

**Wilmington Town Board Regular Monthly Meeting
And Public Hearing on opting out of the Cannabis Law**

Tuesday December 14, 2021

6:45 PM-Community Center

Town Board Members Present: Supervisor-Roy Holzer

Councilman-Darin Forbes

Councilwoman-Paula McGreevy

Councilwoman

Absent: Councilwoman-Rarilee Co

Also Present: Nancy Rarilee Co Codes Officer, John Langford-Parks
Department, David Lally, Steve Forbes, Erica Loher, Chris
Barnes, Rel Mathur, Roan Mathur.

Absent: L ent, Michelle Preston-Visitor's Bureau, Ed Orsi-
Water De

The public hearing was open for any questions or comments. David Lally asked if the Town did nothing, would we be automatically opted in? Supervisor Holzer replied that that was correct. If we opted out, two things could happen. It could be revisited at any time, and if a petition were to be filed within 45 days of enacted a local law that would force it to be voted on in the next General Election. Judi Mathur felt that it would be better to wait for more options. Aseem Mathur mentioned the smell which is very much in your face. Whether in a bar or other areas, the smell is always present. It was mentioned that they feel it would degrade the town.

The general opinion seemed to be that it would be best to wait for more study into the regulations and to study the zoning regulations that would apply to this, and to see what other towns are contemplating doing. It was also mentioned that we might consider the way we want our town to be perceived. Presently, we are known for our fresh air, health and nature. With no further questions or comments, the public hearing was brought to a close.

MOTION to close the public hearing was made by Dawn Stevens, SECONDED by Paula McGreevy and carried with ALL IN FAVOR.

THE REGULAR MONTHLY BOARD MEETING WAS THEN CALLED TO ORDER.

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MOTION to approve the minutes of the last meeting was made by Darin Forbes, SECONDED by Paula McGreevy and carried with ALL IN FAVOR.

Resolution No. 65-21

December 14, 2021 Regular Board Meeting

RESOLUTION INTRODUCING PROPOSED LOCAL LAW NO. 2 OF 2021 ENTITLED "A LOCAL LAW TO OPT OUT OF ALLOWING CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION SITES AS AUTHORIZED UNDER CANNABIS LAW ARTICLE 4"

The following resolution was offered by Paula McGreevy, who moved its adoption.

Upon the passage of a motion to consider from the floor, and the same appearing proper and necessary.

BE IT RESOLVED that the Town of Wilmington Town Board hereby introduces proposed Local Law No. 2 of 2021 entitled "A Local Law to Opt Out of Allowing Cannabis Dispensaries and On-site Consumption Sites as Authorized Under Cannabis Law Article 4," reading and provided as follows:

"TOWN OF WILMINGTON LOCAL LAW No. 2 OF 2021"

A local law to opt out of allowing cannabis retail dispensaries and on-site consumption sites as authorized under Cannabis Law Article 4.

BE IT ENACTED, by the Town of Wilmington, County of Essex as follows:

Section 1. Legislative Intent.

It is the intent of this local law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Wilmington that would otherwise be allowed under Cannabis Law Article 4.

Section 2. Authority.

This local law is adopted pursuant to Cannabis Law §131 which expressly authorizes the town board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law §24.

Section 3. Local Opt-Out.

The Town Board of the Town of Wilmington hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the town's jurisdiction.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation, or circumstance, directly involved in the controversy in which such judgement or order shall be rendered.

Section 5. Permissive Referendum

This local law is subject to a referendum on petition in accordance with Cannabis Law §131 and the procedure outlined in Municipal Home Rule Law §24.

Section 6. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

BE IT FURTHER RESOLVED that the Town Board of the Town of Wilmington shall hold and conduct a public hearing on the foregoing proposed local law on the 14th day of December, 2021, at 6:45 p.m. in the forenoon of that day, to hear any and all persons concerning the same; and

BE IT FURTHER RESOLVED that the Clerk of the Town of Wilmington will publish a notice of such hearing in the designated Town newspaper at least five days prior to said hearing.

This resolution was duly seconded by Darin Forbes, and adopted upon a roll call vote as follows:

Roy Holzer,	Yes
Darin Forbes,	Yes
Paula McGreevy,	Yes
Dawn Stevens,	No
Rarilee Conway,	Absent

RESOLUTION 66-21 to opt out on the consumption of Cannabis. MOTION was made by Darin Forbes, SECONDED by Paula McGreevy and carried by Roll Call vote as follows:

Roy Holzer,	YES
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RESOLUTION #67-2021

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OPPOSITION TO PENDING CLOSURE OF MORIAH SHOCK INCARCERATION CORRECTIONAL FACILITY

The following resolution is being made to demonstrate opposition to Governor Hochul's November 8th decision to close Moriah Shock Incarceration Correctional Facility in Moriah, New York.

WHEREAS Moriah Shock is one of two facilities in New York State that provides treatment programs for substance and alcohol abuse above and beyond general incarceration; and

WHEREAS Moriah Shock provides 107 good paying State jobs to residents of Essex County; and

WHEREAS Moriah Shock crews work in our communities and support Essex County municipalities and the Department of Environmental Conservation in performing manual labor support; and

WHEREAS Moriah Shock demonstrates lower recidivism rates (31% annually compared to 65% in New York prisons after 3 years) as well as lower costs (\$20,000 less per inmate)¹ compared to other minimum-security facilities; and

WHEREAS the closure of Moriah Shock will devastate the Moriah community as well as Essex County, which relies on such industries to support local economies and livelihoods with its \$8 million impact².

