

Monday, February 7, 2022
MONROE TOWN BOARD MEETING AGENDA

TOWN OF MONROE, NEW YORK
TOWN HALL
1465 ORANGE TURNPIKE
MONROE, NEW YORK
7:00 PM

1. Call to Order

Subject :	1.1 Pledge to the Flag
Meeting :	Feb 7, 2022 - MONROE TOWN BOARD MEETING AGENDA
Type :	Discussion, Information, Procedural

Public Content

I pledge allegiance to the flag, of the United States of America, and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

2. Motion to Open Town Board Meeting

Subject :	2.1 Motion to Open Town Board Meeting of February 7, 2022
Meeting :	Feb 7, 2022 - MONROE TOWN BOARD MEETING AGENDA
Type :	Action (Resolution)
Recommended Action :	2022-# BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Open the Town Board Meeting of February 7, 2022 at

Public Content

File Attachments

[2022 Town Board Meeting Schedule.pdf \(111 KB\)](#)

Motion & Voting

2022-#86

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Open the Town Board Meeting of February 7, 2022 at 7:01 PM.

Motion by Sal Scancarello, second by Mary Bingham.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Mike McGinn, Mary Bingham, Sal Scancarello, Dorey Houle

3. Community Announcements

Subject :	3.1 Town of Monroe Open House
Meeting :	Feb 7, 2022 - MONROE TOWN BOARD MEETING AGENDA
Type :	Information

Public Content

Town of Monroe Open House: Monday, February 28th, 6-8 p.m. at Town Hall.

File Attachments

[Town of Monroe_Open House Social Media Flyer_Working_3.pdf \(16,557 KB\)](#)

3. Community Announcements

Subject :	3.2 Introduction of Deputy Town Clerk Barbara Singer
Meeting :	Feb 7, 2022 - MONROE TOWN BOARD MEETING AGENDA
Type :	Information

Public Content

4. Acceptance of Minutes

Subject :	4.1 Acceptance of January 18, 2022 Minutes
Meeting :	Feb 7, 2022 - MONROE TOWN BOARD MEETING AGENDA
Type :	Action (Resolution)
Recommended Action :	2022-# BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to

Public Content

File Attachments

[TB 1-18-2022 DRAFT Meeting Minutes.pdf \(423 KB\)](#)

Motion & Voting

2022-#87

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to accept the January 18, 2022 Minutes with the exception of the transcription of the Public Hearings due to technical difficulties. Approval of Public Hearing transcriptions will be available for approval on February 22, 2022.

Motion by Mary Bingham, second by Dorey Houle.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Mike McGinn, Mary Bingham, Sal Scancarello, Dorey Houle

4. Acceptance of Minutes

Subject :	4.2 Acceptance of January 25, 2022 Minutes
Meeting :	Feb 7, 2022 - MONROE TOWN BOARD MEETING AGENDA
Type :	Action (Resolution)
Recommended Action :	2022-# BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to

Public Content

File Attachments

[TB 1-25-2022 DRAFT Meeting Minutes.pdf \(75 KB\)](#)

Motion & Voting

2022-#88

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to accept the January 25, 2022 Minutes.

Motion by Sal Scancarello, second by Mary Bingham.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Mary Bingham, Sal Scancarello, Dorey Houle

Abstain: Mike McGinn

5. Audit of Claims

Subject :	5.1 General Fund Abstract
Meeting :	Feb 7, 2022 - MONROE TOWN BOARD MEETING AGENDA
Type :	Action (Resolution)
Recommended Action :	2022-# BE IT RESOLVED, that the Town Board of the Town of

Monroe requests approval of Abstract #22-02 General Fund containing Check #28124 - 28175 totaling \$441,196.64.

Public Content

File Attachments

[MonroeAbstracts 020722.pdf \(200 KB\)](#)

Motion & Voting

2022-#89

BE IT RESOLVED, that the Town Board of the Town of Monroe requests approval of Abstract #22-02 General Fund containing Check #28124 - 28175 totaling \$441,196.64.

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

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Mike McGinn, Mary Bingham, Sal Scancarello, Dorey Houle

5. Audit of Claims

Subject :	5.2 Escrow Fund Abstract
Meeting :	Feb 7, 2022 - MONROE TOWN BOARD MEETING AGENDA
Type :	Action (Resolution)
Recommended Action :	2022-# BE IT RESOLVED, that the Town Board of the Town of Monroe requests approval of Abstract #22-01 Escrow Fund containing Check #2003 - 2014 totaling \$40,767.40.

Public Content

File Attachments

[EscrowAbstracts 020722.pdf \(43 KB\)](#)

Motion & Voting

2022-#90

BE IT RESOLVED, that the Town Board of the Town of Monroe requests approval of Abstract #22-01 Escrow Fund containing Check #2003 - 2014 totaling \$40,767.40.

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

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Mike McGinn, Mary Bingham, Sal Scancarello, Dorey Houle

6. New Business

Subject :	6.1 Local Law #1 of 2022
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Meeting : Feb 7, 2022 - MONROE TOWN BOARD MEETING
AGENDA

Type : Action (Resolution), Discussion

Recommended Action : 2022-#
BE IT RESOLVED that the Town Board of the Town
of Monroe

Public Content

A local law amending the comprehensive plan and Chapter 57 (Zoning) of the Town Code, and establishing a new Chapter 40 "Rentals, Short Term" to establish policies and to regulate short term rentals of dwellings.

