

**VERNON TOWNSHIP COUNCIL
MEETING MINUTES
November 27, 2023 7:00 PM**

This Meeting of the Township Council of the Township of Vernon was convened at 7:00 p.m. on November 27, 2023 via Zoom Webinar and in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Council President Buccieri presiding.

STATEMENT OF COMPLIANCE

Adequate notice of this meeting has been provided to the public and the press on January 6, 2023 and was posted on the bulletin board in the Municipal Building in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-7.

SALUTE TO THE FLAG

Council President Buccieri led the assemblage in the salute to the flag.

ROLL CALL

Present were Council Members, Patrick Rizzuto, Bradley Sparta, Joseph Tadrack and Council President Natalie Buccieri. Also present were Mayor Howard Burrell, CFO Donelle Bright, Municipal Clerk Marcy Gianattasio and Township Attorney Joshua Zielinski

SWEARING IN OF COUNCIL MEMBER JESSICA DeBENEDETTO

Council Member Jessica DeBenedetto was sworn in by Sussex County Commissioner William Hayden

DISCUSSION ITEM

Ordinance #23-24: An Ordinance to Amend Chapter No. 148 Animal Control; Dog Licensing of the Revised Ordinances of the Township of Vernon by Amending Article III Animal Control: Dog Licensing, Section 148-26 Regulation of Dogs

Chief of Police Dan Young and Sergeant Ron Koumaras discussed with the Township Council the proposed changes to the animal control ordinance.

PUBLIC COMMENTS (For Current Agenda Items Only, Limited to 3 Minutes Per Person)

President Buccieri asked for a motion to open the meeting to Public Comments.

MOVED: Rizzuto

SECOND: Sparta

All members were in favor.

Jessica Paladini – welcomed Council Member DeBenedetto. Ms. Paladini had questions on items on the bills list.

Seeing no other members from the public wishing to come forward, President Buccieri asked for a motion to close the meeting to Public Comments.

MOVED: Rizzuto

SECOND: DeBenedetto

All members were in favor.

REVIEW OF BILLS LIST

The Council reviewed the bills list.

APPROVAL OF MINUTES

October 23, 2023 – Executive Session

October 23, 2023 – Regular Meeting

President Buccieri asked for a motion to approve the October 23, 2023 executive session and regular meeting minutes.

MOVED: Sparta
SECOND: Rizzuto
A roll call vote was taken:

AYES: Rizzuto, Sparta, Tadrick, Buccieri
NAYES:
ABSTAIN: DeBenedetto
ABSENT:

Motion carries to approve the October 23, 2023 executive session and regular meeting minutes.

CONSENT AGENDA

Resolution #23-248: Resolution of the Township of Vernon Authorizing the Execution of an Agreement for Municipal Services Between the Township of Vernon and Valley View Homeowner’s Association

Resolution #23-249: Resolution Authorizing the Execution of a Shared Services Agreement Between the Township of Vernon and the County of Sussex for the Installation and Maintenance of a Pedestrian Warning Beacon System

Resolution #23-250: Resolution Amending the Payment Terms of Resolution #23-235, Awarding CC# 6-2023 to Municipality in a Fair and Open Award for Online Payment Processing Vendor

Resolution #23-252: Resolution Authorizing the Execution of a Shared Services Agreement Between the Township of Vernon and the Borough of Hamburg for Animal Control Services

Resolution #23-253: Resolution Authorizing the Execution of a Shared Services Agreement Between the Township of Vernon and the Township of Montague for Animal Control Services

Resolution #23-254: Resolution Authorizing the Execution of a Shared Services Agreement Between the Township of Vernon and the Borough of Franklin for Animal Control Services

Resolution #23-256: Authorizing an Agreement with the County of Sussex, Department of Human Services, Division of Social Services, for Transportation Services for Senior Citizens and People with Disabilities Who Reside in Vernon Township for the Year 2024 in the Amount of \$50,000.00 Per Year

President Buccieri asked for a motion to approve the Consent Agenda.

MOVED: Rizzuto
SECOND: Sparta

A roll call vote was taken:

AYES: DeBenedetto, Rizzuto, Sparta, Tadrick, Buccieri
NAYES:
ABSTAIN:
ABSENT:

Motion carries to approve the Consent Agenda.

RESOLUTION #23-248

RESOLUTION OF THE TOWNSHIP OF VERNON AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR MUNICIPAL SERVICES BETWEEN THE TOWNSHIP OF VERNON AND VALLEY VIEW HOMEOWNER’S ASSOCIATION

WHEREAS, the Municipal Services Act (“Act”), N.J.S.A. 40:67-23.1 et seq., provides that qualified private communities are entitled to receive certain municipal services; and

WHEREAS, Valley View Homeowner’s Association is a qualified private community as defined under the Act, and the Township of Vernon is a municipality governed by the Act; and

WHEREAS, the Township of Vernon and Valley View Homeowner’s Association desire to enter into an Agreement for Municipal service to provide that the Township shall reimburse Valley View Homeowner’s Association for certain municipal services as specified in the Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Vernon that the Mayor and Clerk are authorized to execute an Agreement for Municipal Services with Valley View Homeowner’s Association.

