

## **Minutes from Board of Director's meeting October 4, 2004**

Meeting called to order at 8pm by president Arie Behar.

In attendance:

Janice Baer, Arie Behar, Bobbi Binder, Jeff Cadoff, Larry Cohen, Marc Dillman, Harvey Finkelstein, Mitch Frumkin, Al Garten, Cindy Gittleman, Danny Greenberg, Jerry Kaminsky, Mark Kasdin, Ruth Anne Koenick, Harold Schneider, Frank Waltzer, Gary Warner, Paul Zankel, Keith Zimmerman

Rabbi Eligberg, Cantor Rockman, Hadas Elami

Guest: Bill Greenberg

Motion to accept the minutes

11 in favor, 0 against and 0 opposed

D'var Torah by Rabbi Eligberg

### **President's report:**

High Holidays went very smoothly. Arie thanked Rabbi, Cantor, and Hadas. A special thank you to Marc Binder for all of his hard work.

Increased price of guest tickets did not bring in the revenue that we expected. Shortfall needs to be made up. High Holiday appeal will be reported on later, a little short on that as well by about \$2,000.00. The percentage of people who participated was greater than last year.

### **New Business:**

Mitch Frumkin: Construction update. See report following.

Additionally, the overage amount that was reported last month is still the same.

\$55,000 commitment right now for expansion with a possible \$25,000 coming in additionally. Solicitations on going.

Suggestion to have the members paint the building when the time comes. Mitch will talk to the bidder to compare labor vs. supplies before we commit to anything.

Janice Baer: Janice has continued on with social action even though she said that she was going to step down. She will be resigning that position as of Jan 1st to either co-lead it and then take over, or just take over. There are chair people in place for various projects. Janice will help whoever takes this position over. Arie would like to see someone not on the board be the person who steps forward.

EC has discussed that there are some attendance problems with board members and that we may be taking steps because some members are not showing up at board meetings.

Ross family purchased Mezzuzot for the new building that need to be paid for.

Motion by Bobbi Binder:

To allocate funds from the Leon Bibel fund as reimbursement for the cost of the mezzuzot and scrolls for the new wing in the amount of \$750

Seconded by Harold Schneider

Vote: in favor 19, none opposed or abstained.

Dillman, keep in mind that before we purchase something, we know where the funds are coming from.

Paul Zankel: We need an onsite manager for our construction.

Motion by Paul Zankel:

To hire a project manager to run the construction job from here on in until the end.

The budget for this is approx. \$2000 per week.

Seconded by Jeff Cadoff.

We expected the job to be done by the end of September. We are looking at end of November, plus final inspection, which will bring us to the end of the year.

Arie and Mitch should not be expected to continue to work the way that they have been. There is a value to the congregation to have an onsite project manager. This person still needs to report to Arie and Mitch.

Discussion was put on hold because Jim Stahl, lawyer for BT arrived.

Jim's law firm does a significant amount of work around construction issues, he is not new to these issues, and he has significant experience.

Jim gave an overview of the situation regarding the firing of the contractor. The contract we had was a typical American Institute of Architects contract. Next step is to go to mediation. From there we go to arbitration, which is a more expensive endeavor.

Arbitration is binding; there are no appeals except for a few special circumstances. Jim wants to get started sooner rather than later. He feels that the contractor does not even want to get involved and it will be settled before that. We do not know if the companies have any money that we can go after. We can get a judgment, but if there's no money then the piece of paper is useless.

Questions and discussions:

Does the contractor have any insurance and bonding and can we check to see if he has any resources? We can check to see if there's any money, but this may be hard to verify. There is no insurance to cover this. We will not know until we get into the issues.

What will the legal fees be?

Could be as much as \$20,000, could be as low as \$5000.

Can we put liens on their property? No, we don't have the right in NJ to be able to do this. Until a judgment is established we cannot do this. He does not have to pay our legal fees. Are both brothers part of Grant Construction? Jim needs to check to verify that Grant is a corporation as well as MCG Contractors. They signed on behalf of a corp. not personally. Contract was signed separately by both corporations. Who is responsible? The two corps because they both signed the contract on behalf of the companies, not individually. Question regarding the architect: Doesn't the architect bear certain responsibility for some of the errors that occurred on the job so that we can also go after him?

