

**MINUTES
BOARD OF HEALTH
TOWNSHIP OF CHATHAM
SEPTEMBER 8, 2009**

President Jim Brown called the regular meeting of the Board of Health to order at 7:32 P.M.

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

Report

Registered Environmental Health Specialist

Registered Environmental Health Specialist Ben Samara reported that he conducted second inspections on some of the retail food establishments during the month of August and all were satisfactory. Mr. Samara also finished the second inspections of the pools. Mr. Samara advised that he continues to monitor the Hickory Plaza parking lot for litter and dumpster maintenance. A septic complaint on River Road was investigated and was determined to be unjustified. In addition, Mr. Samara inspected properties on Ferndale and Dale Court regarding overgrown grass and weeds. Swine flu information was distributed to all the retail food establishments.

Approval of Minutes

Mr. Brown moved approval of the minutes from August 11, 2009. Mr. Nachtigal seconded the motion and it carried unanimously.

Reports

Registrar of Vital Statistics

Mrs. Wiley reported the following licenses were issued in August:

6 Death Certificates	\$35
7 Certified copies of Marriage Licenses	\$60
Total	\$95

Secretary- Mrs. Wiley reported there was no new correspondence.

Health Officer Report on Swine Flu

Health Officer John These explained the different steps the health department has taken in preparation for H1N1 flu. Notices and links have been placed on web pages. The Health Educator will continue to send updated information for the Township website. One handout has already been distributed to the retail food establishments. Letters have been sent to parents of students and the CDC has provided superintendents with a school tool kit. The health department hopes to assist the schools with surveillance and inoculation of students. The seasonal flu clinics have been scheduled earlier this year. The regular Flu Clinic for Chatham Township will be held on October 7, 2009 at the Municipal Building from 1:30 to 3:00 p.m. The health department hopes to get the H1N1 vaccine by the end of October or early November. The Morris County Division of Health Management is in the process of developing a web based reporting system for all Morris County schools to log influenza like illnesses. The data will be analyzed and sent to the State to develop policies. The Health Officers will use this information to help assist the school superintendents with any actions they may need to take. Mr. These advised Drew University is planning to be a vaccine provider site and would get the H1N1

vaccine directly from the CDC for their students. The health department will probably go to the schools in Chatham to do the vaccinations. The first waive of the H1N1 vaccine will go to the priority group consisting of children 6 months to 24 years of age, pregnant women, parents of children under 6 months of age and health care workers. Non-elderly with underlying medical conditions will also be considered in the priority group. After the vaccine is given to the priority group, other groups will be considered for the vaccinations. A second H1N1 vaccine may be needed about 21 days later. In the Chatham's there are 4351 children in grades K-12 and 953 in child care facilities. Nurses will need to be recruited to assist with the inoculations and there will be coordination with other health departments. Mr. Theese advised he has attended three summit meetings and concerns and liability issues have been discussed. Mr. Theese also said there are many variables affecting the planning process including how much and when the vaccine will be received and the role of private physicians as vaccinators. In the middle of September, the County will hold an emergency response training activity. Mr. Theese advised there are two CDC based grants for local health departments. One grant that was already received was for \$2500 for crisis communication equipment. Another \$55,000 grant will be received for the personnel needed for vaccinations, handing out prophylaxis and community mitigation. The actual vaccine is free. The health department anticipates vaccinating 25 to 50 percent of their jurisdiction. The health department will continue to communicate with the public about the H1N1 clinics through ads in the newspaper, websites and handouts.

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

Public Hearing/Final Adoption of Ordinances

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 located within one hundred (100) feet of any 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 property.
- (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 opened the Public Hearing on Ordinance BH-1-09. Hearing none, Mr. Brown closed the public hearing. The Board briefly discussed the change made at the last meeting concerning the wording in the first paragraph.

Mr. Brown moved to adopt Ordinance BH-1-09. Mr. Nachtigal seconded the motion.

