

# READINGTON TOWNSHIP BOARD OF HEALTH MEETING

December 21, 2005 7:00 pm

Chair William C. Nugent called the meeting to order at 7:05pm and announced that adequate notice of this meeting of the Readington Township Board of Health has been provided, by posting on the Township Bulletin Board, delivery to the Hunterdon County Democrat, the Courier News, filing with the Township Clerk and mailed to the members of the Board of Health.

## Attendance Roll Call:

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

**Also Present:** Board of Health Engineer: Ferriero Engineering, representative Mr. John Hansen  
Board of Health Attorney: Ms. Marisa Taormina  
Hunterdon County Health Department: Ms. Deb Vaccarella

## A. APPROVAL OF THE MINUTES

### 1. Minutes of November 16, 2005.

A **MOTION** was made by Ms. Butula to **approve** the minutes of 11/16/05. This motion was seconded by Ms. Sheay and passed with a vote of ayes all; nays none recorded.

Ms. Taormina stated on pg. 3 of 8, E.2. should read "Ms. Taormina questioned whether these applications have fully complied and are awaiting review".

Ms. Butula stated under Correspondence 1. 2) Notice was sent regarding planning for potential flu pandemic.

On roll call vote the following was recorded for approval of the 11/16/05 minutes:

Ms. Albrecht	Aye	Ms. Butula	Aye	Ms. Sheay	Aye
Dr. Allen	Aye	Stephanie Moore	Abstained	Chair Nugent	Aye

## RESOLUTION Executive Session

**WHEREAS, N.J.S.A. 2:4-12**, Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist:

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Health of the Township of Readington, County of Hunterdon, State of New Jersey, as follows:

1. The public shall be excluded from discussion of the hereinafter specified subject matters.

The general nature of the subject matter to be discussed is as follows:

1. The Findings of Fact and Conclusions of Law, along with the Final Judgment entered in the matter of Lackland and Lackland, et al. v. Readington Twp., et al. Docket No. SOM-L-344-03.
2. It is anticipated at this time that the above matter will remain confidential.
3. This Resolution shall take effect immediately.

A **MOTION** was made at 7:20 pm by Ms. Moore to adopt this Resolution, seconded by Ms. Sheay. On roll call vote, the following was recorded:

Ms. Albrecht	Aye	Ms. Butula	Aye	Ms. Sheay	Aye
Dr. Allen	Aye	Stephanie Moore	Aye	Chair Nugent	Aye

Ms. Taormina summarized as stated in 1.1. above, the Findings of Fact and Conclusions of Law, and

the Final Judgment by Judge Ashrafi. Ms. Taormina pointed out that regarding the Findings of Fact and Conclusions of Law the board members should focus on pages 98 through 102. With regard to the Final Judgment, the board members may want to review paragraph #5. There was some discussion of the new board members familiarizing themselves with earlier Board of Health ordinances, and reading and understanding the judgment.

The meeting reconvened at 7:43 pm

## **B. CORRESPONDENCE**

1. **Block 60/Lot 12** – Twp. Engr. review dated 11/18/05.
2. **Block 51/Lot 25** – Twp. Engr. review dated 11/18/05.  
*Ms. Butula noted the quality of these reports is excellent, we will make every effort to keep the Twp. Engineer in communication with all boards and committees.*
3. **NJ Audubon Society – Solberg Airport** – Twp. Engr. review dated 11/18/05.  
*Ms. Butula stated this is very interesting, we were unaware that NJ Audubon was going to comment.*
4. **Block 45/Lot 26.03 & 26.08** – Twp. Engr. review dated 11/17/05.
5. **NJLM Advisory – Avian Flu Pandemic Threat.**  
*Citizens guide referred to should be put on website.*
6. **NALBOH** – Tie breaker election ballot.
7. **NJ Senate** - letter from Senator Lance re: senate bill 2636 and assembly bill 3186.
8. **NJDEP** response to LOI application for Block 61/Lot 5.02.
9. **JCP&L** letter dated 11/15/05 – wetlands general permit.  
*Environmental Commission should be copied on street map.*
10. **NJDEP** - letter dated 11/17/05 known contaminated sites in NJ report.  
*List of known contaminated areas in the state of NJ, may be put on website.*
11. **NJDEP** - response to LOI application for Block 60/Lot 12.
12. **NJDEP** - response to LOI application for Block 38/Lots 54, 74 & 75.
13. **NJDEP** - wetlands general permit for Block 95/Lot 3.
14. **NJDEP** – letter regarding 4 Weidman Ave., Whs. Sta.  
*Copy to zoning official. HCHD – Mr. Beckley recommended they respond immediately.*
15. **HCHD LINCS** – distance learning schedule (*faxed to boards 12/5/05*).
16. **Studer and McEldowney** - letter dated 11//05 regarding Block 72/Lot 31.  
(November 16, 2005 agenda item B.12.)
17. **NJDEP** email dated 11/22/05 – DEP preserves more than 2,000 acres open space in Atlantic Cty.
18. **NJDEP** email dated 11/29/05 – NJ first state to require chemical plant security.  
*Acting Governor Cody should be commended on taking action.*
19. **NJDEP** email dated 12/1/05 – Nat'l. Fish & Wildlife Advisory: Grants help restore Delaware Estuary.
20. **NJDEP** email dated 12/5/05 – Black bear hunting season.
21. **NJDEP** email dated 12/6/05 – DEP settles ground water claims.

