

EAST LYME BOARD OF SELECTMEN  
PUBLIC HEARING OF OCTOBER 20, 2021  
MINUTES

PRESENT: Mark Nickerson, Kevin Seery, Rose Ann Hardy, Marc Salerno, Daniel Cunningham, and Paul Dagle

Mr. Nickerson opened the Public Hearing to consider the adoption of an ordinance entitled "Ordinance Prohibiting The Establishment Of A Cannabis Establishment Within The Town Limits And Prohibiting Smoking/Vaping Of Cannabis On All Town Owned Or Controlled Property For A Period Of Six Months" at 7:00 p.m., and he led the Pledge of Allegiance.

He stated that he caused the Notice of Public Hearing to be posted on the signpost, on the Town webpage, and that it was published in *The Day* on October 9, 2021. Mr. Nickerson then asked if anyone from the public would like to speak on this matter. He stated that a lot of people are here tonight to speak on this matter, so to please keep comments under five minutes to give everyone an opportunity to be heard.

Ms. Laurie Zrenda, 40 Mostowy Road, spoke and stated that she is a lifelong resident of East Lyme and a licensed pharmacist. She explained that she opened Thames Valley Relief in Montville, a medical marijuana facility, in 2014 and that she has just recently sold that establishment. She gave a summary of the newly enacted cannabis law. She stated that a person must be 21 years or older to purchase cannabis, there will only be one dispensary allowed per town, and that the State will decide how many total licenses it will issue and how it will issue them, for example by a lottery if needed. Ms. Zrenda reported that there will be three taxes on retail sale of cannabis; the state's 6.35 percent sales tax, a 3 percent sales tax dedicated to the city or town where the sale occurs, and a tax based on THC content that will cost approximately 10 to 15 percent of the sale price. In total, the tax rate is expected to be approximately 20 percent of the retail price of cannabis. The 3 percent may be used by the municipality for things such as streetscape improvements and other neighborhood developments in communities where cannabis or hybrid retailers or micro-cultivators are located; education programs or youth employment and training programs in the municipality; mental health or addiction services; youth service bureaus and municipal juvenile review boards; and community civic engagement efforts. She stated that the products are laboratory tested and safer than buying off the street where a person does not know what additional chemicals the product might contain. Ms. Zrenda spoke about the misconception that cannabis is a gateway drug and stated that research has shown that to be untrue and that opioids and alcohol are much more dangerous; for example, a person cannot overdose on cannabis. She referenced the Cole Memo, which indicated for the first time that the federal government would only intervene in states that failed to prevent criminal involvement in the market, sales to youths, and illegal diversion to other states; the federal government has given the States the authority to regulate their own cannabis policies. Ms. Zrenda stated a recent state-level lawsuit in which an employee was fired for failing a drug test at a medical facility was then reversed by a federal court which stated that an employer cannot discriminate against a worker based solely on their usage of cannabis. Ms. Zrenda stated that although the law has passed and is in effect, the State has not yet determined how they are going to facilitate this

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program, and no information has been released yet as to the process itself and specifically how they are going to distribute licenses. She stated if the town does decide to institute a six-month moratorium, the State may move during that time to issue the licenses and then East Lyme would miss out on the opportunity. As it currently stands, the State is going to issue a certain number of licenses, no more than one per town, and that will be it. She explained that if the town remains open to the process, the “moratorium” is essentially built into the current system because it is anticipated that the State is going to take a few months to determine how to allocate the licenses, so there is nothing for the town to take a pause from now. Mr. Nickerson stated that this ordinance is not permanent, and it is not the town’s wish to ban activities involving cannabis, but simply to take a pause that will automatically “sunset” in six months to the day of the effective date. He explained that there are many additional issues to consider besides sale and use of cannabis, such as building code issues, zoning, cultivation, manufacturing edibles, fire codes, conditions of operation, to name a few.

