

By Laws
of
Seacrest Beach Club, Inc.

Revised 1986
Amended 1990 – Reprinted 1995
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Revised and updated 2014

Presidents

Harry Gardner	1956 - 1957
Dr. Joseph C. Banyar	1958
George Von Hote	1959
Charles Zorner	1960
Charles Lyon	1961
Joseph Kuruc	1962 - 1963
Thomas Brennan	1964
Eugene F. Schwarzenbek	1965
Frederick R. McMullen	1966 - 1967
Rev. Donald Cooper	1968 - 1969
Ron Okulski	1970
Paul Giblin	1971
Frank Birkner	1972 - 1973
Garry De Boer	1974 - 1975
Joseph Kuruc	1976 - 1977
Louisa Pellack	1978
Robert Comer	1979 - 1980
Garry De Boer	1981 - 1982
Victor Jacalone	1983 - 1984
James De Rosa	1985 - 1986
George Keenan	1987 - 1989
Robert Schwarzenbek	1990 - 1992
Robert Comer	1993 - 1994
Iris Brennan	1995 - 1996
Brian Timmons	1997 - 1998
Dominick Giordano	1999 - 2000
Rev. Richard Rento	2001 - 2005
Jack Horwath	2006-2009
Robert Schwarzenbek	2010- Present

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The Seacrest Beach Club is an incorporated, nonprofit organization of the members of the Seacrest community, formed to protect their property rights and Seacrest natural resources and to promote sociability and the general welfare for members' safety and enjoyment.

The purpose of the Club is the maintenance and control of the bathing beach and other recreational facilities for the exclusive use of the members, guests or tenants, and to see that high standards of neatness and acceptability of homes and properties are maintained.

These By-Laws, revised and approved by the members at the general meeting held May 2005, have been accepted as the governing instrument of the Seacrest Beach Club.

ARTICLE I - Membership

Section 1 - Eligibility

All property owners or lot lessees at Seacrest are required to be members of this Club. All property owners shall be entitled to one vote per property. Each property owner, or representative, if held in another form, may designate in writing one immediate person to serve and act in the owner's best interest in reference to all matters of the club.

Section 2 - Admission

Persons become members of the Seacrest Beach Club upon (1) the approval of their application for membership and (2) payment in full of all required dues, assessments and initiation fee.

Section 3 – Membership responsibilities

(a) When applicants are accepted into this Club, as members they shall agree to abide by the provisions of the Certificate of Incorporation of the Club, these By-Laws and any subsequent rules or regulations imposed by this Club and established deed restrictions.

(b) Membership shall apply only to lots in Seacrest which are used, or are to be used, for dwelling purposes, and persons admitted to such membership shall be entitled to enjoy all rights and privileges of membership, including the use of the beach front and the facilities of this Club, subject to the provisions of the Certificate of Incorporation of this Club, these By-Laws, the established restrictions and the rules and regulations approved by this Club.

Section 4 - Termination of Membership

Membership in this Club shall automatically terminate when the owner/member no longer owns, leases or has any record interest in any parcel of property at Seacrest.

ARTICLE II - Officers

Section I - Organization

The officers of this Club shall be elected from among members in good standing and shall consist of an eight-member board: A President, whose term shall be for one year and can succeed himself/herself; a Vice-President, whose term shall be for one year and can succeed himself/herself; a Treasurer whose term shall be for one year and can succeed himself/herself; a nonvoting Secretary whose term shall be for one year and can succeed himself/herself. In the event one party is willing to accept both Secretary and Treasurer positions, the Board shall then consist of seven members, all having a vote. There will be four Trustees, one of whom shall be a past President and serve for a term of three years, with a maximum of six years, one being elected every third year. Three Trustees are to be elected from the membership at large and serve for a term of one year and can succeed themselves.

ARTICLE III – Duties of Officers

Section 1 - President

The President shall be the chief executive officer, whose duties it will be to preside at all Club and Board meetings. The President shall call special meetings of the Board, when necessary, and appoint all committees provided for by the Certificate of Incorporation or these By-Laws and any other committees deemed necessary. The Board of Trustees shall set the President's remuneration.

