

READINGTON TOWNSHIP BOARD OF HEALTH MEETING

February 20, 2008 7:00 pm

Chair William C. Nugent called the meeting to order at 7:26 pm and announced that all laws governing the Open Public Meetings Act have been met and that this meeting has been duly advertised.

Christina Albrecht	absent	Raymond Facinelli	absent	Tanya Rohrbach	present
Daniel Allen	absent	Beatrice Muir	present	Wendy Sheay	present
Jane Butula	present	William C. Nugent	present		

Also Present: Board of Health Attorney: Marisa A. Taormina, Esq.

Board of Health Engineer, Ferriero Engr. representative: John Hansen @ 8:30 pm
Hunterdon County Health Dept.: Debra Vaccarella

SWEARING IN OF MEMBER – by Marisa A. Taormina, Esq.

Ms. Beatrice Muir read the oath of allegiance into the record.

A. APPROVAL OF THE MINUTES

1. Minutes of December 19, 2007. *Deferred.*
2. Minutes of January 16, 2008. *Deferred.*

B. CORRESPONDENCE

1. NALBOH – Newsbrief.

Ms. Butula called the boards attention to the assessment article on pg. 8.

2. HCHD LINCS - dated 1/11/08. Information - Dog licensing procedures.

Ms. Butula noted that there have been changes in the dog licensing procedure. It has been removed from the board secretary's job description, although Ms. Petzinger is still running the rabies clinics. The administrative portion of the dog licensing procedure is being done under the Administrative Office. Chair Nugent suggested looking into staggering the relicensing date. Ms. Petzinger stated it may be helpful to coordinate the rabies expiration date and the relicensing deadline so they coincide.

3. HCHD LINCS - dated 1/25/07 Advisory – Rabid Dog in Salem County.

Chair Nugent noted the dog in Salem County that tested positive for rabies.

4. HCHD - food safety requirements.

Ms. Butula noted the farmers fresh food stands. Ms. Vaccarella stated the problem surfaced when items made in unlicensed kitchens were being sold.

5. Block 53/Lot 6.09 NJDEP – UST.

6. Block 95/Lot 1.01– Potable well water analyses.

Ms. Butula asked Ms. Vaccarella for the determination for unsafe levels. Ms. Vaccarella stated there is usually another compound that is unregulated, something that is more soluble in water. They estimate what the number is going to be.

7. Block 93/Lot 61 – Potable well water analyses – results 8/16/07.

8. Block 93/Lot 61 – Potable well water analyses – results 10/3/07.

9. Block 95/Lot 1.01 - Potable well water analyses.

10. Block 69/Lot 13.24 – Notice of Deficiency.

11. Block 70/Lot 31.01 – LOI Line Verification Application.

12. Block 68/Lot 5.24 - NJDEP – UST.

13. HCHD – Pre-Opening Recreation Bathing Facility Inspection

14. Block 13/Lot 69 – Freshwater Wetlands Application.

15. Block 12.01/Lot 14.02 – Freshwater wetlands general permit 10.

16. 404 Old Dutch Lane – Notice of Deficiency.

17. Block 30/Lot 3 – Application for Special Activity Trans Area Waiver.

18. Freshwater Wetlands LOI application dated 1/16/08.

19. Block 32/Lot 12, Block 34/Lots 10, & 11 LOI application.

20. Block 4/Lots 47, 48, 49, 50, 96, 98, 99, 100, 102, 103, 104 & 112 – LOI application.

C. Septic Repairs (HCHD status in italics).

1. Septic System Repair Approval from HCHD, B 64/L 27.06. *Final field 1/15/08*
2. Septic System Repair Approval from HCHD, B 96/L 1. *No work done as of 2/11/08*
3. Septic System Repair Approval from HCHD, B 22/L 5.03. *Final field 1/22/08*
4. Septic System Repair Approval from HCHD, B 73/L 3.41. *Final field 2/6/08*
5. Septic System Repair Approval from HCHD, B 70.01/L 16.02. *Final field 2/5/08*
6. Septic System Repair Approval from HCHD, B 68/L 5.02. *No work done as of 2/11/08*

carried from the 1/16/08 meeting:

7. Septic System Repair Approval from HCHD, B 69/L 1.03. *Final field 1/3/08*
Ms. Butula asked Ms. Vaccarella her opinion about C.2. Ms. Vaccarella stated that was questioned by their office, the engineer informed them that they wanted to try this strategy in the field. They put holes in the ground, filled with pellets.

