

**** WORKSHOP AGENDA ****

April 26, 2023

7:30 P.M.

Work Session of the Mayor and Council of the Borough of Englishtown, 15 Main Street, Englishtown, New Jersey 07726.

1. **Meeting Called to Order and Roll Call**
2. **Discussion Items**
3. **Adjournment**

**** AGENDA ****

Regular Meeting of the Mayor and Council of the Borough of Englishtown, 15 Main Street, Englishtown, New Jersey 07726.

1. **Meeting Called to Order and Roll Call**
2. **Statement of Compliance with Sunshine Law**
3. **Moment of Silence and Salute to the Flag**
4. **Approval of Minutes**
 - March 22, 2023
 - March 29, 2023 Special Meeting
 - April 6, 2023 Special Meeting

5. Executive Session - Personnel

6. Councilmember Committee Reports

Councilmember Krawiec- Public Buildings & Grounds

Councilmember W. Lewis- Public Safety

Councilmember Robilotti- Administration, Finance, Personnel and Technology

Councilmember Francisco- Code Enforcement, Public Health, Welfare & Public Events

Councilmember Mann- Public Utilities

Council member M. Lewis- Legislative, Insurance and Licenses

7. **Correspondence**
8. **Open Public Portion Limited to Agenda Items Only**
Limited to Five (5) Minutes per citizen to be determined at Borough Council's discretion. Any and all situations regarding Borough Personnel, when names are implied or mentioned, are to be brought to the full attention of the Council through an appointment and subsequent disclosure through the Personnel Committee.
9. **Old Business:**
 - A. **Ordinance No. 2023-03- Public Hearing & Adoption**
Ordinance Amending and Supplementing Chapter 2.130 of the Code of the Borough of Englishtown Creating Cannabis Conditional Use Requirements.
 - B. **Ordinance No. 2023-04 – Public Hearing & Adoption**
Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A. 40A:4-45.14)
 - C. **Resolution No. 2023-066- Tabled at March 22, 2023 mtg.**
Appointment of Community Development Committee
10. **Public Hearing on 2023 Municipal Budget**
11. **New Business:**
 - A. **Resolution No. 2023-080**
Requesting Permission for Dedication by Rider – Developer Builder's Contribution Escrow Trust Fund
 - B. **Resolution No. 2023-081**
Authorizing the Municipal Budget be Read by Title Only
 - C. **Resolution No. 2023-082**
Resolution to Amend the 2023 Municipal Budget
 - D. **Resolution No. 2023-083**
Adoption of the 2023 Municipal Budget
 - E. **Resolution No. 2023-084**
Approval of Borough Bills
12. **Tax Collector's Report – March 2023**
13. **Public Portion - Non-Agenda Items**
Limited to Five (5) Minutes per citizen to be determined at Borough Council's discretion. Any and all situations regarding Borough Personnel, when names are implied or mentioned, are to be brought to the full attention of the Council through an appointment and subsequent disclosure through the Personnel Committee.
14. **Adjournment**

NEXT COUNCIL MEETING WEDNESDAY, MAY 24, 2023 @ 7:30 P.M.

BOROUGH OF ENGLISHTOWN

**** MINUTES ****

April 26, 2023

7:30 P.M

**WORK SESSION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ENGLISHTOWN
15 Main Street, Englishtown, New Jersey 07726.**

Meeting Called to Order and Roll Call:

The meeting was called to order by Mayor Reynolds at 7:30 P.M.

Roll Call Present: C/Francisco, C/Krawiec, C/M.Lewis, C/W.Lewis, C/Mann, C/Robilotti and Mayor Reynolds

Absent: None

Also Present: Christine Robbins, Interim Clerk, Borough Attorney Jonathan Cohen, Police Chief Cooke, Sylvia Eryan- Hawileh, CFO, Laurie Finger, Deputy CFO

There were no workshop items discussed tonight.

Adjournment:

There being no discussion items a motion to adjourn the workshop was offered by C/W. Lewis, seconded by C/Mann, with all present Council members in favor of adjournment. Time of adjournment was 7:31 pm.

**REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ENGLISHTOWN
15 Main Street, Englishtown, New Jersey 07726.**

Meeting Called to Order and Roll Call:

The meeting was called to order by Mayor Reynolds at 7:31 P.M.

Roll Call Present: C/Francisco, C/Krawiec, C/M.Lewis, C/W.Lewis, C/Mann, C/Robilotti and Mayor Reynolds

Absent: None

Also Present: Christine Robbins, Interim Municipal Clerk, Borough Attorney Jonathan Cohen, Police Chief Cooke, Sylvia Eryan-Hawileh, CFO, Laurie Finger, Deputy CFO

Statement of Compliance with Sunshine Law

Mayor Reynolds announced that pursuant to N.J.S.A. 10 4-6 notification of this meeting has been (1) Published in the Asbury Park Press and the News Transcript the Official Newspapers of the Borough, (2) Posted to the Public at Borough Hall, (3) Copy has been filed with the Municipal Clerk, (4) Copy of this agenda and the Sunshine Statement has been filed with the Mayor and Council. The meeting was deemed in compliance with the Open Public Meetings Act.

