

**INDEPENDENCE TOWNSHIP COMMITTEE**  
**Meeting held at the Municipal Building, Great Meadows, NJ.**  
**June 1, 2021 7:00 p.m.**

This is a regular meeting of the Township Committee of Independence Township, Warren County, New Jersey. This meeting was called to order by Mayor Robert Giordano at 7:00 p.m. with the following announcement: "Adequate notice of this meeting was given in accordance with the Open Public Meetings Act by providing a schedule of regular meetings to the Herald Times and The Express Times, posting a copy thereof on the Township bulletin board and filing a copy thereof in the office of the Municipal Clerk." The Pledge of Allegiance to the American Flag was led by Mayor Giordano.

**ROLL CALL:**

**Present:** Mr. Cogle, Mr. Pennington, Mrs. Gesumaria, Mayor Giordano, Mrs. Kelsey and Debi Hrebenak.

**Absent:** none

**Minutes Approval: 5.4.2021**

A motion was made by Mr. Pennington to approve minutes 5.4.21 as written. Mrs. Gesumaria seconded the motion with roll call as follows:

Ayes: Mr. Pennington, Mr. Cogle, Mrs. Gesumaria, and Mayor Giordano

Nays: None recorded

Abstain: Mrs. Kelsey

**Consent Agenda:**

**Resolution 21-42**

2021 Recycling Tonnage Grant

**WHEREAS, NJS 40A: 4-87** provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS,** said Director may also approve the insertion of an item of appropriation for an equal amount, and

**WHEREAS,** the Township of Independence has received notice of an award of \$2,125.24 from the State of New Jersey, Special Legislative Grant and wishes to amend its 2021 Budget to include this amount as a revenue.

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Independence in the County of Warren State of New Jersey hereby requests the Director and the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the amount of \$2,125.24 which is now available as revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated

With Prior Written Consent of the Director of the

Division of Local Government Services:

State and Federal Revenues Off-set with

Appropriations: State of New Jersey Special Legislative Grant

**BE IT FURTHER RESOLVED,** that the sum of \$2,125.24  
Be and the same is hereby appropriated under the caption of  
General Appropriations:

(a) Operations Excluded from CAPS

State and Federal Programs Off-Set by  
Revenues: 2021 Recycling Tonnage Grant

**BE IT FURTHER RESOLVED**, that the Township Clerk forward one certified copy of this resolution to the Director of Local Government Services for approval.

#### **Resolution 21-43**

##### 2021 Clean Communities Grant

**WHEREAS, NJS 40A: 4-87** provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount, and

**WHEREAS**, the Township of Independence has received notice of an award of \$15,658.53 from the State of New Jersey, Special Legislative Grant and wishes to amend its 2021 Budget to include this amount as a revenue.

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Independence in the County of Warren State of New Jersey hereby requests the Director and the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the amount of \$15,658.53 which is now available as revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated  
With Prior Written Consent of the Director of the  
Division of Local Government Services:  
State and Federal Revenues Off-set with  
Appropriations: State of New Jersey Special Legislative Grant

**BE IT FURTHER RESOLVED**, that the sum of \$15,658.53  
Be and the same is hereby appropriated under the caption of  
General Appropriations:

- (a) Operations Excluded from CAPS  
State and Federal Programs Off-Set by  
Revenues: 2021 Clean Communities Grant

**BE IT FURTHER RESOLVED**, that the Township Clerk forward one certified copy of this resolution to the Director of Local Government Services for approval.

