

## READINGTON TOWNSHIP BOARD OF HEALTH MEETING

August 20, 2008 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.

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

**Also Present:** Board of Health Attorney, Marisa A. Taormina, Esq.  
Hunterdon County Health Dept.: Debra Vaccarella

### A. APPROVAL OF THE MINUTES

#### 1. Minutes of July 16, 2008.

A *MOTION* was made by Ms. Muir, seconded by Ms. Butula to approve the minutes of 7/16/08.

Ms. Butula complimented Ms. Petzinger on the outstanding job on the minutes.

On roll call vote, the following was recorded:

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

### B. CORRESPONDENCE

1. **Suspected Hazardous Discharge Notification** letter dated 7/3/08 regarding heating oil at 18 Quail Lane.

2. **Suspected Hazardous Discharge Notification** letter dated 7/4/08 regarding benzene at 900 Route 202S.

*Chair Nugent noted contamination found during investigation of wells.*

*Ms. Vaccarella stated she would look into this.*

3. NJDEP – new website **KCSNJ Known Contaminated Sites in NJ**

[www.nj.gov/dep/srp/kcsnj](http://www.nj.gov/dep/srp/kcsnj)

*Ms. Butula asked that Ms. Petzinger go to the website and copy the boardmembers on this.*

4. **HCHD LINCS** - dated 7/22/08. Public Health Advisory – Tularemia diagnosed in NJ.

5. **HCHD LINCS** - dated 7/10/08. Public Health Update – Canine Influenza.

*Chair Nugent read into the record since the 6/19/08 notification that canine influenza was identified at a Burlington County board kennel, additional outbreaks have been identified in Sussex and Mercer Counties. Several hundred dogs have become ill, with 1 reported fatality associated with these outbreaks.*

6. **HCHD LINCS** - dated 7/10/08. Public Health Information - Education.

7. **Block 39/Lot 49.16** – UST – No further action.

8. **Block 69/Lot 13.24** – UST – No further action.

9. **Block 39/Lot 57** – NJDEP letter regarding approval for child care facility.

*Ms. Butula asked that Ms. Vaccarella look into this. Ms. Vaccarella stated this is routine, as discussed previously. The interior is inspected by the DOH for their license.*

10. **Block 39/Lot 57** – ESN Assoc. – regarding general permit, note corrected Block/Lot #.

11. **Block 50/Lot 3** – NJDEP – GP25 Authorization.

*Received Readington Twp. BOH approval 6/18/08.*

12. **Block 51/Lot 2.11** – NJDEP – No further action letter.

### C. SEPTIC REPAIRS

1. Septic System Repair Approval from HCHD, B 72.01/L 34.14.

*This item will be addressed on the 9/17/08 agenda.*

### D. OLD BUSINESS

1. 7/16/08 agenda items follow up:

**B. 1.** *Ms. Butula noted item agenda item B. 1. Ms. Vaccarella stated as of 7/17/08 no action had been taken on this.*

**B. 6.** *The salmonella outbreak was narrowed down primarily to peppers.*

### E. NEW BUSINESS

1. **St. Hubert's** Animal Control Services Reports – 1/1/08 – 6/30/08.

*Noted.*

**2. BOARD OF HEALTH SECRETARY'S OFFICE HOURS - reduction.**

**As of August 18, 2008, the Board of Health office hours are:**

***Monday through Friday from 1:30 – 4:30 p.m.***

***Chair Nugent stated as a result of cost cutting measures at the township there has been a necessity to reallocate resources within the township, and the Board of Health secretary Lorraine has been subject to that reallocation. As a pilot for the moment, the change in her hours of availability are such that she is only available in the afternoon for Board of Health, from 1:30 – 4:30 p.m.; and in the morning for the Code Enforcement Department.***

**F. APPROVALS**

**1. Block 63/Lot 50– RBZ, Walker, Stanton Sta. Rd.**

Escrow fees paid 7/8/08, Ck#2514, \$750.

Ms. Taormina confirmed that the notice was in order and satisfactory.