Moment of Silence and Salute to the Flag - Led by Mayor Reynolds.

Approval of Minutes:

March 22, 2023

<u>Council Member</u>	<u>Motion/Second</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Francisco		X			
Krawiec		X			
M. Lewis		X			
W. Lewis		X			
Mann	X	X			
Robilotti		X			
Mayor Reynolds	tie vote only				

March 9, 2023 Special Meeting

<u>Council Member</u>	<u>Motion/Second</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Francisco		X			
Krawiec		X			
M. Lewis		X			
W. Lewis		X			
Mann	X	X			
Robilotti		X			
Mayor Reynolds	tie vote only				

April 6, 2023 Special Meeting

<u>Council Member</u>	<u>Motion/Second</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Francisco		X			
Krawiec		X			
M. Lewis		X			
W. Lewis		X			
Mann	X	X			
Robilotti		X			
Mayor Reynolds	tie vote only				

Executive Session (Personnel):

RESOLUTION OF THE BOROUGH OF ENGLISHTOWN MAYOR AND COUNCIL FOR A CLOSED OR EXECUTIVE SESSION PURSUANT TO N.J.S.A. 10:4-13.

WHEREAS, N.J.S.A. 10:4-12B provides that a public body may exclude the public from that portion of a meeting at which the body discusses contract negotiations;

1. Any matter which, by express provision of Federal Law or State statute or rule of court, shall be rendered confidential;
2. Any matter in which the release of information would impair a right to receive funds from the Government of the United States;

3. Any material, the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records or personal material including health records, legal defense, insurance, etc.
4. Any collective bargaining agreement or terms and conditions related thereto;
5. Any matter involving the purchase, lease or acquisition of real property with public funds;
6. Any tactics and techniques utilized in protecting the public safety and property;
7. Any pending or anticipated litigation or contract negotiation wherein the public body is, or may become a party. Any matters, falling within the attorney-client privilege, to the extent that confidentiality is required.
8. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of performance of, promotion or disciplining of any specific prospective public officer or employee or current officer or employee, employed or appointed by the public body.
9. Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or suspension or loss of a license or permit.

WHEREAS, N.J.S.A. 10:4-13 provides that a public body may not exclude the public from any meeting to discuss any matters described in N.J.S.A. 10:4-12 until the public body has adopted a resolution at a meeting to which the public shall be admitted, stating the general nature of the subject to be discussed and stating as precisely as possible, the time and when the circumstances under which the discussion conducted in a closed session of the public body can be disclosed to the public.

WHEREAS, the Mayor and Council of the Borough of Englishtown believe that a closed session pursuant to Section 4 of N.J.S.A. 10:4-12b is required to discuss personnel matters.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the public be excluded from this portion of the public meeting convened this 26th day of April, 2023, pursuant to Section 4 of the Open Public Meetings Act.

BE IT FURTHER RESOLVED, that the subject matter of this executive session will be made public when it is no longer required that the subject matter discussed be kept privileged.

Enter into Executive Session: Time: 7:33 P.M.

Council Member	Motion/Second	Aye	Nay	Abstain	Absent
Francisco		X			
Krawiec		X			
M. Lewis		X			
W. Lewis	X	X			
Mann	X	X			
Robilotti		X			
Mayor Reynolds	tie vote only				

Council returned from Executive Session at 7:56 P.M.- Action will be taken

<u>Council Member</u>	<u>Motion/Second</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Francisco	X	X			
Krawiec		X			
M. Lewis		X			
W. Lewis		X			
Mann	X	X			
Robilotti		X			
Mayor Reynolds	tie vote only				

Councilmember Committee Reports:

Councilman Krawiec – Public Buildings and Grounds –

- DPW continues brush pick up
- New paving continues; municipal parking lot recently paved – all looks great
- Discusses the water problem on Mt. Vernon Road from the road being torn up.

Councilman Lewis- Public Safety, Code Enforcement, Public Health, Welfare –

Chief Cooke reads aloud the Police Activity Report for February.

Councilwoman Robilotti – Administration, Finance, Personnel and Technology –

- We will be appointing a new clerk this evening.

Councilman Francisco – Public Events –

- Code enforcement update; no resolution to pig issue.
- Memorial Day Parade will be on Monday, May 29th starting in Manalapan going to the American Legion on Sanford Street.
- Licensing issue which he passed on the C/Lewis.

