SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF DECEMBER 13, 2017**

**The regular meeting of the Board of Adjustment was called to order by Mr. Green, Vice Chairman and opened with a salute to the flag. Mr. Green announced that the meeting was being conducted in accordance with the Sunshine Law.**

**Members of the Board of Adjustment present were: Mr. Green, Mr. Kuczynski, Mr. Kreismer,**

**Ms. Catallo, Mr. Corrigan, Mr. Henry, Mr. Emma, Mr. Esposito**

**Absent Members: Mr. Walsh**

**Also present were: Mr. Sachs, Attorney, Mr. Cornell, Engineer and Mr. Leoncavallo, Planner**

**#17-29 Recovery Centers of America 901 Ernston Road Use Variance/Site Plan $ 3,000.00 App.**

 **$12,000.00 Esc.**

**Mr. Himelman addressed the board regarding the November 8th meeting. He has two witnesses tonight Dr. Caprici to address the issues he spoke with Mr. Sachs about and also Mr. Leoncavallo’s report Christine Cofone will testify. Dr. Caprici will discuss the matters brought up at the last meeting as well as the article mentioned. They will discuss the facts and circumstances regarding the two facilities in Danvers and Westminster, Massachusetts regarding 2 deaths at these facilities. Dr. Caprici they have two treatment facilities with 2 deaths at the Danvers site. The Westminster facility was purchased by another facility and RCA purchased from them and it came with some staff.**

* **2/2017 – They had an older gentlemen who died of natural causes, he was a long term addict as well as a long term drinker.**
* **8/2017 - They had a second gentlemen rushed to the hospital and there is no cause of death.**

**The Westminster site is still running; however, the State came in and suggested that they surrender the Danver site license and they have stopped admissions. They are being investigated by the regulatory agency BSAS (Bureau of Substance Abuse Services) who has looked into all their programs and visited the site three times. They expect to get reopened sometime this month, they are just waiting for the status report. The Westminster site is on a provisional license this is common in the State. Mr. Sachs asked about the two deaths and if they both occurred at the Danver site and were they contributed to an overdose, Dr. Caprici said one was of natural causes, however, the second death there was some prescribed medication and some cocaine in his system and this might have been a part of it but not linked to OD. Mr. Sachs asked how long that patient was in the facility, Dr. Caprici said he was in the Westminster site for about 2 months and in the Danver site seven days. She stated that one thing they do not allow anymore is for the patients to have access to their cell phones as they can imagine that is how the drugs came in. Mr. Sachs asked if the report has been issued and asked that they provide the Board with a copy. Mr. Sachs asked if there was also an agency like the BSAS site in Massachusetts in New Jersey. Dr. Caprici said the site in New Jersey is called the NJ Office of Licensure. She said they license the Mays Landing site; Mr. Sachs said this was for licensing and asked if there was an oversight/regulatory agency that deals with various issues; Dr. Caprici said it is the NJ Office of Licensure and indicated that in Massachusetts the BSAS also issues licenses. Mr. Sachs asked if they do visits like the BSAS, Dr. Caprici said they do visit and asked the CEO of the Mays Landing site to address this issue.**

**Mr. Sachs swore in David Dorschu, CEO of Mays Landing, Recovery Centers of America. Mr. Sachs asked what type of site visits, audits, random visits and how often to these visits occur? He said right now it is under the Department of Human Services and is being transitioned to the Department of Health. Annual inspections are conducted for compliance to their regulations. They issue a report if there are any issues.**

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**Mr. Dorschu stated that at present they are in good standing with the State and received their accreditation from other agencies, namely, Joint Commission on Accreditation of Health Care. He said the State usually stays 2-3 days and reviews all records regarding both patients and staff and conditions of the building. Mr. Green asked if they are notified before the inspections, Mr. Dorschu stated they are “unannounced inspections.” Mr. Green asked Dr. Caprici why the incidents were not mentioned at the November 8th meeting, Dr. Caprici stated they were still under investigation at that time and she was not trying to hide. Mr. Green was concerned that there were two incidents and they had occurred in August. David Himelman stated that they were under investigation and they were waiting for it to be complete. Mr. Henry asked Dr. Caprici about the articles regarding the staffing in Massachusetts, Dr. Caprici stated that they took over the facilities they staffed the Danver site and hired at the Westminster site, they had to get rid of the CEO and hired with different job titles, there were many disgruntled employees and the articles were not true their staffing ratios are higher than required by the State. The staffing ratio at Mays Landing is also higher than required by the State. They had trouble with electronic health records, but did go through all the records. Mr. Henry asked why they were declined in South Jersey before the Zoning Board in Gloucester County. Mr. Himelman stated it was not an actual decline.**

