

**VAIL'S GROVE COOPERATIVE, INC.**

**BOARD OF DIRECTOR'S MEETING**

**December 13, 2011**

**CALL TO ORDER:**

Ms. Waltzer asked for a moment of silence in memory of Mr. Bob Gregory, long time Board member and former Chairman of the Board, who did so much for Vail's Grove Cooperative, and passed away last week. "May he rest in peace."

Ms. Waltzer called the meeting to order at 8:05 pm and asked all to rise for the Pledge of Allegiance.

**ATTENDANCE:**

Mr. Cassidy took attendance. Present: Mr. Cassidy, Mr. Duffy, Ms. Enos, Mr. McGuinness, Ms. McHale, Ms. Mytych, Mr. Norcross, Ms. Rubini, Mr. Ryan, Ms. Waltzer. Absent: Ms. Desidero, Ms. Myers and Mr. Witte.

**ACCEPTANCE OF MINUTES:**

Ms. Rubini made a motion to accept the minutes of the November meeting. Mr. McGuinness seconded. Ms. Enos made some grammatical corrections to the minutes. Ms. Enos abstained. All others in favor. Motion approved pursuant to the changes being made.

**COMMENTS & CONCERNS OF STOCKHOLDERS:**

1. Ms. Waltzer addressed the residents of Maple Lane who attended this meeting. Ms. Waltzer stated that she would address the list of questions as best we could, and some questions will not be able to be answered as we received this list just yesterday. Mr. Duffy gave a re-cap of the situation regarding the Maple Lane easement. He explained that in July of 2009, we were informed by the district that the DOT was having a serious problem with an issue concerning the new construction road entrance. The DOT was concerned about the sight distance and was concerned about safety. The Board reviewed the sight situation with the DOT and both Supervisors in June of 2009 and we were in a situation where the DOT was going to refuse to issue any permits making that entrance a reality. At the same time, this created a major conflict with the Environmental Facility Corporation which was holding all the money for this project. The EFC's position at this time was that they were refusing to release any of the money for this project until every permit had been issued and in place. Finally, if the EFC did not consider us shovel-ready because of this permit not being in place, we would have lost the Obama money (American Recovery Act), which was over \$8 million. Although at this time, the Board did not like the position we were in, at the July 15, 2009 meeting, they discussed in great length and finally the motion was made to grant the permanent easement for the WWTP via Maple Lane. The motion was passed. At the time, there were no specifications made as to the size of the trucks allowed, as we were assured that once the project is complete, there would only be one or two trucks a day coming into Maple Lane. Ms. Waltzer stated that the Board was under the gun to grant this permanent easement on Maple Lane because we were informed that the DOT was not going to allow the treatment plant to go forward. The Board could not hold the entire project

up. The provision we made at the time was to continue to work to get that construction road to stay open. Ms. Waltzer then stated that it is not true that the road was closed because Arben wanted to get their bond money back. The reason was that the DOT mandated that the road be closed and planted by November 2011. As much as the Board wants to work to help the residents of Maple Lane, we are not in control. The Board will continue to work for this road but it would cost a lot of money to change the sight line. DOT is saying that the sight line could be changed but this would be a very costly matter for the entire District. Mr. Duffy said that we would try to get Tony Hay to go back to the Legislature to try to get money to have this expensive work done. Ms. Waltzer could not answer the following questions: Who is going to plow that road from Maple Lane to the plant and who is going to repair the roads and maintain the roads? These are all legitimate issues and ones that need to be worked out with the District. Ms. Waltzer said that regarding the additional parking, we could possibly do something at the end of the road. Mr. Duffy then said that we should be able to do something with gravel to make a parking area. Ms. Waltzer stated that the District could use that Maple Lane, as the Grove granted them a permanent easement. Mr. Duffy said that we have been assured that there will only be a few vehicles a day on that road. We always knew that was going to be the situation. Mr. Duffy stated that all the roads in Vail's Grove have UPS trucks, delivery trucks, oil delivery trucks. Ms. Waltzer stated that hopefully it will be as they stated in the beginning as far as vehicles go. Mr. Andrews said that the road is a mess and Ms. Waltzer stated that all the roads in the Grove are a mess from all the construction. We will continue to work with the District to have these roads maintained and kept clean. Mr. Duffy stated that Warren Lucas and the District are very open to listening to the concerns of Vail's Grove.

