



## Bedford Reaffirms Decision to Opt-out of Marijuana Businesses

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June 21<sup>st</sup>, 2022

BEFORD, N.Y. - For now, and likely a lot longer, marijuana merchants will not be setting up shop on Katonah Avenue or anywhere else in Bedford.

The Town Board backed away from thoughts of reversing its earlier rejection of the potentially lucrative local cannabis sales. And the board set no date to revisit the subject, given the likelihood that a repeal vote would be a final decision, not one that Bedford residents could subsequently ratify or reject in a general election.

Freed from a perceived need to act quickly to meet tight ballot-box deadlines, Supervisor Ellen Calves signaled a more-relaxed pace for future steps, including adoption of pot-shop-specific zoning restrictions.

“At this time,” she said after the June 7 public hearing on repeal, “we’re not going to go forward with [consideration of] zoning until we have a lot more information.”

Councilwoman Bobbi Bittker said she was “absolutely not in favor of opting in at this time. But I’m also not in favor of having this conversation, on and off, for the next year, year and a half, going back and forth.”

Last week’s hearing had been set for June 7 specifically to adhere to a tight timeline for getting the measure on this fall’s general-election ballot. “However,” Calves said, “just a couple of weeks ago, we were advised that the possibility of a permissive referendum was less clear than we were led to believe... No one [at the state level] will really give an answer as to whether it is something we can do or not.”

At the hour-long hearing, 19 speakers — all but one a Bedford resident — weighed in at the town hall microphone and via Zoom. By a 2-1 margin, those opposed to local shops dominated. They expressed concern that local retail sales would “normalize” marijuana, especially in the perceptions of the young, promote increased use of the drug, and generate still more traffic in the already busy Route 117 business corridor.

Councilwoman Stephanie McCaine, the only current board member to vote against last December’s opt-out (outgoing Supervisor MaryAnn Carr was the other), reminded residents that

the problems they associate with marijuana will exist whether or not dispensaries come to Bedford.

Pound Ridge, for instance, has welcomed both dispensaries and on-site consumption lounges. “Are we going to be any less impacted [because a dispensary is located in Pound Ridge]?” McCain asked. “I don’t know that that’s the case.”

She said Bedford needed a committee “to address the reality that cannabis is here, it’s legal, it’s going to be in our community... All the things that you’re concerned about, whether it’s people driving while on marijuana, or whatever it is, those concerns exist, and I think we need to talk about how we are going to address them in our community.”

Supporters of the dispensaries described marijuana’s benefits and urged the board to consider the experience of locales elsewhere that have legalized marijuana sales.

Drawing a parallel with sale of alcoholic beverages in “dozens” of Bedford outlets, Andrew Greene of Katonah said it was “unreasonable that adults would not be allowed to purchase a [similarly] legal substance.”

He called dispensaries he’s visited in other states “gleaming, upscale places...not the type of places that attract bad elements.”

Another Katonah resident, Lloyd Trufelman, urged dispensary opponents to base their objections “on facts, not on opinion.” Referring to a 1936 anti-marijuana movie, he called for avoiding any “Reefer Madness’-style sensational opinions.”

“With cannabis now legal in 21 states across the United States, some for many years now,” Trufelman said, “the impact on millions of residents has been studied at length and there have been no findings revealing substantial negative impact such as increased drug use, increased marijuana consumption by teenagers, crime, car accidents, large traffic jams, etc.”

A study by the Cato Institute, a Washington-based think tank, examined how states have fared that recently legalized marijuana, Trufelman said, and found that “the absence of significant adverse consequences stands out, given the unfounded dire predictions made by opponents, who aren’t familiar with the considerable research that proves otherwise.”

Legal sales of marijuana also provide supply safeguards, said Dr. Lynn Parodneck, a marijuana counselor in Mount Kisco. Parodneck pointed out that “limiting cannabis [access] and making it not available forces people to go to the street and buy garbage.”

But dispensary opponents clearly outnumbered supporters. “Substance abuse is rampant in Westchester County, and especially with teenagers,” Marsha Thompson, a Thomaston, Conn.-based substance abuse counselor, said via a Zoom link.

She challenged the board on one of the biggest incentives state lawmakers included to encourage local retail outlets: a cut of the 13% tax on cannabis sales.

Under the Marijuana Regulation and Taxation Act (MRTA), which in March 2021 legalized sale, consumption, and cultivation of the once-criminal weed, state coffers keep 9 cents of every dollar spent to buy the drug. Of the remaining money, Westchester gets a penny per dollar on sales anywhere in the county while towns and villages keep 3 cents from each dollar spent within their borders.

“It makes a lot of money,” Thompson acknowledged. “If you guys want money, go for it. Open the doors. You will make a lot of money.” But, she added later, “I know you all are thinking of business, and money. You can’t possibly be thinking about wellness.”

Exactly what town officials are thinking has been subject to change as interpretations of the MRTA, not a model of legislative clarity, have changed. That’s upended plans to assure that residents had a voice in any decision to permit local dispensaries. Scheduling last week’s hearing and anticipated repeal for June 7, the thinking went, would provide time — not much, but enough — to gather more than 700 signatures in just 45 days and force the question onto this November’s ballot.

But even if the residents’ petition had succeeded in providing a townwide vote, Calves said, “it is not clear if it would be valid because while it...seemed valid last year, the agencies in the state sort of backed off. No one will really give an answer as to whether it is something we can do or not.”

If the board did repeal its opt-out, current thinking goes, neither the envisioned permissive referendum nor a second opt-out might be possible. Under MRTA, towns had until last Dec. 31 to forbid local retail shops or see them automatically permitted.

Bedford’s Town Board opted out of dispensaries in a 3-2 vote on Dec. 21. That action was explicitly subject under MRTA to a resident-led permissive referendum, but it never materialized. “No petition was filed,” Councilman Andres Castillo said, “which to me is the best indicator that our residents were not substantially opposed to opting out. Our constituents have spoken, and that says a lot.”

Castillo said that while he generally favors eliminating marijuana’s stigma, he opposes opting in now, citing inconclusive health data on the dispensaries. Elected last November, Castillo had not yet joined the board when it voted in December to opt out.

But Calves, then a councilwoman and supervisor-elect, had made clear her intention to take a second look at local pot shops, with an eye to opting in, once the state’s Office of Cannabis Management filled in more of the blanks on dispensary regulation. But the MRTA makes no provision for a referendum that could again force an opt-out or for a repeal to achieve the same end.

“Once you opt in [to the retail sales shops or consumption lounges], you can’t opt out,” Bedford Corners resident Bill Boyd warned the board. “Virtually every other legal contract is one where you can get out.”

While towns like Pound Ridge have decided to allow local sales, Boyd asked, “If everybody else jumped off a bridge, would you jump off the bridge?”

“I think that the states and towns that have opted in to pot shops have jumped off the bridge,” he said. “I think it is not a good deal for this town to jump off the same bridge that other towns have jumped from.”

Meanwhile, the Town Board continues to seek further information from state authorities. Bittker, noting the shortage of guidance from Albany, said, “This was not something I wanted to see raised again this year because nothing new had happened since our [December opt-out] vote. If we were going to raise this [issue] again, I wanted to have new information from the state. We need to have that.”

But for many who oppose local dispensaries, there’s already sufficient data. Frank Veith, who has had a law office on Katonah Avenue for three decades, said opening a marijuana shop on that iconic thoroughfare would “dramatically change” its character. “If that happens,” he told board members, “I will vote for none of you.”