

AGENDA

LVWA BOARD OF TRUSTEE MEETING WEDNESDAY, MAY 4, 2022 at 1:00 PM WILLOW HALL

- PLEDGE OF ALLEGIANCE
- CALL TO ORDER
- ROLL CALL

APPEARANCES: JCP&L Representative

ITEMS TO BE VOTED ON:

1. Motion to waive the reading of the minutes.
2. Motion to approve the April 6, 2022 minutes.
3. Motion to approve revisions to Specification 4_4, "Home Battery Backup System".
4. Motion to approve revisions to the Charter for the Community Services Committee.
5. Motion to purchase three pumps and motors from Always Pure & Clear Water Well Drilling for a total cost of \$7,136.91. This expense will be provided by account #3260 - Capital Replacement/Well Motors. The unaudited balance for this account as of 3/31/22 is \$190,640.19.
6. Motion to contract with It's All Good Construction for the 2022 Roofing Project for a total cost of \$686,563.50. This expense will be provided by account #3270 - Capital Replacement/Roofs. The unaudited balance for this account as of 3/31/22 is \$489,257.41.
7. Motion to authorize the Association to transfer \$190,000 from account #3290 - Capital Replacement/Roads to account #3270 - Capital Replacement/Roofs.
8. Motion to approve/reaffirm the members of the Election Committee.

PRESENTATION OF REPORTS:

I. COMMITTEE REPORTS

| | |
|------------------------------|--------------------|
| Architectural Committee | (Ed Traeger) |
| Community Services Committee | (Mary Lou Doner) |
| Finance Committee | (Charles Corvo) |
| Administration Committee | (Judith Langreich) |

II. RECREATION REPORT

(Mary Lighthipe)

III. COMMUNITY MANAGER'S REPORT

(Joseph Schultz/Jim Snyder)

UNFINISHED BUSINESS

1. Update on new LVW Website

NEW BUSINESS

1. Amendment to the Bylaws of LVW Relating to Seasoning Period for Rentals and Transfer Fees
2. Policy Resolution Regarding the Administrative Transfer Fee for Owners of LVW
3. Community Manager Succession

The next open Board meeting will be held on Wednesday, June 1, 2022 at 7:00 PM in the auditorium at Willow Hall.

- 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.

POSTED: April 27, 2022

The meeting was called to order at 7:00 PM by Board President, Charles Lupo with the Pledge of Allegiance.

PRESENT: Trustees: Present were President - Charles Lupo, Vice President - Joyce Carmody, Treasurer - Eugene Murphy, Secretary - Thomas Hardman, Trustee - Louis Maiocco, Trustee - Fay Weinstein and Trustee - Al DAmato.

Management Staff: Community Manager – Joseph Schultz, Service Manager – Jim Snyder, Accounting Administrator – Michelle Lampard and Recreation Director – Mary Lighthipe.

ITEMS VOTED ON: *(Continued in Community Manager's Report and New Business)*

T. Hardman moved to waive the reading of the minutes. E. Murphy seconded. All were in favor. Motion carried.

T. Hardman moved to approve the March 2, 2022 minutes. A.DAmato seconded. There was no discussion and a vote was taken. All were in favor. Motion carried.

L. Maiocco moved to approve the purchase of the 2022 Case 21F (Articulating Loader) from GT Mid Atlantic for a total cost of \$74,530.88. The funds to meet this expense will be provided by account #3150 – Property Fund/Replacements. J. Carmody seconded. There was no discussion and a vote was taken. All were in favor. Motion carried.

A.DAmato moved to approve the replacement of 75 electrical panels at a cost not to exceed \$79,868.75. The funds to meet this expense will be provided by account #3295 – Capital Replacement/Unit Infrastructure. L. Maiocco seconded. There was no discussion and a vote was taken. All were in favor. Motion carried.

F. Weinstein moved to approve the in-house siding painting for condo 93 at a cost of \$28,848.60. The funds to meet this expense will be provided by account #3000 – Deferred Maintenance/Siding Painting. T. Hardman seconded. There was no discussion and a vote was taken. All were in favor. Motion carried.

