

PRESENT: Mayor Laureen Tackman, Robin Wilson, Dave Donovan, Eric Cartier. Absent: Trustee John Scatena. Others present: Code Officer William Hamacher, Cathy Kline. Dan Lewis, Christine Schreiber, Cveta Murphy, Jackie Taskey, David Hinds, Brenda Williams, Lila Netzband, Paul Baxter.

PUBLIC HEARING CALLED TO ORDER by Mayor Tackman at 6:00 pm with Pledge of Allegiance.

The purpose of the public hearing is to hear comments and concerns regarding the proposed Cannabis Opt Out Law for the Village of Cleveland. Residents asked what the benefits of this law are. No one present felt having cannabis sales in the village is a good idea. Mayor Tackman stated that there are many variables that have not been decided regarding the law and the governing board for this law was only put in place in September. She feels there are too many issues with this law that have not been addressed that the Village should opt out until there is further clarification. Cveta Murphy asked if there could be more notice given in the future if the village changes its position on the law. She was informed that all the proper procedures and postings were done to announce the hearing. Mayor Tackman made a motion to close the public hearing at 6:15pm and made a motion to open the public hearing for the variances and subdivision. Dave Bardoun was present on behalf of the church and their requested subdivision of the shrine from the church property. The shrine would maintain approximately 50' of frontage on Rt. 49 and about 47' at the shoreline. The property with the church would be approximately 64' of frontage at Rt. 49 and about 50' at the shoreline. The church will maintain the shrine and property. The variances to be discussed are Jaime and Stella Vargas at 97-103 State Route 49 (Sunset Deli) are requesting a 50' variance from the center of the road to the front of the propane filling station with a 5,000lb. propane tank. Trustee Donovan asked how far the old gas pumps were from Rt. 49 and Code Enforcement Officer William Hamacher responded that the previous pumps were 65' from the center of the road and the state requires they only be 25'. He also stated barriers will be put up surrounding the filling station. Trustee Donovan also inquired if they put a gas station back, how much space will there be from the propane filling station to the gas station? Mr. Hamacher doesn't know as the fuel tanks aren't there. Mr. Hamacher would like to see the propane filling station 65' from the road. The second variance to be considered is from Joyce and Wayne Foote at 55 Bridge Street who require a 3' variance from the property line and a 4' variance from the garage to install an inground pool. Mr. Hamacher reported there was no comment from the neighbors (vacant lot). At 6:30pm, Mayor Tackman made a motion to close the public hearing, second by Trustee Donovan, all in favor.

OPEN REGULAR MEETING AT 6:30PM

Present in addition to above, Legislator Roy Reehil, and Nicholas Simmons.

Mayor Tackman read the SEQR Short Form Part 2 Impact Assessment (on file at the village hall) and the response was no or small impact to all questions. Mayor Tackman then offered the following resolution:

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF CLEVELAND

At a regular meeting of the Board of Trustees of the Village of Cleveland held at the Village Offices, Cleveland, Oswego County, New York, at 6:30 P.M. on November 9, 2021, there were

Present:

Laureen Tackman, Mayor
Robin Wilson, Deputy Mayor
Eric Cartier, Trustee
Dave Donovan, Trustee

Absent:

John Scatena, Trustee

WHEREAS, a Local Law opting out of licensing and establishing retail cannabis dispensaries and/or on-site cannabis consumption establishments within the Village of Cleveland, was introduced by a member of the Board of Trustees at a meeting thereof held on October 26, 2021, and by a majority vote of the Board of Trustees

members present at such meeting, a public hearing was duly scheduled to consider the Local Law for November 9, 2021 at 6:0PM; and

WHEREAS, a notice of the public hearing was duly published and posted as required by law, and on November 9, 2021, at 6:00 PM, a public hearing was duly held to hear all persons interested in the subject matter of the Local Law to opt-out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments to locate and operate within their boundaries;

NOW, THEREFORE, be it resolved by the Board of Trustees of the Village of Cleveland as follows:

1. The foregoing recitations are incorporated herein and made a part hereof as if fully set forth hereafter.
2. The Local Law to opt-out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments to locate and operate within their boundaries.
3. This Local Law is an Unlisted Action under the State Environmental Quality Review Act and the regulations promulgated thereunder.
4. Based upon the foregoing, this Local Law is in the best interests of the Village of Cleveland, is hereby adopted and the Clerk is instructed to file the same with the New York State Department of State.

