

SUSSEX COUNTY WATER QUALITY MANAGEMENT

POLICY ADVISORY COMMITTEE

MINUTES

DECEMBER 10, 2015

The meeting was opened at 7:30 p.m. by Chairman Baker. The meeting was held in compliance with the Open Public Meetings Act, N.J.S.A. 10:4-1 of 1975, as amended, and notice has been forwarded to the newspapers and posted on the bulletin board maintained at the Sussex County Administrative Center for public announcement.

**ROLL CALL:**

MEMBERS PRESENT: Howard Baker, Hopatcong Borough, Chairman  
Denise Webb, Wantage Township, Vice Chair (7:35 p.m.)  
James Landrith, Andover Borough  
Carrine Kaufer, Hardyston Township  
David Muscalo, Lafayette Township  
Joseph Carr, Town of Newton  
Peter Opilla, Ogdensburg Borough  
Eric Powell, Sparta Township  
Kathy Little, Sussex Borough (7:36 p.m.)  
Richard Gottemoller, At-Large  
Ernie Hofer, At-Large

EXCUSED MEMBERS: Ryan Earley, Sandyston Township  
Gary Larson, At-Large  
John Nugent, At-Large

STAFF MEMBERS: Eric Snyder, Planning Director  
Alice Brees, Principal Planner  
Antoinette Wasiewicz, Recording Secretary

ALSO PRESENT: Tom Knutelsky, Harold Pellow and Associates

**MINUTES CORRECTION/APPROVAL:**

A motion was made by Ernie Hofer to approve the Minutes of October 8, 2015. The motion was seconded by Richard Gottemoller. All were in favor, with abstentions from Joseph Carr, Peter Opilla and Eric Powell. Motion carried.

**PRESENTATION:**

A. FUTURE SEWER AREA MAP CHANGE, TO ADD 10 EXISTING HOMES, FRANKFORD TOWNSHIP:

Tom Knutelsky said he is an Engineer with Harold Pellow and Associates. They are the Engineers for Branchville Borough and Frankford Township, among others. He is here to discuss changes to the Frankford Township sewer service area plan. The agenda topic listed the addition of 10 lots and this is incorrect. They are looking to add 17 lots to the sewer service area.

Branchville Borough is constructing a sewer collection system. There are existing residential lots along the southerly portion of Frankford Township, and the northerly end of the Borough, where the collection system ends. He said there are 16 existing single-family homes and one vacant lot along both Rosalyn Road and Madison Road. Frankford Township adopted a Resolution in August to add these lots. The hydraulic capacity of the Branchville collection system can take these 16 lots into their system. The lots are currently being serviced by septic disposal systems; it would take away the negative aspects of this and bring it into a collection system.

The vacant lot only has a driveway and it cannot be further subdivided, it would have merit to approve that lot as well. When asked why the lots weren't originally included in the sewer area, Mr. Knutelsky said when the plan was first developed, there was a chance that the sewer collection system would be scrapped. There was some discussion in the town about adding in additional lots, but property owners of those lots did not request to be added into the sewer system. There may be a request for other additional lots because they are close to the collection system.

Ms. Brees asked how these lots fit in with the Frankford sewer allocation in gallons per day. Mr. Knutelsky said these lots would add another 4,000 gallons per day to the Frankford total. Currently, the wastewater flow going to the plant is less than originally thought. The original build-out model was exaggerated and the numbers were reduced based on build-out of Branchville. There was a deficit and they want to add more flow into the plant to make it run more efficiently. He said the actual numbers will be reflected on the revised Municipal Chapter, but it is in the 4,000 gallon range. He did not know what Frankford's total number is. The Frankford number would be added into the Branchville system. It is not being reduced in Branchville to compensate. It is additional flow. Eric Snyder said the extension of the sewer service makes sense as long as it is part of both Frankford and Branchville's smart growth approach, because you don't want to see too much development going out on the fringes. That would run counter to the adopted County Strategic Growth Plan.

