

Thursday, March 18, 2021 - 7:30 pm

PRESENT: Ken Whildin, Mayor
Bill Ashton, Deputy Mayor
Joe Sterling, Committeeman
Frank DiDomenico, Solicitor
Cormac Morrissey, Engineer (via Teleconference)
Denise L. Peterson, Municipal Clerk

This meeting has been advertised in accordance with the statutes of the State of New Jersey.

This meeting was conducted by teleconference in adherence of the COVID-19 guidelines. Notification was posted on the Township website to provide for public attendance and comment.

Mayor Whildin called the meeting to order; the Pledge of Allegiance followed.

ROLL CALL: Mr. Whildin, present
Mr. Ashton, present
Mr. Sterling, present

APPROVAL OF MINUTES

Mr. Ashton made a motion to approve the minutes of prior meetings, seconded by Sterling

Roll Call: Ayes – Ashton, Sterling, Whildin Nays – None

PRESENTATIONS

1. **N.J.S.P.** –no representative from N.J.S.P. was present to provide a report.

FIRST PUBLIC COMMENTS SESSION

Mr. Ashton made a motion to open the first public comment session noting the time at 7:31 pm; seconded by Mr. Sterling.

Roll Call: Ayes – Ashton, Sterling, Whildin Nays - None

There being no public comment Mr. Ashton made a motion to close the first public comment session noting the time at 7:32 pm; seconded by Mr. Sterling.

Roll Call: Ayes – Ashton, Sterling, Whildin Nays – None

ORDINANCES

Ordinance 701

The clerk provided the second reading by title of Ordinance 701: Calendar Year 2021 Ordinance To Exceed The Municipal Budget Appropriation Limits And To Establish A Cap Bank (N.J.S.A. 40a: 4-45.14)

Mr. Ashton made a motion to open the public hearing on Ordinance 701; seconded by Mr. Sterling.

Roll Call: Ayes – Ashton, Sterling, Whildin Nays – None

There being no public comment, Mr. Ashton made a motion to close the public hearing on Ordinance 701; seconded by Mr. Sterling.

Roll Call: Ayes – Ashton, Sterling, Whildin Nays – None

Mr. Ashton made a motion to adopt Ordinance 701; seconded by Mr. Sterling.

Roll Call: Ayes – Ashton, Sterling, Whildin Nays - None

Ordinance 702

The clerk provided the first reading by title of Ordinance 702: An Ordinance Of Maurice River Township, Cumberland County, Prohibiting The Operation Of Any Class Of Cannabis Businesses Within Its Geographical Boundaries And Amending The Code Of The Township Of Maurice River By Adding Chapter 22.

Mr. Ashton made a motion to approve Ordinance 702 on first reading and to set the date and time for public hearing for Thursday, April 15, 2021 at 7:30 pm; seconded by Mr. Sterling.

Roll Call: Ayes – Ashton, Sterling, Whildin Nays – None

Ordinance 703

The clerk provided the first reading by title of Ordinance 703: An Ordinance Of Maurice River Township, Cumberland County, Prohibiting The Operation Of Any Class Of Cannabis Businesses Within Its Geographical Boundaries And Amending The Code Of The Township Of Maurice River Chapter 35, Land Use

Mr. Ashton made a motion to approve Ordinance 703 on first reading and to set the date and time for public hearing for Thursday, April 15, 2021 at 7:30 pm; seconded by Mr. Sterling.

Roll Call: Ayes – Ashton, Sterling, Whildin Nays – None

Mr. DiDomenico explained that Ordinance 703 must be forwarded to the Land Use Board for review and they must provide recommendations within 35 days. Resolution No. 60-2021 is listed on the Consent Agenda to formally forward the Ordinance to the Land Use Board.

CONSENT AGENDA

CONSENT AGENDA: All matters listed with an asterisk (*) are considered to be routine and non-controversial by the Township Committee and will be approved by one motion. There will be no separate discussion of these items unless a 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.

Resolutions

- *1. Resolution No. 52-2021 A Resolution Authorizing Maurice River Township To Enter Into An Agreement For The Supplying And Delivering Of Various Traffic Signs And Materials Pursuant To Its Participation As A Member Of The Cumberland County Cooperative Pricing System Garden State Highway Products, Inc. For Section #6
- *2. Resolution No. 54-2021 A Resolution For Endorsement Of A Proposed Holding Tank Installation For Sanitary Sewage For 69 Bay Avenue Block 327, Lot 34, Maurice River Township
- *3. Resolution No. 55-2021 A Resolution Amending Resolution No. 137-2020 To Reflect The Name Change Of Maser Consulting To Colliers Engineering & Design, Inc
- *4. Resolution No. 56-2021 A Resolution Acknowledging Satisfaction In Full By Paul M. Roche Of The Bayshore Housing Program Mortgage Held By Maurice River Township And Authorizing The Execution Of A Discharge Of Mortgage
- *5. Resolution No. 57-2021 A Resolution Approving The 2021 Budget To Be Read By Title Only
- *6. Resolution No. 58-2021 A Resolution Supporting A Motorcycle Event To Be Held By Competition Dirt Riders On Private Property Sunday, June 27 2021.
- *7. Resolution No. 59-2021 A Resolution To Create The Plan Endorsement Citizens’ Advisory Committee

