

# **Bellport Beach Property Owners Association, Inc.**

## **Constitution and By-Laws**

### Article I. Name of Association

Section 1. *Name of Association.* This association shall be known as Bellport Beach Property Owners Association, Inc., hereinafter referred to as the "Association".

Section 2. *Purpose.* The purposes of this Association shall be: to promote, advance and protect the communal interests of the owners of real estate situated at East Patchogue, Suffolk County, NY, commonly known as "Bellport Beach Estates"; and, subject to the approval of the board of directors of this corporation of the provisions of the deed hereinafter mentioned, to accept a deed from Bellport Realty Co., Inc. of beach frontage on Great South Bay, together with the appurtenances, and to hold the title to same for the common benefit of the owners of the real estate designated in said deed whether or not such owners become or continue to remain members of this corporation.

### Article II. Membership and Dues

Section 1. *Membership.* The membership of the Association shall consist of those persons who have signed the certificate of incorporation as incorporators, together with all persons designated in Section 2 of this Article who apply for membership as hereinafter provided.

Section 2. *Eligibility.* Persons eligible for membership are those owners of record, from time to time, of real estate in the development, in the Township of Brookhaven, Suffolk County, New York, commonly known as Bellport Beach Estates, who shall apply for membership.

Should an owner elect to rent his/her residence and become a member, for the renter there is one annual dues. Should the owner elect to rent the residence and is not a member, the renter may become a member by paying the annual dues. Should the owner establish a two family residence, the owner and renter may pay annual dues to become members.

Section 3. *Annual dues.* Annual dues shall be determined by the Board of Officers and notices shall be mailed out to the persons eligible for membership following the November meeting.

Section 4. *Non-payment of dues.* Any member who is expelled, or whose membership automatically ceases for non-payment of dues, forfeits all rights to the use of the property of the corporation. The Board of Officers reserves the right to deny access to the beach property to those homeowners/renters who do not pay annual membership dues

Section 5. *Termination of Membership.* A member may be expelled for violation of the By-Laws of the Association or for causes prejudicial to the Association's best interests. Such expulsion may be effected by a two-thirds vote of the Board of Officers of the Association at a duly called Board meeting.

### Article III. Government

Section 1. *Board of Officers.* The general management of the affairs of the Association shall be vested in the Board of Officers, who shall be elected as provided in the By-Laws.

Section 2. *Officers.* The officers of the Association shall consist of a President, First Vice President, Second Vice President, Treasurer, Recording Secretary and Corresponding Secretary.

Section 3. *Powers of the Board of Officers.* The Board of Officers shall have control of the property and affairs of the Association and shall fix its policies. They shall have power to hold meetings; appoint committees; employ necessary staff and employees; accept new members and suspend, censure or expel members as in these by-laws provided; authorize proper expenditures and take all necessary and proper steps to carry out the purpose of this Association and promote its best interests. A quorum of the Board of Officers shall be four (4) for the purposes of Board meetings.

#### Article IV. Election of Officers

Section 1. *Election.* The six (6) Officers of the Association shall be elected, by ballot, at the annual meeting held in October of each year. Each membership in good standing shall be entitled to one vote for each Officer to be elected, and the candidate receiving a majority of the votes cast shall be declared elected, with tenure of one (1) year, commencing January 1<sup>st</sup> of the ensuing year. Officers whose terms have expired may be re-elected. The Board of Officers shall consist of six (6) elected members: the President, 1<sup>st</sup> and 2<sup>nd</sup> Vice Presidents, Recording Secretary, Treasurer and Corresponding Secretary.

Section 2. *Absence.* Should any member of the Board of Officers absent himself/herself unreasonably from three (3) consecutive meetings of the Board without communicating with the other Board Members, and if his/her excuse should not be accepted by the members of the Board, his/her seat on the Board shall be declared vacant.

Section 3. *Vacancies.* If a vacancy occurs among the Officers, such vacancy shall be filled or the unexpired term by appointment by the President.

#### Article V. Duties of Officers

Section 1. *President.* The President shall preside at all meetings of the members of the Association, and shall appoint such committees as considered expedient or necessary. The President shall be an *ex officio* member of the committees, with the exception of the Nominating Committee.

Section 2. *Vice Presidents.* In the absence of the President, the First Vice President shall perform the duties of the President, and in the absence of both the President and the First Vice President, the Second Vice President shall preside and assume the duties of the President.

Section 3. *Recording Secretary.* The Recording Secretary shall keep the minutes of all meetings of the Association and shall read such minutes for approval by the membership at the following meeting.

Section 4. *Corresponding Secretary.* The Corresponding Secretary shall read all communications, reports and petitions, and conduct all official correspondence of the Association. Duties also include public notices of the meetings in the local newspapers and posting of the neighborhood signs for said meetings.

Section 5. *Treasurer.* The Treasurer shall keep accurate account and collect all application fees and dues and shall perform such other duties as may be required under the by-laws or by the Board of

Officers. The Treasurer shall have charge of all receipts and moneys of the Association, deposit same in the name of the Association and shall disburse said funds as ordered or authorized by the Board of Officers. The Treasurer shall keep regular accounts of the receipts and disbursements, submit said record when required and give an itemized statement of same at regular meetings of the Association. The President or Treasurer shall sign checks and withdrawal slips in behalf of the Association upon any and all of its bank accounts.