Mr. Robert Zederbaum, NJ licensed professional engineer, with RBZ Enterprises and Jim Dougherty appeared before the board. The owner of the property, Gloria Walker was not present, but was represented by her daughter, Cathy Lucas. Also in attendance was Mr. Michael Zederbaum, attending for observation. Briefly, for the record, the adjoining lot, Block 63/Lot 51 for the Mitchells was before the board a couple of months ago and was granted a number of waivers. At that time, Ms. Lucas stated that she was supportive of whatever waivers were needed, and also that she expected to see the board within the next several months due to the fact that she was also having problems. A point of major discussion is the distance from the proposed system to the neighboring wells. The neighboring lot is about 85' from our septic tank, but roughly 76' from our disposal bed. The information from D & L Well Drilling indicates that there is virtually no casing on that well, it is 8' of casing. The system can't be moved any further away from the well. Chair Nugent confirmed that the distance between the Lot 51, its well and the proposed septic tanks on this application lot, Lot 50, is 85'. The state code allows a minimum of 50', the township ordinance is 100'. That reduction has been allowed in the past when 50' of casing exists. The distance between the adjoining property well and the septic tank is compliant to the state code.

The distance between the adjoining property well and the proposed bed on the applicant property is where there is an issue. That distance is 75.9', so effectively is 24.1' short.

Mr. Zederbaum stated even though the distances are short by Readington's ordinances, they are substantially increased over what exists today, it is approximately 40' from both the disposal 'thing' that is out there and the existing septic tank to the adjoining wells, they have more than doubled the distance from what exists today to the proposed design.

Ms. Vaccarella asked if the septic system that was on Lot 51 before the new system was put in was closer to the house than the bed that is there now.

Mr. Zederbaum stated it was closer, and they were able to modify the septic tanks to meet the Readington Twp. requirement.

Ms. Vaccarella stated at that time there was 8' of casing, and they passed a water sample.

Mr. Zederbaum stated moving to the well on lot 50, they are not able to meet the Readington ordinance, they are 65' from the septic tank, and 77' to the disposal bed. There is about 20' of casing, per D & L, a water sample indicates good water.

Mr. Zederbaum stated a couple of waivers are needed from the board, the toe of the mound will only be 5' from the property lines, not the required 10'. The property will be staked prior to construction to establish boundaries.

Ms. Butula asked where on the map the designated wetlands were.

Mr. Zederbaum stated they are not marked on the map, a supplemental discussion after the Mitchells prompted him to contact Mr. Tariela, and he resubmitted a letter dated 6/4/08, indicating how he had designated wetlands which covered everything on these two properties. That letter was the model of the letter submitted for the Walkers, on paragraph #2.

Mr. Zederbaum stated even if a portion of a system falls within a buffer or wetlands, it requires a GP 25 from the state. They approved the GP 25 prior to the construction of the neighboring system, whatever situation is on that lot will be transferred over to the subject property.

Chair Nugent asked if there were any locations noted on the adjoining property that was identified as wetlands.

Mr. Zederbaum stated there was nothing specifically marked out by Mr. Tariela, or the State, they essentially came out and agreed that the GP 25 was appropriate, and issued one.

Ms. Taormina asked what the nature of the malfunction was.

Ms. Lucas stated the effluent is surfacing, resulting in the tank being pumped out every few weeks, when the pipe across the back of the properties was capped, the breakout started.

Chair Nugent asked if the detail on the map was correctly depicted.

Mr. Zederbaum stated the whole back yard was not dug up, but based on where they found sewage, they have shown a connection, and indicated that they had encountered the septic area, it is somewhat vague.

Mr. Zederbaum confirmed that what is referred to as seepage tank is what on the map is annotated as Septic Area Encountered During Soil Testing, it was encountered during testing, and where the two soil logs were done, there was nothing.

