

October 4, 2022

THE HICKORY GROVE VILLAGE CONDOMINIUM ASSOCIATION
NOTICE OF ANNUAL MEETING OF UNIT OWNERS

The Annual Meeting of Unit Owners and Board Election for the Hickory Grove Village Condominium Association will be held at 6:00 p.m. on Monday, November 14, 2022, at the South Line Fire Station located at 40 Boxwood Lane, Cheektowaga. (Note the new location.)

The purpose of the meeting is to elect two (2) Members to the Board of Managers, and to transact such other business as may come before the Unit Owners. Official ballots will be distributed at the meeting. Nominations will also be taken from the floor during the meeting. The two (2) members receiving the highest number of votes will each be elected to a two-year term expiring at the annual meeting in 2024. A change to the By-Laws will also be considered.

If no owner of a Unit can attend, a proxy can be appointed by completing the enclosed PROXY envelope. A valid proxy will be included in the count that determines whether a quorum of 38 Units has been attained. When granting a proxy, your Unit's votes can be recorded either, through the absentee ballot, or through votes cast on your Unit's behalf by your proxy representative.

-ABSENTEE BALLOT-

Change in By-Laws to prohibit the renting or leasing of Units.

- ☐ Yes ☐ No **Should Section 9.01 of the By-Laws be changed (as worded in the meeting Package) to prohibit the renting or leasing of Units, and be recorded as an amendment to the Hickory Grove Village Condominium Declaration in the Office of the Erie County Clerk?**

Election of Members of the Board of Managers for a two-year term expiring at the annual meeting in 2024.

(Vote for any one or two)

- | | | | |
|--------------------------|----------------------------|-----------------------|-------------|
| <input type="checkbox"/> | Connie Grasso | 76 Blossom Wood Lane | (incumbent) |
| <input type="checkbox"/> | Kurt (Skip) Oertelt | 28 Hickory Grove Lane | |
| <input type="checkbox"/> | Darcy Young | 120 Blossom Wood Lane | (incumbent) |
| <input type="checkbox"/> | | | |
| <input type="checkbox"/> | | | (write in) |
| <input type="checkbox"/> | | | (write in) |

- This absentee ballot can only be used with a valid proxy -

Unit Owner Instructions for the PROXY Envelope and ABSENTEE BALLOT

If you are unable to attend the Annual Meeting and wish to grant a proxy to represent your Unit:

1. Find the enclosed PROXY envelope and enter your name, your proxy representative's name, your name a second time, the date, your signature, and your Unit's address.
2. If you want to communicate your Unit's voting decisions through an absentee ballot,
 - ☐ Check "Yes" on the bottom of the PROXY envelope
 - ☐ Indicate your Unit's choices on the ABSENTEE BALLOT, above.
 - ☐ Place the ABSENTEE BALLOT in the PROXY envelope and seal it.
 - ☐ Either, have your proxy representative present the PROXY envelope at the meeting, or insert the PROXY envelope into a regular envelope and mail it to:

Secretary
Hickory Grove Village Condominium
P.O. Box 614
West Seneca, NY 14224

If mailed, the PROXY envelope must be received by noon, on November 14, 2022, and your proxy representative must be in attendance at the meeting.

3. If you want to authorize your proxy representative to vote on your Unit's behalf
 - ☐ Check "No" at the bottom of the PROXY envelope.
 - ☐ Have your proxy representative present your completed PROXY envelope at the meeting.

