

WEST AMWELL TOWNSHIP BOARD OF HEALTH

January 26, 2012

The West Amwell Township Board of Health met on the above date.

The meeting was called to order at 7:49 p.m. by Board secretary, Lora Olsen. The meeting was declared in compliance with the Open Public Meetings Act as it was advertised as a Reorganization meeting to be followed by a regular meeting in the January 12, 2012 issue of the Trenton Times and the Hunterdon County Democrat. Notice of the meeting has been continuously posted on the Township bulletin board. A copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

Present: George Fisher, Zach Rich, Wendy Williams, Jim Cally, Richard Kropp (7:45), and Attorney Faherty. Absent: Tom Molnar, Ken Hart. Also in attendance were Mrs. Supernavage and Alex Mikos of Goldenbaum Bail

Ms. Williams and Mr. Cally are full voting members this evening.

The REORGANIZATION meeting commenced.

APPOINTMENTS/OATHS OF OFFICE

Attorney Faherty administered the Oaths of Office to George A. Fisher, Zachary Rich. James Cally was sworn into a 2 year term as Alt #2.

NOMINATION OF CHAIR/OATH OF OFFICE

Mrs. Olsen called for nominations for Chair. Mr. Fisher nominated Mr. Kropp and Mr. Rich seconded. There were no other nominations offered. Mr. Kropp was unanimously elected Chair for 2012.

NOMINATION OF VICE CHAIR/OATH OF OFFICE

Mrs. Olsen called for nominations for Vice Chair. Mr. Hart was nominated, in absentia, by Mr. Kropp and Mr. Fisher seconded. There were no other nominations offered. Mr. Hart was unanimously elected Vice Chair for 2012.

Mr. Kropp took over the meeting.

BOH RESOLUTION #01-2011 DESIGNATING A MEETING SCHEDULE

BOH RESOLUTION #01-2012

BE IT RESOLVED by the West Amwell Township Board of Health that Board of Health meetings will be held on the following dates in 2012 at 7:30 p.m.:

March 22

May 24

July 26

Oct 25

Dec 13

with specials as needed

BE IT FURTHER RESOLVED that meetings of the Board of Health will be held at the Municipal Building, 150 Rocktown-Lamb. Road, Lambertville (West Amwell).

BE IT FURTHER RESOLVED that all meetings will be held in compliance with the Open Public Meetings Act. Special meetings shall be at the call of the Chair or written request by a member of the Board to the Secretary.

BE IT FURTHER RESOLVED that requests for agenda placement be received no later than one week prior to the scheduled meeting date.

BE IT FURTHER RESOLVED that the Municipal Building is handicapped accessible but the Board Secretary's office is to be contact 24 hours in advance for any special accommodations.

BE IT FINALLY RESOLVED that this Resolution shall be posted on the Township bulletin board and transmitted to the Hunterdon County Democrat and the Trenton Times within seven days of adoption.

The Resolution was unanimously approved on motion by Fisher, seconded by Rich.

BOH RESOLUTION #02-2012 ORGANIZATION OF THE MEETING

BOH RESOLUTION #02-2012

BE IT RESOLVED by the Board of Health of the Township of West Amwell, County of Hunterdon, State of New Jersey, that the Order of Business and the conducting of business at all meetings shall be as follows:

1. Call to order and statement of compliance with the Open Public Meetings Act
2. Presentation of Minutes
3. Agenda Review
4. Open to the Public/Topic not on the Agenda
5. Introduction of Ordinances and/or Public Hearing and/or Special Presentation
6. New Business
7. Unfinished Business
8. Administrative Reports
9. Correspondence
10. Discussion
11. Adjournment

The Resolution was unanimously approved on motion by Fisher, seconded by Rich.

BOH RESOLUTION #03-2012 DESIGNATING THE OFFICIAL NEWSPAPER(S)

BOH RESOLUTION 03-2012

BE IT RESOLVED by the Board of Health of the Township of West Amwell, County of Hunterdon, State of New Jersey, that the Hunterdon County Democrat be established as the Official Newspaper and the Trenton Times is designated as the daily newspaper having the greatest likelihood of informing the public within the area of jurisdiction of the Township of its meetings.

