

**7:30 P.M.**

**MINUTES**

**PRESENT:** J. Golden  
T. Ciacciarelli  
I. Kyd  
N. Marmarato, Alt #2  
W. Ingram, Engineer

**ABSENT:** R. Phillips  
P. Mikes, Alt #1

**CALL TO ORDER**

The meeting was called to order at 7:30 PM by J. Golden.

**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 Hunterdon County Democrat, Courier News on August 19, 2021 and posted in the Kingwood Township Municipal Building on August 19, 2021 and has been filed with the Municipal Clerk.

**NEW AND PENDING MATTERS**

**Block 12, Lot 7 – 1120 Route 12 – Septic Waiver**

Present this evening for the application is S. Parker of Parker Engineering and Surveying.

S. Parker stated they performed the testing in the wet season and were unable to locate any area with permeability. They encountered hard shale and machine refusal. The system is oversized by 25% and is in the best location they could determine on the lot. No expansion of the dwelling will ever be permitted.

The Board received the following waiver request from the Hunterdon County Department of Health:

This department has septic alteration plans dated June 2, 2021 designed by Parker Engineering and Surveying, PC, to correct a malfunctioning system to an existing 3 bedroom dwelling with no expansion as stated in the application. The design is in full conformance with 7:9A”Standards for Individual Subsurface Sewage Disposal Systems” except for the following waiver requests that will need to be acted on by the Board:

1. There is no passing permeability on this property, the engineer attempted several soil logs at different locations of the property and due to the soils encountered, soil permeability testing methods could not be completed on the property. The engineer has oversized the system by 25% of the state code to account for the lack of permeability. The engineer shall explain all

soil and site constraints on the property and how this is the best design given the conditions encountered.

In addition, the design engineer will be required to inspect the entire system and provide a certificate of completion after the installation of the system. Recommend to the Board that any approval granted should include in the resolution that the engineer is attempting to correct malfunctioning system that is not in full conformance with the code and the Board of Health, County and engineer shall be held harmless from the applicant for the functioning of the system and future operation.

Since this is a malfunctioning system, and according to 7:9A 3.3(e) 2 i and ii, and the system is closer to being in full conformance with the chapter than the original system, the Board can consider the waiver requests.

The engineer will be at the next available meeting to present the waiver requests to the Board.

It was moved by I. Kyd, seconded by J. Golden and carried to grant the above waiver with the statement that the engineer is attempting to correct a malfunction system that is not in full conformance with the code and the Board of Health, County and engineer shall be held harmless from the applicant for the functioning of the system and future operation. All members present voted **AYE** on **ROLL CALL VOTE**.

#### **Ordinance Introduction on First Reading**

#### **ORDINANCE NO. BOH – 2021-02**

#### **AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE BOARD OF HEALTH ORDINANCES OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY**

It was moved by T. Ciacciarelli, seconded by I. Kyd and carried to introduce on first reading **AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE BOARD OF HEALTH ORDINANCES OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY**. All members present voted **AYE** on **ROLL CALL VOTE**. **Public hearing and final adoption scheduled for October 20, 2021 at 7:30 PM.**

#### **Environmental Commission (EC) – Memo to Board – Dated July 14, 2021**

EC Chairperson D. Kratzer reviewed the following powerpoint presentation:

# Ground Water Protection in Kingwood Township

Debbie Kratzer  
Chair, Kingwood Environmental Commission  
September 22, 2021  
Board of Health Meeting



## Overview

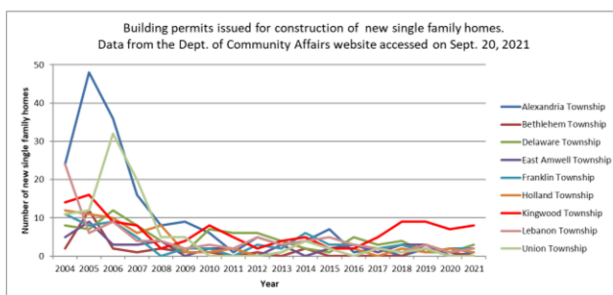
The EC advises that the well ordinance revisions adopted by the BOH on February 17, 2021

- 1. are not in agreement with Master Plan Goals, i.e. they could fail to protect the ground water resource,
- 2. are not based on facts of Kingwood's ground water resource, recharge, etc., and
- 3. are not in agreement with recommendations made in previous studies.