J. Carmody moved to approve the 2022 driveway replacement schedule for 27 cement driveways at a cost not to exceed \$27,000.00. The funds to meet this expense will be provided by account #3275 – Capital Replacement/Concrete Driveways. T. Hardman seconded. There was no discussion and a vote was taken. All were in favor. Motion carried.

J. Carmody moved to approve the amendments to the LVW Bylaws regarding Electronic Voting and Electronic Notices. T. Hardman seconded. There was no discussion and a vote was taken. All were in favor. Motion carried. (Audience Comment)

E. Murphy moved to renew insurance coverage for LVW with Mitchell Insurance Services, Inc. for 2022-2023 at a total cost of \$1,413,602.59 which includes the purchase of three (3) additional ten million property limits in coverage along with a two-year rate endorsement. This expense will be provided by account #8100 – Insurance Expense. F. Weinstein seconded. J. Snyder gave a brief explanation. A vote was called.

F. Weinstein – Yes
E. Murphy – Yes
J. Carmody – Yes
A.DAmato – Yes
T. Hardman – Yes
L. Maiocco – No
C. Lupo – Yes

Motion carried.

PRESENTATION OF REPORTS:

COMMITTEE REPORTS:

Ed Traeger, Chairperson, gave a report for the Architectural Committee.

The Board announced the approval of new member, Steven Leslierandal for the Architectural Committee.

Mary Louise Doner gave a report for the Community Services Committee.

The Board announced the approval of new members: Kathleen Maiocco and MaryAnn Phillips for the Welcome Committee.

Charles Corvo, Chairperson, gave a report for the Finance Committee.

Beverly Craft gave a report for the Administration Committee.

M. Lighthipe, Recreation Director, gave a report for the Recreation Department.

COMMUNITY MANAGER'S REPORT: (J. Schultz and J. Snyder)

A one-call was sent to residents stating that JCP&L has scheduled an intermittent power outage on Thursday, April 7th between 8:00 AM until 2:30 PM. The rain date will be Friday, April 8th. The effected areas are Sterling Street and Edinburgh Lane. Management had gone out to bid for the 2022 Pool Management Services contract. LVW has again chose to remain an "Exempt" facility in accordance with Ocean County Health Department regulations. This means that the Association will only require one ambassador/pool manager per pool during open pool hours. The pool management company will also provide services to open and close each pool at the beginning and ending of the pool season. They will maintain the pool in accordance with Ocean County Health Department requirements and LVW's Rules and Standards. The bids are as follow:

| Vendor | Description | Price |
|-----------------------|--|-------------|
| Carmona Pool Service | Bid for entire requirements of RFP | \$90,000.00 |
| Millennial Pool Mang. | Bid for entire requirements of RFP | \$78,000.00 |
| American Pool | (Would only provide Ambassadors for 8 hrs per day) | \$59,800.00 |
| Candlewood Pools | Did not return a bid | N/A |

Under the recommendation of Management, F. Weinstein moved to contract with Millennial Pool Management for the 2022 pool maintenance and management contract for a cost of \$78,000.00. This expense will be provided by account 8570 – Swimming Pool/R&M. E. Murphy seconded. There was no discussion and a vote was taken. All were in favor. Motion carried. It has come time to replace the Willow pool fence due to its age, condition, and the now height requirement. Management went out to bid and are as follows:

| Vendor | Description | Price |
|-----------------|-----------------|-------------|
| MAC Fencing LLC | CT30-6 (54") | \$22,450.00 |
| Tico's Fencing | E054202 (54") | \$25,240.00 |
| No Common Fence | Jareth (54") | \$43,850.00 |
| Carl's Fencing | Hawthorne (48") | \$30,700.00 |
| Carl's Fencing | Bedrock (48") | \$25,300.00 |

