



**Regular Meeting Agenda
STOCKTON BOROUGH COUNCIL
May 10, 2021**

Join Zoom Meeting/Webinar

<https://us02web.zoom.us/j/87041657593?pwd=NTdiS0s3U2pHSWJ5MzhSWVpjXBBdz09>

Webinar ID: 870 4165 7593

Passcode: 876483

Dial by your location: +1 646 558 8656

ADEQUATE NOTICE OF THIS MEETING HAS BEEN PROVIDED BY A NOTICE MAILED TO THE HUNTERDON COUNTY DEMOCRAT AND THE TRENTON TIMES, POSTED ON THE BOROUGH WEBSITE, ON THE WINDOW OF BOROUGH HALL AND FILED WITH THE BOROUGH CLERK AS REQUIRED BY LAW.

1. Flag Salute/Roll Call
2. Open Public Comments (for items not on the agenda)
Motion to close meeting to the public
3. Correspondence:
Letters regarding Stockton Inn/Avon Partners
Petition to Rescind Resolution No. 2021-26A - Kenneth Kozuhowski
Notice of Violations - Borough Hall
4. Ordinance No. 21-04 – Second Reading /Public Hearing - Cannabis Businesses Prohibition/Opt-Out
 - (a) Read by title
 - (b) Explanation
 - (c) Meeting open to the public/motion to close meeting to the public
 - (d) Resolution No. 2021-39
5. Claims for Payment
6. Discussion – Take Out Window at Stockton Market
7. Meeting open to the public/Motion to the close the meeting to the public
8. Council Liaison Reports
9. Next Meeting(s): June 8, 2021 – Regular Meeting (7 pm Zoom)
Special Meeting to Introduce 2021 Budget (date tbd)
10. Adjournment

ORDINANCE NO. 21-04

AN ORDINANCE OF THE BOROUGH OF STOCKTON, COUNTY OF HUNTERDON, NEW JERSEY, AMENDING THE LAND USE REGULATIONS OF THE BOROUGH OF STOCKTON TO PROHIBIT ALL CLASSES OF CANNABIS BUSINESSES WITHIN THE BOROUGH

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.

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 Mayor and Council of the Borough of Stockton have 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 Stockton Borough in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Stockton Borough residents and members of the public who visit, travel, or conduct business in the Borough, to amend the Borough's zoning regulations to prohibit all manner of marijuana-related land use and development within the Borough; 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 Mayor and Council of the Borough of Stockton, County of Hunterdon and State of New Jersey, as follows:

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

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 are hereby prohibited from operating anywhere in the Borough of Stockton, except for the delivery of cannabis items and related supplies within the Borough by a delivery service located outside of the Borough.

3. Article 2 of the Land Use Ordinances of the Borough of Stockton. Article 2, “Definitions” of the Land Use Ordinances of the Borough of Stockton, is hereby amended by adding thereto the following new definitions:

2.60(a) 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.

2.60(b) 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.

2.60(c) 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.

2.60(d) 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.

2.60(e) CANNABIS ESTABLISHMENT

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

2.60(f) 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.

2.60(g) 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.

2.60(h) 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.

4. The Land Use Ordinances of the Borough of Stockton are hereby amended to add a new prohibited use in all zones as follows:

Prohibited uses.

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 Borough by a cannabis delivery service located outside the Borough.

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 Stockton Borough Planning 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 Hunterdon County Planning Board, as required pursuant to *N.J.S.A. 40:69A-181* and *N.J.S.A. 40:55D-16*.

ATTEST:

Michele Hovan, Borough Administrator/Clerk

Timothy J. Nemeth, Mayor

Introduced:

Referred to Planning Board:

Adopted:

RESOLUTION

NO. 2021-39

ADOPTED: May 10, 2021

BE IT RESOLVED that Ordinance No. 21-04 entitled," AN ORDINANCE OF THE BOROUGH OF STOCKTON, COUNTY OF HUNTERDON, NEW JERSEY, AMENDING THE LAND USE REGULATIONS OF THE BOROUGH OF STOCKTON TO PROHIBIT ALL CLASSES OF CANNABIS BUSINESSES WITHIN THE BOROUGH" be adopted.

