

**GALAXY TOWERS CONDOMINIUM ASSOCIATION
AD HOC ELECTION COMMITTEE**

TO: All GTCA Board Candidates
FROM: Gerald R. Drasheff *ARD*
DATE: February 17, 2007
SUBJECT: 2007 Board of Directors Election

This memo is intended to bring all candidates up to date with respect to the current status of the 2007 election campaign. Most of the information contained herein was discussed with those candidates who were available to attend the Election Committee meeting that was held last Tuesday. This memo is intended to confirm what was discussed at that meeting, to bring those that were not able to attend up to date and to advise all candidates of any additional changes that have taken place since that meeting.

As a result of a series of recent decisions by the Board concerning access to and use of certain common areas and facilities with respect to campaign related activities the following changes have been made with respect to the conduct of this years election:

1. The cubbies will no longer be available for the distribution of Candidates' literature in the common areas of the lobbies and spa. The elimination of these cubbies does not alter the general restriction on campaigning in common areas of the GTCA.
2. Access to Channel 26 will no longer be available for the broadcast of taped statements by the candidates. The tapes that had been previously made by the candidates will not be replayed and the second taping, which was scheduled to take place after Candidates' Night, will not take place.
3. **Candidates' Night has been rescheduled for Sunday February 25th at 1:00 PM in the Spa Lounge.** This change of date from Feb 21st, which was discussed at last Tuesday's meeting, was necessitated by the fact that the GTCA management has booked the Spa Lounge on that date for a presentation to all residents by the Guttenberg and NJ State Fire Officials. Since that meeting involved coordination with several outside agencies and concerns a matter of great interest to all residents the Committee agreed that it would not be prudent to cancel that presentation. The following evening, February 22nd is the scheduled hearing on the Spolletti property north of Tower III. That meeting is of great importance to the residents and owners in Tower III and therefore the Committee did not want to schedule Candidates' Night on that date. To try to schedule Candidates' Night during the week of Feb.26th would result in the event running up against the deadline for submission of mail-in ballots. In speaking to the candidates that I could reach by phone the possibility of holding Candidates' Night on the weekend was raised and there was no strong objection to doing so. It was felt that Saturday was not a good day as many people work, do their shopping or go out on Saturday evening. On Sunday February 25 the Spa is booked from 4PM on. As a result, Candidates Night has been booked for Sunday afternoon February 25 at 1:00 PM. As discussed at Tuesday's meeting a statement will be

read at the beginning of Candidates' Night concerning areas of discussion or questioning which may expose the GTCA to potential liability. Candidates are urged not to engage in personal attacks or unsubstantiated allegations, particularly directed at GTCA employees. Questions or responses of this nature will be considered out of order. All candidates are requested to keep the dialogue on a professional level and to address performance rather than personalities.

Candidates' Night will be broadcast live over Channel 26. Any decision concerning any re-broadcast of Candidates' Night will be made after Candidates' Night and will be contingent on whether the discussions include material which may expose the Association to potential liability if re-broadcast.

4. The second mailing of Candidates' literature by the Election Coordinator will not take place. Candidates will be provided with copies of the mailing list of owners in their districts for their use should they wish to undertake any individual mailing(s) to owners. In this way candidates are solely responsible for the content and distribution of literature they may choose to disseminate. A copy of the mailing list for your District is enclosed. This list is being provided to you for your use solely in connection with your candidacy for a position as a Director in the 2007 Board of Directors Election.
5. Campaigning may take place in the raised seating areas of the Tower Lobbies. However, candidates are not permitted to post any material in the designated campaign areas or to distribute any written material in those areas. The raised seating areas of the lobbies will be available for campaigning beginning Sunday, February 18 and will remain available until March 6, 2007. The tarps blocking off the raised seating areas will be removed as well as any loose construction material that may be in those areas. Between now and March 6th there may be short periods of time when you may be asked to leave the raised seating areas to permit installation of the temporary mail boxes. The Committee has been assured that such interruptions, if they occur, will be brief and will be during weekdays when traffic through the lobbies is minimal. We ask all candidates to cooperate with such requests and to return to the campaign area when work has been completed for the day. The signs advising owners that candidates are available to meet with them in the raised seating areas will be posted in the lobbies beginning Sunday February 18th and will remain up until March 6th. Each candidate is responsible for placing the nametag that was provided to you on the lobby sign whenever you or a representative is available in the raised seating area. Candidates are reminded that the number of individuals campaigning in the raised seating area is limited to the candidate or a representative of the candidate. The Committee reminds candidates to confine their campaign activity to the raised seating area and to respect the right of owners, renters and visitors to transit the lobby undisturbed if they so choose.

Enclosed you will find a copy of a Supplement to the Voting Instructions which is being mailed to all unit owners today.

