

Call to Order:

The meeting was called to order at 7:00 p.m. by Chairman Salvadori who read the following statement: “Notice of this meeting was given as required by the Open Public Meetings Act in the Annual Notice of Meetings. This notice was sent in writing to the South Jersey Times on January 11, 2017. A copy was posted on the second floor bulletin board of Town Hall and a copy was given to the Township Clerk.

The Board saluted the flag.

Roll call: Present – Ms. Fox, Mr. Fritz, Mr. Kozak, Mr. Manfredi, Mr. Mercado, Mr. McLaughlin, Mr. O’Reilly, Mr. Sebastian, Mr. Salvadori. Absent – Ms. Pellegrini, (excused), Mr. Sander, (excused), Mr. Garbowski, (excused). Also present – Mr. Marmero, Conflict Solicitor.

Memorialization of Resolutions:

1. #17-10 – App. #16-26 – Harold Paul Kanady – Postponement to 2/21/17 Approved

Motion by Mr. McLaughlin, seconded by Mr. Fritz to adopt resolution #17-10. Roll call vote: Ayes – Mr. McLaughlin, Mr. Fritz, Mr. Kozak, Mr. Manfredi, Mr. Mercado, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

2. #17-11 – App. #WSP-03-17 – Matthew Pontano – Site Plan Waiver Approved

Motion by Mr. McLaughlin, seconded by Mr. Kozak to adopt resolution #17-11. Roll call vote: Ayes – Mr. McLaughlin, Mr. Kozak, Ms. Fox, Mr. Fritz, Mr. Manfredi, Mr. Mercado, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

Appeal of the Zoning Officer’s Decision:

1. #17-01 – Crossroads Treatment Center

Present – Nicholas Talvacchia, applicant’s attorney, Steve Kester, Chief Development Officer, Crossroads Treatment Center, Jim Miller, applicant’s Planner, Scott Leonard, property owner.

Member’s packets contained: 1. A copy of the applicant’s appeal application and letter dated November 29, 2016 prepared by Mr. Talvacchia. 2. Letter dated February 6, 2017 prepared by Rosemary Flaherty, Zoning Officer.

Appeal: (continued)

1. #17-01 – Crossroads Treatment Center (continued)

Mr. Talvacchia stated that they requested this appeal because they respectfully disagree with the Zoning Officer's decision. Mr. Marmero stated that the Board is hearing an appeal of the Zoning Officer's decision which is not something this Board has had to deal with since he has been the Solicitor. He wanted to give the Board members the standard for this type of application. When a zoning permit is denied the Municipal Land Use Law allows the applicant to come before the Board and appeal that decision. With the appeal the Board will hear from the Zoning Officer who will give the reasons for the denial and from the applicant who will give reasons why the permit shouldn't have been denied. The Board will then have to decide whether or not to uphold the Zoning Officer's decision or to overturn that decision. His role will be to make sure the proceedings are conducted in a correct and legal manner and then to produce a legal resolution of the outcome.

Mr. Talvacchia stated that the zone permits business and professional uses. There is a 1993 Appellate Division case in Irvington which is the law in New Jersey now. It has never been appealed, challenged, or reversed; it says a professional use includes a medical use which includes opioid treatment. There are doctors, there is medicine, and there are sick people. There are a lot of misconceptions about opioid treatment centers that they will address however the bottom line is legally the case law is very clear and they included that law with their application. The court was very clear that opioid treatment is the same as any other medical use. It is regulated by the State and utilizes doctors, nurses, and other professionals in their facilities. Addiction is a sickness; it is not limited to any class or race. It's a serious problem with not enough facilities to treat those who are addicted. Treatment helps the addicted and without that help people who are addicted become desperate and continue on a downward spiral. The Governor has recently spoken to the addiction problem we have in this State and is implementing measures to address those problems.

Mr. Talvacchia stated he has been involved with land use for over twenty-nine years and has never been involved with so many treatment centers as he is now. Most of Mr. Kester's clients use private insurance for their treatment so they are dedicated to getting help. There is a stigma about this use; we've heard it from other places as well. There is fear and concern but the bottom line is the court has determined this use to be a medical use and this zone permits medical and professional uses. He stated he received two letters from the Zoning Officer today, the first letter this morning and the second letter not until 4:30 this afternoon so he really hasn't had a chance to review it in detail. There are a lot of things in the letter that aren't relevant to this decision the Board has to make such as whether or not they need approval from Pinelands. If they do need it as part of a zoning permit application they will get it; or whether or not a patient is able to operate a motor vehicle after treatment; that is not something the Zoning Board should be considering. The State regulates how these treatment centers operate as well as all of those issues.

