

VILLAGE BOARD - MEETING MINUTES
Monday, December 5, 2021 7:00pm

Location: Village Board members in-person and remotely, 49 State St., Village Court, and on Zoom. Public participation limited to Zoom due to Covid-19 infection rates and State of Emergency in Monroe County and pursuant to Part E Chapter 417 of the (NYS) Laws of 2021 allowing for public bodies to conduct remote meetings.

Join Zoom Meeting with the login information below or dial 1-(646) 558-8656

<https://us02web.zoom.us/j/89457420159?pwd=UnV6eTJwbVlreG54UUpRUGN5RIJoUT09>

Meeting ID: 894 5742 0159

Passcode: 506545

PRESENT: Mayor Margaret Blackman, Trustee Katherine Kristansen, Trustee John LaPierre, Trustee Shawn Halquist, Manager/Clerk Erica Linden, Recorder Susan Smith

VIA ZOOM: Trustee/Deputy Mayor Annette Crane, Joan Hamlin, Chris Hamlin, Karen LoBracco, Mark Kristansen, Lynda Cochran, Tee Malachi, Barbara Krizen

CALL TO ORDER: The meeting was called to order at 7:00 pm.

MOMENT OF SILENCE: to honor those who serve our Country, enforce our laws, & respond to emergencies

AWARDS

PUBLIC COMMENT: Public comment will be accepted via zoom, please raise your "hand" and the Recorder will let you in to speak, with a 5-minute limit. Please state your name and address for the record and address your comments to the board. Comments will also be accepted to read on the record in advance via email, submit to

mblackman@brockportny.org.

- Karen LoBracco, 48 Adams St, stated that she is pleased the village is carefully considering the local laws regarding cannabis. She expressed hope that those local laws would be defeated, and the village would participate in the sale and use of cannabis.

CONSENSUS ITEMS:

- Minutes 11/15/21 and backlogged 2/01/21

→ Mayor Blackman moved, Trustee LaPierre seconded, to approve the 11/15/21 and backlogged 2/01/21 minutes, with minor edits. Motion carried 5-0.

- Bills Abstract 11/22/21
 - A (General Fund) \$87,955.42
 - F (Water Fund) \$1,470.48
 - G (Sewer Fund) \$396.75
 - TOTAL \$89,822.65**

→ Trustee LaPierre moved, Trustee Halquist seconded, to approve the Bills Abstract 11/22/21. Motion carried 5-0.

OLD or NEW BUSINESS:

- Local Law #1

Local Law No. 1, 2021

Village of Brockport, County of Monroe

A local law adopted pursuant to Cannabis Law § 131 opting out of licensing and establishing retail cannabis dispensaries within the Village of Brockport.

Section 1. Legislative Intent

It is the intent of this local law to opt the Village of out of hosting retail cannabis dispensaries within its boundaries.

Section 2. Authority

This local law is adopted pursuant to Cannabis Law § 131, which expressly authorizes cities and villages to opt-out of allowing retail cannabis dispensaries to locate and operate within their boundaries.

Section 3. Local Cannabis Retail Dispensary and/or On-Site Consumption Opt-Out

The Board of Trustees of the Village of Brockport, County of Monroe, hereby opts-out of allowing retail cannabis dispensaries from locating and operating within the boundaries of the Village of Brockport.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, 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 judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State. Pursuant to Cannabis Law § 131, this local law is subject to a permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition, or a referendum has been conducted approving this local law.

