

The regular meeting of the Board of Health was called to order at 7:30 p.m. Present for this meeting were Tony Berberabe, Tracy Carluccio (Board Chair), Les Hamilton, Pauline Serafin, Ted Peyrek, Bogdan Slecza, Charles Van Horn and Larry Tatsch (Vice Chair). 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 December 12, 2013.

ANNOUNCEMENTS/AGENDA REVIEW:

Under Items of Discussion

Hunterdon County Division of Public Health LINCS:

Fax 12/13/13 re: Info Lyme Cardidis

PRESENTATION OF MINUTES –NOVERMBER 19, 2013:

Mr. Wang-Iverson made a motion to approve the minutes with one typographical correction. Mr. Tatsch seconded the motion. All were in favor; the motion passed with Mr. Peyrek abstaining.

OPEN TO THE PUBLIC

Being no comments from the public Mr. Van Horn made a motion to close to the public; Mr. Tatsch 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 was not in attendance due to the inclement weather; he provided a report to the Board Secretary. Ms. Carluccio reviewed the report; there was nothing new to report on the Owens project.

Mr. Wyckoff reported on the Carousel Deli in his e-mail; that portion of the report will be discussed later in the meeting as it is on the agenda.

B. Preview Committee

1. 12/4/13 letter and drawing for B 9 L 14 – Use of Peat Biofilter-Replacement System (Discussion-not an approval of application)

Ms. Carluccio invited the Engineer for this property to the dais. This item is for discussion only to determine if the Board agrees this is an appropriate site for a peat system and not for approval of the system.

Mr. Charles Tiedeman, P.E. introduced himself. He previously provided the Board with a plan which compares the peat and conventional disposal systems for the existing four bedroom house. The property is approximately nine tenths of an acre; most of it is located on the road on the corner of West Amwell and East Amwell. The dwellings on the road are built on a steep slope which runs down to a stream that runs along the back of the properties. Mr. Tiedeman explained where the stream was located and that there are wetlands to consider. The existing septic system consists of a 1000 gallon tank with laterals in the backyard. Soil logs were excavated in the northeast corner of the property; this was the only location for the disposal area to be placed where there would be sufficient distance from the well on the property. It was noted the well is located in the middle of the property. Treatment works approval will not be needed from the State.

The first plan depicts a conventional mounded disposal area for four bedrooms which would be built in accordance to East Amwell's requirement of 2.08 square feet per gallon per day at 650GPD. This system would require a retaining wall of almost eight feet due to the zone of treatment being lifted up over a shallow depth of bedrock. There would be four feet of soil for the zone of disposal. The retaining wall would hold back approximately eight feet of disposal area. There are wetlands on the property which limits where the bed can be located.

Mr. Tiedemann noted that there have been repairs on systems east of the property on Poplar Rd. but those systems are located on flatter land.

The second plan uses the DEP's 2008 guidelines for peat biofilter systems. A disposal area of approximately twenty by forty feet would be constructed using four pods. There would be a slight mound. The effluent would go to a septic tank and then to a pump dosing tank which will deliver the effluent to the peat pods. The top of the boxes will be around three to three and a half feet above the existing grade. The top of the boxes will stick out of the ground about six inches by design to draw oxygen into the peat.

Mr. Tiedeman explained that the second plan would be a lot less intrusive and conforms to the geography of the property and would provide a long lasting means of effluent disposal. He noted that a maintenance contract is required so the system will be inspected two or three times a year. Usually there is a modem installed on the system which will contact the maintenance company in the event of a problem with the pump system. One of the peat boxes will have a sampling port. The peat biofilters will be five feet over the disposal area; a retaining wall will not be needed with this plan. Mr. Tiedeman designed the system with a 5 to 1 slope as required by the Township. The toe of the slope will be ten feet from the property line; a waiver will be needed from the Township.

Mr. Tiedeman has designed many of these systems in the area including Kingwood, Delaware and Clinton townships; so far they are all operating as planned.

