

CHERRY QUAY COMMUNITY ASSOCIATION, INC.

AMENDED AND RESTATED AS OF **September, 2021**

## **BYLAWS**

ARTICLE 1: Incorporation - By the initiative of Walter Palczewski, Charles Brown, Matilda S. Cumella, Winifred R. Boran, Loretta Borowski, and Thomas Clark on the 5th day of August 1968, there was filed a Certificate of Incorporation to establish this Association in the office of the County Clerk of Ocean County, State of New Jersey, on August 13, 1968, and in the office of the Secretary of State, Trenton, New Jersey, on August 23, 1968.

ARTICLE 2: Name - The name of the corporation shall be Cherry Quay Community Association, Inc. (the "Association").

ARTICLE 3: Purpose - The purpose of this Association is to promote the beautification of the Association properties in the beach area of the community comprising the Cherry Quay section of the Township of Brick, County of Ocean, and the State of New Jersey, and the welfare and social activities of the members in good standings; to promote activities of a civic nature on behalf of the aforesaid property owners; to provide for the care, safety and control of the beaches, and all Association grounds used for recreation, sports, boating, bathing, fishing and crabbing, including both developed and undeveloped property which may be improved in the future, to perpetuate the standards and tone of the community; to formulate rules and regulations for the use of the Association properties and to provide and maintain an adequate system of administration for all the properties of Cherry Quay, Brick Township, Ocean County, New Jersey.

ARTICLE 4: Admission - Membership in the Association is open to owners of property in the Cherry Quay section of the Township of Brick, County of Ocean and the State of New Jersey, or those having agreements to purchase property in Cherry Quay. The boundaries included shall be as follows: all properties on Tiller Lane and on streets crossing Tiller Lane in the north to Royal Drive on the east, then southeast along Royal Drive to Kettle Creek on the south, along the land mass on the south side in a westerly direction and north on Cherry Quay Road, then north to the point where Tiller Lane joins Cherry Quay Road. In addition, all portions of Cherry Quay Road, Cheryl Lane, Victory Lane, Antoinette Court, Reynold Place and Circle Drive are also allowed to join the Association. No properties along Drum Point Road or outside the boundaries of Cherry Quay (as defined herein) are allowed to join the Association. Let it also be known that any member who is outside of these boundaries and is a member in good standing (as per Article 5) may exercise the right to renew membership in accordance with the grandfather clause.

ARTICLE 5: Membership Dues

5.1. Membership dues shall be of an established amount which shall be decided from time to time at the discretion of the executive board no more than once per calendar year, provided that notification is given to all members ten (10) days prior to said meeting. Notification may be one of the following methods: electronic (via email, website or other internet platform), verbal during a meeting or written. CQCA will no longer mail anything, via USPS or other form of paper documents, directly to members or former members.

5.2. The membership period shall begin January 1 and shall end December 31. Dues must be paid for a member to be in good standing, and before a member can exercise any rights and privileges as set forth in Article 8, except that dues must be paid by June 30 th of the applicable year to exercise voting rights. Members purchasing property within the boundaries of the Association (as per Article 4), and who pay dues within one month of the closing date, shall be permitted to vote and shall be considered members in good standing.

5.3. Additional assessments may be made from time to time as deemed necessary upon a majority vote of members at any regular meeting of the Association provided that notification is given to all members ten (10) days prior to said meeting. Notification may be one of the following methods: electronic (via email, website or other internet platform), verbal during a meeting or written.

#### ARTICLE 6: Voting

6.1. Members who are in good standing in accordance with Article 5 shall be entitled to one vote per household at any general membership meeting.

6.2. When a member cannot attend a meeting and wishes to vote, he or she may exercise the right to a proxy vote provided that they notify the President five (5) days prior to the meeting of their absence and give the President at that time their decision in writing or email or text. All proxy votes shall be verified.

6.3. All votes for the election of the Executive Board Members shall be by secret ballot.

#### ARTICLE 7: Expulsion and Reinstatement of Members

7.1. A member may be expelled for cause upon a two-thirds (2/3) vote of the members present at any regular meeting provided the member is notified by the Executive Board in writing by certified mail, or email, at least fifteen (15) days in advance of said meeting.

