

A Public Hearing Scheduled for the Town of East Bloomfield was held at the East Bloomfield Town Hall on Monday November 8, 2021 at 6:15 PM with the regular scheduled Town Board Meeting to begin immediately following with Supervisor Frederick A. Wille presiding.

Present:	Supervisor	Frederick A. Wille
	Council Member	Michelle T. MacMillan
	Council Member	Frank W. Fessner
	Council Member	Kathleen M. Conradt
	Council Member	William J. Mitchell Jr.

Attending the meeting were Margaret Gochenaur (Town Clerk), Scott Kimball (Highway Superintendent), Jim Kier (Code Enforcement Officer), Ron Roach (AWA Liaison), Andrew Rude (Environmental Specialist CAAFL), Tracey Dello Stritto (Executive Director Partnership for Ontario County), Anthony Sulli, Steve Lester, Marlene & Steve Murnan, Paul Kammermeier, Gail Harrington, Joel & Jaylene Steele, Tim Elder, Marco Falsone, Jake Richards, and James Voorhees.

Pledge of Allegiance led by Town Clerk Gochenaur.

Wille welcomed everyone to the meeting and thanked them for coming.

Wille opened the Public Hearing at 6:15 PM and the Public Notice was read by Town Clerk Gochenaur Town of East Bloomfield Notice of Public Hearing to consider the Adoption of Local Law No. 6 of 2021 To Amend the Town of East Bloomfield Town Code Chapter 135, "Zoning", Article XIII "Sign Regulations", Section 135-104 Entitled "Commercial & Industrial Speech Sign Regulations". Steve Murnan asked what the law meant. Wille replied "multiple listings on one sign". Discussion was held.

Wille closed the Public Hearing to consider the Adoption of Local Law No. 6 of 2021 To Amend the Town of East Bloomfield Town Code Chapter 135, "Zoning", Article XIII "Sign Regulations", Section 135-104 Entitled "Commercial & Industrial Speech Sign Regulations" at 6:18 PM.

Wille opened the Public Hearing at 6:18 PM and the Public Notice was read by Town Clerk Gochenaur Town of East Bloomfield Notice of Public Hearing to consider the Adoption of Law No. 7 of 2021 To Opt out of Allowing Cannabis Retail Dispensaries and Onsite Consumption Sites as Authorized Under Cannabis Law Article 4. Andrew Rude (Environmental Specialist CAAFL), and Tracey Dello Stritto (Executive Director Partnership for Ontario County) gave a PowerPoint presentation about how towns have to make an important decision on whether they want to opt in or out for cannabis retail dispensaries and on-site consumption locations within the town by December 31, 2021. Discussion was held. The presentation covered many areas such as: inhaling vs ingesting, the difference between cannabis, concentrates, and edibles, and educating the community.

Anthony Sulli asked regarding revenue the more municipalities opt in the bigger your pool of funds would be? Andrew Rude replied it's based on sales generated. Rude continued with you may opt in and not see any sales if no one opens a shop. Rude noted a con is if you opt out you are saying goodbye to the potential of the revenue stream. Mitchell replied of the 9% the State gets we would only be forfeiting 3% of that revenue stream. Discussion was held. Mitchell went on to say the licensing cost is undefined at this point but the low figure reported was a cost of \$250,000. Sulli replied that \$250,000 doesn't have anything to do with it. To open up a hardware store it would cost that much. Discussion was held. Rude noted that a shop must be a stand-alone shop with no other passages to another business or living quarters. Discussion was held.

Joel Steel said Constellation Brands is spending a lot of money developing alcohol drinks infused with cannabis and he assumes bars would want to carry that. Is this possible? No one present could answer the question.

Rude said the City of Canandaigua is opting in on retail dispensaries but he thinks opting out on onsite consumption. Discussion was held. Tracey Dello Stritto noted there is specific zoning regulations. She noted the State may or may not approve 5 licenses (based on size and density) but she doesn't know as its up to them regarding the license locations. Discussion was held.

Tim Elder said that is why he is concerned about further regulations and the autonomy of the Town because the State may say there are 5 licenses for the Town of East Bloomfield then what happens? Mitchell replied things can be changed/extended (feet away from a school, etc.) as long as we don't go as far as to not allow a business. Discussion was held.

