

**TOWN OF NORTH EAST
TOWN BOARD
REGULAR MEETING
AUGUST 12, 2021**

Councilpersons present:

Councilpersons absent:

Supervisor Christopher Kennan
Councilman Ralph Fedele
Councilman George Kaye
Councilman John Midwood
Councilwoman Lana Morrison

Zoom web conference was available for viewing the meeting.

Call to Order & Pledge of Allegiance:

Supervisor Kennan called the meeting to order at 7:00 p.m. and followed with the Pledge of Allegiance.

Roll Call and Acceptance of Agenda:

Supervisor Kennan asked Clerk Wheeler for a roll call of Town Board members.

SUPERVISOR KENNAN:	HERE
COUNCILMAN FEDELE:	HERE
COUNCILMAN KAYE:	HERE
COUNCILMAN MIDWOOD:	HERE
COUNCILWOMAN MORRISON:	HERE

A quorum was present.

**RESOLUTION #1082021
Acceptance of Agenda**

RESOLVED, to amend the agenda by removing item #8 to accept bid for the renewal of the highway garage BAN.

Motion by Councilwoman Morrison and seconded by Councilman Kaye.

SUPERVISOR KENNAN	Voted AYE
COUNCILMAN FEDELE	Voted AYE
COUNCILMAN KAYE	Voted AYE
COUNCILMAN MIDWOOD	Voted AYE
COUNCILWOMAN MORRISON	Voted AYE

The Resolution was carried by a 5-0 vote of the Town Board members on August 12, 2021.

Supervisor Comments:

- There is an upsurge in COVID cases. Dutchess County has 595 cases with 21 hospitalizations. Two people have passed away. The positivity rate is 4.1 percent. The County has a high rate of transmission. The CDC projections for this wave, in the northeast, will peak in mid-September.
- Kathy Hochul, a prior councilwoman for the Town of Hamburg, is the new governor.

Motion to Approve Revised COVID-19 Protocols for Town Hall:

**RESOLUTION #1112021
Approval of Revised COVID-19 Protocols for Town Hall**

Supervisor Kennan mentioned the CDC recently updated its guidance regarding COVID as a result of the increasing incidence of new variant. In following, he presented a revised protocol for Town Hall in an e-mail dated August 6, 2021. The revised protocol is to be as follows:

1. Employees are asked to get fully vaccinated.
2. The doors will remain unlocked; however, we will continue to transact as much business, as possible, through the pass-through windows.
3. Everyone, including those who have been fully vaccinated, will be asked to wear a mask in Town Hall. People who have been completely vaccinated and are working alone in a room do not need to wear a mask.
4. Meetings can continue to be held in the board room. Everyone attending a meeting should be asked to wear a mask, and we will continue to observe the 50 percent capacity limit.

RESOLVED, to approve the protocols for Town Hall.

Motion by Councilwoman Morrison and seconded by Councilman Fedele.

SUPERVISOR KENNAN	Voted AYE
COUNCILMAN FEDELE	Voted AYE
COUNCILMAN KAYE	Voted AYE
COUNCILMAN MIDWOOD	Voted AYE
COUNCILWOMAN MORRISON	Voted AYE

The Resolution was carried by a 5-0 vote of the Town Board members on August 12, 2021.

Discussion of NY State Cannabis Legislation. Town & Village to Hold Community Forum on 8/31/2021 at American Legion:

Supervisor Kennan stated there will be a forum on August 31, 2021 at the American Legion to be hosted by the Village and Town.