Ms. Vaccarella stated basically the septic tank that is there, which is probably where Russell Reid is pumping from, they do not pump out of a 4" inspection pipe, so even if a pipe was put into the excavated area, there is no way they could pump out of a 4" pipe, they use a 6" hose. They are probably pumping out of a septic tank, which they located and dug up that is available, because it has been cut off at the property line, that septic tank is really acting as a holding tank and so every gallon that is added to it is staying there, and backing up at the line, and when it isn't pumped it surfaces on the ground in that area where the pipe is.

The board members agreed with that, however those answers were not from people that should know.

Ms. Vaccarella stated note #2. on the plans, as well as the HCHD requirement that the pit will be abandoned in place as well as the old septic tank. If that is what we are looking for as an assurance that that will be done, there is a note on the plan, regardless of where the lateral is, laterals don't get abandoned, they just stop being used. The safety factor is on the plans, as well as being carried out by the County.

There was some discussion of the volume and frequency of the effluent being pumped out, and what it was being pumped out of.

Mr. Zederbaum stated it may be a homemade seepage pit.

Ms. Butula asked what plans have been made for the well, considering the distance of 20'.

Ms. Lucas stated the well has been tested, and the results were fine.

There was some discussion of the casing of the well, and installing ultra violet filtration on both the wells, Lots 50 and 51.

Ms. Taormina stated it is important that the distance to the neighboring well be acknowledged by them, also, the code requires 50' of casing.

Chair Nugent stated there are some other questions to consider, if the problem with the disposal system on this property only came to light with the perforation, damage and cutoff of the line as it protruded onto the adjoining property, then the implication is that much of the disposal bed was well beyond the 100' distance from the existing well on the adjoining property, therefore, even though the existing well on the adjoining property tested good, and the well on the subject property is testing fine, we are proposing putting a system that is closer than the current disposal system, and cannot be assured that because there is not a problem now, one will not occur in the future. The system is designed better with better fill, but the reason for the distance separations is because there is evidence to suggest that less than 100' or 50' without 50' of casing can be problematic.

Mr. Zederbaum stated based upon the testimony given previously during the Mitchell application, that the board was aware that prior to the elimination of the piping on the adjoining property, this system was in jeopardy, and needed replacement. The cutting off of the pipe has exacerbated the problem, but the problem is still in the area of the subject parcel, and not entirely on the adjoining parcel, so they are a lot closer to the problem to the existing wells and saying it was all caused by this thing away from the 100' radius.

Chair Nugent stated that for the record, pump outs of the tank on this piece of property occurred before any work was going on next door.

Ms. Taormina stated that the town has their own ordinances which are more strict than the state, the 100' distances. In a case like this, you can request a waiver from that to the state code, which is 50' provided there is 50' of casing. This board does not have the power to change the state code.

Ms. Vaccarella stated in similar situations, that other boards of health may state that since there is a hardship here, in lieu of drilling two new wells, since both wells have passing results, and the new disposal systems will both be new, modern systems, vs what is existing, ask that both homes install UV lights on their wells.

Ms. Muir confirmed that that was acceptable to the state, as far as water purity was concerned.

Ms. Vaccarella stated correct, that is an acceptable treatment.

There was some discussion of the UV filtration system for both properties.

Chair Nugent noted the distance between the disposal bed and the well on the adjoining property is 24.1' shy. There was some discussion of other options for changing/altering the size or configuration of the bed to gain the distance necessary from the adjoining property.

Ms. Taormina asked Mr. Zederbaum if he were familiar with the section of the code that Ms. Vaccarella referenced earlier, that in certain circumstances provided conditions are met, this board can in fact approve certain alterations. Paragraph #2. which the board should focus on, states that alterations are made in such a way that those components of the system altered are in conformance with the requirements of this chapter, or are closer to being in conformance with this chapter than the original components prior to the alteration.

Mr. Zederbaum stated that they are substantially more in conformance to what exists today, it is approximately twice the distance from the well on the adjoining property with the new design, and it is an engineered system.

Ms. Taormina stated either way, it is not in conformance with the state code, it is just a little bit farther.

Separate and apart is the legal standpoint with any imposition regarding that adjoining property owner.

Ms. Albrecht asked if there were anything that the board could do to assure that the adjoining property owners fully understood the circumstances.

