

READINGTON TOWNSHIP BOARD OF HEALTH MEETING

March 16, 2005

Chair William C. Nugent called the meeting to order at 7:00pm and announced that adequate notice of this meeting of the Readington Township Board of Health has been provided, by posting on the Township Bulletin Board, delivery to the Hunterdon County Democrat, the Courier News, filing with the Township Clerk and mailed to the members of the Board of Health.

Attendance Roll Call:

Daniel Allen	absent	Stephanie Moore	present	William C. Nugent	present
Jane Butula	absent	Beatrice Muir	present	Wendy Sheay	absent
Raymond Facinelli	present				

Also Present: Board of Health Engineer: Mr. John Hansen
Hunterdon County Health Department: Ms. Deb Vaccarella

A. APPROVAL OF THE MINUTES

1. **Minutes** of February 16, 2005. (*Butula, Moore, Muir, Nugent vote*).
Defer to April 16, 2005.

B. CORRESPONDENCE

1. **NALBOH** – 2005 Membership.
Noted.
2. **Suspected Haz. Dis. Notif.** letter dated 2/18/05 re: #2 fuel oil at 1 Cushetunk Rd.
Noted.
3. **Suspected Haz. Dis. Notif.** letter dated 2/17/05 re: #2 fuel oil at 135 Pinebank Rd.
Noted.
4. **NJDEP** letter regarding Gulf Service Station, 160 Main St.
Noted.
5. **NJDEP** letter regarding well water analyses @ 160 Main Street.
5.a. **NJDEP** letter re: well water analyses including analytical results @ 160 Main St .
Noted.
6. **HCHD LINCS** – January 2005 Communicable Disease Report.
Noted.
7. **HCHD** letter dated 2/22/05 re: septic complaint @ 114 Readington Road.
Noted. Ms. Vaccarella stated the Twp. Code Enforcement is taking care of this violation. HCHD has given the residence 30 days to submit engineered septic plans.
8. **Block 12.01/Lots 14.01 & 15** - Township Engineer Report.
Noted. Chair Nugent discussed this with Twp. Engr., will continue to follow.

C. SEPTIC REPAIRS

1. Septic System Repair Approval from HCHD, B 51/L 2.14. *No work has been done.*
2. Septic System Repair Approval from HCHD, B 67.01/L 19.24. *Finalized 1/31/05.*
3. Septic System Repair Approval from HCHD, B 51.01/L 2.31. *Finalized 2/28/05.*
4. Septic System Repair Approval from HCHD, B 64/L 27.02. *No work has been done.*
5. Septic System Repair Approval from HCHD, B 15/L 21. *No work has been done.*
6. Septic System Repair Approval from HCHD, B 70/L 19.28. *Finalized 3/3/05.*
Carried from 2/16/05:
7. Septic System Repair Approval from HCHD, B 36/L 19. *No work has been done.*
8. Septic System Repair Approval from HCHD, B 47/L 7. *Pending.*
9. Septic System Repair Approval from HCHD, B 51/L 25.01. *No work has been done, inspection showed no ponding or breakout..*

D. OLD BUSINESS

- 1. BL 55/LT 7.01** – Twp.Engr. Report. 2/16/05 agenda item D.1.(2/2/05 agenda item K. 15.)

Noted. Site visit documentation will be forthcoming.

- 2. Governance Assessment for Board of Health** - 3/30/05 tentative meeting.

Tentative meeting scheduled for 3/30/05, 7 - 9 pm.

- 3. Ferriero Engr. letter dated 2/9/05** regarding topographic and as- built survey maps.

Noted.

Chair Nugent stated E. NEW BUSINESS 1. A. and B. will be moved to the end of the meeting.

E. NEW BUSINESS

- 1. Board of Health Administrative -**

- A. Application Statistics as of 3/16/05 -**

Total Open Applications = 85.

- B. Witness Schedule for 2005 –**

There are currently four soil witnesses in the field for the BOH.

Three are scheduled through 4/30/05.

One is scheduled through 4/8/05.

- C. Document to structure motions.**

Noted. Draft of form to use for consistency in motion structure.

F. APPROVALS

Category A. – Single Lots

- 1. Block 55/Lot 17 – Bayer-Risse Engineering – Scanlon, 97 Readington Rd.**

Escrow fees paid 4/12/04. Check #549. \$500.00.

Previously heard 11/17/04, 2/16/05.

Mr. Bill Jupinka appeared before the board. This application was heard last month. A well test had failed, the applicant was required to remediate. A chlorine disinfection was done, the well was retested and passed. The results were submitted to the board.

