

**CANNABIS ADVISORY BOARD
FINAL REPORT
JANUARY 30, 2024**

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EXECUTIVE SUMMARY

The Cannabis Advisory Board (The Board) was established in August 2023 by the Morris Township Committee to research the evolution of the cannabis industry in New Jersey since its legalization in 2021 and report back to the Township Committee with recommendations as to whether or not Morris Township should remain opted out of some or all six classes of cannabis licensing. The Board is comprised of five resident volunteers, the Mayor, the Deputy Mayor, and Township Professionals. Over the course of six public meetings, Board members heard testimony from Township professionals, industry professionals, and residents.

During the meetings, the Board evaluated the following potential implications cannabis licensing may have on Morris Township, including:

- Zoning
- Economic
- Municipal Revenue
- Public Safety

After evaluating the testimony and public comments, Board members each developed their own analyses and opinions on whether or not Morris Township should remain opted out of some or all six classes of cannabis licensing. In summary:

- All of the Board's resident volunteers agree that it may be advantageous for Morris Township to opt in to certain classes of cannabis licensing; however, the type of licensing and overall timing differ.
- The following classes of licensing have the following number of members recommending the Township opt in to them:
 - Class 1 – Cultivator: 2
 - Class 2 – Manufacturing: 5
 - Class 3 – Wholesaler: 3
 - Class 4 – Distributor: 3
 - Class 5 – Retailer: 1
 - Class 6 – Delivery: 3
- Four of the five resident volunteers believe the Township should consider opting in soon.
 - Members agree that since the legalization of cannabis in 2021, the Township will, at some point, need to entertain zoning for certain uses under its own discretion as State laws and regulations continue to evolve.

BACKGROUND

In 2020, voters in New Jersey approved by referendum vote an amendment to the State Constitution legalizing the recreational use of cannabis and allowing for recreational cannabis sales. The referendum received support from 68.64% of Morris Township voters.

As part of state law passed after the referendum vote, municipalities across the state that did not wish to allow cannabis businesses within their borders were required to opt out of some or all classes of cannabis licensing by August 21, 2021.

The Morris Township Committee opted out of all six classes of cannabis licensing in August 2021 with the intent to monitor the development of the industry and revisit their decision in future years. Opting out was necessary for the Township of Morris to retain control over its municipal zoning. Additionally, the Township Committee passed an ordinance banning the use of cannabis and/or cannabis products on public property, including parks and recreational facilities within the Township of Morris.

If Morris Township had not decided to opt out in August 2021, any class of cannabis business not explicitly prohibited by ordinance would automatically have been permitted to operate within the municipality. A cannabis cultivator, manufacturer, distributor, or delivery service would have automatically been permitted uses in all industrial zones. A cannabis retailer would have automatically been a conditional use in all commercial or retail zones, though still required to meet any applicable zoning ordinance or get a variance in accordance with the Municipal Land Use Law (MLUL). For more information, see the FAQs for municipalities on the NJ.gov website: [Municipalities \(nj.gov\)](https://www.nj.gov/municipalities)

CLASSES OF CANNABIS LICENSING

New Jersey's Cannabis Regulatory Commission (CRC) issues licenses for medicinal and recreational cannabis business operations in New Jersey. Each business requires a license, which must be active and in good standing, in order to perform any commercial cannabis activity.

The CRC currently accepts applications for personal use (medicinal and recreational) cannabis businesses in the following categories:

- **Class 1 Cultivator** – Growing cannabis plants within the State of New Jersey for commercial purposes, not personal use. Interstate transport is not permitted.
 - The benefits are that there is no retail product, consumer interaction, or transactional cash onsite. *(Note: there are seedlings, growing/flowering plants, and drying cannabis; see the pictures from Meeting 5 presentation).*
 - Cultivation operations are energy intensive, average 25,000 sq. ft. of canopy (mature, flowering plants), and also may include 2 to 4 times more space for “clones, vegetative cannabis, dry/curing rooms, trimming spaces, vaults/storage, offices and bathrooms, etc.”
 - Public concerns about odor, although there are more advanced systems to remediate odor.
 - Odor mitigation considerations include carbon filtration systems, corrugated cardboard, or specialized equipment.

