

**SPECIAL MEETING and PUBLIC HEARING
GORHAM TOWN BOARD
December 22, 2021 7:00pm**

The Gorham Town Board held a Special Meeting and Public Hearing on December 22, 2021 at 7:00 pm.

Present were Supervisor Fred Lightfoote, Councilmembers; William Glitch and Jake Chard, Town Clerk Darby Perrotte.

Councilmember Brian S. Case and Chief Operator Water & Wastewater Plants Greg Coston joined via video/phone conference.

Councilmember Richard Malcolm was necessarily absent.

Other Guests in attendance; Town Board-Elect Brian Lazarus.

Joining via video/phone conference; Conservation Board Chairman Brett Johnson, Elke Schmitt, Jon Willis, Chuck and Annie St. George.

1. Call to Order/Pledge to the Flag. Supervisor Lightfoote called the meeting to order and led the pledge to the flag.
2. Public Hearing Local Law # 2-2021 Cannabis Opt Out – Supervisor Lightfoote opened the public hearing. The legal notice as it appeared in the newspaper was read.

Residents voiced their opinion about the lack of notification and lack of information the Town provided for tonight's public hearing.

Elke Schmitt, Crystal Beach resident, said Supervisor Lightfoote said he would get a flyer of information regarding the public hearing to her to distribute to the community. She said she never saw the flyer. She said she is disappointed that a lot of people don't know about this meeting.

Chuck and Ann Marie St. George spoke in regards to the Town's failure to distribute information pertaining to the cannabis sales like they said they would.

They feel the decision by the Board was already determined without sufficiently listening to public comment.

Supervisor Lightfoote said "The public hearing is for us to listen to the public and take their comments into account. The notice has gone out in the means by which we have to do it."

The newspaper legal notice, the sign board at the town hall and the town website. He said one of the town's frustrations is less and less people subscribe to a newspaper. The Town could not send out town wide newsletters for every public meeting, it would be too costly.

Chuck St. George said we are at that point right now and yet the community hasn't been notified. It would have been nice to have the information from Supervisor Lightfoote that he said he would provide.

Supervisor Lightfoote said "Yes, I said I was going to, I apologize, I never got it over there. I fell victim to everything else that is going on."

Brett Johnson said "I have attended 3 Town Board meetings that has had this subject in it. I find comment on social media anywhere, people are highly alert of this impending opt in or opt out. Most have opted out due to the fact the laws are not strictly written on it yet. I myself,

I'm wishy, washy. I kind of support anything that brings you revenue if it's brought and done right. Everybody knows that this is going on and not search and blame other people for a lack of information. Myself, if I had to vote on it today, I can't. The laws aren't wrote yet. In my opinion I would suggest, this is not a settled matter yet, knowing that the laws aren't wrote and the Town has to make an option, once you opt in you're in, if you opt out you can go in any day you want to. I would think that this subject, until more facts and more laws are out, needs to be tabled, after an opt out for you, and redo it in a year's time. Certainly we don't chase business away we would welcome anything that would prosper or do well in our Town. There are no laws wrote, so how can you sign into something that you don't know the specifics of. I would think that you need to review this in 1 years' time when you actually have all the facts on the table."

Ann Marie St. George said "I understand as far as people not understanding the laws that are written or in the process of being written. There has been established in the Office of Cannabis Management, in the State of NY, a 128 page document which lays out all the rules and regulations that will be governing cannabis sales and on site consumption."

The point Mrs. St. George wanted to make was the increased revenue to the Town, and some of the benefits of having this type of business.

Mrs. St. George said applicants must apply to the Town Clerk 30 days in advance of applying to the State. The Town Board is given the power to make the determination of approval or disapproval of an applicant for business. It is then turned over to the State and they use that as a determination of whether the applicant gets a license or not.

Mrs. St. George said that is of very significant importance for the Town to have that say.

Mrs. St. George said 3 percent of gross sales goes to the Town, which would be a significant amount of money. She said there are surrounding areas that have opted out, which could be beneficial if we are opting in, bringing money and business to the area. These types of business allow a product that is a lot safer. People that use cannabis, for all different reasons, are going to finally get a safer product than what they may obtain from a black market dealer illegally selling an unsafe product.

