

The regular meeting of the Board of Health was called to order at 7:32 p.m. Present for this meeting were: Tracy Carluccio (Committee Chair), David Wang-Iverson, Tony Berberabe, Les Hamilton, Ted Peyrek, Pauline Serafin, Larry Tatsch (Vice Chair), and Bogdan Slecza. Charles Van Horn was absent. Board Secretary Christine Rosikiewicz was also present. Mr. Dan Wyckoff from the Hunterdon County Health Department was also in attendance.

In compliance with the Open Public Meetings Act, this meeting was advertised as a regular meeting in the January 24, 2013 issue of the Hunterdon County Democrat. Notice of the meeting was forwarded to the Township Clerk's office, posted on the Township bulletin board and sent to the Hunterdon County Democrat, the Trenton Times, and the Star Ledger on May 13, 2013.

#### **ANNOUNCEMENTS/AGENDA REVIEW:**

Under Bills of the Evening

New Jersey Analytical Laboratories, LLC sodium and chloride testing \$385

#### **PRESENTATION OF MINUTES – April 16, 2013:**

**Mr. Tatsch made a motion to approve the April 16, 2013 minutes with two corrections: page 3, paragraph 2, line 4 replace “the” with “prior” and on page 5 under #2, line 7 delete “for no reason”. Mr. Wang-Iverson seconded the motion. All were in favor with Ms. Carluccio, Mr. Berberabe and Mr. Peyrek abstaining.**

#### **OPEN TO THE PUBLIC**

**Being no public came forward Mr. Wang-Iverson made a motion to close to the public; Mr. Tatsch seconded the motion. All were in favor; the motion passed.**

#### **UNFINISHED AND NEW BUSINESS**

##### **A. Hunterdon County Division of Health and Safety – Inspector's Report**

###### **1. Owens - AKA Woody's – B 16, L 11 – 202 Old York Road**

Mr. Wyckoff explained that the form received from NJ DEP is a standard form completed biannually. He advised that tremendous progress has been made in removing volatile organic compounds from the water. The benzene levels are at 25 micrograms per liter; at the start they were 2040 micrograms per liter. It's a matter of time before it will all dissipate; this is positive progress.

##### **B. Preview Committee**

###### **1. Review of application for B 17 L 33.03 – Use of Peat Biofilter – Replacement System (Discussion- not an approval of application)**

Mr. Kurt Hoffman from Kurt Hoffman Engineering came to the dais. Ms. Carluccio noted that the Preview Committee had met and asked Mr. Hoffman to explain why a peat system

should be used as opposed to a conventional system. Mr. Hoffman referred to the letter he send to the Board outlining this and explained that due to the high water table, high rock causing machine refusal, and limited area on the site peat moss is a better way to go in his opinion. He noted the added cleanliness of the effluent as it goes through the peat unit and disburses into the ground.

Mr. Hoffman said that since last April, due to the changes in N.J.S.A. 7:9A, a peat system is now a "standard system". Mr. Hoffman spoke about a conversation he had with Mr. Vaccarella regarding the zone of treatment and referred to other local Townships. He said that State allows for four feet of sand in a standard unit; a peat unit allows for eighteen inches of sand for the zone of treatment. The effluent is multiple times cleaner in a peat system than with a conventional system. He explained that no one "polices" traditional systems while with peat systems an annual maintenance review of the functionality of the system is required.

Mr. Wang-Iverson explained that the Board has traditionally required a standard system instead of peat if it was possible to install the standard system. He noted that for this property the disposal field meets the size requirements for a traditional system.

Mr. Hoffman said the reason for the peat system in this case is due to the machine refusal and shallow soil logs (high water at twelve inches). The conditions warrant better treatment.

Mr. Wang-Iverson inquired if it was possible to install a traditional system. Mr. Hoffman replied yes and noted two or three waivers would be required.

Mr. Wang-Iverson noted that maintenance was another concern. Mr. Hoffman explained that the system is monitored. Mr. Wang-Iverson inquired about filter replacement; Mr. Hoffman replied that the peat lasts for nine to fifteen years and is sampled annually.

