

**MINUTES**

**PRESENT:** M. DeSapio  
T. Kratzer  
R. Phillips  
S. Trstensky  
S. Zdepki  
M. Nergaard, Attorney

**CALL TO ORDER**

The meeting was called to order by M. DeSapio at 7:04 PM.

**NOTIFICATION**

In order to ensure full public participation at this meeting, all members of this Board, and members of the public are requested to speak only when recognized by the Chair so that there is no simultaneous discussion or over-talk, and further, all persons are requested to utilize the microphones which are provided for your use by the Township. Your cooperation is appreciated.

Notification of the time, date and place of this meeting has been published in the Delaware Valley News and Express Times and sent to the Hunterdon County Democrat, and has been posted in the Kingwood Township Municipal Building at least 48 hours prior to this meeting and has been filed with the Municipal Clerk.

**NEW AND PENDING MATTERS****Approval of Minutes**

It was moved by S. Trstensky, seconded by S. Zdepki and carried to approve the minutes of August 1, 2005. All members present voted **AYE**.

**Proposed Ordinance BOH 2005-02**

**ORDINANCE NO. BOH 2005-02 – AN ORDINANCE OF THE BOARD OF HEALTH OF THE TOWNSHIP OF KINGWOOD TO AMEND CHAPTER 153, ARTICLE 2 – “NON PUBLIC WATER SYSTEMS AND WELLS”, TO CHANGE THE ADMINISTRATIVE AUTHORITY FOR SITE PLAN AND SUBDIVISION APPLICATIONS– Public Hearing and Final Adoption**

M. DeSapio read the Ordinance aloud by title. This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Board of Health on August 1, 2005. The Ordinance was published in the Delaware Valley News on August 11, 2005 and has been posted in the Kingwood Township Municipal Building on August 11, 2005. Copies of the Ordinance have been available for inspection by the public since August 11, 2005.

It was moved by S. Zdepski, seconded by R. Phillips and carried to open the public hearing. All members present voted **AYE** on **ROLL CALL VOTE**. There were no comments from those present at the meeting. It was moved by S. Zdepski, seconded by S. Trstensky and carried to close the public hearing. All members present voted **AYE** on **ROLL CALL VOTE**.

T. Kratzer inquired as to what the Board of Health's role will be in the enforcement of the well ordinance.

M. Nergaard responded this ordinance change was proposed because the Board of Health, under the ordinance as originally adopted, had no mechanism to set up an escrow or oversight for developers to have their well testing inspected. The feeling of the Planning Board was to require a change to the checklist to provide for the well testing requirements for major subdivisions, but also to change the administrative authority to the Planning Board. The Township has no local health officer.

It was moved by S. Zdepski, seconded by R. Phillips and carried to adopt **AN ORDINANCE OF THE BOARD OF HEALTH OF THE TOWNSHIP OF KINGWOOD TO AMEND CHAPTER 153, ARTICLE 2 –“NON PUBLIC WATER SYSTEMS AND WELLS”, TO CHANGE THE ADMINISTRATIVE AUTHORITY FOR SITE PLAN AND SUBDIVISION APPLICATIONS.** All members present voted **AYE** on **ROLL CALL VOTE**.

### **PRIVILEGE OF THE FLOOR**

A. Hauck was present this evening. He is a member of the Environmental Commission and has done a study on the water well yields in the township. A. Hauck and his neighbors are faced with a currently proposed development of about 15 to 17 homes and a future development of approximately 45 homes. The current well ordinance needs improvement. The ordinance provides for interference testing within the major subdivision but it does not provide for interference testing for adjacent properties. With the wells along Spring Hill Road, the water is percolated up through the fractures. There is water available deep down. The first well dug for Frenchtown Run had a yield of 60 gpm, the second well had a yield of 25 gpm and the third well had a yield of 15 gpm. He suggested to the board members, after a professional hydrologist is hired by the Planning Board, the Board of Health consult with him/her for the appropriate language to be included in the well ordinance to provide for interference testing for adjacent properties.

