

WARREN BOARD OF HEALTH MINUTES
March 10, 2010- 7:00pm
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 7:00 p.m. by Mr. Malcolm Plager, Chairman/President.

Flag Salute:

The Opening Statement: Adequate notice of this meeting was given on January 14, 2010 by posting a copy on the Township Bulletin Board and 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. Garrison -	Present	Mrs. Cooper -	Present
Mr. Morlino -	Present (7:07pm)	<u>Alternate #2</u>	
Dr. Sarraf -	Present	Mr. Riley -	Present
Mr. Sordillo -	Absent		
Mr. Zimmerman -	Present	Mr. Plager -	Present

Privilege of the Floor:

None

Correspondence:

- Monthly Reports (January/ February)– Kevin G. Sumner, Health Officer; Ronald Cohen, REHS; Robyn Key, REHS; Nancy Lanner, REHS;
- New Jersey Local Boards of Health Association
- New Jersey Poison Information & Education System- 4th Quarter Report

Case 1

10 Marian Lane
 Block 96, Lot 10

Application: Variance from Ordinance 88-1A
 Owner/ Applicant: Marie Colluci

Applicant is requesting variance from Ordinance 88-1A for one year due to financial circumstances. Applicant has received prior deferrals. Applicant has provided engineer's certification that the septic tank was pumped on November 11, 2009 and that the system appears to be functioning properly based on a dye test performed January 2010. Applicant provided financial information to the Board Attorney.

Motion was made by Mrs. Garrison second by Mr. Zimmerman to approve the application.

Roll Call:

Mrs. Garrison -	Yes
Mr. Zimmerman -	Yes
Dr. Sarraf-	Yes
Mrs. Cooper -	Yes
Mr. Riley -	Abstain
Mr. Plager -	Yes

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Mr. Morlino arrived at 7:07

Case 2

101 Hillcrest Road

Block 198, Lot 65.01

Application: Minor Subdivision

Owner/ Applicant: Stephanie Faccia

Engineer: Kevin Page, PE

Mr. Kevin Page, PE of Page Engineering was present and sworn in to testify.

Mr. Page testified that the applicant proposes to subdivide 2.82 acre tract of land into two new lots of 1.609 acres and 1.212 on the corner of Hillcrest Road and Kathy Lane. An existing dwelling will remain on one of the lots and a new dwelling will be constructed on the second lot.

Mr. Page testified that both dwellings are to be served by public water, as supported by a can serve letter from New Jersey American Water Company dated October 16, 2009, and by public sewers, as approved by the Warren Township Sewerage Authority in Resolution No. 09-158.

Mr. Page testified that by memo dated February 17, 2010, which summarized a conversation with Stephanie Faccia, the only and original owner of the property, the house has always been connected to the public sewer and always been serviced by public gas and public water.

Mr. Page testified that the existing house will remain in the same place, and the existing garage will go with the new dwelling.

Mr. Page testified that there are wetlands on the property, and there are a conservation easement and an LOI for the property. He proposes all drainage for the property to be directed towards the wetlands, but still has to do soil tests before he can design a drainage plan.

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

Roll Call:

Mrs. Garrison - Yes

Mr. Zimmerman - Yes

Mr. Morlino- Yes

Dr. Sarraf- Yes

Mrs. Cooper – Yes

Mr. Riley – Yes

Mr. Plager – Yes

Mr. Plager was recused at 7:15pm from Case #3

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Case 3

17 Dock Watch Road

Block 34, Lot 25

Application:	Site Plan
Applicant:	T- Mobile Northeast, LLC
Owner:	The County of Somerset
Engineer:	Stephen A. Bray, PE
Attorney:	Gina R. Orosz

Mr. Gregory Meese, Esq., of Price, Meese, Shulman & D'Arminio, P.C., Mr. Jason Fichter, PE of KMB Design Group, and Joseph Chiaravallo, of Pinnacle Telecom Group, LLC were present.

Mr. Meese stated that the applicant proposes to construct a wireless communication facility on this 22.94 acre site in the old quarry property. They are proposing a new 160 foot lattice tower to be utilized by the T-Mobile antennas as well as providing space for four other carriers. This was a location recommended by the Township, and the site will be an unmanned facility. It is not intended for permanent employee occupancy, but will be limited to periodic inspections, approximately once a month. In terms of utilities, there will be no potable water, sanitary sewers or additional parking required. The site just needs electric and telephone access.