Mr. Kurt Guldan, a resident of Maple Lane, stated that he has met with Town officials and they said that a survey is needed in order to see how much it would cost to open that road on a permanent basis. Mr. Guldan said that Warren Lucas said there is money left in the budget for this survey to be done. Mr. Duffy said he will contact Warren Lucas to ask about this and see if the request for a survey would need to come from the Coalition. Ms. Waltzer stated that Mr. Duffy will follow up. Mr. Guldan then stated that whenever it rains, there is a large puddle at his driveway. Ms. Waltzer said that issue would be referred to Buildings & Grounds.

Mr. Gary Weber, of Maple Lane then asked about the sign for the Environmental Center. Ms. Waltzer said the sign is not on our property, it is on the property of the Environmental Center. Ms. Waltzer stated again that this is not in our control, as it is not on our property. Mr. Weber does not understand why he was never notified by the Town that a sign will be installed there.

2. Mr. David Janacek, executor of the estate of Adele Janacek, asked the Board if they had any questions about his application for membership to purchase the house from the estate. He was informed that this application is in order and it will be discussed and voted on at the January meeting. Mr. Janacek asked if the septic needs to be inspected as we are so close to the sewers being ready and Ms. Waltzer said that whenever there is a change of ownership, the septic needs to be inspected. Mr. Janacek is also asking if he could purchase additional shares so he could create more parking. Mr. Duffy stated that we are not changing any surveys and lease descriptions or selling any more shares. He would like to push the parking area back four feet so that cars are not sticking out in the road. Ms. Waltzer said he would need to submit an application for the Board to review.
3. Mr. Chris Dress has two concerns. After the last two storms, he would like to put a generator in and the Town of Southeast wants a letter from Vail's Grove stating that it is alright to do so. Mr. Dress said the generator is not a structure. Mr. Duffy said it is important to inform neighbors about placing a generator next door to them. Mr. Duffy stated that the application that he

submitted will be addressed tonight during the Real Estate Committee report. Mr. Dress said that the propane company will determine where the tank is placed when they place the generator and Mr. Dress informed that the propane generator is quieter than others. Mr. Duffy stated that stockholders will need to submit applications prior to installing a generator.

Mr. Dress is also concerned about his survey. He stated that the 5-7 foot right of way needs to be on the survey. Mr. Duffy explained that there is no extra room between the houses and there is no room to move any surveys to the south. Ms. Waltzer stated that the surveys have been ratified by the Board and they are as they stand. Ms. McHale asked if it is policy to now submit applications for generators and Mr. Duffy said it is a structure – a noisy structure – and we would now expect applications for generators in the future. We try to accommodate the neighbors by letting them know that a generator is going to be put in.

## **COMMUNICATIONS NOT INCLUDED IN REPORTS BELOW:**

### **COMMITTEE REPORTS**

#### **CHAIRPERSON:**

No Report

#### **VICE-CHAIRPERSON:**

Mr. Duffy stated that “Bob Gregory was a friend of mine, he was on the Board a long time, he taught me a lot, and always had the Grove and the community in his best interests. Over time, Mr. Gregory and Mr. Becker became my mentors and I would like to thank Bob Gregory for over 30 years of service at the Grove. The Grove will miss Bob.”

#### **VICE-PRESIDENT:**

No Report

#### **TREASURER:**

Ms. Mytych made a motion to approve the budget that was presented in the Executive Session with the following changes; The B&G budget being changed from \$75,000 to \$70,000 and the Emergency B&G budget being changed from 10,000 to \$15,000. Ms. Enos seconded. All in favor. Motion approved and budget for 2012 is passed. There is no increase in quarterly fees.

#### **ETHICS:**

No report

#### **SECRETARY:**

Mr. Cassidy stated that the directory and Vail’s Voice have been sent out. The office will be closed on Monday, December 26 and Monday, January 2<sup>nd</sup>. Ms. Battreall will work limited hours during the week between Christmas and New Year’s.

