

**MINUTES BASS RIVER TOWNSHIP BOARD OF COMMISSIONERS
REGULAR MEETING OF MONDAY, JULY 12, 2021**

Mayor Cope called the regular meeting of the Bass River Township Board of Commissioners to order at 7:01 p.m. Present at meeting were: Commissioner Capriglione, Deputy Mayor Louis Bourguignon, and Mayor Deborah Buzby-Cope. Also present: Solicitor Joanne O'Connor and Acting Clerk Elizabeth Godfrey. Members of the public were present at this meeting.

FLAG SALUTE

Mayor Cope led the flag salute and read the sunshine statement.

Moment of prayer: Lily Rose Cramer as she battles cancer

APPROVAL OF MINUTES:

Minutes of the regular meeting of June 7, 2021 were presented to the Board for review. The motion to approve the minutes was made by Deputy Mayor Bourguignon, seconded by Commissioner Capriglione. Votes: Cope-Yes, Bourguignon-Yes. Capriglione-Yes. Minutes of the June 7, 2021 regular meeting were hereby approved.

BILLS LIST:

The motion was made by Mayor Cope to approve payment of the bills in the amount of **\$398,157.01**. The motion was seconded by Deputy Mayor Bourguignon to approve bills for payment. Deputy Mayor Bourguignon abstained from voting on the EMT bill. Votes: Cope -Yes, Bourguignon-Yes, Capriglione- All in favor and bills were ordered paid.

1	TREASURER, STATE OF NEW JERSEY	LICENSE FEE	\$	54.00
2	ACCSES NJ	JANITORIAL SERVICES	\$	250.96
3	ACE OUTDOOR POWER 3	EQUIPMENT	\$	475.10
4	ATLANTIC CITY ELECTRIC	ELECTRICITY 6/2021	\$	2,619.85
5	AUTO ZONE, INC.	PARTS	\$	340.23
6	BELLIA TECH, LLC	TECH SUPPORT JUNE 2021	\$	278.49
7	BURL CO TREAS, LANDFILL	TIPPING FEES 6/2021	\$	5,366.38
8	CAM CO.	HYDRO LINE	\$	67.10
9	CASA PAYROLL SERVICES	PAYROLL SERVICE #1107149	\$	140.10
10	CINTAS	SUPPLIES	\$	141.00
11	COMCAST	SERVICE 6/23 - 7/22	\$	129.66
12	DANTE GUZZI ENGINEERING ASSOC.	ENGINEERING SERVICES	\$	5,076.10
13	DIRECT ENERGY BUSINESS	ELECTRICITY 6/2021	\$	1,506.53
14	ECONO SIGNS	ROAD SIGNS #10-968179	\$	182.00
15	GANNETT NJ NEWSPAPERS	PUBLIC NOTICES	\$	74.18
16	HOLT MCNALLY & ASSOCIATES	FINAL BILL 2020 AUDIT	\$	1,000.00

17	HOME DEPOT	SUPPLIES	\$ 610.26
18	KEVIN S. QUINLAN	JUNE 2021 PROSECUTIONS	\$ 1,600.00
19	KRS SERVICES, INC.	COMPRESSOR REPLACEMENT	\$ 8,030.27
20	LANGUAGE SERVICES ASSOCIATES	LANGUAGE SERVICES	\$ 161.70
21	LAWYERS DIARY & MANUAL	NJ LDM REFERENCE 2022	\$ 114.00
22	LIONETTI ASSOCIATES	USED OIL & WATER REMOVAL	\$ 200.00
23	MICROSYSTEMS-NJ.COM, LLC	ANNUAL FARMLAND MAILINGS	\$ 66.32
24	MR. BOB'S	PORT A POTS 6/18/21 - 7/15/21	\$ 536.80
25	NAPA AUTO PARTS	PARTS	\$ 937.14
26	NEW GREYNA POSTMASTER	ANNUAL PO BOX 307 FEE	\$ 122.00
27	NJ DEPT. OF TRANSPORTATION	LICENSING FEE	\$ 395.00
28	NEW JERSEY NATURAL GAS	NATURAL GAS 5/14 - 6/15	\$ 121.49
29	OFFICE BASICS, INC.	OFFICE & HOUSEKEEPING SUPPLIES	\$ 103.82
30	PINELANDS REGIONAL SCHOOL DIST.	COMBINED SCHOOL TAX LEVY	\$ 324,110.00
31	PLATT LAW GROUP, P.C.	GENERAL FILE #11265	\$ 80.00
32	READYREFRESH BY NESTLE	SERVICE MAY 2021	\$ 3.96
33	SAFEGUARD BUSINESS SYSTEMS	CURRENT FUND CHECKS	\$ 327.64
34	SOUTH JERSEY WELDING SUPPLY	ACE & OXY LEASES	\$ 162.00
35	STATE OF NJ DIV OF PENSIONS	RETROACTIVE INCREASES PUBLIC NOTICES & TAX SALE	\$ 206.14
36	THE PRESS OF ATLANTIC CITY		\$ 459.68
37	THOMSON REUTERS - WEST	SUBSCRIPTION REFERENCE #6141704548	\$ 76.00
38	TRACTIR SUPPLY CREDIT PLAN	SUPPLIES #100503144	\$ 41.35
39	VAL-U AUTO PARTS	PARTS	\$ 60.36
40	VECTOR SECURITY	BUILDING SECURITY	\$ 8.16
41	VERIZON	PHONES MAY/JUNE 2021	\$ 640.01
42	VERIZON	COMMISSIONER IPAD FEES	\$ 120.03
43	VERIZON WIRELESS	CELL - C. CRAMER	\$ 82.78
44	WALMART COMMUNITY/SYNCB	SUPPLIES	\$ 4.12
45	WEX BANK	FUEL JUNE 2021	\$ 1,217.43
46	WITMER PUBLIC SAFETY GROUP	FIRE CO. SERVICING	\$ 1,154.96
47	BASS RIVER PAYROLL ACCT	PAYROLL 6/17/21	\$ 23,558.10
48	BASS RIVER PAYROLL ACCT	PAYROLL 6/30/21	\$ 15,129.84
49	HASLER, INC.	POSTAGE JUNE 2021	\$ 13.97

