

- ✓ A portion of the tax dollars is placed into programs that will fund mental health and substance abuse programs
- ✓ A medical marijuana user stated she must travel to Williamsville and Amherst to fill her prescription and she can barely afford the cost
- ✓ A dispensary in West Seneca would provide education, a safe and reliable source, and regulation of the product
- ✓ Cannabis products are safer due to regulation and be more affordable for medical uses – Supervisor Dickson referred to the argument that the taxes would still make cannabis cost prohibitive and the illegal sales would not go away because it would be cheaper
- ✓ Has traveled to Massachusetts to buy safe cannabis; the places are very clean and respectful
- ✓ Referred to CDC data and stated it is not proper data, only a small piece
- ✓ Technology is available to test for impairment on the spot
- ✓ Attested to teenagers using cannabis in school – Supervisor Dickson asked if having cannabis legally available to adults would have any impact to the students in school. The student stated adults would keep kids from having access. Supervisor Dickson asked the student if West Seneca did not approve dispensaries would it change how the town is perceived. The student did not think there would be a difference.
- ✓ Clarified comments regarding high doses and low doses; dispensaries will regulate this
- ✓ If West Seneca opts in later, dispensaries will already be in place nearby making it harder for them to succeed
- ✓ Black market is shrinking based on Mexican cartel activity
- ✓ Black market for opiates in Colorado is down 75% because cannabis users use less opiates
- ✓ Any information on the CDC right now is a survey, not a fact
- ✓ Requested definition of on-site consumption sites – Ms. Hawthorne stated being able to smoke cannabis at a dispensary and wherever you can smoke a cigarette. Supervisor Dickson stated it is consumption, not just smoking. Ms. Hawthorne stated opting out of on-site consumption does not ban cannabis from being smoked anywhere cigarette smoking is allowed and personal cultivation is allowed.
- ✓ Referred to the previously stated estimate of \$80,000 in anticipated tax revenue and noted the town is looking to save \$120,000 - \$150,000 by not replacing two employees, the tax revenue would benefit the town

Town Attorney Hawthorne stated if the Town Board decides not to opt-out, they can adopt other local laws regulating such things as the time, place, and manner of where the dispensaries can be so long as it is not unreasonably impractical. If someone is applying for a license a notice comes to the Town Clerk and the town will have an opportunity to be heard on the application as part of the process.

Councilman Piekarec asked Ms. Hawthorne to explain how alcohol is regulated in town and could the town do the same thing in theory for cannabis in terms of zoning and special permit. Ms. Hawthorne stated that is referring to consumption but doing it the same way would not be unreasonably impractical to treat it the same as alcohol. The law does say you cannot use it in a vehicle.

Motion by Supervisor Dickson, seconded by Councilman Bauer, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

Motion by Supervisor Dickson, seconded by Councilman Hanley, to adopt Local Law No. 2021-09 Opt-out of Cannabis Retail Dispensaries.

On the question, Councilman Piekarec stated the question is not whether cannabis should be legal, whether we approve or not of our neighbors being able to buy, possess, smoke, or consume cannabis, what we are deciding is whether to opt-out of dispensaries in the town. If the town opts out, residents will simply go to other towns, the new businesses will open in other towns and cities filling their vacant storefronts and creating jobs within their community. It will also create a public perception that West Seneca is anti-business and result in new tax revenue going to other cities and towns. Councilman Piekarec stated he will be voting against opting out.

Supervisor Dickson stated the town held a nonscientific survey and the results were 2 to 1 in favor of dispensaries and 60% to 40% in favor of onsite consumption. Supervisor Dickson stated many senior residents are still against this despite the tax revenue and he is not personally persuaded by the monetary aspect. However, the regulatory guidelines will be the same for all municipalities and should not be that bad, and the town will be able to regulate the dispensaries. Supervisor Dickson further stated at the end of the day what West Seneca does is not going to change anything and is considering voting against opting out, also.

