

WEST AMWELL TOWNSHIP COMMITTEE MEETING

June 21, 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, John Dale 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 there were no changes to the posted agenda.

ANNOUNCEMENTS

The following announcements were made:

- The 2023 – 2024 Recycling Depot Permits are Available! Renew by 6/30/23
- WA Twp. Rec'd \$14,510 Clean Communities Grant Funding
- Summer Hours Start: Monday July 3rd (Mon. – Thurs. 8 AM – 5 PM: Closed Fridays)
- The Municipal Offices will be CLOSED: Tuesday, 7/4/23 – Fourth of July Holiday
- There is only 1 Twp. Comm. Meeting in July (7/19/23) & August (8/16/23)
- Kindly Turn Cell Phones Off During the Meeting

SPECIAL PRESENTATION

Swearing in of Patrolman K. O'Connor

Present for the swearing in of Patrolman Kyle O'Connor were members of the West Amwell Township and the City of Lambertville's Police Departments along with Patrolman O'Connor's family and friends.

PRESENTATION OF MINUTES

A motion by Hudson, seconded by Dale to approve the 6/7/23 meeting minutes with no revisions noted was unanimously approved by voice vote.

OPEN TO THE PUBLIC/TOPICS NOT ON THE AGENDA

Mayor Hoyer opened the floor to public comment. Seeing no members of the public come forward, he closed the floor to public comment.

UNFINISHED BUSINESS

It was noted for the record that no unfinished business matters were listed on the agenda for action.

RESOLUTIONS

Resolution #61-2023: Asphaltic Surface Treatments through MCCPC

DPW Director Ryan Rollero explained the asphaltic treatment will be used to chip seal portions of Rocktown-Lambertville Road, Gulick Road, Wilson Road, Hunter Road and Old 518 East/West. He noted it will be just over 5.5 miles of roadway and will extend the life of the roadways about 5 to 7 years. Director Rollero commented he would like to start the work in August or September. Mayor Hoyer remarked the project will not impact the Township budget because of the mild winter and the limited amount of funds spent on salt.

Minutes: 6/21/23

Resolution #61-2023
RESOLUTION AUTHORIZING THE PURCHASE OF ASPHALTIC SURFACE TREATMENTS
BY THE PUBLIC WORKS DEPARTMENT FOR VARIOUS ROADS
IN THE TOWNSHIP OF WEST AMWELL FROM, ASPHALT PAVING SYSTEMS, INC.
THROUGH MORRIS COUNTY COOPERATIVE PRICING COUNCIL (MCCPC) *expiring 12/31/2023*

WHEREAS, the Township of West Amwell wishes to purchase Asphaltic Surface Treatments from Asphalt Paving Systems, Inc. in an amount not to exceed \$170,776.80; and

WHEREAS, said application was approved for purchase through Ordinance 3, 2023 Budget adopted by the Township Committee of the Township of West Amwell on June 7, 2023; and

WHEREAS, the Chief Financial Officer has certified that funds are available for said purpose in the 2023 Roads Maintenance and Repair Chip Seal line for the Public Works Department; and

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of West Amwell hereby authorizes the purchase of the above mentioned Asphaltic Surface Treatments, from Asphalt Paving Systems, Inc., P.O. Box 530, Hammonton, NJ 08037 through the MCCPC contract #21 in an amount not to exceed \$170,776.80; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Chief Financial Officer and the Qualified Purchasing Agent.

Certification

I, Maria Andrews, Municipal Clerk of the Township of West Amwell, hereby certify that the above is a true copy of a Resolution adopted by the West Amwell Township Committee at their regularly scheduled meeting held on June 21, 2023.

Maria Andrews, Township Clerk, RMC

A motion by Bergenfeld, seconded by Cally to approve Resolution #61-2023 was unanimously approved by roll call vote.

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

Resolution #62-2023 – Person-to-Person Plenary Retail Cons. License Transfer: Jai Hanuman Ji, Corp.

**Resolution #62-2023
Person-to-Person Transfer of ABC License #1026-33-001-009**

WHEREAS an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License Number 1026-33-001-009, heretofore issued to Jai Hanuman Ji Corp. for premises located at 394 Route 31, Ringoes, in West Amwell Township, New Jersey; and

WHEREAS the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business; and

NOW, THEREFORE BE IT RESOLVED that the West Amwell Township Committee does hereby approve, effective June 21, 2023, the transfer of the aforesaid Plenary Retail Consumption License to Jai Hanuman Ji Corp. and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as

Minutes: 6/21/23

follows: "This license, subject to all its terms and conditions, is hereby transferred to Jai Hanuman Ji Corp. effective June 21, 2023."

