

**City of Woodbury
City Council Meeting Agenda
Virtual Meeting**

May 26, 2021

Virtual Waiting Room Opens 6:00 p.m.

Meeting starts 6:30 p.m.

Zoom Link: <https://bit.ly/3wv6hY1>

Zoom Passcode: CCMAY26

Telephone Call: 1-301-715-8592

Telephone Webinar ID: 829 0207 5320

Telephone Passcode: 8180036

Pledge of Allegiance

Moment of Silent Reflection

Reading of the Open Public Meeting Statement

Roll Call

Approval of the Minutes

- March 10, 2021
- March 24, 2021

Open to the Public for Agenda Items

Resolutions

RESOLUTION NO. 21-86 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY TO ANTICIPATE MISCELLANEOUS REVENUES IN THE 2021 BUDGET USING THE THREE-YEAR AVERAGE OF REALIZED REVENUES FROM THE PRIOR THREE YEARS

INTRODUCTION

RESOLUTION NO. 21-87 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY INTRODUCING THE 2021 ANNUAL BUDGET OF THE CITY OF WOODBURY

Unfinished Business

New Business

Public Discussion Portion – Opt-In or Opt-Out of Cannabis

**Please see the attached notice detailing this Public Discussion Portion. Also available online at woodbury.nj.us **

Open to the Public

Adjournment

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

The items listed on this tentative agenda of the Mayor and Council President of the City of Woodbury 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.

RESOLUTION NO. 21-86

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY TO
ANTICIPATE MISCELLANEOUS REVENUES IN THE 2021 BUDGET USING THE
THREE-YEAR AVERAGE OF REALIZED REVENUES FROM THE PRIOR THREE
YEARS**

WHEREAS, the COVID 19 pandemic had an adverse effect on the anticipated municipal revenues in the 2020 municipal current and utility fund budgets; and

WHEREAS, Section 1 of P.L. 2020, c.74 amended N.J.S.A 40A:4-26 authorized the Director of the Division of Local Government Services (“Division”) to promulgate new standards for the anticipation of COVID-19 affected revenues in the FY2021 budget, and, if necessary, in future years and

WHEREAS, for FY 2021, the Director authorizes the use of a three-year average for the calculation of affected revenues; and

WHEREAS, the Chief Financial Officer of the City of Woodbury, certifies that the following revenues were affected in 2020 by the COVID 19 pandemic and that the 3 year average of the amounts realized in 2018-2020 be anticipated in the introduced budget for 2021:

Revenue	Revenue Realized			3 Yr Avg	2021 Anticipated Revenue
	2020	2019	2018		
Licenses - Other	1,249.00	2,995.00	3,784.00	2,676.00	2,600.00
Fees & Permits	219,708.62	242,151.13	226,381.37	229,413.71	229,400.00
Interlocal: Joint Municipal Court	80,708.73	194,078.01	211,466.22	162,084.32	162,000.00
Water/Sewer Utility Rents	4,884,874.71	5,067,463.56	5,017,663.80	4,990,000.69	4,990,000.00

NOW, THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Woodbury, that the above referenced revenues be anticipated using the 3 year average as permitted by the amendments to 40A: 4-26, adopted by the P.L. 2020, c. 74

ADOPTED at the regular meeting of the Mayor and City Council of the City of Woodbury held on May 26, 2021.

PHILIP HAGERTY
President of Council

ATTEST: _____
CASSIDY L. SWANSON

Acting City Clerk

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Fleming				
Councilman Merinuk				
Councilwoman Miller				
Councilman Miller				
Councilwoman Moore				
Councilwoman O'Connor				
Councilwoman Parker				
Council President Hagerty				
Mayor Sickel				

CERTIFICATION

I, Cassidy L. Swanson hereby certify that the foregoing Resolution was adopted by the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a meeting held on **May 26, 2021** at the Municipal Building, 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy L. Swanson
Acting City Clerk

MUNICIPAL BUDGET NOTICE

Section 1.

Municipal Budget of the CITY of WOODBURY, County of GLOUCESTER for the Fiscal Year 2021

Be it Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2021;

Be it Further Resolved, that said Budget be published in the SOUTH JERSEY TIMES

in the issue of June 7, 2021

The Governing Body of the CITY of WOODBURY does hereby approve the following as the Budget for the year 2021:

RECORDED VOTE

(Insert last name)

Ayes

Nays

Abstained

Absent

Notice is hereby given that the Budget and Tax Resolution was approved by the COUNCIL MEMBERS of the CITY of WOODBURY, County of GLOUCESTER, on May 26, 2021.