**THE HICKORY GROVE VILLAGE CONDOMINIUM
ANNUAL MEMBERSHIP MEETING AND ELECTION
NOVEMBER 14, 2022
- AGENDA -**

1. Call Meeting to Order : *(Management)*
2. Welcome and Introduction: *(Management)*

Management - Harmon Homes Realty, Inc. - Mike Harmon
3. Roll Call: *(Secretary)*
OPTION A - Call attendance from Roll Call Option A SIGN-IN SHEET
OPTION B - Call attendance from Roll Call Option B by UNIT # (indicates attendance in Person or by Proxy)
4. Certification of Quorum: *(Secretary)* - (1/2 = 38 members present in person or by proxy, are necessary to meet quorum requirements). "As Board Secretary for the Condominium Association, I, _____, certify that _____ members are present in person or by proxy, and it shall be reflected as such in the Minutes".
5. Motion to Approve the Annual Meeting Agenda: *(Management Directs Board)*
6. Proof of Mailing the Meeting Notice: *(Management Directs Secretary)*
" Let the Minutes reflect that as Board Secretary, I, _____, certify that a copy of this memorandum, **dated October 4, 2022**, was mailed to all unit owners of record as of that date".
7. Reading of Previous Annual Meeting Minutes: *(Secretary)*
OPTION A - MOTION to dispense with the reading of last year's minutes and accept for filing.
OPTION B - MOTION to read last year's minutes
Motion to Approve
8. Approval of the proposed Change to the By-Laws:
Motion: To change Section 9.01 of the By-Laws (as worded in the meeting package) to prohibit the renting or leasing of Units, and record the change as an amendment to the Hickory Grove Village Condominium Declaration in the Office of the Erie County Clerk.
9. Report of Officers:
 - a) President's Report *(President)*
 - b) Financial Report *(Treasurer and/or Management)*
10. Election of Board Members:
 - a) Explain Election Procedure & description of Board Member duties *(Management)*
 - b) Call for Additional Nominations from the Floor *(Management directs Board)*
 - c) Motion to close nominations *(Management directs Board)*
 - d) Introduce Candidates - allow each candidate time to speak *(President)*
 - e) Appoint Election Inspectors *(Management directs Board)*
 - f) Pass out official ballots as member names are called from roster *(Management)*
 - g) Collect and tabulate ballots *(Inspector duty)*
 - h) Announce results *(Inspector duty)*
11. New Business and/or Questions and Answers *(Board, Members, Management)*
12. Motion for Adjournment *(President)* - "Thank you and good night to the Membership on behalf of the Board" *(Secretary to note adjournment time in the minutes)*

HARMON HOMES REALTY, INC. - P O BOX 614, WEST SENECA, NY 14224

HICKORY GROVE VILLAGE CONDOMINIUM
PO BOX 614
WEST SENECA, N.Y. 14224

Board of Managers

Gary Frost
Connie Grasso
Jim Guy
Rick Jachimiak
Darcy Young, President

October 4, 2022

Hickory Grove Village Condominium Unit Owners
Cheektowaga, NY

Re: **30-50 Day Notice of Proposed Amendment to the By-Laws**
Section 9.01 Selling and Leasing of Units
Proposal to Prohibit Rental Units

Dear Unit Owner,

The agenda for this year's annual meeting of Unit Owners includes a vote on an amendment to the Hickory Grove Village Condominium Declaration and By-Laws that would prohibit the renting or leasing of Units.

If approved by the owners of at least 39 Units, **the By-Laws will require each Unit to be owner-occupied**, effective with the amendment's recording in the Erie County Clerk's Office. However, Units that were not owner-occupied as of June 1, 2022, would not be required to be owner-occupied until the earlier of January 1, 2028, or a change in ownership.

A copy of the proposed Section 9.01 follows.

Sincerely,

Your Board of Managers

Should the Hickory Grove Village Declaration and By-Laws be amended by replacing section 9.01 of the By-Laws with the following? (new text is in **bold**)

Section 9.01 Selling and Leasing Units. **Except for Grandfathered Units, each of the 76 Units in the Condominium must be Owner-Occupied. Owner-Occupied means that at least one of the Owners of record resides in the Unit for at least 180 days each calendar year. The term "Owners of record" includes the following:**

- **A person named on the recorded deed of the Unit as an Owner**
- **A person who has life estate rights through the recorded deed of the Unit**
- **A person who is the primary beneficiary of a trust that owns the Unit**
- **A person formerly on the deed to a Unit where the Unit ownership includes the child(ren), spouse, or sibling(s) of that person.**
- **The child, spouse, or sibling of a deceased person whose name remains on the deed of the Unit**
- **An officer of a Corporation, or a member of a Limited Liability Company (LLC) or similar entity that is on the recorded deed of a Unit as an Owner.**

An Owner of record who is in a hospital, nursing home, healthcare facility, or hospice facility is considered to reside in the Unit.

