

## READINGTON TOWNSHIP BOARD OF HEALTH MEETING

November 21, 2007 6:30 pm

Chairman William C. Nugent called the meeting to order at 6:42 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 present    Wendy Sheay present  
Jane Butula present

**Also Present:** Board of Health Engr: Ferriero Engr., representative Mr. Joe Kosinski  
Board of Health Attorney: Marisa A. Taormina, Esq.  
Hunterdon County Health Dept.: Debra Vaccarella

### Presentation/Discussion – John Beckley, Hunterdon County Health Department, 'Interlocal Service Agencies Public Health Services in Hunterdon County'

Mr. John Beckley, Hunterdon County Health Department Director/Health Officer appeared before the board. Mr. Beckley thanked the board for their time and complimented Readington Township on the municipal building and state-of-the-art equipment available for this presentation. Mr. Beckley stated that his objective was to describe how the Hunterdon County Health Department came to be in the first place. The Hunterdon County Health Department was organized in 1967, when the state began requiring new regulations, and inspections on septic systems, etc., and a few municipalities asked if it would be possible to share inspectors. This is funded through the county tax levy. Mr. Beckley stated that some of the municipalities are unaware of all the services which are provided by the County. Hunterdon County Health Department is encouraging all 26 municipalities to put into place two ordinances, which will be reviewed at the end of this presentation, in order to enable the County to support the townships and their residents as efficiently as possible.

To highlight, some of the services/key programs provided by Hunterdon County Health Department are:

- 1) Public Health Nursing – nurses, health educators, HIV counselors, clerical staff, bilingual outreach individuals, do the programs throughout the county.
- 2) HazMat Response – capability to respond to incidents close to home.
- 3) Surface Stream Sampling.
- 4) Failing Septic Systems.
- 5) Lead poisoning.
- 6) Water Testing – Bathing Facilities.
- 7) Housing Inspections.
- 8) Rabies.
- 9) Day Care Centers.
- 10) Food Establishments.
- 11) Well drilling.
- 12) Vector Control Program.
- 13) Cancer Control Coalition.
- 14) Partnership for Health. Mr. Beckley thanked the Board of Health for their contribution.
- 15) Public Health Preparedness.
- 16) LINC system – rapidly moving information system.
- 17) Pandemic Flu Planning.

Mr. Beckley stated, in summary, public health works, it is affordable, it is there every day, sometimes it is invisible, particularly when bad things don't happen. Our focus clearly is on prevention, but they are prepared to respond when necessary to protect the communities health and well being. There was some discussion of HCHD's revenue and subsequent effects.

Regarding the Interlocal Agreement, the agreement that was updated had been in existence for years, the legal citations were no longer proper, so it needed revising. The content has been clarified, not changed. There are two ordinances that they are encouraging all the municipalities to have in place, the housing code (only the governing body can adopt) and the nuisance code (the BOH can do this). Both codes are available to adopt by reference, which means it is a package deal, taken as is, in which case you only have to publish the title of the model code, not the whole thing.

If the board wishes to change it, that may be done, but then the entire code has to be published.

Chair Nugent stated that counsel is currently looking at the language of the agreement. The BOH is hopeful to put the adoption of the nuisance code on the December 19 agenda, and send a memo to the Committee recommending they adopt the housing code.

Mr. Beckley stated basically, the BOH is giving tools to the County so that they may take action when necessary.

Ms. Taormina asked if the townships usually adopt the code as is, or were they making changes?

Ms. Vaccarella stated some townships have actually taken things out, most of them non-issues.

Ms. Butula asked if Mr. Beckley had any suggestions of topics that were not covered.

Mr. Beckley stated some townships had deleted items, but there are only 3 townships, Readington being one that hadn't adopted some form of the codes yet.

Ms. Vaccarella stated the housing and nuisance codes would enable the HCHD to act on rental property issues in particular.

Ms. Muir suggested that Mr. Beckley contact the mayor regarding the housing code.

There was some discussion of determining lead content of imported items, and also antique items.

