

READINGTON TOWNSHIP BOARD OF HEALTH MEETING

April 25, 2007 7:00 pm

Chair William C. Nugent called the meeting to order at 7:20pm 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	Raymond Facinelli	absent	William C. Nugent	present
Daniel Allen	present	Beatrice Muir	absent	Wendy Sheay	present
Jane Butula	present				

Also Present: Board of Health Engr: Ferriero Engr., representative Mr. John Hansen @ 8:00pm
Board of Health Attorney: Marisa A. Taormina, Esq.
Hunterdon County Health Department: Ms. Deb Vaccarella

A. APPROVAL OF THE MINUTES

1. Minutes of March 21, 2007. *Deferred to May 16, 2007.*

B. CORRESPONDENCE

1. NALBOH NewsBrief.

*Chair Nugent noted on pg. 6. article regarding water testing;
pg. 7, dealing with the after effects of a disaster;
pg. 8, utilizing theaters to get the flu message out, Ms. Butula mentioned the HC Partnership assessment tools used in Hunterdon County;
pg. 9, NYC labeling fat/calories in restaurants;
pg. 10, benefits of accreditation for Boards of Health, Ms. Butula stated the partnership is discussing this.*

pg. 11, BOH inspections of schools;

pg. 12, Education Conference in AC – Ms. Vaccarella will be attending.

Ms. Sheay noted the governance article on pg. 5;

2. **Email from Peena Vora, HCHD** regarding 5/11/07 Satellite broadcast.

Ms. Vaccarella stated this will be broadcast at the hospital and also HCHD.

3. **Suspected Hazardous Discharge Notification** letter dated 3/17/07
regarding heating oil at 623 Old York Road.

4. **Suspected Hazardous Discharge Notification** letter dated 3/21/07
regarding hydrocarbons at 423 Main Street.

Chair Nugent noted this was for hydrocarbons, lead and groundwater contamination.

Ms. Vaccarella stated this is a vacant property that was used commercially.

5. **Suspected Hazardous Discharge Notification** letter dated 3/23/07
regarding diesel fuel at 3576 Route 22 West.

Ms. Vaccarella stated this leak was outside the building, some of the spill leaked into the well pit, which was automatically pumped out by a sump pump. The licensed operator posted the area.

6. **Suspected Hazardous Discharge Notification** letter dated 3/22/07
regarding heating oil at 24 Weavers Lane.

7. **Memo dated 3/22/07 from EC** regarding contaminated site in the township.

Chair Nugent noted this is related to the 2nd well at RMS.

8. **Letter dated 3/22/07 from NJDEP** regarding well water sampling in Readington Twp.
Chair Nugent stated the regular testing at RMS of the 2nd well installed in 2005/2006 tested positive for VOC's in excess of the mcl similar to the primary well in which a POET system was installed. Bottled water has been provided, and notices sent home. The state is planning on testing 11 additional locations in this area.

9. **Letter dated 3/28/07 from HCHD** regarding the mosquito control program.

Chair Nugent complimented Mr. Rainey on this correspondence.

10. **Block 4/Lot 57** – memo from H. Clay McEldowney regarding LOI/Line Verification Ext.
Chair Nugent noted that this may fall under the new land use ordinances.
11. **Block 4/Lot 57** – letter from NJDEP re: freshwater wetland letter of interpretation-extension
12. **Block 22/Lot 4** – Freshwater wetlands application checklist.
Chair Nugent stated this is a general permit 16.
13. **Block 22/Lot 4** – NJDEP Land Use Reg. Program.
14. **Block 73/Lots 38 & 40** – LOI application.
15. **Nat'l. Environmental Health Assoc. Conference & Exhibition 6/18-21/07** – invitation.
Ms. Vaccarella stated she would be attending this conference.
16. **Hunterdon County Municipal Officers' Assoc.** – Invitation to Officers Meeting 5/9/07.

