

Town of Orangeville
Board Meeting & Public Hearings
3529 Route 20 A, Warsaw, New York 14569
November 4, 2021

The Town Board of Orangeville met on November 4, 2021 to audit the town accounts and transact other such business as is necessary at this time.

Present were Town Board Members:

- Susan May Supervisor
- Hans Boxler, Jr. Councilman
- Andrew Flint Councilman
- James Herman Councilman
- Joseph Ahl Councilman

Others Present:

- Rosann A. Lowder, RMC
- Lisa Perez, Bookkeeper
- Wade Roggow, Highway Superintendent
- Thomas Suto, Zoning Officer

Guests:

Name	Town of Residence	Name	Town of Residence
Kathy Luce	Orangeville		

Supervisor May called the board meeting to order at 7:00 p.m. at the town hall located at 3529 Rt. 20A, Warsaw, New York.

Supervisor May opened with the Pledge of Allegiance; all were thanked for attending the meeting. [There were no questions or comments from the audience.]

Supervisor May requested a motion to appoint Daniel Onisk as a Planning Board member. On a motion by Mr. Herman, seconded by Mr. Flint to appoint Mr. Onisk to the Planning Board. Ayes [4] May Boxler Flint Herman Ahl. Noes [0] Carried

Supervisor May requested a motion to approve the meeting minutes from October 14, 2021. On a motion from Mr. Flint, seconded by Mr. Ahl, to approve the previous meeting minutes. Ayes [4] May Boxler Flint Herman Ahl. Noes [0] Carried

Supervisor May requested a motion to approve the October 2021 Supervisors Report. On a motion from Mr. Ahl, seconded by Mr. Herman, to approve the Supervisor Report. Ayes [4] May Boxler Flint Herman Ahl. Noes [0] Carried [There was also discussion regarding the Battery Station Project: If it is now operational, they should be submitted payment to the Town.]

Supervisor May discussed the information that she received from New York State DEC regarding the request from Wyco construction for a mining permit modification and renewal pursuant to article 23, title 27 of the Environmental Conservation Law for the Quakertown Road Mine. This information will be sent to the planning Board for the review and action.

Highway Superintendents Report:

Rust Kote came in and did three trucks and the trailer. Truck 206 had a cracked cross member; \$2,700 parts and \$1,300 in labor. Truck 205; hauling sand, light came on, took the truck back in and the turbo was replaced \$2,000. Tires are wearing, ordered 4 front recaps coming, and tires on the pickup. Put gravel over on Wilder Road. Have sent bids out and have been checking specifications, trying to get prices on plow equipment; approximately \$270,000 for new truck.

Requesting a resolution to order the truck, we do not know all of the surcharges yet, but we can piggyback on the Cattaraugus County bid. This way we can get on the list to order the truck.

The Supervisor requested authorized to accept the Cattaraugus County bid award for the Western Star 47X Dump / Plow truck \$146,989.00 and exercise the right to "piggyback" as an eligible subdivision under GLM section 103 (16) on behalf of the Town of Orangeville. On a motion by Mr. Herman, seconded by Mr. Flint to place order for truck, and the unforeseen surcharges. Ayes [4] May Boxler Flint Herman Ahl. Noes [0] Carried

Supervisor May requested a motion to open the Public Hearing for the 2022 Budget at 7:30pm. On a motion by Mr. Herman, seconded by Mr. Flint to open the Public Hearing. Ayes [4] May Boxler Flint Herman Ahl. Noes [0] Carried

Mr. Roggow continued his report: Have an employee issue, need to hire a temporary position, Fulltime for 3 months, CDL A& B. On a motion by Mr. Ahl, seconded by Mr. Herman to advertise for the above position. Ayes [4] May Boxler Flint Herman Ahl. Noes [0] Carried

Mr. Roggow stated that he has hired Jay Glosser, as a parttime driver for this winter. Mr. Roggow requested permission to advertise for three wing person

positions. On a motion by Mr. Flint, seconded by Mr. Herman to advertise for 3 part-time positions of wing person. Ayes [4] May Boxler Flint Herman Ahl. Noes [0] Carried

Zoning – report in packet.

Town Clerk Report:

Our Town website visits for October 2021 was 430, total of 1426 for the year. [It only collected data for ½ of the month.]The Towns total revenue for the month of October 2021 was \$643.00: \$140.00 for Zoning, \$333.00 for dogs, \$20.00 for late fees, \$25.00 for Scrap license and DEC, \$125.00. We had 23 dog renewals and 2 new dog licenses. To the general fund, \$228.02, Dogs were \$99.00, \$20.00 for late fees, DEC-\$4.02, \$25.00for Scrap license and \$140.00 for Zoning. We disbursed \$185.00 to Wyoming County, \$49.00 to Ag and Markets for dogs, DEC-\$120.98. Copies of all reports were viewed by the Town Board. Ms. Cheri Glosser and Ms. Stella Glosser have accepted the position as parttime Deputy Town Clerks.

