

**MINUTES**

**PRESENT:** M. DeSapio  
T. Kratzer  
R. Phillips  
S. Stryker

**ABSENT:** J. Burke

**CALL TO ORDER**

The meeting was called to order at 8:02 PM by M. DeSapio.

**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**

Hall – Block 9, Lot 13.01 – Septic Waiver

W. Jupinka of Bayer-Risse Engineering was present for the application this evening. The lot contains poor soil conditions, wetlands and is constrained. There were no favorable results. He has designed a peat system to treat the effluent prior to it being released into the ground water. The applicant applied for a General Permit #5 for the wetlands. It has been approved. He provided a copy of the approval letter. The Board is already familiar with the peat systems. A new septic tank, pump tank and disposal field has been designed based on the slowest percolation rate. There are two peat pods in the bed before it reaches the select fill. The current system is original to the home, approximately 40 years old. The current concrete tank will be abandoned and a two compartment tank will be installed. There will be a deed notice if the property is sold. There are three approved manufacturers of the system approved by the state. He has done approximately 20 systems with this particular manufacturer. He has not installed any systems in Kingwood but has done some in Alexandria, Clinton and Tewksbury. He does not supervise the installation of the system, just the engineering. This system has one module for each bedroom while other systems have one big unit, which is more economical for the homeowner. There was no permeability on the standard of a basin flood. The soil testing was done in July. He could obtain a passing pit bail if the testing was done in March. The soil logs had mottling at the 30” mark and all the pods will be placed above those limitations. The designed system is exceptionally large for the waste water expected by the dwelling. The system is provided with a ten year warranty. The systems in the grounds have been in for 15 years and have not been replaced. This particular company uses peat fibers which seem to have a longer life span. There is a sample chamber to test the water effluent. The maintenance is done by the parameters set by the state. You can tell by sight and test procedures if it needs to be replaced. The maintenance is transferable between the current property

owner and a new property owner. Monitoring is done at the initial start up, six months and a year and then every year. He is not aware of the parameters of the testing. The DEP is present when the system is installed. The system is used throughout the United States but is new to New Jersey. There is monitoring being done and data collection to see how they are operating in New Jersey. The mottling is the regional water table and is consistent throughout the soil test. The edge of the bed is located 50' minimum to the stream. The set backs for an alteration on a septic for a malfunctioning system is 50'. He stated all copies of the maintenance will be provided to the Township. The front of the lot had refusal at 4' and it is heavily wooded. The total cost of the system is averaging \$30,000. If the peat modules were not needed, the system is averaging \$20,000. Brochures for the system are available on line. The existing systems have been providing the monitoring information to the DEP. There have been no failures of any of the alternate systems for the last two years. There are approximately 250 to 300 systems in New Jersey. He is not 100% sure the system would not be in the flood plain. The grade goes aggressively to the stream area. The dwelling cannot be expanded. It is currently a 2 bedroom home. It is flagged to General Permit #25 which restricts any increase in the size of the dwelling. The deed is worded to indicate the presence of an alternate system and the maintenance requirements. The restriction on the expansion is not included in the deed. If the Board requires the language to be added, it can be. The condition might negate the sale of a home. The dwelling can have an expansion but no increase in bedrooms. He does not believe the stream on the property is a delineated stream but a tributary.

It was moved by M. DeSapio, seconded by R. Phillips and carried to grant the following for Block 9, Lot 13.01:

1. The use of the Bord na Mona peat system;
2. A deed restriction be placed on the property indicating annual maintenance of the property and the type of technologies being used;
3. Proof of maintenance contract and reports on the monitoring shall be provided to the Kingwood Township Board of Health and the Hunterdon County Health Department;
4. Maintenance agreement shall be provided to the owner and kept with the house;
5. The plans state this is an alteration to correct a malfunctioning system and the granting of the waivers or approval of the Puraflo and drip irrigation technologies and Kingwood Township and Hunterdon County Health Department assumes no responsibility for the system and shall be held harmless;
6. The design engineer and manufacturer shall inspect the system and provide certification to the Kingwood Township Board of Health and County Department of Health;
7. Plans shall be sent to the DEP for their records;
8. The contractor installing the system shall be trained and certified by the manufacturer and provide certification to the Kingwood Township Board of Health and County Department of Health;
9. A new requirement for the use of an auto dialer for the system. The manufacturer will be installing a new panel to incorporate the requirement;

10. A water tightness test shall be conducted on septic and pump tanks;
11. Since there was no permeability on this property, the engineer has designed the system based on the slowest permeability 2.56 gpd/sf.
12. Kingwood Township Board of Health requires a deed restriction so as to not permit the expansion of the dwelling for the addition of any bedrooms.

All members present voted **AYE** on **ROLL CALL VOTE**.

Belmonte – Block 29, Lot 5.01 – Drilling of Well Prior to Issuance of Permit

D & L Welling Drilling – Block 29, Lot 5.01 – Drilling of Well Prior to Issuance of Permit

J. Belmonte, owner of Block 29, Lot 5.01 and D. Lane, representative of D&L Well Drilling, were present at the meeting.

D. Lane requested the Board members' professions and the length of time they have served on the Board of Health. S. Stryker responded research scientist and one year on the board. M. DeSapio responded farmer and contractor and on the board since 1996. R. Phillips responded 30 years on the board. T. Kratzer responded he is a new comer.