C. SEPTIC REPAIRS (*HCHD status in italics*).

1. Septic System Repair Approval from HCHD, B 51/L 55. *Final field 3/14/07*
 2. Septic System Repair Approval from HCHD, B 51/L 30. *No work done as of 4/12/07*
 3. Septic System Repair Approval from HCHD, B 67/L 25.02. *Final field 3/29/07*
 4. Septic System Repair Approval from HCHD, B 68.01/L 10.23. *Final field 3/22/07*
 5. Septic System Repair Approval from HCHD, B 70/L 19.25. *Final field 3/21/07*
 6. Septic System Repair Approval from HCHD, B 52.01/L 20. *No work done as of 4/12/07*
 7. Septic System Repair Approval from HCHD, B 71/L 10. *Final field 3/30/07*
 8. Septic System Repair Approval from HCHD, B 4/L 79.03. *Final field 4/03/07*
 9. Septic System Repair Approval from HCHD, B 54/L 1.03. *No work done as of 4/12/07*
 10. Septic System Repair Approval from HCHD, B 46.03/L 5.06. *Final field 4/03/07*
 11. Septic System Repair Approval from HCHD, B 55/L 13.18. *Final field 4/10/07*
- Carried from 3/21/07:*
12. Septic System Repair Approval from HCHD, B 68/L10.20. *Final field 3/27/07*

D. OLD BUSINESS

1. **Financial Disclosure Statement** – distributed week of 3/26/07.
Chair Nugent noted that these are due.
2. **Pandemic Flu Subcommittee. “Emergency Health Powers Act”.** NJSA26:13-1 Section 222
Ms. Taormina summarized that this has been signed into law, the areas that the board members should focus on are page 2 ‘the definition of a public health emergency’; page 14, ‘a public entity’ pertains to this board; this board and its members would fall under the liability provisions set forth in 26:13-19 on pg. 14; the definition of local health agency would include our health department. This act addresses notification procedures, planning and execution of a response plan, quarantine issues, court orders. Also numerous provisions that the commissioner of a department of health is responsible for. Regarding liability issues, the board members should be certain they are acting within the scope of the authority. Conduct involving gross negligence deals with intent, an action where the end result is negligent, but if it was not intended, it is not gross negligence. Be sure your actions do not constitute willful misconduct, which is one step below gross negligence. Any actions that constitute crime, actual fraud, or malice. Ms. Taormina stated it is important to keep in mind that this liability encompasses the preparation exercises.
Ms. Butula stated that the board needs to be assured that they have official direction to participate in this.
3. **HCHD application form.**
Chair Nugent stated this is in regard to the applicants’ signature on the application form. There was some discussion of the BOH and County requirements.

E. NEW BUSINESS

1. Readington Township Schools – Well water reports.

- A. Readington Middle School.**
- B. Holland Brook School.**
- C. Three Bridges School.**

F. APPROVALS

Category A. – Single Lots

1. Block 64/Lot 24.01 – Hoffman, Bryers, Barley Sheaf Rd.

Escrow fees paid 3/19/07. Check #3766 \$500.00.

Mr. Kurt Hoffman, NJ licensed engineer appeared before the board. Mr. Hoffman represented Mrs. Bryers requesting a waiver for a pump tank and approval for the soil testing on Block 64/Lot 24.01. This is an existing 3 bedroom dwelling on Barley Sheaf Rd. with a malfunctioning system. The design is for a mounded system, pump tank. Mrs. Bryers is aware of the deed restriction process, and is prepared to follow up with the county clerk's office.

Ms. Butula confirmed that the well on the western side of the property had been located.

Mr. Hoffman stated the 150' around the septic system did not even come close to the neighboring well. Chair Nugent asked Mr. Hoffman to clarify on form 2b, soil log 6, the correction on the page that was not initialed.

Chair Nugent asked that Ms. Petzinger's copy be initialed and a corrected copy be submitted to the Board of Health office within 2 days.

Mr. Hoffman stated excessively coarse horizon for soil log 6, is 28 to 121, the horizon stated above the horizon 28 to 121.

Chair Nugent asked if the regional zone of saturation, depth to top, correct at 30".

Mr. Hoffman stated, yes it is correct at 30", based on the mottling in the soil log above.

A **MOTION** was made by Ms. Butula to approve Block 64/Lot 24.01 from a map named Septic Design for Peggy Bryer dated 2/13/07, 2 revisions, 2/26/07 per HCHD review request, prepared by Kurt Hoffman, NJ licensed engineer. The surveyor was Nicholas Lebo, licensed land surveyor. HCHD reports on 2/27/07 and 3/9/07. This is an alteration with no expansion for a gravity dose mounded soil replacement system. Primary is soil log 6 and 7 done 1/29/07, soil log 6, depth 121", mottling at 30" to 121", soil log 7, depth 127" mottling 30" to 127".

