

TOWNSHIP OF SPRINGFIELD
COUNCIL MEETING AGENDA
7:30 PM
AUGUST 22, 2018

1. Meeting called to order by the Mayor
2. Reading of the Sunshine Notice
3. Salute to the Flag
4. Roll Call: Mr. Frank, Mr. Hlubik, Mr. Marinello, Mr. McDaniel, Mr. Sobotka
5. Minutes submitted for approval:
August 8, 2018
6. Guest presentation: Michael Pock, Nassau Group regarding Surterra New Jersey LLC, a subsidiary of Surterra Holdings, Inc. Proposal for cultivation of Medical Marijuana in Springfield Twp.
7. Update 2018 Road Program
8. Resolutions
No. 2018-08-02 – Resolution Canceling Taxes Owned by a Totally Disabled Veteran
9. Public Comment*
10. Executive Session
No. 2018-08-03 – Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12 (attorney-client privilege)
11. Adjournment

**TOWNSHIP COUNCIL MEETING
AUGUST 22, 2018**

The meeting of the Springfield Township Council was called to order by Mayor McDaniel with Council Members David Frank, John Hlubik, Anthony Marinello and Peter Sobotka present. Also present was Township Manager Paul Keller and Solicitor George Morris.

The Sunshine Notice was read:

“Public notice of this meeting pursuant to the Open Public Meetings Act has been given by the Springfield Township Council in the following manner on January 4, 2018:

- a. Posting written notice on the official bulletin board at the Municipal Building, Jobstown, NJ
- b. Transmitting written notice to the Burlington County Times and the Trenton Times
- c. Filing written notice with the Clerk of Springfield Township
- d. Mailing written notice to each person who has requested copies of the regular meeting schedule and who has prepaid any charges fixed for such services.”

Mayor McDaniel led the salute to the Flag.

Mr. Frank made a motion seconded by Mr. Hlubik to approve the August 8, 2018 regular session minutes. All were in favor, except Mr. Marinello who abstained. Motion carried.

GUEST PRESENTATION

Present were Matthew Dikovics and Michael Pock from Nassau Consulting Group who represents Surterra who is a medical cannabis company. Mr. Dikovics read a statement regarding the program and medical marijuana licensing process and why Springfield is being considered. Mr. Frank stated that Council did not invite the Nassau Consulting Group and added that the Nassau Group requested to make this presentation to Township Council.

Mr. Sobotka asked about the violations against Surterra's operation in Florida and Mr. Dikovics responded that these issues have been corrected and it was a misinterpretation of the guidelines.

Mr. Dikovics stated that in New Jersey they are looking for a partner who is a willing participant. Mr. Marinello asked is this will be the only operation and Mr. Dikovics stated that they have a letter of non-opposition from municipalities in the north and central zones and they are looking for a partner in the southern zone. He added that they do not need approval from a municipality but rather a letter of non-opposition. Mr. Marinello asked if the cultivation license would include sales and Mr. Dikovics responded they are requesting an integrated license but they are just proposing a cultivation site only in Springfield. He added that they decided to separate the cultivation site and the retail side. Mr. Dikovics stated that there were initially six non-profit groups approved and now it is being opened up to for profit companies. Mr. Sobotka stated that one of the problems of the website is it gave a list of doctors that will write a prescription and Mr. Dikovics responded that they are just letting patients know of doctor's that will evaluate a patient and if need prescribe the medical marijuana and added that just because a doctor is listed does not mean they will automatically prescribe medical marijuana unless a patient meets one of the approved illnesses. Mr. Sobotka asked if recreational marijuana is legalized how would that change their operation and Mr. Dikovics responded that he doesn't anticipate it changing. He added that it has not been determined how the licensing for recreational marijuana will work or be regulated.

Mr. Frank asked how their proposed greenhouse differs from growing other items and Mr. Dikovics responded it is very similar on the exterior but is more technical inside. Mr. Dikovics also stated that on the farm they are looking at a barn already exists on the site and that would allow them to package the marijuana to transport to a retail operation. Mr. Frank asked if the surrounding land on that property is farmland preserved and Mr. Dikovics was not sure if it was or not.

