

BOARD OF TRUSTEES MEETING
TUESDAY, OCTOBER 2, 2018
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The first of the bi-monthly meetings of the Board of Trustees was held on Tuesday, October 2, 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 Alley, Conklin, Behringer and Houle
Also present: Attorney Terhune, Village Clerk Baxter and Deputy Clerk Zahra

MINUTE APPROVAL: MEETINGS OF SEPTEMBER 4th & 18th:

On a motion by Trustee Alley seconded by Trustee Behringer, the Minutes of the September 4th 2018 Meeting were approved.

Ayes: Trustees Conklin, Behringer and Houle
Nays: None
Abstain: Trustee Alley

On a motion by Trustee Houle seconded by Trustee Behringer, the Minutes of the September 18th 2018 Meeting were approved.

Ayes: Trustees Alley, Behringer and Houle
Nays: None
Abstain: Trustee Conklin

HALLOWEEN CURFEW 2018:

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

WHEREAS, on October 28th 29th 30th and October 31st (Halloween) the Village is besieged by youths who create problems for residents, and the Monroe Police Department. To complicate the situation, the Police Department has determined that many of the youth were non-residents who refuse to leave the Village due to the fact that there were no laws requiring them to be off the streets; and

WHEREAS, the following definitions shall apply:

MINOR - being less than eighteen (18) years old
PARENT - the natural or adoptive parent of a minor
GUARDIAN - any person other than a parent who has legal guardianship of a minor
CUSTODIAN - any person over the age of twenty-one (21) who is Loco Parentis to a minor
PUBLIC PLACE - any street, alley, highway, sidewalk, park, playground or place which the general public has access and a right to resort for business, entertainment or other lawful purpose. A "public place" shall include but is not limited to any store, shop, restaurant, tavern, bowling alley, café, theater, drugstore, pool room, shopping center and any other place devoted to amusement or open to the general public. It shall also include the front or immediate area of the above, and

WHEREAS, any minor attending a special function or entertainment of any church, school, club or organization that requires such minor to be out at a later hour than called for within this Proclamation shall be exempt from the provisions of the Proclamation, provided such church, school, club or other similar organization shall register in advance with the Monroe Police Department to have the minors stay out to this later hour. The registrant shall state the time, when the function or entertainment shall end, and the minors who attend the function shall be required to be in their places of abode within one-half hour after the function is ended; and

WHEREAS, it shall be unlawful for any person, firm or cooperation operating or having charge of any public place to knowingly permit or suffer the presence of minors under the age of 18 on October 28th, 29th, 30th and 31st between the hours of 8 PM and 6 AM the following morning; and

WHEREAS, it shall be unlawful for the parent, guardian or other adult person having custody or control of any minor under the age of 18 to permit or, by inefficient control, to allow such minor to be on the streets or sidewalk or on or in any public property or public place within the Village on October 28th, 29th, 30th and 31st between the hours of 8 PM and 6 AM the following morning. However, the provisions of this section do not apply to a minor accompanied by his parent, guardian, custodian or other adult person having the care, custody or control of the minor or if the minor is on an emergency errand or specified business or activity directed by his parent, guardian, custodian or other adult having the care or custody of the minor, or if the parent, guardian, custodian or other adult person herein has made a missing person notification to the Village Police.

NOW, THEREFORE, during the period October 28th, 29th, 30th and 31st it shall be unlawful for any minor to remain idle, wander, stroll, or play in any public place, either on foot or to cruise about without a set destination in any vehicle, in, about or upon any place in the Village between the hours of 8 PM and 6 AM of the following morning unless accompanied by a parent, guardian, custodian or other adult person having custody or control of such minor, or unless the minor is an emergency errand or specified business or activity or permitted by his parent, guardian or other adult person having the custody and care of the minor or where the presence of such minors connect with or required by some legitimate employment, trade, profession or occupation.

Any police officer upon finding a minor in violation of this Resolution shall ascertain the name and address of the minor and warn the minor that he/she is in violation of curfew and shall direct the minor to proceed at once to his or her home or usual place of abode. The police officer shall report such action to the parents, guardian or person having custody or control of the minor.

If such minor refuses to heed the warning or direction given by any police officer or refuses to give the police officer his/her correct name and address or if the minor has been warned on a previous occasion that he or she was in violation of curfew, such minor, if age 16 years or older, may be issued an appearance ticket, and the parent, guardian or other adult having the care and custody of such minor shall be notified to appear with such minor at a date and time to be determined in the appearance ticket for an appearance before the Village of Monroe Justice Court.

Any minor age 16 years or older who violates any section of this article shall, upon conviction, be subject to a fine not to exceed \$100 for a first offense and not to exceed \$250 for each additional offense. Community service may be imposed by the court in addition to the above minimum fine. When a minor is required to perform community service, the parent or guardian shall be required to transport the minor to the place(s) specified by the court.

