

**A RESOLUTION OF THE BOROUGH OF WHARTON AWARDING A CANNABIS
RETAILER LICENSE TO ASCEND NEW JERSEY, LLC**

WHEREAS, both the medical and adult use of cannabis is authorized in the State of New Jersey (“State”) under the Jake Honig Compassionate Use Medical Cannabis Act, N.J.S.A. 24:6I-1, et seq. (“Jake Honig Law”), as well as for adult use sales pursuant to the recent passage of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (“CREAMMA”) (the Jake Honig Law and CREAMMA collectively referred to as the “New Jersey Cannabis Laws”).

WHEREAS, the Borough of Wharton (the “Borough” or “Wharton”) has adopted Ordinance No. O-11-23 (the “Ordinance”), which permits the operation of both a medical cannabis dispensary and/or an adult-use cannabis retailer specifically in the area East of West Union Turnpike (the “Cannabis Zone”).

WHEREAS, Ascend New Jersey, LLC (“Ascend”) has identified a property located at 325 NJ-15 North, Wharton, New Jersey 07885, which is located in the Cannabis Zone, wherein Ascend seeks to operate an Expanded ATC, i.e., serving both registered medical patients and adult-use consumers.

WHEREAS, the Borough has already issued Ascend a resolution supporting the location and operation of its proposed medicinal and adult-use cannabis retail facility; and

WHEREAS, pursuant to N.J.A.C. 17:30-5.1(a)(4), a local municipality may impose a separate local license requirement, which the Borough has done pursuant to Chapter 165 of the municipal ordinances thereof; and

WHEREAS, the Borough has undertaken the licensing process pursuant to Section 165-144 of the municipal ordinances thereof and has received only one (1) application for a Cannabis Retailer license as defined therein, from Ascend; and

WHEREAS, the Borough Council of the Borough of Wharton desires to award one (1) cannabis retailer license to Ascend under the terms and conditions of N.J.S.A. 25:6I-31, et seq., N.J.A.C. 17:30-1, et seq., and Section 165 of the Borough’s municipal code;

WHEREAS, Ascend desires to enter into a Host Community Agreement with the Borough to provide the Borough and the neighboring community certain benefits; and

WHEREAS, the Borough has reviewed the proposed Host Community Agreement and finds Ascend enters it voluntarily with the intention to be a “good neighbor” to the Borough; and

WHEREAS, the Borough has agreed to waive site plan review for Ascend’s proposed location at 325 NJ-15 North, Wharton, New Jersey 07885, and allow only for courtesy review for which the planning board has no comments; and

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Wharton, Morris County, State of New Jersey, as follows:

1. One (1) Cannabis Retailer license is hereby awarded to Ascend New Jersey, LLC.
2. The Borough Clerk of the Borough of Wharton shall issue a Class 5 retail license to Ascend New Jersey, LLC pursuant to Section 165-144 of the municipal code.
3. The Borough waives site plan review for Ascend New Jersey, LLC's proposed location at 325 NJ-15 North, Wharton, New Jersey 07885.
4. The Borough Administrator is authorized to executed the proposed Host Community Agreement with Ascend and take all action necessary to effectuate its terms.
5. The Borough Clerk shall provide a certified copy of this Resolution to Ascend New Jersey LLC's appropriate representative.
6. This resolution shall take effect immediately.

Adopted: November 27, 2023

BOROUGH OF WHARTON

ATTEST:

**WILLIAM CHEGWIDDEN,
MAYOR**

**Cheryl Muzzillo,
Deputy Borough Clerk**