

Presiding Supervisor Jacobs called the Special Town Board Meeting, Town of Walworth, County of Wayne, State of New York, held at virtually via Zoom to order at 6:00 PM. Supervisor Jacobs waived the recitation of the Pledge of Allegiance.

<u>PRESENT:</u>	Susie Jacobs Amber Linson Scott Bryson Cody Phillips Jenna Camacho	Supervisor Councilwoman Councilman Councilman Deputy Town Clerk
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<u>ABSENT:</u>	Aimée Phillips-Lomb	Town Clerk
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OTHERS PRESENT: Donald Young, Esq., Town Attorney, Phil Williamson, Code Enforcement Officer; Michael Donalty, Town Supervisor-Elect; Rick Johnson, Town Councilman-Elect; and two (2) members of the public.

PUBLIC HEARING – 6:00 PM - LOCAL LAW NO. 4 OF 2021 TO OPT OUT OF CANNABIS ON-SITE CONSUMPTION SITES

PUBLIC HEARING RULES AND PROCEDURES:

Supervisor Jacobs reviewed the reasoning for the public hearing and the procedures and Deputy Town Clerk read the following legal notice.

**TOWN OF WALWORTH
NOTICE OF PUBLIC HEARING
CORRECTION**

LOCAL LAW NO. 4 OF 2021 TO OPT OUT OF CANNABIS ON-SITE CONSUMPTION SITES

PLEASE TAKE NOTICE that a proposed Local Law is under consideration by Town Board of the Town of Walworth, New York, designated as Local Law No. 4 of 2021 to Opt Out of Cannabis On-Site Consumption Sites.

PLEASE TAKE FURTHER NOTICE that the purpose of said Local Law, generally, is to opt out of allowing cannabis on-site consumption sites in the Town of Walworth that would otherwise be allowed pursuant to NY Cannabis Law.

PLEASE TAKE FURTHER NOTICE that the Town of Walworth feels that it could be premature to permit this new type of establishment in Town without first observing and understanding the regulations which will govern it, which regulations have not been adopted by New York at this time.

PLEASE TAKE FURTHER NOTICE that said proposed Local Law is on file in the Walworth Town Clerk’s Office located at 3600 Lorraine Dr., Walworth, New York, where it is available for public inspection during regular business hours.

PLEASE TAKE FURTHER NOTICE, that a Public Hearing upon said proposed Local Law has been scheduled for the 27th day of December, 2021, at 6:00 PM, to be held virtually, via Zoom video conference, as follows below. An opportunity to be heard in regard thereto will then and there be given. The ZOOM video conference is planned to be broadcast live (i.e., “live streamed”) and viewable to the public at the Town’s Facebook page at: <https://www.facebook.com/WalworthNY>.

NOTICE IS FURTHER HEREBY GIVEN THAT, should the public wish to participate for purposes of being heard during the public hearing, they may do so by joining the meeting via ZOOM as follows: to see video, by joining ZOOM meeting number 826 3621 5611, with password 913070; by phone only, by dialing in to 1(929)2056099.

NOTICE IS FURTHER HEREBY GIVEN THAT, in order to request to speak during the ZOOM meeting, a resident should “raise their hand,” digitally, as follows: if on the Zoom App., by clicking the “raise hand button” on the bottom of the ZOOM App.; if on the phone, by pressing *9; the moderator will unmute each person whose hand is raised, one at a time, to permit them to speak.

NOTICE IS FURTHER HEREBY GIVEN THAT, should the public wish to participate for purposes of being heard during a Town Board meeting while not being virtually present at the meeting, members of the public may submit contributions in writing to the Town Clerk via e-mail at townclerk@townofwalworthny.gov or by mail to Aimée Phillips-Lomb, Town Clerk, Town of Walworth, 3600 Lorraine Drive, Walworth, NY 14568.

Dated: December 17, 2021

BY ORDER OF THE

WALWORTH TOWN BOARD

Aimée Phillips-Lomb, Town Clerk

Supervisor Jacobs declared the Public Hearing opened and asked if anyone present would like to speak in **FAVOR** or **AGAINST**.

