

Cape Cod Village Club, Inc.

General Membership Meeting

May 28th 2016

Calling of the Roll:

Secretary, Karen Spano performed the calling of the roll. The following members were present or proxy was given:

Name	Present	Proxy to	Absent
Anderson, Jennifer & Chuck			X
Atiyeh, Wendy, Robert & Chris	X		
Aziz, Janet & Massood	X		
Babson, Barbara & Linda Brownlee	X		
Bambach, JC & Lee Ann	X		
Best, Claire & Don	X		
Borrello, Dennis			X
Brattlof, Muriel	X		
Brown, Marylou	X		
Close, Margaret & Charles			X
Coleman, Bette			X
Conway, Maureen & Mike		JC Bambach	
Dougherty, Pat & George		JC Bambach	
Feldman, Kathy & Phil			X
Ginty, Jane & Dan	X		
Graham, Marjie & Dick		Claire Best	
Grasso-Lubeck, Carol & John Lubeck	X		
Hartl, Helen & Walter		Lauren G. (daughter)	
Haynes, Patti & Rick	X		
Hippe, Daniel & Susan	X		

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Hmelovsky, Nancy & Mike	X		
Hodecker, Carol & Ted	X		
Imhoff, Carol & Harry	X		
Keis, Barbara	X		
Korot, Judith & Allan	X		
Lincoln, Todd & Jeffrey ; Sue O'Neil			X
Manley, Barbara	X		
McEwan, Jennifer & John			X
Megow, Linda & Lou	X		
Ragot, Mary-Lynn & Bob			X
Rizza, Elizabeth & Mike	X		
Stanford, George		Lou Megow	
Zahm, pat & Norb		Claire Best	

Present: 19 Proxy: 6 Absent: 8

Proof of Notice of Meeting or Waiver of Notice:

Secretary, Karen Spano verified Notice of Meeting had been emailed or mailed to all in attendance. No waiver of notice was given.

Call the Meeting to Order:

President Mike Rizza called the meeting at The Hague Community Center to order at 7:12PM.

Reading of Minutes:

A motion to suspend with the reading of the previous meeting minutes was made by Mike Hmelovsky, second by Marylou Brown. Motion passed.

Welcome to New Members:

President Mike Rizza extended a warm welcome to all the new members:

- ☐ Susan and Dan Hippe and their kids Danny and Abby – new owners of the clubhouse. Mike thanked them for saving the old building and for bringing it back to life.
- ☐ Wendy, Robert and Chris Atiyeh – who purchased one lot from Ragot. The Atiyeh's have been long term renters of CCVC
- ☐ Janet and Massood Aziz – purchased Tom Brown's house

For total of 33 memberships

Receiving of Communications: Mike Rizza

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- ☐ Letter from Phil Feldman regarding building – will be read later in the meeting
- ☐ Very thankful for the few members that had surgery this winter that they are all doing well. Fruit baskets were sent to the members we knew about and thank-you notes were received. Donald Best, Barbara Manley, Harry Imhoff, Helen Hartl, and Phil Feldman are all doing well from their surgeries.
- ☐ Letters from lawyers regarding the sewer easement – will be discussed later in the meeting
- ☐ The club closed on the Ragot lot.

Reports of Officers:

- ☐ **Treasurer:** JC Bambach
 - Distributed 2015 report in January – JC was available after the meeting to address any questions.
 - Clubhouse sold November 6th 2015 for \$180,000, with net proceeds to the club of \$168,637.
 - As a result of the clubhouse sale the Board of Directors decided to speak with a tax accountant about filing tax returns.
 - Mike and JC met with an accountant in Rhinebeck in December who specializes in homeowners associations.
 - The accountant recommended we file taxes for 2015 as well as for the prior three years because that is what the accountant said is the typical “look back” period was for the IRS.
 - Board decided to file the tax returns – we wanted to be proactive rather than reactive if the IRS or state came looking for taxes from us as a result of the clubhouse sale.
 - We paid zero dollars for federal taxes in 2015 and only \$153.00 in NY State taxes. Total taxes paid for the prior three years were \$158.00.
 - Part of how we were able to limit the taxes last year was a result of advice the tax accountant gave us where homeowners associations are able to estimate future capital expenditures to offset capital gains. The board of directors came up with an estimated of future capital expenditures which the accountant thought was reasonable.
 - As a result, we are not in a position to provide distributions to members – we can’t tell the IRS we are using the money for future expenditures on one hand and then distribute the cash out on the other hand.
 - Based on the questionnaires Mike sent around, the vast majority of members wanted to keep the dues flat at the \$2,200.00
 - The board of directors voted to keep dues flat at \$2,200.00. As a result of the large cash reserve, dues are expected to remain for

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a while and there should not be a need for any special assessments.

- JC had copies of the tax returns available for anyone that wanted to look at them at the end of the meeting. He is willing to email to any members if interested in a copy.
- Purchased four CD's on March 1st 2016 totaling \$175,000.00. One 12 month CD for \$100,000.00 and three six month CD's for \$25,000.00 each.
 - The three \$25,000.00 CD's mature at the end of August – so they will be available if the membership should vote to spend some of the money for a new clubhouse/shed – any excess will be rolled over.
 - Deposited with Synchrony Bank- on line bank with significantly higher rates than Chase.
 - Expect interest income of over \$1,200.00 this year.
 - JC had statements available for anyone to look at after the meeting.
- Dues- JC thanked all the members who have paid in full for the year already – as it makes his job much easier.
 - We have collected just under \$49,000.00 of the expected \$73,000.00 for the year. (67% has been collected).
 - Everyone is current on dues except for Bob Ragot
 - Mike Rizza spent a lot of time negotiating the agreement to allow the sub-division. Mike and JC spent a lot of time reviewing the document to reflect the agreed upon deal. The signed agreement clearly states Ragot is responsible for dues on the one remaining lot for sale but his he is disputing it.
 - At the board of directors meeting today – the board has determined Bob Ragot is not a member in good standing until his he is current with dues.
 - The board of directors will discuss taking further action to collect including pursuing legal action and ultimately filing a lien on the property to make sure we are paid when he sells the remaining property.
- JC thanked the Ginty's for their \$100.00 contribution toward lunch for the crew during the installation of the docks. Donations are always welcomed.
- Current cash balance is \$217,452.00
- It is still early in the year but no unexpected expenses are expected as the winter was mild so we are on budget.
- Belden contract - third year of a 3 year contract starts this July 1st currently paying \$3,175.00 per month or \$38,100.00 for the year. This will increase by \$1,000.00 a year starting July 1st of this year.
- Mike Rizza asked the club to stand together regarding the Ragot issue. It is not just about the unacceptable nasty emails received by board members who are

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volunteering their time. The club has upheld our end of the agreement and the agreement is very cut and dry and is clear that he is not holding up his end of the deal.

- Bob Brownlee inquired about the accountant's fee for filing the taxes. The accountant's fee was \$400.00 per tax year filed. A total of \$1600.00 for the four years that were filed.

□ **Secretary:** Karen Spano

- Copies of this meeting agenda, membership address/telephone list and rental agreement/waiver of liability and hold harmless were made available.
- Request was made that any members that have not completed a Membership Information form to please do so and any household that has had a change to an LLC, trust, corporate, etc. to please complete a form so the club records can be maintained accurately.
- When the meeting minutes for this meeting are sent out every household membership will be asked to sign an agreement to abide by the current by-laws voted in at the fall 2015 meeting.
- Mike Rizza thanked the membership for the great response (75%-80%) to the questionnaires sent out over the winter months. It really helped the board of directors to have an idea of what the membership wishes are. He also thanked the Board of Directors for their time with emails and extra board meetings.

