

**COUNCIL WORKSHOP MEETING
430 WESTFIELD AVE., CLARK, NJ**

April 5, 2021

7:46 pm

ROLL CALL:

Present: Council Members Albanese, Mazzarella, O'Connor, Toal, Hund

Absent: Minniti and Smith

Also, Present: Sal Bonaccorso, Mayor John Laezza, Business Administrator; Mark Dugan, Township Attorney; Edith Merkel, Township Clerk

PLEDGE OF ALLEGIANCE TO THE FLAG: MOMENT OF SILENCE

Dispensed

This meeting is in compliance with the Open Public Meetings Act (Chapter 231, P.L.1975) as adequate notice of this meeting has been provided by mailing the Annual Schedule of meetings to the Star Ledger, Union County Local Source, and TAP into Clark, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements, as well as the Official Website of the Township, and the proper filing of said Notice.

RESOLUTIONS:

1. Authorizing the Mayor and/or Business Administrator to execute a Shared Services Agreement with the Plainfield Municipal Utilities Authority for an additional one-year term for Bulky Waste Type – 13 and Construction and Demolition Waste – Type 13C

Discussion: None

Council President Hund asked for a mover and second on this Resolution

Motion: Mazzarella Second: O'Connor

2. Authorizing the purchase of two 2021 Ford Police Utility Interceptor marked police vehicle in the total amount of \$66,979.32 through the Cranford Police Cooperative Pricing System

Councilman Toal: The cars will have the same markings?

Mr. Laezza: Yes.

Council President Hund asked for a mover and second on this Resolution

Motion: Hund Second: Albanese

CONSENT AGENDA RESOLUTIONS:

3. Authorizing the Tax Collector to make the proper adjustments for 100% Property Tax Exemption of Block 179 Lot 30 in accordance with a directive of the U.S. Department of Veterans Affairs

Discussion: None

4. Authorizing the Chief Financial Officer to refund overpayment of 2021 taxes in the amount of \$2,343.83

Discussion: None

5. Authorizing the Chief Financial Officer to refund overpayment of 2021 sewer fees in the amount of \$420.00

Discussion: None

6. Authorizing the Chief Financial Officer to apply sewer account balance adjustments as credit in the amount of \$13,620.00 and additional charges in the amount of \$140.00

Discussion:

Council President Hund asked for a mover and second on this Consent Agenda

Motion: Toal Second: Albanese

PUBLIC COMMENTS:

Each person addressing the Council shall first give his/her name and address to the Clerk. All remarks shall be addressed to the Council as a body and shall not exceed 10 minutes in duration.

Seeing no one coming forward Councilwoman Albanese made a motion to close the public portion of the meeting, seconded by Councilman Toal

Council President O'Connor directed roll call: All Ayes

Aye: Albanese, Mazzarella, O'Connor, Toal, Hund

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: Before I go into the comments, I asked Chief Matos to come here tonight because of the upcoming legislation, possible legislation, allowing marijuana stores, dispensaries I guess, in our community. Before we get into that I think that the law is that we have a right to do that with a 2% money back. John and I said that if it were a million dollars in sales a year, we are going to get \$20,000.00 back. I don't know who is going to own the store because the State is handling that. I really don't know much about it. At this time, I want your input, and we will give you our input, so we know if we should be moving forward with Mark doing an ordinance either welcoming it or prohibiting it. I am personally not in favor of it, and I will give you my example when the Chief is done. I am going to ask Chief Matos for his police, and his professional point of view to this.

Chief Matos: Good evening everyone it's good to see you.

There have been some major changes with regards to the possession of marijuana as to how it involves juveniles, and somehow, they incorporated alcohol into all of this. Just to give you a little background; so, possession of marijuana prior to this legislation, prior to January 1st, was a crime. You could possess up to less than 50 grams of marijuana. If you were in possession of less than 50 grams of marijuana it was a misdemeanor, anything more than that was considered a felony or indictable in New Jersey.

Councilman O'Connor: I don't mean to interrupt but I have no idea how much 50 grams is.

