

MONROE TOWN BOARD MEETING MINUTES

— 09/24/2018

MONROE TOWN BOARD MEETING AGENDA (Monday, September 24, 2018)

Generated by Valerie Bitzer

Members present

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

1. Call to Order

Procedural: 1.1 Pledge to the Flag

2. Public Hearing

3. Acceptance of Minutes

Action (Resolution): 3.1 Acceptance of August 13, 2018 Minutes

2018-#384

BE IT RESOLVED, that the Town Board of the Town of Monroe accepts the minutes of August 13, 2018.

Motion by Sal Scancarello, second by Mary Bingham.

Final Resolution: Motion Carries

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

Action (Resolution): 3.2 Acceptance of September 10, 2018 Minutes

2018-#385

BE IT RESOLVED, that the Town Board of the Town of Monroe accepts the minutes of September 10, 2018.

Motion by Mary Bingham, second by Sal Scancarello.

Final Resolution: Motion Carries

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

4. New Business

Action (Resolution), Discussion: 4.1 Set Public Budget Meeting Dates

2018-#386

BE IT RESOLVED, that the Town Board of the Town of Monroe approves to set the following dates for budget meetings as follows:

October 3, 2018 at 6:00 p.m. held at the Monroe Senior Center 101 Mine Rd, Monroe.

October 22, 2018 at 6:00 p.m. held at the Monroe Senior Center 101 Mine Rd, Monroe.

Motion by Mike McGinn, second by Sal Scancarello.

Final Resolution: Motion Carries

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

Action (Resolution), Discussion: 4.2 Amendment to Agreement with TBE-Montgomery
2018-#387

BE IT RESOLVED, that the Town Board of the Town of Monroe authorizes Supervisor Cardone to sign the Amendment of the Solid Waste Processing and Disposal Agreement with TBE-Montgomery, LLC.,subject review of the Town Attorney.

Motion by Mike McGinn, second by Sal Scancarello.

Final Resolution: Motion Carries

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

Discussion: 4.3 Digital Radio Communication System for Dial-A-Bus

Supervisor Cardone asked to hold this matter over until later in the evening when Head Bus Driver Dominick Pascullo will be present to address this matter. Action (Resolution),

Discussion: 4.4 Hardware Warranty on Main Town Hall Virtual Server

2018-#388

BE IT RESOLVED, that the Town Board of the Town of Monroe approves to sign the agreement with FLC Equipment & Supplies for a 3 year hardware warranty for the main Town Hall server,quote #1028451099444 in the amount of \$1,193.87

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

Final Resolution: Motion Carries

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

5. Community

Action (Resolution): 5.1 Monroe Theater

Mr. Edward Sheeran from Palmer Economic Development, Inc made a presentation to the Town Board in regards to the movie theater from the beginning of the town purchasing it to where the town is now going forward with it's plans. To hear Mr. Sheeran's full presentation go to video clip #5.1, 9:35.

The following residents spoke during Public Comment regarding the Movie Theater. To hear their comments, and Town Board members responses go online to Board Doc's to the September 24, 2018 meeting Video Clip #5.1, 36:20

- Dan Burke

- Mike Egan

- Tom Lapolla
- Ward Brower
- John Allegro
- Lorraine Loening
- Debbie Berringer 2018-#389

BE IT RESOLVED, that the Town Board of the Town of Monroe

The following Resolution

was duly offered by Councilman McGinn and seconded to wit: Councilwoman Bingham

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF MONROE DECLARING LEAD AGENCY STATUS AND ISSUING A NEGATIVE DECLARATION FOR THE LICENSE OF THE TOWN OF MONROE ARTS AND CIVIC CENTER PROPERTY

WHEREAS, the Town Board ("Town Board") for the Town of Monroe ("Town") desires to license the parcel consisting of approximately .29 acres and the structure (the "Property"), located at 34 Millpond Parkway, Monroe, New York 10950, also known as the Town of Monroe Arts and Civil Center ("TMACC"); and

WHEREAS, the Town is now operating a standard movie theater at the TMACC Building; and

WHEREAS, the Town has engaged in discussions with Monroe Premium Cinemas, LLC and desires to license the Property to Monroe Premium Cinemas, LLC.; and

