

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

**BOARD OF DIRECTOR'S MEETING**

**March 20, 2012**

**CALL TO ORDER:**

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

**ACCEPTANCE OF MINUTES:**

Mr. Cassidy made a motion to accept the Minutes of the meeting on January 17, 2012. Ms. Myers seconded. Mr. Norcross abstained. All others in favor pursuant to making some typographical corrections.

Mr. Cassidy made a motion to accept the Minutes of the February 21, 2012 meeting. Ms. Myers seconded. Ms. Desidero stated that she believes she made a motion to have our "attorney" write a letter regarding our concerns about the size of the trucks that were using the Grove's roads. She stated that the Minutes state that she made a motion to send a "letter." She felt this was not accurate and the Minutes should reflect that she requested an "attorney" letter. She requested Ms. Battreall review the Minutes to see if Ms. Desidero's concern is accurate. Mr. Norcross and Mr. Witte abstained. All others in favor pursuant to the suggested changes being made.

**COMMENTS & CONCERNS OF STOCKHOLDERS:**

1. Melissa Sowa of 2 Locust Road discussed a water problem in her backyard. She stated that she has written letters in November of 2011 and again in February 2012 and she received a letter back telling her she should install a curtain drain. She did have Butler Excavating come in to look at the problem and he stated that the water is coming in to her yard, not from her yard she said. The backyard is wet; the dog electric fence does not work any longer. The land by the mailboxes is very wet, the path is wet and it is coming into their yard. Ms. Sowa thinks that perhaps it is coming from the piping problem from a neighbor on Terrace or from when Landscape Unlimited used the area for a staging area. She has lived here five years and never had this problem before. Mr. Davies said that he was told that there is a drain that runs by Polye Lane and behind the house on Terrace. He said the water is coming into the yard but does not think it is Vail's property. Again, Ms. Sowa said the water is coming onto her property and she should not need to be responsible for fixing it. Mr. Davies said that there were no pipes under the area that Landscape Unlimited used. Ms. Waltzer asked Ms. Sowa to discuss this further with Mr. Davies and maybe they can come up with a solution as to where it is coming from.
2. Judith Smith of 48 Vail's Lake Shore Drive discussed the back road behind her house and the water problem that has been an issue for many years. She stated that she lived here for 40 years and the Cooperative has always assumed responsibility for that road and maintained the road for

snow, lawn mowing and providing fill, etc. A Board member has told her that the road belongs to the shareholders who live there. She said that she thinks there is a letter from the State somewhere and that at that time, they stated that they have no responsibility for that road and that it is the responsibility of the Cooperative. Mr. Smith then reported that Mr. Mulkern and Mr. Reynolds worked on this ongoing water problem. They spoke to engineers and the DOT and that they gave the road to the Grove. Mr. Smith stated that he thinks there was a letter from DOT stating that it belongs to Vail's Grove. Mr. Duffy stated that the Grove does not own the road according to the surveys we recently had done. He requested that Mr. Smith try to find the letter. Mr. Fischer stated that the Board must have that information. Mr. Fischer stated that he was on the Board at the time and the Grove used to take care of that road. He stated that a past Board did approve the re-paving of that area. Ms. Waltzer stated that we will look at old Minutes. Mrs. Smith stated that over the years she has seen work done at Board members' homes that the Grove has paid for regrading the water issues in front of some people's homes. Ms. Desidero asked if this is an impervious or pervious surface. Mr. Smith said it is Item 4 – pervious and that is approximately ten feet wide by 150 feet long – which is only a guesstimate. Ms. Desidero stated that if we do not own the road, we cannot pave the road and that we should try to see who does own that road, to try to help these Stockholders out on this issue. Ms. Desidero stated that if we do own the road, a lot of approvals would need to be gotten because it might then create a water issue. The residents are asking for at least more gravel to be put there. Ms. Waltzer said that the official survey says that everything 25-30 feet off of Route 121 does not belong to Vail's Grove and that includes that road. Ms. Waltzer said that we would look into this by looking through old Minutes and ask people to write letters to the state asking them if they have any information about this. The office will look in the files to see if there is a letter. Mr. Davies said he spoke to the state and they own no further than 10 feet from the center line of Route 121.

Mrs. Smith also brought up an issue about a tree on her neighbor's property that is dead. Mr. Smith asked for a copy of a letter sent to Mr. Misale so that the Smiths are covered in case the tree does come down. The office will send another letter via certified mail, return receipt.

