

Liz Kroll

From: OPRARequest <opra+request-24097-c712707e@requests.opramachine.com>
Sent: Thursday, June 24, 2021 12:41 PM
To: Liz Kroll
Subject: RE: OPRA request - Ascend cannabis weed marajuana

Dear Liz Kroll,

Thank You. Request granted. Please include attorneys Verizon email communications

Yours sincerely,

OPRARequest

-----Original Message-----

Please be advised that due to the volume of information requested, I respectfully request an extension for completion of July 5th, 2021. Thank you in advance - Elizabeth Kroll - Clerk

Please use this UNIQUE email address for all replies to this request and no other:
opra+request-24097-c712707e@requests.opramachine.com

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<https://opramachine.com/help/officers>

View this OPRA request & responses online:
https://opramachine.com/request/ascend_cannabis_weed_marajuana

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

Liz Kroll

To: OPRAResult
Subject: RE: OPRA request - Ascend cannabis weed marijuana

Please be advised that due to the volume of information requested, I respectfully request an extension for completion of July 5th, 2021. Thank you in advance - Elizabeth Kroll - Clerk

-----Original Message-----

From: OPRAResult <opra+request-24097-c712707e@requests.opramachine.com>

Sent: Friday, June 18, 2021 7:44 PM

To: OPRA requests at Rochelle Park Township <clerk@rochelleparknj.gov>

Subject: OPRA request - Ascend cannabis weed marijuana

Dear Rochelle Park Township,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested:

Please provide all emails with the mention of Ascend, cannabis, marijuana and weed.

I am looking for the emails between all sitting council members, mayor, deputy mayor, CFO, township attorney, administrator, OEM as well as the police dept.

The timeline look back would be March 2021 to present date.

Thank you in advance

Yours faithfully,

OPRAResult

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-24097-c712707e@requests.opramachine.com

Is clerk@rochelleparknj.gov the wrong address for OPRA requests to Rochelle Park Township? If so, please contact us using this form:

https://opramachine.com/change_request/new?body=rochelle_park_township

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Liz Kroll

From: lboniface@rochelleparknj.gov
Sent: Wednesday, March 10, 2021 4:21 PM
To: Liz Kroll
Cc: gartola@rochelleparknj.gov; 'Nick RP'; Perrin Mosca; Joseph Rotolo; Robert Davidson
Subject: RE: FW: Guidance on Cannabis Legalization

All, We need to consider this. Rezoning has taken place for Medical in the Township. We should add retail to the same zone. Municipalities are supposed to get tax revenue. Linda

-----Original Message-----

From: "Liz Kroll" <clerk@rochelleparknj.gov>
Sent: Tuesday, March 2, 2021 2:39pm
To: gartola@rochelleparknj.gov, "Nick RP" <nlibassi@rochelleparknj.gov>, "Mike Kazimir" <mkazimir@rochelleparknj.gov>, lboniface@rochelleparknj.gov, pmosca@rochelleparknj.gov
Subject: FW: Guidance on Cannabis Legalization

From: NJLM Executive Director Mike Cerra <listserv@civicplus.com>
Sent: Tuesday, March 2, 2021 1:26 PM
To: Clerk@rochelleparknj.gov
Subject: Guidance on Cannabis Legalization

TO: NJ Municipal Elected Officials

FROM: Mike Cerra, NJLM
Executive Director

DATE: March 2, 2021

RE: Guidance on Cannabis Legalization
Full Opt Out Ordinance Template Language

Background

As you know, in November 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.

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. The Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;

- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

Section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations.

Section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality.

Section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021). The failure to act within 180 days shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones.

At the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality.

For Your Consideration

The League never took a position on legalization but actively sought to protect the interests of local governments, whether or not a particular community was interested and willing to host a cannabis business or if it preferred to opt out entirely. One of the most important home rule protections we sought and advocated was to assure that local elected officials had the final say on whether to host a business and that local protections and zoning would still govern. And again, your municipality has 180 days from when the bill was signed. Thus you should pass an ordinance by Sunday, August 22, 2021.

The League is now preparing some template documents to assist you as you evaluate what is right for your community. These documents are not and should not be construed as legal advice, but rather a template and starting point for your evaluation. Based on the requests we have received, the League has prioritized the release of language related to a complete opt-out of the provisions of the Act. Working closely with our partners at the Institute of Local Government Attorneys, an affiliate organization of the League, we are now releasing the template opt out language.

Please keep in mind that is the first of a small series of documents that will be released in the upcoming days, that it may be necessary to revise and update the documents as we also navigate this new process and that this language is only a starting point and should be tailored to your community’s particular needs. This language should also not be considered legal advice. Please consult your municipal counsel.

[Please click here for a copy of the template ordinance language.](#)

If you have any questions regarding general legalization policy, please contact me at either mcerra@nijlm.org or

609-695-3481 x120. Technical and legal questions on the template language can be directed to Frank Marshall, Esq., League Associate General Counsel at fmarshall@njlm.org or 609-695-3481 x137.



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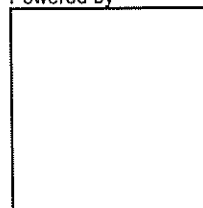
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Liz Kroll

From: lboniface@rochelleparknj.gov
Sent: Thursday, March 11, 2021 8:46 AM
To: Joseph Rotolo
Cc: Robert Davidson; Liz Kroll; Glenn Mohring; Gail Artola; Nicholas LiBassi; Perrin Mosca
Subject: Cannabis

Joe, Look into Paterson's Ordinance's on Cannabis, They are already receiving a percentage from medical sales. This is too great an opportunity to miss out on. Linda

Liz Kroll

From: lboniface@rochelleparknj.gov
Sent: Friday, April 9, 2021 4:40 PM
To: Liz Kroll
Cc: gartola@rochelleparknj.gov; 'Nicholas LiBassi'; pmosca@rochelleparknj.gov; siacobucci@rochelleparknj.gov; Robert Davidson; 'Joseph Rotolo'
Subject: RE: Draft Agenda

All, We need to discuss 2 items with cannabis. The 2% Transfer Tax and what Cannabis businesses we are going to allow in the Township. Thanks Linda

-----Original Message-----

From: "Liz Kroll" <clerk@rochelleparknj.gov>

Sent: Friday, April 9, 2021 8:57am

To: gartola@rochelleparknj.gov, "Nicholas LiBassi" <nlibassi@rochelleparknj.gov>, lboniface@rochelleparknj.gov, pmosca@rochelleparknj.gov, siacobucci@rochelleparknj.gov, "Robert Davidson" <admin@rochelleparknj.gov>, "Joseph Rotolo" <Rotolo.law@verizon.net>

Subject: Draft Agenda

Have a nice weekend. Liz

Liz Kroll

From: lboniface@rochelleparknj.gov
Sent: Sunday, April 18, 2021 6:59 PM
To: Gail Artola; Nicholas LiBassi; Perrin Mosca; Susan Iacobucci
Cc: Robert Davidson; 'Joseph Rotolo'; Liz Kroll; Dean Pinto
Subject: Retail Sales of Marijuana

All,

There is an article in the Record today about retail sale of marijuana in Paramus. The mayor of Paramus says one retail outlet estimates to sell 20 million dollars worth of marijuana, bringing in an estimated \$400,000 in transfer tax revenue. After the last meeting, with the budget and discussion of which Marijuana businesses we will allow in the Township. I believe we should allow these businesses in Rochelle Park. I have found out though a newspaper article, you can collect the Transfer Tax on the other businesses as well. Rochelle Park does not have the big open spaces to get a big development to bring in a tax windfall. Bringing in Tax revenue from Marijuana businesses is going to be the extra funds for infrastructure improvements, building maintenance, operating expenses and maybe extra funds to pay down our debt. True tax relief to the Residents.

Please don't answer me back to violate any law.

Mayor, Please put this back on the agenda for April 28 meeting.

Stay Safe, Linda

Liz Kroll

From: lboniface@rochelleparknj.gov
Sent: Wednesday, April 21, 2021 3:40 PM
To: Joseph Rotolo
Cc: building@rochelleparknj.gov; James DiMaria; Liz Kroll; Robert Davidson; gartola@rochelleparknj.gov; pmosca@rochelleparknj.gov; 'Nicholas LiBassi'; siacobucci@rochelleparknj.gov
Subject: RE: Cannabis Regulation

Joe, This needs to be discussed more. There was no vote taken. 1400 residents voted to legalize cannabis. Thanks
Linda

-----Original Message-----

From: "Joseph Rotolo" <Rotolo.law@verizon.net>
Sent: Wednesday, April 21, 2021 9:40am
To: building@rochelleparknj.gov, "James DiMaria" <constoff@rochelleparknj.gov>
Cc: "Liz Kroll" <clerk@rochelleparknj.gov>, "Robert Davidson" <admin@rochelleparknj.gov>, gartola@rochelleparknj.gov, pmosca@rochelleparknj.gov, lboniface@rochelleparknj.gov, "Nicholas LiBassi" <nlibassi@rochelleparknj.gov>, siacobucci@rochelleparknj.gov
Subject: Cannabis Regulation

See correspondence attached

JOSEPH J. ROTOLO, ESQ.

Attorney At Law
50 Summit Avenue
Hackensack, New Jersey 07601

Tel: 201-343-0088
Fax: 201-343-0006

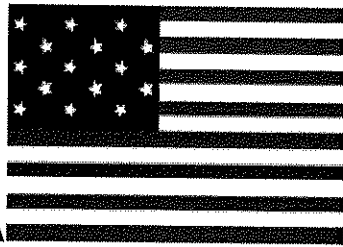
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Liz Kroll

From: siacobucci@rochelleparknj.gov
Sent: Wednesday, April 21, 2021 6:37 PM
To: Joseph Rotolo
Cc: gartola@rochelleparknj.gov; 'Nicholas LiBassi'; pmosca@rochelleparknj.gov; lboniface@rochelleparknj.gov; building@rochelleparknj.gov; Robert Davidson; Liz Kroll; James DiMaria
Subject: RE: Revised Cannabis ordinance - Final for Introduction

Joe, excuse me I am new to this. How is this 'revised'? Is it possible to redline the revisions? Or be specific as to what changed?

-----Original Message-----

From: "Joseph Rotolo" <Rotolo.law@verizon.net>
Sent: Wednesday, April 21, 2021 10:49am
To: gartola@rochelleparknj.gov, "Nicholas LiBassi" <nlibassi@rochelleparknj.gov>, pmosca@rochelleparknj.gov, siacobucci@rochelleparknj.gov, lboniface@rochelleparknj.gov
Cc: building@rochelleparknj.gov, "Robert Davidson" <admin@rochelleparknj.gov>, "Liz Kroll" <clerk@rochelleparknj.gov>, "James DiMaria" <constoff@rochelleparknj.gov>
Subject: Revised Cannabis ordinance - Final for Introduction

Revised Ordinance is attached.

JOSEPH J. ROTOLO, ESQ.

Attorney At Law
50 Summit Avenue
Hackensack, New Jersey 07601

Tel: 201-343-0088
Fax: 201-343-0006

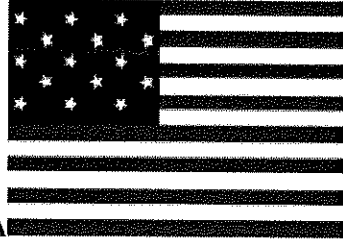
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Liz Kroll

From: siacobucci@rochelleparknj.gov
Sent: Wednesday, April 21, 2021 6:42 PM
To: lboniface@rochelleparknj.gov
Cc: Joseph Rotolo; building@rochelleparknj.gov; James DiMaria; Liz Kroll; Robert Davidson; gartola@rochelleparknj.gov; pmosca@rochelleparknj.gov; 'Nicholas LiBassi'
Subject: RE: Cannabis Regulation

I'd like further discussion too. Thank you.

-----Original Message-----

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Sent: Wednesday, April 21, 2021 3:39pm
To: "Joseph Rotolo" <Rotolo.law@verizon.net>
Cc: building@rochelleparknj.gov, "James DiMaria" <constoff@rochelleparknj.gov>, "Liz Kroll" <clerk@rochelleparknj.gov>, "Robert Davidson" <admin@rochelleparknj.gov>, gartola@rochelleparknj.gov, pmosca@rochelleparknj.gov, "Nicholas LiBassi" <nlibassi@rochelleparknj.gov>, siacobucci@rochelleparknj.gov
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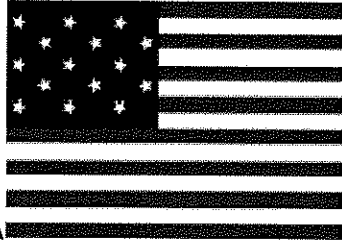
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Liz Kroll

From: Nicholas LiBassi <nlibassi@rochelleparknj.gov>
Sent: Tuesday, April 27, 2021 1:30 PM
To: Joseph Rotolo
Cc: Liz Kroll; Robert Davidson; gartola@rochelleparknj.gov; siacobucci@rochelleparknj.gov; lboniface@rochelleparknj.gov; pmosca@rochelleparknj.gov
Subject: Re: Medical Cannabis Transfer Tax Ordinance

Hi Joe,

Did we find out if we could allow delivery without allowing a physical location for recreational marijuana?

Nick

On Apr 27, 2021, at 12:43 PM, Joseph Rotolo <Rotolo.law@verizon.net> wrote:

For introduction

JOSEPH J. ROTOLO, ESQ.

Attorney At Law
50 Summit Avenue
Hackensack, New Jersey 07601

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Fax: 201-343-0006

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<amend chapter 166.doc>

Liz Kroll

From: Joseph Rotolo <Rotolo.law@verizon.net>
Sent: Tuesday, April 27, 2021 1:58 PM
To: 'Nicholas LiBassi'
Cc: 'Liz Kroll'; 'Robert Davidson'; gartola@rochelleparknj.gov; siacobucci@rochelleparknj.gov; lboniface@rochelleparknj.gov; pmosca@rochelleparknj.gov
Subject: RE: Medical Cannabis Transfer Tax Ordinance

My understanding is that a licensed facility can still deliver to Rochelle Park residents as long as the facility is properly licensed.

This is a zoning ordinance which controls the physical location within RP

From: Nicholas LiBassi [mailto:nlibassi@rochelleparknj.gov]
Sent: Tuesday, April 27, 2021 1:30 PM
To: Joseph Rotolo
Cc: Liz Kroll; Robert Davidson; gartola@rochelleparknj.gov; siacobucci@rochelleparknj.gov; lboniface@rochelleparknj.gov; pmosca@rochelleparknj.gov
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<amend chapter 166.doc>

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Sent: Tuesday, April 27, 2021 2:25 PM
To: Joseph Rotolo
Cc: Liz Kroll; Robert Davidson; gartola@rochelleparknj.gov; siacobucci@rochelleparknj.gov; lboniface@rochelleparknj.gov; pmosca@rochelleparknj.gov
Subject: Re: Medical Cannabis Transfer Tax Ordinance

So do we get the transfer tax for deliveries to RP? Or is it where the sale took place?

Nick

On Apr 27, 2021, at 1:57 PM, Joseph Rotolo <Rotolo.law@verizon.net> wrote:

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<amend chapter 166.doc>

Liz Kroll

From: Joe Rotolo <rotolo.law@verizon.net>
Sent: Tuesday, April 27, 2021 2:45 PM
To: Nicholas LiBassi
Cc: Liz Kroll; Robert Davidson; gartola@rochelleparknj.gov; siacobucci@rochelleparknj.gov; LBoniface@rochelleparknj.gov; pmosca@rochelleparknj.gov
Subject: Re: Medical Cannabis Transfer Tax Ordinance

This is on medical only. I believe only where sale takes place

There are a lot of unanswered questions on all of this since it is so new

Sent from my iPhone

On Apr 27, 2021, at 2:24 PM, Nicholas LiBassi <nlibassi@rochelleparknj.gov> wrote:

So do we get the transfer tax for deliveries to RP? Or is it where the sale took place?

Nick

On Apr 27, 2021, at 1:57 PM, Joseph Rotolo <Rotolo.law@verizon.net> wrote:

My understanding is that a licensed facility can still deliver to Rochelle Park residents as long as the facility is properly licensed.

This is a zoning ordinance which controls the physical location within RP

From: Nicholas LiBassi [<mailto:nlibassi@rochelleparknj.gov>]
Sent: Tuesday, April 27, 2021 1:30 PM
To: Joseph Rotolo
Cc: Liz Kroll; Robert Davidson; gartola@rochelleparknj.gov; siacobucci@rochelleparknj.gov; lboniface@rochelleparknj.gov; pmosca@rochelleparknj.gov
Subject: Re: Medical Cannabis Transfer Tax Ordinance

Hi Joe,

Did we find out if we could allow delivery without allowing a physical location for recreational marijuana?

Nick

On Apr 27, 2021, at 12:43 PM, Joseph Rotolo <Rotolo.law@verizon.net> wrote:

For introduction

JOSEPH J. ROTOLO, ESQ.

Attorney At Law
50 Summit Avenue
Hackensack, New Jersey 07601

Tel: 201-343-0088
Fax: 201-343-0006

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Liz Kroll

From: lboniface@rochelleparknj.gov
Sent: Tuesday, April 27, 2021 3:33 PM
To: Joe Rotolo
Cc: Nicholas LiBassi; Liz Kroll; Robert Davidson; gartola@rochelleparknj.gov; siacobucci@rochelleparknj.gov; pmosca@rochelleparknj.gov
Subject: Re: Medical Cannabis Transfer Tax Ordinance

Nick, I believe from what I'm reading. It is based what the business in Rochelle Park sells. Not the address receiving it. Linda

-----Original Message-----

From: "Joe Rotolo" <rotolo.law@verizon.net>
Sent: Tuesday, April 27, 2021 2:44pm
To: "Nicholas LiBassi" <nlibassi@rochelleparknj.gov>
Cc: "Liz Kroll" <clerk@rochelleparknj.gov>, "Robert Davidson" <admin@rochelleparknj.gov>, gartola@rochelleparknj.gov, siacobucci@rochelleparknj.gov, LBoniface@rochelleparknj.gov, pmosca@rochelleparknj.gov
Subject: Re: Medical Cannabis Transfer Tax Ordinance

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Sent: Tuesday, April 27, 2021 1:30 PM
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<amend chapter 166.doc>

Liz Kroll

From: lboniface@rochelleparknj.gov
Sent: Tuesday, April 27, 2021 3:44 PM
To: Nicholas LiBassi
Cc: Joseph Rotolo; Liz Kroll; Robert Davidson; gartola@rochelleparknj.gov; siacobucci@rochelleparknj.gov; pmosca@rochelleparknj.gov
Subject: Re: Medical Cannabis Transfer Tax Ordinance

Nick, Go on New Jersey League of Municipalities look under Cannabis Legalization. It answers some of your questions. Hope it helps.

-----Original Message-----

From: "Nicholas LiBassi" <nlibassi@rochelleparknj.gov>
Sent: Tuesday, April 27, 2021 2:24pm
To: "Joseph Rotolo" <Rotolo.law@verizon.net>
Cc: "Liz Kroll" <clerk@rochelleparknj.gov>, "Robert Davidson" <admin@rochelleparknj.gov>, gartola@rochelleparknj.gov, siacobucci@rochelleparknj.gov, lboniface@rochelleparknj.gov, pmosca@rochelleparknj.gov
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Liz Kroll

From: siacobucci@rochelleparknj.gov
Sent: Tuesday, April 27, 2021 10:02 PM
To: Joseph Rotolo
Cc: Liz Kroll; Robert Davidson; gartola@rochelleparknj.gov; 'Nicholas LiBassi'; lboniface@rochelleparknj.gov; pmosca@rochelleparknj.gov
Subject: RE: Medical Cannabis Transfer Tax Ordinance

The proposed tax ordinance states that product goes from the dispensary to a handler to the patient. Is that correct and does that impact the sales/transfer tax payment to RP?

"Cannabis Transfer Tax on any medical cannabis dispensed by the dispensary, including medical cannabis that is furnished by the dispensary to a medical cannabis handler for delivery to a registered qualifying patient or the patient's caregiver."

-----Original Message-----

From: "Joseph Rotolo" <Rotolo.law@verizon.net>
Sent: Tuesday, April 27, 2021 12:43pm
To: "Liz Kroll" <clerk@rochelleparknj.gov>, "Robert Davidson" <admin@rochelleparknj.gov>
Cc: gartola@rochelleparknj.gov, siacobucci@rochelleparknj.gov, "Nicholas LiBassi" <nlibassi@rochelleparknj.gov>, lboniface@rochelleparknj.gov, pmosca@rochelleparknj.gov
Subject: Medical Cannabis Transfer Tax Ordinance

For introduction

JOSEPH J. ROTOLO, ESQ.

Attorney At Law
50 Summit Avenue
Hackensack, New Jersey 07601

Tel: 201-343-0088
Fax: 201-343-0006

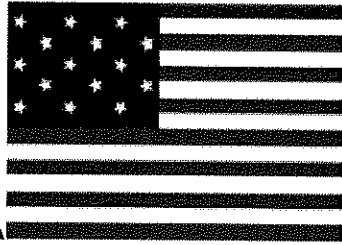
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Liz Kroll

From: siacobucci@rochelleparknj.gov
Sent: Wednesday, April 28, 2021 8:57 AM
To: Joseph Rotolo
Cc: 'Nicholas LiBassi'; 'Liz Kroll'; 'Robert Davidson'; gartola@rochelleparknj.gov; lboniface@rochelleparknj.gov; pmosca@rochelleparknj.gov
Subject: RE: Medical Cannabis Transfer Tax Ordinance

Joe, in researching the cannabis site on the NJLM site, they suggest adding a user tax to the transfer tax ordinance to catch any revenue in the event the medical site (or any other cannabis site) has or obtains in the future, additional licenses - it was called vertical integration. Might be something to build in to the proposed ordinance.