Supervisor Jacobs noted that she was unable to stream the meeting on Facebook due to technical difficulties and stated that it would be posted at a later time.

Time: 6:05 PM.

Councilman Bryson asked the Town Attorney to review the reasoning for this hearing and proposed resolution.

There were no comments from the public present, and the Deputy Town Clerk read the following letters that were received:

3385 Wildflower Drive
Walworth, New York, 14568
22 December 2021

Walworth Town Board
3600 Lorraine Drive
Walworth, New York, 14568

To the collective Town of Walworth Board members:

We are writing to you to urge you to **OPT OUT** of allowing dispensaries and consumption sites to be allowed within the Town of Walworth per the Marijuana Regulation & Taxation Act (31 March 2021).

This should be tabled until better input from residents is received, and, when the new full board is available to make a more informed decision. There are only four members on the current board since the sole opening was not filled by the Board after the departure of Karel Ambroz, and two of the current Board members only have five days remaining in tenure. It would seem that the current Board is trying to push through an eleventh-hour piece of legislation that would be better suited to more time to discuss – possibly even waiting for a referendum by the residents of the town to decide the fate of this issue. The Village of Pittsford is attempting to do just that, and under New York State law, that is allowed. Pittsford village voted to opt-out in-order to bring about a referendum, but they are not the only locality to do so (<https://www.rochestercitynewspaper.com/rochester/when-it-comes-to-legal-cannabis-monroe-county-communities-arent-just-saying-no/Content?oid=13817202>). The Marijuana Regulation & Taxation Act was signed into law on 31 March 2021, and while we cannot find the original date that municipalities were directed to vote on allowing dispensaries and consumption sites, it would seem that the Board has had ample time to discuss the issue prior to having to complete a special vote five days prior to the due date. While we do elect members of the Board to legislate and enact laws, regulations, and rules, and to oversee Town affairs, there are some things that really should be left to the voters to decide.

Walworth is a relatively quiet town, and many people move here because it is removed from the busier localities, but still well within travelling distance to the larger areas. Walworth is predominantly patronized by the people who live here and pass through while traversing to other areas on his or her normal commute. Has anyone on the Board completed a study to determine how the impact of such businesses that might setup, at say, the Tops Markets Plaza, would impact day-to-day operations? Has anyone looked at traffic, crime, or any of the other issues that surround not only an increase in business, but an increase in these types of businesses?

There are certain images ascribed and attached to the cannabis industry, and not all of them are historically "good". As it is, while New York State has said that dispensaries, lounges, and a certain amount of "personal use" marijuana / cannabis is legal – the Federal government still maintains that it is NOT legal. This is a cash business that due to the Federal regulations has some issues with the financial and banking aspects as many banks and financial institutions do not want to have anything to do with these types of businesses. That creates opportunity for crime. Given that the town of Walworth does not have a law enforcement agency of its own, and given that the town is still close enough to the city of Rochester to attract certain nefarious members of society, it stands to reason that these types of businesses would be "soft targets" for robbery, burglary, etc. The worry is that these types of businesses are gateway to crime.

There are plenty of ways to look for tax money for the town, but this should not be one of them. There are also plenty of places that are willing to allow these types of businesses to be setup where people can go to get cannabis products. People can go to Rochester or Canandaigua (and some places in-between) if they want to get any cannabis products. It should be noted that as of 24 December 2021 (<https://rockinst.org/issue-areas/state-local-government/municipal-opt-out-tracker/>) that Walworth would not necessarily be in the minority for opting out, as many towns have opted out of both allowing dispensaries and allowing consumption sites.

Our understanding is that if the Board opts out of allowing dispensaries and consumption sites, a vote can be held at any point in the future to reverse that decision, but that if the Board opts-in, that decision is not allowed to be changed. Has anyone on the Board reached out to the residents of the town to get a good feel about how people

feel about this issue? If not – then you should very much consider opting-out and doing some research into the feelings of the residents of the town.

Lisa has lived in Walworth her entire life, and Erik has lived here since 2012, and it is a nice place to live, but allowing these types of businesses changes the outlook of the town and the desire to continue to live here. We have three small children, and this is not an image that we wish to see.