I hereby certify the foregoing to be a true copy of a Resolution adopted by the West Amwell Township Committee at their meeting on June 21, 2023.

Maria Andrews, Township Clerk

A motion by Cally, seconded by Dale to approve Resolution #62-2023 was unanimously approved by roll call vote.

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

INTRODUCTION/PUBLIC HEARING ON ORDINANCES

Introduction: Ordinance 05, 2023 – AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST AMWELL IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND CHAPTER 109, "LAND DEVELOPMENT," PART 10 "CANNABIS," ARTICLE XLIII "CANNABIS RELATED BUSINESSES," AND TO AMEND CHAPTER 140, "TAXATION," ARTICLE 1 "CANNABIS TRASFER TAX"

Mayor Hoyer read Ordinance 05, 2023 by title.

THE TOWNSHIP OF WEST AMWELL
COUNTY OF HUNTERDON, NEW JERSEY
ORDINANCE 05, 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", AND TO AMEND CHAPTER 140,
"TAXATION," ARTICLE I "CANNABIS TRANSFER TAX".

WHEREAS, the Township of West Amwell (the "Township") endorse the expansion of medical cannabis in the State of New Jersey so as to provide needed relief to the many persons suffering from chronic and/or debilitating illnesses who may benefit therefrom; and

WHEREAS, the Jake Honig Compassionate Use Medical Cannabis Act, N.J.S.A. 24:6I-2, et seq. (the "CUMMA"), which permits the authorized medical use of cannabis, was amended on July 2, 2019, further clarifying the Township's ability to control the proposed location of medical cannabis dispensaries, cultivation centers and manufacturing facilities; and

WHEREAS, in 2020 the voters of the State of New Jersey approved Public Question No. 1, which endorsed the legalization of cannabis for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (P.L. 2021, c. 16) (the "NJCREAMMA" or "Commission"), which legalizes the recreational use of marijuana by adults 21 years of age or older and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, NJCREAMMA establishes six marketplace classes of licensed businesses, including:

Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;

Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;

Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;

Minutes: 6/21/23

Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;

Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and

Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, NJCREAMMA C.24:6I-45 Municipal regulations or ordinances, Section 31a authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location, manner and times of operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, NJCREAMMA further strengthens municipal control over such uses and allows, at the discretion of the municipality, a tax to be imposed on: receipts from the sale of cannabis by a cannabis cultivator to another cannabis cultivator; receipts from the sale of cannabis items from one cannabis establishment to another cannabis establishment; receipts from the retail sales cannabis items by a cannabis retailer to retail consumers, with each municipality setting its own rate or rates, but in no case shall a rate exceed: two percent of the receipts from each sale by a cannabis cultivator; two percent of the receipts from each sale by a cannabis manufacturer; one percent of the receipts from each sale by a cannabis wholesaler; and two percent of the receipts from each sale by a cannabis retailer; and

WHEREAS, the Township supports safe and appropriate siting of approved marketplace classes of licensed cannabis related and supporting businesses within the Township; and

WHEREAS, the Township wishes to replace Chapter 109, Part 10, Article XLIII, Section 264 entitled “Cannabis Related Businesses” and to amend Chapter 140, Taxation, Article I entitled “Cannabis Transfer Tax” to conform with such amendments; and

WHEREAS, the Township Committee of the Township of West Amwell, County of Hunterdon and State of New Jersey (the “Committee”) designated certain areas within its borders as in need of redevelopment and/or rehabilitation pursuant to the Local Redevelopment and Housing Law (“LRHL”) (N.J.S.A. 40A:12A-1 to -73); and

WHEREAS, pursuant to the LRHL, the Committee adopted the Village Marketplace Redevelopment Plan on October 7, 2020, by Ordinance No. 9-2020; and

WHEREAS, the Committee is vested with the authority to amend the Village Marketplace Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7, and N.J.S.A. 40A:12A-8; and

WHEREAS, the Township Committee has determined that it is in the best interests of the Township of West Amwell to allow medical cannabis businesses only as permitted conditional uses within the Village Marketplace Redevelopment Area.

