

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

In compliance with the Open Public Meetings Act this meeting was advertised as a regular meeting in the February 13, 2014 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 July 10, 2014.

ANNOUNCEMENTS/AGENDA REVIEW:

Under Unfinished and New Business

Unfinished Business:

Proposed changes to Chapter 176 – Water Supply – continued discussion

Under Items of Discussion

Hunterdon County Division of Public Health LINC'S

7/10/14 Info: HSEEP 3-Day Training Course

Under Correspondence

East Amwell Township

Peacock Building – B 37 L 34 New Jersey Pollutant Discharge Elimination System Discharge to Ground Water General Permit Authorization effective 11/1/13.

PRESENTATION OF MINUTES –JUNE 17, 2014:

Mr. Hamilton made a motion to approve the minutes as drafted; Mr. Tatsch seconded the motion. All were in favor; the motion passed.

OPEN TO THE PUBLIC

Being no comments from any public Mr. Hamilton made a motion to close to the public; Mr. Berberabe 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 the remediation process is ongoing; no updates have been received.

2. NOV 6/13/14 B 25 L 11.02

Mr. Wyckoff reported that this is a solid waste complaint. The investigator has reported that there is some progress being made; metal has been hauled off the site. The deadline has been extended to September 16th. It appears additional vehicles have been put on the property; vehicles fall within the Township jurisdiction and not the County.

Mr. Tatsch asked when a vehicle becomes solid waste. Mr. Wyckoff replied that it never becomes solid waste. Mr. Tatsch asked if it is known if the vehicles are unregistered and what their purpose is. Mr. Wyckoff did not know but will follow up and report back to the Board.

3. 6/18/14 Retail Food Establishment Closure Notice – Jersey Fresh

Mr. Wyckoff reported that there was a smoothie operation inside Jersey Fresh. This facility is not set up as a retail food establishment as there are water quality issues, septic issues and important aspects of a retail food establishment are missing. The deficiencies of the operation were outlined on the closure notice and the owner voluntary signed off on the notice as he realized the deficiencies could not be remedied at this time. The scope of the establishment is produce, plants and Italian ice. The smoothie operation was shut down when Mr. Wyckoff left; he will be out to verify that it completely shut down.

4. NOV 4/16/14 B 17 L 16.07 – update

Mr. Wyckoff reported that this was a solid waste complaint on a foreclosed property which is currently up for sale. The original court date was postponed; a new court date has been set to August 11th.

Mr. Hamilton inquired if this property posed any public danger. Mr. Wyckoff said that it didn't. There is a pool but it is enclosed by a fence.

5. NOV 4/12/14 B 11 L 5 – update

Mr. Wyckoff reported that the investigator has not seen any significant progress on this property. The investigator has taken this property to court; a court date is set for August 11th at 4:30pm. If the solid waste is removed by August 11th then the court date will be canceled.

NOV 6/13/14 B 25 L 11.02 (revisited)

Mr. Tatsch referred to this NOV. He suggested the Zoning Officer be contacted to determine what the regulations are for unregistered vehicles and what the Township can enforce. He is concerned with the amount of toxic fluids in the vehicles. Ms. Carluccio asked the Board Secretary to ask the Zoning Office about the vehicles. Mr. Tatsch asked at what point does a property become an illegal junkyard; junkyards are not allowed in the Township by ordinance.

6. Complaint – Carousel Deli

Mr. Wyckoff reported that a complaint was received about a plumbing problem within the building at the Carousel Deli. There was a breakout in the parking lot from the building; it was noted that is has happened at least once before in past years. It was noted that the septic system or the field was

not malfunctioning. The problem has been rectified. Ms. Carluccio inquired if something could be done to prevent this or alert the property owner when this happens.

B. Preview Committee

1. Septic Alteration Permit Extension Application B 6 L 26

Mr. Michael Textores, PE introduced himself for the record. He is representing Mr. Robert Perekhyns for this request for an extension on a previously approved septic system for B 6 L 26.

Ms. Carluccio said that Board members received information about this application in their packets and the Preview Committee met and went over this application.

