



**TOWNSHIP COMMITTEE
TOWNSHIP OF MENDHAM
REGULAR MEETING**

DATE: Monday, July 26, 2021

TIME: 7:30 PM

LOCATION: IN-PERSON
Town Hall
2 West Main Street
Brookside; and

REMOTE VIA ZOOM

Access link and call-in numbers can be found on the last page of the agenda

www.zoom.us

Click on "Join a Meeting"

Webinar ID: 894 7638 8075

Passcode: 323628

Follow prompts

ROLL CALL

Mr. Baio
Ms. Duarte
Mr. Monaghan
Mr. Orlins
Mayor Neibart

SALUTE TO THE FLAG

STATEMENT OF ADEQUATE NOTICE

Adequate Notice of this meeting of the Township Committee of the Township of Mendham was given as required by the Open Public Meetings Act as follows: Notice was given to the Observer Tribune and Daily Record on January 6, 2021. Notice was posted on the bulletin board in the township offices and notice was filed with the Township Clerk.

COVID – 19 UPDATE

PROCLAMATION

- Recognizing George Twill, Chair of Mendham TV

ANNOUNCEMENT

OPEN TO THE PUBLIC

Please state your name and address for the record. Speakers are asked to limit their comments to 5 minutes.

*Zoom Attendees: If you wish to make a comment, please click 'Raise hand' in the webinar controls. If you join the webinar by phone, **dial *9** to raise your hand.*

APPROVAL OF MINUTES

- Regular Meeting Minutes of January 25, 2021

REGULAR AGENDA - RESOLUTIONS

- 2021-154** Resolution of the Township Committee of the Township of Mendham Appointing a Chief Financial Officer for the Township of Mendham
- 2021-155** Resolution of the Township Committee of the Township of Mendham Appointing an Administrator for the Township of Mendham
- 2021-156** Resolution of the Township Committee of the Township of Mendham Setting Forth the Terms and Conditions of Employment for the Township Chief Financial Officer
- 2021-157** Resolution of the Township Committee of the Township of Mendham Approving the Submission of an Application to the New Jersey Department of Environmental Protection for Permits Relating to the Construction of a New Police Facility at 4 West Main Street
- 2021-158** Resolution of the Township Committee of the Township of Mendham Establishing Dates for Hunting from Tree Stands on Township Owned Natural Areas
- 2021-159** Resolution of the Township Committee of the Township of Mendham Approval of the Losap Qualification List for Brookside Engine Company No. 1, and Mendham Township First Aid Squad
- 2021-160** Resolution of the Township Committee of the Township of Mendham Approving Staff Appointments for the Department of Recreation Summer Season
- 2021-161** Resolution of the Township Committee of the Township of Mendham Authorizing the Payment of Bills

ORDINANCE FOR INTRODUCTION

- 11-2021** An Ordinance of the Township Committee of the Township of Mendham Amending and Supplementing Ordinance No. 11-2019 Fixing the Salaries of Certain Officers and Employees of the Township of Mendham in the County of Morris, New Jersey
Public hearing scheduled for August 16, 2021
- 12-2021** An Ordinance of the Township Committee of the Township of Mendham Amending and Supplementing Chapter 21 of the Ordinances of the Township 'Zoning' By Adding a New Classification of Use, The M-1 Municipal Use Zone
Public hearing scheduled for September 13, 2021

ORDINANCE FOR SECOND READING / PUBLIC HEARING

- 10-2021** An Ordinance of the Township of Mendham, County of Morris, New Jersey Prohibiting the Operation of any Class of Cannabis Businesses within the Township's Geographical Boundaries and Amending Chapter XXI, Zoning Regulations of the Land Use Ordinances of the Township of Mendham Code
Ordinance Introduced on June 26, 2021

OPEN TO THE PUBLIC

Please state your name and address for the record. Speakers are asked to limit their comments to 5 minutes.

