

**PUBLIC HEARING 11.8.18 – 6:30 PM  
PROPOSED LOCAL LAW  
ADAPTIVE REUSE OF HISTORIC BUILDINGS**

A Public Hearing was held on Thursday November 8, 2018 at 6:30 PM in the Boardroom of the Village Hall, 7 Stage Road Monroe, NY. The purpose of the public hearing was to review a proposed local law entitled “Adaptive Reuse of Historic Buildings.” The Village Board finds and determines that there exist in the Village a number of buildings that are registered on or are eligible to be registered on the National Register of Historic Buildings. These buildings are historically significant to the Village and provide a visible link from the Village’s present to its past, and thus enriches the residents of the Village. The Board of Trustees determines that the Village’s Zoning Law should be amended to encourage the adaptive reuse of such buildings in order to protect and promote existing architecturally noteworthy buildings.

**Present: Mayor Dwyer, Trustees Alley, Conklin, Behringer and Houle  
Also present: Attorney Terhune, Village Clerk Baxter and Deputy Clerk Zahra**

On a motion by Trustee Houle, seconded by Trustee Behringer, the public hearing was opened at 6:31PM.

There were 13 people from the public present for the Public Hearing. There was written correspondence received from the Building Department and Village resident Howard Zuckerman and Town of Monroe resident, Lawrence Lezak. All correspondence has been filed in the corresponding local law file. The Public Hearing was left open for 36 minutes.

Resident Tim Mitts commented that this is not about Rest Haven or HRR Corp., it is about providing housing to our seniors which we lack in the community. Mr. Mitts stated that when the Village Board adopted its Comprehensive Plan in June 2017, it specifically states in section H2.2.3- Encouraging use of larger homes in the community. It specifically states using the property for group houses and things in that nature, and things that we could provide our seniors with. Mr. Mitts reiterated that this isn’t about Rest Haven, this is about Monroe. It is no secret that Rest Haven is on the National Registry, so are the Checkboard Inn and the business district of the Village of Monroe. This local law only sets into motion what the Village Board themselves has said, and this is to find something else for these larger homes other than knocking them down. Mr. Mitts continued that Rest haven is being designed strictly as an adult care facility and nothing more. Mr. Mitts added that they provided expert testimony to the ZBA with Wendy Palmero, and neither the ZBA or the Building Department offered contradicting evidence that what she stated wasn’t true. Mr. Mitts reminded the Board that he could have turned the house into a church and he couldn’t be stopped, but he didn’t. They are turning it into senior housing. It was that way from 1923 to 1968, and then again from May 1977 until September 2016 when they purchased it. We are not looking to break it down. Mr. Mitts added that many people may have parents that may need those services in the future. Mr. Mitts acknowledged that they would need a license from the State, but the State would not issue a license for more than they could handle. He added that there is a special use clause in law that specifically states that the special use clause becomes void should the person owning the property vacates it. Mr. Mitts stated he has an open door policy, so if they have any questions or concerns, he encouraged them to reach out to him.

Attorney Terhune stated that this proposed local law has been referred to the Planning Board for review and comment, in which they have 45 days to do so. She added that time should be up by the 20<sup>th</sup> and she hopes that by that time they will have received comments from the Planning Board before the local law is acted upon.

Resident Thomas Kemnitz asked if all the previous paperwork submitted pertaining to Mr. Mitt’s property was included in the record for this local law and Attorney Terhune responded this local law was not drafted in response to any documents that were submitted to the ZBA. Those documents were not reviewed or part of this. Attorney Terhune continued that she appreciated Mr. Zuckerman’s contribution this evening and those documents that Mr. Kemnitz has referred to are part of the ZBA record but not of this proposed local law. Attorney Terhune added that this local law was drafted on the request of the Board of Trustees to look at ways in which senior housing could be accommodated in some of the existing properties here in the Village. Mr. Kemnitz asked if they would have the opportunity to comment on the 20<sup>th</sup> and Mayor Dwyer responded that they would.

After confirming there were no further comments by the public, on a motion by Trustee Conklin, seconded by Trustee Houle and carried, the Public Hearing was adjourned at 7:07 PM until the November 20, 2018 Board Meeting.