D. OLD BUSINESS

1. 12/19/07 agenda item F. A. 2. 4/22 aerial photograph of property and wetlands.
2. Rabies Clinic 1/26/08 – 141 dogs and cats inoculated.
Chair Nugent thanked Ms. Petzinger for a very successful clinic.
3. Hunterdon County Partnership for Health www.whatyouneedtoknowhunterdon.com
has been posted on Readington Township Website www.readingtontwp.org
Ms. Butula stated she wanted to update everyone on the Partnership for Health, primarily Strategy 4, which is alcohol, tobacco, and drug abuse. The website listed above has had a tremendous amount of hits. The sign has been posted outside the Municipal Building. Literature, pamphlets, posters, bumperstickers have been distributed to all the churches, and personal meetings were held with the family physicians in the county. The superintendent of schools, the speakers bureau is going out to speak to the superintendent of the round table, and the Hunterdon County school nurses. There is a speaking forum every week to get the word out. A second column will be published in the Hunterdon County Democrat. The brochure will be distributed to the board members with the next packet. The meeting for all the boards of health under the general Partnership is going to be held the first week of May, at Echo Lodge.

E. NEW BUSINESS

There was no new business.

F. APPROVALS

Chair Nugent stated that due to the absence of a quorum, the first application, Block 64/Lot 24.08, Kurt Hoffman Engr., Geddis, Harvest Row, will be deferred to the next Board of Health meeting, March 19, 2008. All noticing requirements will be carried as well.

1. Block 64/Lot 24.08 – Kurt Hoffman Engr., Geddis, Harvest Row

Escrow fees paid 1/3/08. Check #1920 \$750.00.
Data mailed with 1/16/08 approval packet.

2. Block 67/Lot 19.44 – Kurt Hoffman Engr., Fisher, Weavers Lane

Escrow fees paid 1/28/08. Check #5807 \$750.00.

Mr. Kurt Hoffman, NJ licensed engineer appeared before the board. This application, at 19 Weavers Lane, Block 67/Lot 19.44 is for an alteration septic design. A pump tank and new septic bed are proposed in the rear, or northern portion of the property. There are 5 items and 1 item of discussion for the board to address this evening. This is an existing 4 bedroom dwelling, no expansion. Existing well location, and drainage easements surrounding the property are two of the items. HCHD review letter 1/15/08 lists some of these items.

Chair Nugent asked how the existing system was malfunctioning.

Mr. David Fisher addressed the board stating that after having the system tested last summer, he felt that this would be the proactive approach.

There was some discussion of the items of concern in the HCHD 1/15/08 letter.

Chair Nugent referred to #5., regarding the elevation, why was there no testing in the front of the property.

Mr. Hoffman stated due to the limited site in the front, and also the proximity to the old bed, it is not his practice to put a new system next to an old one. The piping to the western side of the property would have been too close without a waiver. Also, the 100' requirement for the well would not have been met. There is probably a high water table in the front of the property, which would require a mound that would have grading issues toward the front of the house.

Ms. Butula stated that one of the parties noticed, Mrs. Sclafani, Block 67.01/Lot 19.37, had spoken to both herself and Ms. Petzinger. Their concerns were why hadn't the north eastern area outside of the well circle been looked at, and was there any opportunity to comply with the 100'.

Mr. Hoffman stated that at soil log 3, the north eastern area of the property, the water table is at 16". Because of the size of the proposed system, it would still not be outside the 100'.

There was some discussion of a map that was included with the board members soil data documentation, indicating soil log locations and drainage locations.

Chair Nugent stated for the record it appears that the proposal of the expansion of the bed was made at some point in time in the past.

Ms. Butula asked Mr. Hoffman to confirm for the record that no wells or disposal systems have been found within 150' of the newly proposed system.

Mr. Hoffman stated they have not found any septic systems or wells within 150' of the proposed septic area as shown on the plan.

