

CITY CLERK'S OFFICE
EAST ORANGE, N.J.

CITY COUNCIL OF EAST ORANGE

RESOLUTION
NO. 220

Resolution offered by Council Member HOLMAN

RESOLUTION PROVIDING LOCAL SUPPORT FOR BAKED GOODZ TO OPERATE AS
A MICROBUSINESS CANNABIS RETAILER IN THE CITY

WHEREAS, pursuant to the provisions of P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” the City of East Orange adopted Ordinance No. 45-2021, as may be amended from time to time, to regulate and tax cannabis businesses within the City (the “Cannabis Ordinance”); and

WHEREAS, pursuant to N.J.A.C. 17:30-7.8, and N.J.A.C. 17:30-7.10 applicants for cannabis business licenses need to submit proof of local support from the City in the form of a resolution from the City Council as part of either their conversion-to-annual or annual license application(s) to the State Cannabis Regulatory Commission (“CRC”); and

WHEREAS, pursuant to a Notice of Local Support Application Acceptance dated May 22, 2023, the City’s Board of Cannabis Control (“BCC”) reviewed Baked Goodz’s (“Applicant”) local support application to operate as a Microbusiness Cannabis Retailer in the City, and endorsed Applicant to the City Council for a resolution of local support pursuant to the BCC’s Resolution attached hereto; and

WHEREAS, the Cannabis Ordinance authorizes up to six (6) Microbusiness Cannabis Retailer permits to operate in the City; and

WHEREAS, the City Council has determined that the issuance of a Microbusiness Cannabis Retailer license to Applicant by the CRC would not exceed any local permitting limits; and

NOW, THEREFORE, BE IT RESOLVED, the East Orange City Council hereby authorizes the issuance of this resolution of local support to Applicant for the purpose described herein (this “Resolution”); and

NOW, THEREFORE, BE IT FURTHER RESOLVED, pursuant to the Cannabis Ordinance this Resolution shall expire 180 days from the date of issuance, unless extended by the City Counsel in its sole discretion.

Council Member	AYE	NAY	N.V.	A.B
GOMEZ	✓			
MONK	✓			
LENEUS	✓			
LEWIS	✓			
FAUNTLEROY	✓			

Council Member	AYE	NAY	N.V.	A.B.
HOLMAN	✓			
GARRET-WARD	✓			
AWE	✓			
JAMES				✓
PULLINS	✓			

X - Indicates Vote A.B. – Absent
Action on Veto - ✓ To Sustain

N.V - Not Voting (Abstained or Excused)
✓✓ To Over-Ride

VOTES REQUIRED _____

Approved as to:
Factual Contents _____

Appropriation _____
Comptroller _____

Form and Legality _____
Department Head _____
Counsel _____

Tabled _____

Removed from Table _____

Presented to Mayor June 11, 2024

Adopted June 10

Approved June 12, 2024

Vernon Pullins, Jr., City Council Chairman

Vetoed _____

City Clerk

Mayor

Entered on Council Minutes, Page _____

Ted R. Green

I HEREBY CERTIFY THAT FOREGOING TO BE A TRUE COPY
OF RESOLUTION NO. 220 ADOPTED BY THE CITY
COUNCIL OF EAST ORANGE AT ITS MEETING HELD
JUNE 10, 2024
CITY CLERK, EAST ORANGE, NJ

RESOLUTION

**City of East Orange
Board of Cannabis Control**

In the Matter of Baked Goodz LLC

**Approving an Endorsement to the City Council for a Resolution of Local Support
to Operate a Microbusiness Cannabis Retailer at**

**490 MLK Blvd (aka 490 Main Street)
Block # 540.01, Lot # 14**

**BCC 24-001
Decided on April 10, 2024**

WHEREAS, pursuant to its 2nd Notice of Local Support Application Acceptance dated May 4, 2023 (the “*Notice*”), the Board of Cannabis Control (the “*BCC*”) of the City of East Orange (the “*City*”) began accepting applications for Resolutions of Support from the City Council (each a “*Resolution*”) on a continuous, rolling basis until such time as the City Council issues the maximum number of Resolutions available to operate a Cannabis Establishment in the City; and

