

VILLAGE OF ALTAMONT
REGULAR BOARD MEETING
October 5, 2021

Mayor Kerry Dineen
Trustee Nicholas Fahrenkopf
Trustee Michelle Ganance, Absent
Trustee Tresa Matulewicz
Trustee John Scally

Patty Blackwood, Clerk
Catherine Hasbrouck, Treasurer
Jeffrey Moller, Supt. of Public Works, Excused
Kyle Haines, Altamont Fire Chief, Absent
Jason Johnston, Altamont Police Chief, Absent
Allyson Phillips, Legal Counsel

General Public: 11

7:00 p.m.

Mayor Dineen called the meeting to order with the Pledge of Allegiance.

Kyle Haines, Chief Altamont Fire Dept., submitted a Chief's report for October. Copy of report included with Official Minutes.

Jeffrey Moller, Supt. of Public Works, submitted a Department of Public Works report for October. Copy of report included with Official Minutes.

Trustee Scally made a motion seconded by Trustee Matulewicz to approve the Treasurer's report; Abstract #8, and #9, transfer from the General Fund to the Sewer Fund of \$35,000 and transfer of funds as submitted. **Roll Call: All in favor**

Public Comment:

Kate Provencher, Thatcher Drive, stated she appreciates the Fire Department's and Public Works Department's reports getting attached to the agenda. Ms. Provencher stated she appreciates all the work done by Department of Public Works on the recent water main break. Ms. Provencher inquired if this is the type of situation of why the Village would want to connect to the Town of Guilderland's water supply. Mayor Dineen stated this is the exact reason why and the Village has had issues like this in the past. Mayor Dineen stated this is a priority of hers and the Village will be working on putting grant applications together for that. Ms. Provencher stated she wanted to make a public comment in support of that work because it's clearly important.

Daniel Barker, Archives & Museum, reported the 2nd annual Founder's Day is Sunday, October 10th from 10:00 a.m. to 2:00 p.m. The day's activities will include the Archives being open, the Village Visionaries exhibit on display, there will be activities in Orsini Park, a new exhibit will be at the Altamont Free Library that focuses on the 95th anniversary of automobile races at the Altamont Fairgrounds, and there will be a walking tour of the business district of "Museum in the Streets".

Trustee Fahrenkopf read into the record the Village of Altamont's proclamation to Honor the 95th Anniversary of Automobile Racing at the Altamont Fairgrounds. Copy of proclamation included with Official Minutes.

Public Hearing at 7:08 p.m.

Allyson Phillips, Legal Counsel, opened the public hearing with reading of the Legal Notice in connection with Proposed Local Law No. 2 of 2021 of the Village of Altamont to Opt-Out of Retail Cannabis Dispensaries and On-Site Cannabis Consumption Facilities within the Village of Altamont and Subject to Permissive Referendum Pursuant to Cannabis Law Section 131 and Municipal Home Rule Law Section 24.

Mayor Dineen asked Ms. Phillips for a brief summary of what the Village's choices are, the deadline dates and because we are doing this one way doesn't mean it's going to be this way.

Allyson Phillips, Legal Counsel, stated New York State has enacted a statewide legislation that provides for the issuance of licenses for cannabis, retail dispensaries and on-site consumption facilities. That's for adult use marijuana on-site. The way the state legislation has been set up, if a municipality does not take action to opt-out of having these licenses within their jurisdiction, you're automatically allowing them within the Village. If you don't take any action to opt-out, then you're basically allowing the State to process and issue licenses for these types of facilities within your jurisdiction. You do have the option though, to opt-out, which is essentially asking the State Cannabis Control Board, not to issue licenses for either on-site consumption facilities or retail dispensaries within your jurisdiction. To take that action to opt-out, it has to be by local law. At the Village's September meeting, a local law was introduced to opt-out for both on-site cannabis consumption facilities and dispensary facilities. That local law is subject to a public hearing requirement, which has been noticed for this evening. Basically, the Village Board is going to hear comments on the proposed local law, which is to opt-out or to request that the State not issue licenses for either of those types of facilities within the Village. If the Village determines that it will adopt that local law, that will be subject to a permissive referendum. If the Village decides after hearing and considering the public comment tonight, that it does want to adopt the local law to opt-out or to request that the State not issue those types of licenses for the Village, there will be a period of 30 days where a petition for permission referendum can be submitted to the Village Board. The permissive referendum requests that this be voted on in a special election. Essentially, the proposed local law is the topic of the public hearing tonight and that's to opt-out or request that the State not issue licenses for either type of facility within the Village.