Ms. Carluccio inquired about the name of the system; Mr. Tiedeman replied that it's a peat biofilter with an open bottom peat box from Puraflow; the manufacturer is Anua. It was noted this system is approved by the DEP. Ms. Carluccio inquired about the contractor. Mr. Tiedeman replied that it is Ernie Luster who has put in these systems before.

Mr. Wang-Iverson inquired if provisions for backup power have been included on any of the other systems Mr. Tiedeman has installed. Mr. Tiedeman replied that it hasn't and explained that if there is no power the well won't function therefore effluent would not be delivered to the system. He said it is up to the homeowner if they want to hook the septic system up to an auxiliary generator. Tanks usually have one day of reserve in them. Ms. Carluccio said this could be discussed further when an application goes to the Board. She noted that tonight the Board is just determining if a peat system is recommended on this property and is preferable to a traditional system.

Ms. Carluccio said the real limiting factors are that a conventional system would need to be larger and include a retaining wall. A conventional system would also be located closer to the wetlands. With a peat system the mound could be lower eliminating the need for a retaining wall.

Ms. Carluccio inquired if all the soil logs were done. Mr. Tiedeman replied that they were; six were completed. The two logs where the system will be located were the most suitable logs for wastewater disposal. Mr. Tiedeman briefly went over the soil logs.

Mr. Wang-Iverson inquired if a pit bail test was completed. Mr. Tiedeman replied that one was not as soil samples were done for permeability class rating.

Mr. Wang-Iverson inquired about the size depicted for the conventional system. The GPD for a four bedroom house is 650; that would be 1352 square feet. The bed depicted is 1750sqft. Mr. Tiedeman explained that the 1750 includes the sand around the perimeter; and confirmed that the disposal area is smaller than the 1750sqft.

Mr. Berberabe inquired if a letter of determination for the wetlands would be needed. Mr. Tiedeman will be obtaining a letter.

Mr. Tiedeman noted that installation of the system is part of a real estate transaction and thanked the Board for holding the meeting tonight despite the inclement weather.

Ms. Carluccio informed Mr. Tiedeman that a waiver will be required for the permeability testing; it may be done in the field. Setbacks will require a waiver and the East Amwell well distance requirements will not be met also requiring a waiver. Notification about emergency backup will be required as there have been prolonged outages in the Township where residents have hooked up their well to a generator.

Mr. Van Horne inquired if the existing septic tank will be used. Mr. Tiedeman said most likely it would be replaced. An effluent filter is required on all peat systems which would require the tank to be upgraded. A locking manual cover would also need to be added.

Mr. Hamilton asked about the lines in the disposal field on the plan. Mr. Tiedeman said that they are the existing laterals.

Ms. Carluccio inquired about the probes. Mr. Tiedeman said there was not enough water coming into the hole for a pit bail test. A basin flood couldn't be completed as there is solid rock.

Ms. Carluccio asked if this was a malfunctioning system. Mr. Tiedeman replied that it was in the sense the laterals were constructed on steep pitches and the system needs to be upgraded for the real estate transaction.

Ms. Carluccio asked the Board if they would like to go ahead with a traditional system or allow a peat system at this location. Mr. Hamilton commented unfavorably regarding retaining walls as they do not last and need to be maintained. Mr. Tatsch commented on the concern of the wetlands being in close proximity of the retaining walls and noted the safety margin of any improvement to cleanliness of the effluent before it gets to the zone of disposal in the event of a future issue with the system. He noted this system is a good use of a peat design.

Mr. Tatsch inquired if the State approved the open bottom design. Ms. Carluccio replied that it is allowed by the State and the Puraflow system is specifically approved.

The consensus of the Board was that the peat system will be allowed on this property.

2. Septic Alteration Application B 30 L 41

Mr. Bill Jupinka from Bayer-Risse Engineering introduced himself. The application is for a property with an existing three bedroom house and one bedroom cottage. The existing system is for the main home; the plumbing for the cottage is piped to a pit.

Soil testing was completed in the rear yard. There is a stream in the rear of the property and some isolated wetlands. Soil conditions were not favorable; Mr. Jupinka went over the soils on the property. A waiver will be needed for the twelve inches of regional water table. With the mounded disposal system using the five to one side slopes the grading goes to fifteen feet from the property line; the Township requires twenty-five feet. The system meets the state's requirement of ten feet.