Resolution #23-249

RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF VERNON AND THE COUNTY OF SUSSEX FOR THE INSTALLATION AND MAINTENANCE OF A PEDESTRIAN WARNING BEACON SYSTEM

WHEREAS, the Township of Vernon (“Township”) requested that the County of Sussex (“County”) authorize installation of a mid-block crosswalk at +/- mile marker 0.79 on County Route 644 connecting sports fields and parking utilized by the Township on either side of the County Road; and

WHEREAS, in response, the County’s Division of Engineering completed an engineering study that determined that the installation of a mid-block crosswalk at the requested location is warranted to best manage pedestrian crossing generated by the adjacent sports fields and parking near Sussex County Route 644; and

WHEREAS, both the Township and County desire to entered a shared services agreement regarding the installation and maintenance of a pedestrian warning beacon system; and

WHEREAS, such agreements are authorized pursuant to the Uniform Shared Services Consolidation Act, N.J.S.A. 40A:65-1 et. seq.; and

WHEREAS, a shared services agreement has been negotiated by and between the parties and that establishes the terms and conditions thereof.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon as follows:

1. The Mayor and Township Clerk are authorized to execute the attached shared services agreement between the Township of Vernon and the County of Sussex regarding the installation and maintenance of a pedestrian warning beacon system along County Route 644.
2. A copy of said agreement will be attached to this resolution and held on file in the Office of the Township Clerk.
3. A certified copy this resolution shall be forwarded to the Vernon Township School District.

RESOLUTION #23-250

Resolution Amending the Payment Terms of Resolution #23-235 Awarding CC# 6-2023 To Municipay in a Fair and Open Award for Online Payment Processing Vendor

WHEREAS, there is a need for an Online Payment Processing Vendor to accomplish the daily service requirements of various departments within the Township of Vernon; and

WHEREAS, the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-4.1et seq.) allows the use of competitive contracts and approved by council resolution; and

WHEREAS, the Township duly advertised for public receipt of competitive contracts providing the required 20 days prior to receipt for CC# 6-2023 in a fair and open manner, consistent with N.J.S.A.19:44A-20.4 et. Seq., and

WHEREAS, the Township of Vernon received competitive contracts for Online Payment Processing Vendor at 11:00am on August 24, 2023; and

WHEREAS, the rating committee has reviewed the submittals and rated according to the direction under competitive contracts as required within N.J.A.C. 5:34-4 et. Seq., and

WHEREAS, Municipay, 10 Dynamic Drive, Scarborough, Maine, 04074, has provided the response most advantageous to the Township of Vernon under the demands of price and other factors found within statute; and

WHEREAS, the process was administered as required by law by the Qualified Purchasing Agent who has concurred with the legality of the purchase in accord with the New Jersey Local Publics Contract Law (N.J.S.A. 40A:11-1 et seq.); and

WHEREAS, the term of contract is allowable for up to five (5) years as authorized under N.J.S.A.40A:11-4.1 et. Seq., and

WHEREAS, on September 11, 2023 the Township Council approved resolution #23-235 awarding CC #6-2023 to Municipay in a Fair and Open Award for Online Payment Processing Vendor; and

WHEREAS, resolution #23-235 needs to be amended to reflect the proper payment term of 2.65%

WHEREAS, the subject to future budget approvals in the yearly budget as approved by the governing body the Chief Financial Officer hereby certifies that funds are available:

<u>Charges to Public</u>	<u>Rate</u>	<u>Rate per Transaction</u>	<u>Rate per Transaction</u>
Transactional			
Visa	2.65%	\$3.00	2.65% Or \$3.00 Minimum
MasterCard	2.65%	\$3.00	2.65% Or \$3.00 Minimum
Discover	2.65%	\$3.00	2.65% Or \$3.00 Minimum
American Express	2.65%	\$3.00	2.65% Or \$3.00 Minimum
Total	2.65%	\$3.00	2.65% Or \$3.00 Minimum

<u>Charges to Township</u>	
One Time Fees	
Setup Fee	\$229.00/ unit

Line Item: 3-01-25-240-20

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon that:

1. The contract for CC#6-2023 Online Payment Processing Vendor is hereby awarded to Municipay, 10 Dynamic Drive, Scarborough, Maine, 04074 for a five (5) year contract.
2. The Mayor is hereby authorized and directed to execute a contract with Municipay, 10 Dynamic Drive, Scarborough, Maine, 04074, as provided for in resolution and payment proposal as found within CC#6-2023.