Section 2 - Vice-President

The Vice-President shall assist the President, preside during the President's absence and perform such other duties as may be designated by the President and shall serve as Chairman of the Membership Committee.

Section 3 – Treasurer

The Treasurer shall keep full and accurate records of receipts and disbursements of all funds of the Club in books, electronic media or hard copy backup belonging to the Club. The Treasurer shall deposit all monies and other valuables of the Club in such depositories as may be designated by the Board of Trustees. All records of the Treasurer shall be available at all times for examination by any member in good standing. The Treasurer shall control all expenditures within approved budget allowances. Any major notes or negotiable papers shall be brought before the Board for proper assessment and action as needed. The Board of Trustees shall set the Treasurer's remuneration.

Section 4 - Secretary

The Secretary shall keep records of the minutes of all meetings and shall transcribe such records into a file in order to constitute a permanent record.

It shall be the duty of the Secretary to notify all members of regular or special meetings.

The Secretary shall initiate and respond to any correspondence, as directed by the Board of Trustees.

The Secretary shall archive all records of the club for a period of not less than seven years.

The Board of Trustees shall set the Secretary's remuneration.

Section 5 - Trustees

Any one of the Trustees, designated by the Board, may be vested with all the powers and shall perform all the duties of the President in his absence and shall also perform other such duties as may from time to time be designated to him by the President or the Board.

The number of Trustees constituting the Board of Trustees may be increased or decreased by amendment of these By-Laws, pursuant to Article X Section 2.

A vacancy in the position of any Officer or Trustee shall be filled by action of the remaining members of the Board of Trustees.

All appropriations and expenditures by the Club shall be defined in the budget and shall be voted upon by the Board of Trustees, who shall have the full power of control. Five percent over bottom line budget expenditures shall be brought to the Board's attention for proper action.

ARTICLE III – Dues, Fees and Assessments

(a) Dues, Fees and Assessments

Yearly dues, initiation fees and assessments shall be collected by the Treasurer from the owner/lessee of each lot after same has been assigned, bargained for, or transferred to said owner or lessee by the developers, or after same has been assigned, bargained for or otherwise transferred by one lot owner or lessee to another

(b) Initiation fees.

Initiation fees will be set by the Board of Trustees over and above the yearly dues and will begin at the transfer of any property.

(c) Yearly Dues

Yearly dues on each lot shall begin on January 1, following the date of acceptance by the Membership Committee, and shall represent the member's share of the approved budget for the period from January 1st to December 31st of that year.

(d) Transferable Dues

Yearly dues on a lot are transferable. Each lot transferred shall require the new owner or lot lessee to pay the full initiation fee. The Yearly Dues, paid by the seller, shall be credited to the new owner, upon date of closing. However, if the seller has not paid past or current Yearly Dues, the buyer is obligated to do so. All outstanding dues, fees and/or assessments shall become a lien against the owner or lessee. Evidence of this lien may be fixed against the member's property.

(e) Assessments

In the event the club incurs non-budgeted but approved expenses that exceed the club's ability to pay and maintain its reserve, an assessment, with board approval, will be issued to each lot owner/lessee to cover the cost of these expenses.

(f) General

When a member already owns or leases one or more lots, the above rule applies to each lot acquired by him/her, the same as it would be to a new member.

At the expense of the club, the Treasurer shall supply a bond written by a responsible surety company in the amount of \$15,000.

The Treasurer shall execute all checks. Dual Board Member signatures are required for notes or other negotiable papers in the name of the Club.

ARTICLE IV - Committees

Note: All members or representative of the club in good standing may serve on any standing or appointed committee.

Section 1 - Membership Committee

(a) Procedure

Owners or lot lessees shall, upon purchase or lease, complete a membership application. The Membership Committee shall review the application for completeness. Accepted members shall receive, after payment of their initiation fee and all outstanding dues and assessments on each lot owned or leased by them, a notification of acceptance signed by the Treasurer. Yearly membership dues shall be payable by the date of the annual Spring meeting.

