

**EAST AMWELL BOARD OF HEALTH MINUTES**  
**7:30 p.m. <http://Zoom.us/j/7106754155> and [646-558-8656](tel:646-558-8656) ID 710 675 4155**  
**Regular Meeting July 28, 2020**

**Statement of Compliance**

The regular meeting of the East Amwell Board of Health was opened on July 28, 2020 at 7:30 PM. The following notice was read, “In compliance with the Open Public Meetings Act, this meeting was advertised in the December 12, 2019 issue of the Hunterdon County Democrat and a revised notice with the location change to a virtual Zoom meeting in accordance with the open public meetings act was advertised on July 23, 2020. Notice of this meeting was posted on the Township website and bulletin board, and sent to the Hunterdon County Democrat.”

**Present:** Tracy Carluccio  
Larry Tatsch  
Pauline Serafin  
Leonardo DeCandia, Alt. 1  
Chris Sobieski  
Tara Ramsey  
Jennifer O’Sullivan - Hunterdon County Division of Public Health

**Absent:** Janis Grover

**Agenda Review –**

Add to Bills of the Evening:

- 6.B. W H Wolf Services, Soil Witness for Block 21 Lot 13 and Block 32 Lot 1.05 \$1,100.00  
Informational Only
- 6.D. Bayer-Risse Eng/Thomas - Soil Witness Refund, Block 21 Lot 13 \$900.00
- 6.E. Nicole Barbarich-Narsteller – Soil Witness Refund, Block 32 Lot 1.05 \$250.00

**Presentation of Minutes –**

June 23, 2020 - **A motion by Mr. Tatsch seconded by Ms. Serafin, to approve minutes with one spelling correction was carried with no objections or abstentions.**

**Open to the Public –**

With no members of the public coming forward a **motion by Mr. Tatsch, seconded by Ms. Serafin, to close to the public was unanimously carried with no objections or abstentions.**

**Unfinished and New Business**

**Hunterdon County Division of Public Health Inspector’s Report**

Ms. O’Sullivan said some items have not moved since the last meeting. She continued that regarding the Speedway Monitoring Wells, item A.1. there is no update. Ms. O’Sullivan said that Harry Britton continues to work with the County and clean up his property. She said that he puts items out in the trash each week and is trying to rebuild a deck that had collapsed. Ms. O’Sullivan said she will be visiting him again next week to check in regarding what is left and

suggesting what to clean up next. She said that he has been very good and following their advice. Ms. O'Sullivan said regarding Lillian Thompson, 27 Wertsville Rd this NOV went to virtual court and she failed to appear. She continued that this will now proceed to a court trial and there will be a County Counsel present to represent the community. Ms. O'Sullivan said there are several steps to be taken for this to proceed and she will keep the Board informed.

Ms. Carluccio asked if the Board had any questions and Mr. Tatsch said that the Speedway was supposed to seal the monitoring wells and this has not been done. Ms. O'Sullivan said she will check with Dan Wyckoff on what was required and will advise Ms. Georgett who can update the Board. Mr. Tatsch said that is good because if not properly decommissioned monitoring wells can present a hazard, and if there was an agreement or requirement that they be decommissioned within a certain period of time Speedway should be held to it. He continued that it is well known that a monitoring well can create the potential for contamination and shared an example that was not in East Amwell. Ms. Carluccio said this was something the Board put in place as a requirement, based on NJ State requirements, when approving a new septic and well for this property. She continued that this was supposed to be done some time ago and given the Board's prior experience of having to pull teeth to get Speedway to act on many items and with heavy traffic going in and out, there is a risk. Ms. Carluccio said that for around 15 years the Board was dealing with them regarding contamination of the aquifer which is why there are monitoring wells. Ms. O'Sullivan said she will check requirements and see if a stern letter can be sent. Ms. Carluccio said this has been problematic in the past with Speedway passing the letters around. With no further questions from the Board, Ms. O'Sullivan left the meeting.

