

**PUBLIC HEARING 7.2.19 – 7:00 PM
PROPOSED LOCAL LAW
“ANNEXATION OF LOT 37”**

A Public Hearing was held on Tuesday July 2, 2019 at 7:00 PM to review a proposed Local Law entitled “Annexation of Lot 37.” The Village Board finds and determines that the public interest would be served by the inclusion within the boundary of the Village of Monroe Village-owned vacant property located in the Town of Monroe, identified on the Town of Monroe Tax Map as Section 1, Block 2, Lot 37.

Present: Mayor Dwyer, Trustees Alley, Behringer and Houle

Also present: Attorney Terhune, Village Clerk Baxter and Deputy Clerk Zahra

Absent: Trustee Conklin

On a motion by Trustee Behringer, seconded by Trustee Alley, the public hearing was opened at 7:03PM.

There were 11 people from the public present for the Public Hearing. There was no additional written correspondence received. The Public Hearing was left open for 10 minutes.

Attorney Terhune stated that there were three parcels of Village owned land located in the Town of Monroe, lots 33, 37 & 45. Attorney Terhune continued that the Village requested the Town of Monroe to consent and they did. The next step was for the Village to introduce a local law and order the annexation. This process has been completed for lots 33 and 45. Public hearings were held for both parcels, said public hearings were closed, the local laws adopted and the proper paperwork was submitted to the Secretary of State to complete the process.

Attorney Terhune added that lot 37, just like the other two, is vacant, open space and added to expand the Village’s parkland.

Resident Jon Karl asked if this parcel falls into the proposed Village of Seven Springs in any way. Attorney Terhune replied that it did, however it was removed from their petition when they started the annexation process because they realized the Village had started its own annexation process for the land.

Mr. Karl continued and asked for clarification on section 4 and 5 of the proposed local law. Mr. Karl added that he had never seen this language included on any local law before and wondered what it meant. Attorney Terhune replied that it was standard language in most or all local laws. In regards to section 4, Attorney Terhune stated that it refers to any law to the contrary that might be in opposition of the proposed local law is superseded.

Attorney Terhune stated that in regard to section 5, it allows the Village to override certain types of laws, that are not preempted, and this one is not. If someone challenges this local law, and court of competent jurisdiction actually states that a portion of the law is unlawful, everything else stays in place. There may a small part of a local law that is contrary to the laws of the State or has been preempted by the laws of the State and a Court may find that that portion of the proposed local law is not legal, so all this says is that every other provision of the local law that the Court does not overturn, remains in place.

Mr. Karl stated that he is in support of annexing the parcel into the Village of Monroe.

With no comments or questions, on a motion by Trustee Houle, seconded by Trustee Behringer and carried, the Public Hearing was closed at 7:13 PM.

BOARD OF TRUSTEES MEETING
TUESDAY JULY 2, 2019
www.villageofmonroe.org

The first of the bi-monthly meetings of the Board of Trustees was held on Tuesday July 2, 2019 beginning at 7:15 PM in the Boardroom of the Village Hall, 7 Stage Road, Monroe, New York. Mayor Neil Dwyer called the meeting to order and led in the pledge to the flag. Emergency exits were announced.

Present: Mayor Dwyer; Trustees Alley, Behringer and Houle
Also present: Attorney Terhune, Village Clerk Baxter and Deputy Clerk Zahra

Absent: Trustee Conklin (personal)

MINUTE APPROVAL: JUNE 4th & JUNE 18th:

On a motion by Trustee Houle seconded by Trustee Behringer, the Minutes of the June 4th 2019 Meeting were approved.

Trustee Houle stated that she found an error in the minutes; she reported it to Village Clerk Baxter who corrected the error.

Ayes: Trustees Alley, Behringer and Houle
Nays: None

On a motion by Trustee Alley seconded by Trustee Behringer, the Minutes of the June 18th 2019 Meeting were approved.

Ayes: Trustees Alley, Behringer and Houle
Nays: None

END OF YEAR TRANSFERS/MODIFICATIONS FY/2019 (6/1/18-5/31/19):

Mayor Dwyer stated that Treasurer Murray was not present at the meeting, but he had a couple of questions regarding the transfers so he requested that the matter be tabled till the July 16th Board Meeting.

APPOINTMENT – PART TIME POLICE OFFICER (SCHOOL RESOURCE OFFICER) / ROBERT COMPASSO:

On a motion by Trustee Houle, seconded by Trustee Alley, it was:

RESOLVED, the Board of Trustees accepted the recommendation of Chief Melchiorre and appointed Robert Compasso to the position of part-time Police Officer, effective July 3, 2019 at an hourly salary of \$32.00 per hour. This appointment is a result of the agreement between the Village of Monroe and the Monroe Woodbury Central School District to provide an SRO program (School Resource Officer) in the schools that are within the Village's geographical bounds. Mr. Compasso is a former member of the Monroe Police Department and once appointed will attend the "school resource officer training."

Ayes: Trustees Alley, Behringer and Houle
Nays: None

REQUEST FOR REIMBURSEMENT / TAX OVERPAYMENT / 12 PEARSALL DRIVE – CONTINUED:

(See Minutes 6/18/19)

At the June 16th Board Meeting Village Clerk Baxter notified the Board of Trustees that she had received and approved a "Correction of Error" application that was submitted by the property owner of 12 Pearsall Drive, regarding the incorrect unpaid water amount that was re-levied to his 2019 Village tax bill. Unfortunately, due to the timing, Village Clerk Baxter was unable to provide the property owner's lending institution with the corrected tax bill, and the Village received the incorrect, higher, tax payment via wire transfer on June 19th in the amount of \$4,001.42. This payment was processed towards the adjusted bill, resulting in an overage in the amount of \$1,400.37. In an updated memo to the Board of Trustees, Village Clerk Baxter has requested authorization to process a voucher for reimbursement back to CoreLogic Centralized Refunds, PO Box 9202 Coppell, TX 75019-9760 in the amount of \$1,400.37. This voucher for the reimbursement will be submitted to Treasurer Murray upon the Board's approval of the reimbursement. On a motion by Trustee Behringer, seconded by Trustee Houle, it was:

RESOLVED, the Board of Trustees authorized a reimbursement in the amount of \$1,400.37 to CoreLogic Centralized Refunds for the tax overpayment due to the incorrect unpaid water amount that was re-levied to the 2019 Village tax bill for 12 Pearsall Drive. A copy will be mailed to the homeowner for his records.

Ayes: Trustees Alley, Behringer and Houle

Nays: None

**COMPLETION OF THE SEQRA PROCESS FOR INTRO. LOCAL LAW #12 OF 2019 /
ANNEXATION OF LAND - TM #1-2-37:**

On a motion by Trustee Houle, seconded by Trustee Behringer, it was:

WHEREAS, by Resolution dated March 20, 2019, the Village of Monroe requested that the Town of Monroe consent to the annexation into the Village of 2.155± acres of vacant land owned by the Village but located in the Town (the “Parcel”); and

WHEREAS, by Resolution dated April 1, 2019, the Town, consented to said annexation; and

WHEREAS, the Village Board of Trustees (the “Board”) is the only Agency authorized to effectuate the annexation of land into its territorial borders and is, therefore, the only agency authorized to act as lead agency pursuant to the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Board caused a Short Environmental Assessment Form (“SEAF”) to be prepared; and

WHEREAS, the Board has thoroughly reviewed and analyzed Part 1 of the SEAF and with knowledge of the aforesaid Parcel and with the intent to use the property for open space or to expand the Village’s parkland; and

WHEREAS, the Board has analyzed the potential areas of environmental concern associated with the proposed action in accordance with procedures set forth at 6 NYCRR § 617.7 implementing SEQRA; and

WHEREAS, the Board consequently finds that the annexation of vacant land into the territorial boundaries of the Village with the purpose of using such land for open space or parkland purpose will not have a significant impact on the environment for the following reasons:

- 1. Impacts on Land.** There will be no construction on or alteration of the Parcel.
- 2. Impacts on Geological Features.** The Parcel will remain open space.
- 3. Impacts on Surface Water.** Although the Parcel may contain wetland areas, mere annexation, without more, will not impact surface waters.
- 4. Impacts on Ground Water.** The Parcel will not be developed, therefore, there will be no impact on ground water.
- 5. Impact on Flooding.** The Parcel will not be developed, therefore, there will be no increase of stormwater runoff.
- 6. Impacts on Air.** The project does not include a state regulated air emission source.
- 7. Impacts on Plants and Animals.** There are no species of animal, or associated habitats, listing by the State or Federal Government located in or around the project site. Therefore, the project will not have a significant environmental impact on plants and animals. The Parcel will not be developed, therefore, there will be no impact on plants or animals as a result of the annexation.
- 8. Impact on Agricultural Resources.** The project site is not located on or near agricultural resources.
- 9. Impact on Aesthetic Resources.** The Parcel will not be developed, therefore, there will be no impact on aesthetic resources as a result of the annexation.
- 10. Impact on Historic and Archeological Resources.** The Parcel will not be developed, therefore, there will be no impact historic or archaeological resources as a result of the annexation.
- 11. Impact on Open Space and Recreation.** The Parcel will remain open space or will be included in the Village’s parks system.

12. **Impact on Critical Environmental Areas.** The site is not located within or adjacent to a critical environmental area.
13. **Impact on Transportation.** The Parcel will not be developed or improved and will not impact transportation.
14. **Impact on Energy.** The Parcel will remain open space and will not impact energy consumption.
15. **Impact on Noise, Odor, and Light.** The Parcel will remain open space and will not emit noise, odor or light.
16. **Impact on Human Health.** The project will not expose humans to new or existing sources of contaminants.
17. **Consistency with Community Plans.** The project is consistent with the zoning and comprehensive plan.
18. **Consistency with Community Character.** The inclusion of and permanent protection of open space within the Village improves community character.

NOW, THEREFORE, BE IT RESOLVED that based upon the foregoing, the Board of Trustee of the Village of Monroe determines that the action will not have a significant adverse effect upon the environment and an environmental impact statement will not be required.

AND, BE IT FURTHER RESOLVED that this Negative Declarations is issued pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 (State Environment Quality Review Act) of the Environmental Conservation Law.

Title of Action: Annexation of vacant property

SEQRA Status: Unlisted Action

Negative Declaration: Yes

**Conditioned
Negative Declaration:** No

Description of Action: SEQRA Resolution adopting a Negative Declaration for the annexation of vacant Village-owned property into the Village.

The property located on the westerly line of Forest Avenue, identified on the Town Tax Map as Section 1, Block 2, Lot 37, as more fully described on the survey and accompanying metes and bounds description prepared by Lanc & Tully Engineering and Surveying, P.C., dated May 15, 2019.

Contact Person: Neil S. Dwyer, Mayor
Village of Monroe
7 Stage Street
Monroe, NY 10950
(845) 782-8341

Ayes: Trustees Alley, Behringer and Houle
Nays: None

ADOPTION OF INTRODUCTORY LOCAL LAW #12 OF 2019 – ANNEXATION OF LOT 37:

On a motion by Trustee Behringer, seconded by Trustee Houle, it was:

WHEREAS, on March 20, 2019, the Village Board of Trustees caused a request to be sent to the Town of Monroe Town Board requesting consent to the annexation of Village-owned property located in the Town, identified on the Tax Map as Section 1, Block 2, Lot 37; and

WHEREAS, the Town Board consented to that request on April 1, 2019; and

WHEREAS, an Introductory Local Law, titled “ANNEXATION OF LAND,” was introduced before the Village Board on June 18, 2019; and

WHEREAS, upon notice duly published and posted, a hearing was held on said Local Law on July 2, 2019, whereat public discussion was heard concerning the merits of said Local Law and after hearing from all those present wishing to speak and acknowledging that no written comments had been received, the Board of Trustees declared the public hearing closed; and

WHEREAS, after reviewing the Short Environmental Assessment Form, the Board of Trustees issued a Negative Declaration dated July 2, 2019, pursuant to the regulations implementing the State Environmental Quality Review Act (SEQRA), requiring no further SEQRA action; and

WHEREAS, by response dated June 5, 2019, the Orange County Planning Department determined that the action would have no inter-municipal or county-wide impacts and recommended a local determination.

NOW THEREFORE, BE IT RESOLVED, that the introductory Local Law, titled “ANNEXATION OF LAND,” of the Village of Monroe be and hereby is adopted on July 2, 2019, as Local Law No. 12 of 2019 of the Village of Monroe.

Ayes: Trustees Alley, Behringer and Houle

Nays: None

**LOCAL LAW #12 OF 2019
ANNEXATION OF LAND – LOT 37**

BE IT ENACTED by the Village Board of Trustees of the Village of Monroe, County of Orange, State of New York, as follows:

Section 1. Legislative Findings, Purpose and intent.

The Village Board of Trustees finds and determines that the public interest would be served by the inclusion within the boundary of the Village of Monroe Village-owned vacant property located within the Town of Monroe.

Section 2. Authority.

This local law is enacted by the Village Board of Trustees of the Village of Monroe pursuant to its authority to adopt local laws under the New York State Constitution and Section 10 of the Municipal Home Rule Law and pursuant to Article 17 of the General Municipal Law.

Section 3. Chapter A205 of the Code of the Village of Monroe, titled “Annexation of Land,” is hereby amended by adding Article IV, titled, “Annexation of Land in 2019,” and adding subsection § 205-9 to read as follows:

§ 205-9. Description of Land.

The Village of Monroe shall contain, on and after the effective date of this article, in addition to the territory theretofore contained within its boundaries, the following described territory:

A. All that certain tract, piece or parcel of land situated in the Town of Monroe, County of Orange and State of New York identified on the Town of Monroe Tax Map as Section 1, Block 2, Lot 37, and more particularly described as follows:

(1) It being the intent to describe and annex into the Village of Monroe all the lands of the Village of Monroe, described in Liber 1723, Page 139;

(2) As more fully described on the survey and accompanying metes and bounds description prepared by Lanc & Tully Engineering and Surveying, P.C., dated May 15, 2019;

(3) Containing 2.155± acres of real property.

Section 4. Supersession, of Inconsistent Laws, if any.

The Village Board of Trustees hereby declares its legislative intent to supersede any provision of any local law, rule, or regulation and any provision of the state Village Law or other special law that may be declared inconsistent or in conflict with this local law. The courts are specifically requested to take notice of this legislative intent and apply such intent in the event the Village has failed to specify any provision of law that may require supersession. The Village Board hereby declares that it would have enacted this local law and superseded such provision had it been apparent.

Section 5. Severability.

If any section, part or provision of this local law or the application thereof to any person, property or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, part, provision or application directly and expressly adjudged invalid and shall not affect or impair the validity of the remainder of this local law or the application thereof,

Section 6. Effective Date.

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

2019 AMENDMENT TO AGREEMENT TO SUPPLY WATER – BMG MONROE 1 LLC:

Attorney Terhune stated that the original agreement was reached in 2005 by which the Village of Monroe agreed to supply water to the Smith Farm development. It was modified in 2015 to increase the 4 year contribution that BMG would make to the Village of Monroe in return for water. Attorney Terhune continued that the 2015 agreement was not clear, there was some ambiguity in the language that was pointed out by both the Building and Water Departments.