**BOARD OF TRUSTEES MEETING  
THURSDAY NOVEMBER 8, 2018  
([www.villageofmonroe.org](http://www.villageofmonroe.org))**

Due to the General Election on 11/6/18, the first of the bi-monthly meetings of the Board of Trustees was held on Thursday November 8, 2018 at 7:15 PM in the Boardroom of the Village Hall, 7 Stage Road, Monroe, New York. Mayor Neil 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 OCTOBER 2<sup>nd</sup> & 16<sup>th</sup>:**

On a motion by Trustee Houle seconded by Trustee Conklin, the Minutes of the October 2<sup>nd</sup> 2018 Meeting were approved.

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

On a motion by Trustee Behringer seconded by Trustee Conklin, the Minutes of the October 16<sup>th</sup> 2018 Meeting were approved.

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

**APPOINTMENT: HOWARD ZUCKERMAN / ZBA:**

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

**RESOLVED**, the Board of Trustees accepted the recommendation of ZBA Chairman Paul Baum, and reappointed Howard Zuckerman to the Zoning Board of Appeals for a 5 year term (11/8/18 – 11/8/23), and designated him as Deputy Chairman. Howard has been a member of the ZBA since 2/18/14.

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

**APPOINTMENT: JEFF BOUCHER / PLANNING BOARD:**

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

**RESOLVED**, the Board of Trustees approved Mayor Dwyer's recommendation and appointed Jeff Boucher to fill the vacancy on the Planning Board created by the resignation of John Graziano in October 2017. Mr. Boucher will fill Mr. Graziano's unexpired term of 1/5/16 – 1/31/2021.

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

**EVENT APPLICATION – “GET TO KNOW MONROE” / COMMERCIAL TV FILMING:**

Craig Kabrhel, Director/Executive Producer of The Bloc, a talent agency representing choreographers, dancers, actors for live concerts, theatre, commercials, feature film, episodic television, music videos, and print, submitted an events application to film a story of a medieval study conducted in the 1990's to help prevent a Hepatitis A outbreak on Tuesday, November 20, 2018 from 6:00AM to 6:00PM. The nature of the one day filming event will be kids playing in a park or playground setting, in which The Bloc would bring in child actors to film, and have listed three possible areas for filming which were listed in order of preference: 1. By ponds located along Millpond Parkway, Lake Street and Stage Road 2. Airplane Park along Millpond Parkway and 3. Smith's Clove Park at Spring Street and Franklin Avenue. The event application has been

reviewed and signed off on by both the Building Department and the Police Department. Police Dept. will oversee the event with B and C line Officers with no additional police services needed. Discussion followed. Stuart Fink, representative of The Bloc, addressed the Board regarding the video they wish to film in the Village regarding a clinical trial that was done in the area in the 1980's regarding a Hepatitis A outbreak. Mr. Fink stated that they would be coming to the area on November 16<sup>th</sup> for a "scout day" and filming would be during daylight hours on November 20<sup>th</sup>. Mr. Fink requested that if it is scheduled and it rains on the 20<sup>th</sup>, they would like to film on Monday, November 19<sup>th</sup> instead. Trustee Houle questioned what children would be used for their filming and Mr. Fink stated that they would be bringing in 6-10 child actors, ages 6-10, who would be supervised by their parents and staff. Trustee Houle asked approximately how many vehicles would be in the area that day and Mr. Fink stated that he estimated about 8 passenger cars or 2 passenger vans. Mr. Fink added they were also considering 1 motor home they would rent depending on water and the location. Mr. Fink also added that the total head count for the day is estimated to be about 25 people total. Trustee Alley asked what playground they were leaning towards and Mr. Fink responded that they really like the space along the Millpond Parkway, but were also considering the Airplane Park or Smith's Clove Park. Trustee Houle commented that the area in Crane Park that they are considering is prone to being muddy and they may want to consider another location. Mr. Fink stated that he was made aware of that and they don't really care where they film, all the locations are fabulous. Trustee Houle stated that she took the liberty and spoke with Smith's Clove Park Director Joe Mancuso about the possibility of The Bloc filming in the park and it will fit all their needs. No impact on traffic, no impact on our Police Department and gives them plenty of play space, areas to rest, and bathroom facilities. Mr. Fink was in agreement with Trustee Houle's suggestion of utilizing Smith's Clove Park. Mayor Dwyer added that there was no additional cost to Village services, Police or Highway, and wanted everyone to be aware of that as well. On a motion by Trustee Conklin, seconded by Trustee Houle, it was:

**RESOLVED**, the Board of Trustees approved the events application submitted by Craig Kabrhel, Director/Executive Producer of The Bloc, to utilize Smith's Clove Park, on November 20, 2018, from 6:00AM to 6:00PM for one day to film a story of a medieval study conducted in the 1990's to help prevent a Hepatitis A outbreak.

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

#### **CHABAD OF O.C. MENORAH LIGHTING & GELT CANDY DROP:**

Chabad of Orange County submitted a request once again to sponsor a Menorah for Crane Park from November 30 – December 10, 2018. In conjunction with the Menorah, Rabbi Pesach Burston would like to hold their Community Menorah Lighting Celebration at the gazebo in Crane Park, followed by a Community Chanukah Celebration, which includes a gelt candy drop, in the commuter parking lot on Millpond Parkway, Sunday, December 2, 2018 from 4 – 6 PM. Sign-off was received from Building Inspector Cocks and Administrative Sergeant Amatetti. There is no additional cost for additional Police services, but B line Officers will close down the north side of the commuter lot and C line Officers will monitor the event. On a motion by Trustee Behringer, seconded by Trustee Alley, it was:

**RESOLVED**, the Board approves the request of Rabbi Burston, Chabad of Orange County, to sponsor the Chanukah Menorah in Crane Park for the 2018 Chanukah season, December 2-10, 2018. The lightening ceremony will be followed by a gelt candy drop in the commuter parking lot on Millpond Parkway. Coordination of delivery and removal must be made with Highway Supervisor Linderman. Clean up following refreshments will be handled by Chabad of Orange County.

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

#### **SACRED HEART CHURCH HOLY NAME SOCIETY CHRISTMAS NATIVITY:**

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

**RESOLVED**, the Board of Trustees approved the request of Sacred Heart Church Holy Name Society to provide a Christmas Nativity display in Crane Park for the Christmas Holiday. Coordination will be made with DPW Supervisor Linderman.

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

**REQUEST TO TRAVEL –ADDITIONAL ORANGE COUNTY MUNICIPAL FEDERATION FALL CLASSES/ ZBA MEMBER McCARTHY:**

**On a motion by Trustee Houle, seconded by Trustee Behringer, it was:**

**RESOLVED, the Board approved the attendance of ZBA member Dick McCarthy to attend an additional Orange County Municipal Planning Federation class on Monday, November 26, 2018 from 7:00PM – 9:00PM. This evening course will be a detailed presentation on New York’s Climate Smart Communities (CSC) Certification Program. The cost of attendance is \$15.00 will be allocated from A.8010.4720, Zoning Education.**

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

**REVISIONS TO PLAN DOCUMENT / MYS MUNICIPALWORKERS COMPENSATION ALLIANCE:**

**The Village of Monroe has received a memo stating that in the spring of 2018 the Comp Alliance Board of Trustees adopted and the NYS Workers Compensation Board (WCB) approved, changes to the Plan Document for the NYS Municipal Workers Compensation Alliance. It was noted that the changes were reasonable and relatively modest, intended to clean up existing inefficiencies and ambiguities in the Plan Document. The last time the Plan Document was amended was in 2008, and there have been many changes in the 10 years since that time. The amendments to the Plan Document accommodate changes to the regulatory landscape, growth in membership and the financial success of the Comp Alliance during that time. The revisions to the Plan Documents are summarized as: reorganization and clarification of language throughout the Plan Document, separation of the bylaws from the Plan Document, provide for an executed Participation Agreement, clarify the manner for joining and withdrawing from the Comp Alliance and simplify the plan for the distribution of surplus and collection of assessments in the unlikely event the Comp Alliance ever winds up its affairs. Discussion followed. On a motion by Trustee Houle, seconded by Trustee Conklin, it was:**

