

**BOARD OF HEALTH – TOWNSHIP OF MENDHAM  
MEETING MINUTES  
March 22, 2022 – 7:30 P.M.**

**CALL TO ORDER:** *Wendy Parrinello, 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 the Observer Tribune and Daily Record on February 3, 2022. Notice was posted on the bulletin board in the Township offices and notice was filed with the Township Clerk.

**SALUTE TO THE FLAG:** *Led by Mr. Jesse Smith*

**THOSE IN ATTENDANCE:**

Dr. Trishna Goswami  
Ms. Ann Reale  
Mr. Jesse Smith  
Mr. Benjamin Weber (arrived at 7:40pm)  
Mr. Ken West  
Mr. John Atkins, Alternate 1

**APPROVAL OF FEBRUARY 22, 2022 MEETING MINUTES**

Mr. Atkins makes a motion to approve the minutes as presented. Dr. Goswami seconds the motion.

ROLL CALL: YES

Dr. Goswami  
Mr. Smith  
Mr. Weber (confirming upon his arrival)  
Mr. Atkins

**NEW BUSINESS**

**BLOCK 127 LOT 29.01**

**APPLICANT:** Shores Road, LLC

**APPLICATION:** New Septic Construction – 1 Acadia Circle – Engineering & Land Planning Associates, LLC (septic); Hiland Hall Turner Associates (architecture)

- Mr. Eric Mehalik is the engineer and representative for the septic project at 1 Acadia Circle and is in attendance via Zoom.
- Mr. Mehalik is proposing a pressure dosed disposal field and a reserve area. Mr. Mehalik has reviewed the memos from Ms. Freer and Mr. Korshalla, and based on the memos, the sizing criteria will be corrected.

- Mr. Smith asks how the sizing criteria will be corrected. Mr. Mehalik explains that the sizing factor will be changed from 1.33 to 1.61 and that there will still be plenty of room to accommodate set-back requirements. Mr. Mehalik continues that the size of the tanks will not change, only the disposal field and reserve area.
- Mr. West refers to Mr. Korshalla's memo with regards to the architecture and the issue of the number of bedrooms – there are four explicit bedrooms and potentially two additional bedrooms. Mr. Korshalla, in his memo, notes that he will leave the decision with the Board as to how to proceed with bedroom count.
- Mr. Mehalik states that the engineers designed the septic system for four bedrooms and he will turn the question regarding bedroom count to the architect and the applicant, both in attendance via Zoom.
- Mr. Jace Anderson, applicant, states that the architectural plans should not show any future bedrooms and that the room in the basement is potential office space. There is no bedroom listed in the attic, but rather, a bonus room above the garage, however, this will not be completed by the developers any time soon.
- Mr. Weber asks Mr. Anderson, what are you planning to show on the architecture design for the basement. Mr. Anderson states that a bathroom will be shown on the basement level, but not a bedroom. Mr. Weber states that putting a bathroom in a room that could easily be converted from an office to a bedroom is problematic, however, notes that the space above the garage is quite large; it does not have closets nor does it have a direct pathway to a bathroom on that floor - this is less troubling.
- Mr. Fernando Martello, architect, states that the architecture shows that the bathroom in the unfinished basement is optional for the potential buyer – a convenience for a future playroom or office. The rough plumbing for a bathroom will be put into place.
- Mr. Weber asks if a bathroom were to be installed in the basement, would it gravity feed to the septic. Mr. Mehalik states that a sewage ejector pump is being proposed to accommodate a bathroom in the basement and that the tank will be sized appropriately.
- Mr. Weber states that in addition to expanding the tank, the field would need to be sized appropriately, as well. Having an ejector pump would require a larger bed.
- Mr. Mehalik states that he spoke with Ms. Freer and that Ms. Freer confirmed that only oversizing the tank by 50% is required.
- Mr. Smith asks if the tanks on the septic plans are oversized to account for the ejector pumps. Mr. Mehalik states that the tanks on the plans are oversized. The tanks are 1500g.
- Mr. West states that if the intention is to have five-bedrooms as an option, the only way it will work is to upsize the disposal bed for a five-bedroom home. Can the disposal bed be made larger while still maintaining compliance with the rules?
- Mr. Mehalik states, yes, the disposal bed could be made larger and that there's plenty of room to upsize the bed if that is what the applicant would prefer.
- Mr. Weber states that the Board can accommodate changes that would be approved with our consultants after their review, without the application having to come back to the Board for a second time. Mr. Weber continues that the plans would need to

indicate the relocation of the bed, increasing the size of the bed and indicating on the plan that it is a five-bedroom home.

