

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

May 28, 2016

President Bob Blair called the meeting to order @ 7:01 pm at the Union Church, corner of Grand Central Avenue and Philadelphia Avenue, Lavallette, NJ.

**Present:** President Bob Blair, Vice President Tom Pospisil, Treasurer Jim Pendergast, Recording Secretary Jeff Mucha, John Tedesco, Ellen Downes, Jeff Conger, Claire Sadankas, Greg Gere, Renee Severs and Kevin Kelly.

**Absent:** none

President Bob Blair informed the membership that we were able to have 3 officials from the State of NJ/DEP to discuss the dune replenishment project in attendance. We will have these gentlemen speak and address any questions, then will start with the Spring General Meeting.

Vice President Tom Pospisil introduced John Gray –NJ Chief of Staff, NJ DEP, Bill Dixon – Office of Coastal Engineering, and Darren Eppley – NJ Deputy Attorney General.

It was noted that there were marking stakes placed on our beach to identify where the dunes would be. The stakes are at the west side of the dune, south side by the flower box and on the east side.

John Gray stated that the goal is to move forward with the easement by having OBSC1 sign the dune easement over to NJ. Approximately 95%-98% of all necessary easements have been obtained and the hope is that the few holdouts will sign in the next few weeks. At that point, the project will be turned over to the Army Corps of Engineers (ACE) to start the project. All totaled, 3,000 easements were needed, and most were obtained voluntarily. Only a handful required going to court. Once with ACE, the project will be turned over to bid by the end of the year. It is scheduled for the pumping of sand to begin early 2017. The object of the project is to protect property along the NJ coast.

John then introduced the other officials in attendance, noting that Bill Dixon was there in place of Kelly Staffieri – NJ DEP Senior Project Manager, who could not attend. The goal of their attendance was to have OBSC1 sign off on the easement. With that in mind, he opened the floor to questions from the membership.

- a) Walter Endler (13 E. Surf Way)- ACE did work where the ocean met the bay in Mantoloking. What is the height of the elevation in Mantoloking where this occurred?
- b) Mr. Gray – ACE has not yet started anything there. There was interim work done as a “band-aid” and was done by the township and the state. The sheet pilings at Mantoloking and Brick were done with the plan of going into the dune project. This isn’t the end of the job there.
- c) Bill Dixon stated that the project entails both the dune and beach. The dune will be 22’ above mean sea level, 25’ wide at top, with a 5-1 slope elevation to the beach berm, 8.5’ elevation. Currently the basic beach elevation is between 6.8’ and 9.7’. The current dune is at 16.4’, 15.4’ and 14.2’. At end of sidewalks it is around 19’. The dune elevation will be approximately 3’

higher than current dune. Easement line is 25' from seaward property line – 25' at very north end. It will start 25' from seaside dune fence. Dune will be approximately 125' at base, 25' at top, seaward edge of berm is 185'. They will be building an engineered dune. Mr. Dixon went to the blackboard to draw a sketch of what he described.

