

**BOARD OF TRUSTEES MEETING
TUESDAY, MARCH 7, 2017 @ 7 PM
(www.villageofmonroe.org)**

The first monthly meeting of the Village of Monroe Board of Trustees was held Tuesday March 7, 2017 at 7:00 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 Conklin, Chan, Dwyer, and Behringer

Also present: Attorney Bonacic, Treasurer Murray, Jim Deloria, Site Acquisition Specialist for HPC Wireless Services, Village Clerk Baxter and Deputy Clerk Zahra

POTENTIAL VERIZON CELL TOWER CONTINUED:

(See Pg. 118 2/15/17)

At the February 15, 2017 Board Meeting, Trustee Dwyer presented to the Board a proposal for Verizon wireless to install boosters on the top of two Village water towers located on Winchester Drive and Hewson Road. After providing them with some of the specifics as he knew it, Board Members asked Trustee Dwyer to reach out to his contact at Verizon and ask him to come to a meeting and be able to address the specific questions that the Board had that Trustee Dwyer was unable to answer.

Jim Deloria, Site Acquisition Specialist for HPC Wireless Services, addressed the Board regarding the potential installation of wireless booster towers on Village water tanks located on Winchester Dr. and Hewsen Road. Mr. Deloria stated that one of the goals of Verizon wireless in to increase capacity for data services, meaning texting, email, etc. The technology for voice and data are different and the current trend is more towards data than voice. As we all have experienced “dead zones” or areas where service is extremely slow or drops off, companies began looking in to ways to help that. Verizon, along with other providers, came out about 2 years ago with something called a “small cell.” A small cell is a single antennae booster that off loads the capacity from the closest cell tower. Each cell tower has a certain capacity, which connects to macro sites and so on, and these booster sites assist in offsetting this capacity. When Verizon began looking in this area, they identified a few of local Elementary schools that would make ideal locations but it required approval from the State Education Department and the process very lengthy and difficult so they began looking at locations near these schools. While scouting out other areas, Verizon began noticing that other providers were using water towers in those areas, so they too began looking into installing their boosters on water towers as well. The towers on Winchester and Hewsen are ideal spots. Mr. Deloria also stated that he is working with the owner of the Shop Rite Plaza on installing these boosters in areas where he owns other property after installing one behind the Shop Rite on Rt. 17M. Mr. Deloria clarified that the technology is relatively simple, the booster involves a single antennae on top of the tower connected by a single cable to a base piece of equipment which looks like a simple air conditioning unit taking up an approximate 6 ft. by 8 ft. piece of land. Because it is considered an “add-on” it would not require any service during the night like a regular tower would.

Trustee Chan inquired what would happen if the tower that the antennae is installed on needs to be replaced. He also inquired if there would the Village incur a penalty. Mr. Deloria stated that all they ask is that if the tower was to become permanently disabled, that the Village provides them with enough notice to scout out another location to relocate the booster too. If it was a situation in which the tower would be decommissioned due to a repair, re-painting, etc. they would simply take it out of action for a few days. There would be no penalty to the Village and that could be stipulated in the lease agreement. Trustee Chan also asked Mr. Deloria who supplies the booster with the power for this unit. Mr. Deloria explained that it would come from the closest source, meaning the local utility company, which in this case is Orange & Rockland. Mr. Deloria explained that once we entered into a contract with the provider the utility company would visit the site and determine how to provide power, phone and fiber to the location. This is covered by the provider, Verizon.

Trustee Chan asked Mr. Deloria if he reviewed the form that Trustee Dwyer was to have forwarded on to him. The form in question refers to the responsibility and liability of the water towers and any effect it would have on the tanks manufacturer warranty. Trustee Chan stated he would like the forms completed before we agree to move forward with this project. Mr. Deloria acknowledged that he has not reviewed yet. Trustee Chan is concerned that the installation of the booster will affect the warranty on the water tower, and that is the reason for the release form. Trustee Dwyer interjected that the Verizon team would need to come and visit the site first to perform a structural analysis before completing the form. Mr. Deloria added that the site visit

would include representatives of their construction team, their engineer and design team, plus Village representatives to evaluate the site and see what works best for them, but assured Trustee Chan that once that was done and the site deemed useful for the booster installation that he would ensure the form was completed and returned. Trustee Chan clarified that he was all in favor of this project but stressed the importance of the Board doing its due diligence for the Village by looking into every aspect of this project.