Chief Matos: I am going to give you an idea of what that is. With the new legislation they upped those amounts. Instead of having a misdemeanor and a felony, it is now not a crime and if it is more than this amount now it becomes a crime, an indictable offense. So, to give you an example, simple possession of 6 ounces or less, 6 ounces or less of marijuana is now nothing, it is nothing. It is like you are in possession of paper. To give you an idea of what 6 ounces of marijuana is, if

you look at a marijuana joint, which is about the length of your average cigarette, maybe a little bit thinner, that is about ½ gram. There are about 28 ½ grams of marijuana in about 1 ounce. So, if I am calculating this right, 6 ounces or less of marijuana is about 300 joints. So, if you could imagine what that is, you could be in possession of about 300 marijuana cigarettes and it is perfectly okay. Then it goes onto the amount of hash, which is 17 grams of hash and anything less than 17 grams of hash is nothing.

Councilman O'Connor: What is hash? I am clueless. hash is..... you smoke it right?? But it is not marijuana.

Chief Matos: It is actually more potent.

Mayor Bonaccorso: More solvent, right?

Chief Matos: Personally, I have never seen hash. Hash is not very popular here in the United States. In Europe you would see a lot of it. It is more of a derivative of opioid I believe, but I can be wrong, I don't know much about it. It is a lot more potent than marijuana. Also, being under the influence in public of marijuana has been completely decriminalized. Failure to properly dispose of marijuana or hash, there was a statute prior to this in legislation that if you threw marijuana on the ground....it was common sense that a child might end up with that. You could actually charge the person who threw that on the ground for a criminal offense, and that now is no longer. Now, if you throw it on the ground it is like it is sticks that is what it is. Also, any type of paraphernalia for narcotics that all has been decriminalized. Also, the possession of marijuana and hash, again, when I say the simple possession meaning less than 6 ounces of marijuana, or less than 17 grams of hash, as a motor vehicle operator is decriminalized. Then there is another section that covers the "sale" of marijuana and hash. Before this, if you were just selling 1 marijuana cigarette it was considered an indictable offense. When I say indictable just think about it as a felony. What they did now is if you are selling 1 ounce or less of marijuana, or 5 grams or less of hash, again 1 ounce of marijuana you can think of it as 50 marijuana cigarettes, they basically decriminalized it. But it kind of stipulated that, you can also encounter a situation where someone is selling small amounts of marijuana or hash you (police) are asked to give them a written warning. You are asked to file a report stating what the facts of the issue was, and if there is a subsequent, a second time that the individual gets caught, he could then be charged with a 4th degree crime. If you are selling larger amounts of that it is all bumped up to a 3rd, 2nd or 1st degree charge, depending on the amounts being sold. The problem that they are having now is, where are these warnings? Because there is a whole other section that goes into "warnings", and that goes into amounts, and people under the age of 21. Where are they going to be stored? How are the departments going to have access of other departments' warnings? So, if I issue an individual a warning here in Clark... warnings are... there is no data base that we enter warnings. It is in our records management system, our local cad. If tomorrow that same individual gets stopped for selling marijuana in Wildwood, how is Wildwood going to know what Clark did? We don't share... there is no state database where you can plug in and find the information. You would need it in order to charge that person. If you know that Clark issued a warning already one time for selling these small amounts of marijuana, you can now charge them with a disorderly offence, but you would have to have that information in order to make that decision. Right now, the problem is that they are trying to figure out what kind of state database to create so that every department can retrieve this information. The other issue is that even when you have the second offence you can't technically arrest them, you can only detain them, issue a summons, and the person moves on. The special rules for people under 21 are