Attorney Terhune continued that she reached out to the Attorney for BMG and was able to review a lot of background information that clarified the actual numbers that were agreed upon in 2015. Those numbers are now included in the amendment so that there is no longer any ambiguity going forward and the signing of this amendment by the Mayor and BMG will immediately require BMG to bring their account up to date. Attorney Terhune stated that the amount currently due is \$109,000 plus the next payment due in July and one final payment due in 2020. Attorney Terhune added that the Board had been provided copies of the amendment for some time and have discussed it at length. She recommended the Board of Trustees authorize the Mayor to sign the amendment. On a motion by Trustee Houle, seconded by Trustee Behringer, it was:

RESOLVED, the Board of Trustees authorized Mayor Dwyer to sign the 2019 Amendment to Agreement to Supply Water between the Village of Monroe and BMG 1 LLC. Said agreement includes the Village of Monroe’s agreement to supply water to the Smith Farm development as well as upon signature by both parties, BMG 1 LLC will be immediately required to bring their account up to date.

Ayes: Trustees Alley, Behringer and Houle
Nays: None

FREELAND STREET SIDEWALK PROPOSAL – CONTINUED:
(See Minutes 6/4/19)

At the June 4th Board Meeting an applicant that is currently before the Planning Board had made a proposal to install sidewalks along Freeland Street due to a proposed Synagogue located at 43 Freeland Street. Due to location of the proposed Synagogue, the anticipated increase in pedestrian traffic and the current lack of sidewalks along this street, the applicant has agreed to install these sidewalks at his expense. The applicant explained that the proposed sidewalk will begin at the property located at 43 Freeland Street, and run alongside neighboring properties and connect with the sidewalk located at Hidden Creek. Because of an inability to negotiate with the property owner located at 35 Freeland Street, the applicant requested approval from the Village of Monroe to install the sidewalk in the Village’s right of way. Mayor Dwyer advised the applicant that the Board of Trustees would take the request into consideration. On June 21st, the applicant submitted an additional letter to the Board of Trustees requesting an update on their request for their installation of sidewalks along Freeland Street. Discussion followed. Mayor Dwyer stated that he would like to hear from the Board regarding this matter.

Trustee Houle stated that she stands by the issues she raised at the last Board Meeting. Placing a sidewalk in the Village right of way, the shoulder, is inviting traffic on a busy street. By doing so it would be like the Village suggesting that it is a safe passage, and it is not. Trustee Houle added that she does not think putting a sidewalk along this stretch of road is a good idea.

Trustee Behringer stated that at the last meeting they spoke about the strip of grass between the road and the sidewalk at the last Board Meeting and the reason for it. That is where the snow is supposed go, and there would be no place for the snow to go. Trustee Behringer added that she doesn’t think there is enough space for the sidewalk and she doesn’t think it would be safe. She also added that it would impact the quality of life of the homeowner that lives there, who may not want a sidewalk there.

Trustee Alley stated that she agreed with the impact on the homeowner and asked if anyone tried to get in touch with the homeowner in question. Mayor Dwyer replied that they did have some discussions but were unable to come to any kind of finality. Trustee Alley continued that when it comes down to it, the homeowner is responsible for the sidewalk. Mayor Dwyer stated that there was a conversation about who would take on that role, but it also started a conversation about the condition of that road.

Mayor Dwyer continued that in the first area there is a turning lane into the Hidden Creek property and to be able to accommodate the sidewalk width, you would be essentially removing two feet from the white line to the current curb edge. The road is very narrow. Mayor Dwyer spoke with the DPW Supervisor and asked him how the road gets plowed and where the snow goes. Mayor Dwyer stated that the DPW has two major concerns, the first is during a snow event, the material they use would end up right on that sidewalk as well as the property in front of the sidewalk. The second piece to this is the road is plowed with a very large piece of equipment and there are concerns about the plow head coming up and down the road. It is difficult to do what they do, and to do it safely, and also accommodate people on the sidewalk. It is very narrow, very little room. The turning lane is just about as accommodating as it can be now. The Board has also been discussing other turning lanes on that street. Mayor Dwyer continued that safety is first.

Mayor Dwyer added that another part of this is that it is the Village's right of way. Should the Village need to do any type of work in the road that is where it would need to be done. No one knows what the future holds and what type of work may need to be done out there.

Attorney Terhune asked the Board if they were ready to make a decision to deny or approve the request and stated that if they were, they would put it in the form of a motion. On a motion by Trustee Houle, seconded by Trustee Behringer, it was:

RESOLVED, the Board of Trustees denied the request of the property owners of 43 Freeland Street for their use of the Village of Monroe's right of way along Freeland Street for the purposes of installing a sidewalk from 43 Freeland Street to the intersection of Freeland Street and Hidden Creek Blvd. as depicted on the site plan provided by the applicant to the Board of Trustees. Denial is based upon the reasons as set forth at the June 4th Board of Trustees, as well as the reasons that were articulated by the Board this evening, which reasons are be set forth in the minutes.

Ayes: Trustees Alley, Behringer and Houle

Nays: None

REQUEST FOR LICENSING AGREEMENT FOR FENCE ON VILLAGE EASEMENT – 315 STAGE ROAD LLC – CONTINUED:

(See Minutes 6/4/19)

Mayor Dwyer stated that he wished to continue the discussion regarding the property owners request to enter into a licensing agreement with the Village of Monroe for the purposes of installing a fence in the Village's easement. Mayor Dwyer continued that he would like to hear the Boards concerns or comments and as to whether or not they would be in favor of this. Mayor Dwyer continued that he received a letter from the homeowner for this request and added that the home is located on the corner of Millpond Parkway and Stage Road. It is the old Smith home and it is a major historical property in the Village of Monroe and the owner has taken great care to ensure that the property is maintained. Mayor Dwyer added that the homeowner is running into people and or animals constantly coming onto the property and he would like to have a fence installed that will allow some privacy. Mayor Dwyer continued that he remembers a fence being there. The owner would like to set a new fence back about two feet, which is on Village property, as well as provide perineal plantings that he would maintain. The property owner would also like to do something at the corner to soften it up a bit, not a fence on a 90 degree angle , but more of a 45 degree angle with additional landscaping that he will bear the cost of.

Trustee Houle asked if the markings from the previous fence are still there and Mayor Dwyer replied yes. She asked if that is where the new fence would be installed and Mayor Dwyer replied it would be in the same area with the exception of the corner where it wouldn't be a 90 degree angle, and would include an additional planting area. Attorney Terhune asked if the former fence was Village owned and Mayor Dwyer replied that it was not. Mayor Dwyer added that the Village of Monroe recently entered into a similar agreement with Dr. Rahman on Briarcliff and it enforces and maintains the Village's right to that property should the Village need to access it for any reason, and the property owner is responsible for returning it to its original state. Attorney Terhune added that it is essentially a licensing agreement that carries no property rights. Attorney Terhune stated that if the Board wished she could write up an agreement very similar to that which was written up for Dr. Rahman, it's a temporary license, a non-

structural item such as a fence. Non-maintenance and full rights reserved by the Village, but it would allow the property owner to keep people and animals off his property.

Trustee Houle stated that she had no problem with it and Trustee Behringer added that the property owner needs his fence. Trustee Alley stated that she doesn't agree with putting a fence on Village owned property. She understands that the Board feels differently and that the current agreement would be with the current owner. What if said property turns over to a new owner? Attorney Terhune replied that the license would not run with the land and the agreement would be with the current owner, a new owner to that property would not gain any property rights. Trustee Alley responded that she understood that and the property owner's dilemma, but that is her opinion. Trustee Houle asked if she would have an issue if the property owner put up on fence on his own property in that area and Trustee Alley replied that she would not.

Trustee Houle stated that she didn't see the harm in Attorney Terhune writing up a license agreement that the Board of Trustees could review, and Attorney Terhune stated that was correct. She added that if the Board had any particular requirements or concerns, to please submit them to her and she will incorporate them into the proposed licensing agreement for the next meeting.