- Dr. Goswami adds that the proposed well location would need to be addressed. Mr. Mehalik states that all the wells need to be relocated so that they're 60 ft. from the property line and 20 ft. from the building.
- Mr. Weber confirms that it has been determined that the well can be located so that it is not too close to the home, while also respecting the 60 ft. from the property line rule.
- Mr. Anderson would like to be able to avoid putting the well head in the middle of the lawns for the additional six homes that will be built and asks if there is any ability to place the wells closer to the property lines, while maintaining distance from the septic fields. He asks if the Board would consider this proposal.
- Mr. Smith states that when the project was originally brought to the Board, it was approved because the applicant agreed to meet the terms given at that time and made the accommodation of the 60 ft. distance.
- Mr. Anderson states that they will make the 60ft. accommodation from the property line work.
- Mr. Weber states that the applicant has agreed to make changes to the plan, which include the following.
  - a. Upsize the bed to accommodate the Townships sizing rather than the State.
  - b. Upsize the reserve area to accommodate the Township sizing.
  - c. Relocate the main bed.
  - d. Relocate the well so that it abides by both the 60ft distance from the adjacent property and also is proper distance from the building.
  - e. Confirm that the septic is sized for a five-bedroom and update the septic and architectural plans to meet the requirements of a five-bedroom house.
- Mr. Weber makes a motion to approve the plan with the five changes outlined above. Mr. West seconds the motion and adds that plans will need to be redocumented and reviewed by Ms. Freer and Mr. Korshalla.

ROLL CALL: YES

Dr. Goswami

Ms. Reale

Mr. Smith

Mr. Weber

Mr. West

Mr. Atkins

## **BLOCK 127 LOT 29.02**

**APPLICANT: Shores Road, LLC**

**APPLICATION:** New Septic Construction – 1 Acadia Circle – Engineering & Land Planning Associates, LLC (septic); Hiland Hall Turner Associates (architecture)

- Mr. Mehalik acknowledges that, like the above septic project, the comments are the same as its sister property (Lot 29.01). Mr. Mehalik states that the space is available

to increase everything to size for five-bedrooms. The team will work within the Mendham Township Ordinance requirements for a 1.61 scaling factor and also allow for space to move the well so that it's 60 ft. from the property line and 20 ft. from the building.

- Mr. Weber explains that the architectural plans show a first-floor den with an entrance off the foyer, an opening to the great room, a closet and its own bathroom with a shower. This could be a bedroom. Additionally, there are four full bedrooms on the second floor. Mr. Weber asks if the bed on this property can be upsized so that it accommodates a five-bedroom home.
- Mr. Anderson states that the application will be updated and adjusted for five-bedrooms.
- Dr. Goswami asks about the pump system being able to accommodate for a five-bedroom home and references Mr. Korshalla's notes with regards to the pressure dosing factor of 1.33 not being permitted for design, according to the local Township ordinance. Mr. Mehalik states that the calculations would be rerun for the larger bed and larger design flow and for upsizing the pump, tanks and disposal field.
- Mr. Weber makes a motion to approve the plan on the same conditions with notes that verify at least 60 ft distance from the well and appropriate distance from the building.
  - a. Upsize the bed to accommodate the Townships sizing rather than the State.
  - b. Upsize the reserve area to accommodate the Township sizing.
  - c. Relocate the main bed.
  - d. Relocate the well so that it abides by both the 60ft distance from the adjacent property and also is proper distance from the building.
  - e. Confirm that the septic is sized for a five-bedroom and update the septic and architectural plans to meet the requirements for a five-bedroom home.
- Mr. West seconds the motion.

ROLL CALL: YES

Dr. Goswami

Ms. Reale

Mr. Smith

Mr. Weber

Mr. West

Mr. Atkins

## **HEALTH OFFICER'S MONTHLY REPORT**

Reviewed by Ms. Freer. Full reports available in the Board of Health Office

### ***February, 2022***

- Dr. Carlos Perez, Health Officer and Cindie Bella, Public Health Nurse, continued to plan for the Covid-19 Vaccine and Booster clinic at Mendham Township Middle School, which took place on Wednesday, February 16, 2022. 25 attendees received either a Moderna, Pfizer or Johnson & Johnson vaccine.

