

The reorganization meeting of the Board of Health was called to order at 7:33 p.m. Present for this meeting were: Tracy Carluccio, Tony Berberabe, Les Hamilton, Larry Tatsch, Charles Van Horn, Bogdan Slecza, and Pauline Serafin. David Wang-Iverson 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 reorganization meeting in the December 17, 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 on January 13, 2016.

2016 REORGANIZATION

A. Election of Officers/ Subcommittee Appointments

Chairperson:

Mr. Tatsch made a motion to nominate Tracy Carluccio as Board of Health Chairperson. He commented that she has been the Chair for a number of years and does an outstanding job. Motion was seconded by Mr. Van Horn. All were in favor; the motion passed to appoint Tracy Carluccio as Board of Health Chairperson.

Vice Chair:

Mr. Van-Horn nominated Larry Tatsch as Board of Health Vice-Chairman, seconded by Mr. Hamilton. Motion carried unanimously to appoint Larry Tatsch as Vice Chairperson.

Board of Health Secretary (member of the Board):

Mr. Hamilton nominated Mr. Slecza as Board of Health Secretary, seconded by Ms. Serafin. Motion carried unanimously to appoint Mr. Slecza as Board of Health Secretary.

Board of Health Secretary:

Mr. Van Horn nominated Christine Rosikiewicz as Board of Health Secretary, seconded by Mr. Berberabe. Motion carried to unanimously to appoint Ms. Rosikiewicz as Board of Health Secretary.

Well Test Witness:

Mr. Van Horn nominated Mr. Tatsch, Ms. Serafin, and Mr. Hamilton as Well Test Witnesses. Ms. Slecza seconded the motion. All were in favor to appoint Mr. Tatsch, Ms. Serafin, and Mr. Hamilton as well witnesses; the motion carried.

Local Registrar of Vital Statistics:

Mr. Hamilton nominated Terri Stahl as the Local Registrar of Vital Statistics; seconded by Mr. Tatsch. All were in favor; motion to appoint Terri Stahl as the Local Registrar of Vital Statistics was carried unanimously.

Subcommittee Appointments

Preview Committee:

Ms. Carluccio solicited volunteers for Preview Committee. She said only three members at a time can meet but having four members insures there will be enough members to hold a meeting. Ms. Serafin, Mr. Berberabe, and Ms. Carluccio volunteered. Ms. Carluccio asked if anyone else would like to volunteer and said she can call upon Board members if needed. **Mr. Van Horn made a motion to approve appointing Mr. Berberabe, Ms. Serafin, and Ms. Carluccio to the Preview Committee. Mr. Tatsch seconded the motion. All were in favor of appointing Mr. Berberabe, Ms. Serafin, and Ms. Carluccio to the Preview Committee; the motion carried.**

Education and Health Issues:

Ms. Carluccio solicited volunteers for the Education and Health Issues sub-committee. Mr. Hamilton and Ms. Carluccio served on this committee last year; they would like to do it again this year.

Groundwater Monitoring:

Ms. Carluccio said Groundwater Monitoring includes the winter road treatment program. Mr. Tatsch said he will continue on this committee.

Ordinance Review:

Ms. Carluccio said the Board will not be able to adopt any ordinances this year. The septic system ordinance will be reviewed as it is complex. Because of the changes in 7:9A it will take a few years to review it therefore the Board should start working on it this year to consider adopting changes in 2017. There may be four or five Ordinance Review meetings this year to work on the text of the ordinance. The ordinance will be to clean up items that need to be addressed. A careful reading of the ordinance and 7:9A will be done to make sure they are in sync. Mr. Tatsch and Ms. Carluccio both volunteered to be on the Ordinance Review committee again. Ms. Carluccio invited other Board members to join.

A. 2016 Meeting Dates

Ms. Carluccio inquired if the Board would like to continue to meet on the third Tuesday of the month; the Board agreed to this.

