

The regular meeting of the Board of Health was called to order at 7:31 p.m. Present for this meeting were Tracy Carluccio, Les Hamilton, Pauline Serafin, Larry Tatsch, and Charles Van Horn. Tony Berberabe, Bogdan Slecza, and David Wang-Iverson were absent. Also present: Board Secretary Christine Rosikiewicz and Dan Wyckoff from the Hunterdon County Division of Public Health.

In compliance with the Open Public Meetings Act, this meeting was advertised as a regular meeting in the January 28, 2016 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 July 13, 2016.

ANNOUNCEMENTS/AGENDA REVIEW:

Under Education and Health Issues

Under Hunterdon County Division of Public Health LINCS

7/13/15 Public Health Info re: Tularemia Prevention

7/14/16 Public Health Update re: Zika Virus Testing in New Jersey Patients – July 2016 Update and Testing Algorithm

7/14/16 Public Health Info re; Updated Guidance for Cryptosporidiosis and Giardiasis

PRESENTATION OF THE MINUTES – June 21, 2016

Mr. Hamilton commented favorably on the job Ms. Rosikiewicz did on the minutes.

Mr. Hamilton made a motion to approve the minutes with the changes as follows:

Page 3, paragraph 2, line 3: Delete the word “flood”.

Page 3, paragraph 2, line 3: Add the word “and” between “pass” and “according”.

Page 3, paragraph 4, line 1: Add the word “and” between “line” and “it”.

On page 4, paragraph 4, line 4: Replace “mound soil replacement fill enclosed” with “fill-enclosed mounded soil replacement system”.

On page 4, paragraph 5, line 5: Replace “the 8 inch water table is mottling” with “at 8 inches mottling showed the presence of the water table”.

On page 4, paragraph 5, line 8: Replace “zone of safety” with “safety margin”.

On page 5, paragraph 1, line 1: Replace “yard” with “grade”.

On page 5, paragraph 6, line 4: Add “vendors” after the word “food”.

On page 6, paragraph 1, line 2: Replace “affect” with “effects”.

Mr. Tatsch seconded the motion. All were in favor, the motion passed.

OPEN TO THE PUBLIC

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

UNFINISHED AND NEW BUSINESSA. Hunterdon County Division of Health and Safety – Inspector’s Report

1. Owens (aka Woody’s) B 16 L 11 – update

Mr. Wyckoff reported that decommission reports have been received for the seven wells on the property. A No Further Action letter is expected from Mr. Muscala as this project is wrapping up.

2. NOV 9/3/14 B 15.01 L 2 – update

This NOV is for the Speedway / Hess project. No action has been taken to install the new septic system. The project has been rebid for a second time; those bids will be reviewed in early August. Mr. Wyckoff was assured the current system is being pumped every three weeks; he only has proof of this through May. Receipts will be provided for June and July. The system will continue to be pumped until it is replaced. The court date is set for August 15th; this is the Monday before the next Board of Health meeting. Ms. Carluccio said Speedway will be discussed later in the meeting under “Items of Discussion”.

3. Property at intersection of Linvale Road and Rt. 31

In response to a question last month by Mr. Van Horn regarding this property Mr. Wyckoff reported that in 2014 four underground storage tanks were removed from this site. There was contaminated soil, a remediation plan is being submitted and reviewed by NJDEP. The project should be completed by 2018. Mr. Hamilton asked if it was known how much oil leaked out of the tanks. Mr. Wyckoff did not know. Mr. Hamilton asked if the neighbors have been notified to determine if there is oil in their wells. Mr. Wyckoff said they were not. Mr. Tatsch said this property was a service station many years ago. Mr. Wyckoff said they were gasoline tanks. Mr. Tatsch speculated that the tanks were never properly abandoned. Ms. Carluccio said the Board could notify the neighbors to test their water. Mr. Wyckoff said once the project is approved the neighbors would be notified. Mr. Hamilton asked if Mr. Wyckoff could check if the neighbors have been notified. He said he would and would ask to be copied, and have the Township copied, on all information.

