

WARREN BOARD OF HEALTH
Reorganization Meeting Minutes
JANUARY 9, 2013 – 7:00 P.M.
2ND FLOOR CONFERENCE ROOM – MUNICIPAL BUILDING
46 MOUNTAIN BOULEVARD, WARREN

Call to Order: The regular public meeting of the Warren Township Board of Health was called to order at 7:05 p.m. by Barbara Streker, Clerk/Registrar

Flag Salute

The Opening Statement: Adequate notice of this meeting was given on January 11, 2012 by posting a copy on the Township Bulletin Board sending a copy to the Township Clerk, Echoes Sentinel and Courier News as required by the Open Public Meetings Act. We plan to adjourn no later than 10:00 P.M.

Roll Call:

Dr. DeMarco-	Present	<u>Alternate #1</u>	
Mrs. Cooper-	Present	Mr. Rosenman-	Present
Mr. Morlino-	Present	<u>Alternate #2</u>	
Dr. Sarraf-	Absent	Mrs. Parker-	Absent
Mr. Lazo-	Absent		
Mr. Riley-	Present	Mr. Plager-	Present

Clerk informs the Board of new appointments:

The Township Committee concurs and recommends the following appointments to the Board of Health:

Malcolm Plager – Appointment Expiration Date – December 31, 2015
Angelo DeMarco– Appointment Expiration Date – December 31, 2015

Alternate #1

Mark Rosenman- Appointment Expiration Date- December 31, 2014

Mayor's Appointment:

George Lazo – Appointment Expiration Date – December 31, 2013

Mr. Plager informed the Board that he had the opportunity to talk to the Mayor about the reappointments and the operation of the Board. The Mayor told Mr. Plager that Mr. Lazo has reported back to the Township Committee how professional and effective the Board of Health is. Mr. Plager just wanted to share his conversation with the Board.

Board Counsel administered oaths to Mr. Plager, Dr. DeMarco and Mr. Rosenman

**Board of Health Re-organization Meeting
January 9, 2013
Page Two**

Order of Business for Organizational Meeting:

1. Election of Officers
2. Resolution concerning Authorizing Use of Consent Agenda at Warren Township Board of Health Meetings
3. Consent Agenda
4. Schedule of Meetings
5. Resolution concerning Appointments for Middle-Brook Regional Health Commission Representatives and Alternates.
6. Resolution concerning Rules of Order
7. Resolutions for Approved Applications from Prior Cases
8. New Business
9. Old Business
10. Privilege of the Floor
11. Minutes
12. Correspondence
13. Middle-Brook Regional Health Commissions Report
14. Reports of Employees
15. Financial Reports
16. Adjournment

Motion was made by Mrs. Cooper, seconded by Mr. Plager to adopt the Order of Business for the Reorganization Meeting as read:

Voice Vote:

In Favor: Dr. DeMarco, Mrs. Cooper, Mr. Morlino, Mr. Riley, Mr. Rosenman, Mr. Plager

Opposed: None

Abstentions: None

Election of Officers

Election of President

Nomination was made by Dr. DeMarco, seconded by Mr. Morlino to elect Mr. Plager as President of the Warren Township Board of Health.

There being no further nominations from the floor, motion was made by Mrs. Cooper second by Mr. Morlino to close nominations:

Voice Vote:

In Favor: Dr. DeMarco, Mrs. Cooper, Mr. Morlino, Mr. Riley, Mr. Rosenman, Mr. Plager

Opposed: None

Abstentions: None

**Board of Health Re-organization Meeting
January 9, 2013
Page Three**

Election of Vice-President:

Nomination was made by Mrs. Cooper, seconded by Mr. Morlino to elect Dr. DeMarco as Vice-President of the Warren Township Board of Health.

There being no further nominations from the floor, motion was made by Mr. Rosenman second by Mrs. Cooper to close nominations:

Voice Vote:

In Favor: Dr. DeMarco, Mrs. Cooper, Mr. Morlino, Mr. Riley, Mr. Rosenman, Mr. Plager

Opposed: None

Abstentions: None

Election of Secretary/Treasurer:

Nomination was made by Mr. Plager, seconded by Mr. Morlino to elect Mrs. Cooper as Secretary/Treasurer of the Warren Township Board of Health.

