

READINGTON TOWNSHIP BOARD OF HEALTH MEETING

October 17, 2007 7:00 pm

Chair William C. Nugent called the meeting to order at 7:02 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	William C. Nugent	present
Daniel Allen	present	Beatrice Muir	absent	Wendy Sheay	present
Jane Butula	absent				

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

A. APPROVAL OF THE MINUTES

1. **Minutes** of August 15, 2007. – *Defer to the 11/21/07 meeting.*
2. **Minutes** of September 19, 2007. – *Defer to the 11/21/07 meeting.*

B. CORRESPONDENCE

1. **Partnership for Health** – Summer 2007.

Chair Nugent noted this is the Newsletter from the Partnership that Jane Butula has been participating in. The thank you that is indicated in the right hand column of the first page also goes to her. Ms. Butula has put in a lot of effort and work on this behalf. The important highlights are that they have identified 5 Issues for Hunterdon County that need to be addressed: Mental Health; Weight/Physical Activity; Coronary Heart Disease; Drug, Tobacco and Alcohol; and access to health care. Ms. Butula has been participating in the Drug, Tobacco and Alcohol Committee.

2. **NJLBOH Annual Conference** – sent to members 9/21/07.

Ms. Vaccarella noted that John Beckley from HCHD usually goes.

3. **NJLBHA** – 2007 membership cards.

4. **HCHD LINCS** – dated 9/26/07 Public Health Advisory – E.coli:H7 contamination.

5. **HCHD LINCS** – dated 10/3/07 Request for Info. – expanded recall E.coli:H7 contamination.

Chair Nugent noted this is the expansion of the recall of ground beef products due to E.coli.

6. **Block 36/Lot 96** – Freshwater wetlands application.

7. **Block 36/Lot 96** – LOI approval.

8. **Block 66/Lot 9.1** – NJDEP unrestricted use no further action letter.

9. **Block 73/Lots 38 & 40** – Freshwater wetlands LOI /Line verification.

10. **Letter from ExxonMobil** dated 9/17/07 regarding Rt. 22 W. and Oldwick Rd. (Rt. 523).

Chair Nugent noted this is in regard to the Exxon station at the end of 523 and Route 22.

This will be forwarded to M2 Associates, for information purposes.

11. **NJDEP correspondence** dated 9/24/07 regarding Biennial certification enforcement.

12. **HCHD LINCS** – dated 10/15/07 Public Health Update – E.coli:0157:H7.

C. SEPTIC REPAIRS (*HCHD status in italics*).

1. Septic System Repair Approval from HCHD, B 70/L 19.10. *Final field on 9/12/07*

2. Septic System Repair Approval from HCHD, B 69/L 13.14. *Final field on 10/4/07*

3. Septic System Repair Approval from HCHD, B 46/L 24.01. *No work done as of 10/12/07*

Carried from the 9/19/07 meeting:

4. Septic System Repair Approval from HCHD, B 44/L 24. *Final field on 9/20/07*

D. OLD BUSINESS

1. **CHIP – Community Health Improvement Plan** – a request has been submitted to the Township Committee for their support.

Ms. Petzinger stated that the Township Committee has given approval for the Board of Health to donate \$1,000. to the Community Health Improvement Plan - the Drug,

Tobacco and Alcohol Committee specifically.

2. **BOH Education – SOIL TEST TRAINING** – Guidelines by James P. Chalupa
*Chair Nugent noted this document was put together by our soil witness Mr. Chalupa. In conjunction with this, a site visit is being planned.
The board agreed on Saturday, November 3, raindate the 10th.
Chair Nugent recommended that all board members participate if possible.
Ms. Petzinger will coordinate with Public Works.*
3. **First Responders/ Emergency Mgmt. Exercise ‘First Things First’.**
Chair Nugent stated the exercise on 9/29/07 was a success overall. One of the things that became apparent was that the township phone system does not have Emergency Mgmt. as one of the menu choices. Chair Nugent asked that Ms. Vaccarella thank the County for their efforts.
4. **HCHD new contract.**
Chair Nugent stated that BOH counsel has reviewed this, and asked Ms. Vaccarella what the County’s input was. Ms. Vaccarella stated that John Beckley is handling all of this. Ms. Taormina stated Mr. Beckley was helpful in providing information, and is more than willing to meet with and discuss it with the board. Chair Nugent asked that Ms. Taormina review the NJ State Housing Code and the Public Health Nuisance Code.