REQUEST FOR LICENSING AGREEMENT FOR FENCE ON VILLAGE EASEMENT – 12 NEWBURY STREET:

Mayor Dwyer stated that a second licensing agreement had been received by Terrance and Mary Murphy who were present at the meeting. Mr. & Mrs. Murphy explained that the reason for the request is because of their neighbor's dogs and although everyone is friendly with everyone, they have some concerns because their dog is little and the neighbor's dogs are large. The Murphy's showed the Board where the proposed fence would be located on the site plan that they provided and acknowledged that they were aware in was in the Village's drainage easement and that it would be removed at their expense should the Village need to access that area for any reason. They also plans to have some trees removed at their expense as well.

Mayor Dwyer continued to review the site plans with the Murphy's and asked specific questions regarding the positioning of the fence in conjunction with their home and what size the fence would be. Mayor Dwyer asked if the Building Inspector spoken about the offsets to the fence location and Mrs. Murphy replied that he hadn't yet and advised them to come to the Board first.

Mayor Dwyer stated that now that they have had a chance to review their request, the Board would like to review the request with the Building Department and have an answer for them either by mail or by the next Board meeting on July 16th 2019. The Murphy's thanked the Board for their time.

MONROE BALANCING TEST –FINDING PURSUANT TO THE MONROE BALANCING OF PUBLIC INTERST TEST / 1465 ORANGE TURNPIKE - CONTINUED:

(See Minutes 5/21/19 & 6/4/19)

Mayor Dwyer asked Attorney Terhune to provide an update to the Board. Attorney Terhune stated that the Town of Monroe moved its Town Hall into 1465 Orange Turnpike premises. She continued that it has been used as a Town Hall for quite some time but that use does not comply technically with the Village of Monroe zoning law. There is a balancing test put forth but the Court of Appeals which articulates 9 different questions that a governing board asks itself before it decides whether to allow another municipality locating a use within its borders to be exempt from the zoning laws in terms of use. Attorney Terhune explained that she went through the balancing test, spoke with various Board members and has gone back and forth a few times, and has identified what she believes to be the Board's ruminations about whether or not they should be exempt from the zoning law. Attorney Terhune proceeded to go through the 9 questions and her findings for each of the points within the balancing test as they are laid out in the resolution that follows. On a motion by Trustee Houle, seconded by Trustee Alley, it was:

WHEREAS, the Village of Monroe ("Village") is a municipal corporation duly organized under the laws of the State of New York, with all the powers granted thereunder; and

WHEREAS, the Town of Monroe ("Town") is a municipal corporation duly organized under the laws of the State of New York, with all the powers granted thereunder; and

WHEREAS, the Town owns property in the Village located at 1465 Orange Turnpike (the "Premises"), in the SR-20 zoning district and identified on the tax map as Section 231-Block 1- Lot 4; and
WHEREAS, the Premises were previously owned by Monroe-Woodbury Jewish Community Center, Inc., ("Community Center") and used for religious purposes, including uses incidental to and

subordinate to religious use, such as office use; and

WHEREAS, in 2015 the Community Center leased space to the Town for the purpose of relocating Town Hall to the Premises; and

WHEREAS, although religious use and uses that are incident and subordinate thereto are permitted in the SR-20 district, office use as a primary use is not permitted; and

WHEREAS, the Town desires to continue its office use of the Property, which use is not permitted in the SR-20 district; and

WHEREAS, on or about January 22, 2019, the Town conducted a “balancing of the public interest” test as set forth by the Court of Appeals in In the Matter of the County of Monroe, 72 NY2d 338 (1988), and issued a determination that the Town was not subject to the Village zoning law; and

WHEREAS, although the Court of Appeals did not identify which municipal entity should conduct the balancing test, the Village hereby determines that as the host community responsible for the enforcement of its zoning law, it has the authority and the right to conduct the Monroe balancing test and enforce its findings; and

WHEREAS, notwithstanding the Town’s findings, the Village hereby weighs the nine (9) factors set forth in Monroe: 1) the nature and scope of the instrumentality seeking immunity; 2) the encroaching government’s legislative grant of authority; 3) the kind of function or land use involved; 4) the effect local land use regulation would have upon the enterprise concerned; 5) alternative locations for the facility in less restrictive zoning areas; 6. the impact upon legitimate local interests; 7) alternative methods of providing the proposed improvement; 8) the extent of the public interest to be served by the improvements; and 9) intergovernmental participation in the project development process and an opportunity to be heard.

1. The nature and scope of the instrumentality seeking immunity. The Town is the “instrumentality” seeking immunity from the Village zoning law.

2. The encroaching government’s legislative grant of authority. The Town a neighboring municipality duly organized under the laws of the State of New York, with all of the power and authority vested in it by the State Legislature and by the New York State Constitution. Such grant of power, however, does not extend to regulation of land contained within the Village, which is solely vested in the Board of Trustees.

3. The kind of function or land use involved. The Town seeks immunity from the Village zoning law so that it may conduct the business of the Town, including the Town Hall and all appurtenant uses thereto, specifically, various Town departments such as the Supervisor’s office, the Clerk’s office, the building department, and so forth. The general use proposed is office, although “municipal office use” would be a more accurate description.

4. The effect local land use regulation would have upon the enterprise concerned. The use of a building, structure, lot or land or part thereof which is not listed as a permitted use, conditional use or accessory use is prohibited. Village of Monroe Zoning Law § 200-5. Because “office” use, and specifically, “municipal use” is not permitted in the SR-20 district. Thus, the Town would be required to seek a use variance from the Village of Monroe Zoning Board of Appeals to continue the use at the present location.

5. Alternative locations for the facility in less restrictive zoning areas. There is no “alternative” location in the Village, since municipal office use, or, for that matter, municipal use, is not permitted either as-of-right or by special permit. The prior location of Town Hall was on Stage Road, in the center of the Village next to Village Hall. The parking was inadequate and the quarters cramped. While alternative locations may exist for Town Hall, the present location has adequate parking and space and the use has been accommodated without incident since 2015. Alternative locations in the Town may be available, but the use of the Village site does not appear to have any objectionable ramifications.

6. The impact upon legitimate local interests. The Village recognizes that conducting the business of the Town, like conducting the business of the Village, is a crucial function that should not be constrained by space or parking issues, neither of which is implicated at the present site. The present location allows the Town to house all Town functions under one roof and, indeed, provides expansion capacity without building additional structures. That benefits Town residents and all Village residents having business with the Town. Moreover, since the prior use was religious, the Premises were not subject to property tax, thus the status quo is maintained. In addition, should the Town be required to relocate Town Hall,

Village residents will carry some of the tax burden as the Village pays taxes to the Town. The Village has only two reservations: (1) residents cannot walk to Town Hall, and (2) the location is not central to the Town/Village.

7. Alternative methods of providing the proposed improvement. Other than relocating Town Hall, there are no other alternatives.

8. The extent of the public interest to be served by the improvements. As noted, essential government functions are performed in Town Hall, which functions benefit the Town and the Village. For example, the Town Assessor's office is located in Town Hall, a combined Town/Village government function. Therefore, Village residents are served by a larger, more spacious and accessible Town Hall.

9. Intergovernmental participation in the project development process and an opportunity to be heard. The Village was aware of the use of the Premises, but did not have adequate notice to fully participate in the Town's Monroe balancing test, which it was only made aware of the Town's intent on January 22, 2019, by letter from Town counsel. In that regard, the Village is disappointed in the lack of intergovernmental participation evinced by this process. Moreover, as stated heretofore, the Village, as host community with absolute zoning authority, the Village Board of Trustees is the only municipal authority that may modify or, as here, waive the application of its zoning laws.

NOW, THEREFORE, BE IT RESOLVED, the foregoing "WHEREAS" clauses are incorporated into and made an integral part of this Determination and Resolution.

