

**“PLEASE TURN OFF CELL PHONES OFF PRIOR TO START OF MEETING.
THANK-YOU”.**

Welcome to the Village of Wappingers Falls Second Monthly Meeting of the Mayor and Board of Trustees today Wednesday, October 27, 2021, 5:00 PM.

PLEDGE OF ALLEGIANCE TO THE FLAG:

RECOGNITION / ANNOUNCEMENTS / SPECIAL EVENTS

ROLL CALL BY THE CLERK OF THE VILLAGE Mayor Cerino, Trustee Sidote, Trustee Ponte, Trustee Niznik, Trustee Huber, Trustee Ruffen, Trustee Lauricella, Village Attorney Wallace.

AUTHORIZATION TO PAY BILLS AS PER APPROVED WARRANTS

REGULAR SESSION:

KC Engineering update.

**KC Report for
Village of Wappingers Falls
2021-10-27 Village Board Workshop Meeting**

Non-Water Related Project

- **Village / Boat House Exterior Improvements (KC 4600-057)**
 - Exterior improvements – Parking Lot, Concrete Patio, Site Lighting.
 - Prime Contractor is Woodland Manor with a subcontracted Electrician.
 - Construction was nearly complete in 2020.
 - Contractor has installed the four-parking lot light poles. Each was to include a banner. Only two include a banner. The Contractor is following up with the Electrician and the Supplier to resolve.
 - KC efforts are nearly complete pending project closeout.
- **Village / Grease Trap Engineering Planning Grant (KC 12-0058)**
 - Revisions and responses are underway.
- **Village / Bain Park Survey and Masterplan (KC 12-0072)**
 - Work is underway in preparation for April 2022 construction.
- **Village / Local Watershed Revitalization Project (LWRP) / Nine Element Plan (KC 4077-001)**

- On April 26, 2017, the Village Board authorized this project.
- KC scope resulted in the development of a Wappinger Creek Watershed Characterization and Recommendations Report, which has been contributed to by the Village and the Wappinger Creek Watershed Intermunicipal Council (WIC). KC provided the latest draft report and recommendations in Dec 2020 for review.
- At the July 23, 2021 WIC Council Meeting, it was agreed that review and then subsequent editing of the report and recommendations is nearly complete.
- No additional comments have been received. KC will schedule to finalize the last edit of the report.
- After completion of the Watershed Characterization and Recommendations Report, the Village is to host one more Public Meeting. That will conclude KC's work for this project.
- Additional Pilot Studies will continue by Others after completion of the Watershed Characterization and Recommendations Report.
- **Village / EPA Grant Brownfield Assessments (KC 4077-002)**
 - On Sept 12, 2018, the Village Board authorized this project.
 - KC scope includes:
 - Stakeholder and Community Meetings;
 - Phase I Environmental Site Assessments (ESAs);
 - Phase II Environmental Site Assessment; and
 - Cleanup Plans.
 - Milestones achieved by this work depend on EPA responses.
 - Phase I ESAs were completed for the Franny Reese Park site before construction, the Mill St Parking Lot, and the Field next to the Village Highway Garage. EPA accepted each of those Phase I ESAs as complete.
 - Phase I ESA was also prepared for the Bleachery Site is under review by EPA. KC provided additional documentation in response to EPA comments.
 - It is anticipated that following EPA approval to proceed, Phase II ESA will be pursued for the Bleachery Site and possibly other sites to be identified, pending confirmation from EPA and the Village Board.

Village / Route 9 Sewer

- Route 9 Sewer work not previously completed during VWF Utility Improvements Contract 4 near Dutchess Plaza and Arrow Auto Glass is described as follows.
 - New 8-inch sewer from Dutchess Plaza (adjacent to New Hackensack Road) will tie into existing Route 9 sewer crossing at M&T Bank to the south. This sewer crossing functions well.
 - The old sewer crossing with history of problems in front of Dutchess Plaza will be eliminated.
 - The Village DPW requested this work due to difficult maintenance within Route 9.
- Design is complete. DCDH approval is complete. Village has easement needed. Project can be ready for construction bidding upon request and authorization by the Village.

- On Aug 13, 2021, the Village Mayor verbally indicated that the Village might pursue Route 9 Sewer construction separate from the Water Interconnection Project on Losee Road. That could be accommodated upon request from the Village Board.
- NYSDOT and the commercial parcel owner will require night work for this installation.
- NYSDOT generally avoids construction from December through March in NYSDOT ROW.
- NYSDOT will require that the Village resolve asphalt grades at select manholes on Route 9 before NYSDOT will issue required Highway Work Permit for the Route 9 Sewer project. The asphalt grades at select manholes is separate from the Route 9 Sewer Project.
- The Village may consider the following schedule:
 - Village resolve the asphalt grades at select manholes on Route 9 in Sept to Oct 2021. It has been said that the Village DPW might pursue this with the Village Equipment and Labor Contractor.
 - Village advertise for construction bids for Route 9 Sewer In late Oct to early Nov 2021 in preparation for April 2022 construction.
- Engineering Budget is to be confirmed when Village confirms readiness to move forward, and then KC Engineering efforts will continue following written notification of Village Board authorization.

