

READINGTON TOWNSHIP BOARD OF HEALTH MEETING

May 20, 2009 7:00 pm

Chair William C. Nugent called the meeting to order at 7:12 p.m. and announced that all laws governing the Open Public Meetings Act have been met and that this meeting has been duly advertised.

Chair Nugent noted that the regular Board of Health Secretary Lorraine Petzinger was not in attendance, and Karin Parker would be sitting in.

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				

Resolution BH-R-2009-5. APPOINTMENT OF BOARD OF HEALTH ATTORNEY

for a term of 8 months from 5/1/09 through 12/31/09.

A motion was made by Ms. Muir to appoint Stanley Perlowski, Esq. as the Readington Township Board of Health attorney for a term of 8 months from 5/1/09 through 12/31/09.

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

A. APPROVAL OF THE MINUTES

1. **Minutes** of March 18, 2009. (*-Albrecht, Butula vote*).

A **MOTION** was made by Ms. Muir, seconded by Ms. Sheay to approve the minutes of 3/18/09.

On roll call vote, the following was recorded:

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

2. **Minutes** of April 15, 2009. (*-Albrecht, Muir, Rohrbach vote*).

Deferred to June 17, 2009.

B. CORRESPONDENCE

1. **Suspected Hazardous Discharge Notification** letter dated 4/17/09 regarding gasoline.
2. **Suspected Hazardous Discharge Notification** letter dated 4/21/09 regarding oil heating #2.
3. **Suspected Hazardous Discharge Notification** letter dated 4/21/09 regarding oil heating #2.
4. **Block 94/Lot 4** - NJDEP – no further action letter.
5. NJDEP – Readington Lebanon Sewerage Authority.
6. **Letter from McFarland Johnson** regarding NJDEP application of D. Walker, Bedminster, NJ.
7. **Block 98/Lot 2.24** - NJDEP – no further action letter.
8. **Block 36/Lot 69**- NJDEP – no further action letter.
9. **Block 98/Lot 2.2** - NJDEP – no further action letter.
10. **Block 31/Lot 37** - NJDEP – LOI application.
Chair Nugent stated one page is missing, this will be redistributed with the next months material.
11. **Block 9/Lot 28.01 Branchburg Twp.** - Letter from Stires Associates regarding application for Flood Hazard Area verification.
12. **Hunterdon Cnty Bridge # R-123** – reconstruction – Freshwater Wetlands Appl.Chklist dated 4/8/09.
13. **Hunterdon Cnty Bridge # R-123** – letter from Keller & Kirkpatrick dated 4/18/09.
14. **St. Hubert's Giralda** – letter dated 4/2/09 regarding NJ Potentially Dangerous Dogs Laws.
Chair Nugent stated that a copy of this should be forwarded to the Dog Licensing Official, the red tags mentioned should probably be kept on hand.
15. NJDHSS – 2008 Right To Know Survey for 509 Route 523.
16. **HCDH** – Model Septic Maintenance Ordinance Meeting 5/20/09.
Chair Nugent stated that some comments from the board were forwarded, and a township committee member attended. There will be more information to follow.

17. **NJLM** – Mayors Fax Advisory dated 4/28/09 regarding public health emergency declaration due to the swine influenza virus.

18. **Block 39/Lot 18.01**– Notice of violation – solid waste.

Chair Nugent noted the new format. There was some discussion of whether or not a complaint is valid if the complaint filer had trespassed to obtain that information.

19. **Block 13/Lot 7** – NJDEP – no further action.

20. **Readington Twp. Memo** dated 5/5/09, Ordinance #18-2009 regarding temp.farmers market. *There was some discussion of farm stands, farm markets, and exemptions for each.*

Ms. Muir stated since this is an exempt situation, a letter to the Township Committee saying that the board approves of the farmers market, and does not see the necessity of granting any other approval as stipulated in the introduction to the ordinance, and ask for further clarification from them so that this can go forward, would be the timely thing to do.

Chair Nugent stated that the board would ask counsel to look at the Board of Health ordinances to see if there is anything they need to address, and to take into account the fact that Chapter 12 should possibly be altered to be Chapter 24 (26?) instead.

There was some discussion of this at the Twp. Committee meeting on 5/18/09, and their counsel had asked what specifically defines agricultural products. Ms. Muir stated that direction will come from the Twp. Committee since it is their ordinance, anyone that signs up as a vendor at the farmers market will have a list of allowable items, and regulations.