Mayor Dineen stated opting-out allows the Village to opt-in later once the rules and the Department of Cannabis Management for New York State are actually formed, which they aren't right now. It would let the Village opt-in later and then develop zoning laws or codes to go along with them. But this is the only opportunity to opt-out by December 31st.

Allyson Phillips, Legal Counsel, stated the Village has to take the action to opt-out by December 31st and then the Village would have the ability later on to opt back in, but the Village has to opt-out initially during this period before the end of the year.

Trustee Fahrenkopf stated to be clear once the Village is in, they can't get back out.

Allyson Phillips, Legal Counsel, stated this is correct.

Mayor Dineen stated that's why the Village introduced the law this way because the Board felt that maybe to start with the Village wants to be a little more conservative and once the rules are made, then the Village can develop their own zoning code. Mayor Dineen asked if there were any questions or comments.

Danny Ramirez, Zoning Board of Appeals Chairperson, stated he would like to make sure that we all sit down and revisit the Comprehensive Plan as well as the definitions for the Zoning and review the Use Schedule.

James Sullivan, Main Street, stated as he understands it the effect of this proposal will not prohibit the Village from opting back in at a later date, but while we are opted-out, does that preclude the Village from sharing in the revenue generated? If the Village takes years and years to come up with a policy, are we missing out on years and years of revenue? While we are opted-out, are we also opting-out of having a seat at the table that developed those rules? We should embrace this industry with open arms and opt-in. Mr. Sullivan stated he can't think of another retail business where we would say, no, I don't want this legal activity and commerce tax revenue here. We should be excited that open commercial space could be viewed favorably by retail dispensaries or industrial space could be used to grow or process and produce products. Mr. Sullivan stated he would rather see our farm fields filled with cannabis than leveled and filled with developments or more apartments. Reports of retail dispensaries show that the people engaged in this activity are the very people in this room. Moms, dads, grandmas and grandpas. The license plates are predominantly New York and Massachusetts plates. He doesn't know why we would want to continue to send our tax revenue to other states or even other communities. Let the Village benefit. 22 million people use cannabis each month probably some in this room and if not you then someone you know and love. The doom and gloom prophecies by opponents of legal cannabis, haven't been a reality of the communities that have been on the forefront of this, that have legalized before New York. We shouldn't fear a business just because we may not be a customer. Mr. Sullivan stated he came across some interesting facts that he thought he'd share. Most of these facts come from the Cato Institute, which isn't exactly a liberal hippie group. Home values increased \$22,000 more in cities with recreational dispensaries compared to home values in cities where recreational marijuana is legal, but dispensaries are not available. States that have been legal the longest, have a lower-than-average violent crime rate. Research has shown that marijuana dispensaries don't increase crime rates in the neighborhoods where they are located, nor does the retail element promote more drug or alcohol abuse among young people which is definitely a concern to some parents. According to some studies, tobacco and liquor stores, comparatively do seem to promote higher rates of violent crime. Yet we don't seem as concerned about that, nor should we. Also, there's been no increase in vehicle fatalities associated with legalization and or dispensaries.

