

**WEST AMWELL TOWNSHIP BOARD OF HEALTH
RE-ORGANIZATION & REGULAR MEETING
January 18, 2023 – 7:00 PM**

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

The meeting was called to order at 7:00 PM by Ken Hart. 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 December 15, 2022 issue of 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: Stephen Bergenfeld, Jim Cally, John Dale, Ken Hart, Gary Hoyer, Meghan Hudson and John Cronce along with BOH Secretary Maria Andrews and Attorney Igor Bykov, covering for Township Attorney William Pandos.

Excused: Brian Mundhenk

APPOINTMENTS/OATHS OF OFFICE

Board Secretary/Township Clerk Maria Andrews administered the Oaths of Office to James Cally, Meghan Hudson and John Cronce.

Mr. Hoyer commented that Ms. Hudson had reached out to him regarding the committee appointments that were made at the Township Committee Re-organization meeting. He asked Mr. Cronce to address the potential conflict raised by Ms. Hudson regarding his serving on the Board of Health and owning J. Cronce Septic & Excavating, LLC.

Mr. Cronce confirmed that while he has sold off some equipment, he still owns his business. He commented that he has served the Township for many years starting with his appointment to the Planning Board in 1984 and was later elected to Township Committee, served as Mayor and most recently sat on the Board of Adjustment. Mr. Cronce remarked that he doesn't believe there is any conflict and stated that no one has ever questioned him serving any of the Boards or Committees over the years.

Ms. Hudson recognized Mr. Cronce's service to the Township and expressed he is a pillar of the community. She noted her concern is the perception of his owning a septic business and the Board reviewing septic applications. She remarked that she is viewing things from a risk mitigation standpoint and suggested that perhaps Attorney Pandos could draft something that would protect the Board and Township from any potential lawsuit while having Mr. Cronce on the Board of Health.

Mr. Cronce stated he has not had any conflicts for over 30 years of service.

Mr. Bergenfeld remarked that all contracting, engineering and excavating is done after any approvals from the Board of Health.

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Mr. Cally commented that the New Jersey Department of Environmental Protection (NJDEP) and/or the County Board of Health review all of the applications and he stated he has no issue with Mr. Cronce serving on the Township Board of Health.

Mr. Dale asked if Mr. Cronce still installs septic system. Mr. Cronce responded that he is 65 years old and doesn't have the staff to design or install septic systems.

Attorney Bykov did not provide any legal opinion on the matter and there was no further discussion among the Board Members.

NOMINATION OF CHAIR

Secretary Andrews called for nominations for the Board's Chair. A motion by Hoyer, seconded by Bergenfeld nominating Mr. Hart as the Board's Chairman was unanimously approved by voice vote.

The Board congratulated Mr. Hart and he took over the meeting at this time.

NOMINATION OF VICE CHAIR

Chairman Hart called for nominations for the Board's Vice Chair. A motion by Dale, seconded by Hoyer nominating Mr. Cally as the Board's Vice Chairman was unanimously approved by voice vote.

BOH RESOLUTION #01-2023 DESIGNATING A MEETING SCHEDULE

BOH RESOLUTION #01-2023

BE IT RESOLVED by the West Amwell Township Board of Health that Board of Health meetings will be held on the following dates in 2023 at 7:00 PM:

- January 18
- March 15
- May 17
- July 19
- September 20
- November 15

BE IT FURTHER RESOLVED that meetings of the Board of Health will be held at the Municipal Building, 150 Rocktown-Lambertville Road, Lambertville, NJ 08530; and

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

BE IT FURTHER RESOLVED that all meetings will be held in compliance with the Open Public Meetings Act. The Board will not entertain requests for special meetings; and

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

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BE IT FINALLY RESOLVED that this Resolution shall be posted on the Township bulletin board within seven days of adoption.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the West Amwell Township Board of Health at their meeting of January 18, 2023.

Maria Andrews, BOH Secretary

The Resolution was unanimously approved on motion by Bergenfeld, seconded by Dale.

