

EAST AMWELL BOARD OF HEALTH MINUTES
7:30 PM East Amwell Municipal Building
September 20, 2016 – Meeting

Statement of Compliance

The meeting of the East Amwell Board of Health was opened on September 20, 2016 at 7:30 PM. The following notice was read, “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 this meeting was forwarded to the Township Clerk’s office, posted on the Township bulletin board, and sent to the Hunterdon County Democrat on September 14, 2016.”

Present: Tracy Carluccio
Les Hamilton
David Wang-Iverson
Charles Van Horn
Pauline Serafin
Bogdan Slecza
Tony Berberabe
Pam Dymek – Acting Secretary
Dan Wyckoff – Hunterdon County Div. of Public Health

Excused: Larry Tatsch

Announcements/Agenda Review

Under Unfinished and New Business

(B)2: Letter dated 9/6/16 from Hunterdon County, re: Speedway Corporation

Under Items of Discussion

9/16/16 Webmail – NJDEP onsite management advisory: Upcoming training event
9/8/16 Public Health Update – Webinar: Pandemic Influenza
9/9/16 Public Health Update – Request for info.: NJDOH Lead Public Awareness Campaign
9/12/16 Public Health Update – NJ Communi-CABLE Summer 2016
9/16/16 Public Health Update – Zika Virus phone script update
7/21/16 The Ridge at Back Brook – Application to Planning Board
Farmland and Open Space Preservation Committee (FOSPC) Presentation, re: Referendum question

Under Correspondence

(B): 9/13/16 Septic system waiver request for Block 32 Lot 4.03 – Orchard Road

Under Bills of the Evening

Ferriero Engineering – Soil Test Witnessing for Block 34 Lot 30: \$270.00

Presentation of Minutes – 8/16/16

A motion by Mr. Wang-Iverson, seconded by Mr. Berberabe to approve the Board’s 8/16/16 minutes as revised was approved with Mr. Van Horn abstaining.

Open to the Public

Chairwoman Carluccio opened the floor to public comment. Seeing no members of the public come forward, a motion was made by Mr. Wang-Iverson and seconded by Mr. Van Horn to close to the public.

Unfinished and New Business

Commendation for Former Secretary Christine Rosikiewicz

Chairwoman Carluccio noted that Ms. Rosikiewicz was not able to attend this evening's meeting and read the following commendation into the record:

“WHEREAS, Christine Rosikiewicz became the Board of Health Secretary in March 2011; and

WHEREAS, Christine consistently and faithfully carried out all the duties of the Board of Health Secretary in a highly professional and efficient manner;

WHEREAS, Christine interfaced with Hunterdon County Health Services officials in an efficient manner with timely and thorough results that served with excellence the Township, the County Health Department as the Board of Health Administrative Agent and all applicants;

WHEREAS, Christine always went the extra mile to provide the highest quality service to East Amwell Township's residents, in interacting with other professionals, municipalities, applicants, government officials, and vendors; and

WHEREAS, Christine's abilities and excellent work well served the Board of Health in carrying out its ordinances, regulations, license requirements, and public health responsibilities, even under difficult time pressures and complicated circumstances;

WHEREAS, Christine performed her duties with a cheerful, can-do attitude that made her a pleasure to work with and a positive representative to the public served by the Board of Health;

NOW THEREFORE BE IT RESOLVED that the Board of Health hereby commends and honors Christine Rosikiewicz for her five and a half years of exceptional service to the Board and wishes her all the best in her new career.”

*By Order of the Board of Health
Tracy Carluccio, Chairwoman*

A motion by Mr. Wang-Iverson, seconded by Mr. Van Horn to approve the commendation was unanimously approved.

Hunterdon County Division of Public Health Inspector's Report

Dan Wyckoff of the County Board of Health came forward and provided the following updates:

Block 16 Lot 11 – Owens (aka Woody's): 1034 Old York Road – The as-built plan has been submitted to NJDEP for their review and approval. Once they approve it the Township will receive a, “No Further Action” notification. Chairwoman Carluccio asked Inspector Wyckoff if he expected the notification to come prior to the Board's next meeting. He indicated that it probably would not be received by then and thought perhaps by the end of the year.

