

The regular meeting of the Board of Health was called to order at 7:32 p.m. Present for this meeting were Tony Berberabe, Tracy Carluccio (Board Chair), Les Hamilton, Pauline Serafin, Larry Tatsch (Vice Chair), Ted Peyrek, Bogdan Slecza, and Charles Van Horn. David Wang-Iverson was 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 August 8, 2014.

**ANNOUNCEMENTS/AGENDA REVIEW:****Under Items of Discussion – Education and Health Issues:**

Hunterdon County Division of Public Health LINCS

8/19/14 Info: First Responders/Fixed Facility Full-Scale Medication Distribution Exercise

**Under Correspondence – East Amwell Township:**

8/11/14 Report of Analysis – Clawson Park Tap

**Under Bills of the Evening:**

County of Hunterdon Health Inspection Billing \$1600

**PRESENTATION OF MINUTES –JULY 15, 2014:**

**Mr. Tatsch made a motion to approve the minutes as drafted with one typographical correction; Ms. Serafin seconded the motion. All were in favor; the motion passed.**

**OPEN TO THE PUBLIC**

**Being no comments from any public Mr. Tatsch made a motion to close to the public; Mr. Hamilton 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. FINAL NOV 7/16/14 B 25 L 11.02

Mr. Wyckoff reported that this is a solid waste complaint at the residence. The property owner is making progress. The inspector has extended the clean-up date to September 16<sup>th</sup> and will inspect again at that time. There are vehicles and accumulated solid waste on the property. On a question about when a vehicle becomes solid waste Mr. Wyckoff replied that it becomes solid waste when it

is broken down into components and parts. The County Division of Health has jurisdiction over the parts which are solid waste but if there is an entire vehicle it falls under the jurisdiction of municipal Zoning. Mr. Tatsch inquired if there are vehicles on the property. Mr. Wyckoff said there were both vehicles and parts; the parts should be removed. Mr. Tatsch expressed concern for the oil, gasoline, or other potentially polluting materials that could be in the vehicles.

3. NOV 4/16/14 B 17 L 16.07- update

This property is in foreclosure. There was a court date set for August 11<sup>th</sup>; the property owner did not appear. It has been rescheduled for September 8<sup>th</sup>. If the property owner fails to appear on that date a warrant will be issued. Mr. Wyckoff further explained that the County would not be present on the 8<sup>th</sup>; the judge will issue a reprimand and schedule a future date for action.

4. NOV 4/12/14 B 11 L 5 – update

There was a court date set for August 11<sup>th</sup>; the property owner did not appear. A second date of September 8<sup>th</sup> was scheduled where the property owner will receive a reprimand and a future date for action will be scheduled. The County will not be in attendance on September 8<sup>th</sup>. The County's only jurisdiction is over the solid waste on the property which includes a variety of household garbage, TV's, scrap wood, bicycles, mattresses, a microwave, broken toys, plastic buckets, and soda cans. Some progress had been made but the work has stopped. On September 8<sup>th</sup> a future court date will be scheduled where the owner will be ordered to clean up the property. The house is currently occupied.

Mr. George Somjen, 8 Boss Road, asked to speak. He reported that half an hour ago there were two State Troopers and Animal Control at the house. The house has no electricity or plumbing. Mr. Wyckoff advised Mr. Somjen that the County Division of Health has no jurisdiction to enter the house. It was noted that the home is in foreclosure.

Ms. Carluccio inquired what the County would do in this situation. Mr. Wyckoff replied that nothing could be done unless the tenant complains. The owner would then be made to correct the problem. Ms. Carluccio said it is not legal to live in a house without sanitary facilities per state code. It was noted that there is a hole in the house providing access to the basement. Mr. Tatsch inquired about who would enforce state code. The Board agreed to advise the Township Administrator and Zoning Officer of the ongoing problems that the County has been working on and the lack of utilities and sanitary facilities at the house.

B. Preview Committee

1. Septic Alteration Application B 35.01 L 14

Mr. Doug Fine, PE approached the dais. It was noted that the Preview Committee reviewed this application. Mr. Fine explained that this application is for a four bedroom home with no expansion. The home could be a five bedroom but the new owner is foregoing the fifth bedroom. A wall was removed to make the home only four bedrooms; there is no physical fifth room.

It was noted there was an error in the County approval letter. The first waiver in #1 states that the bed is 165 feet from the water course; the actual distance is 243 feet from the water course and 165 feet from the wetlands. Waiver #1 is not needed as the setback requirement has been met.

Mr. Fine explained that five soil logs were taken and two pit bails. The system will be 200 feet from the well.

