

## **OCEAN BAY PARK ASSOCIATION BY-LAWS**

**The By-Laws of the Ocean Bay Park Association, Inc. Ocean Bay Park, Fire Island, New York**

**As adopted July 1952, approved and ratified September 1953, revised 1956, 1960,1963, 1982, 1984, 1995, 1998, 2000, 2010.**

## Table of Contents

Article I: Name & Purpose .....	3
Article II: Membership .....	3
Article III: Officers .....	4
Article IV: Meetings .....	5
Article V: Standing Committees.....	6
Article VI: Board of Directors.....	10
Article VII: Election of Directors .....	11
Article VIII: Voting .....	12
Article IX: Fiscal Year.....	12
Article X: By-Laws.....	12

### **Article I: Name & Purpose**

**Section 1 – Name.** The name of the Association is the Ocean Bay Park Association, Inc.

**Section 2 – Purpose.** To cultivate and promote a spirit of cooperation and good fellowship among the residents of Ocean Bay Park so as to preserve its character as a community of private, owner-occupied summer residences and businesses that provide necessary services to the residents.

### **Article II: Membership**

**Section 1 – Qualifications.** Every person, corporate or individual, or the spouse or child of such individual or co-owner, holding title of record to a lot or lots, with or without improvements thereon, and designated on a certain map known as “Third Amended Map of Ocean Bay Park (or subsequent modifications thereof), Fire Island Beach, Fire Island, Suffolk County, New York”, dated August 20, 1929, is qualified for membership.

**Section 2 – In Good Standing.** A qualified person whose dues are paid on or before the July Meeting.

**Section 3 – Associate Member.** Any person, corporate or individual, or the spouse or child of such individual, or co-owner, not otherwise qualified for membership, who is a guest of a member, or who is a renter in Ocean Bay Park, and who resides in Ocean Bay Park for not less than two months during a fiscal year, and who subscribes to the purpose of the Association, is eligible to be an Associate Member. Associate Members shall have a voice in the affairs of the Association but shall not be entitled to vote. Associate Members may serve on committees but shall not be eligible to hold office, nor chair committees.

**Section 4 – Honorary Member.** Any person, even if not otherwise qualified, who has rendered outstanding service to the community may, by a two thirds vote of the members at a Regular Meeting, may be elected an Honorary Member for one year, or for life, and be exempt from the payment of dues.

**Section 5 – Suspension.** The non-payment of dues during the fiscal year shall automatically suspend membership and all rights pertaining thereto.

**Section 6 – Reinstatement.** May be had on payment of dues for the current year.

3

### **Article III: Officers**

**Section 1 – Titles.** The officers of the Association shall consist of President, First Vice President, Secretary, Treasurer, Executive Board Member, and 5 (five) Members at Large. All shall serve without compensation. The immediate past president shall serve as Executive Board Member.

**Section 2 – Qualifications.** The officers shall be owners of improved property. The President and Vice President shall be active members for two full fiscal years next preceding the date of election. The Secretary, Treasurer and Members-At-Large shall be active members of one fiscal year next preceding date of election.

**Section 3 – Tenure.** Election of officers shall be by secret ballot, and shall be held at the appropriate Fall Meeting. When no competing candidate is placed in nomination, voting may be had by a show of hands. The terms of office shall be for two fiscal years commencing immediately.

**Section 4 – Vacancies.** Shall be filled by the President for an unexpired term, with the approval of a majority of the Board of Directors.

**Section 5 – Duties of the President.** The President shall preside at all Meetings of the Association and be its official representative. The President shall appoint all

committees, the chairs thereof, and be an ex-officio member of each committee. The President shall, with the Chair of the Committee on Maintenance and Improvements, sign in the name of the Association all contracts approved by said Committee. The President shall enforce these By-Laws and perform such other and further duties as commonly pertain to the office, including, with the advice and consent of the Board of Directors, the hiring, retaining and discharge, as necessary, of persons employed by the Association. The President may authorize the expenditure of Association funds for Association purposes, without the approval of the Board of Directors, not to exceed \$1000 for any specific project in the same fiscal year.

