

January 30, 2018
Tuesday, 10:00 p.m.

MINUTES

Chairman Robert H. Rohner, Jr. called the meeting to order at 10:00 a.m. Also present were Richard C. Vollmer, Vice Chairman, Theresa Laino, Supervisor. Donald Karpowich, Township Solicitor and MaryAnn Conza, Assistant Sec/Treas. Absent: Jon Tresslar, P.E.

PUBLIC COMMENTS: None.

APPROVE THE MINUTES OF JANUARY 23, 2018:

Motion made by Mr. Vollmer and second by Ms. Laino to approve the minutes of January 23, 2018 as presented. Unanimous.

APPROVE THE PAYMENT OF THE BILLS ON LIST #1, LIST #2 AND THE TRANSFERS AS PRESENTED:

Motion made by Mr. Vollmer and second by Ms. Laino to approve the payment of the bills on List #1, List #2 and the transfers as presented. Unanimous.

PUBLIC HEARING: PROPOSED ORDINANCE No. 134 – MEDICAL MARIJUANA DISPENSARIES AND MEDICAL MARIJUANA GROWER / PROCESSORS:

Attorney Karpowich reviewed the proposed Ordinance No. 134. The Lehman Township Zoning Ordinance will be amended to allow for medical marijuana uses, specifically growing, processing, transport vehicle service and dispensaries and will provide supplemental regulations for each type of use. It will allow medical marijuana dispensaries, by conditional use, in the General Commercial and the Village Commercial zones. It allows medical marijuana growing and processing, by conditional use, in the Industrial zone only. A copy of Ordinance No. 134 is on file.

Mr. Witkowski questioned what areas are specifically involved?

Attorney Karpowich answered that we are allowing medical marijuana dispensaries, by conditional use, in the Village Commercial Zone and the General Commercial Zone. Medical marijuana growing and processing, by conditional use, in the Industrial Zone.

Mr. Vollmer asked if medical marijuana can be processed and dispensed on the same piece of property?

Attorney Karpowich responded that the processing and dispensing are allowed in different zones, therefore, cannot be done on the same piece of property.

There are supplemental regulation for each:

- Dispensary must be registered by the Department of Health and possess a valid medical marijuana permit also from the Department of Health.
- A medical marijuana dispensary shall only dispense medical marijuana in an indoor, enclosed, permanent, and secure building.

- A medical marijuana dispensary shall not operate on the same site as a facility used for growing and processing medical marijuana.
- A medical marijuana dispensary shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing medical marijuana.
- Hours of operation shall be 8 a.m. to 8 p.m.
- A medical marijuana dispensary shall be a maximum of 3,000 gross square feet, of which no more than 500 square feet shall be used for secure storage of products and shall have an interior customer waiting area equal to a minimum of twenty-five (25%) per cent of the gross floor area.
- A medical marijuana dispensary shall not have a drive through service; not have outdoor seating areas; not have outdoor vending machines; prohibit the administering of or consumption of the product on the premises, and not offer direct or home delivery service.
- A medical marijuana dispensary shall only dispense medical marijuana to certified patients and caregivers as defined in the definitions and are consistent with State law.
- Loading and off-loading areas within the structure are preferred.
- Said medical marijuana transport vehicle service shall abide by all other requirements of the zone.
- A medical marijuana facility shall not be located within 500 feet of the property line of a public, private or parochial school; day-care center; playground, park, church, library, camp or amusement park.

Mr. Witkowski asked if the set back of 500 feet is consistent with the current set backs and would it prevent development?

Attorney Karpowich stated that the planning commission took into consideration that the use could be developed within the township.

Mr. Witkowski asked if there are any other municipalities who have adopted an ordinance for medical marijuana.

None that we are aware of.

Ms. Laino asked if the Department of Justice can go after medical marijuana operators?

Attorney Karpowich responded that marijuana is illegal at the Federal level and it would be up to Congress to change the legal status. For purposes of what we are doing, Pennsylvania legalized it for medical purposes only with certain guidelines that are implemented through the Department of Health and we drafted an ordinance that will allow those uses in certain zoning districts within the township, which is within our right, subject to the supplement regulations that the Department of Health set forth how a medical marijuana grower, processor and dispensary operates. We don't have the right to regulate the operation, only the location because we are pre-empted by State law from regulating the operation. Most of these areas within the proposed ordinance, regarding operation, come right out of the Department of Health's guidelines. The Department of Health is the agency that issues the licenses.

