

WEST AMWELL TOWNSHIP COMMITTEE MEETING
September 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, 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:

- Kindly Turn Cell Phones Off During the Meeting

PRESENTATION OF MINUTES

A motion by Cally, seconded by Bergenfeld to approve the 8/16/23 meeting minutes as revised 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 who wished to speak, he closed the floor to public comment.

INTRODUCTION/PUBLIC HEARING ON ORDINANCES

Public Hearing: Ordinance 09, 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, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO CLARIFY THE PROMOTION PROCESS

It was noted for the record that Lieutenant Skillman has finally received comments back from the PBA and he requested the Ordinance be tabled so he can review them.

Public Hearing: Ordinance 10, 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 TRANSFER TAX”

Mayor Hoyer read Ordinance 10, 2023 by title.

THE TOWNSHIP OF WEST AMWELL
COUNTY OF HUNTERDON, NEW JERSEY

ORDINANCE 10, 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;

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

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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:

"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,

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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; Must not exceed 1 story in height; and The number of Medical Cannabis Businesses within the Village Redevelopment Area is limited to one.

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

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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, 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

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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 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.

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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:

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 including Microbusiness Manufacturing Facilities unless the license is obtained by an existing licensed entity operating within the Township;

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, Medicinal Cannabis Manufacturing Facility and Medicinal Cannabis 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.

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

Cannabis Manufacturing Facilities (Class 2), including Microbusinesses, shall be permitted as conditional uses in the following zones in accordance with this chapter:

LHC

HC

LI

NC limited to one (1) which must be an existing licensed entity

Village Center Redevelopment Area for Medical Cannabis only

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

Cannabis Distributors (Class 4) shall not be permitted.

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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

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.

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, from any source emanating from Cannabis Business operations, beyond the decibel level permitted by Township noise ordinances or State Noise Regulations (N.J.A.C. 7:29), whichever are more stringent, shall be prohibited.

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.

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Microbusinesses are permitted as conditional uses only for cultivation and/or manufacturing 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. 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 statutes.

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.

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.

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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:

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.

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.

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) 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.

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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.

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

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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.

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

^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.

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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.

ATTEST

By Order of the Township Committee

Maria Andrews, Township Clerk, RMC

Gary Hoyer, Mayor

A motion was made by Cally and seconded by Dale to open the floor to public comment on Ordinance 10, 2023. The motion was unanimously approved by roll call vote.

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

Attorney Zoe Ferguson of Lieberman Blecher & Sinkevich, P.C. came forward on behalf of her client Woodmeier Farm and questioned the language in the ordinance regarding manufacturing. She commented that limiting 1 existing licensed entity and only allowing 1 facility in the NC zone gives preferential treatment to GMNJ, LLC. She stated this matters because of the characteristics of the property in the zone. She explained an existing license has nothing to do with the characteristics of the NC Zone and is not part of the comprehensive zoning. She argued it clearly demonstrates special treatment which equates to spot zoning and she requested the Committee go back to the version of the cannabis ordinance that was passed in July 2023.

Emily Deadwyler of 107 Snyderstown Road in East Amwell came forward and commented that she believes the Committee is bowing down to the cannabis industry and encouraged them to "pause" and let GMNJ prove to be good neighbors, "study and learn" about potential water, odor and sound issues and lastly, "figure out how to manage the process and related enforcement" of any potential violations.

Attorney Zoe Ferguson came froward again and reiterated her concern with spot zoning. She referred to the Rock Hill vs. Chesterfield case law as well as some others to support her concerns.

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Pamela Bland of 121 Rock Road West came forward and stated she has lived in the Township for 49 years and is angry over the GMNJ business because she believes the Committee, all except for Committeewoman Hudson, has acted underhandedly and is not representing the residents.

Dan Longhi of 14 Mountainview Road came forward and commented that it is obvious the newly amended ordinance favors GMNJ and he remarked that he doesn't think any of the residents have ever spoken in favor of the cannabis ordinances and wondered why the Committee continues to amend and pass them.

