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HAINESPORT TOWNSHIP COMMITTEE MINUTES

May 11, 2021

7:00 P.M.

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of May 11, 2021 with instructions for internet access was included in a meeting notice sent to the Burlington County Times and Courier Post On January 6, 2021 and advertised in said newspapers on January 8, 2021, and January 9, 2021 respectively posted on the website and the bulletin board in the municipal building on January 9, 2021 and has remained continuously posted as required under the Statute. In addition, a copy of this notice is and has been available to the public. It is posted on main doors the Friday before the meeting and is on file in the Office of the Municipal Clerk.

1. CLERK'S ANNOUNCEMENT FOR REMOTE MEETINGS

2. FLAG SALUTE

- 3. ROLL CALL** - present were Mayor Gilmore, Committeeman MacLachlan, Committeeman Levinson, Committeeman Clauss and Committeeman Montgomery. Also present were Township Clerk/Administrator Paula Kosko, Attorney John Gillespie, Attorney Scott Miccio and Planner Scott Taylor.

4. MINUTES

A. APPROVAL OF REGULAR COMMITTEE MINUTES OF APRIL 13, 2021

B. APPROVAL OF EXECUTIVE SESSION MINUTES OF APRIL 13, 2021

Motion: Committeeman Clauss. Second: Committeeman Montgomery. All yes.

5. REPORTS

A. Tax Collector – April 2021

B. Code Enforcement – April 2021

C. Fire Official – April 2021

D. Construction – April 2021

E. Emergency Services Reports – April 2021

Motion: Committeeman Levinson. Second: Committeeman Clauss. All yes.

6. DISCUSSION/PRESENTATION

A. Cannabis in Hainesport

Mayor Gilmore opened the discussion with a reminder to engage with civility. The Committee discussed many aspects of allowing different types of cannabis licenses in Hainesport. Our Township Planner Scott Taylor and Attorney Scott Miccio, who works with our Township Attorney John Gillespie and is well studied on the cannabis issue in New Jersey, answered the Committee questions.

Mr. Miccio explained that in February this year, the State of New Jersey adopted legislation which approves the recreational adult use of cannabis. The Township will need to decide whether to “opt in” or “opt out” for the different types of licenses by ordinance no later than August 21, 2021. He explained the different types of licenses: Class I is a cannabis cultivator which includes growing, Class II is for manufacturing, preparation & packaging of cannabis items, Class III is a wholesaler license which involves facilities for obtaining and selling cannabis items for later resale by other licensees, Class IV is for distributors to transport cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of cannabis licensed business to another. Class V is a retail license to sell to consumers and Class VI is the local delivery license, which cannot be disallowed. He said the Cannabis Regulatory Commission (CRC) has not released its regulations yet. They may be released in August. If a Township fails to enact an ordinance by August 21st, it will essentially allow all six types of licenses. Cultivating, manufacturing, wholesale and distribution in its industrial zones and retail will have conditional use permitted in retail and commercial districts. The State will issue 37 cultivation licenses to start. That number does not include “microbusinesses”. These are businesses that meet specific requirements and can only grow a certain amount. They do not fall under the cap. We do not know how many licenses of each other type will be allowed. We do not know how many will be allowed in each town, but he believes the State will probably spread them out. At this time, some licenses can be held together by one company such as cultivation and manufacturing. The licenses must meet State and Township requirements in order to be issued.

Mr. Taylor pointed out some of the specific factors we would need to address when allowing the licenses. We can regulate how far a business must be from a residential area, how many of each type of business to allow, business hours and security. We would also need to consider sewer and water treatment and filtration systems for odors. He said the warehouse being built right now would work for manufacturing, wholesale and distribution if it is allowable. Retail spots are more complex since you have to be aware of the proximity to neighborhoods, traffic and security since it is a cash business. He suggested our ordinance address the types of licenses we would allow and not try to choose locations at this time. The businesses would still need to come before the Joint Land Use Board for site plan approvals.

Mr. Gillespie reminded the Committee that they could opt out now and decide specific conditions later. The licenses are good for five years. If we change our minds and want them out, we would have to have recourse through our Township ordinance assigned enforcement, through police power or through the CRC.

Administrator Kosko stated that the CRC must notify a town when a cannabis company lists them as a location within two weeks. The town would have their vetting process and do a resolution if they want to approve the company and send it to the state.

Mr. Miccio said the earliest retail stores could be open would be 2022. **Mr. Gillespie** added that once the CRC publishes their regulations, there will be a huge amount of public comment and points to be dealt with. He would be surprised if retail will be opening as early as 2022.

