

Cape Cod Village Club, Inc.

Board of Directors Meeting

August 31, 2019

Present: Mike Rizza, Bob Atiyeh and Karen Spano

Present via conference call: Dan Ginty and JC Bambach

Absent: Marjie Graham, Pat Dougherty, Ted Hodecker and Janet Aziz

Meeting Called to Order at time 9:02 am

Communications: Mike Rizza

- Mary Lynn Ragot: Everyone should have received a copy of Mary Lynn Ragot's response to our letter regarding conditions for getting the delinquent dues paid and a copy of our response to her with the amended conditions. Mary Lynn was given until yesterday to reach out with any questions and has until a week from yesterday to send back a sign agreement. At this point we have not heard from Mary Lynn with any questions which can be a good thing in that she will sign the agreement or a bad thing in which she will just not respond. Bob Atiyeh inquired what our next steps should be if we don't hear anything back from May Lynn Ragot. Mike Rizza feels we should follow-up up with one more email and then start the process to lean the property. It seems to be easier to lean a property when it is a New York State homeowners association. We would have to file a lean on the property with the county. Dan Ginty inquired if anyone has shown interest in buying the lot. Mike Rizza stated he put a standing offer in place about a year ago and there is a possibility a couple of members might be interested. Mary Lynn requested that we let the membership know to reach out to Dean Craig at Alison Craig Realty if interested or know of anyone else that might be interested in purchasing the lot.
- Mike Rizza read an email received from Carol Hodecker stating that she and Janet Aziz are resigning from the entertainment committee and as entertainment chair and co-chair. We will be looking for at least one chairperson for the entertainment committee.
- A lot of communications with Phil Feldman regarding his emotional support animal (ESA) application – will discuss under the reasonable accommodation/ESA committee report.
- Karen Spano read a thank-you card received from Helen and Walter Hartl for a fruit basket CCVC sent Walter.

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Officers Reports:

President's Report: Mike Rizza

- Mike thanked the board for their help and especially Pat Dougherty for taking on the role of reasonable accommodation coordinator and Bob Atiyeh for his assistance with Phil Feldman's ESA application.

Treasurer's Report: Karen Spano on behalf of Marjie Graham

- As of the 3rd quarter all members were current with their dues with the exception of Mary-Lynn Ragot. She will begin paying her quarterly dues at the time of the next quarter's installment which is October 2019. Mike Rizza and the board are currently working on an agreement with Mary-Lynn which will involve her paying all her back dues.
- The transition from a 30 day grace period to a 15 day grace period went fairly smoothly and Marjie appreciated member's willingness to attempt to comply with the new by-laws. Additionally, she wants to remind everyone to once again to mail the dues to her home address in Asheville North Carolina until further notice.
- As of August 17th 2019 we have \$32,057.38 in our checking account. Additionally, as of July 21st 2019 the amount in our CDs are as follows:
 - One - 2 year CD (matures 3/6/2021) is worth \$54,559.61
 - Two – 1 year CDs (mature 4/10/2020) are worth \$25,172.74/each
 - Total CD balance is \$104,905.00Total balance of all funds is \$136,962.47
- Mike Rizza added that the water repairs went over budget but we should be able to stay on budget by postponing some project until next year.

Secretary's Report: Karen Spano

- I have an updated membership form that will request all members complete. This form will provide the necessary information regarding all the members of trusts, corporations, and LLCs; along with contact information; and who would like to receive information. I will have hard copies of the form at the general membership meeting and will email a copy to all members to complete.
- Once I receive the new set of by-laws I will send them out to the membership along with a form for each member to sign that they received a copy of the by-laws and agree to abide by them.
- Karen inquired what steps can be put into place when members do not complete and return the forms. Can we look at taking away dock slip and voting privileges?
- Bob Atiyeh suggested a simple one line statement for the by-laws like:

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I, _____ (members name) acknowledge receiving and reading the current version _____ of the CCVC by-laws and will abide by the by-laws to the best of my ability.

