

The regular meeting of the Board of Health was held in the Board of Health Building on Wednesday, July 28, 2004 at 7:30 p.m. Dennis Twyford called the meeting to order, and Phil Morlock led the salute to the flag.

**THIS MEETING WAS HELD IN ACCORDANCE WITH THE OPEN PUBLIC MEETING ACT, NJSA 10:4-1 ET. SEQ. ANNUAL NOTICE HAVING BEEN FORWARDED TO THE NEW JERSEY HERALD, THE NEWS LEADER AND POSTED ON THE BULLETIN BOARD MAINTAINED IN THE MUNICIPAL BUILDING FOR PUBLIC NOTICES.**

**ROLL CALL:**

**PRESENT:** Dennis Twyford, Mariano Gianni, Rob Bond, James Vanderhoof, Thomas Forbes, Melinda Conti and Kathleen Jacobellis. Councilpersons, Estelle Klein, Paul Fisher and Madeline McManus. Gary Landiak and Phil Morlock were also present.

**ABSENT:**

**MINUTES OF THE PREVIOUS MEETING:** Rob made a motion to approve the June minutes, seconded by Jim. All in favor.

**MEETING OPEN TO PUBLIC:**

1. Paul Fisher, Block 50302 Lot 1, 39 Indian Trail: Paul said his understanding, from people in his neighborhood, that piece of property failed the perc test around five times. Recently it passed the newer style perc test. I do not understand how taking a dirt sample could be anymore conclusive than digging a hole and pouring water in it. A dirt sample is as good as the dirt that you have in the jar. It could be on top of a concrete slab or a rock slab. It only proves that the dirt quality is good or acceptable.

Carl said the folders in the Health Dept. have all the history of each property. He said Paul talks of five different tests; there is nothing in that folder. I am not saying that someone didn't go to the property and do something that we weren't availed of. Paul said that information is as important or as accurate as the person who puts the information in there. If you were to pull my folder, according to my records, I don't have a well on my property. I came down several times, I was having problems and no one has a record of me having a well. Carl said, if they did it through our department there would be a record. Paul again disputed that, he said his house is thirty two years old and you have no idea where my well is, your records are not valid. Carl said, I have to dispute what you say because you do not have any documented evidence that the mentioned property was actually tested and failed. Paul said his question is, how does this new system, this new perc test be more conclusive than digging a hole? That is my question.

Gary Landiak: The old convention of putting a septic system is that they would do the perc test. The perc test was reliable for a considerable amount of time. Designs have changed; we don't have to use the natural occurring soil. The system that was proposed here is called a soil replacement system. The perc test is irrelevant. You are going down well passed that dept at which you would have normally perked. You are looking to demonstrate a horizon somewhere down below the surface of the earth where you can demonstrate that water flows through. Why worry about a perc rate at thirty-six inches when you are going to remove all that. That's what was done. They dug test holes; they went down ten feet and nine feet. There were no indications that the code would be non-complied with. I had to worry about distances. Mr. Fisher's well is not at risk. The soils were demonstrated to meet code; the site was demonstrated to meet the minimal standard distance between the proposed well and proposed septic system as well as the house and the property line. All intensive purposes every aspect of that design and that site plan met code. We have no problem.

Carl said he pulled Mr. Fisher's file and his neighbor's file. He said he knows it could change from lot to lot. Mr. Fisher's is eleven minutes per inch and the neighbor's next to him was nine and one half per inch. These were done in the procedure that Mr. Fisher talked about, pouring water in a hole.

Dennis asked Mr. Fisher if that satisfies his question. Mr. Fisher said yes, he was surprised that they could go down ten feet and not hit ledge. Mr. Fisher said his concern was, he did not want something to effect his well. Once the house is there and the well and septic is in, now I will be dealing with something. I am just trying to prevent a problem.

