

Minutes of the Town Board for November 16, 2021

**TOWN OF PITTSFORD
TOWN BOARD
NOVEMBER 16, 2021**

Proceedings of a regular meeting of the Pittsford Town Board held on Tuesday, November 16, 2021 at 6:00 P.M. local time in the Lower Level Meeting Room of Town Hall, 11 South Main Street, in person.

PRESENT: Supervisor William A. Smith, Jr.; Councilmembers Kevin S. Beckford, Cathy Koshykar, Katherine B. Munzinger and Stephanie M. Townsend.

ABSENT: None.

ALSO PRESENT: Staff Members: Jessie Hollenbeck, Director of Recreation; Paul J. Schenkel, Commissioner of Public Works; Brian Luke, Finance Director; Robert Koegel, Town Attorney; Renee McQuillen, Town Clerk; Shelley O'Brien, Communications Director; Amanda Madigan, Library Director; Joy Brown, Director of IT; Cheryl Fleming, Director of Personnel and Spencer Bernard, Chief of Staff; Suzanne Reddick, Assistant to the Supervisor.

ATTENDANCE: There was 1 additional staff member and 25 members of the public in attendance.

Supervisor Smith called the Town Board meeting to order at 6:02 P.M. and invited all to join in the Pledge to Flag.

PUBLIC FORUM ON MARIJUANA LEGALIZATION

Town Attorney, Robert Koegel was asked by Supervisor Smith to give a briefing on the matter. The State legislation known as the Marijuana Regulation and Taxation Act ("MRTA") adopted in March 2021 legalizes marijuana sales and use and imposes a licensing system and regulations around the use of medicinal and adult use cannabis and hemp.

Under Cannabis Law § 131, any town, city, or village may adopt a local law, no later than December 31, 2021, opting out of allowing the establishment of adult-use cannabis retail dispensaries and/or on-site consumption sites within the jurisdiction of such town, city, or village.

Failure by a municipality to opt out by the end of 2021 means that both marijuana retail sales and marijuana lounges become legal in the municipality by automatic operation of State law, and the municipality may never opt out in the future. However, any municipality that opts out before December 31, 2021 can opt in at any future date.

The Town Attorney noted that the State's Public Health Law regulates where marijuana could be smoked in public, noting that the rules would be substantially the same as for tobacco smoking.

Following the Town Attorney's comments, Supervisor Smith invited members of the public who wished to speak to do so. Catherine Doyle and Lance Brown supported opting in. Bernard Binbaum supported opting in for retail sales only. Madeleine Cucini, Beth Smythe, Lin Zhu, Joan Sperandio and Tim Rath supported opting out.

The Town Clerk then advised the Board that she had received emailed comments. She stated that 7 supported opting in; these were Tom DeCory, Clayton Oliver, Philip Szrama, Sadie Szrama, Dorothy Bauch-Barker, Geoff Silkey and Peter Gregory. She noted that 30 supported opting out of both

Minutes of the Town Board for November 16, 2021

marijuana sales and marijuana lounges; these were Lana Pinchman, Julie Frisk, Kathleen McMahon, Jeff Gold, Stacy Gold, Donna Roberts, Maureen Killeen, Marty Martina, Clayton Baker, Kevin Kenny, Lu Wang, William Lueck, Richard Wien, Karl Fleischmann, Renee Ricco, Eric Rathfelder, Laurie Karr, Shubing Cai, Natalie Maley, Amy Ord, David Hoppe, Carol Hoppe, Carolyn Gauvin, Kevin Walter, Eleanor Carson-Walter, Sarah Gibson, Brenda Myers, Patricia Damon, Bill Wood and James Brown. She continued that 1 resident, Jay Doyle, supported opting in to retail sales only, making a total, together with the in-person comments, of 9 for opting in completely, 35 for opting out completely and 2 for opting in only to retail sales. E-mailed comments are included as exhibits to these minutes.

Councilmember Townsend observed that any decision made by the Town does not include the Village. They will be making their own decision. She listed all the locations that the State's Public Health Law would prohibit smoking marijuana, which includes no smoking within a certain number of feet of a school or a place of worship, among other restrictions.