The system will be identical to the neighbor's system which is a mound system and the same grading conditions on their property.

Two new fifteen hundred gallon septic tanks will be installed. A pump tank will be utilized.

Mr. Wang-Iverson inquired if fifteen hundred gallon tanks will be specified. Mr. Jupinka said 250 gallon minimum [is required] per bedroom; the home is three bedrooms and the cottage has one bedroom. The bedroom in the cottage must be treated as two per code.

Mr. Wang-Iverson inquired if the effluent filter is a new [state] regulation. Mr. Jupinka said that it is; if there are two tanks in a series the filter is installed in the second tank. Mr. Wang-Iverson inquired about servicing requirements for the filter. Mr. Jupinka said it is a three year maximum; when the tank is pumped every two to three years the filter is hosed off as part of the cleaning process. Mr. Wang-Iverson asked if the recommendation is to pump both tanks every three years. Mr. Jupinka said pumping both tanks is recommended. Ms. Carluccio noted that the Board has not seen a note stating the effluent filter requires regular cleaning on any other application before. She suggested the Board consider conditions that require the pumping of the tank and cleaning the effluent filter for a minimum of every three years. Mr. Jupinka said the manufacturer's recommendations said not to exceed three years. Ms. Carluccio said this recommendation should be a condition of approval so

the property owner is aware it needs to be done. Mr. Jupinka noted that the filter is now required by state regulation; he indicates the filter on the as builts and notes. He noted that someone buying a home may not receive a copy of the as builts. Mr. Wang-Iverson inquired if the filter is a new regulation. Mr. Jupinka said that it is new this year.

Mr. Wang-Iverson inquired if a letter [of determination] from DEP is needed for the wetlands. Mr. Jupinka said a letter is not required as the system is not encroaching onto wetlands; he did his own mapping using an imap and the County visited the site.

Ms. Carluccio inquired about other disposal systems within 100ft. Mr. Jupinka referred to note 2 which refers to systems within fifty feet. Ms. Carluccio referred to the Township requirement of 100ft. Mr. Jupinka said the neighboring system is 68ft. A waiver will be needed for this distance.

Mr. Tatsch inquired about the height of the mound. Mr. Jupinka said it is 5ft 9in.

Ms. Carluccio summarized that the Board needs to consider waiving the twenty-five foot setback and approve the highest regional water table being at twelve inches rather than twenty-four inches noting there will still be 48 inches of separation. A waiver is needed for distance of the septic system from the neighboring septic system which is less than 100 feet away.

Mr. Wang-Iverson moved to approve the system with the three waivers. Mr. Tatsch seconded the motion. All were in favor; the motion was approved.

C. New Business

There was no new business.

D. Unfinished Business

1. 2014 Board of Health Budget

The current budget was provided via e-mail to the Board in their packet and hardcopies were provided at the meeting. Ms. Carluccio explained that the Board began discussing the 2014 budget at the November meeting. She noted that the Board is just meeting the budget this year; if there is any increase in activity the budget would be short. Ms. Rosikiewicz explained that there are refunds that have not yet been paid: \$360 for 2011, \$760 for 2012, and \$3480 for 2013. Refunds for soil log refunds for 2013 came out of the line for miscellaneous along with a fifty dollar food license refund and payment to the well witness.

Mr. Van Horn inquired if the Secretary had talked to the CFO regarding refunds; if the budget for refunds is too low they cannot be paid. He inquired if the refund line could come out of the Township budget since the revenue goes to the Township. He noted that the refund amounts can't be anticipated. Ms. Carluccio advised that it may be better to overestimate in this case as individuals are waiting for their money. If the funds haven't been spent by November they could be transferred. Ms. Rosikiewicz went over the amount of refunds for the past three years and the number of refunds issued. Mr. Wang-Iverson said just for the past years' refunds \$4000 will need to be budgeted. It was noted that the budget will need to be increased due to the anticipated increase in

activity; Ms. Carluccio noted that there has been an increase in applications in the past three years. The change in state regulations, mortgage company requirements, and upward economy are possibly driving the trend. The number of homes for sale in the Township was mentioned. Ms. Rosikiewicz noted that the refund amounts vary and she went over refund amounts for the year.