Regards,
Susan

-----Original Message-----

From: "Joseph Rotolo" <Rotolo.law@verizon.net>
Sent: Tuesday, April 27, 2021 1:57pm
To: "Nicholas LiBassi" <nlibassi@rochelleparknj.gov>
Cc: "Liz Kroll" <clerk@rochelleparknj.gov>, "Robert Davidson" <admin@rochelleparknj.gov>, gartola@rochelleparknj.gov, siacobucci@rochelleparknj.gov, lboniface@rochelleparknj.gov, pmosca@rochelleparknj.gov
Subject: RE: Medical Cannabis Transfer Tax Ordinance

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Sent: Tuesday, April 27, 2021 1:30 PM
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Cc: Liz Kroll; Robert Davidson; gartola@rochelleparknj.gov; siacobucci@rochelleparknj.gov; lboniface@rochelleparknj.gov; pmosca@rochelleparknj.gov
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Nick

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<amend chapter 166.doc>

Liz Kroll

From: siacobucci@rochelleparknj.gov
Sent: Tuesday, May 4, 2021 10:20 AM
To: Liz Kroll
Subject: FW: Medical Cannabis Transfer Tax and User Fee
Attachments: 20210429_094732.pdf

Liz, would you. Kindly print these for me? Thank you.

Susan

-----Original Message-----

From: "Joseph Rotolo" <Rotolo.law@verizon.net>

Sent: Thursday, April 29, 2021 9:42am

To: gartola@rochelleparknj.gov, "Nicholas LiBassi" <nlibassi@rochelleparknj.gov>, pmosca@rochelleparknj.gov, siacobucci@rochelleparknj.gov, lboniface@rochelleparknj.gov

Cc: "Robert Davidson" <admin@rochelleparknj.gov>, "Liz Kroll" <clerk@rochelleparknj.gov>, "Roy Riggitano" <royfrank@aol.com>, deptax@rochelleparknj.gov

Subject: Medical Cannabis Transfer Tax and User Fee

Good Morning,

In accordance with our discussions last night regarding the above matter I have attached the following:

- Revised Ordinance for introduction
- Copy of NJSA 40:48I-1
- Copy of NJSA 24:6I-10
- Copy of League Q and A regarding this topic

This ordinance was introduced last night and will be adopted, after a public hearing, in May. Any minor, non-substantive, changes can be made at the time of final adoption

Liz will now arrange for the required publication.

Thanks

JOSEPH J. ROTOLO, ESQ.

Attorney At Law
50 Summit Avenue
Hackensack, New Jersey 07601

Tel: 201-343-0088
Fax: 201-343-0006

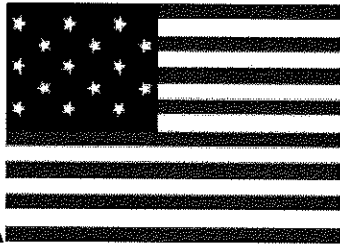
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GOD BLESS AMERICA

ORDINANCE NO.

**AN ORDINANCE TO AMEND CHAPTER 166 OF THE CODE OF
THE TOWNSHIP OF ROCHELLE PARK ENTITLED
"TAXATION" TO ADD A NEW ARTICLE II TO ESTABLISH A
MEDICAL CANNABIS TRANSFER TAX AND USER FEE
PURSUANT TO N.J.S.A.24A:6I-1, ET SEQ. AND N.J.S.A. 40:48I-1**

WHEREAS; Chapter 166 of the Code of the Township of Rochelle Park establishes the regulations under Taxation; and

WHEREAS, Chapter 166 requires revisions to establish a medical cannabis transfer and user tax; and

WHEREAS, the Township Committee has determined that it would be in the best interest of the Township to establish such a transfer tax in order to offset additional costs and expenses associated with such businesses being operated within the Township.

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Rochelle Park, in the County of Bergen, State of New Jersey, as follows:

SECTION ONE: Article II of Chapter 166 of the Code of the Township of Rochelle Park entitled "Taxation" is hereby added

Article II Medical Cannabis Transfer Tax and User Fee

Intent and Purpose

A. The State of New Jersey acknowledged there is a beneficial use for marijuana in treating or alleviating the pain or other symptoms associated with certain debilitating medical conditions and therefore has adopted the Jake Honig Compassionate Use Medical Cannabis Act (CUMCA), N.J.S.A. 24A:6I-1, et. seq.

B. The CUMCA authorizes the Municipality to implement a Medical Cannabis Transfer Tax on any medical cannabis dispensed by the dispensary, including medical cannabis that is furnished by the dispensary to a medical cannabis handler for delivery to a registered qualifying patient or the patient's caregiver; and

C. In addition, N.J.S.A. 40:48I-1 authorizes municipalities in which Medical Cannabis facilities are located to adopt a user fee, at the equivalent transfer tax rates, on any concurrent license holder operating more than one cannabis establishment.

Definitions

The definitions, including a Medical Cannabis Dispensary, as are defined in the CUMCA, N.J.S.A.24A:61-3, as well as those definitions set forth in N.J.S.A. 40:48I-1 are incorporated herein by reference and shall have the same meaning.

Administration of Medical Cannabis Transfer Tax and User Fee

A. The Medical Cannabis Transfer and User Tax in the Township of Rochelle Park shall be fixed at a uniform Cannabis Dispensary, pursuant to N.J.S.A.24A:61-10(i) of the CUMCA and N.J.S.A 40:48I-1.

B. The Medical Cannabis Transfer Tax shall be in addition to any other tax or fee imposed pursuant to status, state and federal, or local ordinance or resolution by any government entity upon a Medical Cannabis Dispensary.

C. The tax imposed by this section shall be paid to the Township no later than Quarterly on the first day of February, May, August and November with a report certified as true and accurate by the Chief Financial Officer or other similarly situated person showing the gross revenues for the Medical Cannabis Dispensary for each month of the preceding quarter. The Township may require that the Medical Cannabis Dispensary obtain a financial report from an independent accountant or auditor certifying as to the quarterly revenues for the preceding year.

D. In accordance with the provisions of N.J.S.A 24:6I-10 (i) the Township hereby establishes the Transfer and User Fee rate at 2% of the purchase price of the medical cannabis.

E. The User Fee shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the Transfer Tax imposed pursuant to this ordinance from the license holders establishment that is located in the Township to any of the other license holders establishments that are located in the Township or in another municipality.

F. A copy of this Ordinance shall be transmitted to the State Treasurer and to every Medical Cannabis Dispensary within the Township of Rochelle Park.

SECTION TWO: Repealer:

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION THREE: Severability:

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall force and effect.

SECTION FOUR: Effective Date:

This Ordinance shall take effect immediately upon final adoption and publication and in the manner provided by law.

ATTEST:

ELIZABETH KROLL, Municipal Clerk

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Comm. LiBassi						
Comm. Mosca						
Comm. Boniface						
Comm. Iacobucci						
Mayor Artola						

New Jersey Statutes Annotated

Title 40. Municipalities and Counties

Subtitle 3. Municipalities Generally (Refs & Annos)

Chapter 48I. Optional Local Cannabis Transfer and User Tax (Refs & Annos)

N.J.S.A. 40:48I-1

40:48I-1. Adoption of optional local cannabis transfer tax and
user tax; collection and amounts; exemptions; enforcement

Effective: February 22, 2021
Currentness

Optional Local Cannabis Transfer Tax and User Tax.

a. (1) A municipality may adopt an ordinance imposing a transfer tax on the sale of cannabis or cannabis items by a cannabis establishment that is located in the municipality. At the discretion of the municipality, the tax may be imposed on: receipts from the sale of cannabis by a cannabis cultivator to another cannabis cultivator; receipts from the sale of cannabis items from one cannabis establishment to another cannabis establishment; receipts from the retail sales of cannabis items by a cannabis retailer to retail consumers who are 21 years of age or older; or any combination thereof. Each municipality shall set its own rate or rates, but in no case shall a rate exceed: two percent of the receipts from each sale by a cannabis cultivator; two percent of the receipts from each sale by a cannabis manufacturer; one percent of the receipts from each sale by a cannabis wholesaler; and two percent of the receipts from each sale by a cannabis retailer.

(2) A local tax ordinance adopted pursuant to paragraph (1) of this subsection shall also include provisions for imposing a user tax, at the equivalent transfer tax rates, on any concurrent license holder, as permitted by section 33 of P.L.2021, c. 16 (C.24:6I-46), operating more than one cannabis establishment. The user tax shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed pursuant to paragraph (1) of this subsection, from the license holder's establishment that is located in the municipality to any of the other license holder's establishments whether located in the municipality or another municipality.

b. (1) A transfer tax or user tax imposed pursuant to this section shall be in addition to any other tax imposed by law. Any transaction for which the transfer tax or user tax is imposed, or could be imposed, pursuant to this section, other than those which generate receipts from the retail sales by cannabis retailers, shall be exempt from the tax imposed under the "Sales and Use Tax Act," P.L.1966, c. 30 (C.54:32B-1 et seq.). The transfer tax or user tax shall be collected or paid, and remitted to the municipality by the cannabis establishment from the cannabis establishment purchasing or receiving the cannabis or cannabis item, or from the consumer at the point of sale, on behalf of the municipality by the cannabis retailer selling the cannabis item to that consumer. The transfer tax or user 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.

(2) Every cannabis establishment required to collect a transfer tax or user tax imposed by ordinance pursuant to this section shall be personally liable for the transfer tax or user tax imposed, collected, or required to be collected under this section. Any cannabis establishment shall have the same right with respect to collecting the transfer tax or user tax from another cannabis establishment or the consumer as if the transfer tax or user tax was a part of the sale and payable at the same time, or with respect

to non-payment of the transfer tax or user tax by the cannabis establishment or consumer, as if the transfer tax or user tax was a part of the purchase price of the cannabis or cannabis item, or equivalent value of the transfer of the cannabis or cannabis item, and payable at the same time; provided, however, that the chief fiscal officer of the municipality which imposes the transfer tax or user tax shall be joined as a party in any action or proceeding brought to collect the transfer tax or user tax.

(3) No cannabis establishment required to collect a transfer tax or user tax imposed by ordinance pursuant to this section shall advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the transfer tax or user tax will not be separately charged and stated to another cannabis establishment or the consumer, or that the transfer tax or user tax will be refunded to the cannabis establishment or the consumer.

c. (1) All revenues collected from a transfer tax or user tax imposed by ordinance pursuant to this section shall be remitted to the chief financial officer of the municipality in a manner prescribed by the municipality. The chief financial officer shall collect and administer any transfer tax or user tax imposed by ordinance pursuant to this section. The municipality shall enforce the payment of delinquent taxes or transfer fees imposed by ordinance pursuant to this section in the same manner as provided for municipal real property taxes.

(2)(a) In the event that the transfer tax or user tax imposed by ordinance pursuant to this section is not paid as and when due by a cannabis establishment, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the cannabis establishment's premises in the same manner as all other unpaid municipal taxes, fees, or other charges. 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.

(b) A municipality shall file in the office of its tax collector a statement showing the amount and due date of the unpaid balance and identifying the lot and block number of the parcel of real property that comprises the delinquent cannabis establishment's premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.

d. As used in this section:

"Cannabis" means the same as that term is defined in section 3 of P.L.2021, c. 16 (C.24:6I-33).

"Cannabis cultivator" means the same as that term is defined in section 3 of P.L.2021, c. 16 (C.24:6I-33).

"Cannabis establishment" means the same as that term is defined in section 3 of P.L.2021, c. 16 (C.24:6I-33).

"Cannabis items" means the same as that term is defined in section 3 of P.L.2021, c. 16 (C.24:6I-33).

"Cannabis manufacturer" means the same as that term is defined in section 3 of P.L.2021, c. 16 (C.24:6I-33).

"Cannabis retailer" means the same as that term is defined in section 3 of P.L.2021, c. 16 (C.24:6I-33).

"Cannabis wholesaler" means the same as that term is defined in section 3 of P.L.2021, c. 16 (C.24:6I-33).

"Consumer" means the same as that term is defined in section 3 of P.L.2021, c. 16 (C.24:6I-33).

"Premises" means the same as that term is defined in section 3 of P.L.2021, c. 16 (C.24:6I-33).

Credits

L.2021, c. 16, § 40, eff. Feb. 22, 2021.

N. J. S. A. 40:48I-1, NJ ST 40:48I-1

Current with laws through L.2021, c. 47 and J.R. No. 1.

End of Document

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KeyCite Yellow Flag - Negative Treatment

Proposed Legislation

New Jersey Statutes Annotated
Title 24. Food and Drugs
Subtitle 1. Food and Drugs (Refs & Annos)
Chapter 6I. **Cannabis** (Refs & Annos)

N.J.S.A. 24:6I-10

24:6I-10. Health care practitioner's written instructions; duration of time to be dispensed

Effective: July 2, 2019

Currentness

*** Start Section

...

a. A health care practitioner shall provide written instructions for a registered qualifying patient or the patient's designated caregiver, or an institutional caregiver acting on behalf of the patient, to present to a **medical cannabis** dispensary or a clinical registrant concerning the total amount of usable **cannabis** that a patient may be dispensed, in weight, in a 30-day period, which amount shall not exceed the maximum amount that may be authorized for the patient pursuant to subsection f. of this section.

b. A health care practitioner may issue multiple written instructions at one time authorizing the patient to receive a total of up to a one-year supply, provided that the following conditions are met:

(1) Each separate set of instructions shall be issued for a legitimate **medical** purpose by the health care practitioner, as provided in P.L.2009, c. 307 (C.24:6I-1 et al.);

(2) Each separate set of instructions shall indicate the earliest date on which a dispensary or clinical registrant may dispense the **cannabis**, except for the first dispensation if it is to be filled immediately; and

(3) The health care practitioner has determined that providing the patient with multiple instructions in this manner does not create an undue risk of diversion or abuse.

c. A registered qualifying patient or the patient's designated caregiver, or an institutional caregiver acting on behalf of a qualifying patient, shall present verification of the patient's or caregiver's registration with the commission, as applicable, and these written instructions to any **medical cannabis** dispensary or clinical registrant at the time the patient or caregiver requests the dispensing or delivery of **medical cannabis**, which **medical cannabis** dispensary or clinical registrant shall verify and log the documentation presented. An institutional caregiver shall additionally present an authorization executed by the patient certifying that the institutional caregiver is authorized to obtain **medical cannabis** on behalf of the patient. A health care practitioner may provide a copy of a written instruction by electronic or other means, as determined by the commission, directly to a **medical cannabis** dispensary or a clinical registrant on behalf of a registered qualifying patient. The dispensation of **medical cannabis**

pursuant to any written instructions shall occur within one year of the date that the instructions were written or become eligible for dispensing, whichever is later, or the instructions are void.

d. (Deleted by amendment, P.L.2019, c. 153)

e. Prior to dispensing medical cannabis to a qualifying patient, the patient's designated caregiver, or an institutional caregiver, the medical cannabis dispensary or clinical registrant shall access the system established pursuant to section 11 of P.L.2009, c. 307 (C.45:1-45.1) to ascertain whether medical cannabis was dispensed to or on behalf of the patient by any medical cannabis dispensary or clinical registrant within the preceding 30 days. Upon dispensing medical cannabis to a qualifying patient, the patient's designated caregiver, or an institutional caregiver, the medical cannabis dispensary or clinical registrant shall transmit to the patient's health care practitioner information concerning the amount, strain, and form of medical cannabis that was dispensed.

f. (1) Except as provided in paragraph (2) of this subsection, for a period of 18 months after the effective date of P.L.2019, c. 153 (C.24:6I-5.1 et al.),¹ the maximum amount of usable cannabis that a patient may be dispensed, in weight, in a 30-day period, shall be three ounces. Commencing 18 months after the effective date of P.L.2019, c. 153 (C.24:6I-5.1 et al.), the maximum amount of usable cannabis that a patient may be dispensed shall be prescribed by the commission by regulation.

(2) The monthly limits set forth in paragraph (1) of this subsection shall not apply to patients who are terminally ill or who are currently receiving hospice care through a licensed hospice, which patients may be dispensed an unlimited amount of medical cannabis. Qualifying patients who are not receiving hospice care or who are not terminally ill may petition the commission, on a form and in a manner as the commission shall require by regulation, for an exemption from the monthly limits set forth in paragraph (1) of this paragraph, which petition the commission shall approve if the commission finds that granting the exemption is necessary to meet the patient's treatment needs and is consistent with the provisions of P.L.2009, c. 307 (C.24:6I-1 et al.).

g. The commission shall establish, by regulation, curricula for health care practitioners and for staff at medical cannabis dispensaries and clinical registrants:

(1) The curriculum for health care practitioners shall be designed to assist practitioners in counseling patients with regard to the quantity, dosing, and administration of medical cannabis as shall be appropriate to treat the patient's qualifying medical condition. Health care practitioners shall complete the curriculum as a condition of authorizing patients for the medical use of cannabis; and

(2) The curriculum for employees of medical cannabis dispensaries and clinical registrants shall be designed to assist the employees in counseling patients with regard to determining the strain and form of medical cannabis that is appropriate to treat the patient's qualifying medical condition. Employees of medical cannabis dispensaries and clinical registrants shall be required to complete the curriculum as a condition of registration with the commission. Completion of the curriculum may constitute part of the annual training required pursuant to paragraph (1) of subsection j. of section 7 of P.L.2009, c. 307 (C.24:6I-7).

h. Commencing July 1, 2020, the amount of the sales tax that may be imposed under the "Sales and Use Tax Act," P.L.1966, c. 30 (C.54:32B-1 et seq.) on medical cannabis dispensed by a medical cannabis dispensary or clinical registrant shall not exceed four percent.

Commencing July 1, 2021, the amount of the sales ~~tax~~ that may be imposed under the "Sales and Use ~~Tax~~ Act," P.L.1966, c. 30 (C.54:32B-1 et seq.) on ~~medical cannabis~~ dispensed by a ~~medical cannabis~~ dispensary or clinical registrant shall not exceed two percent.

Commencing July 1, 2022, ~~medical cannabis~~ dispensed by a ~~medical cannabis~~ dispensary or clinical registrant shall not be subject to any ~~tax~~ imposed under the "Sales and Use ~~Tax~~ Act," P.L.1966, c. 30 (C.54:32B-1 et seq.).

Any revenue collected pursuant to a ~~tax~~ imposed on the sale of ~~medical cannabis~~ under the "Sales and Use ~~Tax~~ Act," P.L.1966, c. 30 (C.54:32B-1 et seq.), shall be exclusively appropriated to programs for the treatment of mental health and substance use disorders.

i. A municipality in which a ~~medical cannabis~~ dispensary is located may adopt an ordinance imposing a ~~transfer tax~~ on any ~~medical cannabis~~ dispensed by the dispensary, including ~~medical cannabis~~ that is furnished by the dispensary to a ~~medical cannabis~~ handler for delivery to a registered qualifying patient or the patient's caregiver. The rate of a ~~transfer tax~~ established pursuant to this subsection shall be at the discretion of the municipality, except that in no case shall the rate exceed two percent of the purchase price of the ~~medical cannabis~~.

Credits

L.2009, c. 307, § 10, eff. Oct. 1, 2010. Amended by L.2019, c. 153, § 18, eff. July 2, 2019.

Editors' Notes

Relevant Additional Resources

Additional Resources listed below contain your search terms.

HISTORICAL AND STATUTORY NOTES

2009 Legislation

For effective date provisions of L.2009, c. 307, approved Jan. 18, 2010, and director authority to take anticipatory administrative action, see Historical and Statutory Notes under N.J.S.A. § 24:6I-1.

2019 Legislation

L.2019, c. 153, § 18, rewrote the section, which prior to revision read:

"a. A physician shall provide written instructions for a registered qualifying patient or his caregiver to present to an alternative treatment center concerning the total amount of usable marijuana that a patient may be dispensed, in weight, in a 30-day period, which amount shall not exceed two ounces. If no amount is noted, the maximum amount that may be dispensed at one time is two ounces.

"b. A physician may issue multiple written instructions at one time authorizing the patient to receive a total of up to a 90-day supply, provided that the following conditions are met:

"(1) Each separate set of instructions shall be issued for a legitimate ~~medical~~ purpose by the physician, as provided in this act;

“(2) Each separate set of instructions shall indicate the earliest date on which a center may dispense the marijuana, except for the first dispensation if it is to be filled immediately; and

“(3) The physician has determined that providing the patient with multiple instructions in this manner does not create an undue risk of diversion or abuse.

“c. A registered qualifying patient or his primary caregiver shall present the patient's or caregiver's registry identification card, as applicable, and these written instructions to the alternative treatment center, which shall verify and log the documentation presented. A physician may provide a copy of a written instruction by electronic or other means, as determined...

3.

What kind of tax can a municipality impose on cannabis establishments? And, do vertically integrated facilities avoid certain local taxes?

A municipality may impose a transfer tax on the sale of cannabis or cannabis items by a cannabis establishment located within the municipality. The tax may be imposed on:

- Receipts from the sale of cannabis by a cannabis cultivator to another cannabis cultivator;
- Receipts from the sale of cannabis items from one establishment to another cannabis establishment;
- Receipts from retail sales of cannabis items by a cannabis retailer to retail consumers; or
- Any combination thereof.

A municipality is free to set its own tax rate but in no case can the rates exceed:

- Two percent of the receipts from each sale by a cannabis cultivator;
- Two percent of the receipts from each sale by a cannabis manufacturer;
- One percent of the receipts from each sale by a cannabis wholesaler; and
- Two percent of the receipts from each sale by a cannabis retailer.

If a municipality adopts an ordinance providing for a transfer tax as noted above, the ordinance must also provide for a user tax. This user tax must be equivalent to the transfer tax rates, on any concurrent license holder, operating more than one cannabis establishment. The user tax allows for tax parity, by preventing vertically integrated cannabis establishments from avoiding the transfer tax.

Liz Kroll

From: siacobucci@rochelleparknj.gov
Sent: Tuesday, May 4, 2021 10:20 AM
To: Liz Kroll
Subject: FW: Madical Cannabis Facility Resolution
Attachments: ASCEND.pdf

And this pls?

-----Original Message-----

From: "Joseph Rotolo" <Rotolo.law@verizon.net>
Sent: Thursday, April 29, 2021 11:12am
To: gartola@rochelleparknj.gov, "Nicholas LiBassi" <nlibassi@rochelleparknj.gov>, pmosca@rochelleparknj.gov, lboniface@rochelleparknj.gov, siacobucci@rochelleparknj.gov
Cc: "Robert Davidson" <admin@rochelleparknj.gov>, "Liz Kroll" <clerk@rochelleparknj.gov>
Subject: Madical Cannabis Facility Resolution

Per your request attached is a copy of the approval resolution for the facility on Route 17

JOSEPH J. ROTOLO, ESQ.

