

BOARD OF TRUSTEES MEETING
TUESDAY, MARCH 6, 2018
www.villageofmonroe.org

The first monthly Meeting of the Board of Trustees was held on Tuesday, March 6th 2018 at 7:00 PM in the Boardroom of the Village Hall, 7 Stage Road Monroe, New York. Deputy Mayor Irene Conklin called the meeting to order and led in the pledge to the flag. Emergency exits were announced.

Present: Deputy Mayor Conklin, Trustees Dwyer, Behringer, and Chan
Also present: Attorney Bonacic, Village Clerk Baxter and Deputy Clerk Zahra
Absent: Mayor James Purcell (vacation)

MINUTE APPROVAL: MEETINGS OF FEBRUARY 6th & 20th 2018:

On a motion by Trustee Chan seconded by Trustee Behringer, the Minutes of the February 6th and 20th Meetings were approved.

Ayes: Trustees Behringer, Dwyer and Chan
Nays: None

BUDGETARY TRANSFERS / MODIFICATIONS:

On a motion by Trustee Chan seconded by Trustee Behringer, 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.9550.930	Transfers PD Auto Rsv	A.3120.230	PD Motor Vehicles	965.99
Budget Modifications				
A.1560	Safety Inspection Fees	A.1440.450	Engineering Contractual	1,404.00
A.2115	Planning Board Fees	A.8025.450	Plan Bd Engineer Contract	9,685.00
A.2770	Misc Revenue	A.3120.230	PD Motor Vehicles	1,834.01
A.2260	Police Services	A.3120.412	PD Uniform Allowance	337.50

JUSTICE COURT INDEPENDENT AUDIT ACKNOWLEDGEMENT:

On a motion by Trustee Behringer seconded by Trustee Chan, the following resolution was approved:

WHEREAS, in accordance with Section 2019-a of the Uniform Justice Court act requiring that Village Justices annually provide their court records and dockets to their respective Village auditing boards, and that such records be examined or audited and that fact be entered into the minutes of the Board's proceedings, it is hereby

RESOLVED, the Board of Trustees hereby acknowledge that an audit of the Village Justice Court's cash receipts, cash disbursements and cash balances was made for year ending May 31, 2016 by the Village Independent Auditor, PKF O'Connor Davies LLP, Harrison NY and no discrepancies were found.

Ayes: Trustees Behringer, Dwyer and Chan
Nays: None

FY/2019 BUDGET PUBLIC HEARING:

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

RESOLVED, the Board of Trustees authorized a Public Hearing to be scheduled on Thursday, March 22, 2018 at 6:30 PM on the proposed June 1, 2018 to May 31, 2019 Tentative Budget. Discussion followed.

Trustee Behringer inquired if the public hearing would be held prior to their next Board Meeting and Deputy Mayor Conklin stated it would.

PUBLIC HEARING SCHEDULING: OC COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDING APPLICATION 2019:

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

RESOLVED, the Board of Trustees authorized a Public Hearing to be scheduled on Thursday, March 22, 2018 at 6:30 PM to invite public comment and suggestions regarding projects to be considered for funding under the Orange County Community Development Program. Under this program a variety of physical improvements as follows are eligible for funding:

1. Acquisition and Disposition of Real Property
2. Public Works, Public Facilities or Site Improvements
3. Code Enforcement (Housing and Health Codes)
4. Clearance, demolition and rehabilitation for public use or economic development
5. Housing rehabilitation loan and grants
6. Special projects for elderly and handicapped
7. Provision of Public Service (Shelters, Clinics, Senior Nutrition, etc.)
8. Payment of non-federal shares of other grant programs
9. Relocation payments and assistance

The submittal deadline is April 27, 2018.

Discussion followed.

Trustee Dwyer stated that this public hearing should be pushed out because it is scheduled on the same day as the public hearing for the budget. He continued that the Board needs to focus on the budget and he is sure that there will be public comment on it as well and consider the Board to look at it that way and consider it for the first meeting in April. Deputy Mayor Conklin stated that she didn't think that the first meeting in April was wise but perhaps the second meeting in April. Trustee Chan interjected that it needs to be done by a certain date and Clerk Baxter stated that the application needs to be filed by April 27, 2018 so that does not leave the Board with enough time. Trustee Dwyer suggested holding the hearing at the first meeting in April and the Board could take action at the second meeting on April 17th. Deputy Mayor Conklin stated that does not leave enough time to file the application and Clerk Baxter added that the filing would most likely be done by the Village Engineers who assist the Village with the application. They need time to gather the necessary information that is needed.

