

WEST AMWELL TOWNSHIP COMMITTEE MEETING
December 6, 2023
Regular Meeting – 7:30 PM

CALL TO ORDER AND STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

The regularly scheduled meeting of the West Amwell Township Committee was called to order at 7:30 PM. Present were Mayor Gary Hoyer, Deputy Mayor Stephen Bergenfeld, Committee Members James Cally and Meghan Hudson along with Township Clerk Maria Andrews and Township Attorney William Pandos.

Mayor Hoyer announced that this meeting is called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was faxed to the Hunterdon County Democrat and Trenton Times on January 11, 2023, was posted on the bulletin board in the Municipal Building on that date and has remained continuously posted as required under the Statute. A copy of this notice is and has been available to the public and is on file in the office of the Township Clerk.

FLAG SALUTE

Mayor Hoyer led those in attendance in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

Clerk Andrews noted the following additions to the posted agenda:

1. Under Resolutions - #103-2023: Tax Lien Redemption
2. Under Resolutions - #104-2023: Equalized Valuations

ANNOUNCEMENTS

The following announcements were made:

- Certified Election Results: Robert Balaam, Jr. – Twp. Committee: 3 Year Term
- Referendum Results: 676 to 278 in Favor of Purchasing a Pumper Engine for the Fire Company
- Municipal Offices will be CLOSED Fri./Mon. 12/22/23 and 12/25/23 – Christmas
- The Last Township Committee Meeting for 2023 is: 12/27/23
- The "Go Live" for the New Tax Office Software is Expected to be 1/1/24
- Kindly Turn Cell Phones Off During the Meeting

Mayor Hoyer invited Mr. Balaam to join the Committee at the dais. Mr. Balaam thanked him and came forward.

PROCLAMATION: Retired Master Poll Worker – Brenda Reasoner

Mayor Hoyer read the following Proclamation into the record and presented Ms. Reasoner with it.

PROCLAMATION

WHEREAS, Brenda Reasoner has dutifully served the West Amwell residents on Election Day for the past 25 years; and

WHEREAS, in 1845 Congress passed a federal law designating the first Tuesday following the first Monday in November as Election Day; and

WHEREAS, Ms. Reasoner became an Election Poll Worker in 1998; and

WHEREAS, over the years Ms. Reasoner engaged in additional training to become a Master Poll Worker; and

WHEREAS, Ms. Reasoner has selflessly served both districts as a liaison between the poll workers, the Municipal Clerk and the County Election Officials; and

WHEREAS, Ms. Reasoner has worked every consecutive election in West Amwell, for the past 25 years, overseeing and maintaining the integrity of the resident's votes; and

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NOW THEREFORE, be it resolved by this Proclamation that the West Amwell Township Committee wishes to express great appreciation to Brenda Reasoner for her 25 years of meritorious service, loyalty and dedication with her patriotic attire and spirited representation for the community and all its residents on Election Day.

NOW THEREFORE, be it finally resolved that on December 6th, this Proclamation be committed to the official Township Committee minutes in appreciation and acknowledgement of Brenda Reasoner's exemplary service.

By Order of the Township Committee

Gary Hoyer, Mayor

PRESENTATION OF MINUTES

A motion by Cally, seconded by Bergenfeld to approve the Committee's 11/15/23 regular session minutes, as revised, was unanimously approved by voice vote.

A motion by Cally, seconded by Bergenfeld to approve the Committee's 11/15/23 closed session minutes with no revisions noted, was unanimously approved by voice vote.

OPEN TO THE PUBLIC/TOPICS NOT ON THE AGENDA

A motion by Hudson, seconded by Bergenfeld to open the floor to public comment was unanimously approved by voice vote.

OEM Director Harry Heller spoke up from the public commenting that he wanted to make sure FEMA, Veola Water and Township Engineer Burr were all on the same page regarding the Stymiest Road repairs. Mayor Hoyer stated Engineer Burr is aware.

Dave Beaumont of 205 Rock Road West came forward and expressed concerns over the recent increase in traffic on Rock Road West. Specifically, large trucks and semi-trucks that seem to be by-passing Route 518. Mr. Beaumont requested the Committee consider installing "No Thru Truck Traffic" signage on various roadways throughout the Township. Committeewoman Hudson commented that if there is an ordinance it can be submitted to the GPS companies to get the word out on what roads don't allow trucks.

Holly Abitz of 201 Rock Road West spoke up from the public and suggested the "blinking" speed limit signage be put on Rock Road West. Mayor Hoyer noted that previous traffic enforcement on this road proved that the majority of speeders were actual residents of Rock Road West.

Linda Meier of 224 Rock Road West came forward and asked if the Developer's Agreement with GMNJ has been signed. Mayor Hoyer said not yet and stated he is waiting on the final review memo from Engineer Burr.

Seeing no other members of the public who wished to speak, a motion was made by Cally and seconded by Bergenfeld to close the floor to public comment. The motion was unanimously approved by voice vote.

INTRODUCTION/PUBLIC HEARING ON ORDINANCES

Public Hearing: Ordinance 9, 2023 – AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 38 "POLICE DEPARTMENT," PART I "GENERAL PROVISIONS," ARTICLE III "PROMOTIONS," OF THE TOWNSHIP OF WEST AMWELL, HUNTERDON COUNTY, NEW JERSEY TO CLARIFY THE PROMOTION PROCESS

Mayor Hoyer read Ordinance 9, 2023 by title.

ORDINANCE 9, 2023

AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 38 "POLICE DEPARTMENT," PART 1 "GENERAL PROVISIONS," ARTICLE III "PROMOTIONS," OF THE

**TOWNSHIP OF WEST AMWELL, HUNTERDON
COUNTY, NEW JERSEY TO CLARIFY THE PROMOTION PROCESS**

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Township of West Amwell, County of Hunterdon, State of New Jersey that Chapter 38, "Police Department," Part 1 "General Provisions," Article III "Promotions," of the Code of the Township of West Amwell shall be amended as follows:

Section 1.

§ 38-7. Eligibility.

- A. A promotion of any sworn full-time member of the Police Department to a superior rank shall be made from the membership of the Police Department.
- B. No member of the Police Department shall be eligible for promotion to a superior rank unless he/she has completed (3) three years of service with the West Amwell Township Police Department and has served a minimum of two (2) years in his/her present rank.
- C. Prior to approving a promotion the Officer in Charge shall forward a summary of each applicant's service record to the Township Committee and the Township Committee shall review all summaries prior to approving a promotion.

Section 2.

§ 38-8. Procedures for Promotion.

- A. Vacancy. When the Officer in Charge determines that he/she wishes to fill a vacancy for a position of an officer, he/she shall announce the opening of oral examinations for the position to officers within the West Amwell Police Department by posting the same in a central location within headquarters. The promotional process is considered to have begun when the opening of oral examinations is announced.
- B. Eligibility. All officers who meet the eligibility requirements of § 38-7 are eligible to be promoted to the next highest available rank within the Department.
- C. Application. All officers interested in applying for a promotion must submit their resume and a cover letter to the Township Clerk by the application deadline.
- D. Oral Examination. The Oral Interview Board shall administer the oral examination. Candidates for promotion who have qualified to participate in this testing phase shall be notified of their scheduled interview date 60 days prior to the date of their interview. Upon completion of the examination process, each officer will be provided with a written review report which includes his/her overall ranking.

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- E. Physical Examination. After a successful candidate for promotion has received and accepted an offer of promotion, the Department may require him/her to undergo a physical examination by a physician designated by the Township at the Township's expense.
- F. Psychological examination. After a successful candidate for promotion has received and accepted offer of promotion, the Department may require him/her to undergo a psychological examination by a mental health professional designated by the Township at the Township's expense.
- G. Recommendation for promotion. The Officer in Charge shall forward a recommendation for promotion to the Township Committee of the highest accredited candidate.
- H. Approval. The Township Committee shall consider all candidates recommended for promotion and may approve of same by duly adopted resolution.

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Section 3.

§ 38-9. Accreditation.

Upon creation of a vacancy in higher rank, replacement and/or promotion shall be determined on the basis of accreditation to be applied as follows:

- A. Oral examination. The Oral Interview Board shall interview each candidate for promotion and shall assign each candidate a grade out of a total possible score of 100 points.
- B. Seniority. Each candidate for promotion shall be credited with 1/2 point for each year of continuous service with the West Amwell Township Police Department prior to the start of the examination process, for a maximum of 10 points.
- C. Summary of Service Record and personnel file

Section 4.

§ 38-10. Oral Interview Board.

The Oral Interview Board shall be comprised of the Officer in Charge or his/her designee, two Members of the Township Committee or his/her designee, and the Township Clerk. The Board shall conduct the interviews based primarily on a candidate's past performance and evaluations, taking into consideration the following factors:

- A. Officer performance.
- B. Officer initiative.
- C. Officer breadth of knowledge.
- D. Officer educational background.
- E. Officer training.
- F. Officer career development.
- G. Officer supervisory knowledge.
- H. Officer supervisory experience.
- I. Officer attitude.
- J. Discipline.
- K. Commendation.
- L. Letters.
- M. Special assignments.
- N. Department Policies.
- O. Attorney General Guidelines.

Section 5.

§ 38-11. Examination eligibility list.

The officers that successfully complete the examination process but do not receive a promotion at the conclusion of the examination at that date and time, may be held on a promotional list for the rank for when the oral examination was taken. The list will be active

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for one year from the date of final results being published. The establishment of a list will be made by recommendation of the Officer in Charge to the Township Committee and the Township Committee passing a resolution establishing the list.

Section 6.

All other sections remain unchanged.

Section 7.

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 adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 8.

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Repealer: Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 9.

