

READINGTON TOWNSHIP BOARD OF HEALTH MEETING

October 15, 2008 7:00 pm

Chair William C. Nugent called the meeting to order at 7:21 pm 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	Raymond Facinelli	present @7:25	Tanya Rohrbach	present
Daniel Allen	absent	Beatrice Muir	absent	Wendy Sheay	present
Jane Butula	absent	William C. Nugent	present		

Also Present: Board of Health Attorney, Marisa A. Taormina, Esq. @ 7:30pm
Hunterdon County Health Dept.: Debra Vaccarella
Board of Health Engineer, Ferriero Engr. representative: John Hansen

A. APPROVAL OF THE MINUTES

1. **Minutes** of September 17, 2008. (*-Facinelli, Rohrbach vote*).

Deferred to the 11/19/08 meeting.

Ms. Taormina asked that it be noted for the record that she appears at 7:30 pm.

B. CORRESPONDENCE

1. **Block 25/Lot 44** – Application for LOI dated 9/11/08.

2. **Block 95/Lot 10** – NJDEP- UST no further action letter dated 9/9/08.

Ms. Vaccarella suggested that this type of report be copied to the building dept., if they weren't already receiving it.

3. NJDEP Soil Remedial Action Report dated 9/5/08.

4. **Block 70/Lot 31.01** – Hatch Mott MacDonald LOI verification approval dated 9/12/08.

5. **Suspected Hazardous Discharge Notification** letter dated 9/18/08 regarding motor oil.

6. NJDEP Potable well water analyses - Route 202 & River Rd. dated 9/11/08.

Ms. Vaccarella stated the county is copied on this.

7. **Remedial Action Workplan** – 414 Route 523 dated 9/18/08.

Chair Nugent noted this of interest to the county.

8. **Block 22/Lot 22** – NJDEP- UST no further action letter dated 9/11/08.

Chair Nugent suggested forwarding this to the building dept.

9. **Suspected Hazardous Discharge Notification** letter dated 9/25/08 regarding oil heating #2.

10. NJDEP – **Johnson Rd.**, Notice of Deficiency dated 9/19/08.

11. NJDEP – **Weather Hill Rd.**, Notice of Deficiency dated 9/19/08.

12. **Block 25/Lot 44** – Hatch Mott MacD. LOI verification application dated 9/17/08.

13. **Letter dated 9/22/08** regarding final phase of work at Block 42/Lot 8.02.

14. **HCHD** - “What’s New in Septic System Technologies” 10/29/08.

Chair Nugent noted this may be of interest to boardmembers, including the on-site seminar.

Ms. Vaccarella stated the peat systems would be discussed, along with the different peat manufacturers.

15. **Block 50/Lot 41 NJDEP** - no further action letter dated 9/24/08.

Chair Nugent suggested forwarding this to the building dept.

16. **Block 32/Lot 12** – Eastern States Env. Assoc. Inc. application submission for Gen. Permit.

17. **Block 63/Lot 50** – GP#25 application dated 9/23/08.

18. **Block 70/Lot 31.01** – Flood Hazard Area Line Verification dated 9/22/08.

19. **Block 39/Lot 53.10** – NJDEP LOI.

20. **Block 34/Lot 10** - Eastern States Env. Assoc. Inc. application submission for Gen. Permit.

21. **Block 56/Lot 2** – NJDEP – Flood hazard permit and verification, freshwater wetland permit.

C. SEPTIC REPAIRS

1. Septic System Repair Approval from HCHD, B 51/L 35. *No work done as of 10/8/08*

2. Septic System Repair Approval from HCHD, B 38/L 51. *Final field on 9/22/08*

3. Septic System Repair Approval from HCHD, B 39/L 21.11. *Final field on 9/24/08*

4. Septic System Repair Approval from HCHD, B 39/L 47. *Final field on 9/25/08*

5. Septic System Repair Approval from HCHD, B 74/L 31. *Final field on 10/2/08*

6. Septic System Repair Approval from HCHD, B 74/L 15.02. *Final field on 10/3/08*
7. Septic System Repair Approval from HCHD, B 38/L 38.26. *No work done as of 10/8/08*
8. Septic System Repair Approval from HCHD, B 62/L 19.01. *No work done as of 10/8/08*

D. OLD BUSINESS

1. Amendments to the Technical Regulations for Site Remediation.

Ms. Vaccarella stated that this would be forthcoming.

