

**Unapproved
Minutes of the General Meeting of the
Ocean Beach Surf Club - Unit One**

June 14, 2014

At 7:10pm, President Bob Blair introduced the club's legal counsel, Paul Leodori, Esq. to the general membership. Bob explained that Mr. Leodori was in attendance to update the membership on the status of several issues that he is handling on the club's behalf. Due to a scheduling conflict, Bob stated that the order of the meeting would be adjusted in order to allow Mr. Leodori to address the members first. We would then proceed with the regular order of the meeting.

Mr. Leodori discussed with the membership the status of the following:

- 1) Tidelands Permit issue - The matter with the Tidelands permit has been rectified to our satisfaction. The club will only have to pay \$100, not \$8,000 for the permit.
- 2) Street Easement issue - The NJ DOT has requested 2 easements for road work related to the sewer work on Rt 35 South. The property in question is on West Bay Way. NJDOT has offered approximately \$80,000. He has started negotiations with NJDOT and expects an agreement to be reached to the club's satisfaction in the next few months.
- 3) Dune Easement issue - Toms River is the lead negotiator for the NJDEP and Army Corps of Engineers (ACE). They plan to build a 20 mile long dune system to protect the island communities from future storms. Quite a few communities have signed the Dune Easement documents. After reviewing the proposal, he has several issues with what is being presented to OBSC1. The document makes no binding legal obligation that the ACE will add an additional 50 feet to our beach. It has been stated that they will build a 25 foot wide dune and add an additional 50 feet to the eastern side of our beach. This sounds great. However, the proposal states that Toms River will make a good faith effort to replenish and maintain our beach. They do not guarantee that they will actually replenish the sand added to extend the beach if it is washed away by a future storm. If this additional beach area erodes and is not replenished, OBSC1 will basically have no beach area at high tide. It is his recommendation that the club requests a guarantee that they (Toms River) will replenish the beach and maintain it if there is a future storm that washes away our beach. We should not sign away our rights to the government. This is important 5-10 years down the road when another storm hits - will there still be a beach at OBSC1? The concern of the Trustees of OBSC1 is that of we do not sign the easement; does this expose our community to any danger? The answer is no. Toms River will file a declaration of taking which will allow them to proceed with the dune project. They will then have to make us a bonafide offer for the easement property. We are not slowing down the dune easement project. The project is slated to start in October /Fall 2014. The difference between our situation and the Harvey Cedars case is that in the Harvey Cedars case, the dune was for the benefit of 1 town. In our situation, the dune project is to benefit Rt 35 N & Rt 35 S,

and all the utilities infrastructure, and evacuation routes. We hope to work with Toms River to get them to commit to build and maintain the beach.

If OBSC1 does not reach an agreement with the government, it will go to the court. The court will appoint 3 commissioners to hear appraisal reports, view the property in question and determine the value of the property that will be taken away. We are not stopping the project, we are just trying to protect our interests and receive just compensation.

Mr. Leodori then opened the floor for questions:

- a) Joe Zipp (22 East Shore) asked if Toms River stated how high the dune would be. Mr. Leodori stated that it is his understanding that OB1's beach is one of the highest beaches in the area and that the easement is for the beach property. There is nothing in the easement document that the height of the dune will be x feet, only about the width of the dune. Mr. Zipp stated that the club has utilized storm fences in the offseason to build up the beach and control the erosion. Mr. Leodori stated that the government is taking over an area of our beach to build a dune any size that they see fit. The easement as it is written right now is non-committal - there are no binding commitments on Toms River's part. His feeling is that Toms River must state what they are going to do for us. They aren't legally binding themselves to anything.
- b) Candy Hoffman (3036 Ocean Road) stated that the Toms River Engineering Department is saying that 22 feet is the elevation of the dune and that wood is not allowed. The shelf is 25 feet to ramp leading up and down the dune. They want to use mobi-mats over the dune, and if there is a handicapped ramp, it will be gravel and split rail fencing, in a zig-zag manner. The state DEP wants to connect the Lavallette dune with the Rutherford dune. She wants a guarantee that the dune won't be as tall as Lavallette's. She doesn't want handicapped facilities, toilet facilities or parking facilities forced on us. Will we be obligated to serve other beaches? In regards to the \$80,000 payment for road easement - what is this for? Mr. Leodori stated again that this was for drainage/sewer work done on Rt 35 and the DOT is paying the club 1 lump sum for the drainage and construction easement. Mrs. Hoffman asked if we could get the payment paid over time or would it be one lump sum. Also, did the ACE say how they were going to build dune? Mr. Leodori stated that the payment would be one lump sum, and that no mention was made of how the dune would be built.
- c) Walter Egan (13 East Surf Way) asked if the dune was going to be stone base covered by sand. No - this was just how it was created in Bay Head due to their circumstances.