E. New Business

1. **2007 Volunteers’ Dinner.**
Noted.
2. **Newsletter.**
Noted.
3. **Wording of ordinances.**
Chair Nugent noted a recent court case on the state level citing the wording of ordinances. Chair asked that Ms. Taormina review the BOH ordinances to avoid that type of pitfall.

F. APPROVALS

Category A. – Single Lots

Dr. Allen recused himself from hearing the following application.

1. Block 25/Lot 43 – Heritage, Wilmark, Route 523.

Escrow fees paid 4/9/07. Check #12283 \$750.00.

Previously heard 6/20/07.

Chair Nugent noted there was material distributed for the 6/20/07 meeting, additionally for the 8/2007 meeting, and also for this month’s meeting. The map dated 6/6/06, revision 7/24/07 was included in the August 2007 packet, but the application was withdrawn from the August agenda.

Mr. Robert Lorentz, Vice President and part owner of Heritage Consulting Engineers, and licensed engineer in NJ appeared before the board with Mr. Mark Hartman, the applicant. This application was heard in June, 2007. Several issues that remained unresolved at that meeting have been addressed by the submission on 8/1/07, principally the revision to the plan document dated 7/24/07 added and altered items that were on the plan that were discussed at the 6/2007 meeting. The latest submission, 10/2/07, confirmed that the information which was provided to the township was also provided to the county. Ms. Vaccarella has provided correspondence by email dated 10/3/07 to the BOH office. Mr. Lorentz stated they believe that all the outstanding items had been addressed. Chair Nugent reviewed that the 6/5/07 HCHD letter indicated that the items noted were a failing basin flood, but a passing pit bail in the primary. According to state code, when that happened it required 3 replicate tests to support that it is an area that would pass.

Mr. Lorentz pointed out that the basin flood was attempted at an elevation approximately 3' higher than the ultimate pit bail test which was successful. Also, the procedure followed in the basin flood was that it was attempted prior to excavating the soil log to full depth. At that time, it wasn't known that there was a water condition at somewhat greater depth which effected the basin flood. The subsequent pit bail test was conducted at a lower elevation where the water was encountered. As to the demonstration referred to in 6.1., it only applies to percolation tests, and not to this type of test. The heading on 6.1.E. is specific to that.

Chair Nugent stated there still is the issue that the soil logs are artesian by definition, and asked Mr. Lorenz if that were correct ?

Mr. Lorentz stated the subsequent testing, specifically the soil log related to the pit bail test demonstrated a substantial separation from the observed seasonally high water table to the lower portions of the system, the regional zone of saturation to the system, more than the 1' that would be required during the wet season. The soil log was conducted in February.

Ms. Vaccarella stated regarding the 4th test, the design is based on the highest water table that was found based on the wet season testing, and the board has the ability to approve an alteration to a malfunctioning system when there is an artesian condition.

Mr. Lorentz stated the soil logs all indicate approximately the same depth to seasonal high water table. Three were conducted in the dry season, the 4th in the wet season, the 4th log conducted in February exhibited a high water table at 108", the others were at approximately 92". It demonstrated a lower water level than the dry season holes. It is their opinion that that demonstrates that there is not an artesian condition in any of these logs, although they can by definition be considered artesian, the evidence states otherwise.

Chair Nugent stated that the suggestion is that 1 soil log performed in the wet season, and no groundwater monitoring, should dilute the concern that the 3 soil logs are artesian.

Mr. Lorentz stated because the wet season log shows a lower seasonal ground water level than the dry season ones.

