

Ocean Beach Shores Club

General Membership Meeting

September 4, 2021

Call to Order: Tom Hungrige, President followed by Pledge of Allegiance.

Roll Call: Present: Tom Hungrige, Joe Klenner, Matt Giordano, Mike Serafin, Bill Reinhold, Dr. Pat Smith
Absent: Ron Frister who joined when the meeting was in progress

No Communications

Captain Joe (Joe Soporowski) Lifeguard Captain – provided lifeguard and beach update. Membership gave round of applause when finished from great season.

Financial Report: .

Matt briefly went over the current budget to date: Membership dues remained FLAT at \$360 from 2020 to 2021 to 2022. Marina fees will be increased. 900 for members and 1100 for non-members. Expenses saw an increase due to increase to salaries. Other fees remained mostly flat with no new projects for 2022.

Membership:

Joseph began by thanking Matthew for an outstanding job and for keeping the dues at the same amount for next year. He also reflected that our association members' issues with the Club should be taken in perspective with the devastating destruction from Hurricane Ida which spared Ocean Beach Shores leaving all of us alive and safe. He introduced the names of the latest members of OBS: Ed and Dorothy Hoehne in 136, the Pizzuto Family coming soon to 209, Trish Capitelli in 245, the Martells in 225, the Lissaks in 28, the Purnells in 264, and the Ramirez Family in 124.

He reviewed the garbage and recycling change in schedule as of Labor Day.

He thanked all who paid their dues on a timely manner and responded with updates to the changes in personal information.

Joseph reported the Rental Badge Income at \$17,780 with slightly more to come; Rental Badge Expenses at \$817 showing a net profit of \$16,973. Expenses for Homeowner Badges was \$811.33. Two new member initiation payments were received at a total of \$720.

He thanked Neil and Michele Bickford for their valuable assistance and after

Joe talked about the retiring of Bill Reinhold (Marina) and congratulated him on his years of service and presented him with a gift after Bill's report.

Marina: Bill Reinhold reported that all slips were rented for 2021 with 14 requests still on a waiting list. He thanked everyone for their cooperation during his tenure at the Marina Trustee.

Beach:

Dr. Pat started out with a moment of silence. OBSC is part of the US Lifeguard Safety Association which has been abandoned by other associations on the island due to the strict requirements.

Pat talked about all accomplishments with season such as family fun day and co-ed lifeguard tournament.

Buildings & Grounds: Mike Serafin. Currently two major projects on the street were completed and two new projects have been approved.

General Welfare:

Tom began this section of the meeting by explaining that the Board realized that they had not communicated as well as it could have over the past year and he understood that there were issues from the membership.

The following is a transcript of the meeting which followed and please note that when “Membership” or “Member” is represented, it means that the name and address of the member(s) speaking was either not picked up or not stated at all.

Darlene Pereksta “ First off, for those who don’t know me, I am Darleen Pereksta, 207 Ocean Bay Blvd, and let me preface.

Tom” Do you want the microphone,

Darleen, No, I am good here, Can everybody hear me?

Membership: Yes and no answers, - Microphone handed to Darlene.

Darleen: Okay, again, I am Darleen Pereksta, 207 Ocean Bay Blvd, I first want to preface this by saying, none of this is personal, I’ve been coming to these meetings since 1992 when I bought my house. And I bought my house because of the deed restriction. Those of you that have been here have heard me talk about the duties of the trustees to enforce the deed restriction. So, when I saw, Tom H’s rooftop deck, I called Mike Serafin, the building and grounds trustee, and the guy who built the deck, and I asked him, how high the rails were, he told me, he didn’t know. And told him in my opinion, he violated our deed restriction, and he said, McDonough is okay with it, and I said, McDonough doesn’t enforce our deed restriction, we do. So I asked to see the plans, he told me no. He told me get them from the town. So I started digging. And thank you Tom, I’m glad I did. Because, I found out a lot that I didn’t know, that they didn’t tell us, and I submit, and I suspect most of you don’t know. I spoke to the town planner, Dave Roberts, he explained to me that after Sandy, the federal government gave money to Toms River to change the zoning ordinance, to change the master plan. I want to get it all in, I’m not going to ramble. They gave money, the federal government gave money to the town to change the ordinance on the barrier island to match each individual, each associations deed restriction. Before sandy, it was 35 feet, it was 35 feet if you were on the main land or here. But after sandy, as of September 2017, our street was rezoned to the RB5 zone. And for the first time ever, the townships zoning ordinance that applied to our street matched our deed restriction. Think about that people, for the first time ever, we wouldn’t have to worry about the lawsuit. We wouldn’t have to enforce our own deed restriction, the town was doing it for us. So as of September 17, 2017, the zone that we were in, allowed for structures including the deck rails, they measure, the town, to the top of the deck rails. For the first time ever, the town limited it to 20 feet, from base flood or grade. Because if you are on the ocean, you are base flood...

