

**TOWNSHIP OF MENDHAM-BOARD OF HEALTH
REORGANIZATIONAL MEETING MINUTES
January 29, 2018 – 7:30 p.m.**

CALL TO ORDER: led by Melanie Politi, Board Secretary.

STATEMENT OF ADEQUATE NOTICE

“Adequate Notice of this Meeting of the Board of Health of the Township of Mendham was given as required by the Open Public Meetings Act as follows: notice was given to both the OBSERVER TRIBUNE and the DAILY RECORD by mail on January 12, 2018; notice was filed with the Township Clerk, and notice was posted on the bulletin board in Township Hall on January 12, 2018.

SALUTE TO THE FLAG: led by Melanie Politi.

PRESENT: Mrs. Desbiens, Mrs. Reale, Mr. Weber. Mr. West.

ALSO PRESENT: John Mills, Stephanie Gorman, REHS, Assistant Health Officer, and Jessica Freer, REHS.

ABSENT: Mrs. Scott.

NOMINATIONS FOR PRESIDENT: Ms. Politi called for nominations for the Office of the President for 2018. Mr. Weber nominates Mr. West; Mrs. Reale seconded the motion. Mr. Weber motioned to close and Mrs. Reale seconded the motion.

AYES: Mrs. Desbiens, Mrs. Reale, Mr. Weber.

Mr. West called for nominations for Vice President and nominated Mr. Weber; Mrs. Reale seconded the motion.

Roll call vote: Mrs. Desbiens, Mrs. Reale, Mr. Weber, Mr. West.

RESOLUTION BH 18-1 OPEN PUBLIC MEETINGS ACT

RESOLUTION BH 18-2 SCHEDULING OF MEETINGS

RESOLUTION BH 18-3 APPOINTMENT OF BOARD ATTORNEY

RESOLUTION BH 18-4 APPOINTMENT OF CONSULTING ENGINEER

RESOLUTION BH 18-5 APPOINTMENT OF BOARD SECRETARY

The resolutions are reviewed. Mr. West asked if there are any comments or questions and moved to adopt the resolutions. Mr. Weber seconds the motion.

Roll call vote: Mrs. Desbiens, Mrs. Reale, Mr. Weber, Mr. West.

APPROVAL OF SEPTEMBER 26, 2017 MINUTES.

Mr. Weber questioned the well application wording be changed from “them” to “the Board.” Ms. Politi said she will make the change.

Mr. West moved to approve the minutes with the change. Mr. Weber seconded.

Roll call vote: Mrs. Desbiens, Mrs. Reale, Mr. Weber, Mr. West.

NEW BUSINESS:

A. BLOCK 127 LOT 140 - 2 Hamilton Drive

APPLICANT: Careaga Engineering

APPLICATION: Alteration with Variances

- Robin Sellitto from Careaga Engineering here before the board for one variance for the setback to the side property line; the existing four bedroom home will remain a four bedroom.
- The well on the property is over 100ft. from the septic. The sight constraints are on both sides of where the septic is proposed. There is a stream on one side, and there are wetlands on the other.
- They are proposing a pretreatment unit which will help to reduce the size of the disposal field and reduce the distance of the variance needed.
- They are holding to the 25ft. setback to the house but cannot meet the 25ft. setback to the property line. They do meet the 10ft State requirement.
- They will be 14.7ft. from the disposal field to the property line, which requires 10.3ft variance. They have notified the neighbor; the Board presented Ms. Sellitto with questions about the stream and distance to the septic.
- Ms. Sellitto explains they have also applied for a GP-25 permit due to the wetlands. They are above the high-water table for the septic; Mr. Weber asked if there was an option to run the lines under the stream, and Ms. Sellitto explained that would not be a good option.
- Mr. Mills points out that in the county report there is a request for Deed Restriction as well as a Maintenance Agreement for the system. Ms. Sellitto explained these requests are standard with pre-treatment systems. Ms. Freer said they cannot issue the certificate of compliance until the paperwork is handed in.