7.2. Persons expelled under this Article shall be reinstated upon the following conditions:

7.2.1. A request for reinstatement must be made in writing, which includes email, to the President;

7.2.2. A committee appointed by the President must review the case and recommend to the President that a vote on reinstatement be taken; and

7.2.3. An affirmative vote in favor of reinstatement by two-thirds (2/3) of the members at a regular meeting of the Association shall be required.

#### ARTICLE 8: Rights and Privileges - Members in good standing are entitled to the following rights and privileges:

8.1. Members, their wives, husbands, and/or children shall be entitled to the use of all property owned or administered by the Association, however:

8.1.1. Use of Association property for a non-Association event, involving more than ten (10) persons, shall be at the discretion of the Executive Board. Members wishing to hold a non-Association event must make an application to the Board at least fourteen (10) days prior to the event. The current year fee schedule for use of the beach for non-associated related events is posted on the web site. Refer to [www.cherryquay.org](http://www.cherryquay.org).

8.2. Upon payment of dues, a member shall receive a key which will allow entrance to the Association property. No person shall be permitted on the beach without membership identification, which is a key that opens the lock, unless accompanied by a member with proof of membership. Boat ramp privileges will be granted to members with watercraft. Keys may be used only by persons entitled to use Association property under Paragraph 8.1 above.

8.3. Members in good standing may vote in accordance with Article 6 of the Bylaws and be elected or appointed to any office in the Association.

8.4. Bylaws are posted on the Association web site and are available for review by all concerned.

ARTICLE 9: Governing Authority - The Association shall be governed by an Executive Board consisting of ten (10) elected or appointed members as set forth in Article 10 below. The Executive Board shall have the power, subject to two-thirds (2/3) approval of the membership present at any meeting of the Association (provided that at least one week notice is given to each member) to purchase, build, sell, or lease real estate and mortgage same, incur debts, borrow money, give notes of the Association signed by officers of the Association as authorized and enter into contracts of any kind furthering the purpose of the Association. Membership approval, however, shall not be required for expenditures below three thousand dollars (\$3,000.00) Decisions of the Executive Board shall be by majority vote. A majority requires at least one more than half. If there is no majority, the motion fails. Meetings of the Executive Board shall be held at such a time and place as designated by the President.

ARTICLE 10: Executive Board

10.1. Officers: The Association shall have the following officers, each being a voting member of the Executive Board, having full duties and responsibilities as follows:

10.1.1. President: As chief officer of the Association, the President will preside over the membership meetings; appoint all committees; be an ex-officio member of all committees; along with the Secretary, sign all papers and documents on behalf of the Association; and enforce all rules and regulations of the Association.

10.1.2. Vice President: In the absence of the President, the Vice President shall act in his or her place and stead.

10.1.3 Recording Secretary: The Recording Secretary shall take and report the minutes of all membership and Executive Board meetings; take roll call at all Executive Board meetings and attendance at all membership meetings; keep a list of all members; hold and apply the corporate seal; keep all records, books, documents, and other papers relating to the Association; and perform such other duties as may be assigned.

10.1.4 Treasurer: The treasurer shall record and maintain the financial records of the Association; report the financial condition of the Association at each meeting and at the end of the corporate year; make and report to the members an annual Treasurer's report which shall be filed with the minutes; keep a list of all members and the payment of their dues and assessments; receive and deposit all funds payable to the Association and disburse funds of the Association only by check signed by the Treasurer or the President; and prepare an annual budget for the following year to be presented and approved at the last General Membership Meeting of the fiscal year, and shall prepare an annual financial report at the end of each year.

10.2. Trustees: The six (6) Trustees shall be voting members of the Executive Board and shall advise and assist in the governing of the Association.

ARTICLE 11: Membership Meetings - Meetings of the membership shall be held on an annual basis. Members will be notified of the date, time, and place of each meeting by email and/or internet posting, at least ten (5) days prior to the meeting. The August meeting is designated as the annual meeting of the Association at which time elections of officers and trustees shall take place. Special meetings may be called at any time deemed necessary by the President or the Executive Board.

At each meeting of the Association, the order of business shall be as follows:

ROLL CALL

READING OF MINUTES

PRESIDENT'S REPORT

TREASURER'S REPORT

COMMUNICATIONS AND BILLS

REPORT OF COMMITTEES

UNFINISHED BUSINESS

NEW BUSINESS

ADJOURNMENT

A quorum of ten (10) member households, in person or by proxy, shall be required before any business can be transacted. At all meetings, a majority vote shall be necessary to pass upon acts.