File Attachments

[20220117 Proposed Rentals Short Term Chap 40 \(1\).pdf \(206 KB\)](#)

Motion & Voting

2022-#91

BE IT RESOLVED that the Town Board of the Town of Monroe Made the Following Resolution by Councilman McGinn, and seconded by Councilman Scancarello.

RESOLUTION ADOPTING LOCAL LAW TO AMEND THE TOWN ZONING CODE AND ADD A NEW CHAPTER 40 ENTITLED RENTALS, SHORT TERM

WHEREAS, the Town of Monroe (Town) is authorized to enact and amend Zoning Laws within the Town pursuant to New York Municipal Home Rule Law and the Town of Monroe Code; and

WHEREAS, the Town Board finds and determines that the public health, safety and welfare of current and future Town residents will be adversely affected by the unregulated short-term rental of all or a portion of residential dwellings.

WHEREAS, the Town Board further finds and determines that conditions arising from the short-term rental of dwelling units may endanger transient renters, pose hazards to life, limb and property of residents of the Town, exacerbate blight, contribute to noise and other nuisance conditions related to crowding, contribute to excessive vehicle traffic and parking problems and overburden municipal services; and

WHEREAS, the Town Board finds that current zoning law provisions are inadequate to halt the proliferations of such conditions and that public health, safety, welfare and good order and governance of the Village will be enhanced by the enactment of the regulations set forth in this section, which regulations are remedial in nature and effect

WHEREAS, the Town introduced a draft Local Law to amend Chapter 57 of the Town Code and add Chapter 40 to the Town Code to regulate short-term rentals; and

WHEREAS, a Public Hearing regarding such local law was duly noticed and opened on August 31, 2020 regarding such Local Law and all interested persons wishing to comment on such law were allowed the opportunity to participate and be heard; and

WHEREAS, the dates and times of all continuations of the Public Hearing were announced at each continuation of the public hearing and such Public Hearing was continued at regular Town Board

meetings during the remainder of 2020, throughout 2021 and through January 18, 2022 and all interested persons wishing to comment on such law were allowed the opportunity to participate and be heard at which time the Public Hearing was closed; and

WHEREAS, the proposed local law was referred to the Orange County Department of Planning pursuant to New York State General Municipal Law § 239-m, which did not provide any responsive comments on the Local Law; and

WHEREAS, the Town of Monroe is the sole agency with authority to enacted and amend the Town Zoning and designated itself as Lead Agency; and

WHEREAS, the Town Board reviewed a Full Environmental Assessment Form including Part 1, Part 2 and Part 3 in considering the potential environmental impacts of the proposed amendments to the Zoning Law.

NOW, THEREFORE, BE IT FURTHER RESOLVED that:

Section 1.The above WHEREAS clauses are incorporated herein by reference as if fully set forth herein.

Section 2.For the reasons set forth in the Full Environmental Assessment Form, the Town Board hereby determines that the proposed Local Law does not pose any potential or significant adverse environmental impacts and hereby adopts the negative declaration in the form presented to the Town Board.

Section 3.The Town Board hereby adopts Local Law No. 1 of 2022 entitled A LOCAL LAW AMENDING THE COMPREHENSIVE PLAN AND CHAPTER 57 (ZONING) OF THE TOWN CODE, AND ESTABLISHING A NEW CHAPTER 40 RENTALS, SHORT TERM TO ESTABLISH POLICIES AND TO REGULATE SHORT TERM RENTALS OF DWELLINGS.

Section 4.The Town Clerk is hereby directed to file the final version of the Local Law with the Secretary of State and to publish the text of the Local Law in the Town Board Minutes and any other locations as deemed appropriate by the Town Clerk.

Section 5.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][][]

Mary Bingham, Councilperson [X][][]

Sal Scancarello, Councilperson [X][][]

Dorey Houle, Councilperson [X][][]

The Resolution was thereupon duly adopted.

Motion by Mike McGinn, second by Sal Scancarello.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Mike McGinn, Mary Bingham, Sal Scancarello, Dorey Houle

6. New Business

Subject : 6.2 Verizon Wireless Facility, 491 State Route 208
Meeting : Feb 7, 2022 - MONROE TOWN BOARD MEETING AGENDA
Type : Action (Resolution), Discussion
Recommended Action : 2022-#
BE IT RESOLVED that the Town Board of the Town of Monroe

Public Content

Motion & Voting

2022-#92

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to send to Engineer and Planning Board for recommendation regarding amount for Verizon Wireless Facility, 491 State Route 208.

Motion by Supervisor -Tony Cardone, second by Dorey Houle.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Mike McGinn, Mary Bingham, Sal Scancarello, Dorey Houle

6. New Business

Subject : 6.3 Monroe Balancing Test, Somni
Meeting : Feb 7, 2022 - MONROE TOWN BOARD MEETING AGENDA
Type : Action (Resolution)
Recommended Action : 2022-#
BE IT RESOLVED that the Town Board of the Town of Monroe

Public Content

Motion & Voting

2022-#93

BE IT RESOLVED that the Town Board of the Town of Monroe Made the following Resolution by Supervisor Cardone, and seconded by Councilman Scancarello:

RESOLUTION OF THE TOWN BOARD FOR THE TOWN OF MONROE
FOR ITS DETERMINATION OF WHETHER THE TOWN OF MONROE IS IMMUNE
FROM THE VILLAGE OF MONROES ZONING CODE
UNDER COUNTY OF MONROE

WHEREAS, the Town of Monroe, (the Town) and the Village of Monroe (the Village) are municipal corporations duly organized and incorporated under the laws of the State of New York; and

