

COUNCIL MINUTES

TOWNSHIP OF PARSIPPANY-TROY HILLS REGULAR TOWNSHIP COUNCIL MEETING OF JULY 20, 2021

I. INTRODUCTION

Meeting was called to order at 7:00 pm by Municipal Clerk Khaled who read the following statement into the record:

Adequate notice of this meeting has been provided in accordance with the requirements of the Open Public Meetings Law by filing the notice in the Office of the Township Clerk and by posting the meeting notice on the bulletin board at the Municipal Building on December 18, 2020 where it has remained posted since that date. A legal notice appeared in the Daily Record and the Newark Star Ledger on December 22, 2020 and was forwarded by fax to other local newspapers on December 18, 2020.

A flag salute occurred followed by roll call with the following answering roll call; Council President Carifi, Council member dePierro, Council member Gragnani, Council member McCarthy and Councilmember Peterson. Other members of the administration present at the meeting; Business Administrator Frederick Carr, Township Attorney James Lott, Township Clerk Khaled Madin

D. UPCOMING MEETINGS:

1. 8/7/21 @ 7:00 p.m. Agenda Meeting
2. 8/17/21 @ 7:00 p.m. Regular Meeting

E. APPROVAL OF MINUTES

II. PRESENTATION(S)/REPORTS

A. MAYOR – thanked ONYX properties for taking care of the entire bill for the fireworks. Mayor Soriano presented a proclamation to the Islamic Cultural Community Center honoring Eid al-Adha. The moratorium on enforcing the plastic bag ban is over and will begin to be enforced on September 8, 2021. Mayor Soriano stated that he submitted a budget to the Council, reductions have been made throughout the entire budget with increases in revenues after considerable dialogue with DCA. The DCA is cognizant of the budgetary issues and have authorized the cancellation of appropriation reserves to balance the budget. The budget is balanced and we are introducing a tax increase of 2.15%.

B. TOWNSHIP COUNCIL – Mr. dePierro stated that the donations that the Mayor stated are a big deal and we need to thank the companies for their donations. Mr. dePierro stated that he is not accepting the budget until it is certified by the auditor. Ms. McCarthy inquired if the Annual Financial Statement has been submitted to the State. Mr. Uribe answered in the affirmative. Ms. McCarthy asked when we will receive copies of the budget, and Mr. Carr stated that they already received the budget

and the corrected pages of the budget are in the agenda folders presented to Council tonight. Mr. dePierro stated he will not be looking at the budget until the auditor certifies the budget. Mr. Lott clarified the budget process according to the law; Mr. Lott stated that the Mayor has the obligation to present the budget to the Council, there is no requirement to have the budget certified by the auditor, the obligation of Council is to introduce the budget and if they want the auditor to certify it they can. Mr. dePierro stated that he questions Mr. Lott's opinion as that is the way he has done it for 40 years.

C. TOWNSHIP ATTORNEY – no report

D. BUSINESS ADMINISTRATOR

1. Overview by Donnelly Energy Solutions the BPU Direct Install Contractor

E. TOWNSHIP CLERK – no report

F. TOWNSHIP OFFICES COMMITTEES/REPORTS – no report

G. CORRESPONDENCE – none

III. BIDS

A. Taken

1. 6/10/21 – Various Parks Court Resurfacing/Renovation Projects for Parsippany Parks Department – Rebid

3. 6/22/21 – Operation of Catering/Banquet, Restaurant and Tee House Facilities and Provision of Related Services at Knoll Country Club – Rebid

6/23/21 – Route 10 Water Tank Painting and Rehabilitation

B. To Be Taken

None

C. Quotation(s)/Proposal(s)/Qualification(s)

None

IV. PUBLIC HEARING FOR NJDEP GREEN ACRES GRANT APPLICATION

Mr. Madin entertained a motion to open the meeting to the public to speak on any topic, noting a five-minute time limit per speaker. A motion was made by Council Member Carifi, seconded by Council Member Peterson followed by a roll call with all the Council Members answering Yes

No one came forward to speak.

Seeing no one else come forward to speak, Mr. Madin entertained a motion to close the public hearing. A motion to close the public hearing was made by Council Member Carifi, and seconded Council Member Peterson followed by a Roll Call with all the Council Members answering Yes

V. PUBLIC HEARING FOR MC OPEN SPACE GRANT APPLICATION

Mr. Madin entertained a motion to open the meeting to the public to speak on any topic, noting a five-minute time limit per speaker. A motion was made by Council Member Carifi, seconded by Council Member Peterson followed by a roll call with all the Council Members answering Yes

No one came forward to speak.

Seeing no one else come forward to speak, Mr. Madin entertained a motion to close the public hearing. A motion to close the public hearing was made by Council Member Carifi, and seconded Council Member Peterson followed by a Roll Call with all the Council Members answering Yes

VI. PUBLIC HEARING

Mr. Madin entertained a motion to open the meeting to the public to speak on any topic, noting a five-minute time limit per speaker. A motion was made by Council Member Carifi, seconded by Council Member Peterson followed by a roll call with all the Council Members answering Yes

Edna Rodda, expressed her concern regarding the cannabis ordinance and the potential location of a cannabis facility within her area.

Mary Purzycki, expressed her concern regarding the cannabis ordinance; Ms. Purzycki stated that these types of business will bring on more traffic especially truck traffic and that will be doing a hardship to people that live there.

Bob Venezia, discussed the proposed development behind St. Christopher's Church. Mr. Venezia recommended the Township along with the BOE make an offer to purchase that property.