- Dr. Perez provided guidance to the Township school system with regards to the lifting of the mask mandate scheduled for March 7, 2022.
- Mr. Weber points out on page 1 of the February 2022 health report, under activities, that the Assistant Health Officer focused all efforts on the ongoing Covid-19 pandemic. Mr. Weber asks that Ms. Freer and her team review internally and consider whether we've reached a point in the pandemic where we no longer require "all" efforts on covid-19 activities.
- Mr. Freer states that Dr. Perez's and Ms. Gorman's activities have changed and that she will note that in future reports.
- Public Health Nursing activities have resumed at the Township Municipal building and at the Township Library.
- Dating back to December, 2021, a possible lead poisoning case was discussed. Since then, the person's blood lead level was tested and the lead levels have gone down, so further investigation was not required.
- Mr. West and Ms. Freer briefly discuss the potential for higher lead levels in water. Mr. West points out that well water testing is required by the Township for title transfer of a home, however, homes that are on city water do not require testing (or a Potable Water Certificate) to transfer title. Mr. Weber states that a recommendation on the Town's website, to have a homes city water tested, can be a good place to start. Mr. West agrees.
- Mr. Smith makes a motion to accept the February 2022 Health Report as presented. Mr. Weber seconds the motion.

ROLL CALL – YES

Dr. Goswami

Ms. Reale

Mr. Smith

Mr. Weber

Mr. West

Mr. Atkins

## **SUCH MATTERS THAT MAY RIGHTFULLY COME BEFORE THE BOARD**

### **Backer Farm: Permit Renewal for Construction of a Septic System**

Mr. Weber explains that in March of 2021 Backer Farm applied for the approval of a septic system to serve a proposed development. The application was reviewed and approved at the March 23, 2021 Board of Health meeting. If an application is approved, but work does not begin within one year, the approval can lapse unless the applicant extends it, as long as the \$30 permit renewal fee is paid.

In March, 2022, a letter from a resident, expressing concern about the project was received and shared with Mr. Weber and then with Mr. Mike Roth, Backer Farm Engineer, so that he would understand what was being received and so that the opportunity for response would be available to him. The original email was followed by several other inquiries and emails

from residents, asking the Board, primarily, to deny the extension or to postpone the meeting by two weeks. Emails of concern were received from Terrill Doyle, Peter Banos, Melissa and David Rainis, George Koenig, Barrett and Barbara Kolton and Richard M. Watson.

The Board cannot delay or postpone meetings because Board of Health meetings are set one year in advance for the following reasons: Notice has to be given, members are volunteers and their schedules are cleared for BOH meeting dates/times, and the court room needs to be reserved.

Prior to this meeting, Mr. Weber spent time in discussion with several residents, representatives and counsel for Backer Farm and with Ms. Freer, Senior Registered Environmental Health Specialist for Morris County, in an effort to gain a clear understanding of the concerns at hand.

In summary, Backer Farm proposes to build a brewery to make beer and they are going to convert one of their barns to a tasting room. The brewing operation and the tasting room require bathrooms for the employees and guests. The Backer's worked with New Jersey Department of Environmental Protection to determine what the septic flow requirements would be for the proposed bathrooms. A state-of-the-art system was designed that would accommodate the additional bathrooms. They designed the system so that, when combined with the existing three-bedroom home on the property, the total flow would stay under the state guideline of 2000g per day. Board of Health approval required that, when the system was built, that it would have a flow monitor and that Backer Farm would have to report daily flow, on a determined regular basis, both to the Board and ultimately to the State. Because the barn and brewery are on their own separate septic system, the farm will have to demonstrate that the daily flow to that system is less than 1,455g per day. If the operation cannot stay within that limit, the Board will know because its health officer will be in receipt of the daily flow calculations. If, ultimately, the system cannot operate within those guidelines, the Backers will be told to discontinue until they either seek additional permits or change the arrangements of the property. Backer Farm representatives, Engineer, Mike Roth and Council, Nicole Voight, have advised the Board, in writing, that changes to the system have not been made from the original application, heard on March 23, 2021, and that changes are not being sought for the system; they are seeking the customary one-year extension so that work can begin on the septic system.

