

The regular meeting of the Board of Health was called to order at 7:33 p.m. Present for this meeting were Tracy Carluccio (Board Chair), Ted Peyrek, Pauline Serafin, Bogdan Slecza, Charles Van Horn, and David Wang-Iverson. Tony Berberabe, Les Hamilton, and Larry Tatsch (Vice Chair) 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 October 15, 2014.

ANNOUNCEMENTS/AGENDA REVIEW:**Under Preview Committee:**

Review of application for B 16 L 8.11 – use of aerobic system – replacement system – (Discussion – not an approval of application)

Septic Alteration Application B 38 L 7

Under Items of Discussion:

Hunterdon County Division of Public Health LINCS

10/16/14 LINCS INFO: HSEEP 3-Day Training Course

Board of Health Budget Status as of October 15, 2014

10/8/14 Report from Garden State Laboratories, Inc. re: Drinking water, Living Waters Lutheran Church

PRESENTATION OF MINUTES –SEPTEMBER 26, 2014:

Mr. Wang-Iverson made a motion to approve the minutes as drafted; Mr. Van Horn seconded the motion. All were in favor with one abstention by Mr. Peyrek; the motion passed.

OPEN TO THE PUBLIC

Ilona English, 9 Runyon Mill Rd., approached the dais. She has reviewed the minutes from the past year and a half and noticed that the Board “does a lot of subcommittees”. She asked where and when these committees meet. Ms. Carluccio said there is usually a Preview Committee, which is not a quorum, which meets the night before the Board of Health meeting. If there is only a minor item on the agenda they may meet right before the meeting. Ms. English inquired how the public knows this. Ms. Carluccio said they are not public meetings as there is less than a quorum present. Ms. English inquired if people weren't allowed to come to the subcommittee meetings. Ms. Carluccio said that there is no requirement to notify the public and the meetings are not open to the public. Ms. English said she will check on this.

Ms. English inquired why the agendas and minutes are not complete on the website and provided dates where there was no agenda posted to the website. Ms. Carluccio said this will be looked into.

Ms. English asked where she could obtain the statistical details on well failures and identified interference situations as identified in the Township. Ms. Carluccio said Ms. English could review the files; the information is not aggregated. Ms. English asked if information was ever aggregated as to whether or not there have been well failures or interferences. Ms. Carluccio said in 1996, when the well ordinance was updated, how the ordinance was implemented over the years was looked at. Information is looked at from time to time, for example when zoning was being changed the information for all of the wells that had been certified to date for the mountain was reviewed by a consultant. This information was used when the Township rezoned lot size on the mountain. There is a report of this information.

Ms. English asked if there were any reports since then. Ms. Carluccio said no as periodic reports are not done. Ms. English asked if there was well data. Ms. Carluccio said one or two wells a year have been drilled since then, there are files on these wells, and it would not be difficult to get the information.

Ms. English said if a subcommittee meeting is taking place in the municipal building the public is not allowed to sit and listen to it. Ms. Carluccio said she did not say the public is not allowed to sit but that they are not public meetings that are noticed as this is not required. Ms. English said she understands this. She said there are no minutes taken at these meetings and from the regular meeting minutes she went through it appears "things were done in a subcommittee meeting then brought here" and it is hard to understand how this process is worked through. Ms. Carluccio said at the meeting [tonight] she will see how the process works as the subcommittee meetings are an informal discussion and decisions are not made in subcommittee. Ms. English said she has been Chair of the Planning Board and knows that and understand how that works. She would like to know when the subcommittee meetings are as so much seems to be done in the subcommittees and not at the regular meeting.

Being no further comments from any public Mr. Wang-Iverson made a motion to close to the public; Mr. Van Horn 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 there are no changes to the status of this project and no updates at this time.

2. FINAL NOV 7/16/14 B 25 L 11.02

This property is on 175 Wertsville Road. The NOV is for a solid waste complaint. The property owner is working very closely with the County investigator and making progress. There is a roll off container on site and unnecessary waste continues to be removed from the property. The vehicles onsite are owned by the property owner. Some operate and some are being used for parts. The clean-up date has been extended to November 21st due to the cooperation of the property owner.

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

This property is on 90 Old York Rd. The change in ownership reported last month has been confirmed. The new owners have cleaned up the property therefore the County has advised the court that they are dropping all charges and the complaint has been closed.

4. NOV 4/12/14 B 11 L 5 – update

This is a solid waste complaint at 12 Boss Rd. It has been determined that Default Management Company is responsible for the property. The condition of the property has worsened; there is much more waste present. A summons will be issued to

Default Management Company next week. Mr. Wang-Iverson inquired if the County has had any contact with the Raritan Township construction department. Mr. Wyckoff said the County has not noting that the construction department had posted the house inhabitable. Mr. Wang-Iverson said the house was to be secured by the end September but this has not happened; he believes this is the construction office's responsibility.

5. NOV 9/3/14 B 15.01 L 2

This violation is for the Dunkin Donuts and Hess station. There is a breakout; the engineering company continues to pump the septic tank. They will be installing a new system. Receipts for pumping have been submitted to Mr. Wyckoff; he has them on file.

B. Preview Committee

1. Review of application for B 26 L 11- use of Aerobic System – Replacement System – (Discussion – not an approval of application)

Ms. Carluccio said this is for discussion for the use of an aerobic system to replace a malfunctioning system. This is a discussion to review what is being applied for and determine if an advanced treatment system should be used and not an approval.

