

A Regular Town Board meeting was held on December 2, 2021, at Lysander Town Hall, 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT: Robert A. Wicks, Supervisor
Peter Moore, Councilor
Robert Geraci, Councilor
Jeffrey Kudarauskas, Councilor
Roman Diamond, Councilor

MEMBERS ABSENT: None

OTHERS PRESENT: Dina Falcone, Town Clerk; Anthony Rivizzigno, Town Attorney; Al Yager, Town Engineer, Kevin Merrill, Parks and Recreation Director, PAC-B, and several guests and residents.

Supervisor Wicks called the meeting to order at 7:00 PM with the Pledge to the Flag.

Adoption of Minutes

RES#188/2021

Motion by Councilor Geraci seconded by Councilor Diamond to adopt the November 18, 2021 Town Board Meeting minutes.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Diamond	Aye		

All ayes, motion carried and adopted

Al Yager: *The Planning Board reviewed part two of the SEQR at the Town Board's request. The only two areas of concern that the planning board identified on the SHIPPO determination - Standard Historic Preservation Officer Determination - because the site is in an archaeological assessment area. We have received that now and Shippo has no further concerns. And at the time when the Planning Board reviewed part two of the SEQR we had not received the visual assessment that was provided this week simply because of whether the balloon fly was able to happen. So we've received those two documents, provided the Town Board doesn't have any additional concerns in regards to SEQR. We would be in a position to declare a negative declaration.*

**MOTION TO OPEN THE PUBLIC HEARING REGARDING
TARPON TOWERS/VERIZON CELL TOWER**

RES#189/2021

Motion made by Councilor Diamond seconded by Councilor Kudarauskas to open the public hearing at 7:01 PM.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Diamond	Aye		

All ayes, motion carried and adopted

Supervisor Wicks: *Okay, the public hearing is now open. Is there anyone wishing to speak for or against?*

Paul Kulba (Cold Springs Road): *I have a few questions to ask. And that Abbott wanted to sub-divide the property a long time ago – the home on Doyle – supposed to be forever green, it was called - and that's part of the area where the cell towers to go. It says conservation area - which I'm told means the same thing. I spoke at the meeting that said what will happen 15 years from now or 100 years from now about somebody wanting to build something there and they said no, it can never happen. Okay, now I hear its happening. And nothing. What supposedly we could do about it? I wanted - I don't remember what year was - I spoke or anything I wanted to try to find the records. I spoke with the town clerk and she couldn't find them. She left me a phone message. I'd like to play it if I can. I recorded it.*

Supervisor Wicks: *Okay, play it.*

Mr. Kulba: *Hold on a minute. Okay. I'm pretty slow with this. It's not that I'm opposed to the cell tower. But I think the cell tower should kind of blend in. Not so - this looks like what's up across from Budweiser. You know, but those towers were put in...*

Attorney Rivizzigno: *Why don't you ask her what she said?*

Ms. Falcone: *I didn't speak with him.*

Mr. Kulba: *There's a minute and 16 seconds. Here we go. "Hi, Paul. This is Mary, Ellis with you at the window and referred some information you were looking for. I did talk to the Town Clerk Dina about (it) ...pretty much a done deal and what you have is what Karen has provided you with, and pretty much all we can give you. They would be fine if you wanted to bring this up in the town meeting at 7:00 Thursday, but it's kind of as you know, the cell tower is going in there. So even if we were to dig and get all this information it's already been signed and put into the record. Of course, feel free to call back if you have additional questions, or otherwise, stay with the meeting this Thursday. Thank you."*

(Crosstalk)

Ms. Falcone: *Well I think what she meant was that it's on the agenda to be passed and that that's what she meant. Did you tell her she was being recorded? Oh, she recorded it. All right. So that's why I think she said that because it was on the agenda I don't know. I'll defer to the Supervisor.*

Supervisor Wicks: *Oh, no, it is clear what was said in there but that's not the case.*

Mr. Kulba: *I think that if this goes forward, what I think they ought to do is, the town is making provisions to make a person putting in the cell tower to camouflage it. I think the church would be a better location, put a steeple on the church. Put a bell tower there, camouflage it in. Put it on top of barns - we've got acres. You don't just make it blend in. Don't deteriorate from the land that's there. Thank you.*

Supervisor Wicks: *Anybody else who would like to speak?*

Mr. Lusk: *Good evening, members of the Board. I am representing Verizon Wireless. I spoke at the last meeting and we realized that there was the visual analysis that needed to be completed and we had conducted the balloon fly before the last meeting - but the simulations weren't complete. I think it's important to understand the law with regard to cell towers, and, I understand, again that we had gone through the town as it has a very extensive and thorough Wireless Telecommunications Law. It's probably one of the most complicated laws that you have in Upstate New York. There's a lot of information that's requested. And there's a lot of information that was provided to you. The fact remains is that your zoning code has been set that wireless telecommunications are permitted in the town. We can show you where it's worded and your law is consistent with the federal Telecommunications Act of 1996. And New York State case law declares it being a public utility. We all know - I've heard a lot of people come up to the microphone over the last three meetings - that I had been at both at the planning board, and I never once heard anyone say we didn't need the coverage. I was there with the supervisor as we had a site visit. This area is uncovered. We went to the last meeting - we went to the RF coverage maps. The part of town has coverage from time to time from towers or to neighboring towns. If you look back at those RF plots, we have evenly spaced a tower here. It's been between those two those two towers - unique coverage here. We needed one and this was the location we provided you with. Research says if we're going to provide this coverage, this necessary coverage - it's got to be in the research - we worked with you went through with Al and the planning board that reviewed the locations that were available. We looked at what were in the search that we provided. Again, Federal law says that the town - once we have demonstrated the need - and nobody disputes the need - for the tower. We had to put the tower in the most appropriate location for purposes of coverage. We've gone through the different, different options. We presented it to you and we provided you with the visual issue or the visual simulations. If you look at the visual simulations, and again, from various locations, you're going to see the tower but when you look at the other things that are in the background, this is not obtrusive in the neighborhood. Again, that's bad, and I recognize that that's a matter of opinion at center but this is not a 250 foot tower. This is a very modest tower compared to cell towers 120 feet 120 foot tower just above the trees in the city. You know don't take my word for the simulations and the ... the border ... we have in my view, met the requirements of federal Telecommunications Act of 1996. New York State case law regarding public utilities. And from my perspective and our clients perspective, we have met the minimum standards for the Board to approve we asked for the tower. Thank you very much.*

Supervisor Wicks: *Anybody else?*

Mary Ellis: *I'm the one that left a voicemail for Paul. Just to reiterate. I appear to have been confused with what I might have said to him on the message but I am a new employee still learning. So if I said something that is incorrect, I apologize.*

Supervisor Wicks: *Anyone else?*

Kevin Rode: *I am not up to snuff on the cell tower law. What are the minimum setbacks from property lines? It says you have to provide a fault zone. Okay. So it goes by, okay. I mean, I know I know previous resident that said something because he's one of the existing properties and its 120 feet, which seems like its long ways, but it isn't. It's like 900 feet from their house. But is that 900 feet from the nearest property or is ...output so that's 140 feet off the property? 120 I mean, I would just - knowing that you know, the lot on the other side might eventually be for sale or it is already in you know, the other person. Maybe we can move this further into Abbot's property and solve some issues. And I'm not sure if the previous person was talking about TDR or green space requirements. And I know we've changed the information on that since then... but maybe we move this further on Abbot's field if that's suitable for the seller. People are still working in that area. That's all.*

