



102 S. Plymouth Court, Southampton, NJ 08088-1376
(609) 859-8001 caa@leisuretowne.org
FAX (609) 859-0195 www.leisuretowne.org

LeisureTowne Association, Inc.
Approved Minutes from Open Meeting Via teleconference
October 27, 2020

Board Members Present: Larry O'Rourke, President; Roger DeCillia, Vice President; Rich Teahan, Treasurer; Kevin Boyd, Assistant Treasurer; Carolyn Hall, Secretary; Bob Quinn, Trustee.

Board Member Excused: Peg Foster, Trustee.

Also Present: Greg Shivers, Community Attorney; Nancy Saunders, Association Manager.

Call to Order – Larry O'Rourke called the meeting to order at 7 pm.

Approval of Prior Meeting Minutes

Motion made by R. DeCillia and seconded by C. Hall to approve the 9/29/20 Open Meeting minutes. Minutes approved.

Larry O'Rourke: Mary Ann Fussco from Seneca High School has indicated that Senior-to-Senior Clean Up Day Is cancelled. The school buses are not being made available and the kids are not permitted to drive on their own for liability reasons.

Larry O'Rourke: The Board thanks the Shop Rite Pharmacy and pharmacist, Alicia, for making the drive through flu clinic a success. A special thanks to all the TOUCH volunteers, Carolyn Hall, Kathy Agolio, BOT Members Bob Quinn and Roger Dicillia and the honor students that helped out. Super special thanks to our friends at Hampton Lake Fire and EMS teams for all they do for LT.

COVID-19 Impact on the Community- Gregg Shivers

The Board has been constantly re-evaluating the difficult decision to keep the amenities closed. The original decision to close the amenities was based largely on my advice and the Board has asked me if my advice has changed. Sadly, it has not. In fact, as discussed below, the politicization of the issue has put Associations like LeisureTowne in an even more precarious position than they were in at the start of this pandemic.

As you have been previously advised, there is no insurance available to protect the Association and all of its members from a lawsuit claiming that an individual, or more likely a group of individuals, has/have contracted the virus because of the Association's negligence. Such a lawsuit, even if ultimately unsuccessful, will cost the Association significant, unbudgeted attorney fees to defend. If such a suit *was* successful, it would likely be a very large verdict which would have to be paid by a special assessment against every member.

The Board also cannot ignore that this community is made up largely of people in the age group that is most vulnerable to a catastrophic outcome if they were to contract the virus. The Board has a fiduciary duty to the members to take reasonable steps to protect the health and safety of the members and that is a duty that the Board and I take very seriously.

So, why has my opinion not changed? Because nothing about the virus has changed in any positive way since the spring. The numbers are going up again, there is no vaccine, no cure and the scientific knowledge being gained about the virus only seems to suggest that it is even more dangerous than originally thought - many survivors are being left with a number of serious long-term problems. Therefore, all of the risk factors that lead to my original advice (and the advice of the vast majority of attorneys in this field) has not changed.

Another factor which adds to my opinion is that, if the amenities were opened, it would have to be with very expensive staff additions (monitoring and cleaning) and with new safety rules in place which would have to include masks and social distancing. As we have seen frequently on TV, there are folks who refuse to wear masks and follow social distancing and other safety precautions. The Board and staff are not equipped, nor do they have the power, to become the “mask police” and therefore it is quite possible that anyone who brings a lawsuit will be able to point to instances where the Association’s own safety rules were not followed. That would increase the likelihood of liability in such a case and also increase the already substantial chance that any waivers that were signed would not be enforced by the courts.

The question that I am asked frequently is, if we cannot open now, when can we open? Until there is more information or a change in circumstances, that question is impossible to answer. The situation right now is that the financial and physical risk to the Association and its members is too high to justify reopening. Once things happen to reduce that risk (e. g. an immunity bill from the State or Federal government, a vaccine that protects individuals, readily available and reliable instant testing, etc) then the Board will be in a better position to reopen.

