

## READINGTON TOWNSHIP BOARD OF HEALTH

JULY 18, 2012

Chair William C. Nugent called the meeting to order at 7:02pm and announced that all laws governing the Open Public Meetings Act have been met and that this meeting has been duly advertised.

**Attendance** Christina Albrecht absent Robert Colburn present William C. Nugent present Wendy Sheay absent

**Roll Call:** Jane Butula present Beatrice Muir present Tanya Rohrbach present Donna Simon absent

**Also Present:** Board of Health Engineer, Ferriero Engineering, Inc. representative Joe Kosinski  
Division of Public Health Public Safety Dept. – Bob Vaccarella

### A. APPROVAL OF THE MINUTES

1. **Minutes** of May 16, 2012. (- Rohrbach, Sheay, Simon vote).

*Deferred.*

2. **Minutes** of June 20, 2012. (- Albrecht, Sheay, Simon vote).

A **MOTION** was made by Ms. Muir to approve the minutes. The motion was seconded by Ms. Rohrbach.

**The board suggested the following corrections: Mr. Colburn's name was included in the roll call; B. 1. pg. 3 Mr. Vaccarella was asked to pass information to the Medical Reserve Corps.; the time heard for application 5. Block 62/Lot 16.03 was 9:42pm.**

A **MOTION** was made by Ms. Muir to approve the minutes as corrected. The motion was seconded by Ms. Rohrbach.

On roll call vote, the following was recorded for approval of the June 20, 2012 minutes as corrected:

Ms. Butula Aye Mr. Colburn Aye Ms. Muir Aye Ms. Rohrbach Aye Chair Nugent Aye

### B. CORRESPONDENCE

1. **NALBOH** – BOH BRIEF Special Edition 6/29/12 US Supreme Court ruling to uphold the Patient Protection and Affordable Care Act. (ACA).

2. **HCDH LINCS** - 7/1/12 ALERT: Extreme Weather Information. [www.readingtontwp.org](http://www.readingtontwp.org)

3. **HCDH LINCS** - 6/18/12 Amendment of Animal Control and Impoundment Statutes.

*Ms. Butula asked that this be forwarded to Readington Twp. AC, Animal Control Solutions, LLC.*

4. **Suspected Hazardous Discharge Notification** letter dated 6/30/12 regarding oil fuel #2.

5. **Suspected Hazardous Discharge Notification** letter dated 6/8/12 regarding oil heating #2.

6. **Block 25/Lot 32 – Letter dated 6/19/12** – NJDEP no further action.

7. **Block 57/Lot 11.09 – Letter dated 6/30/12** – NJDEP no further action.

8. **DEP Realease:** dated 6/25/12 - DEP and NJDA Partner in Battle Against Mosquitoes.

9. **NJDEP Public Hearing Notice** – Transcontinental Gas Pipe Line Co., 7/25/12, Clinton, NJ.

*Ms. Butula asked if this would be coming into the Readington Twp. portion of Stanton?*

*Ms. Muir stated that it stops in Stanton.*

10. **Block 52/Lot 1.12 – Letter dated 6/29/12** – NJDEP no further action.

11. **HCDH LINCS** - 6/18/12 Amendment of Animal Control and Impoundment Statutes.

12. **HCDH LINCS** - 7/11/12 Advisory: Outbreaks of Human Salmonella Linked to Small Turtles.

<http://www.cdc.gov/salmonella/small-turtles-03-12/index.html>

### C. OLD BUSINESS

1. **Septic System maintenance article** – The Readington News - July/August 2012. [www.town-media.com](http://www.town-media.com)  
*Noted.*

2. **Temporary Food Handlers inspections - Div. of Public Health Svcs.** – letter dated 6/18/12.

Chair Nugent stated that there was further communication from the advisory letter from the County last month to discontinue temporary food vendor inspections of pre-packaged/contained food/beverages. There is a resulting resolution for adoption. This was forwarded to the Township Committee for comment.

Ms. Muir stated that the Committee didn't have a problem with what the County had proposed to the Board of Health. Since the County is an enforcing officer, if there is a problem they would be liable.

Ms. Vaccarella asked if the intent of the ordinance was to bring more in line the fact that the County will be inspecting foods and not non-food packaged items or is the intent of the ordinance to tell the County that they must inspect something that they have already said they are not inspecting?

Chair Nugent stated that the intent of the resolution is to advise that whereas the board supports the desired intent and direction that the County is wishing to take that unfortunately the Board of Health did not have sufficient time to react to this and alter BOH ordinances to allow for that discontinuation of inspection.

Ms. Vaccarella stated that it is not an intent, the County is not going to be doing those inspections. Is this BOH resolution to bring the wording more in line for what the County will be making common practice?

Chair Nugent stated this is actually to say that unfortunately whereas we support in principal what the County wishes to do, that at this time they are not authorized to discontinue it.

Ms. Vaccarella stated that the BOH resolution is adding the word food in the existing ordinance, correct?

Chair Nugent stated that the resolution is in no way altering the ordinances.

Ms. Vaccarella asked if this has been discussed with anyone, either Vita Mekovetz, or anyone at the County level?

Chair Nugent stated it was discussed with Vita, Township Counsel, and the Township Committee.