James Barberio, inquired about the special master; Mr. Barberio stated that the Mayor alluded to the fact that appropriations were cancelled. Mr. Barberio stated that by cancelling the appropriations it will have to be raised next year. Mr. Barberio stated that in 2014 he created the Finance Committee for a reason and it was not properly utilized and if it was the Council would have had that budget already.

Seeing no one else come forward to speak, Mr. Madin entertained a motion to close the public hearing. A motion to close the public hearing was made by Council Member Carifi, and seconded Council Member Peterson followed by a Roll Call with all the Council Members answering Yes

VII. ORDINANCES

A. INTRODUCTION

None

B. SECOND READING & PUBLIC HEARING

1. ORDINANCE 2021:13

AMENDING AND SUPPLEMENTING CHAPTER A445, FEES COMPILATION, OF THE CODE

WHEREAS, N.J.S.A. 54:4-64 authorizes a municipality to issue duplicate copies of property tax bills to certain entities and to enact an ordinance charging a fee therefor; and

WHEREAS, the Township finds that it is in the best interest of the Township to revise the fee provisions of the Township Code to incorporate the fees permitted by N.J.S.A. **54:4-64**.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Township of Parsippany-Troy Hills, Morris County, New Jersey as follows:

SECTION 1. Chapter A445, FEES COMPILATION, §A445-13, Copies, of the Township Code of the Township of Parsippany-Troy Hills is hereby amended as follows (additions are underlined, and deletions are crossed out):

Add new Subsection (D).

(D) (Reserved): Copies of property tax bill

If a mortgagee, servicing organization, or property tax processing organization requests a duplicate copy of a tax bill, the Township Tax Collector shall issue a duplicate copy and shall charge the following:

- (1) \$5 for the first duplicate copy;
- (2) \$25 for each subsequent duplicate copy of the same tax bill in the same fiscal year.

SECTION 2. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

SECTION 3. All ordinances or parts of ordinances of the Township of Parsippany-Troy Hills heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This Ordinance shall take effect immediately upon its final passage, approval and publication as provided by law.

The Notice for Ordinance 2021:13 was published in the *Daily Record*, the official newspaper of the Township of Parsippany-Troy Hills on June 23, 2021 and introduced at the June 15, 2021 Regular Meeting.

Motion to accept Ordinance 2021:13, be heard in their second and final reading by title only, by Ms. McCarthy, seconded by Ms. Peterson.

ROLL CALL – YES- Mr. Carifi, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. dePierro.

a. PUBLIC HEARING

Motion to open the public hearing for Ordinance 2021:13 by Ms. McCarthy, seconded by Ms. Peterson.

ROLL CALL – YES- Mr. Carifi, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. dePierro

No one came forward for the public hearing.

Motion to close the public hearing for Ordinance 2021:13 by Ms. McCarthy, seconded by Ms. Peterson.

ROLL CALL – YES- Mr. Carifi, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. dePierro

WHEREAS, the above ordinance was read in title on second reading and a hearing held thereon;

NOW, THEREFORE, BE IT RESOLVED that said ordinance be passed on final reading and that Notice of Final Passage of said ordinance be published in the newspaper according to law.

Motion to approve the Resolution above for Ordinance 2021:13 by Ms. McCarthy, seconded by Ms. Peterson.

ROLL CALL – YES- Mr. Carifi, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. dePierro

2. **ORDINANCE 2021:14**

ESTABLISHING CHAPTER 77 RELATED TO CANNABIS REGULATION AND AMENDING CHAPTER 430, ZONING, TO CONDITIONALLY PERMIT CERTAIN CANNABIS ESTABLISHMENTS IN DESIGNATED ZONE DISTRICTS

WHEREAS, in 2020, New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of cannabis by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six classes of licenses for cannabis establishments, including, relevant here, a Class 3 Cannabis Wholesaler license for facilities involved in obtaining and selling cannabis items for later resale by other licensees and a Class 4 Cannabis Distributor license for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another; and

WHEREAS, Section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments as well as the location, manner and hours of operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, the Mayor and Township Council have determined that it is appropriate to permit a limited number of Class 3 Cannabis Wholesaler licenses and Class 4 Cannabis Distributor licenses to operate in designated zone districts in the Township, subject to sensible regulations to regulate such licensees in a responsible manner to protect the health, safety and welfare of the residents of the Township and to enforce rules and regulations consistent with State law.

NOW THEREFORE, BE IT ORDAINED, by the Council of the Township of Parsippany-Troy Hills, Morris County, New Jersey, as follows:

Section 1. The Township Ordinance is amended to establish Chapter 77, Cannabis Regulation, as follows:

§ 77-1 Purpose.

This Chapter is authorized pursuant to the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act”, P.L. 2021, c.016, and the implementing regulations promulgated by the Cannabis Regulatory Commission (collectively, the “Act”), which are hereby incorporated herein by reference, and shall be controlling unless more restrictive standards are prescribed herein. If any provision of this Chapter is inconsistent with the statutes and/or regulations of the State of New Jersey, the Act shall govern.

§77-2 Definitions.

For the purposes of this Chapter, all terms shall be defined consistent with the Act. The following terms shall have the meanings indicated:

“Cannabis Wholesaler” means any State-regulated person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers. This person or entity shall hold a Class 3 Cannabis Wholesaler license issued by the CRC or other entity with regulatory jurisdiction over adult-use cannabis.