Mr. Yager: *I believe the admins chose this location so it didn't encumber topography and they're called tillable agricultural land... choice you can take when you give up a farm field to give up more. The town, the town decided they chose... (Inaudible/crosstalk)*

Fred Burtch (Plainville Road): *The board knows I don't live in the affected area. I'm not building the towers. So my comments and thoughts kind of come from a different view. I've lived in this town my entire life - 54 years - so whether you like me or not, I do have a good handle on this town and what people think. I've knocked on more doors than all these people. ...I'm not upset that tower is going in. I just think that our processes might be a little bit long in the tooth. I know there's laws - town laws on notifications to affected people distances and timing. And where we put those notifications i.e. the messenger or a town website or something. There was a time 30, 40, 50 years ago when probably everybody that lived in this town got the messenger because we didn't have all the other things... that smartphones... to distract us. People don't do that. I think the messenger has a problem and that they can't even give the paper away... so what I'm trying to say is - I think maybe, although I know this board is doing things by town law and state law, maybe we can do better than that. Like when you try to get the taxes down lower to get a lower than non-surrounding towns. We can do better than those. Maybe we can do better with the notifications. Like I know there's a certain foot distance from the project that you have notified. An approach I might take if I were sitting on the board is I would personally go out and knock on doors. I find a Saturday afternoon or Sunday afternoon and an hour... wouldn't have to be election season ...and I knock on the door and I invite the people to come down. I wouldn't say I'm for or against it. I'll just say that it's something that is going to affect this town and these people near it one way or another and want to get you involved and get your opinion. Send letters. I know I always say no letters. No, there was a way we can get a little bit earlier notification. And then a little bit further distance I think I know that I think its 500 feet or something like that. I don't think a quarter mile is too much to ask for as far as notification for something like that. And I don't want you to get mad at me but I think you're doing a good job but I think maybe something like this would be ... I don't know what the law is but could be subject to a permissive referendum where the people in the area affected by... and I'm sure there's a lot of people that lived here that want better cell phone coverage and would come out and say, Yeah, I want that. But I think something is important. That's going to affect people's biggest investment in their life, which is their own home...90% of us. That's what it's going to be should involve more people in the process. And thank you for your time.*

Supervisor Wicks: *Anyone else? All right.*

Mr. Petta: *I just wanted to answer a couple statements. Throwaway statements. Yeah, for that guy...*

Supervisor Wicks: *You can address whatever you're doing to the board.*

Mr. Petta: *Yeah, okay. Well, I'll address it to you, but it's really to him.*

Supervisor Wicks: *Well, we don't want - we don't want to get into an argument. Want to make a statement?*

Mr. Petta: *Okay. He said it's not intrusive to any neighbors. Well, I disagree. Totally. That's very intrusive to me. If I ever subdivide my home, I gotta sell you that property. You know, I got 120 foot tower right there. It's going to be pretty hard, solid. You know, I mean, I heard a couple people here last week, stating when they bought their house, there was a tower. They refused to go there. So I mean, that's in the back. Well look at the development right across the street or otherwise. There's a cell tower right? They understand and they sold every one of those. They didn't have a problem in houses in this area of selling within a day or two days and getting multiple offers usually over \$10,000. Well, I don't want to take that chance. Why I'm just saying I mean, but you know, things that you're worried about just don't really are coming to fruition. Because we don't have that problem. You know. Like the gentleman said, it's a matter of perspective. So I respect this understanding when it comes to, you know, lowering house values, this thing that just doesn't seem to be occurring. Does anyone talk to Mr. Abbott and ask him why he's got to put it there and you can't put it next to this barn? Why did he choose that? Well, he choose to because it's best for him. You know, not his neighbors. Why can't we get that if it ends up being there? Why can't we get that? To look like a Christmas tree? I see it all the time internet. This gentleman says I don't think he said he didn't want to do what he said. It blended in and there's reasons why it's done. You know, certain things are done in certain areas, but in this area that doesn't seem to be appropriate.*

Once again... blending into a forest while if you have silos there is no... well there are no I said if Mr. Abbott put a silo in his area that's made out of galvanized steel, and...brick. Okay, but some are steel as well. Yeah, I mean, so they wouldn't blend in and he would be well within this range. Right. But that's not 120 foot tall. Well, they have a silo and the barn. I don't mean to argue with you.

Supervisor Wicks: *I'm just having the discussion. Right. But right down the street from my house there's electrical towers up there and they're all galvanized steel. And I don't know if they're 120 feet, they probably aren't probably more like 60 feet, right still. I mean, we get used to whatever we have and understand that when it comes to progress. I mean, there's give and takes with everything, and I understand your perspective...*

Mr. Petta: *I don't want it right next door - and my property is right here. Like why did he pick it? Yeah, because it says... property is probably better understand that just like your property... probably put a lot of land and he could put it where it's not intrusive to anyone, including himself. He didn't come over and knock on my door. This gentleman they called me too. Okay. And that's another thing I want to ask about because I made notes when the guys called me to put it on the property and they told me it was 5G when I asked this gentleman he said No, its 4G. So why would the representative of the company say 5G to me... they called the put around by property?*

Supervisor Wicks: *I don't know.*

Councilor Kudarauskas: *Okay. And as far as the cell coverage, you guys are all welcome to come over and pull in my driveway. I've never dropped the phone call in that area. I dropped phone calls before. Come to my car. My brother actually lives on Gloria.*

Mr. Petta: *My niece lives next door. So there's nothing I don't want to say that I'm totally against it and that it doesn't bother me. It's like you say, in a year I won't even recognize it there because my trees will be over it.*

Supervisor Wicks: *But I am not saying from your perspective, right? It is not what I'm saying. I know what you're saying. With anything - there's always somebody affected in some way... and usually you know, try to make sure that we can do the best we can for everybody.*

Mr. Petta: *When it comes to certain things like cell phones. I mean, today most people don't have I doubt anyone in this room doesn't have a cell phone. And what's the first thing in emergency they go to is their phone, right? Well if you're just using a phone and - Robert and I disagree - you go down 370 down River Road you're going in and out when I'm talking on my phone while you talk which is your phone. I was going to say hands free.*

Supervisor Wicks: *Hands Free! Its hands free! But it goes in and out. In fact, anybody I talk to I tell them, it's going to go in and out. Just hold on because as they go further down, you get reception. So there is a you know - maybe not where you live - there isn't a problem.*

Mr. Petta: *When it comes to public safety people need to be able to get communication, and if you need the internet... people work - kids going to school - I agree with, it; I work from home now since COVID. And I've never dropped off internet but you're one of the lucky ones. I guess we're going to go back. Yeah. But yeah, is there any way we can talk to Mr. Abbot and see what his thoughts are?*

Mr. Rivizzigno: *It's - let me just say, it's not the town's position... we can't tell the owner what he can sell?*

Mr. Petta: *I got it. I just wanted to say can we have time to go talk?*

Supervisor Wicks: *Well, I don't think I'm going to. I don't... I'm not going to go talk to either. No, no.*

