

Workshop Meeting

A Special Meeting of the Township Committee of Middletown Township was held in the Main Meeting Room at Town Hall, One Kings Highway, Middletown, New Jersey and virtually through WebEx at 7:00 p.m. on June 7, 2021.

Township Clerk Heidi Brunt called the meeting to order and read the following notice:

The Notice Requirements provided for in the Open Public Meetings Act have been satisfied. Notice of this meeting was properly given by transmission to The Star Ledger, The Independent and Two River Times and by posting at the Middletown Township Municipal Building and filing with the Township Clerk all on January 07, 2021.

Roll Call Vote: Present: Hibell, Settembrino, Snell, Mayor Perry
Absent: Clarke

Also present were Township Administrator Anthony Mercantante, Township Attorney Brian Nelson, Assistant Administrator Jim Van Nest, Chief Financial Officer Colleen Lapp and Township Clerk Heidi Brunt.

PLEDGE OF ALLEGIANCE

Township Clerk Brunt led the assembly in the Pledge of Allegiance.

Township Clerk Brunt requested a moment of silence to honor the troops serving worldwide defending our freedoms and way of life.

BUDGET

Resolution 21-154 - Resolution Authorizing the Township of Middletown for Self-Examination of Budget

Township Clerk Brunt requested a motion to adopt the resolution

It was moved by Mayor Perry, seconded by Deputy Mayor Hibell and carried to adopt Resolution 21-154

Roll Call Vote: Ayes: Hibell, Settembrino, Snell, Mayor Perry
Nays: None
Abstention: None
Absent: Clarke

Township Clerk Brunt stated motion carried to adopt resolution 21-154

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Middletown has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2021 budget year.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Middletown that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

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6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED by the Township Committee of the Township of Middletown that the Clerk forward a certified true copy of this resolution to the Director of the Division of Local Government Services, Finance Director and Township Auditor upon adoption.

PUBLIC HEARING 21-139 2021 MUNICIPAL OPERATING BUDGET FOR ADOPTION

Mayor Perry opened the meeting for public comments.

Hearing no comments from the public it was moved by Mayor Perry and seconded by Deputy Mayor Hibell to close public hearing and carried to adopt the 2021 Municipal Operating Budget on second and final reading.

Roll Call Vote: Ayes: Hibell, Settembrino, Snell, Mayor Perry
Nays: None
Abstention: None
Absent: Clarke

Township Clerk Heidi Brunt stated motion carried to pass the 2021 Municipal Operating Budget.

MUNICIPAL BUDGET BEGINS NEXT PAGE

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INTRODUCTION OF PROPOSED ORDINANCES

Township Clerk Heidi Brunt read the following ordinance by title:

Ordinance 2021-3311 - An Ordinance Establishing Section 137-24 Et Seq. Entitled "Permitting The Managed Care of Free-Roaming Cats" To The Code of the Township of Middletown

It was moved by Mayor Perry and seconded by Deputy Mayor Hibell to pass this ordinance on first reading.

Roll Call Vote: Ayes: Hibell, Snell, Settembrino, Mayor Perry
 Nays: None
 Abstention: None
 Absent: Clarke

Township Clerk Heidi Brunt stated motion carried to pass this ordinance on first reading with a public hearing to be held on June 21, 2021.

CONSENT AGENDA

Township Clerk Brunt requested a motion to adopt a consent agenda including Resolutions 21-155 through 21-164 and Bingo and Raffle applications.

It was moved by Mayor Perry, seconded by Committeeman Clarke and carried to adopt the consent agenda:

Roll Call Vote: Ayes: Hibell, Settembrino, Snell, Mayor Perry
 Nays: None
 Abstention: None
 Absent: Clarke

Township Clerk Brunt stated the motion carried to adopt the consent agenda.

Resolution 21-155 –Authorizing Fireworks Display On Private Property Pursuant to N.J.S.A. 21:3-3

WHEREAS, N.J.S.A. 21:3-3 requires the Governing Body to authorize the display of fireworks on private property subject to the review and approval of the Municipal Fire and Police Officials;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey that subject to the confirmation by the Fire Official that the agreements with the Fire Department and First Aid Squad are in place for making vehicles available during the Fireworks Displays, that approval is hereby given for the Fireworks Display on private

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property by the BEACON HILL COUNTRY CLUB located at 8 Beacon Hill Road, Atlantic Highlands on the date provided on their application for July 1st, 2021.

