

**MINUTES
BOARD OF HEALTH
TOWNSHIP OF CHATHAM
APRIL 13, 2004**

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

Answering present to the roll call were Dr. Marano, Dr. Shelley, and Mr. Brown. Mr. Nachtigal and Mr. O'Connor were absent.

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 14, 2004; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 14, 2004; and notice was filed with the Township Clerk on January 14, 2004.

Approval of Minutes

Mr. Brown moved to approve the minutes of February 10, 2004. Dr. Shelley seconded the motion and it carried unanimously.

Reports

Registered Environmental Health Specialist

Registered Environmental Health Specialist Irena Bairova reported the inspection of Hickory Pizza in February was one the best and was very complimentary of the conditions at that retail food establishment. Mrs. Bairova advised Pat's Pizza plead guilty in court and paid the fine. A complaint was received about a rodent problem at CVS Pharmacy and the exterminator is present on a weekly basis. Mrs. Bairova also informed the Board that she attended several Bioterrorism Modules.

In March, Mrs. Bairova contacted the Little Angel School House in their new location concerning the size of the day care. This is still a pending zoning issue. Mrs. Bairova said she had inspected the kitchens at Juniper Village and King James Care Center and both inspections were very good. Mrs. Bairova advised she had witnessed two soil logs, one on Green Village Road and one on River Road. Following up on 7 Robin Hood Lane, Mrs. Bairova said the excavating process is taking place now. A complaint was received about a Mountainview Road residence and that the owner was attracting rodents by placing trays of corn on the ground for the birds. That situation was rectified. Another complaint was received about the odor of dog urine in Heritage Green Apartment Complex. This issue is pending. Mrs. Bairova also advised she had attended two more Bioterrorism Modules in March.

Registrar of Vital Statistics

Mrs. Wiley reported the following licenses were issued:

February- 2004

2 Certified copies of Marriage Licenses	\$ 8
1 Marriage License	28
24 Certified copies of Death Certificates	96
1 Certified copy of Birth Certificate	<u>4</u>
Total	\$136

March- 2004

11 Certified copies of Marriage Licenses	\$ 44
2 Marriage Licenses	56
14 Certified copies of Death Certificates	<u>56</u>
Total	\$156

Mrs. Wiley also advised the Board that the Domestic Partnership Law will go into effect in July and the Registrar's office will be issuing Certificates of Domestic Partnership.

Secretary

Mrs. Wiley informed the Board that the letters requiring pumping of septic systems were sent out on March 29, 2004. Mrs. Wiley also noted that the Board should have received a copy of the Healthy Lawn Care Brochure. Mrs. Bairova advised that she had started to receive phone calls about this brochure and asked if she should be handling inquiries about this. The Board thought questions should be directed to the Environmental Commission. Mrs. Wiley also mentioned Lt. Peterson had reported on Reverse 911 at the Township Committee meeting and explained how mass notification can be done through the County communication system via e-mail and telephone during an emergency. Mrs. Wiley also advised the need to refund a retail food license fee. Mr. Brown explained the resolution to the Board.

RESOLUTION BH-2004-8

**RESOLUTION OF THE BOARD OF HEALTH OF THE TOWNSHIP OF
CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY,
AUTHORIZING A RETAIL FOOD ESTABLISHMENT LICENSE REFUND**

WHEREAS, the applicant submitted applications for a Retail Food Establishment License and a Peddler's License;

WHEREAS, the applicant paid \$50 for a Retail Food Establishment vendor's license;

WHEREAS, the applicant failed to meet the Township's requirements for a Peddler's License;

NOW, THEREFORE, BE IT RESOLVED by the Board of Health of the Township of Chatham, in the County of Morris, New Jersey, that the \$50 refund be made to:

John Kisavi
11 Ave B Apt Front Door
Haledon, NJ 07508

Mr. Brown moved to pass Resolution BH-2004-8. Dr. Marano seconded the motion.

