

December 28, 2011
Municipal Building
121 Evergreen Road
New Egypt, NJ 08533

The Special Meeting of the meeting of the Plumsted Township Committee was called to order by Mayor Dancer.

STATEMENT: "This meeting is being held in compliance with the Open Public Meetings Act. It was published in the Asbury Park Press, Trenton Times and posted on the bulletin board".

THOSE OFFICIALS PRESENT WERE:

COMMITTEEMAN TROTTA	COMMITTEEMAN SORCHIK	MAYOR DANCER
COMMITTEEMAN MARINARI	DEPUTY MAYOR LEUTWYLER	ATTORNEY GILMORE
CLERK HENDRICKSON		

Mayor Dancer called the Special Meeting of the Township Committee and asked everyone to stand for the flag salute. He introduced the professionals at the dais.

Mayor Dancer stated that there are three public hearings scheduled, two ordinances and a Community Development Block Grant (CDBG), and a consent agenda for the year-end business resolutions.

ORDINANCES: Second Reading and Public Hearing

Mayor Dancer said that Ordinance No. 2011-10 is an ordinance that amends and supplements Chapter 41, entitled Planning and Zoning Board, General Administration, Article II, Section 5 to prohibit approval of applications within the Township of Plumsted that require Township Government approval which are violative of Federal Law. He wanted to preface before opening the public hearing and make it very clear that all five members of the Township Committee are very sensitive to and compassionate about the need for pharmaceutical drugs that can provide a quality of life to individuals that may be in end stages of life or defined debilitating illnesses.

The purpose of this ordinance, although it does not directly mention medical marijuana, would be applicable because there is a situation the Federal Substance Abuse Act that lists marijuana as not approved. It is a controlled dangerous substance. This ordinance is about planning, not excluding and he accentuated that because whenever there is a controversial litigious item such as this, it's not those who sit on the Township Committee that make the decisions but it is the judicial system.

One thing Plumsted Township has always done is plan ahead. The axiom is very true; failure to plan is planned failure. This issue needs to be approached with the mindset that we need an interim measure such as this ordinance that will provide a window of opportunity and time to plan for what the State of New Jersey has legalized. It is not just medical marijuana as far as cultivating or the manufacture in production, but it is also dispensary sites. One license for this purpose includes both dispensary and cultivating or manufacturing and production of medical marijuana. There are zones of the Township that are less appropriate and more appropriate where you would site and plan for what the State of New Jersey has legalized.

We need an interim measure, a window of opportunity and time to properly plan by amending zoning regulations and site-plan review standards by the Land Use Board. That is an important joint planning process because a Land Use Board and Township Committee by the Municipal Land Use Law purposely provide for the Governing Body to sit on a Land Use Board. The reason for this is that there has to be a joint cooperative and collaborative effort in proper planning for the community. He said looking at the zoning regulations in Plumsted Township, because we are ostensibly a rural farming community, every zone in Plumsted Township with the exception of the downtown provides that agriculture and farming activities are permitted uses and he explained each zone of the Township. The cultivating sites without proper planning can be placed in any zone anywhere within the Township with the exception of the downtown C-4 Zone. He explained that two of these types of licenses could be issued in the Northern, Central and Southern Zones in the State.

Plumsted Township has to have proper planning and look at both where this would be most appropriate and desirable to have a sighting for cultivating and dispensary. In looking at the zoning for Light Industrial, farming is permitted but there is a portion that says no retail unless the product to be sold is either manufactured or produced in that Light Industrial Zone. It is important to understand that if an applicant came in to the Zoning Office, Plumsted's Zoning Officer would be required to issue a zoning permit for both a cultivation site and a dispensary

site provided that the cultivation site was in a Block and Lot that was not within the downtown C-4 Zone.

In prefacing the public hearing, this was discussed with the Zoning Officer, Land Use Board Attorney and individuals at the Office of Legislative Services. If the Township has an interim measure, such as this ordinance, that gives a window of opportunity and time that Plumsted can properly plan where this would be more appropriate. When the Medical Marijuana Act was approved by the Legislature, it authorized the Department of Health and Senior Services to promulgate rules and regulations to effectuate the purposes of that Act, that took a very long time.

On December 19th, just nine days ago, those regulations were made official, on December 7th this ordinance was introduced and tonight, December 28th, we have a public hearing with respect to adopting this ordinance with the Land Use Board's recommendation to the Township Committee. Mayor Dancer said, when reading through the adopted regulations, that this chapter does not prohibit a political subdivision, which is a municipality, from limiting the number of Ultimate Treatment Centers that may operate in the political subdivision. To prohibit a political subdivision of this State from limiting the number, you cannot exclude, there is no exclusionary zoning, there must be zoning that will not be in contravention to State Law such as limiting the number of Ultimate Treatment Centers. Plumsted must have zoning regulations that will plan for and permit the use under certain reasonable guidelines and conditions and the regulations set forth some parameters, which he explained.

Another regulation states that evidence of compliance with local codes and ordinances including, but not limited to, the distance of the closest church, the distance to the closest school, the distance to other places used exclusively for religious worship, for playgrounds, for parks, for child daycare and for the drug free school zones. With proper planning the Township Committee and Land Use Board can jointly determine, when they do an amendment to the zoning regulations of the Township, the distances that would prohibit the location within the proximity of the previously mentioned areas. Streaming, buffering, and signage are all part of amending the Zoning Regulations and Site Plan Review Standards. They will permit you to have legalized facilities in your community that have been planned and will be in the more desirable or more appropriate places. Having absence of that you are at the mercy of either the courts or applicant. It is extremely important to keep in mind this is about planning, not about excluding. It is not about opposition to or in favor of. It is not about pro or con.

Mayor Dancer introduced Lorie Sue Mount, Mayor of Upper Freehold Township and Township Committeeman Steve Alexander, who is also an Attorney for the Law Firm of Capart and Skachart, to come forward. He thanked them for coming to Plumsted Township and for how they have handled this situation in Upper Freehold Township.

Mayor Dancer opened the public hearing on Ordinance No. 2011-10.

Mayor Mount was in attendance to give a brief outline of what incurred in their municipality. They had been approached by Breakwater Alternative Treatment Center, one of the organizations licensed by the State to cultivate and to dispense. They approached them to look for a place to cultivate the marijuana. She said it was not a matter of being pro or con with respect to medical marijuana, it was the way it was administered so abruptly from the State without due diligence on how this was going to be handled in small communities. They do not have a police force and are dependent on State Police.

There are concerns regarding security, transportation, lighting and introducing something that is illegal. How do you go about it in a community where there are school children and explain to them the differences between the right and wrong and why is it allowed for some things and not for others. She said that out of the 100+ people who came and spoke with regard to this matter, 85% of them were adamant about not having this take place in their community. She said she agreed with Mayor Dancer that planning is a necessity with respect to this matter. She said could not get past the point of addressing those issues when basically what they have is a matter before them that is against Federal Law. At least not until there is some kind of indemnification given to various communities that will be approached by these organizations. She said she could not vote for or support it and whether or not this was a good or bad treatment. When they are sworn into office, they are sworn in to uphold an oath, which is to uphold the laws of the State and Federal Government.

There has been no sign off, assurance or law put into place that would hold them in anyway responsible for this. She did not feel this was something that should take place at all in our communities. She felt for the people who felt or believed that there would be something that could aid them; however, Upper Freehold should not be the guinea pigs for implementing this program and the various costs that would be associated with it. It has cost them about \$10,000

within the last couple of months in legal fees. She thought the State and those that introduced and enacted this did not administer it properly and realize what small communities were going to incur. They also did not figure a nonprofit organization that stands to make millions under the auspice of saying they are providing compassionate care for sick individuals. She felt there was another way this could be done.

