

## READINGTON TOWNSHIP BOARD OF HEALTH

SEPTEMBER 18, 2013

Chair William C. Nugent called the meeting to order at 7:07 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	absent	Beatrice Muir	present	Tanya Rohrbach	present @ 7:10
Jane Butula	present	William C. Nugent	present	Wendy Sheay	absent
Robert Colburn	present				

**Not in attendance:** Board of Health Engineer, Ferriero Engineering, Inc.  
Division of Public Health

### A. APPROVAL OF THE MINUTES

#### 1. Minutes of June 19, 2013. (-Albrecht, Muir, Sheay vote).

A **MOTION** was made by Ms. Rohrbach to approve the minutes of the 6/19/13 meeting.

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

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

#### 2. Minutes of July 17, 2013. (-Rohrbach, Sheay vote).

A **MOTION** was made by Ms. Muir to approve the minutes of the 7/17/13 meeting.

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

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

#### 3. Minutes of August 21, 2013. (-Albrecht, Butula, Sheay vote).

A **MOTION** was made by Ms. Muir to approve the minutes of the 8/21/13 meeting.

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

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

### B. CORRESPONDENCE

1. **Suspected Hazardous Discharge Notification** letter dated 8/24/13 regarding oil heating #2.
2. **HCDPH – LINCS** – Update: List of Persons No Longer Eligible to Work as ACO's in NJ.  
*Ms. Muir confirmed that the administrator has this list. A copy will be forwarded to our ACO.*
3. **Block 36/Lot 113** – NJDEP No Further Action Letter re: UST

### C. OLD BUSINESS

#### 1. Outdoor Air, Recreation Area Air Ordinance:

- **NJLBHA – Article on pg. 2 re: endorsing tobacco resolution.** (C.1. 8/21/13 agenda).  
[www.NJLBHA.org](http://www.NJLBHA.org)
- **American Cancer Society FAQs.**
- **Example ordinances – 3 municipalities.**

Chair Nugent stated that at last month's meeting, the board discussed their intent to promote the concepts presented in this material and provide a recommendation to the Township Committee for invocation as an update to Readington Township code. The breakdown is to two different outputs, 1.) Recommendation of a resolution in support of information to the State urging them to adopt the information suggested in the NJLBHA material. 2.) Review of the ordinances from the other local towns and a recommendation to the Committee of what particular aspects of those ordinances and/or other thoughts or concerns we would like the Committee to address.

Ms. Muir stated that we should find out if there is already an ordinance or resolution in place by the Committee that covers smoke-free recreation areas in Readington Twp.

Ms. Butula stated if not, we should be specific in exactly what we want in a recommendation to the Committee.

There was some discussion of outdoor smoking in close proximity to buildings.

Chair Nugent stated regarding electronic cigarettes, the toxicity of the inhalation is greater than regular cigarettes. The ratio of the liquid used in the devices is unregulated, and as a result is a higher concentration than a regular cigarette.

Ms. Butula stated there is only one possible appropriate use for electronic cigarettes. Under the care of a physician or counselor for someone who is already a heavy smoker, as a resource for a limitation process and then only for about 4 weeks, it may be appropriate. Studies have proven that there are addictive additives in them.

Chair Nugent stated that he would concur that a recommendation to the Committee would require some additional thought and review, however the proposed resolution by the NJLBHA may be acted upon this evening.

Ms. Butula stated that she would not object to it either. NJ is the lowest state utilizing the allocated money which was to be given back to tobacco prevention and education.

A **MOTION** was made by Ms. Butula for the Readington Township Board of Health to adopt the resolution by NJLBHA Endorsing Comprehensive Tobacco Resolution No. R2013-1.

**Readington Township Board of Health Resolution BH-R-2013-06**

Resolution of the Readington Township Board of Health (NJLBHA R2013-1) urging the State of New Jersey to adequately fund its comprehensive tobacco control program in FY2014 and subsequent years.