B. Preview Committee

1. Septic System Alteration Application B 31 L 7.01

Mr. Paul Harenberg from Engineering and Land Planning approached the dais and introduced himself. Ms. Carluccio explained that this application is for a septic system that is malfunctioning with no expansion. The Board reviewed this property in March; there was no permeability on the property. The Board suggested more testing may provide some better results and that the engineer

consider pre-treatment and/or an advanced treatment system which would allow the percolation of effluent to be more spread out to avoid using a holding tank. This system is for an existing house.

Mr. Harenberg did additional soil testing, soil logs 9-15, which the Preview Committee reviewed. These soil logs were done on March 29th. Testing was done in November 2015, then again in February and March of 2016. Some soil logs had minimum seepage which wasn't enough to justify running a pit pail test. With seepage in the hole you can't run a basin flood per State code. All the holes were similar, some had refusal, and some had a fractured rock layer and then a silt loam layer. There was still no passing permeability in those regions.

Mr. Harenberg explained that at the March meeting he proposed a drip dispersal system as that has been used in similar situations in the past. He referred to soil log #14 that was done. The result of soil permeability testing was K1. He is proposing a mounded soil replaced drip dispersal system. The drip dispersal system consists of an advanced treatment unit, the Hoot 8600, which is a three compartment concrete tank with a blower unit which puts air into the tank. This system will produce a much cleaner effluent than a traditional septic tank. The effluent then goes into a pump tank with a specialized lid which has two lines leaving and two lines coming back in. The riser has four lines total going to two drip fields. The fields are mounded; the dripper lines are out in back as shown on the plan. The wastewater goes through the whole field then comes back into the tank. There are small emitters that control the flow. There are multiple small doses throughout the day alternating between the fields. Mr. Harenberg provided a sample of the drip tube to the Board. He further explained that the black tubing runs up from a manifold into where the drip tube starts. He showed where the tube is spliced and the emitter is located. The pretreatment keeps the tubes from getting clogged.

Ms. Carluccio explained that usually applications for alternative treatment systems are heard at two separate meetings; first to have approval for the alternative system on the site, and the second time for approval of the application. The County did not issue a letter on this proposed system yet because the County considered that the applicant would have to attend two meetings and this would be the first one. There is a letter from the County from March with the waivers needed on the original design of the system. The waivers needed for the system are on page 2 of 8 of the design; in addition there will be the usual conditions for an alternative system. Mr. Vacarella from the County suggested to Ms. Carluccio in a phone call prior to the meeting that if the Board wants to consider approving this system tonight it could be done conditional on the County's review and approval. He will let the Board know if he finds anything he believes isn't right when he reviews it. An approval letter would not be given by the Township until Mr. Vaccarella approves the application. This would eliminate the need for the applicant to come to a third Board of Health meeting. Ms. Carluccio is proposing this option as the Board already spent considerable time reviewing this site. The Preview Committee reviewed it twice and there was a thorough review at the March meeting. Tonight's meeting could be considered the "second" meeting if the Board feels they have enough information.

Mr. Van Horn asked if the house is occupied. Mr. Harenberg said it is not. There was a pending sale at the March meeting but at the time there is no pending sale as that sale fell through.

Ms. Serafin referred to page 1 where it states the pool water or water softener discharge will not enter the system. She asked where those discharges would go. Mr. Harenberg said the property

does not have a pool or water softener. He added this note as the County has asked him to add it for other applications.

Ms. Carluccio confirmed with Mr. Harenberg that maintenance reports for the system would be sent to the Township as required for alternate treatment systems.

Ms. Carluccio asked if the gallons per day per square foot are according to code for the drip dispersal system. Mr. Harenberg said that this is based on the manufacturer's recommendation which is referred to in the code if there is a discrepancy. Ms. Carluccio said the sizing of the treatment system is based on the design of the system. She asked Mr. Harenberg if he reviewed this and feels comfortable with it. Mr. Harenberg said the manufacturer specs on the sizing criterion requires an area of 1407 square feet; two thousand square feet is being proposed (two 1000 square foot beds). The proposed system exceeds the manufacturer's recommended minimum.