Please vote to opt-out at this time and take up the issue at a later time. If you have ANY questions, comments, or concerns, please feel to reach out us at edeck21@yahoo.com or lmc6425@yahoo.com, or at 315-406-8370.

Thank you.

Erik and Lisa Decker

Monday, December 27, 2021

Good Evening,
 nail Christine Kubide and as a resident of the Town of Walworth and also that of a Co-Admin for the Community Facebook page I am writing to share some thoughts as collected on our page over the months in relation to Local Law, Adult Use Cannabis Retail Dispensaries and On-Site Consumption Sites.

I will begin by saying that while I fully understand that the Walworth Community Facebook page is not a town sanctioned page and discussions, including polls, do not necessarily translate to having a bearing on actual town decision making efforts, the value of our member's opinions and their voices should still be recognized, heard, and considered given the absence of an actual town sanctioned poll. Additionally, many of our page members are individuals who either currently live in Walworth, have previously lived in Walworth, are considering Walworth as their future residence, and/or are residents of neighboring towns & individuals that pass through our town frequently or shop within our town.

The Walworth Community page has posted two (2) polls. The first poll was dated November 3, 2021 and was posted to gain community perspective on the matter of the Cannabis Law as it specifically related to Opt Out/Opt In.

The poll had 114 votes in total with 91 votes of "No, Walworth should Not Opt Out" and 23 votes of "Yes, Walworth should Opt Out". These numbers translate to approximately 80% NOT in favor of Opting Out and 20% that felt Walworth should Opt Out.

The second poll was dated Friday December 17, 2021 and was posted with the focus of gaining community perspective on the matter of the Cannabis Law in a more refined matter—Independent opinion on (A.) Dispensaries, and (B) On-Site Consumption Sites. The second poll was born out of the 2:2 vote by the Walworth Town Board on Thursday December 16, 2021 in regards to the matter of "Opt Out". The results of this poll were:

- 111 votes for "I am in FAVOR of Dispensaries"
- 63 votes for "I am NOT in favor of On-Site Consumption Sites"
- 36 votes for "I am in FAVOR of On-Site Consumption Sites"
- 23 votes for "I am NOT in favor of Dispensaries"

The Dispensary vote had a total vote count of 134 individuals showing that 83% of the polled individuals are in FAVOR of Dispensaries being allowed and that 17% are OPPOSED to Dispensaries being allowed in Walworth.

The On-Site Consumption Sites vote had a total vote count of 99 individuals showing that 64% are NOT in favor of On-Site Consumption Sites being allowed in Walworth while 36% are in FAVOR of On-Site Consumption Sites being allowed.

The results of this poll are current as of Monday, December 27, 2021 at 10:52 a.m.

My question:

1. Recently the Sun & Record/Wayne County Mail published notes from the Town of Arcadia's Town Board meeting and in those notes an individual asked if a vote to Opt Out of either one of the aspects of the

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Cannabis Law, Dispensaries and/or On-Site Consumption Sites, resulted in the loss of revenue generation for the town. The response that person received from Mayor Taylor was "If we opt out of any part, we opt out of the revenue".

Can anyone on the Board, or perhaps our Town Attorney, expand on the validity of this answer—Do we lose the revenue in its entirety or just on the facet that is opted out?

Many of our page members that are in favor of Cannabis Law adoption in our town, based on page dialogue, are in favor of Cannabis Law adoption due to the revenue aspect the town could receive. Given this dialogue and the general interest in revenue generation I think it is important to understand and consider what is necessary to receive the revenue so that a decision isn't made that eliminates that. If as a town we opt out of On-Site Consumption Sites and opt in on just Dispensaries AND as a result revenue will not be received then the benefit of adopting Cannabis Law will not be wholly realized.

In closing, while I recognize that the decision before the town rests in uncharted waters, bringing with it apprehension and uncertainty, I have faith that the members of the Town of Walworth Town Board, our Town Administration, our Town Attorney, members of our Town Departments, and the members of the Planning Board and Zoning Board of Appeals (which I am currently an appointed member of) can work in cohesion to ensure that all future developments will be carefully considered, planned, monitored, and supportive of not only our town's vision, but, that of the majority will of the people that make up our town. Thank you for your time, diligence, and for reading this publicly.

