

MONROE TOWN BOARD MEETING MINUTES

— 10/03/2022

MONROE TOWN BOARD MEETING AGENDA (Monday, October 3, 2022)

Generated by Valerie Bitzer (Public Hearings transcribed by Valerie Bitzer / Barbara Singer)

Members present

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

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 October 3, 2022

2022-#481

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Open the Town Board Meeting of October 3, 2022 at 7:02 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

Information: 3.1 Food Truck Festival

The Town of Monroe Food Truck Festival will return on Saturday, October 15th from 11 a.m. - 6 p.m. at 61 O&R Road. To hear Councilman Scancarello regarding the Food Truck Festival, please go on-line to Board Doc's Video Clip #3.1, 0:1:08.

Information: 3.2 Town of Monroe Electronic Recycling/Shredding/Tire Recycling Day

The next Town of Monroe Electronic Recycling/Shredding/Tire Recycling Event will take place on October 29th from 9 a.m.-12 p.m. at the Town of Monroe Highway Garage parking lot located at 87 Mine Road, Monroe, NY.

To hear Town Clerk Valerie Bitzer regarding Town of Monroe Electronic Recycling/Shredding/Tire Recycling Day, please go on-line to Board Doc's Video Clip #3.2, 0:1:56.

4. Public Hearing

Action (Resolution), Discussion: 4.1 Motion to Open the Public Hearing RE: 2023 Town Budget / Benefit Assessment Rolls

2022-#482

BE IT RESOLVED, that the Town Board of the Town of Monroe Made a Motion to Open the Public Hearing RE: 2023 Town Budget / Benefit Assessment Rolls.

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

The following residents signed up to speak during Public Comment for the Opening of the Public Hearing RE: 2023 Town Budget / Benefit Assessment Rolls. To hear their comments, and Board Members responses, please go on-line to Board Doc's Video Clip #4.1, 0:8:32.

- Maureen Richardson (representing Paulette Browne)

- Town Clerk Valerie Bitzer: No Public Comment.

- Supervisor Cardone: No Public Comment? Nope. Okay

- (Inaudible)

- Supervisor Cardone: Paulette Browne. Okay. Gotta hit, hit the button on there that says, it has the icon. Somebody talking.

- Maureen Richardson: Yes.

- Supervisor Cardone: There you go.

- Maureen Richardson: Better? Okay. I'm reading this signed statement by Paulette Browne which I will give to the Town Clerk when I'm finished. Due to an emergency, I am unable to present at tonight's meeting to address the planned override of New York State's two percent Tax Cap. I am against going beyond the two percent. I believe before any one of us can agree to this override, we must first know what happened to the missing Town funds. Mr. Cardone was quoted in the Photo News last year stating there was a Town surplus of two hundred thousand dollars. Now, we learn that the Town is nine hundred thousand dollars in the red. That totals one million one hundred thousand dollars. Where is this money now? Town Board transparency seems to be decreasing every year, but we the residents of the Town deserve to know how the Town Board used the last year's Surplus, and this year overspent \$900,000. Give your permission to override the Tax Cap, I say no. Thank you.

- Town Counsel Nugent: That intended to be Public Hearing of Tax Cap? Benefit Assessment.

- Supervisor Cardone: Yeah. Yes.

- Town Counsel Nugent: Know if. Was that intended for the Tax Cap Public Hearing, or are you. I just want to put it in the right.

- Maureen Richardson: (Inaudible) like, she has a disability, and I just was the (inaudible) so, I was told to like read it at.

- Town counsel Nugent: No, I'm just saying, this Public Hearing was the Benefit Assessment. There is a Tax Cap.

- Maureen Richardson: You did yeah. (Inaudible). I think, is this also (inaudible).
- Town Counsel Nugent: All right why don't we just put it in the record for both.
- Maureen Richardson: Yes. Thank you.
- Town Counsel Nugent: Just in case.
- Supervisor Cardone: All right. Okay.

Discussion: 4.2 Monroe Volunteer Ambulance 2023 Budget

To hear Monroe Volunteer Ambulance representatives Wayne Chan, and Nancy Pieffer regarding Monroe Volunteer Ambulance 2023 Budget, and Board Members responses, please go on-line to Board Doc's Video Clip #4.2, 0:11:19.

- Supervisor Cardone: Monroe Ambulance. Just so everyone knows, we have our new Highway Superintendent, Pat Patterson here. We have our Finance Guru Roberta McBride. Can you just put up on the screen Roberta the Libraries. (Inaudible), libraries. The Ambulances Budget. Please. Good evening. How we doin Wayne, and Nancy.
- (Inaudible).
- Supervisor Cardone: Thank you for your service to the community. It's much appreciated.
- Monroe Volunteer Ambulance Wayne Chan: So, this year's Budget, (inaudible) asking for (inaudible).and (inaudible).
- Supervisor Cardone: Icon.
- (Inaudible).
- Supervisor Cardone: Just, just speak, speak into the mic.
- Monroe Volunteer Ambulance Wayne Chan: Okay. We're not asking for any more money. We're asking for what we get every year like we do. We try to hold the line. The only thing is the Day Crew Budget may go up a dollar or two per hour. Other than that.
- Supervisor Cardone: So, if it goes up a dollar two per hour, are you decreasing the amount of hours?
- Monroe Volunteer Ambulance Wayne Chan: No. Same amount of hours.
- Monroe Volunteer Ambulance Nancy Peifer: Same amount of hours. Yeah.
- Supervisor Cardone: Okay. So.
- Monroe Volunteer Ambulance Wayne Chan: We, we put in, we asked the company we deal with for the, for the number. They're working on it. At the same time, we're looking at other, other companies that may be able to provide us the same, same type of service at the same quality.
- Supervisor Cardone: All right. Sounds good.
- (Inaudible).
- Supervisor Cardone: That's it? That was simple. Thank you very much.
- Councilman Scancarello: Thank you guys.
- Supervisor Cardone: Appreciate it.
- Councilman Scancarello: Have a good night.

- Supervisor Cardone: Thanks.
- Councilman McGinn: Thank you for all you do. Appreciate it.

Discussion: 4.3 Town of Monroe Justice Court 2023 Budget

To hear Town Court representatives: Justice Audra Schwartz, Justice Jim McKnight, Court Clerk Raquel Diaz regarding Town of Monroe Justice Court 2023 Budget, and Board Members responses, please go on-line to Board Doc's Video Clip #4.3, 0:13:31.

- Supervisor Cardone: Next up is the Town of Monroe Justice Court. Good evening Judge McKnight. Good evening Judge Schwartz. Good evening Rachel. Raquel. Sorry.
- Town Justice Schwartz: Good evening. Thanks for hearing us. For anyone who doesn't know, I'm Justice Schwartz. Judge McKnight and Raquel Diaz is our Clerk. One of the Clerks. So, I'm, I'm unfamiliar with whatever is up there. Is that 2023 included?
- Supervisor Cardone: (Inaudible).
- Town Justice Schwartz: Based on what we've submitted?
- (Inaudible).
- Town Justice Schwartz: Okay.
- Supervisor Cardone: If you looked at, left columns is 23.
- Town Justice Schwartz: Yeah. I can't see.
- Supervisor Cardone: The center is what was adopted in 22.
- Town Justice Schwartz: Okay.
- Supervisor Cardone: And the year to date is what has been spent as of October 1st, 2022.
- Town Justice Schwartz: Yeah, and I don't, I did (inaudible) but, So, if what's up there is based on 2023, based on what we've asked for in the Budget preparation worksheet. Is it?
- Supervisor Cardone: Yes.
- Town Justice Schwartz: Okay. Got ya. All right. So, you can see.
- Supervisor Cardone: With the exception of salaries which is addressed as we move along.
- Town Justice Schwartz: Right. I would assume we'll do that in Executive Session?
- Supervisor Cardone: No.
- Town Justice Schwartz: Okay. So, when.
- Supervisor Cardone: We don't.
- Town Justice Schwartz: You say when we move, as we move along, what does that mean.
- Supervisor Cardone: As the Budget process moves along. So, if you have any requests, you can make those requests this evening.
- Town Justice Schwartz: Okay. So, you want us to discuss Personnel, salary increases in a Public Hearing?
- Supervisor Cardone: Yes.
- Town Justice Schwartz: Okay. All right. Okay, so.
- Town Counsel Nugent: Let me comment.
- Town Justice Schwartz: Mmm, hmm.

