

RESOLUTION ISSUING A NEGATIVE DECLARATION UNDER SEQR AND ADOPTING LOCAL LAW NO 1 OF THE YEAR 2021 ENTITLED "A LOCAL LAW TO ALLOW THE TOWN OF BOVINA TO OPT-OUT OF THE RETAIL DISPENSARY LICENSE AND ON-SITE CONSUMPTION LICENSE PROVISIONS OF THE MARIJUANA REGULATION AND TAXATION ACT/NEW YORK CANNABIS LAW

DATE: October 12, 2021

WHEREAS, NY Cannabis Law § 131 authorizes Towns to adopt local laws, subject to permissive referendum governed by section twenty-four of the municipal home rule law, requesting that the Cannabis Control Board prohibit the establishment of adult-use cannabis retail dispensary licenses and on-site consumption licenses within the jurisdiction of the town: and

WHEREAS, such local laws are to be adopted after the effective date of NY Cannabis Law § 131 and on or before the later of December thirty-first, two thousand twenty-one or nine months after the effective date of NY Cannabis Law § 132; and

WHEREAS, the Town Board introduced proposed local law to prohibit the establishment of adult-use cannabis retail dispensary licenses and on-site consumption licenses within the jurisdiction of the Town;

WHEREAS, the Town Board duly noticed and held a public hearing on the proposed local law on October 12, 2021; and

WHEREAS, the Proposed Local Law was on file for inspection at the Clerk's office prior to the hearing and during the public review process; and

WHEREAS, the Town Board has caused to be prepared a Short Environmental Assessment Form (EAF) pursuant to the mandates of the State Environmental Quality Review Act ("SEQRA") (ECL Article 8 and 6 NYCRR Part 617); and

WHEREAS, the Town Board has duly considered the contents of the EAF and completed Parts 2 and 3 thereof and has determined that the proposed local law will not result in any significant environmental impacts; and

WHEREAS, the Town Board has received the comments at the public hearing and has considered and identified the relevant areas of environmental inquiry and taken a hard look at them; and

WHEREAS, the Town Board finds that it is in the best interest of the town to adopt the proposed local law and request that the Cannabis Control Board to prohibit the establishment of adult-use cannabis retail dispensary licenses and on-site consumption licenses within the jurisdiction of the town.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Bovina requests that the Cannabis Control Board of New York State prohibit the establishment of adult-use cannabis retail dispensary licenses and on-site consumption licenses within the jurisdiction of the Town of Bovina; and

BE IT FURTHER RESOLVED, that this action is subject to a permissive referendum in the manner provided in Municipal Home Rule Law § 24; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes filing of the Negative Declaration (attached hereto and made a part hereof), according to SEQRA, 6 NYCRR Part 617.

BE IT FURTHER RESOLVED, that the proposed Local Law No. 1 of the year 2021 be adopted by the Town Board of the Town of Bovina; and

BE IT FURTHER RESOLVED, that after passing such resolution and within 10 days of its adoption, the Town Clerk shall post and publish a notice, in the same manner as provided for a notice of a special election, which shall set forth the date of the adoption of the resolution and contain an abstract of such resolution concisely stating the purpose and effect thereof. The notice shall specify such resolution was adopted subject to permissive referendum in accordance with Municipal Home Rule Law § 24. Any such resolution shall take effect 45 days after its adoption unless the Town Clerk receives a petition signed and acknowledged within 45 days after the adoption of the resolution seeking a permissive referendum; and

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to enter this resolution in the minutes of this meeting.

WHEREUPON, the Resolution was put to a vote, recorded as follows:

Town Board Member Greenberg, so moved;

Town Board Member Stewart Barnhart seconded;

And the Town Board voted as follows:

Town Board Member Evelyn Stewart Barnhart                   Aye

Town Board Member Marni Greenberg                            Aye

Town Board Member Donna Dickson Noonan                   Aye

Supervisor Tina B. Molé                                            Aye

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