**Section 6 – Duties of the First Vice President.** The First Vice President shall perform the duties of the President when the President is absent or disabled.

**Section 7 – Duties of the Secretary.** The Secretary shall serve, by mail, notices of all Meetings on each member directed to the member's last known address not less than ten (10) days prior to the Meeting. He or she shall keep an accurate list of the membership, alphabetically arranged in a permanent record book and shall conduct the correspondence of the Association. He or she shall take, record and report the minutes of its proceedings, and include therein a copy of the Treasurer's last report. The Secretary shall make a record of actions and decisions of the Board of Directors taken between Regular Meetings and shall report such actions and decisions to the members at the next Regular Meeting. The Secretary shall perform such other duties as may devolve upon the office or as may be delegated by the President.

4

**Section 8 – Duties of the Treasurer.** The Treasurer shall be the custodian of the funds of the Association, and collect and deposit those funds in a depository approved by the Board of Directors. He or she shall keep permanent books of account and submit a detailed report in writing of the financial status at the Winter Meeting, serving a copy on the President and Secretary. He or she shall keep the books of account available to the Auditing Committee for its inspection and examination. The Treasurer shall sign, with the President, all checks for the withdrawal or payment of funds and shall perform such other and further duties as are appropriate to the office. The Treasurer shall provide the Secretary and President with a current membership list prior to each Regular Meeting.

**Section 9 – Duties of Members-At-Large.** Members-at-Large shall serve in an advisory capacity and perform such duties as assigned by the President.

**Section 10 – Duties of the Executive Board Member.** The immediate past President shall serve in an advisory capacity and perform such duties as assigned by the

President. The retiring President shall serve as a member of the Board of Directors during the terms of his or her successor.

#### **Article IV: Meetings**

**Section 1 – Regular Meetings.** There shall be four Regular Meetings of the Association, three of which shall be held in Ocean Bay Park at a place and time to be fixed by the President. Such meetings shall be held on or about the second Saturday in May, (the Spring Meeting), on or about the second Saturday in July, (the Summer Meeting), and on or about the second Saturday next succeeding the Saturday after Labor Day, (the Fall Meeting). A meeting shall also take place in New York City during the winter, (the Winter Meeting), which Meeting shall consist of a regular business meeting followed by a social affair to be determined by the Board of Directors. Members attending the social affair may be requested to help defray the expense thereof.

**Section 2 – Petitioned Special Meetings.** The President will, on petition stating the necessity and purpose signed by twenty-five (25) members, call a Special Meeting to be held at a time and place reasonably convenient.

**Section 3 – Special Meetings.** The President, with Board approval, may call a Special Meeting to be held at a time and place reasonably convenient.

**Section 4 – Notice.** Notice of Meeting shall include, as the circumstances warrant:

- a) Special propositions, if any, to come before the meeting.
- b) Ballots for election of officers.
- c) Lists of all candidates for office as proposed by the Nominations Committee, and  
by independent petition, each to be designated as such.
- d) Full text of By-Laws to be repealed or suspended and/or full text of proposed amendments.

5

e) Time, place, purpose and necessity of Special Meetings.

**Section 5 – Quorum.** A quorum shall not be less than one-quarter (1/4) of the members in good standing.

**Section 6 – Order of Business.** The following shall be the sequence of topics discussed at Regular Meetings:

- a) Reading of the minutes of the previous Meeting

- b) Introduction of new members
- c) Reports of Officers and Committees
- d) Unfinished business
- e) Election of officers, when appropriate
- f) New business
- g) Adjournment

### **Section 7 – Motions to Reconsider.**

- a) Any vote of the membership may be the subject of a motion to reconsider at the same or next subsequent Meeting but not thereafter.
- b) Upon such motion, which must be made by one who voted with the prevailing side, the membership shall vote on whether to reconsider the resolution previously approved or disapproved. If the motion fails to carry by a vote of the majority of the members voting, a quorum being present, the matter is settled and the resolution cannot again be reconsidered except by a Special Meeting. (See Section 2 and 3 above).
- c) If the motion to reconsider is approved, the membership shall again vote on the resolution. If the resolution is again approved or disapproved, it cannot again be reconsidered except by a Special Meeting. (See Section 2 and 3 above).
- d) If a motion is made at the same meeting at which a resolution is approved or disapproved, a member who voted with the prevailing side may move to postpone the motion to reconsider (whether made by that member or another) until the next Regular Meeting. If such a motion fails to carry, the membership shall again vote on the resolution with the same effect as in c above).

