

**TOWNSHIP OF MAHWAH
SPECIAL COUNCIL MEETING MINUTES
WEDNESDAY, JUNE 9, 2021**

The Meeting was called to order at 7:07PM by Council President May who read the Open Public Meetings Act Statement as prescribed by law. Notice was sent electronically to The Record on May 28, 2021 for publication on June 3, 2021, and The Ridgewood News on May 28, 2021 for information only stating the Meeting will be held in the Honorable Richard J. Martel Municipal Center located at 475 Corporate Drive, Mahwah, New Jersey on Wednesday, June 9, 2021 at 7:00PM.

Notice of this Meeting is posted on the Municipal Bulletin Board. The Minutes of this Meeting shall be available in the Municipal Clerk's Office once they are approved by the Township Council.

SALUTE TO THE FLAG

MOMENT OF SILENCE FOR VETERANS AND THOSE SERVING IN THE MILITARY

Moment of Silence was observed for those who served and those who are serving in the military both here and abroad and for those affected by the Coronavirus.

Present: Councilmembers Ariemma, Bolan, Ervin, Ferguson, May, Paz and Wong

Also present were Mayor James J. Wysocki, Business Administrator Benjamin Kezmarsky, Township Attorney Fred Semrau, Township Attorney's Associate Gabrielle Canaie, Police Chief Stephen Jaffe, Township Planner's Associate Mr. Nicholas Dickerson of Colliers Engineering and Clerical Assistant Carolyn George.

TOWNSHIP COUNCIL

1a. Overview of Recreational Cannabis Law and Legal Requirements for Municipalities
May introduced Township Attorney Fred Semrau, Township Attorney's Associate Gabrielle Canaie and Township Planner's Associate Nicholas Dickerson.

Township Attorney presented the New Jersey Cannabis Legalization Presentation. He stated Municipalities have until August 21, 2021 to either "Opt-In" or "Opt-Out" for Cannabis Businesses to operate locally. He explained if the Township chooses to "Opt-In", they would be locked into the Agreement for 5 years. If the Township chooses to "Opt-Out", they may choose to "Opt-In" at any time.

Township Attorney stated the Administrative Code, Regulations and Ordinances would be required to be changed if the Township chose to "Opt-In".

Township Attorney explained the Cannabis Classifications of Businesses and Types of Cannabis Licenses required by the State.

Ariemma asked the difference between Cannabis and Marijuana. Township Attorney's Associate Canaie stated Cannabis is a product regulated by the State. Marijuana is not regulated by the State.

Ariemma asked the difference between a Wholesaler and a Distributor. Township Attorney stated Amazon could be a Wholesaler and deliver to a Distributor or be a Distributor.

Mayor Wysocki asked if smoking Cannabis outside would be a Violation. Township Attorney answered the Township Ordinances and Administrative Code would contain Violations and Enforcement for consumption.

Ervin asked how the State Businesses can operate if Cannabis is not Federally recognized. Township Attorney stated if the Business deals with the Federal Government on any level, the Business cannot operate.

Bolan asked if the Township would receive any Tax Benefit if Cannabis was delivered to Residents in Mahwah. Township Attorney stated the Township would not receive any Tax Benefit for the delivery if the Distributor was in a different Municipality. If the Distributor is based on Mahwah, the Township would receive 2% Tax from the Distributor.

Wong asked when New York will begin opening Cannabis stores. Township Attorney does not have any details.

Mayor Wysocki asked for a List of Bergen County Municipalities with their decisions of "Opt-In" or "Opt-Out". Township Attorney will get a List to the Mayor.

Ferguson asked how specific can the Township be regarding Zoning for Cannabis Businesses. Township Attorney stated the Township can limit the number of Cannabis Licenses and Locations. This will not be considered Spot Zoning.

Ervin asked if the Federal Government could cease any assets the Township received from Cannabis. Township Attorney stated no. It is a State action. It is designed similarly to the New Jersey Division of Alcoholic Beverage Control. All sales have to be recorded. If there was an issue, the Business's License would be removed. The Township would not be involved in the Revenue stream.

Ferguson asked how the Cannabis Cash Flow would be received. Township Attorney believes it is similar to the Hotel Tax. However, the State is still working on the details.

Ferguson asked if the Township could place requirements regarding the Building Type, Security and Signs. Township Attorney stated yes.

Bolan asked if the Township Opts-Out but then Opts-in, can the State regulate what the Municipalities can and cannot do. He believes the State will not Grandfather any Municipalities if they Opted-In sooner.

Paz asked if Cannabis could be delivered to a Group Home. Township Attorney stated the Township can limit the Delivery Time and Registration. The Township Attorney's Associate stated the New Jersey Smoke Free Act limits smoking within communal buildings including Cannabis.

Ferguson asked if the Cannabis License could be sold to another Business. Township Attorney stated yes, it is similar to Liquor Licenses.

Chief Jaffe provided details regarding the Police Department's enforcement with Cannabis. He explained there is no mechanism for a proper arrest if a driver is pulled over for a "Driving Under the Influence" of Cannabis. Mahwah currently has 2 Drug Recognition Officers who could assist for Cannabis DUI. Bergen County has 12 Drug Recognition Officers. He explained the variety of additional concerns for Residents' safety regarding Cannabis edibles and THC Cannisters. He added there is a possibility of increased Violations. He believes this should be thoroughly reviewed from every angle. He believes the State must provide more guidance for the Municipalities.

PUBLIC PORTION

On a motion by Ervin, seconded by Paz, the Meeting was opened to the public at 8:20PM. All in favor. Motion carried.

