

**MINUTES
BOARD OF HEALTH
JANUARY 14, 2003**

The regular meeting of the Board of Health was called to order by James Brown at 7:32 p.m.

Adequate notice of this meeting of the Board of Health was given as required by the Open Public Meetings Act as follows: Notice was given to both the Chatham Courier and the Morris County Daily Record on January 9, 2002; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 9; and notice was filed with the Township Clerk on January 9, 2002.

Answering present to the roll call were Dr. Marano, Mrs. Hoag, Dr. Shelley, and Mr. Brown. Dr. Rommer was absent.

Selection of Board of Health President

Mr. Brown called for nominations for Board of Health President for the year 2003. Dr. Shelley nominated Jim Brown as President. Mrs. Hoag seconded the nomination.

Roll call: Dr. Marano, Aye; Mrs. Hoag, Aye; Dr. Shelley, Aye; Dr. Rommer, Absent; Mr. Brown, Aye.

Selection of Board of Health Vice President

Mrs. Hoag nominated Dr. Penn Shelley as Board of Health Vice President for 2003. Dr. Marano seconded the nomination.

Roll call: Dr. Marano, Aye; Mrs. Hoag, Aye; Dr. Shelley, Aye; Dr. Rommer, Absent; Mr. Brown, Aye.

RESOLUTION BH-2003-1

**RESOLUTION OF THE BOARD OF HEALTH OF THE TOWNSHIP OF CHATHAM,
IN THE COUNTY OF MORRIS, NEW JERSEY, APPOINTING ATTORNEY
FOR THE BOARD FOR THE YEAR 2003.**

WHEREAS, after consideration, the Board of Health of the Township of Chatham has determined to engage the services of Stanley Perlowski, Esq. as attorney for the Board for the year 2003.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Health of the Township of Chatham, in the County of Morris, New Jersey, as follows:

1. Stanley Perlowski, Esq. is hereby appointed as the attorney for the Board of Health for the calendar year 2003. The compensation for the services performed shall be within the amount provided in the 2003 Budget for the Board of Health legal services.
2. This contract is awarded without competitive bidding as a professional service under the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5(a) (a) (i), and notice of the award shall be published as required by law.

Mrs. Hoag moved to adopt Resolution BH-2003-1. Dr. Shelley seconded the motion.

Roll call: Dr. Marano, Aye; Mrs. Hoag, Aye; Dr. Shelley, Aye; Dr. Rommer, Absent; Mr. Brown, Aye.

RESOLUTION BH-2003-2

**RESOLUTION OF THE BOARD OF HEALTH OF THE TOWNSHIP OF CHATHAM
IN THE COUNTY OF MORRIS, NEW JERSEY, ESTABLISHING REGULAR
MEETING SCHEDULE FOR THE BOARD OF HEALTH DURING 2003**

WHEREAS, the "Open Public Meetings Act", N.J.S.A. 10:4-6 et seq. requires that public bodies provide adequate notice of meetings;

NOW, THEREFORE, BE IT RESOLVED by the Board of Health of the Township of Chatham in the County of Morris, New Jersey, as follows:

- 1) During the calendar year 2003 meetings will be held by the Board of Health to discuss or act upon public business at 7:30 p.m., prevailing time, at the Municipal Building on the following dates: February 11, March 11, April 8, May 13, June 10, July 8, August 12, September 9, October 14, November 11, December 9, and January 13, 2004.
- 2) Certified copies of this Resolution shall be (a) mailed to The Chatham Courier, (b) mailed to the Morris County Daily Record, (c) filed with the Municipal Clerk of the Township of Chatham, (d) posted on the bulletin board in the main hallway of the Municipal Building, and (e) mailed to any person requesting notices of the meetings of the Board of Health, pursuant to N.J.S.A. 10:4-19 who has paid the required fee theretofore. The foregoing shall be accomplished within (7) days of the adoption of this Resolution.

Mrs. Hoag moved to adopt Resolution BH-2003-2. Dr. Shelley seconded the motion.

Roll call: Dr. Marano, Aye; Mrs. Hoag, Aye; Dr. Shelley, Aye; Dr. Rommer, Absent; Mr. Brown, Aye.

