

By-Laws of the Chestnut Run Pool Association Woodstown, New Jersey

ARTICLE I

The name of this organization shall be Chestnut Run Pool Association.

ARTICLE II

The purpose for which this Association is formed is to promote the health and general welfare of its members and in pursuance thereof to construct, own, and operate a swimming pool and other recreational facilities, together with such incidental objects as are appropriate in the conduct of its activities, and as a non-profit organization in the County of Salem and State of New Jersey for the exclusive use of its members and their families.

ARTICLE III – GOVERNMENT

Section 1. A Board of Trustees, eleven in number, five who shall be officers and elected by the members, shall manage the Association.

Section 2. At each Annual Meeting of the Association, six Trustees shall be elected from among the Active Members. (Amended 9/25/1986)

Section 3. Any member of the Board of Trustees who shall cease to hold Active membership in the Association shall cease to be a member of the Board of Trustees.

ARTICLE IV – BOARD OF TRUSTEES

- Section 1.** Consistent with these By-Laws, the Board of Trustees shall:
- a. Transact all Association business and make and amend rules for the regulation of the use of Association property. It may appoint such clerks, agents, or employees as it may deem necessary and may fix their duties and compensations.
 - b. Elect members.

- c. Fix, impose, and remit penalties for violations of these By-Laws and Rules of the Association.
- d. If necessary, create the office of assistant secretary and assistant treasurer and appoint one or more persons to such offices.
(Amended 2/1988)
- e. Constitute and appoint committees and define the powers and duties of same.
- f. Fill any vacancy in the membership of the Board of Trustees to serve until the next Annual Meeting of the Active Members.

Section 2. The Board of Trustees shall designate the bank or banks in which the funds of the Association shall be deposited and determine the manner in which checks, drafts, and other instruments for the payment of funds of the Association shall be executed. However, the Board of Trustees shall always require that at least two officers sign all checks, drafts, or other instruments for the payment of money drawn in the name of the Association.

Section 3. The Board of Trustees reserves the option to cause the books of the Association to be audited annually by auditors selected by the Trustees who shall neither be Trustees nor officers of the Association and the report of the auditors shall be available to the members at all times. (Amended 2/96)

Section 4.

- a. The Board of Trustees shall meet at least once a month during the months of March, April, May, June, July, August, and September and at such times and intervals as they may deem necessary.
- b. Six members of the Board shall constitute a quorum.

Section 5. In the event a question before the Board of Trustees cannot be resolved, the question shall then be submitted to the membership for decision.

Section 6. Any member of the Board of Trustees may be removed from office by a two-thirds majority vote of the membership present at either an Annual Meeting or a Special Meeting called in accordance with these By-Laws.

ARTICLE V – OFFICERS

Section 1. The officers of this Association shall be president, vice-president, secretary, financial secretary, and treasurer.

Section 2. The above named officers shall be elected from the membership at the Annual Meeting.

Section 3. The president shall preside at the meetings of the Association and of the Board of Trustees. He shall be the administrative officer of the Association. He shall appoint, subject to confirmation by the Board of Trustees, all standing committees, designating the chairman thereof, and all special committees as may be directed. He shall be ex-officio, a member of all committees.

Section 4. The vice-president in the absence or disability of the president shall act in his stead. The vice-president shall lead all efforts to recruit, negotiate, and hire appropriate staff to operate and manage the pool. Final selection decisions and pay scales are to be confirmed by Board action.
(Amended 2/96)

Section 5. The secretary shall send out the notices of the meetings of the Association and of the Board of Trustees; keep the minutes and attend to the correspondence pertaining to the office. He shall perform such other duties pertaining to his office as may be asked of him by the Board of Trustees.

Section 6. The treasurer shall attend to keeping the accounts of the Association, collecting its revenues, and paying its bills as approved by the Board of Trustees, or other agency authorized by the Board to incur them. He shall deposit funds received by him in the name of the Association in such depository as may be authorized by the Board. He shall perform such other duties pertaining tot his office as may be asked of him by the Board.

Section 7. The financial secretary shall keep accurate accounts with the members, notifying them when in arrears and of their suspension; receive, collect, and deposit all membership fees due the Association, turning over the deposit receipts to the treasurer. The financial secretary shall also collect and deposit guest fees; turning over the deposit receipt to the treasurer.
(Amended 2/96)

Article VI – MEMBERS

Section 1. Membership in the Association shall consist of the following units within which there shall be the following classes of members: active, special, seasonal, individual, duo, and senior citizen.

