

BOARD OF TRUSTEES MEETING
TUESDAY, AUGUST 7, 2018
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The first of the bi-monthly meetings of the Board of Trustees was held on Tuesday, August 7, 2018 at 7:00 PM in the Boardroom of the Village Hall, 7 Stage Road, Monroe, New York. Mayor Dwyer called the meeting to order and led in the pledge to the flag. Emergency exits were announced.

Present: Mayor Dwyer, Trustees Conklin, Alley, Behringer and Houle
Also present: Attorney Terhune, Village Clerk Baxter, Deputy Clerk Zahra and Water Treatment Plant Operator Mabee

MINUTE APPROVAL: MEETINGS OF JULY 10th & 24th 2018:

On a motion by Trustee Conklin seconded by Trustee Houle, the Minutes of the July 10th Meeting were approved.

Ayes: Trustees Alley, Conklin, and Houle

Nays: None

Abstain: Trustee Behringer

On a motion by Trustee Conklin seconded by Trustee Behringer, the Minutes of the July 24th Meeting were approved.

Ayes: Trustees Alley, Conklin, Behringer and Houle

Nays: None

HUDSON VALLEY WATER WORKS CONFERENCE 8/8/18 – ERNIE MABEE & WILL OSTROWSKI:

In a memo from Water Plant Operator Mabee, authorization was requested for himself and Will Ostrowski to attend the Hudson Valley Water Works Conference on Wednesday, August 8, 2018 at the Walden Fire House, 230 Old Orange Avenue, Walden, NY. The conference is 8:00am to 1:30pm and will offer water certificates and DOH contact hours (4.0), professional engineers expecting 5.0 PDHs and Wastewater Certificates expecting 3.0 contact hours. Village insured vehicles will be used based on the recently adoption policy regarding the use of personal vehicles for Village business. The cost of the conference is \$30.00 and includes breakfast and lunch. Funds will be allocated from budget line F8330.472, Purification Education. Discussion followed. Trustee Houle stated that she spoke with Water Treatment Plant Operator Mabee regarding the requisite number of Continuing Education Units (CEU's) that each member of the Water Department needs. Trustee Houle confirmed that it was 30 CEU's in 3 years, and currently each member holds the following number: Will Ostrowski, 27 CEU's with 18 months remaining, Jaime Price, 4 CEU's with 18 months remaining and Mr. Mabee has 15 CEU's. Because of this, Trustee Houle is recommending that Ms. Prince attends the conference with Water Plant Operator Mabee in lieu of Mr. Ostrowski, which will allow her to catch up on what she needs. The Board agreed. Mayor Dwyer added that he spoke with Water Plant Operator Mabee about going forward in the future and being more proactive in all Departments when there is opportunity and requirements but with minimum impact outside of the Department. Trustee Houle confirmed with Water Treatment Plant Operator Mabee that they would be using Department vehicles to travel to the conference. On a motion by Trustee Houle seconded by Trustee Conklin it was:

RESOLVED, the Board approved the attendance of Ernie Mabee and Jaime Prince at the Hudson Valley Water Works Conference on Wednesday, August 8, 2018 from 8:00am to 1:30pm at the Walden Fire House, 230 Old Orange Avenue, Walden, NY.

Ayes: Trustees Alley, Conklin, Behringer and Houle

Nays: None

SUBSCRIPTION RENEWAL / WESTLAW (ONLINE LAW BOOKS) CONTINUED:

(Meeting Minutes 7/10/18, 7/24/18)

At the July 24, 2018 Board of Trustees Meeting, Treasurer Murray and Building Inspector Cocks requested that this matter be tabled till the August 7, 2018 Meeting to allow them time to review the LexisNexis online services.

Trustee Conklin reiterated that she researched in great length the services that Lexis Nexis would provide to the Village and they offered a great deal with a clause that the Village could cancel their subscription at any time. Additionally with Lexis Nexis there will be no yearly increase to the subscription rate of \$75.00 per month. Both Treasurer Murray and the Building Department have confirmed that Lexis Nexis has everything that they will need to perform their duties. Just to clarify for the residents that were present, Trustee Conklin explained that Lexis Nexis is an online platform that the Village utilizes to access NYS Codes and NYS Laws. There will be one license issued allowing 4 users to access whatever is needed. The Village will also be given a free 3 month trial, and they offer a great support and training network as well. Attorney Terhune commented that this was even cheaper than what she paid. On a motion by Trustee Houle, seconded by Trustee Conklin, it was:

RESOLVED, the Board of Trustees approved a year 3 year subscription for on-line law book service through Lexis Nexis, New York City, New York. The three year contract is locked in a rate of \$75.00 per month ending September 30, 2021.

BE IT FURTHER RESOLVED, that the Board of Trustees authorized Mayor Dwyer to sign the agreement.

Ayes: Trustees Alley, Conklin, Behringer and Houle

Nays: None

AMENDMENT TO RESOLUTION – WAIVER OF FEES / MOMBASHA FIRE CO.:

At the May 15, 2018 Board of Trustees Meeting, the Village Board approved the request of Jon Schubert, President of Mombasha Fire Company/Monroe Fire District, to waive Building Department fees associated with the expansion of their rear parking lot and addition of a pole barn in the amount of \$2,166.00. After the resolution was reviewed by Assistant Building Inspector Proulx, it was determined that the fees were not specified clearly and were not broken down properly between the Building Department and the Planning Board. In a memo to the Board of Trustees, Asst. Building Inspector Proulx is requesting that the resolution be amended to break the fees down as follows: \$1,095.00 Building Department fees and \$1,071.00 Planning Board Site Plan fees, totaling \$2,166.00.

