



# Smoke Signals

Volume 2 Number 4

DRUM POINT VILLAGE WEST

October 2003

## Board of Trustee Changes

Drum Point Village West is governed by a Board of Trustees that is elected by the homeowners. There are five Trustees, each of whom is assigned specific areas of responsibility, and the entire Board works as a team to manage the Condominium.

Once elected by the homeowners, the five Trustees vote to determine which Trustees become Officers – President, Vice President, etc. While the President and Vice President must be Trustees, the Board can select non-Trustees to serve in other roles – Treasurer and Secretary, for example. In case a vacancy, the remaining Trustees appoint someone to serve for the duration of the original Trustee's term.

There have been some changes in the makeup of the Board in the past few months. First, our Treasurer resigned from the Board. Ed Kocher is still the Treasurer but he is no longer a voting member of the Board. He continues to take care of a multitude of tasks including all billings and collections, payments to vendors, handling of all financial matters, preparing of financial reports, managing our annual audits, maintaining our web site, supplying all needed information for closings and refinancings, and a plethora of other financial related tasks. While we are sad to lose him as a member of the Board, we are grateful that he continues to handle all of these tasks on behalf of the Association.

Ed was replaced by Phyllis Ventrello. Phyllis works at Four Seasons and comes to us with a wealth of knowledge and experience with Community Associations. We are pleased that she has agreed to take on this responsibility.

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## Halloween Holiday Decorations

It's almost that time of year again when we all look forward to some of the amusing and clever things that folks will do.

As a reminder, Halloween decorations may be displayed by Unit Owners or Tenants on the Common Elements and Limited Common Elements adjacent to the front of their Unit no earlier than October 1st and must be removed no later than the first Saturday following Thanksgiving Day. Such decorations must not in any way be attached to nor damage the Buildings. Such decorations must not be placed farther than ten feet from the front exterior wall of the Buildings.

For the children in our community, we can't wait to see your costumes and we wish you a very safe Halloween.

## Next Board Meeting

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

**November 12, 2003 at 8:00pm**  
**The Mill Brook Manor Clubhouse**  
**Saw Mill Road**  
**Brick, New Jersey**

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## CONGRATULATIONS & BEST WISHES

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:

- Matt and Arianna McLaughlin on the birth of their daughter Gabriella Rose on September 4, 2003
- Joseph and Terry Bastone on the purchase of their new home in August

We would also like to wish Mark Horowitz a speedy recovery from his recent bypass surgery.

Dolores Tappert recently resigned from the Board as well. She felt that she had so many responsibilities in her life that she needed to let something go so that she could give appropriate time and attention to other things. Dolores served as the Vice President of the Association for almost three years, and we will miss her greatly. Dolores could always be counted on to be the voice of reason when things got difficult.

Herb Armstrong graciously agreed to serve out Dolores' term on the Board. Herb had been a member of the Board in the past so his knowledge will be of great value to us. We welcome him back and look forward to having him on our team.

Finally, Paula Groppe needed a break from the task of being Secretary in order to maintain some sanity and balance in her own life. Paula continues to serve as a Trustee.

Because of these recent changes, Gene-Ann Pesano has been elected Vice President of the Association, and Phyllis Ventrello has been elected Secretary of the Association. The Board now consists of:

Robert Martin	President
Gene Ann Pesano	Vice President
Phyllis Ventrello	Secretary
Paula Groppe	Trustee
Herb Armstrong	Trustee

## The Right Stuff...

One of our neighbors has written and distributed letters to many homeowners in which she stated that the Board has threatened fines for flying the American flag. "What is wrong with this thinking," she wrote. "...Must take flag down ...Where is our patriotism? ...Is this justice for all? ...What hypocrisy. How ridiculous! How unpatriotic."

Unfortunately, this is a gross misrepresentation of what was actually stated to this homeowner. In the first letter sent to this homeowner we stated, "There is a flag pole bracket screwed into a tree in the Common Elements behind your unit." At that point in time, the homeowner had five (5) flags around her unit. At no time was this homeowner or any other in this community told that the U.S. flag could not be flown. Even if we were so inclined, which we are not, State and Federal laws might prohibit us from doing so.

Should you wish to proudly fly the American flag, we heartily invite and encourage you to do so. However, there are limits. In fact, a memo for this exact purpose was distributed to all homeowners shortly after 9/11/01. As our Master Deed clearly states, nothing may be attached to the buildings or other Common Elements. This is a common sense rule that most of us can understand. It protects the common property from damage.

If any of you have questions about where to place the American flag, please contact the Association. We will gladly provide you guidance on how you can show your patriotism and protect your investment at the same time. "



## New Pet Rules Adopted

We have a pervasive problem at Drum Point Village West with dog waste being left on streets, sidewalks, lawns, etc. This is not only distasteful to most folks, it is also a health hazard and a violation of county health ordinances.

To address the problem, the Board proposed the adoption of a pet rule, which would include immediate fines to those who do not pick up after their dogs. The proposed rule was distributed to all homeowners and their comments were solicited. The Board then appointed a committee of four homeowners – consisting of two pet owners and two non-pet owners – to consider the problem and make their recommendations to the Board.

