

WHEREAS, the Town of Byron Town Board authorizes the Supervisor to sign the Intervenor Fund Standard Voucher #5 in the amount of \$7,572.00 between the Town of Byron and the NYS Department of Public Service.

Councilman Kent seconded the resolution which was adopted by the following vote:

Vote: Ayes: 4 Nays: 0

SEWER REPORT:

Monthly:

- Checked and maintained all filter bed pumps (N, S+C)
- Keeping track of pump hours on all pumps including Old School House, Walkers Corners and McElver Street lift station
- Took monthly samples

Other:

·Dealt with a homeowner in Center Byron with backed up sewer line to house. Suggested homeowner contact a plumber. Plumber said pipe was plugged from house to tank and was repaired.

A **motion** was made by Councilman Thompson to approve the Sewer Report as given. The motion was seconded by Councilman Kent and carried with the following vote:

Vote: Ayes: 4 Nays: 0

CEO/ZEO REPORT – Mike Morris:

·A copy of the report is on file with the CEO/ZEO

A **motion** was made by Councilman Kent to approve the CEO/ZEO report as written. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

PARK COMMITTEE REPORT – George Squires:

·Nothing new to report. They did not meet in December

FIREMEN’S PARK LEASE AGREEMENT:

RESOLUTION #100:

Councilman Thompson offered the following resolution and moved for its adoption:

Resolved, that the Byron Town Board hereby authorizes the Supervisor to sign the Lease Agreement between the Byron Fire Department No. 1, Inc, and the Town of Byron for use of Firemen’s Park beginning January 1, 2022 – December 31, 2024 at a cost of Fifty Dollars (\$50.00) per year.

Councilwoman Fuller seconded the resolution which was adopted by the following vote:

Vote: Ayes: 4 Nays: 0

CLEAN ENERGY RESOURCES INFORMATION COMMITTEE – Candy Hensel:

- Meetings will be the third Monday of each month at 6:30 p.m.
- Working on wrapping up action items: resolution on climate smart communities, LED lighting

A **motion** was made by Councilman Thompson to approve the Clean Energy Committee report as given. The motion was seconded by Councilman Kent and carried with the following vote:

Vote: Ayes: 4 Nays: 0

COMMUNITY BLOCK GRANT – Candace Hensel:

- Met with In-Site Architecture
- Looking at different options for layout of rentals
- Paid second installment of \$5,000 to In-Site

HISTORICAL SOCIETY REPORT – Laurel Smith:

·New door has been installed

·The woman who lives next door to the museum asked if the black walnut trees on the museum property can be taken down that are on town property next to theirs. The cost would be approximately \$13,000 for 7 trees, which would include cutting down the tree, removal and stump grinding. The Highway Superintendent will look at it.

ABSTRACTS

RESOLUTION #101:

Councilman Kent offered the following resolution and moved for its adoption:

Resolved, that the Byron Town Board pay the following abstracts:

<u>Fund:</u>	<u>Abstract:</u>	<u>Vouchers:</u>	<u>Amount:</u>
General Fund	#12	#233 - #248	\$6,151.21
Highway Fund	#12	#159 - #178	\$20,165.91
Sewer Fund	#12	#58 - #59	\$3,988.87
Water Improv. Benefit Area #1	#12	#20 - #21	\$31,570.56
General Post Audit	#11	#69 - #75	\$1,838.43
Sewer Post Audit	#11	#27 - #29	\$801.45

Councilwoman Fuller seconded the resolution which was adopted by the following vote:

Vote: Ayes: 4 Nays: 0

TOWN CLERK’S REPORT:

Paid to the NYS Ag and Markets for spay/neuter program.....	\$40.00
Paid to NYS DEC for hunting and fishing licenses.....	\$1,183.92
Paid to the Town of Byron Supervisor.....	\$4,044.98
Total Disbursed for November 2021.....	\$5,268.90

A **motion** was made by Councilman Thompson to approve the Town Clerk’s Report as given for November, 2021. The motion was seconded by Councilman Kent and carried with the following vote:

Vote: Ayes: 4 Nays: 0

APPOINTMENT OF TOWN CLERK AS REGISTRAR OF VITAL STATISTICS:

RESOLUTION #102:

Councilman Kent offered the following resolution and moved for its adoption:

Resolved, that the Byron Town Board hereby appoints the Town Clerk, Debra Buck-Leaton, as Registrar of Vital Statistics from January 1, 2022 through December 31, 2024.

Councilman Thompson seconded the resolution which was adopted by the following vote:

Vote: Ayes: 4 Nays: 0

FINANCIAL REPORT:

·The November 2021 Financial Report was reviewed.

A **motion** was made by Councilman Thompson to approve the November 2021 Financial Reports. The motion was seconded by Councilman Kent and carried with the following vote:

Vote: Ayes: 4 Nays: 0

SUPERVISOR'S REPORT:

·EMS: Spoke with Matt Landers, the County Manager, Christian Yunker and Tim Yerger regarding his concern of EMS burnout. Byron Rescue squad has been taking calls out of town because other ambulances are not available. The County is doing what it can to help the various EMS departments in the County.

A **motion** was made by Councilman Thompson to approve the Supervisor's Report as given. The motion was seconded by Councilman Kent and carried with the following vote:

Vote: Ayes: 4 Nays: 0

OTHER BUSINESS:

WATER IMPROVEMENT BENEFIT AREA NO. 1:

·Waiting to get approval from the Comptroller before spending any more money.

