

AGENDA

LVWA BOARD OF TRUSTEE MEETING WEDNESDAY, MAY 2, 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 April 18, 2018 **minutes**.
3. Motion to approve the **Pool Rules** for the 2018 Season.
4. Motion to approve **Access to Records Policy**.
5. Motion to approve the **Fiduciary Responsibilities Policy**.
6. Motion to approve the **Resolution Relating to Election Procedures**.
7. Motion to approve/reaffirm the members of the **Election Committee**.

COMMUNITY MANAGER'S REPORT

RECREATION REPORT

UNFINISHED BUSINESS

1. Pool regulations update

NEW BUSINESS

BOARD REPORT

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.

LEISURE VILLAGE WEST
BOARD OF TRUSTEE MEETING

APRIL 18, 2018
WILLOW HALL

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

This meeting commenced at approximately 1:05 p.m. with the Pledge of Allegiance.

Mayor Kenneth Palmer made an appearance to update residents on items concerning Manchester Township, one item being a new Ocean County park that will be built in the Township and maintained by the County, the land to be donated to the County and the County will reimburse the Township for all costs the Township incurred to acquire the land. Another item discussed was town-wide home reassessments to be done by the Township, an 18-month process to be done by in-house Township staff. He also discussed the Manchester Township budget and the tax base for this year. Township recreation items were discussed, as was the Heritage Mineral project. Questions were entertained following the presentation.

ITEMS VOTED ON:

1. S. Kaufman moved to waive the reading of the minutes. C. Lupo seconded. All present were in favor. Motion carried.
2. F. Weinstein moved to approve the April 4, 2018 minutes. S. Kaufman seconded. All present were in favor. Motion carried.
3. S. Tozzi moved to contract with Roofing Masters for the 2018 Roofing and Gutter Replacement Program for a total of \$492,260.86, which includes 2,218 squares of roofing and 8,479 linear feet of gutter, on 103 units. This expense will be charged to GL #3270-Capital Replacement-Roofs. The unaudited balance for account #3270-Capital Replacement-Roofs as of 3/31/18 is \$1,086,086.82. S. Kaufman seconded. Motion carried.
4. C. Lupo moved to purchase 6 Aluminum Side Panel Swing Gates from Sunpower Security Gates for the 3 entry gates for a total cost of \$4,253.98. this expense will be charged to GL#3150-Property Fund-Replacements. The unaudited balance for account #3150-Property Fund-Replacements as of 3/31/18 is \$882,698.45. S. Tozzi seconded. Motion carried.
5. L. Maiocco moved to contract with Curry Electric for the replacement of 75 residential electrical panels for a total cost of \$54,375.00 This expense will be charged to GL#3295-Exterior Restoration and Unit Infrastructure. The unaudited balance for account #3295-Exterior Restoration and Unit Infrastructure as of 3/31/18 is \$178,619.45. C. Lupo seconded. Motion carried.

DIVISION REPORTS

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

RECREATION REPORT

Joe Schultz, Community Manager, gave the Recreation Report.

COMMUNITY MANAGERS REPORT

J. Schultz, Community Manager, addressed how Verizon will bring cable into resident homes. He informed residents that he met with the Verizon Representatives and looked at all 21 models. Most of the units were not seen as problematic and all will be easily handled. After the ONT is mounted on the outside of the home and the resident calls for hook up, Verizon will bring 2 cables into the home: ethernet

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cable, which will go right to the room the resident would like it in and the other to the attic or directly to the cable box.

J. Schultz, Community Manager, informed residents that the county will be having the Hazardous Waste Disposal Program on May 12, 2018. Residents need to call 732-367-0802 to pre-register.

J. Schultz, Community Manager, stated that LVW is still continuing efforts to explore a coffee shop in the commercial buildings.

UNFINISHED BUSINESS

1. Trustee Election Outline-Was given to M. Polulak, the attorney, and will come back in a slightly different format with not too many changes, for approval by the Board of Trustees.