Deputy Mayor Conklin asked what the concern was by having both public hearings on the same date. Both Trustees Chan and Dwyer stated that 15 minutes apart is not enough time. Deputy Mayor Conklin suggested increasing the time and Trustee Chan stated that if the hearing ran past the time, then the regular Board of Trustees Meeting would start a little later. Deputy Mayor Conklin stated that she was aware of their concerns but she also did not want the Board crunching themselves and there is an opportunity to miss this filing. Trustee Behringer suggested holding one public hearing at 6:30pm, the next hearing at 7:00pm and moving the Board of Trustees Meeting back to 7:30pm.

Attorney Bonacic interjected and advised the Board that one public hearing could be set at 6:30pm, and the second public hearing could be part of the meeting agenda that would begin at 7:00pm. He continued that you could start the meeting and then open the public hearing.

Deputy Mayor Conklin suggested setting the public hearing for the Budget at 6:00pm and 6:30pm public hearing for the CDBG Grant. She asked the Board if they were ok with these proposed times, and Trustees Chan, Dwyer and Behringer stated that they were. Deputy Mayor Conklin also added that if they ran over, then they would begin the regular Board of Trustees meeting late and Attorney Bonacic stated that was okay.

2018 LOCAL PSAP (PEDESTRIAN SAFETY ACTION PLAN) APPLICATION:

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

WHEREAS, the Village of Monroe has the opportunity to apply for the Pedestrian Safety Action Plan (PSAP) Grant offered by New York State Department of Transportation,

WHEREAS, the purpose of this grant is to improve pedestrian safety, specifically to connect streets in and around the Village with the installation of crosswalks and pedestrian signals,

NOW THEREFORE BE IT RESOLVED, the Board of Trustees of the Village of Monroe authorize Creighton Manning to submit the application on the Village's behalf that includes a non-refundable application fee of \$2,000.00. Discussion followed.

Trustee Dwyer stated that he and Chief Conklin had gone out and scouted several locations. Trustee Dwyer also asked if now that Creighton Manning is on board would Creighton Manning go back to these locations that had been discussed and incorporate them into the project. Clerk Baxter asked if he had received the paperwork regarding this project that had put in everyone's mailboxes and explained that in it there was a page that laid out specifically the areas that would be part of this project. The Board reviewed the documents provided and raised questions regarding some of the areas listed, some crosswalks listed appeared vague. Deputy Mayor Conklin requested that Clerk Baxter obtained clarification from Doug Teator PE, Project Manager from Creighton Manning, as to specifically what areas and crosswalks he was referring to.

Due to some discrepancies where additional input was needed by Creighton Manning Engineering, Deputy Mayor Conklin suggested tabling this item to a later meeting. Clerk Baxter notified the Board that the application for the grant was due by Friday, March 9, 2018., and that she believed the issue at this juncture was to get the Board to approved the non-refundable \$2,000 application fee. Deputy Mayor Conklin stated she had no issue with that, and she continued that she did not think getting clarification on the streets would not be an issue either. Trustee Dwyer stated that his concern was with different granting agencies involved you have regulations involved behind the dollar values and if that is the case, it may affect the numbers of this grant. Clerk Baxter asked if the Board passed the resolution to approve the application fee this evening and then found out that the suggested modifications would affect the cost making it more expensive, could the Village opt not to move forward with the application. Trustee Chan suggested making the resolution of approving the \$2,000 contingent on acceptance and clarification by the Board.

Attorney Bonacic stated he reviewed the email and paragraph two of that email states that the \$2,000 fee is to prepare and submit the application which is complete, and that is not reimbursable by DOT. Deputy Mayor Conklin stated that there wasn't enough time and no guarantee that it would be done accurately in this short period of time. She continued that the preparation fee of \$2,000 is non-refundable. That may not seem like a lot but she wants to make sure that the Village gets it right and there doesn't seem like a lot of time. Attorney Bonacic also stated that while he has not seen the full proposal provided by the consultant, there is a component in there which states that the Village may be responsible for a 10% match and it raises the question as to whether the Village has budgeted for that.

