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PUBLIC HEARING
OF THE
BOARD OF TRUSTEES
OF
THE VILLAGE OF
THOMASTON

-----X

PRESENT: STEVEN WEINBERG, Mayor
JILL MONOSON, Trustee
BURTON WESTON, Trustee
TO-ON PANG, Trustee

DATE: May 10, 2021

TIME: 7:30 p.m.

PLACE: Virtually through the Zoom

VILLAGE ADMINISTRATOR: DENISE M.
KNOWLAND

REPORTED BY: JOANNE HORROCKS, CSR

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2 MAYOR WEINBERG: The Board of
3 Trustees for the Village of Thomaston
4 is meeting today on Monday, May 10th,
5 2021 via videoconference approximately
6 7:32 p.m.

7 Denise, would you call the roll,
8 please. Not yet. I have to read the
9 announcement.

10 THE CLERK: Yes.

11 MAYOR WEINBERG: Due to the
12 public health and safety concerns
13 related to COVID-19 and pursuant to the
14 governor's executive orders, this
15 meeting of the Board of Trustees is not
16 being held in person. The Board is
17 meeting by videoconferencing. The
18 meeting will be recorded, and a
19 transcription will be provided at a
20 later date.

21 The public has the opportunity to
22 observe this meeting live online and to
23 submit comments pursuant to instructs
24 given on the Village website and in the
25 meeting notice.

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Board of Trustees

Interested members of the public may provide comments on an agenda item or a public hearing by calling in during the meeting at 646-558-8656, meeting ID 867 8984 8542, password, 712595 or through the written chat section of the Zoom meeting.

Comments may also be provided by email before and during the meeting to clerk@VillageofThomaston.org.

The Village Administrator may now do the call for attendance by this meeting for the members of the Board and relevant Village staff.

MS. KNOWLAND: Mayor Weinberg?

MAYOR WEINBERG: Here.

MS. KNOWLAND: Trustee Pang?

TRUSTEE WESTON: You're muted, Ben.

TRUSTEE PANG: Here, I'm sorry.

MS. KNOWLAND: Okay. Trustee Monoson?

TRUSTEE MONOSON: Here.

MS. KNOWLAND: Trustee Weston?

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Board of Trustees

TRUSTEE WESTON: Here.

MS. KNOWLAND: And Denise Knowland, Village Administrator, here.

MAYOR WEINBERG: A quorum of the Board is in attendance, and we can begin the business of the meeting.

Ben, would you read the first resolution?

TRUSTEE PANG: Sure. Resolution 21-50 is the minutes of the Board of Trustees minutes held on April 12, 2021 hereby approved and accepted on consent.

MAYOR WEINBERG: Is there a second?

TRUSTEE MONOSON: I'll second

MAYOR WEINBERG: Any questions or discussion? Hearing none, call the question. Please call the roll.

MS. KNOWLAND: Trustee Monoson?

TRUSTEE MONOSON: Aye.

MS. KNOWLAND: Trustee Pang?

TRUSTEE PANG: Aye.

MS. KNOWLAND: Trustee Weston?

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Board of Trustees

TRUSTEE WESTON: Aye.

MS. KNOWLAND: Mayor Weinberg?

MAYOR WEINBERG: Aye.

MS. KNOWLAND: Four votes in favor, zero opposed. The motion is adopted.

MAYOR WEINBERG: I'll be moving for resolution 24-51, resolved that the Board of Trustees hereby authorizes the transfer of \$300,000 of fund balance to the repair reserve funds effective February 28th, 2021. And it is further resolved that the Village Administrator is directed to transfer \$300,000 from the disbursement account for the repair reserve account. Is there a second?

TRUSTEE WESTON: Second it.

MAYOR WEINBERG: Any questions or comments or discussion?

TRUSTEE PANG: Is this transfer is for the road paving project this year?

MAYOR WEINBERG: Yes.