Bob thanked Mr. Leodori for his time and he was excused at 7:30pm.

President Bob Blair called the meeting to order @ 7:30 pm at the Union Church, corner of Grand Central Avenue and Philadelphia Avenue, Lavallette, NJ.

Present: President Bob Blair, Treasurer Jim Pendergast, Recording Secretary Jeff Mucha, Dave Finter, John Tedesco, Ellen Downs, Jeff Conger and Greg Gere,

Absent: Vice President Lynda Schmidt and Claire Sadankas

President Bob Blair opened the meeting with the Pledge of Allegiance and a moment of silence for U.S. soldiers and deceased members of the association.

President Bob Blair introduced each of the Board Members.

Notice of the Meeting: Bob Blair confirmed that all members had been notified of this general meeting on June 14, 2014. The Board of Trustees mailed to the members of OBSC1 and posted to our website a notice of this general meeting in accordance with our By-laws.

Quorum: President Bob Blair informed the membership that the necessary quorum of 25 or more members is present to continue the meeting in accordance with our By-laws.

Minutes of the General Meeting: Having received a copy of the Minutes of the October 26, 2013 general meeting, via our website and mailing, as well as at this general meeting, Bob Blair asked if there were any corrections to the minutes. Hearing none, the minutes of October 26, 2013 were approved by the members on a motion made by Walter Endler, seconded by Cheryl Mucha and voted unanimously by the members.

OFFICERS AND COMMITTEE REPORTS:

Vice President's Report: (Reported by Lynda Schmidt - absent)

Treasurer Jim Pendergast introduced Shawn & Pam Burns - 226 Bay Beach Way.

Treasurer's Report: (Reported by Jim Pendergast)

As of May 31, 2014, there is \$113,476.80 in the checking account, \$95,966.16 in the Capital One Money Market account and \$ 29,908.03 in the TD Bank Money Market account for a total of \$239,350.99.

A motion to accept the Treasurers Report was made by Walter Endler and seconded by Cheryl Mucha and approved unanimously by the members of Ocean Beach Surf Club Unit 1

Buildings and Grounds Report: (Reported by Dave Finter)

Dave reported that construction is proceeding and that he has not received any new construction permit requests. The construction rules have again been waived for this summer (construction is allowed Monday-Saturday, 8:30am - 4:30pm, no Sunday work). Next summer no construction will be allowed between approximately mid-June until Labor Day. If anyone is doing Sunday work, the fine is

\$500. Dave has asked contractors and homeowners doing construction to try to keep their garbage contained, either in a container or boxed by plywood. He has also driven around the club streets and inspected properties and sent out notices to 25 owners to clean up their property. Lastly, Dave reminded members to make sure that they have visible house numbers on their homes for emergency personnel.

Bob Zachok (27 East Barnegat Way) stated that there is a house on West Barnegat that looks like a 3 story house. Dave responded that the maximum amount of stories is 2. The rules allow for a 6'11" non-habitable storage space that cannot have sink, toilet, and beds.

Kathy Conger (107 West Beach Way) stated that her street lost a portable "Dead End" sign due to Sandy. People have been coming down and making U-turns. Could they get a replacement? Dave will look into getting an orange barrel to use as a dead end marker.

Candy Hoffman (3036 Ocean Road) asked if we can repaint the street names on the road. Dave will look and see if he can locate the stencils that were used in the past.

Bob Sacco (20 East Surf Way) asked if there were any changes to the construction rules. No stated Dave. The rules are on our website.

Joe Zipp (22 East Shore Way) asked for clarity on the 3rd story matter. Dave stated that this is a club rule. Toms River has no rules not allowing a 3rd story.

Several members complained about construction work commencing before 8:30am. Dave stated that he will touch base with OBPM and other contractors about our rule and that if someone in the neighborhood is starting early, please remind them of the rules.