Mr. West asked if there are any further questions; Mr. Weber would like to point out that the current septic area is no lower than the new system and to add to the record that they acknowledged the current location of the old system. Mr. West asked if there is anyone from the public who would like to comment. Mr. Weber then asked if any changes are being made to the house, and Ms. Sellitto stated it's just an alteration.

Mr. West motioned to approve. Mr. Weber seconds.

Upon Roll Call Vote:

YES: Mrs. Desbiens, Mr. Weber, Mrs. Reale, Mr. West.

B. BLOCK 127 LOT 130 – 34 Washington Valley Road
APPLICANT: Lyon Engineering
APPLICATION: Alteration with Variances

- Scott Lyon from Lyon Engineering, introduced a septic alteration plan for 34 Washington Valley Road, which he believed to be a neighbor of the previous applicant. They requested a variance for the separation distance from the well to the disposal field.
- The configuration of the property and well location cannot be more than 50ft avoiding the well and the two streams which bi-sect the property. Mr. West asked if he knew anything about the specifics of the well; he stated he had no information, and no measurement on it although it appeared to be cased.
- The house was built in 1962, the plans are for an advanced treatment system to improve the quality of the effluent and work in favor of that. Mr. Mills noted the existing field was considerably further from the well, and Mr. Lyon said it was also closer to the two streams.
- Mr. West posed the question if you crossed the stream this would avoid being too close to the well; but Mr. Lyon points out as in the previous applicant crossing a stream would be inadvisable. The ground could be contaminated if the pipe was compromised.
- Mr. Weber asked if the well could be cased after the fact; Mr. Lyon said he has consulted with well drillers and this would be too difficult, they would rather drill a new well. Mr. West suggested going to the East of the well, and be 100ft away and 50ft above the stream. Mr. Weber pointed out it would be West of the driveway where you could compromise the property line as opposed to the well and the stream.
- Mr. West asked if it could fit to the West, and Mr. Mills added that if you double the radius there is really nothing that works. Mr. West disagreed, although his option would be a tight fit. Mr. Weber asked what the standard would be to waive the NJ requirement normally, equivalent casing? Mr. West said it would be a 100ft casing.
- Mr. Mills asked what the requirement is between the bed and the stream, and Mr. Lyons replied it is 50ft. Mr. West stated there is no doubt is a difficult property, but said there might be better alternatives in his opinion, adding one thing that would help would be to know what the well casing is. Mr. Lyon said they can do that with a well technician. Mr. West suggested tabling until they have that information.

Mr. West motioned to table until the next meeting. Mr. Weber seconds.

C. BLOCK 106 LOT 4 – 71 E. Fox Chase Road
APPLICANT: Gladstone Design
APPLICATION: New Construction

Robert Moschello and Matt Drayheim from Gladstone Design, and homeowner Nat Conte for 71 E. Fox Chase Rd. Mr. Drayheim stated the lot is 10.818 acres and

rectangular in shape; there is currently a 3 bedroom principal dwelling, and a 2 bedroom accessory dwelling on the property.

