

**OCEAN BEACH AND BAY CLUB
MEMBERSHIP MEETING
SEPTEMBER 9, 2017**

MEETING MINUTES

Meeting was held at the Moose Lodge.

Trustees present: Ken Levine, Bobbie Mues, John Sorrentino, Chris Wetzel, Kate Baun, Mike Hanney, Lorraine Polakowski and Club Attorney Hubert Cutolo

Absent: Sharon Andelora

Ken Levine, President, called the meeting to order at 10:00 a.m.

Bobbie Mues led the Pledge of Allegiance.

Ken Levine introduced the Board members. Ken Levine explained that someone had taped the last Membership meeting and he wanted the members to be aware of this.

Ken Levine asked the Membership whether they would agree to deviate from the agenda. Maura Kayla, 3251 Goa Way made a motion to deviate from the agenda to discuss the budget. Paul Dressler, 117 West Bay View seconded. Majority of the Membership agreed.

Ken Levine reported that Bobbie Mues and Chris Wetzel will be leaving the Board. Additionally, the Board has accepted Brian Quinn's resignation.

Beach

Mike Hanney reported a great season on the beach with no major incidents. He thanked TJ for running a successful junior lifeguard program, winning third place in one tournament. Thanks to Don, Matt, and Josh for their work at the beach. Badge checkers did a good job despite the budget cuts.

Correspondence

Kate Baun read one correspondence to the members from Brian Quinn, 109 Tarpon Way.

Attorney added that the Board was within their rights to accept Mr. Quinn's resignation.

Rules, Membership, and Grounds

Bobbie Mues reported that the new Rules, "Blue Book" will go through legal review shortly and the book should be published by early 2018.

Bobbie Mues has enjoyed meeting and welcoming new members.

Bobbie Mues has been working diligently with Toms River dealing with at least 12 abandoned homes, 11 lots. We can only withhold badges, which does not impact these property owners. She has been working with Maria Maruca, Toms River Code Enforcement, Board of Health, and Property Management. Toms River has placed yellow stickers on abandoned homes and lots. Letters will be sent to owners and they will have a certain amount of days or court appearance. Bobbie Mues encouraged all members to call Toms River when dealing with abandoned homes and lots.

Social

John Sorrentino thanked the ladies who ran the Clubhouse despite the small budget. Some concerts on the beach were canceled due to weather related issues. We have an IOU with East Street Shuffle Band. John Sorrentino is hopeful that better staffing will allow the Clubhouse to be open longer. He thanked Joan for her efforts on selling merchandise on the beach during the concerts. Janice Palmeri was also thanked for selling the merchandise.

John Sorrentino thanked Gerry Christensen for raking the beach, donating a vintage skee ball machine for the Clubhouse, and providing the Christmas decorations that are displayed outside the Clubhouse during the holidays.

Security

John Sorrentino thanked Rob and Josh. Numerous calls were made to security involving domestic violence, drunkenness, and other issues, while during the off season (September to June) there were 300+ calls. He encouraged members to consider installing security devices on their homes.

Fundraising

Lorraine Polakowski reported on the first meeting of the fundraising committee. The Club is applying for a State raffle license so we can hold a 50/50 raffle in 2018. Proceeds will go toward the development of the Bay Area. Requesting volunteers to work with this group.

Maintenance

Ken Levine thanked Steve Polakowski and Gerry Christensen for doing their best grooming the roads.

West Bay View road will be worked on by the end of October. The contract has been awarded by Toms River Municipal Authority.

In the spring three roads (Pelican, Marlin, and Dolphin) will be investigated professionally by an engineer.

There was a complaint about utility companies dumping pipes and storing equipment on West Tuna. There is an easement for them to obtain access to Club roads.

Question: Why can't Toms River be responsible for our roads? Answer is before Toms River would take responsibility for any roads, they must be brought up to their standards and we cannot afford to do so.

Monica Anton, 345 Bay View, volunteered to join the Board and look into the roads.

Budget

Chris Wetzel reports that the bulk of 2017 revenue and expenses are in. Net revenue is \$15K ahead of budget projections while expenses are under their budget resulting in a \$50K surplus. The 2018 budget is lower than 2017 resulting in a smaller assessment. He then responded to questions regarding the budget. Members had budget handouts.

Gerald Collins, 3301 Moonrise, asked whether the \$50K surplus will rollover to 2018? Chris Wetzel said yes.

Monica Anton, 345 Bay View, asked if the budget for 2018 should be flat. Some Board members felt it should be, but this is the proposed budget for 2018. She also asked about future maintenance on Bay View. Are we responsible for snow removal? Response was that Toms River takes care of snow removal.

Ken Levine explained that Chris Wetzel wanted to do a budget survey, but it may have appeared to some people to contain personal questions. Consequently, the survey was not distributed.

Chris Wetzel explained that the budget and corresponding member assessment is down.

Bill Gemza, 28 Bonita, asked whether speed limit signs were included in the budget. Chris Wetzel explained that there is a \$23,400 line item for roads and drains that includes \$10,000 for signs.