- Town Counsel Nugent: Just salary. You know, we're gonna talk about somebody's performance or anything that's Executive Session, but not salary alone.
- Town Justice Schwartz: Okay. So, limiting it to the request to a number, but not as to why we're asking for it?
- Town Counsel Nugent: (Inaudible) it's something that would be concerning the employee's performance that should be done. If you're gonna talk about a specific employee's performance, that, those comments would be for Executive Session. If you're gonna say, "We would like to increase Mrs. Jones salary to X", that's fine in public.
- Town Justice Schwartz: Right. That was my understanding as well, which is why I mentioned Executive Session. So, are we having Executive Session if we wish to discuss (inaudible) performance that justifies the raises that we're asking for? Or are we not doing that today?
- Town Counsel Nugent: I don't think you need to, if you're talking about positive type things. I really mean, if you're talking about something that's negative. If you're saying someone's doing a great job, and you want to give them a raise that, that can be said in public. But if it's gonna be something that would say, "I'm not giving them a raise because of X", that should be in Executive Session.
- Town Justice Schwartz: All right. Thank you for the clarification. Okay. And I unfortunately blind is a bat both ways, so, I, I can't even pretend to um, see those numbers up there. (Inaudible).
- Supervisor Cardone: You. Can you enlarge those numbers?
- Bookkeeper Roberta McBride: I can, but I was trying to get it all on one page (inaudible).
- Town Justice Schwartz: All right. So, so scrolling down, I'm not gonna go over you know, like the, the Town Justice. The Court Clerk, which is Raquel. Those are the at the standard. The two percent increases. We have a larger increase that we've discussed with the Board before. In the 1020 column for the Justice Court Clerks. We do, we do have a shift coming in 2023 in Personnel, in that Ms. Doyle will be retiring, and Ms. Wexler will be going full time. And that position is incorporated into the 1020-line item. So, when you see the numbers for 1020 which says Justice Court PS Full Time, that, that is two different positions. It is not one. The position as I understand it for Ms. Wexler is limited to the 30,000?
- Town Justice Clerk Raquel Diaz: Mmm, hmm. For now.
- Town Justice Schwartz: For now. So, so the excess, the remainder is for our Clerk Terry Coppola, who has celebrated her 20-year Anniversary with the Justice Court. That came, and went some months ago, and the court has tried to recognize it in its own way, but we are asking that the Court, the Town recognize it financially. The job has become exponentially more difficult with the various changes in the law, and the various procedural changes that have had to been adopted to accommodate it. And so, we feel that the request that is being made for the increase is well justified. We do recognize that like other employees, she was given raises, when other employees were given raises. But to my knowledge, she is probably the longest standing employee here, and we feel that justifies a larger increase. We do have in the 1030-line item, that is Justice Court PS Part-Time. Oh, and you know just going back to

Ms. Coppola, we did submit letters previously that hopefully all the Board members have discussing how the pay decreased five years ago, and still to date is not even close to what it was five years ago. So, what we're asking for is still under what she was making more than five years ago. All right. So, going to one zero three zero which is the Justice Court PS Part-Time. To our knowledge, this is the Court Bookkeeper, and the Town Board on its own added to it, David Nester, the Prosecutors Clerk. We have requested that this number come out, and I can't see where you have it. So, you, so, you do have it as 7831. That should be just for the Bookkeeper. You'll see you had it at 16 5, because the Town Board on its own, added in money for the Prosecutor's Clerk which is inappropriate, and cannot be part of our Budget. So, we have put in simply at the normal two percent raise for the Bookkeeper there and have asked that the Court Prosecutor be put someplace else, and not on the Court's Budget. The 1030 sub 1 category, which is Attendance Supervisor, that is the Supervisor for the Courts, Courts Officers, and that is Jack Bayer. In, let's see. Going from 2021 to 2022 there was a 41 and a half percent cut to his pay. Yes, I'll say that again. 41 and a half percent. We're asking that, so, he is down from Seventeen five, to ten. We're asking that you put back in 10 percent. Right? (Inaudible).

- Supervisor Cardone: 20%. 20%.

- Town Justice Schwartz: No. Ten percent. (Inaudible).

- Supervisor Cardone: So, you want us to go from ten thousand to eleven thousand?

- Town Justice Schwartz: Exactly. What do you have there?

- Town Justice Court Clerk Raquel Diaz: 12.

- Unrecognizable Voice: 12.

- Town Justice Schwartz: Well, you put in 12, and I'm happy with that.

- Supervisor Cardone: So, that's what I'm clarifying. It's twenty percent.

- Town Justice Schwartz: As I said, I don't have this document, and I can't see it, but that's fine with me. Yes.

- Supervisor Cardone: Okay.

- Town Justice Schwartz: That's Justified. Because we're likely, we're going over this year because it was cut so incredibly last year. So, we're well ahead for his number, and I was questioning whether or not just a 10 increase would. So, if you can do the 12, great. Can you see what they've got there?

- (Inaudible)

- Town Justice Schwartz: 22 45. Okay. So, with respect to the next line, the 10 30 sub 2 which is the Court Officers. That was cut 2021 to 2022 37 and a half percent. I had asked for 10 percent, but I think you've increased it by a little bit more. So, that would be helpful. Because again, we're, we're ahead of projections. We're meaning, we're going to be beyond the Budget that you budgeted for last year. I'm just gonna jump ahead to things that I think have changed. Okay. The line item 4109. Can you scroll to that one? Yeah. That is the extra expense. I've put in. So, that's a significant increase from 825 to 2500, and I just wanted to explain it. So, the Court has made some changes, and what we're trying to do with respect to foreign language interpretation is, we have foreign language nights. So, instead of having a Court

Interpreter for Spanish or Yiddish or Georgian which is, are primarily most common. Interpreters sit there at Court, at traffic night waiting for someone to need them. We essentially have tried to book, schedule all of our foreign language defendants for one night for traffic court. So, that way we can have the interpreters there for that one night, and it's more efficient but there's nothing in the Budget to cover that cost. You know. So, we've historically tried to take it here, and there from different pots, but it's just getting more, and more expensive. So, that is what this money is for. Everything (inaudible) I think is (inaudible) relative. Justice Court postage. We are, oh two items. Let's go back. Justice Court IT Support 4223. We're well ahead. We have spent the 650, and are beyond. That, I'm projecting the 1500 for next year. That, that is largely because OCA has given us years ago, used refurbished hard drives and computers and we have repeatedly had problems in the court with completely either, frozen computers, or computers that just weren't working. We were down for days. So, we need the IT support to help us put in more refurbished drives and assist us with getting the court up and running. We're essentially running on extremely old hardware, and software, and on a shoestring. So, I'm anticipating that, that number will only increase. Now mind you, we are applying for the J Cap Grant which I think is on the Budget for this evening. And our request is that we get newer computers. One in particular with a mirrored drive. We don't have a server. We've never had a server. That's how antiquated we are. We use a mere computer like everyone else has, as a makeshift server, which is really inadequate, and part of the problem. What we, what we've proposed is still not a server because we understand that money is an issue. OCA does not have computers available. So, what we're suggesting is still a basic desktop, but it would have a mirrored drive to back up the data on it, so it could operate as a better server than what we have now. It is unfortunately, something that OCA has said they will not fund, and they do not have available computers for us. So, we have before you this evening a J Cap Grant for that. But even with that, I anticipate IT needs. And that is why you've got the increase there for the 1500 from the 650 that you had previously allotted. The Justice Court postage. We are over. We're, we're getting close to being over. And while I had asked for 4500 for that, I actually think I'm, I'm going to revise it, and increase it to 5500. Based on where we are now, I think that, that's probably fair. I suspect, and we're looking at it now, as to why the numbers are as high as they are. Again, because of the various different changes in laws, and procedures, and the way things work, we are now spending more on postage to send things out like notices for the entirely new traffic motions calendar that we had, that we never had before. Notices regarding suspensions that have only increased. Things like that because of changes in laws, and procedures are, we have had to, this, isn't a resultant increase in cost. And so, I actually think more appropriate would be 5500. I only learned that though when I got the projections, we got with the budget were from August, and so after seeing the new numbers, I think that would be more responsible. The Justice Court Auditor five, so the 4504 line item. I don't know if it's still on there on there.

