

# Smoke Signals

Volume 2 Number 3

DRUM POINT VILLAGE WEST

July 2003

## Rights and Responsibilities

### Principles for Homeowners and Community Leaders

*Portions reprinted from CAI's Online newsletter*

More than a destination at the end of the day, a community is a place you want to call home and where you feel at home. There is a difference between living in a community and being part of that community. Being part of a community means sharing with your neighbors a common desire to promote harmony and contentment.

This goal is best achieved when homeowners, non-owner residents and association leaders recognize and accept their rights and responsibilities. In all cases, this entails striking a reasonable, logical balance between the best interests of individual homeowners and those of the community as a whole. It is with this challenge in mind that Community Associations Institute (CAI) developed Rights and Responsibilities for Better Communities.

Community associations exist because communities exist — because they offer choices, lifestyles, amenities and efficiencies that people value. Yet, with all of their inherent advantages, community associations face complicated issues, none more common than the challenge of balancing the rights of the individual homeowner with those of the community as a whole. Managing this critical and delicate balance is often the essence of effective community leadership.

By encouraging community associations to adopt Rights and Responsibilities for Better Communities, CAI strives to

*Continued on page 3*



## NJ Saver Rebate Applications Due by July 15<sup>th</sup>

Did you own your town home on October 1, 2002? Did you pay all your 2002 taxes due on your property? If so, you may be eligible for the 2002 NJ Saver Rebate. Although the State's budget problems may limit your eligibility for the 2002 rebate, last year's average rebate for DPVW homeowners was \$450.00.

Sometime in late May or early June, you should have received your NJ Saver Rebate application from the State. All rebate applications must be filed no later than July 15, 2003. If you haven't received a rebate application form, or you need assistance in filing your rebate application, you may contact the State of New Jersey's Division of Taxation at 609-826-4282, or via e-mail at [njsaver\\_taxation@tax.state.nj.us](mailto:njsaver_taxation@tax.state.nj.us).

Remember, in order to qualify, you must file the rebate application on time.

## Next Board Meeting

All members of the Association are invited to attend. The next meeting of the Board of Trustees will be:

**July 23, 2003 at 8:00pm**  
**The Mill Brook Manor Clubhouse**  
**Saw Mill Road**  
**Brick, New Jersey**

## IN THIS ISSUE

- 1 **Rights and Responsibilities**
- 1 **NJ Saver Rebate Applications**
- 1 **Next Board Meeting**
- 1 **The Mysterious "Concerned Committee"**
- 2 **Ed Kocher Resigns as Trustee**
- 4 **Landscaping Update**
- 4 **Litter Problem**
- 4 **NJ Helmet Law for Children**

## The Case of the Mysterious "Concerned Committee"

Some homeowners may have received a memo and a petition from a homeowner or group homeowners calling themselves the "Concerned Committee." While the Trustees defend their right to express an opinion, and their right to request reconsideration of decisions that affect them, we would like to point out the following:

*Continued on page 2*

... **Concerned Committee ...continued from page 1**

The memo was not sent to all unit owners, but only to select individuals. We have to wonder why this was done. When we communicate with the homeowners about a subject like this, one way or the other, we communicate with all homeowners.

When we send something to you, we put our name on it! We have to wonder why these people would not want to tell you who they are. Or, is it just one person – it's impossible to tell. Is it because the information in the memo was incorrect and could not be defended? Is it because they didn't want you to be able to consider the source of the information presented? Or, is it that it's just easier to hide in the shadows and complain about life than it is to stand up and do something on the record?

To the best of our knowledge and belief, the information in the memo was incorrect. The author(s) of the memo led you to believe:

- That if two-thirds of the homeowners agreed that they wanted to rescind the deficit assessment, that the Board of Trustees would have had no choice but to do so. The memo specifically stated that NJ law backs up their statement. Other than an amendment to the Master Deed, we cannot find anything in current NJ Statutes or Case Law to back up this claim – and a petition is certainly not the prescribed method for amending the Master Deed. Moreover, the Master Deed recognizes the Board of Trustees as the sole party responsible for determining the amounts deemed necessary for common assessments, and that responsibility is irrevocable. The Master Deed also states that if the declared common assessment is insufficient to cover expenses during any given year, then the Board of Trustees has the right to increase the assessment for that year – and that is what we did.

