

**PUBLIC HEARING
PROPOSED LOCAL LAW
“AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF LIMIT
ESTABLISHED BY GENERAL MUNICIPAL LAW 3-c”**

A Public Hearing was held on Tuesday, February 21, 2012 at 6:30 PM in the boardroom of the Village Hall, 7 Stage Road, Monroe, NY on a proposed Local Law entitled “A Local Law Authorizing a Property Tax Levy in excess of the limit established by General Municipal Law 3-c.” The purpose of this proposed Local Law is to allow the Village to override the limit on the amount of real property taxes that may be levied by the Village of Monroe pursuant to General Municipal Law Section 3-c, and to allow the Village of Monroe to adopt a village budget for (a) village purposes and (b) any other special or improvement district governed by the Board of Trustees for fiscal year 2013 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law 3-c. This local law, if adopted, will relieve the Village of the prohibition against increasing a tax levy by more than 2% as imposed by General Municipal Law 3-c. As the Village relies upon the assessments of the Town of Monroe and therefore cannot anticipate the impact of resolutions of tax certiorari matters or other unanticipated expenses the restrictions of General Municipal Law would potentially impose a great hardship upon the Village or require borrowing otherwise deemed unnecessary.

Present: Mayor Purcell; Trustee Gormley, Chan, Wright and Eppinger.

Also present: Attorney Bonacic, Treasurer Murray, DPW Supt Smith and Village Clerk Carey

There was no one present for the Public Hearing. Mayor Purcell read the Public Hearing Notice and opened the hearing for comment or questions. There was no written correspondence received. Mayor Purcell said he would leave the Public Hearing open for a time in the event someone from the public came. On a motion by Trustee Wright seconded by Trustee Gormley, with all in favor, no comment the hearing was closed at 6:50 PM.

**BOARD OF TRUSTEES MEETING
TUESDAY, FEBRUARY 21, 2012**

The second of the bi-monthly meetings of the Board of Trustees was held on Tuesday, February 21, 2012 in the boardroom of the Village Hall, 7 Stage Road, Monroe, NY. Mayor James Purcell called the meeting to order and led in the pledge to the flag. Emergency exits were announced.

Present: Mayor Purcell; Trustees Gormley, Chan, Wright and Eppinger

Also present: Attorney Bonacic, Treasurer Murray, DPW Supt. Smith,
Building Inspector Wilkins and Village Clerk Carey.

Police Officer David H. Lee was present for Police Chief Giudice.

BUDGETARY MODIFICATIONS:

On a motion by Trustee Gormley seconded by Trustee Chan, with all in favor, it was:

RESOLVED, the Board of Trustees authorized the Treasurer to make the following budget modifications to balance the budget:

<u>FROM:</u>	<u>TO:</u>	
A1560 Safety Inspection Fees	A1440.450 Engineering Contractual	\$ 90.50
F2706 Grants & Local Governments	F8330.450 Purif Contractual	37,724.33

VILLAGE ELECTION : DATE / TIME / PLACE – OFFICE TO BE FILLED

Pursuant to Section 15-104, subparagraph 3 (b) and 4 of the Election Law, the Board of Trustees adopted the following resolution: On a motion by Trustee Wright seconded by Trustee Eppinger, with all in favor, it was:

RESOLVED, Village Election will be held on Tuesday, March 20, 2012 in the boardroom of the Village Hall, 7 Stage Road, Monroe, NY, between the hours of 12-9 PM. The following candidates have submitted satisfactory petitions to the Village Clerk and will appear on the ballot:

Trustee – (2 positions) 4 year term each:

Melinda McDonald-Gormley
Frank Eppinger
Irene Conklin

Village Justice – (1 position) 4 year term

Forrest Strauss

OUTDOOR CAFÉ APPLICATION – YOGURT BAR, 711-2 ROUTE 17M:

Building Inspector Wilkins reviewed the application and reported that there needs to be a 3' minimum setback from the curb to the outside chairs at all times to permit pedestrian walking clearance including handicap accessibility. At least one 5 lb CO2 fire extinguisher shall be located outside at all times when outdoor service is provided. Chief Giudice concurred with Building Inspector Wilkins that a set 3' setback is required to permit pedestrian and handicap safety. On a motion by Trustee Wright seconded by Trustee Eppinger, it was:

RESOLVED, in accordance with the Village Code Chapter 200-38.2, Sidewalk and Outdoor Café's, the Board of Trustees approved the application of Yecheskie Haim, aka Yogurt Bar Inc., 711-2 Route 17M, for an outdoor Sidewalk Café permit Sunday to Saturday 11 AM to 10 PM. Permit allows for 2 – 24" tables with 4 chairs each in accordance with the layout design submitted. On-site inspection to be made to insure compliance with the application. A 3' setback shall be provided from the curb to outside chairs to provide pedestrian and handicap clearance. A 5 lb CO2 fire extinguisher shall be provided outside at all times.

