

AGENDA

LVWA BOARD OF TRUSTEE MEETING WEDNESDAY, MAY 6, 2020

7:00 PM

Pledge of Allegiance - (*suspended for this meeting*)

ITEMS TO BE VOTED ON:

1. Motion to waive the reading of the minutes.
2. Motion to approve the April 1, 2020 minutes.

COMMITTEE REPORTS: (Postponed until further notice)

Architectural Committee	(Tom Hardman)
Community Services Committee	(Eleanor Berardis)
Finance Committee	(Mary Lou Doner)
Administration Committee	(Judith Langreich)

RECREATION REPORT - (No report)

COMMUNITY MANAGER'S REPORT

UNFINISHED BUSINESS:

1. Entry System for the Gates
2. Gym Update - Town Hall meeting
3. Privacy Policy.

NEW BUSINESS:

The next open Board meeting will be held on Wednesday, June 3, 2020 at 1:00PM.

ADJOURN OPEN MEETING

POSTED: May 1, 2020

Present were L. Maiocco, C. Lupo, E. Murphy, F. Weinstein, A. DAmato and S. Tozzi. Also present were Community Manager – J. Schultz, Accounting Administrator – M. O'Connor and Service Manager – J. Snyder. Absent were S. Falk-Zitelli and Recreation Director – M. Lighthipe.

This meeting commenced at approximately 1:00 PM.

L. Maiocco opened the meeting and stated that in order to achieve a safe environment, the open Board of Trustee meeting for today is being televised lived to each resident home. With the residents facing new social challenges during this period of uncertainty with the Covid-19 virus running ramped, residents are asked for their continued patience, understanding and cooperation as we continue to move forward with the challenging governmental declarations being made and the decisions by the Board of Trustees for the safety of the residents.

David Merritt from McGovern Legal Services, LLC was present to give an update on the incidents that took place last year with a resident in which the police charged Thomas Ferrell with illegal wiretapping the Associations closed Board meetings. The criminal charges were referred to the PTI (Pre-Trial Intervention) program. Some Trustees and the Community Manager attended the PTI hearing on December 11, 2019 to give a statement to the court regarding the impact of the alleged crime on the Association. After the statement, the court ordered T. Ferrell to a period of PTI for 12 months that will last until December 11, 2020. As part of the terms with that probation, he is to have no contact with the Association staff, Trustees or Committee members. All communications are to be conveyed through legal counsel. To our knowledge he has been fully compliant with those requirements. Separate from the criminal claims, the Association issued violation notices and penalties to T. Ferrell regarding the recording of the Board of Trustee closed sessions. He then requested ADR. The ADR was held on March 10, 2020. An amicable agreement was reached which was signed by both parties. The principle terms of the ADR settlement are as follows: T. Ferrell is to list his unit for sale by April 10, 2020 and in good faith efforts sell his unit at fair market value. Although, he is not required to sell his unit below market value, he has agreed to specific conditions on purchase offers that he must accept and his legal counsel is to disclose all offers to McGovern Legal office to confirm that he is making good faith efforts to sell his unit. Once he sells his home, he has agreed to never return to the Association property either as an owner, tenant or guest. In the meantime, he has agreed to abide by the PTI restrictions until his unit sells regardless of whether or not the PTI order itself and the PTI program has ended. In exchange, the Association is releasing its civil claims against T. Ferrell that relate to any surreptitious reporting that pre-date the ADR session on March 10, 2020. (D. Merritt left the meeting at 1:11 PM.)

ITEMS VOTED ON:

F. Weinstein moved to waive the reading of the minutes. S. Tozzi seconded. All present were in favor. Motion carried.

F. Weinstein moved to approve the March 4, 2020 minutes. C. Lupo seconded. All present were in favor. Motion carried.

A.DAmato moved to contract with All-Good Construction for the 2020 roofing project for a total cost of \$537,248.25. This expense will be provided by account #3270 – Capital Replacement/Roofs. S. Tozzi seconded. All present were in favor. Motion carried.

COMMITTEE REPORTS:

A.DAmato reported that the Architectural Committee met on March 6, 2020. Under their old business they discussed revising the specification for installing a flag pole. This is still under review with the Committee. There were a few open comments at there meeting. It was a brief meeting that lasted around forty minutes.

