

# Ocean Beach and Bay Club

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July 10, 2020

Board Meeting Minutes

Location: Ocean Beach and Bay Club, Club House

8:04 pm meeting called to order by Monica Anton.

## **a) Roll Call**

Sharon, Ashley, Janice, Bob G, Monica, Tom Zich, Bob Bandel , Frank Augustine

## **b) Reading of the Minutes**

## **c) Communications**

-Pat O'Shea

## **d) Financial Reports**

Treasurer

- P&L YTD attached
- Bank balances below
- Tax extension filed
- PPP forgiveness period extended
- Bills to pay:
  - utilities
  - Legal
  - KBD
  - Blue Wave (social shirts)
  - Waste Management
  - Gall's Uniforms (security)
  - Lowe's
  - Lavallette Printing
  - Lavallette Hardware
  - Kelly's Sunoco

**Ashley made a motion to pay all the bills second by Frank Augustine. Vote unanimous. Motion Passes.**

**1. Beach Committee (Mike Hanney)**

- 1) Very successful Opening to summer 2020
- 2) lifeguards performed multiple line rescues and with there continued training showed they were prepared for the water conditions they were faced with.
- 3) Lifeguards and badge checkers remain positive and polite even when unruly guest and members continue to harass and complain about OB3 rules!!!!

New News

1) OB3 lifeguards tournament has been cancelled because of Covid-19 and with Don, Ashley, I concern for the safety of our lifeguards and badge checkers with the other beaches competitors we have decided not to hold our tournament this year. We will have a competition amongst our guards only for our members and renters to watch and enjoy. Date will be discussed with Don but probably first week in August..

**2. Grounds Committee (Frank Augustine)**

Grounds

- complaint 28 E. Penguin who is maintaining property weeds up to waist

Hardship Committee

- all applications are being reviewed by Bob G., Brian Q. And myself and have not run into any real problems.
- 121 W. Albacore complained about about work being done. Responded to member about the complaint

**3. Maintenance Committee (Brian Quinn)**

Add lettering to sign posts next year to use bike racks.

Used excavator to remove old dune fence.

**4. Membership Committee (Janice Palmeri)**

**Janice made a motion to reinstate Zamek, Vislocky, Farrington, Kremer, Wiegmann paid in full Sharon seconded this motion. Vote unanimous no one opposed. Motion Passes.**

**Janice makes a motion to suspend Merkle 35 Pelican for Grounds Violation. Second Monica. Tom Zich abstains. All others in favor. Motion passes.**

**5. Nominating Committee (Janice Palmeri )**

**Nothing to report.**

**6. Police Committee (Ashley)**

- Gringo's parking has become an issue; warning provided and will tow from here forth after stickering (it is employee vehicles)
- Horses on Tuna
- Lot parking overnight
- Speeding
- Gangs of Kids (see below)

Beach Patrol

- Handling of belligerent members
- Weekly stats below

Date	Badges	Ball/Fun	Alcohol/Smoking	Coolers	Food	Tents
6/20/2020	23	14	10	5	5	5
6/21/2020	35	8	6	4	13	4
6/22/2020	18	11	6	0	9	2
6/23/2020	10	3	3	5	5	0
6/24/2020	19	3	4	2	3	0
6/25/2020	5	3	0	3	2	0
6/26/2020	18	12	5	8	5	0
6/27/2020	3	13	10	1	3	0
6/28/2020	14	19	13	9	12	6
6/29/2020	10	13	8	2	16	2
6/30/2020	5	10	8	0	6	0
7/1/2020	0	4	4	1	1	0
7/2/2020	3	5	10	4	9	0

7/3/2020	13	3	8	5	9	0
7/4/2020	25	9	20	6	14	0
7/5/2020	22	8	16	10	18	2

Date	Name	Badge #	Address	Ashley Contacted	Violation					
6/20/2020	Cesar	N/A	29 Pelican		Drinking on beach, told to stop, moved chair to moby mat and drank there, told to leave, proceeded to stand on the top of the mobymat and finished his beer. Jake spoke to him and told him this was not allowed and he would need to leave. He was cooperative and stopped.					
6/20/2020	Molly	N/A	106 Bonita		Was told to stop drinking but they continued. Jake went over and told them they needed to take the alcohol off. Marney went over and spoke with the husband and they took the alcohol off.					
6/20/2020	N/A	0304	?		Renters were given the homeowners badges to use instead of renters badges.					
6/21/2020	Arbortelli	?	119 West Corm.		Didn't get badges and was yelling at staff to call the cops. She wasn't leaving and wanted to go on the beach without her badges.					
6/25/2020					2 Dogs running loose on the beach by walkway 9. Owner was found on the street looking for them.					
6/28/2020	Mike	0512	101 West. Corm		Drinking beers in bottles on the beach. Told us he knew the rule and yet they were drinking heavily and hiding the beer bottles in their towels. Was caught when he was trying to throw the bottles away. Was told he was in violation and he would be reported.					
6/29/2020					Complaint that people were having sex on the beach down by walkway 9. Security checked it out and did not find anyone with this issue.					
7/3/2020		0188			Homeowners refused to let the badge checker check their cooler. She called for supervisor and security. They said they were being harrassed and targeted. They					