2. Richard Robinson: Mr. Robinson said the issue now is the pound fees that accumulated from Doodles. Mr. Robinson said his budget is in the negative every month. He said he does not have the money to pay this. Thom asked how much the fees are; Dennis said about \$1200.00 and change. Dennis said the issue before

the Board is, whether we want to pursue trying to get the fees or put this issue to bed. Jim made a motion to forget this whole thing; the man does not have the money. Melinda said this whole dog thing has been a big thing for me. It could have been resolved much, much earlier. The Borough and the Health Dept. had outlaid the upkeep for that dog. Even if it is not the full amount, bare minimum cost or something. She said, I am sorry that you are having hard times, but at the same time the Board reached out to you numerous times and asked you to come to us. I disagree with completely wiping it away.

Thom said Mr. Robinson was never told that adopting out the dog was an option. Melinda said if we look at lowering the per day fee to something much more manageable, that should eliminate any of the rest of this. Thom asked what Melinda's proposal is. Melinda said that we reduce the per day to something much more manageable. Thom asked what is manageable. Melinda said one dollar a day. Dennis said this situation as it's developed is going in circles, we are not getting anywhere, Jim has made a motion that the fees be waived, is there a second. Thom seconded the motion. Roll call, Dennis, Mariano, Rob, Thom, and Jim, yes. Melinda, no and Kathleen, abstained.

3. Estelle Klein: Estelle brought up Daydream Lane. Carl explained that Mr. Hennen of Daydream Lane was allowed to put his septic across the street from his home. At the Mayor and Council meeting, John Armeno brought up the issue about the Board of Health authorizing the crossing of the road and it wasn't the Board's duties to authorize that. Carl said we never authorized that, Mayor and Council did in the year 2000 and Mr. Armeno voted on the issue and voted affirmative.

### **HEALTH OFFICER REPORT**

1. Rob asked about item # 1, Pound expansion, meeting with our veterinarian, Sarah Logan Shindler, Michael Bengis, Phil Morlock and Carl Seber. Carl said that went well, Michael Bengis agreed to do plans for us. We met today to discuss our options. We want to expand our Pound, add an examination and quarantine room. Carl said Dr. Shindler is very excited about the project; she could do the neutering at a reduced cost. She could do several cats at one time. Now we take them up and it could be costly. Carl said the next meeting should be with Steve Ward to sit down and try to draft some kind of budget. Thom asked when the last time improvements were made to the Pound; Carl said it was before his time, at least forty years. Phil added the building was designed when you only had to deal with dogs, now you are dealing with cats too.
2. Dennis asked about number three, Appex Assessment Protocol for Excellence in Public Health. Carl said the representative from U.M.D.N.J. came to us twice. The way that Phil and Fran have been working with it, we are way ahead of what the other towns are. The Governance Tool assistance will come to us in September.

### **SANTARY REPORT**

### **BOROUGH NURSE REPORT**

### **HEALTH EDUCATOR**

### **REGISTRAR REPORT**

**ANIMAL CONTROL:** *Hopatcong/Stanhope.*

**ALL REPORTS:** Jim made a motion to accept all reports, seconded by Thom.

### **CORRESPONDENCE:**

1. Carl passed around a booklet from GASP, a list of Smoke Free Dining.
2. Carl read a letter addressed to Dale Sloat, ACO. The letter thanked Mr. Sloat for participating in the annual Kids in The Park Day in Hopatcong. Mr. Sloat attended with his two German Shepherds. Debbie Armeno said some of their goals were met partly due to Mr. Sloat's participation. Signed by Ms. Armeno.
3. Carl passed around a copy of the summer edition of Food Talk, sent to the food establishments in town.
4. Carl read a resolution appointing Kathleen Jacobellis to the Board to fill the unexpired term from Catherine Cokelet.
5. Carl read a letter he had written to Eric Bernstein, BOH Attorney. The letter requested Mr. Bernstein to research the statutes regarding the BOH's power to hire and fire personnel within the Health Dept. There was no response as of this date.
6. Carl passed around two NJPDES permit renewals for the Hopatcong High School and West Shore Villa Condominium Association.