Ms. Carluccio noted that the wells have 200 feet clearance. There are no septic systems within fifty feet of the proposed system. The Board would need to provide a waiver for the highest regional water table being at 10 inches and that there is no soil permeability test on this property. These two waivers are in the March 9, 2016 letter from the County. The drip dispersal system, which is an advanced treatment system, would also need to be approved by the Board. The advanced treatment unit, which is the Hoot system, would also need to be approved. The use of the soil permeability class rating test in lieu of a percolation test for soil permeability testing would require a waiver.

Ms. Carluccio said the property is in the Mountain Zone so it is a sensitive site. The property is four acres and on Mountain Rd.

Mr. Hamilton asked how deep the tubes are placed under the ground. Mr. Harenberg said about two to three inches. Mr. Hamilton asked about what keeps them from freezing. Mr. Harenberg explained that the water in the tank is the ambient temperature. The tubes fill and are pressurized. The drip emitters drip a little at a time and then the water comes back into the tank. There is no standing water in the tubes. The emitters are designed to go out and then close up. There is another system that was installed in East Amwell that has not had any issues. Mr. Hamilton asked what would happen if the power went off in freezing cold weather for two or three days. Mr. Harenberg said the lines are designed to be empty so nothing would freeze inside. Mr. Hamilton commented that they could be pulled up by a heavy lawn mower and asked if cutting the grass would be a problem. Mr. Harenberg said there is a proposal to put a fence around the system to protect from miscellaneous things that could happen to it. It was noted that there is a barn on the property and horse features and the intent is to sell it as a horse property. The fence is not a requirement but something the homeowners want to do.

Mr. Van Horn asked how quick the County could approve this application if the Board approves it tonight. Ms. Carluccio said that Mr. Vacarella at the County has said it would be done quickly. Mr. Van Horn asked how long a system like this one takes to be fully installed. Mr. Harenberg said about a week.

Mr. Tatsch believes the Board has sufficient information to move on this application. They went over it extensively in March and Mr. Harenberg has come back with a proposed plan based on the

Board's recommendations in March. Mr. Tatsch believes this is a reasonable plan that addresses the concerns the Board had.

Mr. Van Horn said that, coming from the real estate side, this house is not going to go to contract until this problem is solved. If something is done in August there is a chance in early fall. Once it is mid-November the market is dead until the following spring. Mr. Van Horn would not like to put this off as the property is not going to sell without a working septic system. He believes the waivers can be approved contingent on the County giving their approval.

Mr. Van Horn made a motion to approve this application with the waivers and conditions pending County approval. Mr. Hamilton seconded the motion. All were in favor; the motion passed.

ITEMS OF DISCUSSION

A. Education and Health Issues

1. Hunterdon County Division of Public Health LINCS

a. 7/11/16 Public Health Info: Staying Healthy During the Agricultural Fair Season

Mr. Hamilton commented that he and Ms. Rosikiewicz discussed publicizing this information along with the rabies flier. It was passed along to the senior citizen group and is on the Board of Health website. Ms. Rosikiewicz contacted the school about publicizing the information through the school.

B. Board of Health Budget Status as of June 30, 2016

Ms. Rosikiewicz reported that the budget activity for Board of Health is very similar to last year and provided comparisons of the number of permits issued from this time last year to now. The number of food permits has increased significantly.

C. Board Secretary's Report

No report.

D. 7/8/16 letter from Maser Consulting re: B 15.01 L 2, Speedway – Septic Design Holding Tank Plans

Ms. Carluccio invited the representatives from Speedway to come forward and introduce themselves for the record.

Mr. Hamilton motioned to open the meeting to the public. Ms. Serafin seconded the motion. Ms. Carluccio said the representatives from Speedway are speaking as members of the public as this item is not on the agenda for action. **All were in favor; the motion passed.**

Mr. John Hogan, an attorney with Wilentz, Golden, and Spitzer in Woodbridge, New Jersey, introduced himself. He represents Speedway, LLC, the property owner. He noted that Dunkin' Donuts is a tenant on the property. He is here to explain the progress with regard to the septic replacement on the property.

Mr. Hogan introduced Vincent Kelly, from Maser Consulting, who is the project engineer. Andy Lautenbacher from Speedway was also in attendance. Ms. Carluccio said Mr. Wyckoff will also be present for this part of the meeting.

