

**ELSINBORO TOWNSHIP**

**July 6, 2021**

The regular meeting was called to order at 7:00pm by Mayor Elwell as advertised. The requirements of the Sunshine Law were met by notifying the South Jersey Times within the time prescribed by law. Notice was also posted on the bulletin board at the Elsinboro Municipal Building and posted on the website.

Mayor Elwell called this July 6, 2021 township committee meeting to order.

Motion to dispense with the reading of the minutes from the previous meeting and to approve as submitted **Motion McAllister Second Hogate 3 Ayes**

Treasurer’s report and list of bills part of the minutes

Motion to pay bills **Motion McAllister Second Hogate 3 Ayes**

Present were: Mayor Elwell, Deputy Mayor McAllister, Committeeman Doug Hogate, Clerk Uzdanovics, Solicitor Arbittier

**ORDINANCE 2021-05  
REPEALING ORDINANCES 2015-03, 2015-04, 2016-03 AND 2020-05  
AND REPLACING WITH 2021-05 REGULATIONS FOR AREAS OPEN TO THE  
PUBLIC**

**Purpose of Act.** The purpose of this Ordinance is to assure the safe, orderly use of properties which are open to the public, including, but not limited to: (a) that owned by private entities such as Francis Corporation, including, but not limited to, what is referred to as “Elsinboro Point” and the “Tilbury Boat Ramp” which was built by a subsidiary of PSEG pursuant to a certain NJDEP permit requiring same to be open to the public, but maintained by PSEG and/or its subsidiary, those properties include: Block 10, Lot 12 and Block 11, Lots 4 and 5 (Sinnickson Landing Rd); Block 23, Lot 1 (Salem-Fort Elfsborg Rd); Block 36, Lot 1, Block 40, Lot 2, Block 42, Lot 6, and Block 39, Lots 5 and 6; and (b) the replenished beach front along the Delaware and Salem Rivers completed pursuant to a joint agreement between the State of New Jersey and Elsinboro Township (Properties).

**Prohibited Acts.** A person’s entry onto the Properties is a privilege, subject to compliance with the following regulations, which privilege shall automatically be revoked if violated:

Hours of Use:

A. Block 23 Lot 1, Block 39 Lots 5 and 6, Block 38 Lot 1 (Adjacent to Salem-Fort Elfsborg Rd)

March 1 – April 30                      6 AM to 7 PM  
May 1 – September 30                6 AM to 8 PM  
October 1 - February 29              7 AM to 5 PM

Block 10 Lot 12 and Block 11 Lots 4 and 5 (Adjacent to Sinnicksons Landing Rd)

OR     September 16 – April 30            6 AM to 8 PM

May 1 – September 15

6 AM to 9 PM

Block 40 Lot 2, Block 42 Lot 6, (Adjacent to Money Island Road)  
5 AM to 9 PM

Hours of use for all other public areas will be as follows:

March 1 – April 30                      6 AM to 7 PM

May 1 – September 30                 6 AM to 8 PM

October 1 - February 29              7 AM to 5 PM

B. No one shall damage, deface, injure, destroy, displace or remove any buildings, benches, tables, paving, signs, notices, monuments, trees, shrubs, plants, stakes, boundary markers, utilities of other structures or equipment, facilities or appurtenances whatsoever;

C. No one shall construct any building or other structure of whatever kind, whether permanent or temporary, or run or string lines, wires or other lines upon or across the Properties, except upon written permission by the Township Committee, or its designee;

D. Off road vehicles of any type (unless directed by the Township for official business) are prohibited to be operated upon the Properties;

E. Bring in or dump upon, deposit or leave upon the Properties any bottles, broken glass, trash, garbage or other refuse. Any refuse generated in connection with the proper use of the Properties must be placed in the proper receptacles where provided for such matters, and where receptacles are not provided, such materials shall be carried away by the person responsible for its presence and properly disposed of elsewhere. Illegal dumping is expressly prohibited;

F. No one shall drive or park any vehicle on any area except the roadways or provided parking spaces;

G. Parking is prohibited other than in the following established parking areas during the following specified times:

- Elsinboro Point Parking Areas (Block 23 Lot 1, Block 39 Lots 5 and 6, Block 38 Lot 1) adjacent to Salem-Ft. Elfsborg Road). Designated parking area capacity is 7 vehicles with one additional handicap parking space and one space for a bus or emergency equipment.
  - Hours of Use:
    - March 1 – April 30 6AM to 7PM
    - May 1 – September 30 6AM to 8PM
    - October 1 – February 29 7AM to 5PM
- Tilbury Boat Ramp Parking Areas (adjacent to Sinnicksons Landing Road) (Block 10 Lot 12 and Block 11 Lots 4 and 5). Designated parking area capacity is 14 vehicles with trailers and no greater than eight additional cars without trailers (Block 11 Lots 4 and 5). One additional handicap-accessible parking space is provided at the ramp location (Block 10 Lot 12).
  - Hours of Use:
    - September 16 – April 30 6AM to 8PM
    - May 1 – September 15 6AM to 9PM

