

MONROE TOWN BOARD MEETING MINUTES

— 02/25/2019

MONROE TOWN BOARD MEETING AGENDA (Monday, February 25, 2019)

Generated by Valerie Bitzer

Members present

Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham

1. Call to Order

Discussion, Procedural: 1.1 Pledge to the Flag

2. Public Hearing

Information: 2.1 Public Hearing Notice: Amend Ch. 51 Article II (Overnight Parking) and Article III (Truck and Bus Exclusions) of the Town Code

Action (Resolution), Information: 2.2 Open Public Hearing to Amend Ch. 51 Article II (Overnight Parking) and Article III (Truck and Bus Exclusions) of the Town Code

Supervisor Cardone: I would like to make a Motion to open up the Public Hearing regarding the same.

Councilman Colon: Colon to second.

Supervisor Cardone: Seconded by Councilman Colon. Call to question.

Councilwoman Bingham: Bingham Aye.

Councilman Colon: Colon Aye.

Supervisor Cardone: Cardone Aye.

Councilman McGinn: McGinn Aye.

Supervisor Cardone: Also for the record Councilman Scancarello has the Flu. He text me at about 6:00. He will not be here.

Town Clerk Mary Ellen Beams: Ok duly noted.

Supervisor Cardone: I wouldn't have wanted him here because he would have sat in between Councilman McGinn and I as well.

Councilman McGinn: Just like old times.

Supervisor Cardone: Just like old times right. Ok, so I'll turn it over to our esteemed Council Mr. Nugent.

Council Brian Nugent: Thank you Supervisor. So this is a Public Hearing as you stated to Amend Ch. 51. It's basically two changes to that chapter. One concerns Overnight Parking and in substance that change is to prohibit the parking which is actually a forecast of snow or ice rather than just a blanket policy of no overnight parking, and the second portion of the chapter being amended rather concerns overweight truck traffic, and the description is in the Local Law but it's on Forest Avenue going into the Village from the Town. It will be to prohibit truck traffic from turning onto that roadway.

Supervisor Cardone: Ok.

Council Brian Nugent: And so there's no further requirements. It's up to the Board. You can close the Public Hearing tonight, and adopt or you can continue. Whatever your preference.

Supervisor Cardone: Ok. John did you.

Highway Superintendent John Scherne: That's Forest Ave, and Schunnemunk Street correct for the weights?

Council Brian Nugent: Yeah just for the record so the description is Forest Avenue from the intersection of Schunnemunk St., Forest Rd, and Forest Avenue to the intersection of Forest Avenue, and Franklin Avenue, and then on Schunnemunk St. from intersection of Schunnemunk St., Forest Rd, and Forest Avenue to the intersection of Schunnemunk St., and Smithfield Avenue. And that's where they would be adding those sections to the truck and bus exclusions of the chapter.

Highway Superintendent John Scherne: That is correct.

Supervisor Cardone: Ok.

Councilman McGinn: That's basically largely because the Village has the same exceptions leading up to that section of the road.

Resident: Can't hear you.

Supervisor Cardone: Yes, what happens over there is the somebody crossing over from 17 from the Schunnemunk side of 17, a truck would cross over. They would be in the Town, and then they would get into the Village, and at that point

Councilman McGinn: A violation.

Supervisor Cardone: At that point there would be a violation. So in order to you know create any inconsistencies there. A few months ago I had a conversation with, well more than a few months ago, it was probably 7 or 8 months ago a conversation with the Police Chief, and he asked in order to alleviate that inconsistency that we pass some sort of

Councilman McGinn: Ordinance.

Supervisor Cardone: Well he actually said to put a sign up there., and I said we have to pass you know a Town Law so. So is there anybody from the public that wants to speak?

Town Clerk Mary Ellen Beams: Lorraine Loening.

Resident Lorraine Loening: Hi, good evening Lorraine Loening, Village of Monroe. I would have liked to have heard all that or seen all that stuff on the website. It just said that you were going to change or Amend Ch. 51. You didn't say how or what times or anything, so I feel a little unprepared not able to comment correctly but I mean it seems like you're just going to mirror what the Village is doing so that's ok. I do have a question about enforcement though. Whose going to be doing this? Is it the State Police? I mean realistically is that

Supervisor Cardone: State Police in the Town, Village Police in the Village.

Resident Lorraine Loening: And is that happening in the Village?

Supervisor Cardone: Yeah. Yeah. It's happening already in the Village.

