

**MUNICIPAL COUNCIL SPECIAL MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
MARCH 29, 2023 ♦ 6:30 PM**

SUNSHINE STATEMENT This meeting is being held in accordance with the Public Laws of 1975, Chapter 231 and adequate notice of this meeting has been provided by a notice sent to Asbury Park Press, Two River Times and Star Ledger and posted in the Main Lobby of the Municipal Building and on the municipal website. Proper notice having been given, the Municipal Clerk is directed to include this statement in the minutes of this meeting.

The purpose of this meeting will be to deliberate and act on amendment considerations to the Red Bank Borough Code CHAPTER 270 – CANNABIS, and CHAPTER 490 – Planning and Development Regulations.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Mayor Portman, Council Members: Jackson, Mirandi, Triggiano, Sturdivant, Ballard, and Zipprich

ABSENT: Councilmembers:

ALSO PRESENT: Interim Admin. McConnell, Borough Clerk Reinertsen, Borough Attorney – Jack Burke

PUBLIC COMMENT (*Agenda Items Only*)

The Garden LLC, (Attorney Doug Bern) Rector Place – Under RAO client must remediate site as condition for approval. Asked for consideration to review ordinance. Applicant site is tainted, requires major site plan approval. Intends to clean up blighted site. Appeal to Council to reconsider the location.

Councilmember Ballard clarified that no license was issued the council approved a resolution. Agrees that the blighted site needs to be remediated and would like to see more blighted sites remediated. Suggested appealing for a carve out. Feels the Council would support that type of application.

Atty. Bern noted the property is under contract and have accepted the remediation mandate, this curve ball of waiting additional cycles may be to egregious to undertake for a speculative option.

Josh Cittadino 228 Maple Ave (Sanvenero & Cittadino Law Firm in Red Bank) – G’s Trees attorney – summarized the applicants ties to Red Bank and dedication of this business in memory of their cousin. The desire is to give back to the community. Applicant has invested hundreds of thousands of dollars to update a property for this business. Applicant has Planning Board approval for a state of the art facility. Requests the tabling and further review of the ordinance. Atty has language for consideration.

Nicole Taetsch 153 Hudson Ave- appreciates that the 1000’ has been put back into the ordinance. The parents with children on the Charter School are grateful. Would prefer the original proposed ordinance but appreciates that the Charter School parents were heard. Would like to see the amendment tabled and going back to the original ordinance.

Councilmember Ballard noted that the original ordinance was challenged and shot down at the Planning Board, that is why this is being revisited.

Councilmember Triggiano added that the original ordinance stated in accordance with State and Federal law, the additional language of “1000 feet” could have been enough to back up the existing legislation.

Councilmember Ballard disagreed with Councilmember Triggiano’s statement.

Councilmember Triggiano said she had no idea what happened at the committee meetings as she has not seen any minutes for these meetings.

Councilmember Mirandi noted that the distances were to include houses of worship.

Stephen Hecht 135 Branch Ave – Review Board? What is the composition and what are the terms. With respect to delivery services. They were denied in the original ordinance but it appears in the amendment for the ordinance.

Councilmember Ballard - The Review Board shall be comprised of the following members: Borough Council appointed Councilmember, Chief of Police, Director of Community Development, and Director of Code Enforcement. Delivery as stated in the State statute is ambiguous, felt that the municipality needed to regulate it. Does not believe that consumer deliveries can be regulated.

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Caryn Cohen Canopy Crossroad, LLC – Introduced herself and her long ties to Red Bank. Canopy Crossroad, woman owned business, recipient of micro license. Spoke about the State law as it relates to social equity and minority owned business and proposed amendment. In accordance with the microlicense she can only open in Red Bank. Spoke briefly about the distance from schools, the smoke shops are highly visible, the cannabis businesses are not permitted to do that, low visibility.

Mike Pock Nassau Consulting Group Atty for Applicant (Floro RB, LLC) Summarized the impact of cannabis business on municipalities. Stated the current changes will highly limit the ability for applicants to open business in Red Bank. Asks that the Council further review and consider the proposed changes.