Mayor Gilmore asked if it would pay to wait until the regulations came out. **Mr. Gillespie** said the only downside to that would be that other towns may get their requests in first. Nothing can be done until the regulations are established.

Administrator Kosko reported the voters of Hainesport voted “yes” for the legalization of cannabis by 65%, 30% voted “no” and 5% did not answer. The only correspondence from residents she received were emails asking the Committee to opt out.

Mayor Gilmore asked SSgt. Antenucci how the State Police were handling the new law. **SSgt. Antenucci** said they are still waiting on the CRC regulations. They are not arresting someone for having marijuana, but if they are showing signs of being impaired, they will be sobriety tested and possibly arrested. A urine sample would be obtained. Mayor Gilmore ended the Committee discussion for public comments.

7. COMMENTS FROM THE PUBLIC – Agenda items only (Comments are limited to 5 minutes)

Paula Kosko

From: Markus Genther
Sent: Monday, May 10, 2021 9:04 PM
To: Paula Kosko
Subject: Against cannabis

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Please do not do this.

I am 100 % AGAINST allowing ANY part of the cannabis cancer into our wonderful township! We do NOT need drug trafficking within our boarder whether it is legal or not. Let other towns and cities put up with the unwanted, unintended Consequences that will follow.
I STRONGLY feel this would be wrong for Hainesport.

Paula Kosko

From: Mark Genther <...>
Sent: Sunday, May 02, 2021 7:47 AM
To: Paula Kosko
Subject: Opt Out

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Please Opt out.

- Mr. Genther

Paula Kosko

From: Rebecca Fergosi
Sent: Monday, May 10, 2021 7:22 PM
To: Paula Kosko
Subject: Legalized cannabis

Follow Up Flag: Flag for follow up
Flag Status: Flagged

I am 1000% AGAINST allowing ANY part of the cannabis cancer into our wonderful township! We do NOT need drug trafficking within our boarder whether it is legal or not. Let other towns and cities put up with the unwanted, unintended Consequences that will follow.

I STRONGLY feel this would be wrong for Hainesport.
Sent from my iPhone

Paula Kosko

From: Ralph Land
Sent: Thursday, April 29, 2021 6:10 PM
To: Paula Kosko
Subject: Cannabis

Follow Up Flag: Flag for follow up
Flag Status: Flagged

I am Ralph Land @ 53 Mt. Laurel Rd. I've been a resident since 1970. My sister Carol & I (also a resident) are AGAINST Cannabis being raised, sold or any other form in our township.

Sent from my iPhone

Paula Kosko

From: Joseph Sciulli
Sent: Monday, May 10, 2021 4:31 PM
To: Paula Kosko
Cc: Leila Gilmore; Paula Tiver; Kathy Newcomb
Subject: Requested Input on Cannabis Operations

Follow Up Flag: Flag for follow up
Flag Status: Flagged

With respect to your request for "input" on whether the Township should opt-in to allow the recreational cannabis use industry to operate in Hainesport, please record that I am OPPOSED.

However, I have the following questions for the 11 May 21 meeting. Please address these in the meeting and kindly note your responses in the meeting minutes, or else please reply to this e-mail.

1. Please indicate your anticipated timeline and milestones in the decision-making process regarding this issue.
2. Which general and/or specific areas of the Township have been / are being / or might be considered for potential cannabis farms?
3. Are zoning regulations being considered regarding the proximity of a cannabis farm or other operation to adjacent and/or nearby residential zones?
4. Please individually indicate your understandings about the effects of cannabis farms on the environment. For example, what resources have you read or researched?
5. Have you considered actively conducting surveys of residents, or reaching out to all / as many Township residents as possible with links to references materials (such as you have provided on your website), or others, such as:
<https://www.forbes.com/sites/kensilverstein/2020/09/23/the-buzz-around-the-cannabis-industry-keeps-growing-but-it-is-creating-new-environmental-concerns/?sh=611786c612e9>
6. Lastly, have the Mayor, Council members, and the Township Council -- as a whole or as individuals - already formed and/or stated their positions on opting-in, and IF SO, what are those positions?

Thank you.

Joe Sciulli
3 Elsinore Drive
Hainesport Chase

Ralph Land, 53 Mt. Laurel Road – Colorado suicide rates are up since they have legalized marijuana. 12.6% of those had marijuana in their system. The State should not allow it to be legal.