Noting that the original application is from several years ago Ms. Carluccio said there was a question of when the last extension was given. Mr. Textores provided a letter to the Board addressing the changes in code that have been made since the permit was applied for; it needs to be determined if these changes will affect the original design of the approved system.

The last extension was granted in 2010. Township code states that two year extensions can be given. Ms. Carluccio said she spoke to Mr. Textores today via phone and advised him that since the last extension has expired a new application would be required.

Mr. Textores reported that the initial approval was granted on October 26, 2004. This approval was good for three years. Extensions were granted in 2009 and 2011. The last extension expired in October of 2013.

Mr. Textores went over his June 18, 2014 letter to the Board. The application was approved October 26, 2004. There have been changes to the State code since that time; he explained that they are minor as they apply to this system. These changes, which are outlined in the letter, include installation of an effluent filter and a permanent non-corrosive marker installed to the manhole cover of the riser. The biggest change is that septic tanks and pump tanks, including risers and inspection ports, need to be tested in place. The last change is a minor change in suitable fill requirements.

He is requesting this evening that the Board extend the previously permitted extension approval including the items addressed in the letter as a condition of approval.

Mr. Textores stated that the actual septic bed design and soil testing from 2014 is still valid today. The only changes necessary are construction related. These changes would be complied with if the extension is granted.

Ms. Carluccio noted that soil log testing would not need to be completed again as the soil testing requirements have not changed since the system was approved. She said since there have been changes in the State code the Board has to decide if they want to extend this application, which is deficient, with conditions or, considering the lapse of time since the last extension is expired, require the approval be reapplied for.

Ms. Carluccio asked Mr. Textores to provide background from when the plan was first designed.

Mr. Textores explained that the original design and plans were provided by Mr. Randy Grant, who has since passed away. There has been difficulty in obtaining his records. The plans were drawn by hand. They would need to be reproduced if the application has to be reapplied for. It is a complicated process and there is a cost involved.

Ms. Carluccio said that there is an incomplete file which needs to be considered by the Board as there is not a full application that is simply being extended.

On a question from the Board Mr. Textores said there is a plan he constructed from information from the original engineer. The Township has a copy of this. It is unknown where the original plans are. Since the plans are hand drafted Mr. Textores cannot easily make changes or modify them. He would then have to change the name and seal on the plans to his name.

Mr. Textores said he could build from the plans if the extension application is approved but if the plans need to be resubmitted he cannot seal the plan as the engineer for the original plans is now deceased.

Ms. Carluccio said there is no valid plan to be considered for extension at this time. Mr. Berberabe noted that the Board would be violating its own ordinance if it extended the permit at this time as it has already been extended and since expired.

Mr. Textores said he spoke to Mr. Perekhynis who assured him that the system would be built within the two year time frame if the extension to October 2015 was granted.

Ms. Carluccio said if a new application was submitted the permit would be valid for three years.

Mr. Peyrek confirmed with Mr. Textores that the design for the system would not be changed. He inquired how the differences would be noted as there are no original plans. Mr. Textores said if the permit was extended the June 18th letter would be included with the plans. Mr. Textores confirmed that the size and location of the system would not be changed.

Ms. Carluccio read from the Township code 171-3F regarding the expiration of septic permits as follows:

Every permit issued for the construction of an individual subsurface sewage disposal system after the adoption of this chapter shall expire three years after the date of issuance unless construction of the realty improvement with respect to which the permit was issued has commenced prior to such time. The administrative authority may, in its discretion, renew for two years a permit which will expire under the provisions of this section. Such renewals shall be obtained through application to the Board of Health using the East Amwell Township Board of Health construction permit form.

Ms. Carluccio said that in the past additional two year extensions have been allowed if there has been no change in the Township and State codes as the ordinance is not very explicit on this. Usually extensions are requested for financial reasons due to the economic conditions.

Mr. Textores noted the special reasons his client has for requesting this extension and that the system will be built if the extension is granted.

Mr. Tatsch inquired if the plans could be redrawn, with the four items from the letter included in the right hand side of the plans, and resubmitted.