- That we have \$50,000 in "Emergency Reserves." As previously explained to all the homeowners, there are no "Emergency Reserves." For anyone to lead you to believe otherwise would be irresponsible.

If this "Concerned Committee" thinks that the current Trustees are not performing in the best interest of their community, let them stand for election. Maybe they would successfully dig us back into the financial pit from which we have only recently emerged.

And, before casting aspersions in their own neighborhood, maybe the members of the "Concerned Committee" want to talk to the owners of other condominiums in Brick that have either already levied similar assessments, or are currently planning to do so – assessments that are as much as \$500 per unit.

With that said, here are the results of the petition that was circulated:

- Less than 15% of the homeowners have asked to have the deficit assessment rescinded.
- Less than 5% of the homeowners have asked to have a special meeting to discuss this issue.

We think the result of this petition speaks volumes: While we are absolutely certain that no one (including us) is happy with the necessity of the deficit assessment, it appears that the vast majority of homeowners understand the need for it.

Again, we recognize the right of each homeowner to express their opinion and to be appropriately involved in the

governmental process. However, in this case we take exception to the way in which this was done. Maybe, next time, this "Concerned Committee" will do the proper and honorable thing. Maybe, next time, they will think about the potential impact of their actions prior to taking it, will stand up and speak on the record, and most importantly, will provide you with accurate information.

*The Trustees and Officers of Drum Point Village West* ..

**WOULD YOU LIKE TO CONTRIBUTE A STORY OR TOPIC TO THIS NEWSLETTER?**

We welcome your topic suggestions or complete articles on any topic that is relevant to condominium life or specifically to Drum Point Village West.

Please mail or e-mail your stories or suggestions to us by . September 15, 2003.

## **Ed Kocher Resigns as Trustee Effective July 1<sup>st</sup>**

Effective July 1<sup>st</sup>, Ed Kocher resigned from his seat on the Board of Trustees. While Ed cited personal and professional reasons, he made it clear that his decision was mainly the result of the enormous investment of his time required to perform his duties as a Trustee. Ed had served the Association as a Trustee for almost three and a half years.

Ed has agreed to stay on as the Treasurer and Bookkeeper for the Association. In this capacity, he will continue to handle revenues and expenses, make budgetary recommendations to the Board, and provide the Board with detailed financial reports. Although Ed will no longer be attending Board meetings on a regular basis, he has made a commitment to attend the annual meeting and provide a report to the homeowners at those meetings.

Ed has also agreed to provide the Board with technical assistance and guidance in several other areas in which he is knowledgeable. However, we expect his involvement in the daily operation of the property to be minimal.

In the near future, the Board will appoint a new Trustee to serve out the remainder of Ed's term. ..

## **Be a Considerate Neighbor**



**Please Clean up After Your Pet!**

---

### **... Rights and Responsibilities ...continued from page 1**

promote harmony, community, responsible citizenship and effective leadership. In the process, we make life better for the estimated 50 million Americans who live in community associations.

The process of formally adopting Rights and Responsibilities will give communities an excellent opportunity for the kind of dialogue that facilitates awareness, builds consensus, and promotes greater community involvement.

Once adopted, Rights and Responsibilities will serve as an important guidepost for all those involved in the community—board and committee members, managers, homeowners and non-owner residents. The document will also serve as an excellent tool to educate new homeowners and residents about their own rights and responsibilities.

As greater numbers of associations adopt Rights and Responsibilities—and adhere to its principles—there will be less potential for conflict within communities. Ultimately, this will improve the image of managed communities across the nation, leading more people to understand the nature and value of community association living.

Adopting Rights and Responsibilities can also create positive publicity for your community—and reduce the kind of negative publicity often created by conflict.