Councilman Bauer stated it is about the public's opinion and reiterated the results of the poll in favor of opting-in to allowing the dispensaries and the public turn out at this meeting. The concern Councilman Bauer has is limiting liability of the town and putting safeguards in place including additional trained police officers and updated zoning regulations. Councilman Bauer stated it would be in the best interest of the town to opt-in.

Councilman Cantafio thanked the many people who have contacted him and spoken on both sides of the issue and the predominance is for the town to opt-in to allowing dispensaries. Councilman Cantafio thanked all for the respectful discourse and was impressed with the high school student who spoke. Councilman Cantafio stated he is glad this is presented as two decisions: dispensaries and on site consumption, because there is a difference.

Councilman Hanley stated he agrees with Councilman Cantafio about the difference between the two, but he is uncomfortable with opting-in before the regulations and the amount revenue are known.

Councilman Piekarec stated it is unlikely that NYS is going to be loose on the regulations.

Supervisor Dickson stated he read that the estimate for sales is around \$1.2 billion, and every local government will get 3% of the sales tax in their town and using the population in West Seneca he came up with the estimate of roughly \$80,000; but that is a complete guess. The town can also require applicants to apply for a special permit and asked Code Enforcement Officer Schieber if the town can set a limit on the number of dispensaries. Mr. Schieber stated dispensaries will be treated like bars selling alcohol and the town cannot limit the number. Councilman Piekarec stated the town board can designate the dispensaries to certain zones.

Councilman Cantafio stated the opioid crisis is real and has attended too many funerals for former students. These students had injuries and got on opioids; I would not put cannabis in the same zip code. People who have an opioid addiction have stated they know it is killing them, but they cannot quit.

PUBLIC COMMENTS ON OLD AND NEW BUSINESS

The following comments/questions were received regarding item No.3:

- ✓ Referred to a proposal from February 2020 itemizing the appearance of the Burchfield Nature & Art Center and asked Code Enforcement Officer Schieber if the resolution being proposed at this meeting will cover everything identified in the 2020 report - Mr. Schieber stated there were many aspects to consider with the most important being the structural aspect and the proposal should keep the building standing for a long time.
- ✓ Questioned the normal maintenance that has not been performed for the last five years - Mr. Schieber stated he is only privy to the structural issues.
- ✓ What are the next steps before materials can be ordered – Supervisor Dickson stated he would like to see an updated plan and historical estimates have been \$500,000 - \$600,000; once the town commits to starting work it must see it through. Currently the town is waiting for the grant to be approved. Ms. Hawthorne stated the town has not yet received a contract from NYS. Supervisor Dickson stated the town has asked for an update and it is still being process; the work the grant does not cover must be paid for by the taxpayers. Mr. Schieber stated the initial amount of \$94,000 determined years ago was solely for the gallery space to make it usable. Councilman Bauer stated the intent was to structurally stabilize the building to make it habitable and usable, and the original budget of \$100,000 was just the material cost. The large estimates included reroofing the whole building, residing it, and installing all new windows which are not included in the \$100,000.
- ✓ Will the center section be usable for public events – Councilman Bauer stated yes, that is the intent, to address the west and east concourses and the main gallery.
- ✓ It is a benefit to the town to be able to use the space for public events
- ✓ What plans are in place to address the water and ground grading issues that appear to be the root cause of the issues with the structure – Highway Superintendent Adams stated part of the original scope of work was to jack up the ceiling, pour a concrete footer, and build the walls on top of the concrete to bring them above grade so they would not have contact with the water below grade. Councilman Hanley stated another option was to clear the soil around the building. Town Engineer Tanner stated the best option would be what Mr. Adams stated because another factor to consider is ice damming.

OLD BUSINESS

- 2022 Preliminary Budget – Councilman Bauer requested postponing additional discussion to the November 15, 2021, meeting.