Mr. Fine referred to #2 in the County letter regarding soil conditions. There was shallow mottling; a waiver will be needed for the high water table. The system will have a 48 inch zone of treatment above the highest water table at 17 inches; the state code is 24 inches for the water table.

Mr. Tatsch inquired about the mottling. Mr. Fine said it is a discoloration which can be caused by mineral deposits or oxidation.

Ms. Carluccio referred to page 8, #12. The well distance should be changed to 200 feet from 100 feet. Ms. Carluccio inquired about offsite wells. Mr. Fine said that the neighboring wells are over 200 feet from the system including the tanks. It should be noted that there are no neighboring wells within 200 feet; Mr. Fine will add this.

Mr. Berberabe inquired about a graphic on page 2. Mr. Fine replied that it is a tree and that the pipe will go around it.

Ms. Carluccio confirmed that the existing tank will be crushed and abandoned. Mr. Fine said it will be crushed in place.

Mr. Tatsch inquired if there was breakthrough with the existing system. Mr. Fine said there was this past winter.

On a question from the Board Mr. Fine confirmed that the tanks will be tested in place per State requirements.

Ms. Carluccio said a motion on this application would include changing the field note 24 on sheet 8 to reflect that there were no adjoining wells within 200 feet. A waiver is needed for the regional water table at 17 inches, instead of 24 inches as required by the State, per #2 on the County approval letter. This waiver is allowed as the new system will be more in conformance to 7-9A than the existing system. Item #1 in the County letter is an error and does not apply.

**Mr. Tatsch moved to approve the septic system application as designed with the change to note 24 on sheet 8 to indicate that there are no water wells within 200 feet of the system, that item #1 in the County letter does not apply as it is an error as the wetlands distance is greater than 150 feet and the watercourse distance is greater than 200 feet, and that the Board will waive the item #2 in the County letter for the 17 inch mottling layer. Mr. Hamilton seconded the motion. All were in favor; the motion was approved.**

C. New Business

There was no New Business.

D. Unfinished Business

## 1. Public Hearing and Adoption of Ordinance 14-01 BH – An Ordinance Amending Chapter 152 Food Establishments

Ms. Carluccio read from Chapter 152-4A to A3 under the section titled Notes as follows:

*Mobile Food Establishments shall be permitted at only four locations [instead of two] 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.*

The Board Secretary announced that this ordinance was advertised in the July 24, 2014 issue of the Hunterdon County Democrat and provided proof of publication.

Ms. Carluccio opened the meeting to the public for any comments on the ordinance.

**Being no comments from the public Mr. Van Horn made a motion to close to the public; Ms. Serafin seconded it. All were in favor; the meeting was closed to the public.**

**Mr. Van Horn made a motion to adopt Ordinance 14-01 BH. Mr. Peyrek seconded the motion.**

Ms. Carluccio said this ordinance was proposed as it would not only save money for the vendor but would also save administrative time for the Township by allowing the use of a mobile food permit at these two additional establishments rather than issuing a new permit every time the vendor sets up at these locations.

**Roll call vote: Mr. Berberabe, yes; Mr. Hamilton, yes; Mr. Peyrek, yes; Mr. Slecza, yes; Mr. Tatsch, yes; Mr. Wang-Iverson, yes; Ms. Carluccio, yes; Mr. Van Horn, yes; Ms. Serafin, yes.**

**The motion carried; Ordinance 14-1BH was adopted.**

Notice of adoption will be published in the August 28<sup>th</sup> Hunterdon County Democrat.

## 2. Proposed Changes to Chapter 176 – Water Supply – Continued Discussion

Ms. Carluccio reported that the Ordinance Committee met to discuss the Water Supply ordinance. She provided a draft copy of the proposed ordinance with the changes underlined. The proposed changes will provide clarification under the section on certification. She noted that these changes were previously discussed at past meetings. She asked that the Board review the proposed changes and then the Board will ask the Planning Board and Township Committee for their input.

Mr. Tatsch said there are no substantive changes; the changes are to streamline the wording. He explained that when the ordinance was first drafted the wells were classified as residential, non-residential, and agricultural. After reviewing numerous applications over the years it was realized that “agricultural” does not apply. In most cases of a farm with a house and one well the well is being used for residential purposes, there is not a large amount of irrigation that takes place within

the township. These changes will clarify the difference between residential and non-residential wells.

Ms. Carluccio referred to Section B where it says “existing residential water wells”. She explained that there is no difference if the well is being used for the home or agriculture. The state does not classify wells by residential or agricultural. The word “residential” has been removed in several places as the well can be used for both the home and agriculture. Some of the other language was clarified. The threshold for recertification remains at twenty percent. Where it stated “change in use” was changed to simply “change” as any increase in the use of the well is a change regardless of what the use of the well is.