Conditional licenses do not have the same robust review. Annual license holders will be disproportionately impacted.

Barbara Boas 135 Branch Ave – How did Allen Place get into the list of acceptable locations, it is residential? Please reconsider. When will the application procedure be presented? What will be the process? Would like to see the application.

Councilmember Ballard said it was an substitute for West Street, Allen Street is in a business/residential area. AN application has not been approved.

Michael Kegan 156v W Front St – Rushing the last ordinance cause a lot of confusion, looks like it is happening again with the proposed changes. Has the applicants that have spend money being taken into consideration. Why is there no map attached to this ordinance. The restrictions of locations can be construed as spot zoning. Is the license ordinance also a land use ordinance so what not just one ordinance so it is more transparent. It seems like a mistake to rush through this particularly during an election cycle.

Councilmember Zipprich – this has been going on since November. Has been in discussion with consultants, lobbyists, businesses and it is not cut and dry. It has been problematic across the state. The sooner this legislation is adopted the sooner we can see businesses open.

Councilmember Triggiano asked who drafted the legislation.

Councilmember Ballard noted the committee was comprised of himself, Mirandi, Jackson, Director of Community Development, the borough engineer, and the borough atty.

Councilmember Zipprich - noted that in the Borough form of government, committees are comprised of no more than three councilmembers to not constitute a quorum.

Andy Zeitlin (Canopy Crossroad, LLC) – Has a conditional license from the State, with the Council and PB support hopes to open by the end of the year. Chemist by training, developed many drugs over his career, further summarized his specialty in regulated products. Every town needs to balance the market between illicit and legitimate. Believes most people are using it for self-remedy. Does not feel the distance from schools is relevant; feels it is arbitrary and capricious. Would like to reasonably approach. Encourages the tabling of the amendments. Would like to be more collaborative to avoid litigation. Feels the ordinance is close and could be completed with one more iteration

Councilmember Ballard – Collaboration, businesses should be within 1000' of a school?

Andy Zeitlin – Feels the distancing is arbitrary and will be challenged. The State did most of the work and asked the municipalities to keep it simple. Says the map was attached to the original ordinance why isn't there a map now? Supportive of a limit. Over time it will balance out. Initially there will be lines, but it will even out as more businesses open. The Federal government is not enforcing drug free zone maps.

Councilmember Jackson - Don't want to see the commoditization of these shops. The approved businesses need to maintain a certain standard of quality.

Andy Zeitlin – there will be a slow process of equalization. Our particular model is small and boutique like

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Jessica Ramirez Leighton Ave– Encourages that Council to work together to benefit the community as a whole.

Scott Rudder – Founder of Canna Business association in NJ - Listening to the back and forth; noted there are applicants that have spent hundreds of thousands of dollars in anticipation of applying for a municipal license. Feels the town is setting themselves up for a lawsuit. Applicants have followed the protocol and are now having the rug pulled out from under them. Discussed the annual and conditional application processes. Strongly recommend that the current approved applicants be grandfathered in or table this amendment for further review. Allow citizens to be part of the discussion.

John Marchetti, Scarlett Reserve Room – When Scarlet Reserve Room applied pursuant to the original ordinance they were in the right zone, this amendment now has them in an unapproved zone. Looked within the proposed permitted zone but nothing is available. Disagrees with the distance to schools and houses of worship. This amendment encourages MSOs not the microbusinesses, it will not encourage the quality of product the council says they want. Asks that the ordinance be tabled. Talk to the applicants.

Councilmember Jackson – If you scrutinize the cannabis review board in the amendment it serves as the advisory board for the Council and to assure the public health, safety and general welfare of the Borough of Red Bank and its residents, business establishments and visitors

Councilmember Zipprich – do you operate in any other municipality?

John Marchetti, Scarlett Reserve Room – No

Marybeth Maida Branch Ave – On Facebook, Rivera Marketing is promoting cannabis. Is there any connection with any of the election candidates, specifically Triggiano and Portman. Why are these posts being boosted? Is there a relationship? Supports cannabis businesses should be limited and the planning board should be supported.

