



Millstone Borough

REGULAR MEETING AGENDA

August 21, 2023

In Compliance with the Open Public Meetings Act and NJ State Executive Orders, the Borough Council meeting will be held both in person and virtually. The virtual portion of the meet will be conducted via the Zoom Meeting program and all are invited to participate. Meeting details are as follows;

Millstone Borough Council monthly regular meetings
Every Third Monday of the Month at 7: 30 PM

March 20, 2023 07:30 PM	April 17, 2023 07:30 PM	May 15, 2023 07:30 PM
June 19, 2023 07:30 PM	July 17, 2023 07:30 PM	Aug 21, 2023 07:30 PM
September 18, 2023 07:30 PM	October 16, 2023 07:30 PM	November 20, 2023 07:30 PM
December 18, 2023 07:30 PM		

Join Zoom Meeting

<https://us02web.zoom.us/j/87610301473?pwd=dnJoMWdzcTcwa2h5cjZRbVpvWHk4QT09>

Meeting ID: 876 1030 1473

Passcode: 244337

One tap mobile

+19292056099,,87610301473#,,, *244337# US (New York)

+13017158592,,87610301473#,,, *244337# US (Washington DC)

Find your local number: <https://us02web.zoom.us/j/87610301473?pwd=dnJoMWdzcTcwa2h5cjZRbVpvWHk4QT09>

TIME: 7:30 PM

CALL TO ORDER – OPENING STATEMENT: The Regular meeting of the Borough Council, Borough of Millstone will please come to order. Adequate notice of this meeting has been noticed to the Hillsborough Beacon and Courier News. If any member of this body believes this meeting is being held in violation of the Open Public Meetings Act, please state your views at this time, stating the reason for which you feel the notice is improper. Hearing none, we proceed to the next item on the agenda.

PLEDGE TO THE FLAG:

ROLL CALL:

Councilwoman Mandy Coppola
Councilman Robert Galli
Councilwoman Nicole Grimshaw
Councilwoman Karin Kidd
Councilman Jonathan Stashek
Council President Alan Kidd
Mayor Raymond Heck

Also Present:

MINUTES:

- July 17, 2023 Regular meeting minutes



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REPORTS:

- Assessor –
- Clerk –
- Emergency Management (OEM/State Police/Fire) –
- Finance/Tax Collection –
- Historic Commission –
- Recreation Commission –

COUNCIL REPORTS:

- Buildings and Grounds –
- Planning Board –
- Traffic and Roads –

MAYOR'S REPORT:

MEETING OPEN TO THE PUBLIC:

- Motion to Open the Meeting to the Public
- Motion to Close the Meeting to the Public

CLAIMS FOR PAYMENT

- **RESOLUTION AUTHORIZING THE PAYMENT OF CLAIMS AGAINST THE BOROUGH OF MILLSTONE**

WHEREAS, request for payment has been made in connection with the attached claims against the Borough of Millstone as shown on the attached detail; and

WHEREAS, the Chief Financial Officer has certified the availability of funds to pay for the following claims; and

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MILLSTONE IN THE COUNTY OF SOMERSET, NEW JERSEY, that the proper Borough Officials are hereby authorized to pay the following bills, subject to and contingent upon appropriation of sufficient funds and that this authorizing Resolution be and is hereby made a part of the official records of the Borough of Millstone.

DISCUSSION:

- **Possible revisions to proposed Ordinance 2023-003.**



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NEW BUSINESS:

- **PUBLIC HEARING/ADOPTION OF ORDINANCE 2023-003 (carried over/tabled from the July 17, 2023 meeting): AN ORDINANCE BY THE BOROUGH OF MILLSTONE, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY AMENDING AN ORDINANCE PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES, PROVIDING FOR THE REGULATION OF CANNABIS AND AMENDING ITS DEVELOPMENT ORDINANCE**

****COPY ATTACHED**

- Motion to open the meeting to the public
- Motion to close the meeting to the public
- Motion to adopt Ordinance 2023-003

OLD BUSINESS:

- Sewers –
- LEPC –
- FEMA/Mitigation –
- Status of PILOT –

EXECUTIVE SESSION (if necessary):

WHEREAS, the law commonly known as the “Sunshine Law” requires that Borough Council meetings be open to the public except for the discussion of certain subjects; and

