

Huntington Hills Inc. Annual Meeting
1/10/22

President Sam Ruggeri called the meeting to order at 6:00 pm and noted that this is the centennial year of the Huntington Hill Inc association. Celebrating 100 years!

Attendees (25):

Jeanne Colombo, Lisa DeLouise, Adam and Gina Stein, Steve and Jane Wilde, Alex and Emma Norris, Sam and Dominika Ruggeri, Wayne Scheuing, Bruce Crane, Corey Sapp, Dave Eckert, Rich Oxley, Danielle and Steve Grieve, Christine Norris, Linda and Ed Stevens, Antonia Orlando and Tom Hill, Mike Lizenberger, Gary Horwitz, Teresa Kennelly

1. Introductions- all attendees introduced themselves, where they live and approximately for how many years. We had 19 homes in attendance which as a quorum.

The Board sends condolences at passing of Mr. Root, husband of Bruce Crane (263 Huntington Hills Center) and a neighbor for many years. We also acknowledge the passing of Mr. Giangioffe (~93 yrs) who lived at 460 Hoffman Road for ~24 yrs.

2. Approval of 2021 minutes

- Motion to approve (Wilde), Motions second (Crane), Motion Passed

3. Address by our new Supervisor Rory Fitzpatrick was postponed due to his birthday – oh well.

4. Treasurer report

- We discussed the push for email communications – to save \$, time and effort. Our world is transitioning to online everything. Nonetheless, there are homes that refuse to sign up and there is a sense that USPS mail maybe more effective. However, data suggests otherwise.
- As of the summer 2021, following emails and USPS mailings, only 24 of 64 households had paid the \$65 fee. The Treasurer then USPS mailed out 40 letters notifying delinquent homeowners and asked for comments regarding mailings. Nineteen more payments were received. Some of the 19 households complained about not getting a notice but in fact 12 of the 19 got their first notice by USPS mail!! In the Fall, the Treasurer USPS mailed a second notice of delinquency. As of 1/10/22 there are 11 households outstanding.
- A discussion ensued how to proceed. The Bylaws state (**see Excerpts from the History an By-Laws appended below**) that assessment fees unpaid after 90 days maybe be subject to a lien and the homeowners will pay the lawyer fees. The Treasurer will send a final letter explaining what the fees are used for (insurance, taxes, etc.) and explain that delinquent homes will lose their right to vote and they will be sued. The names of the delinquent homes will be withheld until a final payment notice is mailed out in January. If the fees are not paid the Board will disclose the delinquent homeowners and initiate the liens.
- This final payment notice will be sent out independent of the mailing of the minutes.
- The Treasurer then led a discussion about the parcels that make up the Commons and how they are taxed. The Commons is comprised 10 parcels. The largest, assessed at \$22K, spans the land between Spring Valley Drive and Conifer. Residents know that this is all wet land, yet it is on the tax role as 4 residential properties with said right of ways/roads that don't exist. The Treasurer is working to get it properly rezoned. Steve Grieve, who is on the Town Conservation

Board, will also try to get the land properly assessed. Wetland are Epods which are not residential and are DEC protected. The maps on file at the County Clerk Office should be fixed.

- Considering all expenses and income, the Treasurer proposed the following rates:
\$65.00 for a developed lot
\$32.50 for owners of only an undeveloped lot (there are two such properties)

These are per household, not for each lot you own. If your property consists of more than one building lot and only one has a house on it, you owe only \$65.00.

- Motion to accept Budget and Fees was made by President Ruggeri, seconded by Vice President Colombo. Motion passed.
- **Fees are due now.**
 - **Make checks payable to: Huntington Hills Inc.**
 - **Mail the payment to Dave Eckert, 69 Dogwood Lane 14622**

5. Hunting Proxy and Letter of Explanation (see attached)

It was questioned, Why is the Hunting Proxy needed?

- Steve Grieve expressed an opinion that while tracking is part of hunting, tracking without a weapon is not. The DEC does not make this distinction. He commented on the fact that in 2021 the police were reluctant to aid in tracking on the Commons. President Ruggeri clarified that the reason was due to pending lawsuits against the police by some residents. Vice President Colombo pointed out that we sent the proxy to the police and they have not issued a response. Therefore, it is the opinion of the Board that the police are ok with the proxy.
- Steve Grieve affirmed his interest to continue to be the proxy for the President to help track on the Commons if need be. He feels the proxy concept is good and he has a great relationship with the police. However, other hunters in attendance think the proxy is burdensome and there is a hidden underlying Board agenda, although none were stated. Board reiterated that the formalizing the proxy and documenting in writing was done to protect all Huntington Hills Inc. owners from a lawsuit that might result do to hunting activities on the Commons, which is strictly forbidden. The proxy does not prevent hunters from getting their kill so the meat will not be wasted which is a major concern for the hunters as noted by Linda Stevens.
- Moreover, the proxy written document is critical to our ability to purchase general liability insurance for the Common vacant land. The Board inquired about the costs to insure hunting accidents and our current agent (The Hartford since 1986) immediately decided NOT to renew us for fear of a hunting exposure. Quotes for new insurance are pending. We have until 4/3/22 to find a new policy. The expectation is that the costs will not rise considerably. It is highly certain that homeowners in Huntington Hills Inc. that choose to hunt on their properties are taking a high risk without hunting coverage. Hunting is not a recreational activity, as Oxley suggested, like bike or ATV riding which are also forbidden on the Commons.
- Steve Greive requested to attend Board meetings when hunting issues are discussed. Under the Ruggeri presidency, he has been given opportunity to attend meetings.