Mr. Petta: *I'm asking you as a neighbor. Can I go talk to the gentleman?*

Supervisor Wicks: *We can't stop anybody. I mean, a few if you'd like - sure you can. You know, I think you know, from my perspective - from Mr. Abbott, once he's, once he's made up his mind, he kind of made up his mind. But that's my reaction. Now, is this Mr. Abbott or Warren? I'm not sure who to... I don't know who to talk to.*

Mr. Petta: *Alright, thank you. Appreciate it.*

Supervisor Wicks: *Anybody else?*

Joanne Capuccilli: *Anyway, I apologize. I was not making sense. I spoke about this last week I'm enjoying ... (inaudible) I live next door here.*

Supervisor Wicks: *The only thing I would ask is to be as concise as you can because the Town Clerk is having a hard time keeping up...*

Ms. Capucilli: *And I got several remarks about how well I did for my first meeting.*

Supervisor Wicks: *I just said, I'm just asking you to be as concise as you can...*

Ms. Capucilli: *That's inappropriate. Okay, so here's something that says how long people can speak.*

Supervisor Wicks: *I apologize if I offended you.*

Ms. Capucilli: *That's right you should be. Okay, and now you're making it longer because I wasn't even talking to you. I was trying to say my address. I live next door to this gentleman's niece and I find it 100% impossible that he's never dropped a call. Jodi's dropped calls and my husband has dropped calls. My husband worked at home for over two years. He couldn't use the internet for zoom meetings. And we all have the same - I don't know about you - which service do you have? Because I said last week that was the number one point I was trying to make. And you made it tonight. I didn't say anything while you were talking. Progress. Some people lived here when we had the road and I don't remember the name of the people when I first moved in, but they had horses and buggies. They're right across from me. And there's actually signs because they have the right of way. You don't find my talking about it... You don't know. You're going to know it's the one across the... not - behind that one shows. I don't know every house on the street, and anyway, there was a house known for their horses and buggies. And then cars came back and well, progress. Now some people liked it. Some people didn't. But what are you going to do? Does anybody here work in the fire department? Police Department? I am right near the volunteer fire department. And what would we do without those guys? What if not getting service? I live parallel to the one you said wasn't getting any reception. My husband and I. I've gone to Verizon. My phone is a Verizon... But our house - everything else including our alarm. And it's not been like that in the 42 years. It's only the last three or four years it's been like what they took down the cell tower. A while ago. I don't know if this company knows about it or not. I told my husband, we're going to put up a new one and the service would be better and I'm assuming this is what they're talking about. So I'm all for it.*

Supervisor Wicks: *I didn't mean to offend you in any way. So if I did, which apparently I did, I won't make that mistake. Okay. Is there anybody else?*

Councilor Moore: *Okay, any quick comment or just maybe ask a question. The very first gentleman that came up to the mic and then left talked about it for a while. Green space and somebody Tony, Al, or someone maybe verify this so I'm understanding. This happened two years before I was here in 2010. There was supposed to be a conservation easement given to the town that covered this property. Today, we have not been able to find any deeded conservation easements in this town. So as far as I know, one does not exist.*

Mr. Yager: *So I have a little bit more backstory. So as part of the TDR program, this parcel was one of the areas for development rights. The town never moved forward with the grant from New York State Ag and Markets. To implement the TDR program, Mr. Abbott did agree to the current release of easement areas in those areas. The map of those areas was filed against the deed of all the parcels that were included in the sending area. However, the actual easement was never executed and filed against the deed. Because Mr. Abbott did not receive the funds he was promised for the development rights because the TDR program was never implemented. So yes, there is a map that identifies the area that were the areas that were supposed to be sending areas as part of the TDR program, which would have been included in the conservation easement. However, the conservation easement was never executed.*

Mr. Rivizzigno: *He's talking about there was a deed that combined separate tax parcels into one tax parcel. There didn't exist. But that's all it exists. So instead of five tax parcels, there's one right, so there is no conservation. And to my knowledge, the TDR program was never implemented.*

Councilor Kudarauskas: *So the conservation easement was never executed, what is the program for transfer of development?*

Councilor Moore: *Okay, so then my other question is, I've heard several people talk about camouflaging this tower but it hasn't really been addressed. I mean, it has been addressed in the format this isn't going to stand out. Could it be further addressed? Can this tower be camouflaged and Mr. Burtch at the last meeting spoke about the lawn out in Fayetteville, which I also drive by fairly regularly. Big tall fir tree ish looking thing. What is the opposition to that isn't cost what is the opposition to that? And you did talk a little bit about well, it would stick out like a sore thumb if it looked like this or look like that. I'm curious. If that is something that is if the people who are living in the area are concerned about it, what is the holdup?*

Mr. Lusk: *Again, as I said, I believe I said that to this board. A camouflage to a tower in the right context makes sense. And when you look at the simulations and you look at the tower, its trees, but it just sticks out and if you have trees of similar height, it'll be fantastic. If you don't have the other similar if you don't have the other similar trees, it just looks like a fake tree and fake mountain pine and it doesn't provide the camouflage that you're looking for. It looks like a pine tree. ...A cell tower, it's not camouflaged... right as if it kept that you know, if you were camouflage in the middle of the street, it people see that you're wearing camouflage. If you're standing in the in the... I guess the landscape you blend in here because it's tall... above. It's not going to provide the camouflage that we do. I've seen silos next to barns... I've seen trees if*

you've seen churches, or similar type structures in the right context here, it just would stick out and you're not getting anything for your look and that's what people want.

That's our position and again that the galvanized steel does blend with the landscape as best we can. And you see it with most land. That's why most towers are galvanized steel. So it's possible to do it. But again, you're not going to get camouflage because there's the context.

Councilor Moore: Unless the people who live there feel that it is.

Mr. Lusk: Well there again, from the client's perspective, it's very expensive to build the amount of pine to hide a tower and if there's no aesthetic value, if there's limited aesthetic value to that then it doesn't make sense. It's not a reasonable request.

Mr. Burtch: ...In 2011 I spent two days in the clerk's office and I read the entire TDR program... took me two days. And it was my understanding that the development rights included underground development, which would be your sewer lines and water lines or your power lines. I'm pretty sure that it didn't. You know, that wasn't a program that called above ground development in any way. And then my second point, I don't know if you know, there's a certain time period that this has to be voted on by or if there's, you know, a rush on this, but from what I heard from the neighbor who was sitting behind me there, I think he was asking the board if they would be willing to delay the vote on this one meeting so that he would have an opportunity to talk to Mr. Abbott. And I don't think that that's something too much to ask the board unless there's a deadline that we got to have this in mind. Thank you.

Councilor Moore: Is that in fact, what you were asking Mr. Petta?

Mr. Petta: Yes, that'd be great.

Councilor Moore: Is there any reason not to delay with this?

Mr. Lusk: No. I'll do that. Again, we are proud to say our project complies with the law, but it is two weeks I don't think so. Per se I mean we can we can... we're happy to come back in two weeks. My point is that Mr. Abbott has the right to place it here and the towers are in full compliance with the law and coming back two weeks now it doesn't change that fact. But if the board wants to provide that opportunity...