WHEREAS, the “Sunshine Law” requires that a closed session be authorized by Resolution;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Millstone that the balance of this meeting shall be closed to the public; and

BE IT FURTHER RESOLVED, that the meeting shall be adjourned at the end of the closed session; and

BE IT FURTHER RESOLVED, that the subjects to be discussed and the time of public release of the minutes of the closed session are indicated below:

SUBJECT MATTER

**TIME WHEN AND THE CIRCUMSTANCES
UNDER WHICH THE SUBJECT MATTER
CAN BE DISCLOSED**

ADJOURNMENT of Regular Meeting:

Attested to:
Gregory J. Bonin, Borough Clerk



Millstone Borough REGULAR MEETING AGENDA August 21, 2023

Millstone Borough Claims list

August 17, 2023
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Millstone Borough
Purchase Order Listing By P.O. Number

Page No: 1

P.O. Type: All
Range: First to Last
Format: Detail without Line Item Notes
Vendors: All
Rcvd Batch Id Range: First to Last
Paid Date Range: 07/18/23 to 12/31/23
Include Non-Budgeted: Y
Open: N
Rcvd: N
Bid: Y
Paid: Y
Held: N
State: Y
Void: N
Aprv: N
Other: Y
Exempt: Y

PO #	PO Date	Vendor	Amount	Charge Account	Contract Acct Type Description	PO Type	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice
23-00004	01/05/23	PSEG PSE&G			B						
9	ELEC;65-081-353-09;AMWELL&MAIN	136.87	3-01-31-435-205	B STREET LIGHTING	P	5665	06/11/23	08/14/23	08/15/23	BD: 8/7/23	
23-00005	01/08/23	PSEG PSE&G			B						
9	ELEC;66-363-804-03;AMWELL ROAD	132.87	3-01-31-435-205	B STREET LIGHTING	P	5666	06/11/23	08/14/23	08/15/23	BD: 8/7/23	
23-00006	01/08/23	PSEG PSE&G			B						
8	ELEC;13 014 015 01 VARIOUS	763.47	3-01-31-435-205	B STREET LIGHTING	P	5667	07/02/23	08/14/23	08/15/23	BD: 7/12/23	
9	ELEC;13 014 015 01 VARIOUS	761.93	3-01-31-435-205	B STREET LIGHTING	P	5667	07/02/23	08/15/23	08/15/23	BD: 8/10/23	
		1,525.40									
23-00007	01/22/23	VERIZONW VERIZON WIRELESS			B						
9	WIRELESS COMMUNICATIONS	215.97	3-01-31-440-210	B TELEPHONE	P	5658	06/11/23	08/06/23	08/06/23	BD: 7/25/23	
23-00008	01/08/23	COMCAST COMCAST			B						
8	INTERNET/VOICE SERVICE	218.48	3-01-31-440-210	B TELEPHONE	P	5654	06/11/23	08/06/23	08/06/23	BD: 7/11/23	
23-00009	01/08/23	NJAMWATE NJ AMERICAN WATER			B						
8	ACCT 210022093410; MAIN ST	31.94	3-01-26-300-200	B BUILDINGS&GROUNDS-OTHER EXPENSES	P	5661	01/08/23	08/14/23	08/15/23	BD: 7/28/23	
23-00010	01/08/23	COMPASSM COMPASSMSP			B						
17	365 LICENSE - AUGUST	25.00	3-01-20-140-200	B INFORMATION TECHNOLOGY - OTHER EXPENSES	P	5660	06/01/23	08/14/23	08/15/23	180597	
18	MICROSOFT EMAIL-AUGUST	96.00	3-01-20-140-200	B INFORMATION TECHNOLOGY - OTHER EXPENSES	P	5660	06/01/23	08/14/23	08/15/23	180597	
		121.00									
23-00021	01/17/23	VESCELAU LAURA VESCE			B						
6	REIMBURSEMENT INK	44.67	3-01-20-130-200	B FINANCE-OTHER EXPENSES	P	5672	06/14/23	08/15/23	08/15/23		
7	REIMBURSEMENT POSTAGE TO MAIL	2.94	3-01-20-130-200	B FINANCE-OTHER EXPENSES	P	5672	06/14/23	08/15/23	08/15/23		
		47.61									
23-00022	01/17/23	REPUBLIC REPUBLIC SERVICES			B						
8	SANITATION SERVICES; 9865002	3,740.00	3-01-26-305-200	B SANITATION-OTHER EXPENSE	P	5668	06/11/23	08/14/23	08/15/23	2414206	