A motion to adopt the foregoing resolution was made by Trustee Wilson and seconded by Trustee Cartier and upon a roll call vote of the Board was duly adopted as follows:

Mayor Lauren Tackman	yes <u>X</u>	no ___
Robin Wilson, Deputy Mayor	yes <u>X</u>	no ___
Eric Cartier, Trustee	yes <u>X</u>	no ___
Dave Donovan, Trustee	yes <u>X</u>	no ___

Dated: November 9, 2021

Julie Simpson, Village Clerk

PUBLIC COMMENT: Newly Elected County Legislator reported that the County Budget has a tax reduction of .54 per thousand from \$7.49 to \$6.95 per thousand. The Community College number isn't finalized yet and that doesn't mean taxes will go down, as the Town of Constantia is at an equalization rate of 93% and a reassessment hasn't been done in a long time and they may need to look to do that soon. He reported the County is holding clinics for all vaccines and will provide transportation or come to the resident to administer shots. Mayor Tackman asked Mr. Reehil what would be required in order to get a clinic here at this end of the County in Cleveland. She had reached out to the County and never heard back. She would be willing to get people signed up ahead of time to facilitate them coming out. He would inquire with the Health Department and let her know. He stated the County has COVID funds to get vaccines to people and wasn't sure of the need to have a clinic here, but would inquire.

Mayor Tackman made a motion to approve the requested easement for 55 Bridge Street – Foote, second by Trustee Donovan, all in favor. Mayor Tackman made a motion to approve the subdivision for St. Mary's Church shrine and property, second by Trustee Cartier, all in favor. Mayor Tackman made a motion to approve the variance for the propane filling station at 93-103 State Route 49, second by Trustee Cartier, Mayor Tackman, Yes, Trustees Cartier and Wilson Yes, Trustee Donovan, No, motion carried.

PAY BILLS: Mayor Tackman made a motion to pay abstract #6, vouchers 251-299 for \$62,311.89 and water project voucher 23-24 for \$633,465.36, pay application for Highlander Construction for \$268,203.94 and the Treasurer's Report second by Trustee Donovan, all in favor.

TUG HILL REPORT: Trustee Donovan read the following report submitted by Paul Baxter, who had to leave the meeting early to attend another meeting.

Confirmed: absent unforeseen obstacles, the Tug Hill Commission will be holding the 2022 Local Government Conference in person on Tuesday, April 19, 2022 at the Turning Stone Event Center in Verona.

The Tug Hill Commission has added a page to their web site about broadband:

<https://tughill.org/broadband>

There will be a workshop on Thursday, November 18, 2021 from 5:00 – 8:00 p.m. on strategies for municipalities to tackle vacant, abandoned, and unsafe properties. I have a copy of that information for you.

At the recent dinner of the Tug Hill Commission last Thursday, the commission announced the availability in print of the new edition of the Tug Hill regional map. I have a copy to present to you, and additional copies for anyone who would like one.

There's a new consideration to keep in mind for municipalities considering an opt-out by year's end for adult use cannabis. There's a web page on the state web site for the Office of Cannabis Management:

<https://cannabis.ny.gov/> -- and a page specific to local governments: <https://cannabis.ny.gov/local-government> .

News: a municipality that opts out via local law by the end of the year must also fill out a short municipal opt-out form after that: <https://ocm-optout-form.ny.gov> (link for opt-out is on the Local Government page)

The question has come up about cannabis tax distribution in those communities who opt out. The Office of Cannabis Management has this on their web page:

There is a local excise tax imposed on the sale of cannabis products from a retail dispensary to a cannabis consumer at 4 percent of the products price. This tax is distributed to local governments based on where the retail dispensary is located. 25 percent of the tax revenue goes to the county and 75 percent goes to the cities, town, or villages within the county as a proportion of cannabis sales. If a town and a village within the town both allow adult-use sales, the revenue shall be distributed based on agreed upon distribution agreement between the town and village. If no such agreement exists, then the revenue distribution between the town and village will be divided evenly.

The Office of Cannabis Management also has a fact sheet out for local governments, and I have a copy of that for you. Finally, I met with village clerk Julie Simpson today, and we figured out why her updates of the village web site were going differently and looked different. WordPress, the software which puts the web pages together, made an 'improvement' that not everyone sees as an improvement in how the web pages are displayed. I showed Julie how to make them look the way she wanted them to, rather than in the new! Improved! form.

DPW REPORT: Mayor Tackman read the following report:

- 10/5/21 –14 worked with Steve from Rural Water. First, Steve assisted Shaun and David locating the water main on Center Street between Sand St and Clay St for the water project. Steve Shaun and David then went to the area of the old Country Manor to locate a water leak that was reported to us by OCWA. With the help of former DPW Sup Doug Riggs and former DPW Laborer John Hinds, we located an original 1897 fire hydrant in the woods approximately 100 feet off of route 49. We determined that there is a leak on the main that feeds that hydrant. Unfortunately, there isn't a valve where this main comes off of the main on route 49. It will need to be dug up and capped.
- 10/12/21 – Sewer main was drilled into at 111 Center St by Highlander. DPW assisted with repair and supplied the pipe.

