

# AGENDA

## LVWA BOARD OF TRUSTEE MEETING WEDNESDAY, FEBRUARY 7, 2024 at 1:00 PM WILLOW HALL

*Board Meetings are an important part of running an HOA, so keeping them as efficient and productive as possible is key. Rules of Public Comment and Participation in the open portion of the Board meeting are as follows; residents will be allowed a three-minute comment or question related to the topic on the agenda at the time it is being discussed or presented by the Board of Trustees. Maximum two times at podium.*

- PLEDGE OF ALLEGIANCE
- CALL TO ORDER
- ROLL CALL

**APPEARANCE:** Martin Lynch, Manchester Township Tax Assessor

### **ITEMS TO BE VOTED ON:**

1. Motion to waive the reading of the minutes.
2. Motion to approve the January 3, 2024 minutes.

### **PRESENTATION OF REPORTS:**

#### **I. COMMITTEE REPORTS**

- Architectural Committee (Barbara Owens)
- Community Services Committee (Michael Morizio)
- Finance Committee (Charles Corvo)
- Administration Committee (Mary Rose McCarthy)

**II. RECREATION REPORT** (Mary Lighthipe)

**III. COMMUNITY MANAGER'S REPORT** (Jim Snyder)

### **UNFINISHED BUSINESS**

1. Revisions to "Terms and Conditions" for Architectural Specifications

### **NEW BUSINESS**

1. Bylaws Amendment - Pertaining to Fines

The next open Board meeting will be held on Wednesday, March 6, 2024 at 1:00 PM in the auditorium at Willow Hall.

- ADJOURN OPEN MEETING

# AGENDA

## LVWA BOARD OF TRUSTEE MEETING WEDNESDAY, FEBRUARY 7, 2024 at 1:00 PM WILLOW HALL

### RESIDENT COMMENTS PERIOD:

- ★ Rules of Public Comment and Participation in the Open Forum are as follows;
  - In general, residents' questions and comments should be addressed to the interest of all residents. For resolution of personal or maintenance issues, contact the Department Manager and, if necessary, the Community Manager.
  - The Open Forum is not a debating time or a time to cross-examine our neighbors serving as Trustees.
  - This is an opportunity for residents to be heard but everyone is to stay civil and use respectful language while also avoiding personal attacks.
  - The Open Forum will be limited to one-hour but may end sooner if only a few residents address the Board.
  - Residents may make a comment or ask a question and will be allowed three-minutes to do so, there will be a two-minute comment or answer, if necessary, from the Board of Trustees and a one-minute follow-up question allowed by the resident.
  - Maximum two times at the podium.
  - If a resident was unable to ask a question or make a comment, the Board may be emailed at [bot@lvwa.net](mailto:bot@lvwa.net). Emails will be reviewed at a Board of Trustee workshop meeting. Statements and opinions of village wide significance will periodically be addressed at an Open Board of Trustee Meeting and/or in the Manager's Corner of the LVW News Magazine.

The meeting was called to order at 1:00 PM by Board President, Fay Weinstein with the Pledge of Allegiance.

**PRESENT:** Trustees: Present were President - Fay Weinstein, Vice President - Wayne Steinman, Treasurer - Eugene Murphy, Secretary - Steven Leslierandal, Trustee - Charles Lupo, and Trustee - Al DAmato.

**ABSENT:** Trustee - Ivan Gilbert.

Management Staff: Present were Community Manager – Jim Snyder, Accounting Administrator – Michelle Lampard and Recreation Director – Mary Lighthipe.

ITEMS VOTED ON: (continued in Community Manager's Report)

S. Leslierandal moved to waive the reading of the minutes. C. Lupo seconded. All present were in favor. Motion carried.

S. Leslierandal moved to approve the December 6, 2023 minutes. C. Lupo seconded. There was no discussion and a vote was called. All present were in favor. Motion carried.

A.DAmato moved to approve the revisions to Specification 3\_12, "To Install Back Door Awnings" as amended. S. Leslierandal seconded. There was a question from the audience and a vote was called. All present were in favor. Motion carried.

