

ANDOVER TOWNSHIP COMMITTEE MEETING AGENDA

**JANIS MCGOVERN, MAYOR
MICHAEL LENSAK, DEPUTY MAYOR
ELLSWORTH E. BENSLEY, JR.
JOHN CARAFELLO
THOMAS D. WALSH, JR.**

**FEBRUARY 4, 2021
EXECUTIVE SESSION 6:00 PM
REGULAR MEETING 7:00 PM**

This meeting is being held remotely only and can be accessed by either of the following options:

Please click the link below to join the webinar:

Please click the link below to join the webinar:

<https://zoom.us/j/97876853761?pwd=d3NIRSt5SldFMmx2eIFuMC9pUmFPQT09>

Passcode: 128887

Or by Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1
253 215 8782 or +1 346 248 7799

Webinar ID: 978 7685 3761

Passcode: 128887

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

OPEN PUBLIC MEETINGS STATEMENT: This meeting is being held in compliance with the provisions of the Open Public Meetings Act, Public Laws of 1975, chapter 231 and has been properly advertised and certified by the Municipal Clerk.

RULES FOR MEETING: No new business to be brought before the Committee after 8:00PM. The time allotted to the public will be determined by the Committee.

EXECUTIVE SESSION:

- **PERSONNEL – Salaries and Wages**
- **ATTORNEY CLIENT PRIVILEGE – Legalization of Marijuana**

APPROVAL OF THE GENERAL AGENDA

APPROVAL OF CONSENT AGENDA

All items listed with an asterisk (*) are considered to be routine and non-controversial by the Committee and will be approved by one motion. There will be no separate discussion of these items unless a citizen or Committee member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

CONSENT AGENDA

OTHER BUSINESS:

1. **Tax Collector's Report for the Month of January**
2. **Approval of Vouchers for Payment**

MINUTES:

- **January 7, 2021: Reorganization Meeting**

RESOLUTIONS:

#R2021-33

A RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY REQUESTING THE UNITED STATES POSTAL SERVICE INVESTIGATE THE POSSIBILITY OF ANDOVER TOWNSHIP HAVING ITS OWN MAILING ADDRESS

#R2021-34

A RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY ISSUING A TAX REFUND TO DAN FABER IN REGARDS TO THE REDEMPTION OF TAX SALE CERTIFICATE #18-00006 SOLD FOR DELINQUENT TAXES FOR BLOCK 151, LOT 16 IN THE AMOUNT OF \$124,148.46

PUBLIC PORTION:

RULES FOR THE PUBLIC PORTION OF THE MEETING

1. Please come forward when recognized and state your name and address.
2. Please direct your comments to the Township Committee.
3. The committee may comment or respond when you conclude your comments.
4. Normally, each member of the public will be recognized and given the floor. There is a five-minute time limit on all public comments. When you have concluded, you may be recognized again during that public portion of the meeting upon Committee approval.
5. Anyone that is disruptive and/or speaks when they are not recognized will be considered to be disruptive to the meeting and may be asked to leave.

**ORDINANCES
INTRODUCTION:**

ORDINANCE #2021-03

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF ANDOVER TO PERMIT THE CULTIVATION, PROCESSING, OR DISPENSING OF RECREATIONAL AND MEDICAL CANNABIS AND REGULATE THE LOCATION OF THE CULTIVATION, PROCESSING, OR DISPENSING OF RECREATIONAL AND MEDICINAL CANNIBIS WITH THE TOWNSHIP

ORDINANCE #2021-04

AN ORDINANCE TO PROVIDE FOR BODY CAMERAS FOR THE POLICE DEPARTMENT OF THE TOWNSHIP OF ANDOVER AND TO PROVIDE FOR THE FUNDING THEREOF

NEW BUSINESS:

- **Notice of Filing of Petition of Lake Lenape Water Co. for Approval of an increase in Rates for Water Service**
- **Appointment of Emergency Management Coordinator for a 3-Year Term (January 1, 2021 – December 31, 2023)**

UNFINISHED BUSINESS:

- **Township Municipal Building Curb Appeal Project**

COMMITTEE REPORTS

REPORT FROM THE CLERK/ADMINISTRATOR

REPORT FROM THE MUNICIPAL ATTORNEY

NEXT SCHEDULED MEETINGS:

FEBRUARY 13, 2021 – 9:00AM BUDGET WORKSHOP

FEBRUARY 18, 2021 – 6:00PM EXECUTIVE SESSION/7:00PM REGULAR MEETING

ADJOURN

RESOLUTION

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Committee of the Township of Andover on the 4th day of FEBRUARY 2021, that:

1. PRIOR to the commencement of the Regular Meeting, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-26, sub-section(s):

- a. Confidential or excluded matters, by Express provision of Federal law or State statute or rule of court.
- b. A matter in which the release of information would impair a right to receive funds from the Government of the United States.
- c. Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
- d. A collective bargaining agreement including negotiations.
- e. Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
- f. Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
- g. Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
- h. Personnel matters.
- i. Deliberations after a public hearing that may result in penalties.
 - 1. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