Additionally, Asst. Building Inspector Proulx is requesting clarification on whether the waiver is to include out of pocket costs or not. There are currently \$132.85 in out of pocket costs (\$78.75, Attorney, and \$54.10, legal advertising). She is requesting guidance on whether or not she is to bill the Mombasha Fire Co. for these costs incurred by the Village, or if the Village of Monroe is absorbing these costs. Discussion followed. Mayor Dwyer clarified that the initial letter received by Mombasha Fire Company was not clear that they were requesting a waiver from both the Building Department and the Planning Board and Village Clerk Baxter added that Assistant Building Inspector Proulx was looking for clarification for housekeeping purposes. Additionally, Ms. Proulx also notified the Board that there were also out of pocket expenses incurred that the Board needed to decide if they would be willing to waive those as well, although they were not mentioned in the initial letter from Mombasha Fire Company. On a motion by Trustee Houle, seconded by Trustee Conklin, it was:

RESOLVED, the Board of Trustees rescinded the resolution adopted on May 5, 2018 and accepted the request of Assistant Building Inspector Proulx and amended the 5/15/18 resolution that waived fees totaling \$2,166.00 and specify the breakdown as follows: \$1,095.00 Building Department fees and \$1,071.00 Planning Board Site Plan fees, totaling \$2,166.00.

Mayor Dwyer suggested to the Board waiving the out of pocket fees incurred by the Village for this project. Trustee Houle asked for clarity if the out of pocket fees that they are considering waiving are fees that the Village's Planning Board incurred and Village Clerk Baxter stated they were but to also realize that Mombasha Fire Company never requested that these fees be waived in their initial letter. That was a question that the Planning Board Secretary put in an email to Village Clerk Baxter asking if the requested waiver was to include the out of pocket costs or not. Attorney Terhune stated it is her assumption that the fees that had just been waived by the Village Board were administrative fees, and they cover the cost of running the Department, paying the salaries, etc. The out of pocket fees are additional fees that the Village incurs and has to pay money out for that and that falls outside of those administrative fees. That's the distinction.

Trustee Conklin asked if there was the possibility of more out of pocket fees and Attorney Terhune stated that there could be but wasn't sure. Trustee Conklin asked if it would require another motion and how expensive could this actually become. Attorney Terhune stated she

wasn't sure of the cost, it would depend on whether consulting was done but there would probably be no more advertising fees.

Resident John Karl commented that the building is not owned by the Fire District, it is owned by the membership of the Mombasha Fire Company. Mr. Karl also suggested that the Board look into how they handled the waiving of fees with the Monroe Volunteer Ambulance Corp. because he believes that the Village Board did not waive of these fees for them. Mayor Dwyer asked Village Clerk Baxter to pull the resolutions pertaining to the request of the Ambulance Corp. and tabled the matter till the August 21st Board Meeting.

Ayes: Trustees Alley, Conklin, Behringer and Houle

Nays: None

DISCUSSION – TOWN WATER ACCOUNT #10257 / CONTINUED:

(See Minutes 10/3/17)

Mayor Dwyer, with the assistance of Village Clerk Baxter, provided the Board with a brief history of town water account #10257. Trustee Conklin added that she personally had a conversation with the owner of this property in 2017 regarding the astronomical amount of the property's water bill, although he was not aware that he was having a discussion with a sitting Trustee. Mayor Dwyer continued that as of today, the account currently has a balance of \$60,227.19. Attorney Terhune asked for the amount to be repeated and Mayor Dwyer repeated the amount. Attorney Terhune asked how much of the bill is now fees versus usage and Mayor Dwyer stated that there was no usage. Attorney Terhune asked how the bill got to be that high and Mayor Dwyer stated that the prior owner may have had a water leak or something happened. The property was transferred to the current owner and Village Clerk Baxter added she believed that no municipal search was done at the time of purchase. She also provided Attorney Terhune with copies of the request of final water meter reading form as well as a copy of the bill that was provided at that time. Attorney Terhune asked if the Board had already decided not to waive the penalty and Trustee Houle stated that the prior Board took the action to not waive any of the outstanding fees. Mayor Dwyer added that the last usage on the account was April 2013; it has penalties accruing each month since. Attorney Terhune asked if the owner is asking for a waiver again after the prior Board denied his first request and Village Clerk Baxter stated she did not believe that a request was submitted and Mayor Dwyer added that the Water Department was trying to clean up old business.

Attorney Terhune made the suggestion that since there appeared to be a lot of these water issues, and rather than try to deal with them at a meeting, the Board of Trustees consider holding a Workshop with the Water Department and figure out perhaps a reasonable and consistent approach when dealing with these issues. Trustee Conklin stated that as liaison to the Water Department, she has had a meeting with Mayor Dwyer and Water Treatment Plant Operator Mabee and they are working on another approach on how to flag things, possibly consider new software, allowing them to get ahead of the game. Trustee Houle stated that this item was being presented to the Board as an item to review, not necessarily for a waiver and Mayor Dwyer stated that there was no new request for a waiver but that the Village needed to figure out a way to address it and clean up the accounting. Trustee Conklin added that it's just sitting there and the balance keeps getting larger.

Upon the request of Attorney Terhune, the matter was tabled to the August 21 meeting for further consideration.

