

TOWNSHIP COMMITTEE REGULAR MEETING
December 11, 2023

The Township Committee Meeting of the Township of Cranbury was held at 7:00 p.m. in the Meeting Room of Town Hall. Answering present to roll call were Township Committee members: Eman El-Badawi, Lisa Knierim, Dr. Barbara Rogers, Matthew Scott and Mayor Michael Ferrante. Also present were Denise Marabello, Township Administrator/CFO, Steven Goodell, Township Attorney, and Debra Rubin, Municipal Clerk. Mayor Ferrante led in the salute to the flag, and Ms. Rubin read the following Open Public Meetings Act statement:

In accordance with Section 5 of the Open Public Meetings Act, it is hereby announced and shall be entered into the minutes of this meeting that adequate notice of this meeting has been provided:

Posted on the Bulletin Board of the Municipal Office at 23-A North Main Street, Cranbury, New Jersey and remains posted at that location.

Communicated to the Cranbury Press, Home News Tribune and Trenton Times on January 6, 2023.

Filed on January 6, 2023 at the Cranbury Municipal Office, 23-A North Main Street, Cranbury, New Jersey, posted on the Township's web site and remains on file for public inspection.

Sent to those individuals who have requested personal notice.

Agenda Additions/Changes: None

Approval of Minutes: Mayor Ferrante asked if any members of the Township Committee would like to address changes or amendments to the following minutes. Hearing none, Mayor Ferrante asked for a motion to adopt the following minutes:

-- Township Committee Regular Meeting Minutes November 27, 2023

On a motion by Ms. El-Badawi, seconded by Mr. Scott, along with the following roll call vote of the members of the Township Committee;

Ayes: (El-Badawi
(Knierim
(Rogers
(Scott
(Ferrante

Abstain: (None
Absent: (None

Nays: (None

the Township Committee Regular Meeting Minutes of November 27, 2023 were unanimously adopted by members present.

Reports and Communications:

Members of Committee

- Dr. Rogers – Dr. Rogers reported that none of the boards or commissions she liaisons with met. She reported on her anticipated attendance at the upcoming Environmental Commission meeting and her attendance at the Sustainable New Jersey meeting.
- Ms. El-Badawi – Ms. El-Badawi reported on her attendance at the Planning Board and Sustainable New Jersey meetings.
- Ms. Knierim – Ms. Knierim was unable to attend the boards and commissions she liaisons, however, reported on received reports from each chair. She provided an update to the EDAC surveys recently distributed, an update to the signage project on behalf of HPC, the tentative 2024 free rabies clinic date and moving the Mayors Wellness Campaign under the Board of Health.

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- Mr. Scott – Mr. Scott reported on his attendance at the Board of Recreation Commission meeting. He provided an update to the pickleball interest survey as well as the pickleball project.

Mayor

Mayor Ferrante – Mayor Ferrante reported on his attendance at the Planning Board meeting.

Reminders:

- **December 14th** – Menorah Lighting at Memorial Park
- **December 15th-17th** – A Snow White Christmas at Cranbury Methodist Church
- **December 16th** – Luminaries Around Town hosted by the Cranbury Chamber of Commerce
- **December 16th** – Journey to Bethlehem at the Cranbury First Presbyterian Church
- **December 16th-17th** – Cranbury Volunteer Fire Company Visit from Santa
- **Free Narcan Training every month**

Department Heads:

Parks Commission

Ms. Marabello presented cleaning and repairing options for the pavilion roof at Village Park. The Committee unanimously agreed to have the roof be non-pressure washed and several spots repaired.

Work Session:

Township Committee Goals/Accomplishments

Mayor Ferrante shared an end of year power point presentation highlighting multiple accomplishments. This included the following:

- Passed a budget keeping municipal taxes flat for 2023; funded \$1.0 Million in road improvements with surplus.
- Implemented the Village Park walking path (August).
- Successfully completed the Plainsboro Road resurfacing project funded through DOT grant, including ADA-compliant entries and new crosswalk modifications (June).
- Monitor the Petty Road resurfacing project funded by Toll Brothers (August).
- Partnered with CHA and Ingerman on a walkway connection to Bennett Way (November).
- Partnered with CHA to deed the Park Place West connector road to the township (November).
- Initiated a holistic, consistent signage program, including gateway signs (Signs ordered for late 2023 delivery and early 2024 installation).
- Ensured the success of the new municipal library building with improved alignment between school, township and library with new leaders in place.
- Supported the Board of Education in their long-term construction project by providing input to parking lot flow before construction project was put on hold in May.
- Supported business organizations in welcoming new businesses to town, supported new Cranbury Chamber of Commerce in first full year of operation.
- Completed community priorities survey (October).
- Worked to fill all open board positions within one month of vacancy.
- Reviewed other informal agreements that need to be formalized (completed Library Agreement February).