Mitchell said the reality is the State says recreational use and possession is legal. What we don't know is how the process, and the regulations, and what everyone has to do to make it work. Steve Murnan asked if that's why the Town is opting out because the regulations aren't set in stone or because you don't know where you would put it? Wille said he doesn't like the idea that if we opt in, we don't have a choice and would be subject to every decision that comes down. We only have 1

document somewhere between 95-100 pages of generics and nothing has been really spelled out in terms of procedure and all the different kinds of possibilities for on-site consumption as well as dispensaries. So, it's not that we are against it as there is probably a market but we want to make sure that we do it right. Wille said there guiding principal is for public safety and really trying to understand what we can and can't do and we don't know that yet. (Wille compared this to COVID) We just have some generic numbers and generic ideas. We do know that cannabis management when the Department of Health and the Governments Legal Offices start talking with each other that we will get a lot of guidance. Wille said at this point we are opting for a conservative position. Wille said this a conservative Town and when we learn more we will come back to the table and make the decision based upon more information. Discussion was held. Sulli said you compared this to COVID. COVID has been around since 2019. Marijuana has been around for 1,000 years. Sulli asked what is the unknow? What is the worry? Wille replied we don't know what we don't know at this point. There is no worry. Wille said if we opt in, we are subject to anybody that comes to town that has the approval and can go ahead and set up shop here and the only regulation we would have around it is planning and zoning. Other than that, they are here. Wille doesn't think that's a good way to operate. We don't operate like that with any other business that comes to town we control that. Elder said that goes back to his further question. What level of autonomy does the Town control if we can control other businesses from coming in if the State is saying that these people have applied to open a dispensary in your location? Elder assumes we could do at least what we do to vet existing businesses plus put additional considerations maybe prior to giving the final checkmark for them to come into our Town. The point went unaddressed and Sulli asked for it to be addressed.

Mitchell replied about a business in the 1970's called "The Foxy Lady" which was a gentleman's club meaning that women disrobed. Mitchell asked Kier if opening a business like this is still, ok? Kier said there is something in the code but without looking he doesn't know what it says. Mitchell said he is not dodging the question but he thinks they might be able to control where something gets located as long as it's a legal business and meets the criteria. Once we opt in, we can't say you can't have your business here. Discussion was held.

Elder said if you can opt in now for retail people are going to buy it as its going to be legal for a long time. He went on to say that on-site consumption is something totally different. Discussion was held.

An unidentified person said it sounds like one of the problems with opting in is if the State is over-regulating and on the other hand, he is hearing that one of the problems with opting in is that there won't be any regulations and that things will run wildly. I don't understand what it is that you are afraid of. This thing that's going to be so bad that you can't control. At what extent do you have control over any business? Mitchell replied that his reason for supporting opting out now is it isn't public health, and it isn't where it's located it's because the nuts and bolts of what we really don't know is what is going to be proposed upon the local communities what will have to be reported, recorded, and everything else to be compliant with who knows what laws. Mitchell is concerned without knowing any of that what the burden will be on the town administration. Mitchell is not trying to keep it out of here he is trying to look at it on a day-to-day basis from the Town government standpoint. Elder went on to say that if you had a self-motivated person and they say they have the means and ability to go through the process and it won't happen in 6 months with all the criteria that needs to be met why would you not want them seeded in your community? Discussion was held.

Lester asked where the Village is with the issue. Gail Harrington replied the Village opted in for both. Discussion was held.

Sulli asked if the Town Board opts out how often will the issue be re-looked at? Wille replied he didn't know. Discussion was held. Elder said that if we opted in today a new business most likely won't be up and running for at least 18 months. But by opting out the opportunity to open a business will be 2-3 years down the road if anyone wants to open this type of business. Discussion was held.

Wille said most Towns are opting out. Sulli asked Wille how many? Wille replied he didn't know? Elder is not afraid of marijuana compared to other substances out there such as alcohol or heroin. Elder said the question is are we going to go to a neighboring Town or are we going to try and control our own destiny. Elder wants to get his Town on the map, participating in kind of a revolution within America and its here. We can somewhat control and influence how we as East Bloomfield can manage this for our own community. Sulli said if you look at the National model instead of the State model it has had a positive impact with the influx of cash revenue. Sulli believes we are leaving a lot of cash on the table for a Town that has dying diversity, and tax base. A Town that exploits the landowners and homeowners because we refuse to choose stuff like this. Sulli continued with we are going to miss the boat. Sulli hears that the basis of disagreement is because we don't know how much work we are going to have to do. Sulli said he needs more than some people are going to have to do a little more work. Discussion was held.

MacMillan said the State has not clarified what the rules are going to be so how can the Town make an informed decision at this time. MacMillan is willing to opt in when we find out what the rules and laws are which will be defined by the State at some point. MacMillan asked if anyone in the audience

has read the law. Nobody answered her. Sulli said you stopped Nardozi from coming in and setting up business who's to say you won't do this again. An extensive discussion ensued.