RESOLUTION BH-2003-3

RESOLUTION OF THE BOARD OF HEALTH OF THE TOWNSHIP OF CHATHAM AUTHORIZING APPLICATION FOR STATE AID FOR HEALTH SERVICES

WHEREAS, N.J.S.A. 26:2F-1 et seq., provides that State Aid for health services shall be provided annually and shall be made available for distribution by the State Department of Health to local health agencies in amounts and in accordance with the criteria and the formula for distribution provided and set forth in said statute; and

WHEREAS, the Township of Chatham Board of Health is desirous of receiving an equal share of the funds allocated for health services for the period of January 1 through December 31, 2003, for certified health services as prescribed by statutory law;

NOW, THEREFORE BE IT RESOLVED by the Board of Health of the Township of Chatham as follows:

1. That said Board does hereby request the State Department of Health to make available to the Board of Health of the Township of Chatham the maximum amount to which said Department is entitled to receive as its equal share of money to be allocated as aid toward rendering health services during the period January 1 through December 31, 2003, as authorized by N.J.S.A. 26:2F-1 et seq., and
2. That John Theese, the Health Officer of the Borough of Madison, be and he is hereby instructed and authorized to complete and execute the necessary application forms for such State Aid and to forward same, together with a certified copy of this resolution, to the State Department of Health.

Mrs. Hoag moved to adopt Resolution BH-2003-3. Dr. Shelley seconded the motion.

Roll call: Dr. Marano, Aye; Mrs. Hoag, Aye; Dr. Shelley, Aye; Dr. Rommer, Absent; Mr. Brown, Aye.

RESOLUTION BH-2003-4

RESOLUTION OF THE BOARD OF HEALTH OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, DESIGNATING NEWSPAPERS AND FIXING CHARGES FOR NOTICES OF PUBLIC MEETINGS OF SAID BOARD OF HEALTH DURING 2003

WHEREAS, the "Open Public Meetings Act", N.J.S.A. 10:4-6 et seq., be given of meetings of public bodies as therein defined and in the manner therein set forth;

NOW, THEREFORE BE IT RESOLVED by the Board of Health of the Township of Chatham in the County of Morris, New Jersey, as follows:

1. THE CHATHAM COURIER and THE MORRIS COUNTY DAILY RECORD are hereby designated for the calendar year 2003 as the two newspapers to receive notices of meetings of the Board of Health as required by any and all sections of the Open Public Meetings Act, it appearing that these newspapers are the most likely to inform the local public of such meetings.
2. The public place for posting of notices of meetings of the Board of Health for the calendar year of 2003 shall be on the bulletin board in the main hallway of the Municipal Building.
3. The sum of \$10.00 is hereby fixed as the fee to be paid by any person requesting that notices of the meetings of the Board of Health during the calendar year 2003 be mailed to such persons as specified in R.S.40:4-19, provided, however, that no charge shall be made to any newspaper requesting the mailing of notices to its business office.
4. Certified copies of this Resolution shall be mailed by the Secretary of the Board of Health to THE CHATHAM COURIER and the MORRIS COUNTY DAILY RECORD, and a certified copy shall be filed with the Clerk of the Township of Chatham.

Mrs. Hoag moved to adopt Resolution BH-2003-4. Dr. Shelley seconded the motion.

Roll call: Dr. Marano, Aye; Mrs. Hoag, Aye; Dr. Shelley, Aye; Dr. Rommer, Absent; Mr. Brown, Aye.

RESOLUTION BH-2003-5

RESOLUTION OF THE BOARD OF HEALTH OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, APPOINTING JOY M. WILEY BOARD SECRETARY

WHEREAS, the Board of Health of the Township of Chatham, County of Morris, State of New Jersey, desires to appoint Joy M. Wiley as Board Secretary for the period commencing January 1, 2003 and ending December 31, 2003.

NOW, THEREFORE, BE IT RESOLVED by the Board of Health of the Township of Chatham as follows:

1. Joy M. Wiley is hereby appointed as Board Secretary for a term commencing January 1, 2003 and terminating December 31, 2003.
2. The compensation to be paid to Joy M. Wiley for services rendered to the Board shall be an annual salary in accordance with the Salary Resolution of the Township of Chatham.

Mrs. Hoag moved to adopt Resolution BH-2003-5. Dr. Shelley seconded the motion.

Roll call: Dr. Marano, Aye; Mrs. Hoag, Aye; Dr. Shelley, Aye; Dr. Rommer, Absent; Mr. Brown, Aye.

RESOLUTION BH-2003-6

RESOLUTION OF THE BOARD OF HEALTH OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, REQUESTING EXECUTION OF AN AGREEMENT BETWEEN THE TOWNSHIP OF CHATHAM AND THE BOROUGH OF MADISON FOR HEALTH SERVICES FOR 2003.

