

VAIL'S GROVE COOPERATIVE, INC.

BOARD OF DIRECTOR'S MEETING

July 19, 2011

CALL TO ORDER:

Ms. Desidero called the meeting to order at 8:01 pm and asked all to rise for the Pledge of Allegiance.

ATTENDANCE:

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

ACCEPTANCE OF MINUTES:

Ms. Enos made a motion to accept the minutes from the June meeting. Ms. Mytych seconded. Ms. Mytych suggested that the Board does not accept the minutes until the office has time to add further information by listening to the tape and reviewing some items. Motion changed to reflect this. All in favor. Motion approved.

COMMENTS & CONCERNS OF STOCKHOLDERS:

1. Ms. Millie Martin, a stockholder, requested that drainage issues near her home be addressed. Mr. Davies will look into this. Ms. Martin said this issue has been since the road has been paved. The water is not going into the drain and there are large puddles in front of her house.
2. Ms. Sharon Scott, a stockholder, asked that the WWTP committee give an update on the status of lake remediation. Mr. Duffy said that this will be looked into once the system is up and running. This is an expensive undertaking and once the District is running, the cost will be reviewed and the District will decide what to do. The only discussion so far is to maybe open the North End (harvesting) to let the water run through. This probably will not be discussed until next summer (2012). Ms. Scott asked if there is a possibility of receiving grants – looking into remediation – how long would it take. Ms. Scott was looking at past e-mails and thought perhaps the process could start, as it takes a long time. Mr. Duffy suggested that maybe someone could look into the possible grants. Ms. Scott asked why they would wait until the District is up and running. Mr. Duffy stated that he will ask Charlie Voelkl about this as Charlie has always been instrumental in the drainage issues on the lake. Ms. Scott stated that she would urge the Coalition to start investigating this issue. She thinks there will be issues once the system is working. Ms. Waltzer stated that at the Grinder Pump informational

meeting, it was stated that there will be weed reduction once the plant is running. Mr. Duffy will speak to the Supervisors the next time the Coalition meets.

3. Ms. Susan Callahan, a tenant at 17 VLSD, wanted to know status of her letter to the Grove about the sewer line damage on the property. She feels that the pipe was broken when Landscape Unlimited changed the water main. When Landscape Unlimited came to check this, the pipe was broken and Ms. Callahan said that Landscape Unlimited did say that they broke the pipe. Ms. Desidero told Ms. Callahan that it is on the agenda and will be discussed tonight.

COMMUNICATIONS NOT INCLUDED IN REPORTS BELOW:

Ms. Desidero read a thank you letter from Michael Sowa regarding the ponding/water issue in his backyard. Mr. Sowa thanked the Board for their immediate action in getting this problem corrected.

Ms. Desidero then discussed a letter we received about a problem with a dock being put on an access/fire road. Ms. Waltzer made a motion to send a letter to the person involved requesting that they remove the boat and the dock within a week or a fine will be assessed. Ms. Mytych seconded. Mr. Duffy abstains. All others in favor. Motion approved. A certified letter will be sent.

Ms. Desidero then introduced representatives from Pegasus Therapeutic Horse Farm from across Route 121. These representatives are here to inform Vail's Grove of the changes they are planning to make to their application for structural changes. Ms. Desidero also introduced Lynne Eckhart from the Town of Southeast Architectural Review Board.

COMMITTEE REPORTS

CHAIRPERSON:

Ms. Desidero stated that she is working with Kurt Guldan on talking to the Department of Transportation, Town of Southeast, Town of North Salem and the Highway Department to try to keep the construction road open in the future for use by the sewer district, thereby not needing to use Maple Lane. Ms. Desidero stated that people are hearing that Arber and Stearns & Wheler are planning to close that road. Stockholder Guldan is working very hard to make that road stay open.

VICE-CHAIRPERSON:

No Report

VICE-PRESIDENT:

No Report

TREASURER:

Ms. Mytych reported that there are presently no stockholders who are two quarters in arrears. Ms. Desidero requests that a committee be set up to be a resource for the Board, Employees and Shareholders, if there are issues regarding Board members that need to be discussed. The committee will name itself. Ms. Mytych made a motion to have a committee formed to review the Conflict of Interest Policy presently being used. Ms. Enos seconded. All in favor. Motion approved.

SECRETARY:

Ms. Enos reported the following:

“The office has purchased a new computer. Parts have been ordered and should be here tomorrow. The cost for the computer including OFFICE will be \$855. The cost for installation, set up and transfer will be \$150. The office will purchase QuickBooks Pro and have our technician install, as it will cost less that way. That price is \$190. Ms. Battreall has discussed the accounting fees regarding payroll with Ms. Mytych and they have decided that once the new computer is up and running, Ms. Battreall will further investigate switching from PayChex as our payroll service. Paychex presently costs over \$3500 per year, and if the Ms. Battreall does the payroll through QuickBooks, the yearly cost should be approximately \$1500.