convoluted. I am having a hard time understanding it. Basically, there will never be a criminal charge for someone under the age of 21. They will get a 1st warning, a 2nd warning, a 3rd warning and then everything is a 3rd warning from then on out. You have to just keep warning them. Well, my question is why are we warning? What are we doing? I mean what is the point of repeatedly warning someone? I think that by the 3rd warning they know that they are doing it, but we have to keep warning. So, basically, let's say that you have someone under the age of 21, and this includes alcohol now, you stop a person that is in possession of a small amount of... a decriminalized amount of marijuana or hash, the person gets a written warning and we cannot provide that information to a parent. We cannot provide that information to a parent. But I am hearing now that, that is going to get changed. On the second time you have to give them a written warning and they would have to provide the 1st and 2nd warning to the parent. This is where it gets complicated. I might not even have access to the 1st warning because the departments don't database here. How would I know... even if I did know, I may not have access to it right away. Where do I get it from? This is one of the things that they are working on in the State database, where we could all plug in and have access. Then it talks about the 3rd subsequent offences, the 3rd subsequent meaning 4th, 5th, 6th, 7th, 8th, 9th, 10th, through infinity. You issue the person a warning, you provide the individual information with community services, you can also provide that information of the individual... you provide his name to drug treatment programs. Which ones (programs) we don't know. Is there going to be one program? We don't know yet. Of course, if the individual is under 18, you would provide that information to the parent. If the person is 19, we are not contacting any parent, or making any attempt on any subsequent warnings. So, I just have to ask if the person is 20 (years old) and it is their 4th time, what could I possibly warn them about? It just doesn't make any sense. Why just create more work for yourself? I mean the person knows it already, so what is the point? In all of this, it includes alcohol. So, one of the things that they did is when you can search someone under the age is if you... basically, my understanding is that an officer can never use his assumption of what the persons age is to stop that individual. So, if me and you are (inaudible 80428) and you see a 12-year-old walking down the street with a can of beer, you are making an assumption, a safe assumption of the persons age, you can't do that. You cannot assume the person's age because you may be wrong, I highly doubt it, but you can't do it. So, if the 12-year-old is walking down the street with a can of beer (Councilman Mazzaella: you just wave and say "hi") Marijuana included, it is the same thing. You can never stop someone solely based on your assumption of what their age is. If you do, and this is where I think that a lot of cops are not going to want to get involved, because if they do, the officer himself could be charged with a 3rd degree (crime) defamation of civil rights. So, I think with that written into there, it is going to create an environment where the cops are going to say, "This is very hard to understand, why am I going to risk stopping anyone, or searching anyone? If I stop a car and I smell a lot of Marijuana...? You can never search someone based on smell. If you stop someone and you smell marijuana in the car because it has been decriminalized.

Mark Dugan raised a question about smelling marijuana on a driver breath.

Chief Matos: If it is on the breath then that is different, that is the operation of the motor vehicle. But, let's say.... we are not talking about the smell in a car, it is really marijuana. If you stop someone and he has a half a pound of Marijuana... you don't know how much it is, it could be 3 pounds, you don't know, you don't know how much marijuana is there. But there is a strong odor of raw marijuana, you cannot search the vehicle.

Councilman O'Connor: They can't call the dogs anymore?

Chief Matos: No. That is one thing, the dogs will eventually go (inaudible). The only thing that the police officer needs in the State of New Jersey... the only real use that is going to be left is going to be tracking dogs. As far as drug sniffing dogs...

Councilwoman Albanese: The drug sniffing dogs only smell Marijuana, or do they smell other drugs?

Chief Matos: Drug sniffing dogs primarily, and I am talking about in a town scenario, not an airport scenario or anything like that. They (the dogs) are mainly trained for marijuana.

Councilman Mazzarella: Pedro, what you are saying is that a police officer spots a juvenile in a car, smoking a joint, he is making an assumption?

Chief Matos: You can stop the car for vehicle violations and you walk up on a car and there is a 17-year-old in the driver's seat and if he is displaying an impairment because of marijuana, you may proceed down that DWI path, but that doesn't give you the right to search the car.

Councilman Mazzarella: What I mean is... a car is parked and the juvenile is in there, and a police officer is walking by, smells it and he sees it. He can't stop him because he is making an assumption, right?

Council President Hund: But once you are 21 (years old) it reverts back to the current law.

