

Municipal Building, Harmony, NJ
Regular Committee Meeting
June 1, 2021
6:00 p.m.

Regular The Regular Meeting of the Harmony Township Committee was called to order by the Mayor. The Mayor made the following announcement: “Adequate notice of this meeting was given in accordance with the Open Public Meetings Act by providing a notice of the meeting to the Express-Times and Star Ledger posting a copy thereof on the Township bulletin board and filing a copy thereof in the office of the Municipal Clerk.” The Pledge of Allegiance to the American Flag was led by the Deputy Mayor.

Roll Call Tipton, Yamrock, Cornely

Consent Motion by Yamrock, seconded by Tipton and carried by
Agenda roll call to approve the consent agenda including the following:
Roll Call: Ayes: Yamrock, Tipton, Cornely Nays: none

Reports: Attorney, Engineer, Zoning
Minutes: May 4, 2021

Resolutions:

**HARMONY TOWNSHIP
WARREN COUNTY, NEW JERSEY**

**RESOLUTION NO. R:21-25
GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT**

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 Committee of Harmony Township 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 regular meeting held on June 1, 2021.

Kelley D. Smith, Municipal Clerk

NO PHOTO COPIES OF SIGNATURES

STATE OF NEW JERSEY
COUNTY OF WARREN

We, members of the governing body of the Township of Harmony in the County of Warren, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected (or appointed) members of the Township Committee of the Township of Harmony in the County of Warren;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2020;
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

(L.S.)	(L.S.)
_____	_____
(L.S.)	(L.S.)
_____	_____
(L.S.)	(L.S.)
_____	_____
(L.S.)	(L.S.)
_____	_____
(L.S.)	(L.S.)
_____	_____

Municipal Clerk

Sworn to and subscribed before me this
_____ Day of _____

Notary Public of New Jersey

TOWNSHIP OF HARMONY
COUNTY OF WARREN
R:21-26

SUPPLEMENTARY RESOLUTION SPECIFYING 2021 SALARIES AND
WAGES FOR TOWNSHIP OFFICIALS AND EMPLOYEES

WHEREAS, there is a need to supplement said ordinance by specifying the salaries and wages of the various municipal officials and employees from time to time;

NOW, THEREFORE BE IT RESOLVED by the Harmony Township Committee that the municipal salaries and wages are as follows retroactively to January 1, 2021:

Tax Assessor	\$ 21,354.00
Tax Collector/Tax Search Official	\$ 21,432.00
Township Committee Member - 2 each	\$ 5,109.00
Mayor	\$ 5,310.00
Zoning/Code Enforcement Officer/Public Officer	\$ 14,632.00
Land Use Board Secretary	\$ 8,617.00
Municipal Emergency Management Coordinator/ 9-1-1 Coord	\$ 4,875.00
Deputy Municipal Emergency Management Coord/ 9-1-1 Coord	\$ 3,190.00
Recycling Coordinator/ Clean Communities Coordinator	\$ 3,293.00
Groundskeeper/Scheduler	\$ 500.00 per year
COAH Administrative Agent	\$ 3,090.00
Municipal Clerk/Assessment Search Official/ Administrator/Registrar	\$ 83,467.00
Office assistant/Deputy registrar	\$ 19.10 per hour
Road Supervisor	\$ 32.65 per hour
Laborer #1	\$ 26.00 per hour
Laborer #1 (when in supervisory position)	\$ 32.65 per hour
Seasonal "On-Call" Winter DPW Laborer	\$ 19.29 per hour
Seasonal "On-Call" Summer DPW Laborer	\$ 19.29 per hour
Members of the Board of Health	\$ 29.43 per meeting

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, do hereby certify the foregoing to be a true copy of a Resolution duly and unanimously adopted by the Harmony Township Committee at its June 1, 2021 meeting.

Kelley D. Smith, Municipal Clerk

(For the record, Mayor Tipton abstained from approving this resolution only due to potential conflict)

**TOWNSHIP OF HARMONY
COUNTY OF WARREN, STATE OF NEW JERSEY
RESOLUTION NO. 21-27**

**RESOLUTION PROVIDING FOR THE RENEWAL
OF ALCOHOLIC BEVERAGE LICENSES FOR THE
PERIOD FROM JULY 1, 2021 TO JUNE 30, 2022**

BE IT RESOLVED by the Township Committee of the Township of Harmony that:

WHEREAS, no protests or complaints having been filed by any person with the Harmony Township Committee concerning the renewal of the Township's Alcoholic Beverage Licenses as set forth herein; and

WHEREAS, applications for renewal have been received and have been found to appear proper in form and content; and

WHEREAS, the applicants set forth herein are all qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes and

Regulations promulgated therein, as well as pursuant to Township ordinances and conditions consistent therewith; and

WHEREAS, Alcoholic Beverage Retail Licensee Clearance Certificates for the renewal of the licenses have been received from the New Jersey Division of Taxation in compliance with Chapter 161, Laws of New Jersey 1995; and

