

**ELK TOWNSHIP
COMMITTEE WORK SESSION AGENDA
March 16, 2021**

MEETING CALLED TO ORDER

Open Public Meeting Act Statement

FLAG SALUTE

ROLL CALL: Mr. Hollywood _____ Mrs. Nicholson _____ Mr. Poisker _____ Mr. Rambo _____
Mayor Sammons _____ Mr. Considine _____ Mrs. Pine _____ Mr. Bitgood _____

Approval of minutes of March 4, 2021 Regular Meeting and Closed Session

Motion _____ Second _____

PUBLIC PORTION on Agenda Items only.

Open meeting to public - Motion _____ Second _____

Close Public Portion - Motion _____ Second _____

ORDINANCE:

O – 4 – 2021 – Authorizing the Acceptance of a Deed of Dedication and Right of Way Respecting Real Property Designated as Lot 11, in Block 30 on the Office Tax Map of the Township of Elk More Commonly Known as 780 Jacob Harris Lane – **TITLE ONLY**

Motion _____ Second _____

Roll Call: Mr. Hollywood _____ Mrs. Nicholson _____ Mr. Poisker _____

Mr. Rambo _____ Mayor Sammons _____

RESOLUTION:

R-49-2021 – Appointing Official Tow Companies in Accordance with Chapter 95 of The Code of the Township of Elk

Motion _____ Second _____

Roll Call: Mr. Hollywood _____ Mrs. Nicholson _____ Mr. Poisker _____

Mr. Rambo _____ Mayor Sammons _____

Approval of Raffle License – Ferrell Volunteer Fire Company – May 3, 2021

Motion _____ Second _____

TOPIC:

- New Law on Legalization of Possession and Use of Cannabis of Adults over 21

GLOUCESTER COUNTY REPRESENTATIVE – Leona Mather or James Schmidt

PURSUANT TO RESOLUTION R-26-2020

THERE IS A TIME LIMIT OF 3 MINUTES PER PERSON DURING THE PUBLIC PORTION

PUBLIC PORTION:

Open meeting to public - Motion _____ Second _____

Close Public Portion - Motion _____ Second _____

PAY BILLS:

Motion _____ Second _____
Roll Call: Mr. Hollywood _____ Mrs. Nicholson _____ Mr. Poisker _____
Mr. Rambo _____ Mayor Sammons _____

ADJOURNMENT:

Motion _____ Second _____
Time: _____

NOTICE PURSUANT TO N.J.S.A. 10:4-8(d)

The items listed on this tentative agenda of the Mayor and Committee of the Township of Elk constitutes the agenda to the extent known at the time of posting. Since this agenda is tentative, items may be added and/or deleted prior to the commencement of the meeting. Formal action may or may not be taken regarding each item listed on the final agenda.

ORDINANCE O – 4 – 2021

**AN ORDINANCE OF THE MAYOR AND COMMITTEE OF TOWNSHIP OF ELK,
COUNTY OF GLOUCESTER, STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE
OF A DEED OF DEDICATION AND RIGHT-OF-WAY RESPECTING REAL PROPERTY
DESIGNATED AS LOT 11, IN BLOCK 30 ON THE OFFICE TAX MAP OF THE
TOWNSHIP OF ELK MORE COMMONLY KNOWN AS 780 JACOB HARRIS LANE**

WHEREAS, N.J.S.A. 40A:12-3 authorizes a municipality to acquire real property; and

WHEREAS, N.J.S.A. 40A:12-5 requires that the acquisition of real property by municipalities be accomplished by ordinance; and

WHEREAS, the Township of Elk pursuant to N.J.S.A. 40:67-1 may enact an ordinance pertaining to public streets, thoroughfares and sidewalks located within the municipal borders; and

WHEREAS, Theodore G. Demiduke (Grantor) is the owner of real property located at 780 Jacob Harris Lane identified as Block 30, Lot 11; and