Mr. Textores said it could be done if a good copy of the original plan was located and scanned. Modifications to the notes could then be added. Mr. Textores was unsure how to certify the plans. Mr. Textores said he could note that the plan is based on plans done by Mr. Grant or some other caveat as they are not his original plans.

Mr. Tatsch spoke of two issues; that the Board needs to follow the ordinances as closely as possible and the Board would feel more comfortable if the plans were rewritten as discussed. Ms. Carluccio said a new plan would mean paying the County and Township application fees and going through the application process.

Mr. Textores asked if the application would still need to go to the County as the County approval is still valid. Ms. Carluccio said there will be a new plan with a new seal. The soil tests and design will be from the previous approval but the plan and seal will be new. Mr. Textores asked if new soil testing would need to be completed. Ms. Carluccio didn't believe it would need to be done.

Mr. Tatsch explained that new plans would show that the new system has met the present requirements. This is important if the house is built and then sold.

Ms. Carluccio summarized that the engineer will use what is available to draft a new plan and submit a new application.

Mr. Tatsch made a motion that regarding permit extension application for block 6 lot 26 the Board is requiring a redraw of the plan and resubmission of the plan as a new application using as much previously developed information as appropriate including the four revisions on the Van Cleef Engineering letter of June 18, 2014. Mr. Peyrek seconded the motion. All were in favor; the motion passed.

C. New Business

1. Introduction of Ordinance 14-01 BH- An Ordinance Amending Chapter 152 Food Establishments

Ms. Carluccio announced that copies of the ordinance are available in the back of the room. This is an amendment to Chapter 152 Food Establishments. Ms. Carluccio read the ordinance by title and the line to be changed under #3: *Mobile food establishments shall be permitted at four locations within East Amwell Township: Hunterdon County South County Park, the field behind the Amwell Valley Fire Company building on John Ringo Road, the vineyard on B 17 L 14.02, and the vineyard on B 32 L 1.* Temporary Food Permits would still be issued for other vendors at the vineyards. This change will provide a savings to the vendor as they will only pay for one annual license and will

save administrative time on the part of the Township. A memo was sent to the Township Committee and Planning Board providing an opportunity for comments on or objections to the Ordinance; it was discussed at both the Township Committee and Planning Board public meetings. There were no comments from either or the public at either meeting.

**TOWNSHIP OF EAST AMWELL
NOTICE OF INTRODUCTION
ORDINANCE 14-01 BH
AN ORDINANCE AMENDING
CHAPTER 152 FOOD ESTABLISHMENTS**

AN ORDINANCE TO AMEND THE CODE OF EAST AMWELL TOWNSHIP CHAPTER 152 SECTION 152-4 TO ALLOW MOBILE FOOD ESTABLISHMENTS AT TWO VINEYARDS IN THE TOWNSHIP.

BE IT ORDAINED, by the Board of Health, of the Township of East Amwell, County of Hunterdon, State of New Jersey, that Chapter 152 section 152-4 of the Code of East Amwell Township, Food Establishments, be amended as follows:

Section 152-4 of the Code of the Township of East Amwell entitled "Fees" is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~)

A. Permanent and Mobile Food Establishments

Licenses are effective for one year, commencing on January 1 and may be renewed for succeeding years. Licenses are not transferrable. There are four categories of regular establishments with varying fees, as described below:

- (1) Category 1: Newsstands, pharmacies and other establishments handling commercially prepared, prepackaged, non-potentially hazardous foods as an incidental part of their business: \$125.00

- (2) Category 2: An Agricultural Farm Market that sells, in addition to whole uncut produce, potential hazardous products such as: milk, cheeses, farm raised poultry, (fresh or frozen), farm raised meat (fresh or frozen), cider and other commercially prepared foods and grocery food items that account for 50% or more of the sales area: \$125.

Potential hazardous foods are those requiring temperature control that prevents bacterial growth for safe storage and handling. Grocery items are those commercially prepared, pre-packaged foods or food supplies that can be safely stored at room temperature: canned, bottled or dried goods, eg.