Ms. Vaccarella stated it was very clear that Vita understood and was in support that the County will not be doing this so in light of this discussion, is the BOH saying that therefore it be resolved that the County cannot discontinue our food vendor inspections of temporary inspections of the Balloon Festival and must continue to enforce the temporary food and concession purchase. Does this Board understand which types of vendors the County will no longer be inspecting, and have any of the members of the Board been to the Balloon Festival ?

Chair Nugent stated he is aware because he has been principal to the discussions.

Ms. Butula stated that she has attended the Balloon Festival.

Ms. Vaccarella stated that they are not inspecting the beer concessioners; they are inspected under ABC, or the give away packaged goods and sodas.

Ms. Butula stated that at the last meeting, Bob Vaccarella implied that the County would not be inspecting anything that was packaged and sealed and had been under the law and purview of some other inspection.

Ms. Vaccarella stated that is exactly right, they are also known as give away items. There are approximately 40 vendors that have give away, pre-packaged single products.

Ms. Butula stated that part of the discussion last month was about the fees.

Chair Nugent stated that the Board supports what the County wanted to do, the problem is that BOH ordinance stipulates that those inspections do have to take place.

Ms. Vaccarella stated no they don't. The Board ordinance, ordinances that all of the county townships have are developed as a food preparation, and they are not ignoring anyone who is taking the food out of a package, cooking it.

Ms. Butula referred to the July 18, 2012 letter to Mr. Staats from Ms. Mekovetz, "Potential problems.....mis-labeled packages." Does that change anything as far as the County inspection ?

Ms. Vaccarella stated they are not opening the packages, which is what that implies.

Ms. Muir stated that in matters of health and health inspection, the County's actions trump the Township's actions, they are above us in dispensing the inspection side of the question. There is no way the Township is prepared to take on these inspections, if the County is not going to inspect these vendors as they have in the past, then any and all problems that would arise from such non-inspection would be borne by the County as far as liability is concerned.

Ms. Butula stated that she is supportive in the kernel that came up last month, which was that the Board did not have enough time to change the BOH ordinance about the fees, and it is her feeling that the BOH should continue to license everybody who gives away or sells food at an event, nothing to do with the inspections, it is just good business practice for the township to continue to license. The fee structure was a concern, which was not just the \$25.00, but the other \$75.00, and that the BOH did not have time to change the ordinance.

Chair Nugent paraphrased the issue/problem that is basically broken down into 2 parts, 1) should we license the subject vendors or not, at for example, the Balloonfest ? The consensus between the Township Committee and this Board is that we should license them. 2) Should the County do the inspections and the idea that they need not be inspected may or may not be valid, personally he supports the County, however, it is unfortunately not something that we can decide without altering the BOH ordinance because the ordinance stipulates that the inspections have to be performed.

Ms. Rohrbach stated that food concession and food establishment seems like it would indicate food preparation, as the County has mentioned. Does it specify packaged food?

Chair Nugent stated unfortunately the ordinance does not distinguish between a temporary food handler or food concession and a 'regular' food concession, someone that prepares vs. someone that distributes pre-packaged food.

Ms. Vaccarella stated obviously the BOH ordinance has to be brought up to date.

There was some discussion of the breakdown of fees charged the temporary vendors.

Ms. Vaccarella asked if the vendors have to apply for a license if they are not preparing or selling any food ?

Ms. Butula stated that they feel strongly about the fact that you can't have just anyone handing out food samples at an event without a license.

Ms. Vaccarella asked if that meant any type of food?

Ms. Butula stated yes.

There was some discussion about business licenses vs food handlers licenses and inspections.

Ms. Vaccarella stated that the Board is ready to pass a resolution to something that is not going to be productive. The Board's time may be better utilized by discussing and drafting a new food licensing ordinance, rather than to pass a resolution that demands the County do 'this' because they County's answer will be, no we are not.

Ms. Muir stated that the Board has no authority over the County to resolve that they do or do not do something.

Chair Nugent stated that that is not true, the County is an agent for this Board of Health. They are charged with performing duties on behalf of this Board of Health, per written agreement which includes health inspections. If they chose to do what they are obligated by ordinance and agreement to do or not is a separate issue, the point is whether our ordinance stipulates that the inspections are supposed to be done and whether or not the ordinance stipulates whether they are to be licensed. The fact that they are to be licensed is agreed upon with no question. The fact that they are to be inspected is the issue at hand, which is understood and concurred that County's position that they feel the ordinance should be modified, that is not an argument, however, this Board does not have the time to have responded to a letter that was given to the Board dated June 18, 2012, and have the ordinance changed, reworded and put into place to cover an event on July 27, 2012.

Ms. Vaccarella stated that it was not the intent of the County to tell the Board that there was a problem with their ordinance and they must immediately fix it. The intent was to have a complete communication with the fact that this is what was done before, it has been looked at and there is no reason for the County to inspect these specific items.

Ms. Muir stated that the County has an agreement with Readington Township and did not take into consideration the time that the Township needs to complete an ordinance change.

Ms. Vaccarella stated that Mr. Tadgh Rainey should have been copied on all correspondence regarding this issue. Her concern is that it is not even in the law that these inspections have to be done because it is not food preparation.

There was some discussion of the intra-local agreement between Readington Twp. and the County.