Mike Martin, Grand Street, stated one of the things that bothered him a little bit about this, is that we were artificially taking ourselves out of something that might actually benefit the community and the Village itself. By saying, we want to opt-out, are we going to put ourselves in a position potentially where someone comes in that might want to have a retail dispensary here, a facility here, and we have to go through the work to opt back in to get that person to come here? In our process about being opting back-in, are we in a place where they look elsewhere, they decide they want to do this in a different spot? This is tax revenue. This is a way for us to have something here that allows us sustainably to still have farming at the point. We would rather have crops than no crops. Mr. Martin stated he doesn't want more buildings. He wants to be able to have the opportunity to have this if it makes sense for our community. He feels like the way the

dispensaries are going, what are really the odds that someone's going to come to Altamont within the first instances of this becoming available, and say hey I want this to be in the Village? It's almost like saying I'm not going to buy a lottery ticket or I'm not going to accept my reward without buying a lottery ticket. We should leave the possibility open so we can at least see if someone is interested here rather than wait for the potential unknown of what the regulations are going to look like, because really, we have seen how this has manifested in other states and there's concrete evidence that it hasn't caused the mass chaos that a lot of people thought and it will lead us open to those possibilities.

Kate Provencher, Thatcher Drive, inquired why the Village would opt-out. She stated she was curious about the reasoning of that. If it's a legal business, we haven't opted-out of having alcohol establishments or selling cigarettes or lottery tickets.

Trustee Fahrenkopf thanked the previous gentlemen for their points. They're really good ones and he doesn't necessarily disagree with any of them. His only concern is not so much the chaos that this industry would bring, but more of the chaos from the State of New York and how they're implementing these rules. Only since the Board's last meeting, have they appointed anybody to the Cannabis Control Board. They haven't even really started doing their work. He's more concerned about how the rules are going to be done and how things are going to get split up. What are the rules that are going to come down from New York State before we definitely say we want this for our community? Speaking on behalf of himself and not the Board, he definitely wants to keep looking at this. The State is now moving quickly. Some of the other distractions that they've had to deal with are out of the way. He hopes that in the next couple of months the Board will keep looking at it. If it looks like it's going to make sense for this community, the Board should revisit it. Trustee Fahrenkopf asked the public to bug them again and come back in a couple of months and ask what the Board has done or shoot them an email if the public doesn't want to come to another meeting. We should follow-up and keep on top of this.

Mayor Dineen stated the Village would enjoy the tax revenue that could potentially come in from something like this. The Board was looking at this from an administrative viewpoint. That's why they approached it in this direction. Being that we are small, our zoning code has more of an impact directly on us because there's not that many of us here. Having the opportunity to develop and put in whatever regulations we need to. To have something here, such as an alcohol establishment, there are rules and there is a group that runs it for the State and it's all organized. Same thing for lottery tickets. Right now, there isn't anything for the Cannabis and if the Board doesn't take a conservative approach, as far as when the Village gets in, then the Village won't have any say. As this little Village, the code affects us all. Due to the Village's size and how they work, hands-on with both Zoning Board, Planning Board, Village Board and the departments, it's not years and years before we develop a local law. Alison can speak to that. We are pretty efficient. If we see there's an interest, we put a group together and can start to develop something, along with Allison's help, that the Board can look at as the rules are developed to be able to come right back and look at this within the year and say, okay, the State's moved this way. Maybe this is a good time to say let's consider this with X, Y, and Z. We have the ability to do that because we're not so big. We are the people, we don't have departments, it's us. We would love to have help. If it's a committee, we would love to have help with that. Mayor Dineen stated those are her thoughts on why she would want to opt-out now because we just don't have anything guiding us.

Trustee Matulewicz stated she agrees. With the regulatory committee just being formed, we don't know what that's going to look like just yet. If the State is able to issue these licenses and we start having applicants coming before the Board for Planning and Zoning, we have no framework to go off of just yet. She would like to be more prepared to welcome this kind of business to Altamont and be able to do it in a way that we're considering our Comprehensive Plan, considering the Village Code and have those things in place first. It would be very disorganized to have an applicant come and say I've got this licensing, it's legal. Trustee Matulewicz stated she echoes Trustee Fahrenkopf's sentiments. She doesn't disagree with the two gentlemen who spoke earlier. She would love to hear more about this but she thinks we need to go about this a little wiser and get the regulations down from the State and see what they look like and then develop our framework within the Village if there is an interest.

