

MONROE TOWN BOARD MEETING MINUTES

— 07/12/2021

MONROE TOWN BOARD MEETING AGENDA (Monday, July 12, 2021)

Generated by Valerie Bitzer

Members present

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

1. Call to Order

Discussion, Information, Procedural: 1.1 Pledge to the Flag

2. Motion to Open Town Board Meeting

Action (Resolution): 2.1 Motion to Open Town Board Meeting of July 12, 2021

2021-#283

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Open the Town Board Meeting of July 12, 2021 at 7:04 PM.

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

Final Resolution: Motion Carries

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

3. Community Announcements

Information: 3.1 Village of Monroe Downtown Dining and Summer Concert Series

To hear Councilman Scancarello regarding Village of Monroe Downtown Dining and Summer Concert Series, please go on-line to Board Doc's Video Clip #3.1, 0:0:53.

4. Public Hearing

Action (Resolution): 4.1 Motion to Open the Continuation of the Public Hearing for Proposed Local Law A-V1, Amendment to Chapter 57 of the Town Code to Regulate Rental Properties and Transient Housing

2021-#284

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 Local Law A-V1, Amendment to Chapter 57 of the Town Code to Regulate Rental Properties and Transient Housing.

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

Final Resolution: Motion Carries

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

The following signed up to speak during Public Comment regarding the Continuation of the Public Hearing for Proposed Local Law A-V1, Amendment to Chapter 57 of the Town Code to Regulate Rental Properties and Transient Housing. To hear their comments, and Board Members responses, please go on-line to Board Docs Video Clip #4.1, 0:2:04.

- Camille Tokerud

- Supervisor Cardone: Anybody sign up?

- Town Clerk Mary Ellen Beams: Camille.

- Supervisor Cardone: Hi Camille. How are you this evening? Come on up.

- Camille Tokerud: Thank you.

- Supervisor Cardone: Don't forget to state your name, where you live.

- Camille Tokerud: Sure. Camille Tokerud. I live at 112 Osseo Park Road, Monroe.

- Supervisor Cardone: (Inaudible)

- Camille Tokerud: I just read the draft today. I don't know when it came out. So, sort of still just spinning, catching up to it. And my only concern was I wanted to say thank you first. It was a lot of work, and some tweaks I've noticed, so, I appreciate that. I was wondering like, when it would be announced that it's like a final draft, and what the timeline would be to initiate it because there's a lot to be done for most of us, and it's a little alarming because when you read, or what I kinda understand, I haven't had anybody else read it for me, was page seven number eight. It talks about that you can't advertise or cease to advertise until your permits finished or whatever. So, it makes me feel like I'm done something wrong before I start, so.

- Supervisor Cardone: (Inaudible). Say that again.

- Camille Tokerud: I think it's on page seven, number eight.

- Supervisor Cardone: Page seven.

- Camille Tokerud: It's like. Yeah, it didn't seem like there's a grace period for the ones of us that have already been doing it, and doing it successfully with not a problem. It sounds like you have to get your permit (inaudible).

- Councilman McGinn: Page seven? I'm sorry Camille. What's that page?

- Camille Tokerud: I think its page seven, number eight.

- Supervisor Cardone: Nah, it's page eight, number eight.

- Camille Tokerud: Sorry.

- Supervisor Cardone: That's all right. No. No.

- Camille Tokerud: Okay. It, it feels like that there's no time, grace period there, and that.

- Supervisor Cardone: Well let's put you this way. I mean, my thought process was this. I don't know how the rest of the Board feels. Was that, we would approve the Law, let's say, this year. And everything would commence as of like January 1. Just to give people, you know.

- Camille Tokerud: Some heads-up time (inaudible).

