

**VILLAGE OF MONROE
BOARD OF TRUSTEES MEETING
TUESDAY, JANUARY 3, 2023
(www.villageofmonroe.org)**

The first of the bi-monthly meetings of the Board of Trustees was held on Tuesday, January 3, 2023 at 7:00 PM in the Boardroom of the Village Hall, 7 Stage Road, Monroe, New York. Mayor Neil S. Dwyer called the meeting to order and led in the pledge to the flag. Emergency exits were announced.

Present: Mayor Dwyer; Trustees Behringer, Ferraro, Karl, and O'Connor
Also present: Attorney Terhune and Clerk Zahra

PRESENTATION - ORANGE COUNTY LEGISLATOR PETER TUOHY:

Orange County Legislator Peter Tuohy thanked the Board for having him tonight and wished everyone Happy Holidays and Happy New Year. It is his honor to serve Orange County. He is on many committees, including Health and Mental Health Chairman, Physical Services Member, Human Services Member, OC Sewer District #1 Chairman, OC Water Authority Director, and Community Development Block Grants Member.

Orange County has lowered taxes with no loss of County services. OC Sewer District #1 is currently working on its expansion. Some programs offered for Orange County residents: HEAP (Heat Energy Assistance Program), a federally funded program that assists eligible households in meeting their home energy needs, is available for qualifying residents. Please call 845-291-2002 for assistance. The OC Fuel Fund is an effort to raise awareness of energy related services and programs for low to middle income residents of Orange County. 311 -The Orange County Crisis Call Center connects people in need of support for mental illness, substance use, developmental disability, sexual assault, or who need information/referrals with trained professionals, 24/7. Fraud and identity theft continue to be an issue that no community is immune to. An Orange County District Attorney Senior Fraud Prevention and resource Guide is available.

MINUTE APPROVAL - DECEMBER 20, 2022 BOARD MEETING:

On a motion by Trustee Karl seconded by Trustee O'Connor, the Minutes of the December 20, 2022 Board Meeting were approved.

Ayes: Trustees Behringer, Karl and O'Connor

Nays: None

Abstain: Mayor Dwyer & Trustee Ferraro

DISCUSSION - SIDEWALKS ON ORANGE TURNPIKE:

A site visit was conducted on Tuesday, November 22, 2022 relative to the potential installation of sidewalks along Orange Turnpike by Lanc & Tully Engineering and Surveying, P.C. A cost estimate and feasibility of installing sidewalks from Coffey Road along the east side of Orange Turnpike to Reynolds Road has been developed. This area is approximately 1,200 linear feet in length and the sidewalk would be installed between the existing edge of pavement and utility poles along this route. Upon initial review, it would appear that sidewalks would be viable at this location, however, it would require not only sidewalks, but it would require relocation of drainage improvements, potential relocation of a stone wall and some fill and grading to meet ADA requirements. In addition, due to this stretch of the road and the location of the sidewalk in the existing right-of-way, it would most likely also require curbing to be installed along this entire length as well, which would involve additional drainage improvements possibly within the road. Currently, there are no sidewalks either to the south of Coffey Road or to the north of Reynolds Road, and this sidewalk would only benefit those people walking from Coffey Road to Reynolds Road and the sidewalk would be isolated. The proposed cost is \$157,905.00.

Attorney Terhune cited the New York Constitution which does not allow municipalities to spend the taxpayer's money to benefit a small group of Villagers.

New York Constitution

Article VIII - Local Finances

Section 1 - Gift or loan of property or credit of local subdivisions prohibited; exceptions for enumerated purposes