Resident Lorraine Loening: And the State Police will be on board there.

Highway Superintendent John Scherne: I don't know if the State Police are actually going to

enforce local law but I know they'll if there was per-say an accident or something to where there was even you know personal injury they have at least the right to enforce that at that point.

Councilman McGinn: Actually it's delays on between I discussed it with the Station Commander there already that there was something we were anticipating doing so. They're aware of it whether they enforce it or not. I mean they can enforce Town Code, Town Law if they want so.

Resident Lorraine Loening: Ok. Alright. Thank you.

Councilman McGinn: They have a vehicle commercial, commercial vehicle enforcement unit that does you know work in the area quite a bit so.

Highway Superintendent John Scherne: And it's gonna help us to as far as with the heavier traffic on our roadways, so this is important for the Highway Department as well so.

Supervisor Cardone: Anyone else? Anyone from the Board?

Councilwoman Bingham: Yeah, I have a couple of questions. More to do with the overnight parking. Section 51-3.1 states when 2" or more, do we have to Amend Section 3.1 to be consistent with what we're changing here tonight, and then in Section 51-5 Traffic Violations, again if it's going to be the State Trooper's you know that would be my answer the Supervisor mentioned tonight that the State Trooper's would be enforcing it. And then in 51-4 it says removal of the vehicles. Does Highway have the ability to tow the vehicles, and if not would we then have to look for some kind of a Tow Truck operator to remove the vehicles from the roads?

Councilman Colon: Well can I answer that?

Highway Superintendent John Scherne: Sure.

Councilman Colon: First off there's a number of heavy truck operators in the area that move the trucks off the Thruway. We have one in the Village, I know there's one up towards Newburgh way.

Councilwoman Bingham: I'm not talking about heavy vehicles, I'm talking about a regular car that's parked out in the street, and if John has to come plow whose going to remove that vehicle?

Supervisor Cardone: Highway's not going to remove it but they have the ability to call someone to have it removed.

Councilman Colon: That's all.

Councilwoman Bingham: Ok, well that was my question.

Highway Superintendent John Scherne: And that would be charged to the vehicle owner not the Highway. So we would call Loyal per say who we use all the time. They would come out, tow the vehicle if need be. It's not something that we want to do, but if it's a constant issue it's gonna happen.

Councilwoman Bingham: Right because some Towns have official Tow Truck Operator's, and that's why I'm asking.

Highway Superintendent John Scherne: Yeah we don't have an official Tow Truck Operator per say, but we do have Loyal that we use all the time for any of our equipment that breaks

down, and I actually used Loyal on a couple of jobs that we had to move a vehicle that was Councilman Colon: Aren't they still licensed for going on the Thruway as well?

Supervisor Cardone: That rotates, but yeah. They are, but that rotates.

Highway Superintendent John Scherne: Yeah, and they have a list, right.

Councilman Colon: They're official. They can handle just about anything.

Supervisor Cardone: Mary what was your comment about Section 3 with 2"?

Councilwoman Bingham: 3.1 I believe somewhere in there it states if there's 2" or more so do we need to revise that section of the Code as well?

Council Brian Nugent: That is what we're revising.

Supervisor Cardone: That's what we're revising.

Council Brian Nugent: We're revising that section.

Councilwoman Bingham: Ok.

Supervisor Cardone: See it says it in the first sentence section 51-3.1 parking after snowfall is hereby repealed, and replaced.

Councilwoman Bingham: Ok I see it. And one final question, the signs that are out on the Town streets now I believe most of them read when 2" or more, so would you have to replace those signs?

Highway Superintendent John Scherne: Those signs would be starting to get replaced yes. Once this is adopted, and we have the wordage the way they need to be, and we'll start making up signs. It's not all going to happen in one year possibly but you know some of our troubled areas first, and then keep moving throughout the year, throughout the Town.

Councilwoman Bingham: Ok.

Highway Superintendent John Scherne: Ok. So yeah I'm not sure you know monetarily speaking how much it's going to be to replace all these signs but I don't think it's gonna be a tremendous amount of money, but it might be able to be done in one year or maybe twice you know two years. We'll see.

Councilwoman Bingham: Ok.

Supervisor Cardone: Anyone else? Anyone else from the public? Ok. There's no other comments I will make a motion to close the Public Hearing to Amend Ch. 51 Article II (Overnight Parking) and Article III (Truck and Bus Exclusions) of the Monroe Town Code. Do I have a second?