- Supervisor Cardone: On there. Yeah.

- Town Justice Schwartz: Yeah. Right.

- (Inaudible)

- Town Justice Schwartz: It needs to be removed from our Budget. We don't hire them. We don't enter into the contract with them. They don't work for us. We have nothing to do with it. They are the Town Boards Auditor for the Court's books. It's inappropriate to have it on our contract. On our, on our Budget. It's the same drill as the Prosecutor, which I still see up there, but doesn't show up on ours. I did note in 2021 the Auditor wasn't on our Budget. So, I don't know how it came back to life, but as it was with the Prosecutor, the Auditor needs to go as well, as, as does any number for Dave Nestor. Court Stenographer I've increased. That's the next line item. And again, for similar reasons we have more, and more various motion hearings, appeals, you name it. The Court Stenographers numbers have increased, and we're beyond where we were projected to be. And I think that's probably going to be a safe number for 2023. The Justice Court Law Enforcement Liability which is the next one. I couldn't tell you, because I've never seen the Contract. I just, I, I see you've put a number of 4600. And again, I'd like to see the Contract or whatever you're negotiating. I, I don't know what this is.

- Councilman McGinn: It's part of our.

- Supervisor Cardone: Part of our insurance.

- (Inaudible).

- Town Justice Schwartz: Okay. And that's just the piece that comes to us. Right. And I just didn't have a number to plug in because I've never been part of, no one's ever even discussed it with us. So.

- Councilman McGinn: (Inaudible).

- Town Justice Schwartz: Yeah. And it probably, they itemize what the number is for us right? Okay. So that goes there. All right. I think that is really it. I would like to comment overall, conceptually when it comes to the Court, it looks to me like we are ahead of projected Revenue. Now, I say this cautiously, but the Court is not about bringing in revenues. But we're constantly advised that this is an issue. When I looked at, when we look at expenditures, the Court Budget, it has been cut year in, year out over the years since 2017. Quite significantly. And yet the projected revenues of the Town Board projects keeps going up quite a bit. There's, there's a disconnect here that's starting to rear its ugly head. The Court cannot continue to function. For instance, we just keep on putting off Foreign Language traffic nights because we don't have money for an Interpreter. It's things like that. So, I would really ask that you take a careful look at the Court's, you know history here of how It's been budgeted, and what you're projecting, and how you're looking at it. When it comes to our jobs as Justices, we cannot base what we do, the decisions we make, based on the Town's desire for Revenue. We simply can't, and we won't. But we ask that you look at what you're planning, and what our needs are, and be realistic, and allow the Court to function in the best possible way by making responsible choices on your end. (Inaudible).

- Councilman McGinn: Ms. Schwartz, I just wanna say something.

- Town Justice Schwartz: Yeah.
- Councilman McGinn: We don't look at the (inaudible), we don't look at the Justice Court as being a source of Revenue. We just look at operating costs, and we look at what, what the costs are that, that it costs to operate it every year. That's when the Supervisor does the Budget, he bal, tries to balance that out. that's where it comes down to. We're not sittin there saying, "Hey, you've gotta bring in this, and, and you know." I, I, I would just disagree with the fact that we're trying to do that.
- (Inaudible).
- Supervisor Cardone: Speak into the mic.
- Town Justice McKnight: We had sent the messages about Terrie, and the two items were the Auditor and the Dave Nestor that are really under the control of the Prosecutor. That's what we're pointing out as well. So.
- Supervisor Cardone: (Inaudible) items. First off, Dave Nestor. I'm in total agreement with, with you on it. As for the Auditor, correct me if I'm wrong Council, but Office of Court Administration requires an Audit. Correct?
- Town Counsel Nugent: That's correct.
- Supervisor Cardone: Okay. So, since the office of Court Administration requires that Audit every year, that will remain in your Budget. That will not be removed. Getting back to the pay from five years ago. Each of the Town, each of the Court Clerks were paid time and a half overtime after 35 hours worked. That's why the salaries were so elevated. And that.
- Town Justice Schwartz: That was an adjustment made.
- Supervisor Cardone: And.
- Town Justice Schwartz: (Inaudible) in a negotiation recognizing the underpayment for years prior to that, and that was an accommodation made to allow for that time and a half during that period. At that time.
- Supervisor Cardone: Where did that information come from?
- Town Justice Schwartz: From them living through (inaudible). Now this was prior to you Mr. Cardone being the Supervisor. But that is the history of how that happened. Now, I understand it was cut. And I'm not saying otherwise, but we have a 20-year employee who's making less than she made (inaudible).
- Supervisor Cardone: (Inaudible), I'm just trying to reason why she's making less than five years ago. The overtime was extremely high, and do you have history there Roberta? We could show the.
- Bookkeeper Roberta McBride: I don't have those numbers.
- Supervisor Cardone: Okay. I mean I, I can,
- Town Justice Schwartz: (Inaudible)
- Supervisor Cardone: I can show what those numbers are, because I believe the overtime was somewhere between 15 and 20 percent of their salary. And that, you gotta remember, that's time and a half after 35 hours.
- Town Justice Schwartz: Right, because, because they work a full 35 hours, and then work at

night as well.

- Town Justice Clerk Raquel Diaz: Well, not even that.
- Supervisor Cardone: No, it's not. But it's not. Judge, it's not. One second Raquel. I'm sorry.
- Town Justice Raquel Diaz: No. Go head.
- Supervisor Cardone: It's not about that. It's about overtime in the state of New York is normally paid after 40-hour work week. Not a 35 Hour Work Week.
- Town Justice Schwartz: And yet you had contracts that said otherwise. (Inaudible).
- Supervisor Cardone: (Inaudible) did not make those contracts.
- Town Justice Schwartz: Yes. And that's why I'm saying. I understand that this was a different administration. But the reality is (inaudible).
- Supervisor Cardone: Exactly.
- Town Justice Schwartz: (Inaudible) to acknowledge that they thought the Clerk's were underpaid, and this is (inaudible).
- Town Justice Clerk Raquel Diaz: (Inaudible) Terrie and I (inaudible) it was just Terrie and I working the three or four-person job that when I started it was a four-person job. And after the other two were gone, it was just me and Terrie doing all that work. And there was no way that we can do that work and not be able to work more than the 35 hours. It, it was too much. So, that's why the overtime was put in there. Ya know?
- Supervisor Cardone: Listen. I get it.
- Town Justice Clerk Raquel Diaz: Yeah.
- Supervisor Cardone: I, I'm totally. I totally understand it.
- Town Justice Clerk Raquel Diaz: Yeah.
- Supervisor Cardone: But I just don't feel that overtime is justified after 35 hours. It should be justified after 40 hours.
- Town Justice Schwartz: Talking about overtime now so I don't know why (inaudible).
- Supervisor Cardone: Judge, we're, we're talking about the past now.
- Town Justice Schwartz: Yes. But we're not asking for overtime now.
- Supervisor Cardone: I'm not saying that. I'm talking about the past.
- Town Justice Raquel Diaz: Yeah. (Inaudible).
- Supervisor Cardone: Can, you can you provide us with what Terrie's salary is this year? Do you have that information?
- Bookkeeper Roberta McBride: I don't have the salary breakdown (inaudible).
- (Inaudible).
- Supervisor Cardone: Yeah, and we will. Yeah, we will.
- Town Justice Schwartz: You know, and any other questions you might have, we're happy to sit down and go through (inaudible).
- Supervisor Cardone: Thank you. Thank you very much.
- Councilman McGinn: Thanks Raquel.
- (Inaudible)
- (Applause)

Discussion: 4.4 Smith's Clove Park 2023 Budget

To hear Supervisor Cardone, and Town Clerk Valerie Bitzer regarding Smith's Clove Park 2023 Budget, please go on-line to Board Doc's Video Clip #4.4, 0:35:52.

