

Approved

## TOWN OF CAMBRIA TOWN BOARD

November 18, 2021

The special meeting of the Town of Cambria Town Board was held at 11:30 am on the 18<sup>th</sup> day of November 2021 at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, New York.

### BOARD MEMBERS PRESENT:

Wright H. Ellis, Supervisor  
Matthew P. Foe, Councilman Deputy Supervisor  
Jeffrey S. Hurtgam, Councilman  
Randy M. Roberts, Councilman

### ALSO PRESENT:

Tamara J. Cooper, Town Clerk  
Robert Roberson, Attorney  
5 Interested individuals

*Absent: Benjamin D. Musall, Councilman*

Supervisor Ellis called the Special Meeting to order. The Board members took action upon the following matters:

Supervisor Ellis indicated that at the November 4, 2021, there was a public hearing regarding Local Law No. 2 of the Year 2021- A Local Law authorizing the Town of Cambria to opt out of allowing cannabis retail dispensaries or on-site consumption sites. One resident spoke- he was interested in having a store front and a dispensary. The Town Board tabled the decision on the Local Law in order to review the state's regulations that came out that day.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to take Local Law No. 2 of the year 2021 authorizing the Town of Cambria to opt out of allowing cannabis retail dispensaries or on-site consumption sites, off the table.**

**Ayes: Ellis, Foe, Hurtgam, Roberts**

**-Motion Carried-**

Supervisor Ellis explained the opt-out provision for the Local Law. The law was enacted by the NYS Legislature in March of 2021. It provided the provision for municipalities to opt-out having a dispensary or on-site consumption by December 31, 2021. The main concern at the present time is that the regulations are still not finished. The last word from the state is that it may be another year or so before the regulations will be published. In light of that there is no way the Town can properly address the activities of these establishments in the Town of Cambria. For example they would need to know if they need to make changes to the Zoning Ordinance etc. Supervisor Ellis indicated that any action from the Town Board should not cause anyone to believe that it reflects the councilman's individual opinion on the issue itself. If the Town Board decides to opt out it is so they have sufficient time when the regulations come out to address the Town's local concerns regarding zoning and location of such businesses. The option to opt-out allows municipalities to be able to opt-in in the future. If you opt-in now you cannot opt-out at a later time.

Councilman Foe indicated that the Board has been canvassing residents, friends and neighbors and having conversations about the cannabis opt-out etc. It is a data collection period. Watching what the state is doing, preferred zoning and trying to see where the community stands on the issue. Councilman Foe personally feels more comfortable waiting until the state releases their regulations so the Board can make an educated decision.

Supervisor Ellis read the intent of Local Law No. 2 of 2021-

It is the intent of this local law to request the Cannabis Control Board of the State of New York ("Cannabis Control Board"), as established pursuant to the New York Cannabis Law, Chapter 7-a of the Consolidated Laws of the State of New York ("Cannabis Law"), to permit the Town of Cambria ("Town") to opt out of allowing cannabis retail