Mr. Wayne Ingram, the engineer for the applicant, introduced himself. The property is an existing four bedroom home in a residential subdivision at 15 High Mowing Rd. The existing system contains a Nayadic aerobic treatment unit that was installed in 1978 and reported in the deed. There is an approximately 2400sqft disposal bed. During the real estate transaction it was determined that the bed was in failure. Soil logs were done; it was determined the backyard is the only suitable location for the replacement system. Approximately one third of the yard is taken up by the existing disposal bed. One full basin flood test and two partial tests were performed. There was zero movement of water in every hole at every depth. There was shallow machine refusal five to six feet into rock. A top soil sample was taken to determine if a drip dispersal system would be an appropriate and effective method to take care of the wastewater on the property. There was a minimal passing grading in the topsoil.

A two zone drip dispersal system where select soil with two feet thickness is imported is being proposed. There will be drip lines on top covered by topsoil. The system is approximately 2000 square feet in size. The soil will infiltrate the water instead of relying on the rock.

This property has had an aerobic system for over thirty-five years. The tank has been fully inspected and there are not concerns with it; the water coming out of it is "quite pure".

Mr. Wang-Iverson inquired if the units have a specified useful life. Mr. Ingram said that the individual parts may such as the irrigation system, lid or baffle. He explained that the lid on this system was a plastic dome and is readily accessible.

Mr. Carluccio asked how the system was working with the rock strata so close to the system. Mr. Ingram was not sure the system was working. He said there is a significant slope at the back of the property that drops off into a wooded area and farm field. Break out is visible in the vegetation. He presumes there were initial issues with permeability as the field is excessively large. On a question from Ms. Carluccio Mr. Ingram said the system was installed in 1978 per the deed. He noted that this is one of the worst situations he has seen; there were no fractures on the side walls of the soil logs.

Ms. Carluccio said that since there is an existing home on the property the Board can consider alternative systems if allowed by the DEP. Mr. Ingram confirmed that he is proposing an alternative system as a conventional system will not work on this property. He has installed this type of system on other properties; they are all working fine as far as he knows.

Ms. Carluccio inquired about the requirements for maintenance and inspection. Mr. Ingram said it is the same for any advanced treatment system; semi-annual maintenance is required. He went over installation of the system; both he and the manufacturer will witness it and be present throughout the process. The plans specify what needs to be done for maintenance. Mr. Ingram is certified for this system.

Ms. Carluccio asked Mr. Ingram to explain how this system will be able to function on this property. There has only been one other similar system installed in the Township years ago on a site with an existing home. This was before the State code was changed so DEP reviewed the application. Ms. Carluccio said Mr. Miller explained at the time that these lines have small holes and tend to clog, hence the need for an aerobic system. These systems work best if there is a level, flat field. Ms. Carluccio asked Mr. Ingram how the natural conditions will be handled with the type of problems these systems often have. Mr. Ingram said slope is not much of an issue. There is pitch which is why it has been broken into zones. There will be longer, thinner, terraced sections so each zone will be level and the slope issue won't be a concern. When installed it will look like two flat disposal beds. There will not be raised mounds as there is a pitch coming off the property. Two feet of fill will be imported into the field as there is not enough top soil and it doesn't have permeability.

Mr. Wang-Iverson asked if the zone of treatment will be 24 inches. Mr. Ingram confirmed this. Mr. Wang-Iverson asked if a much smaller zone of treatment can be used with a drip system than with a conventional system. Mr. Ingram agreed with this and said that 24 inches is the recommended depth. Mr. Ingram said 1400sqft is required; they are installing 2000sqft to create equalized zones. Mr. Ingram said he has installed two similar systems before for four bedroom homes. One system is four years old; there have been no complaints.

Mr. Wang-Iverson explained that the Board has a list of maintenance requirements for peat systems which go on the deed of the property. He asked if Mr. Ingram has similar maintenance protocols for the aerobic systems. Mr. Ingram said there is a list and explained that the drip system cannot be used

without the aerobic system. The aerobic systems requirements are already on the deed to this home. The deed will be modified to include new deed restrictions specific to the system that is being installed. Ms. Carluccio said this could be similar to what is done for peat systems where conditions are added to any approval that is being considered. Use of the existing aerobic unit will also be discussed with the County. This is a concern to the Board as the aerobic unit is older; the Board would like to confirm the County has seen these older systems continued to be used rather than replaced.

On a question from the Board Mr. Ingram said the tank would be pressure tested. He explained that the house is elevated and that due to the location of the tank there is not a groundwater issue. He has recently inspected the tank; there were no cracks or leaks. Normally he would require the tank to be replaced but it was in excellent condition.

Mr. Peyrek inquired about the well buffers. One well is marked incorrectly; this will be corrected on the final drawing.

Ms. Carluccio inquired about the pump that doses the field. Mr. Ingram explained that the pump tank will go to a valve box which will alternate dosing between the two fields. The pump tank will be pressure tested.

Ms. Carluccio noted there was an aerobic unit replaced recently on the same road. She expressed concern for a power failure as township residents in past years have lost power for as long as fifteen days. The unit will not work without electricity. The Board requires that there is a note put on the deed stating that the system should not be used in a power failure as the aerobic component needs electricity to function and the system will not distribute without it. Mr. Ingram noted that the well won't operate if there is no electricity. Ms. Carluccio explained that during prolonged outages residents would bring in water to flush the toilet with; this could cause a serious backup of sewage. Mr. Ingram said he can add the note to the deed. Mr. Wang-Iverson inquired if there was any damage to the aerobic system if they are without power for extended periods of time. Mr. Ingram said it depends on the length of time without power. There could be problems with bacteria due to evaporation but this can be fixed very quickly once the aeration turns back on. The level of aeration is regulated.

