



Mayor and Common Council Borough of Flemington

December 13, 2021

Online during COVID-19 Emergency

Call to Order (6:30 PM)

1. RESOLUTION 2021-254: RETIRING TO EXECUTIVE SESSION TO OBTAIN LEGAL ADVICE REGARDING CANNABIS DISPENSARIES

Executive Session (6:30 PM)

Work Session (7:00 PM)

Regular Meeting (7:30 PM)

This meeting is being held in conformance with the Open Public Meetings Act.

Flag Salute

Roll Call:

Betsy Driver	Mayor
Caitlin Giles-McCormick	Council President
Jessica Hand	Council Member
Malik Johnston	Council Member
Jeremy Long	Council Vice President
Christopher Runion	Council Member
Kimberly Tilly	Council Member

- I. Mayor's Report
- II. Council Members' Reports
- III. Public Comments - Session I (up to 3 minutes each, for a maximum of 30 minutes)
- IV. Approval of Minutes

Motion To: **Approve Minutes: Nov. 22, 2021 Regular Council Meeting**

Motion To: **Approve Minutes: Nov. 22, 2021 executive session**

Consent Agenda

1. RESOLUTION 2021-250: AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE 2021-005 HELD ON BLOCK 12 LOT 3, 7 HIGHLAND AVENUE
 2. RESOLUTION 2021-251: AUTHORIZING SUBMISSION OF A STRATEGIC PLAN FOR THE CENTRAL HUNTERDON MUNICIPAL ALLIANCE GRANT FOR FISCAL YEAR 2023
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Regular Agenda

1. ORDINANCE 2021-28: AN ORDINANCE OF THE BOROUGH OF FLEMINGTON ADOPTING THE "LIBERTY VILLAGE REDEVELOPMENT PLAN, FLEMINGTON BOROUGH," DATED NOVEMBER 18, 2021, IN ACCORDANCE WITH THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A: 12A-7
 2. RESOLUTION 2021-252: TEMPORARY BUDGET FOR FCP, 2022
 3. RESOLUTION 2021-253: AUTHORIZING THE PURCHASE OF EQUIPMENT FOR THE BOROUGH FIRE DEPARTMENT TOTALING \$45,500
 4. RESOLUTION 2021-255: AUTHORIZING CHANGE ORDER 4, EXISTING WATER TANK & IMPROVEMENTS PROJECT, FOR A TOTAL OF \$5,434.42
 5. RESOLUTION 2021-256: RESOLUTION IN SUPPORT OF THE LOCATION AND OPERATION OF A CANNABIS DISPENSARY BY MCGRAW HOLDINGS NEW JERSEY, INC., WITHIN THE BOROUGH OF FLEMINGTON
- V. Public Comments - Session II (up to 3 minutes each, for a maximum of 30 minutes)
- VI. Attorney's Report
- VII. Payment of the Bills
- Motion To: **Pay the Bills**
- VIII. Executive Session for Any Other Applicable Matter Identified During the Regular Meeting (Action May Be Taken)
- IX. Adjournment
- Motion To: **Adjourn**
-

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/13/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-254

DOC ID: 3677

**Retiring to Executive Session to Obtain Legal Advice
Regarding Cannabis Dispensaries**

WHEREAS, the Common Council of the Borough of Flemington desires to obtain legal advice on matters related to cannabis dispensaries; and

WHEREAS, an executive session for these discussions is justified under N.J.S.A. 10:4-12 (7), which cites:

pending or anticipated litigation or contract negotiation other than in subsection B (4) herein in which the public body is, or may become, a party, or matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer; and

WHEREAS, a date cannot yet be given for when the minutes from the executive session may be made public;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the Borough of Flemington go into executive session for the above-stated purpose.

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/13/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:

DOC ID: 3653

SCHEDULED

RESOLUTION 2021-250

**Authorizing the Redemption of Tax Sale Certificate 2021-005
Held on Block 12 Lot 3, 7 Highland Avenue**

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, funds were received in the amount of \$633.93 for the redemption of tax sale certificate # 2021-005 held on Block 12 Lot 3, known as 7 Highland Ave, property owner James Schroeder, certificate owner, US Bank Cust/PC8 Firstrust Bank

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that the Tax Sale certificate #2021-005 held on Block 12 Lot 3 is redeemed in the amount of \$633.93 and the CFO is instructed to cut a check to the lien holder.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the Tax Collector.

