

October 4, 2021

A special meeting of the Town Board of Vernon was held at 6:30 p.m. on the above date at the Town Office Building for the purpose of a public hearing to consider amending the Zoning Ordinance and Zoning Map of the Town of Vernon to change the zoning of Tax Map Parcel No. 324.000-1-76, consisting of 57.50 acres of vacant land on the northwest side of Wood Road in the Town of Vernon, currently zoned Agricultural. The proposed amendment would change the zoning of that parcel to Planned Development District (PDD). The current owner, Madison Business Facility, LLC seeks the zone change to construct a manufacturing facility on the parcel. Council members present: Randy Watson, Supervisor; Gene Bennati, Myron Thurston, Steve Adamkowski and John Peters. Also present: Town Attorney Vince Rossi, Zoning Board Chairman; Brian Dam and 5 community members. The meeting was called to order by Supervisor Watson at 6:30 p.m.

Jeremy Fennell; Delta Engineer representative showed a map of the property which the building will sit on. Thurston clarified that the property along the back side of the parcel was currently commercial and there are 2 residential properties along the front of the property. Bennati asked the distance of the property from the front of the building. Fennell stated that there is 481ft of road frontage to one side of the building and 360ft of road frontage to the other side of the property lines. Watson asked how far the building would be from the road. Fennell stated that they have it situated around 120ft from the road. Rossi stated to keep in mind that the exact configuration of the building would be subject to approval from the planning board. Thurston asked about putting up some trees in the front corner near the home that is currently there to help minimize any noise. Sweet advised that they have no plans to get rid of the natural tree line that is currently there and they would be open to putting in additional trees. There will be approximately four trucks that would be going in or out of the facility daily. The plans are to have 2 loading docks. There will be two shifts, 7am-3:30pm and 3:15pm-1:45am with around 30 people on days and 6 on nights. Their current location is in a direct residential area where neighbors do say they can hear an exhaust fan with no complaints at night. SEQRA has been completed and Zoning Board Chairman has sent the information to Oneida County Planning. A Town resident was concerned about the wells in that area and any chemicals that might be used at the facility. Sweet stated that all of the fluid/coolant used is water soluble and is environmentally safe. They also do not pour anything down drains, it is pumped out by Safety Clean. If the zoning is changed it will be Planned Development District, which requires any change, including this initial factory that has to be approved by the Planning Board. The developer has to propose a plan of where the building is going to be and what will be happening inside the building. There will be a Planning Board meeting to decide if there needs to be any changes to the details such as trees being planted or lighting details. If there were a request for further development, that would also have to be approved by the Planning Board. The developer does not have the right to any development without approval.

The meeting was adjourned at 6:45 p.m.

A special meeting of the Town Board of Vernon was held at 6:45 p.m. on the above date at the Town Office Building for the purpose of a public hearing to consider the adoption of a Local Law to Opt-Out of allowing cannabis retail dispensaries and on-site consumption licenses authorized under Article 4 of the New York State Cannabis Law from operating within the Town of Vernon. Section 131 of the New York State Law expressly authorizes the 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 Town, subject to a permissive referendum, the procedure of which is governed under Section 24 of the Municipal Home Rule Law. Council members present: Randy Watson, Supervisor; Gene Bennati, Myron Thurston, Steve Adamkowski and John Peters. Also present: Town Attorney and 10 community members. The meeting was called to order by Supervisor Watson at 6:45 p.m.

Bennati stated that he hoped the Board members did not come into the building with a decision already made and be open to a discussion concerning this. Rossi advised that what this means is if they do nothing, marijuana sales would be permitted as there is a state statute that says that. But the state has given the Town the power to opt-out which would have the effect of prohibiting the sales. Rossi advised that the decision by the Town Board would only affect the Town and not the Village of Vernon, Village of Oneida Castle or the City of Sherrill. Watson