Chair Nugent stated a letter from the Board of Health to the Twp. Committee would be forthcoming.

21. **HCDH LINCS** - dated 4/9/09 Update – ILI week 13.

22. **HCDH LINCS** - dated 5/8/09 Update – ILI week 17.

23. **HCDH LINCS** - dated 4/24/09 Advisory – Human Swine Flu Investigation.

24. **HCDH LINCS** - dated 4/25/09 CDC Advisory – Human Swine Flu (H1N1)Investigation.

25. **HCDH LINCS** - dated 4/25/09 CDC Update – H1N1.

26. **HCDH LINCS** - dated 5/8/09 Update – ILI week 15.

27. **HCDH LINCS** - dated 5/15/09 Update – ILI week 18.

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

1. Septic System Repair Approval from HCDH, B 46.01/L 11.15. *Final field 4/13/09*

2. Septic System Repair Approval from HCDH, B 50/L 41. *No work done as of 5/12/09*

3. Septic System Repair Approval from HCDH, B 68.01/L 10.22. *Final field 5/11/09*

4. Septic System Repair Approval from HCDH, B 62/L 12. *Final field 4/13/09*

Chair Nugent noted this was for an abandonment. Ms. Vaccarella stated this could have been done off of the original permit.

5. Septic System Repair Approval from HCDH, B 39/L 49.05. *No work done as of 5/12/09*

D. OLD BUSINESS

1. **Block 42/Lot 18** – revised soil log data sheets per 4/15/09 BOH meeting.

Noted.

2. **Follow up to B. 7.** from the 4/15/09 agenda, Block 31/Lot 12 - NJDEP – emergency discharge of treated ground water.

Chair Nugent thanked Ms. Vaccarella for this prompt follow up.

E. NEW BUSINESS

1. **NALBOH** – Conference registration form, July 1 – 3, 2009, Philadelphia.
(*see email dated 5/18/09*).

Chair Nugent stated that after it is determined if there is an allowance available, the board members may decide whether or not they will attend.

2. **A. Delaware Twp.** - Letter dated 5/5/09 regarding previous correspondence regarding reduction in the budget for Public Health Nursing services.

Chair Nugent stated this was a follow up letter. Ms. Vaccarella stated their budget was cut, 4

people were laid off and there was a 10% reduction in hours for the remaining persons.

B. Readington BOH – Letter dated 4/16/09 to Board of Chosen Freeholders supporting Delaware Township’s position letter of 3/26/09.

Chair Nugent stated that this board may want to respond with a similar letter.

Mr. Perlowski stated that it may be instructive to reply to the Board of Chosen Freeholders asking what activities they anticipate would be curtailed due to the budget changes.

Ms. Vaccarella stated that they may also want to ask how the Freeholders would assure the public that there are going to be shots available for the public through the flu clinics if there is not enough nursing staff.

3. NJ LINC – FDA Requires Additional Labeling for OTC Pain Relievers and Fever Reducers.

Chair Nugent read “Public Health Info, FDA Requires Additional Labeling for OTC Pain Relievers and Fever Reducers, The Food and Drug Administration issued a final rule on 4/28/09 that requires manufacturers of over the counter pain relievers and fever reducers to revise their labeling to advise of potential safety risks, such as internal bleeding and liver damage associated with these popular drugs. Products covered by the FDA action include acetaminophen, and a class of drugs known as the non steroidal anti inflammatory drugs, which include aspirin, ibuprofen, naproxen and ketoprofen. Acetaminophen is in a class by itself. The revised labeling applies to all OTC pain relievers and fever reducers, including those that contain one of these ingredients in combination with other ingredients, such as in cold medicines containing pain relievers or fever reducers.

4. Teleconference – HCHD and local Board of Health Members – Swine Flu or H1N1 Task Force.
Review by Jane Butula.

Chair Nugent stated a teleconference between the HCHD, Board of Health Members and the H1N1 Task Force. Ms. Butula participated in this conference, the pertinent points of the meeting were that as of 5/25/09 a new school policy is that there would be no routine closing in cases of suspected or confirmed cases, strict adherence to infection rules and exclusions, all children and staff with fever and flu symptoms are to be excluded immediately and must stay home for 7 days. Ms. Simon stated the importance of the 7 day rule was stressed to parents. Ms. Muir stated that one concern is that they are not including the mild cases in the total count, and that doesn’t seem accurate. Ms. Vaccarella stated that it may be a good idea to discuss this when Ms. Butula is present.

