

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

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 September 11, 2013.

ANNOUNCEMENTS/AGENDA REVIEW:

Under Education and Health Issues:

Hunterdon County Division of Public Health LINC'S

9/12/13 Advisory: Recent Animal Rabies Cases

9/13/13: Info: HSEEP 3-Day Training Course

9/13/13 Info: Information for Eating Recreationally Caught Fish

PRESENTATION OF MINUTES -AUGUST 20, 2013:

Mr. Hamilton made a motion to approve the minutes with one typographical correction on page 1 clarification on Page 7 (add hyphen to "as-builts"). Mr. Berberabe seconded the motion. All were in favor; the motion passed with Mr. Tatsch and Mr. Peyrek abstaining.

OPEN TO THE PUBLIC

Mr. Steve Parker from Parker Engineering introduced himself. Ms. Carluccio explained that Mr. Parker had submitted a septic alteration to the County for a peat system for Block 41 L 29. He is here to explain to the Board why a peat system is necessary for this property. Mr. Parker is speaking during the public portion of the meeting to avoid delaying a month by coming to the next meeting and then the following month again for action on the application. Ms. Carluccio said the Board will not act on this tonight as it was not on the agenda. Plans should not be presented; Mr. Parker should explain why a peat system is needed to fix this system and a conventional system would not work.

Mr. Parker explained that the property is on Sydertown Rd. The owner is selling the property. The current system is failing and malfunctioning. The property is less than one third of an acre and triangular in shape. There is a high water table on the property; it is eighteen inches below grade. There is also shallow bedrock. The area for the system is limited due to the well setback requirements.

The peat moss system is being proposed as the State code allows a reduction in the size of the field for a peat moss system. The system will be pressured dosed as allowed by State code. The State code allows the area of the system to be 234 square feet for a two bedroom house. If a peat system is not used the size of the system will be 560 square feet. Either way the system will encroach on the setback to the well; the peat system will allow for the system to be further from the well. The peat moss system provides for two and a half feet of the zone of treatment; with a conventional

system there will be a much higher mound. The higher mound will be closer to the property lines and further limits the area to install the system. The peat moss system will allow closer compliance to setback distances to the well and property lines.

Mr. Tatsch asked how close to the well a conventional system would be if installed. Mr. Parker estimated that a conventional system would be approximately fifty feet away from the well; the proposed peat system will be close to 85 feet from it.

Mr. Hamilton commented that in the past the Board has requested a comparison of a peat verses conventional system and suggested Mr. Parker be prepared to do that.

Ms. Carluccio said this system will be looked at in detail once the Engineer comes to the Board with an application.

Mr. Parker inquired if the application could be on the agenda for next month. Ms. Carluccio said the Board will advise the County that it looks like the system being proposed will meet the Board's requirements and the County should do their review.

Frances Gavigan, 123 Wertsville Road, explained that her neighbor has been dumping brush on her property since 2005. The County noticed a "giant mountain of manure" in 2005 when they came out to the property. There is a "feeder, intermittent stream" that goes to Back Brook on the property which the manure was near. A citation was issued for the manure. The property owner was required to clean up the manure, which he did.

Ms. Gavigan explained that she and the property owner went to court after Ms. Gavigan was charged with trespassing while using her right of way. There was a signed consent ordered by the Judge, and signed by all parties, that no one would intentionally interfere with the rights of the others or intentionally cause damage to one another's property.

Ms. Gavigan explained that over the years there has been an increase in brush on the property including "a wall" of dead trees, debris and soil created by using a tractor as a bulldozer to clear the undergrowth and brush. Ms. Gavigan reported that she ignores this as long as it's on the neighbor's property. For small incursions Ms. Gavigan would disassemble her horse fence and push the debris back [into the neighbor's yard]. She used to mow as she owns about ten to twelve feet on the other side of the fence. She reported that "there has been stuff bulldozed" around 200 feet onto her property. Ms. Gavigan attempted to talk to the property owner over the weekend but was unsuccessful.

Currently Ms. Gavigan has people on her property working on the horse fence. She was marking out where the fence should go on her property when she noticed that the "giant mountain of manure" is back. The manure appears to be less than 100 feet uphill from the feeder stream. Ms. Gavigan referenced the State manure waste management regulations which states the manure cannot be stored or a staging area cannot be within 100 ft. of a stream or stored where it would drain into water that feeds to waterways.

