

A Special Meeting of the Board of Trustees of the Village of Oxford was held on November 2, 2021, at the Village Hall - 20 LaFayette Park, Oxford, NY. Special Board meeting started at 7:30 P.M.

**Present were:** Mayor Terry Stark, Trustee Dale Leach, Trustee Dustin Hendricks, Trustee Richard Marks, Trustee Richard Rice

Other Attendees: Erich Coelho, Audrey Johnson, Harold Johnson, Ellen Anderson, Irving Hall, Elizabeth Johnson, Brian Drake, Deborah Fouquet, Jeremy Wakefield, Jamie Wakefield, Theodore Walters, Maryann Champlin, Nathaniel Gross, Jessica Henninge, Melissa Gross, Sean Regan Smith, Ashley Winter, Chris Rovente, Thomas Harvey, Mickie Davis, Tina Kenyon, Allan Kenyon, Shanie Mack, Cameron Lints. There are some signatures that I am not able to read on the sign in sheet.

Mayor Terry Stark called the Regular meeting to order at 7:30 p.m.

The Pledge of Allegiance to the American Flag was given.

**PUBLIC CONCERNS:**

Audrey Johnson mentioned the issues at Fayette Street. She said that things do look better but there is still a mess that needs to be cleaned up. Things are better but there are still issues. She asked the Board Members to please drive by to look at the house to see how things are.

Ted Walters from 58 Albany Street asked about the roadway on Albany Street. He was asking if the Village is through with the project. On the corner the roadway is deteriorating due to the water that runs down the road. He asked about curbs, etc. Mayor Stark said there are no plans to put curbs in that area and they are not in the works right now. It has been mentioned in the past.

Ted also wondered why the Board voted to pass the Opt-Out Law. Mayor Stark told him his comments could come after the meeting with everyone else's comments on cannabis.

**MARIJUANA REGULATION & TAXATION ACT (MRTA)**

**Petition to submit Opt-Out local law to referendum**

A Petition was submitted to the Village Clerk on 10/27/21 at 12:35 p.m. signed by registered voters of the Village of Oxford requesting that the proposed Local Law #1 of 2021, entitled "NYS Cannabis Law Opt-Out Legislation" be submitted to a vote of the qualified electors of the village for their approval or rejection as provided by law.

The Petition submitted consisted of thirteen pages numbered sequentially consisting of 143 electors' names and addresses. The names were compared against the role of the Village registered voters (807) as of the last general village election in June 2021. One Hundred Sixty-One (161) signatures were required to be certified by the Clerk to certify a valid petition was submitted. One Hundred thirty-six (136) names/signatures and addresses could be verified which represents 16.9% of registered voters. If all 143 names submitted were certified, the result would represent 17.7%.

**Consequently, the clerk has determined that the petition does not have enough valid signatures and the petition is invalid.** If the petition contact person/s or another individual who signed the petition believes the clerk is in error, he or she may seek judicial review of the determination in a court proceeding known as Article 78.

**Municipal Home Rule Complaint**

The Village received an E-Mail letter October 27<sup>th</sup> indicating that a complaint had been submitted to the State Comptroller on October 25<sup>th</sup> outlining Village violations of the Municipal Home Rule Law. Village has turned the letter over to Village Attorney for review and will respond to any alleged violations cited by State Comptroller's Office.

**Board review of options to address MRTA Issues**

The Mayor presented the following options for the Board to consider:

1. **Proceed with enactment of the law.**  
Legal challenges can take up to 3-4 months or more to resolve and if Village found in violation of procedures, law could be vacated and by default the village would be opted in for dispensing and on-site consumption.
2. **Reconsider the local law and not formally submit to Department of State for enactment.**  
This is basically pulling the plug on the current process and is the same as option in.
3. **Board at its own volition submit for vote.**  
Board passes resolution to bypass petition process and go directly to a vote. Vote would have to be scheduled within 60 days and take place during the holidays.
4. **Pass Opt-Out Resolution to Opt-Out of Consumption but not Dispensing.**  
Board adopts resolution and starts process over allowing 30 days for permissive referendum process and if valid, petition submitted holds vote in January after the holidays.
5. **Pass 2<sup>nd</sup> Opt-Out Resolution Opting Out of both Consumption and Dispensing.**  
Pass 2<sup>nd</sup> Opt-Out resolution to opt out of Consumption but not dispensing. Board adopts resolution and starts process over allowing 30 days for permissive referendum process and, if valid, petition submitted holds vote in January after the holidays.
6. **Await results of Town of Oxford's Public Hearing prior to taking any further action.**  
If the Town opts out, then the Village may lean in one direction, if they choose no action and opt in then that may lead the Village in another direction.

What has happened in the interim since the Board began addressing the issue in September.

1. The Office of Cannabis Management has named an Executive Director Chris Alexander and has appointed members to the Cannabis Control Board headed by Chair Tremaine Wright and they have met twice (October 5<sup>th</sup> and October 25<sup>th</sup>). First meeting was only to introduce members and second meeting addressed home cultivation only.
2. Board members who voted to opt-out on two occasions September 28<sup>th</sup> and October 12<sup>th</sup> now may have a different view.
3. Norwich Common Council has amended their opt out law to only include on site consumption and eliminated the opt out of regarding dispensaries. The issue of convenience about having to drive to Binghamton is eliminated as dispensaries will be allowed in the City of Norwich.
4. The Town of Oxford is proposing to opt out of both dispensing and on-site consumption and will hold a public Hearing on November 3<sup>rd</sup>.

