

AGENDA

LVWA BOARD OF TRUSTEE MEETING TUESDAY, JULY 3, 2018 WILLOW HALL

1:00PM

Pledge of Allegiance

Items to be voted on:

1. Motion to waive the reading of the **minutes**.
2. Motion to approve the June 20, 2018 **minutes**.
3. Motion to memorialize the purchase of a Manitowoc Indigo **ice machine**, model IYT0450A, for Club Encore from Katom Restaurant Supply, Inc. for a total cost of \$2,986.57. This expense will be charged to GL#3150 - Property Fund - Replacements. The unaudited balance for this account as of 5/31/18 is \$827,171.82.

COMMUNITY MANAGER'S REPORT

RECREATION REPORT

UNFINISHED BUSINESS

1. Radar speed traffic signs
2. Generator for Willow Hall

NEW BUSINESS

1. TNR
2. Bylaws amendments

ADJOURN OPEN MEETING

AUDIENCE COMMENTS: In general, audience questions and comments should be addressed to the interest of all residents. For resolution of personal or maintenance issues, contact the Department Manager or the Service Manager and, if necessary, the Community Manager.

Present were S. Tozzi, C. Lupo, S. Falk-Zitelli, S. Kaufman and F. Weinstein. Also present were Community Manager – J. Schultz, Service Manager – J. Snyder, Accounting Administrator - M. O'Connor and Recreation Manager, Mary Lighthipe. L. Maiocco was present on speakerphone.

This meeting commenced at approximately 1:00 p.m. with the Pledge of Allegiance.

Martin Lynch, Manchester Twp. Tax Assessor, reviewed the re-assessment process with residents. He informed residents that the process will begin the last week of July and continue through August & September. He stated that the employees will have photo ID, wear a Township shirt, drive a Township vehicle and have a tablet with them. They will knock on the door and leave a door hanger if the resident is not home. A letter will be sent out in October or November of 2019 informing residents of any changes in taxes for the year 2020. Residents who may qualify for the Property Tax Reimbursement program can call 1-800-882-6597 for more information. There are also two (2) other deduction programs available through the Tax Assessors' office: Local Property Tax Deduction for Veterans and Senior Citizen Deduction (must be 65 years or older or disabled.) Contact the Manchester Township Tax Assessors' office for more information.

ITEMS VOTED ON:

1. S. Kaufman moved to waive the reading of the minutes. S. Falk-Zitelli seconded. All present were in favor. Motion carried.
2. S. Falk-Zitelli moved to approve the June 6, 2018 minutes. S.Kaufman seconded. All present were in favor. Motion carried.
3. F. Weinstein moved to authorize the Association to contract with Viking Pest Control for pest control services from October 1, 2018 through September 30, 2025 for a cost of \$29,855.00 per year. This expense will be charged to GL# 7410-Exterminating Expense. C.Lupo seconded. All present were in favor. Motion carried.
4. C. Lupo moved to authorize the Association to contract with Global Hydro, Inc. for a feasibility study for water allocation increase for a cost of \$7,970.00. This expense will be charged to GL#3260- Capital Replacement-Irrigation/Well Motors. The unaudited balance for GL#3260 as of 5/31/18 is \$121,537.14. S. Kaufman seconded. All present were in favor. Motion carried.

DIVISION REPORTS

Tom Hardman gave the Architectural Division Report.
Beverly Craft gave the Activities & Services Div. Report.
Mary Lou Doner gave the Finance Division Report.
Judith Langreich gave the Administration Division Report

VOTE TO FILL THE OPEN TRUSTEE POSITION

A vote was taken amongst the BOT to fill the open seat on the board. The results were as follows:

<u>VOTE #1:</u>	<u>SHIRLEY ANTHONY</u>	<u>AL DAMATO</u>	<u>MARGE KING</u>
S. Falk-Zitelli	Y	N	N
S. Tozzi	Y	N	N
C. Lupo	N	Y	N
L. Maiocco	N	Y	N
F. Weinstein	N	Y	N
S. Kaufman	Y	N	N

Marge King was removed for the next round of voting.