AIA contracts insulate themselves against these problems. We need to check what our expectations were of the architect and see if he fell down on those. Jim needs to look at the agreement between the architect and us. We may need the architect to help us go against the contractor and if we go against the architect, we may lose him as an ally. Very difficult to go after the architect.

At what point do we decide that the money we want to go after is not worth the money that we will recoup? Jim says that we need to give him a number. Mitch feels that we are close to knowing what that number is; it can be amended if it needs to be changed. We can start the claim now and see if the contractors are going to come to the table. If not, then we go to arbitration, the award from that point then goes to the courts and a judgment is issued. If we are going to go against the architect then we need to do it at the same time, we cannot use the architect and then turn around and go after him.

Mitch and Arie have a list of short sights from the architect, the amount comes to about \$20,000 and may not be worth it to go after him.

Part of our claim will be the value of Mitch and Arie's services. They will not be considered a liability on the job because this is within their realm of expertise.

Mediation is a one-day event before the arbitration. Arbitration will be 3 days, by default it will last one day or less. Default we will stay with the architect. Jim would work out all those details.

Can we bring any of the subcontractors in? We may be able to sue some of the subs, Jim would have to look at that, and we have no contracts with them. Some of the contractors left and we had to redo the job.

Motion by Mitch:

That the board authorizes Mitch and Arie to meet with the attorney and architect. to take the first step towards mediation.

Seconded by Jeff Cadoff.

Everyone voted in favor of this motion.

Back to the motion by Paul:

Discussion

Arie: feels that it's better to have someone who can dedicate himself or herself totally to the job. The intense part of the job is over, but he feels that we don't have the money to cover this.

Mitch: Keeping himself and Arie on the job will probably just add a little time to the job, but at this point not significantly.

Vote on the motion:

in favor: 2, against: 12, abstain: 4

Motion defeated.

### **Old business:**

Sign up sheet passed around for bima duty.

Cindy Gittleman asked that everyone turn in the phone call folders that the board members had.

Arie stressed how important it is for us to reach out to our congregants. Everyone who turned down a tab from the high holidays will be getting a phone call from the Rabbi and from the VPs of each of those areas.

Ruth Anne: Sisterhood and Men's Club were not included on the card and need to be for next year. Arie regrets this oversight.

Rabbi received information from the High Holiday phone calls regarding people who were sick and/or in the hospital that he would not have otherwise known about.

Reports:

### **Financial Secretary, Mark Kasdin**

452 members, 83 on special arrangement, 307 FTPE. We may need to ask 5-6 families to leave because they have not met their special arrangements.

Many members are reaching retirement age and will be going to half dues and we need to keep that in mind.

EC discussed restructuring the dues structure, this is something that will be looked in to.

### **Treasurer's report, Marc Dillman:**

Report handed out. We are now borrowing from ourselves, approx. \$100,000.

VP reports: Gary Warner reminded everyone to send their reports in a timely manner so that board members have a chance to read the reports. VPs should be sending their reports the day of the EC meeting, which is one week before the board meeting.

Kasdin wants to receive a scrip report.

How many new members have we gotten? 25 since Jan 2004.

Phone a thon collected an additional \$5,000, bringing us up from \$33,000 from the fold down pledges. Arie feels it was a positive experiment that he wants to continue again.

Men's club meeting this Sunday regarding medical issues, by Howard Waksman.

Kasdin: Thanked Hadas and office staff for the work they did over the last 30 days to get ready for the holidays.

Rabbi: Good and Welfare report given

Motion to adjourn by Harvey Finkelstein, seconded by Frank Waltzer.

Board went into closed session

### **Administrative VP**

1. Todah Rabah and Yasher Koach to all who helped with schlepping the chairs, sidurrim, machzorim, TV, and a whole lot more for the High Holidays. Without their help, we simply wouldn't have been prepared. Thank You!
2. We continue to patch the roof whenever we spring a leak, which is on a continuous basis. The current roof repair contract expires at the end of the calendar year, and it is very possible that they will decline to renew the contract based on the poor condition of the roof. Last week's heavy rains caused 2 leaks in the sanctuary, 1 in the lobby, and a small leak in the school wing. We are lining up other companies to take over repairs, but the bottom line is that we will need a new roof over the sanctuary wing in the not-too-distant future.

