

August 2021

August 11

TOWN OF PHILADELPHIA
TOWN BOARD MEETING – ~~SEPTEMBER 8~~, 2021 @ 5:30 P.M.
Public Hearing/Local Law #2 - Opting out of licensing and establishing retail cannabis dispensaries and/or on-site cannabis consumption establishments within the Town of Philadelphia, to commence following Call to Order, prayer, and pledge.

Present: Supervisor: Lamora, Clerk/Tax Collector: Reed, Hwy. Supt.: Freeman, Council Members: Carpenter, Watson, Klock, Sands, Assessor: Kiechle and CEO: Remington.

Meeting called to order followed by opening prayer and pledge.

Minutes of the July 14, 2021, meeting were read prior to the meeting. Mike Freeman noticed an error on page 2 under Recycling. Number 2 should read, one load of paper ready to go. Sandra made a motion to accept the minutes with the correction. Bob seconded this motion. All in favor, motion carried.

Financial Report: for June was read aloud by Supervisor. All council persons signed report as their approval.

Received checks: 1. Mortgage Tax - \$ 7,629.50
2. Sales Tax - \$ 55,215.83

Transfer of Funds: Please see attached resolution.

Clerk/Tax Collector:

1. Hunting License Sales are steady.

Hwy:

1. Working on Sandy Hollow to form slopes.
2. Waiting for Culvert Pipes from Jefferson County.
3. New Truck should arrive on October 25, 2021.
4. Councilperson Watson mentioned the large rocks on the side(s) of Sandy Hollow Road and suggested they be removed for public safety. Hwy. Supt. Freeman agreed, the rocks will be removed.

Recycling:

1. Sent one load of Metal.
2. Received checks from: a. Kimco - \$333.90
b. St. Pauly's - 299.33

CEO:

1. 3 Zoning and 3 Building Permits issued
2. One Area Variance Granted
3. The subject of needing a replacement on the Zoning Board was discussed.
(Please see attached resolution)

Assessor:

1. Spoke with IRCS Attorney regarding Rte. 11 Solar Project.

Cemetery:

1. Have checked fencing and several posts are out of the ground.
2. Curtains for the Pavilion – the cost will be shared equally by the Cemetery and Town.

Park:

1. Emergency Sign for Park has arrived.
2. Supervisor will apply for grants through the Northern NY Community Foundation for bleachers & dugouts.

Court:

1. Please see attached review of Court Records.

Contract with Gyomo has been updated.

The CD (Certificate of Deposit) for the Town of Philadelphia will not be renewed.
(Please see attached resolution)

Local Law #2 (Please see attached resolution)

Medical Insurance rates will increase 9.8% effective 2022.

Local Law #3 (Please see attached resolution)

At 6:08 p.m. there were no further questions or comments, therefore Sandra made a motion to adjourn. Jeff seconded this motion, all were in favor, meeting adjourned.

Respectfully submitted, Cheryl Reed ~ Town Clerk: _____

Date: _____

The following resolution was offered by Jeff and seconded by Bob who moved its adoption.

RESOLUTION: 2021-30 TRANSFER OF FUNDS

WHEREAS: Supervisor LaMora has come before the Philadelphia Town Board and asked for their approval of the following transfers

1. \$12,840.00 from #1990.4 Contingency to #3410.4 Fire Protection
2. \$1,179.52 from #1990.4 Contingency to #9730.6 Bond Principle
3. Transfer \$17.78 from #8010.4 Zoning CE to #8010.2 Zoning EQ

THEREFORE, BE IT RESOLVED: The Philadelphia Town Board approve the transfers listed above.

The above resolution was adopted via the following roll vote:

Supervisor: aye

Council Members:

Carpenter: aye

Watson: aye

Klock: aye

Sands: aye

I verify the above resolution was adopted by the Philadelphia Town Board on August 11, 2021.

Cheryl Reed: _____

Date: _____

The following resolution was offered by Bob and seconded by Kirby who moved its adoption.

RESOLUTION: 2021-31 Zoning Board Member Count Reduction

WHEREAS: The Philadelphia Town Board have discussed the vacancy on the Town of Philadelphia Zoning Board and

WHEREAS: have acknowledged that a Zoning Board is allowed to preside over issues with three members,

THEREFORE, BE IT RESOLVED: The Philadelphia Zoning Board will conduct future meetings with three appointed members.

The above resolution was adopted per the following roll vote:

Supervisor: LaMora aye

Council Members

Carpenter: aye

Watson: aye

Klock: aye

Sands: aye

I confirm the above resolution was adopted by the Philadelphia Town Board on August 11, 2021.

Town Clerk: _____

Date: _____

The following resolution was offered by Bob and seconded by Sandra who moved its adoption.

RESOLUTION: 2021-32 REVIEW OF JUSTICE(S) RECORDS

WHEREAS: A review of the Philadelphia Town Justice's Books was completed for: Cole Jenne 1/8/2020 to 12/30/2020
Jessie Scheer 6/10/2020 to 12/16/2020

Please see full review (attached)

THEREFORE, BE IT RESOLVED: The Philadelphia Town Board acknowledges/accepts the above evaluation.

The above resolution was adopted through the following roll vote:

Supervisor: aye

Council Members:

Carpenter: aye

Watson: aye

Klock: aye

Sands: aye

I endorse the above resolution was adopted by the Philadelphia Town Board on August 11, 2021.

Town Clerk: _____

Date: _____

August 6, 2021

Philadelphia Town Board

Re: Review of Justices' books for year 2020.