TRAFFIC SUB-COMMITTEE:

- Partnered with county/neighbor towns on regional truck strategy
- Partnered with DOT on Cranbury Circle / Brickyard Road
- Supported Middlesex County freight study input meeting held at Cranbury School
- Progressed Cranbury Circle NJ DOT project
- Police supported a successful and safe Halloween event

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- Installed new gateway treatment at Station Road and Route 130

SUSTAINABILITY SUB-COMMITTEE:

- Partnered with county/neighboring towns on regional flood resiliency study
- Completed bikeway safety action items
- Installed sharrows on Old Cranbury Road
- Installed bike lane markers on Old Trenton Road
- Achieved Silver Sustainable Jersey
- Completed 2023 Stream Clean-Up
- Informed residents about Community Solar Projects
- Completed regional flood resiliency study; was awarded federal grant
- Completed of Phase 1 of tree inventory [Shade Tree]

COMMUNICATIONS SUB-COMMITTEE:

- Improved communications between TC members, boards and commissions, and with residents by streamlining weekly news and announcement format / content
- Received TC meeting updates from seven boards (HPC, EDAC, Municipal Alliance, Library, Parks, Recreation, Shade Tree)
- Installed new kiosk in front of Town Hall
- Initiated new kiosk in front of Cranbury Brook Preserve (Eagle project in-progress)

Unplanned Items Achieved in 2023

- Passed ordinance to seek revenue sharing opportunity for alternative cannabis treatment center
- Progressed Inclusive Playground, including designation for a \$300,000 state grant
- Progressed Open Space Refresh to inform future Parks and Recreation permanent installations
- Completed street sign audit to support new village street signs [HPC]

Board of Recreation Commissioners – Inclusive Playground

Ken Jacobs, Recreation Director, and Christina Ftikas, Parks Commission/Inclusive Playground Subcommittee member provided the status of the inclusive playground. They presented examples of different equipment as well as a potential layout of the playground equipment at Village Park. The Township Committee thanked them for their presentation and their hard work towards the project.

Follow-up Items: None.

Boards: None.

Boards and Commissions – Mayoral Appointments/Vacancies

Mayoral Appointments: None.

Vacancies:

- Municipal Alliance
 - Member, expiring 12/31/23
- Parks Commission
 - 2nd Alternate, expiring 12/31/23
- Recreation Commission
 - Member, expiring 12/31/25

Ordinances:

First Reading – None.

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Second Reading –

Prior to Ms. Rubin reading the following ordinance by title only, Mayor Ferrante read a prepared statement to the public as well as summarized the ordinance:

“The ordinance up for second reading proposes a more comprehensive cannabis ordinance to replace current Sections 50-9 and 50-10. The revised ordinance provides more detail around the classes and definitions of cannabis, re-affirms our ban on retail recreational cannabis within the borders of our town, and allows for pre-existing cannabis manufacturers located within our town to cultivate for the cannabis market. This ordinance also provides a revenue source for our township by setting licensing fees and indicating state permitted revenue sharing percentages from sales and transfers from cannabis activities.”

Ms. Rubin then read the following ordinance by title only:

CRANBURY TOWNSHIP ORDINANCE 11-23-12

AN ORDINANCE OF THE TOWNSHIP OF CRANBURY REPEALING ARTICLE III, SECTION 50-9 AND 50-10 “RECREATIONAL CANNABIS” OF THE CODE OF THE TOWNSHIP OF CRANBURY AND REPLACING IT WITH A NEW ARTICLE III SECTION 50 “MEDICAL AND RECREATIONAL CANNABIS ACTIVITY” OF THE TOWNSHIP OF CRANBURY CODE AND AMENDING § 150-5 OF THE CODE OF THE TOWNSHIP OF CRANBURY

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 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 purchases 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.

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WHEREAS, section 31a of the Act, N.J.S.A. 24:6I-45(a), authorizes municipalities to adopt ordinances and regulations prohibiting outright and/or limiting the number of any class of license “cannabis establishments” (defined in section 33 of the Act, N.J.S.A. 24:6I-33, as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors and cannabis delivery services allowed to operate within its municipal boundaries; and the location, manner and times of operation of such cannabis establishments, cannabis distributors and cannabis delivery services, except that the time of operations for cannabis delivery services, shall only be subject to the regulation by the Cannabis Regulatory Commission (the “Commission”); and

WHEREAS, section 31a of the Act, N.J.S.A. 24:6I-45(a), also authorizes municipalities to establish certain civil penalties for violations of any ordinance or regulations governing cannabis establishments, distributors or delivery services that may operate in a municipality, as well as to their location, manner and times of operation; and

WHEREAS, section 31b of the Act, N.J.S.A. 24:6I-45(b), authorizes municipalities to prohibit, by ordinance, the operation of any one or more classes of cannabis establishments, cannabis distributors, and the principal premises of a cannabis delivery service from anywhere in the municipality, but not the actual delivery of cannabis items and related supplies by a licensed cannabis delivery service operating outside the boundaries of the municipality; and

WHEREAS, section 31b of the Act, N.J.S.A. 24:6I-45(b), also stipulates that any municipal ordinance, regulation or prohibition must be adopted within 180 days of the effective date of the Act (i.e., by August 22, 2021); and

WHEREAS, section 31b of the Act, N.J.S.A. 24:6I-45(b), provides that a municipality’s failure to adopt such ordinances within 180 days, shall result in any cannabis cultivator, manufacturer, wholesaler, distributor or delivery service to be deemed a permitted use in all industrial zones of the municipality for an initial period of five years, first beginning on August 22, 2021; and