- Outdoor growth is allowed, but the municipality may prohibit outdoor cultivation.
- Indoor hydroponic growing is energy-sensitive with additional power infrastructure provided by power companies.
- Facility sizes range from 10,000 – 350,000 square feet.
- Transportation requirements to/from the cultivation site are limited, typically a few box truck trips per week.
- 2% tax benefit paid directly to the Township.
- **Class 2 Manufacturer** – Processing and packaging cannabis purchased in New Jersey into a variety of cannabis products for eventual use by consumers.
 - Analogous to a laboratory, pharmaceutical facility, or commercial kitchen.
 - There is no consumer interaction or transactional cash onsite.
 - Industry professionals highlighted the need for manufacturing in New Jersey.
 - Can be stand-alone facilities or can be co-located with a cultivation facility if held by the same company.
 - Regulatory fee structure has two levels.
 - Below 10,000 square feet (most are under 10,000 square feet)
 - Above 10,000 square feet
 - Products made include vape, topical creams and oils, gummies, shelf-stable food products and beverages.
 - 2% tax benefit.
- **Class 3 Wholesaler** – Purchases, stores, sells, or otherwise transfers cannabis and cannabis products in warehouse space.
 - Analogous to a warehouse facility
 - There is no consumer interaction or transactional cash onsite.
 - May transfer cannabis items for purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers.
 - 1% tax benefit.
- **Class 4 Distributor** – Transporting or delivering cannabis and cannabis products in bulk intrastate from one licensed cannabis establishment to another.
 - Analogous to an intra-state trucking company
 - There is no consumer interaction or transactional cash onsite.
 - May engage in temporary storage as necessary to carry out transportation activities.
- **Class 5 Retailer** – Selling cannabis and cannabis products to legal consumers – adults 21 years of age and older.
 - Facility sizes range from about 1,500 – 5,000 square feet (most around 2,500 – 3,500 square feet)
 - Currently 53 approved in NJ; saturation would be 250 – 350 stores.
 - Currently 80% take online orders and people come to the store only to pick up orders.
 - Can accept debit and gift cards but is heavily cash reliant.
 - 2% tax benefit.

- **Class 6 Delivery Service** – Providing courier services for consumer purchases of cannabis product and related supplies fulfilled by a retailer.
 - While municipalities can opt out of any or all classes, they cannot prohibit the direct delivery of cannabis and cannabis products to residents living within their municipal jurisdiction.
- **Testing Laboratory** – Testing cannabis and cannabis products.

Only Class 5 and Class 6 licensed cannabis businesses deal directly with members of the public (medicinal or recreational cannabis consumers). Class 1-4 licensed cannabis businesses are prohibited from dealing directly with consumers.

CANNABIS ADVISORY BOARD

The Cannabis Advisory Board (the Board) was established in 2023 by the Morris Township Committee to research the evolution of the cannabis industry in New Jersey since its legalization in 2021 and report back to the Township Committee with recommendations as to whether or not Morris Township should remain opted out of all six classes of cannabis licensing.

The Board is comprised of five resident volunteers, Township professionals, and two Township Committee liaisons:

Township Committee Liaisons:

- Mayor Mark Gyorfy (Chair)
- Deputy Mayor Bud Ravitz

Resident Volunteers:

- Mr. Bill Barrett, Esq.
- Mr. Louis Brucker
- Ms. Meghan Burke, Esq.
- Ms. Linda Murphy
- Dr. Bette Simmons

Township Professionals:

- Township Administrator, Tim Quinn
- Township Attorney, Jarrid Kantor, Esq.
- Planning Board Attorney, Steve Warner, Esq.
- Township Planner, Paul Phillips
- Township Engineer, Jim Slate
- Police Chief Robert Shearer

As an advisory board, the Board has no authority to set or change Township policies or ordinances; therefore, no formal action is being taken by the Board.

