

**Town of Elba
Year End Meeting
December 29, 2021**

Supervisor Hynes called the meeting to order at 3:00 p.m.; followed by the Pledge to the Flag.

Those in attendance included:

Supervisor Hynes
Councilman Augello
Councilman Chamberlain
Councilman Coughlin
Councilwoman Marshall (via Zoom)

Others Present:

Town Clerk Werth
Superintendent of Highways Yungfleisch

Minutes of December 9, 2021 Public Hearing 1 – Local Law #4 of 2021 – Water Code Change

MOTION Councilman Augello, second by Councilman Chamberlain to approve the minutes as written.

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

Minutes of December 9, 2021 Public Hearing 2 – Local Law #5 of 2021 – Opt Out of Allowing Cannabis Retail Dispensaries

MOTION Supervisor Hynes, second by Councilman Coughlin to approve the minutes as written.

Ayes: Augello, Coughlin, Hynes, Marshall

Nay: Chamberlain

MOTION CARRIED by unanimous vote (5-0)

Minutes of December 9, 2021 Town Board Meeting:

MOTION Councilman Chamberlain, second by Councilman Coughlin to approve the minutes as written.

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

RESOLUTION #62-2021:

**AUTHORIZING THE ADOPTION OF LOCAL LAW NO. 5 OF 2021
OPT-OUT OF ADULT USE CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION
SITES TOWN BOARD TO ADD A NEW CHAPTER TO THE TOWN CODE OF THE TOWN OF
ELBA TO BE ENTITLED “CANNABIS REGULATION”**

Adopted: December 29, 2021

The Town Board of the Town of Elba (hereafter the “Town Board”) met at a regular Board Meeting. At the Elba Town Hall located at 7133 Oak Orchard Rd., Elba, NY 14058 in the Town of Elba, NY on December 29, 2021 commencing at 3:00 p.m. and thereafter a public hearing was held at 2:55 p.m. and the following members were:

Present: Supervisor Hynes
Council Member Augello
Council Member Chamberlain

Council Member Coughlin
Council Member Marshall

WHEREAS, all Town Board Members having received due notice of said meeting; and

WHEREAS, pursuant to the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place of the meeting was given as required by law; and

WHEREAS, the Town Board is considering a proposed local law entitled: **LOCAL LAW NO. 5 of 2021: OPT-OUT OF ADULT USE CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION SITES – TOWN BOARD TO ADD A NEW CHAPTER TO THE TOWN CODE OF THE TOWN OF ELBA TO BE ENTITLED “CANNABIS REGULATION”**; and

WHEREAS, the purpose of the proposed local law is to opt-out of adult use cannabis retail dispensaries and on-site consumption sites pursuant to Cannabis Law § 131 and Municipal Home Rule Law § 24; and

WHEREAS, the Town Board previously approved Resolution 58-2021 to opt-out of adult use cannabis retail dispensaries and on-site consumption, but notice of the public hearing was not published in time; and

WHEREAS, this Resolution 62-2021 is meant to ensure due and proper notice being timely published; and

WHEREAS, notice of this public hearing was duly advertised in the Batavia Daily News, the official newspaper of the Town, on or about December 21, 2021; and

WHEREAS, said public hearing was duly held on December 29, 2021 at 2:55 p.m. at the Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of, or in opposition to, said proposed local law, or any part thereof; and

WHEREAS, the Town Board, after due deliberation, finds it in the best interest of the Town to adopt said local law;

NOW, ON MOTION OF Councilman Coughlin, which has been duly seconded by Councilman Augello, be it therefore

RESOLVED, that the Town Board hereby adopts **Local Law No. 5 of 2021: OPT-OUT OF ADULT USE CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION SITES TOWN BOARD TO ADD A NEW CHAPTER TO THE TOWN CODE OF THE TOWN OF ELBA TO BE ENTITLED “CANNABIS REGULATION”**; and be it further

RESOLVED, that the Town Clerk be and hereby is directed to enter said local law in the minutes of this meeting and give due notice of the adoption of said local law to the Secretary of the State of New York.

Ayes: Supervisor Hynes
 Council Member Augello
 Council Member Coughlin
 Council Member Marshall

Nays: Council Member Chamberlain

Quorum Present: 4 Yes 1 No Carried: _____ Yes _____ No

Dated: December 29, 2021

State of New York)
County of Genesee) ss.:

I, Trisha Werth, Town Clerk of the Town of Elba, NY, hereby certify that the foregoing resolution was duly adopted at a meeting of the Town Board held on December 29, 2021 by the required necessary vote of the members to approve this resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Elba, NY this 29th day of December, 2021.

SEAL

Trisha Werth, Town Clerk

RESOLUTION #63-2021:

Councilman Chamberlain offered the following:

AUTHORIZE BUDGET TRANSFERS FOR 2021

RESOLVED, that the Elba Town Board hereby authorizes the following Budget Transfers:

GENERAL FUND-TOWNWIDE

Transfer From:

A1420.4	Legal	\$	4,000.00
A1990.4	Contingency	\$	10,000.00
A5132.4	Garage Contr.	\$	20,000.00
A9010.8	Soc. Sec.	\$	1,000.00
A9050.8	Unemployment Ins	\$	3,500.00
A9060.8	Hosp/Med Ins	\$	29,908.00
	TOTAL:	\$	68,408.00

Transfer To:

A1410.1A	Deputy Town Clerk	\$	263.00
A1450.4	Elections, Contr.	\$	1.00
A1620.1	Buildings Pers. Serv.	\$	190.00
A1620.2	Buildings Equip. & Cap.	\$	57,779.00
A1670.4	Central Printing	\$	631.00
A5010.4	Street Admin, Contr.	\$	80.00
A8810.4	Cemetery Contr.	\$	3,280.00
A9010.8	Retirement	\$	5,234.00

A9055.8	Disability Ins.	\$	950.00
TOTAL:		\$	<u>68,408.00</u>

GENERAL FUND- OUTSIDE VILLAGE

Transfer From:

B7310.4	Youth Programs	\$	957.00
TOTAL:		\$	<u>957.00</u>

Transfer To:

B8010.4	Zoning Contr	\$	416.00
B8020.4	Planning Contractual	\$	541.00
TOTAL:		\$	<u>957.00</u>

HIGHWAY FUND - TOWNWIDE

Transfer From:

DA9030.8	Soc. Sec.	\$	259.00
TOTAL:		\$	<u>259.00</u>

Transfer To:

DA9060.8	Hosp/Med Ins	\$	259.00
TOTAL:		\$	<u>259.00</u>

HIGHWAY FUND - OUTSIDE VILLAGE

Transfer From:

DB5110.4A	Maint. Of Streets, Fuel	\$	2,881.00
TOTAL:		\$	<u>2,881.00</u>

Transfer To:

DB5140.4	Brush & Weeds Contr.	\$	122.00
DB9060.8	Hosp./Med.	\$	259.00
DB9060.8A	Medical Exp Reimb	\$	2,500.00

TOTAL: \$ 2,881.00

Second by: Councilman Coughlin

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

APPROVED by unanimous vote (5-0)

ABSTRACT 12a-2021

MOTION Councilman Augello second by Councilman Chamberlain to approve the following:

Abstract 12a-2021

General Fund	312-346	\$10,658.42
Highway	138-148	\$18,373.46
	Total	\$29,031.88

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

ADJOURNMENT

MOTION was offered from Councilman Chamberlain second by Councilman Augello adjourn the meeting at 3:05 p.m.

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

Respectfully Submitted,

Trisha Werth
Town Clerk