

**MINUTES  
BOARD OF HEALTH  
TOWNSHIP OF CHATHAM  
JANUARY 13, 2009**

Jim Brown called the regular meeting of the Board of Health to order at 7:31 P.M.

Answering present to the roll call were Dr. Marano, Mr. Nachtigal and Mr. Brown. Mr. Newby arrived a few minutes after roll call. Mr. Tubbs was absent. Attorney Taormina was present.

**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 9, 2008; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 9, 2008; and notice was filed with the Township Clerk on January 9, 2008.

**Selection of Board of Health President**

Mr. Brown called for nominations for Board of Health President for the year 2009. Mr. Nachtigal nominated Jim Brown as President. Dr. Marano seconded the nomination. The motion carried unanimously.

**Selection of Board of Health Vice President**

Mr. Brown nominated John Nachtigal as Board of Health Vice President for 2009. Dr. Marano seconded the nomination. The motion carried unanimously.

**Resolutions**

**RESOLUTION BH-2009-7**

**RESOLUTION OF THE BOARD OF HEALTH OF THE TOWNSHIP OF  
CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY,  
AUTHORIZING A CONTRACT WITH AECOM USA, 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 AECOM USA, 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 2009 has been submitted to the Board by AECOM USA, 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 AECOM USA, 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 2009 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 2009 is hereby awarded to AECOM USA, 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 AECOM USA, Inc.

Mr. Brown moved to pass Resolution BH-2009-7. Mr. Nachtigal seconded the motion.

**Roll call:** Dr. Marano, Aye; Mr. Tubbs, Absent; Mr. Newby, Aye; Mr. Nachtigal, Aye; Mr. Brown, Aye.

#### **RESOLUTION BH-2009-1**

#### **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 2009.**

**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 2009.

**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 2009. The compensation for the services performed shall be within the amount provided in the 2009 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-2009-1. Dr. Marano seconded the motion.

**Roll call:** Dr. Marano, Aye; Mr. Tubbs, Absent; Mr. Newby, Aye; Mr. Nachtigal, Aye; Mr. Brown, Aye.

#### **RESOLUTION BH-2009-2**

#### **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 2009**

**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 2009 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 10, April 14, May 12, June 9, July 14, August 11, September 8, October 13, November 10, December 8, and January 12, 2010.
- 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-2009-2. Mr. Nachtigal seconded the motion.

**Roll call:** Dr. Marano, Aye; Mr. Tubbs, Absent; Mr. Newby, Aye; Mr. Nachtigal, Aye; Mr. Brown, Aye.

**RESOLUTION BH-2009-3**

**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, 2009, 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, 2009, 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, 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-2009-3. Mr. Nachtigal seconded the motion.

**Roll call:** Dr. Marano, Aye; Mr. Tubbs, Absent; Mr. Newby, Aye; Mr. Nachtigal, Aye; Mr. Brown, Aye.

**RESOLUTION BH-2009-4**

**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 2009**

**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 2009 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 2009 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 2009 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-2009-4. Dr. Marano seconded the motion.

**Roll call:** Dr. Marano, Aye; Mr. Tubbs, Absent; Mr. Newby, Aye; Mr. Nachtigal, Aye; Mr. Brown, Aye.

**RESOLUTION BH-2009-5**

**RESOLUTION OF THE BOARD OF HEALTH OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, APPOINTING JOY WILEY BOARD SECRETARY**

**WHEREAS**, the Board of Health of the Township of Chatham, County of Morris, State of New Jersey, desires to appoint Joy Wiley as Board Secretary for the period commencing January 1, 2009 and ending December 31, 2009.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Health of the Township of Chatham as follows:

1. Joy Wiley is hereby appointed as Board Secretary for a term commencing January 1, 2009 and terminating December 31, 2009.
2. The compensation to be paid to Joy 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-2009-5. Mr. Nachtigal seconded the motion.

