

Village of Monroe Board of Trustees Meeting – March 7, 2023

Moment of Silence –

Thomas Remo passed away on February 26, 2023. He served as Trustee and Deputy Mayor for the Village of Monroe. Elected Dates - April 1, 1994 to March 31, 2006.

Vincent Marino passed away on February 25, 2023. He was 100 years old and a Veteran of World War II, having served in the 106th Infantry Division in the European Theatre, and was on the front line during the Battle of the Bulge.

PRESENTATION – CASEY HENNINGER – GREENLIGHT NETWORKS

Greenlight Networks was founded in July, 2011 and based out of Rochester, NY. They provide high-speed internet service focusing on residential and small business customers. Fiber bandwidth transmits more data than any other technology, provides high-speeds on all devices throughout the home supporting multiple simultaneous users, and is consistently fast, with no lags or buffering. Currently, they are working to get approvals from Orange & Rockland to tag onto their poles. They are working with Wallkill and the City of Middletown. Greenlight Networks will create competition for Frontier and Spectrum in our area.

PUBLIC HEARING 3.7.23 – 7:00 PM
INTRODUCTORY LOCAL LAW #3 OF 2023
“PROVIDING FOR A TEMPORARY MODIFICATION
TO CHAPTER 80 OF THE VILLAGE OF MONROE MUNICIPAL CODE”

A Public Hearing was held on Tuesday March 7, 2023 in the boardroom of the Village Hall, 7 Stage Road, Monroe, NY at 7:00 PM to review a proposed Local Law entitled, “Providing for A Temporary Modification to Chapter 80 of the Village of Monroe Municipal Code”. This local law temporarily suspends the issuance of demolition permits to structures and buildings located in the Village of Monroe historic district or listed on the State or Federal Registry of Historic Places.

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

On a motion by Trustee Karl, seconded by Trustee O'Connor, and carried, the public hearing was opened at 7:20PM.

There were 6 people from the public present for the public hearing. There was no written correspondence received. The public hearing was left open for 5 minutes.

With no further comments or questions, on a motion by Trustee Behringer, seconded by Trustee Ferraro and carried, the public hearing was closed at 7:25PM.

DUE PROCESS HEARING 3.7.2023 – 7:00PM
CODE VIOLATIONS AGAINST THE VILLAGE OF MONROE’S
PROPERTY MAINTENANCE LAW – 7 ROBYN DRIVE – SBL #216-3-12

A Due Process Hearing was held on Tuesday, March 7, 2023 at 7:00PM in the Boardroom of the Village Hall, 7 Stage Road, Monroe, NY. The hearing was held to review the violation issued by the Village of Monroe Building Department on the following property within the Village of Monroe: 7 Robyn Drive (TM #216-3-12), as per Village Code Section 155A-6E – General Requirements. All land must be kept free of dead or dying trees and accumulations of brush, shrubs, weeds, grass, stumps, roots, excessive and/or noxious growths, garbage, refuse, or debris which would either tend to start a fire or increase the intensity of a fire already started or cause poisoning or irritation to people or animals or cause or tend to cause or enhance an unhealthy or dangerous or obnoxious condition on said property or any adjacent or neighboring property. The specific violation is accumulation of trash throughout property, specifically numerous white trash bags full of trash on the front lawn.

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

On a motion by Trustee Karl, seconded by Trustee O'Connor, and carried, the hearing was opened at 7:25PM.

The reason for the "due process" hearing is that only the owner of the property that has been issued this violation is allowed to speak. No public comment is allowed. No one appeared to speak on behalf of the property owner.

With no further comments or questions, on a motion by Trustee Karl, seconded by Trustee O'Connor and carried, the due process hearing was closed at 7:28PM.

DUE PROCESS HEARING 3.7.2023 – 7:00PM
CODE VIOLATIONS AGAINST THE VILLAGE OF MONROE'S
PROPERTY MAINTENANCE LAW – 320 ST RTE 208 – SBL #203-3-3.1

A Due Process Hearing was held on Tuesday, March 7, 2023 at 7:00PM in the Boardroom of the Village Hall, 7 Stage Road, Monroe, NY. The hearing was held to review the violation issued by the Village of Monroe Building Department on the following property within the Village of Monroe: 320 St Rte 208 (TM #203-3-3.1), as per Village Code Section 155A-6E – General Requirements. All land must be kept free of dead or dying trees and accumulations of brush, shrubs, weeds, grass, stumps, roots, excessive and/or noxious growths, garbage, refuse, or debris which would either tend to start a fire or increase the intensity of a fire already started or cause poisoning or irritation to people or animals or cause or tend to cause or enhance an unhealthy or dangerous or obnoxious condition on said property or any adjacent or neighboring property. The specific violation is large amounts of garbage, refuse and debris scattered throughout the property.

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

On a motion by Trustee Ferraro, seconded by Trustee Behringer, and carried, the hearing was opened at 7:28PM.

