

July 15, 2021

Cannabis Public Hearing and Town Board Meeting

Present: Supervisor Edward Bender, Councilman Alan Wood, Councilman Dan Wiley, Councilman Marty Mason, Councilman Paul Aubertine, Keith Brass, Highway Superintendent Bill Pond and approximately 18 visitors.

Supervisor Bender opened the Cape Vincent Cannabis Law public hearing with the pledge of allegiance. Town Clerk, Michelle Bouchard addressed the public with the background of the legalities of the option of the town board to opt-out in allowing smoke shops and dispensaries in the township of Cape Vincent. Supervisor Bender called for public comment.

Debra Suller – Debra said that she felt the town would be losing out in sales tax revenue if they decided to opt out in allowing smoke shops and dispensaries in the township.

Kate Castle – Kate told the board that there are tons of studies done on hard drugs, marijuana is not a hard drug and has documented studies of the medicinal value. She said that with poverty levels being what they are in Cape Vincent, she does not see why the town would want to opt out.

Susan Castle – Susan told the board that dispensaries are not opium dens. She said that she uses marijuana for her health, and she said that dispensaries are like Apple Stores. Susan said that Kingston, Ontario, is the nearest dispensary. She said that it would be a throw back to prohibition if the town opts out.

Councilman Mason explained that the law is subject to a permissive referendum and that a petition needs to be filed. He said that the petition needs to be filed before the end of the 45-day waiting period.

Dean White – Dean said that alcohol has no medical benefit. He also said that the revenue generated would be beneficial to the town.

Tim White – Tim asked if opting out is a default.

Councilman Aubertine said that the board wanted to opt out at this time because the legalization of marijuana is very new and opting out would give the board time to see how this all plays out. He said that the board will be able to opt in at a later date, and explained that if the board does not opt out, they are in and can never opt out at a later date. He said that by opting out it buys them time to see how the legalization rolls out.

Councilman Wood said that he would like to see it go to a vote.

Lee Edsall – Lee told the board that she would like those who are interested in opening a dispensary to speak about what steps they need to take to open, and what the tax revenues could be.

Dave McIntyre – Dave asked what does opting out prevent. He said that what concerns him are all the needles he finds on the beach.

Councilman Aubertine said that the law is not preventing the use of marijuana, as it is legal, but it does allow the board to see how the program unrolls. He said that there is not an opportunity to opt out later.

Todd Ewing – Todd read to the board the rules of owning a dispensary and the Social Equality Law. He said that he wants to own a dispensary in the village and the application is expensive.

Councilman Aubertine made a motion to close the public hearing and open the regular meeting at 6:27pm, seconded by Councilman Wiley.

Supervisor Bender called the regular meeting to order.

Privilege of the floor

Bob Farwell – Bob presented a petition to the board to have the speed limit on Humphrey Road reduced to 30 mph. He explained that there is an increase in traffic because of the expanded camp ground at Pier II.

The board asked the highway superintendent how this can be done and Bill explained the process.

Councilman Wood made a motion to accept the petition and have the highway superintendent move forward with the process to have the speed reduced if recommended by the State Police, seconded by Councilman Mason. All members voted AYE.

The minutes of the June 17, 2021 were accepted by Councilman Aubertine, seconded by Councilman Wood. All members voted AYE.

Matt Cooper, Barton & Loguidice – Matt reviewed the sewer study, stating that 50% of the grant has been received and the remaining funds will be released after the engineering report is approved by the DEC.

Matt also spoke to the board about a water quality improvement project grant. He said that he would like to apply for the town for this grant stating that this is a maximum \$10 million-dollar grant. He said that the deadline is July 31, 2021.

Councilman Mason made a motion to give approval for Matt Cooper to submit the grant paperwork for the town, seconded by Councilman Wiley. All members voted AYE.

Matt then spoke to the board about water district #7. He reviewed the grant and SEQR process and said that the town needs to be the lead agency in the SEQR. Matt said that the map, plan and report have been updated and he gave the timeline the board needs to follow for a public hearing.