Councilman Mann – Public Utilities –

- Water main break on W. Dey Street
- Concerned that the digging and big trucks weakened the infrastructure

Councilwoman Lewis – Legislative, Insurance and Licenses –

- Licensing issue with Maiettas food license valid dates.
 - Clerk Robbins states it’s valid from the date the inspection report was submitted through the end of the year, there’s no issue.

Open Public Portion Limited to Agenda Items Only:

Motion was made to open the Public Portion by C/M. Lewis, seconded by C/Francisco. All in favor.

Isay – Plantopia LLC. – submitted requested changes regarding the cannabis ordinance.

John Soares – Buditup LLC – question about the zoning letter of approval and when he will receive it.

Public Comment:

There being no further public comments on agenda items, a motion was made by C/Mann, seconded by C/Francisco to close to public comment section. All in favor.

OLD BUSINESS:

**BOROUGH OF ENGLISHTOWN
ORDINANCE NO. 2023-03**

PUBLIC HEARING & ADOPTION

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2.130
ENTITLED "ZONING" OF THE CODE OF THE BOROUGH OF ENGLISHTOWN
CREATING CANNABIS USE REQUIREMENTS AND
CREATING NEW CHAPTER 2.59 ENTITLED
"CANNABIS TAX, LICENSING AND FEES"**

WHEREAS, the Borough Council heretofore repealed an Ordinance prohibiting the operation of any class of Cannabis business within the Borough; and

WHEREAS, it is the intent and purpose of this Ordinance amendment to establish regulations and standards governing Cannabis class uses, (other than alternative treatment centers) and defining them as "Permitted Uses" which shall be permitted in the C-1, C-1A, C-2 and I zones given the following conditions:

ARTICLE I. [New Section]

SECTION 2.130.08.1 Definitions.

Cannabis - means all parts of the plant *Cannabis sativa* L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L.2021, c.16 (C.24:6I-31 et al.) for use in cannabis products as set forth in this act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. "Cannabis" does not include: medical cannabis dispensed to registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); marijuana as defined in N.J.S.2C:35-2 and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L.2001, c.114 (C.2C:35B-1 et seq.), or marihuana as defined in section 2 of P.L.1970, c.22 (C.24:21-2) and applied to any offense set forth in the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the "New Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.). (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Cannabis Consumption Area - means, as further described in section 28 of P.L.2019, c.153 (C.24:6I-21), a designated location operated by a licensed cannabis retailer or permit holder for dispensing medical cannabis, for which both a State and local endorsement has been obtained, that is either: (1) an indoor, structurally enclosed area of the cannabis retailer or permit holder that is separate from the area in which retail sales of cannabis items or the dispensing of medical cannabis occurs; or (2) an exterior structure on the same premises as the cannabis retailer or permit holder, either separate from or

connected to the cannabis retailer or permit holder, at which cannabis items or medical cannabis either obtained from the retailer or permit holder, or brought by a person to the consumption area, may be consumed. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Cannabis Cultivator - means any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 1 Cannabis Cultivator license. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Cannabis Delivery Service - means any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer. This person or entity shall hold a Class 6 Cannabis Delivery license. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Cannabis Distributor - means any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities. This person or entity shall hold a Class 4 Cannabis Distributor license. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Cannabis establishment - means a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Cannabis manufacturer - means any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis , manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 Cannabis Manufacturer license." (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Cannabis product - means a product containing usable cannabis , cannabis extract, or any other cannabis resin and other ingredients intended for human consumption or use, including a product intended to be applied to the skin or hair, edible cannabis products, ointments, and tinctures. "Cannabis product" does not include: (1) usable cannabis by itself; or (2) cannabis extract by itself; or (3) any other cannabis resin by itself. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Cannabis resin - means the resin extracted from any part of the plant *Cannabis sativa* L., including cannabis extract and resin extracted using non-chemical processes, processed and used in accordance with P.L.2021, c.16 (C.24:6I-31 et al.). "Cannabis resin" does not include: any form of medical cannabis dispensed to registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); hashish

as defined in N.J.S.2C:35-2 and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L.2001, c.114 (C.2C:35B-1 et seq.), or as defined in section 2 of P.L.1970, c.226 (C.24:21-2) and applied to any offense of the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the "New

Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.). (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Cannabis retailer - means any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer. This person or entity shall hold a Class 5 Cannabis Retailer license. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Cannabis testing facility - means an independent, third-party entity meeting accreditation requirements established by the Cannabis Regulatory Commission that is licensed to analyze and certify cannabis items and medical cannabis for compliance with applicable health, safety, and potency standards. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Cannabis wholesaler - means any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers. This person or entity shall hold a Class 3 Cannabis Wholesaler license. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Commission - means the Cannabis Regulatory Commission established pursuant to section 31 of P.L.2019, c.153 (C.24:6I-24). (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Conditional license - means a temporary license designated as either a Class 1 Cannabis Cultivator license, a Class 2 Cannabis Manufacturer license, a Class 3 Cannabis Wholesaler license, a Class 4 Cannabis Distributor license, a Class 5 Cannabis Retailer license, or a Class 6 Cannabis Delivery license that allows the holder to lawfully act as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service as the case may be, which is issued pursuant to an abbreviated application process, after which the conditional license holder shall have a limited period of time in which to become fully licensed by satisfying all of the remaining conditions for licensure which were not required for the issuance of the conditional license. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Consumption - means the act of ingesting, inhaling, or otherwise introducing cannabis items into the human body. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