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

None

#### **COMMITTEE REPORTS**

##### **CHAIRPERSON:**

Ms. Waltzer reported some items about the WWTP update:

The entire pipeline is in for the sewer collection system, the Grinder Pump contracts are out to bid, the contractors have a meeting later this month and once the bids are received and opened, the contractor must hold to their bid for 45 days. Ms. Waltzer reported that if any Stockholder has any questions about their grinder pump location, you can get a copy in the office, and then call GHD by March 31<sup>st</sup>. Once the Grinder Pumps have been installed, the septic tank will be decommissioned on the same day and they will be hooked into the sewer collection system on the same day. It is also requested that when the contractor contacts the residents, the residents cannot delay and must make themselves available for the installation of the grinder pump. Residents are also reminded that there may be odors in the system until everyone is tied in. We do ask for everyone's patience during this transition time. There will be information on this in the Vail's Voice. Mr. Duffy stated that, hopefully, by the second week in June, installation will be

started. If trees or bushes are taken out, they will not be replaced and grass will be reseeded after everyone is hooked up.

Ms. Waltzer then discussed that Peggy Boyle has requested that Vail's Grove host a party on September 29<sup>th</sup> to celebrate the WWTP. Ms. Waltzer stated that Vail's Grove bears the cost of a few thousand dollars when we host these parties. Ms. Desidero asked why one of the other communities cannot host the party. It was discussed that Bloomerside has a lovely pavilion and Ms. Desidero says that all the communities have places to have the parties. Pietsches also hosts great parties. Ms. Desidero said it would be nice to have the party elsewhere. Ms. Waltzer will discuss this party issue with Peggy Boyle.

Ms. Waltzer also discussed that there are a lot of areas throughout the Grove not in great condition since the paving has been done. Ms. Waltzer, Mr. Duffy, Jay Moore and Michael Davies did a walk around to make a list of these locations, so that we can have them fixed to our satisfaction.

Ms. Waltzer then discussed that the Pavilion floors look magnificent since Jay Moore worked on them and brought them back to life. After the New Year's Eve Party, Joan Ford gave \$450 made on a raffle to Vail's Grove and Joan Ford thought it would be good to use that money to fix floors. Ms. Waltzer reported that we should use that money toward the new buffer and to send Joan Ford a thank you. Mr. Witte made a motion to take \$450 from New Year's Eve raffle and use it for the new floor buffer. Ms. Enos seconded. All in favor. Motion approved.

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

Mr. Duffy reported that in Executive Session, it was discussed that notices will go out informing people that if their dogs are seen off a leash, after we send the notice out, they will be fined \$100 and then \$50 for each occurrence after. The Board also discussed possibly expanding the Finance Committee. Ms. Waltzer gave an update on the pump house issues. There has been a Pump House Committee that has been meeting to discuss whether it would be advisable to use the old pump house or if we need a new pump house. We were hoping to be able to save money by using the existing pump house. The DOH stated that they have several objections with what we wanted to do in utilizing the old pump house. We are going to send a letter to the DOH to ask them to clarify their objections about why we could not install pumps in the water tanks. The cost of tearing down the old pump house will be high as well. Work on this will continue.

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

No Report

#### **SUNSHINE:**

Ms. Enos reported that Patricia Leo's daughter, Kellie Waltz had a baby boy on January 29<sup>th</sup>; John Treiling had a procedure and is doing well; and Joe Visbal had surgery and is also doing well. Ms. Enos also sent our best wishes and prayers to Jim Sheridan. Joan Sheridan has told Ms. Enos that Mr. Sheridan is not doing very well and Ms. Enos suggested that people send their wishes and cards.

Ms. Desidero then stated that either the Vice-Chairperson or the Vice-President should be reporting what transpired in the Executive Session.

**TREASURER:**

Ms. Mytych was not at the meeting, but the Financials were sent to the entire Board. If any Board members have any questions or comments, they should contact Ms. Mytych. The Board will motion for a final approval next month and then the financials will be posted on the website.

**ETHICS:**

No Report

**SECRETARY:**

Mr. Cassidy reported that the office will be closed on April 2 and April 6. The deadline for the next Vail's Voice will be March 25<sup>th</sup>. He asked for Board members to send any submissions to Meghan Cassidy. The Vail's Voice will be sent out with the 2<sup>nd</sup> quarter bills at the beginning of April. Mr. Cassidy reminded everyone that all paperwork, invoices, and credit card use needs to go through the office. The office will resurrect the Follow Up list and all members must deal with their items between meetings and report on their items at each Board meeting. Ms. Battreall reminded the members that they all need to do "homework" between meetings.