Under the recommendation of Management, A.DAmato moved to contract with MAC Fencing LLC to replace the Willow pool fence with 54" three rail aluminum pool fence for a cost of \$22,450.00. This expense will be provided by account #3230 – Capital Replacement/Common Buildings. L. Maiocco seconded. There was no discussion and a vote was taken. All were in favor. Motion carried. The Encore pool pump is in need of replacement. The existing pump is no longer made by the manufacturer. It is a cast iron pump and rusts every season requiring extensive rebuilding each year. The new pump designs are of rust-free housings and stainless-steel impellers. Management went out to bid and are as follows:

| Vendor | Equipment | Price |
|-----------------------|--------------------------------------|-------------|
| Carmona Pool Services | Install Pentair 10 HP EQ series pump | \$10,822.44 |
| American Pools | Install 10 HP pump | \$12,261.88 |
| Millennial Pools | Install Pentair 10 HP EQ series pump | \$9,702.88 |

Electrician and Permits

| | | |
|---------------------|--------------------------|----------|
| Curry Electric | Motor starter and wiring | \$650.00 |
| Manchester Township | Electrical permits | \$200.00 |

Under the recommendation of Management, F. Weinstein moved to contract with Millennial Pools to install a Pentair 10 HP EQ series pool pump for a cost of \$9,702.88. and to contract with Curry Electric to install a new motor starter and wiring for a cost of \$650.00 and electrical permits from Manchester Township for a cost of \$200.00. The total expense is \$10,522.88. This expense will be provided by account #3230 – Capital Replacement/Common Buildings. E. Murphy seconded. There was no discussion and a vote was taken. All were in favor. Motion carried.

The irrigation season is approaching and will begin in May. Before the season begins, there is a need to purchase three pumps and motors to replace any of the units as they are needed during the season. There are fifty wells in the Village and currently there are no pumps and motors in stock. The following bids were received:

| Vendor | QTY | Description | Price Each | Sub Total | Total |
|-------------|-----|---------------------|------------|------------|------------|
| Always Pure | 3 | Well Motor | \$1,368.97 | \$4,106.91 | \$7,136.91 |
| Always Pure | 3 | Well Pump Head 5 HP | \$1,010.00 | \$3,030.00 | |
| Zoro | 3 | Well Motor | \$1,515.57 | \$4,546.71 | \$8,493.36 |
| Zoro | 3 | Well Pump Head 5 HP | \$1,315.55 | \$3,946.65 | |
| Grainger | 3 | Well Motor | \$1,732.81 | \$5,198.43 | \$9,841.53 |
| Grainger | 3 | Well Pump Head 5 HP | \$1,547.70 | \$4,643.10 | |

Management is requesting the approval to purchase three pumps and motors from Always Pure & Clear Water Well Drilling for a cost of \$7,136.91. This expense will be provided by account #3260 – Capital Replacement Fund/Irrigation-Well Motors. The Board will vote on this at the next open Board meeting on May 4, 2022. Management had gone out to bid the 2022 roofing project. This year's project consists of 96 units, 43 buildings (2101.50 square) and 15,999 linear feet of 6" gutters and leaders. Eight area contractors were contacted and three bids were received.

| Vendor | Roofing Total | Install Plywood Total | Gutter Total | Grand Total | W/ Bulk Shingle Pre-Purchase |
|----------------------------|---------------|-----------------------|--------------|--------------|------------------------------|
| It's All Good Construction | \$587,369.25 | \$7,200.00 | \$91,994.25 | \$686,563.50 | \$676,056.00 |
| All County Exteriors | \$592,623.00 | \$9,120.00 | \$123,992.25 | \$725,735.25 | \$715,227.75 |
| ATI | Did not bid | x | x | | |
| Bell | Did not bid | x | x | | |
| Roof Masters | Did not bid | x | x | | |
| Gulf Stream | Did not bid | x | x | | |
| A-Top Roofing | Did not bid | x | x | | |
| DJK Roofing | Did not bid | x | x | | |
| East Coast Roofing | Did not bid | x | x | | |

It is managements recommendation to contract with It's All Good Construction for the 2022 roofing project for a total cost of \$686,563.50. With the volatile price of the roofing shingles, management is recommending buying the shingles out of the contract, which will save \$5.00 a square and lock the shingle price from future increases this year. If adopted, the expense of \$676,056.00 will be provided by account #3270 – Capital Replacements/Roofs. The Board will vote on this at the next open Board meeting on May 4, 2022. Management was asked by the Board to investigate the cost of multi-color scrolling outdoor LED sign. This sign will be used for community messages and updates. Pinnacle Federal Credit Union has offered to donate \$10,000 for the sign. They are asking for a small plaque under the sign stating that it was donated by them. The Board has accepted their offer and has approved for the sign to be installed by Willow Hall. J. Snyder announced that the Fitness Equipment for the Fitness Center will arrive in June. VISTON and the Welcome Committee have been moved to the commercial space. The firepit at Club Encore is pending township final inspection and rules will posted when it's functioning. J. Schultz and M.