For both Justices: Verified monthly Report Certificate to Cashbook Report. Matched Submission Log to Office State Comptroller Distribution Summary. Verified numerical order of all receipts. Deposits made by Justices in a timely manner. All monthly reports submitted to Comptroller. Fines for each month submitted. No bail or restitution for the year 2020.

Justice Jenne:

Receipt book was for 01/08/20 – 12/30/2020 (#4144 – 4192) the file box contained Year 2020.

**At random (weekly) I selected Individual Case History Report and matched fines on Receipt for Fine. I verified Submission Log for amounts. I compared monthly totals of log to total for month of receipts. Matched case # to receipt #. I verified "NYS Confirmation of Filing" of Submission Log. For 01/08/20 – 12/30/20. I matched Case History Report to Monthly Submission Log.

There were no Bank Statements in Justice Jenne's box. There was no court for Justice Jenne during month of April, and in June only one case and it was dismissed. Reports still filed. Justice Jenne had court 05/27/2020. As stated above: Fines submitted for the month.

Justice Scheer:

Receipt book was for 06/10/20 – 12/16/20. (#4251 – 4280) File box contained full year 2020. Could not find Receipt book For January through May 2020.

From January through May at random (weekly) did match Individual Case History Report to Monthly Report, Cashbook Report to Totals on Submission Log. Receipt numbers on Report were listed in numerical order. Could not verify. Justice Scheer's Court closed in April and May. Reports filed.

From 06/10/20 – 12/16/20 reviewed same items as Justice Jenne, as stated in **paragraph.

Monthly Bank Statements included in Justice Scheer's box.

I reviewed this report with Helen Tyler.

If there is further information needed, or more work required, please feel free to contact me.

Respectfully submitted.



Carol Weaver

The following resolution was offered by Jeff and seconded by Kirby who moved its adoption.

RESOLUTION: 2021-33 CERTIFICATE OF DEPOSIT

WHEREAS: The Town of Philadelphia's CD/Certificate of Deposit is due for renewal and

WHEREAS: at this time the interest rates are substantially low, therefore Supervisor LaMora has asked that the CD amount not be renewed, but instead be deposited in Highway Account DA-5130.2 (Machinery EQ) to be used for the purchase of a new Dump Truck.

THEREFORE, BE IT RESOLVED: The CD will not be renewed and the amount of \$61,876.15 will be deposited into D5130.2 and used for the purchase of a new Dump Truck.

The above resolution was adopted per the following roll vote:

Supervisor LaMora: aye

Council Members:

Carpenter: aye

Watson: aye

Klock: aye

Sands: aye

I confirm the above resolution was adopted by the Philadelphia Town Board on August 11, 2021.

Town Clerk: _____

Date: _____

*Town of Philadelphia
Cheryl Reed, Town Clerk/Tax Collector
33019 US Rte. 11
Philadelphia, NY 13673-2501*

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Fax: (315)642-0421

E-mail: tphilclerk@centralny.twcbc.com

The following resolution was offered by Jeffrey Sands, and seconded by Councilperson, Kirby Klock who moved its adoption.

RESOLUTION: 2021-34 Adoption of a Local Law #3 of 2021 to override the tax levy limit established in General Municipal Law §3-c.

Whereas: It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Philadelphia pursuant to **General Municipal Law § 3-c** and to allow the Town of Philadelphia to adopt a budget for the fiscal year commencing January 1, 2022 that requires a real property tax levy in excess of the “tax levy limit” as defined by **General Municipal Law §3-c** and

Whereas: this local law is adopted pursuant to subdivision 5 of **General Municipal Law §3-c** which expressly authorizes a local government's governing body to override the 2% property tax cap for the coming fiscal year by the adoption of a local law approved by sixty percent (60%) of said governing body and

Whereas: The Town Board of the Town of Philadelphia, County of Jefferson, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2022 that requires a real property tax levy limit in excess of the amount otherwise prescribed in **General Municipal Law §3-c** and

Whereas: 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 effect, 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.

Therefore, be it resolved: the Philadelphia Town Board does adopt **Resolution: 2021-34**, adopting Local Law #3 of 2021 in its entirety and this local law shall take effect immediately upon filing with the Secretary of State.

This resolution was adopted via the following roll vote:

Supervisor Deborah LaMora: aye

Council Members:

Sandra Carpenter: aye

Bob Watson Sr.: aye

Kirby Klock: aye

Jefferey Sands: aye

I hereby certify that the above resolution was adopted by the Philadelphia Town Board on August 11, 2021.

{ SEAL }

Town Clerk: _____

Date: _____

The following resolution was offered by Sandra and seconded by Kirby who moved its adoption.

RESOLUTION: 2021-35

**Town of Philadelphia
Local Law No. 2 of the year 2021
Town of Philadelphia, County of Jefferson**

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 Town of Philadelphia.

Section 1. Legislative Intent. It is the intent of this local law to opt the Town of Philadelphia 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 towns 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 Town Board of the Town of Philadelphia, County of Jefferson, hereby opts-out of licensing and establishing cannabis retail dispensaries and/or cannabis on-site consumption establishments within its boundaries outside of the corporate limits of the Village of Philadelphia.

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

THEREFORE, BE IT RESOLVED: The Philadelphia Town Board accepts
Local Law No. 2 of 2021.

The above resolution was adopted via the following roll vote:

Supervisor LaMora: aye

Council Members:

Carpenter: aye

Watson: aye

Klock: aye

Sands: aye

The Philadelphia Town Board adopted the above resolution on August 11, 2021.

Town Clerk: _____

Date: _____