



Welcome to the

Old Taunton Colony Club

2009

Annual Meeting



Old Taunton Colony Club

2009 Annual Meeting

Introductory remarks

Ed Gann, president



Old Taunton Colony Club

2009 Annual Meeting

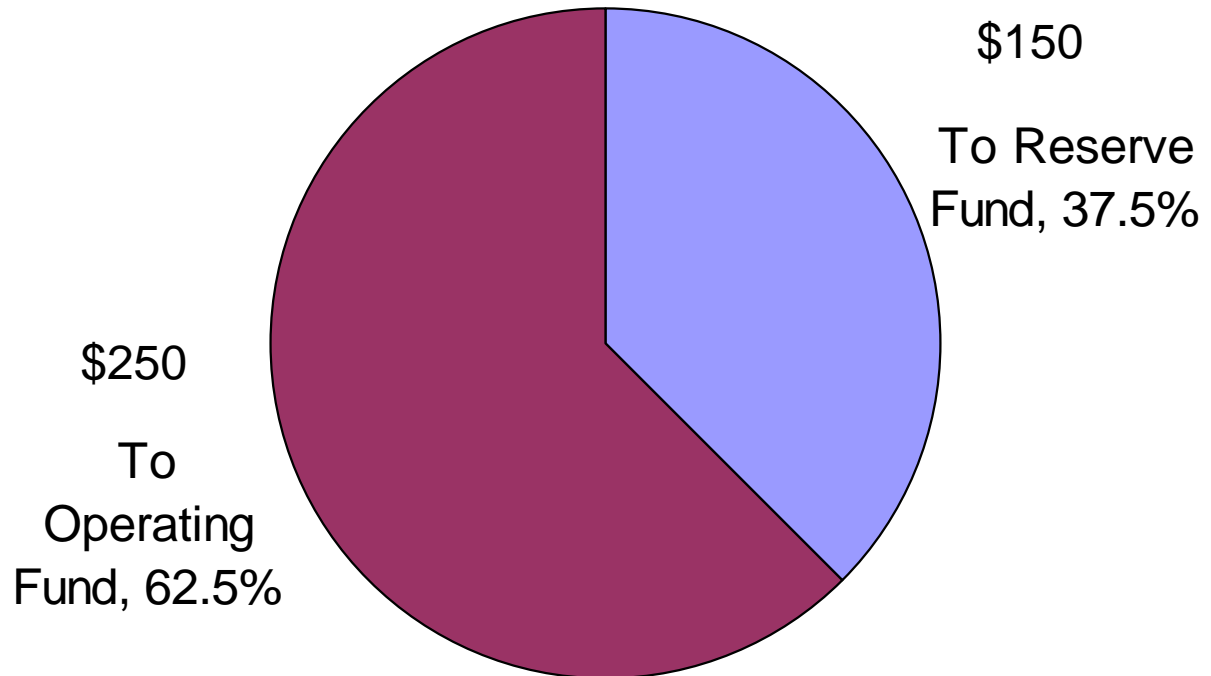
Town Watch Update

Medford Twp. Police
Sgt. William Dunleavy



Treasurer's Report

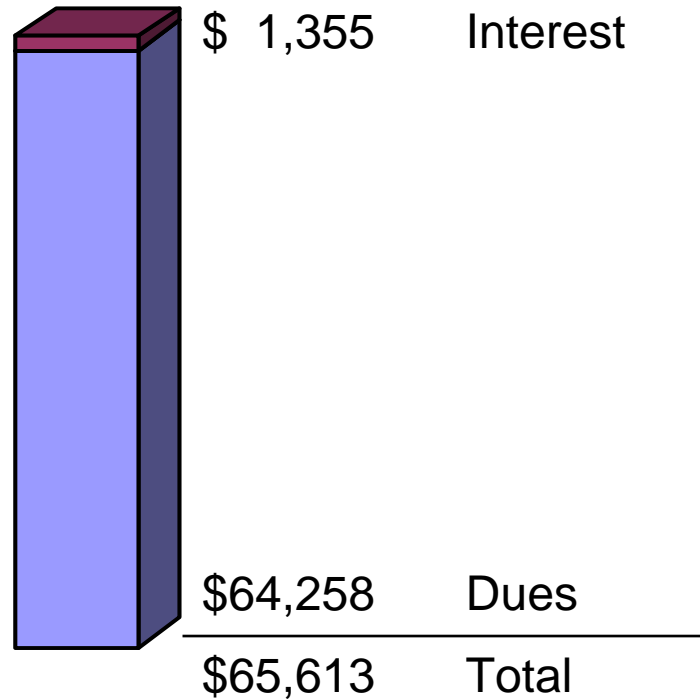
Where your \$400 dues payment goes





Treasurer's Report

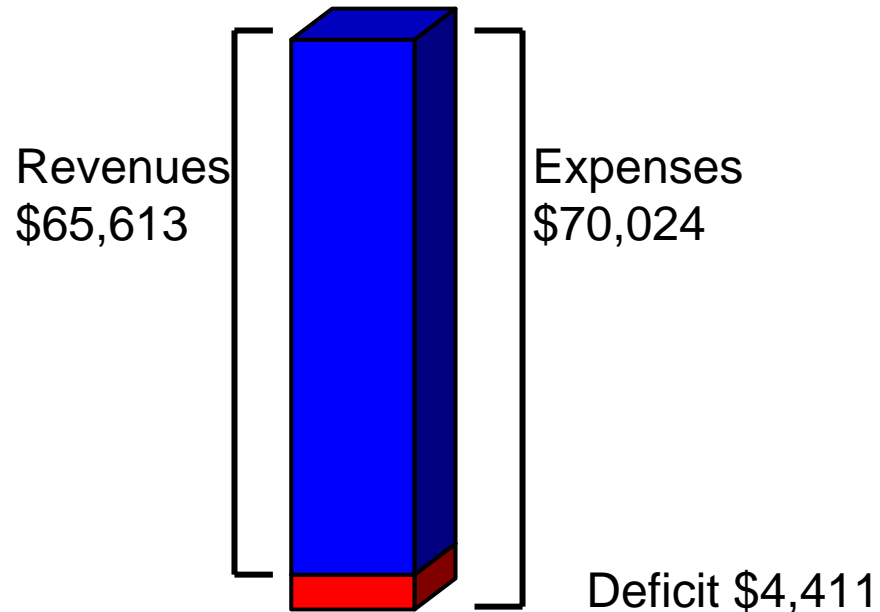
2008 Revenues





Treasurer's Report

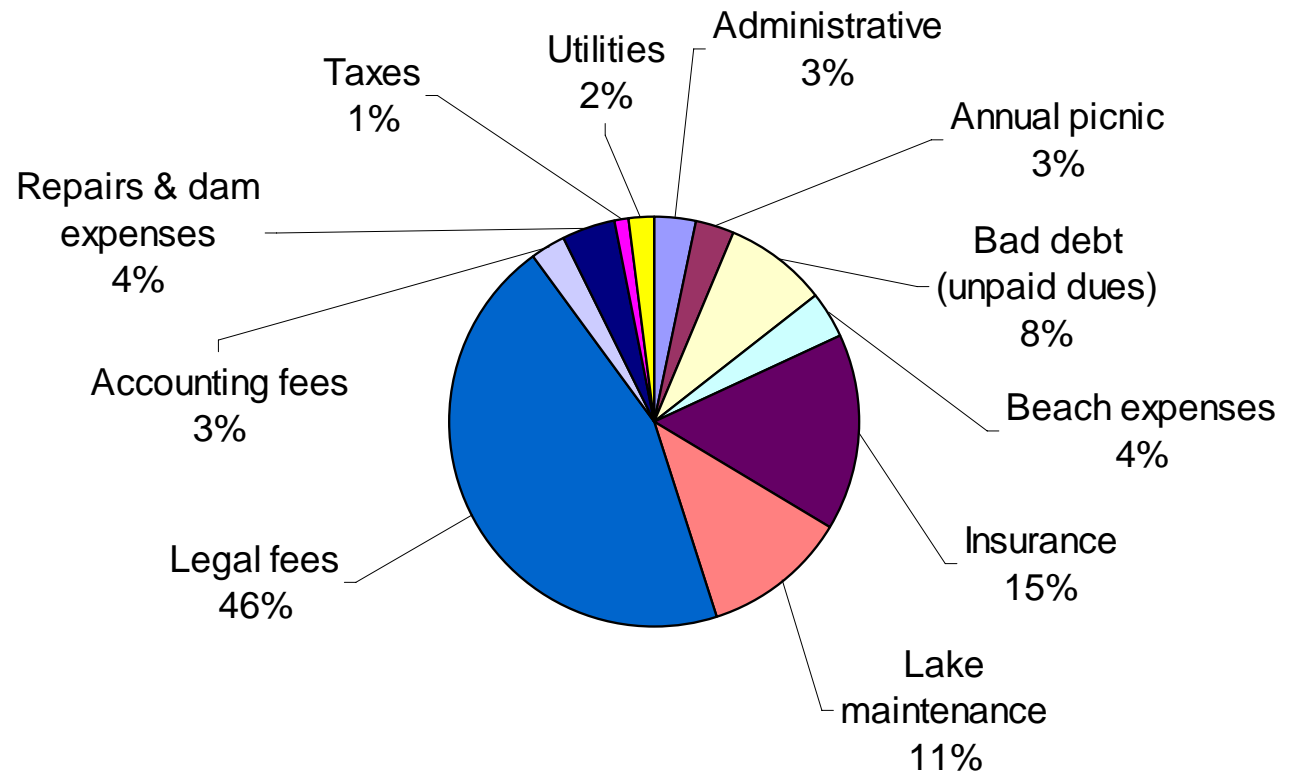
2008 Deficit





Treasurer's Report

2008 - Expenses





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Committee Reports



One Piney Run

- Mid-November, 2007: dozens of trees cut down without notice or permission
- Board attempted numerous times to contact the property owner
 - Certified letter returned marked “Refused”
 - Finally hand-delivered on Nov. 29
 - No response





One Piney Run

Before

After





One Piney Run

- Mid-November, 2007: dozens of trees cut down without notice or permission
 - No response to communications
- Dec. 12 – Board votes to commence legal action seeking replanting
- Dec. 21 – Complaint filed
- Jan. 4 – Judge issues order barring further cutting



