

High Bar Harbor Yacht Club
Board Meeting Minutes
Sunday, September 5, 2010

Board Members: Dave Hall
Tom Gardner
Meaghan Cannon
Jim Frank
Bruce Shulan

Meeting called to order: 9:00am

Discussed and agreed that minutes will be sent out on a timely basis

Roles and appointments were discussed

Dave Hall – President

Tom Gardner – Vice President

Ed Meline will serve as treasurer (Jim Frank will be backup treasurer)

Meaghan Cannon - Secretary

For this year meeting format for Board Meetings there will be change

There will be time during new business for owners to make observations.
The observation discussion will be between the board and the owner only.
The new format was discussed with Pat and Dave described how the change was being made to help meeting discussions stay on topic.

The Bulkhead project was discussed at length

Permits and survey in place.

Recognizing Pats concern Dave is double checking references to similar work.

Pat noted that the engineering report was a relative and would like a definitive report without caveats. Pat's concerns include the assumptions re fetch.

Pat believes a report that lists assumptions may also be available.

Pat believes a study done at Stevens institute indicates that a breakwater design of this type might not diffuse and stand up for the long run.

Pat said that he thinks that more data and comparable projects need to be organized and reviewed, a cost/benefit analysis needs to be performed and we need to be reasonably assured it will stand up.

Dave noted that the state of NJ has directed what we are going to be able to build.

Jim noted that the structure will also take pressure off of the wave attenuators and that is an important benefit to consider.

Jim has noted that this type of bulkhead construction is used often in south jersey (Cape May)

and there will be many designs we can review there.

Meg indicated that she was in favor of the project and that there would be benefits in the form of reduced repairs needed to be made after significant Nor'easters.

Tucker agreed and pointed out that the system would take pressure off of the north dock system and that based on many years of use and weather related abuse that protection is critical.

Bruce agreed with Pat that bracing the bulkhead is very important and necessary; Bruce indicated he is in favor of the project.

General observations that the docks in that section are weakened and need protection were shared.

It was noted that the cost of a wave attenuator replacement could be very expensive and this bulkhead project should defer that need.

It was noted that the cost of a finger pier replacement is approximately \$30,000.

Dave agreed with Bruce's earlier point and indicated that he is very concerned with the current state of D dock and the wave attenuator

Motion to proceed with project and note regarding the need to the wall with bracing up passed.

Ed asked when will additional breakwater sections be considered

Jim noted that we have 5 years on the current permit.

Dave added that we have focus on the wave attenuators next.

Meg raised a question regarding insurance updates or potential credits, follow up will occur

Dredging

Start on 10/15 and be done by 12/1

Note to remove boats by 10/15 will be sent to owners soon.

Boats may be moved around on a temporary basis to accommodate the dredging process.

The dredging crew will work from barges during the week and there may be times the fairway may not be passable.

Mark will develop and distribute a boat relocation schedule

Project will most likely start on the outside and move toward the inside of the marina.

Oversized vessels

12 - 14 vessels may be in question

A list of the group and the criteria used to determine (basically a 105% rule) will be distributed.

Policy for existing boats

All owners will have an opportunity to participate in the remediation process.

The remediation process will consist of a slip assessment and structural improvements as determined by the assessment. Owners will be responsible for the cost of the assessment and the improvements.

A letter to owners describing the new policy and the remediation process the will be written and distributed.

Policy for new boats and changes in slip ownership

Pre-approval for new boats that are close to meeting or potentially exceeding slip capacity will be mandatory.

The new rules will be published; both owners and renters are expected to comply.

Techno marine will perform the slip assessments

A letter to owners describing the process will be written (Tuck will draft)
Plan is to have the policy written, distributed and have the assessments underway within 30 days

Motion raised seconded and approved

Committees and projects

Bruce will review the deed and bylaws (A word version of the deed is needed)

Dave asked for an opinion on committee effectiveness.

Social committee is working well.

Personnel committed will remain in place.

Bruce noted that the board is managing projects and if any additional committees need to be formed they will be considered on an as-needed basis.

The following meeting schedule was reviewed and approved.

9/26/2010

12/5/2010

01/09/2011

04/24/2011

06/12/2011

07/17/2011

08/07/2011 Annual Owners Meeting

Meeting adjourned 11:00am.

AMENDMENT – PATRICK ENGLISH (C-12)

Please allow me therefore to repeat exactly what I did say and please incorporate into the minutes.

1) I stated that the Engineering Report included both assumptions I believe to be inaccurate and assumptions I know to be inaccurate. As an example of the former I pointed out that the fetch was incorrectly calculated if the wind was to come from the north and as to the latter that one of the assumptions was that the depth of Barnegat Bay is uniform (something we all know to be inaccurate).

2) For some reason there are several different versions of the Engineering Report. We both discovered that the initial version that we both looked at was not the final version and the final various contained numerous caveats such that it is clear that the Engineer involved is in no way standing behind the recommendation.

- 3) I pointed out that the one example of similar construction we were given was in fact never built.
- 4) I said that I had read the study that was done on Stevens Institute. That study involved the wave diffusion properties of various designs. I noted that the study supported the diffusion properties of the design, but did not study how such a breakwater would stand up, my main concern.
- 5) I recommended additional study before spending the money on the design and expressed concern on how the breakwater (not bulkhead) would stand up.
- 6) During the course of the discussion it emerged that the design recommended by the Engineer was not the design approved by the DEP. For some reason the DEP did not approve the supporting angled legs on the breakwater. The Board determined to proceed with the breakwater with the original design (the supporting legs) despite the fact that this was not the designed approved by the DEP. I expressed that from one perspective this was logical in that it would cause the breakwater to be supported better, but we were informed that if the DEP caught the design change from what they had approved they could force the supporting legs to be removed at additional cost.

In sum I requested the Board to give these matters further study prior to proceeding. Much of this is not included in the minutes; some is included but is the exact opposite of what I actually said.

I think that there are other errors in that section of the minutes, but as it does not impact on what I said it strikes me that others should comment on those rather than myself.

The minutes are very incomplete with respect to the oversized vessels

Matter as follows:

1. With respect to oversize vessels, I stated that the proposed policy did not conform to the process described in the formal legal opinion by the Board's attorney and that in my view the process suggested should conform to that opinion. I opined that the waivers being granted under the proposed process was of dubious legality and that if the process suggested by the attorney was followed the potential infirmities would not exist.
2. In short, I believe that a vote of the membership as described in the attorney's formal opinion should be conducted with regard to waivers or easements.

With respect to the change of meeting format, it is suggested in the minutes that you and I described how changes were being made to help meeting discussions stay on topic. The question as to why the change was made came from me, but the description came from you. I had no part in it.

I request the minutes be corrected accordingly and re circulated with the changes.

Pat