Trustee Dwyer included that consultants that met with DOT actually said that there were several crosswalks along Rt. 17M that would get done but on DOT's timeline, so if they are included in this proposal, we can't go about doing it and that is a problem as well. Both Deputy Mayor Conklin and Trustee Dwyer agreed that there wasn't enough information and not enough time to move forward with this. Attorney Bonacic asked if there was an opportunity to extend the deadline and Clerk Baxter stated she did not know. Attorney Bonacic suggested looking in to that and perhaps revisiting it then at a later meeting. Deputy Mayor Conklin agreed and tabled this matter for discussion at the next Board Meeting.

Ayes: Trustees Behringer, Dwyer and Chan

Nays: None

INDEPENDENCE DAY FIREWORK DISPLAY 2018 / CONTRACT WITH LEGION FIREWORKS:

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

RESOLVED, the Board of Trustees approved a contract with Legion Fireworks, Co., 10 Legion Lane, Wappingers Falls, NY 12590, for furnishing and conducting a fireworks display on July 3, 2017 (rain date 7/6/18) in the amount \$15,000. (15% Deposit of \$2,250 due at signing of contract. \$12,750 due immediately following the display. Discussion followed.

Trustee Chan asked if any other municipalities were contributing to the cost of the fireworks. Deputy Mayor Conklin stated that like in past years, neighboring municipalities would be asked to contribute, which were typically the Town of Monroe, Village of Harriman and Village of Kiryas Joel. Trustee Behringer asked Deputy Mayor Conklin to repeat the cost of the display and Deputy Mayor Conklin repeated the terms of the agreement. Clerk Baxter included that the cost is the same as it was last year. Deputy Mayor Conklin asked if they contributed \$5,000 each and Clerk Baxter could not confirm at that time what their contribution was.

Trustee Dwyer asked if the contributions were identified in the contract and Deputy Mayor Conklin stated that they were not. Trustee Dwyer continued that he thought the contributions should be in writing and included in with the contract. Clerk Baxter stated that the Village does not request a specific amount from each municipality, a letter is sent, and it is up to that municipality to decide how much, if at all, they wish to contribute. Trustee Chan interjected that the whole cost falls on the Village and Deputy Mayor Conklin added that one year the Village paid for the whole thing.

Trustee Dwyer asked if getting that clarification and discussing it at the next meeting would be an issue. Deputy Mayor Conklin stated it would not be an issue but asked Trustee Dwyer if the other municipalities choose not to participate is the Village still going to hold the fireworks? Trustee Dwyer stated he was not suggesting that, he was only suggesting he'd like to know what their participation is since we are signing a contract. Deputy Mayor Conklin stated that we are signing the contract regardless, assuming the Board approves it, it is not contingent on what the Town or Harriman contributed. It is the Village's contract with the fireworks company. Clerk Baxter also stated that she believed that the Village received the Town of Monroe's contribution after the fireworks display and it was only at that time was the Village aware of what they were contributing.

Trustee Chan asked when the Village had to sign the contract by. Clerk Baxter stated that there is no date in which it needs to be signed, but the sooner the better to avoid losing the date that the Village selected.

Deputy Mayor Conklin added that the resolution does not include that there is participation by any other municipality, and Clerk Baxter included that the resolutions in the past never have either. Trustee Behringer suggested signing the contract and discussing the other municipalities contributions at a later meeting. Deputy Mayor Conklin stated again that the Village sends letters out all the time and it's up to them to participate or not. It is the Board's decision on whether or not we want to sign a contract with the fireworks company to hold fireworks this year, it's just that simple. Is it something that we are looking to do or is it not?

