

PUBLIC HEARING 9.20.22 – 7:00 PM
PROPOSED LOCAL LAW ENTITLED “MODIFICATION OF CHAPTER 195 OF THE
VILLAGE CODE “WATER” TO PROTECT MOMBASHA RESERVOIR FROM
CONTAMINATION”

A Public Hearing was held on Tuesday, September 20, 2022 in the boardroom of the Village Hall, 7 Stage Road, Monroe, NY at 7:00 PM to review a proposed local law entitled Modification of Chapter 195 of the Village Code “Water” to Protect Mombasha Reservoir from Contamination. The Village Board of Trustees finds and determines that access to and recreational use of Mombasha Reservoir, the Village’s drinking water, introduces a level of risk of contamination to the Village’s water supply that needlessly jeopardizes the health and safety of Village residents and all others who depend on Mombasha Reservoir for safe drinking water.

Present: Mayor Dwyer, Trustees Behringer, Ferraro, Karl and O’Connor
Also present: Attorney Terhune, Clerk Zahra, Treasurer Murray, Building Inspector Cocks, and Police Chief Guzman

On a motion by Trustee Karl, seconded by Trustee Behringer, and carried, the public hearing was opened at 7:00 PM.

Paulette Browne spoke in favor of the proposed local law to protect the Mombasha Reservoir. She feels the people living on the reservoir want to put recreation before the good health of neighbors. She would like to be a member on the committee to protect the Village water supply.

Supervisor Anthony Cardone thanked the Board for the opportunity to speak. He feels that the property owners around the reservoir should be able to enjoy the reservoir with recreational activities. Dialogue between stakeholders and the Village would be appropriate. Residents are ready and able to assist with protecting the reservoir as gatekeepers. – See written correspondence attached.

Staci McCleary thanked the Board for the opportunity to speak. She and Dawn Tauber have purchased a property on the reservoir. They have invested into preserving the property, preventing a developer from purchasing the property. The surroundings are beautiful. Homeowners should be allowed to enjoy the reservoir. Have you done your research on the impacts of recreational usage on the reservoir?

Larry O’Neil, resident of 8 Reilly Road, right next to the water plant on the north end of the lake, feels that the Village vehicles have destroyed Water Plant Road and the bridge over the spillway on Reilly Road. He feels that boats with Village issued stickers should be allowed at the reservoir. He would like to be able to boat and fish. – See written correspondence attached.

Mariann Bischoff asks us to postpone the adoption of the proposed local law. She thanked the Board for the informative presentation on the drinking water protection plan. She learned to fish on this lake and has a spiritual connection. She has contributed to managing weeds by filling her canoe with water chestnuts and picks up refuse with a bag around the reservoir. She feels that a liaison for each part of the reservoir would help to make things better. Please work with us for solutions to keep the reservoir safe. – See written correspondence attached.

Rob Rosborough from Whiteman, Osterman, and Hanna LLP represents the Nettie-Fred Cooperative Corporation, a group of homeowners who own property that directly abuts the Mombasha Reservoir. -See written correspondence attached.

Alex Rivera thanked the Board for the opportunity to speak. He started out by clarifying that he recognizes that he does not have lake rights. He would like to see recreational use on the lake by property owners with regulations. He likes to kayak on this reservoir. -See written correspondence attached.

James May would like to see recreation with permits. Boats should be cleaned and certified. He wants to work together like other towns to use boats and be able to fish.

John Fahner realizes he is not a citizen of the Village of Monroe. He wants to be good neighbors. He helps in removing invasive water chestnuts. He supports the goal, economically and environmentally, of the Village. He doesn't feel that eliminating row boats would make a difference in the water quality. He feels that Air BNB should be prohibited around the reservoir.

James Sussmann -See written correspondence attached.

Eleanor Cordisco is upset with the situation. She grew up on the reservoir and feels that her lake family should be able to boat and fish. These recreational activities will not hurt the water supply.

Natalie Browne, user of the water system, feels that regulations assure safe drinking water. The Department of Health (DOH) and the Department of Environmental Conservation (DEC) recommend proactive steps to keep the public water supply safe. The property owners on the reservoir knew where they bought, and should have been aware that regulations could be put in place and changed at any given time.

There were 40 people from the public present for the public hearing. The public hearing was left open for 40 minutes. See below for more written correspondence.

Mayor Dwyer,

I won't be at the fire department drill Monday night so won't have a chance to talk to John Karl in person before the meeting to vote on the new local law regarding recreation on Mombasha Lake. I just wanted to say that I feel blindsided by the proposed local law after the meeting that was held previously at the Lakeside Fire House where both you and John gave us the impression that it was possible that you would be issuing some sort of "resident" sticker or something to allow people to go on the water to patrol for invasive species and look out for non-residents on the water.

I am worried that this is the first step toward harsher realities. Things like fences, etc. on private property.

This is especially troubling as the people who live around the lake are inherently not village residents. And, as such, do not have a vote on village matters.

I would appreciate it if you could contact me so we can speak further. I can be reached at 845-641-1807.

Thanks,
Micah Hoernig

With no further comments or questions, on a motion by Trustee Behringer, seconded by Trustee Karl and carried, the public hearing remained open at 7:40 PM.

**PUBLIC HEARING 9.20.22 – 7:10 PM
PROPOSED LOCAL LAW INTRODUCING “AMENDING CHAPTER 200 (“ZONING”)
TO VEST AUTHORITY TO PERFORM THE “MONROE BALANCING TEST” IN THE
VILLAGE OF MONROE BOARD OF TRUSTEES”**

A Public Hearing was held on Tuesday, September 20, 2022 in the boardroom of the Village Hall, 7 Stage Road, Monroe, NY at 7:10 PM to review a proposed local law titled, “Amending Chapter 200 (“Zoning”) to Vest Authority to Perform the “Monroe Balancing Test” in the Village of Monroe Board of Trustees.”

The Village Board of Trustees is vested with the management of property lying within its boundaries and “may take all measures and do all acts, by local law, not inconsistent with

the provisions of the constitution, and not inconsistent with a general law except as authorized by the municipal home rule law, which shall be deemed expedient or desirable for the good government of the village, its management and business, the protection of its property, the safety, health, comfort, and general welfare of its inhabitants, the protection of their property, the preservation of peace and good order, the suppression of vice, the benefit of trade, and the preservation and protection of public works.” Village Law § 4-412. Furthermore, the State has delegated police power to municipalities to regulate development within its boundaries through zoning law. Village Law § 7-700.

This local law is enacted in order to protect the Village, its residents and resources from unnecessary and potentially harmful incursion by other municipal entities that own land within Village of Monroe boundaries, and which may seek to thwart compliance with local land use regulations, property maintenance law and Village enforcement of the NYS Uniform Fire Prevention and Building Code.

This local law is enacted by the Board of Trustees of the Village of Monroe by authority of Article 7 of the Village Law and Article 10 of the Municipal Home Rule Law.

Present: Mayor Dwyer, Trustees Behringer, Ferraro, Karl and O’Connor
Also present: Attorney Terhune, Clerk Zahra, Treasurer Murray, Building Inspector Cocks, and Police Chief Guzman

On a motion by Trustee Karl, seconded by Trustee O’Connor, and carried, the public hearing was opened at 7:40 PM.

There were 25 people from the public present for the public hearing. There was no written correspondence received. The public hearing was left open for 5 minutes.

Attorney Terhune explained this law pertains to municipal entities that own property in another municipality.

With no further comments or questions, on a motion by Trustee Karl, seconded by Trustee O’Connor and carried, the public hearing was closed at 7:45 PM.

PUBLIC WORKSHOP 9.20.22 – 7:15PM DOWNTOWN REVITALIZATION INITIATIVE (DRI)

A Public Workshop was held on Tuesday, September 20, 2022 in the boardroom of the Village Hall, 7 Stage Road, Monroe, NY at 7:45 PM to solicit comments from interested residents regarding the application for a \$10-million-dollar downtown revitalization initiative grant and potential improvements within the downtown corridor.

Present: Mayor Dwyer, Trustees Behringer, Ferraro, Karl and O’Connor
Also present: Attorney Terhune, Clerk Zahra, Treasurer Murray, Building Inspector Cocks, and Police Chief Guzman

On a motion by Trustee Behringer, seconded by Trustee Karl, with all in favor, the workshop was opened at 7:45 PM.

Mayor Dwyer suggests some major components for allowing a great experience in our downtown needs to include the following:

1. Incentives to renovate facades in the downtown is a major concern- poor condition
2. Village parking lots need to be addressed redesign and align with adjacent areas for better parking and flow
3. Design and build a new Bus Terminal Depot at front of commuter parking lot allowing for safe transition of riders, safe passage of cars along Millpond with a seasonal weather shelter for commuters
4. Accessibility from parking to our Downtown should be warm, friendly, well lit, informative and inviting through our current alleyway.
5. Encourage business owners and property owners to partner with the Village in design and implementation of their properties allowing for distinct but fluid esthetic in our

downtown.

More Project Ideas Suggested:

- Lighting around walking paths
- Large Directory (LED Based w/ Graphics)
- LED Floating sign in the pond
- Permanent Concert Stage w/ lighting and audio
- Walking Bridge across the pond for fishing and cutting across to other side – South Pond
- Lighting on Heritage Trail on Village property
- Beautify the shoreline of the ponds
- Fountains in ponds with lighting
- Upgrade the electricity around the ponds
- Refillable water bottle station
- New Business signs for the Downtown
- Tables and Benches
- Pedestrian dock for ice skaters
- Repaving walking paths
- Repaving and cleaning up alley ways in the Downtown
- Audio system for the Downtown
- Tree Planting
- Box culvert bridge structure to Gazebo Island for better water flow
- Widening sidewalk by waterfall on Stage Road
- Rehabilitating the 911 Memorial
- Upgrading playground equipment in Crane Park
- Permanent bathroom structure for around the pond (Possibly at Airplane Park)
- Dredging ponds

There were 23 people from the public present for the public workshop. There was no written correspondence received. The public workshop was left open for 30 minutes.

On a motion by Trustee Behringer seconded by Trustee Karl, with all in favor, the workshop was closed at 8:15 PM.

To hear the entire text of this workshop, please reference the audio on file in the Village Clerk's office.

BOARD OF TRUSTEES MEETING

Tuesday, September 20, 2022

(www.villageofmonroe.org)

The meeting of the Board of Trustees was held on Tuesday, September 20, 2022 at 8:15 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 Behringer, Ferraro, Karl and O'Connor
Also present: Attorney Terhune, Deputy Clerk Zahra, Building Inspector Cocks, Police Chief Guzman, and Treasurer Murray

MINUTE APPROVAL: SEPTEMBER 6, 2022 BOARD MEETING:

On a motion by Trustee Ferraro seconded by Trustee Karl, the Minutes of the September 6, 2022 Board Meeting were approved.

Ayes: Trustees Ferraro, Karl and O'Connor

Nays: None

Abstain: Behringer

BUDGETARY TRANSFERS / MODIFICATIONS:

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

From:	Description	To:	Description	Amount	
	None				
Budget Modifications					
A.2260	Police Services	A.3120.135	PD-OT / Grants	1,847.31	Raise Revenue/Expense lines re OT Grants
A.2770	Miscellaneous Revenue	A.7550.410	Celebrations	8,000.00	Raise Revenue/Expense lines re Cheese Festival

On a motion by Trustee Karl, seconded by Trustee Behringer, and carried.

BOND REDUCTION – SPRING HILL APARTMENTS:

This topic was tabled to confirm with Village Water and Highway Superintendents that bond reduction is acceptable.

ADOPTION – LOCAL LAW #10 OF 2022 – “MODIFICATION OF CHAPTER 195 OF THE VILLAGE CODE “WATER” TO PROTECT MOMBASHA RESERVOIR FROM CONTAMINATION”:

This proposed local law has been tabled for more review.

ADOPTION – LOCAL LAW #9 OF 2022 – “AMENDING CHAPTER 200 (“ZONING”) TO VEST AUTHORITY TO PERFORM THE “MONROE BALANCING TEST” IN THE VILLAGE OF MONROE BOARD OF TRUSTEES”:

WHEREAS, the Village Board of the Village of Monroe, New York (“Village Board”) duly noticed a public hearing held on September 20, 2022; and

WHEREAS, the Village Board solicited public comment during said public hearing on September 20, 2022; and

WHEREAS, the proposed local law, the Village Board of Trustees is vested with the management of property lying within its boundaries and “may take all measures and do all acts, by local law, not inconsistent with the provisions of the constitution, and not inconsistent with a general law except as authorized by the municipal home rule law, which shall be deemed expedient or desirable for the good government of the village, its management and business, the protection of its property, the safety, health, comfort, and general welfare of its inhabitants, the protection of their property, the preservation of peace and good order, the suppression of vice, the benefit of trade, and the preservation and protection of public works.” Village Law § 4-412. Furthermore, the State has delegated police power to municipalities to regulate development within its boundaries through zoning law. Village Law § 7-700.

This local law is enacted in order to protect the Village, its residents and resources from unnecessary and potentially harmful incursion by other municipal entities that own land within Village of Monroe boundaries, and which may seek to thwart compliance with local land use regulations, property maintenance law and Village enforcement of the NYS Uniform Fire Prevention and Building Code.

This local law is enacted by the Board of Trustees of the Village of Monroe by authority of Article 7 of the Village Law and Article 10 of the Municipal Home Rule Law.

NOW, THEREFORE, BE IT RESOLVED that:

1. The above “WHEREAS” paragraphs are incorporated herein by reference.
2. The Local Law, “Amending Chapter 200 (“Zoning”) to Vest Authority to Perform the “Monroe Balancing Test” in the Village of Monroe Board of Trustees,” as attached is adopted as Local Law No. 9 of 2022 of the Village of Monroe on September 20, 2022.

3. The Village Board hereby directs the Village Clerk to take all steps to process and file said Local Law.
4. This Local Law shall be effective immediately.

**VILLAGE OF MONROE
LOCAL LAW # 9 OF 2022
AMENDING CHAPTER 200 ("ZONING") TO VEST AUTHORITY TO PERFORM
THE "MONROE BALANCING TEST" IN THE
VILLAGE OF MONROE BOARD OF TRUSTEES**

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

SECTION 1. LEGISLATIVE INTENT, PURPOSE AND AUTHORITY.