Chair Nugent stated that the County is the health officer on behalf of the Readington Twp Board of Health. They have to perform the health officer duties which includes inspections. At issue, and the ordinance does need to be changed, that is not in question, it needs to be updated. If there were time to do this prior to July 27, 2012 in order to support the County's decision on inspections at the Balloonfest, it would have been done.

Ms. Vaccarella asked what benefit this resolution tonight would have ?

Chair Nugent stated that the resolution was in response to the County's letter dated June 18, 2012, clarifying that while this Board supports their direction, we are bound by our ordinance, and therefore cannot at this time support the County's position.

Ms. Vaccarella asked why can't it just be what exactly what was just said?

Chair Nugent stated that it can, but that isn't what the letter identified.

There was some discussion of the definition of packaged foods.

There was some discussion of the details of the BOH ordinance and duties of the County/Div. of Public Health Services.

Ms. Vaccarella stated that the code states that inspections are done 'from time to time'.

Chair Nugent stated if it is a temporary food vendor and only there for X number of days, then they have to have the inspection within X number of days.

There was some discussion as to how the current licenses are acquired.

There was some discussion on how the Board would respond to the County, whether by resolution, letter or motion.

Ms. Rohrbach stated that she would agree with writing a letter to the County indicating the Board's ordinance requirements, acknowledging the County's position, and that they should please continue with the inspections per BOH agreement, and then the County could respond as they wish.

Ms. Muir stated that she felt a letter such as that would be much more appropriate than passing a resolution.

Chair Nugent asked for a motion authorizing the Chair and Board Secretary to draft a letter back to the County in response to their June 18, 2012 letter by the end of business this week.

A **MOTION** was made by Ms. Muir to **respond in writing to the County's June 18, 2012 letter** indicating the Board's ordinance requirements, acknowledging the County's position, and that Readington Twp. Board of Health requests that they should please continue with the inspections per BOH agreement.

This motion was seconded by Ms. Rohrbach. On roll call vote the following was recorded:

Ms. Butula     Aye                     Ms. Muir                     Aye                     Chair Nugent                     Aye

Mr. Colburn Aye                      Ms. Rohrbach Aye

## **D. NEW BUSINESS**

### **1. Partnership for Health – July 16, 2012.**

Ms. Butula stated that 4 initiatives were picked as part of the Robert Wood Johnson Grant for the next 3 – 5 years. Ms. Butula serves on the substance abuse initiative and was picked because surveys have indicated that this is the most pressing health issue in Hunterdon County. Another was carried over, the cardiovascular which encompasses diet, exercise weight management. Two new ones were picked, the assessment process indicated that Hunterdon County has fallen seriously behind in latino community health issues; the health issues of the aging are also an issue and will continue to grow.

Chair Nugent asked if there were any speculation as to what may be contributing to that?

Ms. Butula stated that it is the underinsured, there are cultural and language difficulties, and an unawareness of what is available.

**2. Coalition News – Safe communities coalition.** - Hunterdon has been asked to mentor Somerset County. During the town hall meeting, Police Chief Donaruma gave an excellent presentation.

## **E. APPROVALS**

### **Category A. – Single Lots**

*time heard: 8:00 pm*

#### **1. Block 64/Lot 37.01 – Bayer-Risse, DeTommaso, Partridge Rd.**

Escrow fees paid 6/6/12, #1212, \$750.

Mr. Bill Jupinka, Bayer-Risse Engineering, NJ licensed professional engineer appeared before the board. This application is an alteration for an existing 4 bedroom dwelling which is about 30 years old and is failing primarily due to the water table, the system is saturated. Soil tests were done in the rear of the property where there was predominantly silt loam underlain by very fractured shale. There was mottling at 36” as well as ground water within the shale that stabilized about 37”. The proposed system is mounded with a pump. The location of the system is outside any wetlands or wetland transition areas, there are no water courses within 100’ of the proposed system. There are no neighboring disposal systems within 50’ or neighboring wells within 100’ of the area. The system is being completely revamped, new septic tank with 1000 gallon 2 compartment with an effluent filter. The owner is aware of the maintenance of the filter and the filter should not exceed a maintenance cleaning of more than three years. There will be a pump tank to dose the field, and the owner is of the deed restriction requirements.

There was some discussion of the design of the system with regard to tying in the laterals.

Ms. Muir stated that that is really the County’s responsibility, if this Board has a concern or question, it may be brought to the County’s attention.

Chair Nugent asked if there were any other questions from the board.

There was no response.

A **MOTION** was made by Ms. Butula for approval for Block 64/Lot 37.01, Peter DeTommaso, 2 Partridge Road, 4 bedroom residence. The map is Septic System Design for Peter DeTommaso, Block 64/Lot 37.01, Readington Township, Hunterdon County, NJ, pages 1 -11, dated 5/31/12, no revisions, prepared by Stephen M. Risse, P.E., boundary survey is by John Cilo Jr., 3/15/84, topo by Charles Saladin Jr., 5/14/12. A report from the Hunterdon County Dept. of Public Safety Division of Public Health Svcs. dated 6/19/12 for an alteration with no expansion. The system will use a pump and an effluent filter. This is a proposed bottom lined mounded soil replacement pressure distribution system. Soil log 514-1, 5/14/12 @ 100”, mottling 36” and below, seepage 67” and below, no hydraulically restricted horizon. Soil log 514-2, 5/14/12 @ 98”, mottling 36” and below, seepage 59” and below, no hydraulically restricted horizon. Permeability was pit bail 514-1, 5/14/12, 0.4”/hour, regional water determined by soil log 514-1 and 2, mottling 36” and below. Testimony of engineer in notes 1, 2 and 3 with regard to distances of the presence of wetlands and transition areas. This will be a pump system, the owner is aware of the maintenance and deed restriction for the pump and effluent filter.