Attorney At Law
50 Summit Avenue
Hackensack, New Jersey 07601

Tel: 201-343-0088
Fax: 201-343-0006

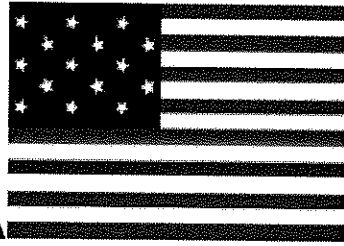
FRAUD ALERT - DO NOT WIRE TRANSFER UNLESS YOU SPEAK TO ME PERSONALLY BY PHONE OR IN PERSON

****ALWAYS PERSONALLY VERIFY ANY REQUEST FOR PAYMENT OR WIRE TRANSFER BY PHONE BEFORE SENDING ANYTHING – BEWARE OF FRAUD.**

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GOD BLESS AMERICA

**RESOLUTION OF
PLANNING BOARD OF THE TOWNSHIP OF ROCHELLE PARK
I/M/O
ASCEND NEW JERSEY, LLC
174 ROUTE 17 NORTH, ROCHELLE PARK, NJ 07662
BLOCK 42.02, LOT 1 and BLOCK 43.02, LOT 1.02
(MINOR SITE PLAN TENANT REVIEW)**

OFFERED BY: J. Miller SECONDED BY: E. Kaniewski

WHEREAS, the Applicant is Ascend New Jersey LLC, whose address is c/o AWH, 500 Totten Pond Road, 6th Floor, Waltham, Massachusetts 02451.

WHEREAS, the Applicant has made application to the Planning Board of the Township of Rochelle Park seeking Minor Site Plan Tenant Review for a new tenant, Ascend New Jersey LLC, to occupy vacant business space to operate a medical marijuana retail dispensary at the subject premises located at 174 Route 17 North in the Township of Rochelle Park, County of Bergen and State of New Jersey, being known as Block 42.02, Lot 1 and Block 43.02, Lot 1.02, as set forth on the Tax Assessment Map of the Township of Rochelle Park and being located in a "BA-1- Business District" as delineated in *Section 185-98* of the Land Use and Development Regulations of the Township of Rochelle Park (hereinafter referred to as "Zoning Ordinance").

WHEREAS, Jurisdiction lies with the Planning Board, pursuant to *Section 185-104B* of the Zoning Ordinance.

WHEREAS, Applicant was represented by Lawrence Cutalo, Esq. of O'Toole Scrivo, LLC.

WHEREAS, the Planning Board was represented by Christopher E. Martin, Esq.

WHEREAS, a public hearing was conducted on December 19, 2019, upon proper notice

certified by Applicant's proof of service to property owners within a 200-foot radius of the subject property and proof of publication in an official newspaper of the Township; and

WHEREAS, the following Exhibits were admitted into evidence:

Exhibit A-1- Tenant Review Plan prepared by Matthew Seckler, PE, of Stonefield Engineering and Design dated October 28, 2019 and consisting of three (3) sheets

Exhibit A-2-Traffic Assessment Letter Report prepared by Stonefield Engineering and Design dated November 19, 2019

Exhibit A-3 – Security System Narrative prepared by Kroll dated November 1, 2019

Exhibit Bd- 1- Report of Board Planner, Heyer, Gruel & Associates dated December 9, 2019

WHEREAS, Kim Kiefer, Chief Retail Officer of Ascend New Jersey LLC, was sworn and testified in support of the application as follows:

1. Ascend New Jersey, LLC. is a business that is engaged in the retail sale of medical marijuana.. The company has similar businesses in Illinois, Michigan and Ohio.
2. There are no other medical marijuana dispensaries in Bergen County to date. The only others in the northern New Jersey area are located in Montclair and Secaucus. A facility will be opening in Paterson and in Morris County shortly.
3. Applicant is seeking to renovate the interior of the premises for the proposed use of the property as a medical marijuana dispensary operated by Ascend New Jersey LLC. The retail space will have an entry lobby with a security desk, a sales floor area, several consultation rooms, a vault, an employee break room and training room. The second floor of the property will be used for administrative office use.
4. There will be 1-2 security guards on site, with additional security provided when

the medical marijuana product is delivered.

5. All customers are required to show the following: (1) Government issued identification or state identification and (2) medical marijuana program identification card issued by the state upon certification from a physician that there is a medical need for medical marijuana. The only other way in which a person may enter the dispensary is with a caregiver card. The medical marijuana card must be valid as required by New Jersey law. No prescriptions are required. Only State regulated maximum amounts of marijuana are allowed.

6. The hours of operation will be from 10:00 a.m. to 8:00 p.m., seven (7) days per week.

7. Applicant anticipates having a total of approximately 45 employees. There will generally be twelve (12) employees working per shift at the subject premises consisting of 4-6 managers, patient care specialists, inventory members (2 per shift), security desk and guards (3 per shift). There will be 1-4 managers on site at any time during business hours.

8. There is no recreational use and no medical use of marijuana permitted on site.

9. There will be no manufacturing or growing of marijuana on the site.

10. Applicant stipulates and agrees to follow and comply with all state regulations applicable to medical marijuana dispensaries.

11. There will be an average of twenty five (25) persons/clients per hour on the premises.

12. Applicant cannot presently accept credit cards or checks and will only accept cash at present. Debit cards may be used only to pay for product and no cash withdrawals or cash back will be conducted or provided. There will be a safe on site.

13. If Bergen County "Blue Laws" apply to the subject business, Applicant will abide

by same.

14. Patients are tracked so there is no over sale of product which would be in violation of state law.

15. Applicant will only sell accessories or paraphernalia if approved to do so by the state.

WHEREAS, Matthew J. Seckler, PE, PP, PTOE, was sworn and qualified as a professional engineer and a traffic engineer and testified in support of the application as follows:

1. Mr. Seckler generally discussed the document marked Exhibit A-1 which was the Tenant Review Plan prepared by Stonefield Engineering and Design dated October 28, 2019 and consisting of three (3) sheets.

2. Mr. Seckler testified that there will be a total of 82 parking spaces, 74 which were available for all tenants, and two ADA spaces available for all tenants. There will be loading zones adjacent to the building. As a result of this application, drainage would be improved.

2. Mr. Seckler testified with regard to Exhibit A-2, a Traffic Assessment Letter Report prepared by Stonefield Engineering and Design dated November 19, 2019. It is anticipated that this business will generate approximately half the traffic of a busy CVS store or 25 people per hour and each customer would spend approximately 10 minutes per transaction, unless a consultation is required in which case the time would increase to 15 to 25 minutes.

3. The applicant will comply with all DOT requirements and will comply with all ordinances applicable as to circulation, ingress, egress, traffic, parking, and signage.

4. The applicant stipulates that traffic circulation will be to the satisfaction of the Board Engineer.

5. The applicant stipulates that all employees will be required to park off-site except

for parking spots for two managers which are located on site.

WHEREAS, Matthew Dumpert with Kroll, a division of Duff and Phelps, was sworn and qualified as a security consultant and testified in support of the application as follows:

1. Mr. Dumpert worked for the state department and was involved with embassy security and federal investigations.
2. Kroll, a division of Duff and Phelps, is a security and investigation firm. Kroll will secure the perimeter with a 24/7 alarm system monitored by a third-party. Cameras will be installed and there will be reinforced walls throughout the entire exterior of the business. Tag cards, key cards and a pin will be required for all employees.
3. Mr. Dumpert testified with regard to Exhibit A-3, a Security System Narrative prepared by Kroll dated November 1, 2019. Kroll will implement procedures for the applicant in order to satisfy all laws of any kind that are applicable.
4. All employees will be required to undergo a criminal background check. Security will be properly licensed and will be provided by third-party vendors.
5. Signs will be in compliance with all state regulations.
6. Applicant stipulates to the requirements of the report marked as Exhibit Bd- 1- Report of Board Planner, Heyer, Gruel & Associates dated December 9, 2019

WHEREAS, the hearing was open to the public. No member of the public came forward to question the witnesses or comment on the application.

WHEREAS, the testimonial portion of the hearing was concluded on December 19, 2019. A motion was made and seconded to approve the application for Minor Site Plan Tenant Review, pursuant to *Section 185-104B* of the Zoning Ordinance, to operate a retail business to dispense medical marijuana at the subject premises, subject to those conditions set forth more fully in this

memorializing resolution and subject to those Findings of Fact and Conclusions of Law set forth more fully herein below. The motion carried by a unanimous roll call vote of six (6) in favor.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Township of Rochelle Park, that the following Findings of Fact and Conclusions of Law are hereby made:

1. All of the recitals herein set forth are incorporated by reference. All of the exhibits and documents marked into evidence by the Applicant and the Board are herein incorporated by reference.
2. The Applicant is Ascend New Jersey LLC. The property is located at 174 Route 17 North in the Township of Rochelle Park, County of Bergen and State of New Jersey, being known as Block 42.02, Lot 1 and Block 43.02, Lot 1.02, as set forth on the Tax Assessment Map of the Township of Rochelle Park and being located in a "BA-1- Business District" as delineated in Section 185-98 of the Land Use and Development Regulations of the Township of Rochelle Park (hereinafter referred to as "Zoning Ordinance").
3. The Applicant is the proposed tenant of the premises.
4. The Applicant, Ascend New Jersey LLC, has made application to the Planning Board of the Township of Rochelle Park seeking Minor Site Plan Tenant Review to operate a retail business to dispense medical marijuana at the subject premises.
5. Jurisdiction lies with the Planning Board, pursuant to Section 185.104B of the Zoning Ordinance.
6. This matter came before the Planning Board for hearing on December 19, 2019.
7. The proposed business will operate from 10:00 a.m. to 8:00 p.m., seven (7) days per week.
8. There will generally be twelve (12) employees per shift, including full-time and

part-time employees working at the subject premises.

9. The proposed interior alteration is reflected on Exhibit A-1 - the Floor Space plan.

10. The Applicant agrees to comply with all applicable statutes, ordinances and regulations, including but not limited to all of the requirements set forth in N.J.A.C. 8:64-1, et seq. which regulates "Alternative Treatment Centers."

10. The Applicant has satisfied the requirements for the granting of its requested Minor Site Plan Tenant Review, pursuant to *Section* 185-104B of the Zoning Ordinance, to operate a medical marijuana dispensary at the premises.

11. The Board further finds that this application does not require a full and/or formal site plan review.

THEREFORE BE IT FURTHER RESOLVED by the Planning Board of the Township of Rochelle Park that the application of Ascend New Jersey LLC for Minor Site Plan Tenant Review, for the proposed Tenant, Ascend New Jersey LLC, Inc. to operate a retail medical marijuana dispensary at the subject premises, subject to those conditions set forth more fully in this memorializing resolution and subject to those Findings of Fact and Conclusions of Law set forth more fully here-in-above, pursuant to *Section* 185-104B of the Zoning Ordinance, be and the same is hereby **GRANTED**.

BE IT FURTHER RESOLVED that the foregoing relief is granted subject to the following terms and conditions:

1. The use of the subject premises shall be in strict accordance with all plans/sketches submitted by Applicant and marked into evidence.
2. All taxes shall be paid as a condition of this approval.
3. This approval is subject to receipt of all necessary governmental approvals, if

required. If any governmental agency requires substantial changes to a plan/sketch, as determined by the Township Engineer and/or Construction Code Official, this Board reserves the right to review and approve of such additional changes. No building permits and or Certificates of Occupancy shall be issued until authorized by the Township Engineer and/or Construction Code Official.

4. The Applicant shall post all fees and deposits as required by the Township Code, including any outstanding deficiencies in any escrow accounts. Payment of all fees, costs and escrows due or which shall become due are to be paid within twenty (20) days of said request by the Board Secretary.

5. All representations made under oath by the Applicant or its representatives shall be deemed conditions of approval and any representations by the Applicant or its representatives contrary to the representations made before the Board shall be deemed a violation of this approval.

6. The action of the Planning Board in approving this application shall not relieve the Applicant of responsibility for any damages caused by this project nor does the Planning Board, the Township of Rochelle Park or its reviewing professionals and agencies accept any responsibility for the structural design for the proposed improvements or any damages which may be caused by the development.

7. Pursuant to Section 185-49 of the Code of the Township of Rochelle Park, the Applicant shall be responsible for all professional fees incurred as a result of this application, including but not limited to, the fees of the Township Planner, Township Traffic Consultant, Township Landscaping Consultant, Township Engineer and Board Attorney, if applicable.

8. The Applicant shall comply with all requirements and directives of the Township of Rochelle Park Police and Fire Departments, if applicable.

9. The Applicant shall comply with all requirements and directives of the Township's Shade Tree Commission, if applicable.

10. The Applicant shall comply with all laws, codes, ordinances and regulations of the State of New Jersey, County of Bergen and the Township of Rochelle Park, including but not limited to *Section 185-142* (Nonresidential Development Fees); *Section 185-143(B)* (Affordable Housing Development Fee) and *Section 185-144* (Collection of Fees) of the Land Use and Development Regulations for the Township of Rochelle Park, if applicable.

11. Any and all signage and parking at the subject premises shall be consistent with and comply with all applicable requirements of the Zoning Ordinance and N.J.A.C. 8:64-1, et seq.

12. The Applicant shall comply with any and all building code requirements of the State of New Jersey and/or the Township of Rochelle Park.

13. There will be no structural changes to the building.

14. There will be no exterior changes to the building or municipal sewer system.

15. The proposed business will operate from 10:00 a.m. to 8:00 p.m., seven (7) days per week.

16. There will generally be twelve (12) employees per shift, including full-time and part-time employees working at the subject premises.

17. There will be no alterations to the exterior of the building and the interior alterations are reflected on Exhibit -1- the Floor Space Plan.

18. Applicant shall comply with all applicable laws, rules, regulations, etc. of all licensing entities.

19. Applicant stipulates and agrees to follow and comply with all state regulations applicable to medical marijuana dispensaries.

20. Applicant stipulates and agrees that traffic circulation will be to the satisfaction of the Board Engineer.

21. Applicant stipulates and agrees that all employees will be required to park off-site except for parking spots for two managers which are located on site.

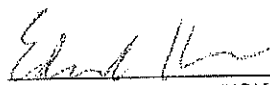
22. In the event that any conditions of this resolution are held to be invalid, unenforceable or unlawful, by a court of competent jurisdiction, then in said event, the entire approval granted herein shall be unenforceable. It is the intent of the Board that the approval granted herein shall not be deemed approved if any condition is declared invalid and the remaining conditions are not severable from the approvals granted herein.

BE IT FURTHER RESOLVED that the Chairman and the Secretary of the Planning Board are hereby authorized to affix their signatures to this resolution. This resolution is a memorializing resolution adopted pursuant to *N.J.S.A. 40:55D-10(g)(2)*, memorializing the action taken by the Planning Board at the meeting held on December 19, 2019.

ADOPTED:

ATTESTED:


ANNEMARIE WELLS, SECRETARY
Planning Board of the Township
of Rochelle Park


EDWARD KANIEWSKI, CHAIRMAN
Planning Board of the Township
of Rochelle Park

The foregoing is a true copy of a resolution adopted by the Planning Board of the Township of Rochelle Park on January 23, 2020.

Date: 1/23/20

Annemarie Wells

Annemarie Wells
Board Secretary
Planning Board of the
Township of Rochelle Park

Liz Kroll

From: siacobucci@rochelleparknj.gov
Sent: Saturday, May 22, 2021 7:52 AM
To: Joseph Rotolo
Cc: Gail Artola; Nicholas LiBassi; Perrin Mosca; Linda Boniface; Liz Kroll
Subject: FW: Good Read / Thank You

Re: Opt Out Ordinance. Not sure why he only sent to me. I had seen this in the Star Ledger. It was a bit confusing, because it says that most towns are opting out but opting in at a later date had a certain twist to it. Bottom line Cannabis Commission's deadline to issue clarification is the same date as towns have to adopt - Aug 21.

-----Original Message-----

From: "Ray Ferraioli" <ray@clearview-consultingllc.com>
Sent: Wednesday, May 19, 2021 9:40am
To: Slacobucci@rochelleparknj.gov
Subject: Good Read / Thank You

<https://www.nj.com/marijuana/2021/05/nj-cities-towns-are-acting-quickly-to-ban-weed-businesses-ahead-of-august-deadline.html>

Shared via the [Google app](#)

Liz Kroll

From: lboniface@rochelleparknj.gov
Sent: Saturday, May 22, 2021 6:47 PM
To: siacobucci@rochelleparknj.gov
Cc: Joseph Rotolo; Gail Artola; Nicholas LiBassi; Perrin Mosca; Liz Kroll
Subject: RE: FW: Good Read / Thank You

Thanks, I just believe we need think outside the box. If our top Law Enforcement Officer does not see a problem with retail cannabis. We need to give it a chance and be the Township that other Towns may be envious of. Right now I believe we should allow Acend to sell retail. See how things go and maybe later add more or not. Linda

-----Original Message-----

From: "siacobucci@rochelleparknj.gov" <siacobucci@rochelleparknj.gov>
Sent: Saturday, May 22, 2021 7:51am
To: "Joseph Rotolo" <rotolo.law@verizon.net>
Cc: "Gail Artola" <gartola@rochelleparknj.gov>, "Nicholas LiBassi" <nlibassi@rochelleparknj.gov>, "Perrin Mosca" <pmosca@rochelleparknj.gov>, "Linda Boniface" <lboniface@rochelleparknj.gov>, "Liz Kroll" <clerk@rochelleparknj.gov>
Subject: FW: Good Read / Thank You

Re: Opt Out Ordinance. Not sure why he only sent to me. I had seen this in the Star Ledger. It was a bit confusing, because it says that most towns are opting out but opting in at a later date had a certain twist to it. Bottom line Cannabis Commission's deadline to issue clarification is the same date as towns have to adopt - Aug 21.

-----Original Message-----

From: "Ray Ferraioli" <ray@clearview-consultingllc.com>
Sent: Wednesday, May 19, 2021 9:40am
To: Slacobucci@rochelleparknj.gov
Subject: Good Read / Thank You

<https://www.nj.com/marijuana/2021/05/nj-cities-towns-are-acting-quickly-to-ban-weed-businesses-ahead-of-august-deadline.html>

Shared via the [Google app](#)

Liz Kroll

From: siacobucci@rochelleparknj.gov
Sent: Saturday, May 29, 2021 12:38 PM
To: MMPquestions@doh.nj.gov
Cc: Gail Artola; Nicholas LiBassi; Perrin Mosca; Linda Boniface; Liz Kroll; Joseph Rotolo; Robert Davidson
Subject: June 1 Written Comments

Dear CRC Representatives:

I am writing on behalf of the Township Committee of Rochelle Park concerning issues covered in P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"). We seek clarification of the repeal process once a municipality has passed an "Opt Out" ordinance. Our township has permitted a medical dispensary. An "Opt Out" ordinance being considered would prohibit adult use "commercial recreational" cannabis in the otherwise standard format proposed by the NJ League of Municipalities.

Questions raised in a recent Star Ledger article "Municipalities act to ban week businesses by Aug. deadline" has indicated differing opinions on the repeal process. One states the only time a 5-yr lock-in period is triggered is when the municipality fails to adopt an ordinance by the Aug 21 deadline. The other states that there is confusion around municipalities changing their ordinances past the 6-month deadline and could be back in a situation where the township does not have a duly adopted law.

Guidance on the repeal process or specific requirements, before the Aug 21 deadline or any time thereafter, beyond normal procedures for amending an existing ordinance, would be appreciated.

Thank you for your consideration.

Respectfully submitted,
Susan M. Iacobucci
Committeewoman Rochelle Park

Liz Kroll

From: siacobucci@rochelleparknj.gov
Sent: Friday, June 4, 2021 9:26 AM
To: Liz Kroll
Cc: 'Nicholas LiBassi'; lboniface@rochelleparknj.gov; 'Perrin Mosca'; Robert Davidson; 'Joseph Rotolo'
Subject: RE: Draft Agenda

Liz and Joe, any update to report on the appraisal issue for 120 WP for this meeting?
Were the cannabis representatives going to appear this date? Otherwise looks good to me.
Susan

-----Original Message-----

From: "Liz Kroll" <clerk@rochelleparknj.gov>
Sent: Thursday, June 3, 2021 11:46am
To: "'Nicholas LiBassi'" <nlibassi@rochelleparknj.gov>, lboniface@rochelleparknj.gov, "'Perrin Mosca'" <pmosca@rochelleparknj.gov>, siacobucci@rochelleparknj.gov, "Robert Davidson" <admin@rochelleparknj.gov>, "Joseph Rotolo" <Rotolo.law@verizon.net>
Subject: Draft Agenda

Hi. Comments? Liz

Liz Kroll

From: siacobucci@rochelleparknj.gov
Sent: Friday, June 4, 2021 9:37 AM
To: Liz Kroll; 'Joseph Rotolo'
Cc: Nicholas LiBassi; Perrin Mosca; Linda Boniface; Gail Artola; Robert Davidson
Subject: Cannabis - Ordinance for Transfer Tax and User Fee

Hi Liz, as a follow up to our conversation yesterday, I believe the recently adopted Ordinance for the Transfer Tax and User Fee must be forwarded to the following:

Ascend
Ascend attorneys
Ascend Chief Financial Officer
Roy and/or Andrew
State Treasurer

The tax must appear on Ascend's invoices.

Joe, pls advise if additional parties must be notified or any comments. The State Treasurer is mentioned in the Ordinance; assuming for tax purposes and Roy and/or Andrew for notification of revenues due. We discussed a November potential due date for revenues. By notifying Ascend, their Chief Finance Officer and attorneys it will memorialize the beginning of our entitlement to revenues due the township.

Regards,
Susan

Liz Kroll

From: siacobucci@rochelleparknj.gov
Sent: Friday, June 4, 2021 9:40 AM
To: siacobucci@rochelleparknj.gov
Cc: mmpquestions@doh.nj.gov; Gail Artola; Nicholas LiBassi; Perrin Mosca; Linda Boniface; Liz Kroll; Joseph Rotolo; Robert Davidson
Subject: RE: June 1 Written Comments

Following up on this meeting of the CRC, they went into closed Executive Session for the first hour. While the meetings are recorded, I can't find that they are available to the public so I have no further information on the 'opt out/opt in' procedures.