WHEREAS, the Town Board for the Town of Monroe (the Town Board) seeks to make a determination as to whether it is in the public interest that the Town is immune from the application of the Village of Monroe Code in relation to a Town-owned property located at 15 Lake Street, Monroe, New York 10950 (the Property) a parcel located entirely within the Villages borders; and

WHEREAS, specifically, the Town has owned the Property since the 1960s and either housed Town offices or licensed the Property to community organizations since taking ownership of the Property; and

WHEREAS, the Village is aware that the Town has owned the Property since 1960s and the Village has not raised any objections to the uses in the Property; and

WHEREAS, the Town desires to ensure that a continued beneficial use is made of the Property in the public interest and to further the economic interests of the Town and the Village collectively; and

WHEREAS, a New York State Restaurant Association survey (Survey) from September of 2021 indicated that 85% of restaurants experienced a decline in customer demand for indoor dining due to recent COVID variants and most respondents believe that business will not return to normal for at least another year; and

WHEREAS, the Survey further indicated that the restaurant industry has not recovered from the COVID-19 pandemic and the restaurant owners believe that conditions for restaurants will worsen; and

WHEREAS, 71% of the respondents in the Survey recorded lower volume in sales in August of 2021 than during August of 2019 and 93% of restaurant operators reported a lower profit margin than prior to the pandemic; and

WHEREAS, restaurants are also facing challenges with the supply chain issues to stock their restaurants with food and supplies necessary to operate the business; and

WHEREAS, the Town Board hereby determines that restaurants are food venues are vital to the vitality of business districts and that the conditions faced by restaurant operators during and following COVID-19 constitute a local economic crisis for restaurants and the Town desires to encourage and facilitate the continued presence of restaurants in the Town and Village; and

WHEREAS, the Town desires to encourage the operation of a restaurant on the Property owned by the Town within the central business district of the Village; and

WHEREAS, in light of the burdens already faced by restaurants in the ongoing pandemic, it is in the best interests of the Town and Village residents for the Town and Village governments to act harmoniously and cooperatively toward the greater good for their residents; and

WHEREAS, the establishment of a restaurant in the central business district of the Village will contributed to both the Town and Village economy and provide residents with a restaurant venue for food service; and

WHEREAS, the restaurant facility and food service will also be available to the Town and Village, as needed, for emergency situations and/or for governmental and community purposes promoting efficiency, public health, safety, and the general welfare; and

WHEREAS, the establishment of a restaurant in the central business district of the Village promotes the public health, safety and welfare of the community and, under the current circumstances, constitutes a valid governmental purpose in maintaining a vital economic benefit to the residents of all of Monroe;

WHEREAS, the proposed restaurant shall be compliant with the NYS Uniform Fire Prevention and

Building Code; and

WHEREAS, the Town and the Village representatives have previously met in November of 2019 and agreed that the Town should conduct inspections of the interior of Town-owned buildings located within the Village; and

WHEREAS, the Town Board desires to consider asserting sovereign authority respecting any zoning, planning, subdivision review, and accordingly, to analyze the balancing of the public interests factors set forth by the New York Court of Appeals in the Matter of County of Monroe v. City of Rochester, 72 N.Y. 2d 338, (County of Monroe) in order to make the requisite public interest determination, and to resolve and determine whether the Town has sufficient sovereign power to supersede the Villages zoning and related land use laws and regulations; and

WHEREAS, County of Monroe does not identify the entity that conducts the balancing of the public interests test; and

WHEREAS, by consideration of the balancing of public interests test established in County of Monroe, the Town Board acknowledges that the Town may have immunity from the Villages zoning regulations; and

WHEREAS, despite the potential existence of the sovereign immunity of the Town with respect to the Property, the Town desires to facilitate a cooperative process with the Village of Monroe in light of the Town and Village joint interests in locating a restaurant in the central business district of the Village and the Town, in conjunction with the restaurant operator, will make any and all reasonable efforts to consider and comply with applicable provisions of the Village zoning code to facilitate the use of the Property for a restaurant purpose, but the Town reserves the right to exercise its immunity to overcome the application of any burdensome regulation or requirement of the Village that would significantly hinder the operation of the restaurant use; and

WHEREAS, when making a determination as to whether it is in the public interest to subject the Town to the Villages zoning regulations, the balancing of public interests test identifies nine (9) factors to consider, as follows:

- 1.The nature and scope of the instrumentality seeking immunity;
 - 2.The encroaching governments legislative grant of authority;
 - 3.The kind of function or land use involved;
 - 4.The effect local land use regulation would have upon the enterprise concerned;
 - 5.Alternative locations for the facility in less restrictive zoning areas;
 - 6.The impact upon legitimate local interest;
 - 7.Alternative methods of providing the proposed improvement;
 - 8.The extent of the public interest to be served by the improvements; and
 - 9.Intergovernmental participation in the project development process and an opportunity to be heard;
- and

NOW, THEREFORE BE IT RESOLVED that the Town Board has considered the above nine (9) factors and hereby makes the following determinations:

1.THE NATURE AND SCOPE OF THE INSTRUMENTALITY SEEKING IMMUNITY

The Town of Monroe, as a municipal corporation duly organized and incorporated under the laws of the State of New York, is the instrumentality seeking immunity from the Village Zoning Code and related land use regulations. The Village of Monroe is wholly contained inside of the Town of Monroe boundaries.

2.THE ENCROACHING GOVERNMENTS LEGISLATIVE GRANT OF AUTHORITY

The Town of Monroe is a Town of the First Class under New York State Town Law and is governed by, and delegated powers from the State, via the New York State Constitution, the Statutes of the State of New York, and the Code of the Town of Monroe.