Effective Date: This ordinance shall take effect upon final passage and publication.

Maria Andrews, Township Clerk, RMC

A motion by Cally, seconded by Bergenfeld to open the floor to public comment was unanimously approved by voice vote. Seeing no members of the public who wished to speak on the Ordinance, a motion was made by Cally and seconded by Hudson to close the floor to public comment. The motion was unanimously approved by voice vote.

A motion was made by Cally and seconded by Bergenfeld to adopt Ordinance 9, 2023 upon second reading. The motion was unanimously approved by roll call vote.

Bergenfeld: Yes, Cally: Yes, Hudson: Yes, Hoyer: Yes

Public Hearing: Ordinance 12, 2023 – AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST AMWELL IN THE COUNTY OF HUNTERDON TO AMEND CHAPTER 109, “LAND DEVELOPMENT,” PART 10 “CANNABIS,” ARTICLE XLIII “CANNABIS RELATED BUSINESSES,” TO AMEND CHAPTER 130, “LICENSING” AND TO AMEND CHAPTER 140, “TAXATION,” ARTICLE I “CANNABIS TRANSFER TAX,” AND TO ADD CHAPTER 111, ARTICLE II, CANNABIS BUSINESS LICENSING

Mayor Hoyer read Ordinance 12, 2023 by title.

THE TOWNSHIP OF WEST AMWELL
COUNTY OF HUNTERDON, NEW JERSEY

ORDINANCE 12, 2023

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST AMWELL IN THE COUNTY OF HUNTERDON TO AMEND CHAPTER 109, “LAND DEVELOPMENT,” PART 10 “CANNABIS,” ARTICLE XLIII “CANNABIS RELATED BUSINESSES,” TO AMEND CHAPTER 130, “LICENSING” AND TO AMEND CHAPTER 140, “TAXATION,” ARTICLE I “CANNABIS TRANSFER TAX,” AND TO ADD CHAPTER 111, ARTICLE II, CANNABIS BUSINESS LICENSING.

WHEREAS, the Township Planning Board adopted a Master Plan Reexamination Report in August 2021, which, among other things, recommended changes to the Township’s zoning regulations to permit cannabis-related businesses in certain zones and subject to certain conditions; and

WHEREAS, the Township Committee of the Township of West Amwell (the “Township Committee”) adopted Ordinance 06-2021 on August 18, 2021 adding Chapter 109, Part 10, entitled “Cannabis” to the Code of the Township of West Amwell (the “Code”) to regulate Cannabis related businesses; and

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WHEREAS, the Township Committee adopted Ordinance 10-2021 on November 17, 2021, Ordinance 08-2022 on December 7, 2022 and Ordinance 05-2023 on July 19, 2023 to amend the Township Code pertaining to Cannabis Related Businesses; and

WHEREAS, the Township Committee wishes to make revisions to Ordinances 06-2021, 10-2021 and 08-2022, and repeal Ordinance 05-2023 in order to further protect the health, safety, and general welfare of Township residents, as well as to preserve the character of the community; and

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WHEREAS, this Ordinance implements changes to the Township’s zoning regulations recommended by the August 2021 Master Plan Reexamination Report; and

WHEREAS, pursuant to N.J.A.C. 17:30-5.1(a)(4), a municipality may enact an ordinance imposing a local licensing requirement; and

NOW, THEREFORE, BE IT ORDAINED, by the Committee of the Township of West Amwell, County of Hunterdon that the Code of the Township of West Amwell be amended as follows:

SECTION 1. Chapter 109, LAND DEVELOPMENT, Part 10 Cannabis, Article XLIII “CANNABIS RELATED BUSINESSES” is repealed in its entirety and replaced with the following:

§109-264. Cannabis Related Businesses

A. Definitions. As used in all Code sections pertaining to cannabis, the following terms shall have the meanings indicated:

ACT

Collectively refers to NJCUMA and NJ CREAMMA.

CANNABIS

As defined in P.L.2021, c.16 C.24:6I-31 et al.) Cannabis sativa L whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in for use in cannabis products as set forth in the NJCREMMA, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. “Cannabis” does not include: medical cannabis dispensed to registered qualifying patients pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, 47 c.158 (C.18A:40-12.22 et al.); marijuana as defined in N.J.S.2C:35-2 and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L.2001, c.114 (C.2C:35B-1 et seq.), or marihuana as defined in section 2 of P.L.1970, c.226 (C.24:21-2) and applied to any offense set forth in the “New Jersey Controlled Dangerous Substances Act,” P.L.1970, c.226 (C.24:21-1 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the “New Jersey Hemp Farming Act,” P.L.2019, c.238 (C.4:28-6 et al.) as long as said hemp does not contain more than the State and/or Federal allowable limits of Delta-8-Tetrahydrocannabinol or Delta-9-Tetrahydrocannabinol, the compound commonly known as THC.

CANNABIS BUSINESS or ESTABLISHMENT

As defined in P.L.2021, c.16 C.24:6I-31 et al.) means a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

CANNABIS CONSUMPTION AREA:

As defined in P.L.2021, c.16 C.24:6I-31 et al.) a designated location operated by a licensed cannabis retailer or permit holder for dispensing medical cannabis, for which both a State and local endorsement has been obtained, that is either: (1) an indoor, structurally enclosed area of the cannabis retailer or license holder that is separate from the area in which retail sales of cannabis items or the dispensing of medical cannabis occurs; or (2) an exterior structure on the same premises as the cannabis retailer or license holder, either separate from or connected to the cannabis retailer or license holder, at which cannabis items or medical cannabis either obtained from the retailer or license holder, or brought by a person to the consumption area, may be consumed.

CANNABIS CULTIVATION CENTER (Class 1 License)

Means the same as defined in P.L.2021, c.16 C.24:6I-31 et al.) any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other

cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. The person or entity shall hold a Class 1 Cannabis Cultivator License. Medical Cannabis Cultivator is defined below.

CANNABIS DELIVERY SERVICE (Class 6 License)

As defined in P.L.2021, c.16 C.24:6I-31 et al.) any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer. This person or entity shall hold a Class 6 Cannabis Delivery license.

CANNABIS DISPENSARY or CANNABIS RETAILER (Class 5 License)

Means the same as defined in P.L.2021, c.16 C.24:6I-31 et al.) any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that customer. This person or entity shall hold a Class 5 Cannabis Retailer License. Medical Cannabis Dispensary is defined below.

CANNABIS DISTRIBUTOR (Class 4 License)

As defined in P.L.2021, c.16 C.24:6I-31 et al.) Any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities. This person or entity shall hold a Class 4 Cannabis Distributor license.

CANNABIS MANUFACTURING FACILITY (Class 2 License)

Means the same as defined in P.L.2021, c.16 C.24:6I-31 et al.) any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 Cannabis Manufacturer license. Medical Cannabis Manufacturer is defined below.

CANNABIS MICROBUSINESS

As defined in P.L.2021, c.16 C.24:6I-31 et al.) Means a person or entity licensed as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service that may only, with respect to its business operations, and capacity and quantity of product: (1) employ no more than 10 employees; (2) operate a cannabis establishment occupying an area of no more than 2,500 square feet, and in the case of a cannabis cultivator, grow cannabis on an area no more than 2,500 square feet measured on a horizontal plane and grow above that plane not higher than 24 feet; (3) possess no more than 1,000 cannabis plants each month, except that a cannabis distributor's possession of cannabis plants for transportation shall not be subject to this limit; (4) acquire each month, in the case of a cannabis manufacturer, no more than 1,000 pounds of usable cannabis and; (5) acquire for resale each month, in the case of a cannabis wholesaler, no more than 1,000 pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof; and (6) acquire for retail sale each month, in the case of a cannabis retailer, no more than 1,000 pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof. In accordance with P.L.2021, c.16, microbusinesses must be owned in their entirety by current New Jersey residents who have resided in the State for at least the past two years and at least 51 percent of the owners, directors,

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officers, or employees of the microbusiness shall be residents of the municipality in which the business is located, or a bordering municipality.

CANNABIS WHOLESALER (Class 3 License)

As defined in P.L.2021, c.16 C.24:6I-31 et al.) any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers. This person or entity shall hold a Class 3 Cannabis Wholesaler license.

CAREGIVER IDENTIFICATION CARD

The New Jersey Medical Marijuana Program Identification Card, which identifies registered caregivers under the Act.

COMMISSION

The entity responsible for the regulation and enforcement of activities associated with the production and/or sale of cannabis. This shall include the New Jersey Department of Health and the Cannabis Regulatory Commission, established pursuant to section 31 of P.L.2019, c. 153 (C.24:6I-24), which shall assume all powers, duties, and responsibilities with regard to the regulation and oversight of activities authorized pursuant to P.L.2009, c. 307 (C.24:6I-1 et al.) from the Department of Health for the further development, expansion, regulation, and enforcement of activities associated with the medical use of cannabis pursuant to P.L.2009, c. 307 (C.24:6I-1 et al.). This shall also include any Township Cannabis Committee or entity set up for the review and local licensing of Cannabis Businesses.

DESIGNATED CAREGIVER

Institutional or Designated Caregiver, as defined in P.L.2021 c.16 (C.24:6I-3), who is authorized to assist with a registered qualifying patient's medical use of cannabis.

HOST AGREEMENT

A contract negotiated between West Amwell Township and a Cannabis Business that includes terms and conditions governing the relationship and permitting the Cannabis Business to operate in the municipality.

LICENSE

The documents issued by the Commission pursuant to the Act and local ordinance granting the legal right to operate as a Cannabis Business.

