

Shongum Lake Property Owners Association By-Laws

Revised 3/20/2023

Article I Name

1.1 The name of this organization shall be the Shongum Lake Property Owners' Association ("Association").

Article II Purpose

- 2.1 The purpose of this Association is
- A. To provide a community effort in all social and recreational matters concerning all or part of the membership.
 - B. To foster and develop interest in and facilities for swimming, boating, fishing and other athletic and recreational activities at Shongum Lake; and
 - C. To promote social and civic activities at Shongum Lake
 - D. To have, hold, purchase lease, acquire, improve, use and otherwise deal with any property necessary or desirable for carrying into effect the purposes of the Association;
 - E. For any other purpose allowed or provided for under Title 15A of the Revised Statutes, or any other statute applicable to New Jersey non-profit corporations.

Article III Membership

3.1 Membership in this Association shall be open to and required from (a) property owners who own property subject to restrictive covenants, including licenses and lake rights granted for the use of Shongum Lake, or (b) their renters or lessees. Upon acceptance of a deed in Shongum Lake which includes the restrictive covenants, licenses or lake rights, each owner shall be a member for as long as he or she holds title.

3.2 Membership privileges shall be contingent owners remaining in good standing. A member is in good standing for eligibility to vote in Board elections and to the amend the By-Laws, or to nominate or be a candidate for a Board position if the member is current in the payment of initiation fees, annual dues and assessments when due, as well as late payment charges and attorney's fees assessed on delinquent accounts. A member is in good standing for all other privileges if in compliance with the foregoing, and in compliance with the rules and regulations of the Association. In addition to all other actions which may be taken by the Association for delinquent accounts, failure to maintain membership will necessitate payment of the current year's initiation fee upon renewal of membership. Renters or lessees from members in good standing shall not be required to pay the initiation fee. Renters or lessees from eligible nonmember property owners shall be required to pay the initiation fee.

3.3 Upon the acceptance of a deed, each owner shall be admitted to membership and remain a member for so long as he or she holds title to the property. Members will be considered in good standing by payment to the Treasurer of the required initiation fee and the appropriate dues and assessments.

3.4 The Executive Council may permit additional memberships for qualified properties in the Association in an amount not to exceed five (5) per year subject to the following: a) The property owner must execute a deed with a license to use Shongum Lake and its facilities which requires that the property owner pay full membership dues and in the event that the property owner fails to do so, the outstanding dues shall constitute a lien on the property and the member shall also pay counsel fees incurred to collect the dues and the Association may exercise any other appropriate legal remedy; and b) The property owner must be located within the Township of Randolph and within approximately one mile of Shongum Lake; and c) Any such property owner seeking to acquire the license to use Shongum Lake and its facilities, shall pay a minimum sum of twenty (20) times the then current dues together with initiation fees.

Article IV Voting General Membership

4.1 Each member shall be entitled to one vote per household. Renters or lessees from members shall not be entitled to vote.

4.2 Absentee ballots shall be available for those members wishing to vote in abstentia. Absentee ballots must be requested form the Association and returned by the day before the vote is to take place by mailing to the Association or placed in the ballot box at the Clubhouse, to be opened at the meeting where a vote is to take place.

4.3 Ten percent (10%) of the eligible membership shall constitute a quorum at any meeting. In the event a quorum be not present approximately 30 minutes after the time appointed for a meeting, a second meeting shall be held 7 days from the date of the original meeting or the earliest convenient date at the time and place set for the original meeting. At the second meeting, 5% of the eligible membership shall now constitute a quorum. Proxy votes shall not be used to constitute a quorum at a meeting.

4.4 Unless otherwise noted herein, a majority of the votes cast shall carry on all matters considered by the Association.

4.5 Eligible voting membership is based upon full and limited membership in meeting the requirements defined in Article III.

4.6 Any notices to the membership for voting by the general membership shall be by electronic mail and notice shall also be posted on the Association website unless a member specifically elects in such member's annual dues application to receive notice by mail in which case such member shall be provided notice by mail or other delivery to such members home.

