

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

**JUNE 17, 2009**

**CALL TO ORDER:**

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

**ATTENDANCE:**

Secretary Victoria Desidero took attendance. All present.

**ACCEPTANCE OF MINUTES:**

Victoria Desidero made motion to accept the minutes of the May 2009 meeting with a few changes on Page 1 and Page 3, 2<sup>nd</sup> paragraph. Ellen Mytych seconded. Abstained: Tom Duffy, Joan Myers. All others in favor. Motion passed.

**COMMENTS AND CONCERNS OF STOCKHOLDERS:**

James Collins reported that he would be the Grand Marshall at the July 4th Vail's Grove Parade.

**COMMITTEE REPORTS:**

**CHAIRPERSON:**

Ms. Waltzer reported that work is continuing on reviewing the revisions to the Rules and Regulations.

**VICE-CHAIRPERSON:**

Mr. Duffy reported that in the Executive Session, the Board discussed a Stockholder in arrears and that if their payment check does not clear, we will be referring that stockholder to Legal for collection. The Board also received a letter from a Stockholder's attorney concerning an on-going issue. The Rules and Regulations were discussed in Executive Session.

**WWTP:**

Mr. Duffy reported that the EFC (Environmental Facilities Corporation) recently granted us an interest free loan for \$8.8 million for North Salem and \$4.1 million for Southeast. We are told by Fred Testa that the goal is to forgive 50 percent of the entire amount of these loans. The actual amount forgiven will be determined in the future. The remainder of these loans would then need to be paid back at a low interest rate. As of now, one-quarter of the total cost of the WWTP project has already been granted to the District, in addition to the \$10 million from Westchester County and \$2 million from Putnam County.

Ms. Waltzer reported that the residents of Maple Lane took the initiative to try and change the original plan for the access road on Maple Lane. Ms. Waltzer thanked Kurt Guldan of Maple Lane for his hard work in contacting various politicians and for getting so many knowledgeable people involved. Kurt invited Tony Hay, County Legislator, to his home to review the situation. Mr. Hay wrote a very descriptive letter and sent it to all of the officials who are part of this

decision-making process and the DOT agreed not to use Maple Lane as a permanent access road. The temporary construction road will become permanent and the present entrance to Maple Lane will be closed. Tom Duffy thanked Kurt Guldán for his hard work as well. Mr. Duffy made a motion to give permission to Stearns & Wheler to have access to use the temporary access road and make it a permanent access road for Maple Lane. Victoria Desidero seconded. Ronnie Waltzer stated that now the EFC would release the funds. All in favor. Motion passed.

Mr. Guldán reported that there were three families on Maple Lane that he could not get in touch with regarding this new approach and also requested that Mr. and Mrs. Weber of Maple Lane would like to be on the landscaping committee associated with this project when the time comes.

Ms. Waltzer reported that according to Peggy Boyle, we have applied for Green Innovative Grant money to offset the cost of water meters that will be hooked up to each shareholder's home. We are still very much in the running for this money as well. The bids packages for the WWTP will be going out this summer.

(For more details on WWTP activity, please see written report submitted by Peggy Boyle in its entirety as a supplement at the end of these Minutes).

**SECRETARY:**

Ms. Desidero reported that the NY Blood Center has requested another Blood Drive. The Blood Drive will be on July 23rd at the Pavilion from 2 to 7:30 pm. Shareholders are encouraged to give blood.

**AESTHETICS:**

Ms. Desidero thanked Michael Davies for his idea regarding the new path extension at the Monument. She thanked Jack Waltzer and his staff for the hard work on the gardens and the Monument area. Ms. Desidero thanked her co-chair Ronnie Waltzer and the rest of the members of the committee for all their hard work. The first Aesthetics meeting was held and more work will be happening throughout the summer in the gardens. Volunteers are always needed for weeding and watering.

Ms. Waltzer introduced Robert Nouza, a new stockholder of 26 Locust Road.

