

**MINUTES  
BOARD OF HEALTH  
APRIL 8, 2003**

The regular meeting of the Board of Health was called to order by President James Brown at 7:35 p.m.

Answering present to the roll call were Dr. Marano, Mrs. Hoag, Dr. Shelley and Mr. Brown. Dr. Rommer had submitted a letter of resignation.

**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 15, 2003; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 15; and notice was filed with the Township Clerk on January 15, 2003.

**Approval of Minutes**

Dr. Shelley moved to approve the minutes of January 14, 2003. Mrs. Hoag seconded the motion. The motion carried.

Mrs. Hoag moved to approve the minutes of February 11, 2003. Mr. Brown seconded the motion. The motion carried.

Mrs. Hoag moved to approve the minutes of March 11, 2003. Mr. Brown seconded the motion. The motion carried.

**Reports**

**Health Officer-** John These distributed copies of his monthly report and advised that the retail food establishments he inspected in March were satisfactory, but that Lotus Oriental Restaurant was satisfactory only after three visits. Mr. These said he had done inspections of the septic system at 134 Long Hill Lane. Mr. These advised the Board that two complaints had been received. One complaint was about a rat at Hickory Plaza. Mr. These said there was no sign of any infestation. Another complaint was about a neighbors septic system and possible malfunction at 550 River Road. Mr. These advised this issue is still pending. Mr. These also informed the Board that Madison Board of Health had hired a replacement for the position previously held by Al Baragona.

Mr. These also brought information with him about the new minimum public health practice standards of performance for local boards required by the State of New Jersey. Mr. These advised the Board that the State has mandated a date to implement the new standards. The State will be holding a seminar at the end of May. Mr. These hoped some members of the Board of Health could attend. Mr. These explained that some towns have already entered into an agreement with the Morris Regional Public Health Partnership to provide specialized public health planning and to develop a regional plan. Mr. These advised that some municipalities have voluntarily contributed \$1000 to the Partnership. The money will be used to hire a consultant to help put together a regional plan. Mr. These asked that the information be copied and distributed to the Board for their review to be discussed at the next Board of Health meeting.

**Registrar of Vital Statistics-** Mrs. Wiley reported that during the month of March, one certified copy of a death certificate was issued and 10 certified copies of marriage licenses were issued. The total collected was \$44.00.

**Secretary-** Mrs. Wiley advised Rosemary Beck had paid the escrow balance owed and that Mr. Sabia and Mr. Lowary had both brought in the application forms for an exemption of the sewer tie-in based on letters from the home inspector. Mr. Brown said both of these issues would be discussed later in the meeting.

Mr. Brown then moved New Business to the next item on the agenda.

## **New Business**

### **Septic Application, Block 139, Lot 17, 23 Loantaka Lane South**

Mark Patalive from Schommer Engineering, Inc. was present. Carrie Feuer, P.E. from Metcalf & Eddy (M&E) reviewed M&E's letter dated April 8, 2003. Mrs. Feuer asked that Mr. Patalive provide a copy of the report indicating the septic system had failed. Mr. Patalive said he would provide a copy of Mr. Rutan's septic inspection report. Mr. Patalive advised that the five lots are part of the estate, but are probably not developable because of wetlands. Mrs. Feuer informed the Board that Mr. Patalive had addressed the comments in the letter today and submitted the revised drawings that were distributed to the Board tonight. Mrs. Feuer explained that the owner proposes to construct a mounded disposal bed with pump dosing to replace the existing malfunctioning system. Mrs. Feuer also said that there is mottling and the system is based on a perched water table design. The Board discussed the soil logs and the permeability of the soil. Mrs. Feuer said the applicant already has an LOI but must obtain a GP #25 permit. Mr. Patalive advised that this is an alteration and that he has incorporated into the design an interceptor drain for a perched condition and designed the disposal bed for a two-foot water table as a precaution. Mrs. Feuer remarked that comments 2, 3 & 4 in the letter had already been addressed and that comment 5 was provided as information for the Board. Attorney Perlowski asked whether a hydraulic head test had been done on this site. Mr. Patalive said it was not done. The Board also discussed the chroma of soils. Mrs. Feuer read the three conditions that determine whether the zone of saturation is considered to be perched.

Mr. Brown moved to conditionally approve the application subject to the receipt of the GP #25 permit and certification by the engineer that the system is designed as close as possible with the governing regulations and that it is designed to function better than the prior system and that the Board is waiving the requirement under regulation 4 with regard to constructing the curtain drain first since this is an alteration. Mrs. Hoag seconded the motion.