*Zoom Attendees: If you wish to make a comment, please click 'Raise hand' in the webinar controls. If you join the webinar by phone, **dial *9** to raise your hand.*

DISCUSSION

- Construction Project Update
- Park at Pitney Update
- Sewer Update
- Zoning Resolutions

RESOLUTION 2021-154

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPOINTING A CHIEF FINANCIAL OFFICER FOR THE TOWNSHIP OF MENDHAM

WHEREAS, the Township of Mendham is in need of a qualified experienced individual to serve as the Chief Financial Officer of the Township pursuant to state regulations and the Township Ordinances (Article VI of Chapter 10); and

WHEREAS, Jason Gabloff of Succasunna, New Jersey has the qualifications and capability to serve as the Township Chief Financial Officer; and

WHEREAS, the Township Committee has offered to Jason Gabloff employment as the Chief Administrative Officer in accordance an Employment Contract that is approved in a separate resolution setting forth the terms and conditions of employment.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, COUNTY OF MORRIS, NEW JERSEY that Jason Gabloff of Succasunna, New Jersey is hereby appointed as the Chief Financial Officer of the Township of Mendham to fill the unexpired term of the prior Chief Financial Officer starting August 16, 2021 and ending December 31, 2023 in accordance with the Code of Ordinances of the Township of Mendham as well as the state statutes and regulations of the Local Government Finance Board of the State of New Jersey.

BE IT FURTHER RESOLVED that this appointment is subject to the Terms and Conditions of Employment for Jason Gabloff as set forth in the Employment Contract that is approved in a separate resolution and is incorporated by reference in this Resolution of Appointment.

Adopted: July 26, 2021

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

CERTIFICATION: I, Maria F. Coppinger, Clerk of the Township of Mendham, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Mendham Township Committee at a meeting held on July 26, 2021.

Maria F. Coppinger, Township Clerk

RESOLUTION 2021-155
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPOINTING A
TOWNSHIP ADMINISTRATOR FOR THE TOWNSHIP OF MENDHAM

WHEREAS, the Township of Mendham is in need of a qualified experienced individual to serve as the Township Administrator of the Township pursuant to state regulations and the Township Ordinances (Article IV of Chapter 10); and

WHEREAS, Jason Gabloff of Succasunna, New Jersey has the qualifications and capability to serve as the Township Administrator; and

WHEREAS, the Township Committee has offered to Jason Gabloff employment as the Township Administrator in accordance an Employment Contract that is approved in a separate resolution setting forth the terms and conditions of employment.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, COUNTY OF MORRIS, New Jersey that Jason Gabloff of Succasunna, New Jersey is hereby appointed as the Township Administrator of the Township of Mendham in accordance with the Article IV of Chapter 10 of the Code of Ordinances of the Township of Mendham.

BE IT FURTHER RESOLVED that this appointment is subject to the Terms and Conditions of Employment for Jason Gabloff as set forth in the Employment Contract that is approved in a separate resolution and is incorporated by reference in this Resolution of Appointment.

Adopted: July 26, 2021

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

CERTIFICATION: I, Maria F. Coppinger, Clerk of the Township of Mendham, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Mendham Township Committee at a meeting held on July 26, 2021.

Maria F. Coppinger, Township Clerk

RESOLUTION 2021-156

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM SETTING FORTH THE TERMS AND CONDITIONS OF EMPLOYMENT FOR THE TOWNSHIP CHIEF FINANCIAL OFFICER

WHEREAS, the Township of Mendham is in need of a qualified experienced individual to serve as the Chief Financial Officer of the Township pursuant to state regulations and the Township Ordinances (Article VI of Chapter 10); and

WHEREAS, the Township of Mendham is in need of a qualified Business Administrator pursuant to the Township Code Ordinances (Article IV of Chapter 10); and

WHEREAS, Jason Gabloff of Succasunna, New Jersey has the qualifications and capability to serve as both the Township Chief Financial Officer and Township Administrator; and

WHEREAS, the Township Committee has offered to Jason Gabloff employment as the Chief Financial Officer and Township Administrator and Jason Gabloff have agreed to enter into an Employment Agreement setting forth the terms and conditions of employment of Jason Gabloff; and

WHEREAS, Attorneys for the Township of Mendham have reviewed and approved the subject Employment agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, COUNTY OF MORRIS, NEW JERSEY that is that the employment agreement between the Township of Mendham and Jason Gabloff attached to and made a part of this resolution is hereby approved and the Township Mayor is authorized to sign it on behalf of the Township of Mendham

Adopted: July 26, 2021

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

CERTIFICATION: I, Maria F. Coppinger, Clerk of the Township of Mendham, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Mendham Township Committee at a meeting held on July 26, 2021.