### **Preview Committee**

#### **Wertsman, 148 Lambertville-Hopewell Road, Block 41 Lot 43 Septic Application**

Mr. Alex Mikos introduced himself as the professional engineer for this septic application which is an existing four bedroom home and said that the well was tested for three bedrooms, not four. He continued saying he knows this is a concern to the Board and that there will be a notation that the well on this property is only approved for three bedrooms. Mr. Mikos said the backyard has the existing septic system which they could not work around and north of the backyard it is wooded with standing water and not acceptable for the system. He continued that they moved to the front of the property and were able to get acceptable soil testing but could not meet the 200-foot distance requirement to the existing well so a waiver is needed. Mr. Mikos continued describing the reason distances to the well and to the property line could not be met including heavily rock covered area and trying not encroach on the woods where it is wet. He continued that they were unable to find the location of the well across the street and if it is the front of the house, they will need a waiver for that as well. Mr. Tatsch said the house across the street is in Hopewell Township, and Ms. Carluccio said the East Amwell Ordinance is not enforceable in Hopewell. Mr. Tatsch agreed stating that if the State requirements for distance to the neighboring well are met, an additional waiver is not needed. Mr. Mikos confirmed that the State requirement of 100 feet has been met.

Ms. Carluccio asked if the Board had questions or concerns to be discussed and there were no comments. Ms. Carluccio said a concern is the steeper the slope the more likely there could be run off. Mr. Mikos said with the amount of land and leaf litter, it will slow any water coming off

the mound and that the water will flow mostly around the mound, not from the top. He continued that run off from the top and sides of the mound will be minimal and stated that the mound is four feet high on the back side facing the house and five feet high on the front side facing the road. Ms. Carluccio said it is a pretty high mound but the trees/leaves in the front between the septic field and the road will slow water down as well. She continued that statements regarding the distance to wells on adjoining properties need to be noted on the map, and Mr. Mikos said the well on Lots 43.05 was identified by the property owner and is 210 feet away and on Lot 43.03 the house is almost 500 feet away so the well would be greater than 200 feet.

Ms. Carluccio said regarding the well on this property that was recently deepened by Samuel Stothoff, well driller, since it was not a new well it did not require witnessing or re-certification. She continued that Larry Tatsch provided instruction about how to measure and report on the well deepening to Samuel Stothoff which was followed and the reports were provided to the Board with the septic application packet. Ms. Carluccio said the property is not currently occupied, is bank owned and being prepared for sale. She continued by reading from the driller's letter which states "This well provides adequate storage with a 1gpm yield rate to satisfy the domestic water demands of a 3-bedroom, 2.5 bath house". Ms. Carluccio said in the report the house is stated three bedrooms but according to our Water Supply Ordinance if this were construction of a new home, a well yielding from 1 to 1.5 gallons per minute would, according to our ordinance, be sufficient for a two-bedroom home and three bedrooms is a stretch. Ms. Carluccio said because the well was deepened and there should be water in storage, if managed properly the yield could be sufficient to get by in a four-bedroom home, which is what the septic system design states. She continued that the Preview Committee felt it was important that the discrepancy be noted for future owners and one idea is to have a narrative statement, not a condition, in the waiver approval letter. Ms. Carluccio said a narrative could say "It is to be noted that the Samuel Stothoff well driller report dated July 26, 2020 states "This well provides adequate storage with a 1gpm yield rate to satisfy the domestic water demands of a 3-bedroom, 2.5 bath house" and based on this it would be prudent for the homeowner to use water saving devices, be mindful of water conservation, curtail things such as outdoor irrigation, and anything else that would stress the well. She said that would help future owners be aware of this and not be caught unaware if there was an issue and also that if desired, a second well could be drilled on the property to provide more water according to Township Ordinance. Ms. Serafin asked if the letter from Samuel Stothoff can be included with the BOH minutes, and Ms. Carluccio said yes it will and can also be placed in the file for the property. Mr. Tatsch said he feels placing a statement in the property file would be the most effective way to ensure it is easily available to anyone purchasing the property. Mr. Mikos suggested the statement be placed in the County file as well. Ms. Carluccio clarified that the statement would also be included in the waiver letter so it would not be missed.

