

**BOARD OF TRUSTEES MEETING
TUESDAY, AUGUST 16, 2011 @ 7 PM**

The August Meeting of the Board of Trustees was held on Tuesday, August 16, 2011 at 7 PM 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 and Eppinger
Also present: Attorney Bonacic, DPW Supt. Smith, Police Chief Giudice and Village Clerk Carey

Absent: Trustees Chan and Wright
Building Inspector Wilkins and Treasurer Murray were on vacation

PUBLIC HEARING - INTRODUCTORY LOCAL LAW, CONSULTANT FEES – CHAPTER 50 - CONTINUED: see Minutes page 111, 7/19/11

The Public Hearing was left open from the July 19, 2011 Meeting and continued this evening. This proposed Local Law would add to the Village Code, Chapter 50 – Consultant Fees, that would allow Boards and Departments of the Village to refer applications to planning consultants or other professionals as they deem reasonably necessary to review such applications and bill those costs to the applicant. Planning Board Attorney Levinson provided comments to the draft Local Law, comments that were technical in nature. Those comments have been incorporated into the draft Local Law.

On a motion by Trustee Eppinger seconded by Trustee Gormley, and carried, the hearing was closed 7:05 PM.

MINUTE APPROVAL: JULY 19, 2011

On a motion by Trustee Gormley seconded by Trustee Eppinger, the Minutes of the July 19, 2011 Regular Meeting and Special Meeting of July 22, 2011 were approved.

Ayes: Trustees Gormley, Eppinger and Mayor Purcell
Nays: None

BUDGETARY TRANSFERS / MODIFICATIONS:

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

RESOLVED, the Board of Trustees authorizes the treasurer to make the following fund transfers / modifications to balance the budget:

<u>FROM:</u>	<u>TO:</u>	
A1560 Safety Inspection Fees	A1440.450 Engr Contractual	\$2,017.50
A2770 Misc Revenue	A5110.401 St Maint Oiling	\$30,000.00

BID AWARD - TRACTOR WITH BOOM MOWER BID:

Two bids were received and opened on August 9, 2011 for a 2012 Tractor with Boom. DPW Supt. Smith recommended awarding the bid to the low bidder. On a motion by Trustee Eppinger seconded by Trustee Gormley, with all in favor, it was:

RESOLVED, the Board of Trustees hereby award the bid for a 2012 Tractor with Boom to Hudson River Tractor Co., Inc., P O Box 668, Goshen, NY 10924 in the amount of \$86,585. This equipment will be leased over a four-year period with the option of a \$1.00 buyout at the end of the lease. Payments to be allocated from budget line A7010.250 Parks Equipment.

RESIGNATION: DEBRA MURPHY, COURT CLERK, EFFECTIVE 8/17/11:

Mayor Purcell read Debra Murphy's resignation. On a motion by Trustee Gormley seconded by Trustee Eppinger, and carried, it was:

RESOLVED, the Board of Trustees accepted, with regret, the resignation of Court Clerk Debra Murphy effective 8/17/11 thanking her for her four years of dedicated service and wished her well in her new assignment with the Town of Newburgh Court.

AARB 5-YEAR REAPPOINTMENT: INDA STORA

Inda Stora's appointment on the Architectural Appearance Review Board expires this month. Contacted by Mayor Purcell, Inda is interested in being reappointed. Inda has served on the AARB since December 1995 replacing Elizabeth Parsons. On a motion by Trustee Eppinger seconded by Trustee Gormley, with all in favor, it was:

RESOLVED, the Board of Trustees does hereby endorse the 5-year reappointment of Inda Stora, as a member of the Architectural Appearance Review Board. Term 8/16/11 – 8/2016.

