

READINGTON TOWNSHIP BOARD OF HEALTH MEETING

March 16, 2011

Chair William C. Nugent called the meeting to order at 7:05 and announced that all laws governing the Open Public Meetings Act have been met and that this meeting has been duly advertised.

Attendance Roll Call:

Christina Albrecht	absent	William C. Nugent	present	Wendy Sheay	present
Jane Butula	absent	Tanya Rohrbach	absent	Donna Simon	present
Beatrice Muir	present				

Also Present: Hunterdon County Health Dept.: Deb Vaccarella
Board of Health Engineer, Ferriero Engineering, Inc. representative Joe Kosinski

A. APPROVAL OF THE MINUTES

1. **Minutes** of January 19, 2011. (-Butula vote).

A **MOTION** was made by Ms. Muir to approve the minutes. The motion was seconded by Ms. Sheay. On roll call vote, the following was recorded for approval of the 1/19/11 minutes:

Ms. Muir Aye Ms. Sheay Aye Ms. Simon Aye Chair Nugent Aye

2. **Minutes** of February 16, 2011. (-Muir, Rohrbach, Sheay vote).

Deferred.

B. CORRESPONDENCE

1. **NALBOH – NEWSBRIEF - 1st Quarter/2011.**

There was some discussion of the use of a social network page for boards of health, to be continued at the next meeting.

2. **Block 31/Lot 37.02** – withdrawal of application for freshwater wetland LOI.

3. **Block 93/Lot 64** – NJDEP Child Care Facility Approval Letter.

4. **Block 50/Lot 41** – NJDEP Authorization for Freshwater Wetlands Statewide General Permit No.1.

5. **Suspected Hazardous Discharge Notification** letter dated 1/31/11 regarding oil fuel.

6. **Suspected Hazardous Discharge Notification** letter dated 2/6/11 regarding oil mineral.

7. **Block 61/Lots 5, 14, 16 - Twp. of Branchburg** application for flood hazard area verification.

8. **Block 74/Lot 22** – NJDEP –dated 2/11/11 – No further action letter.

9. **HCDH LINCS** – 2/17/11 – Pub. Health UPDATE – Meningococcol Invasive Disease Investigation.

Noted.

10. **Suspected Hazardous Discharge Notification** letter dated 2/23/11 regarding oil heating #2.

11. **Block 52.01/Lot 14.06** – HCDH – Status of well.

Chair asked if Ms. Vaccarella required additional information from the township, since this is township property. Ms. Muir stated that she would forward this letter to appropriate persons. The BOH witness would be contacted for assistance with the location of the well.

12. **Block 56/Lot 2** – NJDEP Flood Hazard Area Individual Permit.

13. **2/28/11** letter from PARS Environmental Inc., Whitehouse Gulf Gas Station.

14. **Block 38/Lot 50.02** – NJDEP Receptor Evaluation Form dated March 2011.

15. **HCDH LINCS** – dated 3/4/11 – Public Health UPDATE – Local Influenza Activity MMWR Week 8.

16. **NALBOH** – National profile survey of local boards of health.

Chair will complete the survey.

C. SEPTIC REPAIRS

D. OLD BUSINESS

1. **Septic Maintenance Advisory for Residents.**

Chair Nugent stated that the Board of Health is obliged to provide information every 3 years to residents on the maintenance of septic systems. This was last done in Nov./Dec. 2008 through the newsletter. This information is on the township website www.readingtontwp.org

There was some discussion of sending out a memo with the tax bills.

E. NEW BUSINESS

1. HCHD – Annual Municipal BOH Member Orientation. March 30, 2011.

Chair Nugent asked if any members were interested in attending. The rsvp is by 3/25/11.

2. NJAC7:9A – amendments.

Chair Nugent asked that the BOH engineering firm summarize any information specific to the board's ordinances, any conflicts to our ordinances, or put into place something to protect what is in place, and is there anything that this board wants to reply to the state on.

3. DEP Public meeting on draft sewer service area map in Hunterdon County.

Chair Nugent attended the meeting. This was an informatory meeting. The information and map is accessible on the website.

<http://www.co.hunterdon.nj.us/planning/WasteWaterManagementPlan.htm>

F. APPROVALS

Heard @ 7:40 p.m.:

Category A. – Single Lots

1. Block 94/Lot 19 – Parker Engineering, Bugasch, Lazy Brook Road.

Escrow fees paid 1/28/11, Ck# 112, \$750.00.