Chair Nugent asked if Mr. Lorentz had any wet season data to support this conclusion.

Mr. Lorentz stated no he didn't.

There was some discussion of proving an artesian condition.

Mr. Lorentz stated none of the logs demonstrated any artesian characteristics. They are only considered artesian by the definition of the soil descriptions and the fact that there is a hydraulically restrictive horizon directly above the observed water table. That raises the possibility that during wet season or high water conditions, that the water could rise above the observed level. The series of test demonstrates the contrary, that that is not the case, there is nothing in the surrounding terrain to suggest something would be causing an artesian condition at this location.

Mr. Hartman addressed the board stating that he had done 80 basin floods, or pit bails on this property. An artesian condition is very clear, as stated by Mr. Trela last year before the board.

Mr. Hartman stated he would not put a \$30,000. system in an area with an artesian condition.

There is a less than 1% failing rate of septic systems since 1978. Mr. Hartman stated he had reviewed Mr. Nugent's area that he lives in, and that is the 8 week testing, the worse soils imagined. Mr. Hartman asked if Mr. Nugent's system was failing ?

Chair Nugent stated his system was not up for discussion here.

Mr. Hartman stated this isn't in bad soils, it is only 3 day testing, the artesian condition, if the board really wants to know, Mr. Hartman would pay for Mr. John Trela to come before the board to educate the board on an artesian condition.

Chair Nugent stated the information is duly noted, however, the board still has to comply with the code, and we have soil logs that exhibit the possibility of an artesian condition.

Mr. Hartman stated and we have retested to prove it is not in the wet season testing, we meet the requirements of the code in the January testing of more than 2 feet, and it only needs to be 1, so we proved, we waited the 6 -7 months, held this up to go out and reprove that that testing wasn't an artesian condition. By the state code, we dug it, and the water was below.

Chair Nugent stated so your contention is that soil log 4 as being performed during the wet season, and complying with the more than 1 foot separation between the evidence of regional water and the hydraulically restricted horizon is therefore not, potentially artesian.

Mr. Hartman stated correct.

Chair Nugent stated and by contrast, we have 3 soil logs performed on May 1 that did not achieve the 4' separation that is required during the non wet season and are by definition potentially artesian.

Mr. Hartman stated correct.

Mr. Lorentz pointed out that the testing was out of season by 1 day.

Mr. Hartman stated you have to realize that too, how much the ordinances effect your testing.

If you are doing 8 weeks of testing, you have a very short window to go out. This testing was 24 hours out of the wet season, if it had been done 24 hours earlier, it would even be considered artesian. The board should look at what the requirements actually force people to do.

Ms. Albrecht stated she has first hand experience as to what is required.

Chair Nugent stated he had not done the calculations, but the board sees an excessive number of failures from the early 1990's.

Chair Nugent stated getting back to the application, there was a reference to 6.1 and the requirement that there be 3 replicate tests. For the record, the engineer is correct, that that is applicable only to the percolation tests.

There was some discussion of the data as recorded by the board witness.

Mr. Hartman stated for the boards information, after approval is given here, and the system is being installed, if they hit water, they have to stop immediately and call the HCHD. The actual physical installation in the field is inspected by the County every step of the way.

Chair Nugent stated that on the witness sheet for the failed basin flood, it is noted that the water level appeared to be dropping, but did not drop all the way.

There was some discussion of the water level.

Ms. Vaccarella noted that it did not rise.

Ms. Taormina confirmed that Mr. Lorentz testified at the beginning of the application that he is a licensed engineer in New Jersey, he has prepared the design, this is an alteration to correct a malfunctioning system, in his professional opinion, the proposed system is more in conformity with the state code than the prior system, and in his professional opinion, absent of use, will the proposed system provide long term satisfactory performance.

Mr. Lorentz stated his is a licensed engineer, his office prepared the design and he is familiar with it, yes to all the remaining questions, and he is highly confident that the system will provide long term satisfactory performance.