Councilmember Beckford thanked those who commented in person and via email indicating the importance of their comments on influencing the decisions made by the board. He feels that given the structure of the law it would be problematic for the Town if we did not pass the proposed Local Law #3. He understands resident's hesitancy towards opting in right now and agrees that by passing this local law, we are preserving the Town's right to change its mind.

Deputy Supervisor Munzinger commented she was in favor of adopting Local Law #3 and opting out at this time was the right decision.

Councilmember Koshykar added that she too felt it was in the Town's best interests to opt out at this time and shares the concerns expressed this evening. She commented even though we are opting out of retail and dispensing options the Town should explore other options to regulate the time, place and manner for use of recreational marijuana if we later decide to opt-in. Similar to zoning guidelines for other commercial businesses.

Councilmember Townsend expressed the view that the Board has time to enact time, place and manner regulations of marijuana before December 31, that currently the State is estimating that the regulations for dispensaries are at least twelve months out, if not longer. This would allow the Town enough time to incorporate changes into the Town Zoning Code update. She further clarified that she agrees with opting out on consumption lounges but is inclined to opt in for dispensaries. She looks forward to reading the comments submitted by residents.

Supervisor Smith said he had shaped his opinion over time as he has heard comments from residents and learned more about the industry and the impacts it can have. He stated that to him the most important thing is to be as sure as possible that, whatever decision the Board makes, it can be confident that decision has public support. He said that to be as sure as we can be about public support, and in order to preserve our rights while learning from the experiences of other Towns who opt in, opting out of both dispensaries and lounges before the end of the year makes the most sense.

LEGAL MATTERS

SETTING PUBLIC HEARING ON LOCAL LAW NO. 3 OF 2021: LOCAL OPT-OUT OF ADULT-USE CANNABIS RETAIL DISPENSARIES AND ON-SITE COMSUMPTION SITES WITHIN THE TOWN OF PITTSFORD

Supervisor Smith proposed a motion to set a Public Hearing for Local Law No. 3 of 2021, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The resolution was declared carried as follows:

WHEREAS, true and correct copies of proposed Local Law No. 3 of 2021: Local Opt-Out of Adult-Use Cannabis Retail Dispensaries and On-Site Consumption Sites within the Town of Pittsford, were delivered to each member of the Town Board; and

WHEREAS, due consideration has been given to the adoption of said proposed Local Law No. 3 of 2021, by all members of the Town Board who were present; and

WHEREAS, it was the considered opinion of all members of the Town Board who were present that a public hearing should be held on the 8th day of December, 2021, at 6:00 p.m. at the Town Hall, 11 South Main Street, Pittsford, New York, to consider the adoption of said proposed Local Law No. 3 of 2021;

NOW, on motion duly made and seconded, it was

RESOLVED, that a public hearing be held on the 8th day of December, 2021, at 6:00 P.M., Local Time, at the Town Hall, 11 South Main Street, Pittsford, New York, on the question of the adoption of said proposed Local Law No. 3 of 2021; and be it further

RESOLVED, that a Notice of Hearing and a copy of said proposed Local Law 3 of 2021, or a summary thereof, be published in a newspaper previously designated as an official newspaper for publication of public notices, not less than five (5) days prior to said hearing; and be it further

RESOLVED, that the Town Clerk shall post certified copies of both this resolution and said proposed Local Law No. 3 of 2021, or a summary thereof, on the Town website www.townofpittsford.org, and on the bulletin board, maintained by the Town Clerk pursuant to § 40(6) of the Town Law, for a period of not less than five (5) days prior to said public hearing.

After the vote, Supervisor Smith reminded the public that the vote tonight was only to set the date for a formal Public Hearing on the matter at the next Town Board meeting on December 8.

BE IT ENACTED BY THE

TOWN BOARD OF THE

TOWN OF PITTSFORD

NEW YORK

AS FOLLOWS:

**LOCAL LAW NO. 3 OF 2021:
THE ADOPTION OF PROPOSED LOCAL LAW NO. 3 of 2021:
LOCAL OPT-OUT OF ADULT-USE CANNABIS RETAIL
DISPENSARIES AND ON-SITE CONSUMPTION SITES
WITHIN THE TOWN OF PITTSFORD**

Sec. 1 Title

This local law shall be known as Local Law No. 3 of 2021: Local Opt-Out of Adult-Use Cannabis Retail Dispensaries and On-Site Consumption Sites within the Town of Pittsford.