NYCOM UTILITY SAVINGS AUDIT PROGRAM THROUGH COMPUTEL CONSULTANTS:

The Board has received a Consulting Agreement from Computel Consultants from Earlville, New York. A program sponsored by the New York Conference of Mayor's (NYCOM) USA Program to examine the Village's Cable Television Franchise Agreement to determine if funds may be due for past underpayment of franchise fees. The Agreement has been reviewed by Attorney Bonacic and found to be straightforward. On a motion by Trustee Eppinger seconded by Trustee Gormley, it was:

RESOLVED, the Board of Trustees approved a Consulting Agreement with Computel Consultants, P O Box 35, Earlville, NY 13332 that authorizes Computel to examine the Cable Television Franchise Agreement for non-compliance with the terms of the Agreement to determine if funds may be due for past underpayments of franchise fees. Once identified, underpaid amounts will be negotiated in a timely manner with all payments going to the Village of Monroe. It is further

RESOLVED, as compensation for services, Computel as a participant in the NYCOM USA Program, the Village agrees to pay Computel a onetime fee of forty five percent (45%) of any and all recovered underpayments. It is further

RESOLVED, that Mayor Purcell is hereby authorized to sign the Consulting Agreement and Letter to Cablevision authorizing Computel to act as the Village's agent to file and negotiate underpayment of franchise fee claims going back 6 years.

Ayes: Trustees Gormley, Eppinger and Mayor Purcell

Nays: None

ORANGE COUNTY YOUTH BUREAU FUNDING 2011:

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

RESOLVED, the Board of Trustees authorized Mayor Purcell to submit the application for fund available for Recreation (\$1,432) and Service Eligibility (\$1,280) available from the Orange County Youth Bureau for 2012 waiving the Village allotment to the Town of Monroe for use by the Monroe Joint Park Recreation's Youth Activity Camp (YAC) Program.

Ayes: Trustees Gormley, Eppinger and Mayor Purcell

Nays: None

VILLAGE HALL ELEVATOR MAINTENANCE RENEWAL:

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

RESOLVED, in accordance with the Village's procurement policy, the following Elevator Maintenance Agreement was approved for payment:

Kone Inc., P O Box 429, Moline, IL 61266-0429 in the amount of \$1,528.80 for period 8/1/2011-7/31/2012. Amount to be allocated from A1620.2410.

Ayes: Trustees Gormley, Eppinger and Mayor Purcell

Nays: None

POLICE DEPARTMENT EQUIPMENT DISPOSITION – HP LASERJET PRINTER:

On a motion by Trustee Eppinger seconded by Trustee Gormley, and carried, it was:

RESOLVED, the Board declare the following Police Department Equipment surplus and of no value and authorize removal from inventory and disposal of the following printer by Chief Giudice:

HP LaserJet 4000, S/N USEF083705 Printer

COURTNEY BUDROW PERMANENT APPOINTMENT – BILLING CONTROL CLERK (COUNTY EXAM #64312):

Results of the open competitive County Exam 64312 Billing Control Clerk was received on 8/12/11. Our appointee, Courtney Budrow is the only applicant on the resident list for the full-time position. On a motion by Trustee Gormley seconded by Trustee Eppinger, it was:

RESOLVED, the Board of Trustees does hereby appoint Courtney Budrow to the permanent position of Billing Control Clerk effective 8/17/11 at a salary of \$38,500 per year.

Ayes: Trustees Gormley, Eppinger and Mayor Purcell

Nays: None

HUDSON VALLEY WATER WORKS CONFERENCE 8/11/11:

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

RESOLVED, due to the late receipt of the Agenda for the Hudson Valley Water Works Conference Summer Seminar received after the July Meeting and this being the August Meeting, the following employees were given permission by their Department Head and Department Liaison to attend the August 11, 2011 Seminar at the Mary Harriman Park, Harriman for contact hours needed for license renewal:

JAIME PRINCE, PAUL FUSIK AND JOHN MULLIGAN

Cost of seminar was \$35 each person (\$105) allocated from budget line F8330.472.

LOCAL LAW #3 OF 2011 – CONSULTANT FEES, CHAPTER 50:

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

RESOLVED, the Board of Trustees does hereby accept the final draft and adopt Local Law 3 of 2011 adding to the Code of the Village of Monroe, Chapter 50 – Consultant Fees. This Local Law will allow Boards and Departments of the Village to refer applications to planning consultants or other professionals as they deem reasonably necessary to review such applications

and bill those costs to the applicants. This local law shall take effect upon filing with the Secretary of State.

INTRODUCTORY LOCAL LAW NO. 3 OF 2011

A LOCAL LAW AMENDING THE VILLAGE CODE OF THE VILLAGE OF MONROE

Be it enacted by the Village of Monroe in the County of Orange, as follows:

Section 1. Chapter 50 of the Code of the Village of Monroe is to be created and titled “Fees, Consultant”:

GENERAL REFERENCES

Subdivision of land — See Ch. 175.