Ayes: Trustees Alley, Conklin, Behringer and Houle

Nays: None

REQUEST FOR 3X PENALTY WAIVER / 2 ROSA COURT- CONTINUED:

(See Minutes 9/18/18)

At the September 18th 2018 Board Meeting property owner Laurie West submitted a request for a reimbursement in the amount of \$862.50 for penalty charges paid associated with the finished basement of her condo located in Timber Hills. At that meeting Mayor Dwyer asked the property owner to do some additional homework and find out if the basement was allocated in the assessment by the tax assessor and in fact was a finished space as far the assessor's office was concerned. Mayor Dwyer continued that Ms. West did report back that the space was finished on the property report card. Mayor Dwyer stated that he took that information and went back and discussed it himself with someone in the assessor's office. What he found out was that the property card did correctly state that there was a rec room in the basement, but that was only after there was a fiscal inventory done, meaning that she only has that information on the property card because of the inspection done by the assessor, and not because there was actually a construction permit for usage of the space, that is not in the file, therefore not part of the building department records. Mayor Dwyer continued that although the property owner did acknowledge that the report does show there is a finished basement, it was not by virtue of the building department presenting to the assessor and improvement to the property, resulting in a reassessment to the property.

Trustee Houle asked if the tax assessment changed and Mayor Dwyer responded that as far as the report goes, it has not. It may still be going through the process, but to date, it has not. Mayor Dwyer added that the assessment should be modified once they are notified about the added square footage. The question before this Board is that she is looking for an abatement of the

penalty when in fact the construction, whether it was before her or after, was not as a result of a building permit being applied for and issued, which would have resulted in the assessor being notified and a modification to the assessment being done. Mayor Dwyer reiterated that the property card was only updated as a result of the assessor's clerk going out to the property in 2011 and identifying the additional space. Trustee Behringer asked when the property owner move into the property and Mayor Dwyer replied in 2003. Trustee Conklin asked when the additional space was reported and Mayor Dwyer responded 2011. On a motion by Trustee Conklin, seconded by Trustee Houle, it was:

RESOLVED, the Board of Trustees denied the request of Laurie West, owner of 2 Rosa Court, for the reimbursement of penalties totaling \$862.50 associated with the finished basement.

Ayes: Trustees Alley, Behringer Conklin, and Houle

Nays: None

TIME CLOCK MANAGEMENT & PAYROLL SERVICES / CONTINUED:

(See Minutes 6/5/18, 9/18/18)

At the September 18th Board of Trustees Meeting, Mayor Dwyer advised the Board that he, along with Trustee Alley and Treasurer Murray, met with the vendors and had gone through the procurement process. They have come to a reasonable conclusion as to how they want to proceed, but there still a few things that need to be worked out. Mayor Dwyer requested that the matter be tabled till the October 2nd meeting so these items could be resolved before being presented to the Board.

Mayor Dwyer advised the Board that there were a few pieces of the contract that were brought to his attention by Attorney Terhune that needed to be reviewed. This matter was tabled until the October 16th meeting.

SCARECROW & CORNSTALK LIGHT POLE DECORATING 10/14/18 BY MONROE GIRL & BOY SCOUTS:

For the past 6 years, the local Girl and Boy Scout troops have worked in conjunction with the MW Garden Club to display fall decorations on the 22 light poles along the downtown corridor. An event application has been submitted by Barbara Mallory, Service Unit Manager for Monroe Girl Scouts Unit #223, for this year's placement of the scarecrows and cornstalks with the assistance of the Boy Scouts. The scheduled date for decorating is Sunday, October 14, 2018 beginning at 12:00 PM. Discussion followed. Trustee Conklin suggested that as a group, the Village Trustees build hay Minions as decorations and decorate the gazebo located on the Crane Park Peninsula as a group project. Trustee Conklin utilized her phone to show them a picture of what she was referring too. Trustee Conklin also mentioned that there may be spare scarecrows at the Water Plant that could be utilized at the gazebo as well. Trustee Houle raised the question that the event application stated the Girl Scouts would only be applying scarecrows and corn stalks to the 22 light posts in the downtown. Trustee Conklin advised that they typically do it every year and Mayor Dwyer added that the Village has always given a little leeway with this and allowed them to decorate other areas around the downtown, on park benches, etc. if there were extras. Any issues with placement could be addressed that day. On a motion by Trustee Behringer, seconded by Trustee Conklin, it was:

RESOLVED, the Board of Trustees approved the request of Barbara Mallory, Service Unit Manager of Girl Scout Unit #223, to decorate the downtown corridor light poles with corn stalks and scarecrows for fall.