- | | | |
|--------------------|---------|--|
| *8. Resolution No. | 60-2021 | A Resolution Referring To The Land Use Board A Draft Ordinance Amending The Land Use Ordinance Prohibiting The Operation Of Any Class Of Cannabis Businesses Within Maurice River Township |
|--------------------|---------|--|

Routine Items

- *1. South Jersey Gas submitted an application for a street opening permit – Hall Road (176’ to 2158’ S c/l of Main St). Approval contingent on receipt of applicable fees.

Mr. Ashton made a motion to adopt the resolutions and approve the routine items listed on the consent agenda; seconded by Mr. Sterling.

Roll Call: Ayes – Ashton, Sterling, Whildin Nays – None

TOWNSHIP COMMITTEE REPORTS

Joe Sterling, Committeeman

Mr. Sterling reported the following:

1. Things are moving forward regarding the FEMA paperwork. Inspectors will be coming out to look at brush and the Bay Avenue bulkhead. There is a possibility that funding will be available to have this bulkhead remediated.
2. The costs for animal sheltering is still be discussed.
3. There is Restaurant Revitalization Fund available to help with losses/expenses due to COVID. He would like this information forwarded to the local businesses for their review.

Bill Ashton, Deputy Mayor

Mr. Ashton reported the following:

1. The quarterly Brownfields meeting was held and there is potential to move forward with the Ackley property. The Environmental Consultant is trying to obtain additional funding through NJDEP for this site.
2. All grant funds under USEPA for Cheli have been exhausted. Information is being sought to see if HDSRF set-aside funds are available to get additional work complete.
3. Consultants were on-site at the landfill for the Targeted Brownfields Assessment grant They should have the ‘draft’ report complete by end of March.
4. A teleconference was held with Atlantic City Electric to obtain an update on the status of the 50 streetlights being replaced with LED. They are currently replacing these 50 lights and the work should be completed in the next couple weeks. ACE also offered to do an additional 11 lights at no added expense. Mr. Ashton suggested that the Township Committee look at creating a second list of additional streetlights to be replaced.
5. The clerk sent an email to Shore Animal regarding the incident that occurred on February 19th. Linda Gentile provided information on what to do in an emergency situation. Generally, they respond to messages left on their voice mail within 10 minutes as the ACO on call will receive notice via beeper. Further the New Jersey State Police are provided with the SAC officer on call information every night and can be contacted regarding emergencies.
6. There was a tree at the end of Main Street that was slowly creeping down into the roadway. He contacted the County Public Works and the very next day they took the tree down. Mr. Ashton was told to contact the county with these issues.

Ken Whildin, Mayor

Mr. Whildin reported the following:

1. Regarding the situation on February 19th, SAC explained that they make notice to NJSP of the ACO between the hours of 7 pm and 9 pm. On this date they did not make this

notice until 10:05 pm per their monthly report. Mr. Whildin checked his cell phone call log and the calls he received that evening were between 9:46 pm and 9:49 pm. This late notice to NJSP appears to be the problem.

2. He has spoken with Dave Golden, NJDEP, regarding the license agreement language problem for the East Point Lighthouse. Further discussion took place at a meeting with the NJDEP Acting Commissioner where Congressman Van Drew and Senator Testa were in attendance. He is hopeful this will move things toward the reopening of the lighthouse.
3. The CDC and Dollar General are discussing the possibility of having COVID vaccinations available at the Dollar General stores.

PROFESSIONAL REPORTS

Engineer

Mr. Morrissey provided the following report:

Road Program – Mr. Morrissey stated that he did a re-evaluation of Deerwood and it certainly needs work. Design work will need to be completed prior to placing out for bid. Mr. Morrissey questioned including additional roadways such as Harriet & Taylor.

Newell Road Guiderail – The estimate is around \$22,000. Authorization is needed to go out for bid for this project.

Moore's Beach Culvert – this project is being reviewed and discussion with NJDEP representative Dave Golden has taken place.

Mr. Whildin explained that NJDEP is willing to work with the Township on this project. "Private property" needs to be looked at in this area and how it will be affected. Mr. Morrissey explained that the berm will be placed in the right-of-way and it does not appear that this will be filling in the wetlands. Mr. Whildin questioned whether a permit will be needed.