Clerk Wheeler read the following:

**RESOLUTION #1122021
TOWN OF NORTH EAST**

**ACCEPTING PROPOSED LOCAL LAW AND SCHEDULING OF A PUBLIC
HEARING FOR PROPOSED LOCAL LAW NO. 1 OF THE YEAR 2021 ENTITLED “A
LOCAL LAW OPTING OUT OF ALLOWING ON-SITE CANNABIS CONSUMPTION
SITES AS AUTHORIZED UNDER NEW YORK STATE CANNABIS LAW ARTICLE 4”**

WHEREAS, on March 31, 2021, Governor Andrew Cuomo signed the Marijuana Regulation & Taxation Act legalizing adult-use cannabis (as known as marijuana, or recreational marijuana) in New York State. The legislation creates a new Office of Cannabis Management (OCM) governed by a Cannabis Control Board to oversee and implement the law (collectively referred to as “OCM”). The OCM will issue licenses and develop regulations outlining how and when business can participate in the new industry. The OCM will also oversee the State’s existing Medical Marijuana Program and Cannabinoid Hemp Program, previously regulated by the Department of Health; and

WHEREAS, the New York State law provides that towns can opt-out of allowing adult-use cannabis retail dispensaries and/or on-site consumption facilities from locating within their

**RESOLUTION #1132021
TOWN OF NORTH EAST**

**RESOLUTION ACCEPTING PROPOSED LOCAL LAW AND SCHEDULING OF A
PUBLIC HEARING FOR PROPOSED LOCAL LAW NO. 2 OF THE YEAR 2021
ENTITLED “A LOCAL LAW OPTING OUT OF ALLOWING CANNABIS RETAIL
DISPENSARIES AS AUTHORIZED UNDER NEW YORK STATE CANNABIS LAW
ARTICLE 4”**

WHEREAS, on March 31, 2021, Governor Andrew Cuomo signed the Marijuana Regulation & Taxation Act legalizing adult-use cannabis (as known as marijuana, or recreational marijuana) in New York State. The legislation creates a new Office of Cannabis Management (OCM) governed by a Cannabis Control Board to oversee and implement the law (collectively referred to as “OCM”). The OCM will issue licenses and develop regulations outlining how and when business can participate in the new industry. The OCM will also oversee the State’s existing Medical Marijuana Program and Cannabinoid Hemp Program, previously regulated by the Department of Health; and

WHEREAS, the New York State law provides that towns can opt-out of allowing adult-use cannabis retail dispensaries and/or on-site consumption facilities from locating within their jurisdiction, but to do so, the municipality must pass a local law by December 31, 2021, and if the town fails to do so, the town will be unable to opt-out at a future date; and

WHEREAS, the Town of North East Town Board has determined that it is in the best interest of the Town of North East to opt-out of on-site retail dispensaries within its jurisdiction; and

WHEREAS, this opt-out determination does not prohibit the consumption and possession of cannabis by individuals or production and distribution as these elements are regulated by New York State Law; and

WHEREAS, whatever action the Town takes, the legislation of the Town will not constitute support or endorsement of marijuana use within the Town in that such activities are strictly regulated by New York State Law; and

WHEREAS, this opt-out determination, while prohibiting cannabis retail dispensaries, does not prevent the Town from opting-in to allow such facilities at a later date; and

WHEREAS, the Town Board has studied the issues and the proposed local law, with the assistance of the Town Attorney and input from the Town Planning Consultant and have determined that the proposed local law is in the best interest of the Town of North East; and

WHEREAS, the Town Attorney has drafted a proposed Local Law; and

WHEREAS, the Town Board has determined to move forward with the adoption of said proposed Local Law with full reservation of rights, as a legislative act of the Town Board; and

WHEREAS, the Town Board has determined that this is an unlisted action under SEQRA, however, because there are no other involved agencies, the Town Board shall serve as lead agency for the SEQRA review of this action, and shall prepare the appropriate SEQRA documentation and analysis; and

WHEREAS, the Town Board has determined that the Local Law is acceptable for purposes of undertaking the local law adoption process, including, but not limited to, preparing the appropriate SEQRA material, making the requisite referrals, and hearing from the public and other interested parties.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby accepts the said Local Law and schedules a public hearing on said Local Law for September 9, 2021 at 7:25 p.m.; and be it further

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highway safety and accessibility for emergency services, is specifically authorized by Article 6, Section 135-a of the New York State Highway Law, now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to execute a change order for the Town's participation in the County Snow and Ice Control Programs, and the Town Superintendent of Highways is herein authorized to perform such work in accordance with, and to receive payment as outlined in the Town and County contract for the County Snow and Ice Control Program for the Winter season 2021-2022.