					insisted on getting the supervisors and security names and refused to give their own names. Homeowners said they were reporting them and security needed a search warrant.
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#### Gangs of Children (from Rob)

There seems to be a general panic with rumors being posted about all the problems this summer. I have looked into all the reported horrendous acts and have been working at night ,so I have the facts and experience it first hand.

The frantic email about gangs of kids walking and breaking windows with rocks : I spoke to several residents on E. Kingfisher and E. Tarpon, all said they did not know it to be a fact, all had just heard that it had happened, including the person that reported it. No actual report from any homeowner that windows were broken. Are there large groups of kids walking on those streets more than others, yes, only because that is the exit and entrance to the beach closest to WaWa. When the kids get dispersed from WaWa, they all leave at the same time, and head up to the beach for awhile. Then, when they are dispersed from the beach awhile later, they all leave on W/w #1 and # 2, all walking back to Rt.35 North. We station our patrol truck in that area while this is going on, so it is a fact, NOT rumor like we are receiving. Loud, yes, when you have 30 / 40 kids walking , talking in the quiet night, it sounds very loud, but in reality they are all just laughing and talking at once. Nothing illegal or that can be stopped, its summer on the island.

I received emails that these vandals had broken the large pots that are put out along Rt.35. Again, not true. Fact: I checked the pots, only 1 was kicked over, no damage, and the plantings fell out with the dirt. Another one had the plantings dug out with a shovel, definitely not kids, they don't carry shovels. The plant is sitting somewhere transplanted into a residents planter somewhere in the area of Pelican where the plant disappeared from.

As far as the reports on the beach, I had Josh walk every walkway and check all fences. The only damage he reports is to one small section of the dune fencing along the beach, maybe 8 of the thin slats are broken. The fencing along the walkways are not broken, the only break is one that was reported from Memorial day weekend , and that was one rail. Josh spoke with Jimmy, who told him the beach has been very clean when he goes up there in the morning. Any trash that is thrown in the dunes or on the beach is what we experience every year with the renters, nothing new. There is not one rental available for the entire summer according to Jeff from OB rentals, we are packed to capacity with people, have larger parties than ever at night, moving more cars than ever before. This is all due to the amount of renters we have, not the kids walking around at night.

Gerry stated he is not sure what the solution is, that's like asking how can we stop it from raining so we don't get all the reports we are getting about how bad the roads are and how flooded they are every time it rains. There is nothing we can do but keep a presence, like TRPD is doing. We are going to have kids that are disruptive, like we are going to have rain that's going to make a mess of our roads, it is just a fact.

## 7. Roads Committee (Brian Quinn)

The roads are being diligently maintained by Gerry.

## 8. Social Committee (Sharon Andelora)

- a) An additional T-shirt order was received. Sale of shirts are going well.
- b) July 4<sup>th</sup> flag raising ceremony was a success. Hopefully, 2021 will bring back the Color Guard, bagpiper, baby contest, and talent show.
- c) Arts & Crafts and movies are running smoothly.

### 1. Litigation (Monica Anton)

I propose that we approve the following communication and accompanying materials for presentation to the Membership in support of their right to access the Bay via the contested strip of beach on WBV.

### **In re: Gerbino and Deckert vs. Ocean Beach and Bay Club**

OBBC has had an ongoing legal dispute with two members (Gerbino and Deckert) regarding the members' posting of several No Trespassing signs on a narrow strip of beach on West Bay View Drive that provides access to Barnegat Bay. This property is tidelands owned by the State of New Jersey and no one has the right to interfere with OB3 residents or the general public from using the property.

Gerbino and Deckert allege that this strip of beach is their private property, which is simply not true. But even if they *did* own it, legally, OB3 members and the general public have the right to go over the property to access the Bay. This right is protected under the Public Trust Doctrine, a common law doctrine of property law which established certain public rights to access and use navigable waters, as such waters and shores have been used as common areas for fishing, commerce, and navigation.