MEDICAL CANNABIS

As defined in P.L.2021, c.16 C.24:6I-31 et al.) means cannabis dispensed to registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.) and P.L. 2015, c.158 (C.18A:40-12.22 et al.). "Medical cannabis" does not include any cannabis or cannabis items which is cultivated, produced, processed, and consumed in accordance with P.L.2021, c.16 (C.24:6I-31 et al.).

MEDICAL CANNABIS CULTIVATOR

As defined in P.L.2021, c.16 C.24:6I-3 an organization holding a license issued by the Commission that authorizes the organization to: possess and cultivate cannabis and deliver, transfer, transport, distribute, supply, and sell medical cannabis and related supplies to other medical cannabis cultivators and to medical cannabis manufacturers, clinical registrants, and medical cannabis dispensaries, as well as to plant, cultivate, grow, and harvest medical cannabis for research purposes. A medical cannabis cultivator license shall not authorize the license holder to manufacture, produce, or otherwise create medical cannabis products, or to deliver, transfer, transport, distribute, supply, sell, or dispense medical cannabis, medical cannabis products, paraphernalia, or related supplies to qualifying patients, designated caregivers, or institutional caregivers.

MEDICAL CANNABIS DISPENSARY

As defined in P.L.2021, c.16 C.24:6I-3 an organization issued a license by the Commission that authorizes the organization to: purchase or obtain medical cannabis and related supplies from medical cannabis cultivators; purchase or obtain medical cannabis products and related supplies from medical cannabis manufacturers; purchase or obtain medical cannabis, medical cannabis products, and related supplies and paraphernalia from other medical cannabis dispensaries and from clinical registrants; deliver, transfer, transport, distribute, supply, and sell medical cannabis and medical cannabis products to other medical cannabis dispensaries; furnish medical cannabis, including medical cannabis products, to a medical cannabis handler for delivery to a registered qualifying patient, designated caregiver, or institutional caregiver consistent with the requirements of subsection i. of section 27 of P.L. 2019, c. 153(C.24:6I-20); and possess, display, deliver, transfer, transport, distribute, supply, sell, and dispense medical cannabis, medical cannabis products, paraphernalia, and related supplies to qualifying patients, designated caregivers, and institutional caregivers. A medical cannabis dispensary license shall not authorize the license holder to cultivate medical cannabis, to produce, manufacture, or otherwise create medical cannabis products.

MEDICAL CANNABIS MANUFACTURER

As defined in P.L.2021, c.16 C.24:6I-3 an organization issued a license by the Commission that authorizes the organization to: purchase or obtain medical cannabis and related supplies from a medical cannabis cultivator or a clinical registrant; purchase or obtain medical cannabis products from another medical cannabis manufacturer or a clinical registrant; produce, manufacture, or otherwise create medical cannabis products; and possess, deliver, transfer, transport, distribute, supply, and sell medical cannabis products and related supplies to other medical cannabis manufacturers and to medical cannabis dispensaries and clinical registrants. A medical cannabis manufacturer license shall not authorize the license holder to cultivate medical cannabis or to deliver, transfer, transport, distribute, supply, sell, or dispense medical cannabis, medical cannabis products, paraphernalia, or related supplies to registered qualifying patients, designated caregivers, or institutional caregivers.

MEDICAL USE OF CANNABIS

As defined in P.L.2021, c.16 C.24:6I-3 the acquisition, possession, transport, or use of cannabis or paraphernalia by a registered qualifying patient as authorized by P.L. 2009, c. 307(C.24:6I-1 et al.) and P.L. 2015, c. 158(C.18A:40-12.22 et al.). The acquisition, possession, transport or use of cannabis or paraphernalia by a registered qualifying patient as authorized by the CUMA.

MMP IDENTIFICATION CARD

The New Jersey Medical Marijuana Program Identification Card, which identifies registered qualifying patients under the Act.

NJ CUMA

The New Jersey Jake Honig Compassionate Use Medical Cannabis Act, P.L. 2009, c. 307 (approved January 18, 2010), amended by P.L. 2019, c. 153 (approved July 2, 2019), codified at N.J.S.A. 24:6I-1 et seq.

NJ CREAMMA

The New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16); legalizes personal use cannabis for certain adults, subject to State regulation; decriminalizes small amount marijuana and hashish possession; removes marijuana as Schedule I drug.

PARAPHERNALIA

The definition as provided in N.J.S.A. 2C:36-1.

QUALIFYING PATIENT OR PATIENT

As defined in P.L.2021, c.16 C.24:6I-3, a resident of the State of New Jersey who has been authorized for medical use of cannabis by a health care practitioner, and who has been registered by the Commission as, a registered qualifying patient.

USABLE CANNABIS

As defined in P.L.2021, c.16 C.24:6I-31 et al.) the dried leaves, flowers, stems, stalks of a Cannabis Sativa plant, including any mixture manufactured as a tincture, ointment, salve, or products prepared for oral digestion., but does not include the seed, or roots of the plant.

VERTICALLY INTEGRATED CANNABIS FACILITY

The co-location or combination of the following activities related to the production of usable cannabis for qualifying patients within a single corporate entity: cultivation, manufacturing, and dispensing. NJ CREAMMA does not permit vertically integrated cannabis facilities with regard to adult use cannabis.

B. Permitted Locations.

Cannabis Establishments and Businesses, both standard and microbusinesses, shall be prohibited in all zoning districts within the Township unless specifically permitted herein. Cannabis Establishments as set forth below shall be permitted as conditional uses in certain zones. The purpose of this section is to set forth the requirements and procedures applicable to permitting certain Cannabis Establishments as conditional uses, in accordance with N.J.S.A. 40:55D-67. Such uses may be permitted when authorized as a conditional use by the Planning Board, including site plan approval and (if necessary) a conditional use variance approval by the Zoning Board pursuant to N.J.S.A. 40:55D-70(d)(3). Cannabis Establishments shall comply with additional requirements set forth in subsections D-N below. Nothing herein shall prohibit the Township from adopting a redevelopment plan permitting any type of Cannabis Establishment in a designated redevelopment area.

- 1) Cannabis Cultivation Centers (Class 1), including Cannabis Cultivation Centers that qualify as Microbusinesses, shall be permitted as conditional uses in the following zones in accordance with this chapter.
 - a) LHC
 - b) NC
 - c) LI
- 2) Cannabis Manufacturing Facilities (Class 2), shall be permitted as conditional uses in the following zones in accordance with this chapter. Cannabis Manufacturers that qualify as a Microbusiness shall not be permitted in any zoning district:
 - a) LHC
 - b) LI
 - c) NC
- 3) Cannabis Wholesalers (Class 3), shall be permitted as a conditional use in the following zones in accordance with this chapter. Cannabis Wholesalers that qualify as a Microbusiness shall not be permitted in any zoning district:
 - a) LHC
 - b. LI
- 4) Cannabis Distributors (Class 4) shall not be permitted in any zoning district.
- 5) Cannabis Dispensaries/Retailers (Class 5) shall be permitted as a conditional use in the following zones in accordance with this chapter. Cannabis Retailers that qualify as a Microbusiness shall not be permitted in any zoning district.
 - a) LHC
 - b) HC

- 6) Cannabis Delivery Service (Class 6) shall not be permitted in any zoning district. Nothing herein shall be interpreted to restrict the transportation or deliveries of cannabis items to consumers within the Township in compliance with the NJCREAMMA.
- 7) Vertically Integrated Cannabis Facilities, Medical Cannabis Dispensaries and Alternative Treatment Centers are permitted as conditional uses in zones where their component operations are permitted as set forth in subsections 1-6 above and in the Village Center Redevelopment Area as set forth in the applicable Redevelopment Plan.

C. Requirements Applicable to All Cannabis Businesses.

- 1) Adherence to the site design standards of the Township Land Development Ordinances through a review by the Zoning Official, and the Township Planning Board when applicable. [The look and design of such facility shall be in keeping with the agricultural nature of the region.](#)
- 2) In compliance with Section 37(b) of the NJCREAMMA, cannabis businesses are not permitted on land that is valued, assessed or taxed as an agricultural or horticultural use pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.).
- 3) Issuance of zoning permit and site plan approval is required.
- 4) Cannabis businesses shall not be located within a Drug-Free School Zone (i.e. within 1,000 feet of school property used for school purposes which is owned by or leased to any elementary, secondary, school, daycare or school board).
- 5) The Applicant shall provide traffic projections and management plan as may be required by the Township Planning Board.
- 6) The Applicant shall provide a stormwater management plan that satisfies all New Jersey Department of Environmental Protection and Township stormwater control standards as may be required by the Township Planning Board.
- 7) Secured in accordance with all applicable provisions as defined in the Act and outlined in Subsection G below.
- 8) Unusual odors, smells, fragrances or other olfactory stimulants shall be prohibited. Odor control is required and shall prevent all odors from escaping from the buildings on the site, such that the odor cannot be detected by a reasonable person of normal sensitivity within 25 feet of the buildings. The air treatment system shall have sufficient odor absorbing filtration systems utilizing carbon filters, or similar filtration media, and ventilation and exhaust systems to eliminate cannabis odors emanating from the interior of the premises, such that any odor generated inside the facility is not detectable by a person of reasonable sensitivity within 25 feet of the buildings. Odor mitigation filtration systems must be installed and maintained in perfect working order.
- 9) Noise, from any source emanating from Cannabis Business operations, beyond the decibel level permitted by State Noise Regulations (N.J.A.C. 7:29), whichever are more stringent, shall be

prohibited. Outside generators and other mechanical equipment used for any kind of power supply, cooling, or ventilation shall be enclosed and have appropriate baffles, mufflers, and/or other noise reduction systems to mitigate noise pollution. Generators shall be housed in a noise minimizing enclosure set back at least 75 feet from the property line and shall conform with all applicable State noise regulations.