One Piney Run

- Jan. 21 – Defendant files response
 - Admitting the trees were cut down
 - Admitting permission was not sought
 - Denying that permission was required
 - Denying that the restrictions in her deed against cutting were binding on her



One Piney Run

- Feb. 5 – Judge issues order:
 - “The Court hereby **ORDERS** that the defendant, Karen Carlson, will replace the trees, as requested by the Plaintiff, and maintain these trees as required pursuant to the restrictions and covenants that run with the property....”
 - [At a hearing to be held,] “the parties will argue the specific terms and conditions for any further cutting/removal of trees by the Defendant, and her duties with regards to the general maintenance and care for the property.”



One Piney Run

- Feb. 26 – Judge issues order
 - Requiring Defendant to allow Plaintiff's tree expert to examine, investigate and test the remains of the trees that were cut down
 - Referring the case to ADR (mediation) to attempt to resolve the scope of replanting



One Piney Run

- Feb. 25 – Defendant files 11-Count counterclaim
 - 1. challenging her 2005 loss of good standing
 - 2. claiming her property is not subject to OTCC rules
 - 3. challenging OTCC's 2004 refusal to allow her floating dock (subsequently built anyway)
 - 4. Claiming that 2006 Mediation agreement between OTCC and resident Jack Galgon in Municipal Court was "without a fair hearing"
 - 5. Claiming OTCC has no legal authority to prevent anyone from using the lake
 - 6. Claiming "selective enforcement" of tree-cutting restrictions



One Piney Run

- Feb. 25 – Defendant files 10-Count counterclaim
 - 7. Claiming “selective enforcement” of one-dock per property rule
 - 8. Claiming OTCC cannot enforce its rules against property owners who are not members in good standing
 - 9. Seeking further removal of trees for replacement of her septic system
 - 10. Claiming erosion of her property by the lake water has “unjustly enriched” OTCC
 - 11. Seeking to backfill and reclaim eroded lakefront



One Piney Run

- May 9 – Mediation begins
- May 15 – Representatives of Carlson (Jack Galgon) and OTCC (Marty Hamilton) meet with the mediator (without attorneys present) and reach an agreement in principle, subject to approval by the OTCC Board. A detailed formal settlement agreement is to be prepared by their attorneys. The Board approves the terms of the settlement with modifications and has its counsel prepare the first draft of the settlement agreement.