BOH RESOLUTION #02-2023 ORGANIZATION OF THE MEETING

BOH RESOLUTION #02-2023

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, including website review
9. Correspondence
10. Discussion
11. Adjournment

I hereby certify the foregoing to be a true copy of a Resolution adopted by the West Amwell Township Board of Health at their meeting of January 18, 2023.

Maria Andrews, BOH Secretary

The Resolution was unanimously approved on motion by Bergenfeld, seconded by Hoyer.

BOH RESOLUTION #03-2023 DESIGNATING THE OFFICIAL NEWSPAPER(S)

BOH RESOLUTION #03-2023

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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.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the West Amwell Township Board of Health at their meeting of January 18, 2023.

Maria Andrews, BOH Secretary

The Resolution was unanimously approved on motion by Dale, seconded by Hudson.

BOH RESOLUTION #04-2023 DESIGNATING A BOARD ATTORNEY

BOH RESOLUTION #04-2023

WHEREAS, the West Amwell Township Committee awarded a non-fair and open contract for Township Attorney to William Pandos of Lavery, Selvaggi, Arbromitis and Cohen, P.C.; and

WHEREAS, all members of the Township Committee serve on the Board of Health; and

WHEREAS, Attorney Pandos has agreed to serve as Board Attorney, as needed, in accordance with the terms of the awarded contract; and

THEREFORE BE IT RESOLVED, by the West Amwell Township Board of Health, that William Pandos be appointed Board of Health Attorney for 2023.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the West Amwell Township Board of Health at their meeting of January 18, 2023.

Maria Andrews, BOH Secretary

The Resolution was unanimously approved on motion by Hoyer, seconded by Hudson.

PRESENTATION OF MINUTES

A motion by Bergenfeld, seconded by Cally to approve the Board’s 11/16/22 meeting minutes with no revisions noted, was approved by voice vote with Ms. Hudson and Mr. Cponce abstaining.

AGENDA REVIEW

Secretary Andrews noted for the record that there were no changes to the posted agenda.

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

Chairman Hart opened the floor to public comment.

Harry Heller of 27 Old York Road came forward and asked who gets the “As-built” plans for septic systems. He noted he is inquiring because he is still trying to resolve the issue of his neighbor’s septic system being built on his property a few years ago. Engineer Doug Fine spoke up from the public and explained the County files all of the as-built plans. It was suggested that Mr. Heller follow up with the County.

Joel Coyne of 3 Old River Road commented that when he worked for the Health Department as-builts were not required.

Linda Meier of 228 Rock Road West asked if the public will be allowed to comment on any of the resolutions. Chairman Hart stated that as each one comes up there will be an opportunity for public comment.

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

It was noted for the record that there were no Ordinances listed on the agenda for action.

NEW BUSINESS

Septic Waiver: Alteration – Block 15 Lot 3: 22 Rocktown Hill Road

Present for the discussion was Engineer Doug Fine of Fine Engineering.

Engineer Fine explained the septic alteration is to correct a malfunctioning system to an existing 3 bedroom dwelling. He noted the proposed system will incorporate a Hoot H-500A advanced treatment unit (ATU). Engineer Fine requested the Board consider the following waiver from the code:

1. The proposed disposal system will be only 79 ft. from the existing well which does not meet the required 100 ft. setback requirement. Per the Code, the distance can be reduced to 50 ft. provided there is 50 ft. of casing in the well.

Engineer Fine commented that due to the age of the well, he will install an ultra violet treatment device for added protection and conduct a water test for coliform after the system has been installed.

It was noted for the record that proof of the maintenance contract must be provided to the West Amwell Township Board of Health and to the Hunterdon County Division of Health. It was also noted that the deed restriction be recorded and a copy of the maintenance agreement be provided by the owner and kept with the house as maintenance will be required by a service provided for the life of the ATU system.

A motion by Dale, seconded by Hudson to approve the requested waiver was unanimously approved by voice vote.

Septic Waiver: Alteration – Block 8 Lot 52.02: 1410 Route 179

Present for the discussion was Engineer Casey Wood of Bayer-Risse Engineering.