The Resolution was unanimously approved on motion by Fisher, seconded by Rich.

The REGULAR MEETING was opened at 7:47 p.m.

PRESENTATION OF MINUTES

The December 15, 2011 Regular meeting minutes were approved on motion by Fisher, seconded by Rich. Roll Call: Cally-aye, Williams-aye, Fisher-aye, Zach-abstain, Kropp-aye.

AGENDA REVIEW

Nothing was added.

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

N/A

INTRODUCTION OF ORDINANCES AND/OR PUBLIC HEARING AND/OR SPECIAL PRESENTATION

N/A

NEW BUSINESS

2012 STW Appointment Resolution & Possible Back-Up Resolution: A Request for Quote was advertised in the January 12, 2012 edition of the HC Democrat.

BOH RESOLUTION #04-2012

WHEREAS, the West Amwell Board of Health is in need of soil witness(es) for its Soil Testing program for 2012, and

WHEREAS, a Request for Quote was advertised in the Hunterdon County Democrat; and

WHEREAS two quotes were received as follows:

James P. Chalupa	\$200.00/day
David J. Harrison	\$360.00/day

WHEREAS, James P. Chalupa has submitted and has satisfied the requirements set forth in the advertisement; and

WHEREAS, a Business Registration Certificate has been submitted; and

WHEREAS, the CFO has certified that sufficient funds are available in the 2012 Temporary Budget and will be made available in the 2012 Budget under line item Public Health Services OE for this expenditure

NOW, THEREFORE, BE IT RESOLVED that by West Amwell Township Board of Health that the quote for soil test witnessing be awarded to James P. Chalupa

The Resolution was unanimously approved on motion from Fisher, seconded by Rich.

PrincetonHydro is willing to provided a backup should Mr. Chalupa not be available. The applicant would pay PrincetonHydro instead of the Township but witnessing notes would be remitted to the Board office.

BOH RESOLUTION #05-2012

WHEREAS, the Board of Health has advertised for witnesses for its soil test program; and

WHEREAS, it is desirable to have a plan in place for a back up witness in cases where the primary witness is unavailable; and

WHEREAS, Princeton Hydro has agreed to be the Board's authorized agent for soil test witnessing in cases where the primary witness is unavailable, especially through the wet season testing period of January through April

THEREFORE BE IT RESOLVED by the West Amwell Township Board of Health that Princeton Hydro be authorized for soil test witnessing as provided above

BE IF FURTHER RESOLVED, that the applicant will pay the cost of service directly to Princeton Hydro

The Resolution was unanimously approved on motion from Fisher, seconded by Rich.

Vet for Rabies Clinic and Emergencies: Dr. Maxian has again agreed to administer the rabies vaccine at the clinic. His fee is \$100/hour. Mrs. Olsen relayed that since bringing dog licensing in-house, it's been learned that a dog can't be licensed if the rabies vaccine isn't effective through November 1st of the licensing year. Therefore, holding a rabies clinic in May doesn't help. The doctor will be contacted to see if he is available for a clinic in November, December or January. Item approved.

Animal Control Holding Facility Contract for 2012: Mobile Veterinary Service and Clinic will again serve in this capacity. Fee scheduled is as follows: stray animal boarding - \$15.00/day; stray animal euthanasia - \$30.00; stray animal cremation - \$1.00 per pound. The contract was signed by Chair Kropp with unanimously approval by the Board.

Waiver Request, Block 54 Lot 2: Mr. Kropp noted that a letter was received from the County Health department indicating that a waiver is needed by the Board because of this being a peat system and the issue of depth to ground water. Alex Mikos of Goldenbaum Bail Associates came forward. He was accompanied by Mrs. Supernavage, the owner of the property. The Supernaves have entered into a contract to sell the property. Mr. Mikos stated that he has discussed with Mr. Supernavage the ramifications of a peat moss system; how it has to be monitored; that it comes with a maintenance contract; and, requires a deed restriction, so any future buyers will be aware. This has also discussed with the potential buyers. A regular mound system was attempted but retaining walls would have been needed. This added expense, coupled with the fact that it would be only about 7 feet in the ground vs the typical

