

**MINUTES OF KNOWLTON TOWNSHIP
WARREN COUNTY, NEW JERSEY
Public Session Meeting Minutes
August 9, 2021**

The meeting of the Knowlton Township Committee was held on this date at the Knowlton Municipal Building, 628 Route 94, Columbia, New Jersey and was called to order at 7:00 p.m. by Mayor Starrs.

Mayor Starrs led the public in the Pledge of Allegiance.

Mayor Starrs read the following statements “This meeting of the Knowlton Township Committee is being held in compliance with the Open Public Meetings Act: P: 1975, Chapter 231, noting that notice of all regularly scheduled meetings has been published in the *New Jersey Herald* and/or Express Times as well as providing said schedule in the Municipal Clerk’s office.”

Roll Call

Cuntala—yes, Mazza-absent, Shipps—yes, Van Horn-yes, Starrs—yes.

PRESENTATION:

Great Waters Organization- Musconetcong Watershed Association

Members of Musconetcong Watershed Association, Trout Unlimited and NJ Highlands Coalition presented a slide presentation on a project that is funded by the William Penn Foundation and helps protect the watershed not only in Knowlton Township but in other municipalities in the surrounding areas. The presentation provided the benefits of keeping our watershed clean. Benefits included recreation, tourism, jobs, increased property value, open space and clean drinking water. Committee agreed to pass a resolution at the next township meeting to support the project.

PUBLIC COMMENT

Resident Rene Mathez stated that protecting the water will help to protect the land and asked if this project would help to help protect the land as well. It was explained that this particular project focuses on the water but there is agency that helps protect the land.

Tara Mezzanotte provided an update regarding the Route 80 Rockwall. Warren County Commissioner are meeting with NJDOT engineers to discuss their preliminary design. Warren County Commissioners submitted a comment to NJDOT about fixing the “S” Curve was not mentioned in the long plan transportation plan.

Mayor Starrs mentioned that the 24th District sent a letter to US senate requesting support on Congressman Gottheimer amendment to defund the Route 80 Rockwall Project.

DEPARTMENT REPORTS

Mayor Starrs received an email from the Township Engineer stating that the DPW may not be able to finish the drainwork that is required for Mount Pleasant Road to be paved this year. Committee discussed prioritizing paving the roads and the priority to pave at a minimum two roads per year.

Committee agreed that Township preference is to pave not only the roads in the worst condition, but to pave roads in medium condition to prevent them from deteriorating the point where they require so much extra DPW work and funding to repair. Committeewoman Cuntala will follow up with DPW Supervisor Brian Peck to get details on why Mount Pleasant may not be finished.

ORDINANCE

Public Hearing/ Adoption:

2021-11- An Ordinance Amending Chapter 11, Article 35.1 the Code of the Township of Knowlton to Prohibit the Cultivation, Processing, or Dispensing of Recreational Marijuana within the Township and to Amend Section 127-2 of the Code of the Township of Knowlton to Prohibit the Smoking of Cannabis in the Municipal Building

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 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, pursuant to Ordinance 2021-06 adopted on June 14, 2021, the Township elected to

ban all classes of recreational marijuana businesses; and

WHEREAS, it is the intent of this Ordinance to revise the Code of the Township of Knowlton to be consistent with Ordinance 2021-06; and

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-1 *et seq.*) delegates to municipalities the power to zone and regulate development and that statute is amended from time to time by the state legislature; and

NOW THEREFORE BE IT RESOLVED THAT Chapter 11 “Land Development” of the Code of the Township of Knowlton shall be amended and supplemented as follows:

SECTION 1. Section 11-283.1 (A), entitled “Definitions,” is amended to add the following definitions:

“Recreational Cannabis Act” means the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16).

SECTION 2. Section 11-283.1(A), entitled “Definitions,” is further amended as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

“Recreational Marijuana Facility” means any facility that cultivates, possesses, manufactures, distributes, processes, stores, tests, labels, packages, transports, delivers or sells cannabis and cannabis products for ~~non-medical or~~ recreational purposes, including any ancillary or related paraphernalia that is *licensed pursuant to the Recreational Cannabis Act* ~~not permitted pursuant to CUMMA~~.

SECTION 3. Section 11-283.1(B) entitled “Medical Marijuana Facilities” shall be deleted in its entirety.