Supervisor Wicks: Anyone else? So may I have a motion to close the public hearing? This public hearing is closed.

**MOTION TO CLOSE THE PUBLIC HEARING REGARDING
TARPON TOWERS/VERIZON CELL TOWER**

RES#190/2021

Motion made by Councilor Geraci seconded by Councilor Diamond to close the public hearing at 7:36 PM.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Diamond	Aye		

All ayes, motion carried and adopted

**MOTION TO OPEN THE PUBLIC HEARING REGARDING
CANNABIS LEGISLATION – ON SITE CANNABIS CONSUMPTION (LL NO. 5)**

RES#191/2021

Motion made by Councilor Diamond seconded by Councilor Geraci to open the public hearing to at 7:36 PM.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Diamond	Aye		

All ayes, motion carried and adopted

Elliot Mistal: I live on Connell Terrace, I just moved to town and I just want to thank you for the opportunity to speak tonight. I believe that the decision to ban the sales is a matter of the infringement of the individual to make choices for themselves. This will not prevent people from tanning or using cannabis, but will make it more dangerous. By forcing those to either drive further or decision makers consuming elsewhere driving back. Our reality is that the area has plenty of bars and liquor stores that sell substances

that are far more dangerous. That lead to more violence, more, more death more destruction than cannabis. But that's not being you know, it's not being debated right now. If someone chooses you know, that has the power the authority to vote on this and they don't drink any alcohol within the borders of Lysander then I believe that that would be a very easy position to justify. I would completely understand that on moral grounds. But if anyone does choose to vote to ban the sale within the borders, but does consume alcohol, then they're choosing personal preference and using their position to force that personal preference on the rest of the area. But with the force of law, there were recent elections and I didn't see all of the information, but I don't believe I saw anything running that people were running on the platform and banning sales within Lysander. And I could be wrong about that. But this quick move to have this vote after the election. Seems like it's rushed. Again, because it does not appear that that was a platform that was run on. So I don't know what community support there exists for this banning the popularity of legalization across the nation. Seems like it's now broken through the majority. And I just I don't believe that it's ethical to take away the right of an adult to make the decision. For them. It appears this is a more of a parenting issue than a legal issue. This board makes the choice to either, you know, strict, not adopt this resolution, or at least give more time to get more input from the community on this that's Thank you very much for your time.

Councilor Kudarauskas: *Do you make a distinction... these two laws that we voted on one is on site consumption which is in place you can go and use the stuff and the other one and our retail sales are in favor of both for iron favorable, I think both of them effectively. I think banning either forces people to leave the area and then come back. You're not going to stop people. I don't believe you're going to stop people from obtaining the cannabis. And I just think that this, I think that this proposition makes it more difficult for people to do it safely. I just want to clarify it.*

Supervisor Wicks: *Okay, so as far as I know, you can come up, but I just want to clarify. So we have two public hearings. This first one is for the public hearing about the consumption sites. Establishments that would allow people to go in and consume marijuana. Then after we get through that, we are going to have a public hearing on establishments that will sell... kind of like the liquor store. But this one's for consumption.*

Fred Burtch: *I like to make analogies. I guess it's the easiest way of showing people or expressing people's opinions or something like that. But in the past when people that attend the New York State Fair there was a law against cannabis marijuana consumption. So I mean, if people were to consume it at fair in the past, they were in the hidden alleys or in the concert area or whatever. And since then, New York law has made it legal to consume it in designated areas. So this year at the fair if you attended it... I'm sure the people went to the designated areas. In my opinion, in a lot of people's opinion... I listened to Lounsbury at three o'clock and stuff and I think he shares this. If there wasn't a designated area, people would go to all different areas. Maybe try to hide it, maybe not try to hide it, you know, realizing that they might only get a slap on the hand. So I think that's something to consider that, people choose to consume that and they have no place to go that's friendly, then you might choose to do it there, as opposed to walking up and down the street in the village of Baldwinsville where parents and little kids can see it and then there has to be a conversation about it. I mean, as it stands now, and I'm not a lawyer, but from what I understand about the law in New York state that wherever it's legal to smoke tobacco, that it's legal to smoke marijuana, unless a special law like the Village of Baldwinsville recently passed, a law that there's no consumption of cannabis in the town in parts of the village which would include Mercer, Lyons Community and the town park because it's within the village limits. They just recently did this within the last month they voted on both things. But I think there's a misconception in society today or a non-realization of where most of the public is on this. I don't think this is Harley Davidson riders with leather jackets and tattoos in my personal experience. I've seen people in this community who are educators, county workers, and former law enforcement, business entrepreneurs, maybe even misguided youth in this community, so there's a wide spectrum. Let me try to figure out – what I'm trying to say is - I think we're all kidding each other if we think it's you know, Hells Angels that are - I mean, there's professional athletes. I wouldn't be surprised if it's members of the Syracuse Orange. And I know that something that can be amended in the future. We see that it's a problem. But I just think if people go to bars because they have a friendly place to go when they keep their normal...business drinking... or their drink business there. If there weren't bars to go to they might bring this out in the street and create different problems. So let's just I wanted you to maybe think about it from a different perspective.*

Gene Dinsmore: *I would like to say the first gentleman spoke he had the right idea. By new originally had the right idea a few weeks ago when you first took this matter off. We have a situation where the legislature and the governor created a statewide law and now initially, most all the time was accepted. And now a few have chickened out because they got this deal now that you know what if you go against now, you can change it later. Okay, if we're going to have this law, and believe me, I don't see that. I hate the idea. I wish it never happened. However, it did happen and the state and the governor has made it the law of our land. Okay, and afford time I have it. You might as well get on it right away. Get on the first and foremost to make sure that you set the standard for the thing. You don't create a problem for all enforcement where we have a law that we can enforce. And we're causing our young people mostly, I'm sure there's a few old people that will be rolling across this alive there wherever we may have to go together. But I think you're foolishly the idea and I know that all of you don't have the same idea about this as the person that suggested this step that you're considering. So I'm kind of saying that I said I don't know this gentleman over here, but*

he actually explained it very well. He talked about making it dangerous. It could be troublesome for the people who do want to use marijuana to go you don't have to get in the car. You can drive the side of a road at Syracuse or some other place to get what they want and are entitled to under state law. So and you just a few weeks back, you all agreed to approve this. So now all of a sudden it's become on the table that maybe we shouldn't go so quickly. Maybe we should put a postponement. But I didn't really know I can't believe the state is going to change their mind. The state legislature is drooling over the idea of the millions of dollars in revenue that this is going to bring forward. So they think it'd be nice if that didn't happen, and that causes the whole thing to collide. So it'll be fine with me. But for the time being, and it's the state law. Might as well you know, get with the program and get there first. Don't wait. He knows exactly what he was talking about. And I hope you all listen carefully. Thank you.

