

SPECIAL MEETING – AUGUST 17, 2021

A Meeting of the Highland Park Mayor and Council was held via Zoom, on Tuesday, August 17, 2021, and was called to order by Mayor Brill Mittler at 7:01 PM. Notice of this meeting via zoom was faxed to The Home News Tribune and emailed to The Star Ledger and the Highland Park Planet on August 12, 2021 and was posted on the Borough website at [www.hpboro.com](http://www.hpboro.com) and on the bulletin board at Borough Hall, 221 South Fifth Avenue, Highland Park, NJ on August 12, 2021 and has remained continuously posted as required by law.

Present: Mayor Brill Mittler; Councilpersons Foster (via telephone, no internet), George, Hale, Hersh, Kim-Chohan; Borough Attorney Schmierer; Borough Administrator Jover; Borough Clerk Hullings.

Absent: Councilwoman Canavera.

Mayor Brill Mittler noted that the Governing Body of this Borough has approached this matter with the following principles in mind. (1) The law of the land in New Jersey now allows for the consumption of cannabis. Its delivery of cannabis to resident in our town is already anticipated under the law in all scenarios. In other words, we cannot outlaw this option. We anticipated that cannabis use will become a feature in Highland Park's life whether or not the Borough Council takes any steps. Secondly, cannabis sales are being approved in two municipalities surrounding Highland Park. All six classes that were approved by the State will be allowed in New Brunswick and this was reported in an article on June 23, 2021 in [mycentraljersey.com](http://mycentraljersey.com). Additionally, Edison has approved cannabis businesses on first reading and they will be addressing this on second reading two days from now and that too was reported in [mycentraljersey.com](http://mycentraljersey.com). As delivery is allowed in New Brunswick and Edison will host businesses selling cannabis, it is a moot point as to whether or not there will be cannabis in Highland Park. The relevant questions are can we position the town so as to encourage the safest uses of this new consumer option by residents and can we benefit from tax revenues that such sales allow. One of the ways we can encourage the safest uses of cannabis is through strict enforcement of the law which forbids sales to minors under the age of 21. The Highland Park Police Department will make this a priority. The Mayor and Borough Council have also consults with the public schools to enlist them in creating a program to discourage school-age children from consuming cannabis. This program will be similar to the one the schools have used very successfully to discourage consumption of alcohol and drinking and driving. The schools are working on a cannabis education program, which we hope to see by the beginning of the 2021/2022 school year. She and the Council charged the Borough Social Worker with developing a program to educate parents on how to talk to children about cannabis use, including the risks to children. We hope to see a full draft of this plan by early September. Lastly, one of their goals is to work with people most hurt by the cannabis prohibition to make sure they benefit from its legalization.

The Clerk reported advertising an ordinance entitled, AN ORDINANCE BY THE BOROUGH OF HIGHLAND PARK, MIDDLESEX COUNTY, NEW JERSEY, AMENDING THE CODE OF THE BOROUGH OF HIGHLAND PARK ALLOWING CLASS V RETAIL CANNABIS BUSINESSES, CLASS VI CANNABIS DELIVERY SERVICES, AND MEDICAL CANNABIS DISPENSARIES IN THE CBD AND C ZONING DISTRICTS, ESTABLISHING LICENSING, TAXATION AND ZONING REQUIREMENTS IN CONNECTION THEREWITH, AND PROHIBITING ALL OTHER CLASSES OF CANNABIS BUSINESSES WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE BOROUGH, for consideration of passage on final reading by title and that affidavits of publication thereto are on file. She also reported that the ordinance had been posted and made available to the public, as required by law.

On motion made by Councilman Hale, seconded by Councilman Hersh, and carried by unanimous affirmative voice vote, the above-entitled ordinance was taken up on final reading by title.

Mayor Brill Mittler declared the public hearing on the ordinance open to all officials and persons present and called upon all those wishing to speak for or against the ordinance to do so.

Dan Stern Cardinale, Harper Street, commented that he has provided studies with actual data to several members of the Council and the Mayor. Cannabis use tends to replace alcohol use rather than be used with it and there is less strong evidence for other drugs. At the neighborhood level, recreational cannabis is associated with a decrease in crime. In terms of use among minors, the weight of evidence is that recreational cannabis and having actual businesses in a town does not lead to a net increase in use. There is no causal relationship between legal cannabis and an increase in traffic accidents and the effects on property taxes are small. He thinks this is a positive thing and the right thing for Highland Park.

Hugh Giordano, 57 Argyle, Blackwood, NJ, commented that he is here as a representative of the United Food and Commercial Workers Union (UFCW), which is a national labor union of 1.3 million hard-working families and they are the official labor union that represents cannabis workers from seed to sale, both medical and adult use. He commended the Mayor and Council for taking a leadership role in this and creating good jobs. The ordinance is well thought out, well written and they love the fact that there is a merit-based application system that looks at things that affect working-class people; specifically labor standards. They support this ordinance as written and hope that other cities, towns and boroughs will follow their leadership and pass the same type of ordinance.