Chief Matos: 21 is a legal age. As long as you are under the 6 ounces....as long as you have in possession less than that (6 ounces). The point that I am making about searches is, if a police officer smells marijuana, he does not know how much is there, he smells marijuana. Prior because marijuana was illegal, he had probable cause to search. Now, because up to 6 ounces is not illegal, it has been decriminalized, so have the searches. You can no longer search based on that smell.

Mayor Bonaccorso: Basically Chief, what you are saying is most cops that have a brain are going to leave it alone.

Chief Mato: I mean that is going to happen.

Mayor Bonaccorso: That is my opinion. I am not saying that as the Chief you are going to tell your people that, but I am saying as an opinion.

Chief Matos: I think that what is going to happen is, especially when they say that as a cop you could be charged. For the next couple of years, they are going to have officers that are going to step back and kind of see where all of this goes. I have a feeling that over the next year or so they are going to be making changes to the law and make it easier to understand. There are going to be some changes on the final plan because that is the way things go, but I think until cops kind of understand clearly, I think that you are going to see cops just go, "I don't want to get involved."

Councilwoman Albanese: What about Drug Enforcement Recognition Officers in the County. We have Drug Enforcement Recognition Officers in Middlesex County and in the town that I work in. It is not principally for that type of drug; it is for other drugs.

Chief Matos: Drug recognition, not enforcement.

Councilwoman Albanese: Well, they have a Drug Enforcement Recognition Program. They get grants...

Chief Matos: That is strictly for DWI.

Councilwoman Albanese: It is actually for opioids, and cocaine, and things like that.

Councilman O'Connor: We don't have that in our department, right?

Chief Matos: We have two, we have one and another officer who is in training now to become a Drug Recognition Expert, primarily for DWI. If you stop someone who is clearly impaired, and you don't believe that is alcohol related, let's say it could be heroine or opioids, in order to prove, or at least have probable cause to believe that the person is under the influence of an opioid, it takes a Drug Recognition Expert to put to use a breathalyzer test. It is almost like a medical evaluation, and give your professional opinion, that yes, this person is under the influence of opioids, or any other kind of drug, marijuana, or heroin, whatever it may be. That is primarily used in DWI. We don't use drug recognition for let's say that someone is walking down the street, stumbling...

Councilwoman Albanese: No, I believe it is for driving.

Chief Matos: The primary (inaudible 81200) Drug Recondition Expert is for the DWI enforcement.

Mayor Bonaccorso: Chief, what you said is very important and I thank you for that. We are going to be looking at legislation to either accept the dispensary in Clark, or not. As the Chief of Police, we want to get your feelings on it. What is your feeling? Should the Mayor and Council allow the sale?

Chief Matos: A dispensary being?

Mayor Bonaccorso: A store.

Chief Matos: Just a store? That shop could be someone at the gas station having the proper permits to sell marijuana.

Councilwoman Albanese: It has to be zoned.

Chief Matos: In certain zones.

Mayor Bonaccorso: Probably business.

Chief Matos: I kind of don't understand the path that we are going down. We haven't had the State for so many years telling us we are under... we have this opioid epidemic and the amount of astronomical deaths that we are seeing. We all know that marijuana, and alcohol for that matter, is a gateway. We are legalizing this making it harder for cops to even tell parents. When they do encounter a juvenile with marijuana, we all know that it is a gateway drug that leads to worst stuff. Now we are going to be putting in, to what could possibly turn out to be every corner. One of the criticisms that you hear a lot is that how come in the inner cities you see a bar and a liquor store on every corner? That is a fair criticism, it is actually a fair criticism. It does something to the community, it takes something away from it. I have a feeling that ten years from now the criticism, someone is going to say, "why is it in certain areas all that you see is head shops, places that sell marijuana, bars and liquor stores. I hope, in my opinion, I don't think it is going to happen in certain communities, because you are going to have town governments that will... even if they allow it to a limited state, it will not be on every corner.

Mr. Laezza: Do you believe that this commission is going to allow towns to determine how many dispensaries there are? Is it going to be like the liquor licenses?