Universal Citation: NY Const art VIII § 1

No county, city, town, village or school district shall give or loan any money or property to or in aid of any individual, or private corporation or association, or private undertaking, or become directly or indirectly the owner of stock in, or bonds of, any private corporation or association; nor shall any county, city, town, village or school district give or loan its credit to or in aid of any individual, or public or private corporation or association, or private undertaking, except that two or more such units may join together pursuant to law in providing any municipal facility, service, activity or undertaking which each of such units has the power to provide separately. Each such unit may be authorized by the legislature to contract joint or several indebtedness, pledge its or their faith and credit for the payment of such indebtedness for such joint undertaking and levy real estate or other authorized taxes or impose charges therefor subject to the provisions of this constitution otherwise restricting the power of such units to contract indebtedness or to levy taxes on real estate. The legislature shall have power to provide by law for the manner and the proportion in which indebtedness arising out of such joint undertakings shall be incurred by such units and shall have power to provide a method by which such indebtedness shall be determined, allocated and apportioned among such units and such indebtedness treated for purposes of exclusion from applicable constitutional limitations, provided that in no event shall more than the total amount of indebtedness incurred for such joint undertaking be included in ascertaining the power of all such participating units to incur indebtedness. Such law may provide that such determination, allocation and apportionment shall be conclusive if made or approved by the comptroller. This provision shall not prevent a county from contracting indebtedness for the purpose of advancing to a town or school district, pursuant to law, the amount of unpaid taxes returned to it.

Subject to the limitations on indebtedness and taxation applying to any county, city, town or village nothing in this constitution contained shall prevent a county, city or town from making such provision for the aid, care and support of the needy as may be authorized by law, nor prevent any such county, city or town from providing for the care, support, maintenance and secular education of inmates of orphan asylums, homes for dependent children or correctional institutions and of children placed in family homes by authorized agencies, whether under public or private control, or from providing health and welfare services for all children, nor shall anything in this constitution contained prevent a county, city, town or village from increasing the pension benefits payable to retired members of a police department or fire department or to widows, dependent children or dependent parents of members or retired members of a police department or fire department; or prevent the city of New York from increasing the pension benefits payable to widows, dependent children or dependent parents of members or retired members of the relief and pension fund of the department of street cleaning of the city of New York. Payments by counties, cities or towns to charitable, eleemosynary, correctional and reformatory institutions and agencies, wholly or partly under private control, for care, support and maintenance, may be authorized, but shall not be required, by the legislature. No such payments shall be made for any person cared for by any such institution or agency, nor for a child placed in a family home, who is not received and retained therein pursuant to rules established by the state board of social welfare or other state department having the power of inspection thereof. (Formerly §10. Renumbered and amended by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938; further amended by vote of the people November 3, 1959; November 5, 1963; November 2, 1965.)

WATER CUSTOMER #358 – 27 MINE ROAD – MONROE-WOODBURY BUS GARAGE – BILLING ERROR:

While reviewing the November 2022 water bill for account #358, Monroe-Woodbury Bus Garage, a billing error was discovered dating back to May 2014. The billing clerk at the time, made the error while inputting the consumption data after the water meter was replaced. Instead of recording the consumption data from the meter as a 7-digit number, it was recorded as an 8-digit number. This extra digit resulted in bills being calculated at 10x the actual dollar amount. The error was not detected by Village of Monroe or Monroe-Woodbury and bills have been sent (and paid in full) since August 2014. During this period, we billed the account a total of \$91,930.30, but should have billed \$9,193.03. This leaves an over billed amount of \$82,737.27.

Mayor Dwyer was informed there is a working well on the property used to wash the buses. Trustee Karl says he would like to take a ride over to the site of the dual head water meter with Ernie Mabee, Water Plant Operator. He also would like to know if there is, in fact, a well in use to wash the buses. If a backflow device is not installed for annual testing, that could be a violation to the bus garage.

This matter has been tabled for further review.

DISCUSSION - LAND ACQUISITION – WEST MOMBASHA ROAD – TM #29-1-22:

At the Board of Trustees meeting held on December 20, 2022, it was: **RESOLVED**, the Village Board of Trustees finds that the acquisition of the property located on West Mombasha Road, TM #29-1-22, which is located along the shore of Mombasha Lake, the Village's water source, for the purpose of further protecting the Village's water source, is in the best interest of the Village of Monroe and hereby authorizes Mayor Dwyer to execute a contract of sale in the amount of \$10,000.00, which represents the

fair market value of said landlocked property pursuant to an appraisal received on September 22, 2022, and budgeted from line F.1940, Purchase of Property.