Committeeman Alexander said the Act that passed the Assembly and Senate on January 10, 2010 has given Townships like Upper Freehold more questions than answers. They have been told it is a crop and went to SADC and the memo received from them said they reviewed the Statutes of New Jersey and they deemed it a crop as well. They continually ask the Department of Agriculture and SADC and nowhere in the Statutes does it say it is a crop. The farmers in Upper Freehold do not need a license to grow a thing or need forced lighting to grow crop or raise horses and treat their horses. No need for forced CO₂ or poured concrete. The wording of crop and cultivation are completely misleading and are really being used by people who are not from communities like Upper Freehold.

The questions he raised have not been answered and when this ordinance was proposed in Upper Freehold, he still had questions on the application process. With respect to evidence of compliance of local codes, this is an actual requirement of each licensee's application for approval. Another requirement, per the rules adopted unchanged from their initial proposal, was that there be written verification of approval of the Township Committee and community input which is not in the application. If it is impossible to receive this information, there is a reason why he said it was in the application process to avoid what is being done now.

Upper Freehold's community input has been unequivocally against this and within 2 1/2 days of their first meeting, they had a petition opposing with nearly 700 signatures (which has grown to 900). None of the pertinent issues have been addressed. They are nonprofit and nobody is getting any taxes from them. He said this program did not help the economy of California and six of the ten active States that have these programs have seen an increased amount of marijuana use, which he said it is not sure if this had any relevance.

He mentioned that they have tried to stay away from the compassionate vs. whether it is good or not. Their first oath of allegiance is to the US Constitution then the State and this is not reconciled with the Federal and State Laws. It is inconsistent and left at the feet of a town of 7,000 people with no police, no sewer, no trash pickup and the Municipal Offices are closed on Fridays. They know that some residents were supportive of this, but the overwhelming majority of Upper Freehold responded that they did not want facility for a bevy of reasons. The people in attendance are a core group that started educating everyone. They will advise you of the studies regarding the break-ins at the cultivation and manufacturing sites.

California uses warehouses, not farms, that are a better idea and the State may want to re-evaluate the farming aspect, which is manufacturing a pharmaceutical to help people who may need it. There are empty warehouses in the State of New Jersey where there are police departments. He said there is a whole host of reasons that the Township Committee of Upper Freehold and the residents feel there are more questions than there are answers before even getting to whether this program can work. He said the State, in their studies, recognize that this is going to cost the State \$2.5 million to manage and monitor this program out of the Department of Health and Human Services. There was no calculation regarding the Department of Agriculture.

Another issue in the report is that they plan to make the money up but did not know how it would work. There is the cost of \$200 for a registration card per patient; however, the \$200 turns to a \$20 fee for a list of reasons if the patient meets the criteria. When the State says it will cost us, he did not see it as a help during this economy. Breakwater did not advise Upper Freehold of any job opportunities for the manufacturing and production center. He felt that they had to start taking the State to task and the people who think it is a farming activity and ask them where and why. The only case he was able to find on this issue is out of Tulary County Commissioner vs. Jeffrey Nunes, Jr. He also stated that in Judge Paul Vorkman's opinion, marijuana has never been deemed a crop in California or by the USDA.

Mayor Mount said that Upper Freehold Township attended the SADC Meeting and four points resulted from the meeting. They said there would be no decisions, but later that day an email came regarding their position statement. Their first statement indicated that they decided that marijuana was allowed to be grown on preserved farmland, which is a great concern and particularly the farmers that have learned of this. This is questionable going forward whether it will give people a second thought about putting land in farmland preservation. Statement #4 was interesting and she described it as an oxymoron. They decided that marijuana does not fall under the Right to Farm Act in its protection. She said it does or it doesn't. Is it a crop or isn't it a crop? You can farm it or can't farm it. Is it protected or not protected? Those are things to

keep in mind and which gives them a little leeway in planning, as it is not considered to be protected under the Right to Farm Act.

Committeeman Anderson said he thought they stopped short, they listened to what they had to say but under the Right to Farm Act, it cites the Standard Industrial Code Classification, which has an enumerated list of what crops are and marijuana is not included. There are more questions than answers. He and the Upper Freehold Township Committee plan to propose an ordinance very close to what is out there right now about not dedicating any local taxpayers funds knowing the overwhelming majority of our residents to preservation. This was unsettling because they closed on a property this year and an application is in for that property.

Mayor Dancer opened this up to the Plumsted Township Committee members. Committeeman Sorchik had a couple of questions and wanted to clarify a couple of points. He questioned the amount of money they spent in legal fees. He felt that was important because Plumsted was strapped for money. Another point was regarding the State Department of Health and it costing them \$2.5 million to administer the program and wanted to know if that was money that was going to be handed to the communities. Committeeman Anderson said no, no money would be coming to Upper Freehold.

Another question was regarding security, and Committeeman Anderson said under the OPRA there is an exemption and security is one. There is no security in their public documentation in the submission for application. Mr. Fisher of Breakwater provided that information regarding security fencing, cameras and guards at their meeting with Upper Freehold on November 22, 2011. There was no vision of a farm when this information was provided. The rules were very sparse as to what is required. There are two particular provisions in the rules. One states that you have to have some kind of video security and the other states you may have X, Y and Z. There is not a shall or a must. It is left to the municipality and the particular licensee to determine the security measures.

Deputy Mayor Leutwyler thanked everyone for coming and wanted to know if there were any plans to go to the Planning Board to start ordinances as Plumsted Township has regarding setbacks or zoning for the future. Mayor Mount said this was an eye-opening experience for them. Looking into the appropriate measures to have something in place would not be proper now but will happen after. First and foremost where they are now and the fact that it is not prohibited, they were not going to allow anything that violates Federal Law which is similar to Plumsted's Ordinance. Committeeman Anderson said Breakwater is looking for farmland and fences are like the golden ticket. Setbacks, fences and things like that have a lot more leeway when people believe this is a farming activity. Right now Upper Freehold is deep into it and will have to take care of it with their ordinance as well as the community's overwhelming opposition.

Dr. Curtis Byrnes and Attorney Heather Uhlman were introduced and asked to come forward. Attorney Uhlman said the answer to one of the questions about the security is very vague within the New Jersey's Administrative Code Section 8-64-9.7. It simply requires the installation of safety and security alarms that would be linked to the State Police. She noted that it would also be linked to the local police. It is kept very basic and vague in the Administrative Code.

If they had gone to the next step, where Plumsted is right now with pre-applications being filed in the Township, there would have to be an ordinance drafted just for security alone because it is extremely limited within the Code. She said the point she wanted to mention, and what she focused on leading up to the adoption of the resolution that Plumsted is considering on now, is basically of that of community support. This is a requirement under the Administrative Code.

For Upper Freehold, Breakwater's application to the State of New Jersey was absolutely bare in reference to Upper Freehold. They have over 900 signatures on a petition that are in opposition to this. Many of their residents came in Township Meetings and spoke against this. A specific requirement in the Administrative Code 8-64-6.2a is that there must be community support and approval. One resident was able to reach out to Governor Christie on 101.5 and specifically asked the Governor that question. He said yes, there must be community support and approval.

If there comes a time when applications are submitted in our Township, at a minimum we would have to go back and look at the application that Breakwater filed with the State of New Jersey to see whether New Egypt is mentioned and it is a couple of times in the application. Her understanding was that the representation that Breakwater put in their application to the State of New Jersey, in reference to Plumsted Township, was not accurate. For Upper Freehold, they have to go back to square one. Their application to the State of New Jersey seems to be deficient on numerous levels. They shouldn't even be in Upper Freehold filing applications for the cultivation centers.