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

1. Septic System Repair Approval from HCHD, B 74/L 37.07. *No work done as of 12/13/05.*  
*Carried from 11/16/05:*
2. Septic System Repair Approval from HCHD, B 38/L 17. *No work done as of 12/13/05. spoke to owner of property due to cost is requesting the permit to be voided. Do not want a riser at this time.*  
*Carried from 7/20/05:*
3. Septic System Repair Approval from HCHD, B 65/L 13.10. *Clogged sewer line, contractor requested a void of the permit.*
4. Septic System Repair Approval from HCHD, B 70/L 17.23. *No work done as of 12/13/05. Currently pending approval for alteration using a biofiltration “peat” system.*

**Carried from 2/16/05:**

5. Septic System Repair Approval from HCHD, B 36/L 19. *Pending, clog in sewer line not septic.*
6. Septic System Repair Approval from HCHD, B 47/L 7. *Pending, addition to home.*

**D. OLD BUSINESS**

1. **HCHD** – November 22, 2005 Influenza Pandemic Planning.

*Ms. Butula stated a 24 hour 7 day/week communication with each twp. is being established. Also, a list of every first responder, and their families is being compiled.*

*Ms. Vaccarella stated at this time the County's focus is getting the townships together as a partnership.*

2. **Expiration of soil logs.**

*Chair Nugent stated this item is still outstanding.*

3. **Governance document** - HCHD input.

*This has been deferred.*

*Ms. Butula stated she has been serving on the Hunterdon County Community Health advisory committee. They met again in December, Ms. Butula has been assigned to the local public health system assessment. They will meet for 30 hours over the next 2 months to assess all community organizations. The results of the surveys, and the needs of the community over the next two decades should come out in July.*

**E. NEW BUSINESS**

1. **12/10/05 fuel spill on Route 523.**

*Ms. Vaccarella stated the county road is still shut down, some area homes were given baseline well tests. The BOH will be advised as to which homes were tested. The case has been referred from emergency response to case management at the state, which is long term. The BOH will be copied on future reports from the state.*

**F. APPROVALS**

**Category A. – Single Lots**

1. **Block 44/Lot 45 Septic Mgmt. Group/Fine Engr. - Hrisenko/Olivero  
102 Stanton Mt. Rd.**

Escrow fees paid 8/26/04. Check #7274 \$500.00.

Mr. Doug Fine, NJ licensed engineer appeared before the board. This application was given previous approval on 11/17/04. This was part of a real estate transaction, the house changed hands and the septic system failed, the system was redesigned, the only place to put the new system would require removal of out buildings. Mr. Fine stated he proposed to the owner the possibility of redesigning with the new technology of the peat system, which would reduce the size of the mound and the grading necessary, which would allow the out buildings to remain. The new owner is interested in the new technology. This is an alteration to correct a malfunctioning system without expansion.

Chair Nugent pointed out that this is a proposal for a peat system. Reviews from Ferriero Engineering on a different application would also apply to this one. Members should have that and a guidance document from the state as well. A 12/2/05 review from the County notes that there are 3 items which the BOH has to act on, 1)noticing because of the reduction in bed size, 2)pump system, 3)ECO Pure system.

Ms. Butula stated concerns in the approach being taken, and feels the board should follow the guidelines set forth in the Ferriero document. A sub-committee should study this

quickly and come up with views, and exactly how to proceed. One consideration may be a local implementing ordinance including maintenance requirements and how long to extend it may be adopted authorizing this technology in an efficient manner so as to not hold up the applicants in any way.

