

**VILLAGE OF CHATHAM, NEW YORK, BOARD OF TRUSTEES MEETING
And PUBLIC HEARING
TRACY MEMORIAL BUILDING
77 MAIN STREET, CHATHAM, NY 12037
November 8, 2021 7:00 PM EST**

MINUTES

Present: Mayor J. Howe; Trustees P. Minahan, J. Boehme, J. Russell, M. Spock; Village Attorney K. Dow; Village Clerk D. Kelleher; Town of Chatham Liaison V. Pitkin; CPD J. Falkner; CPD Recruits J. Bonarrigo and G. Marchione-Benedict; News Reporters E. Teasdale and P. Teasdale; Residents L. Locke, D. Meyers, S. Piazza, E. Wagner, J. Heggelke, S. Haze, A. Finger, E. DiPalma, M. Fisch, I. Cardoso, N. Warshaw, Z. Russell. Not present DPW Foreman P. Genovese, and CFD Chief E. Barnes.

Public Hearing for Proposed Local Law “To Opt-Out of Allowing Cannabis Retail Dispensaries and/or On-Site Consumption Establishments” opened at 6:30pm, and proposed local Law read aloud by Mayor J. Howe.

Mayor J. Howe: if the Village chooses to opt-out at this time the decision can be repealed at a later time to opt-in. If we opt-in now, we cannot repeal the decision to opt-out, and if we do nothing it will be as if we opted in and we cannot repeal it. The proposal is to opt-out for now, thereby allowing additional time to investigate more before making an irreversible decision, allowing retail sales and/or on-site consumption in the Village, guided only by existing Village ordinances.

Village Attorney K. Dow: Village Code does not currently specifically address cannabis, therefore it would fall under the codes for any other retail business. If the Village chooses to pass the local law to opt-out now, the local law can be repealed, it is possible to repeal it, and there is no specified time limit in which to repeal.

Trustee J. Boehme suggested that residents sign up for the email blast list to receive updates from the Village. Residents can sign up by going to the Village webpage.

Resident and newspaper reporter P. Teasdale asked about police opinion. Deputy Chief J. Alessi noted potential increase in traffic. Also noted that the Town of Chatham was looking to opt-out of on-site consumption, but not retail sales, presumably to eliminate driving after use.

Resident questioned if NYS is managing the licensing, is it possible that some may be allowed, and others may not. J. Howe: There will be restrictions on the how many locations are approved and on the proximity from one location to another.

Resident questioned the general timeline for collecting more information. Mayor J. Howe is looking at March timeframe, not a year. He would like a committee of residents to be involved.

The Mayor responded that Town of Ghent has not yet offered their position, but the recent election for new Supervisor may have contributed to that.

Question from resident regarding the position of the Village if the Town of Ghent and the Town of Chatham do not agree. The Mayor explained that the Village ultimately decides for itself.

Newspaper reported and resident P. Teasdale asked if there is a special insurance liability attached for cannabis, and the Mayor indicated that insurance implications is one of the details for which he would like more information.

Resident E. Wagner commented that she has a relative living in Great Barrington and traffic and safety is definitely an issue and a concern.

Town of Chatham V. Pitkin thanked the Board for the thoughtful approach they have taken regarding this proposed local law.

Motion to Close Public Hearing by M. Spock, seconded by J. Russell. Approved by all at 7:10pm.

Regular meeting called to Order, and opened with Pledge of Allegiance at 7:10pm, by Mayor J. Howe.

First Public Comment Period (limited to 15 minutes):

- *Resident S. Piazza presented to the Board, a petition for sidewalks on Austerlitz Street signed by 82 residents of Austerlitz St, Jones Ave, and walkers. The Mayor accepted the petition for consideration, and he noted that Chazen recently conducted a middle and low income survey of that area for the purpose of obtaining grant funds for improvement. Additionally, NYS will be receiving funds.*
- *Resident L. Locke mentioned that the lights on Main Street are too dim by half. The Mayor responded that he has changed the one out front and although it's brighter, it's still not bright enough. There are still others that will be replaced.*
- *Resident S. Piazza expressed gratitude for the new speed sign, and added that there has already been a noticeable difference in speeds. Resident asked, and Deputy Chief Alessi remarked that there is data collected from the speed sign and that it is available to the public.*

Reports of Commissioners and Committees:

- *Building Department Monthly Report given by Building Inspector, Erin Reis.*
- *DPW Monthly Report read by Wastewater/Water Commissioner: Trustee Jodie Russell. Streets & Snow Removal Commissioner: Trustee Jaimee Boehme.*
- *CPD Monthly report presented by Deputy Chief J. Alessi. Police Commissioner: Trustee Pete Minahan.*
- *CFD Monthly Report read by Fire Commissioner: Trustee Melony Spock.*

Approve the Minutes October 14, 2021 Special Board Meeting. SO moved by J. Boehme, seconded by M. Spock. Approved by all.

Approve the Minutes October 18, 2021 Board Meeting. SO moved by J. Russell, seconded by P. Minahan. Approved by all.

Approve Budget to Actual October 31, 2021. SO moved by P. Minahan, seconded by M. Spock. Approved by all.

New Business:

1. Resolution 1 – To approve Local Law Number 2 of 2021 “To Opt-Out of Allowing Cannabis Retail Dispensaries and/or On-Site Consumption Establishments”, a copy of which is attached hereto. SO moved by J. Russell, seconded by M. Spock. All approved by Roll call vote as follows:

M. Spock – Aye.

J. Boehme – Aye.

P. Minahan – Aye.

J. Russell – Aye.

J. Howe – Aye.

2. Resolution 2 – To approve the renewal proposal received on October 22, 2021 from *Metzwood Insurance*, for *Liability Insurance* through Trident Public Risk Solutions, for coverage from November 10, 2021 – November 10, 2022. SO moved by P. Minahan, seconded by J. Boehme. Approved by all.