Chair Nugent asked Mr. Jupinka about the slow permeability, will the oversized bed be sufficient, and was any consideration given to increasing the size?

Mr. Jupinka stated that it is sufficient. Based on experience, when you do pit bails the 24 hours sets the final

reading, you are a bit skewed on how it is run. When it rains on top of that, and you get more water in the hole

it may skew those results. We were comfortable with that, the sizing and level was fine, you do get rates like that, we haven't had any issues with that or even smaller sizing.

This motion was seconded by Ms. Rohrbach. On roll call vote the following was recorded:

Ms. Butula	Aye	Ms. Muir	Aye	Chair Nugent	Aye
Mr. Colburn	Aye	Ms. Rohrbach	Aye		

*time heard: 8:15 pm*

**2. Block 51.02/Lot 44 – Bayer-Risse, Szanto, Cushetunk Road.**

Escrow fees paid 6/28/12, #208, \$750.

Mr. Bill Jupinka, Bayer-Risse Engineering, NJ licensed professional engineer appeared before the board. This application is an alteration for an existing 4 bedroom dwelling which is about 40 years old and failing due to impeded drainage, it is a shallow small system. A hydraulic load test per four bedrooms was done, and it didn't handle that flow because it is installed into the silt loam/clay loam on top, it is very shallow, with the 40 year old system sizing it doesn't handle the load for that size home. Several soil logs were done on the property, soils were primarily clay loam to silt loam, with a sandy material that drains pretty well very deep. The area directly behind the house was chosen so they could get a gravity system. There was no ground water in the holes to any depth, but there was mottling at 48" which is considered the regional water table. The location of the proposed system is free of any wetlands or wetland transition areas, there are no water courses within 100' and no neighboring disposal systems within 50' and no neighboring wells within 100' of the system. The tank will be replaced with a 2 compartment 1,000 gallon tank with an effluent filter which the owner is aware should not exceed a 3 year maintenance period or as needed.

Ms. Butula asked if Mr. Jupinka had a comment on the basin flood.

Mr. Jupinka stated that the basin flood was started, that was the only hole that was considered a non-soil, it was right at the cusp of a 50% break as to whether it is a soil or non-soil. The right test for that would be a textural analysis, however they did dump water into the hole and it drained away. The other holes found more sand, so it was based on the time the basin flood was filled.

Ms. Butula stated that the witness gave testimony to the fact that the basin flood was passing.

Chair Nugent reminded the board members that Board of Health ordinance stipulates that that test is not acceptable in K0 and K1 soils, but when the textural triangle is examined in the State Code using the definitions defined by both BOH witness, and the submitting engineer, it translates to K2's and K3's. Whereas frequently that test is not acceptable in this township, this particular piece of property has soil that it was actually testable in. Chair Nugent asked Mr. Jupinka how it happened that these soils are in this spot?

Mr. Jupinka stated that there are quite a few areas in Readington Township that have sand.

Ms. Muir stated that from Dreahook Road north is sandy soil.

Chair Nugent asked if there were any other questions from the board.

There was no response.

A **MOTION** was made by Ms. Butula for approval for Block 51.02/Lot 44, Melissa Szanto, 1 Cushetunk Road, 4 bedroom house. The map is Septic System Alteration Design for Melissa Szanto, Block 51.02/Lot 44, Readington Township, Hunterdon County, NJ, pages 1 -10, dated 6/25/12, no revisions, prepared by Stephen M. Risse, P.E., boundary survey is by Richard G. Titus, PLS, 6/7/12, topo by Charles Saladin Jr., PLS, 1/17/02. A report from the Hunterdon County Dept. of Public Safety Division of Public Health Svcs. dated 6/29/12 for an alteration with no expansion for a proposed soil replacement fill enclosed gravity distribution system, effluent filter. The homeowners are aware of the necessary maintenance of the effluent filter. For the primary, soil log 607-4, 1/7/12, @ 145", mottling 48 – 58", no seepage, no hydraulically restricted horizon. Soil log 607-5, 1/7/12, @ 156", mottling 53 – 60", no seepage, no hydraulically restricted horizon. Permeability was a textural analysis 1 with samples A and B to determine a soil permeability class rating in 607-5 @ 120" done 6/7/12, results K3. The regional water is determined by 607-4, mottling @ 48". Testimony was given in notes 1 and 2 that there were no wetlands or wetland transition areas, there are no water courses within 100' and no neighboring disposal systems within 50' and no neighboring wells within 100' of the system.

This motion was seconded by Ms. Rohrbach. On roll call vote the following was recorded:

Ms. Butula	Aye	Ms. Muir	Aye	Chair Nugent	Aye
Mr. Colburn	Aye	Ms. Rohrbach	Aye		

*time heard: 8:25 pm*

**3. Block 14/Lot 45 – Bayer-Risse, Gander, Clark Lane.**

Escrow fees paid 6/29/12, #6563, \$750.

