

**BOARD OF TRUSTEES MEETING
THURSDAY, APRIL 3, 2014**

The first of the bi-monthly meetings of the Board of Trustees was held on Thursday, April 3, 2014 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.

Mayor Purcell introduced and welcomed our newly elected Trustee, Neil S. Dwyer.

Present: Mayor Purcell; Trustees Gormley, Chan, Conklin and Dwyer

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

MINUTE APPROVAL: MARCH 4TH AND 20TH

On a motion by Trustee Conklin seconded by Trustee Gormley, the Minutes of the March 4th Meeting were approved.

Ayes: Trustees Gormley, Chan and Conklin

Nays: None

Abstain: Trustee Dwyer

On a motion by Trustee Gormley seconded by Trustee Chan, the Minutes of the March 20, 2014 Meeting were approved.

Ayes: Trustees Gormley, Chan and Mayor Purcell

Nays: None

Abstain: Trustee Dwyer, Trustee Conklin (was only present for the Budget Public Hearing. Was not present for the meeting went home sick.

PD SHARP COPIER MAINTENANCE AGREEMENT: MX-M450NB

On a motion by Trustee Dwyer seconded by Trustee Chan, and carried, it was:

RESOLVED, in accordance with the Village Procurement Policy, the Board of Trustees approved the following maintenance agreement for the Police Department's Sharp copier:

Sharp MX-M450NF Serial Number 85039357, located in the communications room, for period 3/1/14 through 4/30/15. Cost of \$484 to be allocated from budget line A3120.450 Contractual.

**DRAINAGE EASEMENT – TRI-STAR MANAGEMENT (COLONIAL PLAZA)
TM#223-1-2.2:**

On a motion by Mayor Purcell seconded by Trustee Gormley, it was:

RESOLVED, following review and approval by Village Attorney Bonacic, the Board of Trustees approved a 20' Drainage Easement Agreement between Tri-Star Management and the Village of Monroe for property located 419 Route 17M, Tax Map # 223-1-2.2 as described in the easement agreement. The provisions of the easement shall run with the land and shall be binding on each owner of the Tri-Star property, and the heirs, successors, and/or assigns thereof and any party entitled to possession or use while such party is entitled to possession or use thereof. Grantor shall record this easement, at its expense, with the Orange County Clerk and provide the Village with a certified copy of same with proof of filing.

Ayes: Trustees Gormley, Conklin, Dwyer and Chan

Nays: None

Attorney Bonacic will contact Tri-Star Management's Attorney, Jay Myrow to advise him that his client execute the necessary paperwork and deliver it to the Village Clerk.

Real Estate Tax: 6,087.694
\$8,868,828

A copy of the full budget is available for review at the Village Clerk's Office.

Ayes: Trustees Gormley, Conklin and Chan
Nays: None
Abstain: Trustee Dwyer

Trustee Chan thanked department heads for their work on preparing their budgets. Our Police Chief's request to hire another officer was denied as it would put us over the 2% cap. As we grow and build however, with more people we are going to need more officers. There is going to be more problems that require police presence. The proposed officer would have worked with the joint narcotic task force, the District Attorney's office and Sheriff's office is forming. Eventually, we are going to need to address this. Like the dam work, it kept being put off and then you find yourself priced out of the ball park.

Mayor Purcell thanked the Board for all the hard work they put in formulating the budget. As Trustee Chan said, times are tough and at the same time we have a responsibility to the taxpayers. Four years in a row since the 2% tax cap was implemented in New York, we haven't missed it yet. The last four years budgets have been 2.9%, 3.2%, 2.1% and 2.4% this year. Our unreserved Fund Balance at the close of last year was \$970,000 up \$137,000 from the prior year. Thank you department heads for doing your job and keeping your budgets tight, staying in line and following the procedures implemented over the years.

SACRED HEART CHURCH PARISH CARNIVAL, JULY 17, 18, 19 & 20, 2014:

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

RESOLVED, contingent upon filing their certificate of liability insurance, the Board of Trustees approved the Event's application for Sacred Heart Church to hold their Annual Parish Carnival at 26 Still Road on July 17, 18, 19 and 20, 2014 per layout design plan submitted. This event shall be coordinated with Police Chief Melchiorre and Building Inspector Wilkins.

