

WARREN BOARD OF HEALTH  
MINUTES – Reorganization Meeting  
JANUARY 13, 2010 – 7:00 P.M.  
2<sup>ND</sup> 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 7:07 p.m. by Barbara Streker, Clerk/Registrar

**Flag Salute**

***The Opening Statement: Adequate notice of this meeting was given on January 16, 2009 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 -	Present	<u>Alternate #1</u>	
Mrs. Garrison -	Present	Mrs. Cooper -	Present
Mr. Morlino -	Absent	<u>Alternate #2</u>	
Dr. Sarraf –	Present	Mr. Riley -	Present
Mr. Sordillo -	Absent		
Mr. Zimmerman -	Present	Mr. Plager –	Present

Fredi L. Pearlmutter, Esq., Warren Township Board of Health Attorney  
Kevin G. Sumner, Health Officer  
Barbara Streker, Clerk/Registrar

**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, 2012  
Angelo DeMarco– Appointment Expiration Date – December 31, 2012

**Alternate #2**

Gregory Riley – Appointment Expiration Date – December 31, 2011

**Mayor’s Appointment:**

Victor Sordillo – Appointment Expiration Date – December 31, 2010

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

**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. Privilege of the Floor
8. Minutes
9. Correspondence
10. Reports of Employees
11. Middle-Brook Regional Health Commission Report
12. Financial Reports
13. Resolutions for Approved Applications from Prior Cases
14. New Applications
15. Old Business
16. New Business
17. Adjournment

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

**Voice Vote:**

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

**Opposed:** None

**Abstentions:** None

**Dr. DeMarco arrived at 7:19pm**

**Election of Officers**

**Election of President**

**Nomination was made by Mr. Zimmerman, seconded by Dr. Sarraf 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 Dr. Sarraf, second by Mrs. Garrison to close nominations:**

**Voice Vote:**

**In Favor:** Dr. DeMarco, Mrs. Garrison, Mr. Zimmerman, Dr. Sarraf, Mrs. Cooper, Mr. Riley, Mr. Plager

**Opposed:** None

**Abstentions:** None

**Election of Vice-President:**

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

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**There being no further nominations from the floor, motion was made by Mr. Plager, seconded by Mrs. Garrison to close nominations:**

**Voice Vote:**

**In Favor:** Dr. DeMarco, Mrs. Garrison, Mr. Zimmerman, Dr. Sarraf, Mrs. Cooper,  
Mr. Riley, Mr. Plager

**Opposed:** None

**Abstentions:** None

**Election of Secretary/Treasurer:**

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

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

**Voice Vote:**

**In Favor:** Dr. DeMarco, Mrs. Garrison, Mr. Zimmerman, Dr. Sarraf, Mrs. Cooper,  
Mr. Riley, Mr. Plager

**Opposed:** None

**Abstentions:** None

**Resolution 2010-1 Authorizing Use of Consent Agenda at Warren Township Board of Health Meetings**

**Motion was made by Mrs. Garrison, seconded by Mrs. Cooper to adopt Resolution 2010-1.**

**Roll Call Vote:**

**Roll Call:**

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

**Consent Agenda**

**Resolutions No. 2010-2 through 2010-6 were submitted to the Board of Health for review and may be adopted by one motion. These resolutions were listed on the agenda for review and complete copies were made available in the Warren Township Board of Health.**

**Resolution 2010-2 – Health Officer**

**Resolution 2010-3 - Appointment of Employees**

**Resolution 2010-4 – Appointment of Board of Health Attorney**

**Resolution 2010-5 – Business and Correspondence**

**Resolution 2010-6 – Authorizing Agreement with Middle-Brook Regional Health Commission for Public Health Services.**

Motion was made by Mrs. Cooper second by Mr. Plager to adopt Resolution 2010-2 through 2010-6 as presented.

Mr. Riley offered an amendment that Resolution 2010-5 be taken out of the consent agenda, and that the consent agenda be used for Resolutions 2010-2 through 2010-4 and 2010 -6; this was seconded by Mr. Plager.