Mr. DeCandia said if it is a four-bedroom home and the well can only support three bedrooms should the application be approved. Mr. Mikos said this an existing four-bedroom home with a failing septic system, based on information provided by the owner and realtor. Mr. DeCandia said the number of bedrooms should be confirmed, and Ms. Georgett said she will confirm the number of bedrooms on record in the tax file. Ms. Carluccio said there is no issue with putting an oversized septic system onto a property and that if there isn't sufficient flow to meet the needs

of residents, a second well could be drilled, however, a septic system that was already installed could not be dug up and expanded. Mr. Tatsch said that the well was deepened to approximately 900 feet and that provides about 1,000 gallon of storage in the well bore. A recharge rate of 1 gallon per minute would provide about 1,400 gallons of water per day. He continued that our Ordinance requires 100 gallons per day per bedroom which would be 400 gallons and that would take them down by less than half of what is stored in the well which is also recharging itself by 1 gallon per minute. He concluded saying that the error may come from the well driller misunderstanding the number of bedrooms in the home and if they knew it was a four-bedroom home, the driller may have said it was sufficient for four bedrooms. Ms. Carluccio agreed that it should be OK with proper water management but the Board should still warn a potential buyer about the discrepancy. Mr. Tatsch said that if this was new construction, it would be a different scenario. Mr. Sobieski asked if it were possible to require that a buyer be notified, and have this legally recorded. There was further discussion and it was agreed that a narrative would be put in the record but not require it be in the deed because that would be permanent even if conditions change. Mr. Tatsch said the Board's responsibility is to ensure future buyers are aware of the issue and by placing statements in the County and local files this is being met. This was agreed by all Board members. Mr. Sobieski said that if the Board's attorney recommends actions different from what the Board has agreed, the narrative should state that Board has the right to reconvene and modify requirements. Ms. Carluccio said this narrative will reflect that the Board Chair will be checking with Board's attorney to determine whether actions taken require any corrections and if so, the Board will call a special meeting in order to make that correction without waiting a full month the finalize the application.

Ms. Carluccio summarized the three waivers are from requirements in the Township Ordinances not the State Code. This is an existing four-bedroom home for which the new septic system will be closer to code.

**A motion by Mr. Sobieski, seconded by Ms. Serafin to approve the Septic System as stated with three waivers, and one statement pending advice from the Board attorney was carried with no objections or abstentions.**

## **Items of Discussion**

### **Education and Health Issues:**

Ms. Georgett said that there had been discussion between herself, the Hunterdon County Health Inspector and Ms. Carluccio regarding a request to waive the fee for temporary food vending permits during Township sponsored events at Clawson Park due to COVID-19 financial hardships the food vendors are experiencing. She continued that the \$100 fee is composed of \$75 for the County health inspector, which the County has agreed to waive, and \$25 for township admin costs. Ms. Georgett said township expenses are primarily her time, which is a fixed cost, and a few copies with postage which are incidental variable costs. She continued that there are three Friday Nights in the Park scheduled with one or two food vendors at each and said that the request is for the Board to waive the temporary food vendor fee for these events. Ms. Carluccio confirmed that Clawson Park is already a covered location for mobile food licenses in the township.

Ms. Ramsey said there was already one event in July and Ms. Georgett said the payment from that vendor is being held pending finalization from the Board. She continued that the check will be cancelled if the board approves waiving fees. Ms. Ramsey said it does not sound like a financial hardship for the township and is good for the township, so she is supportive and Mr. Sobieski said these vendors have been hard hit so he agrees.