Referring back to item #3. of HCHD 1/15/08 letter, Mr. Hoffman stated the proposed system will only be 79' from the existing well. The distance can be reduced if there is a minimum of 50' of casing.

Chair Nugent confirmed the regional zone at 18", as indicated in #4, and what will the approximate height of the mound will be?.

Mr. Hoffman stated approval from the board is requested, because the code is 24", the existing ground elevation low side is 198, the top of the mound at the highest point is 203.75., so 5.5'. The toe of the mound to the property line at the northerly portion is 25'.

Ms. Sheay asked what the setback distance is from the well to the existing septic tank.

Mr. Hoffman stated it is between 50 and 100', approximately 85'.

Ms. Taormina confirmed that Mr. Hoffman had discussed the deed restriction and requirements with his client.

Mr. Hoffman stated that he had.

Mr. Hoffman stated regarding #5. of the HCHD letter, the swale on the westerly portion of the property is denoted on the map as going to the end and then going into flat lawn, undesignated. At the northerly side of the property, the 28' dimension is where the center of the defined swale is in the rear of the property. The swale typically only carries water during storm events. This was included as part of the notice.

Chair Nugent confirmed that the property is bordered on three sides by drainage.

Mr. Hoffman stated yes.

Ms. Sheay asked if Mr. Hoffman were concerned about contamination from the zone of treatment leaching into the swale areas in the event of a storm.

Mr. Hoffman stated if this were a non mounded system, there would be more of a concern, but as high as this system will be, the zone of treatment is almost entirely above existing grade, so that is highly reduced with the elevation of the system.

Mr. Hoffman read into the record the letter from Jeff Tareila dated 11/29/07 stating there were no wetlands or transition areas on Block 67/Lot 19.44, this was also reflected by Mr. Vaccarella in the HCHD letter dated 1/15/08.

Chair Nugent confirmed with Ms. Vaccarella that the plans were dated 11//6/07.

Ms. Taormina confirmed that Mr. Hoffman is a licensed engineer in NJ, the design was prepared by him, and in his opinion the proposed system is more in conformity as far as performance with the state

code than the existing system, absent of use, will the proposed system provide long term satisfactory use. Mr. Hoffman stated yes to the above.

Ms. Butula stated that although the neighbors had some concerns, the proposed system is now at optimum. The safety of the homeowner was looked at, their well casing is 52', it is now an elevated and much better performing system even though 100' was not met on the well.

Chair Nugent asked if there were anyone in the audience that wished to speak to this application regarding any concerns.

There were no concerns raised.

A **MOTION** was made by Ms. Sheay to **approve** the application for Block 67/Lot 19.44, 19 Weavers Lane. This is an alteration with no expansion to repair a malfunctioning system. The design will be a mounded soil replacement disposal bed with effluent distribution by gravity dosing. A 1300 gallon pump tank will be installed. A deed restriction must be filed with the County, with maintenance requirements, which the homeowner is aware of. The applicant is David Fisher, the engineer is Kurt Hoffman. Correspondence includes HCHD letters dated 11/16/07, 1/15/08. A letter from Jeff Tariela dated 11/29/07 stating there are no wetlands or transition areas within the proposed septic system. The map entitled Septic Design for David Fisher is dated 11/6/07, revised 11/20/07, per HCHD 11/16/07 letter. The surveyor is Nicholas Lebo. Two soil logs were done, soil log 1, date 9/26/07, 156", no seepage, mottling @ 18", zone of saturation is at 18" due to mottling. Soil log 2, date 9/26/07, 156", no seepage, mottling @ 72", zone of saturation is at 72" due to mottling. The design is based on soil log 1 at 18". Permeability test was basin flood 1 in soil log 1, 9/26/07, 132", passing. Waivers include 1 to reduce the setback of 100' from the well to the disposal bed, waiver granted to reduce to 79' because of the 52' of casing evidenced by the well report dated 6/13/78. As per state code the maximum allowable regional water table is 24", 18" is being recognized for this application. This motion was seconded by Ms. Butula. On roll call vote, the following was recorded:

Ms. Butula	Aye	Ms. Rohrbach	Abstain	Chair Nugent	Aye
Ms. Muir	Aye	Ms. Sheay	Aye		

3. Block 68/Lot 5.21 – Kurt Hoffman Engr., Leary, Hamilton Road

Escrow fees paid 1/28/08. Check #213 \$750.00.