- Councilman McGinn: (Inaudible).
- Camille Tokerud: (Inaudible). That's right, because it's obviously peak now, and I'm like geez. I don't really wanna go in while people are there.
- Supervisor Cardone: No.
- Camille Tokerud: And do these things. So, that, that was, that was pretty much the only thing. And then I guess personally, I was still sort of wondering, if I was able to get a second property ever with my kids. I think I've mentioned I have two boys, and we're kind of thinking one day they'd both get a house here when I'm a little bit older. And I was wondering, why would I have to wait three years if it ever happened? With the good standing. Cause it seems to me, you have all the implementing. All this restrictions. So, that you can't have bad apples. So, why do we have to wait three years if it was to happen, and maybe not multiple houses, but why not two houses per family? I don't understand why, why would I have to wait three years?
- Supervisor Cardone: Good question. Let me give that some thought, cause I never.
- Camille Tokerud: Ok.
- Supervisor Cardone: You know.
- Councilman McGinn: Yeah, I mean.
- Supervisor Cardone: Gave it thought.
- Councilman McGinn: Yeah, I think kind of our thinking with that, and what we had seen other Municipalities adopt that, was that, you didn't want people coming in buying up properties in the housing stock just to turn them into.
- Camille Tokerud: No, I totally understand that.
- Councilman McGinn: (Inaudible) you've really seen more so in kind of resort areas, not so much here, although. (Inaudible).
- Camille Tokerud: Yeah, it's more residential.
- Councilman McGinn: Yeah.
- Camille Tokerud: And it's yeah, again that wouldn't be (inaudible).
- Councilman McGinn: They didn't want depriving, you know depriving (inaudible).
- Camille Tokerud: Taking away the housing stock all that stuff makes a lot of sense. But that's why I said maybe per family or something.
- Supervisor Cardone: Maybe.
- Camille Tokerud: Why not two? (Inaudible).
- Supervisor Cardone: Maybe, maybe if we, maybe if we worded it such that if you owned your first house that you have applied for, for more than let's say (inaudible) three years (inaudible). In a year.
- Councilman McGinn: Or if you're a Town resident for more than ten.
- Supervisor Cardone: Yeah.
- Camille Tokerud: Something like that, cause again I've lived here 20 years, and we're looking to try to (inaudible), so.

- Councilman McGinn: Something like that, that would make it so it's not someone coming in the area just doin.
- Camille Tokerud: That's, that's probably be a smart way to do it too.
- Supervisor Cardone: OK.
- Camille Tokerud: Anyway. So, thanks everyone for working on it.
- Councilman Scancarello: Thank you.
- Camille Tokerud: We do appreciate that.
- Supervisor Cardone: Thank you. Thanks for coming down once again.
- Councilman Scancarello: Good observation.
- Councilman McGinn: Yeah. How's the rest of the Board?
- Supervisor Cardone: Anyone else?
- Town Clerk Mary Ellen Beams: No one else.
- Councilman McGinn: Feel about that?
- Councilman Colon: I, I you know, I understand that you, you don't want the housing stock bought up so. We'll, we'll have to work on something like a limitation of a number like maybe two houses or maybe three for family if depending if there's older children, or whatever but (inaudible).
- Supervisor Cardone: That's already in it.
- Councilman Colon: It's already in. Yeah, but to limit, to have some kind of limit on there. Cause you don't want somebody coming in. Or a company coming in. And I've seen that in condominiums.
- Councilman McGinn: Yeah.
- Councilman Colon: Come in, and buy out the whole place.
- Councilman McGinn: Maybe use it (inaudible).
- Councilwoman Bingham: Right, for the second property. The first one, I could see somebody just buying a house.
- Councilman McGinn: Yeah.
- Councilwoman Bingham: But, if you have a second one, yeah, then you need to have a residency requirement. I like the idea of like, five to ten years.
- Councilman Colon: And, and not only that, but I think that if you have someone that has too many houses, the quality of, of you know, the, the care take sometimes is not so good if they're not really, they're, they're more taking you know, more of a profit. They may not take care of the houses. If they have two residences, you know, max, they're gonna, they're gonna guard them, and take care of them like they're gold. I just don't think that if you have, if you have too many of these residencies like that, the, the quality of taking care of those residencies may fall.
- Councilman McGinn: I think we can come up with (inaudible).
- Supervisor Cardone: Else. No one else?
- (Inaudible)
- Supervisor Cardone: Okay.