Chair Nugent thanked Mr. Beckley for his informative presentation, and also wished to cover two points, first, the BOH has received their annual report which was a well done document and has been reviewed. Also, as a health department, Hunterdon County should be complimented on the very competent advice and guidance that this board has received from Ms. Vaccarella, Mr. Vaccarella, and other representatives of the County. This board has been very appreciative of the competent help and assistance they have offered in the past.

Mr. Beckley thanked the board for their attention, and the opportunity to make this presentation.

Chair Nugent stated that the time is 8:15, and the board would take a 5 minute break

The meeting resumed at 8:21 p.m.

Chair Nugent stated that due to the hour, the agenda order would be rearranged to hear the approvals first, beginning with Block 65/Lot 7.

## **F. APPROVALS**

### **Category A. – Single Lots**

#### **1. Block 65/Lot 7– Mantz Engr., Orlando, Barley Sheaf Rd.**

Escrow fees paid 5/16/07. Check #14815 \$750.00, 10/15/07, Check #5074 \$750.00.

Data mailed with 9/19/07 approval and agenda packets.

Mr. James Mantz, licensed engineer and land surveyor in the state of NJ appeared before the board. This application is for a septic system alteration on a 23.39 acre tract of land on Barley Sheaf Rd.

The property contains an existing 4 bedroom dwelling. Mr. Mantz stated initially the septic system was malfunctioning. Soil testing was done in January 2007, extending to February with 8 weeks of monitoring. During design it was decided to expand from 4 to 5 bedrooms to allow for future expansion. Initially there was only one passing permeability test, they have gone back into the field and done a second passing permeability test in the reserve area. A third test was done because the permeable horizon was 1" shy. Corrections have been made to those plans. There was a 100' wide easement, originally NJ Power and Light, running through the property surveyed in 1930. The house was constructed in 1932 – 35 timeframe, and was constructed in that easement. The plan is fairly straightforward, 8 weeks ground water monitoring, passing permeability test, the existing well will be retained, the septic tank will be a minimum of 100' from the well.

Chair Nugent confirmed that this is an alteration with expansion, at the moment the home is not being expanded, but the system is being designed for the possible future expansion to 5 bedrooms.

Mr. Mantz stated one point in Mr. Ferriero's letter was about the wetlands. Mr. Mantz had submitted a letter from Eastern States Environmental, dated 7/23/07, stating that there are no wetlands within 150' of that particular system.

Chair Nugent read for the record "the field evaluation of the property determined that no portion of the subject FOD satisfies criteria required for designation as wetlands as SOW. Furthermore, it is determined that no portion of the subject FOD is encompassed within a WTA associated with adjacent wetlands."

Chair Nugent stated there was a question about soil log 7.

Mr. Mantz stated soil log 7 was the log where the horizon was measured at 47" instead of the 49". When they came back with a narrower bucket, the soil log was excavated down to 85" instead of 79". A revised soil log form dated 10/19/07 was submitted.

Chair Nugent asked regarding soil log 6, there was seepage at 80", but a regional zone of saturation assumed at 120", could Mr. Mantz please clarify that ?

Mr. Mantz stated the revised material dated 7/23/07 stated the regional zone of saturation was at 80".

Mr. Kosinski stated that their office had received revised soil logs sl2 and sl6.

Mr. Mantz stated Form 2b for soil log 6, the description of 26" to 84" goes through a description of the soil, with seepage at 80", accumulation of 1.5" after ½ hour, there was originally a typo there.

Chair Nugent noted the revision of 7/23/07 is an RZ of about 80".

Ms. Taormina stated in Mr. Mantz' general note 3. the last sentence mentions JCP & L "tentatively" agrees to modify the easement, if Mr. Mantz' would clarify that. The note should reflect the filing of these dates, or at least remove the word "tentatively".

Chair Nugent stated that they may require the map to be revised to reflect this.

Mr. Mantz stated that would be acceptable.

Chair Nugent stated in the new reserve area for soil log 1, the pit bail test performed as a partial test, there is a basin flood in soil log 7.

Mr. Mantz stated the partial test refers to the fact that 2 pit bail tests were done in the same time period in soil log 2 and soil log 1. The first day the water was flowing into 1 better than 2. Both pits were pumped the second day, soil log 2 continued through the 12" required rise, for some reason the water moved very slowly in soil log 1, proving that soil was permeable, but not to the boards acceptance, so it was labeled as a partial test.

