

**Drum Point Village West Minutes of the Board Meeting**  
**November 8, 2005**

Board Members Present: Bob Martin, Gene-Ann Pesano, Paula Groppe, Phyllis Ventrello & Corinne Redman

**Treasurer Present:** Ed Kocher

**Homeowner's Present:** Harriet Martin, Don Zmuda, Kim Pillar, Kathleen Seaman, Lynn Monteiro, Randy Abeles, Ronald Dougard, Scott Stanford, Herb Armstrong, Alison Neary, Craig Neary, Dave Neumister, Ronald Curtis, Mandana Yazdani, Ronald Higgins, Dolores Tappert, John Casper, Greg Arcure and Matt Carara, Isabel Byrne.

- **First Order of Business - Call to Order**

Bob Martin called the meeting of the Board of Trustees to order at 7 pm. He also asked everyone to turn off their cell phones and advise the homeowners that they will have an open forum during the new business portion of the meeting. Everyone was also asked to sign the sign in sheet.

- **Second Order of Business - Approval of Minutes from Previous Meeting**

The minutes of the previous meeting were distributed to all those who wanted them. No current corrections or omissions or additions were made. Gene-Ann made a motion to accept the minutes. Phyllis Ventrello seconded the motion. All were in favor. Unanimously approved.

- **Third Order of Business - Reports from the Trustees**

**Landscaping:** Phyllis Ventrello said that since last meeting George Morano came and pruned trees, weeding, flower beds, slit-seeded, limed, aerated and he has weeded the basin again for free. He is also continuing to do his weekly cuttings of lawns, etc. Nothing to report on snow removal.

**Sprinkler System:** Bob Martin said he looked them over again prior to shutting down and he has a couple concerns. The sprinklers were not going entirely on the grass and some were going on the street. He called the people from Brickman and they came back in and re-adjusted them. Two or three days ago they cleaned and blew out the system.

**Roofing & Siding:** Paula Groppe said that we received 4 reports of leaks and they have all been given over to All County. All County is taking care of them. The only thing we have is that some of the older, more serious things and Thurston is taking care of that.

**Termite/Pest/Critter Control:** Gene-Ann Pesano said that last meeting a homeowner had reported that they had termites. Ozane was out and they are not termites, they are flying ants. Another homeowner reported a swarm of bees at the back of his unit getting under the soffit. Ozane was called and went to the unit while the homeowner was there and could not find a bee problem. Apparently the homeowner had sprayed a bug spray in the area and resolved the problem. Another homeowner reported mice in the crawlspace and getting into the living area of the unit. Ozane was called found evidence of mice and has been authorized to perform the service.

Covenants Committee: Phyllis Ventrello said that over the weekend she had sent out 6 letters to 6 of our homeowners in regard to leaving out their trash cans and not putting them away. The homeowners that got these letters are as follows: 16 & 19 Manhattan Drive and 41, 49, 50 & 51 White Swan Way.

Messages and Correspondence: Gene-Ann Pesano said that we have 3 condo questionnaires that were completed and returned for various sale and refinance folder. Two roof leaks were reported and the information was forwarded to Paula for action.

- **Fourth Order of Business - Old Business**

Roofs at 59 WSW & 63 WSW: Bob Martin said due to extensive problems we've had with these particular roofs and another one we are working on right now, we've decided to go ahead and do an extensive repair rather than a patch job. We've contracted Thurston and he and a specialized roofer came in and redid these roofs and added major mastic. It is for ice damage problem.

Plumber for 59 WSW: Bob Martin did not contact the plumber for that because he found out about this only today. Gene-Ann stated for the homeowners that live in that building, when a plumber comes in to make the repairs in Julie Fox's crawl space they are probably going to have to turn off the gas for the entire building because they have to move gas lines that are right underneath the entrance. The lines have to be re-routed around the crawl space. Ronald Higgins of 61 WSW said that his gas lines also go across the access. Bob Martin said that we will also have them re-route Ronald Higgins as well. Gene-Ann said that we are not ignoring this. Our information just came off of the Township Inspections and that didn't happen to be mentioned in his inspection so we didn't know that.