2. 8/20/08 agenda item B. 3. NJDEP – new website KCSNJ Known Contaminated Sites in NJ. [.nj.gov/dep/srp/kcsnj](http://nj.gov/dep/srp/kcsnj)

A. Readington Township – Active sites.

Chair Nugent stated this site list was discussed last month and additional information has been added for clarity.

E. NEW BUSINESS

1. CHANGE OF DATE - Rabies Clinic – Saturday, October 25, 2008, 9:00 – 11:00, at Three Bridges Firehouse. (originally was 10/18/08).

Ms. Petzinger stated this is listed on the county website [.hunterdon.nj.us/health](http://hunterdon.nj.us/health) under Environmental Health, and will also be advertised in the Hunterdon County Democrat on 10/23/08.

2. 2008 Volunteers' Dinner – 10/23/08.

Noted.

3. Newsletter – Septic System Maintenance article.

Chair Nugent stated the newsletter article deadline is 10/10/08. In compliance with NJAC 4.3, maintenance information regarding septic systems will be published. The article is also posted on the township website [.readingtontwp-nj.org](http://readingtontwp-nj.org) under Board of Health.

F. APPROVALS

1. Block 47/Lot 13 – Mantz; Kramer, 42nd St.

Escrow fees paid 5/8/07, Ck# 16539, \$750.

Previously heard 6/2007.

Data sent with 9/17/08 packet. (minutes of 6/20/07, 7/18/07).

Mr. James Mantz, NJ licensed engineer and land surveyor appeared before the board. This application for a new septic system on a single lot, on the northwesterly side of 42nd Street. In June of 2007 this application was before the board, soils test results and property were discussed at that time. The only question that came up at that time was a possible plume of contamination in this area. The board has requested that a point of entry treatment system be placed on the well at the entry to the house. The builder and this engineering firm had agreed at that time, however the board required that the homeowner be present at the meeting. The project was put on hold for various reasons until now. Mr. and Mrs. Kramer are present, and have agreed to put a point of entry treatment system in the house to protect against any pollutants.

Chair Nugent confirmed that there have been no changes to the plans, size of house, number of bedrooms since June 2007.

Mr. Mantz stated that everything remains the same. Mr. Mantz introduced Mr. and Mrs. Kramer.

Chair Nugent confirmed that the Kramer's were in agreement with the POET system installation, that they understood the boards position of protecting their health, that their engineer had explained what the system is, the maintenance intervals of the system.

Mr. and Mrs. Kramer stated that they were aware of and understood the installation and maintenance requirements.

A **MOTION** was made by Ms. Sheay for approval of Block 47/Lot 13 located on 42nd Street. This is for new construction, for Mr. and Mrs. Kramer. The engineer is James Mantz, licensed PE and land surveyor in NJ. The design is a soil replacement disposal bed gravity flow and installation of a 1,000 gallon septic tank. Correspondence includes Ferriero Engineering letter dated 6/1/07. The map entitled

Septic Design Plan for Block 47/Lot 13; dated 8/11/06, no revisions, surveyor is James Mantz. The engineer has testified that there are no wetlands or wetland transition areas within 150' of the proposed construction. There is an existing well on the property, it was tested 10/18/04 for potability, VOC's and organics. For soil testing, primary, soil log 8, done 4/14/04, 132", no mottling, no seepage, zone of saturation is 132", soil log 9, dated 4/15/04, 120", no mottling, no seepage, zone of saturation is 120". Permeability was a basin flood, BF1 in soil log 9, 6/21/04, 96", passing. Ground water monitoring was done 1/6/07 – 2/24/07 in both soil logs, both dry, soil log 8 113", soil log 9 136". For the reserve area, soil log 6, dated 4/15/04, 144", no mottling, no seepage, zone of saturation is 144". Soil log 7, dated 4/15/04, 144", no mottling, no seepage, zone of saturation is 144".

