

READINGTON TOWNSHIP BOARD OF HEALTH MEETING

March 18, 2009 7:00 pm

Chair William C. Nugent called the meeting to order at 7:10 p.m. 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	William C. Nugent	present	Wendy Sheay	present
Jane Butula	absent	Tanya Rohrbach	present @7:20	Donna Simon	present
Beatrice Muir	present				

Also Present: Hunterdon County Health Dept.: Debra Vaccarella
Board of Health Attorney, Marisa A. Taormina, Esq. @ 7:30pm

Not in Attendance: Board of Health Engineer, Ferriero Engineering, Inc.

Chair Nugent stated that agenda item E. New Business 1. would be discussed at this time.

E. NEW BUSINESS

1. Opportunity regarding Board of Health attorney.

Chair Nugent stated that this board is presented with the unique opportunity to bring back their previous counsel, Mr. Perlowski, who is extremely knowledgeable in everything that this board has done for years and would be instrumental in providing value in up and coming things.

Ms. Muir stated that he is an excellent attorney, and knows our history for years, was active in many ordinances and previous codification and many efforts in regard to this township, he knows this township well.

A MOTION was made by Ms. Muir to retain Ms. Taormina through April 30, 2009, and to retain Mr. Perlowski as of May 1, 2009.

This motion was seconded by Ms. Simon, on roll call vote the following was recorded:

Ms. Muir Aye Ms. Sheay Aye Ms. Simon Aye Chair Nugent Aye

1. Resolution BH-R-2009-1. CONFIRMATION OF 2009 BOARD OF HEALTH MEETING DATES FOR THE THIRD WEDNESDAY OF EACH MONTH, BE IT FURTHER RESOLVED, that the following meeting dates be confirmed for publication:

- | | | | |
|------------|----|-------------|----|
| o January | 21 | o July | 15 |
| o February | 18 | o August | 19 |
| o March | 18 | o September | 16 |
| o April | 15 | o October | 21 |
| o May | 20 | o November | 18 |
| o June | 17 | o December | 16 |

A motion was made by Ms. Muir to approve Resolution BH-R-2009-1 to confirm the meeting dates for 2009. This motion was seconded by Ms. Simon, on roll call vote, the following was recorded:

Ms. Muir Aye Ms. Simon Aye
Ms. Sheay Aye Chair Nugent Aye

2. Resolution BH-R-2009-2. APPOINTMENT OF BOARD OF HEALTH ATTORNEY, for a term of 4 months from 1/1/09 through 4/30/09.

A motion was made by Ms. Muir to approve Resolution BH-R-2009-2 to appoint Marisa A. Taormina as the Readington Township Board of Health Attorney for the term of 4 months from 1/1/09 through 4/30/09.

This motion was seconded by Ms. Simon, on roll call vote, the following was recorded:

Ms. Muir Aye Ms. Simon Aye
Ms. Sheay Aye Chair Nugent Aye

3. Resolution BH-R-2009-3. APPOINTMENT OF BOARD OF HEALTH ENGINEER, one year term.

A motion was made by Ms. Simon to approve Resolution BH-R-2009-3 to appoint Ferriero Engineer as the Readington Township Board of Health Engineer, one year term.

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

Ms. Muir Aye Ms. Simon Aye
Ms. Sheay Aye Chair Nugent Aye

4. Resolution BH-R-2009-4. APPOINTMENT OF HYDROGEOLOGIST, one year term.

A motion was made by Ms. Simon to approve Resolution BH-R-2009-4 to appoint M2 Associates as the Readington Township Board of Health Hydrogeologist, one year term.

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

Ms. Muir	Aye	Ms. Simon	Aye
Ms. Sheay	Aye	Chair Nugent	Aye

Video Presentation: “Local Responsibilities Related to National Environmental Health Priorities”.

A. APPROVAL OF THE MINUTES

1. Minutes of February 18, 2009. (-Muir, Sheay vote).

Deferred to 4/15/09.

