

READINGTON TOWNSHIP BOARD OF HEALTH MEETING

February 21, 2007 7:00 pm

Chair William C. Nugent called the meeting to order at 7:07pm 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 present @ 7:10 Raymond Facinelli present William C. Nugent present
Daniel Allen present Beatrice Muir present Wendy Sheay present @ 7:10
Jane Butula present

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

A. APPROVAL OF THE MINUTES

1. Minutes of January 17, 2007.

A **MOTION** was made by Ms. Butula to **approve** the minutes of 1/17/07.

This motion was seconded by Mr. Facinelli.

There were no corrections.

On roll call vote the following was recorded for approval of the 1/17/07 minutes:

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

Chair Nugent stated the agenda order would be altered to address B. Correspondence first, and at 7:30 the Public Hearing would be started.

B. CORRESPONDENCE

1. Suspected Hazardous Discharge Notification letter dated 1/6/07 regarding unknown liquid in the area of Rockaway Creek.

Ms. Vaccarella stated that she would investigate this with the county and provide an update.

2. Suspected Hazardous Discharge Notification letter dated 1/10/07 regarding gasoline at 1060 Barley Sheaf Rd.

Chair Nugent questioned that this was actually gasoline. Ms. Vaccarella stated that she would investigate this and provide an update.

3. Suspected Hazardous Discharge Notification letter dated 1/21/07 regarding heating oil at 4 Tall Pines Road.

4. Suspected Hazardous Discharge Notification letter dated 1/19/07 regarding heating oil at 5 Hickory Lane.

5. HCHD LINCS - dated 1/19/07 HC Communicable Disease Newsletter.

6. HCHD LINCS - dated 1/19/07 Animal Rabies Vaccines and Dog Licensure.

Ms. Butula confirmed that Ms. Petzinger was aware of this memo.

7. HCHD LINCS - dated 1/23/07 Rabid Coyote Found in Bergen County, NJ.

8. HCHD LINCS - dated 1/24/07 New Retail Food Code.

9. HCHD LINCS - dated 1/25/07 New Food Rules.

This will be distributed to the food establishments in Readington Twp..

An advisory memo will be included to stores with grocery carts/hand baskets that providing sanitary wipes for shoppers may help to cut down on the spread of germs.

10. HCHD LINCS - dated 1/26/07 Dog licensing bill signed into law.

Ms. Muir stated this is under consideration by the Township Committee.

11. Block 96/Lot 1 – HCHD notice of violation.

Ms. Vaccarella stated that she would email Mr. Neville regarding the status and provide a follow up. Ms. Muir suggested a site visit may be in order.

12. HCHD – letter dated 2/2/07, regarding private well testing act.

Ms. Vaccarella stated 3 residents have responded.

13. Block 5.06/Lot 68 NJDEP letter regarding underground storage tank.

Chair Nugent asked that Code Enforcement be added to the copy list.

14. **Block 4/Lot 42** – NJDEP – general permit #2 extension.
15. **Block 4/Lot 42** – memo from Township Engineer.
Chair Nugent stated regarding 14. and 15. there was an attempt to reclassify Rockaway Creek. Ms. Albrecht stated there was a portion of the Rockaway Creek that they attempted to reclassify, were unsuccessful, but they would apply again.
16. **Block 8/Lots 4 – 7** – memo from Township Engineer.
17. **Block 84/Lots 4 – 7** - LOI application.
18. **Block 61/Lot 5** - memo from Township Engineer.
19. **Block 61/Lot 5** – LOI.
Ms. Butula noted the new form for the state. Mr. Hansen stated the LURP form is required with every land use application. Ms. Muir noted two additional parties, the USEPA and USACOE, that should be notified with concerns.
20. **Block 39/Lot 57** - memo from Township Engineer.
21. **Block 39/Lot 57** - notification of application for LOI.

PUBLIC HEARING – 7:30 p.m. - 2nd reading and final passage of ORDINANCE BH:01-2007.

As it was 7:30 p.m., a **MOTION** was made by Ms. Butula to adjourn the regular meeting to hold a Public Hearing. This motion was seconded by Ms. Muir with a vote of ayes all, nays, none recorded.