WHEREAS, the Board of Health of the Township of Chatham is desirous of continuing a contract with the Board of Health of the Borough of Madison for furnishing health services of a technical and professional nature;

WHEREAS, the Program Proposal for Health Services January 1 - December 31, 2003 meets the Board's approval,

NOW, THEREFORE, BE IT RESOLVED by the Board of Health of the Township of Chatham that said Board hereby requests that the Township Committee of the Township of Chatham enter into an agreement with the Board of Health of Madison for the rendition of services to this Board and to the inhabitants of the Township of Chatham during the year 2003.

Mrs. Hoag moved to adopt Resolution BH-2003-6. Dr. Shelley seconded the motion.

Roll call: Dr. Marano, Aye; Mrs. Hoag, Aye; Dr. Shelley, Aye; Dr. Rommer, Absent; Mr. Brown, Aye.

RESOLUTION BH-2003-7

RESOLUTION OF THE BOARD OF HEALTH OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING A CONTRACT WITH METCALF & EDDY, INC. FOR PROFESSIONAL CONSULTING ENGINEERING SERVICES

WHEREAS, the Board of Health of the Township of Chatham requires professional consulting engineering services in connection with the review of applications submitted to the Board for permits and other approvals;

WHEREAS, the firm of Metcalf & Eddy, Inc. has been rendering professional consulting engineering services to the Board for such purposes;

WHEREAS, a proposed contract for professional consulting engineering services for the calendar year 2003 has been submitted to the Board by Metcalf & Eddy, Inc. in the form marked "Appendix A" and attached to the Resolution, and such proposed contract is acceptable to the Board;

WHEREAS, funds will be available for payment for the services rendered by Metcalf & Eddy, Inc. to the Board, such funds being available through technical review fees charges to applicants and/or through funds appropriated for Board operations in the 2003 Township of Chatham budget; and

WHEREAS, the Local Public Contracts Law requires that public notice be given of the award of any contract for professional services without competitive bidding.

NOW, THEREFORE, BE IT RESOLVED by the Board of Health of the Township of Chatham, in the County of Morris, New Jersey, as follows:

1. A contract for professional consulting services during the calendar year 2003 is hereby awarded to Metcalf & Eddy, Inc. such contract to be as set forth in "Appendix A" attached to this Resolution.

2. The President of the Board of Health is hereby authorized and directed to execute on behalf of the Board the contract awarded by Paragraph 1 of this Resolution, and the Secretary of the Board is hereby authorized and directed to attest such contract.

3. The award of contract pursuant to this Resolution is made without competitive bidding in accordance with the professional service provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i).

4. Notice of this contract award shall be published by the Secretary of the Board as required by law.

5. A certified copy of this Resolution shall be forwarded by the Secretary of the Board to Metcalf & Eddy, Inc.

Mr. Brown said he had reviewed Metcalf & Eddy's contract and this year there was an increase in the cost of services. Mrs. Hoag said the Township Committee has reviewed the list of fees.

Mrs. Hoag moved to adopt Resolution BH-2003-7. Dr. Shelley seconded the motion.

Roll call: Dr. Marano, Aye; Mrs. Hoag, Aye; Dr. Shelley, Aye; Dr. Rommer, Absent; Mr. Brown, Aye.

Approval of Minutes

Prior to approving the minutes of October 8, 2002, Rolling Hill Lane was changed to Rolling Hill Drive in the Report section.

Mrs. Hoag moved to approve the minutes as amended. Dr. Shelley seconded the motion and it carried unanimously.

Reports

Registered Environmental Health Specialist- Health Officer John Theese advised that Al Baragona had resigned from Madison Board of Health and that he would be taking over his work. Mr. Theese distributed a copy of Mr. Baragona's report for the Board's review. A complaint of illness had been received at Charlie Brown's Restaurant and an inspection was done of the facility. Mr. Theese advised that he was currently working with Mr. Roemer at 154 Southern Boulevard regarding water and mold problems. The owners of the property will meet with Mr. Theese about addressing the problem.

Registrar Report- Mrs. Wiley reported the following licenses were issued.

