

**VILLAGE OF SHOREHAM  
BOX 389  
SHOREHAM, NEW YORK 11786**

REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE INCORPORATED VILLAGE OF SHOREHAM HELD IN THE VILLAGE HALL, 80 WOODVILLE ROAD, SHOREHAM, NY ON JUNE 11, 2019 AT 7:30 O’CLOCK PM.

PRESENT:

Brian C. Vail	MAYOR
Leonard Emma	DEPUTY MAYOR
Sherry Neff	TRUSTEE
Mariann Coogan	TRUSTEE
Cathy Donahue Spier	CLERK/TREASURER

Commissioners, Officials, and Residents present: MaryLou Abata, Joe Aretz, Neil Baggett & Nancy Delagi, Laura Baisch, Gretchen Barnhart, John Bates, Joanne & Steve Blum, Michael Brogden, Judy Buyar, Laurie Clark, Barbara Kullen, Barbara Daddino, Celeste & Jim DeSario, Annmarie Emma, Joe Falco & Mimi Oberdorf, Judy & Randy Goat, Roxane Gruenheid, Deborah Lohman & Richard Rubin, Dawn & David Madigan, Laura Miller, Diana Murphy, Val Naso, Barbara Richter, Cathy Silverstein, Gretchen Stevens, Jean Sweet, Gil Tastrom, Stephen Walker & Yonda Ashley, Ed Weiss, John Weiss, and others.

OPEN MEETING

Mayor Brian Vail opened the Regular meeting at 7:30 pm.

*Pledge of Allegiance*

MAYOR'S COMMENTS:

Mayor Vail reported that Trustee Stephen Walker resigned on June 4, 2019 and the resignation was accepted by the Mayor with the unanimous concurrence of the Board.

Mayor Vail also stated the policy regarding the recording of residents’ comments in the minutes. The minutes will not include hurtful or inflammatory remarks concerning other people. Please advise Mayor Vail if you believe your comments were not accurately reported.

RESIDENTS' COMMENTS / Concerns / Communications

Mimi Oberdorf has been working with the TSVA on the installation of a new Veteran’s plaque since the Village Centennial in 2013. The TSVA intends to make a presentation of the plaque on Sunday of Veterans’ Day weekend (November 10, 2019). Currently they are still seeking monetary donations to offset the cost which is about \$2,000. Mimi asked if the Village would donate some money to the cost of the project. The Board indicated that they will look into it.

Celeste DeSario had a few questions regarding next week's Village Election ballot. She asked if a notice would be going out listing the candidates. Mayor Vail said the Village will send out a notice stating the time and place of the election, but not list the candidates. She asked if Stephen Walker's name would still be on the ballot. The Mayor responded that it was.

Laurie Clark asked why the Board was appointing a replacement trustee when there is an election later this month. Mayor Vail explained that there is currently a vacancy on the Board and it is his job to fill it.

A resident asked when the election is being held. Clerk Spier responded that the election will be held next Tuesday, June 18, 2019. A legal notice was placed in the Village Beacon Record and an email reminder will be sent out this week and the day before the election.

Celeste DeSario questioned whether proper legal notice had been given regarding the bond and asked what happens if a legal notice isn't published. Mayor Vail noted her comment and thanked her. Clerk Spier said that she would look into it.

Judy Buyar stated she missed the last meeting and still had budget questions, specifically why there is no listing of capital improvement items. She also asked if the Village prioritized its capital expenditure decisions based on the number of residents affected. The Mayor answered that it depends on the nature of the improvement. She also questioned \$9,500 to rent the parking lot from the Shoreham Country Club (owner) and asked who pays for all the parking lot improvements. The Mayor responded that the Village pays for the improvements because the parking lot is used by the Village residents, guests, and contractors. She noted \$2,800.00 is budgeted for building cleaning and wanted to know what that is for and who does the cleaning. Clerk Treasurer Spier explained that the building is cleaned before and after rental events, including bathrooms, and on a regular basis as is needed. Certain cleaning procedures are performed by the Village Steward and others annually by professional companies such as carpet cleaners.

MaryLou Abata stated the code officers in Belle Terre use a Resident Watch form for when their residents are out of town and inquired whether we could do the same. Mayor Vail stated this idea had already been discussed with counsel who advised us that Code Officers should not perform that function.

