

READINGTON TOWNSHIP BOARD OF HEALTH MEETING

May 18, 2005

Chair William C. Nugent called the meeting to order at 7:00 pm 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 present Beatrice Muir present Wendy Sheay present
Raymond Facinelli present

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

A. APPROVAL OF THE MINUTES

- 1. Minutes** of March 16, 2005. (*Facinelli, Moore, Muir, Nugent vote*).
A **MOTION** was made by Ms. Muir to **approve** the minutes of March 16, 2005.
This motion was seconded by Ms. Moore and passed with a vote of ayes all;
nays, none recorded.
- 2. Minutes** of April 20, 2005. (*Butula, Moore, Muir, Nugent vote*).
A **MOTION** was made by Ms. Muir to **approve** the minutes of April 20, 2005.
Chair Nugent stated on pg. 7 of 7 the tape should be checked and testimony
specifying the 3F pit bail test should be included.
This motion was seconded by Ms. Butula and passed with a vote of ayes all;
nays, none recorded.

B. CORRESPONDENCE

- 1. Suspected Hazardous Discharge Notification** letter dated April 12, 2005.
regarding #2 fuel oil at 1 Mill End Lane.
Noted.
- 2. Suspected Hazardous Discharge Notification** letter dated April 21, 2005.
regarding natural gas at 16 School Rd.
Noted.
- 3. Suspected Hazardous Discharge Notification** letter dated April 22 2005.
regarding #2 fuel oil at 2 Blackberry Lane.
Noted.
- 4. Block 64/Lot 51- Letter from NJDEP dated 4/12/05.**
Noted.
- 5. Block 4/Lot 51- Letter from NJDEP.**
Noted.
- 6. Block 30/Lot 1- Letter from NJDEP.**
Ms. Butula confirmed with Ms. Vaccarella that this did not change anything for the BOH.
- 7. Letter dated 4/29/05 from NJLM regarding S-2118.**
Noted.
- 8. Block 64/Lot 51 Letter dated 4/26/05 from Cherry, Weber & Assoc.**
Noted.

9. **Block 55/Lot 7.01 Letter dated 5/2/05 from Studer/McEldowney – 3rd review.**
Chair Nugent confirmed that approval was given per court order.

C. SEPTIC REPAIRS

1. Septic System Repair Approval from HCHD, B 63/L 30. *Final 4/14/05.*
2. Septic System Repair Approval from HCHD, B 98/L 2.34. *Final 4/11/05.*
3. Septic System Repair Approval from HCHD, B 97/L 5. *No work done as of 5/6/05.*
4. Septic System Repair Approval from HCHD, B 38/L 50.03. *Final 4/27/05.*
5. Septic System Repair Approval from HCHD, B 1.01/L 2.10. *Final 4/22/05.*
6. Septic System Repair Approval from HCHD, B 42.01/L 36. *Final 4/22/05.*
7. Septic System Repair Approval from HCHD, B 64/L 17. *Final 4/27/05.*
8. Septic System Repair Approval from HCHD, B 70.01/L 11. *No work done as of 5/6/05.*
9. Septic System Repair Approval from HCHD, B 54/L 2.10. *No work done as of 5/6/05.*
10. Septic System Repair Approval from HCHD, B 45.02/L 85. *Final 5/3/05.*

Carried from 4/20/05:

11. Septic System Repair Approval from HCHD, B 73/L 37. *Inspection on 3/23/05 yielded ground water. Job shut down will need to proceed to alteration with a Professional Engr.*
12. Septic System Repair Approval from HCHD, B 94/L 4.01. *No work has been done.*
13. Septic System Repair Approval from HCHD, B 77/L 4. *Final 4/18/05.*

Carried from 3/16/05:

14. Septic System Repair Approval from HCHD, B 51/L 2.14. *Final 4/27/05.*
15. Septic System Repair Approval from HCHD, B 15/L 21. *Final 4/8/05.*

Carried from 2/16/05:

16. Septic System Repair Approval from HCHD, B 36/L 19. *Pending, the clog was inside sewer line not septic. Will look for another contractor but recently had death in the family.*
17. Septic System Repair Approval from HCHD, B 47/L 7. *Pending, addition to home.*
18. Septic System Repair Approval from HCHD, B 51/L 25.01. *No work has been done, inspection on 2/16/05 showed no ponding or breakout.*

