

MONROE TOWN BOARD SPECIAL MEETING MINUTES

— 11/19/2021

MONROE TOWN BOARD SPECIAL MEETING AGENDA (via ZOOM) (Friday, November 19, 2021)

Generated by Valerie Bitzer

Members present

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

1. Call to Order

Discussion, Information, Procedural: 1.1 Pledge to the Flag

2. Motion to Open Town Board Meeting

Action (Resolution): 2.1 Motion to Open Town Board Special Meeting of November 19, 2021

2021-#503

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Open the Town Board Meeting of November 19, 2021 at 8:30 AM.

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

3. New Business

Action (Resolution), Information: 3.1 Resolution and Order After Public Hearing for Water District No. 8

2021-#504

BE IT RESOLVED that the Town Board of the Town of Monroe Made the following Resolution:

At a meeting of the Town Board of the Town of Monroe, in the County of Orange, New York, held at the Town Hall, 1465 Orange Turnpike, Monroe, New York, on the 19th day of November, 2021.

PRESENT:

Anthony Cardone, Supervisor

Michael McGinn, Councilperson

Mary Bingham, Councilperson

Salvatore Scancarello, Councilperson

Rick Colon, Councilperson

In the Matter
of the

Increase and Improvement of Facilities of the Water District
No. 8, in the Town of Monroe, in the County of Orange,
New York, pursuant to Section 202-b of the Town Law

Offered by: Councilman Scancarello

Seconded by: Councilman Colon

RESOLUTION AND
ORDER AFTER PUBLIC
HEARING

WHEREAS, the Town Board of the Town of Monroe (herein called the "Town"), in the County of Orange, New York, on behalf of Water District No. 8 (herein called the "District") has heretofore adopted a resolution authorizing the increase and improvement of facilities of the District, consisting of a various water system improvements and ancillary or related work required in connection therewith; and

WHEREAS, the Town Board adopted an Order describing in general terms the proposed increase and improvement of such facilities, specifying the estimated maximum cost thereof, and stating the Town Board would meet to hear all persons interested in said increase and improvement of facilities on November 15, 2021 at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, 1465 Orange Turnpike, Monroe, New York; and

WHEREAS, a Notice of such public hearing was duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on the 15th day of November, 2021 at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, 1465 Orange Turnpike, Monroe, New York, with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of such facilities;

Now, therefore, it is hereby

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described, at the estimated maximum cost of \$2,700,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that McGoey, Hauser and Edsall, Consulting Engineers, D.P.C., engineers duly licensed by the State of New York (the "Engineer") shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of such facilities and, with the

assistance of the Town Attorney, shall prepare a proposed contract for such increase and improvement of facilities of the District, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the issuance of not to exceed \$2,700,000 bonds of the Town, the costs of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said improvements, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable; and it is hereby FURTHER ORDERED, all or part of the cost of the project may be financed through the New York State Environmental Facilities Corporation (EFC) State Revolving Fund (SRF) and/or a Water Infrastructure Improvement Act (WIIA) grant, and any such grant funds received are authorized to be used to pay a part of the cost of such project, or to pay debt service related thereto; and

FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Orange County within ten (10) days after adoption thereof.

DATED: November 19, 2021

(SEAL) TOWN BOARD OF THE TOWN OF MONROE

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

Supervisor Anthony Cardone voting Aye

Councilperson Michael McGinn voting Aye

Councilperson Mary Bingham voting Aye

Councilperson Salvatore Scancarello voting Aye

Councilperson Rick Colon voting Aye

The Resolution and Order were declared adopted.

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

Final Resolution: Motion Carries

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

Action (Resolution): 3.2 Bond Resolution for Water District No. 8

2021-#505

BE IT RESOLVED that the Town Board of the Town of Monroe Made the following Resolution:

BOND RESOLUTION OF THE TOWN OF MONROE, NEW YORK, ADOPTED NOVEMBER 19, 2021, APPROPRIATING \$2,700,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF WATER DISTRICT NO. 8, AND AUTHORIZING THE ISSUANCE OF \$2,700,000 BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