Mayor Dwyer was absent from the last meeting and wanted to review the resolution with the Board to confirm the Board has the same commitment to protecting the water source as himself. The Town of Monroe has suggested co-owning the property. Mayor Dwyer and the Board feel that the Village owning the property is in the best interest of the Village of Monroe.

MAYOR & TRUSTEE'S REPORT:

Nothing to report.

ATTORNEY'S REPORT:

Nothing to report.

PUBLIC COMMENT: # PRESENT 9 TIME: 7:35PM

Michelle Hieronymi, 82 Winchester Drive, commented on the negligent bus drivers from private bus companies that have no regard to the safety of her neighborhood, continuing to violate NYS and local vehicle laws. She feels that the stop lines that were recently repainted will not stop the problem. She feels more law enforcement is needed. She feels that four things need to happen for Whitman Estates: 1- No U-Turns for cars and buses on Winchester Drive 2- No back up depot for buses on Winchester Drive 3- No passing on Winchester Drive 4- Parked cars only on the right side of the road on Winchester Drive. She reminded the Board of their legal duties and to exercise their due diligence.

Arnold Tooma, 86 Winchester Drive, wished the Board Happy Holidays and Happy New Year. He was happy to see the Mayor is feeling better. He has spoken with Chief Guzman about the traffic challenges in Whitman Estates and appreciates the communication. He expressed his concerns for the Board and their failure to respond to him in writing to questions asked at prior meetings. He expressed his concerns with a speeding bus, making his house shake and bright lights shining into his home. He had concerns over the condition of sidewalks in his neighborhood, one with an orange cone and pools of water from ice melt. Mayor Dwyer explained it is the homeowner's responsibility to maintain and repair the sidewalk in front of their homes. If you have the address, a complaint can be filed in the Clerk's Office, so that someone can go out and look at the issue and it can be taken care of. The Village has repaired sidewalks if there is root damage from trees. Mr. Tooma feels that the Board can help the Monroe Police Department by giving them the technology needed, such as cameras. Mayor Dwyer said this is something the Police Department is working as a Village initiative, not specific to one neighborhood. Stop ahead signs are also being installed. Mr. Tooma hopes the Village would ask permission before placing a Stop Ahead sign in front of his home. He thanked Trustee Karl for coming out to Whitman Estates to talk with him. He would like to see progress and status updates. Mayor Dwyer says progress is being made.

Mayor Dwyer informed everyone there is a comprehensive meeting scheduled with the Monroe-Woodbury School District to discuss school bus companies and their actions on the road. Mayor Dwyer will be attending with Chief Guzman. He will report back at the next meeting.

Sarah Mechalowitz, 1444 Orange Turnpike, expressed her concerns over safety of our community. She feels there is a need for sidewalks from Coffey Road to Reynolds Road. The current conditions are dangerous for children walking back and forth in that area. She would like a tragedy prevented, as she shared a tragic story of a family losing a child due to the lack of sidewalks in Rockland County. She sees hikers and runners on Orange Turnpike, the whole community would benefit from sidewalks.

Rabbi Mechalowitz, 1444 Orange Turnpike, says he has six (6) letters from Troopers, supporting his request for sidewalks on Orange Turnpike. He would need permission to share them. A Town of Monroe unnamed Official also agrees that Orange Turnpike is a dangerous situation and is need of sidewalks. He feels he gets no benefits as a taxpayer besides garbage pick-up. He says sidewalks, crosswalks, and blinking lights must be done by the Village.

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 8:05 PM for discussion of Personnel.

OPEN SESSION:

On a motion by Trustee Behringer, seconded by Trustee Ferraro, and carried, the Open Meeting

resumed at 8:10 PM.

RESOLVED, the Board of Trustees authorize Mayor Dwyer to sign the Memorandum of Agreement with the IBEW Local 363 allowing Ernest Mabee and William Ostrowski a Village vehicle to bring home only to be operated to and from work.

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

Ayes: Trustees Behringer, Ferraro, and O'Connor

Nays: Trustee Karl

ADJOURNMENT:

On a motion by Trustee Behringer, seconded by Trustee Karl, and carried, no further business, the meeting was adjourned at 9:45 PM.

Respectfully Submitted,

Kimberly Zahra
Village Clerk