

REVISED AND AMENDED  
BY-LAWS  
OF THE  
CRYSTAL BEACH ASSOCIATION  
OF MORICHES, N.Y. INC.

According to Revisions and Changes  
Adopted by the Association  
In Years Prior to  
And Including 2014

## ARTICLE I

### NAME AND LOCATION

The Association shall be known as “THE CRYSTAL BEACH ASSOCIATION OF MORICHES, NEW YORK, INC.” (“Association”) situated in the TOWN OF BROOKHAVEN, COUNTY OF SUFFOLK, STATE OF NEW YORK.

## ARTICLE II

### PURPOSE

The Association will endeavor to encourage a harmonious and cooperative spirit within the community. It will attempt to develop ways and means of improving the well being and living conditions within the community. It is also responsible for the proper maintenance and upkeep of the commonly held beach and Marina property and to preserve the beauty and value of the beach, picnic area, and Marina. In addition, the Association should attempt to bring together, at frequent intervals, those Members, as defined below, who are interested in civic betterment, of any nature, which may improve the conditions of the community. The Association shall have the power to charge fees to its Members, as set forth in Article IV: Section 2, in order to fulfill its purpose.

## ARTICLE III

### APPLICABILITY

All present and future Members, as defined below, shall be subject to these amended By-Laws upon adoption and to the rules and regulations issued by the Association to govern the conduct of its Members with respect to the use of Association property and facilities.

## ARTICLE IV

### MEMBERSHIP AND FEES

#### SECTION 1. MEMBERSHIP-SHAREHOLDER

All persons owning lots or property in the subdivision known as “Crystal Beach” at Moriches in the Town of Brookhaven, County of Suffolk, New York, (“Crystal Beach”) are Member-Shareholders in the Association.

##### A. Categories of Membership

1. A Member is anyone owning lots or property in “Crystal Beach.”
2. A Current Member is any member whose current annual year’s fees are paid in full.

3. A Member in Good Standing is any member whose fees, past and present, are paid in full.
4. A Member-Non-shareholder is any owner of property on the east side of James Hawkins Road, north of the Long Island Railroad, or any person renting in the “Crystal Beach” subdivision. Such persons are eligible for membership pending the approval of the Executive Board, provided the annual fees are paid in full and current. Such membership includes all rights, benefits, and privileges of a Member in Good Standing, except the right to vote on matters pertaining to the sale of commonly held property. Member-Non-shareholders have no further claim to or share in any property or assets owned by the Association.

B. Transfer of Membership

Member-Shareholders may convey or lease their property free of any restrictions except that the property will be conveyed subject to all unpaid Association fees and with the obligation on the new owner to pay annual fees going forward. Upon the death of any Member, membership in the Association will transfer to the legal owner of the lot or property subject to the same restrictions. If the ownership of any property in the Crystal Beach area changes, by death or sale or other transfer, the new owner automatically continues the membership at the level of the previous owner until the end of the fiscal year of the year of transfer, with the same rights, credits, and privileges. The fiscal year concludes December 31<sup>st</sup>. At the end of the fiscal year, the new owner becomes responsible for the annual fees going forward and must pay the annual fees as specified in Article IV, Section 2. Fees. Failure to pay the annual fee going forward shall subject the new owner to loss of Member in Good Standing status.

SECTION 2. FEES

- A. All Member-Shareholders are liable for an assessment of annual fees set by the Executive Board of the Association for each lot or property owned. The annual fees are charged to defray the costs incurred by the Association to fulfill its obligations and stated purpose. The fees are used, among other things, to protect the Association property and other facilities and the interests of the Association and its Member-Shareholders; to provide such community and other services or benefits as may be necessary or convenient for the welfare and usefulness of the Association and its Member-Shareholders; to promote cooperation among the Association’s Member-Shareholders; and to foster and promote civic improvements.

