

The regular meeting of the Board of Health was called to order at 7:36 p.m. Present for this meeting were: Tony Berberabe, Tracy Carluccio, Les Hamilton, Pauline Serafin, Larry Tatsch, and David Wang-Iverson. Ted Peyrek, Bogden Slecza, and Charles Van Horn were absent. Also present: Board Secretary Christine Rosikiewicz and Hunterdon County Division of Public Health Inspector Dan Wyckoff.

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 August 5, 2015.

ANNOUNCEMENTS/AGENDA REVIEW:

There were no announcements.

PRESENTATION OF THE MINUTES – July 21, 2015

Mr. Tatsch and Mr. Hamilton both commented favorably on the minutes. Mr. Tatsch made a motion to approve the July 21, 2015 minutes, Ms. Serafin seconded it. All were in favor; 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. Hamilton 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 – Dan Wyckoff

1. Owens - AKA Woody's – B 16, L 11 – 202 Old York Road

Mr. Wyckoff reported that Dave Muscala has advised that the aquifer has had time to equilibrate after the soil excavation was completed. The well is scheduled to be sampled on August 20th. He is optimistic that the well will be clean and a no further action letter can be provided at that time. Two consecutive clean samples in two consecutive seasons are needed for a no further action letter.

2. NOV 9/3/14 B 15.01 L 2 – update

Mr. Wyckoff reported that the tanks were pumped in July. He has requested receipts from the August pumping which should have taken place this week as it has been a month since the last pumping. The engineering firm may request an extension from the DEP for their project; they have already received one 90 day extension. Ms. Carluccio thanked Mr. Wyckoff for the update.

B. Preview Committee

There were no items for Preview Committee.

C. New Business

There were no items for New Business

D. Unfinished Business

1. Revision of Previous Plans B 15.01 L 2: Hess/Speedway, 109 Route 202

Ms. Carluccio explained that there has been a revision of the plans for the proposed septic system on the Hess/Speedway gas station and Dunkin Donuts property. Mr. Wyckoff provided the Board with a letter which was included in the Board's packet. She noted that Maser Consulting was informed that this item would be on the agenda tonight and they asked if it could be tabled until September. Ms. Carluccio said the Board does not need to approve the changes but is allowed to comment on the change in the flow that was recommended. Maser would like to review the changes with the Board; Maser has just submitted the revision to the DEP and are awaiting their response. This item will be on the agenda in September.

Ms. Carluccio said that the design changes sent to DEP were for 1850gpd for 12 fueling stations and 1.25 per minute per square foot times the 2400 square foot building. DEP would like to include the food service in addition to just the square footage of the building. The design was redone including the 90 people times five gallons per minute per person from the table in 7.9A plus 12 fueling stations which comes out to 1950gpd instead of 1850gpd, an increase in flow of 140 gallons. This is the jurisdiction of DEP as the property has a Treatment Works Approval. The DEP has to approve the design changes and calculation.

Mr. Wang-Iverson asked if the new septic system would be installed before the construction of the new station. There was speculation that the new system would not be installed until then and regular pumping of the tank would continue. Ms. Carluccio expressed the Board's concern of a heavily used failing system. The tank requires regular pumping; the system is basically a holding tank at this point. It can break out at any time without the Board's knowledge. Past breakouts were discovered by chance at a regular inspection or by anonymous phone call. She believes the Board is in a good position to require the system be replaced at this time. Mr. Wyckoff said the County's position is the same as the Board's. Once the septic alteration application is approved by the DEP the County is requiring the new system be installed. Ms. Carluccio suggested the Board consider sending a letter to the DEP stating that the system be installed to replace a failing system and installation of the new system should not wait until the property is remodeled. Ms. Carluccio recalled that the representative from Hess told the Board it may be a few years before the store is remodeled.

Mr. Tatsch referred to page 2 of the letter where they refer to the sizing of the proposed system. The letter states that there is no seating in the building. Mr. Tatsch said there is seating in the present building but he does not know if this will change. He does not know how seating is defined; if it means a location where seats are available or if it means people are actually served at the tables. Ms. Carluccio said the letter could refer to the remodeled system. Mr. Tatsch read the third paragraph from the letter as follows:

The grease trap sizing calculation for restaurants is not an accurate representation of the existing Dunkin Donuts building as there are no seats within the building and if you were to use the number of people served you would have a grease trap size of 10,800 gallons.