- Terminus Money Island Road Parking Area (Block 42 Lot 6). Designated parking area capacity is seven vehicles, one additional handicap parking space and one space for a bus or emergency equipment.
  - Hours of Use:
    - 5AM to 9PM
- Money Island Road Nature Trail Parking Area (Block 40, Lot 2). Designated parking area capacity is nine vehicles with one additional space for a bus or emergency equipment.
  - Hours of Use:
    - 5AM to 9PM

H. All entering of the areas open to the public are tacitly acknowledging the Township is not responsible for dangers associated with entering the river(s) and doing so is at the individual(s) own risk;

I. Entering the areas open to the public during storms and/or other dangerous conditions;

J. Fires of any kind or type are prohibited;

K. Alcoholic beverages and/or illegal substances are strictly prohibited;

L. Nudity is not permitted;

M. Urinating in public is not permitted.

N. No person(s) shall interfere in any way with law enforcement in performance of their duties;

O. Soliciting, begging, and/or panhandling is prohibited; and

P. Sound devices such as radios, boom boxes, etc. shall be permitted to be operated in accordance with local sound ordinances.

Q. Loud or offensive language is prohibited.

R. Pets must be in compliance with local pet ordinances.

S. Fishing and/or crabbing at the Sinnickson Landing Boat ramp area.

T. Activities which are deemed to cause a hazardous condition are prohibited.

**Penalties:** Any person found violating any of the conditions precedent to being entitled to enter the property shall be deemed a defiant trespasser, a petty disorderly person, as the privilege to remain on the Properties shall automatically be revoked and the violator shall be subject to a fine of up to \$1000 and/or 30 days of imprisonment. Any person found causing damage or destruction to property will be required to pay for cost of repair to original state. Any person found to be leaving items on the properties which need to be discarded will be responsible for all costs associated with said work.

In the alternative, the prosecuting attorney may seek to have the violator prosecuted under one of the subsections of this Ordinance which if found guilty shall be fined \$100 to \$750.

This Ordinance shall take effect following final passage and publication as provided by law.

If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

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

Introduced at a regular meeting of the Mayor and Committee of Elsinboro Township held on the 7<sup>th</sup> of June 2021 and will be heard for adoption upon a second reading of the Mayor and Committee held on the 6<sup>th</sup> of July, 2021 at 5:30 in the Elsinboro Municipal Building.

(No changes have been made only COVID restrictions removed)

<b>Open to the Public - Motion McAllister</b>	<b>Second Hogate</b>	<b>3 Ayes</b>
<b>Close to the Public - Motion McAllister</b>	<b>Second Hogate</b>	<b>3 Ayes</b>
<b>Motion to Adopt - Motion McAllister</b>	<b>Second Hogate</b>	<b>3 Ayes</b>

#### **ORDINANCE NO. 2021-06**

### **AN ORDINANCE AMENDING THE ELSINBORO TOWNSHIP CODE TO PROHIBIT ALL CLASSES AND TYPES OF CANNABIS-RELATED, MEDICAL CANNABIS-RELATED, AND OTHER MARIJUANA-RELATED LAND USES WITHIN ELSINBORO TOWNSHIP**

**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; and

**WHEREAS**, Section 31.a. 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”), and the number of “cannabis distributors” and “cannabis delivery services,” that are allowed to operate within their boundaries, as well as the location, manner, and times of operation of such establishments, distributors or delivery services, and to establish civil penalties for the violation of any such regulations; and

**WHEREAS**, Section 31.b. 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 31.b. 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 31.b. of the Act, the failure to regulate or prohibit cannabis operations within the 180-day deadline 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**, “medical cannabis”, as defined in the Act, has been previously legalized for dispensation to, and use by, registered qualifying patients pursuant to the

“Jake Honig Compassionate Use Medical Cannabis Act,” P.L.2009, c.307 (*N.J.S.A.* 24:6I-1, *et seq.*) and P.L.2015, c.158 (*N.J.S.A.* 18A:40-12.22, *et seq.*); and

**WHEREAS**, the Act includes numerous amendments to the Jake Honig Compassionate Use Medical Cannabis Act; and

**WHEREAS**, the Elsinboro Township Committee has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business pursuant to the Act, or otherwise permitting any type of cannabis- or medical cannabis-related land use might have on New Jersey municipalities in general, and on Elsinboro Township in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of Elsinboro Township’s residents and members of the public who visit, travel, or conduct business in Elsinboro Township, to amend Elsinboro Township’s zoning regulations to prohibit all manner of cannabis-related, medical cannabis-related, and any other marijuana-related land use and development within the geographic boundaries of Elsinboro Township, except for the lawful transfer and delivery of cannabis items, medical cannabis items, and cannabis- and medical cannabis-related supplies to locations within Elsinboro Township by transfer or delivery services that are based outside of Elsinboro Township, and the lawful possession and lawful private use of cannabis, medical cannabis, or other marijuana-related products by persons within Elsinboro Township; and