**Mr. Sachs swore in Edward Campbell, Esq., Counsel for RCA, there were two applications in Gloucester Township and Haddonfield. In Gloucester they originally got Site Plan approval and then denied, they filed appeals and subsequently the appeal was sustained and the matter was to be heard, it was and then approved. In Haddonfield they were offering to buy the property from RCA; they were both Site Plan applications. Mr. Henry asked how many beds they were proposing “149” with expected occupancy of 90% which is 134. Danvers has 207. Mr. Henry asked if there were any issues where they had to call police with any facilities. Dr. Caprici stated that when they call ambulance the police. Mr. Green stated that at this facility there will be no medicare, Medicaid, no scholarship funds and no beds for people without insurance, Dr. Caprici said this is not true they scholarship all the time, however, there are some sites that do not have Medicaid but they do have scholarships including the Sayreville site. Mr. Green asked if they need to have insurance, Dr. Caprici said approximately 97% have insurance, 2% pay cash (self-pay) the insurance they take is in-network insurance there is a negotiated rate. Mr. Green asked her to explain the scholarship fund that would be set up in Sayreville. She was unable to explain as there was no dedicated amount. The Sayreville facility will have the scholarship program the same as other site. Mr. Sachs asked for some detail information on this program. Mr. Esposito asked how the person that died got the drugs into the facility if there is no phone use, cameras and security. Dr. Caprici stated they did not know because they search visitors, packages they have checked cameras and cannot figure it out. Ms. Catallo asked if the employees are checked, Dr. Caprici said not every day but they do get tested. Mr. Esposito asked if they do drug tests when they come in, Dr. Caprici said when they arrive and then weekly, if they go out for testing and if they show any cause for testing. They do quantitative testing for people they feel need it. Mr. Esposito asked if the death could have been an inside job, Dr. Caprici said that tests are also unannounced. Mr. Kuczynski asked how often they find the issue of sneaking drugs into the facility, Dr. Caprici said very rarely. The do a full body search when they arrive as well as check any papers, books, bags etc. Mr. Kreismer asked how the staff will be chosen. Dr. Caprici stated they will be having a job fair tomorrow and they are expecting 500 people for a site being opened in Billingsley. Interviews are done, references are called, training is one month, they are trained in assessment, motivational interviewing, how to enter notes, electronic health records. There is a staff of 18 full time**

**Masters level trainers. Background checks, urine and drug screening are done for all applicants. Mr. Kreismer asked how long to be up and running, she said typically they look for 8 new patients a week then at a certain point they check the progress. Mr. Kreismer asked if they meet with nearby hospitals, Dr. Caprici stated they meet with them before opening they have patient advocate teams in every area, they have one here they reach out to mothers group, prevention programs, hospitals, and police. Mr. Kreismer had a conversation with a doctor connected with a number of hospitals in area and he had a concern, she said New Jersey had a 893% increase in fentanyl deaths alone New Jersey is #6 in the country for overdose visits in ER. They would like to decrease those numbers. Mr. Kreismer had concern about the staff being able to deal with the numbers, she said they have full medical presence they have RN’s on site 24/7 as well as doctors. Mr. Kreismer asked if they would be taking patients from this area**