Mr. Tatsch believes the letter is saying there is no seating as in a restaurant. This is untrue as there is presently seating. He believes the difference is that patrons are taking food from the counter and not being served. Mr. Wang-Iverson asked if the new building would have seating. The letter refers to the present building. Mr. Tatsch commented on the letter being unclear as there are some seats in the restaurant. He said this information is in the first sentence of the third paragraph of page 2 of the letter from Maser Consulting in bold type.

Ms. Carluccio asked that a letter be drafted to Maser Consulting addressing the seating and addressing the Board's concern with the failing system.

The size of the grease trap was discussed. Mr. Hamilton inquired about the second paragraph on the second page where it says the plans the plans were updated to depict the proposed use as a commercial food service. Mr. Hamilton asked what it was before that and if this would be a change of use with a rating that would allow more food preparation? The foot print of the building is not expanding. Mr. Hamilton believes the property would be upgraded to a commercial food service operation. Ms. Carluccio summarized that it needs to be determined if there will be more food preparation that would require a grease trap. Mr. Tatsch said a 750 gallon grease trap is being proposed. Comments about the proposed size of the grease trap were exchanged. Mr. Wyckoff said DEP would like it sized as a full commercial restaurant but the engineer is stating that it is not a restaurant. Mr. Wyckoff said that the other Speedway stores in the County he has inspected have very limited food preparation and are usually aligned with another franchise such as Dunkin Donuts. The Dunkin Donuts on this property does not do any food preparation; all the donuts are prepared off site and trucked in. There may be some frozen products that are baked on site. The Speedway stores only carry premade prepackaged foods that are brought in from a commissary operated by Speedway. The Speedway on Rt. 31 North has more expanded food preparation with a pizzeria and small sub shop with limited heating of food and an auto fryer.

Mr. Tatsch asked if the grease trap would be in ground. Mr. Wyckoff said they are in ground outside the building as they are usually 750 gallons in size. There is an interceptor before the septic tank, pump tank, and field. Mr. Hamilton asked how often the grease trap is cleaned. Ms. Carluccio commented on the importance of cleaning the grease trap and that maintenance is required. Grease is the most common reason for septic systems to fail. Equipment used to heat food with grease on it is cleaned on site even if the food wasn't prepared on site.

Ms. Carluccio asked Mr. Wyckoff how the grease trap works. Mr. Wyckoff said all the waste water goes into the grease trap. The grease rises up and forms a layer and the effluent floats under it.

The Board agreed that a letter should be sent to Maser Consulting with questions and a statement about the Board's concern.

ITEMS OF DISCUSSION

A. Education and Health Issues

There were no comments on any Education and Health Issues.

B. Board of Health Budget Status as of August 3, 2015

The Board Secretary reported that the amount for the well report has not been updated yet on the budget; it was \$25 more than quoted. The 2nd Quarter County bill was received yesterday and is on the agenda for approval tonight. She will review this bill for errors but did not want to hold it to the September meeting for approval.

C. Board Secretary's Report

Ms. Rosikiewicz reported that there were 35 licenses issued for the 4H Fair; this is an increase from last year.

Mr. Wang-Iverson asked to bring the Board up to date on the Affordable Housing situation. He has a report from the Fair Share Housing Center prepared by David Kinsey. The housing element number for East Amwell in this report is 300. This number indicates the number of affordable units the Township would be required to provide zoning for. Comments were exchanged about how high this number is. This number is multiplied by four to get the number of market-rate units that would go along with the affordable units. In order for a developer to construct affordable units they have to construct market rate units. The general rule is construct four market rate units for each affordable unit. Since 300 times 4 is 1200 the total new units in the Township would be 1200. Currently there are 1400 units in the Township; this plan would double the size of the Township.

Mr. Wang-Iverson said there is another report pending from Mr. Brushell with Rutgers; Mr. Brushell used to work at COAH. Mr. Wang-Iverson has been meeting with Deputy Mayor Dart Sageser and Planning Board Chair Don Reilly on a regular basis regarding this. Mr. Wang-Iverson said the Township was certified for 104 units overall in the third round of COAH previously. There was credit for 44 units so the net prospective would be around 60 units.

Mr. Wang-Iverson said that the Fair Share Housing Center is driving this; the State is responding to the Fair Share Housing Center. It is back in the courts since COAH was nonfunctional for so long.

A complaint was submitted by the Township for declaratory judgement and a motion was filed which should provide immunity from a builder's remedy. A decision will be made on this on August 28th.

The report from Mr. Brushell will be reviewed when completed. Mr. Wang-Iverson said the round three numbers were invalidated by the court. There is possible legislative action that could validate the round three rules. The Township Committee is going to argue for the smallest number they can get which will hopefully be close to the round three number.