- d) While drawing was being done, John Gray opened the floor to questions.
- e) Helen Kugler (28 E. Barnegat Way) asked why this was being done? Sandy was a 100-year storm. The flooding was from the bay. Why isn't the bay being worked on? Mr. Gray agreed that the bay was flooded, but this is a different issue. The government had a plan in place for ocean flooding.
- f) Candyce Hoffman (3036 Ocean Road) asked that according to the discussion/drawing, the dune at the south end of the beach would start at the end of the property line. What about the maintenance area? Mr. Gray responded that the easement will have a flat area behind the dune and we (OB1) can put a maintenance area in the easement area.
- g) Jim Pendergast (trustee) asked how will we be able to actually get on the beach? Mr. Dixon responded that there will be no more cut-thru's from Pt. Pleasant to Berkley Twp. The project will build 3 types of crossovers – pedestrian, vehicle, and handicapped. OB1 is not "open to the general public". ACE will build north and south end crossovers. Toms River would build 5 crossovers (4 pedestrian and 1 handicapped) only if we sign easement. If not signed, we must build crossovers.
- h) Walter Endler (13 E Surf Way) asked how would emergency services get to beach? Mr. Gray replied that emergency services will have the same access they always had – they will have to drive over the dune. Projects have been done from Sandy Hook to Cape May, and no towns have complained about access to beach.
- i) A question was asked if our dune is currently 18' and we need additional 3-4' and a 5-1 slope, who would maintain the dune? Mr. Gray stated that the municipality is responsible, but they could turn over maintenance to the associations. Also, a public beach is any beach where anyone can buy a badge.
- j) Mr. Gray stated that the easement is for construction and maintenance of the dune and was authorized by Congress. The only way this can be changed is by a congressional act. A question was asked that if Congress decides to change the scope of the project, can we change our agreement? If ACE needs another easement, can we oppose it? In the 1940's, we had 10 steps down to the beach from the walkway. The association added old Christmas trees and built/maintained the dunes. The paving on the highway has caused the flooding, not the ocean. There was no reply from any of the officials.
- k) Mr. Gray introduced Darren Eppley, who talked about what we can and can't do as a public beach and letting the public on the land. Mr. Eppley stated that they are coordinating attorneys to perform the condemnation under the Public Trust Doctrine. He then asked if we charge for beach badges, and if so, can anyone buy a badge? Yes, and yes. Since we do not discriminate against who can buy a badge, we are a "public" beach and will be able to continue to operate and charge badge fees as we have been doing. If a person does not pay for a badge, we have the right to remove them.
- l) Mr. Dixon went to his map on the blackboard (see attached)

- m) Mr. Dixon stated that the point of the project is to protect all the homes and infrastructure from Pt. Pleasant to Berkley Twp.
- n) Ken Hoffman (3036 Ocean Road) stated that last fall (Oct 2015) the homes along beach got approximately 3' of sand on their deck and the homeowners were able to remove the sand and put it back on the dune. Will they still be able to do this? Mr. Dixon replied that we would be able to put the sand back on the front of the dune. Mr. Gray stated that any oceanfront owners should see Mr. Dixon or himself after the meeting if they had specific questions as it related to their property.
- o) Kathy Conger (219 Bay Beach Way) asked what if the newly built dune is washed away by a storm? Mr. Gray responded that once the project dune is built, if there is a major named storm that wipes out 75% of the newly built dune, ACE will come back and rebuild to the project specifications. Mr. Dixon added that there is a re-nourishment plan scheduled every 4-5 years.
- p) Bob Blair (trustee) stated that it was his understanding that the "chain of command" is ACE – Federal Government- State (NJ) and then municipality (Toms River). Mr. Dixon stated this is correct. The easement does not talk about funding, however, the project is being funded 65% Federal government and 35% NJ. The re-nourishment is split 50%-50% Federal and NJ. If this was deemed a Federal Disaster Area, ACE would replace the project at 100% funding.
- q) Mr. Dixon stated that it takes around 1 year before they started replenishment at LBI, and this project is similar to LBI project. The only areas on LBI not damaged was where there were natural or project made dunes.
- r) Ronnie Pendergast (103 W. Bay Way) stated that Lavallette's dune started out small and now is basically an island. Is there anyway to make sure that this doesn't happen to our dune? If not, can we put the dune back to its' created size? Mr. Gray responded that this is subject to Mother Nature, but we can manicure the dune. We would have to apply for a general permit with NJ and it would allow us to put the dune back to 22'. Right now, the OB1 dune is not engineered. Once the project is completed, it is deemed an engineered dune and a permit is needed to do any manicuring work.
- s) Chandler Johnson (17 E. Barnegat Way) asked what type of sand would be used in the project. Mr. Gray stated that ACE did an analysis of the sand back in the mid-2000's (around 2007?) to be able to match sand offshore to what is on the beach area.
- t) Joe Fulmino (27 E. Barnegat Way) asked for clarification on the 340' measurement on the blackboard. Mr. Dixon stated that that was from the flat berm to the low tide marker.
- u) A member made a statement that physics states that water will always find its way in. Mr. Gray stated that is why this is one long project.
- v) Walter Endler (103 E. Surf Way) asked why was Lavallette's dune allowed to grow to it's current size. Mr. Gray stated that it was a natural dune and a natural dune is not allowed to be manicured.
- w) Don Beshada (3030 Ocean Road) asked if the LBI engineered project was not damaged and our beach was not damaged, so why do we need the dune? Mr. Gray stated that he doesn't know why. Perhaps the grace of God spared some spots. Every single community for a 14-mile stretch suffered some damage. There have been no significant storms for the last 3 years. So far, 85% of people signed the easements voluntarily. OB1 is one of about 20 others that haven't given permission.
- x) Don Beshada also stated that we did not get damage because we are at the top of the "peak of the mountain" We have built and maintained our dune, so why do we need this project? Mr. Dixon replied that the plan is not to build a dune piece-meal. Even though OB1 is higher than

