

Beach Haven Taxpayers Association

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July 18, 2021

Ms. Sherry Mason
Municipal Clerk/ Borough Administrator
Borough of Beach Haven
300 Engleside Ave.
Beach Haven, NJ 08008

Dear Sherry:

Re: Cannabis-Ordinance #2021-27C

On July 12th at the Council meeting, Ordinance #2021-27C was introduced under the First Reading. The Ordinance prohibits the operation of all classes of Cannabis businesses within the Borough of Beach Haven. On behalf of the Board of Directors of the **Beach Haven Taxpayers' Association (BHTA)**, we offer the following comments. As you know, Governor Murphy signed into law P.L. 2021 c. 16 on February 22, 2021 known as the New Jersey Cannabis Regulatory, Enforcement, Assistance and Marketplace Modernization Act authorizing municipalities to adopt ordinances by regulation governing the cannabis business establishments. Any regulation or prohibition must be adopted by August 22, 2021.

The BHTA Board met with the Chief of Police on July 9th to discuss implementation of an Ordinance either supporting or banning cannabis retail businesses including a limited delivery option in Beach Haven. While a delivery-only option, may mitigate police resources to enforce any ordinances, there are enough public safety concerns relative to putting public safety at risk to achieve economic gain. We believe there should be a balance between public safety and the economic expansion of such businesses. In addition, the police have estimated that necessary resources, in terms of additional officers and vehicles will offset revenues realized via cannabis establishments just to preclude accidents and other infringements from occurring which obviously impacts the resources of our First Aid Squad. It is our understanding that the closest cannabis establishment is in South Toms River, which means the availability of cannabis in Beach Haven puts the public at greater risk. Since there is no testing for DUI for marijuana abuses due to the length of time it remains in your system, it was felt that public safety should be the number one priority.

The Police has supported the ban of cannabis business establishments for the reasons stated above. While stores can open by August 22, that won't happen since the State Cannabis Regulatory Commission (CRC) must design the regulatory systems before shops can open. Such issues of licensees and hiring of inspectors have not been worked out and this Commission has

only met a few times to discuss organizational details. The bureaucratic regulatory process will delay implementation and the ability of municipalities to collect revenues.

At the Council meeting, Mayor Lambert, suggested if the Cannabis issue was asked of her at the Council Candidates forum which BHTA sponsored on September 22, 2020, she would have offered her position. Clearly, the forum represented issues of importance of our taxpayers at that time and as indicated above, the Cannabis law was not signed by the Governor until February 22, 2021.

In summary, BHTA unanimously supported the Police Chief's position of endorsing an Ordinance banning all levels of cannabis businesses. The prudent approach would be to delay any further action until we can evaluate how other communities are addressing the issues of its legalization for those that did not implement a ban and to assess the implementation regulations adopted by CRC. For these reasons, no community on LBI has approved the establishment of any level of cannabis businesses within their jurisdiction boundaries. In accordance with the Act, if the Borough does not formally ban cannabis businesses, it is prohibited from adopting an ordinance to ban such establishments for a period of 5 years. The prohibition ordinance can be amended after August 22nd including medical marijuana pending FDA approval.

Sincerely,

John Hailperin
President, Beach Haven Taxpayers' Association