TOWNSHIP OF DENVILLE MUNICIPAL COUNCIL
REGULAR MEETING
April 16, 2019, 7:30 P.M.

• Salute to the Flag
• Invocation
• Statement of Compliance with Open Public Meetings Act
• Roll Call:

Council Members
  __ Murphy
  __ Bergen
  __ Gabel, Council President

Buie
Lyden
Witte
Borowiec

In Attendance
  __ Mayor Andes
  __ Township Attorney Jansen

Witte
Ward

Other: --------

PROCLAMATIONS / PRESENTATIONS / CEREMONIAL MATTERS
(Presentations are coordinated in advance with the Council President and are limited to thirty (30) minutes or less)

NATIONAL AUTISM ACCEPTANCE, UNDERSTANDING & INCLUSION MONTH

AMERICAN CANCER SOCIETY
RELAY FOR LIFE OF CENTRAL MORRIS COUNTY
Karen DeChristopher
Event Co-Chair

• Council Liaison/Committee Reports
• Mayor's Report
• Administrator's Report
• Correspondence

Public Portion (Please limit comments to a maximum of three (3) minutes)

Matters of Old/New Business

ORDINANCES FOR ADOPTION

06-19: An Ordinance of the Township of Denville, in the County of Morris and State of New Jersey, to Amend and Renumbe Various Subsections of Chapter IV, General Licensing, Section 4-13, Massage, Bodywork and Somatic Therapy Establishments, of the Township's Revised Ordinances

ORDINANCES FOR INTRODUCTION
NONE
RESOLUTIONS

CONSENT AGENDA:

R-19-84: Resolution Authorizing Raffle Licenses in the Township of Denville

R-19-85: Resolution Authorizing Refund of Recreation Fees

R-19-86: Resolution Authorizing Issuance of a Social Affair Permit by the State of New Jersey Division of Alcoholic Beverage Control

R-19-87: Resolution Refunding the Payment of Overpaid 2019 Taxes

R-19-88: Resolution to Cancel Interest for a Certain Property in the Amount of $49.52

NON-CONSENT AGENDA:

R-19-89: Resolution Authorizing the Transfer of Funds from the Affordable Housing Trust Fund to the Denville Township General Trust Fund for Affordable Housing Related Administrative Costs

R-19-90: Resolution of the Township of Denville in Opposition to the Legalization of Cannabis for Personal Recreational Use in the State of New Jersey

R-19-91: Resolution of the Township of Denville in Opposition to the Location of NETA NJJ LLC Medical Marijuana Cultivation at the Premises Known as 130 Old Denville Road, Boonton, New Jersey

MINUTES FOR ADOPTION

NONE

MOTION TO ADJOURN
ORDINANCE NO. 06-19

BE IT RESOLVED that an Ordinance entitled:

An Ordinance of the Township of Denville, in the County of Morris and State of New Jersey, to Amend and Renumber Various Subsections of Chapter IV, General Licensing, Section 4-13, Massage, Bodywork and Somatic Therapy Establishments, of the Township's Revised Ordinances

Be Read by Title on Second Reading and a Hearing Held Thereon:

COUNCIL PRESIDENT: MOTION TO READ BY TITLE
ROLL CALL
OPEN PUBLIC HEARING
CLOSE PUBLIC HEARING

BE IT RESOLVED that an Ordinance entitled:

An Ordinance of the Township of Denville, in the County of Morris and State of New Jersey, to Amend and Renumber Various Subsections of Chapter IV, General Licensing, Section 4-13, Massage, Bodywork and Somatic Therapy Establishments, of the Township's Revised Ordinances

Be passed on Final Reading and that a Notice of Final Passage be published in the 04/24/2019 edition of The Citizen newspaper.

COUNCIL PRESIDENT: MOTION TO ADOPT
ROLL CALL ON ADOPTION

Dated: 04/16/2019
ORDINANCE NO. 06-19

AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, TO AMEND AND RENUMBER VARIOUS SUBSECTIONS OF CHAPTER IV, GENERAL LICENSING, SECTION 4-13, MASSAGE, BODYWORK AND SOMATIC THERAPY ESTABLISHMENTS, OF THE TOWNSHIP’S REVISED ORDINANCES

WHEREAS, the Township of Denville has a compelling interest in the licensing of massage, bodywork and somatic therapy establishments so as to ensure that such establishments are being operated as legitimate business enterprises and are not engaged in criminal activity; and

WHEREAS, the Township also has a compelling interest in the regulation of such establishments so as to ensure that they meet certain minimum health standards associated with such businesses; and

WHEREAS, the Township has determined that certain amendments to the existing Ordinance are necessary in order to preserve the public health, safety and general welfare of the residents of the Township of Denville.

