

MINUTES

TOWN OF WARSAW

AUGUST 11, 2021

PUBLIC HEARING FOR CANNABIS LOCAL LAW ENTITLED
"CANNABIS LOCAL LAW OPTING OUT OF RETAIL SALES AND ON-
SITE CONSUMPTION ESTABLISHMENTS" SUBJECT TO PERMISSIVE
REFERENDUM

Supervisor Rebecca Ryan calls the Public Hearing to order at 6:00 p.m. at the Warsaw Town Office located at 83 Center Street Warsaw, NY 14569. The hearing will remain open for comments until 6:25 p.m.

PRESENT:

Supervisor:	Rebecca Ryan
Councilman:	Chris Lonneville
Councilman:	Dave Mateer

ABSENT:

Councilman:	Kevin Zeches
Councilwoman:	Shani Jones

ALSO, PRESENT:

Town Clerk:	Cathy Smith
Highway Super:	Jeff Royce
Historian:	Sally Smith

TOWN OF WARSAW

**RESOLUTION ADOPTING LOCAL LAW ENTITLED,
"CANNABIS LOCAL LAW OPTING OUT OF RETAIL SALES
AND ON-SITE CONSUMPTION ESTABLISHMENTS"
SUBJECT TO PERMISSIVE REFERENDUM**

Adopted: August 11, 2021

The Town Board of the Town of Warsaw met at a regular meeting at the Town Office of the Town of Warsaw in the Town of Warsaw, New York on the 11th day of August 2021, commencing at 6:00 p.m. at which time and place the following members were:

Present: Supervisor Rebecca Ryan
 Member Chris Lonneville
 Member Dave Mateer

Absent:
 Member Kevin Zeches
 Member Shani Jones

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, pursuant to Governor Andrew Cuomo's Executive Orders put into place in consideration of the COVID-19 pandemic and the guidelines put into place during the phase of New York Forward, said meeting was held in accordance with social distancing protocol; and

WHEREAS, the Town Board of the Town of Warsaw held a socially distanced public hearing due to the COVID-19 regulations on the proposed adoption of said local law on the 11th day of August, 2021 at 6:00 p.m., at which time all interested parties and citizens for or against the proposed law were heard; and

WHEREAS, Governor Cuomo signed into law the Marijuana Regulation and Taxation Act (MRTA) on March 31, 2021; and

WHEREAS, the Town Board of the Town of Warsaw has considered a proposed local law known as "Cannabis Local Law Opting Out of Retail Sales and On-Site Consumption Establishments," which would prohibit retail dispensaries and on-site consumption establishments within the boundaries of the Town of Warsaw; and

WHEREAS, Tax Law §493(c) places a 4% local tax on the retail sale of adult-use cannabis. If the Town of Warsaw adopts the proposed local law to opt-out of the retail sales of cannabis, the Town of Warsaw will not receive 3% of the 4% of the implemented local tax; and

WHEREAS, Local governments, such as the Town Board of the Town of Warsaw must adopt a local law subject to permissive referendum to opt-out of the retail sales and on-site

consumption establishments of cannabis on or before December 31, 2021. No laws opting out of retail sales and on-site consumption establishments of cannabis are eligible to be adopted after December 31, 2021; and

WHEREAS, in an effort to combat drug use in the County of Wyoming, the Town Board of the Town of Warsaw believes it to be wise to prohibit cannabis retail dispensaries and on-site consumption establishments within the Town of Warsaw. With that being said, the Town Board of the Town of Warsaw finds in the best interest of the Town of Warsaw to adopt the proposed local law entitled, "Cannabis Local Law Opting Out of Retail Sales and On-Site Consumption Establishments"; and

NOW ON MOTION OF Chris Lonneville which has been duly seconded by Dave Mateer, it is

RESOLVED, that the Town Clerk of the Town of Warsaw is hereby directed to publish an abstract of this resolution concisely stating the purpose and effect thereof in the Town's official newspaper within ten (10) days after the date of adoption of this resolution; and be it further

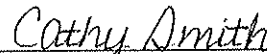
RESOLVED, that said resolution shall not take effect until thirty (30) days after its adoption or until approved by the affirmative vote of a majority of the qualified electors in the Town of Warsaw; and be it further

RESOLVED, the Town Board of the Town of Warsaw hereby adopts the local law entitled, "Cannabis Local Law Opting Out of Retail Sales," which shall take effect if no petition is filed within thirty (30) days of this resolution; and be it further

RESOLVED, if a petition is signed by a number of town electors equal to at least 10% of the number of votes cast for governor in the Town at the last gubernatorial election, the adoption of the local law entitled, "Cannabis Local Law Opting Out of Retail Sales and On-Site Consumption Establishments," shall be brought to a vote.

Ayes: 3
Nays: 0
Quorum Present: X Yes No
Dated: August 12, 2021

[SEAL]



Cathy Smith, Clerk
Town of Warsaw

TABLED until the September 08, 2021 meeting is the Supervisors report.
Clarification is needed for the Highway funds outside the village.

The Town has received half of the ARPA funds. Supervisor Ryan noted that a plan needs to be submitted. Some of the funds could be used towards the Court Clerks pay and the safety windows and since we are working on the budget this is the time to do it.

A motion was made by Chris Lonneville and seconded by Dave Mateer to approve the Clerks report. Carried: Ayes: 3, Nays: 0, **Absent/Abstain**: Kevin Zeches and Shani Jones.

With a correction to Prepay voucher #66 and Highway #103 a motion was made by Dave Mateer and seconded by Chris Lonneville to approve the vouchers. Carried: Ayes; 3, Nays: 0, **Absent/Abstain**: Kevin Zeches and Shani Jones.

Cemetery: Nothing to report

Historian report was given by Sally Smith. Sally will be at the fair on Thursday and Friday from 10 a.m. until 9 p.m.

Airport report was given by Dave Mateer. * Remote camper event was July 24, 2021. *Hangars are full. \$32,000 is available from the American

Rescue Plan. *There is no information on the snow removal equipment building. *The design for lighting in the amount of \$163,000 has been approved. *Inmates have helped out. *Would like to upgrade either the fuel system or security system but are leaning more towards the fuel system. * Need to increase the budget from \$16,000 to \$20,000. This money will stay with the Town until there is a formal request.

Zoning report was given by Bob Martin. *Permits issued were for 2 signs and a type 1 solar project on Mungers Mills Road. *Dunkins is waiting on coolers. *Construction of storage buildings has begun on Commerce Way.

A new restaurant sign was put up but it did not go before the Planning Board. The mural on West Buffalo never came before the Planning Board. The issue with the chickens on the West hill seems to have calmed down.

Highway report was given by Jeff Royce. *Helped Orangeville, Pike and Middlebury pave. *Roadsides have been mowed for the second time. *Truck 243 had \$7,000 worth of work done on it. * Interested in purchasing a generator for the shop.

A motion was made by Dave Mateer and seconded by Chris Lonneville to approve the purchase of a generator under the Building Resilient Infrastructure grant program through the Wyoming County Mitigation Plan. Carried: Ayes: 3, Nays: 0, **Absent/Abstain:** Kevin Zeches and Shani Jones. A dollar amount is needed.

Supervisor Ryan asked if the resolution for the Wyoming County Mitigation Plan had been signed and sent. Cathy Smith answered yes.

Calamar: Nothing to report

There will be an amendment to the tax roll due to Wal-Mart's reduction. Currently assessed at 3.5 million and are asking for an assessment of 3.1 for one year only.

A motion was made by Chris Lonneville and seconded by Dave Mateer to adjourn at 7:34 p.m.