

READINGTON TOWNSHIP BOARD OF HEALTH

FEBRUARY 20, 2013

Chair William C. Nugent called the meeting to order at 7:06 p.m. 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	present @ 7:10	Beatrice Muir	present	Tanya Rohrbach	present
Jane Butula	present	William C. Nugent	present	Wendy Sheay	absent
Robert Colburn	present				

Noted: Board of Health Engineer, Ferriero Engineering, Inc. - not in attendance.
Division of Public Health – not in attendance

REORGANIZATION - The following member read the oath of office:

Jane Butula - for a term of three years.

A. APPROVAL OF THE MINUTES

1. **Minutes** of January 16, 2013. (- Butula, Rohrbach vote).

A **MOTION** was made by Ms. Muir to approve the minutes of the 1/16/13 meeting. The motion was seconded by Mr. Colburn. On roll call vote, the following was recorded for approval of the 1/16/13 minutes:

Ms. Albrecht Aye Mr. Colburn Aye Ms. Muir Aye Chair Nugent Aye

B. CORRESPONDENCE

1. **Letter dated 1/7/13** from Schetter Environment for County of Hunterdon regarding application to NJDEP for wetlands and flood hazard permits and proposed replacement of Bridge #C-26.

2. **Block 57.01/Lot 11.24 – Letter dated 1/8/13** – NJDEP no further action.

Chair Nugent stated that this property is on the application list tonight.

3. **HCDH LINC**S - 1/17/13 INFO: NJ Communi-CABLE, Winter 2013.

4. **Block 4/Lot 52** – Application to NJDEP for LOI verification. (*application on file @ BOH office*)

5. **Letter dated 1/15/13** from Dewberry Engineers for James G. Martin, P.E., County Engineer regarding application to NJDEP for wetlands and flood hazard permits and proposed replacement of Bridge #RT-16.

6. **HCDH LINC**S - 1/17/13 UPDATE: CDC Notice to Clinicians Summary of recommendations for Influenza Antiviral Medications.

7. **NJDEP Advisory** – FAQs on post-Sandy flood elevation standards.

<http://www.state.nj.us/dep/special/hurricane-sandy> http://www.nj.gov/dep/newsrel/2013/13_0006.htm

Chair Nugent asked that we request Ferriero Engineering's review and report of this.

8. **HCDH LINC**S - 2/6/13, 2/13/13 UPDATES: Respiratory Virus – Weeks ending 2/2/13, 2/9/13. MMWR Weeks 5 and 6.

<http://nj.gov/health/flu/fluinfo.shtml> <http://www.co.hunterdon.nj.us/fluinfo.htm>

9. **Block 20/Lot 6** – Response Action Outcome dated 1/15/13.

Chair Nugent stated that this involves Salem Industrial Park. It is surprising that there are 10 underground oil tanks at this location.

10. **NJLBHA** – membership 2013.

Ms. Butula noted that there are some courses mentioned. Ms. Butula asked the board if anyone was aware of sheltering or water contamination problems after Hurricane Sandy? The County seemed to handle it pretty well, with most people leaving about the 5th day after the storm.

Chair Nugent noted that both the fire companies and CERT participated extensively in distributing information, and water and ice.

Chair Nugent noted that residents should be aware that Readington Twp. website www.readingtontwp.org has a link to a broadcasting system www.nixle.com For people who do not have a smart phone, there is a text option available.

Chair Nugent stated that it is time for renewal.

A MOTION was made by Ms. Muir to renew our membership for 1 year. The motion was seconded by Ms. Albrecht. On roll call vote the following was recorded:

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

11. **HCDH LINC**S – 2/14/13 INFO: Wear protective gear cleaning up from Hurricane Sandy

http://www.state.nj.us/health/er/documents/prepare_before_cleanup_flyer.pdf

Ms. Butula suggested that this be passed on to the CERT team, Joel Kerwin and Kevin Anderson.