Chair Nugent read by title:

**READINGTON TOWNSHIP BOARD OF HEALTH
COUNTY OF HUNTERDON, STATE OF NEW JERSEY
ORDINANCE BH:01-2007**

**AN ORDINANCE TO FURTHER AMEND AN ORDINANCE ADOPTED IN
DECEMBER 1998 ENTITLED “AN ORDINANCE ESTABLISHING AN ESCROW
ACCOUNT REQUIREMENT FOR CERTAIN APPLICATIONS BEFORE THE
READINGTON TOWNSHIP BOARD OF HEALTH, ORDINANCE NO. 98-04”.**

Chair Nugent asked if there were any members of the audience wishing to make comments regarding this ordinance. There were no comments.

Chair Nugent asked if any of the board members would like to make a comment.

Ms. Muir stated this is an ordinance that is necessary, and needs to be updated.

Ms. Butula stated the board has done a lot of work on this, and it is prudent.

A **MOTION** was made by Ms. Butula to close the Public Hearing and reopen the regular meeting of the Board of Health. This motion was seconded by Mr. Facinelli with a vote of ayes all, nays, none recorded.

A **MOTION** was made by Ms. Butula to adopt ORDINANCE BH:01-2007. This motion was seconded by Mr. Facinelli. On roll call vote, the following was recorded for adoption of ORDINANCE BH:01-2007:

Ms. Albrecht	Aye	Ms. Butula	Aye	Ms. Muir	Aye	Chair Nugent	Aye
Dr. Allen	Aye	Mr. Facinelli	Aye	Ms. Sheay	Aye		

C. Septic Repairs (HCHD status in italics).

1. Septic System Repair Approval from HCHD, B 62/L 3.02. **Final Field 1/22/07**
2. Septic System Repair Approval from HCHD, B 46/L 22.01. **Final Field 1/12/07**
3. Septic System Repair Approval from HCHD, B 46.02/3. **Final Field 2/1/07**
4. Septic System Repair Approval from HCHD, B 64/L 18.14. **No work done as of 2/8/07.**
There was some discussion regarding the remarks as noted.
5. Septic System Repair Approval from HCHD, B 53/L 8.01. **No work done as of 2/8/07.**

D. OLD BUSINESS

There was no old business.

E. NEW BUSINESS

1. **CDC issuance of interim new guidelines as of 2/1/07.**

Ms. Butula stated this was copied and mailed to the churches in Readington.

There was some discussion of educational methods/advisories for retail establishments in Readington with regard to sanitizing shopping carts and hand baskets to aid in minimizing the spread of germs.

F. APPROVALS

Category A. – Single Lots

1. **Block 46.02/Lot 5.03 – Mantz Engr. – Kiever, Readington Rd.**

Escrow fees paid 12/4/06. Check #1471. \$500.00.

Data mailed with 1/17/07 packet.

Mr. James Mantz, NJ licensed engineer appeared before the board. This is an application for a septic repair, a 2.2 acre lot on the old Readington Road. The existing house is one of the original in the area. A home inspection report prior to the sale of the home indicated a drain discharging into the wet area in the southeast corner of the property. Excavation revealed it is a drain around the existing septic, which is a distribution box with 2 laterals. There are several constraints on the property, a watercourse, a storm sewer, several large trees and a stone driveway. Soil testing was done in the central east side of the property. Exploratory logs determined it would be feasible to do witnessed testing, which was done on 10/3/07. Two soil logs were done on each end of the bed, and one successful pit bail was done. Mottling was seen at 33". The system was raised, to accommodate the grade. There is a 1.86% grade from the house to the septic tank, from the tank to the distribution box it is 1%.

Ms. Vaccarella stated from the tank to the D box is the HCHD jurisdiction, so it is that 44' of connecting line which is discussed in their letter. This waiver has been approved in other municipalities, that section has been certified by the engineer.

Mr. Hansen agreed with Ms. Vaccarella.

There was some discussion of fill underneath the pipe. Mr. Mantz stated if additional compaction under the pipe were done, that would minimized the chances of settlement.

