

BOARD OF TRUSTEES MEETING
TUESDAY, SEPTEMBER 7, 2021
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The first of the bi-monthly meetings of the Board of Trustees was held on Tuesday, September 7, 2021 at 7:00 PM in the Boardroom of the Village Hall, 7 Stage Road, Monroe, New York. Mayor Neil S. Dwyer called the meeting to order and led in the pledge to the flag. Emergency exits were announced.

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

Absent: Attorney Terhune (conflict)

MOMENT OF SILENCE FOR SERVICE MEMBERS WHO LOST THEIR LIVES IN AFGHANISTAN:

Mayor Dwyer called for a moment of silence to honor the 13 service members who lost their lives on August 26, 2021 in Kabul, Afghanistan while assisting in the evacuation of U.S. citizens and allies from the Hamid Karzai International Airport.

MOTION TO OPEN THE REGULAR MEETING:

On a motion by Trustee Alley, seconded by Trustee Houle, the September 7th 2021 Meeting of the Board of Trustees was opened at 7:01PM.

Ayes: Trustees Alley, Behringer, Houle and Karl
Nays: None

BUDGETARY TRANSFERS / MODIFICATIONS:

Trustee Karl questioned what vehicle was sold at auction to generate the transfer to the Highway Equipment Reserve account. After an attempt to clarify with Treasurer Murray during the meeting, Mayor Dwyer tabled the approval of the transfers/modifications until the September 21st 2021 Board Meeting.

APPOINTMENT – PART-TIME UNPAID INTERN, GIULIANA CIOFFI:

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

RESOLVED, the Board of Trustees appointed Giuliana Cioffi, 36 McGarrah Road Monroe, to the part time position of Intern. Ms. Cioffi will be assisting the Village with updating its MSDS forms (safety data sheets), organizing the computer workstation inventories and helping with the 9/11 Walk-A-Thon and upcoming Village Halloween parade. This unpaid internship will last for a period of approximately 9 weeks and an anticipated end date of October 31, 2021.

Ayes: Trustees Alley, Behringer, Houle and Karl
Nays: None

LICENSE AGREEMENT / 28 IRONWORKS ROAD – CONTINUED:

(See Minutes 11/4/19, 11/19/19, 4/7/20 & 4/21/20)

Mayor Dwyer stated that there were three major issues with this property. The first was violations issued for improvements on the property that were not permitted that have since been taken care of. The second is a shed and pool equipment that are in the Village's easement and in order to allow them to stay there, the Board would have to allow it in the form of a license agreement. In the same easement is the third issue which is the fence. Attorney Cassidy stated it was her understanding that the issue with the fence is that it is not to Code. Mayor Dwyer replied that he wanted to make sure that the current licensing agreement before the Board only included the shed and the pool equipment in the easement and not the fence, Attorney Cassidy noted that.

Mayor Dwyer continued that the issue with the fence is its height, whether it is code compliant as a fence and the fence type is a safety issue, it could easily be climbed by someone who could then enter the pool area. Attorney Cassidy agreed and stated that it was her understanding that it is poultry wire, so it would not meet State Code for fencing. Trustee Houle added that she had a conversation with the

Building Department and it wouldn't matter if the ZBA granted the property owners a variance for the fence height and material, because that material would never satisfy the State's requirement for fencing.

Mayor Dwyer asked Village Clerk Baxter to verify the current agreement does not include language that pertains to the fence and Village Clerk Baxter read to the Board, directly from the agreement, the improvements to be included in the easement, and stated that it only mentions shed and pool equipment.

Mayor Dwyer asked Attorney Cassidy to review the license agreement again just to ensure there is no language regarding the fence and then the Board could authorize him to sign the agreement. Attorney Cassidy replied that the Board could approve his signing agreement, but would the Board want to want for a resolution on the fence. Attorney Cassidy stated that the agreement is revocable upon breach; it is effectively an at will agreement. Mayor Dwyer asked the Board how they wished to proceed.

Trustee Houle replied that the fence issue has gone for 3 years or so and asked if the fence was not part of the agreement and they don't fix the issue with the fence, would they be considered in breach of the agreement. Attorney Cassidy replied that the Board could use the agreement as a carrot, advise them that the agreement will be held in escrow and not released for filing until the issue with the fence has been remedied. Trustee Karl agreed that they should hold off on releasing the licensing agreement, holding it in escrow until the fence becomes code compliant and signed off on by the Building Inspector Cocks. Trustee Alley agreed.