Matt Hunt: I have to agree with them and Mr. Dinsmore. There's previous public discussion about this received in favor of...and I've seen nothing as to a solid reason why we're trying to opt out, nor have I seen or heard any public outcry for that side of the argument, but I think we're missing the boat on tax revenue. Tourism is no different than a wine bar, cigar bar a bar other than the driving afterwards is much safer for the wine bar. So we're losing tax revenue audit, people are going to go to other towns and do it. We're taking that choice away from them to do it here, approved it and it's the increased miles of driving to another town back that are dangerous, according to insurance statistics higher increased rate for traffic accidents, not because of marijuana because of the increased miles they're driving. According to the National Highway Safety Administration and Insurance Institute of Highway Safety, they still cannot conclude that marijuana has real negative effects on driving it kind of correlated to increase accidents. They say we think maybe it looks like but there's nothing directly related to that. But this the problem with that is there is no testing for them. So when I can tell you right now, when someone's involved in some sort of incident or accident or the driving intoxicated condition almost 100% of the time to jail ... and so if they're driving intoxicated condition, and they have alcohol on them, and they and they're intoxicated because of alcohol, then police wouldn't be inclined to take them down to get a blood test, which is the only way that you're going to be able to do it. So those statistics would be skewed because release as common practice at least from my experience. There there's no way for them to quantify, you know, marijuana was involved, other than fighting marijuana, right? understandable and by the time they do test it, there's such minimal traces of it, that that's the other thing it gets absorbed into the body and released from the body much differently than alcohol much quicker. But again, it's a 44 page research because of it the Congress by the National Highway Safety Administration. It basically says yes, if there's alcohol and marijuana involved, there's a little bit of an increased risk, but if you back out the alcohol, there's no extra risk associated. So I understand there's not a quality way to measure right now. There's also no statistics that support the driving Well, under the influence of marijuana really increases your risk of crashing but forcing residents to drive to another town and increase the miles on the car that they drive inherently increases the risk of a crash, which is according to insurance and highway statistics. So I'm in favor of it. We're missing the boat, tourism, sales tax, and we're forcing people to take extra risk by dragging elsewhere and coming back. Thank you.

Mark Erives (Van Buren): I was interested in this topic. I just found it very interesting. I have a lot of friends in the Lysander area. So I just want to ask for clarification. Just a ton of information. So I've been going back listening to different arguments of people, for and against. Now one of the points that people who favor the onset cannabis consumption legislation, who support it on the arguments is that if people have to drive farther away, that creates more of a risk on revenue. Now, isn't in the sense of just any traffic issue might come up or as a result of them using the cannabis? Would you would you say it would be both? Okay, well, because, you know, you have to drive farther, obviously, there's the chance from an incident, but then again, if they're driving when they're under the influence of marijuana, I wouldn't want them driving farther, and it's, you know, farther away, but, you know, I want to go to another town but I want to watch first and it's here in our community. So to me that argument. It seems like a no win, no matter which way you look at. So I'm trying to learn more about this issue because I'll be honest, I'm ignorant for the most part. With all aspects of marijuana use, I don't personally use it. My family doesn't use it. But you know, my personal concern is I feel that with distractions, other distractions of drivers have phones, and obviously there's on call appears. I do feel like marijuana is just one more added distraction, but you know, I respect individual rights and respect someone's right to do what they want to do in the privacy of their home or respect their right to, you know, make an argument for legalizing it, but I just hope that the board considers the larger implications of how this might affect other drivers on the road. To me, it's just one more variable in the next that we don't need. And like I said, I'm not the most educated on this topic. It's something I'm still learning about. But I was looking at statistics from the National Highway Traffic Safety Administration. And the highway loss Data Institute was shut down in previous person who spoke mentioned. And he mentioned how the statistics are not conclusive, and he's quite bright, but it's true. But the only statistic that does seem conclusive that they've come across is that in states where marijuana was legalized, there was a spike in auto related incidents. So I'm not going to tell the board how to vote. I do hope you just take all the safety considerations into consideration. I'm a big believer in individual rights and liberty but not if it's going to have a negative impact on the community. Like I said, I'm speaking from a place of ignorance, still learning to trust the board to consider all aspects before moving forward. Do what's best for the community.

Matt Hunt: *Just for clarification I did read about those slight spikes as well in those states four to 5% in the months after legalization, and if you look further, they all leveled back off to normal rates. And those are conclusive. All they're saying is it was legalized. Then this happened seems to make sense is what the argument is. But they also mentioned things like it was brand new, and now you have students who don't favor legalized marijuana. Those people are driving to that state. Again, increasing traffic. It's a new thing. So in spite for months that has settled back down. It also mentioned that these studies from the National Highway Traffic Administration in the Insurance Institute for Highway Safety, also mentioned them. In their studies. Alcohol shows aggressive behavior while driving additional speed while driving in less control of driving. While studies show marijuana slower speeds, more space between vehicles in traffic. There's less of an urgency to pass people. So it looks like people are slowing down and being a little cautious...*

Supervisor Wicks: *Come up only if you have something new, as we have heard all...*

Mark Erives: *So you know some of my thoughts. But you know, I have looked at the same statistics that the gentleman referred to it very good research and I agree that you know, the idea that the drivers are driving slower and keeping a further distance to the vehicles. It does sound like a like a positive but at the same time, I can just say from my personal experience, I'd have a good job now, but that has not always been the case for many jobs where I worked around people who used and, you know, hey, that's fine. They do. That's their lives to do what they want to do, but I've seen many people come to work. And basically, some people are very good. Some people can handle it just like you know, some people, you never tell, perfectly functional, but it's an individual thing. Everybody has a different body chemistry. You never know how somebody is going to react to it. I've seen people who came to work high who were screwing up in a way they normally did not do. So I think it's from a safety issue perspective. I think it does one should take into consideration I would also say that I know a number of people from the fact that this is going to bring in greater tax revenue, and that's an appealing idea more money more, you know, funds that can possibly go back into the community - well in my lifetime, I've just seen the local government and again, I live in Van Buren County. I've seen the local government raise taxes on property, raise taxes several times over the years. I myself from home so is it really so much an issue of named extra funding for money management? If you were able to manage your funds correctly? Is that additional really going to make that bigger splash and so that's real quick.*

Supervisor Wicks: *Beginning of public hearing for local law number five, opt out of cannabis consumption.*

Supervisor Wicks: *There is a distinction on these two laws that are voted on. One is on site consumption which is a place you can go and use the stuff and the other one and our retail sales.*

Elliot Mistal: *If you are in favor of both or unfavorable, I think banning either forces people to leave the area and then come back. You're not going to stop people. I don't believe you're going to stop people from obtaining the cannabis. And I just think that this, I think that this proposition makes it more difficult for people to do it safely. I just want to clarify it.*

Supervisor Wicks: *Okay. You can come up, but I just wanted to clarify. So we have two public hearings. This first one is for public hearing and the consumption sites. So establishments that would allow people to go in and consume marijuana, if that works. Then after we get through that, we are going to have a public hearing on distribution that the sale of establishments that will sale kind of like the liquor store. So but this one's for consumption.*

Supervisor Wicks: *Come up only if you have something new, as we have heard all...*

**MOTION TO OPEN THE PUBLIC HEARING REGARDING
CANNABIS LEGISLATION – ON SITE RETAIL DISPENSARIES (LL NO. 6)**

RES#192/2021

Motion made by Councilor Diamond seconded by Councilor Geraci to open the public hearing to at 8:05 PM.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Diamond	Aye		

