

Town of Tully
August 11, 2021

7:00pm **Public Hearing on Proposed Local Law #1 of 2021, A**
Local Law Opting Out of Allowing Adult-Use Cannabis Licenses
for Retail Dispensaries and On-Site Consumption in the Town of Tully

Supervisor Masters asked if there were any questions regarding the proposed cannabis law. There were several residents present one of which asked if the town would lose revenue by opting out. Our town attorney, Robert DeMore, said it would be a very small amount. Another resident asked if other neighboring towns were opting out as well. Mr. DeMore responded that Fabius had decided to opt out. Mr. Chartrand advised that Pompey was going to have a public hearing to decide. Mr. Masters said that the board was in agreement as far as opting out of the legislation allowing a place to sell cannabis in Tully or to consume it. Brief discussion followed after which the hearing was closed; proof of publication and posting was furnished by the Town Clerk.

RESOLUTION 53-21

Motion was made by Councilor Speziale and seconded by Councilor Chapman to close the public hearing on the proposed cannabis law.

(Masters, Speziale, Goodwin, Chapman) Ayes 4 Nays 0

REGULAR TOWN BOARD MEETING
TOWN OF TULLY
TOWN HALL
5833 MEETING HOUSE RD TULLY NY

Members Present: Town Supervisor John Masters
Councilor Frank Speziale
Councilor John Snavlin (**absent**)
Councilor Christopher Chapman
Councilor Catherine Goodwin

Town Clerk Susan Vaccaro

Others present: Financial Officer Thomas Chartrand, Town Attorney Robert S. DeMore, Parks & Rec Director Ryan Dando, Highway Superintendent John Herold, Fire Captain Chad Wakula, Fire Commissioner Ed Wortley, Jr., The Tully News Editor Ben Bibik, Jeri Moses-Eichler, Len Eichler, Tom Fitzpatrick, Michael Kelly

7:30pm Town Supervisor John Masters led in the pledge of allegiance.

Approval of Minutes

The minutes of the July meeting were made available via email and regular mail. Motion was made by Councilor Speziale and seconded by Councilor Goodwin to approve the minutes.

(Masters, Speziale, Goodwin, Chapman) Ayes 4 Nays 0

Vouchers

Motion was made by Councilor Chapman and seconded by Councilor Speziale to pay the audited bills out of the proper funds.

(Masters, Speziale, Goodwin, Chapman) Ayes 4 Nays 0

Financial Report

Tom Chartrand reported on receipts and disbursements for the month of July:

- Good month for town clerk fees which include Parks & Rec – almost \$7,000
- Court fines were up 60% for the year so far
- Mortgage tax is up -- over \$53,000
- State of New York American Rescue Plan (ARPA), we received \$93,596.03
- Highway fund – we received \$30,000 from Ted Shaw for the road deposit
- Ambulance recoveries were over \$10,000

Tom also referred to a transfer sheet which is included on the next page.

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TOWN OF TULLY

Date: August 11, 2021

To: Town Board

From: Tom Chartrand

Re: Budget Transfers

GENERAL	Townwide		
From:			
A9010.8	Employee Benefits	State Retirement	\$1,000.00
To:			
A9040.8	Employee Benefits	Workmens Comp.	\$1,000.00
HIGHWAY	Outside Village		
From:			
DE599	Improvements	Surplus	\$55,650.00
To:			
DE5150.2	Improvements	Construction	\$55,650.00

Brief discussion followed with several questions and comments by board members.

RESOLUTION 54-21

Motion was made by Supervisor Masters and seconded by Councilor Speziale to accept the July financial report.

(Goodwin, Speziale, Chapman, Masters) Ayes 4 Nays 0

RESOLUTION 55-21

Motion was made by Councilor Chapman and seconded by Councilor Speziale to make the transfers.

(Goodwin, Speziale, Chapman, Masters) Ayes 4 Nays 0

Highway

John Herold reported on the following:

- Good month; no major repairs
- Working on roads
- We've done more roadside mowing
- Our new truck, a 2022 Western Star, due to be delivered in 4 to 6 weeks
- John asked the board to declare surplus a 2006 International PayStar.

RESOLUTION 56-21

Motion was made by Supervisor Masters and seconded by Councilor Goodwin to declare surplus the 2006 International PayStar and set a residual of \$20,000 for it to be auctioned off.

(Goodwin, Speziale, Chapman, Masters) Ayes 4 Nays 0

John Herold also mentioned having a meeting with Ted Shaw to make sure all is finalized as far as the road, Hazel's Way. Brief discussion.

Ambulance

Fire Captain Chad Wakula reported on the following ambulance activities:

1. Number of EMS calls for July was 55.
2. NYS Department of Health laboratory license renewal is in progress.
3. I received three new applications from individuals that would like to volunteer.
4. A-1 will be going for a pair of new tires at some point this Fall.