The reason for the "due process" hearing is that only the owner of the property that has been issued this violation is allowed to speak. No public comment is allowed. No one appeared to speak on behalf of the property owner.

With no further comments or questions, on a motion by Trustee Ferraro, seconded by Trustee Behringer and carried, the due process hearing was closed at 7:30PM.

DUE PROCESS HEARING 3.7.2023 – 7:00PM
CODE VIOLATIONS AGAINST THE VILLAGE OF MONROE'S
PROPERTY MAINTENANCE LAW – 324 ST RTE 208 – SBL #203-3-3.22

A Due Process Hearing was held on Tuesday, March 7, 2023 at 7:00PM in the Boardroom of the Village Hall, 7 Stage Road, Monroe, NY. The hearing was held to review the violation issued by the Village of Monroe Building Department on the following property within the Village of Monroe: 324 St Rte 208 (TM #203-3-3.22), as per Village Code Section 155A-6E – General Requirements. All land must be kept free of dead or dying trees and accumulations of brush, shrubs, weeds, grass, stumps, roots, excessive and/or noxious growths, garbage, refuse, or debris which would either tend to start a fire or increase the intensity of a fire already started or cause poisoning or irritation to people or animals or cause or tend to cause or enhance an unhealthy or dangerous or obnoxious condition on said property or any adjacent or neighboring property. The specific violation is large amounts of garbage, refuse and debris scattered throughout property.

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

On a motion by Trustee Karl, seconded by Trustee O'Connor, and carried, the hearing was opened at 7:31PM.

The reason for the "due process" hearing is that only the owner of the property that has been issued this violation is allowed to speak. No public comment is allowed. No one appeared to speak on behalf of the property owner.

With no further comments or questions, on a motion by Trustee Karl, seconded by Trustee O'Connor and carried, the due process hearing was closed at 7:32PM.

BOARD OF TRUSTEES MEETING
TUESDAY, MARCH 7, 2023
(www.villageofmonroe.org)

The first of the bi-monthly meetings of the Board of Trustees was held on Tuesday, March 7, 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

MINUTE APPROVAL – FEBRUARY 21, 2023 BOARD MEETING:

On a motion by Trustee Karl seconded by Trustee O'Connor, the Minutes of the February 21, 2023 Board Meeting were approved.

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

AGREEMENT – KIMLEY-HORN ENGINEERING AND LANDSCAPE ARCHITECTURE OF NEW YORK, P.C.:
(Minutes 2/21/2023)

RESOLVED, the Board of Trustees authorize Mayor Dwyer to sign the agreement with Kimley-Horn Engineering and Landscape Architecture of New York, P.C., 1 North Lexington Avenue, Suite 505, White Plains, NY 10601, for the purpose of public engagement and conceptual master plan services for Crane Park to be allocated from budget line A.7110.4500, Parks Contractual.

On a motion by Trustee Behringer, seconded by Trustee Karl

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

ADOPTION OF LOCAL LAW #3 OF 2023 – “PROVIDING FOR A TEMPORARY MODIFICATION TO CHAPTER 80 OF THE VILLAGE OF MONROE MUNICIPAL CODE”:

WHEREAS, the Village Board of the Village of Monroe, New York (“Village Board”) duly noticed a public hearing held on March 7, 2023; and

WHEREAS, the Village Board solicited public comment during said public hearing on March 7, 2023; and

WHEREAS, the proposed local law temporarily suspends the issuance of demolition permits to structures and buildings located in the Village of Monroe historic district or listed on the State or Federal Registry of Historic Places; and

NOW, THEREFORE, BE IT RESOLVED that:

1. The above “WHEREAS” paragraphs are incorporated herein by reference.
2. The Local Law, Providing for A Temporary Modifications to Chapter 80 of the Village of Monroe Municipal Code, as attached is adopted as Local Law No. 3 of 2023 of the Village of Monroe on March 7, 2023.
3. The Village Board hereby directs the Village Clerk to take all steps to process and file said Local Law.
4. This Resolution shall be effective immediately.

VILLAGE OF MONROE
LOCAL LAW #3 of 2023 PROVIDING FOR A
TEMPORARY MODIFICATIONS TO CHAPTER 80
OF THE VILLAGE OF MONROE MUNICIPAL CODE

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

Section 1. Legislative Purpose.

The Board of Trustees of the Village of Monroe finds that there exist within the Village buildings and structures that have a special character or special historical or aesthetic interest or value in American history,

architecture and culture; that it is feasible to preserve and continue the use of such improvements; and that such improvements face the danger of being uprooted and destroyed without adequate consideration of the irreplaceable loss to the people of the Village of Monroe of the aesthetic, cultural and historical values represented by such improvements. It is the sense of the Village Board that the standing of Monroe as a community steeped in the history and culture of Orange County and the Hudson Valley region requires the maintenance and enhancement of the historical, aesthetic, cultural and architectural heritage of the Village.

Section 2. Temporary suspension of demolition and structural modification permits.

