

**NORTH HANOVER TOWNSHIP
TOWNSHIP COMMITTEE MEETING MINUTES
July 1, 2021, 7:00 P.M.**

**VIA CONFERENCE CALL: Dial In: 1-855-774-8852; Access Code 7589919790
OR
IN PERSON LIMITED TO THE FIRST 13 REGISTERED
TO REGISTER EMAIL: CLERK@NORTHHANOVERTWP.COM**

CALL TO ORDER Mayor Doyle called the meeting to order at 7:00 p.m.

FLAG SALUTE: Led by Mayor Doyle

ROLL CALL: Mayor Doyle
Deputy Mayor DeBaecke
Committeeman Forsyth
Committeeman Kocubinski
Committeeman O'Donnell

Absent: None

Also Present: Township Clerk Picariello and Township Attorney Roselli

SUNSHINE STATEMENT: “The provisions of the Open Public Meetings Act have been met. Notice of this meeting has been transmitted by email to the Courier Post, Burlington County Times and The Trenton Times as well as given to those having requested same and posted on the Township bulletin board located in the foyer of the municipal building”.

PUBLIC COMMENT AS IT RELATES TO AGENDA ITEMS

Mayor Doyle opened the meeting to the public. There were no public comments this evening.

MOTION TO CLOSE PUBLIC COMMENT

Proposed By: Deputy Mayor DeBaecke
Seconded By: Committeeman O'Donnell

REVIEW OF CORRESPONDENCE

- JLUB Memorandum with regards to Ordinance 2021-04 – Clerk Picariello noted the JLUB had no recommendations and was in compliance with the Master Plan.

ENGINEER'S REPORT

Engineer Hirsh reported the FY2019 Municipal Parks project would be tree clearing soon. He stated award notice was still not issued for the Local Recreation Grant. NJDOT FY 2020 grant schedule was still not issued for the punch work. The FY2022 NJDOT applications was submitted for Phase IV of Schoolhouse. Engineer Hirsh stated he further reviewed the RAISE grant criteria and was recommending not applying for this grant. He noted the Roof replacement project was waiting schedule for the soffit, fascia and gutter work. He stated the Hanover Drainage bid is due July 8th.

MINUTES FOR APPROVAL

- June 17, 2021 – Regular Meeting

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Deputy Mayor DeBaecke	X		X			
Committeeman Forsyth			X			
Committeeman Kocubinski			X			
Committeeman O'Donnell		X	X			
Mayor Doyle					X	

- June 17, 2021 – Executive Session

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Deputy Mayor DeBaecke	X		X			
Committeeman Forsyth			X			
Committeeman Kocubinski			X			
Committeeman O'Donnell		X	X			
Mayor Doyle					X	

BILLS AND CLAIMS FOR APPROVAL

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Deputy Mayor DeBaecke			X			
Committeeman Forsyth			X			
Committeeman Kocubinski			X			
Committeeman O'Donnell	X		X			
Mayor Doyle		X	X			

ORDINANCE – ADOPTION

2021-04 Ordinance of the Township of North Hanover, County of Burlington, New Jersey Prohibiting the Operation of Any Class of Recreational or Medical Cannabis Businesses within its Geographical Boundaries and Amending Chapter 16, Section 16-040 of the Revised General Ordinances of the Township of North Hanover

**TOWNSHIP OF NORTH HANOVER
COUNTY OF BURLINGTON
ORDINANCE NO. 2021-04**

AN ORDINANCE BY THE TOWNSHIP OF NORTH HANOVER IN BURLINGTON COUNTY, NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF RECREATIONAL OR MEDICAL CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING CHAPTER 16, §16-040 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF NORTH HANOVER

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.

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, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Township Committee of the Township of North Hanover has 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 North Hanover Township in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of North Hanover Township’s residents and members of the public who visit, travel, or conduct business in North Hanover Township, to amend North Hanover Township’s zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of North Hanover Township; 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 Township Committee of the Township of North Hanover, in the County of Burlington, State of New Jersey, that Chapter 16, §16-040 of the Revised General Ordinances of the Township of North Hanover is hereby amended as follows: (deleted sections have strikethrough; added sections are bolded and underlined):

SECTION 1. 16-040 Prohibited Use

A. All uses not expressly permitted in this chapter shall be prohibited. The use of trailers as residences, trailer parks and home occupations are specifically prohibited in all uses with the township, except that home occupations are permitted uses in all zones except R1 and R2.

B. **(i)** **All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of 2021, c.16, whether for medicinal or recreational purposes, and including those establishments that manufacture, sell or dispense cannabis related paraphernalia, are prohibited from operating anywhere in the Township of North Hanover, but not the delivery of cannabis items and related supplies by a delivery service that emanates from a delivery service located outside of the municipal boundaries of North Hanover Township.**

P.L.

