

**BOARD OF TRUSTEES MEETING
WEDNESDAY, FEBRUARY 15, 2017 @ 7 PM
(www.villageofmonroe.org)**

Due to a lack of quorum, the first monthly meeting of the Village of Monroe Board of Trustees slated for Tuesday February 7, 2017 was rescheduled to Wednesday, February 15, 2017 at 7:00 PM in the upstairs 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 Conklin, Chan, Dwyer, and Behringer
Also present: Attorney Bonacic, Village Clerk Baxter and Deputy Clerk Zahra

EXPRESSION OF SYMPATHY – JOSEPH F. LOSCALZO.:

The Village Board expressed their sympathy at the passing of Joseph F. LoScalzo on January 17, 2017 at the age of 70. Mr. LoScalzo, was a well-loved man in the community, and for the past 43 years, he was the owner and operator of Mr. Cone in Monroe. There, he not only provided smiles through ice cream, but selfless charity in the form of fundraisers, youth activities or just giving help to people in need. The Board offered their sincere expression of condolence to his family. A moment of silence followed.

MINUTE APPROVAL: JANUARY 3rd AND 17TH

On a motion by Trustee Behringer seconded by Trustee Conklin, the Minutes of the January 3rd 2017 Meeting were approved.

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

On a motion by Trustee Conklin seconded by Trustee Behringer, the Minutes of the January 17th, 2017 Meeting were approved.

Ayes: Trustees Conklin, Dwyer and Behringer
Nays: None
Absent: Trustee Chan (delayed at work)

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

This topic was tabled for discussion in executive session.

**O C COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AGREEMENT FY/2017
PUBLIC IMPROVEMENTS: NORTH MAIN ST SIDEWALKS (Elm St. to Rt. 208):**

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

RESOLVED, the Board of Trustees authorize the Mayor, as official representative of the Village of Monroe, to sign the 2017 CDBG Agreement to receive Community Development Block Grant Funds, \$60,000, from the US Department of Housing and Urban Development (HUD), as part of the Orange County Urban County Consortium. Said grant is for the remaining North Main Street sidewalk installation from Elm St. to Rt. 208.

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

**O C COMMUNITY DEVELOPMENT PAYMENT APPROVAL TO CONSORTI BROS-
CORRECTION OF CLERICAL ERROR: (See Minutes Pg. 92, 12/12/16)**

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

RESOLVED, due to a clerical error, the amount submitted to Orange County Community Development is hereby corrected to the amount of \$69,612.67. This approved payment #2 as recommended by Lanc & Tully Engineering PC, John O'Rourke, PE was for the North Main Street Sidewalk Replacement Project (Orange County Community Development Project – Federal

Contract No.: B-15-UC-36-0105 / County Contract No.: 30/158693.7150A15). This revised resolution is to replace the resolution put into effect on December 12, 2016, page 92, which stated the incorrect amount of \$26,049.33.

Ayes: Trustees Conklin, Behringer, Dwyer and Chan

Nays: None

PD EQUIPMENT SURPLUS / DISPOSAL: ELECTRONIC EQUIPMENT:

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

RESOLVED, the Board of Trustees declared the following Police Department electronic equipment surplus and of no value and authorize its removal from inventory and disposal as junk:

Dell Monitor, CN-0C730C-71623-281-2962

Dell Optiplex 3010, Service Tag 7M7FPW1, Express Code 16580222929

Ayes: Trustees Conklin, Behringer, Dwyer and Chan

Nays: None

PD SURPLUS – MISC. OFFICE EQUIPMENT – SELL THROUGH GOVDEALS.COM:

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

WHEREAS, State Law requires equipment no longer needed by a municipality be sold at fair market value after declaring it surplus and no longer needed.

NOW, THEREFORE, BE IT RESOLVED, the Board of Trustees accepted the recommendation of Police Chief Conklin and declared the following equipment surplus to the needs of the Village and authorize it to be auctioned through govdeals.com, of East Greenbush, NY, to the highest bidder:

Nikon Total Station, Model NPL-332 (complete set)

Meilink Safe

Diebold Safe

Chief Conklin will determine at time of sale which account the proceeds will be deposited into.

