

**BOARD OF HEALTH – TOWNSHIP OF MENDHAM
MEETING MINUTES
JANUARY 26, 2021 – 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 4, 2020. 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 Ken West*

OATH OF OFFICE: Administered to Mr. Ken West by Mr. John Mills, Mendham Township Attorney.

THOSE IN ATTENDANCE:

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

NOMINATIONS FOR OFFICE OF PRESIDENT FOR 2021

1. Call for Nominations for President – Mr. West nominates Mr. Weber. Ms. Reale and Mr. Smith second the motion.
2. Close Nominations: Mr. Smith motions to close nominations. Mr. Mills adds that a unanimous ballot be cast for Mr. Weber for President.
3. All in favor say, Aye. All say, Aye.

NOMINATIONS FOR OFFICE OF VICE PRESIDENT FOR 2021

1. Call for Nominations for Vice President – Mr. Weber nominates Ms. Reale. Ms. Reale graciously declines. Mr. West nominates Mr. Smith for Vice President. Mr. Weber and Ms. Reale second the motion. Mr. Smith accepts.
2. Close Nominations: Mr. Weber motions to close nominations. Ms. Reale seconds the motion.
3. All in favor say, Aye. All say, Aye.

PRESIDENT BENJAMIN WEBER PRESIDING

RESOLUTION BH 21-1

RESOLUTION BH 21-2

RESOLUTION BH 21-3

RESOLUTION BH 21-4

- Mr. Weber confirms the established meeting dates and asks if there are any variations from the dates. Ms. Parrinello states that there are no variations to the given dates.
- Mr. Weber makes note of two corrections to Resolution BH 21-4. Paragraph 2 is missing the word “the” and in paragraph 3, “requested” will be changed to “required” by law.
- Mr. Weber asks Mr. Mills if a signature line should be added to Resolution BH 21-2. Mr. Mills states, yes, a signature line should be added to the Resolution.
- Mr. Weber moves to approve the four resolutions with the minor changes that are outlined. Mr. West seconds the motion.

ROLL CALL VOTE – YES

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

APPROVAL OF NOVEMBER 24, 2020 MINUTES

Mr. Weber proposes a motion to approve the minutes. Mr. Smith seconds the motion.

ROLL CALL VOTE – Yes: Dr. Goswami, Ms. Reale, Mr. Smith, Mr. Weber, Mr. West

ALTERNATE BOARD OF HEALTH MEMBERS

- Mr. Weber explains that the BOH has the authority to appoint two alternate members under the Township ordinances; they are invited to join the meetings, receive materials and participate in discussions. They would not vote on matters unless the Board was short of one of its regular members.
- Mr. Weber introduces Mr. John Atkins and Ms. Daniela Caporrino
- Mr. Weber opens the floor to discussion.
- Ms. Reale states that during the summer or during times of illness that it is wise to have alternates.

- Mr. Smith states that both candidates are great and welcomes them to join as alternate members.
- Mr. Weber proposes to accept Mr. Atkins and Ms. Caporrino as alternates #1 and #2, respectively. Ms. Reale seconds the motion.

ROLL CALL VOTE – Yes: Dr. Goswami, Ms. Reale, Mr. Smith, Mr. Weber, Mr. West

BUSINESS

BLOCK 130 LOT 6.01

APPLICANT: CANNAVO/WOLTMAN

APPLICATION: New Septic Construction – 23 Cold Hill Road – Yannaccone, Villa & Aldrich, LLC (septic); Roger C. Winkle, AIA (architecture)

