

**BOARD OF TRUSTEES MEETING
TUESDAY, SEPTEMBER 6, 2016 @7 PM**

The first of the bi-monthly meetings of the Board of Trustees was held on Tuesday, September 6, 2016 at 7 PM in the Boardroom of the Village Hall, 7 Stage Road, Monroe, NY. Mayor Purcell led in the pledge to the flag and called the meeting to order. Emergency exits were announced.

Present: Mayor Purcell; Trustees Chan, Behringer, Dwyer and Conklin
Also present: Attorney Bonacic, DPW Supt. Smith, Police Chief Conklin, Deputy Clerk Baxter and Village Clerk Carey

MINUTE APPROVAL: SPECIAL MEETING JULY 7TH AND REGULAR MEETING AUGUST 16TH:

On a motion by Trustee Chan seconded by Trustee Behringer, the Minutes of the Special Meeting of July 7, 2016 Meeting were approved.

Ayes: Trustees Behringer, Chan and Mayor Purcell
Nays: None
Abstain: Trustees Conklin and Dwyer (absent)

On a motion by Trustee Conklin seconded by Trustee Dwyer, the Minutes of the August 16, 2016 Regular Meeting were approved.

Ayes: Trustees Behringer, Dwyer and Conklin
Nays: None
Abstain: Trustee Chan (absent)

BUDGETARY TRANSFERS / MODIFICATIONS:

On a motion by Trustee Conklin seconded by Trustee Behringer, with all in favor, the following budgetary modifications were approved:

FROM:	TO:	
A1560 Safety Inspection Fees	A1440.450 Eng Contractual	\$10,000.00
A2260 Police Services	A3120.135 PD OT/Grants	3,832.48
A2680 Insurance Recoveries	A3120.453 PD Auto Maint	3,934.48

REQUEST FOR EXEMPTION – TOWN HIGHWAY ITEMS 3 & 4:

On a motion by Trustee Chan seconded by Trustee Dwyer, it was:

RESOLVED, the Board of Trustees, by signed petition, requested the Town Board of the Town of Monroe to exempt residents of the Village of Monroe of taxes for items 3 & 4 of the Town of Monroe 2017 Highway Budget as authorized by Section 277 of the Town Highway Law.

Ayes: Trustees Conklin, Dwyer, Behringer and Chan
Nays: None

HALLOWEEN CURFEW 2016:

On a motion by Trustee Conklin seconded by Trustee Chan, with all in favor, the Board of Trustees adopted the following resolution providing a Halloween Curfew:

WHEREAS, on October 29th 30th and October 31st (Halloween) the Village is besieged by youths who create problems for residents, and the Monroe Police Department. To complicate the situation, the Police Department has determined that many of the youth were non-residents who refuse to leave the Village due to the fact that there were no laws requiring them to be off the streets; and

WHEREAS, the following definitions shall apply:

MINOR - being less than eighteen (18) years old
PARENT - the natural or adoptive parent of a minor
GUARDIAN - any person other than a parent who has legal guardianship of a minor
CUSTODIAN – any person over the age of twenty-one (21) who is Loco Parentis to a minor

PUBLIC PLACE – any street, alley, highway, sidewalk, park, playground or place which the general public has access and a right to resort for business, entertainment or other lawful purpose. A “public place” shall include but is not limited to any store, shop, restaurant, tavern, bowling alley, café, theater, drugstore, pool room, shopping center and any other place devoted to amusement or open to the general public. It shall also include the front or immediate area of the above, and

WHEREAS, any minor attending a special function or entertainment of any church, school, club or organization that requires such minor to be out at a later hour than called for within this Proclamation shall be exempt from the provisions of the Proclamation, provided such church, school, club or other similar organization shall register in advance with the Monroe Police Department to have the minors stay out to this later hour. The registrant shall state the time, when the function or entertainment shall end, and the minors who attend the function shall be required to be in their places of abode within one-half hour after the function is ended; and

WHEREAS, it shall be unlawful for any person, firm or cooperation operating or having charge of any public place to knowingly permit or suffer the presence of minors under the age of 18 on October 29th, 30th and 31st between the hours of 8 PM and 6 AM the following morning; and

WHEREAS, it shall be unlawful for the parent, guardian or other adult person having custody or control of any minor under the age of 18 to permit or, by inefficient control, to allow such minor to be on the streets or sidewalk or on or in any public property or public place within the Village on October 29th, 30th and 31st between the hours of 8 PM and 6 AM the following morning. However, the provisions of this section do not apply to a minor accompanied by his parent, guardian, custodian or other adult person having the care, custody or control of the minor or if the minor is on an emergency errand or specified business or activity directed by his parent, guardian, custodian or other adult having the care or custody of the minor, or if the parent, guardian, custodian or other adult person herein has made a missing person notification to the Village Police.