Mr. Kurt Hoffman, NJ licensed engineer appeared before the board. This application is for 4 Hamilton Road, Block 68/Lot 5.21 Readington Township. This is for a septic alteration, no expansion, for a malfunctioning system indicated by the bed being saturated, discovered due to a septic inspection for a house transaction sale. As background information there is a stream denoted on the plan which includes a stormwater retention and conservation easement. The proposed septic field is centrally located on the property, to the west of the existing system. Two soil logs and one pit bail were performed in soil log 1. A new field is proposed, entailing a 1300 gal. pump tank. The existing 1,000 gal. tank will be used, inspected and upgraded to code. The 100' well circle is maintained, except for the existing tank which is 71' from the existing well. HCHD letter dated 1/30/08 from Mr. Vaccarella has 2 items: 1) soil logs and pitbail tests have to be reviewed and acted upon by the board 2) the system will incorporate a pump which the board will have to approve. There are no septic or wells within 150' circle as denoted on the septic plan.

There was some discussion of soil log 1, the depth of excavation differing from Form 2b. The witness data stated 126", Mr. Hoffman's data stated 132". Mr. Hoffman stated they would go with the final depth of 126". It was determined that the difference would not alter the design of the system in any way. It was designed to 124" maximum depth which was the pit bail depth.

There was some discussion of non soils.

A **MOTION** was made by Ms. Butula for approval for Block 68/Lot 5.21, map entitled Septic Design for James Leary, Block 68/Lot 5.21, Readington Township, Hunterdon County, New Jersey, Hamilton Rd. dated 1/10/08, revision 1/24/08, pg. 1., prepared by Kurt Hoffman, NJ licensed engineer, survey by

Nicholas Lebo, RBZ Enterprises on 1/7/08. HCHD report dated 1/30/08. This is a malfunctioning system, 4 bedroom, no expansion, gravity mounded, soil replacement system. The primary is dated 12/27/07, soil log 1 @ 126", seepage at 102", flooding @ 106.5". Soil log 2 @ 132", mottling from 60 – 132", seepage at 131", also flooding. Permeability is pit bail 1 @ 123.5" in soil log 1, done 12/27/07 - 12/28/07, results 20.2"/hour. The regional water for this primary is designated by the 60" level of mottling in soil log 2. Upgrades will also be made to the septic tank. A wetland report from Jeff Tariela, dated 1/4/08 is included, stating there are no wetlands or freshwater wetland transition areas or state open water areas present on or within the 150' of the proposed system. There will be a deed restricted pump system, including a reporting and maintenance requirement. Form 2b for the depth should be corrected on the Board of Health file copy, also, the pump tank designation should be indicated.

Official amended copies should be sent to the Board of Health within 5 business days.

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

Ms. Butula	Aye	Ms. Rohrbach	Abstain	Chair Nugent	Aye
Ms. Muir	Aye	Ms. Sheay	Aye		

Category B. – Subdivisions

1. Block 39/Lot 8.01 – Mantz Engr., Adner Ebib Realty Corp., Ridge Rd.

Escrow fees paid 9/21/06 Chk. #8080, \$1,000.00.; 9/12/07 Chk. # 9021 \$1,000.00

Mr. James Mantz NJ licensed engineer and land surveyor and Mr. Ernest A. Renda, Esq., appeared before the board, representing this applicant. This is an 8.5 acre piece of property located on the easterly side of Ridge Road, north of the railroad tracks. It is located in a 1 acre zone, 3 acres if public water and sewer are not available. The proposal is to subdivide the property into a 3.5 acre parcel and a 5.00 acre parcel. Located on proposed lot 8.01, the 5.00 acre parcel is an existing 1.5 story, 3 bedroom dwelling. There is a 1.5 story block dwelling/garage that was essentially an apartment. As part of the Planning Board approval, the apartment use has been discontinued, the only current residential use on this property is the 3 bedroom dwelling located 20' off the right of way of Ridge Road. There is also a block frame shed which is used for hay storage. The soil testing goes back to 2/9/05 – 2/11/05, primary and reserve areas were tested for proposed lot 8.02, the 3.5 acre lot that consists of soil log 5, 6 and pit bail 1 for the primary, and soil log 3, 4, and basin flood 1 for the reserve area. The existing dwelling has an existing septic system and in case there was a problem in the future, permeability testing was done on proposed lot 8.01, soil logs 8, 7 and pit bail 2, soil log 13, basin flood 2 and soil log 10, both labeled as reserve areas, because there is no evidence that the existing system is malfunctioning. Several site visits have revealed no effluent or other problems from that septic system, which is also documented in the correspondence the board received today dated 2/15/08.

