

**BOARD OF HEALTH – TOWNSHIP OF MENDHAM
MEETING MINUTES
October 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 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*

THOSE IN ATTENDANCE:

Dr. Goswami
Ms. Ann Reale
Mr. Jesse Smith
Mr. Benjamin Weber
Mr. Ken West
Mr. John Atkins, Alternate

APPROVAL OF AUGUST 24, 2021 MEETING MINUTES

Mr. Smith makes a motion to accept the minutes with the three modifications given. Mr. West seconds the motion.

ROLL CALL: YES – Mr. Smith, Mr. Weber, Mr. West, Mr. Atkins

BUSINESS

BLOCK 135 LOT 26

APPLICANT: Joseph Wilson

APPLICATION: Alteration Expansion/Change in Use – 41 Hilltop Circle – Weissman Engineering Co., P.C.

- Robert Weissman is in attendance via Zoom and is the representative for the septic project at 41 Hilltop Circle. Mr. Weissman explains that the septic plan includes an alteration with a new septic field in the front of the home; it's a pressure dosed system. The system is designed for 4 bedrooms, 650 gallons per day. A pump system is proposed because the elevation comes out under the garage floor. Silt fencing will be shown on the revised plans. No waivers or deviations from standards are being requested.

- Mr. Weber asks if the absence of the swale on the plan that Mr. Korshalla refers to in his memo, can be shown on the plan. Mr. Weissman states yes, the swale will be added and resubmitted to the Board of Health.
- Mr. West asks if there are architectural plans to match the size of the homes septic system. Mr. Weissman explains that the intention is not to add an additional bedroom at this time, but rather, the owner would like the opportunity to have a fourth-bedroom – in the future or for purposes of resale.
- Mr. Weber states that if in the future a four bedroom is proposed, Board of Health approval would be required. It should be noted that if the State or the Township change the rule(s) for what a four-bedroom septic system will require, that there's no guarantee that what is presented now will work in the future. Mr. Weissman will make the owner aware of this potential circumstance.
- Mr. West and Mr. Weber explain that septic plans should demonstrate the current bedroom count of the home, so that there's no confusion about septic size and bedroom count.
- Mr. Weissman states that he will add a footnote to the septic plans indicating that the home is currently three-bedrooms and that the septic system is being designed for four-bedrooms. If a fourth-bedroom is to be proposed in the future, the owners would require Board of Health approval to confirm that they're complying with current regulations.
- Mr. Weber proposes a motion that the application is approved with the following qualifications
 - Illustrate the set-back to the property line for the reserve area.
 - Clearer indication that the "W" is for the city water line.
 - Swale location on septic plans.
 - Add a footnote that addresses the bedroom count.
- Mr. West seconds the motion.

ROLL CALL VOTE – YES

Mr. Reale
 Mr. Smith
 Mr. Weber
 Mr. West
 Mr. Atkins

BLOCK 127 LOT 91

APPLICANT: Deidra Lynn Slough and Alexander Corson

APPLICATION: Alteration Expansion/Change in Use – 8 Schoolhouse Lane – Civil Engineering, Inc.

- Mr. Alexander Corson is in attendance and is the homeowner and representative for the septic project at 8 Schoolhouse Lane. Mr. Corson explains that the septic system requires replacement and that they are looking to expand the septic system from a three-bedroom capacity to a four-bedroom capacity.

- Mr. Weber explains that it's fine to build a larger septic system and if the conditions for a four-bedroom do not change in a way that they impact the system, and Board of Health approval is granted for a fourth-bedroom, then that will be acceptable. If, however, the State or the Township change the rule(s) for what a four-bedroom septic system will require, there's no guarantee that what is presented now will work in the future.
- Mr. Weber asks that the consultant note on the plan that, although the septic system is designed for a four-bedroom home, the home is currently a three-bedroom and to increase the bedroom count would require Board of Health approval.
- Mr. Weber proposes motion to approve the application with the following comments:
 - Add the footnote that addresses the bedroom count.
 - Location of the swale – have the engineer coordinate with Chris Korshalla to develop a location for the swale that satisfies Chris.
- Mr. West seconds the motion.

ROLL CALL – YES

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

August, 2021

- The Health Officer continues efforts on the ongoing Covid-19 pandemic and continues to maintain communication with the New Jersey Department of Health regarding Covid-19 case investigations, testing and vaccination.
- Health Officer reviewed epidemiological data pertaining to Covid-19 transmission and vaccination.
- Health Officer performed required Township Health Department administrative tasks.
- Assistant Health Officer focused all efforts on Covid-19 matters and also performed communicable disease control activities.
- Total number of new communicable disease case investigations is 21. Previous cases receiving follow-up is 11.
- The Public Health Nurse continued to monitor CDRSS, Covid-19 contact tracing and the Welligent Childhood Lead Poisoning System.
- Mr. Smith asks about 18 Woodland Road and if there's a reason why silt fences aren't being enforced to be installed. Ms. Freer states that she will stop by and tell them to put up the silt fencing.

