

**HARDING TOWNSHIP
BOARD OF HEALTH**

Thursday, May, 8, 2008

Regular Meeting Minutes

Mr. Springmeyer called the regular meeting of the Harding Township Board of Health on May 8, 2008, to order at 8:00 p.m. and announced the meeting was called in accordance with the New Jersey State Open Public Meetings Act.

ROLL CALL:

Secretary Sharp called the following Board of Health members in attendance.

BOH Attendance: Mr. Chris Allyn, Dr. Joseph Cervone, Mr. James Rybka, Dr. Libero Saraceno, and Mr. Lee Springmeyer

Absent: Mr. Jim Halsey and Mr. Robert Schmidt

Health Department Attendance: Mrs. Lisa Sharp, Mr. Garry Annibal and Mr. Steven Swenson

Township Lawyer Attendance: Ms. Maryann Nergaard

MINUTES OF APRIL 10, 2008:

Mr. Springmeyer asked if anyone had any questions with regard to the April 10th minutes. Mr. Rybka asked for one revision: "Reserves" be changed to "Preserves" on page 2, last paragraph. Upon a motion duly made by Mr. Allyn, seconded by Dr. Cervone, and votes of all ayes, the revised monthly minutes for the April 2008 meeting were accepted.

MONTHLY REPORT FOR APRIL 2008:

Mr. Springmeyer asked if there were any questions regarding the monthly Health Department report for April 2008. Mr. Allyn asked what is happening at Lewis Morris Park. Mr. Annibal replied that they are adding restrooms near some ball fields. The restrooms will have ten stalls, five for women and five for men and it will be among the largest septic system in Harding Township. It is just under the limit where it would require State approval. Mr. Allyn asked if the Compliance Letter regarding Lakeshore Company was going to be ongoing. Mr. Annibal replied that Lakeshore upgraded the size of their distribution mains to 2" when the State asked for a 6" diameter when they replaced 625 feet of pipe. The State has given Lakeshore Company 30-days to respond. Mr. Allyn said he would check into this. A motion was made by Dr. Cervone and seconded by Mr. Allyn, and with a vote of all ayes, the monthly report for April 2008 was accepted as written.

RESOLUTION BOH #08-08 HTRA REQUEST FOR WAIVERS TO DESIGNATE A POOL AS A PUBLIC RECREATIONAL BATHING PLACE:

Mr. Annibal informed the Board that this is the third year that the Board has been asked to consider the Camp Directors Mr. Pat and Mrs. LuAnn Romano's request for a waiver. This resolution is similar to last year's request which allows the Harding Township Recreation Association to use a private swimming pool for the summer youth camp. Mr. Annibal explained that, similar to last year, the pool cannot meet all of the requirements of a public recreational bathing place, but a number of alterations to the pool and the operation of the camp have compensated for the waivers requested. Mr. and Mrs. Romano were present to answer any questions. Mr. Allyn asked if Mr. and Mrs. Romano could give their perspective on how last year went. Mr. Romano responded to the Board by saying everything went quite well. The only issue they had was that the State requires a pool operator to be certified. Towne and Country does not currently have a certified pool operator's license. The camp will have three lifeguards on duty and the number of bathers in the pool is limited to 16 bathers at one time. The ratio of less than six bathers to one life guard exceeds state

requirements. Mr. Annibal commented that we are required by the State to conduct one pre-operational and one operational visit. Last year the Health Department inspected the pool once a week during the operation of the camp and found no problems with the pool water quality or the operation. The pool water is tested every two hours during the time of use and there have been no problems. After a brief discussion, Mr. Springmeyer asked if there were any further questions. With no further questions, Mr. Springmeyer asked for a motion to approve this resolution. After a motion duly made and seconded, and a roll call vote of all ayes the Board accepted and approved Resolution #08-08 which is attached hereto and made a part of these minutes. Mr. Allyn thanked Mr. and Mrs. Romano for the outstanding job they continue to provide.

REQUEST FOR BOARD'S OPINION ON THE ISSUING OF SEPTIC PERMITS ON LOTS IN AN UNPERFECTED SUBDIVISION; FRELINGHUYSEN SUBDIVISION, BLOCK 22, VARIOUS LOTS:

Mr. Annibal mentioned that this request is for the Board's opinion or direction on the matter of issuing septic permits. Ms. Maryann Nergaard, Harding Township's attorney was in attendance to provide the Board with legal council. Mr. Thomas Malman, attorney, and Mr. Richard Schommer, engineer, were in attendance for the applicant, Mr. Peter Frelinghuysen.

