

REGULAR MEETING
MAYOR AND COUNCIL
MAY 22, 2023

Mayor Chegwidden called the Meeting to Order

Mayor Chegwidden read the Open Public Meeting Statement

Mayor Chegwidden requested Roll Call:

Council President Binkoski-Present
Councilwoman Hayes- Present
Councilman Norton- Present
Councilwoman Vasquez- Present
Councilwoman Wickenheisser- Present
Councilman Yeager- Present

Also in attendance were Administrator Joseph Kovalcik Jr., Attorney Roman Hirniak, and Borough Clerk Gabrielle Evangelista.

Flag Salute

Mayor Chegwidden led those in attendance with the salute to the American Flag.

Presentation

- Mayor Chegwidden presented Sgt. Gillen, Sgt. Ornelas, and Ofc. Daugherty with a Certificate of Recognition from the Mayor’s Office. Chief Young advised that in March they responded to a call for someone choking and performed CPR, helping to save the person’s life. Everyone in attendance thanked and congratulated them.
- Mayor Chegwidden presented Joseph Gonzalez with a Certificate of Recognition from the Mayor’s Office. Chief Young advised that recently while at a park in town Mr. Gonzalez saved someone from harming themselves, called 911, and kept the person as safe as possible until emergency services arrived. Everyone in attendance thanked and congratulated him.

Open to the Public

Mayor Chegwidden opened the meeting to the public.

No one wishing to be heard, Mayor Chegwidden closed the meeting to the public.

Resolution

Councilman Yeager introduced R-85-23, “Resolution Authorizing the Appointment of Police Sergeants.”

A motion was made by Councilman Yeager and was seconded by Council President Binkoski to adopt R-85-23.

ROLL CALL VOTE: YEA: 6	NAY: 0	ABSENT: 0	ABSTAIN: 0
			MOTION CARRIED

Presentation

- Ascend- Representatives from Ascend Wellness Holdings made a presentation about their cannabis business. They are hoping to open a dispensary for both medical and recreational in Wharton on Route 15. They explained that they currently operate 31 dispensaries in 7 States including 3

retail locations in New Jersey. They are interested in this location because it is accessible to highways, hits an underserved area, and the parking is already sufficient for their needs. They explained their security process and that they work closely with the local Police Departments. They try to hire locally, work on community engagement, and work to provide education if necessary. The municipality would be entitled to 2% of revenues through the excise tax. The average dispensary in New Jersey has run rate of \$23 million per year which equals \$460,000 in tax revenue. Throughout the presentation multiple Councilpeople asked questions about items including:

- employee background checks- they have a federal background check that is renewed yearly
- disturbances- they have experienced very little at their other locations, approximately 2 in 2 and a half years at all 3 stores
- start up traffic- they tend to have little traffic back up as they move people in and out in 15 minutes
- square footage of the location- this one would be about 45% larger than one of their locations and 40% smaller than another
- impact on Police Department- it should be almost nothing, the Police Chief in Rochelle Park is a big advocate for them. Chief Young advised that he met with that Chief and the officer working at that location and they advised that things run smoothly and the security is good. They have never had an issue.
- do they use local detail- Chief Young advised that yes, they do and the department can support it. This is 100% paid by Ascend, not the Borough
- why they are leaving their current location in Montclair- that location is downtown and the area is oversaturated, this move would address both issues
- is there any potential odor- no, they have strong air filters inside and all product in the retail locations is sealed and consumption on the premises is not permitted
- is there a purchase limit- yes, they follow all State regulations and the majority of their customers don't come anywhere near the limit. They have a strong relationship with the State regulators

Mayor Chegwidden opened the meeting to the public if anyone in the audience had any questions.

No one wishing to be heard, Mayor Chegwidden closed the meeting to the public.

For Discussion and Possible Action

- **Ordinance for Land Use and Development, to allow the operation of a Medical Cannabis Dispensary and Cannabis Retailer:** The discussion from the presentation continued about the ordinance change that would be necessary should the Council decide to do so. During this discussion additional questions from the Council included:
 - what would happen if something changes- Mr. Hirniak advised that they have to comply with the Ordinance so nothing could change outside of that
 - is there local authority besides the State regulators- they work closely with whoever is necessary
 - how long have they been operating and if it's a short time that's not long to see what issues have arisen- they have been in Montclair since 2020 for medical and 2022 for recreational. They do have longer experience from the other States that they operate in.

Following the discussion, Councilwoman Hayes introduced and made a motion to approve O-11-23, "An Ordinance by the Borough of Wharton, County of Morris, New Jersey, to Amend Chapter 165, 'Land Use and Development,' to Allow the Operation of a Medical Cannabis Dispensary and

Cannabis Retailer,” on first reading by title only. This motion was seconded by Councilman Yeager.