September, 2021

- The Health Officer continued work and efforts on the Covid-19 pandemic and also corresponded with the Public Health Nurse Supervisor regarding individual cases among residents, school guidance and other matters in the Township.
- The Health Officer attended the August Board of Health Meeting and provided Covid-19 information and discussed the Shared Services Agreement for Public Health Services with the Township. Health Officer is awaiting approval of the Township's requested revisions.
- Assistant Health Officer focused all efforts on the ongoing Covid-19 pandemic. Also performed communicable disease control activities.
- The Public Health Nurse resumed Township visits for free health checks at the Mendham Township Municipality and at the Mendham Township Library.
- The Septic Repair Application has been updated to include email addresses.

Mr. Weber makes a motion that the Board accept the August and September, 2021 Health Reports as presented. Mr. Smith seconds the motion.

ROLL CALL – YES

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

SUCH MATTERS THAT MAY RIGHTFULLY COME BEFORE THE BOARD

A. Cottage Food Bill: N.J.A.C 8:24-11 “Cottage Food Operator Permit”

- Ms. Freer explains that on October 4, 2021 the State enacted the Cottage Food Bill, which allows permit holders to bake goods in their home and sell them to the public. Previously this was banned in the State of New Jersey. Those under the Cottage Food Bill are licensed by the New Jersey Department of Health, not by local Health Departments. The license is good for two years. Sellers cannot display a business storefront or signs outside of their home. Baked goods can be picked up or dropped off, but cannot be transported through delivery services. Baked goods cannot be sold online. Licensed individuals can operate at temporary events, i.e., farmers markets, fairs. All local regulations have to be abided by.
- Questions about the Cottage Food Bill with regards to septic systems were brought to the State and the response was that baked goods generally do not produce a lot of grease and wouldn't be a great impact on a septic system.
- Food borne complaints and illnesses go to New Jersey State.
- Ms. Reale asked about bake sales – is that regulated under the Food Cottage Bill. Ms. Freer states that bake sales do not fall under this bill. The Food Cottage Bill is meant for bakers who are trying to create a business. Bakers do need to provide a sign that states, 'baked in a home kitchen.' Bakers also need a food managers certificate. Bake sales do not require signs nor do they require any training and/or certificates.

B. Police Department Flow to Existing Septic System (Letter received from Mr. Craig Shrader)

- Mr. Weber explains that Mr. Craig Shrader reached out in a memo with concern about the construction work that is happening at the new police building – particularly with regards to the septic system. Mr. Shrader prepared a list of items that the Board should be aware of and indicated that the continued use of the buildings existing septic system would result in overload because the Board did not have all of the relevant information.
- Mr. Weber explains that he replied to Mr. Shrader and noted that during the Board’s April meeting the waiver was granted allowing the project to move forward. The waiver was granted, specifically, because the Board knew that if the technical requirements were applied to this application, it could impose a much higher septic load requirement on the property. The standard that may apply to an office building does not necessarily apply to this particular building (police department).
- No further comment was given from Mr. Shrader.

C. Shared Services Agreement for Public Health Services with Morris County:

- Mr. Weber explains that in September, he provided some changes to the Shared Services Agreement. The County and their Counsel have made alterations to the Agreement and have incorporated the requested changes.
- Mr. Weber asks Mr. Mills what exactly should the Board of Health be looking at as a group at this stage.
- Mr. Mills states that he had two discussions with the Assistant County Counsel, Staci Santucci, concerning the Agreement and it was discovered that there may have been some miscommunications. When the changes were first reviewed by Justin Marchetta, Counsel to the County Insurance Bond, he stated that the Board’s changes looked okay and to make a few changes, but that came back as a denial of the Board’s proposed changes. When Mr. Mills followed up, Mr. Marchetta explained that the changes weren’t disapproved, but that the indemnification language should be bilateral. Mr. Marchetta shared particular language with Mr. Mills, who incorporated that language into the final Agreement and then shared the updates with Dr. Perez and Ms. Freer.
- Mr. Mills explains that the only thing lacking was Mr. Weber’s cut-off date and that the omission should not impede the Boards acceptance of the Agreement.
- Mr. Weber pointed out the wording on the indemnity in the Agreement - it’s stated in one paragraph that the Agreement terminates in five years (December 31, 2026), and in another paragraph, that either party can terminate if given 180 days written notice. Mr. Weber does not want that notion of termination to have to coincide with the five years. The agreement can be terminated prior to five years if given the 180 days

written notice – Mr. Weber would like Mr. Mills to share that with Counsel and clarify the agreement.

- Mr. Weber makes a motion to approve the Agreement (with or without the requested clarification). Mr. West seconds the motion.

ROLL CALL – YES

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

- Mr. Monaghan will inform the Township Committee of the Boards vote on the Shared Services Agreement.

Mr. West states that, if Mr. Korshalla would like a change in swale location, he should indicate where on the plans the new swale location should be. Ms. Parrinello will pass the request on to Mr. Korshalla.

GENERAL CORRESPONDECE

ADJOURNMENT

8:52 PM