Ms. Vaccarella asked if there were anything the board would implement in the ordinance that would not have been reviewed in this application, if so, the County may have already addressed it in their review. Ms. Vaccarella pointed out that there are no other municipalities in Hunterdon County that in approving or reviewing these peat systems have said that we have to wait for approvals based on changing existing ordinances. For clarification, concerns of Readington Board of Health may have already been addressed in the County's review.

Ms. Butula stated these are procedural, not technical concerns.

Chair Nugent asked counsel, Ms. Taormina, to comment on a peat system ordinance.

Ms. Taormina stated in looking over the guidance document, the DEP is recommending it, not mandating it. Ms. Vaccarella's point is also valid. Mr. Miller from the DEP relayed to Ms. Taormina that in the municipalities that are introducing and approving these types of applications, more often than not, ordinances are not in place, and as part of the approval, a condition is put on it, if and when an ordinance is put in place, the applicant has to abide by the following terms and conditions. So, it is not mandated, it is not a requirement of the DEP and most counties are not waiting to put in an ordinance and then accepting the applications.

Ms. Vaccarella stated it is usual that the boards approving these types of systems are very clear and that even though there is a maintenance requirement as part of the purchase of the system, that that needs to be maintained and recognized. In addition, in working in an ordinance itself, this board may be encouraged to look at an ordinance that covers specific licensing and maintenance of systems such as these, naming specific technologies.

Ms. Taormina stated another consideration for the board is when this technology will be utilized, under what circumstances.

There was some discussion of forming a subcommittee and putting an ordinance in place. Chair Nugent discussed specifics of this system with Mr. Fine. One area of concern is the reduced bed size.

The board members discussed making a motion for approval.

A **MOTION** was made by Ms. Moore that this will go to our attorney to make a motion to approve this system at the next meeting. This motion was seconded by Ms. Sheay

Ms. Albrecht	Abstain	Ms. Butula	Abstain	Ms. Sheay	Aye
Dr. Allen	Aye	Stephanie Moore	Aye	Chair Nugent	Aye

Chair Nugent stated item #4. is also an application from Septic Mgmt. Group.

## **2. Block 73/Lot 3.45 Septic Mgmt. Group/Fine Engr. - Freindlich, 1034 Route 523**

Escrow fees paid 12/06/05. Check #118 \$500.00.

Mr. Doug Fine, NJ licensed engineer appeared before the board. This is a septic system alteration for a 4 bedroom dwelling. A mounded soil replacement pump disposal field system is proposed.

Mr. Fine reviewed the soil log data.

There was some discussion of set back issues.

Mr. Fine excused himself at 10:00; indicating that the board should go ahead if they were to make a motion, otherwise concerns could be addressed at a later date.

A **MOTION** was made by Ms. Butula to approve the application for Block 73/Lot 3.45, map submitted "Septic System Debbie Kuffer 1034 Rte. 523 Readington Twp." the applicant has changed to Mr. Barry Freindlich. The map was prepared by Douglas Fine, surveyor Terrill Essig done 7/10/89. This is an alteration with no expansion, mounded replacement system. For the primary soil log 1 done 10/6/05, mottles at 34 – 50" soil log 2 done 10/6/05, mottles at 33 – 40", permeability was a basin flood #2 at 65" done 10/6/05, passing results. Regional water at 33" in soil log 2 determined by mottles. HCHD pointed out that the toe of the system is less than 10' from the property line, the engineer has testified that he will not have to enter the neighbors property at all to install. The board has been notified and are going ahead with the approval. Page 8 of 8 in the design there is an error on #6. under D. the county will observe and supervise this in the design. Readington township requires a maximum of 25%, or no more than 25% fine plus very fine sand in the select fill. This will require a pump and the associated deed restriction. Mr. Fine is to send a copy of the deed to the BOH office.

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

Ms. Albrecht	Aye	Ms. Butula	Aye	Ms. Sheay	Aye
Dr. Allen	Aye	Stephanie Moore	Aye	Chair Nugent	Aye

Dr. Allen stepped down at 10:08 p.m.

Chair Nugent stated Dr. Allen's term expires this year, thanking him for his service, and also that he hopes that Dr. Allen will be reappointed.