B. CORRESPONDENCE

1. NALBOH – Newsbrief, 1st quarter 2009.

Chair Nugent noted:

- *pg. 4 - the National Public Health Performance Standards Program is ongoing.*
- *pg. 12 - 4/2/09 is the 10th Annual Ned E. Baker Lecture and webcast. The last page indicates the webcast will be occurring that day.*
- *Back cover page – NALBOH conference 7/1/09 – 7/3/09 in Philadelphia.*

2. Suspected Hazardous Discharge Notification letter dated 2/5/09 regarding motor oil.

Chair Nugent noted that this discharge is from farming vehicles which leaked onto the property.

Ms. Muir stated that she would like to know the outcome of this, it seems to be an ongoing issue.

Ms. Vaccarella stated that perhaps this should be pointed out to the Zoning Official.

3. Suspected Hazardous Discharge Notification letter dated 2/5/09 regarding heating oil.

4. Suspected Hazardous Discharge Notification letter dated 2/5/09 regarding heating oil.

5. Suspected Hazardous Discharge Notification letter dated 2/19/09 regarding heating oil.

6. Suspected Hazardous Discharge Notification letter dated 2/20/09 regarding heating oil.

Chair Nugent noted that this was an above ground tank in a basement that leaked.

7. NJDEP - Flood Hazard Area/Freshwater Wetlands Permits - Rockaway Creek, Mill Road and Carmans Lane.

8. Block 56/Lot 2 - NJDEP – Flood Hazard area applicability determination.

Chair Nugent stated that this should be filed in the BOH block and lot file.

9. Block 51.01/Lot 2.32 - NJDEP - no further action letter.

10. Block 73/Lot 57 - NJDEP - no further action letter.

11. Block 4/Lot 49 - NJDEP - no further action letter.

Ms. Vaccarella pointed that Ms. Muir had previously been concerned on the resolution of this clean up at Merck.

12. HCDH LINCS – public health update, dated 2/19/09, veterinarian professionals, peanut butter product recall.

13. HCDH LINCS – public health advisory, dated 2/27/09, measles exposure.

Chair Nugent stated the measles exposure area is in the Philadelphia area.

C. Septic Repairs (*HCHD status in italics*).

1. Septic System Repair Approval from HCHD, B 38/L 50.05. *Final Field 2/18/09*

2. Septic System Repair Approval from HCHD, B 52/L 1.05. *Final Field 2/23/09*

3. Septic System Repair Approval from HCHD, B 46.01/L 11.18. *Final Field 3/4/09*

D. OLD BUSINESS

1. **Hunterdon County Dept. of Health** – 1st Annual Newly Appointed Municipal Board of Health Member Orientation, March 31, 2009.

Chair Nugent stated this is a reminder that the RSVP date is March 24, 2009, board members should respond to Ms. Petzinger if they would like to attend, a light dinner will be served.

2. **Financial Disclosure statements.**

Chair Nugent reminded the board members to return their statements by April 2, 2009.

F. NEW BUSINESS

1. **Opportunity regarding Board of Health attorney.** (*see beginning of agenda*).

3. **New Jersey Local Boards of Health Assoc. workshop on 3/14/09.**

Chair Nugent stated that this was attended by himself and board member Ms. Simon.

Information that was distributed at that meeting will be copied for the board members, including Legal responsibilities and relations with other Governmental Agencies, Public Health Practice Standards of Performance for Local Boards of Health, and South Brunswick Twp. Health Dept. Guide to Local Public Health Services.

F. APPROVALS

1. **Block 72/Lot 23.01 – Parker Engineering, Carey, Route 523.**

Escrow fees paid 1/23/09. Ck# 150, \$750.00.

Mr. Steve Parker, Parker Engineering, NJ licensed engineer appeared before the board. This application is for an alteration for an existing septic system, no expansion of the home is proposed. This is the result of the sale of the home, the system was tested and determined to be failing. Perc tests done at the end of January 2009 found an area with acceptable permeability, however the depth to groundwater was 18", which is not in accordance with the code of 24". Since this is an alteration with no expansion, this board as the administrative authority can approve the design, as long as they are not expanding the system, and they are getting closer to conforming to the code than the existing system. This is what they are proposing. It will be a mounded system, raised above grade pretty high, the cross section indicates 6' high on the low side and 5' on the high side of the field. It is a gravity system due to the slope on the property and the location of the home and the septic field. Several areas throughout the back yard were tested, what they are proposing is the best location because of the acceptable permeability.