Chief Matos: I kind of think it is going to be more like a liquor license kind of deal.

Mr. Laezza: The State is going to determine how many the town has?

Chief Matos: Is that how it is done now?

Mr. Laezza: Based on population.

Mayor Bonaccorso: So, if we were inclined to do this, I would say to Council, it would have to come under the zoning just like we have with liquor licenses and establishments. There is so many feet within each establishment that you can have in Clark. So, we would probably have to do the same thing, right Mark?

Mark Dugan: If we elect to prohibit the sale all together.

Mayor Bonaccorso: Prohibit is one thing there is no zoning for it so that is easy. Let's say we did, so now you are going to probably have to go under the provisions of saying, how many in the town, how many feet apart can they be? Kind of like we do with liquor licenses.

Mark Dugan: Yes. You always have to remember that every zoning question is subject to a variance.

Mayor Bonaccorso: Yes, that is true.

Mark Dugan: Again, we are speculating, we don't know what is going to happen. I would imagine that yes; they will give you the ability to regulate, not the number because they are regulating the number, it would be the amount of space between each one of them.

Mr. Laezza: It would be similar, it would be that it can't be within a thousand feet of schools, church...

Mark Dugan: You are also going to probably have to the extent that you allow it, other businesses that serve that population, like head shops, not that they necessarily sell marijuana but the paraphernalia.

Chief Matos: It has all been decriminalized.

Mark Dugan: That is what I am saying.

Mayor Bonaccorso: From what I understand it does not sound to me like you are going to allow the Exxon, you are going to allow the head shops, it is going to be like a dispensary that is going to be licensed through the State, watched by the State, that is the thing. Are they choosing the people who open up in our town? These are questions why I think that it is all so premature. "Okay, I've got a license to sell marijuana in Clark, and I want to open up in Clark." Is that how it works?

Mark Dugan: I don't know.

Mayor Bonaccorso: I am saying out loud that I don't know either.

Mark Dugan: I can certainly check into it to the extent that you want me to do that, I will do that. It would not be necessarily required research in the event that you opted to keep it out of town.

Mayor Bonaccorso: Let me just ask before we go forward. Chief, your opinion on us allowing it, yay or nay?

Chief Matos: You are asking me?

Mayor Bonaccorso: I am asking you.

Chief Matos: I would side to not allow it. Why should we be the guinea pigs? Until you know how it is working out for another town with similar population, similar zoning. How is it working out there? You are not going to sit here and tell me that this comes into play that it is not going to bring some negatives with it.

Mayor Bonaccorso: Right, we just don't know what the negatives are.

Chief Matos: You just don't know what the negatives may be yet.

Mark Dugan: Again, I am going to not (inaudible 8 18 17) prohibiting it, and then thereafter the town can always change that Ordinance and allow it.

Mayor Bonaccorso: I think within 5 years, they said early on. That if you say no now then you will have to wait 5 years. I don't know if that is still the case.

Mark Dugan: Not all that long a period of time in order to assess the social impact of the law on the community. It may actually be not long at all.

Mayor Bonaccorso: That number could change with one legislative session.

Mark Dugan: It can change, I did not memorize it all.

Mayor Bonaccorso: Chief, are you good with everything? Can we move on?

Council President Hund: Can I ask a question?

Mayor Bonaccorso: Yes.

Council President Hund: How does alcohol and underage drinking affect the town?

Chief Matos: The way that I am reading it is that you (police) can't go into the house...

Councilman O'Connor: What if it was PNC parking lot and underage drinking?

Chief Matos: You can't search the person. Now, if there is something else going on, if a juvenile, or anyone under the age of 21, that is involved with something else and you have some other legitimate reason to stop that person, some other reasonable suspicion for something else and you stop that person, and that person happens to have marijuana in plain sight and you can see it. If it is more than those allowed amounts then you can take action on it. If you stop a person for some other reason and they have alcohol in plain sight, remember you cannot search. If you arrest that person for something else and you have them searched and based on the other arrest and you find alcohol, I don't know exactly how you are going to hide a bottle of alcohol, but...