**Roll Call:**

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

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

**Resolution 2010-5**

Mr. Riley stated that on Resolution 2010-5, he didn't like the discretion for exceptions to rest solely with the President of the Board to decide whether the matter would come before the Board. He thinks that decision should be made by the Board. If an applicant files late, especially if an objector is involved, then there might be some prejudice involved and it should come before the Board. He would move that the last sentence of the resolution be amended to read "as deemed appropriate by the Board of Health."

Mr. Plager stated that the intent of the wording, no matter who the President was, was done to save the applicant money. If the President said no, then no one would have to show up with an Engineer and an Attorney. That was the point.

Mr. Riley stated that is the risk of the applicant.

Mr. Sumner stated that the way this has been handled over the last 10 years, it depends on the application, the documents involved, and what the schedule is and in that case, if the schedule is light and the document is insignificant, then he would schedule it, and if the Board decided not to hear it, so be it.

Mr. Sumner also suggested that the 14 days required for an application to be submitted before it is to be heard be increased. The Board after discussion, changed the days to 16.

**Motion was made by Mr. Plager second by Mr. Riley to adopt Resolution 2010-5 as amended with regard to having exceptions approved by the Board and that the length of time prior to the meeting that information needs to be submitted be increased to 16 days.**

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**Roll Call:**

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

**Resolution 2010-7 – Schedule of Meetings**

**Motion was made by Mr. Plager, seconded by Mr. Riley to adopt Resolution 2010-7 as read.**

**Roll Call:**

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

**Resolution 2010-8 – Appointments of Representatives and Alternates to Middle-Brook Regional Health Commission.**

**Nomination was made by Mr. Plager, seconded by Mrs. Cooper to nominate Mr. Riley as a representative to the Middle Brook Regional Health Commission for 2010. Mr. Plager volunteered to be an alternate.**

**Roll Call:**

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

**Resolution 2010-9 Rules of Order**

Counsel for the Board reviewed all the revised changes that have to do with voting made to the Rules of Order. The changes were made to bring the Board of Health's voting procedures in line with the voting procedures in the Municipal Land Use Law.

The Board had discussions over the changes. They also requested that in paragraph #4, Regular Order of Business, that Reading of Resolutions be moved to after Treasurer's Report.

**Motion was made by Mr. Riley, seconded by Mrs. Cooper to adopt Resolution 2010-9 as amended.**

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**Roll Call:**

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

**Privilege of the Floor:**

None

**Approval of Minutes: November 4, 2009/ Executive Session November 4, 2009**

**Motion was made by Mr. Riley second by Mrs. Cooper to approve the Minutes of November 4, 2009 as amended.**

**Mr. Riley had three corrections, first, on page 3 third paragraph from the bottom. The second correction was made on on page four, last sentence. The final correction was on page 5 second sentence with a typo.**

**Roll Call:**

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

**Motion was made by Mr. Riley second by Mr. Zimmerman to approve the Executive Minutes of November 4, 2009 as read.**

**Roll Call:**

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

**Correspondence:**

- Monthly Reports (November/ December)– Kevin G. Sumner, Health Officer; Ronald Cohen, REHS; Robyn Key, REHS; Nancy Lanner, REHS;
- National Association of Local Boards of Health Membership Information

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### **Reports of Employees/Health Officer Report**

Mr. Sumner reported that H1N1 is declining in the State. It has gone from a widespread illness to regional illness which means there are now pockets of illness across the State as opposed to everywhere. H1N1 is still here. There were two reported deaths within the last week.

The number of clinics have been reduced in half in the Somerset County area to 10 clinics per month. Roughly 50 clinics have been held since November throughout the region and have given out approximately 20,000 doses. The Commission has held 5 clinics and given out 2000 doses.

### **Middle-Brook Regional Health Commission Report**

Mr. Riley stated the last Commission meeting was on December 21, 2009. Meetings are being held monthly due to H1N1. There were at that time about 21,000 vaccinations given.

One of the H1N1 lot number has been recalled, but there was no recording of any adverse events.

There is no update on the financial status of the Commission's tax problems. Nothing has been received in writing to have the tax lien vacated by the federal government. The State problem however has been totally resolved.

Nothing has been heard about the Somerville proposal to join the Commission.

Somerset County Greater Business Partnership report made some recommendations about shared services with the Board of Health.

