

The regular meeting of the Board of Health was called to order at 7:32 p.m. Present for this meeting were the following Board members: Board of Health Chair Tracy Carluccio, Vice Chair David Wang-Iverson, Les Hamilton, Larry Tatsch, Jim Rosso, Pauline Serafin, Tony Berberabe, Ted Peyrek and Christine Rosikiewicz, Board Secretary. Charles Van Horn was absent.

In compliance with the Open Public Meetings Act, this meeting was advertised as a regular meeting in the January 26, 2012 issue of the Hunterdon County Democrat. Notice of the meeting was sent to the applicants, filed with the Township Clerk, posted on the Township bulletin board and sent to the Hunterdon County Democrat and the Trenton Times on April 11, 2012.

### **ANNOUNCEMENTS/AGENDA REVIEW**

The following item was added under Education and Health Issues:

Hunterdon County Division of Public Health LINCS

Fax 4/13/12 Public Health Advisory: Lyme Disease Surge Predicted for the Northeast U.S.

Fax 4/13/12 Public Health Info: Radiological Awareness and Response Workshop

Fax 4/11/12 Update: Respiratory Virus Surveillance Report Week Ending April 7, 2012

E-mail 4/16/12 from Jeff Hoffman, Flemington Precast re: Information on the updated NJAC 7:9A regulations

### **PRESENTATION OF THE MINUTES** –March 20, 2012

**Mr. Tatsch made a motion to approve the March 20, 2012 meeting minutes with corrections on page 2 paragraph 1; Mr. David Wang-Iverson seconded the motion. All were in favor; the motion passed.**

### **OPEN TO THE PUBLIC**

**Ms. Carluccio opened the meeting to the public for items not on the agenda.**

**As no members of the public came forward Mr. Wang-Iverson made a motion to close to the public; Mr. Peyrek seconded it. All were in favor; the meeting was closed to the public.**

### **UNFINISHED AND NEW BUSINESS**

At this time Committee Chair Carluccio asked to move the New Business item  
“C. 1. Letter from Jeffery P. Blumstein, Esq. March 26, 2012 re: Appeal and Application for Reconsideration of a Retail Food Handling Establishment License Issued to Stonybrook Meadows “ up on the agenda.

She explained that a fax was received today from the attorney for Ms. del Campo and a fax from Mr. Feinberg related to the same issue. There was no opportunity for the Board or the Board’s attorney, Mr. Cushing, to review the items. Ms. Carluccio was unable to reach Mr. Cushing this

evening before the meeting. She would like to request of the Board that this item be postponed. She explained that she skipped ahead in the agenda to prevent the public present for this item to have to stay for the meeting if they did not desire as this item was further down on the agenda. Mr. Tatsch commented that this is a very difficult legal issue and that the Board is unsure what their jurisdiction is with regards to the issuance of the permit and whether it even applies to the wider situation that is in play here; the attorney's guidance and advice is needed. Ms. Carluccio detailed that the Board was prepared to move ahead tonight based on the documents and attorney's advice previously received and because the new documents have put the Board at a disadvantage. She will consult the attorney regarding when this item will be next discussed.

A. Hunterdon County Department of Health - Inspector's Report

1. Owens-AKA Woody's-Block 16, Lot 11

Mr. Wyckoff from the County reported that remediation is ongoing.

B. Preview Committee

1. Letter from James A. Hill, PE dated April 2, 2012 re Block 16 Lot 6, Use of Peat Biofilter - Replacement System (Discussion – not an approval of application).

Mr. James Hill approached the dais and introduced himself; he is a licensed engineer with Frey Engineering in Clinton, NJ.

Ms. Carluccio stated that the Preview Committee did meet and reviewed the letter from Mr. Hill. She explained that there are strict guidelines that determine where a peat system can be used. It can only be used for an existing house and only under certain circumstances where a conventional system would not work. The first step in approval of a peat system application is to have the engineer explain to the Board why it meets the requirement of not having a conventional system for the site. If the Board agrees that a peat system is required then a courtesy review (not an official review) is completed by Mark Miller of the NJ DEP. The application will also go to Hunterdon County for review.

Mr. Hill described the lot as a "bowling alley lot" approximately sixty feet wide and four hundred feet long. The single family dwelling and existing structures are located near Rt. 179. The existing septic/cesspool system is located on the north side of the property. Setbacks and soil logs were considered; a mounded system would be necessary. The permeability rates on the property are adequate for putting a system in but a standard system would need to be twenty to thirty percent bigger to meet setback requirements. Two reasons for the peat system are the smaller footprint of the system (providing fewer non-conformances) and it is more controllable than other systems.