## Article VI. Committees

Section 1. *Committee on Nominations.* During the month of July in each year the President shall appoint a Nominating Committee consisting of three (3) members, one (1) of whom shall be a member of the Board (with the exception of the President) and serve as the Committee Chair. Such committee shall nominate candidates for the various offices of the Association. The names of the nominees selected will be presented to the members of the Association at the September meeting and at such time nominations may be made from the floor by a member in good standing. No person shall be nominated without his/her approval and must also be a member in good standing. Notice of nominees for the election of officers for the upcoming year shall be mailed to the last known address of each member together with the notice of the annual meeting and election. The annual meeting of the association shall take place in October of each year, at which time the officers will be elected pursuant to Article VII.

Section 2. *Standing Committees.* The President, with the approval and consent of the Board of Officers, shall appoint within a reasonable time after the election meeting, standing committees to consist of as many members as seems advisable, who shall hold office for a period of one (1) year, or until their successors are appointed.

The duties of such committees shall be limited to studying in general the problems in their particular fields of activity and to making special studies of any particular matters referred to them by the Board of Officers or the President thereof, and to report to the Board of Officers their findings and recommendations.

Section 3. *Other Committees.* The President, may, at any time, appoint other committees on any proper subject for which there are no standing committees.

Section 4. *Committee Quorum.* A majority of any committee of the Corporation shall constitute a quorum for the transaction of business.

Section 5. *Committee Vacancies.* The President shall have the power to fill vacancies in the membership of any committee.

## Article VII. Meetings

Section 1. *Annual Meetings.* There shall be an annual meeting of the Association in October of each year for the election of members of the Board of Directors and the transaction of other business. Notice of such meeting shall be mailed, either via monthly newsletter or by special notice, to the last known address of each member at least two (2) days and not more than thirty (30) days before the time appointed for the meeting. All notices of meetings shall set forth the place, date, time, and purpose of the meeting. Notification is also provided through the Long Island Advance Newspaper, and signs that are posted at the north end of each of the four major streets in the Association.

Section 2. *Regular Meetings.* The Board of Officers will schedule regular meetings based upon the needs of the Association. Notice of such meetings shall be mailed, either via monthly newsletter or by special

notice, to the last known address of each member.

Section 3. *Special Meetings.* Special meetings may be called by the Board of Officers. Upon the written request of twenty (20) members of the Association, the Board of Officers shall call a special meeting to consider a specific subject. Notice of such meeting shall be mailed, either via monthly newsletter or by special notice, to the last known address of each member at least ten (10) days and not more than thirty (30) days before the time appointed for the meeting. No business other than that specified in the notice of meeting shall be transacted at any special meeting of the members of the Corporation.

Section 4. *Parliamentary Authority.* All meetings of the Association shall be conducted according to the Association's current Constitution and By-Laws. Matters not covered by that authority shall be governed by the current edition of Roberts Rules of Order. It is acknowledged that the Chair is prepared to hold meetings under this authority, and interpretation and enforcement of Roberts Rules of Order will be at the sole discretion of the meeting Chair without debate.

Section 5. *Quorum.* At all membership meetings of the Association, members who are present and in good standing shall constitute a quorum for the transaction of business.

Section 6. *Voting.* Each membership will have one vote. Except as otherwise provided by law, all action shall be decided by a majority vote of the members present in person or by absentee ballot. For issues of the Association that require a vote, there will be a regularly scheduled meeting for discussion of those issues, followed by a vote of the membership at the following regularly scheduled meeting of the Association.

Section 7. *Inspectors of Election.* Two Inspectors of Election shall be at the election meeting and any meeting requiring a vote by ballot. It shall be their duty to act as Inspectors of Election at the election meeting and any meeting requiring a vote by ballot.

Section 8. *Order of Business.* The order of business shall be as follows at all the meetings of the Association:

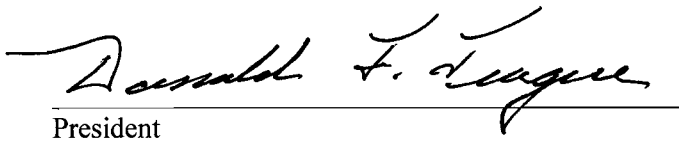
1. Flag salute
2. Calling of roll.
3. Proof of notice of meeting or waiver of notice.
4. Reading of the minutes.
5. Correspondence
6. Treasurer's Report
7. Election of Officers (October meeting only)
8. Reports of officers
9. Reports of committees
10. Old business.
11. New business.
12. Adjournment.

Any questions as to priority of business shall be decided by the Chair without debate. This order of business may be altered or suspended at any meeting by a majority vote of the members present in person.

## Article VIII. Amendments

Section 1. *By-Laws Amendments.* Any prospective amendments to these by-laws shall be presented for discussion to the members of the Association by the By-Law Revision Committee at a regular meeting of the Association, provided notice of such bylaw revisions had been given in the notice of such regular meeting. These by-laws may be amended at a subsequent meeting only by a two-thirds vote of the members present in person or by absentee ballot of the Association, provided notice of such vote be sent to all members of the Association in good standing, either via the monthly newsletter or by special mailing.

Constitution and By-Laws adopted by vote of majority of members present at regular meeting held on September 10, 2009, and effective January 1, 2010.

  
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President

  
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Recording Secretary