Wille said any questions that were not answered tonight is because we don't have the answers not because they didn't want to answer them.

Wille closed the Public Hearing to consider the Adoption of Law No. 7 of 2021 To Opt out of Allowing Cannabis Retail Dispensaries and Onsite Consumption Sites as Authorized Under Cannabis Law Article 4at 7:24 PM.

Wille opened the regular Town Board meeting at 7:25 PM.

APPROVAL OF MINUTES: Motion was made by Fessner, seconded by Conradt, to approve the October 25, 2021 minutes. No Discussion was held. Motion Approved: Ayes 5 (Fessner, Conradt, Mitchell, MacMillan, and Wille) Nays 0

TOWN CLERK'S REPORT: Motion was made by Fessner, seconded by MacMillan, to approve the Town Clerk's report. No Discussion was held. Motion Approved: Ayes 5 (Fessner, Conradt, Mitchell, MacMillan, and Wille) Nays 0

CODE ENFORCEMENT OFFICER'S REPORT: Motion was made by Fessner, seconded by MacMillan, to approve the Code Enforcement Officer's report. Discussion was held. Motion Approved: Ayes 5 (Fessner, Conradt, Mitchell, MacMillan, and Wille) Nays 0.

SUPERVISOR'S REPORT: Motion was made by MacMillan, seconded by Conradt, to approve the October Financial Reports as submitted. Discussion was held. Motion Approved: Ayes 5 (Fessner, Conradt, Mitchell, MacMillan, and Wille) Nays 0

Motion was made by Mitchell, seconded by Conradt, to adopt Resolution 2021-041 Authorizing the Adoption of Local Law No. 6 of 2021, a Local Law to Amend the Town of East Bloomfield Town Code Chapter 135, "Zoning", Article XIII "Sign Regulations", Section 135-104 Entitled "Commercial & Industrial Speech Sign Regulations" and waive the reading of the Resolution. Discussion was held. Motion Adopted: Ayes 5 (Fessner, Conradt, Mitchell, MacMillan, and Wille) Nays 0

RESOLUTION 2021-041

AUTHORIZING THE ADOPTION OF LOCAL LAW NO. 6 OF 2021, A LOCAL LAW TO AMEND THE TOWN OF EAST BLOOMFIELD TOWN CODE CHAPTER 135, "ZONING", ARTICLE XIII "SIGN REGULATIONS", SECTION 135-104 ENTITLED "COMMERCIAL & INDUSTRIAL SPEECH SIGN REGULATIONS"

WHEREAS, a public hearing was duly held by said Town Board on November 8, 2021 at 6:15 p.m. at the East Bloomfield Town Hall, 99 Main Street, East Bloomfield, New York, to hear all interested parties on a proposed Local Law to amend the Town Code Chapter 135, Section 135-104, entitled "Commercial & Industrial Speech Sign Regulations; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of East Bloomfield, on October 29, 2021 and all other notices required by law to be given were properly served, posted or given; and

WHEREAS, said public hearing being duly held on November 8, 2021, at 6:15 p.m. at the East Bloomfield Town Hall, 99 Main Street, East Bloomfield, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, the Town Board of the Town of East Bloomfield, after due deliberation, finds it in the best interest of the Town of East Bloomfield to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of East Bloomfield hereby adopts said Local Law No. 6 of 2021, entitled, "A local law to amend the Town of East Bloomfield Town Code Chapter 135 "Zoning", Article XIII "Sign Regulations", §135-104 "Commercial & Industrial Speech Sign Regulations", a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be hereby directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of East Bloomfield, and to give due notice of the adoption of said local law to the Secretary of State of New York.

Motion was made by Mitchell, seconded by Fessner, to adopt Resolution 2021-042 Authorizing the Adoption of Local Law No. 7 of 2021, a Local Law to Opt Out of Allowing Cannabis Retail Dispensaries and Onsite Consumption Sites as Authorized Under Cannabis Law Article 4 and waive the reading of the Resolution. Mitchell added that if this local law is passed, we have the option at any time to rescind it and opt in following whatever the opt in process would be defined at the time. Discussion was held. Motion Adopted: Ayes 4 (Fessner, Mitchell, MacMillan, and Wille)
Nays 1 (Conradt)

RESOLUTION 2021-042

AUTHORIZING THE ADOPTION OF LOCAL LAW NO. 7 OF 2021, A LOCAL LAW TO OPT OUT OF ALLOWING CANNABIS RETAIL DISPENSARIES AND ONSITE CONSUMPTION SITES AS AUTHORIZED UNDER CANNABIS LAW ARTICLE 4

