

**BOARD OF TRUSTEES MEETING
TUESDAY, SEPTEMBER 18, 2012**

PUBLIC HEARING

**CODE VIOLATION SECTION 200-80 REPAIRS AND MAINTENANCE; UNSAFE
BUILDINGS, B. – 411 ROUTE 17M (TM 223-1-4)**

A Public Hearing was held on Tuesday, September 18, 2012 at 6:30 PM in the Boardroom of the Village Hall, 7 Stage Road, Monroe, NY in accordance with Village Code Section 200-80 Repairs and maintenance; Unsafe Buildings, B as follows:

WHEREAS, as outlined in a report to the Village Board by the Building Department there have been major issues with property located at 411 Route 17M and described as Tax Map 223-1-4 since 7/14/2008, with numerous communications between the Village Building Department and property owner; and

WHEREAS, failure and neglect of the property by the owner has caused the Village to have a visual field survey / inspection of the property done; and

WHEREAS, the conclusion of that report was there are serious structural issues on each level of the building as well as portions of the stone foundations and first floor structure have experienced structural failure and are inadequately being shored against collapse; and

WHEREAS, due to the poor condition of the building structure, along with unsecured access into the building, that this building poses a potential “life safety” threat to anyone who walks near or within the structure.

WHEREAS, the Board of Trustees has scheduled a public hearing for the purpose of hearing testimony as the Building Inspector or the owner, or someone of the owner’s executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the property as shown by the records of the Village Assessor or in the office of the County Clerk shall offer relative to the unsafe building.

IT IS NOW THEREFORE, RESOLVED, to protect the public welfare, the Village Board following the Public Hearing shall determine by resolution and in accordance with the Village Code 200-80 B Unsafe Buildings, take the necessary steps to remediate this potential life safety threat.

Notice was served on the property owner by Certified Mail; return receipt requested and was signed for. Also our Village Police served and Affidavit of Service and letter was mailed regular mail to insure notification to the property owner.

Present: Mayor Purcell; Trustees Gormley, Chan and Wright
Also present: Attorney Bonacic, Building Inspector Wilkins, Assistant Building Inspector Code Enforcement Officer Cocks and Village Clerk Carey

Absent: Trustee Conklin

Elsa Lenza, property owner, her son Eric Lenza and Steven Brown, Real Estate Investor were present.

Mr. Lenza explained there were issues with the building in 2008. Those issues were corrected. At that time, Mrs. Lenza had taken over trusteeship of the building. The current tenant is Russell Heflich. Mr. Lenza said they understand what has happened with the building and apologize for its condition. It is not by choice that it does. The building is a landmark in the Village. The Lenza’s opened the business there in 1962. It saddens them that the building is in the condition that it is. Mr. Lenza referred to Steven Brown to continue on his behalf. Steven Brown, a licensed real estate broker has worked with the Lenza’s over the past 2-years. He gave an overview of what has transpired over the past 18 months as they have tried to rectify the violation. The tenant, Russell Heflich had legal rights to renovate the building. He did not complete anything. The Lenza’s have taken steps to remove the tenant from the property. There was an order of eviction signed by Judge Lezak two and a half years ago that was staid based on an agreement with the Lenza’s for Mr. Heflich to go ahead and fix, renovate and

continue to occupy. In the interim, Mr. Heflich has defaulted on his agreement. He did not do the things he needed to do. His building permit expired in May 2011. A second building permit was issued in 2011 hoping to get the building back to a usable state. The tenant who has legal rights to the property did not perform. Mr. Heflich is in bankruptcy and his home is in foreclosure. Mrs. Lenza has lost rent for 4 years. The property has been destroyed. Mrs. Lenza is in a hardship situation. She does not have legal rights to the property based on the agreement with the tenant. She has engaged the services of Attorney Daniel Rusk from Marlboro who is currently working to reinstate the eviction proceeding. Hopefully, within a short time Mrs. Lenza will have legal rights to take the property back. Mr. Brown said the building is secured, it is fenced in. When the tenant went to renovate, he removed some trees that were up against the south-side of the building that had been a closed in porch. The porch area was built on a tacked stone foundation. When the trees were removed, it was found that the roots had gone into the foundation. When they were removed it appears it caused the roof to sag and the building is clearly unsafe. The question is can Mrs. Lenza have some time after the proceeding until she has legal rights to the property. The end resolution for this building is demolition and redesign it on the same footprint without a basement, Mr. Brown said. To do that, Mrs. Lenza needs legal rights to the building, remove the tenant and have financing for that. All of which is being investigated.

