

The Board of Trustees convened in Executive Session on Tuesday, September 4, 2018 at 6:00PM in the Boardroom of the Village Hall, 7 Stage Road, Monroe, New York, for the purpose of acquisition of lease of real property and advice of counsel.

**EXECUTIVE SESSION:**

On a motion by Trustee Houle, seconded by Trustee Behringer, with all in favor, the Board convened into Executive Session at 6:04PM for Advice of Counsel.

Executive Session Minutes compiled by Mayor Dwyer.

**CLOSED SESSION:** on a motion by Trustee Houle seconded by Trustee Behringer and carried, the Open Meeting resumed at 7:10 PM.

**BOARD OF TRUSTEES MEETING  
TUESDAY, SEPTEMBER 4, 2018  
([www.villageofmonroe.org](http://www.villageofmonroe.org))**

The first of the bi-monthly meetings of the Board of Trustees was held on Tuesday, September 4, 2018 at 7:15 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, Behringer and Houle

**Also present:** Attorney Terhune, Water Plant Operator Mabee, Mary Beth Bianconi, Partner at Delaware Engineering, D.P.C., Village Clerk Baxter and Deputy Clerk Zahra

**Absent:** Trustee Alley (illness)

**MINUTE APPROVAL: MEETINGS OF AUGUST 7<sup>th</sup> & 21<sup>st</sup>:**

On a motion by Trustee Conklin seconded by Trustee Behringer, the Minutes of the August 7<sup>th</sup> Meeting were approved.

**Ayes:** Trustees Conklin, Behringer and Houle

**Nays:** None

**Absent:** Trustee Alley

On a motion by Trustee Conklin seconded by Trustee Houle, the Minutes of the August 21<sup>st</sup> Meeting were approved.

**Ayes:** Trustees Conklin, Behringer and Houle

**Nays:** None

**AUTHORIZATION TO ACCEPT MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN UPDATE FOR ORANGE COUNTY, NEW YORK / CONTINUED:**

(See Minutes 8/21/18)

At the August 21<sup>st</sup> meeting, Trustee Conklin requested that this matter be tabled to allow the Board of Trustees time to review the documents provided.

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

WHEREAS, the Orange County Department of Emergency Services, with the assistance from Barton & Loguidice, D.P.C, has gathered information and prepared the Multi-Jurisdictional Hazard Mitigation Plan Update for Orange County, New York; and

WHEREAS, the Multi-Jurisdictional Hazard Mitigation Plan Update for Orange County, New York has been prepared in accordance with the Disaster Mitigation Act of 2000 and Title 44 Code of Federal Regulations (CFR), Part 201; and

WHEREAS, Title 44 CFR, Chapter 1, Part 201.6(c)(5) requires each local government participating in the preparation of a Multi-Jurisdictional Mitigation Plan or Plan Update to accept and adopt such plan; and

**WHEREAS, the Village of Monroe, has reviewed the 2016 Multi-Jurisdictional Hazard Mitigation Plan Update for Orange County, has found the document to be acceptable, and as a local unit of government, has afforded its citizens an opportunity to comment and provide input regarding the Plan Update and the actions included in the Plan; and**

**WHEREAS, the Village of Monroe, will consider the Multi-Jurisdictional Hazard Mitigation Plan Update for Orange County during the implementation and updating of local planning mechanisms, and will incorporate the hazard assessment data, hazard vulnerabilities, and mitigation actions in these mechanisms, where applicable;**

**NOW THEREFORE, BE IT RESOLVED, that the Village of Monroe, as a participating jurisdiction, adopts the Multi-Jurisdictional Hazard Mitigation Plan Update for Orange County, New York, dated May 2016.**

**Ayes: Trustees Conklin, Behringer and Houle  
Nays: None**

**RESOLUTION  
VILLAGE OF MONROE BOARD OF TRUSTEES  
Improvements to the Village Water System**

**Negative Declaration Pursuant to the New York State  
Environmental Quality Review Act  
Date: September 4, 2018**

**This Negative Declaration is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.**

**The Board of Trustees of the Village of Monroe, as the Agency authorized to effectuate improvements to the Village Water System noticed its intent to act as Lead Agency for the purpose of conducting the New York State Environmental Quality Review Act ("SEQRA") of the project to make improvements to the Village Water System. The Board of Trustees duly circulated its Notice of Intent to be Lead Agency to all other involved agencies, which agencies consented to such designation. As Lead Agency, the Village Board of Trustees has determined that the proposed action described below will not have a significant adverse effect on the environment.**

**Title of Action: Improvements to the Village Water System**

**SEQR Status: Unlisted Action**

**Description of Action: Replacement of existing components of the Village Water System including the following system components: 1) replacement of asbestos water mains, 2) replacement of undersized water mains, (3) consolidation of water services to central water mains, and 4) upgrade of controls and pumping systems at two existing water pumping stations; and 5) rehabilitation of transmission mains which carry raw water from a surface reservoir to the Village Water Treatment Plant.**

