

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

**BOARD OF DIRECTOR'S MEETING**

**April 21, 2010**

**CALL TO ORDER:**

Chairperson Victoria Desidero called the meeting to order at 8:00 pm and asked all to rise for the Pledge of Allegiance.

For the record, Secretary Sharon Scott is in Florida and is listening to the meeting on speakerphone. This is not to be counted as a required attendance.

**ATTENDANCE:**

Assistant Secretary Cindy Battreal took attendance. Present: Victoria Desidero, Ellen Mytych, Frank Cassidy, Sue Enos, Mary Rubini, Rob Norcross, Tom Duffy and Fred Witte. Absent: Sharon Scott, Ronnie Waltzer and Joan Myers.

**COMMENTS & CONCERNS OF SHAREHOLDERS:**

None

**COMMUNICATIONS NOT INCLUDED IN REPORTS BELOW:**

None

**ACCEPTANCE OF MINUTES:**

Sue Enos made a motion to accept the minutes from the March 2010 Board meeting. Fred Witte seconded. Tom Duffy abstained. All else in favor. Motion approved.

**COMMITTEE REPORTS**

**CHAIRPERSON:**

Ms. Desidero announced that the following Board members' terms will be expiring at the end of this term in September: Victoria Desidero, Sharon Scott, Frank Cassidy, Joan Myers. In addition, there have been two empty seats on the Board. At election time, there will be six open positions.

Ms. Desidero announced that there would be an Open Forum on Sunday, May 2<sup>nd</sup> at 6:30 pm in the Pavilion for shareholders to ask questions regarding the WWTP project. Sarah

Cwikla from Stearns & Wheler will be here to answer those questions. Notice will go out on Robo-call, flyers around mailbox areas and on the Website.

Ms. Desidero reported that new members of Committees are:

Mary Larkin – Aesthetics and Boat Ramp

Adeline Natiello – Aesthetics

All residents are encouraged to join a Committee of interest to them.

**VICE-CHAIRPERSON:**

In Ms. Waltzer’s absence, Ms. Desidero asked the Board about possible guidelines for the advertising posted around the mailboxes in the Grove. The Board discussed and it was decided that Jack Waltzer and Jay Moore will use their discretion and remove postings from advertisers who don’t live in the Grove and others as they deem necessary.

Ms. Desidero reported that in the Executive Session, the Board discussed finances, the Survey project and correspondence from a Stockholder.

**VICE PRESIDENT:**

No Report

**WWTP:**

Mr. Duffy reported the following:

Landscape Unlimited has set up their staging area on the corner of Terrace Drive and Ramp 1. The millwork – grinding of asphalt where the trenches will be dug, is being done on Maple, Hilltop, Bass, White Oak, Spruce and Terrace. Landscape Unlimited should begin the sewer excavation on April 26 – April 30<sup>th</sup>, and start laying pipes. Arben Group has completed Phase 1, which is the temporary access road off of Route 121; they graded the site area and have their staging area completed. Their Phase 2, a Water retention and basin area has begun as well as sediment control areas. Phase 3 began in mid-February; (the three buildings.) All work is on or close to schedule.

**SURVEYS:**

Mr. Duffy reported that a meeting would be held when Ms. Waltzer returns on May 4<sup>th</sup> or when Ms. Scott also returns to town. This will be an Executive Board meeting. Right now, the outside work on Lake Shore Drive on the lake side all the way down has been completed. Work has begun on 2 –18 Vail’s Lake Shore Drive, the west side of Locust. They are now working on Hilltop, 84 and 86 VLSD and Bass Lane. Once that is completed, Mr. Duffy will go to the surveyor’s office and work with them on the

computer portion of this. Mr. Duffy is hopeful that all the drawings will be completed by the end of June, and then the Committee will review. At that time, they will deal with any issues the Board needs to review and then hopefully can present to Stockholders by the Annual Meeting in September so the surveys can be ratified.