- Candace Davis from Yannaccone, Villa & Aldrich, LLC explains that this project is on a vacant lot that was created with a subdivision by the planning board in 2006. The BOH reviewed the septic application with regards to the subdivision in 2006 and approved it with a resolution. In 2008 the septic design plan was seen before the Board for a six-bedroom dwelling and at that time was approved for a six-bedroom and new construction of a septic.
- Ms. Davis states that they are before the Board of Health for a proposed four-bedroom dwelling with a possible future two-bedroom expansion. The septic design with regards to location of the tanks as well as the bed is similar to that of the approved plans from 2008.
- Ms Davis states that the home owners are respectfully asking the Board if they would consider the project as a 6-bedroom based on the comments that Mr. Korshalla provided in his notes, specifically item number 4.
- Mr. Weber asks Ms. Davis if she would like us to modify the current proposal from a 4 bedroom to a 6 bedroom. Mr. Korshalla’s notes keep it at 4 bedrooms and to be clear, the storage room and the unfinished attic could not be completed without another application.
- Ms. Davis states that Mr. Korshalla’s notes are clear, but that the septic bed and tanks were designed for a six bedroom – they were oversized. On septic design sheet 7, the detailed calculations are visible. And since a 6-bedroom dwelling is proposed, the entire application will be changed to reflect a 6-bedroom dwelling and that is partially in response to Mr. Korshalla’s notes on item number 4.
- Mr. Weber states that it cannot be verified with Mr. Korshalla that his review would be the same if a six-bedroom had been proposed. If the application is changed, at a minimum, Mr. Korshalla would have to verify that everything else on the application checks out okay.
- Mr. Cannavo, owner of 23 Cold Hill Road states that nothing has been changed from the original plans, only that the new home will have four bedrooms with the two additional spaces. Mr. Cannavo states that twice the

Town approved the septic project, and that nothing has been changed that should cause a delay in the approval process.

- Mr. Weber states that the note from Mr. Korshalla says, the disposal system would need to be expanded if these rooms are converted to bedrooms in the future. This statement seems to suggest that the plan that Mr. Korshalla approved only works for 4 and not 6 bedrooms.
- Mr. Cannavo explains that the calculations that Yanacoone did is for a six-bedroom septic system and that what Mr. Korshalla is addressing is based on a four bedroom (with those two other rooms as bedrooms). You would have to go back and change the design – unless this is just the way the memo was written.
- Mr. Mills explains that Mr. Korshalla has given his blessing for a four-bedroom system, and as Mr. Weber read, Mr. Korshalla indicates that in the memo, a potential 6-bedroom home would require a new design or an expansion of the disposal system. Mr. Mills suggests that the professionals review a 6-bedroom design for approval and then come back to the Board with the reports.
- Ms. Davis says she spoke with Mr. Korshalla regarding the memo and that the disposal bed would not have to be redesigned or expanded for the benefit of two bedrooms and that Mr. Korshalla agreed with this on the phone, but didn't communicate the conversation to the Board.
- Mr. Cannavo would like to make clear that from the beginning they've been diligent about following the requirements of the Town and of the Board. Mr. Cannavo asks if in the Board speaking with Mr. Korshalla, would there be a significant delay?
- Mr. West suggests that we consider approval of the project on the condition that there is a discussion with Mr. Korshalla, that this could be a misunderstanding of communication and only requires a conversation and not a delay in the approval process.
- Mr. Weber agrees with Mr. West that we don't need to wait another month and asks that Mr. Korshalla write a note stating that he would not change his recommendation if the plans were presented as a 6 bedroom.
- Mr. Weber points out a recommendation in Mr. Korshalla's memo - item number 7. Ms. Davis will add details to the plan sheet to show clearances within the trench crossings. Those items will be reflected on updated plans.
- Mr. Weber refers to Ms. Freer's memo (page 19), the sizing is wrong and does not match what is being considered now.
- Ms. Davis will update the calculations on page 19 and will send the new application to Ms. Freer and Mr. Korshalla for review.
- Mr. Weber states that the flood area permit expires after 5 years and potentially is no longer in effect. Mr. Weber asks Mr. Mills if this Board needs to clear that in order to approve the application. Mr. Mills suggests footnoting it as part of the approval process.

- Mr. Weber would like to propose to the Board, that the application is approved with conditions.
 - a. Ms. Davis and Mr. Cannavo will have Mr. Korshalla send the Board an updated letter that states the system will be consistent with six bedrooms.
 - b. Ms. Davis will demonstrate that the plans have been updated to show the detailed cross sections, where the lines are all closed.
 - c. Submit a new complete application that has calculations that match the design system (page 19 item on Ms. Freer's memo).
 - d. Verify with Ms. Freer and Mr. Korshalla that the Board review and approval is not hampered by the status of the flood area permit.
- Ms. Davis states that these items will be addressed.
- Mr. Weber motions for approval. Mr. West seconds the motion.