**Location: Entire Village of Monroe and portions of the Town of Monroe**

**Reasons Supporting This Determination:**

**The improvements will replace and/or upgrade existing aging components of the Village Water System.**

**Resolution:**

**BE IT RESOLVED, that based on the Village Board's review and consideration of the Project, Long Form Environmental Assessment Form, and consideration of the criteria set forth in 6 NYCRR 617.7 of the SEQRA Regulations, the Village Board has determined that the potential small or moderate impacts of replacing the out-of-service raw water transmission line that serves the Village of Monroe Water System will result in physical disturbance that could result in small or moderate impacts in term of erosion and sedimentation, dewatering or blasting, wetland buffer area impacts, and possibly impacts to culturally important artifacts. These small or moderate potential impacts will be mitigated to reduce or eliminate them impacts through preparation and implementation of a stormwater pollution prevention plan, wetland disturbance permitting and**

mitigation as required, dewatering and blasting plans, and documentation or avoidance of culturally important artifacts as required by the State Historic Preservation Office. In these ways, the small or moderate impacts that have been identified will be reduced or eliminated to the greatest extent practicable. The replacement of existing distribution and service lines as well as pumps and controls at booster pump stations will have no impact on the environment as these are replacement in kind or upgrade of existing facilities.

**BE IT FURTHER RESOLVED**, that the Village Board of Trustees as Lead Agency for the project to make improvements to the Village Water System hereby finds and determines that the will not result in a significant adverse environmental impact and issues a Negative Declaration.

On a motion by Trustee Conklin, seconded by Trustee Houle, the foregoing resolution was adopted on a vote of 4 Ayes, 0 Nays and one absentee.

Votes recorded:

Trustee Behringer – Aye

Trustee Conklin – Aye

Trustee Houle – Aye

Mayor Dwyer - Aye

#### **For Further Information**

Contact Person: Hon. Neil S. Dwyer, Mayor  
Village of Monroe  
7 Stage Road  
Monroe, NY 10950  
Phone 845-782-8341

Copies of this Notice Sent to:  
Village Clerk, Village of Monroe  
Environmental Facilities Corporation  
Dated: September 4, 2018

#### **BOND RESOLUTION – VILLAGE WATER SYSTEM IMPROVEMENTS:**

**BOND RESOLUTION OF THE VILLAGE OF MONROE, NEW YORK, ADOPTED SEPTEMBER 4, 2018, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO THE VILLAGE WATER SYSTEM, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,945,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$4,945,000 TO FINANCE SAID APPROPRIATION**

**THE BOARD OF TRUSTEES OF THE VILLAGE OF MONROE, IN THE COUNTY OF ORANGE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Board of Trustees) AS FOLLOWS:**

**Section 1. The Village of Monroe, in the County of Orange, New York (herein called the “Village”), is hereby authorized to construct improvements to the Village water system, including reconstruction or replacement of a water transmission line, water main replacements, a water main extension, water service relocation, improvements to the Pine Tree and Briarcliff pump stations, water plant electrical upgrades and other ancillary or related work in connection therewith. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$4,945,000 and said amount is hereby appropriated for such**

**purpose. The plan of financing includes the issuance of not to exceed \$4,945,000 bonds of the Village to finance said appropriation, the collection of water charges and, if necessary, the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable. Any funds received from grants and/or other sources are hereby authorized to be applied toward the cost of said project or redemption of the Village's bonds or notes issued therefor, or to be budgeted as an offset to the taxes to be collected for the payment of the principal of and interest on said bonds or notes. All or part of the cost of the project may be financed through the New York State Environmental Facilities Corporation (EFC) State Revolving Fund (SRF) and/or a Water Infrastructure Improvement Act (WIIA) grant, and any authorized officer of the Village is hereby authorized to submit an application and perform any other acts necessary to arrange for such financing.**

**Section 2. Bonds of the Village in the principal amount of \$4,945,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.**

**Section 3. The following additional matters are hereby determined and declared:**

**(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 1 of the Law, is forty (40) years.**

**(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.**

**(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.**

**Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.**

**Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds**

with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Village Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in the "*Times Herald Record*," a newspaper having a general circulation within said Village and hereby designated the official newspaper of the Village for such publication.

The adoption of the foregoing resolution was made on a motion by Trustee Behringer, seconded by Trustee Conklin and duly put to a vote on roll call, which resulted as follows:

**Ayes:** Trustees Conklin, Behringer and Houle

**Nays:** None

**Absent:** Trustee Alley

The resolution was declared adopted.