The procedure for refunds was briefly explained. Mr. Wang-Iverson inquired if refunds would be a separate line item; Ms. Rosikiewicz said it would be. Mr. Wang-Iverson suggested \$8000 be budgeted for refunds.

Ms. Carluccio inquired what the amount for Hunterdon County Contractual should be. Ms. Rosikiewicz went over expenditures for the year for that item. Ten thousand was budgeted for last year; this amount will be the same for 2014.

Six hundred was budgeted for the hydrogeologist in 2013; there was \$412 expended. The Board agreed to budget \$600 for this line in 2014.

There was \$8000 budgeted for perk/soil logs in 2013; this line is over budget as \$12,000 was spent so far in 2014. It was noted that there has been a large increase in the number of tests performed; so far this year there have been eight more than last year. This line item will need to be increased to \$15,000 due to the anticipated increase in activity. It was noted that this line is for the payment of soil log witnessing fees that were paid to the Township.

The salt monitoring costs \$55 per test; \$485 was spent last year. The Board will budget for nine tests at \$55 each at a cost of \$495.

One thousand dollars was budgeted in 2013 for the Back Brook water reports. This report will not be needed in 2014. The Board agreed to change the name of this line item to "reports" and budget \$200 for it. It was noted that this report has cost more than \$1000 in the past; there may need to be a resampling as the report for 2013 has not been written yet, it is written in December.

Mr. Wang-Iverson inquired if the Board will need to pay for the county representative, Mr. Wyckoff, to attend the monthly Board of Health meetings. Ms. Rosikiewicz inquired if this would go under a separate line or the line for Hunterdon County Contractual as the fee will appear on the quarterly bill from the County. Mr. Wyckoff will attend quarterly at no charge; if he attends more than four meetings a year the Board will be charged \$50 per meeting for his attendance. It was suggested the Board budget for his attendance in the event it is needed at more than four meetings.

Mr. Wang-Iverson inquired about the estimated amount of the next bill from the County. The Secretary explained that the number of food licenses hasn't changed but there have been many more septic applications. It was agreed that four hundred dollars will be budgeted for the county representative to attend the meetings in case Mr. Wyckoff is needed at a meeting in addition to the four meetings he will be attending at no cost.

Four hundred dollars will be budgeted for Training. Ms. Carluccio inquired about what comes out of Miscellaneous. Ms. Rosikiewicz replied that refunds such as food license overpayments and the well witness fee comes out of this line.

Ms. Rosikiewicz reported that soil log witness fees billed to the Township may be increasing in 2014.

Mr. Tatsch explained that one well drilling discharge test and one three part test were completed last year which resulted in well witness fees of around \$200. There will be a another test soon to be completed Dec. 31st. Mr. Wang-Iverson suggested \$500 be budgeted for well witnessing and asked the Secretary to inquire if that has to be separate line or should go under miscellaneous. If well witness fees are part of the miscellaneous line then \$1000 should be budgeted for it.

There are not any anticipated changes for Salary and Wage.

Ms. Carluccio asked if there was anything else for the budget. The Secretary replied legal needs to be budgeted for and ordinance changes if there will be any in 2014. Ms. Carluccio said the Board should budget for ordinance changes and went over the costs of the recent change to the Food Ordinance. There was \$32 for a paralegal review and \$121.38 for legal advertising.

Any legal advertising will come out of miscellaneous; \$1000 should still be sufficient. Legal Services was budgeted at \$100 in 2013; this will stay the same for 2014. It was noted that the attorney fee is \$160 an hour.

ITEMS OF DISCUSSION

A. Education and Health Issues

1. Hunterdon County Division of Public Health LINCS

a. Fax 12/13/13 Re: Info Lyme Carditis

The Board exchanged comments on this type of Lyme disease; it is more deadly than regular lyme disease.