A Hearing on the Budget and Tax Resolution will be held at CITY HALL, on June 23, 2021 at 6:30 o'clock PM at which time and place objections to said Budget and Tax Resolution for the year 2021 may be presented by taxpayers or other interested persons.

EXPLANATORY STATEMENT

SUMMARY OF CURRENT FUND SECTION OF APPROVED BUDGET

					YEAR 2021
General Appropriations For: (Reference to item and sheet number should be omitted in advertised budget)					XXXXXXXXXXXXX
1. Appropriations within "CAPS" -					XXXXXXXXXXXXX
(a) Municipal Purposes {(Item H-1, Sheet 19)(N.J.S.A. 40A:4-45.2)}					11,105,105.00
2. Appropriations excluded from "CAPS" -					XXXXXXXXXXXXX
(a) Municipal Purposes {(Item H-2, Sheet 28)(N.J.S.A. 40A:4-53.3 as amended)}					2,176,124.78
(b) Local District School Purposes in Municipal Budget (Item K, Sheet 29)					-
Total General Appropriations excluded from "CAPS" (Item O, Sheet 29)					2,176,124.78
3. Reserve for Uncollected Taxes (Item M, Sheet 29) Based on Estimated	96.00%	Percent of Tax Collections			1,147,667.28
4. Total General Appropriations (Item 9, Sheet 29)	Building Aid Allowance		2021 - \$		14,428,897.06
	for Schools-State Aid		2020 - \$		
5. Less: Anticipated Revenues Other Than Current Property Tax (Item 5, Sheet 11) (i.e. Surplus, Miscellaneous Revenues and Receipts from Delinquent Taxes)					4,734,271.07
6. Difference: Amount to be Raised by Taxes for Support of Municipal Budget (as follows)					XXXXXXXXXXXXX
(a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes (Item 6(a), Sheet 11)					9,489,608.19
(b) Addition to Local District School Tax (Item 6(b), Sheet 11)					-
(c) Minimum Library Tax					205,017.80

THE CITY OF WOODBURY IN THE COUNTY OF GLOUCESTER

NOTICE

PUBLIC DISCUSSION PORTION – OPT-IN OR OPT-OUT OF CANNABIS

With Governor Murphy’s legislation legalizing and regulating cannabis use and possession, [A-21](#) (P.L.2021,c.16), supplemental decriminalization of cannabis use, [A-1897](#) (P.L.2021,c.19), and clarification of use and penalties for individualities under the age of 21, [S-3454](#) P.L.2021,c.25), the City of Woodbury has 180 days from February 22, 2021, to adopt an ordinance in regards cultivating, manufacturing, wholesale, distribution, retail, delivery, and cannabis tax, within the City.

By August 21, 2021, the City has to take action to either prohibit or limit the number of cannabis establishments, distributors, or delivery services; the location, manner, and times of operation, and establishing civil penalties for violation of ordinance. If the City of Woodbury does not take action by August 21, 2021, any class of cannabis establishment or distributor will be permitted to operate in the municipality, and depending on the type of establishment, be considered a permitted use in certain zones. The City can also enact by ordinance a local cannabis tax that cannot exceed 2% for cannabis cultivator, manufacturer, and/or retailer; and 1% for wholesalers, if it is in the best interest of the City.

To make a decision that represents the best interests of the residents and businesses of the City of Woodbury, the City Council of the City of Woodbury will be having a Public Discussion Portion to Opt-In or Opt-Out of Cannabis at the May 12, May 26, and June 9, 2021, City Council meetings. It is important to Mayor Sickel and the entire City Council that residents have ample time and opportunity to be involved in this process. This Public Discussion Portion will be separate from the Open to the Public on Agenda Items Only and general Open to the Public Portions of the City Council meetings.

The full timeline of public participation to opt-in or opt-out cannabis goes as follows:

- May 12, 2021, City Council Meeting– 1st Public Discussion Portion on to Opt-In or Opt-Out of Cannabis
- May 26, 2021, City Council Meeting – 2nd Public Discussion Portion on to Opt-In or Opt-Out of Cannabis
- June 9, 2021, City Council Meeting – 3rd Public Discussion Portion on Opt-In or Opt-Out of Cannabis
- June 24, 2021, Planning/Zoning Board Meeting – City of Woodbury Planning and Zoning Board proposes an Ordinance to Opt-In or Opt-Out of Cannabis
- July 14, 2021, City Council Meeting – 1st Reading of the Ordinance proposed by the City of Woodbury Planning and Zoning Board
- July 28, 2021, City Council Meeting – 2nd Reading and Public Hearing on the Ordinance proposed by the City of Woodbury Planning and Zoning Board

Zones that cannabis is not permitted:

- School Zones – not permitted within 1000 feet

**This list will be updated as needed*

You can view the updated map that shows all of the zones in the City of Woodbury [here](#).