Maria F. Coppinger, Township Clerk

RESOLUTION 2021-157

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPROVING THE SUBMISSION OF AN APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR PERMITS RELATING TO THE CONSTRUCTION OF A NEW POLICE FACILITY AT 4 WEST MAIN STREET

WHEREAS, the Township of Mendham owns 4 West Main Street, which was originally purchased by the Township for future use for township facilities; and

WHEREAS, Cornerstone Architectural Group has prepared exterior design drawings and specifications for a new Police Facility at 4 West Main Street; and

WHEREAS, the NJ Department of Environmental Protection is requiring the Township to obtain NJDEP issued permits / waivers for all activity within the designated flood zone and flood hazard area as well as any increase in impervious on-site coverage.

NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, COUNTY OF MORRIS, NEW JERSEY, that the Township Mayor is authorized to file the necessary applications with the NJ Department of Environmental Protection in order to obtain any required permits / waivers or the construction of a new Police facility at 4 West Main Street, Brookside, New Jersey.

Adopted: July 26, 2021

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

CERTIFICATION: I, Maria F. Coppinger, Clerk of the Township of Mendham, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Mendham Township Committee at a meeting held on July 26, 2021.

Maria F. Coppinger, Township Clerk

RESOLUTION 2021-158

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM ESTABLISHING DATES FOR HUNTING FROM TREE STANDS ON TOWNSHIP OWNED NATURAL AREAS

WHEREAS, the Township Committee appointed a Wildlife Management Committee to advise the Governing Body on matters involving non-domestic animals; and

WHEREAS, the Wildlife Management Committee has recommended that deer and all fish and game regulated as hunting, from tree stands only, be allowed according to the following calendar schedule in the natural areas:

SHOTGUN DEER HUNTING FROM TREE STANDS:

With only residents, employees and former employees from the Mendhams, Chesters, Harding Township and Randolph participating

Burnett Brook, Buttermilk Falls, Dismal Harmony, Dos Passos, India Brook, Meadowood Preserve, Mosle Preserve

November 20, 2021

December 6, 2021 – December 11, 2021

January 8, 14, 15, 22, 28, 29, 2022

CLYDE POTTS RESERVOIR:

December 6, 2021 – December 11, 2021

January 8, 15, 22, 29, 2022

These areas will be closed to the public on the dates listed above.

BOW AND ARROW DEER HUNTING FROM TREE STANDS OVER BAIT:

Burnett Brook, Buttermilk Falls, Cold Hill Preserve, Dismal Harmony, Dos Passos, India Brook, Meadowood Preserve, Mosle Preserve, Tempe Wick, Wysong Natural Area

September 11, 2021 – February 19, 2022 (excludes Sundays)

Dawn to Dusk

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham, to approve the schedule noted above and to authorize that appropriate measures be taken to post the Natural Areas to note the dates and hours of closure to the public.

BE IT FURTHER RESOLVED that the Mendham Township Wildlife Management Committee is responsible for scheduling hunters with valid permits in the parks.

Adopted: July 26, 2021

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

CERTIFICATION: I, Maria F. Coppinger, Clerk of the Township of Mendham, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Mendham Township Committee at a meeting held on July 26, 2021.

