

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

VILLAGE OF MONROE,

Index No. EF005171-2023

Plaintiff

- against -

W.C. LINCOLN, CORP., and SIMON JACOBS,

Defendants

**AFFIRMATION IN
OPPOSITION TO
MOTION FOR A
PRELIMINARY
INJUNCTION**

Joseph J. Haspel, an attorney, duly admitted to practice before the Courts of the State of New York, affirms under penalty of perjury:

1. I am the attorney for defendants, W.C. Lincoln, Inc. and Simon Jacobs (collectively, "Lincoln"), and as such, I am fully familiar with the facts and circumstances contained herewith. I make this affirmation in opposition to the motion of Petitioner, Village of Monroe ("Village"), for the issuance of a preliminary injunction.

2. As is shown below, for two decades, Lincoln has been attempting to develop its property on Lakes Road in the Village, which property is the subject of this proceeding (hereinafter defined, the "Real Property"). The development project is called "Bridges at Lake Park." Over a decade ago, the Village expressed an interest obtaining the house and certain artifacts (collectively, the "House") located at the Real Property, which was formerly owned by Roscoe Smith. At that time, Lincoln indicated its willingness to donate the House to the Village as part of its development plan, which dedication would take place simultaneously with the Village's approval of the development plan. After the Village inspected the house, the Village

Board resolved that the House was "in ruin" and, accordingly, it was not interested in obtaining title to the House.

3. In the decade since, there has been no maintenance and the House has continued to deteriorate. Indeed, the house is a threat to the health and safety of the Monroe community. For that reason, Lincoln wishes to demolish it to prevent its exposure to liability.

4. Now, the Village, which has a budget of \$11,580,378.00 for 2023-2024, indicated that it intends to acquire the Real Property through eminent domain. Yet, the Village has conceded that it does not have available resources to purchase the Real Property. In order for it to purchase the Real Property, it would have to issue a bond for approximately \$6 Million. Under New York Law, such a bond issue would be subject to a permissive referendum, which means that the taxpayers of the Village would have to approve a bond issue.

5. Thus, while the moving papers are couched in a *fait accompli*, that the Village will exercise its rights of eminent domain with respect to the Real Property, at this time, such is not possible.

Background

6. Lincoln is the record owner of an approximately 20-acre subdivision (the "Real Property") in the Village consisting 46 separate lots. The Real Property is depicted on a certain subdivision plat entitled "Plat of subdivision Sunset Heights, Monroe Orange Co. N.Y. owned by Roscoe W. Smith. 1908", which was duly filed with the County Clerk on November 15, 1909.

7. Since Lincoln acquired the Real Property in 2000, it has sought to develop it. In 2008, the Village, Lincoln and some taxpayers engaged in litigation which resulted in a "So Ordered" Stipulation of Settlement dated July 24, 2009 (*Franson, et al v. The Village of Monroe,*

et al (Orange Cty. Index No. 10850/08) (the "2009 Stipulation")(Exhibit A). The 2009

Stipulation provided in its pertinent part:

WHEREAS, Respondent WCL [Lincoln] is the owner of approximately 20.9 acres of land located at Lakes Road and High Street in the Village of Monroe ... (hereinafter the "Property"); and

WHEREAS, the Property is part of the historic Roscoe Smith estate, and the grounds include a historic home, a stream, walking bridges, and a pond with a water wheel; and

WHEREAS, WCL and the VILLAGE have reached an agreement or understanding under which WCL is to dedicate to the VILLAGE the portion of the Property improved by the Roscoe Smith home, outbuildings and structures, and was to make certain infrastructure improvements in the area; and

8. As early as August 11, 2010, the minutes of the Planning Board (Exhibit B) recognized that the structures at the site were deteriorating and collapsing. The minutes of that Planning Board meeting provided in its pertinent part:

Building Inspector Cocks questioned the phasing of the project, specifically as there is a building on Road A which is collapsing and wanted to know if that can be taken down now instead of waiting until that lot is ready to be built. The Board is in agreement a demolition permit can be issued immediately to have that structure removed.

One cannot determine whether the structure referenced is the House.

9. On November 15, 2010, the Planning Board held a public hearing to ensure that the adjoining property owners are satisfied with the board and the applicant in fulfilling their obligations on the content and settlement of litigation. A copy of the minutes is annexed as Exhibit C. As one can see, some of the public comments addressed the decaying infrastructure at the Real Property.

10. In early 2011, the Village requested that its engineers, Lanc & Tully, commission experts to issue a report on the prospects of restoring the house. On May 1, 2011, a report by Architects, Pharr + Anderson (Exhibit D), was provided to the Mayor. It stated:

Our office received a request from the village engineering consultants, Lanc & Tully Engineering & Surveying, P.C., to conduct an inspection and visual evaluation of the above referenced structure, the historic Roscoe Residence in the Village of Monroe, to help determine the feasibility of restoring this venerable landmark to some public use. On April 29, we toured the site with you and several village staff members, and this letter will constitute our report,

In general, we found the structure deteriorated and degraded to such an extent that the cost of returning the building to an occupiable use would be prohibitive — probably in the, \$3 M to \$5 M range, depending on the goals of any such project. If the intent was to restore the residence as an historic landmark, the interiors would have to be almost entirely recreated. Almost all of the architecturally significant features which had not been covered up or removed by previous renovations were either missing (hardware, doors, etc.) or ruined by vandals and years of neglect. A project which was only intended to restore the building to occupiable use, such as municipal offices, would be less ambitious, but still very costly. Sections of the floor and stairs have simply fallen away leaving dangerous holes. The scope of demolition would necessarily include all mechanical, electrical and plumbing systems as well as all plaster, sheet, rock, and insulation, the presence of mold, asbestos (including asbestos exterior shingles), and lead paint would further increase the costs of demolition.

There may be some salvageable value in certain materials such as wood flooring, the ornate iron front gates, etc, and a materials salvage broker should be consulted prior to demolition. Regrettably, and unless the high cost of renovation can be managed, we recommend that the structure be demolished.

11. Thus, over a dozen years ago, the Village's professionals recognized that the house was beyond repair and recommended demolition. Over the last dozen years, there has only been further decay.

12. On May 17, 2011, the Village Board recognized that the house was "a total ruin." As part of the Mayor's update, the minutes (Exhibit E) provide:

ROSCOE HOUSE UPDATE: DPW Supt. Smith, employee Jesse Hedges, Mayor Purcell and an architectural engineering firm met at the Smith House on Lakes Road recently to inspect the house as part of the negotiations with WC Lincoln Corp. The house is a disaster! The cost estimate to repair the house is \$3 million dollars. We have to look into how we want to handle further negotiations. We can't afford to renovate it. The architect gave their price per square footage. The house has been totally destroyed. There was a broken water pipe that caused the center floor to cave in. The roof has caved in. All the windows are broken. The floors are lifted and twisted. It is a total ruin!

13. On April 17, 2012, a resident of the Village complained that the property was an eyesore. The Village Board minutes (Exhibit F) provided, in its pertinent part:

Carl Stora, 9 Crescent Place, was present to make a complaint about the former Roscoe Smith property (WC Lincoln Corp, 47 Lakes Road, TM# 211-1-1). The house, out buildings and water wheel are all deteriorating. It is a mess and an eyesore. People who live along Lakes road want to see something done to clean it up. Why does the village allow it to deteriorate? Mayor Purcell responded the delay in the developer moving forward with the project is due to a sewer issue with the County.

14. On November 13, 2013, the Planning Board noted that: "The Village Board has indicated they do not want the Roscoe Smith house, therefore the house will be demolished and two additional building lots have been added in its place ... Two lots which were going to be donated to the Village but now the Village Board has decided to return those two lots back to the developer in exchange for parkland fees." A copy of these minutes is annexed as Exhibit G.

15. On August 19, 2014, the Village Board resolved that it decided not to accept the Smith House or other parts of the Real Property as was offered to it by Lincoln. A copy of the pertinent part of the meeting's minutes is annexed as Exhibit H, which states:

On a motion by Trustee Dwyer¹ seconded by Trustee Chan, it was:

RESOLVED, in regard to the Bridges at Lake Park subdivision application before the Planning Board, the Village of Monroe Board has decided to

¹ Trustee Dwyer is now Mayor Dwyer, who submitted an affidavit in support of the instant motion.

NOT move forward with accepting the Smith House and corresponding real property that W C Lincoln Corp previously offered to donate to the Village of Monroe. Be it further

RESOLVED, In addition while it is the understanding of the Village Board that the applicant is also willing to donate the dams located on the subject property, the Village Board is NOT interested in taking ownership of the dams. It is further

RESOLVED, the Village Board respectfully requests that the Village Planning Board move forward with the legislative authority that requires the applicant to make the necessary and appropriate payment of money in lieu of land in accordance with the requirements contained within the Village's Zoning Code.

16. Two and one-half years later, on January 19, 2016, Trustee (now Mayor) Dwyer indicated that the Village should make an effort to preserve some of the artifacts at the Real Property. The minutes (Exhibit I) provide, *inter alia*:

This property and home are currently under Planning Board review and processing for development and eventually it will come to fruition. Trustee Dwyer believes the village has an obligation to go to that property and see what can be done to preserve what we can, i.e., restore all the artifacts on the property of which the developer has graciously agreed to and see what can be done to preserve the house. Trustee Dwyer has asked Mayor Purcell for permission to meet with the developer and revisit the house and the property. Mayor Purcell said Trustee Dwyer mentioned history and it has been 16 years in turmoil. It has been bounced around with discussions of eminent domain procedures, building senior housing there, potential contracts back in 2006 that were never signed. None of that happened. The first thing Mayor Purcell and the Board did following Mayor Purcell's election was to get permission from the property owner, WC Lincoln Corp (Yehuda Frank) to revisit the building and went in with an architect planner (Pharr + Anderson Architecture Planning, Goshen NY) and a letter/opinion was received from them dated 5/1/11 whereby they indicated that the house structure was deteriorated to such an extent that the cost of returning it to an occupiable use would be cost prohibitive. The initial cost would run between 3 and 5 million dollars to repair it to its original state. Mayor Purcell said he has no problem in fixing the house but it boils down to money and volunteers. After Trustee Dwyer takes a look at the place, comes up with a plan, financing from outside sources, the Board will discuss moving forward. The Board is aware of the damage to the property and potential costs. Trustee Dwyer was given the go ahead to take the lead to look at the condition of the house and artifacts and come up with a plan and

financing. Mayor Purcell commented that the Sabre Jet Project fell short on money before completion. \$20,000 was raised. It cost \$53,000 to fix the plane. Village taxpayers footed the rest of the cost. For that project a committee was formed, a budget was established, there was a timeline and a deadline. Trustee Dwyer will reach out to the property owner to get access to the property in order to see what the damage is and establish a rough estimate of cost to make repairs.

17. On February 16, 2016, Trustee (now Mayor) Dwyer gave the Village Board an update of his view of the Real Property. He indicated that he was in error when he moved to reject Lincoln's offer of dedication of the lots containing the House. He also asserted that he believed the costs to renovate would be "\$1.2 Million Tops" in 2016 construction costs (as compared to the \$3 Million the expert concluded (see above)). It is well known that costs of labor and materials in the last seven years have skyrocketed. It is clear from the minutes (Exhibit J) that Trustee Dwyer did not have any real plan on raising the \$1.2 Million dollars, but, it was his desire that it would not be funded by the Monroe taxpayers.

18. While Trustee Dwyer was afforded the opportunity to pursue the restoration of the House, no further resolutions were made by the Village Board. Indeed, a review of the minutes of the Village Board indicates no further discussion. This confused the Planning Board, and on March 10, 2016 the Planning Board Chairman wrote the Mayor requesting an explanation (Exhibit K). The letter states, in its pertinent part:

The current plans as submitted to the Planning Board for review, show the Smith House as being removed, the current dam being lowered to a smaller dam, and the area surrounding the water/dam, along with the pond and grass area located at the northerly end of the property along Lakes Road, are to be offered for dedication to the Village as a passive park. This was the understanding of the Applicant.

The Village Board minutes of 8/19/2014, a copy of which is attached, reflect a Resolution made by Trustee Dwyer and approved by the Village Board indicating that the Village did NOT want the house, did NOT want the property, did NOT want the dam, and authorized the planning board to direct the applicant to make payments in lieu of parkland. The only portion

of this Resolution by the Village Board of which the applicant was aware was that the Village did not want the house, as it had been determined during 2011 that it had extremely deteriorated and would be far too costly to repair.

Upon further review it was discovered in the minutes on the Village website that at the Village Board meeting of 2/16/2016 there was an update from Trustee Dwyer and discussion as to his assessment of the Smith House. The applicant, Mr. Frank noted at the Planning Board meeting that he was contacted by Trustee Dwyer who indicated that the Village might be interested in the house again, but has heard nothing further.

Furthermore, in the 2/16/2016 minutes Trustee Dwyer stated that a letter to the Planning Board and/or current owner should be sent regarding the issue, however no such letter has been provided. In addition, Trustee Dwyer was present at the 2/17/2016 Planning Board meeting at which Bridges of Lake Pare was on the agenda, and never said a word to the applicant or the Planning Board about his intentions.

There has not been any communication from Trustee Dwyer with the Planning Board with regard to the potential reclaiming of the house. As it stands now the only formal Resolution on record is the one from August 2014 which rejects acceptance of the house, property and dams.

This sudden reversal two years after the August 2014 resolution is now causing an issue with continued Planning Board review as it is unclear how the maps are to be drawn or which direction to proceed with this project, and because of this situation, the project is now at a standstill. It was unanimously agreed upon by, the Planning Board members, Planning Board Consultants, Applicant, and Applicant's consultants that the Village Board needs to make a final decision as to what it wants to do with the house, property and the dam; you need to communicate this decision to both the Applicant and the Planning Board; and that this needs to be done in a timely manner. The project cannot proceed until the Village Board settles this issue.

19. Lincoln first heard from Trustee Dwyer on or about June 22, 2016 through e-mail communication. In this communication (Exhibit L), Trustee Dwyer indicated that the Village wanted more land than that which was originally agreed. By return e-mail (Exhibit M), I responded that Lincoln would live up to the terms of the Stipulation and dedicate the lots with the House. Over the next few years, there were multiple communications and meetings wherein

Mayor (formerly Trustee) Dwyer indicated a desire to mutate the agreed deal and Lincoln indicated that it would live up to their agreement. Of note, I, on behalf of Lincoln, informed the Planning Board that Lincoln would proceed under either scenario. If the Village resolved to take the house and artifacts, Lincoln would dedicate them when the Planning Board resolved to approve Lincoln's development plans. If the Village did not resolve to take the lots with the house and artifacts upon the Planning Board's approval, Lincoln would make a payment in lieu of land in accordance with the regulations. To the best of Lincoln's knowledge, no action was ever taken before the Village Board to unwind the August 19, 2014 resolution rejecting Lincoln's offer of dedication of the House. As time passed, the House, already in ruins, was not maintained.

20. On November 21, 2017, at the request of the Planning Board, I made a presentation to the Village Board to, *inter alia*, address whether the August 19, 2014 resolution declining the dedication of the House would be rescinded. In the meantime, Lincoln indicated that it would proceed on two tracks (dedication or no dedication). My presentation was memorialized in the Village Board minutes (Exhibit N).

21. Instead, on or about October 20, 2021, and upon the invitation of Mayor Dwyer, I, along with my client, met with the Mayor, and, for the first time, we were informed that the Village was interested in purchasing the entire Real Property. After negotiations with the Mayor, Lincoln and the Mayor agreed to a purchase price of \$3.8 Million. However, other material terms were not agreed. The most material of these terms was the lack of contingencies and a closing within ninety days of the execution of the contract. In addition, since Lincoln recognized that the \$3.8 Million was less than market value for the Real Property, Lincoln demanded a restriction on the Village's use of the property. Simply stated, Lincoln wanted to be sure that its

accommodation of giving up profit was not going to provide the Village with profit. These concerns and issues were memorialized in a thread of e-mails (Exhibit O).

22. As one can see, with respect to Lincoln's requirement that the transaction close within 90, we were informed that the Mayor "is reaching out to Munistat and Bond Counsel." And, with respect to Lincoln's requirement that the Property not be developed, the Village appeared unwilling to commit. Without being able to quickly resolve these issues, Lincoln's sole shareholder sold all of his shares in Lincoln for over \$4.6 Million. Under New York Law, the sale of the shares of a single asset real estate company is a real estate transaction which requires the payment of New York State Real Estate Transfer Tax. See Article 31 of the Tax Law (§1401 et seq., *Matter of CBS Corp. v Tax Appeals Trib. of State of NY*, 56 AD3d 908 [3d Dept 2008]).

23. After the sale of the Real Property through the sale of Lincoln's stock, the Village engaged in a campaign to stop Lincoln from developing its land. This campaign included the denial of a building permit which resulted in an Article 78 proceeding which is now pending, Orange Cty. Index No. EF006416-2022, and an attempt to enact a "landmarks preservation law" with a corresponding moratorium. The proposed landmarks preservation law expressly referenced the Real Property noting that its inclusion was based upon the fact that it is eligible for listing as a historical site by the New York State Historical Preservation Office ("SHPO"). However, SHPO later indicated that due to its deteriorated state, the property was not eligible for landmark designation (Exhibit P).

24. It is noteworthy that there is nothing in the Village Board of Trustees' Minutes which indicates how the Real Property came to be included in the proposed landmarks preservation law. As will be discussed further below, none of the Village's actions directed at

the Real Property have ever been discussed at the Village Board's open sessions. The only discussions that have come close is Trustee Dwyer's 2018 request to make a proposal to rescind the 2014 resolution (which reject dedication of the House), and a short discussion on August 21, 2018 which was consistent with Mayor Dwyer's 2018 request to take action. The August 21, 2018 minutes (Exhibit Q), provide:

Mayor Dwyer stated that this was a can that has been kicked down the road for the last 3 ½ years and he asked Counsel to draft a letter and forward on to the property owner and their counsel as well as the Village's own Planning Board to address some questions and issues. Attorney Terhune stated that she had the letter prepared and Mayor Dwyer requested Deputy Clerk Zahra to make copies for the Board.

Mayor Dwyer continued that 3 ½ years ago he started this crusade and with missteps and misques, ill intent and good intent, to see that this property comes back into the Village's hands. Mayor Dwyer stated that there was an offer 17 ½ years ago that was made to the Village by the current owner and we managed to screw it up every time. Mayor Dwyer wants to get it right and see the Village reacquire it. The entire property is not up for grabs, only a portion of it is and he would like to see it happen. If anyone knows the property, they know the historical value of it.

Mayor Dwyer stated that he wants to hold a workshop with the Planning Board to get a timeline as to where they are currently in the process of that property approved for development and what it is that is on the table. Mayor Dwyer asked the Board to review the letter and approve it, and he will sign off and get it distributed.

Trustee Houle stated that she looks forward to acquiring the Roscoe Smith property. This property is intrinsic to the history of Monroe and we are lucky to have it in the boundaries of the Village. It is a real gem and a beautiful asset to the Village's properties.

Trustee Behringer agreed. She stated that it will need a lot of work and it was once very beautiful. We are lucky enough to have the beautiful waterfall and the Roscoe Smith property in the Village. She also looks forward to meeting with the Planning Board and to acquiring the property.

Trustee Conklin stated that she has a personal connection to the property after spending a lot of time with Mayor Dwyer discussing it. It is a gem and it would be disrespectful for the Board to not do what needs to be done to obtain it and honor Mr. Smith and all that he did for the community.

Trustee Alley also agreed that she was looking forward to hearing about the plan to acquire the property.

25. Since August 19, 2018, the Board has never had any open discussion of the potentiality of the Village buying the Real Property from Lincoln; there was never any open discussion regarding including the Real Property in the proposed landmarks preservation law; and there has been no open discussions with respect to initiating an eminent domain proceeding directed at the Real Property.

26. Finally, Lincoln's patience ran out, and upon, *inter alia*, a "Structural Integrity Assessment" it commissioned (Exhibit R) it applied for a demolition permit which was first denied because there was a moratorium in place based upon the proposed landmarks preservation law (Exhibit S). Lincoln reapplied for a demolition permit after the House was no longer SHPO eligible, removing it from the proposed landmarks preservation law. Again, the Building Department was instructed not to give the permit because the property was going to be subject to an eminent domain proceeding. (Exhibit T). Consistent with all of the Village's prior opaque conduct, there has never been any open discussion addressing the Village Board's direction to the Building Department not to issue a demolition permit, nor was there any resolution. To be sure, the Village had repeatedly violated the Public Officer's Law, which will be discussed further below.

27. Moreover, it must be noted that the Village's Local Law provides only the Code Enforcement Officer with the authority to issue building permits (including demolition permits). He must exercise this power consistent with the law, including building codes and other local laws (See §§80-3 and 80-4 of the Village's Local Law). We were unable to find any law (State or Local) which would support the denial of Lincoln's application for a demolition permit.

Instead, what we have is a Village Board mandating the Code Enforcement Officer act *ultra viresly*, all in the dark of night, and all in violation of the Open Meetings Law.

The Village Does Not Have the Resources To Take the Real Property

28. On or about April 18, 2023, the Village issued its tentative budget for fiscal 2023-2024 with a general fund of \$11,580,378.00. (Exhibit U). For the sake of argument, the minimum amount which would be due to Lincoln if the Village exercises eminent domain against the Real Property is the \$4.6 Million paid for the property in 2021. Add to that the cost of restoring the property (if it can be restored) which was estimated at \$3 Million in 2011 (Exh D) and \$1.2 Million by Trustee Dwyer in 2018, and one gets the minimum sum of \$5.8 Million.

29. It is no wonder that Mayor Dwyer, the man who, as a Village trustee, made an impassioned statement in 2018 that he will spearhead an effort to achieve the rehabilitation of the House by enlisting outside money so that the Village could afford it (Exhibit J), is now attempting to render the Village insolvent through an eminent domain proceeding. Surely, Mayor Dwyer had the opportunity to obtain for the Village the House for free, had he had a real plan for its rehabilitation. This never happened.

30. Particularly troubling is that the Mayor, and his Board, are moving this fool's errand forward without regard to their obligations under the Public Officer's Law (see below).

Argument

An Eminent Domain Proceeding is Premature

31. Where a purchase of real property by eminent domain may be subject to a permissive referendum, a municipality's condemnation proceeding may not proceed until the municipality establishes its method of financing. *In re Real Prop. Located at 196 Plandome Rd.*, 77 Misc 2d 257 [Sup Ct 1974]. In *196 Plandome Rd.*, the Court was presented with a petition for

condemnation. While the Court found that the municipality was authorized to exercise its right of eminent domain, the Court found that the petition was premature stating:

In our view, this resolution authorizing the acquisition of an interest in land is subject to a permissive referendum unless the expenditure will be financed from surplus funds or by serial bonds having maturity of less than five years (Town Law, § 220, subd. 3; 23 Opns. St. Comp., 1967, p. 773). The record before the court is silent *concerning the method of financing and does not indicate whether the town has complied with article 7 of the Town Law which outlines the procedural steps for a permissive referendum.*

The amended petition, therefore, is premature and must be dismissed until the town complies with article 7.

While *196 Plandome Rd.* was decided under the Town Law, the law governing Villages, Local Finance Law § 36.00 is functionally identical.

32. The *196 Plandome Rd.* case is consistent with a land-owner's constitutional rights. It is elementary that the fifth amendment of the United States Constitution provides that private property shall not be taken for public use without just compensation, and the the fourteenth amendment of the United States Constitution provides that "no State shall . . . deprive any person of life, liberty, or property, without due process of law." Clearly, it is fundamental that if a State actor exercises its eminent domain rights without the ability to justly compensate the landowner, that landowner would be deprived his constitutional rights.

33. Thus, while the Village's moving papers are presented as a *fait accompli*, since there is nothing in the record concerning the method of financing, and the record does not indicate whether the Village has complied with the procedural steps for a permissive referendum, the notion of its exercising eminent domain rights is, at best, premature.

The Mayor and His Board Cannot Act Clandestinely

34. As noted above, under the Public Officer's Law, a Village Board has to operate, with few exceptions, transparently. New York State has a strong commitment to transparent proceedings before governmental bodies, as articulated in the legislative declaration set forth in Section 95 of the Public Officers Law (a/k/a Open Meetings Law). This statute provides:

It is essential to the maintenance of a democratic society that the public business be performed in an open and public manner and that the citizens of this state be fully aware of and able to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy. The people must be able to remain informed if they are to retain control over those who are their public servants. It is the only climate under which the commonwealth will prosper and enable the government process to operate for the benefit of those who created it."

35. "The purpose of the Open Meetings Law is to prevent municipal governments from debating and deciding in private what they are required to debate and decide in public" *Matter of Gernatt Asphalt Prods. v Town of Sardinia*, 87 NY2d 668 [1996].

The Open Meetings Law prohibits public bodies from conducting business in executive session, outside of public view (see Public Officers Law § 103; *Matter of Lancaster v Incorporated Vil. of Freeport*, 22 NY3d 30, 40, 978 N.Y.S.2d 101, 1 N.E.3d 302 [2013]). Its purpose is to prevent governments from deciding, in private, matters which should be subject to debate and decided in public (see *Matter of Gernatt Asphalt Prods. v Town of Sardinia*, 87 NY2d 668, 686, 664 N.E.2d 1226, 642 N.Y.S.2d 164 [1996]; Public Officers Law § 100)).

Matter of Lynch v NY City Civilian Complaint Review Bd., 206 AD3d 558 [1st Dept 2022]. The exemptions to the Open Meetings Law are set forth in Public Officers Law § 108. Discussing the business of exercising eminent domain, or issues with funding purchases of real property are not exempt.

36. Transparency is particularly important where there is an appearance of a political fix. One cannot lose sight of the fact this case presents repeated government actions, without transparency, which actions were exactly opposite the 2014 Resolution indicating that the

Village would not be pursuing ownership of the House. These opaque transactions have occurred after Mayor Dwyer articulated his view that the property must be preserved for the Village, and then Mayor (then Trustee) Dwyer articulated that he would find a method to pay for the salvation of the house without cost to the taxpayers. But he could not deliver. Now, apparently, the Village Board is ready to ramrod an eminent domain procedure with as little public debate and knowledge as possible.

37. Here, there has been no discussion, in open session, of the Village's eminent domain plans. There has been no discussion, in open session, of the costs. There has been no discussion, in open session, of the need to finance any acquisition through the issuance of a bond, and the associate costs therefor. There has been no discussion, in open session, of the permissive referendum which will be required for this exercise of eminent domain. And, there has been no discussion of the type of Notice that should be given to apprise the citizens of the Village of the Village Board's action which will require an increase in the Village's tax revenues.

38. Instead of conducting business as is required under the Open Meeting Law, the Village has made feeble attempts to appear to comply with the Open Meetings Law. First, without any discussion at an open session, on July 10, 2023 the following notice of a "Special Executive Session" for July 13, 2023 was posted to the Village's website. A copy is annexed hereto as Exhibit V. It states: "The Agenda is as follows: Executive Session [i.e not open to the public] to consider the need for special counsel." We later learned that this was the process to hire Bond, Schoeneck & King ("BS&K"), the attorneys on this litigation. While Lincoln recognizes that a Village Board may discuss litigation issues outside of the public under §105(d)

of the Open Meetings Law, that same statute mandates that to get to such a private session, the Village Board must take public action. Specifically, the statute provides:

1. Upon a majority vote of its total membership, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, a public body may conduct an executive session for the below enumerated purposes only, provided, however, that no action by formal vote shall be taken to appropriate public moneys:

Public Officers Law § 105. This did not occur here. Moreover, assuming that BS&King is not working for free, it appears that the Village violated the provision which requires money appropriations to be done publicly.

39. On or about July 13, 2023, the Village Board posted its agenda for its July 18, 2023. It included in its new business section the cryptic item: "Scheduling of Public Hearing - Eminent Domain Proceedings" (Exhibit W). At the session, there was no discussion of the proposed exercise of eminent domain at the Real Property. The only thing that occurred was the Village Attorney read a Notice of Public Hearing. This session can be viewed at <https://www.youtube.com/watch?v=IyXn-FOeNhA> (see minute 34:42).

40. This begs the question: With no discussion, how was the Village Attorney prepared with a proposed Notice of Public Hearing, and how were the Board Members prepared to set a public hearing? That leaves discussion of the Notice of Public Hearing (Exhibit X). While the law does not obligate the Village to describe every aspect of the project and its implementation, it is respectfully submitted that the Notice should, at a minimum, set forth how it intends to pay for the Real Property. Recently, on August 1, 2023, the Village Attorney confirmed that eminent domain will require bonding (Exhibit Y).

41. Village Law §5-520(b) provides: "No expenditure shall be made, nor shall any contract which in any manner involves the expenditure of money or the incurring of any

pecuniary liability be entered into, unless an amount has been appropriated for the particular purpose and is available therefor or has been authorized to be borrowed pursuant to the local finance law." Here, no money has been appropriated and no money is available. As indicated above, any borrowing would have to be in accordance with the State Finance Law. No steps have been taken to allow for a borrowing. Surely, a Notice to the public that does not include any financial information is inadequate.

42. As the Appellate Division - Second Department held in *Orange County Publications, Division of Ottaway Newspapers, Inc. v. Council of City of Newburgh*, 60 A.D.2d 409, 415 [2d Dept. 1978]:

the Legislature intended to include more than the mere formal act of voting or the formal execution of an official document. Every step of the decision-making process, including the decision itself, is a necessary preliminary to formal action. Formal acts have always been matters of public record and the public has always been made aware of how its officials have voted on an issue. There would be no need for this law if this was all the Legislature intended. Obviously, every thought, as well as every affirmative act of a public official as it relates to and is within the scope of one's official duties is a matter of public concern. It is the entire decision-making process that the Legislature intended to affect by the enactment of this statute. (emphasis added)

43. Since the Village is acting in violation of the Open Meetings Law, the State Finance Law, and the Village Law's finance provisions, it is clear that there can be no valid commencement of an eminent domain proceeding.