12. HCDH LINCS – 2/14/13 INFO: NJ Animal Rabies Cases by County and Species.

Chair Nugent noted that during 2012 there was only 1 case of rabies in cats, and thanked Ms. Petzinger for her efforts with the rabies clinics.

13. Letter dated 2/14/13 from Williams Gas Pipeline regarding project activities in area of Readington Twp.

Chair Nugent noted the location of increased location of pipeline in Readington Twp.

C. OLD BUSINESS

1. Ferriero Engineering response to NJDEP - Board of Health/Health Dept. Roles in Treatment Works Approval Applications. (January 16, 2013 agenda item B. 8. – attached).

Ferriero Engineering responded that this board is acting as always, posing no need for concern.

2. Block 17/Lot 1 Branchburg Twp. – Letter dated 1/7/13 – application for permit to NJDEP Freshwater Wetlands Protection Act rules, N.J.A.C. 7:7A. (January 16, 2013 agenda item B. 7.)

This LOI application is on file at the administrative office. There was no response by the township engineer on this.

Chair Nugent requested a response in writing from township administration addressing the procedure of the township engineer reviewing LOI's.

D. NEW BUSINESS

E. APPROVALS

Category A. – Single Lots

Chair Nugent noted that by request of the engineer, the order of applications 2. and 3. will be switched around, hearing Block 57.01/Lot 11.24 prior to Block 11/Lot 5.

time heard: 7:35 pm

1. Block 42/Lot 14 – Bayer Risse Engr., Butz-Fiscina, Old Readington Rd.

Escrow fees paid 1/25/13, # 1129, \$750.00.

Mr. Bill Jupinka, Bayer-Risse Engineering and licensed engineer in NJ appeared before the board.

This application for Block 42/Lot 14 is proposed for an alteration for an existing 3 bedroom dwelling with no expansion or change in use. The existing system is a cesspool which is being revamped for the transfer of ownership. Soil testing was performed in the front yard outside the current well setback of 100'. There are no watercourses within 100' of the proposed system and no neighboring wells within 100' and no neighboring disposal systems within 50'. There are no wetlands or wetland transition areas within the proposed septic system. A new 1,000 gallon 2 compartment septic tank with an effluent filter is proposed the homeowner is aware of the maintenance of the filter, and the 3 year pumping of the system. The soils are primarily a silt loam underlain by a very fractured shale. Mottling was not encountered, but groundwater was at about 6' with the water table stabilized at 63 ½". This is a soil replacement fill enclosed system, slightly mounded, gravity system.

Chair Nugent asked about the existing dual sewer lines in the home, and on page 5 the elevation of inlets and outlets on the tank are only 3". How are they leveled if that is the case?

Mr. Jupinka stated the existing line in the basement drops and cuts across the entire basement. The elevation requirement is only 2" in a single compartment tank. A stone base is set below the pad and leveled off, the tank is dropped. They are installing levelers on the tanks now.

Chair Nugent stated that the dual sewer line in this application, running about 40' out and the pitch associated to it, regarding the well to tank separation requirements, are the tanks so far out that they are going to have issues with the line going from the house to the tank ?

Mr. Jupinka stated that there are situations where the tank is awfully far from the house because of the 100' well. In this case there is not cause for alarm. If it were the older style cast iron, they have a lot of issues.

There haven't been many issues with the PVC, and it may be better to have the components closer. With the 100' circle it is tough sometimes.

There was some discussion of the distance that other townships required, and whether or not the 100' requirement is excessive. The board discussed having the BOH engineering firm look into this and give their opinion on how they feel about it, perhaps applicable only to malfunctioning systems. Chair Nugent stated that the applications before this board have trended to alterations more so than new construction, and there have been a number of situations where the tank ends up being very far away from the home because of the 100' well setback. The board may want to contemplate those requirements.

