

## **Minutes from HOA Meeting of 8/19/21**

Meeting commenced at 10:00 AM, 8/19/21.

Pledge of Allegiance

Social committee Update by Ellen Silverman

- a) Happy hour is back and being held on Wednesdays outside by the pool weather permitting
- b) 9/1 concert with residents performing from 5-7 pm at the pool/clubhouse
- c) Book club, traditional book club, meets the last Thursday of the month in the clubhouse.
- d) Chair yoga is continuing on Friday mornings at 11 in clubhouse
- e) Fall Fling (please see emails from social committee for details)
- f) Trivia night and paint with wine are in our future (please read both the Setalker and emails from our social committee for details)

Financial update: Tom Purcell

- 1) We have been in a bit of a bind lately, with respect to cash flow. We have been trying to manage our way through it by working with our vendors, making partial payments and so forth. So far it has been working out for us, so we will study it again in the weeks to come.
- 2) The problems in our cash flow are because of unexpected bills in the areas of landscaping, snow removal, sewage treatment repairs, community liability insurance payments all hitting at the

same time. We are confident that we will be able to manage our way through this, and we will watch to see what happens in the next month or so.

#### Beautification Project:

- 1) Given all the angst and confusion created over the past five weeks with the numerous emails, the Board wanted to clear up any confusion about this campaign of misinformation and incorrect and false facts that has been disseminated by Mr. Macomber and Mr. Hammer.
- 2) First and foremost the premise is that the Board Of Directors does not have the authority under the offering plan, HOA By-Laws, to complete the Beautification Project and assess the community without a vote by the residents.

As we all know the Board has had the HOA Attorneys review this challenge on two occasions and the Attorney's opinion clearly states that the Board does have this authority. In addition, the Board had a lawyer as a Board member, George Rice, who was responsible for the Beautification project and agreed that the Board was given this authority in the HOA By-Laws specifically to manage and improve the common areas.

**Note:** The By-Laws for the HOA, which is different from the Condominium By-Laws, were specifically designed to allow the Board to manage and make improvements to the common areas.

- 3) Joe Cerullo then asked Mr. Macomber why in 2014, when this project was first discussed and was the authority was first challenged he agreed that the Board has the authority and that the lawyer's opinion was correct. Bill stated his agreement several times at the HOA meeting in September, 2014. Therefore, why when the Developer installed and has paid for the Estate Fence, is he now questioning the Board's authority to complete the final phase of this project. As noted at this meeting, the details and costs of the Beautification Project has been presented and discussed for 7 years at each HOA Meeting with no challenges from Mr. Macomber or Mr. Hammer. Mr. Macomber stated that after reading the first legal opinion from lawyers, he disagreed with their opinion. As he stated in his email, "the lawyers are wrong". The Board then stated that Bill was obviously wrong. The three different lawyers that interrupted the By-Laws are experts in Condo law.
- 4) The second area of confusion from the numerous emails to the community stated emphatically that the Beautification Opinion Survey of 2014, which was incorrectly referred to as a vote by Mr. Hammer, that the community overwhelmingly voted against this project by either 63%, 66%, or 68%, depending on which email you choose to reference.

Joe Cerullo asked Mr. Hammer where he got those numbers?? Mr. Hammer responded by saying that it was a long time ago, and he didn't remember. The question was repeated several times with no coherent response.

Mr. Cerullo responded by saying that he did remember, because he had in his hand the results of the opinion survey. The results of the 121 respondents. It turned out that out of 121 respondents in 2014, 61 residents voted to **approve** the project, 57 residents voted no, and the remaining 3 voted for doing the project with some incarnation of a change in the fence, shrubs, or some other reason to want the project, but not in its entirety. Mr. Cerullo also pointed out that the survey stated that there would be an assessment of between \$1,100 to \$1,500. Again, the majority of respondents said **YES**. He further pointed out since he had the proof in his

possession and that Mr. Hammer voted YES for the project with the assessment at the time. Mr. Hammer then responded that he wasn't interested in what had happened in the past, but wanted to move to the future!!