**SECRETARY:**

Ms. Battreall read the follow-up report:

1. List of documents that can/cannot be signed by the Chair of Board – Mary Rubini
2. Final resolution to Dress water problems – Jack Waltzer
3. Continue to lobby for Maple Lane that the construction road will be permanent at end of WWTP project – Victoria Desidero
4. Determine if Costello shed is on his property or on the Dress property. Letter sent to Mr. Dress saying this will be addressed when his survey is complete – Joan Myers
5. Notification to those stockholders whose land surveys are completed for review of the results – Tom Duffy
6. Copy of standard response from Arben to anyone making inquiries regarding WWTP – Office
7. New location of biodegradable dump area – Tom Duffy / Jack Waltzer
8. Process to be documented for 82 Vail's Lakeshore Drive water problem – Jack Waltzer
9. Resolution to the smell along Vail's Lakeshore Drive near #91 and the sewage that is coming out from the hill – Jack Waltzer
10. Letter to Town of Southeast regarding amount of letters residents need to send to their neighbors when they are planning to make alterations to their home – Mary Rubini/Office
11. Resolve the tax/acreage issue whereby Vail's Grove is being charged for the total acreage of the Grove by Southeast rather than just the Southeast portion – Office
12. Contact individual stockholders for structures erected without approval to submit an application and pay required application fee – fines will be waived – Joan Myers

Item number 6 on the follow-up list will be removed as Ms. Battreall reported that item has been completed. If anyone has any questions regarding the sewer treatment plant, they should contact Stearns & Wheeler. Ms. Battreall also reported that she is following up on the issue of the Town of Southeast possibly charging us for more acreage than we own in the Town of Southeast.

**TREASURER:**

Ms. Mytych reported that the first quarter report for 2010 was made available for review. This is a different report than previously generated as the budget and actuals are all in QuickBooks. Ms. Mytych thanked Ms. Battreall for implementing this new report. The

report shows budget vs. actual spending. For the first quarter 2010, our income is higher and spending is lower than the budget.

**OMBUDSMAN:**

No Report

**TREES:**

Ms. Mytych reported that the following process is in place regarding questions about trees: If an issue comes up about a tree it goes to the Tree Committee. If the Tree Committee has a question about the location of the tree, they request help from the Real Estate Committee to determine whose property the tree is on. Once Real Estate comes to a conclusion as to whose property the tree is on, they give that information back to the Tree Committee. The Tree Committee is responsible for reporting the findings back to the shareholder. The Tree Committee will also determine if there are extenuating circumstances that require Board review and bring these issues to the Board as appropriate.

Ms. Mytych reported that she notified by phone, the three stockholders who had questions about trees and that the trees in question are the responsibility of the stockholders, as the trees are on their land. A follow-up letter to each of these stockholders will be sent when a letter is drafted by Ms. Waltzer. Ms. Mytych also gave names of tree cutters that the Stockholders could call.

Mr. Waltzer previously had asked where the tree removal expenditures are coming from and Ms. Mytych reported that it could be coming out of the Maintenance Tree budget or the Capital Expense fund. That money will be moved from Chase to the operating account.

Ms. Desidero reported that Landscape Unlimited removed trees that they need to in order to make room for pipes. Ms. Desidero asked for someone from Stearns and Wheler to inform the office when trees are coming down near shareholders' property.

**LONG RANGE PLANNING**

Ellen Mytych read the Long Range Planning report: There has been a tremendous amount of progress since last month to bring the water main project to closure. As discussed at last month's meeting, Putnam Engineering submitted their bid and questions concerning the bid could not be answered before the Board meeting. Michael Davies subsequently received answers to those questions and, as a result, Putnam Engineering was awarded the project.

