

**BOARD OF TRUSTEES MEETING  
TUESDAY, SEPTEMBER 20, 2011 @ 7 PM**

The second monthly meeting of the Board of Trustees was held on Tuesday, September 20, 2011 at 7 PM in the Boardroom of the Village Hall, 7 Stage Road, Monroe, NY. Mayor James C. Purcell called the meeting to order and led in the pledge to the flag. Emergency exits were announced.

**Present:** Mayor Purcell; Trustee Gormley, Wright and Eppinger

**Also present:** Attorney Bonacic, Treasurer Murray, DPW Supt. Smith, Bldg Insp. Wilkins, and Village Clerk Carey

Trustee Chan arrived at 7:45 PM

**Absent:** Police Chief Giudice

**BUDGETARY TRANSFERS / MODIFICATIONS:**

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

**RESOLVED**, the Board of Trustees authorized the Treasurer to make the following fund transfers / modifications to balance the budget:

<b><u>FROM:</u></b>	<b><u>TO:</u></b>	
A9950.900 Transfers – Hwy Equip Reserve	A9025.800 Local Pension Fund MFC	\$50,984.00
	Budget Modification	
A1560 Safety Inspection Fees	A1440.450 Eng Contractual	797.00
A2665 Sale of Equipment	A9950.900 Transfer Hwy Eq Rsv	3,251.00
A2650 Sale Scrap & Excess Mat'l	A5110.120 St Maint OT	1,869.35
F2680 Insurance Recoveries	F9040.800 Workers Comp	13,931.37

**FIRE CAPITAL RESERVE CLOSE-OUT:**

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

**RESOLVED**, the Board of Trustees approve the close-out of the Fire Capital Reserve Account and transfer it's \$50,984 cash balance to the Highway Equipment Capital Reserve Account as permitted under Section 6-C of General Municipal Law.

**Ayes:** Trustee Gormley, Wright and Eppinger

**Nays:** None

**PD ANNUAL ELEVATOR MAINTENANCE AGREEMENT – KONE ELEVATORS:**

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

**RESOLVED**, in accordance with the Village procurement policy, the Board approved a maintenance agreement with KONE, Inc., PO Box 429, Moline, IL 61266-0429, Contract 40081224, for elevator maintenance of the Police Department Elevator for period 9/1/11 to 8/31/2012 in the amount of \$2,164.19. Amount to be allocated from A3120.450.

**INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE ANNUAL CONFERENCE:**

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

**RESOLVED**, the Board of Trustees approved the attendance of Police Chief Giudice at the International Association of Chiefs of Police Conference to be held in Chicago, IL from October 21<sup>st</sup> to 26<sup>th</sup>, 2011. The budgeted cost not to exceed \$2,200 and is allocated from A3120.472 – Education.

Discussion followed. Trustee Gormley questioned how much baggage is he taking for \$100? What is included under miscellaneous for \$350? Trustee Eppinger commented, he reviewed the Chief's contract which indicates "he shall attend". However, in this economy, he should not go. Trustee Eppinger would like to have some kind of Agenda showing how this conference is beneficial to the Village of Monroe. How does the conference affect NYS and the Village of Monroe. Trustee Wright added the hotel cost is \$1175 for 5 nights. That's over \$200/night and does not include food. What level of accommodation he is going for is unclear. That is a consideration for Trustee Wright. Trustee Gormley commented that there is a transportation cost without explanation. There were too many unanswered questions. On a motion by Trustee Wright seconded by Trustee Gormley and carried, the motion was withdrawn and tabled to the October 4<sup>th</sup> Meeting. Trustee Wright will speak to Chief Giudice and get clarification on the questions that were brought up and get a copy of the Conference brochure.

