

**MINUTES
BOARD OF HEALTH
TOWNSHIP OF CHATHAM
JUNE 14, 2005**

President James Brown called the regular meeting of the Board of Health to order at 7:33 p.m.

Answering present to the roll call were Dr. Marano, Mr. Hartford, Dr. Shelley, Mr. Nachtigal, and Mr. Brown.

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, 2005; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 14, 2005; and notice was filed with the Township Clerk on January 14, 2005.

Approval of Minutes

While the minutes of the May 10, 2005 meeting were accurate, Mr. Brown noted a discrepancy in one of Mrs. Bairova's reports relating to a well issue on Mountain Avenue. Mr. Brown requested the following notation on the minutes of May 10, 2005 to reflect the inaccuracy of the statement: "*Subsequent to the meeting it was determined that connecting to a public water line is not a requirement for an existing home, however, is a requirement for new construction.*" Dr. Marano made a motion to approve the minutes with the notation. Dr. Shelley seconded the motion and it carried unanimously.

Reports

Registered Environmental Health Specialist

May 2005 – Mrs. Bairova reported that there were five retail food inspections and seven general inspections (bathing sites, youth camps, kennels and pet shops) done in May and all were satisfactory. Mrs. Bairova reported that a dog bite on Shunpike Road was investigated and it was determined that the dog was not licensed. A notice of violation was sent to a resident and proof of updated rabies vaccine was documented. Mrs. Bairova witnessed soil logs on Green Village Road and Spring Valley Road and performed one final inspection of a septic system on River Road. Mrs. Bairova has investigated piles of debris, garbage, metal, wood logs and branches on a property on Fairmount Avenue. This issue is still pending. Mrs. Bairova advised that two issues on Spring Road have been rectified, both complaints of overgrown grass, with one property having a rotten tree. Mrs. Bairova was directed to inspect another home located on the corner of Wickham Way and Glenmere by the Board. Another issue arising on Spring Road was a complaint of rats on the property. Mrs. Bairova is continuing her investigation and the result is still pending. In responding to a complaint of a portable toilet back up on the corner of Longwood and Dellwood, Mrs. Bairova contacted the company and this issue was rectified. With regard to the septic system pumping requirement, Mrs. Bairova reported that the resident who failed to appear on the last court date appeared this month for failure to comply with the Township's septic pumping requirement and the fine imposed was \$200.00 plus court fees. Mrs. Bairova also attended the Septic Infiltration System Training Course at the Sussex Fire Academy on May 16, 2005.

Mr. Hartford advised that the Planning Board performed a site inspection at the Darcy School and stated that there were approval issues with well abandonment and well monitoring. Mr. Hartford questioned if this is the Board of Health's responsibility. Mr. Hartford further advised that there is a pool on site. Mr. Brown stated that a permit is needed to decommission/abandon a well, and Mrs. Bairova stated that she will review the previous inspector's files to ensure the proper procedures were adhered to. Mr. Hartford also stated that the premises will be occupied by this fall with administrative personnel and a cafeteria. Mrs. Bairova stated that she will need to review the Darcy School's plans. Mr. Brown recalled that while this property was on septic, they did receive a permit to hookup to the sewer line. Mrs. Bairova advised that she will look into all of these issues and report back to the Board at the next meeting.

Vital Statistics

April 2005- Noreen Morris reported that 9 Certified Copies of Marriage Licenses, 6 Marriage Licenses, and 14 Certified Copies of Death Certificates were issued for a total of \$260.00.

May 2005- Noreen Morris reported that 11 Certified Copies of Marriage Licenses, 6 Marriage Licenses, and 9 Certified Copies of Death Certificates were issued for a total of \$248.00.

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

New Business

Septic Application, Block 144, Lot 49, 406 Green Village Road- The owner, Brent Wentz, was present. Mr. Wentz's Engineer, Tom Murphy of Murphy & Hollows, was unable to attend the meeting.

