Present: Mayor Matviak, Trustee Vic Tartaglia, Trustee Cristelli, Trustee Barry MacPherson, Trustee Baker

Absent:

Staff: Clerk/Treasurer Sheena Dorsey, John Redente, Clarissa Walrath

Guests:

Public Hearing called to order at 7:04pm.

Discussion on Local Law No 3 and the Boards decision to opt out of the Cannabis Law 131 licensing and establishing retail cannabis dispensaries and/or on-site cannabis consumption establishments within the Village of Sidney. Police Chief and County Sherriff is asking to have the Village Opt out until more research can be done on how this will affect the Community. Unsure on how much this could affect tax base.

Public Hearing closed at 7:08pm and regular meeting opened.

Discussion on the parking issue at the laundry mat owned by Jarred & Jennifer Cannistra, they are asking for assistance as the overflow of parking from the CCC center is taking up their parking lot and they are also concerned with the way the new Chinese restaurant parking will affect them as well. Had questions about the site plan reviews on Suzis bakeshop and if one was done for the Chinese restaurant because when they had a site plan they had to prove they had sufficient parking. Clerk/Treasurer Dorsey stated the Chinese restaurant does not need a new site plan due to no change in use. Trustee Cristelli stated that the CCC will ask patrons to utilize public parking not private business parking. They stated that the Code Enforcer Jamie Cole stated that anyone was allowed to be parking in that lot, they do not want to tow potential customers but are unsure what to do. Mayor Matviak stated unfortunately this is personal property so the Village is limited on what they can do, as business owners its up to them to decide whether to have them towed or not. They also discussed letter submitted requesting late fees be waived on water bill they state never received, this will be discussed later in the meeting.

Trustee Cristelli moved, Trustee Baker seconded the motion adopting the October 12, 2021, minutes as written. 5 Ayes, 0 Nays, Carried.

Halloween trick or treating is Sunday from 5pm-8pm, smoke testing happening starting this Wednesday for the next few weeks. There will also be hydrant flushing going on in the next few weeks. Discussion on the Cannistra letter requesting fees being waived, the water committee will look into this and a decision will be made at the next meeting.

Trustee Tartaglia moved, Trustee MacPherson seconded a motion declaring a Negative Declaration, Type II action for the Local Law #3-2021 Cannabis Law Opting Out of Retail Sales and Places of Consumption. 4 Ayes, 1 Nay (Cristelli), Carried.

Trustee Baker moved, Trustee MacPherson seconded the motion to adopt the proposed Local Law #3-2021 Cannabis Law Opting Out of Retail Sales and Consumption Establishments, which is subject to a 30-day permissive referendum. Pursuant to Cannabis Law 131 the Local Law cannot be filed with the Secretary of State until the referendum time has elapsed.

**Local Law No. \_\_3\_\_ of the year 2021**

**Village of \_\_\_Sidney\_\_\_, County of \_\_\_Delaware\_\_\_\_**

**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 Sidney .**

**Section 1. Legislative Intent**

It is the intent of this local law to opt the Village of \_\_Sidney\_\_ 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 cities and 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 Board of Trustees of the Village of \_\_\_Sidney\_\_\_, County of \_\_\_Delaware\_\_\_, hereby opts-out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments from locating and operating within the boundaries of the Village of \_\_Sidney\_\_.

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

Roll Call: Mayor Matviak -Aye- Trustee MacPherson -Aye- Trustee Baker -Aye- Trustee Tartaglia -Aye- Trustee Cristelli -Nay- Carried.

Trustee Tartaglia moved, Trustee Cristelli seconded the motion to pay the Delaware County Self-Insurance Fund Bill from December 2020 out of the prior fiscal year and transfer money out of Fund Balance in the amount of: A909-$12,227.23

F909-$6,113.62

G909-$6,113.62

5 Ayes, 0 Nays, Carried.

Trustee Cristelli moved; Trustee Baker seconded the motion to accept the Change Order #1 for Contract #2 of the Infrastructure Extension Project increasing the overall budget by $78,009.00 bringing the total to $418,495.00. This Change Order is contingent upon the Governors Office of Storm Recovery’s approval of additional funding. 5 Ayes, 0 Nays, Carried.

Trustee MacPherson moved, Trustee Cristelli seconded the motion to modify the Police Equipment Budget line, A3120.210, for an increase of $14,048 to cover equipment upgrades and needs. This money was a part of a grant from the Delaware County Police Grant for Bail Reform induced expenses. 5 Ayes, 0 Nays, Carried.

Trustee Baker moved; Trustee Cristelli seconded the motion to increase Jaime Cole’s pay as Code Enforcement Officer/Fire Inspector to $17.78 per hour to account for his full certification effective immediately. 5 Ayes, 0 Nays, Carried.

Trustee Cristelli moved, Trustee Baker seconded the motion to hire back Edward Orezzoli, as part time Airport Clerk, effective October 26, 2021 at the starting rate of $13.11 per hour for no more then 29 hours per week. 5 Ayes, 0 Nays, Carried.

Trustee Tartaglia gave a recreation update that soccer has ended and pool work will hopefully be done in the spring. Clerk/Treasurer Dorsey stated spoke to Beth Westfall about using the Arpa Funds for the emergency teardown of 14 East Main Street. She advised the Board to do a motion stating the property is deemed unsafe with multiple attempts to reach the homeowner.

Trustee Cristelli moved; Trustee Tartaglia seconded a motion authorizing the Clerk-Treasurer to pay Abstract #9 for the October 25, 2021, audit from the following funds:

**Fund Audit**

General $342,926.97

Water $18,628.29

Sewer $16,997.83

Community Development $298,453.08

Trust & Agency $6,098.96

Capital $

**Totals $683,105.13**

5 Ayes, 0 Nays, Carried.

Discussion on phone conference held with Jason from Lamont Eng on the clarifier options. Either sit and wait to do a full replacement or repair. The repair is $50,000-$100,000 and to replace it was $250,000 - $300,000. Waiting on more information from Jason @ Lamont.

Trustee Baker moved; Trustee MacPherson seconded the motion to go into executive session @ 7:52pm on a DPW Personnel matter. Full Board and Clerk/Treasurer invited to stay. 5 Ayes, 0 Nays, Carried.

Trustee MacPherson moved; Trustee Tartaglia seconded the motion to leave executive session at 8:01pm. 5 Ayes, 0 Nays, Carried.

Trustee Baker moved, Trustee Cristelli seconded the motion to advertise for a Laborer 2 position in DPW starting October 26th, in house for 5 days then external advertisement. 5 Ayes, 0 Nays, Carried.

Trustee MacPherson moved, Trustee Tartaglia seconded the motion for the Village Board to implement a mask policy for unvaccinated employees and undocumented vaccinated employees. If dealing with the public, all Village employees must wear a mask regardless of vaccination status. This Policy goes into effect Oct 26th, 2021. 4 Ayes, 1 Nay (Cristelli), Carried.

Trustee Baker moved; Trustee Cristelli seconded the motion to adjourn the meeting at 8:32pm. 5 Ayes, 0 Nays, Carried.

Respectfully Submitted,

Sheena Dorsey, Village Clerk/Treasurer