Reports of Committees:

□ **Buildings/Water/Grounds:** Ted Hodecker

- Buildings- At this time we have no buildings except for the pump house
- Water
 - Due to mild winter we only had one line that broke and it has been repaired.
 - A new chlorinator was purchased
- Roads
 - Mike Rizza will grate the roads in the next couple of weeks once the spring rains are over.
- Parking
 - Parking area by the sedimentation pond during the day should be reserved for parking to access the beach and boat launch not for over flow parking. It is acceptable for over flow parking during evening hours only.
 - Over flow parking is available along the brook across from Lu Megow's house, the new lot and the north beach.
 - Please be very careful when parking on grass. There are a lot of water lines and valves that are not very deep in the ground that can easily be

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damaged when parking on the grass. Try not to park on the grass – if you must please check first with Ted Hodecker, Mike Rizza or Peter Belden.

- Picnic Tables
 - Patti Haynes made the suggestion that the point picnic tables be moved closer to the beach and pickle ball court for easier and more use.
 - Mike Rizza stated four new picnic tables were purchased – two for the point and two for the north beach. The two oldest tables were placed at the end of the path by the dam.
- Goose Fence /Dock Boards
 - Ted recognized and thanked Bob Brownlee for all his time and work

□ **Architectural:** Mike Spano

- Atiyeh's – will submit their application pending by-laws discussion later in this meeting
- Dougherty's – nothing new –not sure if the project will start this fall or not.

□ **Docks**

- Docks went in fairly well this spring.
- Ted recognized and thanked Dan Korot for all his work with dock installation and apologized for missing his name for the email that was sent by CCVC secretary to the membership. He also, thanked the Ginty's for their donation of lunch that weekend.
- Sometime during the summer Ted Hodecker and Norb Zahm will conduct a presentation in boat safety, knots, how to appropriately tie a boat to the dock, etc. Further notice will be sent with date and time.
- Ted Hodecker, Mike Rizza and Lu Megow reconfigured the point docks to make them more stable.
- Two sets of whips (donated to the club) will be installed on the north side of main dock for two personal water crafts to use. There is also a third spot available for a personal water craft on the north side of the main dock.
- When launching your boat the inside first finger of the first point dock is being reserved to tie small personal water craft to while pulling out trailer and parking.
- Mike Rizza thanked his son Thomas for his work on point docks also and training on the operation of the dockinator.
- Mike Hmelovsky mentioned you are only allowed to launch your boat using the CCVC launch as long as your boat has not been launched in any other body of water. Whenever your boat has been in another body of water you must go to Mossy Point or Roger's Rock to launch it.
- Ted reminded membership to contact Karen or himself if there are any changes to information on the Lake George Park Commission Boat Launch Agreement – such as changes in household ownership, purchase of a new boat, etc. Due to the complexity in completing the Lake George Park Commission Boat Launch

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Agreement we are looking to only doing it twice a year. At the beginning of the summer and if necessary in the middle of summer.

□ **Beaches/Playgrounds:** Elizabeth Rizza

- Sand will be placed on main beach above the high water mark in a couple of weeks
- 10AM tomorrow Elizabeth will be planting flowers under the sign and at the flag pole. Volunteers are greatly welcome to help.
- Looking for volunteers to make a children's educational nature trail up to the pond (old dam) this summer.
- Beach Adirondack chairs – trying to find a better quality chair. Ted has bought 4-5 chairs each year over the last few years. He will be bringing up some new chairs in a few weeks. Members voiced they prefer the dark green chairs. Club will reimburse any member that purchases chairs for the beach; usual price per chair is between fifteen dollars to twenty dollars.
- Pickle ball court lines will be repainted and net set up this weekend. During summer sometime will place a top coat/sealer on the pickle ball court.
- A new volley ball net will be purchased

□ **Nominating Committee:** Mike Rizza

- Marjie Graham has accepted the position to chair the nominating committee. She will be looking for volunteers to assist with coming up with a slate of officers and board members for the fall meeting.
- Later in meeting we will be discussing membership by-laws to address the problem that we have in needing a deeper pool of people to be able to serve as officers, board members and on committees. There are not enough people as the by-laws stand now.