WHEREAS, additional financing obtained in the previous license term, if any, as disclosed by the licensees has been reviewed and considered;

NOW, THEREFORE BE IT RESOLVED that the following licenses be granted effective July 1, 2021 to June 30, 2022;

PLENARY RETAIL CONSUMPTION:

Township Fee: \$430.00

2110-33-008-004 Hutchinson Del River, Inc. t/a The Hutch
2090 Hutchinson River Rd
Harmony Township
Phillipsburg, NJ 08865

2110-33-006-008 Congdon Investment, LLC
1365 Strykers Road
Harmony Township
Phillipsburg, NJ 08865

2110-33-005-021 Total Dynamic Hospitality
3231 Belvidere Road
Harmony Township
Phillipsburg, NJ 08865

2110-33-003-004 THM, LLC
950 Uniontown Road
Harmony Township
Phillipsburg, NJ 08865

PLENARY Y RETAIL DISTRIBUTION

Township Fee: \$354.00

2110-44-001-004 A&A Liquor, LLC t/a Harmony Spirits & Grocery
2330 Belvidere Rd
Harmony Township
Phillipsburg, NJ 08865

* * * * *

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Harmony Township Committee at a meeting held on June 1, 2021.

Kelley D. Smith
Municipal Clerk

Harmony Township

Warren County, NJ

R:21-28

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement

officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Township Council of the Township of Harmony, County of Warren, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Warren;

NOW, THEREFORE, BE IT RESOLVED by the Township of Harmony, County of Warren, State of New Jersey hereby recognizes the following:

1. The Town Council does hereby authorize submission of a strategic plan for the Harmony Municipal Alliance grant for fiscal year 2022 in the amount of:

DEDR	\$565.00
Cash Match	\$141.25
In-Kind	\$424.75
2. The Town Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____
(Name), Mayor/Head of Governing Body

CERTIFICATION

I, (Kelley Smith), Municipal Clerk of the Town of Harmony, County of Warren, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Town Council on this (1st) day of (June), (2021) .

(Name), Municipal Clerk

Correspondence

1. Resolution 243-21 Opposing NJ State Assembly and Senate Forest Management Plan Bills Adopted by the Board of County Commissioners of Warren County
2. Letter from SADC regarding 2022 Municipal Planning Incentive Grants
3. Letter from NJDOT regarding 2020 Transportation Alternatives Set-Aside Program grant funding declined (Rec Site Walkway Project)
- 4-10 Identical letters from Residents opposing the 2012 River Road Redevelopment Plan and opposing any action be taken by the Harmony Township Committee on Resolution R:21-13 as well as massive solar industrial facilities. Letters submitted by Richard Dalrymple & Karma Choden, Vivian & Russell Stecker, Nancy Schoonover, Lois & Raymond Markle, Paul & Linda Williams, Harold & Colette Heeres, Loretta Domine
11. Email from Maggie Drew requesting speed bumps on Pleasant Hollow Road.
12. Letter from Warren County Public Safety regarding the Harmony Township Emergency Operations Plan recertification and continuing education requirements for the Emergency Management Coordinators
13. Washington Township; Copy of Ordinance 2021-08 amending and supplementing Chapter 123 Zoning of the Code of the Township of Washington
14. Franklin Township; Copy of Ordinance 2021-5 amending and supplementing Chapter 90, Article 1, Section 90-3, Definitions and Article VIII, Zoning, Section 90-58B, Off Street Parking Requirements
- 15-23 Identical letters from Residents opposing the 2012 River Road

Redevelopment Plan and opposing any action be taken by the Harmony Township Committee on Resolution R:21-13 as well as massive solar industrial facilities. Letters submitted by Mary Marino, Deborah Osifchin, David & Barbara Bruckman, Mr. & Mrs. Ken Creveling, Louis Panulla, Nancy Propsner, David & Jennifer Markle, Jim & Gail Sailer, Milt Linsenman

New
Business

1. Motion by Tipton, seconded by Yamrock and carried by roll call to introduce by title only Ordinance No. 21-7.
Roll Call: Ayes: Cornely, Tipton, Yamrock Nays: none

**Harmony Township
Warren county, New Jersey
Ordinance No. O:21-7**

An Ordinance Appropriating The Sum Of Not More Than \$10,000.00 From The Capital Improvement Fund Of The General Capital Account In Connection With The Costs Attributable To Municipal IT Upgrades and Equipment

STATEMENT OF PURPOSE:

This Ordinance is intended to appropriate the sum of up to \$10,000.00 from the Capital Improvement Fund of the General Capital Account in conjunction with the costs attributable Municipal IT Upgrades and Equipment.