**REAL ESTATE:**

No report

**BUILDINGS & GROUNDS:**

Mr. Davies said that Jay Moore did a great job on the Pavilion floors. The garage was cleaned out and we had a dumpster to put stuff from the garage that we had no need for. He reported that leaves are being picked up; fields are being cleaned. Mr. Davies stated that the leaves are going down to Palmer Road in Brewster. Palmer Road will also start taking wood chips. Mr. Davies made a request for approval to spend money at United Rentals Equipment going-out-of-business sale, to purchase a chipper for the Grove. He does not know how many they have or what the cost is. He needs to know what kind of budget he has to purchase a chipper. He said he found one on the internet which was used, for \$4000. He was looking in the range of \$4000 - \$8000. There will be a log at this sale of how much each machine has been used. Mr. Davies stated that we have no room to put leaves and tree limbs. Discussion was had about if we would be using it daily, weekly, monthly? Mr. Norcross inquired about the maintenance of a chipper. He said they are tough to maintain and they often break. Mr. Davies said that like any other piece of equipment, they will break down. Mr. Norcross is concerned with how much it is to purchase new blades and how much to fix it each time. Ms. Desidero said that our area is much smaller now that we have the WWTP and we do not have room to put branches and brush anywhere. Mr. Davies said there is a place on Route 6 where Jay could bring the debris and we pay to dump it. Ms. Desidero asked how often it would be used. Ms. Myers made a motion to purchase a used chipper at this sale and to spend up to \$6000. Ms. Desidero seconded the motion. Ms. Waltzer said this would be a capital expense. Ms. Desidero said that if we buy a chipper and it costs more than it's worth, we could sell it. Mr. Norcross said that if we didn't have a storm as we did last October, how much would we really need to use it. Mr. Duffy asks if we could put this off because he said if we buy something second hand, it never works. He would like more information about rental fees if we need a chipper. Ms. McHale would like to know about insurance issues as to owning a chipper. Ms. Waltzer said that Mr. Davies felt that we would use a

chipper a couple of times a month and that we have nowhere to put the limbs, etc. Vote taken. In favor: Ms. Desidero, Mr. McGuinness, Ms. Rubini, Ms. Myers, Mr. Ryan, Mr. Cassidy. Opposed: Ms. McHale, Mr. Norcross, Mr. Witte, and Mr. Duffy.

Motion approved.

Mr. Davies then presented a copy of a rendition done by Richie Vail for a “marina-type” area for the Pavilion. Mr. Davies and Jay have spoken about the dock area and Mr. Davies said that we could use the money donated by Anne Brandon from the yoga classes she used to have here and the money donated from the Bass Tournament to build a walkway at the area, perhaps with some seats. He thinks we could do some of the work on the drawing by Richie Vail. Mr. Davies said that he is going to be meeting with Ken Sullivan to talk about putting in a concrete walkway. Mr. Norcross suggested having a fundraising party this summer to raise money to help with this. Ms. Desidero said when this rendition went out with a survey, people really liked it and it was very popular. Ms. Desidero asked if there is money in the Pavilion budget that could be used. She said perhaps we could look into other places in the budget that money could be taken from. Mr. Davies will get more information about prices and in the meantime, the docks will be put out the way they were last year.

#### **INSURANCE:**

Ms. McHale reported that she spoke with Pat Clair, from our broker SKCG, about the concern people are having regarding getting \$1 million coverage when renting the pavilion. People are complaining that they have to pay extra to get the higher coverage. Mr. Clair’s recommendation is to have the \$1 million coverage because if someone does get hurt, they usually sue for \$1 million. Insurance companies will not insure for the pavilion for the party unless you have homeowners insurance for \$1 million. Mr. Fischer stated that when he rented the Pavilion for his daughter’s party, he paid for special event insurance which was \$280. Ms. Battreall stated that we previously asked for less coverage but a few years ago, we asked Mr. Clair what he thought and that is when he suggested the \$1 million. He stated that it is up to us as to what we ask for. We previously had asked for \$300,000 in coverage. Ms. Waltzer asked the Board to think about this and the discussion will be postponed until the next Board meeting.

#### **TREE:**

Mr. Norcross reported that he has been trying to streamline the tree policy and he has been looking around using the new surveys to try to ascertain what work needs to be done. He thought of breaking down the Grove into sections and spending time on each section with an arborist.

#### **MEMBERSHIP:**

No report

#### **BOAT RAMP:**

Mr. Ryan reported that he will meet with Ms. Battreall to review the boat storage applications and compare them to what is actually being stored at the North End.