The well report has been forwarded by Mr. Renda. There were some levels of coliform, resulting in an ultraviolet filtration system being installed.

Chair Nugent stated it appears that no tests were performed on the existing system, although 9A gives an approach for determining the functionality.

Mr. Mantz stated that no tests were performed, and he was not looking to determine the functionality of the system, just whether or not it fit the definition of malfunctioning. 7:9A states if there is effluent or seepage on the surface, or if there is any backup in the house, which the current tenant states there is not, thirdly, a ratio of coliforms may be used. Mr. Renda has installed an ultraviolet system to alleviate the coliform.

Ms. Butula asked if Mr. Mantz felt that this meets the standards that are currently before this board.

Mr. Renda stated the ordinance, in regard to a subdivision, even if there were definitive information stating there was not a satisfactorily operating septic system, the applicant is required on the remainder lands to demonstrate that it has an adequate new primary and new reserve area. That evidence has been presented to the board.

There was some discussion as to whether or not the existing system was a primary or not.

Chair Nugent stated it is up to the applicant to prove that the existing system functions and that the reserve be presented.

Mr. Renda stated he did not read the ordinance that way.

Mr. Hansen stated if the septic system were not currently malfunctioning, then it is functioning. Depending upon the age of it you are going to have a different inspection if you are going for a home sale or just inspecting the system. It is his opinion that what Mr. Mantz has done is satisfactory, the system is in use, its not backing up into the house or breaking out onto the ground. It would be a different set of tests if the house were for sale. Mr. Hansen stated he did not see a problem with what Mr. Mantz has done here. Two different areas have been offered for use if and when the septic system fails. One could be named a primary, or a future primary, but reserve implicates *inaudible*.

Ms. Butula stated as a public health and safety measure, this board wants to make sure that there is a functioning system within this dwelling.

Mr. Hansen stated he is unclear as to the definition of functioning system. It is not breaking water out of the ground, and not backing up into the house, he would argue that it is a functioning system.

Ms. Muir stated he is on the record as saying it is a functioning system.

Ms. Butula stated for the past 5 years, people have come in with more extensive test results.

Ms. Vaccarella stated if Mr. Mantz has been observing the system for the past 2 years and has not seen a malfunction, she would agree with Mr. Hansen.

Mr. Renda stated for the record, they had abandoned the second residential use. That tenant vacated in August, which is an additional less stress on the existing system.

Chair Nugent asked Mr. Mantz' opinion on maintenance of the system.

Mr. Mantz stated the tank should be pumped out every 2, maximum 3 years. There are no inspection ports in this older system, no water was observed leaching out.

Chair Nugent asked if an inspection of the water level would more accurately access the system.

Mr. Mantz stated there is not a great length between the tank and the system, if the system were surcharged, if you see water coming back, you know it is not working.

There was some discussion of maintenance of the system.

It was determined that there was no evidence that the system had been maintained.

Chair Nugent stated that it is the objective of the board in the process of approving a subdivision to assure that the existing system is adequately functioning. Information presented is far less than what is typically received to assure that the system is typically functioning.

Mr. Renda stated he would assume that the basis for a subdivision application is for the board to examine that in the process of subdividing lands off of the remainder property , they are not exacerbating a situation which under the ordinance is defined as a not satisfactorily operating system. If this application by its layout shows that the only acceptable other perc they can find is outside the remainder lands, he would understand that the board has an agenda to determine that they cannot subdivide the property, creating a new building lot and only that lot percs, so if this system in fact goes into failure, there will be no way to correct it. That is understood. This applicant is before you with 5 acres of remaining land and has before you data that shows there are two other areas where a primary could be put, and the second one would be a reserve in the event that there is actually a failure. That is appropriate, there is nothing here that says that subdividing and creating that other lot that there is a situation where if the system went into failure that it could not be addressed.