Mr. Fichter's credentials were accepted by the Board, and he was sworn in to testify.

Mr. Fichter testified that an eight foot fence with a gate at the road will surround the tower. The site will be located inside the quarry and he was unsure if the towers will be visible on Dock Watch Hollow Road.

Mr. Fichter testified that the tower will be located in the center of the site and the equipment will be in the corner. The equipment consists of four radio cabinets. There will be nine antennas on the tower for T-Mobile.

Mr. Meese stated that the lattice tower was chosen since it can accommodate more carriers than a pole. Mr. Meese stated that this tower was part of a county bid with T-Mobile being the successful bidder. The County has reserved the right to put emergency service antennas on the tower as well. Mr. Meese stated that the rule of thumb is to maintain 10 feet vertical of separation between carriers. Warren Township has not asked to use the tower for emergency service.

Mr. Fichter testified that there are wetlands on the site, and he will have applications submitted to DEP shortly. He further testified that the location of the wetlands has no bearing on the design location of the tower.

Mr. Fichter testified that there will be no generator for the cabinets being designed. The cabinets do have heat exchangers on them to maintain temperature, but don't generate a lot of noise. They will meet State code for noise.

Mr. Fichter testified there will be no lighting on the tower, but flood lights will be located around the cabinet area.

Mr. Riley asked about the batteries located on the site and what protection will be used to protect them from leakage. Mr. Fichter testified that the batteries are industry specific and sealed. They are

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(Case #3 Continued)

UL listed as non-hazardous for air, land and sea travel. They are impact resistant and flame retardant. Inside the seal is an absorbent material and then the liquid is inside that. All of that is encased in the locked cabinet. Mr. Meese stated that a spec sheet on the batteries could be supplied.

Mr. Riley asked what the dimensions of the base of the tower are. Mr. Fichter testified about 18 feet and is triangular in shape. The height of the tower, 160 feet, was specified as part of the bid with the county.

Joseph Chiaravallo's credentials were accepted by the Board and he was sworn in to testify.

Mr. Chiaravallo testified that the Antenna Site FCC RF Compliance Assessment and Report makes calculations to determine what the RF levels would be and compares them to the federal FCC standards, as well as to the New Jersey State standards. At this site the emission levels would be .03% of the FCC levels. He testified that if you meet the FCC standards you automatically meet the State standards.

Mr. Chiaravallo also testified that by adding the additional potential carriers on the pole, RF levels would still be below FCC levels.

Mr. Chiaravallo testified that technically no report needed to be filed since the tower is already in compliance with the antennas being more than 33 feet above ground. He further testified that since the tower is a low power facility the FCC determined that there is no realistic chance to be above the standards.

Mr. Riley asked if any data was collected on the impact of the radio frequency on the surrounding houses closest to the antennas. Mr. Chiaravallo testified that there would be no impact if you are below the FCC standards.

Mr. Riley asked why the proposed antenna operation at this site is so low. Why isn't it designed to give off maximum frequency and give out better service? Mr. Chiaravallo testified that is beyond his expertise, but stated that transmitters are expensive and you really don't want to transmit more power than you need. You also need to consider the location of the antennas and the capacity needed in the area.

Mr. Chiaravallo testified that a search was done to locate any other RF emitting antennae in the area out to 2000 feet. Nothing was found. He further testified that usually the distance is 500 feet because the exposure levels have maxed out.

Mr. Riley asked what the range of the tower would be. Mr. Chiaravallo testified he couldn't give a definite answer, but typically it covers a half to one mile in each direction.

Mr. Riley asked if there was a danger with the radio frequency to a technician working on the tower. Mr. Chiaravallo testified that if the technician were to stand directly in front of the antenna, he would exceed the FCC levels at that point, but wouldn't say it was dangerous since there is a wide margin of safety built in of 50:1.

Motion was made by Mr. Riley second by Mr. Morlino to approve the application with the request that the applicant submit spec sheets for the batteries, and would have to come back with any material changes.

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Roll Call:

Mrs. Garrison -	No
Mr. Zimmerman -	Yes
Mr. Morlino-	Yes
Dr. Sarraf-	Yes
Mrs. Cooper –	Yes
Mr. Riley –	Yes
Mr. Plager –	Recused

Mr. Plager returned to the room at 8:02pm

Dr. Sarraf was recused from executive session and left the room at 8:03pm

Resolution 2010-13 was read by the Board Clerk, to go into executive session to discuss litigation related to the Patton case.