TRUSTEE PANG: That's all. Thank

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you.

MAYOR WEINBERG: Any other questions?

TRUSTEE WESTON: No.

MAYOR WEINBERG: Denise, please call the roll.

MS. KNOWLAND: Trustee Monoson?

TRUSTEE MONOSON: Aye.

MS. KNOWLAND: Trustee Pang?

TRUSTEE PANG: Aye.

MS. KNOWLAND: Trustee Weston?

TRUSTEE WESTON: Aye.

MS. KNOWLAND: Mayor Weinberg?

MAYOR WEINBERG: Aye.

MS. KNOWLAND: Four votes in favor, zero opposed. The motion is adopted.

MAYOR WEINBERG: Upon a motion of the Mayor, resolved that Board of Trustees hereby authorizes the transfer of \$36,000 of fund balance to the unemployment effective February, 2021, and it is further resolved that the Village Administrator is directed to

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Board of Trustees

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transfer \$36,000 from the disbursement account to the unemployment account. And we will just add the word account after --

MS. KNOWLAND: On the first part, yes.

MAYOR WEINBERG: Unemployment on the first part of that resolution.

MS. KNOWLAND: Thank you. Sorry.

MAYOR WEINBERG: Is there a second?

TRUSTEE MONOSON: I'll second.

MAYOR WEINBERG: Any question, comment or discussion? Call the question. Denise, please call the roll.

MS. KNOWLAND: Trustee Monoson?

TRUSTEE MONOSON: Aye.

MS. KNOWLAND: Trustee Pang?

TRUSTEE PANG: Aye.

MS. KNOWLAND: Trustee Weston?

TRUSTEE WESTON: Aye.

MS. KNOWLAND: Mayor Weinberg?

MAYOR WEINBERG: Aye.

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Board of Trustees

MS. KNOWLAND: Four votes in favor, zero opposed. The motion is adopted.

MAYOR WEINBERG: Okay. Last time we previously spoke about the New York State cannabis legislation. Just in terms of I have had an opportunity to discuss just generally what the, I guess, the procedural timeframe is for whether or not to opt out which a municipality may only do that once and may only do that -- actually I'm misstating that. They are required to opt out before December 31st of this year.

TRUSTEE MONOSON: I did notice though even if you opt out that you can repeal your opt out.

MAYOR WEINBERG: Correct.

TRUSTEE MONOSON: Okay.

MAYOR WEINBERG: That's what I was about to clarify.

TRUSTEE MONOSON: Okay. Sorry. Didn't mean to --

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2 MAYOR WEINBERG: You can only opt
3 out before December 31st, '21, but you
4 can, 2021, but you can opt back in.

5 TRUSTEE MONOSON: Right.

6 MAYOR WEINBERG: There was a
7 general discussion about this at a
8 Great Neck VOA meeting, and there
9 really wasn't a consensus among the
10 villages or the town. The town was
11 kind of following the lead of the
12 county during the last time this came
13 up for discussion.

14 If you recall or you may be
15 familiar with from the legislation is
16 that the county does not have the
17 option of opting out. It's up to the
18 towns, villages and municipalities, the
19 cities to do so. While the town last
20 time kind of led the charge to opt out,
21 because it was not -- I think at the
22 time all the facilities were located in
23 the Town of North Hempstead as opposed
24 to being distributed among the towns,
25 just the way it happened to work out.

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At the moment, everyone's keeping an open mind and waiting to see really what the consensus is, and the consensus really hasn't formed yet. We happen to be, because we are a March Village, and because our fiscal year expires February 28th, we really -- I reviewed the timing, and it's not that we have to do anything urgently. We can exercise this right closer in time to the end of the year, which is actually if we are going to do that, it's actually beneficial for the Village to wait and do it at the end of the year, because the provision allows for the Board to take an action, but then the Board can either decide to put it for a referendum, or the Board has to allow a 60-day period for a petition to be presented to the Village for a referendum, a public referendum.