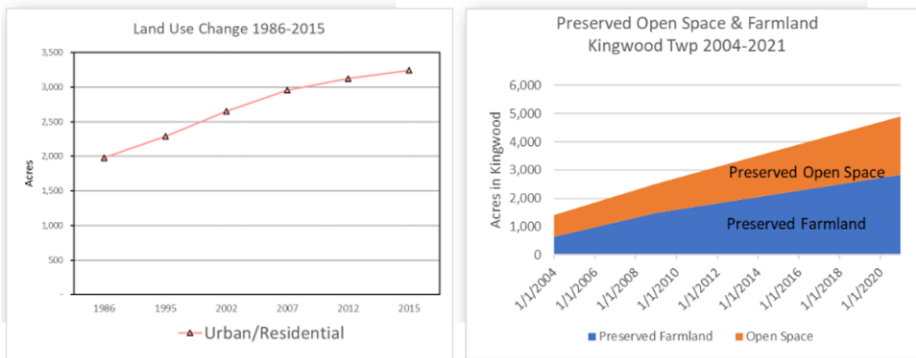
### Links:

- [7/14/2021 Memo from EC to BOH concerning well ordinance changes](#)
- [7/28/2021 EXECUTIVE SUMMARY of Memo from EC to BOH](#)
- [BOH Ordinance No. 21-01-2001 changes to well ordinance](#)
- Prior version of well ordinance § 153-20: <https://ecode360.com/10106816>

## Building Permits 2004-June 2021



[https://www.nj.gov/dca/divisions/codes/reporter/building\\_permits.html](https://www.nj.gov/dca/divisions/codes/reporter/building_permits.html) <sup>3</sup>



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## Kingwood Master Plan

- Beginning with first Master Plan in 1972, protection of limited and vulnerable ground water has been acknowledged in every Master Plan iteration
- 1992 Reexamination- "The **highest environmental concern should be maintenance of the quality and quantity of groundwater resources** ."
- The 2004 and 2011 Mater Plan Reexamination both recommend that the township conduct investigations into the severely limited capacity for groundwater yield" that **may not be able to support development at currently permitted densities** .... The Planning Board and Township Committee should make this a high priority." (this has not yet been done)



## § 153-20.B Purpose of Well Ordinance

- 1) To ensure that new wells constructed, or increased water withdrawal(s) from an existing well(s), in Kingwood Township are able to provide a **year-round, reliable, safe, and adequate water supply to support intended uses within the capacity of available groundwater resources;**
- 2) To provide safeguards designed to **minimize the impact of new development** on water availability for existing homes and businesses;
- 3) To develop a mechanism for funding the rehabilitation or replacement of existing wells rendered unusable by new development or from increased water withdrawal(s) from an existing well(s);
- 4) To maintain undiminished, high quality **stream baseflow;**
- 5) To maintain the antecedent hydrology of streams, wetlands, lakes, and ponds, for the long term protection of **aquatic ecosystems;** and
- 6) To **provide for the collection of accurate groundwater information**

Source: Kingwood well ordinance. § 153 20: <https://ecode360.com/10106816>



1. Ground Water Primer

## NJ Water Supply Plan

- "If there is more water loss than this threshold a HUC11 is considered to be stressed. In these areas, no additional depletive and consumptive water loss from the surface water system is recommended."
- All of Kingwood is predicted 0 -3 mgd loss
- Note: Ingram had quoted figure for entire WMA11 (approximate area outlined in red, including Trenton and much of Mercer County)

### Lockatong and Wickecheoke Creeks Watershed

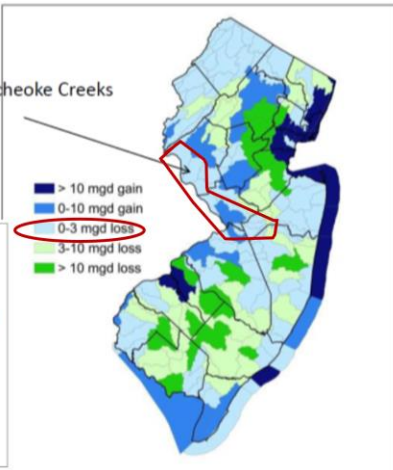
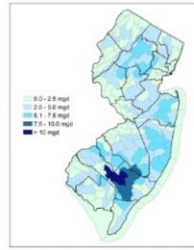


Figure 3.5 Map showing water use, unconfined groundwater and surface water available for

Figure 3.6 Depletive and consumptive loss from unconfined groundwater and surface water sources at peak use rates used in analysis.