PUBLIC MEETINGS

The Board met a total of six times from August 10th to November 1st and considered input from legal and zoning professionals, law enforcement, various industry experts, some cannabis licensees, and members of the public. Available recordings of the meetings can be accessed by clicking on the hyperlinks below or by visiting the [FAQs on the Township of Morris Website](#).

Meeting 1: Input from Township Professionals (August 10, 2023)

[Agenda](#) – [Recording](#) – [Presentation 1](#) – [Presentation 2](#) – [Presentation 3](#)

During the first meeting, Township professionals shared their perspectives on the state of the cannabis industry in New Jersey and the impacts it has on municipalities that have opted into cannabis licensing and those that have opted out. The following Township professionals were present during this meeting:

- Township Administrator, Tim Quinn
- Township Attorney, Jarrid Kantor, Esq.
- Planning Board Attorney, Steve Warner, Esq.
- Township Planner, Paul Phillips
- Township Engineer, Jim Slate
- Police Chief Robert Shearer

The pros and cons of the classes of cannabis licensing were discussed by the Board, along with their implications to the local economy and municipal revenue. The Board also discussed zoning implications, including the types of conditional uses, distancing and acreage requirements, and traffic and parking issues.

Meeting 2: Law Enforcement Implications (August 22, 2023)

[Agenda](#) – [Recording](#)

During the second meeting, Morris Township Police Chief Robert Shearer discussed conversations he had with police chiefs from nearby municipalities with cannabis businesses and the impacts these businesses had on their police departments. Chief Shearer also discussed what steps the Township should take should a licensed cannabis business be permitted in the Township.

Chief Shearer indicated that cannabis facilities in New Jersey have strong protections in place to ensure the safety of staff and customers. Protections are required by the state to ensure that only those 21 and older enter the facilities. Armed guards have been hired at many of the facilities to bolster these protections, which has resulted in limited to no strains on local law enforcement. After his review, Chief Shearer stated that he had no major concerns with a licensed facility operating in the Township of Morris from an enforcement perspective.

Meeting 3: Presentation by Industry Professional Ron Mondello, Esq. (September 19, 2023)

[Agenda](#) – [Recording](#) – [Presentation](#)

Ron Mondello, Esq, a private lawyer who is considered an expert in the NJ cannabis licensing field, spoke to the Board at its September 19th meeting to discuss how the New Jersey licensing process has progressed since its start a few years ago.

Mr. Mondello emphasized the importance for municipalities to have strong community agreements to ensure any licensed facility operates within specific parameters to meet the unique needs of the community. Mr. Mondello explained that New Jersey's cannabis laws provide municipalities with leeway when it comes to requirements from businesses. Further, Mr. Mondello cautioned the Board not to expect significant guidance or support from the State's Cannabis Regulatory Commission.

When asked about potential revenue that Morris Township might see from cannabis licensing, Mr. Mondello stated that municipalities could expect between \$180,000 and \$240,000 in annual tax revenue from a 1,500-3,000 sq ft retail facility. Further, he stated that a municipality could expect between \$400,000 and \$500,000 in annual tax revenue from a 1,500-3,000 sq ft manufacturing facility. Additionally, he stated that the Township has the power to set application and inspection fees to adequately cover the increased costs to the Township to provide oversight of a business.

Meeting 4: Presentation by Industry Professional Frank Vitolo, Esq. (October 4, 2023)

[Agenda](#) - *Due to technical issues with the meeting room audio this recording is unavailable.*

Frank Vitolo Esq., a private lawyer who has represented clients in the cannabis industry locally in Morristown and across the state, spoke to the Board about his and his clients' experience going through the review and approval process in Morristown as well as other northern New Jersey municipalities. Chris Dowling, a client of Mr. Vitolo's and owner of Sussex Cultivation, was also present.

Mr. Vitolo walked the Board through the steps of Morristown's cannabis licensing process, providing details from an applicant's perspective and informing members of the intricacies and thoroughness of the process. Mr. Dowling discussed his business's experience as an applicant and operating business in Sussex County.