**WHEREAS**, Lung cancer is the number one cancer killer with the vast majority of cases caused by smoking and smoking also causes cancer of the oropharynx, larynx, esophagus, pancreas, bladder and kidney, and;

**WHEREAS**, Tobacco use costs New Jersey residents an estimated \$3.17 billion in health care costs, including \$967 million in Medicaid expenditures by state and local governments, 1 and;

**WHEREAS**, Nearly 9,700 new Jersey children will become regular daily smokers , 2 and;

**WHEREAS**, It is estimated that in 2011, 4,492 New Jersey residents died from cancers that result from smoking, representing 27% of the total number of cancer deaths in New Jersey, 3 and;

**WHEREAS**, The U.S. Centers for Disease Control and Prevention (CDC) recommends that New Jersey spend between \$72.1 million and \$154.3 million every year on its comprehensive tobacco control program, with a median recommendation of \$119.8 million, 4 and;

**WHEREAS**, New Jersey has raised over \$5 billion in tobacco revenues over the past five years, yet state spending on Tobacco Control Programs has plummeted to ZERO allocated state dollars in FY2013, ranking the state 50<sup>th</sup> in the nation for funding its Tobacco Control Program, 5 and;

**WHEREAS**, the primary purpose of the 1998 Master Settlement Agreement was to provide states with funding to remedy the public health problems and increased health costs posed by tobacco use, and;

**NOW, THEREFORE BE IT RESOLVED** by the Readington Township Board of Health, in the County of Hunterdon, State of New Jersey, as follows:

1. The Readington Township Board of Health urges the State of New Jersey to fund its comprehensive tobacco control program in FY2014 and subsequent years in the amount of \$119.8 million as recommended by the U.S. Centers for Disease Control and Prevention (CDC).

2. The Readington Township Board of Health Secretary is directed to forward copies of the resolution to the office of the Governor of the State of New Jersey, the State Legislators representing Hunterdon County, the Speaker of the New Jersey General Assembly, the President of the New Jersey State Senate, and the Commissioner of the New Jersey Department of Health.

**Adopted: September 18, 2013**

**William C. Nugent,  
Readington Township Board of Health Chairperson**

The motion was seconded by Ms. Rohrbach.

An amendment was made by Mr. Colburn to include the New Jersey Local Boards of Health Assoc. Resolution No. R2013-1 which is their generic number.

The motion for recommendation for amendment 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

## 2. Soil Witness salary.

Chair Nugent stated that the Township Committee acted on an increase for the Board of Health soil witness. The following ordinance amendment will enable an increase in the witness fees charged in order to cover that salary increase.

There was some discussion of the wording as written.

Chair Nugent stated that the Readington Twp. Code was codified a few years ago and is available online.

Therein the structure of our ordinance is a bit different than previously. The following ordinance is compiled with the new structure in mind.

### AN ORDINANCE AMENDING PART III, CHAPTER 268, ARTICLE III, SECTION 23 OF THE CODE OF THE TOWNSHIP OF READINGTON CONCERNING BOARD OF HEALTH, SEWERS INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEMS, FEES AND CHARGES

#### ORDINANCE BH:01-2013

**BE IT ORDAINED** by the Board of Health of the Township of Readington in the County of Hunterdon within the State of New Jersey that Section 23 within Article III of Chapter 268 of the Code of the Township of Readington, pertaining to Fees and Charges, is hereby amended as follows (additions or revisions are underlined thus \_\_\_\_ and deletions are marked thus ~~striketrough~~):

#### ***Section 1. The following revisions/additions are made to Article III section 268-23 "Fees and Charges":***

A. The following fees and charges are hereby established:

- (1) For the filing of an application and plans to locate and construct an individual sewage disposal system, plan review by the Hunterdon County Department of Health, site inspection, issuance of permit and installation inspections: \$250.
- (2) For the filing of an application and plans for a permit to alter an existing individual sewage disposal system and issue said permit: \$225.
- (3) For filing an application for the repair of an existing individual sewage disposal system: \$90.
- (4) For re-review (after initial plan rejection: \$15.)

