

Minutes of the Special Meeting of the Board of Trustees of the Village of Lake George, NY, held at the Lake George Firehouse on Wednesday, September 29, 2021 at 6:00 p.m.

**MEMBERS PRESENT:** Robert M. Blais, Mayor  
John Earl, Deputy Mayor  
Joseph Mastrodomenico, Trustee  
Ray Perry, Trustee  
John Root, Trustee

Also Present: Clerk Debra McKinney, Attorney Matt Fuller, and Code Enforcement Officer Jim Anagnos, as well as: Thom Randall, Robert Gregor, Chad Arnold, Grace Raimo, Bob Finkle, Kitty Rooney, Carollee Labruzzo, John Herzog, Ryan Labruzzo, Lauren Azer, Ed Pontacoloni, Janice Pontacoloni, Tony Hall, Ken Gethard, John Fox, Kathy Muncil, Bob Flacke and others.

Mayor Blais explained that the purpose of this Special Meeting is to listen to public comment in regards to allowing the dispensing of cannabis in the Village. He noted that each person will be allowed to speak once for five minutes, then possibly a second time. He introduced Village Attorney Matt Fuller and asked him to give a synopsis of the new law. Attorney Fuller handed out a New York Cannabis Law Fact Sheet. He noted that a municipality could choose to opt out of the local retail dispensary or local on premises consumption license, which must be done by local law subject to permissive referendum, and it must be done by December 31, 2021. He explained about the Cannabis Control Board and their timeline for licensing. He also gave options for if the Village Board should choose to allow the sale, noting that the locations can be zoned. The time, place and manner can be regulated, but the internal operation cannot be controlled, that will be regulated by the State. If the sale is allowed, a retail dispensary cannot be located within 500' of a school or within 200' of a church. Mr. Fuller pointed out that the tax revenue is 9% for New York State and 4% for the city/town/village where the retail dispensary is located. Mr. Fuller pointed out that if you do not opt out prior to December 31<sup>st</sup>, you will not be allowed to opt out. If you do opt out, that opt out can be repealed any time in the future.

Mayor Blais then opened the floor to comment.

Ken Gethard of Cooper Street asked about consumption, is it limited to the facility? Attorney Fuller noted that the public consumption is already legal. Onsite consumption licenses would be similar to a bar, as a matter of fact, a liquor license establishment cannot have an onsite consumption license.

John Fox asked about the tax, and said he saw that the tax is 4%, and there is a split breakdown. The Village doesn't get the whole 4%. Attorney Fuller confirmed that yes, there is a split.

Kathy Muncil of the Fort William Henry Hotel as a general statement said that they are not in favor of having a local dispensary. The Village is a family place. Their hotel has had a lot of trouble this summer relative to usage in and among families; their property is a smoke free property. She said that they may have to fence off their property. She did ask about what if the Village dissolves, how would a Village decision be affected. Attorney Fuller noted that an opt out would not be binding to the Town.

John Fox commented that for now he believes the Village should opt out; we can always revisit it later and opt back in. The laws for different states are very different than the NYS law. He suggested that we wait and see what the results are for a similar resort community.

Ken Gethard noted that the Village is promoted as a family resort, and he doesn't know how 09-29-21 special cannabis regulation

allowing pot would affect that. He doesn't want to see open containers of beer either. He commented that the revenue doesn't seem to be significant.

Ed Pontacoloni spoke and said that he had prepared a long speech and a handout for the attendees, but will try to stick with the time allotted. He said he doesn't believe that marijuana distribution and marijuana use belongs in a family friendly resort community. He went on to say his concern is not so much the marijuana of days gone by. The pot today is a pharmaceutical drug; it is a designer drug especially formulated to produce a greater level of intoxication, it is not the backyard homegrown version. He went into the details about how the strength of the product is designated and the harmful consequences of use. His handout said, "The open marketing and use of marijuana in a family friendly resort will suggest to children who visit with their families that we promote marijuana use. That is not the message that we should be giving to children." He asked that the Trustees do not approve the sale of distribution or the smoking of marijuana in the Village especially near the schools, churches and amusement parks.

John Herzog commented that he, personally, is against it, citing additional personnel that the Village may need during the summer.

Robert Gregor commented that he lives in the Village, owns three hotels and is a practicing attorney. From a business perspective, he noted that in the past two years, marijuana smoking has caused his businesses all kinds of problems. The guests who are smokers are more emboldened and this causes conflicts between the families. He noted that condoning the use is a problem and definitely effects the Village's image, and commented that we've got to opt out of this. He mentioned bringing up three kids and how hard it is in a tourist town. Opting in will exacerbate the problem.

Bob Flacke asked that the Village Board do not promote marijuana and that they opt out. It is very difficult to manage on a motel level. There are examples around the country of the results where it is allowed.

An unidentified woman made note that we do not want this town to be a draw, if neighboring communities opt out.

Mr. Fox mentioned a recent photo in the newspaper that shows all of the people standing outside the store. He doesn't want to see this in Lake George. If anybody wants to buy marijuana, they can go to another town and then bring it home.

Mayor Blais noted that he received some emails, with two writers that were opposed and one in favor.

Mayor Blais suggested that we put this matter on the next regular agenda for further discussion. If more would like the opportunity to comment, they can do it via Zoom. He noted that it is fairly obvious from tonight's comments that the majority are in favor of opting out at this particular time.

Mayor Blais asked for any other comments.

Kathy Muncil asked whether there has been any communication with Town officials. Mayor Blais responded that he has had discussions with Town Board members, but has not gotten any decision from them. In his discussions with other Town officials, he does not have a clear understanding of their opinions either, except for Bolton has said they are going to opt out. Kathy requested that Mayor Blais contact and work with Town officials and relay to them the opinions expressed tonight. Mayor Blais commented that the Village will make their own

decision probably before the Town, and encouraged those present to contact Town officials. He noted that he hopes the Village and Town Boards can coordinate on this as they have many times in the past, but he doesn't know if they will or not.

Mayor Blais commented that he is disappointed that more did not show up to give their opinions. He noted that he has received two letters from attorneys representing local businesses that have expressed interest in opening up a dispensary, but they did not attend tonight. He thanked those that attended.

Mayor Blais presented a proposal from Human Health Insurance for the 2022 plan for Village retirees' coverage. Clerk Deb McKinney recommended renewal with Humana as the premium is reasonable and the coverage is good. The contract with Humana for the 2022 coverage for Medicare eligible health insurance enrollees is a monthly premium of \$184.83 per person per month. The 2022 rates are a 7.1% increase, over the regular rate for 2020. The Federal government had a COVID subsidy last year making the premiums much lower than we anticipated. It is still much cheaper than our 2018 rate of \$289.90 per person per month with CDPHP.

Based on Ms. McKinney's recommendation Trustee Perry, seconded by Trustee Mastrodomenico, offered the following resolution:

## **RESOLUTION NO. 152, 2021**

**BE IT RESOLVED**, that the Village Board hereby authorizes Mayor Robert Blais to sign a one year contract with Humana for Group Medicare health insurance called “Passive LPPO 079 059 Medical with Rx66” beginning January 1, 2022 at a cost of \$184.83 per person per month.

**VOTING**      **Ayes: 5**      **Blais, Earl. Mastrodomenico, Perry, Root**  
**Nays: 0**

There was a motion by Trustee Earl, seconded by Trustee Perry to adjourn at 6:40 p.m.

Respectfully submitted,

Debra J. McKinney  
Village Clerk