

The Meeting of the Mayor and Council of the Borough of Freehold was held on Monday, August 19, 2019 at 7:00 p.m. in the Municipal Building.

Council President Kane stated that the notice of the time, date and location of the meeting had been provided pursuant to the provisions of Chapter 231 of the Laws of 1975 (Open Public Meetings Act).

Councilwoman Jordan opened the meeting with the Salute to the Flag, followed by a moment of silence.

ROLL CALL:

ABSENT	MAYOR J. NOLAN HIGGINS
PRESENT	COUNCILMAN MICHAEL DIBENEDETTO
PRESENT	COUNCILWOMAN ANNETTE JORDAN
PRESENT	COUNCILMAN KEVIN KANE
PRESENT	COUNCILWOMAN MARGARET ROGERS
PRESENT	COUNCILMAN GEORGE SCHNURR
PRESENT	COUNCILWOMAN SHARON SHUTZER

Council President Kane read Item No. 4 on the Agenda as follows:

“Workshop Presentation Legal Medical Marijuana.”

Council President Kane explained Garden State Botanicals contacted the Zoning Office about operating a medical marijuana dispensary in the Commercial/Manufacturing Zone at 195 Throckmorton Street. Council President Kane explained medical marijuana is authorized in New Jersey under the Compassionate Use Medical Marijuana Act to alleviate suffering from certain debilitating illnesses. Council President Kane announced the state has opened up the permitting processes to accommodate the growing need and stated applications are due August 21, 2019. He reported part of the RFA process, applicants must submit to the NJ Department of Health written verification that a community or governing body is open to the possible location of a medical marijuana dispensary. Council President Kane announced no decision has been made but offered to hear the presentation by Garden State Botanicals and allow public input. Council President Kane stressed this is not for recreational use and never will be.

Council President Kane introduced Patricia Nasshorn to introduce the applicants and explain the process.

Ms. Patricia Nasshorn, 9100 Atlantic Avenue, Margate City, NJ gave a brief history of her immigration from Egypt, her education holding a B.A. and her career of 40 years in the pharmaceutical industry. Ms. Nasshorn explained her husband was a judge and very conservative. She recounted her husband’s battle with brain cancer which progressed quickly. Ms. Nasshorn described his pain and struggles during the four months he lived after his diagnosis. She explained the term “treatment combative” which

stimulated more cancer growth. Ms. Nasshorn researched cannabis and determined it helps people with many different conditions including cancer. Ms. Nasshorn stressed the purpose of medical marijuana is to help people in the community. She explained she does not believe this is the backdoor to recreational use and explained the two different types of medical marijuana; one that is completely non-psycho stimulant. Ms. Nasshorn stated it is not FDA regulated but has done enough research to demonstrate that this is helpful for people. Ms. Nasshorn stated there are multiple security steps to get into a dispensary. She stated this is another option for people to help them with their condition.

There were no questions for Ms. Nasshorn.

Mr. Lou Giannotti, 3 Trellis Path, Doylestown, PA, born and raised in NJ, is a licensed Pharmacist in NJ, PA and NY. He explained he was a regional Director for retail pharmacies and became very interested in medical marijuana. Mr. Giannotti explained his current position as Program Director for Cannabis Studies at the Pennsylvania Institute of Technology which studies the medicinal properties of cannabis or the business side of running a medical dispensary. Mr. Giannotti explained his experience in all phases of building and staffing a dispensary as well as obtaining inventory and security. Mr. Giannotti explained he opened a total of three dispensaries in Pennsylvania.

Mr. Giannotti stated 90% of the patients that come to a dispensary are suffering from chronic pain, have tried traditional medicines and are often addicted to opioids. He stated cannabis is a last resort to relieve the pain and explained the trouble with addiction and tolerance build up. Mr. Giannotti detailed a step by step patient experience and explained CBD is good for pain and in some cases the use of THC which has the euphoric effect as pain has an anxiety component. Mr. Giannotti described his experience seeing patients decrease their opiate usage with no withdrawal effect, while managing their pain.

Councilwoman Rogers expressed a concern that patients with the THC product will create an environment that is not desirable. She asked if an opioid addict is just transferring their addiction from one drug to another.

Mr. Giannotti explained cannabis is not addictive and there is no tolerance threshold. He stated product is not consumed on site and the location has intensely monitored security and is highly regulated by the state. Mr. Giannotti stated in his past experience, all regulations were complied with and provided confidentiality and security to the employees and patients.

Borough Attorney asked Mr. Giannotti to describe the dispensary.