Mr. Sumner stated that Watchung Board of Health sent a letter to the Business Partnership expressing concerns about certain proposals in that report in regards to Health Education, Public Health Nursing, and Registrar. The only proposal the Watchung Board of Health agreed to was sharing services with Animal Control at a County level. The Business Partnership has since responded back to Watchung in a letter and stated they have no intentions of breaking up the Commission, and support shared services at any level.

Mr. Sumner stated that the Watchung Borough Council passed a resolution in support of Middle-Brook Regional Health Commission as a response to the report. The resolution stated they were happy with the services they were receiving, that it was a long standing shared service agreement in place a long time before shared services was even discussed as it is today.

Mr. Sumner stated that South Bound Brook and Green Brook are also acting on a similar resolution at their Council meetings. Mr. Plager stated Warren would be willing to do the same thing.

### **Case #1**

193 Mt. Horeb Road

Block 78, lot 29

Application: Variance from Warren Township Septic Ordinance

Owner/Applicant: Roman Savitsky

Engineer: Kevin Page, PE

Mr. Kevin Page, PE, of Page Engineering, and Roman Savitsky were present and reminded they were still under oath.

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**Case #1 (Continued)**

Mr. Page testified that at the last meeting in July the Applicant was asked to complete three tasks. First, establish a black water reserve area. Second, additional soil log testing. Third, develop the grading plan. Mr. Page testified that they had asked the Board of Health for permission to proceed in the mean time to the Board of Adjustment for their zoning case. The Board agreed to let them proceed. The Board of Adjustment approved the application, and the applicant went back and conducted the additional testing requested. Mr. Page testified that he added the additional black water reserve area and added a grading plan as requested.

Mr. Sumner stated that the Board asked the applicant to go out and conduct further soil logs to be compliant with the State law. At the previous meeting, there were not enough soil logs. Minutes reflect that the Board asked for an additional three soil logs. Mr. Sumner stated that two were done at opposite ends of the beds and are compliant with State regulations, but are not within the confines of the proposed disposal bed nor were the original ones. Therefore, the soil logs do not comply with the Warren Township ordinance. The additional logs are consistent with the soil logs that were conducted previously. The latest set of plans show a reserve area for the black water which was an additional request of the Board at the time. There is no reserve area for the grey water. The Board had also requested further information on the proposed drainage system.

Mr. Page testified that the property slopes down from Mount Horeb, and wanted to make sure the water coming off Mount Horeb is diverted around the beds; the new plans reflect that. They also established a grass swale on the right boundary and on the left side where the driveway is located, they will have a curb directing the water to the back part of the property.

Mr. Plager asked how deep the swale is. Mr. Page testified that swale will be a 6 inch deep, four foot wide swale.

Mr. Page testified that that he did his own research on this property and the property has public water and not a well.

**Motion was made by Mrs. Cooper second by Dr. Sarraf to approve the application as presented**

**Roll Call:**

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

Mr. Sumner stated that there are issues on this property and suggested the Board take some kind of action in the interim until the resolution is passed in March. He can not approve anything in the mean time. The Board gave permission to Mr. Sumner to approved demolition permits and Mr. Plager stated he wanted the garage down as well. The Board wanted the lot cleared. Permits for the septic system and construction are to be held until the resolution is passed.

**Dr. Sarraf left the room at 8:44pm and returned 8:47pm**

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**Mrs. Garrison was recused from the reading of Resolution 2010-10 and left the room at 8:49pm**

**Resolution 2010-10**

Block 79, Lot 7.01

130 Mt. Bethel Road

Application: Site Plan Approval  
Owner: Township of Warren  
Applicant: CMG Chelsea, LLC  
Engineer: Robert Gazzale, P.E. Fisk Associates  
Attorney: Erwin C. Schnitzer, Esq.

**Motion was made by Dr. Sarraf second by Mr. Riley to approve the resolution as amended.**

A change was made to the second "Whereas" statement to reflect the structure on the property has been demolished.

Mrs. Cooper had a question about condition number eight. If there is no existing building, she didn't understand the reference to vapor levels of a potential contaminant in new construction. Mr. Sumner stated that at a technical meeting about this site, the applicant revealed they conducted a phase one environmental study that identified potential vapor contamination in the structures from the ground water contamination. Mr. Sumner stated that is why the condition was added.