- The plan is for the existing 3 bedrooms to be razed with a new 2 story, 3 bedroom principal dwelling to be constructed in the footprint of the existing structure, with the other structures remaining. There are 2 large ponds that have been constructed on the property; there are wetlands and associated riparian zones.
- The wetlands in question are to the southern portion of the property line, associated with the on-site stream which runs through the property. There are 150ft. buffers, and the stream itself carries a 300ft. riparian buffer. That is located just to the south of the proposed disposal field.
- The existing system is of an unknown size and age, which is part of the reason a new system is needed. It is believed to be a series of trenches, although location, size, length and depth unknown. They will be located and removed.
- The 2 bedroom accessory dwelling has a septic system in good working order. The proposed new system will accommodate 5 bedrooms. The new dwelling will have 3 bedrooms, and has been designed for the possibility of two future bedrooms.
- It will be sized for 800 gallons a day, be 27x48ft. 1,288 sq. ft., with a design factor of 1.61 for design permeability of C33.
- Soil log investigation and permeability testing was performed on Jan. 9th and witnessed by a member of the Morris County Health Department. Soil logs were conducted during the wet season.
- The system is designed as a gravity dosing system: the effluent will leave the house, enter a 1,250-gallon septic tank, drain to a 1,500-gallon pump tank where it will be pumped uphill to a new disposal field where it will gravity flow through the laterals of the field. The system has a 1.25% slope across the field, and will comply with Maser Consulting's request for a swale in the upper part of the hill to divert water around the bed.
- A reserve area has been located to the south of the primary system. The existing well is located under a patio, adjacent to the existing principal dwelling. The applicant will reuse the well, and a patio will be constructed in the area where the existing well is and be buried beneath the patio and not seen by the applicant. The current well is in good working order. Per the review letters from Maser and the Morris County Health Department, they will comply with all the comments except they would like to keep the well where it is 14ft from new dwelling.
- Mr. West asked about the covering of the well, Mr. Moschello explained there will be an accessible cover and the patio will be at grade.
- The homeowner, Mr. Conte explained that the well from the top of the patio to the well head is 28". His intentions are to rebuild the patio and an accessible cover, about 18".
- Mr. West defers to Morris County Health Department about whether or not the well would be considered "pre-existing". Mrs. Gorman reached out to the County's well expert. Ms. Freer read from the State Code for existing wells, and Mr. Conte suggested enclosing the existing well with a water tight manhole, and create a drainage system around the perimeter of the property. Mr. Weber asked

if there was any consequence to the reserve area falling partly in the 300 ft. riparian buffer, and Mr. Moschello explained that if it they needed to use that reserve area, they could file for a permit by rule with the DEP, which allows them to construct the improvements underground. Mr. Weber asked if they would change the physical structure if they expanded to a 5 bedroom, and they said they would stay in the proposed footprint.

- Mrs. Gorman and Ms. Freer reviewed the State well code. Discussion ensued and Mr. Weber said since it is not a new well it would not fall under new well requirements. The Board confers, they are in agreement with the plans as submitted. Mr. West suggested a water tight cap, which the engineer agreed to add to the plans.
- Mr. Conte added he may add a nice bench over the cover and avoid any further issues. Mr. West asked about complying with Mr. Korshalla's changes: the addition of a swale, soil erosion measures, and plans for construction of new house requiring certification from Morris County Soil Conservation. Mr. Weber asked about Maser's comment that it may not be able to curve the PVC, and Mr. Moschello replied he would show the angles and comply with the request.

Mr. West motioned to approve the plans with the additional notes:

1. The waterproofing to the top of the well.
2. Chris's request to addition of the swale.
3. Mr. Conte said he would also request his engineer to show the base of the manhole clean stone with an outlet so any water trapped would be diverted.

Mr. West seconds the motion to approve.

Upon Roll Call Vote:

YES: Mrs. Desbiens, Mr. Weber, Mrs. Reale, Mr. West.

**HEALTH OFFICER'S MONTHLY REPORT
September, October, November, December.**

Ms. Freer and Mrs. Stephanie Gorman to review.

September

- Middle Valley Farms was found to be selling food during the canvas by performed by Ms. Freer. They sell baked goods, candy and hot dogs, and have applied for a food permit.
- The temporary food events for the Brookside Engine Company Clambake and for the Twin Boro Bears Football Team went very well.
- A complaint was received regarding Sammy's Cider Mill leaving meat out, and reusing the bread and the corn. Ms. Freer spoke to them about the complaint, and found no violation was necessary.
- A complaint was received regarding animal abuse. Animal Control Officer Erica Barkman, Zoning Officer Russ Heiney, and Ms. Freer investigated the complaint

and found there is no evidence of abuse, and that the animals received excellent care, but that the dogs were not licensed.