Mr. Dowling also discussed the local requirements impacting his business in Sussex County. Local ordinances dedicate a percentage of the municipality's cannabis revenue to road improvement projects as well as require local opportunities for employment at their facilities. Sussex Cultivation's facilities, as the name suggests, are where cannabis is cultivated, and his business only reported 4-5 box truck trips per week, demonstrating little impact on local traffic.

Meeting 5: Presentation by Susanna Short, President & Co-founder, NJ Cannabis Trade Association; Jaraun Wright, Co-founder and Managing Partner, BANC Street Collective, LLC (October 17, 2023)

[Agenda](#) – [Recording](#) – [Presentation](#)

Susanna Short, President & Co-founder of the NJ Cannabis Trade Association, was the first panelist of the Board's fifth meeting. Ms. Short provided a comprehensive presentation on many facets of the cannabis licensing process, as well as an overview of the industry as a whole. Ms. Short provided examples of what the distinct types of cannabis businesses look like and provided images to demonstrate their scale, including micro businesses.

The Board asked Ms. Short about state requirements and regulations and the Township's right to enforce stricter requirements on businesses than what the State provides. Ms. Short informed the Board of the public health implications of Delta 8 THC, which is currently being sold unregulated across the state. The NJ Cannabis Trade Association is developing a model ordinance for NJ municipalities to crack down on this substance.

Jaraun Wright, Co-founder and Managing Partner of BANC Street Collective, LLC was the evening's second speaker. Mr. Wright discussed his business's experience applying for a dispensary license in Morristown. This included completing a lengthy application process, providing proof of support from the community, and paying significant legal expenses. In providing feedback on BANC Street Collective's experience, Mr. Wright emphasized the importance of the town's governing body, professionals, and residents all being on the same page.

Meeting 6: Public Comment & Board Discussion (November 1, 2023)

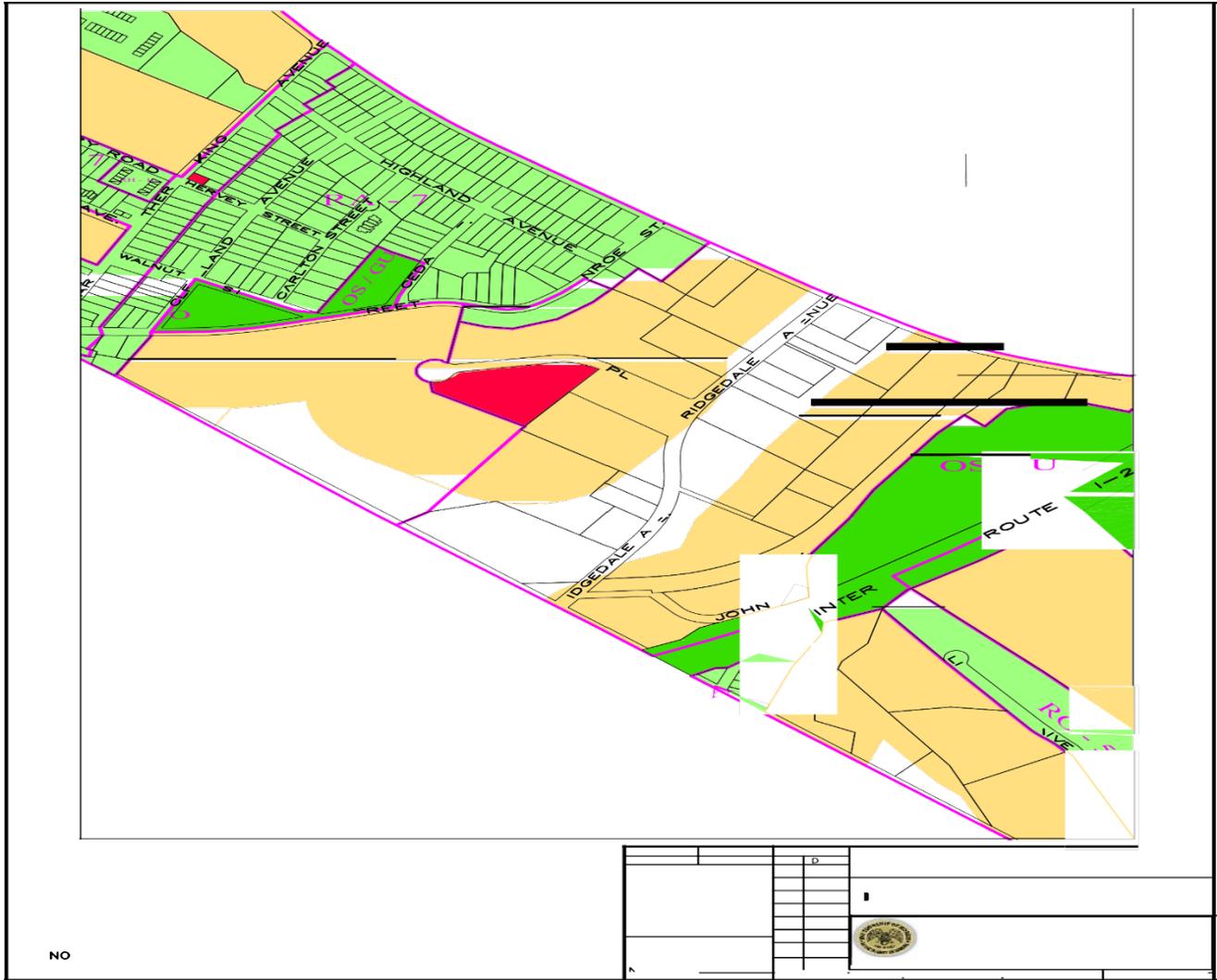
[Agenda](#) – [Recording](#) – [Special Municipal Messenger to Residents](#)

