

MINUTES – TOWN OF ALLEGANY
PUBLIC HEARINGS & REGULAR BOARD MEETING
TUESDAY, NOVEMBER 9, 2021 7:00 PM BIRCH RUN

PRESENT:

Supervisor Hitchcock	Town Clerk D. Pinney
Councilman Maguire	Councilman Nazemetz
Comptroller D. Piccioli	Councilwoman Martin
Hwy. Superintendent Moshier	

ABSENT:

Councilman Cooper, Attorney Tuttle

ALSO PRESENT:

Stephanie Guthrie, James Simpson, Rick Miller (OTH), Barb Branch, Jeff Branch, Christopher Martin, Scott Simpson & Frank Clark

Public Hearing – To get public opinion on: adult-use cannabis retail dispensaries and on-site consumption licenses in the Town of Allegany

1. Supervisor Hitchcock opened the Public Hearing
2. Jeff & Barb Branch, 84 Sherwood Drive, who live in the Village asked if the Village was on board with allowing cannabis dispensaries. The board responded that the Village had decided not to opt out. Councilman Maguire stated that the village was invited to participate with the Town in a joint public hearing. They declined. Mr. Branch asked how the Town of Allegany is going to benefit from saying yes? Supervisor Hitchcock stated that we haven't gotten a lot of input from the State leadership. He also said the Town would split 3% with the Village equally unless an agreement has been established based on gross sales and the county would get 1% & 5% goes to the state for a total of 9%. Mrs. Branch also asked what other towns are doing & the Board responded that they were not sure & many other towns are trying to decide what to do as well. Mr. Branch asked if it's why many towns & villages are opting out because they don't know the particulars to make an informed decision. Councilman Nazemetz stated that if Town does not act they are in. Mrs. Branch asked if we knew what other towns are doing. Councilman Maguire stated that all of the Towns are in the same position & are doing the same thing with public hearings.
3. Councilman Nazemetz stated that the Town has not has much guidance from the State. We are waiting to see how things roll out.
4. Councilwoman Martin stated that this is strictly for retail dispensaries and onsite consumption & nothing to do with the legality to use.

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5. Councilman Maguire discussed opting out of adult-use cannabis retail dispensaries and on-site consumption licenses separately or together.
6. Mrs. Branch asked if we are going to look at the complications that could arise from the use of cannabis for example ambulances & fights. Councilman Maguire responded that is why we are here, to hear from the public. These are the same issues that happen at bars. Supervisor Hitchcock responded these are always concerns as we are a college town. Councilman Nazemetz stated that there have not been rules set by NYS yet to follow on this. They also stated that onsite consumption licenses would have to applied for.
7. Christopher Martin 3743 Archibald Rd. stated that he is pro cannabis and it's going to be legal regardless and it would be a missed opportunity for the Town should benefit from the sale of cannabis if it is happening would rather see it done her & done safely in a licensed establishment instead of going where it may not be regulated. He would like to see the Town benefit from the business.
8. Scott Simpson 1177 Four Mile Road asked if and of the municipalities nearby have opted out yet stated that he is pro cannabis & asked if any municipalities have opted out. The board responded Ashford was the only one they were sure of. He said we will miss out on revenue if we don't. We would get at least a 50/50 split with the Village. He feels like it is the right way to go. The only downfall he could see is the additional cost for police through ticketing, but it is all becoming legal either way. It can be purchased anywhere and then brought here. It is going to happen no matter what and we might as well make some money off of it. Councilman Nazemetz said we just want to do it right & this is what this meeting is all about. Supervisor Hitchcock added that the Planning Board will also be involved as to where locations may be allowed.
9. Jim Simpson 862 Lippert Hollow Rd. agreed that if money is going to be there we should get it. He shared that he knows people that work in the marijuana industry and thin there states they are making far more money that was estimated. It is here now & if we can make money from it we should. It is screwed up the way the State is going about it. Why wouldn't you set your parameters up first and then opt out at first & then be able to opt in at any time. It is crazy the way the state is going about it. The municipality should know everything about it before they have to make-a-decision. The should be control and the Town should get tax money. He is also pro cannabis. He asked if the Board is pro or against it. Supervisor Hitchcock stated he is waiting on more information. He would like to see the Town have the money. Supervisor Hitchcock agreed the Town does need money.
10. Scot Simpson asked the Board if we opted out & a neighboring Town did not and allowed a dispensary would we feel like that was a missed opportunity? Councilwoman Martin said that it is a good point. Mr. Simpson said we don't

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want to be late to the game. Councilman Nazemetz said in this area if we are not one of the first to the table we will be the last but we definitely want to be sure we make the right decision when NYS puts rules into play we can run with it rather than having to back up and redo something we have already done.