B. Well Witnessing-Availability of Witnesses

Mr. Tatsch is anticipating there will be more tests performed in the future. He doesn't mind witnessing the test if he is available. He explained that there are two types of tests performed, the drilling discharge test and the three part pump test. For the drilling discharge test a witness spends an hour out in the field to witness the test and complete the paperwork. The witness receives \$50 for a drilling discharge test. The witness needs to be available when the well driller is available as the equipment is on the site and they cannot remove the equipment until the test is complete. The witness needs to block out a couple of days ahead of time to be available for when testing could occur. The three part pump test can take a full eight hour day including one hour to complete the paperwork; for this test the witness is paid \$120.

Covering witnessing of the tests is problematic if there is only one person who can do it. Mr. Tatsch asked the Board how these tests should be covered by witnessing. He inquired if they would consider having the well driller self-witness the test or advertise for a witness. He asked the Board their feeling on the witness fees in relation to how many hours the test takes; perhaps

the fee should be changed. Mr. Tatsch said may not be available that often for witnessing in the upcoming year.

Regarding the drilling discharge test Mr. Tatsch reported that one of the well drillers advised him that the driller could witness the test. Mr. Tatsch asked if this was in the ordinance. Board members confirmed that the ordinance states if no one is available the drilling discharge test can be witnessed by the driller.

Self-witnessing is not an option for the three part test. Mr. Tatsch said that it is almost impossible for only one person to operate and witness this test. To allow the well driller to self-witness for this test would require a change to the ordinance.

Ms. Carluccio commented about the possibility of the perk witness also witnessing wells; the perk witnessing is done at a much higher cost. The applicant would have to cover the cost.

Ms. Carluccio further explained that according to the ordinance the witness has to be a member of the Board of Health. She suggested asking current Township board members if they were interested in witnessing before advertising for a witness. She expressed the importance that a quality job be completed consistently by the witness. Mr. Tatsch commented on the difficulty of finding someone to witness by advertising due to the nature of the job; it may be better suited for someone who would see it as an interesting service. Ms. Carluccio inquired if there were any Board of Health members who are interested. Mr. Tatsch will continue witnessing the tests if he is available but a second person is needed to assist. Mr. Hamilton expressed interest if he is available.

Mr. Van Horn inquired about who pays for the soil test witnessing. Ms. Carluccio replied that the applicant does. Mr. Van Horn asked why an applicant for a septic is accepted to pay so much for a witness but not for a well witness noting that there are far fewer wells than septic systems. Mr. Tatsch said if it's new property he can see the rate as a cost of the development of new land. Mr. Van Horn said it makes sense to raise the fee. It was noted Hopewell Township performs the same type of testing; Ms. Carluccio will inquire with their Health Officer as to how they handle witnessing. It was noted that they have a qualified person on staff and do not utilize the County. It was suggested the Board see about using their witnesses. Kingwood Township requires well testing; the Board Secretary will find out more information regarding how they witness the testing. Mr. Tatsch said if there were other municipalities who utilize a witness it would be ideal for the witness to be a shared service between the municipalities. Ms. Carluccio will inquire from the soil log witness what the charge would be for him to be a well test witness. Using the hydrogeologist, or a staff member of their office, was also suggested.

For the time being Mr. Hamilton is interested in witnessing and Mr. Tatsch can witness the test on December 31st. Ms. Carluccio and Ms. Rosikiewicz will research other options and report back.

Ms. Carluccio reported that on the test to be performed on December 31st the applicant mistakenly noticed three West Amwell Township residents. Two residents have requested interference testing; one from East Amwell and one from West Amwell. Testing is not performed by East Amwell Township in other townships as there are no agreements in place for this. West Amwell does not have a well ordinance and this well is in their jurisdiction. The Board Secretary

advised the West Amwell homeowner that East Amwell cannot provide interference testing and directed her to call West Amwell Township. Ms. Carluccio inquired to the Board that if West Amwell agrees to East Amwell's protocol should the well be tested. Mr. Tatsch inquired what would happen if interference in the well was demonstrated. Mr. Wang-Iverson said that unless the Board is prepared to not use the East Amwell well based on results from the West Amwell results the test shouldn't be run. Ms. Carluccio said if West Amwell agrees on basic protocols and agrees the test is valid the Board would want to know if there is well interference. Mr. Hamilton noted that wells in East Amwell needed to be redrilled after the minigolf course in West Amwell was built. He said it would be favorable if there was an agreement that crossed township lines but legal advice would be needed. Mr. Tatsch noted that an agreement would be different than a binding legal ordinance. Neither an agreement nor an ordinance is an option in this short timeframe.