→ Moved By: Mayor Blackman

Seconded By: Trustee LaPierre

○ Discussion

- Trustee/Deputy Mayor Crane read the following statement - I will be voting to allow retail cannabis dispensaries in the Village of Brockport. Some of our residents choose to use cannabis. It is legal for adults, and their decision, not ours. Decisions on whether or not to use cannabis will probably not hinge on whether cannabis can be legally purchased within the Village. There may be an increase in use with state legalization. We don't know and have no control over that, and the presence or absence of retail cannabis businesses within the Village will have little to no effect. I want our residents who do choose to use cannabis to do so in the safest manner possible. If we opt out, our residents who use cannabis may drive elsewhere to purchase and use it, increasing the chance of driving impaired on high-speed limit roads, and increasing the distance driving while impaired. Users who purchase legal cannabis will not need to deal with criminals. Legal cannabis will be a safer produce. Laboratory tested, labeled with dosage, not laced with other substances. Some users do get addicted to cannabis. Most do not. Some drinkers get addicted to alcohol. Most do not. Before the opioid addiction crisis, most people who developed substance abuse disorder did start with alcohol and/or marijuana. But most marijuana and alcohol users do not go on to become addicted. I hope the County will put some to their cannabis money into mental health and addiction recovery services. The State is planning to train more Police Department Drug Recognition Experts. Teenagers should not use cannabis. Or alcohol. Or cigarettes. We need better drug education in the schools. Brockport Central schools and SUNY Brockport are working together on this. There may not be any retail establishments licensed here. Even if we do have one of these businesses located here, we should not count on it as a financial windfall. We will get what we get.
- Trustee Halquist stated that he will be voting to allow retail cannabis dispensaries in the Village of Brockport. He is hopeful there will be a revenue stream the village can tap into. He is confident that between NYS and the village zoning, officers, and police department, the village will be safe for all residents, whether they choose to partake or not.
- Trustee Kristansen read the following statement – I will be voting yes to opt out of cannabis dispensaries and places of consumption in the Village of Brockport. Coming to this decision started with reading the mission statement for the Village of Brockport and my responsibility to uphold it. *The mission of the Village of Brockport is to provide high quality of life to all residents, exercising fiscal responsibility, and preserving Brockport's unique heritage and historic character.* Keeping our mission statement in mind, I have researched documents regarding the rollout of cannabis sales in other areas, our NYS law – as it pertains to cannabis sales, medical and academic implications of cannabis use – especially among young people, public safety, and discussions with community residents and stakeholders. I found that regarding fiscal responsibility, cannabis sales will most likely not be to our benefit once one figures in all the expenses the municipality will incur to keep public safety and quality of life at the level, we all expect. In fact, to give you an example of numbers, for a \$1,000,000 in cannabis sales, the village will earn between \$10,000 - \$30,000. Looking at the village budget, this is a very small amount that will likely be used on cannabis related services incurred and not reduce taxes, as some have professed. We live in a college town. The research is very clear regarding the negative effects that cannabis has on young users as far as academics, mental health, motivation, amongst others. Is this what we want to support? Not sure about that. Public safety is very important. Research has shown that where cannabis sales have been legalized, crime has gone up. For example, it was pointed out to me that dispensaries and places of consumption may very well become targets for people who wish to take advantage, in a negative way, of the money and product housed in the facility. Lastly, the state is asking us to vote now to allow something that they say will be highly regulated but have yet to issue what those regulations will be in their entirety. This demand of the state to the municipalities to blindly vote is synonymous to “putting the cart before the horse”. I would rather we are prepared and know exactly what we

are voting to have in our community. I understand that Cannabis is now legal in NYS. But there are too many questions and unknowns regarding the state's Cannabis proposed possible regulations and legislation. For those looking at this solely as a revenue, ask yourselves "Is the money that the village might gain worth the negative aspects of cannabis sales and places of consumption here"? The conclusions from the many Cannabis research articles that I have studied and discussions with community representatives and residents have convinced me that opting into cannabis sales and places of consumption is contradictory to the mission of our village and the expectations of our residents regarding quality of life. Therefore, I choose in good conscience to vote yes to opt out of both cannabis sales and places of consumption for the village at this time.

- Trustee LaPierre stated that he will vote no and has no comment.
- Mayor Blackman read the following statement - I am in favor of Brockport remaining opted in for cannabis dispensaries and my decision is based on the following: I have read the law in its entirety and reread large portions of it. I feel confident that, while not all the regulations have been spelled out in the fine detail that we would like, I can make an informed decision now given the information in the law on licensing, operation, and local control. What other university municipalities, especially SUNY ones, were deciding was important to my decision. Not all SUNY municipalities have weighed in, but to date 9 are opting in for both (Binghamton, Buffalo, Delhi, Fredonia, New Paltz, Oneonta, Oswego, Plattsburgh, Potsdam), one is opting in for just dispensaries (Morrisville), and 2 have opted out for both (Farmingdale, Old Westbury). Additionally, I had a discussion with Dave Mihalyov, VP for community relations at SUNY Brockport and asked him if any parents of prospective or current students had raised concerns about having a dispensary or on-site consumption place in the village. None have. Perhaps most importantly, cannabis has been legal in NYS for almost 8 months. It is here and people are using it legally here. If they don't purchase it in Brockport, they will buy it in a nearby community that has opted in (Spencerport, Albion, Medina, Rochester) or they will have it delivered to them here. I see no reason for other communities to benefit from the excise tax, however much or little it is, that Brockport would realize on cannabis sales. Finally, there is the issue of safety in offering a product for sale that is legal, laboratory tested, highly regulated, and labelled. Especially at a time when the potency and adulteration of the illegal street version is uncontrolled and often dangerous.
- Manager/Clerk Linden read for clarity to the board the resolution Local Law No. 1, opting out of licensing and establishing retail cannabis dispensaries within the Village of Brockport. A vote "yes" is to opt out of cannabis retail sales. A vote "no" is to remain opted into cannabis retail sales.
 - Manager/Clerk Linden Roll Call Vote:

Mayor Blackman	_____	No
Trustee/Deputy Mayor Crane	_____	No
Trustee Kristansen	_____	Yes
Trustee LaPierre	_____	No
Trustee Halquist	_____	No
 - Vote: 1-4, motion is not carried.

Local Law No. 2, 2021

Village of Brockport, County of Monroe

A local law adopted pursuant to Cannabis Law § 131 opting out of licensing and establishing on-site cannabis consumption establishments within the Village of Brockport.

Section 1. Legislative Intent

It is the intent of this local law to opt the Village of out of on-site cannabis consumption establishments within its boundaries.

Section 2. Authority

This local law is adopted pursuant to Cannabis Law § 131, which expressly authorizes cities and villages to opt-out of allowing on-site cannabis consumption establishments to locate and operate within their boundaries.

Section 3. Local Cannabis Retail Dispensary and/or On-Site Consumption Opt-Out

The Board of Trustees of the Village of Brockport, County of Monroe, hereby opts-out of allowing on-site cannabis consumption establishments from locating and operating within the boundaries of the Village of Brockport.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, 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 judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State. Pursuant to Cannabis Law § 131, this local law is subject to a permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition, or a referendum has been conducted approving this local law.

- Moved By: Mayor Blackman
Seconded By: Trustee Kristansen
- Discussion
 - Trustee/Deputy Mayor Crane read the following statement - I will be voting, somewhat reluctantly, to allow on-site consumption businesses in the Village of Brockport. My rationale again is based on safety, for all the reasons I stated earlier about dispensaries, but especially traffic safety. Our residents who patronize these businesses, will most likely be leaving these businesses stoned. While I hope they will all have arranged safe transportation home, I know that is unrealistic. I want their way home to be short. I wish we had better information on the potential State regulations, as this type of business is harder for me to picture.
 - Trustee Halquist stated that he will be voting no for Local Law No. 2.
 - Trustee Kristansen stated that she will be voting yes for Local Law No. 2.
 - Trustee LaPierre stated that he will vote no and has no comment.
 - Mayor Blackman read the following statement – Throughout the United States, in States that have legalized marijuana and offered dispensaries, on-site consumption is more recent. In Nevada, for example, where cannabis has been legal since 2017, on-site consumption only became legal in October 2021. Las Vegas is only now building the first on-site consumption lounge in Nevada. In Amherst MA, where cannabis has been legal since 2016, they do not have on-site consumption at the present time. I am in favor of holding off on this one for now and opting out, as we see how the other licenses for cannabis products and distribution evolve in NYS.
 - Manager/Clerk Linden read for clarity to the board the resolution Local Law No. 2, opting out of licensing and establishing on-site cannabis consumption establishments within the Village of Brockport. A vote “yes” is to opt out of cannabis places of consumption. A vote “no” is to remain opted into cannabis places of consumption.
 - Manager/Clerk Linden Roll Call Vote:

Mayor Blackman	_____	Yes
Trustee/Deputy Mayor Crane	___	No
Trustee Kristansen	_____	Yes
Trustee LaPierre	_____	No
Trustee Halquist	_____	No
 - Vote: 2-3, motion is not carried.

MANAGER/CLERK REPORT:

Manager/Clerk – Erica L. Linden

- Monroe County Sales Tax Distribution for Third Quarter, \$563,652.24, an increase of \$64,000 from the same quarter last year.
- Recommend Crossing Guard for Police Department Hire, Karen McCagg Feldhousen
- Trustee LaPierre moved, Trustee Kristansen seconded, to approve the Brockport Police department hire of Karen McCagg Feldhousen to the Crossing Guard position.
Motion carried 5-0.
- Recommend cell phone stipend for (3) support staff to match DPW stipend. The Water Clerk, DPW Clerk, and Code Enforcement Clerk are not salaried and are called upon to use their phones to be efficient and effective on a daily basis while working on community business. All the department heads support this recommendation.
- Trustee LaPierre moved, Trustee Kristansen seconded, to approve the cell phone stipend of \$25/month for three support staff employees: Clerk Krizen, Clerk McNees, and BI/CEO Coordinator Weed, to match Department of Public Works stipend.

