

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

**October 21, 2009**

**CALL TO ORDER:**

Chairperson Victoria Desidero called the meeting to order at 8:11 pm and asked all to rise for the Pledge of Allegiance.

**ATTENDANCE:**

Secretary Sharon Scott took attendance. Present: Ronnie Waltzer, Ellen Mytych, Sharon Scott, Tom Duffy, Fred Witte, Frank Cassidy, Joan Myers, Victoria Desidero, Mary Rubini.

Absent: Sue Enos, Rob Norcross

**ACCEPTANCE OF MINUTES:**

Sharon Scott made motion to accept the minutes of the September meeting with three corrections. (Page 2, add "Motion failed"; page 3, add "Motion passed"; page 6, "Motion passed"). Mary Rubini seconded. Ronnie Waltzer asked for a typo correction to be made. All in favor. Minutes accepted with changes noted.

**COMMENTS & CONCERNS OF STOCKHOLDERS:**

James Collins would like to know if the Grove would be getting a leaf cleaner for the roads. Mr. Waltzer stated that residents should put their leaves in biodegradable bags within 10 feet of the road and maintenance will pick up. In addition, Mr. Waltzer recommends that residents mulch the leaves into the grass.

Margaret Flannery thanked the Grove for the beautiful landscaping this year and for the beautiful gardens. There is no report for Lend-a-Hand Committee as well as no report for her part of the Liaison Committee. More information will be coming regarding the Groundbreaking Party.

Bob Torre, owner of 9 Vail's Lake Shore Drive introduced himself and his wife Renee. Mr. Torre had previously owned a house here, which he renovated. Mr. Torre will be submitting plans for the work he would like to do on 9 Vail's Lake Shore. In the meantime, he would like permission to begin work on the original foundation footprint to be able to be finished before the cold weather. He received a letter from Bruce Thompson, North Salem Building Inspector, suggesting that he finish the foundation first to be sure it is safe. He will be getting a permit for this work. In addition, he will need to remove three trees to be able to get to the foundation. He will replace them in the future. He will get an inspection for permit work after completed. Mr. Torre again stated that it is the same exact footprint. Ms. Desidero informed Mr. Torre that the Board will vote on this later in the meeting and he will be informed of the decision.

## **COMMITTEE REPORTS:**

### **CHAIRPERSON:**

Ms. Desidero introduced herself as the new Chair of the Board and stated that she is very happy to be in this position. Ms. Desidero reported that in the Executive session, the Board discussed goals for the future. In the past few years, the Board had worked toward improved fiscal responsibility and improved shareholder communications. The Board will try to initiate an effort to get more people involved on Committees. An effort will be made to attain this goal. Ms. Desidero is looking forward to working with everyone on the Board and to get to know shareholders better.

### **VICE-CHAIRPERSON:**

Ms. Waltzer reported that in the Executive session, the Board discussed a plan for completing the review of the revised Rules and Regulations so that we can forward these, along with the By-Laws to the entire community. There is a concern about shareholders who are not aware of the Rules & Regulations of the Grove and that using the excuse of "I didn't know about that rule," will no longer be accepted. A tree Sub-Committee has been established to review the status of trees in the Grove and trees that may be a danger on both Coop property and shareholder property.

### **VICE PRESIDENT & WWTP:**

Tom Duffy reported that he was asked to have a surveyor come in to survey the 173 properties. Mr. Duffy spoke to four surveyors and received bids on this project. This project would start on Vail's Lake Shore Drive, at the Pavilion and go all the way to the end. After Vail's Lake Shore, we would continue to the other roads. Most of the bids came in at \$600 – 700 per parcel. Terry Bergendorf Collins (TBC) submitted a bid for \$325 per parcel. TBC is most familiar with Vail's Grove. She has surveys that go back to the 1950s and her having old files would be very helpful. Her price includes measuring, how each property relates to the others, right-of-way and how the structure sits in relation to the property. Having these surveys done would be an immeasurable benefit to the Grove. We would be able to get a jump on this project in 2009. Mr. Duffy said his Committee would be himself, Victoria Desidero, Joan Myers, Frank Cassidy and Ronnie Waltzer. This committee would look at our files and the Building Department files. It is possible that we could get some tax advantage for the cost of this project. Mary Rubini would be called in, if needed, as Legal Counsel.