10-11 feet, made them look at a peat system. In addition, not enough fill to build the mound would be generated. This was all explained to the owner and the decision was to redesign the septic from the standard mound system to the peat moss system. Mr. Mikos indicated that he wanted to go over the County's letter due to some of the 17 items listed. The first is the use of the peat system. He explained that this is an Ecoflo system consisting of a concrete tank and tipping tray that goes into a 276 gallon pump station with dual pumps. The dual pumps are in lieu of providing reserve capacity inside the pump station due to issues with excavation depth. The tank is about 6 feet in the ground due to bed rock. A full size tank with a reserve capacity would mean a tank 9 feet in the ground, which cannot be done. The system is set up with an auto-dialer, so if there's a problem, e.g., the power goes out or the pump burns out, it calls for help and is one of the requirements that Ecoflo has for all of their peat moss systems. After the redundant system and auto-dialer, the effluent goes up to a pressure dose network from the pump station. Due to the size of the bed, the amount of fill around the property was able to be reduced; retaining walls were not needed; and, the amount of fill generated from the excavation should be enough to finish off the mound because its been lowered by 2 ½ feet with this system. A discussion about fill purchase, grading, retaining wall issues, burial site size vs amount of materials to be buried, distance of same from property lines, the recommendation that the neighbors be contacted and, the need to stay 100 feet away from wells ensued. Approval of a waiver to be less than 10 feet from the property line is sought, which sparked discussion about possibly trucking the excavated materials to a sanitary landfill due to the property's less than ½ acre size.

Mr. Mikos continued that the proposed system was reviewed and approved by John Shockley, a representative of Ecoflo in the area, who has been in touch with Mr. Supernavage and has visited the sight. The County will receive the requested certification. As for the County's review comment that only one soil log was completed, this is incorrect. Two logs were completed and were part of the application package. Copies of the witness notes showing the second log are available and will be brought to Mr. Vaccarella's attention.

The current issue with the sale is that the septic received a home inspection as part of the sale process and the laterals found to be under water...a high water table issue, which is a continuing problem. Mr. Kropp noted that there doesn't have to be any evidence of failure when these companies come in and assess the system. They just fail them. Mr. Mikos relayed that this issue is holding up the sale; that Mrs. Supernavage is anxious to move to North Carolina; and, that the buyers are anxious to move in.

Returning to the County's letter, a recommendation that a deed restriction be placed on the property began another discussion, specifically if there is verification of same, and if these are actually filed with the County and/or returned to the Township. It was noted that not one has been received date; therefore, there's no way to know whether this is actually occurring. The need to check on these filings was noted. Also mentioned was that not all systems required to have a deed restriction have been sold...which is something that would usually trigger a new deed. Mr. Mikos requested that since title will be transferred at the time of sale, he would prefer to see this written into the deed at that time as opposed to prior. It was relayed that the Board is looking for verification that the deed restriction was actually put in place as once approvals are given, there doesn't appear to be a lot of follow up and there's no mechanism in place to catch it. There are a number of deed restrictions that their filing status is unknown. A letter to the

homeowners involved was suggested noting that according to their approval, a copy of the deed restriction is needed. There is also the issue of the required maintenance contract. This was also noted as something not being submitted. The owner is to be provided with a copy that stays with the house. It may have gone to the County but the Board was to receive a copy as well. The County will be contacted. Another item is monitoring and no monitoring reports have been received. Copies of the contracts are also MIA.

According to the plans, the proposed alteration is to correct a malfunctioning system. Granting a waiver so it'll be better than it was is what is expected. The County's letter states that the design engineer and manufacturer shall inspect the system and provide certification to the Board and County. The meaning of this was questioned in that whether an as-built after installation would be filed. Mr. Mikos stated that once the system is in place, an as-built will be prepared. He explained that with the Ecoflo systems, they have to be there when the peat pods are installed and again when the tipping tray is put in prior to backfill. Hunterdon County hasn't until now required these inspections as they were usually done by the contractor, the County, and Ecoflo. However, they're now saying that they want the design engineer there as well. An as-built is another thing to be followed up on. Numbers 2, 3, 6, and 7 on the County letter will require follow up activity by the Board secretary.