**Roll call:** Dr. Marano, Aye; Mr. Tubbs, Absent; Mr. Newby, Aye; Mr. Nachtigal, Aye; Mr. Brown, Aye.

**RESOLUTION BH-2009-6**

**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 2009.**

**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, 2009 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 2009.

Mr. Brown commented that this was the third year of the contract with the Borough of Madison Health Department and that an increase was anticipated for next year.

Mr. Brown moved to pass Resolution BH-2009-6. Mr. Nachtigal seconded the motion.

**Roll call:** Dr. Marano, Aye; Mr. Tubbs, Absent; Mr. Newby, Aye; Mr. Nachtigal, Aye; Mr. Brown, Aye.

**Approval of Minutes**

Mr. Brown moved approval of the minutes from December 9, 2008. Mr. Newby seconded the motion and it carried unanimously.

**Reports**

**Registered Environmental Health Specialist-** The Board was advised that REHS Tamica Trotman had investigated a complaint pertaining to the feeding of feral cats and squirrels on Dogwood Drive and that the situation was rectified in December. REHS Ben Samara informed the Board that the new restaurant Brasa opened in December. One food complaint was received about Nine Thai Restaurant. Mr. Samara advised that he continues to monitor the Hickory Plaza parking lot for litter and rodents. Mr. Samara told the Board that he inspected the two properties on the list of homeowners who still had not hooked to the sewer system to see if the septic systems showed evidence of failure. Both properties showed no evidence of ponding. Mrs. Wiley will send

notices to the two homeowners about the sewer hook up deadlines that the Board previously established.

Registrar of Vital Statistics- Mrs. Wiley reported the following licenses were issued:

<u>December</u>	
2 Marriage Licenses	\$ 56
9 Certified copies of Death Certificates	<u>55</u>
Total	\$111

Secretary- Mrs. Wiley informed the Board that she had mailed out the letters to the homeowners who still had not hooked up to the sewer. Correspondence was received from Metcalf and Eddy regarding the approval of the as-built drawing for the septic system at 567 River Road. Mrs. Wiley also advised the approval letter from Metcalf and Eddy was received for the septic system design for the Farm at Green Village, 403 Green Village Road. Mrs. Wiley reported 45 renewal letters for the retail food establishment licenses were mailed out in December. To date 28 applicants have submitted their renewal application and fees for 2009.

Mr. Brown moved to accept the reports. Mr. Newby seconded the motion and it carried unanimously.

### New Business

1. Septic application, Block 62, Lot 70, 490 River Road- The homeowner Peter Parlapiano was present at the meeting to explain the situation with his existing septic system. Discussion followed about the remarks made in Metcalf and Eddy's review letter dated December 9, 2008 concerning confirmation of the water table elevation, the requirement to do soil tests between January and the end of April, and verification that the existing septic system is failing. Mr. Parlapiano informed the Board that he does not have a water problem in his basement. Mr. Nachtigal commented that the soil logs showed no evidence of mottling and that the Morris County soil maps are referenced when the soil tests are not taken during the January through April time frame. Mr. Brown added that if the water table is unknown, the alternative is a more costly design of a mounded system. Following discussion, Mr. Nachtigal offered to give the Board of Health engineer Carrie Feuer a phone call to further discuss the Morris County Soil Survey Report and soil types on this property since the evidence does not seem to support the high water table.

### Discussion

1. St. Hubert's Giant Septic System- The Board reviewed the letter dated January 13, 2009 received from Mark Patalive at Schommer Engineering advising the Board about the proposed expansion of the facilities at St. Hubert's Animal Welfare Center. The project involves the installation of a new sewage disposal system that will be approved and overseen by the NJDEP. The Board agreed that the Chatham Township Health Department would only be involved with the abandonment of the existing septic disposal system. The Board was appreciative of the letter informing them of the status of the project.

Before adjourning the Board also noted receipt of the annual report from AECOM, formerly Metcalf and Eddy, containing the updated list of septic system reviews.

Mr. Brown moved to adjourn at 8:36 P.M. Dr. Marano seconded the motion and it carried unanimously.

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Joy M. Wiley  
Board of Health Secretary