**MINUTES**
**BOARD OF HEALTH**
**TOWNSHIP OF CHATHAM**
**MAY 11, 2023**

Mrs. Fowler called the Regular Meeting of the Board of Health to order at 7:30 P.M.

**Adequate notice** of this meeting of the Board of Health was given as required by the Open Public Meetings Act as follows: Notice was given to both the *Chatham Courier* and the *Morris County Daily Record* on April 20, 2023; notice was posted on the bulletin board in the main hallway of the Municipal Building on April 20, 2023; and notice was filed with the Township Clerk on April 20, 2023.

## Oaths of Office

Mr. Hamilton was sworn in as a member of the Board of Health. The Oath was administered by Mr. LaConte.

## Roll Call

Answering present to the roll call were Mr. Hamilton, Mr. Pitney, Mrs. McCormack and Mrs. Fowler. Mrs. McCormack participated via Zoom.

Board Attorney Mr. Hak and Health Officer Sarah Perramant were also present.

## Approval of Minutes

Mr. Pitney moved to approve the minutes of the October 6, 2022 meeting and the April 6, 2023 meeting. Mrs. Fowler seconded the motion which carried unanimously with one abstention.

## Reports

Health Officer Report

Mrs. Perramant reported that the COVID-19 Health Emergency Declaration expires today. She noted this will not impact day-to-day life, as numbers are way down. Mrs. Perramant did note that there is still an excess mortality for COVID-19. There is a wide supply of vaccines, therapeutics and test kits. Test kits were offered to public schools, and will be made available to the Senior Center. It is likely that future flu clinics will continue to include COVID boosters. Mrs. Fowler asked if there is a public area to give out free test kits.

Mrs. Perramant reported that Health Inspector Melanie Bergstrom recently was certified to perform residential lead testing. She described the testing procedures. Pool inspections are being performed.

Mrs. Perramant reported that there is a Chronic Disease Self-Management Program at the Library of the Chathams, which has been well attended.

Mrs. Fowler asked what the top health priorities are in Mrs. Perramant's opinion. Mrs. Perramant addressed mental health concerns and chronic diseases. She also noted concerns about substance abuse, especially following the legalization of marijuana. Mr. Hamilton asked if there are ways to restrict where marijuana can be used. Mr. Hak said that it could be a conditional use. Mr. LaConte said that marijuana can generally be smoked anywhere that tobacco can be smoked. He also noted that the Township has prohibitions on smoking on municipal properties.

Registrar of Vital Statistics/Board of Health Secretary

Mr. LaConte reported that in April there were 3 marriage licenses issued and 3 certified copies of death certificates prepared. He further reported that a complaint was received about an alleged unlicensed dog boarding facility and grooming operation in a residential zone, which will be investigated by the Health Inspector and the Zoning Officer. Another complaint was received about use of swamp water for controlling dust at a local excavation business, which was forwarded to the Township Engineer for review. Mr. LaConte reported that he attended a training seminar for Registrar credits. He also noted that the Deputy Registrar passed her CMR

Exam. Mr. LaConte further reported that by the end of April there were almost as many dog licenses issued as in the entire year of 2022. He also noted that there is full compliance among Board of Health members for the requirement to file Financial Disclosure Statements. Pool licenses applications have started coming in and are being processed. M. LaConte further reported that 9 dog licenses were issued in April.

Mr. LaConte reported that a noise issue was presented by the Police Department to the Township Committee. Complaints have been received about Chatham High School Sports playing music over loudspeakers during warmups, which is technically a noise ordinance violation. The Township Committee plans to adopt a resolution exempting this activity under a provision that allows them to designate the warmups as an authorized public or special event. The Township Committee has requested that the Board of Health consider codifying this exemption. Mr. Hamilton further described the activity at Cougar Field that has led to the complaints, and noted the Township Committee's intent to adopt an exemption resolution. Mr. Pitney asked if the exemption could also apply to Nash Field. Mr. Hamilton said that it could. Mrs. Fowler asked if hours of operation should be added. Mr. LaConte said that the ordinance already has a time provision, and field usage is already governed by the field lighting ordinance.