Engineer Wood explained the septic alteration is to correct a malfunctioning system to an existing 4 unit apartment building with a total of 1400 gpd and proposed installation of an ATU. The design will incorporate a pre-treatment tank and a Hoot H 960-1500 model. Engineer Wood requested the following waiver from the code:

1. The proposed disposal system will only be 38 ft. from the existing water course on the property, which does not meet the required 50 ft. setback under the code.

Engineer Wood noted the building has three 1-bedroom units and one 2-bedroom unit.

There was some discussion on the 50 ft. drainage easement. Engineer Wood explained they believe it is really a ditch but the County is calling it a stream. She noted that they cannot meet the required 50 ft. setback but will maintain the existing 38 ft. distance. Engineer Wood remarked this will be a mounded system and they will maintain the existing drainage conditions on the property. She clarified they are not required to go to NJDEP because this is an alteration, not a new system and they are staying out of the conservation easement.

Mr. Cronce asked about the 24” pipe and whether or not it should be relocated. Engineer Wood commented that they could relocate it to the other end of the septic bed. The Board believed the suggested relocation was a good idea.

It was noted for the record that proof of the maintenance contract must be provided to the West Amwell Township Board of Health and to the Hunterdon County Division of Health. It was also noted that the deed restriction be recorded and a copy of the maintenance agreement be provided by the owner and kept with the house as maintenance will be required by a service provided for the life of the ATU system.

Additionally, the auto dialer device must be recorded and installed by an installer who has a NEHA certification. A copy of this certification must be provided to the Township Board of Health and forwarded to the County Division of Health.

A motion by Hudson, seconded by Hoyer to approve the requested waiver with the condition that the 24” pipe be relocated was unanimously approved by voice vote.

Discussion: TWA Authorization – Septic Waiver: Alteration – Block 8 Lot 12: 1490 Route 179 – Approval of Resolution #06-2023

Present for the discussion was Engineer Wayne Ingram of Environmental & Land Planning Associates, Inc. He explained the design is for the permanent use of a 3000 gallon heavy duty holding tank with a high level alarm. The tank will support the proposed 5 bay service station as well as 750 sq. ft. of office

space allowing for a total of 343.75 gpd. Engineer Ingram noted a holding tank is the only option because the property was subdivided and the neighboring wells are too close.

Engineer Ingram stated the tank will be underground with an alarm and aerator. He indicated they will provide two signed contracts with licensed sewage haulers for pumping the holding tank which is a requirement for the TWA application they have to submit to the NJDEP.

Ms. Hudson asked if there are any reports or soil test results for the property. Engineer Ingram said no, because there is no place of the site for a septic system to be installed. She asked when the original system was built. Engineer Ingram stated, “60 years ago.”

**Township of West Amwell Board of Health
Resolution #06-2023
Authorizing the County Board of Health to Sign the
Treatment Works Approval (TWA) Permit from NJDEP for
Block 8 Lot 12 – 1490 Route 179**

WHEREAS, Block 8 Lot 12 located at 1490 Route 179 is an existing automotive repair shop; and

WHEREAS, Wayne Ingram, P.E., P.L.S., P.P., C.M.E. of Environmental & Land Planning Associates, Inc. (E&LP) submitted plans to the Hunterdon County Department of Health for a septic system alteration designed to permanently incorporate the use of a holding tank; and

WHEREAS, the holding tank was designed for a 5 bay service station and 750 sq. ft. of office space with a total of 343.75 gallons per day; and

WHEREAS, it has been determined that two signed contracts with licensed sewage haulers for pumping the holding tank is a requirement for a Treatment Works Approval (TWA) permit from the New Jersey Department of Environmental Protection (NJDEP); and

WHEREAS, as indicated on the TWA application, it is the Board’s responsibility to acknowledge the application and can subsequently authorize the County to be the Authorized Agent and sign the TWA to be submitted to NJDEP; and

NOW THEREFORE BE IT RESOLVED that the Local Governing Body of the Township of West Amwell will provide consent solely on form WQM-003 for the Treatment Works Approval permit affirming the project is in conformance with municipal laws and reaffirms the County Board of Health is the Administrative Agent with the authority to review and sign the TWA application for Amwell Automotive, Inc.

