

A special meeting of the Town Board of the Town of Moreau was held on December 22, 2021 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York for the purpose of having discussion and possible adoption of Local Law 8 of 2021.

The special meeting was held in person as well as broadcast via Zoom.

The Supervisor called the special meeting to order at 6:00 p.m.

**Town Board Members Present**

John Hogan	Councilmember
Kyle Noonan	Councilmember
Alan VanTassel	Councilmember
Theodore T. Kusnierz, Jr.	Supervisor

**Town Board Members Absent**

John Donohue, Jr.	Councilmember
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**Also present:** Leeann McCabe, Town Clerk; Karla Buettner, Attorney for the Town; Others: Reece Rudolph and Colin Signor

The Supervisor stated that the purpose of the meeting was to consider the adoption of Local Law 8 of 2021, in relation to opting out of permitting cannabis retail dispensaries and on-site consumption sites in the Town of Moreau, as authorized by the Marihuana Regulation and Taxation Act, Article 4, Section 1. He stated that there was a public hearing earlier and comments were made from several members of the public, as well as written comment. The Supervisor stated that the Board members have had the opportunity to hear and to read the comments. He stated, that the reason for this proposed Local Law, is that under the State law, municipalities are under a deadline of December 31<sup>st</sup> of this year to determine whether they do nothing, in which case they would have to adhere to any rules and regulations promulgated by the State in relation to retail sale and consumption of cannabis, or the municipality has the authority to opt out, with the option to opt back in later on. After attempting to discern what the regulations were from the State and recognizing that there wasn't a lot of information at this time, the Town Board thought it was prudent to preserve the municipality's rights to regulate sales in the Town of Moreau, until they know exactly what the regulations entail. The Supervisor stated that he knew there was interest on the Board to allow for the sales, but what that interest is will depend on the regulations coming down from New York State. The Supervisor stated that he believed it was prudent and in the best interests of the Town to opt out at this time, until the regulations are enacted, so the Town Board has an opportunity to do their due diligence in their role as elected officials in the Town.

Councilmember VanTassel stated, that as a Board being asked to do the right thing on behalf of the tax payors and making decisions without all the information is a tough spot to be in, especially with a deadline of December 31, 2021. Being that the Town has the right to opt back in, and being that the Chairman of the Cannabis Board hopes to have the regulations published, hopefully by next month, it seems like a prudent thing to do for our tax payers and preserving our right to opt back in, when the Town better understands the regulations. He stated that he was a huge fan of how the Town of Moreau can capture the tax revenues at the right balance for all residents. He stated that they need to understand the regulations first.

Councilmember Noonan stated that his thoughts mirrored Councilmember VanTassel's. He stated that he felt they were under a bit of a time crunch to make this decision and quicker than they wanted to. He stated that he understood that some folks are unhappy that this seems like a last-minute decision, but the reality is that they've been waiting for guidance and it hasn't come. He stated that he did a little research on his own by calling the Office of Cannabis Management and stated that it was very clear, at this point in time, that the questions he had were unable to be answered. It strengthened his stance that opting out now, until they can find out what the regulations are, would be the best way that he would like to go. He stated that he is in favor of dispensaries in the Town of Moreau for the financial gain for the residents of the Town of Moreau. He stated that he is not in favor of on-site consumption. He stated that he would like to see dispensaries when the time is right but opting out right now is the best thing to do for the Town.

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Councilmember Hogan stated, that when they first voted on this, he was under the impression that if they opted out, they couldn't get back in. He stated, that he realized now, they can opt back in at a later date. He stated that they want this to go forward but in a controlled setting. With the lack of information from the State, they don't have that. He stated that if they opt out now, they can opt back in at a later time. He stated that this is where he wants to go.