3. **Resolution 3** – To authorize the Mayor to sign an agreement entitled “**Agreement for Tracy Hall Cleaning Services**”, between the Village of Chatham and Whiteman Cleaning Services, for the purpose of continuing their cleaning services for a term of one (1) year, beginning on October 22, 2021 and continuing through October 21, 2022. *SO moved by J. Boehme, seconded by P. Minahan. Approved by all.*

4. **Resolution 4**- To approve the **closing of Park Row and the use of Village streets from the Morris Memorial to Main Street, Kinderhook Street, Shore Road, Eaton Avenue, Woodbridge Avenue and the school road** as well as **police assistance** for the annual Ray Barbuti **Turkey Trot** on November 25, 2021 from 8:30 a.m. to 11:30 a.m. *SO moved by M. Spock, seconded by J. Russell. Approved by all.*

5. **Resolution 5** – To authorize the Mayor to sign **MVP Small Group Recertification**. *SO moved by P. Minahan, seconded by J. Russell. Approved by all.*

6. **Resolution 6** – To approve CPD hiring of New Officer / Recruit **Joseph Bonarrigo** contingent upon completion of Zone 14, and background check. *SO moved by P. Minahan, seconded by J. Boehme. Approved by all.*

7. **Resolution 7** – To approve CPD hiring of New Officer / Recruit **Garrett Marchione-Benedict** contingent upon completion of Zone 14, background check. *SO moved by J. Russell, seconded by P. Minahan. Approved by all.*

Items for Discussion:

Public Comment Period (limited to 15 minutes): *None.*

Mayor Howe advised the public that the Board will be moving into Executive session.

Executive Session:

Motion to enter into Executive session by J. Boehme, seconded by M. Spock all approved at 7:44pm.

To discuss the financial, and employment history of a particular person(s).

Motion to exit Executive session by J. Russell, seconded by J. Boehme. Approved by all at 8:30pm.

Adjournment: *So moved by J. Boehme, seconded by M. Spock. Approved by all at 8:30pm.*

Next meeting: *Monday, November 22, 2021; 6:00pm (Special Meeting).*

December 13, 2021; 7:00pm (Regular Monthly Meeting).

Respectfully Submitted,

Desiree Kelleher

Village Clerk

Local Law No. 2 of 2021

A Local Law Opting Out of Retail Dispensary and On-site Consumption of Cannabis

[DATE] November 8, 2021

BE IT ENACTED by the Board of Trustees of the Village of Chatham, as follows:

Section 1. Legislative Findings and Intent.

The State of New York enacted the New York State Cannabis Law, effective March 31, 2021, which provides for the licensing and establishment of, among other things, the retail sale and on-site consumption of certain cannabis-based products. Section one hundred thirty-one of such law authorizes any town, city, or village to enact a local law requesting that the New York State licensing body, the “Cannabis Control Board,” prohibit the licensing of such cannabis establishments and thereby prohibit the establishment of cannabis retail sale dispensaries and on-site consumption establishment within the requesting municipality, provided a local law to such effect is enacted between March 31, 2021, the effective date of the Cannabis Law, and December 31, 2021, and further provided that such local law shall be subject to permissive referendum.

Section one hundred thirty-one of the Cannabis Law further provides that no law opting out of Cannabis licensing may be enacted by a municipality after December 31, 2021, but an “opt-out” law that is enacted prior to December 31, 2021 may later be repealed and rescinded. Therefore, the enactment of this local law is reversible, but a failure to enact this local law prior to December 31, 2021 cannot later be remedied.

The Board of Trustees of the Village of Chatham finds that the uncertainties about the potential effects of the permitting of cannabis retail sale and on-site consumption, as well as the zoning considerations that may be warranted in relation to establishments of such sale and consumption, invite further consideration before an irrevocable decision is made. Therefore, in the interest in prudence and to allow a period of time for careful consideration of the potential effects of cannabis establishments and of appropriate zoning or other permissible regulations as may be allowed under law, the Village Board of Trustees enacts this revocable local law requesting that licenses for cannabis retail and on-site consumption not be issued unless and until this local law is repealed.

Section 2. Enacting as an unconsolidated local law of the Village of Chatham the “Opt-out” provision of section 131 of the New York State Cannabis Law, to request the cannabis control board to prohibit the establishment of retail dispensary licenses and/or on-site consumption licenses within the Village of Chatham.

As authorized by Section one hundred thirty-one of the New York State Cannabis Law, the Village of Chatham hereby requests the New York State cannabis control board to prohibit the establishment of retail dispensary licenses and/or on-site consumption licenses

contained in article four of the Cannabis Law, within the jurisdiction of the Village of Chatham.

Section 3. Authorization.

This local law is enacted pursuant to the provisions of section 131 of the New York Cannabis Law, the New York Municipal Home Rule Law and section 4-412 of the New York Village Law.

Section 4. Effective Date.

This local law shall take effect December 20, 2021, unless within thirty days after its adoption there be filed with the Village Clerk a petition signed and acknowledged by electors of the village in number equal to at least twenty per centum of such electors in the village, as shown on the register of electors for the previous general village election, protesting against its enactment and requesting that it be submitted to the electors of the Village for their approval or disapproval, in which case it shall take effect upon its approval by the affirmative vote of a majority of the qualified electors of such village voting on such proposition.