Resolution 21-156 - Authorizing Fireworks Display On Private Property Pursuant to N.J.S.A. 21:3-3

WHEREAS, N.J.S.A. 21:3-3 requires the Governing Body to authorize the display of fireworks on private property subject to the review and approval of the Municipal Fire and Police Officials;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey that subject to the confirmation by the Fire Official that the agreements with the Fire Department and First Aid Squad are in place for making vehicles available during the Fireworks Display, that approval is hereby given for the Fireworks Display on private property by the NAVESINK COUNTRY CLUB located at 50 Luffburrow Lane, Middletown on the date provided on their application for July 2nd, 2021.

Resolution 21-157 - Authorizing Fireworks Display On Private Property Pursuant to N.J.S.A. 21:3-3

WHEREAS, N.J.S.A. 21:3-3 requires the Governing Body to authorize the display of fireworks on private property subject to the review and approval of the Municipal Fire and Police Officials;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey that subject to the confirmation by the Fire Official that the agreements with the Fire Department and First Aid Squad are in place for making vehicles available during the Fireworks Display, that approval is hereby given for the Fireworks Display on private property by RIVERVIEW MEDICAL CENTER FOUNDATION located at the DiPiero residence at 810 Navesink River Road, Rumson on the date provided on their application for July 3rd, 2021.

Resolution 21-158 - Resolution of The Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey Rejecting All Bids Received for Grind and Mulch Operations

WHEREAS, the Township of Middletown authorized the receipt of bids for Grind and Mulch Operations; and

WHEREAS, three (3) bids were distributed, and two (2) bid was received on May 25, 2021; and

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WHEREAS, said bids were reviewed by Ted Maloney, Director of Public Works and the Purchasing Agent for the Township of Middletown and it has been determined that all bids received failed to be within the cost estimates of the Township; and

WHEREAS, New Jersey Local Public Contracts Law 40A 11-13.2 states said rejection is just cause to reject all bids received for the Grind and Mulch Operations and to re-bid; and

WHEREAS, it is the desire of the Township Committee to reject all bids and to authorize the receipt of new bids for the Grind and Mulch Operations.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey as follows:

1. That the Township Committee does hereby reject all bids received for the Grind and Mulch Operations for the Township of Middletown for the reasons set forth in this resolution.

That the Township Committee does hereby authorize the receipt of new bids for the Grind and Mulch Operation. The Township Purchasing Agent shall determine the time, date and place for the receipt of bids.

2. That a certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:

- A) Purchasing Agent
- B) Comptroller
- C) Ted Maloney, Dir. of Public Works
- D) All rejected bidders as follows:

**1. Britton Industries Inc.
227 Bakers Basin Road
Lawrenceville, NJ 08648**

**2. Mazza Mulch, Inc.
3230 Shafto Road
Tinton Falls, NJ 07753**

**Resolution 21-159 - Appointment of Special Law Enforcement Officers -
Class I**

WHEREAS, the Township Administrator and Chief of Police have previously recommended that the structure of the Police Department be adjusted to include allowing the appointment of certain Special Law Enforcement Officers (Class I and Class II); and Special Crossing Guards.

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WHEREAS, § 44-7B of the Code of the Township of Middletown (1996) was amended and supplemented by Ordinance No. 2015-3136; and

WHEREAS, the Chief of Police has complied with the provisions of N.J.S.A.40A:14-146.1 regarding the appointment of Special Law Enforcement Officers and Special Crossing Guards represents that the applicants named below meet all of the requirements set forth by statute and recommends the appointment.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLETOWN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, as follows:

1. That the following individuals are hereby appointed as Special Law Enforcement Officers – Class I in the Middletown Township Police Department for the calendar year of 2021.

Special Law Enforcement Officers I –

Chad Bacek	Anthony Bartolone
Paul Coladonato	Steven Coll
Andreas Kyriakou	David Loccisano
Thomas Stone	

2. The Township Clerk shall send a certified copy of this resolution to each of the following:
- a. Each appointee as listed above who shall present themselves before the Township Clerk to take and subscribe to the Oath of Office.
 - b. Police Department

Resolution 21-160 – Resolution Authorizing the Payment of Bills for June 7, 2021

The Township Committee hereby approves a resolution for the payment of bills for June 7, 2021 in the amount of \$3,850,719.80.