There being no further nominations from the floor, motion was made by Mr. Morlino second by Mr. Plager to close nominations:

Voice Vote:

In Favor: Dr. DeMarco, Mrs. Cooper, Mr. Morlino, Mr. Riley, Mr. Rosenman, Mr. Plager

Opposed: None

Abstentions: None

Resolution 2013-1 Authorizing Use of Consent Agenda at Warren Township Board of Health Meetings

Motion was made by Mrs. Cooper second by Dr. DeMarco to approve Resolution 2013-1

Roll Call

Dr. DeMarco-	Yes
Mrs. Cooper-	Yes
Mr. Morlino-	Yes
Mr. Riley-	Yes
Mr. Rosenman-	Yes
Mr. Plager-	Yes

**Board of Health Re-organization Meeting
January 9, 2013
Page Four**

Consent Agenda

Resolutions No. 2013-2 through 2013-7 were submitted to the Board of Health for review and may be adopted by one motion. These resolutions are listed on the agenda for review and a complete copy made available in the Warren Township Board of Health.

Resolution 2013-2 – Health Officer

Resolution 2013-3 - Appointment of Employees

Resolution 2013-4- Award of Contract Board of Health Attorney

Resolution 2013-5 – Business and Correspondence

Resolution 2013-6 – Authorizing Agreement with Middle-Brook Regional Health Commission for Public Health Services

Resolution 2013-7 – Schedule of Meetings

Mr. Riley asked questions concerning the Resolution for the Attorney's Contract.

Counsel stated that the municipality presents her with a contract and the rate is set by the Township Committee.

Mr. Sumner stated that the Board could change the third "Whereas" language of the Resolution to reflect "has agreed to a contract," instead of "has submitted a proposal".

Motion was made by Mr. Morlino second by Mr. Plager to pull Resolution 2013-4 from the consent agenda and approve as amended.

Roll Call

Dr. DeMarco-	Yes
Mrs. Cooper-	Yes
Mr. Morlino-	Yes
Mr. Riley-	Abstain
Mr. Rosenman-	Yes
Mr. Plager-	Yes

**Board of Health Re-organization Meeting
January 9, 2013
Page Five**

Motion was by Mr. Plager second by Mr. Morlino to approve Resolution 2013-2, 2013-3, 2013-5, 2013-6, 2013-7 as presented.

Roll Call

Dr. DeMarco-	Yes
Mrs. Cooper-	Yes
Mr. Morlino-	Yes
Mr. Riley-	Yes
Mr. Rosenman-	Yes
Mr. Plager-	Yes

Board Counsel administered oath to Mr. Kevin Sumner, Health Officer.

Resolution 2013-8 – Appointments of Representatives and Alternates to Middle-Brook Regional Health Commission.

Appointments were made as following: Mr. Riley as a representative #1, Mr. Morlino as representative #2, and Mr. Plager as alternate to the Middle Brook Regional Health Commission for 2013.

Mr. Morlino moved to approve Resolution 2013-8 authorizing appointees, second by Mr. Plager.

Roll Call

Dr. DeMarco-	Yes
Mrs. Cooper-	Yes
Mr. Morlino-	Yes
Mr. Riley-	Yes
Mr. Rosenman-	Yes
Mr. Plager-	Yes

Resolution 2013-9 Rules of Order

Mr. Riley stated that he felt the order of business should be changed to approve the minutes before the reading of resolutions.

Motion was made by Mr. Plager second by Mrs. Cooper to approve Resolution 2013-9 with amendment as suggested.

Roll Call

Dr. DeMarco-	Yes
Mrs. Cooper-	Yes
Mr. Morlino-	Yes
Mr. Riley-	Yes
Mr. Rosenman-	Yes
Mr. Plager-	Yes

**Board of Health Re-organization Meeting
January 9, 2013
Page Six**

New Business:

Case #1 – 9 January 2013

53 & 57 Mount Bethel Road

Block 74, Lots 7, 8 & 9

Application: Site Plan

Owner: Walter Cyburt

Applicant: Shelter Development LLC

Engineer: Kevin G. Page, PE; Page Engineering Consultants, PC

Attorney: Glenn Pantel, Esq.