Ms. Holly Cheeseman, 16 Mitchell Drive, and State Representative took the podium and stated that she has spent a lot of time reviewing the bill and feels she is educated to speak on the 300 plus page law that recently went into effect. She stated that she is in support of the Board of Selectmen taking a pause to review the law in its entirety. Ms. Cheeseman stated that Connecticut has one of the best and well thought out marijuana programs in the country, and that she is not in attendance to debate whether marijuana is good or bad, but rather does East Lyme want a dispensary in town. She stated that although the State has promised three percent to the municipality, we need to look at that promise realistically; there have been similar promises in the past that never came to fruition. She stated that concerns of legalization for children include accidental poisoning, and the eventual normalization of usage for teenagers. Ms. Cheeseman reported that a recent study showed that Massachusetts and California report 80 percent of cannabis is sold on the black market; that study shows that it is due to the overpriced, overtaxed cannabis product that is available legally at the dispensaries. Ms. Cheeseman explained that another consideration is that today’s marijuana sold in a dispensary is much stronger and contains much more THC than in the 1980s. In closing, Ms. Cheeseman asked the Board and the public to consider that there is no guarantee of revenue from the State, there is no guarantee that the product won’t expand quickly like alcohol did, and there is no guarantee that the police will be able to control this market effectively. She stated that she is fully opposed to the legalization of marijuana, but that she realizes that she can’t stop the progress but stands firm in her belief that this is not a benign substance and requested that we at least take the time to fully review the newly enacted law.

Ms. Wendi Sims, 10 Green Valley Lake Road, spoke and stated that she is also the Democratic Registrar for the Town of East Lyme. Ms. Sims stated that she read the full bill and was able to get the full gist of the contents in just a few minutes. She stated that the Board of Selectman discussed three major concerns when they scheduled this public hearing; public smoking, how the three percent can be spent, and the moral compass of the town. Regarding the public smoking, she stated that this is already addressed in the law and prohibits smoking in any form, cigarettes, e-cigarettes, vaping, etc., within 25 feet of any public entrance, window, or air intake. Regarding how the three percent can be spent, it is very clearly outline in the law what the funds can be spent on, and there are items such as supporting youth education, mental health, and addiction services, which are things that we have already spoken about needing more of in this community. Ms. Sims stated that she believes that alcohol and opioids are much more addictive, but there are many package stores and pharmacies in our town. She stated that the town could lose out on this opportunity if this ordinance is put in place.

Mr. Robert Vancour, 107 South Beechwood Road, stated that he is not in favor of a moratorium, and he stated that since the law was signed by the governor in late June, there has been plenty of time to review it. He stated that this matter is already scheduled to go before the Zoning Commission and that the process should continue. Mr. Vancour stated that he was an Army Officer, he served as a bail commissioner, and that he is a former Police Officer, and he feels that tobacco and alcohol are much worse and are readily available. He stated that tobacco use causes cancer and heart disease, and alcohol abuse is the cause of many accidents and fatalities and serious medical issues, yet marijuana continues to be a source of much angst and the facts just don't support it. He stated that the State has approved the use of recreational marijuana, and that the Town should let the process continue and allow the Zoning Commission to proceed with the zoning issues. He is against taking a six month pause on this matter.

Mr. Richard Steel, 23 Rose Lane, stated that he is not in favor of a moratorium and that it is not needed as stated by previous speakers. He stated that the location that has been proposed by the applicant is ideal and should not interfere with traffic or the businesses downtown or in Flanders; and having someone experienced open this dispensary would be a plus. Mr. Steel explained that the town has been talking about adding mental health staff over the past couple of years, so the dedicated usage of the three percent allocated to the Town will satisfy a need that the community already supports but that could not be funded up to this point. He supports moving forward with welcoming a dispensary in town and that the town should move forward with the process in a timely manner; this matter should not be put on hold for the new administration to take over.

