



TOWN OF AMENIA
TOWN BOARD

4988 Route 22, AMENIA, NY 12501
(845) 373-8860 www.ameniany.gov

Resolution No. 60 of 2021

RE: RESOLUTION TO AUTHORIZE THE ADOPTION OF A LOCAL LAW ENTITLED “LOCAL LAW NO. x OF THE YEAR 2021 OPTING OUT OF THE LICENSING AND ESTABLISHMENT OF CANNABIS RETAIL DISPENSARIES AND ONSITE CONSUMPTION SITES WITHIN THE TOWN OF AMENIA”

WHEREAS, a Resolution was duly adopted by the Town Board of the Town of Amenia introducing a proposed Local Law entitled “Local Law No. x of the Year 2021 Opting out of the Licensing and Establishment of Cannabis Retail Dispensaries and Onsite Consumption Sites within the Town of Amenia”; and

WHEREAS, a Public Hearing was duly advertised in the Millerton News, the official newspaper of the Town; and

WHEREAS, a Public Hearing was held on November 4, 2021 and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law or any part thereof; and

WHEREAS, the Town Board determined that the proposed Local Law was not subject to environmental review; and

WHEREAS, the Town Board of the Town of Amenia after due deliberation, finds that it is in the best interest of the Town to adopt said Local Law; and

WHEREAS, said Local Law has been on the desks of the members of the Town Board of the Town of Amenia for at least seven (7) days, exclusive to Sunday, prior to the adoption of this Resolution.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The recitations set forth above are incorporated in this Resolution as if fully set forth and adopted herein.

2. The Town Board of the Town of Amenia hereby adopts the Local Law entitled “Local Law No. X of the Year 2021 Opting out of the Licensing and Establishment of Cannabis Retail Dispensaries and Onsite Consumption Sites within the Town of Amenia”, a copy of which is attached hereto and made a part of this Resolution.

3. The Town Clerk is directed, within ten (10) days of the adoption of this Resolution, to publish a copy of the Local Law together with notice of adoption in the Millerton News, the official newspaper of the Town of Amenia and to post a copy thereof on the Town’s official signboard maintained pursuant to §30(6) of Town Law and on the Town’s website.

4. The Town Clerk is further directed to enter said Local Law in the minutes of this meeting into the Local Law book for the Town of Amenia and shall file the Local Law with the Secretary of State of New York upon the expiration of the permissive referendum as provided by law.

5. The Town Clerk is further directed to file a copy of the Local Law with the Office of Cannabis Management.

Motioned By: Perotti

Seconded By: Somogyi

The foregoing resolution was voted upon with all councilwomen/councilmen voting as follows:

Supervisor Perotti	Aye
Councilwoman Doyle	Aye
Councilman Gutierrez	Absent
Councilman Morris	Aye
Councilwoman Somogyi	Aye

Dated: Amenia, New York
November 18, 2021


DAWN MARIE KLINGNER, TOWN CLERK



TOWN OF AMENIA TOWN BOARD

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TOWN OF AMENIA **Local Law No. of 2021**

A Local Law entitled “Opting Out of the Licensing and Establishment of Cannabis Retail Dispensaries and On-Site Consumption Sites within the Town of Amenia” as authorized under Article 4 of the Cannabis Law.

BE IT ENACTED by the Town Board of the Town of Amenia, County of Dutchess as follows:

Section-I: LEGISLATIVE INTENT

It is the intent of this Local Law to opt out of allowing the licensing and establishment of cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Amenia that would otherwise be allowed under Cannabis Law Article 4. The Town Board, after careful examination of the law, has determined that it is in the best interest of the citizens of the Town of Amenia to opt out of the licensing and establishment of cannabis retail dispensaries and on-site consumption sites within the Town of Amenia.

Section II: AUTHORITY

This Local Law is adopted pursuant to Cannabis Law §131 which expressly authorizes the Town Board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the Town.

Section III: LOCAL OPT-OUT

The Town Board of the Town of Amenia hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the Town’s jurisdiction.

Section IV: SEVERABILITY

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstances, shall be adjudicated 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 confined in its operation to the clause, sentence, paragraph, 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 V: PERMISSIVE REFERENDUM/REFERENDUM ON PETITION

This Local Law is subject to a referendum on petition in accordance with Cannabis Law §131 and the procedure outlined in Municipal Home Rule Law §24.

Section VI: EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State, provided that such filing occurs no sooner than 45 days after the adoption of this Local Law by the Town Board. Pursuant to Cannabis Law §131, this Local Law is subject to a permissive referendum and may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition, or a referendum has been conducted approving this Local Law.