



Condo 16 of Heritage Hills

Summer 2021 News

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August 12, 2021

Unit Owners of the
Heritage Hills of Westchester Condominium 16
Heritage Hills
Somers, New York 10589

Re: Legal Requirements for Budget Planning Meetings

Dear Unit Owners:

We are general counsel to Heritage Hills of Westchester Condominium 16 (the "Condominium"). We have been asked by the Board of Managers (the "Board") of the Condominium to clarify the Board's responsibilities to the Condominium and unit owners with respect to budget planning meetings. The By-laws make clear that the adoption of a budget is delegated to the Board of Managers. The By-Laws cannot be unilaterally modified or abrogated without following the required process for a By-law amendment.

Article II, Section 3 of the By-laws, entitled Powers and Duties, states in relevant part:

The Board of Managers shall have the powers and duties necessary for the administration of the affairs of the Condominium ... Such powers and duties of the Board of Manager shall include but shall not be limited to the following: (a) Operation, care, upkeep and maintenance of the common elements (b) Determination of the common expenses and assessments required for the conduct of the affairs of the Condominium including, without limitation, the operation and maintenance of the Property.

More specifically, with respect to the Board's responsibility to operate the Property and determine common common expenses and assessments, Article V, Section 1 of the Condominium's By-laws state in relevant part:

Board of Managers shall from time to time, and at least annually, prepare a budget for the Condominium ... and shall furnish copies of each budget ... to all unit owners.

The By-laws do not permit unit owners to actively participate in preparing a budget for the Condominium. Since the By-laws delegate the responsibility of preparing a budget to the Board, the budget must be approved by the Board itself. This is consistent with New York law and the Board's fiduciary duty to the unit owners to exercise this authority. The Board may not delegate this obligation to a committee or to the unit owners as a whole. Neither New York law nor the By-laws permit a budget to be approved by a combination of Board members and unit owners present at a Board meeting, rather than by the Board.

Furthermore, there is no authority under New York law or the By-laws which requires unit owners to be permitted to attend Board meetings or the Board's budget planning meetings. While some condominium boards permit owners to attend their regular meetings, such as your Condominium, they have no obligation to do so. Unit owners may always convey their budgetary concerns to the Board separately, which the Board may consider together with advice from accountants, consultants and other professionals. However, ultimately the Board alone has the obligation, authority and fiduciary duty to prepare and pass a budget in accordance with the By-laws.

Very truly yours,

/S/ Ryan P. Kaupelis

Ryan P. Kaupelis

A Note From Ed: President, Ed Goldfarb

As of the February 28, 2021 For our new residents, as well as past residents! We are delighted to announce Heritage Hills will be holding the annual Welcome to Heritage Hills event this year on Sunday, August 29th from 4-6pm in the Heritage Room of the Activities Center. All are welcome to attend. Please register your attendance by going to: <http://www.tinyurl.com/hhub21>

The next unit owner meeting is the annual on October 19th. The other meetings are special board meetings devoted to the 2022 budget for only the board members.

Anna Keri vs. Board of Managers of Condo 16

We would like to provide unit owners with a summary of the lawsuit brought against the Condo 16 Board of Managers by Anna Keri of unit 463B for \$1,390. On July 7th, a trial was held in Somers Justice Court before Judge Timone regarding Anna Keri's installation of new gutters and downspouts without filing for a variance with the Board of Managers. Ms. Keri sought reimbursement for the gutters, claiming without proof that the condos gutters were defective and damaging the unit. After performing an investigation, the Board found that the gutters were adequate and voted unanimously not to reimburse Ms. Keri for their replacement. However, Ms. Keri proceeded to remove the existing gutters and gutter guards without authority to do so and had them destroyed. At the trial, Ms. Keri's testimony was incorrect in many instances and contrary to the Board's investigation. However, despite her lack of proof, the Judge accepted Ms. Keri's inaccurate version of the facts. The trial resulted in the Board reimbursing Ms. Keri \$1,032.50 for the replacement of the gutters. The issue of fines for Ms. Keri's violations of the Condominium's By-laws were not addressed.

Please be advised that the Condominium's By-laws and Rules strictly require unit owners to obtain authorization and a variance from the Board for any work to common elements, such as gutters. The Board must ensure, among other things, that the work is to an acceptable standard, is performed by licensed contractors with proper insurance and that appropriate warranties are provided. If a unit owner performs work to the common elements without authorization and/or a variance, fines will be imposed, as well as the costs of collection.