Chair Nugent asked if that would cause any concern to the current reserve area.

Mr. Mantz stated no, if there were sufficient water in the ground to run another test, he was sure it would pass. It is approximately 60' away from soil log 1, and was passing.

A **MOTION** was made by Ms. Butula for **approval** for Block 65/Lot 7, map named Septic System Alteration Plan for Block 65/Lot 7, dated 4/25/07, revisions 7/32/07, 9/18/07, 9/21/07. This was a failing system and is an alteration with expansion, possible new construction. This was prepared by James Mantz, licensed engineer and surveyor in the state of New Jersey. The survey was done 1/3/07. Letters from Mr. Mantz are dated 7/24/07, 9/9/07, 9/21/07, 10/10/07, 10/12/07. Ferriero Engineering reports are dated 6/15/07, 8/8/07, 10/1/07, 10/11/07, 10/16/07, 11/20/07. Two letters of correspondence from Ernest Renda are dated 9/10/07, 11/9/07, clarifying the issue of 2 easements

involved, which were previously discussed by the board. This will be a mounded gravity system. For the primary soil log 2, 1/2/07, @ 94", no mottling, no restricted horizon, seepage was at 63"; soil log 6, 1/3/07, @ 84", no mottling, no restricted horizon, seepage was at 80"; revisions on both soil logs 7/23/07. Permeability test is pit bail 2 @ 96" done 1/2/07, passing, in season ground water monitoring dates were 1/6/07 - 2/24/07. Regional water, soil log 2, seepage @ 63", establishing regional ground water. For the reserve area, soil log 1 done 1/2/07 @ 103", no mottling, no restricted horizon, seepage @ 63". Soil log 7 done 1/3/07 with no mottling, seepage was at 72", no restricted horizon. This soil log was re-excavated on 10/9/07, a new form submitted 10/9/07. This was a partial pit bail with the basin flood submitted for the permeability test @ 48", which passed on 9/21/07. In season ground water monitoring done 1/6/07 – 2/24/07. Soil log 1 seepage @ 63" designates a regional ground water level for the reserve system. A report from Eastern States dated 7/23/07 reported no portion of the proposed system had wetlands. Testimony was given by Mr. Mantz that he will change the wording from 'tentatively' granting change in the easement.

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. Muir	Aye	Chair Nugent	Aye
Ms. Butula	Aye	Ms. Sheay	Aye		

*The following application has been deferred to the 12/19/07 meeting:*

**2. Block 13/Lot 69– VanCleaf Engr., DeVincent, Mill Rd.**

Escrow fees paid 9/5/07. Check #1037 \$750.00.

**3. Block 50/Lot 32– Parker, Dorry, Springtown Rd.**

Escrow fees paid 10/11/07. Check #1981 \$750.00.

Mr. Steve Parker , licensed engineer in the state of NJ, appeared before the board.

Ms. Vaccarella asked for an explanation of the revisions received.

Mr. Parker stated the change that was made by the board secretary.

Ms. Petzinger stated that as a result of the noticing to adjoining property owners, a neighbor had come in to the Board of Health office to review the file, at that point it was discovered that the adjoining lot number was mislabeled, and revisions to page 2 of the map were requested.

Ms. Taormina stated that the wording in the notice could have been more accurate to state that the toe of the mound would go up to the property line.

Chair Nugent asked that Mr. Parker proceed with his overview of the application.

Mr. Parker stated this application is for an alteration for a malfunctioning septic system, no expansion. This is an existing 4 bedroom house. The site is very limited in the available area for testing and installation of a new field. The constraints are a stream encroachment area, Pleasant Run, the existing well. Testing was pushed to the upper right hand corner of the property. The application requires a waiver from the toe of the mound to the property line. The proposal includes a swale to prevent runoff directly onto the adjoining property. A mounded system is proposed to obtain the 4' zone of disposal, and a pump system is included in that. The owner is aware of the deed restrictions and maintenance. The HCHD letter dated 10/2/07 their first point was that the soil logs and pit bail test need to be reviewed and acted on by the board. They got an acceptable pit bail test, the County came up with a negative K value, the reason being in the calculations for the final ground water reading.