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

(This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

License - means a license issued under P.L.2021, c.16 (C.24:6I-31 et al.), including a license that is designated as either a Class 1 Cannabis Cultivator license, a Class 2 Cannabis Manufacturer license, a Class 3 Cannabis Wholesaler license, a Class 4 Cannabis Distributor license, a Class 5 Cannabis Retailer license, or a Class 6 Cannabis Delivery license. The term includes a conditional license for a designated class, except when the context of the provisions of P.L.2021,c.16(C.24:6I-31 et al.) otherwise intend to only apply to a license and not a conditional license. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Licensee - means a person or entity that holds a license issued under P.L.2021, c.16 (C.24:6I-31 et al.), including a license that is designated as either a Class 1 Cannabis Cultivator license, a Class 2 Cannabis Manufacturer license, a Class 3 Cannabis Wholesaler license, a Class 4 Cannabis Distributor license, a Class 5 Cannabis Retailer license, or a Class 6 Cannabis Delivery license, and includes a person or entity that holds a conditional license for a designated class, except when the context of the provisions of P.L.2021, c.16 (C.24:6I-31 et al.) otherwise intend to only apply to a person or entity that holds a license and not a conditional license. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Licensee representative - means an owner, director, officer, manager, employee, agent, or other representative of a licensee, to the extent that the person acts in a representative capacity. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Manufacture - means the drying, processing, compounding, or conversion of usable cannabis into cannabis products or cannabis resins. "Manufacture" does not include packaging or labeling. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Mature cannabis plant - means a cannabis plant that is not an immature cannabis plant. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Medical cannabis - means cannabis dispensed to registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.). "Medical cannabis" does not include any cannabis or cannabis item which is cultivated, produced, processed, and consumed in accordance with P.L.2021, c.16 (C.24:6I-31 et al.). (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Noncommercial - means not dependent or conditioned upon the provision or receipt of financial consideration. (This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

Premises or Licensed Premises - includes the following areas of a location licensed under P.L.2021, c.16 (C.24:6I-31 et al.): all public and private enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms, and storerooms; all areas outside a building that the Cannabis Regulatory Commission has specifically licensed for the production, manufacturing, wholesaling, distributing, retail sale, or delivery of cannabis items; and, for a location that the commission has specifically licensed for the production of cannabis outside a building, the entire lot or parcel that the licensee owns, leases, or has a right to occupy.

(This definition is intended to correlate with Cannabis Class Uses as developed and updated by the State of New Jersey)

SECTION 2.130.08.2 Cannabis Class Uses.

Cannabis Class uses, (other than Alternative Treatment Centers) shall be permitted in the commercial and industrial Zoning District as follows:

A Location. The permitted location of such uses shall be in accordance with the current NJ State requirements in addition to the following:

1. All commercial zones, as defined in the Borough's land use ordinance, may be used for retail sales and delivery of cannabis as defined herein;
2. Industrial zones, as defined in the Borough's land use ordinance, may be used for wholesale, packaging, testing and cultivation of cannabis as defined herein;
3. Permitted Classes of Licenses (as defined by the State of NJ). The following classes or combination of are permitted: Refer to Chapter 2.59 for number of licenses allowed.

Class 1– Cannabis Cultivator

Class 2– Cannabis Manufacturer

Class 3– Cannabis Wholesaler

Class 4– Cannabis Distributor

Class 5– Cannabis Retailer

Class 6– Cannabis Delivery Service

For licensees who have already received license endorsements from the Council, the applicable license fee shall be due no later than receipt of the Certificate of Occupancy to open the business. All prospective licensees must pay the fee within 70 days of receiving endorsement from the Council.

ARTICLE II. [New Section]
NEW CHAPTER: 2.59 CANNABIS – TAX, LICENSING AND FEES

SECTION 2.59.1 Licenses.

Licenses. License Fees / Maximum Number. –Cannabis licenses shall run July 1st through June 30th and must be renewed annually. The annual license fee and maximum number of licenses for the Cannabis business in the Borough shall be as follow:

Class of License	Annual License Fee	No. of Licenses
Class 1 Cannabis Cultivator	\$4,500	1
Class 2 Cannabis Manufacturer	\$4,500	2
Class 3 Cannabis Wholesaler	\$2,500	1
Class 4 Cannabis Distributor	\$2,500	1
Class 5 Cannabis Retailer	\$2,500	5
Class 6 Cannabis Delivery Service	\$2,500	1

SECTION 2.59.2. Hours of operation.