- 5) Joe Cerullo then addressed the issue that was brought up regarding "the plan" forwarded to the Board Of Directors, by the Cornell Extension Cooperative. Mr. Cerullo responded to this charge saying that no plan was ever forwarded to the Board. There was then a number of people who disagreed with this premise. Sheri Pleva stood up and insisted that a plan was forwarded to the board. Joe Polizzi stood and said that he was at that meeting with the Cornell people. He stated that they were very knowledgeable about indigenous plants, but when pressed further, had never actually done a community plan before or could not provide a cogent plan for the board to consider, because as these representatives stated "they didn't do that". After a number of years, George Rice and the rest of the board came to learn that the whole Cornell Extension program was moot since the town of Brookhaven was the only entity that could actually determine what could be planted. It was with this in mind that the board of directors continued with the preparations for the plan to provide what the town would allow to be accomplished.
- 6) Joe Cerullo then addressed a question about if any bids had been secured by the board for the work to be completed regarding the beautification project. David Morse of HPM was called upon to describe the way that the HOA Board always puts contracts out to bid and was done so in this case as well. Dave Morse then proceeded to describe in great detail the work that had been done, and continues, regarding the project. He specified what work had been completed, and remained to be completed at this stage of a very large and ambitious project. He further went on to explain that this was an early stage of a very large project, and different stages would occur when it was appropriate for them to happen. Grading, irrigation, excavating, soil and seeding this year. Planting of shrubs might start this year and continue into next year. He also included in his presentation the vendors being considered for this work.
- 7) Linda Hassenmeyer asked about the cost of upkeep to the new area. It was explained by Lou Petix, that Four D, the current landscape vendor, was already servicing the outer area, and no additional funds would be required. Eileen Duffy repeated this response several times. No additional cost.
- 8) Joe Cerullo also pointed out that our current landscape company was mowing and otherwise servicing the area in question as part of the yearly lawn maintenance program and had been for years.
- 9) Joe Cerullo then addressed a question that was brought up on the list of questions from the 25 residents that signed the petition not to pay the assessment about the cost of maintaining the fence. Joe asked "....."the fence is made out of concrete, stone and aluminum, what maintenance?" No answer from the attendee... Mr. Cerullo then pointed out how long and tedious this project has been. He pointed out that some of the previous Boards including that lead by John Van Eyck, contributed to success of the project by obtaining the agreement for the developer to erect an Estate Fence when they started the Setauket In The Woods development.
- 10) Mary Negra stood up and insisted that she was present when the Cornell people were at a meeting regarding the perimeter planting. Even though all the other people who she said attended that meeting were in the room, she insisted that there was a plan. None of the people in the room that were at this meeting recalled any kind of concrete plan for the board to follow.

- 11) Eileen Duffy then addressed a complaint by a resident that the cost of the water would cause an undo increase in their HOA fees. After Mr. Cerullo did the math for everyone yet again, and it was found that the additional cost to homeowners would be approximately 25 cents per month per unit, or no real cost difference. Mr. Cerullo then pointed out that the plan in place was moving forward and it will be completed by next spring.
- 12) Mr. Morse announced that he had something of grave importance to go over before he had to leave. Mary Negra again stood up to insist that the plan that Cornell provided the board should be followed. Eileen Duffy tried to call the meeting back to order and Mary Negra continued talking about different species of grass. Al Frawley then stood up and told Mary Negra that he heard that Dave Morse had something important to convey and we should let the endless discussion of grass species go until Mr. Morse finished with his important announcement.....applause....  
Mr. Cerullo pointed out that all the Brookhaven Parks and ball fields had irrigation and regular grass, no special grass.
- 13) Dave Morse went on to describe an event that disabled the card readers for the clubhouse access.
- 14) He went on to say that everyone will be receiving new access cards for the clubhouse/pool facilities, and upon receipt to throw out their old cards.
- 15) Dave went on to discuss the problem with one of our fire hydrants on Emily Way. After the last inspection, the fire hydrant between units 16 and 17 was found to be lacking in the proper amount of pressure. The repair process will most likely involve moving the hydrant which will give us access to the 2 parking spaces that were condemned by the Fire Marshall.
- 16) Joe Cerullo then resumed control of the meeting. He wanted to address the misinformation that has been circulated about the cost of the new emergency gate. He asked Mr. Macomber where he got the idea that the new gate would cost \$50,000?? Mr. Macomber responded, "I got it from you" meaning from the boards progress report to the community. Joe then pointed out that Mr. Macomber had misread the report. The \$50,000 to \$60,000 number included all the work that was going to happen; grading, seeding, irrigation, and the new gate. That cleared up that misrepresentation. The replacement of the emergency gate is approximately \$8,000.
- 17) Someone asked about the move to amend the HOA By-Laws to limit the amount of money the board could spend without a community vote. Joe responded stating that we would address that later during the community comments section of the meeting.
- 18) Marsha Meltzer brought up a question regarding egress windows being installed in basements. Dave said that he would look into the feasibility of such an installation.
- 19) Joe then brought up the point about the irrigation, that Holmes irrigation would more than likely be awarded the job since they already service all the existing irrigation in the community, and it makes sense that vendor will get the new installation. Mr. Cerullo then ran down all of the items that would be included in the \$50/60,000 amount projected for the project in the coming weeks and months. Irrigation approximately \$15,000, excavating \$12,500-\$15,000 topsoil & seed \$15,000-\$18,000 and replacing the emergency gate \$8,000. Total \$50,500 -\$56,000.
- 20) Mr. Cerullo then said that we had covered all the questions that were raised in the past 5 or so weeks, and we would now move onto the community projects section of the meeting.

