



Smoke Signals

Volume 4 Number 1

DRUM POINT VILLAGE WEST

November 2005



Holiday Decorations

With the approaching holidays, many homeowners will be decorating the exterior of their units. While everyone looks forward to the beautiful holiday displays, please remember the following when installing holiday lighting and decorations:

- For this year, holiday lighting and decorations may be displayed between November 26th and January 28th
- Decorations and lighting must not be attached to nor damage the buildings, siding and other Common Elements. There are widely available plastic hooks that allow lights to be hung from gutters without attaching the lights directly to the gutters, nor damaging them.
- Decorations and lighting may be attached to the shrubbery and landscaping in the common areas – no damage please
- Decorations and lighting must be kept within 10 feet of the exterior walls of the units
- If you have any questions about holiday decorations, please ask a trustee or give us a call



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Snow Removal Plan

Two years ago the homeowners approved changes to the master deed related to the responsibility for snow removal. This is the plan for snow removal for the coming winter season:

- If snow accumulation for a single snowfall is less than two inches, no snow removal nor will ice control will be done. Under these circumstances, should you desire snow removal or ice control, it will be your responsibility and you are welcome to do so.
- For a single snowfall of greater than two inches, snow removal will commence at the end of each snowstorm. In this case the Association will:
 - Have the streets plowed as quickly as is reasonable. Cars parked on the street will not be dug out and may actually interfere with the snow removal process. Please make all attempts not to park on the street during snowstorms.
 - Clear the designated off street parking areas where there are no cars, and dig to within a foot or so of any cars parked in these spaces. To avoid the potential liability of our contractor damaging vehicles, the owner of the vehicle will be responsible for clearing the remaining snow from the vehicle and surrounding area.
 - Have the driveways shoveled to within a foot or so of any cars parked in these spaces. To avoid the potential liability of our contractor damaging vehicles, the owner of the vehicle will be responsible for clearing the remaining snow from the vehicle and surrounding area.
 - Clear a three-foot wide path up the walkways and steps to the front of the units. If you have benches or other personal items along your walkway that prevent us from clearing a three-foot wide path, then as wide a path as practical will be cleared.

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Next Board Meeting

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

January 11, 2006 at 7:00pm
Century 21 - Solid Gold Realty
721 Brick Boulevard
Brick, New Jersey

... Snow Removal ...continued from page 1

- o Apply a single application of appropriate snow/ice control chemicals to front walkways, steps and driveways after the snow has been cleared. Please note that this will be done only ONCE per snowfall/storm. If you require additional snow/ice control, you are welcome to apply your own.
- o Clear fire hydrants or coordinate with the township to have them cleared
- o Clear the sidewalk along the Manhattan Drive entrance roadway to the school bus stop
- o Create access to the mail boxes for homeowners and the USPS
- The association **will not**:
 - o Clear snow or ice from patios
 - o Remove ice from gutters as this is often impractical and could damage the gutters
 - o Clear snow from any unit's flues or vents. This is the homeowner's responsibility. Keep in mind that using your dryer or gas-fired fireplace while its vent is clogged can be extremely dangerous.

Reserve Account Q&A

The following is a question from another association:

Q: The policy of our condo board – not DPVW's -- is to use the replacement reserve fund and the budgeted reserve amount for operating expense shortfalls. They have done this in 2001, 2003, and 2004, for a total of approximately \$41,000. Now the fund is practically depleted. The declaration and bylaws state that an amount has to be budgeted for reserves and a fund should be established; however, it does not state that the fund can be used for budget shortfalls. Is what the board is doing with the reserve fund legal?

A: As you suggest in your question, it is not uncommon for associations to "borrow" funds from their reserve account to cover budget shortfalls. However, the association should classify this as a loan from the reserve account and also have a plan to pay the money back. If the board fails to do so, there could be consequences to the association.

Robert B. Kogen is a principal with the law firm of Kovitz Shifrin Nesbit, in Buffalo Grove, Illinois.



Whoa!!!

We have received numerous complaints about residents driving through the community at excessive rates of speed. Please keep in mind that our streets are narrow and curved. There are frequently children out playing in the streets, residents walking dogs, etc.

Please be mindful of your neighbor's and your safety. 15 MPH is a reasonable and safe speed for this area.

Condo Law Q&A

The following are general questions and answers about condominium association operations in the state of New Jersey. Answers are provided by the Community Associations Institute (a non-profit organization representing the interests of homeowners and associations), or by DPVW officers, or both:

What are the general community association statutes in my state?