Dr. Byrnes is a local family physician in Upper Freehold for 9 years. He was family medicine trained at Our Lady of Lourdes in Camden and finished medical school in 1996 following undergraduate work at Rutgers University in New Brunswick. He practiced three years in the Poconos where he had a family practice and was on staff at a small hospital in Port Jervis, New York. While there, he chaired the medication safety committee and was on multiple committees for the hospital. He has been in Upper Freehold since 2009 with his family practicing as a solo family practitioner and on staff at Robert Wood in Hamilton. He also served on their Ethics Committee and Physician Advisory Committee. He thanked the Committee for letting him come and speak.

He felt the constituents in Plumsted Township would mirror the concerns that Upper Freehold residents have had. A lot of legal issues would be discussed but he wanted to speak about compassion. As a practicing family physician, he was blessed to be able to care for many cancer patients and patients suffering from HIV, glaucoma, multiple sclerosis and those needing end-of-life or palliated care. He said those patients have had a profound impact on his life not only as a physician but also as a person. It goes beyond medical practice and hits home literally, which he explained.

His mother is a career oncology nurse and founded one of President George H. Bush's Thousand Points of Life, an organization called Chemo Care in 1981 that is now called the Cancer Hope Network. It is a New Jersey support network for cancer patients. She currently works coordinating cancer trials for a national cancer network.

He spoke to his family members who had medical issues over the holidays to reflect on their current state of life. The medical marijuana issue in Upper Freehold came up. He asked their opinions on the matter and if they would consider experimental use for their conditions or offering it to their patients. Their answers were independently simple. They first agreed that the safety concerns raised in Upper Freehold Township were primary and community safety was the greater good in the matter. Secondly, they felt they would not use nor recommend medical marijuana that there were other FDA-approved medications and treatments that were available including synthetic marijuana, which has nothing to do with the production of a marijuana plant. They felt if these types of treatments were needed, there were other treatments available and that more studies regarding medical marijuana should be done. He agreed with them completely along those lines.

He read an excerpt from a national public radio report on medical marijuana from last year. It stated that 16 states have launched a medical experiment, which does not follow any of the rules of science, and by approving the use of marijuana as a medicine with varying kinds of restrictions that bypass the Federal Government's elaborate processes for approving medicine, which is highly unusual. Dr. Byrnes said he took an oath to do no harm. Medicine, though far from perfect, is evidence based with the exception of a clinical trial; no therapy should be prescribed that does not have a consensus of evidence to support it. Good intentions are not good medicine. Being concerned about potential complications without good planning does not make one without compassion. Concern is about the nature of his profession. The Committee thanked Attorney Uhlman and Dr. Byrnes for coming and supplying this information.

Kathy Ritchie lives on the Smith Farm, which is one of the oldest farms in Upper Freehold. She served on the Upper Freehold Open Space Committee for over four years. She is very passionate about farms and the use of our beautiful land. She wanted to speak about the impact of using farmland to grow medical marijuana that might actually possibly take away productive farmland in Upper Freehold Township.

The Smith Farm was originally part of a King's Grant around 1700 to a surveyor named John Reed. In 1715, the land was sold to David Killey who turned it into one of best productive farms in Upper Freehold and that was a result of better farming practices and very good soil. The cow barn he built remains standing today. He developed a new variety of oats that became very popular through the adjoining counties. His apple orchard was one of the finest in the county. For over 150 years, five generations of the Killey family lived and farmed it. In 1871, it was sold to Mr. Robbins who renovated the building, built new fencing and replaced the old orchard and created a large field suitable for growing crops. In 1878, he sold the farm to Emerson Yard who continued making improvements on the property. In 1916, the farm was sold to Mr. & Mrs. Frank Smith who converted the farm to grow wheat and potatoes. When her father, Skip Hock, bought the farm in 1965 in order to establish a standard bred training and breeding operation and explained the improvements and changes to the farm. This property is in and will remain in Farmland Preservation.

She said never in 300 years has a crop been grown on these farms that was illegal to cross state lines, had a high value on the black market, required a license to grow, required security guards

or surveillance systems. She asked about the possibility of growing medical marijuana on farmland. The future demand for medical marijuana is unknown. The Federal Government may decide to no longer look the other way and shut down those facilities. State laws may change regarding the use of medical marijuana. What federally insured bank would grant a loan to bail out these companies who are not in compliance with Federal Laws? What would then become of abandoned marijuana greenhouses? The proposed marijuana growing facility cannot easily be converted to grow other crops. Allowing this forever takes precious land off the table for future agricultural uses. Marijuana, unlike horses and crops grown on that farm over the past 300 years, the medical marijuana depends on this land for nothing. All its needs are met artificially through hydroponics, fertilizer and artificial light. Its needs just as easily can be met in an abandoned warehouse. Instead, growers want to set up their operation of prime farmland. She has yet to hear a good reason.

There seems to be more questions than answers and the risks outweigh the benefit to small farming communities like Upper Freehold. Because these operations are required to be not for profit, the Township will not even collect money or very little from this land. Like other farms in Upper Freehold, the Right to Farm Act does not protect farms which grow marijuana. In other words, no one has the right to farm marijuana and expect their farming practices to be protected. Under the Right to Farm Act, marijuana growers are not protected from municipal ordinances. New Jersey's Right to Farm Act is considered the strongest in our nation and she encourages and supports the municipal ordinance that is being proposed at this meeting.

Vanessa DePopo, President of the Upper Freehold Township PTA. She said they were the largest child advocacy group in the nation. According to the State Mandates for the New Jersey PTA and on the national level, they are supporting the opposition of any legalization of medical marijuana. She was encouraged to represent their unit with the backing of the State PTA as well. Her current unit has 625 members and to her knowledge they have never taken a stance on an issue. She received unanimous Board support and no opposition from the 625 members. Their concerns were the proximity to the schools.

The five applications presented to Upper Freehold, one of which is less than two miles from the school. All of them are bus routes which they would have to pass. An incident happened earlier this year on Holmes Mill Road that required Plumsted and Upper Freehold Township Schools to go on lockdown. Their concern was that any time a container of this product left that compound, for the safety of the children, a lockdown procedure would be needed.

Going off of Breakwater's description of what their security was, they fully intend criminal activity; and the background and research she has done statistically in other areas, not just in the DEA raids but the criminal activity that happened around them, their security measures protect their product, not the children or residents. They protect what is inside and they don't have the infrastructure to protect it once it leaves. They were also concerned with the inconsistency in way the children are educated. She said they are compassionate to the people but these children are taught drugs are detrimental to their health; that they cause cognitive impairment, respiratory disease and a stepping stone to life threatening behaviors. It is very difficult to tell them that it is now acceptable not only in our municipality, but it is okay to go against Federal Law and medical science. There is nothing medically backing it up. She said those were their concerns and also said they have never received that type of backing from a community as a whole.

Deputy Mayor Leutwyler questioned Kathy Richie about farming whether or not growing marijuana would ruin the soil of the farm. She said the facility described to them as a greenhouse with a concrete base and artificial light to force growing seasons. She said she heard with the concrete they poured in Colorado and California, a lot of insurance companies have started raising homeowners insurance in the areas where the plants are located because the proponent for black mold goes up which causes severe property damage because it spreads to the surrounding areas through the concrete and soil.