NEW BUSINESS

1. Access to Record Policy- To be voted on at the 5/2/18 meeting.
2. Fiduciary Responsibilities Policy- To be voted on at the 5/2/18 meeting.
3. Pool Regulations Update/Pool Rules- J. Snyder, Service Manager, gave an update to the new 2018 NJ Dept. of Health Public Recreational Bathing regulations. After discussion and input from the membership, it was the consensus of the majority of the Board of Trustees to use two lifeguards at each pool for the 2018 pool season, not use a special exemption, and review again for the 2019 pool season. Further discussion is needed regarding badge checking.

BOARD REPORT

E. Baumeister stated that the Board will be meeting on April 25, 2018 to go over budget recommendations and long range plans, to see what can be accomplished over the next year, and projections for the next few years.

E. Baumeister stated that the Advisory Committee will be meeting on April 23, 2018 at 2:00 pm to go over past issues and discuss the role of the committee. A report will be made at the 5/2/18 meeting.

Michele Schoenig, for Samantha Bowker, Administrative Assistant

Sara Falk-Zitelli
Board Secretary

Approved: May 2, 2018

**LEISURE VILLAGE WEST ASSOCIATION
SWIMMING POOL RULES
2018 SEASON**

The official opening is Friday, May 25th for the Willow and Encore pools. Both the Willow and Encore pools will remain open until Sunday, September 9th (weather permitting and subject to the availability of lifeguards).

NO SWIMMING UNLESS LIFEGUARD IS ON DUTY

POOL HOURS:	Willow Pool	11 am to 7 p.m. Monday – Friday 10 am to 7 p.m. weekends & holidays
	Encore Pool	10 am to 8 p.m. daily <u>Starting July 1st</u> <u>Extra swim hour, Encore pool will close at 9 p.m.</u>
	Aquacisers	10am to 11am Monday through Friday at Willow Pool Only (NO CLASSES on Holidays or Weekends)
	Lap Lanes	Residents must yield to lap lane swimmers
	Adult Guests	(Accompanied by a resident) Regular pool hours as listed above.
	Youth Guests	4 to 14 years of age (Accompanied by a resident) 10am to 1pm at Encore Pool & Pool Area 4pm to 7pm at Willow Pool & Pool Area

Youth guests under 4 years of age are not permitted in either pool.

In the event of the closing of one pool; the youth guest hours are as follows at the opened pool - 11am to 1pm and 4pm to 7pm. A 20-minute grace period will be allowed for children to exit the pool area at the end of the children's swim hours. Children are not allowed in the pool area at any time other than designated youth hours. Children 10 years of age and under must be accompanied by a parent or grandparent for the entire time they are in the water.

BADGES: Members without guests must present their photo ID badge for verification of member status at the monitor stand before admittance to the pool area.

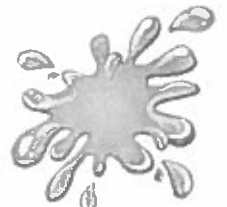
Members with guests must present their photo ID badge for verification of member status at the monitor stand. Members with guests will be required to sign in upon arrival and sign out upon departure. Member's guests will be issued a disposable wristband for the day. Guests must surrender their wristband before leaving the pool area for the day and may only return with a member.

GUESTS: Up to (4) adult or youth guests are permitted and **MUST** be accompanied by a **RESIDENT** who must **REMAIN** with guests and have the appropriate wristbands at all times.