**DISCUSSION – WATER ACCOUNT #231 / CONTINUED:**

(See Minutes 8/7/18, 8/21/18)

At the August 21<sup>st</sup> meeting Water Plant Operator Mabee stated that the owner of commercial water account #231, otherwise known as Village Positano, located at 475 Rt. 17M, acknowledged the estimated bill of \$12,289.67, and agreed to pay the outstanding amount. This estimated bill was generated by the Water Department due to its water meter that had not been working for 10 billing cycles. Discussion followed. Mayor Dwyer stated that the Water Department generated a proposed agreement to the owner of the business to pay over time and the action tonight is to authorize that action. Mayor Dwyer added that the offer is for a 12 month period of equal payments, and that penalty will be withheld during this time. Payments will be due on the last business day of each month, with the balance paid in full by August 31, 2019. Should the business owner become default on the installments, the full payment will be due immediately otherwise water service will be interrupted immediately. The regular, quarterly bill must also be paid by

their respective due dates to maintain the offered agreement, otherwise all ceased penalties will be added and due immediately as well. On a motion by Trustee Conklin, seconded by Trustee Houle, it was:

**RESOLVED**, the Board of Trustees approved the proposed payment agreement, on file with the Water Department, with commercial water account #231. The payment agreement states business owner is responsible to make 12 monthly payments of \$1014.14, due by close of business on the last business day of each month, with the balance paid in full by August 31, 2019. The regular, quarterly bill must also be paid by its due date otherwise the installment agreement will be in default and the full payment, plus all ceased penalties will be due at that and water service will be interrupted immediately.

**Ayes:** Trustees Behringer, Conklin and Houle

**Nays:** None

**PAYMENT ARRANGEMENT OPPORTUNITY FOR WATER ACCOUNTS WITH OUTSTANDING BALANCES DUE TO VILLAGE ERROR / CREATION OF NEW POLICY:**

While discussing outstanding balances of certain water accounts in which the Village of Monroe was at fault and caused such balances, the Board of Trustees discussed the possibility of creating a policy that allowed the Water Department to proceed with offering a water account the opportunity of a payment arrangement without getting approval from the Board of Trustees beforehand. On a motion by Trustee Conklin, seconded by Trustee Houle, it was:

**RESOLVED**, the Board of Trustees approved the creation of a new policy for the Water Department as follows: If a water account has become delinquent due to an error by the Village of Monroe Water Department, the Water Department has the authorization to offer the water account the opportunity to pay the balance over time, up to a maximum of 12 months, with equal monthly payments over that 12 month period. During this time, penalty will also be withheld from accruing and regular quarterly bills must be paid in full and on time. Should the water account default on the installment agreement, the remaining balance must be paid in full, and penalty will assessed on remaining, unpaid balance.

**Ayes:** Trustees Behringer, Conklin and Houle

**Nays:** None

**DISCUSSION – WATER ACCOUNT#2253 / CONTINUED:**

(See Minutes 8/7/18)

At the August 7<sup>th</sup> meeting the Water Department informed the Board that when a new water meter was installed at 9 Lakes Road on 2/7/17 the meter information was never entered into the system. When the issue was discovered, the meter was read, usage was determined to be 958,283 gallons and a bill was generated in the amount of \$6,257.59. It was determined that Trustee Conklin and Water Plant Operator Mabee were to meet with the owners of commercial water account #2253, and discuss an equitable resolution for all parties. Discussion followed. Since the fault of this outstanding balance is a result of an error made the Village of Monroe Water Department, Trustee Conklin suggested applying the newly created policy to water account #2253. On a motion by Trustee Conklin, seconded by Trustee Behringer, it was:

**RESOLVED**, the Board of Trustees approved the payment arrangement offered to water account #2253, and offered them the opportunity to pay the outstanding balance of \$6,257.59 over a period of 12 months, with equal monthly payments of \$521.47, with the balance to be paid in full by August 31, 2019. The regular, quarterly bill must also be paid by its due date otherwise the installment agreement will be in default and the full payment, plus all ceased penalties will be due at that and water service will be interrupted immediately.

**Ayes:** Trustees Behringer, Conklin and Houle

**Nays:** None

**DISCUSSION – TOWN WATER ACCOUNT #10257 / CONTINUED:**

(See Minutes 10/3/17, 8/7/18, 8/21/18)

At the August 21<sup>st</sup> meeting Attorney Terhune stated that she did not have the opportunity to review the information pertaining to Town Water Account #10257 and requested the matter be tabled to the September 4<sup>th</sup> meeting. Discussion followed. Attorney Terhune addressed the Board

and stated that she has reviewed the information that was provided to her and she was not sure of what the Board was being asked. Village Clerk Baxter added that she was not aware of any new requests that the property owner had made of the Village pertaining to the outstanding balance on the account.

Attorney Terhune asked if the account owed more than the \$36,900.00 that was paid at the time of closing and Mayor Dwyer stated that they did. Attorney Terhune asked if the account was provided with a bill for the full amount due or a bill for in the amount of \$36,900.00 and Mayor Dwyer responded that they were given a bill for the full amount when they requested the final water meter reading. Village Clerk Baxter reiterated for the Board the timeline of when the property was purchased and closed on and stated that the property owner was clearly made aware of the outstanding balance on the account at that time. Trustee Conklin added that the day the new property owner came in the Village Hall and was given a copy of the bill, she had a conversation with him on the sidewalk about the high bill and he was not aware that he was speaking with a sitting Trustee at the time. So to lead people to believe that you were not aware of the large bill is just false. Village Clerk Baxter added that in November 2017 the property owner submitted a request to the Board of Trustees to waive the remaining balance on the account, and the Board denied the request. To date, there have been no additional requests to waive the outstanding balance, and no additional payments have been made on the account.