Mr. Mikos was questioned about the provision of a copy of the plans to DEP for their files. This has not been done and it's the first time for this comment as well. Some type of certified letter is to go to DEP so there's a record of receipt. Another item is that the contractor (Hunterdon Horizons) is required to be trained and certified by the manufacturer, so a copy of that certification has to be filed with the County. Mr. Mikos relayed that the peat pod will be installed by John Shockley, so the unit is actually being installed by Ecoflo through the contractor. A copy of the County's letter is to be provided to the manufacturer so they know what is expected. Mr. Mikos will handle this.

The item concerning a water tightness test and who conducts it was next. This is usually a function of the contractor but Mr. Mikos relayed that he has never seen a water tightness test done on these septic tanks as they are certified by the manufacturer. The tanks are monolithic. There are no seals, except for the lids, and how this type of test would be performed given their construction, is unknown. It may be required but how was questioned. The tanks are tested at the manufacturer who certifies them to be water tight. There's no field test or field equipment. A copy of the manufacturer's certification will be provided to the County to cover this item.

Another requirement is for a minimum of one week notice to DEP of installation. It was questioned whether they actually come out or if this falls to the County. A note will be sent along with the copy of the plan mentioned earlier. This will cover items #7 & #11.

Mr. Mikos will see the Ecoflo representative about providing something to the County that the design has been reviewed and engineer trained to satisfy requirement in #12. Item #13 concerning the regional water table being at 16 inches instead of the maximum allowed by code of 24 inches was noted as totally consistent with West Amwell geology. Mr. Mikos was instructed to inform the County that #14 is in error as two soil logs were conducted and can be verified by the witness notes.

The item concerning the toe of the mound being approximately 6' from the property line instead of the 10 foot distance set by County policy was discussed at length. Mr. Mikos relayed that the County views the grading to the part of the system. State code requires the system be 10 feet off the property line, and this one is 20.7 feet, but the grading extends to within 6 feet of the property line. Therefore a waiver is requested for grading of less than 10 feet, not for the system itself. Mr. Mikos stated that there's no violation of any State code; just the County's interpretation of it. If the property line is violated, the contractor will have to restore the neighbor's property but this should not happen as pins are in place. It was the recommendation of the Board that the applicant speak to the neighbors about what is happening in order to avoid problems that have a way of coming back to the Board.

The next item for discussion was the disposal bed issue as it is listed as only 21.6 feet from the existing dwelling, not the required 25 feet. Mr. Mikos stated that this matches the existing distance which was maintained from the back corner of the house as noted on sheet 1 of 15. The system grades away from the house in all four directions but the area between the house and septic will be pretty level.

The issue of the burial site was again a topic of discussion with the recommendation that, due to the size of the lot, it would be better to truck excavated materials off site, although this is not a requirement of the County. Mr. Mikos noted that although this may have to happen, it is dependent on what and how much is found. Mr. Kropp suggested that the burial site be relocated on the plans to obtain 10 feet from all property lines and 100 feet from the well. If this can't be done, a waiver would need to be obtained from the Board. It was relayed that the site is 100 feet from all wells and the layout of the neighborhood was explained. All neighbors were contacted during the soil testing phase and asked about their well locations. There was no visible evidence of one well but the homeowner advised of the approximate location and extra room was allowed just in case. There is no problem with being less than 100 feet to any well.

Mr. Mikos assured the Board that all certifications will be provided and inspections performed as required. There are four waivers specifically requested – approval for peat moss system; the installation of the septic system with ground water less than 24 inches; a septic system grading less than 10 feet from the property line; and, a reduction of the minimum distance between the dwelling and the septic system. A fifth waiver would be the burial site being less than 10 feet from the property line. The dimension of the proposed burial area is 40 x 21.25 feet.