WHEREAS, pursuant to Part 617 of the implementing regulations to the State Environmental Quality Review Act, the Town Board hereby desires to assume Lead Agency status for the licensing of the Property; and

WHEREAS, as Lead Agency, the Town Board will determine if the proposed action will have a significant adverse environmental impact; and

WHEREAS, the licensing of the Property is an Unlisted Action pursuant to SEQRA and the implementing regulations promulgated thereunder; and

WHEREAS, in accordance with SEQRA regulations, a Short Environmental Assessment Form, which annexed hereto and made a part hereof, has been prepared and submitted to the Town Board for review; and

WHEREAS, the Town Board has reviewed the Short Environmental Assessment Form and wishes to make the following determination.

NOW, THEREFORE, IT IS RESOLVED by the Town Board as follows:

Section 1. All "WHEREAS" paragraphs are incorporated herein by reference as though set forth in full and confirmed.

Section 2. The Town Board hereby declares Lead Agency status pursuant to SEQRA in connection with the proposed licensing of the Property to Monroe Premium Cinemas, LLC.

Section 3. The Town Board, as Lead Agency, hereby determines that the proposed licensing of the Property is an Unlisted Action under SEQRA and upon review of the Short Environmental Assessment Form, the Town Board hereby determines that said purchase will not result in any significant adverse environmental impacts.

Section 4. The Town Board hereby directs the Town Clerk and any other officer or employee, as directed by the Town Supervisor, to take any action necessary to carry out the provisions of this Resolution.

Section 5. This Resolution shall take effect immediately.

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

Yea Nay Abstain Absent

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

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

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

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

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

The Resolution was thereupon duly adopted.

Motion by Mike McGinn, second by Mary Bingham.

Final Resolution: Motion Carries

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

2018-#390

BE IT RESOLVED, that the Town Board of the Town of Monroe approves

The following Resolution was duly offered Councilman McGinn and seconded to wit: Councilman Scancarello

RESOLUTION OF THE TOWN BOARD APPROVING A LICENSE AGREEMENT FOR THE TOWN OF MONROE ARTS AND CIVIC CENTER BUILDING

WHEREAS, the Town of Monroe is a municipal corporation in the State of New York governed by an elected Town Council ("Town Board") exercising its powers pursuant to law, including but not limited to, New York State Town Law Section 64; and

WHEREAS, pursuant to Town Law, the Town Board exercises custody and control of Town property; and

WHEREAS, the Town is the current owner of certain real property located at 34 Millpond Parkway in the Town of Monroe and specifically identified as tax parcel Section 212, Block 7, Lot 1 (the Property"), which was acquired by the Town at a foreclosure sale in 2012 and includes a structure housing a movie theater facility; and

WHEREAS, prior to the Town's acquisition of the Property, the movie theater site was a long-time and well-known fixture in the downtown Village of Monroe area for approximately 70 years, with an original theater constructed in 1948 and eventually demolished and replaced with the current theater in 2003; and

WHEREAS, in 2015, the then Town Board, after acquiring the Property, established a standard movie theater operation on the Property and the operation was staffed by Town of Monroe Town employees, operating three of the six theaters within the structure; and

WHEREAS, since the opening in 2015, the movie theater operation has continued to operate at a significant loss to the Town of Monroe and has required significant expenditures of taxpayer funds in order to continue the theater operation; and

WHEREAS, since opening in 2015, the movie theater has sustained losses each consecutive year with a collective loss in excess of approximately 1.8 million dollars resulting in significant, negative impacts on the Town finances; and

WHEREAS, the Town Board has a fiduciary obligation to exercise its best efforts to ensure that taxpayer funds are directed in a manner that benefits the Town and its taxpayers and to ensure that such funds are not expended in a manner that is wasteful or detrimental to the

Town's financial condition; and

WHEREAS, in order to carry out its obligations and ensure the financial integrity of the Town and its taxpayer funds, the Town Board must consistently review expenditures and the Town's financial condition and take appropriate measures to ensure the Town's financial integrity; and

WHEREAS, the Town Board, in carrying out such functions, previously engaged an economic revitalization consultant to attempt to market the Property or movie theater operation to a private entity in order to mitigate the negative financial impacts on the Town; and

WHEREAS, the Town's economic consultant sought to engage in discussions with approximately seventeen (17) private movie theater entities to consider investment in the Property; and