All ayes, motion carried and adopted

Will Stowell (Brown Street): *I hope that when the board does hopefully approve cannabis sales that we give the first crack to local residents to open up the dispensary and, and whatnot. So that won't come to upset should the Cannabis Control Board and we don't have any, any control really? The Cannabis Control Board just like the Liquor Authority, they're the ones that will push it and hopefully yours and it'll get figured out.*

Fred Burtch: *When I grew up in the town Lysander, we were poor. I mean the talented and we didn't have a town park. And every day the kids would play football on the street. Telephone ball was one Amazon. The next telephone pole down was the other poles. In the winter, we used it to dive into the snow tonight so we have a little extra fun but the point I'm trying to make is, is we didn't have a football field or a basketball field or a tennis court. We made that before the Casterbridge development went in there that used to be a field and there was 10 or 12 kids that took our parents lawnmower and we went out there and we pushed through three foot high weeds and we made a baseball field. So if we didn't have a place to do what we wanted to do, we went out and made a place. I think for those people who choose to do that type of thing, if they have a comfortable place to go, where they're around people that are comfortable with them, they'll probably keep it to there. But the chances are, is that if they don't have that football field or that tennis court, they're going to go make that wherever whatever suits that fits them. And that's kind of how I kind of look at it. If they have a friendly place to go there. They don't have a funny place. We might see it in 20 different places that you wouldn't have imagined.*

Supervisor Wicks: *One thing I hadn't thought of. Okay.*

Cindy Clarke (West Genesee Street): *I just want to make it known that I even for the dispensaries for the reasons that other people would stay here tonight that there was a lot of revenue involved. Keep it in our keep it here. I think as far as you're talking about proper money management. I think town does a good job right now. And I think any extra would be a bonus for all of us that help keeping taxes down just like you've been doing it. And if we have an opportunity for the revenue, why not? Why not give it to somebody else? Let's be realistic. It's illegal. Why give it to some other town? I don't know what the deal is with the ... down here. Whether you need more information on it. I don't know. But nonetheless, you know, I have anybody I've talked to is for the dispensary. Most people don't really care about where they smoke because let's face it years ago when smoking conference so because a lot of people used to just slow down and listen to me it was that's where it was. But then that that's not my big concern. My big concern is the dispensary and the opportunity for our community to reap the benefits because if we don't, somebody else will. And it's my understanding. I don't know if man found any figures in Colorado or under shades where it's legal, but I think the numbers are absolutely astounding. Brendan, I should have probably done some more homework. But I know I've talked to people where they say you would not believe the revenue that they get on this stuff. Why not here? Because somebody is going to get it. We might as well. Thank you.*

Fred Burtch: *As far as the retail dispensaries are concerned. I'm sure this board has looked at some of the adjacent and surrounding towns and some of that authority voted on this. And we do have townships that are adjacent to us that have opted in for the retail dispensary. And so the way I look at it is people that choose to do that type of thing I'm going to try get to these local areas 10 or 15 minutes away and spend their money and those local townships are going to get the 3% sales tax. Instead of the town of Lysander probably on all throw a fifth, maybe at least 50% of these people are going to purchase enough to bring home with them, which means that there'll be consuming it and our township and our township will be losing out on that now. I have a friend that lives in the city, and he took a vacation on Thanksgiving to Massachusetts. And he told me for a thrill he hiked to one of these dispensaries and he said that line was over 500 people on and I mean he actually took pictures of it with his phone and video and stuff. So some of the numbers in the other thing is I apologize because I noticed - I didn't think I was going to be talking about this subject I should have run out of materials with me but the states that they're talking about that if opted in for a decade or so they did have spikes and things and things have leveled out. But another way of looking at this is I think if you look at the states that have opted in long ago and look at their suicide rate compared to the states that don't have legal marijuana, you'll see that those states are a lot higher. I'm not sure if there's a direct correlation. But it's numbers that are out there that you can look at. So there's really a big picture, you know, that we're looking at, and I would just ask the board to you know, consider as many thoughts and opinions as possible and my myself - I am not for one way or the other way but I think*

everybody that I talked to didn't seem to have an issue. Now I'm not going to church on Sundays and talking to ladies that have been long there for 50 years but you know, I talk with people that are my age and I haven't seen anybody that was that upset about it. Thank you for your time.

Supervisor Wicks: *Anyone else?*

**MOTION TO CLOSE THE PUBLIC HEARING REGARDING
CANNABIS LEGISLATION – ON SITE CANNABIS CONSUMPTION (LL NO. 5)**

RES#193/2021

Motion made by Councilor Diamond seconded by Councilor Geraci to close the public hearing to at 8:11 PM.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Diamond	Aye		

All ayes, motion carried and adopted

Citizens Comments

Fred Burtch of Plainville Road commented:

- Appreciated the response to his previous comments
- Generator discussion: who will be responsible for maintenance fees?
- Backup generators needed

Supervisor's Comments

Supervisor Wicks spoke about development in TOL. He said as elected, they have the responsibility to make decisions and it citizens are paying them to make those decisions. The Board tries to base it on what's best for the town listening to people. With regard to any type of progress, there's always going to be somebody that's affected, and from their perspective it may be negative.

Supervisor Wicks stated that for the vast majority is but it's beneficial to them. Sometimes they have to go with who fits the most and how it's benefiting well with this tower. I understand you know if you live next to it, you know you have a tower next to you, but he probably wouldn't want one right next to him either. Although, when he moved he noted that he has power lines down the road, but that's a tradeoff he made to live there, including having a road right in front of his house there. He sees others' perspectives, but especially with cell phone use.

Supervisor Wicks continued with the component of public safety and everyday life. He said TOL has the responsibility to ensure that everybody has the same quality of life when it comes to sewer, water and public utilities. He reiterated that it's their responsibility to make decisions based on that. And even though he understands that it could be a negative for some people, they still have to do what's best for the town.

Town Board Comments

Councilors Geraci and **Diamond** said they will speak about the Cannabis legislation when it is time for agenda items. Councilor Kudarauskas thanked Mr. Yager for his work with the LED street light conversion. **Councilor Moore** thanked everyone who put work into the Turkey Day race, and was pleased with the attendance.

Regular Agenda Items

TABLED

Motion made by _____ seconded by _____ that the Lysander Town Board declares the Tarpon Towers II, LLC and Bell Atlantic Mobile Systems (Verizon) 120’ cellular communications tower, located at 7780 Hicks Road, tax map number 71.-02-53.0, listed as a TYPE I action with a NEGATIVE DECLARATION.

TABLED

Motion made by _____ seconded by _____ to approve the Special Use Permit for the Tarpon Towers II, LLC and Bell Atlantic Mobile Systems (Verizon) 120’ cellular communications tower, located at 7780 Hicks Road, tax map number 71.-02-53.0.