The territory comprising the present Town of Monroe is part of the Cheesecock Patent granted by Queen Anne, March 25, 1707. The Cheesecock tract was surveyed by Charles Clinton, father of George and James Clinton, and grandfather of Dewitt Clinton. His field book, the original of which is in the possession of Hon. McGrane Cox, of Southfield, N. Y. (Mr. Fred J. Knight, Civil Engineer, of Monroe, N. Y., having a copy), contains much information and many interesting incidents of the early history of this section. The town was set off from the precinct of Goshen in 1764 and named Cheesecock. This name continued until 1801 when it was changed to Southfield. On April 6th, 1808, it took the present name, Monroe, in honor of James Monroe, the fifth President of the United States.

3.THE KIND OF FUNCTION OR LAND USE INVOLVED

The proposed land use is the establishment of a restaurant use in a Town-owned building located in the Village of Monroe.

The property in question is a 2,444 sq foot parcel located at 15 Lake Street in the Village of Monroe. The two story structure was built in approximately 1912 and was previously occupied by the Town of Monroe Justice Court. The interior area is approximately 4,000 square feet. Since 2019, the Town of Monroe Justice Court relocated to 1465 Orange Turnpike and the building has remained vacant since that time.

The proposed use within the building is a dine-in restaurant. There would be no substantial external additions or modifications to the structure. The structures exterior would remain substantially the same in appearance after establishment of the restaurant use.

4.THE EFFECT LOCAL LAND USE REGULATION WOULD HAVE UPON THE ENTERPRISE CONCERNED

The current Village Code requires a special permit for a restaurant use in the central business district. However, the Village Code does not identify any specific special permit criteria regarding a restaurant use. Rather, the Village Code contains general criteria applicable to various special permit uses. Thus, there is no identified criteria specific to the restaurant as a use under the Village Code. Therefore, an applicant subject to the typical application of the Zoning Code would be required to apply for a special permit to operate a restaurant at the current site. The restaurant use is consistent with existing uses in the central business district.

The subject parcel is currently located at 15 Lake Road in the Villages central business district (CB zone). The zone currently permits, as of right, ambulance services, banks and financial institutions, commercial to residential conversions (single or two-family), community recreation/parks, existing resident (single and two-family), fire protection service, funeral and interment services, laundry services, libraries, offices, personal services (at least 1,000 sf), religious assembly, repair service (non-motor vehicle), and retail stores or shops with floor area no less than 1,000 sf. under the Village of Monroe Zoning Code. The CB zone also allows numerous uses, including restaurants, by special permit.

5.ALTERNATIVE LOCATIONS FOR THE FACILITY IN LESS RESTRICTIVE ZONING AREAS

The Village of Monroe does not permit any restaurant as of right anywhere in the Village. Restaurants are permitted in the CB Zone and the General Business (GB) Zone, but both zoning districts require a special permit. Thus, there is no less restrictive location for restaurants in the Village of Monroe.

6.THE IMPACT UPON LEGITIMATE LOCAL INTERESTS

As set forth above, the establishment of a restaurant is a positive impact on the business district, providing a food service establishment in the downtown area. As set forth above, the restaurant industry in New York State (and elsewhere) has suffered significantly since the onset of the pandemic and the negative impacts are expected to continue. The opportunity to establish a new restaurant business in the Village when the industry continues to suffer from closures and a loss of business is a positive economic impact for the central business district and a benefit to residents who may patronize the restaurant. While a restaurant may typically be viewed as a private enterprise, under current circumstances, there is a public purpose and benefit to situating a restaurant in a central business district in the Town in light of the pandemic and its effects and will serve the public interest.

In addition to the restaurant use, the facility may be used by the Town or Village, as needed, for meetings or to provide food service, when needed, for governmental purposes. The establishment of the restaurant will have negligible adverse impacts on local interest and will have a greater number of positive impacts on local interests. Parking is available in the rear of the site in addition to on street parking

7.ALTERNATIVE METHODS FOR PROVIDING THE PROPOSED IMPROVEMENT

As discussed above, the Village Zoning Code does not provide for restaurant uses as of right in any district.

8.THE EXTENT OF THE PUBLIC INTEREST TO BE SERVED BY THE IMPROVEMENTS.

The extent of the public interest to be served by the establishment of a restaurant in the central business district is bot economic in providing a functioning business to the district as well as encouraging the operation of a restaurant in the pandemic age where the restaurant industry has suffered considerably. With the number of restaurant closures and the loss of profits suffered by the restaurant industry, the public interest requires that the government foster and encourage the continued operation of restaurants which address a vital need in our community for food service and gathering in a manner that benefits both residents and the restaurant operators. The establishment of a restaurant at the Property with foster economic growth the Village as well as ensuring the continued vitality of an established Orange County restaurant.

9.INTERGOVERNMENTAL PARTICIPATION IN THE PROJECT DEVELOPMENT PROCESS AND AN OPPORTUNITY TO BE HEARD

All interested parties will have the opportunity to be heard and the Town is providing this correspondence to the Village to further a discussion regarding further participation. However, the Town notes that there is no proposed development, but merely the establishment of a use within the existing Town-owned structure.

To date, there have been no objections or negative comments received by the Town.

Section 1.The above WHEREAS clauses are incorporated herein by reference as if fully set forth herein.