E. Murphy moved to approve the revisions to Specification 3\_5, "To Install/Replace Storm Doors with or without Retractable Screen." C. Lupo seconded. There was no discussion and a vote was called. All present were in favor. Motion carried.

C. Lupo moved to approve the revisions to Specification 2\_1, "Portico Enclosures." S. Leslierandal seconded. There was no discussion and a vote was called. All present were in favor. Motion carried.

W. Steinman moved to approve Specification 2\_10A, "Window Modification – Garden Window" as amended. S. Leslierandal seconded. There was no discussion and a vote was called. All present were in favor. Motion carried.

A.DAmato moved to approve Specification 2\_10B, "Window Modification – Double-Hung Windows" as amended. C. Lupo seconded. There was no discussion and a vote was called. All present were in favor. Motion carried.

PRESENTATION OF REPORTS:

COMMITTEE REPORTS:

There was no report for the Architectural Committee.

There was no report for the Community Services Committee.

There was no report for the Finance Committee.

Mary Rose McCarthy, Chairperson, gave a report for the Administration Committee.

F. Weinstein announced that the Board has approved/reaffirmed members of the Election Committee.

*Chairperson – Mary Louise Doner, Audrey Adler, Beverly Craft, Chuck Corvo, Marlene Devaney, Jim Fasciani, Judith Gannon, Meg Kavazanjian, MaryAnn Koeppel, Diana Misuraca, Rosemary Moran, Anne Niebergall, Sandra Olsen, Scarlett Thomas, Ellen Truberg, Ruth Wiggins, Vinell Williams, and Leslie Zenj-Ra.*

M. Lighthipe gave a report for Recreation.

**COMMUNITY MANAGER'S REPORT: (J. Snyder)**

"Happy New Year," let us begin the new year with Loving Our Neighbor by showing more compassion. (there was a brief break at 1:19 PM due to audio issues)

An incident occurred where an alleged substance was put down by a resident on the common property to control pets using the common area. All proper authorities were notified and this is now a legal matter. (there were audience comments and questions)

Parking overnight for the Christmas holiday was successful. As a reminder there is no parking overnight on the street between 2:00 AM and 6:00 AM.

Residents are also reminded to pick up after your pet.

After the recent heavy rain storms, it is necessary to replace the roofs for two buildings. Temporary repairs have been made, however, due to the deteriorating condition of these roofs, it has become necessary to add these roofs to the roofing schedule. Management is recommending the Board approve to add on two buildings to the Siding Masters 2023 Roofing Contract for a total cost of \$25,443.60. This expense will be provided by account #3270 – Capital Replacement/Roofs. E. Murphy moved to approve to add on two buildings to the Siding Masters 2023 Roofing Contract for a total cost of \$25,443.60. This expense will be provided by account #3270 – Capital Replacement/Roofs. W. Steinman seconded. There was no discussion and a vote was called. All present were in favor. Motion carried.

There is a need to replace two of the 16-year-old Snow Throwers. These were purchased in 2007 and are no longer economically worth repairing. There were plans to have these replaced in the last two years; however, with the lack of forecasted snow, the purchase was held off until this winter. Management went out to bid and the following are quotes received;

County Line Power Equipment	Simplicity 1524	\$ 3,625.23
County Line Power Equipment	Power Max 824oe	\$ 2,772.23
ACE Outdoor Power	Husqvarna ST224	\$ 1,993.88
Lowes	Ariens Deluxe 24	\$ 3,089.99

(Prices Include Tax)

Management is recommending and seeking approval to purchase two Husqvarna ST224 from Ace Outdoor Power for a cost of \$1,993.88. This expense will be provided by account #3150 – Property Replacement Fund. C. Lupo moved to approve the purchase of two Husqvarna ST224 – Snow Throwers from Ace Outdoor Power for a cost of \$1,993.88. This expense will be provided by account #3150 – Property Replacement Fund. E. Murphy seconded. There was no discussion and a vote was called. All present were in favor. Motion carried.

