

WHITE TOWNSHIP COMMITTEE

MINUTES OF MEETING

JUNE 9, 2021

CALL TO ORDER

Mayor Herb called the meeting to order at 6:00 p.m. and stated ‘Adequate Notice of this meeting of June 9, 2021 has been given in accordance with the Open Public Meetings Act by forwarding a notice of the date, time, and location of the meeting to the Express-Times Warren County Zone and The Star- Ledger; and by posting a copy thereof on the bulletin board in the Municipal Building and the township website. Formal action may be taken at this meeting. Public participation is encouraged. This agenda is subject to last minute additions and deletions by the White Township Committee’.

FLAG SALUTE

The Mayor asked everyone to stand for the flag salute.

ROLL CALL

Present: Mayor Herb, Deputy Mayor Collom, Committeewoman Skoog, Clerk Kathleen Reinalda, Deputy Clerk Brielle Whitmore and Attorney Tipton.

ENGINEERING UPDATE

Paul Sterbenz reported on the following:

- ✓ The Planning Board felt that it would be too soon to authorize cannabis cultivation without having all the guidance from the state. Therefore, at this time, the committee can do an ordinance prohibiting all cannabis cultivation and sales in the township. The township will be able to do an ordinance to authorize cannabis cultivation at a future point in time, if that is a future committee’s intention.
- ✓ Mr. Sterbenz was asked by the Planning Board to provide a proposal for the redevelopment of the old A&P property in order to seek a grant.

RESOLUTIONS

Res. 2021-35: Motion made by Mrs. Skoog, seconded by Mrs. Collom and carried by unanimous favorable roll call vote to approve the following resolution. Collom – yes, Skoog – yes, Herb - yes. Motion carried.

RESOLUTION #2021-35
RESOLUTION OF THE TOWNSHIP OF WHITE,
COUNTY OF WARREN, STATE OF NEW JERSEY
TO CORRECT THE TAX ACCOUNT FOR BLOCK 68, LOT 43.

WHEREAS, the Township of White has reviewed the tax account for Block 68, Lot 43 which were not applied properly in a timely manner; and,

WHEREAS, the Township wishes to correct these payments in the account and cancel any interest associated with the failure to timely post these payments; and

NOW THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of White hereby authorizes the Township Tax Office to correct these payments for Block 68, Lot 43.

BE IT FURTHER RESOLVED, that the White Township Tax Office shall cancel any and all interest resulting from the failure to timely post these payments.

OLD BUSINESS

The Property Maintenance Ordinance was tabled for further review.

The open space committee commented on the township owned parcels for possible auction. They would like to see the committee timber the wooded properties. Tim Matthews, Planning Board Chair, who is also a Forester, suggested he look at the properties and report back. The committee agreed.

Mayor Herb provided an update on the proposed County Route 519 weight restriction plan. The county resolution cites that White, Knowlton and Hope all have to agree to get the resolution approved. Mayor Herb said this was not true as the county owns Route 519 and it is the Commissioners responsibility to maintain the road.

NEW BUSINESS

The Belvidere Town Council requested the committee authorize a temporary mobile flashing sign to be placed on Manunkachunk Road right off Route 46. Belvidere is experiencing numerous tractor trailers as GPS sends them that direction inadvertently. The committee was agreeable.

ORDINANCES – FIRST READING

Ord. 2021-06: Motion made by Mrs. Skoog, seconded by Mrs. Collom and carried by unanimous favorable roll call vote to introduce the following ordinance on first reading. Collom – yes, Skoog – yes, Herb – yes. Motion carried.

AN ORDINANCE OF THE TOWNSHIP OF WHITE, WARREN COUNTY, NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESS WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING SECTIONS 160 – 129, 134,148, 155, 158, 161, 164, 167, 170, 173, 177, 180, 185 AND ADDING SECTION 160-197 TO THE WHITE TOWNSHIP CODE

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), 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, the Act 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 purchases 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, and

WHEREAS, section 31a of the Act 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 operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, the Mayor and Committee of the Township of White have determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on Township of White in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of Township of White’s residents and members of the public who visit, travel, or conduct business in Township of White, to amend Township of White’s zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of Township of White; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of

such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of White, in the County of Warren, State of New Jersey, as follows:

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in Township of White, except for the delivery of cannabis items and related supplies by a delivery service. This prohibition shall also apply in any part of White Township under the jurisdiction of any independent State agency, commission or authority, notwithstanding any State law to the contrary.

