

VAIL'S GROVE COOPERATIVE, INC.
BOARD OF DIRECTOR'S MEETING

APRIL 15, 2009

CALL TO ORDER:

Chairperson Waltzer called the meeting to order at 8:07 pm and asked all to rise for the Pledge of Allegiance.

ATTENDANCE:

Secretary Victoria Desidero took attendance. Present: Jim Andes, Tom Duffy, Victoria Desidero, Rob Norcross, Joan Myers, Mary Rubini, Fred Witte, Frank Cassidy, Sue Enos, Ellen Mytych. Absent: Sharon Scott.

ACCEPTANCE OF MINUTES:

Victoria Desidero made motion to accept the minutes of the March 2009 meeting. Joan Myers seconded. Abstained: Mary Rubini, Ellen Mytych, Sue Enos, Ronnie Waltzer. All others in favor. Motion passed.

COMMENTS AND CONCERNS OF STOCKHOLDERS:

Ken and Joan Ford of 3 Hilltop Lane discussed the two large limbs from a tree fall, one of them across Vail's Lake Shore Drive. Mr. Ford was billed \$300 to clear the roadway and Mr. Ford objects to that, as he thought his quarterly fees cover road maintenance. The falling of the tree was an "Act of God," according to Mr. Ford and thereby does not obligate him to pay this fee for emergency road clearance. Jack Waltzer, Buildings & Grounds Chairperson, stated that this tree was Mr. Ford's responsibility and if the Board differs with his opinion, they should change the decision. Mr. Ford does not think that Mr. Waltzer should have the authority to determine a fee. He feels that the Board should have sent the letter. Victoria Desidero, stated that Mr. Ford was told, at the time, that he would be billed if someone needed to come take care of the road. Mrs. Ford stated that Mr. Ford cleaned the road himself and that she was told that no decision could be made until "Waltzer" came back. Mr. and Mrs. Ford stated that they did not come to the March meeting because they did not get the letter and the fine prior to the March meeting. The Fords do not think this letter and decision should have come from Mr. Waltzer, it should have come from the Board. Ms. Waltzer asked Mr. Duffy to explain the situation of that day, Feb 25th. Mr. Duffy explained that he came into the office, got the site plan to try to figure out whose property the tree was on and to determine if the property comes down to Vail's Lake Shore Drive. Mr. Duffy gave Mr. Ford the option of securing the tree from rolling down onto Vail's Lake Shore Drive. Mr. Ford did not want to take care of this, so Mr. Duffy had Tompkins Landscaping secure the tree. Mr. Ford said that Kevin Tompkins said that the limbs were in no danger of moving and that Mr. Duffy insisted on Tompkins doing this. Ms. Waltzer said that it is better to err on the side of safety. Ms. Desidero repeated that she did not hear Kevin say the tree was not going anywhere. She stated that the Grove had to do the minimum to make sure that the road was safe and that the Fords were informed of this and that they might have to pay for it

if it was determined the tree was on their property. Mr. Waltzer stated that he wants the letter that he wrote placed into the minutes. The letter reads:

Dear Mr. Ford:

In so far as can be determined, the large tree that fell on March 2, 2009, was on your property. We spoke, and I advised you that Vail's Grove would bill you back for the cost of clearing the tree debris from Vail's Lake Shore Drive. On further examination, the tree that fell damaged several other trees as it came down. One of these is very close to the road and if it does not live will also become a hazard to people and structures it may fall on. You are advised therefore, that you may wish to include the removal of this tree along with any other work you have decided to accomplish in order to remove any of the debris. Should you elect to leave the tree in question standing, and it later caused damage or personal injury, you would very likely face monetary damages, and/or legal difficulties. Because of this possibility, I would advise you to have the damaged tree taken down. If you have any problem, with any of the issues I have addressed in this letter, you may, and should, bring them to the Vail's Grove Board of Directors. Respectfully, Jack Waltzer, Chairman, Vail's Grove Buildings and Grounds.

Ms. Waltzer said that the Board will take a vote and asked for a Board member to make a motion. Mary Rubini made a motion to not charge the Fords the \$300 to remove the tree from the road. Joan Myers seconded. Discussion followed. Rob Norcross asked if this was an emergency that should have been covered under Quarterly Maintenance Fees. The Fords think someone from the Board or a Professional Surveyor should come out with a tape measure to determine whose property the tree is on. They think the Coop should pay this emergency removal fee. Ellen Mytych asked if we pay for clearing debris from the road for emergency purposes. The Fords state that the tree is no totally on their property. Mr. Duffy stated that if we assume the road is our responsibility, the Board members gave the Fords the option of taking care of this and would have walked away if the Fords had stated they would take care of it. Ms Desidero stated that Mr. Waltzer has every right to write the letter that he sent to the Fords. Mary Rubini withdraws her previous motion. Jim Andes made motion to split the bill with the Fords. Fred Witte seconded. In Favor: Frank Cassidy, Fred Witte, Mary Rubini, Victoria Desidero, Jim Andes, and Sue Enos. Opposed: Ellen Mytych, Rob Norcross, and Joan Myers. Motion passed. The Cooperative will split the cost of the road clean up with the Fords. Ronnie Waltzer stated that the issue has been reviewed and the decision has been made. (The Real Estate Committee will look into whose property the tree is indeed on.) Ellen Mytych suggests that the Board discusses any bills that go to a stockholder. Ms. Desidero reminded all that the letter from Mr. Waltzer was e-mailed to the Board when it was sent to the Fords.