And if the Board elected to opt out, and if there was a petition for a public referendum, the election would

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then have to be held within, I believe, 30 days of receiving that petition. That would allow the Village to schedule a referendum on the same date as the Village election.

So it would be a good idea to wait to do this if we are going to do it closer to the end of the year so that we wouldn't have to have possibly a separate special election in addition to the Village election.

TRUSTEE MONOSON: Right.

MAYOR WEINBERG: The last thing I'll share with you is that the -- I don't think there's a question, but we -- I raised a couple of issues or questions at the Great Neck VOA meeting that the town will follow up with the governor's office and also State Senator Anna Kaplan will follow up with respect to the governor's office regarding implementation. Question number one was may a Village or municipality opt out of a use facility

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2 but not a dispensary. A use facility
3 is exactly what the word is where you
4 go and use it. You may not purchase
5 it, you may not purchase any cannabis
6 product for you to take with you. You
7 can only purchase to actually use at
8 the facility, period.

9 May a municipality opt out of
10 only one type of facility but still be
11 allowed to participate in the tax
12 revenue? I think the way the statute
13 is written, if you opt out of either
14 one, you may not participate or in
15 sharing the sales tax revenue.

16 By the way, the sales tax revenue
17 is only either one-and-a-half percent
18 or three percent. I'll come back to
19 that; of the sale tax revenue from a
20 facility in your municipality in your
21 jurisdiction. When I said three
22 percent or one-and-a-half percent, if
23 it is limited to three percent if the
24 town opts out but the Village has not
25 opted out. But if the town does not

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opt out and the Village does not opt out, then they share the revenue, and unless agreed, it's one-and-a-half percent.

So the question that we will seek clarification on is may the Village opt out of one type of facility.

The question that Anna Kaplan would like to follow up on and get clarification is can -- I'm not sure how this would be enforced, but can there be legislation restricting how you arrive to and depart from a use facility. In other words, can you be -- could it be prohibited for you to drive to and drive from a use facility. That will be very interesting to get clarification of that.

And that's -- I don't know if you folks had an opportunity to review the legislation or if you have other questions that we should raise with the different governing entities or legislative offices to get

1
2 clarification. Any questions or
3 comments from the Board?

4 TRUSTEE WESTON: From a process
5 standpoint, if we're going to consider
6 either opting in or opting out, what's
7 the notice requirements of the Village,
8 and what's the public hearing
9 requirements with respect to the issue,
10 or is the public hearing just a
11 function of a referendum?

12 MAYOR WEINBERG: Well, it's both.
13 It would have to be -- Denise, I guess,
14 I don't know. It's a good question.
15 I'm assuming we would be required to
16 schedule a public hearing.

17 MS. KNOWLAND: For the local law
18 whichever way you are going.

19 MAYOR WEINBERG: Burt, just a
20 clarification, you only have to do that
21 if you're adopting the local law to opt
22 out.

23 TRUSTEE WESTON: Opt out.

24 MAYOR WEINBERG: You are not
25 required to go through that procedure

1
2 if we're opting in. There is no opt in
3 requirement.

4 MR. WESTON: So if we are going
5 to opt out and conduct that public
6 hearing, the Board may need to make
7 that determination.

8 TRUSTEE MONOSON: I thought it
9 said that under Article 9 of the
10 Village Law, a Village Board of
11 Trustees can bypass the petition
12 process by submitting a permissive
13 referendum to voters. It doesn't say
14 that it --

15 MAYOR WEINBERG: Correct. But
16 that would require a special election.

17 TRUSTEE MONOSON: Okay.

18 MAYOR WEINBERG: And I think it
19 would be -- you could refer the issue
20 to the voters as a referendum, or you
21 could decide the issue. And if so you
22 are interested in opting out, then that
23 would allow the residents to submit a
24 permissive referendum. Just to
25 clarify, I guess to answer your

1
2 question directly, you would need to
3 start the process no later than
4 October.