**TREASURER:**

Ms. Mytych reported that there is presently one stockholder in arrears for two quarters and that if their payment check does not clear, they should be sent to Legal. Ms. Mytych made a motion. Victoria Desidero seconded. All in favor. Motion passed.

Our 2008 Corporate Tax returns have been received from our independent auditor. Ms. Mytych would like to set up a Reserve Fund, which would be for emergencies only, and a Capital Fund, which would be for capital expenditures, which are projects completed that are considered an investment into the Cooperative and can be depreciated over time. Ms. Mytych discussed the research that Bob Peyton did for the Grove regarding the sale of the land for the WWTP. An account will be set up at Chase for the proceeds from that sale. Ellen Mytych made a motion to keep those proceeds in a separate account. Victoria Desidero seconded. All in favor. Motion

approved. Ms. Mytych also discussed that the way the money is spent will impact the amount of taxes we pay. Mr. Duffy is concerned about this money possibly changing our “non-profit” status. Ms. Mytych will have more questions for Bob Peyton regarding this issue. Mr. Duffy has concerns about this money affecting our status and thought that is what Bob Peyton would be researching for us. Ms. Mytych asked the entire Board if there is anything else anyone would like her to ask Bob.

**OMBUDSMAN:**

No Report

**SUNSHINE:**

Ms. Enos reported that Dan and Sarah Tschorn had a baby girl, Hannah.

**MEMBERSHIP:**

Sue Enos made motion to approve rental renewal for 35 Orchard, beginning September 2009, pursuant to the septic be inspected. Victoria Desidero seconded. All in favor. Motion passed.

Sue Enos made the motion to approve refinances for the following shareholders so long as their appraisals meet the criteria of no more than 80% of value. She stated that appraisals have not yet been received and that they are all members in good standing:

Melissa and Ron Sarno, 25 Orchard Road  
Joseph O’Lear, 93 Vails Lake Shore Drive  
Nicholas Stevenson, 29 Vails Lake Shore Drive  
Michael Walsh, 79 Vails Lake Shore Drive.

Joan Myers seconded. All in favor. Motion passed.

**BUILDINGS & GROUNDS/ PUMPHOUSE:**

Mr. Waltzer reported the following:

Hartshorn has paved and patched areas around the Grove, including the Fire Road at 57/59 Vails Lake Shore Drive.

Ramp 3 might be cold patched.

More sand will be added at the Beach.

A very large tree, which was diseased, was removed at the fire road at 93/95 Vails Lake Shore Drive.

Bids have been received to re-do the tennis courts. The prices are between \$70-80,000.

Hartshorn has informed Jack that he could bring in very fine quality blacktop and would charge \$13,500 for the blacktopping and \$2,500 to paint as courts.

The back road at Ramp 2 will be graded, graveled and rolled. The conditions are still too wet.

The pump house is fine. Four stockholders from Vail’s have taken the class D course. Jack will train them at the Pump house and these people will be given keys. The four people who took the

course are: Kathleen Reilly, Patrick McGuinness, Drew Gunnison and Bill Quinn. Jack thanked Cindy Battreall for setting up a separate course for us at Westchester Community College.

The AWQR was sent out.

Ms. Desidero asked, as follow-up, regarding the issue of the dumping at the North End. Mr. Waltzer had mentioned that there was someone other than Jay Moore that had given permission to the stockholder to dump the cement and Ms. Desidero stated that Mr. Waltzer has not yet told the Board who that person is. Another question was if Jay Moore has been given a deadline as to when he will remove the tree that is at the North End. Mr. Waltzer will give Jay a deadline and re-iterated that Mr. Moore will do this on his own time. Mr. Waltzer will speak to Jay again about this issue. He said there was apparently a miscommunication about this. Ms. Mytych stated that she feels that Mr. Waltzer should share all information with the Board, so that the Board can make the proper decisions. Mr. Duffy asked several times who the person was who gave the permission as he was not at the last meeting and didn't know about this new development. Ms. Desidero suggested that Mr. Waltzer come to the Executive Session in July to discuss this issue, rather than in the open session. Mr. Waltzer also stated that a letter was placed in Mr. Moore's file.

