

EAST AMWELL BOARD OF HEALTH MINUTES
7:30 p.m. East Amwell Municipal Building
August 28, 2018 Regular Meeting

Statement of Compliance

The regular meeting of the East Amwell Board of Health was opened on August 28, 2018 at 7:30 PM. The following notice was read, “In compliance with the Open Public Meetings Act, this meeting was advertised in the February 8, 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 August 21, 2018.”

Present: Tracy Carluccio
Larry Tatsch
Les Hamilton
Pauline Serafin
Leonard DeCandia, Alt. 1
Inspectors Dan Wyckoff and Jennifer O’Sullivan - Hunterdon County
Division of Public Health

Absent: Peter Miller, David Wang-Iverson, Janis Grover

Announcements/Agenda Review:

- 7) Letter from E&LP dated 8/24/18 re: 1 Ridge Road - Block 38 Lot 16
- 8) Two additional bills

Presentation of Minutes –

July 24, 2018 Regular Meeting Minutes: There was not a quorum to vote on the minutes, and they were tabled to the September Board of Health meeting.

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 and there were none. A motion by Mr. Tatsch, seconded by Mr. Hamilton 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

Dan Wyckoff stepped forward with and introduced Jennifer O’Sullivan as the new Hunterdon County Health Department liaison to the East Amwell Township Board of Health. Mr. Wyckoff continued that he will continue to be the Hunterdon County Health Department inspector for food licenses and thanked Ms. Georgett for handling food licenses for the Hunterdon County 4-H Fair.

Ms. O’Sullivan reported regarding Resident Complaint – 171 Cider Mill Rd., Block 21 Lot 19.07. Ms. O’Sullivan said in accordance with the Board’s June meeting minutes, Krista

Parsons, the East Amwell Township Zoning Officer was investigating the violations and the Hunterdon County Health Department had held off until the Zoning Office completed their investigation. Ms. O'Sullivan said that she spoke with Ms. Parsons who confirmed that the trailer, composting toilet and composting shower had been removed. She continued that with these items removed it was determined there was no health threat and an NOV for the operation is no longer necessary. Ms. O'Sullivan said that regarding slaughtering of animals on property, the County has not taken any action to the State, will be checking to see if farming activity is permitted at that site, and determine whether Department of Agriculture guidelines apply. She continued that there are disposal requirements established by the DEP for animal waste by-products and the County will follow up regarding this, keep the matter open and report at the Board's September meeting. Ms. Carluccio opened to Board for questions, and none were raised. She thanked Ms. O'Sullivan for the report.

Preview Committee

Barry Rubin, Block 32 Lot 4.03, Septic System Alteration and Well Certification

Mr. Wayne Ingram stepped forward as engineer for Mr. Rubin. Ms. Carluccio asked Mr. Ingram to walk the Board through the information provided on this new construction, as there has been progress made since it was last discussed. Ms. Carluccio said that she had spoken with Mr. Ingram's office and requested information about the separation distance from the new well to wells on adjoining properties.

Mr. Ingram said the last time they were here the Board gave approval so they could go to the State for an opinion on the project. He continued that they are not requesting any waivers for setbacks and the biggest concern was that they had passing permeability tests but shallow water at less than 24 inches. Mr. Ingram said they made the application, received comments from the DEP, have resolved those comments. He continued that the State wanted to see an Advanced Treatment System (ATS). Mr. Ingram said they are requesting approval to use the ATS and will comply with all standard requirements. He continued that their plan for the well meets all Township requirements.

Ms. Carluccio said that the preview committee reviewed this and had questions. She continued that when the application went to the State, there were issues of concern that the Board didn't feel were fully addressed. The Board of Health sent a letter to the State. Ms. Carluccio said she understands that the use of an ATS allows for a smaller footprint, and asked Mr. Ingram if it meets the minimum set back requirement of 25 feet from property line. Mr. Ingram said yes and there is not a mound in that direction because the property is higher and the septic system is 25.1 feet from property line. There was further discussion regarding the mound, placement of the system in the field and the setback distance requirements.

Mr. Ingram stepped forward to show the Board distances on the map and after some discussion he said the end of the septic system itself is approximately 10 feet from the property line. He said that he had misunderstood the Ordinance language about what the toe of the mound meant.

Ms. Carluccio said this issue was raised in September 2016 as requiring a waiver, and that the Board has approved waivers for existing systems but not new construction. Ms. Carluccio asked Mr. Ingram if it was possible to move the system back. Ms. Carluccio continued that the issue of run off and the impact on other properties often comes before the Board, and they are concerned. Mr. Ingram said they feel the designed field is the best location, and the neighboring property is at a higher grade so there isn't risk of storm water runoff. He continued that the placement allows a greater distance to the property at a lower grade. Mr. Tatsch asked clarifying questions regarding the distances and mound height on the map, and said the slope is probably 10:1 which is better than 5:1. There was discussion regarding the distance from the septic system to the property line and options to move the system. Mr. Ingram said that they could meet a 15 foot distance.