Article V Executive Council

5.1 The Executive Council shall consist of seven members who shall govern the Association and conduct the Association's business within the framework of, and according to, New Jersey law governing non-profit corporation and associations and these ByLaws.

5.2 The Executive Council shall annually elect its own President Vice President, Secretary and Treasurer from the membership of the Executive Council.

5.3 Meetings of the Executive Council where a binding vote is to be taken must be open to all members. Conference or work sessions at which no binding vote is to be taken do not need to be open to members. A quorum of the Executive Council must be present for a binding vote to be taken. The Executive Council shall provide a brief explanation of the basis for and cost associated with each vote, which shall be included in the minutes. A policy regarding member comments at the open meeting may be adopted by the Executive Council. Notice of the open meetings of the Executive Council shall be posted within seven days of the February Membership meeting at the place where notices are posted, and must also be posted at a place accessible to all members at all times, and on the SLPOA website or newsletter, or personally provided by mail or electronically to each member. The Notice shall include the date, time and place of the meetings, and agenda items, to the extent known.

Under the following circumstances, meetings may be closed and members excluded:

- A. discussion of issues, the disclosure of which would constitute an unwarranted invasion of personal property;
- B. pending or anticipated litigation or contract negotiations;
- C. employment, promotion, discipline or dismissal of an employee or Executive Council member or
- D. matters falling within the attorney client privilege, to the extent confidentiality is required in order for the attorney to exercise his/her ethical duties as a lawyer. Minutes shall be taken at all Executive Council meetings and made available to members in a timely manner. Emergency meetings may be held to deal with matters of such urgency and importance that seven days notice would result in substantial harm. Meeting cancellations shall be posted at the meeting site before the meeting was scheduled to begin, and posted in other places meetings are noticed, including the website, stating the reason for the cancellation and the re-scheduled date, if any.

5.4 Two or more members of the Executive Council may petition, in writing, the President to hold an Executive Council meeting. The President shall hold, or cause the Vice President to hold this meeting within (10) days of receipt of the Petition.

5.5 The Executive Council may impose reasonable rules and regulations upon the general membership as to the use of the Association's facilities. The membership may petition in writing the Executive Council to hold a General Membership Meeting to contest such changes as defined in Article 105.

5.6 the Executive Council shall provide a fair and efficient procedure for the resolution of disputes between members and the Association, and between members, which shall be readily available as an alternate to litigation.

Article VI Voting Executive Council

6.1 All decisions made by the Executive Council shall be by majority vote. All decisions made at an Executive Council meeting shall be made by a majority of the voting members present, once a quorum is met.

6.2 Voting shall be restricted to the seven Council members.

Article VII Dues, Initiation Fees and Assessments

7.1 The Executive Council shall make a recommendation to the Association at the annual budget meeting concerning dues, boat registration and initiation fees for the following year. The initiation fee shall, in general, be equal to approximately one year's dues for transfer of membership or as provided in section 7.8

7.2 Any new owner taking title to a property subject to restrictive covenants, including licenses or lake rights to Shongum Lake shall pay the initiation fee (as defined at the last prior Annual Budget Meeting) and the required dues and assessments which will allow use of the Association's facilities, in accordance with the conditions listed below.

- A. premises occupied on or before July 31 of the then current fiscal year: payment of 100% of the then current year's dues.
- B. premises occupied between August 1 and including the conclusion of the Labor Day weekend of the then current fiscal year: payment of 50% of the then current year's dues.
- C. premises occupied after the conclusion of the Labor Day weekend shall require payment of the then current initiation fee to become an Association member.
- D. subject to the foregoing, in the event that the prior owner of the premises paid the annual dues for the applicable year, any eligible new owner moving into the house that year shall only be responsible for any additional dues that may be owed due to the type of membership requested by such new owner so that the premises will only be assessed dues once annually.

