

FINAL MINUTES MAY 28, 2024



Village of Bellport

Board Meeting
Monday, May 28, 2024 at 7:00PM
This meeting will be held in the Community Center

A G E N D A

This meeting is open to the public in the Community Center, located at 4 Bell Street. It is an in-person meeting and will be streamed on Zoom.

Pledge of Allegiance & Roll Call

Roll Call: Mayor Veitch, Trustee Mackin, Trustee Rohrmeier, Trustee Kuehn, and Trustee Young

On a motion by Trustee Young, seconded by Trustee Kuehn and unanimously carried, the meeting was opened at 7:03 pm.

Opening remarks by Mayor Maureen Veitch

Mayor Veitch informed the public that the Public Hearing on Term Limits will be pushed to the next meeting and will not be voted on tonight. One of the trustees, and some of the people on the board feel we have to do just a little bit more work to get the language right.

Reopen the Public Hearing from Work Session May 13, 2024

RESOLUTION OF THE VILLAGE OF BELLPORT BOARD OF TRUSTEES TO HOLD A PUBLIC HEARING TO CONSIDER AMENDMENTS TO VILLAGE CODE SECTIONS 2-302 AND 2-310 SO AS TO CHANGE TERM LIMITS FOR THE MAYOR AND VILLAGE TRUSTEES

WHEREAS, the Village has amended the Village Code so as to change the term of office of the mayor and the Village trustees from a two-year term to a four-year term; and

FINAL MINUTES MAY 28, 2024

WHEREAS, it is in the interest of the residents of the Village of Bellport to limit the overall number of consecutive terms a mayor or trustee may serve in the same office; and

WHEREAS, the Board of Trustees believes that term limits continue to be beneficial as they create predictable vacancies allowing for the opportunity for new leadership with new ideas, while at the same time promoting and maintaining policy stability and sufficient continuity and accountability enabling the oversight for and accomplishment of long-term Village goals; and

WHEREAS, the Village Code at §§ 2-302 and 2-310 already provides for an overall term limit of ten (10) consecutive years for the mayor and the trustees; and

WHEREAS, given the change from a two-year term of office to a four-year term of office for the mayor and trustees, the existing ten-year overall term limit no longer comports numerically with the Village's terms of office provisions and would result in an untenable mid-term cut off; and

WHEREAS, New York State Municipal Home Rule Law §§ 10(1)(i) and (ii)(a)(1) permit local government to enact and amend laws relating to the powers, duties, qualifications, number, mode of selection and removal, and terms of office of its officers;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Bellport will hold a public hearing on June 13, 2024 at 6:00 pm at 4 Bell Street, Bellport, New York, to consider the amendment of the Village Code to provide for a twelve year term limit for the mayor and Village trustees instead and in place of a ten year term limit, as set forth in the proposed amendments to Village Code §§ 2-302 and 2-310, included herewith, and to hear all person that are interested in the adoption of such tax exemption.

PROPOSED AMENDMENTS

Sec. 2-302. - Term limits.

- (a) **After the effective date of this section,** ~~neither~~ the mayor nor any member of the board of trustees shall serve in excess of ~~five (5)~~ **three (3)** consecutive **four-year** terms **in office** or ~~ten (10)~~ **a total of twelve (12)** consecutive years ~~after the effective date of this section~~ in such position.
- (b) In the event any such person has served ~~five (5)~~ **three (3)** consecutive **four-year** terms **in office** or **a total of ten (10)** **twelve (12)** consecutive years **in the same position,** that person shall not be qualified to serve, or be elected to serve for a period of four (4) years thereafter **for said position.**
- (c) No person shall serve in excess of three (3) consecutive terms or twelve (12) consecutive years after the effective date of this section in the office of village justice.

FINAL MINUTES MAY 28, 2024

- (d) In the event that any such person has served three (3) consecutive terms or twelve (12) consecutive years in the office of village justice, that person shall not be qualified to be elected to serve in such capacity for a period of four (4) years thereafter.