Ayes: Trustees Gormley, Chan, Wright and Eppinger
Nays: None

The applicant shall be advised that a new Certificate of Insurance must be filed upon the 5/15/12 expiration to have it extended to 12/31/12 when the Outdoor Café Permit expires.

NY SECTION AMERICAN WATER WORKS ASSOCIATION CONFERENCE 4/17-4/19:

On a motion by Trustee Gormley seconded by Trustee Chan, it was:

RESOLVED, the Board of Trustees approved the attendance of Water Maintenance Leader, Jaime Price at the AWWA Conference at the Saratoga Hilton & City Center, Saratoga Springs, NY from April 17 – 19, 2012 for interaction and contract hours for license renewal. Cost not to exceed \$1,030 (includes conference, hotel and mileage), from budget line F8330.472 Purification Education.

Ayes: Trustees Gormley, Chan, Wright and Eppinger
Nays: Nays

MAINTENANCE SUPPORT FOR NYS RICHI LIVE SCAN SYSTEM WITH COMNETIX INC.:

On a motion by Trustee Wright seconded by Trustee Chan, it was:

RESOLVED, the Board of Trustees approved an agreement with Comnetix Inc., 2872 Bristol Circle, Suite 100, Oakville, ON L6H 6G4 Canada for Level 11 Support for NYS Rici Live Scan System at a cost of \$3,822 from budget line A3120.450. Term February 1, 2012 through January 31, 2013.

Ayes: Trustees Gormley, Chan, Wright and Eppinger

Nays: None

PD MAINTENANCE AGREEMENT: LEXIS NEXIS FOR ACCURINT PLAN

On a motion by Trustee Wright seconded by Trustee Gormley, it was:

RESOLVED, in accordance with the Village Procurement Policy, the following budgeted contractual agreement was presented to the Board and approved for payment contingent upon review and approval of the Maintenance Agreement by Attorney Bonacic:

Lexis Nexis, Philadelphia, PA service for Accurint Plan, an online investigative tool, at a cost of \$420 from budget line A3120.450 (Contractual) for period January 1, 2012 through December 31, 2012.

Ayes: Trustees Gormley, Chan, Wright and Eppinger

Nays: None

Going forward, a copy of any maintenance agreements should be given to Attorney Bonacic for review and approval prior to payment authorization.

PD ANNUAL WEBSITE MAINTENANCE: WEBAIR INTERNET DEVELOPMENT

On a motion by Trustee Wright seconded by Trustee Gormley, it was:

RESOLVED, in accordance with the Village Procurement Policy, the following budgeted agreement was presented to the Board and approved for payment:

Webair Internet Development, 330 Jericho Turnpike, Suite 305, Jericho, NY 11753 for web hosting that includes a dedicated Internet Service Provider, phone support and email server. Contract period 3/2012 – 2/2013 at a budgeted cost of \$419.40 from budget line A3120.450 Contractual.

Ayes: Trustees Gormley, Chan, Wright and Eppinger

Nays: None

TRI-COUNTY CHAPTER HUDSON VALLEY BUILDING OFFICIALS CONFERENCE:

On a motion by Trustee Chan seconded by Trustee Gormley, with all in favor, it was:

RESOLVED, the Board of Trustees approved the attendance of Building Inspector Wilkins and Assistant Building Inspector Cocks at the Tri-County, NYS Building Officials Conference, two-day, 18 hour credit seminar, at the Poughkeepsie Grant Hotel and Civic Center on April 18th and 19th, 2012. The cost is \$285 each (\$570) allocated from budget line A3620.472.

In their absence, the Town of Monroe Building Inspectors will make Village inspections.

