

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

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

Answering present to the roll call were Dr. Shelley, Mr. Nachtigal and Mr. Brown. Mr. O'Connor arrived around 7:40 p.m. Dr. Marano was 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 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.

**Selection of Board of Health President**

Mr. Brown called for nominations for Board of Health President for the year 2004. Dr. Shelley nominated Jim Brown as President. Mr. Nachtigal seconded the nomination.

Dr. Shelley moved to close the nominations for President.

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

**Selection of Board of Health Vice President**

Mr. Shelley nominated John Nachtigal as Board of Health Vice President for 2004. Mr. Brown seconded the nomination.

Dr. Shelley moved to close the nominations for Vice President.

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

**RESOLUTION BH-2004-1**

**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 2004.**

**WHEREAS**, after consideration, the Board of Health of the Township of Chatham has determined to engage the services of Marisa A. Taormina, Esq. as attorney for the Board for the calendar year 2004.

**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. Marisa A. Taormina, Esq. is hereby appointed as the attorney for the Board of Health for the calendar year 2004. The compensation for the services performed shall be within the amount provided in the 2004 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.

Mr. Brown moved to pass Resolution BH-2004-1. Mr. Nachtigal seconded the motion.

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

Mayor Hoag surprised Mr. Brown with the announcement that tonight was a special celebration of appreciation of Jim Brown serving the last 10 years as President of the Board of Health. Mrs. Brown was also present for the surprise party. Mayor Hoag presented Jim Brown with a plaque from the Township of Chatham and said how much all his efforts have been appreciated. Photos were taken. The Board adjourned briefly to celebrate the occasion.

#### **RESOLUTION BH-2004-2**

#### **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 2004**

**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 2004 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 10, March 9, April 13, May 11, June 8, July 13, August 10, September 14, October 12, November 9, December 14, and January 11, 2005.
- 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.

Mr. Brown moved to pass Resolution BH-2004-2. Dr. Shelley seconded the motion.

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

#### **RESOLUTION BH-2004-3**

#### **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, 2004, 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, 2004, 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.

Mr. Brown moved to pass Resolution BH-2004-3. Dr. Shelley seconded the motion.

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

**RESOLUTION BH-2004-4**

**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 2004**

**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 2004 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 2004 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 2004 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.

Mr. Brown moved to pass Resolution BH-2004-4. Mr. O'Connor seconded the motion.

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

**RESOLUTION BH-2004-5**

**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, 2004 and ending December 31, 2004.

**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, 2004 and terminating December 31, 2004.
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.

Mr. Brown moved to pass Resolution BH-2004-5. Mr. Nachtigal seconded the motion.

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

**RESOLUTION BH-2004-6**

**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 2004.**

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, 2004 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 2004.

Mr. Brown advised this was the second year of a two-year contract with the Borough of Madison. Mr. Brown moved to pass Resolution BH-2004-6. Mr. Nachtigal seconded the motion.

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

#### **RESOLUTION BH-2004-7**

#### **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 2004 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 2004 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 2004 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 advised he had reviewed the contract and it was identical to last year's contract and there was no cost increase over last year.

Mr. Brown moved to pass Resolution BH-2004-7. Dr. Shelley seconded the motion.

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

**Approval of Minutes**

Mr. Brown moved to approve the minutes of November 11, 2003. Dr. Shelley seconded the motion and it carried unanimously.

**Reports**

**Registered Environmental Health Specialist-**

November Report: R.E.H.S. Irena Bairova reported that the remainder of the pre-schools were inspected and were found to be satisfactory. A complaint was received about bottled water at Shop-Rite, however the rest of the bottled water was checked and nothing was found. A report about a cat bite on Linden Lane was received from the Medical Center in Chester. Mrs. Bairova also advised that she had attended the Chatham Township rabies clinic on November 8, 2003.

December Report: Mrs. Bairova advised she had inspected the Green Village Packing Company, Robert's Chatham Theater and St. Hubert's Animal Center and all were found to be satisfactory. Still pending is 154 Southern Boulevard since garbage and debris were found in the backyard and water was observed in the basement. A complaint was received about dog and cat feces outside the Pet Grooming Store. Mrs. Bairova also advised that she attended a court case concerning the replacement of a septic tank without a permit. The homeowners paid the fine. Mrs. Bairova also informed the Board that she is now certified as a lead inspector. Mrs. Bairova explained lead is often found in older homes built before 1978 and that a meter is used to determine the presence of lead. The Board asked Mrs. Bairova several questions about lead. As a follow up to previous meetings, Mrs. Bairova advised she would check again with the water company about how people are notified to boil their water and will report back at the next meeting. Mr. Nachtigal explained that turbulence is created when the water is turned back on and he would like to know the water company's policy. The Board also inquired about the number of flu shots given.