Committee Reports:

Budget/Finance: Mike Rizza

- Will reallocate funds from other projects that will not get completed this year due to not being a priority and/or due to a timing issue (not enough time to complete) to cover the expenses that have gone over budget (i.e. water system repairs) so we will hopefully stay on budget for the year.

Buildings/Grounds/Water: Karen Spano on behalf of Ted Hodecker

Buildings/Grounds:

- Did minor grading to the roads this spring and then this summer brought in one load of stone to fill low spots in the roads:
 - By corner to Mann's where we dug up the road for the water issue
 - North beach road
 - Road in front of Hmelovsky's house

We utilized the tractor time that we swapped with Peter for storage of his equipment for road grading, spreading of the stone on the roads, and spreading of wood chips on the nature trail.

- The Lake George Association (LGA) and Warren County Soil and Water (WCSW) have stabilized the north bank of the sediment pond which has been eroding away. They will be dredging the pond this fall.
- Norb and Pat Zahm volunteered to scrap and paint the lighthouse. Norb contributed his blood, sweat and maybe a few tears to the project. Thank-you Norb and Pat.
- CCVC shed still needs some minor carpentry. Bob Brownlee will do those this fall.
- Tree work: We need to take down another dead pine tree along the brook by Zahm's driveway that was struck by lightning.
- Still waiting for Walt to remove pine tree logs from the club lot hopefully this fall.
- Parking: will install signs and distribute a map to help to locate the designated parking areas on club property. Will discuss at the spring meeting having temporary extra overflow parking on the triangle during holiday weekends (Memorial Day, 4th of July, and Labor Day). Also look into overflow parking by the new shed.

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Drainage:

- More catch basin and storm drain boxes need to be rebuilt and/or new covers installed.
- After reevaluating the pump-house renovations we have decided not to raise the roof but to instead do some minor alterations and organizing.
- We are in the process of obtaining the permit to pull some of the boulders that the ice has dragged down back along the bank around the point. Originally scheduled for 2019, we will do this project in 2020 due to time restraints and budget concerns.
- In general we should be on budget for 2019 and will reallocate some budgeted funds to offset budget overage in water repair and upgrade costs.

Water:

- Repairs and upgrades to the water system at the corner by Mann's and Bambach's was completed during the summer. The cost was more than we budgeted for. Depending on what else we need this year the buildings grounds and water committee recommends we reallocate funds from other projects scheduled for this year so that we can keep on budget over all.
- We only have one more zone valve planned for the water system and hopefully that will go in next year by Aziz's house. These zone valves help us isolate leaks but also help to reduce the number of houses that are turned off when we have a leak. We are still operating under the assumption that if a branch line needs a major repair we will instead replace the complete branch line with better pipe and better installation practices so that it won't be as fragile as the original pipe.
- We have another leak on the south side of the roadway to the main beach in front of Keis's house. We have decided since it doesn't seem to be affecting our usage much we would wait until after Labor Day to dig it up. Mike added with the new leak it looks like one of the valve boxes got run over by a car, the box was pushed down and might have moved the pipe. Need to look at replacing the posts around the valve boxes. Will mention to the membership this evening to be careful not to drive over the green valve box covers. Mike Rizza is going to go speak with Barbara Keis today before this evenings meeting as one of Peter's guys has a picture of one of their cars in direct line with the valve box and the post having been knocked down.
- Bob Brownlee has lent the association a generator for the pump house. He connected it during a power outage about a month ago, which meant members were able to use water and flush their toilets during the 5-6 hours the power was out.
- In general with the reallocated funds from other projects we should be on budget for the year.