ROLL CALL VOTE – Yes: Dr. Goswami, Ms. Reale, Mr. Smith, Mr. Weber, Mr. West

Mr. West continues with a question as to whether or not our permits expire. Ms. Freer explains that Mendham Township permits expire after one year, but that they can be extended with conditions. Mr. Mills adds that they (permits) can be extended as long as there are no code changes upon the Board receiving the application.

BLOCK 132 LOT 8

APPLICANT: STAR TRADING GROUP – RAMEZ SAMUEL

APPLICATION: Alteration Expansion/Change in Use – 27 Brockden Drive – Parker Engineering and Surveying, P.C.

- Mr. Steve Parker from Parker Engineering and Surveying explains that the home at 27 Brockden drive is a three-bedroom home with a septic system designed for three bedrooms. The new owner purchased the property with the intention of expanding the home while also increasing the number of bedrooms. Prior to coming to the Board of Health, an application was submitted to the building department and permits were issued for the construction on the home. There are wetlands on the property, which severely restrict the area available for construction of a septic system. This project will require DEP approval for placement of the septic field within a wetland buffer area. The request is for an expansion to the approved three-bedroom septic system.
- Mr. Parker further explains that the soil conditions are good and highly permeable because of the proximity of wetlands to the site. The system that is being designed is an advanced treatment system with a coco tank and also a pressure dosing system to minimize the footprint of the field to make it as small as possible. There is an ejector pump in the basement which will stay in place, as there is a bathroom there and the plumbing is currently in place.

- Mr. Weber asks if the home is vacant. Mr. Parker confirms that the home is empty. He explains that the home construction was permitted and that the home is going from 3 to 5 bedrooms - adding a second story. There's no increase in the footprint of the house so they don't need a DEP approval for the home construction, but only for the installation of the septic system.
- Mr. Parker addresses Mr. Korshalla's notes. With regards to the reserve area not shown on the plans, Mr. Parker explains that the reserve area is not shown because there is no place to show a conforming reserve area; it's all wetlands or wetland buffers. Mr. Parker is proposing that the new septic system go in the front lawn of the house, where the existing system is now. Parker Engineering will request a waiver if necessary.
- Mr. Parker addresses Ms. Freer's memo. The septic tank is less than five feet away from the water line, which does not meet the state health code requirement of 10 feet. Mr. Parker will revise and relocate to comply with the requirement.
- Mr. Weber says that a request for a waiver or variance will be necessary given that there's no reserve area.
- Mr. Weber asks, if the bed is being placed in the exact same spot, what is happening with the soil in order to enrich it so that it will drain properly? Mr. Parker says that the existing field gets removed. This system will be much deeper and will include the use of filter sand in addition to the advanced treatment system.
- Mr. Parker explains that this home is an expansion and that there's a wetland consultant working on this application to hopefully secure approval from DEP.
- Mr. West states that a reserve area is required for an expansion and asks why a reserve area cannot be put in; how can this project be justified without expanding the reserve area?
- Mr. Parker explains that they did tests before knowing where the wetland boundary was in the backyard, however, they could not get DEP approval in that area under their general permits. A reserve area could not be confidently shown on the plans. Since a reserve area is not a requirement of the state health code, reserve areas are difficult to get approved by the DEP for wetland permits.
- Mr. West states that expansions are discretionary - not necessary. More information is necessary before building this expansion.
- Dr. Goswami asks if there's any way that a more efficient system in the current bed such that a reserve field wouldn't be necessary. Mr. Parker says that because it's an expansion, the system has to comply with the requirements of the current health code. The system has been designed to be in conformance with the current standards, other than the fact that it happens to be in the wetlands transition area.
- Mr. Parker explains to Mr. West that permits have been issued and construction work has begun. A permit should not have been issued for the

work without the Mendham Township Board of Health approving the septic system.