Resolution 21-161 - Resolution for Temporary Emergency Appropriation

WHEREAS, emergent conditions have arisen with respect to the payment of bills in a number accounts and no adequate provision has been made in a Year 2021 temporary budget for the aforesaid purposes, and

WHEREAS, NJS 40A:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned, and

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WHEREAS, the total temporary emergency resolutions adopted in the Year 2021 for the Township pursuant to the provisions of Chapter 96, PL 1951 (NJS 40A:4-20) including this resolution total \$40,984,472.50 for the Current Fund, and

NOW, THEREFORE, BE IT RESOLVED (not less than two thirds of all members of the Township Committee of the Township of Middletown, New Jersey affirmatively concurring) that in accordance with the provisions of NJS 40A:4-20:

An emergency temporary appropriation shall be and the same is hereby made for the following purposes:

That said emergency temporary appropriations will be provided for in the 2021 budget under the appropriate titles.

That one certified copy of this resolution will be filed with the Director of Local Government Services.

SEE CHART NEXT PAGE

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Attachment 1 - 2021 Temporary Budget Worksheet		
Account Number	Description	Amount
1-01-20-100-100-100	A/E S&W	83,000.00
1-01-20-100-101-100	Purchasing S&W	16,000.00
1-01-20-110-100-100	Township Committee S&W	1,600.00
1-01-20-120-100-100	Township Clerk S&W	35,000.00
1-01-20-130-100-100	Finance - S&W	62,000.00
1-01-20-140-100-100	MIS - S&W	30,000.00
1-01-20-145-100-100	Collector - S&W	38,000.00
1-01-20-150-100-100	Assessor - S&W	30,000.00
1-01-21-180-101-100	Planning Board - S&W	2,300.00
1-01-21-185-100-100	Zoning Board - S&W	2,200.00
1-01-22-195-100-100	Building Dept. - S&W	118,000.00
1-01-23-220-100-200	Insurance O/E	500,000.00
1-01-25-240-100-100	Police S&W	1,025,000.00
1-01-25-252-100-101	Emergency Management - S&W	4,000.00
1-01-25-255-100-621	Fire-Aid Subsidy to Fire Companies	60,000.00
1-01-25-260-100-100	First Aid - S&W	350.00
1-01-25-260-101-621	First Aid - Subsidy to Companies	50,000.00
1-01-25-265-100-100	Fire - S&W	5,000.00
1-01-25-265-101-100	Uniform Fire Safety - S&W	8,000.00
1-01-26-290-100-100	Dept of Public Works & Engineering S&W	160,000.00
1-01-26-290-102-100	DPW Parks - S&W	74,000.00
1-01-26-290-102-200	DPW Parks - O/E	10,000.00
1-01-26-290-104-100	DPW Administration & Engineering-S&W	48,000.00
1-01-26-305-100-100	Solid Waste & Recycling - S&W	42,000.00
1-01-26-305-100-200	Solid Waste & Recycling - O/E	620,000.00
1-01-26-310-100-100	DPW Maintenance of Township Property - S&W	50,000.00
1-01-26-310-100-200	DPW Maintenance of Township Property -O/E	10,000.00
1-01-26-315-100-100	DPW Fleet Maintenance - S&W	36,000.00
1-01-26-315-100-200	DPW Fleet Maintenance - O/E	25,000.00
1-01-27-330-100-100	Health - S&W	36,000.00
1-01-27-330-100-200	Health - O/E	2,500.00
1-01-27-330-101-100	Alliance - S&W	4,000.00
1-01-27-330-101-200	Alliance - O/E	2,500.00
1-01-27-340-100-200	Animal Control - O/E	5,000.00
1-01-28-370-100-100	Recreation - S&W	58,000.00
1-01-29-390-100-100	Maintenance of Free Public Library	122,000.00
1-01-31-430-200-200	Utilities - Electricity O/E	20,000.00
1-01-31-435-200-271	Utilities - Street Lights - Electricity	55,000.00
1-01-31-460-200-200	Utilities - Fuel O/E	40,000.00
1-01-36-472-200-284	Statutory - Social Security	72,000.00
1-01-42-101-203-270	Interlocal - Monmouth County Regional Health	42,000.00
1-01-43-490-100-100	Court - S&W	42,000.00
1-01-43-495-100-101	Public Defender - S&W	2,500.00
	TOTAL	\$3,648,950.00

