

The regular meeting of the Board of Health was called to order at 7:31 p.m. Present for this meeting were the following Board members: Board of Health Chair Tracy Carluccio, Les Hamilton, Ted Peyrek, Tony Berberabe, Larry Tatsch, Pauline Serafin and Christine Rosikiewicz (Board Secretary). David Wang-Iverson (Vice Chair), Jim Rosso and Charles Van Horn were 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 September 10, 2012.

ANNOUNCEMENTS/AGENDA REVIEW

Under Items of Discussion – Education and Health Issues:

Hunterdon County Division of Public Health LINC'S

Update dated 9/11/12: Increased reports of scabies outbreaks in long-term care facilities

Advisory dated 9/12/12: Current Availability of Human Rabies Vaccine

Under Correspondence:

East Amwell

Letter dated 9/5/12 from Environmental Engineering Corporation re: Ringoes Service Station Receptor Evaluation Form

Under Bills of the Evening:

Refund of Unused Witnessing Fees Block 16 Lot 6, \$500

Payment to Ferriero Engineering, Inc. B 35.01 L 15 \$940

PRESENTATION OF THE MINUTES –August 21, 2012

Mr. Hamilton made a motion to approve the August 21, 2012 meeting minutes with four typographical corrections; Mr. Tatsch seconded the motion. All were in favor; the motion passed with Ms. Serafin abstaining.

OPEN TO THE PUBLIC

The meeting was opened to the public.

As no public came forward Mr. Tatsch made a motion to close to the public; Mr. Hamilton seconded it. All were in favor; the meeting was closed to the public.

UNFINISHED AND NEW BUSINESSA. Hunterdon County Division of Health and Safety - Inspector's Report

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

Mr. Wyckoff reported that the Hunterdon Division of Health and Safety has received a response from the OPRA request filed regarding the remediation of this property. There is information available but it will require a budget and time. Ms. Carluccio suggested it be determined how large the file is; a volunteer may be able to scan the documents themselves at no charge.

2. Letter dated 9/5/12 from Environmental Engineering Corporation re: Ringoes Service Station Receptor Evaluation Form

There was uncertainty regarding what project this form was for; Mr. Wyckoff will provide information at the October meeting. The report was briefly reviewed; it was noted that the report did not find any problems.

B. Preview Committee

1. Letter and report from Mr. Jeffrey Blumstein re: Hydrogeological Evaluation of Well Certification Testing, Block 41 Lot 40.05

T. Carluccio explained that this is a continuation of discussions of this matter at past meetings regarding Block 41, Lot 40.05 which is Stonybrook Meadows Farm. She invited any parties involved to come forward.

Mr. and Mrs. Feinberg (84 Stonybrook Rd.) and Ms. delCampo (82 Stonybrook Rd.) approached the dais.

Ms. Carluccio explained that Mr. Mulhall provided a letter; it was discussed when first submitted a few months ago.

Ms. Feinberg introduced herself, said that she is appearing pro se and that she was told that Mr. Mulhall did not need to appear at the preview hearing. She sent the Board of Health an e-mail indicating that since she hadn't heard anything from the Board of Health she assumed that the September 18th meeting would not be going forward. She received a letter from the Board Secretary on September 9th indicating that this item was on the agenda for the September meeting.

Ms. Carluccio clarified that this meeting was not a Preview Committee meeting; it is the regular meeting. There was no Preview Committee meeting this month.

Ms. Feinberg stated that she was told she would not need her expert therefore did not bring him tonight.

Ms. Carluccio stated there must have been a misunderstanding.

Mr. Feinberg explained that he asked the Board Secretary if their consultant needed to be present for this meeting. He recounted that the Secretary explained that she inquired and advised Mr. Feinberg that the consultant was not required to be present. Ms. Carluccio explained that there is no requirement; it would be a decision that would be made in presenting the complaint. She explained that the letter could be discussed but technical issues could not be discussed without both their and the Board's experts present; this could take place next month.

Ms. Feinberg commented that this was disheartening as she would have had her hydro geologist present. She explained that it is a very important issue. If the Board feels it is appropriate and necessary for the expert to appear then she would like him to be here. She stated "to make a record" that she thought that based on the letter and review by the Board's expert that the Board may have felt it was appropriate to proceed and have the well certification. If that is not the feeling of the Board she is asking that this matter be carried.

Ms. Carluccio stated that the Board cannot proceed on the technical issues without their expert. Ms. Feinberg said she would like both the Board's expert and Mr. Mulhall to be there.

Ms. Carluccio asked if the Board had any comments on the request to carry this item until the next meeting. It was commented that it was appropriate to have both experts in the room.

Mr. Feinberg said that he thought the Preview Committee had looked at the report. He asked if the normal procedure would be for them to put on the record what their conclusion or position is at this point. Mr. Tatsch noted that the Preview Committee works primarily with septic alterations. Ms. Feinberg stated that she assumed the Preview Committee would meet and there would be a prior review; then the Preview Committee would give recommendations to the Board and help them decide where to proceed. Based on that assumption she understood that is why the expert would not be needed. Ms. Carluccio stated that she and the Board would prefer to have the consultant present.

