

EAST AMWELL BOARD OF HEALTH MINUTES
7:30 p.m. East Amwell Municipal Building
February 26, 2018 Regular Meeting

Statement of Compliance

The regular meeting of the East Amwell Board of Health was opened on February 26, 2019 at 7:30 PM. The following notice was read, “In compliance with the Open Public Meetings Act, this meeting was advertised in the December 20, 2018 issue of the Hunterdon County Democrat. Notice of this meeting was forwarded to the Township Clerk’s office, posted on the Township bulletin board, and sent to the Hunterdon County Democrat on February 19, 2019.”

Present: Tracy Carluccio
Larry Tatsch
Les Hamilton
Pauline Serafin
David Wang-Iverson
Leonardo DeCandia, Alt. 1
Janis Grover (7:45 PM)
Jennifer O’Sullivan - Hunterdon County Division of Public Health

Absent:
Peter Miller

Agenda Review –

The following agenda items were added/corrected:

- 5.A.3 – Speedway Ground Water
- 6.B.2 – New Registrar Pam Dymek
- 6.C. – Water Testing and Monitoring for Ridge at Back Brook
- 7.B. – correction: CEA Notification Letter from Synergy Environmental regarding Sabir Inc. Blk 27.01 Lot 32
- 7.C – NJ DEP CEA/WRA Letter re: Speedway #3476
- 7.D. – Hunterdon County Inspection Report – Speedway #3476 Food Establishment
- 8.E. – Ferriero Engineering, Soil Witness Fees: Sagersar B20 L29 \$772.00 and Lehman B36 L7.07 \$772.00

Presentation of Minutes –

January 22, 2019 Reorganization Meeting Minutes: **A motion by Mr. Hamilton, seconded by Ms. Serafin, to approve the Board’s minutes with minor edits was unanimously carried with no objections and Mr. Wang-Iverson abstained.**

Open to the Public –

Ms. Carluccio asked if any member of the public would like to bring a topic not on the agenda to the Board. See no members of the public come forward a **motion by Mr. Wang-Iverson, seconded by Mr. Tatsch, to close to the public was unanimously carried with no objections or abstentions.**

Unfinished and New Business

Hunterdon County Division of Public Health Inspector's Report

Jennifer O'Sullivan stepped forward.

Ms. Gavigan complaint regarding foam in the stream

Ms. O'Sullivan said the foam was seen by the resident in the stream at the intersection of Wertsville and Rocktown Roads, a Hunterdon County inspector went to this location and no foam was observed at the time of inspection. She continued that any residents who observe foam should take a picture if possible, get the exact location and from their home call the Hunterdon County Health Department if it is during business hours, and an inspector will be sent right away. She continued that outside of business hours, they should call the New Jersey DEP at 877-927-6337 who will send an inspector.

Ms. O'Sullivan said that if it is biological foam there will be a fishy smell, it will look dirty and linger on the surface. She continued that there is a lot of this in the spring and fall because that is when biological foam is most prevalent. Ms. O'Sullivan continued that if it is a chemical foam, such as from a detergent or soap as the resident suspected, the foam will dissipate more quickly, appear clean or white and have a sweet or perfumed smell. Mr. Tatsch asked if it was natural materials that would cause the biological foam, and Ms. O'Sullivan said yes things like algae and plant matter. Ms. Carluccio said thank you that is very helpful, and Ms. O'Sullivan said she has an article on river foam and will send it for distribution to the Board.

Radon Kits

Ms. O'Sullivan provided a packet of information on radon for distribution to the Board and to be posted on the East Amwell website. She said the packet contains some statistics regarding East Amwell and that Hunterdon County is Tier 1 for Radon which means there is radon throughout the County. Ms. O'Sullivan said the County currently has a waiting list for radon kits of around 200 people, and some towns are obtaining kits to ensure availability for their residents. She continued that the County has ordered more kits which should arrive within the next month, but she has brought 5 kits since the Board has been on the waiting list for a few months. Kits were distributed to interested Board members, and R. Georgett took one for use at the Township building. Ms. O'Sullivan said that it is now recommended but not required that schools test for radon. Mr. Hamilton suggested we contact the school to tell them of the recommendation. Ms. Georgett will do so.