Sec. 2-310. - Term limits.

- (a) No person shall serve on the board of trustees in excess of ~~five (5)~~ **three (3)** consecutive **four-year** terms **in office** or **a total of ten (10)** ~~ten (10)~~ **twelve (12)** consecutive years.
- (b) In the event a person has served ~~five (5)~~ **three (3)** consecutive **four-year** terms or ~~ten (10)~~ **a total of twelve (12)** consecutive years as a member of the board of trustees, that person shall not be qualified to serve as a member of the board of trustees for a period of four (4) years thereafter.
- (c) No person shall serve in excess of three (3) consecutive terms of twelve (12) consecutive years in the office of village justice.
- (d) In the event that a person has as served three (3) consecutive terms or twelve (12) consecutive years in the office of village justice, that person shall not be qualified to serve in such capacity for a period of four (4) years subsequent thereto.
- (e) No person shall be qualified to serve, not be qualified to be elected to serve, in any elective position unless that person shall be capable of serving the complete term of office in accordance with the term limit provisions provided herein.

Sec. 2-311. - Service limits.

No person shall be qualified to run for, be elected to, or serve in, any elective office of the village if that person has more than twenty-five (25) years of service in elective office in the village.

Sec. 2-312. - Intent.

It is the intent of this division that in calculating terms of service and years of elective service for any person, that such elective service occurring before the date of passage of this division shall be included in determining the qualification of any person to serve as an elected official of the village. It is further intended that no person presently serving in an elective office shall be disqualified from serving the complete term of office as a result of any provision of this local law.

FINAL MINUTES MAY 28, 2024

Sec. 2-313. - Intent/supersession.

It is the intent of this division to supersede the provisions of Village Law §§ 3-300(1), 3-300(2), 3-300(4), 3-312(4), 3-312(5) pursuant to § 10 of the Municipal Home Rule Law to the extent necessary to carry out the provisions of this division. (Exhibit 1).

Open to Public

RESOLUTION: Approve the change of term limits of Mayor and Trustees from ten (10) years to twelve (12) years.

Close Public Hearing

Reopen Meeting

Mayor Veitch opened the meeting to the public.

Open to Public

Herman Miller from 11 George Court stepped up to the microphone. About 4 ½ years ago, I and a few other residents of George Court came to the Board regarding the quality-of-life problem on George Court. We have a bus company next door, and I would like to share what the quality of life sounds like. Mr. Miller played a recording of the noise that the neighborhood must endure. The sound was deafening. There are an estimated 50 or 60 buses in the bus yard that start the buses early in the morning. If there's one bus going out, it takes five minutes to back it up in the morning. The 50 or sixty buses come back in the afternoon and back up so they can go out in the morning without having delays. It can go on throughout the day and afternoon from 2:00 pm to 5:00 pm. The noise is constant as they back up and return to the bus yard. Why I'm here is because nothing has happened since we first attended the Board meeting. Looking back over the past few years, we filed the 1st complaint in 2019 with the Village. It took 3 years to move to the court and there has been some movement. The defendants moved to have the case dismissed. The judge that was assigned dismissed the motion and it goes on.

Mr. Miller wants to have the Village make it a priority. They need to push the attorneys and say this isn't acceptable. We sit here and wait. It's months since the discussions were denied. I'm asking the Board to please make it a higher priority. I would appreciate you making it your goal to try and help the people there that's been living with this for many years. Thank you.

Mayor Veitch thanked Mr. Miller for bringing this to our attention. It is a priority for the Board, and as a Board we must adhere within the constraints of the legal profession. We will continue to make this our priority.

FINAL MINUTES MAY 28, 2024

Frank Datri is concerned about the hours of the dock being open especially in the early morning. It's probably the most important part of the Village for almost everyone, whether it's just to go for a ride around the dock or fishing and water skiing. The gates should be open from at least 5:00 am to after the sun moves down. Personally, I think the most beautiful times of the day are sunrise and sunset, and to have the gates closed is outrageous.