Ms. Carluccio inquired about pumping the tank with this type of system. Mr. Ingram said pumping is required much less frequently and is determined by the maintenance provider depending on how the system is operating. Mr. Wang-Iverson inquired about the number of maintenance providers in the area for these systems. Mr. Ingram said it depends on the brand; there are three in the area he is aware of.

Ms. Carluccio asked if there were any further questions from the Board. She reminded that the Board is not voting on the approval of the application tonight. She asked if the consent of the Board is that an application for use of the aerobic and drip dispersal system could be submitted to the County and approval considered by the Board.

Ms. Carluccio asked Mr. Ingram if he had a standard list of conditions for this type of system; she will also ask the County for a list. Mr. Ingram said he will provide a list. Ms. Carluccio noted that

staying on top of the maintenance is the biggest issue with alternative systems. Educating the homeowner on the system is also important.

The Board thanked Mr. Ingram.

2. Review of application for B 16 L 8.11 – use of aerobic system – replacement system – (Discussion-not an approval of application)

Mr. Doug Fine, engineer, and Mr. David Lisowski, homeowner, introduced themselves. Ms. Carluccio explained that this application is for discussion tonight for the Board to determine if it is appropriate for the applicant to move ahead with an application for an advanced wastewater treatment system.

Mr. Fine explained that this system is for an existing three bedroom home on 1.1 acre with well and septic on Fox Hunt Rd. Mr. Fine referred to the drawings and explained the lack of space on the property to work with due to the well-setbacks. He noted that there have been a few septic systems replaced on this street already. There is a high water table. Pit bail testing was completed; ground water was identified thirty inches from the surface. There is a gas line from the corner of the house to the road. There are two trees on the drawing that will remain; they are trying to preserve face value of the house. Mr. Lisowski explained that the house was built between these two trees; they are older than the house. The original system was to go in the back of the house but was changed to the front of the house due to a decision to install a pool in back.

Mr. Lisowski spoke about having problems with the septic backing into the house during every storm since he bought the house in 1995. He thought it was normal to pump the septic a few times a year as he has been doing since before moving here he had sewers. There have been two systems replaced on his street in the last three years and there are still problems. He reported hearing the system perking in the house when it rains or snows and would have it pumped when this happens. There was overflow from his tank into his neighbor's basement and he observed the top of the septic tank perking. While removing trees after hurricane Sandy Mr. Lisowski discovered tree roots had ruptured the septic line.

Ms. Carluccio inquired about the slope of the property. Mr. Lisowski said it slopes towards the back of the property towards the municipal building. He noted a stream behind his property that turns into a small river which has previously infiltrated his in ground swimming pool. Ms. Carluccio said even if the pool wasn't in back the well is so close that the system cannot be installed in back. Ms. Carluccio asked if the well has been tested. Mr. Lisowski said he tested it in 2006 as he was notified that there could be arsenic in it. Ms. Carluccio advised to test the well when a septic problem is present.

Ms. Carluccio inquired if the Board had any questions noting that this system is for an existing home. The advantage of the aerobic system is that a small bed can be used. Mr. Fine explained that this will allow 100ft setbacks from the property well and two neighboring wells. The decrease in mound height reduces the footprint of the disturbance and keeps the grading to a minimum. A large mound would not be desirable there as there are problems with surface water. The mound will be high enough to be over the ground water table but will cause an increase in runoff on the neighboring properties. The front yard is the only location for the system. Mr. Fine explained that the advanced treatment system will be improving the situation that is there now.

Mr. Wang-Iverson inquired about the zone of treatment. Mr. Fine said code is 18 inches. Mr. Wang-Iverson asked about the factor, 0.96 Sq. ft., that was used to calculate the field. Mr. Fine said this is also state code. A smaller disposal field is allowed due to the higher level of treatment resulting in cleaner effluent. All advanced treatment systems by code are considered 30 inches of the 48 inches of zone of treatment; this is where the 18 inch separation comes from. The disposal field will be a conventional field with pressure dosed disposal. This is the best that can be done with the limited space on the property. It will be a pump up system. The laterals are at the same elevation as the existing ground surface. The final grade is approximately 15 inches above what is there now.

Ms. Carluccio inquired why testing wasn't done to the right of the driveway. Mr. Fine said this is because of the size of the trees in that area and the proximity to the neighboring well. Mr. Fine said that the system will not cross or be near the gas line on the property.

Ms. Carluccio asked Mr. Fine to explain to the Board where the existing system is located. Mr. Fine went over where the tank is on the drawings. There is only one lateral that comes from the house and makes a right turn onto the road.

Mr. Lisowski said that around nine years ago Fox Hunt Rd. was paved which exacerbated the septic problems on his property. The Township had installed new aprons on all the driveways except for his. Due to a hump that was installed in the road water flows onto his property when it rains. He wrote a letter to the State at that time. An engineer from the State visited his property and said there was nothing that could be done as the water was coming off the street onto his property. Mr. Lisowski said his driveway apron was not repaved as this would have created "a pool" as the water would have nowhere to go. Mr. Lisowski said his septic failing is affecting his neighbors. He spoke of the expense of pumping his tank frequently.

Mr. Wang-Iverson asked if the water flow on the property will be a problem for the new system during heavy storms. Mr. Lisowski said the new system will have an alarm so if there is a problem he will know about it. Mr. Fine said grading will be done to prevent ponding.

Ms. Carluccio inquired about the required maintenance for the aerobic system. Mr. Lisowski said that code requires twice a year maintenance for the first two years for all advanced treatment systems. Annual maintenance is required thereafter. They are looking at the air flow and levels in the tank and adjustments are made if necessary. The blower is external and has a life of 8-10 years; there are no moving parts in the tank. Mr. Lisowski reported that he has installed a whole house generator.

