



**10 MAINE ROAD  
PLATTSBURGH NY 12903  
[WWW.LCVILLAGE.ORG](http://WWW.LCVILLAGE.ORG)**

## **MINUTES**

7 February 2017

**Regular meeting** at 19 Oak Street, Plattsburgh, NY was called to order at 6:01 P. M. by President Patty Jaehn. Directors present: Donald Cosgro, Gerry Eagan, Peter Hayden, Tom Maglienti, Patty Jaehn, and Donald Miller. Absent: Robert Turek. Quorum Present: YES. Also, present, Property Manager, Adam Whitbeck. Two members in the audience.

- Motion by Peter Hayden, second by Donald Miller, to approve the 6 December 2016 meeting minutes with one correction was passed 5

**Treasurer Report:** Tom Maglienti reviewed the January report with the board. Board asked Tom to limit his Treasurer's Report on the board meetings on the third Tuesday of each month.

**Property Managers Report:** Adam Whitbeck updated the board on the dog barking issue on Catelyn Way.

**Legal Report:** Tom Murnane was not in attendance.

**Building Committee:** No report. No requests at this time.

**Landscape Committee:** Report on HOA pine tree which overhangs property at 36 Maryland and request for removal from homeowner due to sap dripping on lot, which includes an offer of \$200.00 payment to HOA for new tree, was discussed. It was consensus of the board, that this tree removal request, can be further discussed, sometime next season, when more information is known, regarding all trees in the common area that did not survive the winter, and will need to be removed.

**Utilities Committee:** Tom Maglienti gave report on January 26<sup>th</sup> meeting at City Hall with city engineer Kevin Farrington and DPW, Mike Brodi, regarding water main replacement on Alana & Catelyn Way.

**Social Committee:** No report

**Election Committee:** Gerry Eagan gave report for Carol Shuttleworth. He stated the election committee will be requesting \$150.00 for election purposes.

- Motion by Gerry Eagan, second by Donald Miller & Tom Maglienti, to approve up to \$150.00 for election committee supplies, if necessary, pending closing date of director applications on February 28<sup>th</sup>. Motion passed 5-0.

**Communication Committee:** James Armstrong gave report. He stated they have a target date of March for village electronic newsletter. He stated he would be asking for news items from the board president for inclusion.

- Motion by Tom Maglienti, second by Donald Miller to approve postage costs to mail letters to select homeowners in the village whose email address is not known. The motion was approved 5-0

It was noted that a notice that was posted on November 9<sup>th</sup> 2016, in all four kiosk bulletin boards, requesting residents who do not have internet access to contact our property manager, so we could compile a list of residents who could not view our website or receive emails, resulted in only one person contacting Adam Whitbeck.

**Property Manager & Bookkeeper Contract Committee:** Tom Maglienti told board he will have a written report for the next board meeting

**Compliance & Review Committee:** Gerry Eagan gave board an update on the by-law changes the committee is proposing. He spoke with Attorney Tom Murnane regarding the number of attorney hours a review would require. He told board Tom Murnane estimated 10-12 hours.

- A motion by Gerry Eagan, second by Donald Cosgro, to approve \$1,800.00 for attorney costs to review proposed by-law changes.

After questions and discussion regarding the legal budget for this fiscal year, and questions about the proposed by-law changes a:

- Motion by Peter Hayden, second by Donald Miller, to table this request for another meeting was passed unanimous consent.

## **OLD BUSINESS:**

Board of Directors Ethics Policy/Code of Conduct.

- Motion by Tom Maglienti, second by Donald Cosgro to adopt the proposed code of conduct applying to board of directors and committee members passed 4-1 with Gerry Eagan in the negative.

## **NEW BUSINESS:**

A proposal from a resident to establish a LCV HOA dog park was discussed. It was the consensus of the directors, that feedback from more members is desired. So it was asked to include in the minutes, a suggestion, that LCV residents should share their opinion via email their thoughts about establishing a dog park. It was noted at this time; there is no proposed

location for one, if one was to be established. Residents are encouraged to share their thoughts via the **contact us** link on the home page at **<http://www.lcvillage.org>**

Resumption of HOA obligation to maintain homeowner's fences was tabled pending further information from HOA attorney Tom Murnane.

Baltimore Way Pump Station. Adam Whitbeck informed the board that he received a proposed one year contract from Roto Rooter at the same cost as our previous contract.

