

**APPROVED**

**Minutes of the General Meeting of the  
Ocean Beach Surf Club – Unit One  
May 22, 2004**

Walter Poludin, Sgt. of Arms, at the Union Church in Lavallette, called the meeting to order at 7:02 PM.

Present: President Robert Blair, Vice President Walter Endler, Treasurer, James Pendergast, James Calvano, Phil DiVuolo, Shawn Leonard, Walter Poludin, Debbie Valenti, Richard Yerich.

Absent: Ellen Downes, Greg Gere.

President Robert Blair opened the meeting by introducing the members of the Board of Trustees, followed by the Pledge of Allegiance and a moment of silence in memory of deceased members. President Blair then introduced Jerome Turnbach, the association's attorney.

President Robert Blair gave special thanks to Dave Finter, Lois Castronuovo, Betty Schruer and Joe Zipp for their time and dedication as recent retired members of the Board of Trustees for Ocean Beach Unit One.

Vice President: Walter Endler thanked everyone for coming and announced that we are looking forward to the up and coming season. In tradition of past meetings Walter then asked all new members to stand and introduce themselves.

Minutes: Shawn Leonard confirmed that the minutes from the September 20, 2003 meeting had been sent to all members on April 1, 2004. Shawn then made notification that Ocean Beach Unit One had a quorum in order to meet the qualifications to hold this meeting. Mr. Leonard asked if everyone had received the minutes and if the Minutes were accurate. On motion made by Marilyn Deckert, second by Charles Jenkins, the minutes of September 20, 2003 were approved.

President Robert Blair then turned the meeting over to Jerome Turnbach, Esq. who explained the purpose of this meeting, which is for the Board of Trustees to inform the members of what has occurred with in the association since September 20, 2003 and for members to inform the board of any current concerns they may have that affect each homeowner or the association as a whole.

Treasurer: James Pendergast reported the balance in the checking account as of April 30, 2004 is \$87,803.24. Certificate of Deposit dated 9/04 for \$10,000.00 and another Certificate of Deposit dated 7/04 for \$12,462.56. The Money Market has a balance of \$26,504.56. The total cash balance as of April 30, 2004 is \$136,770.36.

Mr. Pendergast also announced that several members have not yet paid their annual dues as of May 22, 2004. These members will be subject to a fine of an additional amount of \$25.00 per lot, and a \$15.00 late charge per month until paid in full.

Mr. Pendergast discussed the two fines that the beach has incurred from the DEP one for \$10,000.00 and the second for \$25,000.00. Mr. Pendergast explained that this could cost each household a special assessment of anywhere from \$28.00 per household to \$55.00 per household.

Mr. Pendergast stated that the reason for these two fines was because members of the club went to the DEP every single day for several weeks to complain about the hills of sand.

President Blair asked members that in the future if they have a problem with the association to please come to the board of trustees first before going to state authorities and allow the board the opportunity to try to rectify the members complaint at hand.

Ocean Beach: Richie Yerich announced that the Ocean Beach Unit One, summer season will begin on Saturday, June 26, 2004 and that all Lifeguards have been hired for the Summer Season 2004.

Richie also reported that all of the proper forms have been completed and filed with the DEP for Ocean Beach Unit One to grade and clean the beaches on Thursday, May 27, 2004.

Mr. Yerich asked for volunteers to help with beach clean up.

Mr. Yerich also announced as of May 22, 2004 he had not received letters of authorization from several of the Ocean Front property owners to remove sand from their property and without them the association would be unable to accommodate these homeowners.

Buildings and Grounds: Phil DiVuolo reported on Building and Grounds. Mr. DiVuolo asked that members please apply for building permits in a timely manner. Mr. Di Vuolo also requested that once a homeowners has completed a project that he/she please notify the board so that the board can effectively close the file.

Sergeant of Arms: Walter Poludin reported on security. Mr. Poludin stated that everything is in place with Seneca Security. Ocean Beach Unit One has received a signed contract from Seneca along with the Certificate of Liability for the Summer Season 2004. Seneca will begin on Saturday July 3, 2004 and continue through out the summer season until the annual picnic (date still to be determined).

