

SPECIAL MEETING MINUTES  
January 29, 2019 at 6:30 pm

A regular meeting of the Mayor and Council of the Borough of Bradley Beach was held in the Meeting Room, 701 Main Street, Bradley Beach, New Jersey on the above date.

**CALL TO ORDER**

Mayor Gary Engelstad opened the meeting with a salute to the flag.

Sunshine Law

The meeting has been noticed publicly according to the Open Public Meetings Act requirement for the “Annual Notice”, and posted on the official bulletin board.

**ROLL CALL 6:30 pm**

Present: Council: Weber, Goldfarb, Bonnell, Cotler  
Mayor Engelstad  
Municipal Clerk/Administrator Kelly Barrett  
Deputy Municipal Clerk Erica Kostyz

Mayor Engelstad stated that the purpose of the Special Meeting is for the residents to be heard on the pending Marijuana Legislation. He provided an update received from Ms. Schaffer, Borough Attorney on pending State Cannabis Legislation:

- Two current bills pending before the legislature regarding recreational and adult use of cannabis
- Both bills provide that licenses will not be issued unless the applicant is in compliance with local regulations/ordinances for business operations
- Even if medical marijuana facility is operating in a municipality, adult recreational use will not be permitted without local government approval
- Each municipality has the option to regulate time, place, manner and number of establishments and adopt an ordinance to prohibit operations by one or more of establishments, (i.e., retail, distribution, cultivation) entirely
- After a bill is passed, towns have 180 days to establish rules/regulations and adopt an ordinance prohibiting the growing, cultivating, processing, selling, and reselling of cannabis
- If a municipality does not pass a regulation /ordinance within 180 days, cannabis operations are permitted for five years thereafter
- **Any ordinance passed before state action is VOID**
- License applications are provided to the local government for sign off as to whether the operation and location comply with local ordinances.
- On premises consumption is permitted in a license cannabis facility only if approved by the local government
- A local government is permitted to impose a local tax of up to 2% on a retail cannabis facility

- Local Government entity whether or not it permits retail or cannabis facilities is empowered to adopt an Ordinance making it unlawful for any person under the age of 21 to consume cannabis in a public place and provides for a civil penalty of up to \$200. per violation
- Consumption is prohibited in any area of any building/facility owned, leased or controlled by any public/private institution of higher education, whether indoor or outdoor space
- Possession of cannabis on elementary or secondary school property is a disorderly person offense
- There are advertising restrictions for cannabis facilities prohibiting any advertisement within 200 feet of a school
- No cannabis facility, whether recreational or medical, can be located within a drug free school zone which must be at least 1000 feet away from any property used for school purposes.

Mayor Engelstad stated that he had received letters from residents regarding the marijuana issue and he stated their comments/concerns:

Tim Sexsmith, 500 LaReine Avenue, is in support of a marijuana dispensary within the borough and urged the governing body to consider allowing the business as this would be helpful to residents and would also do away with any misconception that the borough is anti-business. He expressed the following:

- People in Bradley Beach currently engage in the use of medical and recreational marijuana and the legal sale of cannabis will not change their behavior.
- Studies have shown a decrease in opioid abuse in Colorado after legalizing marijuana.
- There were no significant increase in the number of young people using marijuana after it is legalized.
- Alcohol establishments increase criminal activity and marijuana establishments have not shown an increase in crime.
- The governing body will regulate and have complete control over the dispensaries
- A marijuana business may bring rateables to the borough and help offset tax increases.

Eva Carola, 611 Second Avenue, High School Drug Counselor, was opposed to a marijuana dispensary in Bradley Beach and she expressed the following:

- Serious concerns for the health and public safety of the community with a marijuana dispensary in Bradley Beach.
- Studies have shown an increased use of marijuana by the younger people in the states where marijuana has been legalized.
- The idea of marijuana not being a big deal has increased the use in young people.
- The use of juul vapes for liquid marijuana and marijuana edibles “gummy bears”, carry dangerously high levels of THC and result in the need of emergency care.
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Jeff Oaks, Oceanport, NJ, stated that he is in support of marijuana dispensaries and uses medical cannabis for stage four cancer.

He continued that he has used marijuana in conjunction with traditional chemotherapy and doesn't use any other pharmaceuticals. He is also an advocate for marijuana to reduce opioid abuse.

Hugh Jervano, 57 Argyle Avenue, Gloucester Twp., Union Representative for Local UFCW 152, stated the sale of cannabis is union and has set a standard for the working class. The impact on the labor force and economy is positive. Cannabis creates good jobs, the starting salaries are \$15. hourly with benefits for young educated and well trained individuals. The legislation allows municipalities time to review and regulate/control the dispensaries

Mike Veangelis, 367 Church Road, Brick, stated, he is a medical marijuana patient and marijuana has helped him get off opioids. He continued, that his history of opioids began with a doctor prescribing opioids for pain which over time lead to the use of heroin. Medical marijuana has saved my life and is now completely opioid free.

Bill Psiuk, 110 Fifth Avenue, stated that he is in favor of medical marijuana, his wife used medical marijuana for cancer/pain and he has seen the relief it provides. He continued that he has also seen the abuse of recreational marijuana during the Vietnam War. He questioned the distance from a school marijuana may be sold.

Mayor Engelstad responded that marijuana cannot be sold within 1000 feet of a school zone.

