

Township of South Hackensack  
Bergen County, New Jersey  
**July 15, 2021 7:30PM**  
**Special Meeting**  
**AGENDA- BUDGET HEARING**

Luis Perdomo, Mayor  
James Anzevino  
Gary Brugger  
Frank Cagas  
Yris Encarnacion

Donna L. Gambutti, Municipal Clerk  
David V. Nasta, Esq., Municipal Attorney

Call of Meeting to Order~

Flag Salute~

*This is a Special Meeting of the Township Committee of South Hackensack. The date, time and location of this meeting has been advertised in the official Newspapers of the Township, filed with the Township Clerk and posted on the bulletin board in the Municipal Building. All notice requirements of the Open Public Meetings Act for this meeting have been fulfilled.*

Roll Call~

2021 Municipal Budget Hearing~

- Open Public Hearing
- Close Public Hearing

**Special Presentation to the Township Committee by Daniel Lagana , Esquire – Medical and Recreational Marijuana Uses in accordance with the newly adopted State Regulations**

Resolutions~

- Resolution Number 2021-125 - Amend The 2021 Municipal Budget- *Roll Call Vote*

By:

2<sup>nd</sup>:

RC:

Ordinances~ Introduction

- **ORDINANCE NO. 2021-08-** *Introduction - Public Hearing on August 5, 2021 at 7:30PM*

**AN ORDINANCE BY THE TOWNSHIP OF SOUTH HACKENSACK IN COUNTY OF BERGEN, NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING SECTION 208 OF THE CODE OF THE TOWNSHIP OF SOUTH HACKENSACK ENTITLED "ZONING"**

By:

2<sup>nd</sup>:

RC:

- **ORDINANCE NO. 2021-07-** *Introduction - Public Hearing on August 5, 2021 at 7:30PM*

**BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NO. 2019-08 FINALLY ADOPTED ON DECEMBER 5, 2019 TO PROVIDE FOR ADDITIONAL FIELD IMPROVEMENTS, TO APPROPRIATE AN ADDITIONAL \$250,000 THEREFOR, INCLUDING \$225,000 TO BE PROVIDED BY THE SOUTH HACKENSACK SCHOOL DISTRICT AND A GRANT IN THE AMOUNT OF \$153,000 EXPECTED TO BE RECEIVED FROM THE COUNTY OF BERGEN, AND TO AUTHORIZE THE ISSUANCE OF AN ADDITIONAL \$25,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF**

By:

2<sup>nd</sup>:

RC:

Public Comments~

Adjournment~

**TOWNSHIP OF SOUTH HACKENSACK  
BERGEN COUNTY, NEW JERSEY**

**RESOLUTION NO. 2021-125**  
**Resolution to Amend 2021 Municipal Budget**

**WHEREAS**, the local municipal budget of the year 2021 was approved on the 17th day of June, 2021, and,

**WHEREAS**, the public hearing on said budget has been held as advertised, and

**WHEREAS**, it is desired to amend said approved budget.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of South Hackensack, County of Bergen, that the following amendments to the approved budget of 2021 be made:

Recorded Vote

(Insert last names)

(	(	(		
(	(	Abstained	(	
(	(	(	(	
Ayes	(	Nayes	(	
(	(	(	(	
(	(	(	Absent	(
(	(	(	(	

**Resolution to Amend 2021 Municipal Budget**

	<u>From</u>	<u>To</u>
<b>ANTICIPATED REVENUES</b>		
Surplus Anticipated	\$ 850,000	\$ 900,000
Total Surplus Anticipated	850,000	900,000
Miscellaneous Revenues - Public and Private Revenues Offset with Appropriations		
Body-Worn Camera Grant Program	-	40,760
Total Miscellaneous Revenues - Public and Private Revenues Offset with Appropriations	44,993	85,753
Miscellaneous Revenues - Other Special Items		
Sale of Municipal Assets	-	50,000
General Capital Fund Surplus	-	25,000
Total Miscellaneous Revenues - Other Special Items	380,000	455,000
Total Miscellaneous Revenues	1,520,716	1,636,476
Subtotal General Revenues	2,370,716	2,536,476