By adopting Rights and Responsibilities, communities will help prevent unnecessary or unduly restrictive legislation and regulation. As more and more communities adopt the principles, we will be able to say with increasing confidence and effectiveness that community associations are addressing many issues through self-regulation.

#### **Homeowners have the right to:**

1. A responsive and competent community association.
2. Honest, fair and respectful treatment by community leaders and managers.
3. Participate in governing the Community association by attending meetings, serving on committees and standing for election. Access association financial books and records. Prudent expenditure of fees and other assessments.
4. Live in a community where the property is maintained according to established standards.
5. Fair treatment regarding financial and other association obligations, including the opportunity to discuss payment plans and options with the association before foreclosure is initiated.
6. Receive all documents that address rules and regulations governing the community association – if not prior to purchase and settlement by a real estate agent or attorney, then upon joining the community.
7. Appeal to appropriate community leaders those decisions affecting non-routine financial responsibilities or property rights.

#### **Homeowners have the responsibility to:**

1. Read and comply with the governing documents of the community.
2. Maintain their property according to established standards.
3. Treat association leaders honestly and with respect.
4. Vote in community elections and on other issues.
5. Pay association assessments and charges on time.
6. Contact association leaders or managers, if necessary, to discuss financial obligations and alternative payment arrangements.
7. Request reconsideration of material decisions that personally affect them.

8. Provide current contact information to association leaders or managers to help ensure they receive information from the community.
9. Ensure that those who reside on their property (e.g., tenants, relatives, friends) adhere to all rules and regulations.

#### **Community leaders have the right to:**

1. Expect owners and non-owner residents to meet their financial obligations to the community.
2. Expect residents to know and comply with the rules and regulations of the community and to stay informed by reading materials provided by the association.
3. Respectful and honest treatment from residents.
4. Conduct meetings in a positive and constructive atmosphere. Receive support and constructive input from owners and non-owner residents.
5. Personal privacy at home and during leisure time in the community.
6. Take advantage of educational opportunities (e.g., publications, training workshops) that are directly related to their responsibilities, and as approved by the association.

#### **Community leaders have the responsibility to:**

1. Fulfill their fiduciary duties to the community and exercise discretion in a manner they reasonably believe to be in the best interests of the community.
  2. Exercise sound business judgment and follow established management practices.
  3. Balance the needs and obligations of the community as a whole with those of individual homeowners and residents.
  4. Understand the association's governing documents and become educated with respect to applicable state and local laws, and to manage the community association accordingly.
  5. Establish committees or use other methods to obtain input from owners and non-owner residents.
  6. Conduct open, fair and well-publicized elections.
  7. Welcome and educate new members of the community owners and non-owner residents alike.
  8. Encourage input from residents on issues affecting them personally and the community as a whole.
  9. Encourage events that foster neighborliness and a sense of community.
  10. Conduct business in a transparent manner when feasible and appropriate.
  11. Allow homeowners access to appropriate community records, when requested.
  12. Collect all monies due from owners and non-owner residents.
  13. Devise appropriate and reasonable arrangements, when needed and as feasible, to facilitate the ability of individual homeowners to meet their financial obligations to the community.
  14. Provide a process residents can use to appeal decisions affecting their non-routine financial responsibilities or property rights- where permitted by law and the association's governing documents.
  15. Initiate foreclosure proceedings only as a measure of last resort.
  16. Make covenants, conditions and restrictions as understandable as possible, adding clarifying "lay" language or supplementary materials when drafting or revising the documents.
  17. Provide complete and timely disclosure of personal and financial conflicts of interest related to the actions of community leaders, e.g., officers, the board and committees. (Community associations may want to develop a code of ethics in this regard.) ..
-

---

## Landscaping Update

Due to last year's horrible drought, the harsh winter and the drainage work done by the Township, we have a huge amount of landscaping work to be done. Unfortunately, the weather is certainly not cooperating. In the Month of May we had 20 days of rain. June continued the same way. Many of the tasks that need to be done cannot be done in the rain. Others were waiting for the sprinkler system to be up and running. Of course, if we had known that it would have kept raining for two months straight, we would have had some of that work done without the sprinkler system being operational.