Ms. Taormina noted that the current adjoining property owners are new homeowners, and were not noticed, perhaps due to the recent purchase of the home are not aware of the situation.

Ms. Muir urged the board to move forward on this because the proposed system is much better than what is there now.

Ms. Butula noted that since the current adjoining property owners were not noticed, they couldn't move forward.

Mr. Zederbaum stated that he would directly notice the current homeowner.

The board agreed that Mr. Zederbaum encourage the current homeowner to attend the next meeting.

Chair Nugent asked Mr. Zederbaum if any alternate designs of disposal systems had been considered?

If not, some of them may be considered. Also, the map should be modified to

include the wetlands/buffer on the map, and clarify where this tank pumping is occurring

and if there is an apparent connection between the septic area on the map and the area encountered during testing, a line indicating that should be included on the map.

Mr. Zederbaum stated none had been considered, and thanked the board.

Chair Nugent noted to Ms. Lucas that substantial water reduction methods could be used in the home in the meantime, such as reduced water shower heads, toilets, sink aerators.

Ms. Butula recused herself at 9:00 p.m. from hearing the next application, Block 64/Lot 24.12.

Chair Nugent stated to the other applicants in the audience, 1. Block 63/Lot 50 took a lot longer than expected, so there is a substantial chance that the board will not hear the Block 75/Lot 37, and the Block 25/Lot 12.01 applications.

## **2. Block 64/Lot 24.12– Parker, Knoblock, Harvest Row**

Escrow fees paid 7/10/08, Ck#1738, \$750.

Mr. Steve Parker, Parker Engineering & Surveying, NJ licensed engineer appeared before the board. This application is for a failing septic system alteration, experiencing problems with the system. An excavating contractor noticed that the field was saturated, and the tank was overfilled as well. A new location for the septic field was located, a seasonal watercourse runs across the property diagonally and it is a corner lot, restricting the use of the property to the back right corner of the lot. Satisfactory test results were obtained, as indicated by the reports. The proposed system is a mounded pump system approximately 30" above grade on the westerly side, and 42" above grade on the other side, with setbacks of 9' and 7' on the north and westerly sides.

There was some discussion of wetlands on the property.

Mr. Parker stated the iMap of NJ did not indicate wetlands on the property or the surrounding area, note #46. on the plan references that. A seasonal watercourse originating at Harvest Row looks like a drain that goes under the road, is a 6 – 8” pipe that may be a storm sewer, or drain pipe.

Ms. Muir stated there is a storm sewer that was put in not long ago, that goes under Harvest Row.

Mr. Parker stated the location for the proposed system is higher than the seasonal water course, it is the highest part of the property, and 100’ from the seasonal water course. The distance between soil log 2 and the proposed bed is 15’, soil log 1 is 6’.

It was determined that a GP25 was not required.

Ms. Taormina confirmed that Mr. Parker had discussed the pump system requirements with the applicant.

Chair Nugent stated one issue is the pitbails not annotated on the map. Suggested recommendations are to include the distances between the soil log and the bed, and the seasonal watercourse on the bed.

Ms. Sheay questioned the note regarding the toe of the mound.

Mr. Parker stated in addition to staking out the property lines, they will provide certification that that part of the construction will not lead to any off site drainage.

Chair Nugent confirmed that there was no one in the audience referencing this application that wished to speak. There was no comment to this request.