ORDINANCES & RESOLUTIONS:

ORDINANCE 2021-06

AN ORDINANCE AMENDING TITLE 5 BUSINESS LICENSES AND REGULATIONS OF THE COLDE OF THE TOWNSHIP OF BASS RIVER, COUNTY

**OF BURLINGTON AND STATE OF NEW JERSEY TO ADD CHAPTER 5.06
TAXIS- LICENSING, REGULATION AND ENFORCEMENT**

Deputy Mayor Bourguignon made the motion to approve Ordinance 2021-6 upon second reading. Commissioner Capriglione seconded the motion. Deputy Mayor Bourguignon made a motion to open the hearing to the public, seconded by Commissioner Capriglione- public comment –will Ubers be included in this- NO. Being no other public comment a motion to close the meeting to the public was made by Deputy Mayor Bourguignon and was seconded by Commissioner Capriglione. A motion to approve Ordinance 2021-06 was made by Deputy Mayor Bourguignon, seconded by Commissioner Capriglione. Votes: Cope-Yes, Bourguignon-Yes, Capriglione-Yes. All in favor and Ordinance 2021-06 was hereby adopted.

TOWNSHIP OF BASS RIVER

ORDINANCE NO. 2021-06

**AN ORDINANCE AMENDING TITLE 5 BUSINESS LICENSES AND
REGULATIONS OF THE CODE OF THE TOWNSHIP OF BASS RIVER,
COUNTY OF BURLINGTON AND STATE OF NEW JERSEY TO ADD
CHAPTER 5.06 TAXIS-LICENSING, REGULATION AND
ENFORCEMENT.**

BE IT ORDAINED by the Board of Commissioners of the Township of Bass River, County of Burlington and State of New Jersey, as follows:

Title 5 Business, Licenses and Regulations is hereby amended to add Chapter 5.06 Taxis-Licensing, Regulation and Enforcement as follows:

5.06 TAXIS—LICENSING, REGULATION AND ENFORCEMENT.

5.06.010 Definitions.

As used in this section, the following terms shall have the meanings indicated:

PERSON

Shall mean any individual, co-partnership, association, corporation or joint-stock company, their lessees, trustees or receivers.

STREET

Shall mean and include any street, road, avenue, park, parkway, highway or other public place.

TAXICAB

Shall mean and include any public vehicle propelled by mechanical power, commonly called "taxi," engaged in the business of carrying passengers for hire and which particularly accepts and discharges such passengers as may offer themselves for transportation from points or places within the Township. It shall not include taxis that only discharge passengers within the Township, but shall include taxis that only pick up passengers within the Township.

5.06.020 Licenses Required.

No person shall operate any taxicab upon any street within the Township of Bass River unless both the taxicab and the driver thereof are licensed pursuant to the terms of this section and conform to all of the provisions hereof and such person shall have complied with the laws of the State of New Jersey relating to taxicabs.

5.06.030 Application for Taxicab Owner's License.

a.

Every application for a taxicab license shall be made in writing to the Township Clerk and shall set forth the full name and address of the owner, lessee or bailee of the taxicab to be licensed, the make and character of taxicab, the length of time it has been in use, the number of persons said vehicle is suitable for carrying, the motor and serial number thereof and the place where it may be inspected by a Township Official. The applicant for a taxicab license shall present to the Township Clerk proof of registration for the vehicle, setting forth the name and address of the person to whom the vehicle is registered.

1.

If the applicant is an individual or co-partnership, said application shall state also whether or not the applicant or applicants have ever been convicted of a crime, and if so, the crime of which he or she has been convicted, the place of conviction, the date thereof and the punishment therefor.

2.

If the applicant is a corporation, said application shall set forth the names and addresses of its officers, directors or stockholders and shall also state whether or not said officers, directors or stockholders have been convicted of a crime, and if so, the

crime of which he or she has been convicted, the place of the conviction, the date thereof and the punishment therefor.

b.

Fee. Each application shall be accompanied by a nonrefundable license fee of \$50 for each taxicab to be licensed.

c.

There shall be submitted with each application a schedule of the rates, fees or charges proposed to be made for the use within the Township of Bass River of such taxicabs to be licensed.