F. APPROVALS

Category A. – Single Lots

1. Block 14/Lot 37 – ACT Engr., Lynch/Ireland, Clark Lane

Escrow fees paid 1/23/09, Ck# 178, \$750.00

Data mailed with 1/21/09 packet.

Previously heard 4/15/09.

Mr. Doug Fine, ACT Engr., NJ licensed engineer represented the estate of Ms. Ireland. Ms. Lynch who is the executrix of the estate was also in attendance. Mr. Fine stated that they have presented a septic system design to mitigate a malfunctioning cesspool on the property. The property is roughly a ½ acre, 220’ deep, 100’ wide served currently with private well water. The existing cesspool is 53’ from the existing well, and they are proposing a concrete septic tank and pump tank that are 59’ from the existing well. The wastewater will be transferred into a disposal field that is designed utilizing a peat moss biofilter system. The percolation tests on the property have been mediocre and failing. Two tests resulted in 55 mins./inch and >60 mins./inch. Because of the poor permeability of the soils they are providing a peat moss biofilter to provide a high level of treatment of the effluent to give this system the best chance at functioning and draining through the disposal area. The disposal area is sized in accordance with the peat moss biofilter guidance document 1/2008 issued by DEP. The disposal area is 19’ X 49’ and will serve the 2 bedroom dwelling. An Ecoflo ST500, which is suitable to 500 gallons/day or treatment of a 3 bedroom home. To summarize what was discussed at the last meeting, the soil logs, permeability tests, use of the peat moss biofilter, and the existing well. Mr. Fine stated that the proper noticing was done to the 11 property owners within 200’, and the utilities. Regarding the well, they do not have well casing information, the cost is

better spent on having UV system in. There currently is no problem with well although there is a cesspool. Chair Nugent stated regarding the well, in the Peat Biofilter Wastewater Treatment Systems Guidance Document, January 2008 there is a reference to UV treatment for the water or effluent, pg. 5 of 13, item #9. "in cases where setbacks to wells cannot be increased to meet current requirements the local administrative authority should consider ultraviolet disinfection on the well in addition to or instead of disinfection of the wastewater in accordance with G8 below" which references "for the alteration of a malfunctioning system where native soil percolation rates are between 60 – 120 minutes/inch, a peat biofilter treatment system may be used in conjunction with a conventional disposal field".

There was some discussion of the previously mentioned Guidance Document.

Mr. Fine confirmed that every intention was made to comply with the Guidance Document.

Mr. Perlowski stated that prior discussions summarized in the minutes from the previous meeting indicated the consideration of the laws and regulations regarding alterations. In the comments, the point was also raised by Ms. Muir that this is an experimental system. Mr. Perlowski asked Mr. Fine if he agreed with that.

Mr. Fine asked in accordance with NJAC 7:9A?

Mr. Perlowski stated yes.

Mr. Fine stated that is correct, that is where the Guidance Document has been issued. That is how the DEP has made these systems approvable through current code.

Mr. Perlowski asked if Mr. Fine agreed that in the event that there was a failure to comply completely with the Guidance Document of January 2008, a treatment works approval would be necessary separate from the general treatment works approval that is in effect.

Mr. Fine stated he did not agree with that because this Board has the ability at the local administrative authority to approve the best system that is presented. Any non compliant issues would not require a treatment works application.

Mr. Perlowski advised the board that the way the regulation reads, the applicant is required to fulfill all the requirements of the Guidance Document, and if that is done, there is in effect the general treatment works approval that covers the installation of same, however in the event that there were a failure to comply with the terms of the Guidance Document, this provision in essence says that the Board of Health would have to send the matter over for a specific treatment works approval, the applicant should be aware that there should be complete compliance with the document.

Mr. Fine stated that he did not have a problem with that.

Mr. Perlowski stated there is also a provision in the Board of Health Ordinance regarding the inspection and certification of septic systems construction that he would recommend be followed in this case. In addition to the manufacturers representative and engineer, the boards own engineer should inspect the final construction to insure that it is in conformity with the requirements in the Guidance Document.