Roll call: Dr. Marano, Aye; Mr. O'Connor, Absent; Dr. Shelley, Aye; Mr. Nachtigal, Absent; Mr. Brown, Aye.

Before moving to accept the reports, Attorney Taormina also noted the correspondence received from the Zoning Officer concerning the day care center that had been discussed earlier and Mr. Savitt's letter regarding his septic system application that had been conditionally approved at a previous meeting.

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

New Business

Septic Application, Block 48.17, Lot 137, 355 Green Village Road

Mr. and Mrs. Reed, the owners, and Mark Patalive from Schommer Engineering Inc. were present.

Carrie Feuer, P.E. from Metcalf & Eddy (M&E) reviewed the comments in the M&E letter dated April 13, 2004. Mrs. Feuer advised the owner plans to replace the existing malfunctioning system. With regard to the specifics of the malfunction, Mr. Patalive informed the Board that when the septic system was inspected, an existing seepage pit was found and it was saturated. Mr. Patalive advised the original septic system is at the end of its life span. In response to comment two, Mr. Patalive said the neighboring property is owned by Chatham Township and there is nothing there, and the swamp is in rear of the property. Mr. Patalive confirmed the septic system would be located more than 50 feet from the neighboring septic system or public

water on the other side of the property. In response to comment three, Mr. Patalive advised the wetlands information would be shown and that a GP #25 permit would be obtained. Discussion followed about the best location for the septic system with the wetlands. Mrs. Feuer said the state regulations require that profile pits shall be located at either end of the disposal field. Mr. Patalive advised this is a square bed and that he did not want to dig in wetland area. In response to comment four, Mr. Patalive answered questions about the soil correlations and explained how the soil samples were taken. With regard to comments 6, 8, 9 and 10, Mr. Patalive will correct the drawing and add the necessary clarifications and notes. Mrs. Feuer said the disposal field is located 12.7 feet from the southern property line and does not meet Chatham Township's requirements of 25 feet. Mr. Patalive advised the neighboring land was not going to be developed and that it does meet state code requirements. Mrs. Feuer also noted the proposed regrading is within five feet of the property line and does not meet the Board of Health ordinance. Mr. Patalive advised that in this case the town is the neighbor on that side and the land would remain undeveloped, so this should not be a problem.

The Board discussed the two issues of the disposal field being 12.7 feet from the property line and grading up the property line and agreed to waive these two requirements.

Mr. Brown moved to contingently approve the septic application design for Block 48.17, Lot 137 and stated the Board waives the requirement of being 25 feet between the property line and the disposal field and to grade within 5 feet of the property line. Mr. Brown also noted a wetland General Permit #25 would be needed before the permit to construct could be issued. Dr. Marano seconded the motion.

Roll call: Dr. Marano, Aye; Mr. O'Connor, Absent; Dr. Shelley, Aye; Mr. Nachtigal, Absent; Mr. Brown, Aye.

Mrs. Feuer also mentioned to the Board that in response to an inquiry about a septic system on Green Village Road, her records indicated that the Board of Health never approved this septic system in 1991.

Discussion

1. **Retail Food Establishment Ordinance Categories and Fees-** Mrs. Bairova advised the Board that both the liquor store and Hallmark sell packaged foods and distributed a copy of Madison Borough's Retail Food Ordinance for their review. Following discussion the Board decided to amend the present ordinance to add "Packaged Goods only \$50." The Board also said the temporary license fee could be increased to \$25 based on the time Mrs. Bairova would spend inspecting it.

