

MAY 14, 2008  
ANDOVER TOWNSHIP  
BOARD OF HEALTH MEETING

The regular meeting of the Andover Township Board of Health was called to order at 4:32 PM by Chair Person, Rachel Nazarian with the following members present:, Mary Ann Frodella, Mary Ann Klenke, Barbara Niedzinski and Jackie Huelbig.

OPENING STATEMENT: The Chair Person noted compliance with Chapter 231, P.L. 1975 as being met.

At this time Chairperson Nazarian announced that the variance hearing that was to have taken place at this meeting has been postponed by request of the hearing applicant, Mr. John McMahon. Mr. McMahon's attorney called the Board office today to request that it be tabled until further notice. Today's meeting was set at an earlier time to accommodate township attorney Fred Semrau's schedule as he needed to be present to represent this Board.

A brief discussion took place regarding a potential future date for this hearing. The Board does not normally meet during the months of June, July or August. In order to handle this hearing in a timely manner, It was suggested that we could plan to hold this hearing on the afternoon of the June 9th Township Committee meeting at approximately 4:00 pm. This would enable our township attorney to be present at our hearing and then be in the building for the Township Committee which begins at 6:30 pm. The Secretary will try to coordinate this meeting and if this works for Mr. McMahon and his attorney as well as our attorney, everyone on this board felt they could be there. The secretary will notify the members when a date is confirmed. At this time we continued with our meeting agenda.

MINUTES: A motion to approve the minutes of April 9, 2008 was made by Barbara Niedzinski. Maryann Klenke seconded the motion. All in favor.

OPEN TO THE PUBLIC:

Andover Township resident, Pam Iberer of 12 Bernard Drive was present. Ms. Iberer informed the members that she was present at this meeting at the recommendation of Emerick Seabold, Chief Sanitary Inspector for the Sussex County Health Department. She explained that she and her husband recently installed a new septic system at their property. They had been having a problem with the system malfunctioning when there was significant rainfall. As per Ms. Iberer's statement, it was her engineer, Mr. Gommel's opinion that replacing the system would take care of her problem. Her contractor was Mr. Mooney. Since the system was replaced, unfortunately they are still having the same problem when there is significant rainfall. Now Ms. Iberer is of the opinion that the reason for the problem is poor drainage due to the absence of a storm drain near the edge of her property. She made note of the fact that when there is significant rain fall water will pool near her property and it has no place to go but back onto her lot due to the road being a higher elevation than her property. She claims that the road is now higher and this is due to recent resurfacing of the road. Ms. Iberer complained that there is no berm or curbing and perhaps the pitch on the roadway is incorrect and that leads to the water staying on her lot and not draining off. Her septic becomes flooded and then she is back to where she was with her old system.

Ms. Iberer is frustrated that after spending a great deal of money to correct a problem that it still exists and quite probably was not due to the inefficiency of her original system. The Iberer's are looking for some type of relief from the township. She stated that she was referred to this Board by Mr. Seabold because after reviewing her file he determined that the system was designed to code and installed properly and that is the only thing that the Health Department can review. He was at a lose to explain the continued problem with the system being flooded but obviously the malfunctioning of the system is due to the volume of water in the system and that could possible be attributed to a road issue with no drain or curb or berm. Hence his suggestion that she needed to come to the township for further consideration.

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At this time, Board Member Jackie Huelbig addressed Ms. Iberer and stated that she recalled that through her connection with the Township Clerk's office she recalled that Ms. Iberer had been in contact with the Township Administrator, Township Attorney, Township Engineer as well as the Road Supervisor for review of her situation. Ms. Iberer acknowledged that she had been in contact and she had recently received a letter from the Township Attorney stating that after review and inspection it has been determined that the Township is not responsible for their septic problems. Ms. Iberer then stated that they were not claiming that their problem was the result of any wrongdoing on the part of the Township but that perhaps the Township might be able to help alleviate the problem by taking some action. Since 1985 when they moved there things have changed such as paving of the road, more houses built, etc. After the paving of the road that made the road higher, they did raise their yard and property and built their own little berm on the edge of their property. At this point they are looking to the Township to come up with additional ideas on how to keep the water away.

Chairperson Nazarian addressed Ms. Iberer and informed her that as a lay board of non-professionals, it is impossible for us to offer any type of opinion. When a homeowner acquires the services of a professional engineer, the responsibility of how the project operates is their responsibility. If any one carries the blame here, the Iberer's engineer should have recognized that the lay of the land is at fault here not the system. A system that could function in that type of topography should have been designed and installed to give the Iberer's the service they have paid a good deal of money for. Again Ms. Nazarian mentioned that we are lay people without expertise in these areas, but since we are somewhat familiar with septic systems by the nature of this Board's business, we are aware of a mounded system that many people use when they have a lot that posses similar problem as theirs does. Ms. Nazarian again stated that it seems that Ms. Iberer needs to go to her engineer for relief. At this point Ms. Iberer stated that she has gone back to the engineer and he now recommends that she now have installed a 3ft. above ground septic bed and the Iberer's feel that they have just spent \$20,000.00 on a system that now she needs to redo at additional cost.