Stephen Walker stated that he took the matter of his resignation very seriously. He stated that he resigned from an appointed position and now intended to run for his own seat. He indicated that he had concerns about issues that have arisen while he has been a Trustee on the Board and that is why he seeking to run for the position of Trustee.

Jean Sweet brought up the Newsday article on water contaminants on Long Island and asked whether we have any information on our water supply here. Deputy Mayor Len Emma assured her that the county issues a very inclusive summary and that according to the Suffolk County Water Authority (SCWA) we are in good shape.

Joanne Blum noted the SCWA renovated the outside of their building on Towerhill and she thinks it's "ugly." She wondered if we could ask them to add some bushes or landscape it.

Yonda Ashley announced the Shoreham Village Garden Club is restoring the Sunset Sunrise Herb Garden originally donated by John Bates. There are plenty of herbs so if anyone needs a few for cooking, please help yourself to a small cutting.

Jean Sweet commented that she and her husband Bob are very happy with the curbing and thanked the Board. That prompted Mayor Vail to ask if anyone else had compliments. Judy Buyer said she was delighted to see the commemorative bench for MaryJane Stangby.

Clerk Cathy Spier reported the telephone and email record of residents' communications that her office had received. They included: Commissioner Aretz stating that the construction work at 1 Gridley Rd. had been starting too early and on Sundays in violation of the Village Code, and emails from Residents F.Garsten, N.&J. Bates, J.&J.Fiddes, P.Petersen, N.Kurtz, and B.Kullen objecting to the relocation of Bud Seigel's Beach Lane sign.

A number of residents commented on the pros and cons of moving the Bud Siegel Beach Lane sign.

Building Commissioner Joe Aretz reminded residents that Village law governs the hours when commercial contractors and landscapers are allowed to work in the Village and that that law prohibits work on Sundays.

Code Commissioner Roxane Gruenheid confirmed that the downstairs bathrooms are now open whenever the code officers are on duty.

Mayor Vail announced the appointment of Laura Baisch to fill the vacancy created by Trustee Walker's resignation. Mayor Vail stated that he made the appointment with the support of the entire Board, and the appointment would end on June 30, 2019. Clerk Spier will administer the oath of office to Trustee Baisch immediately after the meeting.

#### ADMINISTRATIVE ITEMS / CLERK/TREASURER REPORT

Minutes – Motion to approve minutes from the May 14<sup>th</sup>, May 28<sup>th</sup> and June 4<sup>th</sup> Board of Trustees Meeting.

*Approved.*

*(Vail – Neff 4-0)*

#### HEARING ON PROPOSED LOCAL LAW AUTHORIZING AN OVERRIDE OF THE CAP ON THE TAX LEVY

Motion to close regular meeting and open hearing on proposed local law to override the cap on the tax levy.

*Approved*

*(Vail - Neff 4-0)*

Clerk/Treasurer Spier indicated that she had made all the proper notifications for the hearing. Mayor Vail stated that while the tax rate will only increase 1.5 %, the tax levy will increase 4%. This is due to residential property re-assessments and re-evaluations of the special franchise assessments by the NYS Office of Real Property. The allowable tax growth factor for the Village is 1.02% and the proposed tax levy will exceed the allowable limit. Therefore, the Village must enact a law permitting a tax levy in excess of the limit. A general discussion ensued regarding the 2019-2020 tax levy.

Motion to close the hearing and open the regular meeting.

*Approved*

*(Neff - Vail 4-0)*

Resolution 2 of June 2019: Enactment of the proposed local law authorizing a property tax levy in excess of the limit established in general municipal law section 3-C

WHEREAS, the board has caused notice to be given and a public hearing be held;

NOW THEREFORE BE IT RESOLVED: and be it enacted by the Board of Trustees of the Village of Shoreham a Local Law Authorizing a Property Tax Levy in Excess of the Limit Established in General Municipal Law Section 3-c.

*Approved*

*(Vail- Coogan 4-0)*

#### BUDGET HEARING

Motion to close regular meeting and open hearing on the proposed budget.

*Approved*

*(Vail - Neff 4-0)*

Clerk Spier reported that she made all the proper notifications/publications.

