

BOARD OF TRUSTEES MEETING
TUESDAY, JANUARY 17, 2017
www.villageofmonroe.org

The second of the bi-monthly meetings of the Board of Trustees was held on Tuesday, January 17, 2017 at 7 PM in the Boardroom of the Village Hall, 7 Stage Road, Monroe, New York. Mayor James Purcell called the meeting to order and led in the pledge to the flag. Emergency exits were announced.

Present: Mayor Purcell; Trustees Conklin, Behringer, and Dwyer
Also present: Attorney Bonacic, Police Chief Conklin, DPW Supervisor Linderman, Chief Water Plant Operator Mabee, Treasurer Murray, Village Clerk Baxter and Deputy Clerk Zahra

Trustee Chan, delayed at work, was absent for meeting, arrived in time for Executive Session at 7:45 PM.

BUDGETARY TRANSFERS / MODIFICATIONS:

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

RESOLVED, the Board of Trustees authorized the Treasurer to make the following fund transfers / modifications to balance the budget:

From:	Description	To:	Description	Amount
A.1990.490	Contingency	A.1420.451	Law Contractual/Other Atty	25,000.00
Budget Modifications				
A.1560	Safety Inspection Fees	A.1440.450	Engineering Contractual	16,100.00

BOND REDUCTION – LENZA 411 Rt. 17M (TM# 223-1-4):

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

RESOLVED, the Board of Trustees accepted the recommendation of Lanc & Tully Engineering, John O'Rourke, P.E., for a bond reduction for the Lenza property in the amount of \$159,840.00. (Amount held by the Village \$160,000.00 - \$159,984.00 = \$16,000.00 (10% retainage held).

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

MEMORANDUM OF AGREEMENT – UNUSED VACATION TIME SUPERVISOR LINDERMAN:

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

RESOLVED, the Board of Trustees approved the Side Letter of Agreement in which Supervisor Linderman will receive a one-time payment at the rate of pay of \$40.86 per hour (minus any payroll deductions) for any accrued unused vacation days remaining as of December 31, 2016, but not to exceed ten (10) days in the amount \$3,268.80.

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

APPOINTMENT: PROVISIONAL F/T BUILDING INSPECTOR – JAMES F. COCKS:

On a motion by Trustee Conklin, seconded by Trustee Dwyer, and carried, the matter was tabled for discussion in Executive Session.

424-434 NORTH MAIN STREET - PLANNING BOARD FEE WAIVER REQUEST
CONTINUED: (See Minutes Pg. 90 12/12/16 & Minutes Pg.99 12/20/16)

In a second letter to the Board of Trustees, property owner Joel Mann asked for reconsideration of his waiver request of Planning Board fees that he had paid, which the Board previously denied. Mr. Mann reiterated to the Board that this was not a situation in which he started a project and then decided not to go forth with it. His proposed plans for a commercial building for 424-434 North Main Street, will be greatly affected with the proposed zoning changes of GB (General Business) to URM (Urban Residential Multifamily). Mr. Mann stated that he believed that if he submitted an application for his project during the period in which the zoning for that area was stated as GB, that he would be able to move forward with something of a commercial nature after the zoning changes happened. He acknowledged that he was told by the attorney for the Planning Board that was incorrect, and he would not have any vested rights. Once aware of that information, Mr. Mann realized that it would not be in his best financial interest to continue with his current project, unbeknownst as well that the moratorium would be extended. He stated again that the request for the return of his money is not because he is backing out of this project, but because of the proposed zoning changes. He also stated that if the zoning does not change, he does plan to move forward with his current project. Attorney Bonacic stated that he had been looking into this matter and received information from the Building Department which appears to be contrary to what Mr. Mann has stated. Documentation provided showed that the Village told the applicant what was going on, the potential changes, on numerous occasions, before the non-refundable application was submitted. He stated that there has not been any additional facts or circumstances that may have changed since the Board discussed, researched and voted previously. It is up to the Board to decide if they wish to reconsider. Trustee Conklin agreed with Attorney Bonacic, that other than some language changes, there is no difference between the two letters that have been submitted. Mr. Mann clarified that had he been notified from the beginning that he would not have any vested rights to this property after the zoning changes, he would not have continued with the application process. He believed that by submitting his application prior to any zoning changes, he would be able to continue, but was advised differently at the Workshop Meeting he attended. Trustee Dwyer asked Mr. Mann if he was advised by the Building Department, before he put down one dollar, that the area that he was considering, the area that he purchased, was being considered for a zoning change. Mr. Mann stated that he was, but again, was led to believe that he needed to get his application in before that change occurred to secure his vested rights to his property. Mayor Purcell reread a letter that Mr. Mann received from the Planning Board from November 9th, 2016, in which P/T Building Inspector Jim Cocks notified Mr. Mann if the proposed new changes to the zoning laws happened prior to him receiving final approval on his project, it would be subject to those new zoning requirements and would result in him having no vested rights. Mayor Purcell also stated that the checks submitted to the Building Department for the applicable fees were dated 10/30/16. Attorney Bonacic stated that his observation is that Mr. Mann was advised by the Village to get an application in to somehow secure his vested rights, and that is a piece of information that did not come up in any of the prior correspondence and was part of the initial investigation, that may be something that the Board may choose to look into before the next Board meeting.