Trustee Behringer asked if there was a limit to the number of towers that could be installed on a water tower. Mr. Deloria indicated that there was not and that in fact, they encourage all providers to pursue it as it not only helps with the wireless service but is a good source of extra income for that municipality in which it is located. He did inform the Board that there is a clause in their contract that states that they are not allowed to interfere with another carrier and vice versa. Each provider functions on their own individual licenses.

Mayor Purcell asked Trustee Dwyer if he had received the final financial terms of the agreement. Trustee Dwyer stated that he did not. Attorney Bonacic interjected that he did receive that morning a response to the red-lined version he submitted after the last meeting but due to his schedule, he has not had a chance to review it yet. He asked Mr. Deloria if that was the most current version of the agreement and Mr. Deloria stated that it was. Mr. Deloria clarified that while the 2 or 3 business points that Attorney Bonacic brought up have been addressed, that the financial section has not yet been reviewed. He was under the assumption that tonight's presentation was simply to review the concept of the booster antennae with the Board, and not to review the nuts and bolts of the agreement. Mr. Deloria stated that there would be an \$8,400.00 signing bonus and then \$4,200.00 paid annually in advance. He also clarified that although the Village is requesting a 3% escalator, the most Verizon will do is 2% and there is no room for negotiation with that.

Attorney Bonacic stated that in his version of the agreement before him it still states the 3% escalator and asked Mr. Deloria again to clarify if the version he received this morning was the most current version. Mr. Deloria again stated that it was, and reiterated that there have not been any adjustments made to the financial portion of the agreement.

Trustee Dwyer also stated that the current agreement does not include any information regarding the bonus and it should. Mr. Deloria stated that he sees that we are moving in a forward direction with this project and would see that the financials are updated and included in the next revision.

MINUTE APPROVAL: FEBRUARY 15th AND 21st

On a motion by Trustee Conklin seconded by Trustee Behringer, the Minutes of the February 15th and 21st, 2017 were approved.

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

ORANGE COUNTY TOURISM GRANT ACCEPTANCE 2016-2017:

Through the initiative of Village Clerk Ann-Margret Baxter, the Village was notified in a letter dated February 22, 2017 that the Village has been awarded a 2016-2017 County of Orange Arts & Tourism Grant. We are receiving \$2,400 to support the Summer Concert Series. A resolution accepting the grant must be adopted, certified and returned to the County.

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

RESOLVED, the Board of Trustees accepts the 2016-2017 County of Orange Arts & Tourism Grant funding through the Orange County Tourism Program in the amount of \$2,400. This funding will be used to support the Village of Monroe's Summer Concert Series. Mayor Purcell is hereby authorized to sign this agreement.

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

PD SURPLUS – GLOCK CONVERSION KITS – 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:

Glock Conversion Kit, S/N 0880
Glock Conversion Kit, S/N 0886

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

PUBLIC HEARING SCHEDULING – PROPOSED LOCAL LAW TO OVERRIDE TAX LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW 3-C:

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

RESOLVED, the Board of Trustees do hereby authorize a Public Hearing to be scheduled on Tuesday, March 21, 2017 at 6:15 PM, on a proposed Local Law entitled “A Local Law Authorizing a property tax levy in excess of the limit established by General Municipal Law Section 3-c”. the purpose of this proposed Local Law is to allow the Village to override the limit on the amount of real property taxes that may be levied by the Village of Monroe pursuant to General Municipal Law S. 3-c, and to allow the Village of Monroe to adopt a village budget for (a) village purposes and (b) any other special or improvement district governed by the Board of Trustees for the fiscal year 2018 (6/1/17 – 5/31/18) that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law S. 3-c. This Local Law, if adopted, will relieve the Village of the prohibition against increasing a tax levy by more than 2% as imposed by Municipal Law S. 3-c. As the Village of Monroe relies upon the assessments of the Town of Monroe and therefore cannot anticipate the impact of resolutions of tax certiorari matters or other unanticipated expenses, the restrictions of General Municipal Law would potentially impose a great hardship upon the Village or require borrowing otherwise deemed unnecessary.

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

FY/2018 BUDGET PUBLIC HEARING:

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

RESOLVED, the Board of Trustees authorized a Public Hearing to be scheduled on March 21, 2017 at 6:30 PM on the proposed June 1, 2017 to May 31, 2018 Tentative Budget.