Sec. 2 Legislative Intent

It is the intent of this local law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Pittsford that would otherwise be allowed under Cannabis Law Article 4.

Sec. 3 Authority

This local law is adopted pursuant to Cannabis Law §131, which expressly authorizes the Town Board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the Town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law §24.

Sec. 4 Local Opt-Out

The Town Board of the Town of Pittsford hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the Town's jurisdiction.

Sec. 5 Severability

If any clause, sentence, paragraph, section, or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, paragraph, section, or part thereof, or in its application to the person, firm, or corporation or circumstance, directly involved in the controversy or action in which such order or judgment shall have been rendered.

Sec. 6 Permissive Referendum/Referendum on Petition

This local law is subject to a referendum on petition in accordance with Cannabis Law §131 and the procedure outlined in Municipal Home Rule Law §24.

Sec. 7 Operative and Effective Dates

Minutes of the Town Board for November 16, 2021

This local law shall be operative immediately upon its adoption and take effect immediately upon filing with the Secretary of State.

WILLIAM JOHNSON CONSULTING AGREEMENT

Supervisor Smith commented on the proposed agreement for the professional services of Dr. William Johnson as a radio frequency consultant, to work with the Planning Board on applications for cell towers and other facilities. The agreement is proposed in anticipation of a Verizon application for construction of telecommunications towers and utility poles within Pittsford.

Following discussion among Board members, a Resolution to authorize the Town Supervisor to sign the proposed agreement, was offered by Councilmember Townsend, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

RESOLVED, that the Town Supervisor is authorized to sign the proposed "Agreement for Professional Services" with William P. Johnson for technical review of the impending application for wireless telecommunications facilities within the Town.

MINUTES OF THE NOVEMBER 4 TOWN BOARD MEETING AND NOVEMBER 10 SPECIAL TOWN BOARD MEETING APPROVED

A Resolution to approve the Minutes of the Town Board meetings of November 4, 2021 and November 10, 2021 was offered by Councilmember Townsend, seconded by Supervisor Smith, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

RESOLVED, that the Minutes of the November 4, 2021 and November 10, 2021 Town Board meetings are approved.

FINANCIAL MATTERS

PUBLIC COMMENTS

No public comments were offered.

BUDGET TRANSFERS APPROVED

Finance Director, Brian Luke, gave the board a brief overview of the proposed transfers and then a Resolution to approved the proposed Budget Transfers was offered by Deputy Supervisor Munzinger, seconded by Councilmember Townsend, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

RESOLVED, that the proposed Budget transfers are approved:

- That \$5,000 be transferred to 1.7110.4003.10.39 (WT – Parks Trail Maint.), \$4,000 be transferred to 1.7110.4003.10.7 (WT – Parks Shop Maint.), \$1,500 be transferred to 1.7110.4107.2.7111 (WT – Parks Unleaded Gas), and \$1,000 be transferred to 1.7110.4108.2.7111 (WT – Parks Diesel Gas). The source of the funds will be 1.7110.1000.1.7110 (WT – Parks Salaries).

Minutes of the Town Board for November 16, 2021

- That \$13,000 be transferred from 1.9950.9000.1.1 (WT – Transfer to Capital) to 1.2620.2007.10.3 (Bldg. Capital Improvements – Library) to purchase Roof Top HVAC Unit for the Library per the 2021 budget.
- That \$1,800 be transferred from 1.1990.4000.1.1 (WT – Contingency) to 1.2620.4118.10.11 (WT – Repairs / Maint. Jefferson Road Barns) to replace glass resulting from vandalism.
- That \$5,200 be transferred from 1.1990.4000.1.1 (WT – Contingency) to 1.5132.4118.10.4 (WT – Repairs / Maint. Highway

NOVEMBER VOUCHERS APPROVED

Following brief discussion regarding specific vouchers, a Resolution to approve the vouchers for November was offered by Deputy Supervisor Munzinger, seconded by Councilmember Beckford, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

RESOLVED, that the November 2021 vouchers No. 153494 - 153926, totaling \$ 2,409,761.22 are approved for payment.