Speedway Ground Water Monitoring

Mr. O'Sullivan said that Dan Wyckoff had provided a report on this and read the following:

“Ground Water Classification Exception Area/ Well Restriction Area - LIFT (CEA/WRA LIFT). The NJDEP has lifted the “Conditional” No Further Action dated May 21, 2010. Well Water monitoring has demonstrated that the new jersey Ground Water Quality Standards have been met. Hunterdon County Department of Health will be contacting Speedway Corporation and will follow up on the decommissioning of those monitoring wells associated with the project.”

Ms. Janis Grover arrived at 7:45 PM and was welcomed by the Board.

Preview Committee

DiGiovanni, Block 8 Lot 10.06 – New Septic Construction

Mr. Alex Mikas from Goldenbaum Baill Engineering and Gary DiGiovanni stepped forward, and Ms. Carluccio said she had called Mr. Mikas because on the large septic system design map provided it was not clear where the storm water system was in relation to Lot 10.06. She continued that the additional small map provided by Mr. Mikas at the meeting contains this information, and this was a previously approved subdivision. Ms. Carluccio continued that the Board of Health had reviewed both the well and septic in the past under our subdivision requirements, however there is a problem with fitting the storm water system in as it relates to Lot 10.06. She continued that the well has been certified, and so that issue is resolved. Ms. Carluccio said three waivers are needed and two of them relate to 79A Definition of a Water Course where the Board needs to determine if the storm water drain meets the definition of a water course. She continued that the third waiver is that the primary disposal bed would not meet the 100 feet separation distance from a water surface basin.

Mr. Mikas said the storm water system was designed as a sealed unit and therefore does not meet the definition of a water course. Ms. Carluccio referenced the County letter dated January 29, 2019 which indicates that if it is not a water course, a waiver is not needed. There was further discussion regarding inlets on the map, and the flow of water through and around the basin. Mr. Mikas also explained the purpose of an emergency drain which would allow water to settle rather than overflow. Ms. Carluccio asked if it was an infiltration basin, and Mr. Mikas said yes.

Ms. Carluccio said the waiver in item #1 of the County letter does need to be considered because the disposal bed is only 58.2 feet from the water surface basin and not the 100 feet required by Code. Mr. Mikas said that when the subdivision was approved in 2003 the setback requirement for this was only 50 feet and that is how the system was designed. He continued that they tried to move the system to the back of the property, but that put it too close to the property line. Mr. Mikas said it is preferable to have the system downhill from the well and upgrade from the basin. Mr. Mikas said the 58.2 feet does meet the State code but not the East Amwell code which changed after the subdivision was approved and this is the cause for needing a waiver. In response to a question, he continued saying that switching the location of the primary and reserve systems is not a good option both because that would mean the system is uphill from the well and it would still require waivers. There was further discussion regarding placement of the system, and how the existing plan addresses the potential for ground water mounding.

Mr. Wang-Iverson asked about the dry wells on the property, and Mr. Mikas said they were proposed to handle roof runoff. Mr. Hamilton asked if there was a problem having the dry well near the well, and Mr. Mikas explained that there are distance requirements and the dry wells will be moved to meet the zoning requirement for this. There was further discussion regarding the grading around the mound, distance to the top of the mound, and where the low water level is in the basin.

Waiver:

1. The proposed primary disposal bed will be only 58.2 feet from the high water mark of the water surface basin which does not meet the minimum 100 foot setback from the water course requirement by Township Board of Health ordinance.

A motion by Mr. Wang-Iverson, seconded by Mr. Hamilton, to approve the system with one waiver was unanimously carried with no objections or abstentions.