Mr. Wang-Iverson inquired if it was theoretically possible to install a regular system on this lot; Mr. Hill responded yes; there would be a width increase with a regular system. Setback requirements can be met on the north side; on the south side of the property the system would be about nineteen feet from the property line. All well setbacks can be

met with either system for the fields but not for the tanks. The tanks would be fifty feet away from the well on the adjoining property on lot 7. The well on lot 5 would be just less than one hundred feet from the tanks. T. Carluccio advised Mr. Hill to mark the distances on the drawing; they meet the State requirement but not the Township's.

Mr. Wang-Iverson noted that the mound for the standard system would be high; Mr. Hill responded that it would be two feet higher for a standard system than a peat system. A variance would be needed for the slope to meet East Amwell requirements.

T. Carluccio asked about the distance from the watercourse to the disposal field. Mr. Hill replied that the proposed system is the only system which would allow for the one hundred foot distance that East Amwell requires. State approval will be needed for the distance to the watercourse if it is less than the required 50 foot setback. For a standard system the state set back is fifty feet; the system would be close to this. Ms. Carluccio requested the distance from the water course to the field and the one hundred foot distance be shown on the drawing.

Mr. Hill noted that increasing the mound height would require more fill and encroach on the main stream area; it will be harder to stay on the property as the sloping would not flatten out before the property line. He explained that the quality of effluent is higher than with a standard bed.

Mr. Hill referenced the soil logs. The system has been designed on the highest point which was twenty inches. Restrictive horizon varied on the lot; the types of rock on the property were discussed. The best soil suitability classification was 3HR and 3WRHR.

Mrs. Carluccio explained that poor soil suitability is usually the reason a peat system is used; not lot size. She suggested contacting Mark Miller with the New Jersey DEP. Mr. Hamilton noted the maintenance required with a peat system and problems that may come with it; a standard system would work on this lot although the mound would be higher. T. Carluccio explained that there must be a compelling reason for the peat system.

Mr. Hill noted the better quality of effluent including a reduction in TSS and DND. There is a long term maintenance contract assuring that the quality of effluent is tracked. The system is not hidden from view; it does not need to be "dug up".

Mr. Tatsch expressed concern as the system would be in close proximity of a stream should there be a failure of the system. With a peat system any effluent leaving would already be partially treated where with a conventional system the effluent would be less treated and more prone to polluting the stream. The peat system may protect the environment and stream somewhat better than a conventional system in this case. A homeowner may be unaware of a breakout in a conventional system.

Mr. Hill expressed that there is more control with the peat system as you can observe the system and the homeowner can be aware of any changes. Ms. Carluccio agreed this is true but it assumes someone is watching. She expressed concerns that both the Board

and the State has as these systems have not be used for that long yet; there is no long term data. There can also be an issue if the home is sold to a less vigilant owner. Peat systems have been used for less than five years in East Amwell Township.

Mr. Hill told the Board that under State law the system must receive regularly scheduled maintenance from a certified installer. This maintenance requirement is in the deed notice for the home. With a standard system a homeowner may not pay attention to the system unless they see something is wrong.

Ms. Carluccio noted that there are twenty-three conditions put on peat systems. There is no long history of their use in the Township.

Mr. Wang-Iverson advised that it would be helpful if another drawing could be provided with a direct comparison of a standard system verses a peat system to determine exactly how close the system would be to the property line. It was explained that the Board's standard is to put in a regular system if possible and requested that the drawings submitted are sized at the Township or State minimum requirements.

It was suggested the DEP review this drawing and provide an opinion as to how restrictive the soils are and if there is a compelling technical reason that this system is needed.

Mr. Hamilton inquired regarding the soil logs on the west side of the property and if the system could be moved there. Mr. Sullivan from Frey Engineering introduced himself and explained that soil log 2 from the west side of the lot had shallow refusal and a trickle of water or no water. He expressed that he would rather install a peat system due to the close proximity of the wells and the water course as it is a better system. He advised that other states use it and it will work better from an environmental and homeowner point of view. The back of the lot had two passing permeability tests; the static water level (in season) in the two pit bails forty inches down. The system was designed based on the seasonal high water table, twenty inches worst case. A conventional system would add two feet to the mound, increase the size of the disposal area, and decrease the setbacks. There would probably be issues with driving water on to the adjacent property. He expressed for these reasons this system is being considered and that this type of system is "top notch".