Councilmember Triggiano – People are allowed to be on social media and support whomever they want. There is no connection.

Mayor Portman – Stated there is no relationship.

Reagan Barron 135 Harding Rd – Introduced herself and ties to the community and the Charter School. How does this benefit the community other than taxes and jobs? Noticed disparity in the distances of certain locations. Feels there should be a more balanced and beneficial outcome for the community. Maybe consider a pool or arcade vs a dispensary. As a realtor, is concerned about the image cannabis business represents in the community. What about tangible benefits for the community? Developers will install parks, what will the cannabis owners do.

Councilmember Triggiano – residents should be put first. When the revenue rolls in the residents will see the revenue positively impact in the form of affordable housing, parks, schools, etc.

Jeanette Rodriguez 280 S Pearl St – Charter School parent. You can't anticipate the things our children will have to see, parents, children and schools will see it. Not against it just doesn't want it near children. Does not want the children exposed to the potential chaos the businesses may bring.

Rose Sestito 222 E Bergen – Cares that the shops would be permitted near the schools. Asked the mayor to control the audience, it is very discouraging. Opined on previous speakers and agreed with some of the mentioned locations. Feels the investments made by some of the applicants is the cost of doing business. A lot of the applicants don't even live in Red Bank.

Andy Deming 79 Rector place – Introduced himself and noted his children go to Charter school. Shared instances of harassment and loitering outside of liquor stores and the train station. Dispensaries do not have those problems. It is not a quality of life issue, if it is them something needs to be done but that has not been his experience. Understands the charter school concerns but feels the concerns are false. It's the establishment's responsibility to maintain order.

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Jake Pinelli, 2 Sutton Drive, Matawan representing United Food and Commercial Workers Labor Union, a cannabis union – Delighted to see collective bargaining agreements language to protect the employees of the potential licensees. The municipality can include donations to local charities in the licensing language.

Alex Keenan - Tasked with profiling a council member and inquired if anyone would be willing to sit down with him. Mayor Portman the public portion of this meeting is for cannabis discussion only. Councilmember Triggiano suggested he go to the borough website and email any of the councilmembers. Is confident that any would be happy to speak with him.

Lisa Bopp 216 Spring St – Thanked the council for their diligence and thinks the amendment was well considered. Wanted to know what the responses were when the committee reached out the other schools. Also feels that the section regarding distances is too vague; the scope of measurement should be narrowed down.

Jeffery King 24 Eatontown – Requested the amendment of the ordinance it is onerous to change the playing field at this time, it isn't fair. Feels the distances are based on a stigma. Should be treated more kindly than liquor stores. Don't make changes that are not going to help. If it a nicely done business it will be a nice way to welcome people into town,

Councilmember Zipprich – Expressed that the intent is to accomplish mutually beneficial policy for the entire community. It will not but perfect, as you can't make everyone happy.

Mandi Hanigan 66 Oakland – Thanked the councilmembers and mayor for responding. In terms of the liquor store comparison feels the investments need to be considered and grandfathered in. Continued education on the pros and cons of cannabis with our children needs to be a priority. Be mindful in education our children, it is unavoidable. Work together.

Edward Grimes Sativa Cross – Advocate for the ADA. Encourages the use of cannabis revenue to improve accessibility. The quicker you can provide access to the businesses the quicker you will get people in them.

Greg Lande 16 Alexander Dr Middletown – With the change in legislation across the nations feels the cannabis establishments should be on the same playing field as liquor stores. Discussed the sustainability issues of the industry. Expressed appreciation to the efforts involved in the process.

Councilmember Triggiano motioned to close the floor to the public; Councilmember Jackson seconded the motion.

Councilmember Jackson – suggested a change to include the 80 Rector location citing accessibility and the minimal impact on traffic.

Councilmember Zipprich – Agreed with Councilmember Jackson and would like to make the adjustment to include 80 Rector at Rt 35.