The Village Board of Trustees is vested with the management of property lying within its boundaries and "may take all measures and do all acts, by local law, not inconsistent with the provisions of the constitution, and not inconsistent with a general law except as authorized by the municipal home rule law, which shall be deemed expedient or desirable for the good government of the village, its management and business, the protection of its property, the safety, health, comfort, and general welfare of its inhabitants, the protection of their property, the preservation of peace and good order, the suppression of vice, the benefit of trade, and the preservation and protection of public works." Village Law § 4-412. Furthermore, the State has delegated police power to municipalities to regulate development within its boundaries through zoning law. Village Law § 7-700.

This local law is enacted in order to protect the Village, its residents and resources from unnecessary and potentially harmful incursion by other municipal entities that own land within Village of Monroe boundaries, and which may seek to thwart compliance with local land use regulations, property maintenance law and Village enforcement of the NYS Uniform Fire Prevention and Building Code.

This local law is enacted by the Board of Trustees of the Village of Monroe by authority of Article 7 of the Village Law and Article 10 of the Municipal Home Rule Law.

SECTION 2: CHAPTER 200 ("ZONING")

Article II, Section 200-5 ("Definitions") is hereby amended by adding the following new definition:

MONROE BALANCING TEST – In making a determination as to whether the actions of governmental units are "exempt" from local zoning regulations, the New York Court of Appeals in the 1988 case of Matter of County of Monroe v City of Rochester, 72 N.Y.2d 338, 533 N.Y.S.2d 702, established a new method for resolving inter-governmental land use disputes using the "balancing of public interests" analytic approach. Unless a statute exempts it, the encroaching governmental unit is presumed to be subject to the zoning regulations of the host community where the land is located. The host community weighs nine factors to determine whether or not it is in the public interest to continue to subject the encroaching government to its land use regulations:

1. the nature and scope of the instrumentality seeking immunity,
2. the kind of function or land use involved,
3. the extent of the public interest to be served thereby,
4. the effect local land use regulation would have upon the enterprise concerned,
5. the impact upon legitimate local interests,
6. applicant's legislative grant of authority,
7. alternative locations for the facility in less restrictive zoning areas,
8. alternative methods of providing the needed improvement,
9. intergovernmental participation in the project development process and an opportunity to be heard.

Section 200-10, titled, "Effect of establishment of zones," of Article III, titled "Zones Established; Zoning Map," is amended by adding as follows subsection F, titled, "Application of Village of Monroe zoning law to municipal-owned land within the Village of Monroe," is hereby

added as follows:

F. Application of Village of Monroe zoning law to municipal-owned land located within the Village of Monroe.

1. Real property owned by other municipal entities. The Board of Trustees hereby declares that all land within its municipal boundaries is subject to its zoning, subdivision and property maintenance laws unless specifically exempted by State or Federal Law, local law or deemed wholly or partially exempt after the Village of Monroe Board of Trustees performs a "Monroe Balancing Test" as defined herein. Said "Monroe Balancing Test" shall in all cases be performed by the Village of Monroe Board of Trustees.

Real property owned by the Village of Monroe. Property owned by the Village and located within its municipal boundaries and used for a public purpose as determined by resolution of the Board of Trustees shall be exempt from its zoning law and subdivision regulations.

Where such Village-owned land is leased for a commercial use, however, said land shall be subject to the Village's zoning law and subdivision regulations unless specifically found to be exempt after the Village has conducted a Monroe Balancing Test.

2. All real property located within the Village of Monroe shall be subject to Village enforcement of the NYS Uniform Fire Prevention and Building Code by the Village of Monroe Building Inspector and Fire Inspector.

SECTION 3: SUPERSEDING PROVISION.

To the extent that any State or local laws fail to provide specific authority for this Local Law or the procedures necessary for its adoption, or otherwise appear to be in conflict with this Local Law or the procedures followed for its adoption, then such laws are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

SECTION 4: SEVERABILITY.

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

SECTION 5: EFFECTIVE DATE.

This law shall take effect upon the filing of this Local Law with the New York Secretary of State in the manner provided for in the Municipal Home Rule Law.

On a motion by Trustee Karl, seconded by Trustee O'Connor

Ayes: Trustees Behringer, Ferraro, Karl and O'Connor

Nays: None

EXTENSION OF HOURS, ALAN PRINCE, PT SEASONAL LABORER:

RESOLVED, the Board of Trustees approves the extension of Alan Prince's part-time seasonal employment from September 7, 2022 until September 16, 2022 for the purposes of continued weed harvesting in Mombasha Reservoir.

On a motion by Trustee Karl, seconded by Trustee O'Connor

Ayes: Trustees Behringer, Ferraro, Karl and O'Connor

Nays: None

JCAP GRANT APPLICATION FILING / VILLAGE OF MONROE JUSTICE COURT:

The Village of Monroe Justice Court is requesting authorization from the Village Board to apply for funding from the Justice Court Assistance Program during the upcoming grant cycle.

RESOLVED, that the Board of Trustees authorizes the Village of Monroe Justice Court to apply for a JCAP grant (Justice Court Assistance Program) in the 2022-2023 grant cycle of up to \$30,000.00

On a motion by Trustee Ferraro, seconded by Trustee Karl

Ayes: Trustees Behringer, Ferraro, Karl and O'Connor

Nays: None

AMENDMENT – ACCESS CONTROL SYSTEM – N.A.S SECURITY:

RESOLVED, the Board of trustees authorizes an amendment in the agreement with N.A.S Security to include additional parts and labor including, one high powered RF receiver, 10 wireless one-button pendants, and one cable in the amount of \$1855.00 to be allocated from budget line A.1620.4520, Village Hall Maintenance.

On a motion by Trustee Ferraro, seconded by Trustee Behringer

Ayes: Trustees Behringer, Ferraro, Karl and O'Connor

Nays: None

CLERK'S OFFICE – VILLAGE HALL – INVENTORY – REQUEST TO DISPOSE:

RESOLVED, the Board of Trustees declares the following Clerk's Office non-working equipment surplus and of no value and authorize its removal from inventory and disposal as junk:

Dell Computer Optiplex 7440AIO Serial #CC9BGB2

Epson Check Reader Model #M236A Serial #KEAF016480

On a motion by Trustee Ferraro, seconded by Trustee Karl

Ayes: Trustees Behringer, Ferraro, Karl and O'Connor

Nays: None

APPOINTMENT – PD - P/T DISPATCHER - R. HALEY:

RESOLVED, the Board of Trustees appoints Richard Haley as a part-time dispatcher. All of the necessary paperwork has been completed. His effective date of hire is September 21, 2022 at an hourly rate of \$23.64 per hour.

On a motion by Trustee Behringer, seconded by Trustee Karl

Ayes: Trustees Behringer, Ferraro, Karl and O'Connor

Nays: None

APPOINTMENT – PD – P/T POLICE OFFICER (SCHOOL RESOURCE OFFICER) – F. ARMSTRONG:

RESOLVED, the Board of Trustees accepts the recommendation of Police Chief Guzman and approves the appointment of Francis Armstrong to the position of part-time Police

Officer (School Resource Officer), effective September 23, 2022 at an hourly salary of \$35.90 per hour. The required Department application, pre-approval, physical / drug screening, psychological and background investigation has been completed through the Orange County Department of Human Resources.

On a motion by Trustee Behringer, seconded by Trustee Karl

Ayes: Trustees Behringer, Ferraro, Karl and O'Connor
Nays: None

MAYOR & TRUSTEE'S REPORT:

Mayor Dwyer commented on the 9/11 Ceremony held on Sunday, September 11, 2022. It was a very poignant and special remembrance. The Monroe Woodbury Music groups enhanced the memorial event with their talent. Thank you to the Chief and his team. He thanked the interfaith community and Rabbi Burston was a nice addition this year at the 9/11 ceremony. Mayor Dwyer was happy to have attended the grand opening for the Chabad. Mayor Dwyer found the Cheese Festival to be a very successful event planned in only seven weeks by Lyn Cear and others including himself. The music was amazing. He thanked Trustee Karl on his work for the Village of Monroe Drinking Water Source presentation last night.

Trustee Behringer commented that the Cheese Festival and the 9/11 ceremony, with its music, were great events. She also said look out for more information for a joint Halloween event on Saturday, October 29, 2022 with the YMCA and Smith's Clove Park.

Trustee Karl said he will have information on weed tonnage pulled from Mombasha Lake with the weed harvester operated by Alan Prince. He also reminded everyone we are still in a mandatory water restriction.

ATTORNEY'S REPORT:

Nothing to report.

PUBLIC COMMENT: # PRESENT 16 TIME: 8:30PM

Virginia Zaleski from 3 Freeland Street said her area is a constant accident waiting to happen. She suggested closing off Freeland Street and making it for residents only. People would have to drive through the downtown then, making for more business. She also commented that she thought we needed a Community Center for dances and events. She didn't believe that the YMCA was welcoming enough. She thinks more streetlight are needed. Mayor Dwyer explained that he and Trustee Karl are in the final stages of updating to LED streetlights.

Alex Rivera was curious as to whether or not the Village of Monroe had approved to be a water source for the proposed Rye Hill development. The Mayor said the Town cannot do anything without approval from the Village Board and our Village residents needs come first.

EXECUTIVE SESSION:

On a motion by Trustee Behringer, seconded by Trustee Karl, and carried, following a 5-minute recess, the Board convened in Executive Session at 8:45PM for discussion of Attorney Client / Personnel.

OPEN SESSION:

On a motion by Trustee Behringer, seconded by Trustee Karl and carried, the Open Meeting resumed at 10:15PM.

ADJOURNMENT:

On a motion by Trustee Behringer, seconded by Trustee Karl and carried, no further business, the meeting was adjourned at 10:15PM.

Respectfully Submitted,

Kimberly Zahra
Village Clerk

MONTHLY REPORTS:

On a motion by Trustee Karl, seconded by Trustee O'Connor, with all in favor, the department monthly reports were accepted and filed.

AUGUST 2022 VILLAGE CLERK'S REPORT SUBMITTED BY KIMBERLY ZAHRA,
VILLAGE CLERK:

1. Minutes prepared, processed associated correspondence and Legal Notices completed for the August 16th Board of Trustee's Meeting and Special Board of Trustee Meeting on August 23rd.
2. Permits issued: Handicap Parking: 16 Garage Sale: 6 Solicitor/Peddling: 0
Road Opening: 0 Blasting Permit: 0 Liquor License: 1 Towing Permits: 0
3. Processed 2 Event Application.
4. Public Hearings Held: 1
5. Closed out mailing machine for month on 8/31.
6. Bi-Weekly payroll worksheets completed and submitted.
7. Collected August water rents.
8. Required paperwork filed with O.C. Department of Human Resources.
9. Processed FOIL requests.
10. Oversee updates and maintenance, of Village Website and Constant Contact. (38 sent)
11. Daily retrieval of messages left during the day and after hours. Forwarded messages and responded as required.
12. Vouchers completed as required. Transmittal of money collected completed and bank deposits done.
13. Scan and email pertinent information to Board and Attorney.
14. Collected 2022/2023 Village Tax Bills.
15. Mailed out second notices for unpaid Tax Bills.
16. Vouchered and mailed lawn maintenance violation invoices.
17. Assisted with concert contracts and vouchers for payment.
18. Assisted with Community BBQ planning.
19. Processed new employee paperwork.
20. Prepared 4 proclamations.
21. Process Cheese Festival vendor payments.
22. Supporting and continued training of part-time Water Billing Control Clerk.

AUGUST 2022 JUSTICE COURT REPORT:

Total Fines: \$31,797.00 Total Surcharges: \$8,073.00 Total Parking: \$1,990.00
Total Civil Fees: \$2,185.00 Bail Poundage Collected: \$0.00 Total Bail Forfeited: \$0.00
Total for August: \$44,045.00

Vehicle & Traffic Tickets: 275 Disposed: 334
Criminal Cases: 36 Disposed: 19 Civil Cases: 2 Disposed: 2
Paid Parking Tickets: 53 Dismissed Traffic Tickets: 53

AUGUST 2022 POLICE DEPARTMENT REPORT SUBMITTED BY DARWIN
GUZMAN, CHIEF:

CALLS FOR SERVICE

TOTAL CALLS – 1,671

CASES/CRIMINAL OFFENSE – 153

ARRESTS – 61

TRAFFIC REPORT

TRAFFIC TICKETS – 348

PARKING TICKETS – 66

GAS – S / G

MVA's – 31

TRAINING

Officer Wellness – Young / Malgieri

RAD - Berke

K9 – Berke

FBI Crime Scene- Farningham

SRO – Mahoney / Lee

Impaired Driver – Beach / Minutolo

Field Training – Munoz

Crisis Intervention Training Youths- Compasso / Amatetti

AUGUST 2022 FILTRATION PLANT REPORT SUBMITTED BY ERNEST MABEE,
CHIEF OPERATOR:

Production: Lake Mombasha:	36,077,745	35,099,345 Gallons LY 2021
Well #4:	3,950,222	6,031,565 Gallons LY 2021

Consumption: 40,027.967 Gallons / 41,130,910 Gallons LY 2021

Water Samples / Testing: Passed

Rainfall: 1.86"

Reservoir: -25

Miscellaneous:

Mark Outs

2 Reservoir Inspections

Final Water Reads

Daily Equipment Maintenance at Plant and Well

Weekly and Monthly Water Testing to Lab, All Results Good

Updated Diamond Maps

Painted Hydrants

Aqua Logics here to Upgrade Filter Turbidimeters

Recalibrated CL 17 Analyzer at Filter Plant

Installed No Trespassing Signs at Gate House

Solitude here to Treat Reservoir with Copper Sulfate

AUGUST 2022 DPW SUBMITTED BY LARRY GIUDICE, HEAVY EQUIPMENT
OPERATOR:

1. Empty all garbage cans around Village and Ponds
2. Pick papers in park.
3. Weedo – Millponds and move weeds to landfill.
4. Sweep roads.
5. Water flowers.
6. Mow park and green areas.

7. Prep roads for tar and chip.
8. Tar and chip roads.
9. Repair two stop signs.
10. Move concert trailer.
11. Mow and weed-wack shoreline.
12. Repair curb on Newbury Street.
13. Trim trees between ponds.
14. Cut stumps in park.
15. Repair catch basins.
16. Paint handicap parking spots.
17. Clean off Village sidewalks.
18. Install new frame and grate on catch basin in park.
19. Clean basin tops.
20. Check streams.
21. Cut and chip trees on Rye Hill Road, and Stage Road.
22. Install fence on Peterbush Drive.
23. Hang lights in Village.
24. Mark roads for striping.
25. Install two new bike racks in Village.
26. Clean shop.