Carol Land, 53 Mt. Laurel Road – marijuana is a drug, not a flower. No one intends to become an addict. This is not a good path for Hainesport.

AJ Barto, 1402 Tasker Avenue - asked what the regulation is on farming. Can small farmers cultivate? **Mr. Miccio** said New Jersey allows it on preserved farmland. It may cause you to lose out on Federal tax breaks though, since it is not a federally approved crop. A “microbusiness” designation may be possible for a small farm. Indoor growing capabilities would make it more successful.

SSgt. Antenucci, New Jersey State Police – reported that there has been no significant crime in Hainesport. He recommended everyone lock their cars, as there have been some vehicle burglaries. If your vehicle is broken into, contract the State Police. Do not enter the vehicle or disturb anything that may destroy evidence. May 19th from 4pm – 7pm the State Police will hold the Bicycle Safety Event at the Municipal building. The rain date is May 26th. They will be participating in the Memorial Day Ceremony at the Township. They also attended the dedication of the Honor Tree on May 1st. **Mr. Levinson** thanked the SSgt. for allowing the Officers the time to participate in the Honor Tree event.

8. ORDINANCES

A. **ORDINANCE 2021-5** – Appropriating Capital Improvement Funds for Various Projects (**First Reading and Introduction**) (**Public Hearing and Final Adoption June 15, 2021**)

Mr. MacLachlan asked for the details on these projects. **Ms. Kosko** explained that half of a million dollars will go to road improvements. We will use the Street Scan program to recommend the roads to prioritize. The pavement inventory is on the Public Works page of our website. It also includes the Municipal Park playground which is supplementing the Burlington County Municipal Park Development Grant, new grapple truck for Public Works, new carpet for the Municipal building, computer equipment, stormpipe repair and air packs for the Fire Department.

Motion: Committeeman MacLachlan. Second: Committeeman Montgomery. All yes.

9. CONSENT AGENDA RESOLUTIONS

The items listed below are considered routine by the Township of Hainesport and will be enacted by one motion. There will be no formal discussion of these items. If discussion is desired, this item will be removed from the Consent Agenda and will be considered separately.

A. **RESOLUTION 2021-70-5** – Amending Budget for Additional Items of Revenue and Offsetting Appropriation (Chapter 159)

B. **RESOLUTION 2021-71-5** – Authorizing Governors Council on Alcoholism & Drug Abuse Fiscal Grant Cycle July 2020-June 2025 Alliance Grant Application

- C. **RESOLUTION 2021-72-5**– Approving a Block Party from 1 Hastings Lane to 15 Hastings Lane
- D. **RESOLUTION 2021-73-5**– Appointment of Administrative Assistant for Hainesport Township
- E. **RESOLUTION 2021-74-5** – Reappointment and Establishment of Hours for Fire Official
- F. **RESOLUTION 2021-75-5** – Establishing the Rate of Compensation for Certain Positions

Motion: Committeeman MacLachlan. Second: Committeeman Levinson. All yes.

10. RESOLUTIONS

- A. **RESOLUTION 2021-76-5** – Authorizing Specifications and Solicitation of Bids for Municipal Complex Playground Replacement and Improvement Project

Motion: Committeeman Montgomery. Second: Committeeman Clauss. All yes.

- B. **RESOLUTION 2021-77-5** – Encouraging Civility in all Levels of Government

Motion: Committeeman Levinson. Second: Committeeman Clauss. All yes.

- C. **RESOLUTION 2021-78-5** – Resolution of Commitment and Pilot Agreement for Senior Citizen Housing at Christian Faith Assembly, 810 Marne Highway - Block 24, Lot 10

Motion: Committeeman Montgomery. Second: Committeeman Levinson. All yes.

MOTION TO ADD RESOLUTION 2021-80-5- Awarding Contract for Submission of Grant Application form the Open Space Fund for the Green Acres Local Government Stewardship Program

Ms. Kosko added that this is to address the flooding issue at the rear of the Municipal Park walking path that has been an ongoing issue. CGP&H will write the Grant. She will request that the Township Engineer work on this project *gratis*. The deadline to submit is June 30th. It is possible that we are not eligible for this grant. We are waiting to hear back from Green Acres.

Motion: Committeeman MacLachlan. Second: Committeeman Levinson. All yes.

- D. **RESOLUTION 2021-80-5** - Awarding Contract for Submission of Grant Application form the Open Space Fund for the Green Acres Local Government Stewardship Program

Motion: Committeeman MacLachlan. Second: Committeeman Levinson. All yes.

