

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP
OF WANTAGE, HELD AT THE WANTAGE TOWNSHIP BUILDING, 888 STATE ROUTE 23,
WANTAGE, NJ, HELD AT 7:00 P.M. ON
September 27, 2018**

Mayor Gaechter called the meeting to order and requested that the Clerk call the roll. Upon roll call, the following members of the governing body were present: Mayor William Gaechter, Deputy Mayor Ronald Bassani and Committeeman Jonathan Morris. Also, present: Administrator/Clerk Debra Millikin and Mr. Glenn Kienz, Esq.

Mayor Gaechter stated, "This meeting is being held in compliance with the provisions of the Open Public Meeting Act, P.L. 1975, Chapter 231. It has been properly noticed and certified by the Clerk."

CONSENT AGENDA

Mayor Gaechter requested a motion to approve Resolution #115-2018 to Resolution #116-2018.

A motion was made by Mr. Bassani and seconded by Mr. Morris.

Upon Roll Call:

Ayes: Bassani, Morris, Gaechter Nays: None Absent: None Abstain: None

TOWNSHIP OF WANTAGE

RESOLUTION #115-2018

AUTHORIZING REFUND FOR PAVILION SECURITY DEPOSIT

WHEREAS, the Recreation Secretary has recommended the Mayor and Committee of the Township of Wantage reimburse funds for a Pavilion Security Deposit

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Wantage, County of Sussex, does hereby authorize the refund of

\$250.00 to Carol Cosh for Pavilion Security Deposit Refund

TOWNSHIP OF WANTAGE

RESOLUTION #116-2018

AUTHORIZING CANCELLATION OF OUTSTANDING BAIL CHECKS

WHEREAS, the Court Administrator has recommended the Mayor and Committee of the Township of Wantage cancel stale dated bail checks in the amounts listed below:

Check 2092 for 100.00 dated 12/9/16
Check 2094 for 111.00 dated 12/9/16
Check 2126 for 100.00 dated 6/8/17

Check 2189 for 361.00 dated 2/28/18

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Wantage, County of Sussex, does hereby authorize the cancellation of \$672.00 from the Wantage Bail Account to the Wantage Current Fund.

REPORTS

Clerk/Administrator – Mrs. Millikin advised the Woodbourne Park 5 K was a great event last Saturday on the 22nd! 12 Employees from the Municipal Building participated in the run/walk.

Mrs. Millikin advised that she reached out to the County of Sussex SWAC to find out the status of the RER renewal. Alice Brees, who is the secretary has reached out to NJDEP to find out the status of same.

Mrs. Millikin stated that she spoke with Senator Oroho's Office as well as with Engineer for NJDOT regarding the Route 23 project. In speaking with the NJDOT Engineer the construction company will be back on site on Monday to begin the directional drilling under the stream for the sewer line. They have indicated this will be completed within 2 to 3 weeks. Once the line is working the bridge will be demolished and construction will begin on the bridge. I did advise the NJDOT Engineer that the Double S Diner is planning on opening in October and asked about signage saying the business is open. He would be talking to the contractor on Monday. Senator Oroho's Office recommended that we send them a request to do this for the local business.

Mrs. Millikin advised that she had a request from Matthew Morville & Brianne McGlone who purchased 71 Old Clove Road. They tried to have POD delivered yesterday but the driveway is too steep. Brianne lives on Orchard Street and there is a property the Township owns on Orchard Street that is vacant and would like permission to place the POD on the parcel from September 28th to October 6th. I spoke with Patrick Stefenalli and he indicated they would just need to file a temporary zoning permit. Does the Committee have an issue? The Committee had no issue provided a temporary zoning permit is issued.

Mrs. Millikin stated that on September 14th Lauren McIntosh, Violation Clerk in the Court resigned from her position.

Attorney – Mr. Kienz stated the Committee had already talked about this matter earlier in the year regarding charitable donations of taxes over \$10,000. Mr. Kienz stated that staff here in Wantage feel this is not a good move, and it is his recommendation that this not be done.

