

**PUBLIC HEARING 3.3.20 – 7:00 PM
INTRODUCTORY LOCAL LAW #5 OF 2020
“PROPERTY MAINTENANCE”**

A Public Hearing was held on Tuesday March 3, 2020 in the Boardroom of the Village Hall, 7 Stage Road, Monroe, NY at 7:00 PM to review a proposed Local Law entitled “Property Maintenance.” The Board of Trustees determines it is necessary for the health, safety, appearance and general welfare of the residents of the Village of Monroe to provide a method whereby vacant lots, improved properties and public lands within the Village of Monroe are kept clean, properly maintained and free from vermin, nuisances, hazards, debris and litter.

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

On a motion by Trustee Behringer, seconded by Trustee Houle, and carried, the public hearing was opened at 7:07 PM.

There were 3 people from the public present for the public hearings. There was no written correspondence received. The public hearing was left open for 10 minutes.

Resident John Karl stated he pretty much agreed with the law in its entirety. Mr. Karl commented on adding boat trailers to the section of the law under abandoned vehicles. They are registered but not motorized. There is an 8 foot wide trailer on Whitman Place that stays on the street. It is registered but it might be something to look into. It is dangerous at night if you don’t know it’s there.

Mr. Karl referenced page 4 of the law, at the top where it states “has been left unattended in a right of way in a designated County, State or Federal highway.” Mr. Karl suggested adding Village as well. Trustee Houle replied that there is already in the Village’s code provisions in place if there is a vehicle in the Village’s right of way. Mr. Karl asked if it would be code enforcement or police jurisdiction and Trustee Houle replied police jurisdiction.

Mr. Karl stated that he agreed with lowering the grass height maximum from 12 inches to 6 inches but reiterated that it needs to be enforced. Mr. Karl also mentioned the removal of snow from sidewalks within 72 hours and feels it should be reduced to 24 hours, especially in the school areas where the kids walk to school. Trustee Houle replied that she looked into it and she’s pretty sure it was reduced to 24 hours. Mr. Karl asked when that was done and Trustee Houle replied that she believed it was done prior to herself and Trustee Alley taking office, so perhaps February 2018.

Mr. Karl stated that his neighbor, Tony Leone, wanted to submit something regarding the proposed local law but was back in the hospital and asked if the Board could hold open the public hearing. He knows Mr. Leone would appreciate it. Mayor Dwyer stated that he would like the Board to go through it again and Counsel is going to make some modifications based on public input tonight and keep it open for written comments.

With no further comments or questions, on a motion by Trustee Houle, seconded by Trustee Behringer and carried, the public hearing was adjourned at 7:17 PM.

**BOARD OF TRUSTEES MEETING
TUESDAY MARCH 3, 2020
(www.villageofmonroe.org)**

Following the public hearing on Introductory Local Law #5 of 2020, the first of the bi-monthly meetings of the Board of Trustees was held on Tuesday March 3, 2020 beginning at 7:17 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, Conklin, Behringer and Houle
Also present: Attorney Terhune, Village Clerk Baxter and Deputy Clerk Zahra**

OPENING OF REGULAR MEETING:

On a motion by Trustee Behringer, seconded by Trustee Conklin, with all in favor, the regular meeting opened at 7:17 PM.

MOMENT OF SILENCE - KARL MARTIN, III:

Mayor Dwyer called for a moment of silence in honor of Karl Martin, III a lifetime resident of the Village of Monroe and a 53 year member of the Mombasha Fire Company.

MINUTE APPROVAL: FEBRUARY 4th 2020:

Mayor Dwyer tabled this matter for further discussion.

TEMPORARY APPOINTMENT – FULL TIME DISPATCHER, BRYAN WILLIAMS:

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

RESOLVED, the Board of Trustees accepted the recommendation of Police Chief Guzman and appointed Bryan Williams to the position of temporary full time dispatcher, retroactive to February 13, 2020 at the starting salary of \$43,768.00 for a period of 90 days. Village Clerk Baxter will submit an updated MSD 426-B to the County.

Ayes: Trustees Alley, Conklin, Behringer and Houle

Nays: None

COMPLETION OF PROBATIONARY PERIOD – POLICE OFFICER DOUGLAS HANSEN:

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

RESOLVED, having completed the required probationary term required by Orange County Department of Human Resources, Police Officer Douglas Hansen is hereby given permanent status for civil service requirements effective 2/26/2020. An updated MSD 426-B will be submitted.