5.06.040 Eligibility for License.

No taxicab license or taxicab driver's license shall be issued to an individual who has been convicted of a crime involving moral turpitude, or to a co-partnership where any of its members have been convicted of a crime involving moral turpitude, or to a corporation unless none of its officers, directors and stockholders has been convicted of a crime involving moral turpitude.

5.06.050 Required Insurance.

Prior to the issuance of a taxicab license to an applicant under the above-entitled section, each applicant shall file a certificate of insurance with the Township of Bass River proving that each taxicab of the applicant is covered by liability insurance in the minimum amount of \$100,000 per person and \$300,000 per accident and \$10,000 property damage per accident.

5.06.060 Issuance of License Card to Taxicab licensees; Transfer of License; Posting of Fares.

Upon the granting of a taxicab license, there shall be issued to the applicant a card setting forth the name and address of the licensee, the number of the license, the make and character of the taxicab licensed, together with the maximum number of passengers to be carried therein at any one time. Said license card shall be signed by the Township Clerk and shall at all times be prominently displayed in the interior of the taxicab so licensed. There shall also be displayed in the interior of said taxicab a statement or schedule of the charges for the use thereof. Any taxicab license issued pursuant to this section may be transferred to another vehicle owned or in the custody of the same licensee, upon approval of the Township Clerk after proper application is made therefor and payment of a transfer fee of \$20.

5.06.070 Application for Taxicab Driver's License; Investigation.

Every application for a taxicab driver's license shall be made to the Township Clerk and shall set forth the full name and address of the applicant, date of birth, social security number, whether or not he or she has ever been convicted of a crime, and if so, the crime of which he or she has been convicted, the place of conviction, the date thereof and the punishment therefor.

Such applicant shall also furnish his or her driver's license number and satisfactory evidence that said license is not now nor has not previously been revoked. Each applicant for the taxicab driver's license shall, at the time of filing the application, consent to a criminal history investigation by the New Jersey State Police in order to secure reports from any agency it may deem desirable or necessary with respect to said application. Each applicant for a taxicab driver's license shall file with his or her application three photographs, approximately one and one-half (1 1/2) inches by one and one-half (1 1/2) inches, clearly depicting the facial features of the applicant, each of which photographs shall thereupon become the property of the Township and be retained with the application form unless the application shall be granted and the license issued, in which event one of such photographs shall be permanently affixed to the license card issued to said taxicab driver, one shall be retained by the Township Clerk and one shall be delivered to the New Jersey State Police. Each of said photographs shall be signed on the back thereof by the applicant and shall bear the date upon which they were taken, which shall be not more than 30 days prior to the date of the application. A nonrefundable license fee of \$50 shall accompany each application for a taxicab driver's license.

5.06.080 Issuance of License Card to Taxicab Drivers; Display.

If the application for a taxicab driver's license shall be granted, there shall be issued to the applicant a license card setting forth the number of the license, the name and address of the licensee and his or her age. Said license card shall be signed by the Township Clerk and shall at all times be permanently displayed and adequately protected in the interior of any taxicab operated by the licensee so that the face thereof shall at all times be in full view of and plainly legible to any person seated on the rear seat of such taxicab.

5.06.090 Denial of License; Appeal.

Any applicant who is denied a license under this section may appeal to the Township Board of Commissioners within 10 days of notification of denial at which time the Board of Commissioners will hold a hearing for the aggrieved party to determine the

validity of the Township Clerk's denial of the application, at which time the Board of Commissioners may affirm or reverse the actions of the Township Clerk. No application shall be accepted from an applicant who was denied a license and no license shall be issued to said applicant unless the condition or conditions have changed sufficient to warrant a new license. The application shall set forth whether the applicant has previously filed an application for a license and whether said license was denied.

5.060.100 Verification of Application.

Every application for a taxicab license or taxicab driver's license shall be verified by the oath of the applicant or of an officer thereof if the applicant is a corporation.

5.060.110 Expiration of License; Renewal.

Every license issued pursuant to the terms of this section shall expire at 12:00 midnight on the 30th day of June of each year, unless sooner surrendered, suspended or revoked; provided, however, that if an application for a renewal shall have been filed on or before June 30, said taxicab may be operated and said taxicab driver may operate a taxicab, pending the issuance of a new license or licenses, until the 15th day of July next succeeding. No license fee payable under this section shall be prorated nor shall any part thereof be refunded for any reason. Applications for a renewal of any license shall be processed as if an application for a new license.

5.06.120 Vehicle Markings.

Every taxicab so licensed shall have printed or marked on both sides thereof or shall have affixed to the top thereof a sign, light or device bearing the word "taxi" or "cab" or the name of the operating owner along with the word "taxi" or "cab" or "taxicab."

5.06.130 Revocation of License.

The Board of Commissioners, after notice and hearing, may revoke or suspend any license issued pursuant to this section if the licensee has been once convicted of a crime in this or any other jurisdiction or has been convicted of being a disorderly person or

of a violation of Title 39, Motor Vehicles and Traffic Regulations, of the Revised Statutes of New Jersey, or if the licensee violates any provision of this section or has any judgment unsatisfied against him, her or it arising out of any automobile accident for the space of 30 days, or if the licensee has made false answers in his, her or its application for such license or any renewal thereof, or if the licensee has failed or fails to render reasonably safe, proper or adequate taxicab service, or if the licensee has not complied fully with all the requirements of this chapter with respect to such license. Any taxicab driver's license may be revoked or suspended by the Board of Commissioners, after notice and hearing, if the licensee has in any degree contributed to any injury to person or damage to property arising out of the negligent operation of a motor vehicle, or if said taxicab driver shall have any communicable or contagious disease. Any taxicab license may be revoked or suspended by the Board of Commissioners, after notice and hearing, if the taxicab licensed is dangerous to the safety or health of occupants or others by reason of unsafe or unsanitary conditions, or if the financial responsibility of the owner, lessee or bailee has fallen below the requirements hereinbefore set forth, or if said licensed taxicab shall be used for any improper, immoral or illegal business or purpose.