Appeal: (continued)

1. #17-01 – Crossroads Treatment Centers (continued)

Mr. Talvacchia stated he wants to focus on the use, a permitted use, and the benefits of the use. Mr. Kester was sworn in by Mr. Marmero. He testified as to his education and stated his business partner is a psychiatrist at a large psychiatric hospital in Greenville, South Carolina where he experienced a lot of opioid addiction cases in the emergency room which became like a revolving door for patients who are addicted. He and Mr. Kester recognized the need for treatment beyond what the hospital emergency room can give in such a short time and they opened their first treatment center in Greenville, South Carolina. The people that are addicted are not people like them but people like us; like the people in this room, your children, your parents, your friends, etc. Most people become addicted after serious health problems. The costs of addiction in a community are pretty significant. The facilities are licensed by the State where they are located and also licensed and inspected by the DEA. They use doctors, nurses, and other professionals with eighty percent of their staff being counselors. The medication is needed to stabilize a patient in crisis; a patient in crisis is not ready to receive counseling. When a patient is in crisis they experience terrible symptoms such as violent vomiting, diarrhea, nausea, etc. It's a difficult withdraw period so they need to be stabilized with the medication and then afterward they can receive the much needed counseling. All of the patients are under a doctor's care.

Mr. Kester stated that there were sixteen hundred overdose deaths in 2015 contributed to opioids which is a twenty-two percent increase from the previous year. That is about twice the national rate. The Governor is trying to increase access to treatment since ninety percent of all counties in the State of New Jersey do not have adequate facilities to treat this sickness. Crossroads will be the first one in Gloucester County. Mr. Kester briefly explained what happens to a person physically when they start taking opioids. One of the first things that happens is the brain stops producing dopamine, which is a neurotransmitter that controls the brains reward and pleasure center. When the brain stops producing dopamine it escalates the disease or the want for more opioids which temporarily gives the same sensation. Once cut off from the opioids for an addict it's the same as a non-addict going without water or food and you would do whatever you need to get water or food. So the brain has to heal and SAMHSA, which is the federal drug agency, says the minimum time of treatment should be twelve months for the brain to heal. Unfortunately people are not committed to voluntary treatment; half of their patients leave before completing six months. There is a huge difference in outcomes if patients can make it six months, but unfortunately they cannot stop them from leaving. Eighty percent of the patients that make it at least six months will beat the addiction. Mr. Kester has opened more treatment centers in this country and he understands the concerns and wants to get them out on the table and have a very frank discussion.

Appeal: (continued)

1. #17-01 – Crossroads Treatment Center (continued)

Mr. Kozak asked where the closest treatment center is right now. Mr. Kester replied that it is in Camden. Mr. Kozak asked why they picked this area in particular for the treatment center. Mr. Kester replied that the patients that are going to Camden are largely coming from the suburbs. The problem is the patient must make that drive every day for the first eight months and for every patient that will make that drive, four or five will not. One of the biggest problems with people receiving treatment is access to that treatment. Mr. Kozak asked if they receive patients through a court order. Mr. Kester replied that sometimes the court will say as a condition of their parole they must be in treatment. They will report to the court if someone is in treatment but they cannot force them to get treatment. Mr. O'Reilly asked what the typical patient profile is that use the facility. Mr. Kester replied that ninety percent of the patients are non-Hispanic Caucasian, eighty percent of their patients work, some of them are in school or stay at home parents. Demographically sixty percent are male and forty percent are female, usually between twenty-five to forty-five years old.

Patients have to come to the program every day for upwards of a year. They get randomly drug tested and if they test positive for drugs they can be kicked out of treatment. The patients also have to attend mandatory counseling. They don't want patients that aren't committed to recovery. They do not tolerate any loitering in the parking lot or fighting. The big concern of most Boards is if the use is going to attract a lot of crime. He has eighteen centers and they have been in business for ten years and there has never been a police report at one of their facilities in the ten years. The patients are not there to cause trouble, they are there looking for help and support. Mr. Kozak inquired as to the hours of operation. Mr. Kester replied that they do medication management from 5:00 a.m. to 10:00 a.m. and that is when ninety percent of their patients are in and out. Between 10:00 a.m. and 1:00 p.m. the staff is doing paperwork and there are counseling sessions. Mr. Kozak asked about patients that do not have insurance. Mr. Kester replied that ninety-eight percent of their patients are self-pay, some are insured; most patients won't put the treatment into their insurance because they are afraid of getting terminated from their jobs. Some people have Medicaid that will pay for treatment; but in New Jersey there is a very low reimbursement rate and it's hard to qualify. About thirty percent of all patients are new patients that have to come for treatment every day. After six months of treatment every day they may get to drop a day and after eight months they may only have to come for treatment three or four days a week and it steps down from there. On any given day, he estimates they see about thirty percent of their patient population so approximately one hundred patients a day; some car pool and some take public transportation. There may be fifty cars over the five hour period. The parking lot at this site is ideal with sixty-six parking spaces. And most patients are there between the hours of 5:00 a.m. and 10:00 a.m. before most of the other businesses open for the day.

