

JANUARY 14, 2026
Town of Baldwin
Town Board Meeting

THIS MONTHLY MEETING of the Town of Baldwin was held at the Town of Baldwin Town Hall and called to order by Supervisor Purvis at approximately 6:16 p.m., immediately following the 2026 Organizational Meeting.

MEMBERS PRESENT: Ashley Baker, Joshua Smith and Zebulin Wolcott.

MEMBERS ABSENT: Nancy Purvis.

PUBLIC PRESENT: Anna Pirro, Nick Ewanyk, Macie Drake, Joe Donovan and Robin Rosekrans.

MOMENT OF SILENCE: George Parker

PUBLIC COMMENTS HEARD:

Nick Ewanyk - He has been having a run around with the Assessor regarding the STAR Program. He inquired as to whether or not the Assessor held Office Hours. Faith Marmor stated that she believed the Assessor did have Office Hours on the first Saturday of every month excluding one month and believed the time frame was 9:00 a.m. to 12:00 p.m., however this information is on the town's website.

Robin Rosekrans - She does not believe that any extra money should be given to the Highway Superintendent as he is salary.

MINUTES: A Motion was made to accept the December 10, 2025 Town Board Minutes with no changes from Councilman Smith, seconded by Councilman Wolcott, All Ayes.

MONTHLY REPORTS:

Legislature - The City and the County are fighting with the Budget. He inquired as to what year of Financial Reports the town is currently working on. Those buying gas in the Valley, Chemung, are purchasing from the Landfill.

Town Supervisor - Report was read and is attached to these Minutes.

Town Clerk - Report was read and is attached to these Minutes. A 2025 Town Clerk annual Report was given to all Members present. The NYAOT 2026 Training School & Annual Meeting document was read. A payroll schedule was received from the Accountant/Bookkeeper as to there being twenty-seven pay days occurring in 2026 and adjustments being made to the Town Clerk rate.

Highway Supervisor - Report was read and is attached to these Minutes. There was discussion regarding the Highway Superintendent's pay for 2026 being lower than what is in the Budget due to there being 27 pay periods for 2026, there being missing hours from 2025 due to the last pay period being on

01/02/2026 and potentially resolving this matter by including extra funds to rectify the same.

Public Welfare & Safety - There is nothing to report at this time.

Help Your Neighbor - There is nothing to report at this time.

Code Enforcement - Reports for November 2025 and December 2025 are attached to these Minutes.

Animal Control - No report was given.

Assessor - No report was given.

Chemung County Sherriff - Report for December 2025 is attached to these Minutes.

Old Business: There was no Old Business to be discussed.

New Business:

RESOLUTION 14-2026

RESOLUTION TO APPROVE ARTICLE 26 ANIMAL CONTROL SERVICES AGREEMENT FOR 2026

Resolved By: Z. Wolcott

Seconded By: J. Smith

BE IT RESOLVED that the Town of Baldwin agrees to and approves the Article 26 Animal Control Services Agreement between the City of Elmira, County of Chemung and Town of Baldwin for year 2026.

Motion Carried: Ayes: Z. Wolcott, J. Smith, A. Baker. Nays: None

Payment of Bills:

A Motion was made to pay the Highway bills for December 2025, Voucher No.'s 178-188, totaling \$9,276.63 by J. Smith, seconded by Z. Wolcott. A Motion was made to pay the Highway bills for January 2026, Voucher No.'s 1-8, totaling \$17,167.21 by Z. Wolcott, seconded by J. Smith.

Motion Carried: Ayes: J. Smith, Z. Wolcott and A. Baker. Nays: None.

A Motion was made to pay the General bills for December 2025, Voucher No.'s 171-174, totaling \$340.59 by Z. Wolcott, seconded by J. Smith. A Motion was made to pay the General bills for January 2026, Voucher No.'s 1-12, totaling \$54,627.00 by J. Smith, seconded by Z. Wolcott.

Motion Carried: Ayes: J. Smith, Z. Wolcott and A. Baker. Nays: None.

Executive Session:

A Motion was made to go into Executive Session by J. Smith, seconded by A. Baker.

A Motion was made to go out of Executive Session by J. Smith, seconded by Z. Wolcott.

Adjournment:

A Motion was made to adjourn the meeting by J. Smith, seconded by A. Baker.

Next Monthly Board Meeting: February 11, 2026 beginning at 6:00 p.m.