Mr. Snyder said the next step will probably be a formal application for an amendment. Alice Brees said we have to make some map changes. She said she does not want to make a change to the map that DEP is going to reject. Mr. Snyder said we have to get comments back from the DEP. He suggested that she go through the formal process of asking for the map change. It can come back to a formal action before PAC once we have all of the information. Ms. Brees suggested that Mr. Knutelsky come back to the January meeting. By that time, she will have heard back from DEP.

Ms. Brees added that she spoke to Paul DeMuro at DEP yesterday and he was looking at the State Plan designation for proposed sewer areas, whether it's Planning Area 4, 4B or 5. The DEP rules expire in mid-January and after that, you can't do a site-specific amendment in an environmentally sensitive area (which is Planning Area 4B and 5.) Mr. Knutelsky confirmed that he needs a formal application to PAC prior to the January meeting. When asked about endorsements from both towns, Mr. Knutelsky said they have the endorsement resolution from Frankford and he has been told they also have the endorsement from Branchville, but they are unable to locate it. They have been before their council in the past to talk about it, and there was a formal action on their part to accept it. Mr. Knutelsky said he can provide that endorsement as well. It will be part of the formal application.

Mr. Snyder asked about the status of the new Branchville sewer plant. Mr. Knutelsky said the collection system is about 85% done. They are working on the pump station to transfer the flow from Branchville over to the plant. They hope to be open in June 2016. Mr. Knutelsky thanked PAC for their time and said he will be back in January.

**CORRESPONDENCE:**

Alice Brees reviewed the correspondence listed on the attached sheet and answered questions on Correspondence Number Five.

**PLANNER'S REPORT:**

Ms. Brees reported that she has been contacted about a sewer area issue. In Franklin, there is a lot on Route 517 that was originally in the sewer area and it was proposed for a Beazer Home residential project. The sewer area was reduced by DEP. Now the applicant is trying to get the sewer area restored. The project had site plan approval from Franklin. It was the subject of a lawsuit with affordable housing and there is a Court settlement decision for that lot. The applicant called Ms. Brees and also DEP to see how they can get their sewer area restored on that lot. Ms. Brees said even with all that history and local approval, a DEP staff person is talking about Natural Heritage Priority Sites and potential habitat issues to be addressed.

Ms. Brees said other work relates to items on the Agenda.

**UNFINISHED BUSINESS:**

A. DEP REVIEW OF COUNTY WASTEWATER MANAGEMENT PLAN – SEWER AREA BUILDOUT, ADDING T-1 PERMITS, MAP CORRECTION FOR LEGENDS REPORT:

Ms. Brees said DEP sent her 18 T-1 Permits for existing facilities. Those are now added to the map. They also added the SCMUA landfill area and Legends Resort in Vernon. She changed it to agree with the DEP letter that was in the file. She still does not have full comments from DEP on the plan. Mr. Snyder said they did their best to get the plan in with seven months to spare and in a conversation with DEP, they advised him that they will not be able to get to it in time before the DEP Rules and statute runs out in January. Mr. DeMuro said the Permit Extension Act will carry us through to May. The problem is that the Permit Extension Act exempts two areas: the Highlands and State Planning Areas 4B and 5, which is most of Sussex County. Mr. Snyder said when the DEP rules get adopted, we will be in good shape. It looks like there will be a three-month hiatus between the time the rules get adopted (if they do) and the expiration of the current rules. When asked if other counties in the State have submitted a plan, Mr. Snyder said Morris County has a Resolution that is going before their Freeholders. He is not aware of any other counties. He has a meeting tomorrow with the County Planners and will find out more. Ms. Brees said Middlesex County submitted a plan and it is also stuck in the process.