Ms. Carluccio noted that the "66" on the drawing needs to be turned to read "99". Mr. Fine will correct this.

Ms. Carluccio asked if there were any questions. Hearing none she asked if the Board if there was a consensus Mr. Fine could go ahead with the application. The Board agreed that he could.

3. Septic Alteration Application B 38 L 7

Michael Textores, professional engineer, introduced himself. The property is on 57 Ridge Road. The property is approximately three acres. There is a well and cesspool on the property. The system failed and needs to be replaced. Mr. Textores is proposing a conventional system which will need waivers from the Township and State code.

Ms. Carluccio noted that there is a typo on the approval letter from the County; the address should read "57 Ridge Road".

Mr. Textores said the system would have a four foot zone of treatment and a larger zone of disposal. The system will be mounded and include a new pump tank and septic tank in the rear portion of the property. Five soil logs were dug. There was high rock in soil logs 1, 2, and 3. To the south of the property the rock dropped off substantially; log 4 and 5 were at 90 inches and 100 inches. Soil lab testing was done on the zone of disposal on soil log 4 at 80 inches; it was a K2 rating. Due to the firmness and tightness of the material it was rated a K1 value. A basin flood test was done on soil log 1; these results were not good so they were not used. Ms. Carluccio inquired why a pit bail or basin flood test were not done in soil logs 4 or 5. Mr. Textores said a second basin flood was not done as one had already been done at 53 inches. Basin floods in soil log 5 went down 100 inches with the same material and soil log 4 went down 90 inches in the same material therefore he didn't believe it was necessary to do any additional basin floods as the material would be the same. Mr. Textores further explained the soil logs; all five logs showed mottling as high as seven inches. There was no water or seepage in any of the holes. Ms. Carluccio commented on the high water table. She asked if Mr. Textores had designed systems for this high a water table before; he has. There will be 48 inches of separation. Mr. Wang-Iverson inquired about the height of the mound. Mr. Textores said it will be 64 inches.

Ms. Carluccio said waivers from the Township and State could be considered as it is an existing home and the new system will be an improvement over what is there. Mr. Textores said the original system did not meet the 200ft. setback from the well to the disposal field; this will be met with the new design. The 100ft setback from the well to tanks will be met by the new design and previously wasn't met. Mr. Wang-Iverson inquired if there were neighboring wells within 200ft. Mr. Textores said there were not. Ms. Carluccio asked that a note be added to indicate this; Mr. Textores agreed to do this and noted this request was noted in the County approval letter.

Mr. Textores referred to the waivers requested in the approval letter from the County. The slope is 3:1 which does not meet the Township ordinance of 5:1. This system will be in a wooded area and he seeks to limit the amount of disturbances. The 5:1 slope would disturb more of the existing woods. The toe of the mound will be only fifteen feet from the property line. If the 3:1 slope is allowed Mr. Textores can reconfigure the mound to be 25 ft. from the property line. The location of the system was further discussed with relation to the slope. Ms. Carluccio asked which slope ratio would better protect the system. Mr. Textores recommended the 3:1 slope as it will be in a wooded area. Mr. Textores will modify the drawing to maintain the 25 ft setback from the toe of the slope to the rear property line therefore the third waiver won't be needed.

Mr. Textores referred to #5 on the County letter regarding the 200ft well setback in the mountain district. This will be complied with and a note will be put on the plan.

Ms. Carluccio said a basin flood or percolation test is required. Mr. Textores said he did not believe a basin flood test would be appropriate at this location as it was done at other locations on the property resulting in zero permeability. Mr. Carluccio asked if it looked like the soil was the same noting that there can be differences in soil within twenty feet. Mr. Textores felt from digging the soil logs that it was the same hard material. There was no water in the pit bails. A percolation test could have been done; the material is K2 but because it was firm the code requires it be dropped from a K2 to a K1. Mr. Textores offered to do a perk test at the time of installation. It was decided not to do this because regardless of what the test results would be the system would need to go in the same location.

Ms. Carluccio asked if there were any questions from the Board. Ms. Carluccio asked the age of the system. Mr. Textores did not know; he estimated that the house was built 35-40 years ago. Currently there is a cesspool. Ms. Carluccio asked the nature of the malfunction. Mr. Textores did not know this but believes the home is being sold.

Ms. Carluccio asked if there was 250ft separation from any watercourses. Mr. Textores said he did not see any watercourses. There is a farm field in the rear of the property and dwellings on either side of the property. Ms. Carluccio asked him to consult the state map and note that there is 250ft separation from any water courses on the drawing.

Ms. Carluccio said this system will be more in conformance to code than the previous system was so the waivers can be considered. The waivers needed are described in the County's letter as follows:

1. The highest regional water table is at 7 inches, less than the 24 inches in state code.
2. The toe of the slope will be 3:1 which does not meet East Amwell Township's 5:1.
3. The use of the soil permeability class rating test instead of a basin flood, pit bail, or percolation test will need to be waived.
4. A note is made on the plans that show the system and its components will meet the 250ft from any wells or watercourses.

Mr. Wang-Iverson made a motion to approve the system with the four waivers. Mr. Van Horn seconded it. All were in favor; the motion passed.