- DIAPERS:** Only diapers specially designed for immersion in water are permitted.
- ATTIRE:** Proper swim attire must be worn from home to pool since changing area is limited. Cut-off jeans are not allowed in the pool. A cover-up wrap is needed when entering the clubhouses. The Association is not responsible for any discoloration of bathing suits due to pool chemicals. Street shoes are not allowed in the pool. **DO NOT LEAVE SHOES OR SLIPPERS AT THE POOL STEPS.**
- SAFETY:** **NO DIVING OR JUMPING IS ALLOWED AT EITHER POOL AND WILL BE STRICTLY ENFORCED. NO SITTING OR STANDING ON POOL STEPS. RESIDENTS & GUESTS MAY SIT ON STEPS WHERE INDICATED AT THE ENCORE POOL.** *Weather related closures are at the discretion of the lifeguard. The lifeguard will determine when to reopen the pool. Lifeguards do remain on duty during rain.*
- SWIM AIDS:** NO floats, toy surfboards or swim toys are permitted in the pool with the exception of noodles. Noodles are not to exceed two per person. Mesh seat noodles are also acceptable. Swimsuits that incorporate a flotation device as part of the suit construction are allowed. Swimmies are allowed. Residents are permitted to use therapeutic aquatic belts. Coast Guard approved life vests are also permitted.
- HEALTH:** **PERSONS WITH OPEN WOUNDS ARE NOT PERMITTED IN EITHER POOL OR JACUZZI AT ANY TIME. LIFEGUARDS WILL ENFORCE THIS RULE.**
- FOOD:** Food and beverages are permitted in the pool area. **NO GLASS OR OTHER SIMILAR CONTAINERS THAT MIGHT CAUSE PERSONAL INJURIES IF BROKEN ARE PERMITTED IN THE POOL AREAS. NO ALCOHOLIC BEVERAGES ARE PERMITTED IN THE POOL AREAS.** Tables and surrounding area are to be left clean.
- SMOKING:** Neither smoking nor vaping are permitted within 25ft of the pool area. Please use designated areas.
- LOUNGES, CHAIRS, TABLES:** Lounges, chairs or tables are not to be reserved with a towel, etc. **When leaving the pool area chairs and lounges are to be returned to their proper places.**
- UMBRELLAS:** Umbrellas are to be opened by the lifeguards, prior to swimming hours only.
- SHOWERS:** Bathers are required to shower before entering the pools. If water shoes are worn please rinse before entering the pool.
- JACUZZI:** Residents are to read and follow rules posted at the Jacuzzi. **No one under the age of 16 is allowed in the Jacuzzi.**
- MUSIC:** Please use headphones where possible, otherwise be considerate and keep the volume down as not to disturb fellow members.

ALL RULES AND REGULATIONS WILL BE STRICTLY ENFORCED.

Have an Enjoyable Season



Leisure Village® West Association

AT MANCHESTER, NEW JERSEY

POLICY

ACCESS TO RECORDS

- A. Documents under this heading are available any time at the Association Office or online at www.lvwcreeper.com/document-downloads/.

Bylaws/Master Deed
Certificate of Incorporation
Rules and Regulations: Current Resident Handbook
Current LVW News Magazine
Annual Financial Audits/Budgets
Minutes from Open Board of Trustees Meeting
Agendas with attachments

- B. Documents under this heading are available to view at the Association Office following the request protocol outlined below. **Copies are permitted subject to redaction where applicable and a charge of .10 cents per page will be assessed for the total document.**

Request Protocol:

All requests to inspect Association records must be received in writing at the Association office. Said request shall identify specifically the documents which the member wishes to inspect, including any applicable time periods. Subject to the receipt of an appropriate written request, the Community Manager shall make available to the requesting member the following documents at a mutually convenient time during regular business hours without approval by the Board of Trustees.

Financial Statements-Annual & Monthly
Insurance Policies and Certificates (Declaration page copies available from the Association's agent)
Investment Statements
Latest Tax Return
Contracts & Commercial Leases

- C. Documents deemed to be confidential shall not be made available to the members of the Association for inspection at any time without the express approval of at least a simple majority of the entire Board. Requests to inspect these types of documents shall clearly state the purpose for which the inspection is requested and shall identify specifically the documents which the member wishes to inspect, including any applicable time periods. Grant of such request shall be subject to such necessary and reasonable restraints and/or conditions as the Board may impose.