(b) Suspension of Membership

Membership shall, upon a majority vote of the Membership Committee, be suspended for any violations of the Club's rules, regulations or restrictions as the Committee shall decide. Any member whose dues or assessments remain unpaid as of June 15th of that year, shall be considered in delinquency and shall have his membership suspended not later than July 1st of that year. Violating members shall be notified verbally. If they do not respond within two weeks, then a written notice of delinquency will be sent. All occupants of that residence shall then be prevented from beach access and other Club facilities until such time as the suspended member(s) be reinstated by a majority vote of the Membership Committee, and by paying back dues and assessments up to date. A list of suspended members will be given to the Patrol and/or Beach Manager and be posted on the bulletin board.

Section 2 - Social Committee

The Social Committee shall stimulate interest in community planning, sociability and good fellowship, by organizing the operation of all Membership social affairs. This committee may raise funds for any and all entertainment or other social functions as sponsored by it.; All such financial records/receipts are to be submitted to the Treasurer of the Club accordingly. This committee shall be at all times responsible directly to the Board of Trustees.

Section 3 - Nominating Committee

The Nominating Committee shall be appointed by the President with the approval of the Board of Trustees. It shall be the duty of the Nominating Committee to recommend nominations for officers and trustees of the Club for election at the annual fall meeting

Section 4 - Grounds Committee

It shall be the duty of the Grounds Committee to see that all properties in the community are kept neat, well painted, maintained and in good repair. The Committee is authorized to notify owners in writing who have ignored verbal suggestions, advising them of provisions of the By-Laws – ARTICLE IV, Section 1 b, "Suspension of Membership."

Section 5 - Beach Manager

It shall be the duty of the Beach Manager to take complete charge of the beach and to be responsible for the maintenance of any and all safety devices, the employment of lifeguards, the maintenance and cleanliness of the beach, and all other matters incident to the proper operation and control of the beach. The Board may designate a Beach Patrol person to monitor beach access. The Manager and Patrol are always subject to the direction of the Club officers and the Board of trustees. The Beach Manager shall adhere to the job description provided by the Board.

Section 6 - Beach access

Each member shall purchase a pennant and staff with the member's surname, to be used on the beach, unfurled, as a form of identification. A pennant or badge, with a SBC number for identification and tracking, is required for tenants.

Section 7 - Streets

No automobiles or other vehicles shall be parked in or on any of the roads, streets or ways of Seacrest Beach Club at anytime, day or night. Strict enforcement of this rule shall be maintained as a measure of personal safety and to provide unencumbered access for emergency vehicles. Violators will have their membership suspended. See Article IV Section 1(b).

Section 8 – Deputies

Deputies, where possible, shall be duly authorized or commissioned by the Municipal Authorities of the Township of Dover, and to the extent of their authority, shall maintain law and order in the community.

Section 9 - Budget

It shall be the duty of the Budget Committee, with the cooperation of the Treasurer, to prepare a budget for each fiscal year and submit it for approval at the January meeting of the Board of Trustees. The amount of Yearly Dues against the members will then be determined by the Board of Trustees based on the need of the Club for the ensuing year, provided, however, that all Yearly Dues will be so regulated and determined so that the bank balance of the Club shall not exceed the sum of 20% of the past fiscal year's expenditures, the legal reserve excluded, after all debts, obligations and beach rental lease payments have been made to the beach owners.

Section 10 –Building Committee

It shall be the duty of the Building Committee to review all plans for construction, reconstruction, exterior changes or improvements of homes. Plans shall be submitted to the Building Committee, showing sufficient detail to permit a complete review. The recommendation of the Building Committee shall be submitted to the Board of Trustees for final approval. No construction may be commenced until the Board of Trustees issues a decision, in writing, approving the proposed construction. Any subsequent changes to the approved construction plans must be resubmitted for additional written approval. General construction limitations are provided in Article IX, section 3 (a) of the By-Laws.

The maximum allowable height of all homes in Seacrest Beach Club shall not exceed 27 feet measured from the top of the finished floor plus BFE + 4ft, or 32ft measured from the average of the four corners of the existing foundation. The 27 foot height limitation excludes vent pipes and chimneys, flat roofs are not permitted and a minimum 15 degree roof pitch is required

Section 11 - Reports

All Committees shall present a report at the annual Fall meeting of the Club.