Supervisor May requested a motion to close the Public Hearing on the 2022 Town Budget. On a motion by Mr. Flint, seconded by Mr. Herman, to close the Public Hearing. Ayes [4] May Boxler Flint Herman Ahl. Noes [0] Carried

The budget is lower as the Varysburg Fire District is lower than anticipated. [\$66,619.19] On a motion by Mr. Herman, seconded by Mr. Ahl to accept the 2022 Town of Orangeville Budget. Ayes [4] May Boxler Flint Herman Ahl. Noes [0] Carried

Supervisor May requested a motion to open the Public Hearing on Opting Out of Cannabis Sales. On a motion by Mr. Herman, seconded by Mr. Flint to open the Public hearing at 7:45pm. Ayes [4] May Boxler Flint Herman Ahl. Noes [0] Carried

There was discussion with one audience member on what this law means, and how we can revisit this issue at a later date. Discussion regarding growing and sale occurred. The Public hearing was closed at 8pm, on a motion by Mr. Ahl seconded by Mr. Flint. Ayes [4] May Boxler Flint Herman Ahl. Noes [0] Carried

A Proposed Local Law Entitled “Cannabis Local Law Opting Out of Retail Sales and On-Site Consumption Establishments”

A local law adopted pursuant to Cannabis Law § 131 opting out of licensing and establishing retail cannabis dispensaries and on-site cannabis consumption establishments within the Town of Orangeville.

**RESOLUTION ADOPTING LOCAL LAW ENTITLED,
“CANNABIS LOCAL LAW OPTING OUT OF RETAIL SALES
AND ON-SITE CONSUMPTION ESTABLISHMENTS”
SUBJECT TO PERMISSIVE REFERENDUM**

The Town Board of the Town of Orangeville met at a regular meeting at the Town Office in the Town of Orangeville, New York on the 4th day of November 2021, commencing at 7 p.m.

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, the Town Board of the Town of Orangeville held a socially distanced public hearing due to the COVID-19 regulations on the proposed adoption of said local law on the 4th day of November, 2021 at 7:45 p.m., at which time all interested parties and citizens for or against the proposed law were heard; and

WHEREAS, former Governor, Andrew Cuomo signed into law the Marijuana Regulation and Taxation Act (MRTA) on March 31, 2021; an

WHEREAS, the Town Board of the Town of Orangeville has considered a proposed local law known as “Cannabis Local Law Opting Out of Retail Sales and On-Site Consumption Establishments,” which would prohibit retail dispensaries and on-site consumption establishments within the boundaries of the Town of Orangeville; and

WHEREAS, Tax Law §493(c) places a 4% local tax on the retail sale of adult-use cannabis. If the Town of Orangeville adopts the proposed local law to opt-out of the retail sales of cannabis, the Town of Orangeville will not receive 3% of the 4% of the implemented local tax; and

WHEREAS, Local governments, such as the Town Board of the Town of Orangeville must adopt a local law subject to permissive referendum to opt-out of the retail sales and on-site consumption establishments of cannabis on or before December 31, 2021. No laws opting out of retail sales and on-site consumption establishments of cannabis are eligible to be adopted after December 31, 2021; and

WHEREAS, in an effort to combat drug use in the County of Wyoming, the Town Board of the Town of Orangeville believes it to be wise to prohibit cannabis retail dispensaries and on-site consumption establishments within the Town of Orangeville. With that being said, the Town Board of the Town of Orangeville finds in the best interest of the Town of Orangeville to adopt the proposed local law entitled, “Cannabis Local Law Opting Out of Retail Sales and On-Site Consumption Establishments”; and **NOW ON MOTION OF** Mr. Herman, which has been duly seconded by Mr. Flint, it is

RESOLVED, that the Town Clerk of the Town of Orangeville is hereby directed to publish an abstract of this resolution concisely stating the purpose and effect thereof in the Town’s official newspaper within ten (10) days after the date of adoption of this resolution; and be it further

RESOLVED, that said resolution shall not take effect until thirty (30) days after its adoption or until approved by the affirmative vote of a majority of the qualified electors in the Town of Orangeville; and be it further

RESOLVED, the Town Board of the Town of Orangeville hereby adopts the local law entitled, “Cannabis Local Law Opting Out of Retail Sales,” which shall take effect if no petition is filed within thirty (30) days of this resolution; and be it further

RESOLVED, if a petition is signed by a number of town electors equal to at least 10% of the number of votes cast for governor in the Town at the last gubernatorial election, the adoption of the local law entitled, “Cannabis Local Law Opting Out of Retail Sales and On-Site Consumption Establishments,” shall be brought to a vote. Ayes [4] May Boxler Flint Herman Ahl. Noes [0] Carried

Supervisor May requested a motion to approve the Standard Work day for retirement system: as provided: Wade Roggow, Laury Lakas, Laura Kirsch (court clerk and Town Historian) and Mary Kern. On a motion by Mr. Ahl, seconded by Mr. Herman to set the standard work day with the information that was provided for the above persons. Ayes [4] May Boxler Flint Herman Ahl. Noes [0] Carried

Supervisor May requested a motion to approve the 2021 Highway Funds bills: Abstract #11 Vouchers #168 through #190, totaling \$141,762.32. A motion was made by Mr. Herman, seconded by Mr. Flint to approve the payment of the Highway Fund bills. Ayes [4] May Boxler Flint Herman Ahl. Noes [0] Carried

Supervisor May requested a motion to approve the 2021 General Funds bills: Abstract #11 Vouchers #190 through #207, totaling \$13,371.68. A motion was made by Mr. Herman, seconded by Mr. Ahl to approve the payment of the General Fund bills. Ayes [4] May Boxler Flint Herman Ahl. Noes [0] Carried

The meeting was adjourned at 845pm on a motion by Mr. Herman, seconded by Mr. Flint to adjourn. Ayes [4] May Boxler Flint Herman Ahl. Noes [0] Carried

Respectfully submitted

Rosann A. Lowder, RMC

Rosann A. Lowder, Registered Municipal Clerk Town of Orangeville