Additional information on the legalization of marijuana in New Jersey and the process for municipalities to make considerations can be viewed [here](#). A Fact Sheet that breaks down this information is available [here](#).

As always, if you have questions or concerns please reach out to your Ward Councilpersons or Council Committees. Councilpersons and Council Committee information can be viewed [here](#).

Cassidy L. Swanson
Acting City Clerk

Woodbury

 SCHOOLS

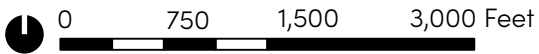
 1000' FEET FROM SCHOOLS

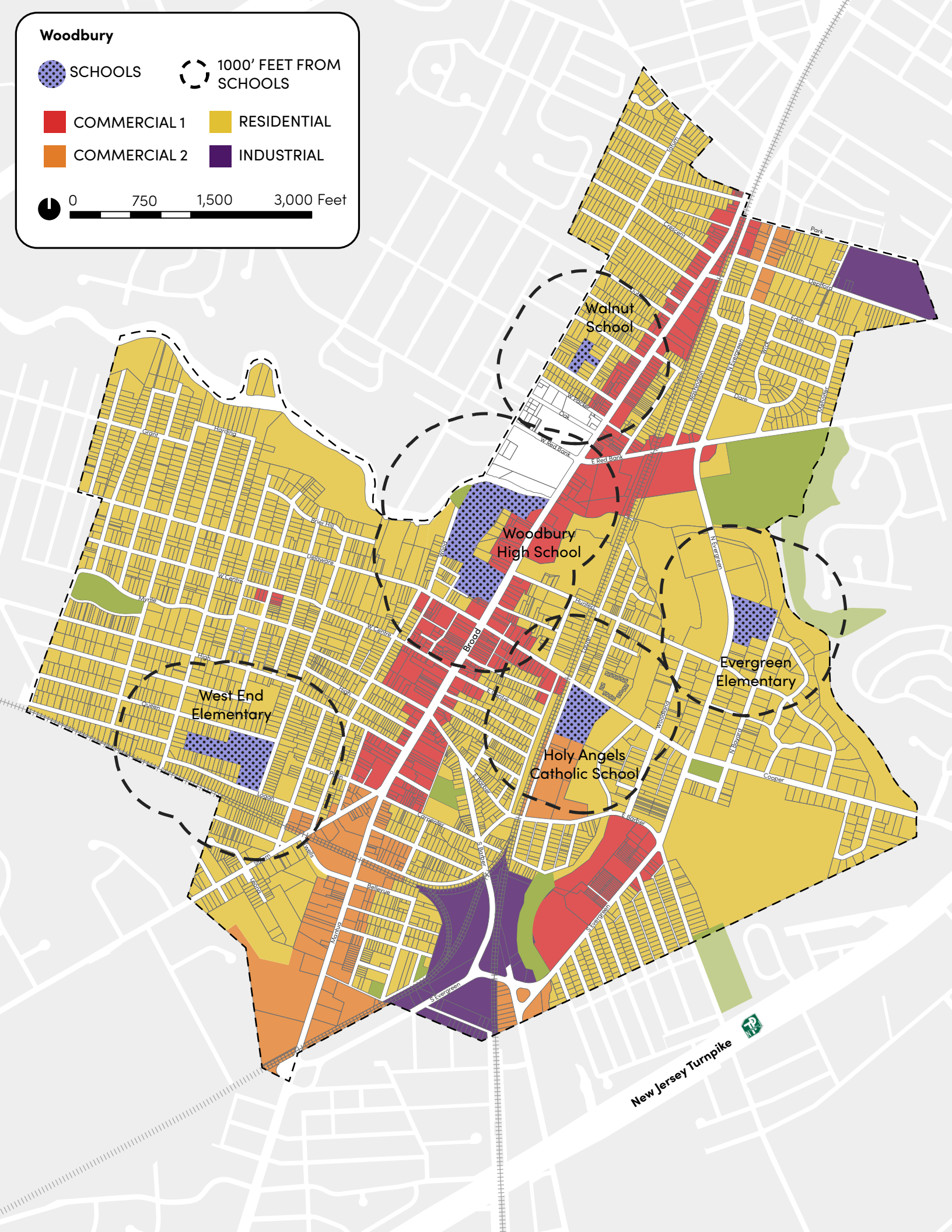
 COMMERCIAL 1

 RESIDENTIAL

 COMMERCIAL 2

 INDUSTRIAL

 0 750 1,500 3,000 Feet



CANNABIS LEGALIZATION FACT SHEET

Governor Phil Murphy signed three bills into laws on February 22, 2021 that make adult use of marijuana officially legal, and decriminalize small amounts of marijuana possession in New Jersey.

The new laws are as follows:

- [A-21 \(P.L. 2021, c. 16\)](#) “New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act”
- [A-1897 P.L. 2021, c. 19](#) which regarded and decriminalized certain and future marijuana and hashish offenses.
- [S-3454 \(P.L. 2021, c. 25\)](#) “Clean-Up Bill” underage possession or consumption of marijuana, hashish, and alcohol.

The following summaries are reflective of how the laws and regulations are currently being interpreted. As additional information is put out, these summaries may change to reflect updated information.

The States’ Cannabis Regulatory Commission, who will be putting out regulations in how the laws will be enforced, has until August 22 to adopt these regulations. This is one day after municipalities’ deadline of August 21 to Opt-In or Opt-Out.

Summary of the New Laws

- Adults (peoples ages 21 and up) may legally purchase and possess up to six ounces of marijuana without facing any criminal or civil penalties.
- That means you can’t be criminally charged for it. It’s not a crime any longer to be under the influence of marijuana or hashish, or to possess marijuana paraphernalia or to be in possession of it while operating a car. The state still has laws against driving under the influence of drugs.
- Criminal penalties will be reduced for those found with larger quantities (distribution of more than one ounce, but less than five pounds).
- Those under 21 found with weed will be given a series of written warnings, rather than criminal penalties or fines. Third-time juvenile offenders could receive community service.
- The section of law pertaining to juveniles is presently being reviewed by the legislature and a bill amending many of the regulations pertaining to under age use is under consideration.

State Regulation

- The new law establishes a Cannabis Regulatory Commission. The five member commission will be developing the regulations under which the new laws will be enforced. They are required to adopt the new rules and regulations within 180 days (August 22, 2021) of the law’s signing. The Commission will also be the body in charge of licensing the new businesses allowed under the law and overseeing those licenses once issued.
- The new laws establish a number of regulation and regulatory actions for local municipal jurisdictions.