6. Other addenda

- Corey Sapp wanted to publically send thanks our to Public Works Director Kiely who, 1. Helped put a no outlet sign on Hoffman Road, 2. Added some stone and pavement at the end of Hoffman Road that previously was a mud pit, and 3. Kiely helped us get in contact with Patrick

Meredith (County Public Works) to get a stretch of road paved at the end of Wisner that was in terrible bumpy condition. These road fixes were sorely needed and highly appreciated by those who use them. Thanks to Corey Sapp for taking on this initiative.

- Rich Oxley asked about the Nominating Committee – how does one get nominated? It was explained that a nominating committee is formed by Board members and candidates are solicited. Anyone interested in serving on the Board should simply reach out to any Board member and your name will be forwarded at the appropriate time.
- Teresa Kennelly asked about cleanup of a tree that came down in her yard but overlaps onto the Commons. She will contact Sam Ruggeri to follow up on how to properly dispose of it.

7. Having no further business to discuss the meeting was adjourned at 7:36 pm.

If you have any questions or concerns please address them to the Board by email:

board@huntingtonhillsinc.org

Sam Ruggeri, President, 590 Hoffman Road: 585-467-0942

Jeanne Colombo, Vice President, 95 Huntington Hills: 585- 314-5321

Dave Eckert, Treasurer, 69 Dogwood Lane: 585-338-3876

Lisa DeLouise, Secretary, 63 Spring Valley Drive: 585-455-0696

Gary Horwitz, Member at Large, 70 Rainbow Dr: 585-244-3762

Adam Stein, Member at Large, 111 Spring Valley Drive: 585-370-5226

Excerpts from the History and By Laws

If you read the history of Huntington Hills (available on the website):

The corporation owns the private roads and commons (now including the former garden plots). It is a membership (no stock) corporation. You become a member by buying a residential lot (developed or undeveloped). You automatically cease to be a member upon sale of your lot.

In 1976 the corporation conveyed to each owner of a residential lot, 1/74 fractional share of the commons. Such a share became a part of title to each residential lot.

So it is in your own best interest to pay your annual assessment and to see that the Board does its job with your assessment paying property taxes and maintaining liability insurance on the commons.

Per the bylaws:

Anyone not paying their annual assessment within 90 days of notice is in default and may not vote (annual meeting, special meeting or by proxy) until they have paid all outstanding assessments. They also don't count toward our quorum while they are in arrears. e.g. quorum is 1/3 of members. So, tonight if 11 are still unpaid we can deduct that from 64 households so only need 18 for a quorum rather than the usual 22.

As far as collection on outstanding assessments again, per the bylaws, any unpaid assessment after 90 days automatically creates a lien on the property. Of course, we need a lawyer to go to court and get an enforceable lien. And per the bylaws, the attorney's fees shall be assessed to the member.

*******Erratum*******

Members of the Board Selection Committee for 2021 were mistakenly not published in last year minutes.

The Committee included:

Don Becker (dtbecker2@mac.com)

Dick Sehlin (dsehlin@aol.com)

John Fields (fivefields5@yahoo.com)