Respectfully Submitted,

Faith B. Marmor

Town Clerk

Date: January 21, 2026

TOWN OF BALDWIN
INCOME AND EXPENITURES
DECEMBER 31, 2025

INCOME:

GENERAL FUND	\$ 14,998.71
HIGHWAY FUND	\$ <u>.03</u>
TOTAL	\$ <u>14,998.74</u>

EXPENDITURES:

GENERAL FUND	\$ 12,877.89
HIGHWAY FUND	\$ 20,431.25
TRUST AND AGENCY	\$ <u>867.52</u>
TOTAL	\$ <u>34,176.66</u>

TOWN CLERK'S MONTHLY REPORT

TOWN OF BALDWIN, NEW YORK

DECEMBER, 2025

TO THE SUPERVISOR:

PAGE 1

Pursuant to Section 27, Subd 1 of the Town Law, I hereby make the following statement of all fees and moneys received by me in connection with my office during the month stated above, excepting only such fees and moneys the application and payment of which are otherwise provided for by Law:

A2544

3 DOG LICENSES

50.00

TOTAL A2544

50.00

January 14 2020
Meeting

1. Had a couple snow and ice storms we had to go out on
2. Old Volvo water pump on truck gave us some problems we have that fix now work good.
3. Hauled sand in 210 tons half from Chemung, Electric Town and Erin. And we hauled stone in
4. New Guy Ray lasted 2 1/2 days didn't like it, so we started looking again. Do have one that look at it from another town

Town of Baldwin
Code Enforcement Monthly Report
November 5, 2025 to December 10, 2025

- 11/11 Spoke with Robin Carrigg regarding growing Cannabis at 201 Oak Hill Road, that they don't approve doing it on the property.
- 11/13 Spoke with NYS Office of Cannabis growing cannabis is allowed under regulations and provisions in cannabis law; adult use cannabis licenses can't be treated any differently than other similar use businesses. §131 (2) of Cannabis Law and NYCRR §119.1 and §119.2 provide the parameters of what is and isn't within municipal jurisdiction. Even though the business has been issued a license from the NYS Office of Cannabis Management, it is still subject to all applicable local laws/codes that are not specific to our licensed businesses.
- 11/13 Sent email to Shaun Marks regarding the property at 201 Oak Hill Road that the property owners don't approve the cannabis to be growing on the property. With no response back.
- 11/16 Spoke with Eric Fenar regarding Demolition Permit to Demo Trailer at 919 Breesport N Chemung RD, Lot 21
- 11/20 Issued Building Permit 2025-15 to Sherill Collins at 784 Breesport N Chemung RD to building 790 sq ft addition on the house.
- 11/29 Inspected the footers at 784 Breesport N Chemung RD
- 12/7 Inspected the foundation forms at 784 Breesport N Chemung RD.
- 12/8 Spoke with the lawyers of Robin Carrigg and Tina Ewing, that I haven't heard anything from Shaun Marks.
- 12/10 Sent another letter to NYS Office of Cannabis regarding the property owners don't approve the growing cannabis at 201 Oak Hill Road.

I have been working on the Files each Tuesday and have made great progress on it.

Joseph Morey
Code Enforcement Officer
#0908-7354

- **Preemption of local laws**

Except for the specific opt-out provisions concerning retail dispensaries or on-site consumption licenses, all municipalities—including towns—are preempted from adopting any law, ordinance, rule, regulation, or prohibition relating to the operation or licensure of adult-use cannabis businesses, medical cannabis, or cannabinoid hemp businesses .

- **Allowed local regulation**

Local governments may pass laws governing the time, place, and manner of retail dispensaries or on-site consumption sites, but those laws must not make the operation of those licensed businesses “unreasonably impracticable.” § 131(2) emphasizes this limitation, and the Cannabis Control Board (CCB) can issue advisory opinions on whether a restriction crosses that line .

Implications for Cultivation Licensees

- Since cultivation (and processing or distribution) licenses are not retail or consumption, they do not fall within the narrow “time, place, and manner” exceptions.
 - Therefore, townships cannot regulate or restrict the operation of cultivation sites through local licensing, bans, or special approvals—such actions are preempted by state law.
 - The only areas where local authority may still apply are neutral, generally applicable codes like building safety, environmental standards, or agricultural regulations, but these must apply equally to all similar uses—not just cannabis cultivation.
-

Recent Case Example

A notable example underscores this preemption: In Riverhead, a local court recently ruled that the Town’s cannabis zoning restrictions conflicted with state law and were therefore struck down . It reinforces that local attempts to control cultivation beyond neutral codes will likely be invalidated.

Summary

You are legally allowed to operate under your state-issued cultivation license, and the township cannot prohibit or delay your operations via ordinances or special permits specific to cannabis cultivation.

If local officials continue to resist, you can point them to MRTA § 131’s strong preemption language and the Riverhead decision—both reinforce that your right to operate is protected under state law.