Ayes: Trustees Gormley, Conklin, Dwyer and Chan
Nays: None

CUB SCOUT PACK 488 FISHING DERBY, SATURDAY, MAY 17, 2014 (RAIN DATE 5/18/14):

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

RESOLVED, the Board of Trustees approved the Fishing Derby for Cub Scout Pack 488 on Saturday, May 17, 2014 (rain date 5/18/14) from 8 AM – 1 PM in Crane Park across from the Commuter Parking Lot on Mill Pond Parkway. Certificate of Insurance has been filed.

INDEPENDENCE DAY FIREWORKS DISPLAY 2013: CLOSE LAKE STREET BETWEEN PONDS / BANNER / HAWKING & PEDDLING REGS WAIVED / CONTRACT WITH LEGION FIREWORKS:

On a motion by Trustee Conklin seconded by Trustee Gormley, it was unanimously:

RESOLVED, the Board of Trustees approved blocking off Mill Pond Parkway from the corner of Lake Street and Mill Pond Parkway to the corner of Lake Street and Route 17M on July 4, 2014 (rain date 7/5/14 from 4-11 PM. Traffic will be coordinated by the Police Department. Fire and Ambulance Corp will be notified. It is further

RESOLVED, the Board directs that no permits be issued by the Village Clerk for the Mill Pond area to any outside food vendor, craft or novelty vendors for the Independence Day celebration. Be it further

RESOLVED, the Board of Trustees approved hanging a banner between the ponds advertising the Independence Day Festivities. Marshall & Sterling Insurance will be notified to issue an insurance rider for this event. It is further

RESOLVED, the Board of Trustees approved a contract with Legion Fireworks, Co., 10 Legion Lane, Wappingers Falls, NY 12590, for furnishing and conducting a fireworks display on July 4, 2014 (rain date 7/5/2014) in the amount of \$15,000. (15% deposit, \$2,250) due at signing of contract, remaining \$12,750 due immediately following display.) Contributions from the Village of Monroe, Town of Monroe, Village of Harriman and Village of Kiryas Joel will be requested to help offset the cost of the display. It is further

RESOLVED, Mayor Purcell is authorized to sign the contract with Legion Fireworks.

TRANSPORTATION ALTERNATIVE PROGRAM (TAP) APPLICATION:

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

RESOLVED, the Village Board of Trustees authorized Mayor Purcell to submit an application for consideration under the Transportation Alternative Program Application for Lake Street Improvements due by 6/11/14. It is further

RESOLVED, the Board approved lump sum payment of \$3,000 to Creighton Manning, 2 Winners Circle, Albany, NY 12205 for preparation and submittal of the Transportation Alternative Program Application for the Downtown Lake Street Improvements. Cost to be allocated from budget line 1990.490 Contingency.

Ayes: Trustees Gormley, Conklin, Dwyer and Chan

Nays: None

WATER PAYMENT REFUND REQUEST WATER ACCOUNT 1778:

The previous owner of 25 Forestdale Ave. claims she paid the November 2013 water bill that was forwarded to her new address. She sold the house in June 2013. She paid the bill not realizing that it was the consumption charge for the new owner. She is requesting a refund of the amount (\$101.88 paid 12/1/13) sent to her new address. On a motion by Trustee Chan seconded by Trustee Conklin, it was:

RESOLVED, the Board approved reimbursement to Kerri Schifano, 75 Frank Court, Monroe, NY, Water Account 1778, in the amount of \$101.88 for water bill mistakenly paid in error on property she sold. Amount to be billed to the new homeowner for water they consumed.