WHEREAS, section 31b of the Act, N.J.S.A. 24:6I-45(b), also provides that a municipality’s failure to adopt such ordinances within 180 days shall result in a cannabis retailer being authorized to operate in all commercial/retail zones in a municipality as a conditional use, subject to meeting certain conditions of the Township, or receiving a variance from one or more of those conditions in accordance with the “Municipal Land Use Law,” P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.) for a period of five years, first beginning on August 22, 2021; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a municipality’s failure to enact local ordinances, regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but such ordinances would be prospective only and would be inapplicable to any cannabis establishments, cannabis distributors and cannabis delivery services already operating within the municipality; and

WHEREAS, section 33 of the Act, (P.L. 2021, c. 16 §33, N.J.S.A. 24:6I-46) and section 34 of the Act, (P.L. 2021, c.16 §34, amending N.J.S.A. 24:6I-7) deems certain pre-existing State licensed alternative treatment centers to concurrently hold certain class(es) of the above-referenced cannabis establishment license(s), which enables such pre-existing alternative treatment centers to simultaneously operate a licensed cannabis establishment so long as a municipality first approves same by municipal endorsement or through a local licensing procedure; and

WHEREAS, section 31c of the Act, N.J.S.A. 24:6I-45(c), authorizes municipalities to impose a separate local licensing or endorsement requirement as part of its restrictions on the number of cannabis establishments, distributors or delivery services; and

WHEREAS, section 40 of the Act, N.J.S.A. 40:48I-1, authorizes municipalities to adopt ordinances imposing a transfer tax on the sale of cannabis or cannabis items by a cannabis establishment located in the

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municipality on receipts from the sale of cannabis to other cultivators, sales between cannabis establishments, and any combination thereof, and sets forth the limits for same; and

WHEREAS, by Ordinance No. 06-21-08, the Township “opted-out” of allowing any cannabis establishment in the municipality; and

WHEREAS, the Township Committee of the Township of Cranbury has now determined that the cultivation, manufacturing, wholesale, and distribution of cannabis and cannabis items under the Act presents special local concerns which can be regulated specifically by the Township to permit certain classes of cannabis establishment uses subject to municipal regulation where appropriate in the Township, while also prohibiting the primary operating locations for delivery services, and the retail sale of cannabis by a cannabis retailer outright in the Township.

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Cranbury, in Middlesex County State of New Jersey, as follows:

SECTION I.

Article III “Recreational Cannabis” and therein sections 50-9 and 50-10 of the code of the Township of Cranbury is hereby repealed, and replaced as follows:

SECTION II.

§ 50-9 Definitions

“Alternative treatment center” and “Pre-existing Alternative treatment center”

Shall mean an organization issued a permit, conditional permit, and/or a vertically integrated permit pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L. 2009, C. 307 (C. 24:6I-1 et al.) to operate as a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary or clinical registrant prior to February 22, 2021; and includes any alternative treatment center deemed pursuant to section 7 of the “Jake Honig Compassionate Use Medical Cannabis Act” (C. 24:26I-7) to concurrently hold a medical cannabis cultivator permit, a medical cannabis manufacturer permit, and a medical cannabis dispensary permit and/or any alternative treatment center deemed to concurrently hold any one or more class(es) of Cannabis Licensed Marketplace license(s) pursuant to PL. 2021, c. 16 §33, N.J.S.A. 24:6I-46, and P.L. 2021, c.16 §34, amending N.J.S.A. 24:6I-7.

Designated Caregiver

Shall mean and refer to a “Designated Caregiver” as defined under the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L. 2009, C. 307 (C. 24:6I-1 et al.).

Cannabis

Shall mean all parts of the plant Cannabis sativa L., whether growing or not, 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 this 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 marihuana 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.).

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Cannabis Consumption Area

Shall mean and refer to a “Cannabis Consumption Area” as defined under P.L. 2021, c. 16 §3, N.J.S.A. 24:6I-33, of the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act”.

Cannabis Cultivator

Any licensed person 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.

Cannabis Delivery Service

Any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer.

Cannabis Distributor

Any licensed 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 any 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.

Cannabis Establishment

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

Cannabis Item

Any item available for lawful consumption pursuant to the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” P.L.2021, c.16 (C.24:6I-31 et al.).

Cannabis Manufacturer

Any licensed person 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.

Cannabis Retailer

Any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer.

Cannabis Wholesaler

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Any licensed 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.

Cannabis Licensed Marketplace

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

- 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 shall also include 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.

The term shall also include any activity related to cannabis cultivation, cannabis manufacturing, cannabis wholesale, cannabis distribution cannabis retail and/or cannabis delivery service by a pre-existing alternative treatment center deemed to concurrently hold any one or more class(es) of the above-listed cannabis license(s) pursuant to P.L. 2021, c. 16 §33, N.J.S.A. 24:6I-46, and P.L. 2021, c.16 §34 of the Act, amending N.J.S.A. 24:6I-7; but shall not include the pre-existing alternative treatment's activities related to medical cannabis cultivation, medical cannabis manufacturing, medical cannabis processing and/or medical cannabis dispensing by a pre-existing medical cannabis alternative treatment center pursuant to a license or conditional licensed issued by the State of New Jersey pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L. 2009, c. 307 (N.J.S.A.24:6I-1 et seq.) and P.L. 2015, c. 158 (N.J.S.A. 18A:40-12.22 et seq.).

Consumption

Shall mean the act of ingesting, inhaling, or otherwise introducing medical cannabis items and/or cannabis items into the human body.

