

VAIL'S GROVE COOPERATIVE, INC.

BOARD OF DIRECTOR'S MEETING

March 16, 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 Battreall took attendance. Present: Victoria Desidero, Ronnie Waltzer, Ellen Mytych, Frank Cassidy, Sue Enos, Mary Rubini, Rob Norcross and Joan Myers, Fred Witte. Absent: Sharon Scott and Tom Duffy.

COMMENTS & CONCERNS OF SHAREHOLDERS:

James Collins would like to know who is responsible for the cars on Route 121 speeding. He would like the highway department to put a sign up, due to the fact that cars fly by the Grove. Ms. Desidero stated that that is a good idea and Ms. Battreall suggested that as many residents as possible should call the Highway department or the Police.

COMMUNICATIONS NOT INCLUDED IN REPORTS BELOW:

Ms. Desidero presented the draft of a letter from Helen Vail, as a suggestion of correspondence to be sent to the Town of Southeast Zoning Board. This letter is in reference to the amount of notification letters residents needs to send to their neighbors when they are planning to make alterations to their home. It is a very costly procedure. The Board had previously asked Ms. Vail to draft this letter. Ms. Desidero thanked Ms. Vail for this and will turn the letter over to Ms. Rubini, who will in turn coordinate with Ms. Battreall to review and then send to the Town of Southeast. Ms. Desidero asked for this to be done by next month's Board packet, so we can make a decision at the next meeting. The Town of Southeast has determined that homeowners need to send notification to everyone around the lake.

ACCEPTANCE OF MINUTES:

Ms. Enos made a motion to accept the Minutes from the February 2010 meeting. Frank Cassidy seconded. Ms. Enos asked for clarification on an address in the B&G report in the minutes. The address should be 73, not 69. Ms. Battreall will correct this in the

minutes. Joan Myers, Ellen Mytych and Mary Rubini abstained. In Favor: Ronnie Waltzer, Victoria Desidero, Sue Enos, Frank Cassidy, Rob Norcross, Fred Witte. Motion approved.

COMMITTEE REPORTS:

CHAIRPERSON:

Ms. Desidero reported that the new Rules & Regulations and By-Laws book would be distributed by the end of the month with a cover letter to all residents.

VICE-CHAIRPERSON:

Ms. Waltzer reported about an article in the newspaper today regarding a new service about sex offender notification. The office will register our phone number to be alerted if there is a level 2 & 3 sex offender in the area. The phone number and e-mail address will be in the Vail's Voice and on our Web site.

VICE PRESIDENT & WWTP:

WWTP – No Report

Surveys: Ms. Waltzer read the following report: the surveys being done by Terry Bergendorff-Collins have been moving along diligently. Once the field team completes the required outside location work, they in turn pass it along to their inside project manager/CAD computer technician, who in turn puts all the metes and bounds on a computerized map for our review. When the "odd-numbered" side of Vail's Lake Shore Drive is complete, they will present to the Survey Committee for review and then present the findings to the Board of Directors. We expect the Survey Committee to meet prior to the May meeting in preparation for this Board presentation. The field crew has finished up to 121 Vail's Lake Shore Drive and will be starting on the even numbers as well as the island near the office. Ms. Mytych asked if we have any surveys actually complete. Ms. Waltzer explained that we are going to be getting sections of homes at a time and that no one will lose any land, the survey just might move the description a few feet here and there. At that time, people will have the opportunity to come and review their surveys. The Survey Committee has found old maps from original plot descriptions, which have helped the process along. Ms. Desidero asked if this would all be presented at the May meeting. Ms. Waltzer stated that if the Committee has more work completed before Ms. Scott returns, there is no reason why the rest of the Committee cannot get together to discuss.

SECRETARY:

Ms. Battreall read the follow-up report:

Follow-up Items

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. Our insurance representative at SKCG Group is working on answering the questions by the Tree Committee and has requested a copy of the Proprietary Lease and a copy of our Rules and Regulations so accurate information is used in decision making process – Claire Navin- Ms. Waltzer said this is complete.
7. Rules & Regulations sent to all stockholders – Victoria Desidero / Office
8. Copy of standard response from Arben to anyone making inquiries regarding WWTP – Office
9. Contact Stearns & Wheler to work with Landscape Unlimited to find staging area for their project – Tom Duffy/Jack Waltzer
10. Engineering meeting for quotes for water tanks and water main from Ramp 2 to Pavilion – Sharon Scott/Jack Waltzer
11. New location of biodegradable dump area – Tom Duffy / Jack Waltzer
12. Implement Amnesty Program including mailing to all stockholders asking those who have done work not previously approved to come forward, submit an application, a plan, pay the fee and the Board will review. The Amnesty is for the improper use fee and daily fines – Joan Myers
13. Tax reduction for the 2.5 acres Vail's Grove sold to the Sewer District. Need to go to the local Southeast Tax Assessor to pursue tax adjustments – Tom Duffy
14. Process to be documented for 82 Vail's Lakeshore Drive water problem – Jack Waltzer
15. Resolution to the smell along Vail's Lakeshore Drive near #91 and the sewage that is coming out from the hill.

Ms. Battreall reminded the Board about the deadline for submissions to the upcoming edition of the Vail's Voice, which is March 28. Ms. Battreall also discussed plans for a Community Shred Day as a courtesy for the residents of the Grove. A date will be announced in the Vail's Voice and on the Web site, as well as a reminder on a Robo-call.

TREASURER:

Ms. Mytych made a motion to send five stockholders to Legal for collection proceedings to begin. These stockholders are in arrears from two quarters past. Fred Witte seconded. Mary Rubini abstained. All others in favor. Motion approved.

Ms. Mytych passed out an information sheet to the Board regarding the Capital Gains tax. If, after review, any Board members have any questions, Ms. Mytych asks for them to contact her and if she cannot answer, she will pass along to Peter Rossi, our accountant/auditor.

Ms. Mytych made a motion to approve the 2008/2009 Audited Financial Statements. Mary Rubini seconded. All in favor. Motion approved.

Ms. Mytych stated that item 13 on the Follow Up list could be marked as CLOSED, as Ms. Battreall contacted and received confirmation from the Town of Southeast that we are no longer being charged for the 2.47 acres that was sold to the Sewer District. Ms. Desidero asked about the other tax/acreage issue that was previously discussed. Ms. Mytych said she would ask Mr. Duffy about this, as he was the member following up on this. Ms. Desidero would like this item on the follow-up list.

OMBUDSMAN:

No Report

COMMUNITY LIASION:

No Report

BUILDINGS & GROUNDS/ PUMPHOUSE:

Jack Waltzer was not present at the meeting, but Mrs. Waltzer read Mr. Waltzer's report.

Mrs. Waltzer made a motion to accept the bid from Tompkins for lawn cutting services, as they were the low bidder in the amount of \$7700. Sue Enos seconded. Ms. Mytych asked about the difference in the other prices. The other bid was for \$45 per cut more, at 21 cuts for the season. All in favor. Motion approved.

Jay Couillard is inspecting the docks to determine any necessary parts needed. The docks will be installed in the water as soon as possible. We will need to construct or purchase, suitable ramp access for handicapped beach users to gain access to the large northernmost dock from the beach or boat.

Due to impending construction of the WWTP, there will be no funds expended this year to sweep roads.

Heavy rain caused some flooding in the pump house over the past weekend, reported by Ms. Heuschkel, our new licensee. All electrical equipment was still operating properly and the water was slowly draining out of the two drains. Jay Moore pumped the small amount of remaining water out this morning. B&G will have Electric Snake determine if

our drains require any action, or if the slow draining was due to the inability of the wet ground to absorb the water.

Work will commence shortly on the Department of Health's required Annual Water Quality Report (AWQR). Mr. Waltzer's Class C and Class D License renewal request is at the NYS Health Department, with all requirements met, for renewal for a three-year period.

Mr. Waltzer has forwarded his computed cost of .002/gallon to Stearns & Wheeler for information to the Sewer District. No comments have been received at this time. This was based on all costs. Ms. Mytych asked for Mr. Waltzer to let her know exactly how he determined this amount for future reference. Mr. Waltzer will be asked to submit a copy of his method of configuring this amount and it will be kept in a file in the office.

No dye testing can be done at this time, due to the ground being so wet. This includes the sewage coming out of the hillside across from 91 VLSD and the Dress house concerns as well.