Permeability was basin flood 1 done 1/31/07, results passing. Soil permeability class ratings done 1/31/07 with A and B replicates, designated as class K1 in soil log 7, depth 58". The regional water for the primary determined by soil log 6 and 7 at 30".

A letter from wetland ecologist Jeff Tariela, Environmental Consulting, dated 3/2/07 stated there were no freshwater wetlands, no freshwater transition areas, no open water within 150' of the replacement system. This is a deed restricted pump system, which the client is aware of, to be recorded with the county clerk, a copy returned to the Board office within 90 days.

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

Dr. Allen	Aye	Ms. Sheay	Aye
Ms. Butula	Aye	Chair Nugent	Aye

Category B. – Subdivisions

1. Block 97/Lot 2 – Applied Water Mgmt., Eng, Robin Way

Escrow fees paid 10/2/06 Check #1433, \$500.00; 11/3/06 # 1442 \$500.00.

Data mailed with 11/15/06 packet.

Mr. Jens Riedel, NJ licensed engineer, and his client Mr. Michael Eng appeared before the board. Chair Nugent reviewed that this application was on the November 2006 agenda, but was not heard, however, he and Ms. Butula had discussed some outstanding issues with the applicant in order to expedite the application in the future.

Mr. Riedel recapped from the November discussion, the application is for a 9 acre lot, Block 97/Lot 2 at 112 Robin Way. The applicant wishes to subdivide into a 3 acre property, and 6 acre property, approximately. There is a barn and some outbuildings on the site, there used to be a dwelling which burned down several years ago. The client wishes to build a new house in place of the one that burned down, and in the future add another house on the other parcel. The existing septic was tested by NJ Septic Mgmt., and deemed to be in good shape, but after guidance from the HCHD, that system cannot be used. A new system has been designed for the proposed building. Soil testing for primary and reserve beds has been done for both lots.

The latest map revision date is 3/29/07 on sheets 1 and 2.

Mr. Riedel stated originally the application was submitted as being a perched condition, based on the mottling found in some logs, subsequent to the November discussion that was revised to be a regional condition. It was determined that an artesian condition would have to be disproved because of the presence of some hydraulically restrictive horizons in some logs. As a result the bed was raised to the level of mottling, after which the client decided he did not want a pump system, and it was decided to raise the elevation of the proposed building to establish gravity flow to the system. To address the artesian condition, piezometers were installed and 8 weeks of testing was performed. The system which will be in the new lot, according to preliminary calculations will not need a pump tank, there is enough of an elevation for gravity flow.

Chair Nugent stated there was a reference to the installation discrepancy of the piezometers referred to in Ferriero Engr. latest letter.

Mr. Riedel stated the difference was with the height of the casing above the grade. When the form was filled out, the well drillers log was used for reference, also the witness had reversed the permit numbers. The data which was submitted on 4/10/07 is correct. For proposed lot 2 for the primary, the piezometers were 5 and 6, permit numbers for P52500068084 and P6 is 086. For the reserve, P7, 086 and P8, 087 were both dry for the entire 8 weeks. For the soil logs, the depth of mottling for the primary SL0427-1, mottling was at 31- 35", total depth 108"; for soil log 0427-4 there was no mottling, total depth was also 108". Basin flood test 0427-2, conducted at 88" was passing. The reserve, soil log 0427-2, mottling from 26 – 28", total depth 96"; soil log 0427-3, mottling from 29 – 31", total depth of 90". Basin flood BF0427-1, at 84" was also passing. Chair Nugent confirmed that the standard hydraulic head tests were performed for both the primary and reserve and the results were dry in both cases.

Ms. Butula asked Mr. Hansen if this application complies with the new stream corridor ordinances.

Mr. Hansen stated that is really a land development issue, not a Board of Health issue. This is something that will be reviewed by the Planning Board.

Chair Nugent stated that this board cannot enforce land use ordinances, therefore, making it a discussion point is troublesome, the best the board can do is make an applicant aware of something that the board is aware of, so that they may choose to do something.

Ms. Butula confirmed that the existing well test was passing.