“Cannabis Distributor” means any State-regulated person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities. This person or entity shall hold a Class 4 Cannabis Distributor license issued by the CRC or other entity with regulatory jurisdiction over adult-use cannabis.

“Cannabis Establishment” means any State-regulated Cannabis Wholesaler or Cannabis Distributor.

“Permitting Authority” means the Cannabis Regulatory Commission (“CRC”), established pursuant to Section 31 of P.L. 2019, c. 307 (C. 24:61-24) or other entity with regulatory jurisdiction over adult-use cannabis.

§77-3 Local Licensing Authority.

- A. A local license shall be required to operate a Cannabis Establishment in the Township. The Township Clerk is hereby designated to act as the local licensing authority for the Township for all Cannabis Establishments.
- B. Under no circumstances shall the Township Clerk receive or act upon any application for local licensing of a Cannabis Establishment if the Permitting Authority has not issued the appropriate State license. It is the intent of this Chapter that no Cannabis Establishment may lawfully operate in the Township absent the issuance of the appropriate State license and full regulatory oversight of the Cannabis Establishment by the Permitting Authority as well as that of the Township.
- C. Under no circumstances shall the Township Clerk receive or act upon any application for local licensing of a Cannabis Establishment unless or until the applicant has obtained the appropriate zoning approval from the Township land use board with jurisdiction over the application and a Certificate of Zoning Compliance has been issued by the Zoning Officer.
- D. The Township Clerk, or his/her designee, shall be authorized to establish rules and regulations consistent with the intent of this Chapter.

§77-4 Local Licensing Application

Persons wishing to obtain a local license for a Cannabis Establishment shall file a license application with the Township Clerk, on a standardized form established by the Business Clerk and available in the Clerk’s office and on the Township’s website.

An application shall be deemed incomplete, and shall not be processed by the Township Clerk, until all documents and application fees are submitted. To be deemed complete, all applications shall be accompanied by the following:

- (1) The applicant shall submit proof of licensure by the Permitting Authority.
- (2) The applicant shall submit proof that the applicant has or will have lawful possession of the premises proposed for the Cannabis Establishment, which proof may consist of the following: a deed, a lease, a real estate contract contingent upon successful licensing, or a letter of intent from the owner of the premises indicating an intent to lease the premises to the applicant contingent upon approval of required licenses.
- (3) The location proposed for licensing by the applicant shall comply with all applicable Township zoning laws and the location restrictions set forth herein.

- (4) The applicant shall submit a nonrefundable application fee in the amount of \$1,000 or a nonrefundable annual renewal fee in the amount of \$500, as appropriate. The amount of the nonrefundable application or renewal fee may be modified from time to time by subsequent duly adopted resolution of the Township Council.
- (5) The applicant and the contents of the application shall otherwise comply with any and all qualification standards set forth in the State and local laws, regulations, or requirements.

§77-5 Term of License and License Renewals; Annual License Fee

- A. Any license shall be valid for a period of one year from January 1 in each year.
- B. The Township Clerk may, at his/her discretion, adjust the annual renewal date of the local license to correlate with an applicant's State licensing and renewal schedule.
- C. Upon renewal of a license, the licensee shall be governed by any amendments, additional restrictions, or changes in requirements adopted since the previous license was issued or renewed.
- D. Transfer of ownership of a license, change of location of any license, or modification to expand a licensed premise shall be treated as a new application, subject to Township land use review and approval.
- E. If the licensee has received notice of violation of any law or regulation relating to their State license, including disciplinary action against any past or current cannabis license, the applicant for renewal shall include a copy of the notice of violation or disciplinary action with their application.

§77-6 Permitted Licenses; Limitation on the Number of Licenses.

- A. A maximum of two (2) Class 3 Cannabis Wholesalers licenses shall be permitted to operate in the Township.
- B. A maximum of two (2) Class 4 Cannabis Distributors licenses shall be permitted to operate in the Township.
- C. Pursuant to Section 31b of the Act, all other classes of licensed cannabis businesses not expressly permitted herein, including Class 1 Cannabis Cultivator licenses, Class 2 Manufacturer licenses, Class 5 Cannabis Retailer licenses, and Class 6 Cannabis Delivery licenses, are hereby prohibited from operating anywhere in the Township, except for the delivery of cannabis items and related supplies by a delivery services.

§77-7 Location Restrictions.

- A. No building or structure associated with a Cannabis Establishment shall be located within 1,000 feet of any school property (including any property owned or leased by a public school board), or

within 500 feet of the real property comprising a public housing facility, public park, or public building, except for the Township Wastewater Treatment Plant located at Block 769, Lot 1 and the Sharkey Landfill Site located at Block 771, Lot 1 and Block 770, Lot 7.

- B. No Cannabis Establishment shall be located within 500 feet of a residential zone district boundary or commercial residential mixed-use zone district boundary.

§77-8 Hours of Operation.

All Cannabis Establishments shall limit their hours of operation from 6:00 a.m. to 10 p.m., Monday through Saturday.

§77-9 Enclosed Building.

All operations of a Cannabis Establishments shall occur within a single, or series of, completely enclosed buildings. No outdoor storage shall be permitted.

§77-10 Security and Reporting.