COMMITTEE REPORTS:

CHAIRPERSON:

Ms. Waltzer reported that the Board, in the Executive Session, has begun the reviewing revisions to the Rules and Regulations. This will be done at each Executive Session until the entire package is reviewed.

VICE-CHAIRPERSON:

Mr. Duffy reported that in the Executive Session, the first quarter financials were discussed, along with the Rules revisions, and the Draft of the 2008 Financials were reviewed.

SECRETARY:

Ms. Desidero asked for this report from the Assistant Secretary, Cindy Battreall, who announced that the Blood Drive in Honor of Ryan Bierce will be held on Monday, April 20 from 2 until 7:30 pm. North Salem Market donated food for dinnertime.

TREASURER:

Ms. Mytych stated that there are not any stockholders who are two quarters in arrears. Ms. Mytych will communicate to Resnick & Newman regarding the changes to the Financials. Ms. Mytych will also ask Stu Goldberg from Resnick and Newman for suggestions regarding new bank accounts.

AESTHETICS:

Ms. Desidero announced Spring Clean up Day on Saturday April 25th, will begin at the Pavilion at 9 am. The Grove will have the rakes, gloves, bags, etc., and a light breakfast will be served prior to work commencing.

BOAT RAMP/NORTH END STORAGE:

Ms. Desidero announced that the Boat Ramp/North End Storage Committee meeting has been moved to Saturday, April 25th at 1 pm. At that time, the five keys will be assigned to the Board Ramp Committee Members. The first date for the North End to be opened will be Saturday, May 2nd from 9 am until noon. If anyone needs to get their boats out at a different time, they should contact Jay Moore directly to set up an appointment. Based on how many boats are still in the North End after May 2nd, we will determine if we need to schedule another date.

COMMUNITY LIAISON:

Margaret Flannery reported about the Public Hearing at the Town of Southeast Planning Board and the Sewer project was approved.

LEND-A-HAND:

Margaret Flannery reported that Ryan Bierce will be coming home on April 22nd and that the Lend-a-Hand Committee will be working closely with the family to help ease this transition.

BUILDINGS & GROUNDS/ PUMPHOUSE:

Jack Waltzer reported the following:

The shareholder who placed cement at the North End will be removing it as well as helping to clean up the North End.

A resident on Robin Lane had indicated at the Planning Board meeting that she never had heard about the WWTP previous to this and that she had heard about it from Jay Moore. Jack wanted

the Board to know that Jay Moore has not spoken to the woman for three years, and at that time, he did discuss the project with her, so in fact she did know about it.

The Dumpster outside of the Pavilion was placed there at the expense of PLEC, to be used to cart away debris taken from the lake on Spring Clean up Day. PLEC has volunteered to adopt Route 121 for cleaning.

Mr. Waltzer reported that there are two dead trees on a Stockholder's leased land and that Ms. Myers was asked to determine whose property it is on. We will inform the owner of the tree, when it is determined, that they need to remove the tree. Stockholders need to inspect their trees to be sure they are healthy and safe, as Shareholders are responsible for trees on their property.

Docks at beach will be installed by April 18th. The large dock needed some additional repair and cost more than originally thought, but this repair should correct the problem.

Ms. Desidero asked Mr. Waltzer about a date by which the cement needs to be brought out of the North End by the Stockholder who placed it there. Mr. Waltzer said he would give the stockholder a date of two weeks. Mr. Duffy stated that it is important for our Maintenance Department to know that nothing can be dumped at the North End and has requested that a sign be placed at the North End telling people they will be fined if they dump anything there. Mr. Duffy is concerned about the Grove being fined. Nothing should be down there other than biodegradable, not asphalt, not cements and nobody has authority to give approval for anything else.

The lawn maintenance bid has been awarded to Salem Landscaping, as that was the only bid received. The fee will be the same as last year.

The Buildings and Grounds budget has already been depleted by 50%. Many unforeseen items have come up. The Real Estate bulletin board was built, the truck transmission was replaced, and we had a large drainage problem that needed remedy.

Mr. Waltzer suggests that we get more Neighborhood Watch signs in the Grove.