BE IT FURTHER RESOLVED, that the Town of Monroe, the entity seeking immunity from the Village zoning law, is a municipal corporation duly organized under the laws of the State of New York, as is the Village of Monroe. The Village is wholly contained within the boundaries of the Town, but the Town has no jurisdiction over land use within the Village, nor is the Village governed by the Town. Nevertheless, the Town and Village have a long history of cooperating with and supporting one another toward a common goal: to serve its respective communities and promote the public good.

BE IT FURTHER RESOLVED, that the Premises have been used as Town Hall and the Town wishes to ensure that such use continues; and that the Board of Trustees finds that the effect of granting immunity from its zoning law to allow the prohibited use to continue would be minimal as set forth in the Monroe balancing test herein.

IT IS FURTHER RESOLVED, that the Board of Trustees finds that there shall be no impacts on legitimate local interests of any kind and will have no real or practical effect on the community, the environment or other factors.

IT IS FURTHER RESOLVED, that the Board of Trustees finds that there are no alternative locations within the Village because municipal use is not an as-of-right use or special use permitted in any districts located within the Village; and that the use is already established at the Premises. Thus, Town Hall should not be required to relocate to property located in the Town, which would impose a burden on Town and Village residents and an unnecessary cost, which cost would be borne not only by Town residents but by Village residents as well.

IT IS FURTHER RESOLVED, that the Board of Trustees finds that it is to the Village's benefit to foster intergovernmental cooperation in zoning matters that have extra-municipal impacts, such as exemption from applicable zoning law. Thus, public input was sought and received for this action during consideration of this Determination conducted in an open meeting at the Village Board's regular meeting on May 21, 2019.

IT IS FURTHER RESOLVED that the Board of Trustees of the Village of Monroe hereby finds that the Monroe balancing test conducted herein favors the continued use of the Premises as Town Hall. Therefore, the Village waives its zoning law for that purpose and that purpose only and determines that The Town of Monroe may continue to use the Premises located at 1465 Orange Turnpike identified on the tax map as Section 231-Block 1- Lot 4, for Town municipal offices, specifically, Town Hall and all uses that are incidental and subordinate thereto.

BE IT FURTHER RESOLVED, that this Determination does not constitute, and cannot constitute, a waiver of the New York State Uniform Fire and Building Code as applied to the Premises.

BE IT FURTHER RESOLVED, that the Village Clerk is directed to file this Resolution in the appropriate index within five (5) business days.

Ayes: Trustees Alley, Behringer and Houle

Nays: None

EVENT APPLICATION – TURN THE TOWN TEAL RIBBON CAMPAIGN FOR OVARIAN CANCER:

An event application was submitted by Kathy Colquhoun to tie ribbons on the lampposts in the downtown calling attention to the “Turn the Town Teal” national campaign to create awareness of ovarian cancer. Biodegradable made in the USA ribbons are used and will be displayed from 9/1/19 to 9/30/19. Mrs. Colquhoun will put them up and remove them as she has in the past. The application has been reviewed by the DPW, Building and Police Departments and there are no additional fees associated with this event. Approval is contingent upon submittal of the non-refundable \$50.00 application fee. Discussion followed. Colleen Farrell, an associate of Mrs. Colquhoun’s in this event, stated that this not an event, it is more of an awareness campaign. Ms. Farrell added that she is aware that there is a processing fee associated with the application and she asked that the fee be waived since it really isn’t an event. This event has been going on for years in the Village and is now happening in the Town of Monroe, Village of Harriman and Warwick as well.

Trustee Alley stated this raises the question as to what deems something an event. Trustee Houle stated that when a resident holds a garage sale and they put up signs for their garage sale, that is an event in the Village. When they apply for their garage sale permit, they pay what for a permit, \$2.00? Village Clerk Baxter replied that is it \$2.50 for the garage sale permit, but that residents aren’t allowed to put up signs for the garage sale. Ms. Farrell stated that this is a non-profit organization and Trustee Houle added that it also provided a little beautification to the Village. Trustee Alley stated that as do many of the events that occur in the Village do. Trustee Alley added that the Girl Scouts Pinwheels for Peace around the ponds, does the Board need to re-evaluate what is an event, and Trustee Houle agreed that they would. Trustee Houle also stated that the Board needs to have a better definition of what is an event.

Mrs. Colquhoun stated and that her campaign requires no additional assistance from the Village for this event and asked if that makes a difference. Trustee Houle stated that she is essentially asking permission and Ms. Farrell agreed that they are asking permission like they have done in the other municipalities to put the ribbons within their area. The ribbons go up and they take them down. This is an awareness campaign and Ms. Farrell reiterated that they were only asking to have the \$50 processing fee waived. Mrs. Colquhoun also added that there is no money involved and anything that is ever collected, 100% of it goes directly to the campaign.

Mayor Dwyer stated that as far as this particular application is concerned, there are two things that he would like to put out to the Board. This first is to approve the application and the second is to waive the \$50 application fee. Mayor Dwyer continued that they also need to go back to the drawing board and review the application more comprehensively. Trustee Houle agreed. Attorney Terhune suggested setting precedence for what the Village needs, what is the purpose. Mayor Dwyer replied that this has been going on since he was on the Board, and every year they hear about how much it costs for events to be held in the Village, and this cost is about \$52,000 a year. This cost is not directed at this event specifically, but events held in the Village in general. Mayor Dwyer continued that what the Board needs to determine what is an event and a non-event, what is an expense and not an expense, and \$52,000 for a Village like this is a sizeable amount of money to put out. This event does not an impact the Village and it is doing something important. This is something that the Village needs to figure out, and while we are doing what we are doing, Mayor Dwyer stated that they should waive the fee. On a motion by Trustee Houle, submitted by Trustee Behringer, it was:

RESOLVED, the Board of Trustees approved the event application submitted by Kathy Colquhoun and her “Turn the Town Teal Campaign”, to tie ribbons on lampposts in the downtown in recognition of the national campaign to create awareness of ovarian cancer.

IT IS FURTHER RESOLVED, the Board of Trustees hereby waive the \$50 processing fee associated with the submittal of the “Turn the Town Teal” event application.

Ayes: Trustees Alley, Behringer and Houle

Nays: None

AGREEMENT TO PROVIDE REIMBURSEMENT TO THE VILLAGE OF MONROE FOR HIRING & TRAINING OF PART-TIME POLICER OFFICERS:

Mayor Dwyer stated that this agreement is for any part-time officer hired for the Monroe Police Department. This agreement states that any officer hired will stayed employed for a period of 12 months, and should they leave the position prior to 12 months, the officer will owe the Village the cost of their training, uniform and any equipment that he is entitled to by the Village of Monroe. Mayor Dwyer

continued that it makes sense as all this comes at a tremendous cost. On a motion by Trustee Alley, seconded by Trustee Houle, it was:

RESOLVED, the Board of Trustees authorized the Village of Monroe to enter into an agreement with any and all part time Police Officer(s) recommended by the Chief of Police for hire, and in that agreement the part time Police Officer(s) is required to maintain their employment for a minimum period of 12 months or said Officer will be required to reimburse the Village of Monroe for the costs associated with their employment with the Village of Monroe as laid out in said agreement.

Ayes: Trustees Alley, Behringer and Houle

Nays: None

DISCUSSION - PETITIONING O&R TO ALLOW CUSTOMERS TO RETAIN NON-AMI OR NON-AMR UTILITY METERS WITHOUT FEES OR PENALTIES:

Mayor Dwyer advised the Board that he learned about this item through the Town of Chester and felt it important to bring it to the public's attention. Mayor Dwyer continued that Orange & Rockland Utilities has obtained a product that allows them to read meters remotely through their transmission lines. As such, anyone who does not put these meters on their home or business will be subject to a fee. Because he does not agree with this, Mayor Dwyer would like the Board to authorize the Mayor to write a letter on behalf of the residents of the Village of Monroe to O&R, strongly opposing this type of fee. Mayor Dwyer added that this type of stuff is political but he thinks it needs to get out to the public to make them aware and get them to write letters as well.