**SUNSHINE:**

Ms. Battreall read a thank you note from Sue Enos for the fruit that was sent.

**REAL ESTATE:**

Mr. Duffy made a motion to approve an application from Chris Dress for the addition of a generator, placement shown on the official Vail's Grove survey for his property. Neighbor letters were sent. Ms. Enos seconded. All in favor. Motion approved.

**INSURANCE:**

Ms. McHale reported that an insurance adjuster looked at the damage on the Kiernan property from the Vail's tree falling during the October storm. The adjuster said that Vail's is not liable for any damages to the Kiernan house. In addition, we received the hold-back money of over \$16,000 from our insurance company for the coverage of the re-build of the six-car garage.

**TREE:**

Mr. Norcross asked to have the O'Loughlin tree issue removed from the follow up list as he sent the O'Loughlins an e-mail, as well as spoke to them on the phone about the tree. The O'Loughlin's would like to be kept informed about what is decided about the tree near their house that is located on Vail's property. Mr. Norcross will have an arborist come in to check the condition of the tree. Mr. Norcross will send the office a copy of the e-mail for the O'Loughlin file.

**MEMBERSHIP:**

Mr. Ryan made a motion to approve a re-finance application for 5 Hilltop Lane, subject to receiving an appraisal. Ms. Enos seconded. Ms. Rubini abstained. All in favor. Motion approved.

Mr. Ryan made a motion to accept a rental renewal for 8 Terrace Drive for January 1, 2012 – December 31, 2012. Ms. Enos seconded. All in favor. Motion approved.

Mr. Ryan informed the Board that Mr. Norcross will be purchasing 33 Orchard Road. No membership application is required as Mr. Norcross is already a stockholder.

Mr. Ryan made a motion to approve a membership application for the purchase of 86 Vail's Lake Shore Drive to Mr. and Mrs. Katsch. Ms. Enos seconded. Mr. Norcross and Ms. Rubini abstained. All others in favor. Motion approved.

**BOAT RAMP:**

Mr. Ryan reported that when the ground freezes at the North End Boat Storage, the area will be re-organized.

**WWTP:**

Mr. Duffy updated the Board about the WWTP. Mr. Warren Lucas has arranged for a pipe to be run on the property of a private home on Route 121 so that construction can continue for the sewer. The project was delayed by the DOT because there was a problem with an easement on Route 121. Testing for the plant will begin shortly. For one week, testing is done using fresh water and then for three weeks, dirty water is used. Bids for the Grinder pumps will be going out in January and hopefully installation will be in April/May/June. The engineers are hoping to start work next week to complete our punch list items at the North End. Ms. Waltzer stated that she and Mr. Duffy put together a list of things that we want done in order for us to be satisfied that our property is restored to our satisfaction. It was stated that any rocks that are down at that site are up for grabs if any Stockholders would like to go down and take them.

### **BULDINGS & GROUNDS:**

Mr. Davies stated that Joe Pare from Arben is clearing out his trailer, which will probably be moved out soon. He also stated that Mr. Pare seems to be unsure about what it is we want done at the re-cycling area. Ms. Waltzer stated that GHD is aware of all of the issues that need to be addressed. Also, it was stated that Kevin Tompkins, who is our snow plowing contractor, will be doing the plowing on Maple Lane down to the circle at the end of that road.

Mr. Davies said that the water issues on Orchard will be addressed. A letter went out today to 64 Vail's Lake Shore Drive about dirt that has accumulated after the hurricane causing flooding to come down onto Vail's Lake Shore Drive. Landscape Unlimited fixed a water problem on Vail's Lake Shore Drive near 59/61. Jay Moore has also been working on that area on replacing the pipe along that area.

The leaves are being taken to a facility on Palmer Road in Brewster.

The heat tapes on the roof of the Pavilion have been installed by Jay Moore. The electrician will be here soon to finish the connections.

Chipping is still happening at the North End. This is to take care of all the debris left by the storm.