[http://www.njseagrant.org/njcoastalaccess/waterfront\\_users/public\\_trust\\_doctrine.html](http://www.njseagrant.org/njcoastalaccess/waterfront_users/public_trust_doctrine.html)

The **Public Trust Doctrine**, codified into law by Governor Murphy in 2019, provides that **public** rights to tidal waterways and their shores in New Jersey are held by the state in **trust** for the benefit of all the people. Further, it establishes the right of the **public** to fully utilize these lands and waters for a variety of **public** activities, including, for example, kayaking or surf fishing.

Many OB3 members are looking for a place from which to launch kayaks as our Bay Beach is not available due to the nets installed there to control jelly fish. The strip of beach on West Bay View Drive would provide members a perfect alternative. However, Gerbino and Deckert, in their claim to own the land, will chase people off the area and/or call the police.

We have been in litigation with these members since they filed their complaint on September 17, 2017, commencing an action to obtain title to the strip of beach, which, in fact, is owned by the State of New Jersey. Total legal fees and costs to our membership to date is \$41,315. The action was dismissed by the Court and **there has been no ruling that Gerbino and Deckert own the property. Any statement to the contrary is not true.** However, the trial court also denied our motion to compel removal of the signs and prevent them from interfering with people using the property and accessing the Bay over the property. We have appealed that ruling. Opposition briefs from Gerbino and Deckert are to be filed filed on July 10, 2020, and OBBC will have 10 days to answer.

Our attorneys have now also asked the Attorney General's office to intervene to have the signs removed and prevent interference with people using the property to access the Bay. We expect the Attorney General's office to take action in the coming weeks.

In the interim, our attorneys have prepared the attached correspondence which you can print out and provide to any authorities to support your right to use the property to access the Bay.

**2. Alternate Dispute Resolution (ADR): (Monica Anton)**

Nothing to report.

**3. Construction Committee (Frank Augustine)**

- all construction had to be either completed for stopped by June 15
- a fine was issued to 337 Bayview- refused to not use machinery and told security to fine him. A fine was issued but there was no suspension.

Complaint about 109 Bonita, security went by no power tools being used but had vehicles in the street. The my moved work trucks.

**4. Rules Committee (Sharon Andelora)**

Complaint about tents on the beach. Sharon will explain to the member.

**5. Cost Management (Bob Garneau)**

**6. New Clubhouse (Tom Zich)**

The entire playground and clubhouse is now open-

Soda machine is located on the clubhouse deck \$1.00 for soda.

Ping Pong, basketball, bochi ball is now available

All fire extinguishers fryer etc have been approved

Popcorn too!

## **New Clubhouse-**

Phase one plot layout proposal process completed and site survey now completed. 10-15 surveyors were on site past weeks. This will initiate a meeting with the Engineering firm to discuss next step.

Request to the membership asking for ideas for new club house will be going out prior to Fall/summer meeting.

### **1. Boat Basin (Bob Bandel)**

#### **Objectives**

- Assess condition
- Evaluate current use
- Determine how to improve
- Identify how to improve beautification
- Determine how to generate increased revenue

#### **Current issues**

- No parking for non members
- Size of boats
- Low clearing to exit
- Boat ramp

#### **Short term priorities**

- Secure update # boats/jet skies registered 2020
- Insure all registered have paid the \$100 fee
- Assess current condition
- Evaluate current use



- Develop boat basin requirements
- Develop boat basin FAQ's
- Take first cut at what beautification of boat basin might look like & potential costs
- Determine feasibility of Kayak launch site
- Improve boat basin positioning on OB website
- Develop recommendation on how boat basin can be improved
- Take first cut on how to generate increased revenue

#### **d) Miscellaneous Reports**

#### **e) Old Business**

#### **f) New Business**

- Benches
  - All Benches have been placed?
    - New benches have been backordered expect delivery next month
      - We will need assistance with the unloading and assembly when new benches arrive
    - All Invoicing has been completed
- Boards
  - Engraved boards have been installed?
- Fundraising
  - Account at 46,371
    - Fundraising committee raised \$715.00 delivering badges
    - \$250 raised in parking fees
    - \$11,281 was raised last month
- Hardship Committee
  - Team has been working great together over 20 cases have been reviewed no real problems to report.
  -

**g) General Welfare**

**h) Adjournment**

*Motion to adjourn made by Monica at 8:51pm second by Bob Bandel all in favor.*