

**EAST AMWELL TOWNSHIP
BOARD OF HEALTH MINUTES
7:30 PM ZOOM
July 25, 2023 – Regular Meeting**

Statement of Compliance

The regular meeting of the East Amwell Township Board of Health was opened on July 25, 2023 at 7:30 PM by Chair Carluccio. In compliance with the Open Public Meetings Act, adequate notice of this meeting has been provided by a notice sent to the official newspapers of the Township, posted on the Township website, posted on the bulletin board of the Municipal building and filed with the Township Clerk as required by law, on February 1, 2023.

Roll Call

Committee Member (term expires)	1/24/2023	2/28/2023	3/28/2023	4/25/2023	5/23/2023	6/27/2023	7/25/2023	8/22/2023	9/26/2023	10/24/2023	11/28/2023	12/26/2023
Tracy Carluccio (12/2024) - Chair	X	A	X	X	X	X	X					
Leo DeCandia (12/2023) - Alternate #1 to Member for unexpired term to 12/31/24	X	X	X	X	X	X	X					
Michael Dendis (12/2023) – TC Liaison	X	X	X	A	X	A	X					
Janis Grover (12/2024)	X	A	A	A	A	<i>Resigned 6/12/23</i>						
Juliet Leonard (12/2024) – Alternate #2					X	X	X					
Pauline Serafin (12/2023)	X	A	A	A	X	A	A					
Chris Sobieski (12/2023)	A	A	X	A	A	A	A					
Larry Tatsch (12/2024) – Vice Chair	X	X	X	X	X	X	X					
Rick Wolfe (12/2025)	X	X	X	X	X	X	X					
Amy Jo Merz - Secretary	X	X	X	X	X	X	X					

Agenda Review

There were no additions to the agenda.

Presentation of Minutes

June 27, 2023 Regular Meeting Minutes

Approval of the June minutes is tabled until the August meeting as Ms. Merz is still working on them.

Presentation of Vouchers

A motion made by Mr. Wolfe, seconded by Mr. Tatsch to approve the vouchers was unanimously approved by voice vote.

Open to the Public

Seeing no members of the public present, a motion made by Mr. Wolfe, seconded by Ms. Leonard to close the meeting to the public was unanimously approved by voice vote.

Unfinished Business

There was no unfinished business for discussion.

New Business

Well Application Waiver Request

Meisenbacher, Block 38, Lot 48.01, 150 Lindbergh Road, Hopewell, NJ

Present was Luke T. Meisenbacher of Meisenbacher Homes and Kevin M. Brakel of Princeton Junction Engineering, P.C., to request a 25-foot waiver of separation between the new well head at 150 Lindbergh Road and existing well head at 148 Lindbergh Road. The distances between the new well and all other existing wells will meet the required 250-foot minimum separation distance per Chapter 176-8 of The Code of East Amwell Township.

Mr. Brakel explained that the lot size of 150 Lindburgh Road is a little over 3 acres. The neighboring wells were located and two of the wells met the minimum separation distance of 250 feet but the well at 148 Lindbergh Road, Block 38, Lot 25, did not. The location of the proposed well is the best spot since passing soil tests are located in the rear of the property; therefore, the well will be located away from the septic system and tanks.

Chair Carluccio stated that a septic system application will not come to the Board unless it needs waivers but the East Amwell ordinance requires that the well is drilled first for properties in the Mountain District. The reason for this is that an application for construction will not proceed if there is no water on the lot. The well test and proposed well location are considered first in terms of any waiver needed from the water supply ordinance.

Mr. Tatsch added that he carefully reviewed the engineering drawing and the distances outlined and feels that the 25 feet, which only represents a little more than 10 percent of the total distance, is really unlikely to adversely affect interference between the two wells. However, since this well is located in the Mountain District, a three-part pump test is required, which also requires

interference testing so it would be determined at that point if there is any adverse interference with the well at 148 Lindbergh Road. Mr. Tatsch summarized that the missing 25 feet becomes a very small risk and the present location of the proposed well represents a good compromise in meeting the requirements for all other wells and septic systems and requiring a waiver for a minimum amount of distance.