**AUGUST 2022 BUILDING DEPARTMENT AS SUBMITTED BY ASSISTANT
BUILDING INSPECTOR PROULX:**

Building Permits Issued:	39
Rental Inspections Completed:	34
Title Searches Completed:	24
Violations Issued:	19
Warnings Issued:	15
Building Permit Inspections Performed:	179
C.O's Issued:	33
Complaint Inspections:	41
Fire Inspections:	6
 Open, active building permits:	 398
 FOIL Requests:	 9
 Building Permit Fees:	 \$ 11,580.75
Rental Permit Fees:	400.00
Fire Inspection Fees:	0.00
Title Search Fees:	<u>3,300.00</u>
Total Collected Fees:	\$ 15,280.75

Monthly Assessor's Report
 Monthly report to FD for Solar
 Daily cash deposits to Clerk
 Bi Monthly mailing for expired permits
 Attendance at Planning Board Meetings, Village Board, and ZBA Meetings

MONROE FIRE DISTRICT OFFICERS 2022:

Commissioners: Thomas Sullivan – Chairman, Jason Kalter – Vice Chairman, John Centofanti, Pat Patterson, Tom Lowe

Secretary: Kathleen Aherne

Treasurer: Richard Goldstein

Chief Rich Lenahan, 1st Ass't Chief Jon Dolch, 2nd Asst. Chief John Scherne

AUGUST 2022 TREASURER'S REPORT SUBMITTED BY CATHERINE MURRAY:

Treasurer's Report Village of Monroe August 2022
--

SIGNIFICANT ACTIVITY (REVENUES)

Franchises	63,398
Recreation Concessions	34,982
Bank interest	14,832
Rental of Real Property	7,481
Building Permits	14,511
Gifts & Donations	7,500
Permits (water)	7,500

SIGNIFICANT ACTIVITY (EXPENDITURES)

Law Contractual	5,656
Law Contractual/ Other Atty	10,980
PD Uniform Allowance	6,255
St Maint Other Equipment	20,000
Street Lighting Street	9,139
MJPR Commission Contribution	302,000
Celebrations General Expense	5,282
Planning Contractual	12,083
Purification Chemicals	24,980
Radio Reads (water fund)	
WC Insurance - General Fund	46,186
- Water Fund	10,939
	<hr/> 57,124
Liability Insurance - General Fund	41,425
- Water Fund	11,643
	<hr/> 53,068
Health Insurance - General Fund	136,283
- Water Fund	17,248
	<hr/> 153,531

STATUS OF FY2023 CONTINGENCY ACCOUNTS

		CURRENT BALANCE
General Fund Appropriation -budgeted	\$101,775	101,775
Water Fund Appropriation -budgeted	\$51,500	51,500

COMMENTS:

We have completed 3 months of the fiscal year and expenses should be at 25.0%. The expenses are at 22.7% for the General Fund and 17.2% for the Water Fund inclusive of budget adjustments to be approved by the board.

Respectfully submitted,
Catherine Murray
Treasurer

11/28/16
My purpose here this evening is to create a dialog so that home owners along Mombasha are protected as the body of water is.

From looking at the County tax map there seems to be approx. 45 Residents that have frontage on Mombasha Lake along with some vacant properties.

With that many residents ready and able to assist in the protection of the lake as gatekeepers, it would seem appropriate that negotiations begin immediately with a committee of stakeholders with frontage on the lake. Creating fear for the homeowners with punitive measures that restrict their access and threaten the value of their properties just doesn't seem right.

If we look at Walton Lake, here is a Lake that has public access, from various points, residential access from dozens of homes and it still a direct water source for the Town of Chester.

Greenwood Lake is an indirect source of water for residents as well.

I do understand and completely agree that the lake should not be accessible to everyone. The Village should have some control of the water source while also allowing those with direct lake frontage to have recreational access for fishing, enjoyment and safety. If there is one private access point that allows someone to access the lake, that can possibly allow everyone to access the water. That said, not allowing a property owner to use a boat for an emergency to protect the life of someone in immediate danger is not justified because they have the option to call 911 in that situation is disgraceful, ludicrous and unfathomable.

Questions - Has the village researched all deeded rights to properties around the boundary of the Lake and whether residents and their heirs have rights to it?

Is the Village aware that multiple properties property lines extend into Mombasha Lake, giving those property owners access to the lake currently?

What is the protective reasoning behind eliminating frontage properties from having access to the lake with boats?

Everyone here this evening is in favor of protecting the water source, everyone wants to prohibit the littering that goes on. Yet everyone here also wants to enjoy the lake along their boundaries, I hope this is the start of negotiations to allow them those rights. Thank you listening and for your time.

Supervisor Tony Cardone

Larry O'Neill 8 Reilly Rd Town of Monroe

DIRECTLY NEXT DOOR TO THE WATERPLANT ON THE NORTH END OF THE LAKE

I ALSO WORK FROM HOME AND GET TO EXPERIENCE 100% OF THE ACTIVITY AT THE WATER DEPARTMENT FACILITY ON REILLY ROAD

- According to the 2021DPW Water report there were no contaminants in the water.
 - Mombasha Lake didn't experience a single "non-natural" contamination level above 35% of the Regulatory limit
 - Are you claiming that the current recreation permission is causing contaminants?
 - Because there is NO evidence of that
- The Village of Monroe has destroyed Water Plant Rd., and the Bridge over the spillway on Reilly Rd.
 - Both of these are private roads where the residents would have to bear the costs to repair them.
 - The village has BY FAR the heaviest vehicles that these roads see
 - Dump Trucks, Trailers hauling the excavators, and harvesters
- The activity to harvest starts as early as 6:15 on some mornings disturbing local residence. Its unnecessary.
- The harvester pilot has also been telling people they cant boat or fish on the lake WHEN ITS STILL PERMISSIBLE.
- Trustee Karl and Mayor Dwyer attended a meeting on invasives in the lake 2-3 years ago and said they NEEDED us to help be their eyes and ears.
 - That we would get stickers for our boats as having lake rights so we could all be on the watch for boats coming from other bodies of water.
 - That we would have to agree to only use those boats on this lake and this lake alone
 - What happened to that plan ? To hard to implement ?
- As someone who see all the activity at the northern end of the lake, the only people bringing boat to Lake Mombasha from other bodies of water are the Village and lots of other people that seem to have a key to the gate (after hours and on weekends)
- Today we applied for a recreational permit for boating and fishing.
 - The Water Treatment Plant Operator stated that no permits are being issued
 - The Village Clerk stated she had never been asked to issue one (prompting the call to the Water Treatment Plant Operator).

IF YOU WANT TO HAVE GOOD NEIGHBORS, YOU HAVE TO BE A GOOD NEIGHBOR

- At Yesterday's meeting the Water Treatment Plant Operator cited a test last year that was conducted to see if there were any volume lost (leaks) between intake and the meters, where the test reveals an 18%-20% loss
- You don't know the condition NOR THE LOCATION of the pipes that feed the treatment plant
- You are losing the battle on the invasives as lake levels decrease more each year
- You use 1.2M gallons a day and only have a 1.5M gallon capacity
 - **Rome is Burning and you're giving out parking tickets**

September 19, 2022

**Dear Honorable Mayor, Neil S Dwyer
Trustee Debbie Behringer
Trustee Andrew Ferraro
Trustee John Karl III
Trustee Martin O'Connor
Village of Monroe, New York**

Attached please find signed petitions by residents with property bordering Lake Mombasha. It is our sincere hope that you accept this petition in the spirit in which it is intended. Lake Mombasha residents care deeply about the preservation of the lake.

We would like to work together with you to continue contributing to preserving and improving the functionality and beauty of this important reservoir.

We ask that you postpone the potential September 20, 2022 vote on the proposed amendment to the Village Water Code Chapter 195 until further discussion can be had and mutually agreeable solutions can be attained.

Thank you for your hard work and for your consideration.

**Warmly,
Residents of Lake Mombasha**

Attachments - Signed Petitions

**(Contact Info)
Mariann Bischoff
mariannbischoff@gmail.com
(908-472-1603)**

COPY

**PETITION TO POSTPONE THE SEPTEMBER 20, 2022
VILLAGE OF MONROE BOARD OF TRUSTEE VOTE TO MODIFY VILLAGE CODE 195
WATER BANNING RECREATIONAL USE ON MOMBASHA LAKE, MONROE, NY**

Dear Honorable Mayor, Neil S Dwyer, Trustee Debbie Behringer, Trustee Andrew Ferraro, Trustee John Karl III, and Trustee Martin O'Connor,

We the undersigned, deeded residents whose property borders on Lake Mombasha, Monroe, NY petition you to postpone the hastily scheduled vote on modifying the Village Code Chapter 195 Water.

Any robust public policy should be transparent and allow ample time for public input. Lake Mombasha has been and is a vital part of many of our lives. Recreational use of the lake has been occurring for over a century. For decades, many of our families have considered ourselves stewards of the land around the lake, as well as of the lake. Some of us have been removing the invasive water chestnut plant by hand. We also work to keep trespassers off the lake. A body of water is maintained best when it is a shared resource where those near it and invested in it contribute to its care.

Printed Name	Signature	Address and Phone	Date
Steve Angel	[Signature]	84 W. Mombasha Rd	
Steve Brown	[Signature]	62 W. Mombasha Rd	
Tim Kammerever	[Signature]	74 W. Mombasha Rd	
Constance Angel	[Signature]	84 W. Mombasha Rd	
Dawn Tauber	[Signature]	114 W. Mombasha Rd	
Andrew Conkle	[Signature]	12 maps lane RD	
John Hehl	[Signature]	122 W. Mombasha Rd	
Katarina Chevalier	Katarina Chevalier	66 Waterplant Rd	9-14

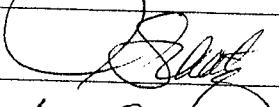
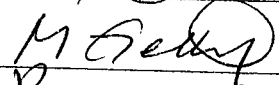
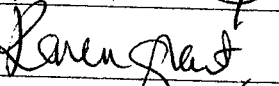
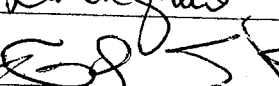

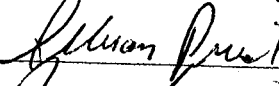

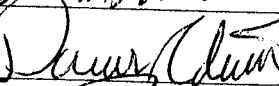
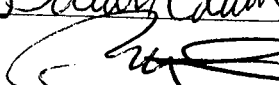
RETURN PETITION TO: the deck of Christine and Fred Wiebke, 52 Water Plant Road or call/text/email Mariann Bischoff (908) 472-1603. I will pick it up at your convenience. Please make sure to attend both the Sept. 19 and 20 meetings (note the different locations) and please be prepared to speak to reasons those with property bordering the Mombasha Lake should have lake access and why the vote should be postponed. Individual letters to the Mayor and the four Trustees are encouraged, also.

**PETITION TO POSTPONE THE SEPTEMBER 20, 2022
VILLAGE OF MONROE BOARD OF TRUSTEE VOTE TO MODIFY VILLAGE CODE 195
WATER BANNING RECREATIONAL USE ON MOMBASHA LAKE, MONROE, NY**

Dear Honorable Mayor, Neil S Dwyer, Trustee Debbie Behringer, Trustee Andrew Ferraro, Trustee John Karl III, and Trustee Martin O'Connor,

We the undersigned, deeded residents whose property borders on Lake Mombasha, Monroe, NY petition you to postpone the hastily scheduled vote on modifying the Village Code Chapter 195 Water.

Any robust public policy should be transparent and allow ample time for public input. Lake Mombasha has been and is a vital part of many of our lives. Recreational use of the lake has been occurring for over a century. For decades, many of our families have considered ourselves stewards of the land around the lake, as well as of the lake. Some of us have been removing the invasive water chestnut plant by hand. We also work to keep trespassers off the lake. A body of water is maintained best when it is a shared resource where those near it and invested in it contribute to its care.

Printed Name	Signature	Address and Phone	Date
THERESIA SCHATE		58 WATER PL RD.	9/13/22
MICHAEL GELLING		58 WATER PL RD	9/13/22
KAREN GRANT		110 W Mombasha Rd.	9/13/22
GREG SOVAK		14 LAKEVIEW DR	9-13-22
	C. Brandon Russell	12 LAKEVIEW DR	9/13/22
Allison Priest		24 Lakeview Drive	9/13/22
Damian Colavito		20 Lakeview Dr.	9/13/22
Dawn M. (dawn)		20 Lakeview Dr	9/13/22
PERRY SIKORSKI		8 LAKEVIEW DR	9/13/22

RETURN PETITION TO: the deck of Christine and Fred Wiebke, 52 Water Plant Road or call/text/email Mariann Bischoff (908) 472-1603. I will pick it up at your convenience. Please make sure to attend both the Sept. 19 and 20 meetings (note the different locations) and please be prepared to speak to reasons those with property bordering the Mombasha Lake should have lake access and why the vote should be postponed. Individual letters to the Mayor and the four Trustees are encouraged, also.

**PETITION TO POSTPONE THE SEPTEMBER 20, 2022
VILLAGE OF MONROE BOARD OF TRUSTEE VOTE TO MODIFY VILLAGE CODE 195
WATER BANNING RECREATIONAL USE ON MOMBASHA LAKE, MONROE, NY**

Dear Honorable Mayor, Neil S Dwyer, Trustee Debbie Behringer, Trustee Andrew Ferraro, Trustee John Karl III, and Trustee Martin O'Connor,

We the undersigned, deeded residents whose property borders on Lake Mombasha, Monroe, NY petition you to postpone the hastily scheduled vote on modifying the Village Code Chapter 195 Water.

Any robust public policy should be transparent and allow ample time for public input. Lake Mombasha has been and is a vital part of many of our lives. Recreational use of the lake has been occurring for over a century. For decades, many of our families have considered ourselves stewards of the land around the lake, as well as of the lake. Some of us have been removing the invasive water chestnut plant by hand. We also work to keep trespassers off the lake. A body of water is maintained best when it is a shared resource where those near it and invested in it contribute to its care.