With many thanks,
 Christine Kubide

Discussion ensued regarding reasoning and procedure for opting in or out of dispensaries and/or on-site consumption sites, public opinion, tax revenue, and timeline for New York State submission.

Motion by Councilwoman Linson to close the Public Hearing.
 Seconded by Councilman Bryson.

Roll call vote:	Councilwoman Linson	Aye
	Councilman Bryson	Aye
	Councilman Phillips	Aye
	Supervisor Jacobs	Aye

Motion carried.

Time: 6:46 PM.

RESOLUTION 168-21: SEQR AND ADOPT LOCAL LAW NO. 4 OF 2021 TO OPT OUT OF CANNABIS RETAIL ON-SITE CONSUMPTION SITES

Councilwoman Linson offered the Resolution and moved its adoption. Seconded by Councilman Bryson to wit:

WHEREAS, a public hearing was duly advertised, and held on December 27th in order to hear all interested parties on a proposed local law to opt out of cannabis on-site consumption sites in Town; and

WHEREAS, the Walworth Town Board, after due deliberation, finds it in the best interest of the Town to adopt said local law, for the reasons set forth therein, and finds that it should be approved; and

WHEREAS, the Town Board has assessed this matter for purposes of SEQR, including by way of the attached Parts 1, 2 and 3 of the EAF; now, therefore be it

RESOLVED, that the Town Board hereby finds that the approval of said Local Law will not have any significant adverse environmental impacts and, consistent with those findings on Part 2 and Part 3 of the EAF, which EAF is hereby approved, the Town Board hereby issues a negative declaration; and, be it further

RESOLVED, that the Walworth Town Board hereby adopts said Local Law No. 4 of 2021 to Opt Out of Cannabis On-Site Consumption Sites, all as set forth in the attached Local Law, which is incorporated herein and made a part hereof; and be it further

RESOLVED, that the Walworth Town Clerk be and hereby is directed to enter said Local Law into the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State of the State of New York; and, be it further

RESOLVED, that this resolution is subject to permissive referendum, and, that within ten days hereof, the Town Clerk is hereby directed to post and publish a notice setting forth the date of the adoption of this resolution and containing an abstract of such resolution concisely stating its purpose and effect, specifying that this resolution was adopted subject to a permissive referendum.

Adopted this 27th day of December 2021, at a meeting of the Town Board.

Roll call vote:	Councilwoman Linson	Aye
	Councilman Bryson	Aye
	Councilman Phillips	No
	Supervisor Jacobs	Aye

Resolution carried.

PUBLIC HEARING – 6:05 PM - LOCAL LAW NO. 5 OF 2021 TO MODIFY RESIDENCY REQUIREMENT FOR TOWN OF WALWORTH TOWN COMPTROLLER

Supervisor Jacobs reviewed the reasoning for the public hearing and the procedures and Deputy Town Clerk read the following legal notice.

**TOWN OF WALWORTH
NOTICE OF PUBLIC HEARING**

LOCAL LAW NO. 5 OF 2021 TO MODIFY RESIDENCY REQUIREMENT FOR TOWN OF WALWORTH TOWN COMPTROLLER

PLEASE TAKE NOTICE that a proposed Local Law is under consideration by Walworth Town Board, designated as Local Law No. 5 of 2021 to Revise the Residency Requirement for Town of Walworth Comptroller.

PLEASE TAKE NOTICE that the purpose of said Local Law, is to modify the residency requirement for Town of Walworth Comptroller to a less restrictive residency requirement – that is, to require residency within the County of Wayne (instead of just within the Town of Walworth itself), so as to have a broader range of individuals eligible for the Town Comptroller position.

PLEASE TAKE FURTHER NOTICE that said proposed Local Law is on file in the Walworth Town Clerk's Office located at 3600 Lorraine Dr., Walworth, New York, where it is available for public inspection during regular business hours.