ROLL CALL VOTE: YEA: 4	NAY: 2-Binkoski, Wickenheisser
ABSENT: 0	ABSTAIN: 0
MOTION CARRIED	

Mayor Chegwidden set the date of June 26, 2023 for second and final reading.

Ordinance

Councilwoman Hayes presented O-10-23, “To Amend Ordinance O-03-20 to Provide for Water Capital Projects Enumerated Within for the Borough of Wharton, County of Morris and to Provide for the Funding Thereof” on second reading, by title only.

Mayor Chegwidden opened the meeting to the public for questions or comments on this ordinance only.

Mayor Chegwidden closed the meeting to the public.

A motion was made by Councilwoman Hayes and was seconded by Councilman Yeager to adopt O-10-23 on second and final reading.

ROLL CALL VOTE: YEA: 6	NAY: 0	ABSENT: 0	ABSTAIN: 0
MOTION CARRIED			

Resolution

Councilman Yeager introduced R-86-23, “Resolution Authorizing Cancellation of Improvement Authorization Balance.”

A motion was made by Councilman Yeager and was seconded by Councilman Norton to adopt R-86-23.

ROLL CALL VOTE: YEA: 6	NAY: 0	ABSENT: 0	ABSTAIN: 0
MOTION CARRIED			

Resolution:

Councilwoman Hayes introduced R-87-23 “Resolution to Amend Capital Budget.”

A motion was made by Councilwoman Hayes and was seconded by Councilman Yeager to adopt R-87-23.

ROLL CALL VOTE: YEA: 6	NAY: 0	ABSENT: 0	ABSTAIN: 0
MOTION CARRIED			

Ordinance:

Councilman Yeager introduced O-12-23, “An Ordinance to Provide for Purchase of Land and Real Property Enumerated within for the Borough of Wharton, County of Morris, State of New Jersey” on first reading by title only.

A motion was made by Councilman Yeager and was seconded by Councilwoman Hayes adopt O-12-23 on first reading.

ROLL CALL VOTE: YEA: 6	NAY: 0	ABSENT: 0	ABSTAIN: 0
MOTION CARRIED			

Mayor Chegwidden set the date of June 12, 2023 for second and final reading.

Consent Agenda

The following items are considered to be routine and non-controversial by the Mayor and Council and are approved by one motion. There is no separate discussion of these items unless a council member or citizen so requests, in which case, the item is removed from the Consent Agenda and considered in a normal sequence on the agenda.

<p>Approval of Bills: Approve all bills referred to the Finance Committee</p> <p>R-88-23: Cancellation of Grant Balance R-89-23: Setting of a Payment Plan for a municipally held lien</p> <p>A motion was made by Council President Binkoski which was seconded by Councilwoman Hayes to approve all of the items on the Consent Agenda.</p> <p>ROLL CALL VOTE: YEA: 6 NAY: 0 ABSENT: 0 ABSTAIN: 0</p> <p style="text-align: right;">MOTION CARRIED</p>
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Correspondence

- None

Council Reports

Council President Binkoski: They started looking for potential sites for a permanent electronic sign as discussed at the last meeting. They have identified 2 options and will continue looking into it.

Councilwoman Hayes: No report

Councilman Norton: He attended the dedication of the Wharton Public Schools walking path to their late Board Member Wayne Schiele. It was a very nice event and the dedication to Mr. Schiele was well deserved.

Councilwoman Vasquez: She would like to remind everyone that the Library has computers for rental. All you need is a Library Card to rent one. The Library also recently hosted a CPR and AED training.

Councilwoman Wickenheisser: No report

Councilman Yeager: Congratulations to all of the graduating students.

Mayor Chegwiddden's Report: He also attended the dedication of the walking path. It was a very nice ceremony and agrees with Councilman Norton that Mr. Schiele did a lot for the community. He met with the American Legion about the new park and they will be meeting again soon. He had his car washed at the 8th grade car wash. He attended the pancake breakfast at the Library. Miss Kim does a fantastic job with the children there. It is a busy weekend coming up with the next concert on Friday and the Memorial Day Parade and Ceremony on Monday.

Open to the Public

Mayor Chegwiddden opened the meeting to the public.

No one wishing to be heard, Mayor Chegwiddden closed the meeting to the public.

Closed Session

Council President Binkoski introduced R-90-23 to close the meeting to the public for discussion on Contracts.

A motion was made by Council President Binkoski and was seconded by Councilwoman Hayes to approve R-90-23. This motion was approved via voice vote.

A motion was made by Council President Binkoski and was seconded by Councilman Yeager to return to open session. This motion was approved via voice vote.

Adjournment

A motion was made by Council President Binkoski and was seconded by Councilman Yeager to close the meeting. This motion was approved via voice vote.

May 22, 2023

BOROUGH OF WHARTON

ATTEST:

**_____
WILLIAM J. CHEGWIDDEN,
MAYOR**

**_____
Gabrielle Evangelista,
Borough Clerk**