Chair Nugent stated the board has before them a waiver request for the pump system, a waiver request regarding the potential definition of the artesian condition in soil logs 1,2, and 3. All the other issues have been resolved. The engineer testifies that the artesian condition wouldn't exist had the log been performed 1 day earlier. A soil log performed during the wet season is not by definition artesian.

A **MOTION** was made by Mr. Facinelli to **approve** the application before the board for an alteration for a malfunctioning system at Block 25/Lot 43, at 531 County Road 523. The applicant is Wilmark Building Contractors, the engineer is Leo Santowasso of Heritage Consulting Engineers. The map is dated 6/6/06, entitled Existing Conditions and Septic System Repair Plan for Wilmark Building Contractors, revision date 7/24/07, revisions per Readington Township Board of Health. This is a pump system, including the applicable maintenance requirements and deed restrictions. A waiver is granted for the potential artesian conditions based on the soil morphology, for soil logs 1, 2 and 3, which is the purview of this board. A survey was done on 7/24/07 by Patrick H. Faton, professional land surveyor in NJ.

For this application, soil log 1, dug 5/1/06, @ 137", regional zone of saturation at 92"; soil log 2, dug 5/1/06, @ 133", regional zone of saturation at 92"; the regional zone for this application is set at 92". Two permeability tests were conducted, basin flood 1, which failed in soil log 2, conducted 5/1/06; a pit bail noted as pit bail 1 in soil log 1, passing with a K rate of 4.54/hour. For purposes of disproving an artesian condition, soil log 4 was conducted on 2/8/07, to a depth of 146",

regional zone of saturation at 108" showing that a lower regional zone of saturation, disproving the presence of an artesian condition.

The HCHD review letters are dated 8/8/06, 3/26/07, 6/5/07, 9/28/07 and an email dated 10/3/07. Heritage Consulting correspondence includes letters dated 8/10/07 to the Board of Health and 9/5/07 to HCHD.

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

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

Dr. Allen returned to the dais at 8:43 p.m.

2. Block 70/Lot 17.15 – Bayer-Risse Engr., Moren, Cardinal Dr.

Escrow fees paid 8/14/07. Check #146 \$750.00.

Mr. Bill Jupinka, Bayer-Risse Engineering, NJ licensed engineer, appeared before the board. This is an alteration design for a 4 bedroom dwelling with a malfunctioning system, the system is discharging to ground surface due to the fact that it is installed in a silt loam layer and the permeability is nil. Soil testing was performed in the rear yard, with a successful basin flood at 60", into the lowered fractured shale. The design itself is a mounded soil replacement based on the level of mottling 32" in the area. This will require a pump system

Chair Nugent stated everything seems to be in order, he had no issues or concerns about this application.

Ms. Taormina asked how high the mound would be.

Mr. Jupinka stated 4' from ground surface.

Ms. Taormina asked on the adjoining lot, Block 20/Lot 44.05 how far from the property line the dwelling is.

Mr. Jupinka stated he didn't have the exact distance. There are no disposal systems or wells within 100'. There is a 20' wide area of trees along both neighboring lots.

Chair Nugent asked for an explanation of the gradient lines, in most circumstances the long edge of the field is in parallel with the gradient lines, in this case it is almost diagonal.

Mr. Jupinka stated it was just the way to fit the bed in, it's a 2% change in grade for a 75' area it is not a very steep slope.

Ms. Vaccarella stated when the County did a site inspection of the property on 8/22/07, the inspector noted that the plan was to the slope of the property.