- a. **Active Member** – husband and/or wife, or head of family who holds a Certificate. The term “member” when used in these By-Laws shall refer to this classification unless otherwise specified. Covered under this membership is the following:
 1. Unmarried dependent child of Active Member, under 21 years of age, living at home except under extenuating circumstances with Board approval. (Amended 7/01)
 2. Unmarried dependent who attends school or university full-time (Amended 2/88)
- b. **Special Member** – a dependent or other person in the household of an Active Member who shall be approved by the Board of Trustees annually at a cost of \$50. (Amended 2/88)
- c. **Seasonal Member** – A new member who has not yet purchased a Certificate, but is in the process of doing so. A seasonal member must pay 100% of the current annual dues plus a “seasonal fee” of \$100 per year until a certificate is purchased. The seasonal fees for each year are applied toward the cost of a membership certificate, providing seasonal membership is maintained in each successive year through the payment of annual dues and seasonal fees. At any time after the first year of membership, a current seasonal member has the option to purchase a certificate, thus converting to “Active Member” based upon the cost at date of certificate issuance, applying all seasonal fees already paid. If a seasonal member fails to pay all dues and fees or otherwise decides to discontinue membership, all seasonal fees paid previously are forfeited; and once forfeited cannot be applied toward certificate purchase. Seasonal members do not retain voting privileges and are not permitted to hold Board of Trustee positions. All other membership requirements, privileges, and rules do apply. (Amended 3/92).

- d. **Individual Member** – any person 18 years of age with no dependent children, purchasing a membership Certificate at one-half the cost of an Active Membership Certificate and shall have one-half the voting power of an Active Membership Certificate. (Amended 2/96).
- e. **Duo Member**- a married couple with no dependents shall purchase a Membership Certificate and pay 75% of the current annual dues, until such time as they acquire dependents when they shall be required to become Active Members, and pay dues for the same. A married couple whose children are no longer eligible to use the pool or its facilities may switch from “Active” and pay 75% of the current annual dues, still retaining Certificate and voting privileges. A duo member may also include an adult and child who have the same mailing address. (Amended 1/2002).
- f. **Senior Citizen** – an individual member 55 years of age or older who shall pay 50% of the current annual dues OR a husband and wife both 55 years of age or older who shall pay 75% current annual dues. All membership requirements and privileges are the same as regular membership except that no Certificate need be purchased; therefore they have no voting power. (Amended 2/96).
- g. **Single Parent, Head of Household** – a single parent with dependent children (as per Article VI, Section 1, A, 1. and 2.) shall purchase a Membership Certificate and pay 75% of the current annual dues.
- h. **Babysitter Seasonal Member** – Individual 14 years of age or older who cares for child(ren) of an Active Member. Cost is \$50 for the season or \$4 per visit. This applies only when the individual is supervising the child(ren) of the Member family.
- i. **August Trial Member** – Individual, Duo, or Family who has pool privileges only in the month of August for one year. The purpose of this trial membership is to afford the individual(s) the opportunity to use the pool facilities before applying for a membership in the next season. Cost of trial membership is one-third the annual dues.

Section 2. The Board of Trustees shall vote upon the admission to the Association of each applicant recommended and shall confer membership only upon those applicants who shall be approved by six members of the Board. (Amended 2/88).

Section 3. Any member of the Association may withdraw at any time subject to the provision of Article VII and there will be no refund of the current year's dues.

Section 4.

- a. Any member of any class may, for cause and after having been given an opportunity for a hearing, be suspended for a period not exceeding three months by two-thirds vote of a quorum of the Board. Cause for suspension, or expulsion shall, in general, consist of violation of these By-Laws or of the Rules of the Association, or for unsafe practices or gross misconduct. (Amended 2/96).
- b. Members of the Board of Trustees, the manager or his/her designee, have the power to suspend pool privileges for the violation of Association Rules and Regulations provided such suspension does not exceed seven days. A written report of such suspension, containing reason therefore, shall be submitted to the president within twenty-four hours. For clarification and revisions, refer to Rules and Regulations procedure for that seasonal year. (Amended 2/96).

Section 5.

- a. All classes of members in the Association shall be accorded the facilities of the Association subject to the pool rules and regulations which shall be posted at all times on the pool bulletin board. (Amended 2/88).
- b. The Board of Trustees, at its discretion, may extend the privileges of the Association to any person or persons.
- c. The Board of Trustees shall by rule fix the terms and conditions upon which guests of members may use facilities of the Association. (Amended 2/88).