B. Professional Services Contracts

Legal Counsel:

Ms. Carluccio read the following resolution to approve the Board of Health attorney:

**TOWNSHIP OF EAST AMWELL
HUNTERDON COUNTY, NEW JERSEY**

RESOLUTION 01-16

RESOLUTION APPOINTING BOARD OF HEALTH ATTORNEY

WHEREAS, there exists a need for the performance of legal services for the East Amwell Township Board of Health for the year 2016; and

WHEREAS, funds are, or will be made, available for this purpose to be certified by the Treasurer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*) authorizes the hiring of an attorney without competitive bidding providing that the Resolution authorizing the award of contracts for “Professional Services” without competitive bidding and the contract itself be made available for public inspection.

NOW THEREFORE, BE IT RESOLVED, by the Board of Health of the Township of East Amwell, Hunterdon County, New Jersey, as follows:

1. Richard P. Cushing, Esq. of Gebhardt and Kiefer, P.C., are hereby appointed to serve as Board of Health Attorneys for the Township of East Amwell during the year 2016 in order to provide legal services for the East Amwell Township Board of Health.
2. The Board of Health shall enter into a mutually agreeable written compensation agreement with said Attorneys within thirty (30) days of the date of this Resolution.
3. This Agreement is awarded without competitive bidding as a “Professional Service” under the provision of the Local Public Contracts Law, N.J.S.A. 40A:11-5.

By order of the East Amwell Township
Board of Health

Tracy Carluccio, Chairperson

Mr. Van Horn motioned to appoint Gebhardt and Kiefer as legal counsel for the Board of Health seconded by Mr. Hamilton.

Mr. Tatsch inquired how the fees compared with last year. Ms. Rosikiewicz said they remained the same. Mr. Slecza inquired when bidding was required. Ms. Carluccio asked Ms. Rosikiewicz if she could answer. Ms. Rosikiewicz briefly explained that bidding is required when a cost threshold is exceeded and provided a brief summary of the process. Bidding is not done for the Board attorney. Mr. Tatsch said the threshold depends on whether or not there is a Qualified Purchasing Agent on staff to evaluate contracts and commented on the expense of bidding on contracts for the Township; it can cost several thousand dollars as an attorney must be hired. If the Township has a QPA, such as the Township Administrator, Tim Matheny, the threshold is higher. Mr. Hamilton said

this is all true but there are also laws in many states that prevent competitive bidding for professional contracts.

Roll call vote: Mr. Berberabe, yes; Mr. Hamilton, yes; Mr. Slecza, yes; Mr. Tatsch, yes; Mr. Van Horn, yes; Ms. Serafin, yes; Ms. Carluccio, yes.

Engineer:

Ms. Carluccio explained that Ferriero Engineering is the Board's soil log witness when testing is done for a septic system. The Township requires this testing be witnessed by the Township. Ms. Rosikiewicz advised that the fee for Ferriero Engineering is the same for this year as it was for last.

Mr. Tatsch moved to appoint Ferriero Engineering for the Board of Health engineer as per the terms of the contract, seconded by Mr. Van Horn. The motion carried unanimously.

Hydrogeologist:

Peter Demicco/Ground Water Associates was the hydrogeologist for the past two years. Ms. Rosikiewicz just received the contract for 2016 when she came in tonight for the meeting. The fees are higher than last year; \$175 an hour for the Professional Geologist, \$60 for Clerical, and \$120 for Field Technician/Geologist. Last year the Field Technician/Geologist was \$85 an hour; the other two fees remain the same. The Board tabled this item and will find out more information about the increase before the next meeting.

ANNOUNCEMENTS/AGENDA REVIEW:

Under Education & Health Issues

1/15/16 E-mail from NJ DEP – Proposed Amendments to the FFY2016 Priority System, Intended Use Plan, and Project Priority List

Under Correspondence for New Jersey:

1/14/16 Fax from NJ DEP re: Zika Virus Disease: Guidelines for Reporting, Testing, and Preventing Infection in Travelers

PRESENTATION OF THE MINUTES –December 16, 2015

Mr. Hamilton made a motion to approve the December 15, 2015 minutes with typographical corrections; Mr. Van Horn seconded the motion. All were in favor; the motion passed.

OPEN TO THE PUBLIC

Andrea Bonette, 17 Ridge Road approached the dais. Ms. Bonette said she could not find the agenda online; Ms. Carluccio directed her to copies in the back of the room. [For the record the agenda was send to the webmaster on January 14th.] Ms. Bonette said she would like to speak about Peacock's; which is not on the agenda.