B. For the observation of a test of soil characteristics by a representative of the administrative authority, a minimum advance fee for services of \$250 per lot per day will be charged. ~~This fee will be held in escrow until completion of testing.~~

C. The actual time charges of the representative of the administrative authority will be based on a rate of \$30 per hour, including travel time. The representative's time beyond a basic eight-hour day will be charged at the overtime rate of \$40 per hour. Proof of hours spent in the field will be submitted to and certified by the representative of the administrative authority, and the certification will be endorsed by the applicant. Upon submission of this certification, duly endorsed by the applicant, and by authorization of the Township Committee, any unused moneys ~~held in escrow~~ will be refunded to the applicant.

D. Applications and appropriate ~~escrow~~ fees shall be on file with the administrative authority at least five working days prior to the requested witnessing time. In the event these fees are not received within this time frame, it will be within the administrative authority's rights to cancel the appointment for the witnessing.

E. Tests which are canceled due to adverse weather conditions (conditions which prevent the tests from being performed) or canceled at least one business day prior to the scheduled start of the test will be exempt from any witnessing fee. All other cancellations on the part of the applicant shall have a minimal charge for two hours imposed.

F. The above fees may be adjusted annually in January of each year as may be agreed to by the majority of the administrative authority.

G. The above fees shall automatically change to keep pace with changes to the environmental health services fees charged by the Hunterdon County Department of Health pursuant to the ordinance of the County of Hunterdon pertaining to the same items.

**Section 2.** This ordinance supersedes any ordinances, sections or portion of Article III, Chapter 268 of the Readington Township Code or any other Township ordinance inconsistent herewith.

**Section 3.** If the provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by any Court of competent jurisdiction, such Order or Judgment shall not affect or invalidate the remainder of any such article, section, subsection, paragraph or clause, to this end, the provisions of this Ordinance are hereby declared to be severable.

**Section 4.** This ordinance shall become effective immediately upon final adoption and publication according to law.

#### **D. NEW BUSINESS**

**1. Resolution BH-R-2013-05 - Reschedule October 16, 2013 BOH meeting to October 23, 2013**  
(due to election-use of courtroom).

*Chair Nugent stated that due to the special election for the State, the October 16<sup>th</sup> Board of Health meeting date is required to be changed. According to the calendar, October 23<sup>rd</sup> would seem to be the most likely date available.*

*A MOTION was made by Ms. Muir to approve Resolution BH-R-2013-05 to reschedule the October 16, 2013 BOH meeting to Wednesday, October 23, 2013. This motion was seconded by Mr. Colburn.*

*On roll call vote the following was recorded:*

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

**2. Rabies Clinic – Saturday, October 26, 2013, 10:00 a.m. – 12:00 noon, @ Three Bridges Firehouse.**

*Ms. Petzinger noted that the State no longer provides the syringes for clinics. The attending veterinarian will supply the syringes. [www.co.hunterdon.nj.us/health/rabiesclinics.htm](http://www.co.hunterdon.nj.us/health/rabiesclinics.htm)*

**3. Safe Communities - “One Voice”.**

*Ms. Butula stated that the prosecutor’s office Safe Communities Coalition and the Faith Based Community of Hunterdon County will be in the churches on October 4<sup>th</sup> – 6<sup>th</sup>. Three faith based leaders in Readington are the steering committee, and all 12 religious congregations in Readington have been contacted and are free to join in. They have put together information for inclusion in their bulletins, and will be speaking from the pulpits and some will provide ‘take-backs’ that day. The National Take Back Day for prescription drugs will be 10/26/13. Readington Township Police Dept. will have a permanent Take Back Box for prescription drugs at the Police Dept. in Readington Township.*

*Chair Nugent noted that being a community that is mostly on septic systems, there is a value to the community to dispose of prescription drugs properly so that they do not end up in our septic and water system.*

*Ms. Butula stated that the public has overwhelmingly accepted this service.*

## E. APPROVALS

### Category A. – Single Lots

*Time heard: 8:00 p.m.*

#### 1. Block 1.01/Lot 14.21 – Bayer-Risse, Dewey, Trimmer Road.

Escrow fees paid 8/27/13, ck.# 2909, \$750.00.