Change to amendment could be made prior to the introduction

Mayor Portman – Welsh Farms property isn't included?

Councilmember Mirandi – Noted it fell within 500' of a house of worship.

Mayor Portman – Inquired if Council was comfortable are you comfortable introducing without a map attached? Are there any additional conflicts in the streets listed?

Councilmembers Ballard and Zipprich affirmed they were comfortable with introducing without the map as the locations are geographically specific in the ordinance.

Administrator McConnell noted the map sent out this afternoon only noted the distances not the proposed locations.

Councilmember Ballard – Noted West St was removed due to the proximity to the charter school.

Administrator McConnell – there are 2 properties on Bridge that fall in the excluded zone according to the map. Saddle shop brick building and part of the lot 2 Two River Theater.

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Mayor Portman – Can see how the perception of this is being rushed without the map that should be included. Asked how the distances were determined. Drug Free School Zone.

Councilmember Ballard – Asked the Mayor what distances he would be comfortable with.

Mayor Portman – Reiterated that he is asking how the distances were determined. Doesn't know if distances are the solution. Combined with the other oversights maybe this is not ready to be introduced.

Councilmember Ballard – Asked the mayor what distances he is comfortable with he recommends and how did he come up with them.

Mayor Portman – Does not have any recommendations, this is the first time he is seeing this.

Administrator McConnell – Reviewed and confirmed some of the areas listed that were discussed.

Councilmember Mirandi – Locations that fall within the 1000' would have to go before the PB for a variance

Mayor Portman – Suggested removing a councilmember from the review board. Feels the decision should be left to the professionals.

Councilmember Zipprich – summarized discussions he had with other review boards and the importance of having a councilmember acting as liaison on the review board to bring information back to the governing body.

Councilmember Triggiano – Hopes the councilmember would not get involved with the application process. Cannot get behind this ordinance. Feels it is spot zoning, feels the small mom and pop businesses are being discouraged from applying. Feels there is no social equality the way the ordinance is written.

Councilmember Zipprich – Shared that he had attended a seminar presented by the County Commissioners of Passaic County with the Dir of Community development. A cannabis checklist was included and provided in the presentation. The Nuances of determining the distances were discussed. A recommended protocol was provided.

Councilmember Ballard motioned to approve Ordinance 2023-13 AN ORDINANCE AMENDING CHAPTER 490 ENTITLED “PLANNING AND DEVELOPMENT REGULATIONS” OF CODE OF THE BOROUGH OF RED BANK, NEW JERSEY INCONSISTENT HERewith, AND ESTABLISHING CERTAIN REGULATIONS AND REQUIREMENTS FOR CANNABIS BUSINESSES; Councilmember Jackson seconded the motion.

Councilmember Triggiano expressed her opinion that this seems like spot zoning and this is politics at its worst

Councilmember Ballard stated the committee is trying to get it going in a mutually beneficial way. Never going to please everyone.

Mayor Portman asked if the amendment for Rector and any others would require reintroduction. Councilmember Zipprich said it may.

Roll call vote: Ayes – Jackson, Mirandi, Sturdivant, Ballard, Zipprich; Nay – Triggiano

The public hearing will be held Wednesday, April 26, 2023.

Ordinance No. 2023-13

AN ORDINANCE AMENDING CHAPTER 490 ENTITLED “PLANNING AND DEVELOPMENT REGULATIONS” OF CODE OF THE BOROUGH OF RED BANK, NEW JERSEY INCONSISTENT HERewith, AND ESTABLISHING CERTAIN REGULATIONS AND REQUIREMENTS FOR CANNABIS BUSINESSES

SECTION 1. The Revised General Ordinances of the Borough of Red Bank, Chapter 490, Planning and Development Regulations, Article V, entitled “General Regulations, is hereby amended and supplemented as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

490-56.2. Cannabis Establishments. Cannabis establishments shall be permitted, pursuant to this Chapter, only if the following requirements are complied with:

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~~L. Cannabis businesses shall be prohibited in any area in which, under State or Federal law, any cannabis business would be prohibited from operating based upon its proximity to a school, park, housing authority property, public or private youth center, or swimming pool.~~

L. Site plan review is required. All proposed cannabis businesses must obtain site plan approval from the Planning Board.