A **MOTION** was made by Mr. Facinelli to approve this application for Block 55/Lot 17, applicant Lucy Scanlon, Bayer Risse Engineering, map dated 6/15/04, revision date of 1/10/05, gravity system. For the primary area, soil log 429-7, in season ground water testing showed no ground water during the monitoring period of 4/30/04 – 5/2/04, on 429-8 ground water monitoring performed on 4/30/04 - 5/2/04 showed the highest ground water encountered at 100” from the surface. The highest ground water on 1-8 was 98”. The regional zone of saturation at 97”, soil log 429-8, regional zone of saturation at 98”. Passing basin flood test 429-2. For the reserve, soil log 429-5, no regional zone of saturation. For soil log 429-6, regional zone of saturation at 103”. Ground water monitoring was performed from 4/30/04 to 5/2/04 on soil log 429-5, the highest ground water was 96”. Passing basin flood test 429-3 at 103”.

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

Mr. Facinelli	Aye	Ms. Muir	Aye
Stephanie Moore	Aye	Chair Nugent	Aye

2. Block 66/Lot 11 – Bayer-Risse – Aulisi, 70 Pleasant Run.

Escrow fees paid 1/25/05. Check #883. \$500.00.

Previously heard 2/16/05.

Mr. Bill Jupinka appeared before the board.

Chair Nugent stated a conditional approval had been given regarding this application.

The applicant was required to return with information regarding the well and well casing. Well test results provided by Bayer Risse Engineering and a letter from BOH Chair are before the board for review. The motion at the time indicated that there be either 50' of casing or movement of the well or to provide the BOH with a filtration system that would guarantee the safety of their water for the future. Also, another current well test showing that the water is potable. This should be done as soon as possible, results to BOH secretary within 2 weeks.

Mr. Jupinka stated regarding the well results, Mr. Stothoff Co., measured the well casing depth of 48' with a 1 foot stick up totaling 49' of well casing. The well was then tested and found to be potable.

A **MOTION** was made by Mr. Facinelli to amend a prior motion regarding Block 66/Lot 11 to state that the soils testing was approved conditional upon there being a 50' casing in the well. The motion is amended to accept total depth of casing of 49', total depth to ground of 48'. This amendment is made based on testimony of the applicants engineer, the discussion of the board and the opinion of our HCHD representative, also in light of the fact that the board is in receipt of a passing water test for the well which was updated 2/25/05 for both coliform and nitrates.

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

Mr. Facinelli	Aye	Ms. Muir	Aye
Stephanie Moore	Aye	Chair Nugent	Aye

3. Block 70/Lot 38.50 John Cilo - Doyle, Pleas. Run Rd. (lot with existing house is 38.02).

Lot 38.02 John Cilo - Etere, Craig Rd./Pleasant Run Rd.

Doyle escrow fees paid 9/3/04. Check #1041. \$500.00; 11/12/04 Check #1076. \$500.00

Etere escrow fees paid 1/5/05. Check #497. \$500.00.

Data mailed with 8/18/04 approval packet.

Previously heard 9/15/04, 11/17/04, 2/2/05, 2/16/05.

Chair Nugent recapped, this property Block 70/Lot 38.02, makes up approximately 94 acres of land that is going into farmland preservation. There are two exception areas, one is a 3 acre parcel containing the existing house, and can be subdivided off of the larger piece. A second point is that within the remaining approx. 89 acres is a 2 acre exception area that has no development on it at present, however before this board is the soils testing done in that area for the eventual placement of a home. By precedent, existing septic and well must be tested.

A **MOTION** was made by Mr. Facinelli to approve the subdivision for Block 70/Lot 38.02 and 38.5 using a map dated July 20, 2004 with revisions on 10/21/04 and 12/3/04

presented to us by John Cilo Jr. and Associates Engineer, comment on the revisions of 10/21/04 was revision per comments and 12/3/04 was per lot numbers per resolution. To approve the soil testing for Lot 38.5, soil log 1, regional zone of saturation at 42", also soil log 2 for the reserve which had a regional zone of saturation at 29", passing basin flood test A. Soil log 2 had been revised from mottling at 36 to 47, the engineer identified the reason for mottling as a regional zone of saturation.

On the primary, for soil log 3, regional zone of saturation at 54", and soil log 4 with a regional zone of saturation at 59" and passing basin flood test B was recorded in soil log 4 at 85", ground water monitoring was conducted on 4/16/04 for soil logs 1, 2, 3 and 4 as well as 3/5/04 through 4/23/04. For the reserve, the highest ground water observed during the monitoring was 42" in soil log 1 and 29" in soil log 2. For the primary, the highest ground water was at 54" in soil log 3 and 60" in soil log 4. This was an eight week test. In addition, due to the unusual circumstances surrounding this application, a brief procedural history will be included within this motion.

