

**REQUEST FOR PROPOSALS ISSUED SEPTEMBER 22, 2025
FOR ONE CLASS 5 RETAIL CANNABIS LICENSE
IN THE TOWNSHIP OF EAST WINDSOR**

**REPLY #2 TO REQUESTS FOR INTERPRETATION OF
REQUEST FOR PROPOSALS
October 6, 2025**

On October 5, 2025, the Township received the following questions regarding the pending Request for Proposals (“RFP”):

1. Question/Comment: “I noticed on 9/30 there was an agenda item related to: Amending and Supplementing Various Sections of “The Revised General Ordinances of the Township of East Windsor,” Relating to Cannabis Licensing. Can you share what those amendments and supplementations were and an updated copy of the ordinance?”

Township’s Reply: Ordinance No. 2024-11 was introduced at the September 30, 2025 meeting of the Township Council and will be scheduled for a public hearing and possible final adoption at the Township Council’s October 14, 2025 meeting. The Ordinance establishes a 2% transfer tax on the retail sale of cannabis and establishes an annual license fee requirement. Ordinance No. 2025-11 makes no changes to the RFP. A copy of Ordinance No. 2025-11, as introduced, is attached.

2. Question/Comment: “Within the RFP for Class 5 Retail Cannabis License application guidelines packet, it discusses the Proposed Location as seen below:

(5) Proposed Location. The location proposed for licensing by the proposer shall be within the HC and HC-2 Zones, located along US Route 130, between Conover Road and Route 133, where the property has frontage on US Route 130 and shall comply with all applicable conditional use and bulk regulations within those Zones, including but not limited to parking, loading and lighting. In addition, the following restrictions shall apply:

- a. Cannot be located within one thousand (1,000) feet of a child daycare facility or an elementary, middle or high school
- b. Cannot be located within five hundred (500) feet of a public park
- c. Cannot be located within two hundred (200) feet of a house of worship.
- d. Distances shall be measured as line of site.

Does frontage on US Route 130 refer to the actual building that houses the proposed cannabis retail space faces 130 with frontage, or is this referring that the parcel has to have any frontage on 130?”

Township's Reply: Frontage on US Route 130 refers to the parcel on which the proposed cannabis retail business is located. It does not refer to the actual building on the parcel in which the proposed cannabis retail business is located. By Addendum #1 to the RFP, subparagraph (a) of Section 1.1(5) has been amended by deleting the phrase "a child daycare facility or". A copy of Addendum #1 is attached.

3. Question/Comment: "Can you provide clarification on what "line of site" means in the above context? My presumption is that measurements for the applicable buffer distances shall be measured from the parcel lot line of the proposed property to the parcel lot line of the sensitive uses referenced in (a)(b) and (c)".

Township's Reply: Line of site means a straight-line distance, rather than a distance calculated along streets or sidewalks. Line of site distance shall be measured from the actual proposed structure, or unit in a multi-tenant center, within which the proposed cannabis retail business is to be located, to the property line of a public park, house of worship or an elementary, middle or high school.

4. Question/Comment: "Is the East Windsor Recreation Department considered a public park or daycare facility? Google has it listed as a park, and I believe that there is a park area around the Township Hall. Can you clarify? Can you provide a list of all the public parks in East Windsor or does this link with a list of Township Parks accurately provide that information? <https://www.eastwindsor.nj.us/parks-and-pathways>"

Township's Reply: The East Windsor Recreation Department is not a public park. Neither the Municipal Building nor the area around it is a public park. The cited link from the Township website in the above question lists all public parks in the Township.

5. Question/Comment: "Does the Township have a Zoning Determination Letter process for a fee to check if certain properties are considered compliant? If not, are we able to provide addresses for someone in Zoning or Planning to check on proposed sites? We understand that these would be preliminary determinations, and not final, or an approval of any sort".

Township's Reply: No. Any proposed location must be within the HC and HC-2 Zones, located along US Route 130, between Conover Road and Route 133, where the property has frontage on US Route 130 and shall comply with all applicable conditional use and bulk regulations within those Zones, including but not limited to parking, loading and lighting, and subject to the distance restrictions stated in Section 1.1(5) of the RFP, as amended by Addendum #1.

6. Question/Comment: "Does the Township plan to provide a cannabis overlay map? Is there a general Township zoning map that identifies parks and parcel lot lines?"

Township's Reply: No. There is a Zoning Map and a Tax Map in the Township Code Book.

7. Question/Comment: "Under Section 1.2 Evaluation and Criteria item (ii) states that: Proposer's qualifications and experience related to public safety and security, including any of the proposer's, owners' or principals' experience in law enforcement, and proposer's plans for storage and delivery of products and currency, physical security, video surveillance, security personnel, and visitor management. (ten percent); Can you provide clarification on what the "proposer" means in the above context?"

Township's Reply: Proposer means the individual or entity submitting a proposal in response to the RFP.

8. Question/Comment: "Could this be an individual as part of the applicant team (ie: security advisor or manager that was former or current law enforcement), but not an equity owner of the applicant team?"

Township's Reply: The qualifications and experience factor may apply to an owner or principal of the proposer or a full-time employee of the proposer who was former or current law enforcement member.

9. Question/Comment: "Is the term "law enforcement" tied only to police or could it be former military or secret service members? Could it be a security company that "enforces" the law that has former law enforcement members?"

Township's Reply: the term "law enforcement" is intended to apply to any experience within that field, not only to police officers. The nature and relevance of that experience will be evaluated by the Township.