	From	To
<b>ANTICIPATED REVENUES</b>		
Amount to be Raised by Taxes for Support of Municipal Budget		
Local Tax for Municipal Purposes including Reserve for Uncollected Taxes	8,228,385	8,079,385
Total Amount to be Raised by Taxes for Support of Municipal Budget	8,228,385	8,079,385
Total General Revenues	<u>\$ 10,599,101</u>	<u>\$ 10,615,861</u>
<b>APPROPRIATIONS</b>		
Operations Within "CAPS"		
Municipal Clerk		
Salaries and Wages	\$ 144,000	\$ 174,000
Total Operations Within "CAPS"	7,564,000	7,594,000
Detail		
Salaries and Wages	4,163,000	4,193,000
Total General Appropriations for Municipal Purposes Within "CAPS"	8,641,135	8,671,135
Operations Excluded From "CAPS"		
Sewer Processing and Disposal - Moonachie	121,000	67,000
Total Other Operations Excluded from "CAPS"	852,455	798,455
Public and Private Programs Offset by Revenues		
Body-Worn Camera Grant Program	-	40,760
Total Public and Private Programs Offset by Revenues	44,993	85,753
Total Operations Excluded from "CAPS"	945,448	932,208
Detail		
Other Expenses	900,448	887,208
Total General Appropriations for Municipal Purposes Excluded From "CAPS"	1,727,966	1,714,726
Subtotal General Appropriations	10,369,101	10,385,861
Total General Appropriations	<u>\$ 10,599,101</u>	<u>\$ 10,615,861</u>

**BE IT FURTHER RESOLVED**, that two certified copies of this resolution be filed forthwith in the Office of the Director of the Division of Local Government Services for certification of the 2021 local municipal budget so amended.

**BE IT FURTHER RESOLVED**, that this complete amendment, in accordance with NJSA 40:4-9 be published in The Record in the issue of July 29, 2021, and that said publication contain notice of a public hearing on said amendment to be held at the Municipal Building on August 5, 2021 at 7:30pm..

Motion:

Second:

Roll Call Vote:

July 15, 2021

It is hereby certified that this is a true copy of a resolution amending the budget, approved by the Township Committee on the 15th day of July, 2021.

**ORDINANCE NO. 2021-08**

**AN ORDINANCE BY THE TOWNSHIP OF SOUTH HACKENSACK IN COUNTY OF BERGEN, NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING SECTION 208 OF THE CODE OF THE TOWNSHIP OF SOUTH HACKENSACK ENTITLED "ZONING"**

**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.

**WHEREAS**, section 31a 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"), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

**WHEREAS**, section 31b 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 31b 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 31b of the Act, the failure to do so 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**, the Township Committee of the Township of South Hackensack has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on South Hackensack in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of South Hackensack's residents and members of the public who visit, travel, or conduct business in Township of South Hackensack, to amend South Hackensack's zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of South Hackensack; and

**WHEREAS**, 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 period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the Township Committee of the Township of South Hackensack, in the County of Bergen, State of New Jersey, as follows:

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in Township of South Hackensack, except for the delivery of cannabis items and related supplies by a delivery service.

2. Section 208 "Zoning" of the Code of the Township of South Hackensack is hereby amended by adding to the list of prohibited uses in each zone, the following: "All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms

are defined in section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service.”

3. Any article, section, paragraph, subsection, clause, or other provision of the Code of the Township of South Hackensack inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

5. This ordinance shall take effect after referral and review by the South Hackensack Planning Board and upon its passage and publication as required by law.