Mr. Bill Jupinka, Bayer-Risse Engineering, NJ licensed professional engineer appeared before the board. This application is an alteration for an existing 3 bedroom dwelling no expansion or change in use. The system is about 60 years old, single lateral for grey water, one line for black water to tank. The existing system will be abandoned. Soil testing in the area was a silt loam underlain by a very fractured shale and rapid seepage around 96". The location of the proposed system is free of any wetlands or wetland transition areas, there are no water courses within 100' and no neighboring disposal systems within 50' and no neighboring wells within 100' of the system. The proposed system will have a pump tank which will require a deed notice. Chair Nugent asked if there were any other questions from the board.

There was no response.

A **MOTION** was made by Ms. Butula for approval for Block 14/Lot 45, 16 Clark Lane, 3 bedroom house. The map is Septic System Alteration Design for Block 14/Lot 45, Readington Township, Hunterdon County, prepared by Stephen M. Risse, P.E., pages 1 -11 date 6/27/12, no revisions. The and topo and boundary survey is Charles Saladin Jr., PLS, 6/5/12. A report from the Hunterdon County Dept. of Public Safety Division of Public Health Svcs. dated 7/2/12. This is a proposed pressure dosed mounded soil replacement bottom lined system using effluent filter and pump, which the owner is aware of the maintenance of both and filing the deed restriction for the pump. For the primary, soil log 530-1, 5/30/12, @ 136", no mottling, seepage 96" and below, no hydraulically restricted horizon. Soil log 530-2, 5/30/12, @ 128", no mottling, seepage 98" and below, no hydraulically restricted horizon. Permeability was pit bail 530-1, 5/30/12, K=43.4"/hour. Regional water is determined by soil log 530-1 @ 96" due to seepage. A deed restricted pump will be used, recorded at Hunterdon County Clerk and a copy returned to the BOH office within 90 days. Testimony was given in notes 1 - 3 that there were no wetlands or wetland transition areas, there are no water courses within 100' and no neighboring disposal systems within 50' and no neighboring wells within 100' of the system.

This motion was seconded by Ms. Rohrbach. On roll call vote the following was recorded:

Ms. Butula	Aye	Ms. Muir	Aye	Chair Nugent	Aye
Mr. Colburn	Aye	Ms. Rohrbach	Aye		

*time heard: 8:35 pm*

**4. Block 52/Lot 1.14 – Bayer-Risse, Wilcox, Dorset Lane.**

Escrow fees paid 6/29/12, #2489, \$750.

Mr. Bill Jupinka, Bayer-Risse Engineering, NJ licensed professional engineer appeared before the board. This application is an alteration for an existing 4 bedroom dwelling no expansion or change in use. The house and original disposal system are about 35 years old, an attempted repair was done in 2002 and failed due to the massive rock in the area. It is breaking out onto the ground surface. Soil logs 1 and 2 done on the property resulted in the massive rock structure, there was no ground water, nor did it take any water, mottling was about 24" and appeared to be more of a perched condition because of the rock structure. The proposed area, 611-3 and 611-4 had fractured rock with water readily moving through. Mottling was at 36". The proposed system will be a mounded pressure distribution system, the area is free of any wetlands or wetland transition areas, there are no water courses within 100', no neighboring disposal systems within 50' and no neighboring wells within 100' of the the system. The design will incorporate a 2 compartment 1,000 gallon septic tank with an effluent filter, the homeowner is aware of the maintenance and deed restriction requirements.

Chair Nugent asked if there were any other questions from the board.

There was no response.

A **MOTION** was made by Ms. Butula for approval for Block 52/Lot 1.14, William Wilcox, 1 Dorset Lane, 4 bedroom house. The map is Septic System Alteration Design for Block 52/Lot 1.14, Readington Township, Hunterdon County, NJ, prepared by Stephen M. Risse, P.E., pages 1 -11 date 6/26/12, no revisions. The boundary survey is done by John J. Patrick PLS, 11/22/77. Topo was done by Charles Saladin Jr., PLS, 6/11/12. A report from the Hunterdon County Dept. of Public Safety Division of Public Health Svcs. dated 7/2/12. This is an alteration, no expansion, proposed pressure dosed mounded soil replacement system using

effluent filter and pump, which the owner is aware of the maintenance of both and filing the deed restriction for the pump. For the primary, soil log 611-3, 6/11/12, @ 96", mottling 36 – 42", seepage 50" and below , no hydraulically restricted horizon. Soil log 611-4, 6/11/12, @ 90", mottling 36 – 42", seepage 52" and below , no hydraulically restricted horizon. Permeability is pit bail 611-1, @ 80.5", 6/11/12, K=0.9"/hour. Regional water for the system is @ 36" due to mottling in both soil logs. Testimony was given in notes 1 - 3 that there were no wetlands or wetland transition areas, there are no water courses within 100' and no neighboring disposal systems within 50' and no neighboring wells within 100' of the system.