(ii) **Marijuana or cannabis cultivation facilities, marijuana or cannabis production or manufacturing facilities, marijuana or cannabis testing facilities, marijuana or cannabis wholesale or retail stores, marijuana or cannabis dispensaries, marijuana or cannabis delivery services which are related to cannabis or marijuana for medical purposes, and such facilities or stores that manufacture, sell or dispense marijuana or cannabis related paraphernalia for medical purposes, are prohibited from operating anywhere in the Township of North Hanover, but not the delivery of medical marijuana or medical cannabis related items and related supplies by a delivery service that emanates from a service located outside of the municipal boundaries of North Hanover Township.**

or

delivery Hanover

SECTION 3: At least three copies of said full Ordinance are on file in the Office of the Municipal Clerk for public examination and acquisition. Copies are available for inspection or acquisition during regular weekday working hours and arrangements have been made for the publication of said proposed Ordinance in pamphlet or other similar form which will be available for purchase from the Township Clerk.

SECTION 4: This Ordinance shall take effect upon final passage and publication according to law.

SECTION 5: The Township Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this Ordinance, after public hearing thereon, the Municipal Clerk is further directed to publish notice of passage thereof and file a copy of this Ordinance as finally adopted with the County Planning Board as required by N.J.S.A. 40:55D-16 and with the Township Tax Assessor.

SECTION 6: All Ordinance or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 7: If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions.

MAYOR OPENS THE MEETING TO THE PUBLIC

There were no public comments this evening.

MOTION TO CLOSE PUBLIC HEARING

Proposed By: Deputy Mayor DeBaecke

Seconded By: Committeeman O'Donnell

MOTION TO ADOPT ORDINANCE 2021-04

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Deputy Mayor DeBaecke	X		X			
Committeeman Forsyth			X			
Committeeman Kocubinski		X	X			
Committeeman O'Donnell			X			
Mayor Doyle			X			

CONSENT AGENDA DEFINED:

All Resolutions listed on today's consent agenda are to be considered as one vote by Township Committee and will be enacted by one motion. There will be no discussion of these items. If

discussion is desired, that item will be removed from the consent agenda and considered separately.

2021-99 Resolution Canceling Taxes

**RESOLUTION 2021-99
TOWNSHIP OF NORTH HANOVER
COUNTY OF BURLINGTON**

RESOLUTION CANCELING TAXES

WHEREAS, the United States Department of Veteran Affairs has classified James Bell as 100% Permanently and Totally Disabled; and

WHEREAS, by application from Donald Kosul, Tax Assessor in the Township of North Hanover, the said exemption is granted from April 29, 2020; and

WHEREAS, N.J.S.A. 54:4-3.30a – Allows for the exemption from taxation from real and personal property for any citizen and resident of the State who has a total or 100% permanent disability as defined by this statute.

WHEREAS, the following taxes must be canceled and any monies paid by the owner should be refunded.

THEREFORE, BE IT RESOLVED, that the following taxes be canceled:

BLOCK 902 LOT 23.03 **2021 3RD** \$1,682.98

THEREFORE, BE IT RESOLVED FURTHER, that a copy of this Resolution be forwarded to the Burlington County Board of Taxation, the Treasurer of Burlington County, the Municipal/Regional School Board to advise them of the action taken by the Township Committee on this matter.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Deputy Mayor DeBaecke		X	X			
Committeeman Forsyth			X			
Committeeman Kocubinski			X			
Committeeman O'Donnell	X		X			
Mayor Doyle			X			

2021-100 Resolution Authorizing Refund of Overpayment of Taxes

**RESOLUTION 2021-100
TOWNSHIP OF NORTH HANOVER
COUNTY OF BURLINGTON**

RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF TAXES

BE IT RESOLVED, by the Township Committee of the Township of North Hanover that, as requested by the Tax Collector, it hereby authorizes a refund of overpayment of 2021 taxes, in the amount of \$321.22 to Bell, James L & Sheryl, for Block 902 Lot 23.03 commonly known as 297 Meany Road.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Deputy Mayor DeBaecke		X	X			
Committeeman Forsyth			X			
Committeeman Kocubinski			X			
Committeeman O'Donnell	X		X			
Mayor Doyle			X			

2021-101 Resolution Authorizing a Street Opening Permit

**RESOLUTION 2021-101
TOWNSHIP OF NORTH HANOVER
COUNTY OF BURLINGTON**

RESOLUTION AUTHORIZING STREET OPENING PERMIT

WHEREAS, Al Davis of Public Service Electric & Gas Co., hereinafter referred to as “PSEG”, has submitted an application for a Street Opening Permit for 90 Provinceline Road; and