Chair Nugent noted a precipitation event that was noted by the witness on his report.

Mr. Parker stated the rain did not occur during the test, it may have happened overnight. It did not contribute to the K values at the end.

Chair Nugent asked if Ms. Vaccarella had any input on this from the County.

Ms. Vaccarella stated they had seen this in a few incidents, it hadn't effected the septic system after it is put in.

Ms. Butula asked where the swale would drain to, and the well to the bed was 100'.

Mr. Parker stated it would circle around and drain on this property. The well to bed distance is 100'.

Ms. Taormina asked about the well location on Lot 31.

Mr. Parker stated it is a large wooded area, the house is nowhere near there.

Chair Nugent asked if the swale were indicated on the map.

Mr. Parker stated yes, it is around the side of the mound, as indicated by the contour line, which will follow all the way around.

Mr. Parker stated referring back to HCHC letter, #2. the deed restriction has been discussed with the property owner, #3. the toe of the mound and swale have been discussed, #4. the existing septic tank is proposed for continued use, and upgraded with a riser, it is 87' away from the existing well. Mr. Dorry presented an inspection report for the tank, that it is in satisfactory condition. The stream encroachment reference in the HCHD letter is not applicable because they are not in a flood zone.

Ms. Butula asked Ms. Vaccarella to confirm that that was accurate.

Ms. Vaccarella stated when the County did a wetlands check on the property, they did not find wetlands on the property.

Mr. Parker stated he did not believe that wetlands were an issue, however if it became apparent that a GP25 permit were required, he would come back before this board.

Chair Nugent noted the stream encroachment line on the map.

Mr. Parker stated any area regulated by the DEP for encroachment within the flood hazard area or flood plane is noted.

Ms. Albrecht confirmed the distance from the proposed bed to the stream to be 130'.

Ms. Taormina noted that there is an adjoining property owner present.

Chair Nugent asked if there was any one present that would like to address the board.

Mr. Pijanowski, Block 50/Lot 31, 18 Springtown Road, addressed the board. Mr. Pijanowski stated that his house is across the street, and there is a piece of property adjoining this property. Mr. Pijanowski stated he did not have a problem with the mound, as long as the swale keeps the water from going on to his property.

Ms. Butula asked if Mr. Pijanowski agreed to the proposals as stated by Mr. Parker.

Mr. Kosinski noted that Mr. Parker testified that a swale will be present along the property line to keep surface water from entering onto Lot 31. It may benefit the contractor to add a note to that effect.

Mr. Parker agreed.

Chair Nugent asked if there were any other questions or concerns.

Mr. Pijanowski stated he had no other questions or concerns.

Chair Nugent asked if there were anyone else wishing to address this application.

As there was no response, Chair Nugent asked if the board had any other questions.

Ms. Sheay stated going back to the pit bail test, is it just considered a passing result?

Mr. Kosinski stated it would be correct to say that the pit bail was a passing test, and permeability was proven.

A **MOTION** was made by Ms. Sheay for Block 50/Lot 32 to **approve** the application. This is located at 19 Springtown Road for an alteration with no expansion to repair a malfunctioning system. The design will be a mounded soil replacement disposal bed, gravity dosing will be done by a 1300 gallon pump. The existing tank will be upgraded to meet current code. Correspondence from HCHD is dated 10/2/07. The applicants are Mr. and Mrs. Dorry. The engineer is Stephen Parker, the map is titled Septic System Design Tax Map Lot 32/Block 50 dated 6/26/07, revision date 11/8/07 with a note to revise adjoining log number. The surveyor is Daniel Parker. This is a pump system, there is a deed restriction to be filed with the County Clerk, there are maintenance and reporting requirements. The board is granting a waiver to reduce the setback distance between the well and the existing septic tank from 100' to 87'. A waiver is granted to reduce the distance from the toe of the mound from 10' to 0. The engineer will be present for the construction of the swale. The map will be revised and resubmitted with the distinct detail of the line of the swale to follow along the property line. Three soil logs were done, soil log 1, depth 83", date 6/21/07, seepage at 61", mottling at 31". The zone of saturation is 31" due to mottling. Soil log 2 was done 6/21/07, depth of 90", seepage at 62", mottling at 25". The zone of saturation is 25" due to

mottling, the design will be based on this zone of saturation. Soil log 3, dated 6/21/07, depth 80", seepage at 72", mottling at 36". The permeability test was pit bail 1 in soil log 1, date 6/21/07, depth 79", results passing with testimony from the engineer that the K value is 2 – 6"/hour. Testimony was given by the engineer that there is an absence of wetlands in the area of disturbance.