Mr. Perlowski stated regarding the well, why wouldn't it make sense to move the tanks towards the disposal field, and increase the distance from the well.

Mr. Fine stated the disposal field is 102' from the well, if they moved the septic and pump tanks, it would be adjacent to the disposal field, and they still wouldn't comply with the 100' setback and the length of the building sewer would be increased, and increasing the depth of those tanks and creating more of a problem for the solids to build up, rather than collecting and conveying them to the disposal field via pump.

Mr. Hansen asked if there would possibly be more of a maintenance issue to it.

Mr. Fine stated definitely.

Ms. Muir asked why if the tanks were deeper, would there be a problem, wouldn't gravity work in favor of the tanks being deeper?

Mr. Fine stated it is a maintenance issue, by pushing those tanks to the back of the property, you are moving them from easy access for maintenance and cleaning.

Mr. Hansen stated you don't want to have a pump tank too deep, because then you have too many risers on it, and it becomes problematic to pull the pump out, you really don't want to have more than a couple of feet of cover on the tank to adequately maintain it.

Mr. Perlowski stated you have a potentially impervious formation that became problematic, referring to the two percolations tests that were described. The solution to the poor permeability is to increase the treatment of the effluent, it doesn't seem to follow that the cleaning up of the effluent effects the lack of permeability. Is it problematic for the water to run through permeable material, and then hitting the impermeable surface.

Mr. Fine stated there is not a lack of permeability, it is slow permeability, the cleaner you can get water to be, the easier it will be to move through soil. With a high clay content such as these, if you try to run dirty water through these soils, they will plug up very very quickly. The pore spaces are very small as compared to highly permeable soils. The high level of treatment provides a much better chance for the water to drain through these restrictive soils. It is going through clean stone in a conventional septic system as well, and then underlain by additional treatment in select fill, and then in to the native soil.

There was some discussion of the length of time these systems have been in use, and the follow up and maintenance involved.

A **MOTION** was made by Ms. Sheay to approve the application for Block 14/Lot 37 located at 4 Clark Lane. This is an alteration with no expansion to repair a malfunctioning system, the applicant is Bernadette Lynch, Executrix for the Estate of Mertie Ireland, the engineer is Douglas Fine of ACT Engineers. The design will be a new system, 1300 gallon, 2 compartment septic tank and installation of a 1,000 gallon pump tank. The disposal field will be a soil replacement bottom lined with an Ecoflow ST500 peat biofilter unit. The map is entitled Peat Biofilter System Design, dated 11/20/08, revisions 2/6/09, page 2 of 12 per engineer review letter 1/29/09, 3 of 12 inspection port depth per NJDEP, 5 of 12 – 1/6/09 revised typo per HCDH, 7 of 12 – 2/6/09 revised note #1 per NJDEP, and 8 of 12 – 2/6/09 per engineer review 1/29/09. The surveyor is David Newton, survey 11/25/08. Soil log 1, 10/30/08, @ 192", no mottling, no seepage, zone of saturation @192"; soil log 2, 10/30/08, @ 156", no mottling, no seepage, zone of saturation @156". Permeability test was percolation test PT1 in soil log 2, 10/30/08, @ 69", result 55 min./inch; PT2 near soil log 1, 10/30/08, @ 53", >60 min/inch, failed result. The well was tested on 10/23/08, passing results for coliform bacteria, testimony that the term 'treated' is in reference to a pH system, not for coliform bacteria.

The motion for approval is being made with the knowledge that one of the permeability tests failed, and the motion for approval is done in light of 1) constraints of the property 2) new system is a significant improvement over the existing one 3) the new system will increase the protection of the communities health and safety 4) the installation of a peat biofilter system to further treat the effluent that will enter the ground is an additional safeguard 5) the proposed system is an excess in size to ordinance and guidelines 6) this is for a 2 bedroom house only.

The following waivers are considered:

1. Grant approval for use of a pump system with the accompanying deed restriction and maintenance and inspection procedures required by the Township. The deed restriction is to be filed with the Hunterdon County Clerk's office and a copy of the deed restriction must be returned to the Readington Twp Board of Health Secretary within (60) days. The engineer must give the maintenance requirement literature to the owner of the property.
2. Grant a variation to locate the septic and pump tanks 59 feet from the well in recognition that moving the septic and pump tanks further away from the well would be more problematic with maintenance, potential obstructions, and difficulties in cleaning the tanks.
3. Grant approval to install an Ecoflow Peat Biofilter Septic System with the following requirements:
 1. Only an authorized Ecoflow installer may install this peat biofilter treatment system.
 2. The peat biofilter treatment system must be installed according to the directions provided in the manufacturer's installation manual and the approved peat biofilter treatment system design.