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Block 15.01 Lot 2 – Speedway Corporation: 1019 Route 202 – Inspector Wyckoff provided an update on the Notice of Violation explaining that on 8/25/16 the construction company submitted permits to have the septic tanks severed from the disposal field. He remarked that the County witnessed this and the job was completed on that date. He reported that Speedway is now operating on a holding tank configuration which is allowed to continue for 180 days from the 8/25/16 date. Since that date the same construction company was awarded the contract to replace the septic but no construction schedule has been provided as of yet. Inspector Wyckoff explained that an alarm system and auto-dialer is in place that will notify Russell Reid to come out when the tanks reach a certain level so they can be pumped. He commented that the September pumping receipt, which he received today, indicates the tanks were full and overflowing so the County will be recommending that the auto-dialer is checked and that the tanks are pumped on a regular basis.

Chairwoman Carluccio asked how this could happen with so many mechanisms installed on the tanks to prevent an overflow. Inspector Wyckoff stated he didn't know but believes the alarm may have been shut off. She remarked the situation is outrageous and asked if action can be taken. Mr. Hamilton commented that part of the problem is that no one individual is responsible for this property. Chairwoman Carluccio suggested that now the Board of Health should review whether or not the Dunkin Donuts on site can continue operating with this size tank in use. Mr. Hamilton asked if the alarm sounds inside the building. Inspector Wyckoff confirmed that it does. Chairwoman Carluccio indicated it is also supposed to remotely sound off at the company who installed it based on the testimony that was provided to the Board. Mr. Wang-Iverson asked Inspector Wyckoff if he knows for sure that the system is working properly. He stated that it is. Mr. Van Horn commented that he has no sympathy for the staff at Dunkin Donuts saying if they heard the alarm, someone must have manually turned it off. Chairwoman Carluccio asked Inspector Wyckoff if he stood inside the Dunkin Donuts to determine if the alarm can be heard when it goes off. He stated he has not and she commented that it is important to determine whether or not the alarm can be heard. She also questioned how the system can be operating properly if the alarm wasn't heard remotely and the tanks overflowed.

Inspector Wyckoff commented that he will follow up to make sure the system is functioning correctly. Mr. Hamilton suggested that someone in management should have to sign off each day that they have looked at or reviewed the alarm so there can be accountability.

Mr. Wang-Iverson asked how much time Russell Reid has to respond once the alarm goes off. Inspector Wyckoff stated he didn't know but believed it may be up to 24 hours.

Chairwoman Carluccio suggested that Inspector Wyckoff also check to make sure there isn't a plumbing issue such as a running toilet that is causing the holding tank to fill up. She asked for a complete audit on how the flow is leaving the site to ensure there is no leak.

Inspector Wyckoff noted that Mr. James Howard is the new Speedway contact because Mr. Laudenbach has retired. He indicated Attorney John Oding and Maser Consulting are still involved with the project. He also commented that the previously scheduled municipal court date of 10/17/16 for the prior complaint has not changed.

Block 41 Lot 15 – Remediation Project – Inspector Wyckoff reported that no response has been received regarding the letter that was sent out. It was noted that this matter will be listed on next month’s agenda for a status update.

Preview Committee

Chairwoman Carluccio stated the committee reviewed a septic system application for 345 Rileyville Road Block 34 Lot 2.06. She noted Engineer Paul Harenberg had attended last month’s meeting and the Board indicated they felt it was appropriate for him to move forward with an advanced wastewater treatment system for this site due to limitations on the property.