Residents have raised concerns on filings that the Backers have had to submit to Alcohol & Beverage Control Licensing (ABC) and also to the County Agriculture Development Board (CADB). Residents are worried that these filings either introduce new information that the Board of Health didn't have when the original application was considered in 2021 or that they suggest that the farm is going to be operated in a manner other than what the Board originally heard. The material that the Backers had to develop for ABC and for the CADB is much more detailed than what the Board of Health received in 2021, but it's not inconsistent with what the Board knew when the application was considered. The procedural safeguards that the Board put in place, including the flow monitor, are such that the Board has the ability to be sure that the septic is regularly compliant.

The primary concerns that are being raised stem from the use of portable toilets and non-sanitary waste. Mr. Roth and Ms. Voight have confirmed to Mr. Weber that the Backer plan does not include adding new porta-potties around the tasting room and they do not intend to use porta-potties to drain off the usage that would otherwise go into septic. The applicants have communicated that in order to serve alcohol they have to enclose the licensed area (barn, patio and lawn), meaning that folks using the brewery would have to use the bathrooms provided at the brewery, not the porta-potties in the field. The only thing going in the septic system is the effluent from the toilets. All other waste (bi-product water fluid) will go into a holding tank and, as it fills, a company will collect and dispose of the fluid off-site.

The application to the CADB requires the applicant to describe the different types of activities it may have on the site throughout the year. The Backers' application includes 102 potential events.

Mr. Smith notes for clarification that on the original application the use of a well was put in place, however, the plan is to now connect to public water. Mr. Smith asks if that is correct and if that affects anything on the application. Mr. Weber responds that some of the concerns raised in the emails centered around the use of city water and as to whether that should be a concern for the Board and the drain on the public water supply that the beer manufacturing would require. Mr. Weber states that, as far as he knows, the water comes from New Jersey American Water – they determine what they're willing to supply and it's the farm's responsibility to pay for it.

Ms. Voight, counsel for Backer Farm, states that she is available to respond to questions and comments that are made.

Mr. West asks if the applicants are assuring the Board that there is absolutely no change in usage for the septic system. Ms. Voight states, yes, it can be assured that nothing has changed since the original application was made. Mr. West asks, with the number of various events, will that not change the number of people that are going to be using the sanitary facilities; in other words, can it be guaranteed that the sanitary facilities will not be overloaded. Ms. Voight explains that there has been a lot of misunderstanding surrounding the events. The event management plan submitted contains two appendices. Appendix A (as part of the Morris CADB's SSAMP Farm-to-Glass Brewery Application) reflects the current activities or ones that have happened in the past and will continue until the brewery is built and Appendix B illustrates what is going to happen once the brewery is constructed. Appendix A is already out of date – the food truck has been sold and there is no longer any farm-to-table events happening. What's to be understood is that these events have to occur within the context of what the site is approved for. Backer Farm events must abide by the firm rules of the ABC criteria. What is in that event management plan is not an example of out of bounds activities, but rather, events that have to stay in the confines of the 78-seat limit.

Ms. Voight further discusses the use of portable toilets and their placement. Mr. West asks, will guests attending pick-your-own events have access to the brewery bathrooms? Ms. Voight states, no. Backer Farm will have an operational control where it will be clear that the bathrooms in the brewery are for patrons of the brewery only. Other visitors to the farm will not be permitted to use the brewery bathrooms. Guests for events outside of the brewery will have access to a portable toilet, separate from the brewery.

Mr. West asks if visitors to the farm will share a common parking lot with the brewery. Ms. Voight explains that there is a gravel lot, formal sand area lot and an existing field with spillage into an additional field area for parking. Closest to the brewery is the gravel lot, where guests will likely park. There will be fences that mark off the brewery area. If someone wants to come in to the brewery to only use the bathroom, there will be operational control to communicate that brewery bathrooms are for brewery guests only.

Mr. Weber asks that the holding tank issues be addressed. He states his understanding, based on the 2021 application, that water left over from the brewing project, the mopping of the floor and cleaning of the dishes will all go into the holding tank, and the holding tank will be emptied offsite, unless there is another plan that demonstrates that best farm practices will allow for the tank contents to be used on the farm and also satisfies the Board in terms of sanitary safety.

Ms. Voight explains that it is important that the non-sanitary liquids go into the holding tank because they have a high biological oxygen demand, in the fact that they have a small amount of alcohol in them. Ms. Voight continues that the contents in the holding tank will not to be used for irrigation, rather, they will be pumped off-site. Currently Backer Farm is not planning to irrigate, but if they were, they could put in a second tank for liquids that need to be segregated. Ms. Voight states that there are a variety of best farm management practices and farm conservation plans available to farmers and explains that these are available to the Backer Farm farmers.