Elizabeth Clee: So, if you go to a house party and there is a noise complaint and you walk in (can you act on it) Can you do something?

Chief Matos: I can warn them about the noise. You don't normally arrest anyone for a noise complaint.

Elizabeth Clee: Yes, but if you go in and the parents are away...

Chief Matos: You can warn them about the noise.

Council President Hund: Thank you Chief. We appreciate the information; it was very informative.

Mayor Bonaccorso: I have a couple of quick things. I will go to my opinion on marijuana sale in Clark, and a dispensary. I am not in favor of it. I do not think that the State of New Jersey ever

gets anything right the first time. I see and hear these laws, as the Chief talked about earlier tonight, and prior to this meeting. The fact that we as parents and no one is going to be accountable to us now for our children. We are accountable to our children until they are 18-years-old. In my house it is as long as you are living under my roof. With the laws coming today the kids can basically do what they want. I think that the law is getting switched out where you can tell parents the first time.

Chief Matos: That is the one part that I know is going to change.

Mayor Bonaccorso: That still is saying one time. Like the Chief said, if a child gets in trouble in Clark and Clark Police warned them this one time and then he is down in Seaside a month later, how are the Seaside Police (going to know?) This just shows me, Councilmembers, that New Jersey is not ready, and Clark is not ready to open a marijuana dispensary. When you have laws that are flopping out there in the breeze and there are no set ways; and you watch since the day for legalization of marijuana and it is passed by vote and the legislature couldn't even get together and form laws and reason, good sound reasons, to me it is the State of New Jersey money grab number one. Number two, I don't think that Trenton has their act together. And number three, I do not want to be the guinea pig. If it is five years, well if in five years we are here, or we are not here, those people can take a look at it and say, "you know what, it is moving kind of good, so let's look at it." In my opinion, your legislation has to work for me to sign it, my vote is no. Also, moving off from that, I don't want to go through this all night because we are going to need a straw poll to see which way we are going with this thing. So, Mark can draw an ordinance up that we are not allowing it, or we are.

Chief Matos: I just want to clarify two things that I said. Wherever it is illegal to smoke cigarettes or drink alcohol, let's say such as Township property, or our schools, you cannot smoke marijuana. If you get caught smoking marijuana on the property, and again, it is that decriminalized amount, you are not getting charged with possession of the marijuana, you will be charged with a violation of the (inaudible) of the ordinance. The other thing is if cops were to arrive on any location whether it be a house party, or anywhere there is a juvenile, or for that matter an adult, that is highly intoxicated or decapacitated, the officer's duty is to take that person into custody for their well being and protection. They cannot take care of themselves; the officer cannot determine if the person will walk away and get hit by a car. The officer still has to take them into custody, they are not charging them, they are not being arrested, it is to get them help and that's it. If a cop were to arrive, let's say at a teenage house party, and someone there was high, intoxicated or incapacitated, they still have to take that person into protective custody. That could include calling the parents up because obviously you cannot take them to the hospital without their parents' knowledge.

Council President Hund: Thank you Chief.

Councilwoman Albanese: No comment.

Councilman Mazzarella: Thank you (Chief) for giving us your views on this. I am totally with the Mayor on this, I understand the legislation and I am in favor of it.

Councilman O'Connor: Listening to the Chief tonight was very eye opening. What was most eye-opening is how convoluted, no one understands, and it doesn't make sense. I think that the Mayor hit the nail on the head that the State never gets anything right the first time. Why be the guinea pig? So, based on what I have heard tonight, and my knowledge of how the State runs, I would not be in favor of it.

Councilman Toal: Thank you Mr. President. As a resident of Clark growing up the Mayor and I we have all lost classmates and friends of ours due to alcohol, drugs and car accidents. On each corner of this Township, on Madison Hill Road, we had kids that we knew that never had the chance to grow old because of alcohol and drugs. I am not going to say “yes” to a vote that is going to allow some kid in Clark, a young kid, to buy drugs and alcohol. As you said, marijuana leads to other things. I would feel responsible and I want to say that to the press. What am I going to be part of someone’s demise?