RESOLUTION #23-252

**RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES
AGREEMENT BETWEEN THE TOWNSHIP OF VERNON AND THE BOROUGH OF
HAMBURG FOR ANIMAL CONTROL SERVICES**

WHEREAS, the Borough of Hamburg has requested that the Township of Vernon (“Township”) provide animal control services whenever there is a need for an animal control officer in the Borough of Hamburg; and

WHEREAS, the request has been reviewed and approved by the appropriate Township officials; and

WHEREAS, the Township is willing to provide animal control services to the Borough of Hamburg and this is deemed in the best interest of the Township; and

WHEREAS, such agreements are authorized pursuant to the Uniform Shared Services Consolidation Act, N.J.S.A. 40A:65-1 et. seq.; and

WHEREAS, a shared services agreement has been negotiated by and between the parties and that establishes the terms and conditions thereof.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon as follows:

1. The Mayor and Township Clerk are authorized to execute the attached shared services agreement between the Township of Vernon and the Borough of Hamburg for animal control services.
2. A copy of said agreement will be attached to this resolution and held on file in the Office of the Township Clerk.
3. A certified copy this resolution shall be forwarded to the Mayor and Clerk of the Borough of Hamburg.

RESOLUTION #23-253

**RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES
AGREEMENT BETWEEN THE TOWNSHIP OF VERNON AND THE TOWNSHIP OF
MONTAGUE FOR ANIMAL CONTROL SERVICES**

WHEREAS, the Township of Montague has requested that the Township of Vernon (“Township”) provide animal control services whenever there is a need for an animal control officer in the Township of Montague; and

WHEREAS, the request has been reviewed and approved by the appropriate Township officials; and

WHEREAS, the Township is willing to provide animal control services to the Township of Montague and this is deemed in the best interest of the Township; and

WHEREAS, such agreements are authorized pursuant to the Uniform Shared Services Consolidation Act, N.J.S.A. 40A:65-1 et. seq.; and

WHEREAS, a shared services agreement has been negotiated by and between the parties and that establishes the terms and conditions thereof.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon as follows:

1. The Mayor and Township Clerk are authorized to execute the attached shared services agreement between the Township of Vernon and the Township of Montague for animal control services.
2. A copy of said agreement will be attached to this resolution and held on file in the Office of the Township Clerk.

3. A certified copy this resolution shall be forwarded to the Mayor and Clerk of the Township of Montague.

RESOLUTION #23-254

RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF VERNON AND THE BOROUGH OF FRANKLIN FOR ANIMAL CONTROL SERVICES

WHEREAS, the Borough of Franklin has requested that the Township of Vernon (“Township”) provide animal control services whenever there is a need for an animal control officer in the Borough of Franklin; and

WHEREAS, the request has been reviewed and approved by the appropriate Township officials; and

WHEREAS, the Township is willing to provide animal control services to the Borough of Franklin and this is deemed in the best interest of the Township; and

WHEREAS, such agreements are authorized pursuant to the Uniform Shared Services Consolidation Act, N.J.S.A. 40A:65-1 et. seq.; and

WHEREAS, a shared services agreement has been negotiated by and between the parties and that establishes the terms and conditions thereof.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon as follows:

1. The Mayor and Township Clerk are authorized to execute the attached shared services agreement between the Township of Vernon and the Borough of Franklin for animal control services.
2. A copy of said agreement will be attached to this resolution and held on file in the Office of the Township Clerk.
3. A certified copy this resolution shall be forwarded to the Mayor and Clerk of the Borough of Franklin.

RESOLUTION #23-256

AUTHORIZING AN AGREEMENT WITH THE COUNTY OF SUSSEX, DEPARTMENT OF HUMAN SERVICES, DIVISION OF SOCIAL SERVICES, FOR TRANSPORTATION SERVICES FOR SENIOR CITIZENS AND PEOPLE WITH DISABILITIES WHO RESIDE IN VERNON TOWNSHIP FOR THE YEAR 2024 IN THE AMOUNT OF \$50,000.00 PER YEAR

WHEREAS, the County of Sussex (hereinafter the County) operates a coordinated, countrywide transportation system and desires to improve paratransit service coverage to the outlying areas of its geographic boundaries; and

WHEREAS, the Township of Vernon (hereinafter the Township) desires transportation for its senior citizens and people with disabilities as per the service agreement; and

WHEREAS, the term of the agreement will be in effect beginning January 1, 2024 and terminating on December 31, 2024; and

WHEREAS, the cost of these services will not exceed \$50,000.00 per year; and

WHEREAS, the Chief Financial Officer has certified the funds for 2024 subject to the adoption of the 2024 Municipal Budget.

NOW THEREFORE BE IT RESOLVED, the 1st day of January, 2024 by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey as follows:

1. The Township of Vernon is authorized to engage the County of Sussex for the purpose of Transportation for Senior Citizens and People with Disabilities in accordance with the attached agreement; and
2. The Mayor and Township Clerk are hereby authorized and directed to execute an Agreement with the County of Sussex, State of New Jersey.