This motion was seconded by Ms. Rohrbach. On roll call vote the following was recorded:

Ms. Butula	Aye	Ms. Muir	Aye	Chair Nugent	Aye
Mr. Colburn	Aye	Ms. Rohrbach	Aye		

*time heard: 8:48 pm*

**5. Block 39/Lot 11 - Parker , Nazaryk, Ridge Road.**

Escrow fees paid 3/22/12, # 1911, \$750.

Previously heard 6/20/12.

Mr. Steve Parker, NJ licensed engineer appeared before the board. This application was heard at the June 20, 2012 meeting. The map was revised because of the risers as discussed at that meeting. Also, the board asked that confirmation be made this is a 3 bedroom home, which was confirmed by a walk through.

Ms. Butula stated that the applicant will be applying for a GP25 due to the presence of a water course.

Mr. Parker stated that a GP25 is for construction of a septic system or disturbance related to construction of a septic system in a wetland or wetland transition area. It has nothing to do with a water course.

Ms. Butula stated that they are looking at 3 variances, the disposal field 56' from the stream, the disposal field 58' from the pond, the toe of the mound less than 10' from the property line.

Chair Nugent stated that the board recognizes and concurs with the necessity to submit and file a GP25.

Ms. Vaccarella stated that the County holds their approval of the application until the GP25 is released by the State.

Mr. Parker stated that the State doesn't review the design for technicality; they are looking at the wetland aspect of the application.

Mr. Kosinski stated that the State wants to know that the reason for the alteration is not directly or indirectly related to an expansion. The application is now online, and the engineer has to certify to all of those conditions in order to get the permit from the state.

Chair Nugent stated that the applicant had noticed for this application, at last months meeting the noticing was carried over, and asked if there were anyone in the audience to address this application?

There was no response.

Chair Nugent asked if there were any other questions from the board.

Ms. Butula asked if any of the board members had any concerns about any of the variances?

Ms. Rohrbach asked if a mound and pumping alternative to this location had been considered?

Ms. Butula stated that they had discussed the replacement in kind, and the engineer had convinced her that that this new system was the safer and better way for the community to go. Part of the consideration was the homeowners feeling about a pump system.

Chair Nugent stated that their were some concerns by neighbors of the bed being in closer proximity to the pond and to the property line. The testimony given was that the design of the new system while closer to the pond and watercourse, was an improvement over the existing system and as such would reduce the impact.

Mr. Parker stated that he would agree, that is exactly what was said at the last meeting.

Chair Nugent asked if there were any other questions from the board.

There was no response.

A **MOTION** was made by Ms. Butula for approval for Block 39/Lot 11, 28 Ridge Road, 3 bedroom residence the applicant is Nazaryk. The map is Septic System Design, Block 39/Lot 11, Readington Township, Hunterdon County, NJ, dated 12/5/11, prepared by Stephen E. Parker, P.E., 2 pages of revisions, dated 3/14/12, 7/5/12 pg. 1. There is a boundary map by Thos. J. Rex dated 7/27/1996, topo survey by Daniel E. Parker PLS.

A report from the Hunterdon County Dept. of Public Safety Division of Public Health Svcs. dated 3/23/12.

A water analysis from NJ Analytical is dated 3/9/12, passing results. This is an alteration with no expansion, mounded gravity soil replacement system, engineer notes on 38. and 41. of pg. 1 stating no neighboring disposal systems within 50' and no neighboring wells within 100' of the system. This application involves

3 variances/waivers, notification has been provided as required. 2 adjoining property owners addressed the board at the previous meeting. For the primary, soil log 2, 11/7/11, @ 91", mottling 41 – 64", seepage 53 – 91", no hydraulically restricted horizon. soil log 3, 11/7/11, @ 92", no mottling, seepage 51 – 92", @ 24 hour, 34.5'. Permeability was pit bail 1 @ 6.67' on 11/7/11, 4.1"/hour. Regional water was determined by soil log 3 with seepage at 34.5"/hour. The 3 variances are, the disposal field 56' from the stream, the disposal field 58' from the pond, the toe of the mound less than 10' from the property line. This board acknowledges that this applicant engineer will have to proceed to the NJDEP for a GP25 due to wetland transition area disturbance as stated in the Hunterdon County Dept. of Public Safety Division of Public Health Svcs. report. This motion was seconded by Ms. Muir. On roll call vote the following was recorded:

Chair Nugent     Aye, qualified by the waivers that are requested for this application albeit meeting the state code do not typically meet the township code, however the testimony by the engineer has indicated that the soils testing in the proposed design area are the best and most appropriate for this application. Concern is shared that the adjoining homeowners stated in their testimony but he is confident that the proposed design will protect the water course and pond.

Ms. Butula       Aye, and agrees, the board was concerned with the testimony given by the neighbors and Mr. Parker answered those concerns satisfactorily and the best solution has been proposed in this situation.

Mr. Colburn     Aye

Ms. Muir         Aye

Ms. Rohrbach    Aye

*time heard: 9:20 pm*

**6. Block 75/Lot 19 – VanCleaf Engineering, Profeta, Route 202/Summer Road.**

Escrow fees paid 5/19/11, 7/19/11, 8/10/11 Cks. # 13610, 13657, 13923 \$750.00.

Data mailed 7/25/11. Previously heard 8/17/11, 11/16/11.