ORDINANCE NO. 2025-11
TOWNSHIP OF EAST WINDSOR
COUNTY OF MERCER

AN ORDINANCE TO AMEND SUBCHAPTER 5-25 "CANNABIS REGULATION" UNDER CHAPTER 5, "GENERAL POLICE REGULATIONS", OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EAST WINDSOR, TO ESTABLISH AN ANNUAL LICENSE FEE AND TO ESTABLISH A PROCEDURE FOR THE IMPOSITION AND COLLECTION OF A MUNICIPAL TRANSFER TAX AS PERMITTED UNDER THE NEW JERSEY CANNABIS REGULATORY, ENFORCEMENT ASSISTANCE, AND MARKETPLACE MODERNIZATION ACT

WHEREAS, on June 24, 2025, the Township Council adopted Ordinance No. 2025-06, establishing a new Subchapter 5-25 Cannabis Regulation in the Revised General Ordinances of the Township of East Windsor; and

WHEREAS, the Township Council wishes to amend and supplement Subchapter 5-25 to provide for local licensing and the imposition and collection of a cannabis transfer tax, as authorized by P.L 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, codified at N.J.S.A. 24:61-31 et. seq. (the "Act).

NOW THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EAST WINDSOR, in the County of Mercer and the State of New Jersey, as follows:

SECTION 1. Chapter 5, "General Police Regulations," of the Township Revised General Ordinances is amended by amending Subchapter 5-25.5, "Municipal Taxation," to read as follows (deleted language is stricken and new language is underlined):

5-25.5 Municipal Taxation, Annual License and License Fee.

~~The Township shall impose a municipal transfer tax pursuant to the Act for the maximum amount allowable for receipts from the retail sales of cannabis by an approved and licensed cannabis retailer to consumers.~~

1. **Imposition of Cannabis Transfer Tax.**

- a. **Purpose.** It is the purpose of this section to implement the provisions of N.J.S.A. 40:49I-1 of the Act, which authorizes a municipality to impose a cannabis transfer tax on the sale of cannabis by a cannabis establishment that is located within the municipality. All terms herein shall be defined the same as defined in N.J.S.A. 24:61-33 of the Act.
- b. **There shall be a 2% local transfer tax imposed on the receipts from the sale of cannabis or any cannabis items by any Class 5 Cannabis Retailer establishment licensed pursuant to the Act and located in the Township.**

- c. The local transfer tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity with regard to cannabis.
- d. Any transaction for which the local transfer tax is imposed is exempt from the tax imposed under N.I.S.A. 54:32B-1 et seq., the "Sales and Use Tax Act."
- e. The local transfer tax shall be stated, charged and shown separately on any sales slip, invoice, receipt or other statement or memorandum of the price paid or payable or equivalent value of the transfer for the cannabis or cannabis item.
- f. Every Class 5 Cannabis Retailer establishment required to collect the transfer taxes imposed by this section shall be personally liable for the transfer tax imposed, collected, or required by this section and the Act.

2. Remittance of Cannabis Transfer Tax/Delinquencies

- a. Each Class 5 Cannabis Retailer establishment collecting transfer taxes pursuant to this section shall be remitted to the Chief Financial Officer ("CFO") of the municipality on a monthly basis.
- b. If the transfer tax is not paid when due, the unpaid balance and any interest accruing thereon, shall be a lien on the parcel of real property comprising the Class 5 Cannabis Retailer establishment's premises.
- c. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the municipal lien on the parcel for unpaid property taxes due and owing in the same year.
- d. The Township shall file in the office of its tax collector a statement showing the amount and due date of the unpaid balance of cannabis taxes and identifying the lot and block be enforced as a municipal lien in the same manner as all other municipal liens are enforced.

3. Annual License and Fee

- a. Upon obtaining both a Resolution of Support from the Township and a state license, a Class 5 Cannabis Retailer establishment shall be issued a local license and shall submit an annual license fee in the amount of ten thousand dollars (\$10,000) remitted to the CFO, on a calendar year basis. In the year that a state

license is first issued to a Class 5 Cannabis Retailer establishment, the annual license fee shall be pro-rated.

- b. The annual Township license issued pursuant to this section shall not be renewed for the Class 5 Cannabis Retailer establishment if any transfer tax pursuant to this section is delinquent, if any terms of the Township's Resolution of Support are violated by the licensee or if the licensee is in violation of any provisions of the Act or of Township ordinances.

SECTION 2. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall take effect 20 days after final passage and publication according to law.

Allison Quigley
Municipal Clerk

Janice S. Mironov
Mayor

Introduced:

Adopted:

Effective Date:

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**ADDENDUM #1
October 6, 2025**

The Request for Proposals issued on September 22, 2025 for one Class 5 Retail Cannabis License in the Township of East Windsor “RFP”) is hereby amended as follows (deleted language is ~~stricken~~):

A. Subparagraph 1.1(5)(a) of the RFP is revised to read as follows:

SECTION 1: PROPOSAL REQUIREMENTS AND EVALUATION CRITERIA

1.1 PROPOSAL REQUIREMENTS

Section 1.1 Proposal Requirements

(5) Proposed Location. The location proposed for licensing by the proposer shall be within the HC and HC-2 Zones, located along US Route 130, between Conover Road and Route 133, where the property has frontage on US Route 130 and shall comply with all applicable conditional use and bulk regulations within those Zones, including but not limited to parking, loading and lighting. In addition, the following restrictions shall apply:

- a. Cannot be located within one thousand (1,000’) feet of ~~a child day care facility or an~~ elementary, middle or high school.
- B. The proposal submission date is extended from 12:00 noon on Thursday, October 23, 2025 to 12:00 noon on Friday, November 21, 2025.
- C. The Request for Proposals dated September 22, 2025 remains in effect, except as modified above.

JANICE S. MIRONOV, Mayor
ALLISON QUIGLEY, Clerk

October 6, 2025