A **MOTION** was made by Ms. Sheay, to approve the application for Block 64/Lot 24.12, 1 Harvest Row, Mr. and Mrs Earl Knoblock. The engineer is Steve Parker, Parker Engr. and Surveying. The map is dated 5/5/08, revision 7/3/08 noted per Health Dept. review, entitled Septic System Design Tax Map Lot 24.12/Block 64. The surveyor is Daniel Parker. The engineer has testified to the seasonal water course being dry during testing, in addition to the engineers testimony on sheet 1 of 2, note #46. that per NJDEP iMap, there are no wetlands within 150’ of the proposed disposal field. Soil log 1, done 4/30/08, @84”, 24 hour static water level reading of 62”, seepage at 54”, mottling @ 42”, zone of saturation set at 42” due to mottling. Soil log 2, done 4/30/08, @87”, 24 hour static water level reading of 56”, seepage at 60”, mottling @ 42”, zone of saturation set at 42” due to mottling. The design is based on both soil logs. Permeability tests were pitbails , #1 in soil log 1 on 5/1/08, @83”, results @ 2.1”/hour, pitbail #2 in soil log 2 on 5/1/08, @84”, results @ 1.5”/hour. The toe of the mound will be less than the HCHD required 10’, note #42. the surveyor will stake out the property lines, #47. the engineer will inspect the grading and provide certification to the HCHD. A swale will be installed to help prevent flow to the adjoining property. This is an alteration with no expansion to repair a malfunctioning system, the design will be a mounded soil replacement disposal bed, with the installation of a 1300 gallon pump tank. This requires a deed restriction to be filed with the county clerk, there are maintenance and recording requirements. The map should be revised as previously mentioned and resubmitted within 5 business days.

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

Ms. Albrecht	Aye	Ms. Muir	Aye	Chair Nugent	Aye
Dr. Allen	Aye	Ms. Sheay	Aye		

Mr. Parker thanked the board.

Ms. Butula returned to the dais at 9:42 p.m.

Mr. Tiedeman asked that his application be carried to the next month.

### **3. Block 65/Lot 23.01– Mantz Engr; Otto, Pleasant Run Rd.**

Escrow fees paid 4/4/08, Ck#1257, \$750.

Previously heard 7/16/08.

Mr. James Mantz, Mantz Engineering, NJ licensed engineer and land surveyor appeared before the board. This is an application for a septic system replacement plan for a malfunctioning system for Block 65/Lot 23.01. During the last meeting, there was discussion of the limitations on the property, resulting in the request for a waiver for 10’ distance from the toe of slope to the property line. It was determined to not save a couple

of trees, the removal is noted on the map, and the plan was modified 7/18/08 to show a 10' dimension from the property line to the toe of the slope. The system was moved 4' to exceed the 100' from the well on the adjoining lot to the proposed system. A 7/24/08 HCHD letter does not indicate any other problems with the plan.

Chair Nugent stated the need for a waiver had been taken care of, and there were no other concerns.

A **MOTION** was made by Ms. Butula for approval for Block 65/Lot 23.01, 89 Pleasant Run Rd., from a map named Septic System Replacement Plan, Block 65/Lot 23.01, 89 Pleasant Run Rd., Readington Twp., Hunterdon County, New Jersey. The map was prepared by James Mantz, licensed professional engineer, dated 3/21/08, revisions 6/6/08, 7/18/08. The surveyor is also James Mantz, licensed surveyor in the state. HCHD reports are dated 5/27/08, 6/25/08, 7/24/08. A letter from Mr. Mantz and Mr. Vaccarella dated 6/18/08. This is an alteration with no expansion, pressure dosed mounded soil replacement installation. For the primary, soil log 1, 3/5/08, mottling 30" – 55", seepage 28" – 55". Soil log 2, mottling 24" – 38", seepage 45" – 105", flooding @ 28". Permeability is pitbail 1 @ 79", 3/5/08, results of 1.06"/hour. Regional water is determined by soil log 2 @ 24" demonstrated by mottling. The trees were changed as noted on the plan. A wetland report from Edward Kuc from Eastern Env. Assoc., jurisdictional wetland evaluation dated 3/21/08, which addressed the flood plain situation, 3/31/08 stating there was no evidence or indication of long term wetland hydrology evident on or in the immediate vicinity within the footprint of disturbance. Wetlands are also associated with the low lying flood plains to the west of the property, however it was determined that no wetlands occur immediately adjacent to the subject footprint of disturbance or within the 150' of the subject footprint of disturbance. Accordingly, no portion of the subject footprint of disturbance is encompassed within a WTA associated with an adjacent wetland area. This is a deed restricted pump system which is filed with the Hunterdon County Clerk, and a copy returned to the Board of Health office within 90 days.