Ms. Gavigan took photos of the manure pile and contacted the Board of Health Secretary who forwarded the pictures to the County. An acknowledgement was received by Ms. Gavigan from the County that they were aware of this. Ms. Gavigan spoke with the County Agricultural Agent's office and was told enforcement of manure management was handled by the New Jersey DEP and New Jersey Department of Agriculture. She has not contacted those agencies as she is waiting for the

County to come out first and measure the distance from the pile to the water. She provided pictures to the Board of the property including the waterway, debris and manure pile.

Ms. Gavigan noted that her fence is being damaged.

Ms. Carluccio thanked Ms. Gavigan for bringing this to the Board's attention and noted that the County has been made aware of it.

Being no further comments from the public Mr. Hamilton made a motion to close to the public; Ms. Serafin seconded it. 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 – update

Mr. Wyckoff reported that remediation is ongoing.

B. Preview Committee

There were no items for Preview Committee.

C. New Business

1. 8/5/13 Letter from Lisa Stern Grzankowski re: well and septic system B 42 L 15

Michael Grzankowski and Lisa Grzankowski introduced themselves for the record. Ms. Carluccio went over the information provided to the Board members and Mr. and Mrs. Grzankowski including a letter from the County and input from the Planning Board. Ms. Carluccio explained that Mr. and Mrs. Grzankowski are requesting to use the building rather than demolishing it as required by the condition in the prior Board of Health approval of the new septic system for the new house they have built on the property. The former action taken by the Board of Health is that the existing bungalow be demolished, the septic system be closed up and the well be considered for use by the fire company. There was also consideration of developing a COAH unit which did not take place. Mr. and Mrs. Grzankowski are requesting to remove the condition that the existing house be demolished as they would like to use it for farm use. The new house is almost completed.

Mr. Grzankowski explained that, at the Zoning Officer's request, he drafted a plan to convert the existing home to farm use and provided copies of the plans to the Board. Ms. Grzankowski explained that the building would be used for farm usages including hay storage, egg refrigeration and washing, and chick brooding. The well would be used as a source of water for agricultural purposes.

Ms. Carluccio inquired if the Zoning Officer had responded to this plan; Mr. Grzankowski replied that the Zoning Officer said "he's happy with it". Ms. Carluccio said the Township Ordinance does not allow two principal uses on one lot without Zoning Board approval; this was confirmed with the Planning Board and Township Planner. The ordinance defines a dwelling unit as a room, or

series of connected rooms, containing living, cooking, sleeping and sanitary facilities for one family. If the applicant is to convert the use of the building to a farm building the site first needs to qualify as a farm by the Township's definition and then the building would have to qualify as a farm building as defined in the ordinance. Ms. Grzankowski said that the property is farm assessed.

Ms. Carluccio said if the Zoning Officer allows the house to stand as a farm building the septic system should be removed so it is a dry use building.

Ms. Carluccio referred to the September 13, 2013 letter from the Debra Vaccarella at the County to the Board of Health where Ms. Vaccarella reviewed the file. Mr. and Mr. Grzankowski had not received the letter yet. Ms. Carluccio read from the County letter as follows:

"Included in the file are the following:

Septic plan dated 12/22/2004 with revision date of 5/12/2008 approved 5/13/08.

2/28/2008 letter to Dawn Faltings from Mrs. Grzankowski

4/8/2008 letter to the Board from Dawn Faltings

Minutes from the 4/22/2008 East Amwell Board of Health Meeting

Letter from the Board to the property owner dated 4/24/2008

As built drawing dated 2/25/2013

2/28/2008 letter from Lisa Grzankowski to Dawn Faltings

Email from me to property owner dated 3/14/13

Zoning permit approved 6/25/13

Letter from the property owner to the Board dated 8/5/2013

I have the following comments to offer the Board of Health:

The septic application is for the construction of a new home on the property. The record indicates that Mike Grzankowski wanted the approval of the septic to be separated from the approval of the use of the old dwelling unit and an old bungalow (no water or sewage) on the property. The approval for the septic design was given with the stipulation that the well, septic and old home would be abandoned/removed once the new home was occupied. "

Ms. Carluccio commented that the well issue was left open in the event the well would be used for a different purpose. Ms. Carluccio further read:

"The old dwelling unit and possibly the old bungalow could be used to meet East Amwell's COAH unit requirements and/or the well could be made available to the fire department for use. The COAH and fire department use were separate issues heard by the Board but are noted on the septic plans as possibilities.