Appeal: (continued)

1. #17-01 – Crossroads Treatment Center (continued)

Mr. Fritz asked the duration of a patient visit. Mr. Kester stated that if the patient is just in for medication it's usually about a ten minute visit; if they are in for counseling that can be anywhere from thirty minutes to forty-five minutes. Because they see the same people a lot it's not a long counseling session. Ms. Fox asked if there is a certain amount of time the patients have to wait after taking the medication to leave the office. Mr. Kester replied that the nurse who administers the medication will assess the patient first, making sure they are alert and don't appear to have been using, she administers the medication and the patient can leave the office unless they have a counseling session. Ms. Fox asked if the medication can cause any issues with the patient and if there have been any problems in his other facilities. Mr. Kester replied that there have not been any problems; it's not an impaired driving situation since the drug is metabolized in the body. He commented that it is a misconception to think that they are just trading one drug for another.

Mr. Kester talked more about the cost of drug addiction on the community from incarceration to foster care for children of people with addiction, etc. Mr. Mercado inquired as to the number of full time and part time employees. Mr. Kester stated that they will start out with five employees, the doctor, program director, a counselor, a nurse, and an administrative clerk. If they reach three hundred patients that number would increase from five employees to eight to ten employees. Mr. O'Reilly asked how they handle walk-ins versus appointments. Mr. Kester stated that the doctor does admissions one or two days a week. The admission process is a very involved process. First the patient must test positive for opioids, there is a drug and urine test, there is also TB testing, and liver testing to be sure the patient can medically qualify for treatment. The whole process can take between one and three hours. They do take walk-ins because they do want to help a person in crisis but they may have to wait behind other patients. Mr. Sebastian commented that there is a treatment center that opened in Hamilton Township, Atlantic County. He stated that there was an article that really talked about pretty much everything Mr. Kester just stated.

Mr. Miller was sworn in by Mr. Marmero. Mr. Miller stated his credentials as a licensed professional planner. He stated that he has visited the site where the treatment center is proposed. He testified that the site is zoned for professional and business use. Mr. Miller quoted from the Township ordinance, Chapter 175-112, with regard to the permitted uses allowed in the zone. The proposed use qualifies as a permitted use under the Township ordinance in this zone. Mr. Miller stated that there are similar medical practices that have many patients that just come in for medication and leave such as an allergist. Typically the patient is just there for their weekly or monthly allergy shot so they go in, get their medication, wait a few minutes to make sure there is no reaction, and they leave. This proposed use is very similar to that type of medical practice.

Appeal: (continued)

1. #17-01 – Crossroads Treatment Center (continued)

Mr. Miller stated that the previous use in this unit at the site was a veterinarian office. The only difference between the other uses at the site and this one is that most of the activity will take place between the hours of 5:00 a.m. and 10:00 a.m. in the morning. Therefore we have the perfect shared parking scenario since the peak hours for the other uses on the site takes place after 10:00 a.m. in the morning. The parking as a whole with sixty-four usable spaces is more than adequate for this use and is in line with the requirements of the ordinance for the size of the shopping center. Mr. Miller displayed a floor plan that was marked as Exhibit A-1. The floor plan is a little different geometrically but it is the same square footage as the unit at the property in question. The floor plan is a floor plan from one of the other treatment facilities owned by Mr. Kester. Mr. Miller pointed out the floor plan is identical to a floor plan you would find at any other medical practice with a waiting room, a clerk's office space, individual offices for the counselors and medical personnel, and a pharmacy area where the nurse or doctors get the medication. As such this space is and should be interpreted as a professional office use which is a permitted use in the zone.