WHEREAS, Baked Goodz LLC (hereinafter the “*Applicant*”) filed a complete Local Support Application (the “*LSA*”) with the BCC proposing to operate as a Microbusiness Cannabis Retailer at premises located at 490 MLK Blvd (aka 490 Main Street), within an area governed by the CBD subdistrict of the TVD Redevelopment Area (the “*Premises*”), after having previously failed to obtain a Resolution from the City Council for a prior application submitted pursuant to the initial Notice of Application Acceptance dated October 17, 2022 for premises located at 372-380 MLK Boulevard (aka 372-380 Main Street); and

WHEREAS, pursuant to the Notice, the LSA was reviewed and scored by the BCC and having received a total final score of 93.25, Applicant was scheduled for a hearing before the BCC on April 10, 2024; and

WHEREAS, due notice of the special public meeting held on Thursday, April 10, 2024, for the purpose of hearing the LSA, among others, was provided in accordance with the Open Public Meetings Act (“OPMA”); and

WHEREAS, Applicant having appeared before the Board at a public hearing held on April 10, 2024 (the “Hearing”) and provided witness testimony from husband-and-wife owners, Novella M. Dickens and Joe N. Watson, who testified with respect to all aspects of the LSA including, without limitation: (a) making reference to Applicant’s prior application testimony including Ms. Dickens background and experience in the pharmaceutical industry and Mr. Watson’s experience in store management and the substance abuse rehabilitation industry, (b) Applicants desire to continue working with the local YMCA, sponsor cheerleading and football programs and contribute toward installation of speed bumps at local parks, (c) the availability of parking at a neighboring property, (d) financing through proceeds from the sale of their home in October 2023, and (e) intent to hire off-duty City police officers for security; and

WHEREAS, Applicant having presented its plans and responded to inquiries from the BCC Commissioners to their satisfaction, and no members from the public having spoken in support of or against Applicant or the LSA during the public comment period; and

WHEREAS, upon the affirmative vote of the BCC members, Applicant was approved for an endorsement to the City Council to operate as a Microbusinesses Cannabis Retailer at the Premises on April 10, 2024 (the “Endorsement Date”).

NOW, THEREFORE, the BCC makes the following findings of fact based upon the evidence presented at the aforesaid Hearing, at which a record was made.

FINDINGS OF FACT

1. All the Recitals set forth above are incorporated herein by reference. Further, the LSA with all drawings, exhibits and supporting documents, Applicant’s own testimony and that of any sworn witnesses, are hereby incorporated by reference.

2. Applicant is an MWBE Certified business co-owned by husband and wife, Novella Dickens (51%) and Joe Watson (49%).

3. Pursuant to the New Jersey Cannabis Regulatory Commission (the “**CRC**”) Personal Use Rules (the “**CRC Rules**”), 51% of the owners, principals and employees of a Microbusiness applicant must reside in the municipality in which the Microbusiness is located, or a bordering municipality.

4. One hundred percent of Applicant’s ownership resides in the City or a neighboring municipality.

5. Applicant does not yet have Site Control for the Premises located in the CBD subdistrict of the TVD Redevelopment Area.

6. Pursuant to the CRC Rules a Microbusiness shall have its entire physical plant occupy an area of no more than 2,500 square feet. The Premises consist of approximately 2,500 square feet.

7. Pursuant to the City’s Cannabis Ordinance, all Retailer (with or without consumption areas) and Delivery Service Cannabis Business operations shall be permitted uses in IND, IND-1, CBD, CAC, ACD, and C2 zones.

8. Pursuant to the Applicant’s Zoning Determination Letter, facilities in the CBD subdistrict of the TVD Redevelopment Area are exempt from parking requirements but must provide loading space pursuant to the Cannabis Ordinance and conform with all state and local regulations.

9. Applicant proposes to operate as a Microbusiness Cannabis Retailer at the Premises upon State and local licensure.

10. Applicant anticipates interior alterations, and/or façade and signage changes consistent with a floor plan design submitted with the LSA, which must be approved by the City’s Department of Policy, Planning and Development (the “**Planning Board**”).

1. Pursuant to the LSA and/or testimony offered at the Hearing, the Premises are not located within 100 feet of a daycare, elementary school, or high school, as measured from the main entrance of each establishment (the “*School Buffer*”).

2. As of the Endorsement Date, the Premises are not determined to be situated within 625 of an operating Cannabis Business or a proposed Cannabis Business identified on the City’s Council Supported Cannabis Business Site Map dated April 24, 2023, as measured from the main entrance of each establishment (the “*Cannabis Business Buffer*”).