**Section 8 – Procedure.** Procedure shall be in accordance with the rules and practice of Roberts Manual, except when the same shall be in conflict with these By-Laws. In such event, the By-Laws shall prevail.

### **Article V: Standing Committees**

**Section 1 – Appointments.** The President may, but shall at the request of a majority of the members of the Board of Directors, appoint from the membership, except as otherwise provided, the following Standing Committees. A majority of the members of each shall constitute a quorum. Reports of the respective activities shall be submitted in writing.

6

**Section 2 – Maintenance and Improvements.** Shall consist of three members, all of whom shall be appointed at the Fall Meeting. Its jurisdiction shall extend to walks,

roadways, beaches and drives, to their proper use and preservation, to the end that safety, comfort and convenience of the members should be provided.

- a) It shall make a complete survey and inspection of the area described above (walks, roadways, beaches and drives), establish an overall policy of general maintenance and fix specifically the place or places in greatest need of repair and improvement. The Committee shall procure bids from contractors, giving the cost entailed.
- b) It shall report to the Board of Directors at a meeting to be held prior to the Winter Meeting. It shall give the place or places chosen, the nature of the work to be performed, and the costs thereof, including the proposed contract endorsed as approved by the Chair of the Committee and by the President. A copy of the report shall be served by the Chair on the Secretary. This report with such other expenses as constitutes the total budget (Article VI Section 4) shall be presented to the membership at the Winter Meeting for approval or disapproval.
- c) The Committee on Maintenance and Improvements shall formulate and recommend for ratification at the next Regular Meeting such rules and regulations, and the means of enforcing the same, as may be necessary to prevent the destruction, deterioration and/or abuse of the roadways and such other matters as are within its jurisdiction.

**Section 3 – Dunes Committee.** Shall consist of a Chair and nine (9) representatives (one for each block) appointed by the Chair.

- a) **Jurisdiction.** The jurisdiction of the Dune Committee shall encompass the “Dune District” from the Point O’Woods fence to the Seaview boundary line.
- b) **Responsibility.** The Dunes Committee shall make recommendations with respect to all steps necessary and appropriate for the preservation of the dunes.
  - 1) Each Spring and Fall, and in times of emergency, the Dunes Committee shall survey the dunes to determine the condition of each and to make recommendations for necessary and appropriate corrective action. A report of the survey, in writing, shall be presented to the Board of Directors at least fifteen (15) days prior to the next Regular Meeting, or Special Meeting, if required. A copy of the report shall be included in a letter accompanying the notice of meeting to the membership, if so requested by the Chair. This report shall be presented at the meeting for approval or disapproval.
  - 2) Necessary and appropriate actions shall consist of the following sequence, depending on condition of each dune:

- i. Installation of pilings or other anchoring mechanism for snow fence;
- ii. Installation and/or repair of zigzag snow fence;
- iii. Planting and fertilization of dune grass seedlings;
- iv. Planting of appropriate shrubs such as Rosa Rugosa and tamarisk that are capable of surviving on the face of the dune.

c) **Funding.** All Funds for the above actions are derived from the Ocean Bay Park Erosion Control District and shall be appropriated as follows:

- 1) Upon acceptance of the Dunes Committee report, the Chair of the Dunes Committee is authorized to solicit bids for necessary landscaping, planting, etc.; such bids or estimates are submitted to the Board of Directors for approval before work is commenced.
- 2) Bills are submitted for payment to the Treasurer of Ocean Bay Park Association. The bills are subsequently submitted to the Ocean Bay Park Erosion Control District for reimbursement but may, at the direction of the President, be paid from Association funds to ensure prompt completion of the work.
- 3) For non-landscaping work such as the installation of snow fencing, pilings, etc., the Chair of the Dunes Committee, with the approval of the President, will provide written instructions to the Community Manager or, if there is no Community Manager, the Chair of the Maintenance and Improvements Committee to authorize performance of the needed work. Bills are submitted to the Treasurer and paid as indicated above.

d) **Limitations.** It shall be the responsibility of the Dunes Committee Chair or the Chair's designee to consult with dune property owners whenever feasible to enlist their cooperation and support for dunes preservation.

