

**WARREN BOARD OF HEALTH
MINUTES
March 9, 2016– 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 7:03 p.m. by Mr. Plager, Chairman/President Board of Health

Flag Salute

The Opening Statement: Adequate notice of this meeting was given on January 14, 2016 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-	Absent	<u>Alternate #1</u>	
Mrs. Cooper-	Present	Mr. Rosenman-	Present
Mr. Morlino-	Present	<u>Alternate #2</u>	
Dr. Sarraf-	Absent		
Mr. Lazo-	Absent		
Mr. Riley-	Present	Mr. Plager-	Present

Privilege of the Floor: NONE

Approval of Minutes: January 13, 2016

Motion was made by Mrs. Cooper second by Mr. Plager to approve the January 13, 2016 minutes as distributed.

Voice Vote:

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

Opposed: None

Abstentions: None

Correspondence: Please See Correspondence File

New Business:

Case #1 – 9 March 2016

10 Marian Lane

Block 96, Lot 10

Application: Variance from Ordinance 88-1A requiring connection to sewers

Applicant: Mrs. M. Colucci

Case #1 – 9 March 2016 (Continued)

Mr. Sumner stated that the applicant is requesting a variance from Ordinance 88-1A due to financial circumstances. Applicant has received prior deferrals. Applicant has provided engineer's certification that the septic tank was pumped on October 19, 2015 and that the system appears to be functioning properly based on a dye test performed on October 20, 2015. The Board of Health attorney, Fredi Pearlmutter, stated that she has reviewed the application and there has been no financial change and is recommending the hardship be approved.

Motion was made by Mr. Morlino second by Mr. Rosenman to approve the application as presented.

Roll Call:

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

Case #2 – 9 March 2016

84 Liberty Corner Road
Block 24, Lot 7.03
Application: Minor Subdivision
Owner/Applicant: America and Sara Sousa
Engineer: Robert Gazzale, PE of Fisk Associates
Attorney: Erwin Schnitzer, Esq.

Mr. Robert Gazzale, PE of Fisk Associates, Erwin Schnitzer, Esq., and Ms. Elaine Sousa, Applicants' daughter, were present. Mr. Gazzale and Ms. Sousa were sworn in by counsel.

Applicant proposes to subdivide the above referenced property consisting of 6.7989 acres to create two (2) lots. The existing house will be maintained on one lot and a house is proposed for the new lot. Each lot will be served by public sewer and public water as evidenced by Warren Township Sewerage Authority Resolution 15-71 and a "will-serve" letter from New Jersey American Water.

Mr. Gazzale testified that the property will be serviced by sewers from an easement granted off of Elm Ave, and that the existing septic will be abandoned as required by law.

Mr. Gazzale testified that a wetlands consultant did an evaluation of the property and found no wetlands.

Mr. Schnitzer asked Ms. Sousa to testify what was stored in the metal garage. Ms. Sousa testified that nothing out of the ordinary was stored besides cars, tools, and a lawn mower. She testified that her parents have owned the property for about 20 years.

Case #2 – 9 March 2016 (Continued)

Mr. Riley asked if the property had a county easement that could be used for a bike lane. Mr. Gazzale testified that there is an easement of around 30 feet across the frontage of the property dedicated to the county for street widening.

Motion was made by Mrs. Cooper second by Mr. Rosenman to approve the application as presented.

Roll Call:

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

Case #3 – 9 March 2016

23 Conklin Lane
Block 62, Lot 13.01
Application: Minor Subdivision
Owner/Applicant: CRC Communities at Conklin Lane, Inc.
Engineer: Robert Gazzale, PE of Fisk Associates
Attorney: Richard Sasso, Esq.

Mr. Robert Gazzale, PE of Fisk Associates was present and reminded by counsel that he was still under oath.

Mr. Gazzale testified that the Applicant proposes to subdivide 23 Conklin Lane consisting of 6.9835 acres to create two (2) lots of approximately 2.2 and 4.8 acres. A house is proposed for each lot to be served by public sewers, as evidenced by Warren Township Sewerage Authority Resolution 15-112.

Mr. Gazzale testified that this application already has Planning Board approval.

Mr. Gazzale testified that the existing five homes on Conklin Lane are served by well water and have no problems. The two new dwellings will also be served by new private potable wells that will be drilled.

Mr. Gazzale testified there are no environmental concerns for the property.

Motion was made by Mr. Morlino second by Mrs. Cooper to approve the application as presented.