Mr. Wang-Iverson asked about power failures; Mr. Hoffman replied that the system would stop working the same as any other pump system. Mr. Wang-Iverson inquired about possible damage to the system from this; Mr. Hoffman said there wouldn't be damage; it's a pump to gravity system which becomes dormant during a power outage.

Mr. Wang-Iverson inquired about the auto-dialer. Mr. Hoffman said that if the effluent wasn't going out to the bed, such in a high water situation, or it was running too continuously, an alarm will go off and auto-dial the maintenance company. Mr. Hoffman has only seen this happen once when there was infiltration into a tank.

Ms. Carluccio inquired about maintenance over the life of a peat system. They are not used much in the state and have been used in New Jersey for less than twenty years. It is unknown if peat systems will perform, in regard to longevity, as well as standard septic systems do. Maintenance is required; the peat needs to be changed every 9 to 15 years. This is not necessary with a standard septic system which can be used for twenty to thirty years

if they are maintained property. The State law will eventually require a maintenance program for all septic systems in the near future including conventional systems.

Ms. Carluccio expressed her concern of people moving into the area who are not familiar with septic systems. Many of the peat systems installed in the Township are on homes that are being sold. The new buyer may not know that they are purchasing a home with a peat system which requires an annual contract and more of an investment than a traditional system.

Ms. Carluccio spoke about the database required to be kept by the Township in accordance to N.J.S.A. 7:9A, the taxpayer money spent maintaining these records, and the commitment on the part of the municipality with these systems.

Ms. Carluccio expressed that most members of the Board have seen presentations by the three major manufacturers of peat systems and understand the increased need to maintain and monitor them to insure functioning. As far as cleaner water with a peat system; she expressed that it depends on the individual system and how it will perform when it is nine years old. The Board is conservative about approving peat systems as there is no long track record.

Ms. Carluccio said for this property the water table is not severe; the Board has seen conventional systems designed with similar soil logs. There is also room for the conventional system; lack of room is one of the major reasons for installing a peat system. She commented that it seems the peat system would be installed for aesthetic reasons, to reduce the size of the mound. Mr. Hoffman said that is part of it but he is more concerned with the long term functionality of having the ongoing monitoring and maintenance. With a traditional mound the only person who follows up once the system is certified is the homeowner. Ms. Carluccio noted that regulations were adopted recently which will require monitoring. Mr. Hoffman expressed that it may be years before they are in effect; Ms. Carluccio agreed.

Ms. Carluccio said the Board has faith in conventional systems as they have dealt with them for decades; if they are maintained and regularly pumped they are good and environmentally sound systems. They may not work in some instances, such as a small lot where the "good soil" was used up with the old system or because of separation distances from wells that can't be met.

Mr. Hoffman expressed that his and the Board's obligation is to meet codes as close as possible. With the traditional system more waivers will be required and there will be less conformance to state code. He asked if they would be doing their job properly.

Ms. Carluccio responded that she doesn't know if that is the way it would come out, it's too hypothetical a question. The slope waiver may not be needed with the conventional system.

Mr. Hoffman said the design is a slope of 5 to 1; there is a typo in the County letter (which indicates 3 to 1). He confirmed that the mound would be two feet higher with a conventional system.

Mr. Wang-Iverson said that the Board has previously requested side by side comparisons of a peat verses traditional system from other applicants; this is helpful to the Board to see what the tradeoffs are. Ms. Carluccio noted the benefit of seeing site specific conditions.

Mr. Hoffman inquired if it was right to install a traditional system if it requires more waivers than a peat system. Ms. Carluccio explained that it could be depending on the waivers. Mr. Hoffman said the waivers are for slope and property boundaries.

Mr. Hamilton inquired about the soil in the back of the property. Mr. Hoffman replied that the back of the property was "a hundred times worse" with machine refusal at two feet.

Mr. Hamilton commented favorably on the traditional system for his home that is over thirty years old. He said the peat systems are great when there is a constrained site but if you have the room and soils to install the conventional system he believes the homeowner would prefer it.

Ms. Carluccio commented on the good K values and permeability of the soil. Mr. Hoffman went over the soil logs with the Board in detail. One of the three logs rose to twelve inches over the twenty-four hour period.

Ms. Carluccio asked the Board if the Board should request a side by side comparison.