Our sprinkler vendor spent several weeks here working on the system. Unfortunately the trenching that was done by the Township caused thousands of dollars of damage to the system in torn up wiring, broken lines and destroyed heads – that damage has now been fixed and the bill for it sent to the township. This is the primary reason that we were unable to complete many landscaping projects this spring. The Miller system was completed with just enough time left in the season to do some minor repairs. Unfortunately, by the time the Mignatti system was completed, the weather was too hot to do any landscaping. In addition to these sprinkler repairs, we added two new zones to the system. One zone was added behind building #10 (30 to 44 Manhattan Drive) to cover the area within 30 feet of the fence line. Another zone will be added to the drainage basin at Drum Point Road in order to keep the grass inside of the basin alive.

The landscaper did work on some of the damage to the landscape caused by the harsh winter. 18 arborvitae that were catastrophically damaged were replaced in front of homes on White Swan Way. Other arborvitae were trimmed or strapped as appropriate. Many dead and badly damaged shrubs were removed and these will be replaced in the future. The builder of the new units owes us over 100 trees and shrubs and we will be using some of these to fill in the "holes". We do not have any idea when these will be delivered but since they are "free" to us it makes sense to plan on using these rather than spending more of our own money. In any event, we cannot plant new grass, trees or shrubs until the fall. It is too hot now and the demand for water would be too great. When this is done, the river rock mulch on the Miller side will be replenished, the edges of the driveways on the Mignatti side will be repaired, and several trees will be planted to replace those that died over the winter.

The Township has contracted the landscaper to lay sod in the areas that were torn up during the drainage project. However, since the approval for this did not come until late June, this will

have to be delayed until the fall as well. We are very concerned that the state and/or township may again put watering restrictions into effect and we would lose the new sod.

All of the tree rings and ornamental planting beds have been freshly mulched. This gave an immediate face-lift to the entire community. In the meantime, regular maintenance is being performed and fertilizer, pesticide and weed control have been applied. Many of us noticed that we seemed to be having an unusually big weed problem earlier in the spring. Because of the seeding that had been done in the fall, pre-emergent weed control could not be applied because it would have killed the newly germinating seed. Consequently, a post-emergent weed control was applied later in the spring and has helped to solve the problem.

As you can see, we will be spending quite a bit of money to get things looking good again. There is more to be done but we will make decisions based upon the amount of money remaining in the budget for landscaping. While the unusual amount of rain has hampered getting some of this work done, it has also brought back the lawns, which were DEAD last Fall.

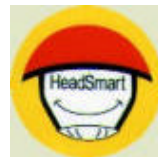
In general, things are looking up and we can see some light at the end of the tunnel.

---

## Litter Problem

As you may have noticed, we sometimes have a litter problem in Drum Point Village West. **You can help!**

- Please pick up any weekly newspapers from your driveways. We cannot stop them from being delivered, and many homeowners want them and read them.
- Please use a covered tub for your recyclables. Home Depot carries good 22-gallon tubs for \$4.97. The "Marts" both carry similar tubs at approximately the same price. Please note that, from time to time, the landscapers will pick up litter but this is not part of their contract and takes time away from more important tasks that we have for them.



## It's the Law

New Jersey State law requires that all children 12 years or younger wear helmets when riding their bikes.

---

## CONGRATULATIONS

During the past few months, we've had a few new arrivals at Drum Point Village West. The Association would like to acknowledge and congratulate:

- Cathy Capko on the purchase of her new home. Cathy moved in during mid April.
- Mario Cross on the purchase of his new home. He purchased his town home in late April.
- Roberta Arace on the purchase of her new home. Roberta moved in at the beginning of May.
- Isabel Byrne on the purchase of her new home. She purchased her town home in late May.
- Jenna Geraghty on the purchase of her new home. Jenna closed in late June.
- Michelle Chennells on the purchase of her new home. She purchased her town home in early July.
- Margaret Semezko on the purchase of her new home. Margaret closed in early July.
- Mr. and Mrs. Thomas Marchetti on the birth of their daughter. Madison was born in mid-May