Attorney Terhune asked if the property is still receiving water and Mayor Dwyer stated that it was not. Attorney Terhune asked if the property is up for sale again, and Trustee Conklin stated that it was not. Trustee Conklin added that the water was shut off prior to this individual taking ownership of the property because the home was abandoned and there may have been damage done to the pipes that caused the water to run. Mayor Dwyer reiterated that the large bill preceded the current owner and that the majority of the bill was a result of the accruing penalty and not usage.

Attorney Terhune stated that at a closing, water bills are to be paid, so something went wrong in this instance. Attorney Terhune continued that the options available to the Board of Trustees would be to take the property owner to court to collect the outstanding balance or wait until someone tries to turn the water on and collect it then. Attorney Terhune asked if the property owner continues to receive bills and Village Clerk Baxter stated that they did, but there has been no contact with the property owner since November 2017.

Attorney Terhune stated that she can talk about it further with the Mayor if he and the Board want to incur the expense of taking this individual to court. She added that the amount is too great to take this person to Justice Court. Mayor Dwyer agreed to table the topic to discuss possible litigation proceedings regarding the outstanding balance.

Village Clerk Baxter asked if there was a way the Village could pass a resolution or law that would allow the Village to levy any unpaid town water account balances to the Town taxes and Attorney Terhune responded that under State law you are unable to do that.

#### **REVISION TO CHILDREN'S TICKET PRICE - FOUNDER'S DAY DINNER & A MOVIE:**

In conjunction with the Founder's Day Street Fair, on Sunday, September 16, 2018 the Monroe Activities Committee will be hosting Dinner and a Movie, featuring "Yankee Doodle." When the event application was approved at the August 21<sup>st</sup> meeting, the Board of Trustees approved the proposed ticket prices as \$25.00 and \$20.00, adults and children, respectively. After additional consideration, Trustee Houle submitted a memo to the Board requesting a modification of the price of the children's ticket from \$20 to \$15.00 per child. Additionally, Trustee Houle has recommended adjusting the time of the event from 5PM to 10PM to 5PM to 9PM. Discussion followed. On a motion by Trustee Conklin, seconded by Trustee Houle, it was:

**RESOLVED**, the Board of Trustees approved the request of Trustee Houle and adjusted the children's ticket price from \$20.00 per person to \$15.00; and

**BE IT FURTHER RESOLVED**, that the Board also approved the time change for the event from 5PM – 10PM, to 5PM to 9PM.

**Ayes:** Trustees Conklin, Behringer and Houle  
**Nays:** None

**HARPERSMILES READY, SET, GLOW! 5K OCTOBER 27, 2018:**

The HarperSmiles Foundation submitted an event application to host an evening 5K race utilizing the walking paths around Crane Park on Saturday October 27, 2018 from 4:30PM to 9:30PM. Their nighttime neon 5K run will also include a kid's dash, costume contest and trunk or treat. In addition to the utilization of the walking paths, they are also requesting that Lakes Street be closed during the event between Millpond Parkway and Rt. 17M, where registration tables will be set up, tables to host the "Trunk or Treat", as well as to serve cider, donuts, and other fall snacks. HarperSmiles has provided documentation confirming their 501(c)(3) status. Both the Building Department and Police Departments have signed off on the events. Estimated cost of additional Police services is \$355.00 and will include 1 Officer on 5 hours of O/T to assist C line Officers with shutting down Lake Street from Millpond Parkway to Route 17M and to provide traffic control for the race. Due to the cost of the one day special policy, the HarperSmiles Foundation will provide their certificate of Liability Insurance naming the Village as additional insured once the event has been approved. Discussion followed. Mayor Dwyer asked Mr. and Mrs. Fried to provide a little background regarding their foundation. Mr. Fried explained that it was a foundation that he and his wife created to raise awareness about tip over prevention after losing their daughter Harper to a similar furniture climbing accident. On a motion by Trustee Conklin, seconded by Trustee Behringer, it was:

**RESOLVED**, the Board of Trustees approved the request of the HarperSmiles Foundation to host their Ready, Set, Glow! 5K event on Saturday, October 27, 2018 from 4:30PM to 9:00PM. The event will consist of a 5K race utilizing the walking paths around Crane Park as well as a portion of Lake Street which will be closed off between Millpond Parkway and Route 17M so that tables can be set up for registration, a "Trunk or Treat" and to provide a light snack. Approval is contingent upon their submittal of their Certificate of Liability Insurance naming the Village of Monroe as additional insured.

