

Minutes of the Town of Sennett Town Board Meeting Held on Thursday, December 16, 2021, at 7:00 PM at the Sennett Town Office Building.

Members Present: Thomas Gray, Supervisor
Michael Adrian, Councilman
Edward Rizzo, Councilman
James Jeffers, Councilman
Richard Gagliardi, Councilman

Also Present:

Kristopher LaPointe, Highway Superintendent
Kristopher LaPointe, Water & Wastewater Superintendent
Richard Andino, Attorney
Penelope Dennis, Town Clerk

The meeting is opened with the pledge to the flag.

Supervisor Gray speaks on building protocol - Pursuant to the new mandate imposed by the State, masks are required, regardless of vaccination status.

PUBLIC BE HEARD - The meeting opened with Public Be Heard motion by Councilman Jeffers, seconded by Councilman Gagliardi. Motion to close Public Be Heard by Councilman Jeffers, seconded by Supervisor Gray.

APPROVAL OF MEETING MINUTES - Proposal made from Supervisor Gray to review and approve the October and November meeting minutes. Motion made by Councilman Gagliardi, seconded by Councilman Rizzo. 5 ayes 0 nays, carried.

OLD BUSINESS:

- a. Water 3 Project and Easements - Attorney Andino advises he is still trying to acquire property owner easements. Supervisor Gray signed the Grant for \$1.8m which will be sent to Rural Development.
- b. Building report and upkeep - Nothing to report this month as there have been no changes.
- c. Park Grant - Supervisor Gray advised there is progress with the Grant and the packet will be provided to the incoming supervisor.
- d. County Nursing Home - Attorney Andino advises Supervisor Gray has signed the easement with the County and the County should be filing same on Friday.

NEW BUSINESS:

a. Public Hearing – Cannabis Opt-Out

MOTION TO OPEN PUBLIC HEARING - Supervisor Gray makes a motion to open the Public Hearing on the Cannabis Opt-Out, seconded by Councilman Jeffers. All in favor. 5 ayes 0 nays, carried. Supervisor Gray advises there is one person on Zoom.

Councilman Jeffers offers a personal statement on the Opt-Out.

“The facts behind our Towns ability to stop the legal use or growing of Cannabis are these - any resident of the Town of Sennett 21yrs old or older is LEGALLY allowed to consume cannabis ANYWHERE that smoking tobacco is allowed, that is IMMEDIATE. They are legally allowed to grow their own cannabis within the guidelines of 3 mature/3 immature plants to a maximum of 12 plants per household, this will take effect when the Office of Cannabis management issues regulations governing their cultivation. We as a Municipality can NOT change these facts and can NOT prevent this from happening.

What we can regulate with local Town law is where, if any, we as a Municipality allow the commercial sale or on-site consumption businesses. That is what we are deciding with our vote to opt out or in with NYS Cannabis Law.

If we OPT OUT of allowing these 2 specific areas (sales & on-site consumption) we can create a local law to opt back in to allowing these things at ANY time in the future. If we OPT IN-allow the sales & on-site consumption we can NEVER reverse that decision. That is what is being discussed in this public hearing tonight.

Whether I feel the sale or onsite consumption businesses should be allowed in this town or not, morally, has no bearing on what I feel this Board vote should be. Tonight we should vote to opt out at this time simply because we can opt in at any time in the future and it will give future boards the time they need to add the rules and regulations for operations of these facilities into our zoning codes. A vote to opt out is simply a vote for time. It is not necessarily a vote against having these establishments in our town. Once our town has had the time to address zoning regulations for these establishments, I feel that the discussion of allowing these legal facilities to operate within our town should be readdressed. Thank you.”

David Morris, resident on Franklin Street Road, questions what the opt-in and opt-out is, can you vote for sales separately vs. consumption site? Councilman Jeffers advises you could opt in at a later date for sales and/or consumption. The zoning laws are needed to set the regulations for sales and/or consumption. Supervisor Gray advises opt-in or opt-out only pertains to sale or consumption. Tonight's vote is for Opt-Out or Opt-In only. Nothing specific as to sale or consumption at this point.

Robert Edmunds, agrees with the Board that more time is needed to obtain additional research and get zoning laws in place, which also gives the new Board the time to consider.

Tom Blair, resident on Beech Road, advises he previously spoke on this issue and agrees more time is needed to conduct additional research and be better prepared with regard to zoning codes, permits and licensing.

Supervisor Gray advises he hopes the new Board opts in to the sales.

Councilman Rizzo advises he is in favor of dispensary, not consumption and bringing it before the new board to review further.

Michael Wellauer, resident of South Hunter, echoes the others who have spoke and agrees zoning regulations need to be in place.

Supervisor Gray states there has been no groundswell for or against opting in or opting out.

Jeremy Bacon, resident of Turnpike Road, agrees that there needs to be zoning in place and research for further impact on our town. While no residents are her in person, the Town is speaking through their heads of the departments of the Town who they have reached out to to pass along their concerns to opt out.