Certification

I hereby certify the foregoing to be a true copy of a Resolution adopted by the West Amwell Township Board of Health at their meeting on January 18, 2023.

Maria Andrews, Township Clerk, RMC

A motion by Hoyer, seconded by Dale to approve Resolution #06-2023 allowing the permanent holding tank was unanimously approved by roll call vote.

Bergenfeld: Yes, Cally: Yes, Dale: Yes, Hart: Yes, Hoyer: Yes, Hudson: Yes

Discussion: TWA Authorization: Block 16 Lot 17.02 – Approval of Resolution #05-2023

Present for the discussion was Engineer Wayne Ingram of Environmental & Land Planning Associates, Inc. He explained that the property owner is requesting that NJDEP evaluate and confirm the flow calculations they have provided and in order to do so, the Township must verify it doesn't violate municipal laws and reaffirms the County Board of Health's authority to review and endorse the application to NJDEP.

Ms. Hudson asked for clarification on the different forms, noting the WQM-003 is the "statement of consent" which was missing, but was the correct form to be signed. Engineer Ingram explained the County Board of Health signs the WQM-006 form because they are only seeking a flow determination. He remarked that the form doesn't really make sense but stated that is the only form NJDEP has for this type of request.

Chairman Hart opened the floor to the public on this matter.

Linda Meier of 228 Rock Road West came forward and asked numerous questions regarding what authority the Board had to direct the County to sign off on the application to NJDEP. Attorney Bykov commented that if the County is already the authorized agent for the Township, it does no harm to essentially reinforce that premise.

Ms. Hudson suggested several amendments to the resolution which were supported by the other Board members and agreed to by Engineer Ingram.

**Township of West Amwell Board of Health
Resolution #05-2023
Authorizing the County Board of Health to Sign the
Treatment Works Approval (TWA) Permit from NJDEP for
Block 16 Lot 17.02 – 638 Brunswick Pike**

WHEREAS, Block 16 Lot 17.02 located at 638 Brunswick Pike has been approved by the Township Planning Board as a Cannabis Cultivation Facility for medicinal purposes; and

WHEREAS, Wayne Ingram, P.E., P.L.S., P.P., C.M.E. of Environmental & Land Planning Associates, Inc. (E&LP) has been hired to determine the projected volume and flow of wastewater for the proposed project; and

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WHEREAS, it has been determined that a Treatment Works Approval (TWA) permit from the New Jersey Department of Environmental Protection (NJDEP) is being sought for the sole purpose of determining and confirming that the flow calculations provided by E&LP are accurate; and

WHEREAS, as indicated on the TWA application, it is the Board’s responsibility to acknowledge the application and can subsequently authorize the County to be the Authorized Agent and sign the TWA to be submitted to NJDEP; and

NOW THEREFORE BE IT RESOLVED that the Local Governing Body of the Township of West Amwell will provide consent solely on form WQM-003 for the Treatment Works Approval permit affirming the project is in conformance with municipal laws and reaffirms the County Board of Health is the Administrative Agent with the authority to review and sign the TWA application WQM006 for Green Medicine.

Certification

I hereby certify the foregoing to be a true copy of a Resolution adopted by the West Amwell Township Board of Health at their meeting on January 18, 2023.

Maria Andrews, Township Clerk, RMC

A motion by Bergenfeld, seconded by Cally to approve Resolution #05-2023 as amended was unanimously approved by roll call vote.

Bergenfeld: Yes, Cally: Yes, Dale: Yes, Hart: Yes, Hoyer: Yes, Hudson: Yes

UNFINISHED BUSINESS

It was noted for the record that there were no unfinished business matter listed on the agenda for discussion.

CORRESPONDENCE

It was noted for the record that the Board requested the correspondence listed on the agenda be filed.

ADJOURNMENT

There being no further business before the Board, the meeting was unanimously adjourned at 8:24 PM on motion from Cally and seconded by Bergenfeld.

Respectfully submitted,

Maria Andrews, Secretary

Approved: 3/15/23