Tom Duffy asked about Aqua Cleaner at the Beach. Mr. Waltzer said they are presently cleaning the Beach. Sue Enos asked if any of our boat ramps are handicap accessible. Mr. Waltzer said we would make arrangements if it were requested for anyone, possible making one of the docks accessible. He will look into it.

#### **COMMUNITY LIASION:**

Margaret Flannery stated that the Town of North Salem Town Board signed the application for the Green Grant for metering. The Town of Southeast Town Board has not been clear about if they have signed it or not, but they will. This is just an application, not a guarantee.

Councilwoman Rosmarin of North Salem has brought up the idea to establish a Land Preservation Committee to amass funds to buy property that developers want to buy. The proposal is to charge 1 percent of the sale price of each home sold over the median price in North Salem. The proposal has been tabled.

The Town of Southeast has amended the site plan for the cell tower at Vail's Grove Golf Course. The tower is off of Route 121 and has been moved 150 feet to be approximately equal to Tom Duffy's house.

Ms. Flannery reported that the corner of Route 6 and Route 121 seems to be a parking place for dormant tractor trailers. The owners had applied to build a Microtel, which was denied. The owners then decided to build a Best Western Hotel. The Architectural Review Board approved, which upset the other Boards in the town, and the Town Board is cognizant that the Gillens have let their properties decline and they know the history of this property. The Town wants the power to guarantee that the property will be maintained and will not be allowed to decline. The reason this is important to us is that Ms. Flannery believes that this intersection is "the gateway to Vail's Grove."

Ms. Waltzer announced that Michael Rights and Dwight Yee are proposing that contractors in Brewster do not hire people who do not have proper citizenship papers. They are hoping that residents will come from the community to the Town Board meeting to help them pass this proposal.

**BOAT RAMP/NORTH END STORAGE:**

No report. Kurt Guldán will have the North Salem Fire Department submit a letter requesting a key to the boat ramp for emergencies.

**LEND A HAND:**

No Report

**PUBLIC SAFETY:**

No incidents reported.

**INSURANCE:**

No Report

**PAVILION:**

Jim Andes made a motion to approve an application from Rob Norcross to rent the Pavilion on July 11<sup>th</sup> for a Graduation Party. Victoria Desidero seconded. All in favor. Motion approved.

**RECREATION/SOCIAL:**

Mary Rubini stated that the Family Tag Sale would be held on Sunday, July 12, 9 am – 5 pm. There will be an ad in the Pennysaver the week of July 8 – 14. Stockholders will be able to use the tables from the Pavilion. The Tag Sale will be held at Ramp One or inside rain or shine.

The July 4<sup>th</sup> Parade is scheduled. Mary will speak to Peter Van Scoy about bringing the Fire truck for the parade. Mr. Witte will once again take care of the hot dogs. Mr. Witte said he would work with Mr. Norcross and the Beach Committee to have a light dinner at the Beach.

Ms. Waltzer suggested that we post the schedule for Pietches' social events in the Grove so our residents can participate if they like.

**LEGAL:**

Mary Rubini reported that we received a letter from the O'Loughlins attorney regarding a problem on their leased land that they claim is a result of work that the Grove had done. Ms. Rubini will send a letter to the attorney to state that we will not take any further action regarding the situation in question.

**REAL ESTATE:**

No Report

**LONG RANGE PLANNING:**

Sharon Scott reported that the Committee had a meeting to set preliminary guidelines. The role of the Committee is to establish a mechanism to help ensure fiscal responsibility for the Corporation for projects/capital improvements by: determining the list of capital improvements needed/desired by the Corporation; determining the money we have and the money we need to raise to accomplish the improvements; creating an annual rolling list of capital improvements; creating a line item on the annual budget for capital spending projects that actually reflects the amount we need to spend. To accomplish the above we must first: List suggested capital improvements from each committee, if applicable, with bids/estimates of cost; segregate money in our bank accounts (all the money except the operating account) in such a way that the money is divided between Reserve Funds and Capital Funds; review the budget process for annual forecasting of capital improvements.