- A. There shall be at least two employees on continuous duty in any part of a Cannabis Establishment to which the public is invited.
- B. A Cannabis Establishment shall employ a security officer, or the premises shall have in operation a security device approved by the Chief of Police of the Township which may consist of a silent and/or audible burglar alarm connected to a central security monitoring system designed to activate police response, a closed circuit television connected to a central security monitoring system designed to activate police response, or such other device which can be activated instantaneously to notify law enforcement officers that a crime or disorderly person's activity is in progress.
- C. The Township Police Department shall be provided the name and phone number of a contact person to notify during suspicious activity during or after operating hours. Security staff is required on the premises during all hours of operation.
- D. A burglarproof drop safe that regulates an employee's access to cash shall be used on the premises.
- E. The exterior portion of a Cannabis Establishment, including parking areas, shall be well lit during business hours. Said lighting shall be designed so as to not unduly interfere with any neighbor's reasonable use and/or enjoyment of the property.
- F. Fencing, a minimum of six (6) feet in height, shall be installed around the loading and unloading area of the Cannabis Establishment.

- G. Security protocols shall be submitted to the Township Police Department for compliance review with all safety and security standards established by the State of Cannabis Establishments. The Township Police Department may, at their discretion and upon review of the proposed location, recommend or require additional safety and security measures.

§77-11 Storage of Products.

Marijuana plants, products, accessories, and associated paraphernalia shall not be visible from a public sidewalk, public street or right-of-way, or any other public place. On-site storage of usable marijuana shall comply with applicable federal, state and local laws and regulations.

§77-12 Limitations on Consumption or Smoking on Premises.

It shall be unlawful for any person 21 years of age or older to consume cannabis through means other than by smoking, vaping, or aerosolizing (e.g., edibles) in a public place, including any indoor public place as the term is defined in N.J.S.A. 26:3D-57.

§77-13 Prevention of emissions and disposal of materials.

- A. A Cannabis Establishment must provide sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the Cannabis Establishment. In the event that any debris, dust, fluids or other substances shall exit the business premises, the property owner and operator shall be jointly and severally responsible for the full cleanup immediately.
- B. A Cannabis Establishment shall properly dispose of all materials and other substances in a safe and sanitary manner in accordance with State regulations.
- C. A Cannabis Establishment must meet industry best practices for odor control.
- D. All State law and regulations concerning ventilation systems shall be followed.

§77-14 Transfer Tax

- A. In accordance with the Act, the cannabis transfer tax for the Township shall be one percent (1%) of the receipts from each sale by a Class 3 Cannabis Wholesaler.
- B. In accordance with the Act, the user tax for the Township shall be imposed at equivalent cannabis transfer tax rates on any concurrent license holder operating more than one (1) Cannabis Establishment in the Township.

- C. The transfer tax or user tax shall be collected or paid, and remitted to the Township by the Cannabis Establishment from the Cannabis Establishment purchasing or receiving the cannabis or cannabis item. The transfer tax or user tax shall be stated, charged, and shown separately on any sales slip, invoice, receipt, or other statement or memorandum of the price paid or payable, or equivalent value of the transfer, for the cannabis or cannabis item.
- D. Every Cannabis Establishment required to collect a transfer tax or user tax imposed by this Chapter shall be personally liable for the transfer tax or user tax imposed, collected, or required to be collected under this section. Any Cannabis Establishment shall have the same right with respect to collecting the transfer tax or user tax from another cannabis establishment as if the transfer tax or user tax was a part of the sale and payable at the same time, or with respect to non-payment of the transfer tax or user tax by the Cannabis Establishment, as if the transfer tax or user tax was a part of the purchase price of the cannabis or cannabis item, or equivalent value of the transfer of the cannabis or cannabis item, and payable at the same time; provided, however, that the chief fiscal officer of the Township shall be joined as a party in any action or proceeding brought to collect the transfer tax or user tax.
- E. No Cannabis Establishment required to collect a transfer tax or user tax imposed by this Chapter shall advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the transfer tax or user tax will not be separately charged and stated to another Cannabis Establishment, or that the transfer tax or user tax will be refunded to the Cannabis Establishment.
- F. All revenues collected from a transfer tax or user tax imposed by this Chapter shall be remitted to the chief financial officer of the Township in a manner prescribed by the Township. The chief financial officer shall collect and administer any transfer tax or user tax imposed by ordinance pursuant to this Chapter. The Township shall enforce the payment of delinquent taxes or transfer fees imposed by ordinance pursuant to this Chapter in the same manner as provided for municipal real property taxes.
- G. In the event that the transfer tax or user tax imposed by this Chapter is not paid as and when due by a Cannabis Establishment, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the Cannabis Establishment's premises in the same manner as all other unpaid municipal taxes, fees, or other charges. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the municipal lien on the parcel for unpaid property taxes due and owing in the same year.
- H. The Township shall file in the office of its tax collector a statement showing the amount and due date of the unpaid balance and identifying the lot and block number of the parcel of real property that comprises the delinquent cannabis establishment's premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.

- I. The Township chief financial officer or his/her designee, shall be authorized to establish rules and regulations consistent with the intent of this Chapter regarding the collection and enforcement of the transfer tax.

§77-15 Compliance with Law.

A Cannabis Establishment shall comply with all applicable State and local laws and regulations.