A. The Board of Trustees finds and determines that structures and buildings located within the Village of Monroe Historic District (identified as 98NR01380), and all structures and buildings listed or eligible for listing on the State of New York Historic Register and/or the National Historic Register, whether located in the Historic District or not, are currently unprotected by local laws intended to preserve their historic character and, thus, are vulnerable to irreparable loss through insensitive modification which threatens the historic character or through complete destruction. Therefore, for a period of six (6) months following the date of adoption of this local law, the Board of Trustees hereby imposes a suspension on all permits issued pursuant to Chapter 80 of the Village of Monroe Code for whole or partial modification to or demolition of any and all structures or buildings located within the Historic District or identified as National Register, State Register, or eligible for listing on the National Register or State Register of Historic Places, on the Cultural Resource Information System (CRIS) published by the New York State Office of Parks, Recreation and Historic Preservation (SHPO). A copy of the Historic District and CRIS listing is appended to this local law. However, any building or structure that meets the criteria above is also subject to these provisions.

B. Nothing in this local law shall prohibit the demolition of a structure or building deemed unsafe by the building inspector. However, if the structure or building is located within the Historic District or listed on or eligible for listing on the National Register or State Register of Historic Places, then the application for a demolition permit shall be referred to the Village Board for a determination whether the permit should be issued in whole or in part. To inform its decision, the Village Board shall cause the property to be inspected by the Village engineer, who shall issue a report as to whether all or any portion of the structure or building can safely remain.

Section 3. Waiver

The record owner of a property covered by this suspension may apply to the Village Board of Trustees for a waiver for good cause shown. However, economic hardship alone shall not constitute good cause.

Section 4. Expansion

This suspension may be extended by one (1) additional period of up to three (3) months by resolution of the Village Board upon a finding of need for such extension.

Section 5. Severability.

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

Section 6. Effective Date.

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

The Board received a proposed local law this evening. This proposed local law allows a historic preservation function within the Planning Board. Attorney Terhune asks that the Board review the proposed local law in depth and come up with questions for the Planner and herself.

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

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

EVENT APPLICATION – MEMORIAL DAY PARADE 2023 – SUNDAY, MAY 28, 2023:

RESOLVED, the Board of Trustees approves the following parade route for the annual Memorial Day Parade on Sunday, May 28, 2023. Formation will start at Smith's Clove Park beginning at 12:15 PM. Step off at 1:30 PM. Parade will proceed onto Spring St. turning left onto Mapes Place through the underpass to the Monroe Volunteer Ambulance Corps Memorial. The Color Guard will present arms, and wreaths shall be placed. Parade will make a right turn at Carpenter Place through downtown Lakes Street. From there the parade will turn left onto Route 17M, and proceed to Veterans Memorial Park. From there proceed to the Monroe Cemetery for formal dedication and disbanding. Approval will be contingent upon permission being granted from the NYS DOT (33c) to use Rt. 17M for the Memorial Day Parade. Sign-off on the event application has been made by the DPW, Building Department, and Police Department. The Police Department will provide police officers to assist with set up prior to the event, traffic control during the event and breakdown after the event. The estimated cost for additional police services is \$1,400.00. Marshall & Sterling Insurance as well as Emergency Services will be notified on the approval letter to notify all parties of the road closures.

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

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

Nays: None

VILLAGE OF MONROE BOARD OF TRUSTEES RESOLUTION CONCERNING VIOLATION OF PROPERTY MAINTENANCE – 7 ROBYN DRIVE SBL #216-3-12:

Property Location: 7 Robyn Drive / SBL #216-3-12 / Monroe, NY 10950

As per Village Code Article 1, Section 155A-6E, Failure to Control Trash and Rubbish, all land must be kept free of dead dying trees and accumulations of brush, shrubs, weeds, grass, stumps, roots, excessive and / or noxious growths, garbage, refuse or debris which would either tend to start a fire or increase the intensity of a fire already started or cause poisoning or irritation to people or animals or cause or tend to cause or enhance an unhealthy or dangerous or obnoxious condition on said property or on any adjacent or neighboring property. The specific violation is accumulation of trash throughout property, specifically numerous white trash bags full of trash on the front lawn. There has been failure to remedy.

WHEREAS, long standing violations of the Village's Property Maintenance Law, Chapter 155A-6E of the Village of Monroe Code, have existed at 7 Robyn Drive, Village of Monroe, 10950, designated as Tax Map No. SBL 216-3-12; and

WHEREAS, the property owner has been given proper and lawful notice of said violation and have been directed to correct the violation; and

WHEREAS, the property owner was given due notice of a due-process hearing to be held by the Board of Trustees on March 7, 2023, at 7:00PM; and

WHEREAS, the owner did not appear; and

WHEREAS, the owner has not taken steps to correct the violation, and the violation still exists; and

WHEREAS, the Board of Trustees is authorized pursuant to Section 155-A8 of the Property Maintenance Law to authorize that the Village undertake to remedy such violation at the property owner's cost and expense.