10) All interior and outdoor lighting shall be shielded through the use of best available technology to prevent light trespass into the night sky and glare onto adjoining parcels or rights-of-way. Light pollution, glare or brightness resulting from glow lamps must be 0.5 candle or less at the property line.

11) The possession of cannabis within a building or unit must not be perceptible from the exterior of the building or unit from a street or residential use.

12) Parking shall be provided as provided for in § 109-164. Except that:

a. Parking for Cannabis Dispensaries shall be provided for as retail businesses.

b. Parking for Cannabis Cultivation Centers shall be provided for as research and laboratory use.

13) In the event of a conflict between Township zoning ordinance, and the Act or the Commission's regulations, the Township Planning or Zoning Board shall consider the pertinent statute or regulation as justification for any variance and/or design waiver.

14) Security and reporting.

a. Surveillance System.

i. Cannabis Establishments shall be monitored at all times by closed-circuit television surveillance system. Security cameras shall be in use 24-hours per day, seven days per week, and shall cover all cannabis dispensing areas, storage areas, all doors and windows with access into the Cannabis Establishment, parking areas if applicable, and any other areas not mentioned if deemed necessary by the Chief of Police or his/her designee. The surveillance system must be capable of providing surveillance of both interior and exterior areas of the Cannabis Establishment and must be of adequate quality, color rendition and resolution to allow the ready identification of an individual on or adjacent to the site.

ii. The security cameras must be Internet Protocol (IP) cameras capable of providing real time footage over the internet. Operators must provide the West Amwell Township Police Department with access to this real-time camera footage in case of an emergency.

iii. The recordings shall be maintained at the Cannabis Operation for a period of not less than thirty (30) days and shall be provided to the Township Police Department within twenty-four (24) hours of a written request from the Police Department for any recordings.

b. Outside areas of the premises and the perimeter shall be well lit and all doors equipped with motion censored lights.

- c. The West Amwell Township Police Department shall be provided the name and phone number of a staff person to notify during suspicious activity during or after operating hours.
 - d. Security staff is required on the premises during all hours of operation.
 - e. The premises must only be accessed by authorized personnel and free of loitering. Note: retail customers may access a dispensary during normal business hours.
 - f. All cultivation of cannabis shall take place in an enclosed, locked facility.
 - g. Storage of currency. All currency over \$1,000 shall be stored within a separate vault or safe, not used for the storage of cannabis, securely fastened to a wall or floor, as approved by the West Amwell Township Police Department.
 - h. Cannabis Establishments shall comply with all security requirements as established by state law and regulations, as they may be updated from time to time.
- 15) No products to be visible from public places. Cannabis plants, products, accessories, and associated paraphernalia contained in any cannabis business shall not be visible from a public sidewalk, public street or right-of-way, or any other public place. On-site storage of usable cannabis shall comply with 21 CFR 1301.72.
- 16) No beer or alcohol on premises. No fermented malt beverages and no alcoholic beverages shall be kept, served or consumed on the premises of a cannabis business.
- 17) Storage of products. All products and accessories shall be stored completely indoors and on-site in accordance with the Act and the Commission regulations.
- 18) No mobile facilities shall be permitted.
- 19) Conversion of Microbusiness. The Commission permits Microbusinesses to convert to standard businesses after one year. Such conversion will require amended site plan approval by the Township Planning Board or Zoning Board, as applicable. The proposed standard cannabis business activity must be a permitted use in the zone where the existing Microbusiness is located.
- 20) Vertically Integrated Cannabis Facilities and the Operation of multiple cannabis businesses at a single location. A licensed person or entity holding multiple license classes or holding a vertically integrated license may operate two cannabis businesses on the same property without the need for a use variance under the following conditions:
- a. If a dispensary is co-located with any other Cannabis Business, the area of the proposed premises utilized for the dispensing of cannabis and open to the public or to patients shall

be physically separated from the area of the premises proposed for any other licensed Cannabis Business activity creating a clear distinction between each business type.

- b. Walls, barriers, locks, signage and other means shall be employed to prevent the public from entering the area of premises utilized for the cultivation, manufacturing, or wholesale storage of cannabis.
- c. Each business shall be in full compliance with the requirements of the Act and the Township Land Development Ordinances including amended site plan approval by the Township Planning Board or Zoning Board, as applicable.

E. Requirements Applicable to Cannabis Cultivation Centers and Manufacturing Facilities Only.

1. The Applicant shall provide a water conservation plan, describing the water-conserving features of proposed cannabis operation. These features may include, but are not limited to the following: i) evaporative barriers on exposed soils and pots; ii) rainwater capture and reuse; iii) recirculated irrigation water (zero waste); iv) timed drip irrigation; v) soil moisture monitors; and vi) the use of recycled water.
2. Landscape screening must be installed to prevent public view of structures from all roadways and adjoining parcels and in compliance with the standards set forth in Chapter 109, Article 31 of the Township Code.
3. No signage other than directional or discrete building identification found in shall be permitted. Signage shall remain innocuous and part of the general directional signage typically found in industrial manufacturing facilities. Facade signs will be limited to those at the point of entry to the facility and may not be more than six square feet.
4. The cultivation of cannabis must be conducted indoors within a permanent, principal structure. For the purposes of this section, a permanent structure is one that is anchored to a permanent foundation with an impermeable floor and is completely roofed and walled with permanent materials. No hoophouse or temporary greenhouse covered in plastic sheeting is permitted for cannabis cultivation purposes. All buildings within which cannabis cultivation activities take place must have permanent side and end walls.
5. The cultivation or manufacture of cannabis within a building or unit must not be perceptible from the exterior of the building or unit from a street or residential use.

F. Requirements Applicable to Cannabis Dispensaries/Retailers Only.

1. Cannabis Dispensaries must be located within a permanent, principal structure. For the purposes of this section, a permanent structure is one that is anchored to a permanent foundation with an impermeable floor and is completely roofed and walled with permanent materials. No mobile facilities shall be permitted.
2. Dispensaries shall limit their hours of operation from 8:00 a.m. to 10:00 p.m., Monday to Sunday, or as otherwise provided for within a special use permit.
3. Cannabis Dispensaries shall not be located within 1,500 feet of another Cannabis Dispensary.

4. The retail component must be located on the major roadway frontage such as: Route 31, Route 179, or Route 29.
5. Medical dispensaries may only sell useable cannabis-related product to individuals with an active MMP Identification Card or Caregiver Identification Card.
6. Samples of cannabis products offered for sale may be displayed on shelves, counters, and display cases. All bulk cannabis products shall be locked within a separate vault or safe, with no other items in the safe, securely fastened to a wall or floor, as coordinated with the West Amwell Township Police Department and allowable under Commission regulations and state legislation.
7. Dispensaries may sell "cannabis paraphernalia" as that term is defined in this section.
8. External signage, including window signage, must be limited to text identifying the business and the logo for the business, provided that said logo does not include a cannabis plant leaf and / or outward glorification of cannabis consumption. All other Township sign regulations must be complied with.
9. Adherence to the site design standards of the Township Land Development Ordinances through a review by the Zoning Official, and the Township Planning Board when applicable, is required.

H. Cannabis Consumption Areas. No consumption or smoking of any cannabis products shall be allowed or permitted on the premises or adjacent grounds of a Cannabis Establishment.

I. Prevention of emissions and disposal of materials.

- (1) Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the cannabis business premises shall be provided at all times. In the event that any debris, dust, fluids or other substances shall exit the business premises, the property owner and operator shall be jointly and severally responsible for the full cleanup immediately.
- (2) Businesses shall properly dispose of all materials and other substances in a safe and sanitary manner in accordance with state regulations.
- (3) As applicable, cannabis businesses shall be equipped with ventilation systems with carbon filters sufficient in type and capacity to eliminate cannabis odors emanating from the interior to the exterior of the premises discernible by reasonable persons. The ventilation system must be inspected and approved by the Construction Official.
- (4) If carbon dioxide will be used in any cultivation area, sufficient physical barriers or a negative air pressure system shall be in place to prevent carbon dioxide from moving into the ambient air, into other units in the same building or into an adjacent building in a concentration that would be harmful to any person, including persons with respiratory disease and shall be inspected and approved by the Construction Official and the Fire Marshall.
- (5) All state regulations concerning ventilation systems shall be followed.

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J. Compliance with other codes. Any cannabis business and the adjacent grounds of the cannabis business shall comply with all zoning, health, building, fire, and other codes and ordinances of the Township as shown by completed inspections and approvals by the Township Planner, Construction Division, Fire Safety Division, and the Township Board of Health, if applicable.

K. No harm to public health, safety or welfare. The premises of a cannabis business, and any adjacent grounds thereto, shall be operated in a manner that does not cause any substantial harm to the public health, safety and welfare.

L. Additional requirements. At the time a site plan approval is granted, amended, or a major change to a cannabis business is approved, the Township Planning or Zoning Board may impose on the applicant any condition related to the proposed use that is reasonably necessary to protect the public health, safety, or welfare, not inconsistent with the Permitting authority requirements, including but not limited to the following:

- (1) Requirement to obtain a Cannabis Business License from the Township before any building permits are obtained.
- (2) Additional security requirements;
- (3) Limits and requirements on parking and traffic flows;
- (4) Requirements for fences and landscaping on the premises;
- (5) Requirements and limits on lighting;
- (6) Requirements relating to odor mitigation;
- (7) Requirements as to the availability of water, water use, and wastewater disposal;
- (8) Assurances regarding compliance with applicable noise regulations;
- (9) Limits on hours of operation.