The Supervisor stated that there's a misconception, that the action they're about to take this evening, is an effort to ban any type of retail sales of cannabis in the Town of Moreau. He stated that nothing could be further from the truth. He stated that they're under a time crunch and haven't received sufficient guidance from the State. He stated that they're doing the appropriate thing and preserving their rights based on the regulations that may be promulgated from the State before they take any action. He stated that they do know, per State law, that individuals will have 45 days for a permissive referendum, so there are other options for the community, in addition to what they're doing this evening, to preserve the Town's rights. He stated, that if the Board is willing to move forward, the Clerk has a resolution to read. Attorney Buettner stated that they would need to do SEQRA first. She stated that they have before them Parts 1, 2 and 3 of the Environmental Assessment Form. Part 1 defines the project, which is the adoption of Local Law #8. It identifies that this is a Local Law and the Supervisor will sign the document. Part 2 is the page, where they go through the eleven questions to ascertain whether or not there will be an environmental impact with the adoption of the Local Law. Attorney Buettner asked the Supervisor if he wanted her to read through the questions and he replied that he did. Attorney Buettner read questions #1 through #11 and all were answered to be "No, or small impact". She stated that Part 3 is the page where the Town makes the determination of significance based on the answers to the questions in Part 2. She asked if it was the Board's desire to identify that the proposed action will not result in any significant adverse environmental impacts. The Board members answered "yes". She asked if it was the Board's desire to issue a negative declaration and the answer was "yes". She stated, that if this is the Board's desire, the negative declaration is included in the resolution. The Supervisor asked the Clerk to read the resolution into the record.

**Resolution #2021-382**

**RESOLUTION  
TOWN BOARD  
TOWN OF MOREAU**

**ADOPTION OF LOCAL LAW 8 OF 2021, OPTING OUT OF PERMITTING CANNABIS RETAIL  
DISPENSARIES AND ON-SITE CONSUMPTION SITES IN THE TOWN OF MOREAU AS AUTHORIZED  
UNDER CANNABIS LAW ARTICLE 4 SECTION 1**

WHEREAS, the Town Board of the Town of Moreau ("Board") is considering the adoption of Local Law No. 8 of 2021, which, if adopted as proposed, would add a local law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Moreau that would otherwise be allowed under the Marihuana Regulation and Taxation Act; and

WHEREAS, the Board finds that the adoption of Local Law No. 8 of 2021 is in the best interest of the Town and it is necessary to provide for the health, safety and welfare of Town residents and property owners; and

WHEREAS, the Board finds that the adoption of Local Law No. 8 of 2021 is a necessary and proper exercise of authority by the Board; and

WHEREAS, the authority for the enactment of this local law is found in Section 10(1)(i) of the Municipal Home Rule Law; and

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WHEREAS, pursuant to Section 20 of the Municipal Home Rule Law, a public hearing on the proposed adoption of Local Law No. 8 of 2021 was properly noticed in the newspaper and posted, and was duly conducted on December 22, 2021, at the Town Municipal Complex; and

WHEREAS, the Board has considered the public comments provided before and those made at the public hearing; and

WHEREAS, the Board, serving as lead agency for this Unlisted action under SEQRA, reviewed a short environmental assessment form and determined that the action does not present any adverse environmental impacts; and

WHEREAS, after thorough review and deliberation, the Board proposes to adopt Local Law No. 8 of 2021; and

WHEREAS, the Attorney for the Town has prepared the necessary documents for filing this local law with the Secretary of State including the text of the law itself;

NOW THEREFORE, BE IT RESOLVED, that the Board hereby adopts Local Law No. 8 of 2021, which adds a local law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Moreau that would otherwise be allowed under the Marihuana Regulation and Taxation Act; and

BE IT FURTHER RESOLVED, that the Board adopts and authorizes the filing of a negative declaration; and

BE IT FURTHER RESOLVED, that the Board hereby authorizes the Town Clerk and the Attorney for the Town to make such minor modifications to the local law documents as they deem necessary and thereafter are directed to execute and file the said documents as required by law and to take all of the necessary action for the promulgation thereof; and

BE IT FURTHER RESOLVED, that the adoption of this local law is subject to permissive referendum.

MOTION: Councilmember VanTassel

SECOND: Councilmember Hogan

	Aye	Nay	Absent
Councilmember Donohue			X
Councilmember Hogan	X		
Councilmember Noonan	X		
Councilmember Van Tassel	X		
Supervisor Kusnierz	X		

A motion was made by Councilmember Hogan, seconded by Councilmember Noonan and carried, to close the special meeting for the evening at 6:16 p.m.

Asked if all in favor, the following responses were given:

Councilmember Hogan	Aye
Councilmember Noonan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Absent
Supervisor Kusnierz	Aye

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Meeting adjourned.

Respectfully submitted,

Leeann McCabe  
Town Clerk

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