Permeability was a basin flood, BF1 in soil log 7, 6/22/04, 96", passing. Ground water monitoring was done 1/6/07 – 2/24/07 in both soil logs, both dry, soil log 6 136", excessively coarse horizon was 90 - 144"; soil log 7 132".

Installation of a point of entry (POET) system to be place on the existing well, maintenance requirements based on manufacturers recommendations are to be done annually, the reports are to be sent to the Hunterdon County Health Dept. and Readington Board of Health.

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

Ms. Albrecht	Aye	Ms. Rohrbach	Aye	Chair Nugent	Aye
Mr. Facinelli	Aye	Ms. Sheay	Aye		

2. Block 56/Lot 2 – Chmielak, Castells, Pulaski Road.

Escrow fees paid 1/13/07. Ck# 8043, \$500.

Previously heard 2/21/07.

Mr. Eric Raes, NJ licensed engineer and president of Engineering and Land Planning represented Mr. and Mrs. Castells, Block 56/Lot 2, 108 Pulaski Road before the board. This is a somewhat unique property in that it has a main 2 story resident and a 1 story cottage on the property. This process started when the Castells were looking into putting on a small addition. There was a cesspool in failure on the property. The system was redesigned, the septic on the cottage was assessed, and confirmed to also be a failing cesspool. A pressure dosing system was designed after the determination was made that the cottage was in failure, adding a new septic tank, gravity flow back to the pump tank. The design meets the state standard, but cannot be resized due to set back distances, therefore a variance is required to utilize the 1.33 gallons/sq. foot criteria. The proposed system is a significant improvement over the existing systems for both residents. Chair Nugent confirmed that all other aspects of the design being presented are 100% in compliance with both the state code and all of this townships ordinances.

Mr. Raes stated yes.

Chair Nugent confirmed with Ms. Vaccarella that she had no concerns regarding this application.

Chair Nugent asked for clarification from Mr. Raes of the depiction on the map of the distance annotation of 10.00 from the proposed bed to the north corner.

Mr. Raes stated that is the distance from the toe of the mound to the property line.

Ms. Vaccarella stated that 8/11/06 letter indicates that soil conservation would be involved with this as well so there wouldn't be any increase in water to cross over to the other property.

Chair Nugent asked why for the record, couldn't the field size be expanded.

Mr. Raes stated the toe of the bed is 10' from the property line along the northwestern section, and up against the 100' buffer from the potable well on the southeastern side, there are also grading issues with steep slopes and the freshwater wetland on the southern side of the property. Additional grading along the driveway is on the northeastern corner, so it is a fairly large bed for a residential unit, it is 51 x 28' roughly.

Ms. Taormina questioned the 2 year gap from the time this project was started to today.

Mr. Raes stated their firm did not have a lot of control on this project, there were some relatives of the applicant that were involved in doing some of the work, there were also some changes to the architectural drawings.

Mr. Facinelli stated that there are two variances required here, one for the size of the disposal bed, allowing it to be the states accepted size rather than the townships accepted size, and the second one is for the recognition and authorization for the GP25 which the state defers to the boards review for the application and confirmation that the applicant has done their due diligence and have presented the most viable location for the septic system and that there are no other areas on the property which meet the requirements and not require a GP25. The other variance needed is for a pump system.

Chair Nugent confirmed that the forms received by the BOH office were signed and sealed. Ms. Petzinger stated the seal is very light. Ms. Vaccarella stated the copies received by HCHD were signed and sealed.

Mr. Facinelli stated referring to the Form 2b's of 12/15/05, depth @ 120" for soil log 1, the witness sheet soil log 1 of 12/15/05 lists 115" depth, so why is there a discrepancy?