Should you have any questions concerning any of the material discussed herein please do not hesitate to contact me at (201) 868-6172 or (201) 206-8288.

**GALAXY TOWERS CONDOMINIUM ASSOCIATION
2007 BOARD OF DIRECTORS' ELECTION - MARCH 7, 2007
SUPPLEMENT TO VOTING INSTRUCTIONS**

February 17, 2007

Dear Galaxy Unit Owner:

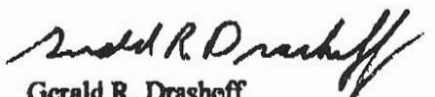
This Supplement to the 2007 Voting Instructions is being sent to all unit owners in order to clarify the procedures applicable to the 2007 Board of Directors Election and to highlight certain changes with respect to candidates' campaign activity.

1. **The date for the regular election remains unchanged. The election will be held on March 7, 2007 in the Spa Lounge between the hours of 5PM and 9PM.**
2. There has been no change in the number or names of the candidates running in the various Districts.
3. **All of the voting material which you received with the February 2, 2007 voting Instructions remains valid as do the deadlines set forth in the February 2nd Instructions. Should you wish to cast your vote by mail you may do so by using the ballot and return envelopes that were mailed to you on February 2nd. The Election Coordinator must receive mail-in ballots no later than 5:00 PM on March 6. The Election Coordinator for this election is Honest Ballot Association, Inc., 272-46 Grand Central Parkway, Floral Park, NY 11005, (718) 279-VOTE. If you have not yet received an election package in the mail please contact the Election Coordinator to confirm your mailing address and to request a substitute election package.**
4. **Candidates' Night has been rescheduled to Sunday February 25th at 1:00 PM in the Spa Lounge. All unit owners are urged to participate in this event as it offers the opportunity for you to question the Candidates directly.**

As a result of concerns on the part of the Board of Directors with respect to the potential exposure of the Association to liability in connection with candidates' campaign activity the Board has instituted the following changes:

- A. Prepared statements by the candidates will no longer be shown on Channel 26.
- B. Candidates' literature will no longer be posted in cubbies in the Lobbies or Spa.
- C. Candidates' literature will no longer be distributed by mail by the Election Coordinator. Candidates will be solely responsible for any mailing of campaign literature to unit owners.
- D. Candidates will continue to be permitted to campaign in person or by representative in the raised seating areas of the lobbies. However, candidates are not permitted to post or distribute campaign material in these areas. **The time periods for campaigning in the raised seating areas has been expanded and candidates may campaign in those areas from February 18th to March 6th.**

All owners are encouraged to participate in this important election.


Gerald R. Drashoff
Chairperson,
GTCA Ad Hoc Election Committee



GALAXY TOWERS CONDOMINIUM ASSOCIATION
AD HOC ELECTION COMMITTEE

TO: All Galaxy Unit owners
FROM: GTCA Ad Hoc Election Committee
DATE February 10, 2007
SUBJECT: 2007 Board of Directors Election

The Election Committee wishes to advise all unit owners that as a result of actions recently initiated by the Board of Directors certain changes are required with respect to the 2007 Board of Directors election. The reasons for the actions taken by the Board of Directors are set forth in a letter from General Counsel Robert Buckalew, Esq. dated Feb. 8, 2007 which was sent to all unit owners.

The Committee and I met with Mr. Buckalew and the Association President, Allan Ellinger on Thursday evening to fully understand the genesis of this issue and the potential implications and exposure to the Association. It is the understanding of the Election Committee that the Board will be meeting this weekend to determine what, if any, changes may be required to the 2007 Election Rules in order to address the concerns raised in Mr. Buckalew's letter, while simultaneously keeping the election date as was originally scheduled. Pending that determination by the Board, the Election Committee has taken the following actions:

*** Candidates' Night, which was scheduled for Tuesday February 13 at 7:30 PM, has been postponed. Further information concerning Candidates' Night will be communicated to all owners in the near future.**

* Although the Election Coordinator was requested to delay the mailing of the Election Packets to the Owners, that request was received after the packages had been deposited with the US Mail. As a result each of you has received or will receive shortly the 2007 Election package. The Election Committee requests that you simply hold on to that package at the present time as some of the activities and deadlines set forth in the Voter Instructions may be subject to change as a result of any final decision reached by the Board concerning the 2007 Election Rules. Any changes with respect to campaign activity or deadlines for submission of ballots will be communicated in writing to all unit owners as quickly as possible. Any changes in deadlines will ensure that there is sufficient time for all unit owners to submit their ballots and have their votes counted by the Election Coordinator.

The Election Committee regrets any delay to the election process but rest assured that the 2007 Election for Board of Directors will be completed and the Election Committee will keep all owners informed with respect to any changes to the procedures to be followed.

