

MONROE TOWN BOARD MEETING MINUTES

— 08/16/2021

MONROE TOWN BOARD MEETING AGENDA (Monday, August 16, 2021)

Generated by Valerie Bitzer

Members present

Councilperson - Rick Colon, Mike McGinn, Mary Bingham, Sal Scancarello

Supervisor Cardone joined the Meeting from a remote location at 7:00 PM via ZOOM.

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 August 16, 2021

2021-#307

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Open the Town Board Meeting of August 16, 2021 at 7:07 PM.

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

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 Community BBQ, August 21st

To hear Councilman Colon regarding Village of Monroe Community BBQ, August 21st, please go on-line to Board Doc's Video Clip #3.1, 0:0:46.

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-#308

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 Mike McGinn, 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 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, 0:1:08.

- Dyer Halpern
- Camille Tokerud

- Councilman Colon: First up please.

- Deputy Town Clerk Valerie Bitzer: Dyer Halpern.

- Councilman Colon: Thank you. Yeah leave it on for everybody. Don't do (inaudible). Yeah, he gets, he gets mad at (inaudible).

- (Laughter)

- Dyer Halpern: Thank you. We really appreciate again all the input you've allowed us, and feedback you've provided us on this Law. Generally, I think, we think it's great. We had two questions that remain for us. One is in terms of the timeline. Could there be a grace period, such that when the Law goes into effect, we have an opportunity to apply for the Permit before we're cut off from, from doing anything. And then the second one, was with regard to the Survey. Is that something that could be done by us rather than having to pay someone to certify to do it? I think those were only two remaining requests.

- Councilman Colon: Well, I think, I think there may be a problem if you conduct a Survey. You know, you want to have arms distance away from it, so people can say that it wasn't you know.

Councilman McGinn: Yeah, I, I think.

- Councilman Colon: Neglected on certain points.

- Councilman McGinn: Let me ask you, when you bought the property, the, did they, they did a Survey on it right? A Survey did a certain this, it's certified by a Surveyor?

- Dyer Halpern: When we purchased it?

- Councilman McGinn: Yeah. (Inaudible).

- Dyer Halpern: We didn't have a survey done. We relied on the County maps, and.

- Councilman McGinn: Yeah.

- Dyer Halpern: All of that.

- Councilman McGinn: I mean, typically speaking.

- Dyer Halpern: Yeah.

- Councilman McGinn: (Inaudible) supposed to be a Survey done.

- Dyer Halpern: Okay.

- Councilman McGinn: So, you know. So, whatever a Surveyor does especially in this

circumstance, I mean, most Title companies will make sure there's one done before they, but we, we would, you know, we would, I think we'd like to make sure there's a Survey done.

- Dyer Halpern: (Inaudible).

- Councilman McGinn: So that down the road there's not a, an issue with neighbors, and stuff (inaudible). Hey listen, this was never property lines are wrong, or whatever. As far as the, as far as the grace period, so, just to kind of give you a little idea, and timeline. So, from here, this Law has, this, this, Local Law, Proposed Local Law has to go up to the Orange County Planning for what they call GML Review. I'm sure you're aware of what, what that is. They have 30 days to, to respond on it.

- Dyer Halpern: Mmm, hmm.

- Councilman McGinn: When they send back their reply, you will either come back with, you know, recommendations or, or there's, there's two, two categories (inaudible) can come back with, and one requires a full super majority, and one just requires a simple majority, depending on the level of changes. We don't think that there's going to be anything that they find that objectionable, you know? They've seen this. It's been going around so, it's not. So, after that 30 days, it comes back, we adopt a SEQRA, that's already you know, a non, non-deck on it, and then we adopt the Local Law. So, we're hoping that we can get that done within the next, the next few meetings. So, like I said, 30 days of the County from when it goes up there, and then it comes back. So, I would say probably if everything aligned well, would be either the last meeting September, or the first one in October.

- Dyer Halpern: Can we take the steps necessary then, cause our concern is the Law goes into effect, and we haven't been able to apply for the Permit yet. So that we would then be in violation of the Law simply because the Permitting process hasn't started.

- Councilman McGinn: Well, I mean, so, once the Law is enacted, there is gonna be a grace period.

- Dyer Halpern: Okay.

- Councilman McGinn: Yeah, so. Yeah, so. So, yeah. I'm sorry. I didn't address that part. I think, I think we're talking about a five- or six-month grace period from the time that the Law is enacted to give everyone time to come into compliance, do the application process, and, and all that. So, we're, we're gonna give it an adequate amount of time for people to, you know, the property owners, to get to that. Get to that point.

- Dyer Halpern: That's perfect. And if there are any problems, we'll just call Bobby.

- (LAUGHTER)

- Councilman McGinn: Yeah. Yeah. Call the Town Attorney.

- (LAUGHTER)

- Dyer Halpern: Alright.

- Councilman McGinn: So, yeah. So, that's, that's kind of where we are with the timeline, and you know, there could be some, some minor changes made you know, between now, and then but that's, that's what we're looking at. I think we're, we're you know, speaking, speaking for myself, I think we, we've kinda have gone through this, and you know, I think we're at that point.