Delivery

Shall mean the transportation of cannabis items and related supplies to a consumer. "Delivery" shall also mean the use by a licensed cannabis retailer of any third party technology platform to receive, process, and fulfill orders by consumers, which third party shall not be required to be a licensed cannabis establishment, distributor, or delivery service, provided that any physical acts in connection with fulfilling the order and delivery shall be accomplished by a certified cannabis handler performing work for or on behalf of the licensed cannabis retailer, which includes a certified cannabis handler employed or otherwise working on behalf of a cannabis delivery service making off-premises deliveries of consumer purchases fulfilled by that cannabis retailer.

Indoor Public Place

Shall mean a structurally enclosed place of business, commerce or other service-related activity, whether publicly or privately owned or operated on a for-profit or nonprofit basis, which is generally accessible to the public, including, but not limited to: a commercial or other office building; office or building owned, leased or rented by the State or by a county or municipal government; public and nonpublic elementary or secondary school building; board of education building; theater or concert hall; public library; museum or art gallery; bar; restaurant or other establishment where the principal business is the sale of food for consumption on the premises, including the bar area of the establishment; garage or parking facility; any public conveyance operated on land or water, or in the air, and passenger 7 waiting rooms and platform areas in any stations or terminals thereof; health care facility licensed pursuant to P.L.1971, c. 136 (C.26:2H-1 et seq.); patient waiting room of the office of a health care provider licensed pursuant to Title 45 of the Revised Statutes; child care center licensed pursuant to P.L.1983, c. 492 (C.30:5B-1 et seq.); race track facility; facility used for

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the holding of sporting events; ambulatory recreational facility; shopping mall or retail store; hotel, motel or other lodging establishment; apartment building lobby or other public area in an otherwise private building; or a passenger elevator in a building other than a single-family dwelling.

“Institutional Caregiver”

Shall mean and refer to an “Institutional Caregiver” as defined under the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L. 2009, c. 307 (N.J.S.A.24:6I-1 et seq., and P.L. 2015, c. 158, N.J.S.A. 18A:40-12.22 et seq.).

Licensee

Shall mean a person or entity that holds a license issued under P.L. 2021, c. 16 (C.24:6I31 et al.) including a license that is designated as either a Class 1 Cannabis Cultivator license, a Class 2 Cannabis Manufacturer license, a Class 3 Cannabis Wholesaler license, a Class 4 Cannabis Distributor License, a Class 5 Cannabis Retailer License, a Class 6 Cannabis Delivery license, and also includes: a person or entity that holds a conditional license for a designated class; a person or entity holding a pre-existing Medical Cannabis Cultivator License, pre-existing alternative treatment center permit first issued by the State of New Jersey, Department of Health, Division of Medicinal Marijuana in accordance with the provisions of the “Jake Honig Compassionate Use Medical Cannabis Act” (P.L. 2009, c. 307, N.J.S.A.24:6I-1 et seq., and P.L. 2015, c. 158, N.J.S.A. 18A:40-12.22 et seq.) prior to February 22, 2021, and approved by the Township to hold a concurrent municipal license to operate as a Class 1 Cannabis Cultivator, Class 2 Cannabis Manufacturer, Class 3 Cannabis Wholesaler and/or Class 4 Cannabis Distributor in accordance with the provisions hereinafter and P.L. 2021, c. 16 §33, N.J.S.A. 24:6I-46, and P.L. 2021, c.16 §34, (amending N.J.S.A. 24:6I-7) of the Act; and/or any other person or entity holding a local annual cannabis license issued by the Township pursuant to this Code.

Manufacture

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

Medical Cannabis

Means cannabis dispensed to registered qualifying patients or their designated or institutional care giver(s) pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L. 2009, c. 307 (N.J.S.A.24:6I-1 et seq.) and P.L. 2015, c. 158 (N.J.S.A. 18A:40-12.22 et seq.). “Medical cannabis” does not include any cannabis or cannabis item that is cultivated, manufactured, produced, processed, distributed, delivered, sold and/or resold for the ultimate purpose of recreational consumption by persons that not registered qualifying patients.

“Personal Use” and/or “Recreational Use”

Means the purchase, sale, possession, and/or consumption of cannabis items by person(s) who are not a Registered Qualifying Patient under the “Jake Honig Compassionate Use Medical Cannabis Act” P.L. 2009, c. 307 (N.J.S.A.24:6I-1 et seq.) and P.L. 2015, c. 158 (N.J.S.A. 18A:40-12.22 et seq.).

“Premises” or “licensed premises”

Means the following areas of a location licensed under P.L.2021, c.16 (C.24:6I-31 et al.): all public and private enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms, and storerooms; all areas outside a building that the Cannabis Regulatory Commission has specifically licensed for the production, manufacturing, wholesaling, distributing, retail sale, or delivery of cannabis items; and, for a location that the commission has specifically licensed for the production of cannabis outside a building, the entire lot or parcel that the licensee owns, leases, or has a right to occupy.

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Public Place

Shall mean any place to which the public has access that is not privately owned, including but not limited to any property owned by the Township of Cranbury, the County of Middlesex, and or any other government subdivision of the State of New Jersey situated within the geographic boundaries of the Township; or any place to which the public has access where alcohol consumption is not allowed, including, but not limited to, a public street, road, thoroughfare, sidewalk, bridge, alley, plaza, park, playground, swimming pool, shopping area, public transportation facility, vehicle used for public transportation, parking lot, public library, or any other public building, structure, or area.