Debbie Chase, resident of Barrington Way, reads an article from the paper stating many towns have opted out and applauds the Board for looking into the matter further.

Motion to close Public Hearing by Supervisor Gray, seconded by Councilman Adrian. Roll call vote. Councilman Adrian, Yes; Councilman Gagliardi, Yes; Councilman Rizzo, Yes; Councilman Jeffers, Yes; Supervisor Gray, Yes.

Attorney Andino advises the proposed Local Law the Board is considering is subject to Permissive Referendum. The electors of the Town have the opportunity to submit a petition to hold the referendum and must have 10% of the voters in last gubernatorial election. When the 45-day period for the referendum ends, the law automatically passes and goes into effect. Attorney Andino advises the Enactment Resolution has been provided to the Board and procedures taken to date has been the local law was introduced at the November meeting, public hearing has been held tonight, SEQRA has been completed and a Neg Dec was issued at last hearing, the public hearing was opened and closed and Town Board can take action for Local Law B-2021 to be enacted as Local Law 2-2021.

Motion by Councilman Gagliardi to enact proposed Local Law B-2021 as Local Law 2-2021, seconded by Councilman Rizzo. Voice Roll Call vote: Councilman Adrian, Yes; Councilman Gagliardi, Yes; Councilman Jeffers, Yes; Councilman Rizzo, Yes; Supervisor Gray, Yes. Motion carried. The law will go into effect 45 days from today, after the referendum period.

Attorney Andino advises the Notice of Adoption will need to be published and posted and after the 45-day permissive referendum period ends, his office will file Local Law 2-2021 with the Department of State.

STREETLIGHT UPDATE - Supervisor Gray advises that NYSEG will be installing 140 new lights which will be brighter and high energy and will be a cost savings of \$14,000 per year. Not sure when they are starting, we owe \$5,800 for old streetlights. Streetlights will go into the two lighting districts, Butera will go into the Town Plan and the hamlet and they will be absorbed, there won't be no special assessment. Completion date is unknown.

Motion by Supervisor Gray to enter into Executive Session for hiring in the Water Department, seconded by Councilman Rizzo.

Motion by Supervisor Gray to come out of Executive Session, seconded by Councilman Gagliardi.

Councilman Rizzo makes a motion to extend an offer of employment to Erik Withey, as a water-sewer maintenance mechanic with a start date of January 1, 2022. He will have a one-year probationary period, with evaluations every six months. His starting rate will be \$22/hr for the first six months, at which time he will be reevaluated by supervisor. If he has a satisfactory evaluation, his rate of pay will be \$23/hr for an additional six months. At the one-year mark, he will be reevaluated again. If he has a satisfactory evaluation, he will be hired as a permanent, his rate of pay will be \$24/hr

and will stay at that rate until he passes the water test and is certified, subject to his acceptance. The motion was seconded by Councilman Adrian. Roll call vote: Councilman Adrian, Yes; Councilman Gagliardi, Yes; Councilman Jeffers, Abstain, Councilman Rizzo, Yes and Supervisor Gray, Yes. Kris will notify Mr. Withey of the offer.

SETTING UP DATE AND TIME FOR SPECIAL YEAR END MEETING - Motion by Supervisor Gray to schedule a year end meeting to sign and pay all final bills for Thursday, December 30, 2021, at 6:00 p.m. Arrangements will be made for publication of the meeting with the newspaper. Bookkeeper Major will be in attendance.

DEPARTMENT REPORTS: Copies of departmental reports were distributed in each councilman's folder for review.

Highway Superintendent LaPointe reports during the October dumpster days, they collected 27 tons of garbage and 6 tons of steel and after we got \$900 for the steel, the cost for the weekend was \$3,200, there was a lot of garbage. The roads have been plowed and sanded a few times and leaves are still being collected. Due to the recent high winds we have been cleaning up from that, put up a snow fence, taken down some dead trees, cleaned out some culverts and everything is going smooth so far.

Water and Wastewater Superintendent LaPointe reports: Today, Butera pump 1 had an overload and it has been pulled and rebuilt, will be there Tuesday of next week to fix Pizza Hut pump station.

Motion to pay vouchers with three or more signatures by Councilman Gagliardi, seconded by Councilman Adrian. Roll call vote. Councilman Adrian, Yes; Councilman Gagliardi, Yes; Councilman Rizzo, Yes; Councilman Jeffers, Yes; Supervisor Gray, Yes. Motion carried.

REOPEN PUBLIC BE HEARD - A motion to reopen public be heard made by Supervisor Gray, seconded by Councilman Jeffers. 5 ayes 0 nays, carried. Supervisor Gray asks the public if there is anything to add. With no additional comments, a motion to close the public hearing was made by Supervisor Gray, seconded by Councilman Jeffers. 5 ayes 0 nays, carried.

MOTION TO ADJOURN MEETING - Meeting was adjourned by Councilman Jeffers.

Respectfully submitted,
Penelope Dennis, Town Clerk
Town of Sennett