Mayor/Committee – Mayor Gaechter asked Mr. Bassani if he had anything to update the Committee on. Mr. Bassani stated Open Space should have a draft of the Open Space and Recreation Plan in October and then will be presented to the Land Use Board the end of November.

Mr. Morris – none.

Mayor Gaechter – none.

OLD BUSINESS - none

NEW BUSINESS

2nd Reading & Public Hearing

A motion is in order to adopt on final reading Ordinance #2018-10 An Ordinance of the Township of Wantage, County of Sussex, State of New Jersey, Amending Chapter 23 of the Township of Wantage Revised General Ordinance's Entitled "Soil Removal" and Amending Chapter 21 of the Township of Wantage Revised General Ordinance to Include Soil Fill Permit Fees and Escrows.

A motion was made by Mr. Bassani and seconded by Mr. Morris.

Mayor Gaechter opened the hearing to the public on this ordinance.

Mr. Joseph Retz, 145 Libertyville Road, he questioned the reason why is this ordinance is being done? He feels this ordinance is not addressing the issue and it allows people under the 4 tandem truck loads bring soil that is not cleaned. He questioned the testing procedure and if the Township Engineer has the right to test this. Feels the permit requirements and fees is high. Discussion ensued. Mr. Morris stated we need something on the books in order to start enforcing this ordinance and if needed to add to the ordinance this can be done. Mr. Bassani also feels this ordinance needs to be adopted and can be amended as well. Mayor Gaechter did state the enforcement the Zoning Officer and/or Township Engineer shall have the right to enter upon any lands for the purpose of examination and inspection of the operation without advance notice.

Mayor Gaechter closed the hearing to the public be closed.

Upon Roll Call:

Ayes: Bassani, Morris, Gaechter Nays: None Absent: None Abstain: None

TOWNSHIP OF WANTAGE

ORDINANCE #2018-10

AN ORDINANCE OF THE TOWNSHIP OF WANTAGE, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AMENDING CHAPTER 23 OF THE TOWNSHIP OF WANTAGE REVISED GENERAL ORDINANCES ENTITLED "SOIL REMOVAL" & AMENDING CHPATER 21 OF THE TOWNSHIP OF WANTAGE REVISED GENERAL ORDINANCE TO INCLUDE SOIL FILL PERMIT FEES AND ESCROWS.

WHEREAS, the unregulated and uncontrolled dumping of fill in the Township of Wantage ("Township") may result in conditions detrimental to the health, safety and general welfare of the citizens of the Township; and

WHEREAS, there currently is no mechanism for the Township to abate and prohibit the hazards created by dumping of fill; and

WHEREAS, the Township Committee has determined that it is in the best interests of the Township to regulate the placement of fill within the Township; and

WHEREAS, procedures are needed to allow for submission of applications for the placement or removal of fill within the Township: and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Wantage as follows:

SECTION 1. Title of Chapter XXIII Soil Removal shall be amended to read Soil Importing and Exporting.

SUBCHAPTER 23-1.2 Short Title shall be amended to read. This sub-chapter shall be known and may be cited as the Wantage Township Soil Importing and Exporting.

SUBCHAPTER 23-1.3 Definitions shall be amended to read: As used in this subchapter:

SUBCHAPTER 23-1.3 Definition. "Soil" shall be amended to read: "Soil" shall mean and include dirt, stone, gravel, sand, humus, clay, loam, and mixtures of any of the these but this shall not include quarry process, consolidated material, rock products, or refer to the quarrying of rocks utilized in the construction of roads, driveways or similar types of construction.

SUBCHAPTER 23-1.5 Use Variance Application shall be amended to read: No application for a permit shall be made, pursuant to this subchapter, until a use variance approval has been obtained from the land use board, or land use approval received from the land use board, except as otherwise provided in subsection 23-1.6.