5.06.140 Violations and Penalties.

Any person who shall violate any of the provisions of this section shall, upon conviction, be punished either by imprisonment in the County Jail or in any place provided by the municipality for the detention of prisoners for a term not exceeding 90 days or by a fine not exceeding \$1,000, or both, in the discretion of the court. In default of the payment of any fine imposed under this section, any person convicted of a violation hereof may, in the discretion of the court by whom said person was convicted, be imprisoned in the County Jail or place of detention provided by the municipality for any term not exceeding 90 days.

ALL OF WHICH IS ADOPTED THIS 12th day of July, 2021, by the Board of Commissioners of the Township of Bass River, County of Burlington and State of New Jersey.

ORDINANCE NO. 2021-07

AN ORDINANCE BY THE TOWNSHIP OF BASS RIVER IN THE COUNTY OF BURLINGTON, NEW JERSEY ALLOWING THE OPERATION OF CERTAIN CLASSES OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING TITLE 5 BUSINESS LICENSES AND REGULATIONS OF THE TOWNSHIP CODE TO CREATE CHAPTER 5.10 GOVERNING CANNABIS USES

Deputy Mayor Bourguignon made the motion to approve Ordinance 2021-07 upon second reading. Commissioner Capriglione seconded the motion. Deputy Mayor Bourguignon made a motion to open the hearing to the public, Commissioner Capriglione seconded the motion. Public comment:

- Commissioner Capriglione states he believes the license should be annual not every 3 years.
- Evan Manaresi- The town will be benefiting from this – why are the fees higher than other annual licenses required by the township.
- Rebecca Ann- other towns are charging more
- Commissioner Capriglione- Bass River compared fees with other townships
- Leo Assur- this could affect kids in a negative way
- Deputy Mayor Bourguignon questioned what towns nearby are allowing cannabis also- Shamong and Toms River South
- Leo Assur- can a new administration come in and make it illegal? YES
- Marion Assur- how does the public act in other states that already allow it? Are people walking around high?
- Solicitor O'Connor- basically this is decriminalizing it

ORDINANCE NO. 2021-07

AN ORDINANCE BY THE TOWNSHIP OF BASS RIVER IN THE COUNTY OF BURLINGTON, NEW JERSEY ALLOWING THE OPERATION OF CERTAIN CLASSES OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING TITLE 5 BUSINESS LICENSES AND REGULATIONS OF THE TOWNSHIP CODE TO CREATE CHAPTER 5.10 GOVERNING CANNABIS 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 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, for facilities involved in growing and cultivating cannabis;

- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 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 Board of Commissioners of the Township of Bass River conducted a Special Meeting held on Monday, April 12, 2021 via zoom, for all interested or concerned Township residents. The overwhelming majority of the participants were in favor of allowing some type of cannabis business within the Township; and

WHEREAS, the Board of Commissioners of the Township of Bass River has determined that, due to present uncertainties regarding the potential future impacts that allowing Class 5 Cannabis Retailer licenses might have on Bass River Township, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of Bass River's residents and members of the public who visit, travel, or conduct business in the Township of Bass River, to amend Bass River's zoning regulations to prohibit Class 5 Cannabis Retailer licenses within the geographic boundaries of Bass River Township; and

WHEREAS, the Township of Bass River wishes to create licensing requirements for Class 1, Class 2, Class 3 and Class 4 licensed businesses that protect the health, safety and general welfare the community.

NOW THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the Township of Bass River, in the County of Burlington, State of New Jersey, as follows:

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all Class 5 cannabis retail establishments are hereby prohibited from operating anywhere in the Township of Bass River.
2. Cannabis establishments (Class 1, Class 2, Class 3 and Class 4 licensed businesses) shall be permitted, in the Township of Bass River, pursuant to Title 5, Chapter 5.10, only if the following requirements are complied with:
 - a. The regulations of this Section are subject to the enabling authority of the State of New Jersey and are subject to compliance with all statutes and/or regulations adopted by the State of New Jersey or its instrumentalities. If any provision of this Chapter is inconsistent with the statues and/or regulations of the State of New Jersey, the State statutes and/or regulations shall prevail.
 - b. Prior to the operation of any cannabis establishment, a permit or license must be obtained from the State of New Jersey and the Township of Bass River for the applicable type(s) of cannabis establishment. No cannabis establishment shall be permitted to operate without State and municipal permits or licenses.
 - c. Permitted uses shall, at all times comply with the terms and conditions of the licensee's cannabis establishment license for permits or licenses issued by the State of New Jersey and the Township of Bass River.
 - d. No cannabis establishment shall be allowed as a Home Professional Occupation as defined in Chapter 17.04.030.