Councilman Cotler, reminded everyone that we are not here to debate if marijuana is good or bad. The question/debate is, "Is a dispensary feasible in Bradley Beach"? We are a small town and would the borough be able to accommodate such a business with additional parking, etc. . . . He confirmed, medical marijuana works and helps people.

Julie Nutaitis, 605 Newark Avenue, expressed concerns regarding the lack of parking and how a marijuana dispensary would create more of a parking issue. She continued that things always get pushed to the North End and any business would cause additional parking problems.

Nancy Meadow, Beach Avenue, expressed concerns of a dispensary and it being placed in the North End of town. She continued, a marijuana dispensary is a huge mistake for the borough.

Jim Burns, 401 Fifth Avenue, stated that the borough must act within 180 days of the legalization of marijuana or you are stuck with it for five years. He continued, that he is in favor of medical marijuana, it is helpful to the VETS for PTSD and other issues. The problem with recreational marijuana is black market marijuana which is laced with different chemicals. Asbury Park and Neptune will have dispensaries, Bradley Beach doesn't need one.

Al Gubitosi, 615 Fourth Avenue, stated he is very supportive of medicinal marijuana which is helping with the opioid epidemic. The residents of Bradley Beach do not want to be part of a community infrastructure challenge, by having a facility in Bradley Beach. In the state of Colorado 50% of municipalities allow dispensaries and 50% do not. The Borough currently has a list of prohibited businesses and you are required to go before the Zoning Board to seek a variance. I would like to see the Borough approach this issue as a zoning matter and review on a case by case basis.

Joseph Licata, 121A Lake Terrace Avenue, stated he was opposed to Bradley Beach distributing drugs.

Christine Robinson, 706 LaReine Avenue, stated that the borough should weigh the pros and cons, tax relief, etc.

Thomas Coan, 612 Third Avenue, stated he agreed with Councilman Cotler and Mr. Gubitosi as it should be looked at as a zoning issue. He continued that he is protective of the businesses on Main Street. If you wish to purchase marijuana you can go to Asbury Park and Neptune. He mentioned several towns that adopted ordinances prohibiting the sale of marijuana in their towns. He continued that he believed it will impact the borough's property values.

Geoff Curtis, 202 Third Avenue, stated he was in favor of a dispensary in the Borough. He continued that he is a Correction Officer in Hudson County and has seen how marijuana helps young people with their addiction. This is an important breakthrough for young kids with addiction. He suggested you eliminate bars and tobacco as they have far more consequences than marijuana.

Mike Derrick, 631 Ocean Avenue, stated that he thinks the Borough should ban marijuana as it is destructive to the community.

Mike Hablitz, 508 Newark Avenue, stated that he has no problem with medical marijuana, however, it may be purchased in a nearby town. He expressed concerns regarding the public's exposure of smoking marijuana.

Councilman Weber provided the following information: Thirty three (33) states have legalized marijuana and New Jersey legalized medical marijuana in 2012. The nearest medical marijuana facility (alternate treatment center) is 30 miles away. It was reported in 2013 that there were 26,000 patients and that number has grown. The facilities conduct an extensive background check on all staff members. The product (marijuana) sold is grown on site and is packaged with specific bar codes which identify the purchase location. The average user is of an older age with mobility issues. He recommended that the Council hear what a medical marijuana dispensary has to offer the borough before completely prohibiting one.

Eileen Shissas, 112 Fourth Avenue, stated that a medical marijuana dispensary should be located closer to a hospital. She continued that she was opposed to any dispensary in town.

Rich Despina, 600 Third Avenue, stated that Bradley Beach it is a very small town. He had been advocating for the Council to review the nuts and bolts for any kind of business in town. He continued, you can debate any issue and find on-line support of your position. He stated that he did not think you will find anyone opposed to medical marijuana. He believed the Council should focus on the type of business.

Bill Psiuk, 110 Fifth Avenue, expressed concerns of a medical marijuana dispensary in the Borough opening the door for another rehabilitation center in town.

Mayor Engelstad responded that he did not see the correlation between the two.

Stephanie Capella, 506 Madison Avenue, stated that she has been in the Borough for a long time and it is time for Bradley Beach to step up and embrace medical and recreational marijuana. This would create tax dollars. In reference to “gummy bears”, it is the parent’s responsibility to monitor their children. The dispensaries code and document all sales similar to any other pharmacy drugstore. The Council may impose as much regulation as needed on the dispensaries.

Councilman Weber stated that medical marijuana facilities do not sell “gummy bears”.

Sam Neshiwat, 305 LaReine Avenue, stated that he is a federal employee and is a medical and recreational user. He is in support of a dispensary business in the Borough as it is similar to tobacco shop or a bar. He agreed that marijuana is a drug similar to alcohol, cigarettes and caffeine.

Mayor Engelstad stated that he has a son that is a drug and alcohol counselor and he has told me that marijuana is the best thing to happen to address the opioid crisis. He continued that a family member who suffers with anxiety issues and uses medical marijuana and it is helpful. He supports the use of medical marijuana. The Borough may not be able to logistically (due to our size) accommodate a dispensary in town. He announced that he will be bringing proposed legislation to the Council to prohibit a marijuana dispensary in Bradley Beach.

Engelstad/Cotler moved to adjourn

ADJOURN 8:00 PM

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KELLY BARRETT RMC, CMR  
Municipal Clerk/Administrator