Zoning — See Ch. 200.

§ 50-1. Establishment of comprehensive fee schedule.

A. The Village Board of Trustees hereby finds and determines that in order to protect and safeguard the Village of Monroe, its residents and their property, with respect to certain land developments in the Village should conform with the Village’s Comprehensive Plan as it may be amended from time to time and be the subject of such environmental reviews as are required by law; landscaping installations and erosion and sediment control measures should be designed and installed in a competent and workmanlike manner and in conformity with approved plans and all applicable government codes, rules and regulations; and special improvement district extensions and establishments, outside user agreements and dedications and conveyances to the Village should be made in a legally sufficient manner. In order to assure the foregoing, it is essential for the Village to have competent professionals retained by the Village to review and make recommendations regarding plans and designs to the Village Board of Trustees and Planning Board; inspect landscaping and erosion and sediment control measures; inspect roadway, utility, drainage, park and/or any other post-approval construction improvements; obtain, review and approval deeds; easements, securities, insurance and other legal instruments to assure that the Village obtains good and proper title and is otherwise appropriately protected. The costs of retaining such competent professionals should ultimately be paid by those who seek to profit from such developments rather than from Village general or improvement district funds that are raised by assessments paid by the taxpayers of the Village.

In performing reviews of applications or petitions for site plan, subdivision approval, permits, special proceedings, variances and amendments to the Village Code, the Village Architectural Appearance Review Board, the Planning Board, Zoning Board of Appeals, and the Village Board of Trustees may refer such applications to such planning consultants or other professionals as they may deem reasonably necessary to review such applications.

The Village Board of Trustees does hereby declare that, pursuant to the Municipal Home Rule Law, a comprehensive schedule of fees to be paid to the Village of Monroe upon the filing of certain applications for permits or other certificates for activities taken or approved by the Village Board of Trustees, Planning Board, Zoning Board of Appeals, Architectural Appearance Review Board, Building Inspector or Village Engineer shall be established by resolution of the Village Board of Trustees.

§ 50-2. Land use application fees.

- A. No building permits or certificates of occupancy or use shall be issued unless all professional review fees charged in connection with the project have been paid and reimbursed.
- B. The fees and expenses due and payable under this Chapter 50, if not paid within the time required, shall be a lien against the real property that is or was the subject of the land use or development application review. The amount of such fees and expenses, if not paid in the time required, may be assessed and levied against such real property and collected in the same manner as real property taxes.

- C. A schedule of planning, zoning and building application and construction inspection fees shall be established by resolution of the Village Board of Trustees. All such fees in effect at the time of adoption of this chapter shall remain in effect until such time as those application fees are modified by resolution of the Village Board of Trustees.
- D. The application fees established pursuant to Subsection C, above, shall be deemed to be the minimum fee to be charged, and any additional costs and expenses actually incurred by the Village for professional consultants, inspections and other non-ministerial expenses shall be paid by the applicant in accordance with § 50-3 and § 50-4, and other laws, resolutions, provisions, regulations and codes of the Village.
- E. All reimbursement payments required by § 50-3 shall be in addition to any application, inspection or other fees as may be required by any other laws, resolutions, provisions, regulations or codes of the Village and shall not be used to offset the Village's general expenses of engineering, legal and planning services for the several boards of the Village, nor to offset the Village's general expenses.
- F. Any fee established elsewhere in the Village Code that is consistent with the provisions of this chapter shall remain in full force and effect. If any fee is established elsewhere in the Village Code that is inconsistent with this chapter, the fees established by this chapter shall control.
- G. The owner of real property for which an application for an approval is made to any board of the Village shall be personally responsible to reimburse the Village for any unpaid fees of the applicant. Each board of the Village shall require the owner of real property to execute a written acknowledgement of this obligation before any matter is considered by the board.
- H. This chapter and the schedule of application and other fees shall be filed with the Village Clerk. The failure to file any fee amount with the Village Clerk shall not affect the validity of the fee or the obligation to pay such fee.

§ 50-3. Reimbursement of costs and expenses.