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Architectural Committee: Karen Spano on behalf of Carol Mann

- There is nothing in process and no new applications at this time

Docks: Karen Spano on behalf of Ted Hodecker

- Karen Spano summarized a newspaper article from the Post Star on August 8th regarding a new law passed by Governor Andrew Cuomo which will require all boaters to have a NYS boat certificate when operating a motor boat. To obtain the certificate people will be required to pass an 8 hour New York State safe boating course. You will be able to take the course on line. It will be rolled out over the next several years depending on your birth year with everyone (no matter age) requiring a certificate by 2025.
- The damage sustained to the docks this spring will be evaluated this fall when we take the docks out.
- Met with Chris Sheldon (dredger) a second time to fine tune estimates if we decide to dredge. Also contacted the DEC to see what our options are in reference to what we can use the dredge material for.
- Still plan to extend the boat rack at the main dock.
- Dockinator 2.0 won't get done for this fall removal of docks – Mike will finish it up this winter and hopefully have it operational for the 2020 spring installation of docks.
- Docks will be removed on October 12th
- In general we will be on or under budget for the year and will reallocate some budgeted funds to help with coverage of the water expenses.
- If anyone wants to see actual amounts spent they will be included in the year end treasurers report or ask Marjie Graham for year to date numbers.
- Mike added we are investigating and researching ways to create more deep water slips by either dredging or moving the dock south. Mike has had a couple of discussions with Chris Sheldon to determine what it will cost and what our options are with the dredge material, if we move the dock south could the muck we dredged up for the replacement of the dock south be used to fill in where the main dock was – so we could make the swim area more user friendly and more swallow as some of the area would be very deep. Chris stated we would have to get the DEC to evaluate and pipe in on it, usually they like to see the dredge material removed from the lake, de-watered (drained) and placed somewhere else not in the lake. DEC will be here in a week to advice and Mike will also include the LGA in the discussion as the LGA is familiar with the dredging that was done when the sediment pond was done. Will report on the findings of our research that will be conducted over the fall and winter at the spring meeting in 2020.
- JC asked if relief channels could be added particularly to handle large amount of water when the brook is high and the water is really running. Mike did state we can move rocks

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as long as no equipment is used to move the rocks. New family on the other side of the brook has stated to Mike that they are seeing sink holes on their property recently.

Beaches, Playground and Gardens: Karen Spano on behalf of Elizabeth Rizza

- We installed new swim lines and flag pennants on the swim rafts.
- Replaced the baby swing, tree swing rope and tetherball.
- Resurfaced the pickle ball court.
- There was a lot of algae or weeds in the lake this year and we found a butterfly net worked best to scoop it out. It will be important to clean out as much as possible each year, so it doesn't settle and create a breeding ground for weeds in the swimming area.
- Many thanks to Patty Haynes for weeding the main beach several times this summer.
- Katie Atiyeh has offered to help plant and maintain the flower boxes on the club shed next year.
- Obtained new dock sign – sign is showing signs of warping on the bottom. The women that did the sign has agreed to reinforce the bottom of the sign. Mike suggested we send a picture of the new sign to the membership. Will place reflective tape to the sign when we take it down.

Nominating Committee: Not in place for this year

Website and Newsletter: Mike Rizza on behalf of Jeffrey Rizza and Bob Atiyeh on behalf of Wendy Atiyeh

- Website committee have been real slackers. The website is out dated. Jeffrey Rizza feels he can maintain the website with a better system in place for receiving information. Pat Dougherty and Mike Rizza have offered to feed Jeffrey information for the website. Jeffrey will update the website in the next couple of weeks.
- We are receiving contacts and inquiries from people who have gone to the website.
- Jeffrey is working on a map for the website that will allow for layering of the water/sewer system.
- Wendy will take the 4th of July newsletter (that never made it to the membership) and revise it and add to it for a fall newsletter.

By-Law Committee: Bob Atiyeh

- The 2019 by-law document is currently being prepared for final review and publication. This is a bit more work than in the past as the preparation involves removal of the side-by-side format and carefully incorporating the markup formatting. In addition, the changes resulted in shifting of paragraph sections across pages which affect the index (table of contents) which is manually produced. The board members present felt it was

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ok to make corrections in numbers and table of contents without membership voting on as these changes won't be changing any intent of a by-law.