Holly Abitz of 201 Rock Road West came forward and expressed concern over the possible expansion of the GMNJ site. She stated she has small children and is worried about their safety with the increase in people and truck traffic to the area. She asked the Committee to implement speed mitigation measures and referenced the speed bumps in Lawrenceville in Mercer County.

Seeing no other member of the public who wished to speak, a motion was made by Cally and seconded by Dale to close the floor to public comment on Ordinance 10, 2023. The motion was unanimously approved by voice vote.

Attorney Pandos stated he disagreed with Attorney Ferguson and commented the ordinance is not spot zoning because any licensee can come forward and apply at any time. Mayor Hoyer remarked he has checked with Counsel and numerous zoning officials who all indicated this is not spot zoning but agreed to table adoption until the matter can be reviewed further. The Committee was in agreement to table Ordinance 10, 2023 at this time.

Public Hearing: Ordinance 11, 2023 – AN ORDINANCE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF REAL PROPERTY BY NEGOTIATION, PURCHASE, CONDEMNATION OR EMINENT DOMAIN, FOR THE PROPERTY KNOWN AS BLOCK 8 LOT 51, THE ADDRESS OF WHICH IS 2 ROCKTOWN-LAMBERTVILLE ROAD, LAMBERTVILLE, NJ 08530

Mayor Hoyer read Ordinance 11, 2023 by title.

ORDINANCE 11, 2023

AN ORDINANCE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF REAL PROPERTY BY NEGOTIATION, PURCHASE, CONDEMNATION OR EMINENT DOMAIN, FOR THE PROPERTY KNOWN AS BLOCK 8, LOT 51, THE ADDRESS OF WHICH IS 2 ROCKTOWN-LAMBERTVILLE ROAD, WEST AMWELL, NEW JERSEY

WHEREAS, the Mayor and the Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey (hereinafter referred to as the "Township") have concluded that it is necessary, desirable and appropriate for the Township to undertake acquisition of a portion of property known and designated as Block 8, Lot 51, commonly known as 2 Rocktown-Lambertville Road, Township of West Amwell, County of Hunterdon, New Jersey; and

WHEREAS, subject portion of the property, which the Township believes it must acquire, is currently in private ownership; and

WHEREAS, by adoption of this Ordinance the Township authorizes the taking of a fee acquisition of a portion of the property, which is currently privately owned, by condemnation/ eminent domain so that the Township and other entities or agents acting on behalf of the Township shall have access onto, over and through said privately owned real property; and

WHEREAS, the Township further finds that public use and purpose would be served for the benefit of the Township and surrounding communities by acquiring the aforesaid portion of the property, including, but not limited to, the promotion, protection, and preservation of the public health, safety and welfare of the Township and its inhabitants; and

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WHEREAS, the Township is authorized by the New Jersey State Constitution, N.J.S.A. 40A:12-5(a), N.J.S.A. 20:3-1, et seq., and/or any other provision of applicable law to proceed with acquiring certain property interests by condemnation/eminent domain, as long as just compensation is paid for the same.

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

SECTION I.

Recitals Incorporated: The above recitals are incorporated into this Section of the Ordinance as if specifically set forth at length herein.

SECTION II.

Specific Findings: The Mayor and Township Committee find that the acquisition will promote and protect the health, safety, and welfare of residents of the Township, and further find that any purchase or taking by eminent domain of any and all property interests necessary for the same are all in the furtherance of a public use and purpose.

SECTION III.