- Councilwoman Bingham: The only other thing is there's still, we have to discuss Brian Nugent's letter. So, maybe in Executive Session we could do that.
- Councilman McGinn: Yeah, that'd be fine.
- Councilwoman Bingham: Okay.
- Councilman McGinn: That'd be fine.
- Councilman Colon: (Inaudible)
- Dyer Halpern: Thank you all. Appreciate it.
- Councilman Scancarello: Thanks to you guys for all your assistance too.
- Councilman McGinn: Yeah, we're.
- Councilman Colon: Thank you. We're grateful.
- Councilman Scancarello: We're really grateful.
- Councilman McGinn: (Inaudible) getting that input, and we're happy. We've gotten a lot of input from the community on this, and you know we're, we're happy to finally get this adopted, and move on. Thank you very much.
- Councilman Scancarello: Thank you.
- Councilman McGinn: Appreciate it.
- Deputy Town Clerk Valerie Bitzer: Camille Tokerud. Camille, if you would just pull the mic a little closer, please. Thank you.
- Camille Tokerud: Hello. Hear me? Thanks everybody again. Nice to see everybody. Pretty much, I only had two things to add, and you just answered the second one, so we'll go briefly over that. Yeah, I didn't like the idea that I was doing something wrong before I started. So, as long as there's time to apply, and get it all together, then that made me feel good, and I think the only other one, and I did speak briefly before so. I just was wondering about the wording. And I do appreciate being included with the further timeline of where I live, for two hours away sometimes. And the amended Excuse to Tenured Town Residents, I want, is wonderful. Then, when I read it, and it says you have to be, to have the second property, the first permanent is okay if you've been a full-time resident, and property owner. I just wanted to know if that could be clarified to just say a homeowner or? Because I've been a homeowner for like 20 years here, and.
- Councilman Colon: That would, that would make you (inaudible).
- Camille Tokerud: Okay, I guess when I think of a full-time resident, didn't mean I've been (inaudible) being the house, or Short-term Rental.
- Councilman Colon: Right, because you have two residencies, but you pay taxes here. So.
- Camille Tokerud: I do. So, as long as that's clear, I guess when I (inaudible).
- Councilman Colon: I don't think that there would be any, any issue with that.
- Camille Tokerud: Okay. Super.
- Councilman McGinn: And, and the intent of that, just so you know, is that so someone wouldn't you know, come in and just start buying up houses to, or properties to make them into AIRB&B's. You know?
- Camille Tokerud: That's right. (Inaudible).

- Councilman McGinn: The intent of this is a people that don't own homes here are using it as a supplemental income or, or an investment either way. But it's just, we don't want, like we've seen happen especially more in resort areas where people will come in, and just buy houses, and turn them all into AIRB&B's or whatever.
- Camille Tokerud: (Inaudible)
- Councilman McGinn: So, that's, that's our Legislative intent on why we have that in there.
- Camille Tokerud: That's right, and I guess further in there somewhere there's another statement that says you don't want people to do, or they don't want to have too many that are excessive, and I just wanted, I think that's necessary, but I don't know how to define what assesses is or who decides if it's assessed excessive. You know if there's too many. What's too many, and where you know, how will that be defined?
- Councilman Colon: Well, I, I think we gave ourselves a little bit of latitude on that.
- Camille Tokerud: Is that? Okay.
- Councilman Colon: Instead of nailing it down to a specific number. Some people could say three, and others can say 25.
- Camille Tokerud: Yeah, that's what I just thought it was (inaudible).
- Councilman Colon: So, we, we purposely gave ourselves some latitude in that. Instead of saying must be only three, and I'd say (inaudible) you know?
- Camille Tokerud: Ok, well my.
- Councilman Colon: There's always a way to weasel out of one thing to another. So.
- Camille Tokerud: Fair enough. That's the good answer. All right. Thank you all.
- Councilman McGinn: Thanks Camille.
- Councilman Scancarello: Thank you.
- Councilman McGinn: Thanks for comin.
- Deputy Town Clerk Valerie Bitzer: That's all for Public Comment.
- Councilman Colon: Anyone from the Board wish to make a comment at this time? Going once. Going Twice. 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-#309

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 September 7, 2021 of soon there after.

Motion by Mike McGinn, 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-#310

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 Sal Scancarello, second by Mary Bingham.

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, 0:10:24.