Mr. Jupinka stated that in his experience most people prefer to have the tank closer to the house because it is easier to landscape around the tank when it is near the house than 100' out in the yard.

Ms. Erica Busch, NJ licensed engineer stated that another consideration would be that for pump systems, running the electric wiring would be easier and more cost efficient if there were some circumstances where the 100' was not required.

Ms. Butula stated that the soils types are the determining factor and do not always allow for a shorter distance.

Chair Nugent asked if there were any further comments or questions regarding this application?

There were no further comments or questions.

A **MOTION** was made by Ms. Butula for Block 42/Lot 14, Butz-Fiscina, 20 Old Readington Road, 3 bedroom house on 16 acres. The map is titled Septic System Design for Jon and Robin Butz-Fiscina, Block 42/Lot 14, Readington Twp., Hunterdon County, NJ, 1/16/13, by Stephen M. Risse, P.E., pages 1 – 10. Location survey is by Patrick Fatton, L.L.S., 9/2/05. Topo map by Charles Saladin Jr., 1/3/13. A review letter by Hunterdon County Dept. of Public Safety Div. of Public Health Svcs., 1/23/13. This will be a gravity, fill enclosed, soil replacement installation, slightly mounded. Primary soil log 0103-1, 1/3/13, @ 100", no mottling, seepage @ 72", flooding @ 63.5". Soil log 0103-2, @ 108", no mottling, seepage @ 78", flooding @ 71". Pit bail 0103-1, 1.3.13 @ 100", K=16.4"/hour. Regional water determined by soil log 0103-1 @63.5". This system will use a 6" effluent filter. The homeowners are aware of the maintenance. Testimony was given by Mr. Jupinka to notes 1, 2, and 3, page 3 of 10.

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

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

Mr. Jupinka thanked the board.

time heard: 8:00 pm

2. Block 57.01/Lot 11.24 – Erica Busch, Ishikawa, Judge Thompson Rd.

Escrow fees paid 2/6/12, # 187, \$750.00.

Ms. Erica Busch, NJ licensed engineer appeared before the board. This 35 year old home on 11 Judge Thompson Road is involved in a real estate transaction and failed the septic inspection due to a saturated disposal field. This is the original septic system. Soil logs were dug 100' from the well and 100' from the storm drain to the east of the property. Soil logs 1, 2 and 3 were dug, but were difficult. Soil log 4 was fractured shale to 10.5' and was easily dug. A pit bail test was done at 113", the rate was 6.8"/hour. There was no mottling in either log, the highest evidence of ground water was 87" after 24 hours. The system is fill enclosed due to the fractured shale less than 5', and is a pump system due to the lot being very flat. The septic tank will be replaced due to the age with a 2 compartment tank.

Chair Nugent asked if the responsibilities of the deed restricted pump system had been conveyed to the new homeowner?

Ms. Busch stated that the deed restriction would be filed prior to the sale of the home, but the new owners are aware that there will be a pump, and the maintenance, pumping of the tank occurs every 3 years.

There was some discussion of the distances between the existing tank and field and wetlands, and the proposed tank and field and wetlands.

Chair Nugent stated the proposed system must be more in conformance with the code than the existing system.

Ms. Busch stated that the proposed tanks would be the same distance or greater than the existing tank from the wetlands. Ms. Busch stated as referenced in her letter dated 2/6/13 to this board, she spoke to Mr. David Kruger, wetlands expert and they looked at the NJ DEP Geo Web Map and discussed the intermediary resource

value of the property.

The board discussed 2 revisions that should be submitted within 5 business days, 1) map revision pg. 1 of 5, to indicate at least 90' distance from the proposed system to wetlands. 2) pg. 12 of 12, HCHD application V. a. Pump Selection: Diameter of Delivery Pipe 2".

Ms. Busch stated for the record the height of the mound will be 6" on the high side, and 16" on the low side. The level of infiltration will be 1' below existing grade on the low side.

Chair Nugent asked if there were any further comments or questions regarding this application ?

