

Newstead Town Board Meeting- November 8, 2021

The Board entered executive session at 7:00pm to discuss contractual issues and potential litigation on a motion from Councilman Burke, seconded by Councilwoman Pope. Carried Unanimously

The Board exited executive session on a motion by Councilman Jendrowski, seconded by Councilman Dugan at 7:25pm, having taken no action. Carried Unanimously

A public hearing was called to order by the Newstead Town Board on Monday, November 8, 2021 at 7:25pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
Edmund Burke- Councilman
John Jendrowski- Councilman
Joseph Dugan- Councilman
Patricia Pope- Councilwoman
Brendan Neill- Town Attorney
Emily Janicz- Assistant Town Attorney
Scott Rybarczyk- Town Engineer
Mike Bassanello- Highway Superintendent
Dawn Izydorczak- Town Clerk

Roll Call was taken with all board members present.

The Supervisor called the **public hearing** on proposed Local Law #12 of 2021 deciding whether to opt out of the new Cannabis Law at 7:25pm.

The Clerk read the proof of publication. The Supervisor explained this local law is being discussed to decide whether or not the town should opt out of the new cannabis laws including allowing dispensaries and consumption sites within the town. If the town opts out, it can always opt back in for the future, but if it opts in at the onset, it can never opt out. At this time there have been no regulations put in place by the state so, the town has no way of knowing right now what those regulations could possibly be imposed.

Comments:

*Written comment submitted by email was received from Cynthia Griffin of 4389 South Newstead Rd supporting the town opt out.

*Written comment submitted by email was received from Joe Bykowicz of 11900 Stage Rd supporting the town opt in.

*Written comment submitted by email was received from Michael Rebmann of 23 Brooklyn St supporting the town opt in.

*Written comment submitted by email was received from Cindy Chadsey of Cummings Rd supporting the town opt out.

John Mussell of 7259 Maple Rd was present to speak for opting in to the Cannabis Laws for dispensaries and consumption sites. He stated the 4% anticipated sales revenue provides great opportunities for the town and if the town opts out it puts Newstead in back of the line, even if they decide to opt in down the road. This gives us the opportunity to establish legalizing the right way. In studies over 57% of people are in favor of legalization and dispensaries are better than going to a drug dealer due to their high regulation. Helps people who need it for medical purposes in having a source closer to home. Cannabis facilities are not positively associated with increased criminality and the dispensary clientele tend to be older and value access to specific strains to treat their medical conditions. A better alternative to pain relief than opioids and decreased crime in areas of dispensaries due to heightened security measures around dispensaries. Studies have shown there is no increased teen use as a result and retailers are very strict with not selling to minors or their product being diverted to the underage market.

Councilwoman Pope asked his position of onsite consumption. John replied he is supportive of the concept and studies show there is a less than 1% increase in DUI's relative the placing of consumption sites within the first 4 years after opening.

Sharon Carlo of 102 John St stated that she was impressed with John's well put together facts and appreciates his remarks and how they were presented but respectfully disagrees and strongly

supports opting out of this law. She and her husband Ray both strongly feel this way for both the town and the village.

Supervisor Cummings spoke addressing other towns opting out. The following towns are leaning towards opting out: Village of Akron, Alden, Wales

The following towns have already voted and opted out: Clarence, Aurora, Elma, Marilla, Collins He read a statement given by Clarence Town Supervisor Pat Casilio printed in the Clarence Bee regarding the State of New York's lack of guidance and regulations.

A town can only opt out once. He believes the state should make up their guidelines and then let the town's make their decisions after knowing all the rules. He feels our town should opt out until we know the regulations that the state is going to hand down. He has an issue trusting New York State government based on past experience.

Councilman Dugan stated the town board has been discussing this since its legalization. It makes sense that the creation of businesses needs to stay on pace with the building of residential parcels. He cited the allocation provided by the state for cannabis sales revenue with 4% coming back to local government, which could be vital and opting out results in loss of potential revenue. Yes, it's already being sold on the reservation but the thought of "let's leave it there" is incorrect. Those people from municipalities that decided to opt out will drive straight through our town and spend their money elsewhere. Please take personal feelings off the table and allow people to decide for themselves. He read information about prohibition in history and its results, as well as the 21st amendment of the constitution ending prohibition. Cannabis dispensaries and consumption sites are now legalized in New York State. This has been happening in our community for a long time and it will continue to happen in our community. Doctors prescribe cannabis and not alcohol for medical reasons. I understand the concerns raised for consumption sites and agree we need to proceed cautiously however your taking choice away from people and dictating what they can and cannot do. It makes sense to encourage business growth in our town. Cannabis has been legalized by the state and will eventually be embraced. Please take personal choice off the table and stop dictating what people can and can't do.

