

**TOWN OF WESTERLO  
PUBLIC HEARING, SPECIAL TOWN BOARD & WORKSHOP MEETING  
OF TUESDAY DECEMBER 7, 2021**

The Town of Westerlo Town Board held a Public Hearing, Special Town Board and Workshop Meeting on Tuesday, December 7, 2021 at the Richard H. Rapp Municipal Building located at 933 County Route 401, Westerlo, NY 12193. Deputy Supervisor Kryzak opened the meeting at 5:33pm with the Pledge of Allegiance to the Flag.

Attending was: Councilwoman Amie L. Burnside  
Deputy Supervisor/Councilman Matthew Kryzak  
Councilman Joseph J. Boone  
Councilman Richard Filkins

Also attending were: Hometown Heroes member Lisa DeGroff, Deputy Town Clerk Marta Pongo, Town Clerk Karla Weaver and approximately 16 interested residents.

Councilman Kryzak explained that the purpose of the Public Hearing was to discuss a proposed Local Law regarding opting out of cannabis retail dispensaries and on-site consumption establishments in terms of the Marijuana Regulation and Taxation Law.

**PUBLIC HEARING**

**OPEN PUBLIC HEARING REGARDING CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION**

Councilman Filkins made a motion to open the Public Hearing at 5:34pm. Councilwoman Burnside seconded; all in favor motion carried. Councilman Kryzak encouraged the public to comment on the proposed Cannabis Law.

Hometown Heroes member Lisa DeGroff expressed her concerns that the Town doesn't have the necessary laws in place to opt in at this particular moment and she worried about the smell and potential crime. She also mentioned that people who need medical marijuana will still be able to get it.

Another resident indicated dispensaries should be allowed when laws are in place. He also mentioned the Town should have a place for residents to gather otherwise people will be smoking on the streets. He also believed dispensaries would bring money to the Town. Another resident disagreed suggesting it would attract undesirable people and bring more crime. Another resident believed the 3% in revenue the Town would receive on each sale would not be worth it. Councilwoman Burnside explained the Town can always opt in at a later time; however, if the Town opt's in right now then it cannot opt out. Councilman Kryzak explained

the reason that the Town Board wants to opt out is that there is not enough information, laws or regulations currently in place.

A resident expressed concern for health and marijuana's bad influence on well-being.

Discussion continued regarding why the Town should not opt in. The Board discussed how the Town would handle potential marijuana businesses. Residents were interested in reviewing the topic in a year to check with surrounding towns which opted in, about their thoughts on marijuana, crime rate and children's health. Councilman Kryzak indicated there were bigger problems to worry about than selling drugs in town; Councilwoman Burnside agreed. Councilman Boone indicated it is not the right time to opt in explaining the Town has to be set up to protect itself; Councilman Filkins agreed. Mr. Boone didn't believe Westerlo residents would walk down the streets and smoke but the potential is there; he also expressed his concern for the safety of the residents. After hearing more comments from residents in favor of opting out, Councilwoman Burnside made a motion to close the Public Hearing at 6:09pm. Councilman Filkins seconded; all in favor motion carried.

#### **SPECIAL TOWN BOARD MEETING**

Councilman Filkins made a motion to open the Special Town Board meeting at 6:09pm. Councilman Boone seconded; all in favor motion carried.

#### **PROPOSED LOCAL LAW 5 OF 2021- OPTING OUT OF CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION**

Councilman Kryzak explained that the purpose of the Special Town Board Meeting was for the Town Board to vote whether to opt in or opt out of allowing on-site consumption and cannabis dispensaries within the Town of Westerlo. Councilman Kryzak made a motion to adopt the following resolution:

- WHEREAS:** the Town Board of the Town of Westerlo has introduced proposed Local Law No. 5 of the Year 2021 to opt-out of allowing cannabis retail dispensaries and on-site consumption establishments within the Town of Westerlo, pursuant to the Marijuana Regulation and Taxation Act and subject to a permissive referendum pursuant to Sections 90 and 91 of the New York State Town Law; and
- WHEREAS:** the Town Board duly noticed and held a public hearing on the proposed local law on December 7, 2021; and
- WHEREAS:** the enactment of this local law is a Type II action pursuant to the New York State Environmental Quality Review Act, 6, N.Y.C.R.R. 617.5 as it involves agency administration, management and legislative decision making that does not affect the environment or commit the Town to a future decision on a project, and therefore is exempt from environmental review; and be it hereby

**RESOLVED:** that the Town Board hereby approves and adopts Local Law No. 5 of 2021 of the Town of Westerlo to opt-out of allowing cannabis retail dispensaries and on-site consumption establishments within the Town of Westerlo, pursuant to the Marijuana Regulation and Taxation Act and subject to a permissive referendum pursuant to Sections 90 and 91 of the New York State Town Law and the procedure outlined in New York Municipal Home Rule Law § 24 and be it further

**RESOLVED:** that pursuant to Town Law § 90, within ten (10) days from the date of this resolution, the Town Clerk, in the same manner as provided for notice of a special election, shall post and publish a notice which shall set forth the date of adoption of this resolution, contain an abstract of such resolution concisely stating the purpose and effect thereof, and specify that this resolution was adopted subject to permissive referendum. The Town Clerk shall also, within said ten (10) day period, publish such notice in the official Town newspaper and further post such notice on the Clerk's bulletin board and the Town's website. This resolution shall take effect 45 days after its adoption unless the Town Clerk receives a signed and authenticated petition protesting said local law within 45 days after its adoption pursuant to New York State Municipal Home Rule § 24.

Councilman Filkins seconded; a vote resulted as follows:

AYES: Councilman Kryzak, Councilman Filkins, Councilman Boone, Councilwoman Burnside

NAYS: None

**RESOLUTION # 121 of 2021 was thereby duly adopted.**

### **PUBLIC COMMENT**

Mrs. DeGross commented that the Town Hall was beautifully decorated. Other residents liked that the community got together for the Christmas Tree Lighting on December 4, 2021 at the Town Hall. All agreed it would be nice to see more events like this in the future. Councilman Kryzak mentioned that a Winter Festival, skate rink and sledding hill are coming next winter. Someone mentioned it would be a good idea to make sure those events do not fall on the same day when surrounding towns have their celebrations. Advertising was discussed.

### **ADJOURNMENT OF MEETING**

With there being no further business, Councilman Filkins made a motion to adjourn the meeting. Councilman Boone seconded; all in favor motion carried. Meeting adjourned at 6:38pm.

Respectfully Submitted,

Marta Pongo  
Deputy Town Clerk