Ayes: Trustees Alley, Conklin, Behringer and Houle

Nays: None

REQUEST FOR WAIVER / 37 STILL ROAD – CONTINUED:

(See Minutes 2/18/20)

Mayor Dwyer explained that while in the process of selling his home, the owner of 37 Still Road discovered there were some open permits and issues arose. The owner worked with the Building Department to address them with the exception of one open issue pertaining to the enclosed porch on his home, which the owner claimed was there when he purchased it and there was no permit on file for it, prior to him purchasing the home.

Mayor Dwyer stated that the property owner made a formal request to the Board for some relief with the three times penalty. Mayor Dwyer added that the property owner provided the Board with County maps, property tax information from the Town Tax Assessor and the documentation showed that the property have the addition in place prior to his purchase in 1978. Mayor Dwyer shared that based on the information provided by the applicant, that he has shown to the Mayor's satisfaction that the property was improved prior to his ownership. He has provided stamped drawings from an Engineer to the Building Department and is now in compliance with them and is now left with the matter of the penalty waiver.

Trustee Alley asked Mayor Dwyer to clarify why the Board is considering waiving this request with concern about setting a precedence since this does come up at least once a year and Mayor Dwyer replied that this applicant was able to provide a copy of the property cards clearing showing the space in question was in place prior to his purchase of the property, and something that he has been paying taxes on since 1978. Trustee Alley replied that it is important to mention that the County property card that was pulled shows the enclosed slab porch having been there since 1961. Trustee Houle added that was what confirmed it for her that the individual should not be penalized. On a motion by Mayor Dwyer, seconded by Trustee Alley, it was:

RESOLVED, the Board of Trustees approved the request of the property owner for 37 Still Road and waived the three times penalty fee imposed by the Building Department for the enclosed porch that was erected without a permit. The property owner was able to provide substantial proof to the Board that the structure (enclosed porch) was installed prior to his purchase of the property in 1978.

Ayes: Trustees Alley, Conklin, Behringer and Houle

Nays: None

SEWER PUMP STATION INSTALLATION / 310 STAGE ROAD – CONTINUED:

(See Minutes 2/18/20)

Attorney Terhune stated that there were three declarations that were penned by the applicant of 310 Stage Road; one for the maintenance of a fire access road, a second for pump station maintenance and the third is for a sewer line in Stage Road. Attorney Terhune explained that they have been trying to understand exactly where the applicant was at with the Planning Board and getting a handle on the procedures that should be followed. Attorney Terhune continued that she has reviewed the declarations themselves and they would be filed in the chain of title and run with the property. She stated that she put together a resolution that was sent to the Board late in the day that essentially authorizes this, specifically these declarations, but makes them subject to her final approval. She expects to go back and forth with the applicant's attorney before they are finished up and put in other conditions as well. Attorney Terhune explained that it allows the applicant to move forward with the Planning Board while the Board is negotiating the declarations in details. On a motion by Trustee Houle, seconded by Trustee Conklin, it was:

WHEREAS, J. Squared Builders, Inc., the owner of property located at 310 Stage Road ("Owner"), has an application pending before the Planning Board that requires connection to Orange County Sewer District No. 1; and

WHEREAS, the Owner has requested permission from the Village of Monroe Board of Trustees (the "Village") to open Stage Road for the limited purpose of laying said sewer pipe; and

WHEREAS, in furtherance thereto, the Owner has offered to file a Declaration in the property's chain of title that obligates the Owner, his successors and assigns to the cost of opening Stage Road, installing a sewer pipe, closing and restoring Stage Road and all future costs of maintaining the sewer pipe and any damages to Stage Road in connection with such maintenance; and

WHEREAS, in addition to the Sewer Declaration, the Owner has also requested approval of Declarations that bind the Owner, his successors and assigns to maintain a pump station, a fire access road and to deploy certain traffic circulation signs on 310 Stage Road (the "Premises") as determined by the Planning Board.