Mrs. Fowler asked if there is any update on leaf blower complaints. Mr. LaConte said that he recently received a suggestion from a resident that the Township create zones to specify on which day of the week landscaping could occur in the particular zone so as to limit leaf blower noise to one day a week in any particular neighborhood. Mr. Pitney noted that California-compliant leaf blowers are on backorder due to demand. Mrs. Perramant noted the struggle in trying to enforce the noise ordinance regarding leaf blowers due to logistics.

**Septic System Application**

406 River Road – Block 62 Lot 86

Mr. Pitney expressed his concurrence with the Board Engineer's review memo. He noted the proximity of the disposal field to neighboring properties. Mr. LaConte confirmed that notice was sent to the neighbors, and none have provided objections.

Mr. Pitney raised concerns about the aerator needing to run continuously and what would happen if there is an extended power outage. He also said he reached out to the review engineer to discuss the policies and regulations about backup power.

Mrs. Perramant noted that the Board Engineer did not make any recommendations about a backup power supply.

Mr. Pitney stated that the system is approvable and said that the recommendation should be made that there be a backup power source. He noted that the backup power could be a battery rather than a generator.

Mr. Pitney moved to approve the application subject to the review memo from Mott MacDonald and with the recommendation that the property owner consider installing a backup power supply. Mr. Hamilton seconded the motion.

**Roll call**: Mr. Hamilton, Aye; Mrs. McCormack, Aye; Mr. Pitney, Aye; Mrs. Fowler, Aye.

**Resolution**

**RESOLUTION BH-2023-06**
**RESOLUTION OF THE BOARD OF HEALTH OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, IN SUPPORT OF LEGISLATION REINSTATING PUBLIC HEALTH PRIORITY FUNDING**

**WHEREAS**, the Township of Chatham Board of Health provides public health services to the Township of Chatham, and;

**WHEREAS**, the Township of Chatham Board of Health has held and continues to hold a position in support of providing increased sustained funding to local public health, and;

**WHEREAS**, Public Health Priority Funding, although statutorily required, has not been provided to local public health departments since 2011, and;

**WHEREAS**, on May 9, 2022 the Senate referred Bill No. 2413 requiring minimum annual State appropriation of $10 million for Public Health Priority Funding to the Senate Health, Human Services and Senior Citizens Committee for consideration, and;

**WHEREAS**, on June 2, 2022 the Assembly referred Bill No. 4115 to the Assembly Health Committee for consideration, and;

**WHEREAS**, the Trust for America's Health recognizes that public health has been chronically underfunded[1], and;

**WHEREAS**, emergency funding is not sufficient to address system weaknesses created by chronic underfunding, and;

**WHEREAS**, the Robert Wood Johnson Foundation reports that 71% of the public supports increased funding to public health[2], and;

**WHEREAS**, the American Public Health Association states that every 10% increase in funding for public health programs has the potential to reduce deaths due to largely preventable causes by up to 7%[3], and;

**WHEREAS**, it is estimated by America's Health Rankings that there is a savings of $5.60 for every $1 invested in public health[4], and;

**WHEREAS**, the vast majority of local public health departments in New Jersey are funded almost entirely by local funds, and;

**NOW, THEREFORE, BE IT RESOLVED**, that the Township of Chatham Board of Health, County of Morris, State of New Jersey, fully supports the proposed legislation and urges the legislature to pass the bills promptly.

**BE IT FURTHER RESOLVED**, that upon passage by the New Jersey State Legislature that the Township of Chatham Board of Health urges the Governor to sign the bill into law promptly.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the Office of the Governor of the State of New Jersey, the State Legislators representing the Township of Chatham, the Speaker of the New Jersey General Assembly, the President of the New Jersey State Senate, the Senate Health, Human Services and Senior Citizens Committee, the Assembly Health Committee, and the Commissioner of the New Jersey Department of Health.

Mrs. Perramant provided background on the proposed resolution to support legislation to reinstate Public Health Priority Funding.

Mrs. Fowler moved to adopt Resolution BH-2023-06. Mr. Pitney seconded the motion.

