

MONROE TOWN BOARD MEETING MINUTES

— 02/03/2020

MONROE TOWN BOARD MEETING AGENDA (Monday, February 3, 2020)

Generated by Valerie Bitzer

Members present

Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham, Sal Scancarello

1. Call to Order

Discussion, Procedural: 1.1 Pledge to the Flag

2. Motion to Open Town Board Meeting of February 3, 2020

Action (Resolution): 2.1 Motion to Open Town Board Meeting

2020-#73

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Open the Town Board Meeting of February 3, 2020.

Motion by Mary Bingham, second by Councilman - Rick Colon.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham, Sal Scancarello

3. Community/Announcements

Discussion, Information: 3.1 Upcoming Elections: Presidential Primary, Primary, General
Supervisor Cardone spoke of the upcoming Elections in regards to Early Voting. To hear Supervisor Cardone's discussion please go to Board Doc's Video Clip #3.1, 0:1:25.

Information: 3.2 General Announcement

To hear Supervisor Cardone's appreciation in regards to the passing of his Father-in-Law please go to Board Doc's Video Clip #3.2, 0:2:56. Information: 3.3 2020 Town of Monroe Board Vacancies

The Town of Monroe is seeking candidates to serve on the following Boards in 2020:

Planning Board (1 vacant position)

Zoning Board of Appeals (2 vacant alternate member positions)

Conservation Advisory Council (3 vacant positions)

Board of Ethics (1 vacant position)

Those interested in filling any of these vacancies should submit a letter of interest and resume for consideration to the Town of Monroe Supervisor's Office by February 14, 2020.

Online Application

<https://www.monroeny.org/jobs.html>

By Mail

Town of Monroe

Attention: Jennifer Schnaars, Secretary to the Supervisor

1465 Orange Turnpike

Monroe, New York 10950 4. Public Hearing

Action (Resolution), Discussion: 4.1 Motion to Open the Continuation of the Public Hearing for the Proposed Amendment of Ch. 57 of the Town Code

2020-#74

BE IT RESOLVED that the Town Board of the Town of Monroe Motion to Open the Continuation of the Public Hearing for the Proposed Amendment of Ch. 57 of the Town Code.

Motion by Sal Scancarello, second by Councilman - Rick Colon.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham, Sal Scancarello

The following residents spoke during Public Comment regarding the Continuation of the Proposed Amending of Ch. 57 of the Town Code. To hear their comments, and Board Members responses please go on-line to Board Docs Video Clip #4.1, 0:4:02.

****NO RESIDENTS SIGNED UP TO SPEAK AT THIS TIME.****

- Supervisor Cardone: Anybody sign up to speak?
- Town Clerk Mary Ellen Beams: We have no one signed up.
- Supervisor Cardone: Ok. Any updates Councilman McGinn?
- Councilman McGinn: Just the, the Planner is still working on the DGIS which, which we hope to have before the next meeting, or you know well before the next meeting so we can review it.
- Supervisor Cardone: Ok.
- Councilman McGinn: Prior to starting the Public hearing process on it, and everything that goes along with it.
- Supervisor Cardone: Ok.

Action (Resolution), Discussion: 4.2 Possible Motion to Keep Open the Continuation of the Public Hearing for the Proposed Amendment of Ch. 57 of the Town Code

2020-#75

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Keep Open the Continuation of the Public Hearing for the Proposed Amendment of Ch. 57 of the Town Code until February 10, 2020 at 7:00pm.

Motion by Councilman - Rick Colon, second by Mary Bingham.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham, Sal Scancarello

Action (Resolution), Discussion: 4.3 Motion to Open the Continuation of the Public Hearing for Proposed Changes to Article XIV of the Town of Monroe Zoning Local Law

2020-#76

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Open the Continuation of the Public Hearing for Proposed Changes to Article XIV of the Town of Monroe Zoning Local Law.

Motion by Supervisor -Tony Cardone, second by Sal Scancarello.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham, Sal Scancarello

The following residents spoke during Public Comment regarding the Continuation of the Public Hearing for the Proposed Changes to Article XIV of the Town of Monroe Zoning Local Law. To hear their comments, and Board Members responses please go on-line to Board Docs Video Clip #4.3, 0:5:30.