BE IT FURTHER RESOLVED, that the Village Clerk mail a certified copy of this resolution be mailed to the property owner via certified mail.

BE IT FURTHER RESOLVED, any violation that remains uncorrected on the property as of today, March 7, 2023, the Board of Trustees hereby authorizes the Village, its contractors or agents to enter upon the property to correct the aforesaid violation and that all costs incurred by the Village, including administrative, legal and corrective costs, be charged to the property owner and such charge shall be added to the tax bill of the property owner if not paid within thirty (30) days of notification to the last known address of the property owner as shown on the Village tax records.

On a motion by Trustee Karl, seconded by Trustee Behringer

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

Nays: None

**VILLAGE OF MONROE BOARD OF TRUSTEES RESOLUTION CONCERNING VIOLATION OF
PROPERTY MAINTENANCE – 320 ST RTE 208 SBL #203-3-3.1:**

Property Location: 320 St Rte 208 / SBL #203-3-3.1 / Monroe, NY 10950

As per Village Code Article 1, Section 155A-6E, Failure to Control Trash and Rubbish, all land must be kept free of dead dying trees and accumulations of brush, shrubs, weeds, grass, stumps, roots, excessive and / or noxious growths, garbage, refuse or debris which would either tend to start a fire or increase the intensity of a fire already started or cause poisoning or irritation to people or animals or cause or tend to cause or enhance an unhealthy or dangerous or obnoxious condition on said property or on any adjacent or neighboring property. The specific violation is large amounts of garbage, refuse and debris scattered throughout property. There has been failure to remedy.

WHEREAS, long standing violations of the Village's Property Maintenance Law, Chapter 155A-6E of the Village of Monroe Code, have existed at 320 St Rte 208, Village of Monroe, 10950, designated as Tax Map No. SBL 203-3-3.1; and

WHEREAS, the property owner has been given proper and lawful notice of said violation and have been directed to correct the violation; and

WHEREAS, the property owner was given due notice of a due-process hearing to be held by the Board of Trustees on March 7, 2023, at 7:00PM; and

WHEREAS, the owner did not appear; and

WHEREAS, the owner has not taken steps to correct the violation, and the violation still exists; and

WHEREAS, the Board of Trustees is authorized pursuant to Section 155-A8 of the Property Maintenance Law to authorize that the Village undertake to remedy such violation at the property owner's cost and expense.

BE IT FURTHER RESOLVED, that the Village Clerk mail a certified copy of this resolution be mailed to the property owner via certified mail.

BE IT FURTHER RESOLVED, any violation that remains uncorrected on the property as of today, March 7, 2023, the Board of Trustees hereby authorizes the Village, its contractors or agents to enter upon the property to correct the aforesaid violation and that all costs incurred by the Village, including administrative, legal and corrective costs, be charged to the property owner and such charge shall be added to the tax bill of the property owner if not paid within thirty (30) days of notification to the last known address of the property owner as shown on the Village tax records.

On a motion by Trustee Karl, seconded by Trustee Behringer

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

**VILLAGE OF MONROE BOARD OF TRUSTEES RESOLUTION CONCERNING VIOLATION OF
PROPERTY MAINTENANCE – 324 ST RTE 208 SBL #203-3-3.22:**

Property Location: 324 St Rte 208 / SBL #203-3-3.22 / Monroe, NY 10950

As per Village Code Article 1, Section 155A-6E, Failure to Control Trash and Rubbish, all land must be kept free of dead dying trees and accumulations of brush, shrubs, weeds, grass, stumps, roots, excessive and / or noxious growths, garbage, refuse or debris which would either tend to start a fire or increase the intensity of a fire already started or cause poisoning or irritation to people or animals or cause or tend to cause or enhance an unhealthy or dangerous or obnoxious condition on said property or on any adjacent or neighboring property. The specific violation is large amounts of garbage, refuse and debris scattered throughout property. There has been failure to remedy.

WHEREAS, long standing violations of the Village's Property Maintenance Law, Chapter 155A-6E of the Village of Monroe Code, have existed at 324 St Rte 208, Village of Monroe, 10950, designated as Tax Map No. SBL 203-3-3.22; and

WHEREAS, the property owner has been given proper and lawful notice of said violation and have been directed to correct the violation; and

WHEREAS, the property owner was given due notice of a due-process hearing to be held by the Board of Trustees on March 7, 2023, at 7:00PM; and

WHEREAS, the owner did not appear; and

WHEREAS, the owner has not taken steps to correct the violation, and the violation still exists; and

WHEREAS, the Board of Trustees is authorized pursuant to Section 155-A8 of the Property Maintenance Law to authorize that the Village undertake to remedy such violation at the property owner's cost and expense.

BE IT FURTHER RESOLVED, that the Village Clerk mail a certified copy of this resolution be mailed to the property owner via certified mail.