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the Township of Denville, County of Morris, State of New Jersey, as follows:

SECTION 1. Chapter IV, General Licensing, Section 4-13, Massage, Bodywork and Somatic Therapy Establishments, Subsection 4-13.2, Permits Required, paragraph (a) is hereby amended to read as follows:

"(a) Massage and Bodywork Therapy Establishment Permit Required. No person, firm or corporation shall advertise or hold itself out as offering massage and/or bodywork therapies or operate any establishment or utilize any premises in the Township of Denville as or for a massage and/or bodywork therapy establishment unless or until such establishment is registered with the New Jersey Board of Massage and Bodywork Therapy pursuant to N.J.S.A. 45:11-76 and there has first been obtained a permit for such establishment or premises from the Township of Denville Division of Health in accordance with the terms and provisions of this ordinance. If the applicant is in the process of obtaining or renewing a registration from the State Board, he/she may submit other evidence from the State Board that an application for registration has been made, provided that the applicant shall submit a copy of the registration once it has been issued by the State Board."

SECTION 2. Chapter IV, General Licensing, Section 4-13, Massage, Bodywork and Somatic Therapy Establishments, Section 4-13.3, Application for Massage and Bodywork Therapy Establishment Permit; Requirements, paragraph (f)(5) is hereby amended to read as follows:

"(5) Three (3) front-face portrait photographs at least two by two (2 x 2) inches in size, taken within thirty (30) days of the date of the application. The full legal name and any nickname or alias of the individual in the photograph shall be printed on the rear side of
each photograph. A photocopy of the front and back of a valid government-issued photo identification may be provided in lieu of photographs."

SECTION 3. Chapter IV, General Licensing, Section 4-13, Massage, Bodywork and Somatic Therapy Establishments, is hereby amended to add Subsection 4-13.4 to read as follows, with all subsequent subsections renumbered accordingly.

"4-13.4 Renewal of Application for Massage and Bodywork Therapy Establishment Permit; Requirements.

Any person desiring to renew an existing, valid Massage and Bodywork Therapy Establishment Permit where there has been no change in the type of ownership; trade name, style and designation; applicant's legal name; or applicant's disorderly persons/criminal conviction status, shall comply with the requirements of§ 4-13.3, except that compliance with§ 4-13.3(a), § 4-13.3(b), § 4-13.3 (f)(5), § 4-13.3 (f)(7), and§ 4-13.3(h) shall not be required. If there has been a change in any of the above information, the person desiring to renew the Permit shall comply with all of the provisions of § 4-13.3. Renewal applications must include any employee photographs not previously provided."

SECTION 4. Chapter IV, General Licensing, Section 4-13, Massage, Bodywork and Somatic Therapy Establishments, current Subsection 4-13.5 (to be renumbered), Investigating and Fingerprinting of Applicant and Employees, paragraph (a) is hereby amended to read as follows:

"(a) Unless an applicant for a massage and bodywork therapy establishment permit or renewal thereof can produce proof satisfactory to the Police Chief that a criminal background check was conducted at the time of registration with the New Jersey Board of Massage and Bodywork Therapy pursuant to N.J.S.A. 45:11-76 and N.J.S.A. 45-11-80, all applicants seeking a Massage and Bodywork Therapy Establishment permit, renewal or temporary permit under this ordinance shall respond to the Denville Township Police Department with a current driver's license or other government issued photo identification. The applicant shall be provided with a fingerprint application form to obtain fingerprints from a vendor licensed by the State of New Jersey. The applicant, at the applicant's expense, shall respond to the authorized fingerprint vendor's location for a fingerprint check."

SECTION 5. Chapter IV, General Licensing, Section 4-13, Massage, Bodywork and Somatic Therapy Establishments, current Subsection 4-13.5 (to be renumbered), Investigating and Fingerprinting of Applicant and Employees, paragraph (c) is hereby amended to read as follows:

"(c) Except for massage and bodywork therapists who have been issued a license by the New Jersey Board of Massage and Bodywork Therapy and other employees who have been issued a current license pursuant to the Cosmetology and Hairstyling Act of 1984, N.J.S.A. 45:58 et seq. or have been issued a current medical license by the State of New Jersey for those professions set forth in Section 4-13.14 and have had a criminal history background check as a condition of the issuance of such license, all employees of a massage and bodywork establishment that is subject to this ordinance, including paid and non-paid employees and volunteers operating in the establishment, shall apply for a criminal history background check in accordance with the procedure set forth in
paragraphs (a) and which background check shall be subject to approval of the Chief of Police as set forth in paragraph (b) of this Section. The disapproval by the Chief of Police of the background check of any employee will constitute cause for denial or revocation of a permit."

