



139 Santiago Drive
Toms River, New Jersey 08757

COALITION MEETING

February 1, 2024

MINUTES

"Information discussed or disseminated today is for use by members of the Senior Coalition of Berkeley Township. That information needs to stay in house and there should be no distribution outside the Coalition without prior approval of the Officers".

Call to Order: The meeting was called to order at 10:00 by President Mike Signorile.

Guest Speaker: Matthew Earl, Esq. Chairperson of the CAI's Legislative Action Council.

Corporate Transparency Law:

- Signed into law and became effective 1/1/2024.
- The law requires most homeowner associations to file a beneficial ownership information (BOI) report to FinCEN.
- Associations will have one year to comply (12/31/2025.)
- A beneficial owner is an individual who directly or indirectly through any contract, arrangement, understanding, relationship or otherwise exercises substantial control over the entity, or owns or controls not less than 25% of the ownership interests of the entity.
- Exercise Substantial Control is the standard under which Directors and Officers will be required to register with FinCHEN as beneficial owners. This includes serving as a senior officer of the company or having any direction, determination, or decision power over, or substantial influence over, important matters affecting the company.
- Full legal name, date of birth, current address (business or residential) and a unique identifying number from an acceptable form of identification (unexpired passport, driver's license, or a FinCHEN identifier number, along with an image of the documents used. No personal financial information is required.

- Associations will have 30 days to file an update when any officer or director resigns and/or is replaced through an election.
- It is recommended that in the call for nominations a disclosure that any person elected to the board will have to provide the required information to FinCHEN. Beware and expect that this new law will have a drastic impact on volunteerism.
- FinCHEN guides: <https://BOIEFILING.FINCEN.GOV/HELP>.
- Penalties for non-compliance are \$500.00 per day and willful violations are a felony subject to a \$250,000 fine and up to two years in prison.
- CAI will alert us when it is necessary to file, and Matt will come back with updates.
- Bob Mattson: This is no different that the information required by an association when applying for bingo or gambling licenses.
- Terry LiCausi: recommends that we obtain the information from candidates prior to elections.
- Radburn Law states: To be a trustee a homeowner only needs to be in good standing. Matt: you can have reasonable conditions and as a board you should insert a clause advising that to remain in good standing an individual elected or appointed to the board must be willing to provide any information required by Federal and State agencies.
- Matt will forward the slides from yesterday's CAI Corporate Transparency Webinar. (Already distributed to our membership.)

Structural Integrity/Reserve Studies:

- The tragedy of Champlain Towers changed our industry for the better. This tragedy created concerns and how to address structural integrity.
- Matt briefly reviewed the different parts of high-rise buildings, podium buildings, stores, and apartment structures.
- Florida was the first state to draft legislation. NJ was the second.

The law has two components:

- 1) Covered buildings require inspection of the foundation, cross beams, cross bracing, and columns. When a column fails, it causes collapse.
- Also, Condo and Co-Op balcony inspections are required.
 - First inspection must be done within 15 years after receipt of the certificate of occupancy by a structural engineering company.
 - The engineer will check for deterioration, rusting or other signs that would require repair/replacement and an additional inspection.

- Second inspection must be done within 10 years after the first inspection and then every 5 years thereafter.
- Stick frame construction is exempt.

2. Associations must have Reserve Study funds in place so when there is need for a replacement the money is there, eliminating the need for special assessments. Costs are generally based on twenty-five-to-thirty-year life span.

- The life cycle costs refer to the total cost associated with a building project over its entire life span. It encompasses all expenses incurred over the building's life, including both initial and ongoing costs in order to provide a comprehensive financial perspective for decision making.
- Maintenance: **Preventive:** pre-determined intervals aimed at reducing the deterioration of the component. **Corrective:** maintenance carried out following the detection of a problem with the goal of remediating the problem. and **Deferred:** the postponing of maintenance.
- Law requires base-line funding or threshold funding by association with more than \$25,000 in assets and mandates associations conduct reserve studies every five-years and to abide by the recommendations within.
 - Threshold funding can never drop below a certain amount.
 - Neither can carry a \$0 balance.
- Moneys funding the reserves is divided over the years so funding payments are borne by current and future homeowners.

The 10% definition:

- The law states if you are underfunded you have two years to come into compliance.
- Never go to a \$0 balance in your reserves. Example if your budget is \$10 and you are 50 cents under you have two years to become complaint. \$1 under you have 10 years.
- If a budgetary increase of more than 10% is required, you will have ten years to come into compliance. Equal increases each year on a schedule is fair to homeowners and a rational way to increase.
- The engineer will provide you straight line, threshold and baseline figures. You need to pick one and follow it.

Mulch Fire Code Change (Coming Soon):

- The proposed Mulch Fire Code came about because of the significant number of under mulch fires that have caused significant damage. The

pending fire code states that no combustible landscaping, trees, bushes, or mulch can be placed within 18” of any building.