The topic was tabled to the next Board Meeting of 2/7/17 so further information could be obtained from the Planning/Building Departments.

MORATORIUM WAIVER REQUEST – 55 JAMES ROAD (TM #216-1-54):

Residents Ann and Vincent Porcaro of 55 James Road submitted a letter requesting permission to build an accessory apartment over their garage for their son who plans on moving in to care for them. Mr. Porcaro is disabled and because of this hardship, is requesting a waiver to the moratorium so they can build this addition to allow enough space for the son to live and care for them going forward. Discussion followed.

Trustee Conklin stated that there is language in the moratorium law to address certain hardships. Attorney Bonacic stated that this request falls within the four corners of the moratorium as it pertains to the modification of livable space. Building an accessory apartment is considered livable space, and is not allowed during the moratorium. Attorney Bonacic asked if the Village received any additional information from the resident in addition to the email? Mayor Purcell indicated that the residents provided no additional information. Trustee Dwyer asked for clarification on the address and indicated that most likely, this home was a ranch. Because of that, and given the residents age, would it be safe to assume that the son could take a bedroom while the moratorium went through its process? Mayor Purcell agreed that the son could live there temporarily until the moratorium was over.

Attorney Bonacic stated that the onus is on the property owner to come in with the proper documentation and state their case, and why the current home does not meet their needs and this accessory apartment needs to be built. The practical reality is that you need the property owner to come in with all necessary documentation, to make a presentation to the Board, allow the Board to ask questions of the property owner, and then allow you to make a decision based on having all the facts. Mayor Purcell confirmed that nothing has been submitted to the Building Department regarding this project.

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

RESOLVED, the Board of Trustees denied the request property owners Ann and Vincent Porcaro for their waiver request to the moratorium.

Ayes: Trustees Conklin, Behringer, and Dwyer

Nays: None

MAYOR'S REPORT:

Mayor Purcell commented that all was quiet and had nothing to report at this time.

Attorney Bonacic stated he had an attorney client matter to discuss in Executive Session.

Trustee Dwyer notified the Board that he spoke with Chief Conklin regarding the speed and Stage Rd. that was predicated by the letter the Village received from Mr. Golden and his issue with his mailbox repeatedly being hit by vehicles speeding along this section of road. Trustee Conklin also stated that she too has been in contact with Mr. Golden since December 7, 2016 regarding this matter and she referenced emails that she sent to all Board matters regarding this topic. She also stated that Sergeant Amatetti was to provide stats regarding this situation and she would forward them on to Trustee Dwyer when she received them.

Mayor Purcell continued that Mr. Golden stated that he has followed the guidelines of the United States Postal Service for mailbox placement and continues to be frustrated that his mailbox is being hit by passing vehicles going too fast on Stage Rd. Trustee Conklin further commented that Mr. Golden has two small children that cannot play in their front yard out of fear.

PUBLIC COMMENT: # PRESENT 1 TIME: 7:30 PM

Resident Jack Farrell commented on the fine job that the Monroe Police Department has been doing with enforcement and wished them continued success.