Councilwoman Pope spoke stating she has concerns with on site consumption portion of the proposal. To compare the onsite consumption of alcohol versus the consumption of marijuana there is no comparison. If you leave a bar with an alcohol level of 0.08% you can legally drive home but with marijuana, there is no legal limit for the amount that can be in your system and get in a vehicle and drive home. I believe that sets people up. Otherwise, I support the possible revenue increase and support the people's right to choose.

Councilman Jendrowski stated he agrees that it has been around since before he was young, it's here and it's not going anywhere. People always have and will continue to use it. He believes there are more problems associated with alcohol and cigarettes, which are legal, than cannabis, which can have good benefits when used for medical purposes. Research shows it is a better pain reliever than opioids. Its hard to compete with our neighbors on the reservation. It will be hard for legitimate businesses to compete. He has been worried over the last 10 years or so that our rights are being taken away little by little and that's not right. Marijuana use is here and it's not going away.

Supervisor Cummings stated he appreciates everyone's input tonight here and via email.

There being no further comments, a motion was made by Councilman Jendrowski, seconded by Councilman Dugan to close the public hearing at 7:50pm.

The **regular meeting** of the Town Board was called to order at 7:50pm with the same members present as listed above.

Councilman Dugan led the pledge to the flag.

Minutes from the regular meeting held on October 25, 2021 were presented for approval. A motion was made by Councilman Dugan, seconded by Councilwoman Pope to approve as presented.

Carried Unanimously

Agenda Changes –none

Communications – The Town Clerk presented the following correspondence:

A notice was received from Charter Communications notifying the town of upcoming programming changes.

A notice from the Town of Alden regarding their public hearing on the opt-out of the cannabis law, which was held on November 2, 2021 at 7:10pm.

An invitation to the town to participate in the Akron Chamber of Commerce Light Up Akron festivities on December 11th at 4:00pm.

A request from Our Lady Peace Church to use the bike path in June 2022 for a 5K run/walk.

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski to accept and file the presented correspondence. Carried Unanimously

Work Session: The Supervisor reported that at work session held last week the following items were discussed: water/sewer and culvert project updates, planning items, building issue updates, grant updates, gas well, 2022 budget, safety meeting, NFC equipment request, clerk-typist position update, bike path use request, plus any other items brought before the Board.

Agenda Items Question Period: no one spoke

Budget transfers: a motion was made by Councilman Dugan, seconded by Councilman Jendrowski to approve the budget transfer(s) as presented in a memo from Bookkeeper Colleen Salmon dated 11/8/21. Carried Unanimously

Approval of Bills – Councilwoman Pope reported that the Abstract(s) from Batch(es) #2178 have been reviewed with the previously un-audited vouchers and everything was found in order. Abstract Batch(es) #2179 were presented for payment. Vouchers on this abstract(s) numbered 1025- 1169, totaling \$56,852.26. Councilman Burke seconded to approve payment as follows:

Abstract Batch(es) #2179:

General Fund (A)-\$17,286.22, General Fund- Outside Village (B)-\$65.00, Highway (DA) -\$0, Highway: Outside Village (DB)-\$7,408.82, CAP-Multicultural Ctr (HMCC)- \$0, CAP-Water-Scotland (HS)-\$0, CAP-Water-Koepsel (HW)-\$0, CAP-Water-Draper (HW01)-\$0, CAP-Water-Cedar (HW02)-\$0, CAP-Water-Knapp (HW03)- \$0, CAP-Bike Path (HTG)-\$0, Drainage (SD)-\$1,473.96, Fire Protection (SF)-\$2,025.00, Refuse (SR)-\$27,485.01, Sewer #1 Fund (SS)-\$485.25, Sewer District #2 (SS02)-\$127.50, Sewer District #3 (SS03)-\$495.50, Trust & Agency(TA)-\$0 and Consolidated Water (SW00)-\$0, WD1(SW1)- \$0, WD2(SW2)- \$0, WD3(SW3)- \$0, WD4(SW4)- \$0, WD5(SW5)- \$0, WD6(SW6)- \$0, WD7(SW7)- \$0, WD7A(SW7A)- \$0, WD8(SW8)- \$0, WD9(SW9)- \$0, WD10(SW10)- \$0; Total:\$56,852.26 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – a report was presented from the Highway Supt that the crew helped the village chip brush behind Pixley’s, get the trucks ready for winter, took a load of scrap to the junk yard, ran to Valley Fab for parts, fixed the driveway at Evergreen Cemetery, closed down the bathrooms at both parks and pumped the pit out, dug test holes for broken culvert pipe on Crego Rd, cleaned parks and put benches under the shelter, hauled wood chips to Zoladz and picked up leaves in the cemeteries.

