



TOWN OF PHILIPSTOWN

238 Main St. P.O. Box 155 Cold Spring, NY 10516

RICHARD SHEA, SUPERVISOR

(845) 265-3329

TARA K. PERCACCILO
TOWN CLERK AND TAX COLLECTOR

JOHN VAN TASSEL, COUNCILMAN
JASON ANGELL, COUNCILMAN
ROBERT FLAHERTY, COUNCILMAN
JUDITH FARRELL, COUNCILWOMAN

MEMORANDUM

TO: Neal Zuckerman, Chairman

FROM: Tara K. Percacciolo
Town Clerk

DATE: September 20, 2021

SUBJECT: Referral of Local Law #1-2021

Attached please find a copy of the proposed Local Law to Opt Out of the New York State Cannabis Law (Chapter 7-A of the Consolidated Laws of the State of New York) In Regard To Retail Sales And In Regard To Establishments For On-Site Consumption. A public hearing has been scheduled for October 7, 2021 at 7:00 p.m. at the Philipstown Town Hall, 238 Main Street, Cold Spring, NY 10516.

TOWN OF PHILIPSTOWN
LOCAL LAW NO. 1 OF THE YEAR 2021

A Local Law entitled "A Local Law To Opt Out of the New York State Cannabis Law (Chapter 7-A of the Consolidated Laws of the State of New York) In Regard To Retail Sales And In Regard To Establishments For On-Site Consumption".

Be it enacted by the Town Board of the Town of Philipstown as follows:

Section 1. Purpose:

The purpose of this Local Law is to promote the public health, safety and welfare by opting out of the New York State cannabis legalization legislation in regard to retail sales and in regard to establishments for on-site consumption.

Section 2. Municipal Home Rule Law:

This law is adopted pursuant to Municipal Home Rule Law § 10(1)(ii)(a)(1) that grants local governments the authority to enact local laws regarding the public health, safety and welfare. To the extent the provisions of this Local Law are in conflict with the State Cannabis Law, the Town Board hereby asserts its intention to supersede same pursuant to the Municipal Home Rule Law.

Section 3. Determination To Opt-Out of State Cannabis Law:

As is permitted by the State Cannabis Law (Chapter 7-A of the Consolidated Laws of the State of New York), the Town of Philipstown hereby opts out of the State Cannabis Law, and requests the State Cannabis Control Board to prohibit licenses for cannabis retail dispensaries and licenses for on-site consumption of cannabis within the unincorporated portion of the Town of Philipstown.

Section 4. Referendum.

This Local Law shall, in accordance with New York State Cannabis Law (Chapter 7-A of the Consolidated Laws of the State of New York) be subject to referendum on petition as provided in section twenty-four of the Municipal Home Rule Law.

Section 5. Severability.

If any clause, sentence, paragraph, word, section or part of this local law shall be judged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which judgment shall have been rendered.

Section 6. Effective Date.

This Local Law shall take effect no earlier than forty-five (45) days after its adoption and subsequent filing with the Secretary of State, or upon approval of a majority of the qualified electors voting, if a petition for permissive referendum is filed pursuant to the provisions of with New York State Cannabis Law (Chapter 7-A of the Consolidated Laws of the State of New York) and section twenty-four of the Municipal Home Rule Law, and subsequent filing with the Secretary of State.

WHEREAS, the Town Board of the Town of Philipstown has before it a local law entitled: A Local Law To Opt Out of the New York State Cannabis Law (Chapter 7-A of the Consolidated Laws of the State of New York) In Regard To Retail Sales And In Regard To Establishments For On-Site Consumption, and

WHEREAS, in order to take action on the said local law, it is necessary to schedule a public hearing,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the movant of this resolution does hereby introduce the above proposed local law, and

2. That a public hearing on the proposed local law is set for October 7th 2021 at 7:00 o'clock p.m. and that due notice of the same is directed to be given by publication and posting.

Councilman Van Tassel presented the foregoing resolution which was seconded by Councilwoman Farrell,

The vote on the foregoing resolution was as follows:

Judith Farrell, Councilwoman, voting _____ AYE _____

John VanTassel, Councilman, voting _____ AYE _____

Robert Flaherty, Councilman, voting _____ AYE _____

Jason Angell, Councilman, voting _____ AYE _____

Richard Shea, Supervisor, voting _____ AYE _____

CERTIFICATION

I, **Tara K. Percacciolo**, the duly qualified and acting Town Clerk of the Town of Philipstown, Putnam County, New York, do hereby certify that attached hereto is a true and correct copy of an

extract from the minutes of the Monthly Meeting of the Town Board of the Town of Philipstown, held on September 2, 2021, and that the Resolution set forth herein is a true and correct copy of the Resolution of the Town Board of said Town adopted at said meeting.

I FURTHER CERTIFY that pursuant to section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the said Town, this 2nd day of September, 2021.



Tara K. Percacciolo
TOWN CLERK

(seal)

A true copy of this Resolution was filed in the Office of the Town Clerk on September 2, 2021.



Tara K. Percacciolo
TOWN CLERK

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board of the Town of Philipstown will hold a public hearing on the 7th day of October, 2021, at 7:00 o'clock p.m., at Town Hall, 238 Main Street, Cold Spring, New York, on a proposed Local Law of the Year 2021 entitled: "A Local Law To Opt Out of the New York State Cannabis Law (Chapter 7-A of the Consolidated Laws of the State of New York) In Regard To Retail Sales And In Regard To Establishments For On-Site Consumption."

The purpose of this Local Law is to promote the public health, safety and welfare by opting out of the New York State cannabis legalization legislation in regard to retail sales and in regard to establishments for on-site consumption.

A copy of the proposed local law is on file in the office of the Town Clerk and available for inspection by interested persons during Town Clerk's business hours.

The Town Board will at the above date, time and place hear all persons interested in the subject matter hereof. Persons may appear in person or by agent. All written communications addressed to the Board must be received by the Board at or prior to the public hearing.

BY ORDER OF THE TOWN BOARD
TOWN OF PHILIPSTOWN
TARA K. PERCACCILO
TOWN CLERK

Dated: September 22 , 2021