****NO DISCUSSION AT THIS TIME**

Action (Resolution): 4.5 Motion to Keep Open the Public Hearing RE: 2023 Town Budget / Benefit Assessment Rolls

2022-#483

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Keep Open the Public Hearing RE: 2023 Town Budget / Benefit Assessment Rolls until October 17, 2022 at 7:00 PM or soon there-after.

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

Action (Resolution), Discussion: 4.6 Motion to Open the Public Hearing RE: Local Law G-V1/2022 Authorizing a Property Tax Levy in Excess of the Limit Established in General Municipal Law 3-C

2022-#484

BE IT RESOLVED, that the Town Board of the Town of Monroe Made a Motion to Open the Public Hearing RE: Local Law G-V1 Authorizing a Property Tax Levy in Excess of the Limit Established in General Municipal Law 3-C.

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

The following residents signed up to speak during Public Comment for the Opening of the Public Hearing RE: Local Law G-V1 Authorizing a Property Tax Levy in Excess of the Limit Established in General Municipal Law 3-C. To hear their comments, and Board Members responses, please go on-line to Board Doc's Video Clip #4.6, 0:36:26. (transcribed by Town Clerk Valerie Bitzer & Deputy Town Clerk Barbara Singer)

- Maureen Richardson (representing Paulette Browne)

- Town Clerk Valerie Bitzer: So, the only Public Comment would be Paulette Brown's comment.

- Maureen Richardson: Okay. I'm reading this signed statement by Paulette Browne which I will give to the Town Clerk when I'm finished. Due to an emergency, I am unable to present at tonight's meeting to address the planned override of New York State's two percent Tax Cap. I

am against going beyond the two percent. I believe before any one of us can agree to this override, we must first know what happened to the missing Town funds. Mr. Cardone was quoted in the Photo News last year stating there was a Town surplus of two hundred thousand dollars. Now, we learn tht the Town is nine hundred thousand dollars in the red. That totals one million one hundred thousand dollars. Where is this money now? Town Board transparency seems to be decreasing every year but we the residents of the Town deserve to know how the Town Board used the last year's Surplus and this year overspent \$900000. Give your permission to override the Tax Cap I say no. Thank you.

- Supervisor Cardone: Okay thank you. All right thank you and does anyone on the Board want to speak? Okay I just want to go ahead.

- Councilman McGinn: You're probably going to say the same thing.

- Supervisor Cardone: I just want to clarify everything. So every year probably prior to me and this Board we have passed the override of the tax cap. It's a requirement if you do go over the tax cap and the consequence if you

don't pass this law and do go over the tax cap. I will let Council describe because it's extremely detrimental to the town. Now we have not gone over the two percent cap over the past five years. We don't intend to this year and as far as the comments that were made by Mrs. Brown the two hundred thousand dollars Surplus was placed back in the general fund and we are not in the whole nine hundred thousand dollars. I don't know where that number comes from. It's just absurd that these facts go out there and.

- Councilman McGinn: Listen you have to wait till you come up and speak. You can't yell out from your seat. Okay please.

-Supervisor Cardone: So please everyone in attendance and everyone watching on channel 22 we are not in the hole nine hundred thousand dollars. We have never been in the hole we've consistently had a surplus in the town and we intend to this year as well; and everything goes back into the general fund and when we do our budget we also put in fund balance into the budget which essentially represents what we have from Surplus over the years.

- Councilman McGinn: To say most municipalities as a matter of practice will pass the two percent. You know tax cap waiver just to cover themselves in case it's going to happen. As the Supervisor said we've never done it and we've had a surplus year after year after year so a lot of this is kind of like much ado about nothing and we're going to not they're not going to exceed it but most municipalities will do it. Everyone that I know of here in Orange County does it just to make sure that they have that passed so that in case they do exceed it as part of their budget it's in place.

- Supervisor Cardone: Council do you want to describe what happened?

- Mr. Nugent: Well yeah that is exactly the point. We usually recommend that municipalities adopt the law because once you're in budget time you need a certain amount of notice and a public hearing that you're having tonight in order to enact a local law. If you're doing the budget process and you something comes up or you realize you have to exceed the tax cap it's usually going to be too late and at that point if your budget actually exceeds the levy and you don't have the local law then it's a whole convoluted process where you have to set aside

funds that have to be basically work against next year's budget and you know so in order to be able to exceed that you have to have the local law but many municipalities do this they adopt a budget they do not exceed the cap and so the law means nothing but it's simply an authorization in the event that even if you're over by a thousand dollars you have to have that local law there.

- Supervisor Cardone: Just so everybody understands last year's budget we were at a zero percent increase for the Village and the town and what happened was we had such a rise in the taxable value from 21 to 22 that we were still a hundred and eighty thousand dollars over the cap. So we still cut a hundred and eighty thousand dollars that was above the cap and we had decreases in the village. I think last year's decreased for the village was seven percent and the town's decrease was six percent. I have spoken to the state I have spoken to numerous other municipalities and I've been told that if there's a case where your assessment goes up so much and you're at a zero percent or flat increase within your budget then you more than likely should do that and keep it above the cap even though there's a zero percent increase. That was the first time I have experienced it and I had people in the state that couldn't understand it. What happens now is we're playing catch up with that 180 thousand dollars now because of the decrease. We don't mind decreases we're not saying that. When we budget this year and at least two years forward trying to see what's happening in the future and trying to predict it and it's very difficult. I will say that Roberta has been very diligent we've invested anything that we have in our accounts in New York class and the interest rate is through the roof compared to what you get in a bank account. Locally New York class is one of the only funds that we as a municipality can invest in and many other municipalities in the state do the same. Right now as I had stated last meeting we're over the cap \$934518. There's some fund balance there's some adjustments that have to be made. We also have to do some salary adjustments.

- (Inaudible)

- Roberta McBride: We have estimated numbers not actual.

- Supervisor Cardone: We feel we'll be in a good place going forward and we'll get to where there's a flat or minimal increase in the budget this year and I say that only because we're playing catch-up with like \$200000. You also want to comment? No yes? Come on up. She's going to come up. Come on to the mic please.

- Maureen Richardson: Maureen Richardson Monroe could you clarify the issue that some residents were under the impression that I don't know where the nine hundred thousand dollars in debt came from.

- Supervisor Cardone: The only thing I can say is that last meeting I made the point to say just what I just said that we were over the preliminary budget was over nine hundred thousand dollars. That's the only thing I could say.

- Maureen Richardson: So like debt to revenue ratio is completely separate from the overall budget being at nine hundred thousand dollars. Just to be clear the debt like what's our debt that's basically they're confusing debt with the nine hundred-thousand-dollar total budget. So I

guess their question is about debt.

- Councilwoman Houle: They're thinking that that \$900000 is a shortfall.

- Maureen Richardson: Yes.

- Councilwoman Houle: That we have to make up no it's not.

- Maureen Richardson: That's the clarification I think they're getting confused with the entire budget. Being at a total of nine hundred thousand dollars but that's operating costs correct?

- Councilwoman Houle: Right.

- Supervisor Cardone: Here's the deal you have a budget that's preliminary. So right now if your budget is one million dollars with the cap that you can you cannot be over with the wish list that were provided by all the Departments we're at 1.9 million.