7.3 The fiscal year is April 1 to March 31.

7.4 Annual dues are payable on or before April 30 of each year. Late payment shall cause a penalty to be charged in an amount that shall be determined by the Executive Council.

7.5 The Association shall have a lien on each property for any unpaid assessments duly made by the Association for a share of the common expenses or otherwise, together with any interest thereon and any late fees, fines, collections expenses and reasonable attorney's fees imposed or incurred in the collection of the unpaid assessment. The Executive Council shall rule on all matters pertaining to fiscal obligations of new members, defined as those eligible members who are paying their initiation fee during the present fiscal year.

7.6 Membership privileges in the Association will not be granted on resale or other transfer of ownership of property until all Association dues, assessments and initiation fees in arrears are paid in full. Notwithstanding any provisions hereof to the contrary and in addition to all other fees and charges otherwise payable pursuant to these bylaws, anyone eligible for membership in the Association pursuant to Article III hereof who has been eligible for membership who shall

- A. apply for membership or,
- B. renewal of a heretofore expired membership or,

- C. who shall have acquired property from a grantor who shall have been eligible for membership,
- D. or who acquires property which has deeded license or lake rights or, e) otherwise was or became eligible for membership shall as a prerequisite to admission or reinstatement of prior membership pay, in addition to all initiation fees, an administrative fee, dues and other charges of all (100%) capital or special assessments as may have been imposed upon the general membership of the Association during said period of eligibility and 30 percent of all operating dues which shall have been chargeable during said period of eligibility back to and including 1985. Interest in an amount determined by the Executive Council will be assessed on all delinquent accounts. The Executive Council shall be authorized to determine dues, late payment charges, attorneys fees and collections fees to be assessed on delinquent accounts.

7.7 Sustaining Membership. Any property owner eligible for membership in the Association shall continue on the membership rolls by payment of all (100%) assessments (including the capital assessment in the annual dues) and 30% of operating dues levied in any fiscal year. Said member while paying this sustaining membership fee shall not be entitled to any rights of membership including but not limited to use of the Association facilities or voting in Association matters.

7.8 Limited Membership. Any property owner eligible for membership in the Association with a maximum of two (2) permanent residents in the household may continue on the membership rolls upon payment of all (100%) capital assessments and 60% of operating dues levied in any fiscal year together with any special assessment. Said members shall be afforded all rights of membership including voting but shall be limited to a maximum of two (2) adult badges for use of Association facilities.

7.9 Special Capital Assessments. The General Membership may levy special capital assessments against all properties eligible for membership in the Association to defray the cost of expenditures made, expenditures to be made, services rendered or services to be rendered for the benefit of the Association in excess of assessments provided for in the annual budget. The Association may take any action to enforce or collect the assessment as permitted by law.

Article VIII Budget

8.1 The Annual Budget must be approved by a simple majority of the votes cast at the Annual Budget Meeting.

8.2 The Annual Budget shall consist of an Operating Budget and a Capital Budget.

8.3 The Operating Budget and the Capital Budget shall each contain a Contingency Line. Each Contingency Line shall equal 10% of the total of the remaining lines within its respective budget.

8.4 The Executive Council shall be empowered to approve payment of expenditures covered in the contingency fund portion of the yearly existing budget.

Article IX Elections

9.1 The President shall select a Nominating Committee, which shall seek qualified candidates and oversee the election proceedings.

9.2 No limit shall be placed on the number of candidates.

9.3

- A. The Association shall provide a written notice calling for nominations to all members not fewer than 30 days prior to the mailing of the election meeting notice; that the notice shall provide that any person that desires to be a candidate for the Council and is qualified to be on the Council, shall notify the President in writing by a deadline which shall be at least five (5) days prior to the mailing of the notice of the election
- B. Notice of the election, in writing shall be sent to all members personally, by mail or electronically, at least 14 days prior to the election. A form of ballot for all candidates will be included, listing the

candidates for each office alphabetically, without designating incumbents and allowing space for write in candidates.

