

Sloatsburg Village Board

Public Hearing – November 30, 2021

The Public Hearing on proposed local law to opt out of allowing retail dispensaries and on-site consumption sites under New York Cannabis Law Article 4 was called to order at 7:05 PM by the Honorable Peter J. Akey, Mayor, in the Conference Room of the Sloatsburg Municipal Building, 96 Orange Turnpike, Sloatsburg, New York.

Trustees Present - John Bonkoski
 Thomas Donnelly
 Darrell Frasier
 Joyce Donohue

Village Clerk & Treasurer – Thomas F. Bollatto, Jr. – Present

Village Attorney – Richard Ellsworth – Present

Interested Citizens Attending: Jessica Taylor, Jenny Solomon, Kathy Goldman, Alicia Estrada, Leslie Nickels, Andrew Coker

Note for the record: The Notice of Publication is attached herewith and made a part of these minutes.

On a motion by Trustee Bonkoski, seconded by Trustee Donnelly to open the public hearing at 7:05PM. All in favor, motion carried.

Mayor Akey asked the public for any comments.

Ms. Jessica Taylor offered her comments and indicated that she is opposed to the proposed local law.

Ms. Jenny Solomon offered her comments and indicated that she is opposed to the proposed local law.

Ms. Kathy Goldman offered her comments and indicated that she is opposed to the proposed local law.

Ms. Alicia Estrada offered her comments and indicated that she is opposed to the proposed local law.

Ms. Leslie Nickels offered her comments and indicated that she is opposed to the proposed local law.

Mr. Andrew Coker offered his comments and indicated that he was initially pro opting out but feels that adopting the law might be too hasty.

On a motion by Trustee Bonkoski, seconded by Trustee Donnelly to close the public hearing at 7:25PM. All in favor, motion carried.

Mayor Akey asked the Board for comments or questions.

After a brief discussion on the possibility of opting out of any part of the local law once it is adopted, the following action was taken:

Resolution #21-059 Opt -Out Cannabis Law

Trustee Bonkoski offered the following resolution and moved its adoption:

WHEREAS, New York State has passed the Marijuana Regulation and Taxation Act (“MRTA”) that permits adult use cannabis retail dispensaries and on-site consumption licenses; and

WHEREAS, the MRTA allows cities, towns, and villages to opt-out of allowing adult use cannabis retail dispensaries and on-site consumption licenses within their jurisdiction; and

WHEREAS, the Village Board of Trustees of the Village of Sloatsburg (“Village Board”) determined that it was in the public interest to consider opting out of allowing adult use cannabis retail dispensaries and on-site consumption licenses within its jurisdiction; and

WHEREAS, the Village Board proposed to adopt a local law (hereinafter the “local law”) to opt-out of allowing adult use cannabis retail dispensaries and on-site consumption licenses within their jurisdiction and scheduled a public hearing on November 30, 2021, as required under Village Law to consider the adoption of the local law, which local law is substantially set forth as follows:

“A LOCAL LAW TO OPT OUT OF ALLOWING RETAIL DISPENSARIES AND ON-SITE CONSUMPTION SITES AS AUTHORIZED UNDER NEW YORK CANNABIS LAW ARTICLE 4”

Section 1. Legislative Intent

It is the intent of this Local Law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Village of Sloatsburg that would otherwise be allowed under the Article 4 of the Cannabis Law of the State of New York

Section 2. Authority

This Local Law is adopted pursuant to Cannabis Law Section 131 of the State of New York which expressly authorizes the Village Board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and on-site consumption licenses within the jurisdiction of the Village and is subject to permissive referendum.

Section 3. Local Opt-Out

The Village Board of the Village of Sloatsburg hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the Village’s jurisdiction.

Section 4. Severability

If any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, form or corporation, or circumstances, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, 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 circumstances, directly involved in the controversy in which such judgment or order shall be rendered.

11/30/21

Section 5. Permissive Referendum

This Local Law is subject to a referendum on petition in accordance with Cannabis Law Section 131 and the procedure outlined in Municipal Home Rule Law Section 24.

Section 6. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State; and

WHEREAS, the public hearing was conducted on November 30, 2021, at which time all interested persons were given an opportunity to be heard; now

THEREFORE, BE IT RESOLVED, upon said public hearing and upon the authority of the Village Board of Trustees of the Village of Sloatsburg to enact local laws, the following action was taken:

On a motion by Trustee Bonkoski, seconded by Trustee Donnelly to adopt the proposed local law "Opting Out of Allowing Retail Dispensaries of Cannabis and On-site Consumption Sites for Cannabis in the Village of Sloatsburg"; and

On a roll call vote:

<i>Trustee Bonkoski</i>	<i>Aye</i>
<i>Trustee Donnelly</i>	<i>Aye</i>
<i>Trustee Donohue</i>	<i>Aye</i>
<i>Trustee Frasier</i>	<i>Aye</i>

Motion carried.

The foregoing was seconded by Trustee Donnelly and was duly adopted by unanimous vote.

Mayor Akey stated that the Board's decision is to opt out, so the law will go into effect.

Mr. Ellsworth advised the Mayor that the Village Clerk should have the local law published and also upload an Opt Out Form to New York State, no later than December 31, 2021. He recommends it be done immediately for the State to know that the municipality has opted out so they cannot take any action after January 1st.

Mayor Akey asked for any further comments or questions from the Board, none received. He then asked for a motion to close the public hearing.

Adjourn

On a motion by Trustee Bonkoski, seconded by Trustee Frasier to close the public hearing at 7:30PM. All in favor, motion carried.

Respectfully submitted,

Thomas F. Bollatto, Jr.
Village Clerk & Treasurer

TFB:ds