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/13/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-251

DOC ID: 3652

Authorizing Submission of a Strategic Plan for the Central Hunterdon Municipal Alliance Grant for Fiscal Year 2023

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Borough Council of the Borough of Flemington, County of Hunterdon, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and,

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Hunterdon;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Flemington, County of Hunterdon, State of New Jersey hereby recognizes the following:

- 1. The Borough Council does hereby authorize submission of a strategic plan for the Central Hunterdon Municipal Alliance grant for fiscal year 2023 in the amount of:

DEDR	\$ <u>15,463.00</u>
Cash Match	\$ <u>3,865.75</u>
In-Kind	\$ <u>11,597.25</u>

- 2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.
- 3. The Borough Council further acknowledges that the Hunterdon County Educational Services Commission shall act as Fiscal Agent to all Hunterdon County Municipal Alliance Consortiums to provide a streamlined process for the reimbursement of expenditures.

Adopted:
Attest:

APPROVED: _____
Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

CERTIFICATION

I, Sallie Graziano, Municipal Clerk of the Borough of Flemington, County of Hunterdon, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Borough Council on this 13th day of December, 2021.

Sallie Graziano, RMC, Municipal Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 11/22/21 07:30 PM
Department: Clerk of the Borough
Category: Land Development
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

INTRODUCED

ORDINANCE 2021-28

DOC ID: 3647

**An Ordinance of the Borough of Flemington Adopting the
"Liberty Village Redevelopment Plan, Flemington Borough,"
Dated November 18, 2021, in Accordance with the Local
Redevelopment and Housing Law, N.J.S.A. 40A: 12A-7**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the "Act"), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, pursuant to Borough Council Resolution 2021-15, the Borough Council designated the Liberty Village Redevelopment Area, identified as Block 35, Lots 22, 23, 24, 25, 31, 53, 54, 69, 70 & 71 on the Borough of Flemington Tax Map (the "**Liberty Village Redevelopment Area**"), as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the "**Redevelopment Law**"); and

WHEREAS, a draft Liberty Village Redevelopment Plan, dated November 18, 2021 (the "Plan") was prepared by the Borough's Planning Consultant KMA Associates, in consultation with the Mayor and Borough Council and its staff and consultants; and

WHEREAS, by Resolution adopted November 22, 2021, the Borough Council referred the proposed Plan to the Borough Planning Board (the "Board") in accordance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-7(e) for the purpose of obtaining a report of the Board as to whether the Plan is substantially consistent with the Borough Master Plan or is designed to effectuate the Master Plan, and for any recommendation deemed appropriate by the Board concerning the proposed Liberty Village Redevelopment Plan; and

WHEREAS, on December 2, 2021, the Board transmitted a report to the Borough Council finding that the Liberty Village Redevelopment Plan, dated November 18, 2021, is substantially consistent with the Flemington Master Plan or is designed to effectuate the Master Plan, and recommending the adoption of the Liberty Village Redevelopment Plan, dated November 18, 2021; and

WHEREAS, the Borough Council has determined that the effective Redevelopment of the Liberty Village Redevelopment Area would be stimulated by adopting the Liberty Village Redevelopment Plan as set forth in the attachment to this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Flemington, in the County of Hunterdon and the State of New Jersey, as follows:

Section 1. The Liberty Village Redevelopment Plan dated November 18, 2021 be and hereby is adopted.

Section 2. The Liberty Village Redevelopment Plan, dated November 18, 2021, incorporated herein by reference, as if set forth at length, a copy of which is on file in the office of the Borough Clerk, meets the criteria, guidelines and conditions set forth at N.J.S.A. 40A:12A-7; and is otherwise in conformance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

Section 3. The Liberty Village Redevelopment Plan, dated November 18, 2021, is consistent with the Borough of Flemington's Master Plan or is designed to effectuate the Plan.

Section 4. The Liberty Village Redevelopment Plan, dated November 18, 2021, shall supersede the existing zoning, and the Official Zoning Map is hereby amended to reflect the zoning set forth in the Plan.

