



a town for a lifetime
IRONDEQUOIT *New York*

SPECIAL TOWN BOARD MEETING

October 27, 2021

4:00 PM

AGENDA

10-26-2021

PLEDGE OF ALLEGIANCE

ROLL CALL

ITEMS FOR BOARD ACTION

10STB2021-1 Adopt a Resolution Approving the 2022 Preliminary Budget

10STB2021-2 Adopt a Resolution to Schedule a Public Hearing Pertaining to a Change of Use and Disposition of the Pinegrove Recreation Center which had been Improved with Funds from the Community Develop Block Grant (CDBG) Program

10STB2021-3 Adopt a Resolution Calling for a Public Hearing on a Proposed Local Law Opting Out of Allowing Cannabis On-Site Consumption Licenses in the Town of Irondequoit

PUBLIC HEARING FOR 2022 BUDGET...NOVEMBER 4, 2021 @ 7:35 PM

NEXT TOWN BOARD WORKSHOP...NOVEMBER 9, 2021 @ 4:00 PM

NEXT REGULAR TOWN BOARD MEETING...NOVEMBER 16, 2021 @ 7:00 PM

***REGULAR TOWN BOARD MEETING TO ADOPT 2022 BUDGET...
NOVEMBER 16, 2021 @ 7:00 PM***

EXTRACT OF MINUTES OF MEETING OF TOWN BOARD ADOPTING A RESOLUTION APPROVING THE 2022 PRELIMINARY BUDGET

At a special meeting of the Town Board of the Town of Irondequoit, Monroe County, New York held at the Town Hall, 1280 Titus Avenue, in said Town of Irondequoit, on the 27th day of October 2021 at 4:00 P.M. local time: there were

PRESENT:

Patrina Freeman	Town Board Member
John Perticone	Town Board Member
Kimie Romeo	Town Board Member
Peter Wehner	Town Board Member

Harter Secrest & Emery LLP	Attorney for the Town
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Town Board Member _____ offered the following resolution and moved its adoption:

WHEREAS, the Acting Town Supervisor of Irondequoit, on October 14, 2021, duly filed the tentative budget for the fiscal year beginning January 1, 2022 with the Irondequoit Town Clerk; and

WHEREAS, the Town Clerk of Irondequoit duly distributed the tentative budget to the Town Board on October 14, 2021, and the tentative budget was considered, discussed, and reviewed at subsequent departmental workshops; and

WHEREAS, the Acting Town Supervisor has incorporated all budgetary changes suggested at and subsequent to the workshops, thereby generating the preliminary budget.

NOW, THEREFORE BE IT RESOLVED, that the Tentative Budget for the year 2022 as amended by the "Amendments by the Town Board to the 2022 Tentative Budget" attached hereto, is approved by the Town Board as the Preliminary Budget for the fiscal year beginning January 1, 2022 for the Town of Irondequoit; and

IT IS FURTHER RESOLVED, that said preliminary budget shall be filed in the office of the Town Clerk of the Town of Irondequoit and said Town Clerk is hereby authorized and directed to reproduce copies of the same for public distribution.

This resolution shall take effect immediately upon its adoption.

Seconded by Town Board Member _____ and duly put to vote, which resulted as follows:

Town Board Member	Wehner	voting	_____
Town Board Member	Freeman	voting	_____
Town Board Member	Romeo	voting	_____
Town Board Member	Perticone	voting	_____

**EXTRACT OF MINUTES OF MEETING OF THE TOWN BOARD ADOPTING
A RESOLUTION TO SCHEDULE A PUBLIC HEARING PERTAINING TO
CHANGE OF USE AND DISPOSITION OF THE PINEGROVE RECREATION
CENTER WHICH HAD BEEN IMPROVED WITH FUNDS FROM THE
IRONDEQUOIT COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

At a special meeting of the Town Board of the Town of Irondequoit, Monroe County, New York held at the Town Hall, 1280 Titus Avenue, in said Town of Irondequoit, on the 27^h Day of October 2021 at 4:00 P.M. local time: there were

PRESENT:

Patrina Freeman	Town Board Member
John Perticone	Town Board Member
Kimie Romeo	Town Board Member
Peter Wehner	Town Board Member