M. Any cannabis microbusiness, as defined in the Cannabis Regulations shall comply with N.J.A.C. 17:30-6.7. A cannabis microbusiness shall be limited to 10 employees and premises no larger than 2,500 square feet.

N. Hours of delivery and shipping/distribution for cultivation, manufacturing, wholesaling, and distribution uses (Classes 1-4) shall be limited to 9:00 AM to 8:00 PM Monday through Saturday except for on-site Security. The hours of operation for delivery service businesses (Class 6) shall be limited to 9:00 a.m. to 9:00 p.m.

SECTION 2. The Revised General Ordinance of the Borough of Red Bank, Chapter 490, Planning and Development Regulations, Article IX, entitled “Conditional Uses”, is hereby amended and supplemented as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

490-122. Cannabis Retailer.

d. Hours of operation for Cannabis Retailers (Class 5) shall be limited to 10:00 AM to 8:00 PM Monday through Saturday and 12:00 PM and 6:00 PM on Sundays. Cannabis Retailers may receive deliveries between 9:00 AM and 8:00 PM Monday through Saturday and between 10:00 AM and 6:00 PM on Sundays.

e. Except for the HB Zone, no cannabis retailer shall be located within:

- i. 1,000 feet of a public or private school, playground, or housing facility owned by a public housing authority.
- ii. 500 feet of parks, houses of worship, and daycare centers.
- iii. 100 feet of public or private youth centers, swimming pool, or video arcade facility.
- iv. 250-foot radius of any retail cannabis business.
- v. Distances shall be measured from the property lines of the cannabis business site.

g. Cannabis Retailers are only permitted on and fronting the following streets:

- i. Riverside Avenue (Between Bridge Avenue and Pearl Street)
- ii. Shrewsbury Avenue (Between W Front and Monmouth Street)
- iii. Bridge Avenue (Between Riverside Avenue and Monmouth Street)
- iv. West Front Street (Between Shrewsbury Avenue and Pearl Street)
- v. Brower Street
- vi. Allen Place
- vii. Newman Springs Road (Between Shrewsbury Avenue and Route 35)

h. Parking requirements for retail cannabis businesses:

- i. Retail cannabis businesses shall all follow the loading and parking regulations set forth in Sections 490-97 and Section 490-98 of the Borough’s Planning and Development Regulations.

I. Consumption Lounges defined as public consumption of cannabis products purchased from a Class 5 retailer cannabis are not permitted within the Borough.

SECTION 3. Section 490-143 entitled “HB Highway Business Zone District,” of Article X entitled “Zoning” of Chapter 490 entitled “Planning and Development Regulations” of the Revised General Ordinances of the Borough of Red Bank is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

- A. Permitted Uses.
 - * * *
- (20) **Cannabis Delivery Services**

SECTION 4. Section 490-144 entitled “CCD-1 Central Commercial District-1,” of Article X entitled “Zoning” of Chapter 490 entitled “Planning and Development Regulations” of the Revised General Ordinances of the Borough of Red Bank is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

- A. Permitted Uses.
 - * * *
- (12) **Cannabis Delivery Services**

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SECTION 5. Section 490-145 entitled “CCD-2 Central Commercial District-2,” of Article X entitled “Zoning” of Chapter 490 entitled “Planning and Development Regulations” of the Revised General Ordinances of the Borough of Red Bank is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

- A. Permitted Uses.
- * * *
- (14) ~~Cannabis Delivery Services~~

SECTION 6. Section 490-146 entitled “BR-1 Business/Residential-1,” of Article X entitled “Zoning” of Chapter 490 entitled “Planning and Development Regulations” of the Revised General Ordinances of the Borough of Red Bank is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

