

MONROE TOWN BOARD SPECIAL MEETING MINUTES

— 08/25/2022

MONROE TOWN BOARD SPECIAL MEETING AGENDA via ZOOM (Thursday, August 25, 2022)

Generated by Valerie Bitzer

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 Special Meeting of August 25, 2022

2022-#420

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Open the Town Board Meeting of August 25, 2022 at 8:32 AM.

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

3. Motion to Enter into Executive Session

Action (Resolution): 3.1 Motion to Enter into Executive Session

2022-#421

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 Mike McGinn, second by Supervisor -Tony Cardone.

Final Resolution: Motion Carries

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

4. Motion to Come Out of Executive Session

Action (Resolution): 4.1 Motion to Come Out of Executive Session

2022-#422

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Come Out of Executive Session.

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

Final Resolution: Motion Carries

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

5. Motion to Return to Regular Session

Action (Resolution): 5.1 Motion to Return to Regular Session

2022-#423

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to return to Regular Session.

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

Final Resolution: Motion Carries

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

6. New Business

Action (Resolution), Discussion, Information: 6.1 BMG Monroe 1 LLC v. Town of Monroe et al.

2022-#424

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to approve a modification to a settlement that was previously approved.

The following Resolution was duly offered by Supervisor Cardone and seconded to wit by Councilwoman Bingham:

RESOLUTION AUTHORIZING SETTLEMENT

WHEREAS, the Town of Monroe, New York ("Town") in the years 2020 and 2021 made assessments of real property by the Town Assessor; and

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

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

WHEREAS, Special Counsel Feerick Nugent MacCartney PLLC, for the Town has approved the settlement of this matter as recommended by the Town Assessor and all professionals employed by the Town recommend that it is in the best interest for the Town to resolve the litigation entitled BMG Monroe I, LLC v. Town of Monroe et al. under Orange County Supreme Court Index Nos.: 03944/20; 03945/20; 03946/20; 03947/20; 03948/20; 03949/20; 03950/20; 03951/20; 03954/20 and 05315/21 pursuant to the terms and conditions set forth in the

revised settlement documents annexed hereto as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED: that:

Section 1. All "Whereas" clauses are hereby incorporated by reference as though set forth in full herein.

Section 2. Special Counsel for the Town is hereby authorized to execute a Consent Judgment to resolve BMG Monroe I, LLC v. Town of Monroe upon the terms and conditions set forth in the revised settlement documents annexed as Exhibit "A" because such a settlement of the Litigation is in the best interest of the Town.

Section 3. This Resolution shall be effective immediately.

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

Yea Nay Abstain Absent

Anthony Cardone, Supervisor [X] [] [] []

Michael McGinn, Councilperson [X] [] [] []

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

Action (Resolution), Discussion, Information: 6.2 Rosmarins Land Holdings LLC v. Town of Monroe et al.

2022-#425

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

RESOLUTION AUTHORIZING SETTLEMENT

WHEREAS, the Town of Monroe, New York ("Town") in the years 2020; 2021; and 2022 made assessments of real property by the Town Assessor; and

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

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

WHEREAS, Special Counsel Feerick Nugent MacCartney PLLC, for the Town has approved the settlement of this matter as recommended by the Town Assessor and all professionals employed by the Town recommend that it is in the best interest for the Town to resolve the litigation entitled Rosmarins Land Holdings, LLC v. Town of Monroe et al. under Orange County Supreme Court Index Nos.: EF003236/2020; EF004926/2021; and EF003726/2022 pursuant to the terms and conditions set forth in the settlement documents annexed hereto as Exhibit "A"; and

WHEREAS, the proposed settlement is in the best interest of the Town.

NOW, THEREFORE, BE IT RESOLVED: that:

Section 1. All "Whereas" clauses are hereby incorporated by reference as though set forth in full herein.

Section 2. Special Counsel for the Town is hereby authorized to execute a Consent Judgment to resolve Rosmarins Land Holdings LLC v. Town of Monroe, et al., upon the terms and conditions set forth in the settlement documents annexed as Exhibit "A".

Section 3. This Resolution shall be effective immediately.

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

Yea Nay Abstain Absent

Anthony Cardone, Supervisor [X] [] [] []

Michael McGinn, Councilperson [X] [] [] []

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 Mike McGinn.

Final Resolution: Motion Carries

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

7. Public Comment

Information: 7.1 Rules for Public Comment

Discussion, Information: 7.2 Public Comment

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

8. Adjournment

Action (Resolution): 8.1 Adjournment of Meeting

2022-#426

BE IT RESOLVED, that the Town Board of the Town of Monroe adjourns the meeting of August 25, 2022 at 8:53 AM.

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