**Roll call**: Mr. Hamilton, Aye; Mrs. McCormack, Aye; Mr. Pitney, Aye; Mrs. Fowler, Aye.

## Ordinances

Ordinance BH-2023-1

**ORDINANCE BH-2023-01**
**AN ORDINANCE OF THE BOARD OF HEALTH OF THE TOWNSHIP OF CHATHAM SETTING THE FEES FOR THE ISSUANCE OF CERTIFIED COPIES OF VITAL STATISTIC RECORDS**

**WHEREAS** Boards of Health are required under the provisions of N.J.S.A. 26:8-1 et seq., to provide for the registration of vital statistic records and to issue certified copies of such records, upon request;

**BE IT ORDAINED**, by the Board of Health of the Township of Chatham in the County of Morris and State of New Jersey that Section BH9-1 is amended as follows:

**CHAPTER 1. FEES FOR THE ISSUANCE OF CERTIFIED COPIES OF VITAL STATISTIC RECORDS**

1. The fees for the issuance of certified copies of vital statistics records, including but not limited to death records, marriage records, birth records, certificates of domestic partnership, and civil union certificates, shall be $10.00 (ten) dollars for each copy.

2. Once a vital record is amended, the correction form becomes part of the original record. Any time a copy of the vital record is issued, a copy of the correction form must also be issued. Accordingly, no additional fee shall be charged for a copy of a vital statistic correction form when a copy of the vital record is issued.

3. This Ordinance shall take effect after final publication in accordance with the laws of the State of New Jersey.

Mr. LaConte explained that the current certified copy fees were set in 2006, and he recommends a flat fee of $10 per copy. He also noted that the fee helps offset the cost of providing registrar services.

Mr. Pitney asked about the volume of requests and if people request more than one copy at a time. Mr. LaConte said tat there are usually several copies issued at a time.

Mrs. Fowler asked about copies for people who cannot afford them. Mr. LaConte said that issue has not yet been encountered. Mrs. McCormack noted that sometimes people need a lot of copies, however $10 is a fair fee and is less than she has had to pay for copies.

Mrs. Fowler moved to introduce Ordinance BH-2023-01. Mr. Hamilton seconded the motion.

**Roll call**: Mr. Hamilton, Aye; Mr. Pitney, Aye; Mrs. McCormack, Aye; Mrs. Fowler, Aye.

Public Hearing will be scheduled for June 1, 2023.

Ordinance BH-2023-2

**ORDINANCE BH-2023-2**
**AN ORDINANCE TO AMEND SECTION BH 2-2 REGARDING THE CONSTRUCTION, ALTERATION, USE AND MAINTENANCE OF INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEMS IN THE TOWNSHIP OF CHATHAM**

**WHEREAS**, a substantial number of dwellings in the Township of Chatham are served by individual subsurface sewage disposal systems; and

**WHEREAS**, the current Township Code requires Board of Health approval for the issuance of a permit to construct or alter an individual subsurface sewage disposal systems; and

**WHEREAS**, N.J.A.C. 7:9A-3.5 authorizes the administrative authority to designate an authorized agent to issue permits to construct or alter an individual subsurface sewage disposal system; and

**WHEREAS**, it is common practice for applications to construct or alter an individual subsurface sewage disposal systems to be approved by a registered environmental health specialist; and

**WHEREAS**, the Board of Health also retains a professional engineer for review of applications to construct or alter an individual subsurface sewage disposal systems**.**

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Health of the Township of Chatham, in the County of Morris, New Jersey, as follows:

1. Section BH 2-2.2 Certain Application to Be Acted on at Meetings of the Township Board of Health.is hereby amended to read in its entirety as follows:

   **BH 2-2.2. Approval of Applications**

   a. Prior to approval of an application for a permit to construct or alter an individual subsurface sewage disposal system, the application shall be reviewed by the Board Engineer for conformity with State and Local regulations.

   b. Upon completion of the review of the application to the satisfaction of the Board Engineer, the application will be forwarded to the Registered Environmental Health Specialist and Health Officer for final review and approval.

   c. Upon approval of the application by the Registered Environmental Health Specialist and Health Officer, the permit will be issued by the Board of Health Secretary.

   d. If the application requires a variance from the Township's regulations pertaining to individual subsurface sewage disposal systems, final approval will be subject to Board of Health review and approval.

   An application for a permit to repair an individual subsurface sewage disposal system by fixing, refurbishing or replacing one or more components in a manner that will restore and preserve the system without changing the original location, design, construction, size, capacity, type or number of the components of the system shall be reviewed and acted upon by the Township Registered Environmental Health Specialist.