had spoke to the Village of Vernon Mayor who advised that they are going to do nothing and in regards will opt-in, which will allow sales in the Village of Vernon. Watson clarified that consumption means that it can or can not be consumed inside of a business. Consumption inside of people's homes cannot be stopped. Community member, Wendy Coston, thanked the Board members for being fiscally responsible. She is in favor for opting-in on retail cannabis and opting-out for consumption cannabis. Coston added that this vote is not to condone the use of marijuana as NYS has already made it legal. This vote is whether the Town allows dispensaries, and more importantly the revenues that come with it. NYS has established permit fees that cost approximately \$1.5 million dollars to open a dispensary. If no dispensaries are in the town, we will still receive revenue if we opt-in. The revenue is set at 25% going to the county and 75% to Towns, Cities and Villages that opt-in. She is concerned that if they opt-out now they will not be able to change that decision in the future and will forever seal the fate of town residents ever benefiting from a guaranteed revenue source. The Town fully supported Vernon Downs Casino when gambling became legal because it helped the business stay here in the Town and the Town receives VLT money. Some could argue that gambling is just as detrimental to the community. The Town also does not refuse businesses from selling alcohol or cigarettes as they are legal and they accept the sales tax from such sales. Our town is supportive of the farming community. Would the town tell farms they cannot sell corn or milk? They allow leasing of the farm land for solar. If the Town opts-out it would make it impossible for the farmers to take advantage of another way to make a living and keep their farm. Coston feels it is in the financial best interest of all the residents for the Town to opt-in and secure the future in keeping the Town financially stable. Research has showed that estimated revenues in the states that have legalized marijuana was lower than what they took in. It took 3-5 years for those revenues to be received. NYS is estimated to receive \$490 million in marijuana tax revenue. Bennati stated that he has never touched an illegal drug. However, he feels the reasons to opt-in are that people use marijuana for medical purposes such as Alzheimer's, ALS, Cancer etc. The dispensaries could help eliminate the fentanyl in the drugs that are laced out on the streets. He also believes opting-out will result in a loss of income for the Town of Vernon. Thurston stated that this law is subject to permissive referendum and that gives people the opportunity of 30 days to get signatures and bring it to a vote. The decision tonight can be upheld or can come to public vote. He stated that anyone using marijuana for medical purposes can still get it by prescription. What they are talking about tonight is for recreational use. Thurston does not want cannabis sold in the Town of Vernon as he feels that is the best thing for the community. He stated that as of right now there are no rules set for the dispensaries. He feels if NYS had a plan, they could make a better-informed decision. He does not know how he could say yes and feel it is what is best for the community, without answers. He feels that this will not affect farmers as they will still be able to raise cannabis with a license. If it is legal in NY there will be a market for it. He feels that gambling at Vernon Downs Casino is important as it employs many people. Cannabis sales will not employ many. Brian Dam stated that he does not believe people will spend the money on the sales in the Town of Vernon. Watson stated that they did not set the Law making it legal. That was something NYS did and there will be control of what is put into it when being purchased through a dispensary rather than from an individual on the street where it is not regulated. Watson said that even if the Town decides they do not want it sold in the Town of Vernon and someone wants to put in a dispensary in the Village of Vernon, it will be able to be sold there. What the Board is voting on tonight is not whether or not there are sales of cannabis. They are voting on if they want to receive the money from the sales of cannabis. It is legal in NYS.

The meeting was adjourned at 7:11 p.m.

The regular meeting of the Town Board of Vernon was held at 7:11 p.m. on the above date at the Town Office Building. Council members present: Randy Watson, Supervisor; Gene Bennati, Myron Thurston, Steve Adamkowski and John Peters. Also present: 9 community members.

Following the Pledge of Allegiance, there was a moment of silence. The meeting was called to order by Supervisor Watson at 7:10 p.m.

Supervisor Watson asked the council members if there were any additions or corrections to the minutes from the August 12, 2021 meeting. There being none, a motion to approve the minutes as written was made by Peters, seconded by Adamkowski. No discussion. Ayes 5. Nays 0. Motion carried.