During the past month, Putnam Engineering walked through the water main project area again, took pictures, reviewed some specifics of the project and they are prepared to have the bid package complete by May 1. Along with the bid package will be a list of

suggested contractors so the bids can be sent out promptly. Putnam Engineering is filing the permit with Putnam County and, due to the urgency of the timing of this project, will walk it through the permit process to expedite completion.

We are in good shape to have this project completed well before the collection pipes go in and the road is paved. The Long Range Planning Committee would like to thank Michael Davies for stepping in since the Chair of the Committee is out of town.

#### **MEMBERSHIP:**

Mr. Cassidy made a motion to approve the membership application from Kara Rossi for the purchase of 11 Locust Road. Mr. Duffy seconded. All in favor. Motion approved.

Mr. Cassidy made a motion to approve rental renewal for Adam Porkorne for 1 Vail's Lake Shore Drive. Septic is up-to-date. Dates are from May 1, 2010 until April 30, 2011. Mr. Duffy seconded. All in favor. Motion approved.

Mr. Cassidy made a motion to approve re-finance for Braunwart, awaiting appraisal report. Mr. Duffy seconded. Mary Rubini abstains. All others in favor. Motion approved.

Mr. Cassidy made motion to approve re-finance for Tolan, awaiting appraisal. Mr. Duffy seconded. All in favor. Motion approved.

#### **SUNSHINE:**

Ms. Enos read a thank you note from the family of Mr. Mulkern, a long time past resident who recently passed away.

#### **BUILDINGS & GROUNDS/ PUMPHOUSE:**

Bill Quinn read the report for Jack Waltzer: Sav-A-Tree is doing the tree work on Co-Op common property. The Tree Committee will be notifying those homeowners with problem trees that they will be responsible for.

The wood chips from the playground area trees are being spread under the playground play equipment by B&G.

Docks will soon be installed at some fire roads and at the beach. B&G (Mr. Moore) is researching "second hand" boat dock availability. Other beach work will be coordinated among Mr. Quinn, Mr. Norcross and J. Moore.

Fire hydrants will be "blown out" with air pressure.

Cuts for the sewer piping are underway; the contractor is expecting pipe delivery in the near future.

There still may be a water problem at 107 Vail's Lake Shore Drive. B&G contacted the house-next-door owner, Mr. D. Costello who will have Bates Septic check his system and report. His system was "cleared" a year ago when the house was rented. B&G will follow up as well with additional dye testing at both the Dress and Costello houses. Mr. Quinn asked if the Board would discuss and make a recommendation regarding the maintenance and repair of septic systems necessary in the short (relatively) period between now and the sewer plant coming on line. Mr. Quinn has made an appointment to do a Dye Test at the Dress house, as this area is still wet. Mr. Quinn will also take a water sample and have it tested to see where the source of this water issue is. Ms. Battreall will contact Mr. Costello to see if he wants to be present when water samples are taken. Ms. Desidero stated that the Board would be discussing what to do in the future when shareholders have septic problems, in light of the fact that the sewer system is being installed.

B&G is awaiting the engineering report, with specifications, for the 4" water main between Ramp 2 and the Pavilion. There is concern about timing because pipeline ditching has commenced.

B&G will not put temporary speed bumps down this spring until after all trenching (and possibly until after final paving) is completed.

B&G is recommending that the handicap ramp under discussion be put in at the Pavilion dock as follows; concrete westerly to the lake (past the main stairway) install ramp over beach to dock, with new construction wheelchair accessible along the shoreline between the lines.

Garden work continues at Koestlers and at the entrance ramps.

Boats should be cleared as soon as possible from the storage area inasmuch as the WWTP landscaper has work to do near the area.

B&G has a 5 May Court date regarding (corrected) truck violations issued by Brewster PD. We will defend a "Not Guilty" plea made previously.

The annual mowing contract has been awarded.

Reminder: Lake-weed (after drying) may be placed on the road, or close to it, for pick-up. Deadfall and cut tree residue must be within 10 ft. of the road, liftable by B&G personnel, and in lengths of 4 ft. or less. Leaves and mowing residue must be in biodegradable bags. If any of these tree or garden services are by contractor, the contractor shall remove the residue.