<u>VOTE # 2</u>	<u>SHIRLEY ANTHONY</u>	<u>AL DAMATO</u>
S. Falk-Zitelli	Y	N
S. Tozzi	Y	N
C. Lupo	N	Y
L. Maiocco	N	Y
F. Weinstein	N	Y
S. Kaufman	Y	N

<u>VOTE # 3</u>	<u>SHIRLEY ANTHONY</u>	<u>AL DAMATO</u>
S. Falk-Zitelli	Y	N
S. Tozzi	Y	N
C. Lupo	N	Y
L. Maiocco	N	Y
F. Weinstein	N	Y
S. Kaufman	Y	N

<u>VOTE # 4</u>	<u>SHIRLEY ANTHONY</u>	<u>AL DAMATO</u>
S. Falk-Zitelli	Y	N
S. Tozzi	Y	N
C. Lupo	N	Y
L. Maiocco	N	Y
F. Weinstein	N	Y
S. Kaufman	Y	N

<u>VOTE # 5</u>	<u>SHIRLEY ANTHONY</u>	<u>AL DAMATO</u>
S. Falk-Zitelli	Y	N
S. Tozzi	Y	N
C. Lupo	N	Y
L. Maiocco	N	Y
F. Weinstein	N	Y
S. Kaufman	Y	N

A motion was made by S. Kaufman to leave the BOT remaining with 6 members. S. Falk-Zitelli seconded. All present were in favor. Motion Carried.

RECREATION REPORT

Mary Lighthipe gave the Recreation Report.

COMMUNITY MANAGERS REPORT

J. Schultz, Community Manager, updated residents on the HVAC system for Encore. He stated that they are just waiting to get the cost of moving New Jersey Natural Gas from the back of the building to the front. We should have it before the next meeting so it can be presented to the BOT at that time.

J. Schultz, Community Manager, informed residents that inspections on the roofs at Willow Hall, Encore and Leisure Fair were going on for the Solar Panels to see if the buildings can handle having the panels put on. The report should be back shortly so the board can make a decision.

J. Snyder, Service Manager, stated he has gone out to bid for a generator for Willow Hall. He is still waiting on the cost of New Jersey Natural Gas. The cost at this time is approximately \$47,500.00 without the gas. He is asking the board to give approval to get the final figures, not to exceed \$60,000.00 and this will be presented at the next meeting.

UNFINISHED BUSINESS

1. Radar speed traffic signs- This item will remain on the agenda.

NEW BUSINESS

None

BOARD REPORT

None

S. Tozzi called a 5 minute recess.

S. Tozzi did not return to the meeting due to illness.

The business meeting was adjourned at 3:09 pm by Mr. Lupo.

Michele Schoenig, for Samantha Bowker, Administrative Assistant

Sara Falk-Zitelli
Board Secretary

Approved: July 3, 2018

Leisure Village® West Association

AT MANCHESTER, NEW JERSEY

Interoffice Memorandum

To: Board of Trustees

From: Howard Height

Date: June 26, 2018

Re: New Ice Machine – Club Encore

I have been asked by the Board of Trustees to research the replacement of the ice machine in Club Encore. The existing machine has a bad evaporator coil and would be too costly to repair. Below are the results

Supplier	Equipment	Price
United Refrigeration	Manitowoc Mawoc Indigo IYT0450A	\$3,423.08
Katom	Manitowoc Mawoc Indigo IYT0450A	\$2,986.57
Newegg	Manitowoc Mawoc Indigo IYT0450A	\$3,096.03
Grainger	Manitowoc Mawoc Indigo IYT0450A	\$5,067.75

(Prices include tax and shipping)

We recommend purchasing the Manitowoc Mawoc Indigo IYT0450A from Katom for a total purchase price of \$2,986.57. This expense will be charged to GL# 3150 – Property Fund – Replacements.



LEISURE VILLAGE WEST ASSOCIATION, INC.

AMENDMENT TO THE BY-LAWS

This Amendment to the By-Laws of Leisure Village West Association, Inc., (the "Association") made this ____ day of _____, 2018 by the Association, a non-profit Corporation of New Jersey, by and through it's Board of Trustees (the "Board"), having a principal address of 959 Buckingham Drive, Manchester, New Jersey 08759; and

WHEREAS, the Association was created by, among other things, an Amended and Consolidated Master Deed and Declaration of Restrictive and Protective Covenants with attached By-Laws, as may be amended from time to time (the "Governing Documents"), which was recorded in the office of the Ocean County Clerk on July 30, 2014, in Book 15860, Page 1840, et. seq.; and

WHEREAS, P.L. 2017, Ch. 106, often referred to as the Radburn Bill, a supplement to the Planned Real Estate Development Full Disclosure Act, passed on July 13, 2017, provides that, "[a]n executive board shall not amend the bylaws of an association without a vote of the association members open to all association members, as provided in the association's bylaws... except an executive board may amend the bylaws under the following circumstances: (a) to the extent necessary to render the bylaws consistent with State, federal or local law..."; and