- A. The applicant, for approval of any land use or land development proposal, shall reimburse the Village for all of the Village's reasonable and necessary engineering, legal and planning fees and expenses incurred by the Village in connection with the review and/or approval of the application. Said fees and expenses are deemed application fees. Reimbursement shall be made in accordance with this chapter. For the purposes of this chapter, the term "land use or development" shall include, but not be limited to, a subdivision, lot line change, site plan, special permit, annexation, wetlands permit, variance, interpretation, appeal to the Zoning Board of Appeals, or any modification or amendment of any of the foregoing; and compliance with the State Environmental Quality Review Act (SEQR).
- B. Any initial planning and zoning review escrow deposits pursuant to the fee schedule established by this chapter shall be delivered to the Village Clerk as part of the original application submission.
- C. No matter shall be scheduled before the planning board, zoning board or village board of trustees, nor shall any review be undertaken by the professional consultants until the initial escrow deposit, as set forth in this chapter or the incorporated fee schedule, is paid.
- D. If the escrow account falls below 40% of the initial deposit, the applicant shall, unless waived by resolution of the applicable Board, deposit additional funds into the escrow account to maintain that account at the level of 80% of the initial deposit to pay for fees and expenses rendered to the Village or anticipated to be rendered for such services. Such additional funds shall be delivered to the Village before the application is placed on the agenda and any further consideration of the applicant's application takes place.
- E. The Planning Board, Zoning Board of Appeals, Architectural Appearance Review Board or Village Board of Trustees shall neither place the application on the agenda nor give further consideration to applicant's application until all review fees imposed on the applicant have been paid to the Village.

- F. In the event that an applicant shall withdraw his application at any stage of the proceedings or when the application review and approval process has been completed, the balance of funds in the applicant's account after all current outstanding fees are paid shall be either remitted to the applicant within 60 days of final action by the board or, if so directed by the applicant, shall remain on deposit as the applicant's initial payment toward post-approval inspection fees.
- G. The applicant shall remain responsible for reimbursing the Village its costs and expenses in reviewing the applicant's land use application, notwithstanding that the escrow account may be insufficient to cover such costs and expenses.
- H. In the event that the applicable board, in the course of reviewing an application, determines that the proposed action requires a positive declaration under SEQRA, all costs incurred by the board for the review of any environmental impact statements, whether of a professional or clerical nature, shall be borne by the applicant pursuant to 6 NYCRR 617.8(a). Such costs shall be covered by an escrow account to be established pursuant to this section within 15 days of issuance of said positive declaration in an amount to be set by the applicable board pursuant to the fee schedule made part of this chapter.
- I. All applicants with matters pending before the planning board, zoning board or architectural review board, as of the effective date of this chapter, shall be required to comply with the new fees and escrow account maintenance provisions contained herein.
- J. In cases where the complexity of an application (or lack thereof) or unusual circumstances surrounding the matter require that the initial fee or the percentage of that initial fee to be maintained in escrow be modified, the reviewing board is authorized to grant such modification within the following guidelines:
 - (1) The amount of any initial fee modification shall be reasonably related to the costs attendant to the board's review of the application.
 - (2) The amount of any escrow maintenance percentage shall be reasonably related to the complexity of the project as well as the stage to which the project has progressed as of the time of modification.
- K. Each of the Village's engineering, legal and/or planning consultants who render services pertaining to a land use or development application shall submit monthly itemized vouchers to the Village Board of Trustees (through the clerk to the planning board, zoning board or architectural appearance review board), reasonably setting forth the services performed and amounts charged for such services.
- L. Copies of said itemized vouchers shall be transmitted to the applicant upon their delivery to the Village Board, together with a notice notifying the applicant that the failure to object to payment of the amount of the charges contained in said itemized voucher out of escrow funds within 15 days of the sending of said notice shall constitute an acknowledgement by the applicant as to the reasonableness of the charges.
- M. The Chairperson of the planning board, architectural appearance review board and/or the zoning board (as appropriate) shall review vouchers for services rendered to each and shall communicate its approval of same to the Village Board of Trustees. The Village Board of Trustees shall review and audit all such vouchers and shall determine, in its discretion, the engineering, legal and planning fees that are reasonable in amount and necessarily incurred by the Village in connection with the review and/or approval of the land use or development application. A fee or expense or part thereof is reasonable in amount if it bears a reasonable relationship to the customary fee charged by engineers, attorneys or planners within the region for services performed on behalf of applicants or reviewing boards in connection with applications for land use or development. The Village Board of Trustees may also take into account any special conditions for considerations as the Village Board of Trustees may deem relevant. A fee and expense or part thereof is necessarily incurred if it was charged by the engineer, attorney or planner for a service which was rendered in order to:
 - (1) Assist in the protection or promotion of the health, safety or welfare of the Village or its residents;
 - (2) Assist in the protection of public or private property or the environment from potential damage that otherwise may be caused by the proposed land use or development;