Deputy Mayor Vail presented the 2019-20 budget. Total revenues equal \$1,003,007 and total expenses equal \$1,003,007. Both the revenues and the expenditures are reduced approximately \$400,000 from last year due to the completion of the roadwork project and transfer of bond funds to the Capital (H) Fund for future roadwork. Otherwise, the revenues are similar to last year except for rental income and building permit fees which were reduced slightly. Interest income was increased to reflect the higher interest rates. Fund Balance will be appropriated in the amount of \$65,000. The expenditures are similar to last year except all roadwork is budgeted in the capital budget (H fund) and is not included in the operating budget. An assessor budget line has been created and, due to the increased office hours, the clerk's office budget has been increased. This year's budget does not have maintenance or repair lines for the Village Hall or the tennis courts.

The capital projects line is budgeted for \$130,000 and repairs and maintenance will be transferred from this line. In the fall, the Village Commissioners and Trustees will develop a 3-

and 5-year capital plan and a capital projects list which will most likely address the Village Hall deck and railing, the lower level doors and windows, and replacement street signs. One paddle tennis court needs to be restored and this will occur within the next 3 years.

The tax rate will be \$503, which is a \$7.00 increase over last year. The tax bill will contain two roadwork assessment lines to mirror the bond payments. The break-down is that the tax rate is \$396 per \$1,000 of assessed value, the assessment for Bond #1 is \$55 per \$1,000 of assessed value and for Bond #2 is \$52 per \$1,000 of assessed value. The reason for this is that when the bonds expire, the intention is to remove the assessments from the tax bill. The garbage assessment will remain the same at \$269.61 per household. The overall tax rate will only increase by 1.5%., despite the 17% increase in the Fire Contract.

After a general discussion ensued regarding the proposed budget, a motion was made to close the hearing on the proposed budget and open the regular meeting

*Approved*  
*(Neff - Vail 4-0)*

Motion to adopt proposed 2019-2020 budget (attached hereto).

*Approved*  
*(Vail - Neff 4-0)*

#### Resolution 3 of June 2019 - Amending the Village Procurement Policy

The Board adopted an amendment to the Village Procurement Policy to address situations where an initial estimate becomes moot after unforeseen circumstances occur such as during the tennis court seating project.

WHEREAS consistent with General Municipal Law § 104-b the Village has adopted a Procurement Policy, and

WHEREAS despite best efforts to identify an expected maximum cost which determines the method of purchase under ¶ 3 of the Policy the cost of a public works project may exceed reasonable expectations.

NOW THEREFORE to abide any such development going forward, the Procurement Policy is hereby amended by addition of a new ¶ 7 as follows:

7. In the event that any verbal or written quotation appears likely to be exceeded while a public works project is underway, the Board of Trustees shall suspend the work pending professional advice on proceeding consistent with General Municipal Law § 104-b.

*Approved*  
*(Vail - Neff 4-0)*

#### Resolution 4 of June 2019 – Introduction of a Proposed Solicitation Law

The Board adopted a resolution to introduce a new solicitation law which would require vendors to obtain a permit from the Village before soliciting door-to-door within the Village.

WHEREAS, the Board of Trustees has identified a need to repeal and replace the existing provision of Village Code Chapter 23A, a Local Law Entitled Solicitation with the enactment of Village Code Chapter 23AA, a Local Law Entitled Solicitation.

WHEREAS, the Board of Trustees has caused the preparation of a such law repealing and replacing of Village Code Chapter 23A, a Local Law Entitled Solicitation, and

WHEREAS, the aforesaid proposed local law is available for consideration by the public,

NOW THEREFORE it is resolved that the Village Clerk is authorized and directed to post on the Village Bulletin Board and the Village Website and to publish in the Times Beacon Record a public notice for a public hearing on the 9<sup>th</sup> day July 2019 at 7:30 PM at the Village Hall to consider enactment of the aforesaid local law entitled:

A Local Law Repealing Village Code Chapter 23A, A Local Law Entitled Solicitation, and Enacting Chapter 23AA, A Local Law Entitled Solicitation.

***Approved***  
***(Vail - Emma 4-0)***

**ABSTRACT/INVOICE APPROVAL  
OPERATING FUND**

- 2018039 - \$4,042.11 (May 29th payroll & utilities)
- 2018040 - \$1,000.00 (Return of rental deposit – Wading River PTA – cancelled event)
- 2018041 - re-issue of lost check approved at June 4th Bd. Mtg. (\$1,791.83 - Melius)
- 2018042 – \$3,181.92 (Balance of payment for tennis court seating project)
- 2018043 - \$21,125.99 (invoices received since last meeting)

TOTAL: \$29,350.02

**CAPITAL FUND**

- 18 - \$75,567.01 (DF Stone, drainage work May 1st – 15th less 10% retainage)

Total of Capital and Operating Fund Expenditures - \$104,917.03

***Approved***  
***(Vail - Neff 4-0)***

**RENTALS / USE OF VILLAGE HALL:**

- Return of \$1000 security deposit to Laura West – ED 6/1/19
- Resident Ed Brickley – Sunday, August 11, 2019 – UL – 2-5pm - Memorial service
- Resident McParlin requested to use the beach for a baptism on June 23, 2019 from 10:00 am to noon.