- 1) The sequence of maintenance actions spelled out above [Article V, Section 3, Section (b) (i – iv)] shall be communicated in writing to each dune property owner as a matter of information.
- 2) A property owner may opt against having the Dunes Committee program applied to that portion of his or her property otherwise within the Committee's jurisdiction because of an ongoing dune preservation program by that property owner. The Dunes Committee will honor this request but will monitor the program to assure the dune area in question is not permitted to deteriorate to the extent where adjoining dunes are imperiled.
- 3) When dune property owners cannot be contacted or, when contacted, refuse to maintain their own dune or permit the Dunes Committee to do so, the Dunes Committee shall proceed as if authority to do so was granted and

construct pilings, snow fencing and the like. Should the snow fencing, etc. be removed, the Association may bring legal action against the person removing it.

**Section 4 – Membership Committee.** Shall consist of three (3) active members to be appointed at the Fall Meeting. Its duty shall be to meet with property owners and invite them to join the Association. It shall assist the Treasurer in the collection of delinquent dues.

**Section 5 – By-Laws Committee.** Shall consist of three (3) active members to be appointed at the Fall Meeting. All matters pertaining to By-Laws shall be referred to it for examination and report. If approved, a copy of the proposed amendment, or that portion of the By-Laws to be repealed or suspended, shall be served by its Chair on the Secretary to be included in the notice of the next Regular Meeting. In no event shall any proposed amendment, repeal or suspension become effective without certification by the Secretary that the members have been advised pursuant to Article X.

**Section 5 – Nominations Committee.** Shall consist of three members to be appointed at the Spring Meeting. No member thereof shall be a candidate for office. It shall propose, after diligent inquiry, a list of candidates for the elective offices of the Association. The Chair shall serve a copy on the Secretary and give Public notice by posting a copy on the bulletin board near the Fire House not less than twenty (20) days prior to the Fall meeting. Candidates may be nominated independently by petition, signed by ten (10) members, provided said petition is served on the Secretary fifteen (15) days prior to the meeting. The Secretary shall give Public notice of the candidates by posting a list of their names on the bulletin board near the Fire House in like manner. The Secretary shall include those lists in the notice of meeting to the members designating each list as so nominated. In no event shall any candidate be elected to office whose name, and the office to which he or she aspires, who was not submitted to the members with the notice of meeting and so certified by the Secretary.

**Section 7 – Auditing Committee.** Shall consist of three (3) members to be appointed at the Fall Meeting. It may audit the books of account at any time during the fiscal year, but must do so within ten (10) days of the ensuing Winter Meeting. Members shall endorse their signatures thereon as auditors, with date of audit, and report findings at the said meeting.

**Section 8 – Special Committees.** For special purposes Special Committees may be appointed at any time, provided the purpose does not conflict with jurisdiction of any Standing Committee.

## **Article VI: Board of Directors**

**Section 1 – Composition.** The elected officers of the Association, including the previous President and Members-at-Large, shall constitute a Board to be known as the Board of Directors. The Board of Directors is the representative and governing body of the Association. Expenditures of Association funds in excess of \$5000 and all decisions affecting personnel hired or retained by the Association shall be approved by a two-thirds (2/3) vote of the Board of Directors.