NOW, THEREFORE, during the period October 29th, 30th and 31st it shall be unlawful for any minor to remain idle, wander, stroll, or play in any public place, either on foot or to cruise about without a set destination in any vehicle, in, about or upon any place in the Village between the hours of 8 PM and 6 AM of the following morning unless accompanied by a parent, guardian, custodian or other adult person having custody or control of such minor, or unless the minor is on emergency errand or specified business or activity or permitted by his parent, guardian or other adult person having the custody and care of the minor or where the presence of such minors connect with or required by some legitimate employment, trade, profession or occupation.

Any police officer upon finding a minor in violation of this Resolution shall ascertain the name and address of the minor and warn the minor that he/she is in violation of curfew and shall direct the minor to proceed at once to his or her home or usual place of abode. The police officer shall report such action to the parents, guardian or person having custody or control of the minor.

If such minor refuses to heed the warning or direction given by any police officer or refuses to give the police officer his/her correct name and address or if the minor has been warned on a previous occasion that he or she was in violation of curfew, such minor, if age 16 years or older, may be issued an appearance ticket, and the parent, guardian or other adult having the care and custody of such minor shall be notified to appear with such minor at a date and time to be determined in the appearance ticket for an appearance before the Village of Monroe Justice Court.

Any minor age 16 years or older who violates any section of this article shall, upon conviction, be subject to a fine not to exceed \$100 for a first offense and not to exceed \$250 for each additional offense. Community service may be imposed by the court in addition to the above minimum fine. When a minor is required to perform community service, the parent or guardian shall be required to transport the minor to the place(s) specified by the court.

PERFORMANCE BOND: LANWIN OLYMPIA (603 STAGE RD. TM# 219-3-7)

On a motion by Trustee Dwyer seconded by Trustee Conklin, it was unanimously:

RESOLVED, the Board accepted the recommendation of the Village's Engineer, John O'Rourke, Lanc & Tully, PC for a Performance Bond for Lanwin Olympia's 4-lot subdivision, 603 Stage Road, Tax Map # 219-3-7 in the amount of \$20,744.90 cash bond or local Letter of Credit to be reviewed by Village Attorney Bonacic as to form and sufficiency.

P/T DISPATCHER RESIGNATION: LAURA A. GANNON EFF. 8/23/16

On a motion by Trustee Dwyer seconded by Trustee Chan, it was:

RESOLVED, the Board of Trustees accepted, with regret, the resignation of part-time dispatcher Laura A. Gannon effective 8/23/16 and wished her well in her pursuit of a career in police enforcement. Ms. Gannon has accepted a position with the Town of Wallkill as a p/t Police Officer. She will be taking the Orange County Civil Service Exam for Police Officer in November of this year.

Ayes: Trustees Chan, Behringer, Dwyer and Conklin

Nays: None

PARKING ENFORCEMENT OFFICER RESIGNATION: KENNETH SANFORD EFFECTIVE 8/31/16

On a motion by Trustee Dwyer seconded by Trustee Chan, it was:

RESOLVED, the Board of Trustees accepted, with regret, the resignation of Kenneth L. Sanford, Parking Enforcement Officer and thanked him for his service to the Village these past 8 month. The Board wished Ken well in his employment with the M-W School District.

Ayes: Trustees Chan, Behringer, Dwyer and Conklin

Nays: None

APPOINTMENT PARKING ENFORCEMENT OFFICER – KRISTOPHER ANTONACCI:

On a motion by Trustee Dwyer seconded by Trustee Chan, it was:

RESOLVED, the Board accepted the recommendation of Police Chief Conklin and appointed Kristopher Antonacci, New Windsor, NY, to the position of Parking Enforcement Officer to replace Kenneth Sanford. Date of hire is retro to 9/5/16 at the hourly rate of \$18.27.