Bay Beach: Jim Calvano reported on the Bay Beach. Jim notified the members of the two pilings that broke in the bay swim area and need to be replaced. Jim also reported that the Bay Beach is completely cleaned, swimming ropes are in place and the Bay Beach has been graded for the summer season 2004. Jim also notified that members that due to the current position of the jungle gym it will not be necessary to purchase a Flag Pole/Flag at this time and asked that the funds be reallocated back into the association's checking account for general use.

Marilyn Deckert inquired about the Jungle Gym set and asked what the current status is with the jungle gym set? President Blair told Mrs. Decker that Ms. Valenti would be addressing the jungle gym status when we discussed Old Business.

Candice Hoffman asked for confirmation that the beach will be opening on June 26 not June 19. She stated that she had been informed at an earlier date that Ocean Beach Unit One's summer season 2004 would begin on June 19. Richie Yerich confirmed that Lifeguards begin on June 26 and that is the official date the Season Begins.

Old Business:

Debbie Valenti: Swing set committee. Ms Valenti stated that the swing set committee met several times over the winter and are looking at various different options to replace the jungle gym set with. She emphasized the fact that no option would be put before the board or the members before the committee could find away that the association would not incur any cost to remove and replace the jungle gym set. She noted the committee had come up with several options of selling the jungle gym or donating it to a good cause. She said that the committee was generally looking at swing sets to replace the jungle gym set that are more traditional in style. She discussed the hazards of the current jungle gym set due to its current location and the problems with the broken glass under the jungle gym set and the constant threat of a law suits due to the jungle gym sets many dangers.

Ms. Marilyn Deckert stated her concerns on whether or not the jungle gym set would be just automatically replaced without being brought up for a vote by the association. President Blair stated that what ever decisions are made concerning the jungle gym set will be introduced to the board of trustees and the members of the association. He also said that the situation would be re-addressed at the fall meeting.

Jerome Turnback, Esquire: Mr. Turnbach discussed the current situation with the DEP and the proposal for dunes to be located on the ocean beach of Ocean Beach Unit One. He also explained the reason for the two fines the first fine for \$10,000.00 was for grading the beach without a DEP permit, the second fine for \$25,000 was because the beach access points did not conform to DEP regulations. He explained to the membership that it is his belief that after several months of negotiation with the state he expects that the fines will be reduced. He explained the importance for the members to vote to give the Board of Trustees the power to negotiate a settlement of these fines. Mr. Turnbach explained that we are currently negotiating the size and location of dunes on the ocean beach. Mr. Turnbach explained that all sand removal and clean up in the future will comply with DEP law. He also stated that it is his belief that due to the associations best efforts to meet the DEP demands to put in permanent dune systems on the ocean beach the DEP will consent to all maintenance in the future.

Ms. Candice Hoffman asked what would it approximately cost each household in special assessments for the total fines of \$35,000.00

Mr. Turnbach stated the fines can be as much as \$28.00 to \$55.00 per household and once again explained that the association can most likely negotiate these fines to a lower amount. Mr. Turnbach also explained that it does not matter whether or not the beach is public or private property, the DEP makes no distinction between the two and has standards that all beaches must comply with.

Buzz Donnelly asked why the association received a second fine and Joe Zipp, retired board member stated that certain individuals within the community continually call the DEP and report the association, which then in turn end up in fines that all members must pay.

Joan Worthinton stated that in past years Ocean Beach Unit 3 has had no problem with sand removal. Mr. Turnbach explained that the DEP started at Ocean Beach Unit One and all beaches from Lavallette to Bayhead have been notified that they must comply with DEP law and are currently addressing the situation.

Henry Sutter stated that in the past it was never the associations responsibility to clean up Ocean Front home owners property and complained that the fences where put up improperly last year on the ocean side.

Bob Ellsworth stated that he understands that it is necessary for the dunes to be placed on the beach, but has great concern over them being placed directly on the Ocean Front homeowners property line. He stated that the placement of the dunes so close to the property line would not only directly affect the market value of his home and those homes surrounding him, but also was greatly concerned about how these dunes would be maintained in the future to remain the suggested size originally proposed to the DEP. He requested that before any final plans are put into affect or submitted to the DEP that the members be able to revue them. The board advises Mr. Ellsworth that it was not the decision of the board but the decision of the DEP. When the DEP makes it's final decision everyone will be notified, either by newsletter or website. Mr. Turnbach said he would inquire with Dr. Harrington the Engineer hired by the association as a consultant for the sand dunes to allow members of the association to e-mail him directly with questions concerning the sand dunes.