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

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

Mr. Parker thanked the board.

#### **4. Block 49/Lot 7– Hoffman, Fiedler, Stanton Mtn. Rd.**

Escrow fees paid 10/29/07. Check #1123 \$750.00.

Mr. Kurt Hoffman , licensed engineer in the state of NJ, appeared before the board. This application is for Block 49/Lot 7, property owned by Karen Fiedler, also known as 99 Stanton Mtn.Rd. This is an existing 4 bedroom dwelling, that has 2 existing seepage pits as the existing septic system which are not functioning properly. A septic alteration with no expansion is proposed, this will be maintained as a 4 bedroom dwelling. Six soil logs were performed on the site, soil testing was performed in soil log 2 with a basin flood. Soil logs 2 and 3 are used for the design of a disposal area. This system is in conformance with all of the state codes, other than the high water table is 16" rather than the 24" by state code. Based on the letter from HCHD, the board will want to discuss approval of the soil logs and basin flood test, approval is necessary for the pump system. The 48" distance form the regional water table to the level of infiltration was maintained.

Chair Nugent asked where the existing system is located and how was it failing.

Mr. Hoffman indicated the location on the map. The water elevation was high. It was not backing up into the house, or into the yard.

Mr. Facinelli confirmed that both current systems, the grey water and black water systems, will be eliminated and will only use the proposed system.

Chair Nugent stated he had no more questions, the only issue he had was the regional zone at 16", but the code stated that would be more in conformance than the existing system.

A **MOTION** was made by Ms. Sheay to **approve** the application for Block 49/Lot 7 located at 99 Stanton Mtn. Road. This is an alteration with no expansion to repair a malfunctioning system. The design will be a fill enclosed mounded soil replacement bed with installation of 1300 gallon septic tank and a 1300 gallon pump tank. The deed restriction to be filed with the County Clerk must include the maintenance and reporting requirements. The applicant is Karen Fiedler, the engineer is Kurt Hoffman. Correspondence from HCHD, letters dated 10/1/07, 10/18/07. The map is titled Septic Design for Karen Fiedler dated 9/12/07, revision 10/2/07, note per HCHD. The surveyor is Nicholas Lebo. This system will be more in compliance with the code than the current system. Soil log 2, done 6/18/07, @85", no seepage, mottling @ 16", zone of saturation is set at 16", design is based on this. Soil log 3, done 6/218/07, @104", no seepage, mottling @ 26". Permeability was basin flood 1 in soil log 2, 6/18/07, depth 72", passing.

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. Muir	Aye	Chair Nugent	Aye
Ms. Butula	Aye	Ms. Sheay	Aye		

Chair Nugent noted that they would move on to the next application on the agenda, Block 80/Lot 1, Hatch Mott MacDonald, Readington Twp., River Ave.

Ms. Muir recused herself from hearing the next application.

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

Application submitted 10/2/07.

Mr. Joe Modzelewski, Hatch Mott MacDonald, licensed engineer in the state of NJ, appeared before the board. Mr. Modzelewski stated he is representing Readington Township with respect to the testing that was done, as part of the Ilva Soronno tract off River Ave. and Route 202. The total acreage of the property is approximately 80 – 90 acres. There is a 2 acre, non severable exception area that was created on the farmland preservation piece that the township would be able to offer for sale for one residential unit on that property. Hatch Mott MacDonald performed a number of soil logs and test pits to prove a primary and reserve disposal area were available within the limits of this exception area. The board should have before them two drawings that were prepared, along with the results of the soils testing. One map is a conceptual plot plan of how the exception area could be developed with a dwelling, and proposed well location with respect to the disposal field and lot lines, meeting all the separation distances, shown on drawing 1285-H, revision dates of 10/22/07, and 11/19/07, entitled Soil Log Location Plot Plan

for Block 80/Lot 1 exception area. The other map is 1287-H, revision date 11/19/07, entitled Well Proximity Plan, which was generated out of response from this board. There are 7 wells, identified as monitoring wells on the farmland preservation map. The closest one is in excess of 250' from the exception area.