Mr. Duffy made a motion to accept the proposal from Terry Bergendorf Collins to survey the 173 properties for \$325 per parcel. Ronnie Waltzer seconds. Mr. Duffy also stated that no one would lose lengths on their property. Joan Myers asked about what would happen when the properties and lines are off. Ellen Mytych was concerned about other issues, i.e., decks being partially on your neighbor's property. Mr. Duffy reported that the present descriptions are pretty accurate. Mr. Duffy explained that Bruce Thompson from the Town of North Salem has told us that this is going to need to be done, as the Town is going to start viewing the Grove as individual properties. These surveys will show exactly where the measurements start. Ms. Myers is concerned that the stockholders will get involved with having to get variances, once property lines change.

Mr. Duffy stated that we would present to the Town the whole package of surveys and that this would correct many problems that presently exist. Mr. Duffy explained that there is room with the fire roads if we need to move inches at certain places. If a fence is up and it is on someone else's property, for example, that will be grandfathered in until the house is sold to the next purchasers, when stock certificate changes hands. It would be the responsibility of the seller to take care of this prior to closing.

Mr. Waltzer asked about the fact that many people had surveys done in the past and they paid for them. Ms. Waltzer explained that the new surveys would not be as detailed. We are mainly concerned about the perimeters. We will use the old surveys in this process. Mr. Waltzer thought that perhaps money could be saved on this, but Mr. Duffy stated that each parcel needs to be done in relation to the next. The price includes a written description. Mary Rubini inquired if these surveys would satisfy the Town of North Salem. Ms. Rubini also asked if these written descriptions would then be attached to individuals Proprietary Leases. Mr. Duffy responded that they would. There would be individual maps and a map of the entire property. Ms. Scott asked Mr. Duffy if he spoke to the Town of Southeast about this process. Mr. Duffy stated that he did not but they would accept this and that they would satisfy the Town of Southeast as well. The Town of Southeast accepts less than the Town of North Salem.

Ms. Myers suggested that perhaps the Board should alert the Stockholders about this prior to taking a vote, as people might not be happy about this, as it will individually impact each property owner. Ms. Desidero stated that it is the Boards' responsibility to make a decision on this survey project, as Mr. Thompson stated rather strongly that this would need to be done. The motion was re-stated that "a committee be formed, to accept TDC proposal to do 173 properties at \$325 per site beginning immediately and not to exceed 40 parcels this year." All in favor. Motion passed. Victoria Desidero thanked Tom Duffy for taking on this project and putting in so much time and effort on this. As a follow-up, Ellen Mytych will find out if it will be able to be a "write-off."

Mr. Duffy then discussed the WWTP and stated that all of the applications are in and that all the monies will be made available. The groundbreaking will be November 21<sup>st</sup>. There will be a service and party to follow that groundbreaking.

#### **TREASURER:**

Ellen Mytych stated that at this time, there are no stockholders who are two quarters in arrears. Ms. Mytych asked all Committee chairs for budget numbers. She would like to present the Board with a draft for the 2010 budget prior to the November Board meeting for discussion at that meeting.

#### **SECRETARY:**

Sharon Scott stated that the deadline for any changes, additions and deletions to the Directory is October 31<sup>st</sup>, along with the deadline for ads. The directory will be printed in November and expected to be mailed out prior to Thanksgiving. Cindy Battreall is presently studying for and expects to take the Notary Test soon.

**PUBLIC SAFETY:**

Ralph Matachierri stated that he presently has four volunteers to man the ramps on Halloween. Ralph will move around from ramp to ramp. Mr. Matachierri also stated that he has heard there might be some issues down at the North End. If drugs are suspected, people should call the police, if it is just a matter of people hanging out, Mr. Matachierri will be happy to go down there. If the stockholder thinks it is an emergency, they should call 911. Perhaps the Carmel Narcotics Division should be contacted. We will update the website to include other local numbers.

**AESTHETICS:**

Ronnie Waltzer stated that the new garden at the six-car garage is ready for planting. She would like to put out a robo-call for people to donate their mums for Jay Moore to plant around the Grove.

**PAVILION:**

No Report.

**BEACH:**

No Report

**COMMUNITY LIASION:**

Mr. Gregory stated that over the last few months we have made an appeal to get more volunteers for his Committee. Mr. Gregory has asked each Board member to call two people that they know and ask them to serve on the Community Liaison Committee.