***Approved if Brickley changes the time to 5pm***

*Approved*  
*(Vail - Emma 4-0)*

## REPORTS FROM THE BOARD OF TRUSTEES

DEPUTY MAYOR LEN EMMA:

Roadwork Update: Trustee Emma reported he had nothing new to add from last month's report. The project is currently in progress. Paving will take place in the fall. Resident Stevens reported that the drains on Overhill Rd., Beatty and Oliver Rd. are getting clogged and this causes water to run through her yard.

Utility Pole: With respect to the utility pole on Circle Drive that was struck by a motor vehicle last month and is leaning, Trustee Emma reported Commissioner Riley is waiting for Verizon to inspect it. The defect is not impairing our service.

Deer Management Report: Barbara Daddino reported she recently met with the Pine Barrens Commission, County Executive Steve Bellone's representative, Governor Cuomo's representative (Terry Gallagher) and representatives from civic groups, the Audubon Society, and farmer groups to continue discussing the necessity of a regional deer management plan.

Code Enforcement: Commissioner Gruenheid submitted her 2018 Code Enforcement Year-End Report and summarized the data from the 79 reports. The data includes how the officers were notified, the type of call, day of week, code violations, and reports that should have been made to the SCPD instead of to the code officers. More calls are made on Saturday and Sunday than any weekdays. Noise complaints, followed by Building Code/Criminal Mischief, represented the most calls. A copy of Commissioner Gruenheid's report is available in the Village Clerk's office. Commissioner Gruenheid thanked Mayor Vail, Trustee Emma and the Board for all their support.

REPORT FROM TRUSTEE SHERRY NEFF:

Fire District/Fire Department: Clerk Spier read the Home Rule request that has been submitted to both the NYS Assembly and NYS Senate.

EXTENSION OF THE ROCKY POINT FIRE DISTRICT

Resolution 5 of June 2019 – A Resolution Authorizing the Mayor to Send a Home Rule Request to the New York State Legislature for Special Legislation Authorizing the Town of Brookhaven, County of Suffolk, to Extend the Boundaries of the Rocky Point Fire District to Include the Territorial Boundaries of the Incorporated Village of Shoreham for the Purpose of Providing Fire Protection.

WHEREAS, Article IX of the New York State Constitution, Section 2(b)(2) and Section 40 of the Municipal Home Rule Law provide for the enactment of special laws by the New York State Legislature, initiated by a Home Rule Request from a local municipality; and

WHEREAS, the Village Board of the Village of Shoreham wishes to send a Home Rule Request concerning special legislation affecting New York State Town Law 170(2); and

WHEREAS, Town Law 170 explicitly does not authorize a Town Board to extend a fire district into the territorial boundaries of an incorporated village; and

WHEREAS, by letter dated May 22, 2019, the Board of Fire Commissioners of the Rocky Point Fire District and by letter dated April 26, 2019, the Board of Trustees of the Incorporated Village of Shoreham have requested that the Town Board of the Town of Brookhaven extend the boundaries of the Rocky Point Fire District to include the territorial boundaries of the Incorporated Village of Shoreham for the purpose of providing Fire Protection; and

WHEREAS, it is hereby determined that a necessity exists for such legislation in the Town of Brookhaven, County of Suffolk, and the Town Board of the Town of Brookhaven does not have the authority to enact such legislation by Local Law; and

WHEREAS, the requested legislation would amend New York State Town Law § 170(2) to authorize the Town of Brookhaven to extend the boundaries of the Rocky Point Fire District to include the territorial boundaries of the Incorporated Village of Shoreham for the purpose of Fire Protection.

