

Huntington Hills, Inc.
Minutes of the 2006 Annual Meeting
November 8, 2006
Irondequoit Town Hall

24 households present

Call to order

President Donald Becker called the meeting of Huntington Hills, Inc. (HH, Inc.) to order at 6:50 p.m.. Mr. Becker asked everyone present to sign in and include their e-mail addresses on the sign-in sheet, if desired. He also brought to the members' attention a petition on the sign-in table. The petition asks the Irondequoit Chief of Police to inspect the intersection of Wisner and Hoffman Roads to determine if a traffic control device is needed. The petition was drawn up in response to residents' concerns about the safety of that intersection. Mr. Becker pointed out that the potential for collisions at the intersection might increase in winter when roads are slippery and drivers coming up the Hoffman Road hill maintain momentum as they enter the intersection.

Two guests from the Town administration were introduced by Mr. Becker: Town Supervisor Mary Ellen Heyman and Marty Piecuch, Commissioner of Public Works and Superintendent of Highways, both of whom were invited to address the membership on various topics of interest. (see below).

Mr. Becker then acknowledged the many contributions of our neighbor, Dick Murdy, who has moved to Webster with his wife, Elise. With his departure, we say goodbye and a well-deserved thank you to Dick for his many years of dedication to the betterment of the neighborhood, particularly with regard to the flooding situation in the Spring Valley Road/Conifer Drive area, a problem whose resolution Dick doggedly pursued for many years.

At Mr. Becker's request, the attendees identified themselves by name and address. There were several neighbors attending for the first time and Mr. Becker welcomed them and acknowledged the good turn-out for the meeting.

Approval of the 2005 Annual Meeting Minutes

A motion was made to approve the minutes. It was seconded and passed unanimously.

Treasurer's Report

Secretary/Treasurer Monica Simpson presented the Statement of Financial Activity for the preceding year, followed by the proposed budgets for 2007 and 2008. (All 3 documents are included in this mailing.)

Following line-by-line presentation of the Statement of Financial Activity, Steve Wilde asked for clarification regarding the expenditure for maps. Mr. Becker explained that all of the "archival" Huntington Hills maps in the possession of the Board were duplicated in order to produce copies in addition to the originals, which will be stored and saved from handling and possible loss. When the maps in our possession proved to be inadequate, Mr. Becker procured maps from the County. These maps, as well all of the other HH maps, are kept in digital and print form and stored by the Secretary/Treasurer.

Ms. Simpson presented the proposed budget for 2007 and announced that, based on anticipated expenses and no assessment for the coming year, our current balance of \$4,321.43 will be reduced to \$1,9885.43 by the end of the year. Citing the annual expenditure for liability insurance, one member asked why the association carries this insurance; Jeanne Colombo explained that it is required to protect the Board members from liability in case of lawsuits against HH, Inc.

Ms. Simpson announced that 5 households have not paid the \$40 assessment approved at the 2005 annual meeting. A member asked if the association can place a lien on the property of non-paying members. Mr. Becker explained that the HH, Inc. by-laws do allow for this measure, but that unless the unpaid amount accrued to a significant amount of money, it would not be cost-effective to exercise the lien option. Steve Wilde made a motion to give members 90 days to pay the assessment, once it has been announced to the membership. After 90 days, the names of all members who have not paid would be distributed to the entire membership. Discussion followed, ending with a revised motion by Steve Wilde which states that three notices (in addition to the original notice) will be sent out to non-payers. By the time of the next annual meeting, the names of any property owners who have not paid will be included in the annual meeting notice and in the minutes of the annual meeting. The motion was seconded and passed. As three reminder notices have been sent out for the current assessment, the non-paying households are as follows:

Bellardina, 239 North
Hall, 139 Center
Iannaccone, 90 Rainbow
Netti, 766 Hoffman
Porter-Hutton, 125 Conifer

Ms. Simpson proceeded to the proposed budget for 2008. With anticipated expenses of \$2,577 and no anticipated income in 2008, we would end that year with a deficit of \$591.57.