Mrs. St. George said if the town chooses to opt in they could determine a specific area for this type of business. The 128 page document clearly states, regulations, laws, etcetera. It is very well written.

Mrs. St. George thinks it is important to help a community understand the benefits of this type of business while quieting their fears.

Brian Lazarus asked if there was any information in the document regarding serving someone who is intoxicated.

Mrs. St. George said she reviewed the area of retail dispensary. She did not read the on-site consumption part of it as intensely but she suggests he read it because the Office of Cannabis Management falls under the NY State Liquor Authority, she thinks it would be similar.

Brett Johnson asked if the 128 page document is a legally, lawful act now or is it just 128 pages that they are going to sign into law in the future.

Mr. Johnson said "It's not signed so it's not a law, it's a dream. It's not produced, it's not finished yet."

Mrs. St. George said "It is in the Senate now if he would like to read it."

With no further comment Supervisor Lightfoote closed the hearing at 7:18 pm.

3. Privilege of the Floor – none requested

4. Business -

a. Resolution to adopt Local Law #2-2021

Councilmember Glitch offered the following resolution and called for adoption. Seconded by Supervisor Lightfoote, the Board held discussion.

**TOWN OF GORHAM
RESOLUTION #35-2021
ADOPT LOCAL LAW #2-2021 CANNIBUS OPT OUT**

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Gorham for a public hearing to be held by said Town Board on December 8, 2021 at 7:00 p.m. at Gorham Town Hall, 4736 South Street, Gorham, New York, to hear all interested parties on a proposed Local Law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Gorham that would otherwise be allowed under Article 4 of the Cannabis Law; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Gorham, on December 13, 2021 and all other notices required by law to be given were properly served, posted or given; and

WHEREAS, said public hearing was duly held on December 22, 2021 at 7:00 p.m. at the Gorham Town Hall, 4736 South Street, Gorham, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, the Town Board of the Town of Gorham, after due deliberation, finds it in the best interest of the Town of Gorham to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Gorham hereby adopts said Local Law No. 2 of 2021, entitled, “A local law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Gorham that would otherwise be allowed under Cannabis Law Article 4”, a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that this local law is subject to a permissive referendum, that the Town Clerk is directed to give notice thereof to the public by publication and posting and that this local law shall not become effective until either forty-five days after its adoption or until approved by the affirmative vote of a majority of the qualified electors of the Town of Gorham voting on a proposition for its approval if within forty-five days after its adoption there be filed with the Town Clerk a petition protesting against this local law, signed and authenticated as required by New York State law by qualified electors of the Town of Gorham, registered to vote therein at the last preceding general election, in number equal to at least ten per centum of the total number of votes cast for governor at the last gubernatorial election in the Town of Gorham; and be it further

RESOLVED, that, should this law become effective, the Town Clerk be and she hereby is directed to enter said Local Law in the Local Law Book of the Town of Gorham, and to give due notice of the adoption of said local law to the Secretary of State of New York.

I Darby L. Perrotte, Town Clerk of the Town of Gorham, do hereby certify that the Town Board of the Town of Gorham adopted the aforementioned resolution on December 22, 2021 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Frederick Lightfoote	X_____	_____
William Glitch	X_____	_____
Brian S. Case	X_____	_____
Richard Malcolm	absent_	_____
Jake Chard	_____	X_____

Councilmember Chard said he would like to amend the local law to separate the retail dispensary part of the license from the on-site consumption part of the license. He said they are 2 different licenses and the Town has the ability to act on 1 and/or on both. Councilmember Chard said based on conversations with members of the public and among the board members, he learned the Town has the option to split the 2 licenses. To opt out of 1 and not the other.

Councilmember Chard researched and said a lot of municipalities are opting in to the retail dispensary license and opting out of on-site consumption licenses. He thinks because they are 2 different licenses the Town should approach them separately.

Councilmember Case agreed that the law allows the Town to opt out of 1 license and opt in to the other license.

Councilmember Glitch said "I just think there are better ways to take care of our revenue streams and our expenses."

Councilmember Chard did a substantial amount of research regarding the revenue generated by cannabis sales and consumption for several different States.

Councilmember Chard said "It would be serious money coming in to the Town. There is significant money that can come in to the town at a time when we need it, it is a significant revenue stream. For those reasons I'll be sticking with my vote from last time and voting against opting out."