Hantz, Block 23 Lot 13.01 – New/Replacement Septic Construction

Ms. Deborah D’Amico from D’Amico Engineering stepped forward, and Ms. Carluccio said this application is for an existing 4 bedroom home with no expansion and there is a second waiver not in the County letter that is needed. Ms. Carluccio said she had spoken with Ms. D’Amico and they identified that the north bed of the system design does not meet the 25 foot separation distance requirement and would also require a waiver.

Ms. D’Amico said this is a malfunctioning system that they initially tried to keep in the front yard but could not find suitable soils. She continued that they moved it to the backyard attempting to stay away from the property’s well, also the adjacent neighbor helped locate a below grade well on their property. Ms. D’Amico said that the system was even tighter after identifying the adjacent well, and they had to turn it. She continued that there is not enough room to fit everything and the choice was to change the bed size, the slope or the 25 foot setback from the property line. Ms. D’Amico said reducing the size of the bed is a non-starter, and reducing the toe of the slope was preferred to being too close to the property line. Ms. Carluccio said the Board’s concern is to have as gentle a slope as possible to avoid water run off or a compromised mound. She continued saying that is why the Township has a 5:1 requirement, and asked Ms. D’Amico to explain why a 3:1 would be adequate. Ms. D’Amico said it is a fill enclosed system and has a two foot enclosure which should avoid a break out. Ms. Carluccio said the Board is concerned about surface run off and erosion. Ms. D’Amico said the way the system is graded with a swale on either side as well as the removal of a retaining wall near an old swing set should prevent that from happening. She continued that they tried to mimic the natural contours, which do not have these problems and this should decrease the chance of issues occurring with erosion or onsite water.

Mr. Wang-Iverson asked about the height of the mound, and Ms. D’Amico said it fits nicely into the lay of the land where the downhill side will stick up but the uphill side, near to the house, will be very flat. There was discussion regarding the impacts of changing to a 5:1 slope, which would include a reduced distance to property lines, which would require a waiver. Ms. Carluccio asked about the size of the lot, and Ms. D’Amico said 72000 Sq. Ft. or approximately .25 acres. Ms. D’Amico said it is not an advanced treatment system but is a pump system because it comes out the front of the house and needs to go all the way around to the back which is a great distance. Ms. Carluccio asked if Ms. D’Amico had looked at wells on all adjacent properties, and Ms. D’Amico said it is just the one well. Mr. Tatsch said that there are no homes on the northeast property line which mitigates any drainage issues in that direction. There was discussion regarding the grading of the land, slope of system and agreement that it was preferred to reduce the toe of the slope and keep the distance from the property line.

Waivers:

1. The proposed disposal bed will have a 3:1 toe of the slope which does not meet the minimum 5:1 toe of slope required by Township Board of Health Ordinance.

2. The proposed disposal field is shown 20 feet from the northern property line which does not meet the minimum 25 foot separation distance requirement by Township Board of Health Ordinance.

A motion by Mr. Wang-Iverson, seconded by Mr. Tatsch, to approve the system with two waivers was unanimously carried with no objections or abstentions.

Zanin, Block 40 Lot 32 – Septic Alteration (Proposed Waivers after Installation)

This is an application for a waiver regarding a location change of components of the system after it was approved and permitted while it was being constructed. Mr. Wayne Ingram of E&LP stepped forward with Mr. Jessie Lawson, the contractor who installed the system. Ms. Carluccio said she had called Mr. Ingram, and also spoke with Bob Vaccarella regarding the process to follow when this occurs because it is not often that the Board has someone coming in for a waiver because they were unable to install the system as designed, and it is enough of a difference that requires further review by the Board including waivers. She continued that Mr. Vaccarella said when a system can't be installed as designed the Contractor on site should contact the Engineer about the issues, and the Engineer should immediately contact the County so they can go out to inspect and to see if the system needs to be moved. Ms. Carluccio said Mr. Vaccarella also confirmed that very seldom does a system actually need to be moved to the point when it is encroaching on another feature.

