

October 27, 2021
Public Hearing
6:00 pm

Present: Supervisor Gerald L. Deming, Council Members: Lynn Parnell, Amos Smith, Norman Gates and Frank Rose Jr.

Absent: None

Others: James Campbell (Town Attorney), Jason Swede, Davies Nagel, Alan Brightman, Kirk Richenberg, Martha Edmonds, Carl Peter and Donna Walker.

Supervisor Deming opened the Public Hearing at 6:00 p.m. and requested Attorney Campbell read aloud the hearing notice.

QUESTIONS/COMMENTS:

Q-Alan Brightman: If we opt out, we will not receive any tax revenue, correct?
Supervisor Deming replied that it is correct, we will not receive revenue.

Mr. Brightman asked, is there any idea of how much revenue we could obtain?
Attorney Campbell responded that the revenue is disbursed through the County, with a 4% share to towns that have not opted out.

Councilman Rose asked if sales tax money goes directly to the Town?
Attorney Campbell answered that monies go to the County and then shared by the Towns participating.

Q-Jason Swede: The Town conducted a survey, what were the results?
Mr. Campbell reported that the Town received a very good response with the surveys, the numbers are as follows:

In Favor of Allowing- 451
Not in Favor- 553

Q- Davies Nagel: The results reflect 1,000 people which is roughly only half of the Town's population.

Councilman Smith stated that is the purpose of the Public Hearing as well as the survey is to receive comment from the community.

Councilwoman Parnell commented, look at the turnout this evening...people have had the opportunity to voice their opinion.

Q-Jason Swede: If the Town opts out before the end of the year, can you opt in later?
Attorney Campbell replied that the Town can decide to opt in at a later date but will be required to conduct another public hearing.

Q- Davies Nagel: As I understand it, only a certain number of permits will be allowed, if the Town opts out now, we may not have a chance for a permit later.

Supervisor Deming commented that the State seems to be focusing on bigger cities and Attorney Campbell added the priority is urban, populated areas.

Q- Davies Nagel: I was in one of these shops in Canada before and it seemed to be well run with no negative impact, and feels we would be in line for a permit.

Attorney Campbell reported that the Town received a great deal of input through the surveys with comments on many of them.

Q-Martha Edmonds: If the Town opts out now, we can always opt in later but if we say yes now, we are locked into this decision. I believe this is a money maker with the sales tax of 8%; 4% to the State and 4% to the County (which is then divided among towns who are opting in).

Mr. Campbell clarified that this is not a regular sales tax. The selling town gets a percentage.

Q- Jason Swede: What if we say yes to this but no application is applied for?

Attorney Campbell stated the Town may not receive an application but if the County receives applications, we will obtain a percentage as well.

Councilman Smith inquired as to what Towns in the County have opted out.

Attorney Campbell answered that he is not sure which towns have opted out but the towns he represents have decided not to opt out:

- Avon
- Lima
- Springwater
- Leicester

Mr. Campbell stated it may be a different equation for densely populated areas, many have not opted out.

Mr. Nagel commented maybe for a good reason.

Supervisor Deming and Attorney Campbell commented that there is State regulations that the retail dispensaries and onsite consumption sites cannot be within 500 feet of a school.

Mr. Campbell added that towns are able to have more restrictive regulations if they deem necessary. Also, these sites cannot be in properties where alcohol or lottery (games of chance) are sold.

Q-Martha Edmonds: Does the onsite consumption site actually sell the product there?

Attorney Campbell responded yes; they can sell the product onsite as well as smoke on the premise. Regulations prohibit alcohol or games of chance (lottery).

Alan Brightman: the chance of someone opening one here is slim, why would we want to lose our opportunity for revenue.

Attorney Campbell commented that the state has discussed that licenses and permits will be limited but if this is a big revenue for the State, they will be probably issue more permits.

Q-Martha Edmonds: Is there a “limit” to reach?

Attorney Campbell replied that there is not a limit to reach, no breathalyzer test for marijuana. There are tests that can be administered though.

Q-Martha Edmonds: Why didn't Geneseo have a Public Hearing?

Attorney Campbell responded that he cannot answer for Geneseo, he does not represent that municipality.

Q-Kirk Richenberg: In the Village of Nunda, they had a separate election for this on September 22nd, do we know the results?

The Board replied that they did not know the results for the Village of Nunda.

Supervisor Deming commented that this Board initially wanted to put this matter on the November 2nd ballot but due to requirements for a Public Hearing and referral to Livingston County Planning after the election, it would not have given time to opt out if that was the decision of the Board.

Q-Kirk Richenberg: What is the timeline?

Mr. Campbell answered that the Local law was presented to the Town Board which requires a referral from the County. A Public Hearing was scheduled and if the Local Law was approved it was subject to a 45-day Permissive Referendum, if no petitions were filed within that time frame, adoption thereafter can take place but the deadline is December 31, 2021. This would be a very tight timetable.

Q- Kirk Richenberg: Has the Town Board considered opting in and/or having to adopt additional codes to protect our safety?

Supervisor Deming commented that he is not sure how the other Board Members feel but he believes we need to come up with areas where these requests would be allowed.

Attorney Campbell added that the Board would need to decide where to place these applications perhaps in the current Adult Use Overlay areas of the existing code. This area states specifically what is or isn't a permitted use.

Q- Kirk Richenberg: Are you leaving the Public Hearing open tonight?

Mr. Campbell stated that the Board may leave it open but if they want to opt-out they should render a decision in order to make the December deadline.

Councilman Rose commented in all his travels, he has encountered several of these onsite consumption sites which seem to work in these communities and would hate to lose revenue but understands what the survey results reflected.

Q-Martha Edmonds: If the Town Board does nothing?

Attorney Campbell responded if the Board takes no action, they are essentially opting in.

Kirk Richenberg: I agree with Frank (Councilman Rose) and added that the Board should leave the hearing open for additional comments for a few days.

Supervisor Deming commented that a large number of residents responded to the survey we mailed out which we were grateful for their input as well as the additional comments on the surveys.

After no further questions or comments....

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to close the Public Hearing at 6:30 p.m. Voted on and approved, Yes-5, No-0.

SPECIAL TOWN BOARD MEETING
6:30 p.m.

Present: Supervisor Gerald L. Deming, Council Members: Lynn Parnell, Amos Smith, Norman Gates and Frank Rose Jr.

Absent: None

Others: James Campbell (Town Attorney), Jason Swede, Davies Nagel, Alan Brightman, Kirk Richenberg, Martha Edmonds, Carl Peter and Donna Walker

Supervisor Deming opened the Special Town Board Meeting at 6:31 p.m.

Supervisor Deming stated that the Special Town Board Meeting was scheduled to render a decision on whether or not to opt out of allowing cannabis/marijuana retail dispensaries and onsite consumption sites in the Town of York.

Mr. Deming asked each Board member their thought on whether or not to opt-out or take no action. Attorney Campbell added, if the Town Board decides to opt-out we will need to conduct SEQR.

Councilwoman Parnell- Take No Action
Councilman Smith- Opt out
Councilman Rose- Take No Action
Councilman Gates- Opt out
Supervisor Deming- Take No Action

The decision of the Board is not to take any action at this time.

ADJOURNMENT:

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to adjourn the Special Town Board Meeting at 6:33 p.m. Voted on and approved, Yes-5, No-0.

Respectfully Submitted,
Christine M. Harris
Christine M. Harris, Clerk