Engineer Harenberg came forward and introduced himself. It was noted that a letter had been received from the County Board of Health. He explained they are proposing a drip dispersal soil replacement system on the property. Engineer Harenberg remarked the system has an advanced treatment unit, the Hoot H-600A which is an aerator system that goes into a pump tank that has alternating lines to the fields. He stated they are proposing this system because traditional soil testing was done and no passing results were achieved. He also commented that the ground is primarily rock. He explained the system will be built on top of the topsoil with K4 material which is the same material used in traditional septic systems. The system will be in the side yard since the property owner expressed aesthetic concerns with it being in the front yard. Additionally, the site had limited permeability and a high water table throughout.

The following waivers noted in the County’s 9/2/16 letter were highlighted as items the Board will need to address:

1. The highest regional water table is at 18 inches in soil log 1 which is less than the maximum allowed by code of 24 inches from the surface. The drip design allows the limiting zone to be 24 inches from the drip tubing which is allowed by code.
2. There were no passing basin flood test results due to the soil conditions. When a drip system is proposed the code requires percolation tests in the upper horizon. The engineer elected to perform a soil permeability class rating test which did have a passing K1 rate however this sample was taken from soil log 7 which is approximately 50 ft. from the drip disposal area. Mr. Berberabe questioned why the field can’t be moved closer to the area of soil log 7 since the results there were pretty good. Engineer Harenberg explained the design is based on preserving the homeowners concern with the aesthetics of the property. Chairwomen Carluccio commented that this system is slightly elevated, but not a large mound. Engineer Harenberg stated this system will be approximately 2 ft. above existing grade. She commented on the importance of having a technical reason to deviate from the State standards and asked for the Board’s thoughts on granting a waiver based on aesthetics. Mr. Wang-Iverson asked how much trouble it would be to run another soil test where they are proposing to put the field. Engineer Harenberg stated that can be done with no problem. It was the consensus of the Board to request this soil test to determine if the soils in the field area are the same as in the area of soil log 7. It was noted that the Board indicated this can be listed as a condition of approval. If the results are not the same, Engineer Harenberg will need to return to the Board.
3. The use of an advanced treatment unit (Hoot H-600A) and drip dispersal. Chairwoman Carluccio remarked that the drip dispersal systems require some type of advanced treatment unit. Engineer Harenberg said yes.

Mr. Hamilton asked for clarification on how the layers of soil are disturbed for the tubing. Engineer Harenberg explained the existing topsoil is scarified (the grass is removed), then the same select fill used in a traditional septic field is brought in C-33 sand, K4 permeability 6 to 20 inches per hour. Two feet of this is built with drip tubing laid on top with 2 inches of select fill, topsoil and grass. The tubing is pressurized so the soil will not clog it.

Chairwoman Carluccio noted the following conditions: A maintenance contract for the life of the system with a service provider, a deed notice stating the type of system and installation by a certified dealer. A motion by Mr. Wang-Iverson, seconded by Mr. Hamilton to approve the system with the requested waivers and conditions outlined above and provided that a successful soil test be obtained within 15 ft. of the proposed field location was unanimously approved.

Items of Discussion

Farmland and Open Space Preservation Committee (FOSPC) Presentation

Chairwoman Carluccio noted that a request was made by FOSPC to be added to the agenda in order to give a presentation on the referendum question. FOSPC Member Tim Martin explained that there was some discrepancy between the referendum question in the 1990's and the actual language in the ordinance as to how the FOSPC funding was used. It was noted that there will be a new referendum on the November ballot. Mr. Martin commented that because of this confusion FOSPC members are going to each board/committee meeting to clarify what various projects were done over the years. He noted open space allows for public access and stated the lands are permanently preserved. Mr. Martin highlighted the following open space project details:

1. Nine projects have been done between 2005-2015
2. Less than \$250,000 of Open Space funds have been leveraged for \$4,000,000 in land value (owners have donated approximately \$211,000)
3. A total of 277 acres were preserved during that time with 46 additional acres being preserved through neighbors donating easements due to nearby preservation
4. Clawson Park was purchased in 1999 through a Green Acres grant of \$148,000 and the Township bonding for \$125,000
5. Preserved farmland accounts for approximately 95% of the acres and costs to the Township (1989-2014). He stated the total cost for farmland was \$32,000,000 which includes about 58 farms totaling approximately 5000 acres of land equaling 41% of the Township. He clarified that sometimes the State pays for the preservation and other times it may be a combination of funding from the State, the Township and the County.