Action (Resolution): 4.2 Possible Motion to Keep Open the Continuation of the Public Hearing for Proposed Local A-V1, Amendment to Chapter 57 of the Town Code to Regulate Rental Properties and Transient Housing

2021-#285

BE IT RESOLVED that the Town Board of the Town of Monroe Motion to Keep Open the Continuation of the Public Hearing for Proposed Local Law A-V1, Amendment to Chapter 57 of the Town Code to Regulate Rental Properties and Transient Housing until August 16, 2021 at 7:00 PM or soon there-after.

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

Final Resolution: Motion Carries

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

Action (Resolution), Discussion: 4.3 Motion to Open the Continuation of the Public Hearing for Proposed Arrow Park Water District

2021-#286

BE IT RESOLVED that the Town Board of the Town of Monroe Motion to Open the Public Hearing for Proposed Arrow Park Water District.

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

Final Resolution: Motion Carries

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

The following signed up to speak during Public Comment regarding the Continuation of the Public Hearing for Proposed Arrow Park Water District. To hear their comments, and Board Members responses, please go on-line to Board Docs Video Clip #4.3, 0:8:20.

****NO PUBLIC COMMENT AT THIS TIME**

Supervisor Cardone: Okay. Anyone sign up?

- (Inaudible)

- Supervisor Cardone: Anyone here from Arrow Park?

- John Liter: I'm here, but, I didn't. No. Not from Arrow Park. (Inaudible). I didn't sign up to speak. I spoke last time. (Inaudible).

- Supervisor Cardone: Okay.

- John Liter: (Inaudible)

- Supervisor Cardone: Did you wanna speak tonight?

- John Liter: No sir. (Inaudible)

- Supervisor Cardone: Okay.

- John Liter: I don't need to. I made my point to you guys the last time.
- Supervisor Cardone: You sir?
- Resident: I come here, but not to speak.
- Supervisor Cardone: Okay. All right. So, so, so a couple of residents from Arrow Park did want to hold this over for at least a month. So, we will do so. We're still waitin. Brian is, and Bobby you might be doing this. I don't know. But, they're, they're gonna be creating a, a form letter, just making everyone aware of the approximate cost associated with the district. With a Bond, and without a Bond. Working with Shawn, and Lyle of McGoey Hauser & Etsell to get that completed. And that's essentially where we're at. I don't have anything else to add this evening on it.
- (Inaudible)
- Supervisor Cardone: Okay.

Action (Resolution): 4.4 Possible Motion to Keep Open the Continuation of the Public Hearing for Proposed Arrow Park Water District

2021-#287

BE IT RESOLVED that the Town Board of the Town of Monroe Motion to Keep Open the Continuation of the Public Hearing for Proposed Arrow Park Water District until August 16, 2021 at 7:00 PM or soon there-after.

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

Final Resolution: Motion Carries

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

5. Acceptance of Minutes

Action (Resolution), Information: 5.1 Acceptance of June 21, 2021 Minutes

2021-#288

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to accept the Minutes of June 21, 2021.

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

Final Resolution: Motion Carries

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

6. Audit of Claims

Action (Resolution), Discussion: 6.1 General Fund Abstract

2021-#289

BE IT RESOLVED, that the Town Board of the Town of Monroe requests approval of Abstract #21-11 General Fund containing Check #27222-27273 totaling \$299,686.16, and Wire Transfer containing Check #338 totaling \$1,964.20. (\$301,650.36)

Motion by Mike McGinn, second by Sal Scancarello.

Final Resolution: Motion Carries

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

Action (Resolution), Discussion: 6.2 Escrow Abstract

2021-#290

BE IT RESOLVED, that the Town Board of the Town of Monroe requests approval of Abstract #21-08 Escrow containing Check #1977-1979 totaling \$3,616.24.