- Use of non-combustible landscaping is acceptable.
- We will have one year from the date these regulations go into effect to implement them.
- Matt will keep us updated.
- This not only applies to commercial but private residential homes and common use buildings as well.

Terry LiCausi from HC Carefree; Our previous board did not adhere to the Falcon Group Reserve Study and now we are in trouble. There are severe consequences if you do not follow the recommended reserve study. Our recommended amount was \$249,000 yearly. If you cannot get a loan and you do not have the money, it’s a high cost to pass on to the homeowners.

Trustee Terms: Question from Mike Delpome, SRP North: Are there term limits for trustees or does Radburn negate them? Matt There are no term limits for trustees. There are two qualifications: you must be a homeowner and you must be in good standing. Term limits are not legal according to Title 15a and Title 14a. Radburn overrides term limits. However, follow your attorney’s legal opinion.

President Signorile thanked Matt for coming such a long distance to discuss these important issues with the Coalition members. Our regular meeting resumed:

Pledge of Allegiance and Moment of Silence: All stood for the Pledge of Allegiance and a moment of silence for our military and first responders.

Roll Call taken by Secretary/Treasurer Pakay:

Attendance	Attendance	Attendance	Attendance
Mike Signorile	Present	Holiday City South	Present
Vince DeChiaro	Present	Holiday City West	Present
Judi Pakay	Present	Holiday Heights	Present
Barbara Egner	Present	SRP East	Present
Karen Heck	Absent	SRP North	Present
Marietta Kobus	Present	SRP West	Present
Holiday City Berkeley	Present	SRP Westerly	Present
Holiday City Carefree	Present	Sonata Bay	Present

Acceptance of January 9, 2024, Minutes: The minutes from our January 9th meeting were distributed to all members of the Coalition, prior to the meeting, via email. Hearing no additions or corrections motion was made to accept. Minutes stand as written.

Financial Report for the month of January 2024

Opening Balance	\$4,339.46
Deposits:	
2024 Dues	\$
Holiday Breakfast	\$
Interest	\$.03
Expenses:	
CAI 2024 Membership Dues	\$ 305.00
Annual Report	<u>\$ 33.00</u>
Closing Balance	\$3,998.49

The Financial report was read. Hearing no additions or corrections motion was made. Financial Report is filed.

A3725: Buyer age restriction removal on resales. There has been no action taken on this legislation. We will continue to monitor.

Magnolia Open Space Grant: Mike and several members of the Coalition sent an email requesting information. We are waiting for a response. This is found money, \$400,000 has been granted over a 5-year period toward the clean-up of the back end toward Dover Road.

Unfinished Business

SCofBT Website Update

- Members Only Passwords: log in is your first name initial and full last name. The password is your full last name and the first initial of first name. Judi will ask Bill to give permission to our members to change their passwords for confidentiality and security purposes.
- Non-Senior Publishing Newsletters: Flyers need to be sent to Bill at: Webmaster@seniorpub.com

ADR - Barbara Egner

- A second seminar will be held in late March for those who attended the training provided by Caroline Record, Esq. Hill & Wallack - January 23, 2024.

- This seminar will provide detail information on offering ADR, completing the necessary forms, and the proper order of conducting mediation.
 - In the accusatory letter you must offer ADR.
 - Give them 30 days to respond in writing requesting ADR.
 - Proper paper trail.
- This seminar will be held at HC South.

Open Discussion - Management Companies:

- Holiday City Carefree and Silver Ridge Park East are looking into property management companies.
- Mike suggested that at our March meeting we bring in a representative to speak on management companies' responsibility to the Board.

Carol Hudack: Holiday Heights has a 7-member board. 3 members are doing the work of the 7.

- People do not want to volunteer but they want the amenities.
- Trustees will not raise the dues because they feel raising the dues will cost them the election . Year after year it is costing us more money to operate but without a dues increase.
- Social media is killing all of us, yet there is nothing we can do to stop it. No one wants to step out. Our attorney has recommended that when you have homeowners retaliate against you – say nothing.
- It is sad that someone can move in on Monday and run for office on Tuesday because of Radburn requirements: a homeowner in good standing.
- We all need to become stronger and not be afraid of speaking up to our communities. It is a problem for all of us.

Vince DeChiaro, Vice President:

- Continuity of management is gone. You require structure that should be in place.
- A management company is to keep you legal and out of jail and tell you what you need or when you make a bad judgement call.
- Anyone who does not have a reserve is in trouble. Sooner or later the inevitable will happen. You need to be proactive.
- It is very difficult to watch when you have 5 new people come in and undo everything that has been accomplished. Back walk to see if there is anything that you have not finished. Follow through to complete those items and everything is documented and filed.

Zoom HOA meetings:

Mike Delpome of SRP North asked if any HOAs offer zoom attendance at an HOA meeting?

- Mike Signorile responded that it is not a good idea to offer zoom attendance. You do not know who is sitting in the room with the zoom registered homeowner.

Being no further new or old business, the meeting was adjourned at 11:24 am.

Respectfully submitted,
Judi Pakay
Secretary/Treasurer