- B. The Executive Board is entitled to increase fees but any increase of fees voted on by the Executive Board shall have the approval by two-thirds of the Members in Good Standing present at any General, Special, or Emergency Meeting. No vote on any increase of fees may be taken without proper notification to all Members and a quorum present.
- C. The obligations of the Association include, but are not limited to, the maintenance costs attributed to the “Beach” property facilities, as well as the real estate taxes that must be paid by the Association to the Town of Brookhaven, and the insurance costs of the Association.
- D. The “Marina” facility must be considered as separate from the beach facility. The expenditures and income of this facility must be kept in a separate accounting in the books of the Association by the Treasurer. No fees shall be used in any way to defray the costs of operating or maintaining the Marina unless so ordered by a vote of the Members in Good Standing at a General, Special, or Emergency Meeting.
- E. Annual fees are payable to the Treasurer on January 15<sup>th</sup> of each year with a grace period permitted until May 1<sup>st</sup> of the same Year.
- F. Payment of annual fees shall entitle a Member-Shareholder to one credit for each year of fees paid and one vote per lot or property owned. However, if annual fees are not paid by May 1<sup>st</sup> of each year, or if there are any annual fees from prior years not paid, Membership in Good Standing shall cease, along with all of the rights, privileges and benefits of such status, and the Member will lose past payment credits. Collection efforts will be made, pursuant to Article XVII below, to collect unpaid annual fees.
- G. Only Members in Good Standing shall be entitled to the use of community facilities or property, participation in community activities, and beach passes. Members who have not paid their annual fee by May 1<sup>st</sup> of a given year or who are not current on prior annual fees shall not be entitled to the use of community facilities or property, participation in community activities, or beach passes.
- H. Restitution of Membership in Good Standing status will be permitted and past payment credits restored only upon payment of the current annual fee as well as all past annual fees not paid. A twenty-five (25) dollar surcharge shall also be imposed and must be paid for restoration of Membership in Good Standing status, if the annual fee payment is not received by May 1<sup>st</sup> of a given year. In addition, to restore Membership in Good Standing status, a member must pay any and all legal or collection costs incurred by the Association in order to collect those fees.

- I. Payment of outstanding fees and surcharges at any time prior to any meeting will entitle such restored Member in Good Standing to vote at that meeting and subsequent meetings for the balance of the given year until December 31<sup>st</sup>.
- J. In the event of a legal transfer of any property by a Member-Shareholder, all past credits, if any, shall be transferred to the new owner. The new owner will be responsible for the annual fee going forward, as described in Article IV, Section 1:B: Transfer of Membership, in order to have Membership in Good Standing status.

ARTICLE V  
USE OF FACILITIES

Only Members in Good Standing for a current year shall be entitled to the use of Association community facilities or property, participation in Association Activities, and beach passes.

ARTICLE VI  
VOTING

At any meeting, voting shall be only by a vote of Members in Good Standing and Member-Non-shareholders. Member-Non-shareholders are subject to the exception set forth in Article IV, Section 1 A(4). If any doubt exists as to the validity of the voting, the President or members present may request a check-off roll call or a closed ballot vote. Such roll call shall be taken by the Recording Secretary and the results shall be reported by a ballot committee appointed by the President for that meeting. If a Member in Good Standing is unable to attend any meeting, any other member of the same family, eighteen years or older, may be the representative of that member by notifying the Recording Secretary before the start of the meeting. Proxy votes will also be accepted provided they are in written form, clearly indicate the Member in Good Standing's intentions, and are signed by the Member in Good Standing.

ARTICLE VII  
OFFICERS AND DUTIES

Section 1. Officers

- A. The officers of this Association shall be: President, Vice-President, Recording Secretary, Corresponding Secretary, and Treasurer.
- B. All officers of the Association shall be nominated (as specified in Article VIII, Section 1) at the Fall Annual Meeting and shall serve for one year. They may be reelected after one year of service if a majority of the Members in Good Standing present so determine. The President and Vice

President may serve in each office for no more than two consecutive years. The Recording Secretary and Corresponding Secretary may serve for four consecutive years. *The Treasurer may serve for an unlimited number of years at the discretion of the executive board.*

- C. All officers must be Members in Good Standing of the Association and have permanent residence in Crystal Beach as defined in Article IV, Section 1.

## Section 2. Duties

### A. The President

The President shall preside as Chairman at all Board, General, Special and Emergency Meetings of the Association and shall exercise general supervision over the affairs and activities of the Association. The President shall serve as a member ex-officio on all committees and shall appoint such committees as he/she or the Executive Board of the Association shall consider expedient or necessary. If the President desires to participate in debate, he/she must turn over his/her Chair to the next officer in line. The President, together with the Treasurer, shall sign all leases, contracts and other instruments in writing. The President, at the expiration of his/her term of office shall become a Director-at-Large on the Executive Board. His/her term as Director-At-Large shall cease when his/her successor President's term expires.