RESOLUTIONS

Resolution #23-251: Resolution in Support of Assembly Bill No. 5548 Prohibiting the State From Imposing a Mileage-Based User Fee

President Buccieri asked for a motion to approve resolution #23-251.

MOVED: Rizzuto

SECOND: Sparta

A roll call vote was taken:

AYES: DeBenedetto, Rizzuto, Sparta, Tadrick, Buccieri

NAYES:

ABSTAIN:

ABSENT:

Motion carries to approve resolution #23-251.

RESOLUTION #23-251

RESOLUTION IN SUPPORT OF ASSEMBLY BILL NO. 5548 PROHIBITING THE STATE FROM IMPOSING A MILEAGE-BASED USER FEE

WHEREAS, on June 5, 2023, Assemblyman Parker Space introduced Assembly Bill No. 5548; and

WHEREAS, Assembly Bill No. 5548 would prohibit the State from imposing a mileage-based user fee and prohibit the use of State funding for any program, study, or pilot program related to the imposition of mileage-based user fees; and

WHEREAS, mileage-based user fee means “any fee imposed on the owner or operator of a motor vehicle, which fee is calculated based on the number of miles traveled by the motor vehicle during a designated period of time”; and

WHEREAS, the Vernon Township Council recognizes that our residents have some of the longest commuting times and distances in the State and is extremely concerned that an imposition of a mileage-based user fee would have a negative effect on our residents.

NOW, THEREFORE BE IT RESOLVED that the Vernon Township Council supports Assembly Bill No. 5548; and

BE IT FURTHER RESOLVED that the Vernon Township Council opposes the imposition of any mileage-based user fee upon its residents; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be sent to New Jersey Governor Phil Murphy, The State House, P.O. Box 001, Trenton, NJ 08625; Senator Steven V. Oroho, 115 Demarest Road, Sparta, NJ 07871; Assemblyman Hal Wirths, One Wilson Drive, Suite 2B, Sparta, NJ 07871; Assemblyman Parker Space, One Wilson Drive, Suite 2B, Sparta, NJ 07871 and each municipality in the County of Sussex.

Resolution #23-255: Transfer Resolution – Balance Transfers

President Buccieri asked for a motion to approve resolution #23-255.

MOVED: Sparta
 SECOND: DeBenedetto

A roll call vote was taken:

AYES: DeBenedetto, Rizzuto, Sparta, Tadrick, Buccieri
 NAYES:
 ABSTAIN:
 ABSENT:

Motion carries to approve resolution #23-255.

RESOLUTION #23-255

TRANSFER RESOLUTION- BALANCE TRANSFERS

WHEREAS, the Township of Vernon Municipal Budget requires certain modifications to cover potential expenses that may occur in excess of the original budget;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Vernon that the following Transfer of Appropriations (2023 Municipal Budget) in accordance with N.J.S.A 40A-58/59 are hereby approved.

ACCOUNT	TRANSFER OUT	TRANSFER IN
FROM CURRENT FUND:		
ROAD MAINTENANCE – S&W	50,000.00	
TO: CURRENT FUND		
VOLUNTEER EMERGENCY SERVICES – O/E		25,000.00
BUILDINGS & GROUNDS – O/E		25,000.00
TOTAL TRANSFERS	50,000.00	50,000.00

INTRODUCTION OF ORDINANCE

Ordinance #23-21: An Ordinance of the Township of Vernon, County of Sussex, State of New Jersey, Adding Chapter 13, “Cannabis Establishment Licensing and Regulation,” to the Township Code, Establishing Local Annual Cannabis Licenses for all Cannabis Establishments to Operate in the Township, Pursuant to the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act

President Buccieri asked for a motion to introduce ordinance #23-21.

MOVED: Sparta
 SECOND: DeBenedetto

A roll call vote was taken:

AYES: DeBenedetto, Rizzuto, Sparta, Tadrick, Buccieri
 NAYES:
 ABSTAIN:
 ABSENT:

Motion carries to introduce ordinance #23-21.

Ordinance #23-23: Bond Ordinance Providing for the Improvement of the Water Supply and Distribution System In and By the Township of Vernon, In the County of Sussex, New Jersey,

Appropriating \$2,000,000 Therefor and Authorizing the Issuance of \$1,448,445 Bonds or Notes of the Township for Financing Such Appropriation

President Buccieri asked for a motion to introduce ordinance #23-23.

MOVED: Rizzuto
SECOND: Sparta

A roll call vote was taken:

AYES: DeBenedetto, Rizzuto, Sparta, Tadrick, Buccieri
NAYES:
ABSTAIN:
ABSENT:

Motion carries to introduce ordinance #23-23.

