

**MINUTES  
BOARD OF HEALTH  
TOWNSHIP OF CHATHAM  
JULY 14, 2009**

President Jim Brown called the regular meeting of the Board of Health to order at 7:30 P.M.

Answering present to the roll call were Dr. Marano, Mr. Newby, Mr. Nachtigal and Mr. Brown. 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 14, 2009; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 14, 2009; and notice was filed with the Township Clerk on January 14, 2009.

**Approval of Minutes**

Mr. Brown moved approval of the minutes from May 12, 2009. Mr. Nachtigal seconded the motion and it carried unanimously.

**Reports**

**Registered Environmental Health Specialist**

Registered Environmental Health Specialist Ben Samara reported that all the retail food establishment inspections were satisfactory during the month of May except for Nine Thai who received a conditional rating. Mr. Samara reported that most of the pools were ready and passed inspections for opening on Memorial Day weekend. Mr. Samara also did septic system inspections at 396 River Road and at St. Hubert's Giralda. The Hickory Plaza parking lot continues to be monitored for litter and rodents. Mr. Samara advised the Board about the remodeling of the pool and area surrounding the pool at the Chatham Hill Apartments.

During the month of June, some of the second inspections of retail food establishments were conducted. Mr. Samara is encouraging the establishments to start sending at least one employee to take the Serving Safe Food Courses that become mandatory as of January 1, 2010. Mr. Samara also advised he had met with the County public works people about a wash water storm sewer connection for 437 Green Village Road. Mr. Samara contacted the homeowner about disconnecting the wash water. Mr. Samara continues to survey the Hickory Plaza area for litter and dumpster maintenance.

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

1 Marriage License	\$28
2 Certified copies of Marriage Licenses	15
5 Certified copies of Death Certificates	<u>30</u>
Total	\$73

The following licenses were issued during the month of June:

1 Marriage License	\$28
3 Certified copies of Marriage Licenses	25
12 Certified copies of Death Certificates	<u>80</u>
Total	\$133

**Secretary-** Mrs. Wiley reported on the status of the pending sewer connections. The homeowner at 15 Mountain Avenue received the certificate of approval on June 25, 2009. The other homeowner of the property at 50 Mountain Avenue received the certificate of approval on July 9, 2009. The inspections were done by Long Hill Township due to a conflict of interest.

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

## **Introduction of Ordinances**

The Board reviewed the revised draft of Ordinance BH-1-09- Combining Ordinances BH-2-02 and BH-1-03 requiring connection to the public sewer; Repeal Ordinance BH-4-67. Mr. Brown recommended changing the two references to the Board of Health Attorney in section (f) to Chatham Township Administrator. The Board also agreed the penalty section (i) should read, “not to exceed” the two penalty amounts referenced in this section. Mr. Nachtigal also commented that State septic code has different criteria and references 150 feet as the distance for connection to the public sewer, rather than 100 feet requirement in the Township ordinance. Mr. Brown said this requirement is consistent with the Township Code that references 100 feet. Mr. Nachtigal also noted the State’s 150 feet requirement is measured from the property line. Attorney Taormina advised the Township code could be stricter than the State code.

### **ORDINANCE BH-1-09**

#### **TOWNSHIP OF CHATHAM BOARD OF HEALTH AN ORDINANCE COMBINING ORDINANCES BH-2-02 AND BH-1-03 REQUIRING CONNECTION TO THE PUBLIC SEWER; REPEAL ORDINANCE BH-4-67**

**BE IT ORDAINED** by the Board of Health of the Township of Chatham, in the County of Morris and State of New Jersey, as follows:

- (a) Any owner of property along the line of any public sewer whose (1) dwelling is within one hundred (100) feet of a designated point of connection to the public sewer, or (2) commercial, industrial, public or other building which is within one hundred (100) feet of a designated point of connection to the public sewer, shall connect the building sewer of such building to the public sewer within a period of ninety (90) days after notice from the Board of Health or its authorized agent to do so. The point of connection shall be designated by the engineer representing the municipal sewerage authority or by the Township Engineer, as the case may be. The distance shall be measured in a horizontal straight line from a point directly above the center of the designated point of connection to a point directly above the nearest portion of the building.
- (b) The Board of Health, after written application therefore, hearing thereon and good cause shown, shall, by formal resolution, grant exemptions from the requirement for connection to the public sewer provided for under Paragraph (a) above, if, due to physical conditions upon the property, including but not limited to subsurface formations or topography, connection to the public sewer would be impracticable and result in substantial hardship to the owner, provided, however, that the conditions set forth in Paragraph (d), below shall have been met.
- (c) The Board of Health may, after written application therefore, hearing thereon and good cause shown, by formal resolution, grant deferrals of the requirement for connection to the public sewer provided for under Paragraph (a) above, provided, that the conditions set forth in Paragraph (d), below, shall have been met and that one of the following conditions for deferral exist:
  - (1) That the individual disposal system serving the property has been altered repaired or replaced within five (5) years of the Board of Health’s issuance of the notice to connect to the public sewer. In such case, the Board of Health may grant a deferral for a period not to exceed five (5) years from the date of such alteration, repair or replacement.
  - (2) That the septic tank serving the property has been pumped within three (3) years of the Board of Health’ issuance of the notice to connect to the public sewer. In such case, the Board of Health may grant deferral for a period not to exceed three (3) years from the date of such pumping.