Ms. Carluccio provided background for the Board. There was a request for approval of a holding tank from Maser Consulting to be put on the agenda for tonight. This request came in after the ten day cut off so it was not added to the agenda. There have been e-mails back and forth regarding the holding tank. Mr. Wyckoff commented via e-mail that this application would not affect the court requirements. The Board does not participate in these discussions as the County is handling the notice of violation process as the Board's administrative representative. Ms. Carluccio wants to make very clear that whatever the Board considers has no bearing on the court proceedings. The decision regarding a holding tank is based on the circumstances and whether or not the Board is convinced it is something that should be approved. It needs to be determined if a holding tank would require DEP approval in addition to Township approval.

Ms. Carluccio said Mr. Hogan called the Board of Health office and spoke to Ms. Rosikiewicz who then forwarded the message to her. She called him back and wanted to publicly discuss that they had a conversation. At this moment it does not seem like Speedway is going to pursue a holding tank. Ms. Carluccio said she explained to Mr. Hogan in the phone call that this item could not go on the agenda for tonight, that there were separate court proceedings, and that anything that they wanted to do that was not part of the approved septic system would need DEP, Township and County approval. She said she advised that the Board's main concern is that there have been violations at the site noting the two effluent break-out events. The Board is very concerned about any further breakouts and want to make sure that there is no risk of any pollution in the area as a result.

Mr. Hamilton asked why the Board is discussing this if it is under the jurisdiction of a judge. Ms. Carluccio asked Mr. Lautenbacher why there is an application. She added that she asked Mr. Hogan on the phone if this was an emergency and was assured by Mr. Hogan and the County that there is no emergency on the site.

Mr. Hogan said they were originally coming to the meeting to apply for a holding tank. He said they are here to satisfy the Board that the project is happening. He said he knows there is a lot of concern and the Board is taking this very seriously. He wanted to come to the Board and explain why this is taking longer than expected. Mr. Hogan said there was a meeting with Mr. Wyckoff about a month ago where the County suggested they consider a temporary holding tank for 180 days to eliminate the possibility of any breakouts. There haven't been any breakouts at this property in over 18 months. There is a contract with Russel Reid to pump out the tank every three weeks. Mr. Hogan said Mr. Wyckoff should have the receipts and he does not know why he doesn't have them. Mr. Hogan said he will take care of that immediately. Water testing is done regularly from the well; there have been no issues regarding contamination. There is no emergency at the property and there have been no further violations.

Mr. Hogan said the project was delayed for a couple of different reasons. They are on target right now to install the original septic designed with a pretreatment pump due to the food service. The tenant has a food service use. The lease was to expire but it looks like it will be extended. There were serious questions regarding the expense involved with pretreatment when the tenant could be leaving and the tenant is the only reason there is pretreatment.

Mr. Hogan said the bids were not what they expected them to be. He said this is not the Township or County's concern but it is an economic issue that had to work itself out within the company. The project went out to bid again; the new bids are due back the first week of August. The property will need to be closed during completion of this project; there are two businesses on the property, Speedway and the tenant {Editor's note: Tenant is Dunkin' Donuts}. It is expected the contractors will be lined up the first or second week of August. The supplies can then be delivered and the project can begin. The tenant will need three weeks' notice before they close. The property will be closed for around six weeks. He is looking at the project being completed in October.

They pursued the alternative temporary situation of a holding tank at the County's suggestion. He asked if they even need the Board's approval to use a holding tank for 180 days. He said they are doing what they thought they were supposed to do to get this project underway. The holding tank would disconnect the field from the tanks, seal the tanks and they would be pumped at minimum every three weeks. The tanks would have an alarm system on them to prevent breakouts.

They are due back in court on August 15th. Mr. Hogan hopes by then the contractor will be in place and there will be a start date. He said they are behind schedule but there were many reasons beyond their control that they were concerned with about getting it done right. If they do not need the Board's approval for the storage tank that would be helpful to know so they don't come back to the Board.