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

November

1 Marriage License	\$28
16 Certified copies of Marriage Licenses	\$64
11 Certified copies of Death Certificates	<u>\$44</u>
Total	\$136

December

6 Marriage Licenses	\$168
7 Certified copies of Marriage Licenses	\$28
9 Certified copies of Death Certificates	<u>\$36</u>
Total	\$232

Mrs. Wiley also advised the State implemented a new process for issuing certified copies effective January 1, 2004. The new paper has built in security features. Fees for certified copies may need to be increased due to the increase in the cost of the paper.

**Secretary**

Mrs. Wiley reported that all the Retail Food Establishment License renewal letters were sent out in the beginning of December. Only two restaurants have not yet responded.

Dr. Shelley moved approval of the reports. Mr. Nachtigal seconded the motion and it carried unanimously.

### **Old Business**

1. Letter from the State DEP regarding Block 63, Lot 20, Owner-Ferreira- Mr. Brown advised the State rejected any increase flow to the subsurface sewage disposal system at this property. Mrs. Ferreira had hoped to get approval for a four-bedroom house. A new two-bedroom house would be permitted. Mr. Brown advised that Carrie Feuer, P.E. had talked with Sue Lockwood at the State DEP and the State did not want to increase the flow to the system due to the wetlands.

### **New Business**

#### **Septic Application, Block 62, Lot 61, 550 River Road-**

The owner, Bob Savitt was not present. However, Candace Davis, from Yannaccone, Villa & Aldrich, LLC was present to answer any questions about the septic application.

Carrie Feuer, P.E. from Metcalf & Eddy (M&E) reviewed the comments that will be addressed in M&E's letter. Mrs. Feuer advised a new septic system will be replacing the existing septic system for a three bedroom home and that proof needs to be submitted showing that the existing system is malfunctioning. The plans need to be modified to re-label the existing system and seepage pit. The proposed design shows setbacks of 13 feet and 10 feet from the side properties. The setbacks meet state standards, but do not meet Chatham Township's code. Mrs. Feuer also advised an application has been received for a subdivision on the adjoining property, Block 62, Lot 60, but it had not been reviewed due to lack of payment. The homeowners of Block 62, Lot 60, 552 River Road were present and said that they received the notice concerning 550 River Road. The homeowners said that they objected since the letter indicates the disposal field is closer than 25 feet to his property line and that it can impact future construction when they are trying to obtain approval for a subdivision. Mr. Brown explained that by state law a 13-foot setback is allowed. Mr. Brown also said he did not know whether this would impact them since the Board did not have the information about this subdivision and where the houses and septic systems might be located. Dr. Shelley pointed out that Lot 60 was much larger and would appear to offer more flexibility to put septic systems on each lot. The Board also discussed the implication of this septic design on the neighboring homeowner at Block 62, Lot 62 that is a much narrower lot. The Board discussed with the engineers whether the bed could be moved any further from the property line. Following discussion, Mrs. Feuer continued with her review and also noted that soil tests were done outside the seasonally high water table time frame. Mrs. Feuer said no mottling was found and no water. Therefore, the soil survey maps would be used to base the design on and they indicate the water table would be at half a foot. A mounded system would then be needed. Mrs. Feuer discussed soil types and mottling with the Board. Another comment made by Mrs. Feuer was that the engineer must certify wetlands information or lack of wetlands within 150 feet of this design. Mrs. Feuer also said that Sheet 2 must clarify the labeling of the select fill. Mrs. Feuer also added that for aesthetic reasons, the pump control box could be attached to the house. The Board discussed the comments that Mrs. Feuer made. The Board decided to waive Chatham Township's requirement and allow the 13-foot and 10-foot setbacks since it is failed system. With regard to the depth of water, the Board decided the regulations must be followed and another test boring should be done now in the wet season or a mounded system would be needed. The design plans should be resubmitted with the minor modifications that Mrs. Feuer mentioned. The Board determined that they could give conditional approval of this design providing acceptable results of the soil log.

Mr. Brown moved that the Board of Health contingently approve the septic design application upon changes that have been discussed being made to M&E's satisfaction, that another test be done to make sure the water table is below 7 feet, and that Chatham Township's requirement of 25 feet to the property line be waived. Mr. O'Connor seconded the motion.

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

Before leaving, Mrs. Feuer distributed to the Board an updated list of Septic System Reviews done by Metcalf & Eddy.

### **Discussion:**

1. Draft of Healthy Lawns & Landscapes Pamphlet- Mrs. Wiley advised the Board that Dot Stillinger had informed her that the Environmental Commission hoped to have the

revised draft of the pamphlet ready for the February meeting. The Board discussed the cost and whether it could go with the newsletter and placed on the web site.

2. Well Ordinance- A draft of the well ordinance provided by the former Attorney Stan Perlowski was distributed to the Board. Mr. Brown asked that John Theese and Irena Bairova review it and provide comments for the next meeting. The Board was also interested if the State provided a model well ordinance. Attorney Taormina said she had contacted other towns concerning their well ordinances and that she would review this ordinance as well for discussion at the next meeting.

There being no further business, Mr. Brown moved to adjourn at 9:26 p.m. Mr. O'Connor seconded the motion and it carried unanimously.

---

Joy M. Wiley  
Board of Health Secretary