<https://www.state.nj.us/dep/watersupply/wsp.html>  
NJ Water Supply Plan 2017 -2022 p. 26

1. Ground Water Primer

### AVAILABLE WATER FOR DEPLETIVE AND CONSUMPTIVE USES FROM THE UNCONFINED GROUNDWATER AND UNREGULATED SURFACE WATER

Tables A.11.6 and A.11.9 indicate that there is a total of 8 mgd of natural resource availability in WMA 11 using N's Low Flow Margin method. Under current peak 2000-2015 rates there is 7 mgd of available water remaining and at full allocation rates 2.6 mgd of water is remaining. Table A.11.5 shows that of the 5 HUC11s in the WMA, 1 has used all the available water and 4 would have used all the available water if full allocation diversion rates were used. One HUC11 has a net gain of water due partially to a surface water sanitary sewer discharge. Under current conditions, confined aquifer leakage is the major loss in 2 HUC11s and under full allocation diversion rates potable supply is the largest loss in 4 HUC11s. See Tables A.11.5, A.11.6 and A.11.7 for details by HUC11 of remaining available water and a summary of withdrawals and returns. More information on the Low Flow Margin method is available in the references at the end of this appendix.

- Note: Ingram had quoted figure for entire WMA11

Table A.11.5. Summary of HUC11 area, Low Flow Margin and Remaining Available Water.

HUC11	LPM (mgd)	NJ Highlands	Major SW Potable Supply 1	Potentially TDQD Limited 2	L.F.M. Percentage	Peak Year With.	Available Water (mgd)	Current Net Dep. (mgd)	Current % Available Used	Current Remaining Available Water (mgd)	Full Alloc. Net (mgd)	F.A. % Avail. Used	Full Alloc. Remaining Avail. Water (mgd)	Largest Dep-Con
02040105170	8.9	Partial	Yes	25%	2005	2.2	0.3	40%	0.3	0.3	94%	0.1	Ag. Irr	Potable
02040105200	2.8		Yes	25%	2010	0.7	0.2	96%	0.0	2.0	206%	0.0	Ag. Irr	Potable
02040105210	3.0		Yes	25%	2007	0.7	0.2	20%	0.5	1.8	241%	0.0	Potable	Potable
02040105230	10.1		Yes	25%	2005	2.5	1.2	47%	1.3	2.5	98%	0.1	Con Ag Leak	Potable
02040105240	8.8			25%	2010	2.2	-1.4	Net Gain	3.7	-2.6	Net Gain	4.8	Con Ag Leak	Non-Ag Irr

- Data from HUC11 level
- Hakiokake/Hariokake/ Nishisakawick Ck – currently using 40% of available GW; projected to use 94% full allocation
- Lockatong Creek / Wickecheoke Creek – currently using 96% of available GW; projected to use 294% full allocation

<https://www.state.nj.us/dep/watersupply/wsp.html>  
NJ Water Supply Plan 2017 -2022 p. A.133

1. Ground Water Primer

- An **aquifer** is a water-bearing rock or rock formation where water is present in usable quantities.

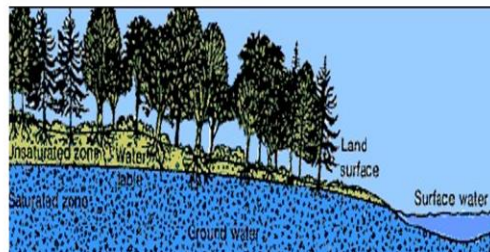
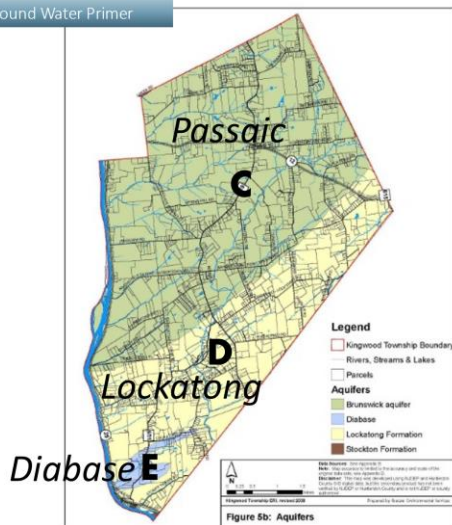


Illustration source: [http://www.epa.gov/region2/water/gw\\_basic.htm](http://www.epa.gov/region2/water/gw_basic.htm)

1. Ground Water Primer



•Passaic Aquifer

- (formerly called Brunswick)
- Water stored and transmitted in fractures
- State Rank "C" for yield

