

A Town Board meeting was held at Town Hall on June 3, 2021, in 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, and several residents and guests.

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

MOTION TO ADOPT MINUTES

RES#92/2021

Motion by Councilor Geraci seconded by Councilor Kudarauskas to adopt the May 20, 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

Cannabis/Marijuana Legislation Q&A

Supervisor Wicks: *We are going to have citizens question and answers regarding Marijuana Legislation. We will try and answer as many questions as we can for you. There should have been a packet in back regarding the legislation; but what we are going to do is waive the five minute time limit on this for the discussion for the Marijuana Legislation alone. Once we get to the citizens comments, we will go back to the normal protocol for citizens' comments. So, do we have anyone in the audience who would like to speak for or against the adoption of the town moving to – there are two issues - we can have a dispensary in the town and we can also have establishments where people will be able to consume marijuana; those are two separate issues. Is there anybody who wants to speak for or against or give their opinions on where the board should go with that?*

Will Stowell: *I don't have too much to say, I just hope that we are in favor of bringing this to our town. I think it's going to be a big boon as far as a dispensary. I think the consumption of it in a place requires a little bit more technical thinking, but I am in support of it, and I hope that you guys agree. That's all I've got.*

Supervisor Wicks: *Thank you.*

Steve Aiken: *Personally, I am in favor of the dispensary in the Town of Lysander, and it's going to be so many regulations controlled so tightly, I really don't foresee there being any issues with that, just bring in tax revenue, as far as other - where you can smoke, the establishments or whatever, I guess I am not for that, and I know, but the appeal of some of that would be, I restate that personally I am in favor of dispensaries in Town of Lysander, and I would like to hear what people have opinions and what any drawbacks would be to that.*

Supervisor Wicks: *Thank you. Anyone else?*

Cindy Clarke: *I, like the other gentleman here, am in favor of it probably because of the tax revenue. I understand there's a chance that the opportunity is there for a large influx of tax dollars to come into our community, and anything that can help offset the citizens' tax bills is welcome as far as I'm concerned. I don't really see any negative, because if it's not legal, people are going to smoke it anyways - they are going to buy it somewhere anyways, so if there are tight controls, we probably thought there would be very strict state controls - I don't see any problems with it in keeping in line with those controls, that, like I say people are going to smoke it anyways; they are smoking it now I'm sure, but if we can keep it here, and keep a better handle on it in our own community, I don't see where it's going to be a problem. I don't see quite frankly –*

I grew up in the heyday, and I never saw it that much as a gateway drug or anything like that, so if it's here, it's now, we have to deal with it; we might as well take advantage of it and reap the benefits that it would potentially bring into our community.

Supervisor Wicks: *So you are talking about a dispensary, what about the consumption?*

Cindy Clarke: *That I'm not crazy about. That doesn't interest me, but as far as the dispensary - let's keep the money here in our community, because like I said, people are going to smoke it and buy it regardless. So we might as well make it clean.*

Supervisor Wicks: *Thank you.*

Gail Tosh: *I'm in favor of the dispensaries for the stated reasons before; because of taxes that are going to come into the community, but I recently took a drive across country and this is a hot topic in a lot of places I visited, and one of the things that was a problem was that when people did legally purchase their marijuana there was no place for them to consume it, so what I'm thinking of, if there was a place to consume it, people would come. And what that would bring is more tourism to our town, which would bring more dollars to our restaurants, to our gas stations, and other things like that, so above and beyond tax dollars I am looking at it as the draw – another draw to Baldwinsville and Lysander. Thank you.*

Matthew Hunt: *I am for the adoption of the dispensary and places to consume it. Tax revenue, obviously, health benefits, tourism, it is also going hand in hand with the Hemp CBD world; I believe New York State has breweries and wineries; [which] brought up a unique niche product that people want to come here for, and will bring people from out of the area to visit our town and they will be able to experience other things for it – no negative drawbacks, and lots of health benefits and I think the town as a whole is completely missing the boat if they don't get on board.*

Supervisor Wicks: *Okay, thank you.*

Kevin Rode: *My question, and I guess, is more about zoning. Would it be - like are there any – I haven't read the law; so, is it about - you know, what districts would it be considered business? Do we have those specifics yet, or the state?*

Supervisor Wicks: *I think, and correct me if I'm wrong Tony, with this we can establish specific zones for a dispensary; and I'll just talk about a dispensary right now, because that seems what people are in favor of the most. A dispensary - we can establish zones outside of the zoning we already have, correct?*

Tony Rivizzigno: *Just amend your zoning law to allow, to whatever zone you want to.*