□ **Website:** Mike Rizza/Jeffrey Rizza

- Jeffrey redesigned the Cape Cod Village Club website. He gave a presentation on the website – how to navigate the website, reviewed each tab on the website, what it can be used for, etc. He offered to assist any member after the meeting with navigating the website and to answer any questions.
- Members were reminded to complete a membership information form and submit form to Karen with what personal information they would like posted or not posted on the website.
- Karen will be forwarding to Jeffrey forms, agenda's and meeting minutes to be posted on the website.
- The website is a very valuable tool

□ **By-Laws:** Mike Rizza

- The by-law committee is made up of the board of directors, Mike Hmelovsky, and George Stanford. A lot was done through the questionnaires sent out over the winter some of the items we will be for discussion later and others we would like to vote on.

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- Mike Hmelovsky voiced that he felt we could not vote on by-law changes without providing the exact wording of the proposed by-law change(s) based on By –Law 13.2 that states members shall be given fifteen days notice if any and all proposed changes in the by-laws in accordance with the provisions of Section 4.5 of Article IV hereof.
 - The board of directors felt the announcement and proxy for this meeting did state we could be voting on:
 - ❖ Shed/building options
 - ❖ Architectural by-laws
 - ❖ Architectural guidelines for larger lots on west side of route 9N
 - ❖ Membership by-laws.
 - Mike proposed that we shelter it for now, wait till we get to the issues, have a discussion, and then see if the membership is comfortable with voting, the board can give their recommendations, vote and decide later the validity of the vote.
- **Entertainment:** Carol Hodecker
- There will be a 4th of July picnic on the Saturday same as previous years
 - Carol would like to meet with the entertainment committee to discuss some ideas she has for events later on in the summer i.e. music
 - Board of Directors did discuss this morning increasing the entertainment budget and also discussed way to increase community participation such as:
 - Pickle ball tournament all summer long
 - Kayak races and kayak scavenger hunts
 - Yearly corn toss winner should receive a tee shirt or hat.
 - Anyone interested in participating or has any ideas please contact one of the entertainment committee members: Carol Hodecker, Janet Aziz, Barbara Keis, Marylou Brown, Kathy Imhoff, or Pat Zahm.

Unfinished Business

- **Renter's Agreement:** JC Bambach and Karen Spano
- In the past there have been 8-9 households that rent so far we have only received one completed renter's agreement.
 - Copies of the renter's agreement and waiver of liability were made available
 - JC provided some background information on the renter's agreement:
 - Result of some issues the previous summer with renters not knowing the rules of the association.
 - A package was put together for the members of CCVC with rules and regulations to provide to renters, the renters are required to acknowledge receiving the rules and regulations. Sign that they will abide by them and also sign a waiver of liability.

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- The member who rents is required to provide proof of liability insurance- the policy must cover renters.
- For the first year all fines for not complying have been waived, but will revisit, especially if members are ignoring the requirements or otherwise not cooperating.
- It is not to make things difficult but to protect CCVC and its members and to have renters here who know and will follow the rules.
- **Sewer Easement: Mike Rizza**
 - Board of Directors gave permission to hire attorney out of Schoharie who specializes in property easement work to draft a letter to the town. She gets \$200 per hour and estimates it will take 3 hours to review the information and draft the letter. She has requested a \$1,000.00 retainer.
 - The board of directors feels we should not drop this but based on the response from the letter at some point we have to decide how much money we should spend to get this resolved. We will have a good paper trail if something should happen at the pump house to protect CCVC.
 - Mike Rizza provided a brief overview of the issue upon request of Chris Atiyeh
 - Mike recommended when the letter is written for CCVC to include a letter that all homeowners (as tax payers) have signed, also.
- **Cape Cod Village Club Sign: Mike Rizza**
 - Rick Haynes got an estimate last year for a new sign – Marjie Graham has agreed to obtain some additional estimates.
 - The Town of Hague is looking into a new sign for the community center so we might be able to tap into them for information
- **Club house contents:**
 - The Hippe's graciously offered the lounge and shed for storage over the winter
 - All the folding chairs have been moved to Peter's shed for now.
 - There are a few chairs and tables in the lounge available to any members for the taking. What is left after this weekend will be removed and taken to the dump.
 - Moose Head "Melvin" – the Dougherty's are making a donation to the club for the moose head and hopefully will be getting it down when they return from this weekend away.