SECTION 2. 23-2: Soil Importing and Exporting shall be created and added to the Municipal Code of the Township of Wantage as follows:

SUBCHAPTER 23-2: SOIL IMPORTING & EXPORTING

ARTICLE I Title; Findings; Definitions; Permit Requirements

23-2. Title

This subchapter shall be known as the "Soil Importing and Exporting Ordinance of the Township of Wantage"

23-2.1. Purpose and Findings

The Township Committee finds that the unregulated and uncontrolled placement and movement of soil and other mineral deposits may result in conditions detrimental to the public safety, health and general welfare. Such conditions substantially hamper and deter the efforts of the Township to effectuate the general purposes of municipal planning. Soil movement operations and filling operations should relate to the overall physical development of the area within which the operation is located. It is essential that all soil movement operations and filling operations be reviewed and approved by the Township Zoning Officer and/or Township Engineer. The source soil to be tested for contaminants and certified by a testing lab prior to bringing the soil to a site in the Township. All soil movement operations and filling operations must be conceived and operated in such a way that there will be no appreciable harmful effects to the environment. In order to best ensure that all soil movement operations and filling operations are an asset to the Township

of Wantage, rather than a liability, all such operations shall adhere to the conditions, restrictions and provisions outlined in this chapter.

23-2.2. Definitions

The words defined in this section shall mean and include the following when used in this chapter:

APPROVED PLAN - A plan for the placement of soil importing approved by the Zoning Official and/or Township Engineer (minor permit) or by the Township Land Use Board (major permit) pursuant to the provisions of this chapter.

MAJOR SOIL IMPORTING PERMIT - A permit for the importing of more than 300 cubic yards of soil.

MINOR SOIL IMPORTING PERMIT - A permit for the importing of more than 100 cubic yards but less than 300 cubic yards of soil.

PERMIT - A soil importing permit.

PERSON - Includes an individual, a partnership, a corporation or any other legal entity.

LAND USE BOARD - The Planning Board of the Township of Wantage.

SOIL/FILL - Includes dirt, stone, gravel, sand, humus, clay, loam and mixtures of any of these, but this shall not include quarry process or rock products utilized in the construction of roads, driveways or similar types of construction.

TOPSOIL - The soil within eight inches of the surface.

TOWNSHIP - The Township of Wantage.

23-2.3. Permit Required

No person shall cause the placement of any soil/fill on any premises in the Township of Wantage whether such material be for sale, gift or otherwise, unless a permit therefore is first secured from the Township Zoning Officer and/or Township Engineer or the Township Planning Board as hereinafter provided. A permit shall not be required for the moving or placement of fill of less than 100 cubic yards of soil for any existing lot.

23-2.4. Exceptions and Exemptions

1. The provisions of this subchapter shall not apply to excavations or fill for building foundations, septic tanks or sanitary installations, provided that no excavation or construction of any kind shall take place until a site plan or permit has been approved by the Construction Official and/or Department of Health as required by law.
2. Nothing in this subchapter shall be construed to affect or apply to any person engaged in the moving of soil in and upon lands enrolled in the Soil Conservation Program of the Sussex County Soil Conservation District, Department of Agriculture Soil Conservation Service and for which lands an approved farm plan has been established by said agency, provided that all soil moving operations and fill operations in and upon such lands are performed in accordance with said approved farmland plan and provided further that a copy of said approved farmland plan is placed on file with the Township prior to any soil/fill operations.

3. A separate soil permit under this subchapter shall not be required for subdivisions and/or site plans approved pursuant to Chapter 15, Land Development Subcode of the Township of Wantage but shall be subject to any specific conditions imposed by the Land Use Board.
4. Nothing in this subchapter shall be construed to affect or apply to any person engaged in a state-mandated cleanup plan; provided that all soil moving, removal operations and fill operations are performed in accordance with said cleanup plan and provided further that notice of the state-mandated cleanup plan is placed on file with the Township Engineer prior to any soil moving, removal operations or fill operations.
5. The provisions of this subchapter shall not apply to the storage of sand, soil, stone, topsoil, mulch or other similar materials on lawfully existing landscaping and contractor yards, provided that the outdoor storage of materials on said property has previously been established or received site plan approval pursuant to Chapter 15, Land Use Procedures of the Township of Wantage.
6. This subchapter does not regulate the movement and placement of soil fill directly related to agricultural uses on farm properties within the Township of Wantage and does not supersede any rights granted under the Right to Farm Act.