Registered Qualifying Patient, Qualifying Patient, Patient

Shall mean and refer to a Qualifying Patient or Patient registered under the “Jake Honig Compassionate Use Medical Cannabis Act.” P.L. 2009, c. 307 (N.J.S.A.24:6I-1 et seq.) and P.L. 2015, c. 158 (N.J.S.A. 18A:40-12.22 et seq.).

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.

§ 50-10

- A. This Chapter has been adopted by the Township Committee of the Township of Cranbury for the following purposes:
1. To protect the public health, safety, and general welfare of the residents of the Township of Cranbury by establishing strict limits and regulations on the lawful sale and use of legal cannabis.
 2. To regulate the operation of licensed cannabis establishments to protect against the unlawful operation and use of cannabis and marijuana.
 3. To establish certain conditions and limitations on the number of cannabis licenses authorized to be issued within the Township of Cranbury.
 4. To establish regulations on the time, location and manner of licensed cannabis establishments and activities.
 5. To prohibit the operation of any cannabis establishments and other cannabis marketplace activities within the Township unless strictly in conformance with State and local laws.
 6. To establish limitations on the number and types of cannabis establishment licenses and cannabis marketplace activities.
 7. To establish local regulations as to the time, location, and manner of cannabis establishments and cannabis marketplace operations and activities in accordance with State law.

B. Applicability

The provisions herein shall apply to all licensees, persons, organizations and businesses operating and/or seeking to operate as any class of licensed cannabis establishment pursuant to the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” P.L. 2021, c. 16, N.J.S.A. 24:6I-31, et seq., including any pre-existing alternative treatment center deemed to concurrently hold any class(es) of cannabis marketplace license(s) pursuant to P.L. 2021, c. 16 §33, N.J.S.A. 24:6I-46 and P.L. 2021, c.16 §34 (amending N.J.S.A. 24:6I-7) of the Act.

§ 50-11 Prohibitions on Cannabis Establishments, Retail, Consumption Areas, and Cannabis Delivery Service Premises.

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- A. Pursuant to section 31 of the Act (N.J.S.A. 24:6I-45b), the following Classes of establishments are prohibited within the geographic boundaries of the Township of Cranbury:

1. Class 1, Cannabis Cultivation;
2. Class 2, Cannabis Manufacturing;
3. Class 3, Cannabis Wholesale;
4. Class 4, Cannabis Distribution;
5. Class 5, Cannabis Retailer; and
6. Class 6, Cannabis Delivery Service

- B. Exemptions:

Holders of a valid pre-existing alternative treatment center permit first issued by the State of New Jersey, Department of Health, Division of Medicinal Marijuana in accordance with the provisions of the "Jake Honing Compassionate Use Medical Cannabis Act" (P.L. 2009, c. 307, N.J.S.A.24:6I-1 et seq., and P.L. 2015, c. 158, N.J.S.A. 18A:40-12.22 et seq.) prior to February 22, 2021, and approved by the Township to hold a concurrent municipal license to operate the following establishments with the geographic boundaries of the Township of Cranbury:

1. Class 1 Cannabis Cultivator;
2. Class 2 Cannabis Manufacturer;
3. Class 3 Cannabis Wholesaler; and/or
4. Class 4 Cannabis Distributor.

- C. Nothing herein shall be construed to prohibit the delivery of cannabis items and related supplies within the Township of Cranbury by a New Jersey licensed Class 6 Cannabis Delivery Service to a consumer of 21 years of age or older for personal use from the licensed premises of a Class 6 Cannabis Delivery Service located outside the geographic boundaries of the Township.
- D. Cannabis Consumption Areas are hereby prohibited from being located or otherwise operated within the geographic boundaries of the Township of Cranbury.
- E. Nothing herein shall authorize a pre-existing alternative treatment center to operate at a location separate from a pre-existing licensed location, and in no instance shall a preexisting alternative treatment center be permitted to concurrently operate as a Class 5 Cannabis Retailer or Class 6 Cannabis Delivery Service within the Township.

§ 50-12 Numerical Limit on Local Cannabis Licenses and Class Types of Cannabis Establishment Permitted.

- A. The following number and type of municipal cannabis establishment licenses, otherwise known as "local annual cannabis license" are hereby authorized to be available for issuance by the Township on an annual basis:
1. One Class 1 Cannabis Cultivator license to be issued as an annual concurrent license to a qualified pre-existing alternative treatment center holding a current valid 11 permit to cultivate medical cannabis from a location previously approved by the Township and actively licensed by the State of New Jersey, Department of Health, Division of Medicinal Marijuana pursuant the "Jake Honing Compassionate Use Medical Cannabis Act," P.L. 2009, c. 307 (N.J.S.A.24:6I-1 et seq.) and P.L. 2015, c. 158 (N.J.S.A. 18A:40-12.22 et seq.), and P.L. 2021, c. 16 §33, N.J.S.A. 24:6I-46, and P.L. 2021, c.16 §34 of the Act (amending N.J.S.A. 24:6I-7) before February 22, 2021.
 2. One Class 2 Cannabis Manufacturer license to be issued as an annual concurrent license to a qualified pre-existing alternative treatment center holding a current valid permit to manufacture, package and/or process medical cannabis, and selling such medical cannabis to other manufacturers, wholesalers or retailers, but not directly to consumers, from a

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location previously approved by the Township and actively licensed by the State of New Jersey, Department of Health, Division of Medicinal Marijuana pursuant the "Jake Honing Compassionate Use Medical Cannabis Act," P.L. 2009, c. 307 (N.J.S.A.24:6I-1 et seq.) and P.L. 2015, c. 158 (N.J.S.A. 18A:40- 12.22 et seq.), and P.L. 2021, c. 16 §33, N.J.S.A. 24:6I-46, and P.L. 2021, c.16 §34 of the Act (amending N.J.S.A. 24:6I-7) before February 22, 2021.