Ms. Bonette said she has been looking into Peacock's a lot, it is too late to fix it, but she is very concerned. She has many issues with Peacock's but will try and stick to the Board of Health issues

at this meeting. She said that with all due respect it appears that a few discrepancies may have been overlooked by this Board in their review of the rebuilding application. She read her comments as follows:

Having myself built two single family houses in this Township in 1974 and 1984 I vividly remember all the hoops I had to jump through to get approvals for my wastewater disposal system. It does not appear that the owner of Peacock's thirteen residential units even came close to that.

I will point out a few of my findings. I will be happy to document every one of my statements; all of them come from the Township files.....

#1. Stream: The stream is referred to by the owner as a "seasonal stream". Dennis O'Neil questioned the NJ DEP about this stream. Dennis was kind enough to spend an hour with me going over some of the files. The NJ DEP told him it is a Township stream and it is okay, however Toni Robbi reported to our Environmental Commission....that the plat for the site shows the tributary for Back Brook is designated State open waters which means NJ DEP controls what can happen to it in its defined buffer area. [Ms. Bonette commented that these were quotes from the minutes.] The foundation survey shows (which is the survey Dennis showed me and I have a copy of it) the main building is less than 13 feet from the stream. The Zoning Board approval resolution of April 2014 says runoff from the roof will tie into nearby public storm drain inlets but a neighbor testified that the runoff from the building goes into the stream so I am not really sure.... they are talking about public storm drain inlets when the building is thirteen feet from the stream is very meaningful. Applicants and engineers testified that there would be less of an impact on the stream because the new building will have a reduction in impervious cover and more lawn area and we all know that lawn is not the impervious.

I have to admit I have spent a lot of time wading through all sorts of documents, hours, trying to verify the reduction of impervious cover and just becoming more and more confused but I have not found any evidence that anyone from the Township tried to double check these figures either, at all. I could not find any evidence that anyone was particularly concerned about the stream.

#2. The septic tanks. The tanks' location varied from document to document. I found only one tank clean out port shown on one old survey although, to be fair, I might have missed others due to the many different versions. There are three versions of the 1974 Frank Lindy surveys of the entire property, none of which shows any septic tanks. In 1984 engineer Howard Fras said there were two septic tanks installed in 1974. In spring 1985 the Board of Health minutes indicate displeasure that no repairs have been done and no permits issued despite a lot of problems with the septic tanks and septic system. Evidently something must have been done by August 1985 because the Board of Health minutes say Mr. Muldowny "checked the area and there was no problem". In 1988 the owners said there was a septic tank beneath the gravel parking lot. In 2014 the owner's engineer said there are three tanks located at the end of a parking area, each 1000 gallons and the owner testified that he pumps them all out at least once a year and I don't know if the Township has any proof that he does this.

....My last point the septic fields have quite a checkered history. It is crucial to ascertain the facts. NJ DEP based their determination on 1985 "drawing prepared for the third bed". NJ DEP determines that if based on the information submitted by the applicant the design flow does not exceed the capacity of the existing system. There is no need for any changes to be made and a NJPDES [New Jersey Pollution Discharge Elimination System] Permit will be granted, which it was. Mrs. Carluccio informed the applicant of this exemption prior to his applying to NJ DEP, that's what the Board of Health minutes