LENZA BOND REDUCTION REQUEST CORRECTION OF ERROR:
(See Pg. 107 1/17/17)

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

RESOLVED, due to a mathematical error, the bond reduction amount recommended by Lanc & Tully Engineering, John O'Rourke, P.E. was stated incorrectly in the resolution of the January 17, 2017 Board of Trustees Meeting Minutes. The amount listed was \$159,840.00, when the correct amount was \$144,000. (Amount held by the Village \$160,000.00 - \$144,000.00 = \$16,000.00 (10% retainage held). This revised resolution is to replace the resolution put into effect on January 17, 2017, page 107, which stated the incorrect amount of \$159,840.00.

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

WATER ACCOUNT # 66 REQUEST FOR CONSIDERATION CONTINUED:

(See Pg. 122 2/21/17)

In a second letter to the Board, business owner Alexander Raja addressed the February 2017 water bill in the amount of \$4,918.75 that he received due to a leak that went unaddressed for a period of time. Mr. Raja is requesting some leniency in the payment of this bill, requesting the Board allow him to split his payments without being charged the 10% monthly penalty. To date, Mr. Raja has already paid \$1,300.00 towards the bill, leaving a balance due of \$3,618.75. Discussion followed. Mayor Purcell inquired how many payments have been made to date on the account. Deputy Clerk Zahra stated that since the billing, two payments have been made, one in the amount of \$1,300.00 and the second for \$1,500.00, leaving a balance of \$2,118.75.

Trustee Chan stated that he would like to make a motion to offer Mr. Raja the ability to pay off the balance in 4 payments and waive the 10% penalty. Village Clerk Baxter asked for clarification if the 4 payments include the 2 payments that have already made or are they an additional 4 payments. Trustee Chan clarified 4 payments total, 2 have already been made, leaving 2 remaining payments. Mayor Purcell agreed. Village Clerk Baxter also asked for clarification on when the payments need to be received by, and Mayor Purcell stated that payments have to be made prior to the next billing cycle, on or before April 15th, 2017. If payment in full is not received by then, the penalty for March and April that is being waived will be due.

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

RESOLVED, the Board of Trustees accepted the request of Mr. Raja and approved the payment plan as follows: 2 payments to pay off the current existing balance of \$2,118.75 on or before April 15, 2017 while waiving the March and April 2017 penalty. If balance is not paid in full by the agreed upon due date, then waived penalties will be assessed to water account #66.

Ayes: Trustees Conklin, Behringer, Dwyer and Chan

Nays: None

PENALTY WAIVER REQUEST FOR WATER ACCOUNT 1690 CONTINUED:

(See Pg. 122 2/21/17)

Water account 1690 has requested a credit for a past due balance and penalties imposed due to Water Billing system never being updated with the correct owner's name after closing on property October 13, 2016. The November 2016 bill still had prior owners name and billing address included, and was not forwarded to new owner and went unpaid. Current owner was not made aware of the situation until receiving the February 2017 bill. Owner has paid the current amount of his bill, but with the posting of February 2017 penalty, the amount that currently needs to be credited to his account is \$62.22. Discussion followed.

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

RESOLVED, the Board of Trustees accepted the request for a credit of past due amount and late fees imposed on water account 1690 in the amount of \$62.22.

Ayes: Trustees Conklin, Behringer, Dwyer and Chan

Nays: None

WALK MS ORANGE COUNTY / MAY 7, 2017 (SETUP 5/6/17):

Abby Grasso, Logistics Specialist for the National Multiple Sclerosis Society submitted an events application to host their annual MS Walk using the commuter Parking Lot on Mill Pond Parkway and the walking paths in Crane Park on Sunday May 7, 2017 from 9 AM to 1 PM. This request includes approval for setup on 5/6/17 from 2 PM to 7 PM. Setup will include tents, tables, portable toilets, and dumpster. Discussion followed.

Trustee Conklin expressed her concern again over the added costs that the Village incurs with additional Police and DPW expenses for their involvement in non-Village sponsored events and that the Village events application should be revised to reflect this. She does not feel it is not the taxpayer's responsibility to pay for the overtime accrued when outside organizations come in to the Village to hold their events. Trustee Conklin believed that the Board has asked Attorney Bonacic to look into this.

Mayor Purcell stated that they had discussed it prior and that Attorney Bonacic would look into devising a possible fee schedule and drafting a potential local law to make this revision. Trustee Conklin requested that it be expedited as this request is only the beginning of what will be a busy event season.