NEW BUSINESS

22-A COMMUNICATIONS TO BE VOTED ON

1. Supervisor Dickson re Deer Task Force

Motion by Supervisor Dickson, seconded by Councilman Hanley, to remove Sandra Mercado from the Deer Task Force effective immediately.

Ayes: All

Noes: None

Motion Carried

2. Councilman Piekarec re Resignation of Kelly Clifford as Library Board Trustee

Motion by Supervisor Dickson, seconded by Councilman Piekarec, to accept the resignation of Kelly Clifford as Library Board Trustee effective January 1, 2022.

Ayes: All

Noes: None

Motion Carried

3. Town Attorney re Burchfield Nature & Arts Center repairs

Motion by Supervisor Dickson, seconded by Councilman Bauer, to adopt the following resolution repealing the resolution passed on March 30, 2020, and allocating funds as follows:

WHEREAS, the building at the Charles E. Burchfield Nature & Art Center, located at 2001 Union Road, is a Town owned property that is in a state of disrepair, which has limited it's occupancy and functionality for the Town and it's residents for an extended period of time; and

WHEREAS, Councilman William Bauer at the Town Board meeting on March 19, 2020 gave an oral and written presentation of the need of repair to the Burchfield, the estimated costs by outside contractors to complete the work, and analysis of reduction of that cost by utilizing Town resources and again discussed the needed repairs at the Town Board meeting on March 30, 2020 before a majority of the Town Board passed a resolution regarding said repairs to Burchfield, and at the August 23, 2021 Town Board meeting, Councilman Bauer presented on the imminent need for repairs to Burchfield in order to stabilize the exterior walls; and

WHEREAS, the Town Board of West Seneca has determined that it is in the interest of West Seneca and its residents to repair the building so it is able to be fully occupied and functional, and said repairs shall include east gallery exterior and interior wall and ceiling repairs, patio restoration, main gallery ceiling repairs and painting, and west gallery exterior and interior wall and ceiling repairs; and

WHEREAS, the New York State Assemblyman, Patrick Burke, of the 142nd Assembly District, sponsored a State and Municipal (SAM) Facilities Program Project grant administered by the Dormitory Authority of the State of New York (DASNY) in a total amount of \$315,000.00 for milling and paving of Tampa Drive, renovation of the Charles E. Burchfield Nature and Art Center, and purchase camera license plate readers and a motorcycle for the Police Department; and

WHEREAS, the above-referenced SAM was approved by DASNY on August 9, 2021 and was subsequently approved by the Division of Budget on October 21, 2021, and the Town understands that the grant is still subject to both the Town and DASNY signing an agreement for these funds and recognizes the grant is reimbursement based; and

WHEREAS, funds to repair Burchfield have not been included in the Town of West Seneca 2022 Tentative Budget; and

WHEREAS, the Town Board passed a resolution on December 7, 2020 wherein the Town Board determined no further review of the proposed action is required under SEQRA as it relates to the rehabilitation of the Burchfield; and

NOW THEREFORE, be it resolved that the Resolution passed on March 30, 2020 by the Town Board concerning repairs of the Burchfield is hereby repealed; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of West Seneca allocates up to \$140,000.00 of the SAM grant referenced herein to repairing the Burchfield Nature and Art Center, specifically the east gallery exterior and interior wall and ceiling repairs, patio restoration, main gallery ceiling repairs and painting, and west gallery exterior and interior wall and ceiling repairs; and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to execute any and all documents required for funding of the grant; and

BE IT FURTHER RESOLVED, that the Town shall not incur any expenses for the repairs to the Burchfield referenced herein until such time as there is a fully executed contract for the grant between the Town and DASNY.