C. New Business

1. Discussion – proposed Ordinance 14-02 BH

Ms. Carluccio said this proposed ordinance was reviewed by the attorney. Section 176-6B states that a well altering the capacity by less than twenty percent may need to be recertified if there is a reasonable question regarding supply or impact on water resources. The attorney said the Board could consider more concrete standards for that section if the Board feels it's necessary to do so. The wording was changed to be more specific to "if there was a reasonable question as to the adequacy of the supply or a potential negative impact on water sources". Previously it read "adequate supply or the impact on water resources". This change could be considered in the

future as it cannot be added to the proposed ordinance to be introduced tonight. Ms. Carluccio noted the difficulty in creating standards for adequacy as they tend to be case specific depending on the location of the well, amount of water to be used, and type of use for the well particularly for non-residential uses. She asked the Board if this should be considered before the introduction of the ordinance tonight or discussed the next time the ordinance is reviewed.

Mr. Wang-Iverson expressed that the language is an improvement over the current ordinance. He believes it will take time to make the language more specific. He believes the Board should introduce the ordinance tonight and revisit it next year. Other Board members agreed.

Ms. Carluccio asked if the Board wanted to move forward with the improvements they have and consider other changes in the future. She explained that there haven't been many wells triggering the 20% threshold; as others come in and data is gathered the Board can learn more about what the standards should be. There have not been any wells under the 20% threshold where recertification has been required.

Ms. Carluccio said that tonight will be the introduction. The attorney had advised that all that was required by the Board tonight was to read the title of the ordinance and provide copies of it to the public. Since the attorney input was just received Ms. Carluccio would like the Board to consider it because if the ordinance is introduced tonight it cannot be changed substantially before the public hearing and adoption. Mr. Wang-Iverson suggested the Board introduce the ordinance tonight, consider the comments, and not adopt if the Board feels they should revisit the ordinance.

Ms. Carluccio said the existing ordinance already exempts well alterations that increase the capacity by less than twenty percent. The attorney noted that NJ DEP requires a land owner altering any well, for any reason, regardless of increased or decreased capacity, to obtain a well permit. Mr. Wang-Iverson said that the Township definition of alteration includes change of use. A change of use would not involve a physical change to the well therefore a permit wouldn't be needed.

Ms. Carluccio referred to section 176-7E which addresses nonresidential development. This section states that "newly installed or altered nonresidential wells require the installation of a totalizing water meter. Usage reporting should be at the discretion of the Board." Ms. Carluccio said this is somewhat vague and could be better defined. Ms. Carluccio explained that a totalizing water meter takes daily readings. The Board has been requiring those readings be reported to them. They are usually reported on a monthly basis at first and then on a quarterly basis. After a period of time, once daily use is determined, only annual reporting could be required.

Ms. Carluccio said these changes can be made to the ordinance once it is introduced; she would suggest the following change: "Newly installed or altered nonresidential wells require the installation of a totalizing water meter. Daily readings shall be reported monthly, quarterly, or at the discretion of the Board." It formerly said "usage reporting shall be at the discretion of the Board." This new verbiage reflects what the Board has done in the past and will improve the clarity of what concrete reporting is customarily. Board members commented favorably on this possible change.

Ms. Carluccio announced that copies of the full Chapter 176 Water Supply and Ordinance 14-02 to be introduced tonight were on the table in the back of the room.

2. Introduction of Ordinance 14-02 BH - AN ORDINANCE TO AMEND THE CODE OF EAST AMWELL TOWNSHIP CHAPTER 176 WATER SUPPLY BY ADDING THE DEFINITION OF RESIDENTIAL WELL TO 176-3 AND FOR DELETING EXISTING SECTIONS 176-6, 176-7, 176-9 AND 176-11 AND CREATING NEW SECTIONS 176.6, 176-7, 176-9 AND 176-11.

Mr. Van Horn made a motion to introduce Ordinance 14-02 BH. Mr. Wang-Iverson seconded the motion.

The meeting was opened to the public at this time.

Ilona English, 9 Runyon Mill Road, stated that she went through the agendas and said it was very confusing how this ordinance evolved. She has an agricultural business which is the largest industry in this Township. She said the Board had said they would send the ordinance to the Boards for comment. She said the Board refused to let the Agricultural Advisory Committee Chair have a copy of it. She further explained that the Board said it would go to all the Boards but then in August said it would just go to the Planning Board and Township Committee. She said that agriculture is the largest industry here. She asked to "shine the sun on this". If there are agricultural lands that don't have a residence she doesn't understand legally how the Board could require a meter on the well as it is a private well. She said it is known there is an issue on the mountain, and feels sorry for the people up there, but it is a known situation. She said it seems like since there are issues with wells on the mountain the onus should not go on agriculture, the largest industry. She said the golf course pumps as much water out of the ground as the rest of the Township combined. She does not understand the ethics of what goes on. She said the Board is going to start micro managing the wells and what we do. She asked for data on interference or well failures. She would like to hire an independent person with her own money to go through the records to get data upon which to make decisions on changing a well ordinance. She mentioned that the Board will determine whether or not a meter is to be installed.

Ms. English asked why this wasn't sent to all the Boards including Agricultural Advisory. Ms. Carluccio said it will go to Agricultural Advisory with the revised language after the first reading. Ms. English asked why it wasn't provided when "it was happening". Ms. Carluccio said it was sent to Township Committee and the Planning Board for feedback and commented on the process being very open and very transparent. Ms. English said when Ms. Gavigan requested a copy of the draft Ms. Carluccio told the Board Secretary not to give it to her. Ms. Carluccio believed the request was coming from a citizen and not the Agricultural Advisory and explained that it was not being handed out at that time as it was a work in a process and feedback was being requested from the Planning Board and Township Committee. Changes were made based on this feedback which is the usual process; the Board went through the same process this year and last when adopting two other ordinances. Ms. Carluccio explained that the ordinance goes to the Planning Board and Township Committee for review and feedback, possible changes are made, and after it is introduced it is available to everyone. Ms. English noted that Ms. Gavigan is the Chair of the Agricultural Advisory Committee. Ms. Carluccio said as far as agricultural use is concerned, unless there was a

nonresidential animal operation that would meet the density of a confined animal feeding operation, this ordinance would not make a difference in the well requirements.

