

The regular meeting of the Board of Health was called to order at 7:34 p.m. Present for this meeting were: Tracy Carluccio, Les Hamilton, Bodgan Slecza, Tony Berberabe, Larry Tatsch, Ted Peyrek III, Charles Van Horn, and David Wang-Iverson. Pauline Serafin was absent. Also present: Board Secretary Christine Rosikiewicz. Dan Wyckoff from the Hunterdon County Health Department was also in attendance.

In compliance with the Open Public Meetings Act, this meeting was advertised as a regular meeting in the January 29, 2015 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 April 15, 2015.

ANNOUNCEMENTS/AGENDA REVIEW:

The following items were added to the agenda:

Under Correspondence for New Jersey:

4/17/15 Notice: New Jersey Noise Control Council Stakeholders Meeting on Emergency Generator Noise

PRESENTATION OF THE MINUTES –March 17, 2015

Mr. Hamilton commented favorably on the minutes. Mr. Hamilton made a motion to approve the March 17, 2015 minutes as drafted; Mr. Slecza seconded the motion. All were in favor with Mr. Berberabe, Mr. Tatsch, Mr. Peyrek, Mr. Van Horn, and Mr. Wang-Iverson abstaining. The motion passed.

OPEN TO THE PUBLIC

Being no comments from any public Mr. Van Horn made a motion to close to the public. Mr. Berberabe seconded the motion. 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 – 202 Old York Road

Mr. Wyckoff reported that project is ongoing. There are no new updates.

2. NOV 9/3/14 B 15.01 L 2 – update

Mr. Wyckoff reported that this is for a new septic system breakout at the Hess gas station. Hess reports that the TWA has been sent to the DEP for approval. Hess has been digging on the site to determine the position for the Hoot system.

Ms. Carluccio asked for the dates for the breakout at the station and how this could occur if Hess is pumping regularly. Mr. Wyckoff said the NOV was registered yesterday. An anonymous message was left on the Board Secretary's voice mail on April 17th which she forwarded to the county when she received it on April 20th. Mr. Wyckoff could not answer why it occurred. Ms. Carluccio said the

caller also reported digging on the site which would indicate that the breakout was known. Mr. Wyckoff said exploratory digging has been done on the property to determine if there are underground obstructions for when the new system is installed. Mr. Van Horn noted that the weather was dry on April 17th so rain would not have caused the break out. Mr. Van Horn asked if Mr. Wyckoff was inspecting more frequently. Mr. Wyckoff said no but the County can follow up and review the pumping receipts. Mr. Tatsch asked if the property owner is required to pump on the basis of anticipated usage; if they determine when to pump. Mr. Wyckoff said there is no formula for pumping that he is aware of. Mr. Van Horn asked if there was any authority to shut the business down if this continues. Mr. Wyckoff said yes, if it is posing a public health threat. Ms. Carluccio expressed the Board's concern regarding this ongoing issue as it is a public food establishment. She said that both issues were not reported by the property owner but by others; once during a routine inspection by Mr. Wyckoff and once by an anonymous caller. Mr. Wang-Iverson asked if the County could require daily pumping or pumping every two days. Mr. Wyckoff said the County may be able to do that; he is unsure about the authority the County has over this. Mr. Wang-Iverson asked if Mr. Wyckoff knew how often the tanks are being pumped. Mr. Wyckoff did not. Mr. Hamilton asked if there would be an investigation to determine the cause of the breakout. Mr. Wyckoff did not think there would be. There was further discussion of the breakout; it was noted the effluent came from the septic field.

Ms. Carluccio recalled that a water quality well test was done the last time this happened. The Board took the precaution of sending letters to the adjacent property owners. Mr. Wyckoff said there should have been a water quality well test completed since then. Ms. Carluccio said it is possible the breakout could affect the well; it is unknown how long this septic problem was going on. Mr. Tatsch asked if there was still a treatment system on the well. Mr. Wyckoff said there is no treatment on the well but there is water filtration and softeners inside Dunkin Donuts. Mr. Hamilton asked Mr. Wyckoff if he will check the pumping records to determine frequency of pumping. Ms. Carluccio asked Mr. Wyckoff to check when the last water test was completed. Mr. Hamilton asked if this information could be sent to the Board Secretary before the next meeting. He asked if the neighbors should be notified of the breakout. Ms. Carluccio agreed the Board should notify the neighbors the same as it was done last time. Mr. Hamilton asked if there would be a hefty fine when this happens noting the County does not like to shut businesses down. Mr. Wyckoff said the fine per food code is \$100. Mr. Hamilton asked the maximum fine for a septic breakout. Mr. Wyckoff he did not know that figure exactly but it is more severe.