**Ayes:** Trustees Conklin, Behringer and Houle

**Nays:** None

**MCGARRAH'S FAMILY FUN 5K RACE SPONSORED BY CORNERSTONE MASONIC HISTORICAL SOCIETY, 9/29/18, 9 AM – 11 AM:**

An events application was submitted by the Cornerstone Masonic Historical Society for the McGarrah's Family Fun 5K Race to be held on Saturday, September 29, 2018 from 9 AM to 11 AM. The route is comprised of 2 loops around the Mill Ponds starting and ending at 26 Millpond Parkway, as per the race route submitted with the events application. Sign-off of the event application has been made by the Building Department and Police Department. Police Dept. will oversee the event with 1 Officer on 3 hours of overtime to shut down Millpond Parkway at Smithfield Court and Stage Rd, as well as traffic control safety for the participants throughout the race. Estimated total cost of additional Police Protection is \$214.35. On a motion by Trustee Conklin, seconded by Trustee Houle, it was:

**RESOLVED**, the Village Board approved the event application submitted by Cornerstone Masonic Lodge for their annual McGarrah's Family Fun 5K Race event to be held on Saturday, September 29, 2018 from 9 AM – 11 AM, with the condition that no paint or markings be made on any of the Village streets to denote the race path.

**Ayes:** Trustees Conklin, Behringer and Houle

**Nays:** None

**CORNERSTONE MASONIC LODGE OKTOBERFEST 9/29/19, 11-9 PM:**

An events application was submitted by the Cornerstone Masonic Lodge, located at 300 Stage Road, for their annual Oktoberfest to be held on Saturday September 29, 2018 from 11 AM to 9 PM. Wristbands will be given to Oktoberfest entrants signifying age and whether they can participate in alcoholic beverages. A bartender will be on premises serving drinks and checking ID's. Two tents will be erected, one for seating and the other for food services and must be a 20 foot separation between the tents. Fire extinguishers will be located on each side of the tent, and a Certificate from the Department of Health is also required and will be provided to the Village Clerk. There will be a stage and band performing. A copy of the outdoor State Liquor License must be filed with the Village Clerk and Police Department prior to the event. Music must comply with the Village's Noise Ordinance (code section 145-3). Sign-off of the event application has been made by both the Building Department and Police Departments. On a motion by Trustee Conklin, seconded by Trustee Behringer, it was:



**RESOLVED**, the Village Board approved the Cornerstone Masonic Lodge's application for their Oktoberfest Event located at 300 Stage Road on Saturday, September 29, 2018 from 11 AM – 9 PM. Wristbands will be given to Oktoberfest entrants signifying age and whether they can participate in alcoholic beverages. A bartender will be on premises serving drinks and checking ID's. There will be a stage and band performing. Music must comply with the Village's Noise Ordinance (Code Section 145-3). Approval is contingent upon applicant securing a temporary permit from the NYS Liquor Authority which must be filed with the Clerk's Office and the Police Department as well as their Certificate from the Department of Health prior to the event.

**Ayes:** Trustees Conklin, Behringer and Houle

**Nays:** None

**REQUEST FOR BOND WAIVER / MOMBASHA FIRE COMPANY:**

Michael Sandor, P.E., Engineer for the Mombasha Fire Company, has submitted a letter to the Board of Trustees requesting that they waive the bond estimate in the amount of \$43,870.62, which was approved by Village Engineer John O'Rourke, P.E. on 7/13/18. Mombasha Fire Company has recently received Conditional Site Plan Approval from the Planning Board for the small addition located at the rear of the firehouse, a new shed to house their antique fire truck and 45 additional parking spaces, all located at 526 Route 17M. Discussion followed. Attorney Terhune stated that it appears that they are asking the Village Board to accept the bond amount and Mayor Dwyer disagreed. Attorney Terhune stated that she reads the documents as though Mombasha Fire Corp. does not want to have to take the bond out at all. Attorney Terhune stated that you always needs to bond in case something happens, if your contractor goes out of business, the Fire Company is covered and isn't on the hook for finishing the project. Mayor Dwyer requested that Village Clerk Baxter provide him with a copy of the original letter submitted by Mombasha Fire Company for their initial fee waiver request. Resident and fireman John Karl added that he had received a message via a text stating that there was no one representing the fire company this evening because they had been waiting for confirmation from the Village that the matter would be addressed this evening. Mayor Dwyer stated that it was a communication issue. Mayor Dwyer stated that he would table the matter till the September 18<sup>th</sup> meeting to allow him time to talk to Mombasha Fire Company and the Building Department.

**AUTHORIZATION FOR VERIZON WIRELESS ALTERATIONS ON BALD HILL CELL TOWER:**

The Building Department has received a permit application by T-Mobile for alterations to an existing cell tower located on Bald Hill. As part of the Building Department requirements, the property owner must consent to the work before the work can begin and consent is given by the property owner signing off on the permit application. Since Bald Hill is owned by the Village of Monroe, the Village Board must consent to the work and authorize the Mayor to sign the permit application. The description of the project consists of adding 1 Delta 25k W DC Diesel Generator on existing 12 X 20 pad. Discussion followed. On a motion by Trustee Behringer, seconded by Trustee Conklin, it was:

**RESOLVED**, the Board of Trustees consent to the alterations needed to an existing T-Mobile cell tower located on Bald Hill and authorizes Mayor Dwyer to sign off on the Building Department permit application.