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Resolution 21-162 - Resolution Demanding Governor Murphy Eliminate in School Mask Mandate

WHEREAS, by way of Executive Order, Governor Phil Murphy continues to mandate the masking of school children attending in person classes in New Jersey; and

WHEREAS, school superintendents throughout Monmouth County and the State have written the Governor that inconsistencies between varying Executive Orders have placed members of our communities at odds with school administrations and one another; and

WHEREAS, a recent Center for Disease Control (“CDC”) study examined COVID-19 infection rates across 169 K-5 schools in Georgia between November 16 and December 11, 2020 finding that infection rates were 37% lower in schools with mask requirements for teachers and staff, but there was no appreciable difference between schools that required students to wear masks and those that did not; and

WHEREAS, in New Jersey, seven of approximately 25,000 COVID-19 deaths are attributable to children under the age of 18; and

WHEREAS, close to 60% of New Jersey’s adult population has been vaccinated and vaccines are now readily available for children as young as 12 years of age; and

WHEREAS, school aged children are permitted to play contact sports without masks, but Executive Order No. 175 still requires children to wear masks while sitting at their desks; and

WHEREAS, according to May 27, 2021 correspondence from the Middletown Township Board of Education to Governor Murphy, there have been emotional, social and physical instances of harm caused by children being forced to wear masks in school.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that it calls upon Governor Murphy to repeal and revoke Executive Order No. 175 mandating that school aged children be required to wear masks in school.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the Office of the Governor and to the Township’s representatives in the State Legislature.

Resolution 21-163 - Resolution Authorizing Lease Agreement with Middletown Board of Education for Former Lincroft Library Building

WHEREAS, the Middletown Board of Education (the “Board”) is the owner of certain real property in the Lincroft section of the Township of Middletown (the “Township”), located at 730 Newman Springs Road and designated as Block 1062, Lot 17 on the Township’s official tax map (the “Property”); and

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WHEREAS, the Township has continued to use the Board’s Property for various public purposes and wishes to formally enter a Lease Agreement with the Board for the continued use and occupancy of the Property; and

WHEREAS, the Board, in accordance with N.J.S.A. 18A:20-8.2(a), by entering into a Lease Agreement, determines and resolves that the Property is not necessary for school purposes; and

WHEREAS, N.J.S.A. 18A:20-8.2(a)(2) and N.J.S.A. 40A:12-15 authorizes the Board and the Township, respectively, to enter into a Lease Agreement with regard to the Property.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that it hereby authorizes and directs the Mayor to execute the Lease Agreement with the Board attached hereto and made part hereof subject to the terms and conditions contained therein.

Resolution 21-164 – Resolution Authorizing Submission of Application to The New Jersey Department of Community Affairs for Grant in Support of the Tonya Keller Community Center

WHEREAS, the Township of Middletown (“Middletown”) desires to apply for and obtain a grant from the New Jersey Department of Community Affairs (“DCA”), in an amount not to exceed \$500,000 to carry out a project to complete improvements at the Tonya Keller Community Center.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey, that:

1. It hereby authorizes and directs the Mayor or Township Administrator to submit a grant application to the DCA to complete improvements at the Tonya Keller Community Center.
2. It understands and accepts that the DCA may offer lesser or greater amounts of grant funding.
3. It hereby authorizes and directs the Mayor or Township Administrator to execute the necessary grant agreement and associated documents received from the DCA in support of the Tonya Keller Community Center.

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BINGO AND RAFFLE APPLICATIONS

Mater Dei Booster Club 21-50

TOWNSHIP COMMITTEE ACTING AS THE ABC ISSUING AUTHORITY

Township Clerk Heidi Brunt requested a motion to adopt resolution 21-165 for Place to Place Liquor License Transfer Plenary Retail Consumption License 1331-33-014.

It was moved by Mayor Perry and seconded by Deputy Mayor Hibell to adopt Resolution 21-165.

Roll Call Vote: Ayes: Hibell, Settembrino, Snell, Mayor Perry
Nays: None
Abstention: None
Absent: Clarke

Township Clerk Brunt stated motion carried to adopt Resolution 21-165.