Bricksboro – the culvert needs to be replaced to promote discharge.

The consensus of the Township Committee was to move forward with this project.

Mr. Morrissey explained that there is a pole located near the PW garage that has posed concern for a few years and possibly ACE can be asked to move the pole out of the way.

Fox Street Access – Comments have been received from Pinelands and a response has been sent to them. Notification must be sent after review by Pinelands. Once Pinelands review is complete then this can be moved onto Green Acres.

Stormwater Ordinance – The stop monitor will be retroactive to March 2nd. The County Planning Board has 60 days to approve. Currently Mr. Morrissey is working on the design. This stormwater ordinance places restrictions but some concessions can be made. If the Dollar General were constructed today this ordinance would have impacted that construction.

Mr. Ashton confirmed that notices were sent to all residents within 200 feet to make notice of the approval be sought from Pinelands on the Fox Street project. Concept plan can be reviewed at the Clerk's office. A public hearing will be held at a later date to get input from the public. Mr. Morrissey indicated this is both appropriate and required.

Mr. Ashton made a motion to proceed with the bid process for Deerwood and Harriet paving, the guiderail on Newell Road and the culvert work in Bricksboro; seconded by Mr. Sterling.

Roll Call: Ayes – Ashton, Sterling, Whildin Nays - None

Solicitor

Mr. DiDomenico provided the following report:

1. Two ordinances were introduced tonight by the Township, in response to the newly enacted state law on cannabis-marijuana legalization. Under these two ordinances people can still use marijuana and delivery can be made. Mr. DiDomenico recommended that the Township Committee look at areas in the Township that marijuana use is restricted. If areas are restricted in the Township then fines and penalties must be established. The Land Use Board must review these ordinances and make recommendation to the Township Committee. The Township Committee can either accept or deny the LUB recommendations. If denied the Township Committee must provide a ‘reasons’ resolution.

Mr. Ashton questioned how this will affect workplace policy. Mr. DiDomenico explained that an employer cannot refuse to hire someone because they use marijuana but can test to see if they are under the influence once employed. Mr. DiDomenico explained that employers will need to rewrite employee policies. Mr. Ashton questioned whether marijuana could be smoked at cigarette smoking stations while an employee is on break or out to lunch. Mr. DiDomenico replied that this is all a learning curve and there are employees who will push the issue.

Mr. Morrissey commented that ‘vaping’ will make it very easy to smoke marijuana.

OLD BUSINESS

1. Discuss Forest Fire Service and Hunters Mill Road

Mr. Whildin provided an update that Forest Fire believes it would be best for the Township to pay their employee for the grading of Hunters Mill Road; this will be 40 hours at \$15 an hour. Mr. DiDomenico explained that cannot do this unless they are a 1099 employee; the Township cannot avoid paying payroll taxes by not paying our own employee. Mr. Whildin provided that the total for all work would be \$600. Mr. DiDomenico expressed concern over this being an IRS issue.

Tabled for discussion at a later date.

I. ANNOUNCEMENTS

1. The Municipal Offices are closed on Friday, April 2, 2021 in observance of the Easter Holiday.

REPORTS

Treasurers Report	\$1,321,175.78
Road Dept. Report – February 2021	
Shore Animal Control Monthly Report February 2021	
Annual Report of Tax Collection for 2020	

Mr. Ashton made a motion to accept the above reports, seconded by Mr. Sterling

Roll Call: Ayes – Ashton, Sterling, Whildin Nays - None

PAYMENT OF BILLS

Allen J. Foster	56.30
Ashley Criss	90.50
Amtrust North America	3,918.00
Accses New Jersey, Inc.	744.40
Alfred J. Verderose, Esq.	250.00
Atlantic City Electric	4,663.09
AFLAC	131.76
Benny Electric	200.00
Benny Electric	900.00
Benny Electric	950.00
Benny Electric	650.00
Benny Electric	650.00
Benny Electric	540.00
Comcast Cable	300.75
Comcast Cable	719.30
CM3 Building Solutions	482.00
CM3 Building Solutions	224.00
CEUnion	55.00
S.J. Regional Animal Shelter	1,294.00
Caprioni Portable Toilets Inc.	675.00
City of Bridgeton	1,360.00
Dixon Assoc. Engineering, LLC	270.00
Dixon Assoc. Engineering, LLC	270.00
Dixon Assoc. Engineering, LLC	67.50
Dixon Assoc. Engineering, LLC	540.00
Dixon Assoc. Engineering, LLC	167.50
Denise L. Peterson	542.65
Donna M. Jacoby	300.00
Donna M. Jacoby	151.20
Donna M. Jacoby	64.68
Donna M. Jacoby	20.66
Frank DiDomenico	1,153.05
Frank DiDomenico	1,000.00
Gordon L. Gross	152.83
Jack's Auto Service, LLC	968.42
Linda Dedrick	150.00
Mid-Atlantic Salt, LLC	2,335.32
Mid-Atlantic Salt, LLC	3,462.06
M.R.T. Recreation Assoc.	2,100.00
Maurice River Township BOE	188.38
Maurice River Township BOE	257,108.00
MGL Printing Solutions	816.00
Major Petroleum Industries	1,112.04
Major Petroleum Industries	982.96
NJ State Dept of Health & Sr	108.00
New York Life Insurance Co.	90.24
NJ Advance Media	23.36
NJ Advance Media	131.85
NJ Advance Media	9.18
NJ Civil Service Association	280.00
Pinelands Municipal Council	100.00
Prudential	64.67
Pineland Construction, LLC	30,781.78
Riggins Inc.	470.42
Riggins Inc.	359.66
Riggins Inc.	1,816.83
Shore Animal Control Services	1,000.00
South Jersey Gas Company	3,128.56
Seashore Asphalt Corp.	106.25
Staples Business Advantage	121.69
Testa Heck Testa & White, PA	275.00