Cannabis class uses are permitted the following hours of operation:
Monday through Sunday 10:00 a.m. to 10:00 p.m.

SECTION 2.59.3 Cannabis Taxation.

1. It is the purpose of this Section to implement the provisions of P.L., 2021,c,16 which authorizes the governing body of a municipality to adopt an ordinance imposing a tax at a uniform percentage rate not to exceed (2%) of the receipt from each sale by a cannabis cultivator, two percent (2%) of the receipts from each sale by a cannabis manufacturer; one (1%) of the receipts from each sale by a cannabis wholesaler; and two (2%) of the receipts from each sale by a cannabis retailer, which shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the cannabis establishment.
2. Unless otherwise defined herein, as used herein, the Borough adopts by reference the terms and definitions established in Section 40 of N.J.S.A. 24:61-33.
3. There is hereby established a local cannabis transfer tax in the Borough of Englishtown which shall be fixed at a uniform percentage rate of two percent (2%) of receipts from each sale by a cannabis cultivator and two percent (2%) of the receipts from each sale by a cannabis manufacturer, one (1%) of the receipts from each sale by a cannabis wholesaler; and two (2%) of the receipts from each sale by a cannabis retailer.
4. Any transaction for which the transfer or user tax is imposed, or could be imposed, pursuant to this section, other Than those which generate receipts from retail sales by cannabis retailers, shall be exempt from the tax imposed under the "Sales and Use Tax Act," P.L.1966,c30 (C.54:32B-1 et seq.).

5. The cannabis transfer tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon property or cannabis establishment.

SECTION 2.59.4 Collection.

1. The transfer tax or user tax imposed by this article shall be collected or paid, and remitted to Englishtown Borough by the cannabis establishment from the cannabis establishment purchasing or receiving the cannabis or cannabis item. The transfer Tax or user Tax shall be stated, charged, and shown separately on any sales slip, invoice, receipt, or other statement or memorandum of the price paid or payable, or equivalent value of the transfer, for the cannabis or cannabis item.
2. Every cannabis establishment required to collect a transfer tax or user tax imposed by ordinance pursuant to this section shall be personally liable for the transfer tax or user tax imposed, collected, or required to be collected under this section. Any cannabis establishment shall have the same right with respect to collecting tax or user tax from another cannabis establishment as if the transferor user tax was part of the purchase price of the cannabis or cannabis item and payable at the same time; provided, however, that the Chief Financial Officer of Englishtown Borough shall be joined as a party in any action or proceeding brought to collect the transfer tax.
3. No cannabis establishment required to collect a transfer tax or user tax imposed by this section shall advertise or hold out to any person or to the public in general, in any manner directly or indirectly that the transfer tax or user tax will not be separately charged and stated to another cannabis establishment, or that the transfer tax or user tax will be refunded to the cannabis establishment.
4. All revenues collected from the transfer tax or user tax imposed by ordinance pursuant to this section shall be remitted to Englishtown Borough Chief Financial Officer on a quarterly basis payable for the prior three month's activities and due at the same time as quarterly dates for the collection of property taxes. The revenues due on February 1 of each year shall include all transfer taxes and user taxes collected for the immediate prior months of October, November and December. The revenues due on May 1 of each year shall include all transfer taxes and user taxes collected for the immediate prior months of January, February and March. The revenues due on 1st of each year shall include all transfer taxes and user taxes collected for the immediate prior months of April, May and June. The revenues due on November 1 of each year shall include all transfer taxes and user taxes collected for the immediate prior months of July, August and September. There shall be a ten (10) day grace period for the payment of said transfer tax and/or user tax which will coincide with the ten (10) day grace period typically permitted for property tax payments. There shall be no extension of the cannabis transfer tax / user tax grace period without a resolution of the governing body authorizing a specific extension.
5. All payments to Englishtown Borough shall be accompanied by an affidavit signed by the licensee who certifies the total receipts from each sale so that an accurate calculation of the cannabis tax may be determined.
6. The Chief Financial Officer shall collect and administer the Local Cannabis Transfer Tax and User Tax imposed by this ordinance. The Township shall enforce the payment of delinquent

Local Cannabis Transfer Tax and User Tax in the same manner and at the same interest rates as provided for municipal real property taxes.

7. In the event that the Local Cannabis Transfer Tax and User Tax imposed by this section is not paid as and when due by a cannabis business, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the cannabis business 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 on the parcel for unpaid property taxes due and owing in the same year. In the event of a delinquency, the Chief Financial Officer shall file with the Tax Collector a statement showing the amount and due date of the unpaid balance and identifying the lot and block number of the parcel of real property that comprises the delinquent cannabis business. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.