EXECUTIVE SESSION:

- **PERSONNEL – Salaries and Wages**
- **ATTORNEY CLIENT PRIVILEGE – Legalization of Marijuana**

**TOWNSHIP OF ANDOVER
COUNTY OF SUSSEX, STATE OF NEW JERSEY**

ORDINANCE #2021-03

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF ANDOVER TO
PERMIT THE CULTIVATION, PROCESSING, OR DISPENSING OF RECREATIONAL
AND MEDICAL CANNABIS AND REGULATE THE LOCATION OF THE CULTIVATION,
PROCESSING, OR DISPENSING
OF RECREATION AND MEDICINAL CANNABIS WITHIN THE TOWNSHIP**

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

WHEREAS, the Committee of the Township of Andover requested that the Township Code be amended so as to provide for regulation of the expansion of the legalization of the cultivation and sale of medical and recreational cannabis in the State of New Jersey; and

WHEREAS, the Township has determined that the cultivation, processing, sale, and distribution of cannabis presents special concerns and should be regulated specifically to permit the uses where appropriate in the Township; and

WHEREAS, the Township has determined that such facilities should be permitted in certain zones and in appropriate locations as delineated herein;

NOW THEREFORE BE IT RESOLVED THAT the Code of the Township of Andover shall be amended and supplemented to add Article XVII entitled “Cannabis Cultivation, Processing and Dispensing” as follows:

SECTION 1.

Article XVII Cannabis, Cultivation, Processing and Dispensing.

§ 190-119 Definitions.

Cannabis Cultivator

Any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 1 Cannabis Cultivator license.

Cannabis Establishment

A cannabis [grower] cultivator, [also referred to as a cannabis cultivation facility], a cannabis [processor] manufacturer, [also referred to as a cannabis product manufacturing facility], a cannabis wholesaler, or a cannabis retailer.

Cannabis Manufacturer

Any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 Cannabis Manufacturer license.

Cannabis Retailer

Any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis [growers] cultivators and cannabis items from cannabis [processors] manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer. This person or entity shall hold a Class 5 Cannabis Retailer license.

License

A license issued under relevant State law including a license that is designated as either a:

- A. Class 1 Cannabis [Grower] Cultivator license
- B. Class 2 Cannabis [Processor] Manufacturer license
- C. Class 3 Cannabis Wholesaler license
- D. Class 4 Cannabis Distributor license
- E. Class 5 Cannabis Retailer license
- F. Class 6 Cannabis Delivery license

The term includes a conditional license for a designated class, except when the context of the provisions of relevant State law otherwise intend to only apply for a license and not a conditional license.

Manufacture

The drying, processing, compounding, or conversion of usable cannabis into cannabis products or cannabis resins. "Manufacture" does not include packaging or labeling.

Microbusiness

A person or entity license by the Cannabis Regulatory Commission as a cannabis [grower] cultivator, cannabis [processor] manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery server that may only, with respect to its business operations, and capacity and quantity of product:

- A. Employ no more than 10 employees;
- B. Operate a cannabis establishment occupying an area of no more than 2,500 square feet, and in the case of a cannabis [grower] cultivator, grow cannabis on an area no more than 2,500 square feet measured on a horizontal plan and grow above that plan not higher than 24 feet;
- C. Possess no more than 1,000 cannabis plants each month, except that a cannabis distributor's possession of cannabis plants for transportation shall not be subject to this limit;
- D. Acquire and process each month, in the case of a cannabis [processor] manufacturer, no more than 1,000 pounds of usable cannabis [in dried form];
- E. Acquire for resale each month in the case of a cannabis wholesaler, no more than 1,000 pounds of usable cannabis [in dried form], or the equivalent amount in any [other] form of manufactured cannabis product or cannabis resin, or any combination thereof; and
- F. Acquire for retail sale each month, in the case of a cannabis retailer, no more than 1,000 pounds of usable cannabis [in dried form], or the equivalent amount in any [other] form of manufactured cannabis product or cannabis resin, or any combination thereof.

§ 190-120 Cannabis Cultivators, Establishments and Manufacturers.