- Mr. Weber asks what the current state of construction is. Mr. Parker explains that the expansion was in the elevation of the home, not in the footprint. The second story is complete, siding is finished, the inside work is roughly 75% done. It's substantially along in the process and on the way to being complete.
- Mr. West states that had this application come to the Board prior to the start of construction, that it would not have been approved. The property is too restrictive for any type of expansion to this home.
- Mr. Parker and Mr. West state that it is not a guarantee that the DEP will approve a permit for the location of the septic field.
- Mr. Weber states that we've given variances in necessary situations – where there are no other options, but haven't used variances to enable people to increase their capacity.
- Mr. Parker explains the unique situation in that permits were issued to proceed with construction. If there is a way that a reserve area can be placed in the same location as the septic field, that may be viable option.
- Mr. Weber asks Mr. Parker to explain what he means by this. Mr. Parker states that a septic reserve easement around that area could be put in place.
- Mr. Mills asks about the status of the DEP application. Mr. Parker states that there is not a standard general permit for this type of activity – this project would require an individual permit because it doesn't fall into any particular permit category. He continues that averaging plans for septic systems are prohibited in the DEP regulations. The wetlands consultant that Parker Engineering is working with says that he hasn't made an application like this in the past and DEP is even uncertain and that the application must be submitted before deciding on this case.
- Mr. Parker suggests tabling this for now and if more information from DEP comes through and see what they would approve, maybe that would help allay some of the concerns that the Board has.
- Mr. West agrees that tabling this would be a good idea and asks that Mr. Mills look at the legal aspects of this application. Mr. West feels that a five-bedroom home should not be built on this piece of property.
- Mr. Mills says that the expansion is what causes the problem. Mr. Mills states that Mr. Parker will need to see what the DEP is willing to approve by way of an enlarged system.
- Mr. West asks if the Board is obligated to approve this application. Mr. Mills states that we have an obligation to approve a permit that would address the initial approved bedroom count (3 bedrooms). The homeowners have an ability to rely on the fact that the house was approved initially for three bedrooms and they have a reasonable expectation that they should be able to continue that use.
- Ms. Reale asks if there is a timeline on the DEP and the wetlands consultant.

- Mr. Parker states that the estimate from the wetland's consultant is roughly six months – that's if there's an approval.
- Dr. Goswami states that if the DEP doesn't approve the application, then the Board cannot approve it either. Dr. Goswami is concerned about the nature of the wetlands and the limited space.
- Mr. Mills states that Mr. Parker should ask that we table the application and let the client know that the Board expresses that the application would likely be approved for a system that services three bedrooms, but not an expanded system.
- Mr. West states that the DEP should know that the Board is unhappy and not in favor of this application.
- Dr. Goswami asks, since permits were issued by the Town for construction, and the work has begun, what are the repercussions to the Town, if any?
- Mr. Mills explains that there is a body of law on this topic. Mr. Mills will look into the nature of this and report back.
- Mr. Weber asks Mr. Parker how he would like to proceed. Mr. Parker would like to table the application. When more information is collected from the DEP, concerns can be addressed. Mr. Parker would like the opportunity to come back and to present more information.
- Mr. Weber asks that Mr. Parker make clear to the client that it is important that they not portray the Board as being in support of their attempt with the DEP because that is something the Board is trying to avoid.
- Mr. Mills states that reliance claimed by the homeowner must be reasonable under all circumstances.
- Mr. Weber asks about the normal protocol - does the Town not issue a building permit unless septic has been cleared with the Board of Health? Mr. Mills will ask Len Perry what the protocol is with regards to a review of the septic system.
- Mr. Smith asks if it would change things if the basement bathroom ejector pump was taken off the table. Mr. Mills says no, it's sized by bedrooms, not by bathrooms.
- Ms. Reale asks the age of the original dwelling. Mr. Smith states 1960's.

HEALTH OFFICER'S MONTHLY REPORT

November, 2020 and December 2020

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

- Mr. Weber refers to the Health Reports where it's noted that, both Health Officer and Assistant Health Officer focus all efforts on Covid-19. Mr. Weber asks, when will the Health Officers be able to revert to normal activity?
- Ms. Freer explains that while they are still involved with public health matters, the Health Officers are on Covid-19 duty much of the time, i.e., contact tracing, vaccination site, etc.