Chair Nugent asked how the existing system was failing, and what was the age of the existing system.

Mr. Parker stated that he had not tested it, and did not see any surfacing effluent on the ground. It was determined by someone else who had tested it. The system is the original for the house, which was built in 1967, so its about 42 years old. This property and the area surrounding it was investigated by a wetland consultant for the presence of wetlands, the report from ETI dated 3/3/09 indicating no wetlands or transition area within the area of disturbance was provided to the board.

Chair Nugent asked Mr. Parker to recap why he felt that the location of the proposed system is the best.

Mr. Parker stated in most of the soil logs they did not get a 10' soil log. Soil log 2, the pitbail test was a 12' log, and soil log 3 was relatively deep at 87". Soil log 6, a basin flood test was done, and did not go anywhere in the course of an hour, so given that, soil logs 2 and 3 were the best, with a K3 rate, 2.7"/hour which is pretty good.

Chair Nugent asked if there were any other aspects that did not meet state code.

Mr. Parker stated there are not, in fact the ground water is 18", but they are still maintaining the 4' separation Between the bottom of the stone and the highest groundwater, that is what makes the mound so high. There are no other waivers or variances from the code.

Ms. Muir asked what the size of the lot was.

Mr. Parker stated 2.2 acres.

Ms. Sheay asked what the distance was between the existing well and the existing tank.

Mr. Parker stated it is about 67'.

Chair Nugent asked if they know for a fact that the existing tank is sound and will provide good service.

Mr. Parker stated that it is noted on the plan that that will be pumped and inspected. If it needs to be replaced, it will be replaced at that time, and it will be noted on Note #43, to place it further away from the well.

Chair Nugent confirmed that if the tank were replaced and relocated, would a gravity system still work.

Mr. Parker stated yes, that would be no problem.

Ms. Taormina confirmed that Mr. Parker is a licensed engineer in the State of New Jersey, that he prepared the design for this proposed system, that this is an alteration to correct a malfunctioning system, and that the proposed system is more in conformance with the code than the current system, and that in his professional opinion, absent abuse of the system, does he expect proper performance of the system?

Mr. Parker stated yes to all of the above.

Chair Nugent asked if there were any other questions.

There were no additional questions.

A **MOTION** was made by Ms. Sheay to approve the application for Block 72/Lot 23.01 located at 1027 County Road 523, this is an alteration with no expansion to repair a malfunctioning system. The applicant is Michael Carey, the engineer is Steven Parker, Parker Engineering and Surveying. The design will be a mounded soil replacement disposal bed with gravity flow effluent distribution. The existing septic tank will be used with the discussed and agreed upon Note 43. to move the tank if it needs to be replaced. Correspondence includes HCDH letter dated 3/4/09 and a letter from Environmental Technology dated 3/3/09 in reference to there being no freshwater wetlands or transition areas within the proposed area of disturbance. The map is Septic System Design for Tax Map Lot 23.01/Block 72, dated 2/11/09, revision 2/18/09 noted per Health Dept. review, and 3/19/09 per Board of Health. Surveyor is Daniel Parker. There will be one waiver granted to reduce the maximum regional water table allowed by state code from 24" to 18", 7:9A 3.3 D.2.

Two soil logs were done, soil log 2, 1/26/09, 144", seepage @ 58", mottling @ 18", regional zone of saturation set @ 18" due to mottling. Soil log 3, 1/26/09, 87", seepage @ 62", no mottling, regional zone of saturation set @ 18". Permeability test was pit bail 2 in soil log 2, 1/26/09, 144", result 2.7"/hour. 24 hour static water level reading in soil log 2 was 128".

This motion was seconded by Ms. Rohrbach, on roll call vote, the following was recorded:

Ms. Muir	Aye	Ms. Sheay	Aye	Chair Nugent	Aye
Ms. Rohrbach	Aye	Ms. Simon	Aye		

2. Block 15/Lot 7.01 – Bayer Risse Engineering, Lestuk, 3568 Route 22 West.

Escrow fees paid 2/17/09. Ck# 426, \$750.00.