Ms. English read from the ordinance about adding a bedroom or adding livestock water requirements. Ms. Carluccio said this would only be if the additional use is greater than 500gpd for a nonresidential use. Ms. English asked about how it is known what “everyone else is pumping out right now” and commented on the ordinance being confusing. Ms. Carluccio referred to the last ordinance which was drafted by a hydrogeologist who worked with the Board for a year. For the original ordinance three years was spent obtaining input from the public and a hydrogeologist. The ordinance was adopted and continues to be implemented to protect the ground water wells of the people of East Amwell. This is needed because if there is no water supply ordinance, wells can be drilled and overstress the aquifer and the people who live here may lose water supply or water quality. The Board’s job, under the County Health Act and the laws the Board of Health exists under, is to protect the groundwater of the Township. This is done by approving septic systems and reviewing septic systems. It is also done by reviewing and certifying wells when there is a change. The Board does not have the authority to effect changes when there is not a trigger that is brought to the Board’s attention such as a new building or an increase in use.

Ms. English said when she was Planning Board Chair the Board put together subsoil geology maps with the fracture traces so there would be more data on where the water runs and how it connects. She said there was no mention of changes to the well ordinance last year then [this year] there were going to be changes to it and subcommittees met. She said the public doesn’t know what is going on in the subcommittees to be able to understand what is happening. In June the Board said a draft of the ordinance would be circulated to other Township boards for their input on the changes; this wasn’t done. Discussion of the well ordinance was tabled in July to August. In August there was a draft with underlines presented and it was noted that changes were discussed at other meetings. Ms. English asked when it was discussed. She further read from the minutes that the well ordinance was to be distributed to the Planning Board and Township Committee. She asked why the ordinance was not sent to the Agricultural Advisory Committee as the ordinance does reference agriculture. She asked if the ordinance was sent to the Farmland Open Space Preservation Committee or any other group. Ms. Carluccio said it has not been at this point but that all committees will receive it after the first reading and said it was a “work in progress” at that point. Ms. English said it seems convoluted to her and derelict that we do not have the statistics and the facts stating where there are failures and problems. She said it is irresponsible for the Board to make decisions or ordinances without correlating the information to make decisions based on knowledge of where failures and interference have been. Ms. Carluccio said the Board’s experience is used to make decisions. She continued that data is there as a well witness is at every well drilling. The files are available to the public.

Tim Mathews, 72 Linvale Rd, approached the dais. He appreciates that Township Committee had an opportunity to review the ordinance. He still finds the language vague. He referred to the Board’s attorney’s advice to clarify it by referencing standards and said that the Board is choosing not to follow their attorney’s advice. Ms. Carluccio said that the Board was not told they must change it but it was recommended the ordinance would benefit from more concrete standards. Mr. Mathews said that this was professional advice, that the language was vague. Mr. Mathews said it was vague when Township Committee discussed it. Mr. Mathews said the fact that Township Committee found it vague and the professional found it vague he would encourage the Board to take the time to

adhere standards to it. He said it is difficult to administer an ordinance, and for the public to understand it, if it is vague and doesn't adhere to the standards. He does not understand the rush to do something quickly. He referenced what the Township Committee did with the tree ordinance; for three years there was a terrible ordinance until it was resolved. He said to take the time now to do it right.

Frances Gavigan, 123 Wertsville Rd. and Chair of the Agricultural Advisory Committee, approached the dais. She said she requested a copy of the draft ordinance previous to the Agricultural Advisory Committee meeting. She referred to the response she received from the Board Secretary on Monday, September 15th that the Secretary had followed up with the Board Chair regarding the proposed well ordinance and that it would be discussed and not introduced at the Tuesday Board of Health meeting. Once it is discussed Tuesday and reviewed by the attorney it could be shared and the Agricultural Advisory Committee can review it before the October Board of Health meeting. Ms. Gavigan indicated that she wanted to take the "imperfect" because she had been present for a discussion. Ms. Carluccio explained that the Board ended up making additional changes at the meeting. Ms. Gavigan said she was looking for the document as she was listening to discussions between people who have the document who were speaking from intimate knowledge that she did not have. Ms. Carluccio apologized. Ms. Gavigan said she knew the document would be changed. She spoke of changing blueprints of a house that will now have an extra bedroom. She continues to be concerned about the optional language that is in the proposed ordinance. There is no defined process of threshold. Ms. Gavigan suggested that if the Board has a long term plan of tweaks in ordinances that are advisable they have a list available so people know the direction the Board is going in. She referred to the September Board of Health meeting when she asked if there had been problems and was told there was a sense and a concern but not a specific database of well failures, there was a concern that there could be problems. She spoke about how she is not concerned about her well but she takes care of it. She spoke of a "risk benefit cost benefit" equation and the ordinance having the possible intention of absolute safety under every possible circumstance which can become overbearing. She inquired about the cost of the meter last month and was told it was "only \$125" and noted that the cost of a plumber to install it would add \$1000 to the cost. Ms. Gavigan said a lot of people in this town are selling their property because they cannot afford to live here once they retire. She spoke of a resident spending money on a septic system before selling their home. She said these are factors to put into the cost benefit equation in terms of benefit to the community and individuals. She spoke of talking to people who don't want to buy or do business in East Amwell and mentioned someone who said to build a septic system in East Amwell will cost 25% more because the Board wants it to be absolutely perfect and protected from anything. She asked if the public is getting "the bang for the buck". She said when there is "language" that leaves it up to the discretion of the individual, she is not saying "there is anything going on here", but the potential is then created "to stick it to somebody if it should be such the case". She would like to see very specific and precise language based on measurable data. Ms. Gavigan referred to where the ordinance quotes 7E in the code regarding animal use of water. The average person will not know the standards; they are the customers. She hates to see people who have lived here 30-40 years be driven out by the cost of doing business here and does not know how long the rest of us can hang on.