Brian Lazarus said he doesn't think it would be an accurate revenue number unless the Town is very similar to Gorham such as the demographics, age, Mennonite community of our area, those type of statistics are needed for a more accurate estimate on revenue.

Councilmember Chard said that is why he compared state-wide numbers based on population Instead of Town population numbers.

Supervisor Lightfoote said if the resolution passes we have to notify the public that the law is subject to permissive referendum which means it is posted by legal notice. Residents have 45 days to submit a petition protesting the law that would then be put on the ballot for residents to vote on during the next regular election in the fall.

Councilmember Glitch amended his motion offering the resolution to Opt Out of both Retail Dispensaries and On-Site Consumption of Cannabis. Supervisor Lightfoote seconded the

amendment by Councilmember Glitch. Motion carried. (3 Ayes -Lightfoote, Case, Glitch-1 Nay - Chard)

104-2021

Councilmember Glitch offered the aforementioned resolution and called for adoption. Supervisor Lightfoote seconded the motion. The aforementioned resolution was adopted. The motion carried. (3 Ayes Lightfoote, Glitch, Case -1 Nay Chard.)

105-2021

Councilmember Chard made a motion to amend the amendment. His motion is to split the licenses. 1 license to allow Retail Cannabis Dispensaries and 1 license to allow On-Site Consumption of Cannabis. 2 different resolutions, 2 different laws. Without a second, the motion died on the floor.

Councilmember Chard made a motion to re-visit this determination at the October 2022 Town Board Meeting. To put it on the agenda to take another look at the licensing for cannabis dispensaries and on-site consumption sites for cannabis. Supervisor Lightfoote seconded the motion. Motion carried. (3 Ayes Lightfoote, Case, Chard – 1 Nay Glitch)

106-2021

- b. Resolution Authorizing Engineered Services for Kearney Road & Lake To Lake Road Drainage

Supervisor Lightfoote offered the following resolution and called for adoption. Seconded by Councilmember Chard the resolution was adopted unanimously. (4 Ayes, Lightfoote, Glitch, Case, Chard -0 Nays)

107-2021

**TOWN OF GORHAM
RESOLUTION #36-2021
AUTHORIZE ENGINEERED SERVICES BY MRB GROUP FOR DRAINAGE KEARNEY
ROAD AND LAKE TO LAKE ROAD INTERSECTION**

Resolution authorizing contract with MRB Group to provide engineering support for drainage work within the Kearney Road/Lake to Lake Road intersection and surrounding area.

Whereas, There is a need to improve drainage for the roadbeds of as well as surrounding properties in the area of Kearney Road and Lake to Lake Road in the Town of Gorham; and,

Whereas, The area is relatively flat requiring complex solutions; and,

Whereas: There is a need for work to be accomplished off Town Right of Way in order to properly drain Town infrastructure; then,

Therefore: The Gorham Town Board authorizes the MRB Group to perform engineering services toward the effectuation of improvements to the drainage systems within the Kearney Road/Lake to Lake Road intersection and surrounding area. Contracted services will be provided for an amount not to exceed \$19,600 dollars.

I Darby L. Perrotte, Town Clerk of the Town of Gorham, do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Gorham on December 22, 2021 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Frederick Lightfoote	X_____	_____
William Glitch	X_____	_____
Brian S. Case	X_____	_____
Richard Malcolm	absent	_____
Jake Chard	X_____	_____

c. Resolution to Appoint Mary Beer as Gorham’s Health Officer

Councilmember Glitch offered the following resolution and called for adoption. Seconded by Councilmember Case the resolution was adopted unanimously. (4 Ayes Lightfoote, Glitch, Case, Chard - 0 Nays)

108-2021

**RESOLUTION #37-2021
TOWN OF GORHAM
APPOINT MARY BEER, RN AS HEALTH OFFICER**

Whereas, The Town of Gorham has been contracting with Ontario County for the services of County Health Officer Mary Beer, RN, As Local Health Officer; and,

Whereas, this arrangement has worked well in the past; and is still available for a term of four years; and,