Mayor Veitch stated that it does close at 11:00 pm and we have been working closely to coordinate closely with code officers. The highway department opens the gates at 5:45 am.

Tom Binnington stated that he just got off the golf course a few hours ago and would like to see some sort of flowers at the entrance of the country club. The golf course looked beautiful.

Sherry Binnington thanked Mike Smith for taking over the job of planting flowers. Tom and I have been doing it for 17 years and it was time to pass it on. She thanked her husband for the great job he did planting the flowers.

Mayor Veitch thanked all involved for providing the lovely flowers.

Mrs. Binnington continued with pointing out her concern that seniors in the Village don't use computers or don't have a computer. Seniors don't like to drive at night and won't come to meetings. The only way they find out about things is through word of mouth or the newsletter. She thanked the Board for the newsletter.

The next topic she addressed was Browns Lane and Shore Road guiderail which she referred to as a "barricade". Mrs. Binnington commented that the barricade was discussed at a Work Session November 13th and I assumed it would be discussed at the Board Meeting November 27th. On the computer the meeting of November 27th mentioned drainage and it was discussed a lot. My only feeling is that a lot of people that knew about this barricade at the end of Brown's Lane, were not aware that it would not be a split rail fence, allowing residents to look out into the water. I thought that the newsletter might mention the barricade.

The last issue Mrs. Binnington discussed was her concern about the 2 to 4 years for mayor and trustees' terms. She feels the Village should have sent out to residents a survey on whether it should be 2 to 4 years for mayor and trustees. Also, in regard to term limits, it should be 8 not 12 years. Last comment when Sherry was a trustee there was a deputy mayor and I don't see one for the last year.

Joann Specht spoke about Browns Lane. She lives at 26 Browns Lane and has lived there for 25 years and raised 3 children. Mrs. Specht wanted to share her feelings about the end of Browns Lane, and the general topic of widening our historic lanes and

FINAL MINUTES MAY 28, 2024

sidewalks. She is very concerned about the serious safety issue (barrier) that has been constructed at the end of Browns Lane and Shore. Children in the village ride their bikes down the lanes on their way to sailing. The barrier that has been constructed now forces these young children on bikes and other pedestrians to squeeze in between 2-way traffic on a tight curve. This barrier also robs residents of access to one of the most beloved vistas in our village. As you know, Browns Lane is the oldest street in our village. People watch the sunsets and the sunrises in this area. Mrs. Specht touched upon a prior accident involving a garbage truck on Browns Lane. She has never seen any type of accident, or even an incident at the bottom of this road.

We understand Fiona and JD struggling with the noise that is happening in the middle of the night. But this could be solved with an appropriate scale barrier such as a split rail fence that is more in keeping with the historic nature of our village, and that would allow pedestrians and children to walk behind it away from the traffic. In conclusion, I'm asking this Board to reconsider the widening of Shore Road and to maintain a historic village and to reconsider a more aesthetically pleasing barrier.

Mayor Veitch thanked her for her comments.

Tom Binnington commented on his childhood and sledding down Browns Lane. There weren't any barriers there and it wasn't dangerous. In the last couple of years, suddenly it's become dangerous and tremendous concerns with safety. Why are we anticipating so much danger all of a sudden?

Mayor Veitch thanked Tom for his comments.

Mayor Veitch continued the meeting with updates on the capital projects and started with Browns Lane and Shore Road. There are a small number of residents who feel this way about Browns Lane who have spoken this evening Mayor Veitch continued with a statement on the changes our society has made over the decades, sighting seatbelts, kids playing with dry cleaner bags, smoking on planes and smoking in general. Things change and so there isn't an obsession with safety in regards to Browns Lane. There is a desire to incorporate safety into all of our decisions, including state of the art thinking about roadsides.