Maria F. Coppinger, Township Clerk

RESOLUTION 2021-159
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPROVAL OF THE
LOSAP QUALIFICATION LIST FOR THE BROOKSIDE ENGINE COMPANY NO. 1, AND MENDHAM
TOWNSHIP FIRST AID SQUAD

WHEREAS, Ordinance 12-1999, adopted by the Township Committee of the Township of Mendham on August 18, 1999, created a Length of Service Award Program (LOSAP) in order to reward members of the volunteer Mendham Township Fire Department and Mendham Township First Aid Squad; and

WHEREAS, the Ralston Engine Company No. 1, Brookside Engine Company No. 1, and Mendham Township First Aid Squad has provided the attached list of all members who have qualified for the 2020 LOSAP award.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mendham, County of Morris, State of New Jersey, that the eligibility list attached to this resolution are approved and will be posted in accordance with Chapter 388, P.L. 1997.

Adopted: July 26, 2021

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

CERTIFICATION: I, Maria F. Coppinger, Clerk of the Township of Mendham, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Mendham Township Committee at a meeting held on July 26, 2021.

Maria F. Coppinger, Township Clerk

Resolution 2021-159

BROOKSIDE ENGINE CO No. 1

Ackerman, William W.
Anagnostis, Gregory T.
Beggan, Connor G.
Betz, Jeffrey A.*
Cooper, Eric M.
Daley, Patrick H.
Eberhart, Robert D.
Geary, Leo F.
Gisser, Warren J.
Gordon, Peter J.
Jones, Thomas J.
Kalweit, Frederick C.
Kemp, John D.
Kemp, Paul M.
Merritt, Michael J.
Rice, Sean M.
Sauerman, Stephen M.
Sauerman, Stephen T.
Suhocki, Vincent P.
Tolley, Samuel K.
Witczak, Stanley N.
Wlazlowski, Brian M.
Wlazlowski, Robert B.
Wolfson, Joshua R.
Wood, Daniel A.

FIRST AID SQUAD

Budd, Georged
Dunlevy, Bill
Dunlevy, Leslie
Johnston, Robin
Kane, Alex
Kane, Nanci
Leffler, Jason
Marold, Bob
Marold, Patty
Monaghan, Nick
Nails, Debra
Nelson, Barbara
Ransegnola, John
Russell, Marlene
Saito, Ghen
Saito, Riki
Zimmerman, Harriet

RESOLUTION 2021-160
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPROVING STAFF
APPOINTMENTS FOR THE DEPARTMENT OF RECREATION SUMMER SEASON

BE IT RESOLVED by the Township Committee of the Township of Mendham that the following named persons be paid from the Recreation Trust in accordance with the following:

SUMMER 2021

BROOKSIDE BEACH

Liam Lloyd	Check In/Concession	\$11.00/hour
Sofie Miltenburg	Lifeguard	\$12.00/hour
Kate Barban	Lifeguard	\$12.00/hour
Elizabeth Frumento	Check In/Concession	\$11.00/hour

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham, approves the hiring of seasonal employees and a copy of this resolution be provided to the Recreation Director and the Chief Financial Officer.

Adopted: July 26, 2021

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

CERTIFICATION: I, Maria F. Coppinger, Clerk of the Township of Mendham, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Mendham Township Committee at a meeting held on July 26, 2021.

Maria F. Coppinger, Township Clerk

RESOLUTION 2021-161
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING THE PAYMENT OF BILLS

BE IT RESOLVED, by the Township Committee of the Township of Mendham, in the County of Morris, New Jersey, that the Chief Financial Officer be and hereby is authorized to pay current bills as attached hereto and made a part hereof, contingent upon the approval of the Finance Committee.

Adopted: July 26, 2021

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

CERTIFICATION: I, Maria F. Coppinger, Clerk of the Township of Mendham, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Mendham Township Committee at a meeting held on July 26, 2021.