ARTICLE V - Elections

Section 1 - Voting

All members of the Club in good standing shall be eligible to vote at a special or regular meeting of the Club. A member shall not be considered to be in good standing unless all past dues and assessments have been paid. Eligibility of any member shall be passed on by the President of the Club. Members suspended for violations are not permitted to vote until reinstated.

Each owner/member or lessee of a single residential lot as shown on the map or plan of Seacrest shall be entitled to one vote for each parcel. Where one person is the recorded owner/member or lessee of more than one residential lot of land as shown on the aforesaid map, he/she shall be entitled to one vote for each such parcel or lot of land owned or leased by him. Where any such lot of land is owned or leased by two or more persons, such members shall each be members of this Club and shall be entitled jointly to one vote at any such meeting. Duplex residential units are considered a single lot property. Owner(s) of these units will be entitled to one vote per lot property.

If, due to prevailing circumstances, a homeowner is not able to be present at a scheduled meeting, a bona fide adult (18 years or older) member of the owner's immediate family may act as his authorized representative after proper identification.

Section 2 - Election of Officers

Officers and members of the Board of Trustees shall be elected by a majority of the members of the Club present at the annual Fall meeting and such election may be held by secret ballot, or verbal, at the option of a majority of the members present at such meeting.

ARTICLE VI - Meetings

Section 1 - Members

(a) All meetings of the members shall be held at Seacrest or at a nearby, easily accessible meeting place arranged for by the Board of Trustees.

(b) The annual fall meeting of the Club shall be held on the Saturday one week before Labor Day. The annual spring meeting on the Saturday before Memorial Day.

(c) One quarter (1/4) of the membership of the Club shall constitute a quorum, for a special or regular meeting of the Club. A majority vote of the members present shall be required for all matters except as shown in Article X Section 2.

(d) Notice of any annual or special meeting of the members of the Club shall be given to the members at their primary addresses, as the same appears on the records of the Club, at least one week prior to the date of the meeting.

(e) Special meetings of the members of the Club may be called by the President upon the written request of a majority of the Club members; upon the request of the Board of Trustees; or by the President at his discretion, if he deems such special meeting to be necessary.

(f) No resolution or motion to commit the Club on any change of policy shall be considered by the Club until it has been considered by the Board of Trustees. Such resolutions or motions, if offered at a Club meeting, shall be referred to the Board of Trustees without discussion.

Section 2 - Board of Trustees - Meetings and Special Meetings

The Board of Trustees shall hold regular meetings prior to the Spring and Fall general meetings, once during the off season (usually January or February) and any other time during the year as may be deemed necessary by either the President or other member of the Board of Trustees. Four (4) members of the Board of seven (7) Trustees shall constitute a quorum for any regular or special meeting.

ARTICLE VII - Assessment

Section 1 - Notice

Notice of yearly dues and the amounts thereof shall be sent in the month of March to each member annually, along with the President's letter and copy of the budget.

Duplex units are defined as single-lot properties and as such, owners shall be assessed the same annual dues as single lot property owners.

Section 2 - Payments

All payments of yearly dues, initiation and penalty fees as well as assessments shall be paid to and received by the Treasurer. Checks or money orders shall be made payable to the Seacrest Beach Club.

Section 3 - Renter Fees

Renter beach fees will be set by the Board of Trustees. Owners are responsible to inform tenants that this fee is to be paid to the Club when requisitioning a renter flag or badges. Owner flags are not to be used by any renter. Any unpaid fees, either through nonpayment or lending of an owner's pennant to paying tenants, is a violation of this regulation and will be the responsibility of the owners and added to their following year dues assessment.

Section 4 - Initiation Fees

Initiation fees shall be received from owners of each lot purchased in accordance with Article III, Section 3 (a).

Section 5 - Late Payment

Any member failing to pay Yearly Dues as of June 15th of any year shall forfeit his or her power to vote and shall not be entitled to any of the rights and privileges of the Club. He or she may be reinstated by making payment of all unpaid assessments. Late dues payments are subject to 1% per month interest. The late payment month starts June 1 (Reference: 1994 Fall General Meeting motion presented and passed)

Section 6- Penalties

Owners are responsible for maintaining the quality of life within the Seacrest Beach community. For this purpose, owners are to ensure that family members, visitors, and renters comply with the regulations of the club by laws.