Printed Name	Signature	Address and Phone	Date
Ken Rose	Ken Rose	78 W. MOMBASHA	9/14
GEORGE SIKORSKY	George Sikorsky	6 LAKEVIEW DR	9/14
Nicole Montagnino	Nicole Montagnino	220 W Shore Dr.	9/14
Warren Gruber	Warren Gruber	221 W Shore Dr	9/14
Sara Gruber	Sara Gruber	"	9/14
Steven Chwaliv	Steven Chwaliv	4500 W. 1st Ave. Room 1000 2nd Floor RD Bloomington, IL	9-14
LAWRENCE O'NEIL	Lawrence O'Neil	8 REILLY RD.	9-14
Lauren Vasquez	Lauren Vasquez	14 Reilly Rd.	9-14
RAFAEL VASQUEZ	Rafael Vasquez	14 REILLY RD	9/14

RETURN PETITION TO: the deck of Christine and Fred Wiebke, 52 Water Plant Road or call/text/email Mariann Bischoff (908) 472-1603. I will pick it up at your convenience. Please make sure to attend both the Sept. 19 and 20 meetings (note the different locations) and please be prepared to speak to reasons those with property bordering the Mombasha Lake should have lake access and why the vote should be postponed. Individual letters to the Mayor and the four Trustees are encouraged, also.

**PETITION TO POSTPONE THE SEPTEMBER 20, 2022
VILLAGE OF MONROE BOARD OF TRUSTEE VOTE TO MODIFY VILLAGE CODE 195
WATER BANNING RECREATIONAL USE ON MOMBASHA LAKE, MONROE, NY**

Dear Honorable Mayor, Neil S Dwyer, Trustee Debbie Behringer, Trustee Andrew Ferraro, Trustee John Karl III, and Trustee Martin O'Connor,

We the undersigned, deeded residents whose property borders on Lake Mombasha, Monroe, NY petition you to postpone the hastily scheduled vote on modifying the Village Code Chapter 195 Water.

Any robust public policy should be transparent and allow ample time for public input. Lake Mombasha has been and is a vital part of many of our lives.

Recreational use of the lake has been occurring for over a century. For decades, many of our families have considered ourselves stewards of the land around the lake, as well as of the lake. Some of us have been removing the invasive water chestnut plant by hand. We also work to keep trespassers off the lake. A body of water is maintained best when it is a shared resource where those near it and invested in it contribute to its care.

Printed Name	Signature	Address and Phone	Date
Dima Bischoff-Hashem	<i>Dima Bischoff Hashem</i>	60 Water Plant Rd	9/13/22
Jenine Bischoff-Hashem	<i>Jenine Bischoff Hashem</i>	78 water plant rd monroe ny	9/13/22
Thomas Chevalier	<i>Thomas Chevalier</i>	46 water plant Rd monroe NY	9/14/22
STE PHILIP SUTSMAN	<i>STE PHILIP SUTSMAN</i>	7 Seerickview Dr	9/14/22
Jeanna Donelan	<i>Jeanna Donelan</i>	34 Hain Dr	9/14/22
John Donelan	<i>John Donelan</i>	34 Hain Dr	9/14/22
JAMES MEI	<i>James Mei</i>	27 HAIN DR	9/14/22

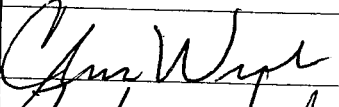
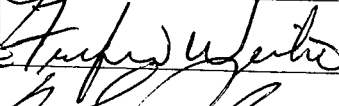

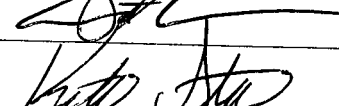
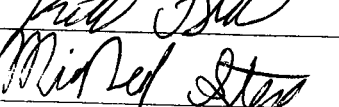
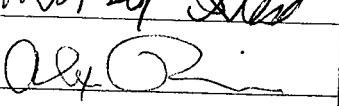
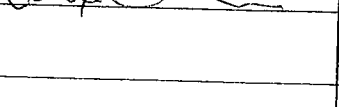
RETURN PETITION TO: the deck of Christine and Fred Wiebke, 52 Water Plant Road or call/text/email Mariann Bischoff (908) 472-1603. I will pick it up at your convenience. Please make sure to attend both the Sept. 19 and 20 meetings (note the different locations) and please be prepared to speak to reasons those with property bordering the Mombasha Lake should have lake access and why the vote should be postponed. Individual letters to the Mayor and the four Trustees are encouraged, also.

**PETITION TO POSTPONE THE SEPTEMBER 20, 2022
VILLAGE OF MONROE BOARD OF TRUSTEE VOTE TO MODIFY VILLAGE CODE 195
WATER BANNING RECREATIONAL USE ON MOMBASHA LAKE, MONROE, NY**

Dear Honorable Mayor, Neil S Dwyer, Trustee Debbie Behringer, Trustee Andrew Ferraro, Trustee John Karl III, and Trustee Martin O'Connor,

We the undersigned, deeded residents whose property borders on Lake Mombasha, Monroe, NY petition you to postpone the hastily scheduled vote on modifying the Village Code Chapter 195 Water.

Any robust public policy should be transparent and allow ample time for public input. Lake Mombasha has been and is a vital part of many of our lives. Recreational use of the lake has been occurring for over a century. For decades, many of our families have considered ourselves stewards of the land around the lake, as well as of the lake. Some of us have been removing the invasive water chestnut plant by hand. We also work to keep trespassers off the lake. A body of water is maintained best when it is a shared resource where those near it and invested in it contribute to its care.

Printed Name	Signature	Address and Phone	Date
CHRISTINE WIEBKE		52 WATER PLANT ROAD, MONROE, NY	9/14/22
FREDERICK J. WIEBKE		52 WATER PLANT ROAD, MONROE, NY	9/14/22
Mariann Bischoff		60 Water Plant Road Monroe, NY	9/14/22
Everett Bieker		46 Water Plant Rd Monroe, NY	9/14/22
Kristina Stelz		33 Water Plant Rd. Monroe, NY 10950	9/14/22
Michael Stelz		33 Water Plant Rd Monroe, NY 10950	9/14/22
Alex Rivera		16 Reilly Rd Monroe, NY 10950	9/15/22

RETURN PETITION TO: the deck of Christine and Fred Wiebke, 52 Water Plant Road or call/text/email Mariann Bischoff (908) 472-1603. I will pick it up at your convenience. Please make sure to attend both the Sept. 19 and 20 meetings (note the different locations) and please be prepared to speak to reasons those with property bordering the Mombasha Lake should have lake access and why the vote should be postponed. Individual letters to the Mayor and the four Trustees are encouraged, also.

**PETITION TO POSTPONE THE SEPTEMBER 20, 2022
VILLAGE OF MONROE BOARD OF TRUSTEE VOTE TO MODIFY VILLAGE CODE 195
WATER BANNING RECREATIONAL USE ON MOMBASHA LAKE, MONROE, NY**

Dear Honorable Mayor, Neil S Dwyer, Trustee Debbie Behringer, Trustee Andrew Ferraro, Trustee John Karl III, and Trustee Martin O'Connor,

We the undersigned, deeded residents whose property borders on Lake Mombasha, Monroe, NY petition you to postpone the hastily scheduled vote on modifying the Village Code Chapter 195 Water.

Any robust public policy should be transparent and allow ample time for public input. Lake Mombasha has been and is a vital part of many of our lives.

Recreational use of the lake has been occurring for over a century. For decades, many of our families have considered ourselves stewards of the land around the lake, as well as of the lake. Some of us have been removing the invasive water chestnut plant by hand. We also work to keep trespassers off the lake. A body of water is maintained best when it is a shared resource where those near it and invested in it contribute to its care.

Printed Name	Signature	Address and Phone	Date
GRACE VERSACE	<i>GV</i>	72 Water Plant Rd	9/17/22
Steven Kundmuller	<i>Steven Kundmuller</i>	70 Water Plant Rd	9/17/22

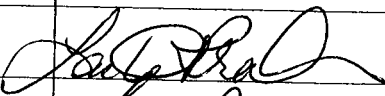

RETURN PETITION TO: the deck of Christine and Fred Wiebke, 52 Water Plant Road or call/text/email Mariann Bischoff (908) 472-1603. I will pick it up at your convenience. Please make sure to attend both the Sept. 19 and 20 meetings (note the different locations) and please be prepared to speak to reasons those with property bordering the Mombasha Lake should have lake access and why the vote should be postponed. Individual letters to the Mayor and the four Trustees are encouraged, also.

**PETITION TO POSTPONE THE SEPTEMBER 20, 2022
VILLAGE OF MONROE BOARD OF TRUSTEE VOTE TO MODIFY VILLAGE CODE 195
WATER BANNING RECREATIONAL USE ON MOMBASHA LAKE, MONROE, NY**

Dear Honorable Mayor, Neil S Dwyer, Trustee Debbie Behringer, Trustee Andrew Ferraro, Trustee John Karl III, and Trustee Martin O'Connor,

We the undersigned, deeded residents whose property borders on Lake Mombasha, Monroe, NY petition you to postpone the hastily scheduled vote on modifying the Village Code Chapter 195 Water.

Any robust public policy should be transparent and allow ample time for public input. Lake Mombasha has been and is a vital part of many of our lives. Recreational use of the lake has been occurring for over a century. For decades, many of our families have considered ourselves stewards of the land around the lake, as well as of the lake. Some of us have been removing the invasive water chestnut plant by hand. We also work to keep trespassers off the lake. A body of water is maintained best when it is a shared resource where those near it and invested in it contribute to its care.

Printed Name	Signature	Address and Phone	Date
Kala Proulx		17 Scenic View Rd. Monroe NY 845-721-5506	9/15/22
Pete Proulx		" " " 845-721-5300	9/15/22

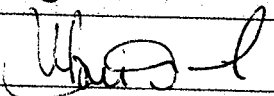
RETURN PETITION TO: the deck of Christine and Fred Wiebke, 52 Water Plant Road or call/text/email Mariann Bischoff (908) 472-1603. I will pick it up at your convenience. Please make sure to attend both the Sept. 19 and 20 meetings (note the different locations) and please be prepared to speak to reasons those with property bordering the Mombasha Lake should have lake access and why the vote should be postponed. Individual letters to the Mayor and the four Trustees are encouraged, also.

**PETITION TO POSTPONE THE SEPTEMBER 20, 2022
VILLAGE OF MONROE BOARD OF TRUSTEE VOTE TO MODIFY VILLAGE CODE 195
WATER BANNING RECREATIONAL USE ON MOMBASHA LAKE, MONROE, NY**

Dear Honorable Mayor, Neil S Dwyer, Trustee Debbie Behringer, Trustee Andrew Ferraro, Trustee John Karl III, and Trustee Martin O'Connor,

We the undersigned, deeded residents whose property borders on Lake Mombasha, Monroe, NY petition you to postpone the hastily scheduled vote on modifying the Village Code Chapter 195 Water.

Any robust public policy should be transparent and allow ample time for public input. Lake Mombasha has been and is a vital part of many of our lives. Recreational use of the lake has been occurring for over a century. For decades, many of our families have considered ourselves stewards of the land around the lake, as well as of the lake. Some of us have been removing the invasive water chestnut plant by hand. We also work to keep trespassers off the lake. A body of water is maintained best when it is a shared resource where those near it and invested in it contribute to its care.

Printed Name	Signature	Address and Phone	Date
Mariann Ailes		16 Reilly Rd Monroe NY 10920	09/15/22

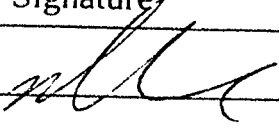
RETURN PETITION TO: the deck of Christine and Fred Wiebke, 52 Water Plant Road or call/text/email Mariann Bischoff (908) 472-1603. I will pick it up at your convenience. Please make sure to attend both the Sept. 19 and 20 meetings (note the different locations) and please be prepared to speak to reasons those with property bordering the Mombasha Lake should have lake access and why the vote should be postponed. Individual letters to the Mayor and the four Trustees are encouraged, also.

**PETITION TO POSTPONE THE SEPTEMBER 20, 2022
VILLAGE OF MONROE BOARD OF TRUSTEE VOTE TO MODIFY VILLAGE CODE 195
WATER BANNING RECREATIONAL USE ON MOMBASHA LAKE, MONROE, NY**

Dear Honorable Mayor, Neil S Dwyer, Trustee Debbie Behringer, Trustee Andrew Ferraro, Trustee John Karl III, and Trustee Martin O'Connor,

We the undersigned, deeded residents whose property borders on Lake Mombasha, Monroe, NY petition you to postpone the hastily scheduled vote on modifying the Village Code Chapter 195 Water.

Any robust public policy should be transparent and allow ample time for public input. Lake Mombasha has been and is a vital part of many of our lives. Recreational use of the lake has been occurring for over a century. For decades, many of our families have considered ourselves stewards of the land around the lake, as well as of the lake. Some of us have been removing the invasive water chestnut plant by hand. We also work to keep trespassers off the lake. A body of water is maintained best when it is a shared resource where those near it and invested in it contribute to its care.

Printed Name	Signature	Address and Phone	Date
PAUL WIEBKKE		516-582-8049 52 WATER PLANT RD, MONROE, NY	09/14/22

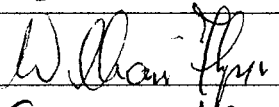
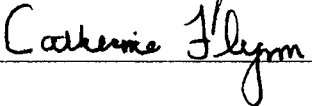
RETURN PETITION TO: the deck of Christine and Fred Wiebke, 52 Water Plant Road or call/text/email Mariann Bischoff (908) 472-1603. I will pick it up at your convenience. Please make sure to attend both the Sept. 19 and 20 meetings (not the different locations) and please be prepared to speak to reasons those with property bordering the Mombasha Lake should have lake access and why the vote should be postponed. Individual letters to the Mayor and the four Trustees are encouraged, also.

**PETITION TO POSTPONE THE SEPTEMBER 20, 2022
VILLAGE OF MONROE BOARD OF TRUSTEE VOTE TO MODIFY VILLAGE CODE 195
WATER BANNING RECREATIONAL USE ON MOMBASHA LAKE, MONROE, NY**

Dear Honorable Mayor, Neil S Dwyer, Trustee Debbie Behringer, Trustee Andrew Ferraro, Trustee John Karl III, and Trustee Martin O'Connor,

We the undersigned, deeded residents whose property borders on Lake Mombasha, Monroe, NY petition you to postpone the hastily scheduled vote on modifying the Village Code Chapter 195 Water.

