

BOARD OF HEALTH – TOWNSHIP OF MENDHAM
MEETING MINUTES
March 23, 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 8, 2021. 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 Benjamin Weber*

OATH OF OFFICE: Administered to Mr. John Atkins and Ms. Daniela Caporrino by Mr. John Mills, Mendham Township Attorney.

THOSE IN ATTENDANCE:

Ms. Reale
Mr. Smith
Mr. Weber
Mr. Atkins, Alternate 1
Ms. Daniela Caporrino, Alternate 2

APPROVAL OF JANUARY 26, 2021 MINUTES

Mr. Weber makes a motion to accept the minutes with the technical points given. Mr. Smith seconds the motion.

ROLL CALL: YES – Ms. Reale, Mr. Smith, Mr. Weber, Mr. Atkins, Ms. Caporrino

BUSINESS

BLOCK 109 LOT 23

APPLICANT: Backer Farm Partners, LLC

FACILITY TYPE: Commercial/Industrial: Proposed Farm-Based Brewery

APPLICATION: New Septic Construction – 32 Ironia Road – Roth Engineering, Michael J. Roth, P.E., P.P.

- Mike Roth from Roth Engineering has prepared a septic design plan for Backer Farm Brewery. The project proposes to convert the existing barn into a farm-based brewery. The project has already received compliance for the proposed new use on preserved farmland by the Morris County Agricultural Board. A land development application has been submitted to the Township

and will be presented to the Townships Planning Board at an upcoming meeting. The proposed farm-based brewery requires an onsite septic system to accommodate for the new use. Roth Engineering is requesting endorsement of the project from the Board of Health so that the application can be submitted to New Jersey Department of Environmental Protection for treatment works approval. Roth Engineers previously met with the DEP and the DEP agreed with the provided design flow calculations. The DEP is requiring that a formal application for a treatment works approval be submitted upon the Board of Health's endorsement of the farm-based brewery. The project does not require any waivers from NJAC7:9A, Table 4.3 and therefore meets all of the separation standards.

- Mr. Roth continues to explain that the septic is designed to include a septic tank followed by an NJDEP approved advanced wastewater pretreatment unit and pressure dosing system. The system proposed is the Ecoflo Coco Filter unit. This type of system improves the wastewater quality and provides for the most efficient sizing criteria under the State septic rules.
- Mr. Roth acknowledges Ms. Freer's memo and states that Roth Engineers will comply with the memorandum.
- Mr. Weber asks Mr. Roth to explain the difference between the flow of 2000 gallons per day and the reference in item number 3 to 1455 gallons per day. Mr. Roth states that the pending NJDEP permit for the treatment works limits are 2000 gallons per day for the entire Backer Farm property. The brewery itself has a maximum flow of 1455 gallons per day. There are other uses on the site that will not change – the dwelling unit on the property and the restroom for the farm staff – that flow is 545 gallons per day. Mr. Weber asks if the house and staff bathrooms feed into the same system, separate from the new proposed system. Mr. Roth confirms, yes.
- Mr. Weber inquires about the monitoring and reporting on a quarterly basis and asks what will happen if the reports show flow in excess of 2000 gallons. Mr. Roth explains that that is a condition of the DEP process and it would be submitted to the Township. Excess would be in violation of that threshold.
- Mr. Weber asks Ms. Freer if she would receive reports of overflow? Ms. Freer states that she would receive those reports and if they were to exceed, the reports would be sent to the DEP and the guidance of the DEP would be followed.
- Mr. Weber asks Mr. Roth about the deed restriction for the proposed project. Mr. Weber states that the Board or a Township representative can provide the language for the deed restriction. Mr. Weber requests a reference in the footnote for the deed restrictions. Mr. Roth states that they will comply.
- Mr. Smith would like to know if the flow meter is recommended or required. Mr. Mills says that he would defer to our engineer. He continues that the DEP, in its approval will impose absolute limitations on the volume that the system is to handle. Mr. Weber states that the plans will be approved with

the flow meter and that it needs to be shown on the plans, as it will be a part of the final design of the septic.