•Lockatong Aquifer

- Water stored and transmitted in fractures
- State Rank "D" for yield

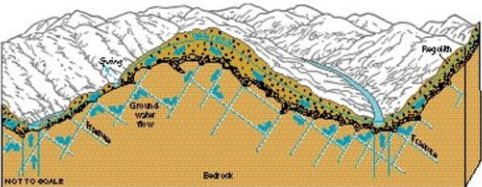
• Diabase

- Hard and dense igneous rock
- Water stored and transmitted in fractures, which are sparse
- State Rank "E" for yield

Map source: draft ERI  
GIS data source: <https://gisdata-njdep.opendata.arcgis.com/datasets/bedrock-aquifers-in-new-jersey/explore>

1. Ground Water Primer

**Figure 64.** Ground water percolates downward through the regolith, which is a layer of weathered rock, alluvium, colluvium, and soil, to fractures in the underlying bedrock. The water moves from highland recharge areas to discharge areas, such as springs and streams, at lower altitudes.

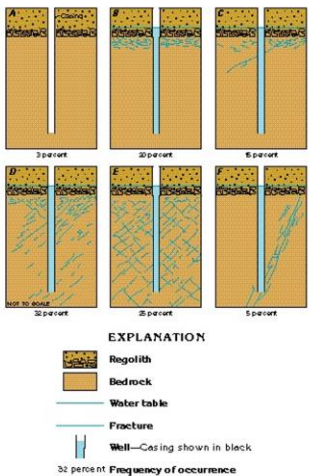


Modified from Heath, R.C., 1980, Basic elements of ground-water hydrology with reference to conditions in North Carolina: U.S. Geological Survey Water-Resources Investigations Open-File Report 80-44, 86 p.

In fractured bedrock aquifers, water percolates through the ground to fractures in the bedrock, then flows underground to discharge points, such as streams.

1. Ground Water Primer

In fractured bedrock aquifers, wells might intercept many, a few, or no fractures.

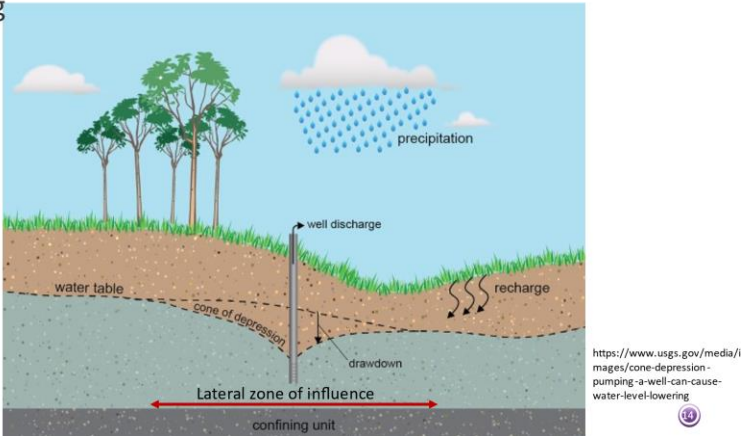


Source: USGS Ground Water Atlas



1. Ground Water Primer

Cone of depression: Pumping a well can cause water level lowering



1. Ground Water Primer

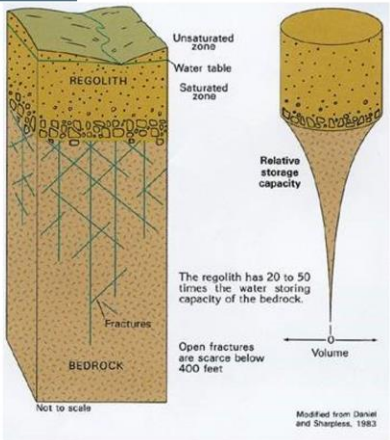


Illustration source: USGS Ground Water Atlas

In fractured bedrock aquifers, the deeper you go, the fewer fractures there are – and less water yield.

1. Ground Water Primer

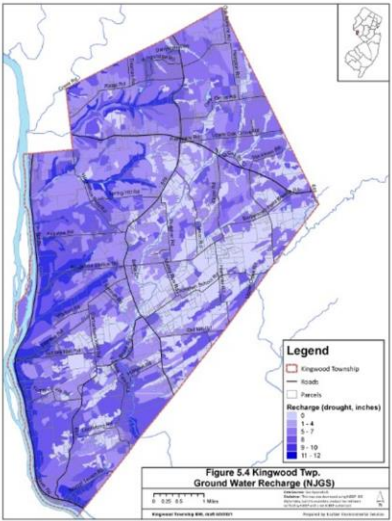
“Recharge”

- 1993 NJGS study
- Subsurface recharge
- Average annual estimates – not what you should use if you want to protect against worst-case

Recharge rank areas	Acres	Percent in Kingwood
B	8493	38%
C	8747	39%
D	51	0%
H	3978	18%
L	1148	5%
total	22417	

There are many caveats to using this data! For example, does it really make sense that there is high recharge in the areas with bedrock outcrops?