Ms. Carluccio said the applicant was directed to call West Amwell Township. If the West Amwell well is tested and there are issues then East Amwell does not have jurisdiction. Providing the test for information only was mentioned. It was pointed out that there is liability if something goes wrong. Mr. Tatsch suggested providing the results of the East Amwell testing to the West Amwell Board of Health. Mr. Tatsch said that the new well was already tested using the drilling discharge test; the results were 8gpm. He noted that this is an "outstanding" well as it is way above the required 3gpm to be an unrestricted use well. There is plenty of water available in the aquifer to provide for this house. The test is being performed as a requirement of the Township ordinance but interference is not anticipated.

Mr. Van Horn inquired about any recourse for the homeowners who had to redrill their wells after the minigolf course was built; there was no recourse.

B. Carousel Deli water supply-report.

Ms. Carluccio informed the Board that a letter was sent by certified and regular mail to the owner of the building that Carousel Deli is in; the Board members received copies of it in their packet. The letter explained that the water needs to be boiled according to specifications taken from the State statute or bottled water provided. She advised the Board that the NOV is under the DEP and explained the process. Well testing is completed; if testing is failed a second round of testing is completed. If the second round of testing is failed an action must be taken to replace the well or install a treatment system to remove the pollution. DEP has advised Ms. Carluccio that permanent action is being taken. DEP is taking enforcement action against the owner as they believe a false statement was made by him.

Mr. Wang-Iverson inquired if the deli can remain open. Ms. Carluccio said it can as bottled or boiled water is being used; the DEP enforcement officer will do an analysis regarding this when he visits the site.

Mr. Van Horn inquired about the housing code mentioned at the November meeting which the County cannot enforce unless the Township adopts it. The Secretary is in contact with the County regarding this.

Mr. Tatsch confirmed that the property owner is responsible for remedying the issue; the seriousness of the problem was mentioned.

C. Board Secretary's Report

There was no report.

CORRESPONDENCE

A. East Amwell

1. 11/22/13 Report of Analysis from Garden State Laboratories, Inc. re: Municipal building drinking water sample.

Ms. Rosikiewicz explained that the light for the UV system on the municipal building well was replaced in August. Mr. Tatsch said the contractor who installed the bulb should be notified as there may be an issue with the bulb. In the past when the bulb has been replaced the plate count has dropped way down; it is currently at 1000 which is twice the recommended level. The water isn't unsuitable for use but is above a level that was achievable in the past.

B. New Jersey

1. 12/12/13 E-mail from Cindy Randazzo, NJ DEP Re: Grant opportunities

Mr. Hamilton referred to this e-mail and inquired if the Board could look into this. Ms. Carluccio suggested a joint project with the Environmental Committee. Mr. Tatsch suggested a grant be considered for future event as this grant deadline is in February and there is not enough time to plan something that quickly. A past township project in Clawson Park which utilized grant funds was referenced.

BILLS OF THE EVENING

Mr. Hamilton made a motion to pay the bills of the evening; Mr. Peyrek seconded it. All were in favor with one abstention from Mr. Tatsch.

OPEN TO THE PUBLIC

Being no public present at this time Mr. Van Horn made a motion to close the meeting to the public; seconded by Mr. Berberabe. All were in favor; the motion carried.

ADJOURNMENT

Mr. Wang-Iverson motioned, seconded by Ms. Serafin, to adjourn the meeting at 9:25 p.m. The motion carried unanimously.

Respectfully submitted,

Christine A. Rosikiewicz