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Millstone Borough
Purchase Order Listing By P.O. Number

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PO #	PO Date	Vendor	Amount	Charge Account	Contract	PO Type	First	Rcvd	Chk/Void	
Item Description					Acct Type	Description	Stat/Chk	Enc Date	Date	Invoice
23-00024	01/17/23	RLDATA R & L DATA CENTERS			B					
9 JULY PAYROLL			168.00	3-01-20-100-200	B	A&E-OTHER EXPENSES	P	5669	06/11/23	08/14/23 08/15/23 110110
23-00025	01/30/23	NJAMMATE NJ AMERICAN WATER			B					
8 ACCT 210022797651; HYDRANTS			1,066.72	3-01-25-265-202	B	FIRE HYDRANT SERVICE	P	5662	06/11/23	08/14/23 08/15/23 BD: 7/20/23
23-00026	01/30/23	AWCONTRA A.W. CONTRACTING			B					
6 LANDSCAPE SERVICES-JULY			383.00	3-01-26-300-200	B	BUILDINGS&GROUNDS-OTHER EXPENSES	P	5659	07/13/23	08/14/23 08/15/23 JULY
23-00030	01/31/23	OFFENSTE STEPHEN OFFEN			B					
13 LEGAL SERVICES - JULY			381.00	3-01-20-155-200	B	LEGAL-OTHER EXPENSES	P	5664	01/31/23	08/14/23 08/15/23 11304212
23-00032	01/31/23	COMPASSM COMPASSMSP			B					
3 WEBSITE NOT WORKING 5/19, 5/23			600.00	3-01-20-140-200	B	INFORMATION TECHNOLOGY - OTHER EXPENSES	P	5660	02/06/23	08/14/23 08/15/23 178175
23-00034	02/16/23	VCSJOBS4 VISUAL COMPUTER SOLUTIONS			B					
2 POLICE SERVICES-7/25; 4 HR			399.24	3-01-42-390-212	B	INTERLOCAL POLICE SERVICE	P	5674	02/16/23	08/16/23 08/16/23 470002672
3 POLICE SERVICES-7/27; 4 HR			399.24	3-01-42-390-212	B	INTERLOCAL POLICE SERVICE	P	5674	02/16/23	08/16/23 08/16/23 470002679
4 POLICE SERVICES-8/1; 4 HR			399.24	3-01-42-390-212	B	INTERLOCAL POLICE SERVICE	P	5674	02/16/23	08/16/23 08/16/23 470002702
5 POLICE SERVICES-7/29; 4 HR			399.24	3-01-42-390-212	B	INTERLOCAL POLICE SERVICE	P	5674	02/16/23	08/16/23 08/16/23 470002682
6 POLICE SERVICES-8/3; 4 HR			399.24	3-01-42-390-212	B	INTERLOCAL POLICE SERVICE	P	5674	02/16/23	08/16/23 08/16/23 470002707
			1,996.20							
23-00036	02/23/23	SOMERREC SOMERSET COUNTY TREASURER			B					
3 2023 RECYCLING - 2ND QTR			1,128.08	3-01-26-305-200	B	SANITATION-OTHER EXPENSE	P	5671	02/23/23	08/14/23 08/15/23 2ND QTR
23-00041	03/13/23	SDGSECUR SDG SECURITY			B					
5 AES FIRENET RADIO NETWORK			75.00	3-01-26-300-200	B	BUILDINGS&GROUNDS-OTHER EXPENSES	P	5670	03/13/23	08/14/23 08/15/23 23104260
23-00056	05/17/23	MOTTMACD MOTT MACDONALD			B					
3 ENGINEERING SERVICES IN			1,980.00	C-04-55-222-011	B	RESERVE FOR PRELIMINARY EXPENSES	P	118	05/17/23	08/14/23 08/15/23 507490502
23-00083	07/13/23	GERALMUL LAW OFFICES OF GERALD MULLER			B					
1 PLANNING BD SERVICES-APRIL			472.50	T-28-56-001-001	B	TRUST ESCROW EXPENSES	P	1216	07/13/23	08/14/23 08/15/23 15191
23-00084	08/04/23	MILLPAYR MILLSTONE BORO PAYROLL			B					
1 AUGUST PAYROLL			4,053.64	3-01-55-901-004	B	DUE TO/FROM PAYROLL	P	1500	08/04/23	08/04/23 08/04/23
2 AUGUST PAYROLL -OASI			311.04	3-01-36-472-213	B	SOCIAL SECURITY	P	1500	08/04/23	08/04/23 08/04/23