Ms. Lloyd Tubman, Esq., Archer & Greiner, Flemington, NJ represented the Pleasant Run LLC application before the board. They were before this board several times, culminating in a resolution of denial on 11/16/11 because of artesian conditions. Thereafter they applied to NJDEP for a TWA that was approved on 4/24/12.

They are back before this board because a pump system is necessary for the design approved by NJDEP.

Mr. Gregg Barkley, NJ licensed engineer, VanCleaf Engr., also appeared before the board, Mr. Barkley presented testimony for the pump system. The state standard has requirements for the disposal fields when the distribution piping length exceeds 600 linear feet, then a pipe is required for dosing the bed. In this case they have 76' long laterals, 11 total, that is 836 linear feet so that minimum requirement is met, so the dosing is required. The lay of the land does not allow for use of a syphon tank to provide the dosing so a pump tank is required, a mechanical pumping device. That was part of the application that went to the state for their review. Chair Nugent thanked Mr. Barkley for providing the map that was actually presented to the state for and referenced in the TWA. As a result of the fact that this board passed a resolution for this application back in November, a resolution is also appropriate for the pump approval this evening.

There was some discussion of passing the pump approval by resolution or motion.

Ms. Tubman stated that the board could do a motion to approve the resolution. There are two types of resolutions, approving resolutions and in the land use arena there sometimes, more often memorializing resolutions, but either is effective.

Mr. Kosinski stated that he agreed, he did look at the resolution, was aware that the board wanted to pass or memorialize a resolution granting the use of the pump as stated in this resolution. This was the only outstanding issue for this application.

Chair Nugent stated that in his mind the resolution was structured so as to associate itself back to the original resolution that moved the application to TWA status and at the same time tied into the necessity of a pump and the approval of that.

A **MOTION** was made by Ms. Butula to approve Resolution BH-R-2012-05 Readington Township Board of Health,

WHEREAS Pursuant to N.J.A.C. 7:9A, the Readington Township Board of Health (RTBOH) is the Administrative Authority in this matter, and

WHEREAS on May 19, 2010 the RTBOH did receive an application for new construction of an individual subsurface sewage disposal system submitted by Robert E. Lorentz, P.E., C.M.E. for Pleasant Run LLC, Block 75, Lot 19, and

WHEREAS on May 09, 2011 the RTBOH did receive an application for new construction of an individual subsurface sewage disposal system submitted by Peter G. McCabe, Van Cleef Eng. Assoc. for Pleasant Run LLC, C/O Paul Profeta, Block 75, Lot 19 located at 805 Route 202 and the corner of Summer Road, in Readington Township, Hunterdon County, New Jersey, and

WHEREAS the applicant's address is 769 Northfield Ave, West Orange, NJ 07052, Phone 973-325-1300, and

WHEREAS previous testing and original work was done by Robert F. Lorentz P.E., NJ Licensed Engineer number 16720, of Heritage Consulting Engineers, 115D US Highway 202, Ringoes, NJ 08551, phone (908) 782-3400, email address [hce@heritagece.com](mailto:hce@heritagece.com) and

WHEREAS the applicant's engineer is Peter G. McCabe, VanCleaf Engineering Associates, Rt.31, Lebanon, NJ 08833, phone 908-735-9500, email address [pmccabe@vcea.org](mailto:pmccabe@vcea.org), and

WHEREAS on August 17, 2011, the RTBOH considered the application of Pleasant Run LLC, Paul Profeta, manager/principal, Block 75, Lot 19 for the new construction of a individual subsurface sewage disposal system, and WHEREAS Mr. Gregg Barkley, NJ licensed engineer from VanCleaf Engineering represented this applicant appearing before the Readington Township Board of Health on the August 17, 2011, and

WHEREAS the applicant's attorney appearing before the Readington Township Board of Health on August 17, 2011 was Lloyd Tubman, Esq. of the law firm Archer & Greiner, Plaza One, 1 State Route 12, Suite 201, Flemington, NJ 08822, phone 908-788-9700, and

WHEREAS the application is for construction of a farm stand with a second floor containing 14,000 square feet of office and conference space, and

WHEREAS on November 16, 2011, the RTBOH continued its consideration of the application of Pleasant Run LLC, Paul Profeta, manager/principal, Block 75, Lot 19 for the new construction of a individual subsurface sewage disposal system, and

Whereas On November 16, 2011, the RTBOH did pass Resolution BH-R-2011-3, based in part on a map titled 'Preliminary Septic System Detailed Site Plan for Pleasant Run, LLC Block 75, Lot 19 Readington Township Hunterdon County, New Jersey' dated May 27, 2011 with one revision dated June 20, 2011, and,

Whereas Resolution BH-R-2011-3 authorized the applicant to submit a TWA application, and

Whereas the applicant submitted a TWA application and acquired TWA approval, as detailed in Permit No. 12-0034/P.1. ID #571187 dated April 24, 2012, based in part on a map titled 'Septic System Detailed Site Plan for Pleasant Run, LLC Block 75, Lot 19 Readington Township Hunterdon County, New Jersey' and dated May 27, 2011 with revisions on June 20, 2011 and September 14, 2011, and

Whereas the TWA authorizes "the administrative authority to approve an individual subsurface sewage disposal system design which does not strictly conform to N.J.A.C. 7:9A-1", and

Whereas, the TWA approval grants permission to: "the administrative authority to approve the installation of a soil replacement, fill enclosed disposal field that is designed on an alternate determination of artesian condition", and

Whereas the proposed design incorporates a 1500 gallon 'pump' tank, and

Whereas the RTBOH ordinances require a waiver when a 'pump' tank is incorporated within the design, and

Whereas the applicant's counsel, in a letter dated May 31, 2012, advised the issuance of the TWA and requested the RTBOH reconsider the application, specifically the 'pump' tank waiver,

NOW THEREFORE BE IT RESOLVED by the Readington Township Board of Health (RTBOH), pursuant to RTBOH ordinances, the request for a 'pump' system waiver along with the associated deed restriction and timely recording thereof, and maintenance requirements thereto, is hereby granted.