2763 Mc Dowell RD

9 Joe Green RD

10 Joe Green RD

77 Joe Green RD

12 Harrington RD

128 Harrington RD

112 Harrington RD

144 Haedscrabble RD

14 Haedscrabble RD

116 Haedscrabble RD

75 Hammond RD

118 Hammond RD

92.00-1-24.12

Fwd: Regarding 201 Oak Hill Road

From: Joseph Morey (josephmorey5@gmail.com)

To: sunshine5854@aol.com; patmicro14@gmail.com; joshsmith01@gmail.com; townbaldwin@yahoo.com; zwolcott1978@gmail.com

Date: Wednesday, December 17, 2025 at 05:26 PM EST

Board Members,

I have sent a letter to office of cannabis regarding that owners don't wish in growing cannabis on the property. This is response back. Thanks

Joseph Morey
Code Enforcement

Begin forwarded message:

From: "ocm.sm.municipalities" <municipalities@ocm.ny.gov>

Date: December 15, 2025 at 09:07:31 EST

To: josephmorey5@gmail.com

Subject: RE: Regarding 201 Oak Hill Road

Thank you for providing that information to the New York State Office of Cannabis Management

New York State Office of Cannabis Management

P.O. Box 2071

Albany, NY 12220

<https://cannabis.ny.gov>

1-888-OCM-5151 (1-888-626-5151)

@NYS_Cannabis



From: Joseph Morey <josephmorey5@gmail.com>

Sent: Thursday, December 11, 2025 3:15 PM

To: info@ocm.ny.gov

Subject: Regarding 201 Oak Hill Road

Town of Baldwin
Code Enforcement Monthly Report
December 10, 2025 to January 13, 2026

- 12/15 Received notification from NYS Office of Cannabis regarding my letter to them on property owner do not wish cannabis to be grown on the property.
- 12/16 Sent Zeb Wolcott codes on slabs for double wide trailers.
- 12/22 Inspected the floor joist at 784 Breesport N Chemung RD.
- 12/22 Received Foil Request from Donnie Mcllwain at 1074 Breesport N Chemung RD regarding all the correspondence in the 2025 on 1044 Breesport N Chemung RD
- 12/30 Inspected the framing at 784 Breesport N Chemung RD.
- 12/30 Sent Email back to Donnie Mcllwain on Foil Request.
FOIL Request – Records Related to 1044 Breesport North Chemung Road
9/13 Donnie Mcllwain at 1044 Breesport N Chemung RD reported that someone is building something in the the woods behind 1044 Breesport N Chemung RD
- 9/14 Spoke with John Garner owner of the land at 1044 Breesport N Chemung RD, that he isn't building anything and gave permission to land lock property to access their property thru his.
- 9/16 Investigated behind 1044 Breesport N Chemung RD, found the property in Town of Erin has couple RV on the property in the woods and nothing going on in the Town of Baldwin.
- This all, I have for 1044 Breesport N Chemung RD since Sept and haven't seen anything else for the property since 2025 or before. Thanks

2025 Building Permits Issued 15

- 1/3/26 Spoke with John Garner owner of 1044 Breesport N Chemung RD, he stated that he gave them permission to go thru his property to the property in the Town of Erin.
- 1/7/26 Spoke with Adam Hallahan at 1425 Hoffman Hollow Road regarding reducing size of a property and would get back to him with answer.
- 1/7/26 Inspected the rafters at 784 Breesport N Chemung RD.
- 1/13/26 Completed US. Department Commerce for Census of New Privately-owned housing units for 2025.

Joseph Morey
Code Enforcement Officer
#0908-7354



SHERIFF OF CHEMUNG COUNTY

203 William Street

P.O. Box 588

Elmira, New York 14902-0588

Administrative Office: (607) 737-2987 Fax: (607) 737-2930



WILLIAM A. SCHROM
Sheriff

DOUGLAS W. HOUPER
Undersheriff

BALDWIN TOWN RESIDENTIAL STATISTICS

Date: December 2025	
Category	Number
Incident Reports	5
Uniform Traffic Tickets	0
Parking Tickets	0
Traffic Stops	1
Traffic Accidents handled	0
Code Enforcement Violations	0
Felony Arrests	0
Misdemeanor Arrests	0
DWI Arrests	0
Violation Arrests	0
Special Events	0

Submitted by: Simona Bermingham, CCSO Records Clerk

Civil Division
(607) 737-2949

County Jail
(607) 737-2934

Criminal Division
(607) 737-2933

Pistol Permits
(607) 737-2937

Police Services
(607) 735-8600

Records Division
(607) 737-2948