Sincerely,



Gerald R. Drasheff

Chairman, GTCA Election Committee

BUCKALEW FRIZZELL & CREVINA LLP

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CHERYL SIEGEL**
MARY WYNN SEITER††
LINA REZNIKOV**

*MEMBER OF NJ & VA BARS
**MEMBER OF NJ & NY BARS
†MEMBER OF NJ, NY & CT BARS
††MEMBER OF NJ & CT BARS

February 8, 2007

ALL UNIT OWNERS
GALAXY TOWERS CONDOMINIUM ASSOCIATION

Dear Unit Owner:

I am writing to you - and having this letter distributed under each apartment door - at the direction of GTCA's Board of Directors to inform you that the GTCA employee responsible for administering Channel 26 has been instructed to stop running tapes made by the candidates for election to the Board of Directors when the initial cycle ends, until further instructions from the Board of Directors. Furthermore, GTCA security has been instructed to pull all campaign literature and the ad hoc election committee has been asked to instruct the election coordinator not to mail any campaign materials until further instructions are given.

Shortly after 11 a.m. yesterday, I was informed that a candidate's tape aired on Channel 26 that included an indefensible, vicious personal attack on GTCA's General Manager, Susan Fitzpatrick. I immediately informed GTCA's President. This attack had a devastating effect on Ms. Fitzpatrick and on the entire staff of employees. It is not the first time she has been exposed to unwarranted and unjustifiable attacks on her reputation and threats to her person by a unit owner.

I have now seen this tape and condemn it for the slander and threat of retribution that it clearly is. I, GTCA's President, and other Directors, as well as many of you, have also seen campaign materials produced by this individual. They are equally vicious and, in my opinion, are a clear libel.

This candidate has not only subjected himself to a civil action by Ms. Fitzpatrick, but has potentially exposed GTCA to defending any number of actions by Ms. Fitzpatrick and other employees.

BUCKALEW FRIZZELL & CREVINA LLP

ATTORNEYS AT LAW

Unit Owners
Galaxy Towers Condominium Association
February 8, 2007
Page 2

Access to Channel 26 is not a right. Channel 26 is not a broadcast television channel and even if it were, there is no rule, law or doctrine that does or would make access to it a unit-owner right. Access was first extended to candidates by the Board last year. I have advised GTCA's President that the full Board must review the expanded access provisions of the 2007 Election Rules and either withdraw access from all candidates or put reasonable constraints on that access.

This is not about freedom of speech. But if it were, I would say one candidate just shouted "fire" in a crowded theater. He went over the line. It is not just about other candidates, incumbent Directors or key management being "quasi-public" figures in the eyes of the law, and as such having to have thick skins - it is about one candidate's conduct - his spoken and written words - going way beyond what any court would sanction. Let me add here that in my opinion no GTCA employee, regardless of rank, is a quasi-public figure, a figure whose position comes with a certain amount of public abuse and requires a thick skin.

What the Board's action is about goes also to maintaining and ensuring a non-hostile work environment for every GTCA employee, regardless of rank. That is a legal duty GTCA owes its employees. It goes to maintaining the morale of GTCA's large and diverse staff, who keep the complex running and who, if mistreated, or made to think they can be impertinently abused and maligned by a unit owner-candidate, as Ms. Fitzpatrick has been mistreated, abused and maligned, will come to believe that they cannot count on their employer to insulate them from such cruelty, to back them up, to keep them safe.

The Board asks each of you to withhold judgment on the action it has taken until, in open session, it determines what is to happen now - for the balance of the 2007 campaign, at least - to the candidates' access to Channel 26, the distribution of campaign materials and ground rules for candidates' night.

Very truly yours,

BUCKALEW FRIZZELL & CREVINA LLP


Robert J. Buckalew

RJB:bb

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posted: Thu Feb 15, 2007 12:26 pm Post subject: Our liberties are at stake

Dear Friends,

Over the past week the GTCA Board has
suspended the showing of Candidates' taped speeches on Channel 26
suspended the customary GTCA mailing of Candidates' election materiel
removed the cubbies for Candidates' literature in the lobbies
placed limitations on what Candidates may say on Candidates Night
The Board is meeting tonight to discuss the conduct of the Election.

Our liberties are at stake. These measures are typical of
what one might expect in a managed election in a totalitarian state.

Show your opposition.

Come to the Board Meeting tonight. Bring your friends. Your mere orderly presence at
the GTCA Office will show your concern.

The more people who come, the greater the impression on the Board.