### B. The Vice President

The Vice President shall assume the duties of the President during his absence. The Vice President shall also become Beach Chairman. The Vice President should be continually aware of the needs of Crystal Beach and bring any local accomplishments or needs to the attention of the President and the Executive Board. The Vice President should assist the President throughout the year and carry out any reasonable requests made by the President.

### C. The Recording Secretary

The Recording Secretary shall record and read the minutes of all Association and Executive Board meetings. The Recording Secretary is custodian of all the records unless a Special Officer shall be appointed for that purpose. The records which the Recording Secretary keeps are those of the Association as a whole, not the records of committees, either standing or special.

D. The Corresponding Secretary

The Corresponding Secretary shall mail out all notices for meetings of the Association and Executive Board, and conduct all correspondence of the Association, and shall assist the Treasurer and Recording Secretary as needed.

E. The Treasurer

The Treasurer shall have charge of all receipts and monies of the Association on deposit in banks and shall disburse funds as ordered by the Executive Board or the membership. The Treasurer shall keep accurate accounts of receipts and disbursements, submit his/her records when requested and give an itemized statement at General Meetings of the Association. The Treasurer must also prepare a fiscal report for the Annual Meeting of the Association. The Treasurer shall collect all fees and charges from Members and perform such other duties as may be required by the President or the Executive Board. The Treasurer and the President shall sign all checks and withdrawal slips on behalf of the Association upon any and all of its bank accounts. The Treasurer shall also be a member of both the Marina and Beach committees. It shall be his/her duty to pay the real estate taxes, insurance, and utility bills when due, but not other expenditures without authorizations of the Executive Board. The Treasurer shall mail all annual fee notices by January 15 of each year.

Article VIII  
EXECUTIVE BOARD & ITS DUTIES

Section 1. Executive Board

- A. The affairs of the Association shall be governed by the Executive Board, which shall include the officers of the Association, six Directors, and one Director-at-Large, all of whom shall be Members in Good Standing and residents of “Crystal Beach” as defined in Article IV, Section 1. Each year two Directors shall be elected to serve three years. Nominations for officers and Directors shall be made to the Executive Board by the Nominating Committee. A voting ballot shall then be prepared and mailed by the Corresponding Secretary to all Members in Good Standing. Upon return receipt of these ballots, they shall be counted by a Ballot Committee selected by the President. Any candidates for office receiving a majority of ballots tabulated shall be declared elected to the office designated on the ballot and shall serve for the term specified in the By-Laws beginning on January 1<sup>st</sup>.

- B. The Executive Board may, at their discretion, at anytime, request that a bond be established for the Treasurer or any other officer of the Association in such an amount deemed necessary. Such expense shall be paid by the Association from the regular funds of the Association.
- C. In the event of a vacancy on the Executive Board except for the office of President, the Executive Board shall elect a member for the unexpired term. Should the office of President become vacant, the Vice President, with the approval of the Executive Board, shall take over the duties of the President for the unexpired term.
- D. Regular meetings of the Executive Board shall be held monthly or at the determination of the President or a majority of the Board at such time and place as agreed upon. Notice of such meetings may be given by telephone, mail or personally upon three days notice. This notice may be waived should an emergency meeting be required. No official business, however, may be transacted without a quorum which must consist of no less than one-half of the Executive Board members holding office at the time of meeting.
- E. The special meetings of the Executive Board may be called by the President, or upon written notice by any three members of the Board.
- F. Any member of the Executive Board upon being absent from two consecutive meetings, shall be discharged from his office, and his vacancy shall be filled according to rules herein set forth unless a valid explanation acceptable to the Board is submitted.

## Section 2. Duties

- A. The Executive Board shall have charge of the management of the Association, of its property and funds and be responsible for a full report of its activities and decisions at every General, Special, or Emergency Meeting. It may, with the approval of the President, appoint such committees as it may deem necessary. It shall not transact any business or make any decisions contrary to any vote taken at a General, Special, or Emergency Meeting of the Association and shall enforce any decisions made at such meetings if feasible and possible.

The Executive Board shall not incur any indebtedness of any kind in excess of three thousand dollars without approval from the Association by a two-thirds vote of Members in Good Standing present at any General or Special Meeting after giving written notice by mail at least ten days prior to such meeting so called.

- B. The Executive Board shall not under any circumstances mortgage any properties of the Association for any reason unless voted favorably by a two-thirds vote cast by the Members in Good Standing present at a Special Meeting so called after giving ten days advance written notice by mail.

If any Member is unable to attend such Special Meeting a personal letter expressing their opinion will be acceptable as a vote. In any proposal for incurring indebtedness, detailed explanations regarding such proposals must be presented at such meeting.