Mr. Laezza: You could have kids that are underage go into any store because you don’t have to be 21 years old to go buy it.

Councilman Toal: It is the existing processes of getting high that leads to stupidity and just incompetence. These kids could get killed and we would be to blame if we voted yes. Mayor we could go back to five days before my high school graduation, two kids on booze and alcohol drove from QuickChek and went to go back to Johnson Regional for graduation practice. They didn’t make the curve and ran into the telephone pole, wrapped the car around it, a kid was killed. Classmates, friends, we were all going to celebrate. What did we do five days later after graduation? We celebrated over someone’s house. The thing is that I can’t say yes to voting for any stimuli or drugs that is going to cause the demise of a kid in Clark. How would we answer to the parents? How do we answer to those parents when you’re at a wake paying our respects to a kid that was killed? It is going to happen and you can’t stop it, it happens throughout the cycle. It has been over forty years but there was six of them all in a row, and we can’t have that.

Councilwoman Albanese: It was alcohol.

Councilman Toal: It was alcohol and there was also marijuana involved, and there were other combinations of things occurring. It is pure stupidity and we are going to vote for a shop in Clark, for what, rateables? All we can do is work together to control taxes, that’s all. (8-31-07)

Councilwoman Albanese: We are not voting on those things; I just want to make it clear. My understanding is that we are not voting on those things.

Mayor Bonaccorso: No, we are voting on a shop.

Councilman Toal: A shop in the municipality.

Chief Matos: The only thing that I read in here in the legislation, as far as alcohol is when an officer can search the people and when he cannot search. (8 31 44)

We had that option to charge a juvenile criminally for possession of alcohol, whereas, if I am correct, you can’t now...

Councilwoman Albanese: So, I do appreciate the Mayor’s comments and all of the convolutedness, but it has nothing to do with those issues of perhaps inconveniencing the citizens in Clark who voted for it that have to go to another town. It is still going to happen but there are a lot of other wrong things that are going on besides opening a dispensary. So, I have to reflect upon it. All of these things are not going to stop the kids from getting drugs or alcohol, which alcohol is probably worse. All of the killings that happen with drinking and driving when we were growing up, or other drugs, but I don’t think that any of them died from marijuana. I think that alcohol is many, many times worse than marijuana. What I have seen in my lifetime is alcohol is bad.

Council President Hund: This is going back to what was said. This is not what we are voting on, we are voting on something completely different, so I just want to move on.

Mayor Bonaccorso: This is to me; Angel is 100% correct. But, when you hear the Chief speak and this came out of the legislation to allow the sale of marijuana to 21 (years old) and up, correct? 21 (years old) and up like alcohol, and you see the other side of the legislation with the kids. What it is telling me is not well thought out legislation. Yes, we are not allowing a 16-year-old to walk into a Clark store and buy pot, we get it, we all know that. But, if this legislation, this convoluted on that end of it there is going to be problems on the legal sale of it to over 21-year-olds. I am not willing to be a guinea pig. I am certainly not bent on trying to build a downtown in Clark on Westfield Avenue when one of my premier beginning shops is going to be a pot shop. Not in my opinion. You have the “bill” and I have got the pen and that’s how it is going to work out. But, in my opinion I am not in favor of it. Who knows how it is going to work in the State of New Jersey? They have just as much blame on it. It is not about the people, I don’t think the people who go in and buy pot, a bag full, it could be anyone of us, it could be our neighbors, who knows? But I am just saying that I have no problem with that, it is not about who is coming or going. If the legislation is so convoluted for the under 21’s, there has got to be problems with the over 21’s. That is where I stand on it right now, we will see in five years.

Councilwoman Albanese: Let’s face it, if the legislature knew what they were doing they would have done something instead of having a referendum.

Mayor Bonaccorso: Right.

Councilwoman Albanese: But, they didn’t. They had years to think about it. There was a lot of pressure on the legislature to do something, instead they just let the referendum go and let the people vote. The people voted overwhelmingly to pass it. It is not a light thing, people have strong feelings about it and it is not kids who all voted for it, it is the people, a lot of people.

