

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

September 16, 2009

CALL TO ORDER:

Vice-Chairperson Waltzer called the meeting to order at 8:04 pm and asked all to rise for the Pledge of Allegiance.

ATTENDANCE:

Secretary Sharon Scott took attendance. Present: Ronnie Waltzer, Ellen Mytych, Sharon Scott, Sue Enos, Tom Duffy, Fred Witte, Rob Norcross, Frank Cassidy, Joan Myers.

Late Arrival: Mary Rubini

Absent: Victoria Desidero

ACCEPTANCE OF MINUTES:

Sharon Scott made motion to accept the minutes of the August meeting. Fred Witte seconded. Rob Norcross asked for his name to be added in attendance for last month. Sue Enos and Fred Witte requested some changes to the minutes. Frank Cassidy abstained. All others in favor. Minutes accepted.

Ronnie Waltzer stated that after the annual meeting there was a short Board meeting held. Sharon Scott made motion to accept minutes from that Board meeting. Sue Enos seconded. Rob Norcross and Fred Witte abstained. All in favor. Minutes accepted.

COMMITTEE REPORTS:

CHAIRPERSON:

No report.

VICE-CHAIRPERSON:

Ronnie Waltzer stated that she is standing in for Victoria Desidero at this meeting, as Victoria is caring for her mother. Ronnie Waltzer requested that Sunshine send something to Mrs. Desidero to wish her well. Sue Enos will take care of this. Ms. Waltzer stated that the Rules and Regulations were not discussed in the Executive Session due to other business.

VICE PRESIDENT & WWTP:

Tom Duffy stated that the Groundbreaking/Thanksgiving Service for the WWTP would be held on November 21.

Mr. Witte asked when the closing of the property would be. It was reported that Will Stephens is pushing for the Plat for the subdivision so that the closing can occur. Will Stephens is working with Sarah Cwikla on this process.

Mr. Duffy stated that the plant bids would be opened tomorrow September 17th at 11 am at the North Salem offices. Discussion was held regarding receiving the money for the land sale and spending it in 2009 so that the Grove can benefit from savings on Capital Gains.

TREASURER:

Ellen Mytych further explained the above issue regarding Capital Expenses. If we receive the money in the year 2009, the tax money the Grove would need to pay would be approximately \$55,000. We can make that amount less if we start spending the money and having them be either Capital Expenses or current year write-offs. Ms. Mytych explained that we have a reserve fund, which would be used in emergencies. Ms. Waltzer stated that we couldn't spend what we do not have. Mr. Duffy explained that it is the land surveyor who needs to move on this issue of subdividing the land to make the closing happen. Mike Rights and Warren Lucas are pushing the issue and know what is at stake regarding the money.

SECRETARY:

Sharon Scott reported that the Directory form will go out with the October bills and solicitation has gone out to local businesses. In addition, the information from the Town of North Salem regarding the amnesty program for building permits, etc. will be mailed to the residents of North Salem. The office will be closed on September 18 and 21.

OMBUDSMAN:

Ellen Mytych reported that we received a complaint/suggestion regarding noise on Sundays. The stockholder would like Sundays to be a "peaceful" day here at the Grove. Most of the Board feels that this would be hard due to the fact that the weekends are the time when people take care of their errands and chores. Ellen Mytych made a motion that noise from power tools, lawn mowers, etc. be banned on Sundays. Sue Enos seconded. Prior to vote taken, Mr. Gregory had to swear in Fred Witte as he has been reelected to the Board and was not at the Board Meeting after the Annual Meeting. In favor: Fred Witte, Ellen Mytych. Against: Joan Myers, Sue Enos, Frank Cassidy, Sharon Scott, Tom Duffy and Rob Norcross. Motion failed.

Ellen Mytych, as Treasurer, reported that there are no Stockholders who are two quarters in arrears. Ms. Mytych also complimented our auditor, Stu Goldberg, on his presentation at the Annual Meeting and his discussions/information after the Annual meeting.

AESTHETICS:

Ronnie Waltzer reported that the committee had offered plans for developing a new garden at the six-car garage. A garden was created by Jay Moore in that area and planting will be done in the fall. Joan Myers complimented the Grove on how beautiful it looks.