There were no further comments or questions.

A **MOTION** was made by Ms. Butula for approval for Block 57.01/Lot 11.24 a 4 bedroom home on 11 Judge Thompson Road, Readington Twp.. The map is titled Septic System Alteration Block 57.01/Lot 11.24 Readington Twp., Hunterdon County, NJ, 2/5/13, prepared by Erica L. Busch, NJ licensed Professional Engineer, pgs. 1 - 5. Survey topo by Wayne Jarvis, P.L.S. dated 2/4/13. Boundary survey by George Riehman, 9/30/1986, a report from the Hunterdon County Dept. of Public Safety Div. of Public Health Svcs., 2/6/13. Correspondence from Erica Busch dated 2/6/13 states the wetland location indicated on the septic plans were obtained from NJ DEP Geo Web Map. The buffer associated is 50' determined by visual inspection and conferring with wetland expert Dave Kruger, is intermediate quality wetlands and 50' is the buffer zone. Accordingly the disposal bed has been placed to the furthest extent possible from the wetlands at more than 150' in addition the distance from the wetlands for the proposed disposal bed is an improvement from the distance of the existing system from the wetlands of approximately 80'. The engineer has testified that the septic and pump tanks are approximately 90' from the wetlands and is the same as the current system and will document this on sheet 1 of 5 to the board within 5 business days. Also on page 12 of the Hunterdon County Health Dept. application V. a. Pump Selection: Diameter of Delivery Pipe 2" corrected within 5 business days. This is an alteration with no expansion, fill enclosed, soil replacement, slightly mounded replacement with a pump and effluent filter. Testimony from the engineer confirms notification to the lawyer of the future homeowners of the property that this system has a pump and effluent filter and requires maintenance and follow up as indicated in the paperwork provided this evening. The engineer testified to General Notes #4. The primary and only testing site was done 2/5/13, soil log 4, @ 126", no mottling, seepage 100", flooding @ 87" after 24 hours. Soil log 5, @ 126", no mottling, seepage 97", 97" after 24 hours. Permeability is pit bail 1 @ 113" in soil log 4, was dug deeper to 126". This was done on 2/4/13 - 2/5/13. K=6.8"/hour. The regional water was determined by soil log 4 with flooding at 87".

This motion was seconded by Mr. Colburn. On roll call vote the following was recorded:

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

The applicant thanked the board.

time heard: 8:38 pm

3. Block 11/Lot 5 – Erica Busch, Lamington River Farms, Cedar Road.

Escrow fees paid 2/6/12, # 10627, \$750.00.

Ms. Erica Busch, NJ licensed engineer appeared before the board.

The board discussed some administrative details regarding the owner of the property.

Ms. Busch stated that her contact for this application has been Mr. Matt Willigan, Golf Course Superintendent. The house in need of a new septic is owned by Lamington River Farm which is in Somerset and Hunterdon Counties. The application for approval was signed by Mary Ellen Donovan Stewart whom appears to be a trustee of the corporation.

Ms. Butula stated that the soil witness indicated on his report that the home was reported to him to be a 6 bedroom home.

Ms. Busch stated that according to the tax records and confirmed by a walk through the house has 4 bedrooms. Chair Nugent stated that Ms. Busch's observation as the engineer designing the system is consistent with the tax records. This board will also require, in addition to Ms. Stewart's signature, her title and therefore her connection to the ownership of this property.

There was some discussion as to whether or not the board could approve this application this evening without that knowledge.

Ms. Busch stated that there has been a complaint from the neighbors that there is septic running out onto the

ground in back of the house.

The board suggested that the owners have the tank pumped.

Ms. Busch testified that it was her opinion that it would not be possible to pump the tank because the groundwater would refill the tank within minutes of pumping.

Ms. Busch testified that she had informed Mr. Willigan of the responsibilities and maintenance of the pump system and effluent filter for the proposed system.