Owners will be fined a penalty for each occurrence of non compliance. Penalties will range from \$50.00 to as high as \$500.00 depending on the severity of the infraction, refer to Section 3 Regulations. Initially, a verbal warning will be issued with a follow up of a written warning. Monetary fines will be issued with a follow up of a written warning. Monetary fines will be at the discretion of two thirds of the board and will depend upon the severity of the infraction. All members will be able to appeal the fine in front of two thirds of the board of directors. To remove a member that is up for suspension from the club due to gross misconduct must have 75% of the vote of the board of directors that are at the meeting.

Incurred fees will be itemized on the spring statements for your yearly dues. Similar to yearly dues, non-payment of penalty fees will result in the loss of beach rights and privileges.

Section7-Seasonal renters

A single season-long renter will pay 125% of the annual beach dues fee as is imposed on owners.

ARTICLE VIII – Audit and Fiscal Year

Section 1 - Audit

The Board of Trustees shall engage an accountant to audit the books of the Club, at least annually.

Section 2 - Fiscal Year

The fiscal year of the Club shall begin on the first day of January and end on the 31st day of December each year.

ARTICLE IX - Miscellaneous

Section 1 - Grievances

Nothing contained in these By-Laws shall limit, restrict or prevent any member or group of members from presenting grievances or complaints in writing to the Club or to the Board of Trustees.

Section 2 - Guests

All tenants and visitors of Club members shall be known as "guests" and are obligated to abide by rules and regulations of Seacrest Beach Club. Members of the Club shall be responsible to inform guests as to the Club's rules and regulations. They shall also be responsible for all of their guests' actions.

Section 3 - Regulations

(a) No parking of house trailers, trucks larger than panel or pickup shall be permitted on Seacrest lots. Trucks of mechanics or suppliers, while they are repairing or supplying homes, are permitted during day time, but not at night. External construction work is prohibited during the Seacrest season (See Article X, Section 1)

(b) Dogs shall be tied or kept on leashes and prohibited from the beach at all times, in accord with Toms River ordinance # 3-76 Section 43-38. Dog droppings must be picked up on public as well as owners properties for health reasons

(c) Hard ball playing on the beach is prohibited at all times.

(d) Walkways to the beach are to be properly delineated and all owners and tenants advised to use the walkways at all times as access to the Seacrest beach and not to walk to or from the beach between beach front houses.

(e) No picnicking is permitted on the beach, light snacks only.

(f) No fires are permitted on the beach.

(g) No night swimming parties may be held without permission of the Board of Trustees.

(h) Firearms and Fireworks are strictly forbidden at or on the beach areas at all times.

(I) No kites are allowed on the beach during swimming hours.

(J) Speed limits must be observed as posted.

(k) Ball playing on the streets is limited to tossing only. Baseball type games with hard or soft balls are prohibited at all times.

(l) Alcoholic beverages are strictly prohibited and are not to be brought into the beach areas, day or night.

Section 4 - Order of Business Meetings

The order of business at all membership meetings of the Club shall be as follows:

- (a) Roll Call and Salute to the Flag
- (b) Reading of Minutes
- (c) Communications
- (d) Financial Report
- (e) Committee Reports
- (f) Miscellaneous
- (g) Old Business
- (h) New Business
- (i) General Welfare

Section 5 – Business Meeting Procedure

Approved and recognized standard manuals on practice and procedure shall be the authority on all questions of parliamentary law and proceedings.

Section 6 - Trustee Liability

Any individual trustee, or the Board of Trustees as a whole, shall not be liable to any member or third party for any act or failure to act unless the act or failure to act can be characterized as a willful disregard of duty on the part of the individual Trustee or the Board of Trustees.

ARTICLE X – Season and Amendments

Section 1 – Season

Seacrest Beach Club's official season shall consist of ten weeks before and including Labor Day weekend and concluding on Labor Day.

Section 2 - Amendments

The members of this Club by a two thirds (2/3) vote of the members present at a regular or special meeting of the Club membership, may alter or amend these By-Laws and assessments if notice thereof be contained in the notice of such regular or special meeting.