BE IT HEREBY RESOLVED that the Essex Town Council supports our neighbors in Moriah and Essex County who are working to reverse the decision to close Moriah Shock Incarceration Correctional Facility March 10, 2022.

Motion Made By: Dawn Stevens

SECONDED By: Paula McGreevy

CARRIED with ALL IN FAVOR

RESOLUTION 68-21 to approve the 2022 agreement for the Dog Pound/Shelter Services. MOTION was made by Darin Forbes, SECONDED by Dawn Stevens and carried with ALL IN FAVOR.

RESOLUTION 69-21 to approve Mindy Goddeau as the new planning board secretary, at a salary of \$100.00 a month. Extra compensation will be considered for larger time consuming Projects as determined by the town board.

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An update on the groundwork for the Park Skating Pavilion. The Town has received a donation of \$100,000.00 by a local resident and other donations have also been received. The plan is for a 60x120 covered skating pavilion, and may include improvements to the youth center. It may require a new building as the current youth center building requires a lot of repair. A new building would make it a combined use center. The overall expense for this is estimated to be \$500,000.00. A grant for this is possible.

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RESOLUTION 70-21 to implement the hiring of GOVUS to begin the registration of all Short-term Rentals in town at a rate of \$12,742.00 for the year and payable by the month. MOTION was made by Darin Forbes, SECONDED by Paula McGreevy

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CODE ENFORCEMENT REPORT: Permits are slowing down a bit. There were 6 building permits issued. Within a few months, they hope to have a complete list for the Haselton Cemetery, as to who is interred there and what row they are in .We should begin expanding the upper end of Haselton Cemetery and getting it prepared for future burials, repair the roads, etc. There are 54 open permits and 20 plus site visits.

PARKS DEPARTMENT REPORT: They are cleaning up the wind damage at the beach and the cemeteries. Preparing to get the ice skating rink ready when the temperatures are right.

WATER DEPARTMENT REPORT: They repaired the hydrant on Rte 431, repaired two hydrants on Rte 86 and winterized hydrants.

SUPERVISORS REPORT FOR TOWN BOARD MEETING ON 12-14-2021

I wanted to everyone know that I received a text from Town Councilwoman Rarilee Conway that she will not be at tonight meeting because she is out of town

with family. She informed me that this would be her last meeting and that it was an honor to serve our community. I responded that the residents of the town of Wilmington appreciated all her efforts and that she would be missed on the town board.

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Absent: Louie Adragna-Highway Superintendent, Michelle Preston-Visitor's Bureau, Ed Orsi-Water Department

The public hearing on the Cannabis Law was open for any questions or comments. David Lally asked if the Town did nothing, would we be automatically opted in? Supervisor Holzer replied that that was correct. If we opted out, two things could happen. It could be revisited at any time, and if a petition were to be filed within 45 days of enacted a local law that would force it to be voted on in the next General Election. Judi Mathur felt that it would be better to wait for more options. Aseem Mathur mentioned the smell which is very much in your face. Whether in a bar or other areas, the smell is always present. It was mentioned that they feel it would degrade the town.

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Following this discussion, the meeting was adjourned.

Town Board Work Session

Town of Wilmington

December 29, 2021

PRESENT: Supervisor- Roy Holzer

Councilwoman- Paula McGreevy

Councilwoman- Rarilee Conway

Councilwoman- Dawn Stevens

Councilman- Darin Forbes

ALSO PRESENT: Nancy Randall-Town Clerk, Tina Terry Preston, Tim Follos

RESOLUTION NO. 71-21 American Recovery Funds from Essex County

Where As the Town of Wilmington has received funds from Essex County to use on American Recovery Fund items;

Where As the County has made these fund available to towns to offer Premium Pay/ Vaccine Incentives and other eligible projects-

Therefore be it resolved that the town offer Premium Pay/Vaccination Incentives to all FULL TIME EMPLOYEES in the amount of \$1,250 each, TOWN CLERK \$650. And PART TIME EMPLOYEES such as Assessors and Judges an amount of \$350. Each.

Town Supervisor and Town Council will not be eligible for incentive.

Said incentive is a one-time advance and proof of vaccination is required before payment is given.

Moved By: Roy Holzer

Second by: Darin Forbes

Carried with all in favor.

Newly elected council members Tina Terry Preston and Tim Follos were also in favor of the above resolution.

12/29/2021

Year End Meeting

A discussion was held in regard to the dangerous dog rule. It was decided that Dan Manning and Allison McGahay will handle this for us.

Shirley Lawrence will retire as Dog Control Officer and the position will be offered to John Langford at Shirley Lawrence's salary. Dogs that were picked up would go to the Dog Pound in Essex County.

There is still no senior bus driver and no applications.

There will be an Organizational Meeting on January 11, 2022.

Nancy Randall will remain as an employee and her salary will be discussed at the Organizational Meeting.

Meeting was adjourned.