In addition, please note that Ms. Keri's small claims case does not carry precedence, and the Board will not reimburse unit owners for unauthorized work in the future. In the event that a unit owner believes repairs are required that the Condominium is responsible for, please contact the Board so that we may investigate and amicably resolve any potential issues.

Thank you very much.

Sandra's Summary - Vice President, Sandra Brinkman

A Brief Return To Recycling (especially as the heat of summer is be upon us).

Our garbage pickup, both for regular and recycling is Tuesdays and Fridays. The paper items are to be put out night before pickup only. Some Residents put these kind of items out sometimes 3-4 days before. Keep them in your garage until night before. Otherwise, it makes your home look unsightly (do not know any other word to use). Paper items newspapers, magazines must be bundled or put in paper/plastic bags.

Please when throwing out garbage, if some spills outside the garbage can, onto the bin floor, please clean it up. City Carting cleans the bins twice a year, Spring and Fall. Problem with leaving your spillage outside the can can lead to vermin, mice,rats,raccoons, wasp nests among other wildlife. It also begins to smell. The same goes for recycled items. Please put your store throw-aways, plastics/paper, used for coffee, soda, etc in your own garbage. City Carting will not take it as not bagged.

Plastic containers #1-7 will be accepted. All other numbers, buckets, appliances, styrofoam, wire hangers, cookware, metal rods, etc. are not accepted as recyclables.

Please do not leave trash even in plastic bags, especially food outside the bin. Again wildlife will scatter it all over. Not fun to pick up. I know, I did it. Your unit might be your largest financial investment.

Please do not press down the bin lid if your garbage is too large for garbage can.. The lid breaks or hydraulic mechanism breaks. Lift and lower hydraulic lid slowly. We will be getting new bins soon. Let's try to maintain these until new arrive. There has also been a problem with garbage can lids. This is caused by City Carting. We will get replacement lids soon.

Garden debris such as leaves, branches, dead plants (without plastic pot which goes in regular garbage bag into bin). Branches must be tied or in plastic bag as other debris. Landscaper will pick up from corner of your cluster every Tuesday

Pam's Postings - Treasurer, Pam Prisco

TREASURER'S REPORT

As of the July 31, 2021 Balance Sheet, our Operating Account totaled \$60,222.56. Our main Reserve Account, comprised of a Sterling Bank money market account (\$194,553.58) and two PCSB CD's (\$170,863.36 and \$65,155.32) sub-totaled \$430,572.26. In addition, in January of 2018 we established our Shingle Roof and Road Blacktop subfunds and in June of 2021 we recently established our Bluestone Completion Project subfund. These funds currently total \$62,216.55, \$60,000 and \$3,750 respectively. As expenses permit, we are presently funding the Shingle Roof Fund \$2,000, the Road Blacktop Fund \$1,000 and the Bluestone Fund \$1,250 automatically on a monthly basis. Our main reserve account (Sterling) is funded with an automatic monthly deposit of \$3,350. The grand total of our Reserve Account including the three subfunds as of July 31, 2021 totaled \$556,538.81.

Landscaping: Yogi Santadonato

Landscape Report from Timber Ridge

August 6, 2021

Report #2021-30

Tuesday's organic matter pick-ups have occurred. Another drive through on Thursday and we found even more – thanks everyone!

Wednesday mow day went very well. The lawns are again looking a bit on the dry side. Please do water if you are so inclined.

Pruning and trimming of bushes and trees under 16' high has begun this week. We have made it through the first areas. If you have any questions related to pruning, please contact your cluster captain or landscape chairperson. We are going in numerical order, so if you are a high number, we ask for your patience.

Please use a yellow ribbon, tied around your light post near your unit number if you do NOT wish us to prune at your location.

Regardless of placement of a yellow ribbon, we will be pruning all plantings away from buildings to protect the structure, per condo rules and our contract.

Info Corner from Timber Ridge:

Mow Days: Please plan for Wednesday and Thursday mow days. This should have you ready for a nice weekend!

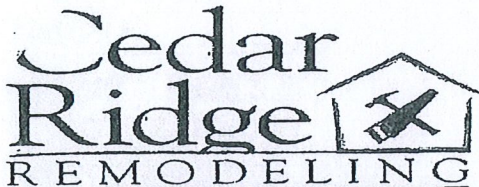
Every Tuesday: Organic matter pick up.