Without A Eminent Domain Proceeding, A Preliminary Injunction Is Not Warranted

44. As is indicated in the moving papers, the criteria for a preliminary injunction are: 1) Likelihood of success; 2) Irreparable Harm; and 3) a balance of equities. For the reasons set forth above, since there cannot be a valid eminent domain proceeding, and since the Village has not addressed the financial issues in its motion, it has not established a likelihood of success. It

is respectfully submitted that writing a motion with a factual and legal *fait accompli* is simply insufficient. In order for the Village to suggest that it has a likelihood of success, it was incumbent upon it to address the facts on the ground, not just provide boilerplate eminent domain law.

45. With respect to irreparable injury, the Village should be sanctioned for providing misinformation. As detailed above, the house has been beyond repair for over a decade. That was the conclusion of the Village's expert. It is not the position of an advocate. Yet, notwithstanding Mayor Dwyer's personal knowledge of the condition of the property, he provides a false narrative to this Court. Demolition of a structure that the Village, a dozen years ago, indicated was "a complete ruin" and "should be demolished" is not injury. It is removing an "eye sore" which is dangerous as long as it is standing. It is an attractive nuisance to young explorers. It is an accident waiting to happen.

46. With respect to a balance of equities, for over a decade, Lincoln has attempted to appease the Village by offering to give it the house when its development project is approved. Lincoln has simply bent over backwards in its efforts to accommodate the Village. It's time is up. The balance is in Lincoln's favor.

CPLR 2512

47. CPLR 2512(1) exempts municipalities from posting an undertaking in order to obtain a preliminary injunction. However, "[s]uch parties shall, however, be liable for damages . . . not exceeding an amount which shall be fixed by the court whenever it would require an undertaking of a private party" (CPLR 2512 [1]). Thus, in the event this Court grants a preliminary injunction, the court is "required to fix the limit of the [municipality's] liability for damages." *Town of Putnam Val. v Cabot*, 50 AD3d 775, 776 [2008].

48. Here, for as long as a preliminary injunction may exist, Lincoln is at risk that its property, which is a known danger, causes injury to someone. In addition, Lincoln would be unable to engage in its planned development, while it continues to pay real estate taxes and other costs. Based upon these exposures and cost, it is respectfully requested that this Court to fix the limit of the Village's liability for damages at \$5 Million.

The Request For Access

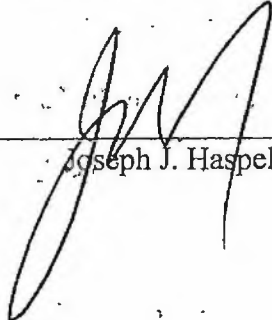
49. For the reasons set forth above, the Village's request for an Order mandating access should be denied as premature. Moreover, EDPL §302 becomes effective prior to vesting, but there is nothing in the Statute which allows for discovery prior to the actual exercising of eminent domain.

50. In addition, the Notice provided to Lincoln, a copy of which is annexed as Exhibit Z, does not set forth the current necessity. At best, it provides a laundry list following the language of the statute, and then provides that it is for whatever the Village "deems necessary." Certainly, this vague boilerplate language is not sufficient, and the Notice is ineffective, make the request to this Court premature.

Conclusion

51. For all the foregoing reasons, the instant motion should be denied.

Dated: August 14, 2023



Joseph J. Haspel

Certification of Rule 202.8-b(c) Word Count Compliance

The counsel below for Defendants, W.C. Lincoln Corp. and Simon Jacobs, certifies that, according to Microsoft Word, this affirmation in opposition contains 6,994 words, excluding the caption and the signature block.



Joseph F. Haspel

EXHIBIT A

**DRAKE LOEB HELLER
KENNEDY GOGERTY
GABA & RODD^{PLLC}
ATTORNEYS AT LAW**

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Lawrence M. Klein
Senior Bankruptcy Counsel

Jeanie N. Tully
Timothy P. McElduff, Jr.
Jennifer E. Wright
Stuart L. Kossar
Michael J. Vatter

*L.I.M. in 'Tication

July 28, 2009

Orange County Clerk
Orange County Government Center
255-275 Main Street
Goshen, New York 10924

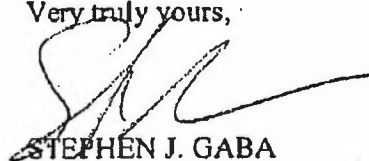
Re: Franson, et al. v. Village of Monroe, et al.
Index No.: 2008-010850
Our File No.: 12775-62390

Dear Sirs:

Enclosed for filing in the above-referenced matter please find an original and one copy of the fully executed Stipulation of Settlement which was So Ordered by the Hon. John K. McGuirk on July 24, 2009. Kindly file the original Stipulation of Settlement and return a date stamped copy of same in the enclosed self addressed stamped envelope.

If you have any questions or comments, please feel free to contact me.

Very truly yours,


STEPHEN J. GABA

SJG/ev/99462

Enclosures

cc: Donald Tirschwell, Esq. ✓
Benjamin Ostrer, Esq.
David L. Levinson, Esq.

Writer's Direct
Phone: 845-458-7310
Fax: 845-458-7311
sgaba@drakeloeb.com

SJG/

012775-62390

93378

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

-----X
In the Matter of:

MARIA FRANSON, EMILY CONVERS and
BARRY FISCHER,

HON. JOHN K. MCGUIRK

Petitioners,

SO-ORDERED STIPULATION
OF SETTLEMENT

-against-

Index No. 10850/08

THE VILLAGE OF MONROE, THE BOARD
OF TRUSTEES OF THE VILLAGE OF MONROE,
THE PLANNING BOARD OF THE VILLAGE OF
MONROE, and W.C. LINCOLN CORP.,

Respondents.

For an Order and Judgment Pursuant To CPLR Article 78
and a Declaratory Judgment Pursuant to CPLR §3001.

-----X

WHEREAS, Respondent, THE VILLAGE OF MONROE (hereinafter the
"VILLAGE"), is a municipal corporation duly constituted and
existing under the laws of the State of New York, and maintains
offices for the transaction of business at 7 Stage Road, Monroe,
New York 10950; and

WHEREAS, Respondents, THE BOARD OF TRUSTEES OF THE VILLAGE
OF MONROE and THE PLANNING BOARD OF THE VILLAGE OF
MONROE, are the duly constituted Village Board and Planning
Board of the VILLAGE; and

WHEREAS, Respondent, W.C. LINCOLN CORP., (hereinafter
"WCL") is a domestic corporation and maintains offices for the

SJG/

012775-62390

93378

transaction of business at 1 Jackson Avenue, Spring Valley, New York 10977; and

WHEREAS, Respondent WCL is the owner of approximately 20.9 acres of land located at Lakes Road and High Street in the Village of Monroe which is identified on the tax map as Section 211, Block 1, Lot 1 (hereinafter the "Property"); and

WHEREAS, the Property is part of the historic Roscoe Smith estate, and the grounds include a historic home, a stream, walking bridges, and a pond with a water wheel; and

WHEREAS, WCL and the VILLAGE have reached an agreement or understanding under which WCL is to dedicate to the VILLAGE the portion of the Property improved by the Roscoe Smith home, out-buildings and structures, and was to make certain infrastructure improvements in the area; and

WHEREAS, on or about January 26, 2007, WCL submitted an application to the PLANNING BOARD for a forty-six (46) lot residential subdivision of the Property called "The Bridges at Lake Parc"; and

WHEREAS, on September 15, 2008, the PLANNING BOARD adopted the Resolution granting conditional preliminary subdivision approval on WCL's application; and

WHEREAS, the approved subdivision plans included a "through road" connection of Hillside Road to Sunset Heights Road.

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012775-62390

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WHEREAS, the petitioners, who are owners of property located in close proximity to the lands of WCL, have commenced this special proceeding seeking, inter alia, to set aside and annul the preliminary approval granted to WCL by the Planning Board on the grounds that, inter alia, the aforesaid through road connection of Hillside Road to Sunset Heights Road is objectionable and inappropriate; and

WHEREAS, the parties have reached an agreement and understanding under which they wish to resolve and settle this proceeding;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

1. That the above-captioned action is hereby settled and terminated with prejudice and without costs upon the terms and conditions recited herein.
2. That the through road connection of Hillside Road to Sunset Heights Road shown on WCL's plat shall be modified to include the installation of two (2) cul-de-sacs which shall be connected for emergency vehicle access by a strip of land not more than 44' in width, constructed with a surface of pavers or the equivalent sufficient to support emergency vehicle traffic which connection shall be barred by a security gate, all in

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93378

substantial conformity with the detail attached hereto as Exhibit "A."

3. That without further action of the PLANNING BOARD, the resolution of the PLANNING BOARD granting preliminary approval for WCL's subdivision plat is hereby deemed modified to vacate therefrom the approval of the plat with a through road connection of Hillside Road to Sunset Heights Road and to add thereto a provision stating that as a condition of preliminary approval WCL must submit revised plans depicting two cul-de-sacs in substantial conformity with the detail attached hereto as Exhibit "A," which plans shall meet the approval of the PLANNING BOARD and such approval shall not be unreasonably withheld; and

4. That the approved final subdivision plat shall include the following note:

"The subdivider, its sucesors and assigns covenant that it will not construct a through road whatsoever connecting Hillside Road to Sunset Heights Road except the emergency access depicted on this subdivision plat."

5. That any finally approved subdivision or site plan approval granted for the Property shall include such revegetation or plantings as may be required by the Planning Board in addition to street trees.

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93378

6. That it is specifically agreed and recognized that the SEQRA review conducted by the PLANNING BOARD on WCL's application considers and adequately provides for the change to the subdivision plat mandated by this Stipulation, and that no further SEQRA review is required; and

7. That it is recognized that petitioners object to the landscaping and tree planting details of WCL's subdivision plans and the lack of architectural review, and that petitioners specifically reserve the right to object to and otherwise challenge the sufficiency thereof in regard to grant of final subdivision approval; and

8. Excepting as provided in paragraph "7" above, all other claims that were or may have been asserted in this proceeding are hereby settled and finally terminated; and

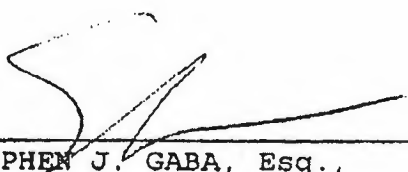
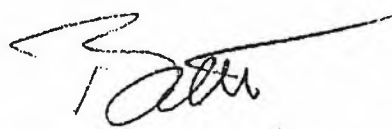
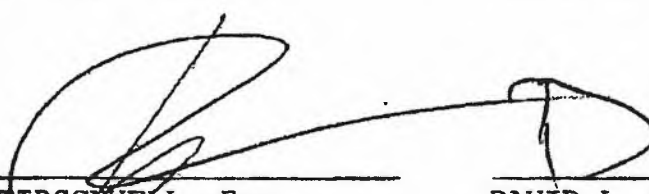

9. This Stipulation may be executed in counterparts with the same force and effect as all signatures appearing on the same page.

IN WITNESS WHEREOF, the parties through their counsel have caused their respective signatures and seals to be hereunto fixed the day and year written below.

SJG/

012775-62390

93378


STEPHEN J. GABA, Esq.,
Drake, Loeb, Heller, Kennedy,
Gogery, Gaba & Rodd, PLLC,
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Tel. No. (845) 561-0550
BENJAMIN OSTRER, Esq.,
Ostrer Rosenwasser, LLP,
Attorneys for Respondent,
The Village Of Monroe and The
Village Board of Trustees,
111 Main Street, P.O. Box 509
Chester, New York 10918
Tel. No. (845) 469-7577
DONALD TIRSCHWELL, Esq.,
Attorneys for Respondent,
W.C. Lincoln Corp.,
108 New Hempstead Road
New City, New York 10956
Tel. No. (845) 561-0550
DAVID L. LEVINSON, Esq.,
Levinson, Reineke & Ornstein, P.C.,
Attorneys for Respondent,
The Village Of Monroe,
11 Abrams Road, P.O. Box 244
Central Valley, New York 10917
Tel. No. (845) 928-9444Dated: July 24, 2009SO ORDERED: s/ John K McGuirk
HON. JOHN K. MCGUIRK, J.S.C.

07101 • 07102 • 07103 • 07104
800.221.0318 www.clerk.com

Index No.

Year 20

DRAKE, LOEB, HELLER, KENNEDY, GOGERTY, GABA & RODD PLLC
Attorneys for

555 Hudson Valley Avenue
Suite 100
New Windsor, New York 12553
Telephone (845) 561-0550

Pursuant to 22 NYCRR 130-1.1-a, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 1200.41-a.

Dated:

Signature

Print Signer's Name

Service of a copy of the within

is hereby admitted.

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

Check Applicable Box

☐
NOTICE OF
ENTRY

that the within is a (certified) true copy of a
entered in the office of the clerk of the within-named Court on

20

☐
NOTICE OF
SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the
Hon. _____, one of the judges of the within-named Court,
at _____
on _____, at _____ M.

Dated:

DRAKE, LOEB, HELLER, KENNEDY, GOGERTY, GABA & RODD PLLC
Attorneys for

555 Hudson Valley Avenue
Suite 100

To:

EXHIBIT B

**VILLAGE OF MONROE PLANNING BOARD
WORKSHOP MEETING
AUGUST 11, 2010
MINUTES**

PRESENT: Chairman Parise, Members Niemotko, Syrianos, Cocks, DeAngelis, Engineer O'Rourke, Attorney Levinson Building Inspector Cocks

Chairman Parise opened the meeting at 8:00 p.m. with the Pledge of Allegiance to the flag. An announcement was made regarding the location of fire exits.

1. Freeman's Auto Body – Amended Site Plan – (213-1-30, 31)

Present: Duane Freeman, Stephen Deutsch, P.E.

Engineer Deutsch explained the last revised site plan submitted is dated 5/28/10, and that this matter is for a continuation of an existing auto sales and repair service use as well as an additional use of outdoor power equipment sales and service. The site plan shows parking requirements are met, and shows an area for storage of vehicles on the site which are awaiting repair. The site plan was prepared from a survey and has been modified to show the existing and proposed uses. The business requires an outside storage area for vehicles awaiting repair and this area has been shown on the plan in the rear yard to provide for the storage of up to 40 vehicles. There is a pre existing wetlands area which was flagged 5 years ago. No changes or improvements are being made within 100 feet of the wetland buffer. There is also a proposed impound storage area in the rear yard which will be 20' x 100' which is separated by the existing paved area adjacent to Route 17M by a proposed 8ft screened chain link fence. A proposed vehicle display area is also shown on the asphalt area. On the east side of the building a dumpster area is proposed. There are also 4 signs shown on the building. Chairman Parise confirmed there was handicapped parking on the site and that the proper signage is posted. Engineer Deutsch stated the parking space was blue striped but presently was not sign. Mr. Freeman agreed to install a sign. Engineer O'Rourke discussed the comments contained in his 7/13/10 letter. Construction details for all improvements such as fencing, handicapped parking and signage and the berm need to be provided. Used tire storage needs to be limited and enclosed. The fencing detail requires what type of fence, the coating, and if privacy slats are proposed. Engineer Deutsch stated the tire storage is not completely enclosed but is behind a fence. Member Cocks felt the tire area should be near the dumpster enclosure so it is not visible from the road. Member Cocks commented on the messy state of the site today. Chairman Parise stated the Board has asked the applicant several times to clean up the site and informed the applicant that residents are now writing letters to the Village complaining about the condition of the site. Member Cocks questioned where the

waste, drums and tanks are being stored. Mr. Freeman stated all waste, etc. are stored inside. Mr. Freeman felt that once the fence is put up the tire storage will not be seen from the road. The Board disagreed and feels the site looks like a junkyard between the used tires, and stored vehicles and other items stored on the property. Member DeAngelis questioned if this falls under §200-13 which prohibits junkyards and the outside storage of unregistered and unlicensed vehicles and all automotive parts. Member DeAngelis felt the outside storage of tires as well the boat constituted a junkyard. Attorney Levinson questioned the definition of junkyard. Building Inspector Cocks explained that according to the definition of a motor vehicle junkyard a site storing tires and or cars would become a junkyard if the tires were stored more than 3 weeks. If the materials were disposed of within 3 weeks then it is not a junkyard. Member Cocks asked why boats and tables and chairs were being stored on the site. Chairman Parise reiterated the fact that the Board has requested the applicant clean up the site for months and nothing has been done. Now the community is writing letters complaining about the site being an eyesore. The site needs to be cleaned up and it needs to start now. Member Cocks stated the front of the site looked great but the rear is a mess. Mr. Freeman stated once the fence was put up it would be an improvement. Engineer O'Rourke suggested making the 6" berm a little higher and potentially landscaping the berm to further protect the wetland area. Engineer O'Rourke stated that outside display of merchandise is not permitted per the code. The Board may want to limit the number of vehicles in the front display area to customer vehicles only and that area needs to be striped. Today there are cars parked there with "for sale" signs in the window. Mr. Freeman explained that there are times when customers drop off their vehicles after hours. Engineer O'Rourke suggested the Board stipulate on the site plan what is permitted and what is not permitted to be stored on site so it is clear to everyone. A trailer, several crates, vehicles, parts have been seen stored outside on the site. Engineer O'Rourke also commented this should be a Type 1 action due to its location in the Historic district. Member Niemotko questioned if the sight distance will be blocked by the fence or will you be able to see over the fence. Member Niemotko requested a cross section submitted showing the sight lines from Route 17M and Stage Road showing if the fence will be sufficient to block the view of the storage. Mr. Freeman presented a proposed canopy to the Board that he would like to install on the property. The Canopy is not permanent, and is a 3 sided pop up tent-like storage area. It would be white to match the building. Chairman Parise felt it was not a permanent structure. Building Inspector Cocks stated it was an accessory structure. Attorney Levinson stated the applicant must maintain the canopy and replace it or take it down if it is damaged by weather and a note on the map should be added that the canopy will be maintained in perpetuity. The Board was not opposed to the canopy. Member Niemotko suggested landscaping instead of fencing. Chairman Parise suggested possibly both landscaping and fencing could be done. Member Cocks suggested adding to Note 12 "new and waste" so all drums are inside and none are outside.

2. Laura Ann Farms – Amended Site Plan/Change in Use (223-1-5.1)

Present: Jonathan Cella, KC Engineering; Anthony Cuomo, Applicant

Building Inspector Cocks stated that the violations have been cleared up. Chairman Parise stated the Fire Department looked at the site and commented that they have no issues with the site. Engineer Cella stated he was in receipt of Engineer O'Rourke's comments. Engineer Cella questioned if it was acceptable to the Board to not introduce any new landscaping. Member DeAngelis stated as long as the applicant maintained what was in place the landscaping was satisfactory, and to add a note to the plan that the landscaping is maintained in perpetuity. Engineer Cella commented that since there is adequate parking the 4 parking spaces in the front will be removed. Engineer O'Rourke questioned if the Board was satisfied with the storage of materials in those parking spaces and if the Board wanted to put any restrictions on amount or height. Engineer Cella suggested adding a note to the plan that the storage would not exceed 8 feet in height. Engineer O'Rourke commented that a fire lane is shown on the plan and a vehicle can drive around the site however there is storage up against the wood building. Typically storage should not be against a wood structure, and the storage prohibits getting to the building from the fire lane. Engineer O'Rourke commented that since the applicant is proposing a Deli, and there is no specific definition of a Deli in the code, and as different people have different ideas of what a Deli constitutes, a specific clarification of what exactly a Deli is should be outlined and noted on the plan so that it is clear to everyone exactly what constitutes a Deli and avoid any confusion in the future. Details such as seats, waitress service, counter service, etc. should be specified. Mr. Cuomo stated there will be seats but no waitresses. Engineer O'Rourke stated his perception of a Deli is you order your food, pay for it and leave. Since the site is approved as a shopping center the use is permitted, however the specific details such as tables, employees, and service should be detailed on the plan. The hours of operation should be also included on the site plan.

3. Bridges at Lake Parc – Amended Subdivision (211-1-1)

Present: Dave Zigler, Atzl, Scatassa & Zigler, Engineers
Donald Tirschwell, Esq.

Engineer Zigler explained that there are a few changes to the map. The applicant went to the County for a permit and if sidewalks were to be installed as per the Board, the County requires documentation and agreements to be signed by the Village to maintain the sidewalk. Engineer Zigler spoke with Brian Smith, Village DPW who stated he was not interested in maintaining any sidewalk. Because of this the map now shows the sidewalks in front of the new homes and then the sidewalk ends. Member Cocks stated that in the Village homeowners are required to maintain their own sidewalks and wondered why Brian Smith would have an issue with the sidewalks. Engineer O'Rourke explained that much of this proposed sidewalk would be located in front of the property the applicant was donating to the Village and would be Village property for the Village to maintain. Attorney Levinson suggested a letter be written to the Village Board explaining that the Planning Board is requiring the sidewalks to continue through the Village and that the Village will be responsible to maintain them. The sidewalk is needed, Lakes Road is a dangerous road to walk on. Engineer Zigler stated the drop off/pick up bus stop as requested has been included on the plan and all open questions have been answered. A traffic report has been provided. On the original plan a bridge

was proposed but the applicant preferred a culvert. Pictures of the proposed culvert were included in the packet. The Board is satisfied with the proposed culvert. Engineer Zigler requested meeting with Engineer O'Rourke to prepare the construction cost estimate. Attorney Tirschwell questioned why a construction cost estimate was needed because an agreement was that they would not bond that no C.O.'s would be issued until the top course of the road was done and felt since the Village was getting \$50,000.00 plus property they did not have to bond. Engineer O'Rourke stated that the map can't be filed unless they are bonded or fully constructed. Attorney Tirschwell disagrees. Attorney Levinson will research whether or not the subdivision map can be filed without all the improvements going in and without the improvements being bonded. Engineer Zigler stated he is still waiting for sewer and water approvals. Building Inspector Cocks questioned the phasing of the project, specifically as there is a building on Road A which is collapsing and wanted to know if that can be taken down now instead of waiting until that lot is ready to be built. The Board is in agreement a demolition permit can be issued immediately to have that structure removed.

ADJOURNMENT

On a motion made by Member Cocks and seconded by Member Niemotko it was unanimously **Resolved that there being no further business, the Meeting be adjourned.** The meeting was adjourned at 9:15 p.m.

EXHIBIT C

**VILLAGE OF MONROE PLANNING BOARD
REGULAR MEETING
NOVEMBER 15, 2010
MINUTES**

PRESENT: Chairman Parise, Members Cocks, DeAngelis, Niemotko
Attorney Levinson, Engineer Higgins
Member Syrianos arrived at 8:10 p.m.

Chairman Parise opened the meeting at 8:00 p.m. with the Pledge of Allegiance to the flag. An announcement was made regarding the location of fire exits.

PUBLIC HEARING

1. Bridges at Lake Parc – Amended Site Plan – (211-1-1)

Present: Donald Tirschwell, Esq.; David Zigler, P.L.S, Atzl, Scatassa & Zigler

Chairman Parise read the Public Hearing notice dated 10/20/2010 into the record and opened the floor for questions or comments. Chairman Parise explained that the public hearing is for the Bridges at Lake Parc subdivision application for final approval to ensure that the adjoining property owners are satisfied with the board and the applicant in fulfilling their obligations on the content and settlement of litigation. Engineer Zigler presented the project to the public. Attorney Levinson instructed Engineer Zigler that his presentation should only be regarding changes as a result of litigation by adjoining property owners to the subdivision against the Village. Chairman Parise asked if there were any questions or comments from the Public.

Jeffrey Indyk, Brookside Road, Monroe asked Engineer Zigler to point out on the map where Center Hill Road was located in relation to the project, and questioned if the road will break through into his development. Engineer Zigler stated Hill Street will continue into Hillside Road, but that access onto Center Hill Road will not happen.

Cornelia Comer, 75 Lakes Road, Monroe asked if the stone bridge on the property being dedicated to the Village be taken down. Engineer Zigler responded yes the bridge would be taken down due to the deteriorated condition it was in, however the applicant would replacing it with a new bridge to be dedicated to the Village. Ms. Comer asked what was being built on the Village property. Engineer Zigler answered nothing was to be built on Village dedicated land.

Peter Galloway, 98 High Street, Monroe, asked if the matter of tree line buffering has been considered along the portion of Sunset Heights being developed as opposed to clear cutting. Engineer Zigler presented a landscaping plan showing tree plantings on the new streets as well as on Sunset where the new lots are being proposed. The

steep slope between Lakes Road and Sunset are will not be disturbed with the exception of installing drainage. Mr. Gallum questioned if the gates being installed at the end of Sunset will be frequency activated gates. Engineer Zigler responded the gates are fire access gates and will be locked at all times. They will be used only for emergency vehicles if necessary and the gate on Sunset by the DPW for snow removal. The gate on Lakes Road will be used only by the County.

Emily Convers, 22 Sunset Heights, Monroe stated that clear cutting the entire hilltop is a concern. Although new trees are being planted it takes many years for a tree to mature to match the height of the trees which will be taken down. The hilltop can be seen from many areas of the Village and will be sad to see that hilltop clear cut.

Barbara Singer, 17 Brook Drive, Monroe asked if the Applicant could point out on the map where her property was in connection with this subdivision and voiced concern of the developer touching trees near her street. Engineer Zigler pointed out her property and stated no lands on her street would be disturbed.

David Trieber, 6 Corrine Court, Monroe asked what would happen to the stream running through property. Engineer Zigler stated it would be dedicated to the Village. Mr. Trieber asked where the houses would be in relation to the stream and what was happening to the stone building on Lakes Road. Engineer Zigler stated the stream and pond as well as stone building were all on the property being dedicated to the Village. Attorney Tirschwell stated that what happens to the land once it is dedicated to the Village is up to the Village Board.

Jeffrey Indyk asked how wide the roads will be. Engineer Zigler responded there is a 50ft right of way with 30 feet of pavement curb to curb, curbs on both sides and for new roads one side will have a sidewalk, all per Village requirements. Mr. Indyk voiced his concern over clear cutting all the trees on the property and asked if any mature trees could be left. Engineer Zigler referred to the Landscaping plan showing not only new plantings but also a hatched area which outlined areas where trees would be left.

Lillian Reinheimer, 13 Brook Drive, Monroe asked how far behind the barn does this property go and stated there are rotten trees falling on her property. Engineer Zigler will contact the contractor to remove any dead trees falling on her property.

Frank Corrigan, 2 Sunset, Monroe asked how many houses are proposed between Sunset and Mill Street. Engineer Zigler responded that 8 houses will be added to Sunset between Sunset and Mill Street. Driveway access will be onto Sunset. Mr. Corrigan asked what will be done to Sunset as it is not currently wide enough for a two way street. Engineer Zigler responded that a new water line will be installed and after that is completed the road will be widened within the right of way and toward the direction of the applicant's property. Mr. Corrigan questioned how they were widening the section of Sunset that begins at High Street up to the curve as the applicant does not own property in that section. Engineer Zigler stated that section of Sunset will not be widened. Mr. Corrigan's concern is that if that section is widened there is a large

tree as well as a gas line on his property and is concerned the applicant will want to take some of his property to widen the entrance to Sunset.

Cornelia Comer questioned when the project will start, how long it will take, and if sidewalks will be installed on Lakes Road. Attorney Tirschwell stated that sidewalks would be put in in front of the four lots on Lakes Road. As far as what is done in front of the property donated to the Village that is entirely up to the Village Board. The four houses on Lakes Road will be the first to be built and hopefully to begin sometime next year. Ms. Comer is concerned that once building begins that construction debris will be tossed into the woods on her property.

Peter Gallum asked what type of community this would be and would it be gated since there has been discussion of gates. Attorney Levinson stated the gates are strictly to prevent through traffic and that anyone can purchase a home.

Jeffrey Indyk asked what size and type of homes were being built. Engineer Zigler responded the lots are narrow therefore the homes could be 30-35 feet wide with a 45-50 foot depth with one or two garages and all are single family homes. Height wise they must comply with the height restrictions within the Village code.

Jennifer Schneider, Oakland Avenue, Monroe, is concerned in this economy of having the woods clear cut, having a few homes built and not many sold. Is there a time line or limitation on when clear cutting would be done to avoid barren land. Attorney Tirschwell stated it is proposed that the first 4 houses to be built are on Lakes Road since there are no public improvements required for these homes. The next proposal is to build on Sunset; however before that building can begin the water line needs to be looped to service the existing homes as well as the new homes, which would require removal of trees. The only place to be cleared of trees is where the road, Hill Street, will be in order to install the water and sewer lines.

Barbara Singer questioned if the thick group of evergreens currently behind the barn will be cleared. Engineer Zigler replied no, they would not be cut down.

Emily Convers commented on articles in Orange Magazine regarding what people like best and least about Orange County and most of the time people like least the building and clear cutting.

Chairman Parise stated the applicant submitted the proof of mailings to the Board. Written comments will be accepted over the next few days if anyone has any additional comments. Send all written comments to Village Hall.

