



RESOLUTION AUTHORIZING VILLAGE TO TAKE ALL APPROPRIATE ACTIONS UNDER THE NEW YORK EMINENT DOMAIN PROCEDURE LAW TO ACQUIRE PROPERTY FOR HISTORIC PRESERVATION AND RECREATIONAL USE

A special meeting of the Village Board of the Village of Monroe (“Village”) was convened in public session on July 13, 2023, at 5:30 p.m., local time.

The meeting was called to order by the Mayor of the Village and, upon roll being called, the following members of the Village were:

PRESENT: Mayor Dwyer, Trustee Ferraro, Trustee O’Connor

ABSENT: Trustee Behringer, Trustee Karl

ALSO PRESENT: Alyse Terhune, Esq., Village Counsel
Kathleen M. Bennett, Esq., Special Counsel

The following resolution was offered by Trustee O’Connor, seconded by Trustee 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 are 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:

Mayor Dwyer	<input checked="" type="checkbox"/> _Aye	<input type="checkbox"/> _Nay	<input type="checkbox"/> _Absent
Trustee Behringer	<input type="checkbox"/> _Aye	<input type="checkbox"/> _Nay	<input checked="" type="checkbox"/> _Absent
Trustee Karl	<input type="checkbox"/> _Aye	<input type="checkbox"/> _Nay	<input checked="" type="checkbox"/> _Absent
Trustee Ferraro	<input checked="" type="checkbox"/> _Aye	<input type="checkbox"/> _Nay	<input type="checkbox"/> _Absent
Trustee O'Connor	<input checked="" type="checkbox"/> _Aye	<input type="checkbox"/> _Nay	<input type="checkbox"/> _Absent

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:

Kim Zahra 7/13/23
Signature and Date

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

I, the undersigned, DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the members of the Village, including the Resolution contained therein, held on July 13, 2023, with the original thereof on file in my office, and that the same is a true and correct copy of such proceedings of the Village and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matter therein referred to.

I FURTHER CERTIFY that (A) all members of the Village had due notice of said meeting, (B) said meeting was in all respects duly held, (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), as modified by New York State Executive Order 202.79, said meeting was open to the general public and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law, and (D) there was a quorum of the members of the Village present throughout said meeting.

I FURTHER CERTIFY that as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed, or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand this 13 day of July, 2023.

(SEAL)

Kim Zahra
Secretary