SECTION 6. Chapter IV, General Licensing, Section 4-13, Massage, Bodywork and Somatic Therapy Establishments, current Subsection 4-13.5 (to be renumbered), Investigating and Fingerprinting of Applicant and Employees, paragraph (d) is hereby amended to read as follows:

"(d) Before a prospective employee, as defined in paragraph (c) above, may be employed by an establishment to which a permit has been issued, such prospective employee must provide his/her residence address, apply for a criminal history background check in accordance with the procedure set forth in paragraph (a) of this Section, and submit proof satisfactory to the Health Officer that they have applied for the criminal history background check. Such person shall be employed only on a probationary basis, not to exceed thirty (30) days, until the background check has been provided to and approved by the Chief of Police or his designee as set forth in paragraph (b) of this Section and the Health Officer so notified. Prior to beginning employment, the prospective employee shall also provide to the Health Officer three (3) front-face portrait photographs at least two by two (2 x 2) inches in size, taken within thirty (30) days of the date of the hiring. The full legal name and any nickname or alias of the employee in the photograph shall be printed on the rear side of each photograph. A photocopy of the front and back of a valid government-issued photo identification may be provided in lieu of photographs."

SECTION 7. Chapter IV, General Licensing, Section 4-13 (to be renumbered), Massage, Bodywork and Somatic Therapy Establishments, current Subsection 4-13.9 (to be renumbered), Operating Requirements, paragraph (b) is hereby amended to read as follows:

"(b) The hours of operation for the establishment shall be posted conspicuously and unobstructed where these may be viewed from the outside of the establishment. The following signage shall be posted conspicuously and unobstructed in the reception area where these may be viewed by patrons:

i. Price rates for all services provided by the establishment, provided that price rates may be available in the reception area in pamphlet form in lieu of signage.

ii. A sign reading, "Consumer complaints regarding this establishment may be made by calling the Denville Township Division of Health" along with the telephone number for the Division. The Division shall provide the sign."

SECTION 8. Chapter IV, General Licensing, Section 4-13, Massage, Bodywork and Somatic Therapy Establishments, current Subsection 4-13.9 (to be renumbered), Operating Requirements, paragraph (l) is hereby amended to read as follows:

"(l) Each massage and bodywork therapist shall wash his or her hands up to and including the elbows in hot running water, using a proper soap or disinfectant before
administering a massage or bodywork therapy to a patron. All restroom and workstation hand wash sinks are to be stocked with liquid hand soap and paper towels. Restroom hand wash sinks must have signs conspicuously displayed with the following language: "Employees must wash hands after using the restroom."

**SECTION 9.** Chapter IV, General Licensing, Section 4-13, Massage, Bodywork and Somatic Therapy Establishments, current Subsection 4-13.9 (to be renumbered), Operating Requirements, paragraph (o) is hereby amended to read as follows:

"(o) A written disinfection plan for all linens, towels and reusable instruments used by the establishment must be approved by the Division of Health, kept on site and be available for review by the inspecting official at all times. The written disinfection plan shall outline the method and frequency for laundering of linens, towels, and cleaning of reusable instruments, along with information on chemical disinfectants, sanitizers, or germicidal agents used. The establishment must operate in conformance with the approved plan at all times."

**SECTION 10.** This ordinance may be renumbered for purposes of codification.

**SECTION 11.** Ordinances, resolutions, regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistencies.

**SECTION 12.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the remaining portions of this Ordinance.

**SECTION 13.** This Ordinance shall take effect immediately upon final passage, approval, and publication in accordance with law.

ATTEST: 

Kathryn Bowditch-Leon, RMC  
Municipal Clerk

APPROVED: 

Mayor Thomas W. Andes  
Township of Denville

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Municipal Council of the Township of Denville at its meeting held on , 2019

Kathryn Bowditch-Leon, RMC  
Municipal Clerk
RESOLUTION AUTHORIZING RAFFLE LICENSES IN THE TOWNSHIP OF DENVILLE.