WHEREAS, a public hearing was duly held by said Town Board on November 8, 2021 at 6:15 p.m. at the East Bloomfield Town Hall, 99 Main Street, East Bloomfield, New York, to hear all interested parties on a proposed Local Law to Opt Out of Allowing Cannabis Retail Dispensaries and Onsite Consumption Sites as Authorized under Cannabis Law Article 4; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of East Bloomfield, on October 29, 2021 and all other notices required by law to be given were properly served, posted or given; and

WHEREAS, said public hearing being duly held on November 8, 2021, at 6:15 p.m. at the East Bloomfield Town Hall, 99 Main Street, East Bloomfield, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, the Town Board of the Town of East Bloomfield, after due deliberation, finds it in the best interest of the Town of East Bloomfield to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of East Bloomfield hereby adopts said Local Law No. 7 of 2021, entitled, "A local law to Opt Out of Allowing Cannabis Retail Dispensaries and Onsite Consumption Sites as Authorized under Cannabis Law Article 4", a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be hereby directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of East Bloomfield, and to give due notice of the adoption of said local law to the Secretary of State of New York.

Mitchell set the date for the Public Hearing to consider the Adoption of Local Law No. 8 of 2021 To Rescind Tax Cap Override for Monday November 22, 2021 at 6:30 PM.

COMMITTEE REPORTS:

Audit: Nothing to report.

Buildings and Grounds: Kimball reported Hayden Naffziger has completed his Eagle Scout project at Veterans Park. Discussion was held. Kimball reported the freezer and refrigerator at Veterans Park has been unplugged many times and Kimball doesn't know who is doing it? Discussion was held.

HIGHWAY: Kimball reported that he has multiple off right-of-way situations in the Town regarding drainage issues which is impacting some of the Town roads. Discussion was held. Mitchell asked Kier if this by any chance is a code issue? Kier replied "Kimball has not discussed these situations with him so he can't really answer his question". Discussion was held.

IT/TECHNOLOGY: Nothing to report.

INSURANCE: Nothing to report.

PARKS and RECREATION: Kimball reported he will be contacting Nate Jones to get the soccer goals removed from Veterans Park now that the season is over.

WATER/SEWER VILLAGE OF BLOOMFIELD: Mitchell reported they are very close to being done collecting all the data and costs pertaining to the water district. Discussion was held.

PERSONNEL: Nothing to report.

COMMUNICATIONS: None.

ROUND TABLE – OTHER BUSINESS: Wille is asking the town board to approve the cancellation of the December 27, 2021 meeting. Discussion was held. Motion was made by Wille, seconded by Conradt, to only hold 1 Town Board meeting in the month of December. Said meeting will be held on December 13, 2021. Discussion was held. Motion Approved: Ayes 5 (Fessner, Conradt, Mitchell, MacMillan, and Wille) Nays 0

BUDGET TRANSFERS/AMENDMENTS: Motion was made by MacMillan, seconded by Fessner, to approve the Budget Transfers and Amendments as submitted. Discussion was held. Motion Approved: Ayes 5 (Fessner, Conradt, Mitchell, MacMillan, and Wille) Nays 0

PAYMENT OF BILLS: Motion was made by MacMillan, seconded by Fessner, to approve paying of the bills as submitted. Discussion was held. Motion Approved: Ayes 5 (Fessner, Conradt, Mitchell, MacMillan, and Wille) Nays 0

General Fund A	- Abs. #121- Vouchers - 407,409-411,413-416,419,420,7206	\$	35,863.21
General Fund B	- Abs. #121 - Vouchers - 412,414,420	\$	12,161.58
Highway DA	- Abs. #121 - Vouchers - 420	\$	30,769.83
Highway DB	- Abs. #121 - Vouchers - 407,418,420,7204-7210	\$	26,298.51
Water Dist. #1	- Abs. #121 - Vouchers - 408,417	\$	1,755.79
Water Dist. #2	- Abs. #121 - Vouchers - 408	\$	556.70
Water Dist. #2 Ext.#6	- Abs. #121 - Vouchers - 408	\$	127.71

ADJOURNMENT: Motion was made by Wille, seconded by MacMillan, to adjourn the meeting at 8:08 PM. Motion Approved: Ayes 5 (Fessner, Conradt, Mitchell, MacMillan, and Wille) Nays 0

Respectfully Submitted,

Margaret M. Gochenaur
Town Clerk