Mr. Van Horn and Ms. Carluccio expressed that a holding tank must be approved by the Board as there is a local ordinance. Mr. Hogan said he thought that was for long term holding tanks. Ms. Carluccio said the ordinance is for a long term holding tank and did not know whether or not there is such a thing as a temporary holding tank, the Board would need to research this. She noted that the ordinance just says "holding tanks"; it does not read "permanent". From reading the ordinance it sounds like it's long term. She said the Board would need to check with DEP to determine if a temporary holding tank needs the Board's approval.

Ms. Carluccio asked why Speedway would go through the expense of putting in a holding tank if the system will be replaced within weeks. She asked if the site would have to be shut down to install the holding tank.

Mr. Hogan said the tank wouldn't be changed. The existing tanks that are used for the system would be the holding tanks. The field would be cut off to make sure waste doesn't go to the field and that all waste is pumped from the tank. New tanks would not be brought in.

Mr. Hamilton expressed concern of approval of a holding tank providing a reason to delay construction of the new system. Mr. Hogan said his representation on the project is that they are moving ahead. The holding tank was to "make sure" there isn't any further breakout of effluent

before the new system is installed. Mr. Hamilton commented on the length of time there have been discussions on this system as it is over six months.

Mr. Van Horn said the Board was previously told ownership of the property wouldn't change at a previous meeting but the Board had already learned of the ownership change from the newspaper. Mr. Hogan said he cannot comment on that as he wasn't there.

Mr. Van Horn said the Board's dilemma is that they are being asked to trust when we wouldn't be in Court if there was trust that this was really going to happen. Mr. Hogan said they are going to do the project. He said there are circumstances beyond their control such as extensions of leases.

Mr. Tatsch expressed concern that when pumping receipts were received that they were cryptic such as "pumped out 2000 gallons" when it was unclear if 2000 gallons is the capacity of the tank. He asked if this means there could have been 2500 gallons and 500 gallons went into the field or was the tank just right up to the top. It is unknown what the actual amount of effluent is that was pumped out and how long it took the system to fill up to that point. The Board's concern is that if it is not caught in time the effluent could go into the field and break out. Mr. Tatsch believes, on this basis, sealing the fields is a good recommendation so there is no possibility of effluent going into the field. An alarm would indicate when the effluent gets to the top of the tank. Mr. Tatsch said he agrees with the other Board members that if the Board approved this it would have to be for a very limited period of time.

Ms. Carluccio said the problem is enforcement and asked how the Board can be assured the new system will be installed without further delays. She inquired what the Board's best decision should be based on taxpayer money. The Board does not want to be in a situation where the attorney is involved over a holding tank. Currently the Board's administrative agent is handling it through the NOV.

Ms. Carluccio asked Mr. Wyckoff why the County recommended a temporary holding tank for 180 days. Mr. Wyckoff said it would be one way to assure there will be no further breakouts. He noted that this has been done before elsewhere when there have been serious breakouts where existing tanks were cut off from the fields and an alarm was installed and the tanks were pumped. By New Jersey state law this may not exceed 180 days. Mr. Wyckoff confirmed that neither a DEP permit nor Township Board of Health approval is needed if the tank is used for under 180 days. It is sometimes considered an interim step while the new system is being installed. There is one such situation he knows of in the County but assured there were others.

Mr. Hamilton asked how long the tank can be used. Mr. Wyckoff said the Board could put any reasonable limit deemed necessary on it; usually he sees 180 days. Mr. Hamilton suggested making it 60 days and a penalty if the new system isn't installed by then. Mr. Wyckoff said a time limit would be up to the judge.

Mr. Hogan said 180 days would bring them to October; they want the project to be done before the winter. He said bids are due back the first week of August; they can start six weeks after this which is why they are requesting 180 days. Mr. Hamilton asked why six weeks are needed. Mr. Hogan said it takes that long for the Hoot system parts to come in. He noted the high cost of the system; it is \$150,000 just for the Hoot system not including the rest of the septic system or the new well. The

project prices exceeded the value of the property. The best case scenario is that bids will be in August 1st and the project will be completed in October. Mr. Hamilton noted that 180 days is January. Mr. Hogan said he understands but they want the system completed before then. Mr. Hogan said having the 180 day window to install the new system puts pressure on them.