Adam Stein suggested that postage costs could be reduced by distributing mailings electronically. Ms. Simpson acknowledged that while this would be a good way to distribute information to the members, she is not able to do so at this time, due to the problems of keeping up with changes in e-mail addresses. Mr. Stein volunteered to create a [HH, Inc. website](#), explaining that there may be a small fee for registering and maintaining the domain name. (see letter included in this mailing for an update on the website project)

Chris Soderstrom made a motion to accept the Treasurer's Report. Bill Bolte seconded and the motion was carried unanimously.

Election of Board officers

Mr. Becker reported that twenty-one proxy votes had been received for the proposed slate, which includes current President Don Becker, Vice President Jeanne Colombo, Secretary/Treasurer Monica Simpson, one current At-large Directors (Sam Ruggeri) and Steve Grieve, the nominee for the At-large Director position vacated by Dave Eckert, whose service was acknowledged by Mr. Becker. Twenty of the twenty-one votes were in favor of the slate and one was opposed. A vote was taken with all members in attendance voting their approval.

Consolidation of tax parcels

Mr. Becker explained that until 2006, HH, Inc. was not taxed on some of the parcels that comprise the Commons. A review by the Town identified these parcels and they were added to the tax rolls. As a result, HH, Inc. receives separate tax bills for the parcels. The Board had discussed the possibility of consolidating the parcels to reduce the number of bills, but the cost of doing so, estimated by Ms. Colombo at \$1,100, is prohibitive and so will not be pursued at this time. Mr. Becker noted that the addition of the previously untaxed Commons parcels to our tax bill has been nominal.

Toper Construction vs. HuntingtonHills, Inc.

Jeanne Colombo reported upon the status of the lawsuit brought against HH, Inc. by Toper Construction. At the 2005 Annual Meeting, the membership voted to authorize the Board to spend up to \$5,000 to either purchase the two contested parcels or to continue litigation. As the plaintiff's asking price for the two parcels exceeded \$5,000, Huntington Hills, Inc. brought a motion for summary judgment, which was heard by Judge Galloway in October 2006. At the time of this meeting, the judge had not rendered his decision. Ms. Colombo expressed hope, given that Courts do not want to landlock property owners in cases such as these, that the Court will grant HH, Inc. a prescriptive easement, which would give HH, Inc. members, including Spring Valley Road residents, the right to utilize Spring Valley Road as it crosses the lots (#s 51 and 68) owned by Mr. Perotta. Assuming that the Court rules in HH, Inc.'s favor, it will then be left to Mr. Perotta to appeal the decision within 30 days after it is made. Ms. Colombo explained that if the Court rules in our favor and Mr. Perotta does not appeal, the case is settled. If the Court grants HH, Inc. the prescriptive easement and Mr. Perotta appeals, HH, Inc. will have to continue litigating, because if we don't, the Court will interpret this as assent and Mr. Perotta will win. Jim Robinson asked if it would be necessary to levy legal expenses for the Toper case. Mr. Becker responded that if Judge Galloway rules in our favor and Mr. Perotta appeals, an additional assessment of \$55 per household will be needed. If Mr. Perotta appeals, he runs the risk of the Appellate Court granting HH, Inc. adverse possession of the lots, which he may not be willing to risk. Adverse possession of the lots would give HH, Inc. title to the lots, rather than just the right to cross them on Spring Valley Road, as would be the case should the Court grant a prescriptive easement.

Spring Valley Road resident Adam Stein stated that he and the other Spring Valley Road property owners may make an offer to buy the lots from Mr. Perotta to bring the matter to a close. Ms. Colombo suggested that Spring Valley Road residents, rather than the entire HH, Inc. membership, might pay the legal costs associated with a possible appeal because it was the previous owners of those properties who located Spring Valley Road on top of the now-contested lots and because until the case is settled, the title to their properties is compromised.

Steve Wilde asked if HH, Inc. membership authorized the previous \$200 special assessment to purchase the lots from Mr. Perotta or to pay for legal fees related to the case. Mr. Becker responded that Mr. Perotta's asking price far exceeded those funds, so the money was used for legal fees.

Jim Robinson asked if there should be a motion that HH, Inc. would spend no more money on the Toper case, to which Ms. Colombo replied that HH, Inc. should pursue the case, but that as Spring Valley Road property owners have the most at stake, they should assume their fair share of financial responsibility for the case. Ms. Colombo explained that as attorney of record it is her responsibility to protect, defend and pursue the case to its conclusion, and that in doing so, she and her staff have spent many more hours than those for which she has billed HH, Inc.. Acknowledging that, Mr. Becker asked if we then are prepared to spend an additional \$3,000 in the event that Judge Galloway rules in our favor and Mr. Perotta appeals.