Supervisor Wicks: *So, does that answer your questions, I mean, we are going to establish – it has to meet certain criteria, it can't be near schools and things like that. Certainly you don't want it near parks and things like that, but we can establish some zones - and we haven't even gotten to that point yet because as a Board we wanted to hear what the community had to say.*

Kevin Rode: *Well I haven't read the law, I don't know if it said it would be general business or left up to the towns or municipalities.*

Supervisor Wicks: *They can leave it up to individual towns to decide where that goes.*

Kevin Rode: *Now I know we are one of the first people to have a Q & A like this. Has there been discussion with the Village? Because to me given what Lysander is, the commerce park business park is more in the Village and if the Village decides to opt out, that puts the town in a unique area of where would you put the zone.*

Supervisor Wicks: *We haven't had any discussions with them, because they are separate, and I think that's going to be up to their Board to decide what they can do, because villages can put it up for a referendum, towns cannot. Town law doesn't allow us to do that. There is an option for permissive referendum with signatures and things from the community if they don't like our decision, but I don't know, there are some villages in the county I know aren't going to put it up for referendum to see what the community wants to do, but we haven't had any discussions with the Village as for what they are going to do.*

Kevin Rode: *And I know at the last work session, maybe before that you talked about the town's part of the tax percentage. Were you able to find out anymore if there's a pooling and each town gets a part?*

Supervisor Wicks: *It is a pooling, and then how it works, is the towns that opt in, so, we will say there are four towns that opt in, and the rest of the towns don't - the only ones that will share in that revenue are the towns that opt in. Then it will be split up, and I'm not sure if it's done by population, if it's done by sales, I've heard it both ways so I'm not sure about that, but they will be distributed. But [if] there are only four towns that opt in those four towns will share in the tax revenues and it is 3% of the sales that the towns would split.*

Kevin Rode: *I'm probably in favor of it and I see both dispensaries and consumption bars as possible tax revenue, but as Cindy pointed out, it's legal to smoke; and us opting out of it doesn't prevent somebody from smoking it or consuming it so we are past that point as a town. I think we should look at - let's try to have an area as long as who knows what is going to happen? But we have the Baldwinsville Police, the State Police and the Sheriff's Department; personally I don't think it's going to be crazy people walking loosely down the street, hopefully, but I think it would be – it could be advantageous for the Town of Lysander to move with the state and get some tax income and possibly tourism too. Something that I didn't think of. Thank you.*

Councilor Moore: *One quick thing, Tony Rivizzigno, to go back to Kevin's first question, you did answer the zoning question regarding the dispensary? And is it the same situation with smoking and consumption? As far as the town being able to zone locations where consumption...*

Tony Rivizzigno: *I think we can do both...*

Councilor Moore: *I figured as much, but since...*

Tony Rivizzigno: *You could have a small establishment and then a residential area, there is flexibility with the zoning law.*

Supervisor Wicks: *Anyone else that would like to speak on this issue? This is a question and answer, we want to be able to – we will try and answer your questions as best as we can, but the law is a little convoluted, and there has been a lot of smart people – a lot smarter than me - looking at this and there are still some questions that need to be answered, but we do have some information and we will answer some questions to the best of our knowledge anyway.*

Gene Dinsmore: *I personally am appalled that we are even at this point. But, the Governor and the Legislature have put it in the law, so we might as well not hide, you know, our eyes from it, and take advantage of whatever needs be, because if we don't, supposing we only have a dispensary, and then you have to go to Clay or Salina to partake of it, but now you are causing our people to go out of town to enjoy the stuff... I would just assume to accept it for what it is - the Governor and the Legislature did it to us, I would just take advantage of everything that is brought, the good and the bad, and let it go. There's nothing, I don't think that any one of you and any one of us are going to stop it ultimately, so you might as well accept it, and try to make sure that the Sheriffs and everybody has the tools to manage it. Okay, thank you.*

Gentleman in audience: *I watched the presentation [the video] and the meeting from last month and that is my question. What I'm wondering is, I don't know how a dispensary is going to be approved by the state, so let's say four towns up in Lysander is one of them. But [what if] nobody ever puts a dispensary in Lysander? Would Lysander then still be privy to part of that pool of money that is coming in in taxes? Or would Lysander be shut out?*

Supervisor Wicks: *I'm not sure. That is a good question. I can answer this: if we opted in but we didn't have a dispensary in the town, and the Village opted in and they did have a dispensary, we would get part of that revenue from the Village, but I don't know if we don't have a dispensary in the town if we would get some of the revenue. This is something that we will have to find out.*

Gentleman in audience: *For people that would be opposed to the dispensary, in my mind... has one anyways... (Inaudible) would we be missing out on free moneys...but it is just something to keep in mind.*

Councilor Moore: *As Supervisor Wicks had mentioned, the law itself is quite lengthy and what we have printed out here tonight is basically your Cliff's Notes version which is why it does get complicated and hard to answer but there is a line if you are looking at page 8, and they are talking about the revenue, the tax revenue from this, it does say in the second bullet, on the top part there, it does say that if you are down there, basically the money will be in proportion to the sales made in such cities, towns and villages, so if this were the only part of the law that I was looking at, and I just don't know...*

Like I said it's pretty lengthy, my assumption would be you would have to sell something within your town in order to receive some of that money except of course the bottom part where Supervisor Wicks also pointed out the third bullet down does talk about the villages selling, and then even if the town doesn't, there still would be, so I know I see why it might have been hard for people to answer that question for you but it does sound like you have to make sales.