**RESOLVED, the Board of Trustees approved the changes made to the Plan Document for the NYS Municipal Workers Compensation Alliance. It is further**

**RESOLVED, that the Board of Trustees authorized Mayor Dwyer to sign the NYS Municipal Workers Compensation Alliance Participation Agreement.**

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

**MOLD REMEDIATION / MONROE POLICE DEPARTMENT:**

**Over this past summer mold was observed in the garage of the police facility. A preliminary mold and water impact and microbial inspection report was performed on August 15, 2018 by Adaptive Environmental Consulting and determined the source of the contamination was due to a humidity bloom, which is caused by high humidity, no air flow, no ventilation and no dehumidification. Per the Mayor’s request, a second mold and water impact microbial inspect report was completed by Lead-Tek in September 2018. Both reports were distributed and remediation quotes were sought. Three quotes were obtained and ranged from \$9,235 to \$16,950.00. Administrative Sergeant Amatetti has recommended awarding the remediation work to Clean Air from New Windsor, NY who was the lowest bidder at \$9,235.00. Discussion followed. Trustee Houle stated that she was present for the two inspections. Trustee Houle continued that both the inspectors that she encountered stated that the mold was of no significant health concern and both also confirmed that a lot of this mold is due to all of the rain that we have had and is easy to clean up. Trustee Houle stated that she in agreement with Sergeant Amatetti’s recommendation to utilize Clean Air Care Corp. to remediate this issue. On a motion by Trustee Houle seconded by Trustee Conklin, it was:**

**RESOLVED, the Board of Trustees accepted the recommendation of Administrative Sergeant Amatetti and awarded the remediation work for the garage, tactical room and armory room of the**

Monroe Police Department to Clean Air Care Corp, 50 Red Maple Way, New Windsor, NY in the amount of \$9,235.00. Cost to be allocated from budget line A3120.4520 PD Building Maintenance.  
Ayes: Trustees Alley, Conklin, Behringer and Houle  
Nays: None

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

The Building Department has received a permit application prepared by Crown Castle USA Inc. for 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 adjusting the height of the telecommunications tower from 110' to 125', replace 6 antennas, 3 RRU's, 3 TMAs and 3 antenna mount frames. Discussion followed. On a motion by Trustee Alley, 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 Alley, Conklin, Behringer and Houle  
Nays: None

**DISCUSSION / VILLAGE YOUTUBE CHANNEL:**

Mayor Dwyer stated that he had spoken previously with Trustee Alley in finding a platform for the Village's meeting that would allow them to be seen by the public. The obvious opportunity has always been Channel 22 that the Town of Monroe provides, but they also thought there should be additional platforms as well for those that do not have access to Channel 22.

Mayor Dwyer continued that Trustee Alley has set up a Village You Tube channel that would be accessible through the Village's website. Trustee Alley added that this is something that she has spoken briefly with the Village Clerk about this as well. Both Mayor Dwyer and Trustee Alley added that they are still looking at the current equipment as well, as it may require some equipment upgrades. Mayor Dwyer also commended resident Andy Ferraro, who has been an incredible resource and friend to the Village in assisting with all of this. Mayor Dwyer added that the camera that is installed in the Boardroom was new from a box but it has limited capabilities. The equipment has been spotty at best. Mayor Dwyer stated that the Board is trying to get it worked out, but that they did not adopt into their budget any funding for this, so they are looking into inexpensive options without a burden to the taxpayers. Once it can be worked out, it should be all set. Trustee Alley added that once that has been done, she will work with the Village Clerk as to who can upload it, and how to access it. Trustee Alley stated that once that happened, links could be added to the Village's website to access them, but you could also go through You Tube directly. Trustee Houle asked if they would be searchable videos, and Trustee Alley stated yes.

**AUTHORIZATION TO CREATE A VILLAGE OF MONROE YOU TUBE CHANNEL AND UPLOAD VILLAGE OF MONROE BOARD MEETING VIDEOS:**

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

**RESOLVED**, the Board of Trustees authorized Trustee Alley and Village Clerk Baxter to establish a Village of Monroe You Tube channel and when ready, begin the uploading of the Meeting Minutes for the Village of Monroe Board of Trustees, and the Village's Planning and Zoning Boards when they are ready.