7. Dennis read a letter from Catherine Cokelet. Catherine wished Carl well on his retirement and said she held a very high opinion of him as a person and a professional. She stated that Carl was a fine human being, competent and easy going. Catherine wished Carl a happy and healthy retirement. Everyone agreed that was a beautiful letter.

#### **OLD BUSINESS:**

1. Carl asked the Board if he should contact the Board Attorney on the personnel issue. Yes and Carl will call him tomorrow.

#### **NEW BUSINESS:**

1. Dennis read Ordinance 29-2004 titled, An Ordinance to revise, amend and supplement Chapter 251 Section 251-4 regarding the schedule of fees in connection with Borough services. The Ordinance will establish Certified Copies of Domestic Partnership fee at \$7.00. Rob made a motion to adopt the Ordinance as read, seconded by Mariano. Roll call, all in favor.
2. Carl read Resolution # 8-2004 to appoint Phil Morlock as Registrar, Jim made a motion, seconded by Melinda. Roll call, all in favor.
3. Carl will write a thank you to Catherine Cokelet for her term as a Board member and Dennis will sign it.
4. VOC water contamination: the well at R M Auto Body, hit for Benzine. Carl said Mr. Mayfield is looking for this department to support his moving against his landlord, he feels his landlord is not doing anything. I would like to see them have public water down there. That will be for someone else to decide. We have a chance to get reimbursed to run the water line, that is a good thing but you have to be able to put water in the pipe. This is on the agenda for Mayor and Council meeting for Aug. 4<sup>th</sup>. Rob made a motion to encourage Mayor and Council to pursue the feasibility to extend the water main to the effected properties, seconded by Mariano. All in favor.
5. Rabies Clinic Policy: Carl asked the Board to look at this policy. He added that it was just a draft and the Board could fine tune it the way they wanted. Dennis asked for a motion to accept the Policy and Procedure for the Rabies Clinic, stating that public cannot solicit within two feet of Clinic without prior approval from administrator. Rob made a motion to accept procedures as written with amendments, seconded by Thom. All in favor.
6. Melinda said she read an article about our Animal Control Officer and his prior job in Sparta and a dog that bit that was adopted out on Dale's authority. The dog bit a child in the face and Sparta was held liable for \$ 130,000 and that was the reason that he left. Carl said that was not the reason Dale was dismissed from Sparta. Melinda asked where that puts us as a Borough and him now being our employee and the situation that we have been through. Phil said his understanding was, Sparta lost the suit because the dog was not sent to a doggie psychologist and for that reason they paid the price. Madeline McManus said if the Board is under the same rules as Mayor and Council, it is illegal to discuss an employee without the employee being there. You can bring up a scenario without mentioning someone's name that is allowed. To bring up someone's name, it is illegal. That person should have been sent a letter and should be allowed to come here to hear what is being said and to respond to what was being said. Melinda said her intention was not to discuss that particular person but the situation that resulted from that and where it puts the Borough with the adoption of Doodles. Carl said we have disclaimers and this gentleman, who shall remain nameless; who was involved in that lawsuit is very careful what is adopted out of our pound. He does have a person to do an evaluation on dogs. There are two other girls at the pound everyday that Dale talks with each day if there are any problems.  
Carl said he will collect all papers that are involved in the adoption of dogs from our pound for the Board's review.
7. Dennis said he would like to take a moment to wish Carl all the best on his retirement and thank him for all that he has done. He has been a big help and an educator. July 30<sup>th</sup> will be proclaimed Carl Seber Day in the Borough of Hopatcong.

Carl thanked the Board and said it was great serving the Board and the people of this Town. I have served different council people and everyone has treated me well and I thank all of you.

Dennis also welcomed Phil Morlock and wished him luck in his new position.

Jim made a motion to adjourn, seconded by Rob. Meeting adjourned at 9:05 pm.

Rosemarie Mitchell