Catherine Mueller, PE, of Page Engineering and David Holland, Vice President of Development, Bright View Senior Living, were present and sworn in to testify.

Applicant is seeking certification from the Board of Health for the above referenced site plan application. Applicant is proposing to construct one assisted living residential health care facility building containing 122 beds with associated parking, driveways, and utilities. All existing residential improvements on the subject properties are to be removed. Development is to be serviced by public sewers as evidenced by Warren Township Sewerage Authority Resolution 12-136 and public water as evidenced by New Jersey American Water Company "Will-serve" letter by email. A NJDEP Wetlands Letter of Interpretation dated Dec 02 2011 was previously submitted.

Mr. Holland testified that a year and a half ago, a presentation was made on a different proposal for a larger community that included a larger facility with little cottages surrounding it. That proposal included two components. The first was independent living and the other was assisted living. The original proposal went before the Board of Adjustment who denied it because of the intensity of the use. They were requesting a use variance for the independent living and an FAR Variance. The new proposal is a smaller one-building facility for assisted living. This application will now be presented to the Planning Board. They are now requesting a 1C variance which includes a story variance (building would be 3 stories), but the use, Assisted Living, is a permitted use.

Mr. Plager stated that the proposed site for assisted living is in a bad location. It will be located in a heavy traffic and noise area.

Mr. Holland testified this site is 17 acres of heavy woods. They plan on preserving a number of trees by disturbing less than 40%; creating a significant tree buffer around the site.

Mr. Holland testified that the residents of these facilities like to be in a hub of activity. Their company currently runs 26 of these communities. The key to their programming is to become part of the community.

Mr. Plager was concerned about the intersection, and the main roads that need to be crossed. He has a concern about the residents moving around town.

**Board of Health Re-organization Meeting
January 9, 2013
Page Seven**

Case #1 – 9 January 2013- (Continued)

Mr. Holland testified that most of the residents do not drive and the activity would be housed onsite. They would have access to activity areas, dining, and personal care services, within the facility. The site would provide van transportation for the residents to take them to doctor visits, cultural events, or shopping.

Mr. Holland testified that the residents would be housed in apartments with kitchenettes. The facility provides three meals a day. They have a commercial kitchen and community dining settings. They will have lounges, a “pub,” and activity centers. The facility would create socialization and vibrant living but in a safe secure environment.

Mr. Plager asked what the contribution will be to the downtown plan. Is there going to be sidewalk intersection with the main sidewalk system? Ms. Mueller testified that this has been discussed through TCC meetings with the Planning Board and also with the County Engineer. They are still throwing around ideas as to a sidewalk along Mount Bethel Road or interconnection to Town Center Drive. They have different alternatives that will be discussed with the Planning Board. Right now on these plans, they show a sidewalk going out the main entrance driveway and down Mount Bethel. There is currently an existing easement connecting to Town Center Drive where the utilities will be run. All utilities will be located underground.

Mr. Riley asked if vehicle access would be possible from Town Center Drive. Mr. Holland testified it is not part of the current proposal. They have discussed it with the owners of the property and the owners of Town Center are not open to it at this time.

Mrs. Cooper stated that her main concern is the traffic access to the property. To make a left hand turn out of the facility to go up the hill is next to impossible. It would be much more viable and safe to get an easement into Town Center Drive.

Ms. Mueller testified that the design of the driveway for the property would align with the property across the street which is an exit only. The access to the site on Mount Bethel will be improved as part of the improvements to the county road. They propose to have a left turn lane into their property and restriping would be done. Mrs. Cooper stated that the problem is not coming in, but leaving.

Mr. Rosenman asked about the frequency of emergency vehicles accessing the property. Mr. Holland testified that they typically see emergency vehicles once or twice a week.

Mrs. Cooper asked if the nurse on staff would be available 24 hours/ 7 days a week. Mr. Holland testified that staffing has not been determined yet. Typically they budget 24hrs a day for a nurse.

Ms. Mueller testified that they are proposing one main building in the middle of the property. The building will be 350 feet from the nearest house. They have provided access 360 degrees around the building for emergency vehicles.

**Board of Health Re-organization Meeting
January 9, 2013
Page Eight**

Case #1 – 9 January 2013- (Continued)

One detention basin is proposed in the front of the property near Mount Bethel Road for water quality, recharge purposes, and peak flow reductions. They have done a number of soil tests and have gotten down as far as 18 feet with no refusal or ground water found.