§77-16 Revocation or Suspension of License

- A. The Township Clerk shall suspend or revoke any license if the corresponding State license for the subject location is expired, surrendered, suspended, or revoked.
- B. Where it is found that a licensee has engaged in a deliberate and willful violation of any applicable law or regulation, or that the public health, safety, and/or general welfare has been jeopardized and requires emergency action, the Township Clerk is authorized and empowered to immediately suspend any license or permit issued pursuant to this Chapter and order that the licensee cease all operations until such time as the violations are abated.
- C. Any person aggrieved by the action of the Township Clerk in the denial of an application for license or the decision with reference to the revocation or suspension of a license in accordance with this Chapter, shall have the right of appeal to the Business Administrator, or his/her designee. Such appeal shall be taken by filing with the Business Administrator, within 10 days of the action complained of, a written statement setting forth fully the grounds for the appeal. The Business Administrator, or his/her designee, may decide the matter on the papers or schedule a time and place for a hearing on such appeal. Notice of any such hearing shall be served upon the applicant/licensee (whichever is appropriate) or mailed, postage prepaid, to the applicant/licensee at the address given on the application for license in accordance with this Chapter, at least five days prior to the date set for said hearing. The decision and order of the Business Administrator, or his/her designee, on such appeal shall be final and conclusive.

§77-17 Violations and penalties.

Any person violating this Chapter shall be subject to the penalties set forth in Chapter 1, Article II, §1-17, Violations and penalties.

SECTION 2. Chapter 430, entitled “Zoning”, Sections 144, 165 and 173 related to conditional uses permitted in the SED-3, 3A, 5 and 5A, LIW-2 and LIW-5 Districts, respectively, be had hereby is amended as follows:

§ 430-144 Conditional Uses.

[Add new].

D. In the SED-3, 3A, 5 and 5A districts, a cannabis establishment associated with a Class 3 Cannabis Wholesaler license or Class 4 Cannabis Distributor license issued by the Cannabis Regulatory Commission, or agency with regulatory jurisdiction adult-use cannabis (“Cannabis Establishment” as defined by §77-2 of this Code), subject to compliance with the regulations set forth in Chapter 77, and the following requirements:

- (1) A Cannabis Establishment must have frontage on either an arterial or collector road as designated by the 2010 Functional Classification Map for Morris County prepared by the New Jersey Department of Transportation, dated April 20, 2017 and revised for the Urban Area dated February 28, 2017, as may be amended from time to time, or on the following local roads: Pomeroy Road, Wood Hollow Road, Webro Road, Joshua Mateo Highway;
- (2) Minimum lot size shall be the minimum lot size required in the zone district or 3 acres, whichever is greater;
- (3) Fences six (6) feet in height shall be permitted in the front yard. Fences shall otherwise comply with §430-11;
- (4) No advertising signs shall be located within twenty (20) feet of a public or private way and must be set back a minimum of twenty (20) feet from all property lines. All signs shall otherwise comply with §430-289;
- (5) No Cannabis Establishment shall be maintained or operated in a manner that causes, creates or allows the public viewing of cannabis, cannabis infused products or cannabis paraphernalia or similar products from any sidewalk, public or private right of way;
- (6) Unless otherwise specified herein, lots, buildings and structures shall meet all bulk standards applicable to industrial or manufacturing establishment or warehouse uses in the zone district; and
- (7) A Cannabis Establishment must be licensed by the Township, in accordance with Chapter 77 of this Code, and permitting authority with regulatory jurisdiction adult-use cannabis.

§ 430-165 Conditional Uses.

The following conditional uses shall be permitted: ~~none~~

[Add new].

A. A cannabis establishment associated with a Class 3 Cannabis Wholesaler license or Class 4 Cannabis Distributor license issued by the permitting authority with regulatory jurisdiction adult-use cannabis (“Cannabis Establishment” as defined by §77-2 of this Code), subject to compliance with the regulations set forth in Chapter 77, and the following requirements:

- (1) A Cannabis Establishment must have frontage on either an arterial or collector road as designated by the 2010 Functional Classification Map for Morris County prepared by the New Jersey Department of Transportation, dated April 20, 2017 and revised for the Urban Area dated February 28, 2017, as may be amended from time to time, or on the following local roads: Pomeroy Road, Wood Hollow Road, Webro Road, Joshua Mateo Highway;
- (2) Minimum lot size shall be the minimum lot size required in the zone district or 3 acres, whichever is greater;
- (3) Fences six (6) feet in height shall be permitted in the front yard. Fences shall otherwise comply with §430-11;
- (4) No advertising signs shall be located within twenty (20) feet of a public or private way and must be set back a minimum of twenty (20) feet from all property lines. All signs shall otherwise comply with §430-289;
- (5) No Cannabis Establishment shall be maintained or operated in a manner that causes, creates or allows the public viewing of cannabis, cannabis infused products or cannabis paraphernalia or similar products from any sidewalk, public or private right of way;
- (6) Unless otherwise specified herein, lots, buildings and structures shall meet all bulk standards applicable to industrial or manufacturing establishment or warehouse uses in the zone district; and
- (7) A Cannabis Establishment must be licensed by the Township, in accordance with Chapter 77 of this Code, and permitting authority with regulatory jurisdiction adult-use cannabis.

§ 430-173 Conditional Uses.

The following conditional uses shall be permitted:

[Add new].