E. Murphy, Trustee Liaison read the Finance Committee report submitted by Chairperson, Mary Louise Doner. The Finance Committee met on March 24th via videoconferencing at 1:00 p.m. The Committee reviewed the financials for the period ending February 29, 2020. Trustee Liaison Murphy and Property Manager Joe Schultz presented the Committee with a report submitted by EZergy to add solar panels to Willow Hall and Leisure Fair. This proposal was different from the one for the panels on Club Encore and the Association offices since it affords the Village the opportunity to lock in a rate for sellable SREC's or let the rate float with current SREC's market trading. The Committee asked for a projection from Joe Schultz as to difference in cost for a locked rate vs floating based on the Village's historical SREC sale information . However, the Finance Committee in the past was in favor of a locked in SREC rate. Also Mr. Shultz informed the Committee that the Village's agent has recommended increasing the property values for the Village. The Committee supported this recommendation. Mr. Shultz will work out the details with the Village's agent. The rest of the Finance Committee's meeting involved each member presenting their reserve study for the 14 reserve accounts and proposed funding level. The Chairperson will prepare a written report for the Board for presentation at its budget workshop meeting at the end of April. A copy of the report will be sent in advance to Mr. Murphy, our Trustee Liaison. The Committee's next meeting is to be determined.

There were no reports for the Administration Committee and Community Services Committee since they have not met.

COMMUNITY MANAGER REPORT: (J. Schultz/ J. Snyder)

J. Schultz stated that the Association is continuing to safely ramp up the workforce now that Spring is here. They are taking the measures to distance the employees and stagger shifts to focus on essential tasks. It will not be business as usual but every effort is being made to preserve the resident's investment and prepare the Village for future enjoyment while keeping the residents and employees safe. J. Snyder mentioned that the Maintenance Department is taking emergency workorders such as no heat, electricity or plumbing issues. When the work is performed, the resident will be asked to wait in a separate room for the safety of both the resident and employee. Residents will also be asked to sign a waiver during this time while the COVID 19 virus is active. After the waiver is signed, the employee will take a picture of the waiver for the file so not to exchange the paper. J. Schultz also stated that it remains unclear when the stay at home orders will be lifted. However, in order to have the pools ready for that we must take the necessary steps, in advance, to prepare the pools for opening. Provisions are in place should the need for the delay of the opening for the pools at any time. The pools will be up and running prior to the announced opening date but should the opening be delayed; we will not be paying for the staffing that is provided in the budget for that portion of the contract until they are needed. Regular operating procedures must continue to avoid any delays once the stay at home order has been lifted. All outdoor activities are suspended until further notice. This includes Bocce, Pickleball, Tennis, Shuffleboard, Horseshoes, Golf and Fishing. Requests to have these activities reinstated will not be granted at this time. Residents are reminded to continue to practice social distancing, limit their visitors and remain in your home for the next 30 days except for necessitates such as grocery shopping, essential medical appointments, and for obtaining prescription medications. Some residents have submitted requests for a reduction in

maintenance fee payments due to the Recreation facilities closing at this time. The Association understands this is a challenging time but the Association must carry on with business. Please do not expect any blanket waivers, exemptions or refunds. The newspaper pickup is suspended for April. They hope to resume pickup for the May schedule. When dropping off newspapers at the trailer, remember only newspapers. Please do not use plastic bags or dump other materials. J. Snyder mentioned that a debris pickup schedule will be posted shortly. They announced that the new building maintenance manager is Victor Demeski.

The unfinished business is deferred until regular open meetings are resumed.

There was no new business.

The next open Board meeting is scheduled for Wednesday, May 6, 2020 at 7:00 PM in the Willow Hall Auditorium.

There being no further business, the Board meeting adjourned at approximately 1:26 PM.