### Community Projects

- 1) Indoor pool cleaning and inspection will occur in September.
- 2) Semi-annual clubhouse cleaning will also occur at the same time as the pool cleaning.
- 3) Safety issues-smoke and CO2 detectors and dryer vents. There will be a dryer vent cleaning company coming to clean the vents from the outside at the homeowner's expense. Homeowners are not permitted to opt out of this service.

### Board of Directors Elections

There will be 1 position up for election this fall. This position is now held by Tom Purcell. Anyone interested in running for this seat may do so by forwarding a resume to HPM.

Bill Hammer asked which positions will be up for election next year. Joe responded saying that this year was Tom Purcell, next year will be Joe Cerullo and Marianne Fohn.

Mr. Cerullo then went into the fact that our Cablevision contract will be coming due in the not so distant future and people should start to think about whether or not they think they want to continue with our current bulk contract, or perhaps go on their own. Mr. Cerullo pointed out that this question would require a vote since it is under the Condominium section of the Prospectus.

### Community Comments

- 1) Sheri Pleva brought up again the Cornell Extension plan that she insists the board is in receipt of. She was assured that we never got a plan, and it was moot anyway since we can only plant what the Town of Brookhaven approved.
- 2) Paul Schulman asked about the non-working Wi-Fi in the clubhouse/pool area. Dave was called on to field the question. He said that he was working on it, and it should be better soon.
- 3) Pam Rice asked about the fact that only a section of the perimeter had been approved by the town, and will the Cornell plan be implemented in the remainder of the project. Dave Morse addressed this question and explained the joint process with the developer, The Crest Group to achieve this.
- 4) Joe Sarro related a story about his home air conditioning system and how it had never been connected by the builder. He cautioned other homeowners that if this happened to him, it might also be a problem elsewhere. He went on to recommend that the board show leniency toward new folks and the parking rules. He then went on to complain about the air conditioning in the clubhouse. He also asked that people not let their dogs relieve themselves in his back yard. The Board promised to look into these difficulties.
- 5) Sheri Pleva asked about the front gates, and that the rubber on the bottom of the gates was hanging off. Joe said that he will have Dave look into it.
- 6) Mary Negra asked yet again why the Cornell plan was not being followed. Joe responded by saying that he was at the meeting with the Cornell people and there never was a plan. Mrs. Sarro stood and said that she too was at the Cornell meeting, and also said that there was no plan.

- 7) Joe then followed up with Mary Negra and asked if she could perhaps re-institute the defibrillator training program, and possibly include a CPR training as well. Mary agreed to schedule a program in the not so distant future.
- 8) Ed Bradin stood to tell the room how to congratulate the board on their performance. APPLAUSE
- 9) Mr. Macomber stood to complain about the noise from the dehumidifier in the indoor pool area. This is a problem that Dave said he had been looking into.
- 10) Mary Negra got up again to ask about the Cornell plan.....Asked and answered.
- 11) Kathy Konival asked how the money from the assessment was being spent, Joe again listed all the items that will be covered by the assessment monies.
- 12) Motion to adjourn and seconded.