Ayes: Trustees Conklin, Behringer, Dwyer and Chan

Nays: None

424-434 NORTH MAIN STREET - PLANNING BOARD FEE WAIVER REQUEST

CONTINUED: (See Minutes Pg. 90 12/12/16, Minutes Pg.99 12/20/16 Minutes Pg. 108 1/17/17)

At the January 17, 2017 property owner Joel Mann submitted a second letter to the Board of Trustees asking for reconsideration of his waiver request of Planning Board fees that he had paid, which the Board previously denied. Mr. Mann stated that he was advised by the Village to submit an application to the Building Department to somehow secure his vested rights, a piece of information that was not previously disclosed in his prior correspondence with the Village. Attorney Bonacic stated that this was not something that was previously disclosed during the initial investigation of Mr. Mann's waiver request, and may be something that the Board may choose to look into before their next Board Meeting.

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

RESOLVED, the Board of Trustees denied the 2nd request of Joel Mann, owner of 424-434 North Main Street, for the refund of monies paid to the Village Planning Board for several mandatory fees in the amount of \$5,341.

Ayes: Trustees Conklin, Behringer, Dwyer and Chan

Nays: None

VILLAGE OF MONROE SUMMERFEST CARNIVAL 8/3 – 8/6/17 CONTINUED:

(See Minutes Pg. 92 12/12/16)

At the December 12, 2016 Board Meeting, the Activities Committee submitted an events application for their 4th Annual Carnival. It is to be held at the north field of Crane Park from August 3rd through August 6th, 2017 (August 3 and 4 from 6 – 11 PM, August 5 from 1 – 11 PM,

and August 6th from 2 – 11 PM) contingent upon submittal of completed event application listing all participating vendors and their liability insurance. Preliminary approvals of the dates are required to lock in 2017 dates with Amusement Company (Shamrock Shows & Amusements). It was decided that the Village should seek out other amusement companies for possible competitive rates. Mayor Purcell was to research this and report back to the Board. Discussion followed.

Mayor Purcell stated that he reached out to a few other amusement companies to get proposals, but the only company that he heard back from was Blue Sky. After review, the proposal from Blue Sky is very similar to that of Shamrock Shows & Amusements in that they would offer a 30% refund to the Village, their ticket prices are the same, and all their employees are B1 Visa employees, meaning that they had criminal back ground checks and have been cleared to work in this country. They offer the same number of games at the same prices, as well as the same number of rides offered. Also as with Shamrock, they provide their own power equipment and lighting. What Blue Sky does not do, that Shamrock Amusements does is they put \$5,000 aside for property damages and maintenance repair. They also pay 50% of the Police Department salaries used during the carnival period. Shamrock also pays for the Port-O-Sans and the dumpsters used during the event. Mayor Purcell stated that the owner of Blue Sky indicated that he knows the owner of Shamrock very well, and does not want to take business away from them unless something dire came up and the Village of Monroe was in a jam.

Trustee Conklin stated that the Village is very fortunate in that we have a hot spot with Crane Park, it is an ideal place to hold a carnival, and at night, with all the carnival lights lit next to the ponds, it's like a scene out of a movie. What she would like to see would be the Activities Committee negotiate with Shamrock Amusements to bring the ticket prices back that what they originally were at \$20.00 for a wristband, we owe that to the community after the confusion of last year. Mayor Purcell verified that Neil Goldstein from the Activities Committee is already working on that, as the Activities Committee feels the same way. On a motion by Trustee Behringer, seconded by Trustee Conklin, it was:

RESOLVED, the Board of Trustees approved the Activities Committee's event application for the 4th annual Carnival to be held in the north field of Crane Park from August 3rd to August 6th, 2017 (August 3rd and 4th from 6-11 PM, August 5th from 1 -11 PM, and August 6th from 2 -11PM). Emergency Services and Marshall & Sterling will be copied on the approval letter. Sign-off on the event application has been made by the Building and Police Departments. Police Dept. will oversee the event (2 Officers on overtime for the entire length of the event (event is scheduled for a total of 30 hours) at an average rate of \$63.54 per officer. Estimated total cost of additional Police Protection is \$3,812.40).