New Business

- **Dues:** will remain at \$2200.00 per year
- **Shed/ Building Options:**
 - Twenty four vote not to have a building the size required to hold the general membership meeting (700-1000 square feet)
 - We do need a building for storage and wood shop (500-600 square feet)
 - Would like to vote on the size so we can budget and get shed order but only have discussion on location with no vote on location.

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- Locations have been ~~stacked~~ ~~stacked~~ out for members to get a better perspective on. The four locations are:
 - New lot across the road
 - Along brook behind the homes of Lu Megow and Phil Feldman
 - Triangle next to Haynes and Borrello
 - Near current CCVC sign behind the homes of Aziz and Lincoln.
 - All locations are appropriate sites and would meet town and other regulatory requirements for setbacks, drainage, etc.
 - Showed pictures of a shed that Jeffrey photo ~~shopped~~ ~~chopped~~ and was able to superimpose on to the lots. The shed shown is 500-600 square feet – the downstairs would be used for storage and tool shed – during the summer when the summer equipment is out of the shed it could be used for the ping-pong table. The second floor would be used for storage of club records (as required in the by-laws) and for board of directors meetings. This building is smaller than the size of the meeting room in the clubhouse.
 - Cost of building, delivery, site work and electric would be approximately \$30,000.
 - Followed with much discussion on advantages/disadvantages to each location and size of shed
 - Letter received from Phil Feldman was read by Karen Spano
 - The Board of Directors present stressed the need for a shed/building to store equipment, wood shop and that it will cost the club money for storage and transport if we do not receive approval to purchase a shed/building.
 - Motion was made by Lynn Brownlee for a 500-600 square foot building with accommodations of loft as proposed. Seconded by Lu Megow. Vote carried.
 - It was requested that Jeffrey place the pictures on the website, along with aerial views if possible.
 - All members were encouraged to go and look at the staked out locations for the shed and be ready to vote on location at the fall meeting.
- **Architectural By-Laws:**
- The following items had much discussion and are recommendations for by-law changes to be voted on during the fall meeting
 - Revised the processing time of an architectural application to a maximum of 90 days from 150 days. None of the last three architectural applications took longer than 90 days.
 - Members submitting an architectural application would have to submit also a refundable deposit equal to \$1.00 per square foot of new construction footprint with a minimum refundable deposit of \$1000.00. Any expenses the club would incur either with legal fees or site cleanup from construction or damage to club property or other members property may be deducted from this deposit. The balance of the deposit will be refunded within 30 days of completion of the project. This is due to the potential damage to club property and member's

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property during the last couple of construction projects that might not have gotten corrected if it was not for another member seeing it.