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

## **Discussion**

1. **Public Health Nuisance Code**- Mr. These advised he could not find the code, that is mentioned in the Township's Public Health Nuisance Ordinance, in the books and inquired as to whether it would hold up in court. Attorney Perlowski said it would hold up in court and explained that is located in the regulations. Attorney Perlowski said the code exists as it was adopted at the time, that statutory provisions give the Board of Health the power to abate nuisances and that the Board has common law authority over matters of public health. Attorney Perlowski said the ordinance does not have to refer to a statute in order to be effective. Mr. These advised that sometimes the language in the nuisance code might be too general. Mrs. Hoag asked whether our ordinance needs to be amended and thought litter may need to be addressed. Mrs. Hoag also asked about the penalty fees and whether the amounts are still appropriate. Mr. These said he would advise the Board if the code was not sufficient to address the complaints received. Dr. Shelley mentioned a house on Green Village Road across from the Golf Course that he thought was vacant. Mr. These suggested the Land Use Office could look into any property maintenance problems with that house. Mr. Brown also advised he had a letter from Attorney Perlowski regarding the legality of the nuisance code.
2. **Noise Ordinance**- Mrs. Hoag said animal sounds and barking, construction and refuse collection are addressed in the Noise Ordinance and asked whether the Noise Ordinance is too broad or if it is enforceable the way it reads. Mr. These advised the State has a Model Code Noise Ordinance. Mr. Brown advised he and the former attorney had reviewed the state ordinance in the past, but had decided not to do anything about it. Mr. These advised that other towns are adopting the state ordinance that references certain decibel levels. Mr. Brown also said the town could prohibit sounds after a certain hour. Mr. Brown said there is a list of optional items that could be adopted. Following discussion the Board decided to leave the Noise Ordinance as it stands. Attorney Perlowski advised state regulations could be found in the New Jersey Administrative Code, Title 7.

**Old Business**

**RESOLUTION BH-2003-08**

**RESOLUTION OF THE BOARD OF HEALTH OF THE TOWNSHIP  
OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY,  
DENYING ROSEMARY BECK'S APPEAL**

**WHEREAS**, Rosemary Beck has appealed to the Board of Health of the Township of Chatham, County of Morris, State of New Jersey, from the imposition of costs under the Board of Health escrow ordinance; and

**WHEREAS**, the Board of Health conducted a hearing on the appeal on the 8<sup>th</sup> day of April, 2003; and

**WHEREAS**, the Board of Health makes the following findings of fact and law:

1. The escrow charges were incurred because of a need for professional engineering advice which was reasonable and necessary for the Board of Health to make a decision on the Appellant's case.
2. The charges appear to be reasonable in amount and are in accordance with the contract between the professional engineering firm and the Board of Health.
3. The professional engineering firm has submitted the requisite voucher and supporting documentation to identify the services performed and to permit payment.
4. Out-of-pocket expenses also appeared to be reasonable, in purpose and amount.
5. The engineering firm has kept adequate records of the entitlements claimed and has provided testimony in the hearing, setting forth the basis for all claims for payment.
6. The Appellant has not claimed or established any facts which would call the propriety of the claimed costs into doubt, but has merely indicated surprise on the level of charges incurred.

The Board of Health, therefore, finds that the professional engineering firm has demonstrated good cause for its claim for payment and the appeal is therefore denied.

Mr. Brown opened the public hearing on Rosemary Beck's appeal. Since there were no comments, Mr. Brown closed the hearing.

Mr. Brown moved to adopt Resolution BH-2003-08. Mrs. Hoag seconded the motion.

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

**Status of connections to the public sewer-**

The Board discussed Mr. Sabia's request for an exemption for connecting to the sanitary sewer system until April 10, 2004. Mrs. Wiley advised that the Township license for pumping requirement expires August 31, 2004.

Mr. Brown moved to approve the application from Mr. and Mrs. Vito Sabia for an exemption for connecting to the sanitary sewer system until April 10, 2004. Dr. Shelley seconded the motion.

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

The Board discussed Mr. Lowary's request for an exemption.

Mr. Brown moved to approve the application from Mr. and Mrs. Robert Lowary for an exemption for connecting to the sanitary sewer system until October 29, 2005. Dr. Marano seconded the motion.

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

Mr. Brown will send letters to Mr. Sabia and Mr. Lowary. Mr. Brown then reviewed the status of the remaining connections. Mr. Brown advised that Ms. Peterson and Ms. Heyl/Ms. Hegarty had paid and received their permits. The Bielenberg's and Ms. Sposobiec have been placed on Dave Wheelock's list indicating that neither a Certificate of Occupancy nor construction permits

would be issued until they have complied with the sewer connection hook up. Mr. Brown said he would only need to follow up with Mr. McHugh before the next meeting.

The Board then interviewed the prospective candidate for the Board of Health who was present throughout the entire meeting and reviewed his resume. Mrs. Hoag advised the Township Committee would be meeting on Thursday night and would discuss his appointment.

The Board acknowledged that a letter of resignation had been received from Dr. Rommer and that a letter of appreciation should be sent to Dr. Rommer from the Board of Health.

Before adjourning, Mr. Brown said Attorney Perlowski had written a letter regarding the documentation for payment to professionals for services under the Board of Health escrow ordinance. Mr. Brown said he had talked with Metcalf and Eddy and they had agreed to show details in ½ hour increments. Mrs. Hoag said the Township Committee thought details should be shown for ¼ hour increments. Discussion followed about the need to describe tasks and to break down the time period for the tasks. The next bill from Metcalf & Eddy should be distributed to the Board to review the level of detail.

Mrs. Hoag moved to adjourn at 9:50 p.m. Dr. Marano seconded the motion and it carried unanimously.

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Joy M. Wiley  
Board of Health Secretary