The annual meeting work is keeping the office busy. The letter announcing requests for petitions for Board positions will be going out this week, as well as request for Committee reports for the Annual report. There will be five openings on the Board.

I make a motion to set the date of July 31st as the “date of record” for the determination of “Stockholders in Good Standings”, for Annual meeting purposes. That means that if you are not a member in good standing by the end of business day on July 31st, you cannot run for the Board, sign a petition or vote at the meeting.

The deadline for the Vail’s Voice is July 25th. Please send all submissions to Meghan Cassidy. The office is assisting Mr. Duffy in coordinating the Electrical Panel requirement inspections.

The office will be closed on August 1st and again on August 9th.

If you have anything to report from the follow-up list, please do so when it is your turn to speak.”

Ms. Waltzer seconded Ms. Enos’ motion. All in favor. Motion approved.

SUNSHINE:

Ms. Enos reported:

“Good news! Jim Sheridan is finally out of the hospital and in Waterview Hills for some rehab. If you would like to send him a card, the address is 537 Rte. 22, Purdy’s, New York 10578.

It has been reported to the office that former Vail’s Grove resident Ed Bylinski, formerly of 11 Hilltop Lane, passed away on July 7th. He was 87 years young.

And, Frank Camissa broke his shoulder.”

BUILDINGS & GROUNDS:

Mr. Davies reported that he is not getting any help or response from them regarding the situation up on Terrace. The road is presently closed. We were not sure if the damage is from the dams that they built up on Orchard. There was water running down from manhole to manhole up on Orchard so S&W opened up a piece of road and poured between 11 and 12 tons of concrete in the road to create a dam to stop the water. The water kept on running and Mr. Davies believes that the dam is not stopping the water anymore and the water is coming down hill. We now have been seeing water on Terrace Drive and we dug down to the line, went 8-10 inches past the line to the road and it was dry. When the plumber was in the hole, the side of the road blew out and there was 3 inches of water and the manhole dropped down and pushed the plumber against the wall. As the manhole covers on Terrace were checked, they were all filled with water. Mr. Davies had Mr. Moore check the manhole on Vail’s Lake Shore Drive and that is filled with water. All of the fittings are under water and those fitting will be out of warranty before the District is up and running. Ms. Mytych asked who authorized the dam to be installed and Mr. Davies stated he did not know. He said that this was S&W Plan A. Their Plan B was to put a pipe at the bottom of Orchard, run it into our existing piping system but that was too costly. Mr. Davies said there is still a leak. He said that his present contact is Ken Kohlbrenner who is on vacation until the 25th. He has also been talking to Ed from Stearns & Wheler, Mark from Landscape Unlimited and Mark indicated that Landscape Unlimited sent a letter to S&W stating that the dam was not a good idea. Mr. Davies said the water is coming from the northwest down and out. Ms. Mytych asked if there was any contact from S&W and Mr. Davies said no. He also said one of their engineers was here last Friday. Ms. Desidero said that Ed and Ken are both aware of this and that the Grove has not taken the next step which is being to contact Sarah Cwikla or Gary Dufel. Ms. Waltzer stated that there is a possibility that it might be undermining Orchard Road and it might collapse. The road is closed because there is a channel in it. The first part of Terrace is closed only for 25 feet and people are driving through the field, which they should not be doing. Ms. Mytych asked why S&W is not communicating with Mr. Davies and he said they don’t communicate. Mr. Davies said they don’t communicate and that he has been trying to communicate by sending e-mails to the Board and Mr. Duffy about the temporary dump and we cannot pick up any more for the dump. Ms. Desidero stated that S&W has gotten to the point where they are not accommodating us anymore. Mr. Davies said whenever we get a request for anything, we have new negotiations happening, including things that have been promised to us. Mr. Duffy thinks this all needs to be put into writing and presented to Sarah Cwikla. He

said he was not aware of this issue. Mr. Duffy asked exactly where the dam is. Mr. Davies said it is at the right on Orchard Road. The water is going under the road and downhill. This dam needs to be taken out. Mr. Davies stated that this problem started when they were fixing the water going into O'Loughlins property. Mr. Davies said that they need to go with Plan B, but they do not want to spend that much money. Mr. Duffy will discuss this with Sarah. Ms. Mytych made a motion for Mr. Duffy to write a letter requesting what they did, why they did it, and give them a date that this needs to be rectified by, or the Grove will charge them back for fixing this. We need a response to this within five business days. Mr. Duffy will inform Sarah Cwikla they need to take this dam out. Mr. Davies said that then this needs to be connected to the pipes underground. Mr. McGuinness seconded. All in favor. Motion approved. Mr. Duffy stated that we have a water problem.