Chris Soderstrom made a motion to approve a \$55 assessment and to ask the Board to negotiate with Spring Valley Road property owners to determine their contribution toward legal costs for the continuation of the case. The motion was seconded by Steve Greive.

After brief discussion, Don Becker restated the motion as follows: if the case goes to appeal, the Board is authorized to negotiate with Spring Valley property owners to determine their contribution and to levy an assessment of up to \$55 per household. The motion was seconded and unanimously passed.

Jim Robinson asked if HH, Inc. would purchase the lots if Mr. Perotta loses a future appeal and offers them for sale. Mr. Robinson made a motion that HH, Inc. would not pay Mr. Perotta more than \$100 for each of the lots should Mr. Perotta lose an appeal and wish to sell the lots. Mr. Becker stated that the HH, Inc. By-laws don't allow us to spend more than \$300 total and as Mr. Perotta owns 4 lots, we could only pay him up to \$75 for each of the lots. Mr. Robinson withdrew his motion.

Mr. Becker invited the Spring Valley property owners to attend a future Board Meeting to discuss their role in the Toper case.

Marty Piecuch, Town of Irondequoit Commissioner of Public Works and Superintendent of Highways on Spring Valley Road/Hoffman Road/Conifer Lane flooding remediation project

Mr. Becker introduced Mr. Piecuch and acknowledged the work that the new Town administration has been doing to move forward this project, which has been on the table for several years without much demonstrable progress.

Mr. Piecuch recounted the history of the problem and steps toward its resolution. Starting in the 1970s, construction of housing developments north of Titus Avenue created increased water runoff downslope into the area of Spring Valley Road, Hoffman Road and Conifer Lane. The water carried away topsoil which silted-in the creek flowing through this area north to Lake Ontario, decreasing its capacity. With decreased flow capacity and increased water volume during rainy periods, flooding has resulted. Land which was formerly forested with hardwood trees has been converted to wetland. During periods of heavy rain, the creek overflows its banks and floods the roadways in the area.

In 1999, a study was done of the stream corridor to determine what could be done to reduce the flooding problem. During the years 2000 – 2005, concept plans were developed, including a plan to build a detention pond system on County land. The engineering firm hired by the Town, Passero Associates, brought in the Department of Environmental Conservation, but not the Army Corps of Engineers. Plans submitted to the Army Corps in 2005 were not approved. Meanwhile, the Town received \$75,000 in grants from the State; some of the money was used to put culverts under Hoffman Road and Conifer Lane and the rest was used to pay Passero.

Previous plans which had been described to HH, Inc. did not happen because adequate due diligence was not exercised and designs were prepared without concurrence of the DEC and Army Corps. The new Town administration has replaced Passero with Labella Associates; the Town and Labella are working with the jurisdictional agencies to design a plan that will be approved.

The solution currently being discussed would involve construction of a high-flow channel to handle large volumes of water during wet weather. Another option for the Spring Valley Road area would be to modify the stream, but because this could negatively affect trout, the DEC has reservations about this option. The Town is also considering a plan to move the stream, which the DEC might approve.

The stream at Hoffman Road and Conifer Lane is at road level, so culverts have proven largely ineffective. The solution may be to elevate the roads and put multiple culverts underneath. The Town believes that the DEC and Army Corps will approve this plan. Labella is working on this and consulting with the DEC and Army Corps due to the location of the wetlands. As the project stands at this time, Labella will do survey and engineering work this winter, along with solidifying permits and approvals. In the spring of 2007, work will be limited due to the vulnerability of the stream and trout that live in it. The Town will bond \$2 million for Town-wide drainage repairs, to include this project. Mr. Piecuch expressed confidence that the project, which was previously hampered by mismanagement, is now on-track for completion.

Steve Wilde expressed concern that the measures so far described would not solve the flooding and water flow problems north of Hoffman Road and asked if that portion of the stream channel could be excavated to improve the flow of water through that area. Mr. Piecuch stated that the DEC and Army Corps are not in support of that idea, and that even if the channel was excavated, it would probably fill in with silt once more.

