

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held at Village Hall, 5565 Main Street, Williamsville, NY, on Monday, November 8, 2021 at 7:30 p.m.

The Village Board meeting was opened at 7:30 p.m. by Mayor Rogers

Administrator Kindron led the Pledge of Allegiance at 7:30pm.

Present: Deborah L. Rogers, Mayor
Matthew J. Etu, Deputy Mayor
Eileen A. Torre, Trustee
David F. Sherman, Trustee
Christine L. Hunt, Trustee

Also present: Judith A. Kindron, Administrator/Clerk-Treasurer
Michelle Battino, Deputy Clerk
Keaton DePriest, Director of Community Development
Charles Grieco, Village Attorney

Absent: Ben Vilonen, DPW Crew Chief

ON MOTION by Mayor Rogers, seconded by Deputy Mayor Etu, it was moved to approve the as amended minutes of the regular meeting held on October 25, 2021.

Unanimously carried

Public Hearing

NYS Marijuana Law

ON MOTION by Mayor Rogers, seconded by Deputy Mayor Etu, it was moved at 7:34 p.m. to open the public hearing portion of the meeting.

Unanimously carried

- 1.) **Sally Wageric-36 Country Pkwy** – Request opt-out until cannabis board finalizes restrictions.
- 2.) **Edward Knab-128 Garrison** – Retired school administrator. Request opt out. Put in Commercial areas of Amherst, can Village limit number of outlets? Need to enforce laws. How does this increase quality of lift.
- 3.) **Bill Nichols-Professor at SUNY Erie**-Offer himself up to help understand, not a user; however it does have good purposes for people. Certificate of analysis of product. Formal education is necessary.
- 4.) **Jon Nickerson- 66 Pasadena Place**- Currently we do not have all the information. Does not think Village should allow it.

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- 5.) **Jennifer Tudor-167 Hirschfield-** Feels that Village should not opt out. Does not feel it will encourage children to use.
- 6.) **Dan Rider-38 Garden Pkwy-**Suggested several sites; Garrison/Main, Meeting House, Hometown Cleaners, Asher Crossing. Hope Board considers it.

Mayor Rogers explained: Village split with Town 50/50 for any Village location. Although Town is willing to work with Village on the split.

Attorney Greico explained about if the Board ops out, it could go to a permissive referendum. % of voting electors.

Emails submitted via Mayor Rogers:

- 1.) **James Pierotti-137 Cindy Drive-** I'm in favor of allowing such shops to operate in Williamsville. I'm of the opinion that many baby boomers will restart marijuana use when full legalization occurs. It would be best to have a safe, regulated, taxed venue to go to. Thank you.
- 2.) **Joe Voytovich-** I read the article in the Buffalo News on the cannabis meeting this Monday. I was a little surprised that so few people contacted you on this issue! I would like to state that NOT opting out at this time is a BIG disservice. The cannabis control board has not issued full guidelines yet. We don't have all the facts. It will be over 18 months before anything happens. Allowing this to pass by default is a big mistake similar to giving someone a blank check and telling them to fill in the price for a purchase later. You just don't do that. The idea also of the government getting into legal drug sales seems opposite from the view that government is to look out for the good of the public. We look to ban sugar drinks because they make people unhealthy, but now we push marijuana to them. What would we do if we could go back 120 years with cigarettes? Imagine all the harm that could have been prevented. Extend this 40 years with marijuana. Let's not make the same mistake twice. How much is the village to gain financially? If it's a small amount – why bother? If it is a significant amount, who is going to suffer from paying the expenses of unneeded drugs?
- 3.) **Kevin Czora** – I wish to express my position to you regarding the opt-out topic. As a resident, I am opposed to allowing the sale of marijuana in the Village. My reason are as follows....To begin let me state my experience with marijuana. As a teenager I used the substance illegally and regret such endeavors. As an adult I enforced the laws which stated marijuana was illegal (and federally still is). I am a recently retired law enforcement officer, which included several years working narcotics investigations. I am very familiar with the way marijuana affects a person, and how it is still a potential danger to those who use it, and those around its use. This debate is not about the drugs legalization, but rather its sale and ultimate possession in our neighborhoods. Creating a zone in which people from in and around our community come to purchase and thus possess it, will increase the chances of a negative effects in Williamsville. Once purchased, the likelihood that it will be immediately consumed goes up drastically. This may lead to impaired driving or public intoxication. Boath situations may create an environment which are dangerous to those under the influence and those in close