NOW, THEREFORE, be it resolved that the Board of Trustees of the Village of Monroe hereby authorizes J. Squared Builders, Inc. to file said Declarations in the chain of title and further authorizes the laying of sewer pipe in Stage Road subject to the following conditions:

1. Final approval of the project issued by the Planning Board and compliance with all conditions therein.
2. Final review and approval of the Declarations by the Village attorney.
3. Obtaining a road opening permit issued pursuant to Chapter 170 of the Village Code.
4. Depositing escrow with the Village of Monroe in an amount determined by the Village Engineer for his inspection and approval of all work done on or under Stage Road.
5. Depositing escrow in the amount of \$2,000 with the Village of Monroe to reimburse the Village for any legal costs associated with the review of Declarations.
6. Posting security in an amount approved by the Village engineer for the opening and restoration of Stage Road, installation of the sewer pipe and maintenance for a period of no less than one year after the Certificate of Occupancy has been issued to the project, which time frame may be modified upon recommendation of the Village engineer.
7. Proof of filing the Declarations in the Office of the Orange County Clerk. Said proof shall be provided to the Village Clerk. All costs of recording the Declarations shall be the sole responsibility of the Owner.

Ayes: Trustees Alley, Conklin, Behringer and Houle

Nays: None

AUTHORIZATION TO SIGN 2019 CDBG AMENDMENT / SPRING ST. ADA SIDEWALKS:

Mayor Dwyer stated that after meeting with the committee, he was able to secure an additional \$15,000 in funds towards the 2019 Community Development Block Grant to continue sidewalks from North Main Street to Spring Street bringing the total to \$75,000. On a motion by Trustee Conklin, seconded by Trustee Behringer, it was:

RESOLVED, the Board of Trustees authorized Mayor Dwyer to sign the amended 2019 Community Development Block Grant agreement which increases the funding from \$60,000 to \$75,000 for the Spring Street ADA Sidewalk project.

Ayes: Trustees Alley, Conklin, Behringer and Houle

Nays: None

T/M SMITH FARM WATER DISTRICT (LOCATED ON GILBERT ST.) – CONTINUED:

(See Minutes 12/19/19, 2/18/20)

Attorney Terhune stated that she has been going back and forth with the Attorney for the Town of Monroe over the Smith Farm Water Agreement. Both the Village and Town requested some changes and the version that she sent to the Board today is the result of the agreement on the Village's changes as well as adding back in the 45 day limit which is something the Town ask be added back in. Attorney Terhune stated that she is satisfied with the agreement. The Board has reviewed it in the past and the only change made after the last time they reviewed it was the 30 to 45 days and that was simply a resort to legal action if the Town doesn't pay the Village for the water bill. The Town will still pay the bill within 30 days but now 45 days before the Village can resort to legal action. Attorney Terhune reiterated that she is satisfied with it and recommended that the Board authorize the Mayor to sign the agreement. On a motion by Trustee Conklin, seconded by Trustee Houle, it was:

RESOLVED, the Board of Trustees authorized Mayor Dwyer to sign the water agreement the Village of Monroe and Town of Monroe for the Smith Farm Water District.

Ayes: Trustees Alley, Conklin, Behringer and Houle

Nays: None

A full copy of the executed agreement is on file in Village Clerk's Office.

REQUEST TO TRAVEL – NYS TACTICAL TRAINING CONFERENCE & EXPO, APRIL 20 – APRIL 23, 2020 / A. GROSSO:

Chief Guzman submitted a memo requesting the attendance of Sergeant Anthony Grosso to attend the 2020 Tactical Training Conference and Expo, April 20th – April 23rd, 2020 in Verona, NY. The training will provide Sergeant Grosso with the needed certifications as a Use of Force and General Topics Instructor. The cost of the training is \$349.00 and hotel accommodations for the three (3) nights is \$525.00, for a total of \$874.00 and is to be budgeted from A3120.472, Education. On a motion by Trustee Houle, seconded by Trustee Conklin, it was:

RESOLVED, the Board of Trustees approved the attendance of Sergeant Anthony Grosso at the 2020 Tactical Training Conference and Expo in Verona, NY, April 20th through April 23rd 2020 at a total cost of \$874.00 to be allocated from budget line A.3120.472, Education.

