

The special meeting of the Board of Trustees was held on March 31, 2023, at 12:00 p.m. in the Council Room of Village Hall.

Present: Mayor John Barton
Trustee Michael Horrigan
Trustee James Gallagher, Jr.
Trustee Daniel Hogan
Attorney William Nikas

Absent: Trustee Jeffrey Gaulin

Mayor Barton began the meeting by opening the Public Hearing for Local Law No.1 of 2023, Moratorium on Cannabis Distribution. Attorney Bill Nikas explains that this moratorium is for unregulated, unlicensed sale of cannabis. We had a shop on Main Street that was taking advantage of a loophole in the state cannabis act, stating that this business is not selling cannabis they are gifting it. One would go in and buy a sticker for a specific amount of money then they would exchange the sticker for an equal amount of cannabis as a gift. This moratorium is to put a stop to that. We opted out of the state legislation so if someone was to come in to open a state regulated shop they would be allowed, through site plan review. This operation is not regulated and is questionable if it is safe, even to the sale to children. Recently the Governor is taking her own action on the sale of unregulated sales. This moratorium will last for 6 months we may not have to address it by then if the state takes action first.

Opened the meeting to public for comment. None was given.

Upon motion made by Trustee Hogan, seconded by Trustee Gaulin and unanimously carried it is;

RESOLVED, that the Board approve Local Law No.1, of 2023, a moratorium temporarily prohibiting any business or commercial operation to any degree the distribution of marijuana or any form of cannabis, whether for sale or gift. A copy of Local Law No. 1 of 2023 is available at Village Hall.

VILLAGE OF HUDSON FALLS LOCAL LAW NUMBER 1 OF 2023

A LOCAL LAW ADOPTING A 6 MONTH MORATORIUM TEMPORARILY PROHIBITING ANY BUSINESS OR COMMERCIAL OPERATION WHICH INCLUDES TO ANY DEGREE THE DISTRIBUTION OF MARIJUANA OR ANY FORM OF CANNABIS, WHETHER FOR SALE OR GIFT OR OTHERWISE, IN THE VILLAGE OF HUDSON FALLS.

Be it enacted by the Board or Trustees of the Village of Hudson Falls, as follows:

§ 1 . Authority and Applicability.

This local law is adopted pursuant to the authority vested in the Board of Trustees of the Village of Hudson Falls pursuant to Municipal Home Rule 10 of the State of New York.

§ 2. Declaration of Purpose.

The Board of Trustees finds that to better effectuate the purposes and intentions of the Village laws concerning zoning and site plan review, and, to ensure that residents and visitors to the Village of Hudson Falls are protected through an increased supervision and regulation of the distribution of marijuana or any form of cannabis, whether by sale, gift or otherwise,, certain amendments to the existing chapter 215 of the Code of the Village of Hudson Falls entitled "Zoning" are necessary and proper to promote the safety, health, protection and general welfare of the persons and property in the Village of Hudson Falls.

§ 3. Moratorium Imposed; Applicability.

- (a) For a period of six (6) months following the effective date of the adoption of this local law, no application for any establishment or activity which would distribute marijuana or any form of cannabis in the Village of Hudson Falls, whether by sale, gift or otherwise, shall be eligible for or receive any approval, whether preliminary, final or otherwise. This includes any application currently pending or hereinafter filed before the planning board or zoning board of appeals; provided however that this moratorium shall not apply to any establishment duly licensed under the NYS Marijuana Regulation and Taxation Act.
- (b) During the period of this moratorium, the Village Board of Trustees shall take reasonable efforts to complete the necessary review, study, analysis and revisions to Chapter 215 of the Code of the Village of Hudson Falls entitled "Zoning" concerning the subject of the distribution of marijuana or any other form of cannabis, whether by sale, gift or otherwise.
- (c) This moratorium may be extended by the Village Board of Trustees upon a finding of the necessity of such extension.

§ 4. Early Termination.

In the event that any new local law which addresses the substantive issues set forth in this local law should be enacted by the Village Board of Trustees prior to the date that the moratorium imposed by this local law expires, then the moratorium

imposed by this local law shall expire on the date that such new local law takes effect in accordance with NYS Municipal Home Rule Law 27.

§ 5. SEQRA.

The Village Board of Trustees has designated itself as the lead agency for the purpose of evaluating any environmental impacts associated with this Local Law. In this regard, the Village Board of Trustees has determined that the proposed enactment of this Local Law is classified as a Type II action and thereby exempt from SEQRA.