5 TRUSTEE WESTON: I was just going
6 to say it's got to be around then,
7 October.

8 MAYOR WEINBERG: Denise, would
9 you agree?

10 MS. KNOWLAND: I think so. I
11 think that sounds right.

12 MAYOR WEINBERG: You need to --

13 TRUSTEE MONOSON: You have to
14 authorize.

15 MS. KNOWLAND: We need the Board
16 to -- the law has to be introduced.
17 The Board has to then set the hearing.
18 At least October, maybe late September.
19 The Village Attorney would be able to
20 advise on that. But I would say
21 October probably is the latest.

22 MAYOR WEINBERG: Does anyone have
23 any other comments or questions?

24 TRUSTEE MONOSON: What was your
25 point before about driving to? I

1
2 missed that. I was not understanding
3 what you were talking about.

4 MAYOR WEINBERG: Well, it occurs
5 to me if you are going to a bar, you
6 really shouldn't be driving and
7 drinking because, frankly, if you have
8 one drink, you're impaired.

9 TRUSTEE MONOSON: You mean
10 driving after visiting?

11 MAYOR WEINBERG: A bar, alcohol
12 is readily measurable by an objective
13 standard. Marijuana has no objective
14 standard to detect what your level is
15 and whether you are impaired.
16 Impairment can only be gauged by
17 someone's -- an officer's observations.

18 TRUSTEE MONOSON: Now I
19 understand. I didn't understand what
20 you were talking about before. You
21 were talking about driving while
22 impaired.

23 MAYOR WEINBERG: Correct. So my
24 question is, okay, if you're going to
25 allow a use facility but there's no

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2 objective standard as to impaired, it
3 would seem to me you shouldn't be
4 allowed to even drive to or from a
5 facility. Either you have a designated
6 driver and/or you take public
7 transportation or Uber or Lift.

8 TRUSTEE MONOSON: Or walk.

9 MAYOR WEINBERG: Or walk.

10 TRUSTEE PANG: I have a question.
11 I think you mentioned earlier that you
12 want to try to postpone to later so
13 that it coincides with the other
14 action. But the other action is
15 separate, right?

16 MAYOR WEINBERG: It would just be
17 conducted on the same day at the same
18 time.

19 TRUSTEE PANG: Okay.

20 MAYOR WEINBERG: One, the Board
21 doesn't determine if there's going to
22 be a referendum. They can, but they
23 don't have to. If the Board chooses to
24 opt out, then there would have to be a
25 petition by Village residents to put

1
2 the vote, to put the issue to a public
3 referendum which would be a vote, which
4 we would have by ballot at the same
5 time we are holding the Village
6 election.

7 So you're right, there would be
8 two separate ballots, but it could be
9 at the same date and time.

10 TRUSTEE PANG: If you were trying
11 to be on the same day, the action is
12 separated, would it be too late to
13 file, because we need to know by the
14 end of this year?

15 MAYOR WEINBERG: What you have to
16 do, Ben, is to pass the legislation to
17 opt out, you don't have to complete the
18 process by the end of the year. You
19 have to pass the legislation to opt out
20 by December 31.

21 TRUSTEE PANG: Okay. I think I'm
22 confused now. By the end of this year,
23 we can -- the Board can decide to opt
24 out, or we can have a public referendum
25 by February. Is that what you are

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saying?

MAYOR WEINBERG: No. It's a little more complicated than that. We have two choice. Actually we have three choices. When I say we, I'm referring to the Village Board of Trustees.

One, we can do nothing, in which case you will -- that will allow dispensary and use facilities within the Village. Pursuant to regular zoning commercial laws, if you wish to adopt zoning laws regarding these types of facilities, you may, but they can be no more restrictive than it would be for any other business in the Village.

TRUSTEE PANG: Okay.