ARTICLE 12: Committees - The Association shall have the following standing committees:

12.1. Membership Committee - This committee, consisting of at least three (3) members, shall be appointed by the Executive Board. It shall plan the annual membership drive and shall receive and pass upon all applications for membership.

12.2. Bylaws Review Committee - This committee, consisting of at least three (3) members, shall be appointed by the Executive Board and shall begin their review of the Bylaws for currency on or about January 1st and submit its findings to the Executive Board.

12.3. Audit Committee - This committee shall consist of three (3) members. These three (3) members shall not include the President or the Treasurer. This committee shall review the financial records of the Association for the prior fiscal year and shall issue a statement for the membership at or before the second general membership meeting of each year.

ARTICLE 13: Elections

13.1. A Nominating Committee shall be appointed by the President at least sixty (60) days prior to the annual meeting. Said committee shall present to the membership, at least thirty (30) days prior to the annual meeting, nominations for President, Vice President, Recording Secretary, Corresponding Secretary, Treasurer, and the elected Trustees.

13.2. Officers shall be elected to one (1) year terms, running from September 1 to August 31. Trustees shall be elected to three (3) year terms running from September 1 following their election through August 31 three (3) years hence. All officers and elected Trustees shall be elected by a majority vote of the members in accordance with Article 5 at the annual meeting. Executive Board members shall be restricted to holding the same office for three (3) consecutive terms, unless running unopposed.

13.3. In an effort to maintain consistency with the executive board from year to year, the president, vice president and treasurer cannot be voted out of office within the same year. There is a requirement that the president, vice president and treasurer are staggered by, at least, a one year period. This will allow for a smooth transition of people and maintain consistency within the Association.

13.4. Vacancies: Any vacancies in elected Executive Board members shall be filled by majority vote of the members in good standing present in person or by proxy at the annual meeting occurring after such vacancy. Any vacancies in appointed Trustees shall be filled by appointment of the President. Executive Board members elected or appointed because of vacancies shall serve out the terms of their predecessors.

13.5. PURPOSEFULLY LEFT BLANK

13.6. Only one (1) member per family (which shall include husband, wife, or children) shall be allowed to serve as an Executive Board member at the same time.

ARTICLE 14: Grievances and Violations - All grievances and violations of the rules of the Association shall be brought before the Executive Board for investigation and action as deemed necessary.

ARTICLE 15: Amendments to the Bylaws - These Bylaws may be amended at any meeting of the Association by a two-thirds (2/3) affirmative vote of the members present at such meeting, in person or by proxy, provided that notice of such proposed amendments has been given in writing to all current members at least ten (5) days before the meeting. Notice shall be provided by any forms of communication listed herein, but will not be in paper form or mailed via USPS or any other carrier.

ARTICLE 16: Procedures - Meetings shall be conducted pursuant to Roberts Rules of Order except where the Bylaws provide to the contrary.

ARTICLE 17: The Association is not responsible for any damages incurred, to people, property, including, but not limited to, boats and trailers, while using the CQCA ramp.

ARTICLE 18: The Association is not responsible for any damages incurred to people, property, including, but not limited to, tables/tents/grills occurring on or around beach property.

ARTICLE 19: The Association is not responsible for any injuries incurred to people while on the CQCA property or while in/around the grounds of CQCA property. This includes the ramp, beach, picnic, playground, parking lot or other areas. This includes any damage incurred to vehicles, including bicycles, water crafts or any other type of vessel or vehicles.

ARTICLE 20: The Association is not responsible for any loss of property due to theft, misplaced or loss of equipment/personal property/clothing/jewelry or other items while on the CQCA property.

ARTICLE 21: The Association is not responsible for any issues that may arise due to issues out of our control, such as Covid 19, and other similar crises; the executive board withhold the rights to manage CQCA accordingly and will notify all members in good standings with any updates/changes to property use or event schedules.

ARTICLE 22: The Association will continue to allow membership to renters of property with the boundaries of Cherry Quay, listed herein. But, the rental period **MUST be greater than 180 days** to allow a person to become a member. In addition, **homeowners are NOT allowed to offer access**, or provide a key, to short term renters that are offered by Air B N B or other rental agencies. Any homeowner that is a member, who provides a key/access to CQCA private property, or offers the private property of CQCA on any website to be used as a feature for rental, will be removed from the roles and will be asked to relinquish their key(s) to the CQCA property, without reimbursement for the membership dues.