

Village of Lansing

MINUTES of the Board of Trustees Meeting held on Monday, November 1, 2021, via Zoom.

PRESENT: Mayor Ronny Hardaway; Trustees, Carolyn Greenwald, Simon Moll and Patricia O'Rourke, Randy Smith; Clerk/Treasurer, Jodi Dake; Attorney, Natalie French; Planning Board members, Monica Moll and Jim McCauley; 3 members of the public.

Mayor Hardaway called the Board of Trustees meeting to order at 7:33pm. Hardaway opened the public comment period.

Debra Dawson, Tompkins County Legislator, reported that Tompkins County has a recommended budget. There will be a public hearing on 11/7/21. The County will be using fund balance to keep the levy the same. Hartill stated that the sales tax revenue must be quite a bit higher. Dawson stated that so far it is. They have been tracking the level change from month to month from 2019 into 2021. Comptroller DiNapoli thinks it is tracking pretty accurately. If the County stays on track, they are going to be several million dollars over what they budgeted at the end of 2020. Dawson stated that the County budgeted conservatively because no one knew what was going to happen and 2020 was a terrible year for sales tax for the County.

Motion - To Close the Public Comment Period

made a motion to close the public comment period. seconded the motion. A vote was taken:

Mayor Ronny Hardaway-Aye
Trustee Patricia O'Rourke-Aye
Trustee Carolyn Greenwald-Aye

Trustee Simon Moll-Aye
Trustee Randy Smith-Aye

Consider New Attorney

On October 19, 2021, the Tompkins County Legislature appointed Bill Troy as the new County Attorney. Troy is closing his practice. As a County Attorney, Troy can no longer represent individual municipalities. Troy has recommended Natalie French and Peter Grossman of the law firm Barney Grossman & Dubow. We have worked with both of them in the past.

Resolution #6789 - To Appoint Natalie French and Peter Grossman from the Law Firm of Barney Grossman & Dubow as the New Attorneys for the Village of Lansing

Smith made a motion to appoint new attorneys. O'Rourke seconded the motion. A vote was taken:

Mayor Ronny Hardaway-Aye
Trustee Carolyn Greenwald-Aye
Trustee Randy Smith-Aye

Trustee Patricia O'Rourke-Aye
Trustee Simon Moll-Aye

Hardaway asked French to share her contact information with the boards and staff.

Dake stated that the Universal Premium Card online transaction did not go through online, therefore, the total for the General Abstract #5 was decreased by \$387.72 so the new total General Abstract #5 is \$42,841.02. This has been updated in the October 14th minutes.

Motion - To Approve the Minutes of October 14, 2021 With Changes

O'Rourke made a motion to approve minutes. Moll seconded the motion. A vote was taken:

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|-------------------------------|-------------------------------|
| Mayor Ronny Hardaway-Aye | Trustee Simon Moll-Abstain |
| Trustee Patricia O'Rourke-Aye | Trustee Carolyn Greenwald-Aye |
| Trustee Randy Smith-Abstain | |

Motion - To Approve the Minutes of October 18, 2021

Smith made a motion to approve minutes. O'Rourke seconded the motion. A vote was taken:

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|-------------------------------|-------------------------------|
| Mayor Ronny Hardaway-Aye | Trustee Patricia O'Rourke-Aye |
| Trustee Carolyn Greenwald-Aye | Trustee Simon Moll-Aye |
| Trustee Randy Smith-Aye | |

Public Hearings on Proposed Local Law E & F

Hardaway stated that the two proposed local laws are in response to the March 31, 2021, signing into law of the New York State Marijuana Regulation and Taxation Act by Governor Cuomo. As part of this, municipalities have the option of opting out of the local law regarding retail sales and consumption. Opting out must be done by 12/31/21 or a municipality is automatically opted in. Mayor Hardaway entertained a motion to open the public Hearing on Proposed Local Law E (2021)

Motion - To Open the Public Hearing on Proposed Local Law E (2021)-To Opt Out of Allowing Licensing and Establishing Retail Cannabis Dispensaries Within the Village of Lansing

Moll made a motion to open the public hearing. Smith seconded the motion. A vote was taken:

| | |
|-------------------------------|-------------------------|
| Mayor Ronny Hardaway-Aye | Trustee Simon Moll-Aye |
| Trustee Patricia O'Rourke-Aye | Trustee Randy Smith-Aye |
| Trustee Carolyn Greenwald-Aye | |

Deborah Dawson, 51 Dart Drive, stated that from her perspective this is purely an economic decision. The State legalized weed because it economically makes sense to legalize, regulate and benefit financially from its sale and use. Dawson would hate to see the Village get left out of that.