BE IT FURTHER RESOLVED, any violation that remains uncorrected on the property as of today, March 7, 2023, the Board of Trustees hereby authorizes the Village, its contractors or agents to enter upon the property to correct the aforesaid violation and that all costs incurred by the Village, including administrative, legal and corrective costs, be charged to the property owner and such charge shall be added to the tax bill of the property owner if not paid within thirty (30) days of notification to the last known address of the property owner as shown on the Village tax records.

On a motion by Trustee Karl, seconded by Trustee Behringer

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

Nays: None

DISCUSSION - MORATORIUM WAIVER REQUEST – 30 MILLPOND PARKWAY – TM #212-7-4:

Mr. Espinal is requesting a waiver from the moratorium. There is no plan on doing any outside alterations. The plan is to upgrade the interior, keep the existing bar, and look to create an open space restaurant / café with an upgraded kitchen. A Land Use Determination Form has been submitted to the Building Department for a proposed restaurant use at 30 Millpond Parkway, Monroe, NY. This property is in a CB Zoning District. The prior use of the space was food service / sales – no wait staff. Mr. Espinal would like to use this space for food service / sales – with wait staff. The proposed restaurant change of use is permitted in the CB district through a Special Use Permit from the Planning Board in accordance with Monroe Village Code 200-48. There is currently an approved site plan for this property listing the uses for the site as retail, therefore an amended site plan will also be required through the Planning Board. The amended site plan and special use permit can be applied for and reviewed simultaneously. Mr. Espinal is looking for approval so that he may proceed to the Planning Board.

RESOLVED, the Board of Trustees determined, after discussion, this does not constitute a new or different use of a structure that is currently a restaurant with some table service, therefore a waiver is being granted under Section 3. A. 5. to proceed to the Planning Board.

On a motion by Trustee Behringer, seconded by Trustee Karl

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

Nays: None

BOND REDUCTION – SPRING HILL APARTMENTS:

RESOLVED, the Board of Trustees accepts the recommendation of the Village's Engineer John O'Rourke, P.E. of Lanc & Tully Engineering, for the reduction of the Spring Hill Apartments project to \$831,465.00 to \$120,254.60, although most of the items are at 100% complete, due to ongoing construction activities and remaining work, 10% has been withheld for the maintenance bond. The retainage amount reflects the most recent site observation.

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

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

Nays: None

ORANGE COUNTY STOP DWI:

RESOLVED, the Board of Trustees approves an agreement with the County of Orange that authorizes the Village of Monroe Police Department to participate in the STOP DWI Traffic Safety Program for

one year beginning March 11, 2023 through January 1, 2024. The first period from March 11, 2023 through June 1, 2023 for a total "not to exceed" \$4,080.00 / 60 hours. We will be notified of the allotted funds / hours for subsequent enforcement periods at a later date.

IT IS FURTHER; RESOLVED the Board of Trustees authorizes Mayor Dwyer to execute the agreement on behalf of the Village of Monroe.

On a motion by Trustee Behringer, seconded by Trustee Ferraro

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

Nays: None

STANDARD WORK DAY REPORTING RESOLUTION – DEBRA BEHRINGER:

RESOLVED, the Board of Trustees approves the Standard Work Day Reporting Resolution for Debra Behringer.

On a motion by Trustee Ferraro, seconded by Trustee Karl

Ayes: Trustees Ferraro, Karl, and O'Connor

Nays: None

Abstain: Trustee Behringer

PENALTY WAIVER REQUEST – WATER ACCOUNT #392:

The Monroe Joint Parks and Recreation Commission and the staff of Smith's Clove Park are asking the Board to kindly waive penalty fees in the amount of \$599.97, water account #392, Smith's Clove Park, that appeared on the February 2023 water bill. Either she did not receive the November water bill or potentially it was an oversight with the accounting of the billing process, as she is new to this position.

RESOLVED, the Board of Trustees approves the request of water account #392 and waives the penalty in the amount of \$599.97.

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

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

Nays: None

FRANCHISE FEE PAYMENT – TOWN OF MONROE:

RESOLVED, the Board of Trustees authorize payment in the amount of \$64,526.00 which includes interest, back to the Town of Monroe for the franchise fee payment from CSC Holdings, LLC, made payable to the Town of Monroe. The original payment was delivered by the US Postal Service to the Village of Monroe, and was deposited by the Village of Monroe on August 29, 2022 in the amount of \$63,398.00.

On a motion by Trustee Ferraro, seconded by Trustee Behringer

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

Nays: None

EVENT APPLICATION – VILLAGE OF MONROE FARMERS' MARKET 2023:

RESOLVED, the Board of Trustees approves the event application submitted by Mayor Dwyer for the Village of Monroe Farmers' Market. The Market will begin on Sunday, June 4, 2023 and conclude on Sunday, October 29, 2023. The Market will be open on Sundays from 9:00 AM to 1:00 PM. The application has been reviewed and approved by the Building Department, the DPW and the Police Department. There are no additional costs for police protection or DPW services. The Police Department will set up Do Not Enter signs and cones will be set up and taken down by officers that are working on their assigned shifts. Marshall & Sterling Insurance, Monroe Fire District, and Monroe Volunteer Ambulance Corp will be notified of the event when the approval letter is sent.