Ms. Mueller testified that there is a small wetlands ditch along the south border of the property that empties into the storm sewer system.

Counsel for the Board stated that the sewer application mentions an environmentally sensitive area. Ms. Mueller testified it is part of the TWA application because of the wetlands ditch, which they have the LOI for.

Mr. Riley asked if there would be an emergency generator on site. Mr. Holland testified that the building will have a full service generator. The generator would be located on a pad in the rear by the service entrance behind a retaining wall. Mr. Riley was concerned about the issue of noise testing.

Ms. Mueller testified that the air conditioner units will be within the attic area. They will have condenser units in a roof well. The vertical difference from the nearest house is 55 vertical feet which will be fully wooded.

Ms. Mueller testified that the subject lots would be merged by deed. Mr. Sumner asked if this application is both a site plan and subdivision application. Ms. Mueller testified that this is not a subdivision, but just a merger by deed. The interior lot lines will be eliminated. Counsel for the Board stated that typically when applicants come before the Board, they have done it by way of subdivision. Ms. Mueller testified that there is no subdivision application associated with this site.

Mr. Sumner stated that there may be historical septic systems on the site. Ms. Mueller testified that the two current dwellings are connected to the sewer. If a septic system is found, it would be abandoned in accordance with law.

Mr. Sumner stated that there was a reference to a phase one investigation. Ms. Mueller testified that a phase one was done as part of the prior application. Mr. Sumner stated the report was never submitted to the Board of Health. A copy needs to be submitted to the Board of Health. He asked if there was anything in the phase one that is of concern. Ms. Mueller testified that most of the information already provided is from the phase one report.

Mr. Plager asked Mr. Sumner if he still needed any more information. Mr. Sumner stated he needs the Phase One Report and the LOI. In addition, the food service operation needs to be in compliance with the retail food regulations of the State of New Jersey. That will be a condition in the resolution. The kitchen must comply with permits, inspection and state regulations.

Mr. Plager asked how many levels of the building would have housing. Mr. Holland testified that all three floors will have apartment like living. The apartments will have a small kitchenette with refrigerator, a sink, and microwave. The apartments will range from small studios to two bedrooms. There will be two elevators to serve the residents.

**Board of Health Re-organization Meeting
January 9, 2013
Page Nine**

Case #1 – 9 January 2013- (Continued)

Mr. Morlino asked if the facility would handle prescriptions. Mr. Holland testified that staff would help with medication distribution and reminders, but would not prescribe. A medical director would come in a couple of times a week and would be provided space for an office in which to see residents.

Mrs. Cooper asked if the facility will have a hospital of record to which residents must be transported. Mr. Holland testified that typically it is up to the resident or ambulance to make that determination.

Mr. Sumner asked about the spas to be located in the facility. Mr. Holland testified that the areas would be for facial physical therapy which will be sub-contracted out. Space would be provided for these therapists. The facility would also have a fitness area and a supervised shower area. There will be no hot tubs or saunas.

Mrs. Cooper's only concern with this application is the traffic flow.

Mr. Sumner recommends the following conditions for the resolution: Noise Verification of the generators being in compliance with state law, Phase One Report, LOI, and the kitchen needs to comply with State and Local Regulations. He strongly suggests a recommendation to the Planning Board that the residents of this facility have pedestrian access to cross Washington Valley Road.

Mr. Riley feels an Engineer should testify as to the noise of the generator. Mr. Sumner suggested it can be a condition of the resolution since you get better, more accurate data from an actual reading on site after installation.

Mr. Plager asked the Board if they wanted to put together a letter to the Planning Board with their concerns. The Board agreed to a letter. Mr. Morlino wanted to make sure the Planning Board knows what impact this type of facility has on emergency services.

Mr. Plager polled the Board for further issues.

Mr. Riley stated that he assumes there is nothing major with regard to the Phase One. The generator issue could be deferred to the Health Officer. He is ready to vote on the application.

Dr. DeMarco stated that he is ready to vote. He is not concerned about the noise of the generator. He thinks there will be enough buffer with the trees. He would rather see the actual data from the generator once it is installed.