The Board of Trustees agreed to holding off on voting on the license agreement with the property owners of 28 Ironworks Road until the fence issue has been resolved. Mayor Dwyer directed Attorney Cassidy to notify Attorney Terhune of the Board's decision.

BID AWARD: WATER MAIN REPLACEMENT PROJECT / HIGH STREET, COOPER DRIVE & CROTTY COURT:

12 bids were received and opened on September 2, 2021 for the High Street, Cooper Drive, Crotty Court Water Main Replacement Project. Ground Control Excavating, Inc. was the low bidder on the project with a total bid amount of \$742,050.00. Village Engineer John O'Rourke, P.E. of Lanc & Tully Engineering, has reviewed the bid documents submitted and found them to be complete with no errors or omissions and recommended that they are awarded the bid at the base bid contract price. Trustee Karl questioned where the Village was with the bonding/funding for this project and Mayor Dwyer replied that Treasurer Murray has been in contact with the Village's Bond Counsel to solidify the rates. Trustee Karl added that he has also forwarded information regarding Federal Infrastructure grants on to Caleb Duncan at Millennium to look into as well. On a motion by Trustee Karl, seconded by Trustee Behringer, it was:

RESOLVED, the Board of Trustees accepted the engineer's recommendation and awarded the bid for the High Street, Cooper Drive, Crotty Court Water Main Replacement Project to Ground Control Excavating, Inc., 63 Waterbury Road Warwick, NY 10990 in the base bid amount of \$742,050.00

Ayes: Trustees Alley, Behringer, Houle and Karl

Nays: None

EVENT APPLICATION – TASHLICH CEREMONY / CHABAD LUBARITCH OF ORANGE COUNTY, 9/12/21:

An event application was submitted by Rabbi Pesach Burston of Chabad of Orange County, 47 Highview Rd., to host a Tashlich Ceremony on Sunday, September 12, 2021 from 6:00PM to 6:20PM utilizing the commuter parking lot and the pond located in Crane Park to host their annual Tashlich ceremony, which is a ceremony that is performed during the Jewish High Holidays where people symbolically "cast their sins" into the water. The 15-20 minute ceremony custom involves some reciting of text, and participants would park in the commuter parking lot, cross Millpond Parkway and perform this small ceremony on the grass next to the pond. All necessary insurance documentation has been submitted and approval and sign-off of the event application has been done by the Building Department, Police Department and the DPW. The Police Department will close down the parking lot during the midnight shift and an officer will be assigned to the detail during the regular scheduled shift. There will be no road closures. There are no additional costs for additional police protection for this event. On a motion by Trustee Houle, seconded by Trustee Karl, it was:

RESOLVED, the Board of Trustees approved the event application submitted by Rabbi Pesach Burston of Chabad of Orange County, to host a Tashlich Ceremony on Sunday September 12, 2021 from 6:00PM to 6:20PM at the pond located in Crane Park across from the commuter parking lot. There will be no

road closures and the Monroe Police Department will assist during the event with an officer on detail during a regularly scheduled shift. Marshall & Sterling will be notified, as will Emergency Services.

Ayes: Trustees Alley, Behringer, Houle and Karl

Nays: None

Trustee Karl asked if anything would be going in to the water and Mayor Dwyer replied no.

GIRL SCOUT'S PIN WHEELS FOR PEACE, PROMOTING INTERNATIONAL PEACE DAY 9/19/21:

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

RESOLVED, the Board of Trustees approved the request of Barbara Mallory, Service Unit Manager of the Monroe Woodbury Girl Scouts, to acknowledge a National Day of Peace, by making "Pin Wheels for Peace" and placing them around the walking path from Lakes Street along to Rt. 17M towards the waterfall. The pinwheels will be on display Sunday, September 19th through the evening of Wednesday, September 22nd, weather permitting. A table will be set up on September 19th from 12PM to 3PM for members of the community to stop by and make a pinwheel to add to their display. The table will be set up on the corner of Lake Street and Rt. 17M.