SECTION 4. Section 11-318 regarding conditional uses in the C(2) Zone shall be amended to add subsection (H) entitled “Medical Marijuana Facilities” as follows:

(H) Medical Cannabis Facilities. Unless specified herein, all terms used herein shall have the same meaning as those use 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.* (“CUMA”). The operation of medical cannabis facilities, which include alternative treatment centers, medical cannabis dispensaries, medical cannabis cultivation facilities, medical cannabis products manufacturing facilities, and medical cannabis, testing facilities are permitted within the C-2 Zone of the Township of Knowlton, subject to the following conditions. The operation of medical cannabis facilities shall be prohibited in all other zones of the Township of Knowlton

(1) Compliance with all applicable land use regulations set forth in Chapter 11 of the Code of the Township of Knowlton and all restrictions set forth in CUMMA or other applicable state legislation

affecting the operation of medical marijuana facilities.

(2) Security. All medical cannabis facilities shall comply with the security requirements set forth in N.J.A.C. 8:64-9.7 at seq. and any amendments thereto. At a minimum, each medical marijuana facility shall:

(a) Install, maintain in good working order and operate a safety and security alarm system that will provide suitable protection 24 hours a day, seven days a week against theft and diversion and that provides, at a minimum; immediate automatic or electronic notification to alert state or local police agencies to an unauthorized breach of security at the alternative treatment center; and a backup system that activates immediately and automatically upon a loss of electrical support and that immediately issues either automatically or electronic notification to state or local police agencies of the loss of electrical support;

(b) Implement appropriate security and safety measures to deter and prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana and marijuana products;

(c) Implement security measures that protect the premises, registered qualifying patients, registered primary caregivers and principal officers, directors, board members and employees of the medical marijuana facility;

(d) Establish a protocol for testing and maintenance of the security alarm system;

(e) Conduct maintenance inspections and tests of the security alarm system at the medical marijuana facility at intervals not to exceed 30 days from the previous inspection and test and promptly implement all necessary repairs to ensure the proper operation of the alarm system;

(f) In the event of a failure of the security alarm system due to a loss of electrical support or mechanical malfunction that is expected to last longer than eight hours: notify the New Jersey Department of Health pursuant to N.J.A.C. 8:64-9.8; and provide alternative security measures approved by the New Jersey Department of Health or close the medical marijuana facility impacted by the failure or malfunction until the security alarm system is restored to full operation;

(g) Keep access from outside the premises to a minimum and ensure that access is well controlled;

(h) Keep the outside areas of the premises and its perimeter well lighted. Exterior lighting must be sufficient to deter nuisance and criminal activity and facilitate surveillance; but must not disturb surrounding businesses or neighbors;

(i) Provide law enforcement and neighbors within 100 feet of the medical marijuana facility with the name and phone number of a staff person to notify during and after operating hours to whom they can report problems with the establishment;

(j) Equip interior and exterior premises with electronic monitoring, video cameras and panic buttons. A video surveillance system shall be installed and operated to clearly monitor all critical control activities of the medical marijuana facility and shall be in working order and operating at all times. The medical marijuana facility shall provide two monitors for remote viewing via telephone lines in state offices. This system shall be approved by the New Jersey Medical Marijuana Program prior to permit issuance. The original tapes or digital pictures produced by this system shall be stored in a safe

place with a thirty-day archive;

(k) Limit entry into areas where marijuana and marijuana products are held to authorized personnel;

(l) Consistently and systematically prevent loitering, that is, the presence of persons who are not on-duty personnel of the medical marijuana facility and who are not medical marijuana facility registrants engaging in authorized dispensary activity; and

(3) Parking. Provide onsite parking consistent with Section 11-241. Parking for Medical Dispensaries and Alternative Treatment Centers shall be provided consistent with retail uses. Parking for all other classifications of medical marijuana facilities shall be provided consistent with industrial uses.

(4) Transportation. All transportation of cannabis and cannabis products shall be done securely and in compliance with N.J.A.C. 8:64-10.11 and shall comply with the following conditions:

(a) Done only in accordance with a delivery plan submitted to and approved by the New Jersey Department of Health.

(b) Each transport vehicle shall be staffed with a delivery team consisting of at least two registered employees. At least one delivery team member shall remain with the vehicle at all times that the vehicle contains medicinal cannabis or medical cannabis products. Each delivery team member shall have access to a secure form of communication with the medical cannabis facility, such as a cellular telephone, at all times that the vehicle contains medicinal cannabis and/or medical cannabis products. Each delivery team member shall possess his or her employee identification card at all times and shall produce it to Department of Health staff or law enforcement officials upon demand.

(c) Each transport vehicle shall be equipped with a secure lockbox or locking cargo area, which shall be used for the sanitary and secure transport of medicinal cannabis and medical cannabis products.