Ayes: Trustees Behringer, Dwyer and Chan
Nays: None

STOP DWI PROGRAM SERVICE AGREEMENT:

On a motion by Trustee Dwyer, seconded by Trustee Chan, 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 3/15/18 through 5/29/18 for a total not to exceed \$2,625 / 40 hours. Second period to run from June 30, 2018 through September 4, 2018 and the third period will run November 1, 2018 through January 1, 2019. The term of the Inter-Municipal Agreement is 3/15/18 – 1/1/19. 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

WATER ACCOUNT #22 PENALTY WAIVER REQUEST:

In a letter to the Board of Trustees, business owner Michael Littier has requested a reduction in the amount of penalty fees that were assessed to water account #22 for the late payments of its May, August and November 2017 water bills. The amount of penalties assessed, which have also been paid, amount to \$769.51. Mr. Littier acknowledged that the bills had been sent to the wrong address, which he has accepted responsibility for and has since rectified, but included that the fees are excessive and requested that the \$769.51 in penalties be reduced to \$100.00, and a credit in the amount of \$669.51 be applied to water account #22. Discussion followed.

Trustee Chan proposed to the Board charging Water Account #22 half of the original penalty, or \$384.76.

Deputy Mayor Conklin asked if he has someone else running a business and that the bill went somewhere other than where it should have. Trustee Chan confirmed that Mr. Littier does have a tenant and that the bill was sent to the wrong location. Trustee Behringer commented that the Board has been faced with a lot of these issues lately.

Deputy Mayor Conklin asked if the property owner was under the assumption that the tenant was paying the water bill and Trustee Chan stated he believed that was what was happening but was not 100% sure. Clerk Baxter added the Clerk's Office has contact with the business owner, not the property owner, after the November bill was issued. Clerk Baxter continued that the gentleman came in to the office and made quite a scene, verbally abusive to staff at the window. He left the building and at one point returned and was asked to leave the building. Clerk Baxter stated that she contacted the property owner, Mr. Littier, and explained what had transpired with his tenant and that he was no longer welcome in Village Hall. She continued that at this point Mr. Littier informed the Staff that there was a mix up because this particular property owner owns two pieces of property along Millpond Parkway and the address was updated for one account but not the other and had no explanation as to why the tenant was not paying the bill or forwarding the bill on to him for payment. Clerk Baxter added that Mr. Littier did come in to the office and paid the outstanding bill, including the penalty in December 2017.

Trustee Dwyer asked for an update on the account currently. Clerk Baxter stated that the property owner was in the week before after being away since the after the holidays to check on the water bill status of the property in question. It was determined that the most current bill had been paid and determined that the other property Mr. Littier owns, which has never been an issue, had an outstanding water bill and that has since been paid. Trustee Dwyer asked if he paid both usage and penalty or only the usage. Clerk Baxter stated that everything had been paid for. Trustee Behringer commented that she had been in Village Hall the day tenant made a scene at the window, and while she was not here for that, she did recall that some of the staff was shaken up by it. Trustee Behringer continued that the letter states that the property owner acknowledges that the fault lies mostly on him. Deputy Mayor Conklin stated again that she sees it as a tenant issue. The property owner has owned the building for quite sometime, he has worked the property as well. Mr. Littier knows that he gets a water bill. If he did not work this out with his tenant that is on him, not on the Village tax payer.

Attorney Bonacic added that from a private sector perspective, it is incumbent on the owner to know when their bills are due. The Village provides them the ability to go online and view and pay their water bills. Attorney Bonacic also added that he assumed this was a commercial lease, and the tenant is most likely responsible for water and sewer, utilities for the property, including the late charges. Attorney Bonacic stated that most likely anything the property owner has paid out of pocket is being passed on as additional rent.

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

RESOLVED, the Board of Trustees denied both the suggestion of Trustee Chan to reduce the penalty to \$384.76, as well as the request of Michael Littier for the credit of penalty fees totaling \$669.51 for water account #22.

Ayes: Trustee Chan

Nays: Deputy Mayor Conklin, Trustees Dwyer and Behringer

MAYOR'S REPORT:

Deputy Mayor Conklin stated that participated in the active shooter drill that took place at the Monroe Movie Theatre on March 5, 2018. Deputy Mayor Conklin added that she was a spectator. Police Chief Conklin spoke to the group and advised everyone that this would be a safe demonstration and assured everyone that all guns used in the building were empty or they were blanks. Deputy Mayor Conklin advised the Board that the Chief then asked the group if anyone present had a gun and that six gentlemen to the left of her raised their hands. It turned out that they were all retired NYPD and carried their guns with them. Deputy Mayor Conklin commented that if she was in a movie theatre and someone was to come in and starts shooting, and she is there with her family and a person next to her pulls out a gun, she does not know who they are and how frightening is that. She continued that could be a retired cop or could be someone associated with the shooter, you don't know, and she was terrified at how real it was. Deputy Mayor Conklin stated that it was an amazing, eye opening experience, and also mentioned that Trustee Chan was there on behalf of the Monroe Volunteer Ambulance Corp.