A **MOTION** was made by Ms. Sheay to **approve** this application for Block 70/Lot 17.15, located at 15 Cardinal Drive. This is an alteration with no expansion to repair a malfunctioning system, the design will be a mounded soil replacement disposal bed, installation of a new 1,000 gallon septic tank, and also a 1300 gallon pump tank. The application is aware that a deed restriction has to be filed with the County clerk, including maintenance and reporting requirements with the township. The applicants are Donald and Jeanne Moren, the engineer is Theodore Bayer of Bayer-Risse Engineering. The map is entitled Septic System Alteration Design for Donald and Jeanne Moren dated 8/14/07, no revisions. The surveyor is Charles Saladin. HCHD review letter is dated 9/10/07. Soil log 802-1, 8/2/07, 92", no seepage, mottling @ 42", zone of saturation set at 42"; soil log 802-2, 8/2/07, 81", no seepage, mottling @ 32", zone of saturation set at 32"; design is based on the 32". Permeability test, basin flood 802-1 in soil log 802-1 on 8/2/07 to a depth of 60", result positive.

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

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

3. Block 48/Lot 32 – Bayer-Risse Engr., Hanna, DeMott Road

Escrow fees paid 9/28/07. Check #257 \$750.00.

Mr. Bill Jupinka, Bayer-Risse Engineering, NJ licensed engineer, appeared before the board.

Chair Nugent noted the Hunterdon County Health Dept. correspondence is dated 10/4/07, and also a letter dated 10/9/07, which was emailed.

Mr. Jupinka stated this application is for an existing 3 bedroom home, with no expansion or change in use. The existing system is malfunctioning, installed in silt loam, with inadequate drainage. Soil testing was done on the property, 3 soil logs, 2 in the area of the proposed system where they were able to do pit bail tests at a depth of 11' below ground surface. There was a static water level of 88.5", mottling was encountered at 40" below ground. The design will incorporate a new 1,000 gal. septic tank and a new 1,000 gal. pump tank, with a slightly mounded system to account for the mottling. Wetlands on a neighboring lot are shown on the plan, but wetlands or transition areas are not encroached upon for the alteration. The distance between the wetlands and proposed field is 103'.

Ms. Taormina asked if this were a smaller mound than the previous one.

Mr. Jupinka stated yes, and with the slope of the mound going downward, it would be hidden pretty well. There is a larger buffer between properties than with the previous application, about a 40 – 50' buffer. The distance between the toe of the mound and property line is 20'.

Chair Nugent asked Mr. Jupinka to confirm the depth to mottling information on Form 2b for sl905-1.

Mr. Jupinka stated 36".

Chair Nugent stated compared to the witness data for the same soil log 905-1, performed on 9/5/07, which indicates mottling at 33 – 80", which appears to be the complete horizon.

Ms. Vaccarella asked if that was the *inaudible* 'soil log where the disposal field was designed for'?

Mr. Jupinka stated yes it is, that log is not part of the disposal system.

Ms. Sheay stated that was why she ignored that discrepancy.

Mr. Jupinka stated he has 36" in his field notes.

Chair Nugent noted the County was astute to note that.

A **MOTION** was made by Ms. Sheay to approve this application for Block 48/Lot 32 located at 7 Demott Road. This is an alteration with no expansion to repair a malfunctioning system. The design will be a mounded soil replacement disposal bed and installation of a 1,000 gallon septic tank, and 1,000 gallon pump tank. The applicant is aware of the deed restriction requirements, filing with the County clerk, and there are maintenance and recording requirements. The applicants are David and Mary Hanna. The engineer is Stephen Risse of Bayer-Risse Engineering. The map title is Septic System Alteration Design for David and Mary Hanna, dated 9/18/07. The surveyor is Charles Saladin Jr. A note on the map states there is a 50' wetlands transition area that transverses a corner of the property, but does not effect the septic system. For the soil logs, soil log SL905-2, 9/5/07, depth 130", mottling at 48", seepage 102", zone of saturation set at 48". Soil log SL905-3, 9/5/07, 132", mottling at 40", seepage @ 100", zone of saturation set at 40", the design is based on this zone of saturation. The permeability test, pitbail PB905-1, in SL905-2, 9/5/07, 130", result 4.5"/hour. Ground water monitoring done on the two soil logs resulted in 24 hour static water level readings for SL905-2 @ 88"; and SL905-3 @ 88.5". The HCHD review letters dated 10/4/07 and 10/9/07 are included.