BE IT ORDAINED by the Township Committee of the Township of Harmony, County of Warren and State of New Jersey that:

1. There are funds available in the Capital Improvement Fund of the General Capital Account in the Municipal Budget of the Township of Harmony for costs attributable to the items listed in the Statement of Purpose.
2. The costs are associated with upgrades necessary due the COVID-19 pandemic requirements for virtual assemblies and upgrades as required.
3. There is hereby appropriated the sum of up to \$10,000.00 from the Capital Improvement Fund of the General Capital Account in the Municipal Budget of the Township of Harmony for the aforementioned purposes.
4. There is no debt authorized by this Ordinance.
5. This Ordinance shall take effect upon passage following a public hearing to be conducted thereon and publication of notice of final passage with the requirements of law.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading by the Harmony Township Committee as its budget meeting held on June 1, 2021, which Ordinance shall be given further consideration for final passage following a public hearing to be conducted thereon, at its regular monthly meeting to be held on July 6, 2021 which shall commence at 6:00 p.m. at the Harmony Township Municipal Building, 3003 Belvidere Road, Phillipsburg, New Jersey.

Kelley D. Smith, RMC
Municipal Clerk

2. Motion by Tipton, seconded by Yamrock and carried by roll call to introduce by title only Ordinance No. 21-8.

Roll Call: Ayes: Cornely, Tipton, Yamrock Nays: none

ORDINANCE NO. O:21-8

THE TOWNSHIP OF HARMONY

COUNTY OF WARREN, NEW JERSEY

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HARMONY IN THE COUNTY OF WARREN TO AMEND CHAPTER 165, “ZONING,” TO CREATE ARTICLE XI “CANNABIS RELATED BUSINESSES”, AND TO CREATE CHAPTER 150, “TAXATION,” ARTICLE I “CANNABIS TRANSFER TAX”.

WHEREAS, the voters of the State of New Jersey endorsed the legalization of Adult Use Cannabis with the Legislature and Governor signing into law The New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, furthering strengthening municipal control over such uses and allowing, at the discretion of the municipality, the tax may be imposed on: receipts from the sale of cannabis by a cannabis cultivator to another cannabis cultivator; receipts from the sale of cannabis items from one cannabis establishment to another cannabis establishment; receipts from the retail sales cannabis items by a cannabis retailer to retail consumers, with each municipality setting its own rate or rates, but in no case shall a rate exceed: two percent of the receipts from each sale by a cannabis cultivator; two percent of the receipts from each sale by a cannabis manufacturer; one percent of the receipts from each sale by a cannabis wholesaler; and two percent of the receipts from each sale by a cannabis retailer.; and

WHEREAS, the Township supports safe and appropriate siting of cannabis related and supporting businesses within the Township, including cultivation centers, manufacturing facilities, and testing facilities; and

WHEREAS, the Township does not support the siting of cannabis dispensaries or retail facilities within the Township; and

WHEREAS, the Township wishes to amend Chapter 165 “Zoning,” to create Article XI entitled “Cannabis Related Businesses” and to establish Chapter 150, Taxation, Article I entitled “Cannabis Transfer Tax” to conform with such amendments; and

NOW, THEREFORE, BE IT ORDAINED, by the Committee of the Township of Harmony, County of Warren that the Code of the Township of Harmony be amended as follows:

Section 1 Chapter 165, ZONING, Article XI “CANNABIS RELATED BUSINESSES”:

§165-55 Definitions. As used in this section, the following terms shall have the meanings indicated:

ACT

The New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act.

ADULT USE CANNABIS BUSINESS

Encompasses all components of the cannabis industry. Accordingly, it shall mean any business involved in cultivating, manufacturing, distribution, sales, or testing of marijuana. While it may have a component that administers Medical Cannabis to qualifying patients, it is open to adult use of cannabis for person 21 years and older.

ADULT USE CANNABIS CULTIVATION CENTER or CULTIVATION CENTER

A building, structure, or premises used for the cultivation or storage of cannabis.

Includes the planting, propagating, cultivation, growing, harvesting, labeling or manufacturing, compounding and storing of cannabis for the limited purpose of this chapter. A cultivation center may be physically separate and off-site from the associated licensee's cannabis dispensary. When connected to, or part of, the same property by which an Alternative Treatment Center dispenses from, it is considered part of the Alternative Treatment Center.

ADULT USE CANNABIS DISPENSARY or DISPENSARY

An ATC facility that acquires, possesses, sells, distributes, transmits, gives, dispenses, or otherwise provides cannabis to person 21 years and older. While it may administer medical cannabis to qualifying patients, it is open to Adult Use.

ADULT USE CANNABIS MANUFACTURING FACILITY

Facility involved with compounding, making, and processing of medical cannabis in all forms including those that involve food handling.

ALTERNATIVE TREATMENT CENTER (ATC) or MEDICAL CANNABIS ALTERNATIVE TREATMENT CENTER

An organization authorized through licensure issued by the NJ State Department of Health and the Board of Medical Examiners to perform activities necessary to provide registered qualifying patients with usable cannabis and related paraphernalia in accordance with the provisions of the Jake Honig Compassionate Use Medical Cannabis Act (N.J.S.A. 24:61-2, et seq.). For the purposes of zoning, an ATC is the interface between provider and patient and is synonymous with a medical cannabis dispensary. Cultivation and manufacturing, unless within the same structure or property as a dispensary, shall be treated as a separate use category though it may be part of the license issued by the state for a single entity.