Ordinance #23-24: An Ordinance to Amend Chapter No. 148 Animal Control; Dog Licensing of the Revised Ordinances of the Township of Vernon by Amending Article III Animal Control; Dog Licensing, Section 148-26 Regulation of Dogs

President Buccieri asked for a motion to introduce ordinance #23-24.

MOVED: DeBenedetto
SECOND: Sparta

A roll call vote was taken:

AYES: DeBenedetto, Rizzuto, Sparta, Tadrick, Buccieri
NAYES:
ABSTAIN:
ABSENT:

Motion carries to introduce ordinance #23-24.

PUBLIC HEARING/2ND READING OF ORDINANCE

Ordinance #23-20: An Ordinance Amending the Vernon Township Administrative Code Chapter 250, Article II Fees and Escrows Enumerated in Section 250-15 Relating to Animal Control

President Buccieri asked for a motion to open the floor for public hearing on ordinance #23-20.

MOVED: Sparta
SECOND: Rizzuto

All members were in favor.

Seeing no one from the public wishing to come forward, President Buccieri asked for a motion to close the public hearing on ordinance #23-20.

MOVED: Rizzuto
SECOND: Sparta

All members were in favor.

President Buccieri asked for a motion to adopt ordinance #23-20.

MOVED: Sparta
SECOND: Rizzuto

A roll call vote was taken:

AYES: DeBenedetto, Rizzuto, Sparta, Tadrick, Buccieri

NAYES:
ABSTAIN:
ABSENT:

Motion carries to adopt ordinance #23-20.

ORDINANCE #23-20

**AN ORDINANCE AMENDING THE VERNON TOWNSHIP ADMINISTRATIVE CODE
CHAPTER 250, ARTICLE II FEES AND ESCROWS ENUMERATED IN SECTION 250-15
RELATING TO ANIMAL CONTROL**

BE IT ORDAINED by the Township Council of the Township of Vernon, the County of Sussex, the State of New Jersey as follows:

1. Section 250-15 of the Township Code, Township of Vernon, County of Sussex shall be amended to read as follows:

E. Dog and Cat Adoption

2) Cat Adoption

- (a) Kittens under one year **\$85**
- (b) Cats one year to six years: **\$75**
- (c) Cats over six years: \$30

2. This Ordinance shall take effect after adoption by the Township Council and in accordance with law.

Ordinance #23-22: An Ordinance Amending, Revising, and Supplementing Chapter 330 Entitled “Land Development” to Clarify Regulations Relative to Permitted Locations for Legal Cannabis Uses Within the Township of Vernon

President Buccieri asked for a motion to open the floor for public hearing on ordinance #23-22.

MOVED: Sparta
SECOND: Rizzuto

All members were in favor.

Seeing no one from the public wishing to come forward, President Buccieri asked for a motion to close the public hearing on ordinance #23-22.

MOVED: Sparta
SECOND: DeBenedetto

All members were in favor.

President Buccieri asked for a motion to adopt ordinance #23-22.

MOVED: Sparta
SECOND: Buccieri

A roll call vote was taken:

AYES: DeBenedetto, Rizzuto, Sparta, Tadrick, Buccieri
NAYES:
ABSTAIN:

ABSENT:

Motion carries to adopt ordinance #23-22.

ORDINANCE #23-22
AN ORDINANCE AMENDING, REVISING, AND SUPPLEMENTING CHAPTER 330
ENTITLED “LAND DEVELOPMENT” TO CLARIFY REGULATIONS RELATIVE TO
PERMITTED LOCATIONS FOR LEGAL CANNABIS USES WITHIN THE TOWNSHIP OF
VERNON

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 Phil 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 marijuana 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 (6) marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator License, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer License, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler License, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer License, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer License, for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery License, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities, by ordinance, to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors, or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, the Township Council of the Township of Vernon has previously adopted Ordinances 21-25, 21-16 and 22-11 to permit and regulate legal cannabis within the Township, which it now seeks to repeal and replace in order to create more cohesive and clear standards for legal cannabis uses; and

WHEREAS, the Township Council of the Township of Vernon finds after having reviewed the various zoning districts within the municipality and reviewing the restrictions of those locations within the Highlands Preservation Area, generally, zones which permit commercial and industrial uses are suitable locations as conditional uses for the Class 1, 2, 3, and 4 designated marketplaces as set forth above and below and Class 5 and 6 marketplaces should be permitted as a conditional use in commercial and retail zones, as set forth above and below;

NOW, THEREFORE BE IT ORDAINED, by the Township Council of the Township of Vernon, County of Sussex, and State of New Jersey as follows: Section 330 of the Township Land Development Ordinance shall be amended, revised, and supplemented as follows:

SECTION 1.

Ordinances 21-16, 21-25 and 22-11 are repealed in their entirety and replaced with the following sections.

SECTION 2.