ATTEST:

Michele Hovan
Borough Administrator/Clerk

Timothy J. Nemeth
Mayor

List of Bills - (All Funds)

Meeting Date: 05/10/2021 For bills from 04/12/2021 to 05/10/2021

Vendor	Description	Payment	Check Total
Current Fund			
709 - Banisch Associates	PO 5603 Planner Expenses	4,110.90	4,110.90
674 - COMCAST	PO 5633 2 S Main St.	244.33	244.33
676 - County of Hunterdon	PO 5599 County Open Space Tax	6,476.63	6,476.63
676 - County of Hunterdon	PO 5600 county tax	70,829.13	70,829.13
676 - County of Hunterdon	PO 5601 county Library Tax	6,823.71	6,823.71
843 - CSM/Neact/SoftSource	PO 5620 Monthly web support	105.00	105.00
855 - Diane McDaniel, Petty Cash	PO 5593 reimburse Petty cash	36.59	36.59
665 - East Amwell Twp	PO 5624 Shared Court - contract (May 2021)	925.00	925.00
848 - Eckert Seamans Cherin & Mellott	PO 5609 township Attorney expenses March 2021	6,370.50	6,370.50
59 - Elizabethtown Gas	PO 5604 Natural Gas Bill - Town Hall	93.43	93.43
800 - Hunterdon County Assessor's Assoc.	PO 5618 2021 Membership Dues - Trivigno	150.00	150.00
667 - JCP&L	PO 5610 Master Invoice	1,521.69	1,521.69
667 - JCP&L	PO 5614 Bridge St. Lighting	142.04	142.04
667 - JCP&L	PO 5615 Rt. 29	14.67	14.67
910 - Kate Deemer	PO 5500 Office Cleaning - JAN-APR 2021	208.00	208.00
56 - Mason, Griffin, & Pierson	PO 5608 Legal services for the Month of March 20	1,853.00	1,853.00
831 - Office Concepts Group	PO 5585 Stapler, Towels Batteries	59.11	59.11
671 - Republic Services	PO 5522 recycling/trash	6,365.51	6,365.51
816 - Richard Smith	PO 5627 Certified Recycling Professional	100.00	100.00
851 - RICOH USA	PO 5519 copier lease - JAN-APR 2021	99.30	99.30
852 - Sowsian's Landscaping	PO 5628 3 grass mowing - April 2021	975.00	975.00
852 - Sowsian's Landscaping	PO 5631 Fill in Pot Holes On Moore Street	375.00	375.00
95 - Statewide Insurance Fund	PO 5632 Installment 2 of 4	7,297.50	7,297.50
52 - Treasurer, St. of NJ	PO 5605 State Marriage License fees - 1st Quarter	25.00	25.00
10 - Treasurer-State of NJ	PO 5626 NJDEPE Discharge Permit - Renewal	500.00	500.00
683 - USI Insurance/WF	PO 5607 renewal - crime	150.00	150.00
	PO 5617 Bond Renewal - CFO	475.00	625.00
Water Utility Fund			
674 - COMCAST	PO 5598 4 Hillop Drive	108.30	108.30
855 - Diane McDaniel, Petty Cash	PO 5594 REIMBURSE PETTY CASH	10.00	10.00
867 - Flagger Force Traffic Control Svc	PO 5559 Ferry Water Service Repair	1,568.63	1,568.63
667 - JCP&L	PO 5611 water-Hilltop Dr Water Tank - Electric	840.99	840.99
667 - JCP&L	PO 5612 water-Hilltop Dr Water Tank - Electric	309.21	309.21
701 - John P Martin Excavating LLC	PO 5558 Leak Repair 1 Ferry St	3,200.00	3,200.00
53 - One Call Concepts, Inc.	PO 5621 MARK OUT	17.16	17.16
797 - Pelican Swim & Ski Center Inc.	PO 5625 chlorine	624.00	624.00
703 - Q.C. Labs/Eurofins	PO 5622 water testing - FEB 2021	1,512.12	1,512.12
	PO 5623 water testing	3,411.94	4,924.06
852 - Sowsian's Landscaping	PO 5629 mowing - water tower, well house	487.50	487.50
193 - State of NJ - PWT	PO 5602 Jan-March 2021	21.51	21.51
Sewer Utility Fund			
674 - COMCAST	PO 5596 60 S. Main St.	163.30	163.30
855 - Diane McDaniel, Petty Cash	PO 5595 REIMBURSE PETTY CASH	10.00	10.00
667 - JCP&L	PO 5613 sewer	442.97	442.97
852 - Sowsian's Landscaping	PO 5630 mowing - sewer pump station	487.50	487.50
Dog Trust			
42 - NJ Dept. of Health &	PO 5606 NJ State Dog License Report	15.60	15.60
TOTAL			129,556.77