The Board met on November 1st to hear comments from members of the public and discuss the development of the final report.

During the meeting, 22 members of the public provided public comment, 19 of which were Township residents. 19 members of the public expressed concerns with cannabis licensing while three individuals expressed support.

In addition to discussing topics that should be included in the report, Board members also reviewed a [zoning map](#) submitted by the Engineering Department showing restrictions on sensitive uses in the Township, which would likely be relied upon should overlay zones allowing cannabis licensing be needed.

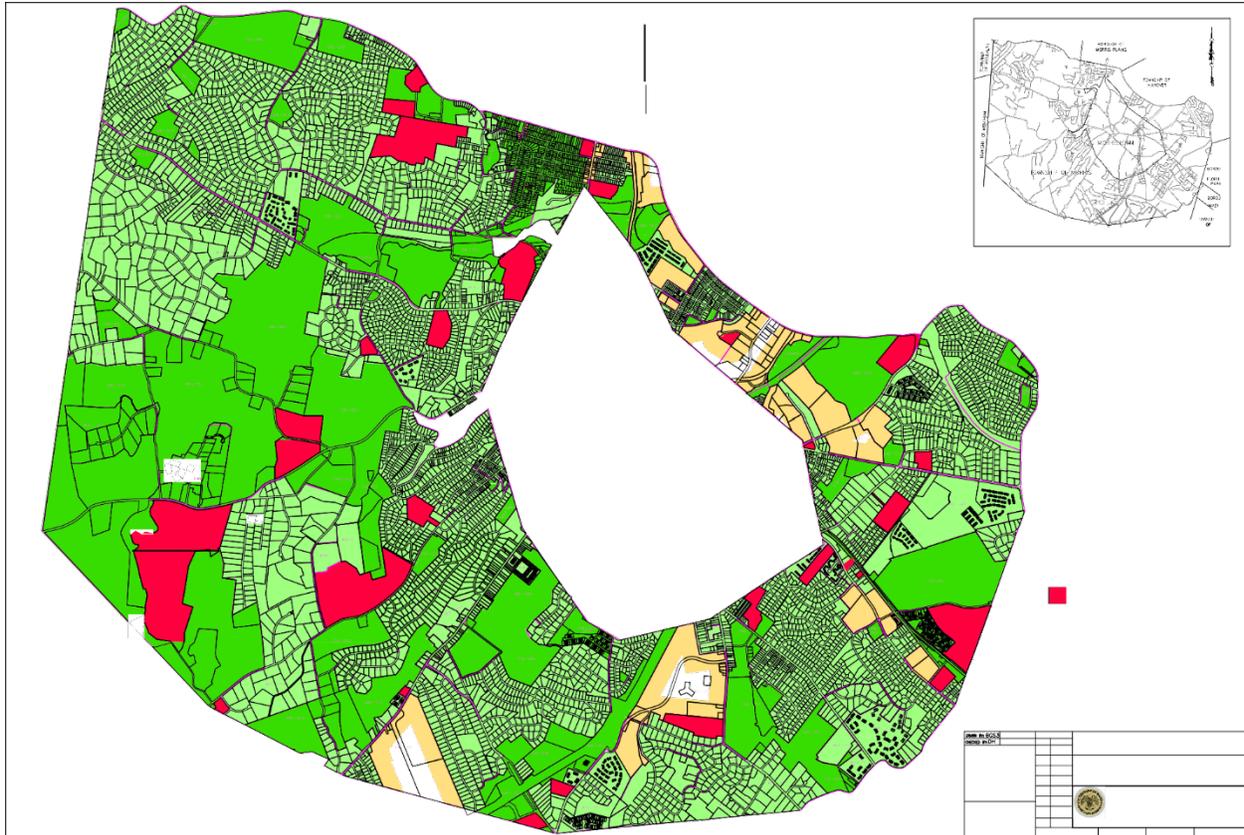
Based on the map, the Board concurred that potential locations for cannabis licensing are limited to the area between Ridgedale Ave, East Hanover Ave, and I-287 (John St).