Mr. Kropp itemized for the record the following items that are needed: verification that the deed restriction is placed on the property; proof of a maintenance contract (2 & 3); copy of the design provided to DEP (7) & (11); the County requirements regarding certifications; and, how the County will follow up on their own requirements. Mrs. Supernavage will speak with the neighbors concerning the proximity of the mound to the property line. The disposal bed distance is not an issue but whether the burial site constraints can be met was again mentioned. Mr. Mikos stated that this is why a waiver is being requested. They will do their best but expressed concern about having to come back to the Board while in the midst of construction and is looking for some flexibility in the matter. Mr. Kropp expressed his continued opinion that the materials be trucked off site with Mr. Fisher noting that burial could cause a problem later on. The ability of other residents to bury on-site was raised and why this would be denied to the Supernavages was questioned. If the required distance cannot be met, Mr. Mikos explained

that more trees will have to be removed. However, whatever is buried will no longer be active nor will there be effluent going through it. The worse case scenario would be less than 10 feet from the property line. That there is no State requirement on how close to a property line a disposal site can be was also noted, although this is probably just what the County prefers to see. Mr. Kropp acknowledged that the County can't just say 'waiver' and 'minimum' if these are just preferences. A suggestion by Mr. Cally for another way to deal with the distance to property line challenge was to make the system longer. That was considered do-able but cannot be promised due to the issue of volume. As a compromise, Mr. Fisher offered that the burial site be kept 10 feet of the line; as much as possible be buried; and, the rest be moved off site. The two opposing positions—saving the Supernavages money vs keeping the next door neighbors from complaining that septic material is being dumped close to their property—was noted. Mr. Kropp proposed that the Board go with getting a certification after burial that all was within and no more than 10 feet from the property line.

BOH RESOLUTION #06-2012

WHEREAS, a septic system alteration request to correct a malfunctioning system for a 4 bedroom dwelling with no expansion has been referred to the Township Board of Health for Block 54 Lot 2; and

WHEREAS, the proposed alteration will utilize new technology called the peat system. The design incorporates the Ecoflo-STB-650/BR-H2 Biofilter, an alternative technology that has been approved by the DEP; and

WHEREAS, the design also incorporates 1 Peat unit, which is the correct number for a 4 bedroom dwelling, filled with certified peat to further treat the effluent, and utilizes a pressure dose disposal bed; and

WHEREAS, the Board can approve the proposed design since the DEP has given the Local Boards of Health authority to approve this technology through the issuance of a general TWA; and

WHEREAS, County Health Department letter of January 23, 2012 states that the following waivers or recommendations will need be acted on by the Board

1. The use of the Ecoflo peat system
2. That a deed restriction be placed on the property indicating the annual maintenance of the property and the type of technologies being used.
3. Proof of the maintenance contract and reports on the monitoring shall be provided to the Board and the County
4. A maintenance agreement shall be provided to the owner and kept with the house
5. This is an alteration to correct a malfunctioning system and the granting of the waivers or approval of the Ecoflo system holds West Amwell Township and Hunterdon County Health Department not responsible for the system and shall be held harmless
6. The design engineer and manufacturer shall inspect the system and provide certification to the Board and County
7. That a copy of the design be provided to DEP for their files

8. The contractor installing the system shall be trained and certified by the manufacturer. A copy of said certification to be provided to the County Health Department
9. A new requirement is the use of an auto dialer for the system. The manufacturer will be installing a new panel to incorporate this.
10. The septic and pump tanks shall have a water tightness test conducted by the design engineer with certification provided to the County
11. The application shall provide a minimum of 1 week notice of installation to the DEP
12. Ecoflo shall provide to the County that the design has been reviewed and the engineer has been trained to design this system
13. The highest regional water table is at 16 inches which is higher than the maximum allowed by code of 24 inches from existing grade
14. Only 1 soil log was completed on this property and not the required 2 per state code
15. The toe of the mound is approximately 6 feet from the property line and not the 10 foot distance set by County police. Engineer will, therefore, need to inspect the grading the provide a letter stating that grading was done on this property and has not led to any off site water problems
16. The proposed disposal bed will be only 21.6 feet from the existing dwelling and not the required 25 foot off set requirement
17. The burial site shall be relocated on the plans to obtain a minimum of 10 feet from all property lines and 100 feet from all wells. If this cannot be accomplished, a waiver must be obtained from the Board.

WHEREAS, the West Amwell Township Board of Health concurs and approves the waivers and/or recommendations in 1 through 16 above, with the exception of 14 as the design engineer has stated that two logs were provided with the application and this entry is in error; and

WHEREAS, this is a malfunctioning system with no expansion and is in more conformance with the code than the existing system; and

WHEREAS, the burial site shall be relocated on the plans to obtain a minimum of 10 feet from all property lines and 100 feet from all wells. If this cannot be accomplished, a waiver must be obtained from the Board, or the material shall be trucked off site to a landfill or other facility licensed to accept the septic contaminated waste/fill.