- Julia Kole

- Councilman Colon: Thank you. Do we have anyone?
- Deputy Town Clerk Valerie Bitzer: Julia Kole.
- Councilman Colon: (Inaudible)
- Julia Kole: Good evening everyone. How are you?
- Councilman Colon: Good evening. Could you just.
- Julia Kole: Enjoying the summer?
- Councilman Scancarello: Yes.
- Julia Kole: Hooray. Finally, it's nice.
- Councilman Colon: Could you just please state your name, and.
- Julia Kole: My name is Julia Kole.
- Councilman Colon: (Inaudible)
- Julia Kole: I'm the President of Arrow Park Inc.
- Councilman Colon: And the address.
- Julia Kole: (Inaudible).
- Councilman Colon: It doesn't have to be exact.
- Julia Kole: 1061 Orange Turnpike.
- Councilman Colon: That's good.
- Julia Kole: Okay.
- Councilman Colon: Thank you.
- Julia Kole: So, I just have a few questions, because again, we don't have big turnout from

our constituents to be in the Water District or from our users. So, I'm, I'm gonna ask some questions for them, because I'm a little concerned because prices in the plumbing, and air, all of the construction world seems to be increasing heavily. And so, my first question is, is, if your prevailing rates go up significantly, and that money is now being put on to the users to a point where it becomes unfeasible for them, is there is there a mechanism by which they can, we can, there is an opt-out?

- Councilman Colon: In other words, what, let me just summarize if I understand you correctly. So, what you're saying is in order to come into compliance as a Water District, it may require more than what was anticipated.

- Julia Kole: Correct?

- Councilman Colon: So, at that point, what would you as a Water District be able to do? At that point.

- Julia Kole: Right.

- Councilman Colon: And then we would if, if, if, it does become part of the Water District, I believe we get a BAN on that correct, Mr.

- Councilman McGinn: So, so right now, obviously, so our, our Town Engineer is doing an assessment on, on what they would estimate that the cost would be to bring.

- Julia Kole: Right.

- Councilman McGinn: The District to, to, to bring it up to, I don't want to say Code, but bring it up to where it needs to be.

- Julia Kole: Should be. Right.

- Councilman McGinn: So, if, if at that point that number, and what he's saying or what the Firm is saying, needs to be done is, is something that you know, the Water District, or the, the Private Water District finds to be untenable, or way too expensive, or whatever, you can opt out at that point. And say.

- Julia Kole: Okay.

- Councilman McGinn: Listen, we're gonna withdraw. We don't, we no longer wish to form a Water District within the Town, and then you can stay private, and make whatever changes you deem necessary through whatever, however you raise funding to do so.

- Julia Kole: Okay.

- Councilman McGinn: But I mean, there will be a certain point, and I would say that once we formally form the Water District which will be after, again, after quite a bit of, it's gonna be after the Engineering study by our, the Town Engineer. It's gonna be after the Public Hearings. It's gonna be after Bonding, and everything else that goes along with it. It's gonna take some time.

- Julia Kole: Right.

- Councilman McGinn: But yeah, once, once we Adopt the Law, and make that a District then yeah, you, you're, you're on the hook (inaudible).

- Julia Kole: We're on the hook. Okay.

- Councilman McGinn: Everyone, everyone's kind of in agreement on that?

- Councilman Scancarello: Absolutely.

- Councilman McGinn: Yeah.

- Julia Kole: I just don't wanna, I just don't want these, I don't, I just, I, I don't want the user to all of a sudden you know, their, their price that, that gets added onto their Taxes you know. Goes you know, into the six or seven-thousand-dollar range, or the Grant doesn't come through. Or you know, the prices go up. I'm, I'm worried for them. You know, it's a lot, it's a lot of money for them, and I know that, that was you know, when we had our initial meetings with everybody like everybody really wants you guys to take it. I mean, obviously you know for. But, I also want to make sure that they're not going to hate me doubly. (Laughter).

- Councilman Colon: Well, well, well by that, by that time, you'll be well into it, and you'll have a very good idea.

- Julia Kole: Okay. Alright. Great.

- Councilman Colon: What it's gonna be.

- Julia Kole: That's all.

- Councilman Colon: And it's not just someone, just guessing a number. We've had some experience with.

- Julia Kole: Yeah, and I, you know at the prevailing rates that, you know, we saw on that initial paperwork. But I can also see what's happening right now in construction. I mean, even we had a Plumber come to fix something in one of our other Wells, and he's like, "Tanks are hard to find, and every prices are going up", and you know, that's concerning of me. To me.

- Councilman McGinn: Well, a lot of these are supply side issues that will probably work out in time. But, but I know what you're saying.

- Julia Kole: Right. Exactly.

- Councilman McGinn: Those are all yeah. Everyone's suffering. A little sticker shock with everything right now.

- Julia Kole: Okay. All right.

- Councilman McGinn: Construction materials are, are you know right on the top of that, and so.

- Julia Kole: All right. So, we're still in a process.

- Councilman McGinn: I understand what you're saying.

- Julia Kole: And we, we all have time.

- Councilman McGinn: Yes.

- Julia Kole: Right.

- Councilman McGinn: Absolutely.

- Julia Kole: Okay. All right. I think that's really my major question.

- Councilman McGinn: Sure.

- Julia Kole: All right. Thank you.

- Councilman McGinn: You're welcome.

- Councilman Scancarello: Thank you.

- Councilman McGinn: Hopefully, we'll, we'll have that, you know, the Engineer will have that done soon, and we'll be able to take it from there.