Chair Carluccio confirmed with Mr. Brakel that the existing well at 148 Lindbergh Road is owned by the person who is selling the lot to Mr. Meisenbacher. One thought is to notify the owner of that property so they know that there is a waiver of 25 feet with a condition that they have been informed and they don't have an objection. The 250-foot separation distance is based on a few things and will dictate whether or not hydrofracking can be used in order to develop the well should it not yield enough water. To be clear, the Board is not approving a waiver to allow hydrofracking.

Mr. Meisenbacher said that he already spoke to the property owner at 148 Lindbergh Road and the owner stated that he would sign a letter if needed.

Condition:

1. The applicant shall obtain a letter signed by the property owner of 148 Lindbergh Road, who is also the seller of the property at 150 Lindbergh Road, acknowledging that the proposed well at 150 Lindbergh Road will be 25 feet short of the 250-foot separation distance requirement. The signed letter shall be delivered to the East Amwell Township Board of Health by the applicant or engineer.

A motion made by Mr. Wolfe, seconded by Mr. Tatsch to approve the well application waiver of separation request of 25 feet for 150 Lindbergh Road with the condition listed above, was conducted by roll call vote:

Leo Decandia – Yes
Michal Dendis – Yes
Juliet Leonard – Yes
Pauline Serafin – Absent
Chris Sobieski – Absent
Larry Tatsch – Yes
Rick Wolfe – Yes
Tracy Carluccio - Yes

Letter from Parks & Recreation re: Food Truck Fees for Township Sponsored Events

Chair Carluccio received a letter from Nathalie Nelson, Parks and Recreation Chair, requesting that fees for food trucks continue to be waived for township sponsored events. Ms. Nelson is a newly appointed chairperson and didn't realize parks and recreation had to tell the food truck vendors to pay a fee to the Board of Health and be inspected by the County. Per the Board of

Health ordinance, only non-profit organizations will have the fee waived by submitting written proof of federal tax exemption pursuant to Section 501(c)(3) of the Internal Revenue Code. The food trucks that have attended township sponsored events so far this year are not non-profit businesses. The fees that the Board collects cover the County inspection fees. At the March 23, 2021 meeting, the Board approved a motion to waive the food license fee for vendors at parks and recreation sponsored events as long as the County food inspector fees were waived due to ongoing restrictions related to Covid 19. Chair Carluccio explained that the township is not able to miss the required inspections by the County. She asked the Board members whether they want to extend the fee exemption to vendors for all parks and recreation sponsored events.

Mr. Wolfe commented that the fees shouldn't be waived if food vendors aren't giving any discount to the township or the residents who purchase goods from the food vendors. The township is giving the vendors additional profits from these events but not getting any benefit. The other concern is that once the township starts waiving fees, where does it stop.

Ms. Merz added that she had followed the process used in 2021 of waiving the vendor's fees for parks and recreations sponsored events but wondered if the fee should be charged again for 2023 because the Covid 19 pandemic was declared officially over in May.

Ms. Tatsch asked about waiving the permit fee; he assumed most of the fee is going toward application processing and the inspection. If the County needs the fee for inspection and deems Covid 19 to be over, we need to cover the fees and resume the process of the ways things were handled pre-pandemic.

Mr. Dendis commented that he agrees with Mr. Wolfe that it's a slippery slope and shouldn't look for more reasons to waive fees. Mr. Dendis is on the parks and recreation committee and wasn't aware this was an issue until now but knows parks and recreation would like fees waived for pavilion usage for non-profits and the PTO, for example. Mr. Dendis stated the fees exist for a reason and feels the Board should keep the fees in place.

Chair Carluccio concluded that after the discussions tonight, the Board can wait to bring this up as an agenda item next month after speaking with the County to find out if they are going to waive their inspection fee. Chair Carluccio agrees this is a slippery slope and the Board spent a tremendous amount of time redoing its Chapter 152 Food Establishment ordinance in 2022. A lot of work was done to make sure the Board was commensurate with other townships and checked in on all issues with the county to create a very fair ordinance. Chair Carluccio asked if the Board would like to wait on this issue or take a vote tonight. Mr. Dendis commented his position is not going to change regardless of what the County decides on this issue and offered to make a motion.