Gene Blum

Board Meeting tonight - 16th Floor Office T-1 at 9 PM

From: Barbara Tokay

Sent: Sunday, February 11, 2007 4:34 PM

To: Allan Ellinger; M NORGET; Harlin Blank; Steve Braitman; Anthony Boccellari; Steffanie Haase; Lisa Bolasco; John Kaehler; Steve Rosen; Karl Kieninger

Subject: Board Elections and the Rights of Members of the Association

It is bad enough that the Board of Directors allows Directors standing for re-election to participate in the drafting and adoption of the Election Rules governing Board of Directors' Elections. That in itself undermines the credibility and legitimacy of these Elections.

The rules adopted for the 2007 Board Election restricted the rights of candidates to reach voters without spending hundreds of dollars on mailings.

Now, on a pretext that is unsupported by law or common sense, the Board of Directors has intervened in the 2007 Board Elections to prohibit candidates from placing their campaign literature in the lobbies and to stop all showings of the candidates' videos on Channel 26. These ways of disseminating information are inexpensive and are also guaranteed in the 2007 Election Rules.

In taking this ill-considered action, the Board has exposed the association to challenges to this election as well as to other legal actions.

What is the justification for this action? The Board alleges that one of the candidates--unnamed--made "defamatory" statements about an employee of the association in a videotaped presentation.

The candidates have not seen the tape which is alleged to contain "defamatory" statements. Further, the Board president has stated that the Board's action was not directed against "most of the candidates."

Nonetheless, the Board directed the association's attorney to write a letter addressed to all owners that both stated and implied that ALL candidates' campaign literature and video presentations must be removed immediately to prevent "harm" to the association. This letter defames ALL candidates. It tries and convicts ALL candidates without allowing them to defend themselves. It is a direct--and knowingly false--attack on the reputation and credibility of all candidates.

The Board's unwise action has opened the door to defamation actions against the association, individual Board directors, and the association's attorney.

The defamation of the candidates meets the heightened standards for establishing defamation in cases involving EITHER "quasi-public" figures or to members of a private corporation. By its foolish action, the Board has exposed the association to legal costs to

defend against defamation charges and has opened the door to the recovery of damages by the parties harmed by this letter.

One may ask why the Board does not understand that the performance of this employee is a legitimate topic for discussion among the members of this association.

We may ask ourselves if this Board is wary of open and frank discussion of its record. Many Board decisions about the R&R program give rise to serious concerns. It appears that the Board is embarrassed by its own decisions. This was demonstrated at the recent Budget Forum when the Board Treasurer refused to answer legitimate questions about how a \$2.44 million R&R budget to make a \$4.5 million loan payment AND to pay for a \$3.0 million lobby "restoration" as well as for completion of our over budget and overdue \$6 million fire safety system and ongoing garage repairs.

We may wonder who is being "protected" by the Board's active suppression of the candidates' ability to reach voters. We may wonder who is being "protected" by the Board's attack on the reputations and credibility of ALL candidate's.

Does this Board wish to avoid public discussion of its own performance? Does it wish to avoid public discussion of the performance of its general manager?

Owners may legitimately discuss why the Board rehired a general manager who jeopardized the safety of our property by causing fire alarm systems to be turned off in two Towers. Owners may legitimately discuss why the Board authorized the general manager to accept fire safety system change orders of \$200,000 or \$300,000 without prior Board approval. Owners may legitimately discuss why the Board allowed two employees to sign R&R checks in amounts up to \$500,000 without a Board signature.

Owners may legitimately question whether this Board has met its fiduciary responsibility to the association.

Owners may legitimately question the high legal bills incurred by this Board in its attempts to suppress the distribution of information during Board Elections as well as its willingness to spend the association's money to prevent owners from obtaining financial records they are entitled to obtain by law.

We note that the Board has spared no expense in presenting its own positions.

In addition to causing the association's attorney to write and distribute a letter undermining the credibility of all candidates, the Board president released a 4-page "justification" of a recent action by the Board that left most owners speechless.

Last week, the Board voted to pay a contractor \$288,000 for "delays" and another \$30,000 to build a "bridge" over three large and ugly holes that have blocked our front doors and have defaced our property since November. In this letter, our Board president attempted to justify beginning outside construction in November WITHOUT doing

proper engineering studies. He attempted to persuade us that this contractor spent "hundreds" of hours waiting in the office of a building inspector who had not yet been hired in order to obtain permits for this job. He attempted to justify paying a contractor's insurance because the GTCA's "special" insurance requirements made such insurance "burdensome."

Those of us who have actually run "project" businesses know that these claims are nonsensical.

It is not easy to be a candidate in a Board of Directors Election. An election campaign involves a commitment of time, energy, and money. At a minimum, candidates deserve respectful treatment. Candidates should be able to reach voters without spending hundreds of dollars.

Candidates should be able to stand for election without having their reputations assaulted by the association's attorney acting on behalf of the Board of Directors.

It is my intention to see that every person who received the attorney's letter also receives this email.

Sincerely yours,

Barbara A. Tokay
Owner, I-35F
Candidate, District I