- A motion by Donald Cosgro, second by Peter Hayden, to approve \$1,458.00 (which includes sales tax, and is the same price as previous contract) for Roto-Rooter to maintain and service the Baltimore Pump Station for 2017-18 was approved 5-0. Treasurer Tom Maglienti, requested a note be added to the minutes, stating the contract proposal met the LCV HOA contract guideline's paragraph 3N zero bids requested, and zero bids received, but since this is a renewal of an existing contract, whereas the board feels this service provider has demonstrated good service and therefore competing bids were not required. As per contract resolution Paragraph 4 A i; states sales tax is included.
- A motion to adjourn at 7:24 P. M. by Donald Miller second by Don Cosgro, Peter Hayden, Tom Maglienti, and Gerry Eagan, was passed by unanimous consent.

Respectfully,



Donald J. Cosgro

Secretary

THE NEXT REGULAR MEETING THE LAKE COUNTRY VILLAGE BOARD OF DIRECTORS WILL BE **TUESDAY, February 21, 2017 AT 6:00 PM – 7:45 AT THE PLATTSBURGH PUBLIC LIBRARY 19 OAK STREET, PLATTSBURGH, NY**

\* A audio recording of 52 minutes and 43 seconds was made of this meeting. \* note due to operator error, the first 38 minutes were not recorded.

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#### *Water Report*

*This is the January 2017 billing for water & sewer usage for the period 5 December to 5 January 2017, 31 days. The payment that we will have is \$12,389.73 which is \$2,360.27 under budget. We used 979,000 gallons of water.*

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#### Communication Committee Report

Communications Committee Report:

2017-18 Budget:

Website expenses:	\$1000.00
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Postage, Paper & Envelopes     \$ 500.00

Total     \$1500.00

*We are preparing a solicitation of email addresses from residents and owners who are not on our email list. We can reduce the expense associated with newsletter distribution by increasing the number of people who can be contacted by email.*

*The solicitation letter and form will cost less than \$100.00.*

*We hope to produce our first “newsy” newsletter. As the editor of the newsletter, I need news from the committees, the property manager, and the President. I will be happy to edit anything you send to me. I need items by February, 22. If you have suggestions for articles or regular features, please forward them to the [communications@lcvillage.org](mailto:communications@lcvillage.org). Thank you.*

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### **Utility Committee Report**

Hi everyone,

Just thought I would give you a synopsis of the meeting with the city engineer held on January 26th. It was attended by City Engineer, Kevin Farrington, Mike Brodi, Andrew Durrin and Mike Bessett (sp.?) from the public works department, Tom Murnane, Don Cosgro and myself. The meeting began at 2pm and ended about 3:15 pm. It was for the purpose of beginning a dialogue to prepare for the upcoming plan the city has to reconstruct Maine Road in its entirety during 2017 and to plan for the simultaneous replacement of the HOA water systems on Alana and Caitlin. The following points were made and discussed as remembered by Don and I.

- In response to my question of would the city entertain completing the work on the cul de sacs and just billing us, Kevin stated City is legally prohibited from doing work outside of city property.
- Kevin stated timing could be either of 2 ways - we could be ready ahead of them or we could do our work after they are finished. After discussion, consensus seemed to be that it would be best from a logistic point of view for our work to be done first. They would make the tap and place a valve and we could then connect without needing to do a "wet" tap.
- Was generally felt there were no great economies to be had by using the City's contractor. Might be a little cheaper if we could negotiate a price that did not require paying the same scale as the city is required to pay. But could be just as inexpensive to hire a smaller contractor from the getgo.
- There was no support offered for acquisition of the cul de sacs by the city which all agreed was not the purpose of this meeting. It was noted by the city engineer Kevin Farrington, that no one in the room had any authority to do so. It could be best answered by elected representatives. However in response to my question of what would be the city's requirements IF there was support in the future, Kevin basically said they would require ductile iron pipe be used. The size would depend completely on the demand calculations. There is no minimum size.
- There was discussion over the need for hydrants. The old hydrants have been removed from service with permission after consulting with the City of Plattsburgh Fire Chief. One fire Hydrant cost over \$2,000 not including installation. They would require 6-8 inch ductile iron water main, they would require periodic flushing, at HOA expense. The hydrant though owned by the HOA and maintained by the HOA would, require monthly "connection" payments to the city. They are not required by the city, nor the HOA insurance carrier for firefighting purposes, but recommended for water quality because the the cul de sacs water lines are "dead end" mains meaning water flows in one direction only. (note: dead end mains are not uncommon, nor does it suggest a health hazard.) It was pointed out, that the planning for new city hydrant locations on Maine Road water line replacement contract should take into consideration the homes on the cul de sacs. Mr. Farrington indicated this would not present a problem. The city stated it is their current standard to place hydrants every 400' as opposed to the 1000' which was thought to be the case. Placement of hydrants at or near the intersections is a possibility they will look at during the design process (which hasn't begun in earnest yet) and if feasible they would do that so that we would not need to place hydrants on the cul de sacs which are only around 200' long. This would reduce our cost significantly since not only would there not be a need for hydrants but the pipe size needed would be substantially smaller. It was still recommended by the PW dep't that we install a "yard hydrant" near the end of the run for water quality purposes. (allows line to be flushed periodically). They are