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. The following revisions are made to the Village Marketplace Redevelopment Plan: Page 20, “Definitions,” shall be amended to add the following:

Minutes: 6/21/23

“Medical Cannabis Cultivator” - means the same as defined in NJ Statute Section 24:6I-3 an organization holding a permit 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 permit shall not authorize the permit 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” means the same as defined in NJ Statute Section 24:6I-3 an organization issued a permit 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 permit shall not authorize the permit holder to cultivate medical cannabis, to produce, manufacture, or otherwise create medical cannabis products.

“Medical Cannabis Manufacturer” means the same as defined in NJ Statute Section 24:6I-3 an organization issued a permit 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 permit shall not authorize the permit 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” means the same as defined in Section 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.).

Village Marketplace Redevelopment Plan, Page 23. Subsection 1, “Allowable Uses” shall be amended to add the following:

Conditional Uses:

Medical Cannabis Dispensary

Medical Cannabis Cultivation Center

Medical Cannabis Manufacturing Center

Cannabis Businesses located in the Village Redevelopment Area are subject to the following conditions in addition to those listed below in Section §109-264 C-N and limitations listed in Section §109-264 B: Retail components must have frontage located on Route 179 and must be located on the first floor; Adult-use cannabis businesses are prohibited; and Must not exceed 1 story in height.

Minutes: 6/21/23

SECTION 2. Chapter 109, LAND DEVELOPMENT, Part 10 Cannabis, Article XLIII “CANNABIS RELATED BUSINESSES”:

§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 CREAMM

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.

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 permit 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 permit holder, either separate from or connected to the cannabis retailer or permit holder, at which cannabis items or medical cannabis either obtained from the retailer or permit 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

Minutes: 6/21/23

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, 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.

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 permit 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 permit shall not authorize the permit 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 permit 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

Minutes: 6/21/23

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 permit shall not authorize the permit 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 permit 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 permit shall not authorize the permit 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.

PARAPHERNALIA

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

PERMIT

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

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.

B. Limitation on the number of Cannabis Businesses within the Township.

The number of Cannabis Businesses located within the Township shall be limited as follows:

Minutes: 6/21/23

Cannabis Cultivation Center (Class 1): No more than two (2) Cannabis Cultivation Centers and no more than two (2) Microbusiness Cultivation Centers;

Cannabis Manufacturing Facility (Class 2): No more than two (2) Cannabis Manufacturing Facilities and Microbusiness Manufacturing Facilities are not permitted;

Cannabis Wholesaler (Class 3): None are permitted unless the license is obtained by an existing licensed entity operating within the Township and Microbusiness Wholesalers are not permitted;

Cannabis Distributer (Class 4): None are permitted;

Cannabis Dispensary (Class 5): No more than two (2) Cannabis Dispensaries and Microbusiness Dispensaries are not permitted;

Cannabis Delivery Service (Class 6): None are permitted; and

Medicinal Cannabis Cultivation Center, Manufacturing Facility and Dispensary located in the Village Marketplace: No more than one (1).

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 if the standard business activity is a permitted use in the zone where the Microbusiness is located. No zoning variance for business activity will be permitted.

3) In the event more than one land use application for a Cannabis Dispensary, Cultivation Center, or Manufacturing Facility of the same classification are submitted to the Township in close proximity to one another, or should only one Permit for such classification be available due to the limitations set forth in this subsection and if the applications comply with all the requirements of this chapter and the Act, 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.

C. Permitted Locations. Cannabis Establishments and Businesses 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.

Cannabis Cultivation Centers (Class 1), including Microbusinesses, shall be permitted as conditional uses in the following zones in accordance with this chapter.

LHC

NC, limited to one (1) Cannabis Cultivation Center

LI

Village Center Redevelopment Area for Medical Cannabis only- no variances permitted for conversion to adult use

RR4, RR5, RR6 - Microbusiness only

Minimum 8 acres lot size - no zoning variances permitted for conversion to standard sized business.

SRPD - Microbusiness only

Minimum 8 acres lot size - no zoning variances permitted for conversion to standard sized business.

Cannabis Manufacturing Facilities (Class 2), shall be permitted as conditional uses in the following zones in accordance with this chapter (Note – no Microbusiness Manufacturing Facilities permitted):

Minutes: 6/21/23

LHC

HC

LI

Village Center Redevelopment Area for Medical Cannabis only - no use variance permitted

Cannabis Wholesaler (Class 3), shall be permitted as a conditional use in the following zones in accordance with this chapter (Note – no Microbusiness Wholesalers permitted):

- a) LHC
- b) HC
- c) LI
- d) Village Center Redevelopment Area for Medical Cannabis only - no use variance permitted

Cannabis Distributors (Class 4) shall not be permitted.