CAI: The New Jersey Condominium Act (NJSA 46:8B-1 et seq.)

DPVW: The act is currently being reviewed by the state legislature. There are multiple changes that could affect DPVW operations, but none of those changes are expected to cause dramatic changes to the way DPVW conducts its business.

How often must my community association board of directors meet?

CAI: No specific requirement.

DPVW: The new law might require at least one meeting each calendar quarter. DPVW tries to conduct a meeting at least every two months, but no less than four times per year.

Which meetings of my board of directors are open to all homeowners?

CAI: Any meeting at which a binding vote of the board is to be taken must be open to the owners, except meetings or portions of meetings where the following topics will be discussed:

- (1) Any matter the disclosure of which would constitute an unwarranted invasion of individual privacy;
- (2) Any pending or anticipated litigation or contract negotiations;
- (3) Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer; and
- (4) Any matter involving the employment, promotion, discipline or dismissal of a specific officer or employee of the association.

Do I have the right to speak at meetings of my board of directors?

CAI: An owner does not have the right to speak as a matter of law.

DPVW: Except under unusual circumstances, homeowners may speak at open meetings of the board. The board does reserve the right to place time limits for any one unit's speaking time – typically 3 minutes per unit.

Do I have a right to review records of my community association? And, if so, what records can I review?

CAI: Yes. You may review all records maintained in accordance with generally accepted accounting principles.

DPVW: We place more than the minimum required records on our web site each month. Should you wish to view additional items, you may do so provided you provide reasonable advance notice. While DPVW does not strictly require this, we do ask that any requests be specific in nature – i.e., I want to see all invoices for critter and pest control for the months of July and August of 2004. All reasonable requests for access to financial records will be granted.

... **Condo Law Q&A ...continued from page 2**

Do I have to pay for copies of the records?

CAI: Yes.

DPVW: When more than a few pages are requested, DPVW may charge the requestor for any cost incurred.

What are the reserve requirements in my state?

CAI: None

DPVW: We accumulate reserves based on the board's estimate of future needs for replacing major common elements such as roofing, siding, painting, etc.

Can my association increase assessments? And, if so, how?

CAI: Under typical bylaw provisions, the board may increase assessments by the adoption or amendment of a budget by the board of trustees.

Can my community association foreclosure on my property if I do not pay my assessments?

CAI: Yes. In New Jersey judicial foreclosure is always used, even though there is a non-judicial foreclosure statute.

DPVW: Fortunately DPVW has never had to resort to this action, although, if necessary, it could do so.

Are there state laws that regulate whether I can be fined by my association?

CAI: Yes, under the Condominium Act.

If I do not pay my fines, can my association foreclosure on my property?

CAI: Under most master deeds or declarations, fines, if unpaid, may be collected in the same manner as common expenses. This means that in most instances, the fine can be converted into a lien, and may be foreclosed.

DPVW: Fines are collected in the same manner as common expenses.

What can my association do to collect fines?

CAI: Under typical bylaws the association may file a lien, may pursue a personal money judgment, may foreclose a lien that's been filed, or may deny privileges of membership for non-payment of a fine.

Procedure for Election of Association Officers

Some of you may be wondering what the process is for electing the officers on our Board of Trustees. According to our By Laws (Article VII, Section 2):

"The officers of the Association shall be elected annually by the Board at the first Board meeting following the annual meeting and such officers shall hold office at the pleasure of the Board."

This means that the Board members – not the homeowners – elect their officers each year. Each year either two or three Board positions are open for election. Once the homeowners vote to elect the Board members or Trustees, the Board then elects its officers. The Treasurer and Secretary do not need to be trustees. In that case, they would serve in the capacity for which they have been elected, but would have no vote on the Board.

Our By Law regarding this process is typical of most, if not all Condo Associations.

Our current officers are:

President	(Trustee) Bob Martin
Vice President	(Trustee) Gene-Ann Pesano
Secretary	Paula Groppe
Treasurer	(Trustee) Ed Kocher

New Covenants Committee

At a recent board meeting Scott Stanford was appointed by President Bob Martin to head up the Covenants Committee. At that meeting, two homeowners graciously volunteered to serve on this committee. They are Isabel Byrne and Herb Armstrong.