**PARTIAL REFUND – COMPUTER PARKING LOT PERMITS:** see Minutes page 144

On a motion by Trustee Gormley seconded by Trustee Eppinger, the following resolution was offered:

**WHEREAS**, in conjunction with NYSDOT Region 8 Coach USA / Shortline has agreed to reimburse the Village of Monroe up to \$125,000 for the paving of the Village's commuter Parking Lot as per design of the Village's engineer, Lanc & Tully with a total of 54 spaces; and

**WHEREAS**, upon completion the rules for the lot will be the same rules as all other publicly funded park/rides in Orange County for commuters Monday through Friday as set forth by Region 8 Guidelines in cooperation with the Orange County Department of Planning; and

**WHEREAS**, the Village Board at their September 6, 2011 Meeting agreed to the terms and conditions set forth in the agreement.

**NOW, THEREFORE, BE IT RESOLVED**, the Board of Trustees hereby approve a partial refund to the 25 Millpond Parkway Commuter Parking Permit holders. Refunds in the total amount of \$616.68 will be issued prorating from September to December. Village residents who paid \$50 for the calendar year will receive \$16.68, and non-residents who paid \$100 for the calendar year will receive \$33.32.

**Ayes:** Trustees Gormley, Wright and Eppinger

**Nays:** None

**NYCOM'S PUBLIC WORKS TRAINING SCHOOL 10/24-10/26, SARATOGA SPRINGS:**

On a motion by Trustee Eppinger seconded by Trustee Wright, 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 24 to 26, 2011 at the Holiday Inn in Saratoga Springs, NY. Cost of this training school to be allocated from budget line A/5110.472 St. Maintenance Education at a total cost of \$947. Approval was also granted to Mr. Smith to take his village vehicle.

Trustee Eppinger commented that the training school is applicable to the day to day operation of the Department of Public Works.

**STABILIZING STREAM BANKS WORKSHOP @ WESTCHESTER COUNTY CENTER  
11/2/11:**

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

**RESOLVED**, the Board of Trustees approved attendance of DPW Supt. Smith and two Public Works employees to attend the Workshop, "Stabilizing Stream Banks" at the Westchester County Center in White Plains on Wednesday, November 2, 2011. The cost is \$80/person (\$240) to be allocated from budget line A/5110.472 St. Maintenance Education. Approval was also granted to Mr. Smith to take a Village vehicle.

Trustee Eppinger remarked that this conference covers what is done on a day to day basis by the DPW. Trustee Wright commended Supt. Smith and Building Inspector Wilkins for attaching information about their seminars. Mayor Purcell agreed, we can't move forward without the information.

**INDEPENDENT AUDITOR FY/2012:**

The Village received 6 bids in response to their Request for Proposals for accounting services. The proposals were graded for the qualifications each firm possessed, including the size of the firm, that the firm met quality control standards set forth under per review, the number of municipal audits done annually, the length of experience each member of their audit team that would be assigned to our Village and the proposed cost. On a motion by Trustee Gormley seconded by Trustee Eppinger and carried, it was:

**RESOLVED**, the Board accepted the recommendation of Mayor Purcell and Treasurer Murray and retain the services of O'Connor, Davies, Munns & Dobbins, LLP, 5 Hudson Valley Ave., New Windsor, NY 12553 as the village's independent auditor for the village's fiscal year June 1, 2011 to May 31, 2012 in the amount of \$9,500.

Ayes: Trustees Gormley, Wright and Eppinger

Nays: None

Mayor Purcell noted that the accounting firm O'Connor, Davies, Munns & Dobbins proposed a fee of \$9,500 with no expenses while our current firm Freed Maxick & Battaglia proposed a fee of \$12,985 + estimated expenses of \$1,515 for a total of \$14,500. A savings of \$5,000 by changing auditors and they are local with no expense fee incurred.

**PUBLIC WORKS SUPERVISOR, COMPETITIVE CLASS CIVIL SERVICE TITLE 1490:  
NEW DUTY STATEMENT MSD-222 SUBMITTAL TO O.C. DEPT. OF PERSONNEL**

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

**RESOLVED**, the Board of Trustees approved establishing a second position of Public Works Supervisor F/T, this position being competitive class, Civil Service Title #1490 and authorizes the Village Clerk to submit the MSD-222 New Position Duty Statement to the O.C. Department of Personnel for approval. Upon approval, the Board requested the County's List of Eligibles for the position.