Trustee Chan took a moment to commend the Monroe Police Department with putting it together on such short notice. He also added that in their mailboxes the Board Members would find from the Water Department the projects and the emergency plans in case transmission lines went down, and it was something that could be discussed at future a Board Meeting. Deputy Mayor Conklin thanked Trustee Chan for the information and stated it was very helpful information to have.

Deputy Mayor Conklin advised the public that Village Hall would be closed on Wednesday; March 7th due to the predicted snow storm and Town Hall would be closed as well. She advised that there would also be no recycling pickup.

Trustee Dwyer asked Clerk Baxter to add to the agenda for the next meeting the topic of Schunnemunk Street, there is a lot of things going on up there like vehicles, garbage. Deputy Mayor Conklin added that she had some things that she would like to add to that as well, including the garbage along Route 17M, but doesn't really know how to remedy it. Trustee Dwyer added that in regards to Schunnemunk, it is a main thoroughfare; there is a grade issue and a speed limit issue.

Trustee Dwyer also mentioned the towing ordinance and that he believed it was pretty well set. Deputy Mayor Conklin interjected that she had a couple of questions, and should she address them with the Board of Trustees or with the Police Department. She continued that there were a lot of things that she did not understand while she was reading though it. Deputy Mayor Conklin asked why the Village charges the towing companies a fee. She realizes that it has always been done but doesn't understand why the Village does it. What do we supply them. Trustee Dwyer answered that it is like a franchisee, it is the cost of doing business in the Village. The Village Clerk has to deal with the issues that come up both with applications and processing permits, keeping it current. There are logistics involved and it is a good thing. Trustee Dwyer also stated that it also brings ownership to the table. Deputy Mayor Conklin asked if we charge all the businesses in the Village or only them, and Trustee Dwyer stated that the Village only charges the towing companies.

Deputy Mayor Conklin asked why the Village wants to raise their daily rates from \$85 to \$115 and increasing their license fee as well. Trustee Dwyer stated again that it is the cost of doing business. He continued that during his research it appeared that the last time there was an increase was back in 2007 and there has not been one since. Trustee Dwyer continued that the Village is trying to be user friendly; you need a license to do work here in the Village. The Village is trying to address their concerns, we held a public hearing, kept it open for written comments, and gave the public an extra 10 days. Trustee Dwyer continued that based upon that, the Village came up with a fee schedule that it appropriate to keep up with their costs as well. He stated that the average increase was between 28 – 37%.

Deputy Mayor Conklin stated that the Village charges a \$1,000 licensing fee and wondered what the Village does with that money. Trustee Dwyer stated that it would go into the Village's General Fund account. Deputy Mayor Conklin asked specifically what does the Village get for that money besides it being the cost of doing business. Trustee Dwyer stated that it goes towards the Clerk's fee, processing paperwork, ongoing issues, when there are issues and the PD has to do full checkups on them. Deputy Mayor Conklin asked if the Village is holding them at a higher level of inspection, and asked if they are required to have a level 1 inspection. Trustee Dwyer stated that they are not required, but we do it and the Village has a level 1 certified inspector, who does it, and the companies are happy to comply, and they have complied. Deputy Mayor Conklin stated

that she has seen these inspections performed on the side of the road and they seem quite rigorous and asked if they receive a certificate or a sticker or something stating that they have passed this level 1 inspection. Trustee Dwyer stated that they are going meet the requirements that have been set in the Village with this ordinance.

