

VILLAGE OF HEUVELTON
Regular Board Meeting & Public Hearing
October 13, 2021

At 6:00 pm, Mayor Lashua called the meeting to order. Mayor Lashua opened the meeting with the pledge of allegiance. Trustees in presence were Trustee E. Wood, A. Guardino and Trustee C. Basford. Also, in attendance were T. Murray, DPW Supervisor; T. Wood, HVFD Chief. S. McConnell, DANC; J. Lightfoot, SLC Legislator; M. Hebert, Resident and J. Fenton-Smithers, Resident. J. Compo, BLA arrived at 6:20 and C. Prior, EDR arrived at 6:35.

Public Forum With a motion from Tr. Wood, and second from Tr. Guardino - at 6:00 Mayor Lashua opened the public hearing on Local Law No. 2 of 2021- opting out of licensing and establishing retail dispensaries and/ or on- site cannabis consumption; asking if anyone would like to address the Board.

J. Fenton-Smithers was present to speak:

She asked of the Boards intent of Local Law No. 1 of 2021 asked for clarification on the Law regarding medicinal use and use on private property. She inquired about the Proposed Local Law her topic questions included a sunset date for the law, tax implications for the Village, regulations, and process of opening a dispensary within the Village, she asked again about consumption on private property, and if the Board would consider putting a sunset provision in the law. The Board responded with the need for the state to give more guidelines and if a business wanted to come before the Board they would listen and can rescind the law at any time. Mayor Lashua replied: Thank you for attending this evening's Public Hearing regarding cannabis dispensaries within the Village limits. The purpose of any public hearing, of which we have had dozens, affords the public the opportunity to voice their opinions and for elected officials to consider those concerns prior to making a final decision.

We realize that it is not always easy for the public to make time in their busy schedules to attend meetings. We, too, have worked full time jobs while serving on numerous boards and volunteering countless hours for organizations while still finding time to raise families and plan for lengthy meetings, some requiring hours of preparation. Prior to sitting at the Board table, each of these dedicated Trustees has something in common, they do their homework.

This Board of Trustees considers it a privilege to represent Heuvelton's residents and prides itself on a strong rapport with the friends and families that make up our population of 712. We discuss openly the issues facing our small community and make it a point to maintain a healthy dialogue between our constituents and the board table. There isn't a trustee serving today who has not gladly taken a phone call or stopped to chat with a resident about a concern they might be having. We value public input and make it a priority when considering decisions that will affect the Village as a whole.

To that end, Jenessa Fenton-Smithers, I wish to publicly address your social media post on October 1st, 2021. Although the post was later edited, the original post accused the Village Board of Trustees and clerical staff of acting in a manner that was not only morally corrupt, but in fact, illegal. Given the fact that you stated baseless claims regarding the actions of the Village Board in a public forum, asking people to "like and share" your misleading post, I can consider your actions nothing short of cyber bullying. You insinuated that the Board intended to pass a resolution outlawing cannabis dispensaries without appropriate public notice and suggested that the information regarding discussion at the Board meeting was intentionally not disclosed to the public. I found these false accusations to not only be shocking but discouraging as well.

One need not look far to see communities that have been devastated by accusation, inuendo and the use of social media as a weapon, sowing seeds of division and suspicion with the click of a button. Rather than contacting a reliable source, you were quick to assume and publicly post information that is false, misleading, and potentially destructive. What hope is there for communities where residents are given deceptive information, potentially resulting in a baseless lack of trust for the people they elected?

Casting unnecessary doubt could result in residents believing their local government is not transparent. To insinuate that we are conducting Heuvelton's business in a manner not consistent with the law is dangerous and cavalier.

As an appointed member of the Village Planning Board, a branch of the very same governing body that you were so quick to publicly misrepresent, I ask you to consider your intent. Is it your intent to help the Board of Trustees continue to build up a village that is praised for its revitalization, community spirit and bright future, or is your intent to raise unfounded suspicion, cast doubt where none should exist and carelessly besmirch the good reputation this board has earned through decades of dedicated service?

As with any resident, I encourage you to bring us your thoughts and opinions on issues that matter to you. I also ask that, in the future, you seek facts prior to falsely accusing the Board of acting in a manner that is not consistent with their sworn duty or the laws to which we are bound. We certainly deserve better than that. J. Fenton-Smithers left at 6:28

J. Compo gave the Board an update on the water chestnut volunteer date Saturday June 4th, 2022, and all the items he has lined up for that day and asked if the Fire department would provide lunch for the Volunteers. The Board said he will have to ask the Fire Department. The Board is impressed with the work he has done. Mr. Compo left at 6:42

Mr. Lightfoot updated the Board on County matters. He left at 8:15.

HVFD Report Chief Wood left at 6:17. Mr. Lightfoot asked how the mutual aid requests from Ogdensburg were working. Mr. Hebert and Tr. Wood provided explanation. Mr. Hebert left at 7:05 to respond to a fire call.

Sewer/Water Mr. McConnell told the Board that all is running well, he is working on maintenance to get ready for winter. He took soil samples, and the sludge lagoon is full and ready to be spread. He informed the Board T. Clary will be taking his place as of November 1st. Mr. McConnell left at 6:48.

Mr. Prior addressed the Board on what has been going on with the Sewer Consolidation Project at this time and a tentative timeline for the project. Mr. Prior left at 7:22.

The Mayor informed the Board about the things that are going on with the Water project. The Board set a special Board meeting for October 27th to discuss the Water Project.

