

EAST AMWELL BOARD OF HEALTH MINUTES
7:30 p.m. East Amwell Municipal Building
October 23, 2018 Regular Meeting

Statement of Compliance

The regular meeting of the East Amwell Board of Health was opened on October 23, 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 October 16, 2018.”

Present: Tracy Carluccio
Larry Tatsch
Les Hamilton
Pauline Serafin
David Wang-Iverson
Leonard DeCandia, Alt. 1
Daniel Wyckoff - Hunterdon County Division of Public Health

Absent:
Janis Grove
Peter Miller
Jennifer O’Sullivan - Hunterdon County Division of Public Health

Agenda Review – Item 7.D. Speedway Store #3476 will be moved to 5.A.2. under the Hunterdon County Division of Public Health Inspector’s Report

Presentation of Minutes –
September 25, 2018 Regular Meeting Minutes: Deferred to November 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. 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

Dan Wyckoff stepped forward and reported as follows:
Complaint – 171 Cider Mill Rd – Block 21 Lot 19.07 - Mr. Wyckoff stated that the original complaint regarding a composting toilet was resolved and that portion of the complaint has been closed. He continued that there is no update on the other matters related to this complaint, and they will continue to follow up.

Speedway Store #3476 – Hunterdon County Health Inspector communications with Bergmann Architects-Engineers-Planners - Mr. Wyckoff said that this is regarding the new Speedway Convenience store. He continued that plans had been submitted for the new facility in November 2017 and rejected due to a malfunctioning septic system. The former Dunkin Donuts business closed at the end of August 2018 and the Hunterdon County Health Inspector's office noticed that renovations to the building had begun without submitting proper plans to the County or East Amwell Township. The County stopped all further development of the new convenience store at that time and informed Speedway of what was required. Mr. Wyckoff said that new plans were submitted to the County and East Amwell Township on September 29, 2018 and the County's review indicated that the TWA from when the new septic system was installed had expired. He continued that the County had notified Speedway of the TWA expiration and that the County felt there was a change in the use of the facility.

Mr. Wyckoff said that on October 14, 2018 the County received a reply from the New Jersey Department of Environmental Protection (NJDEP) stating that they did not consider the new facility a change of use as it continued to be a retail food operation, that the water flow should be reviewed, and a TWA is no longer needed. Mr. Wyckoff continued that a signed and sealed copy of the flow design was received, and while the original flow design had filling 12 stations, there will only be 8 filling stations requiring lesser flow than the original design. He said that with this flow analysis and having reviewed plan designs for the convenience store, the County found the new plan design is compliant with NJ State Food code. Mr. Wyckoff said there are really no changes from what was there and what will be there when renovations are complete. It is essentially the same as the current building with things moved around a bit. The restrooms have the same number of water closets and will now have low flow toilets, which is a plus.

Mr. Wyckoff continued that menu wise it is comparable to what Dunkin Donuts was offering, with the exception of a possible deli offering, which is not likely to have high water usage, and there will be minimal food waste limited to unsold product that would have to be discarded. He stated that this would all fall easily within the numbers that the engineer is proposing.

Mr. Wyckoff said that the County is now in a position to approve the permit and wants to know if the Board has any objections or items to be addressed. Ms. Carluccio said that the Board had wanted the NJDEP to review the flow calculations and to ensure there were no major changes to usage of what will be the Speedway Convenience store that would impact the septic system. Ms. Carluccio said that both issues have been addressed, resolved and documented in letters from the County and NJDEP which had been provided to the Board. She asked the Board if there is anything else to be addressed and on which we want to advise Mr. Wyckoff. Mr. Tatsch agreed that our concerns have been appropriately addressed. Mr. Wyckoff said in the approval letter the County will remind Speedway that they must continue to do a monthly water meter report and regularly monitor the septic. He concluded that with the owner and operator now being the same entity, there is more accountability and hopefully no further issues.