(d) Maintain current commercial automobile liability insurance on each vehicle used for transport of medicinal marijuana in the amount of \$1,000,000 per incident.

(e) Vehicles used to transport medicinal cannabis and/or medical cannabis products shall not bear markings that would either identify or indicate that the vehicle is used to transport medicinal cannabis.

(f) Transports shall be completed in a timely and efficient manner. A transport vehicle shall proceed from the departure point where the medicinal marijuana is loaded directly to the destination point where the medicinal marijuana is unloaded without intervening stops or delays.

(g) Maintain a record of each transport of medicinal cannabis in a transport logbook. For each transport, the logbook shall record the date and time that the transport began and ended; the names of the employees comprising the delivery team; the weight of the medicinal cannabis transported; the lot number of the medicinal marijuana, the name of the strain and whether it is high, medium or low potency; and the signatures of the employees comprising the delivery team.

(5) Signage and exterior displays. Signage and exterior displays on a medical cannabis facility shall comply with all regulations and restrictions set forth in Chapter 11 of the Code of the Township of Knowlton (as applicable to the C-2 Zone) and N.J.A.C. 8:64-12.1 et seq. Specifically:

- (a) Exterior signage shall be restricted to black text on white.
- (b) Exterior signage shall not be illuminated at any time.
- (c) Medical cannabis facilities shall not display on the exterior of the facility

advertisements for medicinal marijuana or a brand name except for purposes of identifying the building by the permitted name.

(d) Cannabis and paraphernalia shall not be displayed or clearly visible to a person from the exterior of a medical marijuana facility

SECTION 5. Section 11-283.1(C), entitled “Recreational General Use Restrictions,” is amended as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~)::

Recreational Marijuana General Use Restrictions: *All Classes of cannabis establishments (except certain medical marijuana facilities as set forth in Section 11-318(H) as said terms are defined in Section 3 of P.L. 2021, c. 16 (but not the delivery of cannabis items and related supplies by a delivery service which is located in another municipality) shall be prohibited in all zones of the Township of Knowlton.*” The operation of Recreational Marijuana Facilities, which include *all facilities and businesses licensed pursuant to the Recreational Marijuana Act*, ~~retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities; and the operation of retail marijuana social clubs~~ are prohibited within the Township of Knowlton and, therefore, all activities related to the abovementioned retail uses such as, but not limited to cultivation, possession, extraction, manufacturing, processing, storing, laboratory testing, labeling, transporting, delivering, dispensing, transferring and distributing are expressly prohibited within the Township of Knowlton.

SECTION 6. Section 127-2 of the Code of the Township of Knowlton, entitled “Smoking Prohibited in Township Municipal Building,” is hereby amended as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~)::

A. All smoking of any matter or substance which contains tobacco *or cannabis* shall be prohibited in the Knowlton Township Municipal Building. *For the purposes of this section, “smoking” shall include smoking or vaping from an electronic smoking device.*

B. "No smoking" signs. Appropriate signs shall be posted so as to be clearly visible to the public and employees in the Knowlton Township Municipal Building, with letters at least one inch in height, stating “Smoking Prohibited,” or designated by the appropriate smoking-prohibited international symbol.

SECTION 7. Chapter 165, Article II entitled “Medical Cannabis Transfer Tax” is hereby created as follows:

Article II Medical Cannabis Transfer Tax

§ 165-8 Purpose.

It is the purpose of this article to implement the provisions of 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 on medical cannabis products, which shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the dispensary.

§165-9 Definitions.

The definitions set forth in the Jake Honig Compassionate Use Medical Marijuana Cannabis Act (N.J.S.A. 24:6I-1 et seq.) are incorporated herein and shall have the same meaning.

§ 165-10 Medical Cannabis Transfer Tax.

There is hereby established a medical cannabis transfer tax in the Township of Knowlton, which shall be fixed at a uniform percentage rate of 2% on the purchase price of any medical cannabis dispensed by a Medical Cannabis Dispensary in the Township, including medical cannabis that is furnished by the Dispensary to a medical cannabis handler for delivery to a registered qualifying patient or the patient's caregiver, and which shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the dispensary.

§ 165-11 Administration of Cannabis Transfer Tax

A. The transfer tax set forth in Sections 165-10 shall be paid to the Township no later than February 1st of each year with a report certified as true and accurate by the Chief Financial Officer, Comptroller, or other similarly situated person showing the gross revenues for the Cannabis Establishment for each month of the preceding year. The Township may require that the Cannabis Establishment obtain a financial report from an independent accountant certifying as to the annual revenues for the preceding year.