Offered by: Supervisor Cardone

Seconded By: Councilwoman Bingham

Recitals

WHEREAS, following preparation of a map, plan and report by McGoey, Hauser & Edsall P.C., engineers duly licensed by the State of New York (the "Engineer") and an estimate of cost for the increase and improvement of facilities of Water District No. 8 (the "District"), in the Town of Monroe (the "Town"), in the County of Orange, New York, and after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be so increased and improved;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF MONROE, IN THE COUNTY OF ORANGE, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town Board hereby appropriates the amount of \$2,700,000, for the increase and improvement of facilities of Water District No. 8, consisting of various water system improvements and ancillary or related work required in connection therewith (the "Project"). The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, will not exceed \$2,700,000. The plan of financing includes the issuance of not to exceed \$2,700,000 bonds of the Town to finance said appropriation, and the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said improvements, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable. Any funds received from grants and/or other sources are hereby authorized to be applied toward the cost of said project or redemption of the Town's bonds or notes issued therefor, or to be budgeted as an offset to the taxes to be collected for the payment of the principal of and interest on said bonds or notes. All or part of the cost of the project may be financed through the New York State Environmental Facilities Corporation (EFC) State Revolving Fund (SRF) and/or a Water Infrastructure Improvement Act (WIIA) grant.

Section 2. Bonds of the Town in the principal amount of not to exceed \$2,700,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting

Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 1 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the serial bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in the "Times Herald Record," a newspaper having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

* * *

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

Supervisor Anthony Cardone voting Aye
Councilperson Michael McGinn voting Aye
Councilperson Mary Bingham voting Aye
Councilperson Salvatore Scancarello voting Aye
Councilperson Rick Colon voting Aye

The Resolution was declared adopted.

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

Final Resolution: Motion Carries

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

Action (Resolution): 3.3 Bond Resolution for Water District No. 14

2021-#506

BE IT RESOLVED that the Town Board of the Town of Monroe Made the following Resolution.

BOND RESOLUTION OF THE TOWN OF MONROE, NEW YORK, ADOPTED NOVEMBER 19, 2021, APPROPRIATING \$1,951,500 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF WATER DISTRICT NO. 14, AND AUTHORIZING THE ISSUANCE OF \$1,951,500 BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

Offered by: Councilwoman Bingham

Seconded By: Councilman Colon

Recitals

WHEREAS, following preparation of a map, plan and report by McGoey, Hauser & Edsall P.C., engineers duly licensed by the State of New York (the "Engineer") and an estimate of cost for the increase and improvement of facilities of Water District No. 14 (the "District"), in the Town of Monroe (the "Town"), in the County of Orange, New York, and after a public hearing duly called and held, the Town Board of the Town determined that it is in the public

interest to increase and improve the facilities of the District, and ordered that such facilities be so increased and improved;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF MONROE, IN THE COUNTY OF ORANGE, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town Board hereby appropriates the amount of \$1,951,500, for the increase and improvement of facilities of Water District No. 14, consisting of various water system improvements and ancillary or related work required in connection therewith (the "Project"). The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, will not exceed \$1,951,500. The plan of financing includes the issuance of not to exceed \$1,951,500 bonds of the Town to finance said appropriation, and the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said improvements, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable. Any funds received from grants and/or other sources are hereby authorized to be applied toward the cost of said project or redemption of the Town's bonds or notes issued therefor, or to be budgeted as an offset to the taxes to be collected for the payment of the principal of and interest on said bonds or notes. All or part of the cost of the project may be financed through the New York State Environmental Facilities Corporation (EFC) State Revolving Fund (SRF) and/or a Water Infrastructure Improvement Act (WIIA) grant.

Section 2. Bonds of the Town in the principal amount of not to exceed \$1,951,500 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 1 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the serial bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation said bonds shall be

general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in the "Times Herald Record," a newspaper having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

* * *

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

Supervisor Anthony Cardone voting Aye
Councilperson Michael McGinn voting Aye
Councilperson Mary Bingham voting Aye
Councilperson Salvatore Scancarello voting Aye
Councilperson Rick Colon voting Aye

The Resolution was declared adopted.

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

Final Resolution: Motion Carries

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

Action (Resolution): 3.4 Resolution and Order After Public Hearing for Water District No. 14

2021-#507

BE IT RESOLVED that the Town Board of the Town of Monroe Made the following Resolution:

At a meeting of the Town Board of the Town of Monroe, in the County of Orange, New York, held at the Town Hall, 1465 Orange Turnpike, Monroe, New York, on the 19th day of November, 2021.