- (3) Assure or assist in compliance with laws, regulations, standards or codes which govern land use and development;
 - (4) Assure or assist in the orderly development and sound planning of a land use or development;
 - (5) Assure the proper and timely construction of public improvements, parks and other facilities which affect the public welfare;
 - (6) Protect the legal interests of the Village;
 - (7) Avoid claims against and liability of the Village; or
 - (8) Promote such other interests that the Village Board may specify as relevant.
- N. After review and audit of such voucher by the Village Board of Trustees, the Board shall authorize payment of same and shall provide to the applicant a copy of the voucher as audited.
- O. The planning board, architectural appearance review board and zoning board are hereby authorized, at the time of action on any project, to make payment of any amount overdue a condition of approval. All time limitations for taking board action, conducting a public hearing or rendering any other determination related to the application, including time limitations which may relate to a default approval, shall be tolled until such time as all reimbursement of costs and expenses determined by the Village Board of Trustees to be due has been fully paid.
- P. If the applicant fails to pay the full amount due within the time prescribed, the reviewing board may refuse:
- [1] To further review or consider an application;
 - [2] To conduct a public hearing otherwise required or take any other action in furtherance of the application; and
 - [3] To render a decision on the application.
- Q. Amounts paid pursuant to this chapter shall be placed in a non-interest bearing escrow account to fund expenses incurred by the Village in processing the application as provided for in Subsection A above. The Village shall keep a record of the name of the applicant and project and of all such monies deposited and withdrawn. Monthly vouchers submitted by the Village's engineers, attorneys and/or planners shall be reviewed and audited by the Village Board of Trustees and provided to the applicant, and the applicant may appeal said audit amount as provided herein. The Village reserves the right to redact any voucher as deemed necessary.
- . All fee and expense reimbursement payments are due and payable within 15 days after delivery of a copy of an itemized voucher to the applicant as provided for in Subsection K above. Interest shall accrue on any unpaid itemized voucher at the rate of 12% per annum. The taking of an appeal under § 50-5 shall not affect the obligation to pay interest on any unpaid balance ultimately determined to be due.

§ 50-4. Professional fees for inspections, improvement districts, dedications and agreements.

- A. Any applicant who installs landscaping or erosion and sediment control measures or constructs or proposes to construct roadway, drainage, utility, park and/or any other post-approval construction improvements, within or in conjunction with an approved subdivision or site plan in the Village shall reimburse the Village for all reasonable and necessary professional expenses incurred by the Village in connection with the inspection of the landscaping or erosion and sediment control measures, and the inspection of said roadway, drainage, utility, park and/or any other post-approval construction improvements.
- B. No building permits or certificate of occupancy or use shall be issued unless all professional review fees charged in connection with the project have been paid and reimbursed.
- C. The fees and expenses due and payable under this Chapter 50, if not paid in the time required, shall be a lien against the real property which is or was the subject of the land use or development application review. The amount of such fees and expenses, if not paid in the time required, may be assessed and levied against such real property and collected in the same manner as real property taxes.

§ 50-5. Appeals.

- A. An applicant may appeal, in writing, to the Village Board of Trustees for a reduction in the required reimbursement amount. An appeal must be filed with the Village Clerk no later than 15 days after mailing or other delivery to the applicant of a copy of the voucher challenged. The applicant in its written appeal shall set forth in detail the basis of the challenge of the voucher.
- B. The failure to file an appeal within 15 days of the mailing of the voucher shall constitute waiver of any objection to the charge.
- C. Upon such appeal, the Village Board of Trustees, in its discretion, may determine that an applicant is not required to reimburse the Village for that part of an engineering, legal or planning fee incurred by the Village for services performed in connection with an application matter for which the Village Board of Trustees determines the applicant bears no responsibility and which was beyond the reasonable control of the applicant.
- D. The Village Board of Trustees' determination shall be made in writing and shall be made no later than 45 days after receipt of the applicant's appeal.

