

RESOLUTION

WHEREAS, following the adoption of the Jake Honig Compassionate Use Medical Cannabis Act in 2019 and passage of the 2020 ballot issue amending the New Jersey Constitution to legalize the possession, cultivation, processing and sale of retail marijuana, the State of New Jersey adopted the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act in 2021 (the “State Statute”); and

WHEREAS, the State Statute establishes a framework for the application and issuance of a state license for the operation of cannabis related business licensed by the State of Jersey (“Licensed Cannabis Entities”) which includes the requirement that an applicant for a state license provide proof of local support as to the suitability of the proposed location for a proposed cannabis related business; and

WHEREAS, pursuant to N.J.S.A. 24:6I-45(c)(2) of the State Statute, municipalities are empowered to establish requirements and procedures for local licensing for Licensed Cannabis Entities within such municipalities in addition to the requirements for the issuance of a state license; and

WHEREAS, pursuant to the State Statute, the Township of West Orange (the “Township”) has adopted or will adopt Ordinance 2647-21 (the “Cannabis Ordinance”) which establishes both the zoning requirements and the Township’s licensing requirements for Licensed Cannabis Entities which seek to operate within the Township; and

WHEREAS, the Cannabis Ordinance provides that applications for a local license issued by the Township to operate a Licensed Cannabis Entity within the Township requires an application process as set forth in Section 5-34.5 of the Cannabis Ordinance; and

WHEREAS, the Cannabis Ordinance provides that such applications are reviewed by the Police Chief of the West Orange Police Department with comments from various Township department; and

WHEREAS, the Cannabis Ordinance further provides that the Police Chief of the West Orange Police Department or the Chief's designee (the "Chief") shall prepare and transmit a memorandum recommending either the granting or denial of any application of a Licensed Cannabis Entity (the "Chief's Memo") to the Township Clerk who shall in turn: (i) schedule the application for approval or denial by the Township Council within sixty (60) days; and (ii) providing the Chief's Memo to the Council for review; and

WHEREAS, the Cannabis Ordinance also includes the required zoning conditions for the operation of a Licensed Cannabis Entity as a Conditional use in the designated zones; and

WHEREAS, the Township seeks to establish a Cannabis Entity Advisory Workgroup in an effort to foster and provide a means of participation from residents in implementation of both the zoning and local licensing framework established in the Cannabis Ordinance during the early years of implementation of the Cannabis Ordinance.

NOW, BE IT HEREBY RESOLVED, by the Township Council of the Township of West Orange that the Township hereby establishes a Cannabis Entity Advisory Workgroup; and it is further

RESOLVED that the Cannabis Entity Advisory Workgroup shall include seven (7) members, including: (i) the Chief; (ii) a member of the Township Council who shall serve as the Chair of Workgroup; (iii) a second member of the Township Council; (iv) a resident serving on the Township's Economic Development Commission who does not otherwise serve as an official for the Township; (v) a resident serving on the West Orange Planning Board or the West Orange

Zoning Board of Adjustment who does not otherwise serve as an official for the Township; (vi) a resident serving on the Downtown West Orange Alliance who does not otherwise serve as an official for the Township; and (vii) a resident who does not otherwise serve as an official for the Township to be selected by the Mayor (the “Mayor’s Appointee”); and it is further

RESOLVED that each member of the Cannabis Entity Advisory Workgroup, except the Police Chief of the West Orange Police Department, shall serve for a term of one (1) year, but may be reappointed for a subsequent year or years, except that the first term of the Cannabis Entity Advisory Workgroup shall serve from the adoption of this Resolution until December 31, 2022; and it is further

RESOLVED that appointments to and removals from the Cannabis Entity Advisory Workgroup, except for the Mayor’s Appointee, shall be made by resolution of the Township Council; and it is further

RESOLVED that, in the event that the Township Council fails to make appointments after the expiration of the term for the members of the preceding Workgroup, the members shall be automatically reappointed to the Workgroup; and it is further

RESOLVED that at the beginning of each term the Cannabis Entity Advisory Workgroup shall establish the bylaws and rules for the Workgroup’s operation at the first meeting in each term; and it is further

RESOLVED that the goals and functions of the Cannabis Entity Advisory Workgroup shall be as follows:

- (i) to review requests from applicants for state licenses for local support as to the location of a proposed Licensed Cannabis Entity within the Township, as required

under the State Statute, and determine if such local support is appropriate based on the proposed location of the Licensed Cannabis Entity;

- (ii) to explore potential changes to the zoning conditions for Licensed Cannabis Entities, including either additional conditions or changes to existing conditions and the preparation of advisory memoranda to the Township Council and the West Orange Planning Board for consideration and adoption;
- (iii) to review and provide timely comments, recommendations, responses, revisions, and opposition, if applicable, to the Chief's Memo within thirty (30) days from the transmission of the Chief's Memo from the Township Clerk to the Township Council; and
- (iv) to make any additional recommendations to the Township Council related to the operation of Cannabis Entities within the Township.

Karen J. Carnevale, R.M.C.
Municipal Clerk

Cindy Matute-Brown,
Council President

Adopted: July 13, 2021