23-2.5. Application for permit

1. Application for a minor soil/fill importing permit shall be filed with the Township Zoning officer who shall issue the permit based upon finding substantial compliance with the provisions of this subchapter; provided, however, the Township Zoning Officer and/or Township Engineer shall have the authority to deny a permit if he/she determines that the placement of soil/fill would be detrimental to the health, safety or welfare of the general public. The denial shall be in writing setting forth reasons for same.
2. Application for a major soil/fill importing permit shall be filed with the Township Land Use Board and shall be accompanied by a fee prescribed in Section 21-3, Fees and Escrows. Fifteen (15) copies of the application shall be submitted on forms prescribed by the Township Land Use Board and supplied by the Secretary to the Board.
3. The application for minor and major soil/fill importing permits shall set forth the following:
 1. Name and address of the applicant.
 2. Name and address of the owner, if other than the applicant.
 3. The description and location of the land in question, including the tax map block and lot numbers.
 4. The purpose or reason for placement of soil/fill.
 5. The nature and quantity, in cubic yards, of soil/fill to be imported.
 6. The source of material to be used as soil/fill and certification that the soil/fill can be considered "clean fill" as regulated by local and state regulations.
 7. Source from where the soil/fill is coming from to be shown on the plans, including tax lot and block; owner's name and municipality.
 8. The location to which the soil/fill is to be placed.

9. The proposed date of completion of the soil/fill.
10. Supporting documentation as required to adequately address and comply with the purpose and the provisions of this chapter.
11. An approved soil erosion and sediment control permit (if applicable).

23-2.6. Supporting documentation for a major soil/fill importing placement application

The application for a major soil/fill importing placement permit shall be accompanied by a topographic map or maps prepared and certified by a professional engineer or land surveyor. The scale of said map shall not be more than 100 feet to the inch and shall include the following:

1. Key map.
2. Existing contour lines at five-foot intervals.
3. Proposed contour lines at five-foot intervals after the soil/fill is placed on the parcel.
4. All existing structures, all existing roads and drainage within 200 feet of the property.
5. Location of all property lines.
6. Location of any wetlands, streams, or other environmentally sensitive areas on the property.
7. Source from where the soil/fill is coming from shall be shown on the plans, including tax lot and block; owner's name and municipality.
8. Location of any topsoil or fill storage areas.
9. Soil erosion and sediment control measures.
10. Cross sections of the soil/fill areas at fifty-foot intervals.

23-2.7. Referral

Upon receipt of an application for a major soil/fill placement permit, the Land Use Board Secretary shall forthwith send a copy of same to the Zoning Officer, Construction Official, and Township Engineer, who shall review the application, and shall submit their reports, recommendations, and findings, to the Township Land Use Board within 45 days of receipt of the application.

23-2.8. Action by Land Use Board; notice of hearing on major soil/fill importing applications

1. The Township Land Use Board shall grant or deny the application within 45 days after receipt of the reports and recommendations of the Zoning Officer, Construction Official, and Township Engineer. On an application for a major soil/fill importing permit, the Land Use Board shall schedule a public hearing and shall notify the applicant of the date of such hearing. The applicant shall provide notice in accordance with Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.
2. Five (5) days prior to the hearing, the applicant shall present to the Township Planning Board Secretary the following:
 1. Certification, in the form of an affidavit, signed and sworn by the applicant, affirming that he has notified all property owners, as required by law.

2. Proof of publication of the newspaper notice as required by law.

23-2.9. Factors to be considered in approving permits

In considering and reviewing the application and arriving at a decision, the Zoning Officer and/or Township Engineer (minor permit) and the Township Land Use Board (major permit) shall be guided by and take into consideration the public health, safety and general welfare and the general purposes of municipal planning. Particular consideration shall be given to the following factors:

1. Soil erosion by water and sand.
2. Surface water drainage.
3. Soil fertility.
4. Lateral support of abutting streets and lands.
5. Public health and safety.
6. Land values and uses.
7. Existing contours and topographic character of the land prior to the placement of any soil/fill and proposed contours which will result subsequent to the placement of soil/fill in accordance with the soil fill application.
8. Whether the proposed placement of soil is necessary and incidental to the development of the property for its intended use or whether the proposed placement of soil/fill constitutes primarily a commercial activity.