Ayes: Trustees Alley, Conklin, Behringer and Houle

Nays: None

REQUEST FOR EXEMPTION – TOWN HIGHWAY 3 & 4:

Attorney Terhune asked if this was something typical, if it is done every year. Mayor Dwyer responded yes. Attorney Terhune asked what items 3 & 4 were and Mayor Dwyer stated he was not sure. Attorney Terhune asked if the Village of Monroe typically gets the exception or does the Village keep asking. Mayor Dwyer asked resident John Karl for any input that he may have and Mr. Karl responded that the Village gets the lesser of the two. Mayor Dwyer stated that Mr. Karl encouraged the Board to fight for a little more and Mr. Karl agreed. Mr. Karl added especially since last month the Village granted them a waiver of penalty on past due water bills.

Mayor Dwyer stated that the Town of Monroe is in the process of doing their budget so perhaps the Village should draft a letter for a meeting to discuss this topic. Attorney Terhune suggested taking it to the next level by sitting down with the Town Supervisor and see if there is a reciprocity, water and this.

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

RESOLVED, the Board of Trustees, by signed petition, requested the Town Board of the Town of Monroe to exempt residents of the Village of Monroe of taxes for items 3 & 4 of the Town of Monroe 2019 Highway Budget as authorized by Section 277 of the Town Highway Law.

Ayes: Trustees Alley, Behringer Conklin, and Houle

Nays: None

PAYMENT AUTHORIZATION – FREEMAN HOMES SUBDIVISION CURB REPLACEMENT PHASE # 2:

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

RESOLVED, the Board of Trustees accepted the recommendation of Lanc & Tully and approved Payment No. 1 for the period ending September 7, 2018 submitted by A-Tech Concrete Co., for the Freeman Homes Subdivision Curb replacement project phase # 2. Work commenced on this project August 30, 2018 and was satisfactorily completed on September 6, 2018. Amount of the payment is \$94,952.50. Mayor Dwyer is hereby authorized to sign the voucher for payment submitted by Lanc & Tully.

Ayes: Trustees Alley, Conklin, Behringer and Houle

Nays: None

INTRODUCTION OF LOCAL LAW # 8 OF 2018 / ANNEXATION OF LAND – T/M TAX MAP# 1-2-45 & SCHEDULE OF PUBLIC HEARING:

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

BE IT RESOLVED that an introductory Local Law, titled “ANNEXATION OF LAND,” be and it hereby is 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 6:30 PM on October 16, 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 three (3) days prior thereto.

Ayes: Trustees Alley, Conklin, Behringer and Houle

Nays: None

REVISION TO VILLAGE OF MONROE’S SEXUAL HARASSMENT POLICY:

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

RESOLVED that the Board of Trustees hereby approves the replacement of the Village’s Sexual Harassment Policy dated August 19, 2003 with the attached Sexual Harassment Policy, and Complaint Form for Reporting Sexual Harassment; and

BE IT FURTHER RESOLVED, that this revised Sexual Harassment Policy shall be submitted to Public Sector HR Consultants LLC, 14 Knollwood Drive Glenville, NY 12302 to be incorporated in the Village of Monroe’s Employee Handbook.

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

Trustee Houle stated there is an employee acknowledgment form in the packet that needs to be filled out and signed by each employee. Mayor Dwyer stated that the Board will set up the signing of the acknowledgements through the Village Clerk and a training schedule as well. Mayor Dwyer stated that under the new guidelines the Village has until October 2019 to become compliant with the policy. Village Clerk Baxter asked if they sign the acknowledgment form after the training video is viewed and Mayor Dwyer stated the form is an acknowledgment of receipt of the new policy.

MAYOR'S REPORT:

Trustee Houle stated she had been communicating with some former members of the Village's Activities Committee and is working on putting a list together of those people willing to help with the Village's 125th Anniversary. Trustee Houle advised Village Clerk Baxter that she would be sending her something to put out on Constant Contact as a call for volunteers to get things started.

Attorney Terhune commented that the Kmart project is before the Village's Planning Board and is posting a performance bond and under the subdivision regulations of the Village, the Attorney must approve the form and sufficiency of the bond, which she did look at and approve. Attorney Terhune added that she has reached out to the Village Engineer, John O'Rourke, and Planning Board Attorney, David Levinson, who are also good with the form of the bond and the amount. Attorney Terhune requested that the Board authorize her to go back to Kmart's attorney and notify them that the form of the bond has been accepted.

AUTHORIZATION FOR VILLAGE ATTORNEY TO NOTIFY APPLICANT OF BOND ACCEPTANCE:

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

RESOLVED, the Board of Trustees authorized Village Attorney, Alyse Terhune, to notify the attorney representing the Kmart project, which is currently before the Village's Planning Board, that their form of bond and bond amount has been accepted.