This office has met with Mrs. Grzankowski several times to discuss the instructions for the well use by the fire department and the instructions for abandoning the well and the septic for the older dwelling. We were unaware that the Grzankowski's were going to the Zoning Officer for approval to renovate the old dwelling unit and are concerned that the Zoning Officer approved the change in use without requesting a Construction Referral from this office. If we had been consulted on the change of use we would have had the following comments:

- 1. The Board of Health would need to approve the continued use of the building and the well.*
- 2. The existing cesspool for the home cannot be used since it is not a septic system by NJ State Code. The building either needed to be converted to dry use (no water carried waste) or a new septic system needs to be engineered and installed for its intended use.*
- 3. Plans would need to be submitted to this office showing the renovations from a dwelling to a farm use structure.*
- 4. If the septic is not a cesspool (per Ms. Grzankowski's 2/28/2008 letter the building is served by a cesspool) then the system would need to be located, certified as working and that it is in compliance with both the East Amwell and NJ codes.*

Based upon our findings I would encourage the Board to hear from the Grzankowskis at the next Board of Health meeting. We believe that their testimony could go a long way in clarifying the issue. However, since the building is not served by a septic system – a previously stated by Mrs. Grzankowski – this office would be of the opinion that the project continue as initially planned in 2008, the home be removed and the well and septic be abandoned. "

Mr. Grzankowski said the Township wanted approval of the septic to be separate; it was not requested by him. Ms. Grzankowski expressed that she was not aware the County would be involved with converting the house to a farm building; Ms. Carluccio confirmed that they would be. Ms. Grzankowski said she did not go to the County as she didn't know this. Ms. Grzankowski commented about multiple times she spoke to the County.

Mr. Tatsch commented that the plan submitted to convert the building still requires water usage. Mr. Grzankowski said only water could be used as the house is served by both an existing septic and a dry well; the grey water in the house goes to a dry well.

Mr. Tatsch noted the wash rack in the plans would require a septic system and inquired if the present system is a cesspool. Mr. Grzankowski said he would need to refer to his records to determine this. Mr. Tatsch explained that if the house was sold to a new owner prior to the new house being built they would not necessarily need to have the septic inspected unless the bank required it; the Township does not require a CCO. The State used to allow a cesspool provided it was functioning but that has changed in the new regulations.

Mr. Tatsch explained that this situation is different from a property transfer as there will be a change of use for the house requiring construction which would require that the septic system would need to be to code per the State regulations. If the farm building would be designed with any water waste to be disposed of a septic system built to code would be required. Ms. Carluccio explained that when construction is to be done that requires a building permit the County receives a construction referral and they review the plans. What the County letter is saying is that if a referral had been sent to the County they would have said that the building would need to be converted to dry use and the septic system and well removed and referred the property owners to the East Amwell Board of Health.

The changes that would be made to the house to convert it to farm use were briefly discussed. Ms. Carluccio commented that the washroom on the plans, including a toilet and sink, would need to be removed unless a new septic system was constructed. The house would need to be converted to dry use.

Mr. Hamilton said he believes the property owner needs to decide if they would like the building to be dry use or construct a new septic system through the regular approval process.

Ms. Grzankowski commented on keeping the well and hose. She went over the location of the well at Ms. Carluccio's request. Ms. Carluccio said the Board could consider the property owner not capping the well and referred to past minutes regarding the well. The Board would need to make sure the agricultural use of the well would not exceed the present use of the house by more than twenty percent or the well would need to be recertified. Ms. Carluccio said the Board would need to know how many gallons per day would be used and mentioned that sometimes a meter is installed as a condition of approval. For a use that is not residential the Board usually requires monitoring or reporting of use. Possible future property owners and their use of the well needs to be considered as the use would carry with the property. Ms. Carluccio said if the well was to be used for agricultural use the condition that the well be abandoned or used for fire use would need to be changed by a vote of the Board. To change the use of the well the Board would need a gallon per day estimate of use from the property owners and determine conditions. Mr. Grzankowski said right now around five hundred gallons per day is used for the animals.

Mr. Tatsch inquired about the age of the well and if it's been tested. Ms. Grzankowski said it has been tested; Mr. Grzankowski said it is "not on your map". Mr. Tatsch inquired about the yield; Mr. Grzankowski said there were no records. Mr. Tatsch inquired about the location of the property; Mr. and Mrs. Grzankowski clarified the location. It is in the mountain district. Ms. Grzankowski said the property is located on the side of the mountain but is very close to other Township districts. Ms. Carluccio commented that the districts are based on geology.