Authorize Condemnation: The Mayor and the Township Committee specially authorize any and all necessary and appropriate actions by Township officials including the Mayor, Township Clerk, Township Attorney, and/or any qualified designee, for the taking and obtaining of certain portion of the property interests in the property as set forth herein through negotiation, purchase, or condemnation/eminent domain, including, but not limited to, the hiring of any experts, engaging the services of land surveyors, title insurance companies, appraisers, and any other professional whose services are necessary or appropriate to implement the purposes of this Ordinance, the making of any offer by the Township to the property owner(s) in the full amount of the appraised value of the property interest that the Township seeks to acquire in said property, and to negotiate in good faith with the record owner(s) of the property for its voluntary acquisition in accordance with N.J.S.A. 20:3-6, and in the event that the negotiations for the voluntary acquisition of the property interest are unsuccessful for any reason to commence a condemnation action by the filing of a Verified Complaint and Declaration of Taking, depositing the estimated just compensation with the Clerk of the Superior Court, filing a Lis Pendens, and taking any and all other actions of any administrative or other nature necessary to complete the process contemplated by this Ordinance.

SECTION IV.

Identification of Property: The portion of the property for which a taking of property interests is authorized by negotiation, purchase, or condemnation/eminent domain pursuant to this Ordinance is located in the Municipality and listed on the Municipal tax map, the legal description of which is attached as Exhibit A to this Ordinance and specifically incorporated into this Ordinance by reference. The property interests to be acquired are irrevocable, perpetual, permanent easements and acquisition of certain parcels in fee, in the properties identified herein.

SECTION V.

Officials Authorized: All appropriate officials of the Municipality, including, but not limited, to the Mayor, Municipal Clerk, Municipal Attorney, and any qualified designee, and any and all experts or others acting on behalf of the Municipality are authorized by this Ordinance to sign any and all documentation and take any and all action necessary to effectuate the purposes and intention of this Ordinance.

SECTION VI.

Purchase of Property: If a determination is made by a majority vote of the Township Committee that the purchase of the portion of the property is more appropriate than the obtaining said property interest through condemnation/eminent domain, then all appropriate officials of the Township, including, but not limited to, the Mayor, Municipal Clerk, Municipal Attorney, and any qualified designee are authorized by this Ordinance to sign any and all documentation to effectuate the purchase of the property interests by the Township.

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SECTION VII.

Repealer: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION VIII.

Severability: If any section, paragraph, subdivision, subsection, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause, or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION IX.

Effective Date: This Ordinance shall take effect immediately upon final adoption and publication, as required by law.

Maria Andrews, R.M.C
Township Clerk, Township of West Amwell

A motion by Cally, seconded by Bergenfeld to open the floor to public comment on Ordinance 11, 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.

A motion by Cally, seconded by Dale to adopt Ordinance 11, 2023 upon second reading was unanimously approved by roll call vote.

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

RESOLUTIONS

Resolution #70-2023: Rejecting the BIDS for the Stormwater Inlet Repair Project

RESOLUTION #70-2023
REJECTING STORMWATER INLET REPAIR PROJECT BIDS

WHEREAS, the Township Engineer went out to BID twice for the Stormwater Inlet Repair Project; and

WHEREAS, all of the BIDS that were received were in excess of the anticipated \$200,000 allocated from the American Rescue Plan funding; and

THEREFORE, BE IT RESOLVED, by the governing body of West Amwell Township, that the BIDS be rejected; and

BE IT FURTHER RESOLVED, that the Township Committee authorizes the Township Engineer to negotiate with the two lowest bidders:

Rusling Paving & Concrete, LLC
8 Irven Street
Trenton, NJ 08638

KDP Developers, Inc.
424 Coventry Drive
Phillipsburg, NJ 08865

In an effort to secure a contractor to complete the Stormwater Inlet Repair Project.

CERTIFICATION

I, Maria Andrews, Municipal Clerk of the Township of West Amwell, County of Hunterdon, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Governing Body on this 6th day of September, 2023.

Maria Andrews, Township Clerk, RMC

A motion by Bergenfeld, seconded by Hudson to approve Resolution #70-2023 was unanimously approved by roll call vote.

