

# Ocean Beach and Bay Club

P.O. Box 245 – Lavallette, NJ 08735

Phone (732)-793-3798

May 19, 2018

Spring Membership Meeting

Location: Kittiwake Fire House

Trustees Present: Ken Levine, Monica Anton, Ashley Swartz, Lorraine Polakowski, Sharon Andelora, Bobbie Mues, Mike Hanney, John Sorrentino, Frank Augustine, Kate Baun

Meeting was called to order by Ken Levine at 10:00 a.m. Detective Mark Bajada, a representative from the Toms River Police Department, gave a presentation to the members about security and the advantages of having security cameras installed especially since OBIII is a seasonal community.

## **Announcements**

- A memorial service will be held at 2:00 p.m. for former OBIII Trustee, Mr. Jim Ritchie.
- A moment of silence was conducted for members who have passed since fall meeting.
- Acknowledgement of our veterans and thanks to our Armed Forces.
- We honor Edith Frank, a long time member, who will be turning 97 years young this June.

Trustees made introductions to the Membership and asked for a motion from the floor to suspend reading of the minutes. John O'Grady of 3371 Heron made a motion to suspend the reading of the fall minutes and Louis Cirrilla of 109 Dolphin seconded the motion. Motion approved.

## **Communications reported by Ken Levine**

Toms River municipal sewer authority indicated that there is a 24 hour phone number you can call should you suspect a sewer back up. They will come and check it out. This may possibly save you a plumbing bill. TRMS was instrumental in getting Bay View paved and saved the Club about \$1/2 million dollars.

## **Financial reported by Ashley Swartz**

Ms. Swartz provided an update on organizational changes since joining the Board. She reported all 2011-2018 records have been migrated from a one access piece of software to an online version of QuickBooks Online. All accounting is done online. This keeps records up to date and offers transparency.

Invoices were sent to members for dues and assessments . As of this date 487 members have not paid. This is an approximately \$42,000 loss for the club at this time. 31 members are over 90 days delinquent with payment. Our receivables are approximately \$32,000 plus.

Reserve balance is \$168,700. This was money we did not spend last year, which was money allotted last year for roads. However, because we could not find vendors or get 3 parties to bid, the reserve is higher. Consequently, the assessment was slightly less. We expect increased expenses in the future due to the beach replenishment, roads and drains, vehicles, etc.

John of Sunset Lane asked about the process of getting money from members who do not pay.

- April 1<sup>st</sup> letters go out to Members who do not pay. They don't receive badges or other Membership benefits.
- A second letters is sent with accrued interest and reinitiation fee of \$1000
- The list is turned over to our attorney
- Finally, a lien is put on the property.

Realtors have our deed restrictions and are encouraged to share with buyers as per Ken Levine

Ms. Swartz reported that she will be working to get the new website up and running. This will be a vehicle to post financial reports for the members. We are currently in the process of the audit. We have secured a professional accountant to make sure it is done correctly. In the future we can minimize the cost of the audit and minimize the cost in future years. Once the audit is completed the report will be posted on the website.

Tom Williams, 109 West Crane Way, asked what should our reserve be given the size of our community. Ms. Swartz discussed the need for risk management. Legal expenses and cost of insurance is our greatest concern right now. We can't control this cost. Otherwise, the consistency year after year in our reserve is correct. Ken Levine said that we have an engineering study now that we didn't have before. We will spend the money now. He advised the members that just to "turn the key" cost us \$250,000. That's the basics, electricity, security, etc. If we were able to put \$50 per household away, we may not have to have special assessments.

**Social** reported by Sharon Andelora

- June 1 the social calendars will be ready. Check the website for any changes or additions to the schedule.
- We are looking for adult activities and volunteers.
- Sharon encouraged members to work together and make OBIII a happy place.

**Rules and Grounds** reported by Bobbie Mues

- Our goal is to have our Blue Book printed and available to members by the fall meeting.
- Rules are completely done and she thanked all the previous committee members who worked on the rules.
- Rules and By-Laws and Certificate of Incorporation will all be up to date.
- Bobbie Mues continues to follow up on abandoned properties and houses. If you know of an abandoned house please contact the office and Bobbie Mues will put it on the list. Once it is determined that a property is abandoned Toms River is called, and they will come and put a green sticker on the house that says "uninhabitable." Then it's back to the Club. Although there are many sad stories, the owners made a promise to our community to abide by the rules and restrictions, so they need to be held accountable. Many of these people are on the same list as the list for nonpayment of dues and assessments. There are 25 properties. Some are in foreclosure, some sold, etc. each one is at a different level. As of June 15 the owners will be suspended, some suspended again, but now we can use the \$1000 reinitiation fee. Bottom line, we will put liens against the property.