Mr. Bill Jupinka, NJ licensed engineer representing Bayer-Risse Engineering appeared before the board. This is a 3 unit commercial building on Route 22. A complaint that was investigated recently was found to be a leaking plumbing problem inside the building. On investigation of the system, which is 40+ years and makeshift, the owner decided to do an alteration. A portion of property was purchased from NJDOT so that soil testing and a system sized for the building could be put in. Testing was 12' below the ground surface, there was non soil gravely shale, with water moving through. A pit bail test was done, there was no mottling, there was not a high regional water condition. Due to the configuration of the lot with property lines in the middle of the property, an offset system was designed, gravity dosing, incorporating a grease trap for the pizza shop. Two new tanks, a pump tank will pump up to a distribution box for gravity dosing. The piping is completely networked; the ends are looped to act as one continuous network, like having the ends capped.

Chair Nugent referred to Hunterdon County Dept. of Health letter dated 2/27/09, noting the issue regarding the storm pipe.

Mr. Jupinka stated there is a storm sewer running along Ridge Road, they looked into whether or not the storm pipe is considered a water course. The storm sewer itself is installed 5' below the ground surface. Soil testing revealed that a water table was not encountered until 12' below the ground surface, there were no high water tables anywhere near the depths of the storm sewers. In accordance with the state regulations, that storm sewer would not be considered a water course because the water table is found far below the storm sewer.

Chair Nugent asked why two two-compartment tanks were proposed, and the installation of an effluent filter is recommended.

Mr. Jupinka stated that that is a requirement for commercial properties, two compartments provide better settling, and flow through the chambers. The effluent filter is now included in specifications in all septic tanks, it definitely helps with solids. The maintenance is that it is changed when the tank is pumped out every 2 – 3 years.

Ms. Vaccarella stated it will be pumped out more frequently anyway because of the grease trap.

Ms. Taormina asked if Mr. Jupinka had explained the deed restriction to the applicant, and they are in concurrence with that.

Mr. Jupinka stated yes, the applicant understands the deed restriction and maintenance process.

Chair Nugent asked if there were any wetlands on the property.

Mr. Jupinka stated there are no wetlands on the property.

Chair Nugent asked if there were any other questions.

There were no additional questions.

A **MOTION** was made by Ms. Sheay to approve the application for Block 15/Lot 17.01, located at 3568 Route 22 West, this is an alteration with no expansion to repair a malfunctioning system, this will be a soil replacement bottom lined disposal bed, gravity dosing, done with the installation of a 1750 gallon pump tank, and a 1750 gallon grease trap tank, a 1500 gallon 2 compartment septic tank and the existing 1500 gallon tank will also be used. There will be the installation of an effluent filter on the outgoing baffle to the new tank. The applicant is aware of the deed restriction filing and maintenance requirements. The applicant is Ron Lestuk, Lestuk Bros. Partnership, the engineer is Stephen Risse of Bayer-Risse Engineering. Correspondence is from Hunterdon County Dept. of Health dated 2/27/09, map entitled Septic System Alteration Design for Lestuk Bros. Partnership, dated 2/12/09, no revisions, survey by William J. Fiore dated 2/4/09.

Soil log 625-1, 6/25/09, @ 180", no mottling, seepage @ 154", 24 hour static water level was 149", zone of saturation was 149". Soil log 625-2, 6/25/09, @ 188", no mottling, seepage @ 155", 24 hour static water level was 149", zone of saturation was 149". Permeability test was pit bail 0625-1 in 625-1, 6/25/08, depth 188", result is 0.9"/hour.

This motion was seconded by Ms. Simon, on roll call vote, the following was recorded:

Ms. Muir	Aye	Ms. Sheay	Aye	Chair Nugent	Aye
Ms. Rohrbach	Aye	Ms. Simon	Aye		

Category B. – Subdivisions

1. Block 73/Lots 40, 40.04 – Bayer Risse Engr. David Lewis, Rockafellows Mill Rd./Stockton Rd.

Escrow fees paid 12/16/08. Ck# 623; \$2,000.00. Data mailed previously with 2/18/09 approval packet.