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Parks & Recreation

Ryan Dando reported on the following activities:

- Really busy summer, but a good summer
- Green Lake will be open for another ten days; 2 sessions of swim lessons are over
- We had an issue with the lifeguards' CPR training. Brief discussion followed.
- The baseball field is getting a lot of use. Don Mohat has been in charge of it and has put in a lot of hours continuously working on it. He did ask for three more weekends this fall, but we turned him down. It's just too busy out there with soccer going on. Ryan explained that they would try to do it next year, but for now, it's just too much.
- Rec soccer starts in a few weeks
- Yoga classes are almost done.

Fire

Mr. Wortley reported that the commissioners were getting ready to start the budget process.

Floor – Public Input

No comments this evening.

Information from Supervisor

Mr. Masters advised that a resident, Melissa O'Mara, had asked to rent the pavilion for a not-for-profit group, Braver Angels, but wanted to know if the fees could be waived. After a brief discussion, the board members decided to deny her request and keep the fees in place since there is no standard in the rental policy to waive fees for a non-profit organization.

Next, Mr. Masters explained that the board needed to modify the approval of the application to issue a special use permit for the proposed 150-foot wireless telecommunication tower. Town Attorney Robert DeMore explained. The full text of the resolution is included below:

RESOLUTION MODIFYING AN APPROVAL OF AN APPLICATION TO
ISSUE A SPECIAL USE
PERMIT FOR A PROPOSED 150 FOOT WIRELESS
TELECOMMUNICATION TOWER IN THE TOWN OF TULLY

Whereas, on or about July 1, 2020, Blue Sky Towers and Bell Atlantic Mobile Systems LLC filed an application with the Town of Tully to permit the construction of 150 foot wireless telecommunication tower on property located at 449 State Route 281 in the Town of Tully; and

Whereas, on January 13, 2021 the Tully Town Board approved the issuance of a special permit for the use as set forth in the application by Blue Sky Towers and Bell Atlantic Mobile Systems LLC following a public hearing. A copy of said resolution is attached hereto and made a part hereof; and

Whereas, as set forth in said resolution, said application was approved by the Town of Tully Joint Planning Board on November 18, 2020, a copy of said approval is also attached hereto and made a part hereof; and

Whereas on July 16, 2021, the applicant requested a modification of the approval to allow the applicant to access the site from a newly dedicated Town highway known as Hazel's Way and that all other aspects of the application remain unchanged. Said request is attached hereto; and

Whereas neither Board took a position on an issue raised concerning the access to NY State Route 281, and this Board considers that granting access to Hazel's Way for this project will not create any unreasonable traffic patterns on Hazel's Way which is a dead-end road with minimal traffic usage,

NOW THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF TULLY, AS FOLLOWS:

1. The Resolution of the Town Board dated January 13, 2021 and requirements therein are incorporated in this resolution and made a part hereof, with the exception and modification that the entrance to the subject lot will now be on Hazel's Way.

2. That a driveway permit be obtained from Town of Tully Highway Superintendent.

3. This resolution shall take effect immediately.

The question of the adoption of this resolution was to put to a roll call vote on the 11th day of August 2021 at a regular Town Board which results are as follows:

John Masters Voting Yes

Frank Speziale Voting Yes

Chris Chapman Voting Yes

Catherine Goodwin Voting Yes

John Snavlin Absent

Next, Supervisor Masters advised everyone that Legislator Dave Knapp had secured \$40,000 for a new roof on the train station from a Community Development grant. Brief discussion ensued.

The next topic involves a letter from the Crooked Lake Home Owner's Association to the zoning board chairman, Bill Ralbovsky, asking for a change in building permit procedures. Mr. Masters advised the board that he had spoken with Mr. DeMore and with Ralph Lamson. Mr. DeMore said that our procedures are pretty standard. Mr. Lamson had stated previously, though was not present this evening, that a review of a site plan is done in every single case before a permit is issued, so a change in procedures would be unnecessary. Lengthy discussion followed after which John Masters stated he would go back to Ralph Lamson and ask for more clarification.

The final topic Mr. Masters wanted to address involves the currently approved solar sites. Building permits have been issued, and the Clear Path energy people confirmed that. Supervisor Masters then discussed charging stations which could provide low cost energy for our school buses. Discussion followed.

Legal

Supervisor Masters asked the board if all were in agreement to adopt the proposed local law opting out of cannabis use and consumption in the Town of Tully. Town Attorney Robert DeMore explained briefly the next steps involved and advised the board they could go ahead and adopt the legislation this evening if everyone agreed.

Local Law #1 of 2021

RESOLUTION 57-21

Motion was made by Councilor Speziale and seconded by Councilor Goodwin to adopt Local Law #1 of 2021, a local law opting out of allowing adult-use cannabis licenses for retail dispensaries and on-site consumption in the Town of Tully. (The full text of the local law follows at the end of the minutes.)