Mayor Purcell added that the Board will need to make a decision on this quickly as the Activities Committee is working with the Chamber of Commerce to possibly take over the Cheese Festival this year, and that is an event that generates a lot of additional PD and DPW manpower and if we revise the application to include some kind of reimbursement, they may decline to host the event because they are not for profit and it may not be financially feasible.

Trustee Chan asked for clarification on what is considered Village sponsored events. Mayor Purcell advised that those events are the Summer Concert Series, the Carnival and the Independence Day celebration.

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

RESOLVED, the Board of Trustees approve the request of the National Multiple Sclerosis Society, New York, Abby Grasso, Logistics Specialist 733 3rd Avenue, Third Floor, New York, NY 10017, to use the commuter Parking Lot on Mill Pond Parkway and the walking paths in Crane Park to host their annual walk on Sunday May 7, 2017 from 9 AM to 1 PM. Approval was given for setup on 5/6/17 from 2 PM to 7 PM. The event will be supervised by the Police Department and DPW Supervisor Linderman. Sign-off on the event application has been made by the Building and Police Departments. Police Dept. will oversee the event with 1 officer on overtime for the entire length of the event at \$63.64 per hour. Proof that the participation form of the event includes a waiver of liability must be provided to the Village Clerk no later than one week prior to the event.

Ayes: Trustees Behringer, Dwyer and Chan

Nays: Trustee Conklin

STOP DWI PROGRAM SERVICE AGREEMENT:

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

RESOLVED, the Board of Trustees approved an agreement with the County of Orange that authorizes the Village of Monroe Police Department to participate in the STOP DWI Traffic Safety Program for one year. The first period is from 3/14/17 through 5/30/17 for a total not to exceed \$3468 / 50 hours. Second period to run from July 1, 2017 through September 5, 2017 and the third period will run November 1, 2017 through January 1, 2018. The term of the Inter-Municipal Agreement is 3/14/17 – 1/1/18. It is further

RESOLVED, the Board authorized Mayor Purcell to execute the agreement on behalf of the Village.

Ayes: Trustees Conklin, Behringer, Dwyer and Conklin

Nays: None

WILDLIFE SERVICES AGREEMENT FOR MANAGEMENT OF CANADIAN GEESE:

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

RESOLVED, the Board of Trustees approved an agreement with the United States Department of Agriculture Animal and Plant Health Inspection Service (USDA-APHIS), 572 Third Avenue Extension, Suite 2, Rensselaer, NY 12144 to cooperate in wildlife damage management to control the Canadian Geese in Crane Park. The cost of the program is \$5,414 and encompasses personnel costs, vehicle fuel, supplies, and equipment. The cost of this program will be allocated from budget line A7110.450 Park Contractual. (Agreement No. 17-7236-9205 / WBS Element: AP.RA.OTCS.WS.ER36). It is further

RESOLVED, Mayor Purcell is hereby authorized to sign the cooperative service agreement.

Ayes: Trustees Conklin, Behringer, Dwyer and Chan

Nays: None

MORATORIUM EXPIRATION / 1 DAY EXTENSION:

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

WHEREAS, the purpose of Local Law 2 of 2016 was to protect the public health, safety and welfare of the residents of the Village of Monroe and to maintain the *status quo* of certain residential development in the Village while the Board of Trustees completes its comprehensive zoning review, including the adoption of zoning regulations; and

WHEREAS, the Board of Trustees found that appropriate measures needed be taken to secure a temporary reasonable halt on certain residential permits, certificates of occupancy and approvals for development within the SR 10 and SR 20 zoning districts during such review; and

WHEREAS, without the temporary halt, there remains the potential that certain primary residential uses could be located in areas within the Village which would be unsuitable or incompatible with the decisions by the Board of Trustees in finalizing its Comprehensive Plan and zoning regulations;

WHEREAS, the potential for such unsuitable and incompatible residential uses would have materially adverse and irreversible impacts on the Village; and

WHEREAS, Local Law 2 of 2016 expires on March 20, 2017, which is not a meeting night of the Board of Trustees; and

WHEREAS, the Board of Trustees desires to maintain the temporary halt that has been put into place by the moratorium until such time as the Board finalizes its Comprehensive Plan and Zoning Code amendments.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Monroe that the Board of Trustees hereby extends the moratorium on certain permits, certificates of occupancy and approvals for residential development instituted by Local Law 2 of 2016 for a period of one additional day from the date of its scheduled expiration, resulting in an expiration date of March 21, 2017, or until the effective date of the applicable local laws, whichever first occurs.