September 6th: Save-A-Tree lawn application.

From The Maintenance Dept:

MCAS Roofing has been selected to do the flat roofs and chimney chases (caps) in cluster 472-474 in July. In addition Wood siding will also be done in July in the same cluster. Painting of the units will be done in late August.

Below please find the June 2021 HandyMan report

 <p>Cedar Ridge REMODELING</p>	<p>CEDAR RIDGE REMODELING INC. PO Box 138 Somers, NY 10589 US 914-243-2400 info@cedarridgeremodeling.com</p>	<p>Invoice 2266</p>	
<p>BILL TO Heritage Hills Condo 16 c/o Heritage Management 346 Route.202 Somers, NY 10589</p>	<p>DATE 07/01/2021</p>	<p>PLEASE PAY \$3,251.25</p>	<p>DUE DATE 07/15/2021</p>
<p>JOB DESCRIPTION Handyman lists</p>			
DATE	DESCRIPTION	AMOUNT	
06/26/2021	<p>Handyman lists completion</p> <p>453B Touched up paint on garage door trim, prepped and painted back kitchen window sill 5/17 457A Touched up paint at garage door trim. 6/1 457B Touched up paint on left side of garage door trim. 6/1 458C Painted new kitchen/garage window sills 6/2 459C Supplied and installed new leader at back of unit 1/22 460A Repaired peeling paint on corner of garage trim (on right fascia), Repaired peeling paint on privacy wall. 6/2 460B Touched up trim around garage door 6/2, Painted kick plate at front door, Removed mildew on siding and touched up paint at front door, Painted fascia board back of unit at flat roof 6/26 460C Touched up paint at new light fixture, Removed mildew on low areas of siding and touched up paint, Painted window sill on right side of unit 6/26 469B Touched up paint trim and kick plate at front door 6/26</p> <p>Inspected units and painted/touched up where needed around new light fixtures and number plaques as per Ed Goldfarb. Units completed 6/26 448 A/B, 449 A/B/C, 450 A/B, 451 A/B/C/D/E, 452 A/B/C/D, 453 A/B/C, 454 A/B, 455 A/B/C/D/E, 456 A/B, 457 A/B/C, 458 A/B/C, 459 A/B/C, 460A, 461 A/B, 462 A/B/C/D, 463 A/B/C, 464 A/B/C/D, 465 A/B, 466 A/B, 467 A/B.</p> <p>Add-ons to Handyman list as per Ed Goldfarb 464D Painted around garage light/front door saddle 6/26 452C Secured wood trim around garage 6/26</p>	3,000.00	
<p>Please remit payment to: P.O. Box 138 Somers, New York 10589</p>			

Below please find the updated Garbage Bin Repair report covering the time frame of 2017 -2021

Date	Location	Description	Billed to Condo
8/17/2017	448-452	Installed (2) new lids	Part of \$5,261.38
8/17/2017	460-463	Installed (2) new lids	Part of \$5,261.38
8/17/2017	469-471	Installed (3) new bins	\$5,261.38
8/17/2017	472	Installed (1) new bin lid	Part of \$5,261.38
10/16/2017	463	Replaced lid/pistons	\$200.00
6/20/2018	469-471	Replaced 4 pistons	\$150.00
8/15/2018	450-451	Repaired bin lid	\$60.00
8/22/2018	463	Installed (1) new bin	Part of \$2,577.00
8/22/2018	464-466	Installed (1) new bin	\$2,577.00
9/21/2018	475	Re-attached hinge on recycle bin	\$0.00
11/30/2018	448-452	Repalced (4) lids/hinges	Part of \$1,406.61
11/30/2018	457-458	Replaced trim on bin	Part of \$1,406.61
11/30/2018	460-463	Replaced (2) sets of hinges	\$1,406.61
11/30/2018	467-468	Replaced (2) sets of hinges/siding	Part of \$1,406.61
11/30/2018	472-474	Replaced lid/(2) hinges	Part of \$1,406.61
12/19/2018	451	Re-attach piston	\$0.00
2/3/2019	472-474	Repaired lid/replace piston	\$80.00
3/15/2019	457	Replaced piston	\$25.00
3/15/2019	463	Replaced siding/re-attached door on paper bin	\$0.00
7/25/2019	466-474	Repair/re-attach lids	\$250.00
8/15/2019	459	Replace pistons	\$95.00
8/16/2019	469	Repair/re-attach paper bin door	\$85.00
8/29/2019	459	Replace pistons	\$250.00
1/22/2020	463	Re-attach piston on recycle bin	\$0.00
2/14/2020	476-477	Re-attachhinges	\$45.00
2/21/2020	466	Repair bin lids	Part of \$250.00
2/21/2020	475	Repair bin lids	\$250.00
5/26/2020	453-456	Replaced bin floor/siding	\$80.00
6/12/2020	467-468	Replaced pistons/hinges	\$60.00
7/6/2020	467-468	Replaced piston	\$60.00
8/13/2020	464-466	Installed (4) new bins	\$3,500.00
8/13/2020	469	Installed (1) new bins	Part of \$3,500.00
8/17/2020	449	Adjusted bin lid	\$0.00
10/14/2020	476	Adjusted bin lid	\$0.00
11/12/2020	467-468	Re-attached bin lid	\$0.00
11/16/2020	451	Replace board/handle	\$0.00