Mr. Stephen Parker, NJ licensed engineer appeared before the board. Mr. Bugasch, the owner of the property was also in attendance.

Chair Nugent noted that revised maps were handed out at tonight's meeting.

Mr. Parker stated that he had prepared the design which is before the board this evening. The application is for new construction, the property known as the Kanach farm on Lazy Brook Road. There was an existing home on the property which was razed. The construction of a new 7 bedroom home is proposed with a two acre exception area that was created along with the farmland preservation of the property. The applicant is seeking approval of a septic system and reserve area approval. There is an existing well on the property, which the applicant would like to continue to use. The proposed system is a gravity system. Eight weeks of groundwater monitoring was completed for Readington Township by the township engineers, Hatch, Mott MacDonald in January 2010. Those test results were also supplemented by Parker Engineering this past January. The soils are pretty good, results were positive. A new plan was handed out this evening, the system was designed as a gravity flow system. The error was that the level of infiltration in the field has to be 6' above the elevation of the basin flood test, they had 4' of separation. It is a code requirement, so the system had to be raised up. The location, size are the same. The elevation of the house and the elevation of the disposal field have been raised a little to maintain the gravity flow system. It is considered a mounded system because the level of infiltration is above the existing grade. The mound will be 44" above existing grade on the low side, and 36" above existing grade on the high side. The test that was done for the primary system was done at 60", 5' below existing grade.

Ms. Muir asked if there was a driveway over any of the field?

Mr. Parker stated that there was nothing in the back of the house. In order to comply with the code, they dug additional holes deeper than the 2010 holes. The holes were done right next to the 2010 holes. The plans were submitted to the board.

Mr. Parker reviewed Ferriero Engineering letter dated 3/2/11.

Regarding General Comment

#1. type of soil on the site – severe constraints due to potentially high bedrock. – they did not find that in this case.

#2. 8 weeks of groundwater monitoring was performed because of that.

Primary disposal area is using soil logs 1 and 3, and basin flood1. Ferriero letter indicates fractured rock substratum at 20", originally it was dug to 105", then deepened to 126" in January 2011. No mottling, no seepage, and no hydraulically restrictive horizons were recorded.

#8. BF1 was conducted at 60", the refusal was at 126", in excess of 10'. There is an adequate zone of treatment or zone of disposal. Soil log 3 was used for the primary disposal area and the fractured rock substratum was recorded at 39", was dug to 101" last year by Hatch, Mott MacDonald, and 120" this year on 1/20/11 by our firm. There was mottling recorded at 37" to 39", considered perched or hanging ground water. Both of the soil logs were excavated during the wet season. There was no observation of ground water in the 8 weeks.

Chair Nugent stated that the soil log dug this year detected mottling at 37 – 39". The soil log dug the previous year had mottling at that same zone ? Were the rain/snow events of 2010 the same as 2011?

Mr. Parker stated no, they weren't the same.

Chair Nugent asked if either one, 2010, or 2011 found any hydraulically restrictive horizons?

Mr. Parker stated no, there were no hydraulically restrictive horizons.

Chair Nugent asked what type of mottling was found?

Mr. Parker stated it was the fractured rock substratum.

Chair Nugent stated so it wouldn't be hydraulically restricted.

Mr. Parker stated absolutely not.

Chair Nugent stated that he struggled with it being called perched or hanging.

Mr. Parker stated that the slowly permeable soil horizon on top of an excessively coarse substratum, the condition exists where the capillary pressure, the water starts hanging, causing those mottles to form, the water is almost trapped in that more slowly permeable upper soil horizon. If it was truly a hydraulically restrictive horizon, that prevents the downward migration of any kind of water and it sits on top of it like a shelf, it will not penetrate through a hydraulically restrictive horizon. However, when you have that you will see some evidence when you excavate the soil log, or during the 8 weeks of groundwater monitoring. We didn't see this in any case, there was no seepage. Given the additional data, last years and this years along with the wet season monitoring from last year, it is comfortable to say that it is a hanging condition where rainwater, snowmelt hangs up, because of the capillary pressure stays within that upper horizon, the finer grain soil, because of the fact that there is an excessively coarse horizon below that. It is excessively coarse because it is greater than 50% coarse fragments. That is demonstrated by the basin flood test, the underlying horizon is permeable. That is not causing the groundwater to sit on top of that shale.