Rich Decker, 129 Albacore, asked Chris Wetzel about the suggestion from the August meeting regarding raising the dues. Chris Wetzel referenced a by law proposal to raise minimum dues to \$250 and then have budget meeting discuss the items in excess of the \$250. Chris Wetzel responded that the budget shows the "required" expenses such as lifeguards, insurance, legal, etc. The commingling was the by law proposal that had minimum dues raised from 20 to 250 plus requiring a majority vote instead of 2/3. Chris Wetzel offered we could have presented the dues first and then subsequently at the next meeting the majority feature.

Kevin Birdsall, 212 Bay View, asked about the upcoming dunes. Club believes that we don't really know if there will be any financial impact from the dune project. If there is, the Club could have a special meeting to vote on a special assessment about a reserve. There was a question as to why we have such a small reserve. Should we have a larger reserve?

Monica Anton, 345 Bay View, said that previous member lawsuits were about window placement and other small issues. Ken Levine indicated that he is doing the best he can to protect the Membership. Chris Wetzel suggested that a special assessment could be done to add more money to the reserve. Monica Anton suggested that we could vote the budget down.

Rich Decker, 129 West Albacore, said it is a good objective to keep costs down. He asked if we could put a mandatory arbitration into the By-Laws. Hubert Cutolo responded that arbitration is "once and done", which means there is no recourse on findings.

Paul Dressler, 117 West Bay View, asked a question regarding the cost of professional fees. Chris Wetzel explained that this is a bit of a catchall item and contains the cost of attorney fees. Chris Wetzel said this hit a peak in 2013, and hopes that the worst is behind us. Ken Levine added that the expense went up due to the change of having a certified audit of our books. Post Superstorm Sandy litigations have significantly impacted our budget, causing everyone to pay higher dues and assessments.

Raymond Zarnowski, 130 Albacore, shared that for 30 years his dues was less than \$100. He feels that the base assessment should be \$250 and everything above that should be voted on. He suggested that the people in NJ just accept higher taxes.

Michael Frankewich, 100 Bay View, asked if the landlord is kicking in on costs associated with new dunes. The developer owns the beach lease. Do we have to pay for the walkways over the dunes since we lease the beach? We can ask the developer for a contribution, but the Club is responsible for beach maintenance and associated expenses.

Bill Gemza, 28 Bonita, wondered why income from badges and decals went down. He felt that some people were not buying badges. He feels that increased beach patrol will solve this. Chris Wetzel explained that we had one less week to our summer, which would have caused the difference.

Karen O'Neil, 129 Osprey, asked whether we are going to have walkways over our dunes. The response was that we don't know what it will look like.

Bill Gemza, 28 Bonita, commended the road crew. He remarked that the swale in the roads, especially on Bonita and Crane, has made a big difference in keeping the water flowing.

By-Law Proposals

Ken Levine explained Article 9: new section proposed which allows the Club to accelerate scheduled delinquent payments owed to the Club and file a lien against the property. Club attorney, Hubert Cutolo, clarified that a lien cannot be filed for fines.

Ashley Swartz, 25 Osprey, remarked 30 days from given notice. Legal fees will go to member?

Bill Gemza, 28 Bonita, if it's only for dues, what is the situation where a guest would owe dues? Or a contractor buys a house and flips and he's not an owner?

Joan Carroll, 106 Cormorant, can we apply to people retroactively who owe us now? Ken Levine responded yes. We've filed liens in the past. We don't want the by-law to be vague.

Article 11: A new section proposed has been written by Club attorney. To summarize, it allows for the Club to be reimbursed for reasonable attorney fees from members who bring claims against the Club in which the Club is the prevailing party.

Ken Levine explained that if you are a member and you sue the Club and your suite was dismissed, the Club could then collect attorney fees from you.

Brian Coady, 3333 Moonrise, question was, Can we then reverse and sue the Club for member's fees? Does it work both ways?

Bill Gemza, 28 Bonita, asked, Who is going to determine whether the suites are frivolous?

Richard Decker, 129 Albacore, suggested mandatory arbitration as a solution. He said there are no appeals in arbitration. However, the question was asked to Mr. Decker, Who would pay for the arbitrator? Club attorney, Hubert Cutolo said that arbitration is too arbitrary.

Ms. Bubser, 128 Osprey, had comments for the Club Attorney and wondered when he was hired. She is concerned that some people have showers and she has been having trouble with her house plans. She thinks her rights are being taken away.

Ken Levine said that Deed Restrictions trump everything.

Paul Dressler, 117 Bay View, questioned legal fees. It was explained that 2013 was a peek year for legal fees.

Ken Levine added that money had not been stolen in the past.

Our certified audit costs have gone from \$10,000 to \$12,000.

Ken Levine requested voting to commence.

The following volunteers counted the votes: Pat O'Shea, Mary Christensen, Kevin Birdsall, Joan DeChellis, Barbara Gemza

Ken Levine summarized the voting: 87 ballots were submitted at the meeting, plus 12 email and 10 by regular mail. Several of the email and mail ballots were invalid resulting in a total of 106 valid ballots. This means that 70 votes are required to pass the budget and the proposed By-Laws.

Results

Budget. Yes. 85. No. 21. **Approved**

By-Law Changes

Article 9. Yes. 80. No 26. **Approved**

Article 11. Yes. 67. No. 39. **Not Approved**

Ken Levine adjourned the meeting at 12:12 p.m.

Respectfully submitted,
Lorraine Polakowski, Secretary