M. Penalty for violation. Any violation of the provisions of this subsection or the conditions of the zoning permit granted, by a cannabis business shall be punishable by a civil fine of up to \$1,000. Each day that a violation is committed, exists or continues shall be deemed a separate and distinct offense. In addition, any violation of the provisions of this subsection, or any conditions imposed by the zoning permit may result in the revocation of the zoning permit.

N. Relationship to Township Zoning and site plan standards. To the extent any provisions of the Township zoning and site plan standards conflict with this section, the provisions and standards of this section shall control.

SECTION 3 Chapter 140, TAXATION, Article I, CANNABIS TRANSFER TAX, to be repealed in its entirety and replaced with the following:

§ 140-1. Purpose.

It is the purpose of this article to implement the provisions of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, P.L. 2021, (approved February 22, 2021) and The Jake Honig Compassionate Use Medical Marijuana Cannabis Act, P.L. 2009, c. 307 (approved January 18, 2010), amended by P.L. 2019, c. 153 (approved July 2, 2019), codified at N.J.S.A. 24:6I-1 et seq., which authorizes the governing body of a municipality to adopt an ordinance imposing a transfer tax or user tax on the sale of any usable cannabis or cannabis products by a cannabis establishment located within the municipality, which shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the cannabis establishment.

§ 140-2. Definitions.

All definitions used in Chapter 109 are incorporated in this Chapter 140, Article I by reference.

§ 140-3. Cannabis User Tax.

There is hereby established a user tax imposed on the sale or transfer of any usable cannabis or cannabis products by a cannabis establishment located within the Township. The user tax rate shall be assessed at 2% of the receipts from each sale by a cannabis cultivator, cannabis manufacturer and cannabis retailer. The user tax rate shall be assessed at 1% of the receipts from each sale by a cannabis wholesaler. The user tax shall also be imposed upon any transfer of any usable cannabis or cannabis products to any person or cannabis establishment, including any transfer to another cannabis establishment owned by the licensee. Transfers shall be taxed according to the full retail value of the usable cannabis or cannabis products transferred. The user tax shall not apply to retail sales of medical cannabis. The user tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity with regard to cannabis. Any transaction for which the user tax is imposed, is exempt from the tax imposed under the "Sales and Use Tax Act", except for those which generate receipts from the retail sales by cannabis retailers.

Section 4. Chapter 111, Article II, entitled, "Cannabis Business Licenses," is hereby established as follows:

§111-5. Purpose. This Article is enacted to regulate the cultivation, production, sale, and transportation of cannabis in the Township in accordance with the provisions of the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (N.J.S.A. 24:6I-31, et seq.), and in accordance with the rules and regulations of the Cannabis Regulatory Commission.

§111-6. Definitions. The definitions set forth in the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (N.J.S.A. 24:6I-31, et seq.) and Section are incorporated herein and shall have the same meaning.

§111-7. License Required. No person shall operate a Cannabis Establishment or otherwise cultivate, sell, or distribute cannabis within the Township without having obtained a license in accordance with this Chapter. In order to obtain a license in the Township, a person shall file an application, signed by the applicant, with the Township Clerk upon a form provided by the Clerk which sets forth all information necessary for a proper consideration of the application. Such application to the Township shall be filed contemporaneous to filing an application for a license pursuant to CREAMMA.

§111-8. License Fees and Maximum Number.

- i. For first-time applicants, there shall be an initial non-refundable application fee of \$1,000 due at the time of submission.

ii. The annual license fee and maximum number of licenses for Cannabis Establishments in the Township shall be as follows:

Class of License	Annual License Fee	No. of Licenses
Medicinal Cultivator, Manufacturer, or Dispensary	\$5,000	1 Cannabis Business License within the Village Center Redevelopment Area
Class 1, Cultivator	\$10,000 Standard \$ 1,000 Microbusiness	2 (1 within the NC Zone and 1 within the LHC or LI Zones)
Class 2, Manufacturer	\$10,000	2
Class 3, Wholesaler	N/A	0 (none permitted)
Class 4, Distributor	N/A	0 (none permitted)
Class 5, Retailer	\$5,000	2
Class 6, Delivery Service	N/A	0 (none permitted)

iii. The Commission permits Microbusinesses to convert to standard businesses after one year. Microbusinesses may apply to convert to a standard license at the municipal level only if the license class limit set above has not been reached and site plan approval has been granted.

iv. In the event more than one license application for a Cannabis Dispensary, Cultivator, or Manufacturer of the same classification are submitted to the Township in close proximity to one another, or should only one license for such classification be available due to the limitations set forth in subsection (A); and if the applications comply with all the requirements of this Article and the Act, the Cannabis Advisory Committee shall review the application that was first submitted and determined to be a complete and compliant application for recommendation to the Township Committee. As a condition of a complete application, the Cannabis Advisory Committee may take into account the applicant business plan’s impact to natural resources such as the water use energy saving designs/extensive odor monitoring devises and benefit/impact to the community.

§111-9. Issuing Authority. All licenses required by this Chapter shall be issued by resolution adopted by the Township Committee.

§111-10. License Expiration and Renewal.

- 1) Local licenses for Cannabis Establishments shall expire on December 31 of each year. Renewals must be submitted by December 1 of each year. Such license shall be valid for the calendar year within which it is issued.
- 2) Any license issued pursuant to this Chapter that receives a State Cannabis License to operate shall be renewed in accordance with the provisions of this Chapter.
- 3) Renewal of any license shall be governed by any code amendments, additional restrictions or changes in regulations adopted since the previous license was issued or renewed in addition to any history of property maintenance and zoning code violations.
- 4) Renewal of any license shall be conditioned upon compliance with the Host Agreement as well as any State or local requirements, including any required modification.
- 5) Transfer of ownership of any local license or change of location of any license or modification to expand a permitted premise shall be subject to review and recommendation by the Township Committee, Planning and Zoning Boards.
- 6) Except where the Committee has received a complete renewal application along with the requisite fees, and has issued a license renewal, it shall be unlawful for any person to manufacture, sell, distribute, transfer, transport, or otherwise remove cannabis or cannabis related products from the premises of any licensee after the expiration of the license.

§111-11. Application Requirements and License Conditions. The following items must be submitted in order to be granted a license or for the renewal of same for the operation of any Cannabis Establishment the following conditions must be satisfied:

For first-time Applicants:

- A. Complete Application
- B. Application Fee (for first-time applicants)
- C. Annual Licensing Fee
- D. Proof of payment of all real estate taxes due on the premises on which the Cannabis Establishment is located.
- E. Proof of payment of all transfer and user taxes required by Chapter 259, Article III of the Township Code.
- F. Proof the Applicant has or will have lawful possession of the site proposed for the Cannabis Establishment (i.e., Contract of Sale, Lease, or Deed).
 - a. If the Applicant shall be leasing the property on which the Cannabis Establishment will be located, an executed acknowledgment by the property owner that unpaid license fees and cannabis transfer and user taxes shall become a lien on the property. Such acknowledgment shall be in a form approved by the Township and on file in the Clerk's Office.
- G. Proof of license in good standing issued by Cannabis Regulatory Commission
- H. Full copy of the Application for State Cannabis Licensure
- I. Emergency contact information to be utilized by police, fire, and EMT personnel in the event of an on-site emergency.
- J. Security Plan, which shall, at a minimum consist of the following:
 - a. Proof of submission of such security plan to the New Jersey State Police.
 - b. Overview of and type of security systems to be installed.
 - c. 24-hour monitoring by closed-circuit television surveillance system. Security cameras shall be in use 24-hours per day, seven days per week, and shall cover all cannabis dispensing areas (if applicable), cannabis growing areas (if applicable), storage areas, all doors and windows with access into the Cannabis Establishment, parking areas (if applicable), and any other areas not mentioned if deemed necessary by the Chief of Police or his/her designee. The surveillance system must be capable of providing surveillance of both interior and exterior areas of the Cannabis Establishment and must be of adequate quality, color rendition and resolution to allow the ready identification of an individual on or adjacent to the site.

- d. The security cameras must be Internet Protocol (IP) cameras capable of providing real time footage over the internet. Operators must provide the local Police Department with access to this real-time camera footage in case of an emergency.
- e. The recordings shall be maintained at the Cannabis Establishment for a period of not less than thirty (30) days and shall be provided to the local Police Department within twenty-four (24) hours of a written request from the Police Department for any recordings.
- f. Information as to whether on-site security or armed guards will be provided. To the extent not already required by the entity's State license, all licensed facilities must provide at least one security guard (or more if required by the State) during all times the facility is open to the public. At a minimum, the security guard shall be a State Certified Security Officer whose certification is in good standing.
- K. Copy of site plan approved by the Township Planning Board or Zoning Board.
- L. Summary of how all products and materials will be tracked and inventoried.
- M. Business Registration Certificate authorizing Applicant to do business in the State of New Jersey.
- N. A copy of Applicant's corporate/company governing documents (i.e., certificate of incorporation, certificate of formation, operating agreement, shareholders agreement, bylaws, and/or partnership agreements), and the Applicant's organizational chart, including the identity and ownership interest of all persons.

For Renewal Licensing:

C, E, F, G, I, M (or good standing certificate) from the list above.

- O. Reporting on sale or transfer of any usable cannabis or cannabis products by the Applicant;
- P. Reporting in compliance with Planning Board resolutions, such as water use, water disposal, etc.
- Q. Such other information as the Township may request.