Mr. Bill Jupinka, Bayer-Risse Engineering, and NJ licensed engineer appeared before the board. This application for Block 1.01/Lot 14.21 is an alteration for an existing 5 bedroom dwelling with no expansion or change in use. The existing system is malfunctioning, failed a real estate transaction inspection, is basically saturated. The soil log 812-4 found high mottling and tight rock conditions. The soil tests used are 812-1 with the pit bail 812-1 and soil log 812-2 that is a higher elevation where there is mottling and a lower level in the successful pit bail test in the subsoils. It is primarily a clay loam underlain by a fractured shale. Mottling was encountered at 68” which is used as the regional water table, the depth of the excavation will be to 144” and will be a pressure dosing system. The location is outside of any wetlands or wetland transition areas. There are no wells within 100’ and no neighboring disposal systems within 50’ of the area. There are no watercourses within 100’ of the proposed system. The entire system is being revamped with a 1250 gallon 2 compartment septic tank with an effluent filter a pump tank and will dose up to the pressure dosing field. The homeowner is present and is aware of the conditions of maintaining the filter and the deed restriction on the pump system. The filter maintenance is not to exceed a three year period, can be done at pumping or more frequently depending on usage. Ms. Butula asked how old the system is and what is the distance between the detention basin and the site? Mr. Jupinka stated about 20 years. The distance from the field to the edge of the easement is about 40’. To the actual basin exceeds 100’.

Chair Nugent asked if there were any further comments/questions from the board?

There were no further comments.

A **MOTION** was made by Ms. Butula for approval as follows:

Block: 1.01 Lot: 14.21

Street location: 3 Trimmer Road

# of Bedrooms: 4

Name of owner: Paul and Patsy Dewey

Map Title: Septic System Alteration Design For Paul & Patsy Dewey, Block 1.01, Lot 14.21 Readington Township Hunterdon County, NJ

# Pages(map): 1 - 11

Map Date: 8/26/13

Map Revisions: 0

Prepared By: Stephen M. Risse, P.E.

Survey(s): Boundary : Edward Paoella, 8/5/1993

Topographical: Charles Saladin

Report(s): Hunterdon County Dept. of Public Safety Div. of Public Health Svcs., 9/4/13

Proposed System Specifications: Proposed alteration with no expansion, bottom lined soil replacement pressure distribution system with pump, 2 compartment tank, effluent filter.

Soil testing results: 8/12/13, Soil log 812-1, @ 144”, mottling @ 72 - 80”, seepage @ 84”, flooding 120”.

Soil log 812-2, @ 144”, mottling @ 68 - 92”, seepage @ 94”. Permeability pit bail 812-1, @ 144” results 0.6”/hour. Regional water level determined by mottling @ 68” in 812-2.

The engineer has testified that the purchaser is aware of the deed restriction to be filed with the county and a copy returned to the Board secretary within 90 days and the maintenance requirement for the pump and the effluent filter. The proposed system does not encroach on any wetlands or wetland transition areas and there are no watercourses within 100’ of the proposed disposal system, and no neighboring wells within 100’ or septic systems within 50’.

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

*Time heard: 8:15 p.m.*

**2. Block 72.01/Lot 34.16 – Kurt Hoffman, McEwen, Rowlands Road.**

Escrow fees paid 9/4/13, ck.# 1391, \$750.00.