Committeeman Anderson said that in talking to their health officer, one of the concerns is the smell when it is harvested and processed. A resident who is a DEA agent came to a meeting. One of the comments he made was hearing about a survey that 85% of people who want this legalized and he started asking people if they wanted it grown or dispensed next door to them. There are other things that go along with this and this is what the State missed. The break ins, articles and studies are overwhelming. There is an article called DEA Positional Medical Marijuana that he suggested reading regarding what is really going on and how it is monitored and what the programs bring to the States.

Larry Tulholland of Upper Freehold is a personal trainer and works with a lot of young student athletes and knows how impressionable they are. His concerns as a dad and a coach is that the mixed messages that are sent to children. He read something from the Breakwater State License

Application that described their growing facility. “The office room contains computers, the environment controllers, the brain for maintaining and controlling the greenhouse environment by manipulating roof fence, supplemental lighting, motorized blackout and shade systems, intake exhaust fans, heating/cooling systems and CO2 generators. There is no need for farm soil. They are going to be growing it in bat guano and bird guano which is feces. They are also going to be using a growth medium that is imported from Canada. The comments stating they would be using a lot of local products which he knew of none who sold this locally.

He also had concerns about the lack of guidance from the State of New Jersey. He said this was voted on in a lame duck session. It was one of the last things Governor Corzine did as Governor knowing that Governor Christie would not sign it. Since that time, the State of New Jersey is not able to sell any medical marijuana because they have not issued identification cards to patients. They have had 108 doctors registered to implement the program but the State still has not determined whether or not they would release the names of those doctors.

They also have not agreed upon whether the THC content will be held at 10%. The only thing the State has done was to kick it out to the ATCs. One of the initial six alternative treatment centers through the State’s vetting process, listed on their application an individual who would be their chief grower who received his degree from the Cannabis Institute of Amsterdam. He stated he had this degree too and it took him about one half hour to get it online.

He said this is the same Department of the State that runs Dyfus and there have been problems there and now they want to run medical marijuana. He said Donald Lesner of the State Health Department was recently quoted in the Star Ledger “as with all applications for permits or licenses before the Department we refer to local governments.”

Veteran and Retired Lieutenant of the NJ State Police John O’Brien was recently given the task of overseeing the betting processes for the State of New Jersey. In a response to a letter written from one of the people who isn’t here tonight, Chris DeBos, said “as with all applications for permits or licenses before the Department we defer to local governments”, which is exactly the same quote as Donald Lusner stated in the newspaper. They do not intend to give any guidance to towns how to run this operation. He said they passed into law and did it with no oversight, no due diligence on this whatsoever and no idea where this facility should be built. This is horrible leadership for the State of New Jersey.

He said the Upper Freehold Township Committee has been criticized because they enacted an ordinance that was misguided which was from Tom Moran in the Star Ledger because there is no fear that the Federal Government will get involved. He said prosecutions have occurred in California, Michigan, Oregon, Washington State and Montana while the US Attorneys in Hawaii, Arizona, Maine, Vermont, and Rhode Island have issued warning letters in response to a 2009 Department of Justice memo, which was recently updated by the Obama Administration. If the current administration is to be defeated and there is a more conservative Republican administration, no one can say what the Federal Government would do at that point.

Dr. Moharram is the owner of the Good Tree Farm in Plumsted Township. Mayor Dancer this was in the papers and referenced that there has been an application by the Breakwater Alternative Treatment Center that lists Dr. Moharram as a member of the Board of Directors. As Assemblyman, Mayor Dancer said he would be proceeding with the assistance of Dr. Moharram in the blatant misrepresentations that Breakwater has made in this process to obtain a license.

Mayor Dancer asked Dr. Moharram to inform the Township Committee and public of some of the issues that are very serious. Dr. Moharram said he started Good Tree Farm in 2007, which has been four very tough years. We started with empty farmland. They have been able to survive the financial meltdown, the two or three gasoline and diesel price hikes and three seasons where the Department of Agriculture declared it a farming disaster season because of weather. They survived and hoped for a good season this year. They worked with the NRCS, and the USDA to improve and conserve the natural resources that are on the farm and by all accounts have done a good job.

He was approached by Greenworks LLC, the consultant of Breakwater the second week of February, which was five days before the deadline of submission. They requested leasing land on the farm. He said the farm was not just his. He is the one that put the blood and sweat into it and he has investors and a management committee. When the committee met, they considered many of the same issues raised here tonight. They consulted with their attorney and came to the conclusion that they would not do it.

On March 3rd they gave Breakwater official notice that they would not be their cultivation sight. A few weeks later he read the submission which Breakwater gave to him after they had

submitted it. He then discovered that he was chief cultivator, board member, organic advisor and a whole host of things they said that was and that Mayor Dancer fully supported and approved of the project. There were a whole host of other lies, basically fraud and misrepresentation.

Hopefully when the official complaint and request for investigation get to the three officials that will be receiving it, this will put the brake on Breakwater. What he hopes will happen is to go two steps back and ask why no one from the Department of Health and Senior Services came to him and ask if this was true. He received nothing from them. He asked how diligent they were in really vetting the applicants. If this kind of misrepresentation can be perpetrated by an applicant or a plant that is federally prohibited, what confidence can we have in their level of ethics in following the law when they actually have this potentially lucrative crop in their hands and they are the ones in charge of securing it?

He has not heard that anyone stole from a company when he wasn't from the company. The thief of any company usually comes from within. These are the people who got this license and lied this way to get it. They got him and his business involved, which is almost \$600,000 worth invested in this farm. Their farm has been in the papers and not positively. His reputation and business' reputation is not helped by any of this and if he had the money he would sue them.

Mayor Dancer thanked Dr. Moharram for coming forward. Mayor Dancer said that he may not need to have to have deep pockets to have this investigated by the Attorney General of the State of New Jersey. The misrepresentations made and the lack of due diligence by the NJ Department of Health and Senior Services will be dealt with at the highest levels in the State. Mayor Dancer said he could not believe the NJ Department of Health and Senior Services did not have enough diligence to speak with the owner of the farm for which they were issued a license based on that information. They promulgated the rules and regulations for an application process, issued Breakwater a license to come into the central part of the State including Upper Freehold Township and Plumsted Township and specifically mentioned it in their application. He went on to say the Attorney General, the Governor's Office and the head of Department of Health and Senior Services will hear about this. Dancer thanked Moharram again for coming forward with his honesty. Moharram said for those who wanted more details they could read the press release and public announcement on the Good Tree Farm website.

Committeeman Marinari asked Moharram that once he realized there was misrepresentation, did he go back to the State or any of the agencies and indicate that to them? He said he meant to but he got busy with the season and didn't go back to the State. He went on to say when he heard in the summer that Governor Christie had stopped the whole program he felt he had no worries. Two and half months later he heard the Governor had given the go-ahead once again. Moharram contacted Breakwater and informed them they had to correct all of this.

A meeting was scheduled on that day the wife contacted him and told him they were nowhere near a phone and they couldn't come. They were supposed to reschedule, but he never heard from them again. They haven't answered his emails or calls. He said when he was approached, the whole thing was a rouse and they weren't interested in his farm. They wanted his qualifications. He has a PhD in plant breeding in genetics, a degree in horticulture and specialty is natural products. They kept on referring to his expertise and scientific background, they used it to make their application strong enough for reviewers.

Mayor Dancer asked if any other committee people had questions. The Committee thanked him. Committeeman Alexander of Upper Freehold said this was always a thorn in his side with this whole process. This is exactly what they do. Alexander said they wondered why things were being approved when the rules weren't being followed and the submissions weren't being followed. Dancer said there was a transcript tonight, this transcript will be delivered to the Attorney General and it will personally be delivered to the Governor. Dr. Moharram said his name is Egyptian. He was born in Alexandria and said he is very proud to be an Egyptian-American because they just had a revolution and they just threw away some of the lousy people in the World. The Committee thanked Dr. Moharram for coming forward this evening.