Schedule A: Permitted, Conditional and Accessory Uses and Structures (Section 330-160) Township of Vernon

Legend:

P=Permitted Use

A= Permitted Accessory Use

C= Conditional Use

R-2 Cultivation Removed

Uses	R-1	R-2	R-3	SR	PLC	C-1	C-2	C-3	CR	AET	LI	C	MTC	P	PLLC	TC	MVMU
Cannabis																	C
Cannabis cultivator										C	C						C
Cannabis distributor											C						C
Cannabis manufacturer											C						C
Cannabis wholesaler											C						C
Cannabis delivery						C	C	C			C					C	C
Cannabis retailer						C	C	C			C					C	C
Cannabis medical dispensary						C	C	C			C					C	C

SECTION 3.

Section 330-5 “Language and Definitions” shall be amended, revised, and supplemented as follows:

Cannabis

All parts of the plant Cannabis sativa L., whether growing or no, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L. 2016, c. 16 for use in cannabis products as set forth in the Act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. “Cannabis” does not include: medical cannabis dispensed to registered qualifying patients pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L. 2009, c. 307 (C. 24:6I-1 et al.) and P.L. 2015, c. 158 (C. 18A:40-12.22 et al.); marijuana as defined in N.J.S. 2C:35-2 and applied to any offense set forth in Chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L. 2001, c. 114 (C. 2C:35B-1 et seq.), or marijuana, as defined in Section 2 of P.L. 1970, c. 226 (C. 24:21-2) and applied to any offense set forth in the “New Jersey Controlled Dangerous Substances Act,” P.L. 1970, c. 226 (C. 24:21-1 et. al.); or, hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the New Jersey Hemp Farming Act,” P.L. 2019, c. 238 (C. 4:28-6 et. al.).

Cannabis Cultivator

Any licensed business or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis

manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 1 Cannabis Cultivator License.

Cannabis Delivery

Any licensed business or entity involved in providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer. This person or entity shall hold a Class 6 Cannabis Delivery License.

Cannabis Distributor

Any licensed business or entity 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. This person or entity shall hold a Class 4 Cannabis Distributor License.

Cannabis Establishment

A cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, a cannabis retailer, or a cannabis distributor.

Cannabis Medical Dispensary

See Cannabis Retailer.

Cannabis Manufacturer

Any licensed business or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 Cannabis Manufacturer License.

Cannabis Retailer

Any licensed business or entity that is involved in the sale of cannabis items and related supplies are sold to consumers. This person or entity shall hold a Class 5 Cannabis Retailer License. See also Cannabis Medical Dispensary.

Cannabis Wholesaler

Any licensed business or entity that is involved in obtaining and selling cannabis items for later resale by other licensees. This person or entity shall hold a Class 3 Cannabis Wholesaler License.

License

A license issued under relevant State law including a license that is designated as either:

- A. Class 1 Cannabis Cultivator License
- B. Class 2 Cannabis Manufacturer License
- C. Class 3 Cannabis Wholesaler License
- D. Class 4 Cannabis Distributor License
- E. Class 5 Cannabis Retailer License
- F. Class 6 Cannabis Delivery License

The term includes a conditional license for a designated class, except when the context of the provisions of relevant State law otherwise intend to only apply for a license and not a conditional license.

Manufacture

The drying, processing, compounding, or conversion of usable cannabis into cannabis products or cannabis resins. “Manufacture” does not include packaging or labeling.

Wholesale Trade

Shall mean establishments or places of business primarily engaged in selling merchandise to other businesses, including retailers, industrial, commercial, institutional, or professional business users, other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

SECTION 4.

Section 330-189 “Conditional Uses” shall be amended, revised, and supplemented as follows:

(30) – Cannabis Retailer. Cannabis Retailers shall meet the following conditions and standards when permitted as a conditional use:

- (a) **Eligible locations. Facilities for cannabis retailers shall be no less than 1,000 feet from any school, public park, public ball field, child-care center, or the Vernon PAL facility. Distances shall be measured door to door as one would travel as a pedestrian.**
- (b) Location. Cannabis retailers shall be separate and distinct from growing operations.
- (c) Highlands Preservation Area. Any cannabis retailer proposed in the Highlands Preservation Area must obtain a Highlands Exemption or Highlands Exception prior to submission to the Land Use Board.
- (d) Buildings. All cannabis retailers shall be enclosed in heated/air-conditioned permanent buildings, not trailers, outdoors, movable kiosks, etc.
- (e) Signage. Signs shall not promote consumption of any cannabis products.
- (f) **Site plan approval is required. Site plan approval shall require submission of a safety and security plan and emergency services access plan to the Land Use Board for review.**
- (g) License requirements. Cannabis retailers shall obtain a Township Cannabis License prior to application before the Land Use Board.
- (h) Accessibility. Any cannabis retailer shall only have one primary public access point, which shall be directly adjacent to the right-of-way or parking area of the building. Access should not be through common entrances with other uses.
- (i) Hours of operation for cannabis retailers shall be limited to 9:00 a.m. to 10:00 p.m.
- (j) Interior security. Cannabis retailers' interiors shall provide a secure location for storage of products with minimum products in any customer service area.
- (k) Exterior loitering and security. People shall not be permitted to congregate outside of a cannabis retailer, loiter or wait in line to access the cannabis retailer. The facility shall have a plan in place if interior capacity is exceeded, i.e., numbers are given and customers wait in their vehicles until called.
- (l) Product consumption: No products shall be permitted to be consumed on-site.
- (m) State license. The facility must have a valid license to operate from the State of New Jersey.
- (n) Any cannabis facility is subject to compliance with all state laws, regulations and guidelines with respect to cannabis licenses issued by the State of NJ.