**Beach** reported by Mike Hanney

- It's going to be a challenging summer due to the beach replenishment project. The Army Corp will be laying pipe on Pompano heading north. They will take 1000 feet of beach and work for 7 days around the clock. They will flip the pipe south and again take 1000 feet of beach and work 7 days around the clock. Surfing and fishing areas may be suspended during beach hours. Other beaches may be coming to our beach. Mr. Hanney encouraged everyone to be patient during this trying time. He will be meeting with Chadwick staff to coordinate efforts.

- There will be a roped off area and they will have security to ensure no one enters the construction area.
- It is important to note that when the Corp pumps sand from out in the ocean and brings it to land, this creates different currents that can be dangerous to swimmers. Please be patient with the lifeguard staff who are trying to keep everyone safe.
- The entire lifeguard staff will be returning. This demonstrates good morale among the staff. They have very good training and good equipment.
- The new ATV is medically equipped and can get to emergency situations quickly.
- Bay beach will be busier because of the construction on the beach. The bay beach will be fully staffed.
- Mike Hanney thanked the maintenance staff for getting the beach ready for the season.
- Fred Bogert of 226 West Bay View thanked the Board for paving the Bay View road especially since he is a year round resident. He would like to know what type of walkways will be constructed to get over the dunes. Answer is that we will get mobi mats from Toms River because that is what Toms River offered. Lifeguards can use the ATV to bring handicapped members to the beach. The handicapped access is Kittiwake. We don't know at this point what is necessary. Ken Levine said that once we know what is going on, we may need to ask for money to build a ramping system.
- Michael Frankewich of 100 West Bay View asked about the property delineation of the beach front properties and was assured by Ken Levine that all properties meet deed restrictions. He would like to know why we would be unable to build ramps. Ken Levine cited the money issue; they are expensive. Ashley Swartz invited Mr. Frankewich to be on the budget committee.
- Pat Riegger of 33 Marlin said that she purchased her home because of the beach. She wants to be able to easily access it. We need handicap accessibility.
- Kevin Birdsall of 212 West Bay View asked for clarification of beach rules since we will be merging with other beaches. Mike Hanney will be meeting with Chadwick to explore options regarding badges, rules, etc. For example, our beach does not allow food but their beach does.
- Andrea Mansfield of 103 Pompano asked whether the rental offices have been notified and are they relaying information to renters. Ken Levine said that we have a good relationship with the rental office and we send them notices about what is going on.
- Army Corp made it clear that whether it's a rental community or not, they are coming this summer.
- Thomas Spaun of 114 Cormorant asked whether the lifeguards from Chadwick and OB will be following the same rules. Mike Hanney explained that there are standard rules regarding the size of the beach and number of lifeguards. Mike Hanney ensured that all lifeguards will follow rules and meet expectations of excellence.
- John Maitner of 3258 Sea View expressed clarification regarding beach access. Mike Hanney warned the Membership that the color of the sand will be darker and it will smell. This will eventually subside.

#### **Grounds** reported by Kate Baun

- She encouraged members to check to ensure their homes have numbers.
- She sent out 77 violation letters. She will reinspect once the homeowner calls to say they've fix the violation.
- Robert Cottingham of 22 Pompano asked a question about "Tree Gate". Ken Levine tabled the question.

#### **Construction** reported by Frank Augustine

- Reminder that no power tools can be used after the June 15<sup>th</sup> date.
- He said the Clubhouse online survey did not get many responses. A hard copy was available at this meeting. He explained that the planning is in the early stages.
- Tom Spaun of 114 Cormorant relayed options for acquiring money by selling OB properties to fund the possible building of the Clubhouse.

## **Security** reported by John Sorrentino

- John Sorrentino thanked the security staff. He discussed a product (Ness) that sends alerts to people on their smart phones.
- There is an employment opportunity in security for the months of July and August 11-5:30 day shifts.
- He stressed the need for house numbers for safety reasons.
- There is no smoking on the beach and please respect our badge checkers.
- John Sorrentino thanked Chris Wetzel for stepping up to the plate last year and helping out with the club's finances.

## **Fundraising** reported by Lorraine Polakowski

The fundraising committee was formed to raise money to help improve the Bay Area, specifically the playground area, which is estimated to be 23 years old and in need of attention. The committee tries to meet once a month and The following members of the committee were acknowledged: Pat O'Shea, Janice Palmeri, Lauren Casquarelli, Maura Kayal, Lorraine Dario, and Carmen Welsch.

Thanks to the members who participated in the fundraising survey. Approximately 3.6% of the members returned the surveys, which was sent via email blast, website and hard copies supplied in the office. The complete report is posted on our website. Please read the comments from your neighbors. General results: 73% of the members frequent or sometimes frequent the Clubhouse and Bay Recreation area. 54% of the members feel the Clubhouse and Bay area do not meet their needs. 76% of the survey participants are willing to participate in some kind of fundraising project. 57% would be more likely to visit the playground if improvements were made. 82% are willing to participate in fundraising endeavors such as a 50/50.