Mr. Talvacchia asked Mr. Miller about the court case that determined an opioid treatment center is the same as a professional or business use. Mr. Miller stated that as a planner he must know case law and that case states that this type of use is the same as any other medical use which is a permitted use. Ms. Fox asked if anyone knows where the bus stop is for the children that live in the apartment complex behind the shopping center since they would be getting on the bus before 10:00 a.m. in the morning. Mr. Leonard was sworn in by Mr. Marmero. Mr. Miller displayed an aerial photograph for the Board which was marked as Exhibit A-2. He stated that the aerial map is an accurate depiction of the site which shows the shopping center and the apartment complex to the rear of the shopping center. Mr. Leonard pointed out on the aerial map the school bus stop. It is not at the shopping center parking lot but in the parking lot for the apartment complex which is behind the shopping center. Mr. Salvadori asked how the medication is secured in the office. Mr. Kester stated that the medication is stored in a bank vault with wireless and telephone security. They have never had a break-in at any of their facilities. Mr. Mercado asked how the medical waste is handled. Mr. Kester replied that they have a contract with a laboratory for the urine and drug screenings and the waste is disposed of by use of a contracted company. No medical waste is thrown into the dumpster and it is kept inside the facility until it is picked up.

Ms. Flaherty reviewed her letter for the Board. She stated that the application had the wrong address on in when it was received and it was corrected by the office staff; it should have been returned to the applicant. The notice of appeal that outlines the program also reflects the wrong address and she believes the application should have been returned. Mr. Talvacchia stated that his cover letter said White Horse Pike but the application does show Black Horse Pike.

Appeal: (continued)

1. #17-01 – Crossroads Treatment Center (continued)

Mrs. Farrell asked if she could verify the information given on the application. She stated that the application does state the proper address under the property address section; however at the bottom of the page under number two the location did have White Horse Pike, so she whited it out and made the correction. It is also indicated as the White Horse Pike in the letter from Mr. Talvacchia dated November 29, 2016. Mr. Talvacchia stated he understands Ms. Flaherty's point but this application was noticed to the public and no one was misled by the mistake; everyone knew where the property is located even Mrs. Farrell who picked up the error and corrected it. He stated that they weren't even aware the mistake was an issue until today when he received the letter from Ms. Flaherty. This appeal was filed at the end of November and it is now February 7th and we've never heard anything about the issue of the address mistake. Ms. Flaherty stated that she wanted the record to reflect that she has a difference of opinion and it is a situation that should warrant some concern since there is a White Horse Pike and a Black Horse Pike.

Ms. Flaherty stated that it is her opinion that this is an institutional use. Institutional uses employ doctors, nurses, and medical facility type people. She stated that it is her opinion that professional offices are doctors, therapist, counselors, lawyers, etc. The institutional use would have been permitted if there was a hospital use in conjunction with it which is why she denied it. She stated she does recognize that these types of uses are needed in communities but is also important to make sure that they are in the right areas of the town. The institutional use zone states that the use must be in conjunction with other uses that are harmonious. She stated that the applicant testified that this use won't impact the other uses in that shopping center and currently maybe it won't but if there is a change of occupancy to other uses that are permitted in that shopping center, then it may since some other types of businesses may open earlier. Ms. Flaherty stated that it is her opinion that approval from the Pinelands Commission is needed because this is a more intense use. She stated that Mr. Talvacchia's cover letter indicated that they are exempt from Pinelands but it is not her opinion that they exempt. Ms. Flaherty stated that because there is interior construction required inside the building there is fee associated with that construction by the Pinelands. If it is exempt then the Pinelands should issue a letter. This proposed use is a for profit company; it's a business so it should be treated like a business. Ms. Flaherty stated that she is sympathetic to the problem of drug addiction but she is also looking out for what is permitted in the Township and what the best and highest use is for the property. She stated that the testimony given tonight seems more like a hospital type use or institutional use; it does not seem like a professional use. She also commented on the children in the apartment complex and how they will be affected by the treatment center when they have to get the school bus during the peak treatment center hours. She stated that three hundred and fifty patients as noted in the application gives her pause since there are only sixty-four parking spaces and when they can't find parking in the shopping center there is an apartment complex behind there where they might park.

Appeal: (continued)

1. #17-01 – Crossroads Treatment Center (continued)

She does think the use is needed in communities and she does sympathize but she does not believe that the use is permitted at this property, she does not think it's suitable, she thinks it will be a detriment to the other businesses, and she believes it needs a use variance. If the Board agrees with her opinion then the applicant has the right to apply for a use variance. Ms. Flaherty stated that she stands by her opinion that this use is not a professional office; it is an institutional use. She added that she prepared the report because she thought she was going to have legal representation as the Zoning Officer of the Township, but since she does not have it, she prepared the report. Mr. Kester testified that there aren't any side effects from the methadone and buprenorphine but the reports she found online indicate that there are side effects and she doesn't believe that the medication does not make people light headed or nauseous and then they are going to get behind the wheel and drive. She also questioned where the patients who take public transportation will go after getting their medication and then having to wait for the next bus.