A **MOTION** was made by Ms. Butula for Block 97/proposed Lot 2 @ 112 Robin Way, map named Septic System Design Plan for Block 97/Lot 2, 112 Robin Way, Michael and Mae Eng, Readington Township, Hunterdon County, New Jersey. The map is originally date 9/28/06, revisions 10/27/06, 11/21/06, 3/29/07, prepared by Jens Riedel, NJ licensed engineer. The surveyor was William Buzby, NJ licensed land surveyor, dated 2/9/06. Ferriero Engineering reports dated 10/15/06, 11/2/06, 4/9/07 and 4/12/07. Correspondence from Jens Riedel dated 10/29/06, 11/27/06, 3/20/07, also 4/10/07. This is for new construction. There was a foundation on this lot, the old septic will be abandoned by consultation with HCHD, and there will be a new well. For the primary, soil log 0427-1, performed 4/27/05, updated form dated 4/10/07. Soil log 0427-1 to 108", mottling between 31 and 35", hydraulically restricted horizon between 12 – 26" and 26 – 37". Soil log 0427-4, form dated 9/29/06 done to 108", no mottling, seepage or ground water, no hydraulically restricted horizons. Permeability test was a basin flood 0427-2 done 4/27/05, depth of 88" with passing results. In season ground water monitoring, standpipes in both soil logs from 4/28/05 – 4/30/05, revealed no water. Piezometer 5 and 6 were installed and

monitored from 1/25/07 – 3/13/07, dry the entire time. The regional water was determined by soil log 0427-1, mottling @ 31". For the reserve area, tests were performed on 4/27/05, soil log 0427-2, data from form dated 11/22/06, mottling was revealed between 26 – 28", no seepage, hydraulically restricted horizon between 12 – 36". Soil log 0427-3, mottling between 29-31", form dated 11/22/06, no seepage, hydraulically restricted horizon between 12 – 38". The permeability test done in soil log 2 was basin flood 0427-1, depth of 84" done 4/27/05, passing. The in season ground water monitoring was standpipes between 4/28/05 – 4/30/05, no water, piezometers 7 and 8 installed and monitored between 1/25/07 and 3/13/07, dry, were for in season ground water monitoring and hydraulic head tests. Ground water for the reserve area is determined by soil log 0427-2, mottling revealed at 26". A wetlands delineation and boundary survey was done by B2A Consultants of Hillsborough, 7/19/05, revised 2/9/06. An LOI done 10/24/05, revision 2/27/06, # 1022-05-00121.1, FWW0500001. Reports from the Township Engineer Clay McEldowney, are dated 10/24/05, and 4/11/06. A new well test on 2/28/07 performed by Nelson Analytical indicates a passing test, on 2.32. A new well is proposed for this lot. The house is being raised in elevation to accommodate a gravity fed system.

This motion was seconded by Dr. Allen. On roll call vote, the following was recorded:

Dr. Allen	Aye	Ms. Sheay	Aye
Ms. Butula	Aye	Chair Nugent	Aye

Chair Nugent stated they would move on to proposed Lot 2.32.

Mr. Riedel stated this lot contains a barn and a shed and will eventually have a proposed residential dwelling. There was no design done on this yet, at the clients request. Soil logs done were for the primary, SL0428-1, with no mottling, total depth of 88". In soil log 0427-5 showing mottling between 26 and 28", total depth of 91". The 26" depth would be the design depth for the system. Basin flood test done was 0428-1 at 87", passing. Piezometers installed in that bed were P1 and P2, corresponding to permit #'s for P1, ends in 008, P2 ends in 081. These piezometers were not dry. Piezometer P2 was dry for the primary bed area. For the reserve area, soil logs were SL0428-2, no mottling, total depth was 92", soil log 0428-3, also no mottling, depth 113", basin 0428-2, performed at 86", passing. Piezometers 3 and 4 were both dry for the 8 week period.