Ms. Carluccio said another issue raised in 2016 was the number of soil logs and pit bail tests performed did not need Township requirements. She continued that the reason the applicant went for the Treatment Works Approval (TWA) was the regional water table, not the pit bails. Mr. Ingram named the soil logs performed and pit bail tests, and confirmed that the tests were performed in the field itself. Mr. Ingram said they may have reoriented the field since the initial review to meet this requirement. Ms. Carluccio asked if there were any failed tests in the field, and Mr. Ingram said there were no failed tests and they had marked all logs when they were performed. There was discussion regarding the permeability tests and where the corresponding information was located on the map.

Ms. Carluccio said that she had asked for the well distance information, and Mr. Ingram said that the well was installed where it was mapped out. Mr. Ingram said they had only identified one well on an adjoining property and there is 260 foot distance. He continued that the other adjoining property is undeveloped. Mr. Ingram provided a document showing the well location and distances, and said that they will provide additional copies if needed. Ms. Carluccio said the County letter states that the Norweco system requires board approval and asked Mr. Ingram to explain to the Board why it is being used. Mr. Ingram said they are using the Norweco ATS because it was recommended by the State, it will treat the water before it hits the aquifer and it makes the system much larger.

Mr. Carluccio asked Mr. Ingram if they were installing the system, and he said no however the installer will be certified or he will be present for installation. Ms. Carluccio said that the waivers, requirements and conditions needed are:

Requirements:

- 1) Approval for the use of an advanced treatment unit (Norweco 960-500 gallon pretreatment tank and design).
- 2) A recorded deed restriction stating that this type of system requires a maintenance contract for the life of the system is required.
- 3) Proof of fully executed service contract and reporting information, as per 7:9A(e)2 is to

be provided to the East Amwell Board of Health and Hunterdon County Department of Health.

- 4) A service contract signed by the owner will be kept within the house.
- 5) The design engineer will inspect the system and will provide a certificate of compliance to the East Amwell Board of Health and Hunterdon County Department of Health.
- 6) A copy of the design is to be provided to the NJ DEP for their files, and notice is to be given to the DEP one week prior to construction.
- 7) The authorized installer shall be physically present at all times during installation of the advanced wastewater treatment unit.
- 8) A copy of the service installer certification is to be provided to the East Amwell Board of Health and Hunterdon County Department of Health.
- 9) Certification that the telemetry control panel or auto dialer for the system was installed for continuous remote monitoring is required and a copy of the certification is to be provided to the East Amwell Board of Health and Hunterdon County Department of Health.
- 10) The contractor installing the system is to provide the East Amwell Board of Health and Hunterdon County Department of Health with their NEHA certification prior to installation of the system.

Waivers:

1. A waiver is needed for the proposed toe of the slope being 15 feet from the south property line which does not meet the minimum 25 foot separation distance required by Township Board of Health Ordinance.

Ms. Carluccio said we have never provided a waiver for new construction, only existing systems. Mr. Tatsch responded saying that this is unique situation because of the grading.

A motion by Mr. Tatsch, seconded by Ms. Hamilton to approve the system with the requirements and waiver was carried with 4 in favor and 1 opposed. The objection was due to 15 foot set back waiver.

Whitehead/Lane Block 25, Lot 20 - Septic System Alternation

Kurt Hoffman stepped forward and said there are a few waivers to be addressed, they are recommending a Norweco system and a GP24 is required due to wetlands on property. Mr. Hoffman said it is an existing 3 bedroom home with no expansion. He continued by naming the soil logs and pit bail tests that were performed, and said that this was the best location for system on this constrained property. Mr. Hoffman said there is a 5:1 slope to meet the township requirement and it puts the toe of the slope only 19 feet from the property line, not the required 25 feet and would require a waiver. He continued that there are waivers needed for not performing the required number of soil logs and permeability tests within the system site.

Mr. Hoffman said that there is a high water table on the property, and explained how using the ATS helps to meet Township requirements and maximize the distance to wetlands. He

continued that with the garage location it causes the system to be within the property boundaries. Mr. Hoffman said that the 2 soil logs within the primary bed and 2 soil logs from outside the system footprint show consistent results. He continued that they did not do additional soil logs because they were concerned about the well and wetland locations, and they wanted to minimize work in a wetland environment causing as little damage as possible. Ms. Carluccio asked Mr. Hoffman if what they found in the soil tests show consistency across the property and Mr. Hoffman said yes. Ms. Carluccio asked if they were able to get away from the high water table, and Mr. Hoffman said no because there is only a sliver of land where we can put the unit. Mr. Hoffman said that the Norweco system will meet all the conditions and that with a unit like this, if there is an issue it will be identified through monitoring and addressed.