- 10/13/21 – Shaun and David went to the Hard Hat show at the fairgrounds. There they met with vendors concerning a future backhoe purchase. They also spoke with the local representative from Eastcom Associates who we purchased our pipe locator from a few years ago. There they set up a site visit from the rep to check our locator and provide on site training.
- 10/13/21 – checked a wet spot at the North St Park for chlorine to determine if it was from ground water or a water main leak. At this time, the hole located approximately 15 feet south of the basketball courts began to fall in on itself. The hole was excavated and an old cast iron drain that ended at that location was unearthed approximately 10 feet below ground. The drain was traced back to Caswell St. The excavation site was filled with stone for the night.
- 10/14/21 – the old drain was excavated at the park and tied it into a working drain that runs through the playground from east to west.
- 10/16/21 – at approximately 3am, a citizen called the work phone to report a big sink hole in Center St at the end of Sand Street. David responded to find a sink hole in the area of where the contractors bored under Black Creek. David called Levi who came and together they filled the hole with fill.
- 10/16/21 – David went back to the sinkhole to use the plate tamper on and fill with more material.
- 10/19/21 – replaced the culvert on West St under Cindy Barringer’s driveway and repaired the damage to her driveway from the excavation.
- 10/20/21 – while working with Highlander who was shutting down water service to Factory St from Center St, it was discovered that the water from West St was not flowing to Factory St as it should have. It was found that a water main valve on West St had been covered and buried years ago and was in the off position. This valve should have been on. It is estimated that the valve had been off for at least 15 years. In talking to the citizens living in proximity of the valve, they informed us that they have had low water pressure and complaints of stagnant/stale tasting water for years.
- 10/21/21 – assisted Highlander in locating and testing water main valves at Clay and Bridge.
- 10/22/21 – Located utilities at 49 and Martin for meter pit.
- 10/23/21 – grinder pump replaced on Kathern St.
- 10/25/21 – worked with Steve from Rural Water again locating water valves on Main and Martin and at the old Country Manor. They also tested the water main valves on Clay and Bridge and Center and Factory.
- 10/27/21 – Assisted Highlander in turning water mains on and off for the Factory Street tie in of the new water main.
- 10/27/21 - The treatment plant experienced a major spike in incoming wastewater during a rain event. The plant averages approximately 20,000 to 30,000 gallons a day. On this day the plant received 86,000 gallons. This is a direct result of sump pumps being tied into the sewer system which is against the sewer law and puts the plant in jeopardy of contamination and or overrunning the plant’s ability to treat the water.
- 10/27/21 – began rebuilding one of the blowers from the water treatment plant.
- 10/28/21 – ran the leaf sucker through the village.

FIRE DEPARTMENT: David Hinds gave the following Chief’s report: In the month of October 2021, we responded to a total of 33 calls (316-year to date). Of these calls there were 1 structure fire, 12 EMS calls, one motor vehicle accident, 1 service call, 1 good intent call, 1 false alarm call, 15 cancelled enroute, 4 mutual aide given and 1 mutual aid received. 4WR1 is out of the water for the year. Physicals are scheduled for 11-22-21. We will be trying to get COVID boosters soon.

CODE ENFORCEMENT REPORT: Code Officer William Hamacher gave the following report: 1 building permit, 3 building permit inspections, 15 property maintenance violations and 6 property violations correct.

I had a meeting with the owner, manufacturer and installers of the house at 103A State Route 49 to correct the problems. I also met with the DEC regarding the oil spill and clean up at 129 Bridge Street.

WATER PROJECT UPDATE: Mayor Tackman gave the following update:

The 10" and 16" underground mainline has been installed to the tank – all main piping except 6" has been tested and chlorinated.

All connections to cross streets, and cut and caps are complete.

Service connections are complete – everyone is on the new system.

Restoration has been completed up to the tank site.

Paving is taking place in the Village

Meter pits have been installed, 3" and 6" meters have been installed, cleanup is taking place around the pits.

The access road improvements up to the tank site have been completed.

Restoration is still underway. Center Street will be re-paved next year.

MAYOR'S COMMENTS: Mayor Tackman reported that the new playground equipment has been delivered and is being stored for the winter and will be installed in the spring. The new guiderails have been installed on Bridge Street, North and Divisions Streets. She also read a letter received from Brian Butler complimenting the Village on the installation of the guiderails and the safety they will provide. She also stated that Santa and Frosty will be doing a drive around the Village in lieu of the annual tree lighting. Hopefully next year things will return to normal and we can have Santa and the tree lighting.

Mr. Reehil wants to set up the meeting with the Mayor and the committee regarding the dam/pond property. Cveta Murphy asked if there is a way to alleviate the flooding that is happening on Caswell St. Her basement flooded with all the rain last week. Levi Currier had been asked about this previously and it can be trenched and we may need a sewer jet to clear it.

Mayor Tackman made a motion to enter into executive session, second by Trustee Donovan, all in favor. At 7:55pm, Mayor Tackman made a motion to close the executive session, second by Trustee Cartier and adjourn the meeting second by Trustee Wilson, all in favor.