- Julia Kole: All right. Great.
- Councilman McGinn: Okay.
- Julia Kole: Thank you so much.
- Councilman McGinn: You're welcome. Thanks for coming up. Appreciate it.
- Julia Kole: Okay. Bye-bye.
- Councilman Colon: Who's next? Anyone (inaudible).
- Deputy Town Clerk Valerie Bitzer: That's all for Public Comment.
- Councilman Colon: Anyone on the Board please? Comment. Mrs. Bingham.
- Councilwoman Bingham: Well, just if you did form the Water District, and we did go out to try to get Grants, and things like that, that's always gonna be done at prevailing wages.
- Julia Kole: Right.
- Councilwoman Bingham: So, Yeah.
- Julia Kole: That I know.
- Councilwoman Bingham: So, yeah. You're right wages, and all those material costs have gone up, but hopefully you would get a Grant.
- Julia Kole: Right.
- Councilwoman Bingham: So, you gotta weigh a little bit, and we don't know what's going to happen six months from now, or a year from now.
- Julia Kole: Okay.
- Councilwoman Bingham: But we will try to get through those, the numbers. How much each homeowner would pay.
- Julia Kole: Right.
- Councilwoman Bingham: Okay.
- Julia Kole: Right, and, and we have some idea of it, but I just, you know, I just, things are changing rapidly. All right.
- Councilwoman Bingham: Times are changing.
- Julia Kole: Exactly. Thank you.
- Councilman Scancarello: Thank you.
- Councilman McGinn: You're welcome. Thank you. Have a good one.
- Councilman Colon: (Inaudible)
- Julia Kole: Thanks.
- Councilman Colon: That's it?
- Councilman Scancarello: That's it.
- Councilman Colon: Any further comments from the, on the Board? Okay

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

2021-#311

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 September 7,

2021 or soon there after.

Motion by Mike McGinn, 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 July 12, 2021 Minutes

2021-#312

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to accept the Minutes of July 12, 2021.

Motion by Sal Scancarello, second by Mary Bingham.

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-#313

BE IT RESOLVED, that the Town Board of the Town of Monroe requests approval of Abstract #21-12 General Fund containing Check #27274-27443 totaling \$866,268.93, and Wire Transfers containing Check #339-341 totaling \$3,138,141.99. (\$4,004,410.92)

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-#314

BE IT RESOLVED, that the Town Board of the Town of Monroe requests approval of Abstract #21-09 Escrow containing Check #1980-1985 totaling \$29,800.10.

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): 6.3 Road Opening Abstract

2021-#315

BE IT RESOLVED, that the Town Board of the Town of Monroe requests approval of Abstract #21-05 Road Opening containing Check #1298 totaling \$2,000. (Refund DRIVEWAY BOND 2020-02, ARTISAN CONTRACTORS)

Motion by Mary Bingham, second by Mike McGinn.

Final Resolution: Motion Carries

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

7. Budget Transfer Requests

Action (Resolution): 7.1 Abstract of Budget Transfers

2021-#316

BE IT RESOLVED, that the Town Board of the Town of Monroe requests approval of Abstract #21-03.

DATE OF AUDIT: August 16, 2021 ABSTRACT #21-03

DATE GL NO. DESCRIPTION Account Transf From Transf To
8/17/2021 To Fund shredding expenses

Town Clerk TARA Spay & Neuter A000-1410-4891-00 835.00

Town Clerk Records Management A000-1410-4120-00 835.00

To Fund EZ-Pass expenses

Town Clerk Software Maint A000-1410-4226-00 25.00

Town Clerk EZ-Pass Tags A000-1410-4102-00 25.00

Reallocation of DB Funds

7/13/2021 General Repairs Road Oil DB00-5110-4354-00 35,000.00

General Repairs Asphalt DB00-5110-4355-00 35,000.00

8/17/2021 "Contingency Funding Request

"

Water District #2 Contingency SW02-1990-0000-00 2,000.00

Water District #2 Miscellaneous SW02-8340-4109-00 2,000.00

8/17/2021 Reallocation of Water Dist #8 Funds

WD #8 Maintenance Contractual SW08-8340-4504-00 3,009.00

WD #8 Miscellaneous SW08-8340-4109-00 3,009.00

40,869.00 40,869.00

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

8. New Business

Action (Resolution), Discussion: 8.1 Town Clerk Appointment

2021-#317

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Appoint Deputy Clerk Valerie Bitzer to the position of Town Clerk (Salary \$52,000) to fill the vacancy of Town Clerk Mary Ellen Beams. Town Clerk Mary Ellen Beams has retired from her position, effective July 31, 2021.

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: 8.2 Registrar of Vital Statistics Appointment

2021-#318

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Appoint Valerie Bitzer to Registrar of Vital Statistics, Public Health Law 4121, 4123 to fill the vacancy of Mary Ellen Beams.

Town Clerk Mary Ellen Beams has retired from her position, effective July 31, 2021.

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: 8.3 Town Marriage Officer

2021-#319

BE IT RESOLVED, that the Town Board of the Town of Monroe approves Valerie Bitzer as a Town Marriage Officer pursuant to the provisions of the Domestic Relations Law.