3. The authorized installer must notify the NJDEP one week prior to the installation of any component of the system and shall coordinate inspections with the DEP in addition to any and all inspections required by the Hunterdon County Department of Health.
4. The authorized installer must be present at the site at all times during the installation.
5. The Readington Township Board of Health shall require Bernadette Lynch, Executrix to record with the deed to the property, a notice that identifies the technology being utilized, acknowledges the owner's responsibility to operate and maintain the system through an appropriate service provider and grants access to the property for the purpose of system monitoring and inspection . A form notice can be obtained from the Readington Township Board of Health Secretary. Said notice shall be recorded with the Hunterdon County Clerk within 7 days of installation. Filed copies of the Notice shall be provided to the Readington Township Board of Health Secretary and the Hunterdon County Department of Health within 15 days of the filing date. There will be a modified form from Readington Township Board of Health so that there is one deed restriction which will encompass the pump and this new technology.
6. The Readington Township Board of Health requires Bernadette Lynch, Executrix of the Estate to provide (in the event of a sale of the property) the next owner of the property a copy of the Deed Notice prior to entering into a contract for sale of the subject property.
7. The Ecoflow peat biofilter treatment system shall be covered by a minimum of (5) five year, fully transferable warranty for all components of the peat biofilter system.
8. As part of, or in addition to the initial minimum five year warrenty, the subject peat biofilter treatment system shall be covered by a renewable and fully transferable service contract which can never be cancelled. The Readington Township Board of Health shall have the authority to verify the validity of same, and to request and receive all relevant information from the service provider.
9. Bernadette Lynch, as Executrix of the estate, must provide a valid copy of the original warranty and service contract for the peat biofilter system to the Board of Health Secretary at the time of issue and no later than 2 weeks after installation.
10. Annually, Bernadette Lynch, Executrix, and all future property owners, shall submit written verification to the Readington Township Board of Health following the initial minimum 5 year warranty/service contract period, that a new annual service contract is currently valid and in effect for the subject system. Annual service contracts shall not be cancellable.
11. The engineer shall inspect the system at the conclusion of installation before the back filling is begun. The design engineer shall inspect the site 30 days after installation and ascertain proper functioning of the system. The engineer will provide certification to the Hunterdon County Department of Health and Readington Township Board of Health.
12. The service contract shall include provisions for the manufacturer or its agent to inspect the system at least once a year, or more as recommended by the manufacturer, to insure the system was installed and is operating properly and is functioning in accordance with the manufacturer specifications. The service contract shall also include a reasonable estimate of costs to repair any problems associated with the inadequate function of the disposal system.
13. Prior to the execution of the service contract, the manufacturer or his agent shall provide the property owner with a copy of the current version of " Guidance for Approving Alterations to Existing and Malfunctioning Systems using Peat Biofilter Treatment Systems prepared by the NJDEP". This document is available on their website.
14. It is the responsibility of the manufacturer or its agent to supply the Readington Township Board of Health with an acknowledgment signed by the property owner, that a

copy of the current Guidelines has been received and reviewed prior to the installation of the peat biofilter treatment system. The manufacturer or its agent shall not deliver any system components until such documentation has been provided to the Readington Township Board of Health and the Hunterdon County Department of Health.

15. The service contract shall authorize the undertaking of any maintenance or repairs determined to be necessary during any inspections, or as a result of observations made, at any other time. However, it shall be the responsibility of the property owner to assure proper maintenance and service of the disposal system, and that all necessary permits are obtained prior to any repairs of the system.

16. The service contract shall include, but is not limited to, the inspection of motors, airflow, effluent, and measurement of sludge. An employee trained by the manufacturer (service provider) shall conduct an inspection of the internal components and peat material, and maintain the peat filter to ensure the system is functioning properly, and to optimize performance. Service providers shall maintain documentation from the manufacturer, that the individual performing the inspection, service or other routine maintenance is currently authorized by the manufacturer to do so. Proof of authorization and training of said service provider, and all training materials utilized shall be made available to the Readington Township Board of Health and the Hunterdon County Department of Health upon request.