- Maureen Richardson: So budgets always have to go over in their projected value and basically you could be under or over and it's not.

- Supervisor Cardone: That's just they don't always have to go over.

- Maureen Richardson: Yeah I just wanted to give you the chance to put out the real number of debt versus the issue of the misunderstanding is that it's a shortfall. And it's not enough someone heard that wrong at the last town meeting.

-Supervisor Cardone: We're not in debt. This town has a double a bond rating and we've earned that over the last three years. Anyone else? No? Okay.

Action (Resolution): 4.7 Motion to Close the Public Hearing RE: Local Law G-V1/2022 Authorizing a Property Tax Levy in Excess of the Limit Established in General Municipal Law 3-C

2022-#485

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Close the Public Hearing RE: Local Law G-V1/2022 Authorizing a Property Tax Levy in Excess of the Limit Established in General Municipal Law 3-C.

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

Action (Resolution): 4.8 Resolution Adopting Local Law G-V1 (Local Law No. 8/2022) Authorizing a Property Tax Levy in Excess of the Limit Established in General Municipal Law 3-C

2022-#486

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

RESOLUTION ADOPTING LOCAL LAW NO. 8 OF 2022

LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-C

WHEREAS the Town Board of the Town of Monroe New York ("Town Board") duly noticed a Public Hearing which was held on October 3 2022 to solicit public comment from any interested party concerning a proposed Local Law on Real Property Tax Levy; and

WHEREAS the purpose of such proposed Local Law is to authorize the Town Board to override the limit on the amount of real property taxes that may be levied by the Town and to further allow the Town Board to adopt a budget for the fiscal year commencing on January 1 2023 that requires a real property tax levy in excess of the tax levy limit in accordance with General Municipal Law § 3-c.

NOW THEREFORE BE IT RESOLVED by the Town Board of the Town of Monroe as follows:

Section 1. All "WHEREAS" paragraphs are incorporated herein by reference.

Section 2. The Local Law Authorizing a Property Tax Levy in Excess of the Limit Established in General Municipal Law § 3-c as attached hereto be and hereby is adopted as Local Law No. 8 of 2022 of the Town of Monroe.

Section 3. The Town Clerk is hereby directed to enter said Local Law into the minutes of this meeting and in the Local Law book of the Town of Monroe and to give due notice of the adoption of said Local Law by filing the Local Law in the Office of the Secretary of State in the State of New York.

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] [] [] []

Dorey Houle 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 Mike McGinn Mary Bingham Sal Scancarello Dorey Houle

Action (Resolution) Discussion: 4.9 Motion to Open the Public Hearing RE: Local Law H-V1 of 2022 to Amend Chapter 57 (Zoning) Concerning the Regulations Governing Tree Preservation

2022-#487

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Open the Public Hearing RE: Local Law H-V1 of 2022 to Amend Chapter 57 (Zoning) Concerning the Regulations Governing Tree Preservation.

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

The following residents signed up to speak during Public Comment for the opening of the Public Hearing RE: Local Law H-V1 of 2022 to Amend Chapter 57 (Zoning) Concerning the Regulations Governing Tree Preservation. To hear their comments and Board Members responses please go on-line to Board Doc's Video Clip #4.9 0:47:03. (transcribed by Town Clerk Valerie Bitzer & Deputy Town Clerk Barbara Singer)

- Town Planner Max Stach
- Maureen Richardson
- Carol Hawxhurst
- Ward Brower

- Max Stach: Hello all I'm here tonight to present a draft local law that we were asked to prepare on behalf of the town. The issue at hand was the existing local law governing tree preservation was to say the least very confusing to handle. There were questions by the Planning Board and applicants and the Building Department as to what was required. Additionally it was felt that the way the provisions were strictly read was significantly onerous in that it would require a permit for any tree removal period. That's the way the provision read and it was written in a way that suggested that wasn't perhaps the intention. In that it said any tree removal you know will require the approval of the Planning Board and then it gave a whole list of parameters that would require the tree removal that didn't really make sense if everything was supposed to be subject to the permit. So I think the original sort of impetus of

this was there was a minor subdivision that had gotten to the Planning Board and this provision was reviewed and there was some initial thought that perhaps we would just exempt minor subdivisions or certain types of subdivisions below a certain number of lots from the provision and I thought it made much more sense to go into the law try and figure out what was the intent and make sure that doing that wouldn't really sidestep the attempt. So what you have before you is really a comprehensive re-drafting of the existing provisions. We have suggested clarifying definitions in a way that we think makes things clearer. We have also suggested a different structure particularly because when you write zoning provisions it is often considered best practice to keep any discretionary permits and approvals at the Planning Board or Zoning Board or Village Board. This particular law vested the Building Inspector with discretionary approvals and that's generally discouraged when you're writing code. The Building Inspector really should be only executing a code so if something meets the code he issues the permit. If something doesn't meet the code he denies the permit. Sort of the way that the code was drafted didn't even have standards for when he should issue the permit it just said he would refer it to the Conservation Advisory commission he would get a report back and then he would decide whether to issue the permit without giving any standards. So it seemed to be essentially giving the building permit or the Building Inspector the authority to issue a permit on the advice of the Conservation Advisory committee but even that didn't make sense. If that was the intent why not just invest the Conservation Advisory committee with that power? So I think what we've done here is we've made some pretty significant changes. Essentially one other loophole that's probably worth mentioning is the way the current code is drafting it is that you only have to get a tree permit if you're actually looking for a building permit or an approval by the Planning Board. If I wanted to go out and knock down every tree on my property I could do that as long as I didn't come for a Building Permit or Planning Board approval. You know or I had plans to do that in the near future but as soon as I want to do something like put a pool in put a deck in and I take out one tree now I have to come in for a permit and that just didn't really make a lot of sense so what we have here now is we have

a structure here where if I want to take out a significant number of trees on any property I have to come in for a permit and that's a new development under this law. We tried to be fairly balanced in how we present those thresholds for when you have to come in for a permit and to appropriately provide exemptions you know for a certain number of trees per calendar year.

- Supervisor Cardone: Just based on that statement and that assessment of what the tree code we're making this more restrictive than it originally was.

- Max Stach: I don't know that you're making it more restrictive you're making it apply uniformly and you're making it more reasonable the way it's applied uniformly. Right now certain people had very high standards and certain people had no standards.

- Supervisor Cardone: But it sounded like if I owned 20 acres I could just go in and clear cut it because I'm not planning to do anything with it and now you can.

- Max Stach: Correct?

- Councilwoman Bingham: Okay but I thought we also had a timber harvesting law on the

books.

- Max Stach: There may be.

- Councilwoman Bingham: And so that 20 acres you could not go down and chop down every single tree because you'd have to apply for the timber harvesting.

- Max Stach: I would have to see what the standards are for the timber harvesting.

- Councilwoman Bingham: Thank you.

- Max Stach: Timber harvesting is usually a forestry law so if you're doing it for the purposes of selling the lumber like the same thing with agriculture right if you're growing produce for the purpose of selling it you're subject to agriculture markets. But you know if you're doing it because you want to open up your view I don't know that that's timber harvesting. I don't know because I haven't looked at the timber harvestry chapter but typically timber harvesting is for that type of treatment.

- Supervisor Cardone: Does anyone have any questions?

- Councilman McGinn: From a historical perspective when we did the tree code it was kind of done at the same time as the master plan was being done. And it's kind of easy to see how some of these things may have been missed during that. So it wasn't that thought didn't go into it a lot of thought went into it but it's like any local law or anything you have it after it's passed you see how it really works in real life and then you've got to go back and figure out somewhere to make it better for preservation and the environment. But also not erroneous for the someone that's looking to build. I think this strike's a good compromise with those two stated goals.