9.3 Three Council members shall be elected during annual election meetings held in odd number years. Four Council members shall be elected during annual election meetings held in even number years. The term of office for Council members shall be approximately 2 years, from election date to the annual election meeting 2 years thereafter, or until a successor is elected.

9.4 In the event of a vacancy caused by resignation, death, or failure to maintain reasonable qualifications, including good standing, or removal of an Executive Council member, the unexpired term of a member of the Executive Council shall be filled by an appointee of the President with the advice and consent of the Executive Council. In the event the President's office is vacated, the Vice President shall appoint a member to the Council. The appointee shall serve until the next election, at which point an elected member shall serve the balance of the unexpired term. He shall hold all rights and privileges of a duly elected member of the Executive Council. The Vice President shall succeed to the office of the President and the Executive Council shall elect a new Vice President to take his place. In the event that the President and the Vice President resign leaving the Association leaderless the next Senior member of the remaining members of the council shall automatically be temporary President and shall, as soon as possible, initiate a Council meeting to see that a new President and a new Vice President are elected.

9.5 All candidates shall be placed on a common ballot and election to office shall be based on the number of votes cast for each candidate. If three Councilmen are to be elected, the three candidates who receive the highest number of votes, on an individual basis, and are in good standing shall be declared the elected members of the Council. Similarly, if four are to be elected, the four candidates who are in good standing and receive the most votes shall be declared elected. This policy applies regardless of the number of elected offices to be filled. In the event of ties, a runoff election shall be held for those nominees for whom an equal number of votes have been cast if necessary to secure the election of the prospective candidate.

Article X Meetings General Membership

10.1 The Annual Election Meeting shall be held on the last Thursday in September or the nearest acceptable date thereto as determined by the Executive Council.

10.2 The Annual Budget Meeting shall be held on the first Thursday in February or the nearest acceptable date thereto as determined by the Executive Council.

10.3 Special meetings may be called at the discretion of the Executive Council, provided the agenda for the special meeting is submitted to the membership at least one week prior to the meeting.

10.4 The President shall preside at each meeting. In his absence, the Vice President shall preside and in the absence of the Vice President, some other member of the Executive Council shall preside and such other member shall be designated by the President or Vice President.

10.5 The General membership may petition in writing the Executive Council to hold a General Membership Meeting. Signatures of ten percent (10%) of the total registered voting membership are needed to meet this requirement.

Article XI Committees

11.1 The President shall designate committees to be responsible to the Executive Council for specific functions, as described separately in Committee Rules and Regulations. The authority of each Committee is limited to the authority granted by the Executive Council.

11.2 Each committee shall comply with the spirit of these by-laws in the selection of its chairman and members.

11.3 The President shall have the right to change committee chairmen and/or members whenever necessary.

11.4 The President shall be an ex-officio member of all committees. The liaison member of the Executive Council shall be an official member of his assigned committees.

11.5 Standing Committees shall consist of Conservation Committee, Membership Committee, Membership Committee, Recreation Committee and Social Committee,

11.6 The President may appoint one or more Special Committees as the need arises to carry out a specific task, as directed by the Executive Council.

Article XII Parliamentary Authority

12.1 The rules contained in Robert's Rules of Order shall govern this Association in all cases to which they are applicable and in which they are not inconsistent with the Constitution and ByLaws of the Association.

Article XIII Method of Amending these Bylaws

13.1 These ByLaws may be amended by a two thirds affirmative vote of the votes cast at a meeting, provided the notice of the proposed change has been given to the membership 14 days in advance of the meeting. Amendments may be voted on at the member's election by absentee ballot. Amendments to the By-Laws shall be recorded in the Morris County Clerk's office, and the Association shall maintain a record of the amendments, open to all members or their designee upon request.

Article XIV Rules and Regulations

14.1 The Executive Council shall provide for the adoption, amendment and enforcement of reasonable Rules and Regulations relating to the use, maintenance and enjoyment of the common properties and facilities, and participation in activities.