****NO RESIDENTS SIGNED TO SPEAK AT THIS TIME.****

- Town Clerk Mary Ellen Beams: No one has signed up Supervisor.
- Supervisor Cardone: Ok, so correct me if I'm wrong Councilman McGinn but, we're, we are waiting for the response from the County?
- Councilman McGinn: Yes, we are waitin, for the waiting for the County Planning Department to get back to us with their comments on that.
- Supervisor Cardone: Ok, and we would hope to have those by next Monday I believe.
- Councilman McGinn: That would be nice.
- Supervisor Cardone: Yeah, so. Counsel, if we do not get those by next Monday there's.
- Counsel Nugent: Well, it's 30 days from when it was sent. We'd have to see what the transmission date was.
- Supervisor Cardone: Right.
- Counsel Nugent: And if you haven't closed the Public Hearing it's you know up to I think 5 days before you close it. So, if we sent it you know we can check the date. If it's been more

than 30 by next Monday, then you can proceed without the comments.

- Supervisor Cardone: Ok.
- Councilman McGinn: Alright.
- Supervisor Cardone: Alright.
- Councilman McGinn: Yep.

Action (Resolution), Discussion: 4.4 Possible Motion to Keep Open the Continuation of the Public Hearing for Proposed Changes to Article XIV of the Town of Monroe Zoning Local Law

2020-#77

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Keep Open the Continuation of the Public Hearing for Proposed Changes to Article XIV of the Town of Monroe Zoning Local Law until February 10, 2020 at 7:05pm.

Motion by Supervisor -Tony Cardone, second by Councilman - Rick Colon.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham, Sal Scancarello

Information: 4.5 Public Hearing - Old Country Road Water District

Action (Resolution), Information: 4.6 Motion to Open the Public Hearing Regarding the Continuation of Old Country Road WD

2020-#78

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Open the Public Hearing Regarding the Continuation of Old Country Road WD.

Motion by Supervisor -Tony Cardone, second by Mary Bingham.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham, Sal Scancarello

The following residents spoke during Public Comment regarding the Public Hearing for the Continuation of Old Country Road WD. To hear their comments, and Board Members responses please go on-line to Board Docs Video Clip #4.6, 0:7:35.

****NO RESIDENTS SIGNED UP TO SPEAK AT THIS TIME.****

- Supervisor Cardone: So, presently, and I'll have Counsel follow-up. We received a response today from the Attorney for the Village of Kiryas Joel regarding that Agreement. There was some changes made. I would like Counsel to review those changes, so I would obviously like to keep the Public Hearing open till at least next Monday.
- Counsel Nugent: Yeah, that's correct your Honor. We received.
- Supervisor Cardone: Your Honor? Did you just say your Honor?

- Counsel Nugent: Yeah, I did say your Honor. (Inaudible). The Honorable Supervisor Anthony Cardone.

- (Laughter)

- Counsel Nugent: See that's what happens when you're in Court too much.

- (Laughter).

- Counsel Nugent: So the Agreement was sent. We sent it last Monday. We had initially anticipated having things wrapped up tonight, but we didn't get the Agreement back from the other side till this afternoon. I haven't had a chance to review that so, we would recommend continuing until February 10, 2020 at 7pm if somebody wants to make that Motion.

Action (Resolution), Discussion: 4.7 Possible Motion to Keep Open the Public Hearing Regarding the Continuation of Old Country Road WD

2020-#79

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Keep Open the Public Hearing Regarding the Continuation of Old Country Road WD until February 10, 2020 at 7:10pm.

Motion by Supervisor -Tony Cardone, second by Sal Scancarello.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham, Sal Scancarello

5. Audit of Claims

Action (Resolution), Information: 5.1 General Fund Abstract

2020-#80

BE IT RESOLVED, that the Town Board of the Town of Monroe requests approval of Abstract #20-02 General Fund containing Check #'s 25208 - 25317 totaling \$881,282.73 providing there are three signatures.