**UNFINISHED BUSINESS:**

1. Revisions to the "Terms and Conditions" for Architectural Specifications is being reviewed by the Architectural Committee.

There was no new business.

Announcement from the Board; There will be a vacancy in the commercial space and the Board of Trustees will be doing a study to see if a convenient store will be feasible. Residents interested in the research may write a letter of interest to [Associaton@lvwa.net](mailto:Associaton@lvwa.net).

The Audit meeting will be held on January 24, 2024 at 7:00 PM in the auditorium at Willow Hall. The next open Board meeting will be held on Wednesday, February 7, 2024 at 1:00 PM in the auditorium at Willow Hall.

There being no further business, the Board meeting adjourned at approximately 1:44 PM.

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Samantha Bowker  
Administrative Assistant

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Steven Leslierandal  
Board Secretary

Approved: PENDING

DRAFT

# DRAFT

## LEISURE VILLAGE WEST ASSOCIATION, INC. AMENDMENT TO THE BY-LAWS PERTAINING TO FINES

This amendment is made on this \_\_\_\_ day of \_\_\_\_\_ 2024, by Leisure Village West Association, Inc. (the "Association"), 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**, 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 \_\_\_\_\_, 2024, 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 \_\_\_\_\_, 2024; 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'S BY-LAWS ARE AMENDED AS FOLLOWS:**

### 1. FINES

**By-Laws, Article IX, Section 2, Section entitled "FINES" is hereby deleted and replaced with the following:**

FINES: The Association shall have the right to levy fines upon any Unit Owner for any violation of the Master Deeds, these By-Laws, resolutions or any duly adopted Rule or Regulation (collectively, the "Governing Documents"). Such fines may be levied upon the Unit Owner for his/her own acts, acts of his/her tenants or any guests or invitees of said Unit Owner. The amount of such fines shall be established by the Board of Trustees and may be changed from time to time. Each day that a violation exists after notice shall constitute a separate occurrence of the

# DRAFT

violation and subject the Unit Owner to an additional fine for each occurrence. Any fine so levied shall be considered as a Common Expense to be levied against the particular Unit Owner involved, and collection may be enforced by the Board in the same manner as the Board is entitled to enforce collection of Common Expenses.

The Association shall be entitled to recover its reasonable attorney's fees incurred in enforcing the Governing Documents. All charges related to any enforcement action and/or correction of a violation shall be chargeable to the offending Unit Owner, including reasonable attorneys' fees incurred by the Association. Further, in the event the Board of Trustees institutes legal action to enforce the terms of the Governing Documents or for the collection of fines or is sued and the Association prevails, the Association shall be reimbursed for payment of attorney's fees plus interest and costs of suit. Collection of all charges referenced herein may be enforced against any Unit Owner involved as if the charge were an assessment owed by that particular Unit Owner.

2. 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.
3. All provisions of the By-Laws not amended by this Amendment shall remain unchanged and in full force and effect.
4. 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.

# DRAFT

## LEISURE VILLAGE WEST ASSOCIATION, INC.

Amendment: Policy No.

Pertaining To: By-Law Amendment Pertaining to Fines

Duly adopted at a meeting of the Board of Trustees of Leisure Village West Association Inc., held this \_\_\_ day of \_\_\_\_\_, 2024.

<u>Officer</u>	Vote: -			
	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
_____, Trustee	___	___	___	___
_____, Trustee	___	___	___	___
_____, Trustee	___	___	___	___
_____, Trustee	___	___	___	___
_____, Trustee	___	___	___	___
_____, Trustee	___	___	___	___
_____, Trustee	___	___	___	___

Attest:

**LEISURE VILLAGE WEST ASSOCIATION, INC.**

\_\_\_\_\_, Secretary

\_\_\_\_\_, President

Amendment Effective: Upon recording with the County Clerk.