Matthew Jacobson asked what is the procedure to receive a permit for this type of facility?

Attorney Karpowich responded that they would have to make out an application. The Zoning Officer would then deny it because it requires conditional use approval. They would then file an appeal and

request a hearing to conditionally allow the operation to grow and process in the Industrial zone and/or dispense in the Village Commercial or General Commercial zones.

Mr. Witkowski asked if a facility is already established and a church wants to build within the 500 foot set back, will the church be denied.

Attorney Karpowich stated that it does not work in the reverse. The church will be allowed to go there because the medical marijuana facility has already been established.

Motion made by Mr. Vollmer and second by Ms. Laino to adjourn the Public Hearing at 10:18 a.m. and return to the regular meeting. Unanimous.

ADOPTION OF ORDINANCE NO. 134 – MEDICAL MARIJUANA DISPENSARIES AND MEDICAL MARIJUANA GROWER / PROCESSORS:

Motion made by Ms. Laino and second by Mr. Rohner to adopt Ordinance No. 134 – Medical Marijuana Dispensaries and Medical Marijuana Grower / Processors. Unanimous.

OLD BUSINESS:

None.

NEW BUSINESS:

1. APPROVE VETERAN’S EXEMPTION FROM REAL PROPERTY TAX – MICHAEL SANTILLO

Motion made by Mr. Vollmer and second by Ms. Laino to approve Veteran’s exemption from real property tax – Michael Santillo. Unanimous.

2. APPROVE A DONATION TO DELAWARE TOWNSHIP AMBULANCE CORP

As per Monroe County Control Center, in 2017 Delaware Township Ambulance Corp responded to 21 calls in Lehman Township. Motion made by Mr. Vollmer and second by Ms. Laino to donate \$2,500 to the Delaware Township Ambulance Corp, from the Emergency Services fund. Unanimous.

3. APPROVE THE 2018 FIRE POLICE LIST, CONDITIONAL UPON THE RECEIPT OF THE AFFIDAVITS

Motion made by Mr. Rohner and second by Mr. Vollmer to approve the 2018 Fire Police list, conditional upon receipt of the affidavits. Unanimous.

4. REQUEST OF DAVID HENON TO USE THE COMMUNITY PARK FOR FREE DOG TRAINING ON SATURDAY, MARCH 10TH, TIME TO BE DETERMINED

Motion made by Mr. Vollmer and second by Ms. Laino to approve the request of David Henon to use the Community Park for free dog training on Saturday, March 10th, time to be determined. Unanimous.

MISCELLANEOUS:

1. THE ZONING HEARING BOARD WILL CONDUCT A HEARING ON WEDNESDAY, FEBRUARY 14TH AT 4:30 P.M. FOR KIRKLAND VENTURES HOLDING,LLC FOR THEIR PROPERTY AT 3130 DELAWARE CIRCLE IN SAW CREEK ESTATES
2. THE SUPERVISORS WILL CONDUCT A DANGEROUS STRUCTURE HEARING ON TUESDAY, FEBRUARY 27TH AT 7:00 P.M. THE PROPERTY IS LOCATED AT 4115 BEAR CUB COURT IN POCONO RANCLANDS, AND IS OWNED BY JAMES MAZZONE

PUBLIC WORKS DIRECTOR / ROADMASTER:

Tim Rohner, Public Works Director/Roadmaster reported work being done on trucks and equipment, working on office in shop area, broomed township roads north of township. Installed new Church Lane and Bushkill Falls Road signs. Filled pot holes on Minks Pond Road, Section 5A, Sunset Lake Road and Brisco Mountain Road. Installed new brushes on broom. Picked trash on Church Lane, Creek Road, Winona Falls Road, Timothy Lake and Sugar Mountain Roads. Dog training on Saturday at the Park went well with about twenty people attending. Caretaker James worked the event. Repairs done to truck #920.

ROAD TASK FORCE REPORT:

No report.

POCONO MOUNTAIN COG REPORT:

Ms. Laino reported this was their first meeting of the year. Guest speaker from United Way of Monroe County, Michael Albert. reported that they are setting up more programs for children, such as a latch key program, lunch and breakfast programs. Pocono Mountain COG voted to change the May meeting to May 21st.

ADJOURNMENT:

Motion made by Mr. Rohner and second by Ms. Laino to adjourn the meeting at 10:30 a.m. and move to an Executive Meeting concerning litigation and personnel.

Respectfully submitted,

Mary Ann Couza
Assistant Secretary