Motion by Mary Bingham, second by Sal Scancarello.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Councilperson - Rick Colon, Mary Bingham, Sal Scancarello

Abstain: Mike McGinn

7. Budget Transfer Requests

Action (Resolution), Discussion: 7.1 Highway Department

2021-#291

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion regarding the following Budgetary Transfer Request.

Reason for Transfer: Elimination of deficit in DB 5110-4355

Transfer From:

Account No. Account Name Amount

(xxxx-xxxx-xxxx-xx)

DB 5110-4354 General Repairs Road Oil 35,000.00

Transfer To:

Account No. Account Name Amount

(xxxx-xxxx-xxxx-xx)

DB 5110-4355 General Repairs Asphalt 35,000.00

Motion by Mary Bingham, second by Sal Scancarello.

Final Resolution: Motion Carries

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

8. New Business

Action (Resolution), Discussion: 8.1 Chamber of Commerce, Use of Senior Center

2021-#292

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to approve the Greater Monroe Chamber of Commerce's room use in the lower level of the Senior Center for a monthly fee of \$150. Effective July 15, 2021.

RESOLUTION AUTHORIZING LICENSE AGREEMENT

WHEREAS, the Greater Monroe Chamber of Commerce ("Chamber") desires to utilize a room located in the lower level of the Town Senior Center at 101 Mine Road, Monroe, New York 10950; and

WHEREAS, the Town Board desires to license such space to the Chamber in the form of a revocable license agreement.

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 Supervisor is hereby authorized to execute a License Agreement with the Chamber in a final form approved by the Town's legal counsel.

Section 3. The Town Supervisor and any other officer, employee or consultant as directed by the Town Supervisor, is hereby authorized to take any and all necessary actions to carry out the provisions of this Resolution.

Section 4. 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 Supervisor -Tony Cardone, second by Mike McGinn.

Final Resolution: Motion Carries

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

Action (Resolution), Discussion: 8.2 Change Order, Water District 12 Wellfield Improvements Project

2021-#293

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to approve change order for the Water District 12 Watermain project, Contract GC-2.

Change Order request:

Furnish and install (2) new well pumps (quote provided from Jorrey Excavating, Inc.).

These changes result in the following adjustment of Contract Price:

Contract Price Prior to This Change Order: \$770,870.00

Net Change Resulting from This Change Order: \$2,318.04

Current Contract Price Including This Change Order: \$773,188.04

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

Final Resolution: Motion Carries

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

Action (Resolution), Discussion: 8.3 Town Assessor Car Lease

2021-#294

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

A RESOLUTION REGARDING A CLOSED-END MOTOR VEHICLE LEASE

WHEREAS, Town of Monroe [Lessee] (the "Entity") is a public body corporate and politics, duly organized and existing under the laws of the State/Commonwealth of New York, with the requisite power and authority to incur obligations; and

WHEREAS, the Entity desires to procure one or more motor vehicles (the "Vehicle(s)") for use by the Entity in conjunction with the responsibilities and authority granted to it by law; and

WHEREAS, the Entity believes that it would be in the best interest of the Entity to procure the Vehicle(s) by the entering into of one or more Closed-End Motor Vehicle Leases the "Lease(s)") with Barton Chevrolet Cadillac [Dealership Name], a motor vehicle dealership.

NOW, THEREFORE, BE IT RESOLVED, that the procurement of the Vehicle(s) be and hereby is authorized, and that the agents of the Entity be, and they hereby are, authorized, empowered, and directed to do or cause to be done all such acts and things as they may deem necessary or advisable in connection with the Lease(s), including, without limitation, the preparation and finalization of the Lease(s) and all documents required to be executed in conjunction therewith (collectively, the "Transaction Documents"); and

FURTHER RESOLVED, if and to the extent required by the Transaction Documents, the Entity be and hereby is authorized to grant a lien on and security interest in certain assets of the Entity as set forth in the Transaction Documents as collateral for the obligations of the Lease;

FURTHER RESOLVED, that Anthony Cardone [Name], Town of Monroe Supervisor [Title] shall be and hereby is authorized to execute the Transaction Documents, in the name and on behalf of the Entity, and deliver such Transaction Documents; and