ZONING IMPLICATIONS

Morris Township’s geography poses significant challenges to identifying areas that might be suitable for any of the six classes of cannabis businesses. Neighborhoods, schools, houses of worship, and parks create sensitive use zones that may prohibit cannabis businesses from operating in the vast majority of the Township.

You can view the zoning map shown below [here](#).



Cannabis Advisory Board Exhibit Map

In order for a licensed business to succeed, it would need to be situated in an area that is 1) well-traveled, 2) easy to get to, and 3) offers quick access to major roadways and highways. One of the biggest concerns and realized challenges of opting in to any class of cannabis licensing is: where to zone for it?

When the Board reviewed the sensitive uses map provided by the Engineering Department (shown above), members concurred that the area between Ridgedale Avenue, East Hanover Avenue, and I-287 is the only realistic area that would meet the distancing requirements.

Federal law continues to identify all forms of marijuana, including medicinal marijuana, as a Schedule 1 controlled substance. This classification may come under review in the near future. However, nationally, it is still a federal offense to possess with intent to sell, distribute, or manufacture a controlled substance in, or on, or within 1,000 feet of identified sensitive areas.

The adopted NJ Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act changed the state definition of “controlled dangerous substance” to permit the control and legalization of cannabis within the state. This change means that a licensed and authorized cannabis facility may legally operate within the 1,000-foot drug-free zone unless precluded from doing so by the municipality in which it is located.

The Cannabis Advisory Board members unanimously agreed early in their evaluation process to recommend a practical buffer between any potential licensed and authorized cannabis facility and all manner of sensitive areas within Morris Township:

Sensitive Areas Defined by Federal Law

- Any real property comprising a public or private educational facility including elementary, vocational, or secondary school or a public or private college, junior college, or university.
- Any housing facility owned by a public housing authority.
- Any facilities frequented by minors including, but not limited to, public or private youth centers, playgrounds, public swimming pools, or video arcades.

Additional Sensitive Township Areas

- All types of houses of worship
- All public property, including public parks and other recreational facilities (concurrent with Township’s opt out decision in 2021).
- Residential neighborhoods within the Township.

The Board recommends the Morris Township Committee consider establishment of a 500-foot buffer or 28% more buffer distance than the length of a typical football field. For comparison purposes, the length of a football field as measured from the back of one end zone to the back of the other is 120 yards or 360 feet.