- Mr. Weber asks whether data is being collected, for example, rabies, and communicable diseases. Ms. Freer states that when there are public health matters, they are still addressed.
- Mr. Weber states that with regards to communicable diseases, the numbers reported are fairly higher from those of the last meeting and asks if the Board should be concerned – are these Covid cases or other things that the Board should be following?
- Ms. Freer explains that these are all communicable disease including Covid.
- Dr. Goswami asks if a breakdown in those cases could be provided. Ms. Freer will look into this and follow up with the Board.
- Dr. Goswami asks if the lead screening only happens when there is a notification from a physician’s office. Ms. Freer clarifies that the notification comes from LeadTrax and then an investigation will follow.
- Mr. Weber is seeking clarity on Public Health Nurse Supervision - *Activity – Followed up on all animal bite reports. Report states that there were no animal bites for the month. Ms. Freer will get clarification on the, no animal bites.
- Mr. Weber states that he would like to maintain the integrity of the reports. They should not include contradictory statements.
- Dr. Goswami would like to know if the numbers on the communicable disease is a cumulative number.
- Ms. Freer states that those numbers include more than just Covid cases.
- Mr. Weber asks that when Covid is sited, is that a cumulative number or does one come off of that list when tested negative. Ms. Freer explains that once counted in that Covid number, you cannot test out of the numbers. For Mendham Township the cumulative number is 203 cases – since the start of March 2020.
- Mr. Weber asks if Covid deaths are reported. Ms. Freer says, no, the state keeps track of Covid deaths. Mr. Weber asks if there is a reason that tracking deaths isn’t part of the County’s stats. Ms. Freer responds that the state determines death through its own criteria.
- In December, the County began planning with their Office of Emergency Management to open their Covid-19 vaccination site at the Rockaway Mall.
- When there are leftover vaccination doses at the site, they can be administered as long as those individuals meet criteria for receiving a vaccination at that time.
- Dr. Goswami asks how Covid vaccination registrants (on the NJ site) are contacted once they’ve signed themselves up. Ms. Freer explains that once an individual is signed up, the NJ site will send an alert, notifying the individual of eligibility along with a list of vaccination sites. The individual can then make a vaccination appointment from the list of sites given.
- Dr. Goswami would like to know if there is any outreach for the elderly community in Mendham. Ms. Freer says no, there’s no outreach in any particular town. Seniors can ask their healthcare professional to help with

making vaccination appointments. There is no way to make an appointment without a computer, however, the state is working on a call center, that focuses on the elderly population.

- Mr. Monaghan lets the Board know that the Mayor and several residents are making calls to senior citizens to help assist with making appointments for the vaccination.
- County College of Morris is offering in-person Covid testing. Vault is taking over the testing and lab results.

Mr. Weber makes a motion to accept the reports as is, but would ask that some of the comments raised be taken into consideration going forward. Ms. Reale seconds the motion.

ROLL CALL VOTE – Yes: Dr. Goswami, Ms. Reale, Mr. Smith, Mr. Weber, Mr. West

SUCH MATTERS THAT MAY RIGHTFULLY COME BEFORE THE BOARD

Backer Farm has reached out to Ms. Freer regarding a brewery that they would like to have on site at their farm. Backer has reached out to DEP with their design flows and a conceptual septic plan. Once DEP gives approvals, Backer will need to come before the Board for this project. Ms. Freer explains that this will be a commercial septic system and that a holding tank will be necessary. The DEP determines their design flow and they design their system based on what the DEP tells them to do.

There are currently two retail food licenses – one for their farm stand and one for their on-site mobile food truck. With a brewery, another retail food license will need to be issued – upon a required retail food plan review of the site, from the County. Mr. Monaghan states that they have gone before the County Agricultural Board and they have approved it. It's a brewery and a distillery and will grow 50% of what they use for agricultural exemption. They can have tastings but not parties.

Harmony Brookside will be having a coffee cart on their property. They've applied for a mobile food license and have been approved for that.

Meeting Adjourned at 9:31 pm