Mr. Tatsch asked about the yield of the new well for the new house. Ms. Grzankowski believes it was 18gpm. Positive comments were made on the yield and there was no interference on neighboring wells tested that were tested. The new well was certified under the Board's ordinance. Mr. Tatsch said the Board has substantial evidence that the well is probably near a fairly good yielding aquifer and that if the water use of the existing well falls within the Township requirements there probably won't be any problems that would affect the new well. The next closest well to the old well is 625 feet; the next well after that is 1300 feet away.

Ms. Carluccio said the Board would require in writing from the property owners what the use would be for the well. If the new use will be more than twenty percent than what was used for the house the ordinance would require recertification of the well.

Mr. Tatsch explained that the water supply ordinance has a table which outlines water usage for various animals in an agricultural setting which can be used as a reference to determine an estimate of use of the well.

Ms. Grzankowski inquired about a formula for determining what the residential usage was. There were four bedrooms in the old house; usage is one hundred gallons per day per bedroom. The well can be used for 480 gallons per day and not require recertification. The definition of bedroom as defined by the state is any room not designated a kitchen or bathroom or that has a flow of traffic through.

Mr. Grzankowski said most likely the house will be switched to dry use and the septic will be pulled. Ms. Carluccio noted that the County has specifications on pulling the septic system and it must be certified. Mr. Grzankowski is working with a professional who will remove it.

Ms. Carluccio inquired if the County had requested the well be registered. Mr. Grzankowski said the well was "not on the map". Mr. Grzankowski said if the approval to keep the well is granted then they will have the well registered by Tom Stover.

Ms. Carluccio said the plans will need to be redone without the bathroom and submitted to the Zoning Officer. The wash rack will also need to be removed. Mr. Grzankowski said he will pull the plumbing to the house except for where the well comes into the basement and water heater. Ms. Carluccio said Mr. and Mrs. Grzankowski should speak to the County about the construction referral.

Mr. Grzankowski said he will submit a letter to the Board showing the well usage. Ms. Carluccio said for Mr. Grzankowski to submit a revised plan. Once the plan is submitted the Board can put the well on the agenda for action.

Mr. Grzankowski explained that his construction loan needs to be converted by next month. There is a temporary CO for the new house but a CO cannot be issued until the septic on the former house is removed. Ms. Carluccio referred Mr. Grzankowski to the County to have removal of the septic system certified. Mr. Grzankowski said the bank requires a CO on the new house in order to have a mortgage.

Mr. Tatsch asked if the well was acted on at the October meeting if that would provide enough time. Mr. Grzankowski said "it might be close enough". Currently they are living in the old house and are not permitted to move into the new house until the CO is obtained.

Ms. Carluccio said the Board will advise the County that the house will be converted to dry use and a new plan will be submitted to the Zoning Officer which will depict this. The County will also be made aware that the property owner will be coming back to the Board for consideration for

using the well for agricultural purposes and registering the well. They are no longer requesting to use the septic system and will remove it.

Mr. Grzankowski confirmed that he will resubmit plans for dry use of the house. Ms. Carluccio requested a letter to the Board indicating the usage of the well. It was recommended Mr. Grzankowski contact the County regarding removing the septic system.

D. Unfinished Business

1. Ordinance Committee Report: Chapter 152 Food Establishments – review possible changes

Ms. Carluccio commented on the time Mr. Tatsch and Mr. Wang-Iverson put into the ordinance with input from Mr. Wyckoff.

Mr. Tatsch explained that changes to the ordinance were considered when an applicant with a mobile food establishment spoke of coming to multiple Township events and having the expense of needing a temporary license for each one. Other Townships allow for an annual permit for mobile food vendors. Ordinances from other Hunterdon County townships were researched and information was provided from Mr. Wyckoff. The Board concluded that it would be appropriate to change the ordinance to allow mobile food establishments to apply for an annual license and eliminate the need for applying for a license every time a mobile unit sets up.

The proposed changes would allow mobile food vendors only on two properties in the Township; the South County Fairgrounds and the land behind the firehouse (where the Harvest Fest is held). The fee would be the same as an annual license fee, \$225.