Ayes: Trustees Conklin, Behringer, Dwyer and Chan

Nays: None

MAYOR'S REPORT:

Mayor Purcell advised the Board that he recently had a meeting with the Chamber of Commerce, the Activities Committee and Bob Quinn, Chief Editor of the Photo News to discuss what people are interested in doing, and moving forward with the Cheese Fest. The Chamber is interested in running it again but is not fully committed as they still have questions that need to be answered and we still have some logistics that need to be worked out.

Trustee Dwyer asked if Bob Quinn was part of the Chamber of Commerce, and Mayor Purcell clarified that his is not, that he was only asked to attend to assist with advertising and keeping an open line of communication open as the Village experienced some issues in the past.

Trustee Conklin asked if the Board was going to do anything with the local law and the revised events application. Mayor Purcell said yes, that Attorney Bonacic would work on drafting something.

PUBLIC COMMENT:

#PRESENT 3

TIME: 7:47 PM

Resident John Karl stated that in regards to the water tanks and the antennas will it cause any interference with other antennas in the area. Trustee Dwyer stated that while he would refer to Jim Deloria it was his understanding that they would not. The Verizon people do a battery of testing and RF work to ensure that there is no interference.

Mr. Karl asked if there was any way to move the Cheese Festival into Crane Park to avoid closing down Main Street. Mayor Purcell stated that in recent meeting with the Activities Committee they discussed changing the name of the event as well as also moving the date to incorporate it with the

carnival since there are other county events that typically happen the same date that the Cheese Fest is held now. In the past we have learned that by keeping Mill Pond Parkway open this tend to run more smoothly and PD along with local businesses are happy. They are also considering shortening it, both in distance and time. They are considering starting in down by Plant Pizza and ending it by Mapes and Stage, and keeping it to a 4 hour event. They think that by having it open from 11AM to 6 PM is too long. There are other things that they need to look into first, collect the Vendor list from Action in Monroe, etc.

Mr. Karl asked if they are looking to hold the Cheese Fest during the same time they are doing the carnival. Mayor Purcell stated they are considering it since the carnival runs 1 PM – 11PM that day. Mr. Karl expressed his concern that the first week of August is when a lot of people are on vacation. Mayor Purcell stated that the carnival has always had a great turnout and with expanding the advertising it could be even better. They committee doesn't want to be in competition with 9-11 activities, General Montgomery Day and other various activities going on around the county. The Chamber would like to expend on its advertising and open it up to a broader group.

Mr. Karl also addressed the ongoing litter problem behind Federal Plaza, along the embankment of the trailer park and behind Shop Rite. There are old vehicles behind Shop Rite that are being used as storage and it isn't attractive. He encouraged the Board members to take a drive back there and look for themselves. The only one that is half way decent is by Stop & Shop. Mayor Purcell stated that he would speak with DPW Supervisor Linderman and have him look into what areas the Village has jurisdiction and get it cleaned up.

Resident and business owner Timothy Mitts addressed the Board and notified them that the property he owns, 263 High Street, otherwise known as Rest Haven, has recently received notice of that the property would be receiving Historical Designation by New York State on March 23, 2017. Mr. Mitts also encouraged the Board to visit the property and do a walk through to see all the updates and renovations that have been completed to restore the home. Mr. Mitts also informed the Board that local businesses have been used to assist in renovating the building, along with the project having been funded solely with private funds. They are also planning to open the house to the public and allow the public to come into the house and see it, and see all the work they have done inside. He encouraged the Board to visit the Board to visit helenkellermonroeny.com which is full of a lot on interesting historical articles regarding the property. Trustee Chan commented that he had been inside the home before and during its time as AHRC, and Mr. Mitts encouraged him to come and see if now, he wouldn't recognize it. The Board thanked Mr. Mitts for him for coming to the meeting and providing them with an update.

EXECUTIVE SESSION:

On a motion by Trustee Conklin seconded by Trustee Chan, following a 5-minute recess, Executive Session followed at 7:57 PM for discussion of Attorney Client.

Respectfully Submitted,

Ann-Margret Baxter
Village Clerk