- A. A cannabis establishment associated with a Class 3 Cannabis Wholesaler license or Class 4 Cannabis Distributor license issued by the permitting authority with regulatory jurisdiction adult-use cannabis (“Cannabis Establishment” as defined by §77-2 of this Code), subject to compliance with the regulations set forth in Chapter 77, and the following requirements:

- (1) A Cannabis Establishment must have frontage on either an arterial or collector road as designated by the 2010 Functional Classification Map for Morris County prepared by the New Jersey Department of Transportation, dated April 20, 2017 and revised for the Urban Area dated February 28, 2017, as may be amended from time to time, or on the following local roads: Pomeroy Road, Wood Hollow Road, Webro Road, Joshua Mateo Highway;
- (2) Minimum lot size shall be the minimum lot size required in the zone district or 3 acres, whichever is greater;
- (3) Fences six (6) feet in height shall be permitted in the front yard. Fences shall otherwise comply with §430-11;

Regular Meeting 7/20/21

- (4) No advertising signs shall be located within twenty (20) feet of a public or private way and must be set back a minimum of twenty (20) feet from all property lines. All signs shall otherwise comply with §430-289;
- (5) No Cannabis Establishment shall be maintained or operated in a manner that causes, creates or allows the public viewing of cannabis, cannabis infused products or cannabis paraphernalia or similar products from any sidewalk, public or private right of way;
- (6) Unless otherwise specified herein, lots, buildings and structures shall meet all bulk standards applicable to industrial or manufacturing establishment or warehouse uses in the zone district; and
- (7) A Cannabis Establishment must be licensed by the Township, in accordance with Chapter 77 of this Code, and permitting authority with regulatory jurisdiction adult-use cannabis.

SECTION 3. Any article, section, paragraph, subsection, clause, or other provision of the Code of the Township of Parsippany-Troy Hills inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

SECTION 5. This ordinance shall take effect upon its passage and publication, and filing with the Morris County Planning Board, and as otherwise provided for by law.

The Notice for Ordinance 2021:14 was published in the *Daily Record*, the official newspaper of the Township of Parsippany-Troy Hills on June 23, 2021 and introduced at the June 15, 2021 Regular Meeting.

Motion to accept Ordinance 2021:14, be heard in their second and final reading by title only, by Mr. Carifi, seconded by Ms. Peterson.

ROLL CALL – YES- Mr. Carifi, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. dePierro

Mr. Lott stated that he had some technical amendments to the ordinance and wanted Council to consider and vote on the amendments. Mr. Lott stated the amendments involve formatting, but the one change he will note is the recommendation from the Planning Board that we are only authorizing Class 3 & 4 and the rest of the classes are expressly prohibited. Mr. Carifi made a motion to accept the amendments, seconded by Ms. Peterson with all the Council responding in the affirmative.

a. PUBLIC HEARING

Motion to open the public hearing for Ordinance 2021:14 by Mr. Carifi, seconded by Ms. Peterson.

ROLL CALL – YES- Mr. Carifi, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. dePierro

Motion to close the public hearing for Ordinance 2021:14 by Mr. Carifi, seconded by Ms. Peterson.

ROLL CALL – YES- Mr. Carifi, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. dePierro

WHEREAS, the above ordinance was read in title on second reading and a hearing held thereon;

NOW, THEREFORE, BE IT RESOLVED that said ordinance be passed on final reading and that Notice of Final Passage of said ordinance be published in the newspaper according to law.

Motion to approve the Resolution above for Ordinance 2021:14 by Mr. Carifi, seconded by Ms. Peterson.

ROLL CALL – YES- Mr. Carifi, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. dePierro

VIII. NON-CONSENT AGENDA

A. RESOLUTIONS

1. **R2021-125 Authorizing the Mayor to Execute Deed Notices for Special Activity Redevelopment and Underground Utility Lines Permit and Freshwater Wetlands Letter of Interpretation from the NJ Department of Environmental Protection, Authorizing the Recording and Filing of the Appropriate Deed Notices with the Morris County Clerk, and Authorizing the Submission of Proof of Filing of Deed Notices to the NJDEP**

WHEREAS, the Township of Parsippany-Troy Hills (the “Township”) has received: 1) a TAW Special Activity Redevelopment, FWW GP2 Underground Utility Lines Permit dated May 6, 2021 (“Permit”); and 2) a Freshwater Wetlands Letter of Interpretation: Line Verification- dated May6, 2021 (“Letter of Interpretation”) from the New Jersey Department of Environmental Protection (“NJDEP”) concerning the Township’s Replacement Well 21 project on property owned by the Township (Block 734, Lots 2.06), NJ DEP File No. 1429-20-0004.1 (together, “the NJDEP Approvals”); and

WHEREAS, the Township’s Water Superintendent, in consultation with Suburban Consulting Engineers, Inc. (“Suburban Engineers”), had submitted the required documentation to the NJDEP in order to obtain the NJDEP Approvals; and

WHEREAS, the terms of the Permit and Letter of Interpretation require the Township to submit both NJDEP Approvals, with appropriate documentation, to the Clerk of Morris County for recording; and

WHEREAS, the Morris County Clerk has informed the Township that the submission of the NJDEP Approvals and supporting documentation must be in the form of a Deed Notice for each NJDEP Approval; and

WHEREAS, the NJDEP Approvals require that proof of the recording of the Deed Notices be forwarded to the NJDEP.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris, and State of New Jersey, that the Mayor is hereby authorized to execute Deed Notices for the Permit and the Letter of Interpretation, upon the recommendation of the Water Superintendent and Township Attorney, on behalf of the Township.

BE IT FURTHER RESOLVED, that the Water Superintendent and Township Attorney are authorized to record and file the Deed Notices with the Morris County Clerk.

BE IT FURTHER RESOLVED, that the Water Superintendent and Suburban Engineers, as appropriate, in consultation with the Township Attorney, are authorized to submit proof of the recording of the Deed Notices to the NJDEP. The Township Council hereby authorizes and approves any non-substantive modifications to the Deed Notices as may be recommended and approved by the Township Business Administrator and the Township Attorney prior to execution.

BE IT FURTHER RESOLVED, that all Township officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

Motion to approve the Resolution above by Ms. Peterson, seconded by Mr. Carifi.

