

**MINUTES
BOARD OF HEALTH
TOWNSHIP OF CHATHAM
SEPTEMBER 14, 2004**

The regular meeting of the Board of Health was called to order by President James Brown at 7:30 p.m.

Answering present to the roll call were Dr. Shelley, Mr. Nachtigal and Mr. Brown. Dr. Marano 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. Nachtigal moved to approve the minutes of June 8, 2004. Dr. Shelley seconded the motion and it carried unanimously.

Reports

Registered Environmental Health Specialist-

Irena Bairova, Registered Environmental Health Specialist, gave reports from the previous five months.

April- Mrs. Bairova reported the following: all six retail food establishment inspections were satisfactory, a septic tank was abandoned at 233 Lafayette Avenue, the mold problem at 154 Southern Boulevard was rectified, and an issue concerning an odor inside Heritage Green Complex was still pending. Mrs. Bairova explained the complaint received about Juniper Village and what was done concerning a complaint about exterior paint scraping on Edgewood Road.

May- Mrs. Bairova reported the following: all retail food establishment inspections were satisfactory except for Church of Christ which was conditional due to food temperature, all the pools were inspected and found to be satisfactory, a hamster bite was reported at Chatham High School, and the property maintenance of 580 River Road was still pending. Mrs. Bairova also advised she finished the bioterrorism module.

June- Mrs. Bairova reported the following: all retail food establishment inspections were satisfactory, observations done at Pat's Pizza and Fairmount County Club were satisfactory, the plate count at the Fairmount Country Club pool was watched for a few days, there was a completed excavation of the septic system at 355 Green Village Road, a complaint about rats on a property on Lake Road was received, and reports were received about 3 dead crows.

July- Mrs. Bairova reported the following: the plans of a new store called Tolima were reviewed, all retail food inspections were satisfactory, observations were done at Green Village Packing Company and at Fountain of Vitality, the plate count at the Fairmount Country Club kiddy pool exceeded the limits and was closed, the Chatham Hill Apartment Pool was satisfactory, one dog bite and one cat bite were reported, septic inspections were done at 472 Green Village Road, 7 Loantaka Lane, and at 355 Green Village Road, the situation at 580 River Road had been rectified, complaints received about a goose at Chatham Colony Pool and a leak from a sewer pipe near the Chatham Hill Apartment complex were rectified, and another dead crow was reported. Mrs. Bairova also advised Mr. Brown and Mr. Nachtigal had met with Madison Board of Health on July 20, 2004 to discuss the new contract.

August- Mrs. Bairova reported the following: all retail food establishment inspections were satisfactory, the new store Tolima was not open yet, a complaint was received about a box of cereal from Shop-Rite, the swimming pool inspections were all satisfactory, a soil log was

witnessed at 463 River Road and septic inspections were done at 550 River Road, the property maintenance of a house on Mountainview Road is still pending, and a complaint was received from the Chatham Hill Apartment complex about an odor near the athletic field.

Registrar of Vital Statistics- Mrs. Wiley reported the following licenses were issued during the months of June, July and August 2004.

June

13 Certified copies of Marriage Licenses	\$52
7 Marriage Licenses	196
14 Certified copies of Death Certificates	<u>56</u>
Total	\$304

July

25 Certified copies of Marriage Licenses	\$100
5 Marriage Licenses	140
13 Certified copies of Death Certificates	52
3 Certificates of Domestic Partnerships	84
6 Certified copies of Domestic Partnerships	<u>24</u>
Total	\$400

August

15 Certified copies of Marriage Licenses	\$60
2 Marriage Licenses	56
56 Certified copies of Death Certificates	<u>224</u>
Total	\$340

Mrs. Wiley advised the amount of money collected has increased due to the new Domestic Partnership law and the new driver's license requirements. Mrs. Wiley also mentioned the need to possibly increase the Township's fees for certified copies due to the increase in the cost of the new security paper.

Secretary

1. Letters regarding 406 Green Village Road- Mrs. Wiley advised that Brett Wentz, the potential purchaser of this property, was present. Mr. Wentz explained to the Board his interest in the property since last November and that his attorney and the seller's attorney have been involved with regard to the septic system on the property, since the homeowner is deceased and the house has been vacant for about a year. Mr. Wentz advised he had seen correspondence that indicated if there was a failed septic system, there could be a waiver of the township's septic requirement. Engineer Carrie Feuer from Metcalf & Eddy Inc. said she had talked with Mr. Fitzpatrick who had done the septic inspection and he said dye and volume testing had not been done. Mr. Wentz advised a neighbor is allowing use of their water tomorrow to perform an inspection of the septic system. Mrs. Feuer questioned the validity of a test of 150 gallons and suggested filling the system to try to get it stabilized for a week. The Board wanted to be sure the potential homeowner was aware of certain issues with regard to this property. There would be cost issues if it were a failed system. Mr. Brown noted if the system passes now, there is no way of knowing what might happen when someone is living there. There is also the issue of the wetlands. If it is a failed system, the rules can be waived in certain cases. However, if the system has not failed, all the regulations must be followed. Mrs. Feuer also mentioned two issues. The first is that we do not know whether or not it is a cesspool. Secondly, if it is not a failed system, wetlands is an issue and the homeowner will not be able to increase the number of bedrooms in the house. Mr. Wentz replied it was not his intent to expand the house and thanked the Board for meeting with him.
2. Letters concerning waiver of the pumping requirement- Mrs. Wiley advised some deferrals have been granted based on the guidelines established at the last Board of Health meeting.
3. Status of Pumping requirement- Mrs. Wiley reported second notices were sent on August 6, 2004 to the homeowners who have still not pumped out their septic systems. To date, about 50 homeowners have not pumped out their systems and about 18 have reasons why they have not yet complied. The Board requested that another reminder be sent to the homeowners who have still not complied.