Chair Nugent stated the boards concern is if it went into failure, as well as if it is failing now.

Mr. Renda stated even if it is failing now, he would think the boards jurisdictional mandate would be that this owner can appropriately correct that by installing a new system on these remaining lands. The other three acres are not relevant to that corrective measure if needed to be taken, which the ordinance is consistent with.

Chair Nugent stated the boards objective is to make sure that the existing system is functioning properly, during the course of a subdivision process, they have the opportunity to not only assure the subdivided lot will not only have a septic system on it, but that the existing lot has a functioning septic system on it, hence the reason for asking for a well test, and a septic system test, or something more than the observation of the surface or the polling of a homeowner. We

have on record now, that there is no evidence that the system has been maintained in at least what has typically been accepted as the 2 to 3 year time frame for a pump out, which could imply that there are hidden problems with this system. It is the boards obligation for the health of the community to take the time now to resolve that so that it doesn't have to go into a 20, 30 or \$40,000. system utilizing one of the reserve areas that have been designated.

Mr. Renda stated if the board were to make that finding how would it effect the ruling on the application that is before the board?

Chair Nugent stated it is up to the applicant to present the board with their solution to that problem.

Mr. Renda questioned the board's jurisdiction or authority to do that, and referred the question to Ms. Taormina.

Ms. Butula stated from a public health responsibility agency, if anyone comes before the board and they are made aware of a malfunctioning system, they must report it to the Dept. of Health and it must be remedied. It makes sense to not give carte blanche approval to a system that may be malfunctioning.

Ms. Muir stated he is on the record stating that the system is not malfunctioning.

Ms. Butula stated Mr. Renda was questioning why the board was questioning it, and it is from a public health point of view, not from the ordinance.

Mr. Renda stated there is no record here in front of the board of a malfunctioning system.

Ms. Butula stated she did not say it was, they wanted the applicant to know why the board asks for proof that there is not a public health issue.

Mr. Hansen stated he would offer that they are correct in preventing against a public health issue, but if they don't have sewage backing up into the building, and they don't have break out onto the ground, he would argue that they do not have a public health issue. A septic test is a very subjective test, they could have 5 different engineers going out there, doing different tests, different dye tests, coming up with answers, their opinion on how this septic system is functioning. Mr. Hansen stated he is not trying to make the applicant's case, but if you don't have break out, or back up, you don't have a malfunction, you don't have a public health issue.

Ms. Butula stated that is part B of this, you are discussing part A where you got out the regs, and there are two hats here, the development point of view, and the public health responsibility. Ms. Butula pointed out to Mr. Renda and Mr. Mantz that the board has a large responsibility here, not just the development point of view, but also the public health responsibility.

Chair Nugent asked if Ms. Taormina had anything to add.

Ms. Taormina stated from a legal aspect no, she would concur with Mr. Hansen that unless you have testimony to the contrary, which the board does not have here, it is not a malfunction. That is step A, then you proceed as is it is a functioning system. Mind you that this board does have the discretion and it is added in the Code under 4.1C., that additional information at any time can be requested.

Ms. Muir stated that is a valid point to make and to take into consideration.

Chair Nugent stated they would move on, this issue may not be resolvable.

There was some discussion of the location of soil log 14, which is actually 11. It is southerly of the proposed dwelling.

Ms. Butula noted the statement by Ferriero Engineering,, General Comments #4. Proposed lot 8.01 would most likely be designed as a pump system if the reserve areas are designed for use. If this gets into a possible tear down and rebuild, the engineer and applicant should understand that they have to reappear before this board for approval of the pump.

Mr. Mantz stated yes, they understand that.

Chair Nugent stated it was suggested that the well test results has stimulated the installation of a filter system.