Ayes: Trustees Gormley, Wright and Eppinger

Nays: None

**ALEXANDER SMITH III SUBDIVISION / MAKAN LAND DEVELOPMENT ONE, LLC –  
BOND REDUCTION (TM# 230-1-1.1: see page 16**

The Village is currently holding \$364,508.87 to cover the cost of the maintenance warranty period for the Estates of Briarcliff. Engineer O'Rourke recommended that prior to the release of any money, the Village should ensure that any outstanding violations have been remedied, the observation escrow account is replenished and that outstanding balances and all fees have been brought current. Also, that the Village Attorney review the matter of a bond reduction and provide his recommendation. On a motion by Trustee Wright seconded by Trustee Gormley, it was:

**RESOLVED**, based upon remaining work items to be covered under the warrantee period associated with the landscaping (dead trees) and drainage (swale stabilization and repair cleanup of structures) along with any future repairs to damaged curbing and roadway structures prior to dedication, the Board of Trustees accepted these recommendations from Lanc & Tully) John O'Rourke, PE, Project Manager) and approved a reduction of the Cash Bond held by the Village in the amount of \$239,508.87 that leaves a balance of \$125,000.

**Ayes:** Trustees Gormley, Wright and Eppinger

**Nays:** None

**VILLAGE COURT RECORDS AUDIT:**

**WHEREAS**, The Village of Monroe Board of Trustees, having previously directed that an examination and review be conducted annually of all accounts and related accounting and control practices for the Village of Monroe and the Village of Monroe Justice Court; and

**WHEREAS**, the accounting firm of Freed, Maxick & Battaglia, PC, having been previously hired by the Village of Monroe to conduct such examinations and reviews, including a review for the Fiscal Year 2011; and

**WHEREAS**, Freed, Maxick & Battaglia, PC having examined and reviewed all accounts and related accounting and control practices for the Village of Monroe and the Village of Monroe Justice Court for the 2011 fiscal year in or about July 2011; and

**WHEREAS**, Freed, Maxick & Battaglia, PC having provided a letter, dated September 13, 2011, summarizing their findings with respect to their testing of the Village of Monroe Justice Court and corrective actions taken; and

**WHEREAS**, Village of Monroe management, to wit: the Village Justice, having been afforded an opportunity to review and comment upon said report, it is hereby:

**RESOLVED**, that the September 13, 2011 letter report of Freed, Maxick & Battaglia, PC for the Village of Monroe Justice Court, Fiscal Year 2011, and all comments submitted in response thereto and are hereby accepted by the Village of Monroe Board of Trustees.

**Motion made by Trustee Wright seconded by Trustee Eppinger.**

**Ayes:** Trustees Gormley, Wright, Eppinger and Mayor Purcell

**Nays:** None

**AGREEMENT FOR SNOW AND ICE CONTROL ON CERTAIN COUNTY ROADS FOR 2011-2012 SEASON:**

The County's agreement was reviewed and approved for the Mayor's signature by Attorney Bonacic. On a motion by Trustee Eppinger seconded by Trustee Gormley, it was:

**RESOLVED**, the Board of Trustees approved a one-year agreement for Control of Snow and Ice on Certain County Roads pursuant to Article 5-G of General Municipal Law with the County of Orange. Said work to be performed in accordance with rules and regulations of the Orange County Commissioner of Public Works. It is further

**RESOLVED**, the County will pay the Village on or before the 15<sup>th</sup> day of April, 2012 the sum of \$4,700 per mile for the following roads: Harriman Heights Road, County Road 71 leading from County Road No. 19 northeasterly to NYS Route 17M, a distance of 2.1 miles and West Mombasha Road, County Road No. 91, leading from County Road 5, Monroe-Greenwood Lake Road, at Cedar Cliff Road, southerly for 3.76 miles to the Town of Tuxedo Line. Any action, proceeding, claim, or demand against the Village arising from or out of the manner of performance of the functions under the agreement. It is further