Reports

Water – Keith Brass reported that districts 3, 4, 5, and 6 have been read and they have done another water install. Keith said that the meters in water district one have all been replaced. He also said that they have cleaned and painted all hydrants.

Keith told the board that when the paving was done on the Mason Road, he had given Suite-Kote permission to draw water from a hydrant on County Rt 4. He said that they were flushing and opted to have them fill their truck up from there, instead of dumping it on the ground, since they could use it. Keith told the board that he has received an estimate for the repairs to the water tower. He shared this with the board. Keith told the board that the company is two weeks out and that he does not want to put this off; the repairs need to be done. Keith reviewed what needs to be done at the tower and he talked about the mixer system. He asked Matt Cooper if he would take a look at it sometime. He told Matt that that the tower is icing and wondered if other towns had the same issues. Matt said that he would look into this. Keith said that the reservoir valve at the booster pump station has reached its life expectancy and will need to be replaced.

Recreation Park- Keith said that they have had their usual meetings, parties and the youth day camp was held. He said that the girls fast pitch tournament will be held July 24 and 25. Keith reported that the soccer fields are fixed and in use. They have the field lined, are painting the building, and have put up a temporary pickleball court behind the building.

Keith told the board that the AED machine that is located in the kitchen in the Recreation Park building needs to be replaced. He said that the battery is dead and he has talked with the Cintas representative about leasing. He said that the lease will be \$79.00 a month. He told the board that he would like to go this route and have it placed in the hallway, not in the kitchen. He said that Cintas would give \$200.00 for the old machine.

Highway – Bill Pond reported that they have replaced the culverts on County Rte 4 and have done some ditching. He said that Jim Lawrence from Jefferson County had come down to see the work and is pleased with what has been done so far. Bill said that he needed to have another load of culverts delivered. He also said that they will be paving Hell Street, and is waiting on a paver. He said that the company is far behind. Bill reported that they paved Mason Road, using the train paver and the Suite-Kote water truck was given permission from the water department, to fill up from a hydrant on County Rt 4.

Bill said that he and Scott have repaired a few of the stones in the Market Street Cemetery. Bill said that the fire trucks were parked at the garage over French Festival weekend. He said that Steve brush hogged, and he and Scott picked up a lot of rocks in front of the Dollar General.

Councilman Wood said that he spoke to the manager at Dollar General, and they are supposed to keep up the mowing.

Bill told the board that he needs a resolution for the crushed gravel contract with the County and he has the 284 agreement for highway expenditures that needs to be signed by the board.

Bill told the board that the new fence at the transfer site will be installed next week and they will be doing some grinding there too.

Bill said that he would like to squelch the rumors going around that he is quitting his job. He said this is not true, and he wanted it to be heard from him that it is not true.

Supervisor's Financial Report – Supervisor Bender reviewed the financial report.

Councilman Aubertine made a motion to accept the Supervisor's Financial report, seconded by Councilman Wood. All members voted AYE.

DANC – Keith reported that there will be a DANC meeting on July 21, 2021 in Dexter. He, Supervisor Bender and Councilman Mason will attend.

LWRP – Councilman Wiley said that sections 1-4 have been submitted to the Department of State for Review.

Youth Commission – Councilman Wiley reported that the ball teams all did very well, they went undefeated. He said that soccer has started.

LDC – Councilman Wiley said that Scott Burto gave a report on the emergency funding grant for the shoreline at Tibbetts Point. He said that they met at Tibbetts Point and reviewed what needs to be done along the shoreline to protect it.

Councilman Wiley said that they are still working on changing the status there, and having the property turned over to NYS Historic Parks. He is still in contact with George Robinson from this organization. Councilman Wiley said that they are still working on the 501 C3 process.

The board discussed an application submitted and user agreement for water from Dave Fralick on Deerlick Road.

Councilman Aubertine made a motion to approve and accept the application for water from Dave Fralick for water, seconded by Councilman Wood. All members voted AYE.

Councilman Wood made a motion to appoint Carrie Aubertine as a member of the Youth Commission Board, seconded by Councilman Wiley. All members voted AYE.