**Ayes:** Trustees Conklin, Behringer and Houle

**Nays:** None

**NYS GOVERNOR TRAFFIC SAFETY COMMITTEE – CHILD PASSENGER SAFETY AWARD:**

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

**RESOLVED**, the Board of Trustees accepted the grant awarded to the Monroe Police Department through the NYS Governor's Traffic Safety Committee for the Child Passenger Safety Program. The grant covers the period of 10/1/18 through 9/30/19 in the amount of \$1,000.

**Ayes:** Trustees Conklin, Behringer and Houle

**Nays:** None

**REQUEST FOR PENALTY REFUND / TOWN WATER ACCOUNT #10171:**

Property owner Nathan Brach submitted a letter to the Board of Trustees requesting a refund for penalties paid on town water account #10171, located at 2 Oreco Terrace, in the amount of \$2,023.76. Mr. Brach claimed the penalties are a result of usage of the previous owner and that the house has not been in use for the past two years. Mr. Brach also claims that no bills have been received until the recent water bill of August 2018. Discussion followed. Mayor Dwyer stated that Mr. Brach purchased the property and is responsible for paying the bill. Attorney Terhune asked the Board if they would consider making a policy simply stating no refunds. The Board just created a policy acknowledging if it is the Village's fault what will happen, but if it isn't the Village's fault, you have a policy that you can't be giving people refunds out of the pockets of those taxpayer's who do pay their bills on time. Attorney Terhune stated that there does not have to be any action tonight, but it's something to think about. On a motion by Trustee Houle, seconded by Trustee Conklin, it was;

**RESOLVED**, the Board of Trustees denied the request of Nathan Brach, property owner of 2 Oreco Terrace, town water account #10171, for a refund of penalties in the amount of \$2,023.76. It is the responsibility of the property owner to know when their bills are due.

**Ayes:** Trustees Conklin, Behringer and Houle

**Nays:** None

**INTRODUCTION OF LOCAL LAW #7 of 2018 AMENDING THE ZONING LAW TO ESTABLISH MAX. GROSS RESIDENTIAL FLOOR AREA RATIOS FOR DWELLINGS WITHIN CERTAIN DISTRICTS & SCHEDULE OF PUBLIC HEARING:**

On a Motion by Trustee Houle, seconded by Trustee Conklin, it was;

**BE IT RESOLVED** that an introductory Local Law, titled "AMENDING THE ZONING LAW TO ESTABLISH MAXIMUM GROSS RESIDENTIAL FLOOR AREA RATIOS FOR DWELLINGS WITHIN CERTAIN DISTRICTS," is hereby introduced by Mayor Dwyer before the Board of Trustees of the Village of Monroe, County of Orange, State of New York; and

**BE IT FURTHER RESOLVED** that copies of the aforesaid proposed Local Law be laid upon the desk of each member of the Board of Trustees; and

**BE IT FURTHER RESOLVED** that the Board of Trustees shall hold a public hearing on said proposed local law at the Village Hall, 7 Stage Road, Monroe, New York at 6:30PM on September 18, 2018; and

**BE IT FURTHER RESOLVED** that the Village Clerk shall publish or cause to be published a public notice in the official newspaper of the Village of Monroe no later than five (5) days prior thereto.

**Ayes:** Trustees Conklin, Behringer and Houle

**Nays:** None

**DISCUSSION – PROPERTY MAINTENANCE LAW:**

Mayor Dwyer addressed the Board and stated that this is an area that the Village really needs to get a hold of and would like Counsel to begin work on establishing a property maintenance law for the Village of Monroe and to work with the Building Department and the Board to establish it.

Attorney Terhune added that the Building Inspector has the State code that he enforces and the Village also has something called "Vegetation" that is also enforced, but there currently is not a property maintenance local law so that a Village or a Town can establish standards that are local that may not be in the State code but are important to the look and feel of your Village. Attorney Terhune stated that she will begin the draft of the local law and encouraged the Board to submit

suggestions to her to be included. Village Clerk Baxter asked if the Board could during this process change the maximum grass height from 12 inches to 6 inches, and both Attorney Terhune and Mayor Dwyer stated it was. Mayor Dwyer added that it would also be an opportunity for the public to include their suggestions or concerns during the public hearing as well. On a motion by Trustee Behringer, seconded by Trustee Conklin, it was:

**RESOLVED**, the Board of Trustees authorized Attorney Terhune, while working with the Building Department and the Board of Trustees, to draft an introductory local law establishing Village standards for property maintenance.

**Ayes:** Trustees Conklin, Behringer and Houle

**Nays:** None

**DISCUSSION – DEFINITION OF ABANDONED VEHICLES:**

Mayor Dwyer stated the Village has a situation regarding an abandoned vehicle located on a property, that after doing some research, it was discovered that the vehicle belonged to the prior owner. The property is currently owned by an LLC and is not addressing it. Mayor Dwyer stated that he would like to find out what the Village can legally do to have that vehicle removed from the property. Attorney Terhune responded that according to Village Code 185-18, Police Power to Remove Vehicles, it states that the Police Department has the power to acquire a tow truck to remove a vehicle from the following places, and lists all those places. For example, if it is obstructing a vehicle right of way, it is has been vandalized, prevents a fire or safety hazard or if it an abandoned vehicle with no discernable registration or identification data or an abandoned vehicle not licensed or operable. Attorney Terhune stated that based on this, the Police Department has the authority to have the vehicle towed. Trustee Houle asked even if it is on private property and Attorney Terhune responded yes. Trustee Conklin asked can the Village assume that it is abandoned, how do they know that it wasn't gifted from the prior owner to the new owner. Attorney Terhune asked what is happening with the property that it is on. Resident John Karl stated that there is no one living there, but the house is being worked on. Attorney Terhune asked Mr. Karl if the owners of the vehicle have passed away and Mr. Karl confirmed that they have.