Mr. Davies said that the road down by the North End will be fixed by GHD in the future.

Mr. Ryan asked what was happening with the water in the manholes. Mr. Davies said he has been told that it is normal for the water to be going into the manholes. Mr. Davies said that he and Jay Moore will pump out the water from one of the manholes, cover the manhole and wait to see where the water is actually coming from. He wants to see if it is coming from the top or seeping through underground. Mr. Davies stated that he has been assured by both Landscape Unlimited and GHD that there will be no problems.

Ms. Enos said that water is running down by the Sheridan's property and the six-car garage. Mr. Davies stated that the water is coming off Route 121.

Mr. Duffy would like to meet with Mr. Davies to look at the parking area possibility on Maple Lane. Mr. Guldán said he will have Mr. Weber and Mr. Aries look at the area as well as they live at the end of Maple Lane.

Ms. Battreall read into the minutes, a letter from Mary Larkin, a stockholder at the Grove:

“Dear Board of Directors,

The October storm was so above and beyond anything we've experienced. The resulting debris from all the tree limbs was so overwhelming. I was told by Mike that the Grove was going to rent a chipper to go through the roads to handle discarding the limbs. When I watched Jay struggle to chainsaw, detangle, load and unload the pickup truck to make countless runs to the north end, it was quite apparent we as a community were taking advantage of his ability. In my opinion, it would have been a much better plan to hire an outside tree service, even if we had to wait for their services. It's a good thing Jay's back held up doing such taxing labor. I think it was penny-wise and pound foolish to not want to risk going over our budget in this circumstance. Our employees are extremely valuable and the Grove has benefitted greatly in the years that both Jay and Cindy have been taking care of us. Jeopardizing Jay's Physical stamina in this way was not a respectful way of treating him.

Sincerely, Mary Larkin"

Ms. Battreall then shared Mrs. Becker's concerns about her garage and electric in the new six-car garage building. She asked some questions about the electric. The office will respond to Mrs. Becker that the overall electric is not tied into her electric usage. The only time Jay Moore will go into the garage is to read the meters, which will be done once per quarter. The office is the only place there are garage keys and they are only there for emergency purposes and there is no access to them; therefore, no discount of the rental fee will be made.

Ms. Waltzer read a note from Tim Butler, who does excavation work here at the Grove:

"I want to it make clear to the Board members and stockholders that my costs are based solely on time and materials. I do not and have never had different prices for different customers."

#### **PAVILION:**

Ms. Enos made a motion to approve the Pavilion rental application from Mr. and Mrs. Cassidy for December 24<sup>th</sup>. Mr. Ryan seconded. Mr. Cassidy abstained. All others in favor. Motion approved.

#### **LONG RANGE PLANNING:**

No Report

#### **OMBUDSMAN:**

Ms. Desidero sent a report that she is working on a few Ombudsman issues and will report next time.

#### **LEGAL:**

No Report

#### **RECREATION:**

Ms. Rubini reported that the Holiday party was wonderful. She thanked the Fire Department and Peter Van Scoy for the fire truck for Santa. The DJ and Ledley Caterers were great. Ms. Rubini thanked Cindy and Jay for all their help with tickets and setting up and also thanked the Cassidy's. Ms. Enos said the gingerbread houses were great.

Ms. Waltzer said that the vendor fair was marvelous. There were over 30 vendors. This was not a fundraiser, just an evening for fun. Thanks to Meghan Cassidy and Cindy Battreal for all their hard work. There were raffled prizes donated by the vendors. Food was donated by Fiesta Mexicana, Ledley and Brewster Pastry.

Ms. Rubini said the New Year's Eve party reservations are being taken by Joan Ford and Chris Dress.

**AESTHETICS:**

No report

**PUMPHOUSE/PUBLIC HEALTH:**

No Report

**PUBLIC LIASION:**

No Report

**BEACH:**

We will look into possibly renting a larger port-a-potty for the beach.

**PUBLIC SAFETY:**

No Report

**LEND A HAND:**

No Report

**WELCOME:**

No report

Meeting adjourned at 9:40 pm.