Tom: Hey Darleen, you are wrong about that, its off the ground on the town, not any elevation, the ground.

Darleen: okay, I have some documentation Tom, so please don’t interrupt me. I let you talk, please let me talk. Okay, it’s 20 feet off of base flood or grade. And I have it. And that was consistent with our deed restriction. Again, it’s not the towns job to enforce our deed restriction, but our deed restriction doesn’t allow for a structure more than 17.6 from finished first floor. So here’s the town measuring grad, the get to 20, here’s u. 17.6, we get to the same spot. It’s consistent. So I asked, how high are those rails, Oh, do an open public records request. I did an open public records request. You know what I got back, I got back a letter, a permit, a status form dated July 10, 2020, from Serafin contracting, from the town, denying the deck application. Property is located in RB5 zone, maximum height is 20 feet

from BFE Tom, not grade, BFE. But grade happens to be BFE on the ocean block. Height is measured to the highest point, on flat area which includes deck railings. They measure, I checked with 3 zoning officials in the town, was getting this wrong, I checked with the town cloud planner, no, 3 zoning officials told me we measure to the top of the rails. The town planner, we measure to the top of the rails. Okay they gave him a big deny. That as July 10th, 2020. So then, I asked the planner, I go so, how, how in the world did this deck get through the town. How could that happen. It was capped at 20 feet. And the rails, his rails are 24 and a half off the grade. And you know what he told me, he told me because the zoning ordinance was changed. And I said, really. When? And guess what, it was changed at the end of last year. And I said, why? And he said, here's the kicker, here's the kicker people, because your club asked for it. I said really! I've been coming to these meetings since 1992, I never missed a meeting. I said, our club asked for it? WOW, our club asked for it, something to be changed, that for the first time, would have stopped any litigation about the deed restriction. For the first time, people wouldn't be able to get through the town, much less our club. We asked for it, I said, who asked for it. Do an open public records request. Oh, I did another one. And you know what I found, and don't take my word for it, it's being passed out now, I'm going to read from it. Read it yourselves. This was a email to the town planner Dave Roberts, on July 13th, 2020, 3 days after Serafin got the rejection, go the denial. This is a letter, form Tom H. Not Tom H homeowner, not Tom H, Toms River resident, Tom H resident of this club. (Darleen pounding on paper and very upset). And you know what he said, he lied. He said the club approved this. He said the club wanted the change, please do this.

Membership: starting to yell

Darlene: Read it.

Membership: Getting louder

Darlene: We can get an exemption from the current 20 feet off RB50 zone, to 25 feet to accommodate rooftop decks. Including the 3 foot railing, it would relieve a lot of problems for our association going forward. Our club, as well as the developer, as approved the rooftop decks. Please do this for our club. I copied, he says, to the town planner, I copied the building and grounds chairman, Mike Serafin, if you have any additional questions. And he signed it as the club president. So my question to you Tom, cause you are taking questions, (yelling) When did this club approve rooftop decks. When did this club ask for the change. Don't look at Mike (yelling), you wrote the letter (yelling), when did you do it (yelling) when did we do it (yelling)....

Member: Alright, there is no need for yelling, Okay

Darleen: I thought you couldn't hear me.

Membership talking: too much yelling. What? When did we vote on this?

Tom: I had a conversation with Dave Roberts a few years ago (membership talking over everyone), Tom's continues I had a conversation with Dave Roberts going back quite a few years ago (membership continues to shout and interrupt conversation), to discuss the RB5 zone where almost every house that was built exceeds the 20 feet off the ground, (debates as to off the ground or BFE between membership and Tom).

Darlene: Let me ask another question, did the board know about it? Did the board vote on it? Darlene polls each member of the board starting with Joe, Joe answers no, Darlene asks Bill, Bill answers no, Darlene asks Matthew, Matthew answers no, Dr. Darlene asks Patrick Smith, Patrick answers no, Darlene asks Ron Frister if he voted on it, Ron answers he was not part of the board at that time. Darlene yelling and states that we have the president and the sidekick, two guys who represented to the town to get a zone change that we didn't even know about. People wake up!!! Shame on them. Tom bangs gavel. Tom: The zoning change and Mike can back this up, everybody who tried to build a new house since they put us at this 20 feet RB5 zone, they all would have to get a variance, or it became a continual problem. I spoke to Dave Roberts, and said Dave, if you are measuring off the ground, and

our BFE is 4 feet, then really it needs to be 24 to 25 feet. (Membership is yelling and multiple conversations are taking place).

Darlene: That is baloney.

Tom: There are beach front houses over 20 feet off the ground, there are bay front houses over 20 feet off the ground,

Membership yelling when did we vote on this. Gavel banging. Tom asking membership to speak one at a time.