A. Cannabis Cultivators, Establishments and Manufacturers shall be permitted in all commercial and industrial zones properties subject to the following:

- (1) Minimum Lot Size: Minimum lot size is 5.0 acres.
- (2) Eligible Locations: Facilities shall be at least 500 feet from any residential zone; 500 feet from any parks or trails, and 500 feet from any schools. Eligible parcels are listed below:

Block	Lot	Zone	Acreage
1	5.03	Planned Commercial Development	47.3
108	4.02	General Industrial	85.3
108	1	General Industrial	5.65
114	1	Industrial	266
114	2	Industrial	23.8
114	3	Industrial	14.3
116	3	Community Business	5.04
126	5	Industrial	35.3
126	5.01	Industrial	5
128	4.02	Commercial Industrial	5.3
134	17.2	Commercial Industrial	30
134	9	Business/Airport	10.2
151	21	Commercial Industrial	86.8
155	7	Highway Commercial	15
161	3	Industrial	198
161	3.01	Industrial	8.92
161	5	Commercial Industrial	9.39
163	2	Industrial	65.1
163	4.01	Industrial	41.1
163	4.02	Industrial	18.2
163	4.03	Industrial	31.8
164	2	Industrial	7.12

- (3) Setback: The minimum front yard setback is 50 feet.
- (4) Buildings: All facilities shall be enclosed in heated/air-conditioned buildings, not in greenhouses, hoop houses or outdoors.
- (5) Landscaped Buffer: A minimum landscaped buffer of at least fifty (50') feet in width shall be established and maintained between any building and the adjacent roadway and neighboring properties.
- (6) Fencing: All structures utilized for any growing, production or manufacturing should be enclosed by a security fence with a height of seven (7') to eight (8') feet.
- (7) Odor Control: The facility shall provide an air treatment system with sufficient odor absorbing ventilation and exhaust systems such that and odor generated inside the facility is not detectable by a person of reasonable sensitivity at the property line of the subject property. Odor from the facility shall be monitored on an annual basis at the discretion of the Township by a licensed, qualified contractor chosen by the Township.

- (8) Signage: Signs shall be limited to the address, name of the company and emergency contact information located on one (1) ground sign not to exceed 24 square feet.
- (9) Site Plan Approval: Site Plan approval is required. The Applicant shall submit the following: a safety and security plan, emergency services access plan, hazardous materials inventory, environmental impact statement and waste control plan.
- (10) State License: The facility must have a valid license to operate from the State of New Jersey.

§ 190-121 Cannabis Retailers.

A. Cannabis Retailers shall be permitted in all commercial and industrial zones subject to the following:

- (1) Location: Dispensaries shall be separate and distinct from growing operations.
- (2) Buildings: All dispensaries shall be enclosed in heated/air-conditioned permanent buildings, not trailers, outdoors, movable kiosks, etc.
- (3) Signage: Signs shall be limited to location identification/name of business. Signage should not promote consumption of any cannabis products.
- (4) Site Plan Approval: When seeking site plan approval, the Applicant shall submit a safety and security plan and emergency services access plan.
- (5) Accessibility: Any such cannabis dispensary shall only have one primary public access point, which should be directly adjacent to the right-of-way or parking area of the building. Access should not be through common entrances with other uses.
- (6) Hours of Operation: Hours of operation shall be limited generally to daytime and early evening hours.
- (7) Interior Security: Dispensary interiors shall provide a secure location for storage of products with minimum products in the customer service area.
- (8) Exterior Loitering and Security: People shall not be permitted to congregate outside of a dispensary, loiter or wait in line to access the dispensary. The facility should have a plan in place if interior capacity is exceeded, i.e., numbers are given and customers wait in their vehicles until called.
- (9) Product Consumption. No products shall be permitted to be consumed on-site.

SECTION 2.

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

SECTION 3.

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 4.

The Township Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. The Township Clerk is further directed to refer this Ordinance to the Township

Land Use Board, pursuant to N.J.S.A. 40:55D-64. Upon the adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16

SECTION 5.

This Ordinance shall take effect after publication and passage according to law.

**TOWNSHIP OF ANDOVER
COUNTY OF SUSSEX, STATE OF NEW JERSEY**

ORDINANCE #2021-04

**AN ORDINANCE TO PROVIDE FOR BODY CAMERAS FOR THE POLICE DEPARTMENT
OF TOWNSHIP OF ANDOVER AND TO PROVIDE
FOR THE FUNDING THEREOF**

BE IT ORDAINED by the Township Committee of the Township of Andover, County of Sussex and State of New Jersey, that the following improvements be properly authorized:

**FUNDING OF THE COST OF BODY CAMERAS FOR THE POLICE
DEPARTMENT FOR A TOTAL COST OF **\$28,000.00****

BE IT FURTHER ORDAINED that the financing for the above be as follows:

CAPITAL IMPROVEMENT FUND **\$28,000.00**

BE IT FURTHER ORDAINED that the period of usefulness of the improvements are in excess of the five (5) year statutory requirement, and that no debt shall be incurred by the Township for this improvement authorization.

The capital budget conforms with the provisions of this ordinance to the extent of any inconsistency therewith and the resolution promulgated by the Local Finance Board showing full details of the Capital Budget and Capital Program as approved by the Director, Division of Local Government Services as on file with the Municipal Clerk is available for public inspection.

The Chief Financial Officer hereby certifies the aforementioned funds are available.

This ordinance shall take effect immediately upon passage and publication in accordance with the law.