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

PENALTY WAIVER REQUEST / ACCOUNT 3312 CONTINUED: (See Minutes Pg. 79 11/15/16)

At the November 15, 2016 Meeting, the Board approved a credit in the amount of \$14.16 to water account 3312 due to a clerical error. This amount was never credited to the resident's account and as a result, additional penalty fees were assessed to the account in the amount of \$2.64. In a letter to the Board of Trustees, homeowner Kelly McCafferty has requested that a credit in the amount of \$16.80 be credited to their account. On a motion by Trustee Chan, seconded by Trustee Conklin, it was:

RESOLVED, the Board of Trustees approved the request for a credit of late fees imposed on water account 3312 in the amount of \$16.80 due to unaddressed clerical error.

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

SOUTH ORANGE FAMILY YMCA 5K COLOR RUN JULY 15, 2017 9-10 AM:

The South Orange Family YMCA has submitted their application for the annual 5K Color Run utilizing the Heritage Trail and the walking path in Crane Park on Saturday July 15th, 2017. Discussion followed. Trustee Conklin stated the Board should reconsider redoing the events application and hold the people who are holding these events in the Village responsible for paying for Police or anything else that needs to be done. The people that want to hold these events should be responsible for covering the additional costs incurred for the additional policing and traffic that is needed during these events. Mayor Purcell agreed and advised that we would have to talk to counsel and set fee structures. Attorney Bonacic stated that the fee or expense would fluctuate since we are not looking to make money off a permit fee, but instead cover the added expenses brought on by a particular event, which can and will vary from event to event depending on the

circumstances. Attorney Bonacic clarified further that we are not looking to change any part of the Village code, but amend the events application to clarify that the applicant agrees to reimburse the Village to make it whole for any of the costs incurred.

Mayor Purcell questioned Attorney Bonacic, asking, for events that are not run by the Village, like the Cheese Festival and the Memorial Day Parade, or an event like that, would we need to treat all those functions the same across the board to avoid being accused of discrimination. Attorney Bonacic stated that the conservative answer is yes. Mayor Purcell and Trustee Conklin agree that if the event requires the Police Department to be out, or the Highway Department to be out, then the event sponsor should cover the cost of these additional expenses. Everyone should be treated equally. Trustee Dwyer commented that events such as these conservatively generate about \$12,000 in overtime for the Police Department annually. Mayor Purcell requested that Attorney Bonacic draft something for the Board to review, perhaps check with other municipalities to see how they handle events in their area.

Resident John Karl interjected that Village of Goshen holds fundraisers throughout the year to raise funds to assist in offsetting expenses for events like their annual St. Patrick's Day Parade, and that it may be beneficial to the Board if they reach out to the various organizations that sponsor events in the Village and see if they would consider helping to raise monies to be used toward these expenses that the Village incurs. On a motion by Trustee Chan, seconded by Trustee Dwyer, it was:

RESOLVED, the Board of Trustees approved the Event's application of the South Orange Family YMCA's 5K Color Run that incorporates the Heritage Trail and the walking path in Crane Park on Saturday July 15, 2017 from 9 AM to 10 AM. The purpose of this fundraising event is to continue to raise money for the expansion of their pool. Sign-off of the event application has been made by the Building Department and Police Department. Police Dept. will oversee the event (3 Officers on 3 hours of overtime for traffic control @ average rate of \$63.54 per hour. 2 Officers assigned from the B line to assist with traffic control. Estimated total cost of additional Police Protection is \$571.86). Insurance has been filed, as well as the Agreement and Release from Liability form.