others in the area, they want to make all areas stable. OB1 is probably at a higher elevation due to offshore shoals. The government has spent extensive money for clean-up and it was more than the original storm damage.

- y) Don Beshada then asked if ACE had done any studies for our area? Mr. Dixon replied that no, studies were done for a general area. The project was authorized in 2007, but it wasn't until after Sandy that towns wanted this project done. All towns except Bay Head want this done.
- z) Question was asked- the dune replenishment is going to happen. What is the difference between voluntary and easement condemnation? Mr. Gray responded that in a voluntary condemnation Toms River will pay for the walkovers. Jim Pendergast stated that 2 years ago they would. Toms River would also offer to maintain the dune, but this would be a discussion between OB1 and Toms River.
- aa) Greg Gere (117 W. Bay Way) asked if Jenkinson's and Risdin's have signed. Mr. Gray stated that there was a meeting with Casino Pier and they will sign. Mr. Gray also stated that NJ will close out easements in the next several weeks and turn over the open easements to Attorney General's office.
- bb) Mr. Eppley stated that OB1 has been offered \$750 for signing easement. This was based upon a land appraisal. Bob Blair asked why the appraisal says the value if the land is \$650,000? The appraisal states that the beach will be worth more once the dune project is completed. Mr. Gray added that there is an engineering report in the appraisal.
- cc) Mr. Eppley added that only a handful are left to sign-off. The State is moving forward. The project has been authorized by the Court to take the remaining properties by condemnation. The DEP and NJ know the project particulars and are ready to move ahead.
- dd) Candyce Hoffman (3036 Ocean Road) asked what is the design of the crossovers. We now have 3 walkways, and it was stated before that we will get 5. Where will they be? Mr. Gray stated that the new walkovers are "up and overs", with 1 being handicapped. Mr. Dixon added that one will be at East Rutherford, Brighton, Bay, Channel and Surf. He was informed that Rutherford and Brighton are not OB1 streets, so therefore we will get three (Bay, Channel and Surf). Members in the audience were upset that Mr. Dixon was unable to distinguish what properties were OB1 and Mr. Gray asked for some politeness and decorum.
- ee) Walter Endler (13 E. Surf Way) said let's talk money. Bay Head went to Federal government crying that they lost their beach. They did nothing to maintain. OB1 has continued to maintain our beach. We had no problems with Sandy.
- ff) A member asked Mr. Dixon if they need the entire 14 miles for the project? Yes, if it skips OB1, we would be the weak link in the protection.
- gg) A member asked the government officials what makes up the cross-overs. Reply was compacted I-5 material, moby mats and split rails.
- hh) Maryellen Lavin (11 E. Barnegat Way) asked where the ADA ramp would be placed, and what the specs are. Mr. Dixon stated that the ADA ramp would be at Channel, the specs are max run is 30' on slope, no steps. Mary Ellen added would you be able to push a wheelchair up the ramp? Yes, stated Mr. Dixon.

In conclusion, Mr. Gray stated that we can either sign the easement or the condemnation process would start. They have met with the Board 2 months ago to discuss the project and have given everyone a chance to ask questions. They will remain available for several minutes to go over any questions that affected homeowners may have.

Bob Blair thanked the officials for their time and notified the members that we would be taking a 10-minute break and would resume at 8:20pm.

At 8:21, Bob Blair opened a discussion on what the three officials had presented and took an informal vote in which the majority was in favor of signing the easement.