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- proximity. Williamsville is a well-established, quiet community in which the residents enjoy a safe and comfortable atmosphere. Thru my extensive experience as stated above, I strongly believe permitting the sale of marijuana in our neighborhoods would be a detriment to what we've all come to enjoy. I respectfully ask that the Village of Williamsville opt out of the sale of marijuana and continue to make it a place for all to enjoy in a safe and family friendly atmosphere. With all due respect.
- 4.) **Jonathan & Amanda – 94 Academy St.** – Should Williamsville allow cannabis shops? Absolutely not. No.
 - 5.) **Travis Geiger** – If you don't opt out it doesn't necessarily mean the Village has to or ever will open a dispensary or bar. If you DO opt out then that's it and that's that. You'll never have the option and it's a done deal. Why not keep your options open vs completely shutting it down and never knowing or doing further research? Seems simple to me. Stay Well.
 - 6.) **Todd Tevens** – I just read the article on Buffalo News on the debate on marijuana stores in our tiny village. Traditionally the store fronts I have seen are unsightly with bright blinking fluorescent lights promoting cannabis and other items. In order to maintain a quaint village atmosphere let's avoid these stores. Is there really a need when there is a store 2 miles up the road on Transit? What value will this store bring to our community? There are plenty of options within 5 miles for residents to purchase marijuana.
 - 7.) **Xuefeng Ren** – I strongly express my objection to allow cannabis shops in Williamsville. Williamsville is a proud place for child safety and education, and don't let this ruin our village and community. Everyone knows that cannabis is an addictive drug, and there is no excuse to let it so accessible to our kids. Thanks for your consideration!
 - 8.) **Katie Weissman –140 Troy del Way** - I am writing to you to express my support for allowing cannabis shops in the Village of Williamsville. Any cannabis user will readily tell you how excited we are to finally have the ability to go into a store and buy cannabis products that are tested and verified. Turning down an opportunity for cannabis shops in the Village will be tantamount to leaving money on the table, and turning our back on our neighbors who need cannabis to treat anxiety, depression, eating disorders and the like. Any concerns about crime or violence are rooted in outdated propaganda about the character of marijuana users. Any concerns about the message this sends to our youth are also unfounded-we have liquor stores already, and in my experience not only is alcohol a much more harmful drug than marijuana, but is much easier to buy alcohol when you are underage than it is to buy cannabis products from a licensed retailer. Thank you for taking the time to consider my opinion!
 - 9.) **Aaron Miner** – I'd like to express my strong disagreement to a potential opt out for Williamsville to Prohibit marijuana stores and dispensaries. Please note I am an attorney and parent of two children within the district. I strongly support recent legislation enacted by NYS legalizing marijuana for personal use. This legislation will reduce the disparate impact of the war on drugs on minorities, reduce the solvency for the black market for marijuana, and stimulate Williamsville's economy. As such, I believe Williamsville has an obligation to allow its residents to purchase a legal product (under the timeline in the law), has a duty to its residents to maximize the collection of taxes, and should not subscribe to outdated thinking on the topic of marijuana. People will be obtaining the product in some towns, Williamsville should not sending customers to other areas to stimulate their respective economies at the expense of our own. Further, I believe we've

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moved past the outdated alarmism regarding the use of marijuana, especially when compared to the destructive effects of alcohol. Williamsville opting out would do a disservice to its residents and validate outdated thinking. I encourage the Village to take no action and allow its retailers to sell the product once permitted under NYS law. Thank you.

- 10.) **Philip Rico** – Buffalo News reporter Charity Vogel’s article in the newspaper prompts me to write in opposition to allow cannabis stores to conduct business within the Village of Williamsville. If the Village had problems with occupancy rates, it would be one thing. Fortunately it does not have this issue, as rents continue to increase, along with property values and demand for a Village address. I have lived in Williamsville almost all of my life except for a couple years in my 30’s and am the third generation to have lived here with my grandparents settling here in 1930. And of course there are other families that go back farther. Why cannabis needs to be so readily available and going no more than a mile from one’s house to obtain it is an inconvenience, maybe people who require it A) need to plan better and pick up a supply while they are out on other errands B) use a delivery service C) live somewhere else. I can’t believe this is even an issue despite it being 2021. I openly admit I detest drugs of any kind, but that being said, it is legal and couldn’t care less with other people do as long as it doesn’t affect me. Williamsville is already too much of an affected party scene with the bars on Main Street on weekends. While they can buy booze here legally and have been able to do so since prohibition was lifted, let’s keep it “BYOC” (bring your own joints). Respectfully.
- 11.) **Jeffrey Marcus, P.C.-19 Limestone Dr., Ste 3-** My perspective? We should not opt out. Legalization of marijuana is a reality. Let’s let the Village reap some of the economic benefit by allowing the presence of marijuana-related businesses here. If not here, they will be right next door. They are not going away.
- 12.) **James Marchese- 78 Oakgrove Dr.-** I’m sure you are very busy but wanted to make my feeling known. Please let the Village be a dispensary and lounge free zone! Sincerely.
- 13.) **Suzanne Marchese-78 Oakgrove Dr.-**I wanted to express my opinion I am strongly against having marijuana stores and lounge areas in the Village of Williamsville, As a mother of 4 children it is not something that I am comfortable with in our small quaint Village. Thank you, Debbie, for all your efforts in our community! My husband and I are strong supporters of you and your policies! Sincerely.