Mr. Tatsch said the ordinance does not have a penalty. Approval under the Board's ordinance won't work [for this situation]. He asked if the County could approve it under their jurisdiction. Ms. Carluccio asked Dan how this was done in the past. Mr. Wyckoff said DEP approval was not needed. The County authorized it. The tanks were disconnected to the beds and the County inspected it to insure it was done properly and verify that the alarm system is in place. The plans for this system had been submitted. The tanks were reconnected to the field once the field was repaired.

Ms. Carluccio said that last time they went out to bid the bids came back and Speedway got "sticker shock" and time went by noting this could happen again. Mr. Hogan said it wasn't that much time as the bids came back in late June. Ms. Carluccio asked to consider the time allowed for the temporary holding tank and the time it takes to give notice, order the system, and stage for construction. Mr. Hogan said they just talked about this [via sidebar] as demolition could start once the Hoot system is ordered and maybe take three weeks or less. He spoke of not closing down until you know the time is right as you are ordering parts and working with contractors and how 6 weeks can turn into 9 weeks and put the tenant out of business. Mr. Hamilton mentioned the penalty is lack of revenue.

Ms. Carluccio said she does not think this holding tank can be approved under the Township holding tank ordinance. A new tank would not be installed and this does not fall under DEP Treatment Works Approval making this different than what the Township ordinance covers.

Ms. Carluccio asked if legally the Board's approval is not needed then can the judge require it. Mr. Wyckoff said this is possible but he is unsure if this should wait until the court date on August 15th. Mr. Hogan said they are agreeing to do it now; they are here with a plan for it and don't need to wait for the judge to do it. They agree with the County. He asked if the Board is okay with them installing an alarm on the tank and cutting off the field and giving them 180 days to get it [new system installed] done.

Mr. Tatsch believes the Board is deferring to the County as the Board does not have an ordinance in place that addresses this. The County has done this before and is aware of a process. Mr. Tatsch asked Mr. Wyckoff if the County approves a plan to do this will the County have an enforcing power to shut down the business if the new system isn't installed within a certain period of time. Mr. Wyckoff said the County can do this. Mr. Tatsch said this is what the Board wants and cannot do. Mr. Wyckoff said that after 180 days the tanks are no longer allowed to be pumped. Ms. Carluccio asked if doing this would cause the judge to allow them to slow down the installation of the system. Ms. Carluccio expressed concern that this could be used in court testimony to indicate the Board of Health is fine with the current situation. Mr. Tatsch suggested the Board defer to the County and say the Board's concern is that the system be installed as quickly as possible and that they will defer to the County to do what they need to do to protect the health and safety of residents in the area and patrons to the store including if it requires or would be improved by this plan then so be it. Ms. Carluccio said the Board considers a holding tank under the Township ordinance when the soil tests and engineer's report says no other septic system will work on the property; this proposed holding tank is not an appropriate application of this ordinance. The Board gives special permission

per the ordinance and then relies on the maintenance requirements under the State Treatment Works Approval. There are other items related to the permanence of the holding tank in the ordinance. Ms. Carluccio does not believe the Board can act as the situation is not where the holding tank is being used in place of a system. Mr. Tatsch said he believes it is best the Board defers to the County as the County has taken the applicant to court to get the system installed. He does not believe the Board approving the tank based on the Board of Health ordinance is going to work.

Mr. Hamilton suggested a motion be made that the Board listened to the applicant and the County. Board members commented that they would prefer not to make a motion; it was noted that this item was not advertised for action.

Ms. Carluccio said the Board should defer to the County's recommendation and oversight.

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

CORRESPONDENCE

1. Hunterdon County

A. 7/5/16 e-mail from Bill Millette, Open Space Coordinator re: Your Input Can Shape the Future of Hunterdon County Parks & Open Space

Board members commented on completing the survey; some had trouble accessing it. Board members encouraged each other to complete it.

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

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 8:46p.m. Ms. Serafin seconded the motion. The motion carried unanimously.

Respectfully submitted,

Christine Rosikiewicz

Board Secretary

These are draft meeting minutes subject to change on approval at the August 16, 2016 meeting.