Motion was made by Mr. Riley, second by Mrs. Garrison to go into executive session.

Voice Vote:

In Favor: Mrs. Garrison, Mr. Zimmerman, Mr. Morlino, Mrs. Cooper, Mr. Riley, Mr. Plager

Opposed: None

Abstentions: None

The Board of Health went into executive session at 8:05pm

The Board of Health came out of executive session at 8:28pm

Dr. Sarraf returned to the room at 8:30pm

Approval of Minutes: January 13, 2010/ Executive Minutes February 8, 2010

Motion was made by Mr. Riley second by Mrs. Garrison to approve the Minutes of January 13, 2010 as amended.

Roll Call:

Mrs. Garrison -	Yes
Mr. Zimmerman -	Yes
Mr. Morlino-	Abstain
Dr. Sarraf-	Yes
Mrs. Cooper –	Yes
Mr. Riley –	Yes
Mr. Plager –	Yes

Motion was made by Mr. Riley second by Mrs. Cooper to approve the Executive Minutes of February 8, 2010 as amended.

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Roll Call:

Mrs. Garrison -	Yes
Mr. Zimmerman -	Yes
Mr. Morlino-	Yes
Dr. Sarraf-	Recused
Mrs. Cooper –	Yes
Mr. Riley –	Yes
Mr. Plager –	Yes

The January 13, 2010 executive minutes were tabled until the next meeting on May 12, 2010

Reports of Employees/Health Officer Report

Mr. Sumner stated there is not much to report from last month except that the working environment is worse, primarily due to the economic issues impacting government. Bound Brook and Middlesex are still making noise about shared services with county health departments, but nothing official has been received or reported. A special Commission Finance Committee meeting was held to address budget issues.

Middle Brook Regional Health Commission Report

Mr. Riley presented to the Board a proposed resolution amending Commission By-Laws and an email from Mr. Sumner with the budget break down.

Mr. Riley stated that the Commission has been having continued discussions about the threat of Bound Brook withdrawing from the Commission. There was also a discussion on the procedure for withdrawal. Mr. Sumner reported a number of times that the statute says that a minimum of six months' notice is required to withdraw. Mr. Riley stated that a financial committee is formed and the committee meets 3 to 4 months prior to beginning of the fiscal year. It was Mr. Riley's feeling that a minimum of six months notice from a member town was exceedingly short and was very unfair to the other towns of the Commission. This allows a town to withdraw on 6 months notice and potentially in the middle of the budget year. Mr. Riley stated that lead to his proposal of the resolution in front of the Board to change the time period to a minimum of two years and make the withdraw date only at the beginning of the fiscal year.

Mr. Riley went through the resolution and explained it to the Board. The Board felt the two year time period was too long of a time period. Mr. Plager felt it should be one year. Mrs. Cooper stated that she felt the smaller towns would be backed against a wall.

Mr. Sumner stated that both Bound Brook and Middlesex Boards are in favor of the change of notice from six months to one year. They felt that two years was too long, but that the withdrawal date had to coincide with the beginning of the fiscal year. Neither Board wants to move forward with a resolution at this point.

Mr. Plager stated that the recommendation based upon what he is hearing from other municipalities is to take no action at this point.

Mr. Sumner stated that is their position, but they are in favor in concept with the one year.

Mr. Plager stated that he would like to do nothing and just watch what will happen with the other towns. Mr. Riley stated that the Commission has been watching for six months, and his purpose was to protect the town from a mid-budget withdrawal of a member.

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(Middle Brook Regional Health Commission Report Continued)

Mrs. Cooper stated that by passing this resolution you are forcing the hand of the other towns.

Mr. Plager stated that things change in towns. Bound Brook is rattling the cage. When Mr. Plager and Mr. Sumner looked into what was happening at the county level, they found nothing. Mr. Plager is concerned more about Middlesex, because their county is much different. Mr. Plager wanted to know if there was a way to approach Middlesex and Bound Brook and tell them how important it is to continue to keep this Commission in place.