Mr. Mantz stated the initial well test on this property was done 1/14/08, that well test indicated a coliform total of 1 colony, it did exceed the standard. Mr. Renda advised Mr. Mantz that the owner install an ultraviolet system to eliminate the coliform problem that was indicated in that report. The water was retested 1/23/08, and the letter from Nelson Analytical dated 1/29/08 states

that the coliform was treated, and meets the primary contaminant standards for drinking water with the result of <1 colony/100 ml (undetected).

Ms. Muir asked what the distance was to the lots with dwellings across the road.

Mr. Mantz stated the properties to the west of Ridge Road are approximately 400' from the limit of the public water. The distance to all the wells on surrounding properties exceeds the 100' distance requirements.

There was some discussion of the map, sheet 1 of 4 that the board would be referencing.

Mr. Mantz read item #3. The existing structures on propose lot 8.01 are to remain. The structure is currently served by well and septic system to remain.

There was some discussion of Comment #8.

It was determined that the note will be changed, and anything to do with the septic system will be stricken.

Chair Nugent stated Mr. Mantz should indicate the 100' circle around the well, to be certain it is kept away from the components.

Mr. Mantz stated he would do that, should the well be moved, the separation is 100' from the primary and reserve components.

Chair Nugent asked that the number of bedrooms be indicated on the plan.

There was some discussion of the 2 reserve areas on the existing lot.

Mr. Renda stated they could designate one of the areas as primary, so that if a homeowner wished to rebuild, they would only have to come before the board for approval of the pump system.

Mr. Hansen stated this applicant has covered the bases so that if the existing house does remain, it has 2 reserve areas, if someone wants to put up a new house, they have a primary and reserve area. If the board approves this subdivision and all of the holes around both of the reserve areas, and the restriction that any future septic system has a pump, or could have a pump, then this applicant would not have to come back before this board, they could just file with the County for a septic permit and review of the design.

Mr. Hansen stated on page 2 of Ferriero Engineering letter dated 12/27/07, under soil log 10, item 6, should be removed, there was no passing pit bail PB2 under soil log *inaudible*. The permeability test in reserve disposal area B for proposed lot 8.01 was basin flood 2 done in soil log 13 on 2/11/05 as shown on the plan.

Mr. Mantz stated he concurred with that.

Ms. Butula stated for reserve A, it is pit bail 2 done in soil log 7 on 2/11/05.

Chair Nugent asked Mr. Hansen, referring to Ferriero Engineering letter dated 12/27/07, on page 3, the proposed lot 8.02, in the reserve disposal area, was there ground water readings taken during the monitoring period ?

Mr. Mantz stated he could answer that, soil log 4 was the one that they addressed in the letter to the board dated 9/7/06, where the ground water readings were indicated for soil logs 4,6,8, and 13. There was some discussion of the dates and readings.

Ms. Muir confirmed with Ms. Taormina that the boards right to request additional information that relates to existing septic, as well as new testing, does that include testing to determine the function ability of the existing septic?

Ms. Taormina stated the section of the ordinance referred to is certainly broad enough that it could encompass that. The pertinent sentence is in 7:9A 4.1C "The administrative authority shall always have the right to require additional information on matters which may effect the functioning of the system."

Ms. Muir stated since this is an older system, there is some question as to whether or not expert testing has been done.

Ms. Taormina stated it is up to the board to interpret their ordinance which was broadly written.

Ms. Butula stated in 8.02, what is the dry well?

Mr. Mantz stated that was from the Planning Board, steps were taken to minimize the runoff from the property. The plan is for it not to be installed at this time.

Ms. Butula asked Ms. Vaccarella if this were in a plume boundary.

Ms. Vaccarella stated no.

Ms. Taormina asked if there were a real estate transaction surrounding this property.

Mr. Renda stated no. They have satisfied all the conditions of the minor subdivision approval, in terms of outside agency, with the exception of this boards approval

Chair Nugent noted the plan states the property around the minor subdivision, that at the time that 8.01, Ridge Road would be completed and curbed.

Mr. Mantz stated that is correct, that is why proposed approvals on Ridge Road were shown. It was the Planning Boards opinion and procedure that the applicant would contribute monies toward the improvement of Ridge Road equal to what is shown on the plan, but not install those improvements.

Chair Nugent asked Mr. Mantz to recap what the outstanding issues were.