Mr. Tatsch confirmed with Mr. Wyckoff that there are presently two 1000 gallon tanks that are accessible. He asked if the Board could require an employee check the tanks daily and pump them when they come within a certain level. Mr. Hamilton suggested the pumping company check every day rather than an employee and a fine imposed.

Ms. Carluccio asked if a Notice of Violation has been issued. Mr. Wyckoff said a second NOV has not been issued as this has happened in the past 24 hours. She asked if a second one will be issued. Mr. Wyckoff explained that there is a tendency not to issue an NOV since they are being compliant by applying to install a new system. Ms. Carluccio said the new application is unrelated and the breakout is a separate issue.

Mr. Tatsch believes that the County should visit the site and advise that they are violating the terms of their agreement of remediating the violation and endangering the public health. He suggested the

Board write a letter to the property owner. Mr. Hamilton made other suggestions including asking the property owner to attend the next Board of Health meeting.

Ms. Carluccio said the County will need to issue a Notice of Violation and then follow the procedures outlined in the laws. She said Mr. Wyckoff will determine if the County has the power to shut down the store. She confirmed with Mr. Wyckoff that the bathrooms would now only need to be available to the gas station employees which would eliminate the problem temporarily until the system is fixed.

Ms. Carluccio and Mr. Hamilton agreed a well test should be requested on the Hess property as it is unclear how long ago the breakout occurred. Mr. Hamilton asked Mr. Wyckoff to follow up on this.

Mr. Tatsch asked if the Board should write a letter to the property owner indicating that the Board is aware of this second breakout, which is due to a lack of timely pumping of the tanks, and that the Board has notified the County Division of Public Health.

Ms. Carluccio asked if there were any other comments on this item; there were none.

B. Preview Committee

1. Septic System Alteration Application B 38 L 3

Mr. Paul Harenberg from Engineering and Land Planning introduced himself. Ms. Carluccio said that all the Board members were provided copies of the application for a septic alteration, to correct a malfunctioning system, for an existing four bedroom dwelling and a two bedroom apartment with no expansion.

Ms. Carluccio asked Mr. Harenberg to go over the application. Mr. Harenberg said the property is owned by a trust that is going to sell the property. The current system on the property does not meet code; the applicant would like to install a system that is more in compliance.

Mr. Harenberg reported that soil testing was completed. The layout of the property did not allow for all East Amwell well setback requirements to be met so waivers will be necessary. The location of the field was chosen using the results of the soil tests. There was a lot of clay but a pocket of decent soils was located. Further away from the well the soil turns to clay again. There are multiple soil logs that meet criteria for the disposal field; other areas of the property did not. Ms. Carluccio asked if soil logs 5 and 9 will be used and pit bails 1 and 2. Mr. Harenberg said soil logs 5, 6, 7 and 9 and pit bails 1 and 2; there are two separate tests proving the soils are permeable. Ms. Carluccio commented on the lot size being limited and asked about the size of it. Mr. Harenberg said it is roughly 400X450 feet. Mr. Wang-Iverson asked if it was around four acres. Mr. Harenberg believed it was; Ms. Carluccio asked if this could be added to the plans. Ms. Carluccio summarized that the bed could not be placed further away since the soils were only good in that one spot.

Ms. Carluccio asked why the tanks were so close to the house. Mr. Harenberg said it is good construction quality to have the tanks installed at the same slope throughout. The pipe leading the house cannot exceed a certain slope. Ms. Carluccio asked why the tanks were so far apart. Mr. Harenberg said this is to keep uniform slope for the pipe. Ms. Carluccio asked if this was necessary

to keep the same slope. Mr. Harenberg said there is a steep slope from the house but it is less of a slope to the field; a straight run of pipe would be both above grade and below ground if the existing slope remained.