Mr. Keller asked about security and Mr. Dikovics responded there must be streamed video surveillance and there is an additional list of security procedures that must be followed and he can provide a copy of that list to Council. He added it is on the center of about 130 acres and far from the road.

Mr. Sobotka asked how long the license in Florida has been in effect and when were the violations from. Mr. Dikovics stated the license has been in effect for about three years and it is Surterra's contention that there was not a violation and he offered to provide the details of that information to council.

Mr. Dikovics stated that Surterra would also like to offer a financial contribution for emergency services. Mr. Hlubik asked how much land will be utilized and Mr. Dikovics responded it will only cover about three acres of the property. Mr. Dikovics explained the flower will be there

and the remainder of the product is ground up and secured in a barrel so there will not be any active ingredients in what is being packaged up. Mr. McDaniel asked about how much is wasted and Mr. Dikovics responded he is not sure but he can provide that break down if Council wishes. He added that to move the product it is done in vans not tractor trailers. And Mr. Pock gave the name of the company that would remove the waste and they will provide the size of the vehicles.

Mr. Marinello asked how many employees would be at the site and Mr. Dikovics responded about 30 people but he is not sure whether part-time or full-time and he was not sure if someone would be onsite around the clock but he can provide that information later as well. Mr. Frank stated that if you are going to have lighting 24 hours then they may want to provide screening.

Mr. Hlubik asked about how employees are vetted and Mr. Dikovics responded it is extensive and he can provide the actual checks that need to be followed and he added it is regulated by the State. Mr. McDaniel asked if employees are drug tested and he responded he is not sure.

Mr. Morris asked if they are seeking the same letter in other South Jersey towns and he responded that they are not. Mr. Morris asked if Surterra or any of its holdings are involved in recreational operations and Mr. Dikovics responded that they are not. He added he is not sure how Surterra will react if recreational use is approved. Mr. Morris stated that he thinks Council is concerned if legalized is this facility going to expand onto the remainder of the property and Mr. Dikovics responded that he does not anticipate it. Mr. McDaniel asked if any physician can prescribe and Mr. Dikovics stated that currently there is a registry and because of the Federal laws many physicians have shied away and it is being suggested that the registry be removed in hopes of doctors being more open to prescribe.

Mr. Marinello asked how the Federal Laws affect this and Mr. Dikovics responded that from other states it appears that the United States Attorney General is going to stand back and allow it to play out in the states. Mr. Marinello is concerned that the United States Government could come in at any time to the facility and arrest everyone. Mr. Frank asked if the farm is a preserved farm and Mr. Hlubik responded it is not because it is on the 7 acres that was exempted but the surrounding farm is preserved.

Mr. Marinello asked are the ramifications if the Township don't provide a letter on non-opposition and Mr. Dikovics stated that they would not obtain the licensing in the southern region and they would need to continue to search for properties and partners in this area. He added that they currently have a viable property in Springfield. Mr. Marinello clarified that the Township is not endorsing it but providing a letter of non-opposition and Mr. Dikovics responded that the letter is just stating that that the Township does not oppose to this type of facility. Mr. Marinello feels that a letter of non-opposition is a letter of endorsement. Mr. Frank added that this would be an agricultural use and he is not sure Council is the appropriate authority in the Township to issue such a determination and Mr. Dikovics responded that the State does not express who the letter needs to come from so he thinks the State will accept a letter from the Zoning Officer instead of the Council. Mr. Dikovics added that the application is due by August 30th. Mr. Dikovics stated they will provide the Township with a written guarantee that they will not open a retail operation on the site is needed.