WHEREAS, Grantor has tendered a Deed of Dedication and Right-of-Way to the Township, same is attached hereto and made a part hereof by reference, by the terms of which the Township will be conveyed a fee simple interest in a Right-of-Way for an unobstructed portion of Lot 11 in Block 30 which is the designation of such real property on the Official Tax Map of the Township of Elk;

WHEREAS, it has been determined by the Township Engineer that it is advantageous for the Township to accept the Deed of Dedication and Right-of-Way in order for the property lines and the configuration of the contiguous roadway to be consistent with the attached deed; and

WHEREAS, it has been determined by the Township Committee that accepting the Deed of Dedication and Right-of-Way would be in the best interest of the Township;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Elk, in the County of Gloucester and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

Section 1.

The Township is hereby authorized to accept from Theodore G. Demiduke the attached Deed of Dedication and Right-of-Way respecting the real property identified as Part of Lot 11, Block 30 on the Official Tax Map of the Township of Elk, which Right-of-Way is more specifically described by way of metes and bounds descriptions that are set forth at length in the documents attached hereto.

After all requirements respecting the enactment of this ordinance have been fulfilled, the Deed of Dedication and Right-of-Way shall be recorded in the Office of the Gloucester County Clerk.

Section 2.

Having passed a first reading, this Ordinance shall be published in the manner required by N.J.S.A. 40:49-6, at least once not less than ten (10) days prior to the time fixed for further consideration for final passage.

Section 3.

Pursuant to N.J.S.A. 40:49-6, at least one week prior to the time fixed for final passage, a copy of the Ordinance, together with notice of the introduction, including time and place fixed for final passage, shall be mailed to every person whose land may be affected by the Ordinance.

Section 4.

The Township Clerk shall, within sixty (60) days after the Ordinance becomes effective, file a certified copy thereof, under the seal of the Township of Elk, together with a copy of the proof of publication thereof, in the Office of the Clerk of Gloucester County, pursuant to N.J.S.A. 40:67-21.

Section 5.

The Mayor and Township Clerk are hereby authorized to execute any and all instruments and to do all things necessary to effectuate the purposes thereof.

Section 6.

Repealer.

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

Section 7.

Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 8.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

INTRODUCTION ROLL CALL VOTE						
<i>COMMITTEE MEMBER</i>	Motion	Second	AYE	NAY	ABSTAIN	ABSENT
Hollywood						
Nicholson						
Poisker						
Rambo						
Sammons						

TOWNSHIP OF ELK

ATTEST:

Carolyn D. K. Sammons, Mayor

DEBORA R. PINE, Township Clerk

FINAL ADOPTION ROLL CALL VOTE						
COMMITTEE MEMBER	Motion to Adopt	Second	AYE	NAY	ABSTAIN	ABSENT
Hollywood						
Nicholson						
Poisker						
Rambo						
Sammons						

NOTICE

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Committee of the Township of Elk, in the County of Gloucester and State of New Jersey, held on March 16, 2021. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Committee to be held in the Township Municipal Building on April 1, 2021, at 7:00 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at the said Municipal Building, 680 Whig Lane, Monroeville, New Jersey, to the members of the general public who shall request the same.

DEBORA R. PINE, TOWNSHIP CLERK

STATEMENT OF PURPOSE

The purpose of this ordinance is to bring the property lines of the subject property and contiguous roadways into compliance with the attached legal description and to better provide for the safety of motor vehicle and pedestrian traffic at the subject location.

RESOLUTION R-49-2021

**RESOLUTION APPOINTING OFFICIAL
TOW COMPANIES IN ACCORDANCE WITH
CHAPTER 95 OF THE CODE OF THE TOWNSHIP OF ELK**

WHEREAS, *Chapter 95 of the Code of the Township of Elk* requires that official towing companies be appointed to provide towing and storage services for damaged or disabled motor vehicles that are to be towed or otherwise removed from the place where they are damaged or disabled; and

WHEREAS, several tow companies have submitted application to be appointed to the official Elk Township "Tow List"; and

WHEREAS, all of the applicants, listed below, have met the criteria for being appointed to the "Tow List;" and

WHEREAS, there is no guarantee by the Township of Elk to any of the applicants for any level of business activity as a result of being appointed to the "Tow List;" and

WHEREAS, this Resolution is not subject to the Local Public Contracts Law because third parties will pay all payments to the towers on the "Tow List."