A motion made by Mr. Dendis, seconded by Mr. Wolfe to not waive the fees for any food vendor that participates at parks and recreation sponsored events, unless proof of tax exemption is provided to the Board of Health, was conducted by roll call vote:

Leo Decandia – Yes
Michal Dendis – Yes
Juliet Leonard – Yes
Pauline Serafin – Absent
Chris Sobieski – Absent
Larry Tatsch – Yes
Rick Wolfe – Yes
Tracy Carluccio - Yes

Complaint on Wertsville Road

This item was added by Chair Carluccio during the meeting.

Items of Discussion

Education and Health Issues

There were no items for discussion.

Board Secretary's Report

Ms. Merz stated that she is continuing to work on processing applications received for this year's 4-H Fair to be held August 23-27 at South County Park.

Township Grit Yard Salt Dome

Mr. Dendis recently brought this item to the attention of Chair Carluccio and Mr. Tatsch and asked if either of them could attend July's township committee meeting to speak to this issue. Chair Carluccio attended the township committee meeting.

Mr. Dendis thanked Chair Carluccio for attending the meeting and appreciated her presentation, it was very helpful. Mr. Dendis provided background information for the Board members. East Amwell currently has a dome in the grit yard that stores road salt. East Amwell is at a fork in the road in that it needs to make a decision to buy a new salt dome and continue to store the salt on its own property at the grit yard or enter into a true shared services agreement with the county and get all of the salt off its property and use the county's facility in West Amwell. There are numerous examples of pollution issues with salt, especially from a storage standpoint. Mr. Dendis wants to continue this conversation to get all of the information he needs to help lead him toward the best decision for East Amwell if the township committee is going to take a vote on this issue at the committee level. The grit yard is located close to a creek and Mr. Dendis' concern is pollution if the township moves forward with a generational decision to buy a new salt dome and keeping up to 400 tons of salt on township property. Mr. Dendis asked Board members for their comments or concerns related to road salt and/or storage in the grit yard.

Mr. Tatsch commented that the Board has a road salt program that was established about 15 years or so ago. Prior to 2000, the township was using grit, or cinders, to put on the roads to help reduce skidding in bad conditions. The process was not good and our road department felt the township was starting to incur some liability and also, other townships and the county were all using salt and their roads were in much better condition than East Amwell's. The township

committee reluctantly approved the use of road salt on a number of roads but admonished the road crew to be very careful with how they use it and try to apply just the minimum necessary to get the job done. Mr. Tatsch feels that they have been quite good at doing that and in addition, the Board of Health decided to start a monitoring program in which they would monitor a number of wells throughout the township to determine whether there is any increase in road salt over the years. This has been done now close to 15 years or so and the Board has not seen any substantial increase in salt content in these monitoring wells over the years. Mr. Tatsch added that when the Board started the monitoring program, there was a well in the village of Ringoes quite close to the grit yard and the homeowner agreed to have their well be one of the monitored wells. The Board only was able to get one or two samplings from them but those samplings were quite high, an anomaly. The Board couldn't determine the trajectory of those samplings because the property owners wanted to drop out of the program even though the Board tried to keep them on board but with no luck. There was a potential problem there but the Board wasn't able to track it for a period of time. Mr. Tatsch feels it's possible that the township already has a small problem where there is a small leakage of salt which is getting into the ground water at a level below the State mcl but nevertheless, at a significant level. The faster the township can get rid of the salt and work cooperatively with the County for storage of the township's needs, the better it will be. Having to rebuild the salt dome, keep it in good condition and also recognize that strong winds, floods or any disaster of that type could be a grave liability for that salt. Therefore, Mr. Tatsch feels it makes a lot of sense to share the service with the county.

Mr. Wolfe asked Mr. Tatsch if the Board still has the results from the tests on the neighboring well in the village of Ringoes that he mentioned above. Mr. Tatsch said he would look to see if he can find the results. Mr. Wolfe added that it troubles him greatly that there were significantly elevated levels of salt in that well. He did attend the township committee meeting and did speak as well. The township is grappling with issues of having safe roads during adverse weather events without unnecessarily creating environmental risks. The only issue Mr. Wolfe sees with doing a shared service with the county is the fact that DPW will have to drive a bit further to get salt. Mr. Wolfe feels this is very manageable if it's planned out how to spread the salt so that when trucks run out, they are positioned to efficiently get to the county facility which isn't that far from the grit yard. Mr. Wolfe is in favor of the shared service with the county primarily due to environmental concerns. Salt levels have an adverse impact on our water bodies. If the salt dome at the grit yard were to flood in a significant way, the impact that it could have on the water body next to the grit yard could be very substantial.