- Most members responded to questionnaire that they do not want to allow a member to go to the town for approval prior to receiving CCVC approval. In event a member proceeds with the town process before obtaining club approval, the club may cease processing the application and may assess a fee of up to \$500.00 which would be deducted from the application deposit. This is a current by-law but is lacking any teeth when members violate it.
- Add a term limit of two years from time of approval. If construction does not begin within two years of approval the board must review the plans to see if they adhere to any by-law changes since approval.
- Add exterior construction must be completed within 2 years or otherwise get fined.
- The applicant must meet with at least two board members to review and obtain any clarification, discuss the construction process, and how it relates to by-laws.
- Define major construction:
 - Major construction includes excavation work, roofing, siding, masonry work, repetitive interior or exterior nailing or sawing, prolonged pressure washing, major tree work. Construction equipment should be removed from job site during the months of July and August and the site should be cleaned up. Construction equipment includes heavy equipment, construction trailers, scaffolding, and storage containers. Supplies and material should not block neighbors view and should be covered. Normal maintenance procedures such as lawn mowing, weed trimming, hedge trimming, minor landscaping, cutting firewood, short term pressure washing, painting, minor non repetitive nailing and sawing are permitted.
- Shed/Carports /Garages should not be included in first floor footprint but must meet town setback requirements without a variance and meet all other club requirements. Town requirements as of 1/1/2015 are front and rear setbacks of 25 feet and side setback of 10 feet.
- Height of roofs to 25 feet with certain minimum pitch to avoid big blank wall and difficulty with being compliant with codes
- Architectural Guidelines for larger lots on west side of route 9N
 - Any lot that meets the town minimum requirement of 1.1 acres may have a height of 25 feet and a maximum square footage of the first floor footprint of 1400 square feet. Only living space will be used to calculate the 1400 square feet footprint. Porches, decks, bays and covered areas are not included in the 1400 square feet footprint. Garages, sheds and other buildings must meet town setbacks without a variance. Only the 1400 square feet footprint can have living space. No living space in or

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above the garage, shed, or outbuildings. Only one residence per property.

- Lots on west side of route 9N are ~~20%~~ 20 times larger and will not block any views and have no setback issues.
- Bob Atiyeh made motion that any lot the meets the town minimum requirement of 1.1 acres may have a height of 25 feet and a maximum square footage of the first floor footprint of 1400 square feet. Only living space will be used to calculate the 1400 square feet footprint. Porches decks, bays and covered areas are not included in the 1400 square feet footprint. Garages, sheds and other buildings must meet town setbacks without a variance. Only the 1400 square feet footprint can have living space. No living space in or above the garage, shed, or outbuildings. Only one residence per property. Motion was second by Lynn Brownlee. Silent vote was conducted. Vote was tied (one member left prior to when vote was taken). Vote did not carry.

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□ **Membership By-Laws:**

- Your deed says once you buy property you are a member. Applying for membership is out dated and possibly illegal. Members should have to fill out a membership information form and agree to abide by the by-laws.
- As far as members are concern we are short handed – BOD is recommending adding members through family members by having two levels of membership as follows:
 - Primary member any person listed on deed and their non-owner spouses, if owned by a corporation any corporate officer, if owned by a trust any trustee, and if owned by any LLC any member of the LLC.
 - Associate member – son, daughter, son-in-law, daughter in-law and grandkids that a primary member would designate.
 - Must be 18 years or older
- Primary or associate member could serve on the board or any committee
- Membership fee increase from \$10.00 to \$500.00
- Need to clarify if a primary member can give proxy to any person a primary member designates for a period of time stated on the proxy or must proxy be given to a member only.
- Board of Directors would like to recommend that dock master not be limited to the vice president. That the Board of Directors could choose any primary or associate member to be dock master.

□ **New 2.0 acre lot**

- The members were asked to stop dumping debris, leaves, etc. in new lot until we setup locations for dumping or it will cost the club a lot of money to move everything.
- Will organize a work party to cut in a path and cut a driveway/road for access to trail and dumping areas
- Plant trees from big tree to wood-line to shield boat trailers.

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- Looking for suggestions for membership as where trees could be planted.

It was suggested that a letter be sent to The Town of Hague to thank them for the use of the community center for the meeting.

Motion was made by Mike Hmelovsky and second by Marylou Brown to adjourn the meeting.

Members present were all in favor.

Meeting adjourned at 10:12 pm

Respectfully Submitted

Karen Spano

Cape Cod Village Club Secretary