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

Introduction of Ordinances

ORDINANCE BH-2-09

AN ORDINANCE OF THE BOARD OF HEALTH OF THE TOWNSHIP OF CHATHAM AMENDING THE REGULATIONS FOR THE CONSTRUCTION, LOCATION, USE AND DECOMMISSIONING OF INDIVIDUAL WATER SUPPLY SYSTEMS WITHIN THE TOWNSHIP, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND REPEALING BH-5-67

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:

1. Chapter 5, Permit and Certificate of Compliance of Ordinance BH-1-05 adopted May 10, 2005 by the Board of Health of the Township of Chatham, in the County of Morris, State of New Jersey, is hereby amended so that chapter shall read in its entirety, as follows:

CHAPTER 5: PERMIT and CERTIFICATE OF COMPLIANCE

5.1 PERMITS.

- A. Well Permits. No person shall locate, construct, repair, deepen, abandon, decommission or alter any well, or utilize an existing well for any non-essential use, without first receiving a well permit from the Board of Health. All abandoned wells must be decommissioned in accordance with the procedure set forth in N.J.A.C. 7:9D, "Well construction; maintenance and sealing of abandoned wells, Subchapter 3.1 General requirements and procedures for the decommissioning of wells." Inspections shall be scheduled and performed by the Board of Health as part of the permit requirements. Emergency activity due to "no water" may proceed without inspection and prior to the issuance of a permit in order to restore water to a property. However, the Board of Health must be notified of the activity as soon as possible but no later than the next business day. Applicant shall post all appropriate fees for the applicable permit, including fees for non-essential use and non-essential wells.
- B. Construction Permits. No construction permit for a new home, new septic system, or other structure shall be issued unless the well intended to serve the home(s) or structure(s) has been drilled, tested and certified by the applicant's engineer or well driller as complying

with State Standards for the Construction of Public Noncommunity and Nonpublic Water Systems (N.J.A.C. 7:10-12.1 et seq.), subsections 16-6.6, 16-6.7 and 16-6.8 of this section, and approved by the Local Enforcement Officer.

- C. Construction Permits for Additions and Other Structures. No construction permit for an addition or other structure shall be issued unless the new or existing well is a minimum distance of twenty feet from the addition or other structure, including decks, patios or other improvements.
 - D. Reports on the repair, replacement or abandonment of all wells and well pumps shall be submitted no later than thirty (30) days upon completion of the permitted activity.
 - E. Permits Required. It shall be the responsibility of the Developer to obtain a permit prior to drilling. However, the Developer may carry out this responsibility through the owner or applicant.
 - F. Expiration of Permits. Every Permit issued pursuant to this ordinance shall expire twelve (12) months after the date of issuance, unless prior to such time construction of the realty improvement with respect to which the Permit was issued shall have been commenced, in which event the Permit shall remain valid and in effect for a period of two (2) years from the date of issuance.
2. BH-5-67 is hereby repealed.
 3. This Ordinance shall take effect after final publication in accordance with the laws of the State of New Jersey.

Attorney Taormina explained Ordinance BH-2-09 amends the well ordinance by adding Section F about the expiration of permits that was previously in Ordinance BH-5-67. Mr. Nachtigal recommended changing the expiration period from 6 months to 12 months to be consistent with other Board of Health ordinances. The Board agreed.

Mr. Brown moved to introduce Ordinance BH-2-09. Mr. Nachtigal seconded the motion.

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

Public hearing and final adoption will be scheduled for the next meeting on October 13, 2009.

Discussion/Possible Ordinance or Resolution

1. Septic Management Ordinance- Mr. Brown advised he had reviewed the NJDEP Model Ordinance for Septic System Maintenance and had comments about it. The Board also received a copy of the present Septic Maintenance Ordinance of the Board of Health for comparison. Mr. Brown said there were some good points in the state model ordinance. However, Mr. Brown stated he did not like the need for extra permits and licenses in the model ordinance. The state model also requires educating the owners about septic systems every time the license is renewed. Mr. Brown discussed alternatives to this requirement by putting information on the Township website or picking up a copy of the booklet at Town Hall. Mr. Brown noted the state model ordinance addresses decommissioning of septic systems whereas our present ordinance does not. The model ordinance would require homeowners to get a report from a professional if they did not have their septic system pumped. Mr. Brown also noted our present septic maintenance ordinance does not cover grease traps. The Board was requested to review every regulation in the state model ordinance and determine if it appears reasonable. Any questions or unreasonable issues should be discussed at the next meeting. There also

may be some requirements in our current ordinance that are not in the state model ordinance.

2. Madison Health Department Contract – Mr. Brown advised the Board about the increase over the next three years in the proposed contract with the Madison Health Department. The health department is using an approach called universal time and trying to share the real cost of their services.

Mr. Brown moved to adjourn at 9:45 P.M. Dr. Marano seconded the motion and it carried unanimously.

Joy M. Wiley
Board of Health Secretary