

DECEMBER 2022 OFFICIAL MINUTES OBIII

Ocean Beach and Bay Club
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December 8, 2022
December Meeting Minutes
Location: Zoom Meeting Platform

The meeting was called to order by Sharon at 8:01 PM. 54+ participants.

a) Roll Call

Sharon Andelora - President, Bob Bandel-Secretary, Donna Drummond-Treasurer, Tom Zich, Pat O'Shea, Mike Hanney (8:30), Bob Garneau

Absent: Monica Anton-Vice President, Frank Augustine

Quorum established.

b) Agenda

Bob B made a motion to accept agenda. Second by Tom. **Motion approved.**

c) Reading of the Minutes.

Tom made a motion to accept the November 10, 2022 meeting minutes. Second by Donna.

Motion approved.

d) Communications

There were no communications received.

Financial Reports – Donna Drummond, Treasurer

Donna made a motion to pay the November bills totaling \$32,447.70 for payroll, utilities, insurance, taxes, NJDMV, etc. Second by Bob G. **Motion approved.**

Donna made a motion to accept the 2021 and 2020 financial review from Geantasio & McGovern, LLC. Seconded by Tom. **Motion approved.**

Committee Reports:

1. Boat Basin/Kayak: (Bob Bandel)

Boat basin

Nothing new to report.

Kayak Launch Site

Nothing new to report

2. Clubhouse/New Clubhouse: (Tom Zich)

The permit process for the new club house has been submitted to Toms River Twp and Ocean County. Tom will advise membership when he is notified of a hearing date. Phase two of project officially begins now. All financial decisions will be made by the committee and then approved by the board.

3. Maintenance

\$70,000 budgeted for additional aprons for roads. Quotes are being received at this time. New Jersey Natural Gas will be replacing trunk lines and feeds for 11 sand roads starting approx. Feb 15. Detailed notification will be sent to the owners affected and also to the community in general. Final work and gas turn off will not occur until the March last deep freeze. **The list of the streets to be worked on is as follows: Goa, W. Tuna, E and W. Bonita, W. Osprey, E. and W. Penguin, E. Amberjack, E. Crane, E. Albacore, W. Plover.** There are only 11 roads affected by this project. The new pickup truck has been purchased and is in service and the old Dodge Ram was sold for \$800.

4.Roads: (Bob Garneau)

Nothing new to report.

5.Construction/Grounds: (Frank Augustine }

Grounds:

Nothing new to report.

Construction:

Total permits 77. Open permits 52. Demolition 7. Raised homes 7. New homes 11. Revenue \$8,810.

6.Beach: (Mike Hanney)

Nothing new to report.

7. Social: (Donna Drummond)

Nothing new to report. There has been an interest shown to have a Christmas tree as in Normandy Beach. The Board agreed it was too late to do something this year. If anyone would like to be in charge of this next year, please volunteer.

8. Fundraising: (Garneau/O'Shea)

Fundraising balance: \$61,712. At January board meeting further details will be provided for additional purchase of benches.

9.Membership: (Monica Anton)

Nothing new to report.

10.Security/Beach Patrol: (Bob Bandel)

Beach Patrol:

Nothing new to report.

Security:

Nothing new to report.

11. Nomination:

Nothing new to report.

12. Alternate Dispute Resolution (ADR): (Monica Anton)

Nothing new to report.

13. Rules: (Monica Anton)

Nothing new to report.

14. Technology/Website: (Sharon Andelora)

Since the new website launched in March 2022, we have had 12,916 people visit the site for a total of 41, 639 times.

15. Legal:

Matt Fiorovanti, our attorney, received a call from the Infusino's attorney, who advised that the Infusino's were able to redesign their proposed home to comply with all building restrictions. As such, the Infusino's are agreeable to a stipulation of dismissal, subject to the condition that each side is responsible for their own attorneys' fees.

While we previously served the Infusino's a "frivolous litigation" letter which protected your right to seek fees if you won the case, it is highly unlikely that the court would award fees—even if the motion for summary judgment was granted. Thus, a stipulation of dismissal with prejudice—meaning that the Infusino's could not re-instate the lawsuit—is the best case outcome.

We agreed to adjourn the motion for summary judgment so I can run it by you. Let me know if you wish to discuss.

Bob B made a motion to accept the recommendation from Matt Fiorovanti and agree to a stipulation of dismissal with prejudice. Second by Tom. **Motion approved.** A roll call vote was called for. Sharon Andelora, yes; Bob Bandel, yes; Donna Drummond, no; Pat O'Shea, yes; Bob Garneau, no; Tom Zich, yes. Complete cost figures are not in yet, but the cost to the Club to defend the deed restrictions in this case will be approximately \$30,000.

Old Business:

On November 14, 2022, John McDonough wrote:

There is a Deed restriction which states and I quote: "Vacant space on right side of lot when viewed from road is for private auto parking and/or garden and/or open patio and/or terrace."

This restriction is found on all lots in Unit III with the exception of the larger lots on Albacore, Osprey, Tuna and Goa as well as West Bay View Drive extension. There is a further restriction which applies to *all* lots in Unit III and again I quote : "The portion of the land upon which no buildings are erected shall be kept clean, free of trash, junk, lumber, building materials, food stuffs, garbage and/or any other articles detrimental to the general neat appearance of the neighborhood. The use of the above mentioned vacant land is intended for automobile parking and/or terrace and/or garden."

Based upon the foregoing allowing pergolas would be a violation of the restrictions.

John

On November 15, 2022

The motion to authorize placement of pergolas in members driveways and passed on November 10, 2022 was rescinded . It was moved by Monica Anton and seconded by Sharon Andelora to rescind the motion on Rule 23C. Vote as follows: Bob Bandel, yes; Donna Drummond, no; Pat O'Shea, yes; Bob G., yes; Mike Hanney, yes; Frank Augustine, yes. Tom Zich, no vote. Motion passed. Needed 2/3 vote. **Motion approved.**

New Business:

Motion made by Donna, second by Bob B to update Rule 21M to read as follows:

Members who opt-out of receiving communications from and/or on behalf of OBBC by email delivery will be subject to a \$30 fee, to be assessed annually. This fee will help defray the costs to the membership of creating and sending communications by regular mail. **Motion approved.**

Sharon thanked Bob Bandel and Bob Garneau for their valuable time in serving on the Board. They have been an asset to the Board and the community.

On behalf of the Board, Sharon wished all the membership a wonderful holiday season and a very healthy new year.

Sharon announced the following – Dates

Next Board of Trustees meeting will be held Friday January 13th 2023 @ 8:00 PM
via Zoom

2023 beach season will open on June 17th

2023 beach season will close on Labor Day September 4th

After the chat questions were answered, the meeting was adjourned at 8:45 PM

Minutes taken by Bob Bandel, Secretary