Cannabis Dispensaries/Retailers (Class 5) shall be permitted as a conditional use in the following zones in accordance with this chapter (Note – no Microbusiness Dispensaries/Retailers permitted):

LHC

HC

LI

Village Center Redevelopment Area for Medical Cannabis only- no use variance permitted

Cannabis Delivery Service (Class 6) shall not be permitted.

D. Requirements Applicable to All Cannabis Businesses.

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.](#)

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.).

Issuance of zoning permit and site plan approval is required.

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).

The Applicant shall provide traffic projections and management plan as may be required by the Township Planning Board.

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.

Minutes: 6/21/23

Secured in accordance with all applicable provisions as defined in the Act and outlined in Subsection G below.

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.

Noise beyond the decibel level permitted by Township noise ordinances shall be prohibited. Any generator used in cultivation 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 statutes.

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.

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.

Microbusinesses are permitted as conditional uses only for cultivation within any area where Cannabis Businesses are permitted within the Township according to that same use category, and subject to the same criteria to manage noise, odor, effluent, water usage, et cetera.

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.

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

- a. Parking for Dispensaries shall be provided for as retail businesses.
- b. Parking for Cultivation Centers shall be provided for as research and laboratory use.

In the event of a conflict between the Township bulk standards and the Act or the Commission's regulations, the Township shall consider the pertinent statute or regulation as justification of any variance and/or design waiver.

Security and reporting.

Surveillance System.

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.

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.

Minutes: 6/21/23

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.

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

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.

Security staff is required on the premises during all hours of operation.

The premises must only be accessed by authorized personnel and free of loitering.

All cultivation of cannabis shall take place in an enclosed, locked facility.

Storage of currency. All currency over \$1,000 shall be stored within a separate vault or safe, not used for the storage of medical cannabis, securely fastened to a wall or floor, as approved by the West Amwell Township Police Department.

Cannabis Establishments shall comply with all security requirements as established by state law and regulations, as they may be updated from time to time.

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.

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.

Storage of products. All products and accessories shall be stored completely indoors and on-site in accordance with the Act and the Commission regulations.

Operation of multiple cannabis businesses at a single location. A licensed person or entity with multiple license classes may operate two businesses on the same property under the following conditions:

Each business category shall be physically separated from the area of the proposed premises utilized for the other licensed activity creating a clear distinction between each business type. For example, the premises utilized for cultivation shall be physically separated from the area of the premises utilized for the dispensing of cannabis and open to the public or to patients.

Walls, barriers, locks, signage and other means shall be employed to prevent the public from entering the area of premises utilized for the cultivation or manufacturing or wholesale storage of cannabis.

Multiple licenses by different operators are not permitted on the same premises.

No license holder shall be authorized to concurrently hold more than one license of the same class.

Each business shall be in full compliance with the requirements of the Act and the Township Land Development Ordinances.

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

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)

Minutes: 6/21/23

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.

Landscape screening must be installed to prevent public view of structures from all roadways and adjoining parcels.

No hoophouse or temporary greenhouse covered in plastic sheeting is permitted. All cultivation buildings must have permanent side and end walls and comply with the Act and the Township Land Development Ordinances.

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.

The cultivation of cannabis must be conducted indoors and shall not be permitted on exterior portions of a lot, unless under Special Permit for the Cultivation of Hemp that is in conformance with Federal Agriculture Improvement Act of 2018 (2018 Farm Bill). The cultivation 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 All Dispensaries/Retailers and Delivery Businesses.

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.

Cannabis Dispensaries shall not be located within 1,500 feet of another Cannabis Dispensary.

The retail component must be located on the major roadway frontage such as: Route 31, Route 179, or Route 29.

Medical dispensaries may only sell useable cannabis-related product to individuals with an active MMP Identification Card or Caregiver Identification Card.

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.

Dispensaries may sell "cannabis paraphernalia" as that term is defined in this section.

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.

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.

Cannabis Delivery Service. Nothing herein shall prohibit the delivery of cannabis within the Township to consumers by a Cannabis Delivery Service properly licensed in another jurisdiction.