§111-12. Revocation of License

- A. Any license issued under this chapter may be suspended or revoked for violation of any of the provisions of this Chapter or Chapter 109 of the Township Code or any provision of any applicable statute or any of the rules and regulations of the Cannabis Regulatory Commission.
- B. Notice of a hearing for the suspension or revocation of a license shall be given in writing by the Township Clerk to the license holder. The notice shall specifically set forth the grounds upon which the proposed revocation is based and the time and place of the hearing. Such notice shall be served by mailing a copy to the licensee at his or her last known address by certified mail, return receipt requested, at least five days prior to the date set for the hearing.
- C. At the hearing, the licensee shall have the right to appear and be heard, to be represented by an attorney, to present witnesses in his or her own behalf, to cross-examine opposing witnesses and to have a permanent record made of the proceedings at his or her own expense.
- D. The Township Committee shall revoke or suspend the license if they are satisfied by a preponderance of the evidence that the licensee is guilty of the acts charged.
- E. Suspension or revocation of a license shall be in addition to any other penalty which may be imposed for a violation of this chapter.

- F. Any person whose license is suspended or revoked under this §95-9 shall have the right to appeal that decision to a court of competent jurisdiction within 45 calendar days of suspension or revocation.

§111-13. Unpaid License Fees to Become a Lien

If annual license fees under this Chapter are not paid by February 1, the Clerk shall certify the unpaid license fees to the Township Committee, who shall examine the certificate and, if it is correct, cause the cost as shown thereon, together with any penalty assessed pursuant to this Chapter, to be charged against the lands. The amount so charged shall become a lien upon the lands and be added to and become a part of the taxes next to be assessed and levied upon the lands and shall bear interest at the same rate as taxes and be collected and enforced by the same officer and in the same manner as taxes. Costs shall be in addition to any penalties imposed for any violation of this Chapter.

§111-14. Violations and Penalties

Any person violating any provision of this Chapter shall, upon conviction be subject to fines of \$2,500 for a first offense, \$5,000 for a second offense, and \$10,000 for a third offense.

Section 5 Severability. Should any section, clause, sentence, phrase or provision of this article be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this article.

Section 6 Repealer. All prior ordinances or parts of same inconsistent with any provisions of this article are hereby repealed to the extent of such inconsistency.

Section 7 Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.

This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

By Order of the Township Committee

ATTEST

Gary Hoyer, Mayor

Maria Andrews, Township Clerk, RMC

Committeewoman Hudson commented on the reference to Chapter 130 – Licensing, noting it should be Chapter 62. She also noted there is no definition for ATC's and with regard to the section on noise, she suggested the language "whatever is more stringent" with referring to the township vs. the state, be removed to avoid confusion. Committeewoman Hudson also pointed out inconsistencies with Ordinance 9, 2023 as it relates to user tax and transfer tax and also suggested clarification was needed regarding the fees and licensing language.

A motion was made by Bergenfeld and seconded by Cally to open the floor to public comment on Ordinance 12, 2023. The motion was unanimously approved by voice vote.

Linda Meier of 228 Rock Road West spoke up from the public asking for clarification on who will be conducting the inspections and also commented on why the language referring to dispensaries and retailers on major roadways "such as" Route 31, 179 and Route 29. Her husband, Bruce Meier asked why the ordinance can't list specific roadways. Ms. Meier also noted Ordinance 5, 2023, adopted in July, is not consistent with the Master Plan.

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Kim Brown of 1 Lakeview Road asked what benefit the Committee sees in having 2 manufacturing facilities in West Amwell. Mayor Hoyer indicated for the tax revenue.

Dave Beaumont of 205 Rock Road West came forward and referred to the noise section asking where decibels measurements will be taken from regarding the GMNJ property. Mayor Hoyer noted that was not part of this ordinance. Deputy Mayor Bergenfeld commented that noise levels will be measured from the GMNJ property line.

Pamela Bland of 121 Rock Road West came forward and commented that previous ordinances were more strict regarding lighting and asked why this ordinance seems to me more liberal. Committeeman Cally commented that lighting would be addressed by the Planning Board when applicants come for site plan approval. Ms. Bland asked the Committee to please listen to the residents and advocate for them.

Alfonsina Sabidussi of 122 Rock Road West spoke up from the public asking if cultivation licenses can be converted to manufacturing. Mayor Hoyer indicated the license holder would need to apply to the State to do so.

Tony Sabidussi of 122 Rock Road West commented that cultivation in the NC zone (Neighborhood Commercial) is a stretch. He remarked the state definition of an NC zone doesn't allow manufacturing, but the Planning Board allowed it and now the Township Committee seems to be allowing even more. Mayor Hoyer noted GMNJ is already licensed for both cultivation and manufacturing because they have a vertical license.

Kim Brown of 1 Lakeview Road asked why the NC zone can't be removed if it's not consistent with the Master Plan. Committeewoman Hudson commented that the Township Committee cannot regulate Land Use items.

Committeewoman Hudson commented that cannabis businesses in the NC zone is consistent with the current Master Plan which was a product of the Planning Board who oversees Land Use. She remarked the Township Committee cannot regulate Land use items but it can and does regulate licensing.

Seeing no other members of the public come forward, a motion was made by Bergenfeld and seconded by Cally to close the floor to public comment. The motion was unanimously approved by voice vote.

A motion was made by Cally and seconded by Bergenfeld to adopt Ordinance 12, 2023 as revised, upon second reading. The motion was unanimously approved by roll call vote.

Bergenfeld: Yes, Cally: Yes, Hudson: Yes, Hoyer: Yes

Introduction: Ordinance 13, 2023 – AN ORDINANCE AMENDING CHAPTER 109 OF THE WEST AMWELL TOWNSHIP MUNICIPAL CODE ENTITLED “LAND DEVELOPMENT” AND MORE PARTICULARLY BY AMENDING ARTICLE VIII, ENTITLED “PLANNING BOARD” AND ARTICLE IX, ENTITLED “ZONING BOARD OF ADJUSTMENT” FOR THE PURPOSE OF VESTING IN THE PLANNING BOARD ALL OF THE POWERS OF THE ZONING BOARD OF ADJUSTMENT

Mayor Hoyer read Ordinance 13, 2023 by title.

ORDINANCE 13, 2023

ORDINANCE AMENDING CHAPTER 109 OF THE WEST AMWELL TOWNSHIP MUNICIPAL CODE ENTITLED “LAND DEVELOPMENT” AND MORE PARTICULARLY BY AMENDING ARTICLE VIII, ENTITLED “PLANNING BOARD” AND ARTICLE IX, ENTITLED “ZONING BOARD OF ADJUSTMENT” FOR THE PURPOSE OF VESTING IN THE PLANNING BOARD ALL OF THE POWERS OF THE ZONING BOARD OF ADJUSTMENT

WHEREAS, N.J.S.A. 40:55D-25 permits under certain circumstances, a municipality of the State of New Jersey to extinguish its Zoning Board of Adjustment and vest all powers of said Board in the Municipal Planning Board; and

WHEREAS, “[i]n a municipality having a population of 15,000 or less, a nine-member planning board, if so provided by ordinance, shall exercise, to the same extent and subject to the same restrictions, all the powers of a board of adjustment”; and

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WHEREAS, in the interest of efficiency for all current and future land use applicants, the Township Committee is desirous of implementing said procedure to extinguish its Zoning Board of Adjustment and vest all powers of said Board in the Municipal Planning Board.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey, that Chapter 109 of the West Amwell Township Municipal Code, entitled "LAND DEVELOPMENT" is hereby amended by amending Article VIII, entitled "Planning Board" and Article IX, entitled "Zoning Board of Adjustment" as follows:

SECTION I

Article VIII of Chapter 109, entitled "Land Development," which article is entitled "Planning Board," is amended by amending subsection 109-31, entitled "Establishment; composition" subsections A(1) and A(3) to add the following language to each subsection:

Subsection A(1). The Class I members shall not be permitted to participate in the consideration of applications for development which involve relief pursuant to N.J.S.A. 40:55D-70(d).

Subsection A(3). The Class III members shall not be permitted to participate in the consideration of applications for development which involve relief pursuant to N.J.S.A. 40:55D-70(d).

Subsection 109-32B entitled "Alternate members" is amended by deleting subsection B in its entirety and, in its place and stead, shall be the following:

Alternate members.

1. There shall be four alternate members of the Planning Board appointed by the Mayor and meeting qualifications of Class IV members of the Planning Board. Alternate members shall be designated at the time of the appointment by the Mayor as Alternate No. 1, Alternate No. 2, Alternate No. 3, and Alternate No. 4.
2. No alternate member shall be permitted to act on any matter in which he has either directly or indirectly any personal or financial interest.
3. Alternate members may participate in discussions of Planning Board proceedings but may not vote, except in the absence or disqualification of a regular member of any Class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice needs to be made as to which alternate member will vote, the alternate shall be chosen in chronological order in accordance with his or her designation as Alternate Nos. 1, 2, 3 or 4.
4. No alternate members shall vote in place of the Class I or Class III member when the Planning Board is considering an application for development which involves relief pursuant to N.J.S.A. 40:55D-70(d).

III. Subsection 109-38, entitled "Powers and duties generally," shall be amended by adding new subsection A(9) as follows:

B. To exercise all powers previously granted to the Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-70.1, 70.2, 72, 74, 76 and powers granted pursuant to N.J.S.A. 40:55D-34 and 36, as well as the amendments and supplements to the Municipal Land Use Act granting additional powers or amending the powers of a Zoning Board of Adjustment.

IV. **BE IT FURTHER ORDAINED** that Article IX, entitled "Zoning Board of Adjustment" is hereby amended by deleting section 109-41 entitled "Establishment; composition," as well as Sections 109-42, 109-43, 109-44, 109-45, 109-46, and 109-47. All other provisions in Chapter 70 with reference to the Zoning Board of Adjustment shall continue in existence, however, shall be applicable to the Planning Board and wherever it specifies either the "Board of Adjustment" or the "Zoning Board of Adjustment" said words shall be substituted with the words "Planning Board."