BE IT FURTHER RESOLVED by the RTBOH that this resolution shall take effect immediately.

*time heard: 9:40 pm*

**7. Block 62/Lot 16.04 – Bohren & Bohren, Melchione, Stanton Road.**

Escrow fees paid 6/14/11, #214, \$750.

Lot 16.03 previously approved 6/20/12.

Chair Nugent stated that the application for Block 62/Lot 16.03 was heard and approved last month.

The corrected wetlands delineation letter was included in the packet this month.

Mr. Robert Templin, NJ licensed engineer appeared before the board representing Mr. Melchione, Block 62/

Lot 16.04. They are seeking soil log and permeability test approval for a primary and reserve area. The logs were performed on the south eastern area of the property. There is a wetland area shown on the plan, approximately 61' from the wetland buffer. The determination was that it is of intermediary resource value with a 50' transition buffer. In the primary area, soil log 1 was performed on 4/6/11 to a depth of 120", no seepage, no ground water and no mottling, hard bottom with machine refusal. 8 weeks of ground water monitoring was performed and there was no ground water observed in the monitoring period. A basin flood was passing in soil log 1, at 72". Soil log 3 was performed on 4/6/11 to a depth of 120", no seepage, no ground water and no mottling, hard bottom with machine refusal. 1 ground water reading during the 8 weeks was 100", which identified the regional zone of saturation. For the reserve, soil log 2 had a basin flood at 72", performed on 4/6/11 to 120" no seepage, no ground water, but mottling was 28 – 34", hard bottom with machine refusal. The regional zone of saturation was established at 28", passing basin flood at 72". There was no ground water observed in soil log 2. Soil log 4 was performed 4/6/11, to 120", there was no seepage, no water, no mottling, and encountered a hard bottom with machine refusal. Ground water was 100" which is the regional zone of saturation. Mr. Kosinski stated that certified copies of the ground water readings were obtained from the engineer. Chair Nugent asked if there were any other questions from the board.

There was no response.

A **MOTION** was made by Ms. Butula for approval of Block 62/Lot 16.04 the applicant is William Melchione, Stanton Road, for a propose 4 bedroom home. The map is titled Septic Design prepared for William Melchione, Block 62/Lot 16.04, Readington Twp., Hunterdon County, NJ, single sheet dated 5/31/11, no revisions, prepared by Robert J. Templin, P.E. A topo map by Ryan G. Warford, P.L.S. dated 5/31/11, designated on the map is the wetland delineation prepared by Mr. Warford, was on the property 3/22/11. A report from Ferriero Engr. dated 6/23/11, 4/11/12 and 5/11/12. This is new construction for a gravity fill enclosed system. For the primary soil testing was done 4/6/11, soil log 1 @ 120", no mottling, no seepage, no ground water, no hydraulically restricted horizon. Soil log 3 @ 120", no mottling, no seepage, no ground water, no hydraulically restricted horizon. Permeability test is basin flood 1 in soil log 1, 4/6/11, 6', passing. In season ground water monitoring was done 1/21/12 – 3/10/12, results 100" in soil log 3 on 1/28/12. Regional water is determined by the 100" in soil log 3 on 1/28/12. For the reserve area, 4/6/11, soil log 2 @ 120", no seepage, no ground water, no hydraulically restricted horizon. mottling, was at 28 – 34". Soil log 4 @ 120", no mottling, no seepage, no ground water, no hydraulically restricted horizon. Permeability test is basin flood 1 in soil log 2, 4/6/11, 6', passing. In season ground water monitoring was done 1/21/12 – 3/10/12, soil log 4 water @ 100" on 1/28/12. Regional water is determined by mottling in soil log 2 @ 28".

This board is working from the written delineation report for Block 62/Lot 16.04 of the wetlands, a report dated 3/22/11 - 3/23/11, by Mr. Ryan G. Warford, 'since the wetlands discharge into an FW2/NT-non trout bearing stream, and there were no threatened or endangered species observed at this site during the investigation, he would categorize the freshwater wetlands with an intermediate resource value with a 50' transition area.

The motion was seconded by Ms. Rohrbach, on roll call vote the following was recorded:

Ms. Butula Aye Mr. Colburn Aye Ms. Muir Aye Ms. Rohrbach Aye Chair Nugent Aye

## F. ADJOURNMENT

A **MOTION** was made by Ms. Muir to adjourn at 10:15 pm, seconded by Mr. Colburn with a vote of Ayes all, Nays none recorded.

Respectfully submitted:

Lorraine Petzinger  
Board of Health Secretary