ON MOTION by Mayor Rogers, seconded by Deputy Mayor Etu, it was moved at 7:57 p.m. to close this public hearing..

Unanimously carried

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ON MOTION by Mayor Rogers, seconded by Deputy Mayor Etu, it was moved at 7:58 p.m. to open the public participation portion of the meeting.

Unanimously carried

Member(s) of the audience who addressed the Board and their comment(s) [*Board of Trustees' comments are in italics*]:

- 1.) Thomas Frank-5403 Main St. - LWRP – Town/Village co-lead agencies. Riverkeepers-Wendel Deshere-landscape architect, Mark Mistretta, 2021 Bicentennial of Erie Co., 2025 Bicentennial of Erie Canal, FERC, re: relicensing settlement, one region forward with UB, Power project watershed is 47 miles long.**

ON MOTION by Mayor Rogers, seconded by Trustee Torre, it was moved at 8:05 p.m. to close the public participation.

Unanimously carried

Report – Mayor Rogers

Swore in 6 members of the Williamsville Rotary Club

Communities are only as good as the schools they support. Disappointed in letter from ECDOH re: mask breaks. Williamsville Central School District was the only district to receive such letter from ECDOH. Applauded the response letter given by WCSD Superintendent Dr. Brown Hall. Vaccines – freedom of choice.

No covid vaccine mandates for kids K-12 to attend schools.

ON MOTION by Mayor Rogers, seconded by Deputy Mayor Etu, the following resolution was adopted:

RESOLVED, that the following *budget transfers* is hereby made in the *General Fund* for the 2021-2022 fiscal year.

To:	001-3410-2050-0000 (Fire Protection/Turnout Gear)	\$	360.00
From:	001-3410-4490-0000 (Fire Protection/Uniforms)	\$	360.00
To:	001-3410-4160-3406 (Fire Protection/Truck 6)	\$	3,652.00
From:	001-3410-4160-0000 (Fire Protection/Truck Expense)	\$	3,652.00
To:	001-5010-4050-0000 (Street Administration/Drug & Alcohol Test)	\$	59.00
	001-5010-4450-0000 (Street Administration/Miscellaneous)	\$	237.00
From:	001-5010-4040-0000 (Street Administration/Education Expense & Travel)	\$	296.00

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To:	001-5110-4161-0902 (Street Maint./Repairs Int'l Dump Truck w/Plow Frame)	\$	1,234.00
	001-5110-4161-0907 (Street Maint./Repairs 1992 Auto Car Dump w/Plow Frame)	\$	20.00
	001-5110-4161-0906 (Street Maint./Repairs 2007 Int'l 4300 dump)	\$	2,786.00
From:	001-5110-4161-0000 (Street Maint./Repairs-Equipment)	\$	4,040.00
To:	001-7110-2010-0000 (Parks/Capital Improvements)	\$	187.00
	001-7110-4430-0000 (Parks/Sanitary Waste Disposal)	\$	915.00
	001-7110-4169-0000 (Parks/Repairs-Other)	\$	6.00
From:	001-7110-4360-0000 (Parks/Supplies)	\$	915.00
	001-7110-2040-0000 (Parks/Capital Reserve/Parks)	\$	193.00

Unanimously carried

RESOLVED, that the following *budget transfers* is hereby made in the *Glen Park Fund* for the 2021-2022 fiscal year.

To:	009-7141-4430-0000 (Sanitary Waste Disposal)	\$	310.00
	009-7141-4450-0000 (Miscellaneous)	\$	1,163.00
From:	009-7141-2010-0000 (Capital Improvements)	\$	1,473.00

Unanimously carried

ON MOTION by Mayor Rogers, seconded by Deputy Mayor Etu, the following resolution was adopted:

RESOLVED, that payroll and vouchers in the amount of \$158,884.78 covering the period from 10/11/2021 – 11/2/2021 are hereby approved as follows:

PAYROLL COVERING - 10/11/2021-10/24/2021	\$	49,125.84
VOUCHERS COVERING- 10/20/2021-11/2/2021		
GENERAL FUND-	\$	85,817.78
WATER FUND-	\$	0.00
SEWER FUND-	\$	4,389.48
GLEN PARK FUND-	\$	2,045.82
TRUST & AGENCY FUND-	\$	17,505.86
DEBT SERVICE-	\$	0.00
COMMUNITY DEVELOPMENT-	\$	0.00
CAPITAL FUND-	\$	<u>0.00</u>
	\$	109,758.94
 GRAND TOTAL:	 \$	 158,884.78