Ayes: Trustees Alley, Behringer and Karl

Nays: None

EVENT APPLICATION – SACRED HEART EUCHARISTIC PROCESSION, 10/9/21:

An event application was submitted by Sacred Heart Church, 26 Still Road Monroe to host a Eucharistic Procession utilizing the walking path around the south pond in Crane Park on Saturday, October 9, 2021 from 10:00AM to 12:00PM. The procession will begin at the Sacred Heart Chapel on Stage Road and proceed west onto Millpond Parkway, making a left onto Lakes Road towards Rt.17M, left again and proceed back to Sacred Heart Chapel where the procession will end. All necessary insurance documentation has been submitted and approval and sign-off of the event application has been done by the Building Department, Police Department and the DPW. B Line Officers will maintain a presence in the area and assist as needed. There will be no road closures and there are no additional costs for additional police protection for this event. Due to the Church's tax exempt status, they have requested that the application fee be waived for this event. Discussion followed. Trustee Houle stated she had some concerns about the event participants walking by the damaged railing and Mayor Dwyer replied that a temporary fence would be installed soon until the railing could be replaced and that would take up less space on the sidewalk. Mayor Dwyer questioned whether or not the applicant would consider an alternate route for the procession, suggesting proceeding from the Sacred Heart Chapel on Stage Road to the 9/11 Memorial and returning using the same path. Trustee Houle excused herself from the meeting in an attempt to reach the applicant to discuss the possibility of the change, to which she returned to the meeting and shared that they were very amendable to modifying the route. Mr. Lapolla advised Trustee Houle that he would need to speak with Father David to confirm the change in the route procession. On a motion by Trustee Houle, seconded by Trustee Behringer, it was:

RESOLVED, contingent upon a change in the procession route, the Board of Trustees approved the event application submitted by Sacred Heart Church to host a Eucharistic Procession on Saturday, October 9, 2021 from 10:00AM to 12:00PM. The procession will begin at Sacred Heart Chapel on Stage Road, and utilizing Lake Street, proceed to the 9/11 Memorial and back to the Chapel. The change is requested due to safety concerns over the damaged railing on the corner Stage Road and Rt. 17M by the dam. On a motion by Trustee Behringer, seconded by Trustee Karl, it was:

RESOLVED, the Board of Trustees approved the waiver of the \$50.00 application fee.

Ayes: Trustees Alley, Behringer, Houle and Karl

Nays: None

EVENT APPLICATION – 20 YEARS 20 LAPS, 9/18/21:

An event application was submitted by Trustee Houle to sponsor a walk-a-thon in honor of the 20th Anniversary of September 11th, "20 Laps for 20 Years" on Saturday, September 18, 2021 from 9AM to 12PM, with setup beginning at 7AM. The event will utilize the walking path around the North Pond of Crane Park and close off Lake Street between the Millponds for the set up of a registration table, water and snack table as well as a DJ. Review and approval of the event application has been done by the

Building Department, DPW and Police Department. Estimated cost of additional police protection is \$445.00 and is to provide crowd and traffic control with 2 officers on 3 hours of overtime each for detail coverage due to patrol shift at minimal staffing. On a motion by Trustee Houle, seconded by Trustee Behringer, it was:

RESOLVED, the Board of Trustees approved the event application submitted by Trustee Houle to sponsor the “20 Laps for 20 Years” walk-a-thon to honor the 20th Anniversary of the September 11th terrorist attacks on Saturday, September 18, 2021 from 9AM to 12PM. The walk-a-thon will utilize the walking path around the North Pond in Crane Park and result in Lake Street being closed between Millpond Parkway and Rt. 17M.

Ayes: Trustees Alley, Behringer, Houle and Karl
Nays: None

DISCUSSION – REVERSE THE LOCAL LAW ON BOATS ON MOMBASHA RESERVIOR / CORRECT LICENSE ISSUE:

Mayor Dwyer shared that he and Trustee Karl has met with the residents who had property which abut the reservoir and as a result of the meeting, the feedback was that the residents thought they had a right to the water way, some suggested they had that right by deed. Mayor Dwyer continued that is not the case and that no one has the right to be on that lake, and that was explained to them.

Mayor Dwyer stated that this meeting resulted in an opportunity to try and partner with these residents since the Village cannot be up there 24/7, but create a partnership, allowing them to be the eyes and ears of the area, sort of like a neighborhood watch.

