

PENNSAUKEN TOWNSHIP
RESOLUTION NO. 2022:413

RESOLUTION AUTHORIZING MUNICIPAL SUPPORT FOR MPX NEW JERSEY LLC TO RECEIVE A CLASS 5 RETAIL CANNABIS LICENSE FROM THE NEW JERSEY CANNABIS REGULATORY COMMISSION TO OPERATE WITHIN PENNSAUKEN TOWNSHIP

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 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 cannabis businesses, specifically including a Class 5 Cannabis Retail license; and

WHEREAS, Section 31a of the Act authorizes municipalities to adopt by ordinance the number of Class 5 Retail Cannabis licenses that will be available in a municipality; and

WHEREAS, on August 5, 2021 the Pennsauken Township Committee adopted Ordinance 2021-22 (the “Ordinance”), which established that two (2) of Class 5 Retail Cannabis licenses would be available for a cannabis establishment to operate within Pennsauken Township; and

WHEREAS, the New Jersey Cannabis Regulatory Commission issued guidance to the State’s municipalities on December 10, 2021, in which it stated the following:

Municipalities that limit the number of cannabis businesses allowed to operate within the municipal borders should not issue letters or resolutions of support in excess of the number of cannabis businesses allowed to operate within the border unless such letters or resolutions of support specify that license applicants that receive Commission approval first in time shall be deemed approved by the municipality until the local license limit is reached.

[Emphasis in original.]

WHEREAS, MPX New Jersey, LLC has requested the Township’s support to locate a Class 5 cannabis retail business in the Township; and

WHEREAS, MPX New Jersey, LLC submitted a concept plan for the Township’s review; and

WHEREAS, representatives of MPX New Jersey, LLC appeared at Township Committee meetings to more formally present the proposal to establish a cannabis retail business in the Township; and

WHEREAS, the Township Committee has determined that the cannabis retail license being sought may operate subject to Zoning/Planning Board approval within the Township at the proposed location; and

WHEREAS, the proposed location for MPX New Jersey, LLC, which has a common address of 5035 Central Highway, Pennsauken, NJ, and is reflected on the Township Tax Map as Block 6305, lot 19, in the LI Light Industrial Zone, is a location that is zoned by the municipality for the proposed use. Necessary approvals by the Township Zoning/Planning Board are required; and

WHEREAS, pursuant to Ordinance No. 2021-22, the number of cannabis retailers in the Township shall not exceed two (2); and

WHEREAS, as of the date of this Resolution, no other cannabis retailer exists in the Township of Pennsauken, no other cannabis retailer has been approved for licensure to be located in the Township of Pennsauken; and

WHEREAS, the Township has issued one Resolution of local support for a Class 5 cannabis retail businesses (and has issued 1 letter of support), but may issue additional resolutions in the future, but asserts that, pursuant to the State’s guidance, the license applicants that receive Commission approval first in time shall be deemed approved by the municipality until the local license limit of two

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is reached (subject to all necessary zoning and planning board approvals and local license approvals).

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Committee of Pennsauken Township, in the County of Camden, in State of New Jersey as follows:

1. The above recitals are hereby incorporated as if restated herein in full.
2. The Mayor and Committee of Pennsauken Township find and determine that MPX New Jersey, LLC has presented Pennsauken Township with sufficient evidence that it is ready, willing and able to operate a successful and safe cannabis business within Pennsauken Township.
3. Pennsauken Township has set a limit of two (2) of Class 5 Retail licenses under the Ordinance. The issuance of a Class 5 Retail license to MPX New Jersey, LLC by the Cannabis Regulatory Commission would not exceed that limit.
4. Pennsauken Township has imposed a limit on the number of cannabis retailers, and asserts that the license applicants that receive Commission approval first in time shall be deemed approved by the municipality until the local license limit of two is reached (subject to all necessary zoning and planning board approvals and local license approvals).
5. The Mayor and Committee of Pennsauken Township formally express their support for MPX New Jersey, LLC with respect to its application to the New Jersey Cannabis Regulatory Commission for a Class 5 Retail Cannabis License.
6. Nothing in this Resolution shall preclude the Mayor and Committee from issuing additional resolutions or letters of municipal support to other applicants, to the extent that may be permissible under the regulations promulgated by the Cannabis Regulatory Commission, nor shall it limit the Mayor and Committee's authority with respect to any request for input from the Cannabis Regulatory Commission as to their preferred licensee.
7. Nothing in this Resolution is intended to affirm that MPX New Jersey, LLC will ultimately be granted a license from Pennsauken Township to operate a cannabis business within Pennsauken Township, as evidence of compliance with Pennsauken Township's laws, zoning law, and regulations will be required to be demonstrated by the applicant at the appropriate time.
8. A certified copy of this resolution shall be provided to the appropriate representatives of MPX New Jersey, LLC.
9. This Resolution shall take effect immediately.

PENNSAUKEN TOWNSHIP

Pamela Scott-Forman, RMC
Township Clerk