Section 2.The Town Board determines that the Village officials have previously accepted the Towns conducting of inspections and addressing enforcement of state and local building code issues on the interior of Town-owned buildings in the Village. The restaurant use is a permissible one in the CB zone, but the Town desires to provide an analysis of the County of Monroe factors in any event.

Section 3.After a review of the record and an analysis conducted pursuant to County of Monroe, the Town Board hereby finds that the restaurant use within the Town-owned building should be immune and exempt from the applicability of the Village of Monroe Code and related land use and zoning regulations with respect to the establishment of such restaurant in the Village because the proposed use is, for the reasons set forth herein, a use beneficial to the public interest and promotes the health,

safety, and general welfare for the reasons set forth herein.

Section 4. Notwithstanding the determination in Section 3 above, the Town Board authorizes the Town Supervisor to work cooperatively with the proposed restaurant operator and the Village of Monroe to facilitate a cooperative effort at addressing the concerns set forth herein and supporting the vitality a local restaurant business in the Village.

Section 5. The Town Clerk is hereby directed to transmit a copy of this Resolution to the Village Board for the Village of Monroe for further actions consistent with this determination of immunity.

Section 6. This Resolution shall be effective immediately

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

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Mike McGinn, Mary Bingham, Sal Scancarello, Dorey Houle

6. New Business

Subject :	6.4 16 Mercury Avenue, Request for Town Water Access
Meeting :	Feb 7, 2022 - MONROE TOWN BOARD MEETING AGENDA
Type :	Action (Resolution), Discussion
Recommended Action :	2022-# BE IT RESOLVED that the Town Board of the Town of Monroe

Public Content

Discussion regarding request for town water access submitted by Sura Horowitz of 16 Mercury Avenue. Mercury Avenue is located in Water District #2.

Motion & Voting

2022-#94

BE IT RESOLVED that the Town Board of the Town of Monroe Made a motion to Table 16 Mercury Avenue, Request for Town Water Access until February 22, 2022.

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

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Mike McGinn, Mary Bingham, Sal Scancarello, Dorey Houle

6. New Business

Subject :	6.5 BAR Appointment
Meeting :	Feb 7, 2022 - MONROE TOWN BOARD MEETING AGENDA
Type :	Action (Resolution)
Recommended Action :	2022-# BE IT RESOLVED that the Town Board of the Town

Public Content

Discuss and approve appointment of Beth Curtis to the Board of Assessment Review, Slot #1, term expiration, 9/30/2023.

Motion & Voting

2022-#95

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to approve appointment of Beth Curtis to the Board of Assessment Review, Slot #1, term expiration, 9/30/2023.

Motion by Supervisor -Tony Cardone, second by Dorey Houle.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Mike McGinn, Mary Bingham, Sal Scancarello, Dorey Houle

6. New Business

Subject :	6.6 Part-Time Assistant Building Inspector III
Meeting :	Feb 7, 2022 - MONROE TOWN BOARD MEETING AGENDA
Type :	Action (Resolution), Discussion
Recommended Action :	2022-# BE IT RESOLVED that the Town Board of the Town of Monroe

Public Content

Discussion and approval of Matthew Garrity for the position of Part-Time Assistant Building Inspector III at an hourly rate of \$26, not to exceed 17.5 hours per week. Matthew has been pre-approved for this position by Orange County Department of Human Resources. Employment start date is February 14, 2022.

Motion & Voting

2022-#96

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to approve Matthew Garrity for the position of Part-Time Assistant Building Inspector III at an hourly rate of \$26, not to exceed 17.5 hours per week. Matthew has been pre-approved for this position by Orange County Department of Human Resources. Employment start date is February 14, 2022.

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

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Mike McGinn, Mary Bingham, Sal Scancarello, Dorey Houle

6. New Business

Subject :	6.7 Use of Town Hall Meeting Room, Eagle Scout
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Ceremonies

Meeting : Feb 7, 2022 - MONROE TOWN BOARD MEETING
AGENDA

Type : Action (Resolution)

Recommended Action : 2022-#
BE IT RESOLVED that the Town Board of the Town
of Monroe

Public Content

Discuss request for use of Town Hall Meeting Room & Kitchen for (2) Eagle Scout Ceremonies on Sunday, March 20, 2022 from 1-4 p.m. Required Certificate of Insurance will be submitted by Troop 440.

Motion & Voting

2022-#97
BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to approve request for use of Town Hall Meeting Room & Kitchen for (2) Eagle Scout Ceremonies on Sunday, March 20, 2022 from 1-4 p.m. Required Certificate of Insurance will be submitted by Troop 440. Waive any fees for use of Meeting Room.

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

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Mike McGinn, Mary Bingham, Sal Scancarello, Dorey Houle

7. Old Business

Subject : 7.1 Bid for Senior Center Security Improvements

Meeting : Feb 7, 2022 - MONROE TOWN BOARD MEETING
AGENDA

Type : Action (Resolution)

Recommended Action : 2022-#
BE IT RESOLVED that the Town Board of the Town
of Monroe

Public Content

Authorize Town to go out for rebid for security improvements at the Monroe Senior Center. The Town of Monroe was awarded \$27,800 in federal funding under the FY2019 Critical Infrastructure (CIGP) Grant Program. Funding for this initiative is provided by the U.S. Department of Homeland Security's (DHS) State Homeland Security Grant Program (SHSP) and is administered by the New York State Division of Homeland Security and Emergency Services (DHSES). Previous bids were rejected. Updated bid to include revised specifications and is subject to attorney review.