CANNABIS

The definition given to “marijuana,” as provided in section 2 of the New Jersey Controlled Dangerous Substances Act, P.L. 1970, c. 226 (effective January 17, 1971), codified at N.J.S.A. 24:21-1 et seq.

CANNABIS BUSINESS

An organization issued a permit by the Commission to operate as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler or cannabis dispensary.

COMMISSION

See Permitting Authority

MEDICAL CANNABIS CULTIVATOR or CULTIVATION CENTER

An organization issued a permit by the Permitting Authority that authorizes the organization to: possess and cultivate cannabis and deliver, transfer, transport, distribute, supply, and sell medical cannabis and related supplies to other medical cannabis cultivators and to medical cannabis manufacturers and dispensaries, as well as to plant, cultivate, grow, and harvest medical cannabis for research purposes. For the purposes of zoning, this shall include the building, structure, or premises used for the cultivation or storage of medical cannabis. A cultivation center may be physically separate and off-site from an associated medical cannabis dispensary. When connected to, or part of, the same property as a medical cannabis dispensary, the cultivation center shall be considered part of the medical cannabis dispensary.

MEDICAL CANNABIS DISPENSARY or DISPENSARY

An organization issued a permit by the Permitting Authority that authorizes the organization to: purchase or obtain medical cannabis and related supplies from medical cannabis cultivators; purchase or obtain medical cannabis products and related supplies from medical cannabis manufacturers; purchase or obtain medical cannabis, medical cannabis products, and related supplies and paraphernalia from other medical cannabis dispensaries; deliver, transfer, transport, distribute, supply, and sell medical cannabis and medical cannabis products to other medical cannabis dispensaries; furnish medical cannabis, including medical cannabis products, to a medical cannabis handler for delivery to a registered qualifying patient, designated caregiver, or institutional caregiver consistent with the requirements of the Act; and possess, display, deliver, transfer, transport, distribute, supply, sell, and dispense medical cannabis, medical cannabis products, paraphernalia, and related supplies to qualifying patients, designated caregivers, and institutional caregivers. For the purposes of zoning, this shall include the building, structure, or premises used for the dispensing of medical cannabis.

MEDICAL CANNABIS MANUFACTURER OR MANUFACTURING FACILITY

An organization issued a permit by the Permitting Authority that authorizes the organization to: purchase or obtain medical cannabis and related supplies from a medical cannabis cultivator; purchase or obtain medical cannabis products from another medical cannabis manufacturer; produce, manufacture, or otherwise create medical cannabis products; and possess, deliver, transfer, transport, distribute, supply, and sell medical cannabis products and related supplies to other medical cannabis manufacturers and dispensaries. For the purposes of zoning, this shall include the building, structure, or premises used for the manufacturing of medical cannabis products.

PERMIT

The documents issued by the Permitting Authority pursuant to the Act granting the legal right to operate as a cannabis business.

PERMITTING AUTHORITY

The entity responsible for the regulation and enforcement of activities associated with the medical use of cannabis. This shall include the New Jersey Department of Health and the Cannabis Regulatory Commission, established pursuant to section 31 of P.L.2019, c. 153 (C.24:6I-24), which shall assume all powers, duties, and responsibilities with regard to the regulation and oversight of activities authorized pursuant to P.L.2009, c. 307 (C.24:6I-1 et al.) from the Department of Health for the further development, expansion, regulation, and enforcement of activities associated with the medical use of cannabis pursuant to P.L.2009, c. 307 (C.24:6I-1 et al.).

USABLE CANNABIS

The dried leaves and flowers of cannabis, and any mixture or preparation thereof, but does not include the seed, stems, stalks, or roots of the plant.

VERTICALLY INTEGRATED FACILITIES.

Vertically integrated operations proposing to have cultivation, manufacturing, and dispensing within the same facility. For the purpose of zoning, Vertically Integrated facilities shall be considered dispensaries.

WHOLESALE CANNABIS

facilities licensed by the Commission to obtain and sell cannabis items for later resale by other licensees.

§165-56 Permitted Cannabis Businesses, location.

(1) **Standalone cultivation centers and manufacturing facilities.** Standalone cultivation centers and manufacturing facilities, both adult use and medical, shall be permitted to be located within the following zones in accordance with this chapter and the Redevelopment Plans where applicable. For all properties, adherence to the site design standards of the Township Land Development Ordinances and Redevelopment Plans through a review by the Zoning Official, and the Township Land Use Board when applicable, is required. Cultivation centers and manufacturing facilities are not permitted on lands with farmland assessment and therefore will trigger a rollback of taxes. Issuance of zoning permit and site plan approval may be required for sites out of compliance with the provisions set forth herein. Zones permitted include:

- (a) LI-O
- (b) LI- O/C
- (c) I-1
- (d) Redevelopment Area (North, Central and South)

§165-57. Prohibited Cannabis Businesses.