LONG RANGE PLANNING:

Mr. Davies discussed that there are presently three issues outstanding regarding the water main installation. The first issue is that Ken Sullivan told us that LU crushed his gutter and downspout. LU said they did not do the damage. Mr. Davies asked for a copy of the tape that was done prior to work starting. Mr. Davies asked for the tapes three times (the tapes were done as part of the Sewer Treatment Plant project). Mr. Sullivan is stating that this damage was done when the water main work was being done. Mr. Davies believes it was done by the type of equipment that LU used during water main work. Mr. Sullivan informed us that the damage happened and repaired the damage using his company and sent us a bill for \$350. Mr. Ryan said the damage is directly above the water meter at Mr. Sullivan's house. Ms. Desidero said that this is why we held retainage from LU. The next issue is at Marianne Collins and Fields/Greenfields house. That is the only two houses on the new water line that are hooked together. When LU did the line, they removed the curb stop and all curb stops were put in lawns or gravel area. This one was put into the side of the road and the road was paved. The curb stop is now in asphalt. It is in her apron. The contract does say he needs to be within five feet from the road. The paving was paid for by the sewer district. If there is a leak there, they will need to dig through asphalt to get to the curb stop. Mr. Davies stated that we did have 4 leaks due to the larger pipes going into older fittings at the curb stops. Mr. Davies thinks that LU needs to dig up and move the curb stop, although LU is within their contract as to where they put the curb stop. LU stated that it would cost \$1800 to move. If either of these two houses have a problem, they need to dig this curb stop up. The third issue is at 17 Vail's Lake Shore Drive, which is the Sferlazza house being rented by Susan Callahan. When the water system was being put in, Mr. Davies believes that LU broke the clay pipe. The tenant started getting septic tank build up – The Knight System was pumped, which is not supposed to be done – LU came by and saw that the pipe was broken, excavated it, dug up where the leech fields are, which was not all on 17 VLSD, (part is on neighbors land.) LU said he would come back next day – but was told they wanted it done that night. Tenant fixed and submitted invoices for the repairs to the Grove for reimbursement for a total of over \$1900. The septic work was done in January and April of 2011. Ms. Callahan stated that she could not use her shower or washer. LU did the water main work in October of 2010. Ms. Callahan said that she had the pipe

fixed after LU excavated it. Mr. Davis said that over \$1200 was in labor. The Board asked Ms. Callahan for more detailed receipts. Mr. Davies reminded the Board that any problems with the water main issues were to be brought to our attention by a certain date, which was prior to Ms. Callahan informing us. Ms. Desidero stated that Ms. Collins did not inform the Grove of this issue at all. LU is asking for their retainage back in the amount of \$2000.

Mr. Ryan reminded the Board that LU's contract stated within five feet from road and he did meet that requirement of his contract. Ms. Desidero stated that that area was not paved when he put it in; then, the area was paved. The stockholder does not know that this might be a problem in the future. Ms. Desidero thinks it is the responsibility of the Board to protect the stockholders. Ms. Desidero asked Ms. Callahan if she had the Knight System pumped and Ms. Callahan said it was the area around the Knight System that was pumped. Ms. Callahan stated that LU said he would bring her gravel, not say that he would fix the problem. Ms. Mytych asked Ms. Callahan if she knew she had a deadline and if she read this in the Vail's Voice? Ms. Callahan stated that she got a letter from Ms. Desidero stating that this was a sewer problem. Mr. Duffy made a motion to put have LU put their explanations in writing for these issues. Ms. Waltzer seconded. LU will also be asked for a copy of the tape. All in favor. Motion approved. The office will write the letter.

REAL ESTATE:

No report

MEMBERSHIP:

Mr. Ryan made a motion to accept the Re-finance application from Mr. and Mrs. Aries pursuant to the appraisal showing the financing is no greater than 80% and that they are in good standing. Mr. McGuinness seconded. All in favor. Motion approved.

Mr. Ryan made a motion for a rental renewal at 35 Orchard pursuant to septic inspection. Ms. Mytych seconded. All in favor. Motion approved.

Mr. Ryan then discussed the letter we received from a stockholder informing us that she is decreasing her tenants' rent, thereby decreasing the amount she pays to the Grove each month. The same stockholder asked for the Board to consider decreasing rental costs altogether. The Board will not consider the change in fees. A letter will be sent to the Stockholder informing her of this.