Mrs. Cooper agrees with Mr. Riley, and is ready to vote as long as a letter is sent to the Planning Board with concerns about the traffic situation.

Mr. Rosenman is ready to vote.

Mr. Plager still felt he needed more information to vote. He is very uncomfortable with the overall plan and the noise generated by the site.

Case #1 – 9 January 2013- (Continued)

Motion was made by Mr. Riley second by Mr. Morlino to approve the application subject to the following conditions: receipt of the Phase One Environmental Report, the receipt of the LOI from NJDEP, the receipt of data on the generator to be installed and the noise to be produced, compliance of the Retail Food Establishment with Local and State Regulations, and upon completion of the development submission by the applicant of evidence of compliance with State Noise Regulations at the property line.

A letter to the Planning Board will also be sent expressing the Board's concerns over traffic, emergency services, pedestrian access, runoff, and noise levels.

Roll Call

Dr. DeMarco-	Yes
Mrs. Cooper-	Yes
Mr. Morlino-	Yes
Mr. Riley-	Yes
Mr. Rosenman-	No
Mr. Plager-	No

Resolution 2013-10

10 Marian Lane
Block 96, Lot 10

Application:	Variance from Ordinance No. 88-1A
Owner:	Marie Colucci
Engineer:	W. Leland Titus, P.E.

Mrs. Cooper questioned how a potential purchaser doing their due diligence would know about this resolution. Counsel stated that the only way would be if Mrs. Colucci complies with the resolution.

Mr. Plager questioned whether the Board of Health could put a deed notice on the property through the county? If Mrs. Colucci were to pass away, how would the resolution be enforced?

Mr. Riley stated that if the deferment was not disclosed as a contractual matter, and someone closed on the property, then was subject to connection and the cost to connect, there would be a lawsuit against the seller. Counsel stated there would be a lawsuit, but the question is how would we know the property was transferred? Mr. Plager stated you wouldn't know.

Mr. Rosenman suggested the Board require the property owner to file a deed restriction on her own property as a condition to granting the relief. The cost is not expensive. Mr. Morlino stated it needs to be done to cover the Board.

**Board of Health Re-organization Meeting
January 9, 2013
Page Eleven**

Resolution 2013-10- (Continued)

Counsel stated that the wording would have to be acceptable to the Board of Health. This would put anyone who was interested in buying the property on notice through a title search that they must connect to the sewers. It would be the responsibility of Mrs. Colucci to file this in the County Clerk's Office.

Mr. Plager wanted to know if the Board should put that requirement on her before the resolution is passed.

Mr. Plager felt that as a Board, the deed notice requirement should be incorporated in the resolution. It would protect the Board.

Mr. Riley stated that if the Board agrees to this, he felt Mrs. Colucci should have the right to be heard first.

Counsel stated that it is only fair that Mrs. Colucci be notified before anything is passed.

Mr. Plager requested that a letter be written to the applicant explaining the situation and giving her either the option to take the action or appear before the Board at the next meeting.

Motion was made by Mrs. Cooper second by Mr. Rosenman to adjourn this resolution until the next meeting.

Roll Call

Dr. DeMarco-	Yes
Mrs. Cooper-	Yes
Mr. Morlino-	Yes
Mr. Riley-	Yes
Mr. Rosenman-	Yes
Mr. Plager-	Yes

Mr. Plager left the meeting at 9:00pm and returned at 9:15pm. Dr. DeMarco took over the meeting for Mr. Plager.

**Board of Health Re-organization Meeting
January 9, 2013
Page Twelve**

Resolution 2013-11

San Road and Mt. Bethel Road
Block 86.01, Lots 28.04, 29, & 30

Application: Major Subdivision
Owner: Louis Rosenberg
Subdivider: The Hollows at Warren
Engineer: Kevin G. Page, P.E.; Page Engineering Consultants, P.C.
Attorney: Joseph Murray, Esq.

Resolution 2013-11 was changed to resolution 2013-10

Mr. Riley stated that he thought there was an extended discussion on this application with Mr. Page about providing access for the sewer line to the two additional houses in this subdivision. He didn't remember all the testimony, but the minutes reflect he was supposed to contact Mr. Kastrud and the applicant agreed to extend the sewer line to these two other houses if he got some kind of approval from Mr. Kastrud. Mr. Riley thought that was what was agreed upon.