Ayes: Trustees Conklin, Behringer, Dwyer and Chan

Nays: None

**REQUEST FOR TRAVEL APPROVAL – NYS ASSOC. OF TOWNS & VILLAGES MEETING
FEB. 20-21, 2017 – JUDGE LEZAK:**

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

RESOLVED, the Board approved Judge Lezak's attending the NYS Association of Towns & Villages Meeting in NYC for training sessions provided for free by the NYS Office of Court Administration February 20 – 21, 2017. This will allow Judge Lezak to complete all of his mandatory Continual Judicial Education credit requirements for 2017. Cost of travel and meals which is expected to total less than \$175.00 is to be appropriated from budget line A1110.472 Court Education.

Ayes: Trustees Conklin, Behringer, Dwyer and Chan

Nays: None

PAYMENT AUTHORIZATION – NORTH MAIN ST. SIDEWALK REPLACEMENT:

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

RESOLVED, the Board of Trustees accepted the recommendation of Lanc & Tully Engineering and approved Payment No. 3 – Final Release of Retainage, submitted by Consorti Bros. Paving and Sealcoating, Inc. for the North Main Street Sidewalk Replacement project that includes all documentation required by the O. C. Office of Community Development which has been reviewed and found complete. Amount of the payment is \$9,948.25. (Federal Contract No. B-15-UC-36-0105 / County Contract No. 30/158693.7150A15).

Ayes: Trustees Conklin, Behringer, Dwyer and Chan

Nays: None

PAYMENT AUTHORIZATION – CARPENTER PLACE SIDEWALK REPLACEMENT:

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

RESOLVED, the Board of Trustees accepted the recommendation of Lanc & Tully Engineering and approved Payment No. 2 – Final Release of Retainage, submitted by Consorti Bros. Paving and Sealcoating, Inc. for the Carpenter Place Sidewalk Replacement project that includes all documentation required by the O. C. Office of Community Development which has been reviewed and found complete. Amount of the payment is \$3,663.82. (Federal Contract No. B-16-UC-36-0105 / County Contract No. 29/168693.7150A16).

Ayes: Trustees Conklin, Behringer, Dwyer and Chan

Nays: None

WATER REFUND – TOWN OF MONROE WD#7 – ACCOUNT #100003:

Town of Monroe Water Account 100003, Water District #7 was overbilled as a result of a water meter issue. A refund in the amount of \$108,335.55 is owed. Discussion followed.

Trustee Chan stated that there are a couple of other issues that we are experiencing with the water billing software and he will be following up with the Water Department as well as the software technician to address them. He is also under the impression that we are not using all the functionality of the billing system, but he will have a better understanding of it all once he speaks with the software company. On a motion by Trustee Chan, seconded by Trustee Conklin, it was:

RESOLVED, the Board of Trustees approved a refund to Water Account # 100003, Town Water District #7 for incorrect water bills issued in 2016 in the amount of \$108,335.55 as a result of a water meter issued.

Ayes: Trustees Conklin, Behringer, Dwyer and Chan

Nays: None

POTENTIAL VERIZON CELL TOWER:

Trustee Dwyer addressed the Board to provide an update on the potential contract agreement with Verizon wireless that would allow the company to place booster towers on two of the Village's water tanks, one on Winchester Drive and the other located at Hewson Road, at no cost to the Village. Trustee Dwyer feels that this is a great opportunity and wants to see this revenue for the Village. Although not mentioned in the contract, the terms and potential revenue of this opportunity would be approximately \$18,000 for the 1st year, and approximately \$8,500 per year thereafter. To date, a contract proposal has been created and reviewed by counsel. A red-lined copy has been returned to Verizon for their review, which they came back with several points to the red-lined version. Trustee Dwyer conferred to Attorney Bonacic to address those concerns. Attorney Bonacic stated that one of the concerns he shares with Trustee Dwyer is the type of can type of lease agreement for any kind of structure that allows Verizon to place equipment on a building, which is somewhat unique because it is a booster and a water tower. The format of the contract is not workable in his opinion so he made more relative comments specific to the water tower. He stated there were some terms and business points that he did not like and made adjustments such as their 24/7 access to the area and equipment not fully understanding the layout without seeing a design. One thing he included was a 3% rent escalator each year because this was a fixed 5 year payment and Attorney Bonacic felt that like most leases, the Village should get the benefit of an escalator. Verizon countered stating that they best they could do on a small cell was 2% beginning in year 6, and Attorney Bonacic commented that it would be up to the Board on the business aspects. He also stated that the Board should be prepared for Verizon to come back to them with additional lease agreement changes after receiving and reviewing his red-lined version.

