

WHITE TOWNSHIP COMMITTEE

MINUTES OF MEETING

JULY 14, 2021

CALL TO ORDER

Deputy Mayor Collom called the meeting to order at 6:00 p.m. and stated ‘Adequate Notice of this meeting of July 14, 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 Deputy Mayor asked everyone to stand for the flag salute.

ROLL CALL

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

ORDINANCES – PUBLIC HEARING

Ord. 2021-06: Motion to open the Public Hearing made by Mrs. Skoog, seconded by Mrs. Collom and carried by unanimous favorable roll call vote. No public comment. Motion to close the Public Hearing made by Mrs. Skoog, seconded by Mrs. Collom and carried by unanimous favorable roll call vote. Motion to adopt the following Ordinance made by Mrs. Skoog, seconded by Mrs. Collom and carried by unanimous favorable roll call vote. Collom – yes, Skoog – yes, Herb – absent. Motion carried.

ORDINANCE NO. 2021-06

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.

RESOLUTIONS

Res. 2021-41: 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 - absent. Motion carried.

RESOLUTION #2021- 41 RESOLUTION OF THE TOWNSHIP OF WHITE, COUNTY OF WARREN, STATE OF NEW JERSEY TO REFUND OVERPAYMENTS FOR BLOCK 31 LOT 12.04 C0033

WHEREAS, the Township of White has reviewed the tax account and determined the Block 31 Lot 12.04 C0033 has an overpayment made by the mortgage company due to the property being 100 exempt as of November 2020; and

WHEREAS, the overpayment of \$1,478.77 due to an overpayment for first quarter 2021.

NOW THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of White hereby authorizes the refund of \$1,478.77 to:

Dovenmuehle Mortgage Inc.
1 CORPORATE DRIVE, SUITE 36
LAKE ZURICH, IL 60047

Res. 2021-42: Tabled

Res. 2021-43: 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 - absent. Motion carried.

**RESOLUTION #21-43
RESOLUTION OF THE TOWNSHIP OF WHITE,
COUNTY OF WARREN, STATE OF NEW JERSEY
TO CANCEL TAX SALE CERTIFICATE #16-00029 FOR BLOCK 60, LOT 12.**

WHEREAS, the Township of White has reviewed this taxpayer’s account known as Block 60 Lot 12 and has determined there this was an error by the former tax collector and should not have existed; and,

WHEREAS, the Township wishes to cancel Tax Sale Certificate #16-00029 associated with this error; and

NOW THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of White hereby authorizes the Township Tax Office to cancel Tax Sale Certificate 16-00029.

Res. 2021-44: 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 - absent. Motion carried.

Resolution 2021-44

Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Tamarack Road Improvement project

NOW, THEREFORE, BE IT RESOLVED the Council of the Township of White formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2022-Tamarack Road-00213 to the New Jersey Department of Transportation on behalf of Township of White.

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

PUBLIC COMMENTS

A few residents complained of the tar and chip recently performed by the Morris County Co-Op contractor. The committee explained the benefits of the annual tar and chip program. The residents expressed concern that it was done in cul-de-sacs which may not have the same traffic as a through road allowing the tar and chip to set up.

Mike Grossman stated he is concerned with the amount of money the township is ‘wasting’ on the JAINDL lawsuit.

APPROVAL OF PURCHASE ORDERS

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

17154	ARAE Network Solutions LLC	562.50
17155	CenturyLink	73.93
17156	Colliers Engineering & Design	1,710.22
17157	Comcast	593.13
17158	Dan Sullivan	78.00
17159	J.C. Ehrlich Co., Inc.	90.00
17160	Elizabethtown Gas	68.19
17161	Florio, Perrucci, Steinhardt	5,829.00

17162	Gebhardt & Keifer	99.00
17163	Gibbons P.C.	575.00
17164	GTM Turf Management	4,874.38
17165	Belvidere Sand & Gravel	1,361.22
17166	JCP&L	844.80
17167	J/R Pumps & Water Conditioning	200.00
17168	Kathleen Reinalda	52.70
17169	L.E. Ritter Lumber Company	95.88
17170	Lin Supply Inc.	13.98
17171	MCANJ	100.00
17172	ReadyRefresh by Nestle	153.83
17173	NJ American Water Company	1,111.36
17174	NJ Advance Media	699.21
17175	Eurofins QC, Inc. Dept. 2598	155.00
17176	Quill Corporation	1,614.90
17177	Rigo's General Hardware	7.95
17178	Sanico Inc.	262.10
17179	S&L Equipment Rental, Inc.	3,131.00
17180	Staples Credit Plan	155.52
17181	TGM Services	184.00
17182	Treasurer, State of NJ	356.00
17183	Verizon Wireless	102.76
17184	Vital Communications	1,177.75
17185	Warren County Treasurer	2,399.85
17186	Warren Cty DPW Road Division	301.56
17187	Warren Materials	488.23
17188	Washington Township	5,000.00
17189	White Twsp Board of Education	642,315.00
17190	White Twsp. PTO	7,500.00
17191	Xerox Corporation	528.79
17192	Atlantic Salt Inc.	7,092.24
17193	Morris Asphalt Co., Inc.	43,324.00
17194	Rigo's General Hardware	28.52
17195	Horizon Blue Cross Blue Shield	315.10
17196	Dovenmuehle Mortgage Inc.	1,478.77

TOTAL.....\$737,105.37

Open Space Trust

968039 L.J. Brill & Associates P.A. 3550.00

Current Fund – Manual

2388	Payroll Account	15,925.94
2389	Payroll Account	27,299.68
2390	Payroll Account	16,647.62
2391	USPS	1450.50

TOTAL ALL FUNDS.....\$801,979.11

ADJOURNMENT

Being no further business to come before the Committee, the meeting was adjourned at 6:16 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