

BOARD OF HEALTH - TOWNSHIP OF MENDHAM
MEETING MINUTES
February 26, 2018 – 7:30 p.m.

CALL TO ORDER

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 Mr. West.

ROLL CALL

Mrs. Scott
Mr. Weber
Mr. West

APPROVAL OF JANUARY 29, 2018 MINUTES.

The minutes are reviewed; Mr. Weber requested a change to page two in reference to discussion about the septic pipe on the plan going though the stream. The statement by Mrs. Sellitto should read “not a good option”. The change is noted and minutes are approved pending the revision.

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

Upon Roll Call Vote: YES: Mrs. Scott, Mr. Weber, Mr. West.

NEW BUSINESS:

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

Scott Lyon from Lyon Engineering representing the applicant. The owner of the property has not allowed them on the property to measure the well casing, the applicant is the buyer.

- Ms. Freer had no additional comments on the plan as submitted.
- Mr. West stated they did not want to cause a hardship, but that they would be remiss in permitting the placement of the septic that close to the well. Mr. West suggested they move the well.
- Mr. Weber asks to review where they left off with the plan.

- Mr. Mills asked if the well depth was attainable; and Mr. Lyon explained the seller would not allow them on the property.

The specifics of the plans and well casing information are reviewed in detail.

- Mr. West asks the Realtor for the sellers, Pam Tishman to step up. Mrs. Tishman stated the sellers are elderly people not in good health. Having people at their home has been problematic for them. They felt that if someone tampered with their well, the well could break and they would have to exit the house to a hotel. They don't want anyone to touch anything, they feel vulnerable and although things have been explained to them they are not comfortable.
- Mr. West stated they can come up with a plan to put in escrow the option to dig another well at a later date.
- Mr. Mills asked Mr. Lyon what the solution is. Mr. Lyon says the casing is most likely sufficient, and the escrow would be reserved if a new well is necessary.
- The client/homebuyer and their Realtor stated that they don't want to add a new well; they are subject to the \$40k for the new septic, plus the renovations needed on this older home.
- Mr. Weber stated that it is their inclination, without having voted yet, to not approve the plan as submitted. Mr. West added the Board could not approve it in good faith, or good conscience.
- Lucas Cittance, the buyer's agent added the reason they can't move septic away from the well is because it will be too close to the stream. He asked for approval or a variance to replace the system in the same spot it is in now, it's been there for 50 years.
- Mr. Mills said it is a technical question for the Engineer, but is pre-existing, non-conforming use.
- Mr. Lyon said it would fall under a state permit to be 50 ft buffer to the stream. He did an exercise moving the proposed bed and overlapping the current bed, and it would be 80ft from the well. Mr. Mills said it didn't have to be rectangular.
- Stephanie Gorman, Assistant Health Officer, said the Board can approve the plan at 50ft if they can prove the casing; Mr. Weber said they can do that after closing with escrow. Unless they can demonstrate the casing, the application will be denied. They need the casing information.
- Mr. Cittance asked about the 120% of the well escrow. He said having escrow for septic and escrow for well is a lot of money for the buyer. Mr. Lyon asked if he can discuss options with his client.
- Mr. Lyon returned and said the possibility of moving the proposed bed toward the existing septic and overlap into the existing bed, not be 50ft from streams but 15ft from the house, as it is on a slab in that area. It would be 80ft from the well, but they would still need the casing information. They also would need additional soil logs.

- Mr. Weber describes what they are willing to accept; they will approve the existing location, prove the well is compliant after the closing, but they want 120% the cost of well replacement in escrow with a minimum of 100ft of casing.
- There will be two escrows, after production of well driller's estimates.

Mr. Weber motioned to approve the plans as proposed:

1. Approve relocating with proper soil logs and review by our experts.
2. The Board will permit satisfaction of well requirement within 90 days of closing.
3. The well requirement is a minimum of 50ft of casing, plus additional footage for every foot they are not 100ft away from the well.
4. They can add casing or drill a new well.

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

Upon Roll Call Vote: YES: Mrs. Scott, Mr. Weber, Mr. West.

B. BLOCK 130 Lot 8-- 5 Buddy Lane

APPLICANT: AM/PM Construction, Yannaccone, Villa, & Aldrich, LLC

APPLICATION: New Construction

Greg Yannaccone on behalf of the owner application for new construction. Soil test results were submitted previously in application for subdivision. There is an existing well and they will utilize after testing. He has letters from Ms. Freer as well as Mr. Korshalla's comments. He defers to the Board for questions. Ms. Freer recommends approvals.

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

Upon Roll Call Vote: YES: Mrs. Scott, Mr. Weber, Mr. West.

HEALTH OFFICER'S MONTHLY REPORT January 2018

- Mrs. Gorman and Mrs. Freer review the report including a new application for a Kennel. They went out to the property and determined that it did not meet the state code. The application was not approved.
- A letter will be sent to the homeowner regarding the Board's decision.
- Standard inspections and the effluent release at 43 Tingley Rd are also on the report.
- Mrs. Gorman discusses the Fee Schedule Modifications as compared to other towns they service. They propose changing the fees based on Risk Type; they're looking to the Board to approve the new schedule and licensing fees. They are requesting an Ordinance which will also add revenue for the Township.
- They would like the Board to approve verbiage in the contract to close an establishment for an imminent health hazard. They will also be able to revoke a

license for food borne illness, septic backup, rodent infestation, or fire. They will submit writing to Mr. Mills.

- Mrs. Scott questions the process of closing an establishment; Mrs. Gorman explains the process.

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

Upon Roll Call Vote: YES: Mrs. Scott, Mr. Weber, Mr. West.

SUCH MATTERS THAT MAY RIGHTFULLY COME BEFORE THE BOARD.

Mr. West has a question about dog license renewals. Ms. Politi said it was more cost-effective to go paperless. Mr. West stated he does not look at the website and feels it would be best to mail out renewals. Discussion ensues about the license validity and rabies information. Mrs. Gorman says some municipalities do three-year licenses and it is something we can look at for next year.

Mr. West motioned to close the meeting. Mr. Weber seconds.

GENERAL CORRESPONDENCE.
ADJOURNMENT.