Ms. Muir stated that the basin flood tests were done in the soil logs, the soil logs according to our witness, soil logs 1, 3, 4 and 6 old soil logs from 1/20/2010 were reopened. Isn't this prohibited by our ordinance and state code which says soil logs shall not be conducted in disturbed soil?

Why were these conducted in the old soil logs?

Mr. Parker stated they weren't.

Ms. Muir stated that this would have to be clarified by our soil witness.

There was some discussion of how the standpipe was done.

Chair Nugent stated that the standpipe was done last year, 2010, by Hatch Mott MacDonald, in-season groundwater monitoring, typically done in an excavated hole that is backfilled.

Mr. Parker stated that that is the way they do it, he wasn't sure how Hatch Mott does it.

Ms. Muir stated that was done last year.

Chair Nugent stated we do have conflicting data, we will have to get clarity from our witness on his notes.

Mr. Parker stated that the holes were dug inches away, right next to the other ones, and they are essentially the same thing. As the design engineer, he wants to get an accurate picture of what is

in the ground, he has to rely on what he sees. He did not just take their word for it, he was personally out there and saw it.

Ms. Muir stated that the holes are not represented on the map, the rule is if it is dug, it needs to be on the map. The board needs complete clarification from our witness as to what he saw.

Mr. Parker stated that they are not on the map because they were literally inches away. They were right in the same location.

Mr. Kosinski stated that this is something his office looked into and discussed when they realized that the soil log was reopened. One of the concerns was that they would find different soil horizons and different conditions in the subsurface than was originally found by the engineer who did the original testing. There isn't any dispute with regard to the subsurface conditions that were found in the upper horizon and the substratum, the log was just reopened to excavate deeper. Sometimes these soil logs scale out on the plan such that you wouldn't be able to locate these things on top of one another, and still depict them accurately. This was discussed with Mr. Hansen, and was considered when the soil logs were reviewed. If there was a substantial change to one of the horizons where Hatch Mott found a friable surface at 36" and Mr. Parkers office found a firm layer at 36", then that would have raised some concern, but he felt there wasn't a dispute as to what the conditions were in the logs themselves, other than the depth, which Mr. Chalupa noted in his logs as being refusal.

Ms. Muir stated there is more than one way to ascertain what you are digging up.

Mr. Kosinski stated if these logs were substantially different than those that Hatch Mott recorded, then that would have been a concern, but considering that they weren't, his office took no exception to the logs as they were recorded by Parker Engineering.

Chair Nugent asked if Mr. Kosinski understood these to be new logs albeit immediately adjacent to the old ones?

Mr. Kosinski stated that they understood them to be logs that were reopened to achieve a greater depth because the machine that was there prior to this testing may have been inadequate for the subsurface conditions in order to get an adequate depth.

Chair Nugent stated that he commended Mr. Parker for digging a separate hole, that was the right thing to do, however, the material before the board does not represent that that was what was done. There is not a question as to what was done, it effectively means that, to Mr. Parker's point, digging in the same hole means there is no collaborative evidence that you have a perched hanging water table, creating another hole adjacent, supports the contention that the perched and hanging water table does exist.

Mr. Parker asked if this would indicate that they had to do additional testing, or could they rely on the holes that they have?

Chair Nugent stated that they can rely on the holes that they have.

Mr. Kosinski stated that Mr. Chalupa indicated that the original logs were done with a backhoe, on the witness records from 2011, it was indicated that it was done with a trackhoe, and typically, the bucket is much larger, you wouldn't be able to excavate exactly the material that was there. This is just something for the boards consideration.

Ms. Vaccarella stated if this was a bigger bucket, it would be a new surface that you would be exposing.

Chair Nugent stated that testimony is that it is a separate hole, which is a good thing, because it gets past the issue of disturbed soil, it gives a whole other test to help collaborate some issue, it is just that there are some discrepancies in the paperwork.

Mr. Parker asked if the board could proceed from here?

Chair Nugent stated that they may want to proceed since they hadn't completed the review of the primary and reserve, for soil log 3, perched/hanging, absent of hydraulically restricted horizons below the capillary action of the slowly permeable upper soil.

Mr. Parker stated that the testing and visual observation concluded that it is a hanging condition.

The soil log from 2010 and the soil log data from 2011 found that mottling to be at the exact same depth.

Chair Nugent asked if there were any other issues/comments from soil log 3?