**RESOLVED**, the Village of Monroe shall maintain the following insurance coverage as it applies to the liability under this contract: A. General Liability Insurance with a combined single limit of \$1,000,000; B. Auto Liability Insurance with a combined single limit of \$1,000,000 and C. Workers' Compensation and Disability coverage as provided for under the Workers' Compensation Law. The Village shall furnish the County with a Certificate of Insurance naming them as additional insured as respects this contract. The County in turn will provide insurance with limits of \$2,000,000 in excess of A and B. It is further

**RESOLVED**, subject to the above paragraph, the Village agrees to defend, indemnify and hold harmless the County, its officers, employees, agents and/or servants against any claim arising from or occasioned by the manner of performance or non-performance of the functions under this agreement. It is further

**RESOLVED**, that the Board of Trustees authorize Mayor Purcell to sign said agreement and forward same to the Orange County of Public Works.

Ayes: Trustees Gormley, Wright and Eppinger

Nays: None

**HALLOWEEN PARADE 10/30, 2-4 PM SPONSORED BY THE VILLAGE OF MONROE ACTIVITIES COMMITTEE:**

Michael Littier on behalf of the Village of Monroe Activities Committee is requesting Board authorization to close Stage Road from the Police Station to Lake Street at Planet Pizza on Sunday, October 30, 2011 for a children's costume parade with awards for best costumes to be given. There was no response from the Police Chief or Building Inspector. Building Inspector Wilkins said he had just received the request. Trustee Eppinger had safety concerns with the route. This matter was tabled to the October 4<sup>th</sup> Meeting when all paperwork should be in place with comments from the Police Chief and Building Inspector.

**MAYOR'S REPORT:**

**Hurricane Irene Update:** Mayor Purcell met with several residents of Friedman Homes concerning their flooding issues as a result of Hurricane Irene. Residents have looked to the Village for help. Mayor Purcell wrote a letter to Senator Chuck Schumer three weeks ago and has not had a response. He asked for help from the Federal government concerning the on-going flooding of the Ramapo River tributary that affects residents of Friedman Homes. We are looking for the Army Corp of Engineers to help with remediation. A follow-up letter went out today to Senator Schumer. If the Federal government can't help, Mayor Purcell will try to get help from the State government.

**Mill Pond Commuter Parking Lot Repaving:** The repaving and upgrading of the Mill Pond Commuter Parking Lot has begun. We hope to have it done in a few weeks. The next step will be to expand the lot to include the former Ross Lumber Yard vacant land.

**BOARD COMMENT:**

**Hiring an additional Parking Enforcement Officer:** Trustee Eppinger had questions for the record for Chief Giudice who was not present. The hiring of an additional Parking Enforcement Officer has been discussed and there has been no progress and it needs to be addressed. We have some statistics that show it would be cost effective, Trustee Wright said. The additional Parking Enforcement Officer would work different hours and different shifts. Requests for pavement markings and signs need to be put in writing to the Chief who in turn can request the DPW take care of it.

**Parking Meters Delegated to DPW:** Mayor Purcell commented that DPW Supt. Smith will be undertaking the responsibility of the on street parking meters upon receipt of paperwork and keys from Police Chief Giudice.

**Village Hall Roof Repair:** Trustee Eppinger asked Building Inspector Wilkins the status on the Village Hall roof repair. Building Inspector Wilkins said we had a price of \$750 from Precision Roofing to make the necessary repairs to the rear roof. When they started the work last Thursday, they found the wood sheathing behind the shingles was rotted. This prevented them from completing the work. It will cost another \$1,000 to make the repair for a total cost of \$1750. Inspector Wilkins has asked Precision to check the remainder of the roof on all 4 sides to make sure there aren't any other problems. Mayor Purcell remarked that he was recently on the 3<sup>rd</sup> floor of Village Hall and there is water damage coming through the walls. The whole roof needs to be scoped out, Mayor Purcell said. Building Inspector Wilkins said the top roof was done 8 years ago. The shingles on the mansard roof were done 15 years ago. Every winter we have a major problem on the right corner. Building Inspector Wilkins said he would bet a recommendation on how to solve the problem. The 3<sup>rd</sup> floor has damage that must be looked at. Building Inspector Wilkins will send a memo to the Board following Precision Roofing's inspection and report.