Mr. Peyrek inquired where the line was coming out from the house and how many lines there were. Mr. Harenberg said there are two lines coming out from the house; they both go to the same system but come out of the house on different sides. Mr. Harenberg showed the lines to the Board on the drawing at Ms. Carluccio's request. Ms. Carluccio asked why there were two lines leaving the residence. Mr. Harenberg said there is a minimum gallonage required. He explained that he chose two 1000 tanks instead of one tank due to the slope. Ms. Carluccio asked why the two lines from the residence will remain. It was explained that it is because the lines are not connected inside due to the apartment; the left side line is for the apartment. Ms. Carluccio explained that the plan does not indicate the location of the apartment or how it is connected to the septic system. Mr. Harenberg said the apartment is above the garage. Mr. Peyrek mentioned the extra gallonage for the apartment. Mr. Harenberg said this is accounted for in the updated plan. The amount of gpd needed was discussed. Ms. Carluccio referred to State code which requires a minimum of 350gpd per dwelling unit; it is not calculated on just the six bedrooms. She inquired about what was used for the size of the field. Mr. Harenberg said it was based on 2.08 per gallon of sewage, 2008 is required; the proposed field is 30x74 feet. Mr. Peyrek referred to the drawing which said 1976 is required. Mr. Harenberg said the most recent plan (dated March) accounts for this. The Board Secretary provided the Board with a paper copy of the updated plans. Ms. Carluccio and Mr. Harenberg further discussed the gallons per day required for the system and how it was determined for the design. They reviewed the State code. Mr. Harenberg said a two bedroom apartment would require 200gpd for the first bedroom and 150gpd for the second. Ms. Carluccio asked if the Board had any questions on the sizing of the apartment and dwelling unit.

Ms. Carluccio asked what the other structures on the property are. Mr. Harenberg said they are old garages and barns, most are in disrepair. Ms. Carluccio asked if there was plumbing in any of them. Mr. Harenburg said there is not.

Mr. Hamilton asked to confirm that the field is 30X74. Ms. Carluccio asked if the Board had any questions regarding the septic tanks and separation distance from the well or if they believe there is anything that could be done to bring them further away. The distances are 63.5 and 59.3 to the second tank. Ms. Carluccio asked if there is fifty feet of casing on the well. Mr. Harenberg did not know.

Mr. Tatsch asked if this will be a gravity dosed system. Mr. Harenberg said it is and confirmed that it is a soil replacement, gravity, conventional system.

Ms. Carluccio said the well distance was corrected on the updated plans. Ms. Carluccio asked that a note be changed to say there are no wells within 200 feet of the proposed disposal field as the property is in the Mountain District, rather than 100 feet as currently stated.

Ms. Carluccio said the distance from the pond is the third waiver needed as it does not meet the 200 foot setback. She asked if the Board had any questions on this item. It meets the state code but not East Amwell code.

Ms. Carluccio asked if the Board had any questions. Ms. Carluccio said this application was for a malfunctioning system which allows the Board to grant waivers as the new system will be an improvement to what was there even if it does not meet all aspects of the code. The application states it is for an alteration with no expansion as the system is being upgraded as part of a real estate transfer. Ms. Carluccio asked why the application box was checked for real estate transfer and not a malfunctioning system. Mr. Harenberg said malfunction should have been checked. Ms. Carluccio said this should be changed. Mr. Harenberg said currently there is not a breakout but there is also no one living on the property so any breakout would be hard to verify. Mr. Harenberg agreed that he could not say it is a functioning system. Ms. Carluccio said to check both boxes on the application under #4 if necessary to make the application more accurate.

Ms. Carluccio asked the Board if they had any additional questions. Mr. Tatsch said the stipulation that the tanks be tested for water tightness should be included in the motion to approve due to the distance from the well. It was noted that this requirement is already in the state code and indicated on the drawing.

Ms. Carluccio asked if there were any other questions. Hearing none she asked for a motion on this system noting there were three waivers needed which are addressed in the County letter. The first waiver is for septic tank A to be only 63.5 feet from the well and septic tank B only 59.3 feet from the well which doesn't meet the minimum 100 feet East Amwell setback requirement. The second waiver is for the bed to be only 103.3 from the existing well on the property as it does not meet the minimum 200 feet setback distance per East Amwell requirement. The third waiver is for the proposed disposal bed to be only 154 feet from the existing pond on lot 3.04 which does not meet the required setback distance.

There are two conditions. The first is that the third note on sheet one of five should be changed from reading "There are no wells within 100 feet of the proposed disposal field" to "There are not any wells within 200 feet of the proposed disposal field". The second condition is that on the application, under reason for the application, box D (alteration malfunctioning system) should be checked in addition to B (alteration, no expansion, or change of use).

Mr. Van Horn made a motion to approve the application with the waivers and conditions as outlined; Mr. Peyrek seconded it. All were in favor; the motion passed.

2. Septic System Permit Extension Application B 8.02 L 25.01 County of Hunterdon – Fairgrounds

Mr. James Martin, engineer for Hunterdon County, approached the dais and introduced himself. Ms. Carluccio explained that Mr. Martin has requested an extension for the County's septic system permit. She provided background that the County decided to build a septic system that would have a septic flow under the 2000gpd originally considered. The smaller system falls under the jurisdiction of the East Amwell Board of Health rather than the State of New Jersey. A system was approved by the Board on September 22, 2011 for a 1500gpd system to be built. The system has not yet been built and the permit has expired. An extension could have been granted in October per Township ordinance but this deadline was missed. The County is now requesting an extension rather than submitting a new application.