Motion:

Second:

Roll Call Vote:

Introduction: July 15, 2021

**County of Bergen  
Township of South Hackensack**

**Ordinance No. 2021-09**

**BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NO. 2019-08 FINALLY ADOPTED ON DECEMBER 5, 2019 TO PROVIDE FOR ADDITIONAL FIELD IMPROVEMENTS, TO APPROPRIATE AN ADDITIONAL \$250,000 THEREFOR, INCLUDING \$225,000 TO BE PROVIDED BY THE SOUTH HACKENSACK SCHOOL DISTRICT AND A GRANT IN THE AMOUNT OF \$153,000 EXPECTED TO BE RECEIVED FROM THE COUNTY OF BERGEN, AND TO AUTHORIZE THE ISSUANCE OF AN ADDITIONAL \$25,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF**

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF SOUTH HACKENSACK (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by of the Township of South Hackensack, a municipal corporation of the State of New Jersey (the “Township”) as a general improvement. For the improvement or purpose described in Section 3 of this bond ordinance, there is hereby appropriated the sum of \$275,000 (such sum being in addition to the \$1,400,000 appropriated in



Section 1 of Bond Ordinance No. 2019-08 finally adopted on December 5, 2019), including the sum of \$225,000 to be provided to the Township by the South Hackensack School District, and a grant in the amount of \$153,000 to be provided by the County of Bergen to be applied towards the improvements or purposes described in Section 3 herof. No additional down payment is required pursuant to the Local Bond Law. If the grant funds are received after any obligations authorized under this bond ordinance are sold, such grant funds shall be used in accordance with all applicable law with respect to the improvements or purposes for which they are designated and/or debt service relating thereto).

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$25,000 (such sum being in addition to the \$1,332,500 authorized in Section 2 of Bond Ordinance No. 2019-08 finally adopted on Dcember 5, 2019) pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. Section 3(a) of Bond Ordinance No. 2019-08 of the Township finally adopted on December 5, 2019 is hereby amended to read as follows:

“Section 3. The improvements or purposes hereby authorized for which bonds or notes are to be issued, the estimated cost of each improvement or purpose and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement or purpose, and the period of usefulness of each improvement or purpose are as follows:

(a) Purchase of a fire engine and related fire fighting/emergency response equipment for the Towship.

<u>APPROPRIATION</u>	<u>BOND AUTHORIZATION</u>	<u>PERIOD OF USEFULNESS</u>
\$625,000	\$595,000	10 years

(b) Purchase of and installation of information technology and telecommunications equipment for Township Hall, including all work and materials necessary therefor or incidental thereto.

<u>APPROPRIATION</u>	<u>BOND AUTHORIZATION</u>	<u>PERIOD OF USEFULNESS</u>
\$50,000	\$47,500	7 years

(c) Capital improvements for various Township parks, including field improvements at Memorial Field, including all work and materials necessary therefor or incidental thereto.

<u>APPROPRIATION</u>	<u>BOND AUTHORIZATION</u>	<u>PERIOD OF USEFULNESS</u>
\$975,000 (including the sum of \$225,000 to be provided by the South Hackensack School District and a grant in the amount of \$153,000 expected to be received from the County of Bergen)	\$715,000	15 years

<u>TOTAL APPROPRIATION</u>	<u>TOTAL BOND AUTHORIZATION</u>	<u>AVERAGE PERIOD OF USEFULNESS</u>
\$1,650,000	\$1,357,500	12.52 years".

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the bond anticipation notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell a part, or all, of the bond anticipation notes from time to time at public or private sale, and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest, if any, from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale of bond anticipation notes issued pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose described in Section 3 of this bond ordinance, computed on the basis of the amount of obligations authorized

for the improvements or purposes and the reasonable life thereof within the limitations of the Local Bond Law, is 12.52 years. However, since this bond ordinance is amending a section of a multipurpose bond ordinance, the average period of usefulness set forth in Section 6(b) of Bond Ordinance No. 2019-08 finally adopted on December 5, 2019 is hereby amended to read 12.74 years.

(c) An aggregate amount not exceeding \$300,000 (including the \$150,000 previously allocated in Section 6(c) of Bond Ordinance No. 2019-08 finally adopted on December 5, 2019) for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost of the improvements or purposes set forth in Section 3 of this bond ordinance.

(d) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and submitted to the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township is increased by \$25,000 (the amount of the authorization of the obligations provided for in this bond ordinance). The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

Section 7. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 8. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**Recorded Vote:**

Motion

Second:

Roll Call Vote:

Introduction; July 15, 2021