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PO #	PO Date	Vendor	Amount	Charge Account	Contract	PO Type	First	Rcvd	Chk/Void	
Item Description					Acct Type	Description	Stat/Chk	Enc Date	Date	Invoice
23-00084	08/04/23	MILLPAYR MILLSTONE BORO PAYROLL								
3 AUGUST PAYROLL-SUI			12.19	3-01-55-901-006	B	TO/FROM SUI-PAYROLL ACCOUNT	P	1500	08/04/23	08/04/23 08/04/23
			4,376.87							
23-00085	08/06/23	SOMERCY SOMERSET COUNTY			B					
1 3RD QUARTER 2023 TAXES-COUNTY			50,763.36	3-01-55-907-001	B	COUNTY TAXES PAYABLE	P	5655	08/06/23	08/06/23 08/06/23 3RD QTR 2023
23-00086	08/06/23	SOMERCY SOMERSET COUNTY			B					
1 3RD QTR 2023 TAXES-OPEN SPACE			5,197.76	3-01-55-907-001	B	COUNTY TAXES PAYABLE	P	5656	08/06/23	08/06/23 08/06/23 3RD QTR OPEN SP
23-00087	08/06/23	SOMERCY SOMERSET COUNTY			B					
1 3RD QUARTER 2023 TAXES-LIBRARY			6,841.97	3-01-55-907-001	B	COUNTY TAXES PAYABLE	P	5657	08/06/23	08/06/23 08/06/23 3RD QTR LIBRARY
23-00088	08/14/23	RAVENIRE RAVE WIRELESS			B					
1 ALERT FOR PUBLIC SAFETY			3,210.00	3-01-20-110-200	B	MAYOR & COUNCIL-OTHER EXPENSES	P	5673	08/14/23	08/16/23 08/16/23
23-00089	08/14/23	NJWORKFO STATE OF NEW JERSEY			B					
1 CATASTROPHIC ILLNESS			9.00	3-01-20-100-200	B	A&E-OTHER EXPENSES	P	5663	08/14/23	08/14/23 08/15/23
23-00090	08/17/23	IPD INSTITUTE FOR PROFESSIONAL DEV			B					
1 CLASSES FOR RAY HECK, MAYOR			250.00	3-01-20-100-201	B	A&E-EMPLOYEE DEVELOPMENT	P	5675	08/17/23	08/17/23 08/17/23

Total Purchase Orders: 26 Total P.O. Line Items: 35 Total List Amount: 85,069.60 Total Void Amount: 0.00



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Purchase Order Listing By P.O. Number

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Totals by Year-Fund Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
	3-01	82,617.10	0.00	0.00	82,617.10
	C-04	1,980.00	0.00	0.00	1,980.00
	T-28	472.50	0.00	0.00	472.50
Total Of All Funds:		85,069.60	0.00	0.00	85,069.60

CANNABIS ORDINANCE 2023-003 – PROPOSED CHANGES

ORDINANCE NO. 2023-

**AN ORDINANCE BY BOROUGH OF MILLSTONE IN THE COUNTY OF SOMERSET,
STATE OF NEW JERSEY AMENDING AN ORDINANCE PROHIBITING THE
OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS
GEOGRAPHICAL BOUNDARIES, PROVIDING FOR THE REGULATION OF
CANNABIS AND AMENDING ITS DEVELOPMENT ORDINANCE**

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 Borough Council of the Borough of Millstone adopted on July 19, 2021 “AN ORDINANCE BY BOROUGH OF MILLSTONE IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING AND/OR DELETING PRIOR ORDINANCES” and

WHEREAS, after the passage of time, the Borough Council of the Borough of Millstone has now determined that it would be in best interest of the Borough to allow Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and