Harter Secrest & Emery LLP	Attorney for the Town
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Town Board Member _____ offered the following resolution and moved its adoption:

WHEREAS, the Town of Irondequoit is a Community Development Block Grant (CDBG) entitlement community and has used CDBG funds in past years to improve the Pinegrove Senior Recreation Center; and

WHEREAS, the Town intends to relocate senior services from the Pinegrove Recreation Center to the Town's new Community Center at Skyview and is in negotiations with the Irondequoit School District to transfer ownership of the Pinegrove building; and

WHEREAS, the Pinegrove building is not expected to be utilized for CDBG-eligible activities in the foreseeable future; and

WHEREAS, the Town seeks input from the public, and especially from seniors who will be affected by the relocation of senior services, regarding the change of use and disposition of the Pinegrove Senior Recreation Center.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board schedules a public hearing to be held at the regular meeting of the Town Board on November 16, 2021 at 7:35 pm in the matter of the change of use and proposed disposition of the Pinegrove Senior Recreation Center.

Seconded by the Town Board Member _____ and duly put to vote, which resulted as follows:

Town Board Member	Wehner	voting	_____
Town Board Member	Freeman	voting	_____
Town Board Member	Romeo	voting	_____
Town Board Member	Perticone	voting	_____

**EXTRACT OF MINUTES OF MEETING OF THE TOWN BOARD ADOPTING
A RESOLUTION CALLING FOR A PUBLIC HEARING ON A PROPOSED
LOCAL LAW OPTING OUT OF ALLOWING RETAIL DISPENSARY
LICENSES AND CANNABIS ON-SITE CONSUMPTION LICENSES IN THE
TOWN OF IRONDEQUOIT**

At the special meeting of the Town Board of the Town of Irondequoit, Monroe County, New York held at the Town Hall, 1280 Titus Avenue, in said Town of Irondequoit, on the 27th day of October, 2021, at 4:00 P.M. local time, there were

PRESENT:

Patrina Freeman	Town Board Member
John Perticone	Town Board Member
Kimie Romeo	Town Board Member
Peter Wehner	Town Board Member

Harter Secrest & Emery LLP	Attorney for the Town
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Town Board Member _____ offered the following resolution and moved its adoption:

WHEREAS, at a regular meeting of the Town Board, Town Board Member Romeo introduced a proposed local law relating to opting out of allowing retail dispensary licenses and/or cannabis on-site consumption licenses in the Town of Irondequoit, and the proposed local law is attached hereto as **Exhibit A**; and

WHEREAS, on March 31, 2021, the State of New York enacted the Marihuana Regulation and Taxation Act (the “Cannabis Law”), establishing the Cannabis Control Board and the Office of Cannabis Management to, among other things, provide retail dispensary licenses and/or on-site consumption licenses to businesses selling cannabis and/or allowing on-site consumption of cannabis; and

WHEREAS, Section 131 of the Cannabis Law authorizes municipalities to adopt a local law requesting the Cannabis Control Board to prohibit within the municipality the establishment of retail dispensary licenses and/or on-site consumption licenses, provided that such local law be subject to permissive referendum and adopted by December 31, 2021; and

WHEREAS, the Town Board wishes to receive public testimony concerning whether to opt-out of retail dispensary licenses and/or on-site consumption licenses, and wishes to conduct a public hearing with respect to **both** matters; and

WHEREAS, cannabis contains tetrahydrocannabinol (“THC”), a psychoactive chemical that when consumed may cause impairment, degrading cognition and motor skills, and therefore may impair a person’s ability to safely operate a motor vehicle; and

WHEREAS, the retail sale and on-site consumption of cannabis at businesses risks concentrating cannabis use, increasing the risk of THC impaired driving and creating a risk of motor vehicle and other accidents; and

WHEREAS, the retail sale and on-site consumption of cannabis at businesses risks other negative effects, including public intoxication and increased visibility and availability of cannabis to children and teenagers, who are uniquely susceptible to the negative effects of THC and are at increased risk of depression, anxiety, and other effects; and