PERSONNEL MATTERS

PUBLIC COMMENTS

No comments were made.

HIRING/PERSONNEL ADJUSTMENTS APPROVED

A Resolution to approve the recommendations for new hires and status and/or salary changes was offered for approval by Councilmember Townsend, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The following employee(s) are recommended as a new hire based on the recommendation of the Functional Coordinator(s) for these areas:

Name	Dept	Position	Rate	Date of Hire
Angel Martinez	IT	Network Administrator-RFT	\$28.46	11/22/2021
Aidan Berdy	Hwy	Laborer-RFT	\$18.35	11/22/2021
Grace Young	REC	Rec Assistant-PT	\$12.50	11/29/2021
Sophie Sheehan	REC	Rec Assistant-PT	\$12.50	11/29/2021
Madeline Fernandez	REC	Rec Assistant-PT	\$12.50	11/30/2021
Patricia Dromgoole	Court	Clerk to Town Justice -Seasonal	\$35.57	12/06/2021

All the proper reviews and background checks have been completed for these candidate(s) and have received appropriate sign off by the Town Board representative.

Name	Dept	Position	Rate	Date of Hire
Angel Martinez	IT	Network Administrator-RFT	\$28.46	11/22/2021
Aidan Berdy	Hwy	Laborer-RFT	\$18.35	11/22/2021
Grace Young	REC	Rec Assistant-PT	\$12.50	11/29/2021
Sophie Sheehan	REC	Rec Assistant-PT	\$12.50	11/29/2021
Madeline Fernandez	REC	Rec Assistant-PT	\$12.50	11/30/2021
Patricia Dromgoole	Court	Clerk to Town Justice -Seasonal	\$35.57	12/06/2021

Minutes of the Town Board for November 16, 2021

The following employee(s) is recommended for a status change and/or salary change due to a change in status.

Name	Position	Reason for Change	Salary	Effective Date
Marissa Polizzi	Rec – Asst 3	Additional Rate	\$14.15/hr	10/28/2021

Should the Board approve the above recommendation and personnel adjustment, the following resolution is being proposed, RESOLVED, that the Town Board approves the appointment for the following employee(s):

Name	Position	Reason for Change	Salary	Effective Date
Marissa Polizzi	Rec – Asst 3	Additional Rate	\$14.15/hr	10/28/2021

OTHER BUSINESS

Board members reviewed the current draft of the letter to the Public Service Commission. All agreed to sign it, for submission to the Commission. Councilmember Beckford suggested that because of the anticipated increase in heating costs this winter it might be wise to obtain another bid for electricity under the CCA program. Councilmember Townsend mentioned that further informing the public about Community Solar options under the Town's Community Solar Program might be beneficial, discussing opportunities for outreach along these lines at Town events planned for next year. Councilmember Koshykar inquired about plans for thanking volunteer board members; Supervisor Smith confirmed that a letter will be drafted thanking them for their service this year. She also commented about requests from residents in the Tobey Road area regarding hauling household junk away offered as a Town service. Commissioner Schenkel commented that he would need some further clarification on what resident means by junk, but he understands it to mean large items. He then stated the area in question, Tobey Ct., is a private drive that has a homeowners association and would need to work out concerns with the HOA first. He is not aware of any municipality that offers municipal junk collection of this kind, other than the periodic hazardous waste collection and old electronics collection that the Town offers jointly with Perinton. He noted that the Town would incur the same costs as a private hauler or property owner when disposing of items including additional liabilities possibly depending on items picked up. Most residents use their current garbage hauler if they need to do a large pick up or have an appliance that needs recycling. He further cited Monroe County resources available for recycling and disposal of household waste.

PUBLIC COMMENTS

Mary Moore submitted a comment.

With no further business, the meeting adjourned at 7:31 p.m.

Respectfully submitted,

Renee McQuillen
Town Clerk