Work on the potholes needs to be completed. Koestlers Garden is being cleaned. More sand will be brought in to the beach.

Aqua Cleaner came in to discuss the removal of weeds and silt from the Beach area and offered a discount if we allow the Pavilion parking lot to be utilized for overnight sleeping vans for the workers. Aqua Cleaner is going to submit a bid and all DEP permits required. Several Board members expressed concern about allowing the sleeping vans anywhere in the Grove.

The temporary speed bumps will be installed shortly.

Bids are being received to repair one of the heating/ac units in the Pavilion. This will be discussed at the May meeting.

Mr. Waltzer announced that, thanks to the efforts of Cindy Battreall, we would have our own Vail's Grove class down at Westchester Community College for Class D Water Certification. The residents volunteering to do this are Drew Gunnison, Patrick McGuinness, Kathleen Reilly and Bill Quinn. The class starts on April 25th and will go two and a half weeks.

The AWQR report will be worked on and is due by May 31. The annual inspection at the Pump house was done and we were asked to put in a breaker on the hose that fills the chlorine. The inspection passed.

Mr. Duffy wanted to thank and commend Jack Waltzer for his hard work as Chair of Grounds & Maintenance and that the Board needs to give Mr. Waltzer its support on all issues.

REAL ESTATE:

Joan Myers made a motion to approve a request for a time extension on Hank Myers' approval for installation of a shed. Victoria Desidero seconded. All in favor. Motion approved.

Joan Myers made a motion to accept application for alteration from Sue Enos to place two parking spaces behind her house, as per submitted plans, and to install a retaining wall, pursuant to Ms. Enos agreeing that if after the paving there were any water issues, Ms. Enos would be responsible. Ms. Enos agrees. The Board asked for the office to place the stipulation about water problems in the acceptance letter.

It was noted that Mr. Kelly at 36 Vail's Lake Shore Drive did not put in an application to extend his driveway. Ms. Myers stated that she would speak to Mr. Kelly about that extension. Ms. Waltzer asked that Ms. Myers add this issue to the list she is compiling regarding which Real Estate issues require applications.

Ms. Desidero asked for the alteration applications to be placed into Board meeting packets prior to the meeting.

Vote was taken on the above motion. Sue Enos abstained. All others in favor. Motion passed.

Ms. Myers made a motion to approve application for a shed at 6 Terrace. Ms. Myers would like the shed to be placed along the same lines as that of the neighbors, so that it is aesthetically pleasing. The shed does not meet the 10-foot requirement but as there are no houses on that side of the road. Ms. Myers suggests approving. Fred Witte seconded. All in favor. Motion passed.

MEMBERSHIP:

Sue Enos made a motion to approve re-finance application from Marianne Collins. Member is in good standing. Appraisal is pending. Victoria Desidero seconds. All in favor. Motion passed.

Sue Enos made a motion to approve Line of Credit extension for Matt and Sharon Scott. Member is in good standing. Appraisal is pending. Victoria Desidero seconded. All in favor. Motion passed.

Sue Enos made a motion to formally approve application for membership to Donald Costello Jr., 105 Vail's Lake Shore Drive, who inherited his house from his father, Donald Costello. Victoria Desidero seconded. Septic inspection passed. All in favor. Motion passed.

Sue Enos made a motion to accept Rental application for Victor and Allison Lee to rent 105 Vail's Lake Shore Drive for one-year commencing June 1st. Septic inspection passed. Rob Norcross seconded. All in favor. Motion passed.

Sue Enos made a motion to accept rental application from Adam Pokorne from John Hillner at 1 Vail's Lake Shore Drive, commencing May 1st. Septic inspection approved. Victoria Desidero seconded. All in favor. Motion passed.

Sue Enos made a motion to approve a 3-month extension onto his 6-month present rental for next winter of the 37 Vail's Lake Shore Drive to Robert Peyton. Joan Myers seconded. Any additional rental application after 2010 would require a septic extension.

LONG RANGE PLANNING:

No report

SUNSHINE:

Sue Enos read a thank you note from Victoria Vonderbank, fiancée of Jay Moore, for the flowers sent after her recent surgery.

Sue Enos read a thank you note from Ray Buzzetto, organizer of the "Go Ryan" fundraiser, for all the gift certificates donated by residents of the Grove.

BEACH:

Rob Norcross reported that the phone at the Beach and the Port-a-potty would all be in working order by May 1st. The docks will be in by the start of season. Rob has been in discussion with the lifeguards.

WWTP:

Tom Duffy reported that there was a meeting on April 6th with North Salem Supervisor Warren Lucas, Fred Testa, EFC (gives us money at low interest). Fred spoke about the Green Grant Plan, which means the project must be started by January 1, 2010. There is also Federal money that we are waiting to hear about. The deadline to apply for the Green money is May 9th. Mr. Duffy and Peggy Boyle are working on that application. The Southeast Planning Board has approved the project of the WWTP.