Councilman McGinn: I'll second it.

Supervisor Cardone: Call to question.

Councilwoman Bingham: Bingham Aye.

Councilman Colon: Colon Aye.

Supervisor Cardone: Cardone Aye.

Councilman McGinn: McGinn Aye. **2019-#97**

BE IT RESOLVED, that the Town Board of the Town of Monroe approves to open the Public Hearing to Amend Ch. 51 Article II (Overnight Parking) and Article III (Truck and Bus Exclusions) of the Town Code.

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

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham

Discussion, Information: 2.3 Public Comment RE: Amend Ch. 51 Article II (Overnight Parking) and Article III (Truck and Bus Exclusions) of the Town Code

The following residents spoke during Public Comment. To hear their comments, and Town Board members responses go online to Board Doc's to Video Clip #2.3, 0:4:39.

- Lorraine Loening Action (Resolution), Information: 2.4 Close Public Hearing to Amend Ch. 51 Article II (Overnight Parking) and Article III (Truck and Bus Exclusions) of the Town Code

2019-#98

BE IT RESOLVED, that the Town Board of the Town of Monroe approves to close the Public Hearing to Amend Ch. 51 Article II (Overnight Parking) and Article III (Truck and Bus Exclusions) of the Town Code.

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

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham

Action (Resolution): 2.5 Proposed Local Law #1 Of 2019 Amending Chapter 51 of the Town Code Relating to Overnight parking and Weight Restrictions

2019-#99

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

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF MONROE ADOPTING LOCAL LAW #1 OF 2019 AMENDING CHAPTER 51 OF THE TOWN CODE RELATING TO OVERNIGHT PARKING AND WEIGHT RESTRICTIONS

WHEREAS, the Town Board of the Town of Monroe ("Town Board") has proposed a Local Law to amend Articles II and III of Chapter 51 of the Town Code; and

WHEREAS, the Town Board hereby finds that leaving vehicles on public roads during periods of snowfall, ice and winter storms hinders and obstructs the remediation of hazardous conditions by the Town Highway Department; and

WHEREAS, the Town Board hereby finds that restrictions on the Town's ability to remediate potentially hazardous conditions on public roads threaten public safety, render vehicle travel potentially hazardous, and impede the ability of fire, police, and ambulance vehicles and personnel to provide necessary and emergency services to Town residents; and

WHEREAS, the Town Board finds that a compelling need to regulate parking on Town Roads during periods of snowfall, ice, and winter storms; and

WHEREAS, the Town Board hereby also finds that certain areas on Forest Avenue and Schunнемunk Street were not designed for use by certain buses and trucks exceeding 18,000 pounds gross vehicle weight and that regulating the use of said buses and trucks on Forest Avenue and Schunнемunk Street is necessary; and

WHEREAS, the purpose of the proposed Local Law is to improve and promote the health, safety, and general welfare of the Town by regulating parking during winter storms and periods of snowfall, and by regulating the use of Town roads by certain buses and trucks because certain Town roads are not designed for use by buses and trucks exceeding 18,000 pounds gross vehicle weight; and

WHEREAS, the Town Board duly noticed and held a Public Hearing on February 25, 2019, and heard all interested parties on the proposed Local Law; and

WHEREAS, pursuant to Part 617 of the NYCRR adoption of the proposed Local Law is a Type II action; and

WHEREAS, the Town Board, after due deliberation, hereby finds it in the best interest of the Town to adopt the Local Law.

NOW, THEREFORE BE IT RESOLVED, that:

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

Section 2. The Town Board hereby determines that the adoption of the Local Law is a Type II action as defined by Part 617 of the NYCRR pertaining to the State Environmental Quality Review Act.

Section 3. The Town Board hereby adopts the Local Law entitled "A Local Law to amend Articles II and III, Chapter 51 of the Town Code of the Town of Monroe entitled 'Overnight Parking' and 'Trucks and Buses Exclusions,'" a copy of which is attached hereto and made a part hereof.

Section 4. The Town Board hereby directs the Town Clerk to enter the Local Law in the minutes of the Town Board meeting, to enter the Local Law into the Local Law Book of the

Town, and to give due notice of the adoption of the Local Law to the Secretary of State.

Section 5. The Town Supervisor and any Town official or employee, as directed by the Town, is authorized to take any actions necessary to carry out the provisions of this Resolution.

Section 6. 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.