2. Section BH 2-2.3 Application Requirements shall be amended to read in it's entirety as follows:

   **BH 2-2.3 Application Requirements**

An application for a permit to construct or alter an individual subsurface sewage disposal system shall be submitted on the application form provided by the Board of Health. The application form shall be fully and accurately completed and shall be accompanied by soil log data, soil test data, design data and calculations, and plans for the new or altered system. The application and all accompanying documents shall be signed and sealed by a licensed professional engineer.

All plans submitted to the Health Department in connection with a proposed individual subsurface sewage disposal system or the alteration of an existing system shall be at a scale not smaller than one-inch equals 50 feet, shall show contours at one-foot or two-foot intervals, and shall meet all of the requirements of N.J.A.C. 7:9A-3.5. A key map showing the location of the lot or lands in relation to other lands shall be included in an upper corner of the plan.

All soil log data, soil test results, design data and calculations and the particular construction specifications shall be placed upon the plans.

Any waste transmission line passing under a driveway or other area to be used by motor vehicles shall be provided with a suitable sleeve.

3. Section BH 2-2.10 Expiration of Permits shall be amended to read in it's entirety as follows:

**Section BH 2-2.10 Expiration of Permits**

Every permit issued for the construction of an individual subsurface sewage disposal system shall expire one year after the date of issuance unless prior to such time construction of the realty improvement with respect to which the permit was issued shall have been commenced.

The Board of Health Secretary may in their discretion renew a permit which has expired under the provisions of this section. Any renewal shall be subject to the provisions of this section. A fee of $5 shall be charged for the renewal of a permit.

4. Section BH 2-2.12 Requirement for Issuance of Certificate of Compliance shall be amended to read in it's entirety as follows:

**Section BH 2-2.12 Requirement for Issuance of Certificate of Compliance**

Prior to the issuance of a certificate of compliance as to an individual subsurface sewage disposal system, the licensed professional engineer who designed the new system, or the alteration of an existing system, and the Township Registered Environmental Health Specialist who inspected the system shall both execute the appropriate form certifying that the system has been constructed and installed or altered in compliance with the State standards, any applicable higher standards of this section, the application approved by the Health Department and as shown on an as-built engineering plan which shall be filed with the Board of Health Secretary along with the certification.

5. Section BH 2-2.14 Applications for Approval of Preliminary Plans to Serve Proposed Subdvision or Site Plan Realty Improvements with Individual Subsurface Sewage Disposal Systems shall be amended to read in it's entirety as follows:

Section BH 2-2.14 Applications for Approval of Preliminary Plans to Serve Proposed Subdvision or Site Plan Realty Improvements with Individual Subsurface Sewage Disposal Systems

In order to satisfy the requirements of State law and the provisions of the Land Use Ordinance of the Township of Chatham, the Board Engineer, Registered Environmental Health Specialist and Health Officer shall review and approve the preliminary plans for the use of any individual subsurface sewage disposal system to serve any lot in any proposed subdivision or any lot shown upon any site plan application, which review and approval shall be completed prior to the grant of subdivision or site plan approval by any other Township body.

Board Engineer, Registered Environmental Health Specialist and Health Officer review for subdivision or site plan application purposes shall be based upon reports of soil suitability and tests for soil permeability. A minimum of one acceptable soil log and one acceptable soil permeability test shall be made on each proposed lot at a location suitable for a disposal field in view of anticipated development of the lot. A drawing meeting the requirements of subsection **BH2-2.3** of this section shall be submitted showing each lot, the proposed realty improvement for each lot and the size, layout and design of an individual subsurface sewage disposal system to serve the proposed realty improvement. A proposed system shall meet the requirements of subsection **BH2-2.7** of this section, and no part of a disposal field system shall be proposed to be located within an existing or proposed easement or in an area having a slope which is 15% or greater, except in cases where the State standards limit the slope to 10%. The drawing shall also show any of the following which are located within 100 feet of the proposed lot: existing streams, ditches and other watercourses, individual subsurface sewage disposal systems and individual water supply systems.

For subdivision review and approval purposes, the preliminary plan for an individual subsurface sewage disposal system to serve a proposed single-family residential lot shall be based upon a dwelling with no less than five bedrooms unless the proposed lot will be deed restricted to a lesser number of bedrooms until such time as the lot may be served by a municipal water pollution control system. No part of the disposal field for a lot to be created by subdivision approval shall be located closer than 25 feet to the property line of an adjacent lot served by, or which may require service by an individual subsurface sewage disposal system.