END-OF-YEAR MEETING:

A **motion** was made by Councilman Kent to set the end of year meeting for December 27, 2021 at 7:00 p.m. at the Byron Town Hall. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote: Ayes: 4 Nays: 0

ORGANIZATIONAL MEETING:

A **motion** was made by Councilman Kent to set the Organizational Meeting for January 4, 2022 at 7:00 p.m. at the Byron Town Hall. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

PROPOSED LOCAL LAW NO. 4 OF 2021 TO OPT OUT OF ADULT USE CANNABIS/MARIJUANA RETAIL DISPENSERS AND ON-SITE CONSUMPTION SITES:

PROPOSED LOCAL LAW NO. 4 OF 2021
OPT OUT OF ADULT USE CANNABIS/MARIJUANA RETAIL DISPENSERS
AND ON-SITE CONSUMPTION SITES

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF BYRON AS FOLLOWS:

A local law to opt out of allowing cannabis retail dispensaries and on-site consumption sites as otherwise authorized under Article 4 of the Cannabis Law of the State of New York.

The Town Board of the Town of Byron hereby adopts a Local Law, entitled "Cannabis Regulation", initially for the purpose of requesting that the N.Y.S. Cannabis Control Board prohibit the establishment of retail dispensary licenses and/or on-site consumption licenses contained in Article 4 of Chapter 7-a within the jurisdiction of the unincorporated areas of the Town of Byron as authorized by Article 6 thereof. As adopted, this Local Law shall read as follows:

ARTICLE I Town Opt-Out

Section 1. Legislative Intent

It is the intent of this local law to request the Cannabis Control Board of the State of New York (“Cannabis Control Board”), as established pursuant to the New York Cannabis Law, Chapter 7-a of the Consolidated Laws of the State of New York (“Cannabis Law”), to permit the Town of Byron (“Town”) to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites within the unincorporated areas of the Town of Byron, that would otherwise be allowed under Article 4 of the Cannabis Law.

The recently established Cannabis Law, Chapter 7-a, provided in Article 6, §131 that the licensure and establishment of a retail dispensary license and/or on-site consumption license under the provisions of Article Four of Chapter 7-a shall not be applicable to a town, which, after the effective date of the Cannabis Law, which was March 31, 2021, and before December 31, 2021, adopts a local law, subject to permissive referendum as governed by §24 of the Municipal Home Rule Law of the State of New York, requesting the Cannabis Control Board to prohibit the establishment of such retail dispensary licenses and/or on-site consumption licenses contained in Article Four of the Cannabis Law, within the jurisdiction of the town.

The Town Board finds that, at the current time, it is in the best interests of the residents of the Town of Byron to adopt a local law as per Cannabis Law §131 prohibiting and requesting the Cannabis Control Board to prohibit the establishment of retail dispensary licenses and on-site consumption licenses that would otherwise be allowed under Article 4 of the Cannabis Law. The Town Board finds that permitting such establishments without reviewing the unique and novel impact that the establishment of such businesses would have on the health, safety and welfare of the residents of the Town of Byron, given, among other things, the relative close proximity of commercial locations within which such establishments might be located to parks, school, churches and residential zones throughout the Town, coupled with as yet unresolved issues addressing enforcement of the new laws and guidelines related to cannabis use, would not be, at the current time, in the interests of Town residents. The Town adopts this local law in accordance with the timeframe and guidelines as set forth in Chapter 7-a, subsequent to March 31, 2021 and prior to December 31, 2021.

Section 2. Authority

This local law is adopted pursuant to Cannabis Law § 131 which expressly authorizes a town board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law § 24.

Section 3. Local Opt-Out

The Town Board of the Town of Byron hereby opts out from allowing the establishment of retail cannabis dispensaries and on-site cannabis consumption sites within the unincorporated areas of the Town and requests the Cannabis Control Board prohibit the licensing and establishment of such dispensaries and consumption sites within the unincorporated areas of Town of Byron.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be

invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Permissive Referendum

This local law is subject to a referendum on petition in accordance with Cannabis Law § 131 and the procedure outlined in Municipal Home Rule Law § 24.

Section 6. Effective date.

This local law shall take effect in accordance with Municipal Home Rule Law §24, namely, forty-five days after its adoption and upon filing with the Secretary of State within twenty days after the time period for filing a petition in accordance with Municipal Home Rule Law §24 has expired. In the event a valid petition protesting against this local law is filed within forty-five days after its adoption, then this local law shall not be effective until approved by the affirmative vote of a majority of the qualified electors of the Town of Byron voting on a proposition for its approval in accordance with the requirements of Municipal Home Rule Law §24.

A **motion** was made by Councilman Thompson to hold a Public Hearing on the Proposed Local Law No. 4 of 2021 to Opt Out of Adult Use Cannabis/Marijuana Retail Dispensers and On-Site Consumption Sites on December 27, 2021 at 7:00 p.m. at the Byron Town Hall. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote: Ayes: 4 Nays: 0

PUBLIC COMMENTS:

Ben Raccuia: He heard that Bergen withdrew their bids and are rebidding because the price of pipe went down.

Town Clerk Debra Buck-Leaton: Messaged Scott Mattison from MRB group and he said that they aren't rebidding and that the price of pipe has never gone down. The price is way above what it was when it was bid and well above what it was when they asked for more money.

ADJOURN:

A **motion** was made by Councilman Thompson to adjourn the Byron Town Board Meeting at 8:07 p.m. The motion was seconded by Councilman Kent and carried with the following vote:

Vote: Ayes: 4 Nays: 0

Respectfully Submitted,



Debra M. Buck-Leaton
Byron Town Clerk