Ms. Butula asked Ms. Busch to testify on General Notes 3. and 4. on page 3. of 6.

Ms. Busch stated that according to the NJ DEP Geo map there are no wetlands/transition areas within the area of disturbance or within 150' and the bed is 50' from the adjacent disposal systems and 100' from storm sewers and streams and wells.

Chair Nugent confirmed that the proposed system is a pressure distribution, gravity dosed design, and is the maintenance cycle of the effluent filter 3 years?

Ms. Busch stated that is correct, the proposed is a 2 compartment septic tank and the effluent filter maintenance is the standard 3 years.

Ms. Albrecht asked how long the issue in the back yard has been going on and what is the condition of the existing lateral?

Ms. Busch stated that she was not sure exactly how long, the day of the testing was the first time she was made aware that there was a complaint.

There was some discussion of the complaint with Hunterdon County Dept. of Public Safety Div. of Public Health Svcs., and if the homeowner had been advised to pump the tank.

Ms. Butula stated that her concern is who is going to take responsibility for the deed restriction and other maintenance involved.

Ms. Albrecht stated that in other applications where there is ponding, odors, etc., the board has requested the owners to pump the tank until the concern is resolved.

Ms. Muir stated that the application is lacking anyone who may be held responsible.

Chair Nugent confirmed with Ms. Busch that it was her opinion that pumping would not work due to the back flow from the field back into the tank and would likely negate the value of any pumping.

Ms. Busch stated yes, that is the case.

There was some discussion of how this could be accomplished.

Chair Nugent stated that there is a valid concern that the person responsible for the property and the associated paperwork is of question but it sounds like the board just needs more cooperation on that, aside from that the board has testimony from the engineer that 1) this is a malfunctioning system and needs to be repaired, 2) there is a standing complaint regarding the property and 3) the engineer's personal witnessing of the property itself suggests that this is a health hazard. The board needs to know who owns and is responsible for the property, but that is almost at the backend of the problem.

Ms. Albrecht stated that when the board asks for corrections, is that making this an exception or possible exception? And how does that relate to applications heard in the past or new applications that the board may hear?

Chair Nugent stated that that is a very valid question and this is on the edge of what the board has allowed as follow up material to be presented. If it weren't for the fact that there is a health hazard going on, this may be pushed to a hearing next month.

There was some discussion on the precedent of accepting follow up material and having the responsible party signature on the application.

Chair Nugent stated we need to know the responsible party so that 1) we can assure that the deed restriction is properly recorded 2) the maintenance and reporting requirements are met. It is important to know who is going to take responsibility, the first point of responsibility is the 90 days, if that hasn't occurred, the logical point would be to send correspondence to the owner. In this particular instance, as long as the board has additional material to help confirm that this person is the responsible person and acknowledges those requirements then we would be satisfied as a board.

The board reviewed the materials as submitted to the board, including the Application for Approval and the Soil Witness Application.

Ms. Busch contacted Mr. Willigan by phone. Mr. Willigan spoke to the board stated that he works for Fiddlers Elbow Country Club. There is Fiddlers Elbow Country Club, Lamington River Farms and Hunterdon Properties LLC which are all owned by the same family. That is the Donovan family, Ken Donovan, Keith Donovan and Mary Ellen Donovan Stewart. They are the owners, also called trustees.

Chair Nugent stated so Mary Ellen Donovan Stewart is the owner or trustee?

Mr. Willigan stated that they are known as the trustees, but they own it.

Chair Nugent asked for additional documentation to confirm Mary Ellen Donovan Stewart's relationship to the owner of record, something that stipulates specifically how she relates to Hunterdon Properties, LLC and that she takes responsibility for all of the requirements and stipulations of the deed restriction and pump system.

Mr. Willigan stated that he would be able to provide a document to the board within 5 business days.

