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Montclair residents question head shop in South End Business District

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A recently-opened head shop in the South End Business District has members of Montclair's 4th Ward exploring their legal options.

The head shop, Mr. Nice Guy Glass Gallery, was among the primary topics of conversation during Tuesday evening's 4th Ward community meeting. Deborah Leow, a board member of Partners for Health, a Montclair-based foundation, claimed that the store sells items such as pipes and bongs that are associated with smoking tobacco and marijuana.

Leow questioned the location of the store, which is directly across the street from a school-bus stop and within walking distance of Nishuane School.

Fourth Ward Township Councilwoman Renée Baskerville said that other members of the community have expressed concerns and that she has spoken with the shop's owner. While open to the notion that the items at the store could be strictly used for tobacco smoking, Baskerville said that she was disheartened by stickers reading "Stoned by Nature" displayed in the store.

According to Baskerville, the most relevant piece of municipal code relating to the shop's wares is Chapter 170-6, which states: "No person shall advertise, display, sell or offer to sell any type of syringe, needle, eye dropper, spoon, pipe, testing kit, rolling paper or other paraphernalia or appliances designed for or ordinarily used in smoking, testing, weighing, measuring, injecting, cooking or sniffing marijuana, cocaine, opium, hashish or other controlled dangerous substances as defined by N.J.S.A 24:21-1 et sep."

From speaking with Township Attorney Ira Karasick, Baskerville said that it would be difficult to pursue the matter given that the items can be used for smoking tobacco.

Though similar stores are located in the township, predominantly on Bloomfield Avenue, Baskerville opined that this instance is different given

that it is located in a residential/commercial zone, as opposed to a strictly commercial area.

The Township Council has prohibited smoking of any kind on municipal property throughout the township – a point reiterated by Baskerville and Deputy Mayor Robert Russo during the meeting. While Russo said that he supports the decriminalization of marijuana, he did not believe that a head shop should be located in a location so near to residences and a school.

Baskerville said that she hoped a group of citizens would pursue the matter, perhaps to gather petitions in support of an ordinance prohibiting such shops near schools. How such an ordinance would impact Mr. Nice Guy is unclear, Baskerville said, as a five-year lease at the location has already been signed.

Baskerville intends to hold a future meeting focused on such an effort.

Lt. Wil Young of the Montclair Police Department stressed that the items for sale at the shop are not illegal and that without drugs, such as marijuana, they are not considered paraphernalia.

When asked about a separate issue, "loosies" or loose cigarettes being sold at other establishments, Young said that the police have tried to enforce prohibitions, but that it is challenging.

Sgt. Tyrone Williams said that police have told merchants not to sell loosies, but that some of them resume selling once police leave.

Reached by The Montclair Times, the shop's owner, Abdo Farghaly, said that he moved his business from Elizabeth to Montclair to be in a "nice town" and that his interactions with neighbors have been positive with the exception of his conversation with Baskerville, which he described as "disrespectful."

Disclaimers stating that products are exclusively for tobacco are hung in the store, according to Farghaly, and management has the right to refuse sale to any individual. Only those ages 19 and older with a valid ID are permitted in the store, Farghaly said.

Some of the products sold at the shop, such as pendants, cannot be used for smoking anything, Farghaly noted. As his business is focused on glass art as

well as pipes, Farghaly said that he changed the name of his business to "Mr. Nice Guy Glass Gallery" as opposed to "Mr. Nice Guy Smoke Shop" as it was known in Elizabeth.

Farghaly said that there is a dichotomy in his business being targeted, given that similar stores are located in Montclair and that pipes are sold in locales such as service stations. Responding to the possibility that members of the community will protest his business, Farghaly said that he is trying to make a living and that he will not be pushed out.

"I'm not going down without a fight," Farghaly said. "We're not trying to promote drug paraphernalia. At the end of the day, I'm not doing anything wrong."

A safe grove Street

Baskerville unveiled construction plans for pedestrian improvements at the intersection of Grove and Oxford streets.

The intersection will be marked by a "rectangular rapid flash beacon" warning device on either side of Grove Street, according to Baskerville. The beacons are similar those already in place near the intersection of Bloomfield and Midland avenues, she said.

A red, polymer surface will be placed on top of the asphalt pavement to mark the intersection, and a curb bump-out will prevent parking near the intersection, Baskerville said.

Originally seeking a traffic light at the intersection, Baskerville said that the municipal and Essex County engineers said that one could not be installed given the intersection's proximity to Walnut and Grove streets, which is marked by stop lights.

Baskerville said that she anticipates construction to begin in the near future.

Police activities

Sgt. Tyrone Williams of the Montclair Police Department informed attendees that the department will participate in the Annual Community Safety Day at Livingston Mall.

The local police department also plans to participate in National Night Out this August, according to Williams. The plan will be to have centralized

locations in each of the township's four wards to distribute safety materials and engage with the community, Williams said.

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