Mr. Bill Jupinka, NJ licensed engineer representing Bayer-Risse Engineering, appeared before the board. This is a minor subdivision, 2 lots, each supporting a 4 bedroom home. Lot 40 was the existing lot which was split into Lot 40 and Lot 40.04. On Lot 40, there are wetlands and a stream across the south eastern portion. As part of the minor subdivision, a conservation easement was established to encompass the stream corridor and wetlands, which are found to be of intermediate wetlands value. An LOI is on file, and is noted on sheet 4 of 9, #1. Regarding the soil testing, sheet 3 of 9 is the existing conditions, Lot 40 as it was subdivided, the dwelling and driveway are proposed as of the Planning Board approval. Page 4 of 9, Lot 40, soil testing was done near the area of the conservation easement in the lower portion of the property. Basin floods were done to establish a primary and reserve disposal area. No mottling or seepage was encountered within these areas, and 8 weeks of in season ground monitoring was done, both primaries were found to be dry. Due to the depth of refusal, the system would be a mounded soil replacement system, it will be a gravity system, the house will be elevated, with the general slope of the land being favorable. A two compartment 1,000 gallon septic tank is proposed for the 4 bedroom home, with an effluent filter on the output baffle to a D box and gravity flow to the disposal field. Chair Nugent asked why 8 weeks of in season ground water monitoring was done.

Mr. Jupinka stated that the soils on the property are severe as indicated in Ferriero Engineering review letter, it is a Reaville and Penn soil series, prone to be severe due to permeability in the upper soils. It was found here that in the shale, the water drains right out. Permeability were both basin floods in the primary reserve area, performed at 60" in 223-7, and in the reserve, a basin flood was done at 56" in 223-5.

Chair Nugent confirmed that all distance requirements were satisfied.

Mr. Jupinka stated yes they were.

There was some conversation of the conservation easement being held by the town.

Chair Nugent asked if the board members had any further questions.

There were no other questions.

A **MOTION** was made by Ms. Sheay to approve the application for **Block 73/Lot 40**, 137 Rockafellows Mill Road. This is new construction, the applicant is David Lewis, the engineer is Stephen Risse of Bayer-Risse Engineering. The design will be a mounded soil replacement gravity distribution disposal system with an installation of a 1,000 gallon 2 compartment tank, with the effluent filter on the outlet baffle. Correspondence includes Ferriero Engineering review dated 1/7/09, Hatch Mott MacDonald dated 4/25/07, 10/1/07. The plan is entitled Septic System Design for David Lewis, Block 73/Lot 40, dated 12/10/08, no revisions. The survey was done by Charles E. Saladin Jr. dated 2/17/07, revised 11/13/07, noted per planners and engineer review. LOI line verification and file # 1022-07-0003.1 (FWW-070001) dated 9/13/07. For the primary area, soil log 0223-6 dated 2/23/06, 80", no mottling, no seepage, zone of saturation is set at 80" and soil log 0223-7 dated 2/23/06, 91", no mottling, no seepage, zone of saturation is set at 91". Permeability was a basin flood 0222-1 in 0223-7 dated 2/22/06, depth 60", positive result. 8 weeks of ground water monitoring was done in soil log 0223-7 from 2/24/06 – 4/14/06, result was dry. For the reserve area, soil log 0223-4 dated 2/23/06, 85", no mottling, no seepage, zone of saturation is set at 85" and soil log 0223-5 dated 2/23/06, 84", no mottling, no seepage, zone of saturation is set at 84". Permeability was a basin flood 0222-3 in 0223-5 dated 2/22/06, depth 56", positive result. 8 weeks of ground water monitoring was done in soil log 0223-5 from 2/24/06 – 4/14/06, result was dry.

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

Ms. Muir	Aye	Ms. Sheay	Aye	Chair Nugent	Aye
Ms. Rohrbach	Aye	Ms. Simon	Aye		

Chair Nugent asked for an overview of the next proposed lot.