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

Resolution #75-2023: Authorizing Veteran Deduction Adjustment to Tax Bill – Block 29 Lot 17

RESOLUTION #75-2023
RESOLUTION AUTHORIZING ADJUSTMENT OF BILLING DUE TO
APPROVAL OF VETERAN DEDUCTION

WHEREAS, Thomas V. Wooden, has been approved for a claim of property tax deduction for tax year 2022 on the dwelling house of a veteran, by the Assessor’s Office in the Township of West Amwell, in the County of Hunterdon; and,

WHEREAS, said deduction has been entered for the tax year 2023, by the Assessor’s Office in the Township of West Amwell, in the County of Hunterdon; and,

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Township of West Amwell, County of Hunterdon, State of New Jersey, hereby authorize the following adjustments be approved per NJSA 54:4-8.10 et seq. for Veteran or Surviving Spouse(s) of Veteran:

TAX-ADJUSTMENT			
<u>OWNER</u>	<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>REASON</u>
Thomas V. Wooden	Block 29 Lot 17	\$250.00	2022 Veteran Deduction

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

CERTIFICATION

I, Maria Andrews, Municipal Clerk of the Township of West Amwell, County of Hunterdon, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Governing Body on September 6, 2023.

Maria Andrews, Township Clerk, RMC

A motion by Bergenfeld, seconded by Cally to approve Resolution #75-2023 was unanimously approved by roll call vote.

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

Resolution #76-2023: Salary Adjustment C. Gabel – Road Supervisor

RESOLUTION #76-2023
RESOLUTION OF THE GOVERNING BODY
OF THE TOWNSHIP OF WEST AMWELL TO PROVIDE A SALARY ADJUSTMENT TO CHRISTIAN GABEL FOR
ADDITIONAL RESPONSIBILITIES IN THE DEPARTMENT OF PUBLIC WORKS

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WHEREAS, Christian Gabel is the Acting Road Supervisor for the Department of Public Works for the Township of West Amwell; and

WHEREAS, the former DPW Director has resigned: and

WHEREAS, the Township Committee wishes to adjust the hourly rate of pay from \$31.05 to \$36.05 for Christian Gabel for the expected additional duties and required certification needed to head the Township's Department of Public Works; and

WHEREAS, Christian Gabel must obtain the required Certified Public Works Manager (CPWM) Certification prior to January 1, 2026; and

NOW THEREFORE IT BE RESOLVED by the Mayor and Township Committee of the Township of West Amwell that Christian Gabel shall be paid an hourly rate of \$36.05 as the Acting Road Supervisor effective August 14, 2023.

CERTIFICATION

I, Maria Andrews, Clerk of the Township of West Amwell, County of Hunterdon, State of New Jersey, do hereby certify that the foregoing Resolution is a true copy of the Original Resolution duly passed and adopted by a majority of the full membership of the Governing Body of the Township West Amwell at their Meeting on September 6, 2023.

Maria Andrews, Township Clerk, RMC

A motion by Cally, seconded by Hudson to approve Resolution #76-2023 was unanimously approved by roll call vote.

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

Resolution #77-2023: Salary Adjustment T. Carom – Clean Communities Coordinator Certification

RESOLUTION #77-2023

RESOLUTION OF THE GOVERNING BODY

OF THE TOWNSHIP OF WEST AMWELL TO PROVIDE A SALARY ADJUSTMENT TO THOMAS CAROM FOR
ADDITIONAL RESPONSIBILITIES IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, Thomas Carom is the Recycling Depot Manager, Grounds Maintenance Manager and also a Road Class C on the Department of Public Works for the Township of West Amwell; and

WHEREAS, due to the resignation of the former DPW Director additional duties and responsibilities have been shifted to Mr. Carom: and

WHEREAS, Thomas Carom must obtain the required Clean Communities Coordinator Certification (CCCC) and the Certified Recycling Professional (CRP) certification prior to January 1, 2025; and

WHEREAS, Thomas Carom will receive an additional DPW Professional License/Certification salary of \$2500.00 for the CRP certification and an additional \$4000.00 for the CCCC certification; and

WHEREAS, the Township Committee wishes to convert Thomas Carom's new annual salary of \$60,496.73 to an hourly rate of \$29.08 subject to holiday and overtime pay; and

NOW THEREFORE IT BE RESOLVED by the Mayor and Township Committee of the Township of West Amwell that Thomas Carom shall be paid an hourly rate of \$29.08 effective August 14, 2023.