Mr. Riley stated that the Commission has been doing that over the past 6 months. Mr. Plager asked if it helps to get the other mayors of the municipalities involved. Mr. Riley stated he couldn't answer that, but the President of the Commission is in favor of this resolution since he wants to resolve this issue.

Mr. Riley asked the Board if they wanted him to advance this resolution as is, or advance it with a time period of one year instead of two.

Mr. Plager took a poll of the Board as to their feeling on this resolution, and guidance to Mr. Riley.

Mr. Morlino-	hold off doing anything with resolution
Mr. Zimmerman-	hold off doing anything with resolution
Mrs. Cooper-	hold off doing anything with resolution. You are going to force towns to make decision if it goes forward.
Mrs. Garrison-	don't like resolution, wants to hold off
Dr. Sarraf-	hold off
Mr. Plager-	resolution time line is too long, hold off doing anything.

Mr. Plager stated that putting this resolution before the Board, before they have any feedback from how the municipalities feel about it and have a chance to discuss it again will be a disservice. Mr. Plager would like to know what the other towns are thinking and how they looked at it. Are the towns together in thought? The Board has decided that they want Mr. Riley to hold off voting, or if the Commission does vote, to abstain from voting.

A motion was made by Mr. Morlino second by Mrs. Garrison that the Board is in favor of one year, but still wants to table the resolution. If the Commission Board does vote on the resolution Mr. Riley is to abstain.

Voice Vote:

In Favor: Mrs. Garrison, Mr. Zimmerman, Mr. Morlino, Dr. Sarraf, Mrs. Cooper, Mr. Plager

Opposed: Mr. Riley

Abstentions: None

Mr. Riley stated that there was an emergency Commission finance meeting on March 8 for a discussion about reducing the 2010 budget which has already been adopted. Mr. Riley handed out to the Board a copy of the report. Mr. Riley stated that there was a very little increase in the Commission budget.

Middle Brook Regional Health Commission Report

Mr. Sumner stated that he expects the amended budget to be passed, with some reluctance because the Commission budget has already been cut and is at bare bones.

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(Middle Brook Regional Health Commission Report Continued)

Mr. Sumner is looking for the Warren Board to give Mr. Riley direction on the budget so he can inform Mr. Sumner. Mrs. Cooper doesn't agree with this budget. It is already at bare bones and no one knows what is going to happen in the year. If there is an emergency you have no where to pull from. Mr. Plager agrees with Mrs. Cooper.

Mr. Plager asked the Board if they accept what Mr. Sumner is telling them about the budget. The Board doesn't see any service changes from the Commission other than inspections. Mrs. Cooper said that is not true. We are losing cable shows and education which this Board thinks is important. What happens if H1N1 comes back? Mr. Plager stated that in times like this you have no choice.

Mrs. Cooper stated she is fearful for the Commission that if something falls out of the sky, they will not have the resources to deal with it.

The Board did not feel comfortable with the budget the Commission presented, but voted for it.

Resolution 2010-14

193 Mt. Horeb Road

Block 78, lot 29

Application: Variance from Warren Township Septic Ordinance
Owner/Applicant: Roman Savitsky
Engineer: Kevin Page, PE

Motion was made by Mrs. Cooper second by Dr. Sarraf to approve Resolution 2010-14 as read

Roll Call:

Mrs. Garrison - Yes
Mr. Zimmerman - Yes
Mr. Morlino- Yes
Dr. Sarraf- Abstain
Mrs. Cooper - Yes
Mr. Riley - No
Mr. Plager - Yes

Resolution 2010-15

101 Hillcrest Road

Block 198, Lot 65.01

Application: Minor Subdivision
Owner/ Applicant: Stephanie Faccia
Engineer: Kevin Page, PE

Motion was made by Mr. Riley second by Mrs. Cooper to approve Resolution 2010-15 as read.

Roll Call:

Mrs. Garrison - Yes
Mr. Zimmerman - Yes
Mr. Morlino- Yes
Dr. Sarraf- Yes
Mrs. Cooper - Yes
Mr. Riley - Yes
Mr. Plager - Yes

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Financial Reports January/ February 2010

Tabled until the May 12, 2010 meeting

Old Business:

None

New Business:

None

Mr. Sumner left the meeting at 10:00pm.

Adjournment:

Motion was made by Mr. Morlino second by Mrs. Cooper to adjourn at 10:04pm.

Respectfully submitted,

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