Mr. Tatsch noted the major changes in the final draft of the ordinance. The fee structure has been changed and the terms of licenses are spelled out. Category 1 and 2 are unchanged, however potentially hazardous foods are better defined and information on bed and breakfasts was changed. Category 3 is the new category for Mobile Retail Food Establishments which will read *"includes vans, trailers, trucks, carts and similar vehicles in which food and/or beverages are stored and/or prepared and dispensed to the public. These units must satisfy the design criteria outlined in N.J.A. C. 8:24, Chapter 24, Subchapters 4, 5, and 6."* The fee for this category is \$225. There is a note following the description which reads *"Mobile Food Establishments shall be permitted at only two locations within East Amwell Township: Hunterdon County South County Park and the field behind the Amwell Valley Fire Company building on John Ringo Road. This license is effective for one year, commencing on January 1, and covers all appearances of a Mobile Food Establishment at either location during the year. A Mobile Food Establishment with limited appearances may choose to apply for a temporary retail food license as specified in Section B, below."*

Category 4 will remain the same reading *"All other retail food establishments"*. Category 4 is the same as Category 3 was previously.

Section B, Temporary Food Establishments, will remain unchanged. The violations and penalties section will not be changed. The major changes to the ordinance are the bed and breakfasts not being subject to inspection or licensing and the addition of Category 3.

Mr. Hamilton confirmed that an annual fee will be charged for mobile food licenses; it will not be prorated.

These revisions will be sent to the attorney for review. First reading of the ordinance could take place at the October meeting. The public hearing and consideration for adoption could take place at the November meeting.

Mr. Tatsch and Mr. Wyckoff discussed the use of the word "retail" before "food establishments". Mr. Wyckoff explained the need to specify "retail" as the Township does not have jurisdiction over wholesale food establishments as wholesale food establishments are inspected by the State. "Retail" specifies that the food is going directly to the consumer. The title of the ordinance will be changed to add the word "retail".

Mr. Wyckoff will review the final draft of the ordinance and then it will be sent to the attorney for his review.

Ms. Carluccio expressed thanks to Ms. Rosikiewicz, Mr. Tatsch and Mr. Wyckoff for their work.

2. 8/26/13 Letter from Dennis J. Libenson, Project Geologist, Synergy Environmental, Inc. re: Sub-Slab Soil Gas Sample Results, Ringoes Shell Service Station, B 27.01 L 32

Mr. Tatsch explained that since there were two incidents this testing is a State requirement. A vapor reading of the soil was taken from underneath the slab foundation of the facility. A few compounds have been found that are normally associated with dry cleaning and other types of solvent cleaning that were allowed in the past. A repair shop may have used these materials years ago. The levels are fairly low; one is just slightly above the State level. The State will develop requirements for remediation.

ITEMS OF DISCUSSION

A. Board Secretary's Report

Ms. Rosikiewicz announced that the annual rabies clinic has been set for January 18, 2014 from 1 to 4pm. Dr. Maxian will be the veterinarian at the usual rate of \$100 an hour. This clinic is held every year in January when dog licensing renewals are due. Although cats are not licensed they can also be vaccinated at the clinic.

CORRESPONDENCE

1. 9/5/13 E-mail from Ross Hill, NJ DEP re: B 41 L 40.05 Notification of Exempt Recycling Activities

The Board briefly discussed this item and the possible reasons for the exemption. Mr. Hamilton will inquire to Mr. Johnson at the County.

BILLS OF THE EVENING

Mr. Tatsch made a motion to approve the bills of the evening; Mr. Peyrek seconded the motion. All were in favor.

OPEN TO THE PUBLIC

Ms. Frances Gavigan, 123 Wertsville Road, inquired about the ordinance in regards to the vineyards hosting vendors or weddings and if those type of establishments could have an annual license. Mr. Tatsch replied that the ordinance change only applies to mobile establishments and is limited to two specific well defined sites. A mobile vendor can operate at other locations but will need a temporary license for those locations. Ms. Gavigan spoke about two competing agricultural businesses in East Amwell and the consequences if one had a permit and one didn't. Board members commented that they will "see how it goes" and that "we can always expand it".

Being no further comments from the public Mr. Tatsch made a motion to close the meeting to the public; seconded by Ms. Serafin. All were in favor; the motion carried.

ADJOURNMENT

Ms. Serafin motioned, seconded by Mr. Berberabe, to adjourn the meeting at 8:57 p.m. The motion carried unanimously.

Respectfully submitted,

Christine A. Rosikiewicz