

MONROE TOWN BOARD MEETING MINUTES

— 10/01/2018

MONROE TOWN BOARD MEETING AGENDA (Monday, October 1, 2018)

Generated by Valerie Bitzer

Members present

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

1. Call to Order

Procedural: 1.1 Pledge to the Flag

2. Community

Information: 2.1 Monroe Premium Cinemas, LLC.

Mr. Paul Wenger from Monroe Premium Cinemas LLC. gave a presentation on their plans for the movie theater. To hear the presentation please go to video clip #2.1 0:1:15. 3. Audit the Claims

Information: 3.1 Audit of Claims

No audit of claims was submitted to the Town Board for approval. 4. Acceptance of Minutes Action (Resolution), Discussion: 4.1 Acceptance of September 24, 2018 Minutes.

2018-#407

BE IT RESOLVED, that the Town Board of the Town of Monroe accepts the minutes of the September 24, 2018 Town Board meeting minutes.

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

Final Resolution: Motion Carries

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

5. New Business

Discussion: 5.1 Journey Church

Supervisor Cardone asked to Table this matter to an Executive Session. Please see Resolution 2018-#419. Action (Resolution), Discussion: 5.2 Orange County Sewer District #1 Proposed Budget

2018-#408

BE IT RESOLVED, that the Town Board of the Town of Monroe approves that the Supervisor and Council of the Town of Monroe, having received from Orange County Department of

Environmental Facilities and Services a proposed budget for the year 2019 for operation and maintenance of the Harriman Sewage Treatment Plant, and having considered the same, and having heard the views of Henry N. Christensen, Jr., counsel to Moodna Basin Joint Operation & Maintenance Commission , and deliberation having been had thereon, it was on Motion by seconded by

RESOLVED that the Town of Monroe disapproves the proposed budget for the year 2019 for the Harriman Treatment Plant Operation and Maintenance in the following respects:

1. The constituent communities of the Moodna Basin Joint Operation & Maintenance Commission (the Village of Chester, the Town of Chester, and the portion of the Town of Monroe outside Orange County's Sewer District #1) are entitled to credit on account of the 2017 operating surplus which is not accounted for in this budget.
2. The proposed budget seeks from Contract Users amounts toward administration expenses which have not been agreed to.
3. The proposed budget seeks unreasonable amounts, with no supporting explanation, for Bank run stone and Pipe Line; blacktop; auto parts; gas/diesel; tires and truck repair.
4. The proposed budget makes no explanation of the proposed allocation of labor expenses.
5. The proposed budget seeks \$112,575 for legal services and \$220,000 for Consultant which have not been agreed to.
6. The proposed budget was not presented under cover of a letter making specific reference to the 1995 inter-municipal agreement;
and it is further

RESOLVED that the Supervisor is authorized to notify Orange County Department of Environmental Facilities & Services that the proposed budget is rejected; and it is further

RESOLVED that if the items listed above shall be dealt with to the satisfaction of the Supervisor and the attorney for the Commission, the Supervisor is authorized without further action by this Board to approve a revised budget.

Motion by Mike McGinn, second by Acting Supervisor - Rick Colon.

Final Resolution: Motion Carries

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

Action (Resolution): 5.3 Equipment Surplus of Town of Monroe Dog Shelter

2018-#409

BE IT RESOLVED, that the Town Board of the Town of Monroe approves as per requested by the DCO of the Town of Monroe to surplus 9 dog cots deemed at no value.

Motion by Mary Bingham, second by Acting Supervisor - Rick Colon.

Final Resolution: Motion Carries

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

Discussion: 5.4 Budget Presentation

To hear the comments by Supervisor Cardone in regards to the 2019 Tentative Budget go to video clip #5.4, 0:29:36. Meeting dates set for October 3rd, and October 22, 2018 at 6:00pm.

6. Old Business

Action (Resolution): 6.1 RFQ Town of Monroe Highway Dept. Garage Oil/Water Separator

2018-#410

BE IT RESOLVED, that the Town Board of the Town of Monroe approves to put out an RFQ for the Town of Monroe Highway Dept. Garage Oil/Water Separator on October 10th with a return date of November 1, 2018.