FURTHER RESOLVED, that the appropriate agents of the Entity be, and they hereby are, authorized, empowered, and directed, for and on behalf of the Entity, to pay all amounts, including fees and expenses, in connection with the Lease; and

FURTHER RESOLVED, that in addition to and without limiting the foregoing, any and all acts and things heretofore or hereafter done and any consents, certificates, agreements, undertakings, commitments and other instruments and documents heretofore or hereafter entered into, executed, delivered and performed by any one or more of the agents of the Entity, for and on behalf of the Entity as they deem necessary or appropriate to carry out and effectuate the intent or purposes of the foregoing resolutions are hereby authorized, adopted, approved, and ratified in all respects.

FURTHER RESOLVED, that the Town shall not exercise the option to purchase provided for in the Lease.

PASSED AND APPROVED by Town Board [Council Name], in a meeting held on the 7th day of June, 2021.

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

Final Resolution: Motion Carries

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

Action (Resolution), Discussion: 8.4 Tax Certiorari Matter Settlement

To hear Board Members regarding Tax Certiorari Matter Settlement, please go on-line to Board Doc's Video Clip #8.4, 0:20:02.

2021-#295

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

RESOLUTION TAX CERTIORARI 2015-2019 PORT HOLDINGS LLC

WHEREAS, the Town of Monroe, New York ("Town") in the years 2015, 2016, 2017, 2018 & 2019 made assessments of real property by the Town Assessor; and

WHEREAS, litigation was commenced by property owners seeking a review of such assessments; and

WHEREAS, the Town Board is empowered and authorized to review any proposed settlement of tax certiorari matters and reject or approve such settlements as recommended by professionals employed by the Town; and

WHEREAS, Special Counsel Feerick Nugent MacCartney PLLC, for the Town has approved the settlement for this matter as recommended by the Town Assessor and all professionals employed by the Town recommend that it is in the best interest for the Town to resolve the litigation entitled Port Orange Holdings, LLC v. Town of Monroe et al. under Orange County Supreme Court Index Nos.: 005476/15, EF004483/16; EF005085/17, EF7858/18 and EF005910/19 pursuant to the terms and conditions set forth in the settlement documents annexed hereto as Exhibit "A".

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. Special counsel aforesaid for the Town is hereby authorized to execute a Consent Judgment to resolve Port Orange Holdings LLC v. Town of Monroe upon the terms and conditions set forth in the settlement documents annexed as Exhibit "A" because such a settlement of the Litigation is in the best interest of the Town.

Section 3. 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 Supervisor -Tony Cardone, second by Councilperson - Rick Colon.

Final Resolution: Motion Carries

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

Action (Resolution), Discussion: 8.5 81 Raywood Drive

2021-#296

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Table the Matter regarding 81 Raywood Drive until August 16, 2021.

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

Final Resolution: Motion Carries

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

Information: 8.6 Lake Mombasha Land Parcels

****MATTER TO BE DISCUSSED REGARDING PURCHASE PRICE IN EXECUTIVE SESSION.**

Action (Resolution), Discussion: 8.7 Green Innovation Grant Program (GIGP) Resolution

To hear Board Members discussion regarding Green Innovation Grant Program (GIGP) Resolution, please go on-line to Board Doc's Video Clip #8.7, 0:29:18.

2021-#297

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

RESOLVED that the project is a SEQR Type II status project and requires no additional action at this time; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Monroe approves to commit Local Funds to provide the required match; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Monroe approves the submission of the GIGP application to obtain new water meters.

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

Final Resolution: Motion Carries

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

Action (Resolution), Discussion: 8.8 Municipal Benchmarking

2021-#298

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

ESTABLISHING ENERGY BENCHMARKING REQUIREMENTS FOR CERTAIN MUNICIPAL BUILDINGS

Drafting Note: This template legislation is presented here as a resolution, but communities should note that it may also be adopted as a local law or ordinance, where they have the power to do so. The following information should not be a substitute for legal advice from an attorney familiar with local requirements.