There was some discussion as to whether or not the wells were still open.

Mr. Modzelewski stated he was sure they were capped.

The board requested that as township engineer, that the well status be discussed with the appropriate people.

Chair Nugent stated if these were drilled, there should be well drilling records, and the costs thereof.

Mr. Modzelewski stated that in Ferriero Engineering's letter there was a comment that there was no wetlands LOI. At the time of this development application, a wetlands delineation was done, but it was subsequently withdrawn because the property was going into this farmland preservation. Based upon the information available, the only delineated area in the vicinity of the exception area is shown all the way to the east side, there is a drainage course that is in the easterly property line. There is a narrow wetland line that follows that course. The NJ iMap is consistent with that.

Ms. Butula asked that Mr. Modzelewski identify that on the map.

Mr. Modzelewski stated the closest wetland delineation that was performed by others previously, and not confirmed by an LOI is shown associated with a small drainage course favoring the easterly property line of the overall tract.

That is located approximately 500' from the limits of the 2 acre exception area. That general wetland area is consistent with the NJ iMap JS overlay for wetlands. Drawing 1285-H shows a proposed 5 bedroom dwelling and disposal area footprint areas that would be equivalent to a disposal bed for a 5 bedroom dwelling. The primary and reserve areas are both located in the southerly area of the exception area. The locations meet the separation or proximity distances from property lines between the primary and disposal area separation distances between a well and dwelling and disposal area. Those minimum proximity distances are given in a table on that plan, and also the respective components to indicate that they will comply with those distances. Also listed on the map are test locations done by others, none of which are located in the exception area. The only testing within the exception area was done by Hatch Mott MacDonald. The primary area is based on soil logs 1 and 4 and pit bail test 1. Mr. Ferriero's office noted a discrepancy between our records of soil log 3 and the records submitted by the township witness. This relates to mottling that was recorded by the witness in the soil horizon of 26 – 31". Hatch Mott MacDonald field technician did not record mottles in soil log 3 in the soil horizon of 9 – 31", what they (*inaudible*) was that it was a loam with an (*inaudible*) that was friable and had 15% coarse fragment content in the form of gravels. Many times a soil horizon with coarse content that is weathering or collects a clay (*inaudible*) around the coarse fragment content that can appear in a soil horizon as a discoloration associated with the gravels. The witness' records apparently indicate a few fine and faint mottles in that horizon. It is their contention that those mottles did not necessarily indicate a zone of saturation but rather they are a mineralogical characteristic associated with the gravel content within that horizon. That particular soil log went through 16 weeks of ground water monitoring. With the exception of the first reading at 46", all other 15 were at about 60". It is their professional opinion that if the witness saw these discolorations, they were not associated with any type of a hydraulically saturated zone.

Mr. Kosinski stated on closer look at the witness record, Mr. Chalupa has indicated 9 – 31” firm horizon, and the Form 2b indicates that the 9 – 31” horizon is friable, that could be a possible explanation for the mottling in that horizon.

Ms. Sheay stated the witness report indicates 9 – 31” as clay loam, and the engineer has loam; the next horizon 31 – 93” the engineer has loam, and the witness has silt loam.

Mr. Modzelewski stated this is done by site and feel, if you look at the textural triangle there is a fine line where you cross over a certain percentage of silt and clay, and it is either a silt loam, clay loam or loam. It isn’t a hard and fast science in the field, as opposed to a textural analysis in a laboratory.

Chair Nugent stated it sounds like there needs to be a little more research done on soil log 3 to figure out the discrepancy.

Mr. Modzelewski stated he could check the field notes, if they confirm the witness’ notes, the implication is that there is a hydraulically restrictive layer that has a perched zone of saturation. The regional zone of saturation based on the 16 weeks of monitoring in the wet weather season show a regional zone of saturation at 46” highest.