§ 650-6. Payment of fees.

All fees shall be payable to the Village of Monroe by certified funds or bank check.

Section 2. Severability.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this local law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this local law.

Section 3.

This local law shall take effect immediately upon filing with the Secretary of State.

OUTDOOR CAFÉ APPLICATION – BOURBON STREET BAR & GRILL:

Attorney Bonacic reiterated that based upon the application submitted it appeared there would be an encroachment into the parking area and his question to the Building Department is if there is an approved site plan and whether this request would actually require review by the Planning Board to amend that site plan as there are a certain number of designated spaces. Mayor Purcell said he asked Building Inspector Wilkins to review it and he said there was no issue. On a motion by Trustee Eppinger seconded by Trustee Gormley, it was:

RESOLVED, in accordance with Village Code 200-38.2 – Sidewalk and Outdoor Café's. The Board of Trustees approved the application of Scott Benoit, Bourbon Street Bar and Grill, 78 Mill Pond Parkway, Monroe, NY for an Outdoor Café Permit Sunday to Saturday as follows:

Sunday 10 AM - 12 Midnight - Monday to Saturday Noon to 12 Midnight

Permit allows for 7 tables and 20 chairs. Permit expires 12/31/11. Permit fee of \$75 accompanied the application. Certificate of Insurance was filed in accordance with the application. On-site inspections will be made by the Building Inspector to insure conformance with the application. Any temporary lighting installed shall be inspected by an approved Electrical Underwriter with Certificate submitted to the Building Dept. Vehicle safety barrier shall be installed and inspected by the Building Dept. prior to Café use.

Ayes: Trustees Gormley, Eppinger and Mayor Purcell

Nays: None

ANNUAL MONROE CROP HUNGER WALK: 10/23/11 2-4 PM

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

Contingent upon filing a Certificate of Insurance as outlined in the Events Application and coordinating the event with Police Chief Giudice, it was RESOLVED, permission is hereby granted to the Monroe-Woodbury Clergy Association for the 2011 Monroe Crop Hunger Walk on Sunday, October 23, 2011 from 2-4 PM. Walk will commence and end at the Monroe Methodist Church utilizing the Crane Park Walkway Path.

CONGREGATION EITZ CHAIM MWJCC – HIGH HOLY DAY RELIGIOUS WALK:

As we do not have a quorum tonight and Trustee Gormley will be abstaining from voting as she is a member of the synagogue, this matter was tabled to the 9/6/11 Meeting when a full Board will be present.

TURN THE TOWNS TEAL AWARENESS CAMPAIGN FOR OVARIAN CANCER – RIBBONS ON LIGHT POLES ON LAKE STREET:

An Events Application was received from Kathy Colquhoun who was present. September has been designated as “National Ovarian Cancer Awareness Month”. Turn the Towns Teal is a campaign to create awareness of ovarian cancer and its symptoms. It consists of volunteers tying ribbons (which are biodegradable & made in the USA!) primarily in town centers and providing stores, health clubs, beauty salons, etc. with symptom cards and information pertaining to ovarian cancer. The campaign runs from September 1st through 30th. Mrs. Colquhoun is asking permission to tie approximately 14 ribbons on the light poles on Lake Street on 8/31/11 for the month of September. On a motion by Trustee Gormley seconded by Trustee Eppinger, and carried, it was:

RESOLVED, the Board of Trustees approved the event request of Kathy Colquhoun whereby “Turn the Towns Teal” an awareness campaign for ovarian cancer, is authorized to tie biodegradable ribbons on the light posts on Lake Street for the month of September to create awareness of ovarian cancer and its symptoms. Ribbons will be removed on or about 9/30/11.