Carrie Feuer, P.E. of Metcalf & Eddy, Inc. (M&E) advised that Mr. Murphy had requested that the plans be "contingently approved" and the comments in M&E's letter dated June 14, 2005 were reviewed. Mrs. Feuer advised that there is no proof of a failed septic system. Mr. Wentz advised that he had an independent inspection by Dennis Page who had informed him the septic needed to be replaced. Mr. Wentz stated the he was informed by the previous owner that the septic was built in the 1940s and was repaired in 1995. Mrs. Feuer stated that a letter or report needs to be forthcoming describing why the system has failed or why it cannot be repaired, and added that if the system was repaired in 1995, it was not brought before the Board. The file reflects a report from Mr. Fitzpatrick from 2004 who advised that the system is old, however, is in working condition. Relative to soil logs, Mrs. Feuer advised that they vary significantly and the wetlands aggravate the situation. Mrs. Feuer stated that Mr. Murphy is aware that a GP-25 exemption permit will be needed from the DEP. Mrs. Feuer also noted that the bed would need to be raised and questioned if this would be considered a mounded system. Relative to the well, Mrs. Feuer addressed a note on the plans that indicate that there are no wells located within 100 feet of the disposal area; however, the plans document a well within 87 feet from the disposal field. Mrs. Feuer recommended not issuing a final certification for the use of the disposal system until the well sealing certification is obtained. Mrs. Feuer stated that clarification was needed relative to fill material and pump tank details. Mr. Wentz advised that the house is being renovated and is hoping it will be completed by August 1, 2005. It is his hope that a new septic can be approved due to the age and condition of the current system.

Mrs. Feuer recommended the Board contingently approve the plans on the basis that Mr. Murphy would need to address all the concerns expressed in her letter of June 14, 2005 prior to her writing a letter of approval. Mr. Brown asked the Board Members for their comments and, after a brief discussion, it was determined that there were no strong objections to Mrs. Feuer's recommendation to grant contingent approval. Mr. Brown made a motion to grant contingent approval to the design of the system conditioned upon Engineer Murphy addressing Mrs. Feuer's letter of June 14, 2005 and providing a letter or report declaring the existing system as a failed septic system. Dr. Shelley seconded the motion.

Roll Call: Dr. Marano, Aye; Mr. Hartford, Aye; Dr. Shelley, Aye; Mr. Nachtigal, Aye; and Mr. Brown, Aye.

Septic Application, Block 63, Lot 20, 463 River Road – Mrs. Feuer advised the revised plans that had been submitted were rescinded by the engineer.

Discussion

1. Well Ordinance Permit and Certificate of Compliance: Mr. Brown explained that when reviewing the Ordinance, the well permitting process becomes somewhat confusing with the application as the steps are not clear. At present, the process begins with the application being submitted to the Board of Health and the information is relayed to Mrs. Bairova; upon Mrs. Bairova's approval of the design, a permit is issued. Upon satisfactory construction, a Certificate of Compliance is issued. It was questioned whether or not the application should come before the Board, and Mr. Nachtigal suggested it should come before the Board if it is new construction and that a review should be done to see if public water is available. Mr. Brown stated that a well permit needs to be obtained prior to applying for a septic permit. Attorney Taormina recommended that §5.2 and §5.3 of the Ordinance should specify the requirements for a Certificate of Installation and a Certificate of Compliance. Concern was expressed relative to a homeowner deeming his project approved upon receipt of a Certificate of Compliance, which certifies that only the design has been approved. The Board discussed §5 of the Well Ordinance and whether there should be three separate

forms; a permit, a certificate for location and design, and a certificate of compliance for installation. Mr. Nachtigal suggested revising the forms, which would avoid the necessity of revising the Ordinance. Forms were reviewed and Mr. Nachtigal stated he would contact Harding Township Board of Health for more information. Attorney Taormina will revise the forms to better define compliance and to meet the Board's needs. This will be a discussion item on the next Board of Health Agenda.

Meeting Open To Public

Mr. Brown opened the meeting to the public, however, there were no comments. Mr. Brown closed the public session of the meeting.

At this time, Mr. Hartford referred to a handout on Asbestos Removal from Greg Impink and a copy of a Board of Health Ordinance from 1904, and requested that they review them for discussion at another meeting. Mr. Hartford recommended that the Board members register for updates on the Township web site.

Attorney Taormina was not present for the following discussion.

Mr. Brown referred to an e-mail received from Mrs. Wiley relating to a Rutgers article on On-Site Wastewater Treatment Operating Permits and Chatham Township is listed among eight towns that have a septic system management plan. Fees for septic licenses run as high as \$60 for a three-year period as compared to Chatham Township's \$15 fee for a three-year period. The highlights of the article include reasons for having a septic system management plan with regard to property values, human health, and shared natural resources. A brief discussion followed and copies were made available. Relative to the Conservation Element of the Master Plan, Mr. Hartford stated that the Planning Board is working on this aspect and also addresses some of these same issues.

Mr. Brown moved to adjourn at 9:30 p.m. Mr. Nachtigal seconded the motion and it carried unanimously.

Noreen Morris
Deputy Municipal Clerk