By way of background, the Twp. of Readington, as the "applicant" appeared before the Planning Board at a public hearing on July 26, 2004.

The Planning Board found that "the applicant proposes subdivision of a 93.8 acre tract into two (2) lots, consisting of one 3 acre lot (proposed Lot 38.02) and one 89.468 acre lot (remaining lot 38.5). Lot 38.02 will contain an existing single family residence and outbuildings. Lot 38.5 will be preserved and Deed restricted for agricultural use only pursuant to the Hunterdon County Farmland Preservation Program, with the exception that a 2 acre area of Lot 38.5 will be delineated wherein a single-family residential use may be developed in the future". These factual findings were memorialized in the Planning Board's Resolution 2004-157.

On March 10, 2004 an Option Agreement was prepared and recorded.

At the March 15, 2004 Readington Twp. Committee meeting, Bond Ordinance #14-2004 was proposed for the acquisition of development rights or purchase of the property. As of this date, the subdivision has not been finalized, as Board of Health approval is required.

Currently before the Board of Health are applicants Gerald and Scarlett Doyle, who are the contract purchasers for remaining Lot 38.5.

Mr. Ettore is the prospective purchaser of proposed lot 38.02, which contains an existing dwelling, septic system and private well. It is important to note that Mr. Ettore **is not** an applicant before this Board. However, he has been extremely cooperative in assisting the Board with information concerning the septic system and well contained on the property he is seeking to purchase, which prior to subdivision approval, was part of the property to be purchased by applicant Doyle.

Based upon long standing, consistent decisions of this Board, all applicants seeking subdivision approval shall have all existing well water on the property tested for potability. This precedent remains in effect.

Although Mr. Ettore was not required by the BOARD OF HEALTH to do so, he had the well and septic system located on proposed Lot 38.02 tested. The septic system appears to be operating satisfactorily. However, the well water fails to meet the maximum contaminant levels set forth in DEP and EPA standards, even after sanitizing and retesting.

Based on the fact that Applicant Doyle has no legal rights, title and interest in the property to be acquired by Mr. Ettore (proposed Lot 38.02), this Board moves to

temporarily postpone it's requirement for potable water on proposed Lot 38.02, until 180 days following this motion.

This will permit the BOARD OF HEALTH to approve the Doyle's application without further delay, as well as the completion of the minor subdivision, and also insure potable water exists on proposed Lot 38.02.

In no way whatsoever does this decision constitute precedent for any future subdivision application that comes before this Board.

In addition, the property at issue has been referenced inconsistently within the Township Tax office and the Planning Board. Any reference herein to Lot 38.02 also includes Lot 38.2 Reference to Lot 38.5 also includes Lot 38.50.

In addition, following the 180 day timeframe should the well contamination not have been remedied, Mr. Ettere is to provide information as to why to the Hunterdon County Health Department as well as to the Readington Township Board of Health and request an extension of 180 days.

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

Mr. Facinelli	Aye	Ms. Muir	Aye
Stephanie Moore	Aye	Chair Nugent	Aye

4. Block 46/Lot 5.04– Bayer-Risse Engineering – Liwonchuk, Route 523.

Escrow fees paid 2/28/05. Check #111. \$500.00.

Mr. Bill Jupinka appeared before the board representing this application for a malfunctioning system for a 3 bedroom home. There is no expansion or change in use. The system is a pressure distribution system. Two soil logs and a pit bail test were done, with a rate of 12.2"/hour as a final rate with the pit bail. The static water level was 63" below the ground surface.

Chair Nugent stated the county letter is before the board.

Ms. Vaccarella verified that Mr. Stampoulous had reviewed the application.

A **MOTION** was made by Mr. Facinelli for approval of the application for Block 46/Lot 5.04 for Pat Liwonchuk as presented by Bayer Risse Engineering with map dated 2/28/05 entitled Septic System Design Alteration for Pat Liwonchuk. This is a pump system which will require the deed restrictionk filing, maintenance and recording. With respect to the disposal area, soil log 0210-1 with a regional zone of saturation at 63" and soil log 0210-2 with a regional zone of saturation at 74". Passing pit bail test 0210-1.

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

Mr. Facinelli	Aye	Ms. Muir	Aye
Stephanie Moore	Aye	Chair Nugent	Aye

The following applicant adjourned to the April 20, 2005 meeting:

5. Block 95/Lot 15 – Van Cleef Engr. – St. Eliz. Ann Seton Parish, Summer Rd.

Escrow fees paid 2/16/05. Check #5738. \$500.00.

Chair Nugent noted that Ferriero Engr. had provided a guidance document from the state.

Mr. Hansen stated this is basically a guide to ensure that the complete details are included in the testimony of the church with regard to the design and uses to obtain a reasonable design flow for the use of the septic system.

