

Breakers HOA
Annual Meeting Minutes

Date & Time: 4/27/2019 @11:10 AM
Place: Brigantine Community Center
Presiding: Frank Lardiere

Present: Beth Shillin, David Roeltgen, Mary Anne Peters, Guiseppe Ruggiero, Killraine Dean, Pat Dean, Nick Fazzolari, Todd Ingerto, Mary Lardiere, Jude Parker, Charles Kling, Harvey Solomon, Christine Solomon, Joseph Tropea, Judy Reed. Christine Clements, Michael Clements, Janice Trabin, Joseph LeBon, Jacqueline DiPasquale, Philamay West, Jack Hubbert, Leslie Collins, Mike Freda – Cedarcrest Property Management, Dan Heinkel, Esq

Voting by Proxy: Linda & Bill Patsakos, Fred Norelli, Mike Axler, Robert & Justine Meyers, Mark Dziekoknski, Michael & Yana Hofman

Call to order

- a. Frank Lardiere, President, called the meeting to order at 11:10 AM.

II. Sign-in and report re: quorum

- a. Attendees and proxies were counted and a quorum was established.
- b. Frank Lardiere introduced Daniel Heinkel, the attorney that has been advising the Board to address the homeowners.
 - i. Mr. Heinkel presented his interpretation of the governing documents of the Breakers HOA especially the need to review and revise Exhibit B. A lively discussion ensued.
 - ii. The primary concern identified by homeowners Beth Schillin and Judith Reed was the lack of an ARB during the past two years. Mr. Heinkel directed the homeowners to the copies of Exhibit B provided at the meeting. Under Article II, #4 Architectural Review Board (ARB) of Exhibit B and read the following *“The ARB shall be composed of not less than five nor more than seven members appointed by the Board of Directors of the Association. Vacancies shall be filled by the Board of Directors of the Association.”* Both homeowners then questioned how the appeals process could be valid and expressed concerns about the lack of “due process” if a homeowner wished to appeal a decision. Mr. Heinkel agreed that was a concern and discussed the need for an alternative appeals process.
 - iii. Further discussion ensued about the legal interpretation of the governing documents with both Beth Schillin and Jack Hubbert contributing their interpretation which differed from the HOA attorney
- c. Frank Lardiere introduced Mike Freda, Cedarcrest Property Management.
 - i. Mr. Freda explained the property management company’s role, which is to advise the Board. He stressed the importance of professional management

and its role in maintaining property values and equity within the community. He also explained the process the Board undertook to make decisions about “grandfathering” structures built that were not consistent with HOA rules and regulations.

- ii. David Roeltgen identified two major issues of concern. 1) The shed erected behind #8 Ross Drive East being “grandfathered in.” This shed clearly violates the HOA rules and regulations, 2) The letter sent to homeowners stating that all dryer vents must be cleaned and professional certification of the cleaning sent to Cedarcrest. Mr. Roeltgen, Beth Schillin, and Joseph Tropea expressed concerns about the Board and the management company overstepping and intruding into the interior of fee simple properties over which the HOA has no authority. The issue identified were the rights of fee simple property owners and the cost. Mr. Freda responded that the concern was for safety and cited the number of fires and deaths caused by improperly maintained dryer vents.
- iii. Joe Tropea responded to numerous homeowner questions regarding the need for a property management company when the Association had functioned so well in the past. He discussed the history of conflict that has been present within the Association and the desire expressed at the last Annual Meeting by the community for a “first responder” that would address issues and mediate.
- iv. Mary Anne Peters read excerpts from the 2018 Annual Meeting Minutes that supported Mr. Tropea’s comment. Charles Kling asked if the minutes had been sent to the homeowners. Ms. Peters responded that the minutes were posted on the Breakers in Brigantine website and had been since July 2018. Mr. Kling requested that the minutes be sent to homeowners via e-mail. Ms. Peters will send the 2018 minutes to all homeowners.