- A. Permitted Uses.
- * * *
- (20) ~~Cannabis Delivery Services~~

SECTION 7. Section 490-148 entitled “WD Waterfront Development District,” of Article X entitled “Zoning” of Chapter 490 entitled “Planning and Development Regulations” of the Revised General Ordinances of the Borough of Red Bank is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

- A. Permitted Uses.
- * * *
- (20) ~~Cannabis Delivery Services~~

SECTION 8. Section 490-150 entitled “I Industrial Zone; LI Light Industrial Zone,” of Article X entitled “Zoning” of Chapter 490 entitled “Planning and Development Regulations” of the Revised General Ordinances of the Borough of Red Bank is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

- A. Permitted Uses.
- * * *
- (2) In either the Industrial (I) or Light Industrial (LI) Zone:
- * * *
- (q) ~~Cannabis Delivery Service.~~

INTRODUCTION						COUNCILMEMBER	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
	X	X				JOHN JACKSON						
		X				ANGELA MIRANDI						
		X				JACQUELINE STURDIVANT						
			X			KATE TRIGGIANO						
X		X				MICHAEL BALLARD						
		X				EDWARD ZIPPRICH						
						MAYOR WILLIAM PORTMAN						
Introduced: March 29, 2023						I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Red Bank, County of Union, State of New Jersey on the aforementioned date.						
Final Adoption: April 26, 2023												
						_____ Laura Reinertsen, Borough Clerk						

Councilmember Ballard motioned to approve Ordinance 2023-14 AN ORDINANCE AMENDING CHAPTER 270 ENTITLED “CANNABIS” OF CODE OF THE BOROUGH OF RED BANK, NEW JERSEY INCONSISTENT HERewith, AND ESTABLISHING REQUIREMENTS FOR CANNABIS BUSINESS LICENSURE PROCEDURE; Councilmember Jackson seconded the motion.

Roll call vote: Ayes – Jackson, Mirandi, Sturdivant, Ballard, Zipprich; Nay – Triggiano

The public hearing will be held Wednesday, April 12, 2023.

Ordinance No. 2023-14

AN ORDINANCE AMENDING CHAPTER 270 ENTITLED “CANNABIS” OF CODE OF THE BOROUGH OF RED BANK, NEW JERSEY INCONSISTENT HERewith, AND ESTABLISHING REQUIREMENTS FOR CANNABIS BUSINESS LICENSURE PROCEDURE

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SECTION 1. The Revised General Ordinances of the Borough of Red Bank, Chapter 270, “Cannabis “is hereby amended and supplemented as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

270-5.6 Cannabis Application Review

A. Cannabis Review Board. There is hereby created a review board to be known as the “Cannabis Review Board”, which shall serve as an advisory committee to the Borough of Red Bank Council whose duty it shall be to (i) review license applications for Class 1-6 cannabis business within the Borough of Red Bank (ii) conduct hearings with the applicant and (iii) provide recommendation to Council for awarding licenses.

1. The purpose of the Cannabis Review Board is to assure the public health, safety and general welfare of the Borough of Red Bank and its residents, business establishments and visitors and to provide a recommendation to Council for awarding licenses for a cannabis establishment within the Borough of Red Bank.
2. The Review Board shall be comprised of the following members: Borough Council appointed Councilmember, Chief of Police, Director of Community Development, and Director of Code Enforcement.
3. The Review Board and the action thereof are subject to the enabling authority of the State New Jersey “Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Personal Use Act”). If any provision of this section is found to be inconsistent with the statutes and/or regulations of the State of New Jersey, the state statues and/or regulations shall govern.
4. In the event there are multiple applicants for a license, the Cannabis Review Board 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 (20%, 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 (5%, 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 (5%, 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 (5%, not to exceed 2,500 words), whether the applicant has had any assurance accepted by the U.S. Department of Health and Human Services indicating the applicant's commitment to complying with 45 CFR Part 46 (5%), 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 (5%);

(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 establishment license, in an effort to create well-paying jobs with employee benefits in the municipality (20% in total; five points for labor peace, full 20 points for collective bargaining agreement in effect for at least one year);

