

Board of Trustees  
Village of Tarrytown  
Cannabis Legalization  
Public Information Session  
September 28, 2021  
7:00 p.m.

Present: Mayor Butler presiding, Deputy Mayor McGovern,  
Trustee: Brown, Hoyt, Rinaldi (via zoom) and Zollo: Village Administrator Slingerland;  
Deputy Administrator Ringel; Village Attorney Kathy Zalantis; and Village Clerk Gilligan

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### PUBLIC INFORMATION SESSION- CANNABIS (MARIJUANA) LEGALIZATION

Assistant Administrator Josh Ringel introduced Wade Beltramo from NYCOM who gave a PowerPoint presentation on the New York State Marijuana Legalization Law.

Mr. Beltramo started his presentation by stating that while the law was enacted on March 31<sup>st</sup>, there is still a lot to be determined. The law is known as the MTRA. The main goals and purposes are to create a regulated and taxed cannabis industry in NY, and to provide for social and economic justice related to the sale and use of cannabis. Sales of cannabis at this time in New York are not legal. MTRA enacts Chapter 7-A, the Cannabis Law and amends numerous other provisions of state law to implement adult use cannabis. In addition, it establishes two new State Agencies, the Cannabis Control Board, and the Office of Cannabis Management.

MRTA requires individuals and organizations to obtain a license before engaging in or operating in deliveries, processing, distributing as well as having an onsite consumption establishment, microbusiness or cooperative. Penal Law Article 222 , allows anyone age 21 years of age or older can possess up to 3 ounces of cannabis or up to 24 grams of concentrated cannabis.

On the Local Government level, Cities, Villages and Towns can opt out of allowing retail dispensaries and/or onsite consumption establishments from operating within their boundaries. Municipalities choosing to opt out, must adopt a Local Law subject to a permissive referendum on or before December 31, 2021. If a municipality opts out, it may opt back in at any time. If our Village currently has a law that does not allow the sale of cannabis, the state law now preempts the local law pertaining to the operation or licensure of registered organizations. Local zoning regulations are still applicable, and the municipality can regulate time, place and manner regulations provided such regulations do not make their operation reasonably impractical. Adult –Use License applicants must notify local governments of their intention to operate, and the local government will have the opportunity to comment on the proposed operation.

In regards to the revenue from the sales of cannabis, there will be a state tax portion, and a local tax portion. The local tax portion is 4%, 1% which goes to the County in which the sales occurs, and 3% to the city, village or town in which the sale occurs, and there will be no restrictions on how the local government spends the money. The only way a municipality can receive sales proceeds is if they opt in.

For Villages, if the town permits cannabis sales, then the 3% is split between the town and village as agreed upon by the governing bodies. If there is no agreement, the 3% is evenly divided between the town and village.

Public Health Law Article 13-E has been amended to include cannabis to prohibit smoking and vaping in such places as bars, restaurants, places of employment, public transportation etc. Penal Law 222.10 also added cannabis to the existing laws pertaining to school grounds, on school buses and within a 100 feet of a school or library. Local governments may adopt more regulations as needed. Penal Law Article 222 allows penalties imposed for possession and use not authorized under state law. Mr. Beltramo concluded his presentation by stating that fees for the licenses have not been set yet, and only a limited number of license will be issued.

The floor was opened for questions from the Board of Trustees:

Trustee Zollo inquired if cannabis sales will be allowed in lounges or will you be required to bring your own. Mr. Beltramo responded that sales would take place in the lounge.

Trustee Rinaldi expressed his concern that cannabis is not regulated like alcohol and instead regulated like tobacco. Mr. Beltramo replied that the new cannabis law is very separate from the tobacco law. There will be provisions under the vehicle and traffic law as well as the public health law.

Mayor Butler addressed Mr. Beltramo and stated that when the NYS Lottery was put in place, some of the money was supposed to go to the schools. That never transpired. Mayor Butler asked who will be overseeing the revenue that is generated by the sales of cannabis. Mr. Beltramo responded that any tax money that comes to our municipality from the sales of cannabis is unrestricted unless the state amends Article 20C of the NY Tax Law. With respect to the money that goes to the state, there will be three separate funds, administered by various groups who will be responsible for the monies. Even if a municipality opts out of allowing sales of cannabis, local municipalities should receive some type of opportunity to tap into these funds from the state that could potentially go towards local law enforcement training or other types of programs. This would be on a case by case basis and apply for the funds.

A video was then shown of what a cannabis store in Denver looks like so the public has an idea on what to expect.

### PUBLIC COMMENTS

Mike Love inquired of the Board if they had any idea which direction they were leaning towards. Mr. Love supports bringing something to the Village that will generate much needed revenue. If the Board opts out what will be their answer be for tax dollars. He asked the Board to not pass up the opportunity to bring additional revenue to the Village without impacting the taxpayers.

Peter Bartolacci had questions about the process. Mr. Bartolacci inquired whether it would be a Board of Trustees only decision, or would it go to a Village wide referendum. He also questioned how we would accurately detect someone driving while impaired while under the influence of cannabis. Mr., Bartolacci's final question was are alcohol and cannabis mutually exclusive, or if you are a bar owner can you sell cannabis as well.

Francesca Spinner inquired whether there was any public area either inside or outside where smoking was where smoking is permitted. She believes that there are no public places that allow smoking and wonders how an onsite cannabis establishment could operate.

Jean from Peekskill had a number of questions. Assistant Administrator Ringel gave her his email so that she could email her questions to him directly.

Alberta Jarane asked whether the state, county, towns or villages will offer any type of financial assistance to socially economically disadvantaged members of the community, and if local dispensaries would be able to engage in e commerce or delivery. She then inquired what the zoning would look from the Village's perspective, and how the licensing process would work. Alberta's final questions were will retail businesses be able to use credit/debit cards or bank accounts, and will a local retail establishment be able to buy product outside of the state or only within NYS boundaries.

Gail was wondering on how the decision will be made and will the resident's voices be heard. She has many concerns and does not want to see Tarrytown going in this direction.

Dana McCarthy is very concerned on how this will affect our youth if Tarrytown does decide to have dispensaries. She stated that there have been many studies done, and the statistics for the youths that live in areas where there are dispensaries show that young people perceive marijuana use as not as risky, and there is a greater likelihood of heavier and more problematic use.

Jason Merritt stated that he is in favor of not opting out. Mr. Merritt continued by saying that if the state following the same regulations as they do with liquor licenses, the Village will be able to chime in at regular license hearings.

Village Administrator Slingerland said that the Village Staff would look into answering questions that were raised this evening. Administrator Slingerland did note that many questions that were raised are regulated by the state, not local governments. As for zoning, the Village will look into it as they would any application.

Trustee Brown inquired about the zoning and where these types of business will be permissible. Administrator Slingerland responded that the Village would have to look further into the specific zoning regulations.

Mayor Butler requested that the Village Staff and Village Council obtain the answers and facts to the questions asked this evening, and report back at the next Village Board Meeting. Trustee Brown requested that we get the answers to the local level questions. Trustee Rinaldi stated that he hopes more information will follow from the state prior to the end of the year.

The meeting was adjourned at 8:13 pm on a motion made by Trustee Hoyt, seconded by Trustee Zollo and unanimously carried.

Kristine Gilligan

Village Clerk