decisions. The resolution period would fall outside the window of time available for the other parts of the project to occur. Stopping the project at this point could mean loss of funding that CSCIA would be unlikely to get again. The funding could potentially be used at other sites. Mr. and Mrs. Mayfield added that they listened to the engineers and tried to get the best wall possible for the situation but feel that the HOA is not giving them the consideration they require or a decision in a reasonable amount of time. President Roche said that bulkhead agreements take approximately a month to approve in most scenarios, some have taken closer to a year. Governor Fairchild added that the residents are not giving the Board an opportunity to follow the normal process.

MINUTES AND FINANCIAL STATEMENTS

Minutes of the November 8, 2021 BOG meeting were reviewed. A motion to approve the minutes was made by Governor Shipley, seconded by Governor Myers, and approved with one abstention by Governor Szczytko who was not present at the November meeting.

The financial statement for October 2021 was reviewed. A motion to approve was made by Governor Myers, seconded by Governor Macindoe, and unanimously approved.

COMMITTEE REPORTS

Beaches and Parks: See Town Manager's report.

Business Lot Owners Association: See Town Manager's report.

Broadneck Council of Communities: Governor Breeden reported that the BCC will join CSCIA with a Candidates Night to be held before the primary elections in June. The Cape is now part of Legislative District 1 represented by Andy Harris. Governor Breeden invited the board members to join him for a tour of the neighborhood with state delegate Heather Bagnall and congressional candidate Heather Mizeur on Thursday, December 16. The BCC would like to collaborate with CSCIA on another

meeting with the state highway administration in January to further discuss the Bay Bridge corridor. Governor Breeden attended the first meeting of the Stakeholders Advisory Committee for the Broadneck area (Region 4). The committee includes homeowners, renters, business owners, commercial developers, teachers, civil rights advocates, etc., who will work with the county over the next 18-36 months on Plan 2040 to help influence decisions on land use, transportation use and other issues.

Budget: No report.

Building: President Roche reported he has a backlog of building requests and Town Manager Anderson continues to do the initial work verifying information.

Caper: Governor Lamb said the Caper would be posted December 14.

Clubhouse: Governor Lamb reported that rentals are steady and thanked the maintenance crew for painting the interior of the clubhouse, stringing the tree and guardhouse lights, and setting up for Breakfast with Santa.

Covenants: An email received by Covenants is suspected of being phishing and Governor Szczytko will investigate.

Events: The next Quarterly Membership meeting will be held January 11, 2022.

Legislative: No report.

Piers: Governor Breeden reported they are working on renewals and thanked Piers Administrator Williams for her hard work.

Security: See Town Manager's report.

Strawberry Festival: No report.

Technology: Governor Szczytko has resolved the Google Drive storage issues at no cost. Those needing access to the drive should contact him to reestablish access.

Town Manager- Town Manager Anderson reported that he and Governor Breeden attended the November 19 court hearing regarding a trespassing incident and that it was postponed until February when the defendants requested an attorney. Two sprayings of herbicide on the Bushkiller vine at the Serene Ravine have been completed. Plans are being developed for the educational sign for the beach restoration project required as part of the grants received. The \$44,000 principal payment on the project loan is due February 13 and will be auto drafted. The clubhouse interior painting is almost complete. The next pier meeting will be in March. Letters for renewal have been sent to slip holders. Water was shut off on November 22. The piers waitlist is 91 people. The gate lock at Little Magothy was replaced and the one at Lake Claire will be replaced in the spring. The pump out machine has been winterized on November 13. Deep Creek dredging has not started and there is still no answer regarding the Lake Claire beach project in lieu of the fee for underwater vegetation removal fees. The Deep Creek pier repairs are in process by Walsh and Son and are about 90% complete. Only 14 of 31 dates in December are covered by officers. The gate openers will be away for 10 days and Town Manager Anderson, Governor Macindoe and Governor Breeden will fill in. Outdoor dining was extended until January of 2023. The \$261,000 SCBD check was received. Mr. Anderson is working with Moran Insurance to make sure all insurance policies have the proper coverage levels. Governors are to be elected, and the budget voted on, at the Annual Meeting on January 11, 2022. Mail in ballots must be turned into the CSCIA office by close of business on January 6, 2022. The annual maintenance fee postcards have been printed, new hang tags have been received and new stickers were shipped but have not been delivered.

OLD BUSINESS No old business was discussed.

NEW BUSINESS No new business was discussed.

ADJOURNMENT

A motion was made by Governor Fairchild to adjourn and move to a closed session, seconded by Governor Myers and approved unanimously. The December 13, 2021 CSCIA Board of Governors meeting was adjourned to closed session at 9:43 pm.

CLOSED SESSION

A closed session was convened at 9:43 pm and adjourned at 10:56 pm. The regular session of the December 13, 2021 meeting was adjourned at 10:56 pm.