Don Rica: you're the president of the association, those actions are outside the scope of your obligation or responsibility, you just said that you should do things that should benefit the entire community.

What you did, did not benefit us, it benefited you.

Membership continues to talk over all speakers.

Darlene: You said in your letter Tom, we approve roof top decks, Darlene yelling when!

Gavel banging and Tom stating to let Mike talk.

Tom: We let you rant and rave so let Mike talk.

Mike: You have a lot of houses on the bay that are, where the elevation is in the 8 ft zone, and the top of the houses can be over the 20 foot that was required, and this was in the works at least 4 years ago. It's not like he is doing it to benefit himself, it is benefiting the whole club.

Tom: and I spoke to Dave, over 4 years ago, and he was going to change it then, and it didn't get changed, and basically was a reminder conversation to get all the houses on the...

Membership yelling.. we did not vote!

Two members yelling to make a motion to have them removed!

Multiple members yelling that they are tired of the HOA and to make a motion to have the HOA dissolved.

Tom: During Sandy, there was no vote to raise from the original restriction to go up to 4 feet. That was not done by a vote, that was done by..

Darlene yelling: everybody who was here, and nobody objected to it and that was a vote.

Tom: here are the facts, I put an application in as a homeowner,

Don Rica: you didn't have the authority as a representative of this club. Membership continues to talk.

Linda asking tom about members who were fined for being above height.

Membership: talking over everyone. Gavel banging.

Pat Boyhan: he teaches architectural engineering for 26 years, I would have done all of your plan reviews for nothing, and I offered that after Sandy, it a great project for my classroom environment. I led one of the most productive architectural class in the county, trust me, I know what I am talking about. I've been doing work on this street since the mid 80's, talks about his accomplishment on the street and that not once does he get a bit that goes out for work on this street. Everything goes to Mike Serafin. If you people don't see that as a conflict of interest, then open your dam eyes. Conflict of interest, get on the internet, shop around, what they're doing is illegal.

Darlene: So, what happen to that motion that Pat made? And that I 2nd it.

Membership: What was it?

Darlene: To have them removed from the board for their behavior.

Membership: yelling "I" and someone yelling to let's dissolve the HOA.

Tom: Where in the bylaws is that?

Darlene yelling: What happen to democracy Tommy! You talk to me about democracy? You're full of Hypocrisy, it's a vote! That's where it is in the bylaws.

Tom: We are not recognizing that unless we are going to do a real official vote.

Darlene yelling: We just did! We have voted other times on this.

Tom: Only vote was for the election.

Member: When you break the laws, you have to suffer the consequences. File the permit that got denied, you then sent a letter on behalf of the club, we didn't vote on it, then you went ahead and built your rooftop deck. I think that is in violation of our best interest.

Mike: the deck was basically approved by me and John McDonough.

Membership: talking over everyone.

Mike: His Deck is basically 17.6, his railings are not counted.

Member: for rooftop decks that is not true.

Mike: Excuse me, what is not true?

Member: This email says that this club approved rooftop decks and its not true. Tom: We never has a law against rooftop decks.

Member: You wrote the email and said that this club approved rooftop decks.

Membership: talking over everyone yelling take the deck down.

Tom: It was never not allowed.

Membership: Talking and saying really?

Darlène: Take a poll of the members and ask who was not allowed to have a rooftop deck. I know people who asked, and they were not allowed.

Tom: I am up for re-election next year.

Membership: Talking and yelling.

Member: Can I say one thing. One of the deed restrictions is that no part of the building shall be above the peak of the roof except a chimney, and railings are part of the building. Tom: Then people will have to get rid of their little weather veins, these little houses...

Darlène: I asked the town and that doesn't count.

Tom: and railings do not count as far as the board is concerned. It's a safety issue, it's not part of the structure.

Darlène: We didn't vote on it, Tom: We did not have to vote on it because it was always allowed.

Darlène: Yelling – No it wasn't!! Tom: Show me when a rooftop deck was not allowed.

Darlène: Don Rica, did you ask to have a rooftop deck.

Don: Told by Mike that he could not.

Mike: You never asked.

Tom: Don never submitted plans with a rooftop deck.

Mike: You never submitted plans for a rooftop deck, and you never asked for one.

Membership: continues talking.

Don: talking about his plans and rooftop deck and talks about having that conversation that you couldn't do it.

Tom: You can't have a flat rooftop deck, I still have the existing roof, I still have the pitch, this thing was built on the pitch.

Don: What you did is the most egregious thing I've ever seen

Member: On top of you deck, your fiberglass deck is a roof

Tom: No, it's not, it's not a roof, it's a....

Pat B: you deck on top of your roof is considered a roof, it covered it, and you need a pitch, and don't tell me it's 2 on 12 pitch.

Tom: I start the pitch underneath it.