Section 5. In the event that any section, part or provision of the Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any party thereof, other than the part so held unenforceable or invalid.

Section 6. This ordinance shall take effect upon final passage, publication, and filing with the Office of the Clerk of Hunterdon County, all as required by law.

Introduced: November 22, 2021

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/13/21 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-252

DOC ID: 3655

Temporary Budget for FCP, 2022

WHEREAS, the temporary budget adopted by the Mayor and Council for the Flemington Community Partnership for 2022 is predicated on a timely adoption of the budget; and

WHEREAS, N.J.S.A. 40A:40-20 provides for an emergency temporary budget prior to adoption of the final budget;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Flemington that temporary appropriations be made for the Flemington Community Partnership as shown in the attached document, inasmuch as the amounts listed will be included in the final adoption of the partnership's 2022 budget.

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

ATTACHMENTS:

- FCP temp budg 2022 (PDF)

	2021	2022 Temp Budget
Funds in bank: Year End	120,000	30,000
REVENUE:		
BID Assessment	362,000	90,500
Sponsorships & Grants	37,000	9,250
Earned Revenue	9,000	2,250
TOTAL REVENUE	528,000	132,000
EXPENSES		
Economic Development	126,050	31,512
Streetscape Improvements	73,000	18,250
Marketing	97,500	24,375
Administration	151,000	37,750
Overall Operations	48,460	12,115
Professional Services	16,000	4,000
TOTAL REVENUE	528,000	132,000
TOTAL EXPENSES	512,010	128,002
NET INCOME	15,990	3,998

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/13/21 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-253

DOC ID: 3654

Authorizing the Purchase of Equipment for the Borough Fire Department Totaling \$45,500

WHEREAS, The Fire Department's 2018 Chevrolet Tahoe sustained flood damage during the recent storm; and

WHEREAS, the Borough's insurance company declared the vehicle a total loss and paid the Borough \$43,044.50 for the vehicle; and

WHEREAS, the loss of this vehicle creates an emergent need to acquire a new one to replace it; and

WHEREAS, N.J.S.A. 40A:11-6 allows the borough to enter into such a contract due to the emergency caused due to the safety and welfare of the residents; and

WHEREAS, the acquisition of this vehicle will save the Borough a significant amount of money due to the ability to transfer the equipment from the old vehicle to the new one; and

WHEREAS, the Chief Financial Officer certifies that funds are available for this purchase in the Fire Department budget and from the money the insurance company refunded the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that the Chief Financial Officer be authorized to issue a purchase order to Elite Vehicle Solutions in the amount of \$45,500 for the purchase of a 2020 Chevrolet Tahoe.

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/13/21 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-255

DOC ID: 3680

Authorizing Change Order 4, Existing Water Tank & Improvements Project, for a Total of \$5,434.42

WHEREAS, the Borough of Flemington advertised, and subsequently received bids, for Existing Water Tank & Improvements for the Borough of Flemington Water Department on December 8, 2020; and

WHEREAS, the Borough of Flemington awarded a Contract in the amount of \$4,124,479.00 base bid to Dulaine Contracting, P.O. Box 526, Gladstone, NJ 07934; and

WHEREAS, three previously approved change orders increased the total by \$46,199.19, to \$4,170,678.19; and

WHEREAS, Change Order No. 4, for the installation of 2 commercial grade high-efficiency ceiling fans in the new Water Utility and Booster Pump Control Building and associated electrical work, totals \$5,434.42; and

WHEREAS, the CFO has noted that there are sufficient funds to complete this work;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Flemington that Change Order No. 4 for \$5,434.42 is awarded and the Mayor is hereby authorized to sign the Change Order.