Mr. Hoffman said that if this Board is favorable about this application, Hunterdon County will provide the documents so he can apply for GP24 wetlands permit. Ms. Carluccio said the approval would need to be conditional upon the receipt of the GP24. Ms. Serafin asked about the old system and Mr. Hoffman said they only identified one lateral and had not found tanks. There was further discussion regarding the old, existing system. Ms. Carluccio asked what the size of the lot is, and Mr. Hoffman said 2.130 acres according to the most recent survey. Mr. Tatsch said that if there is an existing tank it would need to be removed, and Mr. Hoffman said yes it would be and will add a note that any existing septic vessels would be removed and abandoned. There was discussion regarding the consistency in soil logs.

Ms. Carluccio said that the waivers, requirements and conditions needed are:

Requirements:

1. Approval for the use of an advanced treatment unit (Norweco 960-500 gallon pretreatment tank and design).
2. A recorded deed restriction stating that this type of system requires a maintenance contract for the life of the system is required.
3. Proof of fully executed service contract and reporting information, as per 7:9A(e)2 is to be provided to the East Amwell Board of Health and Hunterdon County Department of Health.
4. A service contract signed by the owner will be kept within the house.
5. The design engineer will inspect the system and will provide a certificate of compliance to the East Amwell Board of Health and Hunterdon County Department of Health.
6. A copy of the design is to be provided to the NJ DEP for their files, and notice is to be given to the DEP one week prior to construction.
7. The authorized installer shall be physically present at all times during installation of the advanced wastewater treatment unit.
8. A copy of the service installer certification is to be provided to the East Amwell Board of Health and Hunterdon County Department of Health.
9. Certification that the telemetry control panel or auto dialer for the system was installed for continuous remote monitoring is required and a copy of the certification is to be provided to the East Amwell Board of Health and Hunterdon County Department of Health.

10. The contractor installing the system is to provide the East Amwell Board of Health and Hunterdon County Department of Health with their NEHA certification prior to installation of the system.

Waivers:

1. Two soil logs were used for the design of the septic system rather than four soil logs required by Township Board of Health Ordinance.
2. One pit-bale test was done rather than the two pit-bail tests required by Township Board of Health Ordinance.
3. The proposed toe of the slope is 19 feet from the property line rather than the minimum 25 foot separation distance required by Township Board of Health Ordinance.
4. The highest regional water table is at 12 inches which is greater than the minimum allowed by State Code NJAC 7:9A of 24 inches from existing grade. The use of Advanced Treatment Units allows the zone of treatment to be reduced to 18 inches. The design will still have a minimum of 18 inches of separation from the regional water table and the proposed level of infiltration.

Conditions:

1. A GP24 wetlands permit must be provided before a Septic Construction Permit is issued.

Further a note will be added stating any old septic system tanks would be removed and abandoned.

A motion by Mr. Hamilton, seconded by Mr. Tatsch, to approve the system with the waivers, conditions and recommendations was unanimously carried with no objections or abstentions.

Unfinished Business

There was no unfinished business.

Items of Discussion

Hydrogeologist Contract – Vince Uhl, UHL & Associates, Inc.

Ms. Carluccio said she had spoken with Mr. Uhl, and he sent a revised contract addressing all of the Board's concerns. Mr. Tatsch agreed. A motion by Mr. Tatsch, seconded by Mr. Hamilton, to approve Uhl & Associates at the Township Hydrogeologist was unanimously carried with no objections or abstentions.

Statewide Respite Care Program promotion in Hunterdon County

Ms. Carluccio asked Ms. Georgett to add the information to Township website.

Food License Ordinance

Ms. Georgett reported that applications for temporary food licenses are arriving late with some frequency, and this causes issues with timely issuance of a permit and most importantly creates the risk that a Hunterdon County Health Inspector may not be available. Ms. Georgett continued that she had spoken with Margaret Pasqua, CFO/Treasurer, about this, and Ms. Pasqua suggested imposing a fine for late applications.

There was discussion regarding this issue and Mr. Tatsch recommended clarifying a timeframe during which application may be submitted as well as a late application fee. Mr. Hamilton said we would need to advertise and communicate this information, and asked if we have a lot of repeat vendors. Ms. Georgett said yes and we could send them an email blast with the information and add it to the application form. Mr. DeCandia suggested we clarify how to determine when an application is late, such as using the postmark date for applications sent by mail. Mr. Tatsch suggested the fine could apply for applications received between 10 and 3 days before the event, and no applications be accepted less than 3 days before the event. There was discussion about what an appropriate fine would likely be in the \$25 to \$50 range, and Ms. Georgett will speak with Ms. Pasqua to get advice on the fine amount. Ms. Carluccio said that we will need to change the Ordinance to make this change and it was agreed that Ms. Georgett would contact West Amwell to see what they do when late applications are received.