BURBIO – MUNICIPAL EVENT CALENDAR APP / CONTINUED:

(See Minutes 7/24/18)

Trustee Houle explained at the July 24, 2018 meeting, Burbio co-founder Dennis Roche made a presentation to the Board regarding the automated platform which streams school, libraries, government and community based non-profit and local business calendars, giving residents the information that they need. Trustee Houle explained how it would be advantageous for the Village of Monroe to partner with Burbio and utilize its services as another way to reach the residents and make them aware of things going on in and around our community, and request permission to partner with them. Mayor Dwyer added that there is no cost to the Village to utilize this app either.

Trustee Alley asked how the Board would get its residents up on the same platform and Trustee Houle responded that she wasn't sure but believed that over time as people started to use it and share the information with others, more and more people would get on board.

Village Clerk Baxter asked if there was an actual agreement with Burbio that needed to be signed and Trustee Houle stated that she has not received anything from Mr. Roche and added that she only told him that they would resolve to partner with him at this meeting.

Trustee Alley asked who would provide Burbio with information regarding our events and Trustee Houle responded that Burbio will need to work with someone from the Village and volunteered to be that person. Trustee Houle added that they will also remove all old information without being asked to do so.

Mayor Dwyer requested that Trustee Houle reach out to Mr. Roche and see if there is anything that he needs to send the Village contractually and have Attorney Terhune review it. Mayor Dwyer instructed Trustee Houle to do so and report back to the Board at their next meeting.

EXTENSION OF CARNIVAL / ACE AMUSEMENTS:

(See Minutes 5/15/18)

Due to the weather and extenuating circumstances, the Village of Monroe's Activities Committee has negotiated with Ace Amusements to extend the 5th Annual Carnival held on the north field of Crane Park from Tuesday, August 7th through Friday, August 10th. Hours of the extended carnival are Tuesday 8/7 and Wednesday 8/8 from 5:30pm to 11:00pm and Thursday 8/9 and Friday 8/10 from 6:00pm to 11:00pm. On August 7th & 8th between the hours of 5:30pm – 7:00pm all attendees will be able to ride for free. Emergency Services as well as Marshall & Sterling will be notified upon approval of this resolution. The Police Dept. will oversee the event (2 Officers on overtime each day during the carnival for crowd and traffic control) at an estimated cost of \$2,913.54, based on an additional 21 hours of overtime. Discussion followed. Mayor Dwyer noted for the record that the agreement with Ace Amusements included the company's obligation to cover 50% of additional overtime costs incurred by the Police Department, which was also included in the original agreement with the amusement company for the original carnival dates. On a motion by Trustee Conklin, seconded by Trustee Behringer, it was:

RESOLVED, the Board of Trustees approved the request of the Activities Committee and extended the 5th Annual Carnival held on the north field of Crane Park from Tuesday, August 7th through Friday, August 10th. Hours of the extended carnival are Tuesday 8/7 and Wednesday 8/8 from 5:30pm to 11:00pm and Thursday 8/9 and Friday 8/10 from 6:00pm to 11:00pm.

Ayes: Trustees Alley, Conklin, Behringer and Houle

Nays: None

REQUEST FOR 3X PENALTY WAIVER / 8 DOROTHY DRIVE:

In a letter to the Board of Trustees, property owners Dennis and Claudia Gerbino, 8 Dorothy Drive, have requested a waiver of the three times penalty fees associated with their finished basement and permit fees for their finished basement. At the time they purchased their home in 2002 the basement had already been finished. Mr. Gerbino stated that the survey of property shows that the home was renovated in 1984 and 1986 and since that time the home had been sold two or three times. Mr. Gerbino provided a copy of the Certificate of Occupancy issued in May 2002 which former Building Inspector Wilkens stated that there were no open violations on file.

Mr. and Mrs. Gerbino are now in the process of selling this property and during the current title search they were notified the home was in violation due to lack of permits on file for a shed and the finished basement. They have paid the application fee and penalty for the shed to move the process along. Mr. and Mrs. Gerbino have not filed an application for the basement permit yet, but they are willing to pay the necessary permit fees to bring the property into compliance. At this time they are requesting that the Board of Trustees waive the three times penalty fees associated with their finished basement. Discussion followed. Mr. Gerbino addressed the Board and explained that he and his wife purchased the home with finished basement in 2002. It was only upon looking to sell the property that they were made aware that there was no permit. Mr. Gerbino added that they have rectified the situation regarding the shed on their property and are willing to file the necessary application and permits but do not feel that they should have to pay the penalty on a basement that was done prior to their purchase of the home. Mr. Gerbino acknowledged that they will resolve the issue with the installation of a single egress window,

although they are having a difficult time finding a contractor willing to install only one window, but they are making the effort. Mrs. Gerbino added that everything else they have done to the property, like the new roof, the hot tub, they have gotten the necessary permits for.

Trustee Houle asked them if they have made any improvements to the basement since they purchased it. Mr. Gerbino responded they had not, that they have only utilized it as dead storage. Mr. Gerbino continued by stating that the alternative to this is to make it un-habitable storage by ripping the heating duct work out. Mrs. Gerbino added that the new owner is interested in having the basement as habitable space and it is all happening in the last two to three weeks.