Mr. Hamilton commented that the Board has a responsibility to the residents to approve the conservative system that is "pretty much trouble free". He noted that it is worth looking at and the engineer has all the data already.

Mr. Hoffman asked if the side by side was created could this be acted on at the next meeting or will an additional meeting be required for approval.

Ms. Carluccio said for the Board to act in June they would need the full design and the County letter for both; she asked Mr. Hoffman to speak to the County. The County provided a denial letter for the peat system; this needs to be rectified and a letter recommending approval provided. A recommendation for approval letter would also need to be provided by the County for a standard system. If both letters are received for the June meeting one of the systems could be approved at that time.

C. New Business

There was no new business.

D. Unfinished Business

1. East Amwell Board of Health Ordinance Chapter 152 – Continued discussion on possible changes to food permit types and fees

Mr. Tatsch provided background on this item which was initiated when an applicant for a temporary food permit, who has a mobile facility, inquired if he could be issued an annual license rather than numerous temporary permits each year when he sets up at the Fairgrounds. Currently the Township ordinance does not have that provision; the possibility of revising the ordinance to do that was considered. Mr. Wyckoff indicated that this situation may be similar to that of a mobile food truck license; the secretary provided ordinances from other Townships which license mobile food trucks. Mr. Tatsch expressed concern that the Township does not have experience with some vendors who may apply for this permit and the cost of inspections each time they set up. Mr. Wyckoff explained that with a mobile food annual license there would be a fee when the facility is inspected the first time but future spot checks do not generate a fee for the municipality. He went over some guidelines as follows:

The license holder has to operate in the correct zone for the operation.

The license holder must identify the commissary they are operating out of; it cannot be a private home.

The source of water must be bottled water or an approved well.

Information on wastewater disposal must be provided including a contract with a pumping company or a receipt from an RV depositing center.

Mr. Wyckoff went over where mobile food trucks usually set up in the County. Mr. Tatsch noted that there are only two or three locations where a truck would set up in the Township including South County Park [fairgrounds] and the Harvest Fest at the firehouse. He spoke of the possibility of a provision in the ordinance that would allow an annual license for vendors that meet the mobile food requirement. The number of vendors that would fit into this definition was discussed along with defining what the vendor must have to qualify as a mobile food vendor. The practical implications and effect of this possible change were mentioned. It was explained that the mobile license is attached to the business and not the vehicle; however the license plate number is indicated on the inspection. Mr. Wyckoff explained that 50 to 70% of the vendors at the 4-H Fair have mobile kitchens.

Mr. Hamilton inquired if this type of license was allowed at the fairgrounds and firehouse could the activity be limited to certain times. Mr. Tatsch agreed it should be during events only. Ms. Carluccio also agreed but felt perhaps the ordinance shouldn't define it as changing it would require changing the ordinance. It was suggested the South County Park and Harvest Fest be put in the ordinance and any other events would be subject to Board approval.

Other possible consequences were discussed. The possible monetary savings for the vendors who would qualify was mentioned.

Mr. Wyckoff went over the application process. The applicant would apply at the municipality. The municipality advises the County of such and the applicant contacts the County to inspect. A satisfactory County inspection is needed before the annual license is issued.

Mr. Tatsch asked if the County could define a mobile unit as it would need to be defined well in a possible change to the ordinance. Mr. Wyckoff will provide the County definition for the Board. Mr. Wang-Iverson asked if the inspection certificate indicates that it is a mobile unit; it does.

Ms. Carluccio suggested running this possible change by the Planning Board and Township Committee.

Mr. Tatsch advised that the use of mobile food vendors would have to be in only specific locations; other Board members agreed. Mr. Wyckoff said his recommendation when requests are made for local food vendors is to contact the zoning officer; mobile vendors are currently not allowed in the Township.

Mr. Tatsch said it wouldn't be very different from what is in place now except a few temporary permits would be converted to annual permits. The need for limiting the permits to specific locations was emphasized by Board members and possible questions that may come up were discussed. Mr. Wyckoff explained that a temporary retail food establishment is defined as a temporary establishment in conjunction with an event or celebration. A mobile food vendor can transport from point to point but also sells, prepares and stores food. Adding language to the ordinance stating that the mobile vendor has to be associated with an event was suggested.