Members expressed concern that previous development had led to these problems and asked Mr. Piecuch what would happen if and when further development is proposed on Titus Avenue uphill from Huntington Hills. Mr. Piecuch replied that probably a study of the entire stream would be required and that the developers would have to demonstrate that there would be no negative impact from their development.

Ms. Heyman stated that the overall issue of water quality is a priority for the Town. With the re-opening of the Durand Eastman beach to swimming, the quality of the water upstream from the beach is being investigated. There are eight streams that feed into the Lake in the vicinity of the swimming beach; there is discussion of combining the eight streams and diverting them away from the swimming area. Impact upon water drainage is a factor that needs to be considered in any future development within the Town so that problems are not created.

Mr. Becker acknowledged the efforts of Mr. Piecuch, Ms. Heyman and the Town to reach a satisfactory resolution of this situation.

Mary Ellen Heyman, Irondequoit Town Supervisor, on her administration's vision for the town

Ms. Heyman began her remarks by identifying some of the issues her administration has been facing in its first year: pulling the Town out of bonding debt, making infrastructure improvements, addressing the future of the Town's two old and inadequate library buildings, and revitalization of Medley Center, the former Irondequoit Mall. Much of the work done in the first 11 months of her term in office has consisted of examining the status quo and laying the foundation for her administration and the Town.

On the topic of the libraries, Ms. Heyman stated that the current buildings are both in need of major repairs and that State funding is available for library construction and renovation. Jim Robinson asked if a new library or community center could be put in the Mall. Ms. Heyman replied that the mall's owner wants only retail businesses in the mall.

Ms. Heyman discussed plans to improve the Seabreeze area. The Town has been enforcing codes to address quality of life issues in the area. Saint Salome's church would like to develop senior citizen housing on its property, which is in line with the Town's support of senior housing.

Marty Piecuch addressed the future of the northernmost section of Route 590. The redevelopment plan calls for speed reduction, lane reductions, and replacement of intersections with roundabouts. Sam Ruggeri asked if sound barriers would be built along 590. The current plan is to install 8-foot tall decorative fencing as a screen between residences and the road. With reduced speeds, lane reductions and elimination of stoplights, the sound level should be lowered.

Construction is underway on the trail between Charlotte and Seabreeze and should be completed by fall 2007. The Town is building the section between Camp Eastman and the Highlands; the County is building the remainder of the trail.

One of the Town's priorities is the redevelopment of the East Ridge Road corridor. A developer is looking at the parcel located at 1335 East Ridge Road, where a large commercial property was recently demolished. The Town wants to form a focus group to determine which retailers are desirable to consumers. The County is in the initial stage of designing the reconstruction of East Ridge Road between Culver Road and Saint Paul Boulevard, scheduled for 2009.

One of the members asked Ms. Heyman to discuss a letter sent in July, 2006 from the Town to residents regarding Environmental Protection Overlay District (EPOD) regulations. The Town is concerned about the preservation of the natural environment and wants to assist residents to avoid actions which might have a negative impact. Many people at the meeting were concerned about the meaning of the letter and how to comply with EPOD restrictions/guidelines. Anyone with questions should seek clarification from the Town.

Mr. Becker thanked Ms. Heyman and Mr. Piecuch for their presentations and for the work they have done for and with HH, Inc..

Other business

Mr. Becker made two requests on behalf of HH neighbors:

Until issue of signage at Hoffman/Wisner intersection is resolved, please use caution and watch speed.

Residents should have contractors park their vehicles in such a way that roadways are kept clear.

Lisa DeLouise asked that residents in Spring Valley/Conifer Lane area be kept informed of Town's plans as they develop and be given the opportunity to be involved in discussions. Marty Piecuch agreed. Don Becker pointed out that the Board has been diligent about informing the membership of developments in this project and will continue to do so.

Chris Soderstrom suggested forming a committee of representatives from all Huntington Hills streets to review the by-laws and to make recommendations to the Board concerning possible changes, additions, or improvements. Those suggestions with merit could then be presented to the membership for consideration as amendments to the by-laws. Mr. Becker asked Chris to organize such a committee.

A motion to adjourn the meeting was made, seconded and passed at 9:40 PM.

Submitted by Monica Simpson, Secretary/Treasurer
January 25, 2007