- Max Stach: I would agree and I also would say that in terms of where you are in the state of legislation throughout the county and the Hudson Valley this is a protective law in comparison. A lot of the communities even if you look at the model codes on the DEC website have very high standards for when a tree requires a permit for removal. This is fairly encompassing even with the increased allowances for things like subdivision or just you know homeowners wanting to be able to do a certain amount in a year. One other thing that's probably worthwhile noting is that when this tree law was originally established there were several types of trees that it was envisioned that the Conservation Advisory commission would come to the Town Board and say these are the types of important trees. There are landmark trees there are natural trees or natural species of trees there are specimen trees. All of these trees identify different important trees throughout the town that deserve special attention. That is still the case in this

law but I just want to bring it to your attention that those lists were never prepared. So that's an important part that as the as the Town Board you may want to go to the Conservation Commission and say we need these lists because without them those provisions are not protecting anything.

- Councilman McGinn: It sounds like you have some homework.

- Max Stach: One more thing is we did receive feedback the written feedback from the preservation collection. I thought there were several good suggestions in here. I'd like the opportunity to provide a letter feedback to the town board addressing the issues.

- Councilman McGinn: That would be great. Thank you.
- Councilwoman Bingham: Max I have a whole bunch of comments too.
- Max Stach: Sure.
- Councilwoman Bingham: You know you increase the number of trees to be cut down I believe it said 25 per calendar year. So I'll send you my comments and you know that's one thing that stood out in my mind right away. I agree with you with the Conservation Commission but it's budget time. The Conservation Commission does not have an arborist on there. I think maybe we should consider giving some money to the Conservation Commission in budget so that they could prepare such a list. So this is good timing and you know hopefully we can make this to work out. There is a 57-84 is the tree harvesting if you want to look at that.
- Max Stach: Okay I can I can go through that and see if that provides additional and maybe we could even make this a little less cumbersome if that provides protection.
- Brian Nugent: And just to point out for timber harvesting it does suggest commercial activity because it requires removal from the property of the wood.
- Councilwoman Bingham: Three cords.
- Brian Nugent: To the point it has to be removed not just cut. So to the point that was made somebody could clear cut so long as they're not taking the wood and removing it in a Timber harvesting operation. So you know it stayed on the property technically timber harvesting would not prohibit that activity.
- Councilwoman Bingham: Okay so we need to tighten that as well.
- Councilman McGinn: And we've seen that in some clear cutting that went on prior to our plan being passed where they would clear cut it drop the trees leave them there because they were trying to beat the Indiana bat deadline and they just and then just said leave them sitting there until such time they said oh well now we're going to clear the property.
- Max Stach: So I think that there was a lot of good intent with the original law I just think it needed some sharpening and the 25 trees is my proposed threshold from when the Building Inspector can no longer issue a permit and it has to go to the Planning Board. So if I want to clear 20 trees from my property it goes to the Building Inspector if he hits all these four criteria he can issue a permit upon recommendation of the CAC but if he either denies the permit or a 26th tree is proposed for removal it's got to go to the Planning Board.
- Councilman McGinn: Okay thank you.
- Max Stach: Thank you.
- Supervisor Cardone: Thank you Max. Yeah take your computer.
- Town Clerk Valerie Bitzer: I do have public comment. Maureen Richardson.
- Maureen Richardson: Monroe and I speak for the trees. I do have to say that I had to take down probably 20 ash trees on my property this year because of the ash borer devastation and I was deeply disturbed that I did not have to go through the town and I made sure three or four times I asked the guy cutting the tree like are you sure? That this just feels wrong. So as a citizen I don't think that would have inconvenienced me and it didn't feel right being able to

take that many without triggering some kind of approval. So I'm going to start with an adage society grows great when wise men plant trees whose shade they know they shall never sit in. And I wish I could bestow that wisdom on our tree law because oversimplifying this code can lead to environmental issues as general language does not cover the species-specific issues. Not all trees are created equal not all species are the same and as far as we can tell I don't know that an arborist has officially been consulted and I would wish to table this issue until we could actually bring an arborist in on it. And while you've opened the discussion I have some suggestions from what has been posted I don't want to interfere with efficiency or running but it doesn't seem right that the Building Inspector be imbued with that responsibility and that again an arborist should be looped in. So just some notes on what's being proposed calculating the critical root zone has been oversimplified the sensitive area of a tree's roots can be species specific and reducing the protected area size from what was the size of the canopy from just a calculation based on the width of the tree. It's been reduced and is a bit of an oversight because some species can have wide spreading roots that can stretch even beyond the width of the canopy while others can have condensed systems. Our code needs to adapt to the recent weather trends and threats from invasive insects such as ash borers which are responsible for nearly eliminating the ash tree from existence. Reducing the fines or not mandating placements appears irresponsible in light of recent drought that has killed off young saplings planted as replacements that had not had time to establish before being deprived of water. We suggest implementing species-specific replacement standards that mandate native planting suited to the location and climate of the plot. Our suitable replacement plantings should be listed according to soil conditions water and sun access of the plot that suit each species because we're seeing a lot of die off in young saplings just arbitrarily planted. This list should include newer species that are insect and disease resistant and that are currently being bred to eliminate vulnerability to known threats. It should also be expanded to include climate zone trees directly above and below our zone which is 6a. That will not become invasive but serve to survive in hotter and cooler temperatures as weather trends continue exposing the Hudson Valley to unprecedented temperatures and rainfall conditions. The town should consider their one-to-one rate of replacement in light of drought conditions as again preliminary research reveals that only 58 percent of planted trees survive beyond five years. And that was before the increase in the drought meaning the trees planted to replace cut trees may never succeed in the same way as ones removed especially if planting conditions and species are not considered. Finally again like all trees are not considered equal to remove old growth Northeastern hardwood and other keystone species is to remove an essential piece of the ecosystem on which hundreds of other species rely to not include species-specific language allows environmental oversight where plots can remove slow growing species that take decades to achieve maturity and meaningful carbon sink such as Oak Hickory Beach Sugar Maple and more need to be preserved and maintained. And they cannot meaningfully be replaced by just any tree so minimum tree size for slow growing keystone species should be carefully reconsidered as eliminating on trunk size alone can lead to preserving the fast-growing common trees rather than environmentally essential species.

- Supervisor Cardone: I ask you to wrap it up please.
- Maureen Richardson: Basically we are removing species that can live to be 1000 years old and replacing them with a sapling that could be a fast-growing common species and we need to do more to preserve old growth trees that could become Historic Landmark trees and to remove a certain size trees to remove the character of our community. Thank you.
- Supervisor Cardone: Thank you.
- Town Clerk Valerie Bitzer: Carol Hawxhurst.
- Carol Hawxhurst: Just one added thing I'm going to be very quick. I think you the Town Board is aware of this but just to keep in mind with Wetlands that we have a lot of throughout Monroe the concern of taking down trees they absorb the water so the wetlands it could turn into flooding. So just a consideration with that that's it. Thank you.
- Supervisor Cardone: Thank you.
- Town Clerk Valerie Bitzer: Ward Brower.
- Ward Brower: Ward Brower Conservation Commission. I was surprised that we even passed a tree code. I never heard about it. I worked on several conferences we had it over the years many years. Had input into it. Was a misnomer of the email that Tony gave me. I was mentioned that I wrote the code I did not write the code. I'd input into the code never realized since we never had a public hearing on it it was passed. So it was totally new to me when I saw it. There're certain things that I made recommendations initially for to have six trees which any homeowner could take down without any permits in a year's time. That never passed.
- Supervisor Cardone: When was this done Ward?
- Ward Brower: This was done over several years it was probably 2013-2014 in that vicinity couple meetings on there.
- Supervisor Cardone: I'm just glad you're not blaming us.
- Ward Brower: No it just fell through the cracks. When we did the comprehensible and that was so all-encompassing this was just like a sidebar and I never got the attention the feedback that you really needed. It's a complicated subject and to give as a previous speaker said to give equal value to every tree is dangerous. In this area there are certain trees especially since we've been experiencing these extreme mood swings of weather we need to concentrate on doing things and one of the most important things well there's a whole bunch of things why you even protect trees but one of them is carbon sinking long-term storage of carbon. And yet we give equal value to trees that have a lifespan of less than 60 or 70 years while we have other native species that can last 300 years so it takes a little bit of ingenuity and a little bit of common sense. To say this is the one we want to stress this not so. To have a blanket formula say six inches at breast height we save. No you're doing a disservice to the community and the environment. There's a complicated subject and it shouldn't be done with three minutes no way. I couldn't even address the main topics in three minutes. I'm doing a horrible job right now I admit it. But it's a complicated topic and it needs to have its own airing because it does affect everybody on this whole planet. So I'm going to say thank you.