Trustee Wright asked who was in possession of the property in 2009. Mr. Brown said Mr. Heflich under Lindy Loo's Inc. Trustee Wright said there was a building permit issued in 2009 and the owner named was Elsa Lenza. Mr. Brown said Mrs. Lenza is the owner and she had the right to secure a building permit under her name. The owner is responsible for all charges. Trustee Wright said the problem is you have alluded to the fact Mrs. Lenza is not the owner that she relinquished her rights. The tenant had taken possession of the building. Mr. Brown apologized. Mrs. Lenza has always been the deed owner of the property. She entered into a legal contract that gives the exclusive right to that portion of the property to the tenant. That's where it stands. Until Mrs. Lenza has legal right to the property herself without the tenant involved at all. Her hands are tied. Shortly after the eviction process took place, the eviction was agreed to be set aside along with the judgment that was filed with the county because Mr. Heflich came up with some money and a plan to complete the project. Assistant Building Inspector Cocks verified that the eviction was granted by Judge Lezak. He was there during the process.

Trustee Wright asked, the eviction was subsequently staid? Mr. Brown answered that it was. The eviction was not enforced as the tenant made arrangements to get out of default. He is now in default again and Mrs. Lenza is looking to have that eviction reinstated from 2009. Mr. Brown has been involved since May 2011. Mrs. Lenza was having a problem with Mr. Heflich not performing the renovation work he said he would do. He had issues with the way that village protocol operates. If he had followed procedure and done what was required we wouldn't be here today, Mr. Brown said. Mr. Brown summarized what has transpired since his involvement.

Trustee Chan said his concern is, on one hand I want to promote business in the Village, on the other hand we have a safety issue. Building inspector Wilkins interjected that the property is not fully secured, the fence is only on 3 sides. Anyone can get in there. There have been problems with skateboarders, bicycles; anyone can be on the site. Building Inspector Wilkins gave an overview of what has occurred through the Building Department.

Trustee Chan asked how we are going to secure the building. He asked Lt. Melchiorre if there have been any calls chasing kids off the property. Lt. Melchiorre said not recently. When all is said and done, Trustee Chan said, the building has to be secured. Building Inspector Wilkins said the basement is full of water and has been for 3 years. We've had occasions where someone has broken in. If they walk down the stairs or fall through the floor, they could drown. Standing water is a health hazard, Trustee Chan said. First Responder Emergency Services have been told to stay out of that building, it is unsafe. What happens if someone breaks in and gets hurt?

Mayor Purcell said to Mr. Brown, it has been 4 years, it can't go on!

Mr. Brown said his purpose for coming here is to get the building secured and yet not put a hardship on the family. Mrs. Lenza had a triple net lease with the tenant where he was responsible for everything including paying the taxes. Mr. Brown suggested a means be found

to secure the building and property. If that includes making sure it is fully boarded up to where there is no access inside that is accessible, Mr. Brown said. If you go by the building, you have to break in to gain entrance. There is a fence that passes as a barrier somebody has to physically move it or climb over to gain access. Someone that goes through that is trespassing. If it's a situation where they have to put a fence on the 4th side of the back to have the Village feel that the property is temporarily secure until the situation can be remedied with the structure itself, they are willing to do that. The back of the property borders Aron Estates community land as their retention pond. No one is coming in from the back.

Trustee Chan asked why the Building Department can't get in to see if it's secure. Building Inspector Wilkins said he can't get onto the property. It's fenced in. Two months ago when the trailer was removed, the gate was left open. The Police were called to come to the property and Mrs. Lenza signed-off to allow the Building Department to do a visual inspection. At the time of the inspection the building was not secure.

Again, Mr. Brown asked the Board to give Mrs. Lenza a period of time to get the eviction back in place and for Mrs. Lenza to have full control of the property once again so she can fully secure it and have a plan to fully remodel the building or demolish it and rebuild it.

Trustee Chan would like to first see the building secured and water pumped out of the basement. Building Inspector Wilkins said the water problem has been consistent for years. Pumping isn't going to solve the problem. Building Inspector Wilkins said for 4 years there have been on-going problems. Three building permits have been issued. Nothing has happened. Deadline after deadline has not been met.

Trustee Wright said his issues are that the Village Board has a duty and responsibility to make certain everyone is safe including kids roaming the streets. When you look at the photo's in the Building department's report and you talk about the time you've had to remedy the issues, it is a liability. Especially with the kids we've had issues with. By your testimony, Mr. Brown, you indicated there is an issue with money to repair this property. There has been some convoluting back and forth with the owner and the tenant. There are no funds to repair this property. The structure is unsafe and must be secured.