Trustee Scally stated he feels the same way. He thanked the public for speaking. He does hear what the public is saying and it would be a nice opportunity for the Village to have tax revenue, but at the same token, we need to have a little more framework for our Planning Board and Zoning Board for them to be able to say these are the rules and regulations that we need to move forward for the future. At this point, he agrees that we need to take a little bit of a step back and hear what are the regulations that come down from New York State and move forward if more of the community is interested. If we have people coming that would like to set up a dispensary, down the road we can opt-in. Trustee Scally stated he agrees with everyone else.

Mayor Dineen stated she would imagine with the deadline of December 31st, something's got to start being in place by the new year.

Trustee Fahrenkopf asked if any feedback via email came in. Patty Blackwood, Village Clerk, stated no emails had come in from anyone.

Judi Dineen, Sunset Drive, inquired if we don't opt-out will we be automatically in. Mayor Dineen stated that it is automatic and there is no opportunity to get out, should a framework come down that maybe doesn't work for the Village or a rule that doesn't work for us. This is the only opportunity to do that.

Trustee Scally stated, as Trustee Matulewicz pointed out, since we don't have a framework, we have to come up with our own framework at that point.

Trustee Matulewicz stated she thinks that would really be putting the Planning and Zoning Boards on the spot with having to come forward with nothing to go off of in the Village Code.

Kate Provencher, Thatcher Drive, inquired if the Board is expecting New York State to give them regulations.

Mayor Dineen stated she thinks if we opt-in now we don't get choices, but if the Village opts-out we can develop and put it into our zoning in a way that fits for our Village.

Allyson Phillips, Legal Counsel, stated the State will issue regulations to guide their decision-making and issuing licenses. We expect that there will also be some kind of requirements in there as far as regulating geographic location and the number of licenses within a given geographic area, similar to what we have with alcohol. There will be State regulations governing the use and issuances of the license, but under the State statute, it's

very clear that municipalities will still have the ability to regulate the manner, the time and the location of these facilities through their zoning laws. There are some kinds of general standards in the State statute right now, like the zoning laws can't unreasonably restrict the operation of the use of the State to issue a license, but we don't have any guidance yet as to what would be considered an unreasonable restriction. In states that are already allowing these licenses and have legalized it for several years now, you can see how their regulatory frameworks have basically come into play over a number of years and they developed standards for what they would consider to be an unreasonable regulation. Right now, in New York state, we don't have any of that. We do expect within the next couple of months, the State and this new Marijuana Control Board, that's been formed, will issue some regulations to guide your decision making on State licenses. There may be guidance to municipalities as to how and what extent of their jurisdiction is under their local zoning laws to regulate these uses, but we're not really sure yet because nothing has come out. Taking this kind of proactive approach to opt-out now, it's almost a way to maintain the status quo while you see what regulations come out of the State and think about how you can adapt your own local laws within the extent of your jurisdiction to regulate the manner and location of these new uses.

Trustee Fahrenkopf stated it's a very clear deadline of December 31st for us. There is no deadline that the State set for the State to come up with their rules. Some people probably expected that those rules would come out before a deadline, but there's nothing to say they need to.

Mike Martin, Grand Street, inquired why now, if the deadline is there, he knows administrative and getting things done comes into play, but what's our run up time to get something done if we want to opt-out? Do we have any leeway to say, lets wait until November or early December to see what actually happens?

Mayor Dineen stated the timing is a factor with this because of the permissive referendum and the Board didn't want to come down to the wire for this. That's not comfortable.

Allyson Phillips, Legal Counsel, stated the only thing that's clear in the statute is that you have to opt-out by the adoption of a local law by the end of the year. There is some discussion, and it's not clear from the statute, whether that is the date of the adoption of the local law or the running of the permissive referendum period that follows the adoption of the local law. By acting now, you're acting on the safe side that you're adopting it well in advance. The general consensus is that it's the actual adoption of the local law. The adoption of a local law, it takes consideration. You have to notice that you have to hold a public hearing. You have to talk about SEQRA, which the Board is prepared to do tonight. So, it's not something you really want to leave to the last minute.

