

READINGTON TOWNSHIP BOARD OF HEALTH
September 17, 2014

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	absent	Beatrice Muir	present	Tanya Rohrbach	present
Jane Butula	present	William C. Nugent	present	Wendy Sheay	absent
Robert Colburn	present				

Also in attendance: Board of Health Engineer – Ferriero Engineering

Not in attendance: Division of Public Health

A. APPROVAL OF THE MINUTES

1. Minutes of 6/18/14. (-Albrecht, Rohrbach, Sheay vote).

A motion was made by Mr. Colburn for approval of the 6/18/14 minutes, seconded by Ms. Butula.

On roll call vote the following was recorded:

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

2. Minutes of 7/16/14. (-Muir, Sheay vote).

A motion was made by Ms. Butula for approval of the 7/16/14 minutes, seconded by Mr. Colburn.

On roll call vote the following was recorded:

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

3. Minutes of 8/20/14. (-Albrecht, Butula, Muir vote).

Deferred.

B. CORRESPONDENCE

1. Hunterdon County Div. Public Health – LINCS 8/29/14 Info: First Responder Flu Clinic, 9/23/14. (*emailed 9/3/14*).

2. Suspected Hazardous Discharge Notification letter dated 7/29/14 regarding oil heating 2.

3. Suspected Hazardous Discharge Notification letter dated 8/9/14 regarding oil heating 2.

4. Suspected Hazardous Discharge Notification letter dated 8/21/14 regarding oil heating 2.

5. Hunterdon County First Responder/Fixed Facility Exercise on September 17, 2014.

6. Hunterdon County Div. Public Health – LINCS 9/5/14 Info: HSEEP 3 Day Training Course. (*emailed 9/11/14*).

Chair Nugent pointed out this training opportunity.

7. Block 21.13/Lot 8 – Quest Environmental & Engr. Svcs.- potable well sampling.

C. OLD BUSINESS

1. Block 43/Lot 31 – Kurt Hoffman Engineering, Gill, 3 Shade Lane

Revisions submitted 8/22/14 as per 8/20/14 BOH approval.

Noted.

2. Block 74/Lot 4.03 – J. H. Kearney, Marshall, 112 Rockafellow’s Mill Road.

Revisions submitted 8/22/14 as per 8/20/14 BOH approval.

Noted.

3. Block 63/Lot 10 – Frey Engineering, Flood/Qu-tierrez , 155 West Woodschurch Road.

Revisions submitted 8/22/14 as per 8/20/14 BOH approval.

Noted.

D. NEW BUSINESS

1. Readington Township Emergency Preparedness Tabletop Exercise on Saturday, 11/1/14.

There was some discussion of the board’s involvement.

2. Discuss Soil Log Expiration Dates per NJAC 7:9A-3.5.

Chair Nugent noted that in April 2012 the state code noted that expiration dates, maximum 5 year included in “(e) *The administrative authority or its authorized agent shall include an expiration date in every permit to construct, install, alter or repair an individual subsurface sewage disposal system. The expiration date shall not exceed five years from the effective date of the permit.*”

Mr. Kosinski stated that this was placed in the code specific to septic systems so that a design couldn’t indefinitely

rely on technology that could become obsolete.

Ms. Muir confirmed that this is currently in effect.

Mr. Kosinski stated yes it is, for all new designs, there is a 5 year time limit.

Chair Nugent stated that what the board may want to consider how to implement a 5 year limit on the motions to approve. The County is applying a 5 year limit on the design permit. Motions to approve are based upon data which may still be good but the approval is what may need to expire in that in conjunction with the County's approval with a 5 year expiration date, this board's motion to approve sets a specific time limit on the motion. The motion then expires, not necessarily the data. That would set a time limit and require the applicant to return with a new application for a new motion to approve that data. It would follow the state code in that they did not want things to be based on old outdated technology and would allow the board to cause that to happen.

Mr. Kosinski stated that he has experience in another township that set a soils expiration of 2 years so that the design wasn't based on soils data which was collected under obsolete techniques. This seems to be somewhat onerous to the applicant, due to the fact that in the absence of something extraordinary, the soils do not change significantly. The state has taken the action of putting the limitation in the state code, this Board may want to consider a more stringent time limit because the board reserves the right to have restrictions that go above and beyond the restrictions in the state code. As far as soils testing and design approvals, the applicants may be coming back before the board to request extensions when nothing has changed in the code.