Motion by Councilman - Rick Colon, second by Mary Bingham.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham, Sal Scancarello

Action (Resolution), Information: 5.2 Road Opening

2020-#81

BE IT RESOLVED, that the Town Board of the Town of Monroe requests approval of Abstract #20-02 Road Opening containing Check #'s 1288 totaling \$500.00.

Motion by Councilman - Rick Colon, second by Sal Scancarello.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham, Sal Scancarello

6. Acceptance of Minutes

Action (Resolution), Information: 6.1 Acceptance of January 22, 2020 Meeting Minutes

2020-#82

BE IT RESOLVED, that the Town Board of the Town of Monroe Accepts the Minutes of January 22, 2020.

Motion by Mary Bingham, second by Councilman - Rick Colon.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham

Abstain: Sal Scancarello

7. New Business

Discussion, Information: 7.1 Library Agreement

Library Agreement was sent out about two weeks ago. Awaiting documents to be returned with original signatures. Board approved previously for Supervisor to sign once they are returned. Discussion, Information: 7.2 Old Country Road Water Service and Relevy Agreement

Supervisor is awaiting the revised Water Re-levy for Old Country Road Water District. To hear Supervisor Cardone's comments regarding this matter, please go to Board Doc's Video Clip #7.2, 0:11:46. Action (Resolution), Discussion, Information: 7.3 Oil Water Separator-Highway Department

To hear Highway Superintendent John Scherne's discussion regarding the Oil Water Separator, and Board Members comments please go to Board Doc's Video Clip #7.3, 0:12:16.

2020-#83

BE IT RESOLVED, that the Town Board of the Town of Monroe Made a Motion to Approve remove/replace the Oil Water Separator with Optima Environmental Services, and the cost is \$18,525.00 in total.

Motion by Supervisor -Tony Cardone, second by Mary Bingham.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham, Sal Scancarello

Action (Resolution), Discussion: 7.4 Return of ZBA Applicant's Escrow Balance-Sigmond Brach

2020-#84

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to return of Escrow Balance in the amount of \$2,025.00 to Sigmond Brach, 75 Seven Springs Road from Acct. #Z-039-2019. This applicant appeared before the ZBA once, and has since pulled its application. All fees have been paid to the attorney.

Motion by Mike McGinn, second by Sal Scancarello.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham, Sal Scancarello

Action (Resolution), Discussion: 7.5 ZBA Return of Escrow-Saul & Arna Brandel

2020-#85

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to return of Escrow Balance to Saul & Arna Brandel in the amount of \$1,225.84 from Acct. #Z038-2019.

Motion by Councilman - Rick Colon, second by Mary Bingham.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham, Sal Scancarello

Action (Resolution), Discussion: 7.6 ZBA Return of Escrow-Luiz Barbosa

2020-#86

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to return of Escrow Balance to Luiz Barbosa in the amount of \$1,451.88 from Acct# Z041-2019. This applicant has received their variance. Final invoice has been submitted for payment.

Motion by Mary Bingham, second by Councilman - Rick Colon.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham, Sal Scancarello

Action (Resolution), Discussion: 7.7 ZBA Return Escrow-Nelson Luciano

2020-#87

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to return of Escrow Balance to Nelson Luciano in the amount of \$1,825.00 from Acct. #Z037-2019.

Motion by Councilman - Rick Colon, second by Sal Scancarello.

2020-#88

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to withdraw the previous Motion, and tabled the Matter until February 10, 2020.

Motion by Councilman - Rick Colon, second by Supervisor -Tony Cardone.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham, Sal Scancarello

8. Presentations

Information: 8.1 Real Term Energy

To hear Supervisor Cardone's discussion regarding Real Term Energy, please go to Board Doc's Video Clip #8.1, 0:20:47. 9. Old Business

Discussion: 9.1 Amended Fee Schedule

Still working on the Fee Schedule. To hear Councilwoman Bingham's discussion regarding this matter, and Supervisor Cardone's comments, please go to Board Doc's Video Clip #9.1, 0:24:37. Discussion, Information: 9.2 Discussion: Upcoming Purchase of New Town Ambulance

To hear Councilman McGinn's discussion regarding the purchase of a new Town Ambulance, and Board members comments, please go to Board Doc's Video Clip #9.2, 0:25:32. 10. Public Comment

Information: 10.1 Rules for Public Comment

Discussion, Information: 10.2 Public Comment

The following residents spoke during Public Comment. To hear their comments, and Town Board members responses, please go online to Board Doc's to Video Clip #10.2, 0:28:41.