17. Notice for failure to renew the service contract shall be directed to the Readington Township Board of Health by the service provider or its agent within 7 days from the date that the information is received by the service provider.

18. The manufacturer or its agent shall provide on January 1st each year to the Readington Township Board of Health, identifying each system within its jurisdiction, the status of the service contract, the current service provider(s), identification of any service problems associated with the system and the manner in which they were corrected.

19. The peat biofilter treatment must be equipped with a telemetry control panel which is attached to an Internet based interface that provides continuous remote monitoring, etc. or an active phone line equipped with an auto dialer to notify the authorized service provider of alarm conditions, including if power to any of the system equipment is disconnected. The system shall also include a control panel that tracks at a minimum, pump time elapsed, cycle counts, and high level alarm counts and other means to determine flow through the system and other system information for trouble shooting.

20. The Authorized service provider or the engineer shall complete the System Start-up Checklist from the manufacturer. This start-up checklist shall be provided to the Readington Township Board of Health within 15 days of the installation.

21. This approval does not exempt the current or future property owners or their agents from the responsibility to comply with all other applicable Federal, State, County of Hunterdon, and Readington Township Board of Health ordinances.

22. Readington Township Board of Health reserves the right to take any and all necessary action to compel the property owner to cease use of the system, if the property owner fails to comply with the conditions contained herein.

23. The installation of the system will be in full compliance with the Guidance Document from NJDEP titled Peat Biofilter Wastewater Treatment Systems Guidance Document date January 2008 .

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		

Mr. Perlowski recused himself from acting on the application for Block 80/Lot 1.

2. Block 80/Lot 1 – Hatch Mott MacDonald, Readington Twp., River Ave.

Application submitted 10/2/07.

Data mailed approx. 11/7/07.

Previously heard 11/21/07.

Mr. Joe Modzelewski, NJ licensed engineer for Hatch, Mott, MacDonald appeared before the board. This application is a large tract with a 2 acre exception area, the property is located between River Ave. and Route 202 near Three Bridges. This was formerly the Ilva Saronna tract purchased by Readington Township. The soils testing was done within the 2 acre tract to allow 1 dwelling on the property. This application was before the board about 1 year ago. The original tract was Block 80/Lots 1 and 2. Concerns raised previously at the 11/21/07 meeting resulted in amended soil logs being submitted and also amended conceptual primary, reserve and dwelling unit locations being resubmitted approximately June 2008. Mr. Modzelewski noted that there are existing monitoring wells that are capped, and the Board had previously requested that they be closed to prevent groundwater pollution. Regarding the soil logs, soil log 1 reported 1/4/07 had a fractured rock substratum at 42", massive rock substratum at 90" – machine refusal, no mottling, seepage at 90". Regional zone of saturation recorded highest monitoring at 60". In the primary area, soil log 7 3/5/07, no mottling, no seepage, hydraulically restrictive horizon was noted between 5 – 19". Regional zone of saturation was at 70". The second round of groundwater reading was observed at 67". Pitbail 11 was conducted at 81", was passing and was located between soil logs 1 and 7. In the reserve area, soil log 8, 3/5/07, fractured rock substratum at 60", massive at 120", no mottling, no seepage a hydraulically restrictive horizon was identified between 8 and 38", groundwater monitoring established the regional zone at 65". Soil log 9 fractured rock substratum at 36", massive at 158", no mottling, no seepage, hydraulically restrictive horizon was identified between 7 and 36", groundwater monitoring established the regional zone at 67". Soil log 3 located 15' outside the potential footprint of the system recorded 1/4/07, fractured rock substratum at 31", massive at 93", mottles were observed between 26 and 31", within a horizon by definition was hydraulically restrictive horizon. The regional zone was recorded through ground water monitoring at 46" below ground surface. There is a potential for an artesian condition in soil log 3. Pit bail test 2, passing at 93" was performed. Soil log 3 went through 2 – 8 week rounds of groundwater monitoring.

There was some discussion of possibly performing a class rating test; the possible artesian condition and proving or disproving of that condition.

Chair Nugent asked Mr. Hansen what direction he would give on this.

