



Breakwater ESTATES

PO Box 1056
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Breakwater Estates Board of Directors Meeting Minutes Saturday, January 9, 2021 9:00 am

The Breakwater Estates Board of Directors met virtually due to the pandemic on Saturday, January 9, 2021 at 9:00 am.

Present at the meeting were Board members: Brian Eichenlaub, MJ Melah, Karen McGavin, Nichole Davick, Bill Bonn, Lana Warfield, Mike Forry, and Hector Justiniani, HPS Property Manager for Breakwater Estates.

Call to Order

- MJ Melah called the meeting to order at 9:00 am,

Approval of Minutes

- Brian Eichenlaub presented the August 15, 2020 Board meeting minutes. Minutes were reviewed with no changes. Motion to approve the minutes was made by Bill Bonn and seconded by MJ Melah. All approved.
- Brian also asked the Board to review the draft minutes from the October 10, 2020 Annual Community meeting. The draft minutes were reviewed and revised. The draft minutes will be posted on the BWE website for community use. The draft minutes for the annual meeting will need to be approved by the community members at the next annual meeting in October, 2021.

President's Report

- MJ Melah presented some needed changes to the BWE community website. It has come to the Board's attention, that realtors and prospective buyers in the community were accessing the community documents and using them in the settlement packet and not going through HPS, our property manager, for a settlement packet. This by-passes any review from HPS on any outstanding community dues which need to be paid as well as any liens on the property being sold and the \$250.00 resale package fee paid by buyers. These buyers are taking advantage of our community's open availability of official community documents and burdening our community with their unpaid fees.
- It was decided to move our homeowner covenants and amendments to the HPS/Breakwater website. This website is password protected and all current BWE homeowners have access to this

site with their unique password. Thus, BWE homeowners have access to this information, and not the public as a whole.

- House sales – 9 Beacon settled yesterday and another house on Lighthouse will settle at the end of March. Welcome all!
- The Board received a number of very supportive emails from community members in response to an unsolicited and abusive email blast sent out by a community member.
- There is a large tree branch from a house on Breakwater which has fallen on Rusty Anchor. Hector will contact the owner to have the branch removed.

Treasurer's Report

- Nichole Davick reported last CD maturing at Community Bank was moved October 17, 2020 to Fulton Bank. The community account and funds are now with Fulton Bank in Money Market accounts earning a higher rate of return than the CDs.
- Balances as of 1/8/21:

\$10,046.86	Working Fund – HPS
\$228,613.98	Reserve Fund – Fulton Bank
\$ 238,678.84	Total

Old Business

- **Late Fees** – Due to the pandemic, late fees were suspended starting in March, 2020. The Board agreed to continue suspending late fees incurred during the pandemic and will review this policy at the next Board meeting in April. Several houses, which had incurred late fees pre-pandemic and still have not cleared them up, will not have those fees suspended.
- **20 Rusty Anchor Drive** – There have been many court delays on settling the properties. The hearing has been postponed until February 5, 2021.
 - Hector will send the realtor a statement of the overdue HOA Fees on the property so they could be settled with BWE when the house settles. The settlement attorney is Hudson Jones.
- **New House in the Community** – A new house will be built in BWE on Beacon Drive. The homeowners have yet to submit an architectural review application for the new build.
- **County Maintaining our Roads** – Nichole Davick brought up the possibility of the county taking over the upkeep of our roads. Bill Bonn and a number of other folks looked into it years ago, and found the cost to be prohibitive since the roads were not built to state specifications.

New Business

- **Audit** – Hector will check into the cost of a financial audit.
- **List of fees for community violations** – Discussion occurred of the possibility of developing and publishing a list of community fees for infractions in the community.
 - **History**
 - One of the many responsibilities of the BWE Board and Property Management company is to inform the homeowners of any violations and have them corrected.

The vast majority of homeowners follow the covenants and community rules and go out of their way to support them. THANK YOU ALL.

- For some homeowners, unfortunately, these requests are often ignored. More than we would like to admit, there is no response – ever, or we hear “what are you going to do about it?” Even though BWE have rules to maintain the community, there is no real penalty to enforce the rules, except a stern letter from the Board, numerous phone calls to the homeowner asking them to correct the violation, or in the most severe cases, placing a lien on the home, which is the last course of action the Board would like to take for a number of reasons.
- Discussion centered around developing a fee structure for the most common infractions that the Board has come across over the years. The community covenants allow for such action to be taken, but this has never been developed, since there was not a need in the past. Unfortunately, there is a now a need.
- There are some in the community that believe that since violations are not being corrected, that the Board or property management company have not addressed the offending homeowner. Since our covenants have no real “teeth” as it were, there is not much we could do, except place a lien on the property. We have done this and will continue to, in severe cases. But this involves legal fees to the community and still does not get action until the homeowner sells their house and the liens then need to be paid. Meanwhile, the infractions continue.
- With a list of fees that will be charged with various infractions, everyone in the community is on the same page with their responsibilities, obligations, and fee structure of the fines which will be charged if the infraction is not corrected in a timely manner.

- **Annual Community Meeting Date** – Saturday, October 9, 2021 at 9:30 am.

- MJ Melah made a motion to hold the Annual Community Meeting on Saturday, October 9, 2021 at 9:30 am. Karan McGavin seconded. All voted in favor of the date.
- Hector will reserve the meeting room at the Lewes Library. The meeting will be held virtually if needed. A decision will be made as we get closer to the meeting date.

- **First Quarter Community Newsletter Items** - Information for annual community meeting – Include a welcome to our new homeowners and Covid health information

- **Thank you** – Hector wanted to thank the Board members for all of our help through this trying year. Thank you!

Next Meeting – The next Board meeting will be on Saturday, April 10, 2021. It will be most likely held virtually, depending upon the situation with the pandemic at that time.

Meeting adjourned at 10:59 am – MJ Melah moved to adjourn, and Lana Warfield seconded the motion. All approved.

Respectfully Submitted,

Brian Eichenlaub

Secretary, Breakwater Estates



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BOARD MEETING AGENDA

January 9, 2021 9:00 AM

Google Meets

1. Call to Order
2. Approval of Minutes of Preceding Meeting (8/15/20)
3. Finalize 2020 Annual Draft Minutes
4. President's Report
5. Treasurer's Report - Financials
6. Old Business
 - a. Late Fees
 - b. Status on 20 Rusty Anchor
 - c. Status on 6 Beacon
 - d. Status on 9 Beacon
 - e. Status on 5 Lightship
 - f. County Maintenance of Roads
 - g. Rita Carnevale
7. New Business
 - a. Audit
 - b. Fees for Violations
 - c. Annual Meeting Date
 - d. Late Fees
 - e. BWE Website Security
 - f. First Quarter 2021 Newsletter
8. Adjourn