Ms. Carluccio asked Mr. Martin if anything has changed. Mr. Martin said this is his first involvement with the septic system. The building that houses the restrooms is under construction at this time as

there were no funds available to build it until last year. He spoke to Mr. Robert Vaccarella and was advised that the County approval is dated December 7, 2011. Ms. Carluccio explained that the County approves the application after the Township does. Mr. Vaccarella advised Mr. Martin that it is a three year permit and an extension is needed to build at this time. Mr. Martin did not design the system but would like to construct the new system with the design they have rather than design again and go through the application process. Mr. Wang-Iverson noted that code has changed since then. Ms. Carluccio asked if there is anything in the code that changed that would change the design of the system. Mr. Martin said he could not answer that question.

Ms. Carluccio said normally when an extension is requested, regardless if the application is expired, due to the code possibly changing since the application was approved the engineer is asked to provide a letter on the record stating that there have been no changes in the current code that would affect the design of the system. If there were changes there would need to be a new application and redesign. As long as there is nothing in the code that changed in how the system would be designed then the only item needed is the engineer letter for the file. This procedure was recommended by the County and has been utilized by the Board since the code changed.

Ms. Carluccio asked if the County engineer was still the same. Mr. Martin said the system was designed by a consultant so the plan would have to go back to them. Ms. Carluccio went over the engineer letter with Mr. Martin. Mr. Hamilton asked what happens if the system does not meet current code.

Ms. Carluccio summarized that the County is requesting a septic system approval extension of two years per the code of East Amwell. Mr. Martin said the goal is to have the system installed for the fair this summer. Ms. Carluccio noted the application states the County will be going out to bid for installation of the system. Mr. Martin said he noticed that the permit had expired when he was preparing bid documents.

Ms. Carluccio asked the Board if the County should be required to submit a new application or does the Board want to waive the four months expiration on the permit and consider renewal of the permit. Mr. Van Horn said if the design still meets code then he does not see a reason for the County to apply again. He suggested the Board vote on the extension tonight with a condition of the engineer letter. Ms. Carluccio agreed with Mr. Van Horn; comments were made that this will save taxpayer money. Mr. Tatsch commented on the difficulty of a government entity to be on top of these things verses a private party and agreed with approving the extension with the condition of the letter.

Mr. Hamilton made a motion to approve extending the application with the condition of a letter being submitted to the Board from the County's engineer stating the system meets current code. Mr. Van Horn seconded the motion. All were in favor; the motion passed.

Ms. Carluccio and Mr. Martin exchanged thanks. Mr. Martin will submit the letter to the Board; Ms. Carluccio will review it.

Mr. Tatsch asked Mr. Martin about the Wertsville Road bridge construction. Mr. Martin said construction is ahead of schedule and the bridge has an anticipated opening in May; by contract they have until June to complete it. Mr. Martin and the Board briefly discussed the condition of various Township roads.

ITEMS OF DISCUSSION

There were no comments on any items of discussion.

CORRESPONDENCE

A. New Jersey: 4/17/15 Notice: New Jersey Noise Control Council Stakeholders Meeting on Emergency Generator Noise

Mr. Van Horn inquired about the noise ordinance. Mr. Wyckoff said that commercial and residential emergency generators are an exemption from the ordinance. This meeting addresses when commercial generators are being tested and not being used for emergency purposes and they are impacting the residential communities near them. This meeting will not address residential generators. It was noted that residential generators are still loud even when there is housing around them.

Ms. Carluccio referred to a recent noise complaint and advised the Board that in the event of a noise complaint the County can enforce the State noise ordinance. The Township does not have a noise ordinance; this complaint fell broadly under the nuisance ordinance and is being handled by the Zoning Officer.

BILLS OF THE EVENING

Mr. Van Horn moved the approval of the bills of the evening, seconded by Ms. Hamilton. The motion carried unanimously.

OPEN TO THE PUBLIC

Mr. Van Horn moved to close to the public. Ms. Tatsch seconded the motion. All were in favor; the motion passed.

ADIJOURNMENT

Mr. Van Horn motioned to adjourn the meeting at 9:45 p.m. Mr. Wang-Iverson seconded the motion. All were in favor. The motion carried unanimously.

Respectfully submitted,

Christine Rosikiewicz

Board Secretary