

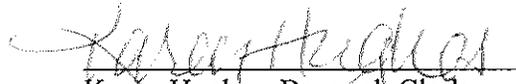
**RESOLUTION**  
MAYOR AND COUNCIL OF THE  
BOROUGH OF WESTWOOD

TITLE:       Overriding Veto of Ordinance 18-33.

RESOLUTION #18-277

BE IT RESOLVED that the Council hereby overrides the Mayor's veto and enacts Ordinance #18-33.

Certified to be a true copy of a  
Resolution adopted at the meeting  
of the Mayor and Council on  
October 2, 2018

  
Karen Hughes, Borough Clerk

NAME	MOVED	SECOND	AYES	NAYS	ABSENT	ABSTAIN
Collins						X
Montana	X		X			
Bicocchi			X			
Dell			X			
Dawson		X	X			
Arroyo			X			

# BOROUGH OF WESTWOOD

101 WASHINGTON AVENUE · WESTWOOD, NJ 07675  
TELEPHONE 201-664-7100 · FAX (201) 664-4260



MAYOR JOHN BIRKNER, JR.

DATE: 9/22/2018  
TO: KAREN HUGHES – BOROUGH CLERK  
CC: BEN KEZMARSKY, RUSSELL HUNTINGTON, CHRISTOPHER MONTANA, RAYMOND ARROYO, ROBERT BICOCCI, BETH DELL, ALYSSA DAWSON, ERIN COLLINS  
FROM: MAYOR JOHN BIRKNER, JR.   
RE: BOROUGH OF WESTWOOD ORDINANCE # 18-33

As a result of my review of the above referenced ordinance, I am exercising veto authority specific to conditions detailed as inconsistent with the testimony and comments of both the public and members of the Westwood Borough Council.

The Borough of Westwood Planning Board has been engaged in a responsible and thorough review of the issue of marijuana sales and or cultivation. This matter has been the first item under discussion for the re-examination of the municipal master plan with time devoted to its review at several meetings. I believe that the Borough Council acted hastily and without consideration of the review being completed. The fact that neither I as mayor, the Borough Administrator, the Council Land Use Liaison, nor the Borough Attorney had been made aware or given the opportunity to review said ordinance, makes it both prematurely presented and further negligent of the objective review by the appropriate land use board.

With the understanding that marijuana is currently illegal in New Jersey and in most states along with the Federal designation as a Schedule 1 drug, I agree that providing for the allowance of recreational sales and cultivation should not be a permitted use in the commercial or residential zones of the Borough of Westwood at any such time full legalization should occur. This was the majority opinion of the Planning Board members as well. However, we had not yet concluded our review of the legal basis to make a blanket restriction given the potential for the state of New Jersey to enact legislation that permits the sale of such products to legal adults along with the expansion of the Compassionate Use Medical Marijuana Act which includes a provision for in home delivery.

Of serious concern during the Planning Board deliberations was the issue of the restrictive availability of Medicinal marijuana and cannabis products. This discussion was specific to Westwood being an important hub for medical services, and the increased use of medicinal cannabis products along with the increasing numbers of medical providers seeking license to prescribe cannabis treatments and therapies. Further evidence that an increased number of patients presenting at hospitals throughout the state of New Jersey, and those within the Hackensack Meridian Health Network have caused the hospitals to take a “wait and see” approach, while the matter of legal recreational use

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MAYOR JOHN BIRKNER, JR.

is vetted. Also of concern to hospitals is the dosage delivery method of those treatment and therapeutic uses since all hospitals and public buildings ban smoking in any form, including vaping.

I am asking for a new ordinance to be introduced that removes the prohibition of medicinal use in accordance with the Compassionate Use Medicinal Marijuana Act similar to the City of Linden, NJ and as detailed by the Mr. Peter Brown, city of Linden 3<sup>rd</sup> Ward Councilmember and representative of NJ-RAMP (Responsible Approach to Marijuana Policy) at the Westwood Borough Mayor and Council meeting on September 4, 2018.

Respectfully submitted:

Borough of Westwood

A handwritten signature in black ink, appearing to read "John Birkner, Jr.", written over a horizontal line.

John Birkner, Jr. - Mayor

**BOROUGH OF WESTWOOD  
NOTICE**

**NOTICE IS HEREBY GIVEN** that the following Ordinance was introduced and passed on first reading on regular meeting of the Mayor and Council on the 21<sup>st</sup> day of August, 2018, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 18<sup>th</sup> day of September, 2018 at 8:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Karen Hughes, Borough Clerk  
Borough of Westwood

**Ordinance #18-33**

**An Ordinance to Amend and Supplement Chapter 195 Land Use and Development, Part 3 Zoning, Article XII General Provisions, Section A, §195-111A, Entitled "Prohibited Uses"**

**WHEREAS**, the State of New Jersey is considering legalizing marijuana for recreational use, allowing for the distribution and consumption of marijuana within the State; and

**WHEREAS**, the Governing Body of Westwood considers the cultivation, distribution and sale of marijuana within the Borough of Westwood to be detrimental to the public health, safety and welfare of its residents, specifically the Borough's youth; and

**WHEREAS**, in light of the circumstances present in many other states that have legalized marijuana for recreational use, such as Colorado, the Borough of Westwood has determined that businesses cultivating, distributing and selling marijuana pose specific and articulable concerns, including but not limited to safety and security, the sale and re-sale of marijuana to minors, the health of employees and patrons, patrons driving under the influence of marijuana, connection to organized criminal activity, and the sale of unlicensed products in such establishments; and

**WHEREAS**, the Governing Body of Westwood is therefore desirous of banning the sale of marijuana, and operations related to the cultivation and/or distribution of such products, within the Borough of Westwood;

**NOW, THEREFORE BE IT ORDAINED**, by the Governing Body of the Borough of Westwood, County of Bergen, State of New Jersey, as follows:

**SECTION 1.** Article XII, §195-111A, entitled "Prohibited Uses" shall be amended to add new sub-paragraph (13) as follows:

**A. Prohibited Uses**

Any establishment involved in the cultivation, distribution, and/or sale of marijuana, either recreational or medicinal, is hereby prohibited in all zoning districts.

**SECTION 2.** Repeal of Inconsistent Ordinances.

All Ordinances or parts of Ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflict.

**SECTION 3. Severability.**

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is deemed unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Adopted: \_\_\_\_\_

Approved:

Attest:

\_\_\_\_\_  
John Birkner, Jr., Mayor

\_\_\_\_\_  
Karen Hughes, Borough Clerk