Ayes: All

Noes: None

Motion Carried

4. Chief Baker re Grant application – Police Department fingerprinting equipment

Motion by Supervisor Dickson, seconded by Councilman Piekarec, to adopt the following resolution authorizing Chief Baker to submit a grant application for the purchase of new Livescan equipment for the purpose of fingerprinting and photographing at the West Seneca Police Department:

WHEREAS, the New York State Division of Criminal Justice Services (DCJS) seeks proposals to fund the purchase of Livescan fingerprint processing equipment;

WHEREAS the West Seneca Police Departments seeks a grant of up to \$15,000 in funds under the Livescan Equipment Grant Program being made available to law enforcement agencies through the appropriation of \$1.7 million in federal funds;

WHEREAS, the Livescan Equipment Program will provide funds to replace an existing, but outdated Livescan Equipment that will no longer be operable with the Erie County system beginning in January 2022;

WHEREAS, the grant application requires a 25% cash match, which acknowledges the shared benefit and responsibility local agencies have related to this critical law enforcement function; and,

WHEREAS, said funds have not been included in the Town of West Seneca 2022 Tentative Budget; now, therefore be it

RESOLVED, that the Town of West Seneca Chief of Police is hereby authorized to execute any and all documents required to submit, and if funded execute, a grant from the New York State Division of Criminal Services for the purchase of a new Livescan machine; and,

NOW BE IT FURTHER RESOLVED that the West Seneca Town Board commits a 25% cash match as required by the Livescan Grant Application; and,

9. Director of Finance re Budget transfer – Police Department

Motion by Supervisor Dickson, seconded by Councilman Hanley, to approve a budget transfer in the amount of \$10,000 for expenses related to Police personnel expenses:

Increase
\$10,000 01.3120.50148 Police – Salaries of Safety Dispatchers – PT

Decrease
\$5,000 01.3120.50142 Police – Salaries of Police Security Officers
\$5,000 01.3120.50164 Police – Salaries of Community Policing Program

Ayes: All Noes: None Motion Carried

10. Director of Finance re Budget Transfer – Electrical Department

Motion by Supervisor Dickson, seconded by Councilman Bauer, to approve a budget transfer in the amount of \$1,000 for expenses related to the Electrical Department:

Increase
\$1,000 01.3410.50400 Electrical – contractual Expenses

Decrease
\$1,000 01.5132.50439 Highway Garage – Radio Installation

Ayes: All Noes: None Motion Carried

11. Director of Finance re Budget amendment – Courtroom equipment

Motion by Supervisor Dickson, seconded by Councilman Hanley, to adopt the following resolution authorizing a budget amendment in the amount of \$25,000:

WHEREAS, on September 9, 2021, the Board adopted a resolution authorizing the purchase of air conditioning units and equipment for the Courtroom, due to an unforeseen emergency;

WHEREAS, it was estimated that the overall project cost would be approximately \$25,000.00;

WHEREAS, the Town had not originally budgeted for this project in the 2021 Adopted Budget,

WHEREAS, the project appears to be an eligible project for use of American Rescue Plan Act (ARPA) federal funding;

NOW, THEREFORE, be it

RESOVLED, that the Town Board does hereby authorize the attached 2021 budget amendment to account for the use of ARPA federal funding received:

Increase

Highway Superintendent Adams

- Leaf pickup in zones 2 and 3
- Parking ban typically goes into effect November 15th, but after looking at the forecast and speaking with Chief Baker, it will be delayed until December 1st

Councilman Piekarec

- Thanked West Seneca Bikes and all involved in building the new bike pump track
- Grand opening for LE Automotive on Center Road
- Congratulated the Police Department on their win at Highmark Stadium

Councilman Cantafio

- Thanked Town Clerk Kobler and all the town employees that donated to the cancer society

Chief Baker

- The fundraiser No Shave November is underway in the Police Department

ADJOURNMENT

Motion by Supervisor Dickson, seconded by Councilman Cantafio, to adjourn the meeting at 8:29 P.M.

Ayes: All

Noes: None

Motion Carried

AMY M. KOBLER, TOWN CLERK