- e. No cannabis establishment shall be housed in a vehicle or any movable or mobile structure.
 - f. Hours of Operation. Hours of operation for Classes 1-4 shall be 24 hours per day, except that truck traffic to and from the site shall be restricted to the hours of 7 am to 7 pm.
 - g. Odor. Cannabis establishments shall have equipment to mitigate odor. The building shall be equipped with a ventilation system with carbon filters sufficient in type and capacity to mitigate cannabis odors emanating from the interior of the premises.
 - h. Noise Control. For any Class 1 through 4 facility, the facility shall provide for noise mitigation features designed to minimize disturbance from machinery, processing and/or packaging operations, loading and other noise generating equipment or machinery. All licensed facilities must operate within applicable State decibel limitations
 - i. Security. All cannabis establishments shall be secured in accordance with State of New Jersey statutes and regulations; shall have a round-the-clock surveillance system. Security footage must be maintained for the duration required under State law, or thirty days, whichever is greater. All licensed facilities must provide the Township and/or State Police with access to security footage immediately upon request.
 - j. Lighting. For all licensed cultivation operation, the facility must mitigate lighting spillover into any residential neighborhoods, and must comply with all applicable State lighting limitations. Lighting shall have a zero footcandle at all property lines.
 - k. Signage. Signage may contain the name of the entity only and no signage reflecting a cannabis leaf or other symbols will be permitted. The word “cannabis” may be used, but not “marijuana”, or “pot” or any other common terms for cannabis. No advertising signs shall be permitted. No display of pricing shall be permitted.
3. Title 5. Chapter 5.10 Cannabis Licensing and Registration is hereby created:

5.10.010 Definition

For purposes of this Chapter, the words and terms used herein shall be deemed to have the meaning accorded to them by N.J.S.A. 24: 61-33 and the rules and regulations promulgated by New Jersey Cannabis Regulatory Commission.

5.10.020 Licensing

a. Local licensing authority

1. The Township Clerk is hereby designated to act as the local licensing authority for the Township for all cannabis establishments. Under all circumstances in which State law requires communication

to the Township by the Cannabis Regulatory Commission, or any other State agency, with regard to the licensing of cannabis establishments by the State, or in which State law requires any review or approval by the Township of any action taken by the State licensing authority, the exclusive authority for receiving such communications and granting such approval shall be exercised by the Township Clerk.

2. Under no circumstances shall a local license for a cannabis establishment issued by the Clerk be effective until or unless the State has issued the requisite permits or licenses to operate such a facility. It is the intent of this Chapter that no cannabis establishment may lawfully operate in the Township of Bass River without the issuance of a State permit or license and full regulatory oversight of the cannabis establishment by the Cannabis Regulatory Commission or other State licensing authority as well as oversight and issuance of a license by the Township.

b. Applications

1. The applicant shall submit proof that the applicant has or will have lawful possession of the premises proposed for the cannabis establishment, which proof may consist of: a deed, lease, real estate contract contingent upon successful licensing, or a binding letter of intent by the owner of the premises indicating an intent to lease the premises contingent upon successful licensing.
2. The applicant shall submit an affidavit and documentary proof of compliance with all state and local laws regarding affirmative action, anti-discrimination and fair employment practices.
3. The location proposed for licensing by the applicant shall comply with all applicable municipal zoning laws.
4. The applicant shall submit all required nonrefundable fees for the application and conditional license in accordance with the following schedule:

Cannabis cultivator: \$10,000.00

Cannabis cultivator Microbusiness: \$5,000.00

Cannabis manufacturer: \$10,000.00

Cannabis manufacturer Microbusiness: \$5,000.00

5. The applicant shall submit all annual registration fees required in accordance with the following fee schedule, which shall be refunded in the event the applicant does not receive a license:

Cannabis cultivator: \$10,000.00

Cannabis cultivator Microbusiness: \$5,000.00

Cannabis manufacturer: \$10,000.00

Cannabis manufacturer Microbusiness: \$5,000.00

6. In addition to complying with any State requirement related to good character and criminal background, any person proposed to have an ownership interest in the license shall not have had any cannabis license or permit revoked for a violation affecting public safety in the State of New Jersey or a subdivision thereof within the preceding five (5) years.
 7. The applicant and the application shall otherwise comply with any and all qualification standards set forth in the State and Township Code.
 8. A notification of award and conditional municipal license shall entitle the recipient applicant to pursue a State permit or license in the appropriate classification for up to 12 months, which may be extended by the Township for an additional 6 months for good cause. No license to operate shall issue until the applicant has received a State permit and satisfied the prerequisites of municipal licensure. If the recipient of a conditional license has not received a State permit or license within 12 months from issuance, unless extended for good cause, the Township may void the application.
- c. Term of license and license renewals.
1. Any local license issued pursuant to this Chapter shall be valid for a period of one (1) year from the date of issuance and shall be renewed in accordance with the provisions of this Chapter.
 2. The Township may adjust the renewal date of the local license to correlate with the applicant's State licensing and renewal schedule.
 3. Renewal of any license shall be governed by any code amendments, additional restrictions or changes in regulations adopted since the previous license was issued or renewed.
 4. Except where the Township Clerk has received a complete renewal application along with the requisite fees, and has issued a license renewal, it shall be unlawful for any person to manufacture, sell, distribute, transfer, transport or otherwise remove cannabis or cannabis products from the premises of any license after the expiration date recorded on the face of the license.