Attorney Bonacic interjected that theory is that any company that wants to have the right to tow a vehicle in the Village will have to apply for a license. The local law that the Village already has on the books and the changes that they are now looking to adopt, which aren't many, there is a whole list of things that a company will now have to pass before the license is given. Any towing company would have to pass certain standards in inspections, one time. Attorney Bonacic continued that this will then set precedence that if you see a towing company on the side of the road, you can assume that the PD has already inspected it and a license has been issued. That is the regulation that we are trying to establish. Attorney Bonacic also stated that for a more important standpoint, this will prevent the towing company from gouging people and charging exorbitant fees and the Village will be able to manage what they are charging. Trustee Conklin asked who will be responsible for monitoring what these companies charge since we won't know unless someone complains about price gouging. Attorney Bonacic stated your issuing a license, and a license is a license, if the law is broken, the license can be taken away. If the company is not compliant with all the rules and regulations set forth by the ordinance, they can be issued with penalties. It will require someone who has received an inflated bill to the Village who gives the Village the authority to take action against the towing company. Trustee Conklin stated that it would require someone who would be willing to file a complaint and Attorney Bonacic agreed. Trustee Conklin asked would we as the municipality get that information out there since we already have an ordinance in place. She continued that she thought that if the Village lowered their licensing fee, that would allow the towing companies to adjust their prices and they wouldn't feel the need to gouge the customers. Trustee Dwyer stated that he knew of two instances in which vehicles were towed after an accident and there were discrepancies in the bills with municipal fees and administrative fees.

Trustee Behringer asked if someone is involved in an accident who would be responsible for calling the towing company and Attorney Bonacic stated it was the Police Department. She continued and asked who decides what company is called and Attorney Bonacic stated that it was a rotating schedule of the companies licensed to tow in the Village. He continued that the purpose of the amended ordinance is to standardize the fees and if certain companies don't meet the criteria set forth by the ordinance, they don't receive a license. There should be no rate shopping because the fee schedule is established and that is the goal. Trustee Conklin asked if the vehicle is involved in an accident, does the person have the right to choose their tow company and Attorney Bonacic stated he wasn't sure. Trustee Dwyer interjected and stated that if your vehicle is in an accident, the Police have jurisdiction over the scene and to make the road clear. Trustee Conklin stated that she may be right on this one and to talk with the Chief. Unless your vehicle is being impounded at the scene of an accident because the drive has no license, the owner may have the right to choose what tow company they want to use. Attorney Bonacic stated that they may be able to choose from the established list, but not from a company that is not licensed in the Village.

PUBLIC COMMENT: # PRESENT 6 TIME: 7:58 PM

Resident John Karl expressed his displeasure at setting the budget workshop at 6PM. Mr. Karl feels that you have people getting off the train or bus at that hour and may want to come but are unable to do so. He asked the Board to think of the commuters and consider a different time. Mr. Karl also added last year he spoke for 29 minutes and planned on doing the same thing this year.

Mr. Karl inquired about the two different letters of credit listed for Gilbert Street/Smith and Smith Farm listed on the agenda. Trustee Dwyer clarified that one is for the infrastructure and the other is for the project itself.

Mr. Karl continued that when that project was approved, Smith Farm was supposed to be responsible for a traffic light at Gilbert Street and Rt. 17M, and asked if that was still the case. Trustee Dwyer stated that the money was in escrow and that he also believed that Crystal Run was participating in it as well. Mr. Karl stated that Smith Farm was before Crystal Run was built and Trustee Dwyer stated that he was aware of that but knew that when Crystal Run went before the Planning Board, part of the final approval was that a certain percentage financially would be applied towards the traffic light as well.

Resident Tim Mitts complemented Deputy Mayor Conklin's running on a successful meeting this evening. Mr. Mitts also commented that with the upcoming election, he offered to the Mayoral

candidates the use of Rest Haven to come and sit around a table and talk while being filmed on YouTube so it can be seen by everyone. He continued that there was a letter that his attorney sent to the Board of Trustees regarding a zoning petition and requested that it be read into the record during public comment. Deputy Mayor Conklin asked Attorney Bonacic if that would be alright and he advised it would be. Pamela Lee, friend of Mr. Mitts, read the letter as follows:

March 1, 2018

Hon. James Purcell, Mayor and Village
Board Trustees Village of Monroe
7 State Road
Monroe, NY 10950

Re: Zoning Petition for Minor Zoning Amendment of HRR Corp.
Our File No.: 12844-003

Dear Mayor Purcell and Village Board of Trustee Members:

I am writing this letter on behalf of my client, HRR Corp. and its President, Timothy Mitts, the petitioner having a pending petition before your Board to slightly modify the definition of convalescent homes and to include that use as a permitted use in the SR-10 Zoning District. The would allow HRR Corp. to complete its rehabilitation of this ten (10) bedroom facility to provide rooms for 8-10 seniors on the second floor, the owner/operators on the third floor with shared kitchen, dining and living space on the first floor.