Mr. Mantz stated as follows:

- Correct the lot number on the inspection report.
- Revise note # 8. to include 4 bedrooms.
- Remove the notation that the septic system can be moved.
- Note that the well if moved shall be 100' minimum, show circle around well.
- Leave the reserve areas as designated on the map, reserve area A and reserve area B.
- Change the designation of soil log 14 to soil log 11.

It was determined by the board, referring to the functionality of the existing system, that the board would like the opinion of an expert inspection.

Mr. Renda stated that he is not completely convinced that the board of health ordinance is implying this type of interpretation, however, he would ask for appropriate guidance. If the system fails, does this board believe it has the jurisdiction to deny this kind of application, which is an application to approve soil testing in connection with a subdivision application ? And, what conditions would be imposed on the applicant, would it be to install a new septic system?

Chair Nugent stated the boards goal and objective of suggesting that the information presented is light on proving the systems functioning properly is not to deny the application, but to ask the applicant to present to the board what they would do to correct it.

Mr. Renda stated there is no record before this board that there is anything to correct, even the Board of Health professionals have stated that. There is no countervailing record here.

Chair Nugent stated the question was specifically, if it fails a more rigorous test, what would the recourse be, and the boards request to the applicant would be come before us with a plan on what they will do to address the failure. Chair Nugent stated his thoughts on what to do, is that the board usually asks the applicant to assure the board that the system is going to operate satisfactorily for many more years.

Mr. Renda stated what he would request from the board, would be a list of specific guidelines, but it seems that there are not specific guidelines, so they would ask that the board spell out to them what they would like the applicant to do, because they are asked by the board whatever they can tell about the system, which is what they did.

Ms. Muir stated the applicant is responsible for turning to their engineer, or another expert source, to determine if the system is a workable system.

Mr. Hansen stated a suggestion may be that if the board wants some type of requirement that a septic test be done, what he is hearing is that the components of the system, maybe not the field itself, is that the baffles are working, the pipes aren't corroded, or broken, that type of thing. If those parameters are applied, it could be done relatively simply and objectively. The actual hydraulic function of the bed itself is very subjective, whether it was put in last year or 2 days ago, or 40 years ago, you are not going to get an engineer to say that they guarantee that this thing is going to work for x amount of time. If you want some assurity, limit it to the components before the bed itself, have an inspection of those, if they are in good condition, that can be reported, if they are in bad condition, the repair can be suggested, that may be a common ground for the boards assurance.

Ms. Muir stated she would expect that if her system were being tested, the engineer could tell her what the system is doing on that day.

Mr. Hansen stated they can only tell you what it is doing right then, they can't guarantee what it will be doing tomorrow.

Ms. Butula asked what about the term saturation.

Mr. Hansen stated the term saturated would indicate hydraulic failure, or it is starting hydraulic failure, it doesn't mean it is failing or malfunctioning.

There was some discussion of testing septic systems for real estate transactions.

Chair Nugent stated generally, the board does not tell the applicant what testing to do. If they want to take Mr. Hansen's suggestions, along with the applicant engineer's input, that may be one way to approach this.

Ms. Butula stated they should take into consideration the age of the house, the fact that there is going to be some wear and tear. Ms. Butula stated she would like to see an inspection of all of the mechanical working points, and perhaps some testimony of the functionality.

Chair Nugent asked Mr. Mantz what his approach would be.

Mr. Mantz stated he concurred with Mr. Hansen's suggestion of the inspection of the working parts, baffle, and possibly the pumping of the tank.

Mr. Renda asked if the sense of the board was that they were otherwise on course with their approach.

Chair Nugent stated ideally, their goal is to give approval on the night they are heard, on occasion there are nuances that can't be addressed prior to the meeting.

Mr. Mantz confirmed that the revised material had to be in 2 weeks prior to the next meeting.

Chair Nugent stated they have until March 5th.

Mr. Mantz thanked the board for their time.

G. ADJOURNMENT

A *MOTION* was made by Ms. Butula to adjourn at 10:55 pm, seconded by Ms. Muir with a vote of Ayes all, Nays, none recorded.

Respectfully submitted:

Lorraine Petzinger
Board of Health Secretary