

**Minutes Open Session  
Allamuchy Land Use Board – June 23, 2016**

The Allamuchy Township Land Use Board held their regular meeting on Thursday, June 23, 2016 at the Allamuchy Elementary School. The meeting was called to order at 7:31 p.m., by Chairwoman Gibbs and she led the Board in the Pledge of Allegiance.

**STATEMENT:** Board Secretary Alfia Schemm announced that adequate notice for this meeting has been provided according to the “Open Public Meetings Act.”

**ROLL CALL:**

PRESENT: Cristianna Gibbs, Adam Baker, David Berkenbush, James Cote, Scott

Churchill, Stacy Bockbrader, and Charles Zukoski.

ABSENT: Clara Bajc, Rick Lomonaco, Jeff McDonnell, and Keith DeTombeur

ALSO PRESENT: Board Attorney Roger Thomas, Board Engineer/Planner Paul Sterbenz, and Board Secretary Alfia Schemm.

**OPEN TO THE PUBLIC:**

Chairwoman Gibbs opened the meeting to the public for non-agenda items. With there being no public comment, the meeting was closed to the public.

**ANNOUNCEMENTS:**

Chairwoman Gibbs stated that there are no announcements for this evening.

**APPROVAL OF MINUTES:**

The minutes of the May 26, 2016 meeting were distributed prior to the meeting.

Mr. Cote made the motion to adopt the minutes of May 26, 2016. Motion seconded by Mr. Baker. In a roll call vote, all were in favor.

**OLD BUSINESS:**

**#16-001 Advanced Recovery Systems, LLC, Block 701.02, Lots 27 & 28**

Richard Schneider, Esq. was present on behalf of the Applicant. Board Attorney Thomas asked that Thomas Vargo, Esq. come forward to address an issue. Attorney Vargo came forward and he noted that this wife's second cousin is Robert Morgenstern, who is a partner at Dolan & Dolan. Board Attorney Thomas stated that he does not perceive a conflict. Richard Schneider, Esq. present on behalf of the Applicant had no comments or concerns. Board Attorney Thomas then addressed another issue. He stated that it has come to his attention that there was an article published in "The Panther" and it referenced an incorrect hearing date for this application. He announced that the only "official"

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information that the public should rely on is from this Board and/or its Professionals. He stated that anyone who relies on any other information does so at their own peril.

Attorney Schneider stated that they plan on hearing from Dr. Wandler and Engineer Finelli this evening. He stated that they also have another witness, Dr. Alessandre Singher, who is a certified substance abuse counselor.

Kevin Richard Wandler, MD acknowledged that he was still under oath. He stated that at the last meeting the Chair asked about the percentage of patients that completed their program. He stated that the answer is 67 percent.

The hearing was then opened to the public for questions of Dr. Wandler.

Thomas Vargo, Esq. was present and he asked if there are any plans to expand the facility beyond what is being presented. Dr. Wandler stated that there are not any plans. Attorney Vargo asked about the level of insurance the company carries, the licensing requirements, and the number of emergency calls for ambulance and police at the Umatilla facility. Dr. Wandler stated that he is not sure about the level of insurance. Board Attorney Thomas asked that the licensing requirements be provided. Dr. Wandler reviewed the Baker Act and he provided the general nature of the emergency calls. Board Attorney Thomas asked that the Applicant provide information as to whether any of the emergency calls were in response to an altercation. Dr. Wandler stated that incident reports are filled out every time a call is made for emergency services.

John Megjugorac asked if they perform cavity searches. Dr. Wandler stated that they do not generally do cavity searches. He stated that the patients along with their belongings are searched and the patients are voluntary patients not criminals. Mr. Megjugorac asked about Colorado facility. Dr. Wandler stated that drug testing is done in all of their facilities. Mr. Megjugorac asked if the patients can just walk out since they voluntary patients.

Richard Hahn, 2nd Lieutenant, of the Allamuchy First Aid Squad, asked if he could provide a statement about the Squad. Board Attorney Thomas stated that Mr. Hahn will have an opportunity to make a statement, just not at this time. Mr. Hahn asked about the 77 medical calls that took place, the breakdown of staff, and the level of care that is provided. Dr. Wandler stated that they employ R.N.s, L.P.N's, behavior level technicians and nurse practitioners, that access situations.

Martin Tomich asked if Dr. Wandler is a key employee, his compensation, and his relationship with the corporation. Board Attorney Thomas stated that the question is beyond the scope of the hearing. Mr.

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Tomich asked if other properties in the area were looked at and why the subject property is particularly well suited. Dr. Wandler stated that he does not think that other properties were looked at and that the subject site is a healing place. Mr. Tomich asked if any of the patients could be pedophiles. Dr. Wandler stated that to their knowledge they do have pedophiles as patients. The validity on the number of calls was questioned. Board Attorney Thomas stated that he will be discussing that later in the evening and the transcripts of the prior hearings are available with the Board Secretary. Mr. Tomich continued to question Dr. Wandler on the incidents, funding from insurance companies, the Company, and the viability of the industry.