Mr. Hamilton asked about food preparation on site, and Mr. Wyckoff said there is food production but not from a raw state. He continued there will sandwiches, roller grill hot dogs, etc. Ms. Serafin said the letter says there are no seats designed, and Mr. Wyckoff confirmed there will be no seating, inside or outside, and they may not have a drive through. Ms. Carluccio received no objections and informed Mr. Wyckoff that the Board agrees.

Mr. Wang-Iverson said before Mr. Wyckoff concludes there are some questions regarding agenda item 7.B. Block 16, Lot 11 - Woody's because he didn't understand it. Mr. Tatsch said it is a letter of no further action. Mr. Wang-Iverson asked what the referenced administrative errors are wondering if someone needs to address them, and Mr. Wyckoff said he would have to look at it and will do so now, therefore it can be addressed under Correspondence 7.B.

Preview Committee

Zanin Block 40, Lot 32 - Septic System Alteration

Ms. Carluccio said the preview committee met and she had called Mr. Ingram with some of their questions. Ms. Carluccio said this is a malfunctioning system for an existing 3 bedroom home with no planned changes. The goal is to repair and improve the septic system, and there are two waivers to be considered.

Mr. Wayne Ingram introduced himself as engineer for the applicant saying that this existing 3 bedroom home has a system off the front of the house, and the disposal area is just behind the house about 75 feet from the existing well. Mr. Ingram said it is a large lot and we had hoped to find some soil opportunities outside of 200 feet, however 90% of the lot is covered with boulders and many are larger than a truck. He continued that they weren't able to get outside the 200 foot buffer between boulders and the wooded area. Mr. Ingram said that they did perform 5 soil logs, had 2 passing pit bails and it was sandy soil that came up K4, basically it is sand between the rocks.

Mr. Ingram said they have no concerns about permeability and it was recorded that a number of pit bails were abandoned but not because they weren't functional. Instead at the depth they were able to achieve, the water was not rising to the 12 inch level but instead was reaching its equilibrium before that. Mr. Ingram continued that if you don't hit 12 inches you can't run the test and get a valid number however the rates are quite good because you have a quick rise and it stabilizes which is indicative of the water moving quickly. Mr. Ingram said they had 2 passing tests and 4 logs with one of the soil tests being outside the 15 foot requirement. They are trying to keep things in balance, being as close as possible to the 200 foot buffer while trying to be 15 feet from the test. Mr. Ingram said they split the difference in an effort to balance these factors with distance from the well. He continued that this puts the system 175 feet from the well which is further away than the current system, meets state requirements and that he doesn't have any concerns that this will be a functional system. When it goes to construction, he will have to be

there because it may not be a clean dig or the exact size. Mr. Ingram continued that if he needs to dig around, it may be larger or rotated a couple degrees because of the boulders. However they have the wiggle room to make these distances but it requires that they are on site when they dig the system.

Mr. Wang-Iverson asked if it was a standard system and Mr. Ingram said yes. Mr. Wang-Iverson also asked about the pit bail tests and if they had additional pit bails after some were abandoned. Mr. Ingram said they picked the pit bails that met the test, and explained the process requirements including that they extrapolated the data to what levels would be at 12 inches because they couldn't get the desired depth. He continued saying that this is a conservative way to do the calculations, and with K4 sand being predominant here, it is not a case of water not moving through.

Ms. Carluccio said for soil log 4 which is in the bed, they didn't do a pit bail. She continued that Preview Committee was concerned that a waiver would be needed for a failed pit bail, but because they abandoned the test it's not a failed test and should not result in a problem and does not require a waiver. Mr. Tatsch asked about doing a basin flood test and Mr. Ingram said that would also be problematic trying to get a consistent depth and size to run it. Mr. Ingram continued that the water finds its balance and is moving very fast. Mr. Tatsch asked about the nature of the sand, and Mr. Ingram said it appears to be natural sand not degraded rock.