Mayor Dancer said Jim Hendrickson was in attendance and for 22 years was the Chairman of the Municipal Drug and Alcohol Alliance. Hendrickson is now a licensed clinical counselor for addiction. Hendrickson said he is impressed with the work that Upper Freehold Township has done. Hendrickson said he knows about recovery. One thing that hasn't been mentioned tonight is recovery, recovery in communities. Hendrickson said addicts and alcoholics have triggers. If you smell marijuana long enough it could cause re-addiction.

Hendrickson expressed his concerns of the kids that will be around this, riding by these places and seeing it. He said he has been in the 12-step recovery program for 39 years. He has spent

his whole life around those recovering. Hendrickson was 27 years old when he started his recovery program. Hendrickson informed the audience what was going on in this community.

He said the community has worked on consciousness for a long time and this is important. Hendrickson reviewed what has been going over through the years regarding recovery programs. He went on to say the Municipal Drug and Alcohol Alliance, with the support of the Township Committee, had to pay thousands of dollars to make this a drug free community. They feel the proposed ordinance will help in battling to keep it that way. The study the Committee is doing and the information is amazing.

Hendrickson said in closing let's consider who would be coming to the clinics and where they would go from the clinic and what other drugs would they be bringing to town. He said if they have marijuana they are going to have something else with them. Hendrickson said it would be pure chaos for the Police Department to keep up with this. He went on to say there are a lot other issues that all tie in to recovery. If this should materialize, the Township would be swamped with undesirables from surrounding densely populated communities.

Mayor Dancer said with the Township Committee and the Land Use Board working together identifies where the addiction recovery center is, the delineation of the Drug Free School Zone, the area of the parks, the playgrounds and the day care centers. Dancer read from the Ordinance that all construction should be located in such a manner to permit the maximum distance, as well as the maximum buffer and screening, to adjacent residential uses. Right now the facilities could be located anywhere without the proper planning. With the proper planning you can come up with zoning regulations and site plan review standards that cannot eliminate, but at least minimize the exposure.

Dancer said from a planners perspective what is now legal in the State of New Jersey, the Township would have the opportunity with this ordinance. Given 60 to 90 days there would be due diligence done to try to have more appropriate areas where, in fact, if they are eventually sited here, whether a dispensary or cultivation center, it will not be in every zone of the Township as it could be if someone comes in the near future. If you don't have local zoning ordinances that you can site and if you say to the Planning Board I feel this is not an appropriate area, I feel it should not be here for this reason, that is subjective that is not objective.

When a Planning Board member votes no, they need to give the reason for voting no. That part of the record goes to the Appellate Division of the Superior Court. The Judge will look at the record and if the record does not reflect that when the person voted no and specific Municipal Ordinance for a specific regulation statute that is arbitrary and capricious and it is subjective and not objective. It is more likely not to even be remanded back to the Land Use Board but the Judge to make decision right then.

Mayor Dancer thanked Hendrickson for his comments.

Dancer asked if there any additional comments from the public. There were none.

ON MOTION OF COMMITTEEMAN SORCHIK, SECONDED BY COMMITTEEMAN TROTTA, THE PUBLIC HEARING ON ORDINANCE NO. 2011-10, AN ORDINANCE OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 41, ENTITLED PLANNING AND ZONING BOARD, GENERAL ADMINISTRATION, ARTICLE II, SECTION 5 TO PROHIBIT APPROVAL OF APPLICATIONS WITHIN THE TOWNSHIP OF PLUMSTED THAT REQUIRE TOWNSHIP GOVERNMENT APPROVAL WHICH ARE VIOLATIVE OF FEDERAL LAW, WAS CLOSED, ROLL CALL VOTE: ALL AYES.

Before adopting Ordinance No. 2012-10 Mayor Dancer took comments from the Township Committee.

Committeeman Trotta said for the first hour and a half, the meeting seemed to center on accusations against a particular state approved ATC. While this is important, it was his understanding that the Township was having a hearing on Ordinance No. 2011-10, not on Breakwater. Trotta read his prepared statement which said in part, early this month proposed Ordinance No. 2011-10 was introduced for consideration by this Committee. He said the date of the introduction was December 7th, Pearl Harbor Day, a day that will live in infamy this country was attacked 70 years ago, the sleeping giant was awakened and our country fought back and won. With the introduction of this ordinance on December 7th, seriously sick and dying people in the State of New Jersey were attacked.

He said he is hoping that today, December 28, 2011, will be another day that will be remembered forever, a date when this township committee stands up and turns down this

proposed ordinance taking a stand for the dignity of the seriously sick and dying of New Jersey. Trotta presented facts.

He went on to say the New Jersey State Legislature passed and former Governor Corzine signed into law a Compassionate Marijuana Law. Current Governor Christie delayed the implementation of that law until he was able to ensure regulations governing compassionate marijuana in New Jersey were written in such a way as to very strictly regulate this drug. In July of this year, Governor Christie announced he felt comfortable that New Jersey could move forward to provide some comfort and relief to the seriously sick and terminally ill. We must remember it is not up to the States to enforce Federal Law, the regulations for New Jersey's Compassionate Marijuana Law includes the following statements; the States are not required to enforce Federal Law or prosecute people for engaging in activities prohibited by Federal Law. Let us remember that October 19, 2009 Attorney General Eric Holder advised the Federal Government will not be prosecuting those that follow their state laws on medical marijuana.

He read on, he has heard about security, he has spoken to several authorities about this, the security that an ATC (alternative treatment center) must adhere to is very strict and includes fences and cameras. This is very similar to what is required at a pharmaceutical factory. He does not believe an ATC will present any more of a drain on our police force than Plumsted Pharmacy or CVS currently do.

The New Jersey Compassionate Marijuana Law requires the initial facilities built be run as a non-profit. While this means we may not have any real estate revenue if such a facility is built in Plumsted, we could make an arrangement for a pilot program, (payment in lieu of taxes). He has spoken to representatives of the companies that have been approved by the State to build an ATC, they advised him because they are non-profit they would be donating excess income, if there is any, to local groups and organizations. Trotta went on to say he does not know of any local group or organization that couldn't use more money.

Trotta explained why he was against this local ordinance. He said his mother fought cancer twice in her life time. In 1987 she was told she had breast cancer. During this time she had chemotherapy for a over a year and suffered from extreme nausea from the chemo and was losing a lot of weight. It was suggested she use marijuana for relief and for some quality of life. She decided she would not she continued to suffer. She beat this cancer and said if she ever had cancer again she did not want to go through chemo because of what it does to you.

In late 2001 and all through 2002 his mom had severe pain in her upper right leg. During this time she had many doctor's appointments with several different doctors who all misdiagnosed the problem. Later she had breathing issues so she went to the emergency room. She was admitted to the hospital where she was advised she had something on her lung x-ray. It was cancer and they also discovered she had cancer in her upper right leg. She was bedridden and in constant pain. She was transferred to another hospital, had a rod inserted into her leg in the event she walked again; she never did.

She spent the rest of her life being moved from hospital to hospital to rehab and back to the hospital. The doctors told her they would treat the bone cancer with radiation and needed to use chemo for the lung cancer. In spite of her previous vow never to have chemo again, after much thought she consented to the chemo. She had only two, maybe three chemo treatments before she died. During the various times she was in the hospital and rehab she was in constant pain, medicinal marijuana would have eased some of the pain. Trotta said his mother was a very strong woman. He was the oldest child and never saw his mother shed a tear, except from the pain she was in from the cancer that took her life.