5.10.030 Cannabis Transfer Tax and User Tax

- a. A municipal transfer tax is hereby imposed on the receipts of each sale by a licensed cannabis business operating in the Township of Bass River at the rate of two (2%) percent of the receipts from each sale by a cannabis cultivator, two (2%) percent of the receipts from each sale by a cannabis manufacturer and one (1%) percent of the receipt from each sale by a cannabis wholesaler.

b. A municipal user tax is hereby imposed, at the equivalent transfer tax rates, on any concurrent license holder operating more than one cannabis establishment. The user tax shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed pursuant to this section, from the license holder's establishment that is located in the municipality to any of the other license holder's establishments, whether located in the municipality or in another municipality.

5.10.040 Payment of Taxes

All revenues collected pursuant to this section shall be remitted to the Chief Financial Officer of the Township of Bass River in the manner provided by this ordinance. The taxes imposed by this section shall be computed and paid for each calendar month. Said taxes are due and payable to the Chief Financial Officer on or before the twentieth (20th) day of the succeeding month.

5.10.050 Administration

- A. The Chief Financial Officer is hereby authorized and empowered to administer, regulate and collect payment of all taxes imposed by this ordinance.
- B. The Chief Financial Officer may order an audit of any taxpayer under this Chapter for the purpose of ascertaining the correctness or completeness of any return or payment.

5.10.060 Penalties

- A. Any license holder who violates any section of this Chapter shall pay a penalty of up to \$250 per violation per day for a first offense and up to \$500 per violation per day for a second offense, except for the non-payment of taxes imposed by Section 5.10.030.
- B. The payment of delinquent taxes or transfer fees imposed by Section 5.10.030 shall be enforced in the same manner as provided for delinquent real property taxes.
 - 1. In the event that the transfer tax or user tax imposed by this ordinance is not paid as and when due by a cannabis establishment, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the cannabis establishment's premises in the same manner as all other unpaid municipal taxes, fees or other charges. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the municipal lien of the parcel for unpaid property taxes due and owing in the same year.

2. In the event that a lien is imposed on a delinquent taxpayer pursuant to this section, the Township shall file in the office of the tax collector a statement showing the amount and due date of the unpaid balance and identify the lot and block number of the parcel of real property that comprises the delinquent cannabis establishment's premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.

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

5. 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.

6. This ordinance shall take effect upon its passage and publication as provided for by law.

Deputy Mayor Bourguignon made a motion to close the public portion, Commissioner Capriglione seconded the motion and all were in favor. Deputy Mayor Bourguignon made a motion to approve Ordinance 2021-07, seconded by Commissioner Capriglione. Votes: Cope- Yes, Bourguignon- Yes, Capriglione- Yes. All in favor and Ordinance 2021-07 was hereby adopted.

RESOLUTION 2021-44

A RESOLUTION OF THE TOWNSHIP OF BASS RIVER, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, REQUESTING APPROVAL OF SPECIAL ITEMS OF REVENUE AND APPROPRIATION (N.J.S.A 4a:487)

The motion was made by Mayor Cope, seconded by Commissioner Capriglione approve Resolution 2021-44. Votes: Cope- Yes, Bourguignon- Yes, Capriglione- Yes. All were in favor and Resolution 2021-44 was hereby approved.

BASS RIVER TOWNSHIP NEW JERSEY

RESOLUTION NO. 2021-44

**A RESOLUTION OF THE TOWNSHIP OF BASS RIVER COUNTY OF
BURLINGTON, STATE OF NEW JERSEY
REQUESTING APPROVAL OF SPECIAL ITEMS
OF REVENUE AND APPROPRIATION (N.J.S.A. 40A:4-87)**

WHEREAS, N.J.S.A. 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 any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Bass River, in the County of Burlington, New Jersey hereby request the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$7,440.55 which item is now available from:

Miscellaneous Revenues:

*Special Items of General Revenue
Anticipated with Prior Written Consent of
the Director of the Division of Local
Government Services – Public and
Private Revenues Offset with
Appropriations:*

2021 Clean Communities \$7,440.55

BE IT FURTHER RESOLVED that a like sum of \$7,440.55 be and the same is hereby appropriated under the caption of:

*(a) Operations – Excluded from CAPS
 Public and Private Programs Offset
 by Revenues:*

2021 Clean Communities \$7,440.55

RESOLUTION 2021-45

**A RESOLUTION OF THE TOWNSHIP OF BASS RIVER, COUNTY OF
BURLINGTON, STATE OF NEW JERSEY GIVING APPROVAL FOR A COIN
DROP WITHIN THE TOWNSHIP OF BASS RIVER, SUBJECT TO
APPROVALS BY COUNTY AND/OR STATE OFFICIALS**

The motion was made by Deputy Mayor Bourguignon, seconded by Commissioner Capriglione to approve Resolution 2021-45. Votes: Cope- Yes, Bourguignon- Yes, Capriglione- Yes. All in favor and Resolution 2021-45 was hereby approved.