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/13/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-256

DOC ID: 3678

Resolution in Support of the Location and Operation of a Cannabis Dispensary by McGraw Holdings New Jersey, Inc., Within the Borough of Flemington

WHEREAS, the medical use of cannabis is authorized in the State of New Jersey pursuant to the Jake Honig Compassionate Use Medical Cannabis Act, N.J.S.A. 24:6I-1, *et seq.* ("CUMA"); and

WHEREAS, the Borough expressly authorized the operation of cannabis cultivators and retailers in certain zoning districts and subject to certain restrictions pursuant to Ordinance 2021-14; and

WHEREAS, on December 7, 2021, the Cannabis Regulatory Commission (the "Commission") awarded McGraw Holdings New Jersey, Inc. ("McGraw") a license to operate an Alternative Treatment Center pursuant to CUMA; and

WHEREAS, a copy of the Final Agency Decision is attached hereto; and

WHEREAS, pursuant to the Final Agency Decision, McGraw is required within twenty (20) business days to provide the Commission proof that it has "local approval" to operate a cannabis business; and

WHEREAS, McGraw has indicated a desire to operate a medical cannabis dispensary at 26 Stangl Road in the Borough; and

WHEREAS, the proposed location is within the Borough's Village Artisan Shopping (VAS) Zoning District; and

WHEREAS, pursuant to Ordinance 2021-14, medical cannabis dispensaries are permitted as conditional uses in the VAS District; and

WHEREAS, McGraw appeared before the Borough Council on December 13, 2021 to request the required proof of "local approval;"

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Flemington, County of Hunterdon, State of New Jersey as follows:

1. The Mayor and Council believe that the Borough of Flemington would benefit from the location of a medical cannabis dispensary within the Borough, subject to compliance with Ordinance 2021-14 and required approvals from the Land Use Board.
2. Representatives of McGraw Holdings New Jersey, Inc., made a presentation before the Mayor and Council regarding its proposed medical cannabis dispensary business, including its intended location at 26 Stangl Road.
3. Ordinance 2021-14 permits the operation of a medical cannabis dispensary as a conditional use in the VAS District, subject to certain conditions, including site plan approval by the Borough Land Use Board.

4. This resolution may be used by McGraw Holdings New Jersey, Inc., as proof of local support required by the Cannabis Regulatory Commission pursuant to the Final Agency Decision dated December 7, 2021 awarding McGraw Holdings New Jersey, Inc., a license to operate an Alternative Treatment Center.

5. This Resolution shall take effect immediately.

Adopted: December 13, 2021

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

ATTACHMENTS:

- 2019 RFA Award Letter McGraw Holdings New Jersey Inc. 19-0003 (PDF)



State of New Jersey
CANNABIS REGULATORY COMMISSION

PHILLIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

P.O. BOX 216
TRENTON, N.J. 08625-0216

DIANNA HOUEYOU, *Chair*
SAMUEL DELGADO, *Vice Chair*
KRISTA NASH, *Commissioner*
MARIA DEL CID-KOSSO, *Commissioner*
CHARLES BARKER, *Commissioner*
JEFF BROWN, *Executive Director*

December 7, 2021

VIA ELECTRONIC MAIL to: steph@mcgrawhealth.com
Stephanie Peloso
McGraw Holdings New Jersey, Inc.
30 Murray Place
Princeton, New Jersey 08540

Re: **FINAL AGENCY DECISION**
Award of Dispensary Permit Endorsement to Operate an Alternative Treatment Center ("ATC") Pursuant to the 2019 Request for Applications ("RFA") Process

Dear Ms. Peloso:

The New Jersey Cannabis Regulatory Commission ("CRC") has received and reviewed your application for a dispensary permit endorsement, submitted prior to the August 22, 2019, deadline, to operate an Alternative Treatment Center ("ATC") pursuant to N.J.S.A. 24:6I-1 *et seq.* Following thorough review by the selection committee, and subject to the post-award accountability measures listed below, the CRC has awarded you a dispensary permit endorsement.

By way of background, on July 1, 2019, the Department of Health ("Department") posted a Request for Applications ("RFA") to operate up to twenty-four ATCs, of which up to eight such centers would be in the Northern and Central regions of the state, up to seven would be in the Southern region of the state, and one would be in a region to be determined at the time of award based on patient need. The RFA sought to award permits for up to fifteen dispensaries, five cultivation sites, and four vertically integrated ATCs (granting the ability to cultivate, manufacture, and dispense medicinal cannabis and medicinal cannabis products). On August 2, 2019, the RFA was updated to clarify provisions related to the application fees required for vertically integrated permit applications.