Mr. Sumner stated that he remembered the discussion, but doesn't recall it being a condition of the approval. The Township Engineer was requested by the applicant to write a letter to the DEP. He is not sure that the Board of Health could make that a condition if it was contingent upon action by the Township Engineer.

Katherine Mueller, Page Engineering, was present and sworn in to testify.

Ms. Mueller testified that it definitely looks feasible that lot lines will be adjusted to allow for connection of the two homes on Sans Road. It looks like they would be able to go around the ditch.

Counsel stated that it can be added as a "Whereas" in the resolution.

Motion was made by Mrs. Cooper second by Mr. Morlino to approve Resolution 2013-10 with the amendment of "Whereas, Applicant's engineer has represented that applicant will attempt to extend the new sewer line to Lots 28.05 & 28.03 and Block 86.01; and"

Roll Call

Dr. DeMarco-	Abstain
Mrs. Cooper-	Yes
Mr. Morlino-	Yes
Mr. Riley-	Yes
Mr. Rosenman-	Abstain
Mr. Plager-	Yes

**Board of Health Re-organization Meeting
January 9, 2013
Page Thirteen**

Resolution 2013-12

274 King George Road and 256 Mountain Avenue
Block 82, Lots: 8 & 9

Application: Site Plan
Applicant: CMG Chelsea, LLC
Owner: HCRI NY-NJ Properties, LLC (Lot 8)
Daveco Industrial, LLC (Lot 9)
Engineer: Keith B. Cahill, P.E.; Bohler Engineering
Attorney: Richard M. Sasso, Esq.

Resolution 2013-12 was changed to resolution 2013-11

Motion was made by Mr. Riley second by Mrs. Cooper to approve Resolution 2013-11 as read

Roll Call

Dr. DeMarco-	Abstain
Mrs. Cooper-	Yes
Mr. Morlino-	Yes
Mr. Riley-	Yes
Mr. Rosenman-	Yes
Mr. Plager-	Yes

Old Business:

- **Sewer Connection Ordinance**

Mr. Riley would like to see the cost of connecting to the sewer.

Mrs. Cooper didn't see how we can make a general Ordinance change to do what the Board wants to do.

Mr. Sumner stated that Mr. Page at the last meeting stated that the particular application that raised this issue is no longer an issue relative to the sewer connection, but that the Board may still want to consider a change.

The Board decided to table the Sewer Connection Ordinance discussion until the next meeting.

Privilege of the Floor: None

Approval of Minutes: November 20, 2012

Motion was made by Mrs. Cooper second by Mr. Plager to approve the November 20, 2012 minutes as amended.

**Board of Health Re-organization Meeting
January 9, 2013
Page Fifteen**

Grand Total:	<u>\$12,541.00</u>
Disbursements: December 2012	
Health:	
Total Health Disbursement December 2012	\$0.00
Animal Control:	
Animal Control Officer Pager	\$4.48
State Dog License Fee- December	<u>\$1.20</u>
Total Animal Control Disbursements	<u>\$5.68</u>
Total Disbursements – December 2012	<u>\$5.68</u>

Motion was made by Mr. Riley second by Mr. Morlino to approve November and December Financial Reports as read.

Roll Call

Dr. DeMarco-	Yes
Mrs. Cooper-	Yes
Mr. Morlino-	Yes
Mr. Riley-	Yes
Mr. Rosenman-	Yes
Mr. Plager-	Yes

Counsel for the Board left the meeting at 9:51pm

Middle-Brook Regional Health Commission Report:

Mr. Riley stated he has nothing to report. The next meeting is February 25.

Reports of Employees/Health Officer Report:

Mr. Sumner reported that the State has reached a “high” level for reporting of flu. this “high” designation is classified based on the number of cases or outbreaks in a particular community. Based on those definitions all counties of the state are seeing “high” levels of flu activity, except the North West region of the state and the Southern region which are classified as moderate.

Adjournment:

Motion was made by Mrs. Cooper second by Mr. Morlino to adjourn the meeting at 9:55pm. Motion carried by unanimous voice vote.

Respectfully submitted,

**Barbara Streker, Clerk, Warren
Township Board of Health**