Mr. Sebastian commented that the recently approved treatment center in Hamilton Township was protested by some residents but the Township stated that they approved the treatment center because it is an inherently beneficial use. Ms. Flaherty replied that she is aware of that and she does believe it is an inherently beneficial use when that use is permitted in the zone. Mr. Sebastian asked Mr. Marmero for his opinion. Mr. Marmero stated that the inherently beneficial use will come into play if the appeal is denied and it comes before the Zoning Board for a use variance as their positive criteria is already met for that reason. It will be very difficult to deny the use since it is considered an inherently beneficial use unless you can prove it is substantially detrimental to the surrounding area. Mr. Fritz inquired as to the shared parking requirements when the shopping center was originally approved. Mrs. Farrell replied that Mr. Talvacchia had asked her for resolutions from the when the site was first approved. The shopping center was constructed in the late sixties or early seventies and she could not find any information concerning the original approval because she doesn't know what name it was submitted under and the search engine for the database did not show any specific information for that site so it's like looking for a needle in a haystack. Ms. Flaherty stated that there are parking requirements in the ordinance based on the uses but she believes that is an issue for site plan. There are three hundred and fifty clients per day and only sixty-four spaces. Mr. Talvacchia replied that the testimony is not three hundred and fifty people per day it is one hundred per day. In addition the site by code would require sixty-five spaces and there are sixty-four. The use they are proposing requires the same number of parking spaces as the veterinarian's office and that one short space is grandfathered because it has always been that way for every use that has come before this one.

Appeal: (continued)

1. #17-01 – Crossroad Treatment Center (continued)

The parking is not a legal issue because they have the same requirement as the previous use and the testimony was one hundred patients per day with approximately fifty cars per day since many of the patients carpool or use public transportation and that is spread over five hours; they are not all there at the same time.

Mr. Talvacchia stated that he respectfully disagrees with Ms. Flaherty's opinion and would like to address the inaccuracies in her statements. To begin, the fact that this is a for profit business is irrelevant to this appeal and the town would want for profit businesses because they employ people and pay taxes. The uses permitted under institutional uses in the ordinance states that it is any land used for public or private purposes such as educational, nurseries, museums, concert halls, theaters, churches, public offices, etc. It does say hospital but it doesn't say medical but it does say under the definition that institutional uses shall not include medical offices which are not associated with hospitals or medical/health service facilities. The Appellate Division, in the case cited in their application, determined that an opioid treatment center is not like a hospital but it is like a doctor's office, so the Zoning Officer is wrong as matter of law. The case is there, it's never been overturned; it's never been reversed or questioned since 1983. It is not an institutional use; it's a medical use which is a professional use which is permitted in the zone. Mr. Talvacchia stated that they carefully picked this site after doing a zoning analysis; they didn't choose a residential zone, they chose an area in need of this type of service, a location that has sufficient parking and good access. The vast majority of the parking occurs early in the morning. Mr. Talvacchia stated that they called the Pinelands and they were told they did not need anything from them as long as they weren't not expanding the building or parking in any way, but even if it were required, the Municipal Land Use Law states that a Board cannot deny an approval based on the need for another approval, they can only make those other approvals a condition. They do not believe they need Pinelands but if they do they will get it. The issue of side effects after receiving medication is not an issue for the Board it's an issue for the State of New Jersey through its regulations. The Board does not have jurisdiction over medical treatment. He does object to the reports Ms. Flaherty provided since he cannot cross examine the authors of those report and he didn't even receive those reports until 4:30 this afternoon.

Mr. Kester has eighteen of these treatment centers and he has testified as to the parking, what the demand is like, how the operation works, that there are less police calls to these centers than there are to a Wawa. The proofs are there showing that this is a medical use and your own personal beliefs as to whether this is a good use or bad use are respectfully not relevant. The Board is sworn to follow the law and not exercise personal opinion. Mr. Talvacchia stated that if the Board applies the legal discretion and not personal opinion they will find this to be a permitted use.