(e) Summary of the applicant's environmental impact and sustainability plan (4%, 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 (3%); 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 (3%);

(f) Applicant's ties to the host community, demonstrated by at least one shareholder's proof of residency in Red Bank for five or more years in the past 10 years or at least one shareholder's continuous ownership of a business based in Red Bank for five or more years in the past 10 years and is in good standing with the Borough of Red Bank (5%); and

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- (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 (20% in total; 10 points for one certification and 20 points for two or more).
- B. Classification of Licenses. The Borough, subject to land use approval and State licensure, may issue municipal licenses to operate Class 1-6 cannabis businesses.
- C. Maximum number of licenses. The Borough may issue a maximum of one (1) Class I, one (1) Class II, one (1) Class III, one (1) Class IV, one (1) Class VI, and three (3) Class V licenses. The Borough adopts license limitation per N.J.A.C. 17:30-6.8.
- D. Administrative and municipal license application. A cannabis establishment seeking a license from the Borough under the class of license awarded by the State submit to the Board one (1) original and five (5) copies of an application for Cannabis Establishment License (the Application) in the form and manner prescribed by the Board, which shall include, without limitation, the following attachments:
1. A complete copy of the Cannabis Establishment state license application;
 2. Documentary proof that Cannabis Establishment has been awarded a License or a Conditional License by the State;
 3. Documentary proof that the Cannabis Establishment has, or will have, lawful possession of the premises and/or vehicle(s) proposed for use, which evidence may consist of a deed, lease, real estate contract contingent upon successful licensing and permitting, or a letter of intent from the owner of the premises indicating an intent to lease the premises to the Cannabis Establishment upon successful licensing and permitting in the case of real property; or a motor vehicle registration card or a lease or financing agreement for each vehicle owned or operated by the Cannabis Establishment in the case of vehicles used for Distribution and Delivery services;
 4. Documentary proof that all owners, operators, directors, officers and employees required to submit to a background check under the Act have done so and passed;
 5. Documentary proof that applicant has the financial ability to open and operate the Cannabis Establishment for which the entity is seeking a permit based upon standards of proof of financial suitability established by the Board;
 6. Floor plans and/or architectural renderings showing the plans for build-out or retrofit of the interior and exterior of the Cannabis Establishment's premises;
 7. Drawings and specifications meeting the standards set forth by the state and the Board for vehicles to be used by Distributors and Delivery services;
 8. A map of nearby Cannabis Establishments indicating compliance with maximum number or set back requirements with respect to the proximity of public or private schools, child daycare centers, places of worship, residential buildings and other Cannabis Establishments as measured from the main entrance of each establishment;
 9. An affidavit certifying compliance with all state and local laws regarding affirmative action, anti- discrimination and fair employment practices;
 10. An affidavit certifying that (a) the Cannabis Establishment will not discriminate based on race, color, religion or creed, gender, gender expression, age, national origin or ancestry, disability, marital status, sexual orientation or military status in any of its hiring practices or business activities; and (b) 35% or more of the Cannabis Establishment's workforce does or will consist of city residents;
 11. Site plan approval from the Borough's Planning Board;
 12. A development permit approval from the Borough's Administrative Officer; and
 13. Any other information, consistent with state licensing and Borough's permitting requirements, which the Board requests.
- E. Administrative Fees. A non-refundable, administrative fee of \$500 shall be submitted with each Application and amended Application submitted to the Board for review.
- F. The Review Board shall receive and review all license applications for cannabis businesses and conduct a hearing with each applicant. The Board will review and provide recommendations to Council for a resolution awarding the applicant's cannabis license or deny the application.
- G. A waiting list shall be kept of the applicants that's have gone through the hearing process.

ADJOURNMENT

Councilmember Triggiano moved to adjourn the Council meeting; Councilmember Jackson seconded the motion. Roll call, unanimous, affirmative.

9:14PM

Respectfully submitted,

**MUNICIPAL COUNCIL SPECIAL MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
MARCH 29, 2023 ♦ 6:30 PM**

Laura Reinertsen