## ARTICLE IX

### MEETINGS & QUORUMS

#### Section 1. Meetings

- A. The general membership shall meet at least twice yearly, once in the Spring and once in October, at a time and place designated by the Executive Board. The October meeting shall be the Annual Meeting. At this meeting, a full detailed report must be given by all officers and all committees. The Treasurer's Report is available at the meeting for any Member-Shareholder to review.
- B. Special Meetings may be called by the President or any three members of the Executive Board, or by written request to the President by twenty percent of the Members in Good Standing. At such meeting no other business may be transacted except as specified in the call. Notice of such meetings must be mailed to the entire membership at least ten days prior to such meetings, and an explanation of reason for the call must be included in that notice.
- C. Emergency Meetings may only be called by a majority of the Executive Board. Because of the need for a rapid response to the emergency situation, the by-laws requirement to notify the membership in writing by mail ten days prior to the meeting is suspended. Instead, notification can be made up to, and including, the day of the emergency meeting, by telephone, Association road signs, visits to Members' homes, or by any other effective method. The notification shall include an explanation of the emergency and the need for the rapid response. No business unrelated to the emergency may be transacted at the meeting.

#### Section 2. Quorums

- A. At all General and Special Meetings a quorum for transacting business must be no less than ten Members in Good Standing. If a quorum is not present, the meeting must be adjourned and another date and hour must be fixed by the Executive Board or presiding officer. If a quorum is not present for a special meeting called by petition, another petition must be presented to the President or the Executive Board and another date and hour must be set.
- B. The quorum to transact business at an Emergency Meeting must be no less than fifty Members in Good Standing. This ensures that the membership (1) has been notified of the meeting, (2) is aware of the emergency situation, and (3) is willing to consider actions to respond to the emergency.

At an Emergency Meeting, all motions, including allocations or increases of fees necessary to address the emergency, require approval by a two-thirds vote of the Members in Good Standing present. Within thirty days of the Emergency Meeting, a Special Meeting will be called with its proper written notification to the membership in order to fully explain the emergency actions that were taken.

- C. A quorum for the Executive Board shall consist of no less than one-half of the Executive Board members holding office at the time of such meeting.

## ARTICLE X

### COMMITTEES

Committees shall be appointed by the President with the approval of the Executive Board. There shall be the following standing committees:

- A. Nominating Committee – Shall consist of three to five Members. The President may call for volunteers at the Spring Meeting. A slate of officers and Directors to fill vacancies on the Executive Board must be prepared for the October elections, and must include the recommendations of the committee.
- B. Marina Committee – Shall have the duty of maintaining, supervising, and operating of the marina at the beach facility, which shall include allocation of mooring space and charges or fees for such space. This committee at all times shall have the cooperation of, and be responsible to, the Executive Board for its actions. Marina Committee funds can be disbursed only with the approval of the President, the Marina Committee chairman, and the Treasurer.

- C. Beach Committee – Shall have supervision and custody of the beach area but no control over the marina area. However, it must cooperate with the Marina Committee when necessary. If any conflict develops between these committees, it shall be referred to the Executive Board. The Beach Committee is under the jurisdiction of the Executive Board and responsible thereto; it shall determine policies and make rules and regulations regarding use of the beach area, with approval of the Executive Board. The committee's funds shall come from the general fund of the Association and any expenditures over one thousand dollars must be voted upon at the General, Special or Emergency Meeting.

The beach area shall be maintained in a presentable manner, and includes the gate, the road and entrance, the beach, and all land pertaining thereto. Under no circumstances must this committee allow tenting, camping, or overnight parking, except by written request to the Executive Board for approval. There shall be sufficient posting and instructions to prevent trespassing and vandalism. Parking shall be strictly limited to authorized areas only. Use of any area of the beach facility is forbidden to anyone not a Member of the Association, unless accompanied by a Member.

#### ARTICLE XI PARLIAMENTARY AUTHORITY

Robert's Rules of Order Revised shall be the parliamentary authority for this Association.

#### ARTICLE XII AMENDMENTS

- A. By-laws for the government of this Association shall be made only by the membership and shall be adopted by a two-thirds vote.
- B. All proposed amendments to the By-Laws must be submitted in writing at any General or Special Meeting so called or may be mailed to the President. Such proposed amendments must be signed by ten Members in Good Standing before being submitted to the Executive Board for consideration at the next Executive Board meeting. Proper written notice of such proposed amendments to these By-Laws shall be given to all Members prior to any General or Special meeting at which a vote on the proposal is to take place. All amendments to these By-Laws shall not take effect until adopted by the Association unless a different effective date is specified in the resolution adopting the same, but no amendment shall be retroactive.

