

**ALEXANDRIA TOWNSHIP COMMITTEE MEETING
MINUTES
February 9, 2022**

This meeting was advertised in the Hunterdon County Democrat, and notice posted in the
the
Alexandria Township Municipal Offices and the Alexandria Township Website,
(www.alexandrianj.gov) as required by the Open Public Meetings Act.

Meeting Called to order at 7:40 PM.

ROLL CALL:

PRESENT: Mayor Plumer, Committeeman Pfefferle, Committeeman Kiernan, Comm. Arancio, Comm. Mortara, and Twp. Atty. Dragan

ABSENT: None

FLAG SALUTE:

Mayor Plumer led the flag salute.

UNFINISHED BUSINESS:

- Memorialization of Resolution 2022-058 regarding Medical Cannabis which was approved at the Joint Township Committee & Land Use Board Meeting on January 20, 2022.

Comm. Kiernan made a motion, seconded by Comm. Arancio to approve Resolution 2022-058.

Roll Call: Aye: Plumer, Pfefferle, Kiernan, Arancio, Mortara

Nay: None

Abstain: None

Motion Carried

**RESOLUTION 2022-058 OF THE TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON,
STATE OF NEW JERSEY PROHIBITING MEDICAL CANNABIS GROWING AND PROCESSES**

WHEREAS, in response to a request made by Altus New Jersey, LLC (“Altus”) in relation to a proposed Alternate Treatment Center Facility “ATC” for the cultivation and manufacturing of medical cannabis in the Township, the Township Committee adopted Resolution 2021-117 directing the Township's Land Use Board to study and move forward with the preparation and recommendations regarding suitable land use ordinances to regulate cannabis uses and facilities within the Township of Alexandria; and

WHEREAS, Resolution 2021-117 stated that the Township Committee's support for the

proposed ATC was specifically conditioned upon the Township's adoption of appropriate zoning and land use ordinances permitting the proposed use and development standards for cannabis cultivation and manufacturing facilities, and that the Township Committee did not support such a development prior to the adoption of zoning and land use/site standards ordinances permitting cannabis cultivation and manufacturing facilities within the Township, thus indicating that Altus, LLC might be at risk if it proceeded without such zoning in place; and

WHEREAS, at the same Township Committee meeting, Altus' representatives were advised that, as of January 1, 2022, the governing body was changing from a three-person Committee to a five person Committee and that sentiment with respect to supporting its facilities and pursuing zoning permitting the intended ATC might change with the additional members; and

WHEREAS, the Land Use Board of the Township, pursuant to the direction of the governing body, enlisted the assistance of its planning and engineering professionals, and reviewed a memorandum dated January 17, 2022 from its Planner David Banisch who studied the Township's land use ordinances and master plan, specifically, the various zoning districts within the Township. This report was reviewed at a joint public meeting of the Land Use Board and the Township Committee on January 20, 2022. Notably, the report stated that the one district the Land Use Board had previously identified in the Township for possible cannabis use (the Industrial Commercial- IC Zone), had in fact been zoned to provide for affordable inclusionary housing development of up to 111 affordable units and was a significant part of the Township's Court-approved affordable housing plan for the Township's third-round fair share plan and the Zone could not be amended without further Court approval. The IC zone was chosen for inclusionary development because of the availability of centralized wastewater collection and disposal facilities in the two adjoining municipalities of Frenchtown and Milford; such utilities are not otherwise available in Alexandria Township. Further, much of the remainder of the land in the IC Zone has been identified by NJ DEP as being within a flood zone, thus making it unsuitable for use; and

WHEREAS, As a result of reviewing the Planner's report and further discussion of the other elements contained within it, including a range of considerations associated with cannabis use for which no information was available and potentially undesirable impacts on land use such as traffic, water, and energy consumption, wastewater requirements, odor, security, light and the nature, type and storage of manufacturing chemicals and compounds, the Land Use Board determined at the January 20, 2022 meeting that there was no zoning district in the Township where it would be within the public interest to locate a cannabis cultivation or manufacturing facility, alternative treatment center and facilities in the Township, and that any and all such uses should be prohibited within the Township. It then unanimously voted to recommend to the Township that any and all necessary action be taken to formally and specifically prohibit cannabis in all zones within the Township, including alternative treatment centers and facilities; as well as the growing, cultivation, manufacturing, sale and resale of medicinal cannabis; and to

further prohibit uses permitted by all classes of recreational cannabis licenses as outlined by the Board Planner in his memorandum of January 17, 2022. Confirmation of such action was set forth in a letter from the Land Use Board attorney to the Township Committee dated January 23, 2022; and