Al Yager: *The third bullet also says that if a dispensary is in a village, and the town hasn't opted out, the revenues get split 50/50 between the village and the town.*

Councilor Moore: *If the dispensary is in the village and not outside of the village, but in the town, there would still be some tax revenue.*

Supervisor Wicks: *We would have had to opt in to do that. We couldn't opt out and they opt in and then we get part of the revenue. We would have to opt in and they opt in and then we'd get part of it.*

Gentleman in the Audience: *But officially, Lysander Town Board they don't have to opt in. They can just do nothing at all, and kind of be...*

Councilor Moore: *Correct.*

Supervisor Wicks: *And it automatically goes into effect. We automatically opt in by not doing anything.*

Councilor Geraci: *I'll ask a question: so we don't do anything; we automatically are opting in. Do we still retain the right to decide where these things will be located after the fact?*

Tony Rivizzigno: *Yes.*

Matt Hunt: *I can't recall the name of the study or statistics, but I work in insurance, and I recently read and do a lot of work in the CBD world, and with the legal cannabis world, and studies actually show that in other states they have legalized cannabis that the areas they have put dispensaries and such have actually improved quite a bit. So, whatever concerns there are about the bad element of this, by legalizing it you are essentially getting rid of the bad element and you are not bringing in you know the guy on the street corner, you are going to have doctors, lawyers, business professionals, [and] business owners, this will improve the quality of wherever it is located.*

Supervisor Wicks: *That is for dispensaries though right? Because just to you know point this out, I know that when they initially in Colorado, there was an issue when they put, I'm not sure if they had consumption establishments or dispensaries or both in Colorado, there was an issue with the business district. It did have a detrimental effect on some of the businesses in those areas. Now, that was initially, that was - you were probably going back 12 years, and that came through the Chiefs of Police when I was still a cop; I mean we got that information, so that might have changed, so that is something we would have to look at.*

Mark Rubin: *Good evening and good evening to everyone else. I have a medical card. I used to get a lot harder medication that the doctor had prescribed - pharma - Purdue Pharmaceuticals. This has changed my life. Dispensary recreational use, these are all terms. But what it is, it's adult use. It's not a toy. It's better than alcohol, it relieves stress, pain anxiety, cancer problems. I would beseech everybody here to consider the medical - and we have to go to DeWitt, or Liverpool, or we have to go [elsewhere] - so it's important to people, people who are not here, people who can't be here because of their pain, because they are hurting, and we could collect revenue as a result, and helping our people and helping our community by helping our fellow citizens, I think that's a step in the right direction and I thank you for your time.*

Supervisor Wicks: *Anyone else? Anybody from the Board want to make a comment regarding this?*

Councilor Geraci: *I appreciate everyone for coming out tonight because you just don't know what people are thinking and it would really be nice if more people had come, and maybe they will in the weeks to come because it's good to hear different perspectives.*

Councilor Diamond: *[It was good to hear] people sharing their opinions. If you have any other thoughts or concerns, please feel free to email us. I look forward to reading them. Thank you.*

Councilor Moore: *I would like to echo a little bit of what Ms. Clarke mentioned is - that it's here. It's here. And really, there's nobody in this room that is going to stop anything from you know, the law is already law, so really our decision is whether or not to allow dispensaries or consumption outlets. I am just glad that everybody came out to talk to us. There's going to be tax revenue benefits to this, there could very well be health benefits to this, and I'm glad to hear everybody's opinion. Thank you.*

Councilor Kudarauskas: *With what Pete just said, it's here to stay and it's not going anywhere. Might as well benefit from the tax revenues. We don't have a lot of industries here in Lysander with the exception of Budweiser and a couple of other things that may come here, but we might as well take advantage of the tax benefit to help out and offset the residents'.*