Map source: draft ERI  
GIS data source: <https://gisdata-njdep.opendata.arcgis.com/datasets/ground-water-recharge-areas-in-new-jersey/explorer>



## History of Well Ordinance

- 1995 – a proposed major subdivision on Tumble Idell got local residents (who are well aware of how limited ground water is in this area) active in demanding a well ordinance
- 1995 – Hordon study
- 1996 – volunteer Todd Kratzer completed a Trela-Douglas Dilution Model & recommended 10-acre minimum lot sizes and 4-acre average lot sizes
- 1996 – zoning changed to 2 acre minimum and 4-acre average
- 1995-2005 – volunteers researched surrounding well ordinances and drafted a Kingwood well ordinance, many meetings were held
- 2005 – first version of well ordinance adopted

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## 1995 Hordon Study

- In 1995, the Kingwood Township Planning Board contracted Robert Hordon to analyze ground water data from the argillite formation of Kingwood Township (the Lockatong formation and the Lockatong red beds).
- Hordon examined well records for 143 wells drilled between 1986 and 1995.
- According to Hordon, the data are limited by lack of consistent pump test methods, accuracy of identification of rock units, and incomplete forms. However, the following observations were made (Hordon, 1995):
- 

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## 1995 Hordon Study

- **Depth:** Well depths ranged from 100 to 800 feet, averaging 399 feet. Newer wells are being drilled deeper.
- **Yield:** Well yields ranged from 0.125 gpm (one pint) to 100 gpm. The mean (average) was 9 gpm and the median (middle value) was 5 gpm. For wells that underwent less than a four hour pump test (all but 31), these yields would be considered "initial yields," and long-term yields would be expected to be lower. Hordon's analysis also noted that current yields are less than historic yields.
- **Drawdown during pump test:** Drawdowns varied from 0 feet to 699 feet. The mean was 222 and median drawdown was 190 feet. These numbers are very high, and provide evidence that the argillite is a poor aquifer.
- **Recovery:** Recovery was not measured for any of the wells, but would have provided useful information about the ability of the water table to recover to its pre-pumped level.
- **Nitrate-nitrogen:** Nitrate-nitrogen values were available for 105 of the wells. Many were below the detection limit, but the highest was 6.41 mg/L (the criteria for nitrate-nitrogen is 10 mg/L, however, any value over the natural background level of 2 mg/L is indicative of pollution (Canace, 2004), possibly from septic or fertilizer use). Hordon used the Trela-Douglas dilution model to estimate the lot size required to allow infiltration of precipitation for maintaining a nitrate-nitrogen concentration less than 10 mg/L. This model and other nitrate dilution models can be used to predict future nitrate levels under various planning scenarios.

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2. History of Kingwood's well ordinance

- In developing the original well ordinance, I reviewed the following similar well ordinances:

- Bethlehem, NJ (Hunterdon County)
- Buckingham, PA (Bucks County)
- East Amwell, NJ (Hunterdon County)
- Franklin, NJ (Hunterdon County)
- Hillsborough, NJ (Somerset Co.)
- Kingwood (1996 draft) , NJ (Hunterdon Co.)
- Montgomery, NJ (Somerset Co.)
- Plumstead, PA (Bucks County)
- Raritan, NJ (Hunterdon County)
- Tinicum, PA (Bucks County)
- West Amwell, NJ (Hunterdon County)
- Wrightstown, PA (Bucks County)

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2. History of Kingwood's well ordinance

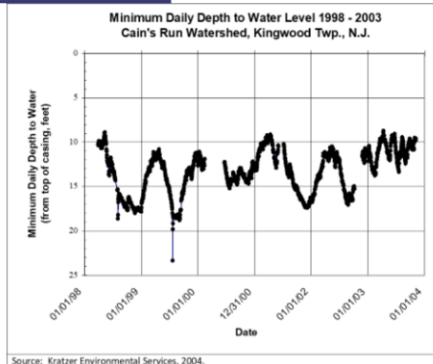
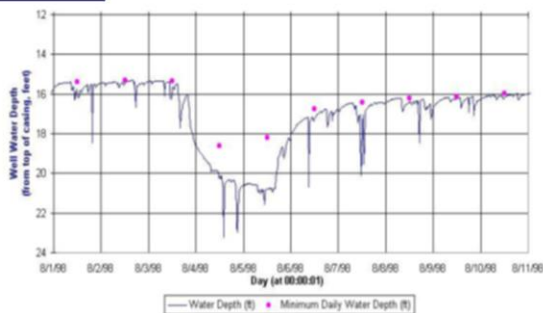