Testa Heck Testa & White, PA	275.00
TCTANJ	400.00
Verizon Wireless	392.27
Verizon	39.17
Woodard & Curran, Inc.	1,047.00
Woodard & Curran, Inc.	470.71
Woodard & Curran, Inc.	2,635.02
William R. Mints Agency	3,054.56
William R. Mints Agency	2,385.86

Mr. Ashton made a motion to pay all properly signed bills, seconded by Mr. Sterling

Roll Call: Ayes – Ashton, Sterling, Whildin Nays - None

SECOND PUBLIC COMMENT SESSION

Mr. Ashton made a motion to open the second public comment session noting the time at 8:12 pm; seconded by Mr. Sterling.

Roll Call: Ayes – Ashton, Sterling, Whildin Nays – None

There being no public comment, Mr. Ashton made a motion to close the second public comment session noting the time at 8:12 pm; seconded by Mr. Sterling.

Roll Call: Ayes – Ashton, Sterling, Whildin Nays - None

Mr. Ashton made a motion to adjourn, seconded by Mr. Sterling.

Denise L. Peterson, Municipal Clerk

**TOWNSHIP OF MAURICE RIVER
COUNTY OF CUMBERLAND**

ORDINANCE NO. 701

**CALENDAR YEAR 2021
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Committee of the Township of Maurice River in the County of Cumberland finds it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Committee hereby determines that a 3.5 % increase in the budget for said year, amounting to \$72,920.60 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Committee hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Committee of the Township of Maurice River, in the County of Cumberland, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Township of Maurice River shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$102,088.84, and that the CY 2021 municipal budget for the Township of Maurice River be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

The above ordinance #701 was introduced and passed on first reading at a meeting of the Township Committee of the Township of Maurice River on the 18th day of February, 2021, at the Maurice River Township Municipal Hall, 590 Main Street, Leesburg, New Jersey, and will be presented for public hearing and final consideration at a meeting of the Township Committee of the Township of Maurice River to be held on the 18th day of March, 2021 at 7:30 p.m.

Vote (Introduced Ordinance): Ayes:	Nays:	Absent:
Whilden	X	
Ashton	X	
Sterling		X

TOWNSHIP OF MAURICE RIVER

ORDINANCE NO. 702

**AN ORDINANCE OF MAURICE RIVER TOWNSHIP, CUMBERLAND COUNTY,
PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN
ITS GEOGRAPHICAL BOUNDARIES AND AMENDING THE CODE OF THE TOWNSHIP OF
MAURICE RIVER BY ADDING CHAPTER 22.**

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:** Facilities involved in growing and cultivating cannabis;
- **Class 2 Cannabis Manufacturer license:** Facilities involved in manufacturing, preparation, and packaging of cannabis items;
- **Class 3 Cannabis Wholesaler license:** Facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- **Class 4 Cannabis Distributer License:** Businesses involved in transporting cannabis plants in bulk from a 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:** Locations at which cannabis items and related supplies are sold to consumers; and
- **Class 6 Cannabis Delivery License:** Businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of 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 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 adopt an ordinance, so shall result for a period of five years thereafter, that 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 Maurice River 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 the Township of Maurice River in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Township of Maurice River’s residents and members of the public who visit, travel, or conduct business in the Township of Maurice River, to amend the Township of Maurice River’s Land Use Ordinance and general ordinances to prohibit all manner of marijuana-related land use and development within the geographic boundaries of the Township of Maurice River; 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 in within the Act's 180 day period in order to ensure sufficient time to carefully review all aspects of the Act and its impact;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Township Committee of the Township of Maurice River, County of Cumberland, State of New Jersey, does hereby amend the revised general ordinances of the Township of Maurice River by adding a new Chapter 22, as follows:

Chapter 22

Business Operations and Recreational Use of Cannabis-Marijuana within the Geographical Limits of Maurice River Township

Section 22-1:

Pursuant to *Section 31b* of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (*P.L. 2021, c. 16*), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Township of Maurice River, except for the delivery to consumers of cannabis items and related supplies by a delivery service. This prohibition shall also apply in those parts of the Township of Maurice River under the jurisdiction and authority of any state agency, commission, or authority.