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

Final Resolution: Motion Carries

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

Action (Resolution): 8.4 ZBA Appointment

2021-#320

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to appoint Steven Thau of Monroe, NY to the Town of Monroe Zoning Board of Appeals Alternate #1, term to expire December 31, 2024.

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): 8.5 Standard Work Day and Reporting Resolution for Elected and Appointed Officials RS 2417-A

2021-#321

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to approve the Standard Workday and Reporting Resolution for elected and appointed officials (Town Justice James McKnight). This is a resubmission of his record of activities.

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: 8.6 Recommendation of Award: Monroe Town Hall ADA Improvements

To hear Board Members discussion regarding Recommendation of Award: Monroe Town Hall ADA Improvements, please go on-line to Board Doc's Video Clip #8.6, 0:40:50.

2021-#322

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to accept the Bid from FC&C Construction in the amount of \$76,700.

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

Final Resolution: Motion Carries

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

Action (Resolution), Discussion: 8.7 Excavator Purchase, Highway Department

2021-#323

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to approve Highway Department purchase of an excavator through Marshall Machinery, Inc. in the amount of \$115,453.08. This purchase is reimbursable through a State and Municipal (SAM) Facilities Grant recently awarded to the Town in the amount of \$175,000 for the repaving of Rye Hill Road and the purchase of an excavator.

Motin by Mary Bingham second by Mike McGinn.

Final Resolution: Motion Carries

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

Action (Resolution) Discussion: 8.8 Highway Department Vehicle for Surplus

2021-#324

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion approving Highway Department request to declare 2008 Chevy Silverado 3500HD Dump Truck with Plow and Sander as a surplus for sale through Auctions International. (\$13000)

Motion by Mary Bingham second by Mike McGinn.

Final Resolution: Motion Carries

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

Supervisor Cardone left the Meeting.

Action (Resolution) Discussion: 8.9 Full-Time Bus Driver Dial-A-Bus

2021-#325

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion transitioning Part-Time Bus Driver Ernst Eristil to Full-Time status to accommodate increased ridership at Dial-A-Bus operation. (amount of hours changing/salary will remain the same)

Motion by Mike McGinn second by Sal Scancarello.

Final Resolution: Motion Carries

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

Action (Resolution) Discussion: 8.10 Seven Springs Mountain Road Speed Limit Reduction
To hear Board Members discussion regarding Seven Springs Mountain Road Speed Limit Reduction please go on-line to Board Doc's Video Clip #8.10 0:48:34.

2021-#326

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

RESOLUTION AUTHORIZING SUBMISSION OF
REQUEST TO ORANGE COUNTY AND THE NEW YORK STATE DEPARTMENT
OF TRANSPORTATION TO REDUCE SPEED LIMIT ON PORTION
SEVEN SPRINGS MOUNTAIN ROAD

WHEREAS the Town Board of the Town of Monroe is desirous of ensuring the safety of Town Highways and establishing appropriate speed limits upon such highways; and
WHEREAS the section of Seven Springs Mountain Road from State Route 208 to the intersection with Seven Springs Road ("Highway") is currently a posted 40 MPH speed limit; and

WHEREAS a map annexed hereto identifies the existing section of Seven Springs Mountain Road and is made a part of the Resolution; and

WHEREAS the Highway Superintendent of the Town of Monroe has reviewed the Highway and based upon the conditions existing in and about such Highway recommends that such 40 MPH speed limit be reduced to 30 MPH as is consistent with the remainder of Seven Springs Mountain Road in the Town of Monroe which is posted at 30 MPH; and

WHEREAS pursuant to New York State Vehicle & Traffic Law Section 1622 a request to modify the speed limit on a Town Highway requires a joint written request for such action to be submitted by the Town Board of the Town of Monroe and the Orange County Superintendent of Highways to be submitted to the New York State Department of Transportation; and
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 and Town Clerk are hereby authorized to prepare execute and forward this Resolution an Orange County Speed Limit Reduction Request form and other necessary documents to the Orange County Superintendent of Highways for processing and submission of the request to lower the speed limit on Seven Springs Mountain Road in the Town of Monroe to the New York State Department of Transportation.

Section 3. This Resolution shall take effect 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 Mike McGinn.

Final Resolution: Motion Carries

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

Action (Resolution) Discussion: 8.11 Edmunds Utility Billing Online Payment Portal Software

2021-#327

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to accept Proposal from Edmunds GocTech regarding Utility Billing Online Payment Portal Software. This will allow residents to pay their water bills online if desired.

- \$1200 1x fee

- Annual Fee \$1240

- Fee for first year \$2440 (annual fee after that \$1240)

Motion by Mike McGinn second by Mary Bingham.

Final Resolution: Motion Carries

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

Action (Resolution) Discussion: 8.12 Bid for Senior Center Security Improvements

To hear Board Members discussion regarding Bid for Senior Center Security Improvements please go on-line to Board Doc's Video Clip #8.12 0:55:29.