To allow for a robust industry with room for different operators, prospective applicants were restricted in the number of applications they could submit. Applicants seeking a vertically integrated permit could submit only one application and could not seek any other permit or endorsement. Applicants not seeking a vertically integrated permit were allowed to submit up to one application per region for a maximum of three applications.

No applicant could be awarded more than one permit under the 2019 RFA, and no applicant could hold

more than one cultivation endorsement, one manufacturing endorsement, or one dispensary endorsement as a result of the awards made pursuant to the RFA.

Applications for dispensary permit endorsements were due to the Department no later than August 22, 2019, at 3:00 PM. Applicants had the choice of whether to submit the application online and only submit signed coversheets and checks in person, or to submit the entire application in hard copy/paper form.

The Department received a total of 198 applications, including 40 applications for cultivation permit endorsements, 109 applications for dispensary permit endorsements, and 49 applications for vertically integrated permits. An initial completeness review of all 198 applications was conducted by the Department. Of the 198 applications, 2 were submitted as incomplete applications.

Pursuant to N.J.A.C. 8:64-6.2 (now N.J.A.C. 17:30A-6.2 and 6.4), the Department convened a selection committee in conjunction with the RFA. The selection committee was composed of a total of nine individuals in full-time State service from the Department of Health, the Department of the Treasury, the Department of Environmental Protection, and the Department of Labor.

Selection committee members possessed the following expertise:

- Three members were experienced in the regulation of the cultivation, manufacturing, and dispensing of medicinal cannabis;
- One member had expertise in quality assurance, public health and emergency preparedness;
- One member had expertise in public health, pharmaceutical assistance, and fiscal management;
- One member had expertise in the management of environmental resources and public affairs;
- One member had expertise in workforce development;
- One member had expertise in labor compliance; and
- One member had expertise in business development and the certification of minority-owned, women-owned, and veteran-owned businesses.

Prior to beginning work on the selection committee, members completed a confidentiality agreement and a business disclosure form so the Department could verify that none of the selection committee members had any outside business interests that would conflict with their work on the committee. Once the completeness review concluded, selection committee members were provided a list of the applicants they would be scoring, including the names of principals, owners, and directors. Every selection committee member signed a certification stating they possessed no conflicts of interest with respect to the applicants.

The Department organized three trainings for selection committee members:

- Two initial trainings, one on September 19, 2019, and one on September 23, 2019. Each selection committee member attended one of these trainings.
- A refresher training on February 23, 2021, after the stay on proceedings was lifted on February 17, 2021 (discussed in further detail below).

The trainings included an overview of the Department's regulations, an overview of the medicinal cannabis market as it existed in September of 2019, and a comprehensive review of the terms of the RFA, the scoring criteria, and the assignments for each team.

The selection committee was divided into three teams of three, with each team responsible for scoring a portion of each permit endorsement application in accordance with specific measures. Each team was responsible for a maximum of 100 points for every permit endorsement sought (100 points for cultivation and dispensary applications, and 300 points for vertically integrated applications, which includes three endorsements).

In December of 2019, following a challenge by several disqualified applicants, the Superior Court of New Jersey, Appellate Division, issued a stay that barred the Department from undertaking any additional work on the 2019 RFA. Despite the Department's efforts to continue reviewing applications while the Court reviewed the appellants' claims, the Department was prohibited from reviewing, scoring, and awarding any permits under the 2019 RFA process. The stay imposed by the Appellate Division was vacated on February 18, 2021.¹

Upon the selection committee's impartial and thorough review of the applications against the criteria set forth in the RFA, the following thirty applicants were chosen for dispensary permit endorsements based on scoring and regional priority:

Control #	Applicant Name	Region	Total Score
19-0016	Middle Valley Partners LLC	Central	273.33
19-0009	Community Wellness Center of NJ	North	267.33
19-0013	The Law Offices of Juliana Diaz LLC	South	266.33
19-0076	Monmouth Wellness and Healing LLC	Central	265.33
19-0064	GR Vending NJ LLC	North	265.00
19-0003	McGraw Holdings New Jersey, Inc.	Central	257.67
19-0073	Eastern Green Inc. d/b/a Starbuds	South	257.33
19-0111	Design 710	South	257.33
19-0061	NJ Kindness	South	257.00
19-0011	Restore NJ LLC	South	252.33
19-0037	Yuma Way NJ LLC	North	251.67
19-0083	Monteverde NJ, Inc.	Central	251.33
19-0067	Terrapin	North	250.00
19-0092	Organic Remedies NJ, Inc.	South	248.67
19-0112	Oceanfront Holdings LLC	North	248.33
19-0086	11 th Colony, LLC	North	247.67
19-0048	Honeygrove Corp.	South	245.67
19-0035	New Jersey PharmaCanna LLC	North	242.67
19-0069	1 st Choice Health and Wellness	North	241.67
19-0005	Silver Leaf Wellness LLC	Central	240.33
19-0042	Garden State Botanicals	Central	240.00
19-0012	GLCPC LLC	Central	239.67
19-0101	Sanctuary Medicinals	Central	239.00
19-0032	Theory Wellness of NJ LLC	Central	236.33
19-0017	Nature's Touch Med NJ LLC	North	235.00

¹ Pursuant to N.J.S.A. 24:6I-24(a), the CRC assumed all responsibility for the Medicinal Marijuana Program from the Department of Health on April 12, 2021. With this transfer of authority came the responsibility to review and approve or deny applications submitted pursuant to the 2019 RFA.

19-0084	Woah Flow	Central	233.33
19-0055	NJ Patients Care LLC	North	229.33
19-0051	Circe Therapeutics LLC	South	226.67
19-0104	Life Compassion Center Dispensary LLC	South	222.00
19-0102	Holistic Solutions LLC	South	205.00

The highest possible score for dispensary endorsement applications was 300 points (100 points total from each of the three teams on the selection committee). Total scores for all applications ranged from 273.33 points to 103.67 points.

The CRC selected award recipients in accordance with an objective methodology that ensures that there is an adequate supply of medicinal cannabis to meet the needs of registered patients, which is a significant component of the purpose and intent of N.J.S.A. 24:61-1 et al. The selection methodology formulated by the CRC and the post-award measures (1) address patient need; (2) prioritize the highest scoring applicants while also complying with the distribution set out in the 2019 RFA; (3) are driven by data; and (4) include accountability measures that ensure that awardees operate to the standards proposed in their applications. The resulting awardees are expected to get up and running quickly and begin addressing patient need as soon as practicable.

Additionally, to keep pace with expanding patient enrollment, which has continued even after the broad decriminalization of marijuana, the CRC decided to double the dispensary awards issued under the 2019 RFA from fifteen to thirty. Doubling the number of dispensary awards issued is consistent with the statutory charge and authority of the CRC to meet patient need and is reflective of expansion of the patient population over the last two years, the projected expansion in the future, and the anticipated loss of operational capacity that may be associated with the launch of personal-use cannabis sales in the future. Increasing the number of ATCs that can operate in the market also encourages product innovation and price reductions for patients (driving ATCs to compete for the support of the medicinal cannabis patient community) while allowing for a more resilient marketplace (having operators available to supply medicinal cannabis items even if one operator fails).

Furthermore, the CRC has a cohort of qualified applicants who have been waiting for two years to help serve New Jersey's medicinal market and increasing the number of awards issued will put these awards more in line with actual market needs for 2021 and beyond, while enabling market players to better deliver value, access, and product availability to New Jersey's patients.

Unlike cultivation facilities, the location of dispensaries is important. Just as it is important for patients to have easy access to pharmacies to access their medications, having an even regional distribution of access points for medicinal cannabis dispensaries is important. Consistent with these goals, the CRC decided to double the number of dispensary permit endorsements in each region from five to ten (for a total of thirty) and selected the highest scorers in each region such that selected applicants receive only one permit award. The current medicinal cannabis market has failed to produce adequate supply on a consistent basis to keep pace with demand, and by doubling the number of dispensary awards the CRC is issuing awards that align with its principles.