Mr. Dunn, Zoning Officer stated that this is not protected by the Right to Farm pursuant to the Ag Board and Mr. Morris added that there is legislation that states that it is not Right to Farm. He added that you don't need a farm because in Patterson it is done in a warehouse. Mr. Frank stated there isn't anything in the right to farm act that would preclude the growing of certain items. Mr. Dunn expressed concern if they are not protected by the Right to Farm because the Township Ordinance only relates to growing fruits and vegetables. Mr. McDaniel

asked if it leaves the site in the extracted form or just the plant and Mr. Dikovics responded there is separate licensing for that and if they can process for CVC oil they will seek to do that but it can be done in the retail facility if Council does not approve of that in the cultivation facility. Mr. McDaniel feels this belongs in the Zoning Officer's hands. Mr. Frank stated that he differs with the Zoning Officer because the Township's Right to Farm Ordinance does include the processing and packaging of the agricultural product at a commercial farm and we did not defer to the State Right to Farm Act. Mr. Frank added that we have autonomy from the State regulations. Mr. Dunn asked who the complaints would go to and Mr. Frank responded that a zoning complaint would go to the Zoning Officer and if the farmer disagrees with the Zoning Officer it would be up to them to go to the State AG Board to be protected under the Right to Farm Act. There was discussion that if a farm goes to the CADB that the Township loses control at that point.

Mr. Hlubik asked the Township's liability if the Federal Government did come in and Mr. Morris responded that the Township would just be stating that cultivation is allowed in the Zone and he feels it would be a hard argument for the Federal Government to make. Mr. Dunn needs someone to state if it is agriculture and if there will be manufacturing. Mr. Sobotka asked if the Zoning Officer has authority over the distillery down the street and Mr. Dunn responded that they are regulated under the State Right to Farm Act because they went to the State Ag Board and asked for and were granted that protection. Mr. Sobotka asked if the State Agricultural Board said it is okay the Township would lose all control and Mr. McDaniel responded that we would lose that control under this act for any farming activity protected by the State Right to Farm Act. Mr. Frank added that agriculture is allowed in all zones in the township.

Mr. Sobotka made a motion to not to oppose this request and Mr. Frank stated he would like to see the Zoning officer make the determination not Council. No second was made on the motion.

Mr. Hlubik asked if they are limited to how much they can produce and Mr. Dikovics responded that the original six non-profit licenses did have limitations but he thinks these license will be regulated differently. Mr. Hlubik asked if they would expand and Mr. Dikovics responded they may want to expand but there are willing to make some securities to the Township that they will not expand more than the Township would like to see. Mr. Frank stated he does not feel it is appropriate to act on what is or isn't allowed under our Zoning Ordinances. Mr. Marinello does not believe that they are asking about zoning they just want to know if Council opposes this type of facility. Mr. Frank stated that it says community not governing body. Mr. Frank stated that if you read the letter it seems it would be the Zoning Officer's response that is needed. Mr. Dikovics asked if Council would be willing to say outside of the zoning issues that the Community does not oppose this type of cultivation facility. There was discussion over the deadline and Mr. Frank feels Council needs to seek guidance from the Township's Solicitor on this matter. Mr. Morris stated that if he is going to weigh in it should be in executive session. Mr. Sobotka stated that medical marijuana has shown to be beneficial to patients. Mr. Dunn added that he would be reluctant to give a letter until he actual sees exactly what they are going to do and what the states outlook is. Mr. McDaniel stated we could send a letter that we do not oppose it as long as it meets the Zoning criteria and Mr. Keller added that we have done that before.

UPDATE 2018 ROAD PROGRAM

Mr. McDaniel stated that the contractor stated the application was submitted last Wednesday for the detour plan but his information is that it was submitted Friday but there is no information on how long it will take and he added that the County could come back and say

they need more documentation. Mr. Frank stated that the County just closed one of our Township roads without our approval and Mr. Keller added that he required a detour plan if they are going to close the road and they opened the road back up and just closed one lane. Mr. Frank expressed frustration that we can't work on our roads without the Counties approval. Mr. McDaniel asked if we are aware of that or is this information we are receiving from the contractor and Mr. Keller responded the Engineer was aware of this new process as well.

Mr. McDaniel asked about Folwell Station Rd. and Mr. Keller responded that the trees are down but the Engineer is not ready to bid the project.

Mr. Sobotka asked about the trees on Juliustown –Georgetown Road and whether they will be removed and Mr. Keller responded that the Township does not have the budget to remove all the dead trees in the Township. Mr. Sobotka added that the County was requiring approvals that would have been costly for the Veterinary Clinic that wanted to go on Monmouth Rd so they moved to Eastampton.