11. Councilman Nazemetz stated that he wants to be ready when the state provides information.

12. Mrs. Branch stated she worked in medical & mental health and has concerns about self-medicating with cannabis. Councilwoman Martin responded that use is already legal in NYS and this is strictly for retail dispensaries and onsite consumption & nothing to do with the legality to use.

13. Chris Martin asked if the Town were to opt out could they share in the 3% of earnings from the Village? The Board responded we would not be eligible to get a cut. We only get money if we are in. If we opted back in later then we may be eligible.

14. James Simpson asked the board members individually for or against the dispensaries.

- Councilman Nazemetz is for it with rules & regulations to possibly make revenue for the Town.
- Councilman Maguire is pro with community support
- Councilwoman Martin is also in favor & we could use the revenue if it is done correctly. It is difficult because we have no guidance from the State.

15. Mrs. Branch asked who will be liable if there are related incidents such as an accident. It will be handled by law enforcement & the courts just like an alcohol related incident the liability would go back on the business that served it.

16. Mr. Clark stated that if we are not in we will be out.

#137-MOTION TO CLOSE THE PUBLIC HEARING

Motion by Councilwoman Martin to close the public hearing at 7:32 pm. 2nd by Councilman Maguire. Hitchcock-aye, Martin- aye, Maguire-aye, Cooper-absent, Nazemetz-aye. CARRIED

Regular Town Board Meeting

Salute to the Flag opened the meeting

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#138-MOTION TO ACCEPT MINUTES FROM THE OCTOBER 26, 2021 REGULAR BOARD MEETING

Motion by Councilman Nazemetz to accept the minutes from the October 26, 2021 Regular Board Meeting as written. 2nd by Councilwoman Martin. Hitchcock-aye, Martin- aye, Maguire-aye, Cooper- absent, Nazemetz-aye. CARRIED

AUDITED CLAIMS

Gen A	\$	97,085.54
Gen B	\$	2,614.30
Hwy DA	\$	17,185.45
Hwy DB	\$	32,635.84
Spec Dist.	\$	32,052.43

MONTHLY REPORTS

Town Clerk
Building & Zoning Depts.
Highway Dept.
Rec. Dept.
Cemetery
Assessor

- All Board members have received & reviewed the income & expense reports for October 2021.

Town Justice D. Porter – report for October 2021 – amount collected: \$ 5,378.00.
Town Justice A. Spears – report for October 2021– amount collected: \$ 7,271.00.

CORRESPONDENCE

1. Cattaraugus County Real Property Tax Dept. – required remote training for BAR members

NEW BUSINESS

1. Set public hearing on 12/14/2021 for water rate increase

#139-MOTION TO SET PUBLIC HEARING ON WATER RATE INCREASE

Motion by Councilwoman Martin to set a public hearing on 12/14/2021 at 7:00 pm prior to the regular board meeting to discuss a 3 % water rate increase. 2nd by Councilman Maguire. Hitchcock-aye, Martin- aye, Maguire-aye, Cooper-absent, Nazemetz-aye. CARRIED

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2. Refer solar moratorium to Cattaraugus County Planning Board for approval

#140-MOTION TO REFER SOLAR MORATORIUM LAW TO CATTARAUGUS COUNTY PLANNING DEPARTMENT FOR REVIEW

Motion by Councilman Nazemetz to refer the Towns Solar Moratorium Law the Cattaraugus County Planning Department for review. 2nd by Councilwoman Martin. Hitchcock-aye, Martin- aye, Maguire-aye, Cooper-absent, Nazemetz-aye. CARRIED

3. Resolution to apply for NYS Water Infrastructure Grant-new meters & system.
*Tabled – we no longer meet the criteria

OLD BUSINESS – none

OTHER BUSINESS – none

COMMITTEE REPORT

1. Supervisor Hitchcock gave an update on Town Hall renovation project
2. Supervisor Hitchcock, Councilman Maguire & Mike Higgins gave an update on the proposed Allegany Crossing sewer extension.
3. Councilman Maguire and Mike Higgins expressed an interest in applying for a grant/study through the Ralph Wilson Foundation for a trail that would run from the river trail to the high school. Deryle will get the link to start the application process. Stephanie Guthrie - Parks Director does not know if the public would be in favor of this.

FROM THE FLOOR – none

#141- MOTION TO ADJOURN THE MEETING.

Motion by Councilman Nazemetz to adjourn the entire meeting at 7:53 pm. 2nd by Councilman Maguire. Hitchcock-aye, Martin- aye, Maguire-aye, Cooper- aye, Nazemetz-aye. CARRIED

Respectfully submitted,

Deryle L. Pinney, Town Clerk
11/9/2021