When Ordinance No. 2011-10 was introduced it was referred to as stopping u-pick pot farms from coming to Plumsted. If that was truly what this is about he wouldn't object to the ordinance. The Compassionate Marijuana Law the State of New Jersey passed has no provision for u-pick pot farms. He believes this term is used to try to sway public opinion in a certain direction. He went on to say he has spoken to the Mayor about this local ordinance and told him about his disagreement. While this is nothing personal, they both feel strongly about compassionate marijuana but have opposite views.

Dancer assured Trotta this ordinance is a stop gap measure to the bill recently introduced as an Assemblyman in the State Legislature passes and signed into law. Dancer's new bill is Assembly Bill No. 4411 which provides local municipalities to require more stringent security than the State Compassionate Marijuana Law. Trotta said he has read Assembly Bill No. 4411 and Dancer is correct, it does provide for municipalities to adopt stricter security standards, which is already the strictest in the nation.

He also said the Assemblyman is correct that the adoption of Ordinance No. 2011-10 is a stop gap measure, but the stop gap is different from the one that we have been lead to believe. If Assembly Bill No. 4411 passes and signed into law as currently written it could effectively kill the Compassionate Marijuana Law in the entire State of New Jersey. Trotta read from the bill. The Governing Body of a municipality may provide, by ordinance, land use approval to operate an ATC in the municipality is conditioned upon compliance by the ATC by municipal ordinances or other municipal regulations and State and Federal laws and regulations. This is similar language to the proposed Ordinance 2011-10 that the committee is about to vote on.

Trotta said to the Mayor, “you and I are friends and I value that friendship, but I cannot allow this ordinance to pass here in Plumsted or Assembly Bill No. 4411 to pass in the State without a fight. You only have to watch a loved one suffering in pain and not able to do anything about it to know we as a society must do something to help them. Remembering my mom’s tears and the facts I have stated I will be voting against this ordinance. My vote will not mean that an ATC has been approved for our town, it simply means I support the right to apply here if they so desire. Then it would be up to the Land Use Board to decide if their plan meets State and Local laws. Thank you”.

Mayor Dancer thanked Committeeman Trotta. Dancer said that he and Trotta have discussed this a number of times and Trotta is correct, they are close friends and will always be close friends. This is just a policy issue. Dancer went on to say there is no one here that is not sensitive to and compassionate for providing the quality of life. Everyone has had a family member or perhaps ourselves touched by this dreadful disease of cancer, we all share for the compassionate use of pharmaceutical drugs that can give someone relief.

Dancer thanked Trotta for his comments and his friendship. Dancer said for a minor clarification in Assembly Bill No. 4411, if it were to be adopted, it does not in any way eliminate the alternate treatment centers in the State of New Jersey or the licensing of them. It is permissive, meaning the governing body of a municipality may provide a decision for what is good for the community. Dancer said Plumsted is one that would desire to adopt the proper zoning and site plan review standards. In the event there is an application coming to Plumsted Township, they can properly plan for the placement of that facility rather than have a judge tell the Township where it will be put. By having a governing body and planning board working together to determine it is not properly sited within the drug free school zone or in a close proximity or near the parks or playgrounds, but in areas of the Township that would be more appropriate than others.

Dancer went on to say with the adoption of this ordinance it provides for this governing body and the planning board with that window of time and opportunity which is about a 60 to 90 day period. If the Committee in 2012 determines that the zoning regulations, which it would approve, are sufficient and adequate enough, the Committee, in his opinion, should delete the reference to “violative of Federal Law”. This is up to the Township Committee and explained that in the Township Committee form of government, this would not qualify for a binding referendum question. The Township Committee could place a question on the ballot at the next general election. The question before the public could be to gauge the sentiment of the public having knowledge in the question that your community has been proactive in preparing and planning for the siting and locating of medical marijuana for either cultivation or dispensary sites and ask if they are in favor or oppose having the facilities operating within those designated areas.

In his opinion that within the 60 to 90 day period with then Mayor Leutwyler, Committeeman Sorchik and himself as a member of the Planning Board would have due diligence of having the Land Use Board move forward expediently to provide to the Township Committee the necessary ordinance to adopt and amend the zoning regulations. It will include the site plan review standards that will provide for the appropriate location and siting of the facilities so that heaven forbid, if the individual that we care for, had one of those diseases and needs medical help they can possibly receive from a legal drug in the State of New Jersey could do so but with the least amount of negative impact or detrimental impact to the property owners of the township at large. Mayor Dancer thanked and commended Committeeman Trotta and as said before, we share a common bond. We were close friends before this ordinance and will be close friends afterward. There are members with differing positions on policy issue but will not let it affect our friendship.

Mayor Dancer asked for any other comments from the Committee. Deputy Mayor Leutwyler said he knew it was a tough issue and he personally would be voting yes on the ordinance. He felt it did two things; it gives us a little bit of time because they do not really know what the community feels and it gives the Committee time to plan which is important but also gauge the feeling of the community and this is the reason he would be voting yes. He also wanted to add that he and Committeeman Trotta had many discussions regarding this. It is obviously his

passion and he has never been disrespectful in any way. He wanted to thank Committeeman Trotta for giving him all of the information regarding this.

Committeeman Sorchik said the only reason the Committee has to do anything along this line is that the Federal and State Government haven't gotten their act together yet on this matter. Regardless of whatever assurances Eric Holder gave the country or who else, the fact of the matter remains that if it comes before us, the Township will be in litigation in some manner, which will cost money. He didn't think the Township is prepared to deal with that at this point until the State and Federal Government decide how they are going deal with it. Going forward about doing this process and coming up with some sort of safe harmless agreement, the Township isn't going to get in a position where our taxpayers are going to have to pay a bill for something that they are not going to receive benefits. He felt during this confusion, the Township should not have to be doing this at this point, but unfortunately due diligence was not taken into consideration when this legislation was passed. We are sitting here having to deal with it and appreciate that Upper Freehold could come in and explain what they have gone through. It was very enlightening.

Committeeman Marinari said a few weeks ago he was voted unanimously by the Township Committee to take this seat. One of the reasons that he spent twenty years plus on the school board, the majority being board president, and moved forward as Committeeman was that in 1980 when he moved here, he was diagnosed with terminal cancer with six months to live. Thank god, he left Mercer Hospital where he was chief clinical chemist toxicologist. He worked very closely with the University of Penn doctors, many of them were interns. When he was going through postgraduate work, he had moved to New York State to advance his career in one of the biggest teaching hospitals in Cooperstown, New York. When the people who knew him found out his condition, they asked him to come back and they would take of him. He was very lucky to be one out of 1,000 people that know the right people to come back to and maybe bring him back.

He said when he was appointed, the reason he was sitting there was to thank this community for allowing him to still be here because this was a major part moving to New Egypt. He moved from terminal cancer and has been in and out of remission four times, most recently four years ago and can appreciate everything Committeeman Trotta said about his mother. He hoped no one in the audience who has had cancer, but as a cancer patient one of the worst things that happens is the effect you see with your own eyes on your family. That is what hurts a cancer patient most. You see the damage done, which is severe. He went through many, many treatments and a lot of pain. He never smoked marijuana in his life. Would he say legalize marijuana, absolutely not. As chief chemist, one of his responsibilities was to oversee the laboratory except for the pathologist. In truth, he did a lot of that and one of his jobs was to draw blood and see the people with terminal cancer in such pain back then. Thank God there are medications now that help considerably.