Trustee Houle asked what the total of the penalties were and Mr. Gerbino stated that he didn't know because he did not apply for the permit yet, so the amount had not been configured. Attorney Terhune interjected and added that it appeared to be not so much the fees but the violation and penalties. Mr. Gerbino again reiterated that they were not trying to be exempt from paying the necessary fees, only the three times penalty. Trustee Houle stated would it be safe to say that the Board will probably come across other situations like this and Trustee Conklin responded that they have already been faced with similar situations such as this. Trustee Houle asked if the Village has a policy pertaining to situations like this and Trustee Conklin stated it did not and that Board evaluates each situation individually. Mr. Gerbino stated that the Board was provided with a copy of the survey done when they purchased the home in 2002 as well as a statement from the former Building Inspector stating there were no open violations on the property.

Mayor Dwyer requested that the Gerbino's submit their application for permit to the Building Department. Mayor Dwyer added that the Board would do their homework and requested that they come back to the August 21st meeting. Mr. Gerbino commented that if they filed for the permit he believed that the Building Department would request the 3X penalty right then and there that is what happened when they resolved the matter regarding the shed. Mayor Dwyer suggested tabling the matter to allow additional time to research because there were questions there that they did not have answers to.

Attorney Terhune suggested to the Board that they could waive the 3X penalty on the condition that the Gerbino's apply for the permit and pay the normal application and permits fees. The waiver is also conditional on the Board of Trustees taking up the matter with the Building Department with the understanding that the CO (Certificate of Occupancy) may be withheld if the Board of Trustees decides that the full waiver of the three times penalty is inappropriate given further investigation. Attorney Terhune explained that meant they can pay the permit fee but may have to pay the penalties if the Board of Trustees upon further investigation determines that the full waiver was not entitled. Mayor Dwyer agreed that that was something that needed to happen. The Board needed to look into it further with the help of the Building Inspector. Mr. Gerbino asked if they should wait until later in the day to come in and do that to allow them time to talk with the Building Department and Mayor Dwyer responded that the Board will direct the Building Inspector to accept their application with the normal fee, based on their normal fee schedule, and then get into a conversation regarding the case. Mayor Dwyer continued that once they have determined through that exchange whether or not those fees should be waived the Board will notify them. If the fees are not to be waived, the Board will notify them of that as well.

Mr. Gerbino stated that the Attorney's involved in the sale of the house are talking about the possibility of the new owners bank allowing her the opportunity to purchase the property with the existing violation if the Gerbino's put up escrow monies or a credit at closing, and inquired if the possible exemption of the penalties could be transferred to the new owner. Mayor Dwyer deferred to Counsel and Attorney Terhune stated that Village could possibly agree to that but the new owner would have to understand that she would be responsible should the Board find these penalties are valid. Mayor Dwyer assured the Gerbino's that Village Clerk Baxter would advise the Building Department first thing tomorrow morning to accept the application and issue the Gerbino's a building permit for their unfinished basement to start the process while the Village Board's additional research is done. The Building Department is to hold off on charging the Gerbino's the three times penalty at this time. The penalties will be held in abeyance until such time as the Board has an opportunity to confer with Building Inspector Cocks. Should the Board determine that the penalties do apply; the certificate of occupancy will be withheld until the penalties are paid. Mr. Gerbino stated that if the Board determines that the penalties do apply, he will resolve it immediately. The Board tabled this matter for further discussion until the August 21st meeting.

DISCUSSION – WATER ACCOUNT #231:

In a memo from part-time Water Billing Control Clerk Kasch the Board of Trustees has been notified that it has come to the attention of the Water Department that the Meter installed for water account #231 located at 475 State Route 17M, has not been working and wasn't billed any charges for 10 billing cycles. Water Treatment Plant Operator Ostrowski installed a new meter on August 1, 2018 and it is the recommendation of the Water Department that the account be back billed for the 10 billing cycles in the amount of \$12,289.67. Discussion followed.

Trustee Conklin explained that there are a couple of empty stores within the plaza that Villa Positano is located so it was not unusual for there to be some accounts with zero reads from this location. Trustee Conklin continued that once they discovered the issue, they came to the conclusion that their bill over the last two years came to \$12,289.67 and the Board needs to determine how to rectify this. Trustee Conklin stated that this is an error on both parts and the bill is too much for anyone to come up with at once. She made the suggestion that the Village offer them an option of some kind of payment plan to pay the balance back. Trustee Conklin added that Villa Positano is aware of the situation but the Water Department has not had a conversation with them regarding how to resolve the issue.

Trustee Houle asked if the \$12,289.67 is all consumption or does it include penalties and Water Plant Operator Mabee responded that it is all estimated usage, no penalty. Mayor Dwyer stated the Board needs to discuss what they deem to be an equitable solution to this problem. Trustee Houle asked what time frame they were considering offering the customer and Trustee Conklin responded that Mayor Dwyer, Water Plant Operator Mabee and she have not discussed the details yet regarding the payment options.

Trustee Alley asked if there was a way going forward that the software could pick up on something like this and Water Plant Operator Mabee responded that it wasn't a software issue, it was simply human error. Trustee Alley asked if there was another way to prevent something like this from happening in the future and Mayor Dwyer suggested that when the Board holds the workshop for the outstanding water account issues, that they consider bringing in the software technician as well so the Board can get a clearer understanding of what the software can and cannot do for the Village.

Part-time Water Billing Control Clerk Kasch explained that at the end of the billing cycle they review the report and address all accounts in which there are no reads, or zero reads and reviewed the accounts one by one and determined if the meter was not working properly, if the home was vacant, etc. Water Plant Operator Mabee added that with this particular case there are multiple vacant spaces at this location so to get a zero read is not unusual. This is something that is done every quarter but with this particular instance it was human error, not a software issue.