Julie Fox of 59 WSW had written a response about the roof, driveway, gutters and the crawlspace. Gene-Ann has talked to her about all of them.

Measuring Patios: Bob Martin said that since we decided to allow the Township to extend the patio for 56 WSW, we measured it and decided that this would be the maximum size allowed. 3 different size measurements are not incorporated into the standard letter.

Gutter Guards: Bob Martin said that there have been some complaints about the extra leaves & pine needles going into the gutters in the rear and side of some buildings. Gene-Ann and Bob went out the other day and measured about 30 units and it came out to a total of 410 linear feet of gutter guard. Bob Martin said that we will have to find prices and explain to them that it is not going to be continuous because they come in lengths of (20' 6' 9' 3' and mostly cut up really short pieces.) When Thurston was up on some of the roofs his opinion was that a lot of the gutters were just not cleaned and that there's debris in them and they are not pitched correctly.

Posting Meeting Notices: Corrine Redmond posted the meeting notices and she researched bulletin board box for homeowner information and the price ranges from \$300 to \$500 each. This would be to get out all the information that is going around in the Association.

Special Projects (Status/Reports):

**Siding:** Corrine Redmond said that she hasn't heard anything from Fred Weintraub about the siding.

**Well:** Bob Martin has two estimates on the well. Bob Martin spoke to one of them and they said the house meter should be enough power to run the well. One guy suggested that we have a 4" PVC casing well down to 100', anything over 100' will be \$16.00 per foot and his price came to \$13, 600.00 which includes well, pump, motor, tying into the system and setting the meters and all the electric work combined. Bob also has another estimate for \$7,500.00 for just drawing the well and we would have to wait for the other estimates to come in. We will bring it up at one of the other meetings and decide. (The 2 estimates were from Pure Pressure and Jersey Shore Sprinkler Construction).

**Newsletter:** Gene-Ann Pesano said that the newsletter is all done and ready for printing.

**Drainage Project:** Gene-Ann Pesano received a letter 2 weeks ago asking us to get the schedule for the crawlspace inspections. 2 of the inspections were done last week and 2 were done today. There are 5 more inspections scheduled. Gene-Ann called 4 of the homeowners and they did not call back. She is going to put in one more call to them to make that access available and if they decline the inspections we should send them a note saying that you decline our inspections and therefore have a problem with water or mold in the future, it is quite probable that it is not going to be taken care of by the Township.

- **Fifth Order of Business - Review Financials**

Gene-Ann passed out copies of the Financials. Ed Kocher said that he had a problem with our prior auditor that did our books up until March 31, 2002 because he didn't do it on a timely basis and second he had significant health issues. Sometime last year he finally notified us that he no longer wanted to practice for anyone and he shut down his business and moved out of state with his family. He gave us the names of several firms to replace him. We found one that we liked with good references and the pricing was unbelievable. This person does an entire service including tax returns, 1099's, review audit report, management letters, etc. for \$1,800/year. We saved quite a bit of money there. We turned everything over to her in a piece meal fashion over the past 5-6 months all our records for the Fiscal Years 2003-2005 and she returned draft copies to us. The reason they are not final letters is because she did not send us Confirm letters which are official letters to our bankers and to our lawyers to please release the following information to our auditor. With that said, we got a draft report. We got a couple recommendations that have to do with our tax information that will be brought up later. We haven't paid any income taxes over the past several years but she recommends that the Board of Trustees and any homeowner present be able to vote on a motion to declare our fund balance and take the money and move it the next years budget as a starting line item. Otherwise if we're left to use one of the two types of tax forms, that money could be considered taxable income every year. Ed Kocher said the bottom line of the audit of the figures that he posts, he writes a report to the Board of Trustees every month that consists of the figures you see here plus accounts receivable that you do not see here. Under revenues which is people that pay for the next month, does not earn revenue on the 30<sup>th</sup> or 31<sup>st</sup> of the month, we do not give that out to the general homeowners because it's relatively confidential information that is not really homeowners business and it would be an invasion of privacy. The bottom line of her report after not having an audit performed for 3 years is her numbers and Ed Kocher's numbers differ by \$3.00. The difference is the way we both did pre-paid insurance. Mandana Yazdani asked why we don't have to pay income taxes. Bob Martin and Ed Kocher explained that we are a corporation technically. Mandana asked so we are making money. Ed Kocher explained that we are a non-profit organization registered in the state of New Jersey. For Federal Income Tax purposes we are a Homeowner's Association, not a profit organization. Homeowner's Associations generally file a form called an 1120H which is specifically for Homeowners Associations for condos, co-ops and timeshares and the vast majority of your income is not taxable. Any money that you as a homeowner have paid to the Association is not taxable. What is taxable income to us is primarily interest so we have approximately \$200,000.00 sitting in two different banks. Any interest we receive from these banks is taxable. There are certain offsets to them, for example, a certain