BE IT RESOLVED by the Municipal Council of the Township of Denville that the applications for the following raffles be approved and the Municipal Clerk be authorized to issue said licenses on behalf of the Municipality.

<table>
<thead>
<tr>
<th>NAME OF ORGANIZATION</th>
<th>TYPE OF RAFFLE</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rotary Club Denville Sunrise</td>
<td>Duck Race</td>
<td>6/15/2019</td>
</tr>
<tr>
<td>Church of the Saviour</td>
<td>Tricky Tray</td>
<td>9/28/2019</td>
</tr>
<tr>
<td>Church of the Saviour</td>
<td>Off Premise 50/50</td>
<td>9/28/2019</td>
</tr>
</tbody>
</table>

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

I, Kathryn Bowditch-Leon, Municipal Clerk for the Township of Denville do hereby certify the above to be a true and exact copy of the resolution adopted by the Municipal Council of the Township of Denville at the Council meeting held on

Certification Date: Kathryn Bowditch-Leon, RMC Municipal Clerk
RESOLUTION AUTHORIZING REFUNDS OF RECREATION DEPARTMENT FEES

WHEREAS, certain residents of the Township of Denville have paid program fees to the Recreation Department; and

WHEREAS, these residents did not avail themselves of the programs for which said fees were paid.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Denville that refunds, in the amounts designated in this resolution, are authorized to be issued to the residents named in said resolution as follows:

<table>
<thead>
<tr>
<th>NAME</th>
<th>REFUND AMOUNT</th>
<th>PROGRAM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jackalyn Tarantella</td>
<td>$189.00</td>
<td>Artist Studio - Spring 2019</td>
</tr>
<tr>
<td>Jennifer Darlington</td>
<td>$25.00</td>
<td>Music Theater - Spring 2019</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Summer Plus 2019</td>
</tr>
</tbody>
</table>

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

I, Kathryn Bowditch-Leon, Municipal Clerk for the Township of Denville do hereby certify the above to be a true and exact copy of the resolution adopted by the Municipal Council of the Township of Denville at their regular Council meeting held on

Certification Date: Kathryn Bowditch-Leon, RMC Municipal Clerk
RESOLUTION AUTHORIZING ISSUANCE OF SOCIAL AFFAIR PERMITS BY THE
STATE OF NEW JERSEY DIVISION OF ALCOHOLIC BEVERAGE CONTROL

WHEREAS, the below listed organizations applied for Social Affair Permits; and
WHEREAS, the Municipal Council, the License Issuing Authority of the Township
of Denville, has no objection to the granting of the Social Affair Permits by the State of
New Jersey Division of Alcoholic Beverage Control; and
WHEREAS, the issuance of said Social Affair Permits is not contrary to any
Township ordinance, resolution, regulation or policy.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township
of Denville that authorization is hereby granted for the issuance of Social Affair Permits
to the following organizations for the identified events:

<table>
<thead>
<tr>
<th>ORGANIZATION</th>
<th>EVENT</th>
<th>LOCATION</th>
<th>DATES</th>
<th>HOURS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joey Bella Memorial Fund, Inc.</td>
<td>Annual Beefsteak Dinner</td>
<td>Gardner Field Savage Road</td>
<td>7/3/2019</td>
<td>5:30 to 10:30 P.M.</td>
</tr>
<tr>
<td>Tri-Town Little League of Boonton</td>
<td>Wine Tasting Fundraiser</td>
<td>Rockaway River Country Club 39 Pocono Road</td>
<td>6/5/2019</td>
<td>6:00 to 10:00 P.M.</td>
</tr>
</tbody>
</table>

BY ORDER OF THE MUNICIPAL COUNCIL
OF THE TOWNSHIP OF DENVILLE

I, Kathryn Bowditch-Leon, Municipal Clerk for the Township of Denville do hereby certify the above to be a true and exact copy of the resolution adopted by the Municipal Council of the Township of Denville at their regular Council meeting held on

Certification Date: Kathryn Bowditch-Leon, RMC Municipal Clerk
RESOLUTION REFUNDING THE PAYMENT OF OVERPAID 2019 TAXES

WHEREAS, it has been found that the following overpayment has occurred due to the reason listed below.

NOW, THEREFORE, BE IT RESOLVED that the appropriate Municipal Official is hereby authorized and directed to prepare a voucher in the following name to refund said overpayment.

BE IT FURTHER RESOLVED that the Chief Financial Officer shall forward the check to the appropriate Municipal Official to be delivered to said mortgage company after the refund has been recorded in the taxpayer’s history file.