Motion & Voting

2022-#98

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Authorize Town to go out for rebid for security improvements at the Monroe Senior Center. Motion to accept the RFP in a form acceptable to Counsel. Town Clerk will set the date for posting, return of Bids, and opening once documents are ready.

Motion by Mike McGinn, second by Sal Scancarello.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Mike McGinn, Mary Bingham, Sal Scancarello, Dorey Houle

8. Public Comment

Subject :	8.1 Rules for Public Comment
Meeting :	Feb 7, 2022 - MONROE TOWN BOARD MEETING AGENDA
Type :	Information

Public Content

Please be advised that any person wishing to speak at a regular public meeting during the public comment period or at a public hearing, must sign the sign-in sheet maintained by the Town Clerk for such purpose no later than 15 minutes after the commencement of the meeting.

TOWN OF MONROE MEETING RULES PUBLIC COMMENT PERIODS -RULE 1:Although not required by any statute or law, the Town Board shall include at least one public participation period on the Agenda for regular Town Board meetings. However, nothing shall prohibit the Town Board, by majority vote, from suspending public comment or otherwise limiting public during a regular Town Board meetings where such limitations are determined to be necessary or otherwise conducive to accomplishing the business presently before the Town Board.**RULE 2:**Public comment during the public participation period of regular Town Board meetings shall be limited to three (3) minutes per speaker and the subject matter of such public comment shall be limited to Town business. 1 Yielding time or otherwise giving time to a speaker to extend the three (3) minute period by another person shall not be permitted. Written comments may be submitted to the Town Clerk in lieu of, or in addition to, a persons oral statement during any public comment period. Such minutes shall become a Town record and the brief nature of the submitted writing may be included in Town Board minutes. However, the full text of such submissions shall not be incorporated into Town Board minutes, unless expressly authorized by resolution of the Town Board.**RULE 3:**Any person wishing to speak at a regular public meeting during the public comment period or at a public hearing, must sign the sign-in sheet maintained by the Town Clerk for such purpose no later than 15 minutes after the commencement of the meeting. Where a public hearing and public comment period will occur during the same Town Board meeting, a person may sign up to speak on the topic of each and every public hearing and for public comment period consistent with the applicable time limits set forth above. For example, a speaker could speak for five (5) minutes during a public hearing and three (3) minutes during public comment at the same Town Board meeting. However, such person may not use the public hearing time to speak on matters not relevant

1 Rule 2 revised by Resolution of the Town Board on 03-06-2017 to add: and the subject matter of such public comment shall be limited to Town business. to the public hearing. Any comments made by a person made during public comment that relates to the subject of a public hearing, shall not be considered by the Town Board as part of such public hearing nor made part of the public hearing record. The only public comment to be accepted by the Town Board outside of a public hearing shall be written comments received during the time period set by the Town Board for such purpose.**RULE 4:**If a sign-in sheet is not available, a person may raise his/her hand to speak duringthe public participation period and/or public hearing and may speak during such public comment period/public hearing upon recognition of the Supervisor or Presiding Officer.**RULE 5:** Any person speaking during public comment or a public hearing, when recognized by the Presiding Officer, shall approach the podium for such purpose and state his or her name, the street and municipality where he

/she resides, and if applicable, his/her group or entity affiliation.

RULE 6: Town Board members shall not respond to a person speaking during the public comment period unless and until all persons desiring to speak during the Public comment period have finished speaking. At such time as all speakers have finished speaking during such public comment period, each Town Board member shall be allotted up to three (3) minutes in total to respond to any questions posed or to provide relevant information in response to the collective comments and questions of the public comment speakers.

RULE 7: Town Board members shall not attempt to answer questions during the time that a speaker is presenting during public comment. Town Board members will note any questions asked and may respond to the speaker at the conclusion of the speakers public comments.

PUBLIC HEARINGS RULE 8: Public comment during a Public Hearing shall be limited to five (5) minutes per speaker. In the event that a speaker is the subject of the Public Hearing or has a significant interest in the matter different from that of the general public, such speaker shall, upon approval of the Town Board, be allowed up to the (10) minutes during a public hearing. Yielding time or otherwise giving time to a speaker to extend their permissible time limit by another person shall not be permitted.

RULE 9: Members of the public, other than those called as witnesses by the parties, shall not be permitted to speak during public hearings concerning the removal/discipline of a Town Officer or employee as such hearings shall be limited to presentation of evidence and related submissions by Town representatives and the Town Officer or employee subject to removal/discipline. Time limits during a public hearing concerning the removal/discipline of a Town Officer or employee shall not be applicable as such proceeding shall follow any applicable statute, rule or regulation and shall otherwise be overseen by the hearing officer or presiding officer.

RULE 10: In the case of a public hearing, prior to the close or continuation of the public hearing, Town Board members may be allotted up to five (5) minutes each to respond to questions or otherwise provide relevant information in response to specific comments made by speakers during that session of the public hearing. Further, prior to the close of the public portion of the public hearing, each Town Board member may be allotted up to eight (8) minutes to speak on the issue that is the subject of the Public hearing. However, where the public hearing concerns removal of a Town Officer or employee, Town Board members, if the body making a determination, shall not speak regarding the merits of the proceedings until after the close of the public hearing when deliberations on removal/discipline have commenced.

RULE 11: Written submissions related to public hearings must be made before the close of the public hearing as such time is set by the Town Board.

GENERAL RULES

APPLICABLE TO ALL PUBLIC MEETINGS AND HEARINGS RULE 12: The Town Clerk shall act as the timekeeper or the Town Board may designate another person to be the timekeeper.