Ms. Vaccarella stated they were not seeing the whole length of the connecting line settling. There are sections that can bow, in that case, repair permits are taken out to repair those sections.

Ms. Muir stated that the board may want to ask for a mixture of non-native material, at least 50% be used for the fill.

Mr. Mantz stated you can get pretty good compaction on the shale that is being removed.

Mr. Hansen stated if it is compacted correctly, and is certified by the engineer, the native soil should be fine.

Mr. Mantz confirmed that the elevation from the tank to the D box is .44' or 5 ¼".

Chair Nugent asked what is the probability of backflow into the tank which may be incorrectly perceived as a problem with laterals.

Mr. Mantz stated any indication that there is a problem with the tank would be at the observation ports, that has nothing to do with the slope of the pipe coming into the system.

Chair Nugent stated the Septic Repair forms sometimes indicate that backflow from the laterals is what triggers the need for a repair, which the slope may incorrectly indicate.

Mr. Mantz stated the slope should not contribute to this, there shouldn't be a difference between 1% and 2%.

Ms. Vaccarella asked if the pipe is working normally, and exiting the tank at a 1% slope down, would water come back into the tank at the time the tank was pumped out ?

Mr. Mantz answered no.

There was some discussion of the outlet valves/filters currently being used in some systems. It was determined that the suggestion would be made that a filter be installed, inclusive of the manufacturers maintenance recommendations.

There was some discussion of freezing in the lines.

Mr. Mantz stated he did not see that as a problem.

Chair Nugent asked if the boardmembers had any other concerns.

There were none.

A **MOTION** was made by Ms. Butula to approve Block 46.02/Lot 5.03, a map was submitted with the name Septic System Repair Plan for Block 46.02/Lot 5.03, dated 11/25/06, revision 1/3/07, prepared by James Mantz, professional engineer and surveyor in NJ. The elevations were added by Mr. Mantz. Hunterdon County Health Department reports were dated 12/6/06 and 1/5/07, and a letter from Mr. Mantz was dated 1/3/07. This is for an alteration with no expansion, gravity flow mounded soil replacement system. Soil logs for the primary were done 10/3/06, soil log 1 @ 120" w/mottles @ 30 – 54", and 54 – 120", seepage @ 90 - 120". Soil log 2 @ 105", mottles 33 – 56", and 56 – 75", seepage @ 80 – 105". Permeability test was basin flood 1 done 10/4/06, results 1.68"/hour. There was no in season ground water monitoring or reserve because this is a repair, alteration with no expansion. The board is granting a waiver from the required pitch pursuant to NJ Code 7:9A-9.3E/I. The pitch will be 1/8"/ft. in the lines that run from the septic tank to the distribution box.

The conditions attached require extra compaction under the pipe that runs from the tank to the D box. The engineer is also required to inspect and provide certification that the 1/8" pitch was accomplished. Also, a filter is required to be placed on the outgoing side of the septic tank and that the proper maintenance as prescribed by the manufacturer of the filter be maintained, that the engineer provide the homeowner with this maintenance information and explain the details.

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

Ms. Albrecht	Aye	Ms. Butula	Aye	Ms. Muir	Aye	Chair Nugent	Aye
Dr. Allen	Aye	Mr. Facinelli	Aye	Ms. Sheay	Aye		

Dr. Allen left at 8:45 pm.

2. Block 56/Lot 2 – Engr.& Land Plann. Assoc. – Castells, Pulaski Rd.

Escrow fees paid 1/31/07. Check #8043. \$500.00.

Mr. Eric Raes, NJ licensed engineer appeared before the board. Hunterdon County Health Dept. has provided an approval letter dated 12/15/06. Approvals by the board are sought for the soil logs and also a pump dosing system. This property has a 2 story frame dwelling, a 1 story frame dwelling, a pool, a garage, a shed, horse barn, demolished barn, a coop and a wetland on 5 acres of property. The proposed location of the bed was the best choice, based on the soils encountered on the site. The majority of the property is in the buffer zone.