23-2.10. Issuance of permit

A permit shall be issued after the approval of the application by the Zoning Official and/or Township Engineer (minor permit) or by the Township Land Use Board (major permit). The approval shall specifically list the total number of cubic yards of soil/fill authorized to be placed on the property as calculated by the Township Engineer based upon the contour maps submitted and approved.

ARTICLE II Operating Requirements

23-2.11. Method of operation

If a permit is issued for the placement of soil/fill, the owner or person in charge shall conduct the operations to ensure there are no sharp declivities, pits or depressions, and in such a manner that the area shall be properly leveled off, cleared of debris, and graded to conform with the contour lines and grades as required and shown on the approved plan.

23-2.12. Regulation of operation

No soil/fill shall be placed nor shall any operation be conducted so as to violate any of the regulations contained in this article.

23-2.13. Deposit of soil/fill on adjoining property or public roads

Soil/fill shall not be deposited or in any way placed upon adjoining property or public roads. Any soil/fill or material resulting from any such operation accumulating on any adjoining property or public road shall be removed immediately upon notice to the permittee of such accumulation.

23-2.14. Compliance with other standards and terms of permit

All operations shall be conducted in strict accordance with any state law, other ordinances of the Township, and the terms and conditions of any permit granted for such operations.

23-2.15. Nuisances and unsafe conditions

The operation shall be so conducted as not to constitute a nuisance, and in no event shall said operation create any hazardous or unsafe condition with regard to any person or persons. Natural screening is to be preserved by the applicant.

23-2.16. Restoration of area

1. Upon completion of any operation delineated on the approved plan, said area shall be properly leveled off, cleared of debris, and graded to conform to the contours and grades as approved by the Zoning Officer and/or Township Engineer. A final map for all major soil/fill permits shall be submitted containing and complying with all requirements as set forth in this chapter.
2. No trash, junk or debris may be stored in any area, and no safety hazards shall be permitted either during or after the completion of operations.

23-2.17. Storage limitations

Any soil/fill material temporary stored shall not exceed a height of 20 feet, and the maximum storage slope shall be 45 degrees.

§ 23-2.18. Enforcing officer; inspections

The Zoning Officer and/or Township Engineer are designated as the officials whose duty it shall be to enforce the provisions of this chapter. They shall, from time to time, upon their own initiative, and whenever directed by the Township, inspect the premises for which permits have been granted to ensure compliance with the terms of the permit and of this chapter. The Zoning Officer and/or Township Engineer shall have the right to enter upon any lands for the purpose of examination and inspection of the operation without advance notice.

§ 23-2.19. Use of streets for soil transportation

In the placement of soil or fill operation, the applicant shall cause streets to be kept free from dirt and debris resulting from the soil or fill operation.

ARTICLE III Fees; Bonds; Penalties and Miscellaneous Provisions

§ 23-2.20. Permit fees; inspection fees

1. The fees for a minor or major soil/fill placement permits are set forth in Chapter 21, Fees and Escrows.
2. The applicant shall be responsible for all of the inspection fees of the Township Engineer incurred in reviewing the application and making inspections.

23-2.21. Revocation of Permit; Violations and Penalties.

After notice and an opportunity to be heard before the Township Zoning Officer, the permit of any person may be revoked or suspended for such period as the Township Zoning Officer may determine for any violation of the terms hereof or the terms and conditions of any permit granted

hereunder. In addition to the revocation provided for herein, any person who violates this chapter or any director or officer of a corporation who participates in a violation of this chapter shall, upon conviction thereof, be subject to a maximum fine of \$2,000, or imprisonment for a period not to exceed 90 days, or both. Each and every day that such violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense.

§ 23-2.22. Other permits

Nothing contained in this sub chapter shall be construed to affect the owner's application for soil erosion and sediment control permits or any other state or federal regulations or permits as required.

