

**SPECIAL MEETING
BOARD OF TRUSTEES MEETING
FRIDAY, JULY 26, 2024
(www.villageofmonroe.org)**

**RESOLUTION AUTHORIZING VILLAGE TO TAKE ALL APPROPRIATE ACTIONS
UNDER THE NEW YORK EMINENT DOMAIN PROCEDURE LAW TO ACQUIRE
PROPERTY FOR PROTECTION OF VILLAGE WATER RESERVOIR**

A special meeting of the Village Board of the Village of Monroe (“Village”) was convened in public session on July 26, 2024, at 2:30 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, Trustees Ferraro, Karl, and O’Connor

ABSENT: Trustee Behringer, Alyse Terhune, Esq., Village Counsel, and Kathleen Bennett, Special Counsel

ALSO PRESENT: Clerk Zahra

**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 8 REILLY ROAD:**

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 in fee and preserve a parcel of real property adjacent to the Village’s water reservoir for the purpose of protecting the Village’s water supply;

WHEREAS, the real property to be acquired is reputedly owned by Lawrence M. O’Neill and is located at 8 Reilly Road and is further identified as Tax Map Parcel No. 41-1-22.22 in the Town of Monroe, County of Orange; and

WHEREAS, the property contains .44 acres of land located directly adjacent to Mombasha Lake, the Village’s water reservoir, and its acquisition is important to protect the Village’s water supply source; and

WHEREAS, the property also has important environmental considerations including lessening, to the greatest extent practicable, stormwater runoff, providing the Village access to the water source and protecting the property from over development.

WHEREAS, a Short Environmental Assessment Form and supporting documents is being reviewed by the Village and its consultants; and

WHEREAS, representatives for the Village contacted the record owner of the property and negotiated a deal to acquire the property through a voluntary transaction, but the owner backed out of the deal and entered into a contract to sell the property to another entity leaving the Village with no choice but to consider its power of eminent domain.

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

- (1) The Village Mayor, staff, 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 property; and
 - b. To take all actions under EDPL § 404 to allow for and facilitate 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 protection of the Village water supply reservoir.
- (2) The public hearing shall be held on August 20, 2024 at Village Hall, 7 Stage Road, Monroe, New York at 7p.m.
- (3) 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:

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

Ayes: Trustees Ferraro, Karl and O'Connor

Nays: None

The foregoing resolution was thereupon declared duly adopted.

A discussion followed, Trustee Ferraro expressed his concerns of costs. He needs to know how much our monthly payments would be and how much Village taxes will increase with all of the buying of properties in the Village and properties to protect our water sources. Mayor Dwyer and Trustee Karl explained that an increase to water rates will help balance these expenses. Trustee Karl explained the importance of taking ownership of this property, it lies approximately 300ft to 400ft from the water intake.

RESOLUTION OF THE VILLAGE OF MONROE DECLARING INTENT TO ACT AS LEAD AGENCY FOR THE SEQRA REVIEW OF THE POTENTIAL ACQUISITION OF REAL PROPERTY BY EMINENT DOMAIN AT 8 REILLY RD:

WHEREAS, the Village of Monroe (the “Village”) is proposing to acquire via eminent domain certain real property located in the Town of Monroe, County of Orange, state of New York, identified as Tax Map Parcel No. 41-2-22.22 and more commonly known as 8 Reilly Road (the “Premises”) for Village purposes to protect the Village water reservoir (the “Action”); and

WHEREAS, the Premises is approximately .44 acres. and is adjacent to Mombasha Lake, the Village water reservoir property; and

WHEREAS, the Village desires to comply with the New York State Environmental Quality Review Act (“SEQRA”), as set forth in Article 8 of the New York State Environmental Conservation Law, and the requirements of the implementing regulations set forth at 6 NYCRR Part 617 (the “Regulations”), with respect to the Action; and

WHEREAS, a draft of Part 1 of the Short Environmental Assessment Form (the “SEAF”) has been prepared in connection with the Action; and

WHEREAS, pursuant to the Regulations, the Village has considered the Action in light of the actions included on the Type I list specified in Section 617.4 of the Regulations and in light of the actions included on the Type II list specified in Section 617.5 of the Regulations.

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. The Action is described above and in the SEAF; and
2. The Village has determined that the Action is an “Unlisted Action” (as the quoted term is defined in the Regulations); and
3. The Village is the only involved agency for the Action under SEQRA and will serve as lead agency for the Action; and
4. This Resolution shall take effect immediately and the Village administration is authorized to take whatever steps are necessary to carry out this Resolution.

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

Ayes: Trustees Ferraro, Karl and O’Connor

Nays: None

MAYOR & TRUSTEE REPORT:

Mayor Dwyer updated the Board on the Roscoe Smith property. The Village has a TRO (Temporary Restraining Order) and the Village has had the property cleaned up. Mayor Dwyer has been accused of trespassing even with the TRO in place. Trustee Karl said we had to clean the property in order to secure the house.

PUBLIC COMMENT: #PRESENT 0 TIME: 3:10PM

No public comment.

EXECUTIVE SESSION:

On a motion by Trustee Karl, seconded by Trustee O’Connor, and carried, following a 5-minute recess, the Board convened in Executive Session at 3:10 PM for discussion of Personnel.

OPEN SESSION:

On a motion by Trustee Karl, seconded by Trustee O’Connor and carried, the Open Meeting resumed at 3:40 PM.

ADJOURNMENT:

On a motion by Trustee Karl, seconded by Trustee O’Connor, with all in favor, the meeting was adjourned at 3:10PM.

Respectfully Submitted,

**Kimberly Zahra
Village Clerk**