Chairwoman Carluccio asked what the referendum is going to say in November. Mr. Martin explained the referendum will clarify what the Township has been doing for the past 17 years; that the open space funds can be utilized for things associated with open space and not just for funding preservation. Mr. Van Horn noted there will be no tax increase. Mr. Martin explained that the disconnect was that when the referendum went to the voters the language was specific for farmland preservation and the ordinance that followed incorporated wording from the State guidelines which allowed for associated uses such as historic preservation. Mr. Martin commented that everyone is paying taxes to the State and the County and remarked that if the referendum doesn't pass in November, those funds will still be included in everyone's tax bill but East Amwell won't have any access to them.

Hunterdon County Division of Public Health LINCS and NJ Health Department

It was noted for the record that no comments were made on any of these items listed on the agenda.

The Ridge at Back Brook

Chairwoman Carluccio noted that the Planning Board has received a new modified application regarding the proposed water monitoring frequency by The Ridge to every other year for 2 sampling events: 2017 and 2019, thereafter the monitoring frequency will be every 3 years. If there is an adverse impact indicated by any testing data, the water quality will be tested the following year. If the following year's test does not indicate an adverse impact the water quality monitoring frequency will return to every 3 years. Mr. Wang-Iverson noted that there is no sunset provision with this revised application. Chairwoman Carluccio asked if there are any changes in the protocol of what they are testing for. Mr. Wang-Iverson stated that he believes the protocol can still be adjusted depending on what chemicals are being used. He noted that the Board of Health has some time to review the application because it has not yet been scheduled to be heard by the Planning Board.

Correspondence

Chairwoman Carluccio noted that correspondence was received regarding a septic system waiver request for Block 32 Lot 4.03. She stated plans were submitted to the County for new construction of a 4 bedroom dwelling and waivers will be needed for the soil testing because they did not get all of the required passing results. Chairwoman Carluccio explained the system would be a mounded soil replacement system, not an advanced treatment system. In order to move ahead they need an answer from the Board of Health. She remarked that the primary and reserve disposal area don't have the right number of soil logs. The septic ordinance states that the permit for construction of the sewage disposal system can't be issued until the well has been certified in cases where a realty improvement is served by both a new septic system and a new well. It was noted that there is no record of a well on the property therefore a waiver is needed from the Board of Health in order for the property owner to move forward.

Mr. Wang-Iverson asked why the Board would grant such a waiver. Chairwoman Carluccio stated the Board has never done so and said no reason was given as to why they can't drill a well. She also noted that the proposed disposal field is closer to the property line than it should be and will need to be relocated.

Mr. Van Horn expressed that while it is nice that this matter was brought to the Board's attention, the property owner will have to have their engineer come in, the Board will have to review the plans and a well must be drilled. He remarked that it seems premature for the Board to be getting involved at this point.

Chairwoman Carluccio also noted that the property owner is applying to NJDEP for a treatment works approval because the regional water table is too close to the surface.

Bills of the Evening

A motion by Mr. Van Horn, seconded by Mr. Wang-Iverson to approve the bills for payment as listed on the agenda was unanimously approved with Ms. Serafin abstaining.

The Board thanked Deputy Clerk Pam Dymek for covering this evening's meeting and Clerk Terri Stahl for her assistance in covering the Board of Health office.

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Open to the Public

Chairwoman Carluccio opened the floor to public comment. Seeing no members of the public come forward, a motion by Mr. Wang-Iverson, seconded by Mr. Van Horn to close to the public was unanimously approved.

Adjournment

A motion by Mr. Van Horn, seconded by Mr. Wang-Iverson to adjourn was unanimously approved.

The meeting adjourned at 8:41 PM.

Maria Andrews, Administrative Officer PB/BOA

Transcribed from the tape.