Mayor Dwyer added that there is currently a law on the books which allows for a permit to be obtained through the DPW to be on the water. The Village does not want that, and wants to rescind that local law. Trustee Karl added Local Law #2 of 2011 allowed the reservoir to be opened up for boating and that individuals would have to go through the Public Works Superintendent for a license, and Trustee Karl has confirmed that to date, no permits have ever been issued. The concern the Village has is allowing boats to come in from other areas, not knowing where they have come from, or if they have been properly cleansed / disinfected so that no invasive species is introduced into the Village’s water supply. Trustee Karl would like to see the Local Law adopted in 2011 be rescinded.

Trustee Karl continued that all the residents understand that they don’t have lake rights, but in talking with them, a lot of them have boats that go nowhere except that lake. Trustee Karl stated that many of the residents there currently call the Police Department when they see things going on up there that shouldn’t be, so he would like to see some type of policy in place, like a neighborhood watch, as well as decals for the boats residents put on the lake, to identify that that boat is allowed to be there.

Trustee Behringer asked if it would only be for rowboats and Trustee Karl replied that it would be rowboats only, nothing motorized. A resident stated that they paddle boarded on the reservoir, but Trustee Karl reiterated that no one should be swimming in the reservoir either. Trustee Karl stressed the importance of working with the property owners around the reservoir who are helping the Village and in turn, the Village can help them in some way. The Village needs to put a Standard Operating Procedure in place for everyone to abide by. They are talking about 10 to 15 people at best. Trustee Behringer questioned who would be the keeper of the decals and Trustee Karl replied he felt it should be the Clerk’s Department.

Trustee Alley commented that it seemed a lot like it was a permanent license agreement with the boat owners and Trustee Karl agreed. These boat owners don’t leave the reservoir and it would only be available to the property owners around the lake who have a vested interest. Mayor Dwyer reiterated that people think because they have property on the lake they have a right to use it and that is not the case.

Trustee Karl stated that if the Village was willing to work with the property owners that he would be happy to work on putting together some language. Attorney Cassidy shared that they had a similar issue in the Village of Florida and it was determined that the property owners only had rights to the first 18 inches of water, there could be nothing motorized in the water and recently due to COVID, put is a pass system to control who’s entering the park.

Trustee Karl reiterated that he would work with Counsel and Village Clerk Baxter on the language and continue the discussion with the Board. Mayor Dwyer stated that he had a list of all the property owners

as possible participants and asked the rest of the Board to share their thoughts with Trustee Karl and himself.

MAYOR & TRUSTEE'S REPORT:

Mayor Dwyer gave a public thank you to the Board and rest of the Village staff for their constant commitment and dedication to the community. The Community BBQ was so well received, he can't say enough about it, it makes him proud to be part of this community.

Mayor Dwyer shared that recently the Mombasha Fire Department responded to a vicious fire on Franklin Avenue and he thanked them for all their hard work.

Mayor Dwyer also thanked Village Clerk Baxter and Deputy Clerk Zahra for all their hard work that went in to the Community BBQ. It was a huge success and the feedback was amazing with what was accomplished and Trustee Houle also thanked the events co-sponsor, the YMCA. Mayor Dwyer publicly thanked all the other vendors that participated: Monroe Gives, the Monroe Free Library, the Girl Scouts, Sacred Heart Parish Outreach, and the Greater Monroe Chamber of Commerce. Mayor Dwyer also complemented Victoria Lopez who performed along with the Killer Joe Band from Long Island. Ms. Lopez will be performing at the 9/11 ceremony as well. Trustee Houle inquired as to the details for the service and Mayor Dwyer replied that he would be working out the details with Village Clerk Baxter after tonight's meeting.

Trustee Karl asked for an update on the temporary no parking signs on Half Hollow and Mayor Dwyer replied that it needs to be legislated against the list of streets on the books and is waiting for Attorney Terhune to look into it further. Mayor Dwyer stated that Orchard Terrance and Ramapo Street should be added as well. Trustee Houle stated that there were other developments within the Village, up near Winchester and in Maple Knolls that also needed to be looked at. Trustee Karl asked if there was any thought to bringing on a traffic consultant and Mayor Dwyer replied that Frank from Creighton Manning Engineering was on it and was starting a study.