Roll Call:

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

**Warren Township Board of Health
March 9, 2016
Page 4**

Case #4 – 9 March 2016

88 Round Top Road

Block 38, Lot 1

Application: Major Subdivision

Owner/Applicant: 88 Round Top, LLC

Engineer: Titus Surveying & Engineering, PC

Attorney: Vastola, Fackleman & Sullivan

Mr. David Nenna, applicant, Mr. Leland Titus, PE Titus Engineering, and Donald Whitelaw, Esq. of Graziano, Piasecki and Whitelaw, P.C were present. Mr. Nenna and Mr. Titus were sworn in to testify by Counsel.

Mr. Whitelaw stated that the applicant proposes to subdivide the above referenced property consisting of 11.9448 acres to create three (3) lots of approximately 5.1, 3.8 and 3.1 acres. The existing house and two proposed houses are to be served by public sewer, as evidenced by Warren Township Sewerage Authority Resolution 15-106 and public water, as evidenced by a "will-serve" letter from New Jersey American Water dated January 25, 2016. The applicant has also provided a NJDEP Wetlands Letter of Interpretation dated December 22, 2014 and a NJDEP "No Further Action Letter" regarding a leaking underground storage tank dated March 6, 2013.

Mr. Nenna testified that he is requesting temporary relief of the requirement to connect to the sewer for the existing house until the proposed houses are constructed and the existing house is sold. He testified that he would like to phase the subdivision. He currently has the existing farmhouse on the market and is requesting the Board approve the maintaining of the septic system for the farmhouse until a later date. Once the two new lots are sold he will extend the sewer for the two new lots and the existing house.

Mr. Titus testified that the septic tank was last pumped in October 2015 and a report shows the system is working marginally and is constructed of clay pipe.

The Board was very concerned about the existing septic on the property and when the house would be tied into sewer. The system is a very old system and currently has one person using it. The Board discussed whether the system should be repaired or tied into sewer. The Board was concerned about the septic not working properly and what is going to happen after the sale of the house. The house needs a functioning system whether it is septic or sewer.

Mr. Riley stated that the real issue is if the Board of Health will allow this subdivision with a deferred time-period for a sewer connection to the existing dwelling. Mr. Riley felt the applicant should come back with a more concrete plan and further details on how he plans to deal with the septic. Mr. Riley suggested tabling the application to the next meeting.

The Board is not comfortable with who is going to protect the buyer with the septic in the condition it is in now. Mr. Nenna testified that he would put in a new septic for the dwelling and when the sewer is run, he would abandon the septic and tie the house into sewer.

Mr. Titus testified that the dwelling currently has an oil tank in the basement that is to remain.

Case #4 – 9 March 2016 (Continued)

Mr. Whitelaw stated that the applicant has already applied to NJDEP for permission to cross the wetlands for the sewer line. They are still awaiting approval. Mr. Titus testified they are also still waiting on the treatment works approval from NJDEP.

Mrs. Cooper asked how far the farmhouse is to the sewer line. Mr. Titus testified 400 feet and that it would need a pump.

Mr. Titus testified that the proposed sewer line would also tie in two additional current dwellings. He has already met with the existing homeowners about the stubs.

Mr. Whitelaw, Mr. Netta and Mr. Titus left the meeting and returned. Upon further discussion with the Board, Mr. Whitelaw stated that the applicant has agreed that upon closing or sale of the existing home or septic failure if earlier the applicant will install a new septic system. Applicant will connect the existing home to the sewer line when the other lots are sold and will further confirm this is a Planning Board condition. The Warren Township Health Officer will have jurisdiction to approve septic system replacement and applicant may not be required to install septic if sewer installation is imminent. The Board also discussed whether to ask the applicant to post a bond or require a deed notice or deed restriction. The Board would like a deed notice or deed restriction.

Motion was made by Mr. Rosenman second by Mrs. Cooper to adjourn this case until the next meeting until the Board could see the wording of the Resolution before voting.

Voice Vote:

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

Opposed: None

Abstentions: None

The Board of Health received letters from the following establishments requesting relief of fees. The Board had a discussion and felt that because of their length of service in the town and that they would be closing after only two months of licensing, “A Calcutta Affair” would be entitled to a prorated reimbursement of the 2016 fees. All other establishments’ requests were denied.