Unfortunately, we were unable to obtain a license from the State for any games of chance such as 50/50. It's unfortunate because this was hopefully going to be our money maker. Nevertheless we are moving on and exploring other options.

The committee is selling vintage postcards, OBIII mugs, and other items. Pat O'Shea has a few items on display at this meeting for sale. The Club office is housing items, and you can purchase them at the office. Janice Palmeri is exploring memorial benches so if anyone is interested in purchasing a bench in memory of a loved one, please let Janice know. We will also be displaying a weekly gift basket at the Club office. We will ask for donations and pick a weekly winner. Similar to what we are doing this morning. We are asking for donations for our baskets or better yet, if you would like to donate a basket, please let me know. We have many other fundraising ideas. Again our goal is to replace our playground equipment. We've had a generous monetary donation and hope to purchase a piece of equipment. Should you wish to donate a piece of equipment in memory of a loved one, please see me. Or if you would like to donate money toward a piece of equipment, please see me.

Finally, one of the comments from the survey, suggested that we have more activities for the adults in the community as well. The committee believes this is a great idea and a will provide an opportunity to bring this community together. We have some ideas that we are pursuing.

Please join us ... we welcome volunteers, your ideas, and your support. Please contact Lorraine Polakowski if you have specific questions regarding our efforts.

Ken Levine added that we will have a walkway by the bay to cover the old bulkhead to avoid injuries. Thank you Jim Palmeri for the idea. Lorraine Polakowski suggested that we have memorial plaques imbedded in the boards.

### **Litigation** reported by Monica Anton

- Monica Anton chairs the following three committees: Membership, Litigation, Alternative Dispute Resolution. ADR should be a vehicle used before litigation
- Monica welcomed new members, Sal and Ray Rispoli, 34 East Penguin, who are excited to be part of our community.
- She encouraged members to volunteer for any of the following committees: beach, budget, playground, grounds, maintenance, fundraising, membership, roads, rules, social, website, clubhouse.
- Litigation: we have some legal actions: one has been settled; one we won and we are suing to recover legal fees.
- Website: we hope to use technology to improve communications and help to reduce expenses.
- Tom Spaun of 114 Cormorant questioned the By-Law regarding frivolous lawsuits. This was tabled until later.
- Monica Anton responded to “tree gate”. A member under the premise of beautification, had 15 trees removed from a State right of way. The committee has met with the member and she realized her overreach. We are waiting for the State to get back to us. The Club wants to see the stumps removed and returned to prior condition. Monica Anton said that the homeowner feels badly and wants to make it right.

### **Maintenance and Roads** reported by Ken Levine

- Ken Levine reminded the Membership that we live on a barrier island. If you dig down 2 feet you hit water. When the bay water is up the water has no where to go and flooding occurs.
- Tom Zich, engineer, is trying to get the State to allow us to hook up to their system. Pat O’Shea is also on the case. However, it’s a long shot.
- Ken Levine apologized for calling a special assessment to request money to pave 3 remaining roads. The sewer company and water company contributed to the paving project and are to be commended. However, the gas company refused. The Club may seek damages.
- Maintenance: Ken Levine acknowledged Steve Polakowski, Gerry Christensen, and Jimmy Palmeri and thanked them for their work.
- Fred Bogert of 226 Bay View reported speeding on the newly paved road. A heavy truck went down the street making marks. Gas company has already dug up a portion of the street. There is also a heavy piece of equipment that was brought in before the paving and he wants to know how they will get it out without marring the paved road. Ken Levine responded that utility companies and homeowners will be put on notice. They have to restore the road they dig up to the Club’s satisfaction or there may be legal action. Fred Bogert observed the water raising over the drains and questioned the check valves. They may not be working on some of the drains. Ken Levine said that Wednesday and Thursday drains will be cleaned.
- Sara Frankewich of 100 Bay View Drive asked whether any other safety measures will be used for traffic issues. Ken Levine said there will be orange cones. Delfino will extend the lines at no cost.
- Robin Erichsen of 124 Tarpon said that she has complained for 3 years about water pouring out of the drain and onto her property. Tom Vich will look at it.
- Leopold Mateski of 111 Bay View is putting the Club on notice. The gas company will be digging up the road by his house. He tried to get the gas company to come before the road was paved.
- Frederick Bogert of 226 Bay View said it’s who they contract with, not so much the gas company.

### **Old Business**

None

## New Business

Certificate of Incorporation By-Law: attorney recommends changing it to bring it into compliance as reported by Ken Levine.