**A motion by Ms. Serafin, seconded by Mr. Sobieski to approve waiving certain food permit fees as noted above was carried with no objections or abstentions.**

Ms. Georgett said an individual who is making an ice cream truck to drive around five communities in Hunterdon County contacted her about coming to East Amwell. She continued that the County has agreed to issue a single inspection and permit covering all towns. Ms. Georgett said that discussion took place between Ms. Carluccio, Township Committee members and the Parks and Recreation Committee regarding this and agreed it was a good idea. Ms. Carluccio said this would be a special exception due to COVID-19 with many families shut in. She continued that the reason having food trucks drive around East Amwell was not approved previously were primarily regarding safety with the narrow roads in town where it could be dangerous for a car to pass the stopped truck, children running across the road to get to the truck, and some roads where drivers go very fast. Ms. Carluccio said permitting this does not comport with our Ordinance and therefore a motion should be made on this. Ms. DeCandia asked how many ice cream trucks would be approved and if they would provide a certificate of insurance. Ms. Georgett said it would be only one truck and all permit requirements including insurance would still be required.

Ms. Ramsey asked if it would drive around or only stop at the park, and Ms. Georgett said it would do both. Ms. Georgett said that she would speak with the owner of the truck called Swirl 365 and cover safety requirements. Mr. Tatsch said there may be laws in place requiring items like a folding stop sign & lights similar to school buses, which make them safer. Mr. Sobieski said that other towns that have adopted a specific ice cream truck Ordinance and yes there is a state statute that requires an ice cream truck be treated like a school bus. The Board agreed that with safety requirements in place, such as not stopping on roads with fast traffic and the truck be fitted with safety features, and having the truck stop in Clawson Park it was a good idea. Ms. Georgett said there would be a certain day of the week when it comes to town, it will be advertised on the website, Facebook pages, etc.

**A motion by Mr. Tatsch, seconded by Ms. Ramsey to approve a drive around ice cream truck and waive the temporary license fee due to COVID-19 and as noted above was carried with no objections or abstentions.**

#### **Ordinance Committee:**

Ms. Georgett said that there is a well permit issued August of 2019 that has never been drilled, and that she has followed up every few months with the driller who states they're hoping to schedule it soon. She continued saying that given the issues seen over the past few years with non-compliance and/or confusion regarding well drilling requirements, should well permits expire after a period of time with the requirement to reapply. Mr. Tatsch asked if there was an expiration on the State Well Permit which is a requirement for the Township permit. Mr. Sobieski said the State Code says " Well Permits are non-transferrable and valid for a period of

one year from date of issuance except for well permits issued for domestic use which are valid for a period of two years” he continued that there is a subsection stating “if a well is not constructed within the appropriate period, a new well permit will be obtained prior to any well drilling activity”. Ms. Carluccio said very good, that this should provide the needed limits on township well permits and asked Ms. Georgett to remind the driller of the two year requirement.

**Board Secretary’s Report:** Ms. Georgett said that the Annual Road Salt testing was not done in April due to COVID-19 and has now been scheduled to take place from July 30<sup>th</sup> to August 6<sup>th</sup> with the same residents who have participated the past few years. She continued that the results should be back in time to provide them to Mr. Tatsch prior to the next meeting.

**Correspondence:** No Comment

**Bills of the Evening:** A motion by Mr. Tatsch, seconded by Mr. Sobieski to approve 2 bills was carried with no objections or abstentions.

**Open to the Public:**

Seeing no members of the public present, a motion by Mr. Tatsch, seconded by Ms. Serafin, to close to the public was unanimously carried with no objections or abstentions.

**Adjournment:**

There being no further business, a motion by Mr. Sobieski, and seconded by Mr. Tatsch, to adjourn the meeting at 9:00 p.m. was unanimously carried with no objections or abstentions.

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Rosemary Georgett, Board of Health Secretary