- Supervisor Cardone: Thank you very much. Now Ward can we be sure that you have a copy of tree code as a draft? I gave it to you. Is it possible that the Conservation Commission can comment to Max? You're going to have to get Joe to send an email because I know you don't use a computer.
- Ward Brower: I believe Tony it's on the next agenda for the topic for the Conservation Commission.
- Supervisor Cardone: When's your next meeting?
- Ward Brower: Thursday.
- Supervisor Cardone: Okay well that's good because I'd like him to get it before the seventeenth.
- Ward Brower: I want to make sure that Joe gives Max a copy.
- Supervisor Cardone: Okay all right. Thank you thank you for your comments.
- Town Clerk Valerie Bitzer: Supervisor that tree code is also on the website. And there is no additional public comment.
- Supervisor Cardone: okay.
- Max Stach: The woman that was up here before seemed to have been reading from notes would it be possible for me to get a copy of those? And also if Ward wants to meet to go over any of this we did work together on the acre some of the issues on some other zoning issues I'd be happy to meet with him and or just even by phone or here in in town hall.
- Councilman McGinn: Maxwell you're while you're up here so as far as retaining an arborist to give us a list of species trees that should be prioritized what's your thoughts on that?
- Max Stach: So this code already it does now and in the proposed version allows the CAC to retain I think it's an arborist a landscape architect or a forester. Three certified professions in issuing their comment if they see something that they feel like they need the advice. I think what was asked was a little bit different. So there are these four categories and this is carried over from the existing law of important trees and you know again it was difficult to try and figure out how the original tree law looked to protect but it seemed to me like there was a reference to stands of at least six trees six inches at least four trees of eight inches. And then there were trees on steep slopes. It was sort of all over the place so what I tried to do is I tried to make it a more logical progression and to make sure that those special trees received the lowest level of threshold so if it's six inches and it's a special tree it needs a permit if it's six inches and it's in a stand of six trees it needs a permit. If it's only in a stand of three trees it has to be eight inches and if it's just a single tree it has to be 12 inches. So we get all the landmarks so if there's a tree that somebody knows about or if it's a special species that's very important they brought up things like Hickory or some of the hardwoods that are slow growing. All the CAC has to do is say hey board these are important species of trees these are specimen trees in Monroe they deserve this higher threshold of protection. You the Town Board adopts that list it goes in the zoning code and then now when a permit comes in if that tree is a Hickory or if it's a White Oak or whatever the species may be that they say is important it gets that lowest threshold. And we can always adjust that if they feel six inches is

not adequate but that's the idea and that's how we sort of interpreted the intent behind the existing law but that's not at all what it says. Like I said I mean you could you could literally take these out as long as the town doesn't accuse you of intending and I think Mr. Nugent can tell you that it's treacherous to try and assign intent. When I cleared these trees last year on my property was I intending to come for a building permit this year? You know how are you going to prove that? So I think that was out of the interest of closing a loophole without regulating everybody but I think you can regulate everybody if you make it reasonable for the process and for a certain amount and that's in here too. I think Ward said six trees per calendar year. We have five or less and that's through the Building Inspector. He's allowed to permit the clearing of five or less trees if they're not important they're not the specimen they're not the landmark and there's no specific reason to preserve them he's allowed to do that. As of right he's allowed to get that permit but you don't want to get into the habit of exempting that because then somebody's not accounting for well yeah I cleared 10 but only four of them were over six and one of them was dead and they come up with the rationale post so this requires the Building Inspector to look at what's being cleared he's allowed to permit five without mitigation. Beyond the five you have to do the one to one mitigation and there's an ability now again for the CAC to provide the advice to the to the Building Inspector and say well you really should be asking for these types of trees but we'll sit down and we'll go over this and make sure that every provision is understood.

- Councilman McGinn: Ward I don't want to have to have you come back up again but will the CAC be able to procure the services of an arborist to assist this?

- Ward Brower: They should. It's just one other category I had an insert into the law I guess it got in there and that was we had arborist and we had a horticulturist in landscape but also said you know there's another category that's called a licensed grower which I fall under. I have been licensed by the state of Agriculture and markets for 50 years. My father was before me so we have more expertise than the person coming out with a landscape architecture's degree with four years. So that was supposed to be in the code. And then there's another thing that I agree with Max that after reading it the one that's on the books now is it leaves a lot to be desired. The intent never got to where it implemented into the verbiage.

- Councilman McGinn: That's why we're revising it now so we can do what it's supposed to do.

- Ward Brower: And it can't be a process to be rushed. You know we'll work with Max. Thank you.

- Councilman McGinn: Thank you Ward.

Action (Resolution): 4.10 Possible Motion to Keep Open the Public Hearing RE: Local Law H-V1 of 2022 to Amend Chapter 57 (Zoning) Concerning the Regulations Governing Tree Preservation

2022-#488

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Keep Open the Public Hearing RE: Local Law H-V1 of 2022 to Amend Chapter 57 (Zoning) Concerning the Regulations Governing Tree Preservation until October 17 2022 at 7:00 PM or soon

there-after.

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

5. Acceptance of Minutes

Action (Resolution): 5.1 Acceptance of September 19 2022 Minutes

2022-#489

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to accept the September 19 2022 Minutes.

Motion by Mary Bingham second by Sal Scancarello.

Final Resolution: Motion Carries

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

6. Audit of Claims

Action (Resolution): 6.1 General Fund Abstract

2022-#490

BE IT RESOLVED that the Town Board of the Town of Monroe requests approval of Abstract #22-15 General Fund containing Check #29152 - 29236 totaling \$597199.53.

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

Action (Resolution) Discussion: 6.2 Escrow Fund Abstract

2022-#491

BE IT RESOLVED that the Town Board of the Town of Monroe requests approval of Abstract #22-04 Escrow containing Check #2046 - 2051 totaling \$24703.85.

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

7. Budget Transfer Request

Action (Resolution) Discussion: 7.1 Reimburse Water Districts for Flushing Stations with ARPA Allocation

2022-#492

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to approve Budget Transfer Request Abstract #22-06 RE Reimburse Water Districts for Flushing Stations with ARPA Allocation.

DATE OF AUDIT: October 3 2022

DATE GL NO. DESCRIPTION Account Tranf In Transf Out
Reimburse water districts for Flushing Stations
with ARPA allocation

10/3/2022 WD #1 Miscellaneous SW01-8340-4109-00 6211.50

Water Equipment (ARPA) SW00-8330-2000-00 6211.50

10/3/2022 WD #7 Miscellaneous SW07-8340-4109-00 6041.79

Water Equipment (ARPA) SW00-8330-2000-00 6041.79

10/3/2022 WD #10 Miscellaneous SW10-8340-4109-00 6437.81

Water Equipment (ARPA) SW00-8330-2000-00 6437.81

18691.10 18691.10

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

8. New Business

Action (Resolution) Information: 8.1 Greater Monroe Chamber of Commerce Trunk-or-Treat

To hear Board Members RE Greater Monroe Chamber of Commerce Trunk-or-Treat please go on-line to Board Doc's Video Clip #8.1 1:20:01.