Mr. Giannotti explained the process including getting an ID card, which is necessary to gain admittance. He explained the consultation process with a medical advisor, which could be a pharmacist, to determine the best product to treat the symptoms or disease. Mr. Giannotti stated patients are not "rolling a joint", he explained it is high quality, regulated, lab tested product where the intention is to vaporize the oil at certain

temperatures which provides the medical value. He explained smoking the product literally burns the medicine and doesn't provide the desired effect.

Ms. Higgins stated there is concern regarding people driving after picking up their product.

Mr. Giannotti stated patients should not be driving under the influence of anything. He confirmed the medical staff is properly advising patients and letting them know they should not use the product and drive.

Borough Administrator, Joseph Bellina asked what the license procedure is in New Jersey.

Mr. Giannotti explained municipal approval is needed first, the application which is several hundred pages and outlines all the necessary components needed is very involved and goes to the state. He stated licenses are very difficult to obtain as they should be. Mr. Giannotti added it is highly controlled and regulated.

Councilwoman Jordan asked if a patient must have a referral from a general practitioner or specialist to get the ID Card.

Mr. Giannotti responded yes. He stated 25% of the patients are at their wits end, 25% are using traditional medicine and it's not working or don't like being on the drugs, 25% are people that receive a recent diagnosis and don't want to use pharmaceuticals, 25% are self-medicating and are at the point they want to make sure the product is lab tested and free of unwanted items. Mr. Giannotti stated once a physician approves for them to have the card, it is issued and controlled through the state.

Councilman DiBenedetto asked if the prescription is like a typical prescription with a quantity, refills, etc.

Mr. Giannotti explained there is no prescription. He stated a patient receives an authorization to go to a dispensary, receives a consultation and selects a product. Mr. Giannotti added a physician may indicate some restrictions such as quantity within a certain period, product cannot exceed a certain percentage, product must be in lotion form or patch, etc. Mr. Giannotti stated the physician controls what can be given and if the physician has no restrictions, the medical staff selects the appropriate formula and provides instructions.

Councilman DiBenedetto asked if a pharmacist will be on site.

Mr. Giannotti stated the intention is to have a pharmacist on site which provides a more comprehensive level of care and allows dialog between physicians and pharmacist.

Councilman DiBenedetto asked the dispensary informs employers if their employees are patients, for example, if the employee operates heavy equipment.

Mr. Giannotti stated the employer should have a policy regarding who can operate heavy equipment and recommends employers should have a policy stating when employees should be allowed to operate machinery. He confirmed they do not have to report who their patients are.

Councilman DiBenedetto asked what types of ailments do the majority of the patients have.

Mr. Giannotti stated 90% of patients are there for chronic pain. He stated the second most needed treatment is for PTSD and anxiety.

Ms. Higgins asked if a database is on site to monitor use and possible abuse.

Mr. Giannotti stated tracking is done by patient as well as seed to sale which tracks the product. He stated it is highly regulated, secure and has real time running inventory. Mr. Giannotti stated they track above and beyond what is required.

Councilman DiBenedetto asked how many dispensaries are currently in New Jersey.

Mr. Giannotti replied there are currently ten.

Councilman DiBenedetto asked Police Chief Dispenza if there has been an increase in crimes in the towns that have dispensaries.

Police Chief Dispenza replied he contacted three towns that have medical marijuana dispensaries with the concern of public safety and drain on police resources due to high volume of calls. Chief Dispenza stated all three towns reported zero calls to the dispensaries which means it is no drain on resources. He added all three towns confirmed there is no loitering or influx of public marijuana smoking.

Council President Kane asked what the typical number of employees are.

Mr. Giannotti stated it depends on the business volume. He explained there are possibly 10 employees on any given shift and briefly described their job functions.

Council President Kane asked if employees are hired from the community.

Mr. Giannotti stated they try to hire locally.

Councilwoman Jordan asked the hours of operation.

Mr. Giannotti stated 11:00 AM to 7:00 PM Monday – Friday, 11:00 AM to 5:00 PM on Saturday and 12:00 PM – 5:00 PM on Sunday.

There were no further questions for Mr. Giannotti.

Mr. Michael Gorman, 145 Landsdown Ave., Haddonfield, NJ stated he handles the real estate for Garden State Botanicals. Mr. Gorman explained his father had esophageal cancer for six years and recounted the pain and suffering he endured until he used medical marijuana instead of the opioids that had no effect on his pain. Mr. Gorman stated the goal of Garden State Botanicals is to bring relief to as many suffering patients as possible.