PAVILION:

Joan Myers made a motion to approve a Pavilion Application for Rob Norcross for October 25, 2009. Sue Enos seconded. All in favor. Motion approved.

LONG RANGE PLANNING:

Sharon Scott reported that the committee had a meeting with Bibbo Engineering regarding the water tanks. In attendance were Sharon Scott, John Lee and Jack Waltzer. They looked in the Pump house to see what was necessary. Bibbo will submit an engineering report for their costs for this project. The LRP committee is discussing if an engineer will be needed for the Water Main project. Sharon feels the water tanks and the water mains will not be able to be completed this year. Sharon reported that she learned a lot of information from Stu Goldberg regarding write-offs vs. Capital Improvements. Each situation is figured on the basis of how much it costs, how long it will last, etc. Discussion was held about the possibility of hiring an arborist to check the trees on coop property. Vail's Grove is responsible for the trees on coop property. Ellen Mytych thinks we should identify trees on stockholders property that need work done. Tom Duffy asked if we could make any Capital Improvements this year. He thought that perhaps we could get some water pipes in this year, as the contractor does charge day-by-day.

BUILDINGS & GROUNDS/ PUMPHOUSE:

Mr. Waltzer announced that Jay Moore got married on Saturday, September 12. Mr. Waltzer wanted everyone to know that Jay stayed to set up for the Board meeting, the annual meeting and handled some items for aesthetics and has worked very hard. Mr. Waltzer thanked Anne Marie Keiley for her pies for the Annual meeting and for tonight's Board meeting. Mr. Waltzer thanked Brandon and Kevin Tompkins who donated their time and equipment to clean out the North End. Trailers have been moved, weeds have been removed and the North End is ready to accept boats for storage. Mr. Waltzer asked the Board for a date at which all boats should be removed from coop docks so removal of the docks can be arranged before the weather changes. Mr. Waltzer recommended the first or second week of October, perhaps by October 12. Tom Duffy made a motion to have all boats removed by October 12. Sue Enos seconded. This information will be in the Vail's Voice, on the website and a robo-call will go out. All in favor. Motion passed. Also the Vail's Voice will advise residents that they need to remove "junkers" from the North End. Joan Myers stated that John Myers would like a key to the North End. Ms. Waltzer stated that that would be taken care of.

Mr. Waltzer stated that Building & Grounds would do whatever is necessary for Halloween evening. We will ask for volunteers in the Vail's Voice. Passes for guests will be mailed to residents. Tom Duffy made a motion to allow people to exit at Ramps 2 and 3, and to enter or exit at Ramp 1. Joan Myers seconded. All in favor. Motion approved.

Mr. Waltzer stated that blacktop works needs to be done at Ramp 3 and some other spots.

The snow plowing bids have gone out to vendors.

The pump house is running fine. The Putnam County Department of Health is requiring our volunteers to have Class C licenses rather than Class D. Mr. Waltzer will go to a meeting on October 23.

Mr. Duffy asked about the update on bids for the water mains. He inquired about how much we pay our present excavator and plumber per day. Mr. Waltzer stated that the laterals and curb stops would also need to be replaced; and, the 146 feet that need to be replaced would take approximately 3-4 weeks. Sharon Scott is concerned that perhaps we should be using an engineer for this project. This is a repair and replacement project so Ellen would ask Stu Goldberg how it would be classified.

Jack Waltzer reported that Joe O'Lear is in Putnam Hospital and is getting frail and people should go visit him at this time.

COMMUNITY LIASION:

Mr. Gregory stated that at the annual meeting he made a plea for new committee members. He stated that no one has called and he is still looking for more volunteers to go to Town Board meeting and he will put something in the Vail's Voice. He has recently gone to see Warren Lucas to say hello, and he saw Mike Rights from Southeast. We need to keep our names out there with people with whom we can be directly involved.

REAL ESTATE:

Joan Myers made a motion to ratify the sale of Parcels 1 & 2 to Jim Burns for the price of \$5000. These parcels are attached to this leased land now. Sue Enos seconded. All in favor. Motion approved.

Ms. Myers received a letter regarding a shed on 69 Vail's Lake Shore Drive questioning if it is on a neighbors leased property. She is looking into this request.