Trustee Houle replied that if she understood correctly, O&R wants to make their jobs easier and in doing so, they are requiring the homeowner to bare the expense of installing the new meter. Mayor Dwyer replied that the fee is associated with the homeowner keeping the old analog meter and having the meter read at the site, it is more of a monthly fee for not complying. Mayor Dwyer read from a section of the resolution passed by the Town of Chester and explained that there is also some other concerns from the medial end of it regarding adding to the burden of what is already in the air, and there are some things that need to be brought to the public's attention. Trustee Alley stated that it isn't only the money, but the radio frequency exposure and Mayor Dwyer agreed.

Mayor Dwyer continued that he would like his letter to have the same terms as that of the Town of Chester for uniformity and consistency purposes, and he has suggested that the Town of Monroe and Village of Harriman do the same as well. He feels it is important to get it out in mass. On a motion by Trustee Houle, seconded by Trustee Alley, it was:

RESOLVED, the Board of Trustees authorized Attorney Terhune to write up a resolution allowing Mayor Dwyer to write the New York State Public Service Commission on behalf of the Village of Monroe residents petitioning Orange & Rockland Utilities and requesting that O&R customers residing in the Village of Monroe be allowed to retain their O&R non-AMI or non-AMR utility meters without any fees or penalties. It is further

RESOVLED that said resolution would be substantially similar to that written by the Town of Chester.

Ayes: Trustees Alley, Behringer and Houle

Nays: None

DISCUSSION – ADDITION OF TENT PERMIT TO SPECIAL EVENTS PERMIT APPLICATION INCLUDING FEES AND TIME TABLES:

Mayor Dwyer stated that the Village of Monroe has had some special event permit applications come before the Building Department that required the use of a tent. Because of the size of the tent, there is requirement that a temporary tent permit that is required and a fee associated with that. As a result of this, concerns have been raised by the applicants, specifically in regards to the fee.

Mayor Dwyer continued that the Board of Trustees did not approve the fee for the tent. Village Clerk Baxter agreed and added that the temporary tent permit application was not part of the special events permit application at the time and was not something that was being enforced.

Mayor Dwyer stated that there are a couple of things that the Board needs to look at regarding this. First being, should a tent be required for the event and should it be in excess of 700 or more square feet, the Board needs to add the tent permit to the special events permit application, so it becomes part of the overall application. The second part is the fee associated with it. Trustee Houle asked if the fee schedule

for the tents should be included with the application and Mayor Dwyer replied that was something that the Board needed to decide.

Trustee Houle continued that while reviewing an event application that had currently been submitted she noticed under the tents section that the application stated that permits were required for tents over 120 square feet, not 700 square feet. Mayor Dwyer replied that according to the National Fire Association, there is a code that calls for the permit for anything over 700 square foot and asked if the application stated it was a separate permit. Trustee Houle replied that “permits for any tents over 120 square feet and must be submitted and approved prior to set up.”

Trustee Houle stated that the Village currently has 2 applicants that require tents and Village Clerk Baxter clarified that there are currently 3 applicants before the Board requiring tents, but one of the applicants called and they are pulling their application. Trustee Alley if the Board had approved them already and Village Clerk Baxter replied that the Board had approved them, but one applicant decided to pull their application because they did not wish to pay any additional money. Trustee Houle asked if these were events that had been previously held in the Village and Village Clerk Baxter replied that they were. Trustee Houle responded that the Board should incorporate the temporary tent permit application into the main special events permit application. Mayor Dwyer stated that the Board needs to figure out what is the square footage that triggers the need for the additional permit, is it 120 sq. feet or 700 sq. feet? It needs to be clarified.

Mayor Dwyer asked the Board what they thought about the additional fee. Trustee Houle asked what the fee amount was and Village Clerk Baxter replied that it was \$75.00. Trustee Alley added that part of the problem is that the Board already approved the application, with the fee. Mayor Dwyer replied that the problem actually is the guideline set forth by the NFPA (National Fire Prevention Agency) that requires the permit be issued because of the tent size, and any applicant will have to comply with that, regardless of how the Village handles this. Trustee Alley replied that she understood but questioned how the Board would handle the fee going forward. Mayor Dwyer asked if the applicant in question had paid the additional tent fee and Village Clerk Baxter replied that they had.

Trustee Alley asked for clarification. She continued that the Village is telling them that they need to pay a \$75 fee yet the Board never approved charging a \$75 fee. Trustee Houle added that it part of the Village Code, but pointed out that last year Bourbon Street Café did not pay the \$75 fee. Mayor Dwyer stated that he believes that it was only recently that the information from the NFPA came out and the Village learned about the additional tent permit. Now when the Building Department is reviewing the application for the special event and sees the note about a tent and its size, that triggers the separate tent permit application. The Building Department came up with that fee, but this Board did not adopted, approved or sanctioned that fee. Trustee Houle replied then the Board cannot charge that fee, and Mayor Dwyer responded if the Village chose to have a fee at all.

Attorney Terhune clarified that the Uniform Code that the Building Department quoted on the applied was adopted by the Village, the question is if there is a fee associated with that. Attorney Terhune that there is no fee associated with that code, and questioned if the Board ever adopted a local fee for tents, and questioned where the \$75 fee came from. Village Clerk Baxter presented Attorney Terhune with a copy of the temporary tent permit application which listed the \$75 fee. Attorney Terhune asked if there was a schedule of fees somewhere listing the \$75 temporary tent fee and Mayor Dwyer responded that it was not part of the 2018 schedule of fees by the Building Department. Village Clerk Baxter stated that she was unsure where the fee was developed however it was her understanding that the former Building Inspector did not pay attention to this but the current Building Inspector has made a point to ensure that everything is buttoned up at his end. In a motion by Trustee Houle, seconded by Trustee Alley, it was:

RESOLVED, the Board of Trustees approved adding a temporary tent permit application to the current Village of Monroe Special Events Permit Application.

Ayes: Trustees Alley, Behringer and Houle

Nays: None

On a motion by Trustee Behringer, seconded by Trustee Houle, it was:

RESOLVED, the Board of Trustees approved the removal of the \$75.00 fee for the temporary tent permit application for any future temporary tent permit applications submitted in conjunction with a Special Events Permit Application.

Ayes: Trustees Alley, Behringer and Houle

Nays: None

On a motion by Trustee Houle, seconded by Trustee Behringer, it was:

RESOLVED, the Board of Trustees approved the refund of any monies collected by the Village of Monroe associated and having been collected for a temporary tent permit affiliated with the submission of a Special Events Permit Application.

Ayes: Trustees Alley, Behringer and Houle

Nays: None

DISCUSSION – WEBSITE REVIEW PROPOSAL:

Mayor Dwyer stated that the Village received a call from Kurt Steinbruch regarding the Village's website and he asked him to come and speak with the Board regarding his proposal to revamp it. Mr. Steinbruch stated that there were a few things that he went over with the Mayor, primarily updating the overall look of the site, making it more user friendly and easier to update and feature events, as well as organize the events into different categories. Mr. Steinbruch also stated that he spoke about different things about meeting minutes, creating some infrastructure on the back end to allow people to use a calendar to pull up the minutes as well as different levels of approvals.

Mr. Steinbruch added that they also spoke about different levels of access based on the departments, so the Department Heads could access their specific departments and make updates. There would be administrative accounts that would have control over those subaccounts.

Mr. Steinbruch stated that he spoke with Mayor Dwyer about the changes being done in three phases, the first being the full website design, including the event management system, the better homepage layout and the mobile responsive code which means when you're making an update you're not making it on a mobile site. It will resize the website based on how you're viewing it, desktop, I pad, etc. It would also include an instruction guide with screenshots and visual aids to use these different pieces of the website.