On a motion made by Member Cocks and seconded by Member Syrianos, it was unanimously **Resolved, that there being no further public comment this evening, the Public Hearing for The Bridges at Lake Parc be closed.**

REGULAR MEETING**1. Bridges at Lake Parc – Amended Site Plan – (211-1-1)**

Present: Donald Tirschwell, Esq.; David Zigler, P.L.S., Atzl, Scatassa & Zigler

Chairman Parise acknowledged a letter from Attorney Tirschwell dated 11/15/2010 to the Village Attorney outlining certain modifications to be approved by Village Board resolution. The Applicant is requesting from the Village Board modification of the requirements that all public improvements are to be installed in the subdivision or a performance bond posted for all subdivision improvements prior to the issuance of a certificate of occupancy. Engineer Zigler stated that the plans need to be updated as to drainage, sewer and water. Engineer Zigler stated at least another month will be needed to achieve all outside agency approvals. Attorney Levinson stated having the Applicant return in January to give enough time to obtain outside agencies. Attorney Levinson stated for the record the applicant consents to returning in January and agrees the Planning Board is not delaying the process as outside approvals have not all been obtained. Member Cocks requested to see details on walls, landscaping and lighting on the plans before approval.

2. Hidden Creek – Amended Site Plan – (214-1-7,8,9,11.1)

Present: David Zigler, P.L.S., Atzl, Scatassa & Zigler

Engineer Zigler stated the applicant is requesting to change the location of some driveways and also add a retaining wall to allow for a softer grade in the rear of the units, and understands at the workshop meeting the board indicated the driveway relocation was not acceptable. Chairman Parise commented on all of the return trips to the planning board for repeat field changes and suggested that instead of returning and constantly making changes to the site plan, that Engineer Zigler and Engineer O'Rourke meet and review the entire plan for any other field changes such as driveways and retaining walls and return one final time if necessary to discuss the findings. Member DeAngelis does not see the need to grant the change for the retaining wall and felt it was another field change like the driveway relocation. Member Cocks was satisfied with the retaining wall change, as was Members Syrianos and Niemotko.

A motion was made by Member Cocks and seconded by Member Niemotko, to **approve the modification to the site plan for Hidden Creek at Monroe, Building 17, Phase II adding a retaining wall. The motion was seconded by Member Niemotko.**

Ayes – 4 – Chairman Parise, Members Cocks, Syrianos and Niemotko

Nays – 1 – Member DeAngelis

Attorney Levinson reminded the Applicant that the overall consensus of the board when first reviewing this project was to have the driveways in the rear of the buildings and is not pleased with the requests to move the driveways. Member Niemotko felt if a change was reasonable the Board could be flexible. Chairman Parise stated that

changes are ok but not every three months. Attorney Levinson stated the number of changes is going beyond simply a field change and is why the Chairman requested the Engineers meet to work out any future discrepancies.

3. **Maroff/Monroe Commercial Properties – Site Plan – (201-1-9.3)**

Present: John Coladonato, Pyramid Brokerage

Member Niemotko recused himself due to a conflict.

Mr. Coladonato stated as per Engineer O'Rourke's comments Note #5 has been removed from the map and the revision date has been changed. Engineer Higgins stated all engineering issues have been satisfied and all changes addressed.

On a Motion made by Member Cocks and seconded by Member Syrianos it was unanimously **Resolved that the Planning Board types this application as an unlisted action, and issues a negative declaration under SEQRA.**

On a Motion made by Member Cocks and seconded by Member Syrianos it was unanimously **Resolved that the Site Plan for Maroff/Monroe Commercial Properties as last amended 11/11/2010 is hereby approved upon condition that all fees, bonding and administrative actions are paid, and the amended site plan is reviewed and approved by the village engineer before the chairman signs the plan.**

4. **Smith Farm - Site Plan - (203-1-1.22)**

Present: Jim Sweeney, Esq.; Dave Lombardi, JMC Engineering

Attorney Sweeney submitted a matrix completed by JMC Engineering outlining the status of outside agency approvals. Attorney Sweeney discussed #6 on the Matrix regarding approvals from NYSDEC for the wastewater disposal system permit. Attorney Sweeney explained that there is an ongoing dispute between NYSDEC and OCDEF&S regarding who the applicant should be on a DEC application therefore the applicant cannot submit an application to NYSDEC. This process is also holding up the County DOH approval application as this is traditionally the last permit requested in the process. Attorney Sweeney feels these two issues are the major items holding things up at this point and is requesting an extension of preliminary approval for an additional 3 months to allow for responses from the State Agencies. Chairman Parise asked for comments from Leslie Dotson of Garling Associates. Ms. Dotson stated she expected a new map submission for this meeting after the planning meeting held with the engineers since there were planning issues and inconsistencies in the plans that need to be addressed and was looking for results from that meeting. Attorney Sweeney stated since he was not present at that meeting he did not understand that a new map submission needed to be made for this meeting. Attorney Sweeney understood the issues presented but felt they were not major technical issues and by granting a 3 month extension would give the applicant time to remedy those issues. Attorney Levinson informed Attorney Sweeney that it was the Board's inclination to not grant any

further extensions. Attorney Sweeney stated that would be a very serious mistake. Attorney Levinson informed Attorney Sweeney that there have been 9 six month extensions plus a 90 day and a 60 day extension were granted on this project since preliminary approval in August 2006 for a total of 11 extensions. The project itself has been on this Board's agenda since 2001. To accommodate the applicant back in 2006 the Board did something that is not a part of Village or Town ordinance and granted preliminary conditional site plan approval. This approval was done on Attorney Sweeney's request to accommodate the applicant to allow for them to obtain the outside agency approvals. In addition Attorney Sweeney made representations in June and July of this year regarding status of completion of outside agency approvals and now the applicant returns and again asks for another extension in order to have time to gain outside agency approvals. Attorney Sweeney claimed in June he suggested the same as he is suggestion now looking for an extension due to circumstances within NYSDEC. Chairman Parise disagreed and reminded Attorney Sweeney that in June he stated that 99.9% of approvals have been completed and now he is returning for the 2nd time requesting an extension in order to get outside agency approvals when they supposedly were completed back in June. Attorney Sweeney claimed that was incorrect and he said he was getting there with regard to approvals. Chairman Parise suggested he read the minutes of the prior meetings as that were not what were represented. Chairman Parise questioned Attorney Sweeney as to why plans have not been done yet after so many years on the agenda. Attorney Sweeney claimed the plans were done. Ms. Dotson stated she had not seen any updated plans and Chairman Parise stated the board has not received any updated plans. Attorney Sweeney stated the plans were 70 pages and did not understand why everyone needed a copy. Ms. Dotson stated she has not received 70 pages worth of plans to review at all. Engineer Lombardi stated his office submitted plans to the Town and the Village. The Village Planning Board, Village Engineer, Village Planning Board Attorney and Village Planner have not received any plans. Chairman Parise questioned how a resolution can be drafted without a set of plans. Attorney Sweeney felt these issues are not major. Chairman Parise disagreed and still cannot understand how Attorney Sweeney expects final approval and a resolution for final approval be granted without the submission of plans. Chairman Parise stated the applicant just keeps coming back making representations and requesting extensions. Ms. Dotson stated it is important she see physical plans which address the concerns listed and not grant approval on some issue that has yet to be resolved as it appears we were assured that things were much farther along than they really are. Ms. Dotson expected the applicant submit plans to show sections of walls, colors as would be done under SEQRA and felt the Board would want to see these details. Ms. Dotson still has not seen a complete list of what is in the plans nor has she seen a complete set of plans. A big concern is that if all parties involved have different sets of plans and different sets of lists as to what is supposed to be there, then how can one final resolution possible be drawn up. Member Niemotko asked how many plans there are and when they were sent and to whom. Engineer Lombardi stated all plans have been sent out. Member Niemotko requested copies of the transmittal letters submitting the plans. Engineer Lombardi stated he would email the letters in the morning. Ms. Dotson stated everyone involved needs to all have the same documentation, the same lists and the same set of plans as every time this is discussed

a different answer is provided. Attorney Sweeney stated that only technical people received the plans. Chairman Parise stated that the Board always wants to see the plans and Engineer Lombardi claimed he submitted plans to everyone, despite the fact the planning board has not received anything. Chairman Parise questioned Attorney Sweeney how he expects a Resolution to be done without a set of plans. Attorney Sweeney stated he does not have a set of plans for the Board to use and is asking for an extension. Chairman Parise stated the Board has granted 11 extensions and does not understand how an applicant can appear before the board without an updated set of plans. In August 2010 Ms. Dotson was asked to prepare a Resolution and she needed plans and here we are in November still discussing the same thing and nothing has been achieved or submitted. Attorney Levinson stated that this Board does not want to be placed in a litigative posture with Attorney Sweeney making off the cuff statements without any support. In June 2010 Attorney Sweeney stated that the project has really achieved all the outside approvals that are necessary. Attorney Levinson reminded Attorney Sweeney this is what he has been representing all along and now he shows that approvals haven't even been applied for. Chairman Parise stated that the same discussion is being held now as was in June, July and August, therefore nothing has been accomplished due to the applicant not providing required documentation, and all agency approvals have either not been received or even applied for. In reviewing the matrix submitted by Attorney Sweeney the board needs a copy of the DEC letter; the DOT gave conceptual approval, all plans to all members of Village and Town planning boards, confirmation of which plans are to be filed with the county clerk, and confirmation of water service. Member Niemotko questioned if final approval were granted it would be conditioned only on 2 state agencies. Engineer Lombardi discussed an email he received from OC Sewer dated 11/10/2010 stating Orange County will not be signing any sewer main extensions. Attorney Levinson stated there is no such provision in the zoning for conditional final site plan approval. The problem is in 2006 preliminary approval was granted to assist the applicant in actively pursuing outside approvals and now almost 5 years later approvals have not been achieved. Furthermore in the time period this matter has been pending other major changes have occurred or will be occurring in the area and need to be addressed. Chairman Parise stated the Town planning board granted a 30 day extension to allow the Village planning board to meet. Attorney Levinson suggested the applicant submit final plans for review, and copies of all correspondence from outside agencies to enable the consultants to prepare a draft final resolution.

On a Motion made by Member Cocks and seconded by Member Niemotko it was unanimously **Resolved that the conditional preliminary approval for Smith Farm is hereby extended until January 24, 2011 to allow for time for the consultants to review the submissions to prepare a Final Resolution conditional on the following: Documents are to be provided including but not limited to a full and complete set of site/subdivision plans; copies of all correspondence from any/all outside agencies; approvals or denials from any/all outside agencies; and a set of copies of all plans and documents must be provided to Leslie Dotson, Lanc & Tully, David Levinson, Esq., the Village of Monroe Planning Board and all**

members, the Town of Monroe Planning Board and all members, Town of Monroe Planning Board Engineer and Town of Monroe Planning Board Attorney. All plans, correspondence and documents must be submitted no later than 12/6/2010 to allow time for the consultants to review prior to the January meetings.

APPROVAL OF MINUTES

On a Motion made by Member Syrianos and seconded by Member Cocks it was **Resolved that the Minutes of the September 15, 2010 meeting be approved.**

Member DeAngelis questioned the address on the 107 Stage Road project thinking it should be 109 Stage Road. Chairman Parise explained the name of the Application is how the Applicant filed the application, which was 107 Stage Road. Member DeAngelis stated it was two lots. Attorney Levinson informed Member DeAngelis that it is one lot with two mailing addresses.

On a Motion made by Member Cocks and seconded by Member Syrianos it was **Resolved that the Minutes of the September 20, 2010 meeting be approved.**

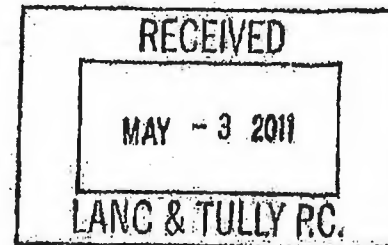
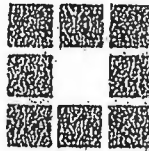
On a Motion made by Member Syrianos and seconded by Member Cocks it was **Resolved that the Minutes of the October 13, 2010 meeting be approved.**

On a Motion made by Member Cocks and seconded by Member DeAngelis it was **Resolved that the Minutes of the October 18, 2010 meeting be approved.** Chairman Parise abstained.

ADJOURNMENT

On a motion made by Member Cocks and seconded by Member Syrianos it was unanimously **Resolved that there being no further business, the Meeting be adjourned.** The meeting was adjourned at 10:00 p.m.

EXHIBIT D

**PHARR + ANDERSON** *Architecture • Planning • Interiors*

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WWW.PHARRANDERSON.COM

May 1, 2011

Hon. James Purcell, Mayor
Village of Monroe
7 Stage Road
Monroe, NY 10950

Re: Visual Evaluation of Roscoe Estate, Lakes Road, Monroe, NY.

Dear Mayor Purcell:

Our office received a request from the village engineering consultants, Lang & Tully Engineering & Surveying, P.C., to conduct an inspection and visual evaluation of the above referenced structure, the historic Roscoe Residence in the Village of Monroe, to help determine the feasibility of restoring this venerable landmark to some public use. On April 29, we toured the site with you and several village staff members, and this letter will constitute our report.

In general, we found the structure deteriorated and degraded to such an extent that the cost of returning the building to an occupiable use would be prohibitive—probably in the \$3 M to \$5 M range, depending on the goals of any such project. If the intent was to restore the residence as an historic landmark, the interiors would have to be almost entirely recreated. Almost all of the architecturally significant features which had not been covered up or removed by previous renovations were either missing (hardware, doors, etc.) or ruined by vandals and years of neglect. A project which was only intended to restore the building to occupiable use, such as municipal offices, would be less ambitious, but still very costly. Sections of the floor and stairs have simply fallen away leaving dangerous holes. The scope of demolition would necessarily include all mechanical, electrical and plumbing systems as well as all plaster, sheet rock and insulation. The presence of mold, asbestos (including asbestos exterior shingles), and lead paint would further increase the costs of demolition.

There may be some salvageable value in certain materials such as wood flooring, the ornate iron front gates, etc. and a materials salvage broker should be consulted prior to demolition. Regrettably, and unless the high cost of renovation can be managed, we recommend that the structure be demolished.

Please contact us if you have any further questions about this matter.

Yours truly,

Harry Pharr

cc: John O'Rourke

EXHIBIT E

see last page

PUBLIC HEARING
TUESDAY, MAY 17, 2011 @ 6:45 PM
O.C. COMMUNITY DEVELOPMENT PROGRAM
PHYSICAL IMPROVEMENT PROJECT

A Public Hearing was held on Tuesday, May 17, 2011 at 6:45 PM in the boardroom of the Village Hall, 7 Stage Road, Monroe, NY. The purpose of the Public Hearing was to invite public comment and suggestions regarding projects to be considered for funding under the Orange County Community Development Program for improvements as follows:

- 1] Acquisition & Disposition of Real Property.
- 2] Public Works, public facilities or site improvements.
- 3] Code Enforcement (Housing & Health Codes).
- 4] Clearance, Demolition & Rehabilitation for Public Use or Economic Development.
- 5] Housing Rehabilitation Loan and Grants.
- 6] Special Projects for Elderly and Handicapped.
- 7] Provision of Public Services (Shelters, Clinics, Senior Nutrition, etc.).
- 8] Payment of Non-federal Shares of Other Grant Programs.
- 9] Relocation Payments and Assistance.

Present: Mayor Purcell; Trustees Chan, Wright and Eppinger

Also present: DPW Supt. Smith and Village Clerk Carey

Absent: Trustee Gormley

Two people were present for the Public Hearing. Mayor Purcell read the Public Hearing Notice. There was no written correspondence received. Comment followed. DPW Supt Smith explained what he would like to submit for this year. He would like to do a single year grant for \$125,000. If we only get \$100,000, we wouldn't be tied to that amount as we would for a multi-year grant. Supt. Smith's plan would be to repave Forest Ave., Brooks Ave., Charlton Place and Franklin Ave. Estimated Cost is \$217,000, \$125,000 through O.C. Community Development and \$95,000 next year through CHIPS money. Plus whatever we can budget during next year's budget process.

Trustee Wright asked if the Historical House, 400 Stage Road, would qualify. Supt. Smith if it falls within the census block it would.

Trustee Chan asked if sidewalks on Route 17M adjacent to the Historical House would qualify. Supt. Smith said there isn't enough room for a sidewalk.

Mayor Purcell commented that one of the issues that came up during the kick-off meeting was that if we submit for a multi-year grant, we are tied into it. If there are cut backs and we are tied into a multi-year grant (3-years), we can't reapply. So if we go year by year we get the full grant we can do another project.

Supt. Smith said we know we qualify until year 2015. Community Development moves slowly, we are still waiting for our 2010 Grant Award applied for in 2009, due to the federal government budgeting money but not releasing it. We've had verbal confirmation that we received the money. We may not do the work for this grant until 2013.

On a motion by Trustee Chan seconded by Trustee Wright and carried, the hearing was closed at 7 PM.

**BOARD OF TRUSTEES MEETING
TUESDAY, MAY 17, 2011**

The second meeting of the month of the Board of Trustees was held on Tuesday, May 17, 2011 at 7 PM, following the Public Hearing on the Orange County Community Development Program projects for consideration. The meeting was held in the Boardroom of the Village Hall, 7 Stage Road, Monroe, NY. The meeting was called to order by Mayor James Purcell who led in the pledge to the flag. Emergency exits were announced.

Present: Mayor Purcell; Trustees Gormley, Chan, Wright and Eppinger
Also present: Attorney Bonacic, DPW Supt. Smith, Treasurer Murray, Police Chief Giudice, Building Inspector Wilkins and Village Clerk Carey

BUDGETARY TRANSFERS / MODIFICATIONS:

On a motion by Trustee Wright seconded by Trustee Chan, with all in favor, it was:

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

<u>FROM:</u>	<u>TO:</u>	
A1990.490 Contingency	A1320.450 Auditor Contractual	\$ 900.00
Budget Modifications		
A1560 Safety Inspection Fees	A1440.450 Engineering Contract'l	173.75
A1603 Vital Statistics	A4020.400 Vital Statistics	330.00
A2115 Planning Board Fees	A8025.450 Pl Bd Engr Contract	9,548.80
A2665 Sales of Equipment	A9950.900 Trans Hwy Reserve	29,905.00
A2680 Insurance Recoveries	A9040.800 Workers Comp	16,501.78
A2770 Misc Revenue	A5110.410 St Maint Genl Exp	26,830.00
A3089 State Aid Other	A1110.410 Court Genl Exp	(81.04)
A3889 Other Culture & Recreation	A5110.410 St Maint Exp	27,000.00
A4320 COPS	A3120.435 PD Grant Exp	119,359.38
F2680 Insurance Recoveries	F9040.800 Workers Comp	9,100.00
Capital Reserve		
	A9040.800 Workers Comp	20,000.00
	A9950.900 Transfer – Hwy Rsv	55,000.00
	A9950.920 Transfer – VH Rsv	17,953.15
	A9950.950 Transfer – Empl – Benefits Rsv	25,000.00
	A9950.960 Transfer – Crane Pk Rsv	10,000.00
	A9950.970 Transfer – Parkland Rsv	70,000.00
	A9950.900 Transfer – Hwy Rsv	29,905.00
	TE9901.900 Interfund Transfer	125,907.00

PD COPIER MAINTENANCE AGREEMENT:

On a motion by Trustee Wright, seconded by Trustee Gormley, and carried, it was:

RESOLVED, in accordance with the Village Procurement Policy, the Board of Trustees approved the following maintenance agreement for the Police Department copier:

Sharp AR208D (S/N 85057621) for period of 4/6/11 through 4/15/2012 in the amount of \$409.31 charged to line A3120.450.

**PLANNING BOARD SEC'Y STATUS CHANGE FROM INDEPENDENT CONTRACTOR
TO P/T EMPLOYEE STATUS:**

On a motion by Trustee Wright seconded by Trustee Eppinger it was:

RESOLVED, the Board of Trustees approved the classification change for the Planning Board Secretary position currently held by Deborah R. Proulx from independent contractor to P/T Planning Board Secretary, effective 6/1/2011 at an hourly salary of \$15/hour. O.C. Department of Personnel will be notified.

Ayes: Trustees Gormley, Chan, Wright and Eppinger
Nays: None

F/T TEMPORARY DISPATCHER POSITION EXTENSION OF DANIEL BENNET:

On a motion by Trustee Wright seconded by Trustee Eppinger, it was:

RESOLVED, due to an extended leave of absence of F/T Dispatcher James Arndt, and the immediate need to fill the shifts, the Board of Trustees approved, Daniel Bennet provisionally, for an additional 3-months, May 10, 2011 through August 10, 2011, to fill the full-time dispatcher position at the hourly rate of \$16.91/hour. Mr. Bennet's provisional appointment will be returned to part-time status at the end of the 3-months.

Ayes: Trustees Gormley, Chan, Wright and Eppinger
Nays: None

**ORANGE COUNTY COMMUNITY DEVELOPMENT PROGRAM FUNDING
APPLICATION FY/2012:**

On a motion by Trustee Gormley seconded by Trustee Chan, it was:

RESOLVED, the Village of Monroe Board of Trustees authorize Mayor Purcell, the chief elected official of the Village of Monroe, to submit its application for consideration under the FY/2012 Orange Urban County Consortium Community Development Program. They further certify that they have read and understood the Orange Urban County Consortium Community Development Guidelines for the FY/2012 program year, and have met all of its applicable requirements and the information contained in the application is accurate and true to the best of their knowledge. We are submitting for reconstruction and repaving on Forrest Ave., Brooks Ave., Charlton Place and Franklin Ave.

Ayes: Trustees Gormley, Chan, Wright and Eppinger
Nays: None

2011 FORD ESCAPE XLT LEASE AMENDMENT: see minutes 4/19/11 page 71

On a motion by Trustee Gormley seconded by Trustee Chan, it was:

WHEREAS, following award of the bid to lease a 2011 Ford Escape and securing the lease, we were informed that a municipal lease was \$9 more a month, and

WHEREAS, Healey Brothers of Goshen, New York is still the lowest bidder adding the additional \$9/month to their bid.

NOW, THEREFORE, BE IT RESOLVED, the Board of Trustees approve an amendment to the lease of the 2011 Ford Escape XLT through Healey Brothers in the amount of \$374/month, leased for 36 months / 12,000 miles.

Ayes: Trustees Gormley, Chan, Wright and Eppinger
Nays: None

**AUCTIONS INTERNATIONAL SALE OF SURPLUS EQUIP. – 1989 JOHN DEERE 544E
LOADER BID AWARD AMENDMENT: (see page 78)**

Auctions International has notified us that the bid for the 1989 John Deere 544E Loader awarded by the Board at their May 3, 2011 Meeting was banned due to the 10 day payment time limit. DPW Supt. Smith has recommended awarding the bid to the next responsible high bidder. On a motion by Trustee Eppinger seconded by Trustee Wright, it was:

RESOLVED, the Board of Trustees rescinded their resolution of May 3, 2011, Minutes Page 78, awarding the bid for the 1989 John Deere Loader (ID# DW544EB526508) to on line user awson2456 due to their non-compliance of the 10-day payment terms. It is further

RESOLVED, the Board of Trustees hereby awards the bid for the 1989 John Deere Loader (ID# DW544EB526508) to Auctions International's next responsible bidder, "Dave Resertarits in the amount of \$21,755". Money received shall be put into the Highway Equipment Reserve Account A9950.900.

Ayes: Trustees Gormley, Chan, Wright and Eppinger
Nays: None

SACRED HEART CHURCH PARISH CARNIVAL 7/28-31, 2011:

Chief Giudice commented that Lieutenant Melchiorre spoke to Sacred Heart personnel today. More information is needed before signing off. A representative was present from Sacred Heart and said he was given a copy of the letter received last year and is working to conform to all that was required. This matter was tabled to the June 7, 2011 Meeting.

**BOURBON STREET BAR & GRILL JULY 1ST TENT WITH BANDS & FOOD @ 78
MILLPOND PARKWAY:**

Bourbon Street Bar & Grill (Scott Benoit), 78 Mill Pond Parkway, filed an Events Application to extend their business outside under a tent from 4-9:30 PM during the downtown July 4th celebration with fireworks on July 1st. Building Inspector Wilkins commented that the Building Department issued an Appearance Ticket to answer charges of a violation to our noise ordinance. Mayor Purcell said as it stands they haven't been convicted of any violations. Trustee Wright commented there is no backup information on the Building Department Memo. Mayor Purcell said insurance is in place, there is a layout design submitted and their authorization letter from the landlord giving permission to hold the event in the parking lot adjacent to their business. Chief Giudice will contact Mr. Benoit to go over requirements. Trustee Eppinger said he read the insurance certificate and the aggregate is inconsistent with the application (\$3 million not \$2 million required). Attorney Bonacic commented that if an applicant comes to the Board that isn't the actual owner, we do not have to do a Local Law to require that. Village Code 200-38.2 allows for criteria information at the Board's request. The event application can be amended to require the owners authorization if the applicant's not the owner, include a separate form.

**MONROE CONCERT SERIES SPONSORED BY THE VILLAGE THROUGH THE
MONROE ACTIVITIES COMMITTEE:**

Chief Giudice received the application and will sign-off on it with the stipulation that the Police Department work closely with the committee especially on the first event to insure everything runs smoothly. Mayor Purcell asked Attorney Bonacic about the insurance and whether since insurance falls under the village, is a special waiver needed? Attorney Bonacic said to advise Marshall & Sterling of the event and make sure we are in compliance with our policy terms so they disclaim in the event of a problem. On a motion by Trustee Wright seconded by Trustee Eppinger, and carried, it was:

RESOLVED, the Board of Trustees approved the Village of Monroe Activity Committee's summer concert series on the north end of Crane Park with local restaurants and non-profits on the paved roadway on Mill Pond Parkway. Inflatables for children will be stationed at Airplane Park. This approval is contingent upon appropriate insurance being in place under the Village's policy with Marshall & Sterling Insurance and coordination and sign-off by Police Chief Giudice.

Ayes: Trustees Gormley, Chan, Wright and Eppinger

Nays: None

MAYOR'S REPORT:

CHAMBER UPDATE: Mayor Purcell reported that the Chamber of Commerce hit a stumbling block in that they can't use the Monroe Chamber of Commerce name. There was a legal issue and a tax issue using it. The group is moving ahead and has changed the name to Greater Monroe Chamber of Commerce. A new application for a 501-c (6) status and tax exemption will be filed.

ROSCOE HOUSE UPDATE: DPW Supt. Smith, employee Jesse Hedges, Mayor Purcell and an architectural engineering firm met at the Smith House on Lakes Road recently to inspect the house as part of the negotiations with WC Lincoln Corp. The house is a disaster! The cost estimate to repair the house is \$3 million dollars. We have to look into how we want to handle further negotiations. We can't afford to renovate it. The architect gave their price per square footage. The house has been totally destroyed. There was a broken water pipe that caused the center floor to cave in. The roof has caved in. All the windows are broken. The floors are lifted and twisted. It is a total ruin!



PUBLIC COMMENT 4 # OF PEOPLE PRESENT TIME: 7:30 PM.

Superintendent Smith reported his department has started reading water meters. Town accounts that have outstanding balances will be disconnected starting tomorrow, May 18th.

Monday, May 23rd the DPW will begin chip sealing roads. They will be on Forge Road, Winchester Drive, Cunningham Drive, Seals Drive, Reed Road, Lois Lane, Nancy Court, Pope Lane, Timber Hills and Whitman Place. On Tuesday and Wednesday roads will be done on Fitzgerald Court and all of Friedman Homes. Then on High Street from Gilbert Street to Newbury Street.

Tomorrow, May 18th, Supt. Smith will be finalizing the price with Reclamation to do Schunnemunk Street from Route 208 to the end of the village line. Work will run from the end of May to the first part of July.

Mayor Purcell commented that Sunday morning May 22nd at 11 AM Mrs. DeAngelis group hopes to plant the flowers at the 9-11 memorial in Crane Park and the flower beds around the Mill Pond. The hanging baskets are being prepared for hanging.

ADJOURNMENT / EXECUTIVE SESSION:

On a motion by Trustee Gormley seconded by Trustee Chan, and carried, following a short recess, the Board went into Executive Session 7:30 PM for Attorney Client Privilege.

Respectfully submitted,

Virginia Carey, Village Clerk

EXHIBIT F

See last page

PUBLIC HEARING
INTRODUCTORY LOCAL LAW
ADDITION & AMENDMENTS

A Public Hearing was held on Tuesday, April 17, 2012 at 6:30 PM in the Boardroom of the Village Hall, 7 Stage Road, Monroe, NY, to hear comment on proposed legislation adding and amending the Code of the Village of Monroe as follows:

Adding to the code of the Village of Monroe, Chapter 163 entitled Sidewalk Sales". The purpose is to implement various provisions and changes relating to traffic flows, unsafe buildings, outdoor display of merchandise, restaurants and notification of public hearings conducted before the Village Planning Board.

Chapter 43, Vehicles and Traffic, add Section 43-4 entitled "Commercial motor vehicles prohibited on designated Village Streets"...

Add 43-15.1 entitled "One-way Streets" to subdivision (6) ...

Chapter 200 Zoning, Section 45. Supplementary regulations applying to nonresidential districts (E) Outdoor Display of Merchandise amended to refer to Chapter 163...

Chapter 200 Zoning Section 80-B entitled "Unsafe buildings." Relabeling current Subsection 2 to read 2(a) and creating new subsection 2(b), 2 (c) and 2(d)...

Chapter 200 Zoning, Section 86 Planning Board Powers and Duties (B)(2) amended...

Chapter 200 Zoning, Section 86 Planning Board Powers and Duties. Add (J) entitled "Notification Procedure for Public Hearings for Planning Board..."

Chapter 200-63.1 Senior Citizen Affordable Housing, (E) Application procedure (7) (f) amended...