- a) **Dispensaries.** Dispensaries and retail cannabis facilities, both adult use and medical, shall be prohibited within all zones of the Township. This includes Alternative Treatment Centers and Vertically Integrated Facilities.
- b) **Wholesalers.** Wholesale Cannabis facilities shall be prohibited within all zones of the Township.

§165-58. Mobile Delivery of cannabis products.

Cannabis products may be transferred or delivered, consistent with the requirements of the Act under a Cannabis Delivery License. Mobile facilities shall not be permitted unless expressly authorized under the Act or permitted by the Permitting Authority, and approved by Special Permit by the Township.

§165-59. Specific requirements for cannabis businesses.

- (1) The cultivation of cannabis shall not be permitted on exterior portions of a lot, unless under Special Permit for the Cultivation of Hemp that is in conformance with Federal Agriculture Improvement Act of 2018 (2018 Farm Bill). The cultivation, production or possession of cannabis within a building or unit must not be perceptible from the exterior of the building or unit from a street or residential use. Such use shall adhere to the bulk standards of the underlying zoning.
- (2) Cannabis businesses must limit signage to text on external signage, labeling, and brochures. Use of graphics shall be limited to the logo for the business so long as it does not include a cannabis plant leaf and outward glorification of cannabis consumption.
- (3) All other Township sign regulations must be complied with.
- (4) Cannabis business signage shall not display on the exterior of the facility or windows advertisements for cannabis or a brand name except for purposes of identifying the building by the permitted name.
- (5) Parking shall be provided as provided for in §165-29. Except that a cultivation center shall be the same as research and laboratory use.
- (6) In the event of a conflict between the Township bulk standards and the Act or the Permitting Authority's regulations, the Township shall consider the pertinent statute or regulation as justification of any variance and/or design waiver.

§165-60. Security and reporting.

Security systems must be in place, along with a 24/7 recording system that records for a minimum thirty-day archive. This system shall be shared with the New Jersey State Police via web browser. Outside areas of the premises and the perimeter shall be well lit. The New Jersey State Police shall be provided the name and phone number of a staff person to notify during suspicious activity during or after operating hours. Security staff is required on the premises during all hours of operation. Additionally:

- (1) The premises must only be accessed by authorized personnel and free of loitering.
- (2) All cultivation of cannabis shall take place in an enclosed, locked facility.

§165-61. No products to be visible from public places.

Cannabis plants, products, accessories, and associated paraphernalia contained in any cannabis business shall not be visible from a public sidewalk, public street or right-of-way, or any other public place. On-site storage of usable cannabis shall comply with 21 CFR 1301.72.

§165-62. Storage of products.

All products and accessories shall be stored completely indoors and on-site in accordance with the Act and the Permitting Authority regulations.

§165-63. Prevention of emissions and disposal of materials.

- (1) Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the cannabis business premises shall be provided at all times. In the event that any debris, dust, fluids or other substances shall exit the business premises, the property owner and operator shall be jointly and severally responsible for the full cleanup immediately.
- (2) Businesses shall properly dispose of all materials and other substances in a safe and sanitary manner in accordance with state regulations.
- (3) As applicable, cannabis businesses shall be equipped with ventilation systems with carbon filters sufficient in type and capacity to eliminate cannabis odors emanating from

the interior to the exterior of the premises discernible by reasonable persons. The ventilation system must be inspected and approved by the Construction Official.

(4) If carbon dioxide will be used in any cultivation area, sufficient physical barriers or a negative air pressure system shall be in place to prevent carbon dioxide from moving into the ambient air, into other units in the same building or into an adjacent building in a concentration that would be harmful to any person, including persons with respiratory disease and shall be inspected and approved by the Construction Official and the Fire Marshall.

(5) All state regulations concerning ventilation systems shall be followed.

§165-64. Compliance with other codes.

Any cannabis business and the adjacent grounds of the cannabis business shall comply with all zoning, health, building, fire, and other codes and ordinances of the Township as shown by completed inspections and approvals by the Township Planner, Construction Division, Fire Safety Division, and the County and Township Health Departments, if applicable.

§165-65. No harm to public health, safety or welfare.

The premises of a cannabis business, and any adjacent grounds thereto, shall be operated in a manner that does not cause any substantial harm to the public health, safety and welfare.

§165-66. Additional requirements.

At the time a site plan approval is granted, amended, or a major change to a cannabis business is approved, the Township may impose on the applicant any condition related to the proposed use that is reasonably necessary to protect the public health, safety or welfare, not inconsistent with the Permitting authority requirements, including but not limited to the following:

- (1) Additional security requirements;
- (2) Limits and requirements on parking and traffic flows;
- (3) Requirements for walls, doors, windows, locks and fences on the premises and adjacent grounds;
- (4) Requirements and limits on ventilation and lighting;
- (5) Limits on noise inside the licensed premises or on the adjacent grounds;
- (6) Prohibitions on certain conduct in the cannabis business;
- (7) Limits on hours of operation.