Section 22-2:

All Classes of cannabis establishments or cannabis distributors or cannabis delivery services 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 are prohibited within the entirety of Maurice River Township.

Section 22-3:

Any article, section, paragraph, subsection, clause, or other provision of the Township of Maurice River Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

Section 22-4:

If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction 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 deemed valid and effective.

Section 22-5:

This Ordinance is designed to regulate the purchase, sale, cultivation, manufacturing, packaging, transportation, and delivery of cannabis items within the Township of Maurice River. Cannabis, for the purpose of this Ordinance, is defined as cannabis (dry leaves and flowers), cannabis products, cannabis extracts, any other form of cannabis resin and marijuana.

BE IT FURTHER ORDAINED AND ENACTED by the Township Committee of the Township of Maurice River, County of Cumberland, and State of New Jersey that this Ordinance shall take effect immediately upon the adoption and publication of notice of adoption as prescribed by law.

TOWNSHIP OF MAURICE RIVER

ORDINANCE NO. 703

AN ORDINANCE OF MAURICE RIVER TOWNSHIP, CUMBERLAND COUNTY, PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN

**ITS GEOGRAPHICAL BOUNDARIES AND AMENDING THE CODE OF THE TOWNSHIP OF
MAURICE RIVER CHAPTER 35, LAND USE**

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:** Facilities involved in growing and cultivating cannabis;
- **Class 2 Cannabis Manufacturer license:** Facilities involved in manufacturing, preparation, and packaging of cannabis items;
- **Class 3 Cannabis Wholesaler license:** Facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- **Class 4 Cannabis Distributer License:** Businesses involved in transporting cannabis plants in bulk from a 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:** Locations at which cannabis items and related supplies are sold to consumers; and
- **Class 6 Cannabis Delivery License:** Businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of 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 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 adopt an ordinance, so shall result for a period of five years thereafter, that 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 Maurice River 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 the Township of Maurice River in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Township of Maurice River’s residents and members of the public who visit, travel, or conduct business in the Township of Maurice River, to amend the Township of Maurice River’s Land Use Ordinance and

general ordinances to prohibit all manner of marijuana-related land use and development within the geographic boundaries of the Township of Maurice River; 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 impact;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Township Committee of the Township of Maurice River, County of Cumberland, State of New Jersey, does hereby amend Chapter 35, Land Development Regulations, so as to add the following:

New Section 35-9.26

The Operation of Any Class of Cannabis Business Within the Township of Maurice River.

- a) The operation of any class of cannabis business within the geographical boundaries of the Township of Maurice River, shall be a prohibited use.
- b) The Following six marketplace classes of licensed cannabis/marijuana business shall be prohibited in all zones of the Township of Maurice River:
 - **Class 1 Cannabis Cultivator license:** Facilities involved in growing and cultivating cannabis;
 - **Class 2 Cannabis Manufacturer license:** Facilities involved in manufacturing, preparation, and packaging of cannabis items;
 - **Class 3 Cannabis Wholesaler license:** Facilities involved in obtaining and selling cannabis items for later resale by other licensees;
 - **Class 4 Cannabis Distributer License:** Businesses involved in transporting cannabis plants in bulk from a 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:** Locations at which cannabis items and related supplies are sold to consumers; and
 - **Class 6 Cannabis Delivery License:** Businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of 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.
- c) The purpose of this ordinance is to protect the health and safety of Township residents and is deemed to be in the best interest of the Township and the residents of the Township of Maurice River.
- d) This Ordinance is designed to regulate the purchase, sale, cultivation, manufacturing, packaging, transportation, and delivery of cannabis items within the Township of Maurice River. Cannabis, for the purpose of this Ordinance, is defined as cannabis (dry leaves and flowers), cannabis products, cannabis extracts, any other form of cannabis resin and marijuana.

BE IT FURTHER ORDAINED AND ENACTED by the Township Committee of the Township of Maurice River, County of Cumberland, and State of New Jersey that this Ordinance shall take effect immediately upon the adoption and publication of notice of adoption as prescribed by law.