Figure 5f: Ground Water Level

Source: Kingwood ERI, 2009. [https://www.kingwoodtownship.com/ktdocuments/ERI\\_Kingwood\\_2009\\_January.pdf](https://www.kingwoodtownship.com/ktdocuments/ERI_Kingwood_2009_January.pdf)

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2. History of Kingwood's well ordinance



1/10/01

Copyright Kratzer Environmental Services

**Figure 1.** Drawdown of approximately 5.5 feet from a 48-hour pump test that may have occurred approximately 0.8 miles from my well.

Source: memo from EC to BOH

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2. History of Kingwood's well ordinance

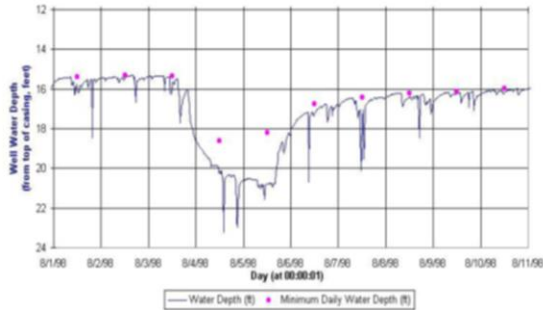


Figure 6: Well Water Depth and Minimum Daily Water Depth for 08/01/98-8/11/98 in Cain's Run (aka Warsaw Creek) Watershed

1/10/01

Copyright Water Environmental Services

Figure 1. Drawdown of approximately 5.5 feet from a 48-hour pump test that may have occurred approximately 0.8 miles from my well.

Source: memo from EC to BOH

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2. History of Kingwood's well ordinance



Sediment in well water –very likely from drilling of new well ~600 feet away

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3. Overview of well ordinance & changes

## Table 1 changes

- **No** well testing for < 1,200 gpd
- **No** well testing for 1-3 lots
- **No** well testing for 1-3 Agricultural subdivision
- **No** well testing for Nonresidential or multiple residence uses less than or equal to 2,000 gpd
- Pre-2021 well ordinance required 3 -part pump test – must ensure you have adequate water for intended use prior to either building permit or or site plan approval. These uses did not require an aquifer test.
- Why are commercial allowed 2,000 gpd and residential only 1,200?

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### 3. Overview of well ordinance & changes

- (2) If any of the analyses are not within the required water quality limits, a treatment plan, prepared by a qualified hydrogeological consultant or certified professional engineer must be supplied to the Kingwood Township Board of Health within 30 days. If the water supply is less than 40 **5 gallons per minute**, the applicant must wait for the seasonality period for testing. **If the well yields one gallon a minute or less, a storage plan, as further described in § 153-26K, prepared by a qualified hydrogeological consultant, must be provided to the Kingwood Township Board of Health within 30 days. The well yield results must be witnessed by a Township-appointed witness.** The New Jersey Geological Survey Ground-Water Report Series No. 1, Two-Part Pump Test for Evaluating the Water Supply Capabilities of Domestic Wells, worksheets pages 10 and 11, must be completed by the certified well driller. All measurements for gallons per minute will be done using a volumetric method (calibrated bucket and stopwatch) and three different measurements and will be conducted to average the tested well yield.

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### 3. Overview of well ordinance & changes

- additional water usage not associated with the operation of a dwelling up to **400-200 gpd** will be permitted without the requirement of the issuance of a well construction permit
- Map only has to identify wells and septs within 100 instead of 200 feet of property boundary
- additional water usage not associated with the operation of a dwelling up to **10-200 gpd** will be permitted without the requirement of the issuance of a well construction permit. A construction permit shall be issued if a newly drilled well deliver **40 5** or more gallons of water per minute & if **> 10 5** or more gallons of water, no seasonal well pump test is required
- Notification of existing well owners and giving them the option for monitoring changed from **2,500 to 1,500**
- Nearby wells: documentation of all well drilling results from the records of the Hunterdon County Health Department on lots located within **500 feet of the proposed well** of the subdivision/site plan boundary. Well failures within 0.5 mile of the subdivision/site plan boundary must be identified.