One Piney Run

- Late June – Despite the exchange of numerous drafts of the proposed comprehensive settlement and further assistance of the mediator, the parties are unable to agree on the written document. Accordingly, no settlement occurs and the litigation resumes.



One Piney Run

- November – Parties begin pre-trial discovery
 - Interrogatories
 - Depositions of Karen Carlson and Jack Galgon



One Piney Run

- February – Motions
 - OTCC files motion for summary judgment
 - Carlson files motion to “enforce settlement agreement”
 - Hearing on motions held April 17; awaiting decision
- Trial originally scheduled for March 16
 - Postponed to May 27 by the Court



30 Wendover

- March 2008: Resident Robert Elmer requests zoning variance to build 18x24 two-story garage
 - Positioned 4 feet from right-of-way used by residents to access the lake
 - Existing zoning standards require 50 feet
 - Property's deed restrictions require 25 feet



30 Wendover

- April 2008: Zoning Board hearing
 - OTCC opposes request for zoning variance based on
 - Proximity to the right-of-way
 - No other properties have such small setback
 - History of and potential for erosion problems
 - Zoning Board approves variance by vote of 3 to 2



30 Wendover

- July 2008:
 - After lengthy and careful consideration, OTCC Board decides to appeal Zoning Board decision
 - On advice of counsel, Board authorizes separate suit based on violation of deed restrictions
 - The two cases are subsequently combined before the same judge
- Summer/Fall 2008
 - OTCC responds to interrogatories from Mr. Elmer's attorneys
- March 2009
 - Mr. Elmer responds to OTCC interrogatories



30 Wendover

- July 21, 2009
 - Trial on the appeal of the Zoning Board decision
 - Judge to entertain summary judgment motions on the deed restriction case (If necessary, trial at a later date)