Lampard gave a PowerPoint presentation regarding a new procedure for some owners for the monthly maintenance payments.

UNFINISHED BUSINESS:

1. J. Schultz provided the Board with an update regarding the new LVW website.

NEW BUSINESS:

1. Specification 4_4, "Home Battery Backup System" was presented as attached to the agenda. The Board will vote on this at the next open Board meeting on May 4, 2022.
2. The 2022 Swimming Pool Rules were presented and reviewed as attached to the agenda. After discussion, some revisions were made. *J. Carmody moved to approve the 2022 Swimming Pool Rules with the new revisions presented. E. Murphy seconded. A vote was taken and all were in favor. Motion carried.* The rules will be published in the May LVW news magazine.
3. The Encore Pool Pump Replacement was addressed in the Community Managers report.
4. The revisions to the Community Services Committee Charter were presented and discussed as attached to the agenda. The Board will vote on this at the next open Board meeting on May 4, 2022.

F. Weinstein gave an update regarding the planning of the LVW 50th Anniversary celebration.

The next open Board meeting will be held on Wednesday, May 4, 2022 at 1:00 PM in the auditorium at Willow Hall.

There being no further business, the Board meeting adjourned at approximately 8:10 PM.

Samantha Bowker
Administrative Assistant

Tom Hardman
Board Secretary

Approved: PENDING

A PERMIT IS REQUIRED

SPECIFICATION FOR HOME BATTERY BACKUP SYSTEM

MANCHESTER TOWNSHIP PERMIT REQUIRED

INSTALLATION

A Leisure Village West Association Permit is required for this installation. Tenants must acquire written permission from the unit owner prior to apply for a permit.

The Association requires installation by a professional contractor, registered with the Division of Consumer Affairs. The contractor must furnish the Association with a current certificate of insurance before the resident can apply for a permit and before work can begin.

Work to be performed in a neat, workman-like manner in accordance with generally accepted trade practices. Further all installations shall comply with all local laws, codes, regulations and ordinances. Resident or installer shall be protected during installation by insurance relating to property damage, workers compensation and public liability.

The resident must notify the Permits and Inspection Division volunteer (name and phone number shown on the face of permit) when the installation is completed.

TERMS & CONDITIONS

A copy of the TERMS & CONDITIONS, as attached to the resident's permit applies to all of the below.

RESPONSIBILITY FOR THE EXPENSE, INSTALLATION, MAINTENANCE, REPAIR OR REPLACEMENT OF THIS IMPROVEMENT IS THAT OF THE UNIT OWNER, OR SUBSEQUENT OWNER, AND NOT THE LEISURE VILLAGE WEST ASSOCIATION.

LEISURE VILLAGE WEST ASSOCIATION
MANCHESTER, NEW JERSEY

SPECIFICATION NO. **4_4**

PERMIT REQUIRED

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Trustee Approved: pending

SPECIFICATION

1. The Home Battery Backup System runs on electricity and will be charged from the homeowner's electric grid at the expense of the homeowner. Electric powered generators are quiet, have no harmful emissions, have an auto shut-off so it cannot overcharge.
2. The Home Battery Backup System would be installed on the wall inside the homeowner's garage or on the exterior of the unit near the existing utilities if no garage exists.
3. Homeowner's electric box upgrades, including installing a switch box, are at the expense of the homeowner.
4. All installations shall comply with all local laws, codes, regulations and ordinances. Resident and installer shall be protected by insurance.
5. Town permits are needed – Manchester Electric and Manchester Building permits – and town inspection of final installation is required.
6. Driveway portable solar panels may be used for additional battery charging during power outages. These portable solar charges cannot be permanently mounted and must be stored within your unit or garage when not in use.
7. **FUEL FIRED GENERATORS ARE PROHIBITED.**