Ms. Muir stated that as long as the state has these guidelines in place, and allows certain kinds of septic, the township may not have to set an expiration date.

Mr. Kosinski stated that the mechanism is put into place with the permit to construct.

Ms. Rohrbach suggested setting an expiration date in the motion for the application to get County approval.

Ms. Butula asked what does the board gain by setting an expiration date? The County is utilizing the 5 year expiration, does this board have fears and concerns about that, what do we do that makes it better? Are we being imposed upon by the state for soils rather than design? So then do we want to do something?

Mr. Kosinski stated it would certainly apply to the soils if the state came back and said they would have code amendments that preclude for example the SPCR test; it is not just design, it is any changes to the code. The fact that they have incorporated this into the code is good practice and a good safeguard.

Chair Nugent stated that we don't actually have a choice on the expiration dates, it is legislated by state code.

Ms. Rohrbach stated that the code says 'by authorized agent' which is the County, so does this board have to authorize it?

Chair Nugent stated that that is for the construction step, it doesn't necessarily cover the BOH's step.

Ms. Muir stated that the township may want to follow these guidelines which the state has put into effect.

Chair Nugent stated that as far as the code applying to this board's motions to approve and the waivers that may be granted in conjunction with that, the intent of that section of the code was studied, so that is why the definition of permit is included on the bottom of the page. It is not only the board's motion to approve the soils testing, it also applies to the counties permit to construct.

There was further discussion on the following:

- The timeframe of an expiration limit and how to implement it in conjunction with the County.
- A possible expiration date defined in the motion to approve soil logs.
- The mechanism to put any changes into place.
- Risks of specifying an expiration date.
- Ordinance changes because of deficiency in code - no expiration in motion to approve.
- Failure to submit application to County for construction relying on motion to approve could circumvent ordinance changes.
- Obligation to include 'grandfather clause' in motion.
- Hunterdon County Health Dept. has a 5 year expiration date; when does the clock start on that?
- Should soils tests remain valid forever unless code changes?
- Regarding new building lots, what is the risk of not testing soils prior to purchasing?

3. Rabies Clinic – Oct. 25, 2014, 10:00 a.m. – 12:00 noon, @ Three Bridges Firehouse.

www.co.hunterdon.nj.us/health/rabiesclinics.htm

E. APPROVALS

Mr. Colburn recused himself at 8:18 p.m. from hearing the following application.

Time heard: 8:19 p.m.

1. Block 56/Lot 11 – Kurt Hoffman Engineering, Garboski, 5 Thor Solberg Road

Escrow fees paid 7/16/14, ck. #4881, \$750.00 .

Previously mailed with 8/20/14 application packet.

Mr. Kurt Hoffman, NJ licensed engineer, Kurt Hoffman Engineering appeared before the board. This application is for an existing 4 bedroom dwelling which is a home sale that failed the septic system inspection for functionality with ponding within the septic field. Soils logs 1 and 2 were performed with a pitbail in soil log 1 with favorable results. The proposed system is a mounded soil replacement system which is fed by gravity from the existing 1,000 gallon septic tank on the site. There is no pump required, it is a gravity system with a new location to a new septic field. The 100' requirement from a water course is not obtainable, but due to the nature of the system being mounded with a fill enclosure and the ordinance allows a septic system to be up to 75' from a water course with such a system, the system is designed to be 77' away from the nearest point of the neighboring drainage ditch. A wetland report from Jeff Tareila concludes that there are no freshwater wetlands, freshwater wetland transition areas or State open waters on or within 50' of the proposed replacement system . The survey was done by Van Cleef Engineering dated 10/16/91, and topo was done by Newton Land Surveying dated 7/23/14. There are no wells or septic within the 150' circle other than the existing system which will be abandoned. The buyer and seller are both aware of the effluent filter installation and maintenance.

Chair Nugent asked if the tank lid position would allow the effluent filter upgrading and clean out without undue hardship? And what is the intended plan?

Mr. Hoffman stated that almost every tank can be retrofitted with a filter. There is currently a 4" opening, it will be opened up for the 6" effluent filter installation.

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

There were no questions or comments.

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

Block: 56 Lot: 11

Street location: 5 Thor Solberg Road # of Bedrooms: 4

Name of owner: James Garboski

Map Title: Septic Design for James Garboski, Gill, BL 56, LT 31, Readington Township Hunterdon County, NJ

Pages(map): 1 - 5

Map Date: 7/23/14

Prepared By: Kurt Hoffman, P.E.