B. Pandey stated his mother's well was dug in 1955 and the static water level was 25' from the top. In 2001, the level was at 29' from the top. Now the static water level is somewhere between 68' and 72' from the top.

J. MacConnell suggested the Board of Health make an addendum to the well ordinance requiring interference testing within 2000' from their wells.

A. Hauck stated the amendment must also address the proper protocol for the testing of the adjacent wells.

S. Zdepski stated there are two major components for the interference testing:

- a. How far away would this neighbor be from the well;
- b. How many homes would trigger the need for the interference testing.

A. Hauck responded different municipalities have different requirements. Some ordinances have the option to waive the requirements of the testing. He stated the cone for interference is one mile around.

J. MacConnell commented the interference testing should be done on every new well dug in the township not just for minor or major subdivisions. The developer in question can have water pumped from the Delaware and form a private water company.

A. Hauck has done a study on water yields on Blocks 12, 13 and 14. T. Kratzer commented after looking at the sheets A. Hauck provided to him, the yields seem to be very high on some of the wells. Without data outside of the development area, there will be no idea of the impact of this development on the surrounding properties. He stated, when you have fractured bedrock and water is being drawn down, it is creating a vacuum and other things can be drawn in to the water, such as septic system effluent. He agrees to a monitoring distance of 2000'.

S. Zdepski stated Frenchtown Run will be coming to the Planning Board in October for preliminary approval. There will not be enough time, prior to the October Planning Board meeting, to amend the ordinance. It typically takes three months to introduce and adopt an ordinance. Another method of attack on Frenchtown Run would be via the Planning Board requesting the applicant provide additional criteria and requirements.

M. Nergaard stated the Board will need some input from a hydrologist to revise the ordinance to adequately reflect the conditions present in the Township. She suggested they attend the Planning Board meeting and have the developer, through the Planning Board, do additional testing. It seems as if the work already has had an impact on your water supply. It would be perfectly legitimate to make sure this development does not have an impact on the existing property owners.

S. Zdepski stated possibly 2500' is enough. They should ascertain that the hydrologist and the Planning Board attorney require the additional testing. Frenchtown Run should not receive their approval until the Township receives the data from additional testing.

M. Nergaard stated the outcome from the Planning Board will give the Board of Health direction as to what to amend in the ordinance. She stated probably the development will be done before the Board of Health will take action on an amendment.

A. Hauck also suggested the Planning Board should consider the formula for nitrate dilution. They located their wells 100' from the percolation tests without consideration of the fractures.

M. Nergaard suggested the Board of Health move in a parallel tract with the Planning Board. They should also have a hydrologist on board to advise the Board of Health on the proper amendment to the ordinance. She will be contacting D. Pierce, the Planning Board attorney, to review the comments made this evening. There is a no reason the Board of Health should assume all the costs. The applicant before the Planning Board would have to post escrows for the testing. If the Board of Health were to rely on the hydrologist to revise our ordinance, the Board would have to fund it.

M. MacConnell inquired about the best process to be able to compile data for their individual wells.

T. Kratzer stated they should begin by taking a measurement early in the morning before any water has been used in the house. You should have someone witness the result. Once the test starts, the testing should be done every 5 minutes for the first hour, every 15 minutes the second hour and so on. They should cover the first 4 hours and then another 2 to 4 hours from the recovery. Water use during the day should be limited.

S. Zdepski suggested the public present this evening come to the next Planning Board meeting.

It was moved by S. Zdepski, seconded by R. Phillips and carried to authorize the Board of Health attorney in conjunction with T. Kratzer, the Planning Board and any other experts hired by the Planning Board to work on a proposed revision to the Well Ordinance to provide interference testing. All members present voted **AYE** on **ROLL CALL VOTE**.

### **CORRESPONDENCE**

### **PRIVILEGE OF THE FLOOR**

### **ADJOURNMENT**

It was moved by R. Phillips, seconded by S. Trstensky and carried to adjourn the meeting at 7:58 PM. All members present voted **AYE**.

**Respectfully submitted,**

**Diane Laudенbach, Secretary**