Linda Sacco (20 East Surf Way) asked if we were getting security firm back. Bob Blair responded that he had contacted our previous security firm and the company has gone out of business, but he has contacted Toms River Police Dept. and requested additional police presence in our community. Over Memorial Day weekend, beer and coolers were stolen, and someone broke into a home between 2am & 4am and stole beer from refrigerator while the homeowners were sleeping. The TRPD was called and they stated that they will increase patrols, but no patrol cars have been seen since then.

Candy Hoffman (3036 Ocean Road) stated that over Memorial Day weekend, people were shooting off fireworks and at 3am drinkers were singing "God Bless America". She went to TRPD sub-station and was told that the police dune buggy was out of commission for repairs. She told the police that there should be more police in our area.

A member asked about the parking of cars lengthways across the driveway entrance and if this was allowed since it blocks street access. Bob requested that any member who witnesses any questionable activity call Toms River Police and inform them so they have a record of our complaints and also to call the new Toms River police chief and tell him that we want more police patrols in our neighborhood. Only by bringing these issues to his attention will we get the increased patrols.

Lagoon Report: (Reported by Greg Gere)

Greg reported that water is turned on and we currently have 25 slips rented, with 2 more possibly being rented. Some members of OB3 have rented slips from us. If anyone knows of people looking to rent slips, there still are slips available and they should contact Greg. Ken Hoffman (3036 Ocean Road) stated that he received a call from his tenant that the bay not being safe. This is untrue - bay is safe, and there have been no reports to the contrary.

Bay Beach Report: (Reported by Jeff Conger)

Jeff reported that the pilings were taken down and as a result the club did not have to pay the \$8,000 Tidelands permit fee. We have purchased 4 "No Wake" buoys to keep boats out of the area. The beach will be raked in the next week or so.

Ocean Beach Report: (Reported by John Tedesco)

John reported that the water at the showers will be turned on shortly and the lifeguards will start on June 21st. Bob Blair asked that members please dispose of their garbage at their homes, don't leave it at beach garbage cans.

Henry Sudder (15 East Spray Way) asked what is the club's policy on playing ball on the beach during bathing hours. If kids are allowed to play on the beach, they should be supervised. Last summer, he was hit in the head by a ball while on the beach during bathing hours. The rules are no ball playing, kite flying, etc. between 9am and 5pm. Volleyball is permitted in the designated area.

A member stated that the south-end walkway is uneven and could cause a hazard. John stated that the beach has not officially opened and that this will be corrected by opening day.

John Burroughs (22 East Spray Way) was confused about the dune width discussed with the easement. If the easement is for a 25 ft. wide dune, what is the starting point? The fence along Ocean Road will stay in place, and the dune will extend 25 feet towards the ocean.

John also stated that the club has hired a person to remove the garbage and geese dropping from the beach and bay

Sundry Report: (Reported by Tom Pospisil)

Nothing to report per Tom.

Badge Report: (Reported by Ellen Downes)

Ellen handed out 2014 badges to all members in good standing during the meeting. Anyone not in attendance can pick up their badges at the badge booth.

Old Business:

Walter Endler (13 East Surf Way) asked about the status of the Neighborhood Watch project. Mr. Gibson, the coordinator of the project announced to the membership that he was recently elected Vice-President of Holiday City Board of Trustee's and will not be able to devote the time needed to this project. Bob Blair asked Walter if he would be willing to take over as the Watch coordinator.

New Business:

With no further new business to discuss, a motion was made by Walter Endler to adjourn the meeting. Before a second to the motion, a new issue was introduced.

Phil DiVuolo (221 Bay Beach Way) asked why Lavallette Liquors was allowed to place a sign on the storage shed on Rt 35S. Bay Beach has a policy of no signs allowed, as does Lavallette. Bob Blair stated that the marina is part of OB1. Bob informed Mr. DiVuolo that the liquor store approached the club and is paying us \$100/month for the space to attach their sign. Mr. DiVuolo stated that he feels this hurts the appearance of the club and is an eyesore. The \$1,200 rent we collect averages out to approximately \$4 per household and he feels this cheapens our club. He has been contacted by other members on how this affects our club. Bob informed Mr. DiVuolo to have these people contact him/the trustees with any complaints.

With no other new business to discuss, a motion was again made by Walter Endler to adjourn the meeting and was seconded by Cheryl Mucha. The meeting was adjourned at 8:00 pm.
Respectfully submitted

Jeff Mucha
Recording Secretary