D. OLD BUSINESS

1. **HCHD Notice of Violation** dated 4/6/05 – B 94/L 3, 60 Lazy Brook Rd.
Follow up on 4/20/05 agenda item B.10.
An update from HCHD will be emailed. Carry to next meeting.
2. **HCHD Notice of Violation** dated 3/23/05 – Block 67 Lot 8 114 Readington Rd.
Follow up on 4/20/05 agenda item B.12.
HCHD was meeting with the building inspectors, an update will be forthcoming. Carry to next meeting.
3. **Partnership for Health** – Community Health Advisory Committee Mtg. 5/26/05.
Chair Nugent will be attending the meeting on 5/26/05. Ms. Butula stated this will be an organizational meeting for developing health guidelines.
4. **Board member site visit** with witness Jim Chalupa on 5/11/05.
Board members met to witness basin flood and soil logs. Thanks to Jim and Lorraine for scheduling this site visit. Ms. Butula requested a visit to witness a pit bail test.
5. **Governance Document** – status.
Chair Butula has been in contact with the HCHD. There is some flexibility regarding the deadline.

6. Senate Bill 1926.

Ms. Butula contacted Senator Lance's office. He will support this bill as originally formulated.

E. NEW BUSINESS

1. Animal Bite Reports 12/1/04 – 5/1/05, Eight bites total, 5 dog, 3 cat.

Noted.

2. St. Hubert's Animal Control Services Reports – 10/2004 – 4/2005.

Noted.

3. West Nile Virus – HCHD reported that a dead crow found in Readington Twp. tested positive.

Noted.

F. APPROVALS

Category A. – Single Lots

1. Block 46.01/Lot 11.20 – Bayer-Risse Engr., Hopper, 6 Blacksmith Rd.

Escrow fees paid 4/2/05. Check #603. \$500.00.

Mr. Bill Jupinka appeared before the board.

Ms. Taormina confirmed with Mr. Jupinka that Mr. Jupinka is a licensed P.E. in the State of New Jersey, he prepared the plans, this is an alteration necessary to correct a malfunctioning system, this new proposed system is more in conformity with the state code than the prior system, the proposed system will provide long term satisfactory use.

Mr. Jupinka answered yes to all of the above.

A **MOTION** was made by Ms. Butula to *accept for approval* the data before us for the repair of a malfunctioning system at a single family house with 5 bedrooms, Block 46.01/Lot 11.20, 6 Blacksmith Road. The engineer is Bill Jupinka for Bayer-Risse. The map is dated 3/31/05, with the same title, with no revisions. For the primary only because it is a repair, soil log 310-2 with a regional zone of 24". Soil log 2 310-5 with a regional zone of 28". Pit bail 310-1 with a K3 and 24 hour ground water monitoring at 62½". There is also a pump system involved. The homeowners have to file a deed restriction with the County Clerk and return proof to the Board of Health office.

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

Ms. Butula	Aye	Ms. Muir	Aye
Mr. Facinelli	Aye	Ms. Sheay	Abstain
Stephanie Moore	Aye	Chair Nugent	Aye

Chair Nugent noted that Lorraine has compiled a new cover letter outlining the filing instructions to accompany the deed restriction ordinance.

The following applicant has been withdrawn from the agenda:

2. Block 14/Lot 13.06 – C.F.Tiedeman Engr., Davis, 11 S. Ryland Road.

Escrow fees paid 4/19/05. Check #3759. \$500.00.

The following applicant has been withdrawn from the agenda:

3. Block 70/Lot 31.37 – Biggs Engr., Larkin, 7 Hoagland Rd.

Escrow fees paid 00/00/00. Check #0000. \$500.00.

4. Block 96/Lot 24 – Mantz, LFP Holdings, Route 202.

Escrow fees paid 2/28/03. Check #2319. \$500.00
Escrow fees paid 5/17/05. Check #3963. \$500.00
Previously heard 5/19/04.

Mr. Ernest Renda and Mr. David Fantina represented this applicant before the board. This is a single lot located at Block 96/Lot 24 on Route 202. When previously heard the board was in the process of making a motion at which time an LOI from the DEP was requested. Mr. Fantina has conferred with Mr. Mantz and will be able to answer any technical questions.