Mr. Raes stated it would be 120".

Chair Nugent stated comparing the other soil profiles, it may just be a typo. Chair Nugent asked Mr. Raes what the 24 hour stabilization was, since on Form 2b seepage was indicated at 100".

Mr. Raes stated it was 67" as indicated for the regional zone of saturation.

Chair Nugent asked if there were a difference in the design of the system given the fact that the regional zone is 67", if the pit were dug to a depth of 115" vs 120"?

Mr. Raes stated no.

Ms. Vaccarella concurred.

Chair Nugent confirmed that the soil suitability class was correct regarding the steep slopes.

Mr. Raes stated the percent of slope in the area of the proposed bed is less than 20%, with the regrading off the corner and the elevated bed, it is probably near 10% - 15%. The bed is not in an area of excess of 10%.

Mr. Facinelli confirmed that other than where the 3 holes were dug, there was no other viable area on the 5 acres to consider testing.

Mr. Raes stated there is just no other space, the potable well area takes up a lot of ideal area, the horse pasture was considered, but the conditions out there were poor, and another consideration was that it is a flag lot.

Chair Nugent referring to the map, confirmed the GP25 reference under site specific notes.

Ms. Taormina stated since this was noticed for a variance request, it should be noted for the record that there was no response from the audience.

Ms. Taormina confirmed that Mr. Raes is a licensed engineer in the state of New Jersey, he has prepared the proposed design that is before the board this evening, this is an alteration to correct a malfunctioning system which is 2 failing cesspools, in his professional opinion, this proposed system is more in conformity with the state code than the current system, and absent of abuse will the new system provide sufficient long term performance, and in his professional opinion, any and all other potential locations for possible placement of the system were considered, and were there any provisions of the state code which were not being adhered to in this application.

Mr. Raes, stated yes to all of the above, and yes, the proposed system will meet the state code, and will be a good long term solution for the property. Regarding placement of the system, yes, in fact that is why they went out a second time to assess alternative areas on the property, and they did comply with all state codes.

Chair Nugent asked if anyone was entertaining a motion.

A **MOTION** was made by Mr. Facinelli for approval of the application before the board, based on the testimony heard from the engineer that this will significantly improve 2 malfunctioning systems, consisting of 1 seepage pit and 1 cesspool and that this is the best alteration in his professional opinion that can be designed here. This is an alteration for a malfunctioning system located at Block 56/Lot 2, also known as 108 Pulaski Road, the applicant is Phyllis Castells, the engineer is Eric Raes of Engineering and Land Planning Associates. There is a map dated 4/3/06, revised 10/12/06, 9/5/07, 5/1/08, entitled Castells Residence, Individual Sewage Disposal System, Readington Township,

Hunterdon County, New Jersey. The surveyor for this project is Robert W. Ent. The following permits were obtained from NJDEP, dated 7/25/08 and numbered:

1022-08-0010.1 FHA 080001 IP Flood Hazard Area Individual Permit,
1022-08-0010.1 FHA 080002 VER Flood Hazard Area Verification
1022-08-0010.1 FWW 080001 GP8 Freshwater Wetland General Permits
Correspondence from HCHD are dated 8/15/08, 12/15/06 and 8/11/06.

This system is a pressure dosed mounded pump system, requiring the necessary deed restrictions, requiring a variance for that system. The applicant is aware of the maintenance and deed restrictions for that pump. For soil testing, test pit 1, dug 12/15/05, @ 120", regional zone of saturation @ 67", test pit 2, dug 12/15/05, @ 120", zone of saturation, mottling @ 48", setting the zone of saturation @ 48". The passing pit bail test was conducted in soil log test pit #1, rate of .48"/hour, regional zone @ 48". A waiver is granted for a bed size that complies with the state requirement of 1.33 vs the township requirement of 1.31; the applicant can apply for a GP25 permit to place this disposal bed within the area of the stream encroachment. There are two dwellings on this property, a one story frame dwelling with 1 bedroom, and a 2 story frame dwelling with 3 bedrooms. As required by HCHD, the least amount of bedrooms in a dwelling that a system can be designed for is 2, determining that the 1 bedroom cottage will count as 2 bedrooms, and totaling the design for this property for 5 bedrooms total.