Ms. Carluccio asked what the original distance was and Mr. Ingram said it was 100 feet from the tanks. Mr. Ingram said he had the contractor with him to provide additional testimony regarding the issues with gravity and the large amount of rock which precluded placement in other locations that were tried. He continued that the only spot soft enough and where the right pitch could be achieved was where the old system was located because it had been pre-dug, and the new tanks are further away than the old tank. Mr. Ingram said this was difficult because the people were relying on us to get their septic system back on line. Mr. Wang-Iverson asked if they had followed the County procedure. Mr. Lawson said that he called Mr. Ingram explaining the large bolder they encountered and could not get the tank down. He continued that he wasn't aware of the need to call the County but did speak with Mr. Ingram. Ms. Carluccio said she didn't believe the County inspected this and Mr. Ingram said someone from the County was out to inspect but didn't raise any issues. He continued that he knew they would need to return to the Board and weren't trying to avoid it. Mr. Ingram said it would have been a month gap to return to the Board and that would have left the owners without a system.

Mr. Wang-Iverson asked if the County inspected this system, and Mr. Ingram said yes the County reviewed the as-built plan. Ms. Carluccio said the County did not inspect before the decision was made to move the system. She continued that the County did do the other required inspections after the system was installed. Ms. Carluccio asked about the location of the bed and Mr. Ingram said they hit a lot of boulders but there is great material between the boulders. Ms. Carluccio said the distance does meet the State code of 50 feet but not the Township requirement of 100 foot setback because it is the mountain zone. She continued asking why they needed a pump tank if it was a gravity system and Mr. Ingram said he couldn't find the note being referenced. It was determined that was an error in the County letter.

Ms. Carluccio said the Board had approved this system in October 2018 and this would be amending that approval. She continued that it is important to follow the County procedure and have a system inspected if there is a change during installation in the future. Mr. Ingram said he did call the County when the issue was first identified, and notified them that the system was being moved.

Waivers:

1. The septic tank is 55 feet from the existing well which does not meet the minimum 100 foot separation distance requirement by Township Board of Health Ordinance.
2. The pump tank is 59 feet from the existing well which does not meet the minimum 100 foot separation distance requirement by Township Board of Health Ordinance.

A motion by Mr. Tatsch, seconded by Mr. Wang-Iverson, to approve the system with two waivers was unanimously carried with no objections or abstentions.

Items of Discussion

Education and Health Issues

No issues were identified

Board Secretary's Report:

Resident call regarding foul odor on Manners Road

Ms. Georgett reported that two residents had called regarding a foul odor on Manners Road near Van Lieus, and she had contacted the County Health Department who said the resident should call the County when they smell something if it is during business hours so an inspector can be sent. If something occurs after business hours, the caller should contact the New Jersey DEP at 877-927-6337 who will send an inspector. Mr. Tatsch said he as curious because Manners Road does not intersect Van Lieus, and Ms. Georgett said that the resident lives on Larson Road.

Ms. O'Sullivan explained that the inspection can only be done at a person's home. Mr. Tatsch said there are no gas lines in the area and there was discussion that the odor may have been from a dead animal. Ms. Georgett said that after providing the process to the resident there was no further contact, and she simply wanted to inform the Board.

New Township Registrar – Pam Dymek for three years.

A motion by Mr. Tatsch, seconded by Mr. Hamilton, to approve Pam Dymek as Township Registrar was unanimously carried with no objections or abstentions.

Correspondence:

Ridge at Back Brook

Ms. Carluccio asked if anyone would be interested in participating in a subcommittee to review a water quality monitoring report for the Ridge at Back Brook. She continued that usually it is reviewed by an Environmental expert, and the Board could email herself or Mr. Tatsch with any questions. Ms. Serafin said that she read the report which is difficult to understand and the Board should consider having expert advice on this. Mr. Wang-Iverson asked if it was the Board's responsibility to address this and Ms. Carluccio said the Board does not have a budget

item for this, however the Planning Board could be asked to engage a qualified consultant to assess the results for the Planning Board as well as the Board of Health. Mr. Tatsch said to be sure any assessment includes reference to previous reports.