- d. Any property of the Association broken or damaged by a member of any class, or his guest, shall be promptly paid for by such member. No person shall take any article belonging to the Association. (Amended 2/88).
- e. The Association assumes no responsibility, and members of any class or their guest can have no claim against the Association, for the property of members of any class, or any guest, which may be brought into or left in the Association buildings, or on the grounds. (Amended 2/88).
- f. The Association assumes no responsibility, and members of any class or their guests can have no claim against the Association, for any accident or injury to any person or their property. (Amended 2/88).

Section 6. The number of memberships of the Association shall be fixed at 180, but at the discretion of the Board of Trustees this number may be decreased or increased, not to exceed a limit of 240. (Amended 10/82).

Section 7. The Board of Trustees, at its discretion, may re-elect a member who has resigned (subject to the membership limitations as set forth in Article VI, section 6) without payment of an initiation fee provided such ex-member was in good standing at the time of resignation. (Amended 2/88).

ARTICLE VII – DUES AND FEES

Section 1.

- a. The Board of Trustees shall establish dues for each class of membership for the ensuing year by March 1st.
- b. Dues shall be sufficient to provide for the necessary running expenses of the Association and proper maintenance of its property; and such dues shall be payable by April 1st of each year. If payment is not postmarked by May 1, a \$50.00 late fee will be assessed. The pool may not be used until all fees for the season are paid. (Amended 6/01)
- c. A \$30.00 fee will be assessed for all returned checks. (Amended 6/2000)

- d. No dues or part thereof shall be refunded in the event that pool operations are required to be suspended for any period.

Section 2. Initiation Fees and Certificate Revaluation

For the purpose of providing a sufficiency of funds necessary for the construction and long-term maintenance of the pool and essential facilities, all active members accepted into membership shall be required to purchase a Certificate and pay an initiation fee.

Effective 4/30/97, the membership assessment charged to new members joining the Association will be evenly split between the certificate charge (which is redeemable) and a nonrefundable initiation fee. The Board of Trustees shall establish the cost of each. Initiation fees will be designated by the Association for long-term capital improvement account separate from the annual operations and maintenance budget. This capital account will be only used for large capital improvement or restoration projects costing \$5,000 or more.

Upon enactment of this provision, new family membership certificates will be valued at \$200 and the initiation fees also at \$200. The certificate and initiation fees for single adult members will continue at 50% of the full family level.

Certificates from members of the Association prior to this provision (2/19/97) will be revalued (lowered in value for redemption to \$300 for families and \$150 for single adult membership. This revaluation is to account for the absence of an initiation fee at the time these membership certificates were originally obtained. Upon redemption of these older certificates at the revalued amount, the capital improvement account will also be credited with \$80 for family or \$40 for single adult, which represents the remainder of the original certificate cost without initiation fees. The only exception will be those inactive members who are on the redemption list as of 2/19/97. (Amended 2/19/97)

Section 3. All candidates for membership in the Association are required to deposit the fee of \$100 with their application. This deposit will be considered part of the first year's seasonal fee (refer to Article VI Section 1. C.) upon election to membership or will be refunded if membership is denied. (Amended 2/96)

Section 4.

- a. Active Member Certificate holders may transfer said Certificate by one of the following means:

1. By sale, gift, or devise to his or her spouse or child, subject however, to the approval of such transferee by the Board of Trustees as an acceptable person to be entitled to the privileges and use of the Association facilities. (Amended 2/88)
 2. By returning it to the Association for the established value (see Section 2 above) of said Certificate. (Amended 2/97)
- b. Except for payment as herein after provided each Certificate shall become null and void upon the date that the holder thereof ceases to be a member for any cause. Upon the holder ceasing to be a member, the Certificate shall be surrendered to the Association and the holder shall be paid the value of his Certificate subject to the provisions of Section 7 hereof. It may be determined by the Board of Trustees, provided it is not redeemed at more than original purchase price, however, that each Certificate shall be redeemed in the chronological order in which the memberships terminated, and as soon as payment is received from an incoming member, or , if a “redemption list” of membership certificates exists, the Board of Trustees is also empowered to redeem certificates chronologically based upon the proceeds from accumulated net seasonal fees (total seasonal fees received less any seasonal fees forfeited from previous years); forfeited seasonal fees are applied to current operating budget; also refer to Article VI, Section 1. Item C. (Amended 3/92)