Chapter 175, subdivision of land, 4 Approval of minor subdivisions (I)... *Notification procedure for Public Hearings shall be in accordance with 200-86 J.*

Chapter 175, subdivision of land, 7 Final plat for major subdivision (H)...*Notification procedure for Public Hearings shall be in accordance with 200-86 J.*

Chapter 175-6. Preliminary plat for major subdivision. I. Preliminary public hearing...*Notification procedure for Public Hearing shall be in accordance with 200-86 J.*

Amend Schedule I-D, Table of Use Requirements, CB District:

1. Under Column A – Permitted Uses, delete subsection "5. Restaurant".
2. Under Column C – Conditional Uses, add new subsection "10. Restaurant".
3. Amend Column D – Use Group (Special Condition), to include "r [200-59]".

Amend Schedule I-F, Table of Use Requirements, GB District:

1. Under Column – Conditional Uses, add new subsection "22. Restaurant".
2. Amend Column D – Use Group (Special Condition), to include "r [200-59]".

Amend Zoning 200 Attachment 1 – Zoning Catalog of Uses...

Amend Zoning 200 Attachment 1 – Zoning Catalog of Uses...

SECTION 16: Severability Clause...

MAYOR'S COMMENTS:

SPECIAL MEETING 4/23 @ 10 AM: On a motion by Trustee Wright seconded by Trustee Chan and carried, a Special Meeting was scheduled for Monday, April 23, 2012 at 10 AM for the purpose of authorizing bidding for the 2012 Community Development Block Grant Project – reclaim and resurfacing the roadbed on Charlton Place, Brooks Avenue, Forest Avenue and Franklin Avenue.

THANK YOU: Mayor Purcell thanked the DPW and Police Department for their diligence in directing traffic on Stage Road during the sidewalk replacement project. The DPW crew is commended for their show of cooperation working with the contractor. Installation has caused some inconvenience but everyone agrees it will be worth it in the end.

REMINDER: OPERATION CLEAN SWEEP is this Saturday, April 21st. Start time is 8 AM beginning at St. Anastasia's Church in Harriman. Anyone who can participate is encouraged to do so.

MW GARDEN CLUB – VILLAGE OF MONROE BEAUTIFICATION PROGRAM:

The M-W Garden Club under the leadership of Geri DeAngelis will begin the planting beautification in Crane Park. Flower beds have been readied by our DPW.

DRAINAGE EASEMENT: Mayor Purcell signed a drainage easement for filing by Attorney Bonacic from a homeowner of Briarcliff Estates and a License Agreement between the Village and the property owner.

PUBLIC COMMENT: _____ **PEOPLE PRESENT:** _____ **TIME:** _____

Carl Stora, 9 Crescent Place, was present to make a complaint about the former Roscoe Smith property (WC Lincoln Corp, 47 Lakes Road, TM# 211-1-1). The house, out buildings and water wheel are all deteriorating. It is a mess and an eyesore. People who live along Lakes road want to see something done to clean it up. Why does the village allow it to deteriorate? Mayor Purcell responded the delay in the developer moving forward with the project is due to a sewer issue with the County. Mr. Stora said the dam was drained and now there are old tires and debris there. It has become a blight area. Mayor Purcell will reach out to the owner, Yoda Frank, and speak to the Building Inspector to see what can be done.



Trustee Gormley arrived 7:32 PM.

PROMOTION CEREMONY: Chief Giudice reminded the Board and Department Heads they are invited to the installation ceremony on 4/19 for Jeffrey DeLuca who has been promoted to Sergeant. Congratulations Jeff!

EXECUTIVE SESSION:

On a motion by Trustee Chan seconded by Trustee Conklin, and carried, the meeting was closed at 7:35 PM. Following a short recess, the Board convened in Executive Session for discussion of Attorney Client and personnel.

As recorded by Mayor Purcell: The Board came out of Executive Session at 8:55 PM. On a motion by Trustee Chan seconded by Trustee Conklin and carried, no further business the meeting was adjourned.

Respectfully submitted,

Virginia Carey
Village Clerk

EXHIBIT G

**VILLAGE OF MONROE PLANNING BOARD
WORKSHOP MEETING
NOVEMBER 13, 2013
MINUTES**

PRESENT: Chairman Parise, Members Cocks, Niemotko, DeAngelis, Syrianos, Engineer O'Rourke, Attorney Levinson, Building Inspector Cocks

Chairman Parise opened the meeting at 7:00 p.m. with the Pledge of Allegiance to the flag. An announcement was made regarding the location of fire exits.

1. 577 Route 17M – Amended Site Plan (220-5-16.1)

Present: John Loch, AFR Engineering; Shulem Brach

Engineer O'Rourke discussed if a building permit is required for the walls being proposed to be added which will create additional building area. Building Inspector Cocks stated that he is working with the applicant on all of the permitting necessary for this project which includes the new walls being put up as well as permitting the existing sheds on the property. All permits will be taken care of prior to site plan approval. Attorney Levinson requested that the words "permitted on site" be added to Note #14 regarding the collection drop boxes. Engineer O'Rourke referred to the Building Department regarding the installation of the proposed fuel tank. Building Inspector Cocks discussed this with Engineer Loch and it was agreed the fuel tank and the two parking spaces shown near the fuel tank would be swapped allowing the 25ft distance required between the tank and the building. Building Inspector Cocks stated that all landscaping required from the prior approved site plan has been completed. Engineer O'Rourke stated that the only item from the prior approved plan is the dumpster enclosure and recommends that a time frame be instilled during this approval to ensure the work is completed. Engineer O'Rourke stated that Conditional Use Permit is still valid and that this application is for an amended site plan only. Engineer O'Rourke feels the plans are ready to be sent to Orange County Planning for 239 review as well as DOT for review.

2. Bridges at Lake Parc – Amended Subdivision/Site Plan (211-1-1)

Present: Jim Sweeney, Esq.; Glenn McCreedy, P.E., Brooker Engineering

Chairman Parise stated that there has been no appearance on this matter since January 2011. Unfortunately Attorney Tirshwell passed away and now there is a new attorney and new engineer on the project. Attorney Sweeney agreed that he and Engineer McCreedy are now handling the project. Attorney Sweeney stated that the important changes addressed include changes with the Roscoe Smith house as well as SWPP and drainage issues. The Village Board has indicated they do not want the Roscoe Smith house, therefore the house will be demolished and two additional building lots have been added in its place. There is also some conflict with the DEC and ACOE

regarding the rebuilding of the dam and those conflicts are still being resolved. Engineer McCreedy discussed some of the changes made. Two lots which were going to be donated to the Village but now the Village Board has decided to return those two lots back to the developer in exchange for parkland fees. In addition the existing house will be removed and turned into another lot again in exchange for parkland fees. The park property which will be dedicated to the Village has been reworked with Road A now ending in a cul-de-sac instead of a T. There will also be a new detention basin design closer to the cul-de-sac and easier to access for maintenance. In addition the sanitary feed has been rerouted the feed through Lot 45 which will be less invasive to the infrastructure and surrounding area. Sidewalks have been added along the entire frontage of the property along Lakes Road. The issue of the actual dam removal is still being discussed with the ACOE and the DEC. Communication between the two agencies has been difficult and Engineer McCreedy's office is working to work all issues out between these two agencies prior to appearing formally before the Planning Board. Chairman Parise stated that the changes presented seem to indicate a new application. Member DeAngelis agreed. Attorney Levinson stated this constitutes a new application since according to Village Code the preliminary subdivision approval has expired. Attorney Sweeney does not agree nor disagree however is not averse to re-notifying outside agencies and will cooperate with the Board any what they feel the matter needs to be handled. Engineer McCreedy agrees and stated that their intent is to improve on the environmental impacts. Member Cocks commented that the addition of the sidewalk is well received; however ending the sidewalk at the end of their property line is a dangerous section as it is in a curve. Engineer McCreedy agreed to look into how to tie the end of the sidewalk in the best and safest way. Member Cocks commented that the proposed lots located where the bridges and near the Roscoe House today are going to be prone to heavy flooding as that area floods now and hopes that consideration is made to alleviating the flooding prior to any houses being built there. Engineer McCreedy will review the drainage on those lots. Chairman Parise asked for a schedule as to when the Roscoe House will be demolished. Attorney Sweeney will discuss this with the owner. Building Inspector Cocks stated that the Village is interested in keeping and restoring the bridges and water wheel currently on the property. Engineer McCreedy and Attorney Sweeney felt the property owner would have no issue at all with giving those items to the Village.

3. Smith Farm – Site Plan (203-1-1.1, 1.2)

Present: Mark Siemers, Pietrzak & Pfau

Chairman Parise stated he has been informed there is a new owner of the property and was looking for confirmation. Engineer Siemers stated there is a new owner but that the original owner still has an interest in the property. Attorney Levinson stated the correct owner information is required for application purposes as to who is responsible for payment of fees. All information needs to be current. This is an old project, approximately 12 years old, and the Board needs to be kept current on owner and applicant information. Engineer Siemers stated he will get that information. Engineer Siemers stated that preliminary approval expires this month and he is requesting a 6 month extension. A meeting was held with NYS DOT and Crystal Run. Details

EXHIBIT H

BOARD OF TRUSTEES MEETING
TUESDAY, AUGUST 19, 2014

The August Meeting of the Board of Trustees was held on Tuesday, August 19, 2014 at 7 PM in the Boardroom of the Village Hall, 7 Stage Road, Monroe, NY. Mayor James Purcell called the meeting to order and led in the pledge to the flag. Emergency exits were announced.

Present: Mayor Purcell; Trustees Gormley, Chan, Conklin and Dwyer
Also present: DPW Supt Smith, Police Chief Melchiorre, Lieutenant Conklin, Assistant Building Inspector Cocks and Village Clerk Carey

Attorney Bonacic arrived at 7:20 PM

Absent: Treasurer Murray; Building Inspector Wilkins

EXPRESSION OF SYMPATHY – MICHAEL J. MANCINO, SR. FORMER TRUSTEE & HIGHWAY SUPT.:

The Village Board expresses their sympathy at the passing of Michael J. Mancino, Sr. on July 26, 2014 at the age of 87. Mike served as Village Trustee from April 5, 1976 to March 31, 1980 and also as Highway Superintendent from May 4, 1981 to January 7, 1987. Expression of regret are extended to members of his family.

EXPRESSION OF SYMPATHY – JOHN P. BURKE, SR., WOODBURY TOWN SUPERVISOR:

The Village Board expressed their sympathy at the passing of Woodbury Town Supervisor John P. Burke, Sr. at age 73 on July 29, 2014. Mr. Burke served as Supervisor for the past 8 years and worked tirelessly to improve the quality of life for the citizens of Woodbury. We mourn the loss of a man who devoted himself unselfishly to the duties of his office. We offer to his family our sincere expression of condolence.

MINUTE APPROVAL: JULY 15, 2014

On a motion by Trustee Conklin seconded by Trustee Dwyer, with all in favor, it was:

RESOLVED, the Board of Trustees approved the Minutes of the July 15, 2014 Minutes.

BUDGETARY TRANSFERS / MODIFICATION:

On a motion by Trustee Gormley seconded by Trustee Conklin, with all in favor, it was:

RESOLVED, the Board authorized the Treasurer to make the following budget modifications to balance the budget:

FROM:	TO:	
A1560 Safety Inspection Fees	A1440.450 Eng Contractual	\$6,172.75
A2705 Donations	A7550.410 Celebrations Gen'l Exp	9,923.00
A2770 Misc Revenue	A5110.400 St Maint Asphalt	29,224.20
A2770 Misc Revenue	A3120.250 PD Equipment	7,805.00
A2770 Misc Revenue	A3120.417 PD Narcotics	255.00
A2770 Misc Revenue	A9950.960 Transfer Cr Pk Reserve	27,721.35

ZBA APPLICATION FEE REFUND: RUBBERT REAL ESTATE HOLDINGS

On a motion by Trustee Conklin seconded by Trustee Dwyer, the following resolution was adopted:

WHEREAS, on 10/12/12 Mid Monroe Veterinary Hospital at 573 Route 17M submitted a Building Permit Application to replace their free standing sign lost during Hurricane Irene at a different location than the lost sign; and

WHEREAS, the Building Permit was denied due to a setback requirement for the GB zoning district that required a variance and the applicant was referred to the Zoning Board of Appeals; and

alive and well so come visit us here in the Village of Monroe and see what we have to offer. Everyone here in this community is proud of the rebirth of the Village. It is a team effort and a commitment. Mayor Purcell said he is proud to serve in this community and be given the opportunity to show what we have to offer here in the Village of Monroe. Thank you to my Board and everyone in the community from the bottom of my heart.

PUBLIC COMMENT

#PRESENT: 14

TIME: 7:35 PM

MONROE IMPROVEMENT ASSOCIATION ON FUNDRAISING: Jim Rogers, President of the Monroe Improvement Association commented on fundraising in Crane Park. The Monroe Improvement Association sent the Village Board a letter dated 4/28/14 stating their position on fundraising in Crane Park. They stated that fundraising is not in accordance with the Park deed restrictions. Since then, the Village Board had a carnival July 31st through August 3rd. The Village got 25% of the proceeds. The Board is using public park property to make money, which is clearly against the documented deed restrictions. On August 17, 2014 the Village allowed a car show on Mill Pond Parkway which is part of the park system. The Monroe Improvement Association built Mill Pond Parkway as part of the park. If the Village had a car show on Mill Pond Parkway or even had it on the grass, there would be no concern. It's the charging of money that makes it a commercial event. We would like to go on record as opposing the fundraising aspect of the carnival and the car show.

Trustee Chan asked "isn't the money going back to the park." Mayor Purcell said it was. The 25% is going back to Crane Park for improvements.

EXECUTIVE SESSION :

On a motion by Trustee Dwyer seconded by Trustee Gormley, and carried, Executive Session followed at 7:40 PM for discussion of Attorney Client and personnel.

OPEN MEETING:

On a motion by Trustee Conklin seconded by Trustee Dwyer and carried, the Open Meeting resumed at 8:55 PM.

BRIDGES AT LAKE PARK (FORMER ROSCOE SMITH ESTATE):

On a motion by Trustee Dwyer seconded by Trustee Chan, it was:

RESOLVED, in regard to the Bridges at Lake Park subdivision application before the Planning Board, the Village of Monroe Board has decided to NOT move forward with accepting the Smith House and corresponding real property that W C Lincoln Corp previously offered to donate to the Village of Monroe. Be it further

RESOLVED, In addition while it is the understanding of the Village Board that the applicant is also willing to donate the dams located on the subject property, the Village Board is NOT interested in taking ownership of the dams. It is further

RESOLVED, the Village Board respectfully requests that the Village Planning Board move forward with the legislative authority that requires the applicant to make the necessary and appropriate payment of money in lieu of land in accordance with the requirements contained within the Village's Zoning Code.

Ayes: Trustees Gormley, Conklin and Dwyer
Nays: None

ADJOURNMENT:

On a motion by Trustee Conklin seconded by Trustee Gormley and carried, no further business, the meeting was adjourned at 9:05 PM.

Respectfully submitted,

Virginia Carey
Village Clerk

EXHIBIT I

BOARD OF TRUSTEES MEETING
TUESDAY, JANUARY 19, 2016
(www.villageofmonroe.org)

See Pg 6

The second of the bi-monthly meetings of the Board of Trustees was held on Tuesday, January 19, 2016 in the Boardroom of the Village Hall, 7 Stage Road, Monroe, NY. Mayor Purcell called the meeting to order and led in the pledge to the flag. Emergency exits were announced.

Present: Mayor Purcell; Trustees Conklin, Gormley, Dwyer and Chan
Also present: Attorney Bonacic, Treasurer Murray, Building Inspector Wilkins, DPW Supt. Smith, Police Chief Melchiorre and Village Clerk Carey

RESOLUTION OF RESPECT & TRIBUTE: MARIE COLEMAN, RETIRED VILLAGE CLERK:

Mayor Purcell read the following "Resolution of Tribute and Respect" for Marie Coleman who passed away on January 7, 2016:

Public service is an essential part of a successful community. The work and dedication of employees of the Village is often "invisible" to the residents and easy to overlook.

We were saddened to learn of the passing of our former Village Clerk, Marie Coleman on January 7, 2016. For eighteen years, Marie was a dedicated professional who took pride in her work and make a positive impact on our community. She retired from her Village position on May 31, 1983.

It is fitting that this Board recognize Marie's contributions and thank her for her service and friendship. She was respected throughout our community and will be missed by all.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Village Board of Trustees of the Village of Monroe, does by this resolution and public record pay honor and tribute to "Marie" and further recognize that her death is a loss to the community of which she labored and loved and in turn won respect and admiration.

BE IT FURTHER RESOLVED, that this resolution is spread upon the minutes of the Village of Monroe Board of Trustees and a copy thereof be tendered to her family.

Adopted this 19th day of January 2016.

James C. Purcell, Mayor
Irene Conklin, Trustee
Melinda Gormley, Trustee
Neil Dwyer, Trustee
Wayne Chan, Trustee

CERTIFICATION OF APPRECIATION & RECOGNITION: C. JEAN HANSEN, CROSSING GUARD RET. 34 YEARS:

On December 3, 2015 Jean Hansen retired as School Crossing Guard at Brooks Avenue a position she held for 34 years. In recognition of her long term commitment Mayor Purcell presented Jean with a Certificate of Appreciation that read: On behalf of the Board of Trustees, thank you for your peerless performance during these past 34 years, as we congratulate you on your retirement. Your years working as a Crossing Guard have been marked by unsurpassed efficiency and excellence.

RESOLVED, the Board approved Mayor Purcell's attendance at NYCOM's Winter Legislative Meeting at the Hilton in Albany, New York from February 7th to 9th, 2016. The cost for the Conference and hotel accommodations is \$230 for Conference and \$207 Hotel = \$437.00 plus mileage to be allocated from budget line A1210.410.

RESIGNATION: JUNE MENKENS P/T COURT CLERK:

The Board was notified by Judge Strauss that part-time Court Clerk June Menkens resigned abruptly without submission of a letter in June 2015.

PAVEMENT PRESERVATION ADDITIVES & FOG SEAL RFP:

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

RESOLVED, the Board of Trustees authorized the Village Clerk to publish a Request for Proposals for Pavement Preservation and Fog Seal. Advertisement will be on Friday, January 22, 2016 with bid opening on Friday, February 5, 2016 at 2:15 PM.

Ayes: Trustees Conklin, Gormley, Dwyer and Chan
Nays: None

POLICE VEHICLE SURPLUS – 2008 FORD CROWN VICTORIA (CAR 459, VIN# 2FAHP71V08X166572):

On a motion by Trustee Dwyer seconded by Trustee Chan, it was:

WHEREAS, State Law requires equipment no longer needed by a municipality to be sold at fair market value after declaring it surplus and no longer needed.

NOW, THEREFORE, BE IT RESOLVED, the Board of Trustees accepted the recommendation of Lieutenant Conklin and declare the following vehicle surplus to the needs of the village and authorize it to be auctioned in as in condition to the highest bidder: 2008 Ford Crown Victoria Vin #2FAHP71V08X166572.

Ayes: Trustees Gormley, Dwyer and Chan
Nays: None
Abstain: Trustee Conklin

INDEPENDENCE DAY FIREWORKS DISPLAY 2016: CLOSE LAKE STREET BETWEEN PONDS / BANNER / HAWKING & PEDDLING REGS WAIVED / CONTRACT WITH LEGION FIREWORKS:

On a motion by Trustee Gormley seconded by Trustee Conklin, it was unanimously:

RESOLVED, the Board of Trustees approved blocking off Mill Pond Parkway from the corner of Lake Street and Mill Pond Parkway to the corner of Lake Street and Route 17M on July 2, 2016 (rain date 7/3/16 from 4-11 PM. Traffic will be coordinated by the Police Department. Fire and Ambulance Corp will be notified. It is further

RESOLVED, the Board directs that no permits be issued by the Village Clerk for the Mill Pond area to any outside food vendor, craft or novelty vendors for the Independence Day celebration. Be it further

RESOLVED, the Board of Trustees approved hanging a banner between the ponds advertising the Independence Day Festivities. Marshall & Sterling Insurance will be notified to issue an insurance rider for this event. It is further

RESOLVED, the Board of Trustees approved a contract with Legion Fireworks, Co., 10 Legion Lane, Wappingers Falls, NY 12590, for furnishing and conducting a fireworks display on July 2, 2016 (rain date 7/3/2016) in the amount of \$15,000. (15% deposit, \$2,250) due at signing of Agreement.

SERVICE AWARDS PROGRAM ABOLISHMENT AMENDMENT PROGRAM NAME – VILLAGE OF MONROE – MOMBASHA FIRE COMPANY DEFINED BENEFIT SERVICE AWARD PLAN:

In correspondence from the Mombasha Fire Company and Harbridge Consulting Group, LLC. The service award program name should read Village of Monroe – Mombasha Fire Company defined benefit service award plan and not Mombasha Fire Co. When the proposition appears on the Ballot for the March 15, 2016 election it should read as such. On a motion by Trustee Dwyer seconded by Trustee Conklin, the resolution of October 20, 2015 was amended to read as follows:

WHEREAS, the Board of Trustees of the Village of Monroe has determined it is in the best interest of the Village to now abolish the Service Awards Program for the benefit of the members of the Monroe Volunteer Fire Company (FKA *Village of Monroe – Mombasha Fire Company defined benefit Service Award Plan*), and terminate the Village's sponsorship thereof;

NOW, THEREFORE, and in accordance with Section 213(3) (e) of New York General Municipal, the Board of Trustees of the Village of Monroe hereby resolves and determines that the Service Awards Program for the benefit of the members of the Monroe Volunteer Fire Company (FKA *Village of Monroe – Mombasha Fire Company defined benefit Service Award Plan*) is hereby dissolved and discontinued effective upon approval of the eligible voters of the Village of Monroe; and it is further

RESOLVED AND DETERMINED that the Village of Monroe terminates its sponsorship of said Service Awards Program for the benefit of the members of the Monroe Volunteer Fire Company (FKA *Village of Monroe – Mombasha Fire Company defined benefit Service Award Plan*) and shall have no further responsibility or liability for said Program except as set forth in this resolution or applicable law; and it is further

RESOLVED AND DETERMINED that pursuant to terms of the Village of Monroe's Length of Service Awards Program agreement with the Hometown / RSA Consultants for the benefit of the members of the Monroe Volunteer fire Company (FKA *Village of Monroe – Mombasha Fire Company defined benefit Service Award Plan*) (LOSAP Agreement), the Village of Monroe hereby terminates said LOSAP Agreement; and it is further

RESOLVED AND DETERMINED that the assets contained within the Service Award Program plan managed pursuant to the LOSAP Agreement shall be paid out in lump sum payments to all vested members within said plan; and it is further

RESOLVED AND DETERMINED that the Village Mayor and Village Attorney are hereby authorized and directed to take the necessary steps to effectuate the dissolution of said Service award Program and termination of the LOSAP Agreement; and it is further

RESOLVED AND DETERMINED that the Village Clerk be and hereby is authorized to take all actions necessary to lawfully submit this resolution for the approval or disapproval of the qualified electors of the Village of Monroe at the General Election to be held in the Village of Monroe on the 15th day of March, 2016 between the hours of 9 AM and 9 PM; and it is further

RESOLVED AND DETERMINED that the proposition to be voted upon shall read as follows: "Shall the qualified electors of the Village of Monroe approve the resolution adopted by the Village of Monroe Board of Trustees on the 6th day of October, 2015, amended on October 20, 2015 and again On January 19, 2016 to abolish the service award program for members of the Monroe Volunteer Fire Company (FKA *Village of Monroe – Mombasha Fire Company defined benefit Service Award Plan*) established 1/1/1996.

Ayes: Trustees Conklin, Dwyer and Chan

Nays: None

Abstain: Trustee Gormley

GATEWAY PLAZA, WATER ACCOUNT 88 REQUEST FOR PENALTY & INTEREST WAIVER OR MONTHLY PAYMENTS (ACCOUNTS 88 AND 388):

Attorney Stuart Greenberg on behalf of the owner of Gateway Plaza, 365 Route 17M is requesting to make arrangements for payment of the outstanding water bill for town water accounts 88 and 388. Due to financial conditions, the owner was unable at the time the water bills were incurred to make payments, leading to excessive arrears. Since that time a \$9,000 payment was made on one account. Since these are town accounts the owner had been advised that if payment is not received by 1/31/16 water service will be terminated (Code 195-13 C). The owner is seeking a waiver of penalties and interest and then would make full payment within 14 days of the waiver or to make monthly payments of \$2,500 per month until the arrears are fully paid and would remain current on future water bills. Penalties for Account 88 are \$4,155.66 and for Account 388 is \$13,321.48. (Balance Due: Acct. 88 - Base \$3,297.12 + penalty \$4,155.66 = \$7,452.78 / Acct. 388 - Base \$9,305.65 + penalty \$13,321.48 = \$22,627.13 - Total of accounts due \$30,079.91) Trustee Dwyer commented that based on usage and current penalty base, \$2500 won't do it as monthly payments. He will never come out of arrears. Mayor Purcell said the letter from Attorney Greenberg does not stipulate the reason for non-payment and the penalties out way the usage. Since this is Town water the village has no way

of collecting. For unpaid Village accounts those are placed as a lien on the Village Tax Bill. Discussion continued. On a motion by Trustee Chan seconded by Trustee Conklin it was:

RESOLVED, the Board rejects both proposals offered by Attorney Greenberg in his letter dated 12/23/15. It is further

RESOLVED, the Board shall take no action tonight on shutting off the water for Town Water Accounts 88 and 388 until 2/12/16. The property owner shall come up with a payment plan to be considered by the Board at their February 2, 2016 meeting. Attorney Bonacic will contact the owner's attorney, Stu Greenberg, and advise him of the Board's action tonight.

Ayes: Trustees Conklin, Gormley, Dwyer and Chan

Nays: None

MODIFICATION OF EXISTING BOND – SMITH FARM (GILBERT STREET) MILL POND PKWY INTERCEPTOR SEWER BYPASS LOC REQUIRED:

In correspondence from Verticon Ltd. Project Manager for BMG Holdings LLC – Gilbert Street Project, concerning the sewer line replacement along Mill Pond Parkway. This work is required by the County as part of Smith Farm sewer permit and was not previously reviewed by the Village. Lanc & Tully Engineering, John O'Rourke, P.E. and DPW Supt. Smith reviewed the plans submitted by Verticon, LTD., on behalf of the Smith Farm Project, relative to the existing offsite improvements to the existing sewer collection system owned and operated by Orange County Sewer District #1. Specifically, this work was required from the County as a condition of their approval of the Smith Farm sewer connection to the collection system and involves a parallel pipe running through Mill Pond Parkway. The pipe is to be placed in a trench above the existing pipe and limited impact is anticipated. The plans were reviewed and modified to address specific concerns relative to preservation of existing landscaping in the area and safety and maintenance of the area during the construction period. Discussion followed. Trustee Dwyer commented, the County will be within their right-of-way and are going to supply this modification to the transmission line of the existing line. However, by placing the pipe on top at a different elevation, it basically prohibits doing any service work in the pipe from manhole to manhole. Supt. Smith responded that they will still be able to maintain and service the line through the manhole and explained. Trustee Dwyer said the County wants to do this work during the winter months? Supt. Smith said if the Board approves modification to the Bond tonight, the county plans to start the project this Thursday, January 21st. Trustee Dwyer said the county wants to come on to the Crane Park side behind the Jet Plane onto our new road, our new curb, our walkway, down our 7 pin oaks (trees that were dedicated to the Challenger Astronauts). The root bed of the trees has to be in their right-of-way. Supt. Smith said there is a note on the plans that indicate an arborist must come out and inspect the trees. Trustee Dwyer would like to know why the county can't come out along the rail bed that they own. Mayor Purcell said that according to the plans the county will maintain the road and walking path while the project is going on. They will clean the property and leave the walkway and road open. Trustee Dwyer said it is the village's property and less damage would be sustained if the county does the project along their rail bed. Discussion continued. On a motion by Trustee Chan seconded by Trustee Conklin, it was:

RESOLVED, THE Board tabled action on modification of the existing bond / LOC for the Smith Farm Project as it relates to the sewer bypass. Mayor Purcell is directed to send a letter to Environmental Facilities and Service Deputy Commissioner, Peter Hammond, to ask for a meeting to discuss the offsite improvements on Mill Pond Parkway.

Ayes: Trustees Conklin, Gormley, Dwyer and Chan

Nays: None

DEDICATION OF MILL STREET IN MEMORY OF MARIE COLEMAN, RET VILLAGE CLERK:

Mayor Purcell requested the Board's endorsement to dedicate Mill Street in memory of Retired Village Clerk Marie Coleman who passed away on January 7th. In honor of Marie's distinguished and dedicated service of 18 years, Mayor Purcell would like to see a dedication sign mounted above the Mill Street sign in her memory. On a motion by Trustee Conklin seconded by Trustee Dwyer, it was unanimously:

RESOLVED, the Board of Trustees approved a dedication sign – "Marie Coleman Memorial Way" above the Mill Street sign in memory of former Village Clerk Marie Coleman. The sign will serve as a lasting dedication honoring her service to the Village of Monroe.

**BRIDGES AT LAKE PARK (FORMER ROSCOE SMITH ESTATE) - ARTIFACTS:**

See Minutes August 19, 2014 page 39

Trustee Dwyer discussed his desire to save the 27 artifacts (2 water wheels, gristmill, stones, windmill and Roscoe Smith inventions) at the former Roscoe Smith estate at 400 Lakes Road. Trustee Dwyer read the following statement with regard to his wanting to preserve the Roscoe Smith legacy:

While I was walking through the Village of Monroe chatting with the folks during my campaign for trustee in 2014, I started to think about what this Village would be like without some of the folks that have lived here, that participated civically in our Village all these many years, a la George Bailey in "It's A Wonderful Life." The first person that came to mind was Roscoe W. Smith. This was a man whom I personally did not know, but oddly I didn't need to. His life I found was all around me, from his professional life as an entrepreneur and inventor whose industry he built from the first stone up that would become Orange and Rockland Utilities, from his love of Monroe, its roots and in his philanthropy. I have heard the stories of quiet gifts of support so that some could attain higher education and career paths, built homes in the Village so that employees and good people could live in Monroe and raise their families. I see the legacy of this man in the many visionary ideas he had and saw to completion. What a jewel to have the gift of Museum Village from a man who believed you had to know your past and apply it to the future as a living, breathing gift of time, artifacts and space.