WHEREAS, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Town of Monroe is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Town of Monroe Town Board desires to use Building Energy Benchmarking -

a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Monroe; and

WHEREAS, the Town of Monroe Town Board desires to establish procedure or guideline for Town of Monroe staff to conduct such Building Energy Benchmarking; and

NOW THEREFORE IT IS HEREBY RESOLVED AND DETERMINED that the following specific policies and procedures are hereby adopted;

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1. DEFINITIONS

(A) "Benchmarking Information" shall mean information generated by Portfolio Manager as herein defined including descriptive information about the physical building and its operational characteristics.

(B) "Building Energy Benchmarking" shall mean the process of measuring a building's Energy use tracking that use over time and comparing performance to similar buildings.

(C) "Commissioner" shall mean the head of the Department.

(4) "Covered Municipal Building" shall mean a building or facility that is owned or occupied by the Town of Monroe that is 1000 square feet or larger in size.

(5) "Department" shall mean the [Department selected to enforce the Benchmarking Policy].

(6) "Energy" shall mean electricity natural gas steam hot or chilled water fuel oil or other product for use in a building or renewable on-site electricity generation for purposes of providing heating cooling lighting water heating or for powering or fueling other end-uses in the building and related facilities as reflected in Utility bills or other documentation of actual Energy use.

(7) "Energy Performance Score" shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) "Energy Use Intensity (EUI)" shall mean the kBtUs (1000 British Thermal Units) used per square foot of gross floor area.

(9) "Gross Floor Area" shall mean the total number of enclosed square feet measured

between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) "Portfolio Manager" shall mean ENERGY STAR Portfolio Manager the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide or successor.

(12) "Utility" shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) "Weather Normalized Site EUI" shall mean the amount of Energy that would have been used by a property under 30-year average temperatures accounting for the difference between average temperatures and yearly fluctuations.

§2. APPLICABILITY

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

(1) No later than May 12017 and no later than May 1 every year thereafter the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than September 1 2017 and by September 1 of each year thereafter for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually the following Benchmarking Information:

- (a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and
- (b) For each Covered Municipal Building individually:
 - (i) The status of compliance with the requirements of this Policy; and
 - (ii) The building address primary use type and gross floor area; and
 - (iii) Annual summary statistics including site EUI Weather Normalized Source EUI annual GHG emissions and an Energy Performance Score where available; and
 - (iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

§5. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Policy including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

§6. ENFORCEMENT AND ADMINISTRATION

- (1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.
- (2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.
- (3) Within thirty days after each anniversary date of the effective date of this Policy the Chief Enforcement Officer shall submit a report to the Town Board including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption and the status of compliance with the requirements of this Policy.

§7. EFFECTIVE DATE

This policy shall be effective immediately upon passage.

§8. SEVERABILITY

The invalidity or unenforceability of any section subsection paragraph sentence clause provision or phrase of the aforementioned sections as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional shall not affect the validity or

enforceability of any other section subsection paragraph sentence clause provision or phrase which shall remain in full force and effect.

On a Motion by Supervisor Cardone and seconded by Councilwoman Bingham the vote on the foregoing resolution was as follows:

Tony Cardone Supervisor Aye
Rick Colon Councilperson Aye
Mike McGinn Councilperson Aye
Mary Bingham Councilperson Aye
Sal Scancarello Councilperson Aye

This resolution was adopted.

Motion by Supervisor -Tony Cardone second by Mary Bingham.

Final Resolution: Motion Carries

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

Discussion: 8.9 Building Department Software Proposal

To hear Supervisor Cardone and Councilman Colon regarding Building Department Software Proposal please go on-line to Board Doc's Video Clip #8.9 0:35:09.