§ 6. Violations and Permits Issued in Violation of this Local Law.

- (a) The Board of Trustees reserves the right to direct the building inspector, code enforcement officer and/or zoning administrator, to revoke or rescind any permits, approvals or relief issued in violation of this local law.
- (b) Any person violating or attempting to violate this local law shall be guilty of a violation pursuant to the Penal Law of the State of New York and be punishable by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days or by both such fine and imprisonment. For each twenty-four-hour period such violation continues, every such person shall be deemed guilty of a separate offense. Where the person committing such violation is a partnership, association or corporation, the principal executive officer, partner, agency or manager may be considered to be the "person" for the purpose of this section.
- (c) Alternative remedy. In the case of any violation or threatened violation of any of the provisions of this local law, in addition to other remedies herein provided, the Board of Trustees may institute any appropriate action or proceedings to prevent such violation or threatened violation and to collect penalties or fines assessed hereunder.
- (d) Stop-work order.
 - (1) The Board of Trustees herein grants the Code Enforcement Officer the administrative responsibility of determining in the first instance whether a violation has occurred or threatened violation is about to occur and to immediately terminate or prevent such violation or threatened violation by posting a stop-work order, or cease and desist order, on the premises wherein the violation has occurred or threatened violation is about to occur.
 - (2) The stop-work order or cease and desist order shall serve notice to the owner, builder, developer, agent and/or any other individual or business on the premises that all such actions specified in the order must be terminated immediately.

§ 7. Conflict with State Statutes and Authority to Supersede.

To the extent that any provisions of this local law are in conflict with or are construed as inconsistent with the provisions of any local law of the Village of Hudson Falls, or any laws of the State of New York, this local law supersedes, amends and takes precedence over any inconsistent authority in accordance with the Municipal Home Rule Law. This local law specifically supersedes any and all provisions contained in the New York State Village Law and the New York State Environmental Conservation Law which require action by the Village Planning Board or Zoning Board of Appeals within specified time periods. Further, notwithstanding any law, rule or regulation to the contrary, no approvals for the distribution, whether by sale, gift or otherwise, of marijuana or any other form of cannabis, which are the subject of this moratorium shall be granted or dispensed with as a result of the passage of time. This law also specifically supersedes Village Law and any other New York State or local laws, rules or regulations pertaining to the grant of any variance authority to the Zoning Board of Appeals, it being the intention of this local law than any authority to grant variances by any boards or bodies other than the Village Board is hereby superseded by this local law so as to vest any authority to approve a variance from this local law solely in the Village Board of Trustees.

§ 8. Severability.

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions been excluded.

§ 9. Effective Date.

This local law shall become effective upon filing in the offices of the Secretary of State.

Roll Call:	Aye	Nay	Absent
Mayor Barton	X		
Trustee Hogan	X		
Trustee Gallagher	X		
Trustee Horrigan	X		
Trustee Gaulin			X

Mayor Barton presents the Tentative Budget to the Board. He explains the tax rate as 8.50 per 1000 as last year, he is proposing that we leave it at 8.50. The taxable assessments are up, tax levy will increase just under 7%. As we all know utilities and everything has gone up and we must prepare for the bond payment for the Derby Park payment. Trustee Horrigan adds that Queensbury had to exceed the tax cap with a budget increase of 17%. Trying to stay within the tax cap has become impossible with the rate of inflation. We will continue to save and conserve where we can.

Mayor Barton schedules a Public Hearing for Monday April 10,2023 to exceed the tax cap.

Upon motion made by Trustee Horrigan, seconded by Trustee Gallagher and unanimously carried it is;

RESOLVED, to approve the following items as surplus equipment:

2011 Bobcat E50 as surplus.
Skid Steer

Upon motion made by Trustee Horrigan, seconded by Trustee Hogan and unanimously carried it is;

RESOLVED, Approve the withdrawal from the DPW Equipment Reserve for the purchase of a S76 T4 Bobcat Skid Steer Loader in the amount of \$42,700.

Mayor Barton opens the meeting up to public comment. None was given.

Trustee Horrigan would like to inform everyone that Derby Park will be open on Sunday April 2 with an Easter Egg Hunt event.

The next meeting will be held on April 10, 2023, at 6:00 pm

Upon motion made by Trustee Gallagher, seconded by Trustee Hogan and there being no further business to come before the Board the meeting was adjourned at 12:10 p.m.

Cassandra Allen, Village Clerk-Treasurer