WHEREAS, after considering the discussion of the Land Use Board regarding ordinance proposals permitting and regulating cannabis at a joint meeting of the Land Use Board and Township Committee held on January 20, 2022 and the overwhelming public sentiment against it, as evidenced by the statements of numerous residents at the Township Committee meeting and Land Use Board meetings, the Township Committee voted to accept the recommendations of the Planning Board that neither medical nor adult use cannabis businesses including the growing, cultivation, manufacturing, sale and resale of medicinal or adult use cannabis should be permitted by the Township's ordinances, and to prohibit the uses permitted by all classes of recreational cannabis licenses identified in the memorandum of the Board's Planner dated January 17, 2022; and

WHEREAS, the Township previously adopted two opt-out ordinances with respect to cannabis businesses and licensing on July 14, 2021; and

WHEREAS, the Township's Land Use Ordinance, Section 115-19B, currently provides that all uses not expressly permitted in a zone district are prohibited; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Alexandria, in the County of Hunterdon and State of New Jersey on this 9th day of February 2022 as follows:

1. The preambles recited above are incorporated herewith as if fully set forth herein.
2. The Township accepts the recommendations of the Land Use Board to take any and all necessary action to formally and specifically prohibit cannabis in all zones within the Township, including alternative treatment centers and facilities, the growing, cultivation, manufacturing, sale and resale of medicinal cannabis; and to further prohibit the uses permitted by all classes of recreational cannabis licenses as outlined by the Board Planner in his memorandum of January 17, 2022, a copy of which shall be appended hereto and made a part of this resolution, together with the recommendation of the Land Use Board as outlined in the letter of its attorney dated January 23, 2022.
3. The Township Committee believes that medical cannabis cultivation and manufacturing uses fall within the classification of uses which are not expressly permitted and thus are prohibited by Section 115-19B of the existing land use ordinance the Township of Alexandria .
4. Based on the recommendations of its Planning Board set forth above, the Township Committee hereby rescinds all prior resolutions adopted by previous Township Committees of

the Township of Alexandria and/or letters issued by the Mayor on its behalf, expressing support for the location of medical cannabis cultivation and manufacturing businesses within the Township of Alexandria, including alternative treatment centers such as the one proposed Altus, LLC, and any other proposed cannabis businesses permitted under the New Jersey Cannabis Regulatory Enforcement Assistance and Marketplace Modernization Act, N.J.S.A. 24:6I-32, et seq. ("CREAMMA"), New Jersey Jake Honig Compassionate Use Medical Cannabis Act (N.J.S.A. 24:6I-1, et seq. ("Honig Act")), or similar laws or regulations.

5. Nothing in this resolution is intended to prohibit the delivery within the Township of medical and/or adult use cannabis, cannabis items and related supplies by cannabis delivery services located outside the Township as is permitted by State law.

6. The Mayor, Deputy Mayor, Township Administrator/Clerk and Township Attorney, as applicable, are authorized to take any and all action necessary to effectuate the purposes of this Resolution, including providing a copy of this resolution to the appropriate agencies of the State of New Jersey in charge of regulating medical and adult use cannabis licensing.

7. This Resolution shall take effect immediately.

NEW BUSINESS:

- Resolution 2022-051 Authorizing Funds to be Used from the American Rescue Plan Act of 2021 for Document Scanning of the Township Building Department and Clerk's Office by Foveonics Document Solutions.

NOTE: Comm. Mortara recused himself from this resolution.

Comm. Pfefferle made a motion, seconded by Comm. Kiernan to approve Resolution 2022-051.

Roll Call: Aye: Plumer, Pfefferle, Kiernan, Arancio

Nay: None

Abstain: None

Motion Carried

**RESOLUTION 2022-51 OF THE TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON,
STATE OF NEW JERSEY AUTHORIZING FUNDS TO BE USED FROM THE AMERICAN
RESCUE PLAN ACT OF 2021**

WHEREAS, the Township of Alexandria approved in the 2021 budget monies from the American Rescue Plan Act on June 30, 2021 through Chapter 159 Resolution 2021-095; and

WHEREAS, the Township is authorizing funds not to exceed \$110,000.00 to have Alexandria Township's Building Department and Clerk's Office documents scanned by Foveonics Document Solutions.

WHEREAS, these scanned documents will be uploaded for easy access for employees if the need to work remote arises and to provide quick assistance for documents requested in a digital format.

WHEREAS, Foveonics Document Solutions is under the NJ State Approved Co-op #65-MCESCCPS Bid #ESNJ 16/17-48

WHEREAS, the Township Chief Financial Officer certifies funds are available for this purpose out of account # 02-213-40-755-006.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Township of Alexandria, County of Hunterdon, State of New Jersey authorizes the following:

- 1.) Authorizes the Chief Financial Officer to utilize up to \$110,000.00 for Alexandria's Building Department and Clerk's Office documents to be scanned by Foveonics Document Solutions from the American Rescue Plan Act of 2021.