Motion by Mary Bingham, second by Sal Scancarello.

Final Resolution: Motion Carries

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

2018-#411

BE IT RESOLVED, that the Town Board of the Town of Monroe approves to reject the RFQ the Town of Monroe Highway Dept. Garage Oil/Water Separator from WCC Tank Technology.

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

Final Resolution: Motion Carries

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

Action (Resolution), Discussion: 6.2 Telecom Proposals

2018-#412

BE IT RESOLVED, that the Town Board of the Town of Monroe approves to accept the presentation and the quote from Telecom Data Service for the addition to our current phone system. Every phone system in any of our buildings is included in this including (Highway, Sr. Center, Dog Shelter, Courts, TMACC). Supervisor Cardone will also make sure that the Water

Hotline is covered. Telecom Data Service and the Bid from New Castle Solution is the direction we want to go.

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

Final Resolution: Motion Carries

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

7. Public Comment

Information: 7.1 Rules for Public Comment

Discussion: 7.2 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 October 1, 2018 meeting Video Clip #7.2, 45:26.

- Dan Burke
- Mike Goldstein
- Ward Brower

Action (Resolution): 8.1 Abolish the TMACC Department

2018-#413

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

RESOLUTION OF THE TOWN BOARD ABOLISHING THE TOWN OF MONROE ARTS AND CIVIC CENTER DEPARTMENT AND POSITIONS

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, 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, the Property, in its current condition and with the current operation, was not conducive as a full-scale and attractive movie theater operation and since the opening in 2015, the movie theater operation has continued to operate at a significant loss to the Town of Monroe requiring 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 ensure the efficiency and economical use of 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 the Town was successful in reaching an agreement with one entity to operate a premium movie theater on the Premises pursuant to a license agreement; and; and

WHEREAS, the Town Board has authorized the Supervisor to execute a License Agreement with Monroe Premium Cinemas, LLC, ("Monroe Premium") effective October 1, 2018 under which Monroe Premium will license the TMACC building and operate a premium movie theater facility as a private venture.

NOW THEREFORE BE IT RESOLVED, that:

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

Section 2: Due to reasons of economy and efficiency, the Town Board hereby abolishes the Town Department known as the Town of Monroe Arts and Civic Center ("TMACC") and Town employment positions within such Department, effective October 6, 2018 and Town employees within such Department shall be paid through October 6, 2018, but shall not report to the TMACC for work after September 30, 2018.

Section 3. The Town employees working in the TMACC Department shall be provided with any benefits due to them under the Collective Bargaining Agreement, subject to approval and any requirements of Town Counsel as to form (e.g. agreement, release, etc.).

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 Supervisor -Tony Cardone, second by Sal Scancarello.

Final Resolution: Motion Carries

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

Action (Resolution): 8.2 Amend Town of Monroe Sexual Harrsement Policiy

2018-#414

BE IT RESOLVED, that the Town Board of the Town of Monroe approves the following resolution was duly offered by Supervisor Cardone and seconded to wit by Councilman Colon

RESOLUTION TO ADOPT A SEXUAL HARASSMENT POLICY
AND TO AUTHORIZE THE SUPERVISOR TO SCHEDULE THE
REQUIRED SEXUAL HARASSMENT TRAINING PROGRAM FOR ALL
TOWN EMPLOYEES AND OFFICIALS IN ACCORDANCE WITH THE NEW YORK STATE
PREVENTION OF SEXUAL HARASSMENT LAW

WHEREAS, the Town of Monroe ("Town") currently has a Sexual Harassment Policy set forth in the Town's Employee Handbook; and

WHEREAS, on April 12, 2018, Governor Andrew Cuomo amended the New York State Prevention of Sexual Harassment Law as part of signing into law the 2019 New York State Budget; and

WHEREAS, the newly amended Prevention of Sexual Harassment Law mandates that all New York State employers, including the Town, adopt a Sexual Harassment Prevention Policy by October 9, 2018 and institute a Sexual Harassment Prevention Training Program for all employees, which must be completed by each employee by January 1, 2019 and annually thereafter; and