Application of a 500-foot buffer will eliminate much of Morris Township from consideration for an adult-use cannabis business due to the fact that the Township is primarily a residential suburban community and is largely built-out. There are a few limited areas within the Township’s jurisdiction that may warrant further consideration for a cannabis business location by the Morris Township Committee.

ECONOMIC AND MUNICIPAL REVENUE IMPLICATIONS

The members of the Board heard testimony about potential sources of revenue and some projections regarding municipal licensing and tax revenue opportunities, especially among early adopters across the state. Some of the revenue claims were quite exorbitant.

The Board recommends the Morris Township Committee view these reported forecasts with a critical eye and take into account that some revenue reduction will likely occur as the novelty of adult-use cannabis wears off and as more cannabis facilities across the six license types open across New Jersey.

Realistically, potential sources of municipal revenues include:

- A municipality may set the cost of **initial licensing application fees and annual license renewal fees**. These fees may be consistent across the types of cannabis license or vary by type of license at the Township Committee’s discretion.
- A municipality may impose a **transfer tax on the sale of cannabis or cannabis items** by a cannabis establishment located within the municipality.
- A municipality is free to **set its own tax rate based on receipts**, but in no case can the tax rates exceed:
 - Class 1 – Cultivator: 2% of the receipts from each sale by a cannabis cultivator.
 - Class 2 – Manufacturer: 2% of the receipts from each sale by a cannabis manufacturer.
 - Class 3 – Wholesaler: 1% of the receipts from each sale by a cannabis wholesaler.
 - Class 5 – Retailer: 2% of the receipts from each sale by a cannabis retailer.
 - Class 4 (Distributor) and Class 6 (Delivery) Licenses are not identified as eligible for a municipal tax rate based on receipts.
- The municipality may come to an agreement with a licensee to receive additional revenue to support public projects, i.e. park facilities, roads, community programming, etc.

There could be other economic and community impact considerations such as local job creation and the repurposing of vacant properties.

PUBLIC HEALTH IMPLICATIONS

New Jersey has an on-going campaign – ‘Cannabis smart Cannabis safe’ – focused on safeguarding the health of cannabis users. Since the campaign launch in October 2023, there are billboards on roadways across the state, posters, and digital advertising to promote the safe use of cannabis products.

Please see the NJCRC website on the [Safe Use page](#) for more information about this campaign aimed at members of the public. Subjects covered on the website page include: protecting vulnerable populations, potency changes and safe consumption, proper storage, cannabis use and driving, and buying legal cannabis products.

LAW ENFORCEMENT IMPLICATIONS

State and Local Laws

New Jersey cannabis laws limit legal cannabis use and possession to adults 21 years and older; decriminalize cannabis possession for adults; and clarify marijuana, hashish, and cannabis use and possession penalties for individuals younger than 21 years old.

Class 5 and Class 6 Licenses require authorized retailers and delivery services to check consumer identification credentials with each transaction to determine that consumers are of legal age. It remains illegal for anyone under the age of 21 to possess or use cannabis products.

In August 2021, the Morris Township Committee passed an ordinance banning the use of cannabis and/or cannabis products on public property, including parks and recreational facilities. This ordinance is consistent with the State's guidance that a municipality may adopt an ordinance making it unlawful for any person 21 years of age or older to consume cannabis through other means (i.e., cannabis edibles) in a public place.

Further, the consumption of cannabis items through smoking, vaping, or aerosolizing is prohibited in all places where tobacco smoking is prohibited under the NJ Smoke-Free Air Act, and in any indoor public place as that term is defined in N.J.S.A. 26:3 D-57 such as bars, restaurants, and sports venues.

Security at Cannabis Facilities

During his presentation at the August 22, 2023 meeting, the Police Chief reported that cannabis facilities across the state have strong protections in place to ensure both staff and customer safety. These safety protocols are required by state regulations and include additional precautions that may be mandated by licensing municipalities. After his review, Chief Shearer stated that he had no major concerns with a licensed facility operating in the Township of Morris from an enforcement perspective.