Any robust public policy should be transparent and allow ample time for public input. Lake Mombasha has been and is a vital part of many of our lives. Recreational use of the lake has been occurring for over a century. For decades, many of our families have considered ourselves stewards of the land around the lake, as well as of the lake. Some of us have been removing the invasive water chestnut plant by hand. We also work to keep trespassers off the lake. A body of water is maintained best when it is a shared resource where those near it and invested in it contribute to its care.

Printed Name	Signature	Address and Phone	Date
WILLIAM FLYNN		70 W. MOMBASHA Rd	9/14/22
Catherine Flynn		72 W Mombasha Rd	9/14/22

RETURN PETITION TO: the deck of Christine and Fred Wiebke, 52 Water Plant Road or call/text/email Mariann Bischoff (908) 472-1603. I will pick it up at your convenience. Please make sure to attend both the Sept. 19 and 20 meetings (note the different locations) and please be prepared to speak to reasons those with property bordering the Mombasha Lake should have lake access and why the vote should be postponed. Individual letters to the Mayor and the four Trustees are encouraged, also.

**PETITION TO POSTPONE THE SEPTEMBER 20, 2022
VILLAGE OF MONROE BOARD OF TRUSTEE VOTE TO MODIFY VILLAGE CODE 195
WATER BANNING RECREATIONAL USE ON MOMBASHA LAKE, MONROE, NY**

Dear Honorable Mayor, Neil S Dwyer, Trustee Debbie Behringer, Trustee Andrew Ferraro, Trustee John Karl III, and Trustee Martin O'Connor,

We the undersigned, deeded residents whose property borders on Lake Mombasha, Monroe, NY petition you to postpone the hastily scheduled vote on modifying the Village Code Chapter 195 Water.

Any robust public policy should be transparent and allow ample time for public input. Lake Mombasha has been and is a vital part of many of our lives. Recreational use of the lake has been occurring for over a century. For decades, many of our families have considered ourselves stewards of the land around the lake, as well as of the lake. Some of us have been removing the invasive water chestnut plant by hand. We also work to keep trespassers off the lake. A body of water is maintained best when it is a shared resource where those near it and invested in it contribute to its care.

Printed Name	Signature	Address and Phone	Date
Robert L. Faust	<i>Robert L. Faust</i>	Water Plant Rd	9/15/22
Joanne Faust	<i>Joanne Faust</i>	Water Plant Rd	9/15/22

RETURN PETITION TO: the deck of Christine and Fred Wiebke, 52 Water Plant Road or call/text/email Mariann Bischoff (908) 472-1603. I will pick it up at your convenience. Please make an effort to attend both the Sept. 19 and 20 meetings (note the different locations) and please be prepared to speak to reasons those with property bordering the Mombasha Lake should have lake access and why the vote should be postponed. Individual letters to the Mayor and the four Trustees are encouraged, also.

PETITION TO POSTPONE THE SEPTEMBER 20, 2022
VILLAGE OF MONROE BOARD OF TRUSTEE VOTE TO MODIFY VILLAGE CODE 195
WATER BANNING RECREATIONAL USE ON MOMBASHA LAKE, MONROE, NY

Dear Honorable Mayor, Neil S Dwyer, Trustee Debbie Behringer, Trustee Andrew Ferraro, Trustee John Karl III, and Trustee Martin O'Connor,

We the undersigned, deeded residents whose property borders on Lake Mombasha, Monroe, NY petition you to postpone the hastily scheduled vote on modifying the Village Code Chapter 195 Water.

Any robust public policy should be transparent and allow ample time for public input. Lake Mombasha has been and is a vital part of many of our lives. Recreational use of the lake has been occurring for over a century. For decades, many of our families have considered ourselves stewards of the land around the lake, as well as of the lake. Some of us have been removing the invasive water chestnut plant by hand. We also work to keep trespassers off the lake. A body of water is maintained best when it is a shared resource where those near it and invested in it contribute to its care.

Printed Name	Signature	Address and Phone	Date
Theresa Kundmuller	<i>Theresa Kundmuller</i>	76 Water Plant Rd Monroe, NY	9/14/2022


RETURN PETITION TO: the deck of Christine and Fred Wiebke, 52 Water Plant Road or call/text/email Mariann Bischoff (908) 472-1603. I will pick it up at your convenience. Please make sure to attend both the Sept. 19 and 20 meetings (not the different locations) and please be prepared to speak to reasons those with property bordering the Mombasha Lake should have lake access and why the vote should be postponed. Individual letters to the Mayor and the four Trustees are encouraged, also.

**PETITION TO POSTPONE THE SEPTEMBER 20, 2022
VILLAGE OF MONROE BOARD OF TRUSTEE VOTE TO MODIFY VILLAGE CODE 195
WATER BANNING RECREATIONAL USE ON MOMBASHA LAKE, MONROE, NY**

Dear Honorable Mayor, Neil S Dwyer, Trustee Debbie Behringer, Trustee Andrew Ferraro, Trustee John Karl III, and Trustee Martin O'Connor,

We the undersigned, deeded residents whose property borders on Lake Mombasha, Monroe, NY petition you to postpone the hastily scheduled vote on modifying the Village Code Chapter 195 Water.

Any robust public policy should be transparent and allow ample time for public input. Lake Mombasha has been and is a vital part of many of our lives. Recreational use of the lake has been occurring for over a century. For decades, many of our families have considered ourselves stewards of the land around the lake, as well as of the lake. Some of us have been removing the invasive water chestnut plant by hand. We also work to keep trespassers off the lake. A body of water is maintained best when it is a shared resource where those near it and invested in it contribute to its care.

Printed Name	Signature	Address and Phone	Date
Christopher Alwang		62 Water Plant Rd Monroe, NY 860-398-2028	9/14/22

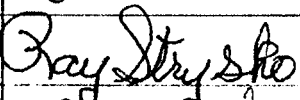
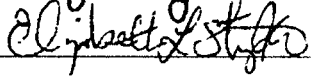
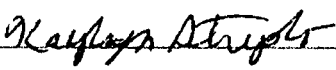
RETURN PETITION TO: the deck of Christine and Fred Wiebke, 52 Water Plant Road or
 contact Beth Ann Deschoff (908) 472-1603. I will pick it up at your convenience. Please make sure
 to attend both the Sept 19 and 20 meetings (not the different locations) and please be prepared to speak to
 residents whose property borders the Mombasha Lake should have lake access and why the vote
 should be postponed. Individual letters to the Mayor and the four Trustees are encouraged, also.

**PETITION TO POSTPONE THE SEPTEMBER 20, 2022
VILLAGE OF MONROE BOARD OF TRUSTEE VOTE TO MODIFY VILLAGE CODE 195
WATER BANNING RECREATIONAL USE ON MOMBASHA LAKE, MONROE, NY**

Dear Honorable Mayor, Neil S Dwyer, Trustee Debbie Behringer, Trustee Andrew Ferraro, Trustee John Karl III, and Trustee Martin O'Connor,

We the undersigned, deeded residents whose property borders on Lake Mombasha, Monroe, NY petition you to postpone the hastily scheduled vote on modifying the Village Code Chapter 195 Water.

Any robust public policy should be transparent and allow ample time for public input. Lake Mombasha has been and is a vital part of many of our lives. Recreational use of the lake has been occurring for over a century. For decades, many of our families have considered ourselves stewards of the land around the lake, as well as of the lake. Some of us have been removing the invasive water chestnut plant by hand. We also work to keep trespassers off the lake. A body of water is maintained best when it is a shared resource where those near it and invested in it contribute to its care.

Printed Name	Signature	Address and Phone	Date
RAY STRYSKO		845-548-5556 88 Water Plant Rd Monroe	9/14/2022
Elizabeth L. Stryko		845-548-5554 88 Water Plant Rd, Monroe	9/14/2022
Kaylyn Stryko		88 Waterplant rd.	9/14/22

RETURN PETITION TO: the deck of Christine and Fred Wiebke, 52 Water Plant Road or call/text/email Mariann Bischoff (908) 472-1603. I will pick it up at your convenience. Please make sure to attend both the Sept. 19 and 20 meetings (not the different locations) and please be prepared to speak to reasons those with property bordering the Mombasha Lake should have lake access and why the vote should be postponed. Individual letters to the Mayor and the four Trustees are encouraged, also.

**PETITION TO POSTPONE THE SEPTEMBER 20, 2022
VILLAGE OF MONROE BOARD OF TRUSTEE VOTE TO MODIFY VILLAGE CODE 195
WATER BANNING RECREATIONAL USE ON MOMBASHA LAKE, MONROE, NY**

Dear Honorable Mayor, Neil S Dwyer, Trustee Debbie Behringer, Trustee Andrew Ferraro, Trustee John Karl III, and Trustee Martin O'Connor,

We the undersigned, deeded residents whose property borders on Lake Mombasha, Monroe, NY petition you to postpone the hastily scheduled vote on modifying the Village Code Chapter 195 Water.

Any robust public policy should be transparent and allow ample time for public input. Lake Mombasha has been and is a vital part of many of our lives. Recreational use of the lake has been occurring for over a century. For decades, many of our families have considered ourselves stewards of the land around the lake, as well as of the lake. Some of us have been removing the invasive water chestnut plant by hand. We also work to keep trespassers off the lake. A body of water is maintained best when it is a shared resource where those near it and invested in it contribute to its care.

Printed Name	Signature	Address and Phone	Date
JOHN C SMITH	<i>John C. Smith</i>	*#40 WATER PLANT ROAD MONROE 917-446-5307	9/14/22
LINDA SMITH	<i>Linda Smith</i>	*#74 40 WATER PLANT ROAD MONROE, NY 917-370-4579	9/14/22

RETURN PETITION TO: the deck of Christine and Fred Wiebke, 52 Water Plant Road or call/text/email Mariann Bischoff (908) 472-1603. I will pick it up at your convenience. Please make sure to attend both the Sept. 19 and 20 meetings (not the different locations) and please be prepared to speak to reasons those with property bordering the Mombasha Lake should have lake access and why the vote should be postponed. Individual letters to the Mayor and the four Trustees are encouraged, also.

**PETITION TO POSTPONE THE SEPTEMBER 20, 2022
VILLAGE OF MONROE BOARD OF TRUSTEE VOTE TO MODIFY VILLAGE CODE 195
WATER BANNING RECREATIONAL USE ON MOMBASHA LAKE, MONROE, NY**

Dear Honorable Mayor, Neil S Dwyer, Trustee Debbie Behringer, Trustee Andrew Ferraro, Trustee John Karl III, and Trustee Martin O'Connor,

We the undersigned, deeded residents whose property borders on Lake Mombasha, Monroe, NY petition you to postpone the hastily scheduled vote on modifying the Village Code Chapter 195 Water.

Any robust public policy should be transparent and allow ample time for public input. Lake Mombasha has been and is a vital part of many of our lives. Recreational use of the lake has been occurring for over a century. For decades, many of our families have considered ourselves stewards of the land around the lake, as well as of the lake. Some of us have been removing the invasive water chestnut plant by hand. We also work to keep trespassers off the lake. A body of water is maintained best when it is a shared resource where those near it and invested in it contribute to its care.

Printed Name	Signature	Address and Phone	Date
CAROL B. PANGALOS	<i>Carol B. Pangalos</i>	84 WATER PLANT RD.	9/13/22.
Michael B Pangalos	<i>Michael Pangalos</i>	84 WaterPlant Rd	9/13/22

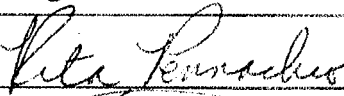
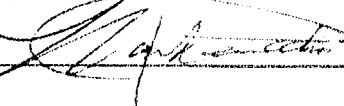
RETURN PETITION TO: the deck of Christine and Fred Wiebke, 52 Water Plant Road or call/text/email Mariann Bischoff (908) 472-1603. I will pick it up at your convenience. Please make sure to attend both the Sept. 19 and 20 meetings (not the different locations) and please be prepared to speak to reasons those with property bordering the Mombasha Lake should have lake access and why the vote should be postponed. Individual letters to the Mayor and the four Trustees are encouraged, also.

**PETITION TO POSTPONE THE SEPTEMBER 20, 2022
VILLAGE OF MONROE BOARD OF TRUSTEE VOTE TO MODIFY VILLAGE CODE 195
WATER BANNING RECREATIONAL USE ON MOMBASHA LAKE, MONROE, NY**

Dear Honorable Mayor, Neil S Dwyer, Trustee Debbie Behringer, Trustee Andrew Ferraro, Trustee John Karl III, and Trustee Martin O'Connor,

We the undersigned, deeded residents whose property borders on Lake Mombasha, Monroe, NY petition you to postpone the hastily scheduled vote on modifying the Village Code Chapter 195 Water.

Any robust public policy should be transparent and allow ample time for public input. Lake Mombasha has been and is a vital part of many of our lives. Recreational use of the lake has been occurring for over a century. For decades, many of our families have considered ourselves stewards of the land around the lake, as well as of the lake. Some of us have been removing the invasive water chestnut plant by hand. We also work to keep trespassers off the lake. A body of water is maintained best when it is a shared resource where those near it and invested in it contribute to its care.

Printed Name	Signature	Address and Phone	Date
Rita Pennachio		40 Water Plant Road, Monroe 917-226-5775 #57	9/13/22
Mark Pennachio		"	"

RETURN PETITION TO: the deck of Christine and Fred Wicbke, 52 Water Plant Road or call/text/email Mariann Bischoff (908) 472-1603. I will pick it up at your convenience. Please make sure to attend both the Sept. 19 and 20 meetings (not the different locations) and please be prepared to speak to reasons those with property bordering the Mombasha Lake should have lake access and why the vote should be postponed. Individual letters to the Mayor and the four Trustees are encouraged, also.

**PETITION TO POSTPONE THE SEPTEMBER 20, 2022
VILLAGE OF MONROE BOARD OF TRUSTEE VOTE TO MODIFY VILLAGE CODE 195
WATER BANNING RECREATIONAL USE ON MOMBASHA LAKE, MONROE, NY**

Dear Honorable Mayor, Neil S Dwyer, Trustee Debbie Behringer, Trustee Andrew Ferraro, Trustee John Karl III, and Trustee Martin O'Connor,

We the undersigned, deeded residents whose property borders on Lake Mombasha, Monroe, NY petition you to postpone the hastily scheduled vote on modifying the Village Code Chapter 195 Water.