Ayes: Trustees Gormley, Cnklin, Dwyer and Chan

Nays: None

PUBLIC HEARING SCHEDULING: O C COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDING APPLICATION 2015:

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

RESOLVED, the Board of Trustees authorized a Public Hearing to be scheduled on Tuesday, April 15, 2014 at 6:45 PM to invite public comment and suggestions regarding projects to be considered for funding under the Orange County Community Development Program. Under this program, a variety of physical improvements as follows are eligible for funding:

- 1] acquisition and Disposition of Real Property
- 2] Public Works, Public Facilities or Site Improvements
- 3] Code Enforcement (Housing and Health Codes)
- 4] Clearance, Demolition, and Rehabilitation for Public Use or Economic Development
- 5] Housing Rehabilitation Loan and Grants
- 6] Special projects for Elderly and Handicapped
- 7] Provision of Public Services (Shelters, Clinics, Senior Nutrition, etc.)
- 8] Payment of Non-Federal Shares of Other Grant Programs
- 9] Relocation Payments and Assistance

The deadline for submission is May 30, 2014.

Ayes: Trustees Gormley, Conklin, Dwyer and Chan

Nays: None

MAYOR'S REPORT:

Mayor Purcell met with the Monroe Historical Society regarding the Sabre Jet Airplane. They have an Eagle Scout who is going to do a plaque commemorating those who served in the Korean War. The work on the plane is on schedule. The projection date for the unveiling of the refurbishment is July 4th at 2 PM.

Clean Sweep and Earth Day has been scheduled for April 26th. The events will be combined again this year in the Village of Monroe. Trustee Conklin, Trustee Gormley, Elizabeth Doherty and the Mayor are working on the Earth Day events.

Chief Melchiorre attended a meeting today with Orange County Chiefs with the O.C. Task Force. The task force has received a commitment from municipalities throughout the County. Mayor Purcell is on the committee. They will be discussing all the issues that effect the community on the law enforcement side. District Attorney Hoovler has pushed this forward and the Chief saw the commitment today.

PUBLIC COMMENT: #PRESENT 4 TIME: 7:25 PM

OBJECTION TO PLANNING BOARD APPOINTMENT: Dan Burke commented he wanted to bring to the Board's attention his objection to the Board's appointment at their February 18th Meeting of Emily Convers as an alternate member of the Village Planning Board. Ms Convers with Anthony Fasano and his wife are suing the Town of Monroe over the SEQRA for the movie theater. Also, as a respondent with the Town is that same Village of Monroe Planning Board. To complicate this matter further, the Village of Monroe is seeking lead agency status stopping the SEQRA on the movie theater. What you have in effect is Ms Convers suing the Village of Monroe Planning Board of which she is now a member. This is a conflict of interest. It's a challenge to the Village of Monroe's Code of Ethics. Mr. Burke suggested the Board suspend the appointment and remove Ms Convers from the Planning Board until the suit against the Town and the Planning Board have been fully adjudicated.

DAM / MILL PONDS UPDATE: Mike Goldstein asked if there was further information on the Mill Ponds. Mayor Purcell said the Board is working on it and they plan to have a meeting on May 10th. Trustee Conklin is looking into getting permission to hold that meeting at Sapphire Elementary School in order to accommodate everyone.

WATER BILL COMPLAINT: Jerry Bannon addressed the Board on his property at 229 North Main Street and a water issue he has been dealing with the last few months. He received a water bill in excess of \$2,000 in February. A few years ago due to heavy traffic across from the North Main Street Elementary School the water main broke and the village came out and repaired it. Mr. Bannon was informed he was responsible for the repair. He wasn't aware it was his responsibility. He was given a bill and it was eventually put on his tax bill. Ultimately, he had to pay the bill when he paid his taxes. A short time after that the sidewalk in the same area started to sink. It's been several years and this area has continued to sink. Mr. Bannon has talked to the last three Mayors and explained the situation that the sidewalk is sinking because of what the village had done on the main. This past winter as a result of the frost and erosion that was taking place on the water main going to his house the main broke. The village had a record of the break somewhere around January 13th. Mr. Bannon was notified in the February Water Billing to the tune of \$2,800. Mr. Bannon feels he is being billed for things out of his control whether it is heavy traffic on a County road or billing that takes a month for him to realize there is an issue whether the original work was done to the right specifications. In his mind the sidewalk would not have sagged had the backfill been done properly when the original work took place. Today he finds out he is in arrears in the amount of \$3,400 and as of April 15th if it isn't paid, the same bill will be attached to his taxes. He was not notified of the additional expense and that the amount is going to be placed as a lien on his taxes. The whole process goes way beyond what a homeowner should have to bear, Mr. Bannon said. Mr. Bannon asked the Board to review the situation and come up with a solution to solve this issue that is beneficial to both. Mayor Purcell commented the Village Code reads the homeowner is responsible from the water main to the house. The pipe broke in the pit and that is the homeowner's responsibility not the Village. Supt. Smith commented the Village Code states the service line is the responsibility of the property owner. Mr. Bannon's meter is in the sidewalk after the meter. Water never came to the surface of the ground to show he had a leak. When Mr. Bannon called the office, because of his high bill the reading was verified. When no leaks were found in the house, the meter pit was checked