Richard Hahn, asked if Dr. Wandler knows how many patients have assaulted staff or each other and how voluntary patients are able to leave the facility. Dr. Wandler stated that he would have to check the incidents report and he reviewed the process when a patient wishes to leave. He stated that they will provide information for next month.

Rosemary Tuohy questioned the number of emergency calls at all the facilities, Dr Wandler's function as the Chief Medical Officer, and whether it was appropriate for Dr. Wandler to meet with a PV Associate and the Mayor. She asked that if a call list could

be provided for all of the Applicant's facilities. She also questioned the functions of the facilities and insurance.

Corey Richardson asked if the Applicant has received resistance when they opened their other facilities and what do they do to educate the public and become a part of the community. Dr. Wandler stated that he is not aware of any resistance from their other communities and they would work with young people focusing on prevention.

Anthony Lopez asked if they are proposing a perimeter fence and how many of their facilities are built in Single Family Zones. Dr. Wandler stated that he was not aware of a perimeter fence and he thinks that all of them, besides one, are in Residential Zones.

Attorney Vargo questioned the statistics on drug abuse onsite by patients. Dr. Wandler stated that he does not know as he relies heavily on his medical directors to manage the facilities and staff are to report all instances.

Rosemary Tuohy asked how often Dr. Wandler communicates with his medical directors and what types of issues are discussed. Dr. Wandler stated that they communicate on the phone and in person and they discuss various issues and private matters.

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Mike Kewer questioned the management structure and the burden of adding on an additional facility, the communication systems within the facilities, and safety. Dr. Wandler stated that they will have a unified system shortly and he reviewed the safety procedures. Mr. Kewer stated his concern over patients wanting to leave and how the community will be protected.

Richard Hahn asked whether the security guards are employees, their ages, the number of guards, the type of training they receive, whether they are armed, and whether patients are restrained, which Dr. Wandler addressed. Mr. Hahn stated that his crew will not go into an environment that is not safe.

Deborah Stamm asked if Dr. Wandler knew that the emergency services are voluntary in Allamuchy Township.

Rosemary Tuohy asked if Dr. Wandler is the only Chief Medical Officer and if he can provide information pertaining to the training of the security officers. Both Dr. Wandler and Attorney Schneider stated that the information can be provided. Board Attorney Thomas stated again that the transcripts from prior meetings are available.

The Board took a brief recess at 9:02 p.m. The meeting resumed at 9:16 p.m.

Board Attorney Thomas asked if the public could limit their questions to new questions as some of the questions have become repetitive.

Martin Tomich asked if the State Police patrol the Township, whether it is critical to get a rapid response from a police force, and the average response time for the State Police, Ambulance and Fire Department. He asked if full time emergency personnel are critical for the facility and if Dr. Wandler has done his due diligence.

Dr. Wandler stated that the quicker a response the better, that it is an important piece of the entire picture and that it will be looked into if they receive the relief being requested.

Rosemary Tuohy asked who Dr. Wandler met with at Panther Valley. Dr. Wandler stated that he does not recall their names. Board Attorney Thomas reviewed that the Mayor and Committeeman have recused themselves and they are not a part of this Board for this hearing and the only thing that is relevant to this Board is the testimony and the exhibits that are a part of this process.

Alan Kleinschrodt stated that he has a question for the Engineer. Board Attorney Thomas stated that the Engineer is present and will be answering questions shortly.

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Nicholas De Vries asked about the medications that would be at the facility, internal theft of medications, theft of property, how close are the existing facilities to local businesses, the procedure when patients leave and come back, and if there is any policy to alert local businesses when patients are released. Dr. Wandler addressed the medications that are at the facility, which are double locked-triple locked. He stated that there are times that random items, clothing, etc. may go missing. He stated that the Umatilla facility has a pharmacy a few blocks away; however, the other existing facilities are not close to pharmacies. He stated that anyone that leaves and comes back is searched and readmitted if necessary. He stated that they do not alert businesses if someone is released.

Rosemary Tuohy questioned the support services that are provided upon completion of the program. Dr. Wandler reviewed the level of care and the separate Sober Living facilities.

Attorney Vargo asked about the number of patients that have gone AWOL and getting copies of redacted incidents reports. Dr. Wandler stated that he does not know how many patients have gone AWOL and he would have to confer with their legal counsel in regards to redacted incident reports.

Nicholas De Vries questioned getting information in regards to the average length of stay and he questioned the number of staff to patients, which was addressed by the Applicants.

Chairwoman Gibbs asked if there was any one else from the public, wishing to speak. With there being no further public questions, the hearing was closed to the public.