PLEASE TAKE FURTHER NOTICE, that a Public Hearing upon said proposed Local Law has been scheduled for the **27th day of December, 2021, at 6:05 PM**, to be held virtually, via Zoom video conference, as follows below. An opportunity for members of the public to be heard in regard thereto will then and there be given. The ZOOM video conference is planned to be broadcast live (i.e., "live streamed") and viewable to the public at the Town's Facebook page at: <https://www.facebook.com/WalworthNY>.

NOTICE IS FURTHER HEREBY GIVEN THAT, should the public wish to participate for purposes of being heard during the public hearing, they may do so by joining the meeting via ZOOM as follows: to see video, by joining ZOOM meeting number 826 3621 5611, with password 913070; by phone only, by dialing in to 1(929)2056099.

NOTICE IS FURTHER HEREBY GIVEN THAT, in order to request to speak during the ZOOM meeting, a resident should "raise their hand," digitally, as follows: if on the Zoom App., by clicking the "raise hand button" on the bottom of the ZOOM App.; if on the phone, by pressing *9; the moderator will unmute each person whose hand is raised, one at a time, to permit them to speak.

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Dated: December 17, 2021
BY ORDER OF THE
WALWORTH TOWN BOARD
Aimée Phillips-Lomb, Town Clerk

Supervisor Jacobs declared the Public Hearing opened and asked if anyone present would like to speak in **FAVOR** or **AGAINST**.

Time: 6:51 PM.

Councilman Bryson asked the Town Attorney to review the reasoning for this hearing and proposed resolution.

There were no comments from the public present, and no correspondence was received by the Town Clerk's office.

Motion by Councilman Bryson to close the Public Hearing.
 Seconded by Councilman Phillips.

Roll call vote:	Councilwoman Linson	Aye
	Councilman Bryson	Aye
	Councilman Phillips	Aye
	Supervisor Jacobs	Aye

Motion carried.

Time: 6:53 PM.

RESOLUTION 169-21: ADOPT LOCAL LAW NO. 5 OF 2021 TO MODIFY RESIDENCY REQUIREMENT FOR TOWN OF WALWORTH TOWN COMPTROLLER

Councilman Phillips offered the Resolution and moved its adoption. Seconded by Councilwoman Linson to wit:

WHEREAS, a public hearing was duly advertised and held in accordance with law, and all parties in attendance were permitted an opportunity to speak thereon, as it relates to the proposed local law to Modify Residency Requirement for Town of Walworth Comptroller; now, therefore, be it

RESOLVED, that the Walworth Town Board, after due deliberation, finds it in the best interest of the Town, including in the interest of the public health, safety and welfare of the Town, to adopt said local law, specifically in that it will enhance the ability of the Town to retain the most qualified individual for the position of Walworth Town Comptroller, generally by expanding the areas in which such individual may reside.

NOW, THEREFORE, BE IT RESOLVED, that the Walworth Town Board hereby adopts said Local Law No. 5 of 2021, to Modify Residency Requirement for Town of Walworth Comptroller, all as set forth in the attached Local Law, which is incorporated herein and made a part hereof; and be it further

RESOLVED, that the Town Clerk of the Town of Walworth be and hereby is directed to enter said Local Law into the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State of the State of New York.

Adopted this 27th day of December 2021, at a meeting of the Town Board.

Roll call vote:	Councilwoman Linson	Aye
	Councilman Bryson	Aye
	Councilman Phillips	Aye
	Supervisor Jacobs	Aye

Resolution carried.

EXECUTIVE SESSION:

Motion by Councilman Bryson to enter into an executive session to discuss medical, financial, credit, or employment history of a particular person/corp, or matters leading to said dismissal, removal, promotion, appointment, employment, discipline, demotion, or suspension.

Seconded by Councilman Phillips. Town Supervisor-Elect Donalty and Town Councilman-Elect Johnson were asked to remain in the meeting room for the discussion.

Roll call vote:	Councilwoman Linson	Aye
	Councilman Bryson	Aye
	Councilman Phillips	Aye
	Supervisor Jacobs	Aye

Motion carried.

Time: 6:58 PM

ADJOURNMENT:

Supervisor Jacobs ended the Zoom meeting (no motion to adjourn).

Time: 7:15 PM

Respectfully Submitted,

Aimée Phillips-Lomb
Town Clerk