REFUND – WATER ACCOUNT 1533 CONTINUED: see Minutes page 224

On advice of counsel at the 2/7/12 Meeting, it was verified that the taxes were paid on the property. On a motion by Trustee Wright seconded by Trustee Gormley, it as:

RESOLVED, the Board of Trustees approved a refund of \$6,814.25 to Water Account 1533 (17 Amy Todt Drive, TM# 233-2-20) due to over billing as a result of prior meter equipment malfunction.

Ayes: Trustees Gormley, Chan, Wright and Eppinger

Nays: None

LOCAL LAW #1 OF 2012 AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW 3-c:

On a motion by Trustee Wright seconded by Trustee Chan, it was:

RESOLVED, the Board of Trustees does hereby adopt Local Law #1 of 2012, “authorizing a property tax levy in excess of the limit established by General Municipal Law 3-c. The purpose of this Local Law is to allow the Village to override the limit on the amount of real property taxes that may be levied by the Village of Monroe pursuant to General Municipal Law 3-c, and to allow the Village of Monroe to adopt a budget for (a) village purposes and (b) any other special or improvement district governed by the Board of Trustees for the fiscal year 2013 that requires a real property tax levy in excess of the “tax levy limit” as defined by GML 3-c. This Local Law shall take effect upon filing with the Secretary of State.

Discussion followed:

Trustee Chan commented, for the record, this action is being done as a safety net. As far as the preliminary budget, so far we’ve met the cap. We are following what neighboring municipalities have done with adoption of this legislation.

Mayor Purcell commented that 86% of NYS municipalities have adopted this local law. It is a safety net. There is nothing to say we are going to override it as Trustee Chan said. We are currently at that limit and working to get it lower. We are on-track. Our budget is not finalized; it is still preliminary as we are still crunching numbers. One of the main reasons the Board chose to adopt the cap is unfunded mandates that are put upon municipalities and even through the state assembly voted for the limit established they gave a safety net if municipalities choose to adopt legislation. It is a precautionary measure.

Trustee Wright commented that the Board is meeting its fiduciary responsibility to the taxpayers. This is a precautionary measure that is reasonable and prudent.

Trustee Eppinger said he is in favor of the law. It gives a certain amount of discipline to government and taxation. Any taxing entity whether it’s the library, school district or municipality should have the same kind of discipline.

Ayes: Trustees Chan, Wright and Mayor Purcell

Nays: Trustees Gormley and Eppinger

NYS OFFICE OF GENERAL SERVICES PURCHASE CARD PROGRAM (CONTRACT # PS60443 - CITIBANK):

On a motion by Trustee Chan seconded by Trustee Gormley, it was:

RESOLVED, the Board of Trustees approved implementation of a Purchasing & Travel Card Services Program under NYS Contract through the Office of Government Services of the State of New York, Contract # PS60443 – Citibank, and authorize Mayor Purcell to sign the necessary forms authorizing participation.

Ayes: Trustees Gormley, Chan, Wright and Eppinger

Nays: None

Treasurer Murray will prepare a Procurement Card Policy for Board approval.

Mayor Purcell commented that by paying for services, i.e., gas, electric, equipment purchases, etc. we would realize 2% interest. It is passive income.

Trustee Eppinger questioned how it fit in with the monthly audit. Treasurer Murray responded that it is a means of payment that would still have restrictions and require two signatures to sign off for payment.

NEW ACCOUNTING SOFTWARE PROGRAM THROUGH KVS:

Treasurer Murray reported the EOS Accounting Software the Village is currently using will no longer be supported by KVS who bought out EOS a few years ago. The “TOM” database that EOS utilizes is unable to serve the functions needed to report Employer Health Contributions and Cost of Employment sponsored health insurance (2012 mandate) or any other changes that occur from 12/31/12 and beyond. Two quotations were obtained from companies on the NYS bid list (KVS and BAS). KVS information and software demonstration was found to offer a superior program and would enable running reports in an excel format which would benefit our accountant. Treasurer Murray recommended the Village purchase the software with a 3-year payment plan at 4% interest prior to May 31st, 2012 year end to take advantage of the reports in excel format during our 2012 fiscal year audit. On a motion by Trustee Gormley seconded by Trustee Chan, it was:

RESOLVED, the Board of Trustees approved the purchase of Municipal Accounting Software and maintenance through KVS Information Systems, Inc., 821 Maple Road, Williamsville, NY 14221 with a 3-year payment plan at 4% interest at a total cost of \$20,028. First installment in the amount of \$1,779.46 as well as travel costs not to exceed \$4,000 associated with the training in our current budget. Cost to be allocated from budget line A1325.220. It is further

RESOLVED, Mayor Purcell was authorized to sign the contract.