RESOLUTIONS

Motion made by Mr. Sobotka and seconded by Mr. Frank to approve Resolution No. 2018-08-02. All were in favor. Motion carried.

TOWNSHIP OF SPRINGFIELD RESOLUTION 2018-08-02

A RESOLUTION CANCELING TAXES ON PROPERTY OWNED BY A TOTALLY DISABLED VETERAN.

WHEREAS, LEXI HOLMES is the owner and resident of **1130 JACKS SMITH ROAD, Block 701, Lot 26.01** as of January 1, 2018; and,

WHEREAS, LEXI HOLMES has applied for property tax exemption as a Totally Disabled Veteran pursuant to NJSA 54:3.30 et seq.; and,

WHEREAS, LEXI HOLMES has been certified by the Veterans Affairs to wartime service-connected disability of 100%.

WHEREAS, the Tax Assessor has reviewed the said application and found it to be satisfactory.

NOW THEREFORE BE IT RESOLVED, the 2018 taxes should be canceled as of the date of JANUARY 1, 2018.

NOW THEREFORE BE IT RESOLVED, by the Springfield Township Council that the Tax Collector is hereby authorized to cancel **ALL 2018 and preliminary 2019 taxes and REFUND THE 1ST & 2ND QUARTER THAT HAVE ALREADY BEEN PAID IN THE AMOUNT OF \$5,271.17** for Lot 26.01 in the Block 701 and that a certified copy of this resolution shall be forwarded to the CFO, Tax Assessor and Tax Collector.

PUBLIC COMMENT

Hearing no one for public comment, Mr. Frank made a motion seconded by Mr. Sobotka to close public comment. All were in favor. Motion carried.

Mr. Frank made a motion seconded by Mr. Hlubik to approve Resolution No. 2018-08-03 for the purpose of discussing matters of attorney-client privilege. All were in favor. Motion carried. Council entered executive session at 8:44 PM. It was stated that action may be taken upon return to public session.

**SPRINGFIELD TOWNSHIP
RESOLUTION 2018-08-03**

**RESOLUTION PROVIDING FOR A MEETING NOT OPEN
TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS
OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12**

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting, and

WHEREAS, the Governing Body of Springfield Township has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of Springfield Township will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12:

_____ Any matter which, by express provision of Federal Law, State Statute or Rule of Court shall be rendered confidential or excluded from discussion in public (Provision relied upon: _____);

_____ Any matter in which the release of information would impair a right to receive funds from the federal government;

_____ Any matter the disclosure of which constitutes an unwarranted invasion of individual privacy;

_____ Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body (Specify contract: _____);

_____ Any matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;

_____ Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____ Any investigations of violations or possible violations of the law;

 X Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer (If pending or anticipated litigation, the matter is:) (If _____ contract negotiation the nature of the contract and interested party is:)

Under certain circumstances, if public disclosure of the matter would have a potentially negative impact on the Township's position in the litigation or negotiation, this information may be withheld until such time that the matter is concluded or the circumstances no longer present a potential impact);

_____ Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting (Subject to the balancing of the public's interest and the employee's privacy rights under *South Jersey Publishing*, 124 N.J. 478, the employee(s) and nature of discussion is: interview Township Engineer candidates) ;

_____ Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility;

BE IT FURTHER RESOLVED that the Township Council hereby declares that its discussion of the aforementioned subject(s) may be made public at a time when the Township Attorney advises the Township Council that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Township or any other entity with respect to said discussion. That time is currently estimated as the time of said matter. (Estimated date: upon authorization by the Township Solicitor) or upon the occurrence of Litigation resolved);

BE IT FURTHER RESOLVED that the Township Council, for the aforementioned reasons, hereby declares that the public is excluded from the portion of the meeting during which the above discussion shall take place and hereby directs the Township Clerk to take the appropriate action to effectuate the terms of this resolution.

Council returned to public session at 9:16 PM and public was welcomed back into attendance.

Mr. Frank made a motion seconded by Mr. Sobotka to adjourn the meeting. The meeting was adjourned at 9:16 PM. All were in favor.

Respectfully submitted,

Patricia A. Clayton
Township Clerk