Mr. Weber asks if there are additional questions from the Board.

Mr. Weber invites Ms. Terrill Doyle to take a few minutes to express her view to the Board.

Ms. Doyle gives a brief background of her credentials and also speaks briefly of the Backer Farm history. Ms. Doyle moves forward to indicate that the proposal from Backer Farm to the CADB in January of 2022 is the one that she is asking the Board of Health to examine.

Ms. Doyle states that in 2021, the Backers asked the CADB for a ruling that a brewery with a distillery and a 78-seat tasting room on the Backer's property would not violate the Backers Deed of Easement. The CADB ruled that the Brewery with distillery would not violate the Deed of Easement, but that strict conditions would be imposed. Ms. Doyle continues that the CADB resolution prohibits the Backers from holding social gathering events and parties and that the Backers need to comply with all local laws.



Ms. Doyle addresses the March 23, 2021 septic application plan for the Backer Farm Brewery and states that the details for the use of the new septic system were limited, as all of the information regarding events and potential number of attendees (in general) was not available to the Board of Health at that time.

In June, 2021, the Backers went before the Planning Board. Supporting documents for that hearing proposed a 78-seat brewery and 60 spaces for a parking lot. The Backers, in that hearing, did not discuss holding special events at the brewery because the CADB, referenced earlier, prohibited them from holding special events.

On January 26, 2022, the Backers went directly to the CADB for approval of a new plan, which proposed an increase in the number of people using the farm and the septic, by adding 102 special events. Attendees of the special events and of the brewery would have to use either the provided portable toilets or the brewery bathrooms.

Ms. Doyle presents information related to two agencies that regulate agriculture – the County Agriculture Development Board and the New Jersey State Agriculture Development Committee, and states that Backer Farm was in violation of agriculture farm rules by both of these agencies, when a concert was held on September 11, 2021, that violated farm rules and The Right-to-Farm Act. Ms. Doyle reported that, when she questioned the agencies as to what penalties they would impose, the CADB answered that enforcement of penalties must be done on a local level by the town's interpretation of its own ordinances.

Ms. Doyle is concerned that the Board of Health has not been made aware of the Backers' proposed significant expansion of their farm and brewery plans and the impact of those plans on the septic capacity.

Ms. Doyle questions the septic systems flow use penalties and references Mr. Roth's letter, dated, March 18, 2022, to the Board, where it's indicated that the penalties are imposed only after three quarters of high readings.

Mr. Weber states that the Board's health officer has the discretion to work with the farm to determine how often the farm will deliver the daily flow logs and it is not necessarily fixed at every three months, and that, in fact, initially flow calculations will be reported every month instead of every three months.

Ms. Doyle respectfully requests that the Board of Health fulfill its duty to protect the health and safety of Mendham residents by allowing the permit to expire and inviting the Backer's to submit a new septic proposal that can be scrutinized by experts to resolve the important fact questions that need to be answered in the interest of health and safety.

Mr. Weber invites Peter Banos to express his views to the Board.

Mr. Banos states that he is here to object to the renewal of the approved septic permit, which was adopted by resolution at the Board of Health meeting on March 23, 2021, and is set to expire on March 23, 2022.

Mr. Banos's concerns are as follows:

- a. Sinks: Sinks should be detailed in the septic system plan, and flow from the sinks should be accounted for. The use of sinks requires a new application to the Board of Health and to the New Jersey Department of Environmental Protection.
- b. Waste: How the waste water will be handled is a concern (will they be spraying the waste/irrigation on the farm?) and details for its method of disposal need to be outlined on the septic plan. The holding tank was not part of the original septic design plan and was added in 2022.
- c. Portable toilets - N.J.A.C. 7:9A STANDARDS FOR INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEMS: As per DEP regulations, portable toilets are not permitted.

Mr. West states that the Backer's explained that they're not going to use the waste for irrigation, but rather a company will dispose of the waste off site. Mr. Roth confirms that is correct.

Mr. Weber invites Mr. Bob Fox to take a few minutes to express his views to the Board.

Mr. Fox addresses the use of portable toilets and states that the regulations are clear in that portable toilet flows must be included in the total septic design flow.