III. Election of Directors

- a. The three candidates for the open HOA Board of Directors seats Judith Parker, Jack Hubbert, and Frank Lardiere introduced themselves and shared their reasons for wishing to serve on the Board. Beth Schillin asked to be considered by the community as a write-in candidate and presented her reasons for wishing to serve. Charles Kling was nominated as a write-in candidate by a proxy vote but declined the nomination.
- b. Christine Clements and Judith Reed served as judge of elections.

IV. Treasurer’s Report

- a. Jude Parker presented the Treasurer’s report.
 - i. Beth Schillin expressed concerns about legal fees listed on the expense sheet. Jude Parker explained that legal fees were incurred when the Board sought an attorney’s advice to better understand the constitution of the ARB and the HOA Bylaws and Declarations.
- b. Todd Ingerto presented a graphic representation of yearly expenses incurred by the HOA from 2015-2019.

- c. The budget for 2019-2020 was presented and included a 10% yearly increase in dues (\$80/unit). The purpose of the increase was to replenish the reserve needed to paint. The budget was approved by the Board by a 4-1 vote. However, Jack Hubbert identified that in the First Amendment to the Declaration of Covenants and Restrictions Article VII # 4 states that an assessment increase must be approved by 2/3 of the homeowners and homeowners must receive written notice of the intent to increase the HOA assessment 30 days in advance of the meeting.
 - i. Homeowners attending the meeting questioned the need for the property management company especially in light of the cost to the Association.
- d. The budget was not approved and will be reviewed by the newly elected Board at the next Board meeting.

V. New Business

- a. Painting of the exteriors of buildings
 - i. Frank Lardiere proposed that the exterior of the buildings be painted in the Fall of 2020. Some homeowners requested the painting be done as soon as possible. Other homeowners are in need of extensive repair to the cedar siding and would prefer to wait. Charlie Kling and Joe Ruggeri volunteered to work with the Board and serve as the painting committee.
 - ii. Judy Reed shared information she obtained from the Western Red Cedar Lumber Association regarding care of red cedar siding. It is recommended that the siding be painted every 3-4 years. It is not recommended that red cedar siding be power washed because power washing disrupts the balance of natural oils in the wood. In addition, Ms. Reed recommends that the work be done by red cedar professionals. She acknowledges that this may be more expensive but believes in the long term it will save money as the life of the siding will be extended. She suggested a special assessment on each homeowner be made if necessary to fund the proper care of the cedar siding.
- b. Need for Property Management Company
 - i. A heated discussion continued with many homeowners participating about the merits of contracting with a property management company. Frank Lardiere and Todd Ingerto stressed the importance of having access to the professional expertise of the company representative. Breakers history has shown that volunteer homeowners serving on the ARB may not have the experience necessary to enforce Association Bylaws, Rules and Regulations and make unbiased decisions when oftentimes their neighbors may be involved. The current contract with Cedarcrest runs until June. At that time, the Board will consider the best course of action moving forward.
- c. Open Meeting Minutes

- i. Frank Lardiere suggested that minutes from the open portion of HOA Board meetings be posted on the Breakers in Brigantine website. These minutes would include decisions the Board made and the vote.
- d. Stone Replenishment
 - i. Frank Lardiere advised homeowners that replenishment of stones is a necessary as part of the landscaping costs of this year. Many homeowners affirmed the need for more stones in their yards. The Board will seek 3 bids for the project and select a vendor.
- e. List of Service Providers
 - i. Chris Clements requested that a list of reputable service providers such as contractors, dryer vent cleaners, plumbers, etc. be made available to residents.

VI. Judge of Elections Report – The final tally of the votes was reported. Judith Parker received 20 votes, Jack Hubbert – 15, Frank Lardiere –13, and Beth Schillin - 10.

VII. The meeting adjourned at 1:30 PM.

Respectfully submitted,

Mary Anne Peters