MAYOR WEINBERG: The Village may vote to opt out. That's number two.

TRUSTEE PANG: Right.

MAYOR WEINBERG: And the third option, Ben, is the Village Board could decide that it doesn't want to decide the issue, but it wants to schedule a

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permissive referendum. That's a separate third option that the Board can decide.

TRUSTEE PANG: And the third option can wait until February?

MAYOR WEINBERG: I can't --

TRUSTEE PANG: Can this third option be wait and decide on in February?

MAYOR WEINBERG: I would have to get clarification, Ben, if the Board decided not to decide the issue but wanted the Village residents to decide whether or not the referendum in that case has to be held before. In that case, it might have to be held before. But where I was talking about before, what I was talking about earlier in the meeting was not where the Board will not make a decision. And I'm not talking about where the Board schedules a permissive referendum. What I'm talking about if the Board decided to opt out before December 31st, then what

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the law allows is for the residents of the Village to petition, if they wish to, to petition for a permissive referendum to provide for a public referendum to decide whether or not the Village should opt out.

TRUSTEE PANG: I see, okay.

MAYOR WEINBERG: So what I'm talking about where the permissive referendum would coincide with the Village election, I'm talking about if after the Board acted to opt out, there is a petition by Village residents that require a permissive referendum on the issue.

TRUSTEE PANG: Got it, got it.

MAYOR WEINBERG: That's a different scenario than if the Board said we are not going to decide the issue, we are going to put it to the Village as a public referendum.

TRUSTEE PANG: Got it. And if you opt out, is it one time exercise. And later on, we might be able to opt

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in again. But to opt in is a one time exercise. You do not have to opt in or opt out every year, right?

MAYOR WEINBERG: Correct. That's absolutely correct.

TRUSTEE PANG: Got it.

MAYOR WEINBERG: Okay. Jill, how many pages is the law, 175?

TRUSTEE MONOSON: Ninety-three? Oh, sorry. I read a good portion of it, but then I kind of zoned out.

MAYOR WEINBERG: It's a very --

TRUSTEE MONOSON: You know what it is, a lot of it doesn't pertain to us, but the part that pertains to us, it's like if we are not going to opt in, then I don't need to look at the other procedures and stuff, so I kind of stopped reading.

MAYOR WEINBERG: Any other comments or questions?

Denise, any comments or questions from the public?

MS. KNOWLAND: There's nothing in

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the -- let me just double-check the email in case anything came in since I checked before the meeting. No, there are no questions received via email, nothing in the chat. There were a few call-in users on the -- in the meeting right now. If they wish to speak, they should un-mute themselves and state your name if they would like to make a comment.

MAYOR WEINBERG: Okay. Obviously we will continue to discuss this, and we'll also look forward to the answers to our questions so that we can further consider the legislation.

On new business, we have -- obviously we have had a lot of rain, so there's been a lot of cleanup, spring cleanup. Planting has begun, lawn maintenance in the public areas of the Village. We have been sweeping the Village, streets, correct, sealing, they have been working on it once a week for the last three weeks?

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MS. KNOWLAND: I would say that, two or three weeks, going on three.

MAYOR WEINBERG: Tree trimming. The radar sign was installed on Grace Avenue, and residents' requests were completed, and we are going to continue with the same work.

Also, on new business, I'll just mention it, there's been a request by a resident for the Board to consider a local law prohibiting the planting of bamboo in the Village. We will review the matter with the Village Attorney, and we'll see if we'll put it on the agenda for discussion at an upcoming meeting.

Does anyone else have any items of new business? I can't hear you Burt. Your lips are moving, but Denise is talking.

MS. KNOWLAND: He's un-muted. He's not coming through.

TRUSTEE MONOSON: Can you hear me?

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MAYOR WEINBERG: I can hear you.
Burton has a terrible case of
laryngitis.

TRUSTEE MONOSON: We can't hear
you.