One of his other positions was to be in post mortem with the pathologist to take samples for diagnosis or confirmation of diagnosis. He has seen the damage that cancer can do. He knows the affects of cancer on people and appreciates 100% the gentleman sitting beside him. Committeeman Trotta thinks this is the best thing that ever happened to New Egypt and would say that forever. He disagrees with this and cannot vote for it. He could abstain and have all the gentlemen feel negative about him. He could say no and have one or two feel he made the wrong decision. He said he appreciates every single person and comment made for this. The doctor mentioned six diseases that he did, he had 29 that supposedly research has shown some positive effect for medical marijuana, but no research has been done. He said we should not be put in this position right now. It is wrong that anyone here or any other town should be put in this position because the Federal and State government are working out this situation. This is totally wrong; it should have never happened.

In twenty years, he never had to make a decision that personally related to him when he was on the School Board. Unfortunately, for this one there is part of him that has some personal contact so he will vote. He said he respects everyone on the dais; these gentlemen unanimously put him there and he will probably be voting against some of the other Committee members but this is something he has to do. Mayor Dancer said it is good to see the independent and very compassionate thought process everyone on this committee has taken on an issue that pulls on the heart strings.

ON MOTION OF COMMITTEEMAN SORCHIK, SECONDED BY DEPUTY MAYOR LEUTWYLER, THE SECOND READING AND PUBLIC HEARING ON ORDINANCE NO. 2011-10, AN ORDINANCE OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 41, ENTITLED PLANNING AND ZONING BOARD, GENERAL ORDINANCES ADMINISTRATION, ARTICLE II, SECTION 5 TO PROHIBIT APPROVAL OF APPLICATIONS WITHIN THE TOWNSHIP OF PLUMSTED

THAT REQUIRE TOWNSHIP GOVERNMENT APPROVAL WHICH ARE VIOLATIVE OF FEDERAL LAW WAS ADOPTED ON SECOND AND FINAL READING. ROLL CALL VOTE: ALL AYES WITH COMMITTEEMAN TROTTA AND COMMITTEEMAN MARINARI VOTING NO.

Mayor Dancer thanked everyone that took the time to come out for such a very important issue in our community. He said he can assure everyone that at the January 3rd Land Use Board Meeting, three of the members sitting on this committee will be doing their due diligence before the Land Use Board to begin the process of amending the Township's zoning regulations and site plan reviews standards to provide for the proper and appropriate siting and locating of both the cultivating and dispensary centers, in the event one of the applications come before this Committee in this community.

Mayor Dancer said that Ordinance No. 2011-09 creates and establishes Chapter 47AA of the General Ordinances of the Township of Plumsted entitled "Precious Metals, Gems and Jewelry Dealers." He introduced Deputy Superintendent of the Department of Consumer Affairs in the Office of Weights and Measures, Barry Wick. The purpose of this ordinance is a consumer protection ordinance, which Mr. Wick will explain. Dancer explained that in these economic times, there have been a plethora of "Cash for Gold" and with gold over \$1,800 an ounce they are thriving at this point. Unfortunately there are some unscrupulous individuals that will take advantage of consumers who do not go to the Office of Weights and Measures and have their scales certified. They are taking advantage of innocent people who are in dire straits financially and selling family heirlooms to put food on the table or drugs into the medicine cabinet. Plumsted Township is one of the last few in Ocean County to enact this ordinance.

There are instances whereby there may not be a storefront business; they may be an itinerate business person. If this is for a PTA or nonprofit for fund raising purposes, this Township Committee has the authority to make sure the consumer is going to have the proper weights and measures. However, the Township has the authority to pass a resolution that waives the fee, for example for the itinerate or someone who is doing something for a worthwhile cause in the community. Mr. Wick was introduced to give his perspective as to why this was a good consumer protection measure and at the same time balancing the home parties, PTA's, etc. Mr. Wick said four years ago, he 26/28 registered gold dealers in the County of Ocean and to date he had 104. He said one of the biggest problems was trying to regulate some of the home parties to make sure they have the legal scales and another was flea markets. Last year he detained a gentleman who was using an illegal scale. If someone steals something from your home, the best way to get rid of it is a place that no one will ask any questions.

In reviewing Plumsted's ordinance, he had some additional suggestions to protect yourself and the consumer and protect the persons whom are selling it. Weights and Measures is not pro consumer or pro entity; they are the equality between the entrepreneur and the consumer and keep everyone on a fair basis. He does make two to three inspections every year to make sure they are in compliance with the particular laws. Mayor Dancer received a copy of a receipt drafted from a detective in Toms River and also a copy of the application to become a dealer in a community. There is also an itinerant bond, in the amount of \$5,000.00 that is required by the State to insure someone leaves town with your money, you can recoup it from whomever it may have been stolen from. These are all safety checks to make sure nobody ends up with the short end of the stick. Mayor Dancer asked if the public had any questions from Mr. Wick.

Mayor Dancer opened the public hearing on Ordinance No. 2011-09. There was no public comment.

Keith Warner, Manager of the New Egypt Flea Market, had a couple of questions on how the permit would work. He had been inspected by the County for eight years. He also wanted to try to regulate at the Flea Market to make sure that nothing like that is going on there. He wanted to educate his vendors who have businesses there who want to buy and sell jewelry. He asked if a scale was required if you were just selling jewelry, which Mr. Wick said no, only for the purchase and explained the process. Mr. Warner said there are some dealers that are mobile who may come in from another county and wanted to know if they have to register with Ocean County. Mr. Wick said not as far as the scale. They are required to inform the police department that they would be purchasing gold.

Committeeman Wylson asked if this affects pawn shops. Mr. Wick said it is the same as a gold dealer. They still have to report that they purchased it and report when it is sold back with identification both ways.

Mayor Dancer said all paperwork would be distributed to the Police and Clerk's Office so Plumsted Township will be ready to implement the program as adopted.

ON MOTION OF COMMITTEEMAN SORCHIK, SECONDED BY COMMITTEEMAN TROTTA, THE PUBLIC HEARING WAS CLOSED FOR ORDINANCE NO. 2011-09. ROLL CALL VOTE: ALL AYES.

ON MOTION OF COMMITTEEMAN TROTTA, SECONDED BY COMMITTEEMAN SORCHIK, THE SECOND READING AND PUBLIC HEARING ON ORDINANCE NO. 2011-09, AN ORDINANCE OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY, CREATING AND ESTABLISHING CHAPTER 47AA OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF PLUMSTED, ENTITLED "PRECIOUS METALS, GEM AND JEWELRY DEALERS" WAS ADOPTED. ROLL CALL VOTE: ALL AYES.

Mayor Dancer stated on the evenings' agenda was a Public Hearing for comments regarding the Community Development needs of the Township, which is referred to as Community Development Block Grant Program. He explained there are three major areas of eligibility for this program. The funding that Plumsted will be eligible for 2012 will be between \$30,000 and \$35,000, which is significantly less than previous years. He explained this is a Federal HUD (Housing and Urban Development) administered through Ocean County. It has to be used for removal of architectural barriers, American with Disabilities Act, ADA; improvement to public facilities, which would also be used for an ADA-type project; and infrastructure improvements, making the Township barrier free, such as curbing and sidewalk that has the curb cuts and ramps.

However, this program is targeted to the low-to-moderate income "designated targeted neighborhoods". Under HUD regulations, they go on the basis of the census information and into census tracts depending upon the income information. In Plumsted Township, the eligible area for infrastructure improvements is west of Evergreen Road and west of Brindletown Road. In addition to the curbing and sidewalk, there could be some road improvements, which is part of the public infrastructure. He asked if the public had any comment or suggestions. The second public hearing will be held in January prior to the February 2, 2012 application due date. At that time, the Township will advertise what has been prioritized by the Township Committee with respect to eligible projects; this could be suggestions from the Township Committee or members of the public.