Pat B: It doesn't matter what's underneath it, you covered it and made it a composite unit, I know what I am talking about, I have been doing this for years,

Tom: It's not fiberglass, it's azek

Pat B: My friend did the deck, he did the fiberglass work on it, he did my fiberglass work.

Tom: We fiberglass by existing fiberglass slopped roof.

Pat B: you are full of it Tom.

Member: Just curious, What authority does McDonough hold

Tom: McDonough still holds the one story deed restriction. So, if he choose, to say tomorrow, you know what, I've reconsidered, and I'm going to eliminate the one story deed restriction, then all bets are off.

Darlene: Screaming out: That's absolutely false.

Tom: How is that false Darlene.

Darlene: Because that's not the law.

Tom: He owns the deed restriction.

Darlene: No he doesn't, It's in my title. It's in their title, I own it. You own it, it's not McDonough, You are so wrong.

Membership: talking and having conversation.

Don: I think the membership all know, as in certain positions as building and grounds supervisor, he reviews plans, he approves plans he does work, he enforces, it is a conflict of interest, you can't do that anywhere in the world. We've talked about this before and never made a big deal about it, but how does a person review the plans, approve the plans, solicit the work and enforce it himself.

Tom: He didn't solicit the work, I put this out to quite a few builders, Crivelli who built my house

Don: Does he solicit work?

Membership: talking over everyone.

Don: Wait, I want to ask a question.

Mike: there are 49 jobs on the street, and I solicit each one? I don't think so.

Don: Mike, who is the enforcing agent on the jobs that you do?

Mike: What do you mean?

Don: That is exactly right

Mike: I take certifications....

Don: Who fines you if you do something wrong?

Mike: The jobs I did are all up to code

Don: You are missing the point,, there is no oversight, when you approve and do the job. The board shouldn't allow you to do it and I don't know why they do.

Mike: I get all the certifications Don.

Don: That's not the point,

Membership: Talking over everyone.

Don: you can't enforce your own job.

Darlene: How about when the deck was built. That was another question that I asked Mike. How much was Tom H fined for doing work on June 30, and he told me he wasn't fined, I said why not? He said, if people ask, I give them a pass. So you know what Don, ask him for a pass, and your fines are wiped away. Okay, there was a crane on our street, a crane in the beginning of August, in the middle of the vacation season, but that's okay, nobody got fined on that, but there going after Don Rica for something that he did to the street, that is not even in the bylaws, there is nothing that says we are more restrictive about streets then the town. There is something in the bylaws and the deed restriction when it comes to height, when it comes to sheds, when it comes to fences, no, no, were not fining that, we are going after him.

Tom: Darlene, we are a private road, and so in order to open the private road, you got to ask buildings and grounds, we don't care about what Tom's River either approves or does not approve, but if you open it up, they are going to have to come and approve it, no doubt, but you need permission to...

Don: Interrupts Tom, Don walks from back of room towards board with letter - Does this qualify as notice, does this qualify as notice, this certified letter that he didn't accept. Throws letter on table in front of Mike. Does it?

Tom: Excuse me, Excuse me, can you stay away, you just had Covid, and if you don't have a mask...

Membership: yelling back and forth.

Mike: tosses letter back at Don.

Membership: Continues to yell.

Don: Yelling and asking questions about the certified letter to the membership.

Tom: Banging gavel.

Tom: Under the advice of counsel, we are not going to discuss the road opening. You're the one who pushed the issue with legal,

Don: Ignorant of the facts, you don't even know that I didn't even open the road.

Tom: You did open the road, you cut open the road, your wife was on the board, you don't even mention it to us, and... you wife is on the board,

Membership: talking over everyone.

Member: you didn't mention this to us

Member: you signed this letter as the president, it was self serving, there was no vote you should have let the membership know, you are full of sh*t.

Member: take it down

Darlene: He doesn't have approval yet from the town.

Tom: It is totally approved by the town, signed off on,

Membership: because you lied..

Darlene: The town is going to hear about this Tom

Tom: Do you see any permits in my window? No, because they signed off on it.

Darlene: talking about ordinance

Tom: No Darlene because most of the houses are over 25 feet. That was mistake. We measured off the finished first floor, the township measures off the ground.

Darlene: The township measures from base flood or the ground which ever one

Tom: no they do not.

Darlene: take that up with Dave Roberts

Tom: The measure off the grade, and most house rebuilt exceed the 20 feet off grade, it's just the way it is, that was not a proper number...

Darlene.: it was off of base flood.

Tom: and I reminded Dave that when they first but that RB5 in, it's wrong. I said Dave, it's got to be at least somewhere above 20.

Darlene: If it was going to benefit everybody if it was truly a problem, why didn't you bring it to this club.