Ms. Butula stated this board requires one of three things when wetlands and buffer areas are involved.

1) The engineers testimony that there is nothing present. 2) An inspection by a wetlands environmental expert giving a complete picture of the property. 3) An LOI from the state.

Ms. Butula asked what the reason was for the failure.

Mr. Raes stated the existing system is an old cesspool. In preparation to plan for an expansion, the system was inspected, and found to be failing.

There was some discussion of the number of buildings on the property.

Chair Nugent stated Ms. Petzinger has provided the information from the tax records that the additional structures on the property are 2 sheds, and 1 detached garage.

Mr. Raes stated that a wetlands expert had been hired by Ms. Castells last summer, the surveyor for Engr. & Land Plann. Assoc. had picked up the markers which were left in the field, that information will be transposed to the state on the general permit, along with other information. The Board of Health will be copied on that information.

Chair Nugent noted the seepage pit setback requirement of 150', not 50', in reference to the 1 story frame building. If that circle were 150', what compliances would not be met.

Mr. Raes stated if it was 150' it would expand into the proposed bed. The code for the setback would have to be reviewed. Considering the length of time this has been going on, and the physical conditions having a cesspool so close to an environmentally sensitive area, if it is a condition of approval that the one story frame and the existing septic seepage pit be considered non functional and require evaluation in order to get a future CO, that would be a condition of approval that would make sense. It is not in use, Mr. Raes stated he would hate to see it hold up approval of this repair to the functional system.

Ms. Butula stated the concern is whether or not this is a titled building, determining if the seepage pit is functioning. The future CO's will take care of themselves. The wetlands information is necessary before moving on.

Ms. Albrecht stated that based on the map and existing circumstances, where the cesspool is and the proximity of the steep slope and stream at the bottom, the board should make sure this is very clear to the applicant because of these circumstances.

Ms. Muir stated there are two seepage pits, one of which does not seem to be in compliance with the current code, and has to be dealt with by the board. The suggestion would be that it be abandoned as a residence, because the board couldn't approve two systems, unless there is clear proof that this has been approved by Code.

Ms. Vaccarella asked if the board meant that the applicant should get an LOI, or if the wetlands expert who plotted PC1, 2, etc. should just write a report that in their opinion, that is the delineation of the wetlands.

Chair Nugent said the second option, the wetlands expert who plotted PC1, 2, etc. should write a report that in their opinion, that is the delineation of the wetlands.

Mr. Raes stated he is qualified to do wetlands assessments, and there is obviously wetlands, we concur with the wetland delineation.

Chair Nugent summarized, we have a piece of property that at the moment does not have an LOI, but based on someones observation, a delineation report was done, the survey was based on the flags on the property that appear to delineate the wetlands area, and so noted on the map. The engineering firm is in concurrence with the delineation area so noted, as a result of those flags and the recognized buffer zone, it has been deemed that the house, the tank, the connecting lines and the distribution field proposed will all reside within the buffer area, necessitating a GP25 in order to get approval from the state to put a system in the buffer zone.

Mr. Raes stated that is correct.

Ms. Vaccarella confirmed that they need the approval of the local administrative authority because the state does not want to review the whole septic system. They want the HCHD to approve this contingent on the GP25. What HCHD is certifying is that it has met all of the requirements except that it is in a transition area.

Chair Nugent asked what was the slope or grade percentage in the area of the proposed field?

Mr. Raes stated the grade is from northwest to southeast. The bed is level, a raised mound, 6' above current grade.

There was some discussion of mottling as indicated on one of the forms.

Chair Nugent stated for the record, there are test pits numbered 1, 2 and 3, done in March 2006, which are the same as the numbers used in December of 2005.

Mr. Raes clarified that the existing seepage pit is on the second unit. It seems from the discussion that the board is looking at this as one issue. A design alteration was done for the system in failure, they were aware that there is another unit with an existing seepage pit that may be functioning fine, there is no evidence that it is in failure. Mr. Raes asked what exactly is the board looking for as far as that goes?