- Resolution 2022-057 Adoption of the 2021 Hazard Mitigation Plan

Comm. Pfefferle made a motion, seconded by Comm. Kiernan to approve Resolution 2022-057.

Roll Call: Aye: Plumer, Pfefferle, Kiernan, Arancio, Mortara

Nay: None

Abstain: None

Motion Carried

RESOLUTION 2022-57 OF THE ALEXANDRIA TOWNSHIP, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AUTHORIZING THE ADOPTION OF THE 2021 HUNTERDON COUNTY, NEW JERSEY HAZARD MITIGATION PLAN UPDATE

WHEREAS, all jurisdictions within Hunterdon County have exposure to hazards that increase the risk to life, property, environment, and the County and local economy; and

WHEREAS; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS; a coalition of Hunterdon County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Hunterdon County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

NOW, THEREFORE, BE IT RESOLVED that the Alexandria Township Committee:

- 1) Adopts in its entirety, the 2021 Hunterdon County Hazard Mitigation Plan Update (the “Plan”) as the jurisdiction’s Hazard Mitigation Plan and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

PASSED AND ADOPTED on this 9th day of February, 2022, by the following vote:

INTRODUCED	SECONDED	COMMITTEE	AYE	NAY	ABSTAIN	ABSENT
		Plumer	X			
X		Pfefferle	X			
	X	Kiernan	X			
		Arancio	X			
		Mortara	X			

- Resolution 2022-059 Transfer Resolution for Land Use Professional Expenses

Comm. Pfefferle made a motion, seconded by Comm. Kiernan to approve Resolution 2022-059.

Roll Call: Aye: Plumer, Pfefferle, Kiernan, Arancio, Mortara

Nay: None

Abstain: None

Motion Carried

RESOLUTION 2022-59 OF THE ALEXANDRIA TOWNSHIP, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AUTHORIZING TRANSFER RESOLUTION FOR PROFESSIONAL EXPENSES FOR THE LAND USE BOARD

WHEREAS, various 2021 bills have been presented for payment this year, which bills represent obligations of the fiscal year 2021 and were not covered by order number and/or recorded at the time of transfers between the 2021 Budget in the last two months of 2021: and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the fiscal year are available, until lapsed at the closed of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances to those which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Committee of the Township of Alexandria, in the County of Hunterdon, State of New Jersey, (2/3 of the majority of the full membership concurring herein) that the transfers as listed in the resolution be made between the 2021 Budget Appropriation Reserves as follows:

	FROM	TO
Land Use Board S/W	\$1500.00	
Land Use Board O/E		<u>\$1500.00</u>
Total	<u>\$1500.00</u>	<u>\$1500.00</u>

- Letter of Interpretation for NJDEP for American Water
1100 Milford Frenchtown Road
B-17.01, L-11

Comm. Kiernan made a motion, seconded by Comm. Pfefferle to authorize Mayor Plumer to sign the Letter of Interpretation on behalf of the Township for American Water .

Roll Call: Aye: Plumer, Pfefferle, Kiernan, Arancio, Mortara

Nay: None

Abstain: None

Motion Carried

- Township Properties for Sale
Township Clerk/Administrator Bobrowski noted that a letter was received from a Township Resident of their interest in purchasing a neighboring piece of property near them that is owned by the Township. The Township Committee several years ago started a process to offer properties that are owned by the Township through a bid/auction to get them on the tax books again. Twp. Atty. Dragan prepared a draft bid package for four Township properties that could be auctioned off several years ago. One of these properties is on Goritz Road and the three others are landlocked on Sweet Hollow Road. Township Clerk/Administrator Bobrowski will ask the Tax Assessor to determine the current value of these 4 properties and the Township Committee will finalize the bid/auction requirements at the March meeting.

APPROVAL OF MINUTES:

- January 5, 2022 Re-Org
- January 20, 2022 Joint Meeting

Comm. Pfefferle made a motion, seconded by Comm. Kiernan to approve the above meeting minutes.

Roll Call: Aye: Kiernan, Plumer, Pfefferle, Arancio, Mortara

Nay: None

Abstain: None

Motion Carried

BILL LIST:

Comm. Pfefferle made a motion, seconded by Comm. Kiernan to approve the February 9, 2022 bill list.

Roll Call: Aye: Plumer, Pfefferle, Kiernan, Arancio, Mortara

Nay: None

Abstain: None

Motion Carried

PUBLIC COMMENT ON GENERAL MATTERS- *Due to time constraints, please note that a time limit of three minutes per individual will be applied.*

Resident Mike Mahler questioned why the Township meetings are not offered viz Zoom. Township Clerk/Administrator Bobrowski advised that the Township does not offer meetings through Zoom as a credit card is required to be on file with Zoom and charged monthly based on the subscription needed. The State of New Jersey finance laws prohibits municipalities from having or using credit cards for Township purchases. For the Township to utilize the services of Zoom a Township employee would need to use their personal credit card for the expense and the Township has a policy that employees are not reimbursed by the Township for using their personal credit card for Township purchases. Township Clerk/Administrator Bobrowski also advised that there are concerns using Zoom due to cyber-attacks where terrorist activity or pornographic material has been displayed on Zoom meetings with other municipalities across the State of New Jersey. Zoom is not a secure platform for the Township to use to conduct its meetings.