Mayor Veitch then spoke about a letter she prepared for some people who came to see her last Friday. Their concern was with the aesthetic of the diagram of the barrier. Mayor Veitch summarized a letter concerning Browns Lane and Shore Road.

Mayor Veitch stated that we the Village really want to open Browns Lane. It's been closed for nearly 3 years. The area behind the guide rail has not been designed yet. We want to have drainage there because we're concerned about flooding. The village will add a combination of plant materials to create a garden that will help with drainage.

FINAL MINUTES MAY 28, 2024

With this in mind our main goal is to open the road and open it safely. Our administration prioritized the opening while ensuring safety, aesthetics, and practicality.

To complicate the opening, our team faced several challenges as we worked on the project. Some of those included the DEC who all of a sudden wanted to weigh in on the project. We had to pull in Brant Reiner one of the partners from Nelson and Pope and asked him to help us with the no jurisdiction letter. Mr. Reiner was the one who came up with the concept of putting a drainage garden behind the barrier. A letter of no jurisdiction was obtained in mid-December.

Dealing with weather was another major problem with flooding during the winter and it's likely to get worse. No one would disagree that the road is nearly at sea level. We're trying to solve flooding and make sure the water dissipates as quickly as possible. So, we really focused on draining. If it's 30 degrees out there, it is a safety issue.

The next problem was dealing with seasonal constraints and putting asphalt down during the winter.

When you come to a road that goes downhill and faces a body of water a code in the Federal Highway Administration (FHWA) mandates you must put a galvanized steel barrier. This is covered under 617 60, 61, and 62, guide decisions regarding guardrail and steel backing. Can you imagine if we had put a galvanized steel barrier at the end of Browns Lane. That would be very ugly. We looked at what we had done down at the dock where the benches face the water, and we made the barrier the same width, same look and feel so that it would blend in with the nearby setting.

The administration has been as transparent as possible with this project. I wish that the comments about the barrier were given to the Board before the barrier had been installed. The road will be finished probably next week and the guide rail is there.

As I stated before, the garden hasn't been designed yet but if concerned citizens wish to have input about the garden, I would love to hear from you. We are going to consult with professional road designers and professional landscapers.

Browns Lane will be widened only in one area where people pull their car over to access their kayaks. All of the residents who live there have property that has encroached on village property. So, we're not taking someone's property we are widening the road to make it safe for cars parking on the road to access kayaks.

The HUD Grant is moving along with the completion of the environment report which has to be done before we move any further.

We are waiting for the reimbursement of approximately \$680,000 to \$700,000 from FEMA which was submitted and expected in the near future. The 3rd and final submission is being worked on for final payment.

FINAL MINUTES MAY 28, 2024

GEI is working on the Howell's Creek project. We are trying to mitigate the erosion that's occurring on the west side of the creek that's effecting part of the golf course. At this point, we are waiting for permits to proceed.

Ho Hum beach and solar panels. Over the weekend the solar panels lasted 7 minutes and we were worried that we wouldn't have a beach. Without the solar panels working and providing electricity, you don't have pumps for the water in the bathroom and without the bathrooms I don't believe the Health Department will let us keep the beach open. We definitely have an emergency situation and we provided a generator for a sort of bandaged situation. The Board is talking to PSEG to compensate the village for the solar panels. Sunation will be providing and installing the panels. Again, this is an emergency situation to have an operating beach. These panels have been out of date for several years, and I wish we would have been able to do this 4- or 5-years ago.

Village Hall update we are going to shingle the outside of the Village Hall with shingles that will have exposure of approximately 8 to 10 inches. The shingles will be pre-dipped and pre-painted so they will last for a long, long time. Gutters and leaders have been installed all around the building and very little moisture has been found in the basement.