In accordance with the above criteria and analysis, the CRC utilized an even regional distribution, with the possibility to award multiple applicants seeking to operate in the same town if they had scored high enough. Of New Jersey's 565 municipalities, only a fraction allow medicinal cannabis businesses, and

for that reason, even if another dispensary or awardee is present in that municipality, the award will still increase competition and therefore help reduce pricing and increase access to patients. The State does not discourage pharmacies from opening in an area just because another pharmacy is nearby; similarly, the CRC supports competition and access for patients and seeks to pick the highest scoring applicants while focusing on regional distribution.

To determine the order in which the regions are chosen, the CRC used a formula similar to that used to determine the region receiving the fourth vertically integrated permit from the 2019 RFA: the sum of the ratio of patients in a region to patients statewide and the ratio of population in the region to the population statewide, divided by the ratio of dispensaries in the region to dispensaries statewide.

The resulting order of selections is

1. Central Region
2. Northern Region
3. Southern Region

Therefore, the recommended selection methodology is:

1. Select the highest scoring application from the Central Region that has not already received a permit award;
2. Select the highest scoring application from the Northern Region that has not already received a permit award;
3. Select the highest scoring application from the Southern Region that has not already received a permit award; and
4. Repeat the selection order until ten applications are selected for award in each region.

Pursuant to the methodology described above, the awards are as follows:

1. The first round of awardees are:

Control #	Applicant Name	Region	Total Score
19-0016	Middle Valley Partners LLC	Central	273.33
19-0009	Community Wellness Center of NJ	North	267.33
19-0013	The Law Offices of Juliana Diaz LLC	South	266.33

2. The second round of awardees are:

Control #	Applicant Name	Region	Total Score
19-0076	Monmouth Wellness and Healing LLC	Central	265.33

19-0064	GR Vending NJ LLC	North	265.00
19-0073	Eastern Green Inc. d/b/a Starbuds	South	257.33

3. The third round of awardees are:

Control #	Applicant Name	Region	Total Score
19-0003	McGraw Holdings New Jersey, Inc.	Central	257.67
19-0037	Yuma Way NJ LLC	North	251.67
19-0111	Design 710	South	257.33

4. The fourth round of awardees are:

Control #	Applicant Name	Region	Total Score
19-0083	Monteverde NJ, Inc.	Central	251.33
19-0067	Terrapin	North	250.00
19-0061	NJ Kindness	South	257.00

5. The fifth round of awardees are:

Control #	Applicant Name	Region	Total Score
19-0005	Silver Leaf Wellness LLC	Central	240.33
19-0112	Oceanfront Holdings LLC	North	248.33
19-0011	Restore NJ LLC	South	252.33

6. The sixth round of awardees are:

Control #	Applicant Name	Region	Total Score
19-0042	Garden State Botanicals	Central	240.00
19-0086	11th Colony, LLC	North	247.67
19-0092	Organic Remedies NJ, Inc.	South	248.67

7. The seventh round of awardees are:

Control #	Applicant Name	Region	Total Score
19-0012	GLCPC LLC	Central	239.67
19-0035	New Jersey PharmaCanna LLC	North	242.67
19-0048	Honeygrove Corp.	South	245.67

8. The eighth round of awardees are:

Control #	Applicant Name	Region	Total Score
19-0101	Sanctuary Medicinals	Central	239.00

19-0069	1 st Choice Health and Wellness	North	241.67
19-0051	Circe Therapeutics LLC	South	226.67

9. The ninth round of awardees are:

Control #	Applicant Name	Region	Total Score
19-0032	Theory Wellness of NJ LLC	Central	236.33
19-0017	Nature's Touch Med NJ LLC	North	235.00
19-0104	Life Compassion Center Dispensary LLC	South	222.00

10. The tenth round of awardees are:

Control #	Applicant Name	Region	Total Score
19-0084	Woah Flow	Central	233.33
19-0055	NJ Patients Care LLC	North	229.33
19-0102	Holistic Solutions LLC	South	205.00

Based on a full and thorough review of each application against the requirements set forth in the RFA, the composite scores enumerated by the CRC, the selection methodology detailed above, and in accordance with the purposes of N.J.S.A. 24:6I-1 et al. and P.L.2009, c.307 and the regulations promulgated thereunder, the CRC hereby **APPROVES** the following application, subject to all the terms and conditions outlined below:

Applicant: McGraw Holdings New Jersey, Inc.