§165-68. Penalty for violation.

Any violation of the provisions of this subsection or the conditions of the zoning permit granted, by a cannabis business shall be punishable by a civil fine of up to \$1,000. Each day that a violation is committed, exists or continues shall be deemed a separate and distinct offense. In addition, any violation of the provisions of this subsection, or any conditions imposed by the zoning permit may result in the revocation of the zoning permit.

§165-69. Relationship to any Redevelopment Plan, and the Township Zoning and site plan standards.

To the extent any provisions of the Township redevelopment plans, zoning and site plan standards conflict with this section, the provisions and standards of this section shall control.

Section 2 Chapter 150, TAXATION, is hereby amended by creating Article I, CANNABIS TRANSFER TAX, to read as follows:

§ 150-1 Purpose.

It is the purpose of this article to implement the provision of New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, P.L. 2021, (signed into law February 22, 2021), which authorizes the governing body of a municipality to adopt an ordinance imposing a transfer tax at a uniform percentage

rate not to exceed two percent of the receipts from each sale by a cannabis cultivator; two percent of the receipts from each sale by a cannabis manufacturer; one percent of the receipts from each sale by a cannabis wholesaler; and two percent of the receipts from each sale by a cannabis retailer located in the Township, 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 dispensary.

§ 150-2 Adult Use Cannabis Transfer Tax.

The tax rate for each category of license shall be as follows:

- a. Cannabis Cultivator: Two percent of the receipts from each sale by a cannabis cultivator.
- b. Cannabis Manufacturer: Two percent of the receipts from each sale by a cannabis manufacturer.

§ 150-3 Remission of Taxes.

Every cannabis business and/or licensee shall remit taxes collected and due and owing on a quarterly basis to the municipal chief financial officer, along with certified copies of sales receipts and product transfer ledgers or documentation. The dates of tax remission shall be on or before January 2, April 1, July 1 and October 1, or as established by the chief financial officer. Each licensee shall certify to the truth and accuracy of the receipts and product transfer ledgers or documentation, and shall remit a return in a form determined by the chief financial officer.

§ 150-4 Delinquent taxes.

All unpaid taxes as required under this Article shall be subject to the accrual of interest and penalties at rates and penalties set forth and established for delinquent ad valorem taxes within the Township of Harmony.

§ 150-5. Liability for taxes owed.

Each cannabis establishment owner and/or licensee shall be personally liable for any and all taxes imposed under this Article and any interest and penalty accruing thereon. In addition, any unpaid balance and interest and penalties accruing thereon shall constitute a lien on the real property in which the cannabis establishment is located and such liens shall be enforced in the same manner as municipal tax liens.

§ 150-6. Audit.

Every cannabis establishment and/or licensee within the Township of Harmony is subject to audit, no greater than once per annum, of the establishment's or licensee's business records, receipts and accounting books, such audit to be performed at the chief financial officer's discretion, by a certified public accountant. Every cannabis establishment and licensee shall be obligated to fully comply with the requirements of an auditor. Failure to cooperate with the audit, or any misrepresentation or fraud committed by the establishment or licensee, shall result in the immediate suspension of the license.

Section 3 Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 4 Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 5 Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Committee of the Township of Harmony held on June 1, 2021, and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on August 3, 2021 at 6 p.m. or as soon thereafter as the Township Council may hear this Ordinance at the Municipal Building, 3003 Belvidere Road, Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Kelley D. Smith
Township Clerk

3. Motion by Cornely, seconded by Yamrock to adopt the following resolution by roll call vote: Ayes: Yamrock, Cornely. Nays: None Abstention: Tipton

Harmony Township
Warren County, New Jersey
Resolution R:21-19
Person to Person Transfer

WHEREAS, an application has been filed for a Person-to-Person transfer of Plenary Retail Consumption License Number #2110-33-005-020, heretofore issued to Total Dynamic Hospitality, LLC for premises located at 3231 Belvidere Road, Harmony Township, New Jersey;

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

WHEREAS, the applicants are qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

WHEREAS, the applicants have disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

WHEREAS, the Municipal Licensing Authority has acknowledged such license is a Conflict License which requires investigation and review by the New Jersey Office of Attorney General and all relevant documentation has been provided to the NJOAG;

NOW THEREFORE BE IT RESOLVED, pursuant to final approval of the New Jersey Office of Attorney General, the Harmony Township Governing body does hereby approve, effective June 1, 2021, the transfer of the aforesaid Plenary Retail Consumption License to Tipton Tavern, LLC, and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This License, subject to all its terms and conditions, is hereby transferred to Tipton Tavern, LLC, effective June 1, 2021.