PUBLIC CONCERNS:

Adamkowski said he can appreciate the financial side of the cannabis dispensaries. NYS passed the law 6-7 months ago and the state is behind on guidelines and regulations. He said many are buying it illegal and finds it hard to believe people will pay more for it just to buy it legally. He stated that individuals can grow it themselves for recreational use. He believes the estimated figures of what will be taken in are not accurate, adding into the account that they will not receive taxes on sales that will most likely be at the Turning Stone Casino.

Jon Nortz wanted to follow up on Carrick Rd., as the residents would like the Town of Vernon to take over and maintain the now private road leading to their driveways. Rossi stated the question lays as to who will pay for the road to be brought up to Town's specifications and that can not be done on the Town's nickel and they would need to find another source of alternate funds. Nortz stated that Callahan Industries came last week to give them an estimate. There may be money coming out for infrastructure and now is a prime time to be looking for the money needed. Nortz found out that the property owners are not eligible to receive state or federal grants. Watson stated that there is quite a bit of work involved in applying for grants. The quote received was around \$1 million dollars. Kazlauskas asked the legality of who would be responsible if someone were to get hurt on that road. Rossi advised that there would be no liability of the Town. Rossi added that the person asking for the road to be accepted by the Town is responsible to bring it up to spec. This happens with sub divisions and it is not properly a Town expense. If the problem is who makes the application for the grants, there are professional grants writers that you can pay to write the application. Rossi will call an Engineer to seek advice as to what grants are available for this situation. Rossi recalled that when houses were built on that road, people were told this was going to happen. It is a problem not of the Town's doing. Nortz stated that the homeowners do not own the road. Thurston stated that it was considered a right of way to their properties that they maintain. He believes the deed will have the answer. JoEllen Nortz, a property owner from Carrick Rd asked why the Town of Vernon issued building permits for that location. Thurston advised that each of the property owners had to receive a variance to build with the understanding that they had to maintain the road in order to build on it. Nortz has someone who is willing to help him with the grant writing process. He stated that with the Town's help they may be able to get assistance. The property owners took time to clean out the culvert so they could get some good pictures of the disrepair. JoEllen Nortz asked the board members why the Board told them they had to get the Grant if they didn't know that individuals were not able to receive grants. Planning Chairman Dam advised her that this is new to the Town as they have not dealt with this before. He advised her that the road has been abandoned since the 1920's.

County Legislator; Keith Schiebel stated that the Oneida County Executive will unveil the County budget tomorrow. Budgets hearings will be coming up and the Town's participation in those hearings is critical. DEC is approving a Holiday hunting law. They will extend hunting season through Christmas and New Year. This has caused a problem in Oneida County as last year they proposed a Local County Law that starts the snowmobile season after hunting season. The two are going to crisscross. He asked the Board members opinion as to whether they would rather go snowmobiling or hunting between the holidays. The County will have to opt out of the hunting window as to not interfere with snowmobiling. Thurston mentioned he would look at the economic impact. The board members agreed they would prefer to opt out of the hunting and don't allow it during the holidays. Mohawk Valley Edge meeting will be held on Monday, November 1, 2021 at 6:30pm at the Town of Vernon Town Hall. Jennifer Waters will be coming out to give an EDGE update. Schiebel has asked for a topography map for the Carrick Rd. area. He believes the flooding issue may be related to the elevation differences. Something may have happened or changed to be causing the flooding. After the presentation he asked the Board to reserve the conference room so private conversations can be had.

REPORTS:

The following reports were presented: Town Clerk, Supervisor's and Codes Enforcement, Planning Board/Zoning Board of Appeals will schedule public hearing for the SEQRA process for solar on Williams St., Highway Superintendent and the County Legislator gave his report during Public Concerns.

There were no reports from, Assessors, Operations, Education and Libraries, Intergovernmental Relations, Economic Development, SWOCO and Historian.

A motion to accept the above reports was made by Peters, seconded by Thurston. No discussion. Ayes 5. Nays 0. Motion carried.

A motion to pay the bills was made by Peters, seconded by Adamkowski. No discussion. Ayes 5. Nays 0. Motion carried.