Approval “CHG&E Street Lighting Authority Order” for increased lighting Police Station parking lot. Clerk.

Approval for the Village Clerk to submit DC Form MSD 222 requesting to create 2 additional “Deputy Court Clerk” positions Non-Competitive P/T.

Approval “Volunteer Toll” fundraiser VFW Auxiliary 11/13&14 2021 and 5/28&29 2022.

Discussion opt in / out legal marijuana sales.

- **Motion by Trustee Ponte to direct the village clerk to publish a public hearing notice for 7PM, 11/10/2021. Seconded by Trustee Lauricella. Carried.**
- ***Note: The above item was voted on prematurely 10/13/21 and will be placed on the 10/27/21 agenda for approval after the local law is introduced.***

VILLAGE OF WAPPINGERS FALLS

LOCAL LAW NO. ____ OF 2021

**A Local Law Adopted Pursuant to Cannabis Law § 131 Opting Out of Licensing
and Establishing On-site Cannabis Consumption Establishments Within the Village
of Wappingers Falls**

Be it enacted by the Village Board of Trustees of the Village of Wappingers Falls as follows:

Section 1. Legislative Intent

It is the intent of this local law to opt the Village of Wappingers Falls out of hosting 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 on-site cannabis consumption establishments to locate and operate within their boundaries.

Section 3. Local Cannabis On-Site Consumption Opt-Out

The Board of Trustees of the Village of Wappingers Falls, County of Dutchess, hereby opts-out of allowing on-site cannabis consumption establishments from locating and operating within the boundaries of the Village of Wappingers Falls.

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. Numbering for Codification

It is the intention of the Village of Wappingers Falls and it is hereby enacted that the provisions of this local law shall be included in the Code of the Village of Wappingers

Falls; that the sections and subsections of this local law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this local law; that the words “local law” shall be changed to “Chapter,” “Section,” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this local law or the provisions of the Code affected thereby.

Section 6. 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.

RESOLUTION NO. _____ of 2021

RESOLUTION INTRODUCING “LOCAL LAW NO. ____ OF THE YEAR 2021, A LOCAL LAW ADOPTED PURSUANT TO CANNABIS LAW § 131 OPTING OUT OF LICENSING AND ESTABLISHING ON-SITE CANNABIS CONSUMPTION ESTABLISHMENTS WITHIN THE VILLAGE OF WAPPINGERS FALLS”

The following resolution was introduced by _____ and seconded by _____.

WHEREAS, pursuant to Cannabis Law § 131, the Village Board of the Village of Wappingers Falls desires to opt-out of hosting on-site consumption establishments within its boundaries; and

WHEREAS, the Village Board has determined that pursuant to 6 NYCRR 617.5 (c) (20) the proposed adoption of the aforementioned Local Law is a Type II action not requiring environmental review pursuant to State Environmental Quality Review Act (SEQRA) and, accordingly, no environmental review has been undertaken; now, therefore

BE IT RESOLVED, that the Village Board hereby introduces for consideration of its adoption proposed “Local Law No. ____ of the Year 2021, A Local Law Adopted Pursuant to Cannabis Law § 131 Opting Out of Licensing and Establishing On-site

Cannabis Consumption Establishments Within the Village of Wappingers Falls”, in the form annexed hereto; and

BE IT FURTHER RESOLVED, that the Village Board hereby schedules a Public Hearing regarding the proposed adoption of the annexed Local Law for 7:00 P.M., on the ____ day of _____ 2021, to be held at Village Hall, 2582 South Avenue, Wappingers Falls, New York, and the Village Clerk is directed to post the Notice of Public Hearing in the form annexed hereto and to publish same in the newspaper not less than ten (10) days nor more than twenty (20) days prior to the Public Hearing as required by law; and

BE IT FURTHER RESOLVED, that this Local Law is subject to a permissive referendum.

The foregoing was put to a vote which resulted as follows:

	Yea	Nay
Mayor Rick Cerino	_____	_____
Kevin Huber – Trustee	_____	_____
Patrick Sidote – Trustee	_____	_____
Jennifer Niznik – Trustee	_____	_____
Michael Ruffen – Trustee	_____	_____
Anne Ponte – Trustee	_____	_____
Adam Lauricella – Trustee	_____	_____

Dated: Wappingers Falls, New York
October 27, 2021

VILLAGE OF WAPPINGERS FALLS

LOCAL LAW NO. ____ OF 2021

**A Local Law Adopted Pursuant to Cannabis Law § 131 Opting Out of Licensing
and Establishing Retail Cannabis Dispensaries Within the Village of Wappingers
Falls**

Be it enacted by the Village Board of Trustees of the Village of Wappingers Falls as follows:

Section 1. Legislative Intent

It is the intent of this local law to opt the Village of Wappingers Falls out of hosting retail cannabis dispensaries 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 to locate and operate within their boundaries.