WHEREAS, the New York State Department of Labor, in coordination with the Division of Human Rights, has also published a Model Sexual Harassment Prevention Policy and Model Sexual Harassment Prevention Training Program for State of New York Employers to adopt; and

WHEREAS, the Town Board desires to adopt the Model Sexual Harassment Prevention Policy (as attached hereto) and to incorporate said Policy into the Town's Employee Handbook; and

WHEREAS, the Town also desires to authorize the Supervisor arrange for the required sexual harassment training program to be provided to all Town Employees and Officials by January 1, 2019.

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. The above "WHEREAS" clauses are hereby incorporated by reference as though

set forth in full herein.

Section 2. The Supervisor or his designee is hereby directed to supply to all Town Employees and Officials a copy of the Town of Monroe Sexual Harassment Policy and the Employee Acknowledgment Form.

Section 3. The Supervisor is hereby authorized to undertake the necessary steps to schedule a date and time for all Town Employees and Officials to successfully complete the new Sexual Harassment Prevention Training Program by January 1, 2019.

Section 4. All Town Employees and Officials must complete the Sexual Harassment Prevention Training Program.

Section 5. The Supervisor, or any other Town official, employee or consultant at the Supervisor's direction, is hereby authorized to take any and all necessary actions to carry out the provisions of this Resolution.

Section 6. 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 Supervisor -Tony Cardone, second by Acting Supervisor - Rick Colon.

Final Resolution: Motion Carries

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

Action (Resolution): 8.3 Water Dept Truck Purchase Request

2018-#415

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

2018 Dodge Ram Truck for the Water Dept. off of the State bid list with a not to exceed \$45,000.00. The cost will be funded out of the Town of Monroe Water Districts.

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

Final Resolution: Motion Carries

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

Information: 8.4 General Announcements

- Compost Facility will be open October 17 - November 10, 2018 (Wednesday's and Saturday's) 9am-2pm.
- Hilltop Road project is complete within budget. Action (Resolution): 8.5 Request to Surplus 4 Dial-A-Buses

2018-416

BE IT RESOLVED, that the Town Board of the Town of Monroe approves the surplussing of 4 Dial-A-Buses value to be deemed at \$5,000.00. Once the Town Clerk verifies the vin# they will be placed on Auctions International for sale.

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

Final Resolution: Motion Fails

Not Present at Vote: Supervisor -Tony Cardone, Acting Supervisor - Rick Colon, Mike McGinn, Mary Bingham, Sal Scancarello

Information: 8.6 Breast Cancer Awareness

October is Breast Cancer Awareness month. We hope that everyone will make an effort to support it in any way, shape or form. Information: 8.7 Conservation Commssion: Walton Lake Clean-Up

Conservation Commission: Walton Lake Clean-Up October 6, 2018, 8am-1pm 9. Possible motion to adjourn to Executive and or/ Attorney Client Session

Action (Resolution): 9.1 Enter into Attorney Client Session

2018-#417

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

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

Final Resolution: Motion Carries

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

10. Return to Regular Meeting

Action (Resolution): 10.1 Return to Regular Meeting

2018-#418

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 Mary Bingham.

Final Resolution: Motion Carries

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

11. Motion From the Floor

Action (Resolution): 11.1 Journey Church (from #5)

2018-#419

BE IT RESOLVED, that the Town Board of the Town of Monroe approves to have Council Nugent do a Facility Use Agreement and forward it to Journey Church's Attorney.

- Journey Church's willingness to use the Community Room at the New Eitz Chiam once we take over

- Rate \$2,300/month

- Every Sunday and one night during the week (may be times on Sunday's where they will use the classrooms)

- Approximately 4-6 months

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

Final Resolution: Motion Carries

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

12. Adjournment

Action (Resolution): 12.1 Adjournment of Meeting

2018-#420

BE IT RESOLVED, that the Town Board of the Town of Monroe adjourns the meeting of October 1, 2018 at 9:09pm.

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

Final Resolution: Motion Carries

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