**WHEREAS**, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act’s 180-day deadline in order to ensure sufficient time to carefully review all aspects of the Act and its impacts, including its amendments to the Jake Honig Compassionate Use Medical Cannabis Act;

**NOW THEREFORE BE IT ORDAINED**, by the Township Committee of the Township of Elsinboro in the County of Salem, State of New Jersey, as follows:

1. Pursuant to Section 31.b. of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), Elsinboro Code Chapter 170 “Land Use,” Part 2, Article III, Section 170-14 “Prohibited uses; construal of provisions” is hereby amended to include the following new subsection D. to *prohibit* all cannabis-related, medical cannabis-related, and other marijuana-related uses (other than specified lawful transfers, deliveries and uses) in all Elsinboro Township zoning districts:
  - D. All classes of “cannabis establishments” (including “cannabis cultivators,” “cannabis manufacturers,” “cannabis wholesalers,” and “cannabis retailers”), “cannabis distributors,” and “cannabis delivery services,” as

such terms are defined in Section 3 of the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (P.L. 2021, c. 16) (the “Act”); all medical cannabis-related land use and development, including but not limited to medical cannabis cultivators, medical cannabis manufacturers, medical cannabis dispensaries, and all other “alternative treatment centers” as defined by the Act; and all other cannabis- medical cannabis- and marijuana-related land use and development, whether recreational, medical or otherwise, and whether or not licensed or regulated pursuant to other laws, including but not limited to cannabis, medical cannabis, and marijuana cultivation, production, manufacturing, testing, and sales are prohibited in all Elsinboro Township zoning districts, provided that the lawful transfer and delivery of cannabis items, medical cannabis items, and cannabis- and medical cannabis-related supplies to locations within Elsinboro Township by transfer or delivery services that are based outside of Elsinboro Township, and the lawful possession and lawful private use of cannabis, medical cannabis, or other marijuana-related products by persons within Elsinboro Township, shall not be prohibited. The foregoing prohibitions have been enacted in conformance with Section 31.b. of the Act, to become effective prior to the August 22, 2021 deadline established in Section 31.b. of the Act.

2. The Elsinboro Township Clerk is directed to give notice of this Ordinance pursuant to *N.J.S.A. 40:55D-15* to the Clerks of all municipalities adjoining Elsinboro Township and to the Salem County Planning Board at least ten (10) days prior to the dated scheduled for hearing on the adoption of this Ordinance.
3. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid by a court of competent jurisdiction, such adjudication shall apply only to the section, paragraph subsection, clause or provision so adjudged, and the remainder of the Ordinance shall be deemed valid and effective.
4. Any article, section, paragraph, subsection, clause, or other provision of the Elsinboro Township Code that is inconsistent with the provisions of this Ordinance is hereby superceded to the extent of such inconsistency.
5. This Ordinance shall, following adoption and publication in accordance with the laws of the State of New Jersey, take effect immediately upon its filing with the Salem County Planning Board pursuant to *N.J.S.A. 40:55D-16*.

**Open to the Public - Motion McAllister Second Hogate 3 Ayes**  
**Close to the Public - Motion McAllister Second Hogate 3 Ayes**  
**Motion to Adopt - Motion McAllister Second Hogate 3 Ayes**

#### **RESOLUTIONS TO BE APPROVED**

**Resolution No. 2021-37** Resolution to approve the 2020 Audit and correction plan  
**Motion McAllister Second Hogate 3 Ayes**

**Motion** to approve PSE&G Helicopter Landing Pad  
**Motion McAllister Second Hogate 3 Ayes**

Police Report, Building inspectors report, CO report and Tax Collector's report to be kept on file

Township Solicitor explained the Marijuana Ordinance prohibits all uses so we can decide at a later date if we want to approve certain uses.

### **Committee Reports**

Fire Company- 10 Fire calls and 8 Ambulance calls

Emergency Management – Deputy Mayor McAllister said all is going well with Emergency Management.

Community Development- Mayor Elwell shared that the township roads have been mowed. National Night out will be on August 3, 2021. The Ft. Elfsborg Road project will raise the road 2 feet and the drive ways will be taken care of. Mayor Elwell also relayed the County Engineer has done the traffic study we asked for previously and they are going over possible changes to the intersection near Seagraves.

Township Roads- Committeeman Hogate has been made aware of a concern with Bender Drive and Riverview Drive stop signs.

Insurance- Committeeman Hogate attended the Jif meetings for June and RTK was done on June 30, 2021.

Administration- Mayor Elwell finalized the History Grant Report.

### **Open to Public Comment**

Cheryl Leonard asked about the ordinance for chickens and other animals. Mayor Elwell explained that the planning board had looked at other ordinances and possible solutions but it is still a work in progress.

Date of Next Meeting: August 2, 2021

Motion for Adjournment at 6:08pm **Motion McAllister Second Hogate 3 Ayes**