Ms. Butula stated if that is confirmed, it should have been reflected in the submission.

Chair Nugent stated specific to soil log 3, at minimum it is two discrepancies between the submitted Form 2b, and the witness notes, 1) the existence of mottles, 2) the textural interpretation of a soil horizon as to whether or not it is inclusive of clay, and that potentially could make it a hydraulically restricted horizon. Then mottling would not be observed throughout the whole area of hydraulically restricted horizon, which leads into soil log 4. Soil log 4 interpretation is that there is mottling at 36 – 42” and that concurs with the representative notes, and the witness’ notes.

There is an indication of a hydraulically restricted horizon at 30 – 42”, mottling is only 36 – 42”, it has been suggested that that is a perched ground water condition. If it is perched, doesn’t the mottling have to be throughout the draulically restricted horizon ?

Mr. Modzelewski stated he did not believe so.

Chair Nugent referred to State Code 7:9A 5.8c ‘when a hydraulically restricted horizon, hydraulically restricted substratum, or a massive rock substratum is not present throughout or immediately below the zone of saturation, then the zone of saturation shall be considered a regional zone of saturation.’ So there is a hydraulically restricted horizon that is not present throughout the zone of saturation.

Mr. Kosinski stated in other words, the hydraulically restricted horizon is not present below 42”, which is the bottom of the perched zone of saturation.

Chair Nugent stated his interpretation would be that they cannot then define it as perched.

Mr. Kosinski stated he would refer to counsel, but that is what is represented on the Form 2b.

Ms. Taormina stated it is not necessarily a legal question, it is the interpretation of this board as a whole.

Mr. Kosinski stated the strict interpretation of the code is that if there is not a hydraulically restrictive horizon directly below the observed occurrence of mottling, or a zone of saturation, then it cannot be considered perched.

Ms. Butula stated the board has always followed the code in its strictest format.

Ms. Sheay asked how the 16 weeks of ground water monitoring would be considered ?

Chair Nugent stated the 16 weeks represents the regional zone at 46” already. That is a snapshot in time as opposed to absolute moment to moment historical representation. The mottling itself is a better indication of the highest possible water occurrence, however there could have been some seasonal events that have not represented themselves yet as mottling, but the in season ground water monitoring would pick up. There are times when mottling is challenging at best to represent itself, case in point, in fractured shale. The shale itself cannot represent mottling, however, the soils within the fissures of the fractured shale could.

Ms. Butula stated the soils defined as severe in the ordinance did not display mottling as accurately.

Ms. Butula stated she had no other concerns, the engineer would have to check field notes for soil log 3 and reconsider soil log 4 based on tonight’s feedback.

Chair Nugent stated they would like an explanation of the vandalized standpipes.

Mr. Modzelewski stated it is an active cultivated field, they came in and turned over the soil where the pipes were standing up. They were sheared off at the surface. It should not have had an effect on the test results, it took the cap off, so there may have been a little rain inflow, if anything it would be a conservative adjustment. The last measurements were made from flush.

Ms. Butula stated it appears the data bears this out.

Chair Nugent asked if any of the board had any questions, or if Mr. Modzelewski had any questions. There were no other questions or input.

Chair Nugent stated that the regular agenda would continue at this point.

**A. APPROVAL OF THE MINUTES**

**1. Minutes of August 15, 2007. (-Albrecht, Allen, Facinelli vote).**

A **MOTION** was made by Ms. Butula to **approve** the minutes of 8/15/07.

This motion was seconded by Ms. Muir. On roll call vote the following was recorded for the approval of the August 15, 2007 minutes.

Ms. Butula Aye      Ms. Muir Aye      Ms. Sheay Aye      Chair Nugent Aye

**2. Minutes of September 19, 2007. (-Albrecht, Allen vote).**

A **MOTION** was made by Mr Facinelli to **approve** the minutes of 9/19/07.

This motion was seconded by Ms. Muir. On roll call vote the following was recorded for the approval of the September 19, 2007 minutes.