Trustee Karl asked for an update on Elm Street going one way and stated that he saw the sign posts up already. Mayor Dwyer replied he did a recent walk through with Police Officer Hansen and all the residents and businesses are in favor of the upcoming change. He stated that everyone was hand delivered information and their name was written down. Information was given in English and Spanish. Highway HEO Giudice and Police Chief Guzman would solidify their plan for sign location, the signs would then go up and be bagged temporarily and then the bags would come off Monday morning and it would become enforceable. There will be an abundance of signage as well. Trustee Karl asked if Emergency Services was notified and Mayor Dwyer replied that Police Chief Guzman was handling those notifications, along with the notifications for FedEx, UPS, Amazon, M-W School District, Orange Busing, EMES Busing, KJ Busing, KJ Public Safety, Monroe Dial A Bus, Marangi garbage, MOVAC, and Mobile Life. Mayor Dwyer asked Village Clerk Baxter to remind him in the morning to follow up with the Chief on the notifications.

Trustee Karl stated that he would like to start moving along with the street light upgrade project throughout the Village. He has shared the information with the rest of the Board and would like to see things move forward.

Trustee Karl also mentioned that the commercial truck traffic on Freeland Street has returned. Chicken trucks going to Kiryas Joel, dump trucks during the day, it's a lot of traffic and it's become 6 days a week. Trustee Karl asked that Freeland Street be included in the traffic study. Trustee Houle suggested establishing a truck route. Mayor Dwyer stated that he would get an update on the traffic study from Creighton Manning, as well as ask them to include Freeland Street in the study.

Trustee Karl stated that the control valve that was put in at the dam is grossly undersized and needs to be addressed to control the water. The valve was opened before the last two heavy rain storms, it was opened for 24 hours prior to the storm, and the water was still flowing over the dam. It was originally 36 inches and reduced to 12 inches. This is a concern and it should really be addressed.

Trustee Karl mentioned the basketball hoops in the streets and reminded the Board that he brought it up to them when he was a public citizen and Counsel advised that the Village was liable since they were in the Village street. There still is an issue with them on Bliss Terrace, Archer Terrace and Marc Terrace. He added that one was recently hit by a fire truck responding to a call on Pine Tree Road and it took the mirror off the fire truck.

Mayor Dwyer shared that he recently met with Senator Skoufis regarding some funding that he would like to give the Village to help dredge the ponds. He provided some guestimates to him and at the high end, \$6.7 million dollars which includes trucking out 45,000 cubic yards from the North and South ponds. Trustee Houle asked was the estimate was on the low side and Mayor Dwyer replied \$1.5 million and that is keeping the materials onsite, let it dry out and use it elsewhere in the park, like the filed of the North pond. Trustee Karl replied that it is a great winter project and a lot of the work could be done in house, the Village could ask the Town and County for equipment assistance as well. Mayor Dwyer shared that Senator Skoufis offered \$500,000 towards the project but thinks that he may be able to get some additional funds from him, but he needs to show some movement on it in the next 30 days. Mayor Dwyer added that he could possibly propose to do it in two projects and Trustee Karl stated that the North Pond would be trickier since it is lower than the South Pond and it would be better to start with the South Pond first.

Mayor Dwyer had a discussion with NYS DOT regarding pushing the stop bar back on Schunnemunk Street. They proposed a resolution that he needs to speak with the Fire District about, but they proposed that they put the stop bar back where it was so it works as it was designed to and keep open the upper portion of the lot that isn't blocked. Mayor Dwyer added that he doesn't think that it'll work but thinks that they are just doing their thing. Mayor Dwyer stated that he doesn't care about being in violation, he would rather see the Fire Department get what they need.

Trustee Karl stated that the maple tree by the Fireman's Memorial is split up the middle and the tree needs to come down. There are also ones that are in the State's right of way that need to be come down, they are pretty good size trees and the Village should put them on notice, in writing.

PUBLIC COMMENT: **# PRESENT 0** **TIME: 8:31 PM**

There was no public comment.

EXECUTIVE SESSION:

On a motion by Trustee Behringer, seconded by Trustee Houle, and carried, following a 5-minute recess, the Board convened in Executive Session at 8:32 PM for discussion of Attorney Client.

Executive Session Minutes compiled by Mayor Dwyer.

OPEN SESSION: on a motion by Trustee Houle, seconded by Trustee Behringer and carried, the Open Meeting resumed at 9:01PM.

ADJOURNMENT:

On a motion by Trustee Houle, seconded by Trustee Karl and carried, no further business, the meeting was adjourned at 9:02 PM.

Respectfully Submitted,

Ann-Margret Baxter
Village Clerk