V. **BE IT FURTHER ORDAINED** that Article X of Chapter 109, entitled "Provisions Applicable to Planning Board and Board of Adjustment" shall be amended to only apply to the Planning Board.

SECTION II

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All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION III

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION IV

This Ordinance shall take effect immediately upon final publication as provided by law.

ATTEST:

By Order of the Township Committee

Maria Andrews, Township Clerk, RMC

Gary Hoyer, Mayor

A motion was made by Bergenfeld and seconded by Cally to introduce Ordinance 13, 2023 upon first reading. The motion was unanimously approved by roll call vote.

Bergenfeld: Yes, Cally: Yes, Hudson: Yes, Hoyer: Yes

It was noted for the record that the public hearing on Ordinance 13, 2023 will be listed on the Committee’s 12/27/23 agenda.

RESOLUTIONS

Resolution #96-2023: Authorizing CY2023 Budget Transfers

RESOLUTION #96-2023
AUTHORIZING CY2023 BUDGET TRANSFERS

WHEREAS, there are certain CY2023 Budget Appropriations of the Township of West Amwell with balances insufficient to meet requirements for operating Township Affairs; and

WHEREAS, there are CY2023 Budget Appropriations with unexpected balances that are not needed for such purposes; and

WHEREAS, Statute 40A:4-58 provides for Transfers to those accounts having insufficient balances during the last two months of the fiscal budget year; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of West Amwell that the following transfers are to be made:

FROM

TO

Finance Administration S/W -\$4,000
Tax Collection S/W - \$12,000
Municipal Court S/W -\$4,500
Planning Board S/W - \$236.99
Streets & Roads S/W -\$55,000
Zoning Bd S/W -\$12,000
Municipal Clerk S/W - \$8,000
Construction S/W -\$10,000
Solid Waste S/W -\$6,000
Police Dept. S/W - \$9,624.20

Finance Administration O/E - \$4,000
Tax Collection O/E - \$16,000
Streets & Roads O/E - \$40,000
Zoning Bd O/E - \$7,000
Public Health O/E - \$3,000
Animal Control O/E - \$5,000
Bond Interest - \$36,736.99
Liability Insurance - \$9,624.20

Total - \$121,361.19

Total - \$121,361.19

Certification

I hereby certify the foregoing to be a true copy of a Resolution adopted by the West Amwell Township Committee at their meeting on December 6, 2023.

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Maria Andrews, Township Clerk, RMC

A motion was made by Cally and seconded by Bergenfeld to approve Resolution #96-2023. The resolution was unanimously approved by roll call vote.

Bergenfeld: Yes, Cally: Yes, Hudson: Yes, Hoyer: Yes

Resolution #99-2023 – Authorizing the Submission of Grant Application

**TOWNSHIP OF WEST AMWELL
RESOLUTION #99-2023**

Resolution: APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE WILLIAMSON LANE, ROSE RUN, STEEPLE VIEW COURT ROADWAY IMPROVEMENT PROJECT UNDER THE NJDOT LOCAL TRANSPORTATION PROJECTS FUND GRANT APPLICATION

NOW, THEREFORE, IT BE RESOLVED that the Governing Body of West Amwell formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as LTPF-2024-Williamson Ln, Rose Run, Steeple V-00037 to the New Jersey Department of Transportation on behalf of the Township of West Amwell; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of West Amwell and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Governing Body
On this 6th day of December, 2023

Maria Andrews, Township Clerk, RMC

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL _____
Maria Andrews, Twp. Clerk, RMC Gary Hoyer, Mayor

A motion was made by Cally and seconded by Hudson to approve Resolution #99-2023. The resolution was unanimously approved by roll call vote.

Bergenfeld: Yes, Cally: Yes, Hudson: Yes, Hoyer: Yes

Resolution #100-2023 – Supporting GMNJ's Appl. to NJCRC for Class I Cultiv./Class 2 Manuf. License

**RESOLUTION #100-2023
RESOLUTION OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY
SUPPORTING THE APPLICATION OF GREEN MEDICINE NJ, LLC, TO THE STATE OF NEW JERSEY CANNABIS
REGULATORY COMMISSION FOR A CLASS 1 CULTIVATOR LICENSE**

WHEREAS, the New Jersey Jake Honig Compassionate Use Medical Cannabis Act, N.J.S.A. 24:6I-2, *et seq.*, and accompanying regulations, N.J.A.C. 17:30A-1, *et seq.*, legalize the medical use of marijuana, and establish a comprehensive regulatory and licensing scheme for commercial medical cannabis operations, use and possession; and

WHEREAS, the New Jersey Cannabis Regulatory, Enforcement, Assistance, and Marketplace Modernization Act (the "Act"), N.J.S.A. 24:6I-31, *et seq.*, and accompanying regulations, N.J.A.C. 17:30-1, *et seq.*, legalize the

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recreational use of marijuana by adults 21 years of age or older, and establish a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, in accordance with the regulations established by the Act, specifically N.J.A.C. 17:30 7.1(b)(2)(iii), an applicant or licensee for an expanded cannabis business license must submit, among other requirements, proof of local authorization in support of the application, which may be submitted as a resolution adopted by the governing body; and

WHEREAS, the Township of West Amwell (the "Township") previously endorsed the expansion of medical and adult use cannabis in the State of New Jersey, and supports safe and appropriate siting of cannabis related businesses within the Township, including medical and adult use cannabis businesses; and

WHEREAS, the Township recognizes the benefits cannabis businesses are expected to bring to our community as a whole, including, but not limited to, job creation, job training, use of local vendors for build-out and ongoing operational needs, as well as anticipated revenues from dedicated cannabis user tax and other economic benefits to the community resulting from the sale or transfer of any usable cannabis or cannabis products by a cannabis establishment located within the Township.

WHEREAS, Green Medicine, NJ LLC, is an Alternative Treatment Center as defined by N.J.A.C. 17:30-1.2(b) with premises located at 638 Brunswick Pike within the Township ("Premises"); and
WHEREAS, Green Medicine, NJ LLC seeks to include adult use cannabis cultivation as part of its current medical Cultivation and Manufacturing License on its Premises, as defined at N.J.S.A. 24:6I-33 and operate in accordance with N.J.A.C. 17:30, for the growth and production of cannabis, and cannabis products; and

WHEREAS, pursuant to Township's Planning Board Resolution #2022-07, Green Medicine, NJ LLC, was granted final site plan approval to operate a cannabis cultivation facility on its Premises, and it is therefore authorized to engage in cannabis cultivation at that location; and

WHEREAS, notwithstanding the foregoing, the Township Committee has reviewed and considered the application of Green Medicine, NJ LLC and has determined that the proposed expanded adult use cannabis cultivation facilities intended to operate on its Premises are otherwise authorized by the Township Code, specifically under Chapter 109.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey that the Township hereby supports the application of Green Medicine, NJ LLC, as an Alternative Treatment Center, to expand its operations at its premises located at 638 Brunswick Pike within the Township of West Amwell to add adult use cannabis cultivation, pursuant to a Class 1 Cultivator License.

BE IT FURTHER RESOLVED that the Township Clerk shall provide the Applicant with a sealed copy of this Resolution to be included as part of their applications to the State of New Jersey Cannabis Regulatory Commission.

CERTIFICATION

I, Maria Andrews, Municipal Clerk of the Township of West Amwell, County of Hunterdon, and State of New Jersey do hereby certify the foregoing to be true and correct copy of a Resolution adopted by the Township Committee at a meeting held on December 6, 2023.

Maria Andrews, Township Clerk, RMC

Committeewoman Hudson commented that the resolution indicates we support manufacturing and she stated there has been no application to the CRC. She suggested the "manufacturing" language be removed because GMNJ's application to date, has only been for cultivation. Mayor Hoyer and Committeeman Cally disagreed but ultimately acquiesced on removing the language.

A motion was made by Cally and seconded by Bergenfeld to approve Resolution #100-2023, as revised, with Committeewoman Hudson opposing. Committeeman Cally commented that Committeewoman Hudson was disingenuous to oppose the resolution after the Committee agreed to remove the language she took issue with. The resolution was approved by roll call vote.

Bergenfeld: Yes, Cally: Yes, Hoyer: Yes

Resolution #101-2023 – Supporting Arbory Wellness Appl. to NJCRC for Class 5 Retailer License

RESOLUTION #101-2023

RESOLUTION OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY
SUPPORTING THE APPLICATION OF ARBORY WELLNESS, LLC, TO THE STATE OF NEW JERSEY CANNABIS
REGULATORY COMMISSION FOR A CLASS 5 RETAILER LICENSE

WHEREAS, the New Jersey Cannabis Regulatory, Enforcement, Assistance, and Marketplace Modernization Act (the “Act”), N.J.S.A. 24:61-31, *et seq.*, and accompanying regulations, N.J.A.C. 17:30-1, *et seq.*, legalize the recreational use of marijuana by adults 21 years of age or older, and establish a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, in accordance with the regulations established by the Act, specifically N.J.A.C. 17:30-5.1, a municipality may demonstrate proof of local support for the suitability of a cannabis business’s proposed location, which shall be submitted as a resolution adopted by the governing body; and

WHEREAS, the Township recognizes the benefits cannabis businesses are expected to bring to our community as a whole, including, but not limited to, job creation, job training, use of local vendors for build-out and ongoing operational needs, as well as anticipated revenues from dedicated cannabis user tax and other economic benefits to the community resulting from the sale or transfer of any usable cannabis or cannabis products by a cannabis establishment located within the Township.