She understands that it may appeal to some people to reserve judgement and wait and see how it turns out. But Deborah feels the problem is that people are going to open dispensaries in neighboring municipalities, and she is concerned that that will impact the mall. If the Village waits, the market may already be saturated. People are going to consume cannabis anyways, so why not benefit from it financially. Dawson added that she feels totally different about the on-site consumption.

Don Hartill, 896 Cayuga Heights Road, stated that he would endorse Dawson's comments. It is going to happen so he feels we should manage it in one way or another. Hartill is concerned about the on-site consumption aspects, but he feels the Village will have to figure out a way to manage that also.

Smith asked how many signatures would be needed on a petition to trigger a permissive referendum vote. Hardaway spoke with Steve Dewitt at the Tompkins County Election Board, and he stated that it would be 33.

If the Board did nothing, then the law takes effect as written in Albany, which means cannabis consumption, retail sales and on-site consumption sites are all legal. If the Board passes either Local Law E or F then that means that it will go up for referendum to get out of allowing sales or consumption. The Board decided to hold the public hearing open until November 15, 2021.

Motion - To Keep the Public Hearing on Proposed Local Law E (2021) Open and Resume Discussion on November 15, 2021 at 7:35pm

Smith made a motion to keep the public hearing open. O'Rourke seconded the motion. A vote was taken:

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|-------------------------------|-------------------------|
| Mayor Ronny Hardaway-Aye | Trustee Simon Moll-Aye |
| Trustee Patricia O'Rourke-Aye | Trustee Randy Smith-Aye |
| Trustee Carolyn Greenwald-Aye | |

Hardaway entertained a motion to open the public hearing on Proposed Local Law F.

Motion - To Open the Public Hearing on Proposed Local Law F (2021)-To Opt Out of Allowing the On-site Cannabis Consumption Establishments Within the Village of Lansing

Moll made a motion to open the public hearing. Smith seconded the motion. A vote was taken:

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|-------------------------------|-------------------------|
| Mayor Ronny Hardaway-Aye | Trustee Simon Moll-Aye |
| Trustee Patricia O'Rourke-Aye | Trustee Randy Smith-Aye |
| Trustee Carolyn Greenwald-Aye | |

Dawson, 51 Dart Drive, feels allowing on-site cannabis consumption is a bad idea. There is now the chance of having impaired drivers. The second concern is that we do not want to put

consumption on display for our underage population. Dawson feels very different about the on-site consumption than she does for on-site sales.

Smith stated that he understands why Dawson is for retail sales, so we do not miss out on the money. He questioned whether downtown would allow consumption establishments and if that were the case, aren't we still going to miss out. Dawson thinks the City and Town of Ithaca are going to be perfectly happy with retail sales. She does not know what their taste for on-site consumption is. No one really knows what will happen. Albany has been very slow to really define an on-site consumption place.

Monica Moll, 44 Dart Drive, stated that she had a logistical problem with allowing on-site consumption. If you do have on-site consumption, is it the edibles or smoking? She had a problem with the smoke because it affects other people. You can get contact highs from others as well. Do we want this with children around? She is not totally against it if it gets more defined and we actually knew what would be allowed. Ventilation is also an issue.

Simon Moll stated that he is leaning towards opting in to retail sales and opting out of on-site consumption.

Greenwald suggested that we make all our parks smoke free. Hardaway suspects that we will have to make some changes to our Code as far as smoking. It is going to be very hard to enforce.

Hartill stated it is a mixed bag. The smoking he is very concerned about and does not know about the eating. Hartill thinks the public hearing should be left open so people can think about what has been said and form their own reasonable opinions.

Hardaway stated that he agrees that this is probably not best for our village. He has seen how on-site dispensaries work but he has not seen an on-site consumption establishment, however, he has looked at some online. The set ups for consumption sites are going to be very expensive since they will probably need specialized air handlers within the facility to make sure that no smoke escapes. At the current time it is still unclear what the State is going to allow. Hardaway is leaning towards opting out on Local Law F but still would like to keep the public hearing open until November 15th just in case we get new information or someone else wants to speak.