SECTION 3. Chapter 21: Fees and Escrows of the Municipal Code of the Township of Wantage shall be amended to include fees and escrows for soil fill permits as follows:

§ 21-3 Soil/Fill Placement

1. Minor Soil/Fill Importing Placement Permit (100 to 300 cubic yards) Fee: \$100 Escrow: \$500
2. Major Soil/Fill Importing Placement Permit (greater than 300 cubic yards) Fee: \$500 Escrow: \$2,000

SECTION 4. Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity of constitutionality of any other sections or parts thereof.

SECTION 5. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

SECTION 6. This Ordinance shall take effect immediately upon final passage, approval, and publication by law.

A motion is in order to adopt on final reading Ordinance #2018-11 An Ordinance Amending and Supplementing the Revised General Ordinance of the Township of Wantage, Chapter XIII "Zoning", 13-13.20 to Prohibit Retail/Wholesale Sale of Marijuana Products.

A motion was made by Mr. Bassani and seconded by Mr. Morris.

Mayor Gaechter opened this ordinance to public hearing.

Mrs. Susan Weiss, 63 Sherman Ridge Road, she feels this ordinance is rushed and as of right now Marijuana is still illegal. If Marijuana becomes legal we live in an agricultural area and take advantage of a good economic opportunity. Is the Township opening itself to legal action if Marijuana becomes legal? Maybe the Township needs to step back on this matter. Mayor Gaechter stated we discussed at the last meeting as well as at the Land Use Board Meeting. There is pending legislation from the State of New Jersey that is coming quickly. If the legislator passes the law and we do not have an ordinance on the books this could have an impact. Mayor Gaechter stated that the NJ League of Municipalities provided guidance to the Municipalities. There are going to be four parts with the legislation which is growing, manufacturing, retail, and distribution. The Committee felt it was prudent to protect Wantage Township and why this ordinance is being pushed through. Mr. Bassani stated the Township does not know what is going to

happen with the legislation and then we can address this ordinance again once the legislation is in place. Mayor Gaechter stated that Mr. Kienz indicated there were at least 70 municipalities opting out of the legislation. He indicated his concern for the right to farm act as well. The Committee felt it extremely important to protect the Township.

Ms. Gael Lawler, 211 Lower Unionville Road, stated she is glad a statement is being made by the Township regarding Marijuana.

Mrs. Tina Aue, Lafayette Resident, mom of 2 young kids, and representing the Center of Prevention and Counseling. She is here to share of few facts regarding marijuana. I appreciate the stance the Township is taking as a mom. The marijuana in 80's and 90's the THC was about 5% now it is about 15% THC. If you look at the concentrates they are 60%, 80% or 90% which is edibles, oil, and vapes. Her concern is the marijuana 1 in 6 young people become addicted and 1 in 9 adults become addicted. Right now, the youngest people using the highest potent Marijuana. She provided statistics from 12/2017 did a survey and 16% of 12th graders use marijuana in the last 30 days. The last twelve months 28% of 12th graders. Legalized marijuana will have an impact on this number. She appreciates the Township's efforts and their stance on this matter.

Nick Loizzi, 25 Martingale Drive, Substance Abuse Services Coordinator for the County of Sussex in the Department of Health. I over see two grants for the County but drug prevention and drug treatment. He discussed the test case from Colorado. The information he quoted was the Rocky Mountain High Drug Trafficking Impact Report for Colorado. He indicated that traffic related deaths since the legalization of Marijuana increased by 150%. Drivers tested positive in traffic related deaths nearly doubled. He continued to provide facts from this report. Mr. Loizzi indicated that 65 towns in Colorado banned legal use of Marijuana. Mr. Loizzi stated this report is available on the County of Sussex website and would forward to Mrs. Millikin.

Ashley Brown, Coordinator for Coalition of Healthy and Safe Communities through Center Prevention and Counseling, she is here to speak as a prevention specialized. Individuals are under the impression that legalizing marijuana will help the economy. She was here to reiterate the issue with traffic fatalities, poisoning of children. The manipulation of the youth using the vaps of the THC oils. Regular marijuana from youths has a lasting effect on psychotic symptoms.

Mayor Gaechter closed this portion of the public hearing. Mayor Gaechter reiterated that this ordinance is to protect the Township until the legislation is in place.