and the leak found. The Village does radio reads, they do not go into the pit, Mayor Purcell said so we wouldn't know the pit was leaking. Ultimately, the leak was in Mr. Bannon's pit of which he is responsible, Supt. Smith said. Mr. Bannon feels the village should have a way to tell if there is a major leak. A water bill should not go from \$250 to \$2,800 in a quarter. Supt. Smith said the pipe breaking had nothing to do with the sidewalk. The pipe broke within the manhole structure. Supt. Smith said when you pay a commercial rate it is possible for water usage to increase. Mr. Bannon asked the Board to reconsider the concept that all that water was wasted and it is totally Mr. Bannon's responsibility. If there is a situation where the village could notify the homeowner of a particular problem beyond normal they should somehow be able to do that. The Village Code also says this pit should be 4' down in the ground and it was not. Understand there was some responsibility on the part of the Village to make sure these things are taken care of. The Board will consider Mr. Bannon's comments and get back to him.

EXECUTIVE SESSION / ADJOURNMENT: (Executive Session Minutes were compiled by Mayor Purcell)

On a motion by Trustee Conklin seconded by Trustee Gormley, and carried, following a five minute recess at 8:10 PM, the Board convened in Executive Session for discussion of Attorney Client Privilege.

On a motion by Trustee Conklin seconded by Trustee Dwyer and carried, the open meeting resumed at 9:10 PM.

PROPOSAL SCHEMATIC SKETCH RENDERING SERVICES – MILLPONDS – PHAAR + ANDERSON ARCHITECT, PLANNING INTERIORS:

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

RESOLVED, the Board of Trustees approved the proposal for Schematic Sketch Rendering for the south Mill Pond of a potential Public Park, with stream, walking paths, ancillary garden structures, etc. to help interested parties visually understand the potential conversion of the South Pond into a Public Park, an artist's conceptual sketch of what the park may look like. Proposal approved in an amount not to exceed \$7,480.

Ayes: Trustees Gormley, Conklin, Dwyer and Chan
Nays: None

BANNON WATER RESPONSE – WATER ACCOUNT 4064:

On a motion by Trustee Chan seconded by Trustee Gormley, the following resolution was duly adopted:

WHEREAS, Chapter 195, Article II of the Village of Monroe Code requires that all owners maintain the service pipe that runs from the Village water main to the specific structure, which is to be done at the owner's sole cost and expense. Specifically, Section 195-11 provides that the "property owner is responsible for the entire length of service line from the main".

NOW, THEREFORE, BE IT RESOLVED, the Village Board reaffirms its previous decision that the *water usage charge* reflected in your February 2014 bill must be paid in full. Notwithstanding the fact, and based upon the appeal that you made to the Board, the Village Board is willing to waive the penalties and late fees that have been accruing as a result of failure to pay the outstanding water charge within the time period allowed. It is further

RESOLVED, waiver of penalties and late fees is contingent upon submitting payment of the water usage charge, in full, to the Village on or before the close of business on Friday, April 11, 2014. Failure to do so, the Village reserves its right to move forward with the collection of not only the water usage charge, but the late fees and penalties that have been accruing since the water bill was issued in February.

Ayes: Trustees Gormley, Conklin, Dwyer and Chan
Nays: None

ADJOURNMENT:

On a motion by Trustee Conklin seconded by Trustee Dwyer and carried, no further business, the meeting adjourned at 9:15 PM.

Respectfully submitted,

**Virginia Carey
Village Clerk**