WHEREAS, approximately thirteen (13) such entities either did not respond or were not interested in the Property; and

WHEREAS, three (3) of entities determined that the Property was not desirable as an investment or otherwise did not suit their business model and declined to pursue acquisition or other interests in the Property, whether as a lease, purchase or operation; and

WHEREAS, Monroe Premium Cinemas, LLC, ("Premium Cinemas") (an entity incorporated by Flagship Premium Cinemas established in 1995) expressed an interest in operating an upscale, private movie theater operation, including power reclining seats, digital projection, digital surround sound and a comfortable atmosphere for movie-goers with a plan to bring all six (6) theaters into operation; and

WHEREAS, the Property, in its current condition and with the current operation, was not attractive to Premium Cinemas (or other entities) as a long-term lease or purchase due to the need for significant improvements in order to properly market the Property as a full-scale and attractive movie theater operation; and

WHEREAS, after discussions and negotiations between representatives of Premium Cinemas and the Town representatives, the Town and Premium Cinemas mutually agreed that a License Agreement between the Town and Premium Cinemas was the most beneficial arrangement that considered the interests of both parties and allowed the Property to continue as a movie theater operation; and

WHEREAS, such License Agreement, in the form annexed hereto, will allow the Town to immediately facilitate an end to the continuing and significant financial losses to the Town in operating the standard movie theater operation and establish an arrangement where the

Town will receive revenue from a successful premium movie theater operation and the Town will be in a position to sell the Property to Premium Cinemas; and

WHEREAS, the Town Board, by separate resolution, declared itself as Lead Agency for environmental review and determined that the License Agreement is an unlisted action and would not result in any significant environmental impacts.

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 Supervisor is hereby authorized to execute a License Agreement in a form approved by Town Counsel and substantially in the form annexed hereto to effective October 1, 2018.

Section 3. The Town Clerk and any other Town official or employee, as directed by the Town Supervisor, is authorized to take any necessary actions to carry out the provisions of this Resolution.

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] [] [] []

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

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

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

The Resolution was thereupon duly adopted.

Motion by Mike McGinn, second by Sal Scancarello.

Final Resolution: Motion Carries

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

6. New Business

Action (Resolution), Discussion: 6.1 Copy of Digital Radio Communication System for Dial-A-Bus

2018-#391

BE IT RESOLVED, that the Town Board of the Town of Monroe authorizes Supervisor Cardone to sign the lease agreement with NYCOMCO's Digital Radio's & Connect Plus Operation System All Inclusive 5 year Lease Program at a cost of \$387.00 per month.

Motion by Mary Bingham, second by Sal Scancarello.

Final Resolution: Motion Carries

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

7. Old Business

Action (Resolution), Discussion: 7.1 Part Time Bus Driver for Dial-A-Bus

2018-#392

BE IT RESOLVED, that the Town Board of the Town of Monroe approves for Dial-A-Bus to hire a part-time driver at the rate of \$16.85 per hour as per union contract. The driver will be an on call driver to fill in as needed.

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

Final Resolution: Motion Carries

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

Action (Resolution), Information: 7.2 Town of Monroe Community Day/Food Truck Festival

Councilman Scancarello informed the public that at this time we have 12 local artist, 16 food trucks, face painting, pumpkin painting and Macaroni the Clown set for the Town of Monroe Community Day/Food Truck Festival. 2018-#393

BE IT RESOLVED, that the Town Board of the Town of Monroe approves Town of Monroe Community Day/Food Truck Festival to take place on Saturday, October 20th from 11 a.m. - 6 p.m. at Town of Monroe owned land on Orange and Rockland Road.

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

Final Resolution: Motion Carries

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

2018-#394

BE IT RESOLVED, that the Town Board of the Town of Monroe approves for the scheduling

of one Dial-A-Bus driver from 11:00 am - 6:00 pm on Saturday October 20, 2018 for the Town of Monroe Community Day/Food Truck Festival.