3. One Class 3 Cannabis Wholesaler license to be issued as an annual concurrent license to a qualified pre-existing alternative treatment center holding a current valid permit to purchase, store, sell or otherwise transfer and/or transport medical cannabis items for the purpose of resale to other medical cannabis wholesalers or dispensaries, but not directly to consumers, from a location previously approved by the Township and actively licensed by the State of New Jersey, Department of Health, Division of Medicinal Marijuana pursuant the "Jake Honing Compassionate Use Medical Cannabis Act," P.L. 2009, c. 307 (N.J.S.A.24:6I-1 et seq.) and P.L. 2015, c. 158 (N.J.S.A. 18A:40-12.22 et seq.), and P.L. 2021, c. 16 §33, N.J.S.A. 24:6I-46, and P.L. 2021, c.16 §34 of the Act (amending N.J.S.A. 24:6I-7) before February 22, 2021.
 4. One Class 4 Cannabis Distributor license to be issued as an annual concurrent license to a qualified pre-existing alternative treatment center holding a current valid permit to transport in bulk medical cannabis from a location previously approved by the Township and actively licensed by the State of New Jersey, Department of Health, Division of Medicinal Marijuana pursuant the "Jake Honing Compassionate Use Medical Cannabis Act," P.L. 2009, c. 307 (N.J.S.A.24:6I-1 et seq.) and P.L. 2015, c. 158 (N.J.S.A. 18A:40-12.22 et seq.), and P.L. 2021, c. 16 §33, N.J.S.A. 24:6I-46, and P.L. 2021, c.16 §34 of the Act (amending N.J.S.A. 24:6I-7) before February 22, 2021.
- B. Except for the number and classification types of the municipal licenses listed hereinabove, no additional licenses or license types shall be issued or otherwise made available by the Township except by formal adoption of an ordinance.
- C. Any person, organization and/or business, including a licensed cannabis establishment of limited class type operating outside the scope of a license, found to engage in the cultivation, manufacturing, wholesale, bulk transport and/or retail sale of cannabis items without first having a valid license issued by the Township shall be subject to a civil fine and penalty as set forth herein below.
- D. Any person, organization and/or business found to operate a delivery services from any premises within the geographic boundaries of the Township shall be subject to a civil fine and penalty as set forth herein below.

§ 50-13 Municipal Licensure Requirements.

- A. Prior to commencing the cultivation of cannabis and/or engaging in cannabis manufacturing activities, cannabis wholesale activities and/or cannabis distribution activities, a pre-existing alternative treatment center that meets the criteria set out in §59-11(b), shall first apply for and secure from the Township of Cranbury an annual local Class 1 Cannabis Cultivator license, annual local Class 2 Cannabis Manufacturer license, annual local Class 3 Cannabis Wholesaler license, annual local Class 4 Cannabis Distributor, or any combination thereof.
- B. The Township Committee shall begin accepting applications for any class of annual local cannabis license 15 days following final passage of this ordinance. The initial local annual license shall be valid until December 31, 2024. Thereafter the period of each annual local cannabis establishment license shall commence January 1 and expire on December 31 of the calendar year.
- C. The licensee of an authorized cannabis establishment shall be required to maintain a valid alternative treatment center permit from the State of New Jersey, Cannabis Regulatory Commission

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for each applicable class of concurrently held local annual cannabis license as a condition of holding a local annual cannabis license.

- D. By no later than December 1 of the license year, all licensees shall be required to file an application for the renewal of a local annual cannabis license to be authorized to continue operation as a cannabis establishment within the Township.
- E. All local cannabis establishments licenses shall be conditional, and shall remain subject to all laws and regulations of the Township and the State of New Jersey. Failure of any licensee to comply with such applicable laws shall be grounds for revocation and/or nonrenewal by the Township Committee.
- F. The initial application fee for each local cannabis establishment license shall be \$50,000 and the renewal application fee shall be \$10,000. An escrow shall be established for administrative and professional fees and costs relating to the application and oversight during the term.
- G. All local cannabis establishment licenses shall be non-transferrable. All local cannabis establishment licenses shall be specific to the property location authorized and approved by the Township and shall not otherwise be considered a "pocket license." Nothing herein shall authorize a pre-existing alternative treatment center to operate at a location separate from a pre-existing licensed location, and in no instance shall a pre-existing alternative treatment center be permitted to operate as a Class 5 Cannabis Retailer or Class 6 Cannabis Delivery Service within the Township.
- H. All local cannabis establishments shall be subject to unannounced inspections by a designated representative of the Township. Access shall be permitted by the designated representative.