Mr. Gorman explained Freehold was chosen because of its central location and ability to reach 1 million people within a 30-minute drive time. Mr. Gorman stated there is an economic benefit for the municipality which can impose a 2% sales tax on gross sales and estimated the first year's sales between six to eight million dollars which would provide the Borough with \$160,000 to \$180,000 in revenue. Mr. Gorman stated sales are expected to increase 10% per year.

Councilman DiBenedetto asked what the lease agreement is for the property.

Mr. Gorman stated he believes it is a five-year lease with a several five year options and the property is owned by Dodici Court, LLC.

Borough Attorney, Kerry Higgins asked if a patient needs to have a qualifying condition to get an ID Card.

Mr. Gorman stated yes and reiterated the process of getting the card.

There were no further questions for Mr. Gorman.

Council President Kane opened the floor to Public Comments

Marie Chapman, 67 Brinkerhoff Ave, stated she does not object to medical marijuana but expressed concern over the traffic and expressed it seems a location outside of a small town could be found for a distribution center. Ms. Chapman asked if marijuana is legalized for recreational use, will the distribution center expand. She stated her concern is more people and increased traffic.

Mr. Giannotti explained traffic would be approximately 30% of what is seen at a typical CVS. Mr. Giannotti stated the permit being sought is for medical marijuana only.

Mr. Gorman stated the location is 195 Throckmorton Street, on the edge of town and does not feel it will cause any traffic issues downtown. Mr. Gorman stated it could generate business for restaurants and other businesses in town.

Councilman DiBenedetto asked if recreational marijuana is legalized, could this facility sell it.

Mr. Giannotti stated the municipality has control over that.

Councilwoman Shutzer explained the applicant was considering another location and that was rejected because of traffic concerns.

Cristine Velasco, 3 Phyllis Rd, stated she does not think Freehold Borough is the best location for this business when there are commercial properties available on Route 9, Route 34 in Colts Neck, Route 79 in Marlboro or Aberdeen. She stated driving an extra mile isn't going to put anyone out of the way. Ms. Velasco stated people from Colts Neck or Marlboro will come right through town and make a right on Throckmorton Street. She stated it will increase traffic on Main Street and Throckmorton Street. Ms. Velasco stated there is plenty of commercial real estate in Freehold Township.

Borough Attorney, Kerry Higgins stated the building is a commercial location so some commercial business will be there, if not this one.

Ms. Velasco agreed but had an issue with the number of employees and customers. Ms. Velasco stated she is not opposed to medical marijuana and is looking at the negative impacts to the Borough. Ms. Velasco stated marijuana may not be addictive, but it is habitual.

Mr. Gorman responded all the evidence suggests medical marijuana dispensaries have brought no problems to the town. Mr. Gorman stated he has never heard a concern over traffic.

Marianne Earle, 89 Broad Street, asked why the prescriptions could not be dispensed through the pharmacy at CentraState Hospital.

Mr. Giannotti explained medical cannabis is not sold through pharmacies, as it is not a legally controlled medicine. He stated it is authorized only through individual states. Mr. Giannotti explained hospitals and pharmacies won't dispense the product partly because of federal funding and oversight.

Mrs. Earle stated she is concerned with the oversight and doctors that will write the prescription at a patients request.

Mr. Giannotti explained it is common for a pharmacy to have a controlled substance on the same shelf as children's vitamins and a customer is separated from the pharmacy by only a swinging door. Mr. Giannotti explained a cannabis dispensary has a guard posted at the door and ID must be presented before entering the dispensary. He added every door or entry requires a pass to enter. Mr. Giannotti stated the level of security is far beyond what is at a typical drug store.

Mrs. Earle stated marijuana is habit forming and people with addictive personalities can become addicted to medical marijuana.

Steven Felle, 24 Reid Way, stated he is in favor of the dispensary and does not think traffic will be an issue. He stated he believes most people would use Rt 9 and not travel through town. Mr. Felle stated if the debate is to avoid addictive things, don't be hypocritical, all the liquor stores should be shut down as well as fast food locations which is also addictive. He expressed Freehold Borough could be leader in the inevitable social change going forward and he stated it will prove to be very helpful to a lot of people.

Ms. Earle clarified she did not say only marijuana is addictive. She was stating if a person has an addictive personality they could become addicted to anything. Mrs. Earle stated medical marijuana has its place, but it has to be reconsidered and reevaluated and Council needs to put a lot of thought into granting permission for this site to open.

Councilman DiBenedetto made a motion to close Public Comments, seconded by Councilwoman Shutzer.