**Roll Call:**

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

**Mrs. Garrison returned to the room at 8:56pm**

**Financial Reports:**

**Treasurer's Report: Receipts – November, 2009**

Receipts for Registrar:	\$208.00
Health	\$491.75
Application Fees	\$600.00
Septic and Well	<u>\$120.00</u>
<b>Total Health</b>	<b>\$1419.75</b>
Dogs	\$54.00
Cats	<u>\$0.00</u>
<b>Total Animal</b>	<b>\$54.00</b>
<b>Grand Total:</b>	<b><u>\$1473.75</u></b>

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**Disbursements: November, 2009**

**Health:**

**Total Health Disbursement November 2009** **\$0.00**

**Animal Control:**

Printing for Applications for Animal Reminders \$1240.20

State Dog License Fee- November \$20.40

**Total Animal Control Disbursements** **\$1260.60**

**Total Disbursements – November 2009** **\$1260.60**

**Motion was made by Dr. Sarraf, second by Mr. Riley, to approve November Receipts and Disbursements as read.**

The Board had a discussion on ways to save money with future mailings of the Animal License Application. They discussed discontinuing the mailings and instead advertising on the cable, publishing a reminder in the newspaper and having an insert in the Township newsletter.

**Roll Call:**

Dr. DeMarco- Yes

Mrs. Garrison - Yes

Mr. Zimmerman - Yes

Dr. Sarraf- Yes

Mrs. Cooper – Yes

Mr. Riley – Yes

Mr. Plager – Yes

**Treasurer's Report: Receipts – December, 2009**

Receipts for Registrar: \$342.00

Health \$5062.25

Application Fees \$175.00

Septic and Well \$205.00

**Total Health** **\$5784.25**

Dogs \$1076.00

Cats \$77.00

**Total Animal** **\$1153.00**

**Grand Total:** **\$6937.25**

**Disbursements: December , 2009**

**Health:**

REHS License Renewal- Donna Ostman \$50.00

Principles of Public Purchasing II- Barbara Streker \$800.00

Mileage Dr. Cohen (July- December 2009) \$122.65

2009 Foul Weather Gear Allowance- Donna Ostman \$174.94

Certified Vital Record Paper \$66.58

**Total Health Disbursement December 2009** **\$1214.17**

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**Animal Control:**

3 <sup>rd</sup> Quarter After Hours Call (2 calls)- Roxdane Kennels	\$800.00
Delivering Your Message- Mail out Animal Reminders	\$940.00
Postage for Reminder to License (Residents)	\$961.18
State Dog License Fee- December	<u>\$0.00</u>
<b>Total Animal Control Disbursements</b>	<b>\$2701.18</b>

**Total Disbursements – December 2009** **\$3915.35**

**Motion was made by Mrs. Cooper, second by Mr. Riley, to approve December Receipts and Disbursements as read.**

**Roll Call:**

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

**Old Business:**

None

**New Business:**

**Mr. Riley made a motion second by Mrs. Cooper that in all future resolutions, the dates that the matter was heard by the Board be included.**

**Voice Vote:**

**In Favor:** Dr. DeMarco, Mrs. Garrison, Mr. Zimmerman, Dr. Sarraf, Mrs. Cooper, Mr. Riley, Mr. Plager

**Opposed:** None

**Abstentions:** None

**Dr. Sarraf was recused from executive session and left the room at 9:05pm**

**The Board took a recess from 9:05pm and returned at 9:09pm**

**Resolution 2010-11 was read by Counsel, 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:** Dr. DeMarco, Mrs. Garrison, Mr. Zimmerman, Mrs. Cooper, Mr. Riley, Mr. Plager

**Opposed:** **None**

**Abstentions:** None

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**The Board of Health went into executive session at 9:10pm**

**The Board came out of executive session at 9:34pm.**

**Adjournment:**

**Motion was made by Mr. Riley, second by Mr. Zimmerman, to adjourn the meeting at 9:35pm. Motion carried by unanimous voice vote.**

**Respectfully submitted,**

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

**JAN2010minutes/BOHMEETINGS2010**