Mayor Dancer asked if the public had any thoughts on projects for the CDBG Grant. Mayor Dancer opened the public hearing on the CDBG grant.

Kristina Lewis, President of the New Egypt Softball League said there are some softball fields that are not handicap accessible and explained that a couple of years ago a father in a wheelchair could not attend his daughter's games, and there are also grandparents who are handicapped. She wanted to request the recreational facility off Brindletown Road as a suggestion. Two of the three fields have zero handicap accessibility. Mayor Dancer said he would check and see if this criteria meets the eligibility requirements.

Bill Lewis, Environmental Commission Chairman said there are a couple of different programs at the Welcome Center downtown and there was no handicap accessibility. Mayor Dancer and Deputy Mayor Leutwyler said this was also another worthwhile project to provide the barrier-free handicap accessibility to the Welcome Center.

ON MOTION OF DEPUTY MAYOR LEUTWYLER, SECONDED BY COMMITTEEMAN SORCHIK, THE FIRST COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC HEARING WAS CLOSED. ROLL CALL VOTE: ALL AYES.

Mayor Dancer asked the Committee if they wanted to vote on any of the following resolutions separately. There were none.

RESOLUTIONS:

THE FOLLOWING RESOLUTIONS ON A CONSENT AGENDA ARE CONSIDERED ROUTINE AND SHALL BE ENACTED BY ONE MOTION. SHOULD ANY MEMBER OF THE TOWNSHIP COMMITTEE SEEK SEPARATE DISCUSSION OF ANY ITEM, THAT ITEM SHALL BE REMOVED AND DISCUSSED SEPARATELY. THE FOLLOWING RESOLUTIONS WILL BE VOTED ON IN ONE VOTE.

RESOLUTION NO. 2011-301 – AUTHORIZING THE ISSUANCE OF CHECKS FOR THE REDEMPTION OF TAX SALE CERTIFICATE

RESOLUTION NO. 2011-302 – AUTHORIZING THE ISSUANCE OF A TEMPORARY 2012 SOIL REMOVAL EXCAVATING AND MINING LICENSE TO EXCAVATING MATERIALS & EQUIPMENT, INC. with the recommendation of the Planning/Land Use Board

RESOLUTION NO. 2011-303 – TO ADJUST THE 2011 YEAR ENDING BALANCE OF DEFERRED SCHOOL TAX AND CURRENT FUND BALANCE IN ACCORDANCE WITH SECTION 13,P.L. 1991, C.63 (AMENDED 1994)

RESOLUTION NO. 2011-304 – AUTHORIZING CANCELLATION OF UNEXPENDED DEBT SERVICE AND UNEXPENDED CAPITAL IMPROVEMENTS TO FUND BALANCE IN ACCORDANCE WITH N.J.S.A.40A:4-60

RESOLUTION NO. 2011-305 – AUTHORIZATION OF PAYMENT OF UNUSED VACATION TIME FOR STEVEN MILLETTE

RESOLUTION NO. 2011-306 – APPOINTING CHRISTINE WARD AS THE PART-TIME MUNICIPAL COURT ADMINISTRATOR FOR THE TOWNSHIP OF PLUMSTED AS AMENDED

RESOLUTION NO. 2011-307 – APPOINTING KARIN LANING AS A PART-TIME CLERK-TYPIST TO PERFORM THE DUTIES OF A VIOLATIONS CLERK IN THE MUNICIPAL COURT

RESOLUTION NO. 2011-308 – AUTHORIZING A TRANSFER OF APPROPRIATIONS IN ACCORDANCE WITH THE PROVISION OF N.J.S.A.40A:4-58

RESOLUTION NO. 2011-309 – AMENDING THE CERTIFICATION OF AVAILABILITY OF FUNDS FOR ERNST, ERNST AND LISSENDEN FOR RESOLUTION NO. 2011-188 AND RESOLUTION NO. 2011-289

ON MOTION OF COMMITTEEMAN TROTTA, SECONDED BY COMMITTEEMAN SORCHIK, THE AFOREMENTIONED RESOLUTIONS READ BY TITLE ON THE CONSENT AGENDA WERE ADOPTED. ROLL CALL VOTE: ALL AYES.

MOTION TO CONSIDER:

ON MOTION OF COMMITTEEMAN TROTTA, SECONDED BY DEPUTY MAYOR LEUTWYLER, THE FOLLOWING RAFFLES LICENSES WERE APPROVED: RAFFLES LICENSE NO. 2011-47 FOR AN OFF PREMISE 50/50 FOR NEPS/WES PTO, RAFFLES LICENSE NO. 2011-48 FOR AN ON PREMISE BASKET RAFFLES FOR NEPS/WES PTO, RAFFLES LICENSE NO. 2011-49 FOR AN ON PREMISE 50/50 FOR NEPS/WES PTO, RAFFLES LICENSE NO. 2011-50 FOR AN ON PREMISE BASKET RAFFLE FOR GREYHOUND, FRIENDS OF NJ AND RAFFLES LICENSE NO. 2011-51 FOR AN ON PREMISE 50/50 FOR GREYHOUND FRIENDS OF NJ. ROLL CALL VOTE: ALL AYES.

REPORTS OF DEPARTMENTS AND PROFESSIONALS:

ON MOTION OF COMMITTEEMAN SORCHIK, SECONDED BY COMMITTEEMAN TROTTA, THE DECEMBER 28, 2011 BILL LIST WAS APPROVED AS AMENDED. ROLL CALL VOTE: ALL AYES.

REPORTS SUBMITTED FOR COMMITTEE REVIEW:

CONSTRUCTION REPORT –NOVEMBER, 2011; COURT REPORT –NOVEMBER, 2011; FINANCE REPORTS – REVENUE SUMMARY BY MONTH – NOVEMBER, 2011 and ABBREVIATED SUMMARY BUDGET ACCOUNT STATUS –NOVEMBER, 2011.

Mayor Dancer asked for any old or new business from the Committee.

Deputy Mayor Leutwyler said he wanted to thank the Committee that they may have disagreed on the ordinance but it was done in a respectful way and everyone respected each other's opinion.

Deputy Mayor Leutwyler said after 22 years, Mayor Ronald Dancer will no longer be sitting at the dais. He personally thanked Dancer and felt that he has guided each Committee Member far enough so we can carry on.

Mayor Dancer asked for any public comments.

Keith Warner said he knew what the State Laws were but questioned the bond, which he said was only for transient buyer and wanted to confirm that it was the same for Plumsted's Ordinance. Mayor Dancer said that the ordinance mirrors the State and that would be a

question for Mr. Wick. He said he had heard horror stories and this was important at the local level.

Sam Russo, Jr. said he usually commends and thanks the Committee for another great year for governing Plumsted Township. He said he was at Manchester High School where New Egypt competed against 13 high schools and all five wrestlers received 2nd Place. He said he was shocked hearing two no votes because usually the votes are all ayes. He wanted to commend everyone as this was done very professionally.

There was no Executive Session so Resolution No. 2011-300, a resolution of the Township of Plumsted, County of Ocean, State of New Jersey, authorizing the convening of an Executive Session in accordance with the Open Public Meetings Act was not used.

ON MOTION OF COMMITTEEMAN TROTTA, SECONDED BY DEPUTY MAYOR LEUTWYLER, THE MEETING WAS ADJOURNED. ROLL CALL VOTE: ALL AYES.

Respectfully submitted,

Dorothy J. Hendrickson, RMC
Municipal Clerk