As per the PCHD, the pump-house alarm system must now be capable of telephoning responsible persons when a Pump-house emergency exists. The contract has been awarded, and the system is, as of this report, to be installed April 16, 2010.

The Annual Water Quality Report, due at the NYSHD and PCHD by 31 MAY, is being prepared. As required by regulation, copies will be mailed to all shareholders, residents, and Health Department Officials.

Last week, a water service problem (low pressure), was the result of ballast tank air backflow causing loss of prime in the booster pumps. After several low-pressure problems, P.F. Beal Company responded to Mr. Waltzer's call and a technician diagnosed and repaired the problem, during which time water service to the Grove was interrupted for about 1.5 hours. A second shut-off will be necessary to repair some failed valves which are on order. A robo-call will be made advising residents of the date, time and expected length of the water service interruption.

After reading Mr. Waltzer's above report, Mr. Quinn reported that the Playground area has been completed by Sav-a -Tree and that work continues on the other trees in the Grove. All of the docks will be in by next week. The pipe work on Maple Lane will begin on Monday, April 26th. Mr. Quinn then asked the Board to spend monies on replacing two water turn-off valves that presently do not work on Vail's Lake Shore Drive, one at 57 VLSD and one at Bass Lane. If these were fixed, water would be able to be turned off in sections, rather than to the entire Grove. We received one price from Landscape Unlimited and a lower price from Butler Excavating. Mr. Duffy made a motion to repair the two broken valves on Vail's Lake Shore Drive and that we award this job to Butler Excavating for a price of \$4650 plus parts. Ms. Enos seconded. All in favor. Motion approved. Ms. Mytych stated that this could be considered a "Capital Expense."

Ms. Mytych asked for the dock at the 93 Vail's Lake Shore Drive fire road to be made to have easier access. Mr. Quinn will investigate that issue.

Mr. Quinn reported that we have correspondence from Pietsches about a branch falling on someone's shed from a Vail's Grove tree. J. Moore removed it and Mr. Quinn thinks this issue is solved.

Ms. Desidero discussed the handicap ramp recommendation. Dr. Anne Brandon is donating her yoga class fees toward a handicap ramp, location to be decided at future date. There has also been discussion about handicap access at the Beach. There is a rendering for a large project which includes handicap access near the Pavilion. Ms. Desidero will ask Mr. Waltzer about holding on his recommendation for access by the Pavilion until the next meeting so that Long Range Planning can discuss the suggestion submitted by Joan Myers for a re-design of the Pavilion boat area.

In reference to the AWQR, Ms. Enos asked if it is mandatory for all stockholders to be mailed this report. Ms. Battreall will investigate and report back. If not, it will save a lot

of expense and perhaps shareholders who are interested in reading the report can just pick one up at the office or call and request one.

### **REAL ESTATE:**

Mr. Davies reported for Real Estate. He asked that the following motions be made by a Board member:

Ms. Enos made a motion to approve the application from John Costello on Orchard Road, to change the ridgeline of his roof from North to South and East to West. He is not going above the height limits. Ms. Rubini seconded. All in favor. Motion approved.