2021-#328

BE IT RESOLVED that the Town Board of the Town of Monroe authorizing the Town Clerk to post Bid for Security Improvements at the Monroe Senior Center. (60 days)

Motion by Mike McGinn second by Mary Bingham.

Final Resolution: Motion Carries

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

Action (Resolution) Discussion: 8.13 Fall 2021 Assessor Conference

To hear Board Members discussion regarding Fall 2021 Assessor Conference please go on-line to Board Doc's Video Clip #8.13 0:58:08.

2021-#329

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion for Town Assessor Royce Noblin to attend the Assessor's Fall Conference taking place in Niagara Falls from October 3-6th. Royce has been invited to participate as a producer for a hybrid training event which will entitle him to receive 2022 training credits.

Hotel cost is \$106 per night plus meal reimbursement allowed per the Town of Monroe Employee Handbook. (Total for three days not to exceed \$400.00)

Motion by Mike McGinn second by Mary Bingham.

Final Resolution: Motion Carries

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

Action (Resolution): 8.14 Snow Contract with the County of Orange for 2021-2022

To hear Board Members and Highway Superintendent John Scherne's discussion regarding Snow Contract with the County of Orange for 2021-2022 please go on-line to Board Doc's Video Clip #8.14 0:59:32.

2021-#330

BE IT RESOLVED that the Town Board of the Town of Monroe made the following Resolution by Councilman McGinn and seconded by Councilwoman Bingham.

**INTERMUNICIPAL AGREEMENT FOR THE CONTROL OF
SNOW AND ICE ON CERTAIN COUNTY ROADS**

THIS AGREEMENT made this 16th day of August 2021 between the County of Orange a municipal corporation organized and existing under and by virtue of the Laws of the State of New York and being one of its political subdivisions (hereinafter the "County") and the Town of Monroe Orange County New York (hereinafter the "Municipality") collectively referred to as "Parties".

W I T N E S S E T H

WHEREAS the County owns operates and maintains a highway system (hereinafter "roadways") in the towns and villages of the County; and

WHEREAS the Orange County Department of Public Works has general charge and supervision of the work of constructing improving repairing and maintaining all County roadways; and

WHEREAS County funds may be expended for the control and removal of snow and ice from County roadways; and

WHEREAS the County may contract with the Municipality for snow removal and for salting or otherwise treating County roadways for the purposes of removing the danger of ice and snow; and

WHEREAS the Municipality has the necessary machinery and equipment to exercise snow

removal and salting or otherwise treating certain County roadways in said Municipality; and WHEREAS it will be beneficial to the County for said work to be performed by the Municipality; and

WHEREAS the Municipality is willing to contract with the County for snow and ice control services based on the terms and conditions hereinafter set forth;

NOW THEREFORE in consideration of the mutual covenants contained herein it is agreed between the parties hereto as follows:

1. Term. This Agreement shall be in effect for a period commencing on October 1 2021 and will terminate on April 30 2022 (hereinafter the "Term"). This Agreement is subject to approval by resolution of the Orange County Legislature and the Municipality's legislative body pursuant to New York Highway Law §135-a.

2. Scope of Work. This Agreement shall include all activities necessary to control snow and ice together with all necessary labor equipment and materials for the County roadways designated in Schedule "A" which is annexed hereto and incorporated herein (hereinafter the "Work").

a. The Municipality will furnish all personnel necessary highway tools and equipment and cause the Work to be performed in accordance with the rules and regulations of the County's Commissioner of Public Works.

b. The Municipality will provide all necessary sanding for the purposes of removing the danger of snow and ice on the County roadways designated in Schedule "A".

c. Plowing shall always be done with the plowing trucks moving in the direction of traffic. Snow should not be plowed to the side of the truck on which traffic has an opportunity to pass.

3. Payment. In consideration for the Work the County will pay the Municipality in accordance with the rates set forth in Schedule "A". Municipality shall submit a detailed invoice for all Work rendered pursuant to this Agreement. The County will pay the Municipality on or before the April 15 2022 or in the event that an invoice is not tendered to the County on or before March 15 2022 County shall issue payment within thirty (30) days receipt of such invoice.

4. Municipality Responsibilities. In addition to the obligations set forth in this Agreement Municipality shall:

a. Notify the County's Commissioner of Public Work through Municipality's Superintendent of any action proceeding claim or demand against Municipality arising from or out of the manner of performance of the functions under this Agreement;

b. Maintain a sufficient level of manpower equipment and materials to enable it to meet the objections of this Agreement;

c. Clear the County roadways described in Schedule "A" to the extent that the County may deem necessary to provide reasonable passage and movement of vehicles over such roadways all in accordance with the terms rules and regulations as may be deemed by the County to be in the best interest of the public; and

d. Adhere to all applicable local and state driving laws including the New York State Department of Transportation guidelines for any employees possessing a Commercial driver's license.

