

# **BREAKERS HOMEOWNERS ASSOCIATION**

## **REGULAR MEETING OF THE BOARD**

May 25, 2019

St. Georges Pub

The regular meeting of the Association was called to order at 10:00 A.M.. The following Board members were present in person:

Frank Lardiere  
Killraine Dean  
Todd Ingerto  
Jack Hubbert  
Judith Parker

Also present at the meeting was Michael Freda from Cedarcrest.

The first order of business was a discussion of the 2019 budget. The draft budget distributed at the Annual Meeting in April needs to be revised to correct the projected 2019 revenue and to include certain actual expenses already incurred for 2019. The Treasurer will circulate a new draft budget to be discussed at the next Board meeting.

The next order of the business was the minutes from the January Board meeting. It was unclear if they were drafted by the former Secretary or not. This will be discussed at the next Board meeting.

Mike Freda announced that in his view his company was not a good fit going forward for the Association and that as of May 31, 2019 the management contract with Cedarcrest would terminate. The Board thanked Mr. Freda for his assistance during the prior 12 months.

Next, the Board discussed the fact that it was recently learned that the Association's Articles of Incorporation were revoked prior to 1990 for failure to pay annual registration fees. The cost to reinstate requires that all those years of unpaid fees be paid (approximately \$800). The alternative is to continue as an unincorporated association. After discussion as to the advantages of being incorporated, and upon motion duly made and seconded, it was

**RESOLVED**, Jack Hubbert would look into the necessary steps to cause the Association's articles of incorporation to be reinstated and the necessary fees to be paid.

The next agenda item was outstanding unit owner violations. All of these violations predated the November 2018 grandfather action by the Board. It was decided that certain screen door color issues will be referred to the ARB for action. A discussion was held about whether or

not the patio behind unit 30 adversely affected unit owner ingress / egress. It was pointed out that unit owners have no right of ingress / egress over Unit 30 property anyway so that can not be grounds for a violation. There is no sidewalk across Unit 30 property. There are no easements in our governing documents that provide unit owners with ingress / egress rights across other unit owner properties.

Todd stated that:

The Breakers is a Townhouse Association where all homeowners, renters, tenants and guests have the right to clear and safe passage to both the front and back of their units. While it is not explicitly written in the Governing Documents, this is common sense and the Board should support this right. Blocking does not support a harmonious environment and should not be tolerated in our community. Our Bylaws do state that Unit owners cannot make modifications that adversely effect the enjoyment of the adjacent units.

Jack disagreed and stated:

There is no such thing in the legal world as a "Townhouse Association". It is either a condominium or a fee simple homeowners association. The Breakers is a fee simple association not a condominium. As such, everybody owns their front and back yard in fee simple and there is no community property or common area. In the absence of an easement (which there are none in our governing documents), walking on a neighbor's property is simply trespassing and illegal.

The next agenda item was the composition of the ARB. There were five volunteers at the Annual Meeting and one since the Annual Meeting. The voting for the ARB was as follows:

Charles Kling - Yes (5-0)

Judy Reed - No (3-2) - Hubbert and Parker voting yes.

Michael Clements - Yes (5-0)

Biz West - Yes (5-0)

Mary Anne Peters - Yes (5-0)

Nick Fazzolari - Yes (3-2) - Hubbert and Parker voting no.

The next agenda item was the Association web site. Todd identified a service that would save us money but we would no longer have our [www.BreakersInBrigantine.com](http://www.BreakersInBrigantine.com) web address. Jack will look into why Go Daddy charges us so much for web hosting as the cost should be much less than we have paid the last two year.

The next agenda item was Todd suggestion that we have a special meeting of unit owners to explain Association procedures and our governing documents. After discussion, it was concluded that because no voting would be going on at such meeting it was unlikely a quorum would show up and we would end up writing an explanatory document anyway. The Board will

develop a document that can be downloaded from the web site explaining procedures.

The next item discussed was painting. Because unit owners need time to repair their siding before painting, it was decided that it was not feasible to do it 2019. Bids for painting will be solicited from several painters with the project being in 2020.

The annual meeting minutes will be discussed and approved at the next Board meeting.

Meeting adjourned.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Jack Hubbert", written over a horizontal line.

Jack Hubbert, Secretary