WHEREAS, pursuant to Chapter 12 the Township Engineer, Joseph Hirsh of Environmental Resolutions Inc. has reviewed said application and recommends approval by the Township Committee; and

WHEREAS, pursuant to Chapter 19 “Fees” a fee of \$50 is required prior to the issuance of a Street Excavation Permit.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of North Hanover that the application for a Street Excavation Permit to PSEG for the location known as 90 Provinceline Road is hereby approved subject to receipt of payment of the applicable fee.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Deputy Mayor DeBaecke		X	X			
Committeeman Forsyth			X			
Committeeman Kocubinski			X			
Committeeman O'Donnell	X		X			
Mayor Doyle			X			

NON-CONSENT AGENDA – There were no items on the consent agenda this evening.

DISCUSSION

- Senior Picnic – Clerk Picariello gave an overview the annual Senior Picnic. After discussion, there was a general consensus to schedule for September 21st and Mayor Doyle would spear head the effort.
- Meany Road guardrail – Engineer Hirsh noted the damage and stated we could remove the damaged piece. He noticed all the openings were extremely narrow. He recommended a proper company for pricing. Mayor Doyle also expressed some concerns regarding trees damaging farm equipment. After discussion, there was a general consensus to do an assessment on tree clearing and possibly going out to bid for some clearing. Mayor Doyle and Committeeman Forsyth would assess what was critical.

TOWNSHIP COMMITTEE “COMMENTS”

Deputy Mayor DeBaecke noted it was one year since the passing of Committeeman DeLorenzo and noted he was in his prayers.

Mayor Doyle stated the missed Committeeman DeLorenzo. He stated Durr’s Blue Box produce was now open and very nice. He thanked Committeeman O’Donnell for his work in resolving the EMS issues.

PUBLIC PARTICIPATION

Questions, comments or statements from members of the public in attendance.

Mayor Doyle opened the meeting to the public.

Mr. Paul Reuter – noted Colonel Gigliotti would be changing command and stated it was the 100th Anniversary of Lakehurst. He also stated the Air Show is scheduled for 2022.

Robert Gancarz – JVFC Chief – He stated it was a busy year and noted two recent fires had fatal. He noted he received a phone call that JVFC has been awarded another grant for a foam back pack valued at \$6500.00. He felt this would be beneficial if there was an issue at the Solar Fields.

MOTION TO CLOSE PUBLIC COMMENT

Proposed By: Deputy Mayor DeBaecke

Seconded By: Committeeman O’Donnell

EXECUTIVE SESSION RESOLUTION

2021-102 Authorizing a Closed Session Meeting to discuss the following matter(s) pursuant to N.J.S.A. 47:1A-1 and N.J.S.A. 10:4-12 EMS Contract Matters, Court Personnel Matter, Personnel Matters and Litigation matters

**RESOLUTION 2021-102
TOWNSHIP OF NORTH HANOVER
COUNTY OF BURLINGTON**

AUTHORIZING A CLOSED SESSION MEETING

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 and P.L. 2001, C. 404, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee of North Hanover Township wishes to go into a closed Executive Session and is of the opinion that such circumstances presently exist which should not be discussed in public, and

WHEREAS, the Open Public Meetings Act pursuant to N.J.S.A. 47:1A-1 and N.J.S.A. 10:4-12 permits the Township Committee to discuss certain matter(s) in private, and in this case for the purpose of the Township Committee to discuss contract negotiations, litigation and personnel matters in this regard.

NOW, THEREFORE, BE IT RESOLVED by Township Committee of North Hanover Township that it will go into an Executive Session for the purpose of the Township Committee to discuss EMS Contract Matter, Court Personnel Matter, Contract Matters, Litigation and Personnel matters.

BE IT FURTHER RESOLVED that the results of such discussion may be revealed at such time as the matter(s) are resolved and/or a contract(s) is signed and/or the negotiations are formally settled. Interested parties may contact the Township Clerk anytime during normal business hours for periodic updates as to the availability in this regard.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Deputy Mayor DeBaecke	X		X			
Committeeman Forsyth			X			
Committeeman Kocubinski			X			
Committeeman O'Donnell		X	X			
Mayor Doyle			X			

MOTION TO ADJOURN TO ENTER INTO EXECUTIVE SESSION

7:52 pm

Proposed By: Committeeman Kocubinski

Seconded By: Committeeman O'Donnell

Respectively submitted,

**Mary Picariello, RMC/CMR/CTC
Township Clerk**

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