Business licensing

- The bill creates licenses for marijuana cultivators, manufacturers, wholesalers, distributors, retailers, and delivery services, as well as a certification for employees of licensed businesses, who would be known as “cannabis handlers.” Licenses will be available for six different sectors of the weed economy: cultivator, manufacturer, wholesaler, distributor, retailer, and deliverer. There will also be licenses set aside for “microbusinesses” with 10 or fewer employees. The licenses process is solely governed by the state. A local business owner cannot successfully apply for a license without the municipality in which the operator intends to locate having already opted in for that business use.
- The law specifies a limit of 37 licenses for growing/cultivation for the first two years in which licenses are issued. The number of licenses to be permitted in all other categories of business will be determined by the State Cannabis Regulatory Commission.
- A portion of licenses would be set aside for small businesses known as “microbusinesses” and for minority, women, and disabled-veteran owned businesses.
- The bill allows, “consumption areas” on the premises of retail establishments, but this activity can be regulated by local legislation.

Classes of Licenses

- Class 1 – Cannabis Cultivator
 - Class 2 – Cannabis Manufacturer
 - Class 3 – Cannabis Wholesaler
 - Class 4 – Cannabis Distributor
 - Class 5 – Cannabis Retailer
 - Class 6 – Cannabis Delivery Service
-
- **Cannabis Cultivator (Class 1 License)** – Cannabis grower; Grows, cultivates, or produces cannabis in New Jersey, and sells. Sells and may transport to other cannabis growers, processors, wholesalers or retailers, but not consumers.
 - **Cannabis Manufacturer (Class 2 License)** – Cannabis manufacturer; Processes cannabis items in New Jersey by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling. Optionally transporting these items to other cannabis processors, wholesalers or retailers, but not to consumers.
 - **Wholesaler (Class 3 License)** – Cannabis wholesaler: Purchases or otherwise obtains, stores, sells or otherwise transfers. May transport cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers.
 - **Distributor (Class 4 License)** – Cannabis distributor: Transports cannabis items in bulk intrastate from one licensed cannabis establishment to another licensed establishment. May engage in temporary storage as necessary to carry out transportation activities.
 - **Retailer (Class 5 License)** – Cannabis retailer; Purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacture or cannabis wholesalers, and sell these to consumers from a retail store. May use a cannabis delivery services or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. Must accept consumer purchases to be fulfilled from its retailer store that are presented by a cannabis delivery services to be delivered to the consumer.
 - **Delivery (Class 6 License)** – Cannabis delivery service: Provide courier services for consumer purchases of cannabis items fulfilled by cannabis retailer. Make deliveries of cannabis items and related supplies to consumers. Delivery - Transportation of cannabis