On roll call Council Members DiBenedetto, Jordan, Kane, Rogers, Schnurr and Shutzer voted its adoption; opposed none; abstain none; absent none. Council President Kane declared the motion adopted.

Council President Kane read Item No. 5 on the Agenda:

“Resolution of the Mayor and Council of the Borough of Freehold Supporting the Expansion of the New Jersey Compassionate Use Marijuana Act.”

Councilwoman Jordan offered the following resolution moved its adoption, seconded by Councilman Schnurr:

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FREEHOLD SUPPORTING THE EXPANSION OF THE NEW JERSEY COMPASSIONATE USE MARIJUANA ACT.

Councilman Schnurr reported he has listened to the applicant, read the proposal, done his due diligence and listened to all the pros and cons and he empathizes and understands all the positions on this matter. Councilman Schnurr stated a judgement is being sought on this proposal and he is voting yes.

Councilwoman Rogers stated decisions are not made lightly. She stated it is a very important and controversial issue and she wants the community to understand that decisions are made based on research and facts. She stated the research has shown this type of business has not created a bad environment and has benefitted most of the communities they are in. Councilwoman Rogers stated she is in favor of the application.

Councilwoman Shutzer stated this is one of the hardest decisions she has been faced with in all her years on Council, mostly because of the perception of what marijuana is. Councilwoman Shutzer explained her initial reaction was no, but after doing her homework and talking to people, she understood the difference medical marijuana makes.

Councilwoman Shutzer stated she knows many people that are addicted to many things, but that doesn't mean she would vote to close business that enable their addiction. She explained there is a certain level of personal responsibility that cannot be legislated. Councilwoman Shutzer stated traffic downtown is horrendous, but she would not close a restaurant or stop having concerts because it increases traffic. Councilwoman Shutzer stated if this was recreational marijuana she would absolutely vote no, but she has done her homework and will vote yes.

Councilman DiBenedetto stated a business is looking to come to downtown and it should be treated as any other business proposal. He stated the homework has been done, the pros and cons have been looked at, the police have checked community impact in regards to criminal behavior. Councilman DiBenedetto stated it is a difficult decision and if it was recreational he would say no. He stated there are people that need another avenue for pain relief and he stated he has made a decision.

Councilwoman Jordan thanked everyone for the feedback and the enlightening presentation. She stated she did a lot of research, including speaking to a doctor, and got a lot of feedback. Councilwoman Jordan stated her job is to move the town forward and do what is best for the community. She stated she plans on voting yes.

Council President Kane told the story of the Koenig family in Howell whose son was diagnosed with brain cancer at two years old and unfortunately died at age seven after two surgeries, 20 rounds of chemo therapy, 61 rounds of radiation therapy. Council President Kane quoted the words of Mr. Koenig, "when it comes time that you can no longer save his life, all you can do is keep him comfortable". Council President Kane stated he should be allowed to do that. Council President Kane stated this dispensary provides a tremendous benefit to the residents and community.

Councilwoman Shutzer added she listened to every word that was said. She stated this is our town, we love this town and she is holding Garden State Botanicals responsible to make good on their promises and if anything happens, other than what was assured, she could be their worst nightmare.

On roll call Council Members DiBenedetto, Jordan, Kane, Rogers, Schnurr and Shutzer voted its adoption; opposed none; abstain none; absent none. Council President Kane declared the motion adopted.

Council President Kane read Item No. 6 on the Agenda:

"Late Communications"

There were none.

Council President Kane read Item No. 7 on the Agenda:

"Public Comments"

There were no additional comments.

Councilwoman Joran made a motion to close the Public Comments, seconded by Councilman DiBenedetto.

On roll call Council Members DiBenedetto, Jordan, Kane, Rogers, Schnurr and Shutzer voted its adoption; opposed none; abstain none; absent none. Council President Kane declared the motion adopted.

Council President Kane read Item No. 8 on the Agenda:

“Council Comments”

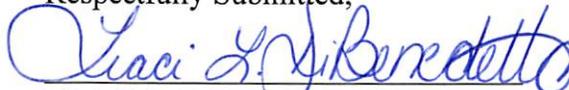
There were no additional comments.

Councilman DiBenedetto offered a motion to adjourn, seconded by Councilwoman Jordan.

On roll call Council Members DiBenedetto, Jordan, Kane, Rogers, Schnurr and Shutzer voted its adoption; opposed none; abstain none; absent none. Council President Kane declared the motion adopted.

The meeting was adjourned at 7:55 PM.

Respectfully Submitted,



TRACI L. DIBENEDETTO, RMC
BOROUGH CLERK

TLD:lc