

Regular Town Board Meeting of the Town Board of the Town of Van Buren, held on May 19, 2021 at 7:00 pm at the Van Buren Town Hall, 7575 Van Buren Road, Baldwinsville, New York.

Present:

Ms. Darcie Lesniak	Councilor
Mr. Howard Tupper	Councilor
Ms. Patricia Dickman	Councilor
Mr. Ronald Dudzinski	Councilor
Ms. Mary Frances Sabin	Deputy Supervisor
Mr. Claude Sykes	Supervisor

Absent: Mrs. Wendy Van Der Water, Councilor

Also present:

Ms. Nadine Bell	Town Attorney
Mr. Douglas Foster	Highway Superintendent
Mr. Jason Hoy	Town Engineer
Ms. Lynn Precourt	Town Clerk

Pledge of Allegiance and Roll Call.

Approve minutes of the Regular Town Board Meeting on May 5, 2021:

081-21-000 MOTION BY Ms. Dickman, seconded by Mr. Dudzinski, to approve the minutes of the Regular Town Board Meeting on May 5, 2021 as published.

Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

Presentation on cannabis law and town's options:

Ms. Bell introduced Stacy Marris who will be giving the presentation.

Ms. Marris said the Marijuana Regulation and Taxation Act (MARTA) creates the cannabis law. She said some of the regulations take effect immediately and some do not and others have yet to be fully defined. She said the law creates the Office of Cannabis Management, Cannabis Control Board and a Cannabis Advisory Board.

Ms. Marris said adults 21 and older can possess, use, transfer (without compensation) up to three ounces of cannabis and up to 24 grams of concentrated cannabis. It is prohibited to discriminate against individuals engaging in conduct permitted under the law.

Ms. Marris said cannabis is regulated similarly to tobacco in terms of public consumption. It is prohibited anywhere smoking or vaping is limited. It cannot be smoked or vaped on school grounds, within 100 feet of entrances/exits or outdoor areas of schools, public libraries or school buses. Local governments can restrict its use on town owned parks and playgrounds.

Ms. Marris said under the law adults can have three mature and three immature plants (capped at six per household) for personal use. An adult may possess up to five pounds at their private residence. She said since this does not go into effect until 18 months after the first retail sale it will likely be 2023 or 2024 before it is legal.

Ms. Marris said medical cannabis falls under the new regulations and is now classified as a disability so employers may not discriminate and have to make reasonable accommodations to comply with the law.

Ms. Marris said New York State will issue the licenses associated with cannabis. She said cultivators, processors, distributors, retail dispensaries and on-site consumption license applicants must notify the local municipality of their intent to file an application with the state. She said the local government can then issue an opinion for or against the granting of the license. The Cannabis Control Board decides whether to grant or deny the application and will respond to the local government in writing with explanation of how opinion was considered.

Ms. Marris said the MARTA created a new Tax Law, Article 20-C and imposes tax on distribution and retail sale of cannabis. There is a 13% tax, with 9% going to the state and 4% to local county and municipalities. The remaining money is split by the NYS Comptroller and 25% goes to the County and 75% to the local municipality. There are no restrictions on how the local government may use the money, but if a town decides to opt out of allowing sales and on-site consumption, they will receive no tax money. If a town has a Village within its boundaries, as we do, the money is split 50/50 between the two as long as the Village has not opted out and no agreement between the two municipalities has been approved to distribute the money in a different allocation.

Ms. Marris said a town can opt out of allowing retail dispensaries and/or on-site consumption establishments. You have until December 31, 2021 to opt out and it must be done through a local law, which requires a public hearing and is subject to permissive referendum. That means that within 45 days after approving a local law to opt out a petition may be filed to submit a proposition to the voters of the municipality. If you opt out you can repeal the local law at any time but you cannot choose to opt out after December 31st of this year.

Ms. Marris said the state deliberately left very little for local governments to control through their own laws. She said local governments, through zoning laws, can regulate locations, hours

of operation and enforce building codes but none of these regulations can be unreasonably impracticable. In addition, notwithstanding local regulations dispensary signage is authorized by the Cannabis Control Board. Dispensaries and/or on-site consumption establishments cannot be located within 500 feet of school grounds or within 200 feet of a house of worship. Most legislation pertaining to cannabis law will be subject to SEQRA.