ROLL CALL – YES- Mr. Carifi, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. dePierro

2. R2021-126 Rejecting All Proposals for the Operation of Catering/Banquet, Restaurant and Tee House Facilities and Provision of Related Services at the Knoll Country Club

WHEREAS, the Township of Parsippany-Troy Hills (the “Township”) issued a Request for Proposals through a competitive contracting process pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., for the Operation of Catering/Banquet, Restaurant and Tee House Facilities and Provision of Related Services at Knoll Country Club; and

WHEREAS, the Township received and publicly opened proposals in connection with said Request for Proposals on June 22, 2021; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-13.2(d), provides that a contracting unit may reject all bids where the contracting unit wishes to substantially revise the bid specifications; and

WHEREAS, the Request for Proposals reserved for the Township the right to abandon the competitive contract process or reject all proposals and re-advertise and award the contract in the regular manner if, in its judgment, such action will best serve the interest of the Township and its residents; and

WHEREAS, upon the recommendation of the Purchasing Official, the Township Council has determined to revise the Request for Proposals and readvertise a contract for the Operation of Catering/Banquet, Restaurant and Tee House Facilities and Provision of Related Services at Knoll Country Club.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris, State of New Jersey that all proposals received and publicly opened in connection with the Request for Proposals for the Operation of Catering/Banquet, Restaurant and Tee House Facilities and Provision of Related Services at Knoll Country Club are hereby are rejected in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-13.2(d).

BE IT FURTHER RESOLVED, that all Township officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

Motion to approve the Resolution above by Ms. McCarthy, seconded by Mr. Carifi.

ROLL CALL – YES- Mr. Carifi, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. dePierro

IX. CONSENT AGENDA

BE IT RESOLVED, all items listed with an asterisk (*) are routine and noncontroversial by the Township Council and will be approved by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

Motion to approve the Consent Agenda by Mr. Carifi, seconded by Ms. Peterson.

ROLL CALL – YES- Mr. Carifi, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. dePierro

A. RESOLUTIONS

1. **R2021-119*Authorizing the Township to Submit a Substantial Amendment to the Annual Action Plan 2019 for Cares Act Community Development Block Grant Funding**

WHEREAS, the Township of Parsippany-Troy Hills is eligible to receive Federal funds available through the Department of Housing and Urban Development; and

WHEREAS, The Coronavirus Aid, Relief and Economic Security Act (CARES Act) of 2020 makes available supplemental Community Development Block Grant (CDBG) funding for grants to prevent, prepare for, and respond to COVID-19 (CDBG-CV grants); and

WHEREAS, the U.S. Department of Housing and Urban Development has advised the Township of Parsippany-Troy Hills that it is eligible to receive \$423,645.00 for CDBG-CV3 grants; and

WHEREAS, the Township has prepared a Substantial Amendment to its FY2019 Annual Action Plan to outline the proposed use of the CDBG-CV3 grants, and

WHEREAS, a draft of the Substantial Amendment was on display from June 28, 2021 to July 8, 2021, and the Township has held a public hearing on said Substantial Amendment and the comments of various agencies, groups and citizens were taken into consideration in the preparation of the final document.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris, State of New Jersey, being the governing body thereof, as follows:

Section 1. That the Substantial Amendment to the FY2019 Annual Action Plan for the CDBG Program is hereby in all respects approved.

Section 2. That it is cognizant of the conditions that are imposed in the undertaking and carrying out of community development activities with federal financial assistance, including those relating to the relocation of site occupants and the prohibition of discrimination because of race, color, age, sex, disability, familial status, national origin, and other assurances as set forth under the certifications.

Section 3. The Mayor and other appropriate and responsible officials are hereby authorized and directed to execute on behalf of the Township such certification or certifications as may be required under the Rules and Regulations of the U.S. Department of Housing and Urban Development.

Section 4. Severability. If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity of the remaining portions of this Resolution.

Section 5. Effective Date. This Resolution shall take effect upon its adoption.

2. **R2021-120*Award of Contract to U.S. Tank Painting, Inc. for Route 10 Water Tank Painting and Rehabilitation Project**

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Route 10 Water Tank Painting and Rehabilitation Project on June 23, 2021, and

WHEREAS, the Director of Purchasing, Purchasing Assistant, Water Superintendent, Assistant Water Superintendent and Consulting Engineer have reviewed the bids received and recommend that a contract be awarded to the lowest responsible bidder, U.S. Tank Painting, Inc., 900 Rike Drive, Millstone Township, NJ 08535 for the Total Base Bid Price of \$646,900.00, and

WHEREAS, the Chief Financial Officer of the Township of Parsippany-Troy Hills has certified to the availability of funds under the following:

Water Capital Ordinance # 2019:13 adopted June 25, 2019, entitled,
“Various Improvements”.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for Route 10 Water Tank Painting and Rehabilitation Project be awarded as stated above in accordance with the terms and conditions contained in the advertising specifications and that the Mayor and Township Clerk are authorized to execute the contract.