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### 3. Overview of well ordinance & changes

Table 3. in well ordinance, original and updated values by the Board of Health

Number of New Lots, original value	Number of New Lots, updated value	Number of Test Wells
2	6 to 7	1 pumping well and 1 observation well
3 to 5	8 to 10	2 on-site test wells, for pumping and observation. Minimum of 1, up to 3 off site wells
6 to 15	11 to 20	4 on-site test wells, for pumping and observation. Minimum of 3, up to 5 off-site existing wells
16 to 40	21 or more	6 on-site test wells, for pumping and observation. Minimum of 5 (this has been changed to 3), up to 7 (this has been changed to 5) off-site wells
Greater than or equal to 50	This requirement has been removed	6 on-site test wells, for pumping and observation. Minimum of 7, up to 10 off-site existing wells

### 3. Overview of well ordinance & changes

#### §153-24 (A)

- (1) New water supplies, new water wells or altered water wells constructed in the Township of Kingwood shall not be placed in service, nor shall new dwellings or buildings or additions to existing buildings, which require an increased water demand, be used or occupied, until the administrative authority shall have issued a certificate indicating that said water supply has been located and constructed in compliance with the terms of the well construction permit. However, additional water usage not associated with the operation of a dwelling up to 400 ~~200~~ gpd will be permitted without the requirement of the issuance of a well construction permit. A construction permit shall be issued if a newly drilled well delivers 40 ~~5~~ or more gallons of water per minute and a well-water sample is analyzed for the parameters required by the

{00691973-1}

- “Delivers” should be “yields” (not a 2021, but revision is needed)
- 5 gpm is adequate but not generous

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### 5. Recommendations

- It took over 10 years to write and pass the original well ordinance
- Changes were not based on any evidence
- Easiest thing would be to change most of the 2021 changes back to the previous version.
- Could form subcommittee – including the hydrogeologist the twp is under contract with
- Examine all the changes and publicize to get public input

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W. Ingram responded to a question as to which hydrogeologist he utilized for his report. His response was A. Bonaserra. Mr. Uhl was not utilized as he is not an employee of Engineering and Land Planning. W. Ingram stated he had met with the Board of Health (BOH) nine months ago and based on the meeting, the current well ordinance was developed. He believes that the estimates provided in the ordinance are conservative estimates and a resident who adds two bedrooms to their home would not create a large impact on water usage. His report analyzed the reports and references and arrived at different conclusions. The Central Delaware Watershed Management Area has an estimated remaining water availability of 8.2 MGD with a demand of only 3.3 MGD with the estimated increases from the time study factored in the calculation.

In response to J. Golden’s question on D. Kratzer’s comment that there is a deficit of available water, he responded there are a lot of different ways to look at data. He doesn’t believe looking at a larger area versus a smaller one would provide any difference. There is no evidence that there has been a significant impact. There has been no known change to the situation. The State uses all of their accumulated data and multiple it by factors to make it more restrictive. The factors of safety still exist with the changes in the ordinance. His report documents how unlikely it is to have an impact 1,500’ so why suggest 2,500’. Requiring the measurement from the subdivision boundary line is arbitrary. If someone is developing one lot on a 250 acre parcel requiring 500’ from the well would provide better data than from 1,000’s of feet from the well. In the change from 10 to 5 GPM, a well yielding 5 GPM is a good running well. D. Kratzer has stated a 5 GPM is an adequate well. His firm did not undergo a \$50,000 study of 15 years of data. It is not as if a well driller goes out and whatever he

finds is your well. Most well drillers will try to meet certain standards by creating a water column for water quantity. He stated just because Kingwood does not have an ordinance a well driller will not leave a resident with a substandard well. There are some municipalities in the county that have similar ordinances. Over half of the municipalities don't have any ordinances. He understands and respects the Master Plan Goals specific to the tightness of Kingwood's aquifer system. He stated the changes that had been made are going to be protective of the water supply in Kingwood. In response to a question by a Board member regarding if the aquifer is being depleted, he responded that data can be looked at in different ways. The State analyzes water quantity. You cannot use only drought conditions to determine water availability. Drought conditions recover in other seasons of the year. In the vast majority of instances, the water quantity is protected to create a 99% level of safety but to put that expense and burden on all residents for the .99% isn't appropriate. The vast majority of instances are protected. There has literally been no application before the Boards. The flood gates have not opened and developers have not come to the Township. If someone has to add a bedroom to their home and they have an existing well that's when the requirement of the three part pump test becomes burdensome. For larger developments, the recommendation is to have them do the testing. The cost impact for someone to do an aquifer test to monitor five or six wells will be approximately \$50,000-\$70,000. He does not see the benefit as it will have no impact.

