

MINUTES OF A BOARD MEETING OF THE VILLAGE OF WELLSVILLE BOARD OF TRUSTEES
HELD ON MONDAY, NOVEMBER 22, 2021, AT 6:00 PM AT THE TRUSTEE BOARD ROOM,
23 NORTH MAIN STREET, ALLEGANY COUNTY, WELLSVILLE, NEW YORK.

PRESENT: Mayor: Randy Shayler
Deputy Mayor: Jeff Monroe
Trustees: Ed Fahs, Gary Pearson, Mike Roeske
Police Chief: Tim O'Grady
Dir DPW: Dean Arnold
Fire Chief: Kevin Fleischman
Treasurer: Melissa Mullen
Attorney: Rich Buck

ABSENT: Code Officer: Rich Wenslow

VISITORS: Andrew Harris; Ed Pekarek; MK Kellogg; John Anderson; Chris Potter, The Spectator; Kathryn Ross, Olean Times Herald

The regular board meeting opened at 6:00 pm with the pledge to the flag led by Mayor Shayler.

Mayor Shayler welcomed everyone to the meeting.

Trustee Roeske requested acceptance of the minutes from the Regular Board meeting held on November 8, 2021; Trustee Fahs seconded the motion. Carried.

MAYOR'S BUSINESS:

1. Mayor Shayler welcomed new incoming Director of Public Works, Dean Arnold, who will be replacing outgoing director, Bill Whitfield, who will be retiring effective December 30, 2021.
2. Mayor Shayler stated that the next order of business was consideration of proposed Local Law Number 2 of 2021, for which the Public Hearing had been previously held on November 8, 2021. Following discussion, the following resolution was offered by Mayor Shayler, who moved its adoption, seconded by Trustee Fahs. Mayor Shayler read a statement, clarifying that the Village is not talking about marijuana use. He continued that Deputy Mayor Monroe will be heading up a local cannabis board. Members will be appointed to investigate the options to opt in. The board will also be responsible for gathering recommendations from zoning, etc.

**RESOLUTION NO 21/22-19
OF THE VILLAGE BOARD OF TRUSTEES**

At 5:30 p.m. on November 8, 2021, a Public Hearing was held before the Village Board to hear all persons wishing to comment on proposed Local Law Number 2 of 2021, entitled a "A LOCAL LAW ADOPTED PURSUANT TO CANNABIS LAW §131 OPTING OUT OF LICENSING AND ESTABLISHING RETAIL CANNABIS DISPENSARIES AND/OR ON-SITE CANNABIS CONSUMPTION ESTABLISHMENTS WITHIN THE VILLAGE OF WELLSVILLE." The Village Attorney explained the requirements of the State Cannabis Law, and answered questions from those present. After those wishing to be

heard had made their comments, Mayor Shayler declared the Public Hearing to be closed, advised the Board would review and consider the comments and materials provided by both proponents and opponents of the Opt Out law and vote on the local law at the November 22, 2021 meeting, and proceeded with the business of the regular Board meeting.

At the regular meeting, Mayor Randy Shayler stated that the next order of business on the Board agenda was consideration of proposed Local Law Number 2 of 2021, for which the Public Hearing had been previously held. He asked if any Board members had any questions for him or the Village Attorney. Following discussion, the following resolution was offered by Mayor Shayler, who moved its adoption, and seconded by Trustee Fahs, to wit:

WHEREAS, Introductory Local Law Number 2 of 2021 was duly introduced and considered at a regular meeting of the Village Board of the Village of Wellsville, held on October 26, 2021, and a Resolution was adopted calling for a Public Hearing before the Village Board on November 8th, 2021 at 5:30 p.m., to be held at the David A. Howe Library, Wellsville; and

WHEREAS, the legal notice calling for such Public Hearing was duly published and posted as required by law, and such Public Hearing has been duly held this evening, and all persons desiring to be heard have been given an opportunity to speak, submit written material and express their wishes to the members of the Village Board of the Village of Wellsville; and

NOW, THEREFORE, BE IT RESOLVED, that the Village of Wellsville adopts Local Law Number 2 of 2021, as submitted which provides as follows:

**Local Law No. 2 of the year 2021
Village of Wellsville, County of Allegany:**

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

Section 1. Legislative Intent

It is the intent of this local law to opt the Village of Wellsville out of hosting retail cannabis dispensaries and/or on-site cannabis consumption establishments within its boundaries.

Section 2. Authority

This local law is adopted pursuant to New York State Cannabis Law § 131, which expressly authorizes Villages, cities and villages to opt-out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments to locate and operate within their municipal boundaries.