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Elk on this the 16th day of March, 2021 at a Regular Meeting held in the Elk Municipal Building, 680 Whig Lane, Monroeville, do hereby appoint the following towing operations to the official "Tow List" commencing on April 1, 2021 and to expire March 31, 2023 for the Township of Elk in accordance with Chapter 95 of the Code of the Township of Elk:

1. TMT Tyler Mill Towing, 387 Tyler's Mill Road, Sewell, New Jersey 08080
2. Steve's Autobody & Repair, LLC, 1717 Tuckahoe Road, Williamstown, NJ 08094

BE IT FURTHER RESOLVED that each of the above towing operations has executed an Indemnification and hold harmless agreement with the Township of Elk in consideration for placement on the official "Tow List," which agreement with the Mayor and the Township Clerk or their designees are hereby authorized to execute.

ADOPTED at a meeting of the Township Committee of the Township of Elk held on March 16, 2021.

TOWNSHIP OF ELK

Carolyn D. K. Sammons, Mayor


ATTEST:

DEBORA R. PINE, TOWNSHIP CLERK

ROLL CALL VOTE				
COMMITTEE	AYES	NAYS	ABSTAIN	ABSENT
Hollywood				
Nicholson				
Poisker				
Rambo				
Sammons				

Memo

TO: Mayor and Committee
Township of Elk

FROM: Brian J. Duffield, Esquire 

DATE: March 1, 2021

RE: New Law relating to Legalization of Possession and Use of Cannabis of Adults over 21

On Monday, February 22, 2021, Governor Murphy signed into law three (3) separate Bills which legalize the possession and use of marijuana by adults over age 21, as well as regulate the enforcement and purchase/sale of recreational marijuana.

The laws allow a municipality to prohibit the operation of any establishments that grow, manufacture and/or sell cannabis.

If the governing body seeks to prohibit the growing, manufacture and/or sale of cannabis within the municipality, the governing body must enact an Ordinance which prohibits such operations within 180 days following the Bill's enactment (August 21, 2021). The failure of a municipality to timely enact an ordinance prohibiting such operations will result in any class of cannabis business being permitted to operate within the local jurisdiction for a period of five (5) years. At the end of any five-year period following a failure to enact the ordinance, the municipality can revisit the issue of prohibition. Exception: the municipality has no discretion to prohibit the business operations by a cannabis delivery service making deliveries to consumers (i.e., Uber, Lyft, etc.).

If the municipality elects to allow the growing, manufacture and/or sale of cannabis (doesn't adopt an ordinance to prohibit), the municipality is permitted to adopt an ordinance that authorizes a municipal-level tax. The local tax can be imposed on sales that occur within the municipality between a cannabis business that holds a grower, processor, wholesaler, and/or retail cannabis license. The municipality would have discretion to set the rate or rates of the transfer tax at a rate not to exceed two percent (2%) of the receipts from each sale by a cannabis grower; two percent (2%) of the receipts from each sale by a cannabis processor; one percent (1%) of the receipts from each sale by a cannabis wholesaler; and two percent (2%) of the receipts from each sale by a cannabis retailer. The local tax shall not be imposed on delivery services for purposes of delivering cannabis items to consumers.

In summary, the governing body has until **August 21, 2021**, to adopt an ordinance to prohibit the growing, manufacture and/or sale of recreational cannabis within the municipal borders. Please review, and let me know if you have any questions, or you want me to draft an ordinance for consideration.

If you have any questions, please do not hesitate to contact me.

/ljg