Differentiating between temporary vendors was established; the annual permit would be available only to vendors that qualify as mobile vendors as annual licenses are only available to "retail establishments" which are subject to a more rigorous inspection. Mr. Wyckoff went over the necessary inspection requirements for mobile food vendors. The inspection is the same as annual permits for regular eating establishments except on a smaller scale.

Mr. Hamilton advised that the next step would be to draft the ordinance change and advise the other Boards of same. The possibility of unforeseen consequences was mentioned. Possible "upsides and downsides" will be solicited from the other Boards. Mr. Tatsch offered to work on the draft.

## 2. New Jersey Analytical Laboratories Certificate of Analysis – Sodium and Chloride Testing

This item will be tabled to the June meeting to allow Mr. Tatsch time to review the results and create a spreadsheet of the results.

## **ITEMS OF DISCUSSION**

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

There were no comments on any items.

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

### **1. Report on Hunterdon County Division of Public Health Annual Meeting**

Ms. Rosikiewicz attended this meeting on April 29<sup>th</sup> and provided a report. Highlights included the following:

- Local agreements are being reviewed; each municipality will receive a new one by this summer.
- Preparedness: The County will be sending representatives to Township BOH meetings to discuss preparedness for power outages and sheltering in place. The County is prepared to host shelters for County residents. They would like the public to be invited to these meetings.
- Mass medical care – The County is working on updating their plan.
- 2012 Annual Report – Coming out in May
- Insect activity in the County including ticks, bed bugs and mosquitos.

## **CORRESPONDENCE**

### **1. 5/20/13 The Ridge at Back Brook – Results of the December 2012 Sampling Event from Princeton Hydro**

Ms. Carluccio provided the Board members a complementary brief report for discussion only as it was not on the agenda; Mr. Sousa will provide a full report. The sampling was completed in December; and received by the Planning Board in April. It was noted that this report should go to the Board of Health. Ms. Carluccio relayed that there are no new problems and everything is pretty much consistent. If there are no issues for a certain amount of time the report is reduced to once every three years; since there were no exceedences the frequency of the monitoring was reduced. This item will be put on the agenda for the June meeting.

### **2. Planning Board – Re-exam of Master Plan Re: Septic System Maintenance Program**

Ms. Carluccio reported that the Planning Board is revising their Master Plan; which is done every ten years. The Master Plan states that the Board of Health should have a maintenance program and keep a database of all septic systems in the municipality as required by the water quality management plan rules adopted a few years ago. A law was passed by the legislature which extended the implementation of the rules and broke it into two phases. The first phase has been complete; Ms. Carluccio took part in it, as an appointed member of the Township Wastewater Management Plan Committee, along with other residents from the Township. For this phase a map was prepared which depicted the sewer service area. Ms. Carluccio explained that the Township wastewater plan is up to date. Phase II is supposed to be a maintenance ordinance although it may be a plan rather than an ordinance. Creating a database would be costly for municipalities. The County may implement a database where only new systems are entered when they are approved. Existing systems would not be a part of it as it would be a burden for townships to create this and there are many systems without records. Ms. Carluccio suggested an article be run in the VIP reminding residents to pump their septic systems and test their well water quality. A plan may at

some point require residents to pump every three years although there may not be an enforcement component as it would be difficult to enforce. In conclusion in the next year or two the Board of Health will probably not be required to adopt an ordinance; however a stronger plan may need to be put in place. Ms. Carluccio provided a copy of a written summary of these Wastewater Plan details to Mr. Wang-Iverson to relay to the East Amwell Planning Board for the East Amwell Master Plan Update. She noted that Franklin Township voluntarily adopted an ordinance.

**BILLS OF THE EVENING**

**Mr. Hamilton moved the approval of the bills of the evening; seconded by Mr. Peyrek. The motion carried unanimously with Mr. Tatsch abstaining.**

**OPEN TO THE PUBLIC**

**Being no public present Mr. Hamilton made a motion to close the meeting to the public; seconded by Mr. Wang-Iverson. All were in favor; the motion carried.**

**ADJOURNMENT**

**Mr. Tatsch motioned, seconded by Mr. Peyreck, to adjourn the meeting at 9:21 p.m. The motion carried unanimously.**

Respectfully submitted,

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Christine A. Rosikiewicz