NOW, THEREFORE, BE IT RESOLVED that the Village Board of the Village of Shoreham hereby authorizes the Mayor of the Village of Shoreham to send a Home Rule Request, pursuant to Article IX of the New York State Constitution and § 40 of the Municipal Home Rule Law to the New York State Legislature for a special law authorizing and empowering the Town Board of the Town of Brookhaven to extend the boundaries of the Rocky Point Fire District to include the territorial boundaries of the Incorporated Village of Shoreham for the purpose of providing Fire Protection; and be it further

RESOLVED, that the Mayor of the Village of Shoreham is hereby authorized and directed to complete and execute a "Home Rule Request" and any and all documents that are necessary to request the enactment of the above referenced Special Legislation; and be it further

RESOLVED, that the Village Board directs the Mayor to provide a copy of this resolution to the Governor and Legislature as follows:

Senate Home Rule Counsel  
Senate Post Office  
208 Legislative Office Building  
Albany, New York 12247

Assembly Home Rule Counsel  
Assembly Post Office  
210 Legislative Office Building  
Albany, New York 12248

The Honorable Andrew M. Cuomo  
Governor of New York State  
New York State Capitol Building

Assemblyman Fred W. Thiele  
Assembly District 1  
LOB 746

Albany, New York 12224

Senator Kenneth P. LaValle  
Senate District  
Legislative Office Building  
188 State Street, Room 806  
Albany, New York 12247

Senator John J. Flanagan  
Senate District 2  
Legislative Office Building  
188 State Street, Room 805  
Albany, New York 12247

Senator Thomas D. Croci  
Senate District 3  
Legislative Office Building  
188 State Street, Room 306  
Albany, New York 12247

Senator Phil Boyle  
Senate District 4  
Legislative Office Building  
188 State Street, Room 814  
Albany, New York 12247

Senator Carl L. Marcellino  
Senate District 5  
Legislative Office Building  
188 State Street, Room 811  
Albany, New York 12247

Senator Kemp Hannon  
Senate District 6  
The Capitol, Room 420  
Albany, New York 12247

Senator Jack M. Martins  
Senate District 7  
Legislative Office Building  
188 State Street, Room 946  
Albany, New York 12247

Assemblyman Steven Stern

Albany, New York 12248

Assemblyman Anthony H. Palumbo  
New York State Assembly  
Assembly District 2  
LOB 719  
Albany, New York 12248

Assemblyman Joseph DeStefano  
Assembly District 3  
LOB 534  
Albany, New York 12248

Assemblyman Steven Englebright  
Assembly District 4  
LOB 621  
Albany, New York 12248

Assemblyman Douglas Smith  
Assembly District 5  
LOB 433  
Albany, New York 12248

Assemblyman Phil Ramos  
Assembly District 6  
LOB 648  
Albany, New York 12248

Assemblyman Andrew R. Garbarino  
Assembly District 7  
LOB 529  
Albany, New York 12248

Assemblyman Michael J. Fitzpatrick  
Assembly District 8  
LOB 458  
Albany, New York 12248

Assemblyman Michael LiPetri  
Assembly District 9

Assembly District 10  
LOB 919  
Albany, New York 12248

LOB 533  
Albany, New York 12248

New Street Signs: Judy Buyar is inventorying damaged street signs. She will determine which signs need to be replaced and a few street signs will be replaced every year.

REPORT FROM TRUSTEE MARIANN COOGAN:

Beach: The boat cage doors need to be replaced due to corrosion from the marine environment. We have two estimates for their replacement, one at \$1,995 from Reliable Fence and the other at \$3,684.00 from Residential Fencing. The board authorized hiring Reliable Fence and an expenditure of \$2,500 to replace the doors.

*Approved.*  
*(Coogan - Vail 4 - 0)*

Village Hall – Building Commissioner Jim DeSario reported the basement storage room and electrical panels were being affected by water damage. The walls and boxes stored adjacent to them are wet and moldy. It is obvious this seepage has been going on for some time and with all the rain we have had lately, it is now very visible. Jim asked for guidance in what steps to take to rectify the problem. It was suggested the water may be coming from a faulty valve in the sprinkler system. Trustee Neff will contact S & S Landscaping to check the sprinkler system in this area.

As the hour was getting late, the rest of Trustee Coogan's report and Mayor Vail's bridge and lift updates were tabled until the next meeting.

RESIDENTS' COMMENTS/CONCERNS

Residents had no further comments.

The meeting was adjourned at 9:45 pm.

ADJOURNMENT

Motion to adjourn 9:45PM

*Approved.*  
*(Vail - Neff 4 - 0)*

Submitted,  
*Cathy Donahue Spier, Village Clerk*