

**Public Hearing ON CANNABIS
TOWN BOARD TOWN OF DUNKIRK
JULY 13, 2021**

The Town Board of the Town of Dunkirk held A Public Hearing at 5:30 p.m. on Tuesday July 13, 2021 at the Town Hall, 4737 Willow Road, Town of Dunkirk, New York with Supervisor Richard A. Purol presiding.

PRESENT:

Supervisor Richard A. Purol
Councilman Robert Penharlow
Councilman Henry Walldorff
Councilman Juan Pagan
Councilman Jay Bishop (via zoom)

OTHERS PRESENT: Attorney Jeffrey Passafaro, Rebecca Yacklon, Town Clerk, Kyle Coughlin, Deputy Clerk, Jeffrey Feinen, Highway Superintendent, Mark Auer, representative of Americold, Anthony Dolce, Dunkirk Observer, Bill Clink, representative of UISC, Shari Miller, Michael Miller, Pete Miller, and Frank Levandoski.

Supervisor Purol opened the Public Hearing up at 5:31 p.m. with the pledge to the flag.

The Town Clerk, Rebecca Yacklon published the Public Hearing Notice on July 2, 2021 and read as follows:

“PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Dunkirk on July 13, at 5:30 p.m. at the Dunkirk Town Hall, 4737 Willow Road, Dunkirk, New York, regarding the adoption of a proposed local law of the Town of Dunkirk for the year 2021 entitled “A local law for the Year 2021 to Opt-out of allowing cannabis retail dispensaries and on-site consumption sites, as authorized under Cannabis Law, Article IV by the Town of Dunkirk. Section One Legislative Intent It is the intent of this Local Law to Opt-Out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Dun kirk, that would otherwise be allowed under Cannabis Law, Article IV. Section Two Authority This Local Law is adopted pursuant to Cannabis Law Section 131, which expressly authorizes the Town Board to adopt a Local Law re que sting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and on-site consumption licenses within the jurisdiction of the Town, and is subject to permissive referendum, the procedure of which is governed by Municipal Home Rule Law, Section 24. Section Three Local Opt-Out the Town Board of the Town of Dunkirk hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the Town of Dunkirk. Section Four – 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 adjudged 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 con fined in its operation to the clause, sentence, para graph, 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 Five Permissive this local law is subject to a referendum on petition Referendum in accordance with Cannabis Law Section 131 and the procedure outlined in Municipal Home Rule Law Section 24. Section Six - Effective Date this Local Law shall become

effective immediately upon filing with the Secretary of State of the State of New York.
All persons shall be heard in person or in writing. Dated: June 30, 2021
Town of Dunkirk
Rebecca Yacklon, Town Clerk”

Supervisor Purol stated the purpose of the Public Hearing was to hear the public comments on opting out of the two licenses that the State of New York has permitted the Town/ Cities to opt out of. The two licenses are Adult Use Dispensary, and Smoking Dens.

AUDIENCE CONCERNS

Mike Miller of 3889 Williams St. stated that he is in support of allowing cannabis dispensaries in the Town of Dunkirk. One reason is that he knows a couple people who benefit from the medical part of it. Second reason he is in favor because he had attended a drug informational class and on the street level that use to be a safe plant is now being laced with other drugs. So, he felt by adding legal dispensaries that product will now be regulated. It is legal now and no different than alcohol. It will be safer because it will be regulated, and the Town will benefit from the taxes.

Pete Miller of 3884 Williams St. had stated that he feels this is a good thing for the Town and if we don't get it the next Town will and we lose out. He stated its not a question of not having a distribution center it's a question of where to have a distribution center.

Shari Miller of 3889 Williams St. is in full support of it. She stated the Town Council has always been supportive of all business coming into our area and supportive of all potential revenue for tax dollars. She stated she would hate to see the Town of Dunkirk opt out because we wouldn't benefit from the tax dollars. If we don't opt out, she would like us to immediately put something in our zoning law right away, as were they would be located. Better to get ahead and start making plans and regulate where we are going to put them and regulate it so it benefits people for medical purposes.

Frank Levandoski a town resident was strongly against it and feels the Town should not jump into this. He stated the tax revenue in the Town is good and we don't need this. It's not the medical aspect of it. It's more of a recreation and he is totally against it by far.

Discussion was made with the Town Attorney Passafaro on the next step to proceed with. After discussion and clarification of concluding the Public Hearing, it is like any other local law and is now on the agenda for discussion with the Town Board. If you lose the window of opting out its over. If you opt out the law states, you can reappeal and opt back in. If you don't opt out, you're going to have to create different sections of zoning law. So, the question for the Town Board is to adopt or not

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to adopt the opt out Law. If the Town chooses to vote in favor of the law as presented it means the Town of Dunkirk opts out and will not host the dispensaries and smoking dens.

ADJOURNMENT

With no further comments from the public a motion was made by Councilman Penharlow to close the Public Hearing and re-enter regular session. The motion was seconded by Councilman Pagan and carried. (5:39 pm)

Respectfully submitted,

Rebecca Yacklon
Town Clerk