October

15 Certified copies of Marriage Licenses	\$60
3 Marriage Licenses	<u>84</u>
Total	\$144

November

15 Certified copies of Marriage Licenses	\$60
4 Marriage Licenses	112
1 Certified copy of Death Certificate	<u>4</u>
Total	\$176

December

7 Certified copies of Marriage Licenses	\$28
4 Marriage Licenses	112
17 Certified copies of Death Certificates	<u>68</u>
Total	\$208

Secretary-

Mrs. Wiley reported that the Rabies Clinic was held on November 2, 2002. Dr. Sarle from Chatham Animal Hospital inoculated 26 dogs and 26 cats. The increase in the number of animals was probably due to front-page advertisement in the Independent Press.

Mrs. Wiley advised that Retail Food Licenses Renewal letters were mailed out on December 2, 2002. To date, three retail food establishments still need to pay for the renewal of their license. Two day cares and one church also need to send in the renewal information. Second requests were mailed out on January 6, 2003.

Mrs. Wiley reported that letters requiring connection to the public sewer were mailed certified on November 22, 2002 to the nine homeowners in the Ormont/River Road area sanitary sewer project who have not connected to the sanitary sewer system. One certified letter was not deliverable and was returned to us. The green signature card was not received back for one homeowner and the Township was following up with the Post Office on it. Mrs. Wiley advised that one homeowner had connected to the Township's sanitary sewer system. To date no one else has hooked up, except that inquiries regarding deferrals were received from two homeowners, Vito Sabia and Bob Lowary. The 90-day deadline for hook up would be February 17, 2003. Mr. Lowary, 17 Valley View Road, was present and addressed the Board. Mr. Lowary asked for an appeal for information and reason based on his financial situation. Mr. Lowary advised his septic system was pumped again in October and asked for an extension to the expiration of his pumping license in August 2004. Attorney Perlowski informed Mr. Lowary that the requirement to hook up is statutory and supercedes the license and that it is up to the applicant to submit as much information as necessary to the Board. Mr. Sabia, 16 Valley View Road, was also present and advised the Board that his septic system was pumped in April and that only two people are living in the house. Mr. Sabia submitted financial forms to the attorney that were later returned to him since they were incomplete. Mr. Sabia said he was convinced his system was working properly and did not want to pay an engineer to look at it. Following discussion, the Board said they would like to decide this at a later time and that the two homeowners should contact Mrs. Wiley in a few days.

Mrs. Wiley also advised a letter had been received from Murphy & Hollows Associates, Inc. regarding the septic system on the Ferreira property at 463 River Road. The owners plan to replace the existing dwelling with a new four-bedroom house behind present 2-bedroom dwelling. Mr. Murphy states that based on the present Township code, it is his opinion that the existing system is more than adequate to service the proposed 4-bedroom house. Mrs. Wiley provided Engineer Carrie Feuer with the 1999 asbuilt for the septic system on this property. Mrs. Feuer said \$800 would be an adequate amount to be deposited in the escrow account for Metcalf and Eddy's review of the new plans.

Mr. Brown moved to accept the reports. Dr. Shelley seconded the motion and it carried unanimously.

Old Business

1. Letters regarding wetlands for the last two septic systems- Mr. Brown advised the need to put wetland permits clarifications into the minutes as a result of the letters he had written regarding wetlands for the last two septic system reviews. The Board reviewed N.J.A.C. 7:9A-4.7(b) listing the criteria necessary for additional evidence for wetland delineation. If any one of the following criteria occur, a letter of interpretation, a wetlands permit or a letter of non-applicability is needed:

1. Surface ponding or the indication of surface ponding is observed at the site.
2. The soil profile evaluation indicates a seasonally high water table closer than 1.5 feet to the surface.
3. The presence of one or more of the soil types listed in Soil Conservation Service County Soil Survey Report.

Mrs. Feuer pointed out that even if the engineer says the property doesn't exhibit these characteristics, the Board can still require wetlands information whether it is a failed system or a new septic system.

New Business

Septic Application, Block 48, Lot 251, 134 Long Hill Lane

Mark Patalive from Schommer Engineering was present. Also present were the neighbors.