Mr. Annibal informed the Board that eleven plans were submitted for septic approval. Initially, ten met state and local requirements and with revisions the eleventh also met the requirements. Prior to writing the permits the Health Department became aware that the subdivision was not yet perfected and the lots did not exist. Mr. Annibal stated this is not a technical issue but a legal issue. Mr. Malman addressed the Board and said the subdivision was originally approved back in 1997/1998 but was not perfected then. The applicant reapplied in 2007 and the Harding Planning Board gave conditional approval in February 2008. Mr. Malman further stated that the NJDEP wastewater rules are going to change on May 20 and subdivisions of more than five lots with septic systems that are not permitted at that time will have to be reviewed by the state.

Ms. Nergaard informed Mr. Malman and Mr. Schommer that the problem is that the lots do not exist and she could not find any provisions in the laws that would allow for permitting. Mr. Malman countered that there is also nothing in the laws that prohibit such permitting.

Mr. Malman informed the Board that Mr. Frelinghuysen does not plan to build for a long time and asked for conditional permits. Mr. Rybka stated that we should put a mechanism in place that would protect the Township. Mr. Allyn stated that there is a generic problem with conditional approvals and that is the enforcement of the conditions. Mr. Allyn stated he is comfortable in writing a letter to DEP stating the septic systems meet standards and permits will be issued upon perfection of the subdivision and he asked if Mr. Malman thought if this would be acceptable to the DEP. Mr. Malman responded by saying the DEP talks about an issuance of an approval. There is no way to know if a letter would be acceptable.

Ms. Nergaard expressed concern that this could change the way we do things. Mr. Allyn stated that the Board of Health does not have any examples to go by.

Mr. Malman stated that the meaning of the new rules is not clear. He reiterated that it has been ten plus years since the subdivision has been approved and many of the lots will be preserved. Mr. Annibal stated that septic permits are good for one year and they can be renewed for two more one year periods. After an extensive discussion, Ms. Nergaard said she would be comfortable if the permits were written with conditions and the conditions memorialized in a resolution. She asked Mr. Malman if he would construct a first draft and send it to her for review. Mr. Allyn motioned to give Mr. Annibal permission to issue these permits with a letter that states the conditional requirements. Mr. Rybka seconded the motion, and with a vote of all ayes, the Board indicated that it was acceptable to issue septic permits on these lots in an as yet to be perfected subdivision; Frelinghuysen subdivision, Block 22.

ADOPTION OF ORDINANCE #02-08 ESTABLISHING SALARY RANGES FOR BOARD OF HEALTH EMPLOYEES:

Mr. Springmeyer asked if there were any questions with regard to the approved salary ranges for Board of Health Employees. Mr. Annibal said this Ordinance has been published and we are looking to adopt this Ordinance this evening. A motion was made by Mr. Rybka, seconded by Dr. Cervone, and with a roll call vote of all ayes, with the exception of Mr. Allyn who recused himself from voting, Ordinance #02-08 was adopted.

RESOLUTION BOH #08-09 ESTABLISHING THE SALARIES OF BOARD OF HEALTH EMPLOYEES:

Mr. Springmeyer asked if there were any questions regarding Resolution BOH #08-09. After a brief discussion, a motion was made by Dr. Cervone, seconded by Mr. Springmeyer, and with a roll call vote of all ayes, with the exception of Mr. Allyn who recused himself from voting, Resolution BOH #08-09 was accepted and approved and is attached hereto and made a part of these minutes.

PAYMENT FOR HEALTH SERVICES FOR FIRST QUARTER 2008 PER CONTRACT WITH HANOVER:

Mr. Annibal informed the Board that the first quarter billing included our male and female cancer clinics, supplies, medical waste disposal, salaries, and administration and support services. Mr. Annibal said we are about 24% of our budgeted amount which is on target. A motion was made by Mr. Allyn, and seconded by Mr. Rybka, and with a vote of all ayes, the First Quarter 2008 Payment for Health Services per Contract with Hanover was approved.

Upon a motion duly made and a vote of all ayes, the meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Lisa A. Sharp
Secretary, Board of Health