5. Compliance with Local Law No. 10 of 2013. AS PROVIDED IN LOCAL LAW NO. 10 OF 2013 THE MUNICIPALITY ACKNOWLEDGES THAT THE PLACEMENT OF BRINE ON ANY ROAD OR PROPERTY OF THE COUNTY IS UNLAWFUL. MUNICIPALITY AGREES THAT NO BRINE AS DEFINED BY LOCAL LAW NO. 10 OF 2013 WILL BE UTILIZED ON OR PLACED ON ANY PROPERTY OF THE COUNTY IN PERFORMING THE WORK.

6. Expenses. Municipality shall be responsible for all costs and expenses incident to the performance of this Agreement including but not limited to all costs of materials equipment all fees fines licenses or bonds required or imposed against Municipality and all other costs associated with the Work. The County shall not be responsible for any expense incurred by Municipality in performing the Work.

7. Parties' Status. It is the expressed intention of the Parties that the Municipality is an independent entity and not an employee agent joint venture or partner of the County. Nothing shall be interpreted or construed as creating or establishing the relationship of employer and employee between the County and Municipality.

8. Municipality's Insurance. The Municipality shall maintain the following insurances covering both the Municipality and the County as it applies to liability under this Agreement: (A) General Liability Insurance with a combined single limit of \$1000; (B) Auto Liability Insurance with a combined single limit of \$1000; and (C) Workers' Compensation and Disability coverage as required by the New York State Workers' Compensation Law.

a. The Municipality shall attach to this Agreement a current Certificate of Insurance. The Certificate of Insurance will name the "County of Orange" as an additional insured with respect to this Agreement.

b. In the event the Municipality does not carry liability insurance it shall provide the County with a letter of indemnification that holds the County harmless in the event of any action brought against the County. Said letter shall be approved by the Orange County Department of Law in advance of any performance of the Work.

c. Each insurance policy required by this Agreement shall be endorsed to state that the coverage shall not be suspended voided cancelled or reduced in coverage or in limits except after sixty (60) days prior written notice by certified mail return receipt requested to the County's Risk Management Division. Any insurance coverage replaced or renewed during this Agreement will be evidenced by a new Certificate of Insurance being supplied to the County by the Municipality.

d. The Municipality's insurance coverage or self-insurance deductible shall be primary insurance with respect to the County its officials employees agents or volunteers; and shall be in excess of the Municipality's insurance or self-insurance/deductible and shall not contribute with it.

e. The Municipality may not subcontract or utilize subcontractors for Work to be performed under this Agreement without the express written consent of the County. In that the County provides written consent for the Municipality to subcontract or utilize subcontractors to perform the Work the Municipality shall include any subcontractors as insured under the

aforementioned insurance policies or shall furnish separate certificates for each subcontractor. Coverage for subcontractors shall be subject to all of the requirements stated herein.

9. Additional Insurance. The County will provide insurance with limits of \$2000 in excess of the amounts set forth in Paragraph 8(A) and 8(B) that will cover the Municipality's liability as it applies under this Agreement.

10. Indemnification.

a. The Municipality hereby agrees to defend indemnify and hold harmless the County including its officials employees and agents against all claims losses damages liabilities costs or expenses (including without limitation reasonable attorney fees and costs of litigation and/or settlement) whether incurred as a result of a claim by a third-party of any other person or entity arising out of services pursuant to this Agreement which the County or its officials employees or agents may suffer by reason of any negligence fault act or omission of the Municipality its employees representatives subcontractors assignees or agents. The Municipality further agrees to defend indemnify and hold harmless the County against any claim arising from or occasioned by the manner of performance or non-performance of the Work under this Agreement.

b. In the event that any claim is made or any action is brought against the County arising out of the negligence fault act or omission of an employee representative subcontractor assignee or agent of the Municipality either within or without the scope of his or her respective employment representation agreement or agency or arising out of the Municipality's negligence fault act or omission then the County shall have the right to require payments hereunder for the purpose of set-off in sufficient sums to cover the said claim or action. The rights and remedies of the County provided for in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or this Agreement.

11. Termination. The County may terminate this Agreement upon thirty (30) days written notice to the Municipality subject to the fulfillment of all outstanding obligations to the County under the provisions of this Agreement. If this Agreement is so terminated the Municipality shall be paid for that portion of the Work satisfactorily completed.

12. Prohibition against assignment. In accordance with the provisions of section 109 of the General Municipal Law the Parties are hereby prohibited from assigning transferring conveying subletting or otherwise disposing of this Agreement or of its right title or interest in this Agreement or its power to execute this Agreement to any other municipality officer person or corporation without the previous consent in writing of the other party.

13. Construction of Agreement. This Agreement shall be construed in accordance with the laws of the State of New York and jurisdiction and venue for any disputes arising herewith shall reside with the Orange County Supreme Court in and for the State of New York.

14. Notices. All notices shall be in writing and hand-delivered or sent by United States certified or registered mail return receipt requested to the address of the other party or to such other address as such party may designate from time to time by such notice and shall take effect when mailed.

15. Entire Agreement. This Agreement constitutes the entire Agreement between the County and Municipality with reference to the subject matter hereof. There are no terms conditions or obligations other than those contained herein and there are no written or verbal statements or representations warranties or agreements with respect to this Agreement which have not been embodied herein.