Section 3. Local Cannabis Retail Dispensary and/or On-Site Consumption Opt-Out

The Village Board/Board of the Village of Wellsville, County of Allegany, hereby opts-out of licensing and establishing cannabis retail dispensaries and/or cannabis on-site consumption establishments within its boundaries and directs and requests the cannabis control board to prohibit the establishment of such retail dispensary licenses and/or on-site consumption licenses within the boundaries of the Village of Wellsville.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, 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. Effective date

This local law shall take effect immediately upon filing with the Secretary of State. Pursuant to Cannabis Law § 131, this local law is subject to a permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition or a referendum has been conducted approving this local law.

BE IT FURTHER RESOLVED, that the foregoing Resolution is subject to a permissive referendum as provided for in the Village Law of the State of New York, and the Village Attorney and Village Clerk are hereby directed to prepare and publish the required legal notice for such permissive referendum.

Following discussion, the foregoing Resolution was adopted by the Board of Trustees of the Village of Wellsville by roll call:

Trustee Fahs	<u>AYE</u>	Trustee Roeske	<u>AYE</u>
Trustee Monroe	<u>AYE</u>	Mayor Shayler	<u>AYE</u>
Trustee Pearson	<u>AYE</u>		

The Mayor then declared the Resolution to be adopted and directed the Clerk to proceed to contact the Village Attorney and to publish and post the Notice of Permissive Referendum, as required by law.

I, Wendy Seely, do hereby certify that Resolution #21/22-19 was adopted by the Board of Trustees of the Village of Wellsville, New York the 22nd day of November 2021.

Certified by the Village Clerk

3. Mayor Shayler made a motion to accept and approve the Special Event Permit Application from Stephen Caton (Wellsville Farmers Market) for a Christmas Market to be held in the Exhibition Room at the David A. Howe Library. It will be held on the first three Saturdays in December (4, 11, 18) from 10:00 am to 2:00 pm. Trustee Monroe seconded the motion. Carried.
4. Discussion was continued regarding who should be the recipient for the 2022 donation of meter coins collected during the holiday period of Thanksgiving 2021 and New Year's Day 2022. It was determined that this year the monies will be given to Community Action Angels. Further, the recipient for next year was also decided tonight and will be Allegany County Cancer Services.
5. Mayor Shayler noted that the Wellsville Economic Development Board have been working on creating a new logo for the Village of Wellsville. They wish to

implement it first on letterhead for Village correspondence, and then make the change on Village equipment and vehicles.

TRUSTEES' BUSINESS:

PEARSON:

1. Trustee Pearson made a motion to accept and approve the vouchers as listed in the Abstract of Vouchers dated today, November 22, 2021. Trustee Fahs seconded the motion. Carried.
2. Trustee Pearson made a motion to accept and approve the Treasurer's Report, bank reconciliations, posting journal and financial reports for October 2021. Trustee Roeske seconded the motion. Carried.

MONROE:

1. Trustee Monroe had nothing to discuss.

ROESKE:

1. Trustee Roeske had nothing to discuss.

FAHS:

1. Trustee Fahs thanked the Board and Village crew for installing the flagpole located in front of the new Municipal offices located at 23 North Main Street.

POLICE DEPT:

1. Trustee Roeske made a motion, based on Chief O'Grady's request, to accept and approve the sale of abandoned vehicles in impound. Trustee Monroe seconded the motion. Carried.

FIRE DEPT:

1. Chief Fleischman had nothing to discuss.

DPW:

1. Director Arnold had nothing to discuss.

CODE OFFICER:

1. Code Enforcement Officer Wenslow was not present.

ATTORNEY:

1. Attorney Buck requested an Attorney Client meeting.

TREASURER:

1. Treasurer Mullen had nothing to discuss.

Attorney Ed Pekarek and Andrew Harris discussed the petition for the Permissive Referendum.

On a motion made by Trustee Fahs and seconded by Trustee Monroe, the Board moved out of regular session and into an Attorney Client meeting at 6:43 pm. Carried.

On a motion made by Trustee Roeske and seconded by Trustee Monroe, the Board moved out of the Attorney Client meeting and back into regular session at 6:57 pm. Carried.

On a motion made by Trustee Roeske and seconded by Trustee Monroe, the meeting adjourned at 6:58 pm. Carried.

Respectfully submitted,

Wendy Seely
Village Clerk

(notes were taken by Treasurer Mullen in Clerk Seely's absence)