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

Ms. Albrecht	Aye	Ms. Muir	Aye	Ms. Sheay	Aye
Dr. Allen	Aye	Ms. Muir	Aye	Chair Nugent	Aye

#### **4. Block 48/Lot 30 – Bohren & Bohren; Paolino, Demott Dr.**

Escrow fees paid 6/5/08, Ck# 544, \$750.

Previously heard 7/16/08.

Mr. Robert Templin, Bohren and Bohren Engr., NJ licensed engineer appeared before the board.

The last hearing for this application asked that the existing system be located on the plan, that has been added to the southwest of the 1.5 story frame dwelling, just outside the wetland buffer area. A dimensional tie between soil log 2 and the proposed system was added which is 14.3'. Also, a request that the wetlands report be amended dated 7/22/08, revision on pg. 7, to include a definitive statement that the wetlands are shown on the plan, and to reference it in the report.

Chair Nugent asked Ms. Paolino if there were any questions or concerns that the board could answer for her, including the deed restriction requirements.

Ms. Paolino asked if this were the same maintenance she currently followed, and are there any instructions for guidance.

Chair Nugent stated the 3 year cycle is the same, however, the report is copied to the BOH, and Ms. Petzinger will provide Mr. Templin with those written instructions for Ms. Paolino.

A **MOTION** was made by Ms. Butula for Block 48/Lot 30, this is a 4 bedroom home at 3 DeMott Rd., from a map named Septic Design for Kathleen Paolino and Joseph McDonald, Readington Twp., Hunterdon County, NJ., dated 6/1/08, revisions of 6/24/08 and 7/22/08, prepared by Robert J. Templin, licensed engineer in NJ., the survey was William U. Bohren II, licensed land surveyor. HCHD reports are dated 6/19/08, 6/26/08, 7/24/08. This is an alteration with no expansion, pressure dosed mounded soil replacement installation. For the primary, soil log 1, done 4/21/08, @ 120", no mottling, no seepage, no water, soil log 2 done 4/21/08, @ 120", no mottling, no seepage, no water. The permeability test was basin flood 1, 60" from 4/21/08 – 4/22/08, passing. The regional water is determined by the depth of

the test. A report from Ryan G. Warford, wetland specialist is a wetlands delineation dated 5/5/08, revision 7/22/08, page 7 definitively states "as a wetland investigator in my professional opinion, the wetlands and the 50' wetland buffer would not have an impact on the proposed septic system as shown on the plan entitled Septic Design for Kathleen Paolino and Joseph McDonald, Readington Twp., Hunterdon County, NJ, dated 6/1/08, revised 7/22/08. There will be a deed restricted pump connected with this system, requiring the maintenance and filing instructions.

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

Ms. Albrecht	Aye	Ms. Muir	Aye	Ms. Sheay	Aye
Dr. Allen	Aye	Ms. Muir	Aye	Chair Nugent	Aye

***The following applications were not heard:***

**5. Block 75/Lot 37 – Tiedeman; Harder, Locust Rd.**

Escrow fees paid 6/2/08, Ck# 3450, \$750.  
Previously heard 7/16/08.

**6. Block 25/Lot 12.01 – Beardslee Engineering; Henriksen, Mtn. Rd.**

Escrow fees paid 8/3/06. Check #1118 \$500.00.

***Initial data mailed with 9/20/06 approval packet.***

***Agenda history: 9/20/06 - was not in attendance.  
10/18/08 – withdrawn from agenda by engineer.  
8/15/07 – on agenda, but carried.  
9/19/07 – carried to 10/17/07 by applicant's request.  
10/17/07 – was not listed on agenda, per engineer's request.  
7/16/08 - need revisions/resubmissions per hearing.***

Chair Nugent asked if there were any other matters of business for the board. As there were none, Chair asked for a motion to adjourn.

**G. ADJOURNMENT**

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

Respectfully submitted:

Lorraine Petzinger  
Board of Health Secretary