Motion by Councilman Fedele and seconded by Councilman Kaye.

SUPERVISOR KENNAN	Voted AYE
COUNCILMAN FEDELE	Voted AYE
COUNCILMAN KAYE	Voted AYE
COUNCILMAN MIDWOOD	Voted AYE
COUNCILWOMAN MORRISON	Voted AYE

The Resolution was carried by a 5-0 vote of the Town Board members on August 12, 2021.

Public Comments Period:

Andrew Stayman asked Councilman Kaye what special concerns he had about not opting in to allow the cannabis consumption site and dispensaries. Councilman Kaye stated he wanted time to see what was happening in other towns, specifically, if towns saw an increase in policing. In addition, he wants to know what factors will add a cost to the town.

**Supervisor's Report:
Budget Adjustment –**

**RESOLUTION #1152021
Approval of Budget Adjustment #5 of 2021 for A Fund**

RESOLVED, to approve Budget Adjustment #5 of 2021 for A Fund as follows:

In A Fund – General Town-wide, there is an expense increase of \$40,900 minus an expense decrease of \$32,430 and minus a revenue increase of \$8,470 resulting in a net of \$0.

Motion by Councilwoman Morrison and seconded by Councilman Midwood.

SUPERVISOR KENNAN	Voted AYE
COUNCILMAN FEDELE	Voted AYE
COUNCILMAN KAYE	Voted AYE
COUNCILMAN MIDWOOD	Voted AYE
COUNCILWOMAN MORRISON	Voted AYE

The Resolution was carried by a 5-0 vote of the Town Board members on August 12, 2021.

**RESOLUTION #1162021
Approval of Budget Adjustment #5 of 2021 for DB Fund**

RESOLVED, to approve Budget Adjustment #5 of 2021 for DB Fund as follows:

In DB Fund – Highway Town Outside, there is an expense increase of \$184,833 minus a revenue increase of \$184,833 resulting in a net of \$0.

Motion by Councilwoman Morrison and seconded by Councilman Fedele.

Approval of Minutes from Meetings of 7/8/2021 and 7/15/2021:

RESOLUTION #1192021
Approval of July 8, 2021 Minutes

RESOLVED, to approve the minutes of July 8, 2021.

Motion by Councilman Midwood and seconded by Councilman Kaye.

SUPERVISOR KENNAN	Voted AYE
COUNCILMAN FEDELE	Voted AYE
COUNCILMAN KAYE	Voted AYE
COUNCILMAN MIDWOOD	Voted AYE
COUNCILWOMAN MORRISON	Voted AYE

The Resolution was carried by a 5-0 vote of the Town Board members on August 12, 2021.

RESOLUTION #1202021
Approval of July 15, 2021 Minutes

RESOLVED, to approve the minutes of July 15, 2021.

Motion by Councilwoman Morrison and seconded by Councilman Midwood.

SUPERVISOR KENNAN	Voted AYE
COUNCILMAN FEDELE	Voted AYE
COUNCILMAN KAYE	Voted AYE
COUNCILMAN MIDWOOD	Voted AYE
COUNCILWOMAN MORRISON	Voted AYE

The Resolution was carried by a 5-0 vote of the Town Board members on August 12, 2021.

Meeting with Counsel:
General Legal Matters – There were no legal matters.
Executive Session (if needed) – No executive session was needed.

Adjournment:

RESOLUTION #1212021
Adjournment of August 12, 2021 Meeting

RESOLVED, to adjourn the meeting at 8:12 p.m.

Motion by Councilman Fedele and seconded by Councilwoman Morrison.

SUPERVISOR KENNAN	Voted AYE
COUNCILMAN FEDELE	Voted AYE
COUNCILMAN KAYE	Voted AYE
COUNCILMAN MIDWOOD	Voted AYE
COUNCILWOMAN MORRISON	Voted AYE

The Resolution was carried by a 5-0 vote of the Town Board members on August 12, 2021.

Respectfully submitted,


Gail J. Wheeler
Town Clerk