WHEREAS, recreational at-home adult use of cannabis will remain legal under the Cannabis Law, and therefore disallowing retail sales of cannabis and on-site consumption at businesses within the Town preserves the goals of the New York State Legislature in enacting the Cannabis Law while minimizing the negative effects risked by on-site consumption at local businesses; and

WHEREAS, the Town Board determines that it is in the best interests of the Town and its residents to disallow retail sales of cannabis and on-site consumption licenses of cannabis within the Town; and

WHEREAS, the Town Board determines that the matters contemplated herein, the calling of a public hearing and potential adoption of a local law prohibiting on-site consumption licenses within the Town, are not subject to the State Environmental Quality Review Act (“SEQRA”) and accompanying regulations, *see* 6 N.Y.C.R.R. § 617.2 (b)(3), and therefore the requirements of SEQRA have been satisfied.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby schedules a public hearing on this matter on **November 9, 2021 at 7:30 p.m.**

AND, THEREFORE, BE IT FURTHER RESOLVED, that the Town Clerk shall give notice of the hearing by publishing a notice in the Town Newspaper specifying the time when and the place where such hearing will be held, and in general terms describing the proposed local law, such notice to be published once at least three days prior to the day specified for such hearing.

This resolution shall take effect immediately upon its adoption.

Seconded by the Town Board Member _____ and duly put to vote, which resulted as follows:

Town Board Member	Wehner	voting	_____
Town Board Member	Perticone	voting	_____
Town Board Member	Romeo	voting	_____

Town Board Member

Freeman

voting

EXHIBIT A

(PROPOSED LOCAL LAW)

LOCAL LAW NO. ___ OF 2021
OPTING OUT OF ALLOWING RETAIL DISPENSARY LICENSES AND
CANNABIS ON-SITE CONSUMPTION LICENSES IN THE TOWN OF
IRONDEQUOIT

Be it enacted by the Town Board of the Town of Irondequoit as follows:

Section 1. Legislative Purpose, Intent, and Findings

It is the intent of this local law to request the New York Cannabis Control Board to prohibit the establishment of retail dispensary licenses and/or cannabis on-site consumption licenses within the Town of Irondequoit, as set forth in Article Four of the New York Marihuana Regulation and Taxation Act.

The Town Board finds that cannabis contains tetrahydrocannabinol (“THC”), a psychoactive chemical that when consumed may cause impairment, degrading cognition and motor skills, and therefore may impair a person’s ability to safely operate a motor vehicle. The retail sale and on-site consumption of cannabis at businesses in the Town risks concentrating cannabis use, increasing the risk of THC impaired driving and creating a risk of motor vehicle and other accidents. Moreover, the retail sale of cannabis and on-site consumption of cannabis at businesses in the Town risks other negative effects, including public intoxication and increased visibility and availability of cannabis to children and teenagers, who are uniquely susceptible to the negative effects of THC and are at increased risk of depression, anxiety, and other effects. Moreover, recreational at-home adult use cannabis will remain legal under the Cannabis Law, and therefore disallowing retail sales of cannabis and on-site consumption at businesses within the Town preserves the goals of the New York State Legislature in enacting the Cannabis Law while minimizing the negative effects risked by on-site consumption at local businesses. Therefore, it is in the best interests of the Town of Irondequoit and its residents to disallow retail sales of cannabis within the Town and the on-site consumption of cannabis in businesses within the Town.

Section 2. Authority

This local law is adopted pursuant to Section 131 of the New York Marihuana Regulation and Taxation Act, which expressly authorizes the Town Board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of retail dispensary licenses and on-site cannabis consumption licenses within the Town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law Section 24.

Section 3. Local Opt-Out

The Town Board of the Town of Irondequoit hereby requests the Cannabis Control Board to prohibit the establishment of retail dispensary licenses on-site cannabis consumption .

Section 4. Permissive Referendum/Referendum on Petition

This local law is subject to a permissive referendum/referendum on petition in accordance with Section 131 of the New York Marihuana Regulation and Taxation Act and the procedure outlined in Municipal Home Rule Law Section 24.

Section 5. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 6. Effective Date

This local law shall be effective upon filing with the Secretary of State of New York, as required by the Municipal Home Rule Law.