ARTICLE III. Any article, section, paragraph, clause or provision of this Ordinance found to be inconsistent with the provisions of this ordinance or State Law is hereby repealed to the extent of such inconsistency.

ARTICLE IV. Should any article, section, paragraph, subsection or clause of this ordinance be adjudicated by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, provision or portion of this ordinance so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

ARTICLE V. This ordinance shall take effect upon its passage and publication in accordance with law.

DATE OF FIRST READING & INTRODUCTION: April 6, 2023

Council Member	Motion/Second	Aye	Nay	Abstain	Absent
Francisco		X	X		
Krawiec			X		
M Lewis			X		
W. Lewis	X		X		
Mann				X	
Robilotti					X
Mayor Reynolds	tie vote only				

Public Hearing:

A motion was made C/Francisco and seconded C/W. Lewis to open the Public Hearing on Ordinance No. 2023-03.

Township Attorney Jonathan Cohen reads aloud some minor amendments made to the Ordinance.

There being no further public comments on Ordinance No. 2023-03, a motion was made by C/Mann, seconded by C/Robilotti to close to public hearing. All in favor.

DATE OF PUBLIC HEARING & ADOPTION: April 26, 2023

Council Member	Motion/Second	Aye	Nay	Abstain	Absent
Francisco	X	X			
Krawiec		X			
M. Lewis			X		
W. Lewis		X			
Mann	X	X			
Robilotti					
Mayor Reynolds	tie vote only				

Notice is hereby given that Ordinance No. 2023-03 entitled “An Ordinance Amending and Supplementing Chapter 2.130 Entitled “Zoning” of the Code of the Borough of Englishtown Creating Cannabis Use Requirements and Creating New Chapter 2.59 Entitled “Cannabis Tax Licensing and Fees” was passed after a public hearing at a regular meeting held April 26, 2023 by the Governing Body of the Borough of Englishtown, at 15 Main Street, Englishtown, NJ 07726.

**BOROUGH OF ENGLISHTOWN
 ORDINANCE NO. 2023-04**

PUBLIC HEARING & ADOPTION

**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.A. 40A:4-45.1, et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% 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 Mayor and Council of the Borough of Englishtown in the County of Monmouth find it advisable and necessary to increase its CY 2023 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 Mayor and Council hereby determine that a 1% increase in the budget for said year, amounting to \$20,808.83 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and Council hereby determine 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.

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Englishtown, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Borough of Englishtown shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be

increased by 3.5%, amounting to \$72,830.91 and that the CY 2023 municipal budget for the Borough of Englishtown be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED 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 five (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 five (5) days after such adoption.

DATE OF INTRODUCTION March 22, 2023

Council Member	Motion/Second	Aye	Nay	Abstain	Absent
Francisco				X	
Krawiec		X			
M. Lewis		X			
W. Lewis		X			
Mann	X	X			
Robilotti		X			
Mayor Reynolds	tie vote only				

Public Hearing:

A motion was made C/Mann and seconded C/W. Lewis to open the Public Hearing on Ordinance No. 2023-04.

There being no public comments on Ordinance No. 2023-04, a motion was made by C/Mann, seconded by C/Robilotti to close to public hearing. All in favor.

DATE OF PUBLIC HEARING AND ADOPTION: April 26, 2023

Council Member	Motion/Second	Aye	Nay	Abstain	Absent
Francisco				X	
Krawiec		X			
M. Lewis		X			
W. Lewis		X			
Mann		X	X		
Robilotti	X				
Mayor Reynolds	tie vote only				

Notice is hereby given that Ordinance No. 2023-04 entitled “An Ordinance to Exceed the Municipal Appropriation Budget Limits and to Establish a Cap Bank” was passed after a public hearing at a regular meeting held April 26, 2023 by the Governing Body of the Borough of Englishtown, at 15 Main Street, Englishtown, NJ 07726.

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2023-066**

APPOINTMENT OF COMMUNITY DEVELOPMENT COMMITTEE

A motion to **TABLE** the Resolution No. 2023-066 until the May 24, 2023 Council Meeting was made by C/W. Lewis and seconded by C/Mann. All in favor.

PUBLIC HEARING ON 2023 MUNICIPAL BUDGET

A motion was made C/W. Lewis and seconded C/Robilotti to open the Public Hearing on the 2023 Municipal Budget.

Laurie Finger, Deputy CFO goes over the 2023 budget highlights.

There being no public comments on the 2023 Municipal Budget, a motion was made by C/Mann, seconded by C/Robilotti to close to public hearing. All in favor.