### **Past President**

#### **Construction:**

In order to give a better idea of how the construction has been proceeding I have prepared the following list of the primary contractors and their percentage complete along with a commentary regarding the project schedule and any anticipated extras. Also presented is a list of work still not under contract.

#### **Current Status of budgeted items:**

- |               |     |
|---------------|-----|
| 1. Masonry    | 90% |
| 2. HVAC       | 60% |
| 3. Electrical | 60% |

4. Plumbing	50%	
5. Windows and Exterior Doors	90%	
6. Fire Protection System	70%	
7. EIFS (stucco exterior)	60%	
8. Steel studs and drywall	45%	
9. Miscellaneous iron work	0%	
10. Ceilings	0%	
11. Bathroom partitions	0%	
12. Flooring (except MP room)	0%	no contract, no bids
13. MP room flooring	0%	
14. Painting	0%	no contract, 1 bid
15. MP Room door	0%	
16. Classroom accordion door	0%	
17. Barrier free lift	0%	
18. Gas line	0%	no contract, 1 bid
19. Basketball hoops	0%	

A few anticipated extras, which were not budgeted by Grant:

1. Woodwork at stage
2. Final grading at rear of building
3. Emergency generator
4. Lights in MP room

A few anticipated extras due to other reasons;

1. Enlarging the size of the soffit at the front of the MP room by the stage due to location of sprinkler system piping.
2. Additional drywall at main entrance near the existing school wing.

As far as the schedule goes, we are actively working on completing the interior steel studwork and drywall. This work has been highly contingent upon the installation of the windows and on the plumbing and electrical work. The window installation is now complete. While the electrical work is ahead of this work, this cannot be completed until the plumbing rough in is completed which should occur by the end of next week. The delay in the plumbing is caused by the change in contractors as well as the Holidays over the past few weeks. We are still on hold with the remaining EIFS (stucco) work due to the lack of access at the back of the building. We had hoped to have this completed sooner but both the weather and holidays have slowed down the ability to do this. In addition, a steel-reinforcing beam is required at the rear of the building, which is to be installed by the

masonry contractor. The MP room floor contractor has measured the floor for installation of the liquid flooring. Some areas require corrective work, as it does not meet the specifications given to the masonry contractor in regards to how level it is to be. If he does not do the corrective work, he will be back charged. The sprinkler system contractor has been provided with sketches to change the piping configuration at the stage. They will be contacted to discuss this. The work in the ceiling area of the MP room has been on hold in order to gain access to the room with a lift. We had hoped to use the back door although the hold up in the grading and the mud at the back has held this up. In order to move forward, we will be bringing the lift in through the front even if it means removing a small area of one of the wall. The contractors do not want to bring in the lift until they have a full week to work since they rent the equipment. Because of the holiday this week, they may wait until next week to start this work.

### **Feedback Committee**

A reorganization meeting of the Feedback Committee will be scheduled with the Rabbi and Cantor in October.

### **MEMBERSHIP REPORT**

#### **1. FOCUS GROUPS:**

Over the course of the coming year, a series of focus groups will be held to learn more about the needs and wants of our congregation. They will be done in a small group format, invitation only.

#### **2. TEE SHIRTS:**

B'nai Tikvah wear was well received this year and will continue to be sold. New smaller children sizes will be sold during the fall.

#### **3. VOLUNTEER RECOGNITION EVENT:**

In the spring, membership would like to organize a "THANK YOU" party for all our members who have helped out over the year. (The Jewish year). It will be an open invitation for all volunteers ( identifying themselves). Any ideas, please feel free to share them!

#### **4. HAVURAH GROUPS:**

We will continue to work on forming new groups this year.

5. NEW MEMBER BREAKFAST:

There will be a new member breakfast held on Sunday, October 17th, 10:00 am to Noon. Help is needed. Contact [membership@bnaitikvah.org](mailto:membership@bnaitikvah.org). Committee chairs and Board Members welcome to attend.

6. PROSPECT LIST:

Membership keeps and active up-to-date list of prospective members who have shown an interest in B'nai Tikvah. For a copy of this list to invite to a synagogue event, please contact Cindy Gittleman.

THANK YOU,  
CINDY GITTLEMAN

### VP of Ways and Means Monthly Report

**Supermarket Scrip & Retail Scrip:** Marc Binder has taken over the script committee.. Marc said this years has started of slow but it is typical..