NOW, THEREFORE, the BCC makes the following conclusions of law based upon the foregoing Findings of Fact.

CONCLUSIONS OF LAW

The New Jersey Cannabis Regulatory Enforcement Assistance and Marketplace Modernization Act, N.J.S.A. 24:61-31, et al. (2021) (the “*Act*”), grants municipalities the authority to adopt ordinances governing: the classes, types and number of Cannabis Businesses permitted to operate within their boundaries; zoning and land use requirements for the premises of permitted Cannabis Businesses; the location, manner and times of operation for permitted Cannabis Businesses, the establishment and collection of local transfer and user taxes; and civil penalties for local violations of the Act.

Pursuant to the Act, the City passed a cannabis ordinance, as most recently amended on or about October 16, 2023 (No. 25 of 2023), which established the BCC to Act as the local permitting and regulating authority for recreational cultivation, manufacturing, wholesale, distribution, retail, delivery, possession, consumption, use and local taxation of Cannabis and Cannabis Items in the City in accordance with the Act (the “*Cannabis Ordinance*”).

The Cannabis Ordinance authorizes the BCC to, among others, establish criteria and a formal process for applicants to apply for a Resolution of Support for their Conditional License Conversion or

Annual License applications and to hear applications for Resolutions of Support, determine whether applicants meet the applicable criteria, and issue recommendations for endorsement to the Council for applicants that meet the applicable criteria or denials to applicants that do not.

The BCC evaluated the measures contained in the Cannabis Ordinance and the Notice including, without limitation, Applicant's business experience, the suitability of the Premises for its intended use, the location of the Premises with respect to any School or Cannabis Establishment Buffers, any vehicle information provided, Applicant's business, security, workforce development, community impact plan and nuisance mitigation plans, its social responsibility statement and Bonus Point eligibility for East Orange residency and site control. Having weighed the measures and finding that Applicant has met the standards required by the Cannabis Ordinance and the Notice for a Resolution of Support, a motion to approve Applicant for an Endorsement to the City Council for a Resolution of Local Support to operate a Microbusiness Cannabis Retailer was made.

NOW, THEREFORE, BE IT RESOLVED, by the BCC that the LSA of Baked Goodz LLC (Case No. 24-001) seeking approval for an Endorsement to the City Council for a Resolution of Local Support to operate a Microbusiness Cannabis Retailer at the Premises, is approved with the following conditions:

1. All testimony given by the Applicant and any witnesses in accordance with this Application shall be binding;
2. Prior to the issuance of any Cannabis Business Permit, the Applicant shall seek and receive any site plan approvals required for the intended use of the Premises by the Planning Board and an Annual License from the CRC; and
3. Applicant shall adhere to any conditions of approval set forth on the record by the BCC, the City Council and/or the Planning Board.

BE IT FURTHER RESOLVED by the BCC that a copy of this Resolution shall be forwarded to the City Clerk and made available to Applicant upon request.

Adopted this 24th day of April 2024 by a majority of the members of the Board present at such a meeting who voted for the action to be taken on the 10th day of April 2024.

ENDORSEMENT
City of East Orange
Board of Cannabis Control
In the Matter of Baked Goodz LLC
BCC 24-001
Decided on April 10, 2024
Memorialized on April 24, 2024
Resolution of Local Support


DATE OF HEARING: April 10, 2024

VOTE: 4-0

VOTING IN FAVOR: Chairwoman Aziza McGill-Ayinde
Vice Chairman Kevin T. Mickens
Commissioner Thomas Bullock
Commissioner Phillip Reed

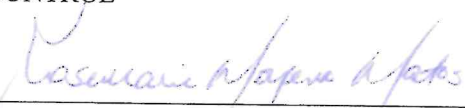
VOTING AGAINST: None

ABSTAINING: None


AZIZA MCGILL-AYINDE, CHAIRWOMAN
EAST ORANGE BOARD OF CANNABIS
CONTROL


DONYALE HARRIS, SECRETARY
EAST ORANGE BOARD OF CANNABIS
CONTROL

APPROVED AS TO LEGAL FORM:


ROSEMARIE MOYENO MATOS, ESQ.
EAST ORANGE BOARD OF CANNABIS
CONTROL

DATE OF MEMORIALIZATION: April 24, 2024