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
100003	Cash -Northfield			0.00	116,326.04

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
101223	Amt. Due to State of NJ			25.00	
101404	County Tax Payable			70,829.13	
101405	County Open Space Tax Payable			6,476.63	
101406	County Library Tax Payable			6,823.71	
10AF10	Municipal Clerk OE	195.00			
10AF10	COMPUTER SUPPORT OE	105.00			
10AT10	Assessment of Taxes OE	150.00			
10DA10	Legal Services OE	6,370.50			
10EG10	Public Buildings & Grounds OE	208.00			
10FB39	Professional Consultant-Legal	1,853.00			
10FB59	Professional Consultants-Planner	4,043.40			
10FB59A	(2020) Professional Consultants-Planner		67.50		
10GS33	Workers Comp Insurance	3,604.50			
10GS34	Other Insurances	3,843.00			
10GS35	Surety Bond Premium	475.00			
10NR10	Public Works OE	875.00			
10RC10	Recycling OE	1,332.98			
10RP10	Recreation & Parks OE	975.00			
10TD10	Street Lighting	1,678.40			
10TE10	Garbage & Trash Removal	5,132.53			
10TI10	Telephone	244.33			
10TJ10	Natural Gas	93.43			
10UA10	Municipal Court OE	925.00			
TOTALS FOR	Current Fund	32,104.07	67.50	84,154.47	116,326.04
200003	Cash- Northfield			0.00	12,111.36
20WF10	Water OE	8,829.42			
20WF10A	(2020) Water OE		3,281.94		
TOTALS FOR	Water Utility Fund	8,829.42	3,281.94	0.00	12,111.36
300003	Cash- Northfield			0.00	1,103.77
30SF10	Sewer OE	1,103.77			
TOTALS FOR	Sewer Utility Fund	1,103.77	0.00	0.00	1,103.77
600005	Cash- Northfield			0.00	15.60
601004	Due to State of NJ			15.60	
TOTALS FOR	Dog Trust	0.00	0.00	15.60	15.60

Total to be paid from Fund 10 Current Fund	116,326.04
Total to be paid from Fund 20 Water Utility Fund	12,111.36
Total to be paid from Fund 30 Sewer Utility Fund	1,103.77
Total to be paid from Fund 60 Dog Trust	15.60
	<u>129,556.77</u>

Checks Previously Disbursed

51521	R & L Data Centers Inc.	PO# 5619	**BANK DRAFT	Payroll processing	278.04	5/14/2021
					<u>278.04</u>	

Totals by fund	Previous Checks/Voids	Current Payments	Total
Fund 10 Current Fund	278.04	116,326.04	116,604.08
Fund 20 Water Utility Fund		12,111.36	12,111.36
Fund 30 Sewer Utility Fund		1,103.77	1,103.77
Fund 60 Dog Trust		15.60	15.60

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
	BILLS LIST TOTALS	278.04	129,556.77	<u>129,834.81</u>	