**INSURANCE:**

No Report

**LONG RANGE PLANNING:**

Sharon Scott reported that the quote from Bibbo Engineering for replacement of the Water Tanks at the Pump house was \$30-35,000 just for the Engineering Plans and Bid package. Ms. Scott needs to follow up on this with the Committee and get more information from the Town of Southeast. Jack Waltzer reported that Engineering was necessary, pursuant to the Putnam County Department of Health. Ms. Scott will report more on this in the future. Mr. Waltzer also stated that he will be meeting with Vince Perrin at the Putnam County Dept of Health and ask him for some information on this.

**BUILDINGS & GROUNDS/ PUMPHOUSE:**

Jack Waltzer reported that there are still boats in the water at the public docks. If the boats are not removed prior to the docks being removed, these boats will be towed to the beach area by the Pavilion.

There was a serious water leak by Hickory Lane. The water was turned off most of the day. It was an old, rusted pipe with a lot of pinholes in it. Mr. Waltzer is hoping that this will solve a water issue at the Dress house.

Hartshorn was in to pave and took care of Ramp 3, and the big area by the Pavilion. Private work was done as well while Hartshorn was here. The speed bumps will be taken up shortly.

The pumphouse is running fine and hopefully water usage will go down now that the leak was fixed.

Ellen Mytych asked if Butler was doing work here yesterday. Ellen asked what caused the water leak. She stated that she was told that Tim Butler broke the pipe. Mr. Waltzer had no knowledge of this. Mr. Waltzer stated that when the ground is being excavated, sometimes a pipe could be hit. Ms. Mytych is asking how much the repair was and if we are not responsible, the person who is should be the one to be pay for this. Ms. Mytych asked about contractors' insurance. Mr. Waltzer will check with Jay Moore about Tim breaking the pipe. Ms. Desidero reported that Jay Moore had stated that Tim Butler broke the pipe. Mr. Waltzer said there was a pipe that was leaking for a long time. It was a badly corroded piece of pipe. Fred Witte stated that at Vail's Grove, no one knows where all the pipes are and that Tim Butler should be held harmless when the pipe locations are unknown.

Mr. Waltzer then discussed the bids for snow removal for 2009-2010. The two lowest bids were from Hartshorn and Tompkins, with Tompkins being the lowest bid by only \$200. Tompkins lives here at the Grove and has volunteered their time and machinery at the Grove. Mr. Waltzer would like to award the job to Tompkins. Joan Myers made a motion to accept the bid from Tompkins. Sharon Scott seconded. Phone availability must be had for certain board members and Tompkins needs to be reminded about the last time he had the contract, communications were not good. Ms. Mytych reminded the Board that their accountability last time was not acceptable. Vote was taken. For: Frank Cassidy, Mary Rubini, Sharon Scott, Ronnie Waltzer, Tom Duffy and Joan Myers. Against: Fred Witte and Ellen Mytych. Motion passed.

#### **RECREATION/SOCIAL:**

Mary Rubini stated that the Halloween party would be on October 31 at the Pavilion. Pizza will be served. Pumpkins will be carved. Ms. Rubini stated that Meaghan Cassidy would like to organize a Cookie Exchange at the Pavilion on December 6<sup>th</sup>. Ms. Rubini stated that the Children's Christmas Party will be at the Pavilion on December 19<sup>th</sup>.

#### **LEGAL:**

Mary Rubini reported that the Land sale is moving forward. The Plat has been signed and it was picked up today by Sarah Cwikla to be brought to the Putnam County Department of Health. Hopefully the closing will be in the next two to three weeks.

#### **REAL ESTATE:**

Joan Myers read a letter from Mr. and Mrs. Duffy stating that they think Mr. Mullaney's shed was built without approval and that the shed is on the Duffy property line. The

Duffy's would like the shed moved prior to any transfer of shares occurs. Ms. Myers said that based on descriptions and Certificates of Occupancy, the property line goes in between the sheds and the Mullaney shed is not on the Duffy property. Both sheds have Certificates of Occupancy and both sheds are not ten feet from the property line.

Ms. Myers stated that the Coop received an application from the Duffy's to put a fence up on their property at the right-of-way and at the Mullaney property line. It would be halfway down his property, from his house to the lake. It would be either a picket fence or a split rail fence. Ms. Myers made a motion to accept the application from the Duffy's for the fence, although the placement might change once the surveys are completed. Mary Rubini seconds. The fence is not a structure as stated by Ms. Myers. There are other fences on the lake properties. Vote taken. Tom Duffy abstained. All others in favor. Motion passed.