Section 5. Upon cessation of membership for any cause, all indebtedness owing to the Association by him shall be a lien upon and charged against his Certificate, and the Certificate may be taken over by the Association to satisfy such indebtedness. In the event of the Association being unable to obtain possession of the Certificate, it may be canceled on the books of the Association, and a new Certificate issued in place thereof to a newly elected member upon payment by him to the Association of the then value of a Certificate as fixed by these By-Laws. In case of the enforcement of a lien, as above herein provided, neither the signature of the holder nor the delivery of the Certificate shall be required to perfect the transfer to the Association or to the new possessor, and the treasurer of the Association for the time being is hereby authorized as attorney of the holder of such Certificate to make such transfer. Every Certificate issued is expressly subject to the provision of this Section.

Section 6. Members shall be responsible for the payment of all charges or liabilities that may be imposed upon or incurred by members of their family

to whom the privileges of the Association shall have been extended, and for all charges and liabilities imposed upon or incurred by guests introduced by them.

Section 7. All fees and other charges mentioned herein are exclusive of taxes imposed by the Federal, State, and other government bodies and agencies.

Section 8. Any member who wants to be placed on the redemption list must follow the procedure listed below:

- a. Obtain a redemption form from the Financial Secretary.
- b. Complete and return the form to the Financial Secretary by the opening day of the pool in the year in which the member wishes the redemption to take effect. (Amended 9/87)

Section 9. If a member does not follow the proper redemption procedure and has not paid the current year's dues, the following action will be taken:

- a. The dues for the current year will be deducted from the bond balance, if they are not received by Labor Day of that year.
- b. The Financial Secretary will inform the member of this action by registered mail.
- c. If a member ignores this action and does not pay his yearly dues or does not apply for redemption, the above procedure of deduction will be repeated.
- d. The member will again be notified of this action by registered mail in September of the year in which the deduction occurs. (Amended 2/88)
- e. This procedure of deduction and notification would be repeated yearly unless a member paid the current dues or applied for redemption. This would lead to complete depletion of the bond balance and voiding the bond by the Board of Trustees.

ARTICLE VIII- ANNUAL MEETING (Amended 1/63)

Section 1. The Annual Meeting of the Association shall be held during the month of October. (Amended 9/86)

Section 2. Special Meetings of the Association may be called by the Board of Trustees. Also, upon the written request of fifteen members to the Secretary stating the purpose therefore, a special meeting shall then be called by the Secretary within thirty days.

Section 3.

- a. Notice of the Annual Meeting shall be given by mail to the active members at least five days prior thereto. The notice of the Annual Meeting shall include the names of the candidates nominated by the Nominating Committee.
- b. Independent nominations may be made as provided by Article IX, Section 2.
- c. Special Meetings of the Association may be held on five days notice by mail to all members. The notice shall state the purpose for which the Special Meeting is called, and no other business shall be transacted thereat.

Section 4. Only Active Members (1 vote per certificate) and Individual Members (1/2 vote per certificate) shall be entitled to vote at meetings of the Association. Voting may be via voice, but ten members shall have the right to demand voting by roll call.

Section 5. All Active Members, present in person, and a minimum of six Board of Trustee members, present in person, shall constitute a quorum at all meetings of the Association. (Amended 6/92)

Section 6. Whenever in these By-Laws notice to members is required, the mailing of such notices to the last known address of the members shall constitute notice.

Section 7.

- a. The Board of Trustees shall hold its first meeting following the Annual Meeting of the members in each year as promptly as practicable.
- b. The Board of Trustees may, by resolution, establish from time to time a schedule of its meetings and rules for the conduct thereof.
- c. Special Meeting of the Board of Trustees may be called by the President, and shall be called by the Secretary upon the request of two members of the Board.
- d. Notice of the regular monthly and special Board meetings shall be mailed to each member of the Board at least five days before the day of the meeting.

ARTICLE IX – NOMINATIONS

Section 1. There shall be a Nominating Committee to be comprised of at least five members of the Association. This committee shall be in place prior to August 15th. (Amended 2/96)

Section 2. Independent nominations of election at the Annual Meeting may be made by a letter signed by fifteen members, and delivered to the Secretary at least fifteen (15) days before the Annual Meeting. In this event, the Secretary shall give notice thereof to all members entitled to vote at least five (5) days before the Annual Meeting.