Mr. Churchill asked if there was a contingency plan in place if EMS cannot handle the call load. The Applicants stated that they would need to formally meet with them to discuss the matter. Mr. Churchill questioned the level of violence that is experienced and the number of people that go to jail out of the facilities. He also questioned whether the in-house security guards are dedicated to only security and the procedures in place from keeping people from coming into the facility. Dr. Wandler stated that the security guards are dedicated security guards and he reviewed the procedure for visitors and he stated that the patients are with Staff and security cameras could be installed. Mr. Churchill asked whether former patients have ever been employed and if incident data for all the facilities could be provided. Dr. Wandler stated that they do have a former patient employed and

Attorney Schneider stated that they will look into providing additional incidents data.

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The Board discussed with Attorney Schneider the time and the next expert for the evening. After a brief discussion, it was determined that they would proceed with Engineer Finelli for this evening and Dr. Singher will be back at the July meeting. Engineer Finelli was then available for questions.

Mr. Churchill asked about access to Bald Eagle. Engineer Finelli stated that Exhibit A-6 shows existing conditions; however, there is no proposal to connect to Bald Eagle or Panther Valley. Attorney Schneider stated that they have the Title Report and can look into the matter. Board Engineer Sterbenz reviewed the road included in the prior approval that was never perfected. Board Attorney Thomas stated that depending on what happens, it would be recommended that any prior approvals would be considered null and void.

With there being no further Board questions, the hearing was opened to the public.

Alan Kleinschrodt questioned the access off of Rutherford Road. Engineer Finelli presented Exhibit A-6 and he reviewed the access to the facility. He stated that if they were to receive approval, they may have to adjust the driveway configuration. Mr. Kleinschrodt continued to question the access. Engineer Finelli stated that any issues would be reviewed during site plan review.

Board Attorney Thomas questioned the stub. Engineer Finelli stated that there is no proposal for vehicular access to Panther Valley or Bald Eagle for this project.

Anthony Lopez asked if there will be a perimeter fence. Engineer Finelli stated that not at this time.

Scott Pann questioned traffic and access, which was addressed by Engineer Finelli.

Art Nausbaum questioned the negative potential of water quality degradation. Attorney Schneider stated that the matter would be addressed during the site plan review. Mr. Nausbaum questioned the amount of parking spaces being proposed and the amount of salt, ice melt, and nonpoint-source pollution anticipated during the winter season. He asked whether the Applicant is going to properly protect the wetlands and the aquifer underneath it. He stated his concerns over the wetlands and water resources. Engineer Finelli stated that the amount of salt would depend on the weather. He stated that they are aware of the wetlands and the proposed development is outside of the wetlands and wetland buffers. He stated that the proposed project is significantly more respectful of the environment than the 41 lot major subdivision.

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Board Engineer Sterbenz stated that he addressed site issues in his March report and all issues would be addressed during site plan review.

Scott Pann asked how many buildings the property could support. Engineer Finelli stated that from a feasibility standpoint, as long as they could connect to sewers, more building could be developed on the site.

Nicholas De Vries asked what would stop people from driving up the driveway, if there is no gate.

Martin Tomich stated that it is now 10:30 p.m. and he has a bus to catch at 6:00 am.

Attorney Vargo asked if any traffic studies have been performed and the anticipated number of emergency calls based on other facilities. Engineer Finelli stated that they have not done a traffic study and they are in the process of compiling information that will be presented at a future hearing.

Martin Tomich questioned the proposal being proposed in a single family zone and he asked if Engineer Finelli was asked to look at any other properties. Engineer Finelli stated that has not been asked to look at other properties. Mr. Tomich asked how he could obtain Board Engineer Sterbenz's report. Board Attorney Thomas stated that it is available with the Board Secretary. Mr. Tomich continued to question the access and he stated that he has a document that he wishes to submit . Board Attorney Thomas stated he will have an opportunity to present the document when the hearing is opened to the public. Mr. Tomich asked if the Applicant intends to provide testimony to the impact of the proposed facility to the values of single family residences. Board Attorney Thomas suggested that Mr. Tomich refer that question to Attorney Schneider.

Sean Darst questioned the traffic circulation for emergency vehicles. Mr. Berkenbush stated that as a driver of emergency vehicles in the Township, he stated that he will get through if he needs to get through.

Lori Nagy asked how the proposal will benefit Panther Valley. Board Attorney Thomas stated that question should be answered by a Planner.

With there being no further public comment, the hearing was closed to the public

Board Attorney Thomas announced that this matter will be carried to July 28th, at 7:30 p.m. at the School.

### **ADJOURNMENT:**

In a motion made and seconded the meeting adjourned at 10:55 p.m.

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Respectfully Submitted:

Alfia Schemm  
Board Secretary  
7/26/16