Joan Myers made a motion to approve Mr. Torre's request (of 9 Vail's Lake Shore Drive) to begin work on his foundation started by the previous owner as long as the foundation specifications remained exactly the same as the original request given to the Board on September 17, 2007, i.e., the footprint remains the same and any concrete debris is removed properly. Mary Rubini seconded. All in favor. Motion passed.

Ms. Myers discussed the issue of the "shower" at Ken Sullivan's house. She looked into the non-permanent wood storage area. Ms. Myers said there is little difference between this storage area and the approved Blackwell partition area, which is taller. We never requested anything from the Blackwells. Cindy Battreall said that we did indeed request an application and fee from Blackwell after the fact. Ms. Myers said the wood storage area at Sullivan's house does not bother the Murphys. The fence area at the Blackwells is 6 feet high. Many people in the Grove have decorative trellises on their property. We required the Blackwells to fill out an application and pay the required fee. Ms. Myers said there are a lot of houses that do not have a lot of property between them. Ms. Myers said we should ask the Sullivan's to complete an application and pay the required fee, based on what we allowed Blackwells to do. Ronnie Waltzer stated that the way we do things here is that people need to put in an application before they build something. They should not be able to plead ignorance to the rules. People should not have to take the structure down, but they need to apply and be fined for putting it up without approval. Ms. Mytych asked exactly what did Mr. Sullivan build. Ms. Myers explained that it was two walls coming out of the house, that is completely removable, to store wood. Ms. Myers said it is a wood storage area and not a shower. She inspected it and said there is no plumbing. Mr. Duffy asked what the side yard distances were. (Mr. Duffy said that Mr. Sullivan is continuously doing this and it seems we are not going to make people take things down. He thinks that people think they can just pay the fine and keep the structure up.

Ms. Myers will come up with clear Rules and Regulations for the Real Estate portion. She said she was asked last year to put together a list and that she has not had a chance to present that list. Ms. Myers is trying to be as fair as possible to everyone and her new suggestions will reflect that. Ms. Desidero stated that Real Estate could suggest changes

to the Real Estate Rules and Regulations at the next Rules & Regulations review. Ms. Myers said that in the past three meetings she was not ever asked to present her list and that she does not have it tonight. Ms. Desidero wants to table the Sullivan discussion until the Rules are complete. Ms. Myers stated for the record that when Ms. Desidero had a Committee, she was upset that the Board did not go along with her decisions. Ms. Myers does not want this tabled. Ms. Desidero wants to wait until the next meeting when the Rules and Regulations are finalized. Ms. Myers does not agree with a lot of the items in the Rules presently. Ms. Myers said that if we do fine Mr. Sullivan, he is not to be fined for this extended period while the Rules are finalized. Mr. Witte said that we are presently operating under one set of Rules and we should stick to those Rules right now.

**MEMBERSHIP:**

Frank Cassidy reported that it has come to our attention that the occupants of 19 Orchard Drive are not the owners nor approved renters. Mr. Cassidy made a motion to begin an investigation to find out who these people are, and get in contact with the owners. Sharon Scott seconded. All in favor. Motion approved. Cindy Battreall offered to follow up on this issue.

**SUNSHINE:**

Sue Enos reported that she received a lovely thank you note from the O'Loughlins for the gift the Grove sent on the passing of Janet's dad. In addition, Pat Tompkins called and thanked Sue for the gift for her mothers passing.

**WELCOME:**

No report

**BOAT RAMP/NORTH END STORAGE:**

John Myers said there are no complaints. The Boat Ramp is working out well. Mr. Myers does not think we need to have another day of keeping the North End open, as long as he has the key to let people in when they need it.

**NEW/OTHER BUSINESS:**

Tom Duffy wanted to go back to the issue of the letter from him about the Mullaney shed on his property. He would like the new Survey committee to look into this issue. We can start interpreting properties wider than the survey. The person who lived there previously, who was an amateur, did one map and Mr. Mullaney did the other survey. Ms. Myers said that she asked Mr. Duffy to wait until the surveys were done and that Mr. Duffy responded that whatever her Real Estate Committee states is the decision. Ms. Myers said the shed is not on the Duffy property. Ms. Desidero asked if we have an appeal process. Mr. Duffy stated that there might be a closing in the next few weeks and he wants this determined before there is a new owner. Ms. Myers said she looked at every map and Mr. Mullaney's shed is not on Mr. Duffy's property.

Sharon Scott made motion to adjourn meeting at 10:20 pm.