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

Attorney Terhune continued that she contacted the County Planning Department regarding the FAR local law to modify the zoning, hoping to get their report for tonight's meeting and it was discovered that she never sent it to them. She thought that she had back in September, but hadn't, so she forwarded it to them for immediate review. Attorney Terhune was not able to get it back in time for tonight's meeting, but it will be done for the next meeting. Attorney Terhune apologized for the oversight. Trustee Houle asked if they had gotten any clarification on properties whose lot size were in excess of 20,000 sq. feet and Attorney Terhune responded that she had not but she made an executive decision based on her experience as a land use attorney and modified the law to say that 20,000 square feet and over would set at .25%. There would be no maximum and it would just depend on how large the lot is. Attorney Terhune added that she also switched the cellar and attic because she took another look at it and realized that it couldn't be right the way it is. Attorney Terhune stated that if between now and the time the local law is adopted, something else comes up, minor modifications can be made without re-opening the public hearing.

Lastly, Attorney Terhune noted that she had circulated a revised copy of the proposed property maintenance law. She looked at several other municipalities and did a bit more work on it. She requested that the Board take a look at it and see if it meets their needs and then it can be circulated to the Building Department for suggestions and concerns. Mayor Dwyer requested that the Board reply to Attorney Terhune within 7 days if they had any input to add.

PUBLIC COMMENT: # PRESENT 8 TIME: 7:36 PM

Resident John Karl commented that every single property that has a United Hudson sign in front of it is a mess. It is not just his development, but along Spring Street and Spring View Heights, along King Street. While he supports the property maintenance law, the Village should be enforcing what it has on the books now. It's a disaster and they have been talking about it for over a year now.

Mayor Dwyer responded that he's hoping to get the new property maintenance law on the books in short order. The new law will be very comprehensive and it will serve throughout the community.

Mr. Karl asked what Advice of Counsel on the agenda meant. He added that it has been listed that way for the past few meetings and he believes that it needs to be a bit more specific. Attorney Terhune agreed that it should be more specific and stated that tonight it was for pending litigation and has been for the past several meetings. Mayor Dwyer added that at the conclusion of every meeting he verbalizes what the Board is going in to Executive Session for as part of the record.

Resident John Battaglia commented that there had been talk previously of the Monroe Art Society doing an exhibit and a paint-out around the ponds on October 28th and wanted to know if that was something that was discussed as a Board and if it was a go, and what their ideas and requirements were. Trustee Conklin stated that all they would do is fill out an events application which would then go before the Board to be approved. Mr. Battaglia stated that there was one more meeting before the event, so they would work on that. Mr. Battaglia also added that he would also like to see what space is available at the Farmer's Market as well and Trustee Conklin stated that if it was part of the Farmer's Market, then they may not necessarily need an event application. They would be required to fill out whatever was required for the Farmer's Market, but anything that was outside of the Farmer's Market would require an event application.

Resident Susan Salo commented that she had sent a letter to the Board of Trustees regarding 257 Elm Street and the dramatic flooding along Elm Street and Oak Street. Ms. Salo presented the Board with a follow up letter dated 9/18/18 which requests the assistance of the Village with the flooding issues they are experiencing. She indicated that the damage is not limited to sinking driveways, cracking concrete, and the water that flows down from Elm Street is saturating people's front lawns. Ms. Salo added that there are a lot of concerns by not only the property owners but the tenants as well, and the letter was signed by 10 people, owners and tenants alike. Ms. Salo indicated she wasn't sure if it was a drainage issue. Ms. Salo spoke on behalf of the residents in that area and stated that she hopes the Village will work with them on coming up with a solution. Mayor Dwyer commented that he met with Ms. Salo and two other residents and spoke with them recently regarding the issues they are experiencing with the sheath of water that comes pouring down the road. He indicated that he thinks it is a result of the continuous paving of the roads over time and believes it is an issue with drainage. Mayor Dwyer continued that he has a call in to Village Engineer, John O'Rourke, to see what can be done and reiterated that it is all about drainage. Ms. Salo asked if he saw a timeframe on it and Mayor Dwyer responded right away, but there is some design and effort that has to be placed first. Ms. Salo asked who she could reach out to for updates and Mayor Dwyer stated she could reach out directly to him or to the Village Clerk, Ann-Margret Baxter. Mayor Dwyer stated that she had his word that it would be resolved.

EXECUTIVE SESSION:

On a motion by Trustee Conklin, seconded by Trustee Behringer, with all in favor, the meeting was closed at 7:48 PM. Following a 5-minute recess, the Board convened in Executive Session for Advice of Counsel and purpose of litigation.

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 10:50 PM.

ADJOURNMENT:

On a motion by Trustee Houle, seconded by Mayor Dwyer and carried, no further business, the meeting was adjourned at 10:50 PM.

Respectfully Submitted,

Ann-Margret Baxter
Village Clerk