MEMBERSHIP:

Sue Enos made a motion to accept the application for membership from Robert Torre for purchase from Michelle Verhave for 9 Vail's Lake Shore Drive. \$5000 shall be held in escrow pending Mr. Torre obtaining a Certificate of Occupancy within 18 months from the day of closing. The septic inspection has passed. Frank Cassidy seconded. All in favor. Motion passed.

Sue Enos made a motion to accept application for membership from Penny Feder for purchase of 11 Vail's Lake Shore Drive from Jim Burns. The septic needs a minor repair. The acceptance would be contingent on that repair and some changes in the contract. Frank Cassidy seconded. All in favor. Motion passed.

Sue Enos made a motion to accept the re-finance application from Sharon Kroll for 33 Orchard Road. She is a member in good standing. Appraisal is pending. Frank Cassidy seconded. All in favor. Motion approved.

SUNSHINE:

Get well wishes to Joe O’Lear who is currently in Putnam Hospital. Our condolences go to Janet O’Loughlin and her family on the passing of her father. Congratulations to Jay Moore, our Maintenance Engineer, on his marriage to Victoria Vonderbank and congratulations to the O’Loughlin family on the recent marriage of their daughter, Mackenzie. A thank you note was read from Cindy Battreall for the Grove’s donation to Temple Beth Elohim in memory of her mother.

BEACH:

Rob Norcross thanked the lifeguards for making it a safe beach season. The port-a-potty will be removed by the end of the month. The beach phone will be turned off by the end of month as well. Ms. Myers recommends purchasing a water pump for the beach area to move the algae around and to keep it from coming back after we had it removed this past season. Mr. Norcross was concerned about the cost. Ms. Waltzer suggested that Mr. Norcross call Dave Bruen to discuss the cost of running this pump. Ms. Waltzer complimented Mr. Norcross on how nice the beach looked this year. Mr. Norcross also stated he would like to get the spotlights repaired. Mr. Norcross stated that he might be organizing a bonfire in September. The removal of docks will be happening soon.

INSURANCE:

Ms. Waltzer stated that Claire Navin researched the liability issue at the Beach for overnight parking. Ms. Navin reported that there would be no liability. It is no different than cars parking by the Pavilion or Vail’s Grove roads. Ms. Waltzer said we need to make it clear that during beach season, only cars using the Beach should park there during the day. It was stated that we now need to plow that area during snow season.

Ms. Waltzer had asked Ms. Navin to look into issues regarding the insurance about trees falling down. Our broker advises that if there is no negligence on the part of the landowner – if they have not ignored a deceased or an unstable tree – and the tree falls that would be considered an “act of God”. Each party would be responsible for clean up on their property. If it were on common property, the Grove would be responsible for clean up. The same holds true for neighbors – if a tree falls from one property on to another and caused damage. Unless the tree owner was negligent, each party (and/or their insurance) would be responsible for repair and cleanup on their individual property. A party must be notified in writing before an occurrence that there is a potential unsafe tree on their property. Vail’s Grove does have insurance for tree clean up, only if Grove property (Pavilion, etc.) suffers damage.

Ellen Mytych said this changes how we dealt with the Fords. It was discussed that we should possibly bring in an arborist to check out trees. Perhaps we should let homeowners know that they are responsible for the trees on their property. Ms. Mytych

said it must be done individually, and how can we do that unless we have input from an expert.

Ms. Myers asked if we had discussed having a tree committee. Ms. Myers said she would be on a tree committee. Ms. Mytych said that we need to tell the Fords that they do not owe the money because we never notified them. Ms. Mytych made a motion to inform the Fords that they do not owe money to clean the Coop property. Sharon Scott seconded. In favor: Joan Myers, Sharon Scott, Ellen Mytych, Fred Witte, Ronnie Waltzer. Opposed: Tom Duffy, Rob Norcross, Frank Cassidy and Sue Enos. Abstained: Mary Rubini. Motion passed. Ms. Myers feels that in our "tree" policy, stockholders need to understand that they need to clean up their property if a tree falls. In addition to Joan Myers, Ellen Mytych and Ronnie Waltzer will serve on the "Tree Policy" committee.

RECREATION/SOCIAL:

Mary Rubini said there would be a Halloween party.

LEGAL:

No report

Sue Enos made a motion for the meeting to be adjourned at 9:50.