RULE 13: Members of the Town Board, speakers and audience members must observe proper decorum at all times. Any statements made during any part of the meeting or during a public hearing by the Supervisor, members of the Town Board, town officials or employees, or members of the general public shall not involve personal, impertinent, or slanderous attacks on individuals, regardless of whether the individual so attacked is an elected official, a town official or employee, or a member of the general public.

RULE 14: Neither speakers, nor Town Board members shall use public comment periods or other time during such meeting for political campaigning purposes, including promoting their candidacy or speaking out against another candidate. However, nothing shall prohibit a candidate from speaking on an Town-related issue merely because he or she is a candidate for political office.

RULE 15: Pursuant to New York State Town Law, the Town Supervisor or Presiding Officer shall control the Town Board meeting. The use of profane, vulgar, inflammatory, threatening, abusive, or disparaging language or racial or ethnic slurs directed at the Supervisor, members of the Town Board, meeting attendees shall not be tolerated and the Town Supervisor shall address any such incidents. Further, any statements, regardless of the nature of the statement, made by a person attending the meeting which is not made during such persons authorized speaking time shall not be tolerated and the Town Supervisor shall address any such incidents. The Town Board has a right to protect itself from disturbance from attendees at a meeting and may order, by majority vote, removal of an attendee, or there Presiding Officer direct removal of an attendee on his own. Removal at the direction of the Presiding Officer is subject to appeal of another Town Board member, but not to appeal of the attendee. Such appeal is not debatable.

RULE 16: In circumstances where the Supervisor/Presiding Officer is not attempting to exert control over the meeting, is temporarily absent, or is the source of the present disorder at the meeting and is failing to preside over the meeting, such Supervisor/Presiding Officer may then be deemed absent as the Presiding Officer by approval of a majority of the Town Board. In such case, a Town Board member may make a motion to suspend the Rules and appoint the Acting Supervisor to take over the role of Presiding Officer until such time as the Supervisor or original Presiding Officer is able to properly return to performing his/her role as Presiding Officer. If the Acting Supervisor is determined to be absent for presiding purposes, the Town Board member making such motion shall propose another Town Board member to act as the Presiding Officer during the absence of the

Supervisor/original Presiding Officer.**RULE 17:**Comments by speakers must be addressed to the Town Board and shall not be addressed to the audience. Further, attendees may not address the Town Board unless first recognized by the Supervisor or Presiding Officer.**RULE 18:**Discussion and exchanges between active speakers and attendees/audience members of the public meeting or hearing are prohibited. A speaker may, however, when properly recognized, state agreement or disagreement with the views of prior speakers in his /her comments directed to the Town Board.**RULE 19:**Banners or other signs are not permitted in the meeting room unless, nor shall distribution of flyers within the meeting room be permitted. Nothing shall prohibit a person from holding a lawful sign or handing out flyers outside of the meeting location.**RULE 20:**If the Supervisor or Presiding Officer fails to enforce the rules set forth herein, any member of the Town Board may move to require him or her to do so, and an affirmative vote of the majority of the Town Board shall require him or her to do so. Any decision by the Presiding Officer relating to enforcement of the rules set forth herein may be appealed and subsequently overturned by a vote of the majority of Town Board members. Such appeal may be raised by a Town Board member or the affected attendee if properly recognized.**RULE 21:**Any person who disregards the directives of the Supervisor or the Presiding Officer in enforcing the rules or who generally conducts himself or herself in a boisterous or inappropriate manner while addressing the Town Board thereby disturbs the peace at a such meeting and will be barred from further participation and shall forfeit any balance of time remaining for his or her comments.**RULE 22:**If a speaker who has violated these rules refuses to step down or to refrain from committing/ continuing such violation(s), the Supervisor or the Presiding Officer may direct the individual to leave the meeting room. If the individual declines and/or refuses to leave the meeting room, the Supervisor or Presiding Officer may request the individual to be removed from the meeting room and charged with disorderly conduct as per the New York State Penal Law. The Supervisors determination is subject to the appeal provisions set forth above as well as the absence of the Supervisor /Presiding Officer provisions of these rules. The Town Board may, by resolution, designate the person who will sign the supporting deposition and/or Court Information document charging the removed person with Disorderly Conduct.**RULE 23:** The following provisions, as modified herein, of Rule 49 of Roberts Rules concerning Small Boards shall apply to the Town Board of the Town of Monroe: a. Members may raise a hand or asked to be recognized, instead of standing when seeking to obtain the floor and may remain seated when making motions or speaking. b. The Presiding Officer need not rise while putting questions to a vote. c. The Presiding Officer may without leaving the chair speak in informal discussions and in debate and may vote on all questions as provided for by Code or law.**RULE 24:**While there is no statute or applicable regulation that requires an Meeting Agenda to be prepared for Town Board meetings, the Town Board desires to have an Agendas prepared and distributed prior to Town Board meetings. The order of business at regular Town Board meetings shall be as follows: 1. REGULAR MEETING a. Call to Order; Pledge of Allegiance b. Approval of Minutes c. Upcoming Meeting Dates & General Announcements 2. SPECIAL ORDERS 3. DEPARTMENTAL MONTHLY REPORTS (Alphabetical Order) 4. OLD BUSINESS 5. NEW BUSINESS 6. PUBLIC COMMENT 7. EXECUTIVE SESSION (If necessary) 8. ADJOURNMENT A Board member seeking to take up a matter out of order on the agenda or to introduce a new item of business may may request such change on consent of the Town Board, or may (if consent is denied or the member expects the matter to be contested make a motion to suspend the rules for such purpose, identifying the requested change to the Agenda or the new business to be raised. Upon approval of the majority of the Town Board, such business may be taken up immediately by the Town Board. The Presiding Officer shall prepare and cause to be distributed, Town Board meeting Agendas, in conformance with the Order of Business, as applicable. Pursuant to Roberts Rules, the Agenda distributed in advance to the Town Board is not binding on the Town Board, except as to the Order of Business set forth above. However, as set forth above, the Meeting Agenda, including the Order of Business and specific Agenda items may be modified upon approval of a majority of the Town Board. The Presiding Officer will announce each Agenda item as it is reached on the Agenda (or amended Agenda). Prior to the business being taken up, a member may move to to lay the matter on the table, postpone the matter or refer it to a committee.**RULE 25:**Recesses may be taken for a stated period of time either upon consent, without objection, or upon approval of a motion by a Town Board member.**RULE 26:** These Town Board Rules may be amended by a Resolution of the Town Board approved by a majority of the Town Board.**RULE 27:**The above rules shall take effect at the next ensuing meeting of the Town Board following the adoption of these rules.**RULE 28:**The Presiding Officer, or any Town Board member may request an interpretation of these Rules from the Town Attorney. A current copy of these Town of Monroe Meeting Rules shall be maintained by the Town Clerk and be made available to the public. 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 Harley Doles, Supervisor [] [] [] [X] Anthony