Upon Roll Call:

Ayes: Bassani, Morris, Gaechter Nays: None Absent: None Abstain: None

TOWNSHIP OF WANTAGE
ORDINANCE # 2018-11

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCE OF THE
TOWNSHIP OF WANTAGE, CHAPTER XIII "ZONING",
§13-13 "GENERAL REGULATIONS" BY ADDING § 13-13.20 TO PROHIBIT RETAIL/WHOLESALE SALE OF
MARIJUANA PRODUCTS

WHEREAS, the Township of Wantage desires to amend and supplement the provisions of Chapter XIII "Zoning" of the Wantage Revised General Ordinances, § 13-13 "General Regulations".

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of Wantage, County of Sussex, State of New Jersey as follows:

Section 1.

Chapter XIII "Zoning", § 13-13 "General Regulations", Subsection 13-13.20 "General Use Restrictions" is hereby amended and supplemented by the addition of the following:

§ 13-13.20 General Use Restrictions.

The operation of retail marijuana establishments, which includes retail marijuana stores, retail marijuana growing and cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities; and the operation of retail marijuana social clubs are prohibited within the Township of Wantage and, therefore, all activities related to the abovementioned uses such as, but not limited to, growing and cultivation, possession, extraction, manufacturing, processing, storing, laboratory testing, labeling, transporting, delivering, dispensing, transferring and distributing are expressly prohibited within the Township of Wantage.

Medical Use of Marijuana. This Ordinance shall not be construed to limit any privileges or rights of a qualifying patient, primary caregiver, registered or otherwise, or registered dispensary pursuant to the New Jersey Compassionate Use Medical Marijuana Act, N.J.S.A. 24:61-1.

Section 2.

All other parts, portions and provisions of Chapter XIII of the Township of Wantage Code, be and the same, are hereby ratified and confirmed, except where inconsistent with the terms thereof. In the event of any such inconsistency, the terms of this Ordinance shall be deemed to govern.

Section 3.

If any section, paragraph, sub-section, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

Section 4.

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. Effective Date. This Ordinance shall take effect immediately upon final passage and publication according to law.

APPROVAL OF MINUTES

Mayor Gaechter stated a motion is in order to approve the minutes of the Mayor and Committee Regular Meeting and Executive Session from September 13, 2018.

Motion was made by Mr. Bassani and seconded by Mr. Morris.

Upon Roll Call:

Ayes: Bassani, Morris, Gaechter Nays: None Absent: None Abstain: None

OPEN PUBLIC SESSION

Mayor Gaechter opened the meeting to the public.

Mr. Warren Wisse, Valley View Trail, reminder that Wantage Day Fall Festival is October 13th. Also the Elks have a casino trip on October 20th. On December 16th the Elks will be hosting a local hero's breakfast.

Mrs. Kathy Gorman, Fernwood Drive, wondering about the Craft Beer. Mrs. Millikin advised that her and the Fire Chief had spoken about this prior to the meeting. The Social Affairs permit was filed about 10 days ago and that at this point should be close to receiving, but we will follow up tomorrow. Mrs. Gorman also indicated that there will be an Open Space table at Wantage Day.

Mr. Nuss – Beemer Road, he asked if Mrs. Millikin heard back from the County regarding RER. Mrs. Millikin indicated she had not heard anything as of right now. Mr. Nuss asked when the time frame is to review for the permit. Mrs. Millikin will follow up.

Ms. Gael Lawler, 211 Lower Unionville Road, questioned the last time the Township fined someone for litter in the Township. The litter is bad on Lower Unionville Road. Mrs. Millikin indicated the Township does have money for clean up through Clean Communities. Our DPW does pick up items of litter and places in the dumpster and Clean Communities covers this cost. If a piece of mail is found then the constable will issue out a violation. Mrs. Millikin indicated she can look into this as well.

There being no other public this portion of the meeting was closed.

Mayor Gaechter requested a Motion to adjourn made by Mr. Bassani and seconded by Mr. Morris.

Upon Roll Call:

Ayes: Bassani, Morris, Gaechter Nays: None Absent: None Abstain: None

Meeting adjourned at 7:50 p.m.

Respectfully Submitted,

Debra Millikin, Municipal Clerk