G. Mobile Delivery of cannabis products. Cannabis products may be transferred or delivered, consistent with the requirements of the Act. Mobile facilities shall not be permitted.

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.

Prevention of emissions and disposal of materials.

Minutes: 6/21/23

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.

Businesses shall properly dispose of all materials and other substances in a safe and sanitary manner in accordance with state regulations.

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.

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.

All state regulations concerning ventilation systems shall be followed.

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 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:

Additional security requirements;

Limits and requirements on parking and traffic flows;

Requirements for walls, doors, windows, locks and fences on the premises and adjacent grounds;

Limits on cannabis products that may be sold;

Requirements and limits on ventilation and lighting;

Requirements as to the availability of water, water use and waste water disposal;

Limits on noise inside the licensed premises or on the adjacent grounds;

Prohibitions on certain conduct in the cannabis business;

Limits on hours of operation.

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.

Minutes: 6/21/23

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

SECTION 3 Chapter 140,^a TAXATION, Article I, CANNABIS TRANSFER TAX, to read as follows:

§ 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 ~~dispensary~~ cannabis establishment.

§ 140-2 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 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 5 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 6 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

^a Due to a series of scrivener errors contained in Ord. No. 06-2021 and Ord. No. 03-2022, Chapter 140 was erroneously transcribed as Chapter 337, Article I was erroneously transcribed as Article III, § 140-1 was erroneously transcribed as § 337-12, § 140-2 was erroneously transcribed as § 337-13, and § 140-3 was also erroneously transcribed as § 337-13.

A motion by Hudson, seconded by Cally to introduce Ordinance 05, 2023 upon first reading was unanimously approved by roll call vote.

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

Mayor Hoyer noted the public hearing on Ordinance 05, 2023 will be listed on the Committee’s 7/19/23 agenda. He also thanked Committeewoman Hudson for all the work she did on the amended ordinance.

Public Hearing: Ordinance 04, 2023 – BOND ORDINANCE PROVIDING FOR VARIOUS 2023 CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF WEST AMWELL, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (THE “TOWNSHIP”); APPROPRIATING \$270,000 THEREFORE (INCLUDING A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION) AND AUTHORIZING THE ISSUANCE OF \$79,250 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF

Mayor Hoyer read Ordinance 04, 2023 by title.

TOWNSHIP OF WEST AMWELL
ORDINANCE 04, 2023
BOND ORDINANCE PROVIDING FOR VARIOUS 2023 CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF WEST AMWELL, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (THE “TOWNSHIP”); APPROPRIATING \$270,000 THEREFOR (INCLUDING A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION) AND AUTHORIZING THE ISSUANCE OF \$79,250 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WEST AMWELL, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of West Amwell, in the County of Hunterdon, State of New Jersey (the “Township”). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$270,000, which is inclusive of a grant in the amount of \$187,416 from the New Jersey Department of Transportation (the “Grant”), and \$3,334 as the aggregate amount of down payment for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the “Local Bond Law”). Said down payment is now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes. Pursuant to N.J.S.A. 40A:2-11(c), as amended and supplemented, no down payment is required for the bonds or notes associated with the roadway improvements set forth in Section 3(a)(i) as a portion of such project is being funded by the Grant.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$270,000 appropriation not provided for by application hereunder of said down payment and the Grant, negotiable bonds of the Township are hereby authorized to be issued in the aggregate principal amount not exceeding \$79,250 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in an aggregate principal amount not exceeding \$79,250 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued include, but are not limited to, as follows:

<u>Description</u>	<u>Appropriation</u>	<u>Authorizatio n</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) <u>Roads</u> – Roadway Improvements In The Township Including, But Not Limited To, Rocktown-Lambertville Road (Phase IV), Such Improvements To Include, But Not Limited To, As Applicable, Excavation, Milling, Paving, Reconstruction And Boxing Out And Resurfacing	\$200,000 (Including the Grant)	\$12,584	N/A	20.00 Years

<u>Description</u>	<u>Appropriation</u>	<u>Authorizatio n</u>	<u>Down Payment</u>	<u>Useful Life</u>
Or Full Depth Pavement Replacement, And Where Necessary, The Sealing Of Pavement Cracks, Installation Of Curbing And Driveway Aprons, Resetting Utility Castings, Drainage Improvements, Roadway Painting, Landscaping And Aesthetic Improvements;				
(ii) <u>Public Works</u> – Acquisition Of Various Equipment Including, But Not Limited To, A Plow, A Trailer And An Excavator; And	\$50,000	\$47,619	\$2,381	5.00 Years
(iii) <u>Fire Department</u> – Acquisition of Personal Protective Equipment.	\$20,000	\$19,047	\$953	10.00 Years
TOTALS	<u>\$270,000</u>	<u>\$79,250</u>	<u>\$3,334</u>	

(b) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$79,250.