Action (Resolution) Discussion: 8.10 Resolution RE Code Enforcement: 20 Allison Drive

2021-#299

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 TOWN LEGAL COUNSEL TO INITIATE PROCEEDINGS REGARDING
CODE ENFORCEMENT ISSUES AT
20 ALLISON DRIVE IN THE TOWN

WHEREAS the Town of Monroe (the "Town") desires to enforce the Town Code and New York State Fire and Building Codes to promoted the public health safety and welfare of residents and others accessing properties in the Town; and

WHEREAS the Town Building Department has previously issued orders directing the use of 20 Allison Drive as a school to cease unless and until such use is properly approved; and

WHEREAS upon information and belief the property continued to be used as a school after the issuance of such orders and continues to be used as a school contrary to the provision of

the Town Code and State Codes; and

WHEREAS the Town desires to ensure that safety of all persons that may be impacted and placed at risk by the improper use of such property as a school where appropriate approvals have not been obtained.

NOW THEREFORE BE IT RESOLVED that:

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

Section 2. The Town Board hereby authorizes the Town's legal counsel to take any and all measures necessary to bring a legal proceeding in the County of Orange and/or any other appropriate forum to pursue a judicial order and such other relief necessary to enjoin and cease the use of 20 Allison Drive as a school unless and until any and all appropriate approvals are obtained in relation to such use.

Section 3. The Town Supervisor and any other employee official or consultant as directed by the Town Supervisor is hereby authorized to take and any all necessary actions to carry out the provisions of this Resolution.

Section 4. 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 Supervisor -Tony Cardone second by Sal Scancarello.

Final Resolution: Motion Carries

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

Discussion: 8.11 Lighting Surplus

To hear Supervisor Cardone and Board Members regarding Lighting Surplus please go on-line to Board Doc's video clip #8.11 0:41:47.

9. Public Comment

Information: 9.1 Rules for Public Comment

Discussion Information: 9.2 Public Comment

****NO PUBLIC COMMENT AT THIS TIME.**

10. New Business Continued

Action (Resolution) Discussion: 10.1 Monroe Free Library Proposition for General Election Ballot

To hear Town Clerk Mary Ellen Beams and Board Members regarding Monroe Free Library Petitions please go on-line to Board Doc's Video Clip #9.3 0:43:13.

2021-#300

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to put the Monroe Free Library Proposition for the General Election in November on the Ballot

Motion by Mary Bingham second by Supervisor -Tony Cardone.

Final Resolution: Motion Carries

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

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

Action (Resolution): 11.1 Enter into Executive Session

2021-#301

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to enter into an Executive Session to discuss purchase of property.

Motion by Supervisor -Tony Cardone second by Sal Scancarello.

Final Resolution: Motion Carries

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

12. Return to Regular Meeting

Action (Resolution): 12.1 Return to Regular Meeting

2021-#302

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 Councilperson - Rick Colon.

Final Resolution: Motion Carries

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

13. Motions From the Floor

Action (Resolution) Information: 13.1 Surplus Colorado One Quad Tour Lights

2021-#303

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to surplus the Colorado One Quad Tour Lights (5). Will do research on selling them.

Motion by Supervisor -Tony Cardone second by Sal Scancarello.

Final Resolution: Motion Carries

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

Action (Resolution) Information: 13.2 Motion Regarding Certioraris for Legal Costs Shared by Both the School District and the Town

2021-#304

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to authorize the Town Attorney to draft a letter to the School District regarding Certioraris and discussion on admiral terms for legal costs shared by both the School District and the Town.

Motion by Mike McGinn second by Sal Scancarello.

Final Resolution: Motion Carries

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

Action (Resolution) Information: 13.3 Lake Mombasha Land Parcels

2021-#305

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion authorizing the Supervisor to enter into negotiations regarding Lake Mombasha Land Parcels.

Motion by Mary Bingham second by Councilperson - Rick Colon.

Final Resolution: Motion Carries

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

14. Adjournment

Action (Resolution): 14.1 Adjournment of Meeting

2021-#306

BE IT RESOLVED that the Town Board of the Town of Monroe adjourns the meeting of July 12 2021 at 8:13 PM.

Motion by Supervisor -Tony Cardone second by Sal Scancarello.

Final Resolution: Motion Carries

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

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