B. Every cannabis establishment required to collect a transfer tax or user tax imposed pursuant to this section shall be personally liable for the transfer tax or user tax imposed, collected, or required to be collected under this section.

C. The Township shall enforce the payment of delinquent transfer or user taxes imposed pursuant to this section in the same manner as provided for municipal real property taxes, including the accrual of interest. In the event that the transfer tax or user tax imposed pursuant to this section is not paid as and when due by a cannabis establishment, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the cannabis establishment's premises in the same manner as all other unpaid municipal taxes, fees, or other charges. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the municipal lien on the parcel for unpaid property taxes due and owing in the same year. The Township shall file in the office of its tax collector a statement showing the amount and due date of the unpaid balance and identifying the lot and block number of the parcel of real property that comprises the delinquent cannabis establishment's premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.

SECTION 8. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 9. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any 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 thereof.

SECTION 10. A copy of this Ordinance shall be forwarded, after introduction, to the Knowlton Township Planning Board for a Master Plan consistency review in accordance with N.J.S.A. 40:55D-64.

SECTION 11. The within ordinance shall take effect in the time and manner provided by law and, in particular, the procedure delineated in the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.* and upon filing with the Warren County Planning Board.

Motion made by Starrs, second by Cuntala and carried to open the public hearing

No public comments were made.

Motion made by Starrs, second by Cuntala and carried to close the public hearing.

Motion made by Starrs, second by Cuntala and approved by roll call vote: Cuntala—yes, Mazza—absent, Shipp—yes, Van Horn—yes, Starrs—yes, the adoption of Ordinance 2021-11

RESOLUTIONS

2021-78 Resolution Payment of Vouchers

BE IT RESOLVED, by the Mayor and Committee of the Township of Knowlton, Warren County, New Jersey, that all claims attached are hereby approved as reasonable and proper claims against the Township of Knowlton.

THEREFORE, BE IT RESOLVED that approval for payment is hereby given to the Chief Financial Officer to pay said claims, subject to the availability of funds.

Motion made by Cuntala, second by Starrs and approved by roll call vote: Cuntala—yes, Mazza—absent, Shipp—yes, Van Horn—yes, Starrs—yes Resolution 2021-78.

OLD BUSINESS-- No old business

NEW BUSINESS

2021 Tax Bills --Clerk Shipp explained that Tax Bills will be mailed out this week and that the extension to pay your taxes is September 10, 2021.

CORRESPONDENCE

Warren County Health Department is requesting if Knowlton would be interested in having a vaccination clinic and also to educate residents who are hesitant on getting the vaccine.

Committee agreed to hold the clinic in the municipal building. Mayor Starrs will give Warren County Health Dept. days to hold the clinic.

Mayor Starrs also explained an issue regarding 10 Clinton St. which the township owns. The well on the property needs to be sealed. Deputy Clerk Apgar received a quote of \$2,100 to seal the well.

Motion was made by Starrs, second by Committeewoman Cuntala and approved by roll call vote: Cuntala—yes, Mazza—absent, Shipps—yes, Van Horn—yes, Starrs-yes to have Dan Balentine Well Drilling to decommission the well at 10 Clinton St for \$2,100.

MEETING MINUTES

1. July 12, 2021 Public Session Meeting Minutes

Motion made by Starrs, second by Shipps and carried to approve the July 12, 2021 Public Session Meeting Minutes.

PUBLIC COMMENT--No public comments were made.

EXECUTIVE SESSION

2021- 79 Resolution Authorizing Executive Session

Motion made by Starrs, second by Cuntala and carried to go into Executive Session at 8:05 pm

WHEREAS, the Open Public Meetings Act; N.J.S.A. 10:4-6 et seq., declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognized exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Township Committee find it necessary to conduct an executive session closed to the public as permitted by the N.J.S.A. 40:4-12; and

WHEREAS, the Mayor and Township Committee will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Knowlton Township, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic (s) as permitted by N.J.S.A. 40:4-12:

- A. Personnel
- B. Contract Negotiations

BE IT FURTHER RESOLVED that the Mayor and Township Committee hereby declare that their discussion of the subject (s) identified above may be made public at a time when the Township Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Township or any other entity with respect to said discussion.

BE IT FURTHER RESOLVED that the Mayor and Township Committee, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

Motion made by Starrs, second by Cuntala and carried to come out of Executive Session at 8:51 pm

ADJOURNMENT

Motion made by Starrs, second by Cuntala and carried to adjourn tonight's meeting at 8:51 pm