- Mrs. Gorman asked the Board about the fees for the farms, and did a comparison compared to other towns. She suggested changing the fee schedule or a reduced cost license for farms and those who operate seasonally. Mr. Weber said the Board's fee policy in the past had been driven in attempt to cover cost. Mrs. Gorman explained that the majority of the licenses in Mendham Township are waived fee as they are not for profit.
- They are finding several locations that have never been licensed or inspected prior to the County contract.
- The majority of the municipalities in the area have it broken down by risk type, and how the cost would be adjusted by type.
- Mr. West and Mr. Weber questioned how much work would be required and how would the events and markets be defined.
- Mrs. Gorman reviewed the well information requested at the prior meeting. She asked about the current Ordinance Section 397-6C. The County has put together a new well packet with correct fee schedule, copy of DEP permits, FAQ's and site plan.

October

- In October the State lead standards were reduced to 5 from 10 micrograms per deciliter to meet the CDC standards; Mrs. Gorman said they would see a tripling of their caseloads due to the number of homes that still contain lead-based paint. They applied for a Grant through the State for the extra work that may come from the change. Mrs. Reale added that babies are tested at 9 months and 2 years old. There are no current cases in Mendham.
- Ms. Freer said there was standard septics, food inspections for the Elementary & Middle Schools, and the Middle Valley Farms inspections. There was a movie night in the park, and Ralston Cider Mill had their annual pressing. They requested information on the copper piping, and it should be NSF approved. Mr. West asked if they were soldered with lead, and Mrs. Gorman stated that the pipes had been replaced within the last few years.

November

- November was slower and septic replacements had slowed down. There was a mulch complaint by a neighbor who lived across the street. Carlos Perez and Ms. Freer went to the site, and they did comply and disperse the mulch in their yard.
- Mr. Weber asked about something noted in the report; Mrs. Gorman explained how a Fentanyl advisory had been sent out to local Police Departments about the dangers and precautions associated with the drug.

December

- Rabies Clinic was held on December 2nd, and it was suggested that a date change may help with attendance. Ms. Politi stated that last year we had 330 licenses and that this year we tried to go electronic/paperless with renewals. Mrs. Gorman said the national average is 36% owns dogs and 30% own cats.

- The Radon Grant was approved in December. Mrs. Reale noted that there was 6 confirmed Lyme Cases in December.
- The Morris County Arts Workshop holds a camp at the Elementary School. The Director of the camp had falsified the paperwork submitted to the County by using the Mendham Township Elementary School Nurse's name in the paperwork. The nurse had no knowledge of this and is not affiliated with the camp. The camp was reported to the State due to numerous violations, including the false documents.

Mr. Weber motions to approve the reports for September, October, November, December. Mrs. Reale seconds the motion.

Upon Roll Call Vote:

YES: Mrs. Desbiens, Mr. Weber, Mrs. Reale, Mr. West.

Ms. Freer stated she had one more item of discussion; an illegal septic discharge at 43 Tingley Road. It was overflowing into the street, and the complaint went to fire, police, HazMat. He has a tank and a seepage pit, at the top of the risers there was an added pipe which was discharging the septic onto the lawn and down to the catch basin next to the neighbor's driveway. Ms. Politi added that the initial call was for ice at the end of the neighbor's driveway. A plan was submitted to replace the septic in 2009. They had gone into foreclosure and did not follow through with the work. The homeowner was sent a notice of violation after inspection of the property, and the homeowner is planning to upgrade the system and had hired Greg Yannaccone. The home had renovations: it is stated to be a 3 bedroom with 2 offices, and the number of bedrooms is still in question. There was a notice of violation sent by the county to remove the pipe, fix it as soon as possible, pump the system, and present pump receipts to the health department. Ms. Freer has requested the police department to let her know if there is any additional discharge.

SUCH MATTERS THAT MAY RIGHTFULLY COME BEFORE THE BOARD.

None.

ADJOURNMENT.

Mr. West motions to adjourn. Mrs. Reale seconds the motion.