<table>
<thead>
<tr>
<th>Block/Lot</th>
<th>Reason for Refund</th>
<th>Owner or Mortgage Co.</th>
<th>Refund Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>60801 74</td>
<td>Mtg. Co paid taxes after being notified that property is 100% Vet Exempt</td>
<td>Corelogic 1 Corelogic Drive Westlake, TX 76262</td>
<td>$1,418.08</td>
</tr>
</tbody>
</table>

Loe: 14 Dayton Rd.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

I, Kathryn Bowditch-Leon, Municipal Clerk for the Township of Denville do hereby certify the above to be a true and exact copy of the resolution adopted by the Municipal Council of the Township of Denville at their regular Council meeting held on

Certification Date

Kathryn Bowditch-Leon, RMC Municipal Clerk
RESOLUTION TO CANCEL INTEREST FOR A CERTAIN PROPERTY IN THE AMOUNT OF $49.52

WHEREAS, on February 11, 2019, the below named homeowner came to the municipal building to make a payment in order to bring the taxes and utilities for his property current; and

WHEREAS, the payment amounts provided to him at the counter did not include the 1st quarter payments for either the taxes or utilities; and

WHEREAS, the below named homeowner has receipts which show the date of the payments; and

WHEREAS, interest on the 1st quarter taxes and utilities has since accrued but should be canceled due to the Township’s error by not providing the correct amounts at the time of payment.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Denville, County of Morris, State of New Jersey, that the Tax Collector is hereby authorized and directed to cancel the interest on the property identified below.

<table>
<thead>
<tr>
<th>BLOCK/LOT</th>
<th>OWNER</th>
<th>CANCELED</th>
</tr>
</thead>
<tbody>
<tr>
<td>30704 / 2</td>
<td>Mario Roberelli</td>
<td>$37.55</td>
</tr>
<tr>
<td></td>
<td>176 East Main St.</td>
<td>$11.97</td>
</tr>
<tr>
<td></td>
<td>Denville, NJ 07834</td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>$49.52</td>
</tr>
</tbody>
</table>

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

I, Kathryn Bowditch-Leon, Municipal Clerk for the Township of Denville do hereby certify the above to be a true and exact copy of the resolution adopted by the Municipal Council of the Township of Denville at their regular Council meeting held on

Certification Date

Kathryn Bowditch-Leon, RMC
Municipal Clerk
RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE AFFORDABLE HOUSING TRUST FUND TO THE DENVILLE TOWNSHIP GENERAL TRUST FUND FOR AFFORDABLE HOUSING RELATED ADMINISTRATIVE COSTS

WHEREAS, the Township has collected fees from Developers pursuant to the approval of the Council on Affordable Housing ("COAH") and a Development Fee Ordinance approved by COAH; and

WHEREAS, the collected funds may only be expended in accordance with the approved spending plan; and

WHEREAS, the spending plan provides for the use of up to twenty percent (20%) of such funds for administrative costs, including but not limited to consulting and legal fees; and

WHEREAS, the Township desires to transfer $12,000 for administrative costs for calendar year 2019 actual and anticipated expenses to the Denville General Trust Fund; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in the Affordable Housing Trust Fund for these purposes.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Denville, in the County of Morris, and State of New Jersey, as follows:

1. That the sum of $12,000 be transferred from the Affordable Housing Trust Fund to the Denville General Trust Fund for COAH related administrative costs.

2. This resolution shall take effect immediately.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

I, Kathryn Bowditch-Leon, Municipal Clerk of the Township of Denville do hereby certify the above to be a true and exact copy of the resolution adopted by the Municipal Council at their meeting held on

Certification Dated: Kathryn Bowditch-Leon, RMC Municipal Clerk
RESOLUTION OF THE TOWNSHIP OF DENVILLE IN OPPOSITION TO THE LEGALIZATION OF CANNABIS FOR PERSONAL RECREATIONAL USE IN THE STATE OF NEW JERSEY

WHEREAS, certain New Jersey legislative bills have been introduced in order to legalize the use of cannabis (marijuana) for personal recreational use; and

WHEREAS, most recently Senate Bill S 2703 and Assembly Bill A 4497 contain provisions to legalize the recreational use of cannabis; and

WHEREAS, Township Council of the Township of Denville is opposed to the legalization of cannabis for personal recreational use, and is opposed to the collateral approval of any facilities which would be authorized to cultivate, test, transport, and manufacture and sell (both retail and wholesale sales) of marijuana for personal recreational use within the State of New Jersey; and

WHEREAS, Denville is further opposed to any such activities within the municipal boundaries of the Township.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Denville, County of Morris, State of New Jersey, as follows:

1. The Township Council opposes New Jersey State legalization of cannabis (marijuana) for recreational use, including the collateral authorization for cultivation, testing, manufacturing, transportation and the retail and wholesale distribution of marijuana products within the State of New Jersey.

