MINUTES
BOARD OF HEALTH
TOWNSHIP OF CHATHAM
AUGUST 3, 2023

Mrs. Fowler called the Regular Meeting of the Board of Health to order at 7:28 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.

Roll Call

Answering present to the roll call were Mr. Pitney, Mrs. McCormack and Mrs. Fowler. Mr. Hamilton was absent

Board Attorney Mr. Hak, and Health Officer Sagar Patel and Health Inspector Stephania Mejia were also present.

Approval of Minutes

Mr. Pitney moved to approve the minutes of the May 11, 2023 meeting. Mrs. McCormack seconded the motion which carried unanimously.

Reports

Health Officer Report

Mr. Patel reported that the Health Department is in a period of transition, and noted that the Bloomfield Health Department will be terminating services in 2024. Until that time, normal services will still be provided. Mr. Patel noted that there was a case of Covid at a long term care facility. There have not been any issues with retail food establishments.

Mr. Pitney asked about a reported covid outbreak at Juniper Village. Mr. Patel said that the State considers a single case at a long term care facility to be an outbreak.

Mrs. McCormack asked about news reports of a summer surge of covid. Mr. Patel said he has not seen data of any local spikes, and he noted vaccinations are available. Mrs. McCormack asked if there will be an updated vaccine for newer strains of covid. Mr. Patel said that a new strain will be released, and the Health Department will have it once it is available.

Mrs. Fowler asked about preparations for when the school year starts. Mr. Patel said he can check with the public health nurses if covid vaccines will be part of the vaccination audits.

Registrar of Vital Statistics/Board of Health Secretary

Mr. LaConte noted that Sarah Perramant resigned from the Bloomfield Health Department, and Essex County Health Officer Maya Lordo is now filling the role of the Township's Health Officer. REHS Melanie Bergstrom is also no longer working with the Bloomfield Health Department. Mr. LaConte reported that Bloomfield has given notice that the service contract is being cancelled effective July 1, 2024. He and the Township Administrator are working together to assess the options for a new service provider.

Mr. LaConte reported that 403 dog licenses and 23 cat licenses have been issued thus far in 2023. He noted that the number of dog licenses has exceeded the number issued in 2022. Mr. LaConte further reported that there are three pending septic permit applications. There were two noise complaints recently made that were referred to the Health Department for investigation. Mr. Patel commented on the complaint received about noise from a pool filter. He also commented on allowances for use of air conditioning during extreme heat.

Mr. LaConte reported that the State's waiver of marriage license fees has ended. Paperwork has been submitted for the reimbursement of fees that the Township is owed by the State for the municipal portion of marriage license fees during the waiver period.

Mr. LaConte reported that fees were collected for the following items in May 2023:

6 Death Certificates		$40
15 Marriage Certificates		$90
	Total	$130

Mr. LaConte reported that there were not any fees collected in June for vital statistics.

Mr. LaConte reported that fees were collected for the following items in July 2023:

2 Marriage Certificates		$15
1 Marriage License		$28
	Total	$43

Mrs. McCormack asked about resources for Ovarian Cancer Awareness Month. Mr. Patel and Mr. LaConte said they would reach out to the Health Educator.

Mrs. Fowler asked about an issue with septic installation at 406 River Road. Mr. Patel said that the inspector was out several times. Mr. LaConte said that the Construction Official and the Township Engineer are addressing the lot grading issues.

Introduction of Ordinances

ORDINANCE BH-2023-03
ORDINANCE OF THE BOARD OF HEALTH OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AMENDING THE NOISE ORDINANCE

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

1. Section 3e, Specific Noise Prohibitions: Amplifiers, Loudspeakers, Radios, Television Sets, Musical Instruments and Similar Devices., of Ordinance BH-2-78 adopted June 29, 1978 by the Board of Health of the Township of Chatham, in the County of Morris, State of New Jersey is hereby amended so that said section shall read in its entirety, as follows

   e. Amplifiers, Loudspeakers, Radios, Television Sets, Musical Instruments and Similar Devices. Using or operating, either indoors or in any vehicle, any amplifier, loudspeaker, radio receiving set, television set, musical instrument, phonograph, tape recorder or other equipment or device for the producing, reproducing or amplification of sound at any time with a volume louder than is necessary for the convenient hearing of persons who are in the room or vehicle where such equipment or device is operated and who are voluntary listeners thereto. The use or operation of any such equipment or device between the hours of 11:00 p.m. and 8:00 a.m. the following day, prevailing time, in such a manner as to be plainly audible (1) at a distance of 100 feet from the building or vehicle in which it is located or (2) through a dwelling unit partition wall of a multi-family structure shall be prima facie evidence of a violation of this subsection.

   None of the equipment, instruments or devices hereinabove mentioned shall be used outdoors at any time in a manner that will create any noise disturbance across a residential real property boundary unless such operation is in connection with a public or other special event authorized by the governing body of the Township and such operation and use is in accordance with the specific terms and conditions set forth in the authorization.

   The use of amplification of sound by loudspeakers for sporting events at Cougar Field and Township recreation fields shall be permitted for sporting events from 8:00 AM to 10:00 PM.

2. This Ordinance shall take effect as provided by law.

Mrs. McCormack moved to introduce Ordinance BH-2023-03. Mrs. Fowler seconded the motion.

Mr. LaConte noted that the change to the Noise Ordinance is the exemption for Cougar Field and recreation facilities. The time frame was discussed, and Mr. LaConte noted that 10:00 PM is when Township code requires lights be shut off. Mr. Pitney asked about enforcement, and recommended that the Recreation Department and the School District be informed of the new regulation.

Mrs. Fowler asked if there is any verbiage that needs to be updated. Mr. Hak said there might be a model ordinance that can be used to update the Township's noise ordinance.

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

Public Hearing on Ordinance BH-2023-03 will be scheduled for October 5, 2023.

Public Hearing/Final Adoption of 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.

Mrs. Fowler opened the Public Hearing on Ordinance BH-2023-01.
Seeing no public comment, Mrs. Fowler closed the Public Hearing.

Mrs. Fowler moved to adopt Ordinance BH-2023-01. Mr. Pitney seconded the motion.

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

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.

Mrs. Fowler opened the Public Hearing on Ordinance BH-2023-02.
Seeing no public comment, Mrs. Fowler closed the Public Hearing.

Mr. Pitney expressed his opposition to relinquishing the Board's role in approving septic applications, and noted that he was asked to serve on the Board due to his engineering background.

Mr. Patel noted that requiring Board approval can often lead to delays to the issuance of permits.

Mr. LaConte opined that many applications would still come to the Board for need of a variance.

Emergency situations were also discussed.

Mr. LaConte noted that often residents do not know that their septic system is failing until they are selling their home and have an inspection conducted. Mr. Patel asked if it might be possible to require periodic septic inspections. Mr. Pitney noted that there is a requirement for septic tanks to be pumped.

Mr. LaConte said that if the ordinance is adopted, the procedure will be that following engineering review, the REHS will give the final review before a permit is issued. The Board will only get involved if there is a variance needed.

Mrs. McCormack moved to adopt Ordinance BH-2023-02. Mrs. Fowler seconded the motion.

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

Meeting Open to Public

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

Other Discussion

Mr. Pitney noted a typographical error in the monthly report from the Health Educator, and he suggested that the error be fixed in the template used for the report.

Mrs. Fowler moved to adjourn at 8:27 PM. Mr. Pitney seconded the motion, which carried unanimously.

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Gregory J. LaConte
Board of Health Secretary