CERTIFICATION

I, Maria Andrews, Clerk of the Township of West Amwell, County of Hunterdon, State of New Jersey, do hereby certify that the foregoing Resolution is a true copy of the Original Resolution passed and adopted by a the Governing Body of the Township West Amwell at their Meeting on September 6, 2023.

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Maria Andrews, Township Clerk, RMC

A motion by Cally, seconded by Dale to approve Resolution #77-2023 was unanimously approved by roll call vote.

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

Resolution #78-2023: Salary Adjustment J. Janyszeski – Automotive Service Excellence (ASE) Certification

RESOLUTION #78-2023
RESOLUTION OF THE GOVERNING BODY
OF THE TOWNSHIP OF WEST AMWELL TO PROVIDE A SALARY ADJUSTMENT TO JON JANYSZESKI FOR
ADDITIONAL RESPONSIBILITIES IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, Jon Janyszeski is a Road Class C on the Department of Public Works for the Township of West Amwell; and

WHEREAS, due to the resignation of the former DPW Director additional duties and responsibilities have been shifted to Mr. Janyszeski; and

WHEREAS, Jon Janyszeski will become the Department's Forman and has been asked to obtain the Automotive Service Excellence (ASE) certification prior to January 1, 2025; and

WHEREAS, the Township Committee wishes to adjust the hourly rate of pay for Jon Janyszeski from \$21.25 to \$26.25 for the expected additional duties and certification(s); and

NOW THEREFORE IT BE RESOLVED by the Mayor and Township Committee of the Township of West Amwell that Jon Janyszeski shall be paid an hourly rate of \$26.25 effective August 14, 2023.

CERTIFICATION

I, Maria Andrews, Clerk of the Township of West Amwell, County of Hunterdon, State of New Jersey, do hereby certify that the foregoing Resolution is a true copy of the Original Resolution duly passed and adopted by a majority of the full membership of the Governing Body of the Township West Amwell at their Meeting on September 6, 2023.

Maria Andrews, Township Clerk, RMC

A motion by Dale, seconded by Cally to approve Resolution #78-2023 was unanimously approved by roll call vote.

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

Resolution #79-2023: Endorsement of Alexauken Creek as a Lower Delaware Wild & Scenic River (LDWSR)

RESOLUTION #79-2023
ENDORING ALEXAUKEN & MOORES CREEKS AS A LOWER DELAWARE WILD & SCENIC RIVER

WHEREAS, West Amwell Township, Hunterdon County, New Jersey recognizes that the Delaware River and Alexauken and Moores Creeks provide outstanding remarkable natural, cultural, historical, recreational and scenic resource values that are important for the quality of life and economic health of our community; and

WHEREAS, West Amwell Township recognizes the Lower Delaware River Management Plan provides a mechanism to enhance protection of the Lower Delaware River and its' tributaries, primarily through local action while recognizing the rights of property owners; and

WHEREAS, Congressional designation as a Wild and Scenic River and its' tributaries does not include any federal acquisition or management of lands; public access on private lands; no changes in land use

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regulations unless approved by each community; nor any financial obligation on the watershed Community; and

WHEREAS, West Amwell Township recognizes the benefit of forming a partnership with other municipalities and interested parties along the Lower Delaware River in protection of the Delaware River and its' tributaries; and

WHEREAS, in 2000 the United States Congress designated the Lower Delaware River and three tributaries, the Tinicum, the Tohickon and the Paunacussing Creeks as part of the Wild and Scenic River system in our community, under the direction of the National Park Service, has studied Alexauken and Moores Creeks and proposes that they be designated part of the Lower Delaware River Wild and Scenic River system within the River's Management Plan.