Trustee Dwyer again stated that before Verizon escalates this process to the next step, Planning Board review etc. that they want to know they have a partner in the Village of Monroe. Trustee Chan asked if they would be willing to come in and give the Board a presentation and perhaps show us a design. Trustee Dwyer believed that he provided the Board a packet containing specs on the booster, what it would look like, etc. Trustee Chan also expressed his concern over what would happen if the water tower needed to be switched out or what kind of inconvenience the residents would experience with Verizon having access to these boosters 24/7. Trustee Dwyer stated that Verizon is fully and wholly responsible for the maintenance and anything that has to do with our property, Village owned water tower, etc. Verizon would also be responsible for supplying phone and power to the face box. The access to the booster would be minimal. Trustee Chan also inquired if there are any others in the area. Assistant Building Inspector Cocks stated that there is also one set up behind Jiffy Stop in Federal Plaza if the Board wanted to go have a

look at one. Attorney Bonacic clarified that we are ok where we are but we would request someone to come and give a presentation before we officially commit to the project. Attorney Bonacic's last comment was to request that Verizon continue to use the red lined document of the lease they are currently working with to track any further changes that are made to avoid any confusion. Trustee Dwyer stated that for the Board's comfort, he would reach out to the Verizon contact and see about setting up a presentation go address their concerns.

MAYOR'S REPORT:

Mayor Purcell reported that Frontier Communications has reached out after much silence to request a meeting to discuss the possibility of a franchise agreement to bring in cable to our area. He stated that there will be a conference call on Thursday February 16, 2017 at 4:00 PM that he will participate in along with Treasurer Murray, and he will report back to the Board what transpires.

PUBLIC COMMENT: 2 #PRESENT TIME: 7:44 PM

Resident John Karl stated that in regards to the potential Verizon boosters on the Village water towers, specifically the tower on Hewson Road, he suggested we contact Aqua Store, the manufacturer of the tower, to verify that it will not void the warranty by affixing anything to it. That particular tower is not metal, but fiberglass and glass lined, so attaching anything to it may cause damage. Trustee Dwyer stated again that in his discussions with the Verizon representative it was explained to him that the boosters and all equipment associated with it is affixed with magnets and straps, there would be no permanent mounting system.

Mr. Karl also asked inquired about the 2017 Block Grant and what the intent was for the remaining sidewalks on North Main St. from Elm down to Rt. 208. He asked would the Village be putting in the curb with the island or are we pushing it back like was done in front of the school. Trustee Conklin stated she hoped it would be curb and sidewalk only. Mayor Purcell said it brings up the question as to whether or not are we giving street parking. Mr. Karl expressed that the islands look nicer and also act as storage for snow when the streets are plowed in the winter. This allows the snow to pile up on the island and not the sidewalks, making it more difficult for the residents to maintain their sidewalks in the winter. The Village should look at the logistics of that. Trustee Dwyer stated that parking is the one of the many challenges on North Main, particularly in this area of Elm to Rt. 208, now that this area has gone multi-family. When they were just single family homes, they parked in their driveway, now they are throwing down gravel, calling every stick of land a driveway, and it looks terrible. Mayor Purcell injected that finances will really dictate what we do too.

EXECUTIVE SESSION:

On a motion by Trustee Conklin seconded by Trustee Behringer, following a 5-minute recess, Executive Session followed at 7:59 PM for discussion of Building Department Personnel.

Respectfully Submitted,

Ann-Margret Baxter
Village Clerk

Executive Session Minutes compiled by Mayor Purcell.

OPEN SESSION:

On a motion by Trustee Conklin seconded by Trustee Behringer and carried, the Open Meeting resumed at 9:25 PM.

ADJOURNMENT:

On a motion by Trustee Chan seconded by Trustee Dwyer and carried, no further business, the meeting was adjourned at 9:26 PM.

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