(c) The aggregate estimated cost of said improvements or purposes is \$270,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the aggregate amount of down payment available for said purposes and the Grant.

(d) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, all engineering, architectural and design work, preparation of plans and specifications, permits, bid documents, and contract administration, and also shall include all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto.

SECTION 4. Except for the Grant, in the event the United States of America, the State of New Jersey, the County of Hunterdon and/or a private entity make a contribution or grant in aid to the Township for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Hunterdon and/or a private entity. Except for the Grant, in the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Hunterdon and/or a private entity shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the

provisions of N.J.S.A. 40A:2-8.1. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, Department of

Community Affairs, State of New Jersey, is on file in the Office of the Clerk of the Township and is available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 8.58 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, Department of Community Affairs, State of New Jersey, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$79,250 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$54,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements herein before described.

SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the principal of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Township Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Township Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this bond ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

MARIA ANDREWS, Township Clerk, RMC

A motion by Cally, seconded by Bergenfeld to open the floor to public comment on Ordinance 04, 2023 was unanimously approved by voice vote. Seeing no members of the public come forward, 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.

Minutes: 6/21/23

A motion was made by Hudson and seconded by Bergenfeld to adopt Ordinance 04, 2023 upon second reading. The motion was unanimously approved by roll call vote.

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

NEW BUSINESS/OTHER

Discussion: Energy Tax Receipts

Committeeman Cally commented that the League of Municipalities is encouraging governing bodies to contact legislators and request the state give back the revenue they took. He noted West Amwell has lost millions out of the budget because the State took funding away.

Discussion: Possible Replacement of 1995 Fire Engine-26 KME

Deputy Mayor Bergenfeld commented that he spoke to people from Emergency Equipment Sales & Service, LLC in Ewing, NJ who will provide the Township with a quote on refurbishing the truck for a \$500 fee. It was noted that the Committee supported the idea of getting a quote to see if the truck is able to be refurbished.

A motion was made by Cally, seconded by Dale authorizing the \$500 expense. The motion was unanimously approved by voice vote.

Deputy Mayor Bergenfeld stated he would reach out to Fire Chief Ent on the matter.

Acknowledgment: Junior Firefighter – L. Kall

It was noted for the record that the Committee acknowledged Junior Firefighter Logan Kall.

ADMINISTRATIVE

A motion by Bergenfeld, seconded by Cally to approve the 6/13/23 and 6/20/23 bill lists was unanimously approved by roll call vote.

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

REPORTS BY DEPARTMENT HEADS

Mayor Hoyer commented the Assessor has mailed the farmland papers and noted they are due back by August 1st.

OEM Director Harry Heller came forward and provided the following update:

1. The antennas for his radio equipment have been put up
2. He is waiting for Township Engineer Burr to certify the Stymiest Road repairs and is also waiting for his report the USDA requested on the Rocktown-Lambertville Road repairs
3. He attended a seminar today on Preliminary Damage Assessment and how things should be reported

DPW Director Rollero provided an update on the Mt. Airy-Village Road improvement project noting the work started yesterday and is expected to take about 2 weeks. He also remarked that two thirds of the trash permits have been sold for this season, putting sales ahead of schedule this year.

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.

Michael Ehrenreich of 1872 River Road came forward and referenced the zoning complaints he made against the property owners of both 13 and 17 Old River Road. Mayor Hoyer noted the Township Committee meeting is not the forum for such a discussion and referred Mr. Ehrenreich to the Zoning Official.

Minutes: 6/21/23

Harry Gordon of 17 Old River Road came forward and wanted the record to reflect that after the Zoning Board meeting Mr. Ehrenreich threatened him because he is not supportive of his project. He commented on the zoning complaints being retaliatory.

Seeing no other members of the public come forward, 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.

ADJOURNMENT

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

The meeting adjourned at 8:10 PM.

Maria Andrews, Township Clerk, RMC

Approved: 7/19/23