Grandfathered Units: Units that are not Owner-Occupied as of July 1, 2022, are not required to be Owner-Occupied until the earlier of (i) a change of ownership of that Unit, or (ii) January 1, 2028. Any reference to leases in these By-Laws or the Declaration shall not be interpreted as authorizing the leasing of Units beyond these Grandfathered Units.

No short-term renting, leasing, or time-sharing of Units or any portion of a Units, or other temporary use as accommodations offered to the public, are permitted at any time. Providing Units or portions of Units through Airbnb, VRBO, Homestay, Flipkey, TurnKey, or similar services, is prohibited. Nothing in these By-Laws is intended to prevent a bona fide purchaser from taking possession of Unit, with the permission of the Seller, prior to the completion of the sale.

Units can be sold (or leased, in the case of Grandfathered Units), provided that (i) no Unit Owner shall convey, mortgage, pledge, hypothecate, sell (or lease, in the case of Grandfathered Units) or lease his or her Unit unless and until all unpaid Common Charges and Special Assessments assessed against his or her Unit shall have been paid to the Condominium, and (ii) no Unit may be leased for a term of less than six (6) months. However, such unpaid Common Charges and Special Assessments, along with any late charges, interest, or fines assessed against the Unit, can be paid out of the proceeds of the sale of a Unit or by the Grantee. Any lease of a Unit shall provide for full compliance by the tenants with the Declaration, By-Laws, Rules and Regulations of the Condominium. The Unit Owner shall be responsible for violations by such Unit Owner's tenant and shall be subject to actions by the Condominium in accordance with Section 7.09 of these By-Laws.

HICKORY GROVE VILLAGE CONDOMINIUM

November 18, 2021

SOUTH LINE FIRE CO. HALL

ANNUAL MEETING

CALL MEETING TO ORDER: The meeting was called to order at 6:06pm by Board President Darcy Young.

WELCOME AND INTRODUCTION: Management representative Michael Harmon introduced the current Board of Managers and representative from Harmon Homes Justin Harmon.

ATTENDANCE: Motion was made by 69 BWL to use the sign in sheet as proof of attendance, second by 29 BWL. All in favor, motion carried.

CERTIFICATION OF QUORUM: "As Board Secretary or the Association, I, Gary Frost, certify that 54 members are present in person or by proxy, and it shall be reflected as such in the minutes."

MOTION TO APPROVE THE ANNUAL MEETING AGENDA: 145 BWL motioned to approve the agenda, seconded by 150 BWL. All in favor, motion carried.

PROOF OF MAILING THE ANNUAL MEETING NOTICE: "Let the Minutes reflect that as Board Secretary I, Gary Frost, certify that a copy of this memorandum, dated October 15, 2021 was mailed to all unit owners of record as of that date".

READING OF PREVIOUS ANNUAL MEETING MINUTES: Board secretary Gary Frost asked for a motion to either dispense with the reading of last year's annual meeting minutes and accept for filing or read last year's annual meeting minutes and accept for filing. Motion was made by 145 BWL to dispense with the reading of last year's annual meeting minutes and accept for filing, second by 133 BWL. All in favor motion carried.

REPORT OF OFFICERS:

Presidents Report: President Darcy thanked members of the community for their volunteerism, helping to keep the front entrance groomed and looking good during the summer. Also asked members to not interfere with the lawn care contractors during the course of their service. She stated that members are not allowed to tell the contractor not to cut the community. Only management or authorized Board member can instruct contractor during the course of their service. Darcy also called for a moment of silence to remember all members of Hickory Grove who have passed away since the last annual meeting.

Financial Report: Treasurer Rick Jachimiak gave a power point presentation which highlighted the 2020 financial statement and also presented and reviewed the 2022 budget line item by line item. He also took questions from the membership. He explained that the 2022 budget will be approved at the next meeting of the Board of Managers.