Chair Nugent confirmed that Mr. Fantina is a licensed P.E. At the 5/19/04 meeting, a motion was made to approve this application, however after discussion the motion was withdrawn. On 6/16/04, the board reviewed a report from Eastern States Assoc. stating the approximate wetland locations, and the fact that the applicant had applied for an LOI.

The LOI information is before the board, has been depicted on the map, and a 5/10/05 revision to the map including the LOI information was mailed to the board members.

A **MOTION** was made by Ms. Butula to **approve** the application of Block 96/Lot 24 as depicted on map dated 1/17/03, revisions 4/14/03, 6/10/04, 3/30/05 and 5/10/05. For the primary area, soil log 2, soil log 3 and passing pit bail 1, highest ground water readings of 25” in soil log 2. 8 weeks of ground water monitoring was submitted none of which showed a ground water reading less than 25” which was based on the mottling observed in soil log 2. For the reserve, soil log 5, soil log 6, passing pit bail 2, highest ground water readings in soil log 5 at 48”. 8 weeks of ground water monitoring submitted none of which showed anything less than the regional ground water that was demonstrated in soil log 5. This was based on an LOI from the NJDEP 1022-04-0016.1 (FWW 040001).

This motion was seconded by Ms. Muir.

Ms. Butula amended the motion to include the ground water level for the reserve soil log 5, soil log 6 with passing pit bail 2 the highest ground water reading in soil log 5 at 48” is from testing that was done in 2003, this is proposed as the data for the design.

The amendment to this motion was seconded by Mr. Facinelli.

Ms. Butula	Aye	Ms. Muir	Aye
Mr. Facinelli	Aye	Ms. Sheay	Abstain
Stephanie Moore	Aye	Chair Nugent	Aye

The following applicant has withdrawn from the agenda:

5. Block 47/Lot 14 – Biggs - Podpora, 42nd St.

Escrow fees paid 2/18/05. Check #1563. \$500.00.
Previously heard 4/20/05.

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

Escrow fees paid 2/16/05. Check #5738. \$500.00.
Previously heard 4/20/05.

Mr. John Marmora represented the applicant before the board, and introduced Father Serafin, P.E. Bob Clerico, who is qualified as an expert and was sworn at the previous meeting, P.A. Martin DeSapio, Chair of Parish Bldg. Committee Joe Malandro, and Deacon Paul Santella.

Chair Nugent noted that new data for the boards review included a letter from Ferriero Engr. dated 5/12/05 and a Hunterdon County review letter dated 5/18/05.

Mr. Clerico addressed the board referencing Ferriero’s letter with regard to some mottling conditions in soil log 4 that were not classified as part of the soil log. It was classified as part of

the data submitted on the septic plan as a regional zone of saturation at 30", on Form 2b is a recognition of the mottling condition.

Mr. Clerico presented a corrected Page 10 of 20.

Chair Nugent confirmed with Mr. Hansen that item #4. was clarified and resolved.

Mr. Hansen agreed.

Mr. Marmora stated the next item to be addressed is on Page 3, in soil log 4, comment 6, the ground water elevation.

Mr. Clerico stated as pointed out in Ferriero's report the soil classifications on this property under the BOH ordinance would only really warrant a 3 day monitoring, which was undertaken. This testing was done late in the wet season, and there were only 8 weeks left in the season. As a proactive approach, a well driller was retained to install monitoring wells as soon as the testing was done, in the event it was needed. The monitoring on 4 different soil logs was done, some for storm water purposes. That data indicated a descending rate on all 4 soil logs during the 3 day monitoring. On conclusion of testing, they decided to go ahead with 8 weeks of monitoring. A witness was not available to observe the installation, so the test holes were left open for a week, it was decided to install standpipes. Some of the data over the next weeks was standpipe readings, which is not ideal. The monitoring wells were installed for the last 5 weeks of the 8 week period. The standpipes were left in, which is presented on sheet 2 with all the ground water data.

Mr. Clerico reviewed the data. The design of the system is based on the high reading although the readings over the 8 week period are significantly lower.

There was some discussion as to the accuracy of the standpipes.

Chair Nugent asked if there was any additional data to present regarding the actual amounts of rainfall that occurred in that timeframe.

Mr. Clerico stated that information can be ascertained, Mr. Chalupa had indicated that there were heavy rains when the wells were being installed. They looked at this as conservatively as possible, and the reliability of the different data should be considered. The piezometer is hands down the best data you can get, because of the nature under which its put in. The worst case scenario based on the best available data tells you that at that location the ground water is at 54".