3. **R2021-121*Approving an Emergency Agreement with J. Fletcher Creamer & Sons, Inc. for Emergency Repairs to the Pump Station #4, 24” PCCP Forcemain**

WHEREAS, the Township Council is obligated to provide funds and ratify emergency agreements which are entered into by the Township in accordance with N.J.S.A. 40A:11-6; and

WHEREAS, after discovery of a sinkhole on Edwards Road and failure of the 24-inch Force Main, and after consultation with the Business Administrator, the Sewer Utility Superintendent contacted J. Fletcher Creamer & Sons, Inc to perform the necessary repairs to said Force Main, necessitating the need for an Emergency Agreement; and

WHEREAS, the Sewer Utility Assistant Superintendent Administration has certified as to the existence of said emergency; and,

WHEREAS, the Chief Financial Officer has certified to the availability of funds.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris, and State of New Jersey, that a certain emergency agreement with J. Fletcher Creamer & Sons, Inc, 101 East Broadway, Hackensack, NJ 07601 be entered into for the emergency repair to \ Pump Station #4 Force Main for the amount of \$90,439.06 is hereby ratified and approved.

This resolution shall take effect immediately.

4. **R2021-122*Awarding Contract to Donnelly Energy Solutions as the BPU Direct Install Contractor for Energy Efficient Measures for Several Township Buildings**

WHEREAS, the Township of Parsippany-Troy Hills is participating in the NJ Clean Energy Direct Install Program for the Municipal Building located at 1001 Parsippany Blvd., DPW located at 1 Pumphouse Road, Parsippany Library building located at 449 Halsey Road, and the Parks and Forestry building located at Knoll Road in the Township; and

WHEREAS, the total cost of improvements totals \$379,567.49, of which the Township's contributory portion totals \$182,648.23; and

WHEREAS, the Township's contributory portion, "Customer Portion," of the cost is financed through New Jersey Natural Gas at 0% for a three-year amortization schedule and is paid through monthly billing; and

WHEREAS, it is anticipated that the amortized portion on the bill will be less than the savings generated by the Energy Conservation Measures; and

WHEREAS, this contract was awarded by the NJBPU to Donnelly Energy Solutions through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4, et seq.; and

WHEREAS, it is the combined recommendation of the Purchasing Director and Business Administrator to award this contract to Donnelly Energy Solutions.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, that a contract be awarded to Donnelly Energy Solutions with offices located at 557 Route 23 South, Wayne, NJ 07470 for energy efficient measures for the Municipal Building, DPW building, Parsippany Library building and Parks and Forestry building in the amount of \$379,567.49.

5. **R2021-123*Certifying Volunteer First Aid, Rescue and Recovery and Ambulance Squads as Being Qualified for Emergency Medical Service Programs**

WHEREAS, N.J.S.A. 27:5F-27 requires the governing body of a municipality to certify individuals, ambulances and ambulance equipment of volunteer first aid, rescue and recovery, and ambulance squads as being qualified for emergency medical service programs; and

WHEREAS, volunteer first aid, rescue and recovery, and ambulance squads in the Township of Parsippany-Troy Hills, as listed below, have notified the Township Council that certain individuals have qualified for membership and that the ambulance equipment meets standards pursuant to statutory requirements.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Parsippany-Troy Hills that pursuant to and in accordance with N.J.S.A. 27:5F-27, it hereby certifies the individuals, ambulances and ambulance equipment set forth on the lists provided to the Township as being qualified for emergency medical service programs.

PARSIPPANY RESCUE & RECOVERY UNIT INC.

ROCKAWAY NECK FIRST AID SQUAD

PARSIPPANY VOLUNTEER AMBULANCE SQUAD

B. APPLICATIONS

1. R2021-124*2021-2022 Liquor License Renewal – Part II

WHEREAS, applications for renewal for licensing term, July 1, 2021 through June 30, 2022, have been filed by the following Retail Liquor Licensees, and

WHEREAS, the application forms are complete in all respects and the applicants are qualified to be licensed according to all statutory, regulatory and local governmental ABC laws and regulations,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the following Retail Liquor Licenses be renewed for the licensing term, July 1, 2021 through June 30, 2022:

1429-33-011-007 Poojaashish, Inc. trading as Sakura Hibachi Steak House, for premises located at 949 Route 46 East, Parsippany, NJ

X. APPROVAL OF PAYROLL AND BILLS LIST

A. CFO Juan Uribe recommends authorization for payment:

1. Authorize payment of the July 23, 2021 regular and miscellaneous payroll estimated at \$1,650,000.00.
2. Payment of bills from voucher list of 7/15/21 through 7/17/21 is \$2,175,502.35

Motion to approve the authorization for payment above by Ms. McCarthy, seconded by Mr. Carifi.
ROLL CALL – YES- Mr. Carifi, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. dePierro

XI. EXECUTIVE SESSION

A. RESOLUTION

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Council is of the opinion that such circumstances presently exist; and

WHEREAS, the Township Council wishes to discuss: **Contract Negotiations – Renewal of the School Resource Officer (SRO) and Class III Special Officer (SLEO 3) Agreement with Parsippany-Troy Hills Township School District**

AND, WHEREAS, minutes will be kept, and once the matter involving the confidentiality of the above no longer requires confidentiality, the minutes can be made public.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the public be excluded from this meeting.

Motion to Adjourn into Closed Session by Ms. Peterson, Seconded By Mr. Carifi.

ROLL CALL – YES- Mr. Carifi, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. dePierro

Motion to Reconvene into Open Session by Mr. Carifi, Seconded By Ms. Peterson.

ROLL CALL – YES- Mr. Carifi, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. dePierro

XII. ADJOURNMENT

Motion to Adjourn the Meeting by Mr. Carifi, Seconded By Ms. Peterson.

ROLL CALL – YES- Mr. Carifi, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. dePierro

Respectfully submitted,

Khaled Madin, Township Clerk

Michael J. dePierro, Council President

Minutes Approved: August 17, 2021