Mayor Dwyer asked Trustee Conklin how the Board should proceed and she recommended determining how many months the Village would like to spread the payment arrangement out for and then they would be able to determine what the payments would be. Trustee Houle suggested giving them a full billing cycle, or one year to pay off the outstanding balance. Trustee Alley stated that she felt that it first warrants a conversation with the customer. Trustee Conklin responded that she agreed and it was decided that she and Water Plant Operator Mabee would set up an appointment to meet with the customer to discuss the situation and come to a resolution. This matter was tabled to the August 21st meeting.

DISCUSSION – WATER ACCOUNT #319:

In a memo from part-time Water Billing Control Clerk Hicks the Water Department has identified that water account #319, located at 44 Millpond Parkway, was identified incorrectly in the billing software program as an R7 meter when it should be an R6 meter, causing an extra zero to be added to the meter read. Because of this, water account #319 has been overcharged in the amount of \$8,823.47 and is due a refund. Discussion followed.

Trustee Conklin stated that this was not something that the Village did incorrectly, these meters sometimes do this. Water Plant Operator Mabee clarified for the Board that the R7 meter is an older meter and reads to the 10 gallon mark whereas the R6 meters are the newer ones and read to the thousand gallon mark. In 2015 when the Monroe Free Library did their addition they purchased a new R6 meter from the Water Department. Water Plant Operator Mabee stated that the software was never updated with the correct meter information. Although the meter was being read, the amount was calculated incorrectly because the system was not updated with the

correct meter information. This issue was only discovered recently when the Water Department was on sight when the Library was experiencing a leak before the meter and the meter was checked.

Mayor Dwyer stated it was simple, that the Village received money that it didn't deserve. On a motion by Trustee Conklin, seconded by Trustee Houle it was:

RESOLVED, the Board of Trustees approved the refund to the Monroe Free Library, located at 44 Millpond Parkway, in the amount of \$8,823.47. Their overpayment of water account #319 is due to their account not being properly identified in the billing software system as an R6 meter when their new meter was purchased in February of 2015 and since that time the software billed the account incorrectly.

Ayes: Trustees Alley, Conklin, Behringer and Houle

Nays: None

DISCUSSION – WATER ACCOUNT #156:

In a memo from part-time Water Billing Control Clerk Hicks the Water Department has identified that water account #156, located at 9 Lakes Road, was identified incorrectly in the billing software program as an R7 meter when it should be an R6 meter, causing an extra zero to be added to the meter read between April 2017 through July 2018. Because of this, water account #156 has been overcharged in the amount of \$643.76 and is due a refund. Discussion followed.

Trustee Houle confirmed with Water Plant Operator Mabee that it was an R6 and R7 meter issue. Trustee Alley asked if there is a way that the system can identify zero reads and other things at billing time. Mayor Dwyer responded that many reports that can be run; and Village Clerk Baxter added that Mayor Dwyer himself had stated at previous meetings that the software is not really being utilized to its full capabilities. Mayor Dwyer stated that the software has the capability that will trigger anomalies such as dollar value and/or usage values. On a motion by Trustee Conklin, seconded by Trustee Houle, it was:

RESOLVED, the Board of Trustees approved a refund to water account #156, located at 9 Lakes Road, in the amount of \$643.76. Their overpayment is due to their meter being identified as an R7 in the billing software system, rather than an R6, causing an extra zero to be added to the meter read.

Ayes: Trustees Alley, Conklin, Behringer and Houle

Nays: None

DISCUSSION – WATER ACCOUNT#2253:

In a memo from part-time Water Billing Control Clerk Hicks the Water Department has identified that the meter for water account #2253, located at 9 Lakes Road, when installed on 2/7/17, was never entered into the billing software. As a result of this, water account #2253 has never received a water bill from the Village of Monroe's Water Department for its usage, which at the most current reading shows a usage of 958,283 gallons of water. The Water Department has entered all the necessary information into the billing software and generated a bill for its usage of 958,283 gallons, totaling a bill in the amount of \$6,257.59, covering the period of February 2017 till August 2018. Discussion followed.

Trustee Houle suggested that this matter be handled similarly as the Villa Positano situation in that Trustee Conklin and Water Plant Operator Mabee should meet with the owner and discuss an equitable resolution for all parties. The Board agreed and this matter was tabled till the August 21st meeting.

BID AWARD – FREEMAN HOMES SUBDIVISION CURB REPLACEMENT PHASE #2:

(See Minutes 7/10/18)

3 documents were obtained but only 2 bids were received and opened on Friday, August 3, 2018 at 10 AM in accordance with our Procurement Policy for the Freeman Homes Subdivision Curb Replacement Phase #2 project. Bids ranged from \$126,000 to \$245,700. Village Engineer, Lanc & Tully Engineering, John O'Rourke, P.E. reviewed the itemized bid forms and bid packages received by the bidders. Upon review, A-Tech Concrete Co. from Edison, NJ was the lowest responsible bidder for the general construction of the Freeman Homes Curb Replacement Phase

#2 project. Reference checks were made and all those contacted stated that the contractor was equipped and the performance records were satisfactory for completion of this type of project. Upon concurrence with Attorney Terhune and Highway Supervisor Linderman, Village Engineer O'Rourke finds no objection in awarding the bid to them. Discussion followed. Attorney Terhune requested that the matter be tabled till the August 21st meeting to allow her time to review the bid documentation.