- Once the 2019 by-law document has been completed, the by-law committee will be asked to perform a final review of the document to ensure its accuracy with respect to what the membership approved at the spring 2019 general membership meeting.
- Karen will then distribute the "official" version of the 2019 by-law document and obtain acknowledgement of membership agreement to abide to the by-laws.
- Other postponed by-law work will be considered during the winter.
- Bob thanked the by-law committee and Mike Rizza for their time and involvement to provide the impressive accomplishments, especially for such a dull but necessary topic.

Entertainment: Karen Spano on behalf of Carol Hodecker

- The committee had 3 events this summer:
 - Duck race
 - 4th of July gathering
 - Bagels on the beach
- The duck race was very successful after the distribution of the prize money. The club donated \$655.00 to the LGA.
- The 4th of July gathering was well attended, as was the bagels at the beach.
- Music at the beach was not provided this year due to no suggestions for a new performer.

Rental Committee: Dan Ginty

- This year we had 18 rentals.
- We must update the rental agreement on the CCVC website to reflect what will be in place for the 2020 season and going forward.
- The rental agreement form and website need to be updated with Dan's email address
- Dan will update the rules for next year to reflect the no usage of wood fire pits and quiet hours between 9AM and midnight.
- Summary of rentals during the season will be posted on the website and it will be the owner renting responsibility to make sure their rentals are posted and accurate. If a rental is not posted it will be the owner's responsibility to get the paperwork in preferably two weeks prior to the arrival of the rental otherwise if the renter shows up and we have no paperwork a fine will be assessed to the owner.
- A discussion was had on fire pits and the board members present agreed that wood fire pits would not be allowed for renters only, but could still be used by owners. As owners are more willing to go up to another owner and let them know if any smoke is causing a problem. An owner would be more willing to take appropriate corrective action and would be more considerate of their neighbors to begin with. Todd Lincoln has agreed to

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get a propane fire pit for his renters and he had allowed Mike Rizza to remove his fire pit when there was an issue with excess smoke from one of his renters.

- We had an issue with receiving rental agreements forms prior to renters showing up. The issues were with renters going through Bev Hodeck (rental agent). We did waive the fees this year.
- It was suggested to have a meeting via conference call by the end of this year with the owners that rent regarding the rental agreement process, rental rules and to let them know how fines will be implemented.
- Renters need to know to touch base with the dock committee when they arrive. For renters without a boat they should meet with a rental committee member or a member of the board.

ESA/Reasonable Accommodation Committee: Mike Rizza on behalf of Pat Dougherty

- The reasonable accommodation request for Rick Haynes was approved on June 9, 2019. As long as the conditions agreed in his application are met, Rick's dog (Gus) may accompany him to CCVC until June 8, 2020.
- On July 13, 2019: Gus was observed briefly running, unleashed, on CCVC properly. Rick acknowledged the incident, apologized and indicated he would take corrective action to avoid future such incidents
- On July 9, 2019: Phil Feldman initiated a dialog requesting reasonable accommodations for his dog (Daisy) to accompany him to CCVC. Over the course of several weeks, dialog continued with Phil and his application was considered complete on August 23, 2019. On August 25th he was notified that his request had been accepted but is subject to conditions, which at this time remain confidential in accordance with HIPAA privacy.
- Pat Dougherty has the following thoughts after going through the process with the above two requests:
 - In particular the form specifies "member". Perhaps we should consider revising the word to address requests that might come from spouses, partners, and/or immediate family of a deeded "member"?
 - Additionally, the current process indicates the applicant should: "...name the Association as additional insured and the insurance policy shall contain a provision requiring 30 day written notice to the Association prior to cancellation." Although applicants have shown proof of liability insurance and confirmation that their policy covers damage done by their resident animal, the above quoted provision is considered onerous. Pat is suggesting to retain the requirement of proof of insurance with adequate liability coverage, but delete the above clause.
 - Further, the form includes a requirement for the applicant to obtain a Town of Hague dog license. The primary intent of this clause was to ensure adequate and

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current rabies vaccinations and, secondarily to make sure any approved dog is tagged in case they get loose. We have found that New York State law only requires a dog license for circumstances “*where the dog is harbored for a duration of 30 days or more.*” To date, the dogs of both applications were already registered in their primary state (i.e. Vermont, New Jersey) and that documentation included proof of current rabies vaccine. Hence Pat is recommending we re-word the dog license clause to avoid un-needed duplicate licensing as long as we have rabies proof and the dog is tagged by a recognized municipality.