Samantha Bowker
Administrative Assistant

Fay Weinstein
Board Secretary

Approved: May 6, 2020

**LEISURE VILLAGE WEST ASSOCIATION, INC.
POLICY RESOLUTION
RELATING TO PRIVACY**

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.; and

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;" and

WHEREAS, the Bylaws, Article VI, Section 1(n), the Board of Trustees (the "Board") has the power to "make, and enforce compliance with, such reasonable rules and regulations relative to the operation, use and occupancy of the units, common elements and Association facilities, and to amend the same from time to time as when approved by appropriate resolutions [which] shall be binding on the owners and occupants of units, their successors in title and assigns. A copy of such rules and regulations and copies of any amendments thereof shall be delivered or mailed to each owner of a unit promptly upon the adoption thereof;" and

WHEREAS, the Board has determined that it is in the best interest of the Association to establish procedures and guidelines to protect the privacy of its residents;

NOW, THEREFORE, BE IT RESOLVED THAT:

Opening Statement: *The following policies are intended to provide as much privacy as a member of a condominium Association may expect to maintain – when taking into consideration open records laws and modern technology. However, no policy can control or prevent all acts of malicious individuals, who may be intent on violating someone else's privacy. Please remain alert and report any suspicious activity to the police department and follow up with the Association office.*

We must all acknowledge that we live in an unprecedented age of access to information and the ability to share it with the world. Nearly every person carries a smart phone that is capable of taking photographs, recording video and audio and editing the media directly on the device. That media can then be shared with the world in an instant through the internet and social media, and there is very little the Association can do to regulate the use of these items. These technologies change and advance on a daily basis. The Board of Trustees calls on all residents to treat each other with dignity and respect that goes beyond the letter of any law or policy on privacy. Treat others as you would like to be treated – or better!

UNIT OWNER SECURITY CAMERAS

I. Unit Owner Security Camera Installation Guidelines

- A. Any unit owner wishing to install an exterior security camera, other than a doorbell camera, must submit a property modification form to the Association's property manager requesting approval of the proposed installation. No exterior security camera may be installed until written approval is provided to the unit owner by the Association.
- B. Approved security cameras must be installed on the wood door frame/trim, directly over the subject door. If there is no wood frame/trim, or if there is insufficient space on the wood frame/trim, then the camera may be installed directly onto the siding over the door. The uppermost part of the mounting base for any security camera installed directly on the siding shall be no more than six (6") inches above the top of the door.
- C. Doorbell cameras, such as the "Ring" camera, do not require prior written authorization from the Association and are also permitted to be installed on the side wood frame/trim of doorways in a "typical" doorbell location.
- D. The exterior-mounted cameras may not exceed five (5") inches in size (5 inches high, 5 inches wide and extending 5 inches from the mounting base).
- E. Wireless cameras are preferred. If a wired system is used the wires must be completely concealed behind the trim/siding. Any installed wiring for an exterior security camera must be run directly into the home, without disturbing or running under the aluminum siding. No exterior conduit or piping is permitted for camera wiring.
- F. Any damage to a building caused by installation, maintenance and/or repairs of the exterior-mounted security cameras shall be the owner's responsibility to repair. This includes any damage created by water penetration. The Unit Owner shall be liable to restore the area to its original condition upon removal of any security camera system.
- G. The view of the security cameras may only be directed in front of the Unit and directly behind the Unit, and at an angle which extends the view no further than twenty-five (25) feet from the building.
- H. Under no circumstances may cameras be pointed into neighboring units in or any direction which unreasonably invades neighboring residents' privacy.

II. Use of Unit Owner Cameras and Video/Photographic Footage

- A. Unit owners are fully responsible for the use of any security camera installed at their home. This includes aiming the cameras, recording use and storage, and any other camera-related issue.
- B. The Association is not responsible for and will not monitor any person's use of his/her security camera and/or the footage recorded by such camera.
- C. In the event that the Association's Board determines that a Unit Owner's security camera footage may provide beneficial to the Association, the Association may require camera owners to preserve footage and provide a copy of any requested footage to the Association. Unit Owners shall be obligated to provide the requested footage to the Association. In the event that the Unit Owner does not comply, the Association may seek judicial intervention and shall be entitled to seek recovery of its attorneys' fees and costs incurred from the noncompliant Unit Owner.
- D. Before being permitted to install an exterior security camera, a unit owner shall be required to sign an acknowledgment of the rules and regulations governing their installation of a security camera, and that they are responsible for any misuse or the violation of any laws regarding photography and videography.