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**to the Mays Landing site. Dr. Caprici said they are firmly committed to the neighborhood model, they work with all the local hospitals, police chiefs, etc. They will take people from here to Lighthouse because there is no site in this area at present. Mr. Sachs asked about RN’s on site 24/7 and who else is on site 24/7. Dr. Caprici said the Clinical Director, CEO, Admissions Staff, always a key person. Full time physicians are on call; Mr. Sachs asked how many hours a physician if on site. Dr. Caprici said in a site the size of Sayreville there would be a full time Medical Director, full time psychiatrist, one or two psychiatric nurse practioners, and medical nurse practioners. Mr. Sachs asked if they were there during the day, Dr. Caprici said no not all during the day they separate them out, not as much medical is needed between midnight and 8:00 am. Mr. Sachs wanted them to break down the shifts and pin down the staffing, they will provide this information to the board. Mr. Green asked if it was 21 day program, Dr. Caprici said they are shooting for a 30 day care; Mr. Green asked if presently it was 21, Dr. Caprici said “yes.” Mr. Green asked about relapses and asked if the treatment was the same. Dr. Caprici said what they see is 35% of the people are going for the first time treatment the reality who relapse are people who don’t go to outpatient treatment. If there is a patient who requires 90-120 days of care they would refer elsewhere. Dr. Caprici said it is widely replacing the Dr. Caprici is globally in charge of the facilities and will have connection to the Sayreville site. Mr. Green asked if patients are treated with methadone; she said it is not a methadone clinic while in some cases it may be used to detox only for inpatient. Mr. Green asked if they also use another drug called “suboxin,” Dr. Caprici said they do use this to detox and it is in cases replacing methadone; however, in some cases the patient responds better with methadone. Mr. Green asked if these drugs were used in outpatient, Dr. Caprici said no just in detox. Mr. Emma asked if patients go outside are they searched when they come back into the facility and is someone outside with them, Dr. Caprici said they are accompanied by the staff member. In the smoking area they are always accompanied by staff members. Mr. Emma stated the facility is not fenced in so anyone could enter onto the premises. Dr. Caprici said that there is always someone from the staff outside and anyone entering the site would be questioned. Mr. Emma asked what happens when a patient is halfway through the program and wants to leave, Dr. Caprici said there is a step process done before anyone is allowed to leave they are interviewed by staff members, they need to sign for the release, and they leave either in a family car or an RCA car, while by law they can’t “pin them down” if the case may be a danger they do alert the authorities. Mr. Emma asked what happens if one of the patients just leaves and walks over to the school. Mr. Henry asked if there were any other facilities close to a school, Dr. Caprici said they had one near a college and Devan is close to a Middle School. Mr. Esposito stated that the applicant can certainly understand the concern of the board with the facility being so close to the school, Dr. Caprici said they have never had any issues with this. Mr. Sachs stated that in the event the board acted favorably on the application no one would leave the site unless they get into a vehicle. Mr. Himelman said this was an excellent suggestion and should be no issue. A condition of approval could be no one leaves the site unless they are escorted getting into a vehicle, Dr. Caprici said it takes about 4-5 hours before a patient will be released and only to a family member or in a RCA vehicle. Mr. Himelman said there would be no problem with this. Mr. Green asked if a patient is admitted for 21 days and the outpatient is 30 days what is the average cost for a 30 day treatment, Dr. Caprici said it would depend on what site as the insurance companies agree to pay for different levels. Mr. Emma asked what the criteria of a successful outcome and their success rate, Dr. Caprici stated the field has had to change to deliver and document care due to the insurance rates and coverage and they have goals #1 to stabilize patient in residential environment, #2 get them involved in the outpatient programs.**

**David Dorschu, CEO addressed the board’s questions regarding the Scholarship Program. RCA scholarships clients more than any other facility he has been involved with. Business Development make him aware of a need then he takes to corporate office and creates a plan. 75% of his requests are approved, while there is no fund per say that is the process followed when it comes to scholarships. Average per month is 2 clients 20-25 days in Mays Landing. Mr. Dorschu said dollar amounts awarded average $2,500 per month and since August 2016 approximately 24 scholarships per year. After the scholarships they try to arrange housing needs and utilize community support programs.**

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**Mr. Esposito asked if a scholarship is an endowment do charities fund these scholarships; Mr. Dorschu said the funds include feeding the client, medication, staffing. Mr. Esposito asked why so charitable; Mr. Dorschu stated because “people are dying.” In his practice never says “no.” Mr. Henry asked how he came up with the $2,500 per day and Dr. Caprici said stated it amounts to some $500 per day from the insurance multiplied by 25 days. Dr. Caprici stated it might be a math error. Mr. Dorschu discussed the staffing and gave an example currently in Mays Landing there are 45 clients with 5 nurses, 6 recovery support specialists, 2 admissions staff, 1 grounds monitor, a receptionist and a house keeper. During the first shift the numbers are higher. The hours are different, the nursing shift is a 12 hour shift 7:30 AM – 7:30 PM then 7:30 PM – 7:30 AM, Recovery Support 7:00 AM – 3:00 PM, 3:00 PM – 11:00 PM, 11:00 PM – 7:00 AM. They are there to work with clients and make sure they are where they are supposed to be and also run classes. There is always an RN 24/7 with a minimum of 4 other nurses some RN’s some LPN’s. There are also two admissions counselors and grounds monitor, a receptionist and house keeper. Medical staff is physically in building 10 hours a day and they are always on call.**