The committee suggested that the Board purchase two of the small sized Township garbage cans and place them at the two dog walking areas. These will be lined and someone will put them out for collection on Tuesdays, bring them back on Wednesdays, and install a fresh liner each week. We hope that all pet owners will use these new "pet waste" garbage cans, especially those who do not want to put discarded pet waste in the garbage cans in their own garages.

At the Board meeting on September 9, 2003 the following rule was passed and is effective immediately:

### Pet Rules:

Domestic pets are allowed to be kept by unit owners. Other than dogs, all pets are to be kept indoors.

For the maintenance of visual harmony, health and quality of life of all residents, the following rules apply to all dogs:

- Dogs may not be left outside unattended. If outside of the unit, the dog must be accompanied by the owner or the owner's designee at all times.
- Dogs are not to be permitted to bark excessively. If the barking becomes a nuisance, then the owner will be warned once and then fined \$15 for each reported occurrence thereafter.
- If outside of the unit, dogs are to be leashed or tethered at all times and the tether must limit the dog's access to the owner's immediate area.
- Dogs are not to be permitted to urinate or defecate on the Limited Common Elements or Common Elements – this includes patios, walkways, streets, driveways, lawns, etc. There are two designated areas provided for walking dogs:
  - 1) The undeveloped strip of land directly east of the Association's property. This is to the far right of the entrance sign and can be accessed from Drum Point Road.
  - 2) The undeveloped area behind the mailboxes on Black Fox Trail beyond the landscaped area.

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- Owners **must** pick up after their dogs immediately.
- Garbage cans, with liners will be conveniently located at the two walking areas and may be used to dispose of solid waste. These will be put out for collection each week and a new liner inserted at the expense of the Association.

Failure to comply with this rule shall result in a fine to the unit owner involved. For each instance of failure to comply, the owner and, where applicable, the tenant, will be assessed an immediate fine of \$15. No notice of non-compliance shall be required to be given.

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## Alternate Dispute Resolution (ADR)

*Reprinted from Community Trends magazine published by CAI New Jersey. Portions provided by the NJ State Department of Community Affairs*

### What is ADR?

The Alternate Dispute Resolution Program was designed as an alternative to the traditional justice system. It includes negotiation and mediation with a third party. This service is offered to parties who live or work in community associations.

### How does it work?

ADR involves a mediation conference where the disputing parties meet with a mediator on a voluntary basis, to talk about the problem and attempt to reach an agreement. The mediator is selected by the parties involved and assists them in arriving at a solution, but does not impose a decision. The mediator helps the parties to look at the issues and explore what is acceptable to both parties as a solution.

### Who can use this service?

ADR is offered to parties who live or work in community associations. It is available to resident homeowners, absentee homeowners, board members, managers and developers.

### Who are the mediators?

CAI mediators are individuals who have been trained in mediation skills through an educational program specifically developed by the Chapter (NJ Community Associations Institute). A list of mediators will be sent to the party upon receipt of the ADR request form.

### How can I request ADR?

Anyone requesting ADR should send a separate and succinct letter to the Board of Trustees stating the issue(s) in dispute. It is imperative that the request be in written form. Your letter should list each issue, provide a sentence or two of facts and include a cite to applicable governing document provisions or laws you believe the Association is violating.

### What types of issues are covered under ADR?

In addition to its protective role, ADR is intended to provide homeowners with a means to address issues such as the Board making unilateral decisions for which the governing documents require owner approval, unequally enforcing rules

or failing to have any maintenance done within the complex – as opposed to fixing maintenance priorities with which individual owners may disagree.

Matters pertaining to the Board's exercise of legitimate discretion or business judgment are not addressable through ADR. For example, if you believe the Board is not adequately overseeing a contractor's performance or enumerating duties in a contract – that is not an ADR matter. Similarly, if the Board does not maintain the repair and maintenance standards you think it should – that is not an ADR matter. Those types of issues are for the community to decide when electing Board members.

### What is the cost and who pays?

The first time that a homeowner requests ADR, the \$200 fee is absorbed by the Association – in other words by all of the homeowners in the community. If a homeowner requests another ADR for the same issues, the NJ Department of Community Affairs may decide that the cost be split between the requesting homeowner and the Association.

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## Bill of 'No' Rights

*The following was written by Georgia State Representative Mitchell Kaye, Cobb County, GA. It has been widely published in several newspapers and can be found on many different web sites. We though you might find it interesting, if not humorous.*

"We, the sensible people of the United States, in an attempt to help everyone get along, restore some semblance of justice, avoid any more riots, keep our nation safe, promote positive behavior, and secure the blessings of debt free liberty to ourselves and our great-great-grandchildren, hereby try one more time to ordain and establish some common sense guidelines for the terminally whiny, guilt ridden, and delusional. We hold these truths to be self-evident: that a whole lot of people are confused by the Bill of Rights and are so dim that they require a Bill of No Rights."