D. Lane stated J. Belmonte's property was approved in 2004 for subdivision and septic design. Title transferred to J. Belmonte in 2006 or 2007. The approval was based on the Township's old ordinance. She permitted this property in 2007 and obtained the County and State permits under the old ordinance. She stated J. Belmonte did not believe that the new ordinance affected him on the property. It is a mute point. She tried to contact the attorney but the attorney refused to speak to anyone. It is okay to speak with the Board. The Board adopted an ordinance with no provision about pre-existing. The ordinance requires a well to be dug in order to do a pump test. His lot has been approved for four years. He had obtained his State permit in March of 2007. The Board's approval of this ordinance came into affect this year. The geologist they used wrote every act. P. Althoff is not present this evening. It is a beautiful well with a lot of water. The pump test is an expense and should not be done at the time of drilling. She doesn't know where the letter is coming from. The Board's attorney should be present this evening. The well produces 25 gpm. The ordinance has a lot of gray area and little tweaks. She has spoken to the Township's hydrogeologist. They contradicted each other. She is inquiring why the Board sent the owner a letter. She stated the property is not subject to the new Ordinance. There were five copies prepared by the engineer. There are a lot of issues here. It is a pre-existing lot created prior to this ordinance. She stated the septic design was approved in 2004 and the ordinance did not take effect until January 1, 2007. T. Kratzer stated the ordinance was in effect in June of 2005. T. Kratzer further stated there were two revisions, one in 2007 and the other one in 2008. D. Lane further stated letters of notification were not mailed to the well drillers until December of 2007. It has a major impact. The Township is holding up this man. The man has water. It is a single lot with no one around it. There is no dwelling on the property. The original tract had 47 acres. J. Belmonte's lot is 5 acres. He started the process in 2002 and it is now the end of 2008. This should not be an issue. It is very simple. It is the same thing as the gentleman with the septic. The banks will require him to do the testing. It is a standard procedure and the Board should be aware of it. She stated the well drillers were the last to know. They are all licensed and going under the assumption of the old ordinance. She stated the engineering had to be certified and that was holding him up. The lot passed the pump test. She stated she is present this evening because she got ticked. She has been in the business for 30 years and knows everyone in the state. If she cannot speak to the Township attorney, something is wrong. The attorney should answer her questions. The attorney is a public servant and must serve the public. J. Belmonte's attorney is affiliated with Gebhardt and Kiefer. J. Belmonte's attorney cannot be present this evening due to a conflict of interest. She stated the Board has to get the issue straightened. They cannot be strict with them to get water.

They cannot have people drilling holes for wells. She stated as soon as he was notified, he got the permits and ran the pump test. She thanked the Board for their time.

J. Belmonte stated he tried to follow the requirements. He started the process about two or three years ago. He feels this is a great area to build a house. He moved his kids into the school system. There seems to be a new issue every time. He wasn't aware of what he was getting himself into by building a house in this Township. It has not been a good welcome to the Township. He informed D&L Well Drilling that he did not have the permit and to not drill the well. He was involved in testing and before the testing, called D&L Well Drilling and informed them he did not have the permit and they should not drill the well. D&L Well Drilling went and drilled the well, indicating everything was fine since they had the County permit. He did not pay them their fees for half of the time. He stated he wrote the letters to the neighbors. He is throwing money out of the window. He stated he had the county and state permit since March of 2007. He has the letter from the hydrogeologist.

#### 2009 Budget Request

Some discussion was held with requesting funding to have the professionals attend the meetings.

It was moved by T. Kratzer, seconded by S. Stryker and carried to request \$6,000 for other expenses for the Board of Health for 2009. All members present voted **AYE** on **ROLL CALL VOTE**.

#### 2009 Newspaper

It was moved by M. DeSapio, seconded by R. Phillips and carried to designate the Hunterdon County Democrat as the official paper of the Board of Health, with the Express Times as the alternate. All members present voted **AYE** on **ROLL CALL VOTE**.

#### 2009 Reorganization Meeting

It was moved by M. DeSapio, seconded by T. Kratzer and carried to schedule the 2009 Reorganization Meeting for January 21, 2009 at 8:00 PM. All members present voted **AYE**.

### **CORRESPONDENCE**

County of Hunterdon – Creation of email Group – The Board members were in agreement to allowing the secretary to provide the emails of the Board members to the County.

### **PRIVILEGE OF THE FLOOR**

#### **Belmonte – Block 29, Lot 5.01**

The Board discussed the matter in more detail. It was felt the homeowner was frustrated due to the fact that he could not proceed. A suggestion was made to write the homeowner a letter indicating he has fulfilled the requirements of the ordinance, except for the certification requirement, and he can proceed with the process. T. Kratzer stated V. Uhl should be confirming all the requirements of the ordinance have been met.

T. Kratzer suggested the sub-committee should get together with all the issues and discuss them. After the meeting with the sub-committee, a meeting can be scheduled with the well drillers to get their input.

M. DeSapio stated the issue before the Board is if any penalty should be imposed for the violation. T. Kratzer stated D. Lane, in her comments this evening, was contradicting herself. R. Phillips stated D. Lane does not

want to conform to the ordinance requirements. M. DeSapio stated there will always be some reason an applicant cannot follow the ordinance requirements. The requirements can be spelled out and still have non-compliance.

S. McNicol stated the ordinance applies to all.

**ADJOURNMENT**

It was move M. DeSapio, seconded by R. Phillips and carried to adjourn the meeting at 9:30 PM. All members present voted **AYE**.

**Respectfully submitted,**

*Diane Laudenbach*

**Diane Laudenbach, Secretary**