- Licensed facilities are required by both state and municipal regulations to have comprehensive security measures and protocols in-place, including cameras that can be accessed by the Cannabis Regulatory Commission 24/7 for monitoring.
- Armed guards have been hired at many of the facilities to bolster these protections, which has resulted in limited to minimal strain on local law enforcement. When questioned about potential security shortfalls at cannabis facilities, guest speaker Susanna Short stated that security lapses in the State of New Jersey have been limited to cultivation and manufacturing facilities to date, and have been determined to be a result of internal bad actors. There have been no reported security breaches at dispensaries.
- Cannabis businesses are restricted from accessing federally regulated banking and other financial services. Businesses in New Jersey rely on state-regulated financial services providers. As a result, these businesses are dependent on cash and debit transactions. Dispensaries rely on armed security to escort cash on and off premises.

During the Board's discussions, non-dispensary licensing became more appealing due to the lack of financial transactions happening onsite, thus removing the necessity of transferring large amounts of cash. However, it is important to note that these cash transfer services will be no

different than those that already exist servicing banks and credit unions in and around Morris Township.

PUBLIC COMMENT

The Board met on November 1st to hear comments from members of the public and discuss the development of the year-end report. The recording can be found [here](#).

During the meeting, 22 members of the public provided public comment, 19 of whom were Township residents. 19 members of the public expressed concerns with cannabis licensing, while three individuals expressed support.

BOARD MEMBER OPINIONS

The five resident volunteer members of the Board each had unique views on whether or not the Township should opt in to any of the six classes of cannabis licensing. The Township's zoning and location challenges were top-of-mind among these Board members, along with proper evaluation of the net benefits for the Township.

Members of the Board largely favored opting in to licenses that are non-public facing. As a reminder, Class 1 - 4 licensed cannabis businesses are prohibited from dealing directly with consumers. Specifically, all Board members see benefits in permitting Class 2 Manufacturer licensing due to its limited impact on the surrounding area and potential revenue for the Township. Class 3 Wholesaler and Class 4 Distributor licensing were also favored by a majority of members due to similar non-public facing business models. Furthermore, these businesses may be beneficial to the local economy through the repurposing and transformation of vacant commercial office space in the future.

Class 6 Delivery Service licensing was also identified by 60% of the resident volunteers as worthy of opt-in consideration. While this license type deals directly with members of the public, the Township cannot prohibit Class 6 licensees from other communities from direct delivery of cannabis and cannabis products to our Township residents.

Board members caution the Township Committee on trusting projected revenues from these businesses. While these revenue projections from industry professionals would be beneficial for the Township, the constantly evolving environment may pose unique challenges, including financial, for newly established businesses in the coming years. It is critical for the Township to monitor projected vs. realized revenue streams in towns across the state to gauge the accuracy of industry projections.

It is important to note that Class 5 Retailer licensing was not favored by the Board. Concerns over potential competition from nearby future facilities were evident among the Board members, as well as the lack of suitable property for this use. Other Retailer licensing

considerations included additional specific conditions: a) no on-site consumption should be allowed at a retail location (a.k.a., dispensary) and b) all cannabis and cannabis product usage in the Township should be restricted to private residences/properties.

Should the Township Committee proceed with opting in to cannabis licensing, the Board members also emphasized the importance for the Township to set a rate and fee structure to ensure all Township services required for opening a successful business be paid for by the applicant/business so that no municipal tax dollars are expensed. It will be important for Township professionals to analyze whether additional staff will need to be hired to provide these services. If additional headcount is not needed, the Township must weigh the costs of the additional workload being put on Township professionals.

CONCLUSION

The cannabis industry in New Jersey continues to evolve, forcing municipalities both with and without cannabis licensing to adapt with it.

It is clear that the Township is not in urgent need of new revenue sources, which will allow the Township to make careful and prudent decisions as they relate to cannabis licensing. However, it is clear that broader challenges to the economy and commercial real estate market may make opting in to certain classes a reasonable and viable policy decision to keep the Township's residential tax rate stable in future years.

It is important for the Township to continue monitoring this evolving market and weighing the pros and cons of opting in to cannabis licensing. It is clear that the Township's current approach to carefully evaluating the costs and benefits will allow for more responsible decision making on behalf of the residents.