



**Town Board
Special Meeting
November 29, 2021**

The Town Board of the Town of Chester convened at the Town of Chester Municipal Center, 6307 State Route 9, Chestertown, New York, at 4:30 pm.

Roll Call: Supervisor Craig Leggett, Karen DuRose, Mike Packer, Chris Aiken, Larry Turcotte, and Deputy Supervisor Marion Eagan.

Special Meeting:

Supervisor Leggett **opened** the Special Town Board Meeting at 4:30 pm by Councilman Aiken leading the Pledge of Allegiance.

Cannabis Opt Out:

Supervisor Leggett the following from the Office of Cannabis Management:

Cities, towns, and villages can opt-out of allowing adult-use cannabis retail dispensaries or on-site consumption licenses from locating within their jurisdictions; however, municipalities cannot opt-out of adult-use legalization. Possession and use of cannabis by adults 21 years of age or older is legal in New York State.

To opt-out of allowing adult-use cannabis retail dispensaries or on-site consumption licenses, a municipality must pass a local law by December 31, 2021. This means that if a municipality has already passed a local law or resolution prohibiting adult-use cannabis licensees from operating in its jurisdiction, the municipality will have to pass a new local law conforming to the opt-out requirements outlined in the MRTA if the municipality still chooses to opt-out.

If a municipality does not opt-out by December 31, 2021, the municipality will be unable to opt-out at a future date. However, at any time a municipality may opt back in, to allow adult-use retail dispensaries and/or on-site consumption licenses, by repealing the local law which established the prohibition.

Supervisor Leggett asked if anyone from the public would like to speak.

Hearing none, Supervisor Leggett read the following proposed Local Law:

**A LOCAL LAW OPTING OUT OF LICENSURE AND ESTABLISHMENT OF
CANNABIS RETAIL DISPENSARIES AND/OR CANNABIS ON-SITE CONSUMPTION
ESTABLISHMENTS WITHIN THE TOWN OF CHESTER**

Section 1. Legislative Intent – On March 31, 2021, Governor Cuomo signed into law the Marihuana Regulation and Taxation Act (MRTA) codified as Chapter 7-A – Cannabis Law. Among other things, the Cannabis Law authorizes the retail sale of adult-use cannabis to consumers pursuant to a retail dispensary license and/or on-site consumption license. However, Section 131 of the Cannabis Law provides that a

municipality may opt out of establishment of such retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the municipality by adopting a Local Law, subject to permissive referendum, no later than December 31, 2021. It is the intent of this Local Law to implement this option in order to prevent the establishment and operation of adult-use cannabis retail dispensaries and/or on-site consumption sites within the Town.

Section 2. Authority – This local law is adopted pursuant to Cannabis Law Section 131 and Municipal Home Rule Law Section 10.

Section 3. Cannabis Retail Dispensary and/or On-Site Consumption Opt-Out – The Chester Town Board hereby opts-out of licensing and establishing cannabis retail dispensaries and/or cannabis on-site consumption establishments within its boundaries and requests the Cannabis Control Board to prohibit the establishment of such retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the Town.

Section 4. Severability – The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part hereof.

Section 5. Repealer – All Local Laws or ordinances or parts of Local Laws or ordinances in conflict with any part of this Local law are hereby repealed.

Section 6. Effective Date – This Local Law is subject to permissive referendum and shall not become effective unless and until 45 days have elapsed after its adoption and no petition protesting against this Local Law has been filed with the Town Clerk or, if such a petition is filed, a proposition for the approval of this Local Law has been submitted and received the affirmative vote required for approval pursuant to Municipal Home Rule Law Section 24. If no petition is timely filed or if a petition is filed and this Local Law is approved, it shall take effect upon being placed on file by the office of the New York Department of State.

RESOLUTION NO. 171 OF 2021: SET A PUBLIC HEARING DATE OF DECEMBER 14, 2021 AT 7 PM REGARDING THE OPPORTUNITY TO “OPT OUT” OF THE STATE CANNABIS LAW

WHEREAS, New York State passed a Law on March 31, 2021 to legalize adult-use cannabis by passing the Marijuana Regulation & Taxation Act (MRTA), and

WHEREAS, Towns can opt-out of allowing adult-use cannabis retail dispensaries or on-site consumption licenses from locating within their jurisdictions by passing a local law by December 31, 2021,

BE IT RESOLVED, the Town Board sets a public hearing date of December 14, 2021 at 7 pm regarding the opportunity to “opt out” of the State Cannabis Law.

On a motion by Mr. Packer, seconded by Mrs. DuRose, Resolution No. 171 of 2021 was **ADOPTED**.

AYE 5 NO 0

Set Rates for use of the Auditorium:

Supervisor Leggett asked the Town Clerk to elaborate on setting rates for use of the auditorium.

The Town Clerk stated that she had received a request for private use of the auditorium and is asking the Board to set rates for private use.

A lengthy discussion ensued and will continue at the next Board meeting.

Mr. Packer received an email from National Grid about the street lights and will follow up at the next meeting.

On a motion by Mr. Aiken, seconded by Mr. Packer, meeting adjourned at 4:57 pm.

AYE 5 NO 0

Respectfully submitted,

Town Clerk