NEW BUSINESS:

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2023-080**

**RESOLUTION REQUESTING PERMISSION FOR DEDICATION BY RIDER
DEVELOPER BUILDER'S CONTRIBUTION ESCROW TRUST FUND**

WHEREAS, permission is required of the Director of Local Government Services for approval as a Dedication by Rider of revenues received by a Municipality when the revenue is not subject to reasonably accurate estimate in advance; and

WHEREAS, the Borough of Englishtown desires to establish a trust fund for monies received for Developer Builder Contributions to Off Tract Improvements; and

WHEREAS, N.J.S.A. 40:55D-53.1 provides that the Director of the Division of Local Government Services may approve expenditures of moneys by dedication by rider;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Englishtown, County of Monmouth, State of New Jersey, that permission be and is hereby requested of the Director of the Division of Local government Services to include as a Dedication by Rider in the 2023 and subsequent years' budgets, revenues received for Developer Builder Contributions to Off Tract Improvements within the Borough, be spent in accordance with the rules and regulations.

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed with the Director of the Division of Local Government Services for approval, and one copy to the Chief Financial Officer and Borough Auditor.

<u>Council Member</u>	<u>Motion/Second</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Francisco		X			
Krawiec	X	X			
M. Lewis		X			
W. Lewis		X			
Mann		X			
Robilotti	X	X			
Mayor Reynolds	tie vote only				

**BOROUGH OF ENGLISHTOWN
 RESOLUTION NO. 2023-081**

AUTHORIZING THE MUNICIPAL BUDGET BE READ BY TITLE ONLY.

WHEREAS, N.J.S. 40A:4-8 provides that the budget be read by title only at the time of public hearing if a resolution is passed by not less that 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 as advertised has been posted in the Municipal Building and copies have been made available by the Clerk to persons requesting them; and

WHEREAS, these conditions have been met;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Englishtown, in the County of Monmouth, State of New Jersey, that the budget shall be read by title only.

<u>Council Member</u>	<u>Motion/Second</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Francisco		X			
Krawiec		X			
M. Lewis		X			
W. Lewis	X	X			
Mann		X			
Robilotti	X	X			
Mayor Reynolds	tie vote only				

**BOROUGH OF ENGLISHTOWN
 RESOLUTION NO. 2023-082**

**RESOLUTION AMENDIING THE MUNICIPAL BUDGET
 OF THE BOROUGH OF ENGLISHTOWN, COUNTY OF MONMOUTH,
 FOR FISCAL YEAR 2023, WITH STATEMENTS OF REVENUES AND APPROPRIATIONS
 WHICH SHALL CONSTITUTE THE LOCAL BUDGET FOR THE YEAR 2023**

WHEREAS, the introduction of the Local Municipal Budget for the Year 2023 was approved on March 22, 2023, and

WHEREAS, the public hearing on said Budget has been held as advertised, and

WHEREAS, it is desired to amend the approved Budget, now

THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Englishtown, County of Monmouth, that the following amendments to the approved Budget of 2023 be made:

	From	To	Change
CURRENT FUND			
GENERAL APPROPRIATIONS			
8. GENERAL APPROPRIATIONS			
(A) Operations-Excluded from "CAPS"			
Due to School Business Personal Property			
Other Expense	\$20,816	\$19,000	\$(1,816.00)
A) Operations-Excluded from "CAPS"			
Other Operation	\$68,626	\$66,810	\$(1,816.00)
Total Operations-Excluded from "CAPS"	\$192,680.60	\$190,864.60	\$(1,816.00)
8. GENERAL APPROPRIATIONS			
(D) Municipal Debt Service-			
Excluded from "CAPS"			
Interest on Bonds	\$50,000	\$51,816	\$ 1,816.00
Total Municipal Debt service	\$214,900	\$216,716	\$ 1,816.00
Total General Appropriation	\$2,750,996.60	\$2,750,996.60	\$0.00

Notice is hereby given that the Budget and Tax Resolution is approved by the Mayor and Council of the Borough of Englishtown, County of Monmouth on April 26, 2023.

<u>Council Member</u>	<u>Motion/Second</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Francisco		X			
Krawiec		X			
M. Lewis		X			
W. Lewis		X			
Mann	X	X			
Robilotti		X			
Mayor Reynolds	tie vote only				

**BOROUGH OF ENGLISHTOWN
 RESOLUTION NO. 2023-083**

ADOPTION OF 2023 MUNICIPAL BUDGET

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that the Budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$1,662,350.82 to be raised for municipal purposes.