-----Original Message-----

From: "siacobucci@rochelleparknj.gov" <siacobucci@rochelleparknj.gov>
Sent: Saturday, May 29, 2021 12:37pm
To: MMPquestions@doh.nj.gov
Cc: "Gail Artola" <gartola@rochelleparknj.gov>, "Nicholas LiBassi" <nlibassi@rochelleparknj.gov>, "Perrin Mosca" <pmosca@rochelleparknj.gov>, "Linda Boniface" <lbboniface@rochelleparknj.gov>, "Liz Kroll" <clerk@rochelleparknj.gov>, "Joseph Rotolo" <rotolo.law@verizon.net>, "Robert Davidson" <admin@rochelleparknj.gov>
Subject: June 1 Written Comments

Dear CRC Representatives:

I am writing one behalf of the Township Committee of Rochelle Park concerning issues covered in P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"). We seek clarification of the repeal process once a municipality has passed an "Opt Out" ordinance. Our township has permitted a medical dispensary. An "Opt Out" ordinance being considered would prohibit adult use "commercial recreational" cannabis in the otherwise standard format proposed by the NJ League of Municipalities.

Questions raised in a recent Star Ledger article "Municipalities act to ban week businesses by Aug. deadline" has indicated differing opinions on the repeal process. One states the only time a 5-yr lock-in period is triggered is when the municipality fails to adopt an ordinance by the Aug 21 deadline. The other states that there is confusion around municipalities changing their ordinances past the 6-month deadline and could be back in a situation where the township does not have a duly adopted law.

Guidance on the repeal process or specific requirements, before the Aug 21 deadline or any time thereafter, beyond normal procedures for amending an existing ordinance, would be appreciated.

Thank you for your consideration.

Respectfully submitted,
Susan M. Iacobucci
Committeewoman Rochelle Park

Liz Kroll

From: siacobucci@rochelleparknj.gov
Sent: Monday, June 21, 2021 11:09 AM
To: Joseph Rotolo
Cc: gartola@rochelleparknj.gov; 'Nicholas LiBassi'; pmosca@rochelleparknj.gov; lboniface@rochelleparknj.gov; Liz Kroll; Robert Davidson
Subject: RE: Ron Mondello Video regarding Local Cannabis Ordinances

Thank you Joe. Ron's video follows the guidelines the NJLM published in their March guidelines. Ron states in his video that municipalities can opt in anytime, even a month later. Would you kindly invite Ron to our Wed meeting to speak with us? I have spoken to him but he thought any invitation should come thru you.

There are 4 areas for any opt in ordinance to include:

- 1) Location (RP has set overlay zone along Rt 17 No.)
- 2) Number of cannabis establishments
- 3) Manner
- 4) Times of operation (Ascend operates 10 am - 8 pm, 7 days per week; retailers may be limited to 6 days per week if subject to Blue Laws)

How are areas such as licensing fees, areas of usage (can restrictions be placed limiting to private residence?), fines addressed? Does having only 1 establishment violate municipal law? Are min. 2 required?

Do we need to consider Special Counsel from a law firm with a Cannabis Practice to advise us? Representatives of Ansell, Grimm spoke to the CRC and their lead Cannabis attorney, Joshua S. Bauchner, serves as Co-Chair for the Cannabis Law Committee of the NJ State Bar Assn. They have a number of attorneys in their Cannabis practice. Of course, they would work with our Zoning Atty and you as our Municipal Attorney. Most law firms we have heard from represent the cannabis establishments. Just a thought.

Thank you,
Susan

-----Original Message-----

From: "Joseph Rotolo" <Rotolo.law@verizon.net>
Sent: Thursday, June 17, 2021 11:52am
To: gartola@rochelleparknj.gov, "Nicholas LiBassi" <nlibassi@rochelleparknj.gov>, siacobucci@rochelleparknj.gov, pmosca@rochelleparknj.gov, lboniface@rochelleparknj.gov
Cc: "Liz Kroll" <clerk@rochelleparknj.gov>, "Robert Davidson" <admin@rochelleparknj.gov>
Subject: Ron Mondello Video regarding Local Cannabis Ordinances

From: rpmondello@optonline.net [mailto:rpmondello@optonline.net]
Sent: Thursday, June 17, 2021 11:16 AM
To: 'Joseph Rotolo'
Subject: video

<https://youtu.be/PG6VWB-gDkA>

RONALD P. MONDELLO, ESQ.
MUNICIPAL CANNABIS LAW
O-100 27TH STREET
FAIR LAWN, N.J. 07410
(973) 838-3500

JOSEPH J. ROTOLO, ESQ.
50 Summit Avenue
Hackensack, New Jersey 07601
TEL. # (201) 343-0088 FAX # (201) 343-0006

EMAIL/FAX COVER LETTER

TO: HONORABLE GAIL ARTOLA AND
MEMBERS OF THE TOWNSHIP COMMITTEE

DATE: April 13, 2021

FROM: JOSEPH J. ROTOLO, ESQ., TOWNSHIP ATTORNEY

RE: **NEW JERSEY CANNABIS REGULATORY, ENFORCEMENT
ASSISTANCE AND MARKETPLACE MODERNIZATION
ACT**

Dear Mayor Artola and
Members of the Township Committee:

As we discussed at a previous meeting, the State Legislature has adopted the "New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act". This Act was signed into law on February 22, 2021.

Among other things, the Act authorizes municipalities to adopt an Ordinance which would prohibit the operation of any one or more classes of cannabis establishments, distributors or delivery services anywhere in the municipality.

This provision of the Act would allow the Township to adopt an Ordinance which would, in effect, prevent the opening of any of these facilities. This, of course, does not affect medical marijuana facilities which are legal and the Township has established a zone in which they may operate.

The ability to "opt out" and to bar the other facilities must be done by way of Ordinance which must be adopted within 180 days of the effective date of the Act. Therefore, if the Township Committee wishes to enact such an Ordinance it must do so no later than August 22, 2021.

I would request that this matter be placed on the April Work Session Agenda for discussion so appropriate action may be taken in a timely fashion. Please note that if an Ordinance is not adopted barring such facilities, the Township will be deemed to permit all classes of cannabis facilities described in the State Legislation.

I am forwarding a copy of this memo to the Township Planner for his review and comments as well.

TO: HONORABLE GAIL ARTOLA AND
MEMBERS OF THE TOWNSHIP COMMITTEE
April 13, 2021
Page Two

Thank you very much.

JJR:mc

c: Liz Kroll, Clerk
Township Planner
Robert Davidson, Administrator

S:\2021 ROCHELLE PARK\041321 memo to committee Re Cannabis.wpd

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Ordinance

Ordinance No. 15

OF THE
CITY OF ATLANTIC CITY, N.J.

Date..3-12-2020.....
Date to Mayor..4-16-2020

Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified to by

Assistant City Solicitor /s/Eileen Lindinger

Adetoro Aboderin, CFO Revenue & Finance

Prepared by the City Solicitor's Office

Council Members KURTZ & DELGADO Present the following Ordinance:

**AN ORDINANCE TO AMEND CHAPTER 231 OF THE CODE OF THE CITY OF
ATLANTIC CITY TO ESTABLISH A MEDICAL CANNABIS TRANSFER TAX
PURSUANT TO N.J.S.A. 24A:6I-1 et seq.**

WHEREAS, Chapter 231 of the Atlantic City Municipal Code establishes the regulations under Taxation; and

WHEREAS, Chapter 231 requires revisions to establish a Medical Cannabis Transfer Tax.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Atlantic City that the following City Code Section shall be amended as described below:

Section 1.

ADD:

Article V: Medical Cannabis Transfer Tax

§ 231-49. Intent and purpose.

A. The State of New Jersey acknowledged there is a beneficial use for marijuana in treating or alleviating the pain or other symptoms associated with certain debilitating medical conditions and therefore has adopted the Jake Honig Compassionate Use Medical Cannabis Act (CUMCA).

B. The CUMCA authorizes the Municipality to implement a Medical Cannabis Transfer Tax on any medical cannabis dispensed by the dispensary, including medical cannabis that is furnished by the dispensary to a medical cannabis handler for delivery to a registered qualifying patient or the patient's caregiver.

§ 231-50. Definitions.

The definitions, including a Medical Cannabis Dispensary, are defined in the CUMCA, N.J.S.A. 24A:6I-3, and are incorporated herein by reference and shall have the same meaning.

§ 231-51. Administration of Medical Cannabis Transfer Tax.

A. The Medical Cannabis Transfer Tax in the City of Atlantic City shall be fixed at a uniform percentage rate of two percent (2%) on all sales or transfers of cannabis products from a Medical Cannabis Dispensary, pursuant to N.J.S.A. 24A:6I-10(i) of the CUMCA.

B. The Medical Cannabis Transfer Tax shall be in addition to any other tax or fee imposed pursuant to statute, state and federal, or local ordinance or resolution by any government entity upon a Medical Cannabis Dispensary.

C. The tax imposed by this section shall be paid to the City no later than February 1st of each year with a report certified as true and accurate by the Chief Financial Officer, Comptroller or other similarly situated person showing the gross revenues for the Medical Cannabis Dispensary for each month of the preceding year. The City may require that the Medical Cannabis Dispensary obtain a financial report from an independent accountant certifying as to the annual revenues for the preceding year.

D. A copy of this Ordinance shall be transmitted to the State Treasurer and to every Medical Cannabis Dispensary within the City of Atlantic City.

Section 2. All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to remedy the inconsistency.

Section 3. In the event any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall only apply to that section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this ordinance shall be deemed to be valid and effective.

Section 4. This ordinance shall take effect immediately upon its final passage and publication as provided by law.

September 14, 2020 3:35 PM 4-D

DO NOT USE SPACE BELOW THIS LINE													
RECORD OF COUNCIL VOTE ON FINAL PASSAGE													
COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
DELGADO	X						MORSHED	X					
DUNSTON	X						RANDOLPH	X				X	
FAUNTLEROY	X						SHABAZZ	X					X
KURTZ	X						ZIA	X					
TIBBITT, PRESIDENT							X						
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second													

Adopted on first reading at a meeting of the Council of the City of Atlantic City, N.J. on ...MARCH 18, 2020.....

Adopted on second and final reading after hearing on...APRIL 15, 2020.....

Approved By.../s/...MARTY SMALL, SR..Date...4/16/2020....By Council.....Ride _____ Over _____

Mayor

Aye Nay

This is a Certified True copy of the Original Ordinance on file in the City Clerk's Office.

/s/...PAULA GELETEI, City Clerk

ew September 14, 2020 3:35 PM

4-D

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE ON FIRST PASSAGE													
COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
DELGADO	X						MORSHED	X					X
DUNSTON	X						RANDOLPH	X				X	
FAUNTLEROY	X						SHABAZZ				X		
KURTZ	X						ZIA	X					
TIBBITT, PRESIDENT								X					
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second													

Adopted on first reading at a meeting of the Council of the City of Atlantic City, N.J. on ...MARCH 18, 2020.....

TO: Rochelle Park Township Committee
Bob Davidson, Borough Administrator
Joe Rotolo, Borough Attorney

FROM: John Barree, PP, AICP, LEED Green Associate

RE: Adult Use Marijuana Legislation and Ordinance

DATE: April 8, 2021

As the Committee may be aware, Governor Murphy signed the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" into law on February 22, 2021.

The law legalizes personal use cannabis for certain adults, subject to state regulation, decriminalizes small amount marijuana and hashish possession, and removes marijuana as a Schedule I drug. The bill defines 6 classes of license based on different operational aspects. The six classes of license are:

1. Cannabis Cultivator (Growing plants)
2. Cannabis Manufacturer (Transforming plants into usable / ingestible form)
3. Cannabis Wholesaler (Wholesale license to license sales)
4. Cannabis Distributor (Transfer between licenses)
5. Cannabis Retailer (Retail sales to end user)
6. Cannabis Delivery (Home delivery of product from retailer to user)

From a municipal perspective, Section 31 of the Legislation provides an option to adopt Municipal Regulations or Ordinances that permit or prohibit one or more classes of license within the municipality along with regulating time, manner, place, and quantity of licenses.

Section 40 permits municipalities to levy an optional Cannabis "Transfer Tax and User Tax" that is capped at 1% of wholesale activities and 2% of cultivation, processing, and retail activities. The proceeds of that tax would be above and beyond state and any other applicable taxes and would be general revenue for the Township that could be used for any purpose.

Regulations pertaining to medical cannabis are largely unchanged except for defining the interplay between the medical and "adult use" licenses. The medical marijuana program rules require that Alternative Treatment Centers (ATC)¹ provide the Department of Health with written

¹ Alternative Treatment Center: "ATC" - The legal name given to the centers authorized under the Compassionate Use Medical Marijuana Act to grow and provide registered patients with medical marijuana and related paraphernalia.

verification of a municipal body in which the ATC will be located. A proposed ATC must comply with all local codes and ordinances in order to pursue a permit.

An existing (or prospective) alternative treatment center can also apply to receive licenses for certain activities related to personal use, including retail. From a municipal perspective, the Act allows for the permission of medical, but prohibition of personal use. If an existing ATC applies for any class of license related to the personal use legislation, they must have approval from the municipality (zoning approval / letter of support) to receive the license. Therefore, municipalities can permit medical marijuana while prohibiting businesses related to recreational use.

Since the Township permits medical facilities within the BA-1 Overlay and has seen a successful application for such a facility before the Planning Board, it should consider whether it would want that facility to be able to offer recreational marijuana products in addition to the currently permitted medical products.

In summation, the legislation provides municipalities with the ability to regulate recreational marijuana businesses within their borders. Each municipality has the option to establish regulations and permit one or more of the classes of license or to prohibit one or more classes of license within 180 days of the adoption of the law (by August 21, 2021). Failure to act within this time will result in different classes of licenses being automatically permitted in certain zones.

the Township should be prepared to adopt an Ordinance before August 21 that either establishes zoning/land use and taxation regulations associated with adult use marijuana businesses or prohibits them outright.

Joseph Rotolo

From: Joseph Rotolo <Rotolo.law@verizon.net>
Sent: Friday, April 9, 2021 9:32 AM
To: 'James DiMaria'
Cc: 'admin@rochelleparknj.gov'
Subject: RE: Clarification Letter

James,

Generally speaking contiguous lots under common ownership merge and cannot be sold separately without a subdivision. See Loechner v. Campoli, 49 N.J. 520 (1967).

However, the Municipal Land Use Law, at N.J.S.A 40:55D-7 provides a statutory exception to the Loechner rule above by providing that the following is not considered a "subdivision":

The conveyance of one or more adjoining lots, tracts or parcels of land, owned by the same person or persons and all of which are found and certified by the administrative officer to conform to the requirements of the municipal development regulations and are shown and designated as separate lots, tracts, or parcels on the tax map of the municipality.

Since the two lots are separately taxed you would also have to provide the required certification in order to avoid the necessity of a subdivision to sell that lot. If you can't provide that certification then a formal subdivision would be required.

I note that one of the lots is slightly undersized by what would be considered a de minimus amount (less than 1%). The question then becomes whether it is such a small variation that the lot is, for all practical purposes, conforming.

In view of my relationship with the property owner I suggest that you consult with the new Planning Board attorney for a more formal opinion.

I hope this helps.

Joe

JOSEPH J. ROTOLO, ESQ.

Attorney At Law
50 Summit Avenue
Hackensack, New Jersey 07601

Tel: 201-343-0088
Fax: 201-343-0006

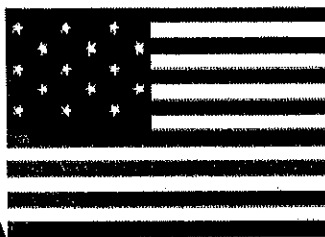
FRAUD ALERT - DO NOT WIRE TRANSFER UNLESS YOU SPEAK TO ME PERSONALLY BY PHONE OR IN PERSON

****ALWAYS PERSONALLY VERIFY ANY REQUEST FOR PAYMENT OR WIRE TRANSFER BY PHONE BEFORE SENDING ANYTHING – BEWARE OF FRAUD.**

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GOD BLESS AMERICA

From: James DiMaria [<mailto:constoff@rochelleparknj.gov>]
Sent: Wednesday, April 7, 2021 4:57 PM
To: 'Joseph Rotolo'
Cc: admin@rochelleparknj.gov
Subject: FW: Clarification Letter

Joe,

Mr. Kazmir is requesting a Certificate designating his property as two distinct lots that have not been merged under doctrine. I consulted with the tax assessor and he confirms that the lots 5 & 6 are a stand-alone piece of property. I have also attached the deed. Please let me know how to proceed.

Respectfully Submitted,

James DiMaria

Construction/Zoning Official
Township of Rochelle Park
201-556-0520 ext 102

From: Annemarie Wells <Building@rochelleparknj.gov>
Sent: Tuesday, April 06, 2021 12:09 PM
To: James DiMaria <constoff@rochelleparknj.gov>
Subject: FW: Clarification Letter

From: Michael Kazimir <michael.kazimir@gmail.com>
Sent: Tuesday, April 06, 2021 12:03 PM
To: building@rochelleparknj.gov
Subject: Clarification Letter

Hi Annemarie,

I am looking for a letter that clarifies a property issue and eliminates complications in the future.

I think it would have to be sent to James DiMaria as the zoning official for clarification.

As part of the process in selling our house a number of questions have come up.

We have 2 properties:

Block 13, Lots 1,2,3,4- Which has our house and garage. The parcels are aligned to Rochelle Avenue, lot is 11070 sq ft.
and

Block 13, Lots 5,6- Which is vacant, except for a shed and an abandoned well. The parcels are aligned to Parkway, lot is 4950 sq ft.

The second lot is undersized by 50 square feet a 1% shortfall of the minimum lot size. We have 2 separate tax bills.
Access to the second lot is directly from the street.

What is the official position of the town as to the status of these parcels? Are they separate or are they linked? If they are linked, please provide the rationale for that position.

Thanks, Mike

CLEARY | GIACOBBE | ALFIERI | JACOBS LLC

MICCI J. WEISS, Partner
mweiss@cgajlaw.com

Reply to: Matawan Office

April 12, 2021

Via email only

Joseph Rotolo, Esq.
Township of Rochelle Park
Township Attorney
50 Summit Avenue
Hackensack, NJ 07601

Re: Ascend New Jersey LLC

Dear Mr. Rotolo:

Please be advised that my office represents Ascend New Jersey LLC ("Ascend"). By way of reminder, Ascend currently operates an alternative treatment center at 174 Route 17, Rochelle Park, New Jersey.

As you may be aware, on November 3, 2020, the citizens of New Jersey voted to approve Public Question No. 1, amending and supplementing Section VII of Article IV of the New Jersey Constitution to authorize the growth, cultivation, processing, manufacturing, preparing, packaging, transferring, and retail purchasing and consumption of cannabis, or products created from or which include cannabis for persons twenty-one (21) years or older in New Jersey, and further authorized municipalities to enact an additional municipal tax of up to two (2) percent on the receipts from each sale of cannabis or products created from or which include cannabis.

In response to the aforementioned vote of the citizens of New Jersey, the State passed enabling legislation entitled the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act ("Act") (P.L.2021, c.16, approved February 22, 2021), which legalizes personal use cannabis for certain adults, subject to State regulation.

Pursuant to the Act, Ascend shall soon be deemed to either concurrently hold a Class 1 Cannabis Cultivator license, a Class 2 Cannabis Manufacturer License, a Class 5 Cannabis Retailer license, and a Class 6 Cannabis Delivery license, and may also be deemed to hold a Class 4 Cannabis Distributor license.

The Act further provides that the Township has 180 days from February 22, 2021, or until August 21, 2021 to enact (pass and publish) legislation regulating cannabis establishments. Indeed, any ordinance

Matawan Office: 955 State Route 34, Suite 200, Matawan, NJ 07747 Tel 732 583-7474 Fax 732 290-0753
Oakland Office: 169 Ramapo Valley Road, UL 105, Oakland, NJ 07436 Tel 973 845-6700 Fax 201 644-7601
Somerville Office: 50 Division Street, Suite 501, Somerville, NJ 08876 Tel 732 583-7474 Fax 201 644-7601

www.cgajlaw.com

enacted by a municipality prior to the February 22, 2021 addressing the issue of prohibiting one or more types of cannabis-related activities within the jurisdiction of the municipality is null and void.

The Township may find it is in its best interests to proactively establish reasonable time, place, and manner restrictions and licensing requirements for regulated cannabis establishments.

Accordingly, on behalf of Ascend, we are submitting a proposed draft ordinance for your review and consideration.