Ms. Butula stated that it is her feeling that all of these properties are all in a trust, and Ms. Donovan is a trustee of the trust. Three things that the board will require are 1) Ms. Busch has resigned sheet 9 of 12 2) the mottling has been corrected on the map itself 3) a letter from Mary Ellen Donovan Stewart stating her exact title and assumes responsibility for the conditions that were put on this approval including recording requirements of the deed and maintenance of the pump and effluent filter.

Chair Nugent asked if there were any further comments or questions regarding this application ?

There were no further comments or questions.

A **MOTION** was made by Ms. Butula for approval for Block 11/Lot 5, a property located at 28 Cedar Road, testimony from the engineer that from her inspection she ascertains this is a 4 bedroom residence. The mailing address for the owners is Lamington River Road, P.O. Box 48, Far Hills, NJ, 07931. The map is titled Septic System Alteration Block 11/Lot 5, Readington Township, Hunterdon County, NJ dated 1/27/13, prepared by Erica L. Busch, P.E. A boundary and topo map were done by Vernon R. Lawson Jr., 2/4/13. Report from Hunterdon County Dept. of Public Safety Div. of Public Health Svcs., 2/6/13. This is an alteration with no expansion for a mounded soil replacement system with a pump and effluent filter. It is gravity fed from the distribution box into the bed. The engineer will redo sheet 3 of 6 of the map within 5 business days. General notes 3. and 4. "proposed bed is 50' from adjacent disposal systems, and 100' from streams wells and storm sewers" of page 3 of 6 of the map were testified to, and corrections as stated, and sheet 9 of 12, the 2" correction, also the board spoke to Matt Willigan on the phone, and he assured the board that a letter from Mary Ellen Donovan Stewart (as previously stated) will be submitted within 5 business days. Testing was in the primary only, 1/17/13 - 1/18/13, soil log 1, @ 134", no mottling, seepage @ 64", soil log 2, 1/18/13 @ 141", no mottling, seepage @ 684". Permeability was pit bail 1, @ 100", 1/17//13 - 1/18/13 in soil log 2, 0.6"/hour. Regional water is 64" as determined by seepage in soil log 1. There will be the use of a pump with the requirement that it is filed with the Hunterdon County Clerk within 90 days, and a copy returned to the Board of Health office. Instructions will be provided to the owner believed to be Mary Ellen Donovan Stewart. The board has the application for soil logs, application for approval and a document that states that this document has important legal consequences and should be referred to your lawyer prior to signing. Mary Ellen Donovan Stewart has signed all three documents and gave the address of 28 Cedar Road, Whitehouse Station, NJ. The Hunterdon County Dept. of Public Safety Div. of Public Health Svcs application was signed by Matt Willigan, Golf Course Superintendent and the County should take care of that.

This motion was seconded by Ms. Albrecht.

On roll call vote the following was recorded:

Ms. Albrecht Aye Ms. Butula Aye Mr. Colburn Aye Ms. Muir Recused Ms. Rohrbach Aye
Chair Nugent Aye, in light of the health hazard associated with this application.

A **MOTION** to amend the motion was made by Ms. Butula, stating that speaking for all the board members, after a lot of consideration they felt that the safety of the neighbors was the most important issue, and the board wanted it to be corrected as soon as possible.

The motion to amend the motion was seconded by Ms. Albrecht.

The motion was carried with a vote of Ayes as follows:

Ms. Albrecht Aye Ms. Butula Aye Mr. Colburn Aye Ms. Rohrbach Aye Chair Nugent Aye
Ms. Muir recused herself from voting.

Chair Nugent stated that board member Robert Colburn provided a document “Getting Septic Smart” for the board member’s reference. www.epa.gov/septicsmart

F. ADJOURNMENT

A *MOTION* was made by Mr. Colburn to adjourn at 10:30 pm, seconded by Ms. Muir with a vote of Ayes all, Nays none recorded.

Respectfully submitted:

Lorraine Petzinger
Board of Health Secretary