LOCAL LAW NO. 1 OF 2019
OF THE INCORPORATED TOWN OF MONROE, NEW YORK
AMENDING CHAPTER 51 OF THE
TOWN CODE OF THE TOWN OF MONROE

A LOCAL LAW to amend Articles II and III, Chapter 51 of the Town Code of the Town of Monroe entitled "Overnight Parking" and "Trucks and Buses Exclusions" pursuant to New York State Municipal Home Rule Law.

BE IT ENACTED AS FOLLOWS:

Section 1. Authority

This Local Law is adopted pursuant to Section 10 of the New York State Municipal Home Rule Law.

Section 2. Title and Purpose

This Local Law shall be known as and may be cited as "Local Law No. 1 of 2019.

The purpose of this local law is to improve and promote the health, safety, and general welfare of the community by regulating parking during winter storms and periods of snowfall.

Leaving vehicles on public roads during periods of snowfall, ice and winter storms hinders and obstructs the remediation of hazardous conditions by the Town Highway Department. Restrictions on the Town's ability to remediate potentially hazardous conditions on public roads threatens public safety, renders vehicle travel potentially hazardous, and impedes the ability of fire, police, and ambulance vehicles and personnel to provide necessary and emergency services to Town residents.

The purpose of this local law is to improve and promote the health, safety, and general welfare of the community by regulating the use of Town roads by certain buses and trucks and to maintain the integrity of Town roads, which were not designed for use by certain buses and trucks exceeding 18,000 pounds gross vehicle weight.

Section 3. Amendment

Article II "Overnight Parking," Chapter 51, Section 51-3.1 "Parking after Snowfall" is hereby repealed and replaced as follows:

It shall be unlawful for any person to park any vehicle on a public road located in the Town of Monroe whenever snow is accumulating or ice is forming on the roadway and if snowfall or icy road conditions have been forecasted. Upon commencement of snowfall or the formation of ice on the roadways, parking on all public roads is prohibited until such roads are treated and/or plowed and cleared to the curb or edge of the pavement. Upon commencement of snowfall or the formation of ice on the roadways, the owner or another licensed person in charge of or in control of any such vehicle standing upon any such road shall move or cause the vehicle to be moved so as not to delay, hinder or obstruct the remediation efforts, snowplowing or snow removal from any public road.

Article III "Truck and Bus Exclusions" Chapter 51, Section 51-6 "Certain trucks and buses prohibited" is hereby amended to add the following language:

Street Location

Forest Avenue From the intersection of Schunnamunk Street, Forest Road, and Forest Avenue to the intersection of Forest Avenue and Franklin Avenue

Schunnamunk Street From the intersection of Schunnamunk Street, Forest Road, and Forest Avenue to the intersection

of Schunnamunk Street and Smithfield Avenue

Section 4. Repeal, Amendment, and Supersession of Other Laws.

All other Resolutions, Ordinances or Local Laws of the Town of Monroe, which conflict with the provisions of this Local Law are hereby superseded or repealed to the extent necessary to give this Local Law full force and effect.

Section 5. State Environmental Quality Review Act

Pursuant to 6 NYCRR 617.5 (33), this Local Law is classified as a Type II action which requires no further review under the State Environmental Quality Review Act.

Section 6. Severability

If any provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order or judgment

shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

Section 7. Effective Date

This Local Law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

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

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham

3. Community/Announcements

Discussion: 3.1 Highway Department Thank You

Resident Anna Gil wrote a thank you note to the Highway Department for helping her when her car went into a ditch on 1-29-19. She thanked them for helping her out of her car, and for letting her sit in their truck. They called the Police for her, and waited until her parents arrived.

4. Audit the Claims

Action (Resolution), Information: 4.1 Audit of Claims

2019-#100

BE IT RESOLVED, that the Town Board of the Town of Monroe requests approval of Abstract #19-004 General Fund containing Check #'s 23592 - 23775 totaling \$5,039,772.10

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

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham

2019-#101

BE IT RESOLVED, that the Town Board of the Town of Monroe requests approval of Abstract #19-003 Escrow containing Check #1842 - 1845 totaling \$9,314.50

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

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham

5. Acceptance of Minutes

Action (Resolution), Discussion: 5.1 Acceptance of February 4, 2019 Minutes

2019-#102

BE IT RESOLVED that the Town Board of the Town of Monroe accepts the Minutes of February 4, 2019.