Rescinds "Access to Records" dated 1/5/05

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959 BUCKINGHAM DRIVE, MANCHESTER, NEW JERSEY 08759



Leisure Village® West Association

AT MANCHESTER, NEW JERSEY

Leisure Village West Association

Board of Trustees Fiduciary Duties, Responsibilities and Code of Conduct

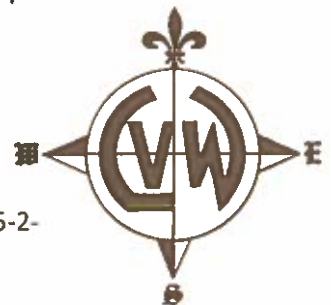
Fiduciary Duties

As fiduciaries, trustees have special responsibilities in connection with the administration, investment, monitoring, and distribution of property, meaning the assets of the Association as well as intangible assets such as its reputation. Trustees must act in accordance with the fiduciary duties of care, loyalty, and obedience ("Business judgment rule").

- The duty of care requires trustees to carry out their responsibilities in good-faith utilizing that degree of diligence, care, and skill which ordinarily prudent persons would reasonably exercise under similar circumstances in like position.
- The duty of loyalty means the trustee places the interest of the association ahead of his or her own personal or self-interest. Loyalty also means respecting the confidentiality of the association's affairs by not disclosing them in a way that leads to loss of opportunity for the association and its members.
- The duty of obedience means that trustees have the responsibility for making sure that the association complies with all federal, state, and local laws and regulations as well as the Association's mission as defined in its governing documents.

Responsibilities

- Enforce governing documents
- Adhere to stated purpose
- Preserve financial resources
- Insure assets against losses
- Keep common areas in state of good repair
- Oversee development of budget
- Ensure accurate tracking/monitoring/accountability for funds
- Hire, set compensation, and provide oversight and insight for the Community Manager to run the day-to-day management activities of the Association
- Conduct evaluations of Community Manager regarding management and administration based upon outcome, goals, and data; annual document to be finalized by the President and the Community Manager and available as a confidential document in the personnel file
- Guide the development, review and authorization of personnel policies and procedures



- Ensure accurate tracking/monitoring/accountability for all funded activities and services and link the board/staff/activities/residents through an appropriate communication process
- Ensure effective board processes, structure and roles including committee development
- Monitor the development and use of various media to provide and receive pertinent information for governance and on-going maintenance and administration of the village and the approved services
- Guide association towards a maintainable future and engage knowledgeable experts within and outside of the village in a planning process
- Develop and apply guidelines for ensuring ethical behavior and resolving conflicts
- Encourage participation in all aspects of governance through committee and other volunteer activities and provide orientation, education, training, and encouragement for potential future board and committee members

Code of Conduct:

As a Leisure Village West Association Trustee, I agree to:

- Acknowledge and discharge fiduciary duties
- Make reasonable inquiry before making decisions
- Make decisions based on an informed and independent basis
- Act in the best interest of the Association and all its members
- Treat trustees, residents, staff with courtesy
- Respect the role of staff to work unhindered
- Devote sufficient time to obtain information necessary to add value to the work of the board
- Support the principles of good governance by leadership and example
- Support the volunteer committee structure through open communication and respect
- Safeguard information that belongs to the Association
- Seek no preferential treatment regarding Association property, resources, or services
- Apply sound financial judgment to oversee assets and operations to maintain legal and ethical accountability for residents, volunteers, and staff
- Show a willingness to work as a group
- Seek constructive debate and dialogue over confrontation
- Honor the LVWA Committee Ethics Policy

Signed _____ Date _____

Rescinds "Code of Conduct"

**LEISURE VILLAGE WEST ASSOCIATION, INC.
RESOLUTION
RELATING TO ELECTION PROCEDURES**

WHEREAS, the Leisure Village West Association, Inc. (the "Association") was formed by the filing of a certain Certificate of Incorporation, on May 31, 1972, with the Secretary of State of the State of New Jersey having its offices at 959 Buckingham Drive, Manchester, New Jersey 08759; and

