

Mayor Roach called the meeting to order.

Sunshine Law - Notice of this meeting has been duly advertised in compliance with the provisions of the open public meetings law. Please be advised that this meeting will be recorded for possible later playback.

Flag Salute

Roll Call of Council Members Present: DiDomenico, Hess, Jackson, Sinon, Strippoli, President Randolph-Sharpe, and Mayor Roach

President Randolph-Sharpe requested a moment of silence for Mayor Roach for the passing of his mother. Mayor Roach thanked everyone for their condolences.

Second Reading Ordinance 2021-05

ORDINANCE 2021-05 AN ORDINANCE BY THE BOROUGH OF LINDENWOLD IN CAMDEN COUNTY, NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING CHAPTER 365, SECTION 15H OF THE BOROUGH OF LINDENWOLD 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 Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

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

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

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

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

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

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

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

WHEREAS, the Mayor and Governing Body of the Borough of Lindenwold has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on Borough of Lindenwold in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of Borough of Lindenwold’s residents and members of the public who visit, travel, or conduct

business in Borough of Lindenwold, to amend Borough of Lindenwold's zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of Borough of Lindenwold; and

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Governing Body of the Borough of Lindenwold, in the County of Camden, State of New Jersey, as follows:

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Borough of Lindenwold, except for the delivery of cannabis items and related supplies by a delivery service. This prohibition shall also apply in those part of Borough of Lindenwold under the jurisdiction and authority of Independent State Agency, Commission or Authority, notwithstanding any State law to the contrary.

2. CHAPTER 265, SECTION 15H of the Borough of Lindenwold Municipal Code is hereby amended by adding to the list of prohibited uses, the following: "All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service."

3. Any article, section, paragraph, subsection, clause, or other provision of the Borough of Lindenwold Municipal Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

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

5. This ordinance shall take effect upon its passage and publication and filing with the Camden County Planning Board, and as otherwise provided for by law.

Mayor Roach opened the meeting to the public.

Several members of the public stated their opposition to this ordinance with one resident in favor. Mayor and Council continued to discuss with the public the position of the Borough including the state conditions for opting out as well as clarification of recreation and medical cannabis.

There being no one desiring the floor, the Mayor closed the meeting to the public.

Motion was made by President Randolph-Sharpe, second by Councilman Jackson that Ordinance 2021-05 be adopted as read. Roll call vote was unanimous in the affirmative. Motion carried.

RESOLUTION 2021:99 -Apply for 2021 Local Recreation Improvement Grant

WHEREAS, the Borough of Lindenwold desires to apply to the Department of Community Affairs for a grant under the 2021 Local Recreation Improvement Grant for construction of a bicycle path through the Lindenwold High School; and

WHEREAS, The Borough of Lindenwold formally authorizes Remington & Vernick Engineers to prepare the grant application.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Clerk of the Borough of Lindenwold formally approves the grant application for the project stated above

BE IT FURTHER RESOLVED, that the appropriate officials are hereby authorized to submit an electronic grant application on behalf of Lindenwold Borough.

BE IT FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign the grant agreement on behalf of Lindenwold Borough and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement with a not to exceed amount of \$2,200.00.

Motion was made by President Randolph-Sharpe, second by Councilman Jackson that Resolution 2021:99 be adopted as read. Roll call vote was unanimous in the affirmative. Motion carried.

Mayor Roach opened the meeting to Council:

Councilwoman Sinon updated the residents regarding signing up for the vaccine on My Cooper as well as the change in hours for the Camden County Vaccination Site.

President Randolph-Sharpe informed the residents that there will be a food pantry at the Lindenwold High School on May 6 from 2:30pm to 4:00 pm. There will also be an Arts Night held the Lindenwold Park Amphitheater on May 20 to benefit the Lindenwold Seniors. She also received a letter from the state to congratulate the volunteers who worked for the U.S. Census during COVID for all their efforts. She acknowledged the Business Administrator who spearheaded the efforts.

Mayor Roach opened the meeting to the Public.

Diane Veteri, resident, commented on the Clean Up Event in town and questioned Borough participation. Mayor Roach responded that the Borough sponsored events in the past that were not well attended.

Sarah Vellner, resident, commented about the amount of litter around town and questioned about additional receptacles for this problem. She also questioned the dumpsters in Timber Creek. The Mayor responded that she needed to speak with her management company as the Borough has offered the program. She recommends adding a Little Library. The Mayor responded about the program and the locations of several in town.

Jaimie Van Sciver, Paulsboro, voiced her objection to Council passing the ordinance.

Joe Amodeo, resident, questioned if Lindenwold has been contacted from Georgetown regarding trash removal. Mayor responded that the only contact was a letter to terminate the service.

Trevor Shaw, resident, questioned if Lindenwold will try to have a town wide yard sale this year. Councilwoman Hess responded that there has been discussion and the recommendation is to hold in the fall. Resident asked if any progress has been made regarding updating the website with the park information as the only information has been for baseball.

Councilman Jackson responded regarding the website that they are continuing to look for coaches for the other organizations. Business Administrator also responded that the Borough is in the process of taking pictures in order to update the parks in town. Finally, he questioned if the name of the Arborwood Complex will be changed. Mayor affirmed. Mayor also announced that all the deeds have been consolidated under one owner. Resident then questioned the pilot program and what the money will be used for. Mayor responded the funds support the municipal budget.

Joe Amodeo, resident, questioned about bulk trash. Borough Solicitor stated the complex terminated all services. He questioned Councilwoman Sinon if there was a program to assist seniors with the removal of old TVs. Councilwoman Sinon responded that she did not know of one. Mayor Roach asked the resident to provide the clerk with the information and he will try to assist.

Justin, resident, asked Council to reconsider the decision regarding cannabis.

Danielle Brittain, resident, commented on the community cleanup and the enthusiasm of all who participated. Mayor thanked the resident.

Linda Coppinger, resident, questioned about medical cannabis being exempt. The Mayor responded that it was exempt by the state.

There being no one else desiring the floor, the Mayor closed the meeting to the public.

Motion was made by President Randolph-Sharpe, second by Councilman Jackson that the meeting be adjourned. Voice vote was unanimous in the affirmative. Motion carried.

DATED: May12, 2021

Deborah C. Jackson, RMC
Borough Clerk