Trustee Approved: pending

COMMUNITY SERVICES COMMITTEE

CHARTER STATEMENT

~~The Community Services Committee has been established by the Board of Trustees and rescinds any and all prior charters for activities or resident services. This committee is comprised of three (3) standing subcommittees: The Committee's responsibilities include the following:~~

~~The Board of Trustees has established the Community Services Committee to advise, assist and review matters regarding recreational activities and facilities. The Committee will make recommendations through the Recreation Director to the Board of Trustees for the operation and use of recreational facilities by residents and clubs within Leisure Village West.~~

~~Additional projects of the Committee may be accomplished through appropriate Ad Hoc committees.~~

~~1. ACTIVITIES SUBCOMMITTEE~~

~~The Community Services Committee:~~

- ~~• Works with the Recreation Department to provide interesting events and activities that will appeal to a broad spectrum of residents.~~
- ~~• Works with clubs and groups to assign event times and venues to not conflict with Recreation-sponsored events.~~

~~2. SERVICES SUBCOMMITTEE~~

- ~~• Works with the Recreation Department to provide services to individual residents.~~
- ~~• Coordinates reporting of Association services to Recreation Director and the membership.~~

~~3. CLUB SUBCOMMITTEE~~

- ~~• Works with the Recreation Director to assign times and venues for club or group activities and assists with conflicts.~~
- ~~• Reviews requirements for club and group status.~~

CONFIDENTIALITY

Members shall keep the Committee's confidential information in strictest confidence. Members shall not disclose or discuss such information to anyone outside of the Committee unless authorized to do so. The member shall not make use of any confidential information for their own purpose or the benefit of anyone.

Members are obligated to maintain the confidentiality of such matters and information even after the member leaves the Committee.

Committee members understand that failure to comply with the above paragraphs could lead to claims by the Association or other persons or entity, and that such disclosure may cause such claims to not be covered by the Association's insurance.

ORGANIZATION

The selection of the Chairperson shall be recommended by the members of the committee. These recommendations will be forwarded to the Board of Trustees by the Trustee Liaison for confirmation. ~~As part of the assignment to this post, the Chairperson shall be a member of the Advisory Council and be computer literate, and report to the Board at the Board workshop.~~ The Chairperson and the committee shall assist the Recreation Director with fulfilling the duties of this charter. In addition, Committee members will be asked to volunteer to provide hands on assistance with Recreation Department sponsored events.

The membership size of the Committee shall be limited to a workable odd number determined by the Chairperson in concert with the Community Services members, and approved by the Board of Trustees.

~~Members of the committee must be approved by the Board.~~ The approved volunteers must have the necessary experience or expertise, based upon their resume, to carry out the work of the committee.

If a member cannot attend a regularly scheduled meeting, he/she must ~~get~~ notify the Chairperson's approval. Three ~~unapproved~~ absences per calendar year may be grounds for dismissal from the Committee.

The Board of Trustees will review the position of Chairperson on an annual basis.

OPERATION OF THE COMMITTEE

Written reports and monthly minutes shall be submitted to the Administration Office on the Friday prior to the BOT Workshop meeting.

The Community Services Committee oversees the following components:

Bingo

Club President will submit a financial report to the Recreation Director after each Bingo with a copy forwarded to the Accounting Department.

Blood Pressure/Glucose Screening

Bus

Review monthly ridership. Suggested alternate routes will be reviewed periodically.

Clubs

Review requests for club status

Review requests for club bylaw changes

The Committee will intervene when a conflict between clubs cannot be resolved by mutual agreement. If unable to resolve it will be referred to the Board of Trustees for final disposition.

Helping Hands

Oversee procedures and practices when requested.

KLVW

Assist with programming when requested.

Monthly Movie Monthly Movie

Print Shop

Recycling

Pool

Review policies for the use of pools and Jacuzzi

Viston

Review monthly reports of services provided to residents.

Welcome

Representative from Welcome Committee to submit quarterly reports and

aAssist with Newcomers Socials.