RESOLUTION 2021-45

A RESOLUTION OF THE TOWNSHIP OF BASS RIVER, COUNTY OF BURLINGTON, STATE OF NEW JERSEY GIVING APPROVAL FOR A COIN DROP WITHIN THE TOWNSHIP OF BASS RIVER, SUBJECT TO APPROVALS BY COUNTY AND/OR STATE OFFICIALS

WHEREAS, the New Gretna Volunteer Fire Company has provided an application to the Township of Bass River to hold a coin drop; and

WHEREAS, Bass River Township's local ordinance allow for such events, subject to approval by County and/or State Officials.

THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Bass River that the following schedule for coin drops by the New Gretna Volunteer Fire Company have been approved at locations(s) listed below:

LOCATION: Burlington County Route 679 a.k.a. North Maple Avenue, New Gretna and Route 9, New Gretna. Time from 0700-1700.

DATES:

July 18th, rain date of July 25th

August 22nd, rain date of August 29th

September 5th, rain date of September 19th

October 17th, rain date of October 24th

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the New Gretna Volunteer Fire Company and the Burlington County Engineer's Office for submission to the Board of Chosen Freeholders for approval.

RESOLUTION 2021-46

A RESOLUTION SETTING THE ANNUAL SALARY AND HOURLY PAY RATE FOR THE 2021 CALENDAR YEAR FOR CERTAIN EMPLOYEES OF THE TOWNSHIP OF BASS RIVER

The motion was made by Mayor Cope, seconded by Deputy Mayor Bourguignon to approved Resolution 2021-46. Votes: Cope- Yes, Bourguignon- Yes, Capriglione- Yes. All in favor an Resolution 2021-46 was hereby approved.

RESOLUTION 2021-46

A RESOLUTION SETTING THE ANNUAL SALARY AND HOURLY PAY RATE FOR THE 2021 CALENDAR YEAR FOR CERTAIN EMPLOYEES OF THE TOWNSHIP OF BASS RIVER

BE IT RESOLVED by the Board of Commissioners of the Township of Bass River in the County of Burlington and the State of New Jersey at a regular meeting held on the 12th day of July, 2021 that the following pay rate is hereby established for the 2021 calendar year and set as follows pursuant to Salary Ordinance. A retro payment will be made dating back to January 1, 2021.

<u>OFFICE/EMPLOYEE NAME</u>	<u>TITLE</u>	<u>SALARY</u>
<i>Brandon Iverson</i>	<i>Laborer</i>	<i>\$15.75 per hour</i>
<i>Larry Oeser</i>	<i>Laborer</i>	<i>\$12.60 per hour</i>

RESOLUTION 2021-47

A RESOLUTION OF THE TOWNSHIP OF BASS RIVER, COUNTY OF BURLINGTON, STATE OF NEW JERSEY APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE BOWERS LANE & SOUTH MAPLE AVENUE REPAVING PROJECT

The motion was made by Mayor Cope, seconded by Commissioner Capriglione to approve Resolution 2021-47. Votes: Cope- Yes, Bourguignon- Yes, Capriglione- Yes. All were in favor and Resolution 2021-47 was hereby approved.

RESOLUTION 2021-47

A RESOLUTION OF THE TOWNSHIP OF BASS RIVER, COUNTY OF BURLINGTON, STATE OF NEW JERSEY

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE BOWERS LANE & SOUTH MAPLE AVENUE REPAVING PROJECT

WHEREAS, there exists a need to repave Bowers Lane from the intersection of Bowers Lane and State Route #9 to the end of Bowers Lane and South Maple Avenue from the intersection of South Maple Avenue and State Route #9 to the end of South Maple Avenue; and,

WHEREAS, this project will improve the condition of the road and promote safe transit through the township.

NOW, THEREFORE, BE IT RESOLVED that Commission of the Township of Bass River formally approves the grant application for the above stated project.

*BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2022-Bowers Lane & South Maple Ave Recons-00409** to the New Jersey Department of Transportation on behalf of the Township of Bass River.*

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Bass River and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION 2021-48

RESOLUTION OF THE TOWNSHIP OF BASS RIVER, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, DESIGNATING THE CERTIFIED COSTS OF PROPERTY MAINTENANCE PERFORMED BY THE TOWNSHIP OF BASS RIVER ON BLOCK 56, LOT 40—5663 ROUTE 9 AS A LIEN ON THE PROPERTY AND AUTHORIZING THE TAX COLLECTOR TO COLLECT THE LIEN IN ACCORDANCE WITH CHAPTER 8.20 OF THE MUNICIPAL CODE

The motion was made by Mayor Cope, Seconded by Commissioner Capriglione to approve Resolution 2021-48. Votes: Cope- Yes, Bourguignon- Yes, Capriglione- Yes. All were in favor and Resolution 2021-48 was hereby approved.