Ms. Carluccio said Mr. Ingram has addressed all of the Preview Committee's questions and looking at the plat couldn't see how they could get further from the existing well. Mr. Ingram confirmed there is no neighboring well within 200 feet. Ms. Carluccio said that the other waiver required was for a pit bail at 30.9 feet rather than the 15 foot maximum distance, and Mr. Ingram said that changing this would put it closer to the well. Ms. Carluccio said she had asked Mr. Ingram if they used an Advanced Treatment System could they avoid waivers, and was told it would be largely the same placement without an appreciable difference. Mr. Wang-Iverson asked the height of the mound and Mr. Ingram said around 3 feet, it is flat area.

Ms. Carluccio stated that this new septic system is closer to current Code requirements than the system currently in use at the property. Because the system will provide improved treatment of the sewage, does not represent an expansion of use, and is for a malfunctioning system for an existing residence, the Board may consider waivers for the septic system alternation plans.

Waivers:

1. The proposed disposal bed is shown 157.6 feet from the existing well on the property which does not meet the minimum 200 foot separation distance requirement for the Sourland Mountain District by Township Board of Health ordinance.
2. Soil log 1 and Pit Bail test 1 are 30.9 feet from the disposal bed which is greater than the 15 foot maximum distance requirement according to state code.

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.

Clair Block 40.02 Lot 12.01 Septic System Alteration

Alexander Mikas from Bohren & Bohren Associates introduced himself as present with Mr. and Mrs. Clair seeking a small adjustment for the slope of an otherwise fully conforming septic system design that meets both East Amwell and the State's requirements. He explained that the County considers the grading as part of the system, and in this case the septic is almost 40 feet from the property line exceeding East Amwell's requirement but the grading is only 2.2 feet away. Ms. Carluccio opened the plat so the Board could review it and said this is an alteration of a malfunctioning system in a 4 bedroom home with no expansion and one waiver needed. She invited Mr. Mikas to explain why they can't move the system further from the property line.

Mr. Mikas shared dimensions of the system, and said that to obtain a 5:1 slope they could put in a retaining wall but would then need to line the retaining wall and add to the expense of building this system. He continued that even this would be less than ideal because even with a lining any water to hit the wall would follow it and discharge out the other side. It's better and more economical to have the grading. Ms. Carluccio said it is a heavily wooded lot, and the Board looks for a 5:1 slope to avoid run off issues for the property and neighboring properties. Mr. Mikas said it follows a northern slope and so it won't be increasing any flows, also if it changed to a 3:1 slope it would be concentrating the flows along that back line. The County has requested that they monitor the construction and in the "as built" show that the grading does not go over the property line or impacted the neighbor's lot.

Ms. Carluccio asked about moving it to the west and Mr. Mikas said it is difficult to move further west because of where the trees are and the large boulders on the surface. Mr. Wang-Iverson asked about confidence in the run off, and Mr. Mikas said they are confident. Mr. Mikas continued that the mound will slow the system down and he didn't want to increase the slope and have that an increase in run off. Mr. Carluccio asked the distance to neighboring well, and Mr. Mikas said there is one well 300 plus feet away. There was some discussion regarding the clearing of trees to do the installation as well as a property behind the lot which is beyond a wooded area.

Mr. Tatsch asked if this was a conventional system and Mr. Mikas said yes. There was discussion about the existing system and comment that it was quite close to the well. Ms. Carluccio asked if there were questions and said this will bring the system in closer conformance to Township and State requirements.

Mr. Mikas said there was a revised map sent to Bob Vaccarella at the County, with minor corrections and additions of notes. Mr. Mikas provided a copy of this map dated 10/8/18 to the Board. Mr. Tatsch asked about septic tank #2 and Mr. Mikas said there will be one tank not two and he'll correct it. Mr. Wang-Iverson asked about a notation regarding a 1300 gallon pump tank and Mr. Mikas confirmed that is correct. Mr. DeCandia asked about the adjoining property well and Mr. Mikas confirmed that it is more than 200 feet from the property line.