items and related supplies to a consumer. Includes the use by a licensed cannabis retailer of any 3rd- party technology platform to receive, process, and fulfilling orders by consumers. Provided that any physical acts in connection with filling the order and delivery must be accomplished by a certified cannabis handler performing work for or on behalf of,

Municipal Regulation

- Any ordinance adopted by a municipality prior to the bill's enactment prohibiting marijuana establishments would be invalid when the bill is enacted.
- Municipalities have 180 days (until August 22 , 2021) to either "opt in" and allow any or all cannabis businesses to operate locally, or to "opt out" and prohibit any or all cannabis businesses from operating locally.
- If a municipality chooses to "opt in " it allows local business owners in the permitted areas of business to apply for the necessary state license to establish their operation. A municipality opting out effectively prohibits local business owners from applying for a license to operate.
- Towns opting in for any or all cannabis businesses may enact additional ordinances that
 - Govern times of operation, location, manner & number of types of cannabis businesses.
 - Establish civil penalties for ordinance violations.
 - Permit or restrict consumption areas for retail licenses with municipal endorsement.
 - Cannot prohibit cannabis delivery services.

5-Year Periods

- **Once a municipality permits cannabis establishment or distributor operations in their community that action remains valid for 5 years.** After this 5-year period, a municipality has another 180-day window to prohibit or limit cannabis operations, but this action only applies prospectively. In other words, any businesses permitted during the five year period would be grandfathered as an allowed use in perpetuity.
- **Any municipality that chooses to "opt out" initially may choose to "opt in" at any point in the future.**

Local Cannabis Tax

- Municipalities that "opt in" can enact by ordinance a local cannabis tax that cannot exceed 2% for cannabis cultivator, manufacturer, and/or retailer; and 1% for wholesalers. The tax percentage is based on the receipts for each sale and is paid directly to the municipality in the manner prescribed by the municipality. Any delinquencies are treated the same as delinquent property taxes. The tax cannot apply to delivery services to consumers or transfers for the purpose of bulk transportation.

Delivery Rights

- A municipality cannot prohibit the delivery of cannabis items and related supplies by a delivery service within their jurisdiction.

State Taxation and Commission Revenue

- State sales tax revenue (6.625%), together with any fines and fees collected by the commission, would be deposited into a fund that may be used for the commission's operational costs, and to

provide reimbursements to counties and municipalities for police officer Drug Recognition Expert training.

- At least 70% of the sales tax revenue must be allocated for social justice initiatives. Any funds remaining, after these expenses are accounted for, may go to the General Fund.

Social Equity Excise Fee

- The commission would be permitted to impose a Social Equity Excise Fee on transfers from cultivators to other types of marijuana establishments of between \$10 and \$60 per ounce depending on the average Statewide retail cost of an ounce.
- All revenue from this fee would also be allocated for social justice initiatives.

Transition to Legal Market

- There will be a 24-month transition period, beginning with the commission's adoption of regulations, followed by the acceptance and approval of applications, then the commencement of marijuana production, and finally retail sales.
- During this transition, medical marijuana facilities can operate in the personal use market under certain conditions.

Other Miscellaneous Facts About the Law(s)

- Residents probably won't be able to walk into a recreational marijuana dispensary and buy cannabis until 2022, according to Dianna Houenou, chair of the New Jersey Cannabis Regulatory Commission.
- Can I Grow My Own? No. Home-grow was sought by advocates, but ultimately was left out of the final legislation.
- New Jersey's existing medical pot shops will be among those eligible to sell to the public.
- The law prohibits the location of cannabis retail operation from
 - Grocery stores
 - Deli's
 - Indoor food markets
 - Other stores engaging in retail food
 - Premises licensed for retail sales of alcoholic beverages