A new resident who just moved into the Township on Route 579 came to the meeting to find out how she can obtain copies of building permits for her new home. Township Clerk/Administrator Bobrowski advised the new property owner that all she needs to do is come down to the municipal offices Monday through Friday from 9:00 AM to 4:00 PM to fill out an OPRA request or email the Clerk and/or Construction office and the building permit files can be provided to her.

Resident Lori Troy asked how the Township can have agendas more readily available to residents. Township Clerk/Administrator Bobrowski advised that agendas are uploaded to the website on the Monday before a meeting as required by law and the agendas are available in the lobby of the municipal offices as required by law as well. Resident Mike Mahler asked why agendas can't be emailed to residents. Mayor Plumer noted that if the Township collected emails from residents, they are subjected to OPRA requests and that is why the Township does not collect emails or phone numbers of residents as they would need to be released to the OPRA requestor. Resident Beth Kelly questioned why agendas can't be placed on Facebook. Township Clerk/Administrator Bobrowski noted that there are many residents who do not have Facebook or use computers, so the

Township has to be mindful of those residents. Mayor Plumer also noted that again due to OPRA laws the Township utilizes its Facebook platform minimally as all comments must be saved in the event of future OPRA requests and when recommended that the comment section be turned off by members of the public in the audience, the Township can not turn off comments because of OPRA.

CORRESPONDENCE/ANNOUNCEMENTS:

- **Motion to Approve Open Public Meeting Resolution for EXECUTIVE SESSION:**

Comm. Pfeffelre made a motion, seconded by Comm. Kiernan to go into Executive Session. **(8:29PM)**

Roll Call: Aye: Plumer, Pfefferle, Kiernan, Arancio, Mortara

Nay: None

Abstain: None

Motion Carried

Open Public Meetings Act RESOLUTION- Executive Session

WHEREAS, N.J.S.A. 2:4-12, Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist:

NOW, THEREFORE, BE IT RESOLVED by the Township of Alexandria, County of Hunterdon, State of New Jersey, as follows:

1. The public shall be excluded from discussion of the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:
 - ___ A confidential or excluded matter under Federal or State Law or Court Rule.
 - ___ A matter involving information that may impair the Township's rights to receive funds from the United States Government.
 - ___ A matter constituting an unwarranted invasion of an individual's privacy rights.
 - ___ Collective Bargaining Agreement or negotiation of the Agreement.
 - ___ Matters involving the purchase, lease or acquisition of real property with public funds which it could adversely affect the public interest if discussion were disclosed.
 - ___ Tactics and techniques to protect the safety and property of the public, including investigations of violations or potential violations of the law.
 - X Pending or anticipated litigation or contract negotiations in which the public body is or may become a party.

Alexandria Overlook

X Matters falling within the attorney-client privilege.

Liability Concerns

 Personnel matters involving a specific employee or officer of the Township.

 Deliberations of the Township occurring after a public hearing that may result in the imposition of a specific penalty or suspension or loss of a license or permit.

3. It is anticipated at this time that the above matter will be made public: at the conclusion of the litigation and at such time as attorney client confidentiality is no longer needed to protect confidentiality and litigation strategy.
4. The executive session minutes will be placed on file in the township clerk's office and will be available to the public as provided for by New Jersey law.
5. This Resolution shall take effect immediately.

Comm. Kiernan made a motion, seconded by Comm. Pfefferle to return to Public Session

(9:31 PM).

Roll Call: Aye: Plumer, Kiernan, Pfefferle, Arancio, Mortara

Nay: None

Abstain: None

Motion Carried

Comm. Kiernan made a motion, seconded by Comm. Mortara to authorize Mayor Plumer to sign a Defendant's Response on behalf of Alexandria Township drafted by Special Litigation Attorney Cushing.

Roll Call: Aye: Plumer, Pfefferle, Kiernan, Arancio, Mortara

Nay: None

Abstain: None

Motion Carried

The following matters were discussed in Executive Session:

- **Alexandria Overlook**

Matter to Stay in Executive Session

- **Liability Concerns**

Matter to Stay in Executive Session

Meeting Adjourned at 9:31 PM.

Respectfully Submitted:
Michele Bobrowski, MMC/RMC
Township Clerk

I hereby certify that I have reviewed these Minutes of the Township Committee Meeting of February 9, 2022 and certify that said Minutes were approved by the Township Committee on the 9th day of March 2022.

Gabe Plumer, Mayor