Cardone, Acting Supervisor[X] [] [] [] Gerard McQuade, Councilman [] [X] [] [] Michael McGinn, Councilman [X] [] [] [] Richard Colon, Councilman [X] [] [] [] The Resolution was thereupon duly adopted. TOWN OF MONROE TOWN BOARD MEETING RULES History of adoption and amendments. February 27, 2017: Town Board Rules adopted by Resolution of the Town Board. March 6, 2017: Rule 2 amended by Resolution of the Town Board to add: and the subject matter of such public comment shall be limited to Town business.

8. Public Comment

Subject : 8.2 Public Comment
Meeting : Feb 7, 2022 - MONROE TOWN BOARD MEETING AGENDA
Type : Discussion, Information

Public Content

The following spoke during Public Comment. To hear their comments, and Town Board members responses, please go on-line to Board Doc'sVideo Clip #10.2,

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

Subject : 9.1 Enter into Executive Session
Meeting : Feb 7, 2022 - MONROE TOWN BOARD MEETING AGENDA
Type : Action (Resolution), Discussion
Recommended Action : 2022-#
BE IT RESOLVED, that the Town Board of the Town of Monroe Made a Motion to enter into an Executive Session to discuss

Motion & Voting

2022-#99
BE IT RESOLVED, that the Town Board of the Town of Monroe Made a Motion to enter into an Executive Session to discuss Pending Litigation & Personnel.

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

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Mike McGinn, Mary Bingham, Sal Scancarello, Dorey Houle

10. Return to Regular Meeting

Subject : 10.1 Return to Regular Meeting
Meeting : Feb 7, 2022 - MONROE TOWN BOARD MEETING AGENDA
Type : Action (Resolution), Information

Recommended Action :

2022-#

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

Motion & Voting

2022-#100

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 Mary Bingham.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Mike McGinn, Mary Bingham, Sal Scancarello, Dorey Houle

11. Motions From the Floor

Subject : 11.1 Building Department Resignation: Deborah Argiannis

Meeting : Feb 7, 2022 - MONROE TOWN BOARD MEETING AGENDA

Type : Action (Resolution)

Recommended Action : 2022-#

BE IT RESOLVED, that the Town Board of the Town of Monroe accepts the resignation, dated January 20, 2022, of Deborah Argiannis from the position of part-time clerk in the Building Department, effective April 1, 2022.

Public Content

Motion & Voting

2022-#101

BE IT RESOLVED, that the Town Board of the Town of Monroe accepts the resignation, dated January 20, 2022, of Deborah Argiannis from the position of part-time clerk in the Building Department, effective April 1, 2022.

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

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Mike McGinn, Mary Bingham, Sal Scancarello, Dorey Houle

11. Motions From the Floor

Subject : 11.2 Building Department Resignation: Alexandria Trovato

Meeting : Feb 7, 2022 - MONROE TOWN BOARD MEETING AGENDA

Type : Action (Resolution)

Recommended Action : 2022-#

BE IT RESOLVED, that the Town Board of the Town of

Monroe accepts the resignation, dated January 25, 2022, of Alexandria Trovato from the position of part-time clerk in the Building Department, effective March 1, 2022.

Public Content

Motion & Voting

2022-#102

BE IT RESOLVED, that the Town Board of the Town of Monroe accepts the resignation, dated January 25, 2022, of Alexandria Trovato from the position of Full-Time Assistant to the Building Inspector, effective March 1, 2022.

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

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Mike McGinn, Mary Bingham, Sal Scancarello, Dorey Houle

12. Adjournment

Subject : 12.1 Adjournment of Meeting

Meeting : Feb 7, 2022 - MONROE TOWN BOARD MEETING
AGENDA

Type : Action (Resolution)

Recommended Action : 2022-#
BE IT RESOLVED, that the Town Board of the Town of Monroe adjourns the meeting of February 7, 2022 at

Public Content

Motion & Voting

2022-#103

BE IT RESOLVED, that the Town Board of the Town of Monroe adjourns the meeting of February 7, 2022 at 8:30 PM.

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

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Mike McGinn, Mary Bingham, Sal Scancarello, Dorey Houle