2. A copy of this Resolution shall be sent to Governor Murphy and the Members of New Jersey Legislature, to include the Legislative Sponsors of Senate Bill S 2703 and Assembly Bill A 4497.

CERTIFICATION

I, Kathryn Bowditch-Leon, Municipal Clerk of the Township of Denville hereby certify the foregoing to be a true copy of a Resolution adopted by the Township Mayor and Council of the Township of Denville at a duly convened meeting held on

Kathryn Bowditch-Leon, Municipal Clerk
A RESOLUTION OF THE TOWNSHIP OF DENVILLE IN OPPOSITION TO THE LOCATION OF NETA NJ, LLC MEDICAL MARIJUANA CULTIVATION AT THE PREMISES KNOWN AS 130 OLD DENVILLE ROAD, BOONTON, NEW JERSEY

WHEREAS, The Township of Denville ("Denville") shares a municipal boundary with the Township of Boonton ("Boonton"), both municipalities being located within the County of Morris, State of New Jersey; and

WHEREAS, certain property known as 130 Old Denville Road, Boonton Township, New Jersey ("Property") is the subject of a proposal by NETA, N.J. LLC, a subsidiary of TerrAscend Corp, a Canadian corporation, ("NETA") to locate thereon a facility for the cultivation and processing of marijuana, said Property is located only 0.3 miles of the municipal boundary with the Township of Denville; and

WHEREAS, the Mayor and Council of the Township of Denville are opposed to the location of a marijuana cultivation and processing facility on said Property for the following reasons:

1. The Property is located within close proximity to schools, being only 1.4 miles from Valleyview Middle School in Denville, which has a current student enrollment 589 students.

2. The facility is located nearby residential neighborhoods and is virtually surrounded on three sides by the Tourne Park (a Morris County Park), which is a well-used park, frequented by children and families and marijuana cultivation and processing is inconsistent with the adjacent residential and recreational use.

3. The proposed marijuana facility potentially contravenes the intent of the regulatory requirements of the New Jersey Department of Health which require marijuana to be cultivated in an "enclosed locked facility" pursuant to N.J.A.C. 8:64-10.4(a).

4. The State regulatory requirements require security alarm systems, which will be audible and are inconsistent with and detrimental to nearby residential and recreational uses, and are also subject to malfunctions due to natural disasters, human error or mechanical issues.

5. The State regulatory requirements require exterior security lighting which is inconsistent with and detrimental to residential and park uses.
6. The alarm system, exterior lighting features, purported requisite fencing and other security features contradicts the stated intent of §102-157 of the *Boonton Township Code* entitled "Agricultural Uses," which specifically states that agriculture is aimed at 'protection and maintenance of the aesthetic beauty of the countryside and rural character of the community which includes farm architecture and scenic variety.'

7. The cultivation, processing and transport of marijuana may increase security concerns and impose an additional strain on the resources of the Denville Police Department.

**WHEREAS,** NETA has applied to the New Jersey Department of Health for a license to cultivate and process marijuana on the property located at 130 Old Boonton Road, and for the reasons set forth above, Denville opposes the application for this Property; and

**WHEREAS,** Denville is further opposed to any dispensing of marijuana on the Property and while the Property Owner has stated that none will occur, there must be failsafe protections in place to absolutely prohibit the dispensing of marijuana on the Property in the event that New Jersey Law is amended in the future; and

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of Denville, County of Morris, State of New Jersey, as follows:

1. The Township Council opposes the cultivation, processing or potential future dispensing of marijuana at 130 Old Denville Road and the application of NETA NJ LLC in its entirety.

2. A copy of this Resolution shall be sent to the Governing Body of the Township of Boonton and the New Jersey Department of Health Commissioner Dr. Shereef Elnahal.

**CERTIFICATION**

I, Kathryn Bowditch-Leon, Municipal Clerk of the Township of Denville hereby certify the foregoing to be a true copy of a Resolution adopted by the Township Mayor and Council of the Township of Denville at a duly convened meeting held on

Kathryn Bowditch-Leon, Municipal Clerk