#### **Resolution 21-44**

##### **Title or Subject: 2021-2022 Renewal Liquor Licenses**

**WHEREAS**, the renewal applications for the following liquor licenses have been submitted to the Municipal Clerk with the proper fees, and

**WHEREAS**, Clearance certificates from the State Division of Taxation have been received by the Municipal Clerk for all of the licenses, and

**WHEREAS**, the Chief of Police has not indicated the need for special restrictions on any of the establishments,

**NOW, THEREFORE, BE IT RESOLVED** by the Independence Township Committee, that the following liquor licenses be renewed for the period of July 1, 2021 thru June 30, 2022:

**Club:**  
**Independence Twp Vol Fire Dept**

**2112-31-010-001**

***Retail:***

<b>Zoey's LLC</b>	<b>2112-33-001-012</b>
<b>Nykuns Store Inc</b>	<b>2112-33-004-002</b>
<b>Top Of The Hill Entertainment LLC</b>	<b>2112-33-003-005</b>
<b>Stage Dolls Inc</b>	<b>2112-33-006-009</b>
<b>133 Route 46 LLC</b>	<b>2112-32-002-007</b>

Mr. Cogle made a motion to approve Resolutions 21-42, and 21-43 as written. Mayor Giordano seconded the motion with roll call as follows:

Ayes: Mr. Cogle, Mr. Pennington, Mrs. Gesumaria, Mrs. Kelsey and Mayor Giordano  
Nays: None recorded  
Abstain: None recorded

Mr. Cogle made a motion to approve Resolutions 21-44 as written. Mayor Giordano seconded the motion with roll call as follows:

Ayes: Mr. Cogle, Mrs. Kelsey, Mrs. Gesumaria and Mayor Giordano  
Nays: None recorded  
Abstain: Mr. Pennington

**DEPARTMENT REPORTS:**

Tax Collector – Report submitted via email  
Construction/Zoning – Reports submitted via email.  
Environmental – Spring Cleanup went well  
Treasurer – waiting on tax rate.  
Recreation/Green Acres – Everything going well. Mr. Palko gave an update  
Police – Report submitted via email. Speed sign delivered.  
Emergency Services – nothing to report  
DPW – Report submitted via email. New gas pump being installed.  
Municipal Clerk: Election next Tuesday. July workshop meeting cancelled  
Land Use Board – Mr. Fuela advised that there was 1 application heard at the meeting.  
Board of Education – no report.

**PROFESSIONAL REPORTS:**

Attorney Parikh: No report

Engineer Finelli: No report

**OLD BUSINESS:** None

**NEW BUSINESS:**

*Introduction/First Reading*

**ORDINANCE NO. 2021-04**

**AN ORDINANCE OF THE TOWNSHIP OF INDEPENDENCE AMENDING THE TOWNSHIP'S LAND USE REGULATIONS TO PROHIBIT ALL CLASSES OF CANNABIS BUSINESSES WITHIN THE TOWNSHIP TO ALLOW THE TOWNSHIP MORE TIME AND FLEXIBILITY IN DETERMING POTENTIAL PERMITTED USES**

**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 twenty-one 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 twenty-one 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 one 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 purchased 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 of 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; an

**WHEREAS**, the Cannabis Regulatory Commission (Commission), established pursuant to section 31 of P.L.2019, c.153 (C.24:6I-24), is charged with, among other things, the responsibility to adopt rules and regulations prepared by the Commission necessary or proper to enable it to carry out its duties, functions, and powers with respect to overseeing the development, regulation, and enforcement of activities associated with the personal use of cannabis pursuant to P.L.2021, c.16 (C.24:6I-31 et al.). within 180 days after the effective date of P.L.2021, c.16; and

**WHEREAS**, the timing of the Commission's promulgation of those aforementioned rules is not likely to leave municipalities sufficient time to review and consider the implications for developing local regulations regarding cannabis establishments, cannabis distributors or cannabis delivery services; and

**WHEREAS**, the Mayor and Township Committee of the Township of Independence 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 Independence in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety, and welfare of the Township's residents and members of the public to amend the Township's zoning regulations to prohibit all manners of marijuana-related land use and development within the Township; and