Tom: Because Dave told me that he was going to change it a bunch of yeas ago and it never happen

Darlene: No he didn't

Tom: Yes he did

Darlene: No he didn't

Tom: Ask hm

Darlene: I did, I did, and he said you told him, that he thought, he feels bad, because he said I guess I should have asked for resolution, I trusted that the president of the club, when he says to me that he is speaking on behalf of the club, that the club wants it. He trusted that, and I said how do we get it back, and that's going to be the next step.

Membership: Yelling... one member says take it down.

Tom: You can certainly try and then get ready for counter suits.

Darlene: go ahead

Tom: Because you going to have to sue the club and McDonough

Darlene: Yelling NO, NO.. It's you, it's you acting outside the scope of you authority, you didn't have the right to do it, the club is not going to offer you legal protection on that one. It's you and it's you.

Membership: talking over all parties. Why don't we take a vote, multiple members, I have had enough, let's dissolve the HOA and just keep the beach, marina and no parking on the road.

Darlene: your other trustees didn't even know about it. How do you make those guys look? Like fools, because you are doing this stuff behind their back. They all said they didn't know about it, they didn't even vote on it. What, they don't count? Let me ask you this Tom, who's the hierarch in this club, is that you and Mike, because apparently, they don't count either, the people that are elected or appointed to this board as trustees, you don't run it by them, you go off and do whatever you want, whether its on this, whether its on fines, Whether it's on litigation, that's going to be the next big issue, how much are we spending, I've been reading the stuff between Don Rica and you, Walter Lacicero, how much are we into Walter Lacicero over this. Does this club want to go to the mat on litigation over Don Rica, over a road, where there are no regulations, are bylaws are silent as to doing any road work. But they say oh, how dare you, you didn't come to us and ask you that

Tom: that's not true, you need to have a road opening road permit.

Darlene: Okay, he has a road opening permit

Tom: for curb cut, not road opening

Darlene: Let me ask you this, what were you going to have him do, that the town didn't have him do.

Tom: Infrared that patch like the do when the utility people come

Darlene: Where is that in our bylaws? Put everybody on notice that if you do any road work you've got to infrared...

Don: I milled the road, I didn't cut the road.

Darlene: Where is it in the bylaws that says you have to infrared it. You want to vote on that, you want to put it in the bylaws,

Tom: that as a pretty simple solution

Darlene: you don't have the authority to ask for it.

Tom: We asked to infrared the road, and the board will agree, and it's over. You didn't agree to do that Don,

Don: Fines are not negotiable Tom, you either fine for something "x" for something or not, you don't go from 500 to 300 to 1000, that's where this elective stuff comes in.. it's unacceptable.

Tom: We tried to do a compromise with you, and you reused to investigate the cost of getting an infrared

Don: So let me ask you a question, June 14th, my attorney sends a letter to you,

Tom: We are not discussing it.

Don: Because it's no in your favor to discuss it. You didn't reject it, you didn't accept it, and you didn't reply to it.

Tom: No, our lawyer has advised us not to comment on

Don: Why, there is no litigation, there is no complaint

Tom: We discussed it as a board and it went to the attorney

Don: Patrick threw the letter at me Believe me, there are people on the board that told me, you threw the letter and I refuse to...

Patrick Smith – That is untrue, that is a false statement

Darlene: Did the board vote on this

Don: I'm the one who emailed it to Ron, Joe and Matt. And they said they didn't have it

Pat Smith: Ron has it in his records

Don: it personal with you

Pat Smith: It's not personal with me.

Don: Yes it is.

Patrick Smith: You made it personal

Don: no, you made it personal when you went after my wife

Patrick Smith You made it personal

Member: Excuse me. What if everybody decided that they needed to mill the road, as you so call it, what if everybody did that in the association.

Don: That is an excellent question.

Member: it jeopardizes this road that was just paved, that the board fought to get paved.

Don: that's an excellent question. So do you know who recommended me doing that?

Member: I have no idea

Don: the engineers in Toms River

Member: But they don't own the road, It's a private road

Membership: talking about bylaws and if we own the road.

Ron: Time out for a second, you are not going to speak, I'm up. They paved the road, because these two guys fought so we did not have to incur the costs.

Member: That's not true

Ron: That is total true

Ron: I'm on the board, I'm going to talk. Number one, the reason why you milled the road is because you didn't put the money out upfront to get the concrete correct. Then your apron was too high, I don't know why, you are a builder.

Don: Ron, you are full of Sh*t

Ron: I'm not full of Sh*t

Members: Yelling

Ron: Why can't I have the floor, you had the floor.

Don: You are making stuff up

Ron: I am not making stuff up

Don: The mason raised the sidewalk 2 inches, that's why the apron was like this

Ron: You know Don, at the end of the day, the rules are simple, the rules that I were told, if it requires town approval, it requires board approval. That are the rules that I was told. Right or wrong, the question is simple. Did you get club approval, before you got town approval? Yes or no?

Don: Did I get club approval?

Ron:: Did you get club approval before you got town approval?