INTERNSHIP FOR VILLAGE HALL / FOUNDER'S DAY:

In a memo from Trustee Houle to the Board of Trustees, Trustee Houle requested Board approval for an unpaid internship to be offered to Giovanni Cioffi to complete volunteer hours while assisting the Village of Monroe's Activities Committee. The internship will provide Mr. Cioffi the opportunity to learn about local government, while working with Trustee Houle on the coordination of the Founder's Day Festival, scheduled for September 15 – 16, 2018. Some responsibilities will include organizing and documenting merchants, crafters, not-for-profit organizations and food vendors who have submitted applications to participate in this event. The unpaid internship will begin immediately and end on Sunday, September 16th 2018. Mr. Cioffi will be supervised by Trustee Houle and will serve between the hours of 10:00am to 4:00pm, Monday through Friday at Village Hall. All dates and hours will be documented. Discussion followed.

Trustee Houle stated that it is going to require a substantial amount of physical and administrative work. She continued that the Monroe Woodbury School District offers a Comprehensive Diploma that requires a mandatory 300 hours of community service. Trustee Houle stated that she has met with Mr. Cioffi and he expressed an interest in completing his remaining 150 hours with the Village of Monroe and its Activities Committee. Trustee Conklin stated that she thought the idea was fantastic and Trustee Alley added that she would like to tag on to what Trustee Houle is doing with this and look into bring on other interns in the future. The Trustees are spread pretty thin and there are a lot of things to cover. Even things like bringing someone for photography. Trustee Houle stated that she came up with a standard application that both the student and their parents would sign and it is similar to a resume. They would need to list their skills that apply to this internship as well as prior internships. It would also include the Department within the Village that they would be assisting as well as a list of their responsibilities. It would be signed by all parties. Trustee Houle stated that she has also created a set of guidelines of whom they would like to offer the internship to and include that they be at least 16 years of age, must be a resident of the Village of Monroe, must be high school student pursuing a comprehensive diploma or it's equivalent, and they must have a minimum GPA of 89.5 or 3.6. She also suggested the following Departments that would be able to take on an intern: The Board of Trustees, Finance Dept., Clerk's Office, Water and Highway Departments. Trustee Houle does not recommend the Justice Court and Police Department. Village Clerk Baxter asked if this was discussed with the Village's insurance company, and Trustee Houle responded that Mayor Dwyer spoke with Marshall & Sterling Insurance and they provided them with an application similar to the Hold Harmless Agreement, that the intern releases the Village of any responsibility. Village Clerk Baxter since the letter stated the intern will be in Village Hall from 10AM to 4PM every day, will she be here during those hours as well. Trustee Houle stated that she would be and that whenever she is in Village Hall, so will the intern. She will be utilizing her own laptop and if the space in the Boardroom is free, she will use that. If the office upstairs is open, they can use that. Trustee Houle asked the Board that should she run into a situation where there was no space for them at Village Hall, what their perception would be if they worked together in her home office. Mayor Dwyer stated that would be problematic for him. Trustee Houle added that they could probably even find a quite spot at the library.

Trustee Alley suggested that they not limit the internship to only those students pursuing a comprehensive diploma. As great as it is, there are a lot of students who are not pursuing a comprehensive diploma that may want to put volunteer hours on their applications or just want to get involved. Trustee Houle stated that she does believe that they need to have a minimum age requirement for working in Village Hall, but can remove the section regarding them pursuing a comprehensive diploma. Village Clerk Baxter asked if the Board would meet and vet the candidates who applied to see if they would be a suitable fit to take on as an intern. Village Clerk Baxter asked if the Board would need to make a resolution every time they looked to take on an intern and Mayor Dwyer stated that they are being a bit reactionary as they try to catch up on things, but that they will look into it further in the future. Trustee Conklin agreed to utilize the form as created by Trustee Houle and then allow time to work out the details. Mayor Dwyer shared that his son had an internship at a local hospital. He had to get dressed every day and respect everyone he came in contact with. Mayor Dwyer stated that it served his son well.

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

RESOLVED, the Board of Trustees approved the request of Trustee Houle to offer an unpaid internship to Giovanni Cioffi which will begin immediately and end on Sunday, September 16, 2018. Mr. Cioffi will assist Trustee Houle with the coordination of the Village's Founder's Day celebration scheduled for September 15-16, 2018 as well as provide Mr. Cioffi the opportunity to learn about local government. Trustee Houle and Mr. Cioffi will work out of Village Hall, Monday through Friday, from 10:00am to 4:00pm, and all dates and hours will be documented.

Ayes: Trustees Alley, Conklin, Behringer and Houle

Nays: None

REQUEST FOR LICENSING AGREEMENT FOR FENCE INSTALLED ON VILLAGE EASEMENT – 93 FREDERICK DRIVE:

Property owners Riaz and Andrea Rahman of 93 Frederick Drive have requested a licensing agreement between themselves and the Village of Monroe allowing them to put a fence on the back of their property that falls in a Village easement. The fence is to surround a newly constructed pool that is not in the easement. The Rahman's are also requesting if some additional moveable structures like a children's playset and a pergola could also be placed in the easement. Mr. Rahman acknowledged that the easement is there for his benefit and also acknowledged that the items may have to be moved at some point in the future.

Mayor Dwyer stated that should work be required in the easement the fence would need to be taken down. Mr. Rahman responded that he would take full responsibility for anything that is required in the easement property.