WHEREAS, the Borough Council of the Borough of Millstone desires to amend AN ORDINANCE BY BOROUGH OF MILLSTONE IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING AND/OR DELETING PRIOR ORDINANCES and the DEVELOPMENT ORDINANCE as hereinafter set forth

NOW THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Millstone in the County of Somerset, State of New Jersey (hereafter referred to as the “Council”), as follows:

1. Preamble. The findings set forth in the preamble to this ordinance are hereby incorporated as if fully restated.

2. **General prohibition on all cannabis businesses other than Class 5 cannabis retailers.** In accordance with the authority granted to municipalities by N.J.S.A. 24:61-45, only the following cannabis facilities shall be permitted to operate within the geographical boundaries of the Borough: Class V cannabis retailers, subject to the use, permitting, and taxation requirements set forth in this ordinance. All other marketplace classes of cannabis businesses shall be prohibited from operating anywhere within the geographical boundaries of the Borough.

3. **Development Ordinance amendment.** The Development Ordinance of the Borough of Millstone is hereby amended to permit Class 5 cannabis retailers in the Traditional Village Commercial District

4. **Licensing requirements and general limitations for Class 5 cannabis retailers.**

a. Purpose.

This ordinance is enacted in accordance with the provisions of the Act and the regulations promulgated by the Cannabis Regulatory Commission (“CRC”). The purpose of this ordinance is to regulate the establishment and operation of cannabis businesses in the Borough of Millstone and to specify the conditions and limitations applicable thereto.

b. Definitions.

For the purpose of, words and phrases herein shall have the meanings set forth in Act.

c. Applicable laws.

All applications for licenses, all licenses issued and all proceedings under this chapter shall be in accordance with the Act, rules and regulations ~~referred~~ issued by the CRC, and all other applicable laws of the State of New Jersey. The regulations set forth herein are subject to the enabling authority of the State of New Jersey, by and through the ~~Cannabis Regulatory Commission~~ CRC, and are subject to compliance with all statutes and/or regulations promulgated and adopted by the State of New Jersey or its instrumentalities. If any provision of this chapter is inconsistent with the statutes and/or regulations of the State of New Jersey, the State statutes and/or regulations shall prevail.

d. License required.

No cannabis facility may lawfully operate in the Borough without the issuance of a State permit or license and full regulatory oversight of the cannabis business by the Cannabis Regulatory Commission or other state licensing authority as well as oversight and issuance of a license by the Borough in accordance with the provisions of this chapter.

e. Conditions and limitations.

- i. Only the following marketplace class of cannabis facilities shall be allowed to operate in the Borough, subject to the limitations and requirements set forth herein and elsewhere in this ordinance and all other classes shall be prohibited:

Class 5 Cannabis Retailer

ii.

Only ~~a Borough licensee~~ local support resolution adopted issued by the Borough Council pursuant to this chapter shall constitute ~~“written municipal approval proof of local support”~~ pursuant to Act, N.J.S.A. 24:6I-36(b)(1)(c)(i) and 24:6I-45(c). Other written statements, letters, ~~resolutions~~, or other documents issued by the Borough or any official, employee, or other representative shall not constitute ~~annual or renewed “written municipal approval proof of local support”~~ for purposes of the CRC requirements. The Borough Council shall decide whether to adopt a local support resolution to support the applicant’s application to the CRC for a State license, considering public interest factors, including but not limited to the following:

- (1) Local residents' and consumers' interests;
- (2) Jobs and economic opportunity within the Borough;
- (3) Compliance with local ordinances and regulations;
- (4) Public safety; and
- (5) Sustainability of the site for activities related to the operation of the proposed cannabis establishment.

~~iii.~~

iii. By a local support resolution, the Borough Council may authorize the zoning officer of the Borough to provide a letter or affidavit to support the cannabis applicant’s application to the CRC, providing zoning approval of a proposed location of the applicant’s cannabis business by stating that the location will conform with municipal zoning requirements allowing for activities related to the operations of the proposed cannabis business to be conducted at the location;

~~iii.~~ iv. Cannabis retailers (“facility”) shall be permitted, pursuant to this chapter, only if in addition to all applicable land use regulations, the following requirements are met:

- (1) Land development regulations: The facility shall obtain all approvals required pursuant to the Borough’s land development regulations which approval(s) shall be evidenced by the issuance of a zoning permit.
- (2) Hours of operation: The operating hours of the licensed facility shall be between 9:00 am and 10:00 pm daily. It shall be unlawful for any person to sell or dispense cannabis or

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cannabis products in any licensed facility at any time other than between these hours.