Assessor – a report was presented from the Assessor and read by the Supervisor as follows: She is working on new splits and merges that have just been completed by the County mapping department and then forwarding them on to Dawn for tax time. Exemptions are still being processed. Received sales for mid-October were shared with the Board.

Building Office – the following building report was presented by Christine Falkowski of the Planning & Building Department:

Gary Farrell	258 Golden Pond	Roof
Kent Ranney	8155 Maple	Shed
Rehwaldt Builders Inc	7999 Cedar	One Family Home
Brain Fitzgerald	4889 S Newstead	Pole barn

Severyn Development Inc	11355 Hunts Corners	One Family Home
Jeffrey Tocha	7535 Berghorn	One Family Home

The Town Board accepted the building report as presented.

Town Clerk- nothing at this time

Town Attorney(s) – nothing at this time

COUNCILPERSONS:

Jendrowski- he spoke with Newstead Chief Chris Bower regarding their equipment requests, spoke with a Maple Rd resident and reported it will be 2 weeks before we get the sprinkler test results for the library.

Dugan – nothing at this time

Burke – nothing at this time

Pope- nothing at this time

Supervisor- he addressed resident complaints, a water in the road issue, and an issue on Maple Rd. He spoke with Newstead Chief Chris Bower on their IT equipment request/needs and they approved \$12,000 in purchases this year and then another \$12,000 in purchases for next year out of the fire budget. He worked on setting up 8 interviews for the Clerk Typist position with the Building & Assessors staff for this week. He will be out of town the rest of this week so, Councilman Burke is in charge.

UNFINISHED BUSINESS:

Buildings- library roof work done, just waiting for rain to test if it worked. Waiting on sprinkler test results.

Planning- work with the helicopters is set to begin on the NextEra project tomorrow, Nov. 9th.

Water/Sewer- work is finishing up on Indian Falls Rd and the contractors hope to finish the rest of the pipe withing the next week. Culvert field work is continuing. There are 137 culverts on town roads throughout the town. The Wendel staff is now fully trained by fish & wildlife.

Grants- there will be a walk thru for the CDBG joint sidewalk project next week.

NEW BUSINESS:

Adoption- 2022 Budget:

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan adopting the 2022 Budget as presented in its final form for the Town and issuing a letter of authorization to enforce collection of unpaid accounts. This budget remains \$59 under the 2% tax cap.

(Resolution) Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Pope-Aye

Carried Unanimously

Approval-Local Law #12 of 2021- Cannabis Law decisions:

A motion was made by Councilman Burke, seconded by Councilwoman Pope to approve the Local Law #12 of 2021 that provides for opt out of allowing cannabis retail dispensaries and on-site consumption sites as authorized under Cannabis Law Article 4 within the Town.

(Resolution) Cummings-Aye, Dugan-No, Burke-Aye, Jendrowski-No, Pope- Abstained

Failed to Carry-Tabled

Public Hearing-Local Law #12 of 2021- Repeal Local Law #11 of 2021:

A motion was made by Councilwoman Pope, seconded by Councilman Burke approving the calling of a public hearing on proposed Local Law #12 of 2021 entitled “Local Law to Repeal Local Law #11 of 2021”, with the hearing to be held on November 22, 2021 at 7:25pm and authorizing the Town Clerk to advertise the hearing in the Akron Bugle.

(Resolution) Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Pope- Aye

Carried Unanimously

Public Hearing- Local Law #13 of 2021- Increase the compensation of elected officials:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the calling of a public hearing on proposed Local Law #13 of 2021 entitled “2021 Local Law to increase the compensation of elected officials”, with the hearing to be held on November 22, 2021 at 7:20pm and authorizing the Town Clerk to advertise the hearing in the Akron Bugle.

(Resolution) Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Pope- Aye

Carried Unanimously

Approval- Use of Bike Path for June 2022 event:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the use of the bike path between Barnum & Davidson roads on June 10, 2022 by Our Lady Peace church for a 5K run/walk event.

Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Pope- Aye

Carried Unanimously

Approval- Lateral Restriction Hardship Application- 7999 Cedar St:

A motion was made by Councilman Burke, seconded by Councilwoman Pope approving the application for a lateral restriction exception hardship at 7999 Cedar St in water district 10 as submitted by owner Mary Pionessa, based on supporting documentation provided.

Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Pope- Aye

Carried Unanimously

Privilege of the Floor/Question Period: no one spoke

There being no further business to come before the board for the regular meeting, a motion was made by Councilman Burke, seconded by Councilwoman Pope to adjourn the regular meeting at 8:11pm.

Carried Unanimously

Respectfully Submitted,

Dawn D. Izydorzak, RMC, Town Clerk