2022-#493

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Resolution approving the use of the Town Hall Parking Lot on for the Greater Monroe Chamber of Commerce's Trunk-or-Treat Event on Saturday October 22 2022 from 6-8 p.m. The required Certificate of Insurance naming the Town of Monroe as an additional insured will be submitted within 2 weeks of the scheduled event.

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

Action (Resolution) Discussion: 8.2 Janitorial Bid Opening Results

To hear Board Members and Town Counsel RE Janitorial Bid Opening Results please go on-line to Board Doc's Video Clip #8.2 1:22:12.

2022-#494

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

RESOLUTION AWARDING JANITORIAL BID

WHEREAS the Town Board previously authorized the preparation and issuance of bid documents for janitorial services to the Town for the period of January 1 2023 through January 1 2025; and

WHEREAS notice of such bid was published in the Orange County Times Herald Record on or about August 24 2022; and

WHEREAS in response to such invitation to bid the Town received two bid submissions from D.O.C. Professional Cleaning Service Inc. and NSI; and

WHEREAS the Town has reviewed such bids and desires to award the contract for janitorial services.

NOW THEREFORE BE IT RESOLVED: that:

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

Section 2. The Town Board hereby rejects the bid of NSI for the following reasons:

- (a) NSI although identifying itself as incorporated in the State of New York could not be located in the Secretary of State records under "NSI" nor under another name referenced in their bid package ("NSI Service Inc.");
- (b) NSI failed to identify the principal of the corporation indicating only "NSI";
- (c) NSI failed to submit proof of workers' compensation insurance as required by General Condition No. 9 in the bid package;
- (d) In response to the Bidder Questionnaire (question no. 2) NSI did not identify any municipalities as requested by such inquiry;
- (e) NSI's submission of the bid form contained an inconsistency wherein NSI indicated that both its annual price and monthly price were both \$39520.

Section 3. The Town Board hereby awards the janitorial services contract to D.O.C Professional Cleaning Services Inc. ("NYS DOS ID No. 2228628) subject to satisfactory completion with all requirements set forth in the bid specifications previously issued by the Town.

Section 4. 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 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 Supervisor -Tony Cardone second by Mary Bingham.

Final Resolution: Motion Carries

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

Discussion Information: 8.3 Mombasha Lake Stakeholders

The following residents signed up to speak RE Mombasha Lake Stakeholders. To hear their comments and Board Members responses please go on-line to Board Doc's Video Clip #8.3 1:26:06.

- Staci McCleary
- Lawrence ONeill
- Annette Collazo
- Allison Priest
- Dr. Stefan Chevailer

Discussion Information: 8.4 Chapter 41 Town Code Regarding Sewerage Systems

To hear Councilwoman Bingham and Town Counsel RE Chapter 41 Town Code Regarding Sewerage Systems please go on-line to Board Doc's Video Clip #8.4 1:47:36.

Action (Resolution) Discussion: 8.5 2022-2023 JCAP GRANT

To hear Supervisor Cardone and Councilman McGinn RE 2022-2023 JCAP GRANT please go on-line to Board doc's Video Clip #8.5 1:48:54.

2022-#495

BE IT RESOLVED that the Town Board of the Town of Monroe authorizes the Town of Monroe Town Court to apply for a JCAP grant in the 2022-2023 grant cycle up to the maximum amount available. Amount Requested: \$3826.25

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

Action (Resolution) Discussion: 8.6 Transport of Dogs to Woodbury Animal Shelter

To hear Town Board Members discussion RE Transport of Dogs to Woodbury Animal Shelter please fo on-line to Board Doc's Video Clip #8.6 1:50:54.

2022-#496

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to remove Mike Gary from the individuals authorized to transport dogs as necessary from the Town of Monroe to the Woodbury Animal Shelter per the terms of the Intermunicipal Agreement. Town of Monroe employee Webster Johnson is currently authorized to transport. Mike Garry the other employee previously authorized to transport has recently retired.

Motion by Mike McGinn second by Sal Scancarello.

Final Resolution: Motion Carries

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

Action (Resolution) Discussion: 8.7 Water Bill Late Payment Penalty

To hear Supervisor Cardone and Councilwoman Bingham RE Water Bill Late Payment Penalty please go on-line to Board Doc's Video Clip #8.7 1:51:50.

2022-#497

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion that beginning on January 12023 the Water Department can charge late fees for water bills not paid on time.

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

Discussion Information: 8.8 Town of Monroe Fee Schedule RE: Town Clerk Fees

To hear Town Clerk Valerie Bitzer and Supervisor Cardone RE Town of Monroe Fee Schedule RE: Town Clerk Fees please go on-line to Board Doc's Video Clip #8.8 1:52:38.

Action (Resolution) Information: 8.9 Town of Monroe Compost Facility

To hear Supervisor Cardone RE Town of Monroe Compost Facility please go on-line to Board Doc's Video Clip #8.9 1:54:52.

2022-#498

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion approving the following dates of operation for the Town of Monroe Compost Facility: Saturdays: October 29th November 5th November 12th November 19th from 8 a.m. - 2 p.m.

Wednesdays: November 2nd November 9th November 16th from 8 a.m. - 2 p.m. The facility will close after November 19th and reopen again in the Spring.

The Compost Facility is located on Lakes Road and is open to all Town of Monroe Village of Monroe and Village of Harriman residents at no cost.

The facility will accept leaves and brush (brush must be tied under 4 foot in length and no larger than 5 inches in diameter). No grass clippings logs or wood will be accepted.

For additional information please contact the Town of Monroe Highway Department at 782-8583.

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

9. Old Business

Discussion: 9.1 Lake Sapphire Drainage District

The following residents signed up to speak RE Lake Sapphire Drainage District. To hear their comments and Board Members responses please go on-line to Board Doc's Video Clip #9.1 1:56:23.

- Megan Allesandro

Discussion Information: 9.2 Water District 1 Pressure Tank

To hear Councilwoman Bingham and Supervisor Cardone RE Water District 1 Pressure Tank please go on-line to Board Doc's Video Clip #9.2 1:59:47.

Discussion Information: 9.3 Highway Department Equipment for Surplus

To hear Highway Superintendent James Patterson Supervisor Cardone and Town Counsel RE Highway Department Equipment for Surplus please go on-line to Board Doc's Video Clip #9.3 2:00:29.

Information: 9.4 Update RE: Mombasha Pickleball Courts

To hear Supervisor Cardone and Highway Superintendent Pat Patterson RE Mombasha Pickleball Courts please go on-line to Board Doc's Video Clip #2:2:26.

Discussion: 9.5 Municipality5 Revised Proposal

To hear Board Members discussion RE Municipality5 Revised Proposal please go on-line to Board Doc's Video Clip #9.5 2:03:18.

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 2:07:38.

- Liam Wisehart
- Carol Hawxhurst

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

Action (Resolution): 11.1 Enter into Executive Session

2022-#499

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

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

12. Return to Regular Meeting

Action (Resolution): 12.1 Return to Regular Meeting

2022-#500

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 Dorey Houle.

Final Resolution: Motion Carries

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

13. Motions From the Floor

Action (Resolution) Discussion: 13.1 Pat Patterson RE: Cell Phone Bill Partial Reimbursement

To hear Board Members RE Pat Patterson Cell Phone Bill Partial Reimbursement please go on-line to Board Doc's Video Clip #13.1 2:21:19.

2022-#501

BE IT RESOLVED that the Town Board of the Town of Monroe to pay \$75/month to Highway Superintendent James Patterson (Pat) towards the use of personal cell phone. Pat has requested to use his personal cell phone for town business in lieu of the town purchasing an additional cell phone.

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

Action (Resolution) Discussion: 13.2 Pat Patterson RE: M&T Credit Card

2022-#502

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to issue a credit card to James Patterson (Pat) through M&T with a spending limit of \$2500.

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

14. Adjournment

Action (Resolution): 14.1 Adjournment of Meeting

2022-#503

BE IT RESOLVED that the Town Board of the Town of Monroe adjourns the meeting of October 3 2022 at 9:50 PM.

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

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