On a motion by Trustee Karl, seconded by Trustee Behringer

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

Nays: None

EVENT APPLICATION – EASTER SUNRISE SERVICE – FIRST PRESBYTERIAN CHURCH:

RESOLVED, the Board of Trustees approves the event application submitted by Rev. Jonathan Hoeldtke from the First Presbyterian Church of Monroe for their Easter Sunrise Service being held at the 911 Memorial for a short Church Service on Sunday, April 9, 2023 at 6:30 AM to 7:30 AM. Sign-off on the event application has been made by the Building Department, Highway Department, and Police Department. There is no additional cost for Police Protection. The Monroe Police Department will provide officers to assist with the event as needed. Proof of Liability insurance has been provided.

On a motion by Trustee Behringer, seconded by Trustee Karl

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

BE IT FURTHER RESOLVED, the Board of Trustees waives the application fee as the First Presbyterian Church is a non-profit organization.

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

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

EVENT APPLICATION – SACRED HEART EUCHARISTIC PROCESSION:

RESOLVED, the Board of Trustees approves the application submitted by Sacred Heart Church to host a Eucharistic Procession on Sunday, June 11, 2023 from 1:30pm to 3:30pm. The procession will proceed east on Stage Road from Sacred Heart Chapel to Maple Avenue, making a right turn and proceeding south to Mill Pond Parkway. It will then proceed west on Mill Pond Parkway to Lakes Road, making a left turn and proceeding to 17M where it will make a left turn and proceed east to Maple Avenue, then left returning to Stage Road where it will make a left and return to Sacred Heart Chapel, where the procession ends. Sign-off on the event application has been made by the Building Department, Highway Department, and Police Department. There is no additional cost for Police Protection. The Monroe Police Department will assign officers to monitor vehicular and pedestrian traffic during the procession. Proof of Liability insurance has been provided.

On a motion by Trustee Ferraro, seconded by Trustee Karl

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

BE IT FURTHER RESOLVED, the Board of Trustees waives the application fee as Sacred Heart Church is a non-profit organization.

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

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

AGREEMENT – U-AUDIT ASSOCIATES, LLC:

RESOLVED, the Board of Trustees authorize Mayor Dwyer to sign an agreement with U-Audit Associates, LLC, P.O. Box 5599, Endicott, New York 13763 to review and analyze the Village's expiring Franchise Tax Agreement with Altice, identify the Village's goals with respect to terms and conditions of a renewal Agreement, preparations for negotiations with the Provider, and negotiate with the Provider and deliver to the Village the most favorable renewal agreement possible in the amount of \$3,000.00 to be allocated from budget line A.1620.450, Village Hall Contractual.

On a motion by Trustee Ferraro, seconded by Trustee Behringer

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

AGREEMENT – 23 MARKETING GROUP:

RESOLVED, the Board of Trustees authorize Mayor Dwyer to sign an agreement with 23 Marketing Group, Tony Morino, to manage social media (\$750.00 per month), eblast management (\$500.00 per month), video production (\$5,500.00 one-time), digital and social media advertising (\$20,000.00 over a 4-month schedule), and media planning and implementation (\$750.00 per month). The fees for these services total \$37,500.00 to be allocated from budget line A.1620.450, Village Hall Contractual. The monthly fees would be billed at the first of each month for a minimum of six (6) months. The video will be billed at 50% prior to production and the additional 50% once the videos are complete.

On a motion by Trustee Ferraro, seconded by Trustee Karl

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

Nays: None

RESOLUTION SETTING PUBLIC HEARING FOR EXTENSION OF MORATORIUM:

RESOLVED, the Board of Trustees shall convene a public hearing at 7:00PM on March 21, 2023 for an extension to the Moratorium. The Village Clerk shall cause a Notice of Hearing to be published in the official newspaper not less than ten (10) days before the public hearing.

On a motion by Trustee Behringer, seconded by Trustee Ferraro

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

Nays: None

MAYOR & TRUSTEE'S REPORT:

Nothing to report.

ATTORNEY'S REPORT:

Nothing to report.

PUBLIC COMMENT:

PRESENT 5

TIME: 8:12PM

James Sussman, 7 Scenic View, asked if the Village of Monroe submitted the local law, Modification of Chapter 195 of the Village Code "Water" to Protect the Mombasha Reservoir from Contamination. The local law was submitted on February 22, 2023. He also brought two letters to be attached to the minutes of this meeting. See attached for the letters.

Everette Bierker, 46 Water Plant Road, said that an attorney was brought in for the first meeting and submitted questions to the Board on behalf of residents of Nettie Fred Corporation regarding the local law, Modification of Chapter 195 of the Village Code "Water" to Protect the Mombasha Reservoir from Contamination, in hopes to slow things down. For the second meeting, the residents realized they may have offended some by having an attorney, so they backed off in good faith. Their attorney is still waiting for correspondence.