Stearns & Wheler wants Maple Lane to be the entrance into the WWTP. The DOT has requested this. One small truck will be going in each day. Originally, the plan was to build another road to access the WWTP. The DOT would like that road for construction but when the plant is done, to use Ramp 5 for the sludge trucks twice a month. The road would start at the end of Maple Lane and go directly into the plant. Mr. Duffy is trying to get the sewer district to pay to maintain Maple. The easement would be written to have the district permantely maintain that road. Ms.

Waltzer stated that Stearns & Wheeler said we might not have a choice, that the DOT might just take it. Ms. Desidero and Ms. Mytych feel that we need to notify the residents of Maple Lane of this possibility. Ms. Mytych stated that the residents of Maple Lane should be notified about this issue. Ms. Mytych wants to know if we would reduce the charges for the owners on Maple. Ms. Desidero wants residents to know that the Board is doing everything possible to keep this from happening. The Board suggests asking the DOT to put a light on 121, at the “temporary” access road, to allow for safety and thereby letting that road become the permanent entrance.

PUBLIC SAFETY:

No Report.

RECREATION/SOCIAL:

Mary Rubini reported that she and Fred Witte would be getting the refreshment for Spring Clean-up day on April 20th.

PAVILION:

Jim Andes read a thank you note from the Buzzetto's for the use of the Pavilion for the “Go Ryan” fundraiser.

Jim Andes made a motion to approve application for rental from Adeline Natiello for April 25th, for the small room. Joan Myers seconded. All in favor. Motion passed.

LEGAL:

Mary Rubini reported that the amendment for the sale of land contract was completed. It is now with Will Stephens, Attorney for the Town of Southeast, and it will give it to Michael Rights for signature. It will then go to Warren Lucas, Town of North Salem Supervisor, who is prepared to sign it as soon as he receives it and the amendment will then go back to Mary. The second item that we are waiting for is the subdivision of the property, which Ms. Rubini is working on. Then, the closing can occur. They did order a title search. The towns wanted the wording left that we have the right of approval or rejection prior to anything being built on the land. That is the way the Towns want the wording, in case the Grove wants to accept something on the property. Ms. Mytych said that the shareholders had agreed to this pursuant to them being informed that the land would never be used for anything else. Now it reads that there is still a possibility. Ms. Desidero said she does not understand how this could happen, as it was originally stated that nothing could ever be built. There is a concern that in the future when the Board changes, those members can vote that it's OK to build something that is not in the shareholders' best interest. That is not the covenant that the people approved. Mr. Duffy read the covenant as written by Bill Colavito, which states that the Board can make decisions about future development. It states that the covenant can only be modified by the Board of Directors. It was suggested that the By-laws be amended so that the Board would have to get a vote from the entire community prior to any decision being made regarding building on that land. Ms. Desidero wants to be sure that everyone understands that the Board voted based on what the homeowners were told; which is that no additional development would ever be done. The amendment does not allow for that; it allows for the Grove to have the option to make a change in their decision regarding development. Ms. Desidero stated this is of special concern to the people at the North End.

Mary Rubini then presented to the Board the work of the Membership Committee. If a stockholder wants to add anyone to their ownership, that person is required to be run through membership as if they are purchasing the house. They will fill out an application, pay the fee, have all the required checks, interviews, and submit all required documents. The fee now is \$500 and covers up to two people. For each additional person, it will be determined. There will be a list of forms that will be in the office to be sure that all forms and papers are filed properly. Mary Rubini suggests that these people need to use an attorney to be sure that all requirements are met. Joan Myers asked for clarification. Ellen Mytych explained that if someone passes away, and someone inherits the house, that person needs to go through the entire membership process. Ms. Myers thinks that privacy is being invaded if we require background checks for family members of those who already own here. Ms. Waltzer said that we really need to get this process in writing in order for us to discuss. Ms. Battreall explained that the Office really needs this to be settled as there are many people waiting month after month for this decision. Ms. Myers wants to know whom we have let in that is making this process a requirement. Mary Rubini said that at this point, we could at least determine that every new stockholder must be vetted through the process. Mary Rubini made a motion that whenever a stockholder is added, they must be fully vetted. Tom Duffy seconded. Joan Myers voted against. Those in favor: Ellen Mytych, Rob Norcross, Jim Andes, Tom Duffy, Victoria Desidero, Mary Rubini, Fred Witte, Frank Cassidy. Sue Enos had already left the meeting. Motion passed. Ms. Desidero asked that all of these procedures be written up and given to the Board to review prior to the next meeting and prior to voting on the entire new procedure package.

INSURANCE:

No report.

OMBUDSMAN:

No report.

Fred Witte made motion to adjourn meeting. Meeting adjourned at 10:55 pm.