- (3) The licensed facility shall be accessible directly from a right-of-way through a separate entrance independent from any other retail ingress.
- (4) No cannabis product shall be visible from a public sidewalk, public street or right-of-way or any other public place.
- (5) All cannabis products shall be stored securely indoors and onsite.
- (6) Consumption of cannabis products, by any means of ingestion, shall not be permitted in the licensed facility or adjacent grounds. .
- (7) Outside generators and other mechanical equipment used for any kind of power supply, cooling or ventilation shall be enclosed and have appropriate baffles, mufflers, and/or other noise reduction systems to mitigate noise pollution.
- (8) All cannabis facilities shall be secured in accordance with State of New Jersey statutes and regulations; shall have a round-the-clock video surveillance system, 365 days a year; shall have security fencing and gates around the perimeter of the premises; and shall have trained security personnel onsite at all times during operating hours.
- (9) Signage design shall comply with any applicable Borough's sign regulations
- (10) No cannabis facility shall be housed in a vehicle or any movable or mobile structure.
- (11) Comply with all rules and regulations adopted by the New Jersey Cannabis Regulatory Commission.
- (12) Consumption of cannabis products, by any means of ingestion or smoking shall not be permitted in the licensed facility or adjacent grounds unless within an approved cannabis consumption area. Each retailer may only operate one cannabis consumption area. The cannabis consumption area shall be either (a) an indoor, structurally enclosed area of the licensed cannabis retailer's premise that is separate from the area in which retail sales of cannabis items occur or (b) an exterior structure on the same premise as the retailer, either separate from or connected to the retailer and likewise

Commented [X"L1]: Such fencing and gates may become eyesores for the Borough at least for retailers.

wholly enclosed. There shall be no outdoor cannabis consumption area. The cannabis consumption area shall be equipped to mitigate and contain odors from cannabis products which may be smoked. The cannabis consumption area shall be equipped with a ventilation system sufficient in type and capacity to mitigate cannabis odors emanating from the interior of the cannabis consumption area. The discharge of said ventilation system shall not discharge any odors that can be smelled by any adjacent property owner or within a right of way.

f. Licensing

i. Issuing authority.

- (1) All licenses required by this chapter shall be issued by the Council, which shall also administer the provisions of this chapter.
- (2) No license issued pursuant to this chapter shall be effective until or unless the State has issued the requisite permits or licenses to operate such a facility.
- (3) Each license shall be effective from January 1 until December 31 and shall be annually renewed upon the submission of an application and renewal fee provided all conditions and requirements of applicable State law and this chapter are met.

ii. Application process.

- (1) Application. Persons wishing to obtain any classification of cannabis license shall file a license application with the Borough Clerk, on a standardized form established by the Clerk. The Clerk shall establish a reasonable application period and deadline for all applications. An application shall be deemed incomplete, and shall not be processed by the Clerk, until all documents and application fees are submitted.
- (2) To be deemed complete, all applications shall be accompanied by the following:
 - a. Nonrefundable application fee.
 - b. Registration fee, which shall be refunded in the event the applicant does not receive a license.

- c. Zoning ~~permit approval, including an affidavit or letter by the Borough's zoning officer,~~ demonstrating that the location proposed for licensing by the applicant complies with all applicable requirements of the Borough's land development regulations ~~and site plan approval.~~
 - d. Proof that the applicant has or will have lawful possession of the premises proposed for the cannabis establishment, which proof may consist of: a deed, a lease, a real estate contract contingent upon successful licensing, or a binding letter of intent by the owner of the premises indicating an intent to lease the premises to the entrant contingent upon successful licensing.
 - e. Affidavit and documentary proof of compliance with all state and local laws regarding affirmative action, anti-discrimination and fair employment practices. The applicant shall also certify under oath that they will not and shall not discriminate based on race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations.
 - f. Affidavit or other documentary proof that any person proposed to have an ownership interest in the license shall not have had any cannabis license or permit revoked for a violation affecting public safety in the State of New Jersey or a subdivision thereof within the preceding five (5) years.
- (3) All applications upon being deemed complete shall be submitted to the Council for approval or denial. In evaluating the application(s), the Council shall evaluate all applicants and issue a notification of award after consideration and evaluation of the following criteria:
- a. Applicant's owners' or principals' qualifications and experience operating in highly regulated industries, including cannabis, healthcare, pharmaceutical manufacturing, and retail pharmacies, with preference to experience operating such businesses within the State of New Jersey and where the value of owners' experience shall outweigh the experience of non-owner principals;