percentage of our auditor fees are deductible against that taxable income. We have not paid any tax liability for the last 3-4 years. This year that we are in now we will owe them because our professional expenses, our legal fees and our auditor fees have gone way down and our interest is finally going up to 2.75% in one bank and 3.1% in the other bank instead of .75% and 1.3% in both banks. We will probably owe about \$700 or \$800 in income taxes. Ed Kocher said that the reason this motion is going to before you is because if we choose to try to use an 1120 form and not the 1120H form, we need to have that deploration that is going to come before you and we need to put that money into the next years budget. Otherwise anything left over will be considered taxable income and we will never be able to use the 1120 we would always use the 1120H. Basically this motion is to take advantage of what is actually a loop hole in the tax law that allows us to have a lower overall tax liable. Ed stated that our income every time you send a check for \$140.00 approximately \$30.00 of that \$140.00 goes directly to a savings account for future repairs or replacements. Some time in the future we will need new siding, hopefully years down the road. He said that the reason why we pay as we go is so we do not end up having a special assessment like we did 5 years ago. Bob Martin said when we took over the Condominium Association we had virtually nothing in our replacement and he thinks it is Ed Kocher's credit that we gain over \$200,000.00 in 5 years. Paula Groppe made the motion that we accept the financials as they are. Phyllis Ventrello seconded the motion. All were in favor. Motion carried. Bob Martin made a motion to accept what Ed Kocher had discussed about any excess membership income over the membership expenses for the year ending March 31, 2006 should be applied against subsequent tax year members assessments as provided by IRS revenue ruling 70-604. Gene-Ann Pesano seconded the motion. All Board Members and Homeowners present at the were in favor. Motion carried unanimously.

- **Sixth Order of Business - New Business**

Gene-Ann said that there was a special request made for the re-inspection of the crawlspace of 24 WSW that was done last week. Also there is a continuing leak problem in spite of all the repairs that were made as well. We have now undergone doing the same kind of massive replacement that we did at 59 & 63 WSW. That should be just about done.

Gene-Ann said the homeowner at 11 Black Fox Trail said that her fence is leaning over and her water spigot is right there, so when you go to try and turn on the spigot, you have to manually push the fence away and she requested that we stabilize it. Gene-Ann said we need to discuss it because she believes other homeowners had to take care of their own. Bob Martin said that he thinks we should stabilize them if we can and possibly make a cut-out in that area

Gene-Ann said that one of the Mignatti units sent a letter stating that since the rain has come down rather heavy in the past 2 weeks, my gutters in the back of my house have been overflowing onto my patio and can we have someone come out and look at them before I get a leak in my bathroom. Gene-Ann said she will let the owner know that the gutters will be cleaned out soon.