(31) – Cannabis Delivery. Cannabis Delivery services shall meet the following conditions and standards when permitted as a conditional use:

- (a) **Eligible locations. Facilities for cannabis retailers shall be no less than 1,000 feet from any school, public park, public ball field, child-care center, or the Vernon PAL facility. Distances shall be measured door to door as one would travel as a pedestrian.**
- (b) Location. Cannabis retailers shall be separate and distinct from growing operations.
- (c) Highlands Preservation Area. Any cannabis delivery use proposed in the Highlands Preservation Area must obtain a Highlands Exemption or Highlands Exception prior to submission to the Land Use Board.
- (d) Buildings. All cannabis facilities shall be enclosed in heated/air-conditioned permanent buildings, not trailers, outdoors, movable kiosks, etc.
- (e) Signage. Signs not promote consumption of any cannabis products.
- (f) **Site plan approval is required. Site plan approval shall require submission of a safety and security plan and emergency services access plan to the Land Use Board for review.**
- (g) License requirements. Cannabis facilities shall obtain a Township Cannabis License prior to application before the Land Use Board.
- (h) Hours of operation for cannabis delivery services shall be limited to 9:00 a.m. to 10:00 p.m.
- (i) Interior security. Cannabis facility interiors shall provide a secure location for storage of products with minimum products in any customer service area.

- (j) Product consumption: No cannabis products shall be permitted to be consumed on-site.
- (k) State license. The cannabis facility must have a valid license to operate from the State of New Jersey.
- (l) Any cannabis facility is subject to compliance with all state laws, regulations and guidelines with respect to cannabis licenses issued by the State of NJ.

(32) – Cannabis Cultivator, Manufacturer, Wholesaler or Distributor. Cannabis Cultivator, Manufacturer, Wholesaler, or Distributor shall meet the following conditions and standards when permitted as a conditional use:

- (a) **Location: Cannabis Cultivator facilities shall be the only facilities permitted in the AET shall be on lots with a minimum of six (6) acres.**
- (b) Highlands Preservation Area. Cannabis facilities proposed in the Highlands Preservation Area must obtain a Highlands Exemption or Highlands Exception prior to submission to the Land Use Board.
- (c) Buildings: All cannabis facilities shall be enclosed in heated/air-conditioned permanent buildings, not hoop houses, greenhouses or other temporary structures.
- (d) Signage: Signs shall be limited to location identification/name of business. Signage shall not promote consumption of any cannabis products.
- (e) **Site plan approval is required. Site plan approval shall require submission of a safety and security plan and emergency services access plan to the Land Use Board for review.**
- (f) Odor Control: The facility shall provide an air treatment system with sufficient odor absorbing ventilation and exhaust systems such that and odor generated inside the facility is not detectable by a person of reasonable sensitivity at the property line of the subject property. Odor from the facility shall be monitored on an annual basis at the discretion of the Township by a licensed, qualified contractor chosen by the Township.
- (g) Buffering. Cultivator facilities located in the **AET Zone** must maintain a 100-foot buffer from property lines.
- (h) Lighting. Cultivator facilities located in the **AET Zone** shall limit lighting to the minimum necessary for safety requirements in parking areas and walkways to have a maximum 1.0 footcandle. Lighting shall be downward facing and not exceed 0.1 footcandle at the property line.
- (i) License requirements. Cannabis facilities shall obtain a Township Cannabis License prior to application before the Land Use Board.
- (j) State license. The facility must have a valid license to operate from the State of New Jersey.
- (k) Any cannabis facility is subject to compliance with all state laws, regulations and guidelines with respect to cannabis licenses issued by the State of NJ.

SECTION 4.

SEVERABILITY AND REPEALER

Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part held invalid.

SECTION 5.

NOTICE

The Township Clerk is directed to give notice at least ten (10) calendar days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

SECTION 6.

EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

PUBLIC COMMENTS (Limited to 5 Minutes Per Person)

President Buccieri asked for a motion to open the meeting for public comment.