Appeal:

1. #17-01 – Crossroads Treatment Center (continued)

Ms. Flaherty replied that in Mr. Talvacchia's letter dated October 28, 2016 it states that the initial enrollment is forecasted to be two hundred patients and an additional one hundred and fifty patients by the end of the second year. Mr. Talvacchia agreed that his letter states that but those patients don't all come in for treatment on the same day. Ms. Flaherty stated that Mr. Talvacchia's phone conversation with Pinelands has not been verified so his statement that they are exempt is not valid. Mr. Talvacchia replied that even if they require Pinelands it is not relevant here. Ms. Flaherty stated that Mr. Talvacchia cannot compare this use to a Wawa. Mr. Talvacchia replied that he compared it to the Wawa for crime statistics only which is very important. Mr. Kester has eighteen treatment centers and in ten years has never had an incident where the police had to be called. That is an issue people are concerned about and he is addressing that issue. Ms. Flaherty pointed out that even though the property is in a commercial zone there is a high rise apartment complex right behind it. Mr. Talvacchia replied that unless there is some kind of buffer requirement between the medical use and the apartment complex she is just imposing her negative view of this use and trying to create new standards. He asked if there is a requirement that a medical use has to be a certain distance from a residential zone.

Mr. McLaughlin asked Mr. Marmero for his opinion on the court case Mr. Talvacchia has cited. Mr. Marmero replied that he has read the court case and it is a very direct and thorough decision and he believes that Mr. Talvacchia is correct.

Motion passed to open the application to the public.

1. Amanda Potopchuk was sworn in by Mr. Marmero. Ms. Potopchuk stated she is a member of the Municipal Alliance which is a support group for substance abuse issues in town. Last year there was an article in the paper that stated the heroin overdose rate in Monroe Township is three times the national average. She has been in sustained remission from an opioid use disorder for ten years. She took methadone and she knows what it is like to go to a methadone clinic. She believes that people go to a clinic for methadone because they do want to improve their lives and to get better. About thirty to forty minutes after getting the methadone or suboxone you are high. She asked if the counselors in the treatment center will be certified and if the patients who are being counseled get counseling first and their medication later since they will be high within thirty minutes or so. She also stated her concern with how much of the methadone is getting dispensed and if it is monitored by the subscription monitoring program. She commented that if the medication is given in the liquid form it is harder for an addict to not take it themselves but if it is given in the pill form, addicts are very clever and good at hiding the pills and then going out and selling them. She does not want to see this town to continue to have a twenty-five percent overdose rate and something does have to be done.

Appeal: (continued)

1. #17-01 – Crossroads Treatment Center (continued)

She and Michelle get calls every day from people who are in crisis and need help. She does believe the town needs something like this but wants to be sure it is in the best interest of everyone in the town. There are pros and cons to the proposed treatment center and she asked the Board to look at all of them. She stated she has been on both sides of the issue and wants to see the twenty-five percent rate in Williamstown eradicated.

2. Bob Heffner, 3681 Old Black Horse Pike, was sworn in by Mr. Marmero. Mr. Heffner asked if the applicant looked at any other properties. Mr. Kester replied that they met with the Mayor several months ago. They were looking at the old YALE building initially but then they met with the Mayor and a neighbor who lives by there and after their discussion they were asked to try to find a different location. He stated that they called Ms. Flaherty no less than twenty different times asking to meet with her so they could find a suitable location; however their calls were not returned. They looked at no less than forty different properties. He commented that there never seems to be the perfect location for one of these centers. No one opens more centers than he does in the country and they look for convenient access and adequate parking. They have had zero crime reports at eighteen locations for the last ten years. He does know about the center in Camden, he has driven by it and it is a disgrace. He was upset to hear Amanda never received any counseling because the whole point is not about the medication but the counseling. He does not like his center to be called a methadone clinic because they are not trading one drug for another; it is about the counseling and getting to the bottom of what started the addiction in the first place. He offered Ms. Potopchuk and anyone to visit one his centers and stated that they run a high quality operation. This location is zoned for the use, it has good access, the parking is good, and the neighbors are commercial neighbors. In some of the shopping centers where they have a facility there is a daycare, there are restaurants, and movie theaters. Mr. Heffner asked why they didn't look in Washington Township since they have better transportation and bigger complexes that have empty store fronts. Mr. Kester stated that they did their search, they met with the Mayor, they met with law enforcement, they met with the neighbor, and they offered to find a more acceptable site than the YALE building and they found this one that they consider to be above average in terms of not being near a school or daycare center. Mr. Heffner asked how often an ambulance has had to come to one of their facilities. Mr. Kester testified they never had one have to come to their centers. He stated that if someone is in a real crisis they are taken to the emergency room. Mr. Heffner stated that he believes they run a first class operation since everyone is dressed nice and someone is making money. Mr. Kester replied that they charge their patients fourteen dollars a day; if you can find someplace that can offer medical treatment, testing, unlimited counseling, etc. for fourteen dollars a day then I encourage you to open one yourself. Mr. Heffner stated that the school children do not get picked up and dropped off behind the shopping center but on the Black Horse Pike so they will have to walk by the shopping center.