Mr. Weber explains that activities generating sewage that is being collected by porta-potties do not always have to be considered in the flow. Today there are permitted porta-potties at the farm as a courtesy to its customers for activity that otherwise does not require sanitary systems. The Backer's are saying they continue to provide porta-potties for the people who pick pumpkins (for example) and will provide bathrooms for guests of the tasting room. The Board has been assured that the portable toilets will not be used by guests attending brewery activities and that the portable toilets will not be in the vicinity of the tasting room. In other words, the Backer's are not proposing to use portable toilets in order to backfill to stay under the 2000g capacity for brewery activity.

Mr. Fox states that with, respect to the design of the septic system and the soils, it's shown that limitations for septic systems are severe because of the high-water table. Mr. Fox asks how the water-table was determined when designing the system. Mr. Weber responds that it is his understanding that the Town's protocols for determining whether the area was suitable were followed by the relevant experts and consultants when preparing the Backer Farm application. The Board understood the mottling from the high-water table and was satisfied that the bed would accommodate the system. This information is in the original application.

Ms. Doyle states that the porta-potties currently provided at Backer Farm are supposed to go away, under what the Board of Health approved in 2021. What the Board approved was the employee bathroom, the house and the brewery – not porta-potties. In addition, the application suggests that the greenhouse will be repurposed for the brewery. Ms. Doyle is

concerned about what she believes are new facts and/or changing facts as well as the addition of 102 special events.

Mr. Weber acknowledges that there's a lot of information that the Board does not have and that the Board didn't have when considering the application. The Board has always known that there are details that would have to be filled in and that approvals will dictate what some of those details will end up being. Mr. Weber continues that the Board cannot make the regulations so hard to understand and so hard to follow that the business cannot function. The business has to be able to get answers to the regulations and how they're applied, so that they can tailor their activity to fall within those regulations.

Mr. Weber agrees that the presentation of an extra 102 events, as something in addition to whatever a tasting room would normally have going on, is potentially confusing. The event program was produced specifically in response to requests by the County. Farm events will be segregated from events taking place in the brewery – patrons of the brewery will be managed in the licensed area.

Mr. Weber invites any others from the public, both in Town Hall and on Zoom, to speak if they would like.

Ms. Voight makes a few points with regards to environmental impact and the 2000g per day for septic.

Among other things, Ms. Voight sought to clarify the use of flow for the greenhouse and the portable toilets. When there was a flow calculation associated with the greenhouse, it was because it was being used for farm-to-table meals, which is a more intensive flow calculation per person. It was originally determined that the greenhouse would be part of the licensed brewery area, however, the greenhouse is no longer there. Even if the greenhouse were to have remained, it would not have changed the relevant facts with respect to the flow calculations because the applicant will no longer be providing farm-to-table meals.

Mr. Atkins asks Ms. Voight about the site plan hearing and if that is on a township or on a county level and why is a site plan necessary. Ms. Voight responds that under the SADC regulations for the on-farm direct marketing agricultural management practice, which is the authority for this category of use and improvements for on-farm retail sales – it allows the applicant to elect to either have their site plan reviewed at the municipal or at the county level – the site plan, as designed, will be before the CADB and at that time there will be testimony regarding traffic and noise and any other issues that may need to be addressed.

After a few further exchanges between members of the public and members of the Board, Mr. Weber makes a motion to close the meeting to public comment. Mr. West seconds the motion.

ROLL CALL – YES

Dr. Goswami  
Ms. Reale  
Mr. Smith  
Mr. Weber  
Mr. West  
Mr. Atkins

The members of the Board then discuss briefly the status of the questions before them, after which, Mr. Weber makes a motion to extend the existing permit on the following three conditions, which will be memorialized in a formal resolution to be prepared by counsel for the Board and presented for Board approval:

1. Applicant will provide an affidavit confirming that there is no change to the terms of the septic system that the Board of Health originally approved for the Backer Farm Brewery.
2. If the farm continues to make portable toilets available, they will be placed so that they're not in the vicinity of the brewery. Portable toilets should be in a fenced area in a location associated with the farm-related activity that they're supporting.
3. If it's decided that the plans change for the holding tank and waste is no longer discharged off property, the Backer's must first come before the Board of Health for approval of a new disposal method.

Mr. West seconds the motion.

ROLL CALL – YES

Dr. Goswami  
Ms. Reale  
Mr. Smith  
Mr. Weber  
Mr. West  
Mr. Atkins

**ADJOURNMENT**  
**10:55 PM**