As I am sure you are all aware, HRR Corp. has been processing its application for an interpretation before the ZBA for several months, seeking an interpretation that this use is essentially the same use as the prior group home for developmentally disabled or in the alternate seniors living totally independently sharing facilities, constituted a family.

The ZBA members reviewed volumes of materials and affidavits from operators and others involved in providing intermediate care services to seniors detailing the exact scope of the proposed use. The 8 to 10 seniors would reside in the facility living independently with full-time staff onsite to assist the seniors as needed with issues such as reminders to take medication, arranging for rides, reminding them of times their family members would pick them up, and provided on-going counseling case evaluation. The residents could come and go as they pleased, would not need full-time medical care, and there would not be medicine prescribed or administered by the staff.

In making its determination on the specific issue related to the interpretation, the ZBA Chair stated that he was necessarily against the use, but felt like the ZBA was being asked to make a legislative determination on this matter, which they were not authorized to do.

While I may not necessarily totally agree with the ZBA Chair's statement, I do understand the point he was making and advised him that we had been attempting to petition your Board to take that legislative action, which would make crystal clear that the use proposed is permitted and could impose any conditions on that use that the Village Board felt necessary to protect the neighboring residents to this or any other proposed facility.

The consideration and granting of the petition would be consistent with the Village's recently adopted Comprehensive Plan, which recommends zoning amendments that would provide some flexibility and alternative uses to re-utilize, rehabilitate and improve many of the large estate like homes in the Village that may be falling into disrepair because they are no longer marketable as large single family uses.

While I would not dare speak for the ZBA members, I believe if your Board polled them based upon their now vast knowledge of the specifics of the proposed use, those Board members may well agree that while they were not necessarily ready to make an interpretation, that they did not see that the use would pose any problems to the neighborhood. In fact, could be a use that could be beneficial for the Village.

I suggest that the Board members contact them and discuss this matter with them directly. I

also respectfully request that the Board review the affidavits and materials discussing the scope of the use as proposed to answer some of the questions you each may have relating to the scope of the proposed use.

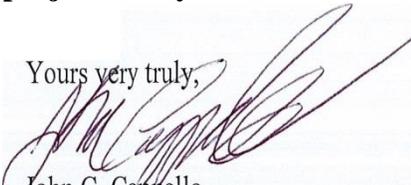
What we are seeking by submission of this letter is an opportunity to clear the air of what we believe may have become too political of an issue. I have spoken to my client at length and he acknowledges that his actions may be a part of what made this a political rather than a pure zoning issue.

We all believe that if we were all to take a step back and look at the specific aspects of the use proposed it could provide a real opportunity for the many senior citizens to remain in the Village, be close to family and Village services and continue to be productive residents of the Village of Monroe. The consideration of the petition and amendment of the zoning code would also allow the applicant to complete its rehabilitation efforts to restore this beautiful facility, which is listed on the national historic register of historic homes to its former glory, serving as a true historic landmark for the Village.

I respectfully request that you place this matter on your next available Village Board meeting, which will occur after the election, and allow us to take this matter outside of the politics and provide you the facts related to the petition and address any comments your Board may have so that we can proceed in a thoughtful and amicable manner to bring this matter to fruition one way or another.

Thank you in advance for your opportunity to appear and look forward to discussing this project with you in more detail.

Yours very truly,



John C. Cappello

ADJOURNMENT:

On a motion by Trustee Chan, seconded by Trustee Behringer and carried, no further business, the meeting was adjourned at 8:12 PM.

Ayes: Trustees Dwyer, Behringer, Chan

Nays: None

Respectfully Submitted,

Ann-Margret Baxter
Village Clerk