Trustee Updates

- a. Steve Mackin – DPW, Kids Camp, Bellport Fire Department, South Country Ambulance, Suffolk County Police Department
 - Kids Camp Enrollment is open to resident and non-residents alike. Enrollment has been consistent with other years.
 - Fire Inspector is being interviewed next week.
 - The parade went very well and everyone enjoyed the morning.
- b. Nathan Rohrmeier – Code Enforcement/Road Safety, Waterfront (HUD), Golf and Tennis
 - Golf/Tennis Update – both summer programs are open for enrollment. Very positive feedback on the opening of the golf season. The tennis shed has been painted and ready for the season. Thanked code for the great job they did with the parade.
- c. Lorraine Kuehn – Communication/Website, Business District, Senior Program, Vouchers
 - Upgrade Audio/Visual Equipment – we will be looking at new equipment for our meetings and staff to
 - Presentation on cyber security and scams for Seniors by Officer Vinny Maio on May 29th at 11:30 am in Community Center. Trustee Kuehn commented on the Senior Program scheduled for Wednesday. All are welcome.

FINAL MINUTES MAY 28, 2024

- d. Michael Young – Zoning Board of Appeals, Architectural Review Board, Beautification Committee, Planning Board, Historical Preservation, Yacht Club/Sailing Foundation

On Thursday an inch of rain fell in record time in the Village. Trustee Young was out of town and received an alert that alarms were going off inside his house on Bellport Lane. What was striking to him was the responsiveness of our Department of Public Works and the Bellport Fire Department. I want to give a special shout out to Jason Crane, Lance Macioce, and the Fire Department for their outstanding responsiveness.

Trustee Young continued over the weekend, I met the new commodore, Brooks Dermont. His first question even before saying hello was where is the lease for the Yacht Club. The documentation is not perfect between the village and the Yacht Club. What we want to do is just get it in place with plain English, understandable, and a straightforward documentation. The Yacht Club will be a lease and the Sailing Foundation a license. Trustee Young will work with the attorney to have the documents that will be multi years and don't have to be talked about year after year.

As part of Trustee Young's committees, he will be working on the review of the Architectural Review Board. The idea is to streamline our systems and processes of the Architectural Review Board in order to make permits faster, less costly, less of a burden on applicants and homeowners. The process will be more disciplined and consistent. I will be the point of person for the project. We will be planning a series of meetings and the point is, if you have any thoughts on how assistance can be made better, please reach out to me. I expect it's going to take up most of the summer so there's going to be lots of opportunities for input and thoughts. There really is no specific agenda other than to just make it less costly and more streamlined.

- Review Codes for Zoning Board of Appeals
- Yacht Club/Sailing Foundation

Open Discussion:

Mayor Veitch gave an overview of the wonderful lecture that was given by Douglas Tallamy on May 26th at the Community Center. Professor Tallamy is a world-renowned entomologist, ecologist, and conversationist. The lecture focused on native north American plants, trees, and caterpillars. The community members were very enthusiastic about implementing the ideas and concepts that Professor Tallamy lectured on. The Bellport Environmental Committee coordinated the lecture and Mayor Veitch thanked all the members for their efforts.

FINAL MINUTES MAY 28, 2024

Mayor Veitch continued with the resolutions for approval by the Board.

Motion: Trustee Mackin - Second Trustee Kuehn

Resolution: 85 Approved the FINAL of Board Meeting Minutes of April 22, 2024.

Motion: Trustee Rohrmeier - Second Trustee Mackin

Resolution: 86 Accepted the Audit Report for the year ending May 31, 2023 as presented by Cullen & Danowski.

Motion: Trustee Rohrmeier - Second Trustee Kuehn

Resolution: 87 Approved the hiring of Election Inspectors for the June 18, 2024 Village Vote from 7:00 am to 9:00 pm as follows: Lorraine Crowley (Chief Inspector \$19 per hour) Camille Brideson, Gladys Ramondetta, Janet Trapasso, and Kelly Berwick (Inspectors \$17 per hour).

Motion: Trustee Rohrmeier - Second Trustee Mackin

Resolution: 88 Approved the 2024 Agreement with Louis Nunez, Tennis Director for \$18,000 annually as presented.