Ronald Dougard said that he really appreciated having his roof fixed and his crawl space is finally dry. On the crawl space issue he doesn't appreciate it taking six years to get it done and 2 years to get the roof fixed. There is still the issue of who pays for damages that he paid to fix already which is over \$3,000 out of pocket. The second issue is we need a method too control who rents in our development. Within the past year he personally broke up a party with 83 teenagers and a week ago he broke up a party of 36 teenagers (19-20 year olds). One individual was stabbed in the face with a broken beer bottle. We need to get control over who can rent here. Somebody has to check these people out with credit histories and criminal histories and we have to decide who

we are going to let rent there. This is our neighborhood and it affects our property. Mandana Yazdani argued that if she wants to rent out her unit and get money for it she should be able to. Bob Martin said this can happen in any neighborhood where they rent. Ronald Dougard said I am the police chief in this town and it only happens in our neighborhood and 29 & 31 WSW. Gene-Ann said that she understands where this is coming from and for his information, what the Board does in these problem situations. We had one on the Mignatti side with a drunken disorderly who threatened violence on some of his neighbors who made unwanted sexually advances some of the ladies and their daughters. We met with the landlord and urged the landlord to not renew the lease and he did not so that renter is out. Gene-Ann Pesano said she called 31 WSW after the latest incident and when she talked to him she asked what the status of the lease was and he said it is up now and she urged him on behalf of the homeowners and the Board of Drum Point Village to please not renew the lease. It is her understanding that after that conversation he was making phone calls to put his house on the market and sell it. On 29 WSW Gene-Ann called Kimberly & Associates and let them know of the problem. At this point there is nothing in our master deed that would allow us to pre-screen people. The Board does try and do something. Mandana argued that she should be able to rent out her unit. Ronald Dougard said that it would protect everyone. In the past one guy who lived at 27 WSW was the biggest ecstasy dealer in the United States of America, he was an owner and he moved out. Another unit owner was the biggest marijuana dealer in New Jersey and he got blown away. Is this the kind of people you want living here. Ed Kocher said that there are 10 renters out of 95 units, 6 of those renters are rented by a professional who has their real estate license. They do a pretty good job of checking people out. Just because you screen people and do history and criminal background checks, some have teenage kids that have parties while their parents work late. Sometimes you cannot avoid it but we would like to. Ed Kocher believed that we as an Association cannot do the screening even if we have something in the by-laws because it would probably get struck down by the first person who wanted to rent their unit out to someone else by someone suing us. Paula Groppe said we will look into it further with the Board and we will take it up with the Attorneys.

Kathy Seaman of 13 Manhattan Drive said the parking is bad as is but if you have 1 person living in a house and they have 2 cars and the one car is parked profusely for weeks on end in the same spot without moving. These cars should be parked along the side and not take up a spot. Bob Martin said unfortunately we do not have any rules about parking and we have been going over this forever. Ron Dougard said to make the vacant land into a visitors parking lot and the parking on the street is for Drum Point Village Residents Only. Kim Pillar of 15 Manhattan Drive says the same person continuously parks in the parking spot for the for the past 2 weeks since she's been on vacation, I've parked in the parking space so now she parks on my next door neighbors lawn and my next door neighbor is also very upset about it. The car sits there for 2 weeks, she switches it for 2 week. Paula Groppe suggested that we send letters. Corrine Redmond said why don't you go up to your neighbor's door and politely approach her and try. Paula Groppe suggests just to send the letters. Gene-Ann said she defies anyone in this room to walk around any night and look at how many parking spots there are on Black Fox Trail down by the cul-de-sac and along that curb. There are lots of them, how do we have a parking problem? She believes we have a walking problem. Bob Martin said that we should send out a letter and let everyone know that no one owns a parking space and to be courteous to your neighbors.

Randy Abeles of 11 White Swan Way said that the newspapers that come most people do not read them and sometimes she still sees them out for days. She said that she called the Condo Association and asked them to request the paper company to stop sending them and then they start coming again. Unit owners can at least throw them away instead of leaving them outside if they are not wanted.

Mandana Yazdani of 28 Manhattan Drive said she wanted to discuss 2 things. The aluminum wrapping on the outside of the garage in coming undone. Bob Martin said we will check that and have it repaired. Also, the other thing is that she thinks the landscapers should be fired because they do not do a good. The lawn around her house is a mess, there is a dead tree on one side of the parking lot. Bob Martin said he will also look into that.