BOAT RAMP:

No report

WWTP:

Mr. Duffy reported that the Electrical Grinder Pump surveys have begun. They are being conducted by Sean Partenio. These inspections should only take about 10 – 15 minutes. Mr. Partenio will take a photo of panel and complete the survey form for Vail’s Grove to submit to S&W GHD. A photo ID was produced by the office for Mr. Partenio.

Mr. Duffy reported that Ms. Rubini still needs to send S&W GHD a letter about the 8 foot issue for wetland mitigation. The office will remind Ms. Rubini and then remove this item from Mr. Duffy’s follow-up list.

Mr. Duffy spoke to Sarah Cwikla from S&W GHD about having Arben push the leaves back to allow us to have room for dumping additional items. Mr. Duffy stated that the entire area should be moved within six weeks, back to our original area. The area will be re-graded and Vail’s Grove would like to request that the area be made as low as possible to allow us for more room.

S&W GHD had come back to Vail’s Grove with an amount of \$4000 for the rental of the entire area that they have been using for over a year. The Vail’s Grove Board wants \$500 per month from the start until they are finished, which should amount to at least 18 months. That amount would need to be paid until they are finished with our land and have it refurbished.

Ms. Desidero asked why they started using the area if the Detention Basin is supposed to be a post-construction item? Mr. Duffy made a motion to have Ms. Rubini write a letter that we want \$500 per month in rental fees and, if they do not agree to this, we will take legal action. In addition, we want our area restored to its original condition and expect that leaf removal will be done as well. Ms. Mytych seconded. All in favor. Motion approved. Mr. Duffy, Ms. Mytych, Ms. Desidero will review this letter after Ms. Rubini drafts it.

PAVILION:

No Report

LONG RANGE PLANNING:

Ms. Scott, LRP Chair, stated that she is passing out the Survey results. The Water Tank replacement project is still in the works. The Committee is waiting for bid packages. Ms. Desidero stated that we almost have as many people who want a pool as we do people who do not want to spend any money.

OMBUDSMAN:

No Report

LEGAL:

No Report

RECREATION:

No report

SOCIAL:

Mr. Norcross thanked all the volunteers who participated in the July 4th celebration.

AESTEHICS:

No Report

PUBLIC HEALTH/PUMPHOUSE:

No report

COMMUNITY LIASON:

No report

BEACH:

Mr. Cassidy reported that the Beach is very crowded this year. Last Friday was Tacos and Tequila on the Beach, which was a great success. The next function will be Brunch on the Beach on July 31st at 11:00 am. Mr. Cassidy reported that a letter was received from a Stockholder requesting that we have rowboats at the Beach for others to use. This would be an Insurance issue and would not be a viable item to address. Ms. Waltzer stated that some people have hurt their toes by walking on the long metal dock. The dock needs to have a wedge put it so that the step-up is not there. Mr. Davies will take a look at the issue tomorrow.

PUBLIC SAFETY:

Mr. Matachierri will be asked to please check all fire roads when he is on duty to be sure there are not any people on them who should not be,

LEND A HAND:

No Report

WELCOME:

No Report

INSURANCE:

Mr. McGuinness reported that we have received an e-mail from Saundra Williams of SKCG, our Insurance Broker. It reads "Good afternoon all. As of this afternoon with the assistance of Mike Davies, we have submitted the breakdown of footings, foundations, slab and apron work for the Storage Barn and on Friday your architect gave us confirmation that the foundation for the Vail's Groove Storage Barn meets, but does not exceed the code requirements. I have a call into Omar to confirm that this is sufficient to process the claim and hope to hear back from him in the next day or two. If this is sufficient, we could expect up to an additional \$15,000 towards your claim. I will contact you as soon as I speak with Omar. Please let me know if I can be of any further assistance.'

Mr. McGuinness reported that he and Mr. Davies met with Richie Vail, Architect, to re-structure the design of the garage because the Insurance Company felt the garage was not designed to be re-built in kind. There was also a question about the foundation, although that was approved by the Town of SE. The insurance company felt that was over-kill. It was re-designed and submitted. We did lose some items that we wanted. Regarding the electrical, Mr. McGuinness suggested installing, but not turning it on. They also spoke about the windows, perhaps making them sealed windows rather than accessible windows. The doors were re-designed as well. The design now, as it stands, is all good. Now, this will put us in line with how much the Insurance Company will give us. Construction will begin as soon as we receive the payment from the Insurance Company. The charge for future rentals of the garages will be investigated by the office and Treasurer and discussed. The re-design does not allow for extra storage space upstairs. Ms. Desidero said that if we do put electricity in there, it would allow for people to think they could use garages at night. Mr. McGuinness stated that he means just to have the wires installed for possible future use. If there is second story storage usage, electricity is required.

Meeting adjourned at 10:15 pm.