Kelley D. Smith, Municipal Clerk

4. Discuss portable rest room at recreation site. It was the consensus to install a portable rest room for public use when bathrooms are not unlocked during busy months (May-October).
5. Motion by Tipton, seconded by Yamrock to appoint Michael Finelli as Zoning Officer with the salary for 2021 of \$14,632.00. No medical/sick/vacation benefits are provided with this position.

Old
Business

1. Motion by Yamrock, seconded by Cornely and unanimously carried by all in favor to open public hearing of Ordinance No. 21-6; Ordinance of the Township of Harmony, County of Warren, State of New Jersey to amend, revise and supplement Chapter 110 “Land Use Procedures,” Article II “Land Use Board,” Section 12 “Application Procedures,” of the code of the Township of Harmony to change the number of copies required to be submitted to the Board.

There were no public comments.

Motion by Yamrock, seconded by Cornely and unanimously carried by all in favor to close public hearing of Ordinance No. 21-6.

Motion by Yamrock, seconded by Cornely and carried by roll call to adopt Ordinance No. 21-6.

Roll Call: Ayes: Tipton, Yamrock, Cornely Nays: none

2. Resolution 21-13; resolution designating Montesano At Harmony LLC as redeveloper of property in the Township of Harmony and authorizing the execution of a redevelopment agreement with Montesano At Harmony LLC for the redevelopment of such property in accordance with the redevelopment plan has been tabled until Julys meeting.
3. Motion by Tipton, seconded by Yamrock and carried by roll call to adopt Resolution 21-20; resolution of memorialization Harmony Sand and Gravel

**TOWNSHIP OF HARMONY
TOWNSHIP COMMITTEE
R:21-20
RESOLUTION OF MEMORIALIZATION
HARMONY SAND AND GRAVEL 2020 QUARRYING
PERMIT**

**Approved: April 6, 2021
Memorialized: June 1, 2021**

WHEREAS, the Applicant, Harmony Sand and Gravel, Inc. (“Applicant”) submitted an Application for a renewal of its Quarry Permit pursuant to Chapter 128 of the Code of the Township of Harmony in February of 2021; and

WHEREAS, the Township Committee determined the application to be complete and conducted a hearing on the application at the March 2, 2021 Committee meeting; and

WHEREAS, the application proposes the continuation of mining in the Front Pit and the continuation of the restoration of Pit 2 (Star D Farms); and

WHEREAS, the application also proposes mining of the material beneath the current Haul Road and the construction of a new Haul Road running around the perimeter of the Front Pit; and

WHEREAS, the Township Committee wishes to memorialize the 2021 permit approval to create a formal record of all of the conditions.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Harmony does hereby approve Harmony Sand & Gravel's 2021 quarrying permit, subject to the following terms and conditions:

1. All quarrying operations and restoration work shall be performed in accordance with plans entitled "2021 Mine License Renewal", consisting of fifteen (15) sheets prepared by LAN Associates, Inc., dated January 26, 2021, revised to March 18, 2021. The plan revisions shall include the removal of driveway originally shown on plan over the Smiths' property to Roxburgh Station Road, as discussed on the record during the public hearing.
2. The applicant shall restore Pit 2 owned by Star D Farms, LLC in accordance with the above referenced plans and accordance with revised finished slope parameters approved by the Committee as part of the 2019 permit – those parameters being final restoration slopes of 3 to 1 above elevation 253.0' and at the angle of repose of the fill material (1.7 to 1) below elevation 253.0'.
3. The Committee approved the applicant's request to import fill for the Pit 2 restoration in lieu of the applicant using on-site fill material for the restoration. The imported material shall be clean fill as defined by NJDEP and its testing, transportation and placement shall be in accordance with the Materials Acceptance Plan prepared by Earth Efficient and approved by the Township Committee.
4. The current Performance Bond which the Township holds, which is in the amount of \$1,000,000 shall be maintained in force by the applicant. The amount of the bond has been established to cover the costs for the interim restoration of the Front Pit, the final restoration of three (3) sides of Pit #2, and the interim restoration of the Haul Road.
5. As a result of the Committee's decision in 2019 to modify the restoration requirements in Pit 2 from the original 2016 parameters, the Committee, upon satisfactory completion of the restoration of Pit 2, will require the applicant to provide the Township with a Maintenance Bond in the amount of \$200,000 for a term of 10 years to provide funds for maintenance in the event unanticipated repairs or maintenance is required if water levels drop below the 253.0' elevation.
6. The applicant agrees that the expiration date on the Performance Bond shall be automatically extended in the event that restoration work is not completed by November 30, 2021.
7. As work progresses on the restoration of Pit 2 the applicant shall be permitted to seek the release of a portion of the Performance Bond. The applicant shall submit his request to the Township Engineer along with a quantity and cost estimate of the work which has been completed and any other information for review. The Township Engineer shall review the request and make an inspection of the site to determine the extent and suitability of the work which has been completed and shall prepare a report to the Committee with his recommendation.
8. Harmony Sand and Gravel must provide written confirmation from its surety that the additional bond requirement and potential additional scope of work required by the Township is covered under the existing bond. Regardless of the progress of reclamation, the bond shall not be reduced below \$200,000 unless an additional Maintenance Bond as required in Paragraph 5 above is provided to the Township.
9. The Township Engineer shall make periodic inspections of the Pit 2 restoration work to assess the progress being made and suitability of the work being accomplished. The applicant shall be required to maintain a sufficient balance in Harmony Sand and Gravel, Inc's escrow account cover the costs of the Township's professionals in its ongoing review and inspection of this work.