**WHEREAS**, the Mayor and Township Committee of the Township of Independence has determined that, a resolution to prohibit all manner of marijuana-related land use and development within the Township prior to August 22, 2021, would

not preclude the Township from taking later action, at a time of the Township's choosing and as permitted by P.L.2021, c.16, to allow marijuana-related land use; and

**WHEREAS**, officials from 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 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 Independence, County of Warren, State of New Jersey, as follows:

**SECTION 1. Preamble incorporated.** The preamble to this ordinance is hereby incorporated as if fully restated herein.

**SECTION 2. Cannabis businesses prohibited.** Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (*P.L.* 2021, *c.* 16) (the "Act"), all cannabis establishments, cannabis distributors or cannabis delivery services as said terms are defined in section 3 of the Act and in Chapter \_\_\_\_\_ of the "Code of the Township of Independence" are hereby prohibited from operating anywhere in the Township of Independence, except for the delivery of cannabis items and related supplies within the Township by a delivery service located outside of the Township.

**SECTION 3. Chapter 255 Section 3 of the Township Code amended.** "Definitions" in Chapter 225 Section 3 (255-3) "Land Development" of the "Code of the Township of Independence" ("Code" or "Township Code") is hereby amended by adding thereto the following new definitions:

**CANNABIS CULTIVATOR**

Any person or entity holding a Class 1 Cannabis Cultivator license issued by the State of New Jersey that grows, cultivates, or produces cannabis in the State of New Jersey, 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.

#### CANNABIS DELIVERY

The transportation of cannabis items and related supplies to a consumer. “Cannabis delivery” also includes the use by a licensed cannabis retailer of any third party technology platform to receive, process, and fulfill orders by consumers, which third party shall not be required to be a licensed cannabis establishment, distributor, or delivery service, provided that any physical acts in connection with fulfilling the order and delivery shall be accomplished by a certified cannabis handler performing work for or on behalf of the licensed cannabis retailer, which includes a certified cannabis handler employed or otherwise working on behalf of a cannabis delivery service making off-premises deliveries of consumer purchases fulfilled by that cannabis retailer.

#### CANNABIS DELIVERY SERVICE

Any person or entity holding a Class 6 Cannabis Delivery license issued by the State of New Jersey that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer.

#### CANNABIS DISTRIBUTOR

Any person or entity holding a Class 4 Cannabis Distributor license issued by the State of New Jersey that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports 40 cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities.

#### CANNABIS ESTABLISHMENT

A cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

#### CANNABIS MANUFACTURER

Any person or entity holding a Class 2 Cannabis Manufacturer license issued by the State of New Jersey, 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.

#### CANNABIS RETAILER

Any person or entity holding a Class 5 Cannabis license issued by the State of New Jersey that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis 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.

#### CANNABIS WHOLESALER

Any person or entity holding a Class 3 Cannabis Wholesaler license issued by the State of New Jersey that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers.

**SECTION 4. 255-3.1 of the Township Code amended.** Section 3.1, “Prohibited Uses” in Chapter 255, “Land Development” of the Township Code is hereby amended to read as follows (new text is underlined thus; deleted text is in brackets [thus]):

§ Z-104 Prohibited Uses.

B. The following uses are also expressly prohibited in all Zone Districts:

(1) The operation of any and all classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in this chapter and in section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies within the Township by a cannabis delivery service located outside the Township.

**5. Referral to Planning Board.** Following introduction and prior to adoption, the Clerk shall cause a copy of this ordinance to be referred to the Township of Independence Land Use Board for review pursuant to *N.J.S.A.* 40:55D-26.

**6. Repealer.** All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

**7. Severability.** If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the courts 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 valid and enforceable.

**8. Effective Date.** This ordinance shall take effect twenty days from the date of its adoption and upon filing with the Warren County Planning Board, as required pursuant to *N.J.S.A.* 40:69A-181 and *N.J.S.A.* 40:55D-16.