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 8:20PM for discussion of Personnel.

OPEN SESSION:

On a motion by Trustee Behringer, seconded by Trustee Ferraro, and carried, the Open Meeting resumed at 9:25PM.

RESIGNATION – CATHERINE MURRAY – F/T VILLAGE TREASURER:

RESOLVED, the Board of Trustees regretfully accepts the resignation of Catherine Murray, F/T Village Treasurer, effective March 24, 2023. The Board of Trustees wish Catherine the best of luck.

On a motion by Trustee Behringer, seconded by Trustee Ferraro

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

Nays: None

ADJOURNMENT:

On a motion by Trustee Behringer, seconded by Trustee Ferraro and carried, no further business, the meeting was adjourned at 9:35PM.

Respectfully Submitted,

Kimberly Zahra
Village Clerk

Exhibit A - Sussmann

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*LICENSED ALSO IN NEW JERSEY
+LICENSED ALSO IN CONNECTICUT

October 6, 2022

Via E-mail - mayor.dwyer@villageofmonroe.org

Village of Monroe
7 Stage Road
Monroe, New York 10950

Attention: Mayor Neil S. Dwyer

Re: Proposed Local Law: Mombasha Reservoir

Dear Mayor Dwyer:

As you are aware, our office represents the Town of Monroe. Councilwoman Dorey Houle had advised us of a pending local law regarding the Village's Water Supply law (Village Code, Chapter 195, Article X), that specifically concerns the Mombasha Reservoir which is located in the Town of Monroe. We understand that the Village is seeking to amend Section 195-44(B)(6) of its Code to prohibit recreation activities that are currently permitted on the reservoir under law. We also understand that the public hearing was left open for the purpose of allowing the submission of written comments. Accordingly, in furthering the shared common interests of our collective residents, we wanted to provide the information set forth herein before the Village Board considers adoption of the proposed 2022 local law concerning protection of the Mombasha Reservoir from contamination ("2022 Local Law").

The Town shares the Village's concerns that our precious water resources should be free from contamination, but the process of enacting regulations toward that end is the responsibility of the State of New York ("NYS"), as set forth herein. Thus, if the Village feels that it is necessary to enact additional regulations on Mombasha Reservoir, such proposals should first be properly directed to the NYS for approval as required by law.

However, it does not appear that the Village has pursued or obtained any approval from the NYS Department of Health regarding proposed changes in the existing state regulations that govern the activities on Mombasha Reservoir. As you may be aware, the regulations that govern

RE: PROPOSED LOCAL LAW: MOMBASHA

OCTOBER 6, 2022

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Mombasha Reservoir as a public water supply were enacted by the State of New York, pursuant to the NYS Public Health Law §§ 1100-1107. Under the authority of that statute, the State has primacy over the regulation of such public water supplies. Pursuant to that statutory authority, the State enacted specific regulations concerning Mombasha Reservoir that are codified in Title 10 of the New York Code of Rules and Regulations ("NYCRR"). Specifically, 10 NYCRR 133.11 contains the State regulations that are applicable to Mombasha Reservoir in the Village of Monroe. Those State regulations are the direct source of Village Code provisions in Sections 195-44 through 195-46 which the Village incorporated into its Code.¹

The Village's proposed 2022 Local Law amendment concerning contamination seeks to prohibit all recreation on Mombasha Reservoir and would contravene the State regulations that currently allow recreational activities on Mombasha Lake including bathing, fishing and boating. The Village cannot lawfully enact a unilateral amendment to State regulations or supersede such regulations regarding the Mombasha Reservoir. The regulation of such public water supplies is clearly within the province of the State of New York and such regulations must be amended, on notice, in accordance with the provisions of the NYS Public Health Law §§ 1100-1107.

First, with respect to superseding state law, NYS Public Health Law § 1100, et seq. is a general law and not a special law that could be properly superseded by a local law. See Mun. Home Rule Law § 10(ii)(e)(3). See also, Ames v. Smoot, 98 A.D.2d 216, 218 (2d. Dept. 1983) (*local laws exercising police powers are invalid if they are inconsistent with State law*). The term "inconsistent" refers both to cases of express conflict between local and State law such as local prohibition of what State law permits and to situations where statutory law evidences the State's intent to preempt local regulation.

Second, even if the state law could be properly superseded by the 2022 Local Law, New York Home Rule Law requires that the local law specify the statute that the local law intends to supersede. See Mun. Home Rule Law § 22. The proposed 2022 Local Law only includes a general statement in Section 4 that the local law is intended to supersede local rules and regulations or the New York State Village Law. Thus, even if such a non-specific clause could validly supersede state law and regulations, Section 4 of the 2022 Local Law does not make any mention of the NYS Public Health Law or 10 NYCRR 133.11.

Lastly, it seems clear that, absent approval of the NYS Department of Health, the State has preempted local regulation of public water supplies and accordingly such local law enactments lacking approval of the NYS Department of Health are in violation of lawful procedures. See e.g. Town of Hunter v. City of New York, 46 A.D.3d 1197, 1199 (3d. Dept. 2007).