Prior to the performance of work at any site for purposes of obtaining soil logs or for purposes of soil suitability testing and prior to the scheduling of any observations of tests by the Township Registered Environmental Health Specialist a plan shall be submitted to the Health Department showing the entire tract subject of the subdivision or site plan application and showing the locations of any of the following which may be present on the tract: any freshwater wetlands and wetland transition areas as established by a Letter of Interpretation issued by the New Jersey Department of Environmental Protection; State open waters; streams; ditches; and other watercourses. The plan shall also show the proposed locations for all soil logs and soil suitability tests, as well as proposed vehicular access to such locations. No activity shall be undertaken in violation of the New Jersey Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 and following, or the Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A-1.1 and following.

In the event that the Board of Health shall approve the preliminary plans for the use of an individual subsurface sewage disposal system for a proposed subdivision lot or site plan, the Board shall adopt a resolution of approval and shall forward certified copies of the resolution to the Township Board acting on the subdivision or site plan application, to the applicant and to the applicant's engineer.

6. Section BH 2-2.20 Time of Submission of an Application shall be repealed in it's entirety.

7. This ordinance shall take effect thirty (30) days after adoption and publication of a Notice of Adoption in accordance with New Jersey law.

Mr. LaConte provided background on the proposed ordinance and said it is a standard procedure in most towns for a septic application to be approved by an REHS rather than a Board of Health. Mrs. Perramant said she does not know of any boards of health that approve septic applications and it is not a best practice to do so. She noted that board members are often not professionally qualified to review septic plans, and the Chatham Township Board of Health has contracted with an engineer to make those professional judgments in addition to Health Department review. Mrs. Perramant also noted that the Health Inspector, Melanie Bergstrom, is qualified to review septic designs.

Mr. LaConte noted that the inability to get a quorum of Board members for a meeting has also sometimes led to delays in approval of septic permit applications. He also noted that there would still be Board of Health oversight.

Mr. Pitney expressed his discomfort with the ordinance, as a Registered Environmental Health Specialist is not a licensed engineer. He also said that the reference to time delays does not belong in the ordinance.

Mrs. Perramant said that requiring the Board Engineer to review septic designs is already an extra step, and it is unnecessary to have the Board review as an additional extra step.

Mr. Pitney said he does not understand why the State would allow someone who is not an engineer to review the work of an engineer. Mr. Hamilton said that the Board Engineer's office would perform that review.

Mrs. Perramant further described the review that an REHS would perform. She also reiterated that Board members are typically not qualified to perform septic plan reviews.

Mr. LaConte stated that the Board will still be made aware of septic applications. He also stated that it is needlessly redundant to have the Board of Health review what an engineer and an REHS have already reviewed and approved. Mr. LaConte also noted that there could be an environmental hazard posed by a failing septic system, and the long process for Board approval extends that threat. Mr. Pitney proposed that special meetings could be held to more quickly address applications. Mr. LaConte noted that the Open Public Meetings Act would still need to be satisfied, as well as the local requirement that applications be ready for Board review at least

10 days before the meeting. He further noted that from January 1st until the end of March, there were not enough members appointed to the Board of Health to have a meeting.

Mrs. Perramant compared septic reviews to the review that an REHS performs for commercial kitchen plans. She said that an REHS would not be trained to design a kitchen, however they are experts in the practical application of the standards.

Mr. Hamilton suggested that the "Whereas" clause about delays be removed. Mrs. Fowler noted a typographical error and some references to the Board of Health that would need to be updated.

Mr. Pitney expressed concern that some of the concerns he raised about the recent applications would not have been raised by others.

Mr. Hamilton moved to introduce Ordinance BH-2023-02 as amended. Mrs. McCormack seconded the motion.

**Roll call**: Mr. Hamilton, Aye; Mr. Pitney, Nay; Mrs. McCormack, Aye; Mrs. Fowler, Aye.

Public Hearing will be scheduled for June 1, 2023.

Mrs. Perramant suggested that the REHS attend the next meeting to better explain their training and skillset.

**Meeting Open to Public**

Mrs. Fowler opened the meeting to the public.
Seeing no public comment, the public hearing was closed.

Mr. Hamilton moved to adjourn at 9:05 PM. Mr. Pitney seconded the motion, which carried unanimously.

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Gregory J. LaConte
Board of Health Secretary