Mr. Wang-Iverson advised that it would be helpful to compare the two systems directly with some "hard" numbers based on the Board's precedence. He would like to see where a standard system would fit on a lot compared to the peat system.

Ms. Carluccio suggested the engineer make a statement or analysis about the system's ability to keep the runoff off of the adjacent property. The engineer agreed this could be done.

Mr. Hamilton inquired if the system could be moved fifty feet away from the stream. Mr. Sullivan responded that there was only one spot that had permeability; further west there was only "massive shallow" and the soil becomes completely untenable.

Ms. Carluccio specified that soil logs 6 and 5 are better than 1. Mr. Sullivan confirmed this and further described the soil logs that were completed; soil logs 3 and 6 were the two good logs. Soil logs 5 and 4 had harder conditions; soil log 2 (western log) had refusal at 78 inches and was a 3HR. Soil log 1 was terrible.

Mr. Sullivan expressed that there is no other place to put the system on the property unless the system is moved closer to the stream. The system is "boxed in" by the site conditions and to put it on the front of the property would locate it too close to the cesspool and wells. He would like to minimize disturbances and maximize water quality.

Mr. Tatsch inquired if the homeowners have a UV light on their well; they do not. Mr. Tatsch advised that it may be good to consider UV treatment as the well is close to adjacent systems. Ms. Carluccio affirmed that a new system will benefit the entire neighborhood.

Mr. Wang-Iverson expressed that it would be helpful to have the comparison of the two systems. He noted there are three major areas: the setbacks of the larger system, whether or not the soils are appropriate for a standard system, and the runoff issue. He asked the engineer to address these issues directly side by side.

Ms. Carluccio and Mr. Sullivan discussed the best way to expedite this application. She explained that the County will not approve a peat system without prior permission from the Township Board of Health. The Engineer will provide the Board Secretary with a PDF of the system including a cover letter with distances for both systems which she can forward to Mark Miller of the DEP for his opinion.

## **ITEMS OF DISCUSSION**

### **A. Education and Health Issues**

1. E-mail 4/16/12 from Jeff Hoffman, Flemington Precast re: Information on the updated NJAC 7:9A regulations

Ms. Carluccio advised the Board that there are some changes; often a free training is held when this happens. She doesn't believe the changes are too significant.

### **B. Board Secretary's Report**

Ms. Rosikiewicz reported that the annual well testing program is underway; eight sample kits were mailed out.

Ms. Rosikiewicz advised the Board that there has been an increase in the number of temporary food license applications. It was noted that at times they are submitted last minute and a plan needs to be in place for this as the Board of Health office is only staffed on Mondays and a half day on Wednesdays. Possible solutions were discussed including a fee for late applications. Ms. Rosikiewicz and Mr. Wyckoff will consult and provide the Board with their input.

**CORRESPONDENCE**

A. Hunterdon County

1. Letter from Tadhgh Rainey, Division Manager, Hunterdon County Department of Public Safety Division of Public Health Services, March 25, 2012 re: Information Packet for Mosquito Control Program

Mr. Hamilton commented that it looked the same as last year.

2. Letter from Yacoub Yacoub, Bureau Chief, NJ DEP March 19, 2012 to Mr. T.J. Aruta ExxonMobil Refining & Supply Co. re: Nor Further Action Letter Boss Rd.

Board members discussed the location of this ExxonMobil pipeline.

**BILLS OF THE EVENING**

A. Ferriero Engineering, Inc.	Soil Witnessing	\$940.00
	B 16 L6	
B. Engineering & Land Planning Assoc.	refund	\$1000.00
	cancelled soil log	
	witnessing	
	B 40.01 L1	

**Mr. Hamilton made a motion to approve the bills of the evening; Mr. Wang-Iverson seconded it. Mr. Hamilton inquired about the refund; Ms. Rosikiewicz explained that it was due to testing cancelled and then rescheduled with a different engineer. All were in favor; the motion passed.**

**OPEN TO THE PUBLIC**

**Mr. Wang-Iverson moved to close the public session, seconded by Mr. Rosso, and it carried unanimously.**

**ADJOURNMENT**

**Ms. Serafin made a motion, seconded by Mr. Tatsch, to adjourn the meeting at 8:46p.m. The motion carried unanimously.**

Respectfully submitted,

---

Christine A. Rosikiewicz  
Board of Health Secretary