11. BUSINESS

A. Approval of Business Licenses (See Attached)

Motion: Committeeman Clauss. Second: Committeeman Levinson. All yes.

12. COMMENTS FROM THE PUBLIC (Comments are limited to 5 minutes)

No comments.

13. COMMENTS FROM THE ADMINISTRATOR

Ms. Kosko read an email from a resident thanking our Public Works department for picking up their branches. The resident offered a tip, but it was politely denied. The Municipal playground project will be going out to bid. It will be advertised in July. We will be seeking a general contractor to oversee the entire project. Because this is funded with CDBG funds, we cannot award until the County executes our agreement with them. She anticipates this being an October project. Our Public Works guys will do the demolition.

She has received proposals from three of the Special Projects Engineers and our Township Engineer for the Ark Road resurfacing project which we received \$185,000 from the 2021 DOT Grant. She will be making a recommendation to the Committee next month. The State has announced applications for the 2022 State Aid program are due July 1st. They favor local road projects that intersect with State and County roadways. She will be recommending Pulaski Avenue from Royal Avenue to Lumberton Road, Laurel Ridge Road which intersects with State Route 38 and Fenimore Road from Ark Road to the township border. All of these roads were rated as needing rehabilitation on our Street Scan report.

She thanked Tristan Sylk of Hainesport Industrial Park and Tim Gower of Gower's Nursery in Southampton for restoring the Arboretum Walk in the Municipal Park. With the help of the Environmental Commission, Mr. Sylk and Mr. Gower are working on a five year plan to expand the walkway with funds from the Open Space Trust. An Environmental Commission member will also add QR codes to the tree posts to provide more information about the trees.

14. COMMENTS FROM THE SOLICITOR

No comments.

15. COMMENTS FROM THE PLANNER

No comments.

16. COMMENTS FROM THE COMMITTEE

Mr. Levinson commented that the tree planting went well and it was nicely attended.

Mr. MacLachlan - no comments.

Mr. Clauss – no comments.

Mr. Montgomery said he hopes to continue to hear from the town about cannabis and would like to see the regulations from the CRC before voting.

Mayor Gilmore thanked Scott Miccio, Scott Taylor and SSgt. Antenucci for their input on cannabis. She hopes to hear more from the residents about the cannabis issue. She said the Mayor's Wellness Campaign was going well. They are still doing the 9am walks on Monday mornings. She thanked Gerry Clauss for joining her for the Sage Run walk and also for helping to get the tree out of the road on Bischoff Avenue when she called him.

She listed the following Community events: May 13th & 27th Senior Citizen Meetings at 12 pm at the Street Center, May 15th free dance class from Dance Experience at 12:15 pm at the Municipal Pavilion, May 19th Bicycle Safety Event, May 21st Storytime for 2 ½ to 5 year olds at the Street Center and a walk in the Hainesport Proper neighborhood at 11 am, May 31st our Memorial Day event will begin at 9 am. The new banners will be revealed along with wreaths from many businesses in town, music and refreshments. June 5th we will hold Community & Wellness Day from 12 pm to 4 pm at the Municipal Park.

Mayor Gilmore welcomed Jennifer Gomolson, our new Administrative Assistant. She also reported that she attended a media news event Zoom meeting today to formally accept the Brownfields Funding Award from the EPA. This was a very competitive grant that was only awarded to 151 towns nationwide. We will use it for an environmental clean-up of Paul's tank farm. She thanked Paula Kosko for getting the Grant. **Ms. Kosko** thanked BRS for writing the grant application and said the award should be in the Burlington County Times.

17. BILL LIST

Motion: Committeeman MacLachlan. Second: Committeeman Levinson. All yes.

Mr. MacLachlan excused himself and left the meeting.

18. EXECUTIVE SESSION

A. **RESOLUTION 2021-79-5** – Entering into Executive Session

1. Attorney/Client Privilege
2. Personnel

Motion: Committeeman Levinson. Second: Committeeman Clauss. All yes.

Motion to re-enter open meeting

Motion: Committeeman Montgomery. Second: Committeeman Clauss. All yes.

19. ADJOURNMENT @ 10:13 P. M.

Motion: Committeeman Levinson. Second: Committeeman Montgomery. All yes.

Respectfully Submitted,

Paula L. Kosko

Administrator/Municipal Clerk

OFFICIAL ACTION MAY BE TAKEN ON ANY ITEM ON THE AGENDA