Section 3. Nominations may be made from the floor at the Annual Meeting to fill vacancies, whenever the Nominating Committee has not nominated candidates.

ARTICLE X – COMMITTEES

Section 1.

- a. The standing committees shall be Pools and Grounds; Recreation; Budget and Finance; Rules and By-Laws; Nominating; Membership; and Swim Team. (Amended 2/96)
- b. The duties and powers assigned in these By-Laws to the standing committees shall be subject to the authority of the Board of Trustees.

Section 2. The Pools and Grounds Committee shall exercise supervision over the pool and ground; shall attend to the improvement and maintenance of the pool, buildings, and operating equipment. (Amended 2/96)

Section 3. The Recreation Committee shall prepare the program of instruction and entertainment, and exercise supervision over same. (Amended 2/88)

Section 4. The Finance and Budget Committee shall prepare the Annual budget for the submission to and approval by the membership, and any expenditure other than those covered by the operating budget shall be submitted and approved by the membership, and the committee shall exercise general supervision over the financial transactions of the Association.

Section 5. The manager shall prepare rules of good health and good conduct in connection with the operation of the pool and shall, in conjunction with the Pools and Grounds Committee, see that the Rules and Regulations of the Association are enforced. (Amended 2/96)

Section 6. The Nominating Committee, in accordance with Article IX, Section 1, shall nominate candidates for officers and the Board of Trustees and for the Nominating Committee for the next year.

ARTICLE XI – MISCELLANEOUS

Section 1.

- a. Each person who acts as Trustee or officer of the Association shall be indemnified by the Association against expenses actually and necessarily incurred by him in connection with the defense of any action, suit, or proceeding in which he is made a party by reason of his being or having been a Trustee or Officer of the Association, except in relation to matters as to which he shall be adjudged in such action, suit, or proceeding to be liable for gross negligence or willful misconduct, except any sum paid for the Association in settlement of an action, suit, or proceeding based on gross negligence or willful misconduct in the performance of his duties.
- b. The right of the indemnification provided herein shall insure to each Trustee and Officer referred to in (a) above, whether or not he is such Trustee or Officer at the time such costs or expenses are imposed or incurred, and in the event of his death shall extend to his legal representatives.

Section 2. The Association shall not engage in the sale or handling of alcoholic liquors, malt beverages, or other intoxicants. The bringing of alcoholic liquors, malt beverages, or other intoxicants on the premises or property of the Association is strictly prohibited except that the Board of Trustees may authorize the use and consumption of alcohol by adults for special occasions on specified evenings. On any such occasion, minors must be accompanied by their parent or a responsible adult designated by the parent. No person shall be allowed on the premises of the Association, nor permitted to use any of the facilities of the club, while in an intoxicated condition. (Amended 2/96)

Section 3. Any question as to the meaning for proper interpretation of any of the provisions of these By-Laws shall be determined by the Board of Trustees.

Section 4. Whenever mention is made herein to age of members, it shall be the age attained as of opening day of the current year. (Amended 2/88)

Section 5. These By-Laws may be amended by a two-thirds vote of the Active members present in person at any meeting of the Association provided at least five (5) days notice of such amendment shall be given to each such member.

Section 6. Board Member Compensation The Board recognizes the importance of each position and offers the following compensation for service to encourage longevity and consistency in each position.

After completion of one year's service, the following reductions in the annual membership fee due will be applied annually for the duration of the term until full compensation is acquired. A twenty (20) percent reduction per year will be offered for officers (president, vice-president, treasurer, secretary, & financial secretary), grounds trustee, and maintenance trustee. A ten (10) percent reduction will be offered to membership, recreation, rules & regulations, and swim team trustees.

Acceptance of this compensation is voluntary and therefore may be waived by the Board member any time during their term(s).

Section 7. Board Member Attendance Policy To provide and maintain an effective governing body, the Board recognizes the importance of consistent attendance by Board members at regularly scheduled meetings. Therefore, all Board members shall have no more than three (3) total or two (2) consecutive absences, under normal circumstances, from such meetings in one seasonal year.

Absences may be subject to Board review and a vote to excuse them. Any Board member who does not meet these requirements may be subject to replacement by a majority vote.

Attendance shall be taken and recorded by the secretary at every scheduled meeting and included in the recorded minutes. The meetings will take place the last Tuesday of each month with the exception of November and December.

Last Amended 6/2001, 1/2002, 6/2007