A **MOTION** was made by Ms. Butula for Block 97/proposed Lot 2.32 @ 112 Robin Way, map named Septic System Design Plan for Block 97/Lot 2, 112 Robin Way, Michael and Mae Eng, Readington Township, Hunterdon County, New Jersey. The map is originally date 9/28/06, revisions 10/27/06, 11/21/06, 3/29/07, prepared by Jens Riedel, NJ licensed engineer. The surveyor was William Buzby, NJ licensed land surveyor, dated 2/9/06. Ferriero Engineering reports dated 10/15/06, 11/2/06, 4/9/07 and 4/12/07. Correspondence from Jens Riedel dated 10/29/06, 11/27/06, 3/20/07, also 4/10/07. This is for new construction. This is the lot with the existing well, which has passed for potability. There will be a new septic on this. There is an existing barn. The existing shed will be removed. For the primary, soil log 0427-5, performed 4/27/05, form dated 10/30/06, done to a depth of 91", mottling between 26 – 28", hydraulically restricted horizon between 11 – 37", no seepage. Soil log 0428-1 done 4/28/05, form dated 10/30/06, depth 88", no mottling, seepage, hydraulically restricted horizon between 9 – 29". The permeability test was basin flood 0428-1, on 4/28/05, depth 87", passing. In season ground water monitoring dates were 4/28/05 – 4/30/05, no water in 0427-5. Piezometers 1 and 2, monitored between 1/25/07 – 3/15/07, dry. The regional water for the primary is determined by soil log 0427-5, mottling @ 26". For the reserve, done 4/28/05, soil log 0428-2 @ 92", form dated 9/29/06. Hydraulically restricted horizons are 11- 31", no mottling, seepage, soil log 0428-3 @ 113", hydraulically restricted horizon was 10 – 35", no mottling, seepage, permeability test was basin flood done at 88", 0428-2, performed 4/28/05, passing. In season ground water monitoring done 2 days in the standpipes, 4/29 and 4/30, no water. Piezometer 3 and 4 from 1/25/07 - 3/13/07, dry. This is a gravity system. The engineer put the piezometers in for 2 reasons, one was to dispel any artesian conditions, and also provided 8 weeks of in season ground water monitoring.

This motion was seconded by Dr. Allen. On roll call vote, the following was recorded:

Dr. Allen Aye Ms. Sheay Aye
Ms. Butula Aye Chair Nugent Aye

A **MOTION** was made to **amend the motion** for Block 97/proposed Lot 2.32, on the reserve area, both soil logs data is from forms dated 10/30/06, there had been a correction on the massive rock stratum.

Chair Nugent clarified this is a correction to the earlier motion specific to the date of the form submitted representing the soil log, correcting the date from 9/29/06 to 10/30/06.

This motion to amend the previous motion was seconded by Dr. Allen. On roll call vote, the following was recorded:

Dr. Allen Aye Ms. Sheay Aye
Ms. Butula Aye Chair Nugent Aye

Mr. Riedel asked how long the approval of the soils testing is valid, in regard to the proposed second lot.

Chair Nugent stated it is his understanding that the soils testing which was just approved has an infinite life, excepting if there are ordinance changes which would cause there to be a difference in the way that the data presented was perceived, and/or would cause the necessity for additional testing that has not been performed. Chair Nugent asked for county, counsel and engineer input. Ms. Vaccarella stated the applicant has approval as far as the County is concerned, for one lot, one septic design. The County can't approve a second septic design. In the past when the Board of Health has amended their ordinance for soil testing, 8 week monitoring, we put a 2 year lifespan grandfathered in on approvals. At that point in time, the approval, in the County's thinking, once it is approved, that locks it in until there is a major code change of the state code, which they are not looking to change the state code in any great hurry. That would then lock in the lot when it becomes its own lot. If Mr. Eng wanted to go forward with the 5 bedroom house replacement and submit an application for that, that would be locked in, and you would have to wait until you had your 2nd lot approved by the Planning Board and then put that application in , we would review it, and if the Board of Health were to change their ordinance and grandfather in testing for 2 years, and you were 2 years and 6 months out, you would have to come to the board for a re-review, or request for a relief. As far as the County is concerned, the plan for the 5 bedroom house could be submitted tomorrow.

Mr. Riedel asked Ms. Vaccarella how long would the design for the second septic be valid before it would have to be constructed.

Ms. Vaccarella stated there is no expiration date of applications that have been approved by the County, unless, there is a major code change such as in 1990.

Mr. Riedel confirmed that for the 2nd septic design, they are ready to go to the County.

Ms. Vaccarella stated that is correct.

G. ADJOURNMENT

A **MOTION** was made by Ms. Butula to adjourn at 9:59 pm, seconded by Dr. Allen with a vote of Ayes all, Nays, none recorded.

Respectfully submitted:

Lorraine Petzinger
Board of Health Secretary