The second phase would be to create a backend system for the admins, the different Department Heads, and the third phase would be the minute system, which would securely store a backup of the minutes and allow to use a calendar to jump to those minutes as well as allow a historical change log so you can see the changes that have happened. Mr. Steinbruh added that he believed that they also discussed different levels of approval for that as well so if you make a change to the minutes you can have one or two administrator counts that would have to approve that change.

Mayor Dwyer asked what language it would be in and Mr. Steinbruch replied it would most likely be in wordpress and have a word content system. Mayor Dwyer stated that he believes the challenge they have now in the current website language is HTML. Mr. Steinbruch stated that websites with HTML are difficult to update and wordpress is the most common word content management system. Wordpress would be what he would recommend.

Mayor Dwyer questioned which part of the phase would include training. Mr. Steinbruh replied that he would create a word document that will walk someone through how to do something, update a page, update an event, etc. Its all the basics and fundamentals. He added that he would also do a walk through as well if anyone would have any questions, but the document itself will be a step by step and easy to use.

Trustee Houle asked if there would be an opportunity for a You Tube video or something like that and Mr. Steinbruch replied that he could do a screen capture as well, but he found that doing the screen shots with an arrow pointing where to go is actually easier. Mr. Steinbruch stated that he could also do a video tutorial as well.

Mayor Dwyer asked Trustee Behringer if she had any questions and she replied she didn't but welcomed a new and refreshing change.

Trustee Alley asked if the goal was to have the Department Heads do the updates and Mayor Dwyer replied that he believed so. He added that the challenge is that when the Village tends to put all this information in one person's hands something happens. One of the things that he believes in is that each person would be responsible for their own content, within their own level of accessibility. That would give the Board knowledge of who made what changes and when and make them 100% responsible for those changes and that they are correct. As far as oversight, there could be another layer, but he wants to start breaking it down instead of putting it into one person's hands for a lot good reasons. Trustee Alley replied that she thinks before anything goes up, there should be a second set of eyes looking at it. She doesn't know how they go about doing that but that is something that needs to be decided. Mayor Dwyer stated that language aside, or content or how it is written, the Boards visual out to the public is very

important. Mayor Dwyer continued that he doesn't know who that person should be, it could be a fulltime person who handles all their marketing and social media content.

Trustee Alley asked Mr. Steinbruch how he was going to pull all of the content that is currently on the Village's website, the minutes, everything that you can search on. Mr. Steinbruch replied that you would first create the new wordpress site, set up the backend system that you log into. It is pretty pain free for someone who isn't that experienced to figure out rather quickly. The minutes is a separate system, that is going to back up all the different minutes and the databases, and it'll be secured. You'll have the ability to jump on a calendar to a specific date and time, and they had also talked about using two factor authentication. There is another form of authentication so if a change has been done to the minutes, it tracks who did it and when. It is very custom and they would build it from the ground up. Trustee Alley doesn't understand how it works if they wanted to search to see what date Kurt made a presentation to the Village back in 2004. Mr. Steinbruch replied that he didn't know if you could look up what date he was in here but you could look up 2004. Trustee Alley asked if you'd have to go meeting by meeting and Mr. Steinbruch interjected and stated that it could be possible to put in a search bar to do a key word search but he would have to see what type of document the minutes are in. Village Clerk Baxter stated that they are word documents that are uploaded to the website in a PDF file because once the minutes are uploaded that cannot be modified at all. Mr. Steinbruch replied he was not asked the question previously but was told that a calendar was needed, but he was pretty sure that a search bar could be added. Village Clerk Baxter stated that the Village's website currently had a search function that allows the user to put in a key phrase and search the entire database. Mr. Steinbruch replied that shouldn't be a problem.

Trustee Alley stated that the website may need to be updated but the content is there. Mayor Dwyer stated that at some point the Village will be moving forward with archiving all of its paper digitally and he recalls word recognition was key to that. If they can do that, he's assuming that they will be able to do it also. Trustee Alley stated that she would like to reach out to all the Department Head's to see what input they have and what they would like to see changed. There may be something specific that they would like to see updated.

Mayor Dwyer asked Village Clerk Baxter with regard to what is on the website now and the Departments, is the Police Department on the website? Village Clerk Baxter replied that it was with a link to its own public page. Mayor Dwyer asked if it had a lot of data and Village Clerk Baxter replied that it was pretty general in terms of Department Head, mission statement, Officers and their certifications, with a link to connect to their own website. That is the general setup for each of the Department. Mayor Dwyer stated that to Trustee Alley's point, they need to make sure that the Department Heads get with their liaison and do a Q&A. Mayor Dwyer asked Village Clerk Baxter to send out a memo to the Department Heads and request that they think about how their department appears currently on the website and what if any (and all) changes they would like to see or additions and deletions and they need to respond to their specific liaison. Trustee Alley stated that the various Village Boards should be included as well and Mayor Dwyer agreed. Mayor Dwyer stated that the liaison should make the presentation on behalf of them. Village Clerk Baxter asked if the Department Heads would be notified that they will become responsible for maintaining their own information on the website and Mayor Dwyer replied right now they are interested in knowing what it is about the current site they would like changed. Mayor Dwyer continued that right now it is about user ability, the friendliness of it, he thinks its an abomination, so wants to see it more user friendly. Mayor Dwyer added that if 17 people went on vacation tomorrow, that the 18th person could do the website. Mr. Steinbruch stated that there will be different levels but there will be administrator accounts that have full access.

Trustee Houle asked if we could link other supportive units like Monroe Volunteer Ambulance Company, Chamber of Commerce, Smith's Clove Park, the fire department. Mayor Dwyer stated yes and referred Trustee Houle to page 2, section 5, under Community. Mr. Steinbruch stated that an HTML link to a web address would not be a problem. Mayor Dwyer asked the Board to read through and offer some direction by the next meeting. Mayor Dwyer asked Mr. Steinbruch to share his email address with Village Clerk Baxter and Trustee Alley also asked him to send her some links to other websites that he has done so they could get some ideas, and advised that he could share them with the Village Clerk as well.

MAYOR'S REPORT:

Mayor Dwyer announced the Village of Monroe received information regarding its EWR reimbursement (Extreme Weather Recovery) from the State of New York. They have identified 128 potholes in the Village, with each pothole assigned a value of \$161.85 per pothole for a total reimbursement to the amount of \$20,717.00. Interestingly, the Village of Harriman has 27 potholes and are being reimbursed \$4,300.00.

Trustee Houle wished everyone a wonderful and safe 4th of July and encouraged everyone to come get their Quasquicentennial t-shirt tomorrow at the fireworks celebration.

Trustee Behringer stated she was looking forward to it, it's a great event every year, and Trustee Alley asked everyone to pray for no rain!

Attorney Terhune stated the FAR law has been updated so she asked for authorization to circulate to the Building Department, Planning and Zoning Boards for review so it can get wrapped up.

AUTHORIZATION TO DISTRIBUTE UPDATED F.A.R. LOCAL LAW:

On a motion by Trustee Houle, seconded by Trustee Alley, it was:

RESOLVED, the Board of Trustees authorized Village Clerk Baxter to distribute the updated F.A.R. law to all pertinent departments, including the Building Department, Planning Board and Zoning Board of Appeals. Attorney Terhune would provide Village Clerk Baxter with the most current version for distribution.

Ayes: Trustees Alley, Behringer and Houle

Nays: None

PUBLIC COMMENT: # PRESENT 3 TIME: 8:52 PM

Resident John Karl inquired about the Jersey City marker located at Horseshoe Falls in the Town of Monroe. Mr. Karl continued that at a previous meeting Supervisor Cardone didn't seem concerned with giving it up, and asked the Village if they received a formal agreement to go and get it out of there. Mayor Dwyer replied that he had not. Mr. Karl continued that he would like to see it brought back into the Village and Mayor Dwyer replied that he agreed 100%, and believes that Supervisor Cardone is on the same page.