Wyetta Rd. R.O.W. Restoration & Development





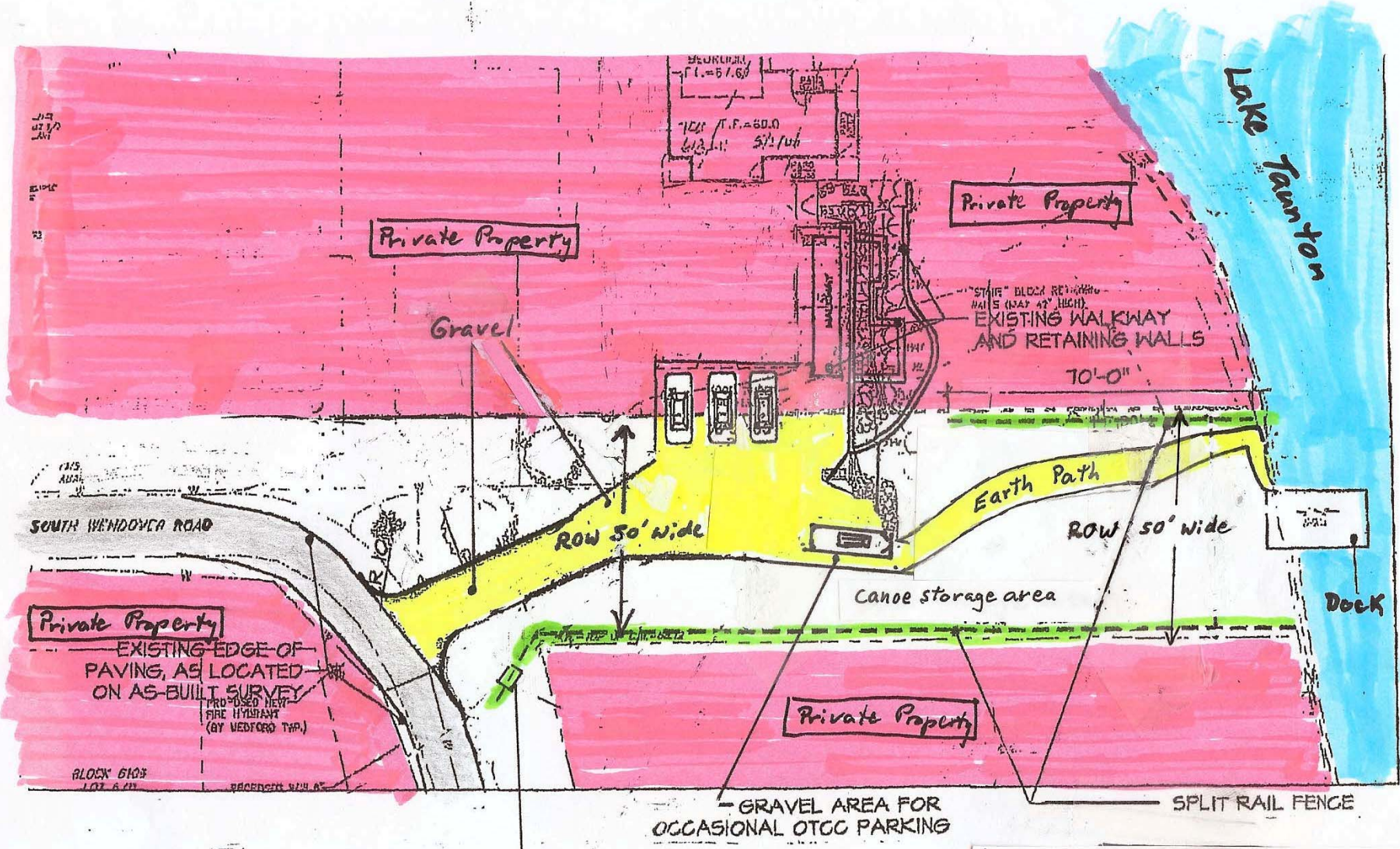
Wyetta Rd. R.O.W. Restoration & Development





Wyetta Rd. R.O.W. Restoration & Development





US-1-4000 11:00AM From Parker, McCay & Criscuolo +856-489-6980

Sign Attached To Split Rail Fence:

O.T.C.C. MEMBERS LAKE ACCESS

- Key:
- White = 50' wide public Right-Of-Way (ROW)
 - Yellow = Gravel entry, parking, and 6' wide earth path located inside the ROW
 - Green = Split rail fence
 - Pink = Private Property
 - Blue = Lake Taunton
 - Light Gray = South Wendover





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Committee Reports



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Voting Overview



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Nominations



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Current Issues

Questions & Answers



Legal Expenses 2003 - 2009

	2003	2004	2005	2006	2007	2008	2009*	Total
Robinson Rd. property	1,463	3,721						5,184
Pine Rd. Property		613						613
Hinchman Rd. Property		295						295
30 Wendover Rd.		1,818	3,220			8,241		13,279
S. Wyetta Right of Way			2,271	4,925	692			7,888
1 Piney Run Rd.			1,867	1,812	2,027	21,748	8,670	36,124
Annual Meeting			636	1,891				2,527
Bylaws		102	4,041	2,897				7,040
Dam Loan		50	240	698				988
Collections	3,000					125		3,125
General legal advice					1,996	1,396		3,392
Annual Total	4,463	6,599	12,275	12,223	4,715	31,510	8,670	80,455
Cumulative Total	4,463	11,062	23,337	35,560	40,275	71,785	80,455	

* Through 5/3/09



Contributions to Legal Expenses

Baron, Riefberg & Brennan, PA
1307 White Horse Rd., Bldg. F-600
Voorhees, NJ 08043

856-627-6000

Re: OTCC Legal Expenses



Thank you for attending the

Old Taunton Colony Club

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