much less expensive than a standard hydrant and would allow the smaller pipe size to still be run.

- Don suggested the city might want to consider joining (and owning) at least one of the LCV dead end mains, with the city water main on New York Road, which is only 50' or so away from the rear of the cul de sacs thus eliminating a "dead end" main and creating a "loop" feed to help with future maintenance. The city said they would consider it but was not necessary from a city standpoint.
- City is considering pressure reducers in the new water lines as pressure is about 85-90 PSI which is at the higher end of what they normally like to have.
- There was no objection from the city to tapping the main on Maine for 2 services and tapping the main on NY Road for the other services and not installing a main at all down the cul de sacs. This may or may not be less expensive and is something we can consider as an alternative.
- New curb boxes will be necessary on LCV service lines in the cul de sacs.
- If the service lines are copper they can be re-used.
- When asked if the city planned on replacing the sewer mains as well, it was stated that they were considering it but that the sewer mains, though made of the same transite pipe, were in much better condition because they were not under pressure. They do plan to replace or sleeve the existing drainage piping.
- At this time they are planning to abandon the existing pipe in place and install the new in a new trench due to the high cost of abatement for the A/C material.
- Entire project is estimated to take between 12 and 16 weeks and will not likely begin until toward the end of the construction season, but certainly after the July 1 start of our fiscal year.
- Residents will have access to their homes at all times with the possible exception of a short period of time while their individual driveways are being tied in. Water outages should be less than 4 hours on the actual day their service is transferred to the new main. Dust will be controlled by the contractor. Construction times will likely start at 7 am and will likely only be on weekdays.
- City was amenable to my suggestion that we consider eliminating the Baltimore pump station and holding tank by extending a new gravity main out to Rt.9 if it can be done from an engineering prospective and at a reasonable cost.
- There were no other issues of water or sewer infrastructure brought up as impediments to a future city acquisition of the cul de sacs, although most felt this was not likely to happen. I pointed out that there are 54 homeowners and over 80 city residents that pay the same taxes and water charges as everyone else who do not receive the same services. I asked for and received a copy of the subdivision regulations which outline the requirements for new streets. It was mentioned that even if there was sufficient right of way to accomplish this, many variances for front yard setbacks would be needed.
- Kevin agreed to keep us in the loop as design progressed. Tom Murnane will be the point of contact.

Tom Maglienti, 1/30/2017



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**ETHICS POLICY FOR  
DIRECTORS & COMMITTEE MEMBERS**

Adopted: 7 FEBRUARY 2017 *Donald J. Cosgro, Secretary, Lake Country Village H.O. A.*

The Lake Country Village Homeowners Association Board of Directors has adopted the following ethics policy for its Directors, and members serving on all Committee's

This policy is intended to provide guidance with ethical issues and a mechanism for addressing unethical conduct.

**A. BOARD RESPONSIBILITIES**

The general duties for directors are to enforce the association's governing documents, collect and preserve the association's financial resources, insure the association's assets against loss, and keep the common areas in a state of good repair. To fulfill that responsibility, directors must:

Regularly attend board meetings,

Review material provided in preparation for board meetings,

Review the association's financial reports, and

Make reasonable inquiry before making decisions.

**B. PROFESSIONAL CONDUCT**

In general, directors and committee members must conduct all dealings with vendors and employees with honesty and fairness, and safeguard information that belongs to the association.