Ayes: Trustees Gormley, Chan, Wright and Eppinger

Nays: None

Trustee Eppinger questioned Treasurer Murray on soft-wear and types of reports the new program will provide.

VILLAGE WATER SYSTEM FISCAL ANALYSIS AND PLANNING – DELAWARE ENG, PC:

On a motion by Trustee Gormley seconded by Trustee Chan, it was:

WHEREAS, the Village of Monroe Water Department is constantly faced with the goal of financing capital improvements and conducting routine maintenance on the Village Water System in order to continue to provide high water quality and adequate capacity for the Village Water users; and

WHEREAS, the Village has in the past authorized a number of water studies to assess or forecast the financial needs of the water system so that the system is adequate to meet increasing regulatory requirements and meet the demand of an ever-increasing water usage; and

WHEREAS, the last such water rate study was authorized in 2007, which demonstrated a need to charge a service charge to generate revenues to commensurate with expenses and short term debt issued to balance the water system finances and fund capital projects will be satisfied in the near future.

NOW, THEREFORE, BE IT RESOLVED, in order to ensure the ability to properly maintain and operate the water supply, treatment and distribution system, the Board of Trustees does hereby approve an agreement with Delaware Engineering, PC, 28 Madison Avenue Extension, Albany, NY 12203, to provide fiscal analysis and planning to assist the Village in creating a rate structure on a going-forward basis that will fund O & M as well as any remaining debt, provide capital for routine annual maintenance and system improvements (e.g. water line repairs and replacements, valves, etc.), and plan for the potential of future debt issuances for major facility upgrades. Said proposal will provide the Village with an analytical tool that can be used by the Village to evaluate various rate structures to ensure the solvency and viability of the Village Water System. Cost of study not to exceed \$10,000 from budget line F8340.450.

Ayes: Trustees Gormley, Chan, Wright and Eppinger

Nays: None

WATER ACCOUNT 10114 REQUEST FOR INSTALLMENT PAYMENTS:

Due to plumbing issues and being on a fixed income, the homeowner, a senior citizen, was unable to keep up with the bills, the homeowner, for Water Account 10114 is requesting to pay the balance of \$300 + penalties (\$333.65) in installments. Also requested is a waiver of the \$107.65 penalty. Supt. Smith denied the request and the homeowner is seeking the Board's assistance. Trustee Eppinger said he spoke to the homeowner briefly. The homeowner is on a fixed income and only receives \$900/month Social Security. She found it difficult to pay the large water bill when she is just surviving. The homeowner paid \$300 on the bill. Supt. Smith commented that to waive the penalty is a "gift of service" and it is not allowed by law. The leak was not the fault of the village. Trustee Wright remarked, the indication is the bill was overwhelming. But, if you come in and pay half the bill, you have to consider the funds are coming from somewhere. Supt. Smith noted that bills prior to this were paid on time. Trustee Chan questioned who determines the amount of a payment plan. Supt. Smith said the Board determines the plan. The homeowner still pays in full. Attorney Bonacic advised that if the Board decides on a payment plan they can eliminate future penalties. They would not accrue. Trustee Wright requested the homeowner be notified in writing with a sign-off that indicates the homeowner understands the conditions of the payment plan and agrees to the terms. On a motion by Trustee Gormley seconded by Trustee Chan, it was:

RESOLVED, subject to notifying the homeowner by certified mail with a returnable sign-off letter agreeing to the terms, the Board of Trustees approved a payment plan for water account 10114 whereby the homeowner shall pay \$28 per month, for 12 months, on the total amount \$333.65.

Ayes: Trustees Gormley, Chan, Wright and Eppinger

Nays: None

PERFORMANCE BOND – LIBERTY COLLISION TM# 217-2-5.2, 325 ROUTE 17M:

On a motion by Trustee Wright seconded by Trustee Chan, it was:

RESOLVED, upon recommendation of the Village's Engineer representative, John O'Rourke, PE, Lanc & Tully, PC and confirmation by Attorney Bonacic, the Village Board approved acceptance of a cash bond or local bank letter of credit as surety for public improvements in the amount of \$124,875 to be held by the Village until completion of the Liberty Collision project at 325 Route 17M.

Ayes: Trustees Gormley, Chan, Wright and Eppinger

Nays: None