Ms. Vaccarella confirmed that the state is available to review the flow if there is a question.

Mr. Hansen stated the engineer is planning on appearing at the next meeting, with at least one member of the church to present water data (since it is on public water) to help guide the board in their decision.

Chair Nugent stated there was some question as to whether this was truly an alteration expansion or alteration repair which determines who should review it, the county or the board engineer.

Mr. Hansen stated the applicants' testimony should be heard, and then it can be determined. Chair Nugent stated it may be a good idea for both the county and engineer to review it, and provide their data for the next meeting.

Category B. – Subdivisions

1. Block 4/Lot 57 – Beardslee Engr. Assoc. – Scott Carbone, Far Knoll Lane

Escrow fees paid 9/5/03 Check #12741 \$500.00

Escrow fees paid 10/15/04 Check #2076 \$500.00

Data sent with 12/17/03 approval packet.

Previously heard 1/21/04.

Mr. Beardslee and applicant Mr. Carbone appeared before the board.

Chair Nugent stated material before the board included the data for the 1/21/04 meeting, a packet dated 2/1/05 from Beardslee Assoc., in addition to a review letter dated 3/8/05 from Ferriero Engineering.

Mr. Beardslee stated this is a 4 lot subdivision on the end of Far Knoll Lane on approximately 15 acres. One of the lots will be served by public sewer. Tests have been performed over the past three years. This is in an area of severe soils, 8 weeks of monitoring was performed during the winter of 2004. There are some wetlands on the site, the LOI has been provided to the board. The three lots seeking approval are over 3 acres each. There was some question in Ferriero's letter of an artesian condition. Mr. Beardslee had the soils data reviewed by Dr. Richard Cronce. A report and credentials dated 2/1/05 from Dr. Cronce indicate that there is not an artesian condition, the readings for the test holes in question reflect temporary surface water.

Chair Nugent asked if the topography of lots 2 and 4 had anything to do with the possible artesian condition.

Mr. Beardslee stated the elevation of the test holes on lot 3 are substantially higher than the other two. The elevation of the test holes on lot 4 are some 8 -10 feet below those on lot 2.

Chair Nugent stated the possible artesian conditions on lot 2 were in soil logs 1 and 3, primary and reserve. On lot 4, soil log 11 is possibly artesian.

Mr. Hansen stated the hydraulically restrictive horizons that have been identified have not been tested. A combination of texture and consistency requires it to be hydraulically restrictive according to code. Because of the types of soils on site, ground water monitoring which establishes the highest regional water table during the wet season was required. If all those are put together, in those instances on lots 2 and 4 by definition of the code, there is a potential artesian condition. Further, if that condition is met the

hydraulic head test is necessary. The applicant could do two things, test the hydraulically restrictive horizon, or do a hydraulic head test.

There was some discussion of the hydraulic head test and the piezometers and how they differ from the in season ground water monitoring pipes.

The board determined that the information and the data suggests the necessity for more testing and it is up to the applicant to decide what testing is appropriate to disprove the concerns of this board.

Chair Nugent stated if the applicant can submit data by April 6, 2005, it would be in time for the April 20, 2005 agenda.

The following was moved from the beginning of the meeting:

E. NEW BUSINESS

1. Board of Health Administrative -

A. Application Statistics as of 3/16/05 -

Total Open Applications = 85.

Chair Nugent stated this is information that has been set up and is maintained by Lorraine to determine application status. In addition to general applicant data, this information includes witness fees, application submission date, escrow fees, and application approval dates.

Chair Nugent reviewed the number of pending applicants, emphasizing to the board members the number of open applications, and optimizing the board's time.

Ms. Vaccarella asked in the interest of time management, is it possible that the correspondence section and also the septic repair section be addressed as a whole, and only discussed if there is a particular concern.

Ms. Muir noted that the Township Committee addresses their correspondence in that way.

Mr. Hansen suggested to the board that in the case where administrative details, forms, data, or an LOI need to be provided to the board, instead of coming back before the board, perhaps the applicant could provide the information to their office, or Deb at the county, or Lorraine so that they did not have to come back before the board.

B. Witness Schedule for 2005 –

Chair Nugent noted that there is a heavy load on the witnesses for this season.

There are currently four soil witnesses in the field for the BOH.

Three are scheduled through 4/30/05, one is scheduled through 4/8/05.

Continuing education for board members.

Chair Nugent informed the board that Mr. Chalupa has made himself available if the board members wish to accompany him to observe the actual witnessing process. The next few Saturdays are available, the board members may want to consider participating.

G. ADJOURNMENT

A *MOTION* was made by Mr. Facinelli 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