1/14/2021	453-454	Repaired damaged siding on bin	\$0.00
3/3/2021	477	Adjusted hinges	\$0.00
5/19/2021	476-477	Adjusted bin lid	\$0.00
6/21/2021	449	Installed (4) new bins	\$3,468.00
7/23/2021	448	Installed (4) new bins	\$3,468.00
7/23/2021	463	Repair bin hinges	\$0.00
7/23/2021	469-471	Repair bin lids	\$0.00
7/23/2021	472	Secured bin lid rims	\$0.00
			\$21,370.99

A reminder of Rules & Regulations (December 20,2016)

Requirements before making changes: It is up to the unit owner to use the necessary variance forms at the end of this document.

5. **Any structural change, addition or improvement inside or outside a unit requires a variance which must be approved by the Board before the work is begun.** In addition, some changes may need approval and /or permits and/or inspections by the Town of Somers. Alterations include, but are not limited to items such as: enlarging decks and patios or installation of awnings. (See pg.20 for variance provisions)
6. When moving, renting or otherwise transferring the unit, all variances and their supporting documents must be given to subsequent occupants.
7. Unit owners who arrange for any unapproved work to unit exteriors, common areas or limited common areas will be required to pay all costs, including the cost of returning the area to its original condition when required by the Board.
8. Unit owners should notify Condo 16 managing agent for repair and maintenance of outdoor features such as roofs, chimneys, paths, driveways, garbage bins and garbage lid hinges etc. The managing agent upon notification will assess the situation and report to the Board for a decision on remedial action.

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Condo 16 Rules and Regulations

Adopted: December 20, 2016

PLEASE NOTE ALL VARIANCE APPLICATIONS MUST BE SUBMITTED WITH THE NECESSARY CERTIFICATES OF INSURANCE LICENSES, ETC.

Safety And Security:

For all Condo 16 Residents:

Westchester County, the Town of Somers, and Dave Jacobsen of HH Security team need help identifying residents in your condo community who are:

- A) Homebound or have special medical needs.
- B) Unable to drive themselves or walk even a short distance.
- C) Home vaccination eligible when possible.

In prolonged power outages, pandemics etc. it is imperative to know who may need assistance, or require home visitation.

PLEASE ask your Cluster Captains, or those on your Condo Board to help you provide:

- Resident's names, age(s), address, phone number and e-mail address
- indicate if resident fits category A, B and/or C

Information will be kept confidential, on a "need to know" basis.

Please send list to me or to Dave Jacobsen at david.jacobsen@prosegur.com

Your assistance may help save the life of a Heritage Hills resident.

Heritage Management Services "After Hours" procedure:

If there is an emergency threatening common/limited common area property, call Heritage Management Services. For afterhours personnel, call (914) 276-2509, listen to the message and when prompted to do, press "6" to leave a message for their on-call personnel. Leave your full name, complete telephone number and complete property location. Your call will be returned if the need meets the following definition:

What is an emergency: A need due to an unexpected event involving "manifest danger to life or property or immediately necessary for the preservation and safety of property, for the safety of residents or required to avoid the suspension of any necessary service to the condo" and to the extent that the Board of Managers is responsible.

Services related to power outages should be called in to NYSEG. Water/Sewer issues (including billing) should be called in to Suez/VRI. Services pertaining to internet/telephone/television should be called in to Comcast or satellite provider.