**The Event:** We are honoring Mitch and Arlene Frumkin for the main event. This will be chaired by Ari Behar. We have had one meeting. The committee will consist of people from our synagogue, personal and business friends of the Frumkins, and people of the Jewish community at large. We will be raising much of the money through an ad journal. The price of the ticket can be offset by the sale of ads.

**Printer Cartridges:** We are collecting ink jet cartridges. There is a box in the office please just drop them off. We have sent in a box and are sitting on several new boxes to be sent out.. CBT will receive \$2.00 per cartridge. We have received several hundred dollars so please keep on bringing in the cartridges.

**Car Donation:** We have set up a program to take donated cars. An ad has been placed in the upcoming Hakol. We have had some interest so far. We have placed an ad in the Jewish paper and will run for a year.

**Entertainment books:** We have started selling books. We have in stock Middlesex Mercer, and Monmouth counties. They sell for \$30.00. We can order any other book on special order.

**Yom Kippur Appeal:** We had a very successful call. I would like to personal thank everyone who helped. I am planning on continuing this event every year. The congregation on a whole was very happy to hear from us.

## **School & Youth Vice-President Report**

### **Nursery School**

Enrollment is continuing to increase for our morning programs. The pre-K class is now closed, since there is no room for more children.

### **Religious School**

Our Chai School will have guest speaker Edith Zamost on Sunday, October 17. She will speak on 350 years of Jewish settlement. Everyone is welcome to attend.

On Thursday, October 7, we welcome new students to our school in a Hachnasat Talmidim ceremony. Students will be asked to join us on the bimah under a tallit to receive a special blessing, book, and chocolate lollipop. We are welcoming 39 new students to our school.

We look forward to Jewish book month with several activities planned. On Sunday, October 24, Theater Ariel will perform "Old Tales, New Sparks." The Jewish book fair will begin the week before on Sunday, October 17, and will run for nine days.

The Alef PACT program, The Crown of a Good Name, is scheduled for Sunday, October 10. The Alef Naming Service is planned for Friday, November 19.

### **College Program**

If you have not already done so, be sure to register your college student with the office or Marcia Schwartz so he or she can get the packages and letters.

### **Kadima**

Kadima is seeking volunteers to help chaperone the Regional Kadima Dance we're hosting on Saturday night, November 20th. Anyone interested please contact Adam Sackett via

email(adamdavid73@aol.com), or phone 973-886-3906, or Adrienne Ross or Bonnie Eisenberg.

Kadima held their first event of the year on Sunday, September 12th. The event was Apple Picking at Terhune Orchards in Princeton. Over 20 members participated. Over 30 pounds in apples was donated to Junior Congregation for Rosh Hashana.

The next Kadima event is Pizza in the Sukkah on October 5th at 6:15 pm, along with Board Elections. Also Regional roller skating in Woodbridge at United Skates of America on October 17th

#### USY

On September 23rd, thanks to the hospitality of the Eisenberg's, our USYers were able to enjoy a night of Human Poker. This was a great ice-breaker event for the chapter. The 9th grades out did themselves at this event having more members in attendance then the 10th, 11th or 12th grades.

#### Upcoming events:

October 4th: Pizza in the Hut at the synagogue.

October 16th: Opening dance, 7:30pm bus will leave from synagogue parking lot and return around 12:30am.

October 21st: Bedowin Tent Night, 7:30pm at the synagogue.

### **MEN'S CLUB REPORT**

On Sunday September 26th, over 25 members of the Men's Club met to build the Temple's Sukkot. This year it was built in record time thanks to the preplanning that took place.

The Bowling League is scheduled to begin Saturday October 9th with the first regularly scheduled meeting for the next morning, October 10th with Dr. Howard Waksman the speaker.

### **Activities VP Report**

#### **Hakol**

Last year, due to budgetary concerns, the April & May Issues were combined. This year, because of increased advertising revenue, it will not be necessary to omit May's issue.

## **Adult Education**

The first Adult-ed meeting is scheduled for October 11 at the home of Gary Bergman. It is anticipated that the schedule of classes will extend beyond just Wednesday evenings at the synagogue.

## **Programming & Recreation**

The record of Community Commitment pledge cards has been given to Steve Juro, chairman of the Recreation committee. Both Steve and I will make the best use of these leads.