Please give me a call if you have any questions or would like to discuss. Thank you, I remain,

Sincerely,
/s/Micci J. Weiss
Micci J. Weiss

Enclosures

O- -
DATE

AN ORDINANCE OF THE TOWNSHIP OF ROCHELLE PARK, NEW JERSEY AMENDING AND SUPPLEMENTING THE GENERAL ORDINANCES OF THE TOWNSHIP, CHAPTER 185 LAND USE REGULATIONS, SECTION 185-107, SCHEDULE B, SECTION 185-109 BUSINESS OVERLAY DISTRICT, AND SECTION 185-126 REGULATIONS GOVERNING CERTAIN CONDITIONAL USES; ESTABLISHING ZONING AND LICENSING REQUIREMENTS FOR REGULATED CANNABIS ESTABLISHMENTS

WHEREAS, the Jake Honig Compassionate Use Medical Cannabis Act (the "Medical Act"), N.J.S.A. 24:61-1 to -30, permits the authorized cultivation, processing, manufacturing, preparing, packaging, transferring, sale, purchase, research, possession, use, and consumption of medical cannabis and products created from or which include cannabis; and

WHEREAS, medical cannabis establishments under the Medical Act are known as Alternative Treatment Centers; and

WHEREAS, on November 3, 2020, the citizens of New Jersey voted to approve Public Question No. 1, amending and supplementing Section VII of Article IV of the New Jersey Constitution to authorize the growth, cultivation, processing, manufacturing, preparing, packaging, transferring, and retail purchasing and consumption of cannabis, or products created from or which include cannabis for persons twenty-one (21) years or older in New Jersey, and further authorized municipalities to enact an additional municipal tax of up to two (2) percent on the receipts from each sale of cannabis or products created from or which include cannabis; and

WHEREAS, in response to the aforementioned vote of the citizens of New Jersey, the State passed enabling legislation entitled the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act ("Act") (P.L.2021, c.16, approved February 22, 2021), which legalizes personal use cannabis for certain adults, subject to State regulation, decriminalizes small amount marijuana and hashish possession, and removes marijuana as Schedule I drug; and

WHEREAS, Section 31 of the Act provides that a municipality may enact ordinances or regulations, within 180 days after the effective date of the Act, not in conflict with the provisions of P.L.2021, c.16:

- 1) governing the number of cannabis establishments, distributors, or delivery services, as well as the location, manner, and times of operation of establishments and distributors, but the time of operation of delivery services shall be subject only to regulation by the Cannabis Regulatory Commission established pursuant to section 31 of P.L.2019, c.153 (C.24:61-24); and

(2) establishing civil penalties for violation of an ordinance or regulation governing the number of cannabis establishments, distributors, or delivery services that may operate in such municipality, or their location, manner, or the times of operations; and

WHEREAS, Section 31 of the Act further provides that a municipality may prohibit the operation of any one or more classes of cannabis establishment or cannabis distributors or cannabis delivery services, but not the delivery of cannabis items and related supplies by a delivery service within the jurisdiction of the municipality through the enactment of an ordinance and that only an ordinance to prohibit one or more classes of cannabis establishment or cannabis distributors or cannabis delivery services enacted pursuant to the specific authority to do so by this section shall be valid and enforceable; and

WHEREAS, the failure of a municipality to enact an ordinance prohibiting the operation of one or more classes of cannabis establishment or cannabis distributors or cannabis delivery services within 180 days after the effective date of the Act, shall result in any class of cannabis establishment or a cannabis distributor or cannabis delivery services that is not prohibited from operating within the municipality as being permitted for a five-year period from the date of the Act; and

WHEREAS, any ordinance enacted by a municipality prior to the effective date of the Act addressing the issue of prohibiting one or more types of cannabis-related activities within the jurisdiction of the municipality is null and void; and

WHEREAS, Section 33 of the Act further provides that certain Alternative Treatment Centers deemed to already have licenses under the Act shall not have to submit an application to the commission for licensure, as the application requirement is deemed satisfied by the Alternative Treatment Center's previously approved permit application that was submitted to the Department of Health or to the commission pursuant to section 7 of P.L.2009, c.307(C.24:6I-7), but the Alternative Treatment Center shall not begin to operate as any class of cannabis establishment until the Alternative Treatment Center has submitted a written approval for a proposed cannabis establishment from the municipality in which the proposed establishment is to be located, which approval is based on a determination that the proposed establishment complies with the municipality's restrictions on the time, location, manner, and number of establishments enacted pursuant to Section 31 of the Act; and

WHEREAS, the Governing Body of the Township wishes to create land use regulations and licensing requirements for regulated cannabis establishments that also protect the health, safety and general welfare of the community; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of

the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, pursuant to N.J.S.A. 40:55D-62 and 40:55D-65, the governing body may adopt or amend a zoning ordinance related to the nature and extent of the uses of land and structures thereon and a zoning ordinance may restrict buildings and structures according to their type and the nature and extent of their use; and

WHEREAS, the Township finds, given the current status of cannabis under the federal Controlled Substance Act, complexities with access to banking and the level of cash transactions in cannabis-related businesses, and other concerns associated with cannabis-related businesses, that only qualified operators should be permitted to safely operate strictly regulated cannabis facilities in the municipality on a limited basis and subject to reasonable time, manner, and place restrictions, in order to balance patients' and consumers' interests and the creation of jobs and economic opportunity within the Township with public safety; and

WHEREAS, the Township finds it is in the best interest of the Township to proactively establish licensing requirements for regulated cannabis establishments and imposing a municipal tax to support enforcement activities.

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF ROCHELLE PARK, NEW JERSEY AS FOLLOWS:

SECTION 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

SECTION 2. The Revised General Ordinances of the Township of Rochelle Park, Chapter 185 Land Use and Development Regulations, Article XIII Zone Districts and Permitted uses, Section 107, entitled "Schedule of Permitted, Conditional and Accessory Uses", Schedule B is hereby amended and supplemented as follows (additions ****between asterisks and/or in bold****, deletions {within brackets and/or struck through}):

Zone	Principal Permitted Uses	Conditional Uses	Accessory Uses
Business Overlay BA 1	6. ~~Retail establishments for the sale of medical marijuana licensed by the State of New Jersey under the Compassionate Use Medical Marijuana Act, not including cultivation;~~	Cannabis Retailer	Cannabis Consumption Area **

	harvesting, ~~manufacturing or~~ processing facilities **Existing Cannabis Retailer		
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SECTION 3. The Revised General Ordinances of the Township of Rochelle Park, Chapter 185 Land Use and Development Regulations, Article XV Supplementary Regulations Governing Certain Zone Districts, Section 109, entitled "Business Overlay District BA 1", is hereby amended and supplemented as follows (additions ****between asterisks and/or in bold****, deletions {within brackets and/or struck through}):

§ 185-109 Business Overlay BA 1.

A. As used in this section, the following definitions apply to this zone:

****CANNABIS RETAILER.** A State-regulated cannabis retailer, medical cannabis Alternative Treatment Center, or clinical registrant, subject to the application requirements of Section 33 of the Act, which shall possess prior to commencing operations one of the classes of licenses issued by the State of New Jersey that authorizes the dispensation, sale, home delivery or distribution of cannabis or cannabis-derived or infused products and/or related clinical research, provided that such facility shall not cultivate, manufacture, process, or wholesale cannabis or cannabis products from such facility.

EXISTING CANNABIS RETAILER. An Alternative Treatment Center that was issued a permit prior to the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.) and who shall upon the adoption of the initial rules and regulations by the commission pursuant to subparagraph (a) of paragraph (1) of subsection d. of section 6 of P.L.2021, c. 16 (C.24:6I-34), be deemed to either concurrently hold a Class 1 Cannabis Cultivator license, a Class 2 Cannabis Manufacturer License, a Class 5 Cannabis Retailer license, and a Class 6 Cannabis Delivery license, and may also be deemed to hold a Class 4 Cannabis Distributor license.

CANNABIS CONSUMPTION AREA. A designated location operated by a Cannabis Retailer or Existing Cannabis Retailer, that is either: (1) an indoor, structurally enclosed area of the Cannabis Retailer or Existing Cannabis Retailer that is separate from the area in which retail sales of cannabis items or the dispensing of medical cannabis occurs; or (2) an exterior structure on the same premises as the Cannabis Retailer or Existing Cannabis Retailer, either separate from or connected to the Cannabis Retailer or Existing Cannabis Retailer, at which cannabis items or medical cannabis either obtained from the Cannabis

Retailer or Existing Cannabis Retailer, or brought by a person to the consumption area, may be consumed. **

SECTION 4. The Revised General Ordinances of the Township of Rochelle Park, Chapter 185 Land Use and Development Regulations, Article XVIII Regulations Governing Certain Accessory Structures and Uses, Section 126, entitled "Regulations governing certain conditional uses", is hereby amended and supplemented as follows (additions ****between asterisks and/or in bold****, deletions ~~{within brackets and/or struck through}~~):

§ 185-126 Regulations governing certain conditional uses

**** L. Cannabis Retailers.**

Cannabis Retailers shall be permitted, pursuant to this Chapter, only if the following requirements are complied with:

- a. The regulations of this Section are subject to the enabling authority of the State of New Jersey and are subject to compliance with all statutes and/or regulations adopted by the State of New Jersey or its instrumentalities. If any provision of this Section is inconsistent with the statutes and/or regulations of the State of New Jersey, the State statutes and/or regulations shall prevail.
- b. Prior to the operation of any Cannabis Retailer, a permit or license must be obtained from the State of New Jersey and from the Township of Rochelle Park for the Cannabis Retailer. No Cannabis Retailer shall be permitted to operate without State and municipal permits or licenses.
- c. Permitted uses shall, at all times, comply with the terms and conditions of the licensee's Cannabis Retailer license for permits or licenses issued by the State of New Jersey and the Township of Rochelle Park.
- d. No Cannabis Retailer shall be allowed as a Home Professional Occupation.
- e. No Cannabis Retailer shall be housed in a vehicle or any movable or mobile structure.
- f. Security. All Cannabis Retailers shall be secured in accordance with State of New Jersey statutes and regulations; shall have a round-the-clock video surveillance system, 365 days a year; and shall have trained security personnel onsite at all times during operating hours.
- g. Hours. No Cannabis Retailer may open to customers for business before 8:00 am or remain open to customers for business after 10:00 pm.
- h. Prohibited uses. Except as expressly permitted by this Chapter, any other activity involved in the cultivation, manufacture, processing, testing, dispensation, distribution and/or sale of cannabis, marijuana or cannabis

products, are expressly prohibited as land uses or otherwise in the Township of Rochelle Park.

i. Reserved**

SECTION 4. The Revised General Ordinances of the Township of Rochelle Park, Chapter 167 (Reserved) is hereby amended and supplemented as follows (additions ****between asterisks and/or in bold****, deletions {~~within brackets and/or struck through~~):

****§ 167 CANNABIS RETAILERS**

That a Section 167-1, entitled "Cannabis Retailers," shall be created and added to the Revised General Ordinances of the Township of Rochelle Park, as follows (additions ****between asterisks and/or in bold****):

167-1 Cannabis Retailers

The regulations of this Ordinance are subject to the enabling authority of the State of New Jersey and are subject to compliance with all statutes and/or regulations adopted by the State of New Jersey or its instrumentalities, including the Cannabis Regulatory Commission. If any provision of this Ordinance is inconsistent with state statutes and/or regulations, the state statutes and/or regulations shall prevail.

167-2 Definitions

CANNABIS RETAILER. A State-regulated cannabis retailer, medical cannabis Alternative Treatment Center, or clinical registrant, subject to the application requirements of Section 33 of the Act, which shall possess prior to commencing operations one of the classes of licenses issued by the State of New Jersey that authorizes the dispensation, sale, home delivery or distribution of cannabis or cannabis-derived or infused products and/or related clinical research, provided that such facility shall not cultivate, manufacture, process, or wholesale cannabis or cannabis products from such facility.

EXISTING CANNABIS RETAILER. An Alternative Treatment Center that was issued a permit prior to the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.) and who shall upon the adoption of the initial rules and regulations by the commission pursuant to subparagraph (a) of paragraph (1) of subsection d. of section 6 of P.L.2021, c. 16 (C. 24:6I-34), be deemed to either concurrently hold a Class 1 Cannabis Cultivator license, a Class 2 Cannabis Manufacturer License, a Class 5 Cannabis Retailer license, and a Class 6 Cannabis Delivery license, and may also be deemed to hold a Class 4 Cannabis Distributor license.

167-3 Licensing

a. Local licensing authority.

1. The Township Council is hereby designated to act as the local licensing authority for the Township for all Cannabis Retailers. Under all circumstances in which State law requires communication to the Township by the Cannabis Regulatory Commission or any other State agency with regard to the licensing of Cannabis Retailers by the State, or in which State law requires any review or approval by the Township of any action taken by the State licensing authority, the exclusive authority for receiving such communications and granting such approvals shall be exercised by the Township Council.
2. Under no circumstances shall a local license for a Cannabis Retailer issued by the Township Council be effective until or unless the State has issued the requisite permits or licenses to operate such a facility. It is the intent of this Chapter that no Cannabis Retailer may lawfully operate in the Township without the issuance of a State permit or license and full regulatory oversight of the Cannabis Retailer by the Cannabis Regulatory Commission or other state licensing authority as well as oversight and issuance of a license by the Township.

b. Classification of licenses. The Township, subject to land use approval and State licensure, may issue the following municipal licenses to operate a Cannabis Retailer:

Class I: Cannabis retailer license

- c. Maximum number of licenses. The Township may issue a maximum of one (1) Class I license. Any license conditionally issued by the Township is contingent upon the locally licensed entity's or individual's subsequent recipient of a State permit or license of the same class or type of regulated cannabis activity.
- d. Application. Persons wishing to obtain a cannabis license shall file a license application with the Township Council, on a standardized form established by the Township Council and available in the Township Council's office. The Township Council shall establish a reasonable application period and deadline for all applications. An application shall be deemed incomplete, and shall not be processed by the Township Council, until all documents and application fees are submitted. To be deemed complete, all applications shall be accompanied by the following:
 1. The applicant shall submit proof that the applicant has or will have lawful possession of the premises proposed for the Cannabis Retailer, which proof may consist of: a deed, a lease, a real estate contract contingent upon successful licensing, or a binding letter of intent by the owner of the premises indicating an intent to lease the premises to the entrant contingent upon successful licensing.

2. The applicant shall submit an affidavit and documentary proof of compliance with all state and local laws regarding affirmative action, anti-discrimination and fair employment practices. The applicant shall also certify under oath that they will not and shall not discriminate based on race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations.
3. The location proposed for licensing by the applicant shall comply with all applicable municipal zoning laws and the location restrictions set forth in this Code.
4. The applicant shall submit, to the satisfaction of the Township Council, proof of financial capability to open and operate the Cannabis Retailer for which the applicant is seeking a license. Standards for proof of financial capability shall be determined by the Township Council.
5. The applicant shall submit all required nonrefundable fees for the application and conditional license in accordance with the following fee schedule:

Class I: \$5,000 Cannabis retailer license

6. The applicant shall submit all annual registration fees required in accordance with the following fee schedule, which shall be refunded in the event the applicant does not receive a license:

Class I: \$10,000 per year Cannabis retailer license

7. In addition to complying with any State requirement related to good character and criminal background, any person proposed to have an ownership interest in the license shall not have had any cannabis license or permit revoked for a violation affecting public safety in the State of New Jersey or a subdivision thereof within the preceding five (5) years.
8. The applicant and the application shall otherwise comply with any, and all qualification standards set forth in the State and Township laws or regulations.
9. In the event there are multiple applicants for a license, the Township Council shall evaluate all applicants and issue a notification of award after consideration and evaluation of the following criteria:
 - (a) Applicant's owners' or principals' qualifications and experience operating in highly regulated industries, including cannabis, healthcare, pharmaceutical manufacturing, and retail pharmacies, with preference to experience operating such businesses within the State of New Jersey and where the value of owners' experience shall outweigh

the experience of non-owner principals (twenty percent, not to exceed 2,500 words);

- (b) Applicant's qualifications and experience related to public safety and security, including any of the applicant's owners' or principals' experience in law enforcement and drug enforcement (five percent, not to exceed 1,000 words), and a summary of the applicant's plans for storage of products and currency, physical security, video surveillance, security personnel, and visitor management (five percent, not to exceed 2,500 words);
- (c) Applicant's or its owners' experience conducting or supporting or plans to conduct institutional review board-approved research involving human subjects that is related to medical cannabis or substance abuse, where the value of past or ongoing clinical research with IRB approval shall outweigh plans to conduct such research (five percent, not to exceed 2,500 words), whether the applicant has had any assurance accepted by the U.S. Department of Health & Human Services indicating the applicant's commitment to complying with 45 CFR Part 46 (five percent), and whether the applicant has a research collaboration or partnership agreement in effect with an accredited U.S. school of medicine or osteopathic medicine with experience conducting cannabis-related research (five percent);
- (d) Applicant's or its owners' demonstrated commitment or sufficient experience as responsible employers, defined as the applicant entity being a party to a labor peace agreement or the applicant entity or its parent company being a party to a collective bargaining agreement in the regulated cannabis industry for at least one year prior to application for a Cannabis retailer license, in an effort to create well-paying jobs with employee benefits in the municipality (twenty percent in total; five points for labor peace, full twenty points for collective bargaining agreement in effect for at least one year);
- (e) Summary of the applicant's environmental impact and sustainability plan (four percent, not to exceed 500 words); whether the applicant entity or its parent company has any recognitions from or registrations with federal or New Jersey state environmental regulators for innovation in sustainability (three percent); and whether the applicant entity or its parent company holds any certification under international standards demonstrating the applicant has an effective environmental management system or has a designated sustainability officer to conduct internal audits to assess the effective

implementation of an environmental management system (three percent);

(f) Applicant's ties to the host community, demonstrated by at least one shareholder's proof of residency in Rochelle Park for five or more years in the past ten years or at least one shareholder's continuous ownership of a business based in Rochelle Park for five or more years in the past ten years (five percent); and

(g) Applicant's demonstrated commitment to diversity in its ownership composition and hiring practices and whether the applicant entity or its parent company holds any certifications as a NJ minority-owned, women-owned, or veteran-owned business (twenty percent in total; ten points for one certification and twenty points for two or more).

10. Notwithstanding the foregoing competitive application process, a notification of award and conditional municipal license shall entitle the recipient applicant to pursue a State permit or license in the appropriate classification for up to 12 months, which may be extended in the Township Council's discretion for an additional 6 months for good cause. No license to operate shall issue until the applicant has received a State permit and satisfied other prerequisites of municipal licensure. If the recipient of a notice of award and conditional license has not received a State permit or license within 12 months from issuance, unless extended for good cause, the Township Council shall issue a new request for applications and evaluate all applicants for licensure under the above criteria.

e. Term of license and license renewals.

1. Any local license issued pursuant to this Chapter shall be valid for a period of three (3) years from the date of issuance and shall be renewed in accordance with the provisions of this Chapter.
2. The Township Council may, at its discretion, adjust the renewal date of the local license to correlate with an applicant's State licensing and renewal schedule.
3. Renewal of any license shall be governed by any code amendments, additional restrictions or changes in regulations adopted since the previous license was issued or renewed.
4. Transfer of ownership of any local license or change of location of any license shall be subject to Township Planning review and zoning approval.
5. Except where the Township Council has received a complete renewal application along with the requisite fees, and has issued a license renewal, it

shall be unlawful for any person to manufacture, sell, distribute, transfer, transport, or otherwise remove cannabis or cannabis products from the premises of any license after the expiration date recorded on the face of the license.

167-4 Disciplinary Actions; Sanctions; Penalties

- a. Disciplinary actions. Procedures for investigation of license violations and for suspension, revocation, or other licensing sanctions as a result of any such violation shall be as follows:
 1. First offense: Up to \$250 per violation per day;
 2. Second offense: Up to \$500 per violation per day;
 3. Third violation shall result in summary suspension.
- b. Summary suspension. Notwithstanding the foregoing section, when the Township Council has reasonable grounds to believe that a licensee has engaged in deliberate and willful violation of any applicable law or regulation, or that the public health, safety, and/or general welfare has been jeopardized and requires emergency action, the Township Council may enter a summary suspension order for the immediate suspension of such license pending further investigation.
 1. The summary suspension order shall be in writing and shall State the reasons therefore. The licensee shall be afforded an opportunity for a hearing as outlined herein.
 2. The Township Council shall convene a review panel consisting of the Administrator, a second administrative officer designated by the Mayor, and the Chief of Police. The hearing shall be scheduled within 30 days of the date of the order.
 3. The review panel is authorized to impose any fines, conditions, restrictions, suspensions, or combination thereof authorized by the State of New Jersey. In the absence of State specified penalties, the Township may issue fines up to, but not to exceed, \$2,500 per offense and/or suspension of license for a period not to exceed 6 months.
- c. Inactive licenses. Following the commencement of retail sales of cannabis or cannabis products, the Township Council may suspend or revoke any license if the licensed premises have been inactive or unoccupied by the licensee for at least 6 months.
- d. State license. The Township Council may suspend or revoke any license if the corresponding State license or permit for the subject location is expired, surrendered, suspended, or revoked.

167-5 Reserved

167-6 Reserved**

SECTION 5. Any and all ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION 6. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 7. This Ordinance shall take effect upon passage and publication as provided by law.

SECTION 8. This Ordinance shall be a part of the General Ordinances of the Township of Rochelle Park as though codified and fully set forth therein. The Township Clerk shall have this Ordinance codified and incorporated in the official copies of the Township Code. The Township Clerk and the Township Attorney are authorized and directed to change any Chapter, Article and/or Section number of the General Ordinances of the Township of Rochelle Park in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repeal of existing provisions not intended to be repealed.

JOSEPH J. ROTOLO

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50 SUMMIT AVENUE

HACKENSACK, NJ 07601

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ADMITTED TO PRACTICE
IN NEW JERSEY & NEW YORK

April 20, 2021

Township of Rochelle Park
151 West Passaic Street
Rochelle Park, New Jersey 07662
Attn: Planning Board

RE: Proposed Ordinance Prohibiting Operation of
Any Class of Cannabis Business within the Township

Dear Members of the Planning Board:

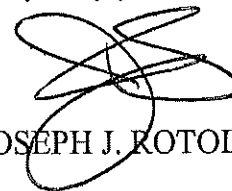
Attached hereto please find a copy of a proposed ordinance in connection with the above topic.

This proposed ordinance was discussed at the work session of the Township Committee on April 14, 2021 and is scheduled for introduction on April 28th.

In accordance with the provisions of the Municipal Land Use Law, this proposed ordinance is being forwarded to you for review and discussion.

Thank you very much.

Very truly yours,



JOSEPH J. ROTOLO, ESQ.

JJR:lr
Enclosure

ORDINANCE NO.

**AN ORDINANCE OF THE TOWNSHIP OF ROCHELLE PARK
IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY
SUPPLEMENTING THE BOROUGH CODE WITH A NEW
CHAPTER ENTITLED "CHAPTER 186, CANNABIS,
PROHIBITION OF ALL CLASSES OF BUSINESSES " SO AS TO
PROHIBIT THE OPERATION OF ANY CLASS OF CANNABIS
BUSINESS WITHIN ITS GEOGRAPHICAL BOUNDARIES AND
FURTHER TO SUPPLEMENT §185-103 ENTITLED "GENERAL
PROVISIONS" OF CHAPTER 185 ENTITLED "ZONING" OF THE
CODE OF THE BOROUGH OF HASBROUCK HEIGHTS SO AS
TO PROHIBIT THE USE BY ANY CLASS OF LICENSED
CANNABIS BUSINESSES UPON ANY PREMISES IN ANY ZONE
IN THE TOWNSHIP OF ROCHELLE PARK**

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 marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;

- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Township Committee of the Township of Rochelle Park has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on this Township in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Township’s residents and members of the public who visit, travel, or conduct business in Rochelle Park, to supplement the Zoning Chapter of the Borough Code in order to prohibit certain marijuana-related land uses and developments within the geographic boundaries of the Township of Rochelle Park; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Rochelle Park, in the County of Bergen, State of New Jersey, as follows:

I. The Code of the Township of Rochelle Park be and is hereby supplement by a new Chapter which shall provide as follows:

**CHAPTER 186
CANNABIS, PROHIBITION OF
ALL CLASSES OF BUSINESSES**

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Borough of Hasbrouck Heights, except for the delivery of lawful cannabis items and related supplies by a delivery service to residents of the Township of Rochelle Park only. This prohibition shall also apply to any part of this Township which may be under the jurisdiction or authority of any independent State agency, commission or authority, notwithstanding any State law to the contrary.