**Section 2 – Procedure.** Decisions of the Board can be reconsidered by the membership under the following procedure:

- a) Upon motion of any member, or between meetings, upon written request signed by fifteen (15) members, the Board may be requested to reconsider and modify or rescind any action or decision of the Board taken between Regular Meetings.
- b) In the absence of a motion or letter to request the Board to reconsider or should such a motion be made and fail to gain a majority of the members voting, a quorum being present, the action or decision of the Board becomes final.
- c) Should the action or decision objected to be modified to the satisfaction of the member requesting reconsideration or rescission, that member may withdraw the motion.
- d) Should the Board decline to modify its action or decision, the same shall remain in effect (but no actions which would make subsequent modification or rescindment impractical or illegal shall be taken) until the next Regular Meeting, or if time is of the essence, at the discretion of the Board, a Special Meeting will be called.
- e) At that Special Meeting, the procedures in a), b), and c) above shall again be followed.
- f) Following the second request by a majority of the members voting at successive meetings, a quorum being present at each, that the Board reconsider a specified action or decision, such action or decision shall be deemed rescinded and without force or effect.

**Section 3 – Board Chair.** The President shall be Chair of the Board and shall call and preside at board meetings.

**Section 4 – Budget.** The Board shall compute the amount of dues to be paid by each member. It shall accept the costs of the proposed improvements, as fixed in the report of the Committee on Maintenance and Improvements, and add thereto such other and additional expenses as are necessary for the conduct of the business of the

Association. The total shall constitute the budget for the fiscal year subject, however, to membership approval at the Winter Meeting.

10

### **Section 5 – Dues.**

a) Dues shall be \$200 (two hundred dollars) per year on an amount established by the Board of Directors and ratified at a Regular Meeting that immediately precedes or follows the beginning of the first fiscal year for which the revised dues amount is required. Dues for each additional house will be \$50.00; however, additional full membership rights accrue only if full (\$200.00) memberships are paid for each additional house.

b) Dues for Associate Members shall be \$50 (fifty dollars) per year or an amount established by the Board of Directors and ratified as above. Dues shall be payable and suspensions and reinstatements are the same as for full memberships. Voting rights do not accrue to Associate Members.

### **Article VII: Election of Directors**

**Section 1 – Ballots.** The Secretary shall prepare ballots for the Fall Meeting of an election year, on which shall be written or printed the names of all candidates, the office they seek, each designated as being proposed by the Nominations Committee or by independent petition.

**Section 2 – Slates.** The Chair of the Nominations Committee shall formerly place in nomination the name of each candidate proposed by the Committee. Independent candidates shall be placed in nomination by the formal presentation of the petition by any one of its sponsors.

**Section 3 – Tellers.** The presiding Directors shall appoint two tellers to count and record, after the voting, each ballot cast for the respective candidates and compute the totals and the candidate shall have the right to choose an observer to witness the counting of the ballots if the candidate so desires. The successful candidates shall be declared to be the Directors of the Association for the forthcoming term.

**Section 4 – Roll Call.** The Treasurer shall read in alphabetical order from the membership rolls, the name of each member eligible to vote. As each name is announced, the member, the member's spouse or child, or the co-owner of the property upon which membership is based shall cast a ballot.

**Section 5 – Show of Hands.** When no competing candidate is placed in nomination, voting may be had by a show of hands.

**Article VIII: Voting**

All members in good standing are eligible to vote on issues arising at Regular and Special Meetings, for the election of officers and the amendment, repeal or suspension of the By- Laws. The record owner of one or more properties is eligible to one vote, unless additional full memberships are paid for each additional property.

**Article IX: Fiscal Year**

The fiscal year shall begin January 1 and end on December 31.

**Article X: By-Laws**

**Section 1 – Modification.** The By-Laws may be suspended, amended or repealed by a two-thirds (2/3) vote of the members in good standing present at any Regular Meeting provided the full text of the proposed amendment and/or the part proposed to be repealed or suspended has been included in the notice of the next meeting.

**Section 2 – Ratification.** The By-Laws shall become effective and in force as of the time of ratification by the membership at a Regular Meeting of the Association.

**Section 3 – Force and Effect.** All customs, practices, resolutions, rules and/or regulations heretofore passed, approved or adopted at any time by the Association in conflict with these By-Laws shall be null and void and the same shall no longer have any force or effect as of the date of ratification of the By-Laws.