Rules and Regulations- Carolyn Hall

1. Tracking Mechanism for complaints from beginning to end is in place.
2. Enforcement processes are being reviewed and compared to what the rules are as stated in the documents. Certain types of infractions can be worked on quicker than others.
3. Nine Rules and Regulations were reviewed and revised. These include holiday decorations, clothes drying, mailboxes, snow removal ,awnings, wood storage, lawn and bed ornaments, sidewalks and flags and flagpoles. Three more have been added (exterior furniture, trash and recycling and solar panels). There is a total of 64 rules and this process will take over a year to complete. Once completed it will go through legal review and then be sent out to the community for comment prior to final approval.

Maintenance Projects- Roger DeCillia

- The gate to the RV Lot has been repaired at a cost of \$6,690. Those residents with items parked in the RV Lot must obtain a remote control to operate the gate and enter the storage lot. There is a \$50 security deposit required that will be returned to the resident once they no longer need storage at this facility.
- The fire gate at Hampton Lakes FD is currently in the process of being worked on for a cost of \$10,225.
- A Ford F-250 Pick-up truck for use by the Maintenance Team was purchased for \$44,900.
- The installation of a fence at the dam spillway is waiting for official township zoning approval.

Treasurer’s Report- Rich Teahan

- As of 9/30/20 the operating cash balance is \$682,461.08 and reserve cash balance are \$3,655,141.08 with a collection rate of 97%.
- Investments will be reviewed at a meeting next month with the investment firm to see if there are more options to increase interest earned.

Lakes and Ponds- Kevin Boyd

- On 10/1/20, the Board met with an engineering firm to review the storm water management of the lakes and ponds. The Board requested a proposal from the firm to move forward with testing of the lakes for remediation.
- The Board asked the strategic planning group to discuss and create questions for a resident survey regarding Look Out Park. Residents who would like to participate in the survey should provide their email information to contactlist@leisuretowne.org.

Landscaping- Bob Quinn

- P. Foster and B. Quinn met with Merit Landscaping to establish a plan for each of the buildings for plantings. This will be done in a phased approach.
- P. Foster is working on a reconciliation of the leases to see if landlords are complying and correct documentation is being provided.

New Business

1. Motion to approve two work orders with Bello Casa LLC for additional work that was unknown at the time of contract for the renovations at the new Fitness Center located in Friendship Hall was made by L. O'Rourke and seconded by R. DeCillia. The total cost of these two work orders is \$3,895 for the additional drywall and a correction to the concrete slab. This is a reserve expense. Motion passed.
2. Motion to approve the write-off of uncollectable assessments in the amount of \$29,006.18, representing nine (9) accounts that are uncollectable funds due to homes that were foreclosed upon and sold at Sheriff Sales was made by L. O'Rourke and seconded by R. DeCillia. Motion passed.
3. Motion to approve Melissa Southard as a full-time employee as the Finance and Human Resource Assistant effective October 19, 2020 was made by L. O'Rourke and seconded by R. DeCillia. Motion passed.
4. Motion to approve additional funds expended in the amount of \$2,983.63 for the purchase of the Ford F-250 Truck, approved at the 9/29/2020 meeting was made by L. O'Rourke and seconded by R. DeCillia. Motion passed. The original approved price did not include sales tax and motor vehicle fees.

Reading and Answering of the Members Questions- Larry O'Rourke

John Goudy - 794 Westminster Drive

What advancements has the board made this month to create a culture of road safety in our LeisureTowne Community ? (ie. police involvement, safe driving program, Speed reduction attempts, bicycle lane on Westminster to narrow the highway, speed humps. In light of the appointment of a new commander of the Red Lion State Police barracks, Have you scheduled a meeting to express concerns about speeding and reckless driving in our community?

Larry O'Rourke: Thank you for your question John. Firstly, to be clear there were no commitments made to create a culture of safety, this is your term John. Our commitment was to investigate what is possible and what the residents' desire is in terms of speed hump specifically.