Mr. Waltzer met with Landscape Unlimited regarding a staging area. That area would be behind the mailboxes by Ramp One. There is no septic there. This was the original area requested, which we thought would be over septic. Buildings & Grounds determined that there is no septic there. Ms. Desidero stated that this requires a Board vote and that perhaps Mr. Duffy could make a motion at the next meeting. Ms. Desidero said this is a large project at Ramp One and they are doing work here at Vail's Grove and also the work at Pietsches. There will be a trailer and supplies, equipment, etc., on the property. Mr. Norcross is concerned that our area will be used when they are working at Pietsches as well. Ms. Desidero stated that we still need to get a Hold Harmless Agreement signed and stipulations on the condition when finished. Ms. Desidero will speak to Sarah Cwikla and ask if this cannot wait until the next meeting, if the Board is OK with an Executive vote being taken. Ms. Myers wants to know if the people who live near this site are aware of this and asked that information be sent to the entire Board before an Executive Vote is taken. Ms. Desidero stated that this will be a fenced-in, hardhat area and she would get the information out to the Board when it is available from Landscape Unlimited.

AESTHETICS:

Ms. Waltzer stated that there would be a Spring Clean Up Day. Ms. Waltzer and Ms. Rubini will coordinate the date along with Mr. Norcross, who would prefer it be the first or second weekend of May.

BEACH:

No Report

PUBLIC SAFETY:

No Report

LEND-A-HAND:

Kathleen Heuschkel is now the Chair of Lend a Hand. She would like to get more volunteers and would also love to know if there is anyone who knits, crotchets or quilts in the Grove, as it would be good to collect blankets to have ready if people are in need. She also asked that everyone who wants to volunteer contact her even if they had previously given their names to the former Chair of this Committee.

WELCOME:

No Report

BOAT RAMP/NORTH END STORAGE:

No Report

INSURANCE:

No Report

PAVILION:

Fred Witte made motion to approve application for rental for Mr. and Mrs. Duffy for May 1st. Ms. Waltzer seconded. All in favor. Motion approved. Ms. Battreall noted that this will be the one-time free use for Mr. Duffy.

Sue Enos made motion to approve rental to Mr. and Mrs. McCarthy on May 23rd. Ms. Myers seconded. All in favor. Motion approved.

Ms. Myers made motion to approve application for Mr. and Mrs. LaPorte for rental on May 8. Ms. Enos seconded. All in favor. Motion approved.

LONG RANGE PLANING:

Ms. Mytych read the report:

The report for the January Board meeting identified that LRP along with the Maintenance Chair, Jack Waltzer, agreed to get three Engineering firms to review both the water main and water tank projects and provide estimates for both Engineering costs as well as budgetary estimates for the cost of each project. Jack Waltzer was to take the lead in contacting Insite Engineering and Putnam Engineering for review of both projects and to obtain cost estimates for each project.

LRP did not provide an update report for the February Board meeting and the only member of the LRP Committee at the meeting was Victoria Desidero.

The February Board meeting minutes reflect that the Board was asked to approve going ahead with the water main project using the low bidder from previous bids requested prior to our agreement to contact Engineers. The reason for this request appeared to be an urgent concern that LRP is taking too long on these projects and also that the pipe work for the sewers is being started around April 1. It appears by the Minutes there was an assumption made that the pipe work would start at the Pavilion, the final paving would be completed and we would have to dig up the final paving for the water mains. After a long discussion, no Board member was willing to make a motion to go ahead with the water main project using the low bid. FYI, LRP was unclear of the actual amount of the low bid suggested for approval. The bid document was not 100% clear and looked as though it was \$128,000. LRP has since confirmed, directly from the bidder, that the bid is actually \$146,825.

LRP has since confirmed that Landscape Unlimited, the contractor for the installation of the Collection System, will begin on April 1, however, at the North End (the WWTP site) and work their way down Vail's Lake Shore Drive. It is estimated that it will be a couple of months after April 1 before they get down to the portion of the road that was discussed at the Board meeting.

Since the February Board meeting, as a result of the concern, the Long Range Planning Committee had a meeting by conference call and are again back on track with contacting Engineers. Michael Davies has volunteered his time to help Jack Waltzer with bringing this project to closure. Engineering meetings were quickly scheduled, have taken place and the bids are in.

The four Engineering firms that met with Vail's Grove are Bibbo Associates, Inc., P. W. Scott, Insite Engineering and Putnam Engineering. To date of the report, only the first three provided a bid for their Engineering Services. Mr. Davies will bring us all up to date on the fourth bid, received this morning.