Ayes: Trustees Alley, Conklin, Behringer and Houle

Nays: None

STOP DWI SERVICE AGREEMENT:

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

RESOLVED, the Board of Trustees approved an agreement with the County of Orange that authorizes the Village of Monroe Police Department to participate in the STOP DWI Traffic Safety Program for one year beginning on March 13, 2020 and ending January 1, 2021. The first period is from 3/13/20 through 5/26/20 for a total not to exceed \$4,244 / 60 hours. The second period is to run from July 3, 2020 through September 8, 2020 and the third period will run November 6, 2020 through January 1, 2021. It is further;

RESOLVED, the Board authorized Mayor Dwyer to execute the agreement on behalf of the Village.

Ayes: Trustees Alley, Conklin, Behringer and Houle

Nays: None

AUTHORIZATION TO SIGN 2020 ACE TENT AMUSEMENT CORP AGREEMENT / VILLAGE OF MONROE 2020 CARNIVAL 8/6 – 8/9/2020:

The Board of Trustees has been presented with a contract from Ace Tent Amusement Corp., 59 W. Moreland Drive Yonkers, NY 10704, for the Village's annual 2020 Carnival. The dates of the event are Thursday, August 6th through Sunday, August 9th 2020. The agreement states that there will be 14-16 rides furnished by Ace Tent Amusement, with ticket prices ranging as follows: \$1.25 per ticket, 20 tickets for \$20.00, 45 tickets for \$40.00, \$25.00 per band per night for unlimited rides. Ace Tent Amusement will

supply 100 posters promoting the event as well as 3 banners printed with information provided by the committee. Additionally there will be \$100.00 per game donated to the Village of Monroe and Ace Tent Amusement will supply the Village of Monroe with 35% of gross receipts. Ace Tent Amusements also will include the following food trailers: cotton candy, ice cream (sweet trailer), funnel cake and zeppoles, hot dogs, hamburgers and sausage and peppers. Ace Tent Amusements will also provide a \$5 million insurance policy naming Village of Monroe as additionally insured as well as a copy of proof of workman's compensation. Ace Tent Amusements will also provide 4 portosans and 1 ADA compliant portosan, as well as contribute \$2,300 towards security for the event. Discussion followed. Trustee Houle questioned if the percentage of gross receipts increased from last year and Trustee Alley confirmed that it had from 30% to 35%. Trustee Alley added that the Village of Monroe will also be able to choose the types of rides at the Carnival, but that will also be based on the weather forecasted.

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

RESOLVED, the Board of Trustees approved the 2020 contract and agreement provided by Ace Tent Amusements for the annual Village of Monroe Carnival to be held in Crane Park August 6th through August 9th, 2020. Mayor Dwyer is authorized to sign the contract.

Ayes: Trustees Alley, Conklin, Behringer and Houle

Nays: None

ADOPTION OF LOCAL LAW #4 OF 2020 – “AMENDMENT TO CH. 55, TERMS OF OFFICE”:
(See 2/18/20 Minutes)

Mayor Dwyer stated that he didn't ask for this to be on the agenda, but indicated that he wished to move forward. Mayor Dwyer continued that the Board took up the public hearing on the term reduction for the Village Clerk and Treasurer positions and they closed the public hearing. Mayor Dwyer asked someone to make a motion to adopt the change in terms local law. On a motion by Trustee Houle, seconded by Trustee Alley, it was:

RESOLVED, the Board of Trustees adopted Local Law #4 of 2020, Amendment to Chapter 55, Terms of Office.

Ayes: Trustees Alley, Conklin, Behringer and Houle

Nays: None

**LOCAL LAW #4 OF 2020
AMENDMENT TO CH. 55, TERMS OF OFFICE**

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 amending the terms of office of the Village Clerk and Village Treasurer from four years to two years, as is consistent with New York Village Law § 3-302(3).

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, Article IX, and Section 10 of the Municipal Home Rule Law.

Section 3. Chapter 55, titled, “Terms of Office,” of the Village of Monroe Code is hereby amended as follows:

Section 55-6 of Article II, titled, “Clerk and Treasurer,” is hereby deleted in its entirety and replaced with the following:

§ 55-6 Terms of office. The appointed term of office of the Village Clerk and the appointed term of office of the Village Treasurer shall each expire on March 31, 2020, and thereafter each term of office shall be reduced from four to two official years.