As previously stated this is an issue in which passions run strong on both sides – both for and against. The next step in the process is to assess the community's desires by virtue of a survey. The survey draft is crafted and it will be the second survey to be conducted. Look out Park is the first survey which will be distributed. As to your second question, I am aware of the command change at the barracks. There was an in person meeting scheduled this week as a matter of fact, however due to my mother who lives in LT being hospitalized I postponed that meeting. I will reschedule when appropriate. I originally arranged for this meeting with the help of our Mayor who has been supportive and helpful. The purpose of the meeting is to re-establish a better relationship with the S.P. - Community safety, while important is just one of the agenda items.

Donna Haines - 11 Westminster Drive

In the Southampton Township minutes, Trustee Corner and Nextdoor Network I have been reading about the movement to have speed bumps installed in Leisuretowne (which I very much oppose). Is this a decision made by Southampton Township or Leisuretowne Board of Trustees and do the residents get to vote?

Donna – The matter of speedbumps will be decided by LT BOT with input from the community – as is prescribed in our governing documents - hence the survey. Is the only reasonable and efficient way for us to assess the community's thoughts and desires

There was an article in the Burlington County Times regarding safer traffic round-a-bouts. Has Leisuretowne ever looked into using round-a-bouts to slow down the speeding traffic? If not, please consider it.

Larry O'Rourke: Interesting idea Donna - in my discussions with civil engineers this approach more often solves problems with traffic flow control and the desire to reduce crashes at intersections. Great out of the box thinking.

Jane A Steinlauf - 765 Westminster Dr N

FIRST QUESTION: what is the time frame a resident can expect an answer to a question that they emailed to Leisuretowne Association? I sent two emails on Monday October 12. Nancy Saunders acknowledged receipt on Thursday October 15. (3 days) And advised my questions was forwarded to the BOT. Today is October 23, over a week later, and there hasn't been any response to either email. So? Why? I'm still waiting. Thank you.

Larry O'Rourke: Thank You Jane – Three days is certainly an acceptable timeframe for a reply to non-critical issues. Questions are first reviewed by the community manager and if Nancy can address it, she does. She is very good at responding. Issues, which are non-critical and are forwarded to the BOT just take a bit longer. Critical issues are address immediately including nights and weekends. This BOT meets twice weekly as opposed to some past boards which met once or maybe twice a month. Keep in mind we are volunteers with some of us generously donating 30 to 40 per week to LT. Feedback is provided based on the criticality of the request. Finally, just to clarify, your questions revolved around Mr. Softee and asked why it was discontinued as well as you offering an opinion on speed bumps. Nancy rightfully acknowledged your emails and indicated she would inform the BOT – which she did. Your opinion was noted.

The Mr. Softee was inquiry was regarding your statement indicating you were owed an explanation as to why the BOT suspended access of Mr. Softee to LT on the common property. This information was provided through a number of venues including robo calls, TC articles and emails between the originator of the request. Mr. Shivers also addressed this issue this evening. Regrettably the BOT is not a full time compensated management team and therefore needs to make decisions as to where we invest our time and attention. – I am sorry but no other explanation will be forthcoming.

Debra Turner - 30 Chelsea Pl

I have an issue with a downed street light. I've made many attempts to have this situation solved with PSE&G to no avail. They did remove the pole a couple months ago and replaced it with an orange cone. I'm guessing that cone is covering live wires. I've talked to Amy in the office who said she is also having issues with PSE&G responding.

This is a dangerous issue. People walk at night. Some walk their dogs at night. I take my trash out at night and cannot see the sidewalks, etc. next week clocks are turned back making it darker even earlier. Should someone get hurt who gets the blame?

The missing pole (orange cone) is at 30/32 Chelsea Pl.

I'm hoping someone can look into this and have it remedied.

Larry O'Rourke: Debra – we share your concern regarding street lighting. I have confirmed that the downed light was reported by LT. The light according to our records is owned by PSEG not JCPL. That said, we have no leverage or sway over JCPL or any other power company.