B. WATERSHED UPDATES: UPPER DELAWARE, WALLKILL:

Eric Powell said he had an update on the Wallkill River Watershed. The Chapter of Trout Unlimited has partnered with Sparta Township to do a Sparta Glen Stream restoration this spring. They will build a brook trout habitat which was destroyed in 2000. Sparta Township signed a GP5 for their DEP permits and there will be some in-kind service involved. They will also do some major riparian restoration with a grant from US Fish and Wildlife and some corporate partners for grant money for plant material. They will be looking for volunteers over the next three to four months.

**NEW BUSINESS:**

A. DRAFT SEPTIC SYSTEM MAINTENANCE PLAN :

Ms. Brees said PAC discussed this informally last month when the meeting did not have a quorum. The County Health Department does have a Septic System Database online. The plans, permits and inspection reports for individual lots are available going back to the 1960s. Ms. Brees said this is what the DEP is looking for, a septic system inventory. The difficult part would be tracking when a homeowner has their septic tank pumped out.

Ms. Brees also said her mailing included an example of the EPA septic management software called “TWIST” that is available for free. She tried to estimate what would be involved for septic pump-outs and records to be tracked. A rough estimation shows about 49,000 septic systems in the county and assuming, if people are pumping them

once every three to five years, there will be about 10,000 pump-out records to manage every year. The goal is to come up with some type of "Septic Management Plan" to show DEP that we are moving forward. Mr. Snyder said we will do the work in stages and that DEP is being reasonably flexible at this point. We start with the inventory and then come up with some way of approaching it, but we will have to eventually have some kind of system in place. Ms. Brees said, at this point, there is nothing mandatory. The DEP is not requiring ordinances or mandatory enforcement. However, we need to show DEP we have a plan on how to move forward.

Mr. Snyder said this came out of the Clean Water Act and people should understand that is its genesis. It also has a direct impact on ground water quality, and it makes sense. One of the reasons that the Branchville sewer system is being constructed is because they have a lot of failing septic systems. The same thing happened in Hopatcong. The idea of septic maintenance means that you have a small waste-water system on your property, and the homeowner should know where it is and what it is and then take care of it, because that has an effect on public health in general. At the same time, we have to go slowly because there will be a lot of push-back. At least at this point we seem to have some time to work with the DEP.

Eric Powell said in Lake Mohawk there were houses that were converted from cottages to full time residences. They still run across a handful of properties where there is no record of where the old cesspool or septic is on that lot. The local agencies will have to be allowed to go on the property to find the systems, without a penalty to the homeowner. He said that in lake communities, he estimates there will be 5% of lots without written records about the septic system.

B. APPROVAL OF 2016 WATER QUALITY MANAGEMENT POLICY ADVISORY COMMITTEE MEETING DATES:

A Schedule of 2016 Meeting dates was provided to the PAC members. In 2016, all of the meetings are being held on the second Thursday of the month.

**MOTION:**

A motion was made by Eric Powell to accept 2016 PAC Meeting Dates. The motion was seconded by Ernie Hofer and carried unanimously.

Mr. Snyder said he needs a resolution from PAC to submit the Sewer Service Area map to the Freeholders.

**MOTION:**

A motion was made by Carrine Kaufer to submit to the Freeholder Board the Sewer Service Area map as presented at this evening's meeting. The motion was seconded by Eric Powell and carried unanimously.

Mr. Snyder also said it is very important that the new rules be adopted and it is important that the Freeholder Board take a position on it.

**MOTION:**

A motion was made by David Muscalo to adopt a Resolution asking the Freeholders to adopt a position in favor of the new wastewater rules. The motion was seconded by Ernie Hofer and carried unanimously.

Chairman Baker appointed David Muscalo and Jim Landrith to a Nominating Committee to offer candidates for the positions of Chairman and Vice Chairman of the PAC. Reorganization will be done at the January meeting.

**PUBLIC COMMENT:**

None

**ADJOURNMENT:**

All business having been completed, a motion to adjourn the meeting was made by Jim Landrith. The motion was seconded by Denise Webb and carried unanimously. The meeting adjourned at 8:25 p.m.