WHEREAS, the Association was established and exists by certain Master Deeds with attached Bylaws recorded on January 10, 1978, in the Ocean County Clerk's Office in Deed Book 3683 page 51 et. seq., and as amended from time to time (collectively the " Master Deed"); and

WHEREAS, the Association's Master Deeds were amended and consolidated and recorded on July 30, 2014 in the Ocean County Clerk's Office in Deed Book 15860 page 1840 et. seq.,

WHEREAS, the Bylaws, Article VI, Section 1, provides, "The Board of Trustees shall have and exercise all lawful powers and duties necessary for the proper conduct and administration of the affairs of the Association and the operation and maintenance of Leisure Village West and may do or cause to be done all such other lawful acts and things as are not by law, by these Bylaws or otherwise, directed or required to be done or exercised by members of the Association or owners of units, or by others;"

WHEREAS, in July of 2017, the Legislature of the State of New Jersey amended the New Jersey Planned Real Estate Development Full Disclosure Act ("PREDFDA"), N.J.S.A. 45:22A-43 et. seq., establishing new requirements for the elections of the executive boards of common interest residential communities, such as the Association; and

WHEREAS, the Board now wishes to adopt the following election procedures to ensure that the Association's elections comply with new election requirements as set forth in N.J.S.A. 45:22A-45.2; and

NOW, THEREFORE, BE IT RESOLVED THAT:

Annual Meeting

1. The annual meeting of members to elect Trustees shall be held annually on the last business day in August or as otherwise set forth in the Bylaws.

Quorum

2. The presence in person or by special ballot of a majority of the members (1347 units) of the Association shall constitute a quorum for the Annual Meeting.

Election Committee

3. The Board of Trustees shall annually establish an Election Committee to assign a team of impartial inspectors to conduct the various duties associated with and required during elections.

Staff Involvement

4. The involvement of the employed staff of Leisure Village West Association in the election process shall be strictly limited to administrative and logistical support only.

Good Standing

5. A member must be in good standing to either run for or be elected to the Board of Trustees.
6. A member shall be in good standing if, and only if, he or she has fully paid or has entered into an approved settlement agreement or if the member has a pending, unresolved dispute with ADR or through court action, for all installments due for assessments, late fees, fines, or costs levied against him or her and the unit by the Association, together with all interest, costs, attorneys' fees, penalties and other expenses, if any, properly chargeable to him or her and the unit.

Candidacy

7. All unit owners of the Association have the right to nominate themselves or other Association members in good standing for candidacy to serve on the Board.

Call for Nominations

8. On the first business day in June, the Secretary of the Board sends the first "Call for Nominations" letter, via U.S. Mail, to all members and to those with voting rights announcing a call for nominations for the position of trustee. Members are advised that they may nominate another member or self-nominate by submitting a document with the printed name, unit address, and phone number of the nominee and, if not a self-nomination, the name, unit address, and phone number of the member making the nomination along with a letter accepting the nomination from the nominee. The announcement shall also contain the following:
 - a. The Annual Meeting date and time;
 - b. A listing of terms available to hold office;
 - c. An invitation to Candidates' Forum, held annually on the first Friday in August;
 - d. Notification that nominees may provide a brief one-page profile to be made available in a separate special bulletin mailed to all members;

Nomination Deadline

9. Nominations must be submitted to the Secretary of the Board in the Association Office no later than 4:00 p.m. of the first business day in July. If not self-nominated, a letter accepting the nomination must also be submitted.

Good Standing Status

10. The Secretary of the Board will verify good standing status of all nominees with the accounting department.
11. Nominee(s) not in good standing will be advised by the Secretary of the Board no later than the nomination deadline that their name cannot be accepted for nomination.