**The Sayreville site will be 3x larger but staffing is still the same. Mr. Sachs asked who is at the Mays Landing site at 2:00 AM, Mr. Dorschu said 5 nurses, 1 or 2 RN’s, 2 Recovery Support Specialists, a grounds monitor. Mr. Esposito asked how many beds were in the Mays Landing site, Mr. Dorschu said 53. Mr. Henry asked about the grounds monitor, Mr. Dorschu said they also inspect packages on admission, take care of the grounds in/out, the video cameras; security is 24/7, they have no license to carry any firearms. Ms. Catallo asked about the patio in the rear and what the security measures would entail. The Recovery Support Specialists according to the number of patients will be monitored also by a military/law enforcement person with treatment experience.**

**9:00 PM - Mr. Green made motion to take a short break, motion carried.**

**9:20 PM – Mr. Green called the meeting back to order with a Roll Call: All members present.**

**Mr. Sachs swore in Christine Cofone, PP. Mr. Henry made motion to accept credentials, Mr. Corrigan seconded, motion carried. Ms. Cofone stated this was an inherently beneficial use and gave community value. The testimony by Dr. Caprici was informative and the need in the State for these services is staggering. She cannot think of a more beneficial use in this current climate than the proposed recovery center. In Sayreville there is no zone where they can look to another zone to seek to approval. Based upon her review there is no other alternative, and she feels the benefits outweigh the detriment. The board can impose reasonable conditions and she urged the board to approve as they have met the burden of proof.**

**Mr. Green made motion to open public portion.**

**PUBLIC PORTION**

**Mr. Sachs swore in:**

**Dennis O’Leary – 711 Sunshine Court (Harbour Club) – He talked about beneficial use, fair housing, ADA. He asked how many nursing homes are in Sayreville, one, which is a beneficial use with no downside and this has been just pushed aside as if the Zoning Board should just bow to the fact that we should forget about our elderly that need specific geriatric care. In 1967 Mayor Peggy Kerr and his grandmother stood beside her and said you should speak up for what you believe in that’s good for Sayreville, and thanked the board for doing that the last few meetings. It’s discriminatory to cast off our elderly, but these patients can leave whenever they want. The Harbour Club is across the street which is where are they probably going in the middle of the night. He will not stand for the borough saying that the geriatric care and the only nursing home in Sayreville is a non-beneficial use.**

**His parents moved to Spinnaker Point. People are counting on a nursing home in the event their family is in need.**

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**Debra Lee – 72 Prusakowski Blvd. (Spinnaker Point) – Ms. Lee stated that she has the same feelings and concerns. She lives in an active adult community and the idea of a nursing home across the street is important to people as they age. She has concerns regarding outpatients and the ability to come and go. How would this be monitored as no one can really police, the school is right next door. She has no problem with the facility but it does not belong in a residential area. They should build a facility elsewhere.**

**Robert Rasa – 49 Scheid Drive – No one is denying the need, however, there are concerns regarding the outpatient situation. In most hospitals in New Jersey staffing in the evenings is a concern as there are different types of patients. The staff to patient ratio, number of beds, cameras for residents on off hours. Nothing good happens at 2:00 AM. The residents are trying to ensure their safety in their community. The older generation is in need for care as they age. There is also a concern for the children who attend Eisenhower School. The facility was rebuilt to accommodate a nursing home facility and this lease was already prepared? Is this a done deal, all are doing an injustice and need to look further down the road for the impact it will have on the residents.**

**Paul Lieberman – 24 Wlodarczyk Pl. Concern for the children in Eisenhower School and asked that the meeting be held over until clarification on the Boston issues can be verified. He has no issues with the facility but it needs to be at a different site. He feels the nursing home is needed. Crime has gone up 34% where these facilities are housed. He is not saying the need doesn’t exist, but it shouldn’t happen here.**

**Dennis O’Leary, Sr. – He was happy to hear at the last meeting that the nursing home was a good example of a beneficial use. This facility not being used as a nursing home will have negative affects. Journal 2014 says home values are reduced 15-17%. This is the only nursing home in Sayreville and it needs to remain a nursing home. There are 400 units in Harbour Club, 100 in Spinnaker Point with 15-1600 residences, no stores, commuter bus/public transportation stops. People are comfortable standing outdoors. He hopes the nursing home stays.**

