



a town for a lifetime
IRONDEQUOIT *New York*

11-9-2021

**PUBLIC HEARING
NOVEMBER 9, 2021
7:35 PM**

AGENDA

PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC HEARING: UPON THE MATTER OF A PROPOSED LOCAL LAW OPTING
11PH2021-1 OUT OF ALLOWING RETAIL DISPENSARY LICENSES AND CANNABIS ON-
SITE CONSUMPTION LICENSES IN THE TOWN OF IRONDEQUOIT

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

**EXTRACT OF MINUTES OF MEETING OF THE TOWN BOARD ADOPTING
A 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 9th day of November, 2021, at 7:35 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, on November 9, 2021, the Town Board conducted a public hearing concerning whether to opt-out of retail dispensary licenses and/or on-site consumption licenses, and received oral and written testimony from those who wished to be heard; and

Town Board Member
Town Board Member
Town Board Member

Perticone
Romeo
Freeman

voting
voting
voting

EXHIBIT A

(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.