Ayes: Trustees Chan, Behringer, Dwyer and Conklin

Nays: None

OCVFA PARADE 9/24/16 SLA PERMIT – AUTHORIZE MAYOR TO SIGN AS HOST COMMUNITY:

On a motion by Trustee Chan seconded by Trustee Behringer, it was:

RESOLVED, the Board authorized Mayor Purcell to sign the Special Event Permit Application for the New York State Liquor Authority on behalf of the Village Board, as landlord of Crane Park and host community for the Orange County Volunteer Fireman's Association Parade on Saturday, September 24, 2016. Upon completion of the parade and awards ceremony, festivities will take place in Crane Park where food and beverages, including beer will be served. It is further

RESOLVED, the hours of the parade are amended to 12 to 8 PM. It is further

RESOLVED, THE Board of Trustees waived the Open Container Law in the roped off 200' x 200' area of Crane park between the hours of 2Pm to 8 PM for participants of the parade with wristbands.

Discussion followed. Trustee Conklin commented that she had a problem with the way this event went down, "so shady". You fill out an application and you put light beverages. Light beverages are soda, water, coffee or tea. At the 11th hour you're putting us on the spot so you can get an SLA Permit. There is a lot of deceit, Trustee Conklin said. What is the reason you were not

forthcoming with the Event's Application in the first place. Parade Chairman, John Karl said he submitted the application in March and had to wait for NYS DOT approval for use of State roads. Mr. Karl said he knew he had to come back before the Board at some point for the State Liquor Authority permit. The same thing was done in 1998 and again in 2005. Trustee Conklin asked if the Fire Company waited until the last minute then. Mr. Karl spoke to Mayor Purcell and was told it was being handled by the Village Attorney. The Fire Company is pressed for time. They have ten business days to get the permit application to the SLA for an off-premise license. The Fire company is governed by the SLA. They tell them what they have to do. There will be a fenced in area. The Fire Company is not here to deceive anyone, Mr. Karl said. Trustee Conklin said if you were above board then and indicated alcoholic beverages would be served; there was ample time for the Board to voice their concerns. Now we don't have that time. We have to quickly decide if it is a good decision, is it a bad decision, what are the ramifications of it. Trustee Conklin said she is annoyed. She is also annoyed that she is getting phone calls trying to get her to side with them to approve this request. Board business is done at a meeting. If something needs to be discussed about this Village and it is a decision for the 5 of us to make, it needs to be brought before the Board at a meeting and in a timely manner. Mr. Karl said the parade committee has been working 4 years on this parade. They did not try to pull the wool over anyone's eyes. Mr. Karl apologized for any misconception that occurred. The committee knew they had to come back to the Village Board. No one was trying to be deceitful. Bill Scolza is handling the sub-committee with the SLA. Trustee Conklin said the Board is answerable to the residents of this Village and the property being used is in this Village. To have to make a decision like this at the 11th hour is wrong. There is information she doesn't have before her, yet she is forced to make a decision on it. Mr. Karl said they have a layout plan of how it will be laid out. Trustee Conklin said it would have been nice if the Board had that. It is something to think about the next time. If you have stuff to come before the Board, I get Jim is the Mayor, you want to talk to people individually, and you have the right to do that, but if it comes before the entire Board there is never going to be a question of anyone's integrity here. Everyone will know what you will be serving alcoholic beverages at this parade. Not the Mayor talking to the attorney and the Board being kept in the dark. If everyone has the information then everyone can make a decision at the same time. Attorney Bonacic received an e-mail from the Chief on 8/15 after last month's meeting. Trustee Conklin feels information needs to be spread evenly and accurately.