Motion: Trustee Kuehn - Second Trustee Rohrmeier

Resolution: 89 Approved the promotion of Theodore (Teddy) Hermus effective June 3, 2024 as Assistant Superintendent of DPW as presented.

Motion: Trustee Mackin - Second Trustee Rohrmeier

Resolution: 90 Approved the promotion of Mark Goode effective June 3, 2024 as AEO to replace Kyle Geraghty (resigned).

Motion: Trustee Mackin - Second Trustee Kuehn

Resolution: 91 Approved the hiring of Thomas Wild effective June 3, 2024, as a laborer to replace Mark Goode.

Motion: Trustee Rohrmeier – Second Trustee Mackin

Resolution: 92 Accepted the retirement of David Kaskel from DPW effective May 6, 2024.

Motion: Trustee Rohrmeier - Second Trustee Mackin

Resolution: 93 Approved Kreamer Street Elementary School 3rd Grade Picnic on June 20, 2024, at the Marina, to have an inflatable obstacle course (insurance provided).

Motion: Trustee Rohrmeier - Second Trustee Kuehn

Resolution: 94 Approved the Bellport Village Program Fund to have Family Night at Mother's Beach, July 27, 2024, 4:30 pm to sunset.

FINAL MINUTES MAY 28, 2024

Motion: Trustee Rohrmeier - Second Trustee Young

Resolution: 95 Approved Bellport Village Program Fund to hold a Sandcastle Contest August 31, 2024, 10:00 am to 5:00 pm at Ho Hum Beach.

Motion: Trustee Rohrmeier - Second Trustee Mackin

Resolution: 96 Accepted a pool table from the McGinness family. Table to be picked on Friday, May 31, 2024 and donated it to the Boys & Girls Club of Greater Bellport Area.

Motion: Trustee Mackin - Second Kuehn

Resolution: 97 Approved an Intermunicipal Agreement between the Town of Brookhaven and Village for Fire Marshal Services effective the date of execution and shall remain in full force for a period of one year, with three optional one-year extensions.

Motion: Trustee Mackin - Second Trustee Rohrmeier

Resolution: 98 Approved an Intermunicipal Agreement Between the Town of Brookhaven and Village of Bellport for Functional Consolidation Services.

Motion: Trustee Rohrmeier - Second Trustee Young

Resolution: 99 Approved the Bellport Bay 5K fundraiser on July 14, 2024 from 4:00 pm to 6:00 pm as presented.

Motion: Trustee Rohrmeier - Second Trustee Young

Resolution: 100 Approved the agreement for use of Mary Immaculate property for Kids Camp as presented.

Motion: Trustee Mackin - Second Trustee Rohrmeier

Resolution: 101 Approved Compensated Absences Payout for retiree Dave Kaskel in the amount of \$24,761.60 as presented.

Motion: Trustee Kuehn - Second Trustee Rohrmeier

Resolution: 102 Approved the Town of Brookhaven 2024 Community Development Block Grant in the amount of \$50,000.00 as presented.

Motion: Trustee Mackin - Second Trustee Kuehn

Resolution: 103 Approved the transfer of funds in the amount of \$206,000 to Equipment Purchases from Community Center \$180,000 and Personal Services AEO \$26,000. Funds are needed to cover the purchase of new garbage truck from Long Island Sanitation.

Motion: Trustee Rohrmeier - Second Trustee Mackin

Resolution: 104 Approved the quote from Sourcepass for MFA Solutions (Multi Factor Authentication), set up fee of \$2,400 and a fee of \$1,512 per year.

FINAL MINUTES MAY 28, 2024

Executive Session (if needed)

On a motion by Trustee Mackin, seconded by Trustee Rohrmeier and unanimously carried the Board moved into Executive Session to discuss personnel and litigation at 8:04 pm.

On a motion by Trustee Young, seconded by Trustee Rohrmeier and unanimously carried the Board closed the meeting at 8:38 pm,

Respectfully submitted,

Mary Pontieri
Village Clerk