Mayor Purcell said the problem is it has been 4 years. Dialog dropped off after the last building permit expired. As the owner of the property, despite the legal issue with the eviction process, it is the owner who should make the property presentable and secure funds. It has been a blight property for awhile and an unsafe building for many years. It's been a liability. Again, it has been 4 years! The village has done everything possible to help move this process through. The village issue is that the property and the condition it is in, safety issues, the blight, etc. Mayor Purcell said the Board will consider the testimony heard tonight when rendering a decision. Something has to happen with this property whether the building is demolished or rebuilt. Mayor Purcell said it is the duty of this Board to protect its residents.

Building Inspector Wilkins reiterated reading from the engineer report "as long as the building remains in its current state, exposed to the elements, this condition will worsen, therefore to protect the environment it is the recommendation that the structure be demolished."

On a motion by Trustee Chan seconded by Trustee Wright, and closed, the hearing was closed at 7:15 PM.

**BOARD OF TRUSTEES MEETING
TUESDAY, SEPTEMBER 18, 2012**

The second monthly meeting of the Board of Trustees was held on Tuesday, September 18, 2012 at 7 PM in the Boardroom of the Village Hall, 7:15, following the Public Hearing 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 and Wright
Also present: Attorney Bonacic, Building Inspector Wilkins, Treasurer Murray, Lieutenant Melchiorre, DPW Supt. Smith and Village Clerk Carey

Absent: Trustee Conklin; Police Chief Giudice

HONORARY MEMBER CERTIFICATE GREATER MONROE CHAMBER OF COMMERCE TO MAYOR PURCELL:

Present, Marilyn McIntosh, Secretary of the Greater Monroe Chamber of Commerce, a 501 © not-for-profit organization, dedicated to uniting and engaging its' members by creating a sustainable community where members thrive. Mrs. McIntosh, on behalf of the Board of Directors of the Greater Monroe Chamber of Commerce, presented the Village of Monroe with a Greater Monroe Chamber of Commerce Honorary Member Certificate. Mrs. McIntosh personally recognized Mayor Purcell for his commitment, vision and passion that spoke to her at the first meeting. She thanked Mayor Purcell for his leadership in helping lead the way to creation and in support of the Greater Monroe Chamber of Commerce that strives to improve the quality of life in the community through the business community. The membership confers upon the village all the privileges of acting membership (except voting rights).

BUDGET MODIFICATIONS:

On a motion by Trustee Gormley seconded by Trustee Chan, and carried, 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 Cont'l \$ 181.75
A1789 Other Transp Dept Inc.	A5110.400 St Maint Asphalt 64,275.00

NYCOM'S PUBLIC WORKS TRAINING SCHOOL 10/22-10/25, CANANDAIGUA, NY:

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

RESOLVED, the Board of Trustees approved the attendance of DPW Supt. Smith at the NYS Conference of Mayors Public Works Training School, October 22 to 25, 2011 at the Inn on the Lake, Canandaigua, NY. Cost of this training school to be allocated from budget line F/8310.472 Adm. Education at a total cost of \$1,195. Approval was also granted to Mr. Smith to take his village vehicle.

AMENDMENT TO OC CDBG AGREEMENT 2012 (PUBLIC IMPROVEMENTS RECLAIM AND RESURFACE ROAD BED BROOKS AVE., CHARLTON PL. AND FOREST AVE – INCREASE OF GRANT FUNDS FROM 2011 CDBG:

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

RESOLVED, to reflect an increase in grant funds for public improvements through the Orange County Community Development Block Grant Program, the Board of Trustees authorize the Mayor, as official representative of the Village of Monroe, to sign the amended municipal agreement for the CDBG 2012 (30/128692.7510A12) that granted the Village \$67,500 through the US Department of Housing and Urban Development Act through O.C. Office of Community Development for reclaim and resurfacing the roadbed on Brooks Avenue, Charlton Place, Forest Avenue and Franklin Avenue. Said amendment allocates additional

funding from the 2011 CDBG (30/118692.7510 A11 – Stage Road sidewalks and curbing continuation) in the amount of \$15,949.90 toward public improvements under the CDBG 2012 Grant. In all other respects, the provisions of the prior municipal agreement dated 4/6/12, shall remain in full force and effect and shall be binding.

Ayes: Trustees Gormley, Chan and Wright

Nays: None

YMCA / GILBERT STREET EXT. INSPECTION FEE ESCROW RELEASE

TM# 201-3-1.11:

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

RESOLVED, based upon Lanc & Tully's review of the site conditions on 9/4/12, and construction cost estimate, all engineering issues have been addressed and satisfied, the Board of Trustees approved release of the YMCA retainer / performance bond held by the Village in the amount of \$12,427.25.