RESOLUTION 2021-48

RESOLUTION OF THE TOWNSHIP OF BASS RIVER, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, DESIGNATING THE CERTIFIED COSTS OF PROPERTY MAINTENANCE PERFORMED BY THE TOWNSHIP OF BASS RIVER ON BLOCK 56, LOT 40—5663 ROUTE 9 AS A LIEN ON THE PROPERTY AND AUTHORIZING THE TAX COLLECTOR TO COLLECT THE LIEN IN ACCORDANCE WITH CHAPTER 8.20 OF THE MUNICIPAL CODE

WHEREAS, Chapter 8.20 of the Municipal code of the Township of Bass River provides that the owner or tenant of lands, or the agent of such premises, within the Township is required to removed or cause to be removed from such lands any brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris which is or may become dangerous to life or health or might tend to extend a conflagration in the Township; and

WHEREAS, the Municipal Code further provides that if after inspection by the Code Enforcement officer any such lands are deemed to be in violation of Chapter 8.20, the Township Clerk shall notify the owner, tenant or agent of the lands in question to remedy such violations within ten (10) days after receipt of notice to do so. Said notice shall be made upon the owner, tenant or agent of any such lands by letter to his or her last known address; and

WHEREAS, the Municipal Code Further provides that if the owner, tenant or agent to whom notice of violation sent, neglects or refuses to abate or remedy the violation within ten (10) days after notice thereof, the Code Enforcement officer or his or her designated agent shall cause the violation to be abated and remedied and certify the costs thereof to the Borough Council which, after examination of the certificate and determination of its accuracy, shall cause the costs to be charged against the lot or land on which the violations exists. The amount so charged shall become a lien upon the lot or land and shall be added to and become and form part of the taxes next to be assessed and levied upon the lot or land, the same to bear interest at the same rate as taxes and to be collected as provided by R. S. 40:48-2.14, and enforced by the same officers responsible for the collection of taxes and in the same manner as taxes; and

WHEREAS, after inspection, the Township's Code Enforcement officer has determined Block 56, Lot 40, as shown on the tax map of the Township of Bass River, currently known as (address) 5663 Route 9, and assessed to (owner) Fikry Girgis, in violation of Chapter 8.20 of the Municipal Code; and

WHEREAS, notice has been provided to the assessed owner of the said property in accordance with Chapter 8.20 of the Municipal Code; and

WHEREAS, the assessed owner to whom notice of violation was sent, neglected or refused to abate or remedy the violation within ten (10) days after notice thereof, causing the violation on said property to be abated and remedied by the Township of Bass River, and the costs associated therewith to be certified to the governing body; and

WHEREAS, the governing body has examined the certification of costs and finds same to accurate.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Bass River, County of Burlington, State of New Jersey, as follows:

*That the costs incurred by the Township to remedy and abate the violations on Block 56, Lot 40 commonly referred to as address 5663 Route 9 as determined by the Code Enforcement Officer, and the costs of **\$200.00** of which having been certified to the governing body and upon examination thereof found to be accurate, are hereby charged against said property and shall become a lien upon same.*

- 1. That said lien shall be added to and become and form a part of the taxes next to be assessed and levied upon said property, and that the Tax Collector is hereby authorized to collect same in accordance with the provisions of Chapter 8.20 of the Municipal Code.*
- 2. That a certified copy of this resolution shall be forwarded by the Municipal Clerk to the Code Enforcement Officer and Tax Collector of the Township of Bass River.*

**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT
RESOLUTION 2021-49**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2020 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Board of Commissioners of the Township of Bass River, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON July 12, 2021.

REPORTS:

1. Solicitor's Report- Getting close to finishing Block 31 – lots for sale

NEW BUSINESS:

Kaszuba's License Renewal- Carried to September 2021 meeting.

Cramer's Junkyard License Renewal- Public hearing: A motion to open the hearing to the public was made by Deputy Mayor Bourguignon, seconded by Commissioner Capriglione. No public comment. A motion to close the hearing to the public was made by Deputy Mayor Bourguignon, seconded by Commissioner Capriglione. Votes: Cope- Yes, Bourguignon- Yes, Capriglione- Yes. All were in favor and the license is hereby renewed for the 2021-2022 year.

Campground License Renewals: Applications, fees and required paperwork and inspections were done for Atlantic Shore Pines, Pilgrim Lake, Timberline Lake, Chips Folly and Arrowhead campgrounds. A motion to open to the public was made by Deputy Mayor Bourguignon, seconded by Commissioner Capriglione. No public comment. A motion to close to the public was made by Deputy Mayor Bourguignon, seconded by Commissioner Capriglione. Votes: Cope- Yes, Bourguignon- Yes, Capriglione- Yes. All were in favor and the licenses were renewed for the 2021-2022 year.

OLD BUSINESS:

Vandalism throughout the town. Requested additional State Police presence.

DEP inspection- trouble with leach field- broken pipes, standing water. Asked for additional State police presence there as well, and plan to install some no trespassing signs.

The meeting was open for public comment at 7:45 PM upon a motion by Deputy Mayor Bourguignon seconded by Commissioner Capriglione. All present in favor.

Pat and Bobby Williams- 264 Route 679- questioned procedures regarding Gypsy Moths. Laurie Welch -44 North Maple Ave. is concerned about excessive speeding on N. Maple. Would like something done, increased police, shoulder, sidewalk or anything.

Being no further comments, the motion to close the public portion was made by Deputy Mayor Bourguignon, seconded by Commissioner Capriglione. All in favor and public portion was closed at 7:50 p.m.

Being no further business to come before the Board the motion to adjourn was made by Deputy Mayor Bourguignon, seconded by Commissioner Capriglione. All in favor and meeting was adjourned at 7:55 p.m.

Respectfully Submitted,

Elizabeth Godfrey, Acting Township Clerk