Trustee Dwyer said he too didn't know about the alcohol until last week. Philosophically, Trustee Dwyer has issues with it. Notwithstanding the purpose of the event, it is a very peaceful event. Invitations extended to the County and beyond are invited to come and do their best as they showcase their departments. When the Board first approved the event Trustee Dwyer said he gave it carte blanche. He didn't dissect it all. When he learned about it, the alcohol portion of it, then the questions came in. The concern is when he hears on the street that alcohol is being served. He had no idea this was part of the event. There was a tent area mentioned, is that where the alcohol will be? Mr. Karl said no. The SLA governs that it shall be in a fenced in area. No 18 year old firemen are allowed. Every guest Fire Chief is given a certain number of colored wrist bands to give to their senior members. There is also a letter given to these Chief's indicating they are responsible for the department and the action of their firemen. Trustee Dwyer called our insurance carrier this morning. They are also the fire company's carrier. He was told he counseled them about the dos and don'ts. Mr. Karl commented that the parade is being hosted in the Village of Monroe because one of their members is President of the OCVFA. The parade is being hosted in conjunction with the County Firemen's Association. It is the 101st Parade. Mr. Karl said the Fire Company has contracted out a security firm that will handle security around the beer coral. Those that are serving the beer are TIPS certified. If they see someone intoxicated they cut them off. The security firm hired have been told that if there is an issue to notify the MPD. Mr. Karl said they are taking every precaution to protect everyone.

Trustee Behringer said she would have liked to know about this plan ahead of time. She feels they have the security and the TIPS certified services and liability insurance – there isn't any more they can do. Trustee Behringer feels they will be responsible.

Trustee Chan said he has been through the two prior parades and the fire company has done an excellent job. They make sure people being served are the proper age. The corral is where they have security walking around. There were no problems of drunk and disorderly people. Based on past events everything has been done the way we want to see it done.

Mayor Purcell said Attorney Bonacic received the e-mail from the Chief on 8/18 and our meeting was on 8/23. Mayor Purcell asked Attorney Bonacic to look into it knowing we would not be able to discuss it until tonight from the time it was brought to our attention by the fire company. It was being vetted properly. Attorney Bonacic made sure the insurance was in order and any legal questions were answered. In the future, paperwork needs to be in place earlier.

Trustee Conklin reiterated, in the future when you submit an event's application it needs to be submitted with everything being asked for and not piece mealed.

Ayes: Trustees Chan, Behringer, Dwyer and Conklin

Nays: None

**TRANSPORTATION ALTERNATIVE PROGRAM (TAP) APPLICATION
(PROJECT # 16-267):**

On a motion by Trustee Conklin seconded by Trustee Behringer, and carried, the following resolution is contingent upon Creighton Manning Engineering's submittal of a Scope of Work for Phase II of the Lake Street Rehab Project and unanimous approval by the Board via email that the Board wants to proceed as follows:

RESOLVED, the Village Board of Trustees authorized Mayor Purcell to sign the scope of services with Creighton Manning Engineering, LLP for submittal of an application for consideration under the Transportation Alternative Program Application for Lake Street Rehab Project Phase II. It is further

RESOLVED, the Board approved lump sum payment of \$2,000 to Creighton Manning Engineering for preparation and submittal of the Transportation Alternative Program Application for the Downtown Lake Street Improvement Phase II – Lake Street Rehab. Cost to be allocated from budget line A1990.490 Contingency.

Prior to the Board taking a vote they requested Creighton Manning Engineering to give them a description of what Phase II of the Lake Street Rehab Project includes so that everyone knows what they are voting on. 9/14/16 Trustee Chan responded yes to proceeding. Other Board members did not respond thus this matter will be on the 9/20/16 Agenda for vote.

**LAKE STREET PHASE I CONSTRUCTION INSPECTION: CREIGHTON MANNING
ENGINEERING (PROJECT # 16-256):**

On a motion by Trustee Conkin seconded by Trustee Chan, it was:

RESOLVED, the Board of Trustees approved the Scope of Work for the Lake Street Rehabilitation Project Phase I whereby Creighton Manning Engineering will provide Construction Administration / Support and Lanc & Tully will provide Construction Inspection at an amount not to exceed \$84,750.

Ayes: Trustees Chan, Behringer, Dwyer and Conklin

Nays: None

RESIGNATION: BRIAN T. SMITH, VILLAGE PUBLIC WORKS SUPERINTENDENT

On a motion by Trustee Chan seconded by Trustee Conklin, it was:

RESOLVED, the Board of Trustees accepted, with regret, the resignation of Brian T. Smith, Village Public Works Superintendent effective 9/15/16. The Board expressed appreciation for his 9 year of service with the wished him success in his new position.