THEREFORE BE IT RESOLVED by the West Amwell Township Board of Health that the use of the alternative technology described herein is approved for use on Block 54 Lot 2 in line with the parameters stated.

BE IT FURTHER RESOLVED that the date of annual monitoring be set for one (1) year from installation and no later than two (2) years from approval.

BE IT FURTHER RESOLVED that this resolution be forwarded to the Hunterdon County Health Department, the engineer of record and the applicant.

The Resolution was unanimously adopted on motion by Fisher, seconded by Kropp.

The system will be installed as soon as a contract is made with Hunterdon Horizons, which will probably be at least a week. Mr. Fisher indicated that he would like to be notified of the installation in order to make arrangements to be on site.

A brief discussion resumed concerning the filing of deed restrictions and verification of same. The secretary will check on the systems approved to see what has or has not been submitted. The contractor(s) could also be asked about the number of maintenance agreements held in the Township. The monitoring issue was also mentioned as someone is supposed to be keeping an eye on this and actually doing it. With the County cutting back on their role, it's unknown who will be doing all the required items...especially as it's not even called a health department now.

UNFINISHED BUSINESS

Continued Discussion Concerning Salt Testing & Pearson RO – Tom Barry of KelTran provided a letter stating that it would cost around \$200 to bypass the entire system enabling it to be turned on and off with very little effort in the future. This would involve the installation of a three value by-pass inside the Pearson home. Mr. Barry also indicated that it would be a good idea to install a testing port on the untreated water. This would increase the price somewhat. He also recommended that the carbon filter and UV sterilizer remain online. Mrs. Olsen relayed that she attempted to get a diagram and has reached out to Suzanne at Sadat but nothing has been received.

Mr. Kropp relayed that there are two different types of probes—installed and portable. The latter just has to touch the water for an instant reading and multiple homes can be tested with just the one meter. The cost should be less than \$500.00. A correlation of specific conductors, or the ability of fluid to conduct electricity, is measured by these instruments and then related to salt content in the water. This method of testing would be in lieu of actual water tests that run approximately \$200.00. Information on the probes will be provided to the Board secretary. Mr. Kropp continued that when the source of contamination is road salt, the chloride number should be at least twice that of the sodium. There have been a couple test results where that didn't match up, so there may be some other source effecting the numbers, e.g, the resident's water softener. The typical ratio is 50/250 and taste becomes a factor above that. However, this is a secondary, not health based, standard for salt per the State and feds. Discussion ensued about how to notify residents of this change; the advantages of a portable probe due to control factors; and, going to a yearly testing after a couple of negative reads. It was felt that as long as the residents know that their water is being inspected to ensure that pollution is not getting worse/not violating standards, the method of testing should not be an issue.

It was agreed to go forward with the bypass for Pearson, as it is reversible, and the KelTran recommendation for the other work. The Pearson's will be contacted about the Board's decision and that testing will be accomplished in an alternate fashion.

ADMINISTRATIVE REPORTS

Bill List for January 26, 2012:

DATE	VENDOR	AMOUNT PAID
12/28/2011	James P. Chalupa	\$800.00
1/25/2012	n/a	

NOTE: The above invoices were received and paid from the BOH line as above and are provided for informational purposes.

CLOSED SESSION & RESULTS, IF ANY

N/A

CORRESPONDENCE:

The following items were received from the **Hunterdon County Health Dept.:**

- A letter from John Beckley, a 26 year veteran and department director, revealed that he is retiring from government service effective December 30, 2011. Numerous changes to the department were enumerated.

- Links Public Health Advisories included notification of Animal Control Officer Certification Courses scheduled at various colleges this coming Spring. Several cases of Pertussis (whooping cough) are under investigation in the County.

A Notice of Bite and Confinement of Animal was received from the **Animal Control Officer.**

DISCUSSION:

None

ADJOURNMENT:

There being no further business before the Board, the meeting was unanimously adjourned at 8:50 p.m. on motion from Kropp, seconded by Rich.

Respectfully submitted,

Lora Olsen, Secretary