ELECTION OF BOARD MEMBERS: Mike Harmon explained the election process. Mike called for additional nominations from the floor. After three requests for additional nominations a motion was made by 105 BWL to close nominations. Second by 31 HGL. All in favor, motion carried. Each person nominated to run was given an opportunity to speak on their behalf to the membership. On the ballot for consideration were Gary Belz 29 BWL, Gary Frost 17 BWL, Jim Guy 93 BWL, Rick Jachimiak 72 BWL, Kurt Oertelt 28 HGL, Marian Post 73 BWL, and Joanne Pry 32 HGL. Election Inspectors Paul Martin & Holly Narchus were appointed by Darcy Young. All members in attendance were called from sign in sheet. Election inspectors passed out ballots to all eligible members. All ballots were collected by the inspectors. A motion was made by Kurt Oertelt from 28 HGL to have the ballots tallied in front of all members. Second by 73 BWL. A voice vote was taken and the motion was defeated. All votes were counted and certified by the inspectors in the hallway to avoid any background noise.

Elected to a two-year term was:

Gary Frost, James Guy, Rick Jachimiak.

Vote totals were as follows:

Gary Belz – nine (9) votes

Gary Frost – thirty (30) votes

Jim Guy - thirty-two (32) votes

Rick Jachimiak - forty-two (42) votes

Kurt Oertelt –thirteen (13) votes

Marion Post - twelve (12) votes

Joanne Pry- seventeen (17) votes

NEW BUSINESS and or Questions and Answers:

Members of the community had an opportunity to ask questions of the current Board of Managers while the election ballots were being counted.

Connie Pieszchala from 28 HGL questioned why nothing was being done about cleaning up the pond. A discussion ensued with Connie, Skip Oertelt and the Board members. There were also several negative comments from various residents about the services from TME Landscaping. Ruts left on grass after cutting. Residents from 29 BWL & 69 BWL had questions about tree removal and care of unhealthy-looking trees. Low hanging tree branches in front of #17 BWL mentioned as needing trimming. Tree trimming mentioned as needing trimming at #60 HGL.

MOTION FOR ADJOURNMENT: motion by 29 BWL to adjourn at 7:35pm seconded by 133 BWL. Motion carried.

Respectfully submitted by Michael Harmon Property Manager

Hickory Grove Village Condominium
Pet Policy
Adopted August 8, 2022

Each Owner of a Unit, where a pet is housed or visiting, is responsible for ensuring that any person having the care, custody, or charge of that pet follow these rules.

1. Each Unit Owner is permitted to keep or allow common household pets in their Unit. No tenant or lessee is permitted to have pets without the express written consent of the Unit Owner.
2. No more than two dogs and no more than two cats are permitted to be housed in any Unit.
3. When outdoors, each dog and cat must be leashed at all times.
4. Each pet must be properly controlled. No pet is permitted to run loose, or to otherwise be a nuisance to anybody.
5. No pet may be tethered or chained to a stationary object outdoors on the Property at any time.
6. Any pet feces must be removed immediately.
7. All pets must be kept in compliance with all federal, New York State, and local regulations.

*Approved by the Board of Managers: August 8, 2022
Posted on the Bulletin Board and Website: August 9, 2022*

Replaces the previous Pet Policy from the Pet Resolution as adopted in July 2015.

Proxy envelope:

PROXY

No, I will not be in attendance at our annual membership meeting and hereby assign the following Proxy:

I _____, being a member in good standing of the Community Association, under provisions governing said community, do hereby grant my Proxy to (insert name) _____, said person being a member in good standing of the community. This Proxy is executed for this annual membership meeting, and carries with it the full right of the Proxy holder to cast his/her vote as he/she sees fit on all business as may properly come before that meeting.

NAME: _____ DATE: _____

SIGNATURE: _____ ADDRESS: _____

BE SURE YOUR DESIGNATED PROXY HOLDER WILL BE IN ATTENDANCE AT THE MEETING

ABSENTEE BALLOT ENCLOSED ☐ YES ☐ NO