Region: Central

Score: 257.67

This award is contingent on the applicant adhering to the following terms and conditions. These conditions are required and designed to maintain accountability to the statements and declarations included in the applicant's proposals. As used in this letter, "date of award" means the date of this Final Agency Decision (Tuesday, December 7, 2021).

1. Within five (5) business days of this notification of award, each awardee shall confirm in writing to erc.licensing@erc.nj.gov, that it accepts the award. Acceptance of this award may result in the applicant being disqualified from receiving an award of any pending permit endorsement applications;
2. If accepted, within twenty (20) business days from the date of award, the awardee shall confirm in writing, that it still has site control and local approval for the endorsement. An awardee

without both site control and local approval after twenty (20) business days will have its award rescinded;

3. An awardee for a dispensary endorsement must be fully permitted within 12 months from the date of this award;
4. An awardee shall operate in accordance with its medicinal cannabis application for at least two (2) years;
5. Awardees are required to comply with deadlines and timelines established by the CRC for submission of information and documentation, including but not limited to deadlines by which members must be fingerprinted. Failure to adhere to established timelines may result in rescission of the award;
6. Awardees shall not be authorized to add any owners or principals that were not disclosed on the application until after the permit is issued;
7. Awardees shall not be authorized to enter into any management services agreements that were not disclosed in the application for two (2) years following the award;
8. If an awardee received scores for a woman-owned, veteran-owned, or minority-owned business certification, the awardee shall confirm in writing or provide a copy of its approved New Jersey Department of the Treasury, Division of Revenue & Enterprise Services Minority, Women, and/or Veteran-Owned Business certificate within twenty (20) business days of this award to confirm that it still possesses the certification. Maintaining the certification is an ongoing material condition of the award. Any awardee that received scores for having a minority-owned, woman-owned, or veteran-owned business that does not confirm they still have the certification within twenty (20) business days of award will have their award rescinded;
9. If an applicant received scores for a labor peace agreement, maintenance of that agreement is a required condition of the award;
10. The awardee shall not transfer majority ownership interest in the ATC until they have operated for at least two (2) years under the permit or endorsement issued in accordance with this award;
11. All awards are strictly for the dispensing of medicinal cannabis pursuant to P.L. 2009, c.307 and N.J.A.C. 8:64 (now N.J.A.C. 17:30A). The awards do not authorize any personal-use cannabis activities described under P.L. 2021, c. 16 and N.J.A.C. 17:30. Awardees shall operate in accordance with this award as presented in this Final Agency Decision for at least one (1) year prior to applying to the Commission to become an "Expanded ATC"; and
12. If an award is rescinded due to an applicant's failing to abide by the required terms and conditions outlined above, or if an applicant fails to accept its award within five (5) business days of this notification of award, the next highest scoring applicant, such that the award would be consistent with the regional requirements of the 2019 RFA, will be considered by the Commission for the award.

All applicants have the right to appeal the Commission's decision to the Superior Court of New Jersey, Appellate Division, by Friday, January 21, 2022 (45 calendar days from the date of this letter). All appeals should be directed to:

Superior Court of New Jersey
Appellate Division
Attn: Court Clerk
Richard J. Hughes Justice Complex
P.O. Box 006
Trenton, New Jersey 08625-0006.

Any applicant with questions regarding the 2019 RFA process and methodology, and any unsuccessful applicant that wishes to file a grievance with the Commission, may do so by submitting their question or grievance in writing to crc.licensing@crc.nj.gov by 5:00 p.m. Eastern Time on Wednesday, December 15, 2021. Multiple questions/grievances can be submitted together but must be numbered. Responses to submissions deemed relevant to the 2019 RFA process and methodology will be provided by 5:00 p.m. Eastern Time on Friday, January 14, 2022. The question and grievance period should only be used for the purpose of addressing questions and complaints related to the 2019 RFA process and methodology. All other questions should be submitted through the Commission website and will be answered in the regular course of business.

Congratulations on your successful application and thank you for your interest in working with the CRC to provide important services and products to the medicinal cannabis patient community of New Jersey.

Sincerely,



Dianna Houenou
Chairperson
New Jersey Cannabis Regulatory Commission