Matt Carara of 16 White Swan Way said that he puts his own landscaping down (him and his neighbors split it). He wants to know whose idea it was to get day lillies and grass 5 months a year and 7 months a year we have stumps. He works in the garden center part time and you can get small shrubs and small bushes very cheap and we have time to watch them grow. Phyllis Ventrello said the objective was to get some color in it. He said that he has worked harder in his condo unit than in any of the previous houses he lived in. For 3 years, Randy Abeles of 11 White Swan Way has been trying to get shrubs and bushes around his electrical box that are an eye sore. Phyllis said she just spoke to George Morano about it again today. Bob Martin said we are limited by New Jersey Central Power and Light and they are not supposed to be around the electric box. Matt asked why there are bushes around Gene-Ann electric box and she explained that the builder did that however, she did approve for George to go and put bushes around Randy Abeles unit. Matt Carara said there are 2 leyland cyprus in the back of his unit put too close together and the one that is real gigantic fell. It is has been like this for 3 weeks and the landscapers have been going around and they did not fix it.

Herb Armstrong of 45 White Swan Way said that some of the garage doors have stains appearing on them. Bob Martin said that we are probably due for another painting in a year or so. Herb Armstrong said they have gotten worse in the past couple of weeks. Bob Martin said if it comes to that point we will probably have to go and replace them if they can't be painted.

Herb also brought up the problem of the trash cans and that letters should be sent out. He wants to know why this has taken six months. Gene-Ann said it was because there was no Covenants Committee and now there is one.

Matt Carara of 16 White Swan Way also wanted to know if bats were considered critters. He gets bats every year (2-3 times a year) under the aluminum siding under the bedroom window, 2:00-3:00 in the morning banging into the window and he has bat droppings all over the patio and Greg Arcure of 25 White Swan Way has the same problem. He said that Bob Martin said that we could not afford \$300.00 for exterminating and he agreed that they would be gone in a couple weeks anyway but he wants to know why we can't find someone to plug up the small crevice in the siding. Greg mentioned to Bob that he might know of a way of putting foam up in the siding and we are looking into that. Harriet Martin also looked up some information on bat houses that we can place on the property so they will go there instead of to our units.

Kathy Seaman of 13 Manhattan Drive said the tree in the front is tipping over and the top has too many branches. Gene-Ann said that she will talk to George Morano again.

Gene-Ann said so far this year on the Miller side there's only been two incidents of termites and it was small and taken care of 3 or 4 months ago. If that happens we have a maintenance contract with Ozane because they do a treatment where they inject something around the foundation every 5 or 8 years and in between anything that happens they just come and take care of it because it is part of the maintenance contract. Mandana said she has some insects coming in by the bathroom door and she doesn't know if they are termites or ants and they look like they dig holes. Gene-Ann said she will have Ozane come and check them but the building where

Mandana lives in has the sentricon system in it and they check them every 30 days, so if they were termites we would know.

Bob Martin said the deal with the swales is that we talked with the Town Engineers and the winter problem is that there is a center drain and the gutter down spout comes right in the middle of the driveway and the water spreads out and it gets icy. The Town suggested that we cut 18" or 20" section of the center, put a swale in, remake it and drains on the swale instead of spreading out. Bob Martin said they are also going to put a drain at the end of the driveway. Ronald Higgins said he has a 4 car driveway and it is sinking at the garage door at the foot of his garage. There is a high spot in his driveway, where the front of the cars go to the back of the other cars. He knows construction work and he is going to have a 5" hole there. It would be a lot wiser to rip that driveway out and let it drain properly because it's humped in the middle. You can't put a swale there and convince him that it is going to work. Herb Armstrong wants to know why we are letting the Township put something down our throat if it's not going to work. Bob Martin thinks it is going to work. Ronald Higgins and Herb Armstrong said that all the driveways need to be looked at differently and they feel that it is a band-aid that is not going to work.

- **Seventh Order of Business - Closing of the Meeting**

The next meeting of the Board of Trustees will be held on January 11, 2006 at Century 21 Solid Gold Realty at 721 Brick Boulevard. Bob Martin made motion that we adjourn the meeting at 8:33 pm. All were in favor. Unanimously approved.