Resolution 21-165 - Resolution Authorizing Place-To-Place Liquor License Transfer Plenary Retail Consumption License 1331-33-014

WHEREAS, Licensee, Markmart, LLC t/e Gateway Bar and Liquors has submitted an application for a Place to Place Transfer of Plenary Retail Distribution License #1331-33-014, and

WHEREAS, the Licensee has submitted a completed application with appropriate fees seeking a Place-to-Place transfer of the License to premises at 1016 – 1018 State Highway 36, Middletown, NJ 07716, and

WHEREAS, the License has been properly renewed for the current license term, and the applicant/licensee is qualified to be licensed according to the requirements of Title 33 of the New Jersey Statutes as well as local ordinances consistent with Title 33 and the applicant/licensee has disclosed the necessary requirements for this application.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middletown that the Township Committee, acting as the local A.B.C. Board, approves the updated Place-to-Place transfer of Plenary Retail Distribution License #1331-33-014 held by Markmart, LLC t/w Gateway Bar and Liquors per the attached sketch EXHIBIT A, at 1016 – 1018 State Highway 36, Middletown, NJ 07716.

BE IT FURTHER RESOLVED that a certified copy of the Resolution and Application be provided by the Office of the Township Clerk to each of the following: NJ State Division of the Alcohol Beverage Control, Middletown Township Police Department, and Saker Enterprises Management Company Inc.

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DISCUSSION ITEMS

Green Acres Stewardship Grant

Janet Dellett discussed the stewardship grant improvement for watershed for Boardwalks, docks, marsh platform. Public hearing scheduled for June 21, 2021.

**Federal Aid Procedures – Hubbard Avenue Safe Routes to School Grant
Kunkel Park Alterations**

TOWNSHIP COMMITTEE COMMENTS:

Committeewoman Snell, stated she attended grand reopening of Brookdale Community College. She said the Memorial Day Parade was well attended. She announced the lawn signs are for sale for the 9/11 20th Anniversary Memorial.

Deputy Mayor Hibell, thanked Chief Financial Officer Colleen Lapp on the budget. He gave a shout out to Ryan O’Toole on his Eagle Scout ceremony.

Mayor Perry, commended the Chief Financial Officer, Administration and Department Heads on the 2021 budget creation. Invest in First Responders, infrastructure, parks. He discussed Resolution 21-162 adopted tonight was a demand to unmask children in New Jersey schools. He stated the Memorial Day Parade was well attended and it was great to see the public smiling without their masks. IF you can wrestle someone in a school match, kids should not have to wear masks in chemistry class. He announced that tomorrow is the Primary Election, get out and vote.

PUBLIC COMMENTS:

Don Watson, 1 Collinson Drive, asked why was the paving on Main Street in Port Monmouth skipped over the section by Chrystal Pond? Township Engineer Ted Maloney responded that portion is the responsibility of NJ Natural Gas Company, not the Township.

Edward Grimes, spoke about advocating for disabled people and how it is important for meetings to stay online.

Hugh Giordano, spoke on behalf of the United Food Workers Union representing cannabis workers. He discussed a merit based application process in the Municipality. Suggested considering full access to the Cannabis industry. He offered a tour of the dispensary.

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Jamie Van Sciver, thanked the Township Committee for not considering a ban on medical marijuana. Mayor Perry asked the commenter to add her thoughts on the State not having regulations. Jamie stated it's a disservice to the people. Mayor Perry encouraged her group to go to the Cannabis Regulatory Committee to discuss. He stated the referendum was not transparent. Trenton did not allow the Municipalities to regulate like alcohol. Mayor Perry stated the Municipality will adhere to the August 21 deadline. He discussed the process of the Cannabis Regulatory Committee is not trustworthy.

ADJOURNMENT

It was moved by Mayor Perry, seconded by Deputy Mayor Hibell and carried to adjourn at 8:00 pm.

Roll Call Vote: Ayes: Hibell, Settembrino, Snell, Mayor Perry
Nays: None
Abstention: None
Absent: Clarke

Clerk Brunt stated motion carried to adjourn.

Respectfully submitted,

Heidi R Brunt
Township Clerk

Approved:

Anthony S. Perry, Mayor