Supervisor Wicks: *Obviously nobody here is going to stop anybody from smoking, in fact it's against the law to do that, and part of the adult use of cannabis, just so you know, people will be once they establish the Office of Cannabis Management, and they regulate it, people will be able to grow plants in their own residence. So instead of having a tomato garden you can have a cannabis garden, and the law allows which, I'm sure people are going to have it, people 21 or over may possess up to five pounds of cannabis on the grounds of their private residence so that's a lot of weed. I saw five pounds of weed years ago when I was a cop and that's a lot of weed. But I do agree with the gentlemen over there, there's a lot of medical benefits to it; glaucoma, epilepsy, anxiety, cancer patients use it, so there are some medical benefits to it. The dispensary, just so people know, I happened to get a call a couple of weeks ago from an individual who has a dispensary in Worcester, MA. Worcester MA is a community of about 50,000. He said it was kind of like an Apple Store. And it is, it is like an Apple store. White and very clean, and a professional business. I asked him, what type of revenues are you taking in? Monthly he said \$1M. They were taking in \$1M a month that would equate to \$30K for the community per month. That's quite a bit of money to take in to opt out of. The dispensary certainly - I'm going to go with whatever the sentiment is of the community. I'm going to go along with that. Tonight at least, people are in favor of dispensaries for the most part, not necessarily for the consumption establishments. I would in order to make any type of decision on that like to know more information on how they operate, like a bar, where you are going to sell whatever, over the bars, and you're going to consume in there, do you have to go to a dispensary and bring it into the place? Is alcohol going to be consumed there? The difference between a bar and a cannabis consumption establishment – if you go into a bar you can go in and have a beer – if I have two – I'm one of those people if I drink two I probably shouldn't be behind the wheel and I don't - but most people can drink a beer have a sandwich and walk out the door and not have a problem driving. I'm pretty sure that's not the case if you go in and have a couple of gummies or smoke a joint – you're probably not going to be able to drive a car. So for that reason I'm kind of leaning away from a consumption establishment. Because they can smoke anywhere smoking is legal. You are going to see people up and down the street anyway, so is it better to have in a location where they are smoking it on the street? I don't know. That's why we asked the community what they thought about it. We have some time to make these decisions. We have several more months if we want to opt out. If we are leaning towards opting in, or we don't have to do anything, if we want to opt out on one or both, then we have to do it before the end of the year. That's really our timeline.*

Supervisor's Comments

Supervisor Wicks introduced Mr. Derrick Carr, who is a representative with Senator Mannion's office. Mr. Carr spoke to the audience and wanted to let them know that anyone can reach out him at (315) 428-7632 and dcarr@nysenate.gov.

Town Board Comments

The Councilors thanked everyone for coming to the meeting and for their input on the Cannabis Legislation. **Councilor Moore** thanked the Parks Department for getting the Spray Park up and running as well. **Councilor Diamond** said he is looking at the Legislation from a different perspective, but he will try and keep an open mind.

Department Head Reports

Kevin Merrill, Director of Parks and Recreation said the Spray Park has opened successfully and he thanked Mr. Yager for all of his help in getting it up and running. They are currently working on the tennis court conversion into Pickleball courts. Discussion regarding Pickleball ensued and community awareness of events.

Regular Agenda Items

MOTION TO APPOINT MATTHEW HUNT TO THE ZONING BOARD OF APPEALS

RES#93/2021

Motion made by Councilor Moore seconded by Councilor Kudarauskas to appoint Matthew M. Hunt to the Zoning Board of Appeals with a term to expire June, 2025 (*filling vacancy from 12/2020*).

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

**MOTION TO AUTHORIZE THE TOWN CLERK
TO ATTEND NYALGRO CONFERENCE**

RES#94/2021

Motion made by Councilor Geraci seconded by Councilor Moore to authorize the Town Clerk to attend the New York State Association of Local Government Records Officers conference from June 6 – 8 in Geneva, New York. (Hotel \$450/Membership and Conference \$80) total: \$530. This is in the Town Clerk’s Training budget.

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

**MOTION TO AUTHORIZE PAYMENT OF
40 HOURS OF COMP TIME TO DAVID RAHRLE**

RES#95/2021

Motion made by Councilor Diamond seconded by Councilor Kudarauskas to authorize payment of 40 hours of comp time in the amount of \$1,509.14 to David Rahrle. This will not be precedent setting.

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

MOTION TO ACCEPT THE QUOTE FROM OKIE COURT SYSTEMS

RES#96/2021

Motion made by Councilor Moore seconded by Councilor Kudarauskas to accept the quote from Okie Court Systems totaling \$27,080.00 and use the total funds in account A-7110-401 for the complete conversion, resurfacing and lining of the remaining tennis court within the upper level into two Pickleball courts, and the complete resurfacing and lining of the tennis courts on the lower level.

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

AJOURNMENT

A motion was made by Councilor Diamond and seconded by Councilor Kudarauskas to adjourn the Town Board Meeting at 7:43 PM.

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

Dina Falcone, Town Clerk