Under Section C Ms. Carluccio read the revised first sentence as follows:

*For residential replacement wells, the requirement for three-part pump test can be waived provided there is no increased use beyond prior or certified use.*

Under Section E Nonresidential Development a change to require a totalizing water meter was added. This has been required in practice but will be added to the ordinance. The ordinance provides the Board with flexibility with monitoring.

Mr. Hamilton inquired if this change would pertain to a new farm. Ms. Carluccio said it would if the well is non-residential. If the farm will be using over 100,000gpd it would be in the State’s jurisdiction.

Ms. Carluccio referred to 176-9 Test Requirements for Drilling Discharge Test. Nonresidential uses were made more specific as the words “greater than 500 gallons per day” were added to Section A, Part 1a. Mr. Tatsch explained how this number was determined as the maximum number of bedrooms in most Township homes is five. The state estimates 100gpd per bedroom; this is a usage of 500gpd based on state regulations. If there is a non-residential use greater than 500gpd a better assurance that the well can supply the water is desired.

Ms. Carluccio explained that the last change is to repeat a paragraph that is under 176-10 stating that all pump tests need to be conducted under supervision of a hydrogeologist, engineer, well driller, or pump installer who has the authority to certify the results to the administrative authority if the Township does not witness it. All test results must be reported on Township forms. This information will now also be repeated under 176-11.

Ms. Carluccio asked if there were any questions about any of the changes. The next step is to provide the proposed ordinance to the Zoning Officer, Planning Board and Township Committee for their input. This ordinance can be introduced in September with the public hearing and adoption in October.

Mr. Van Horn spoke about a real estate firm in the area who published a guide including a recommendation to the buyer or seller to ask for a well capacity test in addition to the state required water quality testing. Ms. Carluccio said a well certification, if available, may suffice rather than conducting a well capacity test. She inquired about the specifics for test. Mr. Van Horn said there was no clarification of this. Mr. Tatsch said that capacity cannot be determined using the pump that is in the well as it may not be set at the proper level causing the pump to burn out. The existing pump may also be a lower capacity pump. To determine the true capacity of the well the existing pump must be pulled and replaced with a high capacity pump and a three part pump test

conducted. This testing costs several thousand dollars. Ms. Carluccio said the well would need to be sanitized after the test. Mr. Van Horn believes this test would be a tremendous burden on the well and an expense for the buyer or seller.

**ITEMS OF DISCUSSION**

A. Education and Health Issues

1. 4H Fair August 20-24<sup>th</sup>

The schedule for the Township booth and handouts about septic systems was provided to the Board in their packets. The handout was put on the Township website and will be handed out at the fair along with handouts about water. There are still slots available if anyone would like to sign up to help at the booth.

2. Board Secretary's Report

The Board Secretary reported that thirty-seven temporary food licenses were issued for the 4H Fair; last year thirty-six were issued.

**CORRESPONDENCE**

A. East Amwell

1. Garden State Laboratories, Inc. 7/10/14 Report of Analysis – Municipal Building and 8/11/14 Report of Analysis – Clawson Park

Mr. Tatsch reviewed both of these reports. The Clawson Park test was fine. The plate count was a little high for the municipal building but well within the acceptable range. Mr. Tatsch recalled that the plate count was high in the past but went down after the UV light was changed.

2. Memo from Chris Hart, CFO Re: 2014 Budget

The Board Secretary explained that \$36,195 was requested; \$31,000 was approved. This is a difference of \$5195. Mr. Tatsch noted that expenditures have all been within the budget.

**ITEMS OF DISCUSSION (revisited)**

A. Education and Health Issues

2. Hunterdon County Division of Public Health LINCS

a. 8/19/14 Info: First Responders/Fixed Facility Full-Scale Medication Distribution Exercise

Ms. Serafin will be attending this and will report on this at the October meeting.

3. Fall Brush Pick Up

Mr. Van Horn announced that the Fall Brush pick up schedule has been published on the Township website.

**BILLS OF THE EVENING**

**Mr. Van Horn made a motion to pay the bills of the evening; Mr. Hamilton seconded it. All were in favor; the motion carried.**

**OPEN TO THE PUBLIC**

**Being no comments from any public present Mr. Van Horn made a motion to close the meeting to the public; seconded by Ms. Serafin. All were in favor; the motion carried.**

**ADJOURNMENT**

**Mr. Van Horn motioned, seconded by Ms. Serafin, to adjourn the meeting at 8:53 p.m. The motion carried unanimously.**

Respectfully submitted,

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Christine A. Rosikiewicz