A motion was made by Mr. Cogle to adopt Ordinance 2021-04 for First Reading. Mrs. Kelsey seconded the motion with roll call as follows:

Ayes: Mr. Cogle, Mrs. Kelsey, Mr. Pennington, Mrs. Gesumaria, and Mayor Giordano

Nays: None recorded

Abstain: None recorded.

Second reading and public hearing will be on July 13, 2021



**ORDINANCE # 2021-05**

**AN ORDINANCE PROVIDING FOR THE ACQUISITION OF CAPITAL PURCHASES BY THE TOWNSHIP OF INDEPENDENCE, IN THE COUNTY OF WARREN, NEW JERSEY, APPROPRIATING NOT IN EXCESS OF \$20,000 THEREFOR FROM THE CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP.**

**BE IT ORDAINED BY THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF INDEPENDENCE, IN THE COUNTY OF WARREN, NEW JERSEY, AS FOLLOWS:**

Section 1. The improvement described in Section 2 of this ordinance is hereby authorized as a general improvement to be made or acquired by The Township of Independence, in the County of Warren, New Jersey. For the said improvement or purpose stated in said Section 2, there is hereby appropriated the sum of \$20,000 (or such lesser amount as may be determined by the Administrator or the Chief Financial Officer upon determination of the actual cost of the improvement or purpose described in Section 2 below) from the moneys available in the Capital Improvement Fund of the Township.

Section 2. The improvements hereby authorized and purpose for which said appropriation is made is the acquisition, by purchase, of police equipment, including but not limited to body worn cameras, by the Township for use by the Independence Police Department, (estimated cost \$20,000 to be funded from the Capital Improvement Fund).

Section 3. The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved, by the Director, Division of Local Government Services are on file with the Township Clerk and are available for public inspection.

Section 5. This ordinance shall take effect after publication after final adoption, as provided by law.

A motion was made by Mr. Cogle to adopt Ordinance 2021-05 for First Reading. Mrs. Kelsey seconded the motion with roll call as follows:

Ayes: Mr. Cogle, Mrs. Kelsey, Mr. Pennington, Mrs. Gesumaria, and Mayor Giordano  
Nays: None recorded  
Abstain: None recorded.

Second reading and public hearing will be on July 13, 2021

**PUBLIC COMMENT:** Mr. Wiseman asked about the speed sign.

**BILLS:** A motion was made by Mr. Cogle to pay the bills as presented. Mrs. Kelsey seconded the motion with roll call as follows:

Ayes: Mr. Cogle, Mr. Pennington, Mrs. Kelsey, Mrs. Gesumaria and Mayor Giordano

Nays: None recorded

Abstain: None recorded

**EXECUTIVE SESSION: 7:35 pm – 8:00 pm**

The following Resolution was approved at 7:35 p.m. to enter Executive Session with a motion by Mr. Cogle, seconded by Mrs. Kelsey and followed by a unanimous roll call.

**WHEREAS: N.J.S. 2:4-12, Open Public Meetings Act,** permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist:

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Independence, County of Warren, State of New Jersey, as follows:

The public shall be excluded from discussion of the hereinafter specified subject matters;

The general nature of the subject matter to be discussed is as follows:

Personnel Matter

It is anticipated at this time that the above matter will be made public upon completion of the matter discussed.

A motion was made by Mr. Cogle at 8:00 p.m. to exit the executive session, seconded by Mrs. Kelsey followed by a roll call of all ayes

Mayor Giordano stated that Personnel Matter issues were discussed and no action will be taken at this time.

**ADJOURNMENT:** A motion was made by Mr. Cogle to adjourn the meeting at 8:10 p.m. Mrs. Gesumaria seconded the motion with roll call as follows:

Ayes: Mr. Cogle, Mr. Pennington, Mrs. Kelsey, Mrs. Gesumaria, and Mayor Giordano

Nays: None recorded

Abstain: None recorded

Respectfully submitted,

Deborah M. Hrebenak, RMC/CMR  
Municipal Clerk