Commented [MOU2]: Because the CRC utilizes a 90-day timeframe, it is recommended that the ordinance contain a timeframe for the Council to review and respond to applications (perhaps within 30 days, and if the process will take longer, a notification will be sent to the applicant before 30 days, indicating more time is needed)

b. Applicant's qualifications and experience related to public safety and security, including any of the applicant's owners' or principals' experience in law enforcement and drug enforcement and a summary of the applicant's plans for storage of products and currency, physical security, video surveillance, security personnel, and visitor management;

~~e. Applicant's or its owners' experience conducting or supporting or plans to conduct institutional review board-approved research involving human subjects that is related to medical cannabis or substance abuse, where the value of past or ongoing clinical research shall outweigh plans to conduct such research, whether the applicant has had any assurance accepted by the U.S. Department of Health & Human Services indicating the applicant's commitment to complying with 45 CFR Part 46, and whether the applicant has a research collaboration or partnership agreement in effect with an accredited U.S. school of medicine or osteopathic medicine with experience conducting cannabis related research;~~

Commented [X"L3]: We recommend removing this paragraph because it relates to medicinal dispensaries only.

~~d.c.~~ Applicant's or its owners' demonstrated commitment sufficient experience as responsible employers, defined as the applicant entity being a party to a labor peace agreement or the applicant entity or its parent company being a party to a collective bargaining agreement in the regulated cannabis industry for at least one year prior to application for a license, in an effort to create well-paying jobs with employee benefits in the municipality;

~~d.~~ Summary of the applicant's environmental impact and sustainability plan ~~whether the applicant entity or its parent company has any recognitions from or registrations with federal or New Jersey state environmental regulators for innovation in sustainability and whether the applicant entity or its parent company holds any certification under international standards demonstrating the applicant has an effective environmental management system or has a designated sustainability officer to conduct internal audits to assess the effective implementation of an environmental management system;~~

e- e. Any applicant which has already been awarded by the CRC an annual cannabis license with the proposed location of its cannabis facility in the Borough shall be deemed to have satisfied all the criteria contained in the Subsection (3).

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- (4) Notwithstanding the foregoing competitive application process, ~~a notification of award and conditional municipal license~~ the issuance of the local support resolution shall entitle the recipient applicant to pursue a State permit or license in the appropriate classification for up to 12 months, which may be extended in the Council's discretion for an additional 6 months for good cause. No license to operate shall issue until the applicant has received a State permit and satisfied other prerequisites of municipal licensure. If the recipient of a notice of award and conditional license has not received a State permit or license within 12 months from issuance, unless extended for good cause, the Clerk shall issue a new request for applications and evaluate all applicants for licensure under the above criteria.

iii. Fees; number of licenses.

- (1) The number and type of cannabis licenses and the annual fees therefor shall be as follows:

Class of License	Application Fee (non-refundable)	Annual Registration Fee (Refunded in the event the applicant does not receive a license)	Number of Licenses
Class 5 Cannabis Retailer	\$1,000.00	\$5,000.00	Limited to 1

- (2) The license fee shall be paid on or before January 1 and shall cover the time period from January 1 until December 31. For a license issued after December 1 and before December 31, the license fee shall be prorated on a per month basis.
- (3) Licenses issued pursuant to this chapter shall ~~be personal to the licensee and~~ shall not be transferable.
- (4) A separate license shall be required for each class of cannabis business, and a separate application fee and registration fee shall be charged for each type of license.

iv. Suspension or Revocation of License

(1) Suspension; revocation; non-renewal.

Any suspension, revocation or non-renewal of a license pursuant to this ordinance, or any suspension, revocation or non-renewal of a CRC-issued license or permit for the operation, or any adjudication of felony criminal guilt by the cannabis business or its principals shall constitute an automatic revocation of a Borough license issued pursuant to this chapter, at which time the operation shall immediately cease. A criminal adjudication voids and prohibits any future reinstatement of a Borough license.

v. Enforcement, Violations and Penalties

(1) Violations and penalties.