Ms. Gavigan would like to see what language in the proposed ordinance is above and beyond the state requirement. Ms. Carluccio explained that the state code does not address the quantity of individual private water wells. Water supply analysis are not required [except a state drilling

permit]. State permits are only required if there will be 100,000gpd which are non-residential wells. East Amwell developed the water supply ordinance because of a need in the Township. She referred to a property on the mountain where a home was built and when the well was drilled afterward there was no water. The well ordinance requires that the well be drilled first to determine if the property will support a well. The well ordinance defines how much water is needed for each bedroom to insure there is enough water for the size of the house. The well test provides data on how much water the well will yield so the size of the house can be tailored to this. The Board believes there have been no problems since there has been an ordinance in place for two decades. New homes built have not taken away water from existing homes. The ordinance protects the residents who live here; it protects both water supply and water quality. Water quality is protected with the separation distances from the well to the septic system. The most important thing about a house is to be able to live in it; without clean water and a working plumbing system you cannot live in your house.

Ms. Gavigan said she is not challenging the Board, their belief system, or what they are trying to accomplish. She said there are a number of factors that protect the water supply including zoning ordinances. She spoke of the testing that needs to be done when a property in the mountain is built on. She said it is "gray" when "you get past classic residential". She commented favorably about the edit regarding a residential well serving livestock. She said any farm technically is a non-residential commercial use and could be interpreted as if they are an industry. Ms. Carluccio said the non-residential well definition was added to the proposed ordinance to clarify this noting it is not commercial to have a farm unless it is separate from the house.

Ms. Gavigan spoke about the application on Linvale Rd. where there would be twenty horses. Mr. Wang-Iverson said the numbers for livestock in the ordinance are provided by the state. This has been in place for many years. Ms. Gavigan asked about "the law of unintended consequences" when creating the ordinances and asked "is it on balance, fair, and reasonable". She said there are places in the ordinance where more concrete examples could be given and "at our sole discretion" could be taken out. Mr. Wang-Iverson said it is very difficult to cover every possible circumstance and predict every possible situation which is why the language needs to be vague in certain places.

Ms. Gavigan said this could be done in terms of "if a regular, normal house is so many gallons per day" you will know. She spoke of irrigation done by a commercial business. Mr. Wang-Iverson said this is in the ordinance. Ms. Carluccio said one of the changes being made is to make it less vague and more specific and referred to 176-9A where it says "nonresidential uses". It used to say "with a potential higher stress of the aquifer than residential wells" which the Board found too vague. Changes have been made since 1996. The change is being made to greater to 500gpd because that is about what is used for a house. Ms. Carluccio said what the Board has learned from the data that has been gathered from well installation in the Township is being used to make the ordinance more specific and accurate. The Board does not want to make it too strict and wants the flexibility to deal with a new use that comes in.

Ms. Gavigan said the way the ordinance is written the Board has the flexibility to more onerous. Mr. Wang-Iverson said the Board has never had that complaint since the ordinance has been on the books in 1998 and expressed that the Board tries to be reasonable.

Ms. English asked why this wasn't applied to the Agricultural Advisory Committee; why didn't the Board reach out to them to tell them they were making changes and ask them for their ideas.

Ms. Carluccio apologized and explained that the ordinance was rewritten. Ms. Gavigan said she understands this and believes there are opportunities where everyone can cooperate and communicate better. She asked if the Board writes their own ordinances. Ms. Carluccio said the Board of Health is a separate body and writes their own ordinances.

Ms. Gavigan referenced Ms. English's offer to bring someone in to gather data. Ms. English said she would spend her own money to do this. Ms. Carluccio said there have not been many new wells over the years. Ms. Gavigan spoke of situations, more for septic systems than wells, where something on paper looks good but there are unintended consequences. She advised that if the Board has a long term goal or plan as to what they or their subcommittees want to do to put it down on paper mentioning the reorganization meeting. Ms. Carluccio said this was discussed at the reorganization meeting when the sub committee was formed. Ms. Gavigan said that part of the problem is "things that fell off the website" such as "the May" [minutes]. Mr. Wang-Iverson said this is an issue with the website noting that the Board Secretary submitted the minutes to the Clerk who submitted them to the webmaster but they just didn't get posted. Ms. Gavigan asked that when the Board writes ordinances they try to consider the fact that not everybody in East Amwell is wealthy. She referred to the septic system applicant who needed to update his electricity to install a generator to support his septic system in the event of an outage. Mr. Wang-Iverson inquired how this applicant was being impeded. Ms. Carluccio noted that it was state code that no longer allows cess-pools; the Board does not have control over this. Ms. Gavigan noted the cost of paying. Mr. Wang-Iverson asked for Ms. Gavigan's suggestions. Mr. Wang-Iverson spoke about mortgage companies driving the systems needing to be replaced rather than the Board ordinances. Ms. Gavigan asked that the Board keep in mind that these are real people having to come up with ways to do it and spoke of the cost of the water meters and the costs driving people out of the community. Mr. Wang-Iverson said it is only for new or altered wells. Ms. Gavigan said originally it was going to be [for residences]. Ms. Carluccio clarified that the Board has been requiring meters at the discretion of the Board for the last several years. All new businesses have installed meters; in more recent years reporting was required. Ms. Carluccio further explained that the reporting enabled the Board to keep on top of how much water is being used at a commercial operation where otherwise there would be no information available. This protects the residents who live near the business. Ms. Carluccio noted that the businesses who have installed meters have cooperated without complaint and express that it is an "insurance policy to them" if people complain that neighboring wells are reducing their supply as the amount of water being used by the establishment can be verified. She spoke anecdotally about good information that was obtained as a result of the ordinance requiring testing be done on a well that was drilled before metering was being done. If there had been a meter the data would have been available. The meter provides hard data and protects the business. The ordinance is memorializing this requirement to be fair to everyone that any new or altered non-residential well will have a meter. If this was not in the ordinance it would be much more at the discretion of the Board. Ms. Carluccio said the no ordinance is ever perfect and this one will continue to change as the Board learns more. If the Board moves forward with the changes the ordinance will be better.