MOTION FOR THE TOWN OF LYSANDER TO OPT OUT OF THE ON-SITE CANNABIS CONSUMPTION SITES AS AUTHORIZED UNDER CANNABIS LAW ARTICLE 4

RES#194/2021

Motion made by Councilor Diamond seconded by Councilor Geraci for the Town of Lysander to opt out of the on-site cannabis consumption sites as authorized under Cannabis Law Article 4.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Diamond	Aye		

All ayes, motion carried and adopted

Supervisor Wicks: *A yes vote means that we're opting out of the cannabis consumption which is selected with great impairment, which if we opt out that allow citizens the right for permissive referendum so you could, you could put it to a vote if there are enough citizens, and I think they would need probably about 600 signatures 5% or whatever. 5% which is about 600. They could force a referendum.*

Councilor Moore: *Alright, so, Mr. Dinsmore, and Mr. Hunt - looking at this on the agenda, I can kind of see where you would think and these were the words you're trying to opt out, or, or you were in and now you want to use chicken and now you want to postpone it. That's not at all what we're trying to do here. What we're trying to do actually, is get feedback from the community and give them the community at option two to accept or to opt into the New York State law. It isn't that we're trying to opt out or trying to stop people from having this if we choose in either of these two cases, opting out of the answer. Let's just take the one cannabis consumption. If this board chooses to opt out, it gives. We are giving the permission to the community to make that decision on their own. That's what we're doing. We're not saying can't be done. We are not we're not making it impossible to have on site consumption sites. In the town of Lysander. We are actually saying alright, because there are some people for it and some people against it. Let's give the people a chance to vote and that's what would happen. You'd have to go out and you'd have to collect 5% of the signatures and I believe that it will come up to a referendum and then we can vote. It would become part of voted in. All right. Same with the second one. And there are towns that have done it and said all right, you know what, if you want to we're going to put this into citizen's hands, which is, in some cases, what we want to do. I will also say, Mr. Burch, you did bring up something I hadn't thought about and that is if there is a place for people to your analogy wasn't fed 100% with me, but you know, there was a place for people to consume to smoke marijuana, then they may not be smoking it elsewhere. Well, you know, there are laws against just walking down the street drinking alcohol. There are laws against that there are not laws against walking down the street. Smoking marijuana. You can if you can smoke a cigarette there. You can smoke marijuana there. So the analogy, I appreciate your analogies. It just wasn't a good fit. Wasn't a perfect match. But it didn't make me think about the consumption versus the distribution.*

Councilor Geraci: *Sure, so what I will be saying next applies to both resolutions in terms of the background or maybe even call it my thinking or philosophy on this. And the thing I also want to clarify for folks. I think Peter, they raised a great point that if we vote to opt out, it gives the citizens the right to petition to change that. But even more important than that, voting to opt out doesn't preclude the town to vote in the future. At some later point, if you do vote to opt in at this point, you can't ever opt out to understand that once you vote to opt in, you're set. Whereas if you follow if we voted to opt out tonight, in two weeks from now or two months from now, and I'm going to be reading something in a moment, we said, you know, maybe that was a mistake. We have every right in the world to vote to vote to opt in. Just want to make sure that's clear. I've been struggling with this one. And sometimes good things happen when you struggle. So today's messenger arrived in my mailbox and I don't know this individual, Mr. Kevin McCormack, he's a town board member, and an attorney.*

He's also been a federal prosecutor and a criminal defense attorney in this letter, and you can all read this if you get the messenger I thought it was a well written letter. I'm just going to skim through it to give you the thoughts that he basically put into words what I was thinking he's going to vote to opt out from both of the of the, the opportunities in the Town of Skaneateles. The first one was, here are the facts. The state has not issued any rules with opting in means we are locked in the state has not yet issued any regulations implementing the rules of recreational marijuana. We don't know how licenses will be issued how sales tax revenue will be collected, and distributors were deceptive dispensaries or unsigned consumption sites will be located and a host of other important issues. If we opt in, we are stuck. We will be binding all future boards with this decision without knowing what the state regulations will be or the consequences of marijuana dispensaries in other towns. What is the rush to opt in? The amount of tax revenue for marijuana sales is entirely speculative. I heard a lot of oh my goodness, we're going to rake in lots of money. You know what no one has shown me any facts in terms of how much money Onondaga County sales and going into to generate. But some people have raised the specter of substantial free tax revenue. There's no guarantee of the amount of revenue from this and if you get it we have to share. It's based on a 4% sale of marijuana. He makes an interesting point that I had not thought of to really increase the revenue you have to attract people from out of town to come to the town wise and just to spend their money and you say, Well, what's wrong with that? You might want to think about that in terms of do we really want to have folks coming in just to buy cannabis and then leaving our town and then I as a as a former attorney, both on defense and the prosecution prosecutor side. He makes some of the following points that I have also not thought of. What about the costs of opting in? There have been no assessment of the cost of opting in including the cost of government oversight, law enforcement of the first responders, the school system, medical, drug rehabilitation and social services, none of these factors have been considered. And he goes on to distress that, for that reason he's voting to opt out at this point in time until those things until the dust settles, so to speak. The town of Skaneateles has every opportunity to vote to opt in. It could be six months from now you know what this is really working for the town of Lysander? Why don't we do it here in the town of Lysander? Ultimately, this is a person this is an issue that you struggle with spiritually, ethically morally do Am I saying I am going to make the right decision that you all should follow my thoughts on that? No, it's a very personal decision. And I even though I represent all of the constituents here that this has probably been my this will be my toughest vote that I made for the town based on what I just read you and based on the fact that you know what, just because New York State did it doesn't make it right for us in local governments. I mean, I don't know anybody here that really likes the SAFE Act that New York State passed in Albany. I certainly don't. New York State in Albany does a lot of things that local governments have to just kind of grin and bear it, but it doesn't mean that we really like it. And so I think we have every right in the world as a as a local municipality to say, you know, like, you pass that law, but we don't agree with it right now. And we don't have to at least the state is giving us that option. So I will be voting yes. Yes, actually, on both of these resolutions to opt out.

Councilor Diamond: *I'd like to thank Councilor Geraci for his thoughts I want to address a couple things that were brought up tonight. As it was stated in the very beginning here upstate kind of dropped this August in February, and they said towns and villages need to try to decide for themselves, how they're going to handle this. As it was just mentioned, there's a lot of regulations that still haven't come out and some statements were made tonight about car accidents, insurance accidents. What I can tell us this triple A is not a huge political lobbying group that we hear a lot about. But when marijuana legislation first came out, AAA came out and said do you have some serious concerns about this? This can bring out a lot of distractions, as was brought up tonight. This could increase accidents. This could increase injuries, this could increase fatalities. I am an insurance agent. So I'm a little bit concerned about taxes. You guys remember the state talking about how we don't have to raise school taxes? That didn't happen? I don't know if the school districts are getting any money. The last time I had a conversation with school board members, they weren't seeing any money because of the lotteries. I'm not convinced that tax revenue should be the reason why we should do this. I think one of the things that was mentioned in that article that Councilor Geraci read or shared parts of was that if the municipality is going to do this, we should do this because this is the right decision. Not because we're being bought and sold for some tax revenue. The great thing about the town board opting out right now is that we could opt in in February, we this a new board could come in and make the decision often or as was mentioned a few moments ago, citizens can go out and get petitions. I want to wait and see what happens. You know in six months, let's revisit this. Let's have a conversation. And let's see what's going on. I guarantee we're not going to lose out because we're waiting a little bit longer. I'm more concerned about voting to bring in something and then seeing a car accident happen involving spill or in the totalized Sander or outside of the tunnel I sander and it was because somebody was distracted and they just lost their daughter. They just lost their son. They maybe they were in the hospital. You know, you see distractions all the time, whether it's alcohol, whether it's cell phones, whether it's music, you know, I just don't want to see another distraction. Counselor dress he said this was a very difficult decision for him. This is what I'm very passionate. I think this is public safety. Some people disagree with me on this stuff. The first time I've had people disagree with me on this. I have family members that strongly disagree with me on this. So but this is where I'm at and I wanted to be honest with everybody. At least you know where I stand.*