BUSINESS:

A motion to approve amending the Zoning Ordinance to PDD on Wood Rd. was made by Peters, seconded by Thurston. No discussion. Ayes 5. Nays 0. Motion carried.

A motion to opt out of cannabis retail was made by Peters, seconded by Adamkowski. No discussion. Ayes 3. Nays 2. Motion carried.

Board members voted to Opt In/Out of Local Law on Cannabis Retail:

- John Peters Out
- Steve Adamkowski Out
- Gene Bennati In
- Randy Watson In
- Myron Thurston Out

A motion to opt out of cannabis onsite consumption was made by Adamkowski, seconded by Peters. No discussion. Ayes 4. Nays 1. Motion carried.

Board members voted on Cannabis onsite Consumption:

- John Peters Out
- Steve Adamkowski Out
- Gene Bennati In
- Randy Watson Out
- Myron Thurston Out

Rossi will prepare the necessary notice as required by law that is subject to permissive referendum.

A motion to schedule Fire Department Budget Workshop on Wednesday, October 13th at 6pm was made by Peters, seconded by Thurston. No discussion. Ayes 5. Nays 0. Motion carried.

Liquor License applications was received for Crystal Springs Golf Course, LLC requesting change to liquor license from seasonal to year-round.

A motion to forward petition requesting reduction in speed on Youngs Rd. to NYS Department of Transportation was made by Thurston, seconded by Adamkowski. No discussion. Ayes 5. Nays 0. Motion carried.

A motion to transfer \$10,000.00 from A1990.4 Contingency to A1620.4 Building for wall repair from furnace work was made by Thurston, seconded by Peters. No discussion. Ayes 5. Nays 0. Motion carried.

A motion to transfer \$4000.00 from DB5140.4 to DB511.4 Resurfacing for patch/hot mix was made by Thurston, seconded by Peters. No discussion. Ayes 5. Nays 0. Motion carried.

A check was received from NYS Chips in the amount of \$191,304.24.

A motion to approve request made by resident to have a Port-A-John placed in the back while bathrooms are shut down for the winter was made Thurston, seconded by Peters. Peters asked if the walking trail was cleared in the winter and if the Village was going to continue clearing the walking path with their plow truck and continue damaging it. Thurston stated that it is cleared by their sidewalk snowblower. Coston advised that they used to use the snowblower

and they no longer do so. The Village of Vernon has been plowing it with the plow truck. There is concern about the damage the truck is doing and the taxpayer money it will take to repair it. Adamkowski would like the Village of Vernon contacted about using the snowblower used to clear the trail rather than the plow truck. There was concern about the Port-A-John tipping in the high winds out back and it being out of the way of the truck that plows the driveway. Ayes 3. Nays 0. Bennati and Watson Abstained. Motion carried.

A motion to authorize Supervisor Watson to sign Decommissioning Agreement with Quiet Meadows Solar Farm 2, LLC under recommendation by the Town Attorney, Vince Rossi was made by Thurston, seconded by Bennati. No discussion. Ayes 5. Nays 0. Motion carried

A motion to authorize Supervisor Watson to sign Decommissioning Bond with Quiet Meadows Solar Farm 2, LLC under recommendation by the Town Attorney, Vince Rossi was made by Thurston, seconded by Peters. No discussion. Ayes 5. Nays 0. Motion carried

GOOD OF THE ORDER:

Adamkowski thanked Vince Rossi for looking out for the Town of Vernon. He had viewed the email chain with EDF Solar Renewables and saw that Rossi had challenged them on not coming up with the correct documents. Thurston added that he is glad they have an attorney that reads everything carefully.

EXECUTIVE SESSION:

None

There being no further business, a motion to adjourn at 8:11 p.m. was made by Adamkowski, seconded by Peters. No discussion. Ayes 5. Nays 0. Motion carried.

Respectfully submitted,

Additions to minutes on file
in Town Clerk's Office.

Jennifer Champney
Town Clerk

This meeting was digitally recorded and is on file in the Town Clerk's office.

COMMUNICATIONS:

None