MAURICE RIVER TOWNSHIP

RESOLUTION NO. 52-2021

A RESOLUTION AUTHORIZING MAURICE RIVER TOWNSHIP TO ENTER INTO AN AGREEMENT FOR THE SUPPLYING AND DELIVERING OF VARIOUS TRAFFIC SIGNS AND MATERIALS PURSUANT TO ITS PARTICIPATION AS A MEMBER OF THE CUMBERLAND COUNTY COOPERATIVE PRICING SYSTEM GARDEN STATE HIGHWAY PRODUCTS, INC. FOR SECTION #6

WHEREAS, the Cumberland County Board of Chosen Freeholders has awarded a Cooperative Pricing System Contracts as listed below for the supplying and delivering of various traffic signs and materials for the Cumberland County Engineer's Office and its participating members of the Cumberland County Cooperative Pricing System; and

WHEREAS, by Resolution 2020-512 the Cumberland County Board of Commissioners exercised their option to renew the contract for one (1) additional year through October 31, 2021; and

WHEREAS, Maurice River Township is a participating member of the Cumberland County Cooperative Pricing System; and

WHEREAS, it is the desire of Maurice River Township to enter into an Agreement with the approved vendors for supplying and delivering various traffic signs and materials to Maurice River Township for the contract period of November 1, 2020 to October 31, 2021 at the awarded rates pursuant to the Bid Tabulation Sheet for Participating Members Of The Cooperative Pricing System Bid #19-45 resub. Section 6.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF MAURICE RIVER TOWNSHIP that the Township shall enter into an Agreement with Garden State Highway Products, Inc. for the supplying and delivering of various traffic signs and materials referenced as Section #6; deliveries to be made to Maurice River Township through the Cooperative Purchasing Award of the Cumberland County Board of Chosen Freeholders; and

BE IT FURTHER RESOLVED that the contract period shall be retroactive to November 1, 2020 and shall continue until October 31, 2021 at the rates as specified by Attachment A for Participating Members Of The Cooperative Pricing System Bid #19-45 resub. Section 6; and

BE IT FURTHER RESOLVED that the Mayor and Clerk of the Township of Maurice River are hereby directed to execute and sign the Agreement and all related documentation to effectuate this project.

MAURICE RIVER TOWNSHIP

RESOLUTION NO. 53-2021

2021 Municipal Budget Resolution

MAURICE RIVER TOWNSHIP

RESOLUTION NO. 54-2021

A RESOLUTION FOR ENDORSEMENT OF A PROPOSED HOLDING TANK INSTALLATION FOR SANITARY SEWAGE FOR 69 BAY AVENUE BLOCK 327, LOT 34, MAURICE RIVER TOWNSHIP

WHEREAS, Stephen J. Nardelli, P.E. P.P., C.M.E of Fralinger Engineering, 2629 Shiloh Pike, Bridgeton, NJ 08332 has prepared a plan entitled "Final Construction Plans Septic System - Holding Tank", dated August 14, 2017, for the construction of 2 ½ story single family home owned by Mark Smith at 69 Bay Avenue Heislerville, NJ 08324, and;

WHEREAS, the municipal engineer has reviewed the plans provided by Stephen J. Nardelli, P.E. P.P., C.M.E of Fralinger Engineering and finds a need for variance relief from the Maurice River Township Land Use Board due to the expansion of existing development on a non-conforming lot; and

WHEREAS, the municipal engineer has no objection to the submission of an application to permit a holding tank on the property; and

WHEREAS, the proposed upgrade will require approval of the New Jersey Department of Environmental Protection, and;

WHEREAS, the New Jersey Department of Environmental Protection application requires an endorsement by the municipality confirming conformance to local ordinances and requirements;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of Maurice River Township, must deny the endorsement of the Statement of Consent based on the need to apply to the Land Use Board for a variance but has no objection to the new holding tank.

MAURICE RIVER TOWNSHIP

RESOLUTION NO. 55-2021

A RESOLUTION AMENDING RESOLUTION NO. 137-2020 TO REFLECT THE NAME CHANGE OF MASER CONSULTING TO COLLIERS ENGINEERING & DESIGN, INC.

WHEREAS, Maurice River Township Resolution No. 137-2020 authorized entering into an agreement with Maser Consulting, Inc. for testing services (superpave hot mix asphalt, concrete, soil testing, etc.) pursuant to its participation as a member of the Cumberland County Cooperative Pricing System;

WHEREAS, Maser Consulting is now known as Collier Engineering & Design, Inc.;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF MAURICE RIVER TOWNSHIP that Resolution No. 137-2020 is amended to reflect the new name of Maser Consulting as Collier Engineering & Design, Inc. All other provisions of Resolution No. 137-2020 shall remain unchanged