**3. Block 48/Lot 6 – Parker Engr., Boraski, 42<sup>nd</sup> Street.**

Escrow fees paid 7/22/05. Check #1686. \$500.00. Carried from 11/16/05 meeting.

Chair Nugent stated that this applicant is requesting a variance from the 8 weeks of testing. A review from Ferriero Engr. is included with the board members packet.

Mr. Steve Parker, licensed engineer in NJ, appeared before the board. Mr. Parker stated this application is for an alteration and expansion to a 4 bedroom home. This is about a ½ acre lot. The available area for the septic is very limited, testing done in February of 2005 were favorable. The soils type on the property is severe, due to slow permeability. Mr. Parker reviewed the data as submitted in the soil logs.

There was some discussion as to why additional testing was not done in 2005.

A **MOTION** was made by Ms. Moore for Block 48/Lot 6 to go back and do 8 weeks of monitoring.

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

Ms. Albrecht	Aye	Ms. Butula	Aye	Ms. Sheay	Aye
Dr. Allen	Aye	Stephanie Moore	Aye	Chair Nugent	Aye

**4. Block 70.01/Lot 10 – Septic Mgmt. Group/Fine Engr., Guerriero, 22 Hillcrest Rd.**

Escrow fees paid 8/15/05, Check #4263. \$500.00.

Previously heard 8/17/05, 9/21/05. Carried from 11/16/05 meeting.

A **MOTION** was made by Ms. Moore on F. 4. which is Block 70.01/Lot 10 that that be put into the next meeting to follow the same motion that the attorney will be drawing up for Block 44/Lot 45. This motion was seconded by Ms. Sheay

Ms. Albrecht	Abstain	Ms. Butula	Abstain	Ms. Sheay	Aye
Dr. Allen	Aye	Stephanie Moore	Aye	Chair Nugent	Nay

Ms. Taormina stated this application should be addressed, and Mr. Fine should testify before a motion is prepared.

Chair Nugent asked the board members to contact him by 12/30/05 with any thoughts on this application, and he would contact Mr. Fine.

**Category B. – Subdivisions**

***The following application was not heard:***

**1. Block 64/Lot 19 – Bayer Risse - Renda, Farmersville Rd.**

Escrow fees paid 4/5/05, Check #9441. \$500.00.

Previously heard 8/16/00, 10/19/05.

Data mailed with 7/20/05 approval packet.

***The following application was not heard:***

**2. Block 69/Lot 12 – Van Cleef - American Classics, Witherspoon Rd. & Centerville Road.**

Escrow fees paid 7/7/04. Check #246. \$500.00; 3/13/05 Check#373.

Previously heard 12/15/04.

***The following applicant has withdrawn from this agenda.***

**3. Block 25/Lot 38.01 – Heritage Consult. Engr. - Wilmark Bldg. Contractors, Inc. , Indian Purchase Road.**

Escrow fees paid 8/8/05. Check #10697 \$1,250.00

Escrow fees paid 11/30/05. Check #11030 \$1,250.00

Previously heard 11/17/03.

Chair Nugent stated thanks to Mr. Facinelli, whose term will renew in 2006, also, Ms. Muir as our committee liason.

Ms. Moore stated in regard to the maps for Block 64/Lot 19, the house should be imposed on the wetlands map.

Mr. Hansen stated the map was submitted in response to Ferriero Engr. comment to have a licensed surveyor topography sent in. That is not the design map. The existing conditions map cannot indicate both.

Ms. Moore stated as a board member, it is difficult to go back and forth between maps.

Deb Vaccarella stated she would like clarification of lots 19 and 19.01, or 2 separate designs.

Mr. Hansen stated when you do a subdivision you have to meet all your conditions and file the deeds for a minor subdivision within 190 days. People may realize that to get through this board, it is probably going to take more than 190 days, so they file with the Board of Health concurrently with the Planning Board application, they just need to clarify this is for a subdivision.

Chair Nugent asked for a consensus regarding a 1/4/06 meeting.

Ms. Petzinger will poll the board members and professionals.

Ms. Vaccarella offered assistance to any of the new board members that may be available during the day from the HCHD for a review of exactly what the Counties duties are.

**G. ADJOURNMENT**

A *MOTION* was made by Ms. Sheay, to adjourn at 10:40 pm, seconded by Ms. Albrecht with a vote of Ayes all, Nays, none recorded.

Respectfully submitted:

Lorraine Petzinger  
Board of Health Secretary