Motion carried 5-0.

- Emergency Response Plan, that is required and currently being developed by the DPW, will hopefully be available for Board review prior to Dec 20 meeting. There are two versions of this plan, a private plan, and a public plan. The private plan lists emergency contact information for village officers in the event of an emergency. For safety and security reasons, this version of the plan cannot be made public and will not be published. Village Board members will need to go to Village Hall to review the plan prior to the December 20th Village Board meeting. This plan is required to be adopted on or before December 31, 2021.

VILLAGE BOARD ANNOUNCEMENTS:

- Bridging the Closure Committee (BCC) - Subcommittee list & update - Trustee Kristansen reported that the four subcommittees are: Active Transportation/Recreation; Marketing/Social Media; Vehicular Traffic/Signage; Special Events/Fundraising. Expectations, goals and tasks have been developed for each subcommittee and has been submitted to Mike Andriatch, BCC member representing SUNY Brockport. Mr. Andriatch will be coordinating interns for the spring semester to work with the subcommittees. BCC will meet again on Saturday, Dec 11th.
- Zoning Re-Write Update – Trustee Kristansen stated that she met last week with Andy Martin, Ingalls Planning & Design. They are hopeful the village board will have the first draft of the re-write at the end of January 2022. If the timeline keeps moving along, the final version should be ready for a vote by the end of summer 2022.
- Plan Forward, Monroe County Comprehensive Plan – Trustee/Deputy Mayor Crane reported that on November 17th, as the mayor had a conflict and could not attend, she attended a focus group meeting with Plan Forward, the Monroe County Comprehensive Plan committee. The County is early in its Comprehensive Plan process. For the purpose of these meetings, they divided the County into four quadrants and convened four focus groups with representatives from each municipality within that quadrant. We are in the Canal West quadrant, which includes the Village of Brockport, Sweden, Clarkson, Spencerport, Ogden, and Gates. As the County has no land use jurisdiction the focus of the Comprehensive Plan will stress working together to help achieve goals. The guiding elements are equity and social justice, resilient landscapes, and healthy people and communities. The topics they will focus on are regional collaboration, connected systems, intentional environments, integrated food systems and strong centers and destinations. We were asked: *What makes Monroe County a great place to live?* Answers included: parks, business opportunities, higher education, health care, affordability, cultural activities, diversity, and variety. We were asked: *What's missing that would make it better?* Answers included public safety, infrastructure including broadband and transit, alternative energy, industrial opportunity, sports center, more shared services, mental health care, senior services, improved Ontario waterfront, and bridging disparities between the east and west sides. We were asked: *What would your municipality like to do that you can't now?* Answers were almost entirely about infrastructure-water, bridges, highways, road extensions, sidewalks, and parks. Discussions included transportation and the revised RTS (Rochester Transit System), parks including the canal path, agriculture including solar farms, cannabis, and the need to protect farmland, housing needs and issues, and flood plains. It was an interesting and, I hope, helpful meeting.
- COVID-19 Rapid Test Kits – Mayor Blackman reported that when Monroe County Executive Bello declared State of Emergency on November 30, 2021, he mentioned that the county would be distributing 750,000 COVID-19 Rapid Test Kits to municipalities in the county. There was some confusion, as villages in the county were not included in the distribution, only towns. The Town of Sweden announced they would be receiving 7,500 kits and would be holding drive through distribution at the Sweden Town Hall and Clarkson/Sweden Rec Center on Saturday, December 11th, 2-4 pm. The mayor has reached out to Monroe County Executive Bello and Sweden Supervisor Johnson to inquire as to how Village of Brockport residents will fit into this plan.
- Upcoming Dec 20th Village Board meeting and Dec 27th Workshop – Mayor Blackman reported that she will not be able to attend these meetings. Trustee/Deputy Mayor Crane will chair these meetings. Trustee Kristansen and Trustee Halquist will not be able to attend the Dec 27th Workshop, therefore it is cancelled, as there will not be a quorum.

ADJOURNMENT

- Trustee LaPierre moved, Trustee Halquist seconded, to adjourn the regular meeting at 7:47 pm. Motion carried 5-0.

Next Meeting: Monday, December 20th at 7pm