Mr. Kurt Hoffman, Kurt Hoffman Engineering, and NJ licensed engineer appeared before the board representing Block 72.01/Lot 34.16. This is a malfunctioning system as per a septic inspection for a house sale. This is an existing 4 bedroom dwelling. Soil logs 1 and 2 with basin flood in 2 at a depth of 90" with favorable results. The proposed is a mounded septic system but can be achieved via gravity from the existing septic tank on the site. The existing tank is in good working order and will be used, and is outside of the 100' well distance. Jeff Tariela's report indicates no wetland or wetland buffers within the area of the septic field. Also noted is the fact that no wells or septic systems are located within 100' or 50' respectively. On the plan is located existing well ± on the neighboring property lot 34.17 which is the nearest neighboring well and is outside the 100' requirement. The prospective buyer of the property has been in contact and is aware of the design and requirements of the proposed system, recommending the 3 year clean out. The nearest drain pipe is along Rowlands Road, 103' away.

There was some discussion of the depth and failure of the existing system.

Chair Nugent asked if an effluent filter will be included in the proposed system.

Mr. Hoffman stated that yes, it is possible, it would be retrofitted using a 6" filter.

Ms. Butula asked what state the 25 year old septic tank is in ?

Mr. Hoffman stated that the tanks are usually pretty good, it is the baffles that go. Any time there is a potential water table issue, the tank is replaced. There is no potential for that situation here, so it is no issue.

Chair Nugent asked in addition to the 6" core drilling and the install of the effluent filter, what is the riser to grade ?

Mr. Hoffman stated you can go to a 6" clean out.

There was some discussion of the grading of the slope.

Mr. Hoffman stated it is a 3 – 1 slope shown on page 1 of 5.

Chair Nugent asked if there were any further comments/questions from the board ?

There were no further comments.

A **MOTION** was made by Ms. Butula for approval as follows:

Block: 72.01 Lot: 34.16

Street location: 5 Rowlands Road

# of Bedrooms: 4

Name of owner: Kenneth McEwen

Map Title: Septic Design For Kenneth McEwen, Block 72.01, Lot 34.16 Readington Township Hunterdon County, NJ

# Pages(map): 1 -5

Map Date: 8/26/13

Map Revisions: 0

Prepared By: Kurt Hoffman, P.E.

Survey(s): Boundary : Newton Land Surveying , 8/2013  
Topographical: Newton Land Surveying , 8/2013

Report(s): Hunterdon County Dept. of Public Safety Div. of Public Health Svcs., 9/4/13

Proposed System Specifications: Alteration with no expansion, proposed gravity mounded soil replacement system, effluent filter. The engineer has testified that the purchaser is aware of the maintenance of the effluent filter.

Soil testing results: 8/20/13, Soil log 1, @ 108", mottling @ 54 - 108", no seepage or flooding, no hydraulically restricted horizon. Soil log 2, @ 100", no mottling, seepage or flooding, no hydraulically restricted horizon. Permeability was basin flood 1 @ 90", 8/20/13, passing. Regional zone of saturation is in soil log 1 mottling @ 54".

Wetlands investigation done 8/28/13 by Jeff Tariela determined that no freshwater wetlands, freshwater wetland transition areas or state open waters are present on or within 150' of the proposed replacement septic system for Block 72.01/Lot: 34.16.

Application sheets to the Hunterdon County Health Depts. are corrected to say 72.01 and were submitted by the engineer this evening. The engineer has testified that there are no wells or other septic systems located within the appropriate distances and is denoted on the maps.

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

*Time heard: 8:37 p.m.*

**3. Block 74/Lot 21.01 – Kurt Hoffman, Reilly, Lazy Brook Road.**

Escrow fees paid 8/23/13, ck.# 885, \$750.00.