Ayes: Trustees Chan, Behringer, Dwyer and Conklin

Nays: None

Trustee Chan thanked Supt. Smith for bringing the Water Department from the red into the black during his time here. A lot of water main improvements at the Filtration Plant have been made. Meter work and fire hydrant work has been done in house instead of sending work out. Thank you for all the improvements made under your tutelage.

Trustee Conklin wished Supt. Smith the best of luck in his future endeavors.

Mayor Purcell thanked Supt. Smith for his 9 years with the Village. He was able to submit and receive over two million dollars (\$2,000,000) in grant funding for this Village. Our Water Dept. was in poor shape and is now flourishing as Trustee Chan indicated. Brian will be missed. His are big shoes to fill.

POLICE DEPARTMENT EQUIPMENT DISPOSITION: 5 OUTDATED DEFIBRILLATORS:

On a motion by Trustee Dwyer seconded by Trustee Behringer, with all in favor, it was:

RESOLVED, the Board of Trustees declared the following outdated, not meeting current protocols defibrillators surplus and of no value and authorize their removal from inventory and disposed of as junk:

4 - Physio Control First Medic 710 defibrillators, Serial Numbers 559614, 936041, 1940701, 4912723 and One (1) Medic 500, Serial Number 13889548

NYSBOC TRAINING CONFERENCE – ASST BLDG INSP COCKS / PL BD/BLDG DEPT SECY:

On a motion by Trustee Conklin seconded by Trustee Behringer, it was:

RESOLVED, the Board approved the attendance of Asst. Bldg. Inspector Cocks and Planning Board/Building Department Secretary Proulx at the NY State Building Officials Conference on Wednesday, September 21, 2016 at the Best Western in Kingston, NY. Cost of Training Conference is \$250 plus mileage and shall be allocated from budget line A3620.472. This conference will fulfill 7 hours of the mandatory 24 hours of in-service training required each year.

Ayes: Trustees Chan, Behringer and Dwyer

Nays: Trustee Conklin

NEW BUILDING DEPARTMENT SOFTWARE PROGRAM THRU MUNICIPALITY BY GENERAL CODE:

Questions arose on financing a new Building Department Software Program. The cost was discussed and whether to finance through Sterling National Bank at 3.75% interest over 3 years or pay for the program outright from the contingency budget line. The matter was tabled to the 9/21/16 Meeting in order to consult with Treasurer Murray on whether there are funds available to cover the cost.

NORTH MAIN STREET SIDEWALK REPLACEMENT PROJECT COMPLAINT: FRANK PAUL

Frank Paul, 209 North Main Street came before the Board to discuss the new sidewalk / driveway opening at his property. Two driveway entrances have been reduced to one and that has caused a hardship. He asked that the second driveway entrance be put back. He was told that he must provide proof to the Board with a survey indicating that he has rights to two driveways.

M-W JEWISH COMMUNITY CENTER CONGREGATION EITZ CHAIM RELIGIOUS WALK 10/3/16:

On a motion by Trustee Conklin seconded by Trustee Dwyer, it was:

RESOLVED, permission was granted to Congregation Eitz Chaim Monroe Woodbury Jewish Community Center sponsor of the Tashlich Walk to utilize the roadway from 1465 Orange Turnpike to 27 Amy Todt Drive on Monday, October 3, 2016. Processional will run between 5 and 8 PM and marks the high holy day of Rosh Hashannah. Event will be coordinated with Chief Conklin.

Ayes: Trustees Chan, Behringer, Dwyer and Conklin

Nays: None

GIRL SCOUT'S PIN WHEELS FOR PEACE PROMOTING INTERNATIONAL PEACE DAY 9/21-9/23/16:

On a motion by Trustee Chan seconded by Trustee Conklin, with all in favor, it was:

RESOLVED, the Board of Trustees approved the request of the Girl Scouts of Monroe to hold a National Day of Peace, making "Pin Wheels for Peace" and placing them around the pond at the corner of Lake Street and Rt. 17M from 9/21 to 9/23/16 promoting individual voice for peace and community in conjunction with National Peace Day.

MAYOR'S COMMENTS:

Cheese Festival: 9/10/16 is this year's Cheese Festival from 10 AM to 5 PM.

9/11 Memorial Ceremony: Sunday, September 11th is the memorial service commemorating the 15th Anniversary of the 9/11 tragedy at the 9/11 Memorial Walkway Garden in Crane Park at 7 PM.