MS. KNOWLAND: He's going to come
back into the meeting, it looks like.
All right. Let me admit him again.
Let's try this again. He's coming back
into the meeting. Hopefully his audio
will be working. No, can't hear you.
I'm going to put the phone number in
the chat so you can call in. Oh, wait,
that's better. It's low.

MAYOR WEINBERG: Can you type in
the chat, and Denise will read it to
you.

TRUSTEE WESTON: How about now
if I'm sitting close?

MAYOR WEINBERG: Very faint.

TRUSTEE WESTON: Let me speak
loudly. The question that I had is
have we gotten any input from the town
or the county as to any intention to do

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any roadwork be it on Grace, Middle Neck, in the Village or adjoining villages? Do we know anything?

MAYOR WEINBERG: Middle Neck, definitely. Middle Neck Road is to be done after the water main work is complete. That's a definite for this year. Grace, they claim it's a definite for later. I don't believe it.

TRUSTEE WESTON: They did patchwork, but the patchwork was useless.

MAYOR WEINBERG: Right. We vociferously voiced our objection and thought it was absolutely ridiculous after all their promises to actually repave the rest of Grace.

Anyone else have any further business?

Okay. I'll take a motion to approve the vouchers.

TRUSTEE MONOSON: I'll make the motion.

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Board of Trustees

TRUSTEE WESTON: I'll second it.

MAYOR WEINBERG: Can you read it,
Jill?

TRUSTEE MONOSON: Sure. Resolved
that vouchers in the aggregate amount
of \$47,561.35 as itemized on the
abstract of vouchers dated Monday, May
10th, 2021 are hereby approved for
payment all allocated to the general
fund. A copy of the approved voucher
list is attached to these minutes.

MAYOR WEINBERG: Any questions or
comments? Hearing none, call the
question. Denise, please call the
roll.

MS. KNOWLAND: Trustee Monoson?

TRUSTEE MONOSON: Aye.

MS. KNOWLAND: Trustee Pang?

TRUSTEE PANG: Aye.

MS. KNOWLAND: Trustee Weston?

TRUSTEE WESTON: Aye.

MS. KNOWLAND: Mayor Weinberg?

MAYOR WEINBERG: Aye.

MS. KNOWLAND: Four votes in

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favor, zero opposed. The motion is adopted.

MAYOR WEINBERG: I'll take a motion to adjourn.

TRUSTEE PANG: I'll make the motion to adjourn.

MAYOR WEINBERG: Second?

TRUSTEE WESTON: I'll second it.

MAYOR WEINBERG: Call the question. Denise, call the roll.

MS. KNOWLAND: Trustee Monoson?

TRUSTEE MONOSON: Aye.

MS. KNOWLAND: Trustee Pang?

TRUSTEE PANG: Aye.

MS. KNOWLAND: Trustee Weston?

TRUSTEE WESTON: Aye.

MS. KNOWLAND: Mayor Weinberg?

MAYOR WEINBERG: Aye.

MS. KNOWLAND: Four votes in favor, zero opposed. The motion is adopted unanimously.

MAYOR WEINBERG: Okay. I thank you all. Before we sign off --

MS. KNOWLAND: I stopped the

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recording because you closed the meeting.

MAYOR WEINBERG: I was just checking the chat. It was, We cannot hear you.

TRUSTEE MONOSON: That was me saying it to Burt.

MAYOR WEINBERG: Denise, was there anything else from anyone else in the email to anyone?

MS. KNOWLAND: I'll double-check again. Nothing else that's come in.

MAYOR WEINBERG: Okay.

MS. KNOWLAND: I think we're finished for the night.

MAYOR WEINBERG: Thank you all.

MS. KNOWLAND: Goodnight.

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This is certified to be a true and accurate transcript of my stenographic notes taken in the above-captioned matter.

Joanne Horrocks, CSR
Official Court Reporter