**Mr. Kulkarni – 26 Wlodarczyk Pl. He is a younger resident in the community, raising his children. He has concerns about his children getting curious and asking questions, and fears they might try things. The neighborhood is nice and they have peace of mind raising their kids. They would be asking questions as to why police are on site. He supports the nursing home and does not feel this RCA facility should be near a school and urged the board not to approve.**

**Ervin Agoston – 14 Wlodarczyk Pl. He spent 5 years looking for the perfect home. He feels safe at home for him and his son. He respects the facility but does not feel it should be in this area. Teach children in schools about the issues. He has concern regarding it being in this area and feels the nursing home should remain.**

**Mr. Sewell – 1907 Bayhead Dr. – When considering this application just think of the residents across the street who invested all their earnings and what they will lose. People who commute everyday – darkness, safety of the residents. The facility should be in another area and the board needs to take the resident’s concerns into consideration.**

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**Mr. Green asked for motion to close public portion; Mr. Henry made motion to close public portion, Mr. Corrigan seconded, motion carried.**

**David Himelman asked Mr. Green if they could take a five minute break.**

**10:10 PM – Mr. Green asked for a 5 minute break**

**10:25 PM – The meeting was called back to order with a roll call; all members were present.**

**Mr. Himelman spoke with the board council members during the break regarding the information to be provided in writing regarding the staffing, shifts, and information and confirmation on the closing of the facility in Massachusetts and the closure of the situation. He stated he would be providing Mr. Sachs with that information before the next meeting.**

**Mr. Sachs stated that the application will be held over until the January 24, 2018 meeting at 7:30 PM. The only testimony that will be heard is if there are any questions regarding the information they provide to the board. There will be a public portion and then after there should be a vote on the application.**

**Mr. Green said the only thing that could possibly hold this up is if the results on the investigation is not provided in time. Mr. Esposito asked if there was a time period they will have to submit so the board members have time to review. Mr. Himelman said he will provide within the next several days. Mr. Sachs announced to the public it will be carried to Wednesday, January 24th at 7:30 PM. Mr. Kuczynski asked if there would be a public session, Mr. Sachs said “yes.”**

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**MEMORIALIZATION OF RESOLUTIONS**

**#17-04 Fisher Associates 5 Fisher Street**

**Mr. Green asked for motion to memorialize resolution. Mr. Kuczynski made motion to adopt the resolution; Mr. Corrigan seconded. Roll Call:**

**Yes: Mr. Green, Mr. Kuczynski, Mr. Kreismer, Ms. Catallo, Mr. Corrigan, Mr. Henry, Mr. Emma**

**#17-24 Ronaldo DeAlmeida 34 Gardner Place**

**Mr. Green asked for motion to memorialize resolution. Mr. Kuczynski made motion to adopt the resolution; Mr. Corrigan seconded. Roll Call:**

**Yes: Mr. Green, Mr. Kuczynski, Mr. Kreismer, Ms. Catallo, Mr. Corrigan, Mr. Henry**

**#17-26 Maryann Owsik 37 Pulaski Avenue**

**Mr. Green asked for motion to memorialize resolution. Mr. Kreismer made motion to adopt the resolution; Mr. Kuczynski seconded. Roll Call:**

**Yes: Mr. Green, Mr. Kuczynski, Mr. Kreismer, Ms. Catallo, Mr. Corrigan, Mr. Henry**

**#17-32 Luis Alvarado 30 Boehmhurst Avenue**

**Mr. Green asked for motion to memorialize resolution. Mr. Kreismer made motion to adopt the resolution; Mr. Kuczynski seconded. Roll Call:**

**Yes: Mr. Green, Mr. Kuczynski, Mr. Kreismer, Ms. Catallo, Mr. Corrigan, Mr. Henry**

**ACCEPTANCE OF MINUTES**

# Mr. Green asked for motion to approve and accept the minutes of the November 21, 2017 meeting. Mr. Kreismer made motion to accept the minutes, Mr. Emma seconded, motion carried.

**ADJOURNMENT**

**There being no further business to discuss, Mr. Green asked for motion to adjourn, Mr. Corrigan made motion to adjourn; Mr. Henry seconded, motion carried.**

 **Respectfully submitted,**

 **Joan M. Kemble**