I recall when I decided to dip my toe into the political scene of the Town of Monroe some twelve plus years ago someone asked me during an interview why I deserved a shot at political office and what I thought was needed in the Town. My reply was quite simple, "You do not have enough offerings for the youth of Monroe and for the seniors who have lived here in Monroe and would like to stay. I think I can help here." I further said that if it weren't for the benevolence of Roscoe W. Smith and the tenacity of Ford Dally and Co., you wouldn't have a single piece of parkland. Men amongst many who had the vision, the foresight to reach into the future and preserve the natural beauty of our ponds by acquiring much of what we all know today as Crane Park for all to see and enjoy. Well you can imagine the results of that interview.

But wait, just imagine, a man who worked in a bank in Monroe, someone you could go and talk to about your dream of owning a home or whatever your need might have been. Such a man did exist and his name was Bill Rogers. His mark is all over this Village too. I personally know of two people that told me and I quote "If it weren't for Mr. Rogers, I wouldn't own a home today." This isn't a tale of the banking industry or the screen play to a wonderful life, but was the belief of a man that to be a part of the community in which he lived and was completely immersed in, the people and his community mattered. He loved his Village and enjoyed the folks who were a part of it.

Now, if you would just for a moment think and know that there are many stories about folks just like these who chose to be good stewards and neighbors. Now close your eyes and imagine that they never existed. Tell me what you see. We have a chance to see to it that their hard work, their memories; their legacies will not be diminished. That they who had the civic mindedness, the moral compass to steer this community forward, who worked hard to grow our community, by participating and thinking into the future, about being stewards, good stewards, of the land and resources that we all enjoy today, that their visions will not be forgotten, but will be preserved and carefully grown for many generations to come. I believe if you do not look to your past for answers, your future will be uncertain. This Board, this community has an opportunity to revisit its history, I believe that it will and we will together honor a man, his family and his legacy.

This property and home are currently under Planning Board review and processing for development and eventually it will come to fruition. Trustee Dwyer believes the village has an obligation to go to that property and see what can be done to preserve what we can, i.e., restore all the artifacts on the property of which the developer has graciously agreed to and see what can be done to preserve the house. Trustee Dwyer has asked Mayor Purcell for permission to meet with the developer and revisit the house and the property. Mayor Purcell said Trustee Dwyer mentioned history and it has been 16 years in turmoil. It has been bounced around with discussions of eminent domain procedures, building senior housing there, potential contracts back in 2006 that were never signed. None of that

happened. The first thing Mayor Purcell and the Board did following Mayor Purcell's election was to get permission from the property owner, WC Lincoln Corp (Yehuda Frank) to revisit the building and went in with an architect planner (Pharr + Anderson Architecture Planning, Goshen NY) and a letter/opinion was received from them dated 5/1/11 whereby they indicated that the house structure was deteriorated to such an extent that the cost of returning it to an occupiable use would be cost prohibitive. The initial cost would run between 3 and 5 million dollars to repair it to its original state. Mayor Purcell said he has no problem in fixing the house but it boils down to money and volunteers. After Trustee Dwyer takes a look at the place, comes up with a plan, financing from outside sources, the Board will discuss moving forward. The Board is aware of the damage to the property and potential costs. Trustee Dwyer was given the go ahead to take the lead to look at the condition of the house and artifacts and come up with a plan and financing. Mayor Purcell commented that the Sabre Jet Project fell short on money before completion. \$20,000 was raised. It cost \$53,000 to fix the plane. Village taxpayers footed the rest of the cost. For that project a committee was formed, a budget was established, there was a timeline and a deadline. Trustee Dwyer will reach out to the property owner to get access to the property in order to see what the damage is and establish a rough estimate of cost to make repairs.

MAYOR'S COMMENTS:

Mayor Purcell wished everyone present a Happy New Year.

Mayor Purcell said that on February 3rd he will be meeting with the Orange County Bicycle Club based in Florida, NY, to discuss their doing bicycle events here in our downtown utilizing the Heritage Trail. They have a program whereby they meet every weekend and draw 50 to 250 participants. They are looking forward to scheduling events here in our downtown. Village resident Matt Hoenninger suggested reaching out to them. Thank you Matt.

PUBLIC COMMENT: # PRESENT 16 TIME: 8:10 PM

Inda Stora asked if there were plans to put single family homes on the other side of the stream at the Smith property. Mayor Purcell said yes those plans are still in place.

Michael Goldstein, village resident, came to talk about water. He commented on the Town Water Accounts nonpayment. He has had dealings with people who run that type of organization and said you can bet, anyone who didn't pay the rent in that plaza would not be allowed to stay there. They would have been thrown out! The bill is based on usage and not a flat rate charge. Even when he had stores that were empty, no one was using that water. It is unfair to the restaurants there to shut off the water. If it is legal, perhaps the tenants should pay their own bill or put the money in escrow so they could be protected.

The reason Mr. Goldstein came tonight was that he happened to read the 2012 Water Plan for the Village. He asked if the Village has a water tank on Bald Hill. That was one of the recommendations the plan has. Supt Smith said we don't own any wells on Bald Hill. The well is in Smith Clove Park. Mr. Goldstein said the Town has before it a project known as Bald Hill Estates. There is supposed to be 135 homes built. Supt. Smith said plus commercial use. Mr. Goldstein said they were going to tap into the water on Bald Hill. Supt. Smith said they have their own 2 wells they drilled. Mr. Goldstein asked if that could have an impact on the Village well. Supt. Smith replied, before the wells are approved they have to do a study. The hydrologist who represents the Town Planning Board is also our hydrologist. The Village well in the park is gravel well. It is a different type well for Bald Hill Estates. That well is a rock well. In the study they came up with some expenses and some projects to do which they call near term, intermediate term and long term. To Mr. Goldstein near term means 3-5 years, intermediate term means 5-10 years and long term 11 on up. Near term projects listed were Pine Tree pumping station, High Street pumping station, Pine Tree pump station and Brian Cliff pump station. Supt. Smith interjected, every project on that sheet is done except for the new transmission line from the reservoir to the plant, plus 1.7 million dollars of infrastructure has been completed and new water controls at the plant and we still have money left that we are either going to replace the water line on Forshee Street, reinforce the line on High Street or possibly put the well that we drilled at the racetrack property into service. Mr. Goldstein said he was pleasantly surprised.

Tracy Shue came because she was interested in the Roscoe Smith Homestead. When you do the site visit, have you thought about getting the NYS Historic Preservation Office involved? Trustee Dwyer said Town Historian Jim Nelson is present and perhaps he can shed some light on that. Mr. Nelson said you would have to get the plans together and decide what is going to become of the house first. Trustee Dwyer said we are going to do our due diligence now. When

that's completed, we will see where we can go to get grants or the funding needed. Right now, we have to see if we can acquire it and if it is financially feasible to undertake the work. This is a huge community effort.

Ray Jagos, Community Relations Specialist was present on behalf of Assemblyman Brabenec. Their office is extending their service if they can be of help.

Jim Nelson, Town Historian, commented that the Town of Monroe Historical Society has pictures of the Roscoe Smith Estate going back a number of years that are available to the public.

Tammy Rao asked, if it were financially possible to keep the entire estate, you would be cataloguing the artifacts there and keeping all or part of it? Trustee Dwyer said keeping all of the artifacts.

Trustee Chan commented that back in 2006 there was discussion with Mr. Frank where the village would take the house and the front part of the property. One lot was for a well and another lot further up to square up a piece of land the village owns. That Board at that time said no.

EXECUTIVE SESSION / ADJOURNMENT:

On a motion by Trustee Conklin seconded by Trustee Gormley, and carried, following a five minute recess the Board entered into Executive Session at 8:26 PM for discussion of attorney client privilege.

On a motion by Trustee Gormley seconded by Trustee Chan and carried, the Board came out of Executive Session at 10 PM. No further business, the meeting was adjourned.

MONTHLY REPORTS:

Department reports were accepted as file on a motion by Trustee Chan, seconded by Trustee Gormley, with all in favor, the department monthly reports were accepted and filed.

DECEMBER 2015 VILLAGE CLERK'S REPORT:

- 1] Minutes prepared, associated correspondence completed for the December 1, 2015 Meeting, and the December 15, 2015 Meeting
- 2] Permits issued: Handicap: 9 Garage Sale Permits: 0
- 3] November Water Rents (Cash & money orders only) collected: \$
- 4] Closed out mailing machine for month on 12/30.
- 5] 2 Health Insurance Transaction completed.
- 6] Bi-Weekly payroll worksheets completed and submitted.
- 7] Daily retrieval of messages left after hours and respond as required.
- 8] Scan and e-mail pertinent information to Board and Attorney.
- 9] Employee & Friends Holiday Party (we appreciate the Board's kindness in sponsoring the luncheon. We are blessed to have a great Village family).
- 10] 3 Towing Permits Issued: Loyal Tires and Loyal Auto Body; Freeman's Auto Service.
- 11] Rosa Appelman's Retirement 12/11/15 (Luncheon at Village Hall 12/9)

NOVEBER 2015 BUILDING DEPARTMENT REPORT AS SUBMITTED BY B.I. WILKINS:

Permits Issued: 33 Building Permits 48 Rental Permits
 Fees Collected: Permits - \$54,621.95 Title - \$1,500 Rental Insp: \$2,175
 Fire Zone - \$900
 Certificate of Occupancy or Construction Issued: 28
 Inspections: C.O.'s: 25 Title: 17
 Code Enforcement: Complaints: 0 Gen'l Violations: 0 Rental Code Violations: 75
 Gasoline: 29.52 Gallons (\$41.15)

- *Hidden Creek (214-7,8,9, & 11.1) 137 Townhouses Freeland St. Final section completed.
- *Smith Farm (203-1-1.1 & 1.2) 250 Patio Homes, Gilbert Street. Site work continuing.
- *Woodroe Estates (231-1-1.21) 60 lots Reynolds / Rye Hill - 2 model houses under construction.

Status:

- *Bridges at Lake Park (Roscoe Property) - before Planning Board
- *Lenza Property 411 Route 17M (TM# 223-1-4) Construction underway.
- *Crystal Run Healthcare - Rt 17M - Site work ongoing & building under construction.

The Building Dept. Annual Report for 2015 Calendar year was submitted showing:
646 Permits Issued Value: \$8,493,494.85 Permit Fees: \$254,884.83

DECEMBER 2015 PUBLIC WORKS REPORT SUBMITTED BY BRIAN SMITH, DPW SUPT.

Street Maintenance:

1. Leaf pick up
2. Road side garbage pick up
3. Brush pick up
4. Black top repair
5. 1 snow and ice event

Park Maintenance:

- Weekly garbage pick up
1. Set up holiday decorations

Water Distribution / Filtration Plant Maintenance:

1. Water line mark outs
2. Water Plant maintenance
3. Water meter repair and replacement
4. New generators installed at Well # 4 and Pine Tree tank
5. New controls installed at WTP
6. Water main repair on James Rd.

DECEMBER 2015 POLICE DEPARTMENT REPORT SUBMITTED BY CHIEF ALEX MELCHIORRE:

Calls for Service: 1070 Criminal Offense 206 Non-criminal Offenses 864 Arrests 48
Traffic Reports: 199 Traffic Tickets 17 Parking Tickets DWI/DWAI: 7 MVA: 37
Gasoline: \$1,358.84 Foil Requests: \$75
OVERTIME: Shift Coverage -80.5 Court -16.5
OTHER: 147 Shift Coverage / 12 Court
120 Holiday / 22 Cases / 27 EMT / 12 RAD / 6 Winter Festival / 11 BTO Recert
Training: Interview - Lee / Fremgen BTO Recertification
MVA Accident Reports - \$45.25 Foil Requests: \$5.50

DECEMBER 2015 JUSTICE COURT REPORT:

Total Fines: \$18,373.75 Total Surcharges: \$7,129.00 Total Parking: \$425
Total Civil Fees: \$1,860 Bail Poundage Collected: \$12 Total Bail Forfeited: \$4,040
Total for December: \$31,839.75

Vehicle & Traffic Tickets: 220 Disposed: 239
New Criminal Cases: 60 Disposed: 75 Civil Cases: 1 Disposed: 1
Paid Parking Tickets: 8 Dismissed Traffic Tickets: 40-

MONROE FIRE DISTRICT OFFICERS 2015:

Commissions: Thomas M Smith, Peter Scrobe, John Centafonti, Thomas P Sullivan;
Thomas Pascullo, Jr.
Secretary: Mary Ellen Beams
Treasurer: Richard Goldstein
Chief Timothy W. Carr 1st Asst. Jonathan Dolch 2nd Assist Dan Bennett

DECEMBER 2015 TREASURER'S REPORT SUBMITTED BY CATHERINE MURRAY:

SIGNIFICANT ACTIVITY (REVENUES)

Bank Interest	\$1,840.00
Gross Utility Tax	19,165.00
Building Permits	58,167.00
Fines & Forfeited Bail	17,156.00
Mortgage Tax	80,420.00
CHIPS	90,432.00

SIGNIFICANT ACTIVITY (EXPENDITURES)

VH Contractual	10,679.00
PD Office Equip	5,116.00
PD Motor Vehicle	29,613.00
PD Building Maint	5,500.00
St Maint Other Equip	13,773.00
St Maint Equip Maint	11,421.00
Snow Removal Gen'l Expense	11,021.00
Snow Removal Equip Maint	9,597.00
BAN Land Acquisition Principal & Interest	30,417.00
Purification Equipment – Water Fund	212,778.00
Purification Chemicals – Water Fund	8,990.00
Purification Equip Maintenance – Water Fund	11,278.00
BAN Water System Improvements P & I - Water Fund	40,166.00
 NYS Retirement – Police	 250,541
 NYS Retirement – General Fund	 408,782
- Water Fund	<u>70,665</u>
	479,447
 Health Insurance – General Fund	 \$112,978
Water Fund	<u>14,464</u>
	\$127,442
 WC Insurance – General Fund	 \$ 49,856
Water Fund	<u>8,530</u>
	\$53,386
 Water System Improvements	 579,377

STATUS OF FY/2016 CONTINGENCY ACCOUNTS

CURRENT
BALANCE

General Fund Appropriation – budgeted \$169,549	\$143,549
Water Fund Appropriation – budgeted \$25,000	25,000

We have completed 7 months of the fiscal year and expenses should be at 58.3%.
The expenses are at 58.5% for the General Fund and 62.4% for the Water Fund.

EXHIBIT J

**O C COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AGREEMENT
FY/2016 PUBLIC IMPROVEMENTS: CARPENTER PLACE SIDEWALKS:**

On a motion by Trustee Gormley seconded by Trustee Chan it was:

RESOLVED, the Board of Trustees authorize the Mayor, as official representative of the Village of Monroe, to sign the CDBG 2016 to received Community Development Block Grant Funds, \$285,000, from the US Department of Housing and Urban Development (HUD) as part of the Orange County Urban County Consortium. Said grant is for Carpenter Place Sidewalk Installation.

Ayes: Trustees Conklin, Gormley, Dwyer and Chan

Nays: None

MARCH 15, 2016 VILLAGE ELECTION: DATE / TIME / PLACE / OFFICES TO BE FILLED / REFERENDUM:

Pursuant to Section 15-104, General Village Law, the Board of Trustees, at their Regular Meeting, held on February 16, 2016, unanimously adopted the following resolution:

A General Election of the Village of Monroe will be held on March 15, 2016 between the hours of 12 PM to 9 PM, in the Village Hall Boardroom, 7 Stage Road, Monroe, NY.

The following candidates have submitted satisfactory petitions to the Village Clerk and will appear on the ballot:

Trustee – (2 Positions) 4 years each

Irene E. Conklin
Debra E. Behringer

Village Justice – (1 Position) 4 year term

Forrest Strauss

The Village of Monroe uses the Orange County Board of Election's registered voter listing. The last day individuals may register with the County Board of Elections to be eligible to vote in this election is Friday, March 4, 2016.

Please note there is a referendum on the ballot that reads: *"Shall the qualified electors of the Village of Monroe approve the resolution of the Board of Trustees on October 6, 2015 and amended on January 19, 2016 to abolish the Service Award Program for members of the Village of Monroe – Mombasha Fire Company "Defined Benefit Service Award Plan" established 1/1/1996." Members are currently covered under the Monroe Fire District. Yes or No*

On a motion by Trustee Chan seconded by Trustee Gormley the foregoing notice was accepted and the Clerk was authorized to publish said notice on March 4, 2016.

Ayes: Trustees Conklin, Gormley, Dwyer and Chan

Nays: None

BID AWARD PAVEMENT PRESERVATION ADDITIVES & FOG SEAL:

One bid was received and opened on February 5, 2015 for supplying the Department of Public Works with Pavement Preservation Additives and Fog Seal. It was the recommendation of DPW Supt. Smith that the bid be awarded to Sealcoating, Inc. On a motion by Trustee Gormley seconded by Trustee Chan, it was:

RESOLVED, the Board accepted the recommendation of DPW Supt. Smith and award the bid for Pavement Preservation Additives and Fog Seal to Sealcoating, Inc., 825 Granite Street, Braintree, MA 02184 as follows:

Crack Sealing Performance Additive	\$ 2.47/gallon
Fiber Reinforcement	\$18.25/ton
Highly Polymer Modified	\$30.67/ton

Fog Seal

\$ 1.32/square yard of treated pavement

Ayes: Trustees Conklin, Gormley, Dwyer and Chan

Nays: None

BID AUTHORIZATION: CLARKE STREET CULVERT REPLACEMENT:

On a motion by Trustee Chan seconded by Trustee Gormley, it was:

RESOLVED, the Board of Trustees approved advertising for bids for Clark Street Culvert Replacement per specs provided by Lanc & Tully Engineering. Bid will be advertised on February 19, 2016 with bid opening on March 30, 2016 10 AM.

Ayes: Trustees Conklin, Gormley, Dwyer and Chan

Nays: None

FY/2017 BUDGET PUBLIC HEARING:

On a motion by Trustee Chan seconded by Trustee Conklin, and carried, it was:

RESOLVED, the Board of Trustees authorized a Public Hearing to be scheduled on March 1, 2016 at 6 PM on the proposed June 1, 2016 to May 31, 2017 Tentative Budget.

OFFER OF DEDICATION FOR STREET CORNER WIDENING – SMITH FARM / BMG MONROE I LLC:

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

RESOLVED, the Board accepts the Offer of Dedication of the portion of land intended to widen Gilbert Street located within the Village of Monroe, as follows:

- 1] Smith Farm 25' wide road dedication #1 for Highway purposes P&P No. 21147.02
- 2] Smith Farm 25' wide road dedication #2 for Highway purposes P&P No. 21147.02

Be it is further RESOLVED, the Mayor is authorized to cause the Offer of Dedication to be filed and do all other things required to secure the Village's interest in said lands, the cost of which shall be paid in full by the owners.

Ayes: Trustees Conklin, Gormley, Dwyer and Chan

Nays: None

RESIGNATION: ANDREW MEISLAHN, PARKING ENFORCEMENT OFFICER

On a motion by Trustee Dwyer seconded by Trustee Gormley, it was:

RESOLVED, the Board of Trustees accepted, with regret, the resignation of Andrew S. Meislahn, Parking Enforcement Officer and thanked him for his two years of service and wished him well in his full time employment.

Ayes: Trustees Conklin, Gormley, Dwyer and Chan

Nays: None

GATEWAY PLAZA WATER ACCOUNTS 88 AND 388 PENALTY / INTEREST WAIVER REQUEST:

The property owner contacted Mayor Purcell and DPW Supt. Smith and indicated he will bring payment in tomorrow.

PENALTY WAIVER REQUESTS FOR NOVEMBER WATER BILLS NOT REC'D:

In a memo to the Board, DPW Supt. Smith advised that the following accounts have requested refunds of penalty due to Post Office error. Each resident has claimed not receiving their 11/15 Water Bill. All of the accounts have always paid on time according to their billing history which is consistent with their claim. On a motion by Trustee Chan seconded by Trustee Conklin, it was:

RESOLVED, as all of the following accounts have always paid their water bill on time according to their billing history, the Board approved waiver of the penalties accrued for non-receipt of the November Water Bill for the following accounts:

Accounts: 1057 - \$20.88 / 1552 - \$15.12 / 1680 - \$15.30 / 1834 - \$56.13 / 1945 - \$10.68 / 3518 - \$14.28 / 4513 - \$10.29 / 5840 - \$53.34 / 5920 - \$23.49 / 5921 - 14.37 / 5949 - \$19.59 / 7069 - \$104.31 / 7300 - \$6.33 / 7446 - \$33.66

Ayes: Trustees Conklin, Gormley, Dwyer and Chan
Nays: None

PD EQUIPMENT DISPOSITION: DATALUX VEHICLE

On a motion by Trustee Dwyer seconded by Trustee Chan, it was:


RESOLVED, the Board declared the following Police Department equipment surplus and of no value and authorize removal from inventory and disposed of as junk as it is not in working order and authorize the treasurer to remove it from the Police Department's fixed assets:

(1) Datalux (Vehicle Computer) Serial Number 517713

Ayes: Trustees Conklin, Gormley, Dwyer and Chan
Nays: None

MAYOR'S REPORT:

Mayor Purcell announced the Village of Monroe has been awarded a \$200,000 grant for road improvement projects through Senator Larkin's Office. The funding is through the State Municipal Facilities Program (SAM) and administered by the Dormitory Authority of the State of NY (DASNY).

BOARD COMMENT:

Trustee Dwyer gave an update on his assessment / inventory of the Roscoe Smith Estate for restoration. Trustee Dwyer feels the property is worth acquiring and asked the Board to consider sending a letter to the Planning Board and/or the current owner. Trustee Chan asked what the condition is and the cost for refurbishing it. Based on Trustee Dwyer's assessment he said \$1,000,000 to \$1.2 million dollars tops. That assumes certain conditions. The building is relatively intact. It has been vandalized but is structurally sound. A lot of the space is still original. It will require gutting and saving the millwork, flooring and architectural details should remain in place. It is a great building. The rooms have been beat up by vandalism. Door knobs and light switches are missing. Trustee Chan asked how long it would take to restore. Trustee Dwyer said his proposal would be to develop a plan. He hopes to gather interest from the community for the building. A committee who would create a foundation; find new sources including outside grants so the burden is not put on the Village as a whole. Because of that, a timeline of perhaps 5-10 years would be required. The biggest part of the plan is acquiring the land, safe-off the building and let it dry out. Once that is done you won't have vandalism or the elements. Then, start working on the property. Trustee Chan commented, if it will cost one million to restore, would we have to pay prevailing wage or would the work be volunteers doing the work? Trustee Dwyer said we are not looking for a project for the Village to undertake. The Village would own it but under the guise of a project like the Sabre Jet Plane. Trustee Dwyer feels a lot of people will step up both monetary and labor by craftsmen who want to be part of the solution. Trustee Chan asked, once restored, what then? Trustee Dwyer said he sees it used by the Town and Village Historian's, for certain projects, weddings, conferences, Art Council events and people leasing it for certain events. Trustee Chan asked who is going to maintain it. Trustee Dwyer said it may become some of the village's responsibility or perhaps it can be self-sufficient. That is the goal. Trustee Dwyer said he's seen a lot of not-

for-profits sell a window for different parts of projects. Roscoe Smith was the founder of Orange and Rockland and Museum Village. He gave the land for Smiths' Clove Park. He gave us Village Hall. He was involved with the Crane Park land being given to the Village. He was a visionary. Trustee Chan asked Trustee Dwyer if he has spoken to the developer. He was introduced through DPW Supt. Smith. Mr. Frank, the developer was interested in having a conversation. Supt. Smith said originally the developer was giving the Village the house. Trustee Chan said originally the Village had the whole house with the front of the property. The Board a few years ago negotiated to give the house back for additional fees. Supt. Smith spoke to Mr. Frank who is moving forward with his project and is negotiable for whatever we want. Trustee Chan asked how much are all the fees? Mayor Purcell said about \$150,000 in Parkland Fees that would be lost. He was going to take the house down at his expense. Mr. Frank was getting two building lots that would give the village two ratable properties on the tax roll. Trustee Dwyer said there was an agreement some time ago. When the Village tried to acquire it, it wound up in court. Through that court case, there was a settlement. Mayor Purcell said it never made it to court. In 2000 the Village tried to take it by eminent domain. There was a threat of a lawsuit. Negotiations started in 2006 with the owner. The Smith family under Mayor Mancuso said the Village could have the property for 1.8 million dollars. The only lawsuit was the cul-de-sac proposed for the top of Sunset Heights. That was an Article 78 Proceeding. Trustee Dwyer in August 2014 put the motion forth to reject the property as it was cost prohibitive. He is ashamed of that decision today he said. He is glad to have the opportunity to come back and make it right.

Mayor Purcell asked, if the project does not make it five years from now, what do we do? What is the fall out? Trustee Dwyer said the artifacts are critical and speak volume about Roscoe Smith. If the plan falls in a certain time frame, we would have to make a hard decision about the house or someone would pick-up the ball and continue to run with it always moving forward. If we can get this project started by summer of this year, Trustee Dwyer will do a full financial analysis of cost. If we agree, Trustee Dwyer said he will move forward and won't stop. His payment is honoring Roscoe Smith. Mayor Purcell said the dam and bridges are coming out. There will be a retention basin, Supt. Smith said. The stream will continue only smaller. The failing dam will be lowered 2 feet. There will be a wetland after the spillway. The structures get removed. The upstream spillway dam is coming out. The stream goes around the basin to the other side. On the other side of that pond is a road with a house. Trustee Dwyer will keep in contact with Mr. Frank. Mr. Frank has both sets of plans, the original showing us owning the house and a second showing it as part of the subdivision.

SCHOOL ZONE: Trustee Dwyer asked if acquisition of County roads in the Village has been completed. Mayor Purcell said it had. Trustee Conklin and Trustee Dwyer are working with the Police Department to get all the information needed to make North Main Street School a "School Zone". Mayor Purcell said he meet with Attorney Bonacic to discuss regulations for the school zone. We need to reset speed limits on North Main Street, tonnage limit and to limit commercial trucks to local deliveries only. Mayor Purcell has discussed with Trustee Conklin perhaps setting a School Zone at Pine Tree School too. We have to look at the dollar pricing for that too. We are trying to limit the amount of commercial traffic going through the Village.

COLD WEATHER CAUSED PROBLEMS AT WATER PLANT: Trustee Chan had Supt. Smith update the Board on a water problem that occurred over the weekend. The pressure reducing valve froze giving false readings. By the time it was caught we were pretty low. We weren't in danger not has it ever happened before. Our men worked through the night to maintain the plant. We have the capacity for events like this. The Town of Monroe had a problem with the High Ridge Pump Station. They were out of water Sunday and Monday.

PUBLIC COMMENT:

#PRESENT 16

TIME: 8:10 PM

Charles Lang had a problem with his November Water Bill. The check was mailed and somehow it went to the Nyack Public School District and was just recently returned. Mr. Lang is looking for penalty relief on that bill. Mayor Purcell told him to write a letter to the Board explaining the circumstances. He was advised to pay the bill in full to avoid further penalties as the matter will have to be scheduled for an agenda and the Board does not meet again until March.

EXHIBIT K

**VILLAGE OF MONROE
PLANNING BOARD**
7 Stage Road, Monroe, NY 10950
(845) 629-4162
(845) 782-8607 Fax

Gary Parise, Chairman
Fred Cocks
Geraldine DeAngelis
Marilyn Karlich

John Graziano
David L. Levinson, Attorney
Deborah Proulx, Secretary

March 10, 2016

Hon. James Purcell, Mayor
Village Trustees
Village Of Monroe
7 Stage Road
Monroe, NY 10950

RE: Bridges at Lake Parc/Roscoe Smith Estate
211-1-1

Dear Mayor Purcell and Trustees:

On March 9, 2016 the Bridges at Lake Parc project was before the Planning Board for continued review of their site plan, and an issue arose at this meeting with regard to the portion of property to be dedicated to the Village, the dam and the Smith house.

The current plans as submitted to the Planning Board for review, show the Smith House as being removed, the current dam being lowered to a smaller dam, and the area surrounding the water/dam, along with the pond and grass area located at the northerly end of the property along Lakes Road, are to be offered for dedication to the Village as a passive park. This was the understanding of the Applicant.

The Village Board minutes of 8/19/2014, a copy of which is attached, reflect a Resolution made by Trustee Dwyer and approved by the Village Board indicating that the Village did NOT want the house, did NOT want the property, did NOT want the dam, and authorized the planning board to direct the applicant to make payments in lieu of parkland. The only portion of this Resolution by the Village Board of which the applicant was aware was that the Village did not want the house, as it had been determined during 2011 that it had extremely deteriorated and would be far too costly to repair.

Member DeAngelis informed the Planning Board that she attended the 1/19/2016 meeting of the Village Board at which time Trustee Dwyer requested, and was given permission to revisit the Smith house and the property to see what could be done to preserve the house. (Copies of these minutes are attached).