Monica Anton nominated the current trustees up for re-election. Peter Kolle of 36 East Osprey seconded the motion. Motion was approved.

Two nominations from the floor:

Janice Palmeri nominated Pat O'Shea for a trustee position. Ken Levine seconded the nomination.

Janice Palmeri nominated Brian Quinn for a trustee position. Kate Baun seconded the nomination.

Janice Palmeri discussed the By-Law she proposed. By-Law proposal change: all property owners or lot lessees of Ocean Beach, Unit No. 3, are eligible to apply to be members of this Club, as their name appears on the Deed of the property. Ralph Colletta of 23 Cormorant had a question regarding a home that is held in a Trust. Ken Levine said as a member of the Trust, the names would be listed on the deed. Thomas Fox of 101 West Marlin asked how would it be handled if corporation owned. Ken Levine said the officer of the corporation would be listed.

By-Law 2 adding *she* and *her* where *he* and *his* appear throughout the By-Laws document. This will bring the document up to date.

By-Law 3: Ken Levine discussed the proposal to allow the club to use email notification unless a member specifically elects not to. If a member elects not to, they will be notified by regular mail.

By-Law 4: If a member brings a claim against the Club by any means and the Club prevails in that action, then that member shall be obligated to remit payment to the Club for the reasonable attorneys fees and costs incurred by the Club as a result thereof, except if Law affirmatively requires such expenses to be in all cases a common expense. The Club may collect the amounts due under this subsection in the same manner as it would collect assessment. To "prevail" shall include, but not be limited to, obtaining judgement in the Club 's favor, having the matter dismissed or partially dismissed, and/or obtaining any order or decision that finds the Club did not commit the wrong and/or action or inaction alleged.

Monica Anton said that the last resort should be court.

Mrs. Riegger of 33 Marlin Way suggested that Boards change and questioned partial dismissal. Monica Anton explained that if we win a portion, we could negotiate a portion of the fees.

Joyce Mollo of 20 East Tarpon encouraged members to pass By-Law #4.

John Sorrentino of 3286 Sea View was speaking as a member and encouraging members to support By-Law #4.

Ken Levine called for the ballots to be counted and asked for volunteers.

See Kate Baun to serve on a committee for accessibility study.

Ken Levine thanked our veterans for their services and offered a small gift for our members who are vets.

There will be a Memorial Day flag raising at the Bay Club beach Monday at 10:00 a.m.

We are looking for bagpipers for July 4 celebration.

### **Open session**

Gerry Collins of 3301 Moonrise asked about the timeline of paving lagoon roads. Ken Levine Thinks the contractor may possibly pave the second week of June. 3-4 days to pave all three roads.

Walter Burke of 29 Swordfish is concerned about parking on our roads while the Army Corp is working here. Ken Levine responded, if anyone parks where they shouldn't without a permit, they will be towed.

Ralph Colletta of 23 Cormorant said that the sewer company moved a drain in the middle of his driveway. They changed the valve. Bobbie Mues said they are doing this at many of the homes.

Michael of West Bay View Drive questioned whether there should be an even number of board members.

Nancy and Rich Snyder of the beautification committee offered bulbs to the Membership at a low cost with funds going back to the beautification committee.

Leopold Mateski of 111 West Bay View was concerned about the paved roads being striped and making a private road look like a thoroughfare. He said there used to be heavy horses blocking the road from large trucks. Ken Levine said this is no longer used because fire trucks and garbage trucks need to get through.

Grace Collins of 3301 Moonrise said that 3 homeowners paid to have a new drain installed a while ago. She would like to know if the drain will be cleaned. She was told to email Ken Levine and copy Ashley Swartz.

Congratulations to Deb Burke for her donation and taking home a beautiful basket from the fundraising committee.

Correction to the Spring Membership Meeting (5-19-18), results were not attached to the minutes sent to members.

- Bylaw proposal 1 passed 107 yes/14 no: all property owners or lot lessees of Ocean Beach, Unit No. 3, are eligible to apply to be members of this Club, as their name appears on the Deed of the property.
- Bylaw proposal 2 passed 112 yes/8 no: adding *she* and *her* where *he* and *his* appear throughout the Bylaws document.
- Bylaw proposal 3 passed 109 yes/14 no: allow the Club to use email notification unless the member specifically elects not to. If a member elects not to, they will be notified by regular mail. This change will also amend Article 12: Amendments Section 1.
- Bylaw proposal 4 passed 95 yes/24 no: New Bylaw Article 11: Miscellaneous new Section1(b).

Ken Levine made a motion to adjourn the meeting at 1:07 p.m. Lorraine Polakowski seconded the motion.

Respectfully submitted,

Lorraine Polakowski  
Secretary