§50-14 Local Cannabis Transfer and User Taxes.

- A. Pursuant to section 40 of the Act, N.J.S.A. 40:48I-1a(1), the following transfer taxes are hereby established on all cannabis establishments operating within the Township as the maximum amount as permitted by the laws of the State of New Jersey or the amounts set forth below, whichever is greater:
 - 1. 2% on the gross receipts from each sale of all cannabis and cannabis items by any cannabis cultivator to any other cannabis cultivator;
 - 2. 2% on the gross receipts from each sale by a cannabis manufacturer;
 - 3. 1 % on the gross receipts from each sale by a cannabis wholesaler; and
 - 4. 2% on the gross receipts from each sale of cannabis and/or cannabis items from any cannabis establishment to another cannabis establishment.
- B. Pursuant to section 40 of the Act, N.J.S.A. 40:48I-1a(2), the following user taxes are hereby established on all concurrent license holders operating within the Township, which shall be in addition to any other tax imposed by law as the maximum amount as permitted by the laws of the State of New Jersey or the amounts set forth below, whichever is greater:
 - 1. 2% of the receipts from each sale by a cannabis cultivator;
 - 2. 2% of the receipts from each sale by a cannabis manufacturer;
 - 3. 1% of the receipts from each sale by a cannabis wholesaler; and
 - 4. 2% of the receipts from each sale by a cannabis retailer.
- C. The above provisions as to the user and transfer taxation of any cannabis marketplace activities shall not apply to that portion of any business activities conducted by a concurrent licensee with respect to medical cannabis cultivation, medical cannabis manufacturing, medical cannabis processing, medical cannabis distribution and/or the dispensing of medical cannabis items. Such user and transfer taxation amounts shall be governed by a contractual agreement with the licensed medical cannabis facility.

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§ 50-15 Odor Mitigation and Control

- A. All cannabis establishments, including licensed pre-existing alternative treatment centers, shall provide fully integrated air treatment systems, with sufficient odor absorbing ventilation and exhaust systems such that any odor generated within the confines of the premises shall not unreasonably interfere with the enjoyment of life or property outside the boundaries of the establishment's property, in accordance with NJDEP regulations and guidance.
- B. All medical cannabis establishments and cannabis establishments shall be required to retain a qualified environmental consultant approved by the Township, who shall be available to promptly respond to the site in the event of an incident or adverse event within a reasonable period of time not to exceed 12 hours.
- C. All medical cannabis establishments and cannabis establishments shall be required to monitor all activities for odors on a daily basis; shall maintain and produce written records of all odor monitoring, investigations, air quality studies and adverse events.
- D. All records as to odor monitoring, investigations, air quality studies and adverse events shall be produced to the Township upon request.

§ 50-16 Corporate Designee Contact.

All medical cannabis establishments and cannabis establishments operating within the Township shall be required to designate a corporate representative of the business who shall be available 24 hours daily to serve as the primary person of contact for the establishment, and shall have full authority to make decisions on behalf of the establishment in the event of an emergency. The establishment shall provide the up-to-date direct telephone and email contact information for the corporate designee to the Township Police Department and the Township Administrator and shall assure that such contact information remains current at all times. At a minimum, the corporate 15 designees shall be responsible to respond to the Township in the event of a report of criminal activity, adverse odor event, or any suspected violation of applicable State and/or local laws.

§ 50-17 Manner of Delivery of Cannabis and Cannabis Items.

The actual delivery of cannabis and cannabis items by any Class 6 Cannabis Delivery services to a consumer occurring within the Township shall be prohibited from taking place in any public place and shall only be permitted to take place within the confines of private property or indoor public places with the express permission and authorization of the owner of the property.

§ 50-18 Civil Fines and Penalties

- A. Any person(s), firm(s), business(es), corporation(s) and/or other organizations, including any licensed medical and/or cannabis establishment, found in violation of any provision(s) of this Code shall be subject to a civil fine and penalty not exceeding \$2,000.
- B. Any licensed medical and/or cannabis establishment found in violation of any provision(s) of this Code may be grounds for revocation and/or nonrenewal of any issued local cannabis establishment license. Upon reasonable notice to the licensee by the Administration of the Township of Cranbury, a hearing shall be conducted before the Township Committee of the Township of Cranbury to decide whether sufficient grounds exist to revoke any and all classes of local cannabis establishment licenses issued to the licensee. The licensee may be permitted to be represented by legal counsel during the hearing, present evidence, testimony and witnesses.
- C. Each and every day any person(s), firm(s), business(es), corporation(s) and/or other organizations, including any licensed medical and/or cannabis establishment remains in violation of the provisions of this Code after the deadline for compliance set forth in any notice of violation issued by the enforcing officer(s) of the Township shall be considered a continuing violation punishable as a

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separate and distinct offense and subject to a separate civil fine and penalty for each and every day the violation continues.

- D. The Municipal Court or Superior Court shall have jurisdiction to hear and decide any action(s) brought to enforce the provisions of this code, the hearing for which shall be conducted in a summary manner pursuant to N.J.S.A. 2B12-16a, and any final order imposing fines and penalties for a violation of this code shall be enforceable in the Municipal Court or Superior Court and collectible as a lien against the property of the violator in accordance with the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-10 to - 12.

SECTION III.