PRESENT:

Anthony Cardone, Supervisor

Michael McGinn, Councilperson

Mary Bingham, Councilperson

Salvatore Scancarello, Councilperson

Rick Colon, Councilperson

In the Matter

of the

Increase and Improvement of Facilities of the Water District

No. 14, in the Town of Monroe, in the County of Orange,

New York, pursuant to Section 202-b of the Town Law

Offered by: Supervisor Cardone

Seconded by: Councilman Scancarello

RESOLUTION AND
ORDER AFTER PUBLIC
HEARING

WHEREAS, the Town Board of the Town of Monroe (herein called the "Town"), in the County of Orange, New York, on behalf of Water District No. 14 (herein called the "District") has heretofore adopted a resolution authorizing the increase and improvement of facilities of the District, consisting of various water system improvements and ancillary or related work

required in connection therewith; and

WHEREAS, the Town Board adopted an Order describing in general terms the proposed increase and improvement of such facilities, specifying the estimated maximum cost thereof, and stating the Town Board would meet to hear all persons interested in said increase and improvement of facilities on November 15, 2021 at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, 1465 Orange Turnpike, Monroe, New York; and

WHEREAS, a Notice of such public hearing was duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on the 15th day of November, 2021 at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, 1465 Orange Turnpike, Monroe, New York, with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of such facilities;

Now, therefore, it is hereby

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described, at the estimated maximum cost of \$1,951,500; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that McGoey, Hauser and Edsall, Consulting Engineers, D.P.C., engineers duly licensed by the State of New York (the "Engineer") shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of such facilities and, with the assistance of the Town Attorney, shall prepare a proposed contract for such increase and improvement of facilities of the District, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the issuance of not to exceed \$1,951,500 bonds of the Town, and the costs of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said improvements, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable; and it is hereby FURTHER ORDERED, all or part of the cost of the project may be financed through the New York State Environmental Facilities Corporation (EFC) State Revolving Fund (SRF) and/or a Water Infrastructure Improvement Act (WIIA) grant, and any such grant funds received are authorized to be used to pay a part of the cost of such project, or to pay debt service related thereto; and

FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Orange County within ten (10) days after adoption thereof.

DATED: November 19, 2021

(SEAL) TOWN BOARD OF THE TOWN OF MONROE

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

Supervisor Anthony Cardone voting Aye

Councilperson Michael McGinn voting Aye

Councilperson Mary Bingham voting Aye

Councilperson Salvatore Scancarello voting Aye

Councilperson Rick Colon voting Aye

The Resolution and Order were declared adopted.

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

Final Resolution: Motion Carries

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

Action (Resolution): 3.5 DeAngelis Hall

2021-#508

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

RESOLUTION AUTHORIZING LEASE AND CONVEYANCE OF 15 LAKE STREET,
MONROE, NEW YORK 10950 (DeANGELIS BUILDING)

WHEREAS, the Town of Monroe ("Town") desires to lease and convey property owned by the Town at 15 Lake Street, Monroe, New York 10950 otherwise known as the DeAngelis Building; and

WHEREAS, the Town has engaged in negotiations with LM03 Realty LLC concerning such lease and conveyance; and

WHEREAS, the Town now desires to execute any and all documents required to carry out such lease and conveyance.

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 hereby declares itself lead agency in this unlisted action and after having reviewed parts 1, 2 and 3 of the Short Form Environmental Assessment Form, hereby adopts a Negative Declaration.

Section 3. The Town Board hereby authorizes the Town Supervisor to execute and any and

all documents necessary to effectuate the lease and conveyance documents in a final form approved by the Town's Special Counsel.

Section 4. Pursuant to Town Law § 90, the Town Clerk is hereby directed to post and publish a notice within 10 days of this Resolution setting forth the date of the adoption of this Resolution contained in an abstract of the Resolution and specifying that such Resolution was adopted subject to permissive referendum.

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] [] [] []

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

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

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

The Resolution was thereupon duly adopted.

Motion by Sal Scancarello, second by Mike McGinn.

Final Resolution: Motion Carries

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

4. Adjournment

Action (Resolution): 4.1 Adjournment of Meeting

2021-#509

BE IT RESOLVED, that the Town Board of the Town of Monroe adjourns the Special Meeting of November 19, 2021 at 8:42 AM.

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

Final Resolution: Motion Carries

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