Any robust public policy should be transparent and allow ample time for public input. Lake Mombasha has been and is a vital part of many of our lives. Recreational use of the lake has been occurring for over a century. For decades, many of our families have considered ourselves stewards of the land around the lake, as well as of the lake. Some of us have been removing the invasive water chestnut plant by hand. We also work to keep trespassers off the lake. A body of water is maintained best when it is a shared resource where those near it and invested in it contribute to its care.


[illegible]

**PETITION TO POSTPONE THE SEPTEMBER 20, 2022
VILLAGE OF MONROE BOARD OF TRUSTEE VOTE TO MODIFY VILLAGE CODE 195
WATER BANNING RECREATIONAL USE ON MOMBASHA LAKE, MONROE, NY**

Dear Honorable Mayor, Neil S Dwyer, Trustee Debbie Behringer, Trustee Andrew Ferraro, Trustee John Karl III, and Trustee Martin O'Connor,

We the undersigned, deeded residents whose property borders on Lake Mombasha, Monroe, NY petition you to postpone the hastily scheduled vote on modifying the Village Code Chapter 195 Water.

Any robust public policy should be transparent and allow ample time for public input. Lake Mombasha has been and is a vital part of many of our lives. Recreational use of the lake has been occurring for over a century. For decades, many of our families have considered ourselves stewards of the land around the lake, as well as of the lake. Some of us have been removing the invasive water chestnut plant by hand. We also work to keep trespassers off the lake. A body of water is maintained best when it is a shared resource where those near it and invested in it contribute to its care.

Printed Name	Signature	Address and Phone	Date
Mary Antonopoulos		22 Lakeside Dr 845-238-0018	9/19

RETURN PETITION TO: the deck of Christine and Fred Wiebke, 52 Water Plant Road or call/text/email Mariann Bischoff (908) 472-1603. I will pick it up at your convenience. Please make sure to attend both the Sept. 19 and 20 meetings (note the different locations) and please be prepared to speak to reasons those with property bordering the Mombasha Lake should have lake access and why the vote should be postponed. Individual letters to the Mayor and the four Trustees are encouraged, also.

PUBLIC NOTICE

PLEASE TAKE NOTICE THAT RULES AND REGULATIONS FOR PROTECTION FROM CONTAMINATION OF THE PUBLIC WATER SUPPLY OF THE VILLAGE OF MONROE, ORANGE COUNTY, NEW YORK, HAVE BEEN APPROVED BY THE DEPARTMENT OF STATE AND THE COUNTY OF ORANGE ON JANUARY 3, 1977 AND EXECUTED BY THE COMMISSIONER OF HEALTH, ALBANY, N. Y., ON FEBRUARY 2, 1977.

Dated: March 10, 1977.

GENEVA L. WRIGHT
Village Clerk

RULES AND REGULATIONS FOR PROTECTION FROM CONTAMINATION OF THE PUBLIC WATER SUPPLY OF THE VILLAGE OF MONROE ORANGE COUNTY

Promulgated by the New York State Commissioner of Health under Section 1100 of the Public Health Law

Pursuant to the authority vested in me as State Commissioner of Health by Section 1100 of the Public Health Law, I hereby add new Section 133.10 to Part 133 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York, this 3rd day of January, 1977, to be effective on filing in the office of the Department of State, as follows:

133.10 VILLAGE OF MONROE.

(A) Application. The rules and regulations set forth in this section duly made and enacted in accordance with the provisions of Sections 1100-1107 of the Public Health Law shall apply to Mombasha Reservoir and all watercourses tributary thereto or which may ultimately discharge into said Mombasha Reservoir or which may be developed in the future to serve as sources of the water supply to the Village of Monroe.

(B) Definitions.

- (1) Chloride Salt shall mean the solid compounds or the solutions of potassium chloride (commonly used as fertilizer), calcium chloride (commonly used for winter road maintenance) or sodium chloride (commonly used for water softener regeneration).
- (2) Herbicide shall mean any substance used to destroy or inhibit plant growth.
- (3) Human excreta shall mean human feces and urine.
- (4) Junkyard shall mean an area where two or more unregistered, old or second hand motor vehicles are being accumulated for purposes of disposal, resale of used parts or reclaiming certain materials such as metal, glass, fabric, and/or the like.
- (5) Linear distance shall mean the shortest horizontal distance from the nearest point of a structure or object to the high water mark of a reservoir or to the edge, margin or steep bank forming the ordinary high water line of a watercourse.
- (6) Pesticide shall mean any substance used to destroy or inhibit pests such as rodents and insects.
- (7) Pollutant shall mean dredge, spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.
- (8) Radioactive materials shall mean any material in any form that emits radiation spontaneously. Radiation shall mean ionizing radiation, that is, any alpha particle, beta particle, gamma ray, X-ray, neutron, high-speed proton, and any other atomic particle producing ionization, but shall not mean any sound or radio wave, or visible, infrared, or ultraviolet light.
- (9) Refuse shall mean all putrescible and nonputrescible solid wastes including garbage, manure, rubbish, ashes, incinerator residue, street cleanings, dead animals, offal and solid commercial and industrial wastes.
- (10) Refuse disposal area shall mean land used for the depositing of refuse except that it shall not include the land used for the depositing of refuse from a single family, a member of which is the owner, occupant or lessee of said land, or any part of a farm on which only animal wastes resulting from the operation of such farm are deposited.
- (11) Reservoir shall mean any natural or artificial lake or pond which is tributary to or serves as a source of the Village of Monroe water supply.
- (12) Sewage shall mean any liquid or solid waste matter from a domestic, commercial, private or industrial establishment which is normally carried off in sewers or waste pipes.
- (13) Sewage disposal system shall mean any system used for disposing of sewage.
- (14) Toxic Chemical shall mean any compound or substance, including but not limited to gasoline, kero-

sene, fuel oil, or diesel oil, which is or may be harmful or poisonous to humans.

- (15) Treatment works shall mean any treatment plant, sewer, disposal field, lagoon, pumping station, septic system, constructed drainage ditch or surface water intercepting ditch, incinerator, area devoted to sanitary land fill, or other works not specifically mentioned in this paragraph, installed for the purpose of treating, neutralizing, stabilizing or disposing of sewage.
 - (16) Water supply shall mean the public water supply of the Village of Monroe.
 - (17) Watercourse shall mean every spring, stream, marsh, or channel of water of any kind which flows or may flow into the Village of Monroe water supply.
 - (18) Watershed shall mean the entire drainage area contributing water to the Village of Monroe water supply.
- (C) General Prohibitions. No person, including State agencies or political subdivisions having jurisdiction, shall perform any act or grant any permit or approval which may result in the contravention of the standards for raw water quality as contained in Part 170 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York (10 NYCRR Part 170).

(D) Specific Prohibitions.

- (1) Cemeteries. No interment of a human body shall be made within a 250 foot linear distance of any reservoir or watercourse.
- (2) Chloride Salt. No chloride salt shall be stored within a 500 foot linear distance of any reservoir or watercourse except in weather-proof buildings or watertight vessels.
- (3) Herbicides and Pesticides. No herbicides or pesticides shall be stored, discharged, applied or allowed to enter into any reservoir or watercourse unless a permit to do so has been obtained from the appropriate State agency having jurisdiction.
- (4) Human Excreta and Sewage.
 - (1) No human excreta or sewage shall be deposited or allowed to escape into any reservoir or watercourse on the watershed.
 - (2) No human excreta or sewage shall be deposited or spread upon the surface of the ground at any point on the watershed.
 - (3) No human excreta or sewage shall be buried in the soil on the watershed unless deposited in trenches or pits at a linear distance of not less than 300 feet from any reservoir or watercourse and covered with not less than one foot of soil in such a manner as to effectually prevent its being washed into any reservoir or watercourse by rain or melting snow.
 - (4) No privy receptacle or facilities of any kind for the deposit, movement, treatment or storage of human excreta or sewage shall be constructed, placed, maintained or allowed to remain within a 75 foot linear distance of any reservoir or watercourse.
 - (5) No portion of the seepage unit (tile field, seepage pit or equivalent) of a subsurface sewage disposal system shall be constructed, placed or allowed to remain within a 300 foot linear distance of any reservoir or watercourse.
- (6) Every watertight receptacle used for containing human excreta or sewage shall be emptied when the receptacle is filled to within six inches of the top.
- (7) In emptying a watertight receptacle or in transferring its contents to a transportable receptacle, all necessary care shall be exercised to prevent contamination of any reservoir or watercourse. All such transportable receptacles shall be provided with tightly fitting covers which are securely fastened when transporting wastes to the place of ultimate disposal. The contents of the watertight receptacles shall be disposed of in accordance with subparagraph (3) of this paragraph or at a properly designed constructed and operated sewage disposal system that has been approved by the appropriate State agency having jurisdiction over such facility.
- (8) Before any existing sewage disposal system is altered or any new sewage disposal system is constructed on the watershed, the plans in relation thereto shall have been first approved by the appropriate State agency having jurisdiction over such facility. Standards for waste treatment works as published from time to time by the appropriate State agency having jurisdiction over such facility and subparagraph (5) of this paragraph shall comprise the criteria to approve any proposed sewage disposal system.
- (5) Radioactive material. No radioactive material shall be disposed of by burial in soil within a 500 foot linear distance of any reservoir or watercourse and not within a 1,000 foot linear distance of any reser-

voir, or watercourse unless authorization has been obtained from the appropriate State agency and such burial is in accordance with the provisions of Part 16 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York (10 NYCRR Part 16).

(6) Recreation.

- (1) Bathing and Swimming. No bathing and swimming shall be allowed in any reservoir or watercourse owned by the Village of Monroe.
- (2) Boating. No gasoline powered engines will be permitted on Mombasha Reservoir. Launching of boats may only take place at a point designated by the Village of Monroe water superintendent. A permit must be obtained for boating by the Village of Monroe water superintendent. Boats must meet standards acceptable to the Village of Monroe water superintendent.
- (3) Fishing and Trapping. No fishing or trespassing shall be allowed in or upon any reservoir or watercourse owned by the Village of Monroe within a 1,000 foot linear distance of the water supply intakes except by duly authorized employees of the Village of Monroe in the performance of their duties of supervision and maintenance of the water supply. Permits for fishing in other areas of Mombasha Reservoir must be obtained by the Village of Monroe water superintendent. No fishing shall be allowed from the shoreline of Mombasha Reservoir.
- (7) Solid Waste.
 - (1) Junkyards. No junkyard shall be located within a 500 foot linear distance of any reservoir or watercourse.
 - (2) Refuse. No refuse shall be deposited on or beneath the surface of ground within a 500 foot linear distance of any reservoir or watercourse.
 - (3) Refuse Disposal Area. No refuse disposal area shall be located within a 1,000 foot linear distance of any reservoir or watercourse.
 - (8) Toxic Chemicals. No container used for the storage of toxic chemicals shall be buried beneath the surface of the ground within a 1,000 foot linear distance of any reservoir or watercourse.
 - (9) Miscellaneous.
 - (1) Structures. No hut, tent, shelter, or building of any kind, except a waterworks structure, shall be permitted on the water or ice of any reservoir or watercourse owned by the Village of Monroe.
 - (2) Other Wastes. No pollutant of any kind shall be discharged or allowed to flow into any reservoir or watercourse or on or beneath the surface of the ground on the watershed within 1,000 feet of any reservoir or watercourse.
 - (3) Motorized Equipment. No motor driven equipment shall be permitted on the water or ice of any reservoir or watercourse owned by the Village of Monroe, except by duly authorized employees of the community in the performance of their duties of supervision and maintenance of the water supply.

(E) Inspections. The Commissioner of water supply or any person or persons charged with the maintenance or supervision of the public water supply system shall by its officers or their duly appointed representative make regular and thorough inspections of the reservoir, watercourses and watershed to ascertain whether these rules and regulations are being complied with. It shall be the duty of the aforesaid commissioner of water supply to cause copies of any rules and regulations violated to be served upon the persons violating the same together with notices of such violations. If such persons served do not immediately comply with the rules and regulations, it shall be the further duty of the aforesaid commissioner of water supply to promptly notify the State Commissioner of Health of such violations. The aforesaid commissioner of water supply shall report to the State Commissioner of Health in writing annually, prior to the 30th day of January, the results of the regular inspections made during the preceding year. The report shall state the number of inspections which were made, the number of violations found, the number of notices served, the number of violations abated and the general condition of the watershed at the time of the last inspection.

(F) Penalties for Violations. Penalties for violations of this section shall be those specified by Section 1103 of the Public Health Law.

The rules and regulations for the protection from contamination of the public water supply of the Village of Monroe promulgated by the State Commissioner of Health on June 1, 1939, are hereby repealed and the foregoing rules and regulations for the protection from contamination of the public water supply of the Village of Monroe are hereby duly made, ordained and established on this 3rd day of January, 1977, pursuant to Section 1100 of the Public Health Law effective upon filing in the Office of the Department of State.

Dated: February 2, 1977.
Albany, New York.

ROBERT P. WHALEN
Commissioner of Health of the State of New York

Article X Protection from Contamination

§ 195-42 Applicability.

The rules and regulations set forth in this Part 2 duly made and enacted in accordance with the provisions of §§ 1101 through 1107 of the Public Health Law shall apply to Mombasha Reservoir and all watercourses tributary thereto or which may ultimately discharge into said Mombasha Reservoir or which may be developed in the future to serve as sources of the water supply to the Village of Monroe.

§ 195-43 Definitions.

As used in this Part 2, the following terms shall have the meanings indicated:

CHLORIDE SALT

The solid compounds or the solutions of potassium chloride (commonly used as fertilizer), calcium chloride (commonly used for winter road maintenance) or sodium chloride (commonly used for water softener regeneration).

HERBICIDE

Any substance used to destroy or inhibit plant growth.

HUMAN EXCRETA

Human feces and urine.

JUNKYARD

An area where two or more unregistered, old or secondhand motor vehicles are being accumulated for purposes of disposal, resale of used parts or reclaiming of certain materials, such as metal, glass, fabric and/or the like.

LINEAR DISTANCE

The shortest horizontal distance from the nearest point of a structure or object to the high-water mark of a reservoir or to the edge, margin or steep bank forming the ordinary high-water line of a watercourse.