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

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham

6. New Business

Action (Resolution), Discussion: 6.1 Eric Kowalski, Automotive Mechanic

2019-#103

BE IT RESOLVED that the Town Board of the Town of Monroe approves the hiring of Eric Kowalski as Full-Time Automotive Mechanic at the hourly rate of \$29.72/hr. Salary and benefits are to be split 50% Highway budget and 50% Dial-A-Bus budget. Employment start date March 1, 2019.

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

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham

Action (Resolution): 6.2 Certificate of Insurance Tax Collector

2019-104

BE IT RESOLVED that the Town Board of the Town of Monroe approves to have the Supervisor sign the Tax Collector's Certificate of Liability Insurance which will then be filed in the Orange County Clerk's Office.

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

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham

Action (Resolution), Discussion: 6.3 Award of Orange County Executive Arts, Heritage and Tourism Grant

2019-#105

BE IT RESOLVED that the Town Board of the Town of Monroe approves to accept the grant funding for 2018-2019 County Executive Arts, Heritage and Tourism Grant Program in the amount of \$2,500.00.

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

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham

Action (Resolution), Discussion: 6.4 Pesticide Treatment, Round Lake

2019-#106

BE IT RESOLVED that the Town Board of the Town of Monroe approves a resolution authorizing Solitude Lake Management to conduct pesticide treatments during the 2019

season in Round Lake.

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

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham

Action (Resolution), Discussion: 6.5 Lease Agreement for New Dial-A-Buses

2019-#107

BE IT RESOLVED that the Town Board of the Town of Monroe approves for the Supervisor to execute the lease agreement for the new Dial-A-Buses effective February 15, 2019.

YEAR MAKE MODEL VIN#

2018 Ford F-450 1FDEE3FS4JDC08227

2018 Ford F-450 1FDEE3FS2JDC08226

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

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham

Discussion: 6.6 Revised Road Name Plan, Smith Farm

To hear request submitted by Attorney Ronald S. Kossar, on behalf of BMG Monroe I, LLC, in reference to the Revised Road Name Plan for Smith Farm, and to hear the Boards comments log onto Board Doc's Video Clip #6.6, 0:26:00.

7. Old Business

Action (Resolution), Discussion: 7.1 Zoning Board of Appeals Alternate Appointment

2019-#108

BE IT RESOLVED that the Town Board of the Town of Monroe approves to Table this matter until Executive Session.

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

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham

Action (Resolution), Discussion: 7.2 Zoning Board of Appeals Fee Schedule

2019-#109

BE IT RESOLVED that the Town Board of the Town of Monroe approves to Table this matter until the March 4, 2019 Town Board Meeting.

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

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Councilman - Rick Colon, Mike McGinn, Mary Bingham

Action (Resolution), Discussion: 7.3 WIAA Grant Resolutions

2019-#110

BE IT RESOLVED that the Town Board of the Town of Monroe approved the following resolution was duly

offered by and seconded to wit:

RESOLUTION 2019/_____

RESOLUTION OF SEQRA DETERMINATION REGARDING WATER INFRASTRUCTURE IMPROVEMENT ACT PROJECT IN WATER DISTRICT 12

WHEREAS, the Town of Monroe Town Board ("Town Board") previously adopted Resolutions concerning a New York State Water Infrastructure Improvement Act ("WIIA") Grant Project for Water District 12 relating to construction of a new well house, water tank replacements and other renovations ("the Project"); and

WHEREAS, the prior Resolution regarding SEQRA adopted by the Town Board did not clearly identify that the SEQRA determination was made based on the Project work; and

WHEREAS, the Town Board has reviewed the proposed Project and desires to adopt this Resolution setting forth the Town Board's determination with respect to SEQRA.

NOW THEREFORE BE IT RESOLVED, that:

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

Section 2. The Town Board hereby determines that the proposed Project is a Type II Action under SEQRA pursuant to 6 NYCRR 617.5(c)(2) as a replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes that does not meet or exceed any of the thresholds in Section 6 NYCRR 617.4.

Section 3. Further and independently from Section 2 above, with respect to the well-house structure, the Town Board determines that the Project work is a Type II Action under SEQRA pursuant to 6 NYCRR 617.5(c)(9) as construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls.

Section 4. The Town Supervisor and Town Clerk are hereby authorized and directed to take any and all necessary actions to carry out the provision 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] [] [] []

Richard Colon, Councilperson [X] [] [] []
Mary Bingham, Councilperson [X] [] [] []
Sal Scancarello, Councilperson [] []