MAURICE RIVER TOWNSHIP

RESOLUTION NO. 56-2021

A RESOLUTION ACKNOWLEDGING SATISFACTION IN FULL BY PAUL M. ROCHE OF THE BAYSHORE HOUSING PROGRAM MORTGAGE HELD BY MAURICE RIVER TOWNSHIP AND AUTHORIZING THE EXECUTION OF A DISCHARGE OF MORTGAGE

WHEREAS, Paul M. Roche previously qualified for participation in the Small Cities Grant known as the Bayshore Housing Program for the rehabilitation of housing units and received the sum of Nineteen Thousand One Hundred Fifty Dollars (\$19,150) on November 26, 2001 and a mortgage lien evidencing said indebtedness was recorded with the Clerk of Cumberland County in Mortgage Book 2741, Page 304 on February 5, 2002, and

WHEREAS, said mortgage has been paid in full or otherwise satisfied and is to be discharged of record.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of Maurice River Township that the mortgage held by the Township of Maurice River and given by Paul M. Roche as set forth above shall be discharged.

BE IT FURTHER RESOLVED that the Township Committee hereby authorizes the Mayor and Municipal Clerk to execute and deliver a Discharge of Mortgage.

MAURICE RIVER TOWNSHIP

RESOLUTION NO. 57-2021

A RESOLUTION APPROVING THE 2021 BUDGET TO BE READ BY TITLE ONLY

WHEREAS, N.J.S.A. 40A:4-8 provides that the budget may be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing a complete copy of the approved budget shall be made available for public inspection and shall be made available to each person upon request; and

WHEREAS, these two conditions have been met;

NOW, THEREFORE, BE IT RESOLVED by The Township Committee of Maurice River Township, Cumberland County, State of New Jersey, that the 2021 budget resolution shall be read by title only

MAURICE RIVER TOWNSHIP

RESOLUTION NO. 58-2021

**A RESOLUTION SUPPORTING A MOTORCYCLE EVENT TO BE HELD BY COMPETITION
DIRT RIDERS ON PRIVATE PROPERTY SUNDAY, JUNE 27 2021.**

WHEREAS, Maurice River Township has been approached by Competition Dirt Riders, 1221 Utopia Lane, Vineland, NJ 08361, requesting permission to hold a motorcycle event on Sunday, June 27th, 2021 at Ormond Farms, Hesstown Road, in Maurice River Township, and

WHEREAS, the private property to be utilized lies within a section of Maurice River Township zoned Pinelands Village Centers.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF MAURICE RIVER TOWNSHIP that the Township Committee hereby consents to the request of Competition Dirt Riders to hold a motorcycle event on June 27th, 2021 and acknowledges that this event will be held on private property within a Pinelands area of the municipality.

MAURICE RIVER TOWNSHIP

RESOLUTION NO. 59-2021

**A RESOLUTION TO CREATE THE PLAN ENDORSEMENT
CITIZENS' ADVISORY COMMITTEE**

WHEREAS, the Mayor and Council of Maurice River Township desire to obtain Plan Endorsement from the State Planning Commission; and

WHEREAS, Plan Endorsement is a voluntary review process developed by the State Planning Commission to provide the technical assistance and coordination of the State for municipalities, counties, and regional

agencies to meet the goals of the State Planning Act and State Development and Redevelopment Plan; and

WHEREAS, the State Planning Act recognizes that coordination of State action is necessary to help municipalities develop New Jersey's economy while protecting the natural, historic and recreational resources, providing adequate and diverse housing, and redevelopment our cities and older suburban areas; and

WHEREAS, the purpose of the Plan Endorsement process is to increase the degree of consistency among municipal, county, regional and state agency plans with each other and with the State Plan and to facilitate the implementation of these plans with the primary focus on where and how development and redevelopment can be accommodated in accordance with the State Plan; and

WHEREAS, the State Planning Rules and Plan Endorsement Guidelines establish a comprehensive and coordinated planning process in order for a municipality to consider, and update as necessary, master plans, functional plans, development regulations and capital plans to be consistent with the State Plan and achieve plan endorsement; and

WHEREAS, through plan endorsement, master plans, functional plans, development regulations and capital plans should be coordinated and supportive of each other; and

WHEREAS, the State Planning Rules and Plan Endorsement Guidelines incorporate, and expand upon, the principles of the Municipal Land Use Law in order to help towns plan for a sustainable future; and

WHEREAS, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-27, the Mayor may appoint one or more persons as a citizens' advisory committee to assist or collaborate with the planning board in its duties, including adoption of, and amendment to, the master plan to guide the use of lands within the municipality in a manner which protects the public health and safety and promotes the general welfare of the community; and

WHEREAS, the Plan Endorsement Guidelines and State Planning Rules require the appointment of a Plan Endorsement Advisory Committee to guide the municipality through the Plan Endorsement process; and

WHEREAS, the Plan Endorsement Advisory Committee shall consist of between 5 and 10 members, including one representative of the governing body, a Class IV member of the planning board; one representative of a local board, commission or committee who is not a member of the planning board; and two representatives of the public that do not hold a position, employment or office with the municipality.