say. The DEP relied entirely on information supplied by the applicant. There is an undated letter in the file from the owner Robertson which gives on the same page two significantly different total daily uses of water. One paragraph says it is 13.01 gallons per day and another says 1031gpd. I would guess this is a typo but no one else questioned the discrepancy however Zoning Board minutes over twenty years indicate the number of apartments went from four to eight to nine to ten. It is not clear in most of the minutes whether one of the bedrooms counted is actually in a separate structure, the one referred to as the carriage house. DEP's Ron Banister says design drawings submitted by the applicant indicate there were thirteen apartments in the main building, the one that was destroyed by fire in 2014 and also in the store in 1985 and that the current proposal is for "renovations". Unfortunately there is nothing in the file that any tests or inspections of the wastewater disposal system starting from 1974 until the present. Mrs. Carluccio noted there are no requirements for plans or a soil test similar to what is used today, that is the Board of Health minutes from April 15, 2015. This differs greatly from my personal experience in 1974 when I had to supply \$300 worth of special bank render because the dirt on my Zion Rd. property was not good enough for my single family 1400sqft house septic system and Hunterdon County doesn't appear to have any relevant records either. Now I realize this is kind of jumpy but it's because I am combining it from hundreds of pages of documents. The applicant's engineers Boren and Boren in 2014 helpfully provided an analysis based on the number of bedrooms which supposedly exist in the building. Again I am sure you are all aware that the number of bedrooms is pretty relevant to the whole issue about what kind of wastewater treatment system is required. Ten apartments is what Boren and Boren claims of which there were eight one or two bedroom apartments and two apartments with three or four bedrooms using a total of 3950gpd of water and then a store with up to 75 patrons a day, which I find quite amusing, for a total of 820gpd for the store. The number of bedrooms is not important according to the engineer, Dennis O'Neal, who told the Zoning Board in April 2014 the NJ DEP relies on 350gpd per apartment regardless of the number of bedrooms. I am confused because the same engineer told me last month the number of bedrooms determines the size of the septic system which is what the New Jersey statute says. I am even more confused because Township records, which I have spent many hours going through, indicate anything from four to thirteen apartments and from an unknown number to nineteen bedrooms in the main building. The most remarkable document that I found in the files, and also in Mr. O'Neal's office, is the three versions of Frank Quinby's March 11, 1974 survey of the property. The first one was done for the original owner, Mr. McConaughy. The original version shows zero septic fields. Then there is an undated version, still bearing Mr. Quinby's signature and the same date of March 1974 showing two septic fields which the Board of Health minutes describe as "the survey done by Mr. Quinby with the purported septic system super imposed on said survey by the applicant, Mr. Paul McConaughy." The third version, still dated 1974, shows a third septic field dated 1985 on the 1974 survey. Our Township engineer told me that this survey, which was provided to our engineer and presumably to DEP is considered "as per applicant" which means it is based on the applicant's word. Ron Banister told me the DEP ruling "is determined by the information submitted by the applicant and his engineer". Now I realize the building is up and nothing can be done. I will attempt to ask why this huge project....9000sqft of living spaced needed only maybe thirty minutes of discussion before this Board but I implore this Board in the future to be as scrupulous in verifying information as you were in 2003 when I was on the Township Committee and The Ridge was applying to build the golf course. I believe forty-five meetings were partly or wholly dedicated to that application....I hope that just in the future everyone will do a little more checking, that is what I would like to see and I will be happy to e-mail this to have it.

Mr. Carluccio said Ms. Bonette could submit what she had to the Board Secretary. She told Ms. Bonette she, as chair of the Board of Health, spent many, many hours going through all the files at

the municipal building, which she summarized and reported to the Board. She went through at least 1500 documents herself when the application first came in after the fire. She said the Board did its due diligence. There were many conversations about Peacocks and it was discussed at more than one meeting. It was only when it was determined by the State that it was not the Township's jurisdiction, but the State's, that the Board had to pull back in terms of taking action on the application on the Township level. She assured Ms. Bonette that the Board thoroughly went through the application. Ms. Carluccio personally had at least a dozen research efforts regarding this application as she went through all the Township files. The Board expressed concerns about the existing system which were relayed. The State reviewed based on the engineer reports as all reviews are based on what the engineers report.

Ms. Bonette said she has no doubt that Ms. Carluccio did this and she knows "you do your homework". She continued that she has worked with several members of the Board of Health and said "you guys do your homework, too". Ms. Bonette expressed her opinion that there was a tremendous discrepancy in what was submitted to the DEP to what was in the files and she doesn't know why no one picked up on that. She went on to say that everyone is pointing fingers at everyone else. She spoke of how she devoted time to service of the Township and that she loves this Township. She said would like things to be done carefully and appreciates all the service that you do.

Ms. Carluccio thanked Ms. Bonette for her time and for doing all her research.

Mr. Van Horn made a motion to close to the public. Mr. Hamilton seconded it. All were in favor; the motion passed.