Whereas, There is no direct cost to the Town; Then,

Therefore, The Gorham Town Board hereby approves the appointment of Mary Beer, RN, as Local Health Officer for the period of January 1st 2022 through December 31st of 2025

I Darby L. Perrotte, Town Clerk of the Town of Gorham, do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Gorham on December 22, 2021 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Frederick Lightfoote	X_____	_____
William Glitch	X_____	_____
Brian S. Case	X_____	_____
Richard Malcolm	absent	_____
Jake Chard	X_____	_____

d. Resolution for Employee Holiday Time Off

Councilmember Chard offered the following resolution and called for adoption. Seconded by Supervisor Lightfoote the resolution was adopted. (3 Ayes Lightfoote, Case, Chard - 1 Nay Glitch)

109-2021

**RESOLUTION #38-2021
TOWN OF GORHAM
EMPLOYEE HOLIDAY TIME OFF**

Whereas, The Town of Gorham values the performance of duties provided by its employees; and,

Whereas, An extra day off has been provided for said employees for many years; and,

Whereas, The Town of Gorham wishes to once again provide an extra day off for town employees this year, "Christmas time 2021"; then,

Therefore, Each employee shall work with their Direct Supervisor to schedule said day off on a day beneficial to both town and employee.

I Darby L. Perrotte, Town Clerk of the Town of Gorham, do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Gorham on December 22, 2021 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Frederick Lightfoote	X_____	_____
William Glitch	_____	X_____
Brian S. Case	X_____	_____
Richard Malcolm	absent	_____
Jake Chard	X_____	_____

e. Councilmember Glitch made a motion to allow Supervisor Lightfoote to authorize year end budget transfers, seconded by Supervisor Lightfoote, the motion carried unanimously.
 (4 Ayes Lightfoote, Glitch, Case, Chard - 0 Nays)

010-2021

f. Discussion on Code Enforcement Officer Cell Phone - Supervisor Lightfoote said Code Officer Jim Morse came to him and said with all the correspondence he has had with residents and contractors he’s been using his personal cell phone roughly 50 percent for work. He wanted to use his own phone rather than have 2 phones to deal with. His bill is approximately \$200.00 per month so he would like the Town to pay half of that.

Councilmember Chard would like to look at a bill to see concrete numbers. He asked for a list of town employees that are provided a town phone and how much the town pays for those to compare and contrast.

Councilmember Glitch said “My only concern, it’s not about trusting Jim, it’s about the appearance of impropriety.”

Councilmember Glitch said tonight’s meeting is a good example, it appeared that we didn’t notify of the meeting but we did.

Supervisor Lightfoote tabled the decision until the next meeting.

5. Privilege of the Floor –

Water/Wastewater Chief Operator Coston said “After working with Bill, for 22 years, I would like to tell him thank you for your guidance and support through the years on different topics, I appreciate it.”

Councilmember Glitch said “You’re very welcome. I really appreciate all the people who have worked really hard over the years I’m going to miss you guys, thank you Greg.”

And then he said....

"In the famous words of MacArthur, I shall return!"

Supervisor Lightfoote said "Bill, thank you so much, on behalf of the Town, even those who may not have been happy with you from time to time, you've done a magnificent job. You've been here for 24 years, it's quite a feather in your hat and it's been a benefit to the Town, Thank you so much."

Supervisor Lightfoote said "I'd like to say, even though they are not on, Councilmember Rick Malcolm's term is ending at the end of the month. He, as well as Bill, has been very astute in considerations in regards to Town business. We've missed him already especially with his financial background. I will be sending a note of appreciation on behalf of the Town along with a card. Starting next week if anyone cares to stop in and sign a card I'll have one here at the Town Hall."

6. Set the Next Meeting Date - The next Regular and Organizational meeting will be held on January 12, 2022 at 7:00pm at the Gorham Town Hall.

7. Adjournment – With no further business, on the motion by Councilmember Case, **seconded by Councilmember Glitch for the very last time! (Councilmember Glitch has ended the meetings with his motion to second, Dos! 95% of the time over the last 24 years!)** The meeting was adjourned at 9:02 pm.

Although Councilmember Chard didn't want it to end....the motion carried unanimously. (4-0)

Merry Christmas!

111-2021

Respectfully Submitted,

Darby L. Perrotte
Town Clerk