Approved: September 20, 2018

Amended: February 3, 2021

Amended: PENDING

Leisure Village® West Association

AT MANCHESTER, NEW JERSEY

Interoffice Memorandum

To: Board of Trustees

From: Gene Caravella

Date: March 25, 2022

Re: Irrigation Pump and motors for 2022 Season

We are approaching the start of our Irrigation season which will begin in May. Before the season begins, we have a need to purchase three pumps and motors to replace any of the units as they are needed during the season. There are fifty wells in the Village and we currently have no pumps and motors in stock. We have received bids from the following companies.

| Vendor | Qty | Description | Price Ea. | Sub Total | Total |
|-------------|-----|---------------------|------------|------------|------------|
| Always Pure | 3 | Well Motor | \$1,368.97 | \$4,106.91 | \$7,136.91 |
| Always Pure | 3 | Well Pump head 5 HP | \$1,010.00 | \$3,030.00 | |
| Zoro | 3 | Well Motor | \$1,515.57 | \$4,546.71 | \$8,493.36 |
| Zoro | 3 | Well Pump head 5 HP | \$1,315.55 | \$3,946.65 | |
| Grainger | 3 | Well Motor | \$1,732.81 | \$5,198.43 | \$9,841.53 |
| Grainger | 3 | Well Pump head 5 HP | \$1,547.70 | \$4,643.10 | |

We are requesting to purchase three pumps and motors from Always Pure & Clear Water Well Drilling for a cost of \$7,136.91 charged to account # 3260 Capital Replacement Fund –Irrigation / Well Motors.



Leisure Village® West Association

AT MANCHESTER, NEW JERSEY

Interoffice Memorandum

To: Board of Trustees

From: Victor Demeski

Date: March 26, 2022

Re: 2022 Roofing Contract

We have gone out to bid for our 2022 roofing project. This year's project consists of 96 units, 43 buildings (2101.50 Square), and 15,999 linear feet of 6" gutters and leaders. We contacted 8 area contractors and the three bids received are listed below. Attached you will find the details of the bids received.

| Vendor Name | Roofing Total | Install Plywood Total ** | Gutter Total | Grand Total | W/ Bulk Shingle Pre-purchase |
|----------------------------|--------------------|--------------------------|--------------|--------------|------------------------------|
| It's All Good Construction | \$587,369.25 | \$7,200.00 | \$91,994.25 | \$686,563.50 | \$676,056.00 |
| All County Exteriors | \$592,623.00* | \$9,120.00 | \$123,992.25 | \$725,735.25 | \$715,227.75 |
| ATI | Did not submit bid | x | x | x | x |
| Bell | Did not submit bid | x | x | x | x |
| Roof Masters | Did not submit bid | x | x | x | x |
| Gulf Stream | Did not submit bid | x | x | x | x |
| A-Top Roofing | Did not submit bid | x | x | x | x |
| DJK Roofing | Did not submit bid | x | x | x | x |
| East Coast Roofing | Did not submit bid | x | x | x | x |

*These numbers do not include ridge vents or soil pipes.

**We estimated the use of 1 sheet per unit.

It is our recommendation to contract with IT'S All-Good Construction for our 2022 Roofing Project for a total cost of \$686,563.50. With the volatile price of the roofing shingles, we also recommend buying the shingles out of the contract. This could save us \$5.00 a square and lock the shingle price from future increases for this year. If adopted, the expense of \$676,056.00 will be charged to GL # 3270 Capital Replacement-Roofs.



**AMENDMENT TO THE BYLAWS OF
LEISURE VILLAGE WEST ASSOCIATION, INC.
RELATING TO SEASONING PERIOD FOR RENTALS
AND TRANSFER FEES**

This Amendment to the By-Laws for Leisure Village West Association, Inc., (the "Association") is made on this ___ day of _____, 2022, by the Association, a Nonprofit Corporation of New Jersey, by and through its Board of Trustees ("the Board"), having an address of 959 Buckingham Drive, Manchester, New Jersey; and

WHEREAS, the Association was created by, among other documents, a **Master Deed and Declaration of Restrictive and Protective Covenants with attached By-Laws (the "Governing Documents")**, recorded in the Office of the Ocean County Clerk on January 10, 1978, in Deed Book 3683, Page 51, et seq., and as amended from time to time; and