Regrettably, the mean time to repair downed lights is months not days. The power companies do not consider these matters a priority. We do track and report the down lights to the township as well and sadly they too have no real leverage. There are currently a total of six downed lights in LT. The power company did confirm that the wires are no longer live. We have escalated all LT downed lights to our township partners in hopes that they can exert additional pressure. We have also decided to add a street light czar – soon to be named to drive resolution to the downed lights now and going forward.

Tom Haluszczak - 792 Westminster Dr. N.

QUESTION# 1: Why aren't we retaining competent Counsel to craft our Rule Revisions instead of wasting valuable time on laypersons proceeding at a snail's pace – for a work product that's only going to have to be re-drafted by a lawyer to make it conform to New Jersey legal requirements? Why is the Board not taking a more professional approach to this critical need of our Community?

Larry O'Rourke: Tom thanks for your entertaining screed. We are not using lay people per say, the folks working on a proposed draft are members/past members of the ACC, CC and ADR committee. People who know and understand LT. Unlike past boards, this board is comprised of highly educated professional people from financial, business, engineering, public health and executive roles. Secondly, as advised by competent council, we were asked to draft rules that makes sense for LT as a starting point and then will work with counsel to structure the rules to adhere to legal requirements. Cookie cutter rules, while fine for other communities, may not be the best fit for LT. One final note, the depth and complexity of these roles along with the effects of unintended consequences requires a thoughtful and cautious approach. If you wish to donate your time as you are an attorney, we would welcome the free legal advice.

As far as cheapskates, yep, as duly elected representatives of LT with a fiduciary responsibility for our funds we are looking to do things without having to significantly raise the monthly assessment which we are told over and over and over again is the community's number one concern, So, as you know Tom, this is a balancing act.

QUESTION #2: The "Back Gate" continues to be wide open, impacting our security and safety. Can we expect the Board to complete this repair anytime soon or shall we all pass the tin cup?

Larry O'Rourke: Tom, if you would like to make a donation above your 77 dollars a month, make the check payable to LeisureTowne. We love donations just like our friends at touch made. Gates and parts were ordered several months ago. The front RV gate was repaired/replaced and is now secured. The rear gate required a custom fabrication. Parts are in short supply due to covid manufacturing backlogs which I have stated previously. We speak with the vendor who

updates us weekly. The parts will be installed when they arrive. No sooner. There has been zero increase in crime in LT as a result of the gate not functioning. Have there been curiosity minded people walking through our community, which I will remind you is not a gated community. There have been no reports of problems. The gate will become operational when the installers have completed their tasks. Fingers crossed – next week.

Kathy Agolio - 54 Gramercy Place

Has there been any progress in determining if JCPL and/or LeisureTowne maintenance staff can provide mitigation to JCPL access road from Gramercy Place to Big Hill Rd? Aware that our staff mows that area but there is a need to clear the sides. Not sure what is JCPL's responsibility. Thank you,

Larry O'Rourke: Thanks Kathy – before I answer your question, I just want to recognize all that you do and have done for LT. You truly are an asset to our great community.

Now, to answer your question –

The township has in the past done clearing however, going forward they are unwilling as they indicate that the area is not their responsibility. Our great maintenance team has and will clear and maintain to the extent they can do so safely. The grading of the land is a bit of a challenge. Myself along with Marc and Nancy will be happy to walk the area with you Kathy to document what exactly we want done and where. Nancy will then coordinate with the grounds team at JCPL and push till we get the area remediated.

Debbie Massey - 68 Huntington Drive

The last BOT meeting minutes posted on the Leisuretowne website are dated July 28, 2020. I can't seem to find the Aug 25 and Sept 29 meeting minutes. When will those minutes be posted, and how soon after a meeting should we expect to see the minutes posted?