Attorney Terhune provided a copy of the property to each of the Board members and Mayor Dwyer explained that Mr. Rahman's attorney has been in touch with Attorney Terhune and they have talked it out thoroughly. Attorney Terhune stated that Mr. Rahman's attorney suggested a temporary licensing agreement to allow for temporary structures that would also include a hold harmless agreement and indemnification of the Village. Mayor Dwyer indicated that he would like something recorded in the chain of title, not necessarily the easement which is shown on the subdivision plot, but the Village could certainly provide a declaration acknowledging that there is an easement on the property and issue a temporary license to provide what you would like to do, as long as there is nothing permanent. Attorney Terhune added that the risk that the Rahman's run would be allowing you to do it, but if the Village needed to come in during an emergency, they could knock down a pergola if needed. Mr. Raham stated that he had no issue with that.

Mr. Rahman added that there has never been an issue in the 9 years that they have owned the home but they have noticed the back corner of the property is eroding. He knows that there is a pipe underneath and as they dig for the pool his plan is to put some of the dirt dug from the pool and place it back there. Their initial plan was just to try and level off the property and it was a ridiculous amount of money so decided to put a pool in instead. Mayor Dwyer asked if the surface erosion was significant and Mr. Rahman stated that it was not. Mayor Dwyer stated that surface erosion was a problem that he would like it addressed before any other work is done.

Mr. Rahman asked if the deck that he wants to install around the pool be in the easement and Attorney Terhune asked if the deck would be permanent or temporary. Mr. Rahman responded that it would be paver tiles and asked if that would be something that would be acceptable. Mr. Raham stated that he understood that if they needed to be removed that would be at his cost and not the Village's. Attorney Terhune stated that could be something that the Building Inspector could consult with him with and the Board, and that the license would specify something that is not permanent and that would mean concrete. Attorney Terhune reiterated that again, if the Village needed to come in and it got damaged, that would fall to the property owner. As this moves forward it would be up to the Building Inspector to let Mr. Rahman know if he is getting a little too close to the easement.

Mayor Dwyer asked if he submitted any paperwork to the Building Department yet for this project and Mr. Rahman stated he filed the permit for the pool. Mr. Rahman added that this was how he found out about the easement in the first place. Mr. Rahman explained that since he didn't know how to move forward with this, he contacted his attorney, Scott Bonacic, and asked how to move forward. Attorney Terhune added that Attorney Terhune she was contacted by Attorney Bonacic, she brought it to the Mayor's attention and he brought it to the Board.

Mr. Rahman asked what the next step was and Mayor Dwyer responded that Counsel would draft the licensing agreement. Attorney Terhune stated that she had drafted the agreement and she did not think that he could go forward until this was resolved. Mr. Rahman responded that he could move forward with the pool but not the fence. Mr. Rahman added that there would be a temporary fence around the pool in the interim.

Attorney Terhune stated she recommended that the Board execute a license agreement allowing Mr. Rahman to do what he wants but also a declaration of some sort that the easement exists. This means that if some day Mr. Rahman decided to leave Monroe, the people purchasing the home would be made aware of it. Mr. Rahman asked if an easement is done for the benefit of the homeowner and the community and Attorney Terhune responded that the easement is part of the Village's drainage system and it is a burden to his property for the benefit of the Village. It allows the Village to access the area in case there is a problem. Mr. Rahman stated that he understood and agreed. Mr. Rahman asked if the agreement could read to include fence and removable objects. Attorney Terhune responded yes and she currently has it to include the fence and other temporary improvements within the easement area. She may be more specific based on what the Board wants in terms of no permanent structures. Mr. Rahman stated the three things he is referring to is a children's play set, pavers and possibly a pergola or something to put the pool supplies in. On a motion by Trustee Houle, seconded by Trustee Conklin, it was:

RESOLVED, the Board of Trustees authorized Mayor Dwyer to sign a license agreement for a fence and other temporary improvements in the Village's easement area located at 93 Frederick Drive; and

BE IT FURTHER RESOLVED, that the agreement is conditioned on recording a declaration in the chain of title that the easement exists.

Ayes: Trustees Alley, Conklin, Behringer and Houle

Nays: None

AUTHORIZATION TO ISSUE PRO-RATED TOWING PERMIT FEES:

Mayor Dwyer explained that the Board recently settled on the fee schedule which was the last piece of the Towing Ordinance. Mayor Dwyer continued that it has come to his attention that the fee that should have been applied to 2018 had not been. In a memo from Treasurer Murray there was a pro-rated amount issued to the Towing Companies based on the new permit fee, but not for the regular 2018 fee.

Mayor Dwyer explained that the previous fee for the year was \$1,000 for 2018, and after the review was completed, the fee was increased to \$1,100. The proration of the new fee was \$100 for the months of August through December, and explained that a correction needs to be made to reflect the old fee of \$1,000 from January 2018 through July 31, 2018, and then the prorated amount of the new fee from August 1, 2018 through December 31, 2018. Mayor Dwyer stated that the correct amount to each vendor should be \$1,041.65. Trustee Houle asked if the towing companies applied for the 2018 permit and Mayor Dwyer stated that he believed that they had not but that previously the companies would just submit their fee money expressing their interest that they wished to be on the tow list. Village Clerk Baxter added that normally the companies would be notified in December of the fee that would be due so that in January things would already be in order. Trustee Houle stated that this meant that these companies have been on a towing list for free for the last seven months and Mayor Dwyer stated yes. On a motion by Trustee Houle, seconded by Trustee Conklin, it was:

RESOLVED, the Board of Trustees approved the mailing of a letter to the Village's participating towing companies that an error had been made in the calculation of the permit fee and provide them with the correct amount of \$1,041.65 should they choose to remain on the Village's towing rotation list.