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

Ms. Albrecht	Aye	Ms. Rohrbach	Aye	Chair Nugent	Aye
Mr. Facinelli	Aye	Ms. Sheay	Aye		

Mr. Raes thanked the board.

Chair Nugent stated there are some visitors in the audience, and invited them to introduce themselves.

Ms. Beth Colemitas, Animal Control Officer from St. Hubert's Animal Shelter introduced herself. Jennifer Smith Gonzales and Juan Gonzales, Readington Twp. Residents, 109 Old Hwy. 28 introduced themselves.

Ms. Colemitas stated St. Hubert's has been trapping cats for the Gonzales' since July 2008. There is a colony of feral cats in the area of Ryland Inn, none of which are vaccinated for rabies, and are not spayed or neutered. Since Ryland Inn has closed, it seems that one of the neighbors is feeding the cats, and is uncooperative as far as St. Hubert's trapping the cats goes. The conditions are out of control, in that it is impossible to trap the cats if a resident is feeding them. St. Hubert's has no course of action to take to ensure the cooperation of this resident. Ms. Colemitas apologized for any inconvenience to the board for hearing this complaint tonight. Since there is no cat licensing ordinance or feral cat feeding ordinance in Readington, St. Hubert's has a limited course of action.

Ms. Gonzales stated that direction was given to her by Readington Board of Health to contact the Hunterdon County Health Dept. An inspector from the County came out and wrote out a report, and established a sort of plan for the resident. This plan is not being adhered to, and the situation is out of control.

Ms. Vaccarella stated the HCHD has experienced feral cats being cleared off of municipal and township property, but since this is a private person keeping ownership of the cats, it would need to be a cooperative resident. Under the Public Health Nuisance Code, this may have been taken care of, but she was not copied on the Notice of Violation.

Ms. Taormina stated she thought under the Public Health Nuisance Code, the County would have some leverage, perhaps a notice of violation.

There was some discussion of enforcing regulations under these circumstances. There was previous discussion regarding a cat ordinance in Readington Township. It was determined that this may be a violation, and therefore, HCHD may be able take steps on this issue.

Ms. Colemitas stated she had copies of example ordinances from other townships that may be helpful to Readington Board of Health.

Mr. Facinelli stated it was his feeling that it is helpful to hear first hand what is actually happening. It is his opinion that either an ordinance or something be put into place to solve this issue.

Ms. Colemitas stated that other townships have ordinances that are not specifically for licensing of cats, but limit the number of outdoor cats a resident can own. Another ordinance bans the feeding of non-domestic animals, which feral cats would fall under.

Chair Nugent asked that Ms. Petzinger make copies of the sample ordinances for Ms. Taormina and the boardmembers.

There was some discussion of working on an ordinance concurrently with a notice of violation being issued by the County. There was some discussion of the quarantine process possibly having some gaps.

Ms. Petzinger stated the bite notices are processed through the Administrative Office, the notice of confinement is issued to the owner, or person in possession of the animal. The confinement process is complied with by the homeowner, after the end of the confinement period, an examination by a vet should be conducted, and the results provided by the owner to the Administrative Office.

Ms. Vaccarella stated she would follow through with the inspection that was done by HCHD.

Chair Nugent thanked Ms. Colemitas from St. Hubert's, and the Gonzales' for attending the meeting, and stated that counsel would look into this so that the board can move forward on this.

G. ADJOURNMENT

A *MOTION* was made by Mr. Facinelli to adjourn at 9:40 pm, seconded by Ms. Rohrbach with a vote of Ayes all, Nays, none recorded.

Respectfully submitted:

Lorraine Petzinger
Board of Health Secretary