Councilman Mason said that he has talked with Ken Garnsey, the building and grounds keeper for the Elementary school, and Ken told him that the school would like to put in a side walk from the school to the Recreation Park facility. He said that during fire drills the children head to the Recreation Park facility. Councilman Mason said that it will be paid for by the school. Highway Superintendent Bill Pond said that the town will provide the gravel for this and Councilman Mason said that the village crew will also help with this project.

Councilman Wiley spoke to the board about having an IMA with the village for ambulance coverage. He said that this was Attorney Joe Russell's suggestion.

Councilman Wood made a motion to have Attorney Joe Russell draw up an IMA between the town and the village regarding the ambulance district, and that it be based on the approval of the village wanting to have an ambulance district, seconded by Councilman Aubertine. All members voted AYE.

Councilman Wiley made a motion to authorize an agreement with SHIPO, pending discussions with the Supervisor before signing, regarding the shoreline repairs at Tibbetts Point, seconded by Councilman Mason. All members voted AYE.

The board discussed a letter that they received from Mickey Orvis regarding the Rosiere Light district. They tabled the discussion to be put on the agenda for the August meeting.

Councilman Wood suggested that the town board work sessions be moved back to the town offices. All thought this would be a good move.

Resolutions

Resolution #36

Resolution #36 was moved by Councilman Wood, seconded by Councilman Mason. Resolution #36 accepts the petition filed by the residents along Riverview Drive and Prudhon Lane for a speed limit reduction and to authorize the Highway superintendent to move forward with the procedure to reduce the speed limit on Riverview Dr. as recommended by the State Police.

There was no discussion. All members voted AYE.

Resolution #37

Resolution #37 was moved by Councilman Wiley seconded by Councilman Aubertine. Resolution #37 is the adoption of the Cape Vincent Cannabis Law opting out of licensing and establishing cannabis dispensaries and/or cannabis consumption establishments, and this local law is subject to a permissive referendum.

There was no discussion. Roll call vote was taken:

Supervisor Bender	AYE	Councilman Aubertine	AYE	Councilman Mason	AYE
Councilman Wiley	AYE	Councilman Wood	AYE		

Resolution #38

Resolution #38 was moved by Councilman Wood, seconded by Councilman Wiley. Resolution #38 is to authorize the Supervisor to transfer \$5,000.00 from Fund Balance to A1410.11 Town Clerk Deputy Personnel Services for a budget amendment.

There was no discussion. All members voted AYE.

Resolution #39

Resolution #39 was moved by Councilman Aubertine, seconded by Councilman Mason. Resolution #39 is to authorize the Supervisor to execute a grant agreement for a Shared municipal Office Facility.

There was no discussion. All members voted AYE.

Resolution #40

Resolution #40 was moved by Councilman Mason, seconded by Councilman Aubertine. Resolution #40 is to authorize the Supervisor to file an application for funds from the NYS Office of Parks and Recreation for funding for the shoreline stabilization along the coast of Tibbetts point Lighthouse, and the amount is not to exceed \$300,000.00.

There was no discussion. All members voted AYE.

Resolution #41

Resolution #41 was moved by Councilman Wood, seconded by Councilman Aubertine. Resolution #41 is to authorize the Supervisor to file an application for funds from the NYS Office of Parks and Recreation for a covering on the ice rink, and the amount is not to exceed \$300,000.00.

There was the following discussion. The board talked about the resolutions having the same “not to exceed \$300,000.00” and thought it might be an error. Councilman Wiley said that he would like to call Scott Burto as the resolutions were submitted as per his request.

Councilman Aubertine made a motion to table Resolution #41 until Councilman Wiley had the answer or correction, seconded by Councilman Wood. All members voted AYE.

Resolution #42

Resolution #42 was moved by Councilman Wood, seconded by Councilman Aubertine. Resolution #42 is to approve of the Highway Departments letter to Jefferson County highway Department to sell crushed gravel at a price of \$8.00 per yard for work that will be done on the County roads in Cape Vincent. There was the following discussion. Councilman Mason asked Bill Pond if they would still be paid for hauling the gravel. Bill said that they would be paid for man hours, the trucks and gravel.