Ms. Butula Aye    Mr. Facinelli Aye    Ms. Muir Aye    Ms. Sheay Aye    Chair Nugent Aye

**3. Minutes of October 17, 2007. (-Butula, Muir vote).**

A **MOTION** was made by Mr Facinelli to **approve** the minutes of 10/17/07.

This motion was seconded by Ms. Albrecht. On roll call vote the following was recorded for the approval of the October 17, 2007 minutes.

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

**B. CORRESPONDENCE**

**1. NALBOH – Newsletter – 3<sup>rd</sup> quarter 2007.**

**2. NALBOH – National Public Health Performance Standards Program.**

*Ms. Butula noted that the website that is referred to is defunct.*

**3. Suspected Hazardous Discharge Notification** letter dated 10/6/07 regarding heating oil at 279 Mountain Rd.

**4. Suspected Hazardous Discharge Notification** letter dated 10/10/07 regarding heating oil at 108 Rockafeller Mill Rd.

**5. HCHD LINCS – dated 10/12/07 Public Health Advisory – Lead Poisoning.**

**6. HCHD LINCS – dated 10/15/07 Public Health Advisory – Embargo of Mexican Candy-Elevated Blood Lead Level.**

**7. HCHD LINCS – dated 10/19/07 Public Health Advisory – Methicillin resistant MRSA in schools and other settings.**

**8. HCHD LINCS – dated 10/19/07 Public Health Information MRSA Guidance.**

**9. Block 75/Lot 14 - HCHD – Notice of Violation dated 10/23/07**

**10. Block 38/Lot 24 – NJDEP letter dated 11/5/07– UST.**

**11. Block 21.13/Lot 6 – Readington Twp. Engr. McEldowney memo dated 10/31/07 regarding LOI Verification Application.**

**12. Block 21.13/Lot 6 – LOI Application letter from J. Tareila.**

**13. NJDEP – letter dated 10/10/07 regarding RAR for 3498 Route 22.**

**14. NJDEP – letter dated 10/15/07 regarding RAR for 5 Hickory Ln.**

**15. Letter from ExxonMobil** dated 9/17/07 regarding Rt. 22 W. and Oldwick Rd. (Rt. 523).  
corrected copy - (previously listed as B. 10. on the 10/17/07 agenda)

**16. Block 15/Lots 8 & 9 – Biennial Certification Monitoring Report form for a Deed Notice and Engineering Control**

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

**1. Septic System Repair Approval from HCHD, B 75/L 17.23. *Final Field 10/29/07***

2. Septic System Repair Approval from HCHD, B 67/L 19.50. *Final Field 10/30/07*
3. Septic System Repair Approval from HCHD, B 66/L 33. *Final Field 11/09/07*  
*Carried from the 10/17/07 meeting:*
4. Septic System Repair Approval from HCHD, B 46/L 24.01. *Final Field 10/16/07*

**D. OLD BUSINESS**

**1. HCHD new contract.**

- A. New Jersey State Housing Code.
- B. New Jersey Public Health Nuisance Code.

**2. BOH Education – SOIL TEST TRAINING SITE VISIT – 11/3/07 – Presented by**  
James P. Chalupa, Joseph Bartzak and Steve Bartzak.

*Chair Nugent acknowledged the excellent job done by our soil witnesses in their presentation for the board members, and extended a thank you to all involved.*

**E. NEW BUSINESS**

**1. Readington Township Schools – Well water reports.**

- A. Readington Middle School – old well #1.
- B. Holland Brook School.
- C. Three Bridges School.
- D. Readington Middle School – new well #2.

*Ms. Butula asked Ms. Vaccarella if she had reviewed these results. Ms. Vaccarella stated the results look great, they are automatically forwarded to the County for review. Ms. Butula noted there were 3 levels that were a little elevated but did not cross the line above the minimum standards.*

Chair Nugent noted that there were no items to be carried to December 19, 2007, and asked if there were any other topics of business.

As there were none, Chair Nugent wished everyone a Happy Thanksgiving.

**G. ADJOURNMENT**

A **MOTION** was made by Ms. Muir to adjourn at 10:45 pm, seconded by Ms. Albrecht with a vote of Ayes all, Nays, none recorded.

Respectfully submitted:

Lorraine Petzinger  
Board of Health Secretary