Mr. Parker stated that he had none.

Chair Nugent asked to review the reserve area logs.

Mr. Parker stated they used soil logs 4 and 6. There were a couple basin floods done in the reserve area, basin flood 2, abandoned because basin flood 4 was working at a faster rate.

Chair Nugent asked if basin flood 2 would have passed?

Mr. Parker stated that the information from the witness' notes indicated that it was going at a passing rate. Basin flood 4 was passing, completed at a depth of 56", was initially recorded last year, fractured rock substratum recorded at 12", originally excavated to 101", deepened to 122" in January 2011. No mottling or seepage was recorded, no hydraulically restrictive horizons were present in the soil log. Groundwater monitoring was performed with the highest reading in soil log 4 at 71", which was January 30, 2010. Refusal was at 101", with the small machine, this year they excavated to 122". It may not have been refusal, they just stopped at 10'.

Mr. Kosinski referenced Mr. Chalupa's notes stating that basin flood 3 dropped 6" in 6 hours, discontinued because BF4 was running faster.

Mr. Parker stated that soil log 6 was the other log used in the reserve area, recorded in February 2010, fractured rock at 38", excavated to 105", deepened to 109" in January 2011, that was refusal, no mottling, seepage, or hydraulically restrictive horizons were recorded. That soil log produced no ground water monitoring results. Passing basin flood test 4 was at 56". The final depth was 109".

Chair Nugent recapped for the reserve, BF2 test was discarded; BF3 dropped 6" in 6 hours, there are no failing permeability tests. The distance between SL4 and the proposed reserve area is 13'. SLBF1 is 15' from the proposed primary area.

Chair Nugent asked if there were any questions from the board regarding the reserve area?

There were no questions.

Chair Nugent stated regarding the well, is this the well that the test was performed on for the real estate transaction? The test results were not passing.

Mr. Parker stated that is correct. The well was sitting unused for a number of years. If the well is potable after being purged, the homeowners would like to use it rather than dig a new one.

Ms. Vaccarella stated that the total coliform and lead were high, the total coliform for an unused well is normal, and also the lead is passing for drinking water parameters.

Ms. Muir asked when the well would be purged?

Mr. Parker stated that it would be before the CO.

Ms. Sheay asked if the LOI was still valid?

Mr. Parker stated that it was done when the property was proposed for development, the LOI is dated May 2004. It would have expired in 2009, but he would look into the expiration time.

Chair Nugent asked if the LOI identified wetlands on the property? Is there a reference on the map?

Mr. Parker stated yes, it identified wetlands, the property is 84 acres, there are no wetlands or wetland transition areas anywhere near the 2 acre exception area. It is identified on the map, #38, on page 2.

Chair Nugent stated that there are some paperwork discrepancies that have to be taken care of. The board secretary will contact the witness to clarify the soil log documents presented.

If the witness wants to clarify the documents, that information will be provided to Mr. Parker.

The board will need from Mr. Parker the representation on the map that additional soil logs were dug, and the associated forms that indicate that.

Mr. Kosinski confirmed that the in season ground water monitoring performed in 2010 is in no way prevented from being used to represent the in season ground water monitoring for this property even if he dug new soil logs.

Chair Nugent stated that by representing that new soil logs were conducted and that the new logs are going to the depth that they needed to be and were collaborative of the logs dug in 2010, it is suggested that that actually helps the applicants testimony. This information needs to be resubmitted to the Board's engineering firm, and they need time to get it back in time for the agenda, so keep that in mind.

Mr. Parker stated that they would get it right out.

Ms. Sheay asked about Form 4 for the HCDH, and if it needed to be corrected.

Ms. Vaccarella stated that technically, it hasn't come before the County yet, but 4 copies of the corrections would be needed when submitted.

Chair Nugent asked if anyone had any other questions or comments.

There was no response.

Chair Nugent asked Mr. Parker to check back with the board secretary in a few days for the witness' response.

Mr. Kosinski confirmed that Mr. Parker would revise the Form 2b's to correspond with the soil logs.

Mr. Parker stated yes, he would.

Mr. Parker thanked the board.

G. ADJOURNMENT

A **MOTION** was made by Ms. Muir to adjourn at 9:00 pm, seconded by Ms. Sheay with a vote of Ayes all, Nays, none recorded.

Respectfully submitted:

Lorraine Petzinger
Board of Health Secretary