2. Sections 160 – 129, 134,148, 155, 158, 161, 164, 167, 170, 173, 177, 180, and 185 of White Township Code are hereby amended to add the following prohibited uses to such zones:

Cannabis cultivation, manufacturing, warehousing, wholesale and retail distribution and retail delivery services are specifically prohibited in all zones in White Township.

And Section 160-197 is added to the White Township Code as follows:

Prohibited Uses - Cannabis cultivation, manufacturing, warehousing, wholesale and retail distribution and retail delivery services are specifically prohibited in all zones in White Township.

3. Any article, section, paragraph, subsection, clause, or other provision of the White Township Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

5. This ordinance shall take effect upon its passage and publication and filing with the Warren County Planning Board, and as otherwise provided for by law.

APPROVAL OF PURCHASE ORDERS

On motion by Mrs. Collom, seconded by Mrs. Skoog and carried by unanimous favorable roll call vote, the Committee approved the following list of bills:

17117	ABE Paving LLC	6,844.00
17118	Griffith-Allied Trucking LLC	2,736.84
17119	ARAE Network Solutions LLC	6,000.00
17120	CenturyLink	4.61
17121	Colliers Engineering & Design	3,041.66
17122	Comcast	617.68
17123	J.C. Ehrlich Co., Inc.	395.00
17124	Elizabethtown Gas	111.55
17125	Florio, Perrucci, Steinhardt	2,943.50
17126	Francotype-Postalia, Inc.	86.85
17127	Garden State Highway Products	258.85
17128	GTM Turf Management	9,748.76
17129	JCP&L	637.82
17130	Mary Bermingham	308.00
17131	MGL Printing Solutions	854.00
17132	Mitchell Humphrey & Co.	950.00
17133	ReadyRefresh by Nestle	52.94
17134	NJ League of Municipalities	25.00
17135	NJ American Water Company	1,111.36
17136	NJ Advance Media	800.79
17137	Public Alliance Ins Coverage	25,616.00
17138	Eurofins QC, Inc. Dept. 2598	155.00
17139	Rossi Chrysler Dodge Jeep Ram	124.80
17140	Rutgers, The State University	653.00
17141	Sanico Inc.	51.18
17142	S&L Equipment Rental, Inc.	832.00
17143	Staples Credit Plan	230.23
17144	Steven P. Gruenberg, Attorney	247.50
17145	TCTA of Sussex and Warren Cty	76.00
17146	Tractor Supply Credit Plan	214.97
17147	Verizon Wireless	102.76
17148	Vital Communications	300.00
17149	WEX health Inc.	100.00
17150	White Twsp Board of Education	623,615.00
17151	Xerox Corporation	522.08
17152	Sanico Inc.	156.66
17153	Horizon Blue Cross Blue Shield	315.10

TOTALS.....\$690,841.49

Developer Escrow Account

1296	Suburban Consulting	4580.00
1297	Suburban Consulting	1491.65
1298	Suburban Consulting	740.00
1299	Suburban Consulting	3162.40
1300	Suburban Consulting	1510.00
1301	Bright View Engineering	3170.00
1302	Bright View Engineering	508.75
1303	Colliers Engineering	426.25
1304	Colliers Engineering	1427.25
1305	Colliers Engineering	313.83
1306	Colliers Engineering	387.50
1307	Gebhardt & Kiefer	33.00
1308	Gebhardt & Kiefer	1302.50
1309	Gebhardt & Kiefer	445.50
1310	Gebhardt & Kiefer	280.50
1311	VOID	
1312	Gebhardt & Kiefer	49.50
1313	Sasowsky Earth Science	3094.38
1314	Sasowsky Earth Science	3094.37

Open Space Trust

968017	The Land Conservancy of NJ	1040.92
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Gravel Pit Escrows

243	Colliers Engineering	550.00
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Current Fund – Manual

2386	Payroll Account	39,368.91
2387	Postmaster	165.00

TOTAL ALL FUNDS.....\$757,983.70

OTHER MATTERS

Mayor Herb asked the committee how they felt about going back to in-person meetings exclusively. The committee determined a hybrid meeting would be in the best interest of everyone at this time.

PUBLIC COMMENTS

None.

ADJOURNMENT

Being no further business to come before the Committee, the meeting was adjourned at 7:42 p.m. on motion by Mrs. Skoog, seconded by Mrs. Collom and carried by unanimous favorable roll call vote.

Respectfully Submitted,

Kathleen R. Reinalda, RMC Township Clerk