Don Beshada (3030 Ocean Road) addressed the membership. He stated that we were presented with a lawyer's perspective on the project. He is a marketing lawyer and wanted to share some thoughts:

- 1) If we voluntarily sign, Toms River will do whatever they want. We will be giving Toms River the ok to do whatever they want to do with our beach.
- 2) OB3 signed the easement and Toms River put orange sand on their beach. The easement really does not say what they (government) can do.
- 3) The engineers did not study our property. They did a cross study of the area.
- 4) When asked how do you explain from an engineer's point of view why we didn't get damage at the beachfront from Sandy and the reply is "grace of God", does this answer satisfy you?
- 5) We need a valid engineering explanation. We need to put the DEP's feet to the fire to see if what we have done for the past 70 years to maintain our beach saved our area from storm damage.
- 6) He and Dan Mercuri (3016 Ocean Road) looked at the plans for Ortley Beach. It calls to widen Ortley to 270'. Currently they are at 40'. The government says they have a uniform plan, but Ortley's beach will be 270' and ours will be 340'. Currently our beach is 268'.
- 7) Bay Head fought the entire dune project and lost. Judge Ford stated in her decision that NJ has the right to proceed, but has granted Bay Head a hearing in October 2016 to see if the rock wall maintenance/management is successful in protecting the shore. We should ask for a stay of the easement until the Bay Head case has been heard.
- 8) The state served us with a letter offering us \$750 – accept or they will proceed with condemnation process. We have 14 days to respond. We respond that we don't understand the engineering report, and we also state that we were informed that state hasn't studied all the information (only a cross section of the area). We can either accept the offer or counter-offer.

President Bob Blair called the regularly scheduled meeting to order at 8:45pm.

Sgt at Arms Renee Severs 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 May 28, 2016. 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 17, 2015 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 17, 2015 were approved by the members on a motion made by Cheryl Mucha - 29 East Barnegat Way, seconded by Ronnie Pendergast- 103 West Bay Way, and voted unanimously by the members.

## **OFFICERS AND COMMITTEE REPORTS:**

### **Treasurer's Report: (Reported by Jim Pendergast)**

As of April 30, 2016, there is \$76,493.47 in the checking account, \$96,519.62 in the Capital One Money Market account and \$ 56,936.06 in the TD Bank Money Market account for a total of \$229,949.15. A motion to accept the Treasurer's Report was made by Helen Kugler – 28 East Barnegat Way and seconded by Bob Zachok – 31 East Barnegat Way and approved unanimously by the members.

Jim stated that the 2015 audit was completed and our insurance premium will be going up 32% for the coming year.

### **Ocean Beach Report: (Reported by John Tedesco)**

John reported that the beach has been levelled out and is just about ready to open. We are still looking for lifeguards for the upcoming season, so if anyone is interested they should contact the club. We are proceeding with the security lights on the beach and hope to have them working soon.

### **Corresponding Secretary's Report: (Reported by Claire Sadankas)**

Claire stated that the website is being redone. We are looking to make it more user-friendly and hopefully it will be updated soon.

### **Buildings and Grounds Report: (Reported by Kevin Kelly)**

Bob introduced Kevin as the new buildings and grounds trustee. Since he just joined the board, there was nothing for him to report.

### **Vice President's Report: (Reported by Tom Pospisil)**

Vice President Tom Pospisil stated that there were 7 new members. As they were announced, Bob Blair asked if any of the new members were present to please stand up. None were present.

Tom reported the following new members:

- a) Tetrault, Barry & Charles Carrol – 109 W. Bay
- b) Hand, John & Denise – 3006 Ocean Road
- c) Zucker, Ben – 27 E. Surf
- d) Alicia, Ed & Izabelle – 16 E. Surf
- e) Farrer, Ed & Kelly Ann – 21 E. Channel
- f) Falco, Denise – 17 E. Shore
- g) Farrer, James & Erin – 34 E. Channel

Tom had nothing else to report.