Attorney Terhune stated that perhaps the first step is to have the Building Inspector send a letter. Mayor Dwyer responded that the Village has done some preliminary research and the car does not have any tags. It is not an instance of it being a seasonal vehicle, like when a student is away at college, the vehicle is not operable. Trustee Houle questioned how would they differentiate between an abandoned vehicle and a "project" car. She continued that she has a neighbor that has a project car, there are no tags on it and it isn't registered. It is left up on blocks and the neighbor does work on it periodically. Where does the Village draw the line where this is their property versus something that is turning into a giant junk heap? Mayor Dwyer agreed but added that in this case the vehicle has clearly been abandoned and the new owner of the property should be notified that the vehicle has been deemed abandoned and it needs to be removed.

Resident Tony Leone commented that the Village Code also includes a section for littering, section 135, and perhaps an abandoned vehicle falls under here. Mr. Leone spoke of section 135-20 in which who can remove the litter if it becomes a matter of public safety, and section 135-21 in which the DPW can remove said litter and issue a violation notice. Mr. Leone stated that this vehicle could possibly fall under the definition of litter.

Mayor Dwyer stated that his goal is clear, that they are looking at the quality of life and we need to find ways and tools that address these types of issues. The Village needs to start getting the teeth to bite into problems like this. Mayor Dwyer stated that a certified letter from the Village of Monroe to this LLC asking them to address this problem in 7 to 10 business days. Village Clerk Baxter asked who would be the responsible party to send this letter since there seems to be a lot of ambiguity in the Code as to who enforces what and who is responsible for sending the violation

notices. Attorney Terhune stated that it would be better that if that letter came from the Building Department and allow them the ability to review the code and see what section could be cited. Attorney Terhune stated that this is the purpose of having a local property maintenance law, for issues like this. Attorney Terhune also suggested that the Building Inspector could find something in the state property code as well.

Mayor Dwyer asked Attorney Terhune what the timeline could be to draft some kind of property maintenance law and Attorney Terhune responded that she could have something in draft form by the next meeting. Mayor Dwyer acknowledged that it would be more custom made with input from the public, Trustees input, thus making it custom made. Attorney Terhune agreed but also stated that many municipalities deal with all of these issues all of the time, so there are a lot of templates to use, as well as versions from other municipalities that she has drafted, and she'll begin with those.

Mayor Dwyer stated that he would also like to add cease and desist regarding peddlers. Mayor Dwyer added that there is a municipality in NY in which they have a community wide ordinance in which you cannot solicit, and he would like this to be something put into place in the Village of Monroe. Attorney Terhune stated that there are peddling laws and soliciting laws in which a permit is required and inquired if the Village had one. Mayor Dwyer confirmed that we did. Attorney Terhune continued that it may be something that could be worked into the current legislation, and she would need to take a look at what is currently in place.

#### **MAYOR'S REPORT:**

Trustee Behringer stated that the new Village of Monroe flags look fantastic along with the teal bows in the downtown. Resident Geri DeAngelis agreed at how lovely everything looked. Mayor Dwyer added that the Village is looking to also add to the banners those members of the community that have served in the armed services as well.

Trustee Houle reminded the Board that next Tuesday, September 11<sup>th</sup>, will be the Village's annual 9/11 memorial service. Services will begin at 7pm at the 9-11 Memorial in Crane Park. Trustee Houle added that the Monroe Volunteer Ambulance Corp. will be taking care of the wreaths. Resident Geri DeAngelis also thanked the Highway Department for their assistance in preparing the flowers at for the memorial walkway garden.

**PUBLIC COMMENT: # PRESENT 5 TIME: 8:57 PM**

Resident John Karl followed up on portable basketball hoops that are in the streets, not in the right of way. Trustee Houle asked if that would fall under the property maintenance law and Mayor Dwyer stated that he is trying to work all that in. Mr. Karl stated that he mentioned this concern at a prior meeting and assumed that it would appear in the prior minutes. If a car drives into one of these things, it'll be a problem. It's the Village's street and the Village has been put on notice.