Why is this important? It is the duty of the Covenants Committee to "assure that the Condominium will always be maintained in a manner:

- Providing for visual harmony and soundness of repair;
- Avoiding activities deleterious to the esthetic or property values of the Condominium;
- Furthering the comfort of the Unit Owners, their guests, invitees and lessees; and
- Promoting the general welfare and safety of the Condominium"

This is spelled out in the By Laws Article IX, Section 1 in more detail.

In short, it is the activities of the Covenants Committee which assures us that our community will be esthetically pleasing, safe and comfortable. These are the very things that keep our property values maximized.

Over the next few weeks and months, some of you may receive letters from this Committee requesting that you correct certain violations. The violation you may be asked to fix might be taking in your garbage can at the end of collection day, or removing items from the common areas. Please be assured that if you have received a letter, then the other owners who have similar violations have also received a letter. When violations are not corrected in a timely fashion, the Covenants Committee also has the authority to assess fines.

If you should receive a letter and you feel that you are not in violation of any rule or restriction, then you may appeal to the Board of Trustees for a hearing. At a closed session of the Board – for your privacy – you will have the opportunity to explain why you are not in violation. In the past, when a homeowner has felt that he/she is not in violation we have almost always handled it in a friendly and private manner. Sometimes the homeowner is not in violation and a simple mistake has been made.

We should all be grateful to the three homeowners who have volunteered to do this job –Scott Stanford, Isabel Byrne, and Herb Armstrong. It is not an easy one!

Neighborhood News – Resale Values

Here are some of the homes that have sold this year. We thought you might all be interested in seeing what our property values are:

Unit Type	Bedrooms	Baths	Selling Price
Mignatti	3	2 ½	\$285,000
Mignatti	3	2 ½	\$296,000
Mignatti (Cape May)	3	2 ½	\$328,000
Miller	2	2 ½	\$315,000
Miller	3	2 ½	\$272,000

Be a Considerate Neighbor



Please Clean up
After Your Pet!

Important Phone Numbers

Government Agencies

Emergency	911
Police, Fire, Ambulance	
Police (non-emergency)	732-262-1100
Poison Control	800-222-1222
Board of Health	732-341-9700
Brick Municipal Utilities	732-458-7000
Garbage Pickup	732-262-1085
Library (Brick Branch)	732-477-4513
Domestic Violence Hot Line	800-572-7233
Post Office (Main Branch)	732-477-0100

Drum Point Village West

Phone	732-886-7941
e-mail	admin@dpvw.com

Garbage Can Etiquette

We have received complaints from homeowners telling us that they have found other people's trash in their garbage cans on the morning of garbage pickup.

At first, we were a little surprised that people felt so strongly about their garbage cans. After all, they are just garbage cans, right? However, after some thought, we came to the conclusion that many homeowners are very careful about keeping the inside of their cans spotless. Imagine going out your door in the morning to put that last bit of trash in your can, only to find that someone else has placed an open bag of smelly kitchen garbage in it, and the contents have spilled out and made a mess! You'd be just a wee bit upset, wouldn't you?

We can only surmise that some homeowners run out of room in their own garbage cans every so often. So, the night before garbage collection, or very early the next morning, they "hunt" for space in other cans along the street. While some may consider this a resourceful approach to solving a problem, others may feel that this is an invasion of their rights and privacy.

If you are a "hunter" of garbage can space, we ask that you please make arrangements with your neighbors and please ask for their permission prior to using their garbage can. If you find that you need a larger garbage can, or a second can, please contact the Township at 732 262-1000.

Garbage and Recycle Calendar for 2006



For DPVW, the regular garbage collection day is Wednesday, and recyclables are collected on Thursday. However, when a holiday falls on or before our collection day, collection(s) delayed by one day. The following is a list of the 2006 Township Holidays and how they affect garbage and/or recyclables collections:

Date	Holiday	Garbage Delayed?	Recycles Delayed?
01/02/06	New Year's Day	Yes	Yes
01/16/06	MLK's Birthday	Yes	Yes
02/20/06	Presidents Day	Yes	Yes
04/14/06	Good Friday	No	No
05/29/06	Memorial Day	Yes	Yes
07/04/06	July 4 th	Yes	Yes
09/04/06	Labor Day	Yes	Yes
10/09/06	Columbus Day	Yes	Yes
11/07/06	Election Day	Yes	Yes
11/10/06	Veteran's Day	No	Yes
11/23/06	Thanksgiving	No	Yes
12/25/06	Christmas Day	Yes	Yes

Garbage cans and recycle bins should be kept inside of your garage except the evening before and day of collection.