Mr. Davies reported that as of this morning, a decision had been made. Since this morning, we received a low bid from Putnam Engineering, although Mr. Davies had some questions. He requested about 10 more hours, enough time to meet with Putnam. If they offer the same services as the other bid, Mr. Davies would recommend going with Putnam. Ms. Mytych made a motion to approve Putnam Engineering as the low bid contractor, contingent on Mr. Davies approving that we would be getting the same services. If not, the contract will go to Insite. Ms. Myers seconded. All in favor. Motion approved.

Mr. Witte asked if we received references for these vendors. Mr. Davies stated that he is happy with the references received for the two contractors in question.

RECREATION/SOCIAL:

Mr. Witte stated that he would be holding a Covered Dish Dinner on April 17. Ms. Rubini stated that Meghan Cassidy is organizing an Easter Egg hunt on March 28th with a rain date of April 2nd.

LEGAL:

No Report

REAL ESTATE:

Ms. Waltzer discussed the amnesty program that was recommended at the last meeting regarding applications for alteration. Since there are now revised Rules and Regulations, Ms. Waltzer has rescinded her motion for this amnesty program. Individual people will be contacted if they are required to put in an application and pay the required fee but no fines. Ms. Waltzer makes a motion to rescind the amnesty issue. Ms. Mytych seconded. All in favor. Motion approved.

TREE COMMITTEE:

Ms. Waltzer and Ms. Mytych have been working very hard of the tree issue here at the Grove. An arborist walked around and developed an RFP for us to use in requesting bids from other tree vendors as well. We received four bids for tree work. Ms. Mytych and Ms. Waltzer reviewed the proposals and decided to limit the initial work to the playground area and they will cut some trees down, cable some trees and prune some trees behind the mailbox area at Ramp One. They have chosen the lowest bidder, who is also the only certified arborist. Save-a-Tree will also dispose of the debris, and prune the cherry trees around the Pavilion. The amount of his bid is \$8400 plus tax. Ms. Desidero stated that this needs to come to the Board for approval. Ms. Waltzer also stated that the tree across from 57/59 VLSD would also be removed as part of this price. Ms. Waltzer made a motion to spend \$8400 plus tax and award the bid to Sav-A-Tree. Ms. Myers seconded.

Ms. Myers asked if the bidder broke the bid up into different sections. Ms. Waltzer stated that the arborist said this is just the tip of the iceberg. Ms. Waltzer stated that there are many trees that need to be dealt with. Ms. Desidero asked to see a list of the trees that need to come down. Ms. Mytych said this is going to be an ongoing project for the year. The tree budget is \$10,000 for this year. Ms. Desidero said it would have been helpful if the Board had a list of these trees. These trees were made a priority due to the fact that they are in the playground. Ms. Mytych said it is the job of the Board to maintain our infrastructure, even if the line item was not correctly budgeted. Ms. Waltzer stated that this is the time of year to have trees cut down. Ms. Waltzer stated that we also have a list of trees on stockholders property that need to have work done. Vote was taken. All in favor. Motion approved.

Mr. Norcross stated that he would like some trees at the Beach looked at.

Ms. Waltzer and Ms. Mytych suggested that the arborist come in and look at the trees of individual stockholders, in an effort to save money by doing these inspections together. Ms. Desidero wants to know if we could then ask the arborist for this information so that we could make phone calls to the shareholders rather than put anything in writing on the first notification. Ms. Myers stated that if we inform a stockholder that a tree on their property is dangerous, then they are responsible if anything happens with those dangerous trees.

Ms. Desidero said that it is a fact that if you are notified that a tree on your property is dangerous, and then it falls, your insurance company will ask if you had been notified. If you say that you were notified, you will not be covered.

MEMBERSHIP:

Mr. Cassidy made a motion to approve the rental at 19 Orchard Road based on a completed successful interview. Mr. Myers seconded. All in favor. Motion approved.

Mr. Cassidy made motion to approve a re-finance application from Mr. Devine at 1 Maple. Ms. Myers seconded. All in favor. Motion approved.

Mr. Cassidy made motion to approve a re-finance application for Helen Vail at 87 Vail's Lake Shore Drive. Ms. Enos seconded. All in favor. Motion approved.

Mr. Cassidy made motion to approve a re-finance application from Mr. and Mrs. Sheridan at 74 Vail's Lake Shore Drive. Ms. Enos seconded. All in favor. Motion approved.

These are all contingent on the appraisals coming in, showing no more than 80% of appraised value being financed.

SUNSHINE:

Ms. Enos read a thank you note from Jim Sheridan and a thank you note from Sharon Scott.

Meeting adjourned at 9:40 pm.