Appeal: (continued)

1. #17-01 – Crossroads Treatment Center (continued)

He stated that he did not think this was the ideal location for the center and that when the attorney or applicants say it is an inherently beneficial use they say that because they don't live here but every one of us do live here. He commented that he understands the Board members have to follow the law but when they say it's not personal they're wrong; it is personal because it's his town.

3. Michelle Perez, 14 Walter Drive, was sworn in by Mr. Marmero. Ms. Perez stated that she is the Chairperson for the Municipal Alliance and she is a recovery coach trainer and interventionist. She stated that most likely everyone in the room knows someone personally who has or had an addiction problem. Eighty-eight people died in 2016 from an accidental overdose; seventy-six of them were related to opioids. You do have to understand the process of addiction and the process of recovery. People need medication assisted treatment because for the first year they will struggle; they go through withdraw, they can't make decisions, they don't think clearly. Medication assisted treatment along with the proper counseling and coaching and all around support is what is needed. She didn't understand why some people act like it's not a problem here, it is here and she would like to see it treated. It is everywhere in the State of New Jersey and there are only thirty-four methadone clinics in the state. Most addicts don't have a chance because of the stigma that is attached to addiction; people want to keep them down on the ground where they are considered worthless. This is a perfect opportunity that she believes would help change the statistics in this town. She asked the Board to consider that when they vote.

Motion passed to close the application to the public.

Mr. Salvadori asked Mr. Kester how the drug is administered to the patients. Mr. Kester replied that for the first six to nine months the patient does not get any take home medication. They are physically observed taking the medication in the facility and during that time they are drug tested regularly to make sure they are not using any drugs. There is a legal requirement for counseling. As far as when they do get take home medication the facility will do bottle recalls. So when someone goes home with fourteen days of take home medication they can call them on any day, for example they call them on day seven to bring in their medication, they better have seven bottles of unopened medication. And they do this regularly for anyone that is on take home. By the time a patient is on take home medication they have been in treatment for six to nine months and they are usually quite compliant by that point. Mr. Kester stated that people can get methadone from a doctor; if you go to a cancer doctor they prescribe methadone without any controls in take home doses, recalls, etc. Eighty percent of the methadone that is diverted comes from prescriptions given by a private doctor's office. Mr. Salvadori asked Mr. Kester to address the issue of getting the medication and then being high after thirty minutes or so.

Appeal: (continued)

1. #17-01 – Crossroads Treatment Center (continued)

Mr. Kester stated that there are two points that Amanda mentioned. The first is that she thought it was bad that people had to test positive for opioids to get admitted into a program. He stated that these programs have been in existence for over sixty years and that is not their regulation. The question is are people “high” after they take the medication. He has talked to thousands of patients and they say they feel a sense of relief. It is not like a heroin high; people are not leaving their centers and getting into accidents. Counseling is a required part of the treatment. He stated that regardless of what people hear about these treatment programs they are a lot better than the alternatives. Mr. Sebastian asked what the next step is after a person is admitted into the program. Mr. Kester stated that the patient gets medication because they are usually in withdraw or in crisis and need the medication at that point; they will not respond or listen to counseling if they are going through withdraw. Mr. Sebastian asked when counseling starts. Mr. Kester stated that for the first week the patient will meet with their counselor every day and the nurses every day because the medication will need adjustments. Mr. Sebastian asked if the counselors are licensed. Mr. Kester stated that they are licensed. Mr. Sebastian asked how the methadone is transmitted; in liquid form or in pill form. Mr. Kester stated it can be liquid or what is called a wafer. It is an observed ingestion; if the patient is not cooperative with ingesting their pill the nurse will hold their mouth shut if she has too. They are aware that some of these patients will try to get over or beat the system because of their addiction.

Mr. Mercado commented on the patients that go for treatment who are in crisis but Mr. Kester also mentioned that some may be suicidal. He asked what the procedure is at the center if they determine a patient is suicidal. If someone presents themselves as suicidal in their center, they will call 911 and get that person to the emergency room for the treatment. They are only licensed to treat opioid addiction but if someone comes in with other issues they refer them to the proper care. They are networked in to the local hospital emergency rooms, into housing and food programs, crisis prevention, job training programs, etc. They are constantly making referrals into other programs which is part of the recovery process. They will not send someone away who is suicidal; they will call an emergency room or wherever they need to call to get the person the help they need.