II. 185-103 entitled "General Regulations" of Chapter 185 entitled "Zoning" of the Code of the Township of Rochelle Park be and is hereby supplemented with a new subsection 6 which shall provide as follows:

16. No land or building in any zoning district within the Township of Rochelle Park shall be used or shall be allowed to be used as any classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16.

III All parts of Ordinances inconsistent with this Ordinance are hereby repealed as to such inconsistent parts and this Ordinance shall take effect after publication and

passage in the manner provided by law. If any section, subsection, paragraph, sentence, clause or word of this Ordinance shall be adjudged invalid by a Court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Ordinance it being intended that all such portions be severable in such event.

SECTION FOUR: Repealer:

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION FIVE: Severability:

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall force and effect.

SECTION SIX: Effective Date:

This Ordinance shall take effect immediately upon final adoption and publication and in the manner provided by law.

ATTEST:

ELIZABETH KROLL, Municipal Clerk

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ORDINANCE NO.

**AN ORDINANCE OF THE TOWNSHIP OF ROCHELLE PARK
IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY
SUPPLEMENTING THE BOROUGH CODE WITH A NEW
CHAPTER ENTITLED "CHAPTER 186, CANNABIS,
PROHIBITION OF ALL CLASSES OF BUSINESSES " SO AS TO
PROHIBIT THE OPERATION OF ANY CLASS OF CANNABIS
BUSINESS WITHIN ITS GEOGRAPHICAL BOUNDARIES AND
FURTHER TO SUPPLEMENT §185-103 ENTITLED "GENERAL
PROVISIONS" OF CHAPTER 185 ENTITLED "ZONING" OF THE
CODE OF THE BOROUGH OF HASBROUCK HEIGHTS SO AS
TO PROHIBIT THE USE BY ANY CLASS OF LICENSED
CANNIBIS BUSINESSES UPON ANY PREMISES IN ANY ZONE
IN THE TOWNSHIP OF ROCHELLE PARK**

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 marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;

- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Township Committee of the Township of Rochelle Park has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on this Township in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Township’s residents and members of the public who visit, travel, or conduct business in Rochelle Park, to supplement the Zoning Chapter of the Borough Code in order to prohibit certain marijuana-related land uses and developments within the geographic boundaries of the Township of Rochelle Park; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Rochelle Park, in the County of Bergen, State of New Jersey, as follows:

I. The Code of the Township of Rochelle Park be and is hereby supplement by a new Chapter which shall provide as follows:

**CHAPTER 186
CANNABIS, PROHIBITION OF
ALL CLASSES OF BUSINESSES**

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Township of Rochelle Park, except for the delivery of lawful cannabis items and related supplies by a delivery service to residents of the Township of Rochelle Park only. This prohibition shall also apply to any part of this Township which may be under the jurisdiction or authority of any independent State agency, commission or authority, notwithstanding any State law to the contrary.

II. 185-103 entitled "General Regulations" of Chapter 185 entitled "Zoning" of the Code of the Township of Rochelle Park be and is hereby supplemented with a new subsection 6 which shall provide as follows:

16. No land or building in any zoning district within the Township of Rochelle Park shall be used or shall be allowed to be used as any classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16.

III All parts of Ordinances inconsistent with this Ordinance are hereby repealed as to such inconsistent parts and this Ordinance shall take effect after publication and

passage in the manner provided by law. If any section, subsection, paragraph, sentence, clause or word of this Ordinance shall be adjudged invalid by a Court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Ordinance it being intended that all such portions be severable in such event.

SECTION FOUR: Repealer:

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION FIVE: Severability:

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall force and effect.

SECTION SIX: Effective Date:

This Ordinance shall take effect immediately upon final adoption and publication and in the manner provided by law.

ATTEST:

ELIZABETH KROLL, Municipal Clerk

S:\2021 ROCHELLE PARK\ORDINANCES\cannabis.doc

Liz Kroll

From: Joseph Rotolo <Rotolo.law@verizon.net>
Sent: Wednesday, April 21, 2021 3:42 PM
To: lboniface@rochelleparknj.gov
Cc: building@rochelleparknj.gov; 'James DiMaria'; 'Liz Kroll'; 'Robert Davidson'; gartola@rochelleparknj.gov; pmosca@rochelleparknj.gov; 'Nicholas LiBassi'; siacobucci@rochelleparknj.gov
Subject: RE: Cannabis Regulation

That's fine, its up to the TC but its ready if they want to introduce.

From: lboniface@rochelleparknj.gov [mailto:lboniface@rochelleparknj.gov]
Sent: Wednesday, April 21, 2021 3:40 PM
To: Joseph Rotolo
Cc: building@rochelleparknj.gov; James DiMaria; Liz Kroll; Robert Davidson; gartola@rochelleparknj.gov; pmosca@rochelleparknj.gov; 'Nicholas LiBassi'; siacobucci@rochelleparknj.gov
Subject: RE: Cannabis Regulation

Joe, This needs to be discussed more. There was no vote taken. 1400 residents voted to legalize cannabis. Thanks
Linda

-----Original Message-----

From: "Joseph Rotolo" <Rotolo.law@verizon.net>
Sent: Wednesday, April 21, 2021 9:40am
To: building@rochelleparknj.gov, "James DiMaria" <constoff@rochelleparknj.gov>
Cc: "Liz Kroll" <clerk@rochelleparknj.gov>, "Robert Davidson" <admin@rochelleparknj.gov>, gartola@rochelleparknj.gov, pmosca@rochelleparknj.gov, lboniface@rochelleparknj.gov, "Nicholas LiBassi" <nlibassi@rochelleparknj.gov>, siacobucci@rochelleparknj.gov
Subject: Cannabis Regulation

See correspondence attached

JOSEPH J. ROTOLO, ESQ.

Attorney At Law
50 Summit Avenue
Hackensack, New Jersey 07601

Tel: 201-343-0088
Fax: 201-343-0006

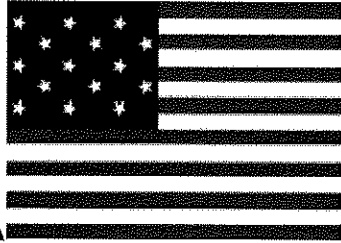
FRAUD ALERT - DO NOT WIRE TRANSFER UNLESS YOU SPEAK TO ME PERSONALLY BY PHONE OR IN PERSON

****ALWAYS PERSONALLY VERIFY ANY REQUEST FOR PAYMENT OR WIRE TRANSFER BY PHONE BEFORE SENDING ANYTHING – BEWARE OF FRAUD.**

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GOD BLESS AMERICA

ORDINANCE NO.

**AN ORDINANCE TO AMEND CHAPTER 166 OF THE CODE OF
THE TOWNSHIP OF ROCHELLE PARK ENTITLED
“TAXATION” TO ADD A NEW ARTICLE II TO ESTABLISH A
MEDICAL CANNABIS TRANSFER TAX PURSUANT TO
N.J.S.A.24A:61-1, ET SEQ.**

WHEREAS; Chapter 166 of the Code of the Township of Rochelle Park establishes the regulations under Taxation; and

WHEREAS, Chapter 166 requires revisions to establish a medical cannabis transfer tax; and

WHEREAS, the Township Committee has determined that it would be in the best interest of the Township to establish such a transfer tax in order to offset additional costs and expenses associated with such businesses being operated within the Township.

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Rochelle Park, in the County of Bergen, State of New Jersey, as follows:

SECTION ONE: Article II of Chapter 166 of the Code of the Township of Rochelle Park entitled “Taxation” is hereby added.

Article II

Medical Cannabis Transfer Tax

Intent and Purpose

A. The State of New Jersey acknowledged there is a beneficial use for marijuana in treating or alleviating the pain or other symptoms associated with certain debilitating medical conditions and therefore has adopted the Jake Honig Compassionate Use Medical Cannabis Act (CUMCA).

B. The CUMCA authorized the Municipality to implement a Medical Cannabis Transfer Tax on any medical cannabis dispensed by the dispensary, including medical cannabis that is furnished by the dispensary to a medical cannabis handler for delivery to a registered qualifying patient or the patient’s caregiver.

Definitions

The definitions, including a Medical Cannabis Dispensary, are defined in the CUMCA, N.J.S.A.24A:61-3, and are incorporated herein by reference and shall have the same meaning.

Administration of Medical Cannabis Transfer Tax

A. The Medical Cannabis Transfer Tax in the Township of Rochelle Park shall be fixed at a uniform Cannabis Dispensary, pursuant to N.J.S.A.24A:61-10(i) of the CUMCA.

B. The Medical Cannabis Transfer Tax shall be in addition to any other tax or fee imposed pursuant to status, state and federal , or local ordinance or resolution by any government entitly upon a Medical Cannabis Dispensary.

C. The tax imposed by this section shall be paid to the Township no later than February 1st of each year with a report certified as true and accurate by the Chief Financial Officer or other similarly situated person showing the gross revenues for the Medical Cannabis Dispensary for eachmonth of the preceding year. The Township may require that the Medical Cannabis Dispensary obtain a financial report from an independent accountant certifying as to the annual revenues for the preceding year.

D. A copy of this Ordinance shall be transmitted to the State Treasurer and to every Medical Cannabis Dispensary within the Township of Rochelle Park.

SECTION TWO: Repealer:

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION THREE: Severability:

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall force and effect.

SECTION FOUR: Effective Date:

This Ordinance shall take effect immediately upon final adoption and publication and in the manner provided by law.

ATTEST:

ELIZABETH KROLL, Municipal Clerk

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Comm. LiBassi						
Comm. Mosca						
Comm. Boniface						
Comm. Iacobucci						
Mayor Artola						

ORDINANCE NO.

**AN ORDINANCE OF THE TOWNSHIP OF ROCHELLE PARK
IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY
SUPPLEMENTING THE TOWNSHIP CODE WITH A NEW
CHAPTER ENTITLED "CHAPTER 186, CANNABIS,
PROHIBITION OF ALL CLASSES OF BUSINESSES " SO AS TO
PROHIBIT THE OPERATION OF ANY CLASS OF CANNABIS
BUSINESS WITHIN ITS GEOGRAPHICAL BOUNDARIES AND
FURTHER TO SUPPLEMENT §185-103 ENTITLED "GENERAL
PROVISIONS" OF CHAPTER 185 ENTITLED "ZONING" OF THE
CODE OF THE TOWNSHIP OF ROCHELLE PARK SO AS TO
PROHIBIT THE USE BY ANY CLASS OF LICENSED CANNABIS
BUSINESSES UPON ANY PREMISES IN ANY ZONE IN THE
TOWNSHIP OF ROCHELLE PARK**

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 marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;

- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Township Committee of the Township of Rochelle Park has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on this Township in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Township’s residents and members of the public who visit, travel, or conduct business in Rochelle Park, to supplement the Zoning Chapter of the Township Code in order to

prohibit certain marijuana-related land uses and developments within the geographic boundaries of the Township of Rochelle Park; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Rochelle Park, in the County of Bergen, State of New Jersey, as follows:

I. The Code of the Township of Rochelle Park be and is hereby supplement by a new Chapter which shall provide as follows:

**CHAPTER 186
CANNABIS, PROHIBITION OF
ALL CLASSES OF BUSINESSES**

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Township of Rochelle Park, except for the delivery of lawful cannabis items and related supplies by a delivery service to residents of the Township of Rochelle Park only. This prohibition shall also apply to any part of this Township which may be under the jurisdiction or authority of any independent State agency, commission or authority, notwithstanding any State law to the contrary.

II. 185-103 entitled "General Regulations" of Chapter 185 entitled "Zoning" of the Code of the Township of Rochelle Park be and is hereby supplemented with a new subsection 6 which shall provide as follows:

16. No land or building in any zoning district within the Township of Rochelle Park shall be used or shall be allowed to be used as any classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16.

III All parts of Ordinances inconsistent with this Ordinance are hereby repealed as to such inconsistent parts and this Ordinance shall take effect after publication and passage in the manner provided by law. If any section, subsection, paragraph, sentence, clause or word of this Ordinance shall be adjudged invalid by a Court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Ordinance it being intended that all such portions be severable in such event.

SECTION FOUR: Repealer:

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION FIVE: Severability:

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall force and effect.

SECTION SIX: Effective Date:

This Ordinance shall take effect immediately upon final adoption and publication and in the manner provided by law.

ATTEST:

ELIZABETH KROLL, Municipal Clerk

S:\2021 ROCHELLE PARK\ORDINANCES\cannabis.doc

ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 166 OF THE CODE OF THE TOWNSHIP OF ROCHELLE PARK ENTITLED “TAXATION” TO ADD A NEW ARTICLE II TO ESTABLISH A MEDICAL CANNABIS TRANSFER TAX PURSUANT TO N.J.S.A.24A:6I-1, ET SEQ.

WHEREAS; Chapter 166 of the Code of the Township of Rochelle Park establishes the regulations under Taxation; and

WHEREAS, Chapter 166 requires revisions to establish a medical cannabis transfer tax; and

WHEREAS, the Township Committee has determined that it would be in the best interest of the Township to establish such a transfer tax in order to offset additional costs and expenses associated with such businesses being operated within the Township.

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Rochelle Park, in the County of Bergen, State of New Jersey, as follows:

SECTION ONE: Article II of Chapter 166 of the Code of the Township of Rochelle Park entitled “Taxation” is hereby added.

Article II

Medical Cannabis Transfer Tax

Intent and Purpose

A. The State of New Jersey acknowledged there is a beneficial use for marijuana in treating or alleviating the pain or other symptoms associated with certain debilitating medical conditions and therefore has adopted the Jake Honig Compassionate Use Medical Cannabis Act (CUMCA).

B. The CUMCA authorized the Municipality to implement a Medical Cannabis Transfer Tax on any medical cannabis dispensed by the dispensary, including medical cannabis that is furnished by the dispensary to a medical cannabis handler for delivery to a registered qualifying patient or the patient’s caregiver.

Definitions

The definitions, including a Medical Cannabis Dispensary, are defined in the CUMCA, N.J.S.A.24A:61-3, and are incorporated herein by reference and shall have the same meaning.

Administration of Medical Cannabis Transfer Tax

A. The Medical Cannabis Transfer Tax in the Township of Rochelle Park shall be fixed at a uniform Cannabis Dispensary, pursuant to N.J.S.A.24A:61-10(i) of the CUMCA.

B. The Medical Cannabis Transfer Tax shall be in addition to any other tax or fee imposed pursuant to status, state and federal , or local ordinance or resolution by any government entity upon a Medical Cannabis Dispensary.

C. The tax imposed by this section shall be paid to the Township no later than February 1st of each year with a report certified as true and accurate by the Chief Financial Officer or other similarly situated person showing the gross revenues for the Medical Cannabis Dispensary for each month of the preceding year. The Township may require that the Medical Cannabis Dispensary obtain a financial report from an independent accountant certifying as to the annual revenues for the preceding year.

D. A copy of this Ordinance shall be transmitted to the State Treasurer and to every Medical Cannabis Dispensary within the Township of Rochelle Park.

SECTION TWO: Repealer:

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION THREE: Severability:

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall force and effect.

SECTION FOUR: Effective Date:

This Ordinance shall take effect immediately upon final adoption and publication and in the manner provided by law.

ATTEST:

ELIZABETH KROLL, Municipal Clerk

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Comm. LiBassi						
Comm. Mosca						
Comm. Boniface						
Comm. Iacobucci						
Mayor Artola						

ORDINANCE NO.

**AN ORDINANCE TO AMEND CHAPTER 166 OF THE CODE OF
THE TOWNSHIP OF ROCHELLE PARK ENTITLED
"TAXATION" TO ADD A NEW ARTICLE II TO ESTABLISH A
MEDICAL CANNABIS TRANSFER TAX AND USER FEE
PURSUANT TO N.J.S.A.24A:6I-1, ET SEQ. AND N.J.S.A. 40:48I-1**

WHEREAS; Chapter 166 of the Code of the Township of Rochelle Park establishes the regulations under Taxation; and

WHEREAS, Chapter 166 requires revisions to establish a medical cannabis transfer and user tax; and

WHEREAS, the Township Committee has determined that it would be in the best interest of the Township to establish such a transfer tax in order to offset additional costs and expenses associated with such businesses being operated within the Township.

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Rochelle Park , in the County of Bergen , State of New Jersey, as follows:

SECTION ONE: Article II of Chapter 166 of the Code of the Township of Rochelle Park entitled "Taxation" is hereby added

Article II Medical Cannabis Transfer Tax and User Fee

Intent and Purpose

A. The State of New Jersey acknowledged there is a beneficial use for marijuana in treating or alleviating the pain or other symptoms associate with certain debilitating medical conditions and therefore has adopted the Jake Honig Compassionate Use Medial Cannabis Act (CUMCA), N.J.S.A. 24A:6I-1, et. seq.

B. The CUMCA authorizes the Municipality to implement a Medical Cannabis Transfer Tax on any medical cannabis dispensed by the dispensary, including medical cannabis that is furnished by the dispensary to a medical cannabis handler for delivery to a registered qualifying patient or the patient's caregiver; and

C. In addition, N.J.S.A. 40:48I-1 authorizes municipalities in which Medical Cannabis facilities are located to adopt a user fee, at the equivalent transfer tax rates, on any concurrent license holder operating more than one cannabis establishment.

Definitions

The definitions, including a Medical Cannabis Dispensary, as are defined in the CUMCA, N.J.S.A.24A:61-3, as well as those definitions set forth in N.J.S.A. 40:48I-1 are incorporated herein by reference and shall have the same meaning.

Administration of Medical Cannabis Transfer Tax and User Fee

A. The Medical Cannabis Transfer and User Tax in the Township of Rochelle Park shall be fixed at a uniform Cannabis Dispensary, pursuant to N.J.S.A.24A:61-10(i) of the CUMCA and N.J.S.A 40:48I-1.

B. The Medical Cannabis Transfer Tax shall be in addition to any other tax or fee imposed pursuant to status, state and federal, or local ordinance or resolution by any government entity upon a Medical Cannabis Dispensary.

C. The tax imposed by this section shall be paid to the Township no later than Quarterly on the first day of February, May, August and November with a report certified as true and accurate by the Chief Financial Officer or other similarly situated person showing the gross revenues for the Medical Cannabis Dispensary for each month of the preceding quarter. The Township may require that the Medical Cannabis Dispensary obtain a financial report from an independent accountant or auditor certifying as to the quarterly revenues for the preceding year.

D. In accordance with the provisions of N.J.S.A 24:6I-10 (i) the Township hereby establishes the Transfer and User Fee rate at 2% of the purchase price of the medical cannabis.

E. The User Fee shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the Transfer Tax imposed pursuant to this ordinance from the license holders establishment that is located in the Township to any of the other license holders establishments that are located in the Township or in another municipality.

F. A copy of this Ordinance shall be transmitted to the State Treasurer and to every Medical Cannabis Dispensary within the Township of Rochelle Park.

SECTION TWO: Repealer:

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION THREE: Severability:

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall force and effect.

SECTION FOUR: Effective Date:

This Ordinance shall take effect immediately upon final adoption and publication and in the manner provided by law.

ATTEST:

ELIZABETH KROLL, Municipal Clerk

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Comm. LiBassi						
Comm. Mosca						
Comm. Boniface						
Comm. Iacobucci						
Mayor Artola						

New Jersey Statutes Annotated

Title 40. Municipalities and Counties

Subtitle 3. Municipalities Generally (Refs & Annos)

Chapter 48I. Optional Local Cannabis Transfer and User Tax (Refs & Annos)

N.J.S.A. 40:48I-1

40:48I-1. Adoption of optional local cannabis transfer tax and
user tax; collection and amounts; exemptions; enforcement

Effective: February 22, 2021

Currentness

Optional Local Cannabis Transfer Tax and User Tax.

a. (1) A municipality may adopt an ordinance imposing a transfer tax on the sale of cannabis or cannabis items by a cannabis establishment that is located in the municipality. At the discretion of the municipality, the tax may be imposed on: receipts from the sale of cannabis by a cannabis cultivator to another cannabis cultivator; receipts from the sale of cannabis items from one cannabis establishment to another cannabis establishment; receipts from the retail sales of cannabis items by a cannabis retailer to retail consumers who are 21 years of age or older; or any combination thereof. Each municipality shall set its own rate or rates, but in no case shall a rate exceed: two percent of the receipts from each sale by a cannabis cultivator; two percent of the receipts from each sale by a cannabis manufacturer; one percent of the receipts from each sale by a cannabis wholesaler; and two percent of the receipts from each sale by a cannabis retailer.

(2) A local tax ordinance adopted pursuant to paragraph (1) of this subsection shall also include provisions for imposing a user tax, at the equivalent transfer tax rates, on any concurrent license holder, as permitted by section 33 of P.L.2021, c. 16 (C.24:61-46), operating more than one cannabis establishment. The user tax shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed pursuant to paragraph (1) of this subsection, from the license holder's establishment that is located in the municipality to any of the other license holder's establishments, whether located in the municipality or another municipality.

b. (1) A transfer tax or user tax imposed pursuant to this section shall be in addition to any other tax imposed by law. Any transaction for which the transfer tax or user tax is imposed, or could be imposed, pursuant to this section, other than those which generate receipts from the retail sales by cannabis retailers, shall be exempt from the tax imposed under the "Sales and Use Tax Act," P.L.1966, c. 30 (C.54:32B-1 et seq.). The transfer tax or user tax shall be collected or paid, and remitted to the municipality by the cannabis establishment from the cannabis establishment purchasing or receiving the cannabis or cannabis item, or from the consumer at the point of sale, on behalf of the municipality by the cannabis retailer selling the cannabis item to that consumer. The transfer tax or user 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.