Ms. Scott noted that the Committee, including herself, Victoria Desidero and Ellen Mytych, reviewed the notes from the prior Long Range Planning Committee and is in line with their approach as well. Lastly, but not least, she said we must determine how we will use the proceeds from the land sale. This may be determined by when we have to spend the money in order to avoid capital gains and take advantage of the Obama Stimulus package. The next steps are to receive answers from our accountant to our financial questions, i.e., reserve money, land sale money, budget process, and to secure a list of capital improvements with bids/cost estimates from all Committee Chairs, especially Buildings and Grounds.

**BEACH:**

Rob Norcross reported that the Beach would now be open full time, which is 10 am until 6 pm. Stockholders are asked to contact Rob Norcross if they have any concerns. Work is being done on one of the "short docks." A schedule of Beach events will be posted. Aqua Cleaner is presently working at the Beach, cleaning out weeds from the lake. More sand will be added at the beach. Helen Vail will be placing plants at the beach area as part of Aesthetics budget as well.

Victoria Desidero made a motion to adjourn the meeting at 9:40 pm. Joan Myers seconded. Meeting adjourned.

Following is the WWTP Report from Peggy Boyle

WWTP Report- June 17, 2009

We have had a lot of activity this past month regarding the project which, due to the diligence of so many involved, has resulted in good news.

In early February, the town of North Salem applied for stimulus funds as the lead agency of the Peach Lake sewer district and we have been selected to receive monies. In essence, we were to receive financing from EFC (Environmental Facilities Corporation) which came from the Clean Water State Revolving Fund. The Federal stimulus funds will now be where the loans will be funded from, however, and this is a big however, there will be principal forgiveness which is essentially a grant, in the amount of \$2,340,000.00.

EFC may be able to forgive 50% of the loan, depending on future availability of funds and whether the other projects are able to launch their proposals in time. This could mean we could be forgiven over \$6,450,000.00. It is a rather daunting challenge but we will do our best to try to get as much funding as possible.

As we have always conveyed, this project is complicated and many details have to be worked on at the same time, especially to ensure that we meet certain time frames for EFC's Loan funds, which stem from the federal stimulus funds that have many complicated stipulations.

However, whenever there is a concern that is local and involves the community directly, we always step up to the plate and get things done. A case in point is the Department of Transportation's insistence that the WWTP access road off Route 121 not be a permanent road, after the WWTP is constructed. This new information caught everyone off guard as the only solution DOT would entertain would be to use our Maple Lane, which residents opposed for good reasons. Under the leadership of a Maple Lane resident, Kurt Guldán, a meeting was called last week and Putnam County Legislator Tony Hay attended, along with our Chairperson Ronnie Waltzer. Legislator Hay came up with the idea to close Ramp #5 and have the residents use the newly constructed access road for the WWTP project. With the precise measurements of various site distances from both access roads done by Mr. Guldán, included in a compelling letter to DOT by Legislator Hay, a meeting was called with DOT earlier this week and many elected officials along with our own Ronnie Waltzer and Kurt Guldán attended. Ultimately this meeting resulted in the proposal being accepted by DOT and we await the Vail's Board approval of this proposal as well.

At this point in time, the engineers will have to quickly develop viable plans to see this acceptable compromise through. We remain positive that all can be worked out quickly so as not to jeopardize the EFC funds. Great job by all involved.

We have also applied for green innovative grant monies to offset the cost of water meters, which is considered a highly favorable water conservation proposal by EFC, the entity that oversees these funds that also stem from the Federal stimulus monies. Even though we have already received funds from the larger pot of federal stimulus money, we are still very much in the running for these grants as well.

There will be a Peach Lake Coalition meeting on Monday, June 22 at 3:30 at the Vails Pavilion to follow-up on project. The bids package should go out this month.

It is great to see that our beloved Peach Lake is now on the Federal map! It is to the credit of so many devoted community leaders and elected officials working in partnership. Let's keep the positive momentum going.

Peggy