Chair Nugent stated having the rainfall data to support the statement that the poor backfilling of the standpipe is what contributed to the 12" reading, without that the subjective terms, rain, lots of rain to go on is not empirical.

Mr. Clerico reviewed the witness' readings.

There was some discussion of the basin flood, standpipes and monitoring wells.

The board requested more rainfall data.

Mr. John Marmora and Mr. Clerico will return with the rainfall data.

Chair Nugent summarized, the HCHD recommendations on the grease trap will be followed, Mr. Clerico and Mr. Marmora will return, unless the board has other concerns.

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, 4/20/05.

Mr. Bill Beardslee and Mr. Scott Carbone appeared before the board.

Mr. Beardslee reviewed this application is for 4 lots at the end of Far Knoll Lane which will require a short new roadway to provide frontage for lots 2, 3, 4. Lot 1 has a sewer connection allotted to it, a letter confirming that connection is in the packet. The other 3 lots will require on site subsurface disposal. Tests were done over a couple of years including basin flood, pit bail, 8

weeks of monitoring for severe soils. There was a question as to whether two of the test holes had an artesian condition. A report was supplied to the board from Dr. Richard Cronic which stated he did not feel it was an artesian condition, subsequently tests were run in the field, witnessed by Mr. Chalupa indicating that there was not an artesian condition. Mr. Beardslee stated that they believed they had met all the testing criteria, and all the issues of concern in the Ferriero Engineering letters, and were presenting to the board for approval.

Items of concern that should be addressed for the board are the soil log #'s, basin floods and pit bails to be annotated on the map.

There was some discussion of the soils testing expiration date.

Ms. Vaccarella confirmed that the two year expiration date stops when the board makes a motion to approve the soils testing.

Chair Nugent stated right, regarding any expirations that occur, once we approve it that closes the book on expiration.

Chair Nugent stated Form 2b's should be revised to reflect the ground water monitoring, so additional Form 2b's should be submitted to the board. In Ferriero report dated 3/8/05, there were notes regarding soil log 13; this should be checked off on the soil log.

Chair Nugent asked if there were any further concerns.

As there were none, Mr. Beardslee stated he would submit the revised data by June 1, 2005.

2. Block 12.01/Lots 14.01 & 15 – Apgar Assoc., Emmet, Shagbark Ln.

Escrow fees paid 3/2/04. Checks #3437 \$500.00; #3438 \$500.00.

Previously heard 8/18/04.

Mr. Vincent Ruggiero, P.E. appeared before the board with owner/applicant Mr. Emmet and Mr. Wayne Holman, Apgar Assoc.

Ms. Muir asked what was the date of the map they would be using.

Mr. Ruggiero stated there are two maps.

Mr. Hansen stated they changed the scope of the application, the soil logs haven't changed, they just added a line to the map. For clarification, this started off as a lot line adjustment between 14.01 or 14 and 15, the subdivision may not have been perfected because any approval for the Planning Board may have been conditional upon this board, if he didn't get approval then the application is still between 14 and 15, 15 should still be part of the application, maybe the applicant can clarify that.

Ms. Muir stated anything the Planning Board does is on its own, it is not conditioned upon the Board of Health.

Mr. Hansen stated if the Planning Board is going to give approval for a subdivision that involves septic systems, the subdivision approval is conditioned upon Board of Health approval.

There was some further discussion of Planning Board approval.

Mr. Emmet stated that they wanted to bring a piece of property into the farmland preservation, which would be Lot 15. The lot line was readjusted to do that. There was a perc on each lot in the event that the farmland preservation did not work out.

Mr. Holman stated the applicant was waiting for an LOI, which has been submitted to the BOH.

Chair Nugent confirmed that on the map dated 4/6/05, on the page entitled Minor Subdivision Block 12.01/Lot 14.01, the lot line that separates proposed Lot 14.01 and Lot 15 is representative of what has been filed. By contrast the lot line that separates proposed Lot 14.02 and proposed Lot 14.01 has not been filed and is the subdivision that you are pursuing. Regarding proposed Lot 14.01, there is a cabin on the property, with septic system and well. Data from 3/2004 confirms that the well is potable.

Ferriero Engineering letter dated 5/8/05 was discussed.

Mr. Emmet stated Lot 15 is a farm assessed lot, Lot 14.01 consists of 12.79; Lot 14.02 consists of 14.43 acres; totaling 27. acres as it exists right now.