- Mr. Smith would like to know how we take in to account the number of patrons and guests of the brewery. Mr. Roth explains that when they met with the DEP, they provided the design flow criteria, which was at 17.5 gallons per day per seat. This would allow for maximum seats, created by 17.5 gallons per day, which falls in line with the treatment works plan.
- Mr. Weber explains that any flow in excess of 2000 gallons would result in a citation of violation and the applicant would have to address it by restraining the use or increasing the capacity of the septic. Mr. Roth states that the restrictive number is still their flow and that is the purpose of the flow meter.
- Mr. Smith follows up on the question of water for washing, cleaning and the use of chemicals and requested confirmation that this effluent is going into a separate tank and that is not included in our numbers. Mr. Roth states that that is correct and that the proposed septic system does not include any of the brewery waste – that’s separate and would be placed in a holding tank and would be pumped as needed.
- Mr. Weber asks what will happen with the fluid that will be pumped out of that holding tank. Mr. Roth explains that the tank is underground and that the brewery waste will be pumped as needed and will be taken off site to be disposed of. Anything related to the non-sanitary waste will go into the septic system. Other elements will go into the holding tank.
- Mr. Weber would like noted on the plan the underground stormwater chamber system – the chamber system takes the roof runoff and pipes it to an underground system. This does not have anything to do with the septic. Mr. Roth will note this on the septic design plan.
- Regarding Mr. Korshalla’s memo, Mr. Roth will include a reserve area on the design plans. Mr. Roth explains that Mr. Korshalla indicated that soil logs could be tested when needed.
- Mr. Weber explains that normally, plans have a reserve and that the reserve area has been tested so that we know that the soil will support a particular use. Mr. Mills states that the reserve area should be shown on the septic plans.
- Mr. Weber asks Mr. Roth if he’s seeking approval or something else that can be used in the DEP application. Mr. Roth states that they are asking for approval of the project and that part of the approval is that the NJDEP forms are signed off on, which is a step in the local approval process. Ms. Freer confirms that this is the process.
- Mr. Mills suggests that the Board of Health prepare a resolution endorsing the application for local approval for the NJDEP.
- Mr. Weber asks if showing the location of the swales can be placed on the plans. Mr. Roth says that they can show spot shots and drainage areas and that will depict where the runoff will go and how the water will swale around the field.

- Mr. Weber asks Mr. Roth of the intentions in requiring a food license. Mr. Roth explains that there's no onsite food preparation or kitchen within the brewery, however, if there's a food truck, that waste has be contained to the food truck and is not part of the proposed septic system.
- Ms. Freer explains that this meeting is for only the septic of the brewery and that the brewery will have its own retail food license with Mendham Township because beer is able to be consumed and it falls under food code.
- Mr. Weber proposes approval of the plan as submitted with the following conditions:
 1. Plans include a footnote specifying the requirements of the deed restriction.
 2. Confirmation that the flow meter is a requirement and not a proposal.
 3. Showing a reserve area. Mr. Korshalla should clarify that the reserve area that is provided is qualified whether or not we have the soil samples to go with it.
 4. Mark the runoff collection box to show what it is.
 5. Footnote in the plan to sleeve pipes if they run under driving or parking areas.
 6. Additional notations in the footnotes and on the base of the plan about the grading and runoff, which indicate where the swales will be.
- Mr. Weber motions to approve with the above recommendations, Mr. smith seconds the motion.

ROLL CALL VOTE – YES

Ms. Reale
 Mr. Smith
 Mr. Weber
 Mr. Atkins
 Ms. Caporrino

Endorsement of the Septic Plan at Backer Farm-Based Brewery

Mr. Weber asks if the Board of Health is comfortable with endorsing the plan that has been approved today to the Department of Environmental Protection for a treatment works approval. This would be local endorsement.

- Mr. Weber proposes a motion to prepare a resolution endorsing the plan as approved. Mr. Smith seconds that motion.

ROLL CALL VOTE – YES

Ms. Reale
 Mr. Smith

Mr. Weber
Mr. Atkins
Ms. Caporrino

Mr. Mills states that action to endorse will be effective immediately and that he will prepare a resolution passing it by the Board members and releasing it right away.

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.

27 Brockden Drive Follow Up

- Mr. Smith inquires about follow up on 27 Brockden Drive and the denial of the expansion of the septic system.
- Mr. Weber states that Parker Engineering mentioned that the DEP was six months away, and so he wasn't expecting to hear back until then.
- Mr. Weber and Mr. Smith ask what happens when the interior work is complete – is the Board obligated to prevent the use of the additional space and are we obligated to the owner of the property to have them cut their losses?
- Mr. Smith states that the work is continuing at a brisk pace regardless of the denial of approval of an expanded septic system.
- Mr. Mills has spoken with Ms. Foley and states that there isn't a solid mechanism in place to link expansions of existing dwellings to septic suitability. Mr. Mills believes this is the project of a developer and that they should have a grasp on the nuances of septic design and increases in bedroom count. Mr. Mills states that a certificate of occupancy is likely not to be issued for a five-bedroom home because the system cannot accommodate it.
- Mr. Smith asks if there would be a stop point in the event that the home is to be sold. Mr. Mills explains that upon the sale of any residential property in the Township a septic certificate of continued use is required and, in this instance, it would be limited to a three-bedroom home.
- Mr. Weber asks Mr. Mills if we could refuse to issue the CCU that is required to close the transaction. Mr. Mills says that he would defer to Ms. Parrinello on the mechanics of that and that the home would be entitled to a CCU for the number of bedrooms that it was approved for.
- Ms. Freer states that Mr. Parker has been in contact with the DEP regarding a wetlands approval for them and it seems that they are going to move forward with the permit for wetlands approval. Parker Engineering is working to come back before the Board.
- Ms. Freer suggests that we put something in place where there's more communication between the Health and Construction departments – to look