Chair Nugent stated the board needs to know they are legally there. The board cannot approve a system on a piece of property that is not allowed to have two systems on it. If it is grandfathered and is legal, that is fine, the board can move forward with the approval for the system for the 2 story frame dwelling.

Mr. Raes confirmed that if there were no records for the seepage pit for the one story unit, they would have to comply with current regulations, as Ms. Vaccarella stated, the water service and septic would have to be abandoned as part of this plan.

Chair Nugent stated the applicant should work with Ms. Petzinger and get the information from the tax office, and get a copy of the wetlands expert report, and both should be submitted to the Board of Health office.

Chair Nugent stated it has been brought to the boards attention by counsel that the applicant's signature should be on the application form, not the engineer's signature.

Ms. Vaccarella stated on advice from their counsel, the engineer can sign on behalf of the applicant as their agent.

Ms. Petzinger stated the revised Application for Approval form for Readington Township Board of Health includes a line for the applicant's signature.

Chair Nugent stated this will be discussed with counsel.

3. Block 10/Lot 19.01 - Parker, Cannon, Cedar Rd.

Escrow fees paid 12/19/06, Check #1953. \$500.00.

Mr. Steve Parker, NJ licensed engineer appeared before the board. This is an application for a malfunctioning system. This 5 bedroom home was recently purchased, a home inspection indicated the system was not functioning. Pit bail tests revealed mottling at around 30, 31, 32". A pump system is proposed because they were unable to get a gravity flow. Other areas on the site were considered, on the southerly side of the property is a stream, there is a well in the middle of the site near the home with the 100' setback, the easterly side of the property rises to a higher level, so that would be a pump. They are proposing to put in a pool and pool house, connecting the pool house, which does not present an intensification of use or flow.

Ms. Vaccarella stated the water to the pool house would need to be indicated when the as built was submitted.

Chair Nugent stated the board would like to see it to determine that the water line set backs were correct.

Mr. Parker stated that it would be added to the plan.

Chair Nugent noted some errors on form 3a as mentioned in HCHD letter dated 1/17/07, and the zone of disposal was not tested.

Mr. Parker stated the form 3a would also be provided, and the state code allows the reduction in the zone of disposal.

There was some discussion of utilizing the reserve area.

Mr. Parker stated the burial site could be moved.

Chair Nugent asked for clarification of the type of buildings on the property.

Mr. Parker stated that he would find out.

4. Block 74/Lot 6.01 - Bohren & Bohren, Jones, Rockafellows Mill Rd.

Escrow fees paid 7/17/06, Check 3477. \$500.00.

Escrow fees paid 12/14/06, Check #3629. \$500.00.

Mr. Robert Templin, NJ licensed engineer and surveyor appeared before the board. This applicant is seeking approval for a septic design for a 5 bedroom dwelling. The soil tests are located on the southeasterly portion of the property to the rear of the site. The property slopes from the road to the rear of the property. The primary system is proposed, soil logs 1 and 2, 2 had a passing pit bail. The reserve area is proposed for soil logs 3 and 4. A septic design for review is dated October 2006. A pump system is proposed due to mottling high in the soil log. The eight week readings showed the water level in the 92 – 112” range.

Chair Nugent asked Mr. Hansen if the soil survey map had been reviewed.

Mr. Hansen stated yes, in General Comments #1.

Ms. Muir asked if there was a map that showed the off site contours, and are the septic beds 25’ from the property line?

Mr. Templin stated that is correct.

Ms. Muir asked what is beyond that property line, and isn’t there a stream back there ?

Mr. Tim Jones, property owner, stated it is a gently sloping field, there is a big field that is part of the horse farm next door, and there is a significant wooded area, the stream may be beyond that.

Ms. Butula asked for clarification on the Form 2b’s.

Chair Nugent asked Mr. Templin to reference 11/20/06 Form 2b’s and advise what is the correct information for each log?