PESTICIDE

Any substance used to destroy or inhibit pests such as rodents and insects.

POLLUTANT

Dredge, spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

RADIOACTIVE MATERIALS

Any material in any form that emits radiation spontaneously. "Radiation" shall mean ionizing radiation, that is, any alpha particle, beta particle, gamma ray, X-ray, neutron, high-speed proton and any other atomic particle producing ionization, but shall not mean any sound or radio wave or visible, infrared or ultraviolet light.

REFUSE

All putrescible and nonputrescible solid wastes, including garbage, manure, rubbish, ashes, incinerator residue, street cleanings, dead animals, offal and solid commercial and industrial wastes.

(4) Human excreta and sewage.

- (a) No human excreta or sewage shall be deposited or allowed to escape into any reservoir or watercourse on the watershed.
- (b) No human excreta or sewage shall be deposited or spread upon the surface of the ground at any point on the watershed.
- (c) No human excreta or sewage shall be buried in the soil on the watershed unless deposited in trenches or pits at a linear distance of not less than 300 feet from any reservoir or watercourse and covered with not less than one foot of soil in such a manner as to effectually prevent its being washed into any reservoir or watercourse by rain or melting snow.
- (d) No privy receptacle or facilities of any kind for the deposit, movement, treatment or storage of human excreta or sewage shall be constructed, placed, maintained or allowed to remain within a linear distance of 75 feet of any reservoir or watercourse.
- (e) No portion of the seepage unit (tile field, seepage pit or equivalent) of a subsurface sewage disposal system shall be constructed, placed or allowed to remain within a linear distance of 300 feet of any reservoir or watercourse.
- (f) Every watertight receptacle used for containing human excreta or sewage shall be emptied when the receptacle is filled to within six inches of the top.
- (g) In emptying a watertight receptacle or in transferring its contents to a transportable receptacle, all necessary care shall be exercised to prevent contamination of any reservoir or watercourse. All such transportable receptacles shall be provided with tightly fitting covers which are securely fastened when transporting wastes to the place of ultimate disposal. The contents of the watertight receptacles shall be disposed of in accordance with Subsection **B(4)(c)** of this section or at a properly designed, constructed and operated sewage disposal system that has been approved by the appropriate state agency having jurisdiction over such facility.
- (h) Before any existing sewage disposal system is altered or any new sewage disposal system is constructed on the watershed, the plans in relation thereto shall have been first approved by the appropriate state agency having jurisdiction over such facility. Standards for waste treatment works as published from time to time by the appropriate state agency having jurisdiction over such facility and Subsection **B(4)(e)** of this section shall comprise the criteria to approve any proposed sewage disposal system.

(5) Radioactive material. No radioactive material shall be disposed of by burial in soil within a linear distance of 500 feet of any reservoir or watercourse and not within a linear distance of 1,000 feet of any reservoir or watercourse unless authorization has been obtained from the appropriate state agency and such burial is in accordance with the provisions of Part 16 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York (10 NYCRR 16).

(6) Recreation.

- (a) Bathing and swimming. No bathing and swimming shall be allowed in any reservoir or watercourse owned by the Village of Monroe.
- (b) Boating. No gasoline-powered engines will be permitted on Mombasha Reservoir. Launching of boats may only take place at a point designated by the Village of Monroe Department of Public Works Superintendent. A permit must be obtained for boating by the Village of Monroe Department of Public Works Superintendent. Boats must meet standards acceptable to the Village of Monroe Department of Public Works Superintendent.

§ 195-47 Repealer; when effective.

The rules and regulations for the protection from contamination of the public water supply of the Village of Monroe, promulgated by the State Commissioner of Health on June 9, 1939, are hereby repealed, and the foregoing rules and regulations for the protection from contamination of the public water supply of the Village of Monroe are hereby duly made, ordained and established on this third day of January 1977, pursuant to § 1100 of the Public Health Law, effective upon filing in the office of the Department of State.

Chapter 45

WATER SUPPLY: PROTECTION
FROM CONTAMINATION

§ 45-1. Applicability.

§ 45-2. Definitions.

§ 45-3. Prohibited acts.

§ 45-4. Inspections.

§ 45-5. Penalties for offenses.

§ 45-6. Repealer when effective.

HISTORY: Accepted and approved by the Board of Trustees of the Village of Monroe 3-3-77. Amendments noted where applicable.

GENERAL REFERENCES

Monroe — See Ch. 36.
Local rules and regulations — See Ch. 44.

§ 45-1. Applicability.

The rules and regulations set forth in this chapter duly made and enacted in accordance with the provisions of §§ 1101 through 1107 of the Public Health Law shall apply to Mombasha Reservoir and all watercourses tributary thereto or which may ultimately discharge into said Mombasha Reservoir or which may be developed in the future to serve as sources of the water supply to the Village of Monroe.

Editor's Note: These rules and regulations for protection from contamination of the water supply of the Village of Monroe, Orange County, New York, were adopted by the Department of State and the County of Orange on January 3, 1971, and approved by the Commissioner of Health, Albany, New York, on February 2, 1972.

WATERSHED — The entire drainage area contributing water to the Village of Monroe water supply.

WATER SUPPLY — The public water supply to the Village of Monroe.

§ 45-3. Prohibited acts.

A. General prohibitions. No person, including state, local or political subdivisions having jurisdiction, shall, by any act or grant any permit or approval which may be in the contravention of the standards for new water supply as contained in Part 170 of Title 16 (Health of the State) or the Compilation of Codes, Rules and Regulations of the City of New York (10 NYCRR 170).

B. Specific prohibitions.

- (1) **Cemeteries.** No interment of a human body shall be made within a two-hundred-foot linear distance of any reservoir or watercourse.
- (2) **Chloride salt.** No chloride salt shall be stored in a five-hundred-foot linear distance of any reservoir or watercourse except in weatherproof buildings or watertight vessels.
- (3) **Herbicides and pesticides.** No herbicides or pesticides shall be stored, discharged, applied or allowed to be discharged into any reservoir or watercourse unless a permit has been obtained from the appropriate state or local agency having jurisdiction.
- (4) **Human excreta and sewage.**
 - (a) No human excreta or sewage shall be deposited or allowed to escape into any reservoir or watercourse on the watershed.
 - (b) No human excreta or sewage shall be deposited or spread upon the surface of the ground at any point on the watershed.

- (c) No human excreta or sewage shall be buried in the watershed unless deposited in trenches or pits at a linear distance of not less than three hundred feet from any reservoir or watercourse, and covered with not less than one foot of earth in such a manner as to effectually prevent the liquid washed into any reservoir or watercourse by rain or melting snow.
- (d) No private septic tank or facilities of any kind for the deposit, treatment, treatment or storage of human excreta or sewage shall be constructed, placed, maintained or allowed to remain within a five-hundred-foot linear distance of any reservoir or watercourse.
- (e) No watertight receptacle used for containing human excreta or sewage shall be emptied when the receptacle is filled to within six (6) inches of the top.
- (f) In any area, a watertight receptacle or in transporting excreta to a transportable receptacle, all necessary care shall be exercised to prevent contamination of any reservoir or watercourse. All such transportable receptacles shall be provided with tightly fitting covers which are securely secured when transporting wastes to the place of ultimate disposal. The contents of the receptacles shall be disposed of in accordance with Subsection B(4)(c) of this section or at a properly designed, constructed and operated sewage disposal system that has been approved by the appropriate state agency having jurisdiction over such facility.

Monroe, except by duly authorized employees of the community in the performance of their duty of supervision and maintenance of the public water supply.

§ 45-4. Inspections.

The Commissioner of Water Supply or any person authorized by him to act on his behalf, shall be charged with the maintenance or supervision of the public water supply system shall, by its officers or their duly appointed representatives, make regular and thorough inspections of reservoir, watercourses and watershed to ascertain whether the rules and regulations are being complied with. It shall be the duty of the aforesaid Commissioner of Water Supply to cause any rules and regulations violated to be served upon the persons violating the same, together with notices of such violations. Such persons served do not immediately comply with the rules and regulations, it shall be the further duty of the Commissioner of Water Supply to promptly notify the State Commissioner of Health of such violations. The aforesaid Commissioner of Water Supply shall report to the State Commissioner of Health in writing, annually, prior to the 30th day of January, the results of the regular inspections made during the past year. The report shall state the number of inspections made, the number of violations found, the number of notices served, the number of violations abated and the general condition of the watershed at the time of the last inspection.

§ 45-5. Penalties for offenses.

Penalties for violations of this chapter shall be those specified by § 1103 of the Public Health Law.

§ 45-6. Repealer: when effective.

The rules and regulations for the protection from contamination of the public water supply of the Village of Monroe, promulgated by the State Commissioner of Health on June 9, 1939, and as amended, and the foregoing rules and regulations are hereby repealed.

and the contamination of the public water supply of the Village of Monroe are hereby duly made, ordained and established on this 15th day of January 1977, pursuant to § 1109 of the Public Health Law, effective upon filing in the office of the Town Clerk.

WHITEMAN

OSTERMAN

& HANNA LLP

Attorneys at Law
www.woh.com

One Commerce Plaza
Albany, New York 12260
518.487.7600

Robert S. Rosborough IV
Partner
518.487.7608 phone
rosborough@woh.com

September 20, 2022

VIA EMAIL

Neil S. Dwyer
Mayor
Village of Monroe
7 Stage Road
Monroe, New York 10950

Re: Proposed Local Law to Modify Chapter 195 of Village Code

Dear Mayor Dwyer and Members of the Village Board of Trustees:

My firm represents the Nettie-Fred Cooperative Corporation (“NFCC”), a group of homeowners who own property that directly abuts the Mombasha Reservoir, also known as Mombasha Lake (“the Lake”). Please accept this comment letter in connection with Local Law #9 (“Local Law”) that proposes to modify Chapter 195 of the Village Code to prohibit all forms of recreation on the Lake.

Members of the NFCC have been using the Lake as a recreational outlet for decades. Currently, the Village Code already prohibits swimming, bathing, and gasoline-powered boating entirely, and fishing and non-gasoline powered boating are only allowed after obtaining a permit from the Village Department of Public Works Superintendent and only within specific areas of the Lake. If the proposed modification to the Village Code is passed, then the Village Board of Trustees would prohibit “recreation of any kind” and eliminate common forms of recreation currently allowed on the Lake such as permitted non-gasoline powered boating such as kayaking and canoeing, fishing, other activities such as snowshoeing in the winter, and more. *See* Proposed Local Law § 3.

The Board claims that the Local Law is necessary to preserve the health of the Lake because the Lake also acts as the Village’s drinking water supply. No specific or detailed information has been provided, however, to substantiate the Village’s conclusory belief. The Village Board has not provided any information concerning what the new or additional risk of contamination is, in light of the current Code provisions that already prohibit most recreational activities, and what may have recently changed to create the need to entirely prohibit recreational activities that have

been ongoing for decades without threatening the Village's water source. Indeed, the latest publicly available information from the New York State Department of Environmental Conservation identifies only nutrients such as phosphorus, silt, stormwater runoff, and failing nearby septic systems as the major use impacts or sources of pollutants.

We respectfully submit that the Board should decline to pass the proposed Local Law, for three main reasons: (1) the Local Law violates the riparian rights of neighboring landowners, including our clients' rights, and deprives them of their property rights without due process or just compensation; (2) the Local Law's proposed recreational activity prohibition does not have an adequate scientific basis and is merely based upon hypothetical or nonexistent impacts to Mombasha Lake; and (3) other New York lakes provide safe drinking water and still allow similar recreational activity as is currently authorized under the Village Code. Because the Village's water supply is already adequately protected by the Village Code provisions currently in effect, no basis exists to further restrict my clients rights.

Members of the NFCC Have Riparian Rights and the Lake is Subject to the Public Use Doctrine

Based on New York State Law, the waters of the state shall be conserved and developed for all public beneficial uses, including domestic, municipal, agricultural, commercial, industrial, power, and recreational. N.Y. ENV. CONSERV. L. § 15-0105(2)-(3). Although we acknowledge that the Village may act to protect its water supply source, this power does not authorize the Village to completely eliminate any and all forms of recreational uses of the water, without any substantiated health and safety basis for doing so. *Id.* § 15-0105(5). No such basis has been provided.

The intersection of New York water law and landowners' property and riparian rights must be considered before the Board decides whether to prohibit all recreational activities on the lake. Riparian rights are created by the ownership of land that directly borders a watercourse, such as a lake. *Townsend v. McDonald*, 12 N.Y. 381 (1855). A riparian owner's use must be reasonable and cannot unreasonably interfere with other riparian owner's uses. *Barkley v. Wilcox*, 86 N.Y. 140, 146-147 (1881). Alterations to lakes are permitted as long as the alteration does not cause harm to another riparian owner. N. Y. ENV. CONSERV. L. § 15-0701(1). "Harm" for the purposes of riparian rights is defined as "interference with a present use of the water," interference with a person's "present enjoyment" or "a decrease in the market value" of a person's interest in the riparian land. *Id.* at § 15-0701(2)(a)-(b).

Riparian rights owners, such as the members of the NFCC, have already had their rights restricted by not being allowed to swim across the Lake or only ride permitted boats that are launched from designated areas. To prohibit every other form of recreational use of the Lake, when there is no evidence that the currently permitted recreational activities are causing any impacts to the drinking water, would interfere with the riparian landowner's "present use of the water" and would also result in a "decrease in the market value" of the landowner's interest in the riparian land. *Id.* Indeed, the members of the NFCC presently enjoy the water for kayaking, canoeing, snowshoeing in the winter, and more, activities that frequently occur on many New York State lakes that also serve municipal water sources.

Additionally, it is well known that lakefront homes and properties are more valuable than

inland properties.¹ Lakefront property is typically valued at least twenty-five percent (25%) to forty percent (40%) higher than properties inland. *Id.* Some of the factors impacting the increase that sitting lakeside would have on a property are the view, water access, and potential outdoor amenities. *Id.* Prohibiting all recreational access on the Lake would directly and negatively impact each of the three categories that determine the lakefront property values, and would reduce our clients' property values significantly, resulting in a taking of their property for public use without due process or just compensation.

Although the homeowners would still be able to see the Lake, the recreation prohibition signs, as they are currently posted, partially block their view and are disruptive to the landowners' enjoyment of their properties and the Lake. There are simply less intrusive and better ways to ensure the safety of the Village's drinking water from the Lake than prohibiting all recreational activities thereon, and violating the NFCC members' property and riparian rights in the process.