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

**MAYOR'S REPORT:**

Mayor Dwyer stated that Sunday is the 100<sup>th</sup> Anniversary of the ending of World War I. He has reached out to all the churches and synagogues in the community and asked if they had any types of bells or anything that could be rung 21 times to signify that date. Mayor Dwyer stated that he

got great feedback, and even Grace Episcopal started ringing theirs for the first time and it was incredible.

Mayor Dwyer continued that also on Sunday, November 11<sup>th</sup> at 8AM, the American Legion at 488 Lakes Road will be holding a Veteran's breakfast hosted by Tom Jones, and encouraged the residents to come out and meet our local Veterans. From there, people will gather at three memorials around the community for a moment of reflection, one is at the Village's Veteran's park, the second is at the old ambulance building on Mapes Place and the third is at the center square in Harriman.

Mayor Dwyer stated that he had received a call from a resident recently regarding some discoloration in our water which happened to coincide with the recent rain that caused flooding in and around the Village. Based on where the discoloration was noticed, Mayor Dwyer stated that he traced it back to what he thought was the source on Gilbert Street. Mayor Dwyer added that he had been out with DPW Supervisor Linderman looking at all the places that were impacted by the heavy rainfall, specifically Freeman Homes. Mayor Dwyer stated that he also received a call from resident John Karl regarding the discoloration of the water at Orange & Rockland Lake and while investigating it, took photographs of the situation. Mayor Dwyer continued that he was currently drafting a letter to the DEC and included the photographs for them to review the situation. Mayor Dwyer also added that the DEC has had some ongoing issues with that developer, including violations that have been issued, and the problem continues.

Trustee Houle stated that if her research is correct, the Village of Monroe has a connection to WWI. Amy Todt was a nurse during World War I and was provided a lot of medical attention by helping to relieve symptoms of the Spanish flu.

Trustee Houle also congratulated the Monroe Woodbury Art Department and the amazing job they did with their artwork on the storefront windows in and around the Village.

Attorney Terhune stated that he noticed that a survey of lot 33 was prepared, but the Board annexed lot 45. Mayor Dwyer responded that it was the monumentation defining the corners of the lot. Attorney Terhune asked if they were getting the survey for lot 45 and Mayor Dwyer responded that he had to put it back at to bid, because the initial bids came back in excess of what the Board authorized.

**PUBLIC COMMENT: # PRESENT 9 TIME: 7:41 PM**

Resident John Karl clarified that the drainage on Gilbert Street that it flows into the Moodna drainage basin that goes away from the Ramapo, and goes the other way towards Blooming Grove. Mr. Karl added that after Hurricane Irene the DEC allowed municipalities 30 days carte blanche to do whatever they needed to do because the whole southern tier of the State of New York was a mess. The Village of Harriman cleaned and widened the channel up to where the two Village's meet, and they haven't had a problem since. The problem lies within the Village. Mayor Dwyer agreed that the DEC gave the Village a window but the Village of Monroe didn't jump on it. Mr. Karl recommended that Mayor Dwyer send his letter to the Army Corp of Engineers as well.

Mr. Karl also mentioned that a while back he spoke to the Board regarding the JC 49 marker currently on High Street and having it relocated to the rail bed in the Village. Mayor Dwyer responded that he spoke with the Town and that upfront they are not interested. Mayor Dwyer agreed that it belongs along the rail trail, and it is actually their property, as is the switchbox. Mayor Dwyer suggested that he may have to get in touch with Norfolk Railroad and tell them that a piece of their property is missing and rat out the Town and then ask them to pull it out of the ground and move it. Mr. Karl agreed that it doesn't look right over there. Mayor Dwyer also stated that even the park belongs to the Village. At one time the Village had a chance to acquire it and the Village didn't have any interest in it. Because of this, he believes Donnie Weeks scooped it up for \$1.00.