4. Rabies Clinic – Mrs. Wiley advised she has talked with Dr. Sarle of the Chatham Animal Hospital and has scheduled the annual Rabies Clinic to be held on Saturday, November 6, 2004 between 9:00 and 10:00 a.m. at the Public Works Garage.

New Business

Septic Application, Block 139, Lot 52, 472 Green Village Road:

The owners Mr. and Mrs. Honickel were present along with their engineer Tom Murphy from Murphy & Hollows Associates, Inc.

Carrie Feuer, P.E. from Metcalf and Eddy, Inc. advised the letter was not ready, but she had several comments regarding the septic plans to replace the existing system with a pump system to gravity dosing. Mrs. Feuer asked for documentation if it is a failed system or stated that certified wetlands information would be needed if it were not a failed system. Discussion followed about what lines were shown on the plans. Mrs. Feuer questioned why there was only one foot for the zone of disposal. Mr. Murphy agreed to go up a half of foot. Mrs. Feuer asked that it be put in writing that this site reasonably represents what was done in 1982. Mrs. Feuer asked for some more notes about what is vacant, the dimensions of the holes on the piping need to be specified, and to clarify the limits in the bed section. Mrs. Feuer also advised the septic tank needs another inspection port and the plan should show where the new piping connects to the house. Following review, the Board thought conditional approval could be given with revised drawings and either with a letter certifying wetlands information that it is not within 50 feet of the transition area or certification that it is a failed system.

Mr. Brown moved conditional approval of the application for Block 139, Lot 52, contingent upon the proper written certification of wetlands information or a failed system, and submission of revised plans to Metcalf and Eddy's approval. Mr. Nachtigal seconded the motion.

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

Discussion

1. **Madison Board of Health Contract-** Mr. Brown advised that he and Mr. Nachtigal had met with John Theese at the Madison Health Department to discuss the contracts for 2005 and 2006. Mr. Brown distributed the information received from Madison Health Department along with a summary sheet he had prepared of the Madison Health District Charges to Chatham Township since the year 1992. Mr. Brown explained the proposed contract for 2005 is 4.9 % increase compared to a 14 % increase in 2003 and that the information distributed to the Board explained how these numbers were determined. Mr. Brown reviewed the summary and the worksheet that showed how Mr. Theese arrived at the numbers. Mr. Brown advised for comparison purposes, he wrote in the numbers for 2004. The grand total for the 2005 contract would be \$54,014. Mr. Theese explained that basically the rate and the amount of services are used to determine the numbers.

Mr. Brown moved to approve the new contract with Madison Health Department for 2005 and 2006. The Board discussed when the resolution would be done. Mr. Theese confirmed that the Board was in agreement that a contract should be developed. It was decided Attorney Taormina will review the contract first and then the Board will vote on it at the next meeting. Mr. Theese also mentioned he would talk about bioterrorism at a future meeting. Dr. Shelley also mentioned the Red Cross Association would be holding an Emergency Preparedness meeting on September 18, 2004 that should be very informative and helpful.

2. **Well Ordinance-** Attorney Taormina explained that the Board of Health could reference State Regulations with regard to well abandonment, the Private Well Testing Act, impurities and installation and flow. The Safe Water Drinking Act could also be referenced. Attorney Taormina asked the Board about what model well ordinance they wished to use. Mr. Brown said he had reviewed Harding Township's Well Ordinance and it refers to mostly to State regulations, but does have specific references to well location, water storage, decommissioning, inspection and testing. Harding Township's Well Ordinance did not have anything specific about impurities or change of ownership. Mr. Nachtigal thought having specific references in a local ordinance might help with

enforcement. Another suggestion made by Mr. Nachtigal was that the well ordinance could say wells must be decommissioned in accordance with the cited state regulation. Attorney Taormina also brought up the referencing of fees charged. After a brief discussion, the Board decided the well ordinance should be written from scratch and it would replace in its entirety all previous well ordinances. Mr. Nachtigal also thought the ordinance should reference that a homeowner must connect if the property is within 100 feet of the New Jersey public water line. The Board also discussed the number of wells in Chatham Township. The Board then reviewed with Attorney Taormina the sections listed in the well ordinances from Washington Township and Harding Township to determine what sections they wanted to include in Chatham Township's well ordinance.

Following the discussion, Dr. Shelley moved to adjourn at 9:50 p.m. Mr. Nachtigal seconded the motion and it carried unanimously.

Joy M. Wiley
Board of Health Secretary