ORDINANCE BH-1-04

AN ORDINANCE FURTHER AMENDING THE REGULATIONS OF THE BOARD OF HEALTH OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, RESPECTING RETAIL FOOD ESTABLISHMENTS WITHIN THE TOWNSHIP AND THE FEES PERTAINING THERETO

BE IT ORDAINED by the Board of Health of the Township of Chatham, in the County of Morris, State of New Jersey, as follows:

1. Section 4, Fees for Licenses, of Ordinance BH-1-97 adopted May 13, 1997 by the Board of Health of the Township of Chatham, in the County of Morris, State of New Jersey for the purpose of establishing certain regulations with respects to retail food establishments within the Township, as amended by Ordinance BH-5-01 adopted on November 13, 2001, and Ordinance BH-1-02 adopted on October 8, 2002, is hereby further amended so that said section shall read in its entirety, as follows:

Section 4. **FEES FOR LICENSES.**

The fees for regular retail food establishment licenses shall be as follows:

Store/Food Establishment	
Up to and including 10,000 square feet	\$ 100.00 per annum
More than 10,000 square feet	\$ 200.00 per annum

Deli/Restaurant

1 to 25 seats	\$ 50.00 per annum
26 to 50 seats	\$ 100.00 per annum
More than 50 seats	\$ 150.00 per annum

Long Term or Assisted Care Facility having a maximum available capacity of

1 to 25 residents	\$ 75.00 per annum
26 to 50 residents	\$ 150.00 per annum
51 to 100 residents	\$ 225.00 per annum
More that 100 residents	\$ 300.00 per annum

Vendors purveying individual servings of ice cream or other frozen confections, hot or cold drinks, candies, popcorn, fruit or other edible products \$ 50.00 per annum

Vendors delivering dairy products to dwellings or dwelling Units \$ 10.00 per annum per vehicle

Farm Stands \$ 25.00 per annum

Swim Club Snack Bars \$ 50.00 per annum

Packaged Goods only \$ 50.00 per annum

A temporary license for up to 3 days for a special event or celebration at which food will be served to the public by other than a school, church or non-profit organization \$ 25.00 per event

There shall be no fee for a school, church or non-profit organization having permanent or temporary kitchen facilities, provided that a license shall be obtained for any permanent kitchen facilities and further provided that the Township Board of Health may at any time inspect the operation of any temporary kitchen facilities.

The annual fee for a regular license shall not be prorated by reason of the date upon which the license may be issued.

All required license fees shall be paid to the Township Board of Health prior to the issuance of the license.

The fee for a retail food establishment license shall cover an initial inspection and one reinspection if the establishment is not given a "satisfactory" rating on the basis of the initial inspection. There shall be a charge of \$ 50.00 each for a third and any further inspections required prior to the issuance of a license.

No license issued pursuant to this ordinance shall be transferable in any manner.

2. This Ordinance shall take effect thirty (30) days after the publication of notice of final adoption as provided by law.

Mr. Brown moved to introduce Ordinance BH-1-04. Dr. Shelley seconded the motion.

Roll call: Dr. Marano, Aye; Mr. O'Connor, Absent; Dr. Shelley, Aye; Mr. Nachtigal, Absent; Mr. Brown, Aye.

Public hearing would be scheduled for the next meeting on May 11, 2004.

2. Well Ordinance- Attorney Taormina said the Board should have received the sample well ordinances used in Harding Township and Washington Township following the last meeting. Attorney Taormina also provided a copy of the well ordinance from East Amwell and advised that New Jersey has no model well ordinance for municipalities. Mr. Brown said he thought Harding Township's well ordinance was very readable. The Board discussed the board's objectives and the reasons to update the well ordinance. Attorney Taormina referred to the last two pages of the Washington Township well ordinance incorporating the State's New Private Well Testing Act and some additional testing. Attorney Taormina will review the safe drinking water act and check the threshold requirements compared to our present well ordinance. Attorney Taormina advised different townships have specific needs for their town, and their ordinances are tailored to their needs. Mr. Brown thought the Board did not wish to have an ordinance with exhausting detail and wanted to know if the State has covered how to drill a well, how to seal it and how to measure the flow. Attorney Taormina will report back.

Mr. Brown moved to adjourn at 9:15 p.m. Dr. Shelley seconded the motion and it carried unanimously.

Joy M. Wiley
Board of Health Secretary