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ON MOTION by Mayor Rogers, seconded by Deputy Mayor Etu, the following resolution was adopted:

WHEREAS, the Village Administrator has returned her warrant and tax roll and has delivered to the Board of Trustees an account of taxes remaining due, amounting to \$29,953.63, containing a description of the land upon which taxes are unpaid, the person whose name is assessed, together with the amount of unpaid tax; and

WHEREAS, the Village Administrator has filed a verified statement that the taxes mentioned in such account remain unpaid, and that after diligent efforts she has been unable to collect same; and

WHEREAS, upon receiving such account from the Village Administrator, the Board of Trustees compared the same with the original tax roll of the Village; and

WHEREAS, said Board of Trustees find such account to be a true transcript and has certified to the effect that they have compared it with the original tax roll and find it to be correct.

NOW, THEREFORE, BE IT RESOLVED, that the Administrator of the Village of Williamsville is hereby credited by this Board of Trustees with the amount of said account in said return; and

BE IT FURTHER RESOLVED, that a Certificate executed by each member of the Village Board be attached to the account of unpaid taxes stating a total of unpaid taxes in the amount of \$29,953.63 and reciting that the account has been compared and found to be correct; and that the Administrator transmit said account and certificate to the appropriate officer of the County of Erie by November 15, 2021, to enforce collection pursuant to Section 1442 of the Real Property Tax Law.

Unanimously carried

ON MOTION by Mayor Rogers, seconded by Deputy Mayor Etu, the following resolution was adopted:

WHEREAS, the Village of Williamsville obtained ownership of the Lehigh Valley Section House through a landswap with Natale Construction; and

WHEREAS, the Lehigh Valley Section House has been declared a local historic landmark; and

WHEREAS, the building will need much work inside and out to make is a safe usable space;

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NOW THEREFORE BE IT RESOLVED, that the Village Board's declaration of 150 Milton Street as an unsafe structure is also a declaration that the property is blighted under New York State GML Section 505 & 24 CFR 570.208 (b)(2) based upon an inspection report that may be obtained from the Building Department at Village Hall.

Unanimously carried

ON MOTION by Mayor Rogers, seconded by Trustee Torre, the following resolution was adopted:

RESOLVED, that the 2022 Community Development Block Grant (CDBG) funding of approximately \$40,000.00 to be allocated to the stabilization and other exterior work needed at the Historic Section House.

Unanimously carried

ON MOTION by Mayor Rogers, seconded by Trustee Torre, the following resolution was adopted:

RESOLVED, that the Administrator is hereby authorized to advertise for a public hearing on Monday November 22, 2021 at 7:30pm to hear all those interested in discussing Local Law X3 of 2021 to Opt Out of the Marihuana Regulation and Taxation Act in the Village of Williamsville.

Roll Call: Mayor Rogers –	Yes
Deputy Mayor Etu -	No
Trustee Torre -	Yes
Trustee Sherman -	Yes
Trustee Hunt -	Yes
Motion Passed -	4-1

ON MOTION by Mayor Rogers, seconded by Deputy Mayor Etu, the following resolution was adopted:

RESOLVED, that the Williamsville Fire Department elects to participate in the Erie County Fire Mutual Aid Plan, and agrees to recognize a call for assistance through the Erie County Fire Control Center, Area Base Station, or the Commissioner of Homeland Security and Emergency Services, Deputy Commissioner of Fire Safety or their designee; and will comply with the provisions of such plan as now in force and as amended from time to time; and that no restrictions exist against normal mutual aid assistance outside of the regular district whenever possible without jeopardizing home area fire protection.

BE IT FURTHER RESOLVED, that a copy of this resolution be filed with the Deputy Commissioner of Fire Safety.

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Report – Deputy Mayor Etu

Vaccine mandates for schools is not up to Village. If it is mandated for schools, would be no different than other mandated vaccines

Report – Trustee Hunt

Agrees with Deputy Mayor Etu. Wants a good relationship with district.

Report – Trustee Sherman

Youth & Rec picked up pace. Watch for upcoming events. They are doing a phenomenal job!

Report – Trustee Torre

No Report

Staff Reports:

Deputy Treasurer: no report

Attorney Greico: no report

Administrator Kindron: no report

DPW Crew Chief: no report

Director of Community Development DePriest: no report

ON MOTION by Mayor Rogers, seconded by Deputy Mayor Etu, it was moved to adjourn the meeting at 8:20pm

Unanimously carried

Judith A. Kindron
Administrator/Clerk-Treasurer