over applications prior to any additions. Mr. Smith agrees – an adequate checklist that is signed off on in both the Health and Construction departments would be useful.

- Mr. Mills states that every construction application should have a checklist with it that describes the items that are necessary to be noticed by a potential improver of property – that if they are increasing the bedroom counts or increasing impervious surface then they have to know where the septic system is, the size of the septic and how to care for it.
- Mr. Weber asks whether it is feasible for the BOH to get the Building department to use a list that does a better job of tracking to make sure a building permit wouldn't be issued unless septic approval had been obtained. Mr. Mills states that in speaking with Ms. Foley, the development of a checklist to accompany every construction application was suggested and discussed.
- Mr. Monaghan states that he spoke with Mr. Perry after the January 26th BOH meeting regarding the project and that Mr. Perry stated that it would be very difficult to obtain a certificate of occupancy if the septic system isn't sized properly. Mr. Monaghan will follow up with Mr. Perry.

HEALTH OFFICER'S MONTHLY REPORT

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

January 2021

- With regards to Covid-19, work continues with contact tracing, daily conference calls, testing, vaccination efforts and emergency preparedness reporting.
- The Assistant Health Officer, Public Health Nurse and Ms. Freer met several times regarding the Hepatitis A outbreak that took place in Mendham Township in 2019 at the golf club. Ms. Freer states that they were deposed as fact witnesses on January 29, 2021.
- Communicable disease surveillance: 54 case investigations and 10 follow-ups.
- The Public Health Nurse is working with the Communicable Disease Reporting and Surveillance System (CDRSS) and CommCare, which is the contact tracing website that is used through the state.
- The Public Health Nurse is often at the Covid-19 vaccination site and continues to monitor the Welligent lead poisoning system.
- Harmony Brookside to have a mobile coffee cart. A vendor food license was applied for and granted.

February 2021

- The Health Officer continues to advocate for the department of health assistance relative to Covid-19.
- Monitor communicable disease activities and communication with the schools in reference to any school closures that would be necessary due to Covid-19 matters.
- Mr. Weber asks what the number 4 on page 2 of the health report represents. Ms. Freer explains that it is Lyme and pneumonia. The numbers are slightly different because they don't always fall correctly within their jurisdiction or cases get moved.
- Mr. Weber states that the report notes 51 cases of Covid-19; does that mean there are 51 cases in Mendham Township? Ms. Freer states, yes, this is where the resident was called, the case was investigated and follow-up was completed only in positive Covid-19 cases. As of March 15, 2021 the total number of Covid-19 cases in Mendham Township are 261.
- Mr. Smith asks if there's a breakdown for individual schools as they open up? Ms. Freer states, yes, that Mendham Township has two schools and those schools are in touch with the County regarding Covid-19 cases.
- Mr. Weber asks if there's an attempt to track vaccinations. Ms. Freer says that there is a way, but she's not sure how it is done.
- Mr. Smith asks how flu is being tracked. Ms. Freer explains that in New Jersey flu is tracked by colors and New Jersey is green, which is very low this year.
- Morris County Office of Health Management is now the Morris County Division of Public Health.

- Mr. Smith makes a motion to accept the Health Officers monthly reports. Mr. Weber seconds the motion.

ROLL CALL VOTE – YES

Ms. Reale
Mr. Smith
Mr. Weber
Mr. Atkins
Ms. Caporrino

SUCH MATTERS THAT MAY RIGHTFULLY COME BEFORE THE BOARD

Mr. Weber explains that on the Mendham Township website, under Health Department, the listing of Local Septic Inspectors and Engineers has been revised and updated. This listing is a public service that the Board of Health provides to our residents, and companies can be added upon request. Mr. Weber has written a

caption, which notes that the BOH does not recommend or express a view about the qualifications of the companies or individuals listed.

Meeting Adjourned: 9:02 pm