Maria F. Coppinger, Township Clerk

ORDINANCE 11-2021

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AMENDING AND SUPPLEMENTING ORDINANCE NO. 11-2019 FIXING THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MENDHAM IN THE COUNTY OF MORRIS, NEW JERSEY

WHEREAS, N.J.S.A. 40A 0-165 permits a municipality to establish salaries, wages, or compensation to be paid to the officers and employees of the municipality; and

WHEREAS, the Township Committee have made a careful examination of the salaries, wages and compensation appropriate to the compensation of said Township employees.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Mendham, in the County of Morris, New Jersey, that the below stated titles and compensation shall be amended / created upon adoption of this ordinance as follows:

Title	Annual Salary	
	Minimum	Maximum
Chief Financial Officer	\$180,000	\$200,000
Administrative Assistant	\$50 per hr.	\$70 per hr.

1. The specific salary to be paid each officer and employee within the ranges set forth in Section 1 shall be determined by Resolution adopted by the Township Committee of the Township of Mendham.
2. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.
3. This ordinance shall take effect August 16, 2021.

INTRODUCED: 7/26/2021

ADVERTISED:

PUBLIC HEARING: 8/16/2021

ADOPTED:

ADVERTISED:

ATTEST:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger Township Clerk

Sarah Neibart, Mayor

ORDINANCE NO. 12-2021

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AMENDING AND SUPPLEMENTING CHAPTER 21 OF THE ORDINANCES OF THE TOWNSHIP 'ZONING' BY ADDING A NEW CLASSIFICATION OF USE, THE M-1 MUNICIPAL USE ZONE

WHEREAS; the Municipal Building, Police Station, the proposed new Police Station and the Emergency Services Building located at the corner of Cherry Lane and West Main Street and designated as Block 137, Lot 17.01 on the Mendham Township Tax Map are situated in the R-10 residential zoning district; and

WHEREAS; it is necessary, desirable and appropriate to change the zone for this site to one which mirrors the actual constitution of the municipal uses; and

WHEREAS, the Township Committee of the Township of Mendham has determined that no suitable existing zoning designation appropriately fits this classification of use.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Township Committee of the Township of Mendham, the County of Morris, NJ as follows:

SECTION ONE: Chapter 21, "Zoning Regulations" of Ordinances of the Township of Mendham, Section 21-2, Establishment of Districts, is hereby supplemented by a new Subsection: M-1 - MUNICIPAL USES Zone"

Permitted Uses in the M-1 zone shall be as follows:

1. Structures accommodating the administration n of municipal government.
2. Structures accommodating Police, Fire, and Emergency Medical Services.
3. Library uses.
4. Such accessory structures deemed necessary and advisable to support the principal permitted uses.
5. Places of public assembly.
6. Such other uses of a public nature as may be deemed appropriate by the Township Committee.

Permitted Accessory uses in the zone include all such supporting uses and infrastructure necessary to maintain and support the principal permitted uses.

Multiple principal uses age specifically permitted on any one site.

Section 16-10, Design Standards of the Land Use Ordinance shall not be deemed applicable to the M-1 Municipal Uses Zone.

SECTION TWO: The Mendham Township Zoning Map shall be amended to designate Block 137, Lot 17.01 as the M-1 Municipal Uses Zone.

SECTION THREE: Any ordinances inconsistent with this ordinance are hereby amended or repealed to the extent of such inconsistency.

SECTION FOUR: This ordinance shall take effect upon final adoption and publication as provided by law.

INTRODUCED: July 26, 2021

ADVERTISED:

PUBLIC HEARING: September 13, 2021

ADOPTED:

ADVERTISED:

ATTEST:

TOWNSHIP OF MENDHAM
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

ORDINANCE 10-2021

AN ORDINANCE OF THE TOWNSHIP OF MENDHAM, COUNTY OF MORRIS, NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN THE TOWNSHIP'S GEOGRAPHICAL BOUNDARIES AND AMENDING CHAPTER XXI, ZONING REGULATIONS OF THE LAND USE ORDINANCES OF THE TOWNSHIP OF MENDHAM CODE

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Philip Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six (6) marketplace classes of licensed businesses, including:

- **Class 1:** Cannabis Cultivator License, for facilities involved in growing and cultivating cannabis;
- **Class 2:** Cannabis Manufacturer License, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- **Class 3:** Cannabis Wholesaler License, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- **Class 4:** Cannabis Distributor License, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- **Class 5:** Cannabis Retailer License for locations at which cannabis items and related supplies are sold to consumers; and
- **Class 6:** Cannabis Delivery License, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, Section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in Section 3 of the Act as "a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer"), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location, manner and operation times of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, Section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere within the municipality; and

WHEREAS, Section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to Section 31b of the Act, the failure to do so shall mean that for a period of five (5) years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five (5) year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Township Committee of the Township of Mendham has determined that, due to present uncertainties regarding the potential future impacts allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on Township of Mendham in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of Township of Mendham's residents and members of the public who visit, travel, or conduct business in Township of Mendham, to amend Township of Mendham's zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of Township of Mendham.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Mendham, County of Morris, State of New Jersey, as follows:

SECTION 1. Chapter XXI, Zoning Regulations, of the Land Use Regulations of the Township of Mendham, Subsection 21-2 Establishment of Districts, is hereby supplemented to establish as new Section 21-2.4 entitled "Cannabis Businesses Prohibited," to read as follows:

21-2.4 Cannabis Businesses Prohibited

A. Definitions.

For purposes of this Chapter, the following definitions shall apply:

"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. 2016, c. 16 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.24:61-1 et al.) and P.L.2015, c.158 (C.15A: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 marijuana as defined in section 2 of P.L.1970, c.226 (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.).

"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.

"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.

"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.

"Cannabis establishment" means a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

"Cannabis manufacturer" means any license 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.

"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.

"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.

"Medical cannabis organizations" means any person or entity licensed, or an applicant for a license, to operate as medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, clinical registrant or an alternative treatment center under the Jake Honig Compassionate Use Medical Cannabis Act, P.L. 2009, c. 307 (c. 24:61-1 et al).

B. Cannabis establishments, distributors and delivery services prohibited.

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16) (N.J.S.A. 24:61-45b) all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Township, except for the delivery of cannabis items and related supplies directly to a consumer for personal use by a New Jersey licensed cannabis delivery service having its license premises based at a location outside the geographic boundaries of the Township, and which the delivery of such cannabis items and related supplies is initiated from such licensed location.
2. This prohibition shall be read and construed to apply equally to any and all Medical Cannabis Organizations holding a license, or applicants for such a license, issued under the Jake Honig Compassionate Use Medical Cannabis Act, P.L. 2009, c. 307 (c. 24:61-1 et al), to the extent such Medical Cannabis Organizations, or applicants for such licenses, seek to concurrently operate or to otherwise hold a cannabis a Class 1 Cannabis Cultivator license, Class 2 Cannabis Manufacturer

license, Class 3 Cannabis Wholesaler license, Class 4 Cannabis Distributor license, Class 5 Cannabis Retailer License and/or a Class 6 Cannabis Delivery License under section 33, (C.24:6l-46a(3)(a)(i) thru (3)(a)(iv) of "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act."

3. The concurrent operation of a cannabis a Class 1 Cannabis Cultivator license, Class 2 Cannabis Manufacturer license, Class 3 Cannabis Wholesaler license, Class 4 Cannabis Distributor license, Class 5 Cannabis Retailer License and/or a Class 6 Cannabis Delivery License under section 33, (C.24:6l-46a(3)(a)(i) thru (3)(a)(iv) of "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Moderation Act" is hereby prohibited at any premises of a licensed Medical Cannabis Organization or applicant for such license, under the Jake Honig Compassionate Use Medical Cannabis Act, P.L. 2009, c. 307 (c. 24:61-1 et al).

SECTION 2. Any article, chapter, section, paragraph, subsection, clause, or other provision of the Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

SECTION 3. In case, for any reason, any portion or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other portion or provision of this Ordinance, except so far as the portion or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof

SECTION 4. This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

INTRODUCED: June 28, 2021 ADVERTISED: July 03, 2021

PUBLIC HEARING: July 26, 2021

ADOPTED: July 26, 2021 ADVERTISED: July 30, 2021

ATTEST: TOWNSHIP OF MENDHAM
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

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