WHEREAS, the Association's By-Laws, as Amended on July 30, 2014, Article V, Section 1, provides that, "[t]he affairs of the Association shall be governed by a Board of Trustees consisting of not less than five nor more than nine members..." 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:... (b) after providing notice to all association members of the proposed amendment, which notice shall include a ballot to reject the proposed amendment. Other than an amendment to render the bylaws consistent with State, federal or local law, if at least 10 percent of association members vote to reject the amendment within 30 days of its mailing, the amendment shall be deemed defeated;" and

WHEREAS, the Board of Trustees convened for a Special Meeting on _____, 2022, and a quorum being present, a majority of the Trustees present voted to amend the Association's By-Laws; and

WHEREAS, the Board of Trustees proposed this amendment to the membership pursuant to N.J.S.A. 45:22A-46(d)(5) via a mailing sent on _____, 2022; and

WHEREAS, after waiting the required thirty (30) days, less than ten (10%) percent of the membership rejected this proposed amendment; and

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

1. By-Laws, Article I, Section 6(O) is hereby added to state the following:

ARTICLE I, SECTION 6(O):

Seasoning Period.

- i. In addition to the leasing requirements set forth in the Bylaws and Master Deed, a Unit Owner must own and personally reside in the Unit for at least two (2) consecutive years prior to the Unit being eligible to be rented. If the Unit is owned by a company, then at least one (1) owner, shareholder, member and/or partner of that company must personally reside in the Unit for at least two (2) consecutive years prior to the Unit being eligible to be rented.
- ii. The Association's Board of Trustees acknowledges that it is a fact sensitive issue as to whether a Unit is rented where a family member of the Unit Owner resides in the Unit and where there is not a written rental agreement. The Association shall conclude that a Unit is deemed rented for the purposes of the rental restrictions if the family member is providing money or other compensation for the use of the Unit.
- iii. To meet special situations and to avoid undue hardship or practical difficulties, the Board of Trustees may grant permission to a Unit Owner to lease his Unit to a specified lessee even if he has not owned and occupied his Unit for at least two (2) consecutive years. A Unit Owner that seeks such permission shall submit a written request to the Association's property manager which shall be granted or denied in the sole discretion of the Association's Board of Trustees.
- iv. Exceptions to the Seasoning Period:
 - a. This two (2) year ownership and occupancy requirement shall not apply to heirs or devisees who take title directly from the decedent if the decedent resided in the Unit for at least two (2) consecutive years prior to the decedent's death.
 - b. The two (2) year ownership and occupancy requirement shall not apply to Units owned or possessed by the Association or a Mortgagee when the Association and/or Mortgagee obtained possession and/or ownership through legal means including, but not limited to, following a default, a default on a first mortgage, a foreclosure proceeding or any deed or other arrangement in lieu of foreclosure.
- v. This two (2) year ownership and occupancy requirement shall apply to all current owners seeking to rent out a unit at the time that this amendment passes.

2. By-Laws, Article I, Section 6(F) is hereby modified to state the following (modified portion is Underlined and in Bold):

ARTICLE I, SECTION 6(F):

A Unit Owner shall be given a Leasing Permit so long as (1) the Unit Owner has acted in compliance with the Association's Bylaws, Master Deed, and Rules and Regulations; (2) the proposed lease is provided to the Association and is in compliance with the Association's Bylaws, Master Deed and Rules and Regulations; (3) the Unit Owner provides proof that the

Landlord Identity Registration Statement has been filed with the municipal clerk; (4) Leasing Permits are not currently issued and in effect for eight percent (8%) or more Units within the Association; **and (5) the Unit Owner has owned and personally resided within the Unit for at least two (2) years.** If Leasing Permits have been issued for eight percent (8%) or more Units, then no additional Leasing Permits shall be issued until the number of outstanding current Leasing Permits falls below eight percent (8%) of Units. Any Unit Owner who wishes to obtain a Leasing Permit, but cannot because the maximum number of Leasing Permits are already issued may be placed upon a waiting list. Once a current Leasing Permit expires, the next Unit Owner on the waiting list that meets all of the requirements of this Paragraph shall be given a Leasing Permit.