Mr. Karl continued that regarding the property maintenance law, the winter is coming and snow will become an issue. Mayor Dwyer interjected that in regards to that, the Village has enforcement and it will continue to be enforced. Mr. Karl asked what happened last year and Village Clerk Baxter responded that she is the person who issues those violations and that a violation is issued only if a written complaint is received. Mr. Karl asked does the person making the complaint have to be an adjoining property owner and Village Clerk Baxter responded no. Mr. Karl continued that he was specifically referring to North Main Street and Village Clerk Baxter responded that she issued two violations to property owners on North Main last winter for un-shoveled sidewalks. Trustee Conklin asked what the time period was for issuing a violation and Village Clerk Baxter stated that she couldn't quote it off the top of her head but it was dependent on the inches of the snow and when the storm ends. In both of those instances and the inches of the snow and location of the sidewalks on North Main Street, in addition to sending letters to the property owners, she called them on the phone as well to expedite the cleanup. Mayor Dwyer stated that if at any time a resident does not feel comfortable putting their name on a complaint, to call Village Hall and speak with him, and he will submit the complaint himself.

**Mr. Karl continued about the constant horn blowing at 7:30AM a few doors down from him at what seems to be a boarding house. He has made a complaint to the Police Department. He shared with the Board that after a recent weekend away with his wife he came home to find out that a harassment charge has been filed against him for taking some pictures to document the issues his neighborhood is experiencing. Mr. Karl added that he went to a public meeting a few weeks prior for the Village of South Blooming Grove. They are experiencing the same issues there but worse and he advised the Board that if they don't clamp down on it'll get worse around here. He shouldn't have to call all the time about lawns not being cut and now they have swimming pools that are green and breeding mosquitos. He encouraged the Board to come sit on his deck and see what he has to look at, it's absolutely horrible. Mr. Karl shared that if there is a violation against the property maintenance law in the Village of South Blooming Grove they hold a public hearing and allow the property owner to come before them. At the meeting that he attended there were two violators, neither of which appeared, so they authorized a private landscaping company to go out and cut the grass.**

**Attorney Terhune asked if the Village of Monroe has a noise ordinance and Mayor Dwyer confirmed that they did. He added that this has been something ongoing for about a year and the Village has sent the Police Department down there, and have even issued violations against a few individuals for a variety of issues. Mayor Dwyer also added that at one time two of the Village's Officers were called in because some of these individuals wanted to charge them with harassment. Mayor Dwyer stated that he advised these individuals that these issues were in the Village's code and the Police Department had the right to enforcement. Mayor Dwyer reiterated that this is why he is pushing so hard for the property maintenance law. It will be very complete and comprehensive. Mr. Karl commented that he is retired and is around to help out. Mayor Dwyer responded that is why he offered him the part-time Code Enforcement position and he has declined it three times. There would be nobody better than him for that. Mr. Karl stressed that how frustrating it is and has been asking other residents of his development to come out and voice their frustrations as well.**

**Resident Tony Leone asked if the new property maintenance law will take a pro-active approach on the parking of vehicles on lawns. Mr. Leone stated that as the houses have more tenants, there are more cars, and it looks terrible. The environment is changing and the Village needs to get ahead of it.**

**Mayor Dwyer stated that he had a conversation with the realtor from Hudson Realty and told him that he has to stop with the signs, there are just too many of them. Mayor Dwyer added that the gentleman tried to suggest that he was harassing him and Mayor Dwyer told him it had nothing to do with that, it had to do with code and quality of life in the Village.**

**Resident Tim Mitts thanked Mayor Dwyer and Trustee Houle for visiting his property. Mr. Mitts stated that before the Village holds their public hearing on the maximum square footage of a property, they should keep in mind the properties that may have cottages or modified homes on them. He inquired what would happen if a home burned down and you have three buildings on a property. Are you able to build as they were, or are you restricted to this new law? The property owner would lose value and the Village would lose out on taxes. His home is currently 9,300 square foot home, if he had to rebuild it, he would only be able to rebuild to 5,400 square feet.**

**Mr. Mitts stated that the proposed local law has the capped at 20,000 square feet, and there are a lot of properties in the Village that have a lot of acreage. What would happen if that house burned down.**

**Mr. Mitts presented to the Board a book that has recently come out on Amazon.com, The Hidden Treasures of the Hudson Valley, Volume 3, which lists Rest Haven. He also turned a copy over to the Town Historian, Jim Nelson.**

**Mr. Mitts stated that at 11 AM on October 13<sup>th</sup> they will be utilizing the High School auditorium to provide the public with the history of Rest Haven. There will also be many representatives from the American Foundation of the Blind and the NYS Parks Service. There will also be an introductory to the movie The Miracle Worker from the woman who played the 19 month baby who was featured in the movie and currently owns Pamela's on the Hudson. Mr. Mitts also stated that he has obtained the original article from 7/11/61 in which she speaks of her involvement in the movie. There will also be a private group who will be invited back to Rest Haven for a ribbon cutting and the entire Board of Trustees will be invited. Other Officials from the County and State are invited as well.**

**EXECUTIVE SESSION:**

**On a motion by Trustee Houle, seconded by Trustee Behringer, with all in favor, the meeting was closed at 9:12 PM. 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 9:40 PM.**

**ADJOURNMENT:**

**On a motion by Trustee Houle, seconded by Trustee Behringer and carried, no further business, the meeting was adjourned at 9:41 PM.**

**Respectfully Submitted,**

**Ann-Margret Baxter  
Village Clerk**