Ms. Carluccio said this new septic system is closer to current Code requirements than the system currently in use at the property. Because the system will provide improved treatment of the sewage, does not represent an expansion of use, and is for a malfunctioning system for an existing residence, the Board may consider the needed waivers for the septic system alternation plans.

Waiver:

1. The proposed disposal bed toe of the slope will be only 2.2 feet from the neighboring proper line which does not meet the minimum 25 foot separation distance requirement by Township Board of Health ordinance. The actual disposal bed will be 39.6 feet from the property line. The waiver is granted.

Requirement:

1. The engineer shall inspect the grading after construction and provide a letter to the Hunterdon County Department of Health and East Amwell Township Board of Health that the grade and slope was installed according to plan and has not caused any offsite water runoff problems.

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

Unfinished Business

There was no unfinished business.

Items of Discussion

Food License Ordinance

Ms. Georgett said that at a previous meeting two changes to our Food Ordinance were discussed. She continued that there is language she can read for the first, and new information regarding the second change.

Ms. Georgett read the recommended changes as follows: "Ordinance 18-01BH An Ordinance Amending the Code of the Township of East Amwell, specifically Chapter 152 Board of Health Ordinance for Food Establishments, to Revise the Fee Section 152-4 (3) Mobile Retail Food Establishment.

BE IT ORDAINED by the East Amwell Board of Health that they hereby amend Chapter 152, Food Establishments, Section 152-4, Fees, (3) Category 3; Mobile Retail Food Establishment as follows:

First sentence of the Note will now read: Mobile food establishments shall be permitted at five locations within East Amwell Township: Hunterdon County South County Park; the field behind the Amwell Valley Fire Company building on John Ringo Road; the vineyard on B17 L 14.02, the vineyard on B 32 L 1; and authorized events at Clawson House and Clawson Park on B14 L 15. The remainder of this section remains unchanged.”

Mr. Wang-Iverson asked what we are adding and Ms. Georgett said Clawson House and Clawson Park as the Mobile Retail Food Locations for an annual license. Mobile Retail Food providers are primarily food trucks and other mobile catering organizations.

Ms. Carluccio said that next month we could have the official first reading that would be noticed as the first reading of an Ordinance, and then we can act on it in December. If we get through both, we can pass the ordinance this year and if not, the Board will have to repeat the process in January/February. Mr. Hamilton questioned if a food truck could go to any of the listed locations on any particular day. Mr. Wyckoff said there is nothing that would prevent this, but so far mobile food trucks have always been associated with a particular event. He continued that right now there is nothing that would prohibit them driving in and setting up, and Mr. Wang-Iverson said this could be an issue with Clawson Park because it is public property while the vineyards are private property.

Ms. Carluccio asked if our Food Ordinance says anything about this, and Ms. Georgett said no but the Clawson Park Ordinance may address this. There was discussion regarding the impact if a food truck were to just show up when there was no event, the likelihood that would occur, and whether the Clawson Park driveway area is included in the area that could be used by a food truck. There was agreement that discussing potential issues even if they may not be probable is valuable discussion. Mr. Tatsch suggested adding language to the Retail Food License Ordinance around “authorized events for Clawson Park” and Ms. Carluccio agreed. Ms. Carluccio asked if this was an issue at South County Park and Mr. Wyckoff said that park is always locked unless there is an approved event. Also the County states that if it is a food related event the proper permitting is required.

Mr. Wang-Iverson read from the Clawson Park Ordinance Chapter 106-4 P. which says “No person shall be allowed to sell or solicit on site. This prohibition may be waived for nonprofit organizations. No commercial enterprises or uses are allowed without written consent by the Township Committee.” and said this could address the concern. There was further discussion regarding language that could be added to the Food Ordinance referencing the Clawson Park Ordinance Chapter 106. Ms. Carluccio asked Ms. Georgett to circulate recommended wording

to the Board before sending packets for the November Board meeting and hopefully it will be ready for first reading.