Don: First of all you..

Ron: Answer the question, I will tell you right now, if you got club approval, I will go and get everyone of these guys to readdress your concern.

Don: Let me ask a question.

Ron: yes or no,, did you get club approval? Show me the paperwork

Don: I just showed you that I sent Mike a registered letter

Ron: Did you get club approval

Don: So it's on me

Ron: It is on you, did you complete the form

Don: How come I didn't have to fill out the form for my fence, just get Tom's River approval and put it in my mailbox.

Ron: I am talking about, did you get the form for Mike and fill it out

Don: you can't have it both ways

Ron: Yes or No

Ron: Ron asks Darlene about Perret lawsuit and Perret was the one who constantly stated that if it needs town approval it needs club approval? That is what I was told.

Darlene: No, I don't know what you were told, but I can tell you all about the Perret lawsuit because I also joined in that and hired an attorney and was a plaintiff in that to. And the Perret lawsuit was essentially because some people, then on the board and in the club were saying you can't limit how hi I

can build. I can build up to 35 feet because that's what Toms River allows. I said excuse me, we have a deed restriction, you bought, and it's not what Tom says, McDonough does not own our deed restriction, it's in your title, it's in my title, I paid for that, that deed restriction guaranteed me, that up until 2066, nobody can build real high next to me on this side, on this side, across from me, that couldn't happen because of the deed restriction. And the deed restriction was challenged, by some people, and I'm not going to name names now, but I think a lot of you know who it is, and she got up at our first meeting when she came to this club and said, you can't stop me from building 35 feet because that's what the town allows. And I said, no, no, it's a deed restriction. And that lawsuit challenged the deed restriction for begin void because the deed restriction didn't specify a height, it said one story. And at that time, I said, Oh, come on people, the law is common sense, one story means one story, it doesn't mean 35 feet. OH, no, no-no, and we had to go through a huge litigation, and guess what, at the end of the day, what the judge said, guess what people, one story means one story, and if you can't figure out how high it is, I'll call it. And he called it. And that's why we have the orders, that interpret that clarify what the deed restriction is. There not a separate animal, we have bylaws and we have deed restrictions, bylaws you can change by a two thirds vote, and restrictions you cannot, and I submit, and look it up yourself in the law, it requires full approval. Do I mean a formal vote where everybody signs off, No, I mean you take it to the club, and nobody says I'm against it. And that's what happen in 2013. After Sandy, that board came to the club, and said look, FEMA now trumps our height of what the 2010 order said. We can't build if we go with the 2010 order and be compliant with FEMA. Yeah, a federal regulation is going to trump our deed restriction, our bylaws don't, the town doesn't. So, they brought it to the club, and everybody said look, we say for best rates on insurance, let's go 2 feet over base flood, and everybody said okay, including me. And that's why we went to the court and got the order changed. It's still the deed restriction, McDonough is separate and apart, yes, the developer has to sign off on everything, he can say no if he wants to, but just because he says yes doesn't make it right. Doesn't make it okay under our deed restriction. We enforce that, and we had the town doing that for us effectively, until they moved to change it. And don't tell me that it was for the people up on the ocean, and all the other people, because you didn't file that letter until you tried to build a roof top deck and you got denied.

Tom: No, it was used before on the same issue Darlene

Darlene: You didn't bring it to the club.

Tom: I though he had changed it already.

Member: 28 Ocean Bay – In-laws have been here awhile, and I am just trying to understand the whole, we are here as a community, we are voting, and I don't know what the objective here is besides getting it off our chest. I get all that part. But going forward, does this say I get to build a rooftop deck on my house, yes or no.

Tom: If it's not over 17.6.

Member: and we voted on that.

Tom: From finished first floor to the top.

Darlene: Who voted on it?

Member: I just want to understand that rule

Tom: You don't have to vote on it Darlene, a roof top deck is not habitable living space.

Member: so the deed is changed?

Darlene: The town would not allow rooftop decks, if we were still at the 35 feet, I asked him, cause when I started out, I called and said look, I'm on the main land, I'm in Toms River, I want to build a rooftop deck, what's the highest I can go? 35 feet. I said do the rails have to be within the 35 feet or can they be above the 35 feet? They said the rails have to be within the 35 feet.

Tom: It's a safety issue. Your rails are not structural

Darlene: The rails have to be within the 20 feet.

Member: at the end of the day, we can do this? Right?

Membership talking amongst themselves.

Tom: Are you trying to say that the rails should be within the 17.6?

Darlene: Yes, Absolutely

Tom: That's ridiculous, weather veins on houses are up there. Show me where weather veins were accepted.

Member: We don't care about weather veins,

Tom: I read it, it's not there.

Darlene: I'll find it and I will send it to you.

Member: Do we have an exemption?

Tom: I believe you do

Member: Do we have an exemption to go forward based on what this club has said. We have an exemption to go forward for the whole club?