Ayes: Trustees Gormley, Chan and Wright

Nays: None

CONTINUING EDUCATION – LAKE MANAGEMENT COURSE – JOHN MULLIGAN, HEO:

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

RESOLVED, the Board of Trustees approved the attendance of John Mulligan at the 2-day Lake Management Training Seminar at Rutgers University. Course is needed to maintain his Lake Management License. Cost is \$395 + mileage and is allocated from budget line F8310.472.

Ayes: Trustees Gormley, Chan and Wright

Nays: None

RESIGNATION – P/T DISPATCHER PETER GRAZIANO

On a motion by Trustee Wright seconded by Trustee Chan, and carried, it was;

RESOLVED, the Board of Trustees accepted, with regret, the resignation of Peter Graziano, III from the position of Part-time dispatcher effective immediately and wished him well in his future endeavors.

SEMINAR – OC MUNICIPAL PLANNING FEDERATION – “INTERACTING ROLES & RESPONSIBILITIES OF THE ZBA AND PLANNING BOARD”:

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

RESOLVED, the Board approved the attendance of James Cocks, Assistant Building Inspector at the September 24th, 2012 OC Municipal Planning Federation seminar, “Interacting Roles & Responsibilities of the ZBA and Planning Board”. The cost is \$15 and is budgeted under line A3620.472.

CRYSTAL RUN HEALTHCARE LETTER SUPPORTING PILOT PROGRAM THROUGH IDA:

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

RESOLVED, the Board of Trustees authorize Mayor Purcell's sending a letter of support of the financial assistance application of Crystal Run Healthcare pending before the IDA as it relates to planned construction of a medical complex to be located at 900 Route 17M in the Village of Monroe. CRH is looking for an enhanced 10-year Payment-in-lieu-of- taxes (PILOT) for the Project.

Ayes: Trustees Gormley, Chan and Wright

Nays: None

ELEVATOR MAINTENANCE AGREEMENT – KONE ELEVATORS:

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

RESOLVED, in accordance with the Village's procurement policy, the Board approved a maintenance agreement with Kone Inc., PO Box 429, Moline, IL 61266-0429 as follows:

Village Hall effective 8/1/12 through 7/31/13 Contract #40082266 in the amount of \$1,528.80 allocated from budget line A3120.450.

Monroe Police Station 9/1/12 through 8/31/13 Contract #40081224 in the amount of \$2,279.56 allocated from budget line A3120.450.

DRAFT LOCAL LAW REVISIONS TO CHAPTER 150, PERTAINING TO SMITH'S CLOVE PARK:

This matter was tabled. Attorney Bonacic is currently reviewing the Monroe Joint Park Recreation Commission's recommended changes. Any comments the Board or Police Chief have on this legislation should be forwarded to Attorney Bonacic.

HARVEST TO HOME, A HEALTHY EATING FAIR 10/7/12 @ MONROE TEMPLE:

Dr. David Hill, continuing education chairman at Monroe Temple of Liberal Judaism, is requesting authorization to hold a healthy eating fair event to educate the public through keynote speakers and other activities on how to eat healthier and eating ethically protecting the environment, being humane to farm animals, and protecting farm workers is a position to affirm and celebrate at the "Harvest to Home" event. On a motion by Trustee Gormley seconded by Trustee Wright, it was:

RESOLVED, contingent upon sign-off by Chief Giudice, the Board of Trustees approved the Event Application of Monroe Temple of Liberal Judaism, 314 North Main Street, Monroe, NY for a "Harvest to Home" healthy eating fair in the parking lot on October 7, 2012 from 10 AM to 3 PM. North Main Street School will be used for off-street parking. To insure that safety measures are in place, the event shall be coordinated with Police Chief Giudice.

Ayes: Trustees Gormley, Chan and Wright

Nays: None

PAYMENT AUTHORIZATION: 2012 CDBG PROGRAM - STREET RECLAMATION:

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

RESOLVED, the Board of Trustees accepted the recommendation of Lanc & Tully, PC and approved Payment No. 1 for period ending July 31, 2012 submitted by Reclamation, LLC for the street reclamation project that includes all documentation required by the O.C. Office of

Community Development which has been reviewed and found complete. The payment is full payment of the completed contract work withholding the required 5% retainage. Amount of payment is \$121,839.20. (Federal Contract No. B-12-UC-36-0105 / County Contract No. 30/128692.7510A12). Mayor Purcell is hereby authorized to sign the voucher for payment.