Mr. Wang-Iverson asked how this came about, and Ms. Georgett explained that Food Trucks for Friday Nights in the Park were being charged an extra fee at Clawson Park they would not have to pay at the Vineyard with an annual food license. She felt it was a valid issue and began conducting research on how to address it.

Ms. Carluccio asked about the second item under Food licenses. Ms. Georgett stated we currently require that Food Permit Applications be submitted 10 days before the event, however this is not in our Ordinance and we are not following it. Ms. Georgett continued that after the Board discussed implementing a fine for late application, she contact four townships in Hunterdon County to discuss their experience and best practices regarding issuance of temporary food licenses including how they insure sufficient time for a proper food inspection. She continued that two township with similar opportunities for holding of events as we have in East Amwell both require a temporary food license application be submitted 7 days prior to the event, and do not issue a permit for late applications. Ms. Georgett said both townships said that after an initial transition where they had to deny a few permits, there has been excellent compliance. Ms. Georgett continued that 7 days was reasonable advanced notice, is aligned with what Hunterdon County Health Inspectors needed to schedule an inspection, fair to businesses and can facilitate enforceable compliance.

Mr. Tatsch asked if there were any townships Ms. Georgett spoke with that had a fine, and she responded no because the two townships with a 7 day policy don't issue late permits and the other township doesn't issue many permits so it's not an issue for them. There was some discussion regarding food permits for the 4-H fair and Ms. Georgett shared that the 4-H Fair food permitting process went very smoothly this year. It was a new system the 4-H implemented having learned from prior year's problems.

There was agreement that a 7 day requirement was less complicated than our existing process, didn't add the work that would be associated with having a fine, and as long as it met County needs the approach was good. Mr. Wyckoff agreed it would meet their needs, and having a 7 day policy with a firm no exceptions would help. He said that some vendors could come without a license, and Ms. Georgett said that East Amwell's Ordinance does have a fine for someone who doesn't obtain the required license.

Mr. Tatsch suggested we put the 7 day requirement into the Ordinance which makes it more enforceable.

Ms. Carluccio agreed and said we should have this ready for the first reading in November.

Board Secretary's Report:

Ms. Georgett asked the Board for guidance regarding posting of new content onto the Township Website under Board of Health such as those items presented. Mr. Wang-Iverson suggested checking with Ms. Carluccio, the Chair, and then proceeding to post new content. There is no need to bring it to a meeting. All agreed.

Correspondence:

Block 27 Lot 1 – Notice of Abatement from Zoning Inspector - Ms. Carluccio referenced the zoning officer's communication regarding the apartments that need to be torn down. Mr. Wang-Iverson suggested if the apartments are torn down could they be converted to affordable housing. There were no further questions or comments.

Block 16 Lot 11 – Advocate Environmental Consulting Letter re: Woody's Response Action Outcome - Ms. Carluccio said this is the topic we began earlier having to do with Woody's, and Mr. Wyckoff stepped forward having reviewed the letter dated August 22, 2018. He said it is either the results of an audit from the DEP or the Licensed Site Remediation Professional (LSRP) after finding errors that needed correction. He continued that the bullet points in the August 22, 2018 letter are the corrections made to the August 26, 2016 Response Action Notice. Mr. Wang-Iverson confirmed that the LSRP has made the corrections and Mr. Wyckoff said yes. It states that this remains in force, has been corrected, and no further action means the property could be sold.

Bills of the Evening:

Ms. Carluccio explained that the bill for Legal Services was to wrap up the Warminsky complaint regarding the Paul property septic system.

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

Open to the Public:

A motion by Mr. Wang-Iverson, 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 Mr. Wang-Iverson and seconded by Mr. Tatsch to adjourn the meeting at 8:26 p.m. was unanimously carried with no objections or abstentions.

Rosemary Georgett, Board of Health Secretary