Mr. Marmero stated that he discussed what the standard is for the Board for the application this evening. The Board has heard a lot of testimony; the good and bad of the program. He stated that the Board is tasked with the narrow question of whether or not the use is a permitted use in the zone. To narrow it down further the Board has heard testimony that a professional office use is permitted in this zone and must decide if this use constitutes a professional office use. So a motion is needed either to uphold the Zoning Officer’s decision or to overturn her decision.

Appeal: (continued)

1. #17-01 – Crossroad Treatment Center (continued)

Motion by Mr. McLaughlin to overturn the Zoning Officer's decision for the reason that the law does state this use is considered a professional office use and even though there have been many other things to consider it is his opinion that the Board's focus should be if the use is permitted in the zone. Mr. Kozak seconded Mr. McLaughlin's motion for the same reasons. Roll call vote: Ayes – Mr. McLaughlin, Mr. Kozak, Mr. Manfredi. Nays – Ms. Fox, Mr. Fritz, Mr. Mercado, Mr. Salvadori. 3 ayes, 4 nays, motion failed.

Public Portion:

Motion passed to open the meeting to the public. There being none, motion passed to close the meeting to the public.

Reports:

Mrs. Farrell stated that the Board requested her to contact the Clerk's office concerning placing notice in the paper for professional services for the Board Solicitor position. The Clerk's office did prepare the notice and sent it out but then was directed to remove it. That was not done by the Zoning Board office but by other people who wanted the wording in the notice to be changed. Mrs. Farrell distributed copies of Chapter 18, the ordinance which concerns the Fair and Open Process for professional service agreements. After she read the section that states the advertisement shall be advertised by the Mayor's office, an appointing authority, or the Board in the official newspaper. Mrs. Farrell then contacted Mr. Fiore for clarification. She distributed an email response letter from Mr. Fiore which stated that if the Board wishes to move forward with the notice then Council will do a resolution to approve the advertisement at Monday night's meeting. She asked Mr. Fiore where it says in the ordinance the Board needs approval or a resolution from Council to advertise for professional services. The bottom line is that the ordinance does not say the Board needs a resolution from Council. Mr. Fiore's letter does indicate that if the Board wants to proceed with the original notice Mrs. Farrell can let him know and Council will do a resolution. She stated that given the time it will take to get the notice in the paper and the thirty days after it's advertised that is required to allow for responses it's possible the Board will not have an attorney until April. Mr. Salvadori asked if the Board can direct Mrs. Farrell to place the advertisement in the paper. Mrs. Farrell replied that is why she asked Mr. Fiore where in the ordinance it says Council has to do a resolution to allow the notice. Mr. Sebastian stated that the Zoning Board is an autonomous board and does not need Council's approval. He suggested they contact the League of Municipalities for an answer. Mrs. Farrell stated that the Clerk's office has been using the same notice in the paper since 2005. The issue came up because some people wanted the wording in the notice changed now.

Reports: (continued)

It is Mr. Fiore's opinion that if the wording in the notice is to be changed it should be changed for next year's advertisement. She asked if the Board was okay with letting the Clerk put the original notice in the paper and getting the resolution from Council in order to get the matter settled since it could take some time to get an answer from the League and since they do not have an attorney to advise them on the issue. There was some question as to whether or not Council will put it on the agenda for Monday night's meeting and if it will get approved. Some Board members asked who told the Clerk to remove the original advertisement from the paper. Mrs. Farrell replied that she did not want to say at this time. There were Board members who stated that if Council does not approve it on Monday then all meetings should be cancelled.

Mrs. Farrell stated that Mr. Marmero was appointed to handle certain applications. She informed the Board that there is a new application scheduled on the next meeting and wanted permission to send it to Mr. Marmero. There was some discussion on whether the Board was allowing Mr. Marmero to work on new applications. Mrs. Farrell stated that technically they do not have an attorney for new applications and she asked the Board for direction on how to proceed with any new applications. It was discussed and determined that they will send applications to Mr. Marmero since the applications have time running. Mrs. Farrell stated that she will know more about the decision by Council and the advertisement by the next meeting. The Board voted to authorize the original advertisement for professional services to be placed in the newspaper by the Clerk's office.

Approval of Minutes:

1. 10/18/16 regular meeting.
2. 11/15/16 regular meeting.
3. 1/17/17 regular meeting.

Motion by Mr. Fritz, seconded by Mr. McLaughlin to approve the minutes for the above noted meeting. Voice vote; all ayes, motion passed.

Adjournment:

The meeting was adjourned at 9:15 p.m.

These minutes are an extract from the meeting that was held on the above date and are not a verbatim account or to be construed as an official transcript of the proceedings. The tape of the meeting is stored in the office of the Board. Ninette Orbaczewski, Clerk Transcriber.