NOW, THEREFORE, BE IT RESOLVED that the Mayor of Maurice River Township hereby approves and adopts the following:

Maurice River Township establishes a Plan Endorsement Citizens' Advisory Committee consisting of between 5 and 10 members as follows:

- | | | |
|----|-------------|-----------------------|
| 1. | Bill Ashton | Governing Body |
| 2. | Ben Stowman | Class IV Member LUB |
| 3. | TBD | Local Board/Committee |
| 4. | TBD | Member of Public |
| 5. | TBD | Member of Public |

The members of the Citizens' Advisory Committee shall serve at the pleasure of the Mayor; and

The Citizens' Advisory Committee shall report findings and conclusions of its actions performed pursuant to the State Planning Rules and Plan Endorsement Guidelines, and make recommendations to the Planning Board on next steps, but shall have no power to vote or take other action required of the Planning Board; and

The Citizens' Advisory Committee shall also report to the Governing Body after each meeting of the Advisory Committee on the status of plan endorsement; and

The Citizen Advisory Committee shall be entitled to call to its assistance any personnel of any municipal department or consultant thereto as it may require in order to perform its duties; and

The Citizens' Advisory Committee is established for the purpose of:

Guiding the plan endorsement process of the municipality;

Increasing public awareness of, and participation in, the plan endorsement process of the community;

Serving as the liaison with the state, county, regional agencies and local officials throughout the plan endorsement process;

Assisting the municipality in meeting the deadlines of plan endorsement;

Take the lead on completing the municipal self-assessment and submitting the required planning documents to the Office of Smart Growth;

Helping to facilitate community visioning as described in the Plan Endorsement Guidelines and community visioning standards;

Reporting the findings and conclusions of self-assessment and community visioning to the local planning board for its review; and

Negotiating a draft Action Plan with the Office of Smart Growth, in collaboration with the planning board and governing body, to consist of actions that should be taken to adopt and/or update plans, ordinances and regulations in order to meet the plan endorsement requirements;

Facilitating completion of the Action Plan items in order to achieve endorsement by the State Planning Commission and enjoy the benefits available to the municipality as a result of the endorsed plan.

THEREFORE, BE IT FURTHER RESOLVED that the Clerk of Maurice River Township shall transmit a copy of this resolution and the notice as required in the State Planning Rules to the State Planning Commission.

MAURICE RIVER TOWNSHIP

RESOLUTION NO. 60-2021

A RESOLUTION REFERRING TO THE LAND USE BOARD A DRAFT ORDINANCE AMENDING THE LAND USE ORDINANCE PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN MAURICE RIVER TOWNSHIP

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, *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, the Township Committee of Maurice River Township has drafted an ordinance prohibiting the operation of any class of cannabis businesses within the geographical boundaries of the Township to be incorporated into Chapter 35, Land Use Ordinance; and

WHEREAS, as required by *NJSA 40:55D-26*, the Township Committee refers the drafts ordinance to the Land Use Board. The draft ordinance is attached hereto.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of Maurice River Township as follows:

1. The Land Use Board is directed to render a written report to the Township Committee within thirty-five (35) days of this referral.
2. The written report to address whether or not the draft ordinance is consistent with the Township Master Plan.
3. The Land Use Board is directed to provide to the Township Committee its recommendations and comments regarding the draft ordinance.



Township of Maurice River
Engineer’s Report
March 18, 2021

Item	Project Name	Project Number	Status
1.	Newell Road Resurfacing Grants	MR17-001	Quote for guiderail installation received from M.L. Ruberton in the amount of \$21,799.50. Amount exceeds bid threshold of \$17,500 so work will have to bid. Approximately \$23,000 total remaining in between the two grants. Seeking authorization to go out to bid on guiderail work.
2.	Fox Street/School Access/Sapello	MR19-044	Pinelands review comments received and responded to. Application noticing presently being prepared.
3.	2021 Municipal Aid Grant	MR20-001	Design plans and bid specs being prepared for project bidding.
4.	Road Program	MR20-001	Seeking authorization to go out bid for Deerwood Avenue paving. Direction needed on additional streets to include in project scope.
5.	Stormwater Ordinance	MR11-011	Denise submitted the approved stormwater ordinance to County Planning on February 19 th .
6.	Bricksboro Outfall	MR21-001	Replacement of culvert under dike required to promote positive discharge
7.	Moores Beach Road Culvert	MR21-001	Follow up with Dave Golden needed to determine Fish and Wildlife support for culvert improvements.
8.	NJDOT Transportation Alternatives Grant	MR20-001	Grant application under review by NJDOT.