Ms. Audrey Gold of 214 Miller Road asked if research has been reviewed if there was an increase of illicit drugs when Cannabis was legalized.

Ms. Gold asked if there is a correlation between legalization of Cannabis and an increase in prostitution.

Ms. Gold asked the status of criminal implications for Mahwah Residents crossing into New York.

Ms. Gold asked if a Zone could be changed to a Cannabis Zone by the Zoning Board of Adjustment.

Chief Jaffe explained overdoses of Opioids are increasing. He added he has not seen an issue with prostitution in Mahwah. He stated there are vehicle pursuits crossing the New York Border for stolen cars but not regarding Cannabis.

Township Attorney stated a Business could not receive a Zoning Variance to operate in an area not Zoned for Cannabis.

Mr. John Fesen of 20 Falcon Court asked how many states have legalized Cannabis.

Mr. Fesen is concerned about the issues the other States have experienced after legalizing Cannabis.

Mr. Fesen asked if Bergen County receives any taxes the Township would receive if the Township agreed to Cannabis Businesses.

Township Planner's Associate Dickerson stated the Land Use Legislation can establish very strict regulations beyond what is normally completed.

Township Attorney explained the County does not receive any funds as of this date.

Ms. Lynne Warshaw of 167 Van Winkle Lane would like the Township to review what other States do because both sides of this argument has made extreme claims and the Township should decide from a position of strength.

Ms. Carol Gneiding of 19 Winding Trail asked how the Township would Zone for Cultivation Licenses.

Ms. Gneiding asked if the Township chooses to Opt-Out, and then Opt-In, how will the Residents be informed.

Township Planner's Associate Dickerson stated the Zoning used would have specific requirements for that use. He said the Township could place regulations for odor, light and emissions.

Ms. Tracy Miceli of 163 Indian Hollow Court asked the Council and Administration to take heavy consideration as to Chief Jaffe's information previously mentioned.

Ms. Miceli attended the New Jersey Legislature Hearing regarding Cannabis. She said the discussions were all about the amount of money received in Taxes. The Legislature Hearing did not mention anything about the Emergency Rooms or Pediatric Issues.

Ms. Miceli asked if a Condominium Complex does not allow Indoor smoking, where do those Residents smoke their Cannabis. Township Attorney said the Township can state in an Ordinance wherever smoking is prohibited, Cannabis could also be prohibited. If the Condominiums have their own Smoking Policy, he does not believe the Township could regulate within that aspect of the Community.

Ms. Sally Coda of 66 Eileen Drive stated the Township needs time to research the Cannabis Issue.

Ms. Coda asked if the Township can control the number of Cannabis Licenses issued for the Township. Township Attorney stated yes.

Ms. Coda asked if a Bakery selling edible Cannabis products could be a type of Cannabis Business and need a License. Township Attorney stated yes.

Ms. Sally Monahan of 136 Grandview Lane stated her Condominium complex allows smoking indoors. She would like the Township to explore all Business opportunities for Cannabis. She believes it would bring new jobs for the Township.

Ms. Christine Ridlon of 120 Sherwood Avenue thanked Chief Jaffe for speaking this evening regarding the Township's Police Department and Cannabis.

Ms. Ridlon would like the Township to Opt-Out and not be part of the Cannabis experiment. She believes the Legislature will always be changing.

Ms. Vicky Galow of 68 Armour Road is concerned about the safety of the Township's children. She is concerned there will be an increase in crime in our Township.

Ms. Galow is concerned there could be an increase in vehicular accidents due to Driving Under the Influence of Cannabis. Chief Jaffe said he has the same concerns.

Mr. Kevin Collucci of 28 Devine Drive stated New Jersey Residents voted yes to the Legislature without knowing much about it.

Mr. Collucci is concerned about smoking Cannabis outdoors.

Mr. Collucci stated Colorado has had a 15% increase of traffic deaths since legalizing Cannabis.

Mr. Austin Harrison of 478 Green Mountain Road is concerned about the Criminal and Morality issues with Cannabis for the Township. He believes the State has passed the buck to the Municipalities. The Township needs to see how it works out for the other Municipalities.

Mr. Charles Gneiding of 19 Winding Trail asked if the Township can regulate Open Field Cultivating. Township Planner's Associate Dickerson stated yes.

Mr. Gneiding asked if the Township chooses to Opt-Out but then chooses to Opt-In, is the Township in for 5 years. Township Attorney stated yes.

Ms. Audrey Gold of 214 Miller Road asked if illicit drugs would be sold more due to Cannabis sales. Chief Jaffe explained he cannot predict.

Ms. Gold asked if the Police Department would require additional Police Officers. Chief Jaffe stated staffing is always considered as the Township grows with Commercial Businesses and Residential properties.

Ms. Gold asked how would the Food and Drug Administration regulate the level of THC in Cannabis edibles. Township Attorney stated it is considered under Retail Licensing. The New Jersey Health Department and Township Health Department would be involved.

On a motion by Ervin, seconded by Ferguson, the Meeting was closed to the public at 9:23PM. All in favor. Motion carried.

Ferguson asked what type of Police enforcement would be necessary on Wholesale Distributors. Chief Jaffe explained there could be a rise in crime with theft and robbery of shipments and transportation of Cannabis.

Ervin would like to see the Cannabis Licenses vetted for the Owners criminal background checked. Township Attorney stated the Licenses will be vetted by the State in a similar fashion as Liquor Licenses.

On a motion by Ferguson, seconded by Wong, the Meeting was adjourned at 9:32PM. All in favor. Motion carried.

Respectfully submitted,



Kathrine G. Coviello, RMC/CMC/MMC
Municipal Clerk