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

Final Resolution: Motion Carries

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

Action (Resolution): 7.3 Audit of Claims

2018-#395

BE IT RESOLVED, that the Town Board of the Town of Monroe requests approval of Abstract #18-002 General Fund containing Check #'s 22867-23010 Wire #'s 262 totaling \$716,215.83

Abstract #18-002 Escrow containing Check#'s 1830-1832 totaling \$4,925.00

Abstract #18-002 Theater containing Check#'s 1238-1244 Wire#'s 261 totaling \$8,270.19

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

Final Resolution: Motion Carries

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

Action (Resolution): 7.4 RFQ Town of Monroe Highway Dept. Garage Oil/Water Separator

2018 #396

BE IT RESOLVED, that the Town Board of the Town of Monroe approves to table this matter until the October 1, 2018 Town Board meeting..

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

Final Resolution: Motion Carries

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

Action (Resolution), Discussion: 7.5 Electronic Recycling Day Event

2018-#397

BE IT RESOLVED, that the Town Board of the Town of Monroe approves proposed date of Friday, November 2, 2018 and Saturday, November 3, 2018 for Town of Monroe Electronic Recycling Day event.

Cost \$1,700.00 per day.

Motion by Mary Bingham, second by Mike McGinn.

Final Resolution: Motion Carries

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

Action (Resolution), Discussion: 7.6 Telecom Proposals

2018-#398

BE IT RESOLVED, that the Town Board of the Town of Monroe approves to Table this matter.

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

Final Resolution: Motion Carries

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

Action (Resolution), Discussion: 7.7 Out of District Water User Agreement

2018-#399

BE IT RESOLVED, that the Town Board of the Town of Monroe authorizes the Supervisor to sign the Out of District Water User Agreement with Saga Construction.

Motion by Mary Bingham, second by Sal Scancarello.

Final Resolution: Motion Carries

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

Action (Resolution): 7.8 Water Penalties to Village of Monroe

2018-#400

BE IT RESOLVED, that the Town Board of the Town of Monroe approves to pay \$81.83 in penalties to the Village of Monroe as a 1x courtesy given to the accounts. We requested relief because we had some computer issues, and weren't able to print checks for about three weeks. This is not out of any Water District accounts. It's for Town Buildings.

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

Final Resolution: Motion Carries

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

Action (Resolution): 7.9 Set Public Hearing Introductory Local Law #9 Tax Cap Override

2018-#401

BE IT RESOLVED, that the Town Board of the Town of Monroe approves to set a Public Hearing for Introductory Local Law #9 Tax Cap Override for October 22, 2018, 7:00pm or soon there after.

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

Final Resolution: Motion Carries

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

Action (Resolution), Discussion: 7.10 SAM Grant

2018-#402

BE IT RESOLVED, that the Town Board of the Town of Monroe approves the following line

items A 000-0917 B 000-0915 which will be included in the adopted 2019 Town of Monroe Budget, which satisfies the State and Municipal (SAM) Facilities Program grant application. \$2.975 million in additional funding will be necessary to complete the project and will be funded through bonding.

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

Final Resolution: Motion Carries

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

8. Public Comment

Information: 8.1 Rules for Public Comment

Discussion, Information: 8.2 Public Comment

The following residents spoke during Public Comment. To hear their comments, and Town Board members responses go online to Board Doc's to the September 24, 2018 meeting

Video Clip #

- Tom Lapolla
- Mike Goldstein
- Dan Burke
- Lorraine Loening (signed up at beginning of meeting but left before Public Comment)
- Ward Brower

9. Audit of Claims

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

Action (Resolution): 10.1 Request from MW Little League to Hang Sign at Mombasha Park

2018-#403

BE IT RESOLVED, that the Town Board of the Town of Monroe approves to hang MW 10-12 Hero District 19 Champions 2017 Little League Sign at Mombasha Park.

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

Final Resolution: Motion Carries

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

Action (Resolution): 10.2 Enter into Attorney Client Session

2018-#404

BE IT RESOLVED, that the Town Board of the Town of Monroe approves to enter into an Attorney Client Session.

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

Final Resolution: Motion Carries

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

11. Return to Regular Meeting

Action (Resolution): 11.1 Return to Regular Meeting

2018-#405

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 Sal Scancarello.

Final Resolution: Motion Carries

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

12. Adjournment

Action (Resolution): 12.1 Adjournment of Meeting

2018-#406

BE IT RESOLVED, that the Town Board of the Town of Monroe adjourns the meeting of September 24, 2018 at 10:03pm.

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

Final Resolution: Motion Carries

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