- (3) That the connection to the public sewer shall result in an unavoidable and severe financial hardship to the owner, due to the owner's lack of adequate assets and income. In such case the period of deferral of the requirement for connection to the public sewer shall remain in effect, only so long as the financial conditions relied upon by the Board of Health in granting the deferral continue to exist or until the ownership or occupancy of the property shall have changed by any means whatsoever, whichever shall first occur.
- (d) The Board of Health shall not grant exemptions under Paragraphs (b), above, nor shall it grant deferrals under Paragraph (c), above, unless the owner establishes by clear and convincing evidence (and the owner's professional engineer, home inspector or registered environmental health specialist, licensed as such in the State of New Jersey and not employed by the Township of Chatham) certifies to the Board of Health in writing) that the individual sewage disposal system serving the property is functioning properly, safely, and in accordance with all applicable laws and regulations, and can be expected to provide long-term reliable service.
- (e) The requirement for connection with the public sewer within ninety (90) days, as set forth in Paragraphs (a) and (b), above, shall automatically be extended by the owner's filing of an application for an exemption or deferral, to a date ninety (90) days of the Board of Health action on the application, or such other date as may be established by the Board of Health.
- (f) All actions for exemptions or deferrals shall be made on forms provided by the Board of Health (See Exhibit "A") and shall be accompanied by documentation supporting each element of the application, including financial documentation, in case of financial hardship (See Exhibit "B"). Such documentation shall be treated with the appropriate level of confidentiality. The Board of Health may direct the applicants to submit the documentation to the Chatham Township Administrator, who shall likewise observe the requisite level of confidentiality, and who shall, based upon the documentations submitted, make recommendations to the Board as to whether, in the Chatham Township Administrator's professional judgment, justification exists for the application pending before the Board.
- (g) The owner shall have the burden of establishing entitlement to an exemption or deferral sought and the owner's failure to sustain this burden shall result in a denial of the application.
- (h) A deferral is not transferable to a new owner of the property unless the new owner is a close family member such as a spouse, civil union partner or a child or children of the owner.
- (i) Any owner of property subject to this Ordinance, who shall fail or neglect to comply with a notice from the Board of Health pursuant to this Ordinance, shall be subject to a penalty not to exceed two hundred and fifty (\$250.00) dollars. An additional penalty not to exceed \$100.00 per day shall be imposed for each day after the expiration of the notice as provided above in which the provisions of the said notice are not complied with. Such notices shall be served upon the owner(s) personally, or by leaving it at his or her usual place of abode with a member of the family of at least 18 years of age, or by sending it by registered or certified mail, return receipt requested, to the last known address of the owner as revealed by the Tax Rolls of the Township of Chatham.
- (j) Ordinance BH-4-67, BH-2-02, and BH-1-03 are hereby repealed.
- (k) This Ordinance shall take effect after final publication in accordance with the laws of the State of New Jersey.

Mr. Brown moved to introduce Ordinance BH-1-09 as amended in sections (f) and (i). Mr. Nachtigal seconded the motion.

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

The public hearing will be scheduled for the next meeting on August 11, 2009.

### **Discussion**

Swine Flu Update- Mr. Brown advised he attended a special meeting with Health Officer John Theese, Lisa DeRosa President of the Chatham Borough Board of Health, and a member of the Office of Emergency Management (OEM). Mr. Brown reviewed with the Board the package of information received from John Theese at this meeting. Mr. Brown stressed the importance of a large-scale vaccination plan, as it would be the first application of the Board of Health's plans that would also be used in case of a bio-terrorism incident. The Center for Disease Control has provided information and calculations on how to run a large-scale vaccination clinic, the clinic layout, the number of days and the clinic personnel that would be needed. The Board discussed the recruitment of volunteers. Mr. Brown read the memo that John Theese received from the County Health Officer. Some of the assumptions were the following: the CDC will provide all vaccines and syringes needed starting in October; that two vaccinations would be required, about 3 weeks apart; the CDC and NJDHSS will determine which groups will be vaccinated first; some Medical Reserve Corps members will be available to assist; CERT volunteers will assist with the paperwork; and FEMA will assist with funding. Mr. Brown read through a list of questions to be raised by Health Officials at their summit meeting about the organization, implementation, recruitment, and training necessary for the vaccination plan. Mr. Theese may wish to provide a Swine Flu update to the Board at its next meeting.

### **Meeting Open to the Public**

Mr. Brown opened the meeting to the public. Hearing none, Mr. Brown closed the public hearing.

Mr. Nachtigal moved to adjourn at 8:30 P.M. Mr. Newby seconded the motion and it carried unanimously.

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Joy M. Wiley  
Board of Health Secretary