**FEMA Update:** Supt. Smith met with FEMA representatives on Friday at their kick-off meeting. They outlined the steps that will be taken. They will be meeting individually with each municipality to discuss the first declaration for emergency work and the second declaration for road repairs. It is a long process. We hope to receive 78% for repairs from FEMA and the State will kick-in the other 14%. Supt. Smith has costs and estimates prepared. They are going to pay us but we do not know when. Municipalities have to pay first and recoup latter.

*Trustee Chan arrived (7:45 PM). He apologized for being late. He was detained at work.*

**PUBLIC COMMENT                      7:45 PM                      ONE PERSON PRESENT**

**John Karl, former Mayor, commented on the following:**

**International Chiefs of Police Annual Conference:** The cost of luggage, \$100? Does that include golf clubs? With the amount of people in this Town that are out of work, regardless of what is in his contract, the time has come for this Board to start saying, no!

**Hiring a new auditing firm:** You've indicated that you are hiring a new auditor with a \$4,500 savings. Then you create a 2<sup>nd</sup> position in the DPW. That \$4,500 just got consumed with a \$2/hour pay raise. You didn't save any money. Is that position warranted? As a taxpayer, I don't think that it is.

**Fire Capital Reserve closeout:** Mr. Karl questioned whether the \$50,000+ is part of the LOSAP. Is that just village money? Mayor Purcell said yes to both questions. When it was

closed out that money was left. Mr. Karl suggested the money go into the Fund Reserve balance to help off-set taxes for the next fiscal year. Treasurer Murray commented that the only way to dissolve the capital reserve is to move it into another reserve account according to General Municipal Law.

**99 Spring Street:** 99 Spring Street is a disaster. A junk yard in the back. It's been like that and nothing seems to happen to correct it. Building Inspector Wilkins said this is an on-going violation. We are still awaiting a decision from the appellate court.

**Hillside Plaza / Monroe Trailer Park:** Hillside Plaza, Monroe Trailer Park is a mess! If you have the opportunity to drive through there, do it. It is disgusting. Building Inspector Wilkins said he is constantly sending violations notices for junk and debris. His biggest goal is to clean it up. He is on top of it.

**Kalvin Terrace Violation:** Mr. Karl reported that there is a house on the left side of Calvin Terrace that is running a scrap metal business.

**Freeland Street dangerous situation:** Mr. Karl commented that Freeland Street coming out of Windgate Woods is a dangerous intersection. There has already been one serious accident there since Mr. Karl brought this matter to the Board's attention. It is a County Road but anyone travelling from the development put's their life in their hands when coming out onto Freeland Street. Since school started, the traffic patterns from the light back up to Half Hollow Turn is bumper to bumper traffic going toward the school. In the afternoon it's just the opposite going the other way. Mayor Purcell said the County had an issue with the permit for the traffic light with the developer of Hidden Creek Condominiums. Corrections were made and the permit sat with the County's Attorney for two months. It is now rectified, the developer has his permit and he will soon be installing the foundations for the traffic light. Mr. Karl said the problem is the shoulders on the road were widened and cars are coming up over the hill and taking a left into Windgate Woods while cars are shooting around them and you can't see them and if you pull out, and it has happened, you get hit! It is a serious problem. Either do something with the shoulder, have the County shut it down. Mayor Purcell said we have called it to the County's attention.

**ADJOURNMENT / EXECUTIVE SESSION:**

On a motion by Trustee Wright seconded by Trustee Chan, and carried, following a short recess, the Board convened in Executive Session at 8:05 PM for discussion of personnel.

Respectfully submitted,

Virginia Carey, Village Clerk