Candice Hoffman asked what dune range is acceptable by the DEP.

Caroline Wilson asked what would they do with sand removed from Ocean Front Properties?

Richard Kadash referenced an article about Atlantic City and their current problem with the deterioration of Sand Dunes and how Atlantic City is also under scrutiny by the DEP to repair the sand dune on the Ocean. Mr. Kadash stated that if Atlantic City, with all its money could not beat the DEP, then what chance does Ocean Beach Unit One have. He also stated that no one wants the dunes, not the board members or the association's members. This is a decision made by the DEP and we are going to have to comply with it no matter what.

At that point Mr. Richard Kadash made a motion to have the board of trustees to negotiate the DEP fines of \$35,000.00 to be less then the original fine amounts. Frank Mitchell seconded the motion. It was agreed upon by the members of the association present at the May 22, 2004 meeting that the board of trustees acts on behalf of the association and negotiate in the best interest of the association as a whole.

New Business:

Dianne Lanigan: Asked why is it in the Deed Restrictions that homeowners west of Rt. 35 South can only build as high as 20.5 Ft. and all other homeowners east of Rt. 35 South can build as high as 28 ft. President Blair told her that the Board of Trustees are going to form a committee to look into updating both the deed restrictions and the By-Laws for Ocean Beach Unit One. He asked that Debbie Valenti, recording secretary lead that committee.

Maureen Russell, Candice Hoffman, Lee Andrews, Jill Valenti, Diane Lanigone, Shawn Leonard & Tannette Butterly volunteered to work on the committee.

Ken Hoffman asked about the current status of the website and do we archive newsletters & e-mails on it?

Shawn Leonard discussed the current website and newsletter stating that the current board is doing everything in its power to keep the members of the association up-to-date. Mr. Leonard then told the members that he and the board always welcome suggestions on how to improve both the newsletter and the web site. Ocean Beach Unit One's website that list Newsletters, e-mails, legal documents, and minutes from Membership meeting can be found at [www.obsc1.com](http://www.obsc1.com).

Frank Michenfelder suggested that in the future the board on trustees keep the members informed on what is happening with the sand dunes via website.

Dominic DeRosa asked if a chat line between members could be set up on the website.

The board urged that the members send correspondents via e-mail, but explained that at this meeting and at future meetings the board would no longer be reading everyone's letters publicly. Anyone who wanted to see correspondents can obtain the letters on Ocean Beach Unit One's website. The board also informed the members that unlike past meetings, members would no longer be required to send a letter to the board prior to the membership meeting in order to have a subject discussed at the meeting. In the future all that is required for a member with a question or problem to do is to attend the meeting and raise their hands and ask their questions.

Ken Hoffman and Bob Ellsworth requested that the board read their letters concerning the sand dunes and the location of them on the ocean beach?

Richard Kadash made a motion that we take a vote on whether or not to read the letters at this meeting and Robert Ellsworth second that motion.

On a vote of 30 members for reading the letters vs. 26 members for not reading the letters, the board decided to accept the vote and read the three letters sent by members concerning the dunes.

Copies of these letters will be on the website.

Bob Misselli complained about the construction-taking place across the street from his house and asked the board if they would address the problems that homeowners have with the mess

constantly left in the streets by the construction workers during the winter months. President Blair stated that the board will have the building & grounds look into the problem.

Shawn Leonard stated that he had a 30 page environmental report that he could put on the website concerning the Sand Dunes.

Ronnie Pendergast for the past 10 years has set up before every board meeting. Mrs. Pendergast announced her resignation at this meeting and asked for a volunteer for the fall membership meeting. Kathy Sokol volunteered to set up for fall membership meeting.

President Blair than thanked Mrs. Pendergast for her many years of service.

Carol Wilson asked if we have set a date for the end of summer picnic. The board announced that no definite date has been determined.

Some members discussed there concern for the rain or shine policy with the End of Summer Picnic? Jim Pendergast explained the reason for the picnic being set up that way is due to the hiring of caterers and they will not guarantee us a rain date.

President Blair then asked the members if there was any more business old or new on a motion made by Joe Zipp at 8:31 PM on May 22, 2004, seconded by Walter Endler the meeting was adjourned.

Respectfully submitted,

Transcribed by  
Debra S. Valenti  
Recording Secretary