Mr. Hansen stated that he had reviewed the soil logs and groundwater monitoring results. He felt the board should focus on the fact that there is a substantial amount of groundwater monitoring, more than would normally be required. Although the soils might change to some degree over a short period of time, it would not be typical for the groundwater to jump in such a short distance. There is a lot of material presented, the intent of the ordinance is to do this groundwater monitoring so that the field results can be utilized, and have testing that can be relied on. The focus should be on the testing that is presented, instead of what could be.

Chair Nugent stated regarding the possible artesian condition and the piezometers that would have to be installed, there would be two piezometers, one a deep and one shallow, is it correct to assume that all of the monitoring that was done would approximate or closely equal the results of that one deep well of the two?

Mr. Hansen stated exactly.

Chair Nugent stated so the acceptance that the many weeks of groundwater monitoring, none of which showed the water level even approaching the hydraulically restricted horizon could be used as a disprover of a potential artesian condition.

Mr. Hansen stated the amount of testing that the board has supports Mr. Modzelewski's conclusions.

Chair Nugent asked if there were any more questions.

Ms. Vaccarella stated that there is a well location on the plan, is that proposed or actual ? And would the plans be to abandon the other 7 wells ?

Mr. Modzelewski stated it is proposed, the board may make that a condition.

A **MOTION** was made by Ms. Sheay to approve the application for Block 80/Lot 1 located at River Ave., the applicant is Readington Township, the engineer and surveyor is Clay McElDowney. This is new construction, gravity system. Correspondence is from Ferriero Engineering dated 11/16/07, 6/23/08, 3/23/09, the title of the map is Soil Log Location for Block 80/Lot 1 Exception Area, 9/25/07, revision 11/19/07, per Ferriero comments, and 5/5/08, reserve area location. The soil logs for the primary, two soil logs were done, soil log 1, 1/4/07, @ 90", no mottling, seepage @ 90", ground water monitoring 1/11/07 – 4/30/07, non contiguous, highest ground water observed was 68", 2/22/07. Soil log 7, 3/5/07, @ 102", no mottling, no seepage, hydraulically restrictive horizon 5 – 19", ground water monitoring observed 3/12/07 – 4/30/07, highest ground water observed was 67", 4/30/07. Permeability test was pit bail test, PB11 conducted at 81" between soil logs 1 and 7, done 2/7/08, passing at 3.1"/hour. For the reserve area, soil logs 8 and 9 were considered. Soil log 3 will not be included for the design for the reserve area due to the fact that the extensive ground water monitoring is not in agreement with the potential artesian zone of saturation in one of the horizons. Soil log 8 done 3/5/07, @ 128", no mottling, no seepage, hydraulically restrictive horizon was 8"- 38". Groundwater monitoring was recorded 3/12/07 – 4/30/07, highest ground water was 65" on 4/30/07, regional zone of saturation is set at 65". Soil log 9 done 3/5/07, @ 115", no mottling, no seepage, hydraulically restrictive horizon was 7"- 36". Groundwater monitoring was recorded 3/12/07 – 4/30/07, highest ground water was 67" on 4/30/07, regional zone of saturation is set at 67", pitbail test, PB3 @ 113", 3/5/07, 5.1"/hr. An LOI application dated 10/13/03, prepared by Habitat Mgmt. and Design, was withdrawn. LOI file # 1022-03-0025.1 FWWLOI(030001) for Block 80/Lots 1 and 2, 3/21/05, testimony from the engineer is that there are no wetlands within 150' of the exception area.

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		

Chair Nugent stated that the time is 10:30 p.m., and the board usually does not begin new applications after 10:00 p.m.. Respectfully to the next applicant and engineer, the board will plan on hearing them next month. The board agreed to that suggestion.

Chair Nugent stated that he would make sure this application is heard next month.

Mr. Ciarlotta addressed the board and voiced his concern at not being heard.

Chair Nugent stated that the next meeting would be June 17, 2009.

Category B. – Subdivisions

- 1. Block 97Lot 4 – ACT Engr., Stires Assoc.; Ciarletta,**
Escrow fees paid 12/19/06, Ck#110950, \$1250.00;
10/20/08, Ck# 16248, \$750.00; 5/12/09, Ck# 16385, \$700.00.

G. ADJOURNMENT

A **MOTION** was made by Ms. Muir to adjourn at 10:30 pm, seconded by Ms. Simon with a vote of Ayes all, Nays, none recorded.

Respectfully submitted:

Lorraine Petzinger
Board of Health Secretary