Upon further review it was discovered in the minutes on the Village website that at the Village Board meeting of 2/16/2016 there was an update from Trustee Dwyer and discussion as to his assessment of the Smith House. The applicant, Mr. Frank noted at the Planning Board meeting that he was contacted by Trustee Dwyer who indicated that the Village might be interested in the house again, but has heard nothing further.

Furthermore, in the 2/16/2016 minutes Trustee Dwyer stated that a letter to the Planning Board and/or current owner should be sent regarding the issue, however no such letter has been provided. In addition, Trustee Dwyer was present at the 2/17/2016 Planning Board meeting at which Bridges of Lake Parc was on the agenda, and never said a word to the applicant or the Planning Board about his intentions.

There has not been any communication from Trustee Dwyer with the Planning Board with regard to the potential reclaiming of the house. As it stands now the only formal Resolution on record is the one from August 2014 which rejects acceptance of the house, property and dams.

This sudden reversal two years after the August 2014 resolution is now causing an issue with continued Planning Board review as it is unclear how the maps are to be drawn or which direction to proceed with this project, and because of this situation, the project is now at a standstill. It was unanimously agreed upon by the Planning Board members, Planning Board Consultants, Applicant, and Applicant's consultants that the Village Board needs to make a final decision as to what it wants to do with the house, property and the dam; you need to communicate this decision to both the Applicant and the Planning Board; and that this needs to be done in a timely manner. The project cannot proceed until the Village Board settles this issue.

Very truly yours,



GARY PARISE

Chairman

cc: WC Lincoln Corp

David L. Levinson, Esq.

Alan Lipman, Esq.

EXHIBIT L

June 09,2016

Joseph J. Haspel, PLLC
40 Mathews Street, Suite 201
Goshen, New York 10924
Re: Bridges at lake Parc

Dear Mr. Haspel,

I have had discussions with my board at our June 7th meeting and have been authorized to formally indicate the following:

The Village of Monroe wishes to acquire the property along Lakes Rd. identified as best as I can describe:

- a. Lots 42,43,44,45,46 up to the ingress road known on your map as Hill Ave.
- b. All the structures including the house, windmill, water wheels (2), (2) bridges on the entire property as well as all the artifacts found and discovered on the property .
- c. The ponds as they currently exist including the spillway in the same area and up to the west side of the road known as Road "A" as noted on page 2 of 38
- d. Parkland fees based on Village fee schedule currently in place per lot.
- e. Fifty thousand Dollars (\$50,000.00) to be used to renovate the house.
- f. Land owned by the Village that the developer wishes to acquire for his subdivision needs to be identified and

conveyance completed. If completed a copy of this conveyance.

We would like to meet with the developer, Mr. Frank to review all these requirements and any discussions in this regard.

Very truly yours,

Neil Dwyer-Trustee Village of Monroe

EXHIBIT M

From : JJH
To : "Neil Dwyer"
Sent : 6/22/2016 3:04PM
Subject : RE: Stipulation attached

My address is on my e-mail. If the Village wishes to make an offer, please do so. Right now, we are proceeding with the Planning Board in accordance with the development plans which have been in process for many years, and in accordance with the Stipulation of Settlement from prior litigation.

JHaspel@haspellaw.net

Joseph J. Haspel
1 West Main Street
Goshen, New York 10924
845-694-4409
866-857-1340 (fax)

----- Original Message -----

From: "Neil Dwyer" <nbuild@nsdconstruction.net>
To: "Joseph J. Haspel" <JHaspel@haspellaw.net>
Sent: 6/22/2016 2:56PM
Subject: RE: Stipulation attached

Joe,

It occurred to me that I could send this to you at this email address, as you have sent me your comment below from this morning.

I would however like to send to you a hard copy.

Please confirm your mail to address.

Thank you,

Neil Dwyer

From: Joseph J. Haspel [mailto:JHaspel@haspellaw.net]
Sent: Wednesday, June 22, 2016 9:07 AM
To: Neil Dwyer
Subject: Re: Stipulation attached

I heard that you stated on the record last night that you sent me a letter on or about June 9, 2016. I did not receive any letter from you.

EXHIBIT N

CORRECTION OF SMITH FARM/GILBERT STREET BOND REDUCTION:

(See Minutes 10/17/17, Pg. 264)

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

RESOLVED, due to a typographical error, the Village has been notified that the amount submitted by Village Engineer John O'Rourke, P.E. of Lanc & Tully in a letter dated 8/31/17 requesting a bond reduction for the Smith Farm/Gilbert Street project pertaining to drainage was incorrect. In the letter Engineer O'Rourke requested bond a reduction amount was \$80,685.00, while the correct amount should have been \$85,685.00. Engineer O'Rourke has submitted a revised letter acknowledging the typographical error and requested that the amount be corrected by this revised resolution.

Ayes: Trustees Conklin, Behringer, Dwyer and Chan

Nays: None

BRIDGES AT LAKE PARC DISCUSSION:

Joseph Haspel, Attorney for W.C.Lincoln Corp. submitted the following statement to the Board of Trustees:

November 21, 2017

Village Board
Village of Monroe
7 Stage Road
Monroe, New York 10950

Attn: Hon. Mayor and Members of the Board

RE: Bridges at Lake Pare Hon. Mayor and

Members of the Board:

On behalf of W.C. Lincoln Corp. ("WCL"), and at the request of the Planning Board, we asked to be placed on today's agenda to provide this Board with the status of the approval of the Bridges at Lake Pare project (the "Project").

On January 26, 2007, WCL submitted an application to the Planning Board for a forty-six lot residential subdivision. On September 15, 2008 the Planning Board adopted a resolution granting conditional preliminary subdivision approval of the Project.

In the September 15, 2008 resolution, the Planning Board recited that the Village had "elected to waive any requirement for the applicant to contribute to parkland fees in consideration of the substantial properties the applicant is donating or contributing to the Village of Monroe. Formal written confirmation of this waiver of payment of parkland fees shall be required prior to the grant of final approval without conditions."

The September 15, 2008 resolution further provided:

SMITHHOUSE RESTORATION: THE APPLICANT HAS AGREED WITH THE VILLAGE BOARD THAT IT SHALL DONATE TO THE VILLAGE OF MONROE, THE SUM OF \$50,000.00 TO BE UTILIZED, IN WHOLE OR PART BY THE VILLAGE OF MONROE FOR RESTORATION OF THE HOME KNOWN AS THE SMITH HOME. THIS PAYMENT SHALL BE MADE SIMULTANEOUSLY WITH THE GRANT OF THE FINAL APPROVAL BUT PRIOR TO THE FILING OF THE FINAL MAP. THE APPLICANT HAS CONCEDED THAT IN THE EVENT THE SUM OF \$50,000.00 IS NOT EXPENDED IN FULL FOR RENOVATION & RESTORATION OF THE SMITH HOME, THE VILLAGE BOARD MAY UTILIZE THE BALANCE OF THE FUNDS IN ITS DISCRETION FOR ANY OTHER PURPOSE.

Thereafter, an Article 78 proceeding was commenced by owners of property in close proximity to WCL's lands, which proceeding was settled by a stipulation So Ordered by the Court on July 24, 2009 (the "Stipulation").

Included in the Stipulation, the parties (the Village, the Petitioner and WCL) acknowledged that WCL's property is part of the historic Roscoe Smith estate, and the grounds include a historic home, a stream, walking bridges and a pond with a water wheel. The Stipulation also recited that WCL and the Village had reached an agreement under which WCL would dedicate to the Village the portion of its property improved by the Roscoe Smith home, outbuildings and structures, and was to make certain infrastructure improvements in the area.

The Stipulation further provided for various modifications of WCL's plan to satisfy the concerns of the Article 78 petitioners, which modifications would not require further SEQRA review.

From the date of the Stipulation through the middle of 2012, WCL moved the project forward under the assumption that its agreement with the Village was intact. It made the required changes to the proposed subdivision plan which were called for in the Stipulation and it continued to contemplate the dedication of the two lots to the Village, which included the Roscoe Smith home (the "Roscoe Smith Lots"). However, in the middle of 2012, WCL first learned that the Village may decide to abandon its request that the Roscoe Smith Lots be dedicated to it. At the Board of Trustees meeting on August 19, 2014, this abandonment was memorialized by resolution. As part of the resolution, the Village Board requested that the Planning Board move forward with the legislative authority requiring WCL to make the necessary and appropriate payment in lieu of land consistent with the Village's zoning code.

Thereafter, WCL returned to the Planning Board and it made changes to its subdivision plan based upon the Village's abandonment of the Roscoe Smith Lots.

WCL once again moved the planning process forward based upon the Village's actions, and it proceeded through the long and arduous process of obtaining Army Corp. approvals of WC's plans for the dam on the property and related engineering issues. When these tasks were completed or nearing completion, WCL returned to the Planning Board in order to obtain its final approval.

Contemporaneously, in early 2016, Trustee Dwyer articulated a desire that the Village Board revisit the issue of saving the Roscoe Smith Lots for their historic value, and the Village Board made a resolution authorizing Trustee Dwyer to engage in fact finding to determine the feasibility of taking dedication of the Roscoe Smith Lots. The Planning Board, upon learning of this reversal, on March 10, 2016, wrote the Village Board stating that it needed to make a determination of whether it wanted dedication of the Roscoe Smith Lots in order for it to finalize the subdivision approval process.

With no decision from the Village Board forthcoming, WCL returned to the Planning Board with a plan to obviate the need for the Village Board to act before the granting of final approval. Specifically, WCL proposed that it return to the proposed lot configuration which was created under the assumption that Village was going to take dedication of the Roscoe Smith Lots. Then, as part of the final approval process, WCL would offer for dedication the Roscoe Smith Lots and provide a one-year window for the Village to accept dedication. In the event the Village accepted the Roscoe Smith Lots for dedication, the Village's waiver of parkland fees would be effective. In the event that the offer of dedication was not accepted within that one-year period, the offer would be revoked and WCL would be responsible to pay money in lieu of land in the amount required by the Village's zoning code.

Upon presenting this solution, the Planning Board indicated a willingness to go forward in this manner. The Planning Board Chairman stating that it would be unfair to further delay the process. However, the Planning Board indicated that before it moved the project to the finish line, it wanted WCL to present to the Village Board these facts and give it another opportunity to act prior to consideration of the issuance of final approval.

Accordingly, we asked to be placed on today's agenda to make this presentation.

Very truly yours,

Joseph J. Haspel

Discussion followed. Mr. Haspel stated that although he was the individual to pen the letter, he acknowledged a mistake. When referencing the Roscoe Smith lots in the letter it was defined as 2 lots, when in fact it is 3 lots.

Mr. Haspel continued that the proposal that it puts to the Village is a one year period of time to resolve whatever the Village wants to do, as his client cannot afford to be held up any longer than that. He continued that the Planning Board has agreed to give them final approval with the caveat that they are offering of the one year window. Mayor Purcell stated the Board will have to discuss it with the Village's Attorney.

Trustee Dwyer asked where their process with the Planning Board process and the Engineering process stood. Mr. Haspel stated that their issues had been running in tandem. He indicated that they have been dealing with various issues with the Army Corp. of Engineers. Mr. Haspel stated that their Engineer, Mr. Brucker, was present should the Board have any questions for him. He stated that they are now at the point that all of the issues that require time are done with and they are ready to move forward with the Planning Board for final approval, conditional or straight up. Mr. Haspel stated that at their last meeting with the Planning Board it was discussed that they still have the issue with the Village Board and what they want to do with the property. They are prepared to act but will not act until what they intend to do in on the record at the Village Board level and the purpose of why there are here today.

Trustee Dwyer stated for further clarification that the Village asked for a meeting and they graciously honored their request. All parties were present and they discussed the desire to acquire the property and they were asked very frankly what they wanted and Trustee Dwyer stated what the Village wanted. At that time the meeting was closed out, he was under the impression that WCL Corp. would respond back to the Village. Trustee Dwyer stated that he has never heard back from anyone regarding that meeting. Mr. Haspel indicated that it was out of that meeting that the discrepancy over the 2 versus 3 lots was uncovered. But in regard to additional things at this point in time, they are not prepared to change what they believe to be ten years of history. Trustee Dwyer stated that he wants it to be clear that the delay is not because of the Board that there has been a delay. Mr. Haspel agreed that there have been a lot of factors. Mr. Frank has been extremely patient and Mr. Brucker's team has been working very hard to get them through all the hurdles as well. Mr. Haspel stated that now the only thing to figure out is what to do with the Roscoe Smith house. Trustee Dwyer thanked Mr. Haspel for making the presentation.

Mayor Purcell also thanked Mr. Haspel and Mrs. & Mrs. Frank for coming to the meeting and presenting them with this information.

2017 WINTER FESTIVAL SPONSORED BY THE ACTIVITIES COMMITTEE:

On a motion by Trustee Dwyer, seconded by Trustee Chan, it was:

RESOLVED, the Board of Trustees approved the Events Permit Application submitted by Mayor Purcell and Deputy Mayor Conklin on behalf of the Activities Committee to hold a Winter Festival, an outdoor family event with arts & crafts, bonfire, hayrides and a Float Parade. The event will be held on Saturday, December 9, 2017 from 1PM – 5PM between the Millponds. Marshall & Sterling will be notified, as will Emergency Services.

Ayes: Trustees Conklin, Behringer, Dwyer and Chan

Nays: None

REQUEST FOR CONSIDERATION / WATER ACCOUNT # 189:

In a letter to the Board of Trustees, Matthew Connolly, Treasurer of the Pine Tree Homeowners Association, has requested that the Board consider an appropriate reduction in the Association's

EXHIBIT O

From : aterhune@ldzhlaw.com
To : jhaspel@haspellaw.net; mayor.dwyer@villageofmonroe.org
Sent : 12/09/2021 9:50AM
Subject : RE: Roscoe Smith house

Joe: The Mayor has started the process and the Village will complete this soon as possible. I will let you know as soon as real estate attorney is brought on. Who is the attorney for the Franks? Is your firm handling the transaction?

Alyse Terhune, Esq.
82 East Allendale Road
Saddle River, NJ 07458
(201) 934-9800

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From: Joseph Haspel [mailto:jhaspel@haspellaw.net]
Sent: Thursday, December 09, 2021 8:58 AM
To: Alyse Terhune <aterhune@ldzhlaw.com>; mayor.dwyer@villageofmonroe.org
Cc: Frank, Yehuda (yf5897@gmail.com) <yf5897@gmail.com>; Matthew Blank <MBlank@haspellaw.net>
Subject: RE: Roscoe Smith house

When we last met, Mayor Dwyer indicated that this could get done in 90 days. That was an important consideration for my client. I will prepare a contract – do you know who you are going to use as Real Estate Counsel.

From: Alyse Terhune <aterhune@ldzhlaw.com>
Sent: Wednesday, December 8, 2021 11:57 AM
To: Joseph Haspel <jhaspel@haspellaw.net>; mayor.dwyer@villageofmonroe.org
Cc: Frank, Yehuda (yf5897@gmail.com) <yf5897@gmail.com>
Subject: RE: Roscoe Smith house

Joe – I was in court this morning and just walked in the office and powered up. The Village Board approved the purchase price of \$3.8 million for the entirety of the property and is ready to move forward. Of course, this will have to be bonded, but the Mayor is reaching out to Munistat and Bond Counsel today. I have also been instructed to recommend a real estate attorney to the Board for this transaction.

Please confirm that your client is willing to proceed. Also, the Mayor would like to do a final “hand-shake” with your client and discuss the final terms in order to proceed with a purchase and sale agreement. Also, if possible, he would like to discuss the property with Brooker

Engineering at the appropriate time. Of special interest is the dam situation – what has ACOE and DEC approved. I think the Mayor would like permission for a Village consultant to evaluate the dam.

I just want to say that the entire Board is extremely excited about acquiring the property and is thinking through what to do with it. I know I don't need to tell you that this is highly confidential until the deal is done and announced.

Thank you.

Alyse Terhune, Esq.
82 East Allendale Road
Saddle River, NJ 07458
(201) 934-9800

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From: Joseph Haspel [<mailto:jhaspel@haspellaw.net>]
Sent: Wednesday, December 08, 2021 11:47 AM
To: mayor.dwyer@villageofmonroe.org; Alyse Terhune <aterhune@ldzhlaw.com>
Cc: Frank, Yehuda (yf5897@gmail.com) <yf5897@gmail.com>
Subject: Roscoe Smith house

We have not heard back from you. My client needs to what the Village intends. Whether purchase of entire parcel, the original plan to take just the house lots, or none of the above. All of a sudden, my client is getting inquiries from potential buyers. Also, the Army Corp of Engineers is demanding an understanding of what is intended with the property. As crazy as it may seem, my client wants to know the Village's intent before moving forward with alternatives. Please advise ASAP.

From : aterhune@ldzhlaw.com
To : jhaspel@haspellaw.net
Sent : 12/14/2021 10:21AM
Subject : RE: Roscoe Smith

How about tomorrow afternoon at 4pm in Village Hall.

Alyse Terhune, Esq.
82 East Allendale Road
Saddle River, NJ 07458
(201) 934-9800

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From: Joseph Haspel [mailto:jhaspel@haspellaw.net]
Sent: Saturday, December 11, 2021 3:03 PM
To: Alyse Terhune <aterhune@ldzhlaw.com>
Subject: RE: Roscoe Smith

Any afternoon is likely fine, what is best for you.

From: Alyse Terhune <aterhune@ldzhlaw.com>
Sent: Friday, December 10, 2021 1:36 PM
To: Joseph Haspel <jhaspel@haspellaw.net>
Cc: Frank, Yehuda (yf5897@gmail.com) <yf5897@gmail.com>; mayor.dwyer@villageofmonroe.org
Subject: RE: Roscoe Smith

I don't think the village's intent is to profit from the purchase, if that is Mr. Frank's concern. But, before the Village goes any further, I think this is something that needs to be discussed in more detail so that the Village can understand what the parameters might be. When can we sit down with you and your client?

Alyse Terhune, Esq.
82 East Allendale Road
Saddle River, NJ 07458
(201) 934-9800

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From: Joseph Haspel [<mailto:jhaspel@haspellaw.net>]
Sent: Friday, December 10, 2021 1:31 PM
To: Alyse Terhune <aterhune@ldzhlaw.com>
Cc: Frank, Yehuda (yf5897@gmail.com) <yf5897@gmail.com>
Subject: RE: Roscoe Smith

My client made it clear that he was not going to take a financial hit so someone else develop it. If the Village wants to propose carve outs that would benefit the community at large (i.e. a museum, or at music hall) that may be acceptable. But it would have to be a not for profit charity type of organization.

From: Alyse Terhune <aterhune@ldzhlaw.com>
Sent: Friday, December 10, 2021 1:10 PM
To: Joseph Haspel <jhaspel@haspellaw.net>
Cc: mavor.dwyer@villageofmonroe.org
Subject: RE: Roscoe Smith

Joe, the Mayor would like to discuss this with your client. Can we arrange a meeting asap? The Village isn't sure exactly what it is going to do with the property – except the restoration of the house, hopefully the dam and that frontage along the road. It could become the new Village Hall, house the Village historian --- just not sure yet. As for the back piece, the Village Board hasn't really given that any thought yet. So, covenants restricting the use to only parkland/historic monument seems a little too restrictive...at least without more thought and discussion.

Alyse Terhune, Esq.
82 East Allendale Road
Saddle River, NJ 07458
(201) 934-9800

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From: Joseph Haspel [<mailto:jhaspel@haspellaw.net>]
Sent: Friday, December 10, 2021 12:29 PM
To: Alyse Terhune <aterhune@ldzhlaw.com>
Subject: RE: Roscoe Smith

One other thing. My client is looking to include a covenant that no owner will develop it for 50 years for any purpose other than parkland/historical monument.

From: Alyse Terhune <aterhune@ldzhlaw.com>
Sent: Friday, December 10, 2021 12:18 PM
To: Joseph Haspel <jhaspel@haspellaw.net>
Cc: mayor.dwyer@villageofmonroe.org
Subject: Roscoe Smith

Joe – your client mentioned that he would provide the Village with a copy of the offer letter from the other prospective buyer. As you know, the Village will have to justify the price – which the Village believes is reasonable based upon Mr. Frank's openness with the Mayor. Can you provide me that offer. Thank you.

Alyse Terhune, Esq.
82 East Allendale Road
Saddle River, NJ 07458
(201) 934-9800

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From : aterhune@ldzhlaw.com
To : jhaspel@haspellaw.net
Sent : 12/14/2021 11:51AM
Subject : RE: Roscoe Smith

Joe, I think it would be a good idea to clear the air with a face-to-face tomorrow. The last thing my client wants to do is upset Mr. Frank and there was no intention of doing that. Nor, as I have said, is there any intention of profiting off of the purchase. I think the Village just wants to better understand the conditions under which Mr. Frank would sell the property. You know as well as I do that a Village can only purchase property for a public purpose, not a profit purpose. It may be as simple as open space, or a playground or if there is water – a well. I don't know for sure and neither does the Village.

I advised my client – as I am sure you would have – that if it agrees to place covenants on the land as part of the contract of sale it should at least understand what Mr. Frank means when he says that. I think it would be good to have the Mayor and Mr. Frank face-to-face.

Alyse Terhune, Esq.
82 East Allendale Road
Saddle River, NJ 07458
(201) 934-9800

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From: Joseph Haspel [mailto:jhaspel@haspellaw.net]
Sent: Tuesday, December 14, 2021 10:59 AM
To: Alyse Terhune <aterhune@ldzhlaw.com>
Cc: Frank, Yehuda (yf5897@gmail.com) <yf5897@gmail.com>
Subject: RE: Roscoe Smith

My client was quite upset with the non-committal response to the requirement that the property not be used by anyone (including the Village) for development. To cut to the chase, unless the Village will commit that the entire property will not be used for any non-Village park like use, or subdivided, or sold by the Village, he is not inclined to sell it to the Village. Accordingly, before he meets again, we are looking for a representation of the Village's intent with respect to the entire property. And then, assuming we are in agreement in that regard, any deed will contain a restrictive covenant to bind the Village.

From: Alyse Terhune <aterhune@ldzhlaw.com>
Sent: Tuesday, December 14, 2021 10:22 AM
To: Joseph Haspel <jhaspel@haspellaw.net>
Cc: mayor.dwyer@villageofmonroe.org

Subject: RE: Roscoe Smith

How about tomorrow afternoon at 4pm in Village Hall.

Alyse Terhune, Esq.
82 East Allendale Road
Saddle River, NJ 07458
(201) 934-9800

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From: Joseph Haspel [<mailto:jhaspel@haspellaw.net>]
Sent: Saturday, December 11, 2021 3:03 PM
To: Alyse Terhune <aterhune@ldzhlaw.com>
Subject: RE: Roscoe Smith

Any afternoon is likely fine, what is best for you.

From: Alyse Terhune <aterhune@ldzhlaw.com>
Sent: Friday, December 10, 2021 1:36 PM
To: Joseph Haspel <jhaspel@haspellaw.net>
Cc: Frank, Yehuda (yf5897@gmail.com) <yf5897@gmail.com>; mayor.dwyer@villageofmonroe.org
Subject: RE: Roscoe Smith

I don't think the village's intent is to profit from the purchase, if that is Mr. Frank's concern. But, before the Village goes any further, I think this is something that needs to be discussed in more detail so that the Village can understand what the parameters might be. When can we sit down with you and your client?

Alyse Terhune, Esq.
82 East Allendale Road
Saddle River, NJ 07458
(201) 934-9800

This transmission contains information from the law firm of Alyse D. Terhune, Esq., which may be confidential and/or privileged. This information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this transmission in error, please notify us by telephone at 201 934-9800 or 212 772-0943 or by e-mail immediately and delete the message.

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recommending to another party any transaction or matter addressed herein.

From: Joseph Haspel [<mailto:jhaspel@haspellaw.net>]
Sent: Friday, December 10, 2021 1:31 PM
To: Alyse Terhune <aterhune@ldzhlaw.com>
Cc: Frank, Yehuda (yf5897@gmail.com) <yf5897@gmail.com>
Subject: RE: Roscoe Smith

My client made it clear that he was not going to take a financial hit so someone else develop it. If the Village wants to propose carve outs that would benefit the community at large (i.e. a museum, or at music hall) that may be acceptable. But it would have to be a not for profit charity type of organization.

From: Alyse Terhune <aterhune@ldzhlaw.com>
Sent: Friday, December 10, 2021 1:10 PM
To: Joseph Haspel <jhaspel@haspellaw.net>
Cc: mayor.dwyer@villageofmonroe.org
Subject: RE: Roscoe Smith

Joe, the Mayor would like to discuss this with your client. Can we arrange a meeting asap? The Village isn't sure exactly what it is going to do with the property – except the restoration of the house, hopefully the dam and that frontage along the road. It could become the new Village Hall, house the Village historian --- just not sure yet. As for the back piece, the Village Board hasn't really given that any thought yet. So, covenants restricting the use to only parkland/historic monument seems a little too restrictive...at least without more thought and discussion.

Alyse Terhune, Esq.
82 East Allendale Road
Saddle River, NJ 07458
(201) 934-9800

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From: Joseph Haspel [<mailto:jhaspel@haspellaw.net>]
Sent: Friday, December 10, 2021 12:29 PM
To: Alyse Terhune <aterhune@ldzhlaw.com>
Subject: RE: Roscoe Smith

One other thing. My client is looking to include a covenant that no owner will develop it for 50 years for any purpose other than parkland/historical monument.

From: Alyse Terhune <aterhune@ldzhlaw.com>

From : aterhune@ldzhlaw.com
To : jhaspel@haspellaw.net
Sent : 12/17/2021 9:41AM
Subject : RE: spoke to Mayor last night

Joe, thank you for getting back to me. I am not well this morning and have asked Elizabeth Cassidy to handle this matter for the next couple of days until I feel better – please communicate through her and cc me. I suggest to the Mayor that he review the terms your client drafts. If the Village goes forward, we will bring on a real estate agent to close.

Alyse Terhune, Esq.
82 East Allendale Road
Saddle River, NJ 07458
(201) 934-9800

This transmission contains information from the law firm of Alyse D. Terhune, Esq., which may be confidential and/or privileged. This information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this transmission in error, please notify us by telephone at 201 934-9800 or 212 772-0943 or by e-mail immediately and delete the message.

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From: Joseph Haspel [mailto:jhaspel@haspellaw.net]
Sent: Friday, December 17, 2021 9:28 AM
To: Alyse Terhune <aterhune@ldzhlaw.com>
Cc: Yehuda Frank (yf5897@gmail.com) <yf5897@gmail.com>
Subject: RE: spoke to Mayor last night

My client is contemplating what he wants to do. Regardless, he does not see any reason to have a meeting. Assuming he wants to proceed, all we need to do is come to terms on a contract. Let me know if the Village is ready for a draft contract. As I have said, the two things important to my client on this deal is the preservation of the land and the speed to get to a closing. Any contract will provide time is of the essence benchmarks for getting to a closing. If any of the benchmarks are not made, my client will have the discretion to cancel the transaction. Furthermore, any contract will have to provide for the Village's determination as to whether it is going to take the lots previously offered as part of the subdivision process in the event the sale transaction fails. This is necessary to get to the finish line one way or another.

From : jhaspel@haspellaw.net

To : aterhune@ldzhlaw.com

Sent : 1/10/2022 12:43PM

Subject : bridges at Lake Parc

My client has been offered a contingency free deal. As he has always said, the most important thing to him is to be done immediately. The deal with the Village does not provide him that. Too many contingencies, i.e. bonding, approval process, etc. The sales price is also substantially higher than the Village's number. These are among the factors that have compelled him to accept the offer that he has been given.

EXHIBIT P



**New York State
Parks, Recreation and
Historic Preservation**

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

June 22, 2023

Brian Orzel
NY District US Army Corps of Engineers
26 Federal Plaza, Room 16-406
New York, NY 10278

Re: USACE
Bridges at Lake Parc Residential Subdivision (20.9 acres)
47 Lakes Road, Village of Monroe, Orange County
16PR01672

Dear Brian Orzel:

The State Historic Preservation Office (SHPO) has reviewed the "Structural Integrity Assessment" (May 2023) in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources.

Based upon this review, it is the opinion of the SHPO that the Roscoe Smith House (07147.000119) has deteriorated to such a point that many of its character defining features have been damaged or destroyed and that it is no longer eligible for listing in the State and National Register of Historic Places. Therefore, it is the opinion of the SHPO that no historic properties, including archaeological and/or historic resources, will be affected by this undertaking.

Please note that this letter replaces our January 14, 2022 conditional no adverse effect letter and that the SHPO no longer recommends that the Roscoe Smith House be retained and mothballed. If you have any questions, I can be reached at nancy.herter@parks.ny.gov.

Sincerely,

Nancy Herter
Director, Technical Preservation Services Bureau

EXHIBIT Q

**BOARD OF TRUSTEES MEETING
TUESDAY AUGUST 21, 2018
(www.villageofmonroe.org)**

The second of the bi-monthly meetings of the Board of Trustees was held on Tuesday August 21, 2018 at 7:00 PM in the Boardroom of the Village Hall, 7 Stage Road, Monroe, New York. Mayor Neil Dwyer called the meeting to order and led in the pledge to the flag. Emergency exits were announced.

Present: Mayor Dwyer; Trustees Alley, Behringer, Conklin and Houle

Also present: Attorney Terhune, Village Clerk Baxter, Deputy Clerk Zahra, Building Inspector Cocks, Administrative Sergeant Amatetti, Treasurer Murray and Water Plant Operator Mabee.