### **Sergeant-At-Arms Report: (Reported by Renee Severs)**

Renee stated that we have a security firm in place to handle the general security issues. If there is an emergency, the first call should be to Toms River. For parking, noise and similar matters, residents should call the security firm. Toms River Police were called regarding fireworks last night, and also about cars that were parked on the street and about a “frat-house” type party.

Phil DiVuolo (221 Bay Beach Way) asked what the cost of the winter security was. It was \$40/day and patrol was at various times. The major issue was contractors stealing electricity and leaving supplies.

Mike Sperkhardt (107 West Channel Way) asked if security will be going down each street? Yes – all streets will be patrolled.

### **Lagoon Report: (Reported by Greg Gere)**

Greg reported that there was a long overdue cleanup at the lagoon and he thanked all the members who volunteered their time. The group included boat and non-boat owners.

Frank Michenfelder (240 Bay Beach Way) stated that the new fence is a great addition.

### **Bay Beach Report: (Reported by Jeff Conger)**

Jeff reported that the buoys went in today, there is still a little more cleanup to do at the Bay Beach and he is glad there are no plans to put in dunes at the bay.

### **Old Business:**

Phil DiVulolo (221 Bay Beach Way) had a question on the street paving. Bay Beach Way was not paved. Are there plans for it to be paved? Bob Blair stated that he would follow up with NJ American Water. Also, he paid a fee for street opening when he was doing construction. He was told by Dave Finter that \$200 was for a repaving fee. If we got the streets paved for free, he would like his \$200 fee reimbursed. Frank Michenfelder (240 Bay Beach Way) stated that he too paid the fee and would like to be reimbursed. Bob said he would look into this matter.

Maryellen Lavin (11 East Barnegat Way) stated that they did a poor job repaving. Susan Stec (24 East Barnegat Way) stated that the paving is torn up by her.

Mike Sperkhardt (107 West Channel Way) asked if we had heard about parking on Rt 35. Perhaps we should contact NJ DOT. Tom Pospisil responded that nothing is happening. This week Toms River city council denied parking on Rt 35N and Rt 35S. We can petition for parking and ask Toms River to reconsider the matter. Mike S also asked if the “no ball playing” rule also applies to tennis and lacrosse. Yes, security will be informed of this matter.

Walter Endler (13 East Surf Way) asked if the issue of Rt 35 parking could be brought up to the Beach Federation. Tom stated that he will present this at the next federation meeting.

Walter Endler (13 East Surf Way) stated that 3 things irked him:

- 1) On the Club Rules and General Courtesy chart, it is noted that for emergencies call 911. NJ has enhanced 911 and it must be presented as "nine-one-one"
- 2) Please introduce Ellen Downes at all meetings.
- 3) In lieu of what was heard/spoken tonight, he believes that it is in the best interest of the club that the trustees take into consideration that the 3 officials who addressed the membership tonight a) did not have the correct maps, b) did not know our area, c) did not have the correct information and want us to be reasonable, and d) they should have sent qualified men with qualified maps and information.

Frank Michenfelder (240 Bay Beach Way) stated that he was expecting to have a chairlift installed after June 17<sup>th</sup>. Is this a problem? Bob asked him to notify Jeff Conger when this will be done and it will not be a problem.

#### **New Business:**

At the Fall 2015 general meeting, a motion regarding allowing the Lavallette Liquor Store sign to remain on our storage shed was presented. The club receives \$1,200/year in rent from the liquor store. Some residents on Bay Beach Way and other streets were unhappy with the club allowing this on our property, as we are a family friendly location. Roxane DiVuolo (221 Bay Beach Way) felt that this sign served as a "welcome sign" to OB1. Phil DiVuolo stated that he was informed that the sign was supposed to be removed by order of Lavallette. Bob stated that he was informed that Lavallette checked with the NJ DOT and the sign is ok. A vote was taken among the membership present and the results were 25 in favor of keeping the sign and 16 against keeping the sign, so the sign will remain.

With no other new business to discuss, a motion was made by Walter Endler (13 East Surf Way) to adjourn the meeting and was seconded by Cheryl Mucha (29 East Barnegat Way). The meeting was adjourned at 9:20 pm.

Respectfully submitted

Jeff Mucha  
Recording Secretary