- C. The Executive Board may propose a change to the By-Laws by passing such proposal at a regularly scheduled Board Meeting with a two-thirds majority of the entire Board. The proposed amendment shall then be submitted to the membership as put forward in Section II of this article. Passage of all amendments to these By-Laws requires two-thirds of the Members in Good Standing who vote on such proposals.

### ARTICLE XIII COMPENSATION

Neither officers, Directors, nor Members serving on committees shall receive any salary for services rendered to the Association *with the exception of the treasurer's position. The total to be allowed will exceed no more than \$100 per month. The payment of the treasurer will be at the discretion of the Executive Board.*

### ARTICLE XIV NOTICES

Any notice required or authorized to be given or sent by these By-Laws or by authority of any officer or member of the Executive Board of this Association shall be deemed to have been properly given or sent when enclosed in a postpaid envelope addressed to the person to whom the notice is required or authorized to be given, or sent and deposited in the United States Post Office or mail box or chute to the last known address of such person as contained in the records of the Association.

### ARTICLE XV SALE AND/OR DISPOSAL OF REAL PROPERTY AND/OR ASSETS

Any property and/or assets owned by the Association may be sold and disposed of only by following these procedures:

1. By a recommendation of at least a two-thirds vote of the entire Executive Board of Directors after having been duly notified in full detail concerning the nature of the meeting according to terms set forth in the By-Laws; or
2. By a petition, presented to the President, signed and dated by at least fifty Members in Good Standing;
3. By either or both of the above recommendation or petition the President must call a Special Meeting of the entire membership as described in the By-Laws, Article IX, Section 1B, within thirty days of such notice.
4. Absentee ballots and letters giving full details of the call must be mailed to all Members at least ten days prior to such meeting. Any ballots received shall be counted by a committee of three, selected from Members in Good Standing present, and with their approval. No Officer or Director may be a member of this committee. After the

Recording Secretary has established that a quorum is present, according to the By-Laws, an affirmative vote of at least two-thirds of the votes cast either in person and/or by ballots received shall be necessary to sell or dispose of any property and/or asset of the Association. The Recording Secretary shall determine the vote by a roll call of the Members in Good Standing present plus the absentee ballots received from absentee Members in Good Standing. Only Members in Good Standing shall be entitled to vote.

5. Upon the conclusion of any such sale of property and/or assets, and if such assets are to be distributed among the Members of the Association, they must be distributed on the basis of the number of accumulated credits per member, an equal amount per credit. Such distributions from the sale of property and/or asserts will only be made to Members in Good Standing at the time of the sale. Prior to such distribution, any Member that has contributed monies to the Association for any purpose must be compensated for such an amount as appears on the books and records of the Association.

#### ARTICLE XVI DISSOLUTION OF ASSOCIATION

The dissolution of the Association shall follow the same procedure as in Article XV in its entirety. If dissolution is approved no distribution shall be made until all debts, claims, or obligations and liabilities are paid, and until all assets are converted to cash as soon as possible, and the remaining amounts are distributed to all Members in Good Standing as specified in Article XV. No distribution shall be made to any Member who is not a Member in Good Standing at the time of Dissolution.

#### ARTICLE XVII COLLECTION OF PAYMENT OF ANNUAL FEES AND MARINA FEES

In the event a Member, or an individual who was formerly a Member or a Member-Non Shareholder is in arrears of payment of any annual fee or marina fee, as described in Article IV, Section 2, that Member, Former-Member, or Member-Non Shareholder hereby consents and acknowledges the right of the Association to:

- A. Undertake any action necessary to collect said arrears, including the use of collection services and/or instituting a civil action in any court of competent jurisdiction and hereby authorizes the President or Treasurer:
  - 1. to commence said action;
  - 2. to testify in said action; and
  - 3. to use any business records of the Association as evidence of nonpayment of the current or past due annual fee or marina fees.
  
- B. Charge such delinquent Member, individual, or Member Non-Shareholder the cost of any collection services or actions instituted to collect the above fees, including attorneys fees and expenses.

Any collection action instituted in civil court must be approved by a formal resolution of the Board of Directors approved by a majority of the Board of Directors.