Ruth Solomon, 704 South 1<sup>st</sup> Avenue, commented about a statement the Mayor made that 2% of something is better than 2% of nothing. To allow this in our town is exactly the kind of money it would bring in with regard to taxes. 2% of the sales is based on the number of stores that would be here and the amount of sales in each of those stores. It is a little hard to predict that at this point. We are also hoping that this will provide jobs for people in the community and make access to medical marijuana easier for those in need.

John Kovac, 206 North 3<sup>rd</sup> Avenue, commented that the people of New Jersey have spoken on this issue and he thinks it would be a good thing for the town. It would bring in revenue and jobs and pretty much fits the character of the town. He does not think it would present an undo hazard. He commended them for all the hard work they have done.

Walter Rogers, 111 Riverview Avenue, noted that his question relates to business owners. Under current banking laws, they have a problem depositing their money in a bank account. He asked if the Borough has looked into that and the necessary changes that would need to be made, not just in state law,

but also in federal bank laws to allow money coming in from these organizations/businesses. This is a cash business

Brian Beyer, 228 South 3<sup>rd</sup> Avenue, expressed his opposition to this ordinance in the strongest terms possible. The question is whether this ordinance should be allowed and whether or not a 1.8 square mile town should have multiple businesses with consumption lounges. Nobody he has spoken to is in favor of having consumption lounges within the proximity of churches/synagogues/schools. The question is not about legalization, the question is this ordinance. He again stated his strongest opposition to the ordinance. Borough Attorney Schmierer noted that the standards that are in the ordinance would allow the Council to select locations and the operators. It does call for compliance with the land use regulations. There is no specific prohibition in terms of proximity to a school or to a church, but it still has to be a legal use in either the Central Business District or the Commercial District.

Matt Fisco, 6 Holly Court, asked about establishments and entities with no smoking policies and will it be understood that if people want to participate in having cannabis that it can be done so as an edible and cannot be consumed in a smoking format. Councilman George noted that the no smoking provision in the cannabis law is contained in one section and it includes cannabis smoking and vaping in the same prohibitions as public smoking. It does exempt consumables, however, the establishment can say that they do not want consumables.

Mary Botteon, 709 Madison Avenue, read list of names contained on a petition submitted in opposition to this ordinance. These are residents all over town that do not support this proposal. She asked the Governing Body to vote no tonight on this ordinance. She also noted that a group of students signed the petition under the heading students against dispensaries in Highland Park. She asked the Council to please listen to the community and vote no tonight and opt out.

Gopali Vaccarelli, 603 South 3<sup>rd</sup> Avenue and Victoria Kays, 1625 Parker Road. Ms. Kays noted that she has been working for Garden State Dispensary since 2014. The New Jersey Medical Marijuana Program prohibits dispensaries from operating 500' from parks and schools. She does not know if this is going to be part of the new law or not for recreational marijuana. She asked about stipulations for location and if Highland Park has the ability to differentiate between what kinds of licenses are allowed in the Borough. Borough Attorney Schmierer advised that there is one category out of the list of different classes of cannabis activity that the Borough is going to authorize directly. Class number six is delivery and the state law permits delivery of cannabis products anywhere in the state. The only class of license that the Borough would be authorizing with the adoption of the ordinance is class number five, which is retail cannabis and would include recreational cannabis and also medical dispensaries. Ms. Kays asked whether the prohibition of being near schools and parks would apply to synagogues. Borough Attorney Schmierer indicated that if they offer an educational component that would classify them as a school. The Borough's ordinance does not have a specific disqualification distance for a retail operation whether it is recreational or a dispensary. If there is a state law, then the Borough would have to follow that requirement. Councilman Hale noted that there is not a 500' restriction in state law according to their understanding, but they will follow whatever the state law is.

Marna Wolf, 403 Harrison Avenue, commented that she is not in support of this ordinance.

Joyce Gregus, Crowells Road, commented that Highland Park is a great little town and everything is going well. She thinks the Borough should fully opt of this to provide more information and understanding on these critical issues.

Tatiana Gelfand, 118 North 5<sup>th</sup> Avenue, commented that she sent a letter that detailed her position and the effects on health that marijuana would have. She strongly opposes letting the pot shops in town. She wondered why in the environment that there are no state guidelines. So many towns are opting out. She asked why Highland Park is rushing without doing much research and without getting a detailed knowledge of the effects on health and education and brain development of kids. She asked the Council to opt out.

Shelee Saal, 366 North 4<sup>th</sup> Avenue, commented about receiving a receipt when an email is sent to the Governing Body. She questioned the age of adults as 18 year olds are considered adults. Mayor Brill Mittler noted that her understanding of the law is that the sale of cannabis is restricted to people over the age of 21. Ms. Saal commented about the short amount of time to put this ordinance in place. She encouraged them to opt out and take the time to look at this further.