Ms. Gavigan said she accepts this and hopes the Board takes what she says in the spirit with which it's intended; if the ordinance will be fair and balanced and not accusatory or confrontational. She

spoke about a family of EMT's moving out and that the community is poorer for its loss. She said one of the resources to cherish and protect in East Amwell are the folks that are older and that have limited resources.

Mr. Van Horn made a motion to close to the public. Mr. Wang-Iverson seconded the motion.

There was a motion and second of the floor to introduce Ordinance 14-02BH. All were in favor; Ordinance 14-02BH was introduced.

Mr. Van Horn commented that now that the ordinance has been introduced and there is final language being proposed it is the appropriate time for it to be considered by the Agricultural Advisory Committee, other Committee and Boards, and the citizens in general. There is time to provide input. Introducing the ordinance does not mean that it has been approved; it has been introduced and is subject to changes or being dismissed by the Board depending on input received. He explained that this is the proper way to handle an ordinance rather than putting out multiple drafts that are subject to change.

3. 9/16/14 Letter from Maddalenas re: Amwell Valley Fire Company Harvest Fest – request to refund food license fees.

Mr. Wyckoff explained that the day of the Harvest Fest was stormy. All the vendors came but then all but one shut down and did not make any profits; only one was inspected. The Township will not be billed for any inspections on the vendors that left including Maddalena's. Judy's Funnel Cakes remained so the Township will be billed for their inspection. The fee is \$100 for the permit; of this the Township administrative fee is \$25 and the inspection costs the Township \$75. The Board discussed refunding the inspection fee.

Mr. Van Horn moved that the Board refund the \$75 inspection fee to all vendors that were not inspected at the Harvest Fest. Mr. Wang-Iverson seconded the motion. All were in favor; the motion passed.

D. Unfinished Business

There was no unfinished business.

ITEMS OF DISCUSSION

A. Education and Health Issues

1. Report from Board Member Pauline Serafin re: First Responder Training and Stormwater Management Course.

Ms. Serafin commented favorably on the First Responder Training hosted by the County. Mr. Wyckoff was also in attendance for the training. The training was in the form of a drill to determine how responses can be improved in the event of an emergency. There were 49 people from the County in attendance. Different scenarios were presented including dispersing

medications with a focus on improvement and determining lapses. Ms. Serafin reported that the training went very well. The objective was to have a more rapid response to the community.

Mr. Wyckoff reported that the disease was the bubonic plague; 16,000 doses of prophylactics were distributed during the exercise over seven hours. He commented favorably on the effectiveness of the exercise; few time lapses were noted. The point of the exercise is to see where the time lapses are and to standardize procedures. Ms. Serafin spoke of the repeated practice allowing people to just respond when needed. Mr. Wyckoff added that the focus was to protect the emergency responders from disease. Ms. Carluccio noted that a different exercise would be needed for Ebola. Ms. Serafin said an exercise for Ebola would require better precautions; the focus of this exercise was to distribute medications quickly and for responders to know what to do rather than protection. Ms. Carluccio asked if this would be an ongoing system. Ms. Serafin replied that they hold these exercises 2 or 3 times a year. She compared the exercise to fire drills where they are held so everyone remains fresh and knows just what to do and is relaxed because they practiced. There was a session at the end of the day to discuss the exercise; better systems are discussed to improve efficiency and accuracy. Ms. Serafin was assigned the position of "observer" with a local doctor and went freely from station to station to observe. Ms. Serafin will provide the Board Secretary with the paperwork she received from the exercise to keep on file.

BOARD SECRETARY REPORT

There was no report.

CORRESPONDENCE

There were no comments on any correspondence.

BILLS OF THE EVENING

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

OPEN TO THE PUBLIC

Ms. Serafin said she attended a three day Rutgers Stormwater Management Course. The course was intended for engineers; Ms. Serafin reported that she learned a lot from the course. The most important concept over the three days was "safety first" and to err on the side of safety. She explained how engineers collect data based on history when making any changes to structure and that the engineers were advised to always err on the side of safety. Ms. Serafin has reference materials from the course for Board members to borrow; she noted they may be helpful with the Wertsville Rd. bridge project. Ms. Carluccio suggested Ms. Serafin volunteer to work on the stormwater management for the project.

It was noted that the Open to the Public portion of the meeting was held earlier.

ADJOURNMENT

Mr. Van Horn motioned, seconded by Mr. Wang-Iverson, to adjourn the meeting at 10:07 p.m. The motion carried unanimously.

Respectfully submitted,

Christine A. Rosikiewicz