Absent: Highway Supervisor Linderman (vacation)

RECOGNITION OF 60 YEARS OF SERVICE / MOMBASHA FIRE COMPANY / CLARENCE BOARD:

Mayor Dwyer stated that it was an honor to have the opportunity to acknowledge and honor someone for his service to our community. Mayor Dwyer stated that there were two gentlemen that were so honored. The first was Karl Martin, for 50 years of service to Mombasha Fire Company. Mayor Dwyer continued that he met with Mr. Martin on August 4, 2018 at the Volunteer Fireman's Home in Hudson, New York and presented him with a Proclamation acknowledging his service to the Village. Mr. Martin was touched by the gesture and Mayor Dwyer enjoyed doing it.

Mayor Dwyer continued that the second gentleman was present this evening, Mr. Clarence Board. Mr. Board has served his community for many years and the Mayor would like to acknowledge it that evening. Mayor Dwyer read the proclamation as follows:

**PROCLAMATION
COMMENDING CLARENCE BOARD**

**Upon the occasion of his designation for special recognition after 60 years of
dedicated service to the Mombasha Fire Company**

WHEREAS, it is the sense of the people of the Village of Monroe to recognize that the quality and character of life in our community is reflective of the concerned and dedicated efforts of those organizations and individuals who devote themselves to the welfare of the community and its citizenry; and

WHEREAS, Clarence Board was born on December 27, 1931 in Goshen, New York; he is married to his wife, Nancy, and together they have three children, seven grandchildren and two great-grandchildren; he served four years in the United States Air Force; and

WHEREAS, Clarence has served in many capacities over his 60 years of dedicated service, including, but not limited to, Secretary, Chaplain, Assistant Chief and Chief; he is currently the Sergeant of Arms; throughout the years he also served beyond Monroe's borders in the Orange County Chief's Association, Orange County Fire Advisory Board, NY State Chiefs Association, Hudson Valley Volunteer Fire Association and FASNY (Fire Association of the State of New York); he served as Vice President and President of the Orange County Volunteer Fireman's Association; and

TODAY, as the duly elected Mayor for the Village of Monroe, I, Neil S. Dwyer, pause in my deliberations to commend Clarence Board for his 60 years of distinguished service; and be it further

PROCLAIMED, that copies of this Proclamation, suitably engrossed, be transmitted to Clarence Board.

Mayor Dwyer acknowledged Mrs. Nancy Board as well and presented her with a bouquet of flowers. Ms. Cathy Lewis also presented Mrs. Board flowers.

Resident John Karl interjected and stated that perhaps that is why the air horn for the fire whistle does not work. Building Inspector Cocks stated that the circuit was tripped for the air compressor and he was not sure who was responsible for that. Mr. Karl responded that he would let the Fire Commissioner know about it and Mayor Dwyer requested that he be kept in the loop as well.

DISCUSSION – MONROE HISTORIC DISTRICT:

Trustee Houle advised the Board that during her meeting with Town Historian Jim Nelson she learned that the Pomoroy Foundation, the foundation that supplied the Town/Village with three (3) of its historic markers, asked the Village if they would like an additional marker for the Monroe Historic District which has been in place since 1998. In order to pay for the marker, Mr. Nelson would have to apply for a grant but he will only do so if he knows that the Village wants to marker. Trustee Houle added that should the Board decide to proceed with the marker they will also have to decide where the marker should be placed. Trustee Houle stated that she thinks it's a great idea and that the Board should approve it and let Mr. Nelson know that he has the Village's support. She also suggested that the Board should encourage the Town Historian and the Village Historian, Linda Burroughs, work together to identify the location.

Resident Tim Mitts interjected that Jim Nelson now handles both the Town and the Village and Linda Burroughs really doesn't get involved anymore. Trustee Houle responded that Ms. Burroughs is still involved when she is able to be, and she would be willing to work with Mr. Nelson on this project.

Attorney Terhune asked if there was an actual boundary and Trustee Houle stated that there was a clearly defined boundary. Trustee Houle stated that she forwarded to the Board all the documentation regarding the Historic District which also included the map that showed the map. Trustee Houle added that the District was rather large, larger than she expected it to be. Resident Howard Zuckerman added that it involved 81 acres and 36 properties. The last property to get entered into it was the Monroe Movie Theatre.

Mayor Dwyer stated that they definitely wanted to encourage that asked Trustee Houle to let Mr. Nelson know that the Board is supporting his effort to secure a marker for the Historic District. Trustee Houle asked if a resolution was needed and Attorney Terhune stated no.

DISCUSSION – ROSCOE SMITH PROPERTY:

(See Minutes 8/19/14 pg.39, 9/2/14 pg.44, 1/19/16 pg.283, 4/21/16 pg.34, 5/17/16 pg.348, 6/26/16, pg.15, 7/18/17 pg. 217, 11/21/17, pg.292, 4/12/18, pg102)

Mayor Dwyer stated that this was a can that has been kicked down the road for the last 3 ½ years and he asked Counsel to draft a letter and forward on to the property owner and their counsel as well as the Village's own Planning Board to address some questions and issues. Attorney Terhune stated that she had the letter prepared and Mayor Dwyer requested Deputy Clerk Zahra to make copies for the Board.

Mayor Dwyer continued that 3 ½ years ago he started this crusade and with missteps and misques, ill intent and good intent, to see that this property comes back into the Village's hands. Mayor Dwyer stated that there was an offer 17 ½ years ago that was made to the Village by the current owner and we managed to screw it up every time. Mayor Dwyer wants to get it right and see the Village reacquire it. The entire property is not up for grabs, only a portion of it is and he would like to see it happen. If anyone knows the property, they know the historical value of it.

Mayor Dwyer stated that he wants to hold a workshop with the Planning Board to get a timeline as to where they are currently in the process of that property approved for development and what it is that is on the table. Mayor Dwyer asked the Board to review the letter and approve it, and he will sign off and get it distributed.

Trustee Houle stated that she looks forward to acquiring the Roscoe Smith property. This property is intrinsic to the history of Monroe and we are lucky to have it in the boundaries of the Village. It is a real gem and a beautiful asset to the Village's properties.

Trustee Behringer agreed. She stated that it will need a lot of work and it was once very beautiful. We are lucky enough to have the beautiful waterfall and the Roscoe Smith property in the Village. She also looks forward to meeting with the Planning Board and to acquiring the property.

Trustee Conklin stated that she has a personal connection to the property after spending a lot of time with Mayor Dwyer discussing it. It is a gem and it would be disrespectful for the Board to not do what needs to be done to obtain it and honor Mr. Smith and all that he did for the community.

Trustee Alley also agreed that she was looking forward to hearing about the plan to acquire the property.

MAYOR'S REPORT:

Mayor Dwyer announced that they were still looking for crafters and vendors for Founder's Day

Trustee Houle added she is following up with telephone calls to people who they have already mailed applications too. She added after a quick check of her email before the meeting and she noted she has a lot of emails to respond too. Trustee Houle also advised the Board that something else that will be included in Founder's Day is a cheesecake contest. They will solicit professional bakers and she has three restaurants who are really excited to participate and is hoping to get three additional participants so the public will be able to vote on who makes the best cheesecake.

Trustee Conklin commented that the carnival and what an awesome thing it was that they were able to negotiate a couple of hours for the kids to ride for free. Although the weather really didn't cooperate, all in all, everyone came and had a good time. Trustee Conklin added that the concerts have been amazing too and the Village Activities Committee is doing a great job.

Trustee Behringer stated that it has been a tough summer with the rain especially for the concerts and the carnival. Trustee Conklin added that it hasn't stopped the Village's activities, they just keep moving on.

Mayor Dwyer added that the movie night was successful as well. Trustee Houle agreed that it was really awesome. Trustee Alley commented she was amazed by the dimensions of the screen; it had to be two stories high. Mayor Dwyer added that it was a lot of fun. Trustee Alley questioned the placement of the event and suggested possibly alternating the location of it next year.

PUBLIC COMMENT: # PRESENT 16 TIME: 8:07 PM

Resident John Karl stated that he took offense to the comment Mayor Dwyer made regarding the Roscoe property being screwed up for 17 years. Mayor Dwyer apologized and stated that he didn't mean it that way. Mr. Karl continued that it was the way he said it. Mr. Karl stated that when he was Mayor they had a preliminary agreement in place for that property at no cost to the Village. There were some issues back and forth and it ended up as an Article 78 and unfortunately he didn't see it through because he was out as Mayor. Mr. Karl stated that his comment was uncalled for.

Mr. Karl inquired about the Taxi Ordinance. He stated that it was being discussed at the same time as the Towing Ordinance which was recently adopted and was looking for an update. Mayor Dwyer responded that the Taxi Ordinance was complete and was actually adopted back when the zoning was adopted back in June of 2017. Mayor Dwyer continued that this issue is with the fee schedule and that has not been resolved. That is the only piece that needs to be resolved before enforcement can be done. Mayor Dwyer added that it is very comprehensive. Mr. Karl stated that his development is being overrun with taxis every day and something that needs to be done. Mayor Dwyer responded that one of the problems was the fee schedule. Mayor Dwyer added that the biggest part of this is administration. Mayor Dwyer added that there were 17 companies that came to the two forums the Village held, and what needs to happen is really review the process of what the steps are if someone comes in and wants to operate in the Village. Mayor Dwyer continued that he wanted to role play the process with the Village Clerk and see what the steps are and what it entails. That still needs to happen.

Mr. Karl stated that he thought there was also another issue with taxis being parked in driveways overnight. Mayor Dwyer stated that the Village was not going to allow residential neighborhoods to house taxicabs overnight. Building Inspector Cocks interjected and added that it had to do with enforcement. He does not work overnight and that would have to be changed to the Police Department. Trustee Conklin added that there was also the issue with someone who worked for a limo company and they bring their vehicle home overnight. Mr. Karl stated that there were a couple of things that the Board was to put together and bring back. That was what he wanted to follow up on. Trustee Conklin acknowledged that there are a bunch of small issues that they are

EXHIBIT R

STRUCTURAL INTEGRITY ASSESSMENT

for

Shalom Environmental, Inc.
91 Seven Springs Road
Monroe, New York

- Location -

45 Lakes Road
Monroe, New York

May 2023

Prepared By:



10 Jones Avenue
Rochester, New York 14608
585-313-9683

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Appendices

Appendix A – Site Map
 Appendix B – Photographs
 Appendix C – Engineer Certification

EXECUTIVE SUMMARY

This report has been prepared to summarize a structural integrity evaluation for the structures located at 45 Lakes Road in Monroe, New York (subject property or Site). The work was completed by NEU-VELLE LLC (NEU-VELLE) on behalf of Shalom Environmental, Inc..

On May 5, 2023, an inspection of the building located on the site to provide judgement on the structural integrity of the structures was conducted. Based on review of the structure, it is NEU-VELLE's professional judgement that the existing structure should be considered structurally unsound and/or unsafe as a result of damage incurred from rain, snow, and the lack of appropriate maintenance practices. At the time of the inspection, the foundations, portions of ceilings, floors, walls, and chimney have been impacted by water intrusion and portions of the structure (ceilings and floors) have collapsed and become unsecure. In addition, there is visible mold as well as disturbed asbestos within the structure. Therefore, the deficiencies have made the structures unsecure and unsafe and should not be entered and it is NEU-VELLE'S professional opinion that the structure should be condemned and demolished due to its unsafe condition.

Section 1

NEU-VELLE, LLC.



Introduction

1.0 Introduction

1.1 General

This report has been prepared by NEU-VELLE, LLC. (NEU-VELLE) to document the findings of a structural integrity assessment conducted on May 5, 2023, for the structure located at 45 Lakes Road in Monroe, New York. The assessment was conducted to evaluate the site structure (i.e., house) and to provide judgement on its structural integrity for future access and occupancy.

1.2 Project Objectives

The purpose and objective of the assessment includes the following:

- The professional judgement relating to the structural integrity of the existing house
- Determinations if the building it is to safe access;
- Determination if asbestos abatement can be completed safely; and
- Determination if the building is safe to occupy.

1.3 Report Organization

This report presents the findings from the site inspection and structural evaluation activities. Section 2 provides information on each area as well as the condition and evaluation of structural integrity. Section 3 presents our conclusions and recommendations regarding the interpretation and findings as a result of the inspection and evaluation.

Section 2

NEU-VELLE, LLC.



Structural Integrity Assessemnt

2.0 Structural Integrity Inspection

2.1 General

Accompanied by Shalom Environmental and Owner representatives, NEU-VELLE conducted a walk-thru of on-site structures. The following areas were inspected. A brief description of the area and judgment of the structural integrity is presented below. Representative photographs of the building are presented in Appendix B.

2.2 Inspection

This existing structure (house) is a three-story residence that was constructed in 1870. The house is timber and cobble stone construction and is approximately 3,300 square feet in living space. The structure is supported by a rubble wall basement structure that was not able to access due to its deteriorated condition. Based on review of the structure, it has been poorly maintained, and therefore severe water intrusion from rain and snow has caused numerous failures in the roof, walls, floors, ceilings, and foundation. Water intrusion has impacted the entire structure (i.e., roof, floor joists, and ceiling joists) which has caused settlement and failure as well as ceiling and floor failures in several locations. The fireplace has severely deteriorated and the exterior portion above the roof-line is leaning and in danger of collapse onto the roof. In addition, there is visible mold throughout the structure, potentially disturbed asbestos containing materials (drywall compound, insulation, floor tiles, etc.), as well as animal infestation which has made the structure unsafe to occupy. Therefore, these deficiencies have made the structure unsecure and unsafe and should not be entered unless professionally trained and certified. It is NEU-VELLE'S professional opinion that the structure should be condemned and demolished. Photos of the structure are attached.

Section 3

NEU-VELLE, LLC.



Conclusions and Recommendations

3.0 Summary

3.1 General

This section summarizes the interpretation of the field data and associated findings obtained during the site inspection.

3.2 Conclusions and Recommendations

Based on review of the site, it is NEU-VELL's professional judgement that the existing structure on site should be considered structurally unsound and/or unsafe as a result of damage incurred from rain, snow, and the lack of appropriate maintenance practices. At the time of the inspection, the foundations, portions of ceilings, floors, and walls have been impacted by water intrusion and portions of the structures have collapsed and become unsecure. In addition, there is visible mold as well as the possibility of disturbed asbestos within some of the structure. Therefore, the deficiencies have made the structure unsecure and unsafe and should not be entered and it is NEU-VELLE'S professional opinion that the structure should be condemned and demolished due to its unsafe condition.

Appendix A

NEU-VELLE, LLC.



Site Map

SITE MAP



45 Lakes Road

Appendix B

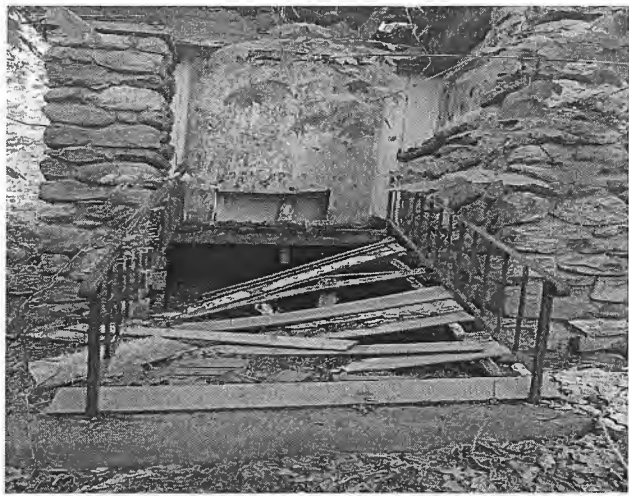
NEU-VELLE, LLC.



Photographs



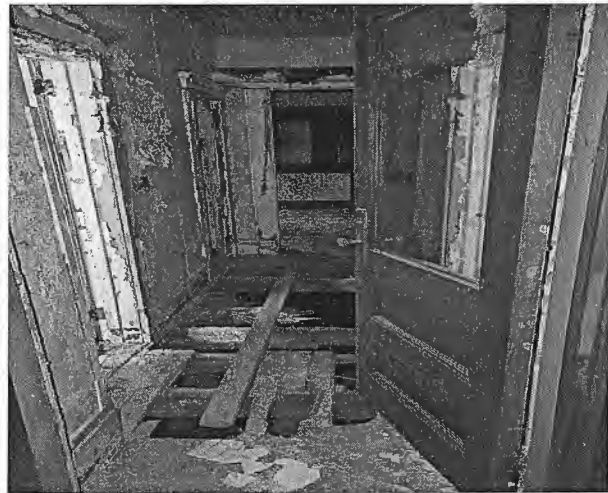
Side View



Foundation Settlement and Deteriation



Floor & ceiling damaged by water intrusion



Severe floor damage



Severe floor damag



Roof colapse



Celing collapse



Floor collapse



Mold and celing colapse



Mold and celing colapse



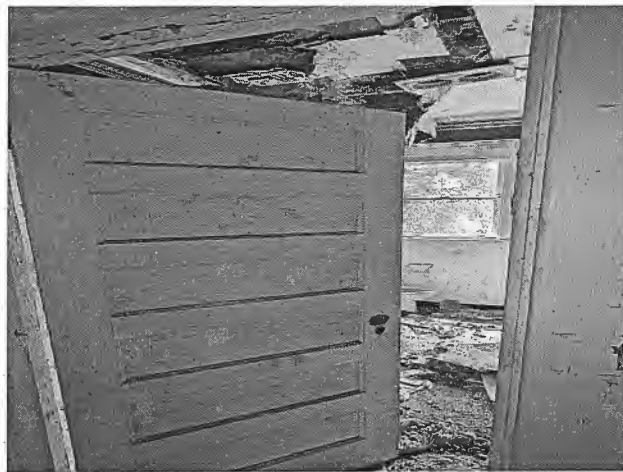
Mold & celing colapse



Floor colapse



Ceiling collapse



Ceiling collapse



Ceiling collapse



Ceiling collapse



Deteriorated Fireplace



Deteriorated Fireplace

Appendix C

NEU-VELLE, LLC.



Engineer Certification

STRUCTURAL INGEGRITY ASSESSENT

45 Lakes Road
Monroe, New York

ENGINEER CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information is, to the best of my knowledge and belief, true, accurate and complete.



Albert G. Lyons Jr., P.E.
NEU-VELLE LLC

5/8/23

Date

EXHIBIT S



WC Lincoln <wclincolncorp@gmail.com>

Demolition permit 45 Lakes Rd

Jim Cocks <inspector@villageofmonroe.org>

Fri, May 12, 11:23 AM

To: wclincolncorp@gmail.com <wclincolncorp@gmail.com>

Cc: Kim Zahra <clerk@villageofmonroe.org>, Neil Dwyer <mayor@villageofmonroe.org>, Trustee Karl <trustee.karl@villageofmonroe.org>, Debbie Behringer <trustee.behringer@villageofmonroe.org>, Trustee Martin O'Connor <trustee.o'connor@villageofmonroe.org>, Trustee Andrew Ferraro <trustee.ferraro@villageofmonroe.org>, Alyse Turhune <alyse@aterhunelaw.com> <alyse@aterhunelaw.com>

Good morning WC Lincoln Corp

I am in receipt of the application and Engineers report to demolish the dwelling located at 45 Lakes Rd. S/B/L/ 211-1-1

We are currently under a moratorium prohibiting demolition of any structure within the historic district or identified as National/State registry, or eligible for listing. (see attached local law).

Your property is on the list and is subject to the moratorium.

According to **section 2B** of the local law:

"Nothing in this local law shall prohibit the demolition of a structure or building inspected by the Village Engineer and deemed unsafe. No other exceptions are permitted."

I have passed the permit application and engineers report to the Village Mayor, Board and Attorney. The Village Engineer will need access to the property in order to perform the inspection necessary and submit the report that the Board will review and determine if the exemption is permitted or not.

At this point the Building Department cannot act on this permit application until the Village Board makes a decision

Please contact the Village Clerk to make the necessary arrangements for access.

Thank You

James Cocks

Building Inspector

Village of Monroe

Phone (845)782-8341 ext 128

Fax (845)782-8607

Inspector@villageofmonroe.org

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DOC051223-002.pdf

EXHIBIT T

From: Jim Cocks
To: Simon Jacobs; Alyse Terhune; Joseph Haspel
Cc: Neil Dwyer; Trustee Martin O'Connor; Debbie Behringer; Trustee Karl; Trustee Andrew Ferraro; Kim Zahra
Subject: RE: Permit request. 47 Lakes Rd
Date: Monday, July 17, 2023 10:21:33 AM
Attachments: DOC071723-003.pdf

Good morning Mr. Jacobs

Please see attached related to the demolition permit application

Thank You

James Cocks
Building Inspector
Village of Monroe
Phone (845)782-8341 ext 128
Fax (845)782-8607
Inspector@villageofmonroe.org

Notice of Confidentiality - Village of Monroe

This E-mail message and its attachments (if any) are intended solely for the use of the addressee hereof. In addition, this message and the attachments may contain information that is confidential, privileged, and exempt from disclosure under applicable law. If you are not the intended recipient of this message, you are prohibited from reading, disclosing, reproducing, distributing, disseminating, or otherwise using this transmission. Delivery of this message to any person other than the intended recipient is not intended to waive any right or privilege. If you have received this message in error, please notify the sender by reply E-mail and immediately delete this message from your system.

From: Simon Jacobs <ptnyrealty@gmail.com>
Sent: Thursday, July 13, 2023 4:49 PM
To: Alyse Terhune <alyse@aterhunelaw.com>; Jim Cocks <inspector@villageofmonroe.org>
Subject: Permit request.

Alyse and Jim.

Good afternoon,

I was advised by the planing department office (a few minutes ago) that as of today (deadline), there is no permit,

Kindly explain with what authority this is being withheld from being issued.

No reason given and now it's clear that this is not prohibited by temporary modification of chapter 80,

There is a full and paid application, and no respond.

I request the demolition permit asap, and clearly demonstrating against this un-lawful withholding.

--

Sincerely

S. Jacobs

**OFFICE OF THE BUILDING INSPECTOR
VILLAGE OF MONROE
7 Stage Road
Monroe, NY 10950
(845) 782-8341**

PERMIT REVIEW

WC Lincoln Corp.
5 Second Street
Highland Mills, NY 10930

7/17/2023

Reference: Permit application for demolition of 47 Lakes Road main dwelling (S/B/L/ 211-1-1)

I have received your completed application for the demolition of the single-family dwelling located at 47 Lakes Road on June 27, 2023 (see attached application). The Village Board enacted a moratorium on all buildings and structures located in the Historic District and all building listed or eligible for listing on the State of New York Historic Register (see attached local law).

Your property was listed as eligible according to the Cultural Resource Information and Historic System (CRIS). Accordingly, as per the attached law, this was referred to the Village Board for a determination whether the permit should be issued in whole or in part.

Despite the letter received from NYS Parks, Recreation and Historic Preservation on July 12, 2023 removing your property from the eligible listing (see attached), the Village Board at a meeting held on July 13, 2023 commenced Eminent Domain Proceedings with respect to this property also known as the Roscoe Smith Homesite (see attached resolution). Today, July 17, 2023 I have been directed by the Village Board not to issue the demolition permit as per the attached email.

If you have any other questions please contact the Village Attorney

Thank You

James Cocks
Building Inspector



**New York State
Parks, Recreation and
Historic Preservation**

Resource Evaluation
USN: 07147.000105
Report Created: 7/12/2023

Resource Information:

Date: July 12, 2023
Staff: Kathy Howe
Name: Roscoe Smith property
Location: Lakes Rd, MONROE, NY

Resource Status:

1. **Determination:** Not Eligible
2. **Contributing:** Not Determined

Criteria for Inclusion in the National Register:

- A. ☐ Associated with events that have made a significant contribution to the broad patterns in our history.
- B. ☐ Associated with the lives of persons significant in our past.
- C. ☐ Embodies the distinctive characteristics of a type, period or method of construction; or represents the work of a master; or possesses high artistic values; or represents a significant and distinguishable entity whose components may lack individual distinction.
- D. ☐ Have yielded, or may be likely to yield information important in prehistory or history.



Summary Statement:

**EXECUTIVE SESSION SPECIAL MEETING
BOARD OF TRUSTEES
THURSDAY, JULY 13, 2023
(www.villageofmonroe.org)**

The following resolution was offered by O'Connor, seconded by Ferraro, to wit:

**RESOLUTION OF THE VILLAGE BOARD OF THE
VILLAGE OF MONROE ("VILLAGE") AUTHORIZING
VARIOUS ACTIONS PURSUANT TO THE NEW YORK
EMINENT DOMAIN PROCEDURE LAW WITH RESPECT
TO THE ROSCOE SMITH HOMESITE**

WHEREAS, to accomplish its governmental purposes, the Village is authorized and empowered to acquire by eminent domain pursuant to the New York Eminent Domain Procedure Law ("EDPL") or other means those real property interests necessary and/or appropriate to further its stated purposes; and

WHEREAS, the Village is seeking to acquire and preserve the former homesite of Roscoe Smith (the "Site") for the purpose of preserving the historic structures and creating public gardens or parkland;

WHEREAS, the Site is located at 47 Lakes Road and is further identified as Tax Map Parcel No. 211-1-1 in the Village of Monroe, Town of Monroe, County of Orange; and

WHEREAS, the Site contains approximately 19.8 acres of land, which include a historic home that was once the home site of Roscoe Smith, a water body, a stone dam and subsequent pond, stone pillars with entry gate, two pedestrian footbridges, two waterwheels and two additional outbuildings of unknown purpose which may have been moved to the property as part of Smith's hobby of acquiring structures, and a; and

WHEREAS, Roscoe Smith was founder of Orange and Rockland Utilities and widely recognized as the man who brought electric light to the Hudson Valley. In 1905 he convinced investors to buy stock in his planned electric company, resulting in the incorporation of the Orange Utilities Company by the end of the year. Over the course of his career Smith's company acquired and merged with many power companies, eventually becoming Orange and Rockland Utilities, Inc. Smith's passion extended beyond entrepreneurship as he was a philanthropic antiquarian, having donated land for the museum village of Smith's Clove in which he displayed his collection of twenty buildings dating from the 18th and early 19th centuries. Smith's passion for collecting is also visible at the Roscoe Smith House, which was reportedly built c. 1906, and displays artifacts within the landscape including waterwheels, windmills, and grist mill stones. After Smith's death in 1976, the property remained in his family until it was sold 20 years later.

WHEREAS, the Site also has important environmental considerations including maintaining the waterway and stone dam which contributes to the pond on the property as well as

the two ponds located in the center of the Village around which parkland and walking trails are located.

WHEREAS, the Village wishes to preserve the historic structures on the Site, to maintain the historic characterization of the entire Site, to use the Site to educate Monroe residents and visitors alike as to the importance of Roscoe Smith, and finally to create beautiful park/landscaped areas for the public to enjoy; and

WHEREAS, a Full Environmental Assessment Form and supporting documents is being prepared for review by the Village and its consultants; and

WHEREAS, representatives for the Village have contacted the record owners of the Site and will continue to negotiate with them to obtain title to the Site without the use of eminent domain, however, such negotiations, to date, have been unsuccessful.

NOW, THEREFORE, BE IT RESOLVED BY THE TRUSTEES OF THE VILLAGE AS FOLLOWS:

- (1) The Village Mayor, staff, attorney, engineering consultants and the Village's special legal counsel, Bond, Schoeneck and King, PLLC, are hereby authorized and directed:
 - a. To do such things or perform such acts and execute such documents as are necessary and/or appropriate to duly notice and conduct a public hearing as provided for under EDPL Article 2 including, but not limited to, retaining any professionals, consultants and contractors necessary to provide materials required under the EDPL in connection with a public hearing and the possible acquisition of the Site; and
 - b. To take all actions under EDPL § 404 to allow for and facilitate Village officers, agents, and contractors to enter upon the Site for the purpose of making surveys, test pits and borings, or other investigations, and also for temporary occupancy during construction, and for the preservation of the historic structure on the Site.
- (2) A copy of this Resolution, together with the attachments hereto, shall be placed on file in the office of the Village where the same shall be available for public inspection during business hours.
- (3) This Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Ayes: Mayor Dwyer, Trustees Ferraro and O'Connor

Nays: None

Absent: Trustees Behringer and Karl

The foregoing resolution was thereupon declared duly adopted.

Kim Zahra, Village Clerk of the Village of Monroe, does hereby certify that the foregoing Order of Annexation of the Board of Trustees was filed in my office on the following date:

Kimberly Zahra July 13, 2023

Jim Cocks

From: Alyse Terhune <alyse@aterhunelaw.com>
Sent: Monday, July 17, 2023 8:59 AM
To: Jim Cocks; Debbie Proulx
Cc: Neil Dwyer; Trustee Andrew Ferraro; Trustee Karl; Trustee Martin O'Connor; Debbie Behringer
Subject: SBL 211-1-1

Good morning, Jim. During a meeting held on July 13, 2023, the Board of Trustees authorized eminent domain proceedings with respect to SBL 211-1-1. The property is of great historic importance to the Village as are several structures located thereon, including the Roscoe Smith house, which is currently the subject of an application for a demolition permit. The Board has instructed me to direct you **NOT** to issue that permit until such time as the Village enters the property pursuant to its right under EDPL §§ 404 and 302 to inspect the property.

Please call me at your convenience to discuss. Thank you.

Alyse D. Terhune, Esq.
82 East Allendale Road
Saddle River, NJ 07458
(201) 934-9800

PLEASE NOTE NEW EMAIL ADDRESS alyse@aterhunelaw.com

This transmission contains information from the law firm of Alyse D. Terhune, Esq., which may be confidential and/or privileged. This information is intended for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution, or other use of this information is strictly prohibited. If you have received this transmission in error, please notify us by telephone at 201 934-9800 or by e-mail and delete the message.

IRS CIRCULAR 230 DISCLOSURE:

To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.