Ayes: Trustees Gormley, Chan and Wright

Nays: None

BID AUTHORIZATION: 2011 OR NEWER DEMONSTRATOR VACUUM & STREET SWEEPER

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

RESOLVED, the Board of Trustees authorized solicitation of bids for a 2011 or newer demonstrator vacuum and street sweeper for its Department of Public Works. Bid to be advertised on September 21, 2012 with bid opening on October 1, 2012.

Ayes: Trustees Gormley, Chan and Wright

Nays: None

MAYOR'S REPORT:

INAUGURAL YMCA OF MIDDLETOWN TRIATHLON: Mayor Purcell received a letter on 9/14/12 from the YMCA indicating the YMCA Middletown Triathlon held on 8/25 was a tremendous success. There were 250 participants allowing the community to come together and show its support. The Board was thanked for their support and cooperation. The event wouldn't have been possible without the cooperation of the Village of Monroe, the Police Officers and volunteers who gave their time to make this event a safe and successful one.

CHEESE FESTIVAL 9/8/12: Mayor Purcell said the Cheese Festival started out with a bang. Due to inclement weather it was cut short and closed down at 3 PM. Mayor Purcell thanked Orange County Emergency Management for keeping our Police Department updated on the storm. There were threats of tornado's and heavy rains. When the storm hit at 5:15 PM everyone was packed up and gone. Mayor Purcell thanked our DPW and Police Department for working hand-in-hand in getting everyone out safely. Thank you to Joe Mancuso and the committee for their hard work coordinating this annual event.

COMPREHENSIVE PLANNING COMMITTEE PUBLIC FORUM 9/13/12: Mayor Purcell reported that the Comprehensive Planning Committee held its second public forum last Thursday, September 13th in the Smith's Clove Park Activity Building. The meeting was well attended. The rendering of what the downtown can look like was presented. There was positive feedback from those present. The plan is moving forward. The next step is SEQRA which will look for public input. A lot of business owners participated. Mayor Purcell hopes when the plan is completed and moves forward everyone steps up to the plate and realizes the potential that is there. As Trustee Chan has said, Monroe is the jewel of Orange County. We have the potential to make it so.

BOARD COMMENT:

Trustee Chan commented he was at the comprehensive planning forum and was impressed that the planner asked for input from the people there in the audience. The planner did not tell us everything. We were a part of the plan. It was a true exchange of ideas back and forth. Ideas people had were taken into consideration. Mayor Purcell said the planner's listen to the people and to the business owners. It's uplifting to know that. It's a team effort to incorporate what the community as a whole wants. Trustee Chan said there were ideas posted with pictures and those in attendance were given the opportunity to choose what they like best.

Trustee Wright commented on the Honorary Member Award received from the Greater Monroe Chamber of Commerce. Trustee Wright reiterated what Mrs. McIntosh said about the Mayor. Your passion and your vision Mr. Mayor are inspiring. You are a leader.

Trustee Wright commented that yesterday, 9/17, he was observing around the pond areas people using and enjoying a neat and clean path. Trustee Wright saw a woman, Nancy Parton, a Village of Blooming Grove resident who moved here from Texas after retiring. No matter how hard you try to keep things clean, people litter. Ms. Parton got out of her car with a trash pick-up stick and plastic bag and for an hour and a half picked up trash. Trustee Wright was impressed that someone from another area came here to pickup discarded trash. Trustee Wright would like to officially present her with a certificate of appreciation for her community service.

PUBLIC COMMENT: No one was present (7:40 PM).

DATES TO NOTE: DPW Supt. Smith reported on the following:

Hydrant Flushing throughout the Village October 9-19

No Parking in the Midoaks area, Knight St. and Sweezy Place between 9/24 and 10/5 for paving, weather permitting. Mailers will be sent to affected houses and flyers will be hand delivered.

DELAWARE ENGINEERING, PC PRELIMINARY OBSERVATIONS – VILLAGE WATER SYSTEM: Delaware Engineering is assisting the Village in creating a Water Master Plan in conjunction with a review of the economics of the village water system. The village wishes to maintain existing infrastructure and extend the useful life of existing equipment, provide safe and adequate service to all customers, insure peak flows can be achieved and evaluate the potential to sell increased volumes of water to neighboring communities. The Board will meet at 6 PM in 10/2 in a workshop session with Delaware Engineering representatives to review their preliminary findings.

EXECUTIVE SESSION / ADJOURNMENT:

On a motion by Trustee Chan seconded by Trustee Wright, and carried, the meeting was closed at 8 PM. Following a short recess, the Board convened in Executive Session for discussion of personnel.

On a motion by Trustee Wright seconded by Trustee Chan and carried, the Board came out of Executive Session at 8:20 PM and the meeting was adjourned.

Respectfully submitted,

**Virginia Carey
Village Clerk**