Again discussion took place re the Township's professionals making their inspections and Ms. Iberer's disappointment that they came when she was not present. She felt that she would have appreciated the opportunity to show exactly where she felt the problems came from. She would have liked to see what the Township Engineer saw to make him determine that there is nothing further to be done by the Township. We all agreed that there are many drainage problems throughout the Township that are slowly but surely being addressed but this all takes time and the work is being done in a fashion that will address the areas with the highest degree of need first.

It was suggested that Ms. Iberer contact the Township Engineer to have further clarification given on this problem and then perhaps the Iberer's will begin to have some peace of mind and move on in trying to rectify this issue. At this point, Ms. Iberer thanked the Board for their time and she left the meeting.

CORRESPONDENCE RECEIVED/SENT:

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| 1. | Andover Regional School Nurses                             | Report from LPS and FMB   |
| 2. | NJLincs/SC Dept. of Environmental & Public Health Services | Public Health Info: 2008 NJ Animal Rabies Cases by County & Species |
| 3. | SC Dept. of Environmental & Health                         | Notices of Violation - Rolling Hills Condos                         |

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| 4.  | SC Dept. of Environmental & Health                          | Notification of Postponement of breakfast meeting                     |
| 5.  | SC Dept. of Environmental & Health                          | Letters to township kennels re inspection                             |
| 6.  | Fred Semrau, Township Attorney                              | Letter re Rolling Hills Animal Control/Health Issues                  |
| 7.  | Fred Semrau, Township Attorney                              | Memo re McMahan Variance Application                                  |
| 8.  | Lucas & Gaus - Joanne Sorrentino, attorney for John McMahan | Variance Packet for John McMahan - Bl 139, lot 2                      |
| 9.  | Lucas & Gaus - Joanne Sorrentino, attorney for John McMahan | Revised septic system design for Bl 139, lot 2                        |
| 10. | SC Dept. of Environmental & Health                          | Registration of Local Boards of Health - Andover Twp. Board Of Health |
| 11. | NJHerald - Legal Ads  | Sunshine notice re change in start time for May 14th meeting          |

At this time we reviewed Correspondence Received and Sent. Chair Nazarian commented that through her work as Newton Memorial Hospital Pharmacist she recommends that no one allow themselves to become exposed to wildlife that can potentially be infected with rabies due to the fact that the antidote is hard to come by and extremely expensive. The Secretary also informed the members that at the direction of the state, we will have to monitor the rabies vaccine more closely. We will not be able to allow Dr. Castimore the convenience of drawing up the shots in advance to make things go quicker. He will only be able to draw up approximately 150 to 200 shots and then if we have more animals to inoculate, he will have to draw as he goes. We had in the past given Dr. Castimore the entire 350 vials and he would have his staff draw them up in advance and then if there were any left over he would take them back to his practice for use. We can no longer allow that as we now have to account for every dose. The Secretary will inform Dr. Castimore of this new development so he is aware in advance of the clinic which will take place in January of 2009.

The problem with solid waste storage at the Rolling Hills Condominiums continues to be addressed by all involved parties. We will most likely be monitoring this problem for some time to come. The two kennels located in the Township have been undergoing review and their license renewals will be issued in the near future.

At this time, Mary Ann Frodella made a motion to file Correspondence Received and Sent. Barbara Niedzinski seconded the motion, all in favor.

OLD BUSINESS:

1. Update on Rolling Hills Condo Complex - This was addressed under Correspondence Received/Sent.

NEW BUSINESS:

1. Reports from SCHD - Due to the fact that the variance hearing scheduled for this meeting was postponed, Joan Skillen, representative from SCHD for Andover Twp. was able to take advantage of attending a coarse for food handlers and thus was not present at our meeting.

The members were reminded that we will not meet in June, July and August. Our next scheduled meeting is Wednesday, September 10th at 7:30 pm at the Municipal Building unless we do have a special meeting for the McMahon variance hearing. All members were asked to keep their paperwork on the McMahon variance together to bring with them when the hearing does take place.

ADJOURNMENT:

At this time, there being no further business to discuss, Barbara Niedzinski made a motion to adjourn the meeting at 5:34 pm. It was seconded by MaryAnn Frodella. All in favor.

Respectfully Submitted,

Rachel Nazarian, Chair Person

Jackie Huelbig, Secretary