Mayor Bonaccorso: Angel to be honest with you, my opinion as the Mayor of Clark is that if a person comes to a council meeting telling us that we should do it, I would respect them, I would not have a problem with it. My answer is going to be the same to them. I have no problem with you going to buy pot, smoke pot, you do what you want with your pot, but I have a problem with it being sold in this town because the legislation that this has been passed with is convoluted. I want to see all of the bugs out of it, and how shops are running, and how other towns are handling it. I don’t think that I have to be one of the first towns to have to go out and take a jump on it.

Chief Matos: My personal opinion on this (8 35 48) I think that it is imperative for society to try and protect people when they are underage. Their brains are not even fully developed yet, and these vices could have life-long complications. I have known kids with good families that took drugs and never had a problem and then there is that one kid who tried one drug, one time and became an addict for life. Eventually, they gave a vote in our community that other towns can buy it here but I think that it is our responsibility to try and not make it so easy. I know it is going to happen, there is no way you are going to 100% prevent it, there is no way. But I think it is our responsibility to try and make it as difficult as possible for our children to get a hold of these substances, whether it be alcohol or marijuana, because (we) don’t know what the consequences will be.

Mayor Bonaccorso: Pedro, the other problem is that if they would have decriminalized it, that would have been one thing. It’s availability now that it is “legal”, not criminal anymore, it is going to be like parents going out and buying wine and keeping it on the counter in the kitchen or in the refrigerator, there is going to be more availability. If it were decriminalized and still illegal to buy it, mom and dad had to go to their favorite pot supplier to get it, they are going to hid it. They are going to say, “hey, it is not criminal, I am not going to get in trouble going from point A to point B with an ounce of pot, and I will smoke it when my kids are not home.” It is going to be more

available to the kids. That is not even our problem because if you go and buy 5 ounces in Rahway or Woodbridge and bring it back home, it is still going to be available. My problem is legislatively to see how one side is so convoluted, I can't have confidence in the other side of the legislation to say that opening a store in Clark is going to work smoothly. I really don't want to deal with those problems, I have enough every day. That is where I stand.

Council President Hund: Thank you Mr. Mayor. Mr. Laezza do you have a comment?

Mr. Laezza: No comment.

Mark Dugan: You need to make a decision to put that ordinance through.

Mayor Bonaccorso: We are voting no. Is that what we are doing?

Councilwoman Albanese: We have time.

Mayor Bonaccorso: We don't have a lot of time. We will talk about it again at the May Workshop Meeting.

Township Clerk: It has to be adopted by August 21st.

Mayor Bonaccorso: Yes, so we have 2 months.

Mark Dugan: So, you are voting, yes? Voting yes would mean that yes you want me to...

Councilwoman Albanese: We have to decide.

Mayor Bonaccorso: Hold off until May.

Mark Dugan: Yes, I will wait until you tell me.

Mayor Bonaccorso: Let Bill and Jimmy read the minutes and then we will have another discussion at the May Workshop Meeting. At that point, we will give you a direction on if we want to open it (dispensary), or we don't.

Mark Dugan: Remember, we are not talking about whether or not it is legal, that ship has sailed.

Mayor Bonaccorso: It is about whether we want to allow a store in Clark.

Mark Dugan: Whether you want dispensaries, or facilities, various things that lead to the product and then selling the product. That is what you have the ability, or a period of time, to vote on.

Township Clerk: No comment.

Council President Hund: My comment folks it that I am undecided on how I am going to vote on this. There is a lot to it and the Chief has brought up information that I was not aware of. With more research I will have my answer. Thank you, Chief, for the very good information. Thank you, John, for everything that you have done with the budget for us.

Council President Hund asked for a motion to adjourn

A motion to adjourn was made by Councilman O'Connor, seconded by Councilwoman Albanese

ROLL CALL: All Ayes

Aye: Albanese, Mazzarella, O'Connor, Toal, Hund

ADJOURNMENT

