

ALPINE BOARD OF HEALTH

Monday, October 2, 2017 - Alpine Borough Hall At 7:00 P.M.

Special Meeting

(This meeting was taped in its entirety).

CALL TO ORDER/PUBLIC ANNOUNCEMENT: Dr. Penn called the meeting to order at 7:06 p.m. and read the following Public Announcement in compliance with the N.J.S.A. 10:4-6 et seq.: *In accordance with the provisions of the New Jersey Open Public Meetings Law, the notice of this Special Meeting held Monday, October 2, 2017 has met the requirements of the law by being published in The Record on September 15, 2017 and posted on the bulletin board of the lobby in the Borough Hall and a copy filed in the office of the Borough Clerk.*

ROLL CALL: Present: Dr. Dalavagas, Dr. Penn, Ms. Snow, Mr. Inguaggiato, Sr. (Alt. I)

Absent: Dr. Laifer, Dr. Gasalberti,

Also present: Nancy Wehmann, Secretary

MINUTES 9/12/2017: Approved upon motion by Ms. Snow, seconded by Mr. Inguaggiato and approved by all eligible to vote.

ITEM OF SPECIAL BUSINESS:

Ordinance Amending Articles XXIV entitled "Septic Tanks, Cesspool" & Article XXXV entitled "Violations and Penalties" of the Alpine Sanitary Code and Chapter 109-3 of the General Code entitled "Board of Health Fees"

PUBLIC HEARING The meeting was opened to the public for comment on the ordinance as introduced and being no comments closed.

RESOLUTION OF ADOPTION

OFFERED BY: Dr. Penn SECONDED BY Ms. Snow

at a regular meeting of the Board of Health of the Borough of Alpine, held on Tuesday, October 2, 2017

BE IT RESOLVED, by the Board of Health of the Borough of Alpine in the County of Bergen and State of New Jersey, that an Ordinance entitled:

"An Ordinance Amending Articles XXIV entitled "Septic Tanks, Cesspool" & Article XXXV entitled "Violations and Penalties" of the Alpine Sanitary Code and Chapter 109-3 of the General Code entitled "Board of Health Fees"

does hereby pass its second and final reading and is hereby adopted and Notice of same be published according to law.

Vote: Ayes: Dr. Penn, Dr. Dalavagas, Ms. Snow, Mr. Inguaggiato **Absent:** Dr. Gasalberti, Dr. Laifer

MOTION CARRIED

Ms. Wehmann explained due to an oversight it was thought her registrar appointment expired 12/31/2017 instead of 1/31/2017. A retroactive resolution is requested.

Registrar of Vital Statistics: Upon motion by Dr. Laifer, seconded by Dr. Gasalberti to re-appoint Nancy Wehmann as Registrar of Vital Statistics retroactive to February 1, 2017 at an annual salary per the salary ordinance. Approved by all.

ADJOURNMENT: at 7:09 PM upon motion by Dr. Penn seconded by Dr. Laifer and approved by all.

Respectfully submitted,

Nancy Wehmann, Board Secretary

**BOARD OF HEALTH
BOROUGH OF ALPINE
ALPINE NEW JERSEY**

AN ORDINANCE AMENDING ARTICLE XXIV "Septic Tanks, Cesspools", ARTICLE XXXV "Violations and Penalties," of the Alpine Sanitary Code and Chapter 109-3 of the Borough of Alpine Code "BOARD OF HEALTH FEES"

WHEREAS, the Authorized Agent for the Administrative Authority has received applications for advanced wastewater pretreatment devices and recommends the following changes to the Alpine Sanitary Code for purposes of enforcement of compliance with N.J.A.C.7:9A-12.3 and;

WHEREAS, the proposed changes have been reviewed by the Borough Attorney

NOW THEREFORE BE IT ORDAINED by the Board of Health of the Borough of Alpine, Bergen County, New Jersey the following:

1. **Article XXIV "Septic Tanks, Cesspools", add Section 2425 as follows:**

Section 2425. For an active sewage treatment system incorporating advanced wastewater pretreatment devices as part of the individual subsurface sewage disposal system the following is required in addition to all applicable State codes and regulations:

- A. **Deed Restriction / Service Contract Required.** The system shall be protected by deed restriction to prevent its neglect, adverse alteration or removal. The deed restriction shall indicate that the owner must be in possession of a valid Service Contract with an Authorized Service Provider throughout the life of the system, that the Service Contract shall be specific in identification of all maintenance and inspection requirements in accordance with N.J.A.C. 7:9A, that failure to be in possession of a valid service contract shall constitute a violation of the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. and a noncompliance violation of N.J.A.C. 7:9A-3.4 and this Section and that each day the property owner fails to have a valid Service Contract in place shall constitute a separate and distinct violation.
- B. **Annual License Required.** The property owner of the system shall, on an annual basis for the life of the system, submit an application to the Board of Health for a license to operate the system. The application shall include a copy of the current service contract signed by the property owner and the authorized service provider. The Board of Health or its designee reserves the right to inquire into the qualifications of any issuer of said service and inspection contracts and may, where it feels the issuing individual is not qualified, reject said policies and contracts. Prior to expiration, it is the property owner's responsibility to provide the Board of Health with a renewal copy of the service contract in compliance with 2425-A.
- C. **Maintenance, Periodic Inspections and Reports.** In addition to the requirements outlined in N.J.A.C. 7:9A-12.3 regarding maintenance, inspections and submission of reports to the Board of Health, inspections shall be conducted on a more frequent basis if required by the manufacturer, system integrator, or administrative authority as applicable.
- D. **Manufacturer Requirements.** Upon request the Manufacturer of an advanced wastewater treatment system to be installed in the Borough of Alpine shall be required to provide the following to the Alpine Board of Health: a list of qualified system installers and technicians; training materials and expected qualifications of technicians and installers; a free training program, for the advanced technology to Borough personnel or their designees. The Manufacturer shall provide verification that the advanced wastewater pretreatment device proposed for use at the subject site is approved for use by the New Jersey Department of Environmental Protection (N.J.A.C. 7:9A-8.3(a)).
- E. **Real Estate Transfer.** Prior to entering into any contract for real estate transfer, the property owner shall provide proof that the purchaser has been informed of the deed restriction, acknowledges the presence and requirements of the advanced technology that exists on the property, has been provided with a copy of the manufacturer's

owner's manual for the technology and a copy of the requirements for the system owner as contained in N.J.A.C. 7:9A-12.3 and this Section. The system shall be inspected by the authorized service provider prior to the transfer of the property with the new system owner and a copy of the inspection report provided to the Board of Health along with a current service contract in the name of the purchaser as a condition of a Continuing Certificate of Occupancy. Upon the change of ownership or occupancy of the premises for which the license was issued a license shall be transferrable to the purchaser subject to submission of a realty transfer application and appropriate fee. Failure of the purchaser to obtain this license within 14 days of realty transfer shall constitute a violation of this Article.

F. **Retroactive.** The provisions of this ordinance shall apply retroactively. Upon adoption owners of any systems covered under this Section shall be so notified and be given 30 days to comply with the provisions of this ordinance.

G. **Enforcement and Penalties.** In addition to fines and penalties as outlined in N.J.A.C. 7:9A-12.3, failure to comply with any of the provisions of this ordinance will subject the property owner to additional fines and penalties pursuant to Sections 2421 and Article XXXV: Violations and Penalties of the Alpine Sanitary Code

2. **Article XXXV "Violations and Penalties" is amended as follows:**

The monetary penalty in Section 3501(h) is hereby amended to read as follows: "...be subject to a penalty or judgment of not more than One Thousand Dollars (\$1000.00) and not less than Twenty-five dollars (\$25.00),..."

3. **Chapter 109-3 Board of Health Fees** be amended to add the following:

- For the filing of an application and plans to permit the repair, extension or alteration of an existing septic system that does not need a soil moving application: \$500 engineering escrow.
- Annual license to operate an active sewage treatment system incorporating advanced wastewater pretreatment devices as part of the individual subsurface sewage disposal system
 - Initial Application \$100.00.
 - Annual Renewal \$ 75.00
 - Realty Transfer \$ 50.00
 - Late fee \$ 50.00 for applications received after January 30th or more than 14 days

after realty transfer

5. This Ordinance shall take effect on final passage according to law.

6. All ordinances inconsistent herewith in whole or in part, are repealed.

7. In compliance with N.J.A.C. 7:9A-3.1, within 10 days of adoption a copy of this ordinance shall be forwarded to the NJ Department of Environmental Protection, Division of Water Quality, Bureau of Nonpoint Pollution Control; PO Box 420, 401 E State Street 3rd Floor, Trenton, NJ 08625-0420.

Introduced: 9/12/2017 Published: 9/15/2017

Adopted: 10/2/2017 Published: 10/5/2017