(2) Every cannabis establishment required to collect a transfer tax or user tax imposed by ordinance pursuant to this section shall be personally liable for the transfer tax or user tax imposed, collected, or required to be collected under this section. Any cannabis establishment shall have the same right with respect to collecting the transfer tax or user tax from another cannabis establishment or the consumer as if the transfer tax or user tax was a part of the sale and payable at the same time, or with respect

to non-payment of the transfer tax or user tax by the cannabis establishment or consumer, as if the transfer tax or user tax was a part of the purchase price of the cannabis or cannabis item, or equivalent value of the transfer of the cannabis or cannabis item, and payable at the same time; provided, however, that the chief fiscal officer of the municipality which imposes the transfer tax or user tax shall be joined as a party in any action or proceeding brought to collect the transfer tax or user tax.

(3) No cannabis establishment required to collect a transfer tax or user tax imposed by ordinance pursuant to this section shall advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the transfer tax or user tax will not be separately charged and stated to another cannabis establishment or the consumer, or that the transfer tax or user tax will be refunded to the cannabis establishment or the consumer.

c. (1) All revenues collected from a transfer tax or user tax imposed by ordinance pursuant to this section shall be remitted to the chief financial officer of the municipality in a manner prescribed by the municipality. The chief financial officer shall collect and administer any transfer tax or user tax imposed by ordinance pursuant to this section. The municipality shall enforce the payment of delinquent taxes or transfer fees imposed by ordinance pursuant to this section in the same manner as provided for municipal real property taxes.

(2)(a) In the event that the transfer tax or user tax imposed by ordinance pursuant to this section is not paid as and when due by a cannabis establishment, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the cannabis establishment's premises in the same manner as all other unpaid municipal taxes, fees, or other charges. 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.

(b) A municipality shall file in the office of its tax collector a statement showing the amount and due date of the unpaid balance and identifying the lot and block number of the parcel of real property that comprises the delinquent cannabis establishment's premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.

d. As used in this section:

"Cannabis" means the same as that term is defined in section 3 of P.L.2021, c. 16 (C.24:6I-33).

"Cannabis cultivator" means the same as that term is defined in section 3 of P.L.2021, c. 16 (C.24:6I-33).

"Cannabis establishment" means the same as that term is defined in section 3 of P.L.2021, c. 16 (C.24:6I-33).

"Cannabis items" means the same as that term is defined in section 3 of P.L.2021, c. 16 (C.24:6I-33).

"Cannabis manufacturer" means the same as that term is defined in section 3 of P.L.2021, c. 16 (C.24:6I-33).

"Cannabis retailer" means the same as that term is defined in section 3 of P.L.2021, c. 16 (C.24:6I-33).

"Cannabis wholesaler" means the same as that term is defined in section 3 of P.L.2021, c. 16 (C.24:6I-33).

"Consumer" means the same as that term is defined in section 3 of P.L.2021, c. 16 (C.24:6I-33).

"Premises" means the same as that term is defined in section 3 of P.L.2021, c. 16 (C.24:6I-33).

Credits

L.2021, c. 16, § 40, eff. Feb. 22, 2021.

N. J. S. A. 40:48I-1, NJ ST 40:48I-1

Current with laws through L.2021, c. 47 and J.R. No. 1.

End of Document

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 KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

New Jersey Statutes Annotated
Title 24. Food and Drugs
Subtitle 1. Food and Drugs (Refs & Annos)
Chapter 6I. **Cannabis** (Refs & Annos)

N.J.S.A. 24:6I-10

24:6I-10. Health care practitioner's written instructions; duration of time to be dispensed

Effective: July 2, 2019
Currentness

*** Start Section

...

a. A health care practitioner shall provide written instructions for a registered qualifying patient or the patient's designated caregiver, or an institutional caregiver acting on behalf of the patient, to present to a **medical cannabis** dispensary or a clinical registrant concerning the total amount of usable **cannabis** that a patient may be dispensed, in weight, in a 30-day period, which amount shall not exceed the maximum amount that may be authorized for the patient pursuant to subsection f. of this section.

b. A health care practitioner may issue multiple written instructions at one time authorizing the patient to receive a total of up to a one-year supply, provided that the following conditions are met:

(1) Each separate set of instructions shall be issued for a legitimate **medical** purpose by the health care practitioner, as provided in P.L.2009, c. 307 (C.24:6I-1 et al.);

(2) Each separate set of instructions shall indicate the earliest date on which a dispensary or clinical registrant may dispense the **cannabis**, except for the first dispensation if it is to be filled immediately; and

(3) The health care practitioner has determined that providing the patient with multiple instructions in this manner does not create an undue risk of diversion or abuse.

c. A registered qualifying patient or the patient's designated caregiver, or an institutional caregiver acting on behalf of a qualifying patient, shall present verification of the patient's or caregiver's registration with the commission, as applicable, and these written instructions to any **medical cannabis** dispensary or clinical registrant at the time the patient or caregiver requests the dispensing or delivery of **medical cannabis**, which **medical cannabis** dispensary or clinical registrant shall verify and log the documentation presented. An institutional caregiver shall additionally present an authorization executed by the patient certifying that the institutional caregiver is authorized to obtain **medical cannabis** on behalf of the patient. A health care practitioner may provide a copy of a written instruction by electronic or other means, as determined by the commission, directly to a **medical cannabis** dispensary or a clinical registrant on behalf of a registered qualifying patient. The dispensation of **medical cannabis**

pursuant to any written instructions shall occur within one year of the date that the instructions were written or become eligible for dispensing, whichever is later, or the instructions are void.

d. (Deleted by amendment, P.L.2019, c. 153)

e. Prior to dispensing medical cannabis to a qualifying patient, the patient's designated caregiver, or an institutional caregiver, the medical cannabis dispensary or clinical registrant shall access the system established pursuant to section 11 of P.L.2009, c. 307 (C.45:1-45.1) to ascertain whether medical cannabis was dispensed to or on behalf of the patient by any medical cannabis dispensary or clinical registrant within the preceding 30 days. Upon dispensing medical cannabis to a qualifying patient, the patient's designated caregiver, or an institutional caregiver, the medical cannabis dispensary or clinical registrant shall transmit to the patient's health care practitioner information concerning the amount, strain, and form of medical cannabis that was dispensed.

f. (1) Except as provided in paragraph (2) of this subsection, for a period of 18 months after the effective date of P.L.2019, c. 153 (C.24:6I-5.1 et al.),¹ the maximum amount of usable cannabis that a patient may be dispensed, in weight, in a 30-day period, shall be three ounces. Commencing 18 months after the effective date of P.L.2019, c. 153 (C.24:6I-5.1 et al.), the maximum amount of usable cannabis that a patient may be dispensed shall be prescribed by the commission by regulation.

(2) The monthly limits set forth in paragraph (1) of this subsection shall not apply to patients who are terminally ill or who are currently receiving hospice care through a licensed hospice, which patients may be dispensed an unlimited amount of medical cannabis. Qualifying patients who are not receiving hospice care or who are not terminally ill may petition the commission, on a form and in a manner as the commission shall require by regulation, for an exemption from the monthly limits set forth in paragraph (1) of this paragraph, which petition the commission shall approve if the commission finds that granting the exemption is necessary to meet the patient's treatment needs and is consistent with the provisions of P.L.2009, c. 307 (C.24:6I-1 et al.).

g. The commission shall establish, by regulation, curricula for health care practitioners and for staff at medical cannabis dispensaries and clinical registrants:

(1) The curriculum for health care practitioners shall be designed to assist practitioners in counseling patients with regard to the quantity, dosing, and administration of medical cannabis as shall be appropriate to treat the patient's qualifying medical condition. Health care practitioners shall complete the curriculum as a condition of authorizing patients for the medical use of cannabis; and

(2) The curriculum for employees of medical cannabis dispensaries and clinical registrants shall be designed to assist the employees in counseling patients with regard to determining the strain and form of medical cannabis that is appropriate to treat the patient's qualifying medical condition. Employees of medical cannabis dispensaries and clinical registrants shall be required to complete the curriculum as a condition of registration with the commission. Completion of the curriculum may constitute part of the annual training required pursuant to paragraph (1) of subsection j. of section 7 of P.L.2009, c. 307 (C.24:6I-7).

h. Commencing July 1, 2020, the amount of the sales tax that may be imposed under the "Sales and Use Tax Act," P.L.1966, c. 30 (C.54:32B-1 et seq.) on medical cannabis dispensed by a medical cannabis dispensary or clinical registrant shall not exceed four percent.

Commencing July 1, 2021, the amount of the sales ~~tax~~ that may be imposed under the "Sales and Use ~~Tax~~ Act," P.L.1966, c. 30 (C.54:32B-1 et seq.) on ~~medical cannabis~~ dispensed by a ~~medical cannabis~~ dispensary or clinical registrant shall not exceed two percent.

Commencing July 1, 2022, ~~medical cannabis~~ dispensed by a ~~medical cannabis~~ dispensary or clinical registrant shall not be subject to any ~~tax~~ imposed under the "Sales and Use ~~Tax~~ Act," P.L.1966, c. 30 (C.54:32B-1 et seq.).

Any revenue collected pursuant to a ~~tax~~ imposed on the sale of ~~medical cannabis~~ under the "Sales and Use ~~Tax~~ Act," P.L.1966, c. 30 (C.54:32B-1 et seq.), shall be exclusively appropriated to programs for the treatment of mental health and substance use disorders.

i. A municipality in which a ~~medical cannabis~~ dispensary is located may adopt an ordinance imposing a ~~transfer tax~~ on any ~~medical cannabis~~ dispensed by the dispensary, including ~~medical cannabis~~ that is furnished by the dispensary to a ~~medical cannabis~~ handler for delivery to a registered qualifying patient or the patient's caregiver. The rate of a ~~transfer tax~~ established pursuant to this subsection shall be at the discretion of the municipality, except that in no case shall the rate exceed two percent of the purchase price of the ~~medical cannabis~~.

Credits

L.2009, c. 307, § 10, eff. Oct. 1, 2010. Amended by L.2019, c. 153, § 18, eff. July 2, 2019.

Editors' Notes

Relevant Additional Resources

Additional Resources listed below contain your search terms.

HISTORICAL AND STATUTORY NOTES

2009 Legislation

For effective date provisions of L.2009, c. 307, approved Jan. 18, 2010, and director authority to take anticipatory administrative action, see Historical and Statutory Notes under N.J.S.A. § 24:6I-1.

2019 Legislation

L.2019, c. 153, § 18, rewrote the section, which prior to revision read:

"a. A physician shall provide written instructions for a registered qualifying patient or his caregiver to present to an alternative treatment center concerning the total amount of usable marijuana that a patient may be dispensed, in weight, in a 30-day period, which amount shall not exceed two ounces. If no amount is noted, the maximum amount that may be dispensed at one time is two ounces.

"b. A physician may issue multiple written instructions at one time authorizing the patient to receive a total of up to a 90-day supply, provided that the following conditions are met:

"(1) Each separate set of instructions shall be issued for a legitimate ~~medical~~ purpose by the physician, as provided in this act;

"(2) Each separate set of instructions shall indicate the earliest date on which a center may dispense the marijuana, except for the first dispensation if it is to be filled immediately; and

"(3) The physician has determined that providing the patient with multiple instructions in this manner does not create an undue risk of diversion or abuse.

"c. A registered qualifying patient or his primary caregiver shall present the patient's or caregiver's registry identification card, as applicable, and these written instructions to the alternative treatment center, which shall verify and log the documentation presented. A physician may provide a copy of a written instruction by electronic or other means, as determined...

3.

What kind of tax can a municipality impose on cannabis establishments? And, do vertically integrated facilities avoid certain local taxes?

A municipality may impose a transfer tax on the sale of cannabis or cannabis items by a cannabis establishment located within the municipality. The tax may be imposed on:

- Receipts from the sale of cannabis by a cannabis cultivator to another cannabis cultivator;
- Receipts from the sale of cannabis items from one establishment to another cannabis establishment;
- Receipts from retail sales of cannabis items by a cannabis retailer to retail consumers; or
- Any combination thereof.

A municipality is free to set its own tax rate but in no case can the rates exceed:

- Two percent of the receipts from each sale by a cannabis cultivator;
- Two percent of the receipts from each sale by a cannabis manufacturer;
- One percent of the receipts from each sale by a cannabis wholesaler; and
- Two percent of the receipts from each sale by a cannabis retailer.

If a municipality adopts an ordinance providing for a transfer tax as noted above, the ordinance must also provide for a user tax. This user tax must be equivalent to the transfer tax rates, on any concurrent license holder, operating more than one cannabis establishment. The user tax allows for tax parity, by preventing vertically integrated cannabis establishments from avoiding the transfer tax.

Liz Kroll

From: Joseph Rotolo <Rotolo.law@verizon.net>
Sent: Thursday, April 29, 2021 9:43 AM
To: gartola@rochelleparknj.gov; 'Nicholas LiBassi'; pmosca@rochelleparknj.gov; siacobucci@rochelleparknj.gov; lboniface@rochelleparknj.gov
Cc: Robert Davidson; Liz Kroll; Roy Riggiano; deptax@rochelleparknj.gov
Subject: Medical Cannabis Transfer Tax and User Fee
Attachments: 20210429_094732.pdf

Good Morning,

In accordance with our discussions last night regarding the above matter I have attached the following:

- Revised Ordinance for introduction
- Copy of NJSA 40:48I-1
- Copy of NJSA 24:6I-10
- Copy of League Q and A regarding this topic

This ordinance was introduced last night and will be adopted, after a public hearing, in May. Any minor, non-substantive, changes can be made at the time of final adoption

Liz will now arrange for the required publication.

Thanks

JOSEPH J. ROTOLO, ESQ.

Attorney At Law
50 Summit Avenue
Hackensack, New Jersey 07601

Tel: 201-343-0088
Fax: 201-343-0006

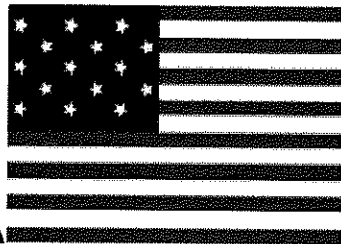
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GOD BLESS AMERICA

ORDINANCE NO.

**AN ORDINANCE OF THE TOWNSHIP OF ROCHELLE PARK
IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY
SUPPLEMENTING THE TOWNSHIP CODE WITH A NEW
CHAPTER ENTITLED “CHAPTER 186, COMMERCIAL
RECREATIONAL CANNABIS, PROHIBITION OF ALL CLASSES
OF BUSINESSES “ SO AS TO PROHIBIT THE OPERATION OF
ANY CLASS OF COMMERCIAL RECREATIONAL CANNABIS
BUSINESS WITHIN ITS GEOGRAPHICAL BOUNDARIES AND
FURTHER TO SUPPLEMENT §185-103 ENTITLED “GENERAL
PROVISIONS” OF CHAPTER 185 ENTITLED “ZONING” OF THE
CODE OF THE TOWNSHIP OF ROCHELLE PARK SO AS TO
PROHIBIT THE USE BY ANY CLASS OF LICENSED
COMMERCIAL RECREATIONAL CANNABIS BUSINESSES UPON
ANY PREMISES IN ANY ZONE IN THE TOWNSHIP OF
ROCHELLE PARK**

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 marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;

- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Township Committee of the Township of Rochelle Park has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of commercial recreational cannabis business might have on New Jersey municipalities in general, and on this Township in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Township’s residents and members of the public who visit, travel, or conduct business in Rochelle Park, to supplement the Zoning Chapter of the Township Code in

order to prohibit certain marijuana-related land uses and developments within the geographic boundaries of the Township of Rochelle Park; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Rochelle Park, in the County of Bergen, State of New Jersey, as follows:

I. The Code of the Township of Rochelle Park be and is hereby supplement by a new Chapter which shall provide as follows:

CHAPTER 186
CANNABIS, PROHIBITION OF
ALL CLASSES OF COMMERCIAL RECREATIONAL BUSINESSES

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all **recreational commercial** cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Township of Rochelle Park, except for the delivery of lawful cannabis items and related supplies by a delivery service to residents of the Township of Rochelle Park only. This prohibition shall also apply to any part of this Township which may be under the jurisdiction or authority of any independent State agency, commission or authority, notwithstanding any State law to the contrary. **This prohibition shall not apply, however, to medical marijuana facilities operating in accordance with the New Jersey Compassionate Use Medical Marijuana Act N.J.S.A 24:6I-1.**

II. 185-103(A), entitled “**Prohibited Uses**”, of Chapter 185 entitled “Zoning” of the Code of the Township of Rochelle Park be and is hereby supplemented with a new subsection 16 which shall provide as follows:

16. No land or building in any zoning district within the Township of Rochelle Park shall be used or shall be allowed to be used as any

classes of commercial recreational cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16. ***This prohibition shall not apply to medical marijuana facilities operating in the BA-1 overlay zone in accordance with the New Jersey Compassionate Use Medical Marijuana Act N.J.S.A 24:6I-1.***

III All parts of Ordinances inconsistent with this Ordinance are hereby repealed as to such inconsistent parts and this Ordinance shall take effect after publication and passage in the manner provided by law. If any section, subsection, paragraph, sentence, clause or word of this Ordinance shall be adjudged invalid by a Court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Ordinance it being intended that all such portions be severable in such event.

SECTION FOUR: Repealer:

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION FIVE: Severability:

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall force and effect.

SECTION SIX: Effective Date:

This Ordinance shall take effect immediately upon final adoption and publication and in the manner provided by law.

ATTEST:

ELIZABETH KROLL, Municipal Clerk

S:\2021 ROCHELLE PARK\ORDINANCES\cannabis.doc

Liz Kroll

From: Joseph Rotolo <Rotolo.law@verizon.net>
Sent: Wednesday, June 16, 2021 9:49 AM
To: gartola@rochelleparknj.gov; siacobucci@rochelleparknj.gov;
lboniface@rochelleparknj.gov; 'Nicholas LiBassi'; pmosca@rochelleparknj.gov
Cc: Robert Davidson; Liz Kroll; depclerk@rochelleparknj.gov
Subject: FW: Cannabis ordinance follow up
Attachments: Cannabis Fact Sheet .pdf

Please see email below and the attachment from Kaetlynn Ayala from the Center for Alcohol and Drug Resources.

I have also spoken to Ms Ayala and she would be willing to make a presentation at the 6/23 meeting via Zoom.

Liz, please send her an invitation.

Thanks.

Joe

From: Kaetlynn Ayala [mailto:kayala@cafsnj.org]
Sent: Monday, June 14, 2021 6:32 PM
To: Rotolo.law@verizon.net
Subject: Cannabis ordinance follow up

Good evening,

I'm so glad we were able to connect earlier today. The Bergen County Prevention Coalition is prepared to provide support and assistance as municipalities work to make decisions regarding the cannabis ordinances. Specifically, I'd be happy to attend the upcoming council meeting to provide information and be available for any questions that may arise as Rochelle Park potentially moves towards opting out of permitting cannabis licenses. I have attached the fact sheet that I mentioned earlier, which highlights the information we cover in our presentation *Legalization of Cannabis: Know the Facts*. While we are aware that New Jersey voters decided to legalize adult-use cannabis for non-medical purposes, we are aware that there are a number of implications to consider as evidenced by other states, particularly regarding maintaining the health and safety for our youth. It is important for the BCPC to ensure that members of the community are provided this information so that they are able to make informed decisions.

I look forward to receiving the details on how to access the meeting on June 23. With your approval, I would like to share these details with two members of my team who are also well-versed in this topic, and would also be available to answer any questions during the meeting.

Thank you in advance for this opportunity! Please let me know if there is anything else you might need in the meantime.

Respectfully,

Kaetlynn Ayala, LSW
Coalition Coordinator

The Center for Alcohol and Drug Resources
A Program of Children's Aid and Family Services
22-08 State Route 208 South
Fair Lawn, NJ 07410
Phone: 201-740-7109
Fax: 201-791-0147
kayala@cafsnj.org
www.cafsnj.org
www.tcadr.org

LEGALIZATION OF CANNABIS THINGS TO KNOW

Legislative Overview

Bills signed to law on Feb.22, 2021:

- Cannabis Legalization
- Marijuana Decriminalization
- Other Clarifying Provisions

Underage Use

1st offense- written warning and now also includes parental notification (due to March 26 amendment)

2nd offense- written warning, parental notification, and information provided on community drug treatment services

3rd or subsequent offense- written warning; if under 18- parental and treatment program notification

Terminology:

- Regulated Cannabis
 - Legally bought, sold, and used
- Marijuana and Hashish
 - Not regulated, classified as controlled dangerous substance

Municipal Considerations

- All existing ordinances prior to the legislation are null and void
- Municipalities have until August 21, 2021 to either opt in or opt out.
- After opting out, a municipality can opt back in at any time.
- If a municipality takes no action, they are opted in by default and no changes can be made for 5 years.

Today's Cannabis

Today's

is more potent. The average THC content in marijuana has risen significantly over the past 10 years.

This is leading to an increasing variety of products providing options for consumption.

Concentrates

Topicals

Edibles

Be cautious when consuming edibles because the products are more potent. The effect for edibles can be anywhere from 1 to 3 hours. It is recommended to consume more than one portion.

As states are legalizing cannabis is far more...

Inhalation

The psychoactive effects will be felt in a person's stomach. The delayed...

SEN COUNTY
ation

Ripple Effects

Health

Risk of substance misuse and negative effects on essential bodily functions.

Safety

Impaired driving has resulted in an increase of traffic fatalities.

Environment

Use of chemicals to keep animals from destroying their crops and equipment, high amounts of energy and make changes to land structure.

Cannabis Remains Illegal Federally

Youth Usage

Data from states with legalized cannabis, specifically Colorado, Michigan, and California, show high rates of youth usage.

Keeping Our Youth Safe and Healthy

Brain Development

- The brain is not fully developed until mid 20s.
- When drugs enter the brain, they interfere with its normal tasks and can eventually lead to changes in how well it works.