Along with riparian rights, the NFCC members are entitled to use of the Lake under the Public Trust Doctrine. Under the Public Trust Doctrine, the surface waters, including lakes, of New York State are held in a public trust that allows for the rights of navigation, and incidental rights of fishing, boating, swimming, and other recreational purposes on public waters. *Fulton Light, Heat, & Power Co. v. New York*, 200 N.Y. 400 (1911). The members of the NFCC have exercised these commonly held rights for the past 60 years without incident. Indeed, their decades-long use of the Lake is what connects them to their heritage and family history in the area. To eliminate any and all recreational uses now, when there is no substantiated scientific basis supporting the proposed Local Law, violate the NFCC members' long-held rights to use the Lake in a safe and responsible manner.

The Local Law Harms Residents Without Proper Justification

Not only would the Local Law violate the riparian rights of the NFCC members, but the Village has not provided a factual basis that directly connects the few remaining recreational activities that are permitted to any potential increase in the level of risk of contamination to the Village's water supply that would justify changing the Village's Code to prohibit all recreational activities in their entirety.

The NFCC and its members have owned lakefront properties for decades. The NFCC as a corporation was formed over sixty (60) years ago, with the specific purpose to "assist its members by performing service with the purchase and management of real property." *NFCC Certificate of Incorporation* at 2. Since 1960, the NFCC has been pursuing that purpose by maintaining the upkeep and management of the properties that border the Lake and has done so in an environmentally responsible manner. The NFCC has also continually worked with the Village to help maintain the Lake and has even provided the Village access onto NFCC properties in order to conduct studies of the Lake.

¹ *How Much Value Does Living the Lakefront Dream Add to a Property?*, Melissa Holtje, HOMELIGHT, February 28, 2022 <https://www.homelight.com/blog/how-much-value-does-a-lakefront-add-to-a-property/#:~:text=Kimberly%20Nemeth%2C%20a%20longtime%20real,%24100%2C000%20to%20a%20home's%20value..>

To remove the few remaining forms of recreation left on the Lake would significantly harm the landowners in an unnecessarily quick course of action. The NFCC fully understands the need to provide safe drinking water to the Village, but without any explanation or connection to the proposed prohibited activities, the Village's decision does not appear to be based on any scientific reasoning or supported by any rational basis. Rather, this proposed Local Law appears to be a solution in search of a problem, and a hypothetical problem at that.

At the Village meeting held on September 19, 2022, the Village gathered with members of the local community and the engineering firm, Barton & Loguidice ("B&L.") to discuss the Village of Monroe Drinking Water Source Protection Program ("the Program"). Throughout the presentation, the Program was repeatedly characterized as preventative rather than reactive. It was noted by B&L that the Lake helps provide what is currently considered very clean drinking water. With the current contamination levels significantly below what is considered concerning, and the Program being implemented for merely preventative purposes, there is simply no reason to prohibit all forms of recreation from the Lake. The group that presented last night also confirmed, when directly asked, that there is no current problem with contamination of the Village's water supply. Based on the presentation last night, the Village cannot provide concrete justification for the proposed Local Law and by prohibiting all forms of recreation, the Village would be creating problems that do not exist rather than presenting solutions to a water pollution issue that has not yet occurred.

The Village's decision to prohibit the landowners from not only using the Lake recreationally but also obstructing their view, which was previously unobstructed, of the Lake with signs appears to be directed at the landowners themselves and the members of the NFCC, in particular. Indeed, one can think of many different communication techniques that could better communicate the Village's restrictions upon certain recreational activities on the Lake that do not impair the property rights and values of the riparian landowners. Therefore, the NFCC respectfully requests that the Village Board decline to pass the proposed Local Law until it can provide a direct, scientific, and factual connection establishing that the few remaining non-gasoline powered recreational activities allowed on the Lake actually pose a significant risk of harm or contamination to the Village's water supply.

Other New York Lakes Provide Safe Drinking Water and Allow Similar Recreational Activities

Finally, the Village Board should consider that many other communities across New York State continue to allow similar recreational activities to those that the Village seeks to prohibit on lakes that serve as those communities drinking water sources. According to the New York State Department of Environmental Conservation, there are more than 7,600 freshwater lakes, ponds and reservoirs in New York State.² Throughout the state, there are numerous freshwater lakes that are able to provide safe drinking water while also continuing to allow recreational activities.

One example of this well-maintained balance is the Finger Lakes Watershed. As a part of central and western New York, there are eleven formed lakes and watersheds that area about 4,600

² NYSDEC information may be found directly on the Department's website.
<https://www.dec.ny.gov/lands/95817.html>.

square miles and stretch into parts of thirteen counties.³ All of the lakes are used for fishing, swimming, and other forms of recreation and, except for Honcoye Lake, all of those lakes are used as public drinking water supplies that serve roughly 1.5 million customers.⁴ And, notably, a NYSDEC Finger Lakes Water Quality Report stated that in comparison to the rest of the lakes in the Finger Lakes region, the eleven Finger Lakes tended to have better water quality. *NYSDEC Finger Lakes Water Quality Report 2018*, at iv.⁵

The Finger Lake region is just one of several examples of lakes that allow recreational activity that are still able to provide safe drinking water for communities. Indeed, communities in the Adirondacks that are concerned with the introduction of invasive species have strictly enforced boat-washing and patrolled boat launches to ensure that boats do not bring species into the Adirondack ecosystems that are non-native and pose environmental risk. The communities do not, however, outright ban all recreational activities as the Village proposes to do here.

The Village has already prohibited several forms of recreational activity in the Lake. Those regulations serve the Village's interest in protecting the water supply, while also ensuring that neighboring property owners do not lose all of their property and riparian rights in the use of the Lake. Without any additional information that directly establishes that the few recreational activities that remain permitted is actually what risks safe drinking water, the Village should not prohibit all forms of recreation because they "needlessly jeopardize the health and safety of Village residents." Proposed Local Law § 1. Therefore, the Village should not move forward with the Proposed Local Law until the Village has additional information to prove that the remaining recreational activities are the reason for the increased level of risk of contamination to the Village's water supply.

Conclusion

For the reasons stated above, we respectfully request that the Village decline to adopt the proposed Local Law because it would violate the property and riparian rights of neighboring landowners, no scientific basis exists to justify a complete prohibition on all forms of recreational activities, and many other lakes across the State are able to safely balance allowing recreational activities while providing safe drinking water.

Thank you for your consideration of the above. Please do not hesitate to contact my office with any questions.

³ NYSDEC information on the Finger Lakes Watershed. <https://www.dec.ny.gov/lands/122661.html>.

⁴ *Id.*

⁵ The NYSDEC Water Quality Report may be found here:

<https://senecalake.org/resources/Documents/Water%20Quality/Streams/2017%20FINGER%20LAKES%20WATER%20QUALITY%20REPORT.pdf>.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Robert S. Rosborough IV". The signature is fluid and cursive, with the first name "Robert" being the most prominent.

Robert S. Rosborough IV

My name is Alex Rivera and I live on Mombasha Lake. Thanks for the opportunity to speak before you.

I want to respectfully clarify 2 things upfront. First, that I recognize I don't have lake rights. And I know a bunch of folks behind me who are reasonable and pragmatic. They too would acknowledge we do not have lake rights. And secondly, I recognize some municipalities - with lakes (or reservoirs) that serve as a water source - allow recreation on the lake, while others do not. It's at the sole discretion of the governing body of the municipality...you.

I've lived on Mombasha Lake for 11 years and have enjoyed an occasional ride on my kayak during the summer and fall just to relax and decompress after a stressful day. I've met and waved at friendly neighbors who own houses on the lake - who have been boating since back in the 50's - and they too enjoy the lake. Not once in eleven years have I seen lakefront homeowners bathe or swim or bring food or beverages or gas motors onto the lake.

My point is this...those who own lakefront property, intuitively know to protect the lake by keeping the lake clean, scanning the lakeshore to remove debris left behind by trespassers. I've personally circled the lake to remove debris left by trespassers over by Sharon's Cove. Also, I've removed water chestnut plants where it's too shallow for the harvesters to be effective. It's called pride of ownership. We're all discreet and have the best interests of the lake in our hearts.

Now with the increase in the harvester activity since 2020 there has been conflict between boaters and the harvester on the lake while it's operating. I would respectfully request we take a brief time period to consider next steps; specifically, whether we change the code that was implemented in 2011 allowing boats to be launched on Mombasha Lake....or we create a new code that makes everyone happy. My HUMBLE suggestion for your consideration is as follows:

1. Boat launch permit

- a. No one on lake during official DPW maintenance (ie. harvester, algae treatment spreader, etc).**
- b. East Mombasha lakefront homeowners only - that covers the issues of control, trespassing, and contamination prevention. Why? Because in order for anyone else to be on the lake it would constitute trespassing. Sharon's Cove is**

Rivera

already covered with signs. And the Gatehouse has a bunch of signs.

- c. Must provide Government issued ID and cross referenced with a tax map number proving residence. ✓
- d. Permit sealed in waterproof laminate with stamp of the DPW Superintendent. *SHOW ID
- e. Must be me displayed to law enforcement officials upon request.
- f. No bathing
- g. No swimming
- h. No gas-powered motor.
- i. No food
- j. No beverages
- k. No containers

2. Must sign a disclaimer where we acknowledge we have NO LAKE RIGHTS and the permit can be rescinded by the Village of Monroe if any of the rules are violated.

Gatekeepers 3. Four residents as volunteers – 2 on the West Mombasha side and 2 on the Gatehouse side that are the eyes and ears for the Village. Sharons Cove is covered. The Gate house is covered. But a vulnerable spot is across the lake from me where I've seen people carry boats through the woods to launch boats. I would volunteer to notify the authorities if I witness trespassing.

I'd like to close with a quote from the former CEO of Best Buy Hubert Joley. He turned Best Buy around at a time that they had serious financial headwinds and very close to going the way of Circuit City, Nobody Beats the Wiz, and 6th Avenue Electronics. His first week as CEO of Best Buy he addressed the shareholders and said one thing – that to this day is credited with turning Best Buy around. He said Best Buy is not in the business of selling electronics. They're in the business of making their customers happy. I don't think it's a stretch to conscientiously ponder a solution that everyone can accept and makes everyone happy.

Thank you to the Mayor and the Village Trustees for your service and dedication in making the Village of Monroe a place to be proud of.

To the Honorable Mayor Dwyer and the board of trustees

My name is Jim Sussmann and I have lived at 7 Scenic View Dr off of Hain / East Mombasha for close to 30 years. My house dates back to the 1890s and was one of the early fishing / hunting lodges located in Monroe. Lake houses like mine were critical in the early development and history of the "Lakes Region" of Monroe.

My property abuts the Eastern shore of Lake Mombasha. My family and I consider ourselves stewards of the lake and the land surrounding the lake. We have consistently cleaned the shoreline of bottles, food containers and even diapers that could contaminate the lake. We remove water chestnut seeds from the shoreline and from the lake as part of the ongoing effort to keep it clean and safe. For the past 30 years I have kept a metal canoe stored on the edge of the lake and it never leaves my property or sees any other body of water. It poses NO risk to the massive water supply.

As a homeowner I purposely do not use fertilizer on my lawn to keep the phosphorous contamination out of the lake which sits down hill from me. Three years ago when I experienced a septic failure that I could have repaired I instead decided to overengineer a total replacement at a cost of over \$40,000. I did this because I care about the lake and I want to reserve it for the future.

The Town of Monroe claims to be "The Lake Region" yet it is about to make a change cutting off one of the largest lakes in the Town. There is already president of residents of a town and water sheds in Monroe and across the state. All you need to do is look how a balance has been met by allowing controlled access to Walton Lake and Round Lake found on this list of other water sheds:

<https://www.dec.ny.gov/outdoor/7940.html>

New York City, which is considered some of the best water in the world, is a prime example where proper permitting and management allows for clean drinking water while not alienating the local population.

I do not understand the need to rush a change that would with a stroke of a pen eliminate the potential for proper and fair regulation of Mombasha Lake. There is already language under the prohibited acts section you are seeking to change that enables the Village easy regulation to balance the protection of the water and the rights of those that border the lake. (Chapter 195-44 B.(6)(b,c)



<https://ecode360.com/print/MO0222?guid=7235018>)

This already prohibits the use of the lake unless a permit is issued, which the village has never done. It leaves open the option to actually executing proper management as was originally intended with 2011 revision plus all previous versions. The Village could pay to have someone use the Gas Powered Fan Boat or the Gas Powered rowboat they used to use to patrol the lake. Both of these watercraft would cause more damage to the lake then the 2-3 rowboats, canoes or kayaks that I see on the lake everyday.

This change is a solution in search of a problem. There has no study been done to show what limited permitting would do to the quality of the reservoir. In fact it was only after the concerned residents of the lake initiated a study did the Village take action to eliminate the invasive weed issue.

The villages own 6 point ranking of priorities in its Protection Plan has boating activities ranked under its 6th most important heading called Outreach and Education. 1) how is Eliminating a Right the same as providing Education. 2) They use the term "Improper management of Boating Activities" – They are

responsible for that management failure. 3) The GOAL of point 6 is "Outreach to recreational boaters... How is elimination of Recreational Boating "OUTREACH".



6 Outreach and Education

What is the Threat?

- Runoff from developed areas and improper management of boating activities.

What is the Goal?


- Reduce the amount of herbicides and pesticides applied and mitigate overland flow into the waterbody.
- Outreach to recreational boaters.

<https://monroeny.org/Portals/10/Documents/Village%20Water/Monroe%20Executive%20Summary%20and%20Infographic.pdf?ver=2022-09-06-163646-210>

As a resident with a stake in the future of the lake I feel strongly that the current language should stay and we should work together to create a limited permitting system to protect the lake. If you choose to make this change and eliminate a right that homeowners have enjoyed for over 100 years, you will only alienate the very people that protect the lake. This change not only impacts the quality of our lives but also has the potential of impacting the value of our property with NO compensation being offered by the Village in exchange for the elimination of a right.

I highly suggest you table this issue for further study or just leave the language and implement a system whereby property owners can get permits for storage of boats on the lake and use the watercraft.

Sincerely,


James R. Sussmann and Family
7 Scenic View Drive
Monroe, NY 10950