(Masters, Goodwin, Speziale, Chapman) Ayes 4 Nays 0

Supervisor Masters gave a brief update on the water district.

Mr. DeMore advised the board that we're all set with the road, Hazel's Way. The deeds have to be recorded. Other than that, it's done.

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Motion to **adjourn the meeting** at 8:20pm was made by Councilor Speziale and seconded by Councilor Chapman.

(Goodwin, Speziale, Chapman, Masters) Ayes 5 Nays 0

Respectfully submitted,

Susan Vaccaro, Town Clerk

LOCAL LAW NO. #1 OF 2021 OF THE TOWN OF TULLY, NEW YORK A LOCAL LAW OPTING-OUT OF ALLOWING ADULT-USE CANNABIS LICENSES FOR RETAIL DISPENSARIES AND ON-SITE CONSUMPTION IN THE TOWN OF TULLY

Be it enacted by the Town Board of the Town of Tully as follows:

1. TITLE. This Local Law shall be known and may be cited as the Town of Tully "Opting-Out of Allowing Adult-Use Cannabis Licenses for Retail Dispensaries and On-Site Consumption Law" (hereinafter referred to as the "Local Law").

2. LEGISLATIVE INTENT. The Town Board of the Town of Tully (the "Town Board") recognizes that New York State's recently enacted Marijuana Regulation & Taxation Act (MRTA) legalized adult cannabis possession and use by adults at least 21 years of age.

Although the Town of Tully cannot

opt-out of adult-use legalization of cannabis, MRTA provides that the Town is able to opt-out of allowing adult-use cannabis retail dispensaries or on-site consumption licenses within its jurisdiction by the enactment of an opting-out local law by December 31, 2021. Pursuant to MRTA, such opting out local law must be subject to a permissive referendum on petition as governed by Section 24 of the Municipal Home Rule Law. The Town Board intends to timely enact a local law subject to permissive referendum to opt-out of MRTA by requesting that the Cannabis Control Board prohibit the issuance of retail dispensary licenses and on-site consumption licenses within the Town.

It is hereby declared to be the policy of the Town Board to opt-out of allowing cannabis retail dispensaries and on-site consumption licenses within the jurisdiction of the Town so as to preserve, protect and promote the public health, safety and welfare within the Town.

3. AUTHORITY. This Local Law is enacted pursuant to MRTA, which provides for New York municipalities to opt-out of allowing adult-use cannabis retail dispensaries and on-site consumption locations within their respective jurisdictions, if done by the adoption of a local law subject to a permissive referendum on or before December 31, 2021.

4. OPTING-OUT OF ALLOWING ADULT-USE CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION LICENSES WITHIN THE TOWN.

The Town Board hereby adopts this Local Law subject to a permissive referendum on petition, to opt-out of allowing adult-use cannabis retail dispensaries and on-site consumption licenses within the Town of Tully, to preserve, protect and promote the public health, safety and welfare within the Town.

5. CONFLICT WITH OTHER LAWS. This Local Law is enacted pursuant to the provisions of New York State Town Law, Municipal Home Rule Law, and MRTA.

During the duration of times that this Local Law is in effect, to the extent permitted by law, it shall take precedence over and shall be considered controlling over contrary laws, rules, ordinances, and common law.

6. SEVERABILITY . If any clause, sentence, paragraph, section, article, subdivision, provision, or part of this Local Law shall be adjudged by any (cont'd on next page) court of competent jurisdiction in the State of New York to be void, unconstitutional, invalid, ineffectual, or unenforceable, such adjudication or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations and only apply to the clause, sentence, paragraph, section, article, subdivision, provision, or part thereof directly involved in the controversy in which such adjudication or judgment shall have been rendered or so adjudged, and not deemed to affect, impair, or invalidate the remainder of this Local Law and shall remain valid and in full force and effect.

7. PRIOR LAW . Upon the effective date of this Local Law, this Local Law shall repeal any prior provision of law, rule, regulation, ordinance, or resolution of the Town of Tully which is inconsistent with the provisions of this Local Law.

8. EFFECTIVE DATE . This Local Law is subject to a permissive referendum on petition. If a proper petition is timely filed with the Tully Town Clerk within 45 days of the Town Board's adoption of this Local Law requiring a referendum by the Town's electorate, the Town Clerk shall not file this Local Law with the New York State Secretary of State until after the results of such vote by the electorate at a general or special election, as the case may be under applicable Law, to determine whether Local Law#1 of 2021 is approved or disapproved by a majority of the Town's electorate.

If a majority of the Town's electorate approved Local Law #1 of 2021 at an election, or if no proper petition was filed with the Town Clerk within 45 days of the adoption of this Local Law by the Town Board, as the case may be, then this Local Law shall become effective 20 days after its filing with the New York State Secretary of State in accordance with the provisions of New York State Municipal Home Rule Law §27.