Mr. Wang-Iverson said it was unclear to him from the reports if the authors are taking into account the forty-one percent of land in the Township that is preserved. Sixty-one percent of the land is farmland assessed. The addition of 1500 units would eliminate farming in the Township in his opinion. He spoke of the Township's hard work in the past 25-30 years to get to the point where the essential rural character is maintained. He spoke of the need to find a way to deal with the process to preserve and protect that character.

Mr. Wang-Iverson will be meeting with the lawyers and planners and working on this. Ms. Carluccio asked if Mr. Wang-Iverson was working with Mr. Banish, the Township Planner. Mr. Wang-Iverson said he was and explained that Mr. Banish works directly with Townships while the planners

completing the reports do research. The Fair Share Housing Center has been composing reports for municipalities around the State.

Mr. Tatsch spoke of the Township previously considering meeting part of the requirement by utilizing existing and new apartment units rather than by building on a one to four basis with new construction. Mr. Wang-Iverson believes accessory rental units are still a valid way to increase the number of affordable units. Rent is reduced for ten years and after ten years market rate can be charged. Studies show that retirees are "aging in place", therefore residents converting and renting part of their house could generate income. If the rent is deed restricted for ten years the apartment would count towards the total number of COAH units required. Mr. Wang-Iverson said the credit method, where the Township in the past could provide funding to another Township for COAH credit, is no longer allowed. Favorable comments were made about the program which was beneficial to cities.

Mr. Wang-Iverson spoke of going on the Fair Share Housing Center website and reading the history of the Mt. Laurel decision. He spoke of the good intent initially and how it has morphed into the Township being saddled with a completely unrealistic number of affordable units. The Township is not unwilling to contribute to COAH and was one of the 68 townships in the State that was certified in round three. Most towns did not submit a plan or submitted a vague plan. Having this certification will protect the Township from a builder's remedy.

Mr. Hamilton said there used to be an option for the Township to refurbish a substandard unit for COAH housing and commented favorably on the option to do this. Mr. Wang-Iverson will check and see if this option is still available. Ms. Carluccio commented in favor of the COAH funds being used to fix a septic system at one of these units which would benefit all parties.

Mr. Wang-Iverson commented on the need for Board of Health to be involved. If 1500 units are built there would be a need for centralized municipal utilities which the Township does not have. He speculated on the lack of market for that many units and commented on the infrastructure requirements of police and schools. These units are a ten year prospective need from 2015 to 2025. There have been under ten [new home] building permits issued for the past ten years. There has not been growth in the Township. Mr. Wang-Iverson further commented on the desire to keep the population fairly stable. There are not many jobs. There is no public transportation which low and moderate income individuals rely on and there are no utilities.

Mr. Wang-Iverson said he is working on this. A plan is due by November 8th at the earliest; it may be pushed later depending on the Supreme Court decision. There is a five month period to develop a plan but it is not clear when that five month period starts. Mr. Wang-Iverson said they are unclear which number they are working with. The draft report was received yesterday. It should be ready for public release by the middle of September.

Ms. Carluccio asked Mr. Wang-Iverson to let the Board know if he wants them to participate in an ad hoc committee. Mr. Tatsch inquired if the [Comprehensive Economic Development Survey] report done by the County a few years ago would have a bearing on this. A reduction in population and people preferring apartments was discussed in this report. Mr. Wang-Iverson said he thinks they will have to refer to that report as it outlines why a large development would not belong in East Amwell. He mentioned other Townships that would be more suitable for these units since there are jobs and utilities available.

Ms. Carluccio referred to the Department of Commerce at the State which speaks of smart growth and anti-sprawl. The State is aware of how expensive sprawl is and how it is damaging to water resources and the environment.

Ms. Carluccio thanked Mr. Wang-Iverson for his report.

CORRESPONDENCE

There were no comments on any correspondence.

BILLS OF THE EVENING

Mr. Hamilton moved the approval of the bills of the evening. Mr. Tatsch seconded the motion. The motion carried unanimously.

OPEN TO THE PUBLIC

Mr. Wang-Iverson moved to close to the public. Mr. Berberabe seconded the motion. All were in favor; the motion passed.

ADJOURNMENT

Mr. Wang-Iverson motioned to adjourn the meeting at 8:21 p.m. Ms. Serafin seconded the motion. All were in favor. The motion carried unanimously.

Respectfully submitted,

Christine Rosikiewicz

Board Secretary