- **Curious Minds (Daycare)** – requesting to have the 2016 license fee waived since they opened in November 2015 with only 2 children enrolled. In January 2016 they had only 4 children enrolled. [Denied]
- **The Giving Nest Preschool (Daycare)**- requesting the late fee be refunded since when Donna Ostman visited the site and gave them the application in January, they claim they were never told about the January 31, 2016 due date. [Denied]
- **A Calcutta Affair (Restaurant)**- requesting a reimbursement post adjustment of the application fee since they plan to close the restaurant on March 6, 2016. They have been in business since 2012. [Granted]

- **Four Seasons at Promenade- (pool)-** requesting the late fee be waived since they claim they claim that they were not notified that it was due by January 31, 2016. They have been licensing both the inside and outside pool in prior years, but the inside pool has been closed since 2014 and they are only licensing the outside pool. [Denied]
- **Elements Massage Warren (Massage)-** requesting the late fee be waived since they claim that they were under the impression that the license had to be renewed by March since that was the date last year. Was out of the country from mid Jan- mid February and claims they did not receive the notification from the town .[Denied]
- **Tru Thi Fine Dining LLC (Restaurant)-** requesting that the late fee be reimbursed since she only purchased the restaurant in September 2015 and claims that she was unaware that she needed to take out a food license each year. Was using the prior owner's license. [Denied]

Old Business:
None

Middle-Brook Regional Health Commission Report

- Legionnaires Disease- Mr. Riley provided to the Board information he found on Legionaries and cooling towers from New York. He thought it might be a good idea if the Board looked into the cooling towers for future Board of Health applications. The Board suggested adding something to the checklist on the current application noting if a cooling tower will be used. The Board wanted to know who would inspect the cooling towers. Counsel stated that if it is something the Board wanted to pursue, she could look further into it. Mr. Riley stated that he does not think the Board needs to go that far, but if something was added to the checklist it would at least give the Board of Health information that a cooling tower was located at a particular site.

Reports of Employees/Health Officer Report

- Board Operations - Mr. Sumner and Mr. Plager had a Meeting with the Mayor over a concern that applicants are being held up by the procedure of all the Boards. Reality is that nothing happens until the resolution is passed. Mr. Plager suggested going back to a meeting a month which would solve the problem. The Board discussed that certain cases might not even need to come to the Board and the Health Officer can administratively approve the application. The Board also suggested having resolutions prepared for adoption the same day the case is heard for straightforward applications with public water and sewer.

**Warren Township Board of Health
March 9, 2016
Page 7**

Financial Reports:

Treasurer's Report: Receipts –January 2016

Receipts for Registrar:	\$68.00
Health	\$14,715.15
Application Fees	\$400.00
Septic and Well	<u>\$100.00</u>
Total Health	\$14,883.15
Dogs	\$6,309.20
Cats	<u>\$172.00</u>
Total Animal	\$6,481.20
Grand Total:	<u>\$21,764.35</u>

Disbursements: January 2016

Health:

2016 Registrar Association Membership- Barbara Streker	<u>\$25.00</u>
Total Health Disbursement January 2016	\$25.00

Animal Control:

State Dog License Fee- January	<u>\$475.80</u>
Total Animal Control Disbursements	\$475.80

Total Disbursements – January 2016	<u>\$500.80</u>
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Treasurer's Report: Receipts –February 2016

Receipts for Registrar:	\$390.00
Health	\$7,640.90
Application Fees	\$575.00
Septic and Well	<u>\$150.00</u>
Total Health	\$8,755.90
Dogs	\$2,241.00
Cats	<u>\$105.00</u>
Total Animal	\$2,346.00
Grand Total:	<u>\$11,101.90</u>

Disbursements: February 2016

Health:

2016 Midstate Registrar Association Membership- Barbara Streker	\$30.00
2016 BOH Schedule of meetings- Courier News	\$74.56
1 st quarter 2016 Middle-Brook Health	<u>\$28,852.25</u>
Total Health Disbursement - February 2016	\$28,956.81

**Warren Township Board of Health
March 9, 2016
Page 8**

Animal Control:

Refund Dog License- Dog Died	\$18.00
State Dog License Fee- February 2016	<u>\$166.80</u>
Total Animal Control Disbursements	\$184.80

Total Disbursements – February 2016 **\$29,141.61**

Motion was made by Mrs. Cooper second by Mr. Plager to approve the Financial Reports of January and February 2016 as read.

Voice Vote:

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

Opposed: None

Abstentions: None

Adjournment:

Motion was made by Mr. Morlino second by Mr. Rosenman at adjourn the meeting at 9:52pm. Motion carried by unanimous voice vote.

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