Section 3. Local Cannabis Retail Dispensary Opt-Out

The Board of Trustees of the Village of Wappingers Falls, County of Dutchess, hereby opts-out of allowing retail cannabis dispensaries from locating and operating within the boundaries of the Village of Wappingers Falls.

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. Numbering for Codification

It is the intention of the Village of Wappingers Falls and it is hereby enacted that the provisions of this local law shall be included in the Code of the Village of Wappingers

Falls; that the sections and subsections of this local law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this local law; that the words “local law” shall be changed to “Chapter,” “Section,” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this local law or the provisions of the Code affected thereby.

Section 6. 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.

RESOLUTION NO. _____ of 2021

RESOLUTION INTRODUCING “LOCAL LAW NO. ____ OF THE YEAR 2021, A LOCAL LAW ADOPTED PURSUANT TO CANNABIS LAW § 131 OPTING OUT OF LICENSING AND ESTABLISHING RETAIL CANNABIS DISPENSARIES WITHIN THE VILLAGE OF WAPPINGERS FALLS”

The following resolution was introduced by _____ and seconded by _____.

WHEREAS, pursuant to Cannabis Law § 131, the Village Board of the Village of Wappingers Falls desires to opt-out of hosting retail cannabis dispensaries within its boundaries; and

WHEREAS, the Village Board has determined that pursuant to 6 NYCRR 617.5 (c) (20) the proposed adoption of the aforementioned Local Law is a Type II action not requiring environmental review pursuant to State Environmental Quality Review Act (SEQRA) and, accordingly, no environmental review has been undertaken; now, therefore

BE IT RESOLVED, that the Village Board hereby introduces for consideration of its adoption proposed “Local Law No. ____ of the Year 2021, A Local Law Adopted Pursuant to Cannabis Law § 131 Opting Out of Licensing and Establishing Retail

Cannabis Dispensaries Within the Village of Wappingers Falls”, in the form annexed hereto; and

BE IT FURTHER RESOLVED, that the Village Board hereby schedules a Public Hearing regarding the proposed adoption of the annexed Local Law for 7:00 P.M., on the ____ day of _____ 2021, to be held at Village Hall, 2582 South Avenue, Wappingers Falls, New York, and the Village Clerk is directed to post the Notice of Public Hearing in the form annexed hereto and to publish same in the newspaper not less than ten (10) days nor more than twenty (20) days prior to the Public Hearing as required by law; and

BE IT FURTHER RESOLVED, that this Local Law is subject to a permissive referendum.

The foregoing was put to a vote which resulted as follows:

	Yea	Nay
Mayor Rick Cerino	_____	_____
Kevin Huber – Trustee	_____	_____
Patrick Sidote – Trustee	_____	_____
Jennifer Niznik – Trustee	_____	_____
Michael Ruffen – Trustee	_____	_____
Anne Ponte – Trustee	_____	_____
Adam Lauricella – Trustee	_____	_____

Dated: Wappingers Falls, New York
October 27, 2021

Motion to hire firm Mackey Butts & Wise LLP. as labor attorneys.

EXECUTIVE SESSION *Personnel*

_____ I need a motion to adjourn into Executive Session at: _____ [time] for the purpose of discussing (pick one or more below):

- _____ pending litigation in the matter(s) of – _____ v. _____
- ☒ negotiations conducted pursuant to the Taylor Law
- _____ the medical history of a particular person
- ☒ the employment history of a particular person
- _____ matters leading to the appointment of a particular person
- ☒ matters leading to the promotion of a particular person
- _____ matters leading to the demotion of a particular person
- _____ matters leading to the discipline of a particular person
- _____ matters leading to the termination of a particular person
- ☒ matters leading to the appointment of a particular business
- _____ a disciplinary matter involving a particular employee
- _____ the proposed sale of real property
- _____ the proposed lease of real property
- ☒ seeking legal advice from the Village's Attorney
- ☒ matters that would impact public safety

Motion made by _____, seconded by _____

All in Favor: _____ Opposed: _____ Abstain: _____

Motion passes [] – []

I need a motion to exit Executive Session and return to the Public Meeting at _____ (time)

Motion made by _____, seconded by _____

All In Favor: _____ Opposed: _____ Abstain: _____

Motion passes [] – []

REGULAR SESSION:

Motion to adjourn the 10/27/2021 Village Board Meeting