Section 150-5 of the Code of the Township of Cranbury shall be amended as follows (deletions are struck through and additions are underlined):

§ 150-5 Prohibited Uses.

A. Following the effective date of this chapter, the establishment of any use not expressly permitted by this chapter shall be prohibited.

B. For the purposes of P.L. 2021, c. 16 ("New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act") all classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16 shall be prohibited uses in all zones in the municipality, except that Cannabis Cultivators, Cannabis Manufacturers, Cannabis Wholesalers, and/or Cannabis Distributors, shall be permitted uses at an existing alternate treatment center as defined in § 50-9.

SECTION IV. SEVERABILITY.

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

SECTION V. INCONSISTENT ORDINANCES REPEALED.

All Ordinances or parts of Ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed, but only to the extent of such inconsistencies.

SECTION VI. EFFECTIVE DATE.

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

Mayor Ferrante opened for township committee members to comment on the ordinance only.

Hearing none, Mayor Ferrante closed the township committee comments on the ordinance.

Mayor Ferrante opened for public comment on the ordinance only.

- James Froehlich – Mr. Froehlich, Vice President of Breakwater Treatment & Wellness, thanked the Mayor and Township Committee for updating the ordinance and continue to allow their business to grow in Cranbury.

Hearing no one else, Mayor Ferrante closed the public comment on the ordinance.

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Mr. Scott made a motion to adopt the ordinance. Ms. Knierim seconded the motion. On a roll call vote, the ordinance was unanimously adopted by the members present.

Ayes: (El-Badawi
(Knierim
(Rogers
(Scott
(Ferrante

Abstain: (None
Absent: (None

Nays: (None

Resolutions – Consent

Mayor Ferrante asked the Committee if there were any questions or comments on the Consent Agenda items. Mayor Ferrante requested Resolution # R 12-23-110 be pulled from the Consent Resolution list to be voted on separately. Hearing none others, Mayor Ferrante asked for a motion to approve the Consent Agenda resolution(s) (a and b). On motion by Ms. Knierim, seconded by Mr. Scott, the following Consent Resolution(s) were adopted unanimously by the following vote:

Ayes: (El-Badawi
(Knierim
(Rogers
(Scott
(Ferrante

Abstain: (None
Absent: (None

Nays: (None

CRANBURY TOWNSHIP RESOLUTION # R 12-23-108

NOW, THEREFORE, BE IT RESOLVED, by the Township of Cranbury that all bills and claims as audited and found to be correct be paid;

CRANBURY TOWNSHIP RESOLUTION # R 12-23-109

**AUTHORIZING APPLICATION FOR GRANT WITH THE STATE OF NEW JERSEY – CRANBURY
STATION HAMLET**

The governing body of the Township of Cranbury desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$50,000 to fund the following project:

Cranbury Station Hamlet: Preparation of National Register Nomination. The National Register plays a vital role in historic preservation as a planning tool; as a basis for Historic Preservation Tax Incentives and economic revitalization; and, for the recognition it bestows on designated properties.

THEREFORE, the governing body resolves that Denise Marabello or the successor to the title of Township Administrator is authorized:

- (a) To make application for such grant,
- (b) If awarded, to execute a grant agreement with the State for a grant in the amount not less than \$15,000 and not more than \$50,000 and
- (c) To execute any amendments thereto.

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The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

Resolutions

Mayor Ferrante asked the Committee if there were any questions or comments on Resolution # R 12-23-110. Dr. Rogers spoke about the importance of this Resolution and commended the subcommittee's hard work on the status report. Hearing no one else, Mayor Ferrante asked for a motion to approve Resolution # R 12-23-110. On motion by Ms. Knierim, seconded by Dr. Rogers, the following Resolution was adopted unanimously by the following vote:

Ayes: (El-Badawi
(Knierim
(Rogers
(Scott
(Ferrante

Abstain: (None
Absent: (None

Nays: (None

CRANBURY TOWNSHIP RESOLUTION # R 12-23-110

TOWNSHIP OF CRANBURY

**RESOLUTION RECOGNIZING THE STATUS REPORT ON THE OPEN SPACE AND RECREATION PLAN
INCLUDING THE RECREATION AND OPEN SPACE INVENTORY (ROSI)**

WHEREAS, the Township Committee requested a status update on the 2008 Open Space and Recreation Plan and ROSI; and

WHEREAS, the update includes guidance for future improvements in and acquisition of township recreation and open space.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Cranbury, that this report and ROSI be used as a roadmap for boards and commissions to use when recommending improvements to township recreation and open space and for the Township Committee to use when evaluating whether to acquire or make improvements to recreation and open space.

Public Comment

Mayor Ferrante reminded the public of the three (3) minute time limit for public comment. Mayor Ferrante then opened the meeting to public comment.

- Stacy Noonan – Ms. Noonan reported on her concerns for the pickleball court project.

Hearing and seeing no one else, Mayor Ferrante closed public comment.

Action Items –

- The Township Committee reiterated the cancellation of the December 18, 2023 optional meeting due to lack of business.

Adjourn

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Mayor Ferrante requested a motion to adjourn. On a motion by Mr. Scott, seconded by Dr. Rogers and unanimously carried, the meeting adjourned at 8:07 p.m.

Debra A. Rubin

Debra A. Rubin, RMC
Municipal Clerk