Mr. Templin stated for soil log 1, massive rock substratum @ 134”, machine refusal in the soil log, excessively coarse horizon from 36 – 134”, a hydraulically restrictive substratum @ 134”, regional zone of saturation @ 32”, as we had mottling from 32 – 36”; for soil log 2/pb1 massive rock substratum @ 134”, machine refusal, excessively coarse horizon from 48 – 134”, a hydraulically restrictive substratum @ 134”, regional zone of saturation @ 36”, as we had mottling from 36 – 48”; for soil log 3/pb1 massive rock substratum @ 140”, machine refusal in the soil log, excessively coarse horizon from 36 – 140”, a hydraulically restrictive substratum @ 140”, regional zone of saturation @ 25”, due to mottling from 25 – 36”; soil log 4 massive rock substratum @ 140”, excessively coarse horizon from 48 – 140”, a hydraulically restrictive substratum @ 140”, regional zone of saturation @ 26”, as we had mottling from 26 – 32”.

The board requested that Mr. Templin note on soil log 4, one of the 11/20/06 submissions, the substratum should be indicated on one form, the other could be discarded.

Mr. Templin stated for the 4 soil logs, tests were run for the 8 week period. In soil log 1 the highest ground water recorded was 112” from existing grade, in soil log 2 the highest ground water recorded was 102” from existing grade. Soil log 3 had a ground water reading at 125”. Soil log 4 had a ground water reading at 124”. That would indicate that the mottling observed is probably a perched or hanging zone of saturation, but was still called regional, therefore, a pump system and mounded septic bed are proposed.

There was some discussion of the seepage levels indicated. The term infiltration will be revised.

A **MOTION** was made by Ms. Butula for approval for Block 74/Lot 6.01, submitted with a map named Septic Design Approval for Tim Jones/TJC Homes dated 10/9/06, revision 12/5/06 prepared by Robert J. Templin of Bohren and Bohren, a licensed engineer and surveyor in NJ. Ferriero reports are dated 10/25/06, 1/4/07, for new construction of a 5 bedroom home. This will be a pump system. For the primary, 2/15/05, soil log 1, mottling 32” – 36”, seepage @ 112” and below, hydraulically restrictive substratum @ 134”. Soil log 2 to 134” demonstrated mottling at 36 – 48”, seepage at 104” and below and hydraulically restrictive substratum @ 134”. The permeability test pit bail 1 in soil log 2 dated 2/15/05, @ 11.17’, results 239.73”/hour. In season ground water monitoring dates were 2/18/05 – 4/7/05. Regional water for the primary is soil log 1 @ 32”, highest ground water on 3/24/05 @ 112”. Reserve area 2/15/05, soil log 3, to 140” mottling 25 – 36”, seepage 118” and below, hydraulically restrictive substratum @ 140”. Soil log

4 to 140", mottling 26 – 32", seepage 122" and below, hydraulically restrictive substratum @ 140". Permeability was pit bail 1 in soil log 3, @ 11.66' on 2/15/05, results of 782.56"/hr., in season ground water monitoring was done 2/18/05 – 4/7/05, regional ground water was determined by logs with 25" mottling. The highest monitoring was 3/24/05 @ 124". A letter from Edward Cook dated 10/16/06 regarding a wetland investigation states field evaluation of the referenced property determined that no portion of the property satisfies criteria designated for designation as wetlands or SOW. It is determined that no portion of the property is encompassed within the WTA associated with offsite wetlands. Regarding the pump system, there is an associated deed restriction. Documentation should be provided to the current and subsequent homeowners. The deed restriction is recorded with the County Clerk, and a copy returned to the Board of Health office within 90 days.

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

Ms. Albrecht	Aye	Mr. Facinelli	Aye	Ms. Sheay	Aye
Ms. Butula	Aye	Ms. Muir	Aye	Chair Nugent	Aye

Chair Nugent stated the next application would be deferred to the next months meeting.

Category B. – Subdivisions

1. Block 76/Lot 2.03 - Allison, Bohren & Bohren

Escrow fees paid 11/13/06, Check 2055. \$1,000.00.

G. ADJOURNMENT

A *MOTION* was made by Ms. Muir to adjourn at 10:45 pm, seconded by Ms. Butula with a vote of Ayes all, Nays, none recorded.

Respectfully submitted:

Lorraine Petzinger
Board of Health Secretary