M & R ENERGY RESOURCES CORPORTION AGREEMENT:

Mayor Purcell met with Melissa Massimi, Consultant with M & R Energy Resources today to review their proposal for a 2-year agreement. Mayor Purcell summarized for the Board what was discussed. On a motion by Trustee Eppinger seconded by Trustee Gormley, with all in favor, it was:

RESOLVED, contingent upon Attorney Bonacic’s review and approval of the agreement as to the terms and conditions of the existing agreement with M&R Energy Resources to insure consistency with what is being proposed, the Board approved a 2-year Agreement with M & R Energy Resources, P O Box 292, Mountainville, NY 10953 for electric service and authorize Mayor Purcell is authorized to sign the renewal agreement.

ATTORNEY’S COMMENTS:

Attorney Bonacic commented that the Board received a copy of an Introductory Local Law to implement various provisions and changes to the Village Zoning Code relating to: Building Heights, Recreational Facilities and the Zoning Board of Appeals procedures. The legislation will be circulated to the Building Inspector, Planning Board and ZBA for input prior to scheduling a Public Hearing.

Attorney Bonacic said the Board also received changes to the Special Events Permit. Questions have been raised on things that were lacking. Also, things that are over bearing like the insurance. Additional language has been added and given to the Board to review and if favorable, they can act on it at the September 6th Meeting.

BOUNDARY LINE AGREEMENT: Attorney Bonacic advised that on Friday, August 12th, he received a packet from Attorney Bernard Brady relating to a real estate deal. Attorney Brady's client, Mildred Levine, 8 Reilly Road in the Town of Monroe (TM# 41-2-22) is selling property. The property is immediately adjacent to a lot owned by the Village of Monroe near Mombasha Lake. During the title search, a question arose as to the exact location of the boundary line between the representative lands and they are desirous of fixing and making said boundary line more certain and definite. In 1972-1977 the tax maps for this parcel changed. There was a squaring off of land where said property lost ownership and a certain area went to the Village, not through any deed description or conveyance but just through a notation on the tax maps. It was picked up by the surveyor and as a result it's been notated as an exception. The parcel is 41' wide by 70' deep. DPW Supt. Smith went out to the site on Friday and determined the parcel in no way jeopardizes the area we are utilizing. The seller is asking the Village to sign a boundary line agreement authorizing the Mayor to sign it. It would be recorded in the County Clerk's Office. The agreement essentially says we recognize that our legal description has not changed since the 1800's and provides for boundaries as indicated. That any rights we may have were quit claim and we are giving back to make consistent with the map from the 1800's. The title company requires this for the transaction to move forward. Attorney Bonacic said the Tax Map Department at the County for whatever reason made an adjustment to square the lot. There is no legal basis; there is no deed of record in the County Clerk's Office which indicates why it was probably shifted as indicated by the tax map. It appears that it's an error. There is no benefit, we are not maintaining or utilizing the property. In fairness, we should resolve it for the person trying to sell the property. On a motion by Trustee Gormley seconded by Trustee Eppinger it was:

RESOLVED, the Board of Trustees authorize Mayor Purcell to sign the Boundary Line Agreement between Mildred Levine and the Village of Monroe whereby the Village agrees to the fixing and making said boundary line more certain and definite and that the boundary line between the lands as described in Schedule A be as follows:

The Common boundary line between the parties to this agreement is hereby agreed to be and described as follows: South 58 degrees 45' 00" East 196.88'. Said boundary line is shown on a survey prepared by Anthony A. Sorace, P.L.S. his survey no 1129 dated 7/14/11.

Ayes: Trustees Gormley, Eppinger and Mayor Purcell

Nays: None

There was no one present for Public Comment.

Trustee Gormley reminded those present of the final Summer Concert on Thursday, August 25th at 7 PM.

EXECUTIVE SESSION:

On a motion by Trustee Gormley seconded by Trustee Eppinger and carried, following a short recess the Board convened in Executive Session at 8 PM for discussion of personnel.

OPEN SESSION:

On a motion by Trustee Gormley seconded by Trustee Eppinger, and carried, Open Session resumed at 8:55 PM.

SPECIAL MEETING 8/29/11 @ 6:30 PM:

On a motion by Trustee Gormley seconded by Trustee Eppinger and carried, a Special Meeting was scheduled for Monday, August 29, 2011 at 6:30 PM to award bids.

No further business, the meeting was adjourned at 9 PM.