Huntington Hills Inc. Deer Bow Hunt Proxy Protocol

1. The Huntington Hills Inc. (HH Inc.) Board is charged with the management of the land designated as the "Commons" in its By-Laws.
2. The Town of Irondequoit, since the 1990s, has authorized a Bow Hunt Program managed by the Irondequoit Police Department to control the deer herd for public safety.
3. Bow hunting takes place on private land owned by Irondequoit residents, and public land owned by the Town of Irondequoit.
4. Hunters pay a fee for a license to hunt in Irondequoit and must pass a proficiency test. In addition, the hunter must possess a current and valid New York State hunting license.
5. Hunting of any kind is prohibited on the Commons. This includes the act of tracking deer as defined by the NYS DEC.
6. Year to year some properties in the Huntington Hills community are approved by the Police for bow hunting.
7. A common occurrence can be that a wounded deer shot with a bow runs beyond the approved property borders. The hunter must report this to the Irondequoit police who are responsible for tracking the deer onto the Commons' land, for the purpose of humanely disposing of the wounded deer. The Irondequoit police must obtain permission from the President (or the Vice President, if the President is unavailable) or the designated proxy of the HH Inc. Board to track on the Commons; and permission from the homeowner to track on to his/her private property. The HH Inc. President (Vice President or designated proxy) must physically escort the Irondequoit police officer to insure that no trespassing occurs.
8. The HH Inc. Board can designate up to two individuals to be a proxy to respond to the request.
9. The function of the President (Vice President or designated proxy) in this case is **only** to escort the officer around Huntington Hills and to gather the information as mentioned in item 12. All work of tracking, asking residents for permission to search their property, and killing the deer, if necessary, remain with the police officer.
10. Under no circumstances shall the hunter, including HH Inc. resident hunters, be allowed to track and/or kill the deer with the police officer and the President or proxy. Hunting on HH Inc. land is prohibited.
11. The President (Vice President or designated proxy) shall make a determination based on a *case by case* situation as to whether or not the carcass will be removed from the Commons, or left (should it be found on the Commons).

- A) If the deer ultimately ends up on a HH Inc. owner's property, that owner will make the ultimate decision, but the HH Inc. owner cannot independently direct the carcass to be removed over the Commons until the President (Vice President or designated proxy) is notified and gives permission.
 - B) The *case by case* basis should be determined on the distance to the nearest public highway, or the proximity to a HH Inc. owner's property.
 - C) The decision to leave the carcass or have it removed will be determined by the HH Inc. President (Vice President or designated proxy).
 - D) If the carcass is to be removed, the hunter will be contacted upon location of the carcass for immediate tagging and removal.
12. The President of HH Inc. (Vice President or designated proxy) will keep a record including the following:
- A) date/time when the deer was initially hit by an arrow by the hunter (approximation is acceptable)
 - B) property location where deer was initially hit by an arrow by the hunter
 - C) date/time IPD showed up to track deer (when tracking started)
 - D) date/time deer is euthanized or found dead or indication that deer was not found
 - E) location of where deer is euthanized or found dead (if known) or indication that deer was not found
 - F) tracking path (if known)
13. The President (Vice President or proxy) will send the information gathered in item 12 to the rest of the board in a timely fashion and the data will be recorded on the HH Inc. website, and also reported at the HH Inc. annual meeting.
14. Definitions:
- A) President (or Vice President, if President is not available).
 - B) Proxy. The HH Inc. Board can appoint up to 2 (two) individuals as proxies. Said proxies shall be HH Inc. members. The proxy shall serve strictly at the pleasure of the HH Inc. Board. At least one proxy shall be present if the Board President (or Vice President) is not available.
15. Any violation of the above paragraphs shall be deemed trespassing.
16. This Proxy Protocol can be executed in counterparts by the Huntington Hills Inc Board Members of record with the each member's signature constituting the acceptance and ratification of said document.

Signed by Board Members:

X Samuel E. Ruggeri 7/10/21 X
President - SAMUELE RUGGERI

Lisa DeLouise
Secretary

X
Jeanne Colombo, Esq
Vice President

X Adam Stein 7/9/2021
Adam Stein
Member at Large

X
Dave Eckert
Treasurer

X
Gary Horwitz
Member at Large

Signed by Board Members:

X

Sam Ruggeri
President

X

Lisa DeLouise
Secretary

X

Jeanne Colombo, Esq.
Vice President

7/12/2021

X

Adam Stein
Member at Large

7/9/2021

X

Dave Eckert
Treasurer

X

Gary Horwitz
Member at Large

Signed by Board Members:

X

Sam Ruggeri
President

X

Lisa DeLouise
Secretary

X

Jeanne Colombo, Esq
Vice President

X

Adam Stein
Member at Large

7/9/2021

X

Dave Eckert
Treasurer

X

Gary Horwitz
Member at Large

Signed by Board Members:

X

Sam Ruggeri
President

X

Lisa DeLouise 7/12/21
Lisa DeLouise
Secretary

X

Jeanne Colombo, Esq
Vice President

X

Adam Stein 7/9/2021
Adam Stein
Member at Large

X

Dave Eckert
Treasurer

X

Gary Horwitz
Member at Large

Signed by Board Members:

X

Sam Ruggeri
President

X

Lisa DeLouise
Secretary

X

Jeanne Colombo, Esq
Vice President

X

Adam Stein 7/9/2021
Adam Stein
Member at Large

X

Dave Eckert
Treasurer

X

Gary Horwitz 7/17/2021
Gary Horwitz
Member at Large

Dear Huntington Hills Inc. Members:

The Board of Huntington Hills, Inc. has never allowed hunting of any kind on the Commons, which includes what was formerly called the Garden Plots. As you know, the Irondequoit Town Board created Code 93 in 2017 which codified its Deer Bow Hunt Program. (The full text of this law can be found on the Town's website). Various home owners can apply to allow hunting on his/her/their real property. The Huntington Hills Inc. Board both orally and in writing notified the Supervisor, the Town Council, and the Irondequoit Police Department (IPD) that hunting is prohibited on the Commons.