Ms. Enos made a motion to approve the application for alteration from Deborah Rieders, 69 VLSD, to install a four-foot picket fence from the rear of the house to the lake on both sides. Mr. Witte seconded. Ms. Enos does not like fences to be on the lakefront, especially all the way down to the lake. Ms. Rubini agrees that the open land of that area is nicer than having fences. Mr. Witte said that there is a rule about structures on the lake. Ms. Desidero stated that structures need to be 40 feet back from the lake but that the Real Estate Chair has said that a fence is not a structure. Ms. Desidero pointed out that a Board Member did get approval last year to build a fence down to the lake because of that recommendation by the Real Estate Chair. Ms. Desidero stated that she is also not in favor of this but the way the Rules and Regulations are currently being interpreted does not prevent a fence to the lake if it is not considered a "structure." Ms. Mytych thinks this should have been a Rule to begin with – that being no fences on the lake down to the shoreline. The Stockholder does plan on putting plantings around the fence. Neighbor letters were sent and there were not negative comments from the neighbors. The Rules also state that there needs to be 18" between one neighbors fence to the next neighbors fence. Ms. Mytych feels we cannot pick and choose how to interpret the rules for each different application. Mr. Witte states that the Rules say "fence or any other structure" requires Board approval. Ms. Enos needs to leave the meeting and she is casting her vote as "against" this application. Mr. Witte suggests that Mr. Duffy rescind his application, as he is not planning on building his fence after all. Ms. Desidero states that there are people who think a fence is a structure, but that the Real Estate Chair thinks a fence is not a structure.

Ms. Mytych made an amended motion to approve with the contingency that the stockholder amend the application to bring the fence back 40 feet from the shoreline. Mary Rubini seconded.

Vote taken. Mr. Duffy abstained. In favor: Ms. Mytych. Against: Mr. Witte, Mr. Cassidy, Ms. Rubini, Mr. Norcross, Ms. Enos. Motion denied.

### **COMMUNITY LIAISON:**

No Report



**RECREATION/SOCIAL:**

Mr. Witte reported that only about 20 people attended the Covered Dish Dinner. Mr. Witte does not think the Cooperative is interested in this kind of event. Mr. Witte thanked Frank and Megan Cassidy for doing the shopping and setting up for the evening.

**LEGAL:**

Ms. Rubini stated that she has completed her items on the follow-up list. She reported that Ms. Desidero, as Chairperson, can sign anything she wants to sign for the Coop. In the past, she has always seen documents signed by President, Vice-President, Secretary and Treasurer. However, our By-laws state that the Chairperson of the Board is an officer and therefore can sign. Ms. Desidero thanked Ms. Rubini for this information. In addition, Ms. Rubini was asked previously to edit a letter Helen Vail submitted to the Southeast Zoning Board of Appeals, requesting that they change the requirements presently in place about letters that shareholders need to send to people within 500 feet from their homes regarding alterations. The Town requests owners to send letters to everyone within 500 feet of the perimeter of Vail's Grove, rather than 500 feet from each individual house. Ms. Rubini will send the letter she revised asking the Town to change this requirement.

**AESTHETICS:**

No Report

**BEACH:**

Mr. Norcross reported that docks are almost completely installed. Volunteers are wanted for clean-up day on May 16<sup>th</sup>. The Beach will open on Memorial Day weekend and the Beach social calendar will be out soon.

**PUBLIC SAFETY:**

Mr. Matachierri, Chair of Public Safety will not be in town for Memorial Day weekend. The Office will try to find a Security Person to be on call for that weekend.

**BOAT RAMP/NORTH END:**

No report. Ms. Desidero asked that the Office ask John Myers to set up a meeting with his Committee to get the keys out to the Committee members (five) and to set up a day for the North End and Boat Ramp to stay open for Stockholders to have access. Ms. Desidero said if the Committee doesn't want to meet, then Committee members designated by the Chair should come to the Office and sign out the keys for this boating

season. Ms. Desidero doesn't want to receive any additional phone calls from unhappy residents who cannot get access to the boat ramp.

**INSURANCE:**

Ms. Battreall reported that the auditor from the New York State Insurance Fund visited the office for an audit and all went well. The Employee Health Insurance Policy will be renewed in June.

**PAVILION:**

Ms. Battreall asked for motions to be made regarding rentals. Mr. Duffy made a motion to approve rental applications for:

David Braunwart for May 15th and Kerry Tolve for May 22nd

Ms. Rubini seconded.

All in favor. Motion approved.

Meeting adjourned at 9:35 pm.