Motion - To Keep the Public Hearing on Proposed Local Law F (2021) Open and Resume Discussion on November 15, 2021 at 7:40pm

Hardaway made a motion to keep the public hearing open. Greenwald seconded the motion. A vote was taken:

Mayor Ronny Hardaway-Aye
Trustee Patricia O'Rourke-Aye
Trustee Carolyn Greenwald-Aye

Trustee Simon Moll-Aye
Trustee Randy Smith-Aye

Hardaway stated that Attorney French sent us friendly changes to the Proposed Local Laws E & F which the Board agreed to do at this time before it is discussed again on November 15th. The

changes include slight wording changes to Section 3 of both laws. French is simply mirroring the language in the statute in her recommendations. The Board all agreed to the friendly amendments that are basically just clarification. They will be updated on the Village of Lansing website and will be included with the November 15th agenda. It was decided that it was not necessary to place another legal ad in the newspaper since the section that was changed was not originally in the paper.

Resolution #6790- To Accept the Following New Language of Section 3 for Local Laws E&F as Follows:

Proposed Local Law E

Section 3. Local Cannabis Retail Dispensary Opt-Out

The Board of Trustees of the Village of Lansing, County of Tompkins hereby opts-out of licensing and establishing retail cannabis dispensaries within the boundaries of the Village of Lansing, and requests the Cannabis Control Board to prohibit the establishment of such retail dispensary licenses within the Village of Lansing.

Proposed Local Law F

Section 3. Local Cannabis On-Site Consumption Opt-Out

The Board of Trustees of the Village of Lansing, County of Tompkins hereby opts-out of licensing and establishing on-site cannabis consumption establishments within the boundaries of the Village of Lansing, and requests the Cannabis Control Board to prohibit the establishment of such on-site consumption licenses within the Village of Lansing.

Hardaway made a motion to accept this resolution. Moll seconded the motion. A vote was taken:

Mayor Ronny Hardaway-Aye
Trustee Patricia O'Rourke-Aye
Trustee Carolyn Greenwald-Aye

Trustee Simon Moll-Aye
Trustee Randy Smith-Aye

Mayor's Comments

Hardaway stated that the Village received the Sewer Expansion Project 239 Review letter back from the County with no recommended changes. TG Miller has sent our engineering plans to NYSDEC for their approval and sign off. There will be a "page-turn" tomorrow at a meeting. At that time, they go through the document and discuss anything that might be of interest or concern with NYSDEC. We hope to hear back in November. After this the project can go out to bid.

Hardaway reminded everyone to vote tomorrow.

General Discussion

Moll stated that he sent everyone the notes from the last Planning Board meeting. The BZA meeting is on November 16th. The public hearing for Millcroft is going to be set for November 30th.

Greenwald stated that she went to the municipal water meeting. At that meeting they were showing them Codes for stream buffering. Greenwald wondered if we had a code on that and if not, should we think about adding it. Greenwald was advised to contact Mike Scott to discuss that.

Greenwald stated that she is on the Solar Committee, and they have drafted a proposed Code change for solar. It has gone to Scott and Courtney. Greenwald will send it to French to look over. It will then go back to the committee before going to the Planning Board. Any proposed changes to the Code then have to be done by Local Law at the Trustee level.

Smith stated that he thinks he is supposed to cover November Planning Board meetings. Dake will send out the calendar. Smith is on the Lighting Committee which is trying to finalize some verbiage in our lighting laws. They are getting close to having something for the Boards to look at. Smith has data for the Trustees to review on employee retirement insurance, which he will send out.

O'Rourke stated that she had sent everyone the estimate and proof of the plaque to dedicate the new administration office conference room in 2022. She asked if everyone was ok with ordering it.

Resolution #6791-To Authorize Dake to Send a Deposit to Signarama to Start Creating the Plaque for the Conference Room

O'Rourke made a motion to accept this resolution. Smith seconded the motion. A vote was taken:

Mayor Ronny Hardaway-Aye
Trustee Patricia O'Rourke-Aye
Trustee Carolyn Greenwald-Aye

Trustee Simon Moll-Aye
Trustee Randy Smith-Aye

Motion- To Adjourn

Smith motioned to adjourn. O'Rourke seconded the motion. A vote was taken:

Mayor Ronny Hardaway-Aye
Trustee Patricia O'Rourke-Aye
Trustee Carolyn Greenwald-Aye

Trustee Simon Moll-Aye
Trustee Randy Smith-Aye

The meeting was adjourned at 8:26pm.

Jodi Dake, Clerk/Treasurer