NOTE: A Bed and Breakfast Homestay as defined at N.J.A.C. 5:70-1.5, that prepares and offers food to guests, if it is home owner occupied, and breakfast is the only meal offered, by code, is not included as a "retail food establishment". Agricultural Markets offering for sale only whole uncut produce are not subject to inspection or licensing.

- (3) Category 3: Mobile Retail Food Establishments, which include 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: \$225

Note: Mobile Food Establishments shall be permitted at only ~~four~~ **two** locations within East Amwell Township: Hunterdon County South County Park, the field behind the Amwell Valley Fire Company building on John Ringo Road, **the vineyard on B 17 L 14.02, and the vineyard on B 32 L 1**. 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.

- (4) Category 4: All other retail food establishments: \$225.

B. Temporary Food Establishments

For temporary retail food establishments operating for not more than three consecutive days, the fee will be \$100.00. For temporary retail food establishments operating for four

or more consecutive days to a maximum of fourteen days, the fee will be \$150.00. The fee shall be waived for all nonprofit organizations which provide written proof of federal tax exemption pursuant to Section 501(c) (3) of the Internal Revenue Code.

By Order of the Board of Health,

Tracy Carluccio, Chairperson

Attest:

Christine Rosikiewicz, Board Secretary

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Mr. Hamilton made a motion to introduce the ordinance. Mr. Berberable seconded the motion. Roll call vote: Mr. Berberabe, yes; Mr. Hamilton, yes; Mr. Peyrek, yes; Mr. Tatsch, yes; Mr. Slecza, yes; Ms. Serafin, yes; Ms. Carluccio, yes. All were in favor; the motion was passed.

The Board Secretary noted that this Ordinance will be published in the July 24th issue of the Hunterdon County Democrat. Public Hearing and Adoption will be on August 19, 2014 at 7:30 at the regular meeting of the Board of Health. Ms. Carluccio noted that the Board attorney reviewed this ordinance.

2. Annual Sodium and Chloride Well Testing Results

Mr. Tatsch provided charts he composed to illustrate the results beginning in 2006 and over the charts with the Board. Two sites near the grit yard are no longer part of the study. The results are very consistent. The control levels have remained fairly steady for the past eight years. The experimental levels have also remained fairly steady although one well had a change in sodium levels. Mr. Tatsch believes there could be some leakage from the water softener back into the system which could be the cause of the higher sodium levels in that sample. There is not a trend of increasing sodium or chloride levels. There is no contribution of road salt into any of the samples which is favorable. Mr. Tatsch said the Township Department of Public Works is very

judicious in the amount of salt they use; he would expect an increase in salt in samples near County roads as they are salted by the County.

Mr. Tatsch suggested to the Board that they cease testing at one of the control sites to save money as they control results have been very consistent; he believes leaving only one control would be fine.

Ms. Carluccio asked if Mr. Tatsch could explain the result numbers. Mr. Tatsch explained that there is naturally occurring choride in the rocks in the Township; they tend to be present more in the sedimentary rocks including red shale. Mr. Tatsch explained that in terms of hardness of the water the water in the valley, and where there is shale type rock, tends to be harder as it contains a higher level of dissolved minerals than the water on the mountain. He noted that the water on the mountain can be a bit acidic as it is in general low in mineral content. Some of these minerals may contain naturally occurring sodium or chloride so low levels may be detected in the testing. The results over years will determine if there is any increase in the levels. He further explained that chemistry can be used to calculate the amount of sodium that should be on every chloride ion as it can be determined what the proper ratio is and then determined where the sodium is derived from. Mr. Tatsch calculated this a few years ago and learned there was tremendous variation between the theoretical level and the actual level especially in the two samples near the grit yard. This was thought at the time to be caused by a high level of salt put on the road by the County. In most of the samples there was not a good correlation which leads him to believe that the sodium in the samples is from naturally occurring minerals and not related to road salt.