MOVED: DeBenedetto
SECOND: Sparta

All members were in favor.

Brian Lynch – congratulated Council Member DeBenedetto. Mr. Lynch expressed concern about dead trees that are down on the side of roads in Vernon.

Heidi – congratulated Council Member DeBenedetto. She also expressed concern about dead trees on the side of roads.

Thomas McClachrie – feels that the town would benefit from better internet service. Mr. McClachrie questioned the process for the seniors to have lunch at the Senior Center.

Seeing no other members of the public wishing to speak, President Buccieri asked for a motion to close the meeting for Public Comments.

MOVED: Sparta
SECOND: Rizzuto

All members were in favor.

MAYOR COMMENTS

I have already had meetings with Mayor-elect Rossi, and have privately congratulated him on being elected to serve the people of Vernon Township as their next Mayor. I take this opportunity to publicly offer him my congratulations. I also congratulate the newly elected Council members, and welcome new Council member Jessica DeBenedetto, who joins the Council tonight. It would be a betrayal of my true feelings if I did not thank former Council Member Margaret “Peg” Distasi for her service to our town. While she and I did not always share the same view on every issue, I never had any doubt that her comments and actions were always motivated by what she believed was in the best interest of the Vernon taxpayers. Peg, thank you for your service to our town!

The New Jersey Statue that directs our form of government charges the Mayor with the responsibility and the authority for “the care and custody of all municipal property”. As this responsibility and the authority relates to our municipal parks, it means that the Mayor and Council should ensure that our municipal parks are maintained in a way that’s not only pleasing in appearance, but also safe for users. Appearance and safety have been key considerations in the actions that the municipality has taken in regards to Maple Grange Park; in the actions that the municipality has taken, and is in the process of taking, at Veterans Memorial Park; and in the design and on-going development of the Walking Trail and state-of-the-art Bicycle Pump Track amenities that anchor the new Town Center Park. With the Council’s passage tonight of Resolution # 23-249, the Mayor and Council will take one more municipal park safety related action; this action relates to the enhancement of pedestrian safety at Veterans Memorial Park. Through an agreement with the Bon Chef Distribution Center located across from Veterans Memorial Park on County Route 644, the users of and visitors to Veterans Memorial Park are allowed to park their autos in the Bon Chef Distribution Center’s parking lot. While this agreement provides the Town the additional parking space that we so greatly need for the users and visitors who frequent Veterans Memorial Park, it also creates a safety hazard for those who must cross County Route 644 in order to get to the Park. To correct this safety hazard, through close work with appropriate County agencies, the County and the Town have agreed to install a Pedestrian Crosswalk across County Route 644, to facilitate the safety of those coming from the Bon Chef Distribution Center’s parking lot. In addition to normal crosswalk markings and traffic signage, this Pedestrian Crosswalk will also include a state-of-the art push button Pedestrian Warning Flashing Beacon System, plus Americans with Disabilities Act approved Curb Ramps. This enhancement of pedestrian safety at one of our Municipal Parks will also contribute to the municipality’s efforts to win a third consecutive Statewide Insurance Fund Safety Program Award. The winning of this special award is significant because it earns Vernon a reduction in the annual cost that we must pay for insurance. And this type of reduction decreases the amount of tax dollars that the Town is required to pass on to homeowners for the purchase of needed insurance. Programs of this nature are part of our municipality’s strategy to not only improve safety, but to also save the dollars of Vernon taxpayers by working smarter as well as working harder!

COUNCIL COMMENTS

Council Member DeBenedetto thanked everyone who voted for her and supported her. She promises to be fiscally responsible with her vote.

Council Member Sparta congratulated Council Member DeBenedetto and Mayoral Elect Anthony Rossi. Council Member Sparta gave a special thanks to Chief Young and Sergeant Koumaras for the shared services and the revenue that is being brought into the town. He hopes that there are more shared services in the future to bring in more revenue to the town.

Council Member Tadrick congratulated Council Member DeBenedetto.

Council Member Rizzuto congratulated Council Member DeBenedetto and welcomed Mayor Elect Rossi. Council Member Rizzuto reminded everyone to be careful on the roads during the holiday season. Council Member Rizzuto reminded everyone about the Christmas tree lighting and the quiet time with Santa.

COUNCIL PRESIDENT COMMENTS

Council President Buccieri announced that the Township Council Meeting of December 28, 2023 will be cancelled. Council President Buccieri welcomed Council Member DeBenedetto and Mayor Elect Rossi. Council President Buccieri announced some of the upcoming events and opportunities for everyone to come together as a community.

ADJOURNMENT

At 7:57 pm Council Member Rizzuto made a motion to adjourn the meeting. Seconded by Council Member Sparta.

All were in favor.

Respectfully submitted,

Marcy Gianattasio, RMC, CMR
Municipal Clerk

Natalie Buccieri
Council President

Minutes approved: December 11, 2023