Mr. Karl asked if the camera that is being used is the one that has been here since he was Mayor, and Mayor Dwyer stated it was. Mr. Karl stated that it was something that was negotiated through their contract with Cablevision and suggested that better equipment could be negotiated before the Village spends any money. Mr. Karl asked if the Village has signed on for another 5 years with them and Mayor Dwyer stated that he didn't believe so, there may be only two years remaining. Mayor Dwyer stated that Frontier is willing to up their ante and contribute additional

funds to upgrading the Village's equipment. The Village's goal is to have two cameras in the Boardroom.

Resident Tim Mitts stated that there was a warning issued on July 10, 2018 and another one in August for the runoff occurring along Gilbert Street. Mr. Mitts stated that all parties involved received a copy of the notice, but he believed that the Village did not get one. Mr. Mitts suggested that the Village makes sure that they are on the list to receive the notices and that they are going to the right person because they cannot resolve something if they are not aware of it. Mr. Mitts commented that the contamination from Gilbert Street is going all the way down to Orange & Rockland Lake and believe the State Attorney General's office was to be involved. Mr. Mitts also stated that he believed there were to be stop-work orders issued, but wasn't sure if that actually happened. Mayor Dwyer stated that that DEC issued a stop work order in March 2016 and that held in place until May 2016 when they began building their retention ponds. Mr. Mitts stated that the DEC was supposed to have issued another stop work order this year as well.

Mr. Karl mentioned that the Town of Monroe held their budget hearing that evening as well and he was unable to be in two places at once so he met with the Town Supervisor yesterday to go over the Town's budget. Mayor Dwyer asked if they spoke about items 3 & 4 and Mr. Karl responded that the Village of Monroe would be exempt from the Town's Highway Item #3, which is the lesser of the two items, and historically that's what the Town does.

Mr. Karl also suggested that the Village of Monroe get in touch with the Village of South Blooming Grove and Rob Jeroloman, Supervisor for the Town of Blooming Grove, and get them involved because all of that runoff is heading their way. Mr. Karl continued that the more people that the Village gets involved and voices their opinion, they better off you will be. Mayor Dwyer responded that he has a meeting set with them regarding this issue as well as the sewer. Mr. Karl asked if he knew who his DEC rep was and Mayor Dwyer responded that he did and thanked Mr. Karl sending him the contact information.

#### **EXECUTIVE SESSION:**

On a motion by Trustee Behringer, seconded by Trustee Alley, with all in favor, the meeting was closed at 7:57 PM. Following a 5-minute recess, the Board convened in Executive Session for discussion of personnel regarding the Police Department and DPW.

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 9:10 PM.

#### **AUTHORIZATION OF THE VILLAGE ATTORNEY TO REPRESENT THE VILLAGE IN THE MATTER OF BMG MONROE I, LLC vs. VILLAGE OF MONROE, ET AL:**

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

WHEREAS, an Article 78 proceeding has been commenced by BMG MONROE I, LLC against the Village of Monroe, Ann Margret Baxter in her capacity as Records Access Officer for the Village of Monroe and Records Appeal Officer for the Village of Monroe (the "Article 78"); and

WHEREAS, the Village of Monroe Board of Trustees finds and determines that it is in the public interest to defend itself and its Records Officer against said lawsuit.

NOW, THEREFORE, BE IT RESOLVED, that the Village Attorney, Alyse D. Terhune, Esq., is hereby authorized to defend the Village and named Respondents in the above mentioned Article 78 Proceeding at an hourly rate not to exceed her litigation retainer rate of \$240/hour, and to employ outside counsel, Blanchard & Wilson, LLP to assist her in said defense at a rate not to exceed \$240/hour.

Ayes: Trustees Alley, Conklin, Behringer and Houle

Nays: None

#### **CERTIFICATION OF UNPAID VILLAGE TAXES:**

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

**RESOLVED, the Board of Trustees is authorized to sign and certify the “Unpaid Village Tax Return” upon verification by Treasurer Murray that the unpaid tax amount of \$178,647.97 is correct. It is further;**

**RESOLVED, that upon verification and certification, the document is to be submitted to Orange County Department of Finance by November 15, 2018.**

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

**ADJOURNMENT:**

**On a motion by Trustee Houle, seconded by Trustee Alley and carried, no further business, the meeting was adjourned at 9:13 PM.**

**Respectfully Submitted,**

**Ann-Margret Baxter  
Village Clerk**