3. **By-Laws, Article I, Section 6(L) is hereby modified to state the following (modified portion is Underlined and in Bold):**

ARTICLE I, SECTION 6(L):

The abovementioned rental restrictions shall not apply to a Unit that is leased before the date this amendment to the Bylaws is passed and recorded, **except that the two (2) year ownership and occupancy requirement shall apply to all current owners.** Therefore, the Owner of such Unit shall be permitted to continue leasing his or her Unit as long as the lease agreement otherwise conforms with the previous Rules and Regulations pertaining to leasing a Unit that were in effect at the time this amendment was enacted **and the Unit Owner has owned and personally resided within the Unit for at least two (2) years.** However, except in the limited instances described above, once the current Unit Owner transfers the Unit to any new owner, any new Unit Owner must apply for a Leasing Permit.

4. **By-Laws, Article I, Section 10(B) is hereby modified to state the following (modified portion is Underlined and in Bold):**

ARTICLE I, SECTION 10(B):

- A. Each unit owner shall pay to the Association upon acquisition of title to his Unit a nonrefundable and non-transferable fee in the amount as determined by the Association's Board of Trustees. Payment of such fee shall be a condition precedent to the exercise of rights of membership in the Association upon the initial sale of subsequent transfer of title to a unit.
- B. **Exceptions.** A unit owner need not pay a condominium unit title transfer fee to the Association when the transfer of title:
- a. is from an owner to a spouse or co-owner of the same unit; **or**
 - b. **is a resident unit owner for at least two years who then sells their unit and within six months of that sale purchases another unit within the community; or**
 - c. is a transfer **upon death to a direct lineal descendant; or**
 - d. **is a transfer to a child while retaining a life estate in the unit; or**
 - e. is from the unit owner to the Association.
5. All other terms of the Master Deed and By-Laws that do not conflict with this Amendment shall remain in full force and effect.

[To be placed on Association letterhead]

DATE

ADDRESS

Re: Proposed By-Law Amendments

Dear Owner:

The Board of Trustees for Leisure Village West Association, Inc., (the "Association") is always considering ways to ensure the efficient, financially sound administration of the Association. To this end, the Board voted to amend the Association's By-Laws to: 1) require that an owner must own and reside in their unit for at least two years in order to be eligible to rent their unit; and 2) to clarify exceptions to the transfer fee that is paid by purchasers at the time of closing.

Currently, the Association's rental policy requires that anyone seeking to rent out the unit must own and reside in their unit for at least two years prior to being eligible to lease their unit. However, this policy is not incorporated into the Association's Bylaws and could potentially be subject to a challenge. Therefore, this amendment incorporates the current rental restriction policy into the Bylaws which would provide additional authority in the event of a challenge.

Additionally, the Association currently charges a transfer fee that is paid by purchasers at closing, and there are certain exemptions where the fee does not apply. This amendment will clarify these exceptions to avoid situations where the transfer fee is improperly charged.

PLEASE DO NOT RETURN THE BALLOT IF YOU APPROVE THE AMENDMENT.

Pursuant to N.J.S.A. 45:22A-46.4.d(5), the Association has included the entire Amendment and a ballot you may return if you wish to vote **against** the Amendment. **Please return the ballot only if you oppose the Amendment.** The Amendment will pass if less than ten percent (10%) of the Owners vote against it.

Sincerely,

/s/ Board of Trustees, Leisure Village West Association, Inc.

BALLOT to REJECT AMENDMENT

In order to cast a vote to reject the By-Law Amendments, you must return this ballot within thirty (30) days of the date of the notice, which you received with this ballot.

No action is required if you approve of the amendments.

Completed ballots must be returned to the following address by the deadline noted above:

Leisure Village West Association
959 Buckingham Drive
Manchester, New Jersey 08759

Only one ballot may be cast per home.

Check *ONLY* if you wish to reject

- I vote to REJECT the By-Laws Amendment which would require, among other things, that an owner must own and reside in their unit for at least two years in order to be eligible to rent their unit as fully set forth in the attached amendment.

- I vote to REJECT the By-Laws Amendment which clarifies exceptions to the transfer fee that is paid by purchasers at the time of closing as fully set forth in the attached amendment.