

**TOWN OF BALDWIN  
PUBLIC HEARING  
RE: PROPOSED LOCAL LAW NO. 1 OF 2021  
[OPTING OUT OF LICENSING AND ESTABLISHING RETAIL CANNABIS DISPENSARIES  
AND ON-SITE CANNABIS CONSUMPTION ESTABLISHMENTS]  
DECEMBER 8, 2021**

**THIS PUBLIC HEARING** of the Town of Baldwin was called to order at approximately 6:00 p.m. by Supervisor Purvis. Those present were Councilwoman Purvis, Councilman Steiner and Councilman Conklin. Councilman Sherwood was absent.

Also present were Faith Marmor, Robin Rosekrans, Paul Tillotson, Anna Pirro, Zebulin Wolcott and Joshua Smith.

**STATEMENT BY SUPERVISOR PURVIS**

Supervisor Purvis stated that he is doing this Local Law as it has been reported in the paper that once a municipality gives the ok, the policy is permanent, but by opting out they can revise the policy and change their decision. The deadline is December 31, 2021. He spoke with the lawyer on this and Supervisor Purvis does want to opt out but wants to have it on a Referendum, whether it be this year or we have to wait until a Town Election year, for the people in the town to vote on it. However, we have to opt out or we do not have any choice. He wants to be able to give the people a choice when we have it on a Referendum, and so we are opting out of everything right now and then we have it on Referendum either this next year or the year after, and then the public will vote on the final decision as to which way the town is going to go. In order to give the public this choice, we have to opt out now. The State gave us too late of notice to do a Referendum on the ballot in November. This is the route to go in his opinion, anything like this should not be totally determined by the Board but should be determined by the voters in the town.

**NOTICE OF PUBLIC HEARING AND RULES GOVERNING A PUBLIC HEARING**

The Rules Governing Public Hearings was read by Supervisor Purvis.

**PUBLIC COMMENTS**

Supervisor Purvis opened the floor to any public comments.

Zebulin Wollcott residing at 2292 Wyncoop Creek Road in Lockwood, New York stated that he thinks we should be opposed to opting out, not because of being an advocate of marijuana use or dispensaries because it is for both, but they both give opportunity for tax revenue to come to the Town of Baldwin, which we have no other tax revenue other than increased taxes to landowners. For this reason, it seems foolish to opt out. He understands what Supervisor Purvis is saying about the Referendum, but it is a business and what business does not bring controversy, whether it be solar farms (this was never left up to the community that he is aware of) or natural gas wells that we had (this was not left up to the community). We are missing out on an opportunity that the Town of Baldwin may be able to bring financial gain to the citizens and the taxpayers and take some burden off us. Supervisor Purvis then



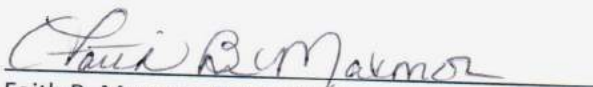
commented that this is why it is wrong for the State to take away the community vote out of the gas drilling and things like that. To him, it would be wrong to take this vote out of the people's hands. We have no choice for the people to be able to vote on it, we have to opt out because once 12/31/21 goes by it is permanent - if you do not opt out by 12/31/21, you cannot opt back in, and this eliminates the people being able to have a choice. He feels that just about anything we do should be left to the people to vote on it rather than the Board deciding. In order for the people to be able to do anything, ie vote/choose which way they want to go, we have to go this route. This is the reason why he is doing it this way. Notice was not given by the State until April which was too late for Referendum to be put on the ballot. He has it in the lawyer's hands right now for getting Referendum put on the ballot but we are just not sure and he is checking to see if we have to wait until a Town Election year. Councilman Steiner said that by technicality we are not opting out to take it away from the town, we are just making it a voting thing. Supervisor Purvis stated that if we do not do this, they do not have any say because it automatically becomes permanent to opt-in if we do not opt out now. Doing this gives the people an opportunity to decide rather than the Board. Mr. Wolcott said that he understands what Supervisor Purvis is saying but that the people also elected the Board to make that decision for them, so they kind of have already spoke in a sense. Supervisor Purvis said that maybe in some things, but something that affects everybody... Mr. Wolcott said that especially something so controversial, they kind of put it on the Board's shoulders and ultimately think that they are going to expect the Board to make the decision, this is why the Board is in their position. Supervisor Purvis stated that he is going to have it for the people to decide. Councilman Steiner stated that it is a safe way out for the Board, because if they did not and it backfired and we have 500 people from the town against it... Supervisor Purvis stated that it is better off leaving it with the voting. Zebulin Wolcott stated that we could be delaying the opportunity to make some tax dollars for the next two years or more. Supervisor Purvis stated that the amount that the town would have, would be minuscule. Mr. Wolcott stated that he thinks the dispensaries would be high, the smoke shops no, but he thinks the dispensaries are at a much significant higher tax. Supervisor Purvis stated that if the people decide to opt in when it is on the ballot, then we missed out on very little. Mr. Wolcott stated that this is all he wanted to say, that we could be missing out on money today that we need today. Paul Tillotson asked Supervisor Purvis that this does not mean that we have to wait until two years to get voted on sooner, to which Supervisor Purvis stated that this is what the lawyer is looking into - to make sure when we can have the Referendum by/on the ballot.