There was further discussion regarding past results and actions from assessments as well as appropriate content for a memo to the Planning Board. Ms. Serafin said the timing of the test would also be important and this past year it was done in December not in November which is the recommended time. Ms. Carluccio agreed and said she will expand on this in a memo to the Planning Board.

A motion by Mr. Tatsch, seconded by Mr. Wang-Iverson, to recommend that the Planning Board have a Consultant evaluate the monitoring report and reference previous reports to see if there have been significant changes was unanimously carried with no objections or abstentions.

CEA Notification Letter from Synergy Environmental

Ms. Carluccio said that the Board received a CEA letter regarding the service station across Wertsville Road from the Township offices and that Mr. Tatsch has been following up. Mr. Tatsch said this is something of great concern because as the Board probably knows we have an ongoing remediation program in the Municipal building parking lot where there is no active remediation but instead the Township is waiting for natural bacterial action to reduce the level of benzene over time. He continued that these levels have naturally reduced over time and there have been reports with levels that came close to 1 part per billion but over the years results have varied. Mr. Tatsch said the Township continues under a limited no further action cause, and while the plume is very stable it is taking years for the level of benzene to drop to a level where the Township will receive a full no action letter.

Mr. Tatsch continued that years ago this service station had a CEA letter reporting gasoline hydrocarbon around their tanks. He continued that at that time he raised the alarm with our remediation firm Handex, and they did not think it would be an issue. Mr. Tatsch said recently we received this CEA letter stating concerning levels of TBA and benzene and explained why these chemicals would be present. He continued saying that if the high level of benzene at the service station across Wertsville Road leaches into the Township's system and contaminates it, the remediation process could continue for decades. He continued that the Board had contacted Andy Drake at Handex asking for his opinion on this, and Mr. Drake's response was not taking an advocacy position for East Amwell Township. Mr. Tatsch continued that the way to track whether benzene is coming from the service station into the Township's groundwater would be to put in monitoring wells on the Township building's side of Wertsville Road and the service station should pay for them. He continued saying that he suggested this to Mr. Drake who did not pick up on it, and then also asked if the Township should be notifying the State to which Mr. Drake replied that he was unsure. Mr. Tatsch said a further response has not yet been received and Handex is not being the Township's advocate. He noted that the additional monitoring tank would cost a few thousand dollars each and would also need to be monitored.

There was further discussion regarding the problem including that the Board knows ground water is moving toward the Township property from the service station. Ms. Carluccio said the Board could reply directly to the letter received from the State. Mr. DeCandia asked about the residents who live next to the gas station, and Mr. Tatsch said he would think the tests would

have included other wells in the area or the CEA would cover an area larger than the perimeter of the service station property. There was further discussion regarding neighboring properties, and that because addressing this matter could result in an adversarial relationship between the service station and the Township the Board could prepare a summary of the situation and refer the matter to the Township Committee. Mr. Hamilton asked if we should ask Handex to take certain action and whether the benzene could impact other properties or the Township drinking well. Mr. Tatsch felt it was unlikely to impact other properties but possible. Ms. Carluccio asked Mr. Tatsch to draft a letter for Township Committee, she will review and finalize it, and he agreed.

Bills of the Evening:

A motion by Mr. Hamilton seconded by Mr. Wang-Iverson to approve bills of the evening was unanimously carried with no objections and Mr. Tatsch abstained.

Open to the Public:

A motion by Mr. Wang-Iverson seconded by Mr. Tatsch to close to the public was unanimously carried with no objections or abstention.

Adjournment

There being no further business, a motion by Mr. Wang-Iverson and seconded by Mr. Tatsch to adjourn the meeting at 8:46 p.m. was unanimously carried with no objections or abstentions.

Rosemary Georgett, Board of Health Secretary