10. The applicant shall be required to submit a written monthly report to the Township Engineer in sufficient detail to document the progress of the Pit 2 restoration work. Kelley and Pat Smith shall be copied on the monthly reports submitted to the Township.
11. The Township Committee has considered the need for a noise study as required by the Quarrying Ordinance and determined that a noise study is not warranted and therefore not required.
12. The applicant shall be required to submit a current Mine Registration Certificate and current Certificates of Insurance from Harmony Sand & Gravel and from Earth Efficient which include the Township of Harmony and Finelli Consulting Engineers as additional insureds.
13. The applicant shall continue to maintain earth berms along areas of the Front Pit, Pit 2 and along both sides of the Haul Road to provide protection against temporary steep slopes.
14. The applicant shall continue to meet and fulfill all obligations required by the Harmony Township Land Use Board as part of its original site plan approval and any subsequent approvals.

ATTEST:

Township of Harmony

 Katrina L. Campbell,
 Township Attorney

By: _____
 Brian Tipton, Mayor

DATED:

I hereby certify that the above is a true copy of the Resolution adopted by the Harmony Township Committee at its meeting on April 6, 2021 and memorialized on June 1, 2021.

 Courtney Morrow, Deputy Clerk

Roll Call: Ayes: Cornely, Tipton, Yamrock Nays: none

4. 2021 Shandor Used Junk Yard License Renewal was issued as all conditions were met.

5. Fireworks Display is tentatively set for Sept. 25th

Vouchers Motion by Yamrock, seconded by Tipton and carried by roll call to approve payment as designated by the Finance Officer.
 Roll Call: Ayes: Yamrock, Tipton Nays: none

Executive
 Session

**TOWNSHIP OF HARMONY
 COUNTY OF WARREN**

EXECUTIVE SESSION RESOLUTION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances present exist.

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified matter.

2. The general nature of the subject matter to be discussed is as follows:
-Litigation
3. It is anticipated at this time that the above stated matter will be made public at such time as deemed appropriate.
4. This Resolution shall take effect immediately.

* * * * *

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, do hereby certify the foregoing to be a true copy of a Resolution duly and unanimously adopted by the Harmony Township Committee at a meeting held on

Kelley D. Smith
Municipal Clerk

The meeting was reopened to the public.

Motion by Mayor Tipton, seconded by Cornely and carried unanimously to authorize Attorney Campbell to approve Merrill Creek Tax Appeal settlement as discussed to include settlement at less than 9 mil, remove 2014-2021 appeals, no appeal for 5 years.

Public
Comment

Paul Williams asked about unkept properties. He indicated the “preserved farm” on Marble Hill Road has a lot of junk and high weeds. After discussion it was decided the Zoning officer will follow up.

Ray Markle asked if the Transmix sale was completed before the end of February. Mayor Tipton explained the process and what has taken place so far. He also indicated that the resolution was tabled to July. The Township and Developer are still in negotiations.

Ray Markle asked if other proposals would be accepted? Mayor Tipton said if this project does not get done the Township will discuss what to do and may go back out for RFP’s.

Ray Markle asked about the DEP clean up. Mayor Tipton indicated that this was something the Developer was doing.

Ray Markle said he would like the property to remain dormant.

Manny Escaleira asked if there was any DEP correspondence on the Transmix Property. Mayor Tipton stated that he was not sure, it could be requested through an OPRA request, it has all been done between the Developer and the DEP.

Manny Escaleira asked what the township planned on doing with the COVID relief funds. Mayor Tipton indicated that he was not aware of any funds received. Attorney Campbell stated she spoke with the Auditor about this and nothing is set in stone and nothing has been received, however, the Township will do whatever it takes to receive any funding that may be available.

Jane Nemeth stated that there is a problem with 4-Wheelers and dirt bikes running up and down the left side of the tracks.

Jim Sailer asked what is happening in Transmix. Mayor Tipton stated that the township is still negotiating with the redeveloper for the site and that at this time the only thing that may take place is reclamation of the open pit area, however, nothing is agreed to yet. He suggested that solar would be a good option for this site rather than the farm fields.

Adjourn

Motion by Yamrock, seconded by Tipton and carried by all in favor to adjourn the meeting at this time.

Kelley Smith, Municipal Clerk