Carrie Feuer, P.E. from Metcalf & Eddy, Inc. referred to M&E's letter dated January 14, 2003 and that Mr. Patalive had submitted revised drawings today that were distributed to the Board. Mrs. Feuer noted that evidence the septic system failed is available in a letter from Gerald Gardner Associates. The distance from the proposed disposal bed is 16.3 feet from the property line rather than the minimum 25 feet setback required in Chatham's code. Mr. Patalive explained that the system could not be moved north or west because of the existing well and a 24-inch pine. Mrs. Feuer said the proposed septic system is 82 feet from the existing septic system on the adjacent property and therefore meets the minimum separation distance of 50 feet between septic systems. The adjacent neighbors explained that they did not have plans indicating the exact location of their septic system and were concerned about the distance between the septic systems. Based on the information provided by the neighbors, it appeared that the systems were actually about 50 feet apart. Discussion followed as to whether the septic system could be located in a different spot. Mr. Patalive advised that the disposal bed could be slid back about 5 feet but that the septic system should be located in this coarse sand area, not in the swamp or wetlands. Mr. Patalive also advised that he would be applying for a General Permit 25. The neighbors were concerned if granting a variance would impact any future plans to expand. Mr. Patalive said it would be difficult for the neighbors to expand because of wetlands. The neighbors were also concerned with the distance requirement and how this impacts their septic system. Mrs. Feuer advised the impact would be on regional ground water quality. Mrs. Feuer also noted the last comment in M&E's letter, that water is provided by a well.

Mr. Brown moved to waive the 25 feet setback requirement in Chatham's code and to conditionally approve the application contingent upon obtaining a General Permit 25 and the final approval of Metcalf & Eddy. Mrs. Hoag seconded the motion.

Roll call: Dr. Marano, Aye; Mrs. Hoag, Aye; Dr. Shelley, Aye; Dr. Rommer, Absent; Mr. Brown, Aye.

Discussion

1. Office of Emergency Management- Health Officer John These referred to discussions he had last year with the Board concerning bioterrorism and that he would continue to be working with the Office of Emergency Management (OEM). Dick Kern, Deputy Coordinator of OEM, distributed information to the Board about OEM. Mr. Kern explained what events could be an emergency and that emergency management is the process of preparing for, mitigating, responding to and recovering from an emergency or disaster. Mr. Kern reviewed the four phases of emergency management and that an Emergency Operations Plan has been established. Mr. Kern advised the Board what they have done in the past regarding exercises and training and said the West Nile Virus was a serious health issue. Mr. Kern advised that the more recent events of threats of weapons of mass destruction and the events of 9/11 have placed a greater emphasis on all aspects of OEM. OEM has been working with the Prosecutor's office and a Morris County Health Officer position has been authorized. Training is a big issue and the County Hazmat Team will be started up again. Mr. Kern also explained CERT (Community Emergency Response Team) and that a telephone team is also a part of it. The Board of Health inquired about their role in an emergency. Mr. These advised he would be acting as the agent for the Board of Health, but that the Board would have authority with quarantine issues and be more involved on the legislative aspect. Mr. These also said nurses not currently working in a hospital are now being trained to administer the vaccine and that they are looking to inoculate emergency care workers against smallpox in hospitals first on a voluntary basis. Dr. Shelley advised that for certain individuals there is danger of illness and death with the smallpox vaccination. Dr. Marano said another vaccine might be coming out that is much safer. The Board also asked about whether hospitals are equipped to handle a disaster. Mr. Kern thought hospitals have emergency plans in place now. Dr. Marano stressed the importance of having well designed plans in place. With regard to the Board of Health's role in an emergency, Mr. Kern thought that the Board might be called about a policy type decision. Mr. These offered to keep the Board updated through e-mail. The Board thanked Mr. Kern for his presentation.
2. Smallpox Information- The Board decided to defer this discussion to another meeting.
3. Sewer Connection Requirement- The Board decided that with regard to the discussion earlier in the evening, Mr. Sabio and Mr. Lowery should call Attorney Perlowski about the certification that their septic systems are in good working order. Mr. These advised that at least a probe and load test would need to be done in order for an engineer to provide evidence that the system is functioning properly. Mrs. Hoag suggested the need of educating the homeowner as to why it is important that they hook up to the sewer. The Board also discussed the costs incurred for the applicant to connect to the sewer. Attorney Perlowski said the applicant could be continually exempted until the house was sold provided the financial situation was analyzed each year and the necessary evidence was submitted about the septic system being in good working order. Mr. Brown also mentioned that he would call the homeowners who have not complied with the ordinance by February 17, 2003.
4. Updating Well Ordinance- Mrs. Wiley provided a copy of the present well ordinance for the attorney. Attorney Perlowski will check with other towns and the state requirements and report back on this.

Dr. Shelley moved to adjourn at 10:20 p.m. Mr. Brown seconded the motion and it carried unanimously.

Joy M. Wiley
Board of Health Secretary