Resolution #43

Resolution #43 was moved by Councilman Wood, seconded by Councilman Mason. Resolution #43 is to approve the payment of \$2,223,50 to Bach Environmental for the removal, testing, disposal and backfill of contaminated soil located at 371 Club Street, which was determined that it had to be removed after a 1,000-gallon underground tank was removed.

There was no discussion. All members voted AYE.

Resolution #44

Resolution #44 was moved by Councilman Mason, seconded by Councilman Wood. Resolution #44 is to set a Public Hearing date for July 20, 2021 at 5pm in the Fire Hall to hear comments on the proposed Water District #7.

There was no discussion. Roll call vote was taken:

Supervisor Bender	AYE	Councilman Aubertine	AYE	Councilman Mason	AYE
Councilman Wiley	AYE	Councilman Wood	AYE		

Resolution #45

Resolution #45 was moved by Councilman Wiley, seconded by Councilman Wood. Resolution #45 is the towns desire to serve and act as lead agency for the purposes of SEQR for Water District #7.

There was no discussion. Roll call vote was taken:

Supervisor Bender	AYE	Councilman Aubertine	AYE	Councilman Mason	AYE
Councilman Wiley	AYE	Councilman Wood	AYE		

Councilman Wiley reached Scott Burton regarding resolutions #41. Councilman Wiley said that it was an error and that the verbiage "in an amount not to exceed \$300,000.00" should be stricken from the resolution #40 and #41.

Councilman Aubertine made a motion to correct resolutions #40 and #41 by removing the verbiage as recommended, seconded by Councilman Mason. All members voted AYE.

Keith Brass told the board that he was contacted by the Robins family who would like to plant a memorial tree at Recreation Park, for their mother Rosie, who just passed away. The board discussed this an its location. Keith suggested the area by the sidewalk and ditch. The board agreed.

Councilman Wood suggested that the town board work sessions be held in the town office buildings starting in August. All agreed this would be a good idea.

The board asked Town Clerk, Michelle Bouchard, to contact County Legislator Bob Cantwell and invite him to the August board meeting.

Councilman Mason made a motion to approve giving the Arts Council \$500.00 for the piano competition, seconded by Councilman Wood.

There was the following discussion. Councilman Aubertine said that he is concerned because these funds were not budgeted. He said that he agrees the event is good for Cape Vincent, and he does not want to lose it to another town. He said the board listens to several organizations who are looking for funding, and he does not feel that the board needs to fund every event, and that that is what the Chamber of Commerce is for. He said that the town board's job is to have places available for events and they have done that. Councilman Aubertine said that he feels the town board is not the Lion's Club or the Rotary Club. Councilman Aubertine said he would be voting "no".

Supervisor Bender, Councilmen Wiley, Wood and Mason AYE. Councilman Aubertine NO.

Dave McIntyre addressed the board to let them know that the town of Lyme will be holding a meeting on July 21 at 6pm in their firehall regarding their ambulance service. They have invited the Cape Vincent ambulance squad and the town board.

Councilman Wiley said that the town board would like to have a monthly report from the ambulance board. Dave said that he would get one together, but he didn't want to make a habit of giving a report each month.

Keith Brass told the board that he would like to purchase a fence for the pickleball court. He told the board that he has a quote from Alpine fence in the amount of \$15,395.00, which is budgeted.

Councilman Wiley made a motion to approve the purchase of the fence for the pickle ball court, seconded by Councilman Mason. All members voted AYE.

Bills: Highway, \$16,460.50; Club St. Project, \$18,107.49; WD #1, \$3,862.62; WD #3, \$71.58; WD #4, \$177.49; WD #5, \$160.24; WD #6, \$47.95; General Fund, \$35,998.32

Councilman Wiley made a motion to approve the payment of the vouchers, seconded by Councilman Mason. All members voted AYE.

Councilman Aubertine made a motion to adjourn at 7:55pm

Michelle Bouchard, RMC – Town Clerk