

Town of Yates Public Hearings, 6:30PM
8 S. Main St., Lyndonville, NY 14098
November 4, 2021

Present: Jim Simon, Supervisor
Harold Suhr, Councilman, via Zoom
Susan Hrovat, Councilman
Terry Chaffee, Jr., Councilman
Michele Harling, Town Clerk

Excused: John Riggi, Councilman

Others: William Jurinich

PLEDGE OF ALLEGIANCE

Supervisor Simon called the Public Hearing to order for the adoption of Local Law #2 of 2021 known as “A Local Law Opting Out of Adult Use Cannabis Retail Dispensaries and On Site Consumption Sites as Authorized Under Cannabis Law Article 4” at 6:37PM.

PUBLIC HEARING

Notice of said Public Hearing was duly published in the Batavia Daily News on October 23, 2021.

The purpose of such Public Hearing is to discuss the adoption of Local Law #2 of 2021 known as “A Local Law Opting Out of Adult Use Cannabis Retail Dispensaries and On Site Consumption Sites as Authorized Under Cannabis Law Article 4”. It is the intent of this local law to promote the public health, safety, and general welfare of the Town of Yates and its residents by opting out of state legislation enabling the establishment of retail dispensaries and on-site cannabis consumption sites in the Town of Yates, outside the Village of Lyndonville, that would otherwise be allowed under Cannabis Law Article 4.

PUBLIC COMMENT

Paul Lauricella, Town of Yates, could not attend the public hearing but sent an email asking that his opinion be noted- he is against adult use cannabis retail dispensaries and on-site consumption sites in the Town of Yates.

Attached is the adopted public comment minutes from the October 12, 2021 Marijuana Opt-Out Public Hearing held at the Yates Town Hall.

Paul Lauricella, Town of Yates, said marijuana is a dangerous drug that attacks the immune system in chronic users making them susceptible to assorted viral infections. He said there has been a significant rise in marijuana use in children as young as 12 years old and students from 8th to 12th grade attributing to psychosocial consequences like dropping out of school, poor school

performance or antisocial behavior. He said it affects almost all of the physiological and biochemical systems of the body. There could be an uptick in COVID cases because of the way the drug attacks the immune system but added that there will probably never be a study to validate this because “big pot/marijuana is big business” worth billions of dollars. He said it’s a gateway drug that in many cases leads to heroin use especially today where it is cheap and abundant over our open borders. It also can lead to an addiction to tobacco and cause financial and domestic burdens on families and children. He is completely opposed to the government becoming the trafficker or pusher for profit from the sale of marijuana. He said this will not end well and he does not want dispensaries in the Town. He feels that it should be put on a ballot for the town residents to decide, not five board members deciding on behalf of the whole community.

Russ Martino, Town of Yates, asked if there was any information available on other Orleans County Towns and Villages that have passed Local Laws opting out of marijuana dispensaries. He said that he disagreed with Paul Lauricella- he feels that the Town Board can and should make a decision on whether or not they will allow marijuana dispensaries on behalf of the Town of Yates and if in fact the public doesn’t like it, they can request a referendum to have it placed on a ballot.

Supervisor Simon responded that Councilman Chaffee did some research on what other Towns and Villages were doing but it was too early in the process to tell because many of the municipalities had not decided yet. He thought that a lot of them were leaning on opting out because of the option of opting back in if they so decide at a later date.

Joanna Follman, Town Bookkeeper, said that she is not a smoker so she prefers not to see dispensaries in the Town.

Larry Wolfe, Town of Yates, said that he doesn’t want to see people get into trouble and is against marijuana dispensaries.

RESOLUTION NO. 95-11/21

RESOLUTION TO CLOSE THE PUBLIC HEARING ON LOCAL LAW #2 OF 2021 A LOCAL LAW OPTING OUT OF ADULT USE CANNABIS RETAIL DISPENSARIES AND ON SITE CONSUMPTION SITES AS AUTHORIZED UNDER CANNABIS LAW ARTICLE #4

WHEREAS, all persons wishing to submit comments either written or spoken were heard, be it

RESOLVED, to close the Public Hearing at 6:38PM.

Offered by Councilman Hrovat, who moved its adoption
Seconded by Councilman Chaffee

4 Ayes 0 Nays 1 Absent (Riggi)

Motion: Carried

Supervisor Simon called the 2022 Town of Yates Preliminary Budget Public Hearing to order at 7:02PM.

PUBLIC HEARING

Notice of said Public Hearing was duly published in the Batavia Daily News on October 23, 2021.

The purpose of such Public Hearing is to present the Town of Yates Preliminary Budget for the fiscal year commencing January 1, 2022.

PUBLIC COMMENT

William Jurinich, Town of Yates, wanted to know the grand total amount of the 2022 budget. He asked how much surplus will be left from last year's budget. He said that when looking through the preliminary budget he saw a lot of differences between the proposed and actual columns. He explained that last year the board raised the rate by 12% so really we're at last year's increase plus 2%. He hopes that the surplus will be applied toward the 2022 budget. He asked if there are surpluses from "A" to "A" in lines like workman's comp. and unemployment.

Supervisor Simon said that the total 2022 budget is \$2,104,730.00 and of that about half will be raised by taxes which is \$1,083,100.00. He said that with regard to the 2021 proposed vs. actual columns, we did well. Over the last three years while under the Comptroller's Corrective Action Plan we have budgeted more than we actually spent and a lot of the credit here should be given to Roger Wolfe, Highway Superintendent. This budget stays below the tax cap but moves toward 2% because we still don't know yet for sure if the negative A-fund issue will be resolved at the end of this year. He explained that the only way to fix the A-fund issue is from surpluses in the A or DA budget lines. We cannot apply unused monies from B or DB to the A-fund problem. There could be some places in the 2022 Preliminary Budget where you see that not everything was spent but it will not necessarily go back to the A-fund. He said overall, it's the A-fund reserve account that we're trying to repair. Anything in the A account that isn't spent will go toward that negative balance. Unspent monies in DA will also help. This is for the town wide general highway. If in February of 2022 they see that the A-fund is remediated, then in the fall of 2022 they could possibly see a no increase or decrease in the 2023 budget. He mentioned the ARPA funds and the possibility of that being used toward the 2022 budget. We can use some of that money to pay back the Town's direct costs from COVID including documented labor and supplies. This can go directly into our general fund. There is also a formula through ARPA for the revenue side of the budget. If there is revenue lost, or if the revenue increase doesn't meet the State's threshold for normal annual revenue increases (4%) then the loss or difference can be applied to the general town wide account. Preliminary estimates look like the Town could apply roughly \$11,000-\$12,000 of their ARPA funds and they plan to pass a resolution in December to do this. In January, we should know exactly where we stand.

Paul Lauricella, Town of Yates, could not attend the public hearing but sent an email asking that his opinion be noted- he is against the increases in the 2022 budget.

RESOLUTION NO. 96-11/21

RESOLUTION TO CLOSE THE PUBLIC HEARING ON 2022 PRELIMINARY BUDGET

WHEREAS, all persons wishing to submit comments either written or spoken were heard, be it

RESOLVED, to close the Public Hearing at 7:28.

Offered by Councilman Chaffee, who moved its adoption
Seconded by Councilman Hrovat

4 Ayes 0 Nays 1 Absent (Riggi)

Motion: Carried

Respectfully submitted,
Michele L. Harling
Yates Town Clerk