Ann delCampo, 182 Stonybrook Rd, and owner of Stonybrook Meadows introduced herself. She has owned her farm in East Amwell since 1997. She described the letter from Attorney Dick Cushing as "encouraging" and noted that it was "not just the water issue". She referred to Mr. Cushing's request for mediation to move forward and save tax payers' dollars. She is favorable to this and "hopes that the Feinbergs think strongly on this too".

She referred to the hydrogeological report on Stonybrook Meadows and notice of completion from the Department of Health on the well testing dated September 25, 1997. She stated that the report indicates animals she does not have. She has 25 to

30 tiny pigs, 6 horses, 100 chickens, 18 turkeys, 1 miniature horse and an alpaca. She explained that she is not running a huge operation, her water usage is very small, and to argue a point of all the animals is a waste of taxpayer dollars. There are .63 acres in produce. A Board of Adjustment member did a site visit on her property. She referred to other farms on the Sourland Mountain and that are adjacent to her which have animals that are undocumented. She spoke of wasted taxpayer money and that she is sorry they can't come to some sort of agreement. She encouraged the Board to encourage mediation to stop having these meetings.

Chair Carluccio noted that the Board encouraged mediation at the last meeting and hoped that it could be worked out in a neighborly way. She told Ms. del Campo that the Board has recommended she put something on the record and consider documenting what [water] she is using and what the capacity of her well is. This should be submitted at least ten days before the next meeting.

Ms. Feinberg explained that according to Mr. Mulhall, using the figures Mr. Sposaro provided, there is a 41% increase over the prior use. Ms. Feinberg detailed that she is a strong proponent of mediation, an approved civil mediator and has chaired the Supreme Court Committee on Complimentary Dispute Resolution for two decades. She expressed that she "would love mediation" but there are serious health issues involved. Every action has been filed in good faith; reasonable people can disagree and they disagree.

Ms. Carluccio inquired if there were any comments from the public.

Mike Strizki, 26 Snyderstown Rd., said that he reviewed Ms. del Campo's paperwork and he has been through one of the largest neighbor disputes in the Township's history over wetlands on his property which caused legal and financial ramifications. He said this is a "mirror carbon copy" of what he went through and spoke of millions of taxpayer dollars wasted at the DEP and Township. Mr. Strizki stated that at the end the other party said it was a mistake and he had a \$170,000 legal bill. Mr. Strizki stated that "this stuff has to stop where people are allowed to use this system to persecute one another". He spoke of the Board of Health's purpose to protect the health, safety and welfare of the citizens of this township. He does not see a threat to their health and safety. He remarked that "we are chasing after something that there is no problem and we are going over paperwork that is decades old" and that the more this is encouraged the more it is going to happen. As a taxpayer he objects to "taxpayer money being spent with no benefit.... other than a personal vendetta".

Ms. Carluccio asked if there were any comments from the Board.

L. Hamilton commented that this will be based on facts. Mr. Tatsch added that they have not, and do not, intend to take any sides. This was brought to the Board; the

Board did not go out to seek this issue. The Board will evaluate the data which unfortunately there will be a cost for.

Ms. Carluccio closed this matter for this meeting and it will be continued at the October Board of Health meeting. She asked all parties to confirm with the secretary that they can attend the October meeting.

C. New Business:

1. Request from Pam Dymek to hold the Rabies Clinic January 19, 2013

L. Hamilton made a motion to approve the Rabies Clinic for January 19, 2013; P. Serafin seconded the motion. All were in favor; the motion passed.

ITEMS OF DISCUSSION:

- A. Education and Health Issues

There were no comments on this item.

- B. Board Secretary's Report

No report.

CORRESPONDENCE

There were no comments on any correspondence.

BILLS OF THE EVENING

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|-------------------------------------|----------------|-------|
| A. Refund of Unused Witnessing Fees | Block 16 Lot 6 | \$500 |
| B. Payment to Ferriero Engineering | B 35.01 Lot 15 | \$940 |

Mr. Hamilton made a motion to approve the bills of the evening; Mr. Peyrek seconded it.

Mr. Hamilton opened a discussion on the bills of the evening. The Board and Secretary discussed updating the procedure for refunds to residents which will include more documentation; C. Rosikiewicz will follow up on this.

All were in favor; with Mr. Tatsch abstaining. The motion passed.

OPEN TO THE PUBLIC

Being no comments from the public Mr. Peyrek moved to close the public session, seconded by Mr. Tatsch, and the motion carried unanimously.

ADJOURNMENT

Mr. Peyrek made a motion, seconded by Ms. Serafin, to adjourn the meeting at 8:07p.m. The motion carried.

Respectfully submitted,

Christine A. Rosikiewicz
Board of Health Secretary