WHEREAS, Arbory Wellness, LLC, has expressed interest in establishing a retail cannabis operation within the Township, and is intending to apply to the Cannabis Regulatory Commission for a Class 5 Retailer License to operate on the premises known and designated as 416-41 Rt 31 North (Block 21 Lots 15 and 16) in the Township (“Premises”); and

WHEREAS, the Township Committee has received a recommendation from its Cannabis Advisory Committee to consider the application of Arbory Wellness, LLC, and has determined that the proposed retail cannabis operation would be located in a zone permitting such retail activity, and that such proposed retail activity is authorized on the Premises by the Township Code, specifically under Chapter 109.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey that the Township hereby supports the application of Arbory Wellness, LLC, to the State of New Jersey Cannabis Regulatory Commission for a Class 5 Retailer License being sought to operate on the Premises.

BE IT FURTHER RESOLVED that the Township Clerk shall provide the Applicant with a sealed copy of this Resolution to be included as part of its applications to the State of New Jersey Cannabis Regulatory Commission.

CERTIFICATION

I, Maria Andrews, Municipal Clerk of the Township of West Amwell, County of Hunterdon, and State of New Jersey do hereby certify the foregoing to be true and correct copy of a Resolution adopted by the Township Committee at a meeting held on December 6, 2023.

Maria Andrews, Township Clerk, RMC

A motion was made by Hudson and seconded by Cally to approve Resolution #101-2023. The resolution was unanimously approved by roll call vote.

Bergenfeld: Yes, Cally: Yes, Hudson: Yes, Hoyer: Yes

Resolution #103-2023 – Resolution Authorizing Refund of Redemption Monies to Outside Lien Holder

RESOLUTION AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER
RESOLUTION #103-2023

Minutes: 12/6/23

WHEREAS, the Township of West Amwell sold at the Municipal Tax Sale held on November 21, 2023, a lien on Block 14.02 Lot 7, also known as 1138 Route 179 in West Amwell Township, for 2022 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #23-1, was sold to Christiana T C/F CE1/Firsttrust for a 18% redemption fee; and

WHEREAS, the amount of \$9,120.88 has been received from Pietro Giordano, owner of the property for redemption of Certificate #23-1,

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check, and the Mayor, Clerk, and Treasurer be authorized to sign a check in the amount of \$9,120.88 payable to Christiana T C/F CE1/Firsttrust for the redemption of Tax Sale Certificate #23-1.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Tax Collector and Finance Officer.

By Order of the Township Committee,

Gary Hoyer, Mayor

A motion was made by Hudson and seconded by Cally to approve Resolution #103-2023. The resolution was unanimously approved by roll call vote.

Bergenfeld: Yes, Cally: Yes, Hudson: Yes, Hoyer: Yes

Resolution #104-2023 – Challenging the Table of Equalized Valuations

Resolution #104-2023

RESOLUTION OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, AND STATE OF NEW JERSEY AUTHORIZING ITS MUNICIPAL ATTORNEYS TO FILE A LEGAL ACTION IN TAX COURT PURSUANT TO N.J.S.A. 54:51A-4(c), CHALLENGING THE TABLE OF EQUALIZED VALUATIONS PROMULGATED BY THE DIRECTOR OF THE NEW JERSEY DIVISION OF TAXATION FOR THE APPORTIONMENT OF SCHOOL AID

WHEREAS, N.J.S.A. 54:1-35.1 requires that, on or before October 1 in each year the Director of the New Jersey Division of Taxation shall promulgate a table of equalized valuations to be used in the calculation and apportionment of distributions pursuant to the New Jersey State School Aid Act of 1954.

WHEREAS, the Township Committee hereby authorize its municipal attorneys, acting at the direction of the Tax Assessor, to file a legal action in Tax Court pursuant to N.J.S.A. 54:51A-4(c), challenging the table of equalized valuations promulgated by the Director of the New Jersey Division of Taxation on or about October 1, 2023; and

WHEREAS, due to the extremely accelerated timeline of legal action challenging the table of equalized valuations, the Township Committee further authorizes its municipal attorneys to negotiate and enter into a reasonable settlement of said litigation at the direction of the Tax Assessor; and

NOW, THEREFORE BE IT RESOLVED that the Township Committee of the Township of West Amwell shall authorize its municipal attorneys, acting at the direction of the Tax Assessor, to file a legal action in Tax Court pursuant to N.J.S.A. 54:51A-4(c), challenging the table of equalized valuations promulgated by the Director of the New Jersey Division of Taxation on or about October 1, 2023, as well as to authorize its municipal attorneys to negotiate and enter into a reasonable settlement of said litigation at the direction of the Tax Assessor.

CERTIFICATION

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I, Maria Andrews, Municipal Clerk of the Township of West Amwell, County of Hunterdon and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Committee at a meeting held on Wednesday, December 6, 2023.

Maria Andrews, Township Clerk, RMC

A motion was made by Cally and seconded by Hudson to approve Resolution #104-2023. The resolution was unanimously approved by roll call vote.

Bergenfeld: Yes, Cally: Yes, Hudson: Yes, Hoyer: Yes

NEW BUSINESS/OTHER

Approval: Professional Services Contract: Special Engineer Frank Sadeghi of Morgan Engineering

Mr. Meier of 228 Rock Road West spoke up from the public and asked why the Township was hiring a Special Engineer. Mayor Hoyer explained that Engineer Burr is too busy and the Special Engineer will provide back-up as needed.

A motion was made by Cally and seconded by Hudson to approve the professional services contract for Special Engineer Frank Sadeghi. The motion was unanimously approved by roll call vote.

Bergenfeld: Yes, Cally: Yes, Hudson: Yes, Hoyer: Yes

Discussion: Letter from Hunt & Faherty, re: Deed for 125 Hancock Street Block 44 Lot 11

It was noted for the record that this matter will be carried to the Committee's 12/27/23 agenda.

Discussion: Request from DPW Supervisor C. Gabel to take a DPW Vehicle Home Daily

Present for the discussion was DPW Supervisor Chris Gabel. He explained that he would like to utilize a Township vehicle to inspect projects so people/residents don't question why he is driving past their homes slowly. He noted this has happened on a few occasions and is awkward. The Committee agreed to allow Supervisor Gabel to utilize a Township vehicle per the Township Policy, when needed for storms, etc. but not on a daily basis.

ADMINISTRATIVE

A motion by Cally, seconded by Bergenfeld to approve the 11/14/23, 11/27/23 and 12/5/23 bill lists was unanimously approved by roll call vote.

Bergenfeld: Yes, Cally: Yes, Hudson: Yes, Hoyer: Yes

REPORTS BY DEPARTMENT HEADS

DPW Supervisor Gabel noted they had completed mowing with the boom mower and have also been busy patching potholes. Mayor Hoyer asked Supervisor Gabel to coordinate with him on installing "No Thru Truck Traffic" signage.

STANDING COMMITTEE REPORTS

- A. Open Space: No report was given.
- B. Environmental: No report was given.
- C. Ag Advisory: No report given.
- D. Finance Committee: No report given.

OPEN TO THE PUBLIC

Mayor Hoyer opened the floor to public comment.

Alfonsina Sabidussi of 122 Rock Road West commented on the Township Committee abiding by their own request for cell phones to be turned off during the meeting.

Dave Beaumont of 205 Rock Road West thanked the road department for mowing along the roadways. He also thanked Township Attorney Pandos for appealing the equalized valuation list but commented the percentage still seem low so he will research it further.

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Kim Capone of 691 Brunswick Pike asked for an update on the sound attenuation walls required on the GMNJ property. Mayor Hoyer stated they will be installed.

Bruce Meier of 228 Rock Road West stated the noise test at GMNJ is not accurate because the primary power is not up and running yet.

Tony Sabidussi of 122 Rock Road West asked for clarification of the GMNJ sound attenuation walls. Mayor Hoyer stated the Planning Board resolution had a condition of approval that walls be installed and he noted they will be.

Dave Beaumont of 205 Rock Road West asked if a noise test must be performed prior to GMNJ obtaining a C.O. Deputy Mayor Bergenfeld said yes. He clarified a T.C.O. is different than a C.O.

Linda Meier of 228 Rock Road West commented that the Township Committee is stepping on the toes of the Planning Board because the resolution of approval required that the County Board of Health certify that the septic is working before any C.O. is issued. She remarked allowing a T.C.O. with porta-potties is not right.

Seeing no other members of the public come forward, a motion was made by Bergenfeld and seconded by Cally to close the floor to public comment. The motion was unanimously approved by voice vote.

OTHER

Resolution #102-2023: Closed Session – Contracts/Possible Litigation: Prescriptive Easement for DPW and Land Acquisition/Personnel and Matters Falling Under Attorney Client Privilege

A motion was made by Cally and seconded by Bergenfeld to approve Resolution #102-2023 and enter into closed session. The motion was unanimously approved by voice vote.

Resolution #102-2023

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist,

NOW, THEREFORE BE IT RESOLVED by the Committee of West Amwell Township, County of Hunterdon, State of New Jersey, as follows:

1. The public shall be excluded from the expected 30 minute discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows: Prescriptive Easements for DPW and land acquisition/personnel and matters falling under attorney client privilege. Action may be taken.
3. As nearly as can be ascertained, the matter or matters to be discussed during this closed session will be disclosed to the public when such matters are resolved.
4. This resolution shall take effect immediately.

Maria Andrews, Township Clerk, RMC

It was noted for the record that the Committee was in closed session from 9:29 PM – 10:21 PM.

ADJOURNMENT

A motion by Bergenfeld, seconded by Cally to adjourn the meeting was unanimously approved by voice vote.

The meeting adjourned at 10:22 PM.

Minutes: 12/6/23

Maria Andrews, Township Clerk, RMC

Approved: 12/27/23