Consider resolution outlining benefits and conditions of employment for town's mechanic position:

082-21-038 MOTION BY Ms. Sabin, seconded by Mr. Dudzinski, to approve resolution outlining the benefits and conditions of employment for town's mechanic position.

Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

Appointment of Jennifer Smiley as Recreation Supervisor with the Parks Department effective June 1, 2021 with residency required within 90 days of appointment with compensation as dictated by the CBA:

083-21-038 MOTION BY Ms. Lesniak, seconded by Ms. Sabin, to appoint Jennifer Smiley as Recreation Supervisor with the Parks Department effective June 1, 2021 with residency required within 90 days of appointment with compensation as dictated by the CBA.

Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

Consider resolution modifying the Warners Cemetery Rules and Regulations:

084-21-034 MOTION BY Mr. Dudzinski, seconded by Ms. Lesniak, to approve the following language in section 9 of the Warners Cemetery Rules and Regulations:

No more than two (2) sets of human remains shall be interred in one grave spot. The two (2) sets can only be composed of one casket burial and one cremation burial OR two (2) cremation burials. In the event that the cremation burial occurs first, said burial must be placed in a removable container which would allow for relocation on top of the casket burial. If two (2) persons are placed in the same burial plot only one marker (existing or new) will be allowed with a double inscription. The purpose of this regulation is to be able to allow for proper memorialization. Cremated remains shall not be permitted to be scattered in the cemetery.

Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

Approve hydrant installation in the Van Buren Consolidated Water District No. 2:

085-21-051 MOTION BY Ms. Dickman, seconded by Mr. Dudzinski, to approve installation of a fire hydrant 625' east of Pottery Road in the Van Buren Consolidated Water District Ext. No 2, OCWA Project No. 9004041.

Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

Councilor Committee Reports and Comments:

Ms. Sabin will attend a cable franchise agreement renewal meeting with Verizon along with a representative from the Village of Baldwinsville and Town of Lysander to begin negotiations of that renewal on May 24th at 4 pm.

Ms. Sabin said she has given pictures of what the outside installation of FIOS looks like to the Condo 2 and 3 Boards and she is hopeful they will approve the exterior wiring so that project can get completed.

Ms. Sabin said she held a Land Use Committee meeting on Monday and they discussed parking boats and recreational vehicles on town roads. She said there is existing language to prohibit this in the code book so they will not take any further action. She urged residents to consider their neighbor's sight distance when parking on the side of the roads.

Ms. Dickman thanked Mr. LaManche and the Buildings and Ground's employees for the new mulch in Harbour Heights Park.

Ms. Dickman said the Women's Garden Club will be planting the large planters in the Village this week. She said there are still sponsorships for the hanging baskets.

Mr. Dudzinski thanked Mr. Hoy and Mr. Foster for their work in creating more space for parking at the sledding hill in the park.

Highway Superintendent Comments:

Mr. Foster said Building and Grounds put new mulch in several town parks and playgrounds.

Supervisor Comments:

Mr. Sykes said he and Deputy Supervisor Sabin will be participating in a webinar by Association of Towns about the American Rescue Plan and any new guidance from the federal government about how money will be distributed and can be used. He said this Board will need to start deciding what projects we will use the money to fund.

Citizens Comments: None

Engineer Comments: None

Attorney Comments: None

086-21-014 MOTION BY Ms. Sabin, seconded by Ms. Lesniak, to recess the regular meeting and go into Executive Session to discuss a specific employee labor issue at 7:58 pm.

Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

087-21-014 MOTION BY Ms. Sabin, seconded by Ms. Lesniak, to close the Executive Session and resume the regular meeting at 8:22 pm.

Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

088-21-000 MOTION BY Ms. Sabin, seconded by Ms. Lesniak, to adjourn to the next Regular Town Board Meeting on June 2, 2021 at 7:00 pm.

Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

Meeting closed 8:22 pm

Respectfully submitted,

Lynn Precourt
Town Clerk

Dated: 5/20/21