# DRAFT

NOW THEREFORE, \_\_\_\_\_, the President of Leisure Village West Association Inc. based on the authority granted by the Association's By-Laws, Master Deeds, N.J.S.A. 45:22A-46.4(d)(5) and the membership vote and the Board of Trustees vote reflected above, hereby submits this Amendment to the By-Laws for recordation in the Ocean County Clerk's Office.

**LEISURE VILLAGE WEST  
ASSOCIATION, INC.**

\_\_\_\_\_  
, President

### CORPORATE ACKNOWLEDGMENT

STATE OF NEW JERSEY     )  
  ) ss.  
COUNTY OF OCEAN        )

On the \_\_\_\_\_ day of \_\_\_\_\_, 2024, \_\_\_\_\_ personally appeared before me and this person acknowledged under oath, to my satisfaction, that:

(a) this person signed and delivered the foregoing document as the President of Leisure Village West Association Inc., (the "Association") and

(b) this document was signed and delivered by the Association as its voluntary act and deed by virtue of authority from its Board of Trustees.

Signed and sworn to before me on  
\_\_\_\_\_, 2024

\_\_\_\_\_  
NOTARY PUBLIC OF  
NEW JERSEY

**RECORD AND RETURN TO:**  
**MCGOVERN LEGAL SERVICES, LLC**  
**850 CAROLIER LANE**  
**NORTH BRUNSWICK, NJ 08902**  
**(732)-246-1221**

[TO BE PLACED ON ASSOCIATION LETTERHEAD]

[DATE]

[ADDRESS]

**Re: Leisure Village West Association, Inc.  
Proposed Amendment to By-Laws Pertaining to Fines**

Dear Unit Owner:

The Board of Trustees is always looking for ways to improve our community. The Board is proposing an amendment to the Association's By-Laws to permit the Board to set the amount of fines that can be charged for different kinds of violations of the Association's governing documents, up to the statutory maximum. This amendment also clarifies the Association's right to charge the cost of enforcement, including attorneys' fees, to the offending Unit Owner(s).

In accordance with the Radburn law, Unit Owners have thirty (30) days from the date of this mailing to reject the Amendment. The Amendment will become effective unless percent (10%) or more of the Unit Owner vote to reject the amendment. If you object to the enclosed Amendment, then you may vote by returning the enclosed ballot, which contains further instructions.

**If you agree with Board's decision to adopt the enclosed Amendment,  
then you do not have to do anything.**

If the Unit Owners do not reject the amendment within thirty (30) days, the enclosed Amendment will be recorded with the Ocean County Register's Office and become effective at that time.

Sincerely,

Leisure Village West Association, Inc.

By: \_\_\_\_\_

## BALLOT to REJECT AMENDMENT

**In order to cast a vote to reject the By-Laws Amendment, 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 amendment.

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Pursuant to recent regulatory changes all ballots must be anonymous. Please follow the directions below for returning this ballot to maintain your anonymity. If you fail to follow the directions, you risk your ballot not being counted and/or waiving your anonymity.

**Mailing to:** Leisure Village West Association, Inc.  
959 Buckingham Drive  
Manchester, NJ 08759

*Only one ballot may be cast per unit.*

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( ) I vote to **reject** the enclosed By-Law amendment which would permit the Board to set the amount of fines for violations and clarifies the Association's right to charge enforcement costs to the violating owner's account, as fully set forth in the attached Amendment.

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**DIRECTIONS FOR RETURNING VIA MAIL:** This ballot is to be submitted anonymously by using a "double envelope" return system. Please place this ballot inside an "inner envelope" and write your name and Unit address clearly on the outside of the envelope. Please sign your name over the seal of the envelope. Place that envelope inside an "outer envelope" with the Association's return address and proper postage on the outside to be returned to the Association. Once you are confirmed to be in "good standing," your ballot will be removed and separated from the inner envelope to be tallied anonymously.

If you write your name or address on this ballot or return it other than as instructed herein, you will be deemed to have waived your right to cast your ballot anonymously.