16. Modification. This Agreement shall not be modified except by writing subscribed by both Parties.

17. Non-Waiver. No delay for failure by either party to enforce or exercise any rights or remedies hereunder shall constitute a waiver of such right or remedy nor shall any single or partial exercise of a right or remedy preclude any other or further exercise of rights and remedies.

18. Severability and Compliance with Applicable Law. Should any part term portion or provision of this Agreement or the application thereof to any person or circumstances be in conflict with any local state or federal law or otherwise be rendered unenforceable or ineffectual the validity of the remaining parts terms portions or provisions or the application thereof shall be deemed severable and shall not be affected thereby.

19. Headings. The headings used herein are for convenience only and shall not be considered in any interpretation of any disputes over the terms of this Agreement.

20. Interpretation. The Parties acknowledge that that they have had an opportunity to review this Agreement and confer with counsel of their choosing. This Agreement shall be interpreted in accordance with its plain meaning and the rule that ambiguities shall be construed against the drafter of the document shall not apply in connection with the construction or interpretation hereof.

IN WITNESS THEREOF the Parties have hereunto executed this Agreement the date set forth above.

Motion by Mike McGinn second by Mary Bingham.

Final Resolution: Motion Carries

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

2021-#331

BE IT RESOLVED that the Town Board of the Town of Monroe amends the prior Motion authorizing the Town Supervisor to sign the 2021-2022 Snow Contract in a form to be approved by Town Counsel.

Motion by Mike McGinn second by Mary Bingham.

Final Resolution: Motion Carries

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

9. Old Business

Action (Resolution) Discussion: 9.1 81 Raywood Drive

To hear Board Members discussion regarding 81 Raywood Drive please go on-line to Board Doc's Video Clip #9.1 1:01:20.

2021-#332

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

BE IT RESOLVED THAT the Town Board hereby approves the Public Road Improvements Cost Estimate & Bond amount of \$38205.00 as reviewed and recommended by the Town Engineer on August 9 2021 for the Bais A Properties 3 Lot subdivision (81 Raywood Drive); and

BE IT FURTHER RESOLVED THAT this Resolution is only an approval of the recommended amount of the required bond and is not effective as constituting evidence of performance security unless and until a bond in the designated amount is submitted and accepted by the Town in a form satisfactory to Town's legal counsel; and

BE IT FURTHER RESOLVED THAT the Town Supervisor and any employee officer or consultant as directed by the Town Supervisor is hereby authorized to take any and all actions necessary to carry out the provisions of this Resolution.

Motion by Mary Bingham second by Sal Scancarello.

Final Resolution: Motion Carries

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

10. Public Comment

Information: 10.1 Rules for Public Comment

Discussion Information: 10.2 Public Comment

The following spoke during Public Comment. To hear their comments and Town Board members responses please go on-line to Board Doc's Video Clip #10.2 1:05:19.

- Ward Brower

- Lipa Deutsch

11. Old Business Continued

Action (Resolution): 11.1 Amended Resolution Regarding 81 Raywood Drive

To heard Board Members discussion regarding 81 Raywood Drive please go on-line to Board Doc's Video Clip #11.1 1:11:49.

2021-#333

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Amend the prior Resolution (Item #9.1) of \$38205.00 to \$27705.00.

Motion by Mary Bingham second by Mike McGinn.

Final Resolution: Motion Carries

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

2021-#334

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion authorizing the Town Supervisor to sign the Maintenance Agreement with BASIS A. PROPERTIES INC. in a form that is acceptable to the Town Attorney.

Motion by Mike McGinn second by Sal Scancarello.

Final Resolution: Motion Carries

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

12. Community Announcements

13. New Business

Action (Resolution): 13.1 Zoning Revisions for Local Law Pertaining to Hotels (GB/LI Districts) & Seven Springs Road

To hear Councilman McGinn and Board Members regarding Zoning Revisions for Local Law Pertaining to Hotels (GB/LI Districts) & Seven Springs Road please go on-line to Board Doc's Video Clip #13.1 1:22:05.

2021-#335

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to place the revisions regarding Zoning for Local Law Pertaining to Hotels (GB/LI Districts) & Seven Springs Road on the Town Website.

Motion by Mike McGinn second by Sal Scancarello.

Final Resolution: Motion Carries

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

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

Action (Resolution): 14.1 Enter into Executive Session

2021-#336

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to adjourn to Attorney/Client Session.

Motion by Mike McGinn second by Mary Bingham.

Final Resolution: Motion Carries

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

15. Return to Regular Meeting

Action (Resolution): 15.1 Return to Regular Meeting

2021-#337

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

Motion by Mike McGinn second by Mary Bingham.

Final Resolution: Motion Carries

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

16. Adjournment

Action (Resolution): 16.1 Adjournment of Meeting

2021-#338

BE IT RESOLVED that the Town Board of the Town of Monroe adjourns the meeting of August 16 2021 at 8:55 PM.

Motion by Mary Bingham second by Sal Scancarello.

Final Resolution: Motion Carries

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

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