Section 4. Supersession, of Inconsistent Laws, if any. The Village of Monroe Board of Trustees declares its intent to supersede 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 thirty (30) days from the date of its adoption.

MAYOR & TRUSTEE'S REPORT:

Mayor Dwyer commented that the greatest thing about this community and town is when the community needs one another, it steps up. He acknowledged the great effort put in by the Mombasha Fire Company and Smith, Seaman & Quackenbush Funeral Home. Karl Martin left his mark on the community and he thanked John Karl for all his efforts.

Trustee Houle stated that it was a very nice send off for Mr. Martin and it was nice to see how the Fire Departments came together. Trustee Houle commented on how it is interesting to see an overlapping of volunteer services in this community. She recognized people that were part of the Monroe Volunteer Ambulance Corp. that were also members of the Mombasha Fire Department and stressed the importance of volunteers in this community, it makes us stronger.

Trustee Behringer stated that she knows that we live in a great Town and Village but it's a reminder of what a great place we live in when something like this happens and you get to see everyone come together.

Trustee Conklin thanked Mr. Karl for being an awesome friend to Mr. Martin and it is a huge tribute to the man that he is.

Trustee Alley stated that she wasn't in attendance but shared the same sentiment as the rest of the Board.

PUBLIC COMMENT: # PRESENT 3 TIME: 7:48 PM

Mr. Karl asked for clarification on whether the force main that 310 Stage Road is proposing to put in will be in the street but owned by the property owner and Mayor Dwyer replied yes and it will transfer with whoever owns the property.

Mr. Karl thanked Mayor Dwyer for getting the garbage cleaned up in the back of Village Hall.

Mr. Karl asked about the status on the proposed Floor Area Ratio law. Attorney Terhune replied that the public hearing has been closed and SEQRA has been completed. She continued that the Board had a few questions about some minor tweaking of the local law and then the Board will be ready to adopt it. Mr. Karl stated that there are a couple of houses on Franklin Avenue that are getting ready to be razed and asked if the FAR law would prevent that. Attorney Terhune replied that it would not prevent them from being razed, but assuming the Board adopts the local law before the owners come in for a new building permit, it would be subject to the FAR law. Mr. Karl commented that what happened up on Schunnemunk Street is losing the character of the Village. Trustee Houle agreed and Mayor Dwyer stated that is why the Board took it up.

Mr. Karl asked about the taxi ordinance. Mayor Dwyer replied that they are still working on it. He continued that the Board vetted it, did public workshops with business owners and it was adopted. It is just not being enforced to the extent allowable to the degree that the law suggests that it is. Mayor Dwyer added that Chief Guzman is compiling data to support the fact that there is enforcement. Trustee Houle confirmed that Chief Guzman was working on it and that it is quite extensive. Trustee Houle added that the catch is that in order for the Village to enforce the taxi code, the origination of the fare comes into play. The Village can enforce anything that happens in the Village of Monroe, but if it comes from the outside, it makes it very difficult. Trustee Houle continued that there have been plenty of opportunities for the Monroe Police Department to purposefully target anyone who does pick up a fare in the Village of Monroe and make sure that all of the registrations and licenses and maintenance of the vehicles are compliant. Mr. Karl added the horn blowing starts at 7AM in the morning and is 6 days a week. Trustee Conklin commented that Uber and Lyft present a challenge as well.

Mr. Karl stated that now that the Village has its 12 inch control valve down by the spillway, when the Carnival is set up in Crane Park and they hear that there is heavy rain coming, drop the pond. Mayor Dwyer agreed.

Mr. Karl thanked the Board on behalf of Karl Martin.

EXECUTIVE SESSION:

On a motion by Trustee Conklin, seconded by Trustee Behringer, and carried, following a 5 minute recess, the Board convened in Executive Session at 7:53 PM for discussion pending litigation.

Executive Session Minutes compiled by Mayor Dwyer.

OPEN SESSION: on a motion by Trustee Houle seconded by Trustee Alley and carried, the Open Meeting resumed at 10:20 PM.

ADJOURNMENT:

On a motion by Trustee Conklin, seconded by Trustee Houle and carried, no further business, the meeting was adjourned at 10:22 PM.

Respectfully Submitted,

**Ann-Margret Baxter
Village Clerk**