Councilor Kudarauskas: *I'm making my decision tonight and why I have talked to our community. I didn't hear a lot of noes right. I did hear noes on the consumption bar right? You go there you smoke dope, and then you get in your car and you drive back. It's not like a bar where you can have a beer with your family. Get in the car and drive home. There, you're high and then you have to get in your car and drive home you're going to get in accidents. Now we know right now your estate it's illegal. We don't want to miss the boat like we did with the casinos. The Indians put casinos on their land look at Turning Stone right now and then in New York, they put one out at Del Lago and how's that doing compared to Turning Stone? It's getting crushed - like we missed the boat. So I am for the dispensary but the consumption bar I'm not for. I'm just laying out my cards.*

Supervisor Wicks: *Again, you know - the state passes laws I don't necessarily always agree with - the laws that they pass but the fact that they pass the law of marijuana is now legal. So if you looked in and if you looked at a paper for the town like sometimes had a vote but putting their attorney and The Association of Towns - we didn't have the authority as a town to put it up for referendum otherwise we would have done the other. You know, we don't know how they did it, but that's up to them. Villages certainly could do it. Some villages put it up for referendum. Now when you look at the numbers, at least locally, it was split right down the middle, pretty much 50/50 - You know, 49/51 50/50 I mean, it was really close. So that's what tells me is there's 57% of the population that is for having some form of marijuana in their in their neighborhood or in their community. So now I look at the distribution. If you're going to have distribution here, there is a benefit to the town, you know, at least 50% of the people will now be able to purchase something that they're purchasing anyway, probably illegally, and if they're purchasing it illegally, there's a good chance that it may be laced with fentanyl. There's a lot of fentanyl coming into United States now - they're lacing the marijuana with that and you know, people are starting to smoke it - and if they don't die, they get extremely sick but there's a chance that they could even die so we don't want that. So if you have a dispensary at least it's going to be regulated by the state and you know that it's not going to be laced with that. Now, there's going to be - I know they have different quantities - you can get it in different, you know five milligrams or whatever and you know, whatever dosage you want. What's the benefit? What's the additional benefit? The additional benefit is the revenue. Now, like Mr. Kudarauskas said, what's the problem with waiting? Well the problem with waiting is they're going to issue their licenses. We had a gentleman get up and was asking about licenses in the state. Well, they are going to be a first come first serve basis. Right now the Town of Van Buren has opted in and has decided to opt in for retail sales, and Clay has decided to opt in for both retail sales and consumption. So we have people on both sides of us that are opting in for retail sales. So people in town have a license and could just drive over the river over the bridge in either direction and get their marijuana - so they're going to get it whether they add 50% of them are going to get it whether we like it or not. So where's the benefit? We're losing out on tax revenue - but if we have an opportunity of tax revenue that's going to be there anyway. We can't prevent it. It's going to happen. Why shouldn't we avail ourselves of that additional tax revenue and trying to offset some of our other costs? Some of the things that was in that article? I think there's a lot of holes in it. We do know how one of the things that the gentleman talked about in the article was we don't know how the revenues are going to be distributed, but correct me if I'm wrong Mr. Rivizzigno, but the county gets 4% of that of which we get 3% any town that opts in.*

Mr. Rivizzigno: *The County gets 4% of the 9% tax, but then that's divided between all the towns within the county and that's divided based upon the number of or the amount that you sell in your town versus the amount that another it's prorated.*

Supervisor Wicks: *There were a couple of things that I think where the assumptions were made. I don't think that they're correct. But for us, I think a retail establishment, and there are some benefits to the town that you can certainly point out now with the consumption portion of it. You know, some people got up and said well, you know, why do we want people driving somewhere else and then driving back into the town after they've already consumed their marijuana? Well, what about the people drive into the town, consume marijuana consumption place in the drive off, you know, I mean, they're making an argument and I disagree with the fact and this is just from personal knowledge from being a cop for 39 years that marijuana is usually associated with alcohol. And because you gotta wash it down with something while you're eating your Twinkies - and the when you do, there are cars that drive slower, and that causes an accident, too. I mean, if you get you get somebody driving on a road that's driving 40 miles an hour, 50 miles an hour in a 65 mile an hour zone. How many people are driving 65? Not very many. So that can cause problems too - and there's no doubt that reaction time is affected by marijuana use. So I even though there are statistics for it, it's because there really isn't any way to gather those statistics for the insurance company to have. It just isn't there. And cops, if they can arrest them for DWI, they're not going to go through that process because it is driving in an intoxicated condition and whether you're driving in intoxicated under alcohol, or marijuana or both it doesn't matter. You're still driving in an intoxicated condition. So where's the benefit to the town? I don't think that the revenue we're going to get from people coming into the town is going to be that great. I just don't see the benefit for us on the consumption side.*

So I'm going to vote to opt out of the consumption but I do believe that there are enough reasons to opt into the dispensary, especially with 50% of the people countywide are saying yeah, we want it - and almost one person with the exception of a couple of board members, people that we've heard from the community, they wanted the dispensary. So for that reason, I'm going to say that we want to opt in, for dispensaries. So a yes is to opt out of the onsite consumption. We will take a roll call: Yes. Aye. Aye. Aye. Okay. So now we'll move on the motion. Any further discussion on that? No. Okay. So a yes vote means that we want to opt out of the cannabis retail sales. We'll start again start with you, Mr. Diamond. No, no, no okay. So the no's have it for consumption.

Motion made by _____ seconded by _____ for the Town of Lysander to opt out of allowing cannabis retail dispensaries in the Town of Lysander as authorized under Cannabis Law Article 4.

Supervisor Wicks	No	Councilor Kudarauskas	No	Councilor Geraci	Aye
Councilor Moore	No	Councilor Diamond	Aye		

Roll Vote: MOTION FAILED

MOTION TO AUTHORIZE THE TOWN SUPERVISOR TO SIGN THE CONTRACT DRAWING AMENDMENT COVER SHEET AND BSP-5 FOR THE CRIMSON RIDGE PHASE V SUBDIVISION

RES#195/2021

Motion made by Councilor Geraci seconded by Councilor Kudarauskas to authorize the Town Supervisor to sign the Contract Drawing Amendment cover sheet and BSP-5 for the Crimson Ridge Phase V subdivision as recommended in the Town Engineer's letter dated November 30, 2021.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Diamond	Aye		

All ayes, motion carried and adopted

MOTION TO ACCEPT THE RESIGNATION OF THERESE PEARCE

RES#196/2021

Motion made by Councilor Geraci seconded by Councilor Kudarauskas to accept the resignation of Therese Pearce effective Friday, December 3, 2021.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Diamond	Aye		

All ayes, motion carried and adopted

Adjournment

A motion was made by Councilor Geraci and seconded by Councilor Diamond to adjourn the regular Town Board Meeting at 8:45 PM.

This is a true and complete recording of the action taken at this meeting.

Dina Falcone, Town Clerk