NOW, THEREFORE, BE IT RESOLVED, that West Amwell Township supports the Lower Delaware River Management Plan and will take action as appropriate to implement the goals of the plan and endorses designation of Alexauken and Moores Creeks into the Lower Delaware River Wild and Scenic River System.

CERTIFICATION

I, Maria Andrews, Clerk of the Township of West Amwell, County of Hunterdon, State of New Jersey, do hereby certify that the foregoing Resolution is a true copy of the Original Resolution duly passed and adopted by a majority of the full membership of the Governing Body of the Township West Amwell at their Meeting on September 6, 2023.

Maria Andrews, Township Clerk, RMC

A motion by Hudson, seconded by Dale to approve Resolution #79-2023 was unanimously approved by roll call vote.

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

NEW BUSINESS/OTHER

Committeewoman Hudson remarked she had been approached by a resident regarding the traffic on Route 31 and the accidents in the vicinity of Linvale-Harbourton Road. She asked if the Township could reach out to the County to see if there is any chance they would extend the piping in the ditches that was put in place to help mitigate vehicles getting stuck in, or rolling over because of the ditches. She also suggested the Township request a traffic study for Route 31 because of the increased truck congestion. Mayor Hoyer supported the Township asking if the ditch piping could be extended.

UNFINISHED BUSINESS

It was noted for the record that there were no unfinished business items listed on the agenda for discussion.

ADMINISTRATIVE

A motion by Hudson, seconded by Dale to approve the 8/15/23 and 8/22/23 bill lists was unanimously approved by roll call vote.

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

REPORTS BY DEPARTMENT HEADS

It was noted for the record that no department heads were present at the meeting.

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

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

Minutes: 9/6/23

Pamela Bland of 121 Rock Road West came forward again and inquired about the sound attenuation walls required to be installed on the GMNJ site. She asked why the Township is not enforcing the parameters approved by the Planning Board. Mayor Hoyer commented that the Township Committee is not the appropriate authority for this matter and explained the Township Engineer and Construction Official are handling the review of this equipment.

Alfonsina Sabidussi of 122 Rock Road West came forward and questioned who is enforcing compliance as it relates to the original approval GMNJ received. Mayor Hoyer commented that until the business is fully operational, the Township Engineer and Constructional Official are reviewing everything. Ms. Sabidussi remarked the fencing on the property resembles a prison, not a farm.

Emily Deadwyler of 107 Snyderstown Road in East Amwell came forward and reiterated that she would like to see the Committee “pause,” “hire experts” because the ordinances should not be written by Committee Members and “figure out who residents can call regarding enforcement issues.”

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

OTHER

Resolution #80-2023: Closed Session – Contracts/Possible Litigation: Prescriptive Easement for DPW and Land Acquisition/Personnel and Matters Falling Under Attorney Client Privilege

A motion by Cally, seconded by Dale to approve Resolution #80-2023 and enter into Closed Session was unanimously approved by voice vote.

Resolution #80-2023

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 45 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: Township Easements and contract negotiations, 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 8:51 PM – 9:49 PM.

Upon returning to open session the following action was taken:

A motion was made by Dale and seconded by Cally authorizing Mayor Hoyer to negotiate with Assistant Tax Assessor Nicole Izzo to fill the Tax Assessor position upon the retirement of Jeff Burd, effective September 30, 2023. The motion was unanimously approved by roll call vote.

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

ADJOURNMENT

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

Minutes: 9/6/23

The meeting adjourned at 9:50 PM.

Maria Andrews, Township Clerk, RMC

Approved: 10/4/23