Mr. Frank Maletz, 12 Mackinnon Place, stated that he is in favor of the moratorium to give everyone an opportunity to thoroughly review the new law. He stated that he is an orthopedic surgeon and has been working with the Ledge Light Health District over the past few years on the ramifications of the opioid crisis. Mr. Maletz explained that he has a lot of respect for Ms. Zrenda and that he has many patients who have benefited from medical marijuana, but he does not feel that we should rush into recreational legalization. He stated that he supports sensible research and feels that we should consider very carefully the legalization of THC products in the Town of East Lyme.

Mr. Samuel Sims, 10 Green Valley Lakes Road, stated that he is not in favor of the moratorium and that if we do not move forward with this now, the Town will not prevent the usage but will allow our surrounding towns to reap the financial benefits of having a dispensary. He stated that the location is good and that he has spoken with people in the 21-30 age group and there is a lot of support from young adults, but this is not an age group that actively attends municipal meetings.

Ms. Donna Pearlman, 160 Giants Neck Road, stated that she is not in favor of a moratorium and that she is a current medical marijuana patient. She stated that upon listening to the concerns expressed tonight, she stated that she thinks people may be confusing a dispensary with a growing facility, which is not what is proposed; a dispensary would not generate such fumes. Ms. Pearlman stated that instituting this ordinance seemingly goes directly against what Governor Lamont intended by the legalization of marijuana in Connecticut. She reported that according to a recent research study, ninety-one percent of the people polled support both medical and recreational use in their own towns. Ms. Pearlman feels that our Town is behind the times and should be more forward thinking. She reported that opioids and alcohol are much worse and more dangerous than marijuana.

Ms. Jamie Barr Shelburn, 31 McElaney Drive, spoke and stated that she is a member of the Board of Education and that she is in favor of a moratorium. She explained that she is a survivor of addiction, and that addiction leads to abandonment and abuse; she feels that marijuana was the drug that led to other drugs and increased use of alcohol. Although she feels strongly that people should not use cannabis, she is at the public hearing tonight to speak about the three percent tax that is supposed to come back to the town. She reported that receiving these funds would be counterintuitive because we already have a problem with mental health and addiction in our community and in our state; she also stated that the State makes a lot of promises that don't come to fruition so we should not count on that money coming to the town. She stated that she has a concern that the ban on smoking on town property will not be enforced; she noted that she does not believe that the current ban of smoking tobacco on town property is not enforced. Mr. Nickerson thanked Ms. Shelburn for speaking tonight and congratulated her on her recent award recognizing her as a master board member by the Connecticut Association of Boards of Education.

Mr. Ray Elmer, 6 Willow Lane, stated that he is not in favor of a moratorium and stated that the town should not lose out on this business opportunity, stating that if East Lyme does not strive to get this business in our town one of our neighboring towns will. He feels as though the town cannot afford to pass on this tax revenue, and he does not support a moratorium.

Mr. Kurt Hayes, 13 Joyce Court, spoke and stated that he is not in favor of a moratorium. Mr. Hayes explained that there has been a lot of good conversation at this meeting from both sides, but that we should make the best decision for the Town and that would be to move forward with this dispensary and not wait. He stated that the town is lucky that to have such a person as the applicant to spearhead this venture.

Mr. Shawn Glidden, 317 Boston Post Road, spoke and stated that he is not in favor of a moratorium and that he is a current medical marijuana patient. He explained that he has a traumatic brain injury which makes it very hard for him to relax and that the medical marijuana helps him to relax. He understands the desire to take a pause, but he does not want the town to miss out on such an opportunity.

Mr. Jay Van Czak, 10 Old Stone Way, spoke and stated that his is not in favor of a moratorium and that it would not be acceptable for the town to miss out on this opportunity. He stated that the law has been in effect for enough time to review and that this is a State directive that should not take extra review by a municipality.

Mr. Nickerson thanked everyone for coming to this meeting for their passion and for having a polite and respectful discussion. He stated that it's clear that we will do our best to make the best choices for our town.

MOTION (1)

Motion by Mr. Seery to close the Public Hearing of October 20, 2021, at 8:08 p.m.

Seconded by Mr. Cunningham. Motion passed 6-0.

Respectfully Submitted,



Sandra Anderson  
Recording Secretary