1. Summary of Revenues

2. General Revenues		
Surplus Anticipated		\$ 295,000.00
Miscellaneous Revenues Anticipated		518,534.53
Receipts From Delinquent Taxes		0.00
3. Amount To Be Raised By Taxation		
For Municipal Purposes		<u>1,937,462.07</u>
Total Revenues		<u>\$2,750,996.60</u>

4. Summary Of Appropriations

3. General Appropriations:		
Within "Caps"		
Operations Including Contingent		\$1,917,020.00
Deferred Charges & Statutory		
Expenditures - Municipal		245,000.00
Excluded From "Caps"		
Operations - Total Operations Excluded		
From "Caps"		\$ 190,864.60
Capital Improvements		30,000.00
Municipal Debt Service		216,716.00
Deferred Charges – Municipal		33,178.00
Reserve For Uncollected Taxes		<u>118,218.00</u>
Total Appropriations		<u>\$2,750,996.60</u>

<u>Council Member</u>	<u>Motion/Second</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Francisco		X			
Lewis		X			
Mann	X	X			
Marter		X			
Robilotti	X	X			
Wojyn		X			
Mayor Reynolds	tie vote only				

**BOROUGH OF ENGLISHTOWN
 RESOLUTION NO. 2023-084**

**RESOLUTION OF THE BOROUGH OF ENGLISHTOWN
 COUNTY OF MONMOUTH, STATE OF NEW JERSEY
 AUTHORIZING THE PAYMENT OF BOROUGH BILLS**

WHEREAS, the Mayor and Council have carefully examined all vouchers presented to the Borough for the payment of claims; and

WHEREAS, after due consideration of the said vouchers, the Mayor and Council have approved payment of same.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, as follows:

1. The said approved vouchers amounting to the sum of \$538,664.50 are hereby authorized to be paid on April 26, 2023,
2. The Borough Clerk is hereby directed to list on the page in the Minutes Book following the minutes of this meeting all of the said vouchers hereby authorized to be paid.

<u>Council Member</u>	<u>Motion/Second</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Francisco		X			
Krawiec		X			
M. Lewis		X			
W. Lewis		X			
Mann		X	X		
Robilotti	X	X			
Mayor Reynolds	tie vote only				

The following resolution is added to tonight’s agenda:

**BOROUGH OF ENGLISHTOWN
 RESOLUTION NO. 2023-085**

APPOINTMENT OF MUNICIPAL CLERK/CERTIFIED MUNICIPAL REGISTRAR

WHEREAS, *N.J.S.A. 40A:9-133* states “that there shall be a municipal clerk appointed for a three-year term by the governing body of the municipality”; and

WHEREAS, *N.J.S.A. 26:8-11* states that “In any district having a population of less than 5,000 persons in which the county clerk does not act as the local registrar, the municipal clerk shall be appointed as local registrar”; and

WHEREAS, there is currently a vacancy within the Borough of Englishtown for the position of Registered Municipal Clerk/Certified Municipal Registrar; and

WHEREAS, the Governing Body of the Borough of Englishtown wishes to fill said positions; and

WHEREAS, Kerry Killeen of Freehold, New Jersey, currently holds Registered Municipal Clerk Certificate No. C-2085 and Certified Municipal Registrar Certificate No. CMR 4468; qualifications necessary to fill the vacancy in the respective positions.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey as follows:

1. That Kerry Killeen of Freehold, N.J. is hereby appointed as Municipal Clerk/Certified Municipal Registrar for the Borough of Englishtown, effective May 15, 2023 for a three (3) year term expiring May 14, 2026.
2. That said position shall be contingent upon the successful passing of the background check and fingerprints.

3. That said position shall be full-time, thirty-five (35) hours per week, at a starting salary of \$77,500.00 annually, payable semi-monthly per the salary ordinance and with three (3) weeks paid vacation.
4. That a certified true copy of this resolution shall be forwarded to the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, the New Jersey State Registrar of Vital Statistics, the Borough's Chief Financial Officer, and Kerry Killeen.

<u>Council Member</u>	<u>Motion/Second</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Francisco		X			
Krawiec		X			
M. Lewis	X	X			
W. Lewis		X			
Mann		X			
Robilotti		X			
Mayor Reynolds	tie vote only				

Tax Collector’s Reports: March 2023- Read by Mayor Reynolds

Open Public Portion Non-Agenda Items:

Motion was made by C/Robilotti, seconded by C/Mann. All in favor.

Public Comment:

Charles Sheran – 2 Heritage Drive – questions regarding the garbage bill; with them not taken out of the taxes anymore people eligible for the senior freeze lose out.

Mayor Reynolds and C/Mann explain the solid waste utility and the reason it had to be created.

Shante Stewart, Bud it up LLC. – on time constraint; inquired when zoning application will be received.

John Marcetti, Scarlett Reserve – still seeking an LOR from the Borough.

There being no further comments, motion was made by C/Robilotti, seconded by C/Mann to close the public portion. All in favor.

Adjournment:

There being no further business a motion to adjourn was offered by C/Francisco seconded by C/Robilotti. All in favor. The time being 9:23 P.M.

 Date Approved

Christine Robbins, R.M.C.
 Interim Municipal Clerk