¹ It appears that the Village modified the regulations without approval in 2011 as the replacement of "water superintendent" with Department of Public Works Superintendent" is not reflected in the current state regulations for Mombasha Reservoir.

RE: PROPOSED LOCAL LAW: MOMBASHA

OCTOBER 6, 2022

PAGE THREE

We wanted to bring these matters to the Village's attention before the Village proceeds to consider the adoption of the 2022 Local Law so that the Village could further review these issues. Our Town residents reside along the shores of the Mombasha Reservoir and we want to ensure that any regulatory changes affecting those residents receive the proper review and process required by law.

We thank you in advance for your review and consideration of these matters.

Very truly yours,

A handwritten signature in black ink, appearing to read "B. D. Nugent", with a stylized flourish at the end.

Brian D. Nugent

BDN/sd

cc: *Via E-mail*

Supervisor Anthony Cardone

Councilwoman Dorey Houle

Trustee Debra Behringer

Trustee Andrew Ferraro

Trustee John Karl, III

Trustee Martin O'Connor

Alyse Terhune, Esq.

Exhibit B - Sussman

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*LICENSED ALSO IN NEW JERSEY +
LICENSED ALSO IN CONNECTICUT

February 27, 2023

Via E-mail

Village of Monroe
7 Stage Road
Monroe, New York 10950

Attention: Alyse D. Terhune, Esq.

Re: Mombasha Reservoir: Local Law No. 2 of 2023

Dear Ms. Terhune:

Please allow this correspondence to follow up our prior communications with the Village regarding the above referenced matter as well as Town Supervisor Anthony Cardone's comments at the recent Village Board meeting at which the above referenced local law was adopted.

Our office did not receive any response from the Village with respect to the issues that were raised in our October 6, 2022 correspondence which referenced the fact that this local law from the Village would be preempted by New York State Public Health Law §§ 1100-1107 and the regulations enacted under 10 NYCRR 133.11 applicable to Mombasha Reservoir. In addition, in our prior correspondence we made the Village aware that the local law draft did not properly incorporate any language to supersede those provisions of the Public Health Law or of 10 NYCRR 133.11. It appears the final version of the local law suffers from the same deficiency. Although the Board was questioned during public comment, there was no response on the inquiry as to whether the Village had sought or obtained any approval or otherwise communicated with the New York State Department of Health regarding this proposed local law and purposed amendments.

As raised by Town Supervisor Anthony Cardone, the proposed local law was improperly classified as a SEQRA Type II action. It is clear this local law constituted an adoption of changes in allowable uses within a zoning district, affecting 25 or more acres of the district. See 6 NYCRR

RE: MOMBASHA RESERVOIR: LOCAL LAW NO. 2 OF 2023

FEBRUARY 27, 2023

PAGE TWO

617.4(b)(2). Mombasha Reservoir is located in a zoning district in the Town of Monroe in addition to a second overlay district that applies to Mombasha Reservoir. Further, it is clear the Village has changed allowable uses within that zoning district by the enactment of Local Law No. 2. Accordingly, the action should have properly been classified as a Type I action and the Town of Monroe should have been notified as an involved agency as Mombasha Reservoir is located in the Town of Monroe outside of the Village of Monroe. Separately, this action of the Village may properly be deemed as occurring wholly or partially within or substantially contiguous to publicly owned or operated parkland, recreation area or designated open space. See 6 NYCRR 617.4(b)(10). Thus, the action is also a Type I action for SEQRA purposes under that subdivision. Absent applying for SEQRA, the Village's local law is null and void. See e.g. New York City Coalition to End Lead Poisoning, Inc. v. Vallone, 100 NY2d 337 [2003].

We also note the Village's local law improperly provides that penalties shall be pursuant to public Health Law § 1103. Penalties under that section of the Public Health Law are only applicable to regulations enacted by the Department of Health. Since the regulations at issue here are enacted only by the Village and are inconsistent with the state regulations, no penalties can apply to the revised regulations enacted by the Village.

Lastly, we note that provisions of the Village's local law concerning inspections also suffers from infirmities. The Village (Commissioner of Water) cannot properly have any enforcement authority outside of the Village boundaries. As such, any such person would have no legal right to seize and detain any person for the purpose of serving a notice as contemplated in Section 195-45 of the Village Code. This is particularly true if a Village officer attempts to serve a violation notice for activities that are currently permitted by the State regulations and purportedly prohibited by the Village's regulations. Obviously, any liability arising from the actions of any such Village official under those circumstances would be upon the Village and its taxpayers.

We are disappointed that the Village failed to respond to the concerns that were raised and merely steamrolled this local law through the approval phase without responding to any of the issues presented. The Town reserves any and all rights to bring any necessary proceedings to nullify the Village's local law. Thank you for your time and attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "BDN", with a stylized flourish extending from the end.

Brian D. Nugent

BDN/sd