Mr. Karl asked if the Village had a contractor going around and cutting the grass of property's that are in violation and Mayor Dwyer replied that they did. Mr. Karl asked if there was a rotating list and how it is handled, and if there was a Board resolution. Mayor Dwyer replied that initially it was done just by him last year. He did not believe that there was and asked Village Clerk Baxter to verify that. Village Clerk Baxter stated there was not. Mr. Karl asked if he just picked up the phone and calling Joe Lawnmower telling him to come and cut grass, and Mayor Dwyer replied yes. Mayor Dwyer added that what the individual did for the Village last year he found him to be very responsive and he has no ties to the Village necessarily. Mayor Dwyer continued that one of the challenges he finds here sometimes is that they don't show up, and he tries to get away from the nepotism and tries to bring someone in from the outside to get away from that, and that was the sole reason, along with his reputation and because he didn't know anyone. Mr. Karl asked if the Village checked to see if the individual has workers compensation insurance along with regular insurance and Mayor Dwyer confirmed that he did.

Mr. Karl stated that the Village held a public hearing on the Community Development grant for 2020 and asked for a status update on what the Village would be pursuing. Mayor Dwyer replied that for 2020 the Village of Monroe is not in the que. There have been a lot of rule and regulation changes. The Village has the 2019 sidewalk project and Mr. Karl asked if that was for Spring Street down to the park. Mayor Dwyer confirmed it was. Mayor Dwyer reiterated that the Village is not in the que for a 2020 project, mostly because there was some miscommunication. Mr. Karl asked if that was when they were discussing the possible project on Forshee Street and the water main, and Mayor Dwyer replied yes, that is where the focus needs to be. The sidewalk projects that the Village has always enjoyed in the past no longer qualify unless they fall in a low-mod area, which is defined by HUD. Mayor Dwyer added that the only way he was able to get the 2019 CDBG grant money back in the Village's hands was by adding ADA pieces into it, and it is desperately needed over there. Carpenter & Smith has literally destroyed that property over there.

Mr. Karl asked for an update on the dumpsters behind Village Hall. Mr. Karl pointed out that there are now two dirty mattresses piled up back there. Mr. Karl also inquired if the Board ever check the Village Hall property boundaries and Trustee Houle replied that she has asked for that survey. Mr. Karl stated that those items may just be on the Village lines. Mayor Dwyer added that the Village is also looking for a more comprehensive solution, because the dumpsters are not it. They are all over the place.

Mr. Karl mentioned that he met with Mayor Dwyer a while back regarding the Town of Monroe amending Chapter 57 of their zoning regarding the conservation cluster residential floating zone. Mr. Karl questioned if their public hearing was held and Mayor Dwyer believed it had been left open. Mr. Karl questioned if they had held another one. Mr. Karl questioned if the rest of the Board had looked at

it but stated that he has some serious concerns with it. Mr. Karl expressed his concern as to how close this proposed cluster housing would fall to the boundaries of the Village of Monroe and stated that the Village already has enough problems with traffic. Mr. Karl provided the Board with a copy of his highlighted version of the Town's proposed local law. Mr. Karl continued that he applauded the Board for their decision on the sidewalk proposal along Freeland Street. Putting a sidewalk there would not work.

Mr. Karl did request that the Board consider installing a crosswalk between Half Hollow Turn, across Freeland to Hidden Creek. He utilizes that intersection to access Heritage Trail before they put up their no trespassing signs, but a crosswalk there may help slow down traffic. Trustee Houle suggested changing the timing to allow for people to cross and Mr. Karl replied that he doesn't think that there are trip pads in the pavement. Mayor Dwyer stated that he believed that there are in the left turn lane, because part of the problem was that the heavier trucks were pulling up there and triggering it, changing the light unnecessarily, causing the traffic to back up towards Rt.17M. Mayor Dwyer added that he had the technician out to the sight back in April to look into it and make some modifications and repairs.

Mr. Karl stated that the letters of credit for Smith Farm water and drainage on the agenda are expired and asked if they had been renewed. Mayor Dwyer replied that he believed that they were but he would look into it. Mr. Karl continued that the Board had approved the water for Smith Farm at tonight's meeting but asked for a status on the creation of the water district. Mayor Dwyer replied that the Town is in the middle of meetings as opposed to having a public hearing on August 4th at the Town. Mayor Dwyer asked Supervisor Cardone to confirm that and he has not yet done so. According to the attorney for the developer, August 4th is the scheduled public hearing for the Town district.

Mr. Karl asked if that was a joint venture between the Town and Village's Planning Boards and Mayor Dwyer replied that was correct and the Village of Monroe was declared lead agency. Mr. Karl asked if all the structures that are up are in compliance with the approved plans. Mayor Dwyer replied that it's a two part conversation. Mayor Dwyer stated that the structures that the Village is responsible for are compliant. Plans were submitted back when they were going through the SEQRA process, stating siding, elevation, roof pitch, break in elevation. The Village's Building Department denied permits up until December 7, 2018 for non-compliance. On December 7, 2018 the developer came in with compliant plans, meanwhile they were suing the Village, but still came in with compliant plans. Mr. Karl stated that the buildings in the Town are supposed to be about 2,200 square feet and they look bigger. Mayor Dwyer replied that he cannot speak for the Town, they see things a little differently. The Village stuck to their guns and they sued us, but that is ok. The Village is compliant as of right now and until the developer settles the suit, he will be compliant because he doesn't want to stop building. The only way to build is to be compliant. Mr. Karl stated that you can notice a difference on the Town side. When you're talking about a joint venture between the two Boards and you're talking about approving the water so the water district can move forward, but meanwhile this stuff is not compliant in the Town of the Monroe. Where is the communication, working together and joint venture if someone is allowed to go astray. Mr. Karl replied that there is leverage here, but everything comes with a price. Say you're not going to give them water then your hit with a lawsuit. If the approved plans are the approved plans, why is someone deviating from them. Mayor Dwyer replied because the Town is responsible for the Town. Attorney Terhune interjected and stated that the Town can issue building permits for each individual house and it is the Town Building Inspector who decides whether the plans that are presented to him are compliant with what was approved by the joint Planning Boards. The Village's Building Inspector said they weren't and wouldn't issue building permits but the Town Building Inspector said in his opinion they were, but there is no authority for the Village to stop that process on the Town side, and Mayor Dwyer included that they did try to do so.

Mr. Karl reiterated the way to control that is to hold back on the water but Attorney Terhune replied that the problem with that is that there is a contract that the Village Board at the time in 2005 agreed to and put no stipulation in there as to how much water, etc. in there. Attorney Terhune reminded the Board that they control the rates, and the contract simply says "at the current rates." Mayor Dwyer replied that the only reason why they hadn't signed the agreement sooner was to use it at leverage to get that water agreement done. The developer wanted water up there and he had it shut off at Gilbert Street. Mayor Dwyer added that before he did it he went to the Mombasha Fire Company and asked should there be a fire up there would they be able to support it with water and they confirmed that they could, and then he was comfortable with shutting the water off. Mayor Dwyer added that he made the developer put a water meter on their fire hydrants in case they took water without permission and back charged them for the water they said they did take. Mr. Karl asked if they also installed a back flow preventer on that water meter and Mayor Dwyer replied that they did.

Mr. Karl asked if there was a weight limit on Freeland Street and Trustee Houle replied that there was not, it is a truck route.

Mr. Karl asked the Board if they had seen the decision made in the case involving the 2016 Fireman's Parade and that the charges were dismissed against all the defendants. Mayor Dwyer replied that he had and it was great news.

ADJOURNMENT:

On a motion by Trustee Behringer, seconded by Trustee Houle and carried, no further business, the meeting was adjourned at 9:12 PM.

Respectfully Submitted,

**Ann-Margret Baxter
Village Clerk**