Mr. Kurt Hoffman, Kurt Hoffman Engineering, and NJ licensed engineer appeared before the board representing Block 74/Lot 21.01. This is an existing 3 bedroom dwelling on Lazy Brook Road. Soil logs 1 and 2 were done with a pit bail in 1, passing results. This site has an existing well in the front of the house denoted as existing well and line and the well in front of the house has a line going to the house with the dimension of 100' to the proposed disposal field and 100' circle around it. Additionally, there is another well on the map with the well symbol, and is also noted on the surveyors map which is Lot 21. That well has the 100' well circle around it. There are two cesspools on the property which are the existing septic system on the property and are currently failing and will be pumped and backfilled as part of this application. The 150' buffer is noted around the septic field, there are no additional septic systems or wells within that marker other than that are shown on the map. There is a manhole and approximate septic location outside the 150' line that is the existing septic system for Lot 21, Michael Shore. The manholes cover a septic tank.

Mr. Hoffman stated the proposed design incorporates a new 1300 gallon 2-compartment septic tank and a new 1,000 gallon pump tank which will be a pump to gravity mounded system. A letter from Jeff Tareila confirms no wetlands, there are no watercourses within 100' of the proposed septic field.

Chair Nugent asked about the 2 existing cesspools being pumped, is there any concern for the neighboring well on Lot 21 ?

Mr. Hoffman stated yes, there is actually a violation at the County that is being corrected. The supposed malfunction was effluent on the ground from the cesspool closest to the neighboring well on Lot 21. As part of this project, and 4 visits to this site, that was never observed. It may have happened during a high water time.

Ms. Butula asked if the 100' well circle extends into the bed or the grading ?

Mr. Hoffman stated the 100' dimension is from the well to the nearest point of the fill extension. There is no well or septic system within the 150' buffer on Lot 21.02.

The prospective buyer of the property is aware of the design and requirements of the proposed deed restricted system, effluent filter and recommending the 3 year clean out.

Chair Nugent asked if there were any further comments/questions from the board ?

There were no further comments.

A **MOTION** was made by Ms. Butula for approval as follows:

Block: 74 Lot: 21.01

Street location: 93 Lazy Brook Road

# of Bedrooms: 3

Name of owner: Joseph Reilly

Map Title: Septic Design For Joseph P Reilly, Block 74, Lot 21.01, Readington Township  
Hunterdon County, NJ

# Pages(map): 1 -6

Map Date: 8/6/13

Map Revisions: 0

Prepared By: Kurt Hoffman, P.E.

Survey(s): Boundary : Thomas Harris, 8/10/1999  
Topographical: Newton Land Surveying , 7/2013

Report(s): Hunterdon County Dept. of Public Safety Div. of Public Health Svcs., 8/30/13

Proposed System Specifications: Alteration with no expansion, mounded soil replacement 2 compartment

tank with pump and effluent filter. The engineer has testified that there are no adjacent wells within 150', no existing septic systems within 50'. Two existing cesspools are being replaced, will be pumped and backfilled.

Soil testing results: 6/4/13, Soil log 1, @ 94", mottling @ 43- 94", seepage @ 60", flooding @ 81" after 24 hours, no hydraulically restricted horizon. Soil log 2, @ 94", mottling 40 – 94", seepage @ 60" and no hydraulically restricted horizon. Permeability was pit bail 1 @ 94", 6/4/13, results of 1.12"/hour. Regional water determined by mottling @40" in soil log 2.

Wetlands investigation done 6/4/13 by Jeff Tariela determined that no freshwater wetlands, freshwater wetland transition areas or state open waters are present on or within 150' of the proposed replacement septic system for Block 74/Lot 21.01.

The engineer has testified that the purchaser is aware of the deed restriction to be filed with the county clerk and a copy returned to the Board secretary within 90 days and the maintenance requirement for the pump system and the effluent filter.

The motion was seconded by Mr. Colburn. 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. Butula to adjourn at 9:15 pm, seconded by Mr. Colburn with a vote of Ayes all, Nays none recorded.

Respectfully submitted:

Lorraine Petzinger