Mr. Carluccio inquired about the range of the levels. Mr. Tatsch said 50 parts per million is the State mcl (maximum contaminate level) for sodium. It was noted that 48 was the highest reported in the study. For chloride the State mcl is 250 parts per million or milligrams per liter. The tests are well below on both of these. Mr. Tatsch believes the higher level in sample E4 are due to the water softener. He does not see any areas of real concern except that the levels in the two discontinued samples near the grit yard may have an increased chloride level in comparison to the rest of the Township due to the use of calcium chloride through the years. Ms. Carluccio noted that it would be beneficial to resume sampling at the locations by the grit yard.

The possibility of a water softener increasing the sodium levels was again commented on. Mr. Peyrek offered to use his residence for testing for "before and after" as he has a water softener which is not hooked up to one of his faucets.

The importance of testing near the grit yard was noted as that is where road salt is stored. Other wells down gradient of the grit yard that could be tested were discussed. Mr. Hamilton offered to visit two residences to ask about testing; it was suggested his visits be followed up with a letter from the Board.

Ms. Carluccio explained that one of the reasons this testing program began was because of questions from the Environmental Commission inquiring about how the salt management program that the Township had put in place was operating. The Environmental Commission used to sample streams; this program was discontinued. The Board secretary will forward the charts to the Environmental Commission and direct them to Mr. Tatsch with any questions.

3. 6/27/14 letter from Glorianne Robbi, Chair FOSPC re: Request for a letter of support for East Amwell Township’s application to Hunterdon County for Cooperative Open Space Acquisition Program Grant for East Jersey Developers 10 acre parcel, Block 35 Lot 18.01 on South Hill Road in the Sourlands.

Ms. Carluccio submitted a letter as Board Chair on Friday as the letter was needed by yesterday. Every Township Board submitted a letter to be on file at the County supporting the application. Mr. Tatsch commented favorably on the acquisition as it fits in with existing preserved land and is a “delicate location”. Ms. Carluccio commented on the quality forest on the land and that the headwaters that feed the regional groundwater table come from there. Springs that flow to the Back Brook and then the Neshanic River originate there; it is the beginning of a water supply. The Board discussed the radio tower on the property which is to be removed. Mr. Tatsch inquired if it was the Valley Oil tower. It is possible it is the AT&T tower; or Valley Oil sold it to AT&T. It is noted that the tower is over thirty years old.

D. Unfinished Business

1. Proposed changes to Chapter 176 – Water Supply – continued discussion

This item will be tabled until the August meeting.

ITEMS OF DISCUSSION

A. Education and Health Issues

1. Hunterdon County Division of Public Health LINC S

It was noted that the 7/1/14 LINC regarding “Staying Healthy During the Agricultural Fair Season” and the 7/2/14 LINC regarding “Recent Animal Rabies Cases” were put on the Township website.

C. Board Secretary’s Report

There was no report.

CORRESPONDENCE

A. East Amwell

1. 6/20/14 Report form Garden State Laboratories re: Ladies’ and Men’s Room, Clawson Park

Mr. Tatsch commented that this report looks good.

2. Peacock Building – B 37 L 34 New Jersey Pollutant Discharge Elimination System Discharge to Ground Water General Permit Authorization effective 11/1/13

Ms. Carluccio reported that this permit was received by Mr. Jeff Robertson. Ms. Carluccio is in contact with Mr. Robertson. She will make sure that changes, if needed, are made to the Water Quality Management Plan. There are no wetlands on the property therefore Mr. Robertson will be receiving a letter of determination from the State. All the requirements are being met.

BILLS OF THE EVENING

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

OPEN TO THE PUBLIC

Ms. Carluccio said Walt Wolf from Ferriero Engineering met with the Board in the past to speak on septic system design including soil log testing and State requirements. This talk was very beneficial and there is interested in scheduling another. A mutually convenient time for Mr. Wolf and the Board was discussed. A special meeting before the regular meeting in October for educational purposes was considered; Ms. Carluccio will contact Mr. Wolf.

Being no comments from any public present Mr. Peyrek made a motion to close the meeting to the public; seconded by Mr. Tatsch. All were in favor; the motion carried.

ADJOURNMENT

Mr. Tatsch motioned, seconded by Mr. Berberabe, to adjourn the meeting at 8:56 p.m. The motion carried unanimously.

Respectfully submitted,

Christine A. Rosikiewicz