Nominated Candidates

12. Nominated candidates in good standing will be posted in alphabetical order as they are received, via LVWA media by the Secretary of the Board. After such posting, nominees may begin campaign activities. No further updates will be made after the nomination deadline date or after the final slate is posted.
13. The Election Committee shall secure and provide equal space in each recreation hall for candidates to place their campaign material.
14. Candidates shall have equal opportunity to participate in one (1), twenty (20) minute, unmoderated televised event to be made available starting in alphabetical order after the nomination deadline date.
15. The Election Committee shall preside over preparation of ballots for mailing. The Election Committee shall produce a ballot with an alphabetical listing of candidates together with a preaddressed, stamped return envelope addressed to 959 Buckingham Drive Manchester, NJ 08759. The ballot shall contain one write-in line for members to vote for other candidates. The ballot shall also contain a notification that unit owners may revoke voting-eligible tenant proxies up until the last call for votes at the Annual Meeting.
16. The Election Committee shall arrange the Candidates' Forum, held on the first Friday in August, moderated by an independent non-member moderator such as an attorney or former judge. The Election Committee shall coordinate the event with the in-house TV Crew regarding the schedule. During odd years, the forum will be held at night and during even years, the forum will be held during the day.
17. The Election Committee shall supervise the mailing of the ballots on the first business day after the Candidates' Forum and shall produce a written affirmation to serve as proof of mailing to be read at the Annual Meeting.

Voting

18. Voting members in good standing must complete the ballot by selecting their choices, filling in their name, unit address and signing the ballot, following instructions provided. Once completed,

return by U.S. mail in the provided preaddressed, stamped envelope, prior to the Annual Meeting. A ballot box located at the Association Office shall be made available during business hours and also from 8:00 a.m. until 7:00 p.m. on each of the two days prior to the Annual Meeting. Members may deliver a ballot in person at the Annual Meeting at the time and place announced for that purpose.

Poll Book

19. The Board Secretary shall have prepared a computer-generated listing of all members in good standing. This listing shall be used as the Poll Book.
20. Voting members in good standing opting to vote anonymously may do so at the Annual Meeting after providing proper ID with name and unit address and signing the Poll Book at the door.
21. Commencing when ballots are first received until the Annual Meeting, the Election Committee shall indicate in the Poll Book that a ballot has been received from a unit. The unopened, validated ballots shall be locked in fireproof cabinet in street and unit order until the Annual Meeting.
22. The Election Committee shall produce all ballots and Poll Book at the Annual Meeting for final votes to be received.

Annual Meeting

23. The Annual Meeting shall be called to order and presided over by the highest-ranking disinterested trustee officer at the time of the Annual Meeting.
24. The Election Chair shall read into the minutes of the Annual Meeting the statement of verification of ballot mailing.
25. The Officer chairing the meeting shall make a final call for votes and for any revocation of proxies.
26. The Election Chair shall certify that a quorum has been reached. If a quorum cannot be certified, the Chair of the Annual Meeting shall accept a motion to adjourn the meeting for 30 days.
27. If a quorum has been met, the meeting shall suspend, and the Election Committee shall commence the voting process by opening envelopes containing the ballots and separating the ballots into stacks of fifty (50).
28. The Election Committee inspectors shall start tabulating the votes, continuing until all votes are counted and tabulated. Members may stay and observe the process but may not interfere with the count. Candidates who receive the highest number of votes shall fill the longest terms available.
29. Once the count is complete, the Chair of the Election Committee shall notify the chair of the Annual Meeting to reconvene and call the meeting back to order.
30. The Election Committee shall certify the final count and announce the results.
31. The Election Committee, after the election, shall secure all ballots for a period of two years.

Challenges

32. In the event a specific election vote is challenged, the Board shall instruct the Election Committee to provide an Investigative Sub-Committee to assist in the equitable and impartial disposition of the challenge.

General

33. Notwithstanding any of the above, the Association may exercise all rights and remedies available to it at law, in equity, or pursuant to the Governing Documents.
34. Should any provision of this Resolution be deemed invalid, the remaining provisions hereof shall remain in full force and effect.
35. Any provision contained within any previously adopted resolution of the Association that conflicts with any provisions set forth herein shall be deemed void and this Resolution shall govern.