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

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

4. Block 48.01/26.25 – Bohren & Bohren, Kuo, S. Honeyman Rd.

Escrow fees paid 10/15/06. Check #6005 \$500.00.

Data mailed with 9/19/07 agenda packet.

Mr. Robert Templin, NJ licensed engineer representing Bohren and Bohren appeared before the board. Chair Nugent noted the review correspondence included Hunterdon County Health Dept. letter dated 7/30/07, and an 10/11/07 email.

Mr. Templin stated this is an application for a malfunctioning septic system located at 113 South Honeyman Rd., Block 48.01/Lot 26.25. The testing was done on the northeast side of the property, 3 soil logs were dug, in the first a basin flood was started, which is soil log 1 near the rear of the property. The water movement was not impressive, so soil log 2 was dug deeper, a basin flood was done at 168", the design incorporated soil log 2 into the bed area and a pump for the proposed system area is several feet above the existing tank which will be replaced. The system is located more than 100' from the well

on this property, as well as the well on the adjoining property. A passing basin flood was at 168", 400 gallons ran out in approximately 2 hours.

Chair Nugent asked if basin flood 1 in soil log 1 failed, or was abandoned.

Mr. Templin stated it was abandoned, it did fail. The distance between it and the proposed bed is approximately 35 – 40'. It is less than 10' between soil log 3 and the actual bed itself.

Chair Nugent confirmed that there is a sleeve proposed for the line between the proposed pump tank and field.

Mr. Templin stated yes they are proposing a 6" PVC 40 sleeve over the 3" schedule 40 over the driveway, it will be extended the full 20' length.

Ms. Vaccarella stated it has to be in the area of the driveway *inaudible* extends out a few inches so they can backfill.

Mr. Facinelli stated for the record, when the basin flood tests were labeled, they are both basin flood 1, of soil logs 1 and 2, that should be clarified.

Mr. Facinelli asked for an explanation of how the surge box works.

Mr. Templin stated it is just a D box with one outlet, the pump kicks on, it surges into the box, and then flow out a little more uniformly.

Ms. Vaccarella stated because it is gravity dosing, the County requires it anyway, even if it were going into a surge box, there would be an elbow on it or a baffle installed, so that it would shoot in more quietly.

Chair Nugent asked for the distance between the proposed septic components and the neighboring wells and septic.

Mr. Templin stated the one on the map is about 125 to 140'. The well is over 100' off the property line.

Ms. Vaccarella stated on 6/12/07 their inspector confirmed that all wells were the correct distance away.

Ms. Taormina asked if Mr. Templin had informed Ms. Kuo of the pump system requirements.

Mr. Templin stated he would bring this to her attention.

A **MOTION** was made by Mr. Facinelli to **approve** the application for Block 48.01/Lot 26.25, 113 South Honeyman Rd., an alteration for a malfunctioning system with no expansion, the applicant is Maria Kuo, the engineer is Bohren and Bohren, represented by Mr. Robert Templin. The map is dated 9/18/06 entitled Septic Design Approval for Maria Kuo, revision date of 7/26/07, a note stating revised per review letter of 6/13/07. This is a pump system, requiring the necessary deed restriction, and maintenance requirements. Correspondence includes HCHD review letters dated 6/13/07, 7/30/07, and an email dated 10/11/07. The soil logs include soil log 2, dug on 6/20/06 to 168", no mottling, no seepage, the regional zone @ 168". Soil log 3, dug on 6/20/06, to 168", no mottling, no seepage, the regional zone @ 168". The basin flood 1 in soil log 2 was passing.

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

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

Ms. Taormina noted there was not sufficient quorum to vote on the September minutes, so they would be carried to the next meeting, with the August minutes.

Category B. – Subdivisions

G. ADJOURNMENT

A **MOTION** was made by Mr. Facinelli to adjourn at 10:01 pm, seconded by Ms. Albrecht with a vote of Ayes all, Nays, none recorded.

Respectfully submitted:

Lorraine Petzinger
Board of Health Secretary