Larry O'Rourke: Thanks Debbie. Minutes aren't posted until they are approved at a subsequent meeting so we will always be 1 month behind. I did ask that the site be updated and they should now be current.

QUESTION #2: It was mentioned during the Sept 29 BOT meeting that the Rules and Regulations Committee is working on re-evaluating current rules. What are the steps for LT residents to review and provide feedback on the rules before they are finalized and published?

Larry O'Rourke: The rules committee and the entire Board of Trustees is working diligently to reexamine and evaluate the full set of rules and do so in a thoughtful and a manner consistent with current governing documents. Nothing had changed. Our commitment remains the same; our residents will have full visibility into what is being done, an explanation as to why and finally an opportunity for public comment.

Larry O'Rourke: Note: There were two late submissions that didn't make the deadline Joe Nicotra and a revision to a previous question by Debbie Massey. Didn't want to ignore either.

Debbie I believe I addressed the revision in other commentary I have made. Joe, I believe Gregg Shivers also addressed your question.

COMMENTS FOR THE GOOD OF THE COMMUNITY

LEISURETOWNE'S RULE DEBACLE

Tom Haluszczak - 792 Westminster Dr. N.

All communities have Rules. They are usually called "Ordinances" and are drafted by municipal lawyers working in concert with City Officials (often lawyers themselves). Lawyers draft these Ordinances because key requirements must be built-in: due process, notice, proportionality, substantial compliance parameters, challenge thresholds, reasonable fines, etc. Statute and

Ordinance crafting is a specialized field of law practice, as arcane and case-law sensitive as Estates and Wills or Internal Revenue Regulations. Not all lawyers go near it. We are talking about Rules that govern how we live. Rules that determine our quality of life. What we are expected to do and what we can expect from those we live next door to.

Here in LT our Rules (all 50 or more of them) are being laboriously “revised” and “reconciled” by a committee of laypersons at a snail’s pace of one or two a week – which means it will be next year until our “New” Rules will be unveiled, even longer for them to pass legal muster and actually become functional.

WHY are we entrusting this task to laypersons? WHY not let a qualified law firm handle this job, set a deadline and get us up and running? WHY are we re-inventing the wheel? WHY NOT get a copy of the newest, cutting-edge Rules from the newest Senior Communities in New Jersey and adopt all or part of them – with their permission, of course. WHY are we suffering through this inane Rule revision when it’s all got to be redone anyway by experts who know what they’re doing?

Because LT is such a “unique” place with “unique needs” its residents must craft “unique” Rules? That’s just ridiculous.

We are wasting valuable time!

This reeks of cheapness. Now we’re looking forward (next year, perhaps?) to a house-that-Jack-built mélange of layperson-drafted and (knowing LT’s legal advisors) perfunctorily reviewed babble – any or all of which might not survive a Superior Court challenge and cost us even more legal fees in the long run.

Ladies and Gentlemen, I ask you: Just How Broke Are We? I see – we have money to pay for a \$109,000+ gym (\$60K of which was swiped from Touch!!!), new professional workout equipment and resurfacing the “essential” RV parking lot and tennis courts (all Board “Pet” Projects, by the way) BUT not enough cash left to pay lawyers for equitable and enforceable Rules that meet legal criteria and will hold up in Court.

HELLO....TRANSPARENCY, ANYONE?

LET’S RETAIN PROPER COUNSEL, ASSIGN THEM THE RULE REVISION PROJECT, SET A DEADLINE AND ADOPT RULES WE CAN RELY ON WITH CONFIDENCE BEFORE THE END OF 2020. WE’VE HAD INADEQUATE RULES AND LACKADAISICAL ENFORCEMENT FOR FAR TOO LONG. IT’S TIME TO GET THE COMMUNITY BACK ON TRACK.

Next meeting is 1/26/2021.

Adjournment

Motion made by R. DeCillia and seconded by C. Hall to adjourn the Open meeting at 8:07PM.

Motion passed.

Respectfully submitted,

Mary McDevitt
Recording Secretary