Impairments

Regular cannabis use early in life can result in impairments such as:

- Poor academic performance
- Deficits in attention, information processing, and memory

Signs of Impairment

Red eyes, slurred/ altered speech, drowsiness/ hyperactivity, poor coordination

Starting the Conversation With Youth

- Keep an open mind.
- Be clear about goals.
- Be calm and relaxed.
- Be positive.
- Don't lecture.
- Find a comfortable setting.
- Be aware of body language
- Put yourself in their shoes

Liz Kroll

From: Joseph Rotolo <Rotolo.law@verizon.net>
Sent: Wednesday, June 16, 2021 9:51 AM
To: 'Kaetlynn Ayala'
Cc: Liz Kroll; Robert Davidson; depclerk@rochelleparknj.gov
Subject: RE: Cannabis ordinance follow up

Thank you very much for your help and input on this topic.

By copy of this email I am requesting that the Township Clerk send you an invitation for next week's meeting. It is scheduled for June 23rd at 7:00

Thanks again.

Joe

PLEASE NOTE THAT I WILL BE ON VACATION FROM JUNE 29TH THROUGH JULY 7TH AND ALSO JULY 14TH THROUGH JULY 20TH. I WILL HAVE LIMITED EMAIL ACCESS AND NO CLOSINGS CAN TAKE PLACE DURING THOSE PERIODS

JOSEPH J. ROTOLO, ESQ.

Attorney At Law
50 Summit Avenue
Hackensack, New Jersey 07601

Tel: 201-343-0088
Fax: 201-343-0006

FRAUD ALERT - DO NOT WIRE TRANSFER UNLESS YOU SPEAK TO ME PERSONALLY BY PHONE OR IN PERSON

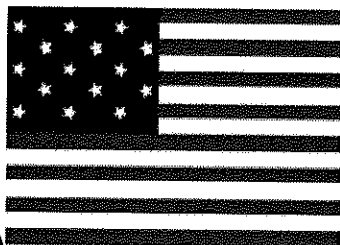
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GOD BLESS AMERICA



From: Kaetlynn Ayala [mailto:kayala@cafsnj.org]

Sent: Monday, June 14, 2021 6:32 PM

To: Rotolo.law@verizon.net

Subject: Cannabis ordinance follow up

Good evening,

I'm so glad we were able to connect earlier today. The Bergen County Prevention Coalition is prepared to provide support and assistance as municipalities work to make decisions regarding the cannabis ordinances. Specifically, I'd be happy to attend the upcoming council meeting to provide information and be available for any questions that may arise as Rochelle Park potentially moves towards opting out of permitting cannabis licenses. I have attached the fact sheet that I mentioned earlier, which highlights the information we cover in our presentation *Legalization of Cannabis: Know the Facts*. While we are aware that New Jersey voters decided to legalize adult-use cannabis for non-medical purposes, we are aware that there are a number of implications to consider as evidenced by other states, particularly regarding maintaining the health and safety for our youth. It is important for the BCPC to ensure that members of the community are provided this information so that they are able to make informed decisions.

I look forward to receiving the details on how to access the meeting on June 23. With your approval, I would like to share these details with two members of my team who are also well-versed in this topic, and would also be available to answer any questions during the meeting.

Thank you in advance for this opportunity! Please let me know if there is anything else you might need in the meantime.

Respectfully,

Kaetlynn Ayala, LSW

Coalition Coordinator

The Center for Alcohol and Drug Resources

A Program of Children's Aid and Family Services

22-08 State Route 208 South

Fair Lawn, NJ 07410

Phone: 201-740-7109

Fax: 201-791-0147

kayala@cafsnj.org

www.cafsnj.org

www.tcadr.org



**Rochelle Park
Police**

Dean Pinto <dpinto@rochelleparkpd.org>

Chief Dean Pinto + P4 Security Solutions introduction

9 messages

Christopher Austin <caustin@awholdings.com>

Thu, Jun 3, 2021 at 2:56 PM

To: Dean Pinto <dpinto@rochelleparkpd.org>, Paul Ohm <pohm@p4secure.com>

Chief,

As stated in our meeting, AWH hopes to add a physical security presence for Ascend Rochelle Park. Our goal is to staff off-duty officers from your department. Copied on this email is Paul Ohm VP for P4S. My plan is we have the safest and most effective security operation possible. Paul, Please reach out to Chief Pinto to further discuss. Please keep me copied on communications so I know where things stand from the AWH side.

Thank you

Chris Austin
National Director, Security



Dean Pinto <dpinto@rochelleparkpd.org>
To: Christopher Austin <caustin@awholdings.com>
Cc: Paul Ohm <pohm@p4secure.com>

Thu, Jun 3, 2021 at 3:29 PM

Chris,

It was a pleasure to "meet" you earlier today. My team and I remain committed to working with you and the corporate partners in our shared endeavor of keeping our community and stakeholders safe.

Paul,

Let's set up a meeting/conference call to discuss your thoughts and how we provide such services for other entities that work within our area of responsibility.

Best Regards,

Dean

████████████████████

Chief Dean M. Pinto #136
Rochelle Park Police Department

151 West Passaic Street
Rochelle Park, N.J. 07662
201-843-1515 (o)
201-556-1269 (f)
www.rochelleparkpd.org



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[Quoted text hidden]

Paul Ohm <pohm@p4secure.com>
To: Dean Pinto <dpinto@rochelleparkpd.org>
Cc: Christopher Austin <caustin@awholdings.com>

Fri, Jun 4, 2021 at 2:44 PM

Thanks Chris for the introduction.

Hi Chief - Nice to meet you virtually. I'd be happy to jump on a call on Monday if you're available. Also, I'll be in NY on the 16th and 17th. If you're available I can come to your department with our local contact to meet in person.

Let me know what works best for you.

Thanks,

Paul

On Jun 3, 2021, at 2:31 PM, Dean Pinto <dpinto@rochelleparkpd.org> wrote:

Chris,

It was a pleasure to "meet" you earlier today. My team and I remain committed to working with you and the corporate partners in our shared endeavor of keeping our community and stakeholders safe.

Paul,

Let's set up a meeting/conference call to discuss your thoughts and how we provide such services for other entities that work within our area of responsibility.

Best Regards,

Dean

Chief Dean M. Pinto #136

Rochelle Park Police Department

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On Thu, Jun 3, 2021 at 2:56 PM Christopher Austin <caustin@awholdings.com> wrote:

Chief,

As stated in our meeting, AWH hopes to add a physical security presence for Ascend Rochelle Park. Our goal is to staff off-duty officers from your department. Copied on this email is Paul Ohm VP for P4S. My plan is we have the safest and most effective security operation possible. Paul, Please reach out to Chief Pinto to further discuss. Please keep me copied on communications so I know where things stand from the AWH side.

Thank you

Chris Austin
National Director, Security


<image001.jpg>

Dean Pinto <dpinto@rochelleparkpd.org>
To: Paul Ohm <pohm@p4secure.com>
Cc: Christopher Austin <caustin@awholdings.com>

Sun, Jun 6, 2021 at 5:48 PM

Gentlemen,

Sorry for the late response. I am off tomorrow, Monday, but the 16th is currently wide open let me know what works for you.

Regards,

Chief Dean M. Pinto #136
Rochelle Park Police Department
151 West Passaic Street
Rochelle Park, NJ 07662

201-843-1515 HQ
201-843-5422 FAX
Sent from a mobile device.

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[Quoted text hidden]

pohm@p4secure.com <pohm@p4secure.com>
To: Dean Pinto <dpinto@rochelleparkpd.org>
Cc: Christopher Austin <caustin@awholdings.com>

Mon, Jun 7, 2021 at 8:52 AM

Chief,

Would 1 or 2pm work on the 16th. We can come to your location or maybe meet for a late lunch. Let me know what works for you.

Regards,

Paul Ohm

Executive Vice President & Principal

P4 Security Solutions LLC. & P4 Protective Services LLC.

2801 Finley Rd. #103

Downers Grove, IL 60515

www.p4secure.com

[REDACTED]



[Quoted text hidden]

Dean Pinto <dpinto@rochelleparkpd.org>
To: Paul Ohm <pohm@p4secure.com>
Cc: Christopher Austin <caustin@awholdings.com>

Mon, Jun 7, 2021 at 6:46 PM

Paul,

I'm good for a 1pm lunch. Let me know what works for you.

There are a ton of places within a stone's throw of the Rochelle Park location.

Regards,

Dean

Chief Dean M. Pinto #136
Rochelle Park Police Department
151 West Passaic Street
Rochelle Park, NJ 07662

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4 attachments



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8K



9C44236994CC46BE8B7777D20F38536B[12258573].png
6K

EDAFA66F857C457EA62A805AEE65FFBC[12258574].png
8K





Paul Ohm <pohm@p4secure.com>
To: Dean Pinto <dpinto@rochelleparkpd.org>
Cc: Christopher Austin <caustin@awholdings.com>

Fri, Jun 11, 2021 at 1:24 PM

Hi Chief - 1pm is good. Do you want to pick the location? Nice steakhouse?

Thanks,

Paul

On Jun 7, 2021, at 5:46 PM, Dean Pinto <dpinto@rochelleparkpd.org> wrote:

[Quoted text hidden]

Dean Pinto <dpinto@rochelleparkpd.org>
To: Paul Ohm <pohm@p4secure.com>
Cc: Christopher Austin <caustin@awholdings.com>

Sat, Jun 12, 2021 at 8:49 AM

Paul,

Great. Let's meet at Segovia's Steakhouse in Little Ferry.

217 Main Street
Little Ferry, NJ 07643

It's a local family owned restaurant that offers some of the best steaks and chops with Portuguese and Spanish flair.

<https://segoviasteakhouse.com/>

Looking forward to meeting you 1pm on the 16th.

Enjoy your weekend,

Dean

Chief Dean M. Pinto #136
Rochelle Park Police Department
151 West Passaic Street
Rochelle Park, NJ 07662

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201-843-5422 FAX
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6/24/2021

Rochelle Park Police Department Mail - Chief Dean Pinto + P4 Security Solutions introduction

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[Quoted text hidden]

pohm@p4secure.com <pohm@p4secure.com>
To: Dean Pinto <dpinto@rochelleparkpd.org>
Cc: Christopher Austin <caustin@awholdings.com>

Thu, Jun 17, 2021 at 5:55 PM

Hi Chief – I appreciate the email and your time yesterday. I look forward to working with you in the future. Needless to say, Rochelle Park is certainly in good hands!

Be safe,

Paul Ohm

Executive Vice President & Principal

P4 Security Solutions LLC. & P4 Protective Services LLC.

2801 Finley Rd. #103

Downers Grove, IL 60515

www.p4secure.com



From: Dean Pinto
Sent: Thursday, June 17, 2021 9:58 AM
To: Paul Ohm
Cc: Christopher Austin
Subject: Re: Chief Dean Pinto + P4 Security Solutions Introduction

Paul,

It was a pleasure meeting you and the local team yesterday. I was impressed with the amount of knowledge and experience and look forward to working with everyone on our mission to keep the township and its stakeholders safe.

6/24/2021

Rochelle Park Police Department Mail - Chief Dean Pinto + P4 Security Solutions introduction

Best Regards,

Dean

Chief Dean M. Pinto #136

Rochelle Park Police Department

151 West Passaic Street

Rochelle Park, N.J. 07662

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[Quoted text hidden]

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[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

From: Dean Pinto

[Quoted text hidden]

[Quoted text hidden]



**Rochelle Park
Police**

Dean Pinto <dpinto@rochelleparkpd.org>

Connecting - Ascend - Rochelle Park

5 messages

Lucas Hoefflicker <lhoefflicker@awholdings.com>
To: "dpinto@rochelleparkpd.org" <dpinto@rochelleparkpd.org>

Thu, May 20, 2021 at 3:57 PM

Chief Pinto,

It was great meeting you today in Rochelle Park! Thanks a lot for taking time out of your day to come by the grand opening. We are looking forward to working together with your department and the town as an active community member. I spoke with our head of security Chris Austin, and he will reach out to you in the coming days regarding the camera access. This will not be a problem on our end to share with you. We are going to begin to explore options for some sort of side gate and fence on the side of the building where the deliveries are coming in as well. Feel free to reach out with any questions or concerns you have.





Small world you and Micci knew each other from law school!

Kind Regards,

Luke

Luke Hoefflicker

Director of Real Estate and Permitting



Dean Pinto <dpinto@rochelleparkpd.org>
To: Lucas Hoefflicker <lhoefflicker@awholdings.com>
Cc: Ray Ferraioli <ray@clearview-consultingllc.com>
Bcc: ray@hpfundraising.com

Thu, May 20, 2021 at 4:13 PM

Luke,

Thank you!

We look forward to partnering with you in our shared endeavor of serving our community.

It was a pleasure meeting everyone and learning the world is indeed as small as the cliché says it is.

I hope to see you all again soon especially as I am working on creating a Rochelle Park Police Foundation that will be a 501(c)(3); the sole purpose of the Foundation will be to use donations collected to assist the police department in funding a variety of projects, equipment and community relations' events and initiatives such as youth camps, senior citizen safety initiatives, ballistic vests, scholarships and much more as we build on this.

In the interim, please know our department and I remain yours in public service.

Best Regards,

Dean

Chief Dean M. Pinto #136
Rochelle Park Police Department
151 West Passaic Street
Rochelle Park, N.J. 07662
201-843-1515 (o)
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[Quoted text hidden]

Lucas Hoefflicker <lhoefflicker@awholdings.com>
To: Dean Pinto <dpinto@rochelleparkpd.org>
Cc: Ray Ferraioli <ray@clearview-consultingllc.com>

Thu, May 20, 2021 at 4:23 PM

6/24/2021

Rochelle Park Police Department Mail - Connecting - Ascend - Rochelle Park

Chief – Let us know once everything is set up. We would love to help out and be a part of your foundation! That sounds like a great foundation in serving/ giving back to the community. We look forward to working together in the future!

Luke

[Quoted text hidden]

Ray Ferraioli <ray@clearview-consultingllc.com>
To: Lucas Hoefflicker <lhoefflicker@awholdings.com>
Cc: Dean Pinto <dpinto@rochelleparkpd.org>

Tue, May 25, 2021 at 10:00 PM

Chief Pinto -

Let me know if I can help set up. Certainly will be there once set up either way.

Keep us posted. Thank you.

Ray Ferraioli, President
Clearview Consulting, LLC
12 North State Route 17, Suite 320
Paramus, NJ 07652
(201) 457-9000 - Main Office
(201) 457-9224 - Fax
[REDACTED]
ray@clearview-consultingllc.com

On May 20, 2021, at 4:23 PM, Lucas Hoefflicker <lhoefflicker@awholdings.com> wrote:

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

<image001.jpg>

Small world you and Micci knew each other from law school!

Kind Regards,

Luke

Luke Hoefflicker

Director of Real Estate and Permitting
[REDACTED]

<image002.jpg>

Dean Pinto <dpinto@rochelleparkpd.org>
To: Ray Ferraioli <ray@clearview-consultingllc.com>

Wed, May 26, 2021 at 1:36 PM

Ray,

Awesome. I am awaiting the township attorney, (I will follow up with him later today) to convert our community affairs (simple checking account of previous donations) account into a 501(c)(3) to create the foundation but I absolutely would love to meet with you on launching and growing it.

And please call me Dean...

Regards,

Chief Dean M. Pinto #136
Rochelle Park Police Department
151 West Passaic Street
Rochelle Park, N.J. 07662
201-843-1515 (o)
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[Quoted text hidden]



**Rochelle Park
Police**

Dean Pinto <dpinto@rochelleparkpd.org>

Thank You! Ascend Rochelle Park

2 messages

Ray Ferraioli <ray@clearview-consultingllc.com>
To: Dean Pinto <DPINTO@rochelleparkpd.org>

Mon, May 24, 2021 at 3:28 PM

Chief Pinto -

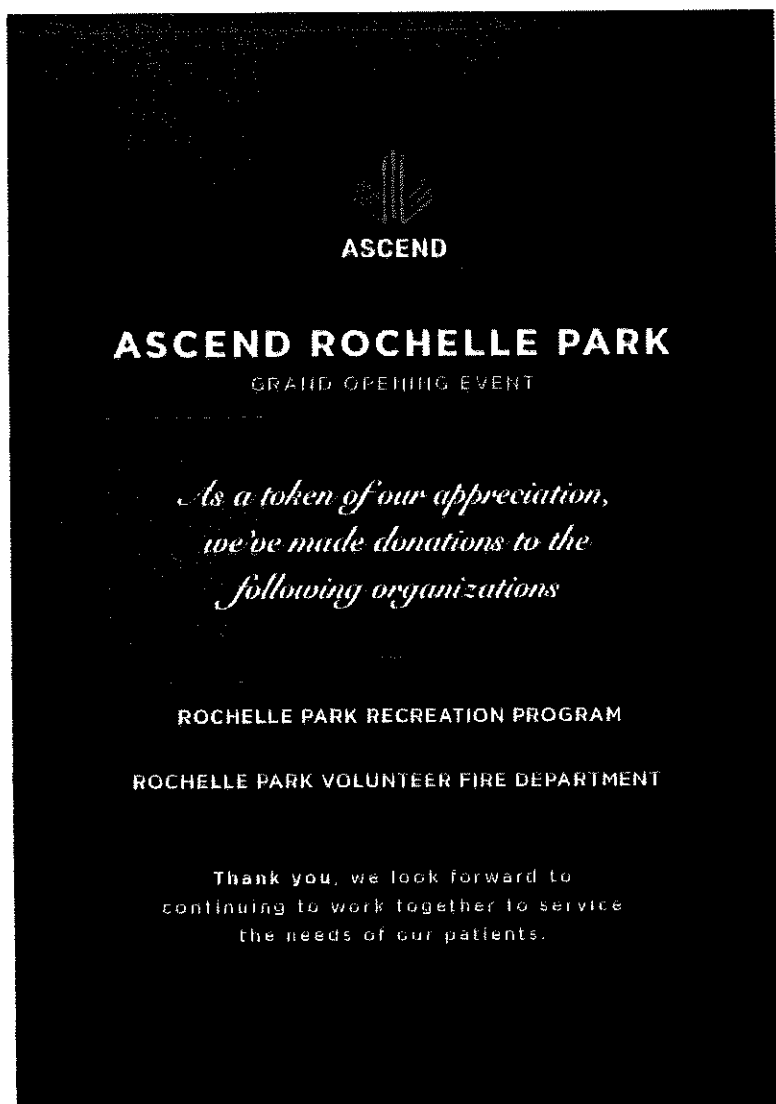
Thank you for your attendance at Ascend's Grand Opening! It was wonderful to meet you and answer all your questions. We truly hope you enjoyed the experience.

We look forward to working with you on many future projects and being a great community neighbor.

We will be reaching out soon to discuss many new opportunities.

Thank you, again and stay well.

Ray Ferraioli



6/24/2021

Rochelle Park Police Department Mail - Thank You! Ascend Rochelle Park

Dean Pinto <dpinto@rochelleparkpd.org>

Mon, May 24, 2021 at 3:34 PM

To: Douglas Arendacs <darendacs@rochelleparkpd.org>

[Quoted text hidden]



**Rochelle Park
Police**

Dean Pinto <dpinto@rochelleparkpd.org>

FW: Madical Cannabis Facility Resolution

2 messages

Bob Davidson <admin@rochelleparknj.gov>
To: Dean Pinto <dpinto@rochelleparkpd.org>

Thu, May 13, 2021 at 12:59 PM

Best Regards,

Robert H. Davidson

Township Administrator

From: Joseph Rotolo <Rotolo.law@verizon.net>
Sent: Thursday, May 13, 2021 11:05 AM
To: Robert Davidson <admin@rochelleparknj.gov>
Subject: FW: Madical Cannabis Facility Resolution

From: Joseph Rotolo [mailto:Rotolo.law@verizon.net]
Sent: Thursday, April 29, 2021 11:12 AM
To: gartola@rochelleparknj.gov; 'Nicholas LiBassi'; pmosca@rochelleparknj.gov; lboniface@rochelleparknj.gov; siacobucci@rochelleparknj.gov
Cc: Robert Davidson; Liz Kroll
Subject: Madical Cannabis Facility Resolution

Per your request attached is a copy of the approval resolution for the facility on Route 17

JOSEPH J. ROTOLO, ESQ.

6/24/2021

Rochelle Park Police Department Mail - FW: Medical Cannabis Facility Resolution

Attorney At Law

50 Summit Avenue

Hackensack, New Jersey 07601

[REDACTED]
Fax: 201-343-0006

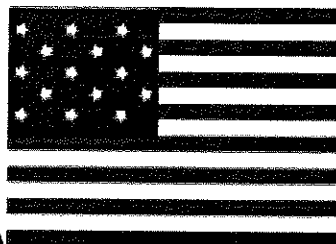
FRAUD ALERT - DO NOT WIRE TRANSFER UNLESS YOU SPEAK TO ME PERSONALLY BY PHONE OR IN PERSON

****ALWAYS PERSONALLY VERIFY ANY REQUEST FOR PAYMENT OR WIRE TRANSFER BY PHONE BEFORE SENDING ANYTHING – BEWARE OF FRAUD.**

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GOD BLESS AMERICA



Dean Pinto <dpinto@rochelleparkpd.org>

Thu, May 13, 2021 at 1:14 PM

To: Glenn Brunet <gbrunet@rochelleparkpd.org>, James DePreta <jdepreta@rochelleparkpd.org>, Lieutenant Ed Kukalski <ekukalski@rochelleparkpd.org>

Please see the agreement below between ASCEND and the Township.

It does provide that the facility should have 1-2 security guards or more when a delivery is made, (Page 2 Paragraph 4) but it does NOT mandate that they be police officers.

This is provided for your reference so you have a background as to the township's understanding of how the business was going to be operating.

Respectfully,
Dean

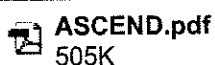
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**Rochelle Park
Police**

Dean Pinto <dpinto@rochelleparkpd.org>

Ascend Wellness Opens 18th NJ Dispensary Location in Rochelle Park

1 message

Ray Ferraioli <ray@clearview-consultingllc.com>

Sun, May 23, 2021 at 11:58 AM

To: Dean Pinto <dpinto@rochelleparkpd.org>

<https://headynj.com/ascend-wellness-opens-18th-nj-dispensary-location-in-rochelle-park/>

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