UNFINISHED AND NEW BUSINESS

A. Hunterdon County Division of Health and Safety – Inspector's Report

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

Mr. Wyckoff reported that this remediation project has been completed. He is awaiting the final word from the LSRP managing the project.

2. NOV 9/3/14 B 15.01 L 2 – update

This is the NOV for the Speedway gas station (formerly Hess). The engineering company will not commit to a start date for the construction of the new system. It is requested the system be installed by February 15th or a court summons will be issued so the judge can determine when the system will be completed. Mr. Wyckoff was unsure if the weather would impact this date and they could possible extend this date with permission from the County and Township.

Mr. Wyckoff provided pump receipts for January, December, and November to the Board. He said Speedway is not forthcoming with the receipts and he does not receive them unless he asks for them.

Ms. Carluccio referenced the letter Mr. Wyckoff sent to Speedway advising of the February 15th date for completion.

Mr. Tatsch referenced the receipts and asked if the tanks are filling up on a monthly basis and if there is any evidence of overflow. Mr. Wyckoff said there has not been any indication of this. For two of the months 2000 gallons was pumped, one month only had 500 gallons. They seem to be on top of it as there has been no break out. Dunkin Donuts is required to sample the water quarterly, so far there has not been any contamination of the ground water.

3.NOV B 35.01 L 38

This NOV is for the Mezaros property. It was reported last month that the Township and County are working together to remove the tires. The Township filled two large roll offs full of tires which were delivered to the County and then removed from the County property. The County paid for the roll offs. The County inspector saw that two large concrete barriers were put across the entrance way of the property to prevent any future dumping on the site. There is other solid waste on the property in a protected garage. This solid waste is building materials and nothing hazardous.

Ms. Carluccio said Mr. Wang-Iverson could not be here tonight but he asked that Ms. Carluccio relay a thank you from the Township for working closely with them and working quickly to remove the tires from the property. Mr. Wyckoff said the effort was the Township's and the County had the funds available. He expressed appreciation for the Township's DPW.

B. Preview Committee

There were no items for Preview Committee

C. The Ridge at Back Brook – 2015 Sampling Event – 12/22/15 e-mail update from Mr. Stephen J. Souza, Ph.D. , President, Princeton Hydro

Ms. Carluccio referred to the December 22, 2015 e-mail from Mr. Souza that was in the packet. Mr. Souza said the sampling from 2015 was completed. As soon as he receives the information from the consultant, Matt Mulhall, for The Ridge at Back Brook Mr. Souza will send a report and advise the Board.

D. Board of Health Budget Status from CFO dated December 30, 2015

Ms. Rosikiewicz reported that the Board is under budget for the year. She is awaiting the fourth quarter bill from the County and the attorney bill for the ordinance.

Mr. Hamilton commented that the Board is about \$8000 under budget. Ms. Rosikiewicz said there was at least one more soil log test that will be completed before the end of the year.

ITEMS OF DISCUSSION

A. Education and Health Issues

1. 1/15/16 E-mail from NJ DEP – Proposed Amendments to the FFY2016 Priority System, Intended Use Plan, and Project Priority List

The Board Secretary received this information right before the meeting and distributed it. Mr. Tatsch will review it as the deadline to comment is on February 16th, the day of the next Board of Health meeting. If the Board would like to comment the Board can vote on this at their next meeting.

B. Board Secretary’s Report

Ms. Rosikiewicz reported that around half the annual food permit applicants have come in.

Ms. Rosikiewicz reported that there are two wells that are monitored in the Township for water usage, Tabby’s Place and Dr. Bryant’s office. Tabby’s Place has been consistently under 200gpd. Dr. Bryant’s were received; there is an error on the report, she has followed up with an e-mail.

CORRESPONDENCE

There were no comments on any correspondence.

BILLS OF THE EVENING

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

OPEN TO THE PUBLIC

Being no comments from any public Mr. Van Horn moved to close to the public. Mr. Tatsch seconded the motion. All were in favor; the motion passed.

ADJOURNMENT

Mr. Van Horn motioned to adjourn the meeting at 8:20 p.m. Mr. Tatsch seconded the motion. The motion carried unanimously.

Respectfully submitted,

Christine Rosikiewicz

Board Secretary