The Town Supervisor and Village Mayor have talked and agree they should either opt in or out together as a community since we are all in Oxford (town and village).

Trustee Leach addressed the public and said the Board is not against marijuana but is not sure about the dispensaries and units/lounges/bar and is wondering about having this in the Village. There is no direction now as to what will happen. If we do nothing, we are automatically opted in and are victim to whatever the state decides to do. If we opt in, we are in and cannot get out of the plan-the issue is not knowing what the state will decide to do. This is the reason they do not want to opt-in, at least until we know the laws and rules.

Trustee Rice says marijuana is legal so why not just go ahead and opt in and let things happen as they happen. Trustee Leach said we do not know hours, days of operation or anything else

that is going on yet. Trustee Rice has changed his mind after doing some research. Trustee Marks said we need more information on all of this. Once we sign up on this, we must live with whatever the rules and regulations end up being.

Comments from the public that attended the meeting are as follows:

Someone printed and read information they found from the Cannabis Management Website. Local control-all municipalities are permitted to pass regulations on time and manner. They feel that the Village is giving up tax revenue that we need in the village for a portion of the sale of cannabis. Anyone that makes an application must then come to the village for review. The village does not issue the license. Only 3% comes to the village from this cannabis meeting. They said some money is better than nothing. This is an opportunity for the village to get 3% back from the sale. If town and village both opt in, there will be a distribution agreement and each get split in half. No one gets money until the state pays for all administration costs incurred from this. No idea how long this will take to get rules out.

Someone attended the October 12<sup>th</sup> hearing not knowing many of the procedures and has done a lot of research. There is still a medical light on the subject. They are working to try and make this a better place. Introduction of body, notice of public hearing, then adoption of local law then recorded as law. Board discussed the law and adopted the law without the public being notified. Legal review is being looked at.

A new village resident feels things were done in the dark. Said we did not do things publicly. They moved from Endicott to Oxford as they teach in Oxford and love the kids they teach. On October 5<sup>th</sup> it was in the paper as a legal notice. They want the mayor's job. They feel the mayor just wants control and they will try to get the mayor out of office.

A question came up on a resolution that was in the paper and the board must vote to pass the resolution to opt out of the MRTA. The Board notified them that the village is only legally required to post notices in the paper.

It was said that the people in the village might as well get money from drug dealers. He wonders what made us decide to opt out now. The Board said that we want to keep the options open and we always have the option to opt in later once we know the options.

The 3% that would be distributed to the village would go to every place in the village. One asked why it is legal here but illegal in his back yard.

Someone wanted us to open our options to opt out. This does not make sense. We may not ever opt in but we also may not.

They feel the townships will form regulations to see how to move forward. We can make our own regulations and step forward. Let them know how we feel. One person cannot make the laws and being at the forefront is better than bringing up the rear.

Thanks for listening to the people to hear what they have to say. He votes to go with option #4- Pass on Opt-Out resolution to opt out of consumption but not dispensing and review that later. This is what the City of Norwich is doing.

There are a lot of laws and we need time to figure things out. This will happen eventually and they feel only good will come from it. They drive to Johnson City once a month for medical purposes and asks that the village thinks about it. We do not need a smoking place but a dispensary. Early on, they thought having a dispensary without consumption was a good idea. Step in now without waiting.

A village resident spoke and told the group that the board is a good group with a lot of feelings. They trust the board on this as they were at the fracking sessions. They said we must keep all the options open and have done things in the right way. They want us to opt in and wait-be fair

to the board. They love the board and how they manage these situations. They have told people to volunteer to a committee, talk to people, and get back to the village board and state. Please trust the board on this thing.

This will create jobs here and will send people across the street to eat. Keep an open mind on this. If the town does not go, we should go with it. NYS allows medical marijuana and over the last 5 years he uses daily and can get out of bed and live his life with no side effects like he had with pain medication. The people he sees at the dispensary are 60, 70, 80 and 90's years old not younger people.

It was said that the Board has the best intentions. Why sign a contract without knowing the details of it. We would not sign one without reading it. This is what the board is doing in their opinion. Not opting in until we know details.

It was suggested to start a community advisory board of citizens to discuss this and create a group to become involved to see what we can and should do. Would be a good idea if we have time to get something put together to make discussions on what is best. People just want to be heard.

Someone wanted to rescind their earlier vote and have a dispensary in township but no lounge. Lee Massachusetts has a dispensary that is very well set up. Massachusetts is the state that has so many rules and regulations and if they can do this, we can too.

Mayor Stark will set up another meeting (probably next week) and people will have to watch for this notice. The Board will then have to decide whether to let this ride out or to put it out to vote and the community can decide on this.

#### **TRUSTEE COMMENTS**

Trustee Hendricks thinks we should submit this for a vote right away. Each person will have to vote for dispensary and consumption (option 3). Trustee Marks and Trustee Leach agree with this also.

Trustee Leach moved and Trustee Hendricks seconded a motion to put the NYS Cannabis Law Opt-Out Legislation out for a vote on November 30<sup>th</sup>.

The Village Board will have a meeting on November 9<sup>th</sup> at 7:30 after speaking to our attorney. We did not pass a referendum but will meet next week.

#### **ADJOURNMENT:**

Mayor Stark made a motion to adjourn the meeting at 9:21 pm

Next special meeting will be Tuesday, November 9<sup>th</sup> 2021 at 7:30 P.M.

Next Regular meeting will be Tuesday, November 30<sup>th</sup>, 2021, at 7:30 p.m.

Respectfully Submitted,

Shelly W. Marks  
Clerk-Treasurer