Ms. Georgett said that we currently have an annual mobile food license that is permitted at only four locations, and recommended that we add Clawson Park & Clawson House to the list of permitted locations. There was discussion regarding why we limit the number of mobile food license locations, and that with Clawson House opening soon this would be beneficial for them. Discussion continued regarding the serving of alcohol at Clawson House and that the Township Committee has approved an Ordinance for this. Mr. Hamilton said that we should ensure the Parks and Recreation Committee is aligned with a change to the Ordinance relating to Clawson Park, and Ms. Georgett who is the Coordinator for Park and Recreation will do so. Ms. Carluccio asked Ms. Georgett to speak with Terri Stahl, Municipal Clerk, for guidance on the process for changing the Ordinance and the requirement to place a notice in the newspaper for the portion changing to minimize publication costs. The Board would like to have the Ordinance draft for review in September with an effective date of January 1, 2019.

Block 26, Lot 8 5 High Mowing Rd. - Septic System

Ms. Carluccio said this documentation is regarding a neighbor complaint on this property and that she has been discussing the matter with the County Health Department and County Soil Conservation District. She continued that the County advised that sometimes a township will have a third party go see a property to provide input and she went with Ferriero Engineering to walk the site. Ms. Carluccio said that they did not see an issue with the property owner who had complained but there was concentrated flow going to other locations that needs to be addressed. Dennis O'Neill of Ferriero Engineering provided a report and Ms. Carluccio spoke with the engineer, Steve Parker, who has agreed to go reshoot elevations of the site as an act of good

faith. Ms. Carluccio clarified the areas needing attention and the hard data Mr. Parker will provide is needed. It was discussed and agreed that soil has likely changed because of heavy rains this season. There was further discussion regarding these next steps, and Ms. Carluccio said that the soil conservation inspector will go back out to review the site again within a week. She continued that he will note any problems and call the contractor to tell them about any problems to be addressed. Ms. Carluccio said that she feels we are making progress on the issue, and she has left a voicemail updating our attorney. She concluded that we hope to have information to resolve this at our next meeting. Mr. Hamilton said this has been a good review of the process. Ms. Carluccio said she has not heard any more from Mr. Warminsky but he was going to be out of town. She continued that the homeowner is pleased that the Board is taking action and addressing the issues.

Draft Ordinance for Ringoes Village Advisory Committee

Ms. Carluccio asked Board members to read the draft, and Mr. Hamilton suggested everyone submit comments.

Board Secretary's Report:

Road Salt Soil Testing Results

Ms. Georgett said that the test results were received and provided to Mr. Tatsch who said the data looks consistent with prior years and he doesn't anticipate any issues. Mr. Tatsch will report back on this at the September Board meeting.

Correspondence:

NJ DEP Letter – Woody's Service Station Response Outcome Action Letter – Aug 10, 2018

1 Ridge Rd letter

Ms. Carluccio said that in the letter from Wayne Ingram, it states they have applied to the DEP for a wetlands permit. She continued that the second item is arguing our concern with the perched water, however the Board does need the analysis, not just a statement. Ms. Carluccio said having more than a statement is clear from the State's perspective, and she will refer Mr. Ingram to speak with DEP. Mr. Hamilton said he was not sure what item 3 in the letter means, and Ms. Carluccio said it is the number of tests needed and Mr. Ingram doesn't want to do a perk or permeability test. She continued that this was discussed with the State and it is within the Board's rights to require one. There was discussion regarding next steps, and no action will be taken until a new application comes in.

Bills of the Evening:

Mr. Tatsch asked about the bill from Ferriero Engineering, and Ms. Georgett explained the CFO's process for tracking incoming and outgoing funds through this "blanket" Purchase Order. Ms. Serafin asked about the Dunkin Donuts bill, and Ms. Georgett explained it was for the annual food license inspection by Hunterdon County. Ms. Serafin said she understands Speedway is having Dunkin Donuts closed so they can put in their own convenience store.

There was some discussion regarding how the annual food license and fees work. Ms. Carluccio informed the Board that there will be a bill for Dennis O'Neill of Ferriero Engineering's time regarding 5 High Mowing Road at a future meeting, and it will be an additional line item to the budget.

A motion by Mr. Hamilton, seconded by Mr. Tatsch, to approve the bills of the evening was unanimously carried with no objections or abstentions.

Open to the Public:

A motion by Mr. Tatsch, seconded by Ms. Serafin, to close to the public was unanimously carried with no objections or abstentions.

Adjournment

There being no further business, a motion by Ms. Serafin and seconded by Mr. DeCandia to adjourn the meeting at 9:24 p.m. was unanimously carried with no objections or abstentions.

Rosemary Georgett, Board of Health Secretary