WHEREAS, the Board of Trustees convened for a Special Meeting on _____, 201____, and a quorum being present, a majority of the Trustees present voted to amend the Association's By-Laws; and

NOW, THEREFORE, the Association hereby amends and modifies the Association's By-Laws as set forth below:

NOW, THEREFORE, THE ASSOCIATION'S BY-LAWS ARE AMENDED AS FOLLOWS:

1. MEMBER IN GOOD STANDING:

By-Laws, Article I, Sections 3(p) and 11 are hereby deleted in their entirety and replaced with the following:

The definition of "Good Standing" as it relates to use and access to common amenities:

"Good Standing" shall mean the status applicable to an association member who is current on the payment of common expenses, late fees, interest on unpaid assessments, legal fees, or other charges lawfully assessed, and which association member has not failed to satisfy a judgment for common expenses, late fees, interest on unpaid assessments, legal fees, or other charges lawfully assessed. The Association may restrict use and access to common amenities for any unit owner not current on the payment of common expenses, late fees, interest on unpaid assessments, legal fees, or other charges lawfully assessed.

The definition of "Good Standing" as it relates to (1) voting in board elections, (2) voting to amend the By-Laws, and (3) nominating or running for any membership position on the Board of Trustees.:

An association member who is: 1) current on the payment of common expenses, late fees, interest on unpaid assessments, legal fees, or other charges lawfully assessed; or 2) in full compliance with a settlement agreement with respect to the payments of assessments, legal fees or other charges lawfully assessed; or 3) has a pending, unresolved dispute concerning charges assessed which dispute has been initiated through a valid alternative to litigation pursuant to N.J.S.A. 46:45:22A-44.2(c), through N.J.S.A. 46:8B-14(k), or through a pertinent court action. A member who meets this definition shall be entitled to vote in a board election, vote to amend the By-Laws, and nominate or run for any membership position on the Board of Trustees.

2. ELECTION PROCEDURES AND NOTICE REQUIREMENTS:

By-Laws, Article III, Sections 3, Second Sentence is hereby deleted in its entirety and replaced with the following language:

Notice of the annual meeting and board election must be given not less than fourteen (14) days, nor more than sixty (60) days, prior to the annual meeting and election. In addition, notice of an election shall be provided to all members via personal delivery, mail or electronic means. (Members must consent in writing to receiving electronic notifications.) Notice of the election shall include a proxy ballot and an absentee ballot. Notice shall be deemed effective when deposited in the mail with proper postage or immediately upon sending an electronic notice.

Proxies used for elections shall state, "Use of this proxy is voluntary on the part of the granting owner. This proxy may be revoked at any time before the proxy holder casts a vote. Absentee ballots are also available." The Association must provide both a proxy form and an absentee ballot for all Board elections.

At least thirty (30) days prior to the mailing of the notice of an election meeting, the Association must provide written notice to all members of their right to nominate themselves or other Association members in good standing for candidacy to serve on the Board. Members must be given at least fourteen (14) days to respond to the request for nominations, and any nomination form that is received prior to the mailing of absentee ballots or proxies to Association members must be added to the ballots and proxies, if the nominee is in good standing. Ballots and proxies may be mailed no earlier than the day after the response deadline set in the request for nominations. If no response deadline is set in the request for nominations, then the deadline shall be the business day before notice of the election is mailed to the members. All candidates nominated for the Board shall be listed in alphabetical order by last name on the proxy ballot and absentee ballot.

3. AMENDMENTS

By-Laws, Article XIII, Section 1 is hereby amended to incorporate the following language:

Notwithstanding anything else herein, these By-Laws may be Amended in accordance with N.J.S.A. 45:22A-46(d)(5) by providing notice of the proposed Amendment to all Owners and allowing thirty (30) days for the Owners to reject the proposed change. If, at the expiration of the thirty (30) period, less than ten percent (10%) of the Owners have rejected the proposed Amendment, then said Amendment shall be recorded with the County Clerk and put into full effect.

4. DIVISIONS/COMMITTEES:

By-Laws, Article XVI, is hereby amended as follows:

The “standing divisions of the Board of Trustees” shall hereinafter be referred to as “Committees” and the “Physical Plant” Division shall hereinafter be referred to as the “Architectural Committee.” Other than terminology, there is no substantive change to the roles and duties of the standing Divisions/Committees.

5. In the event any provision of this Amendment is deemed unenforceable by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.
6. All provisions of the By-Laws not amended by this Amendment shall remain unchanged and in full force and effect.
7. Notwithstanding the full execution of this Amendment, this Amendment shall not take effect until this Amendment is recorded in the Ocean County Clerk's Office.