- Mike would like to address Pat Dougherty suggestions after we receive more information from FHA and HUD
- Pat Dougherty put in a lot of time and took a lot of abuse from one member during the process. It was made difficult with what we can and can't ask related to HIPAA. The process doesn't require a board of director's vote for approval but Mike would like to recommend that 2 board members (Pat Dougherty and Mike Rizza) give approvals to those applications that are complete and meet the requirements. In a case where there is doubt then a third board member (Bob Atiyeh) would be brought in as a tie breaker. Board members present agreed to up to 3 board members as necessary for approval or denial of reasonable accommodation applications. Pat Dougherty has agreed to be reasonable accommodation chair with Mike Rizza and Bob Atiyeh on the committee.
- Mike drafted a letter from the board of directors to send to Phil Feldman about the way he treated Pat Dougherty – his lack of appreciation toward board member(s). We are just trying to do what is best for not only the member but also CCVC as a community. He will discuss with Pat Dougherty first for her input and they will draft letter if she feels it is appropriate. The board members present felt if Pat and Mike agree to a letter it should be sent before the end of September. It is difficult dealing with HIPAA sensitive information. HIPAA only applies to normal situations and we are able to ask questions by ESA regulations.

New Business:

- Parking situation on holiday weekends (Memorial Day, 4th of July and Labor Day)
 - Mike addressed one renter in the Manley house that was parking on the triangle lot
 - People are not clear where club overflow parking is allowed
 - Will place a map on the website and send it out to membership were additional parking is allowed.
 - Would like to look at overflow parking on the triangle lot for only on holiday weekends, which would give 5-6 additional spots.

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- Additional parking at the triangle could help alleviating driving across valve boxes and catch basins.
- We have 5-6 spots along the brook behind Zahm's house
- 1-2 spots on the north beach (have requested that golf carts be parked up by jet ski rack to avoid taking up spots for cars)
- Sediment pond is for day time parking only for access to beach and boat launch
- Bob Brownlee has agreed to hang parking signs this fall
- Meaning of belonging to an association: Mike has put this document together and was considering presenting at the general membership meeting this evening. Board of Directors present recommended it would be more appropriate to present it at the spring meeting for more impact.

Unfinished Business: Mike Rizza

- Korot dog issue:
 - Goes back to 2004 –when a request was made for Allan Korot's for his son to be able to bring his dog. According to the 2004 general membership meeting minutes there was approval for Ted Hodecker's dog, Barbara Manley's dog and Korot's dog but the general membership meeting minutes are not clear as to what the approval was specifically for (specific dog or not, time frame, etc.)
 - There is nowhere in the by-laws that allow for making exceptions or variances. In Korot's case the dog was for his son who is not a member.
 - The Korots have placed an underground dog fence on club property
 - It seems there could be 2 different dogs and possibly 2 dogs there at the same time.
 - After discussion the board members present recommended reaching out to the Korots to have a verbal discussion and attempt to get all the facts and if not able to do it verbally then to do it my email.
 - Goal:
 - To terminate or nullify the agreement
 - Looking at the history of meeting minutes it looks like the process was done improperly and after December 31st 2019 no dog(s) should be allowed
 - Recommend they state their intentions by going through the reasonable accommodation/ESA application process or requesting a by-law revision.
- By-law needing clarification
 - Need to clarify what the 2/3rd is referring to in regards to voting. Is it 2/3rd of the membership or 2/3rd of the quorum?

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- Bob Atiyeh questioned if a police report was filed for the dock incident this spring. Mike Rizza has a copy of the policy report and the report has been filed electronically in the CCVC document file.

Board of Directors meeting adjourned at time 10:56 am

Respectfully submitted

Karen B. Spano

CCVC Secretary