Tom: Yes

Darlene: No, says who? Say's him? Says the hierarchy?

Membership: talking loudly

Tom: Actually, it's not an exemption, it's what is allowed under the current guidelines, approved by the developer.

Darlene. Oh, approved by the developer... Which one is it, who runs this club, the developer, or you or..

Tom: You just said Darlene, that everything has to go through the developer

Darlene, No, Yes, but I said he doesn't have the authority, he has to sign off on it. He doesn't make the rules

Tom: He signed off on it, he really looked at it,

Darlene: Oh, he looked at it.

Member: Mr. McDonough doesn't care, he doesn't care if you have 2 stories. He said I don't really care about the height, you have deed restriction and you have to work through it.

Membership talking amongst themselves.

Tom: Gavel banging. I think we have had enough, so now we are going to announce the vote. We have a hard deadline to be out of here.

Membership : talking amongst themselves.

Joseph K: thank you everybody for your contributions. Everybody has a right to speak, and air their grievances and their upsetments; thank you Darlene. We all are cognizant on what you are saying. As mentioned, some of this is new to some of us on the board, so what I am going to make a motion on now is, that we move to suspend the discussion on this topic right now, so the board can review this letter that was just presented to us, with ourselves, and then we would like to schedule a special meeting so that this can be continued. We are not saying that you need to stop, or whatever, we need to regroup because we don't know everything. Thank you for bringing it up and then we would like to have a special meeting on that.

Darlene: Don't we have a special meeting next week

Joseph: Hold on, Kathy has the floor.

Kathy: There was a motion to remove Mike and Tom form office and it was 2nd, there needs to be a vote. A motion was made and 2nd, there needs to be a vote

Matthew: We hear you and we know that, we have to review everything, we can't just scream out yes or no when there is..

Membership: Take a roll call and vote, Membership talking among themselves.

Joseph: The whole membership needs to be advised of that. This is serious.

Darlene: Joe, at least let us get it recorded as far as the people who are here. They want to challenge it later, and say that's not good enough, lets do that, but for the people here, who are going to vote for removal, raise your hand and let's take a count.

Matthew: Were not just raising hands, not enough people here.

Member: check it off yes or no

Matthew: We just had an electronic vote that took a month to do, were not just in a whim of a hat, raise hands and tally down, there are not enough people here and we are not going to do that.

Member: take their address and check it off on a piece of paper.

Joseph: you can only have one vote per household, and there are a lot of people here that are more than one household. Electronically we can do that, we will definitely, it has been recorded that, the voice here, has requested that and we will address it.

Matthew: Now is not the time

Member: So you will send out a election votes.

Joseph: First of all we are going to meet together so we can find out what is going on. And as I said, now is not the time, not all of us know the facts, so we will meet together, we also have to announce the results of the that we just had, and then we will send out a communication to everyone, those that don't have emails, which is only about 6 or 7 people, will get it mailed, in US mail, so everybody will have chance to vote on that. Do you not want to have a further discussion and open it up to the membership first?

Member: we need to vote

Membership chatter: Yes, no, not now. What about the other topics we brought up?

Joseph: I would think that you need a special meeting, and to address this, is really a special situation. Removal of people is.. Just look what is going on in this country now, so let's just, let's take a breather, let's take a pause.

Membership: Chatter and talking

Joseph: Why don't we set up a separate meeting..

Member: I think the concern is that there has been an appearance of impropriety, and regardless of all the technical details, when you have a leader that we elected that represent our community, created an appearance of impropriety it really causes a lot of concern, is not the present of the United States, it's a volunteer board, and with that appearance

Darlene: It's a vote of no confidence, we have no confidence that they are representing all of our interest. That's pretty clear. Why can't we vote on that. Now it's not a democracy all of a sudden.

Membership: Let's not go there. – continue talking

Joseph: Darlene, no it's a democracy, but everybody can get involved, everybody isn't here, even though we have a large audience

Tom: There are 97 houses, I don't see 97 houses here.

Darlene: We have done this at the past in meetings, and yes, our elections have been through an electronic vote, Okay, but other times, whoever was here voted, and the majority ruled.

Tom: and the removal of somebody that has been voted in, needs again to go through a vote

Darlene: Says who? Says who? Says you? The person who has doing the agreements

Tom: Show me where it says it doesn't need to go through an electronic vote

Darlene: Show me where it says it does.

Tom: well, so we disagree

Darlene: Let's take a vote, and you can challenge it legally if it's an effective vote or not. (yelling), let's take a vote. All the people are here and they want a vote weather it's valid or not can be decided down the road.

Tom: It should be done electronically, so everybody has a voice.

Darlene: What are you afraid of, if people here vote

Joseph: the entire membership needs to be involved. Does anybody 2nd the motion to have this sent out electronically.