Kate Provencher, Thatcher Drive, stated what the Board is talking about makes sense and is reasonable. Ms. Provencher inquired if another part of being proactive would be to go ahead and start a work group now to look at what we would want locally. That way once those regulations come down and you have the chance to look at them, we could move quickly rather than waiting to start a work group. We could look at what is happening in our states.

Mayor Dineen stated she thinks it's a good idea and would take volunteers for the work group and maybe set something up by next month.

Trustee Matulewicz stated she likes that idea.

Trustee Fahrenkopf stated he would like to think that he pays attention to the news and how things come out. But if folks find new stories that you think would help inform us, please by all means, pass them along.

Trustee Scally made a motion seconded by Trustee Fahrenkopf to approve closing the public hearing at 7:32 p.m. **Roll Call: All in favor**

Village Board discussed SEQRA review on proposed Local Law No. 2 of 2021 entitled “A Local Law to Allow the Village of Altamont to Opt-Out of the Retail Dispensary License and On-Site Consumption License Provisions of the Marijuana Regulation and Taxation Act/New York Cannabis Law”.

Trustee Fahrenkopf made a motion seconded by Trustee Matulewicz to approve Resolution Issuing Negative Declaration under SEQRA and Adopting Local Law No. 2 of the Year 2021 entitled “A Local Law to Allow the Village of Altamont to Opt-Out of the Retail Dispensary License and On-Site Consumption License Provisions of the Marijuana Regulation and Taxation Act/New York Cannabis Law”.

Roll Call: All in favor

Village Board discussed a memo from Young Sommer, LLC regarding a conflict disclosure involving Borrego Solar.

Trustee Fahrenkopf made a motion seconded by Trustee Scally to approve the Waiver of Conflict for Young Sommer, LLC. **Roll Call: All in favor**

Trustee Scally made a motion seconded by Trustee Matulewicz to approve authorizing Mayor Dineen to sign contract with R & R Logging for sale of timber on Village of Altamont’s property located in the Town of Knox, Tax Map #47-1-27.

Roll Call: All in favor

Trustee Scally made a motion seconded by Trustee Fahrenkopf to approve appointment of Michael Greene, Cohoes, and Dominic Polsinelli, Guilderland, to part-time police officers, not to exceed 20 hours per week at a salary of \$15.00 per hour per recommendation of Jason Johnston, Chief. Positions are probationary for a period of up to one year. After successful completion of probation, salary will be increased to \$16.00 per hour. **Roll Call: All in favor**

Trustee Scally made a motion seconded by Trustee Matulewicz to approve resignation, with regret, of Robert Bennett Jr., part-time police officer, effective November 6, 2021.

Roll Call: All in favor

Trustee Fahrenkopf made a motion seconded by Trustee Scally to approve application from William Earl Cleveland, Altamont, for Firefighter membership in the Altamont Fire Department per request of Kyle Haines, Chief. **Roll Call: All in favor**

Trustee Fahrenkopf made a motion seconded by Trustee Matulewicz to approve application from William Aubrey Cleveland, Altamont, for Junior Firefighter membership in the Altamont Fire Department per request of Kyle Haines, Chief.

Roll Call: All in favor

Trustee Scally made a motion seconded by Trustee Fahrenkopf to approve acknowledging required annual audit of Altamont Justice Greene's records that was conducted on September 22, 2021 by Tresa Matulewicz, Trustee, and Catherine Hasbrouck, Treasurer. **Roll Call: All in favor**

Trustee Matulewicz made a motion seconded by Trustee Scally to approve changing date of Budget Workshop from October 19th to October 28, 2021 at 6:00 p.m.
Roll Call: All in favor

Trustee Scally made a motion seconded by Trustee Matulewicz to approve of Board Minutes for September 7, 2021. **Roll Call: All in favor**

Trustee Fahrenkopf made a motion seconded by Trustee Scally to adjourn at 7:45 p.m.
All in favor

Respectfully Submitted,

Patty Blackwood
Clerk