9/24 Orange County Volunteer Firemen's Association Parade: Jeff Mahran is the President of the Orange County Volunteer Firemen's Association and a member of the Mombasha Fire company thus Mombasha is the host of this year's parade that will be held in the Village of Monroe.

PUBLIC COMMENT

#PRESENT 10

TIME: 8:10 PM

Susan McKosker asked when the website would be updated. Mayor Purcell said the Board would be discussing the issue in Executive Session.

Susan McKosker, Gilbert Street on the corner of 17M there is a dip in the road there that is unsafe. Supt. Smith said the Board needs to send a letter to both Crystal Run and the Smith Farm developer to resolve the matter. The dip is caused by Smith Farm lands resting on Crystal Run's sewer line. No one will authorize the contractor to dig it up and fix it. Engineer O'Rourke will send an e-mail to all parties indicating this needs to be resolved.

Jim Rogers commented that there is another car show in Crane Park on 9/25. Mr. Rogers said this one coming is going up to be strictly a fund raiser. Why can't it be a donation in the park. No charge just a donation. It takes the commercial aspect off of a public park. Mr. Rogers asked that the Board look into it.

Tammy Reo read the following letter:

September 6, 2016

**Village of Monroe
Board of Trustees
7 Stage Rd.
Monroe, NY 10950**

Good Evening Mayor Purcell, Village Trustees, Attorney Bonacic and Ms. Carey:

I would like to thank Brian Smith, at the Village Water Dept. for his effort resulting in the clean-up of North Main Street. Many residents, me included, have voiced displeasure with the blight in the area for quite some time and I am grateful the situation has improved. I also thank MPD Office, Ambi Gomez for bringing to the Board's attention Village Code on this issue. If not for his diligence we would continue to have dissatisfied taxpayers looking at mattresses and sofas left on front lawns. So, thank you again Brian for all your work making North Main Street look the best it has in years.

Next, I ask the Board to please have the Village website updated on a regular basis with meeting minutes and agendas of all Village Board. Currently, the Zoning Board and Board of Trustees meeting minutes are only updated to May 10th and May 17th, 2016. The Planning Board has not posted meeting minutes for August and has not posted an agenda for either regular meetings or workshops since the July 11th and July 6th, 2016.

Lastly, I received a letter from the Village Building Inspector regarding my observations of what appear to be parties/gatherings of multiple people occurring at 104 Elm Street after business hours, into the late evening, until midnight most times. I need clarification on how the building inspector is equating what is occurring at 104 Elm Street to Shop-rite or Frontier allowing their employees to eat outside? There are people who do eat at a picnic table during business hours at 104 Elm Street and I take no issue with this whatsoever. What I do question is a business that has been granted a conditional use permit and given a specific conditional use is now using the business well after business hours to host BBQ's and other activities until late evening? From my observation, this is not a drywall or stone business from the hours of 7 PM-midnight. Can the Board please provide insight into how the Building Inspector came to the conclusion that the Village has no control over enforcing the conditional use?

Trustee Conklin said the matter will be reviewed and we will consult our attorney.

EXECUTIVE SESSION :

On a motion by Trustee Conklin seconded by Trustee Chan and carried, following a 5-minute recess Executive Session followed at 8:30 PM for discussion of personnel.

Respectfully submitted,

Virginia Carey
Village Clerk

Open session following Executive Session Minutes taken by Mayor Purcell.

OPEN SESSION: On a motion by Trustee Chan seconded by Trustee Dwyer and carried, the Open Meeting resumed at 9:30 PM.

LEGISLATIVE INITIATIVE STATE OF NEW YORK – ELECTRONIC SIGN:

On a motion by Trustee Conklin seconded by Trustee Dwyer, it was:

RESOLVED, the Board of Trustees accepts the NYS Department of State Legislative Member Item award through Assemblyman Karl Brabenec's Office in the amount of \$2,500. Funds will be used to assist the Village in purchasing an Electronic Sign to post public service announcements, emergency message, and general information concerning Village operations.

Ayes: Trustees Chan, Behringer, Dwyer and Conklin

Nays: None

ADJOURNMENT:

On a motion by Trustee Chan seconded by Trustee Behringer and carried, no further business, the meeting was adjourned at 9:33 PM.