## **WWTP:**

Mr. Duffy said that we are in the process of making a final list of all the concerns regarding the asphalt issues and defects on the roads since they have been re-paved. Ms. Desidero does not think the letter that we received from Warren Lucas regarding our concern about the liability issue of the heavy truck water deliveries, states anything about time frames or anything else other than his commitment to have any road issues taken care of. Mr. Duffy asked what exactly her concern was. She said the letter that she is referring to doesn't state anything about what happens if there is a problem with the road two years from now. Mr. Duffy said that we asked Mr. Lucas to address the water truck issue and he did address the liability concern issue. Ms. Desidero said she had made a motion to have our attorney send a letter about this, but instead of our attorney sending a letter, we only have this letter from Mr. Lucas, and she does not think the letter is very substantive. Ms. Desidero wants to know what happens if the roads start cracking in a month. Mr. Duffy said that we would have to deal with that issue as we would when any other maintenance issues as they occur. Ms. Desidero stated that the Board voted to have a letter sent by our attorney to make it clear to the District that if there was any damage to our roads because of these big water trucks, that they would be responsible. She stated that she felt that did not happen and instead we got this letter from Mr. Lucas and if anything happens to the pipes or the roads, we have no recourse. Ms. Waltzer stated that there is also no guarantee with any kind of a time frame that they cannot say that the damage was by the trucks. Ms. Desidero said the Board voted to send a letter. Ms. Waltzer said that indeed, Ms. Rubini did not send out the letter but that we did communicate with Mr. Lucas and he said the trucks would stop and they did. Then, the District explored all other options to deliver water to the plant and either we had to let the trucks go through or there would be no testing and the plant would be shut down, delaying everything. Ms. Desidero feels strongly that if the Board makes a motion to have an attorney send a letter, a letter should have been sent. She felt that the letter from Mr. Lucas does not have any legal standing. Ms. Waltzer is satisfied that Mr. Lucas made a commitment to address any problems. Ms. Rubini stated that we always have many heavy trucks coming in and there is really no way to know which truck does damage. Ms. Rubini said there was a motion to send a letter but that Mr. Duffy took care of the issue the next day. Mr. Duffy said he made it clear through his communications to all Board Members the process that was taking place the next day, as it was happening.

Mr. Duffy said we are now looking at an eight-week period for Arben to be finished with their work and for Landscape Unlimited to finish what we need them to do.

## **PAVILION MAINTENANCE:**

No Report

## **PAVILION RENTALS:**

Mr. Ryan made a motion to approve the application from Angela Terilli for May 19<sup>th</sup>. Mr. Cassidy seconded. All in favor. Motion approved.

Mr. Ryan made a motion to approve the application from Ed McCarthy to use the Pavilion on Thanksgiving Day 2012, pursuant to a correct change of insurance. Mr. Cassidy seconded. All in favor. Motion approved.

Mr. Ryan made a motion to approve an application from Ed Smith to use the Pavilion on April 29. Mr. Cassidy seconded. All in favor. Motion approved.

Mr. Ryan made a motion to approve rental application from Kerri Tolve for use of the Pavilion on May 21<sup>st</sup>. Mr. Cassidy seconded. All in favor. Motion approved.

**LONG RANGE PLANNING:**

No Report

**OMBUDSMAN:**

Ms. Desidero said she has received a request about street parking issues, which she thinks should be handled by the office, as it is a Rule. We will ask our security employee to look at this situation during the summer months. The office will send warning letters out prior to a resident getting fined. That fee will be \$100.

**LEGAL:**

No Report

**RECREATION:**

Ms. Rubini stated that there will be an Easter Egg Hunt at 1:00 in the playground on Friday, April 6<sup>th</sup>.

**AESTHETICS:**

Ms. Waltzer reported that there will be a Garden Workshop on April 14<sup>th</sup> from 9 -12 in the Pavilion. Master Gardeners will be present to answer questions.

**PUMPHOUSE/PUBLIC HEALTH:**

No report

**PUBLIC LIASION:**

No report

**PUBLIC SAFETY:**

No report

**LEND A HAND:**

No Report

**WELCOME:**

The Welcome baskets continue to be warmly received by new Stockholders. Thank you to Ellen Watson Ward for preparing such beautiful baskets to welcome our new neighbors.

**BEACH:**

Mr. Cassidy said Lifeguard applications have been received. Decisions will be made by April 1<sup>st</sup>. Ms. Cassidy's Daisy troop will be doing beach clean-up on April 22.

**NEW BUSINESS:**

Ms. Desidero announced that the Village of Brewster and Town of Southeast will be doing their Annual Roadside Clean-up and Litter Removal on April 21-22. You can sponsor a road, the town gives you bags and then the town will pick up. People could pick a piece of road that they want. This will be on the website.

Meeting adjourned at 10:30 pm.