1. **Self-Dealing.** Self-dealing occurs when directors or committee members make decisions that materially benefit themselves or their relatives at the expense of the association. "Relatives" include a person's spouse, parents, siblings, children, mothers and fathers-in-law, sons and daughters-in-law, brothers and sisters-in-law and anyone who shares the person's residence. Benefits include money, privileges, special benefits, gifts or other item of value. Accordingly, no director or committee member may:

- Solicit or receive any compensation from the association for serving on the board or any committee
- Make promises to vendors unless with prior approval from the board,
- Solicit or receive, any gift, gratuity, favor, entertainment, loan, or any other thing of value for themselves or their relatives from a person or company who is seeking a business or financial relationship with the association,
- Seek preferential treatment for themselves or their relatives,
- Use association property, services, equipment or business for the gain or benefit of themselves or their relatives, except as is provided for all members of the association.
- Board members shall work within the Association framework and refrain from unilateral action. Board members shall at all times work within the Association framework and abide by the system of management established by the Association governing documents and the Board. The Board shall conduct business in accordance with state law and the Association governing documents, and shall act upon decisions duly made, and no Board member shall seek to have a contract implemented that has not been duly approved by the Board to any contractor, supplier, or otherwise.

2. Confidential Information. Directors and committee members are responsible for protecting the association's confidential information. As such they may not use confidential information for the benefit of themselves or their relatives. Except when disclosure is duly authorized or legally mandated, no director or committee member may disclose confidential information. Confidential information includes, without limitation:

- Private personal information of fellow directors and committee members as well as members of the HOA
- Private personnel information of the association's contractors, vendors, etc.
- Legal disputes in which the association is or may be involved--directors may not discuss such matters with persons not on the board without the prior approval of the association's legal counsel. Failure to follow these restrictions could constitute a breach of the attorney-client privilege and loss of confidential information.

3. Misrepresentation. Directors and committee members may not knowingly misrepresent facts. All association data, records and reports must be accurate and truthful and prepared in a proper manner.

4. Interaction with Contractors. To ensure efficient management operations, avoid conflicting instructions from the board to management and avoid potential liability, committee members and directors shall observe the following guidelines:

- The President of the board shall serve as liaison between the board and property management and provide direction on day to day matters. The President and property manager will share all information, and not exclude any director, unless advised otherwise to by HOA attorney.
- Committee members and directors may not give direction to management, members, tenants, or vendors unless authorized to do so.



- Directors may not contact management after hours unless there is an emergency representing a threat of harm to persons or property.
- If directors or committee members are contacted by HOA members with complaints, they shall be instructed to contact the board as a whole.
- No director may threaten or retaliate against anyone who brings information to the board regarding improper actions of a director or committee member.
- Directors and committee members are prohibited from harassing or threatening contractors, vendors, directors, committee members, owners and tenants, whether verbally, physically or otherwise.

5. Proper Decorum. Directors and committee members are obligated to act with proper decorum. Although they may disagree with the opinions of others on the board or committee, they must act with respect and dignity and not make personal attacks on others. Accordingly, directors and committee members must focus on issues, not personalities and conduct themselves with courtesy toward each other and toward members of the association, as well as contractors, property manager, and other service providers of LCV HOA. Directors shall act in accordance with board decisions and shall not act unilaterally or contrary to the board's decisions.

### **C. WHEN CONFLICTS OF INTEREST ARISE**

Situations may arise that are not expressly covered by this policy or where the proper course of action is unclear. Directors and committee members should immediately raise such situations with the board. If appropriate, the board will seek guidance from the association's legal counsel.

1. Disclosure & Recusal. Directors and committee members must immediately disclose the existence of any conflict of interest, whether their own or others. Directors and committee members must withdraw from participation in decisions in which they have a material interest.
2. Violations of Policy. Directors and committee members who violate the association's ethic's policy are deemed to be acting outside the course and scope of their authority. Anyone in violation of this policy may be subject to disciplinary action, including, but not limited to:
  - Censure,
  - Removal from committees,
  - Removal as an officer of the board,
  - Request for resignation from the board,
  - Legal proceedings.

Prior to taking any of the actions described above, the board shall appoint an executive committee to investigate the violation. The committee shall review the evidence of violation, endeavor to meet with the director/committee member believed to be in violation, confer with the association's legal counsel, and present its findings and recommendations to the board for appropriate action. The board shall endeavor to meet with the director/committee member in executive session prior to imposing disciplinary action against that person.