The Board takes absolutely no position on anyone offering his/her/their personal real property to be used in this Deer Bow Hunt Program. Except in very precise situations, as set forth specifically in the By-Laws, the Board does not interfere or legislate concerning a HH Inc homeowner's property rights. Your property is your personal responsibility and the Board agrees with your personal rights to enjoy your homes as you legally choose. As such, the Board takes no position on culling the Irondequoit Deer Herd. That is a personal matter, and the Board has no authority, and wishes to have none, on this highly charged issue.

However, most assuredly, the Board's responsibility is to all that constitutes the Commons, and to protect the same so that all of its members can enjoy its forever-wild status in quiet enjoyment. To do so, we pay the taxes, from your annual dues, and take care of all other necessary expenses to keep the Commons viable, and safe. If an outside activity effects the Commons, we respond accordingly.

Therefore, we created the Rules for Use which has been circulated as a brochure, that you each have received, and has been in place for many years. The Rules of Use is also located on line for your immediate reference.

This year, 2021, we memorialized the Huntington Hills Inc. Deer Bow Hunt Proxy Protocol which we again forwarded to all of the Members, and again placed on line for your immediate reference. As a brief background, the Irondequoit Police Department (IPD) had always agreed to notify the Board, through its President, or the President's proxy, before tracking a deer onto the commons, to gain permission. The Board has not always been notified. To insure that the IPD would know our exact procedure, we have preserved the procedure in writing so that everyone has the same information. In this way, the Board is protecting the Commons' inviolability.

The Board also wants you to further understand the thoughtful reasoning that we explored to reach the above determinations.

Our goal, again, is to protect the Commons, and all of the HH Inc. members (64 households), to have quiet enjoyment, ie. that you all as a group will be safeguarded that your use of the property will not be disturbed. Since all of the homes have an actual ownership interest in the Commons, we also want to make certain that our actions protect those homes from legal liability. In essence, we do not want any lawsuits to embroil our actual homes.

We reviewed the General Obligations Law 9-103 which includes protection to our Commons if someone trespasses. We post to also protect us from trespassers which gives legal notice. We have Director's Insurance through Hartford Insurance Company to add an additional layer of protection. We looked at the Environmental Conservation Law, and also the Criminal Trespass Law (Section 140.05 of the Penal Law) which allows for jail time (15 days) and fines up to \$250. There is also Civil Trespass common law.

We understand that the Recreational Use Statute gives us a good deal of protection. However, what we also understand is that protection is not absolute. As with most laws, there are always significant exceptions. This General Obligations Law has two that potentially apply to us. One is if there is willful or malicious failure to guard, or to warn against, a dangerous condition, use, structure or activity. The other one is for injury caused, by acts of persons to whom permission to pursue any of the activities (hunting being one of them) was granted, to other persons as to whom the person granting permission, or the owner...of the premises, owed a duty to keep the premises safe or to warn of danger.

The Board sincerely understands to give permission to hunters to hunt, or track, on our Commons creates a significant liability to HH Inc. and all of its members, especially since the Commons ownership is tied directly to the covenants in our deeds. No member can individually give permission to anyone else to hunt or track on the Commons. Only as set forth in the Rules and the Proxy Protocol can permission be given. That is why we spelled the procedure out in writing, and delivered the same to all Members, the Town and the Police Department. Clarity always prevents lawsuits.

Furthermore, if hunting were allowed on the Commons, from October through mid December, all members of HH Inc. would not be able to walk on the Commons, Monday through Friday, from sunrise to noon each day. Quiet enjoyment would be taken from all of us.

The above is quite detailed for those who want the full scope of our deliberations over these past many months. We do not want outside individuals from other Towns to infringe on our Commons that we pay the taxes on to come and hunt and think that they get to decide on our control of the Commons. We, the Board, do not want to have to recommend that we each have our personal homeowner's insurance carriers add riders to our policies, which could be personally costly, because hunting and tracking have become our problem. We the Board, do not want to open any doors to lawsuits. While we do not know if an injured person would be successful at trial, we do not want the angst and financial worry to find out.

Thank you for your understanding. We serve for everyone. We take our stewardship of our beautiful and unique Commons very seriously. We are unique to this Town, and in many ways to the County, if not the State. The creation of Huntington Hills in 1922 has stood the test of time because we have always kept the Commons, above an individual's personal interest. Sometimes there are differences of opinion, but the group always has agreed that we need to keep the Commons safeguarded, above all else.

Sincerely and thoughtfully,

HH Inc. Board of Directors 2021/2022