**BUILDING DEPARTMENT
VILLAGE OF MONROE
7 STAGE ROAD, MONROE, N.Y. 10950
www.villageofmonroe.org**

Application #:	<u>2023-147</u>	Date:	<u>5/11/23</u>
Tax Map	<u>211-1-1</u>	Fee Amount:	<u>1169.00</u>
Zone	<u>SR-10</u>	Check	<input type="checkbox"/> #
Property		Cash	<input type="checkbox"/>
Address:	<u>47 LAKES RD</u>	Credit Card	<input checked="" type="checkbox"/> <u>CC. PM 6/20/23</u>
Date Approved:		Inspector:	<u>[Signature]</u>
Disapproved:	<u>7/17/23</u>		

APPLICATION FOR BUILDING PERMIT

Requirements for a Building Permit Application:

- Two plot plan diagrams** locating clearly and distinctly all buildings whether existing or proposed, and location of proposed work to be done, including dimensions of proposed work, and all setback dimensions from property lines and existing structures.
- Two sets of Drawings/Plans** including specifications describing the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical, electrical and plumbing installations, Section, Lot and Block numbers and street address of lot where work will be performed.
- Fee** (see attached fee schedule for fee details)

APPLICATION IS HEREBY MADE to the Building Department for the issuance of a Building Permit, pursuant to the New York State Building Construction Code for the Construction of Buildings, additions or alterations, or for removal or demolition, as herein described. The applicant agrees to comply with all applicable laws, ordinances and regulations. Upon approval of this application, the Building Department will issue a Building Permit to the applicant together with an approved duplicate set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises available for inspection throughout the progress of work.

No work covered by this application may be commenced before a Building Permit is issued. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Department.

Applicant Information:

WC Lincoln Corp.
Name (Please print)
Wclincorncorp@gmail.com
Email address

5 second Street Highland Mills NY
Address
845-637-6313
Telephone

Applicant is: Owner ☒ Lessee ☐ Agent ☐ Architect ☐ Engineer ☐ Contractor ☐

If applicant is a corporation, name, title and signature of duly authorized officer: _____

If you would like to receive informational emails and updates from the Village of Monroe check here ☐

Property Information:

Location of Property where work will be done: 47 lakes road (p/o sbl 211-1-1)

Property Owner (if different from Applicant): Name: _____

Address: _____ Tel: _____

Nature of work (check which applicable):

Addition ☐ Alteration ☐ Deck ☐ Demolition ☒ Fence ☐ Grading/Filling ☐ New Building ☐ Pool/Hot Tub ☐
Pool Deck ☐ Roof ☐ Shed ☐ Siding ☐ Solar Panels ☐ Sign ☐ Other _____

Existing use and occupancy of property _____

Intended use and occupancy of property _____

Detailed Description of Project

will perform the Controlled Demolition and Disposal of the House being treated as PACM, by a NYS License Abatement Contractor. which includes: Filing asbestos notification to NYS DOL, Air monitor, Project monitor Loading and Hauling by licensed hazardous waste transporter, and Certification of job completion.

FEES: See attached fee schedule. All fees are to be paid at the time of application.

FEE: _____

PROJECT CONTACTS:

Contractor: Shalom environmental inc.

Address: 94 Seven Springs Rd Monroe, NY 10950

Phone No. 3475851705

NOTE: In order to process any permit, proof of Worker's Compensation must be provided. Acceptable forms include Form 105.2, U26.3 or CE-200 (No Accord Forms Accepted)

Electrician: _____

O. C. License # _____ **Exp** _____

Address : _____

Phone No. _____

All electrical work must be performed by an Orange County licensed electrician.

Applicant Signature: _____

Date: _____

May 10 2023

Consent of Property Owner if Applicant is not Property Owner:

I, _____, am the owner in fee of the premises described in this application and have authorized _____ to make this application on my behalf.

Property Owner: _____

Date: _____

It is the applicant's responsibility to call the Building Department to schedule inspections during construction and for final Certificate of Occupancy upon completion.

(845) 782-8341 x31

**VILLAGE OF MONROE
INTRODUCTORY LOCAL LAW PROVIDING FOR A
TEMPORARY MODIFICATION 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.

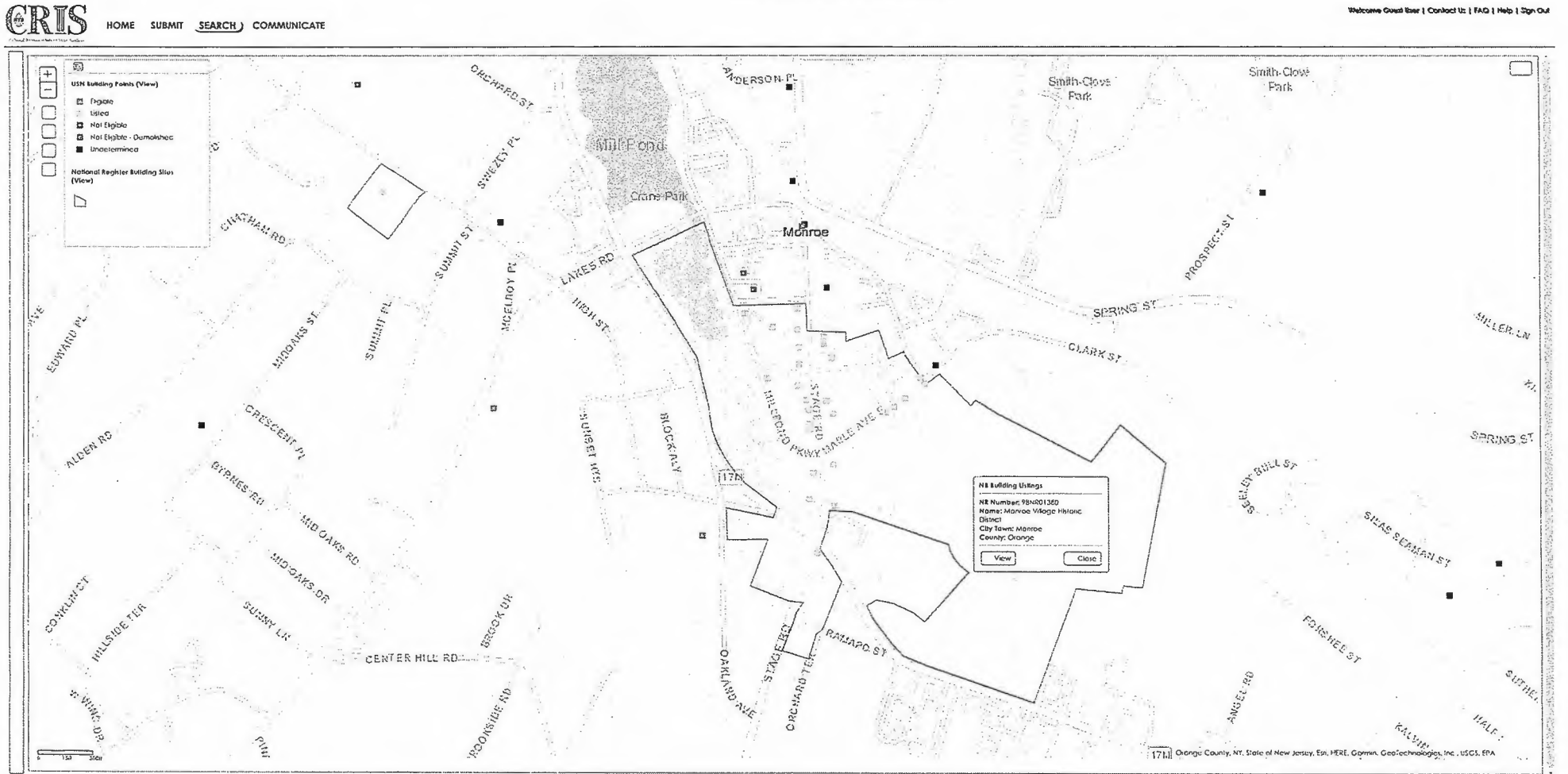
Section 6. Effective Date.

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

5/25/22, 3:33 PM

Cultural Resource Information System (CRIS)

Welcome Guest User | Contact Us | FAQ | Help | Sign Out



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Page 12/13

EXHIBIT U

VILLAGE OF MONROE
BOARD OF TRUSTEES MEETING
TUESDAY, APRIL 18, 2023
(www.villageofmonroe.org)

PUBLIC HEARING 04.18.2023 – 7:00 PM
TENTATIVE BUDGET FY/2024

A Public Hearing was held on Tuesday, April 18, 2023 in the boardroom of the Village Hall, 7 Stage Road, Monroe, NY at 7:00 PM to hear comment on the proposed tentative budget for fiscal year 2024 (06/01/2023 – 05/31/2024). The tentative budget includes maximum compensation for the Mayor of \$75,000.00 per annum and for the trustees \$15,000.00 per annum each. The budget is summarized as follows:

GENERAL FUND: \$11,580,378.00
WATER FUND: \$ 2,352,336.00

The proposed tax rate per thousand of assessed valuation is \$43.83. A tax rate increase of 1.18%. The increase from last year on a \$50,000 home valuation \$25.50 and for \$100,000 home valuation \$51.00.

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

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

Paulette Browne, Village resident, commented that last year she had no problem with the salary increases for the Mayor and Trustees. This year the tentative budget proposes a \$43,000.00 increase to the Mayor's salary. She said the Village has never had a full-time Mayor and feels strongly that if it were to be a full-time position the voters in the Village of Monroe should decide. She believes the Village Attorney should check the Village charter to see if this is even permitted. In addition, if the Trustees vote on the Mayor's raise, it is a major conflict of interest for the Mayor to even vote on his own raise. For years she has always heard that the Town and Village positions are not about the money, but about serving the community. She has called on the Mayor for the past three years about conditions in the woods by her home. Trees are down, dead trees, and branches all in the wooded area. She wished this had been addressed the first year without telling her how it is best to wait until there are no leaves on the trees, then she wouldn't have to keep calling and emailing taking up the Mayor's time so that he needs a full-time position to address issues that have not been addressed. What about the curbs that were redone in certain areas spilling into the street which cause a problem when the streets need to be repaved. She has concerns about stone accumulation on her cul-de-sac as a result of the sides of the street not being oiled properly and excess stones not being swept up finding thousands of stones in the grass next to the street. She feels there is inadequate snow plow training for the DPW as the Village property next to her property is always piled high with snow. She believes there has been no DPW Superintendent for six (6) years and that two (2) civil service positions in that area have been vacant for years. When we discuss serving the community, we should all look to the MW Board of Education members, they serve with a big salary of zero dollars per year. Now that folks, is serving the community.

Trustee Karl asked that his statement be entered into the minutes:

This Board put many hours into this budget the past few weeks and the budget for the most part is fair and equitable.

Unfortunately, the salaries of the Elected Village Board are also included in the proposed budget which I do not agree with. In the official paper of the Village of Monroe the April 13, 2023 Times Herald Record legal notice clearly listed the salary of the Mayor at \$32,000.00.

During our workshop on Sunday April 16, I was made aware the proposed salary was changed

to \$75,000.00 per annum. I believe this is misleading the public with public notice being much lower salary than what is now proposed.

I therefore cannot support this budget as my fiduciary responsibilities are to the taxpayers and residents of the Village of Monroe along with transparency.
John M. Karl, III Village Trustee

Trustee Behringer stated that she was not made aware of the salary change until the Sunday, April 16, 2023 budget workshop. She feels that there is more work to be done and perhaps hiring more department heads or employees would take some of the burden away from the Mayor.

Mayor Dwyer commented that he was not in the room for the discussion of the salary increase. That would not be ethical. It has never been a part-time position since 2018 when he was elected Mayor.

There were 13 people from the public present for the public hearing. There was no written correspondence received. The public hearing was left open for 20 minutes.

With no further comments or questions, on a motion by Trustee O'Connor, seconded by Trustee Behringer and carried, the public hearing was closed at 8:20 PM.
 (Public Hearing left open until end of meeting to clarify changes could still be made if Public Hearing is closed)

**DUE PROCESS HEARING 4.18.2023 – 7:00PM
 CODE VIOLATIONS AGAINST THE VILLAGE OF MONROE'S PROPERTY
 MAINTENANCE LAW – 401 STATE ROUTE 17M – SBL #223-1-5.1**

A Due Process Hearing was held on Tuesday, April 18, 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: 401 State Route 17M (TM# 223-1-5.1), 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 the left rear section of the property having overloaded dumpsters with trash and junk spilling over and scattered throughout as well as spilling over the rear property line. Large amounts of junk and debris are scattered along the left side of the property as well as throughout the rear center area of the property.

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

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.

This matter has been tabled. The Board has decided since new tenants are coming in and have started the clean-up process, they would like to give them a chance to do so. Mayor Dwyer would like to meet on site with the Building Department to discuss a plan.

**DUE PROCESS HEARING 4.18.2023 – 7:00PM
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EXHIBIT V



Village of Monroe

7 Stage Road, Monroe, NY 10950

Tel: (845) 782-8341 • Fax: (845) 782-3006

SPECIAL MEETING **THURSDAY, JULY 13, 2023** **5:30PM**

Mayor

Neil S. Dwyer

Trustees

Debra Behringer

Andrew Ferraro

John Karl III

Martin O'Connor

Clerk

Kimberly Zahra

Treasurer

Anthony Feliz

Attorney

Alyse Terhune

Building Department

James F. Cocks, Building

Inspector

782-8341 ext.128

Police Department

Darwin Guzman, Chief

782-8644

Department of Public Works

782-8341

Water Department

782-8341, ext. 122

Planning Board

Jeff Boucher, Ch.

Zoning Board of Appeals

Paul S. Baum, Ch.

Village Historian

Linda Burroughs

PLEASE TAKE NOTICE that a **Special Executive Session Meeting** of the Board of Trustees will be held Thursday, July 13, 2023 at 5:30PM in the Boardroom of the Village Hall, 7 Stage Road, Monroe, NY.

The Agenda is as follows:

Executive Session to consider the need for special counsel

Any other public business as may come before the Board

Kimberly Zahra

Village Clerk

Dated: July 10, 2023

EXHIBIT W

**BOARD OF TRUSTEES MEETING AGENDA
TUESDAY, JULY 18, 2023
MEETING AGENDA –7:00 PM**

7:00PM – Public Hearing – The Village of Monroe to Renew A Cable Franchise Agreement with Cablevision of Wappingers Falls, Inc. in the Village of Monroe

Due Process Hearing - Code Violations Against the Village of Monroe's Property Maintenance Law – 711 St Rte 17M – SBL #206-4-2

1) Call to Order, pledge; roll call

2) Department Reports

3] Approval of Meeting Minutes: **June 20, 2023 Regular Meeting**
 July 6, 2023 Special Meeting
 July 13, 2023 Special Executive Session Meeting

4) Resolutions:

- a) Appointment - Monroe Joint Parks & Recreation Commission – C. Bell
b) Appointment – Summer Intern – E. Ezratty
c) Resignation – P/T School Resource Officer – D. Lee
d) Appointment – P/T Court Clerk – N. Manfredonia

5) Old Business:

- a) Adoption – Resolution Authorizing the Village of Monroe to Renew A Cable Franchise Agreement with Cablevision of Wappingers Falls, Inc. In the Village of Monroe
b) Payment Authorization #8 (Final) – High Street Waterline Replacement – Ground Control Excavating
c) Village of Monroe Board of Trustees Resolution Concerning Violation of Property Maintenance – 711 St Rte 17M SBL #206-4-2;

6) New Business:

- a) Event Application – Evangelistic Campaign
- b) Authorization – Waiver of Conflict – Thomas, Drohan, Waxman, Petigrow & Mayle, LLP
- c) Village Owned Property - Selling of Beer and Wine During Events
- d) New York State Division of Homeland Security and Emergency Services – Officer Survival Tactics – Detective Payton, Officer Hansen, and Officer Beach
- e) Scheduling of Public Hearing – Eminent Domain Proceedings
- f) Request to Travel – NYCOM Annual Meeting / Mayor Dwyer & Trustee O'Connor

71 Mayor's Report

8] Attorney's Report

9| Public Comment

10) Executive Session

- a) Advice of Counsel**

Any other public business as may come before the Board

Next Meeting: Tuesday, August 15, 2023

Letter of Credit Expirations: Smith Farm (construction) 3/24/24

EXHIBIT X

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Village of Monroe Village Board (the "Board") will hold a Public Hearing, open to all persons, on August 15, 2023 at Village Hall, 7 Stage Road, Monroe, New York, at 7 p.m. The public hearing is being held pursuant to Sections 201 - 204 of the New York State Eminent Domain Procedure Law ("EDPL") to consider the proposed acquisition by eminent domain of certain real property commonly known as 47 Lakes Rd, Tax Map No. 211-1-1, Village of Monroe, Orange County (the "Property") for the purpose of historic preservation, important cultural characteristics to the Village, potential creation of parkland and/or gardens, public health, well-being and other improvements that will benefit the entire Village of Monroe.

The purposes of the public hearing are to review the public use to be served by the acquisition and the impact of the acquisition on the environment and residents of the locality where the Project is proposed to be constructed, pursuant to Article 2 of the EDPL, and to give all interested persons an opportunity to present oral or written statements and to submit other documents concerning the acquisition of property to be acquired.

The proposed property acquisition involves the exercise by the Board of its power of eminent domain, either with or without a negotiated agreement, to all of the Property described as follows:

Reputed Owner	Tax Map Parcel Number	Address
WC Lincoln Corp.	211-1-1	47 Lakes Road

More particular information concerning the Property to be acquired under the EDPL, including legal descriptions and maps, and the acquisition are available for public inspection during normal business hours at Village Hall, 7 Stage Road, Monroe, NY 10950.

All persons having an interest in the acquisition are invited to attend the public hearing to give oral or written statements and to submit other documentation concerning this proposed publicly needed project.

ACCORDING TO EDPL §202(C)(2), THOSE PROPERTY OWNERS WHO MAY SUBSEQUENTLY WISH TO CHALLENGE THE CONDEMNATION OF THEIR PROPERTY VIA JUDICIAL REVIEW, MAY DO SO ONLY ON THE BASIS OF ISSUES, FACTS, AND OBJECTIONS RAISED AT THE HEARING.

Comments on the proposed acquisition may be made orally or in writing at the public hearing on August 15, 2023, or presented in writing to the Board at Village Hall, 7 Stage Road, Monroe, NY 10950 on or before August 15, 2023. Comments received after the close of the public hearing on August 15, 2023 will not be considered.

BY ORDER OF THE BOARD OF TRUSTEES
VILLAGE OF MONROE
KIMBERLY ZAHRA
VILLAGE CLERK

Dated: July 18, 2023

EXHIBIT Y

Joseph Haspel

From: Alyse Terhune <alyse@aterhunelaw.com>
Sent: Tuesday, August 1, 2023 12:36 PM
To: Joseph Haspel; Neil Dwyer; WC Lincoln; kbennett@bsk.com
Cc: Jim Cocks; Kim Zahra; Debbie Behringer; Trustee Andrew Ferraro; Trustee Karl; Trustee Martin O'Connor
Subject: RE: Subject: - 45 Lakes Rd. S/B/L/ 211-1-1
Categories: LEAP

Oh for crying out loud, Joe. You know as well as I do that it was subject to bonding....don't give me that "no available funds" BS.

I'll let Kathy handle all of your client's other nonsense.

Alyse D. Terhune, Esq.
82 East Allendale Road
Saddle River, NJ 07458
(201) 934-9800

PLEASE NOTE NEW EMAIL ADDRESS alyse@aterhunelaw.com

This transmission contains information from the law firm of Alyse D. Terhune, Esq., which may be confidential and/or privileged. This information is intended for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution, or other use of this information is strictly prohibited. If you have received this transmission in error, please notify us by telephone at 201 934-9800 or by e-mail and delete the message.

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From: Joseph Haspel <jhaspel@haspellaw.net>
Sent: Tuesday, August 1, 2023 12:32 PM
To: Alyse Terhune <alyse@aterhunelaw.com>; Neil Dwyer <mayor@villageofmonroe.org>; WC Lincoln <wclincolncorp@gmail.com>; kbennett@bsk.com
Cc: Jim Cocks <jnspector@villageofmonroe.org>; Kim Zahra <clerk@villageofmonroe.org>; Debbie Behringer <trustee.behringer@villageofmonroe.org>; Trustee Andrew Ferraro <trustee.ferraro@villageofmonroe.org>; Trustee Karl <trustee.karl@villageofmonroe.org>; Trustee Martin O'Connor <trustee.o'connor@villageofmonroe.org>
Subject: RE: Subject: - 45 Lakes Rd. S/B/L/ 211-1-1

You know full well that the Village could not commit to purchase at the agreed price because it had no available funds and it could not commit to obtaining the funds within a reasonable time frame. You also know that there was no discussion or minutes leading to the resolution. It was all done behind closed doors without any open discussion. My client has not been served with any lawsuit in this matter.

From: Alyse Terhune <alyse@aterhunelaw.com>

Sent: Tuesday, August 1, 2023 12:12 PM

To: Joseph Haspel <jhaspel@haspellaw.net>; Neil Dwyer <mayor@villageofmonroe.org>; WC Lincoln <wclincolncorp@gmail.com>; kbennett@bsk.com

Cc: Jim Cocks <inspector@villageofmonroe.org>; Kim Zahra <clerk@villageofmonroe.org>; Debbie Behringer <trustee.behringer@villageofmonroe.org>; Trustee Andrew Ferraro <trustee.ferraro@villageofmonroe.org>; Trustee Karl <trustee.karl@villageofmonroe.org>; Trustee Martin O'Connor <trustee.o'connor@villageofmonroe.org>

Subject: RE: Subject: - 45 Lakes Rd. S/B/L/ 211-1-1

Importance: High

Mr. Haspel, the Village has engaged special counsel to handle the eminent domain proceeding, Kathleen Bennett of Bond, Schoeneck & King, PLLC. Kathy's contact information is below and she is cc'd on this email. You should deal with Kathleen directly on all matters related to the eminent domain proceeding; cc me and the Board on all correspondence with her.

And, by the way, you know very well that the Village made a good-faith offer to buy the property, which was first accepted by your client and then rejected. I have email proof attesting to that transaction.

Furthermore, the resolution authorizing the eminent domain proceeding was done in open session, as per the minutes of the July 13th meeting.

Moreover, your client has known for years that the Village has been interested in the property, hence the prior eminent domain proceedings in 2002 and 2005 and the Village's most recent offer, which your client reneged on – for reasons unknown. So, your claim that the purpose of the proceeding is to thwart development is ridiculous on its face. Your client is the one who failed to proceed with development and allowed the 2008 preliminary approval to lapse.

Finally, there is a pending OSC for a TRO to stop any further demolition of the historic structures on the property. Kathleen will send that to you. Any attempt to demolish yet one more structure on that property will be stopped immediately.

Kathleen M. Bennett
Bond, Schoeneck & King, PLLC
One Lincoln Center
Syracuse, New York 13202
Phone 315-218-8631
Fax 315-218-8741

Alyse D. Terhune, Esq.
82 East Allendale Road
Saddle River, NJ 07458

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From: Joseph Haspel <jhaspel@haspellaw.net>

Sent: Tuesday, August 1, 2023 11:34 AM

To: Neil Dwyer <mayer@villageofmonroe.org>; WC Lincoln <wclincolncorp@gmail.com>; Simon Jacobs <ptnyrealty@gmail.com>

Cc: Jim Cocks <inspector@villageofmonroe.org>; Kim Zahra <clerk@villageofmonroe.org>; Alyse Terhune <alyse@aterhunelaw.com>; Debbie Behringer <trustee.behringer@villageofmonroe.org>; Trustee Andrew Ferraro <trustee.ferraro@villageofmonroe.org>; Trustee Karl <trustee.karl@villageofmonroe.org>; Trustee Martin O'Connor <trustee.o'connor@villageofmonroe.org>

Subject: RE: Subject: - 45 Lakes Rd. S/B/L/ 211-1-1

See attached letter

LEAP Email Reference | F:778f1ac2-3518-4028-8a7e-6f42c376155c | M:05e871c6-e6c6-486e-a8bf-c6f515ab8fa3 | (Please do not delete)

EXHIBIT Z



Village of Monroe
 7 Stage Road, Monroe, NY 10950
 Tel: (845) 782-8341 • Fax: (845) 782-3006

Mayor
 Neil S. Dwyer

Trustees
 Debra Behringer
 Andrew Ferraro
 John Karl, III
 Martin O'Connor

Clerk
 Kimberly Zahra

Treasurer
 Anthony Fellz

Attorney
 Alyse D. Terhune

Building Department
 James Cocks
 782-8341 x128

Police Department
 Darwin Guzman, Chief
 782-8644

Department of Public Works
 783-4440

Water Department
 782-8341 x122

Planning Board
 Jeff Boucher, Ch.

Zoning Board of Appeals
 Paul S. Baum, Ch.

July 24, 2023

Joseph J. Haspel, Esq
 39 Casimer Road
 Middletown, NY 10941

Re: 47 Lakes Road, Tax Map Parcel No. 211-1-1, Village of Monroe, NY

Dear Mr. Haspel:

The Village Board of the Village of Monroe is preparing for the possibility of exercising its power of eminent domain under Village Law § 1-102 and the Eminent Domain Procedure Law ("EDPL") to acquire from you title to your Property situated at 47 Lakes Road, Village of Monroe, County of Orange, State of New York, known as Tax Map Number 211-1-1 (the "Property").

Section § 302 of the EDPL provides, in relevant part, that any real property to be acquired by eminent domain "shall be appraised on behalf of [the Village] by an appraiser." EDPL § 302 also provides that "in order to adequately prepare such appraisal ... [the Appraiser] shall have the right to inspect such property." Furthermore, under section 404 of the EDPL, the Village has the right to enter upon your land for the purposes of making surveys, test pits, and borings, or other investigations, and also for temporary occupancy during construction.

In connection with the Village's Resolution authorizing Village officers, agents, and contractors to enter upon the Property for the purpose of making surveys, test pits and borings, or other investigations, and also for temporary occupancy during construction, and for the preservation of the historic structures on the Property, the Village's engineering firm plans to access the Property for the purpose of inspecting all structures and conducting any surveys or investigations it deems necessary. In addition, the Village plans to retain a surveyor and an appraiser both of whom will also require access to the Property together with all structures found thereon.

Pursuant to Section 404 of the New York Eminent Domain Procedure Law, the Village shall bear responsibility for any damages caused by the Village, its employees, agents and/or contractors resulting from such entry and investigations.

To protect your rights, and in the Village's continued efforts to act as a good neighbor, the Village is committed to performing all work in the following manner:

- Village employees, agents and contractors will carry identification at all times when on the Property;
- Village employees, agents and contractors will leave the Property in as good condition as found to the extent reasonably practical; and
- The Village will promptly and effectively remediate any damage resulting from or arising out of the work at the Village's sole cost and expense.

The activities described above are expected to be completed through separate mobilization events, meaning they may require more than one (1) visit to the Property. Each of the studies/investigations is anticipated to affect the Property for less than one week, depending on the weather. The first study is anticipated to start on or about July 26, 2023, and all studies are anticipated to be complete by September 4, 2023.

Should you have any questions about our planned entry and investigations, please contact:

Neil S. Dwyer, Mayor
(845) 782-8341

If you have any questions regarding this matter, please feel free to contact me directly. We thank you for your anticipated cooperation.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Village of Monroe Village Board (the "Board") will hold a Public Hearing, open to all persons, on August 15, 2023 at the Village of Monroe Village Hall, 7 Stage Road, Monroe, New York, at 7:00 p.m. The public hearing is being held pursuant to Sections 201 - 204 of the New York State Eminent Domain Procedure Law ("EDPL") to consider the proposed acquisition by eminent domain of certain real property commonly known as 47 Lakes Rd, Tax Map No. 211-1-1, Village of Monroe, Orange County (the "Property") for the purpose of historic preservation, important cultural characteristics to the Village, potential creation of parkland and/or gardens, public health, well-being and other improvements that will benefit the entire Village of Monroe.

The purposes of the public hearing are to review the public use to be served by the acquisition and the impact of the acquisition on the environment and residents of the locality where the Project is proposed to be constructed, pursuant to Article 2 of the EDPL, and to give all interested persons an opportunity to present oral or written statements and to submit other documents concerning the acquisition of property to be acquired.

The proposed property acquisition involves the exercise by the Board of its power of eminent domain, either with or without a negotiated agreement, to all of the Property described as follows:

Reputed Owner	Tax Map Parcel Number	Address
WC Lincoln Corp.	211-1-1	47 Lakes Road

More particular information concerning the Property to be acquired under the EDPL, including legal descriptions and maps, and the acquisition are available for public inspection during normal business hours at Village Hall, 7 Stage Road, Monroe, NY 10950.

All persons having an interest in the acquisition are invited to attend the public hearing to give oral or written statements and to submit other documentation concerning this proposed publicly needed project.

ACCORDING TO EDPL §202(C)(2), THOSE PROPERTY OWNERS WHO MAY SUBSEQUENTLY WISH TO CHALLENGE THE CONDEMNATION OF THEIR PROPERTY VIA JUDICIAL REVIEW, MAY DO SO ONLY ON THE BASIS OF ISSUES, FACTS, AND OBJECTIONS RAISED AT THE HEARING.

Comments on the proposed acquisition may be made orally or in writing at the public hearing on August 15, 2023, or presented in writing to the Board at Village Hall, 7 Stage Road, Monroe, NY 10950 on or before August 15, 2023. Comments received after the close of the public hearing on August 15, 2023 will not be considered.

BY ORDER OF THE BOARD OF TRUSTEES
VILLAGE OF MONROE
KIMBERLY ZAHRA
VILLAGE CLERK

Dated: July 18, 2023