Ayes: Trustees Alley, Conklin, Behringer and Houle

Nays: None

AUTHORIZATION FOR THE MAYOR TO SIGN VILLAGE CHECKS IN THE ABSENCE OF THE VILLAGE TREASURER:

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

WHEREAS, the continuous, timely and efficient conducting of the financial business of the Village of Monroe is vital to the well-being and governance of its citizens; and

WHEREAS, currently, only the Village Treasurer and Deputy Treasurer are authorized to sign Village checks; and

WHEREAS, the Village of Monroe Board of Trustees (the "Village") has determined that it is in the public interest to provide an additional signatory for Village checks should the Village Treasurer or Deputy Treasurer be unable or unavailable to sign Village checks; and

WHEREAS, New York State Village Law §4-400(k) authorizes the Mayor "to sign checks in the absence of the Treasurer or Deputy Treasurer.

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be delivered to the Village's financial institutions.

Ayes: Trustees Alley, Conklin, Behringer and Houle

Nays: None

MAYOR'S REPORT:

Mayor Dwyer stated that although the carnival had a great start, the weather had its way with us. Mayor Dwyer continued that the Village had to opportunity to extend it and he hopes that it will be successful for everyone. Mayor Dwyer thanked the Board for all their help as there are many pieces to this. Mayor Dwyer stated that the DPW did an outstanding job with the rain and overflow that occurred. Mayor Dwyer added that at 6:30am Saturday morning half the carnival was under water and the DPW and Water Department came in and did a great job. Mayor Dwyer also stated that he always manages to forgot someone, so if he did, to please accept his apology. Mayor Dwyer said he thoroughly enjoyed all the interaction that he had with all that attended.

Mayor Dwyer stated that resident John Karl had advised the Board that there were members of the Mombasha Fire Company that were being honored for their 50 and 60 years of service to the company. Mayor Dwyer stated that he took the opportunity to go this past Saturday to the Volunteer Fireman's Home in Hudson, New York to visit Karl Martin, where he currently resides. Mayor Dwyer stated it is an amazing facility and he had a wonderful visit and at the next meeting the Board would be honoring Clarence Board for his achievement for 60 years of service.

Trustee Conklin thanked resident John Karl for all that he has done and continues to do for Karl Martin and how he has helped him out through the years. He has been a great friend and that speak volumes to his character. Mr. Karl responded that he was just helping him out, and Trustee Conklin stated that there are a lot of people who wouldn't do that and she thanked him again. Trustee Conklin also thanked Mayor Dwyer for going up to see him and acknowledging him. Mr. Karl thanked Mayor Dwyer for the cake that he provided.

Mayor Dwyer shared that at his visit to Karl he gave him tour and he certainly knows his way around. Mayor Dwyer stated that one of things he likes the most about him is that he lives in the moment and appreciates everything. Mayor Dwyer continued that he had taken some pictures and went out to have them printed and put in an album for him and he was taken back by how much Karl appreciated what Mayor Dwyer had done.

Trustee Behringer thanked Trustee Alley for all that she had done for the carnival. The amount of hours and time she had spent to make the event a success.

Village Clerk Baxter added that she and her family had returned home the night before the carnival ended and she was glad that she would be able to get out of having to take her children to it since they had just gotten home, and they were heartbroken. She continued that after finding out that they had extended the carnival, even with the meeting and the rain, she decided to take her kids down so they could enjoy 45 minutes of free ride time. Village Clerk Baxter stated that from summer to summer you forget just how much small children love a carnival. The smells, the

popcorn, the lights, the rides and she was there watching her kids and she was taken back by the excitement and the appreciation that the little ones have. Village Clerk Baxter added that it made her happy that the Board was able to negotiate the free ride time because it afforded her kids the opportunity to be able to go and not miss out on it. Because a lot of time it becomes just one more thing as a parent that you need to fit in to an already busy schedule, how are you going to make it work and come up with the money because we all know that it isn't cheap. So the fact that there was a time that it was free was a huge bonus and she thanked the Board for making it happen. Trustee Behringer added that it also brings you back to when you were a kid and all that excitement.

Trustee Alley added that there were two residents who had just come up to her prior to the meeting and thanked her for making it happen. It speaks volumes as far as making the effort.

PUBLIC COMMENT: **# PRESENT 7** **TIME: 9:23 PM**

There was no public comment.

EXECUTIVE SESSION:

On a motion by Mayor Dwyer, seconded by Trustee Conklin, with all in favor, the meeting was closed at 9:29PM. Following a 5-minute recess, the Board convened in Executive Session for Advice of Counsel.

Executive Session Minutes compiled by Mayor Dwyer.

OPEN SESSION: on a motion by Trustee Houle seconded by Trustee Behringer and carried, the Open Meeting resumed at 11:25 PM.

SALARY ADJUSTMENT – P/T WATER BILLING CONTROL CLERK / KIM KASCH:

On a motion by Trustee Houle, seconded by Trustee Alley, it was:

RESOLVED, the Board of Trustees approved a salary increase for part-time Water Billing Control Clerk from \$20/hr to \$25/hr, retroactive from first date of employment, June 7, 2018.

Ayes: Trustees Alley, Behringer and Houle

Nays: None

Abstain: Trustee Conklin

ADJOURNMENT:

On a motion by Trustee Houle, seconded by Trustee Behringer and carried, no further business, the meeting was adjourned at 11:27 PM.

Respectfully Submitted,

Ann-Margret Baxter
Village Clerk