III. Enforcement

- A. Unit owners are responsible for any damage caused by a security camera installed at their unit.
- B. With regard to exterior security cameras, the Association will only enforce the terms of this Resolution involving matters such as the location, size and color of exterior security cameras.
- C. Any person, who believes his/her privacy has been violated by a person's use of a security camera should report the claim to the police.
- D. Notwithstanding any of the above, the Association may exercise all rights and remedies available to it by law, in equity and/or pursuant to the Master Deed and/or By-Laws.
- E. Should any provision hereof be determined to be invalid, the remaining provisions hereof shall remain in full force and effect.

ASSOCIATION SECURITY CAMERAS

- A. The Association's Board of Trustees shall have sole discretion in determining how and where to install the Association's security cameras.
- B. The Association will use its best efforts to install the security cameras in such a way as to avoid an unreasonable invasion of privacy.
- C. The Association shall be the sole owner of the security cameras and of any recordings, video footage, or information obtained by the security cameras.
- D. The Association shall not be compelled to provide the recordings, video footage, or information obtained by the security cameras to any third party unless directed by court order.

- E. Unit owners may submit a request in writing to the Association to review footage obtained by one or more security camera; however, the Association's Board of Trustees shall have sole authority in approving or denying said request.

UNIT OWNER PERSONAL INFORMATION

- A. The Association's management shall maintain a current list of all residents and unit owners in the Association.
- B. Unit owner and resident personal information stored by management may include, but shall not be limited to, current addresses, mailing addresses, telephone numbers, work contact information, emergency contact information, email addresses, pet information, and/or vehicle identification information.
- C. Neither the Association nor management shall use any unit owner or resident personal information for any commercial purpose, including but not limited to marketing or solicitation, or provide it to a third party to be used for any commercial purpose.
- F. Unit owner and resident personal information stored by management shall not be provided to any third party unless directed by court order.
- D. Unit owner and resident personal information stored by management shall be maintained in such a way as to ensure the privacy of the unit owner and/or resident and to ensure that the information is secure and not accessible to third parties.

MEMBERSHIP DIRECTORY

- A. The Association's Membership Directory may contain each member's name, property address, and telephone number.
- B. Any member may opt out of providing their name, property address, and/or telephone number to be listed in the Membership Directory by notifying management in writing of their decision to do so.
- C. The Membership Directory shall be made available to any member upon request.
- D. No member may use the Membership Directory for any commercial purpose, including but not limited to marketing or solicitation, or provide it to a third party to be used for any commercial purpose.

ASSOCIATION WEBSITE AND SOCIAL MEDIA

- A. The Association's official public website is: <https://leisurevillagewest.com/>.
- B. Except in a password-protected area, the Association shall not post any unit owner or resident personal information on the Association's official website, any unofficial website, or on social media.

- C. The Association shall not provide any unit owner's or resident's personal information to any third party who intends to post the information on the Association's official website, any unofficial website, or on social media.
- D. The Association shall not be liable for the actions of any unsanctioned third parties who post private or otherwise personal information of any unit owner or resident in the Association on any unofficial website or on social media.
- E. The Association's website may use "cookies" to gather information about website users on its official website. If so, all statutorily required disclosure(s) will be posted on the website.
- F. The Association's website privacy policy will be available on the Association's official website and will be updated, as necessary, to reflect changes in the law. A link to the website's privacy policy will be available on the official website's home page.

ELECTRONIC DATA

- A. The Association shall ensure all Association computers are password protected.
- B. The Association shall install antivirus software on all Association computers, as well as a firewall to prevent unauthorized access to the computers and the Association's electronic data.
- C. Remote access to the Association's computers and electronic data shall be limited to Association personnel that require access to such data to perform their jobs.

LEISURE VILLAGE WEST ASSOCIATION, INC.

Resolution Type: Policy

Relating To: Privacy

Duly adopted at a meeting of the Leisure Village West Association, Inc. held this _____ day of _____, 2020.

Officer Resolution Effective: _____ Vote: YES, NO ABS, 2020 ABSENT

_____ , Trustee	_____	_____
_____ , Trustee	_____	_____
_____ , Trustee	_____	_____
_____ , Trustee	_____	_____
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_____ , Trustee	_____	_____

Attest:

_____, Secretary

Date

File:

Book of Minutes -
Book of Resolutions:

Book No.

Page No

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General