Mr. Jupinka stated Block 73/Lot 40.04 is the 6 acre piece that was subdivided off of Lot 40. This parcel is also accessed off of Stockton Road, a proposed 4 bedroom dwelling is planned for the property. This property is also bound by the same conservation easement that encloses the stream corridor and wetlands that was verified by the same wetlands LOI by the DEP. Soil testing was done near the rear of the property along the lines of the conservation easement, basin floods were successfully done within these soils area. The soils type is the same as Lot 40. Severe conditions noted, and 8 weeks of groundwater monitoring were done, unlike the neighboring lot, the primary area was found to be dry, as the reserve area did encounter groundwater and only 8 weeks of

testing a static water highest water level reading was 93", seepage was encountered at 90". For the primary and reserve areas, mottling was encountered in at least one of the soil logs, which is being treated as a regional zone of saturation. The system will be mounded, with the slope of the land and the location, it will be a gravity fed system. It will also have a 1,000 gallon 2 compartment septic tank with an effluent filter as well. Within the primary area the highest mottling was recorded in soil log 223-3 @ 48". Within the reserve area, the highest level of mottling was found @ 34" in soil log 223-1. The elevation of the mound is 3' at most. Chair Nugent asked about the one failing basin flood, and its proximity to the proposed systems. Mr. Jupinka stated soil log 223-2 with basin flood 222-5 did have a failed basin flood. It appeared that the soil conditions there that the rock was hard, and not readily drained. The distance is roughly 38' uphill gradient of the proposed reserve disposal area. 223-1 was abandoned because they were able to get the second filling in basin flood 223-2 in the same area. Both were passing. Chair Nugent asked if there were any other questions from the board. There were no additional questions.

A **MOTION** was made by Ms. Sheay to approve the application for **Block 73/Lot 40.04**, new construction, 137 Rockafellows Mill Road. The design will be a mounded soil replacement gravity distribution disposal system with an installation of a 1,000 gallon 2 compartment tank, with the effluent filter on the outlet baffle. The applicant is David Lewis, the engineer is Stephen Risse of Bayer-Risse Engineering. The survey was done by Charles E. Saladin Jr. dated 2/17/07, revised 11/13/07, noted per planners and engineer review. Correspondence includes Ferriero Engineering review dated 1/7/09, Hatch Mott MacDonald dated 4/25/07, and 10/1/07. The plan is entitled Septic System Design for David Lewis, Block 73/Lot 40.04, dated 12/10/08, no revisions. LOI line verification and file # 1022-07-0003.1 (FWW-070001) dated 9/13/07. For the primary area, soil log 0223-3 dated 2/23/06, 106", mottling @ 48", no seepage, zone of saturation is set at 48" and soil log 0224-2 dated 2/24/06, 106", no mottling, no seepage, zone of saturation is set at 48". Permeability was a basin flood 0223-2 in 0223-3 dated 2/23/06, depth 90", positive result. 8 weeks of ground water monitoring was done in soil log 0223-3 from 2/24/06 – 4/14/06, depth @ 103", result was dry. For the reserve area, soil log 0223-1 dated 2/23/06, 106", mottling @ 34", seepage @ 50", zone of saturation is set at 34" and soil log 0224-1 dated 2/24/06, 96", no mottling, no seepage, zone of saturation is set at 96". Permeability was a basin flood 0222-4 in 0224-1 dated 2/22/06, depth 60", positive result. 8 weeks of ground water monitoring was done in soil log 0223-1 from 2/24/06 – 4/14/06, depth @ 102", highest reading was 93" on 2/24/06. This motion was seconded by Ms. Simon, on roll call vote, the following was recorded:

Ms. Muir	Aye	Ms. Sheay	Aye	Chair Nugent	Aye
Ms. Rohrbach	Aye	Ms. Simon	Aye		

Chair Nugent stated that concludes the approvals for this evening.

G. ADJOURNMENT

A **MOTION** was made by Ms. Muir to adjourn at 9:30 pm, seconded by Ms. Sheay with a vote of Ayes all, Nays, none recorded.

Respectfully submitted:

Lorraine Petzinger
Board of Health Secretary