Survey(s): Location survey : Van Cleef Engineering, 10/16/1991

Topographical: Newton Land Surveyor, 7/23/14

Report(s): Hunterdon County Dept. of Public Safety Div. of Public Health Svcs., 7/31/14.

Proposed System Specifications: Alteration with no expansion, gravity, fill enclosed, mounded soil replacement, existing single compartment 1,000 gallon tank will be upgraded with an effluent filter. The homeowner is aware of the maintenance of the effluent filter.

Soil testing results: 7/15/14, Soil log 1, @ 120", mottling 60 – 120", seepage @ 84", flooding @ 48" after 24 hours.

Soil log 2, @ 120", mottling 48" – 120", seepage @ 112". Permeability was pit bail 1-1 , 7/16/14 @ 91",

K=5.86"/hour. Regional ground water determined by soil log 1, mottling @ 48", flooding @ 48" after and soil log 2 mottling @ 48". A wetland report dated 7/22/14 from Jeff Tareila concludes that there are no freshwater wetlands, freshwater wetland transition areas or State open waters on or within 50' of the proposed disposal system on Block 56 /Lot 11. The bed is located 77' from the water course which is acceptable because this is a soil replacement fill enclosed system.

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

There were no questions or comments.

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

Ms. Butula Aye

Ms. Muir Aye

Ms. Rohrbach Aye

Chair Nugent Aye

Mr. Colburn recused himself at 8:35 p.m. from hearing the following application.

Time heard: 8:37 p.m.

2. Block 14/Lot 51 – Parker Engr. & Surveying, Baron, 30 Lamington Road

Escrow fees paid 8/13/14, ck. #3072, \$750.00.

Mr. Stephen Parker, P.E., Parker Engineering & Surveying, NJ licensed engineer appeared before the board, this application is for a currently failing system. This is not a home sale situation. This is an 85 acre piece of property, the Rockaway Creek runs through a portion of it, it is an active farm. Most of the tests throughout the property were unsuitable due to shallow bedrock. Test soil logs and pit bails 102 and 103 were performed downhill of the house between the house and the Rockaway Creek, resulting in a good pit bail test. A flood hazard area is shown on the plan, directly from the state maps, which is a limiting area. The DEP map shows wetlands on the property, and are shown on the map, it is hard to tell on the property since it is all cut grass. A NJDEP General Permit #25 will be applied for due to the 150' buffer adjacent to the wetlands.

There was some discussion of the resource value of the Rockaway Creek.

Mr. Parker stated that this is classified as a permit by rule, since it is a disturbed area so there is notification required to the DEP for the permit by rule, and application for the Wetland General Permit #25 still has to be applied for, as indicated on the plan.

There was some discussion of the layout of this property and the flood plain.

Ms. Butula asked Mr. Parker for testimony on items #27, 43 and 44.

Mr. Parker confirmed that all statements were accurate.

There was some discussion of the GP #25.

Mr. Kosinski stated that the GP #25 is a condition of the construction permit.

There was some discussion of the number of bedrooms.

Mr. Parker stated that the house is currently a 4 bedroom house.

Chair Nugent asked if there were any facilities in any of the other buildings on the property that would utilized this system?

Mr. Parker stated that he had been in 2 of the barns and the first floor of the garage. There is a caretaker/property manager for the property, but according to the homeowner there is no one but the family living on the property.

Mr. Colburn, recused as a board member stated that his familiarity with the property was for a preliminary septic inspection. A septic tank had been upgraded at some point, and was asked to locate a pipe coming out of the garage. The pipe runs into the existing tank.

Chair Nugent stated that the code stipulates that an additional building having even one bedroom has to be capacitated at 2 bedrooms, minimum.

Chair Nugent asked Mr. Colburn if in his opinion, there may be a secondary septic system which the garage may feed into?

Mr. Colburn stated judging on what they were able to find, it did not appear that it was going out into a separate system, it appeared it was going over towards and joining the existing one. There are a couple of connections near the house that area a little shakey.

Chair Nugent asked Ms. Petzinger to check the Tax Assessor's records on the number of bedrooms in the dwelling and apartment in the garage.

Mr. Parker asked if there were any other questions/concerns from the board?

There were no additional questions.

F. ADJOURNMENT

A *MOTION* was made by Ms. Butula to adjourn at 9:15 pm, seconded by Ms. Muir with a vote of Ayes all, Nays none recorded.

Respectfully submitted:

Lorraine Petzinger