Any violation of the terms of this chapter, of any condition of the license, or of any State, or local law or regulation may result in the revocation of the license and may further subject the licensee to any applicable penalties.

(2) Enforcement.

The provisions of this chapter shall be enforced by the appropriate police authority, Borough Zoning Officer and/or Borough Health Officer as appropriate based on the nature of the violation.

5. Taxation of Class 5 cannabis retailers.

a. Cannabis transfer tax.

i. All cannabis establishments operating in the Borough shall be subject to the following transfer tax on the sale of cannabis or cannabis related items:

(1) Class 5 cannabis retailers: Two percent (2%) of the receipts from each sale

ii. The transfer tax imposed pursuant to this section shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity with regard to cannabis.

- iii. Any transaction for which the transfer tax is imposed shall be exempt from the tax imposed under the “Sales and Use Tax Act,” N.J.S.A. 54:32B-1 et seq.
 - iv. The transfer tax shall be collected or paid, and remitted to the Borough by the cannabis establishment purchasing or receiving the cannabis or cannabis item. The transfer tax shall be stated, charged and shown separately on any sales slip, invoice, receipt or other statement or memorandum of the price paid or payable or equivalent value of the transfer for the cannabis or cannabis item.
- b. Cannabis user tax.
 - i. Any concurrent license holder operating more than one cannabis establishment shall be subject to a two percent (2%) user tax. The user tax shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed pursuant to this article, from the license holder’s establishment that is located in the Borough to any of the other license holder’s establishments, whether located in the Borough or in another municipality.
 - ii. The user tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity with regard to cannabis. Any transaction for which the user tax is imposed, is exempt from the tax imposed under the Sales and Use Tax Act. N.J.S.A. 54:32B-1 et seq.
 - iii. The user tax shall be stated, charged and shown separately on any sales slip, invoice, receipt or other statement or memorandum of the price paid or payable or equivalent value of the transfer for the cannabis or cannabis item.
- c. Collection of cannabis transfer and user tax.
 - i. Every cannabis establishment required to collect the transfer and user taxes imposed by this ordinance shall be personally liable for the transfer and user tax imposed, collected, or required by this ordinance and the Act.
 - ii. Any cannabis establishment collecting a transfer tax or user tax shall have the same right with respect to collecting the tax from another cannabis establishment or the consumer as if the tax was a part of the sale and payable at the same time. With respect to non-payment of the transfer tax or user tax by the cannabis establishment or consumer, as if the tax was part of the purchase price of the cannabis or cannabis item and payable at the same time, provided that the

Borough's chief financial officer is joined as a party in any action or proceeding brought to collect the transfer tax or user tax.

- iii. No cannabis establishment required to collect the transfer and user taxes imposed by this ordinance shall advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the transfer tax or user tax will not be separately charged and stated to another cannabis establishment or the consumer or that the transfer tax or user tax will be refunded to the cannabis establishment or the consumer.

d. Remittance of cannabis taxes; delinquencies.

- i. All revenues collected from the transfer tax and user tax imposed pursuant to this article shall be remitted to the Borough's chief financial officer on a monthly basis.
- ii. The Borough shall enforce the payment of delinquent taxes or transfer fees imposed by this article in the same manner as provided for municipal real property taxes.
- iii. In the event that the transfer tax or user tax imposed by this article is not paid as and when due by a cannabis establishment, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the cannabis establishment's premises in the same manner as all other unpaid Borough taxes, fees, or other charges. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of Borough taxes, and shall be on a parity with and deemed equal to the Borough lien on the parcel for unpaid property taxes due and owing in the same year.
- iv. The Borough shall file in the office of its tax collector a statement showing the amount and due date of the unpaid balance of cannabis taxes and identifying the lot and block number of the parcel of real property that comprises the delinquent cannabis establishment's premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.
- v. No licensed cannabis establishment operating in the Borough shall be permitted to renew a license issued pursuant to this ordinance should any transfer or user tax imposed by this article be delinquent.

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

7. **Severability.** 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.

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

ATTEST:

Gregory J. Bonin, Clerk

Raymond Heck, Mayor