Ms. Muir confirmed that there will be no expansion at the cabin.

Mr. Hansen stated according to BOH ordinance, if the septic system is certified to work there is no reserve area required.

Mr. Holman stated the applicant was here last year for the perc tests on both lots because of the purchase price the owner wanted to make sure if the farmland preservation didn't work out, Lots 14.01 and 15 were approved lots. However, approval couldn't be given until the LOI was submitted.

Mr. Hansen confirmed this was a voluntary application on the owner's part.

Chair Nugent recapped, at this point, Lot 15 is not to be considered by this board. The applicant has stated Lot 15 is going into farmland preservation, there is not an exception area, so the fact that there was testing performed there is moot. We are only interested in proposed Lot 14.02. This board as a standard operating procedure always requires that as a subdivision is occurring that the existing septic system and well be conforming. Information before the board confirms that it is. The board will only consider proposed Lot 14.02 and the soils testing that has been presented.

Ms. Butula stated in the motion for 14.02, it can be included that the existing well is potable, and the septic is functioning.

Mr. Ruggiero stated for the primary area soil log 10, basin flood 4; reserve is soil log 8, 9 and basin flood 5.

Chair Nugent asked what was meant by contiguous usable land 65,000' on proposed 14.02.

Mr. Holman stated that is a Zoning requirement, it has to be an area outside of steep slopes, outside any wetland buffer or conservation easements.

Ms. Muir stated it is a Planning tool for Planning Board, it doesn't concern the BOH.

Chair Nugent stated it constitutes the proper size of the lot.

Mr. Holman agreed.

Chair Nugent stated that is why the reserve area is proposed to be outside of that contiguous usable land, but the primary is inside of it. Where on the property is the house and well being proposed?

Mr. Ruggiero stated the house is being proposed adjacent to the word contiguous.

Chair Nugent stated it is encompassing the 170 contour line to the right covering part of the word contiguous.

Mr. Emmet stated this is for a 6 bedroom home.

Chair Nugent stated the required setbacks have to be before the board.

There was some discussion of moving forward with the renovation of the cabin.

Ms. Vaccarella stated that has no bearing on this application, that can be started tomorrow.

Ms. Butula asked Mr. Hansen to make a change to the item brought up on groundwater, and also the LOI is very detailed, if he would confirm that all the setbacks are correct.

Mr. Hansen stated he would review the material again.

Chair Nugent asked if there were any other questions to the applicant; as there were not, Chair asked Mr. Ruggiero to make the changes to the map and get the revised material in by June 1, 2005 to be placed on the June 15, 2005 agenda.

Chair Nugent stated there is one additional item on the agenda, someone in the audience wishing to address the board.

Ms. Ingelore M. Krug addressed the board with the following concerns, if a neighbor has their septic system improved, can they grade the property the way it was? When her neighbors system was regraded, they changed the pitch and all the runoff goes into Ms. Krugs' field. All the nut trees have died. A small incline to prevent the runoff was destroyed.

Ms. Vaccarella stated so there was a berm there before, the County is involved in the review of the system itself, but not the landscaping portion of it, that would be a private matter.

Chair Nugent suggested discussing the situation with the neighbor first.

Ms. Krug stated she read on the agenda that a crow was found dead in Readington Township that tested positive for West Nile virus.

Ms. Vaccarella stated if you think you have on your site an area where mosquitoes may be harbored, the County vector control people will come out and assess your property, and if necessary, apply the preventive measures for that situation.

Ms. Krug stated that raises another issue, the township refuses to come out and dig out a ditch that runs along the front of the property. Water runs from Kosciusko Road onto my property, backs up there and causes mosquito breeding.

Ms. Vaccarella stated she should call the vector control at the HCHD.

There was some discussion of the ditch in front of her property, and of the new homes to be built on Koscuisko Road.

The board provided direction to Ms. Krug's issues, and suggested that she write to the proper board/committee with her concerns.

Mr. Hansen stated if this development is currently before the Planning Board, they do provide a time for residents/citizens to voice their concerns.

G. ADJOURNMENT

A *MOTION* was made by Ms. Moore to adjourn at 10:40 pm, seconded by Ms. Muir with a vote of Ayes all, Nays, none recorded.

Respectfully submitted:

Lorraine Petzinger
Board of Health Secretary