EXECUTIVE SESSION:

On a motion by Trustee Dwyer, seconded by Trustee Behringer, with all in favor, the meeting was closed at 7:35 PM. Following a 5-minute recess, the Board convened in Executive Session for discussion of Building Department personnel.

Respectfully Submitted,

Ann-Margret Baxter
Village Clerk

Trustee Chan arrived at 7:45 PM.

Executive Session Minutes compiled by Mayor Purcell.

OPEN SESSION: on a motion by Trustee Chan seconded by Trustee Dwyer and carried, the Open Meeting resumed at 8:45 PM.

AUTHORIZATION TO SIGN PAPERWORK FOR STATE EASEMENT - NOTICE OF APPROPRIATION (TM #203-3-1):

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

RESOLVED, The Board of Trustees authorized Mayor Purcell to sign the Agreement for Advance Payment and any subsequent papers, upon approval of Attorney Bonacic, which might

be required to secure payment of this claim: Proceeding 14439, PIN # 8487.48.201, Map 102, Parcel 106.

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

ADJOURNMENT:

On a motion by Trustee Chan seconded by Trustee Behringer and carried, no further business, the meeting was adjourned at 8:50 PM.

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

MONTHLY REPORTS:

Department reports were accepted as file on a motion by Trustee Conklin, seconded by Trustee Behringer, with all in favor, the department monthly reports were accepted and filed.

DECEMBER 2016 VILLAGE CLERK'S REPORT SUBMITTED BY VIRIGNIA CAREY, VILLAGE CLERK:

- 1] Minutes prepared, associated correspondence and Legal Notices completed for the December 12th and 20th Meetings. Associated correspondence completed.
- 2] Permits issued: Handicap Parking: 13 Garage Sale: None
- 3] Collection of past due November Water Rents
- 4] Closed out mailing machine for month on 12/30.
- 5] 3 online Health Insurance Transactions completed.
- 6] Bi-Weekly payroll worksheets completed and submitted.
- 7] Daily retrieval of messages left after hours and responded as required.
- 8] 12/13 Employee and Friends Holiday Luncheon sponsored by the Village Board at the Birchwood.
- 9] Required paperwork filed with O.C. Department of Human Resources
- 10] Vouchers completed as required. Transmittal of money collected completed and bank deposits done.

As I retire from my position this month, I want to thank everyone for giving me such an opportunity to work, learn and grow. Working for the Village of Monroe has contributed greatly to both my personal and professional development. After 37 ½ happy and productive years, I leave with many memories to cherish for the rest of my life.

I want to express my sincere gratitude for the support I have received over the years. I have shared a wonderful work relationship as well as friendship with everyone. All of the support has made working for the Village an enjoyable and rewarding experience.

As I look forward to a new life after my retirement, I will certainly miss the enjoyable time I have spent with all of you. God Bless you all.

Respectfully Submitted,
Virginia Carey
Village Clerk

DECEMBER 2016 BUILDING DEPARTMENT AS SUBMITTED BY SECREATARY PROULX:

Building Permits Issued:	18
Rental Inspections Completed:	18
Title Searches Completed:	17
Violations Issued:	3
Building Permit Inspections performed:	40
C.O's Issued:	41
Open, active building permits	190

Building Permit Fees:	\$11,852.36
Rental Permit Fees:	450.00
Fire Inspection Fees:	100.00
Title Search Fees	<u>2,300.00</u>
Total Fees Collected	\$14,702.36

DECEMBER 2016 DPW SUBMITTED BY JOHN LINDERMAN, PUBLIC WORKS SUPERVISOR:

REGULAR MAINTENANCE / VILLAGE IMPROVEMENTS:

1. Repaired two water main breaks on Holland Rd and Moulton Circle
2. Removed all holiday decorations from downtown
3. Leaf collection throughout the Village
4. Removed garbage at Crane Park three times
5. Uptown snow removal one time
6. Switched over all trucks from summer work to snow removal
7. Five callouts for salting and plowing roads

DECEMBER 2016 FILTRATION PLANT REPORT SUBMITTED BY ERNEST MABEE, CHIEF OPERATOR:

Production: Lake Mombasha 22,487,775 Gallons / 22,274,195 Gallons LY 2015
Well #4: 4,351,748 Gallons / 4,480,490 Gallons LY 2015

Consumption: 26,839,523 Gallons / 26,754,685 Gallons LY 2015

Water Samples / Testing: OK
Rainfall: 1.91
Reservoir: -3

MISCELLANEOUS:

2 Reservoir Inspections
Daily Maintenance at Plant and Well
Weekly and Monthly Water Testing to Lab, All Results Good
Final Water Reads
Mark Outs
Two LT2 Testing
SCA Training
Took Dock Out of Reservoir

DECEMBER 2016 POLICE DEPARTMENT REPORT SUBMITTED BY DAVID CONKLIN, CHIEF:

CALLS FOR SERVICE

TOTAL CALLS – 1,653
NON CRIMINAL OFFENSE – 1,478
CRIMINAL OFFENSE – 175
ARRESTS – 40

TRAFFIC REPORT

TRAFFIC TICKETS – 171
PARKING TICKETS – 103
DWI/DWAI – 0
GAS – \$1732.47/1092G
MVA – 32

OVERTIME/HOURS

HOLIDAY – 136

COVER SHIFT – 72

COURT – 3

OTHER – PTS-16/CASES-16.5/DWI-31/CHABAD-3/EMT-21/DRUG FORUM-1.5

SACRED HEART DETAIL-1.5/STATION TOUR-3

TRAINING

DOMESTIC VIOLENCE – LEE/GATTO/GOMEZVEGA/MALGIERI/ROMER

DATA ANALYSIS – TENAGLIA/YOUNG/FREMGEN

MVA ACCIDENT REPORT – \$45

FOIL REQUESTS - \$4

DECEMBER 2016 JUSTICE COURT REPORT:

Total Fines: \$24,447.49 Total Surcharges: \$9,608.35 Total Parking: \$7,187.00

Total Civil Fees: \$1,700 Bail Poundage Collected: \$0.00 Total Bail Forfeited: \$12.00

Total for October: \$42,954.84

Vehicle & Traffic Tickets: 323 Disposed: 289

New Criminal Cases: 32 Disposed: 57 Civil Cases: 1 Disposed: 2

Paid Parking Tickets: 163 Dismissed Traffic Tickets: 24

MONROE FIRE DISTRICT OFFICERS 2016:

Commissions: John Centofanti, Jason Kalter, Thomas M. Smith Dep. Chair, Thomas P. Sullivan, Ch.

Secretary: Mary Ellen Beams

Treasurer: Richard Goldsein

Chief Daniel Bennet, 1st Ass't Chief John Scherne

DECEMBER 2016 TREASURER'S REPORT SUBMITTED BY CATHERINE MURRAY:

SIGNIFICANT ACTIVITY (REVENUES)

Bank interest	1,949
Utilities Gross Receipts Tax	19,685
Rental Real Property	7,243
Building permits	14,777
Fines & Forfeited Bail	22,908

SIGNIFICANT ACTIVITY (EXPENDITURES)

Law Contractual - Other Atty	31,630
PD Motor Vehicles	5,893
PD Uniform Allowance	4,071
St Maint Equipment Maintenance	11,452
Parks Contractual	7,702
Other Employee Benefits	8,126
Downtown Revitalization	79,278
EFC Bond (Water Fund) Principal & Interest	154,022
BAN various Principal + Interest - General Fund	197,622
- Water Fund	61,079
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	258,701
NYS Police & Fire Retirement System	431,590
NYS Employee Retirement System - General Fund	221,885
- Water Fund	62,583
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	284,468

Health Insurance - General Fund	118,992
- Water Fund	<u>15,322</u>
	134,315
Liability Insurance - General Fund	38,037
- Water Fund	<u>10,728</u>
	48,765
Workers Compensation - General Fund	48,140
- Water Fund	<u>7,011</u>
	55,152

STATUS OF FY2016 CONTINGENCY
ACCOUNTS

	CURRENT BALANCE
General Fund Appropriation - budgeted \$162,653	162,653
Water Fund Appropriation - budgeted \$25,000	25,000