Zach Hale, 346 North 4<sup>th</sup> Avenue, commented that Victoria mentioned that there were state laws prohibiting dispensaries within 500 feet of schools and in response to that the Borough Attorney mentioned that a lot of synagogues act in educational capacities. He asked if they are classified as schools if the 500 foot law would be applicable. Borough Attorney Schmierer noted that they would have to check is whether or not the representation that a medical dispensary has to be 500 feet away from a school. We do not believe that his the case. There is probably a definition in the medical dispensary law if there is a requirement for 500 feet about what is a school.

Arielle del Rosario, 201 South 2<sup>nd</sup> Avenue, she thanked the Governing Body for passing this and moving fast. She has heard a lot of fear mongering and rhetoric, which is disheartening because marijuana has lower public health costs than alcohol, which has been legal for quite some time. Many other states have also passed and successfully implemented recreational marijuana. She lived in Colorado for three years and the taxes really helped with things like education. She was happy to hear the Mayor address that education would be implemented to make people make informed decisions.

Mark Lesko, 310 South 4<sup>th</sup> Avenue, commented that there are no known negative effects of marijuana use that he knows of. There are many positive effects, including anxiety, and pain management. People are going to use it no matter what the Borough does, but this will be a more regulated way to get it. It would generate more economy for the town.

Edward “Lefty” Grimes, sativacross.org, a 501c3 that advocates for disabled vets and disabled cannabis patients. They support any ordinance that is going to help disabled vets and sick and dying people. The rhetoric is has heard tonight is very hurtful and very scary. The medical cannabis is taxed and there is a 2% tax every municipality gets and the medicine is not covered by insurance. He thanked the Governing Body for the ordinance.

Marina Redmond, 3 Burrell Square, Parlin, NJ, commented about her journey with medical marijuana and how it saved her life. She suffered through PTSD between the ages of 1 and 4 ½ and had many surgeries on her lower leg. She was diagnosed with cancer in 2017 and none of the pharmaceutical medicines helped her. Obtaining her cannabis card and getting medical marijuana helped her out tremendously.

Max Broggi Sumner, 250 Amherst Street, commented that he shares a home with someone who uses medical marijuana. He is hugely in favor of this ordinance and thinks it will make obtaining CBD a lot easier for them. He urged the Council to vote in favor of the ordinance because the benefits far outweigh any risk.

Mary Botteon, 709 Madison Avenue, commented that the issue at hand is that this ordinance is very premature and has lots of details missing and neighbors and residents all over town are extremely upset about it. You heard many names of people asking the Council to vote no tonight and take this up at a later time. There is no requirement to put the Borough into this now.

Victoria Kays, 1625 Parker Road, thanked Ed Grimes for joining the meeting because he is a really great advocate. She noted that she was looking online for information about the distance from schools and hoped that the Borough would look into the matter further and be able to clarify for the community. She commented about her work in the medical marijuana industry, noting that she has never had an issue. She also noted that she is a medical marijuana patient and has had success with her own PTSD and chronic pain.

Gopali Vaccarelli, 603 South 2<sup>nd</sup> Avenue, commented that she appreciated everything Victoria, Marina, Mark, Arielle and Lefty said about the ordinance and she is in favor of it.

No one else appearing to be heard and no objections having been received in writing, the Mayor closed the public hearing.

On motion made by Councilman Hale, seconded by Councilman Hersh, the ordinance entitled as above, being Ordinance No. 21-2027, was duly adopted by the following roll call vote, to wit:

Ayes: Councilpersons Foster, George, Hale, Hersh, Kim-Chohan.

Opposed: None.

Absent: Councilperson Canavera.

The following resolution, introduced by the Public Safety Committee, was duly adopted on motion made by Councilman Hale, seconded by Councilman Hersh, and carried by unanimous affirmative voice vote:

No. 8-21-210

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, AN ORDINANCE BY THE BOROUGH OF HIGHLAND PARK, MIDDLESEX COUNTY, NEW JERSEY, AMENDING THE CODE OF THE BOROUGH OF HIGHLAND PARK ALLOWING CLASS V RETAIL CANNABIS BUSINESSES, CLASS VI CANNABIS DELIVERY SERVICES, AND MEDICAL CANNABIS DISPENSARIES IN THE CBD AND C ZONING DISTRICTS, ESTABLISHING LICENSING, TAXATION AND ZONING REQUIREMENTS IN CONNECTION THEREWITH, AND PROHIBITING ALL OTHER CLASSES OF CANNABIS BUSINESSES WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE BOROUGH, passed on final reading at this meeting be delivered to the Mayor for his/her approval, and if approved by him, that the same be recorded in full by the Borough Clerk in a proper book kept for that purpose, and be advertised by publishing the same by title in the “Home News Tribune”, of Neptune, New Jersey, a newspaper published in the County of Middlesex and circulating in this municipality, there being no newspaper published in this municipality, in the manner prescribed by law.

Mayor Brill Mittler thanked the Council Members and the Borough Attorney for all of their hard work. She also thanked the residents for participating in the discussion and for those that sent them letters and emails.

There being no further business, on motion made by Councilman George, seconded by Councilwoman Kim-Chohan, and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned at 8:07 p.m.

Respectfully submitted,

Joan Hullings  
Borough Clerk