

**SPECIAL MEETING
BOARD OF TRUSTEES
THURSDAY APRIL 26th, 2018 @ 7 PM
(www.villageofmonroe.org)**

A Special Meeting of the Board of Trustees was held on Thursday, April 26th, 2018 at 7:00 PM in the Boardroom of the Village Hall, 7 Stage Road, Monroe, NY. Mayor Dwyer led in the pledge to the flag and called the meeting to order. Emergency exits were announced.

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

DISCUSSION – VILLAGE OWNED PROPERTY:

Mayor Dwyer stated that the Village owns parkland property that is located in the Town of Monroe and was deeded to the Village by Roscoe Smith, and the Village reached out to the Town and requested that the land be annexed into the Village. The Town gave the Village its consent to do so at the Town of Monroe Board Meeting which was held on April 25, 2018. Based upon that action, Mayor Dwyer read into the minutes the following:

ORDER OF ANNEXATION:

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

WHEREAS, the Village of Monroe (the “Village”) owns fee title to 23± acres of real property identified on the Town of Monroe Tax Map as Section 1, Block 2, Lot 33 (the “Property”) and located within the boundaries of Town of Monroe (the “Town”); and

WHEREAS, said Property is unimproved and vacant; and

WHEREAS, the Property is adjacent to Smith’s Clove Park, which Park is located within the boundaries of the Village and which the Village desires to expand; and

WHEREAS, by Resolution dated April 17, 2018, the Village Board of Trustees authorized the Mayor to seek the consent of the Town Board of the Town of Monroe to annex said Property to the Village of Monroe; and

WHEREAS, by letter dated April 19, 2018 enclosing the duly adopted Resolution heretofore mentioned, the Mayor requested the Town Board of the Town of Monroe to consent to the annexation of said Property to the Village of Monroe; and

WHEREAS, on April 25, 2018, at a public meeting of Town Board of the Town of Monroe, the Town Board consented to the annexation of said Property to the Village of Monroe, which written consent was transmitted to the Village on April 26, 2018.

NOW, THEREFORE, BE IT RESOLVED, that the above “WHEREAS” paragraphs are incorporated herein by reference.

BE IT FURTHER RESOLVED, that the Village Board of Trustees hereby Orders the annexation of the real Property identified on the Town of Monroe Tax Map as Section 1, Block 2, Lot 33, into the territorial borders of the Village of Monroe pursuant to General Municipal Law § 706.

BE IT FURTHER RESOLVED, that the Village Attorney is hereby directed to prepare a local law effectuating said Annexation.

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

SCHEDULING OF PUBLIC HEARING -ANNEXATION OF LAND:

On the advice of Attorney Terhune, this matter was tabled for discussion in Executive Session.

MAYOR’S REPORT:

Mayor Dwyer stated he had nothing to report at this time.

Resident Jim Purcell asked if the Board has redone a survey on the property that the Village is looking to annex, as the original one is so old. Mayor Dwyer stated that there hasn't been an updated survey done yet, but the Board has authorized that one be completed.

Mr. Purcell inquired if the litigation that is to be discussed in Executive Session is in regards to a prior issue or particular project, or something new that has arisen. Attorney Terhune stated that it was something new. Mr. Purcell asked if without getting into particulars, are they able to state what it was about. Attorney Terhune stated that since the Board has not discussed it yet as a Board she would prefer to not disclose it at this time. Mr. Purcell stated that the Town of Monroe voted to enter into joint litigation with the Village of Monroe at their meeting on April 25, 2018 against the property owners of 131 Forest Avenue and was curious what that was about. Attorney Terhune stated that the Board would make that clear once they came out of Executive Session.

Resident John Karl presented the Board of Trustees with some old annexation maps dating back to 1956, where at one time they were looking to annex Round Lake Park into the Village. Mr. Karl continued that he would like the Village of Monroe to have them. Mayor Dwyer thanked Mr. Karl for his kind and generous gift.

ADJOURNMENT:

On a motion by Trustee Behringer, seconded by Trustee Houle, with all in favor, the meeting was closed at 7:07 PM. Following a 5-minute recess, the Board convened in Executive Session for discussion of Litigation.

Respectfully Submitted,

Ann-Margret Baxter
Village Clerk

Executive Session Minutes compiled by Mayor Dwyer.

OPEN SESSION: on a motion by Trustee Conklin seconded by Trustee Alley and carried, the Open Meeting resumed at 7:33 PM.

SCHEDULING OF PUBLIC HEARING -ANNEXATION OF LAND:

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

RESOLVED, the Board of Trustees authorized a Public Hearing to be scheduled on Tuesday, May 1, 2018 at 6:30 PM on Introductory Local Law #5 of 2018 entitled "Annexation of vacant Village-owned parkland identified on the Town of Monroe Tax Map as Section 1, Block 2, Lot 33, also known as Smith's Clove Park. Discussion followed.

AUTHORIZING VILLAGE COUNSEL TO INITIATE LITIGATION IN CONJUNCTION WITH THE TOWN OF MONROE SPECIAL COUNSEL CONCERNING PROPERTY CONDITIONS ON PROPERTY LOCATED AT 131 FOREST AVENUE IN THE TOWN OF MONROE:

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

WHEREAS, the Village of Monroe (the "Village") owns fee title to 23± acres of real property identified on the Town of Monroe Tax Map as Section 1, Block 2, Lot 33 (the "Village Parcel") and located within the boundaries of Town of Monroe (the "Town"); and

WHEREAS, the Village Parcel is adjacent to and shares a common boundary with property located at 131 Forest Avenue in the Town of Monroe; and

WHEREAS, the property owner or owners of 131 Forest Avenue have engaged in clearing, filling and grading on their property in the absence of a building permit as required Town; and

WHEREAS, said clearing, filling and grading activity resulted in the unlawful deposit of fill material including dirt, boulders, trees, stumps and other unknown substances upon the Village Parcel and resulted in the destruction of vegetation, trees, shrubbery and other natural features of the Village Parcel; and

WHEREAS, such dumping of fill materials also increased the slope between 131 Forest Avenue and the Village Parcel resulting in an increase in storm water runoff which damaged and continues to damage the Village Parcel through erosion; and

WHEREAS, such activity constitutes unlawful trespass; and

WHEREAS, the owner or owners of 131 Forest Avenue have been issued violations, stop work orders and orders to remedy said encroachment and unpermitted work, but have failed to remedy the encroachment; and

WHEREAS, said encroachment continues unabated; and

WHEREAS, the Village seeks to compel the owner or owners of 131 Forest Avenue to remove the fill materials unlawful deposited upon the Village Parcel and remediate said Parcel.

NOW, THEREFORE, BE IT RESOLVED, that the above “WHEREAS” paragraphs are incorporated herein by reference.

BE IT FURTHER RESOLVED, that the Village Board of Trustees hereby authorizes the Village Attorney to initiate litigation in the Orange County Supreme Court in conjunction with the Town of Monroe and any other necessary parties against the owner or owners of 131 Forest Avenue to compel compliance with the Town Code and remediation of the damage inflicted upon the Village Parcel.

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute any documents, affidavits, or other papers necessary to commence and support said litigation.

BE IT FURTHER RESOLVED, that the Village Attorney shall be compensated in accordance with the terms of the retainer agreement adopted as part of her appointment as Village Attorney.

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

ADJOURNMENT:

On a motion by Trustee Houle, seconded by Trustee Conklin and carried, no further business, the meeting was adjourned at 7:38 PM.

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