- Ward Brower

- Joel Loeb

11. Announcements

12. Possible motion to adjourn to Executive and or/ Attorney Client Session

Action (Resolution): 12.1 Enter into Executive Session

2020-#89

BE IT RESOLVED, that the Town Board of the Town of Monroe approves to enter into an Executive Session to discuss Litigation and Personnel Issues.

Motion by Supervisor -Tony Cardone, second by Mike McGinn.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham, Sal Scancarello

13. Return to Regular Meeting

Action (Resolution): 13.1 Return to Regular Meeting

2020-#90

BE IT RESOLVED, that the Town Board of the Town of Monroe approves to return to regular session.

Motion by Supervisor -Tony Cardone, second by Councilman - Rick Colon.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham, Sal Scancarello

14. Motions From the Floor

Action (Resolution): 14.1 Resolution Appointing Hearing Officer

2020-#91

BE IT RESOLVED that the Town Board of the Town of Monroe Made the following Resolution by Councilwoman Bingham, and seconded by Councilman Scancarello.

RESOLUTION 2020/91

**AUTHORIZATION TO IMPOSE DISCIPLINARY CHARGES
AND APPOINTMENT OF HEARING OFFICER**

WHEREAS, the Town Board ("Town Board") desires to authorize Disciplinary Charges and Specifications to be prepared against a certain employee identified to the Town Board in executive session; and

WHEREAS, pursuant to the provisions of New York State Civil Service Law § 75, and the applicable Collective Bargaining Agreement for the identified employee, the Town may appoint a Hearing Officer to hear the Charges and Specifications regarding such employee; and

WHEREAS, the Town desires to appoint a Hearing Officer for such purposes and to authorize drafting and service of Disciplinary Charges and Specifications.

NOW, THEREFORE, BE IT RESOLVED: that:

Section 1. All "Whereas" clauses are hereby incorporated by reference as though set forth in full herein.

Section 2. The Town Board hereby authorizes Town Legal Counsel to draft a Notice of Discipline, including Charges and Specifications against a certain employee identified to the Town Board in executive session in a form acceptable to the Town Supervisor and Town

Legal Counsel.

Section 3. The Town Board hereby designates and appoints William E. Sherwood as the Hearing Officer regarding this disciplinary matter upon the terms presented to the Town Board.

Section 4. The Town Board hereby authorizes the Town Supervisor to take any and all actions necessary to execute and cause to be served any documents in order to carry out the provisions of this Resolution.

Section 5. Upon service of the Charges on the Employee, the Supervisor is authorized to suspend the Employee without pay.

Section 6. This Resolution shall be effective immediately.

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

Yea Nay Abstain Absent

Anthony Cardone, Supervisor [X] [] [] []

Michael McGinn, Councilperson [X] [] [] []

Richard Colon, Councilperson [X] [] [] []

Mary Bingham, Councilperson [X] [] [] []

Sal Scancarello, Councilperson [X] [] [] []

The Resolution was thereupon duly adopted.

Motion by Mary Bingham, second by Sal Scancarello.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham, Sal Scancarello

Action (Resolution), Information: 14.2 Authorize Supervisor to Sign Ambulance Corp. Contract

2020-#92

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion authorizing the

Supervisor to sign the Ambulance Corp. Contract for service to the Town pending approval and review from the Attorney.

Motion by Mike McGinn, second by Councilman - Rick Colon.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham, Sal Scancarello

15. Adjournment

Action (Resolution): 15.1 Adjournment of Meeting

2020-#93

BE IT RESOLVED, that the Town Board of the Town of Monroe adjourns the meeting of February 3, 2020 at 8:10pm.

Motion by Mike McGinn, second by Supervisor -Tony Cardone.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham, Sal Scancarello