Mr. Decandia asked if the county's facility is in West Amwell or Flemington. Mr. Dendis responded that East Amwell would be using their yard in West Amwell located near South Hunterdon High School. It's a state of the art, newer facility there and East Amwell trucks already go there to get fuel approximately 4.8 miles from East Amwell. Mr. Decandia was concerned with congestion if the trucks had to drive north on 202 if the trucks had to go to Flemington. Mr. Decandia said since DPW spreads salt mostly before storms arrive, they can adjust their times and schedules to go to West Amwell to get the salt instead of getting the salt here in East Amwell. Mr. Wolfe added that Mr. Dendis had previously made another point that the county facility is very technologically advanced in terms of minimizing the risk to the

environment. The salt dome that East Amwell would install for \$350-400k would not be as technologically advanced so there is a significantly less risk associated with environmental problems with the county's salt dome than would be associated with East Amwell's salt dome. Mr. Wolfe said this is another factor that weighs in favor of using the county's salt dome; it's a lot safer. Mr. Tatsch added that there is quite a bit of maintenance required by the road crew when salt is dumped; front loaders and trucks, etc., are needed. If the loading is done by the county in West Amwell, that would save a substantial amount of work that East Amwell DPW would have to do. Mr. Dendis confirmed that our trucks would use the county's loader, equipment and yard. Ms. Leonard asked if we would share the cost of the salt with the county. Mr. Dendis confirmed that East Amwell buys the salt through a county co-op already so if East Amwell uses the county yard, the salt would be delivered there instead of coming to East Amwell as it does currently.

Mr. Dendis appreciated all of the feedback from an environmental perspective on this issue. Chair Carluccio thanked everyone for their thoughts on this issue and was happy to attend the township meeting to present the main environmental issues. Chair Carluccio added that the proximity of the township's current salt dome to Back Brook is a problem because the township property adjoins it and there is a slope that goes from the salt dome location down to the brook. Another issue is that the Board doesn't know what the current salt levels in water wells in the Village are and suggests that if the township wants to consider this issue, they would have to do some well sampling before making a final decision. The closest wells in proximity to the salt dome could be sampled and monitored over time. The ground water that feeds those wells and the stream itself due to runoff are vulnerable.

Chair Carluccio suggested that once the minutes are finished by Ms. Merz, we can look at the minutes and prepare written comments to the Township Committee for what the Board thinks should be done regarding a shared service agreement or the use of a township salt dome.

A motion made by Mr. Tatsch, seconded by Ms. Leonard for the Board of Health to write a letter to the Township Committee stating the Board's history and concerns with monitoring well water contamination from road salt, stating the facts that Chair Carluccio had previously presented to the Township Committee and other comments that have been heard tonight, to therefore recommend that the Township use the county's salt dome facility under a shared services agreement, was conducted by roll call vote:

Leo Decandia – Yes
Michal Dendis – Yes
Juliet Leonard – Yes
Pauline Serafin – Absent
Chris Sobieski – Absent
Larry Tatsch – Yes
Rick Wolfe – Yes
Tracy Carluccio - Yes

Open to the Public

A motion made by Mr. Tatsch, seconded by Mr. Wolfe to open the meeting to the public was unanimously approved by voice vote. Seeing no members of the public present, a motion made by Mr. Wolfe, seconded by Mr. Dendis to close the meeting to the public was unanimously approved by voice vote.

Correspondence

Chair Carluccio reviewed the correspondence received with the Board. There was no discussion amongst the members.

Adjourn

A motion made by Mr. Wolfe, seconded by Mr. Dendis to adjourn the meeting at 8:40pm was unanimously approved by voice vote.

The next meeting is scheduled for Tuesday, August 22, 2023.

Amy Jo Merz, Board of Health Secretary