**ARTICLE I:** You do not have the right to a new car, big screen TV or any other form of wealth. More power to you if you can legally acquire them, but no one is guaranteeing anything.

**ARTICLE II:** You do not have the right to never be offended. This country is based on freedom, and that means freedom for everyone -- not just you! You may leave the room, turn the channel, express a different opinion, etc., but the world is full of idiots, and probably always will be ... and like the rest of us you need to simply deal with it.

**ARTICLE III:** You do not have the right to be free from harm. If you stick a screwdriver in your eye, learn to be more careful; do not expect the tool manufacturer to make you and all your relatives independently wealthy.

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**ARTICLE IV:** You do not have the right to free food and housing. Americans are the most charitable people to be found, and will gladly help anyone in need, but we are quickly growing weary of subsidizing generation after generation of professional couch potatoes who achieve nothing more than the creation of another generation of professional couch potatoes.

**ARTICLE V:** You do not have the right to free health care. That would be nice, but from the looks of public housing, we're just not interested in public health.

**ARTICLE VI:** You do not have the right to physically harm other people. If you kidnap, rape, intentionally maim, or kill someone, don't be surprised if the rest of us want to see you fry in the electric chair.

**ARTICLE VII:** You do not have the right to the possessions of others. If you rob, cheat or coerce away the goods or services of other citizens, don't be surprised if the rest of us get together and lock you away in a place where you still won't have the right to a big screen color TV, pool tables, weight rooms or a life of leisure.

**ARTICLE VIII:** You do not have the right to a job. All of us sure want you to have a job, and will gladly help you along in hard times, but we expect you to take advantage of the opportunities of part time jobs, education and vocational training laid before you to make yourself useful.

**ARTICLE IX:** You do not have the right to happiness. Being an American means that you have the right to PURSUE happiness – which by the way, is a lot easier if you are unencumbered by an overabundance of idiotic laws created by those of you who were confused by the Bill of Rights.

**ARTICLE X:** This is an English speaking country. We don't care where you are from. We welcome you here. English is our language and like the one you left behind, we also have a culture. Learn it or go back to the country and the living conditions you were fleeing.

## Becoming a Part of History

Over the past few months, the Brick Township Municipal Utilities Authority has been campaigning its customers to support the Brick Reservoir program by sponsoring components of the recreational areas that will be constructed on the reservoir property. As a major customer of the BTMUA, the Trustees felt that it would be appropriate for Drum Point Village West to support this program.

At the 9/10/03 meeting of the Board of Trustees, a resolution was passed to have a paver stone at the reservoir dedicated to our homeowners. Accordingly, the Association paid a one-time sponsorship fee of \$75 to order a 12-inch by 12-inch paver stone. The stone will be inscribed with the words "The Homeowners of Drum Point Village West Condominium Association." This paver stone will become a permanent part of the Reservoir property and will be installed near one of two fishing stations located around the perimeter of the reservoir. "

## Exceptions to the Rule

As many of you are aware, the Covenants Committee inspects all units for conformity to our Rules and Restrictions. This is done periodically, in much the same manner as that for most Community Associations like ours. The Restrictions in the Master Deed are intended to maintain visual harmony and quality of life for our residents, and this helps to maintain our Property values.

We understand that there are homeowners who feel that we are too strict in enforcing the Restrictions, and there are others who feel we are not strict enough. We were recently told by one of our homeowners that she had lived in a community where they were permitted to have flowerpots, but the Association rules specified the size, color and materials the pots were composed of.

We have reviewed the Rules and Restrictions of many other Community Associations and found that ours are fairly typical – if not somewhat more liberal than most. If you go onto the Internet and search for Condominium Rules, you will be able to see some of them for yourself. At the very least, it can make some interesting reading.

The Board has tried to be as flexible as possible within the structure of our rules in allowing residents and owners to personalize the areas around their units. Unfortunately, it is not possible to develop restrictions that will cover every eventuality without severely limiting what homeowners may do. Therefore, the Board has allowed up to two approved exceptions to the Restrictions for homeowners. These exceptions need to be requested by the homeowner and approved by the Board. In this way, we can provide appropriate guidelines as to what is likely to be acceptable to the majority of the homeowners, and to keep track of what exceptions were approved for each unit.

The following is a list of some of the exceptions that have already been approved:

<u>Exception:</u>	<u># Of Units Approved</u>
Up to 12 flower pots (up from 8)	11
Bird Baths	10
Single lawn ornament over 18 inches high	2
Up to 4 lawn ornaments under 18 inches high	2
Very low wattage solar powered lights	2
Bird deterrent caps on privacy divider fences	1
Flag pole in landscaped area	1
Dog cage on patio	1
Bird houses	1

It is the Boards' policy that **no unit may have more than two exceptions**, and generally, exceptions will only be approved when all other violations attributable to the unit have been corrected. The Board maintains a list of the approved exceptions and copies of the homeowners' requests for them.

If you have any questions about what can be placed or stored outside your unit, or you have any questions about what might be approved as an exception, please contact the Association. We'll be happy to answer your questions. "