The Mayor brought the Board up to date with the Solar Project. The sludge spreading plan for next spring with the solar project and the Board reviewed documents and agreements for the Solar Project.

RESOLUTION 21-090 AUTHORIZE MAYOR TO EXECUTE SOLAR AGREEMENTS

Offered by Tr. Wood, seconded by Tr. Basford. Tr. Guardino - Aye

Resolution to have the Mayor sign the Solar agreements, with the exception of the affidavit being signed upon attorney approval.

Mayor's Report The Board discussed a letter from Macomb Town Board on the 2nd Amendment Act, and a letter from NYS Department of Public Service about Broadband Connectivity Act.

RESOLUTION 21-091

RE-LEVY VILLAGE TAXES 2021

Offered by Tr. Basford, seconded by Tr. Guardino. Tr. Wood and Mayor Lashua - Aye

Resolution authorizing the Village Clerk to re-levy unpaid Village taxes of \$12,793.78 plus second notice fees of \$40.00 and interest of \$898.36 for a total of \$ 13,732.14 to the January 2022 Town & County Tax Roll.

RESOLUTION 21-092

CLOSE PUBLIC HEARING

Offered by Tr. Guardino, seconded by Tr. Wood. Tr. Basford and Mayor Lashua - Aye
After listening to the Public Comment, resolution to close the Public Hearing at 8:20 on proposed Local Law No. 2 of 2021 opting the Village of Heuvelton out of establishing retail cannabis dispensaries and/or on-site cannabis consumption establishments.

RESOLUTION 21-093

LOCAL LAW NO. 2 OF 2021

Offered by Tr. Basford, seconded by Tr. Wood. Tr. Guardino and Mayor Lashua- Aye
WHEREAS, Local Law No. 2 of the year 2021, a local law to opt the Village of Heuvelton out of licensing and establishing retail cannabis dispensaries and/or on-site cannabis consumption establishments in the Village of Heuvelton introduced by a member of the Board at a meeting thereof held on September 8, 2021, and by a majority vote of the Trustees present at such meeting, a public hearing was duly scheduled to consider Local Law No.2 of 2021 for October 13, 2021 at 6:00 PM, and
WHEREAS, notice of the public hearing was duly published and posted as required by law, and on October 13, 2021, at 6:00 PM, a public hearing was duly held to hear all persons interested in the subject matter of Local Law No. 2 of 2021.

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

1. The foregoing recitations are incorporated herein and made a part hereof as if fully set forth hereafter.
2. The adoption of Local Law No. 2 of 2021 is an Unlisted action pursuant to the New York State Environmental Quality Review Act and the regulations promulgated thereunder.
3. This Board has now completed its review of the proposed Local Law pursuant to the New York State Environmental Quality Review Act and has issued its determination that the proposed Local Law will not have an impact on the Environment.
4. Based upon the foregoing, Local Law No. 2 of the year 2021 is hereby adopted and the Clerk is instructed to file the same with the New York State Department of State following the completion of the review and therefor under the statute as to permissive referendum.

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

Mayor Lashua	Voting- Yes
Trustee Guardino	Voting -Yes
Trustee Basford	Voting- Yes
Trustee Wood	Voting- Yes

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Village of Heuvelton
Local Law No. 2 of the year 2021
Village of Heuvelton, County of St. Lawrence

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 Heuvelton.

Section 1. Legislative Intent. It is the intent of this local law to opt the Village of Heuvelton 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 Cannabis Law § 131, which expressly authorizes Villages to opt-out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments to locate and operate within their boundaries.

Section 3. Local Cannabis Retail Dispensary and/or On-Site Consumption Opt-Out. The Village Board of the Village of Heuvelton, County of St. Lawrence, hereby opts-out of licensing and establishing cannabis retail dispensaries and/or cannabis on-site consumption establishments within its boundaries outside of the corporate limits of the Village of Heuvelton.

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 judgement shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to 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.

Streets Mr. Murray talked about getting everything ready for winter, equipment, brush pickup, holiday banners, and Christmas trees.

RESOLUTION 21-094

APPROVAL OF MINUTES

Offered by Tr. Guardino, seconded by Tr. Basford. Tr. Wood and Mayor Lashua- Aye
Resolution to accept the minutes of the 9/8/2021 meeting.

RESOLUTION 21-095

VOUCHER APPROVALS

Offered by Mayor Lashua, seconded by Tr. Wood. Tr. Basford and Tr. Guardino- Aye
 Approval of Vouchers 1021-1-1021-41

General	\$ 21,197.14
Sewer	\$ 25,462.94
Water	\$ 4,921.64
Water Project	\$ 4,576.00
Sewer Project	\$ 5,871.00
Total	\$ 62,028.72

Other Disbursements \$ **1,276,104.51**

RESOLUTION 21-096

BUDGET MODIFICATIONS

Offered by Mayor Lashua, seconded by Tr. Guardino. Tr. Basford and Tr. Wood - Aye
Approval of the following budget modifications:

Increase	Decrease
General	
51124.1 Street Construction \$ 31,210.00	16402.1 Central Garage EQ \$20,087.00
3501.1 State Aid CHIPS \$11,123.71	
14204.1 Attorney \$ 84.45	19904.1 Contingency \$ 84.45
Sewer	
14204.2 Attorney \$ 797.75	19904.2 Contingency \$ 797.75
Water	
83404.3 Transmission CE \$1,927.58	19904.3 Contingency \$1,927.58

At 9:00 with no further business before the Board, the meeting was adjourned on a motion by Tr. Guardino. All agreed.

Respectfully submitted,

Rebecca Donnelly
 Village Clerk