Member: there is a motion on the floor....

Joseph: I tried to address that by saying, we need to get the board involved to understand, all of that because there is new information

Member: this constitutes a valid meeting

Darlene: And here is another thing

Joseph: we need to take attendance, because it can only be one person per house, there are a lot of guests here that are members

Member: How do you know that

Joseph: Because I know a lot of you

Greg: you are going to have a new board in another few minutes

Tom: Correct

Darlene: Can we have the results of the election

Tom: Well that is what we have been trying to do for the last 15 minutes, let's table this and get the results of the election.

Joseph: and then we will communicate to all the membership so every member household can vote
Membership: talking amongst themselves

Greg: As the committee chair, I have the votes, and the first place goes to Kathy O'Brian at 63 votes, Kathy Freedman is 2nd at 62 votes, Matthew is 3rd at 56 votes. Pat Smith is 4th at 38 votes. That's your new board. I will read the other numbers if you would like to hear them. Ron Frister got 31 votes, Don Rica, had write in of 27 votes, Bill Reinhold got a vote, Kathy Letini had 3 votes, Dennis, John McDonough Frank Lentini and Susan Lambariello all had 1 vote. Any questions?

Darlene: when we have a special meeting, I would also like at our special meeting some clarification as to why Don Rica was kept off the ballot. Because that letter was a little bit vague, Okay we had a revised letter from an attorney..

Tom: Don Rica was off the ballot because technically fines, assessments, and lack of payment of dues, you were not allowed to run for the board.

Don: I paid the dues,

Tom: You didn't pay the fine, over a year this thing has been going on.

Don: I got beach badges,

Tom: Secondly, Don, are you on your deed?

Don: I'm on my deed because I am married to my wife

Tom: Your wife is on the deed

Don: Don't go there

Tom: Gavel Banging, This has come up at other meetings, that people were not allowed to speak because they were not on the deed.

Darlene: They are on the deed in trust. It is in trust.

Tom: Yes, We are both on the deed.

Darlene: Okay then, there you go

Tom: LLC's are okay Darlene, but you need to have

Darlene: Is that the reason you kept him off the ballot

Tom: No,

Darlene: Okay then, Don't start making up reasons after the fact Tom

Don: I want to know one thing, when was I a member not in good standing. Give me a date

Tom: As soon as you got the letter, with a fine about the road opening.

Don: When was that

Tom: Last year

Don: Why did I get my beach badges

Tom: We should have suspended your membership

Don: But you didn't

Darlene: But you didn't

Tom: There was good will while we were trying to work it out.

Don: No, because its still being contested. There is no fine outstanding for 60 days. And you ignored my attorneys letter

Tom: According to the club attorney, it doesn't matter if it is being contested

Membership: talking

Tom: Please direct any more communication from your attorney to the club attorney. That's all I can tell you

Don: you cost me 7 thousand dollars because you dug your heels in, I asked to sit with you 3 times

Tom: Don, did I not go to your house, and off a 300 dollar fine, and infrared the road.

Don: That was after the fact

Tom: Do you know what your answer was, Tom's River approved it, I don't need to infrared the road.

Don: I told you I would give you a personal guarantee

Tom: A personal guarantee, we asked for either a bond or infrared

Don: Listen, you guys never responded to my request. Ever.

Tom: our lawyer did

Darlene: Okay, Who's paying the lawyer Tom, who's paying the lawyer

Tom: The club

Darlene: yelling, No we are paying the lawyer to go after him, but you get a pass when you have a crane on the street in the middle of August. Because you didn't get fined.

Tom: Would you like me to fine myself

Membership: YEAH

Tom: I hereby fine myself \$200.

Darlene and membership: NO, how about 500, how about 1000.

Tom: I will fine myself \$200 for having a crane on the street for 25 minutes

Membership: yelling save us the trouble, muddled talk

Member: Excuse me, this is going to be very personal, I mean, this right here, but I am still needing clarification, so my understanding is, I'm, sorry, I'm sorry, I don't want to build a deck on my house, I'm just making the point that is this now on the city books that we can do this? Yes or No?

Tom: Yes

Member: So it is, so I make a motion for a special meeting that this is addressed to vote for it, or against it. Because obviously, if there was a vote for it, it should be in the minutes, in the documentation, all that.

Tom: But there didn't need to be a vote for it

Member: I am making for a special meeting, that it either stays with the city or it's taken off. I

Member: It either goes to 20, or goes to 25

Member, that's all we need, we just need to have a vote on it. Whether it stays or it goes

Joseph: You need a special meeting

Tom: After next weeks special meeting. We will Schule it later in the year after November or December.

Membership chatter: What does this mean, is the meeting over? Are they going to have a special meeting on the HOA?

Tom: Gavel Banging

Tom: Thank you for your attendance, motion to close the meeting

Member: 2nd to close of the meeting.