#### **ADJOURNMENT**

A Motion was made to adjourn the Public Hearing at approximately 6:11 p.m. by Councilman Steiner, seconded by Councilman Conklin, All Ayes.

*A copy of the Proposed Local Law, Legal Ad and Affidavit of Publication are attached to these Minutes.*

Respectfully Submitted,



Faith B. Marmor, Town Clerk



**LOCAL LAW NO. 1 OF 2021**

**TOWN BOARD  
TOWN OF BALDWIN**

**PROPOSED LOCAL LAW OPTING OUT OF ADULT USE CANNABIS RETAIL  
DISPENSARIES AND ON-SITE CANNABIS CONSUMPTION SITES**

A LOCAL LAW to opt-out of allowing adult-use cannabis retail dispensaries and adult-use on-site cannabis consumption sites to locate within the Town of Baldwin as authorized under Article 4 of the Marijuana Regulation and Taxation Act.

**Section 1. Legislative Intent**

It is the intent of the Town of Baldwin to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Baldwin that would otherwise be allowed under the New York State Marijuana Regulation and Taxation Act.

**Section 2. Authority**

This Local Law is adopted pursuant to New York State Marijuana Regulation and Taxation Act § 131 which expressly authorizes the Town Board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of adult-use retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the Town. This Local Law is subject to a permissive referendum/referendum on petition pursuant to Municipal Home Rule Law § 24.

**Section 3. Local Opt-Out**

The Town Board of the Town of Baldwin hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the Town's jurisdiction. In accordance with the New York State Marijuana Regulation and Taxation Act § 131(1), the Town requests the Cannabis Control Board to prohibit the establishment of retail dispensary licenses and on-site consumption licenses contained in Article four of the New York State Marijuana Regulation and Taxation Act within the jurisdiction of the Town of Baldwin.

**Section 4. Severability.**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Permissive Referendum/Referendum on Petition**

This Local Law is subject to a referendum on petition in accordance with New York State marijuana Regulation and Taxation Act § 131 and the procedure outlined in Municipal Home Rule Law § 24.

**Section 6. Effective date.**

This local law shall take effect immediately upon filing with the Secretary of State.

**TOWN OF BALDWIN NOTICE OF PUBLIC HEARING REGARDING  
PROPOSED LOCAL LAW # 1 OF 2021 OPTING OUT OF LICENSING AND  
ESTABLISHING RETAIL CANNABIS DISPENSARIES AND ON-SITE CANNABIS  
CONSUMPTION ESTABLISHMENTS WITHIN THE TOWN OF BALDWIN**

**NOTICE IS HEREBY GIVEN** that there has been introduced before the Town Board of the Town of Baldwin, New York, a local law entitled **“LOCAL LAW OPTING OUT OF ADULT USE CANNABIS RETAIL DISPENSARIES AND ON-SITE CANNABIS CONSUMPTION SITES”**, which Local Law opts the Town out of hosting retail cannabis dispensaries and on-site cannabis consumption establishments within its boundaries.

**PLEASE TAKE FURTHER NOTICE**, that a public hearing will be held by the Town Board of the Town of Baldwin on Wednesday December 8, 2021 at 6:00 P.M. at the Town of Baldwin Town Hall located at 622 Breesport North Chemung Rd., Lowman, New York to review and consider the aforesaid proposed Local Law.

Any resident of the Town of Baldwin is entitled to be heard concerning the abovementioned local law at such public hearing. Copies of the proposed Local Law are available for review at:

Baldwin Town Hall  
622 Breesport North Chemung Road  
Lowman, NY 14861

**BY ORDER OF THE TOWN BOARD OF THE TOWN OF BALDWIN**

Dated: November 26, 2021

Faith Marmor, Town Clerk



# STAR-GAZETTE

State of New York  
County of Chemung

Linda Tutt being duly sworn, deposes and says she is the Principal Clerk of the Star-Gazette, a public newspaper printed and published in Elmira aforesaid and that a notice of which the annexed is a true copy as published in said newspaper:

On the 26 day of November in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared Linda Tutt, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument. (Signature of Notary)

11/26/2021

Linda Tutt  
Legal Clerk

Subscribed and sworn to before me this 26 day of November, 2021

Sarah Bert  
Notary Public  
State of Wisconsin. County of Brown

7/27/25  
My commission expires

SARAH BERTELSEN  
Notary Public  
State of Wisconsin