G. Ashley stated the meeting started off this evening with their major concern of using more water than is being recharged. The report utilizes a recharge rate more than three times the rate in Kingwood. There is a significant difference in the recharge.

I. Kyd inquired if the Board is looking at the same data, apples to apples, as there seems to be conflicting information.

W. Ingram stated it is not as if the water stops flowing. It is all underground in a larger system. One of the tables analyzed the worst case with the Township utilizing all of the allocation and using all of the water.

T. Ciacciarelli responded to a question from J. Mathieu about what triggered the amendment to the ordinance. He stated he was getting complaints from people who were putting in wells about the process of obtaining a well permit. It was continually the same questions. When he saw a pattern of the questions, he brought it to the Township Committee. It was decided that the engineer and BOH attorney should be consulted to see if something could be made simpler to understand or to make it easier on the applicant. In response to a question by J. Mathieu regarding to making the ordinance simpler to understand to changing the numbers, T. Ciacciarelli responded the Township gave it to the professionals to work on the revisions.

W. Ingram responded he was not aware of the other hydrogeologist and utilized the hydrogeologist he has on staff. V. Uhl is the hydrogeologist who gets to enforce the ordinance.

J. Mathieu stated the Township hired a hydrogeologist and the Township chose not to use him and go with an engineer. He stated that W. Ingram was not qualified to answer the questions raised tonight because he wasn't a hydrogeologist. He also inquired if the EC was involved. T. Ciacciarelli responded they weren't consulted. J. Mathieu stated it was not consistent with how the Township handled it in the past. T. Ciacciarelli responded utilizing the Township engineer was a one stop issue. J. Mathieu stated that doesn't wash with him. The Township voted in January to hire a hydrogeologist and the BOH didn't utilize him. He inquired why wasn't V. Uhl consulted. T. Ciacciarelli responded he has been utilized for other services.

J. Mathieu stated the Township had an element that operated like this and they are all gone. The decision should have been an intelligent and non-rushed decision. He stated if the Township has an EC their advice should be taken. He doesn't like how it was handled. The BOH has the opportunity to go back to the drawing



board. There are a lot of deficiencies that were used here. The Township needs a person who has history and has been studying the area. He inquired where does A. Bonaserra live. W. Ingram responded he lives in Hopewell and has been doing this type of work for over 25 years and is a highly qualified individual

J. MacConnell stated he is the Emergency Management Official and was the Chairman of the Well Committee. He stated V. Uhl would have been the Township's best bet because he knows this area. He inquired if A. Bonaserra knows the area. He stated there were 72 homes proposed and when the testing was done all the homes at the top of Spring Hill Road and Horseshoe Bend Road lost their wells. Antiskay's had to drill a new well. He stated if the individual does not have that type of history they can't make an decision.

W. Ingram stated a 72 lot subdivision that J. MacConnell referenced would still require testing. He worked with Mr. Antiskay and was aware of his property and situation.

J. Mathieu suggested the matter be tabled and the BOH have V. Uhl sit down and explain the current conditions. This does not make sense.

P. Lubitz thanked the members for serving. He had served on the BOH. He had the opportunity to see when the Township was originally drafting the well ordinance. D. Kratzer referred to her husband in her presentation. She should have given a better introduction to her husband. T. Kratzer was a very long serving member of the Board and had the opportunity to deal with the New Jersey Water Authority. T. Kratzer is a revered, well known and well respected water scientist. To make this clear this is an ordinance where someone came in with a complaint and the next month an engineer was asked to come up with an ordinance. When the original ordinance was adopted a lot of effort was made by a variety of committees. There were many public hearings. He is not quite sure why the BOH was moving in such haste. The Well Ordinance was years in the making and utilized a wide, wide portion of the Township's citizenry. He inquired where the burden was with the original ordinance. To him the current ordinance is a solution in search of a problem. W. Ingram had stated earlier that the Township had an applicant who wanted to add a bedroom and they had to perform well testing. He stated that same person had to reevaluate their septic system also. Septic systems depend on bedrooms. Is the Township going to say that if someone comes in and they want to do an addition to add bedrooms and their septic cannot handle the addition they don't have to do the septic testing because it is too burdensome? He stated that is why the Township has a BOH. There is an exit tax in Kingwood. He stated you have to rebuild your septic system. It is well known that septic systems are failing. The Board heard it this evening. In this evening's application there wasn't a single spot on the landowner's property that could hold a septic system. He stated that is Kingwood. He stated septic systems fail on a regular basis because water does not seep into the ground. He stated that you don't have recharge. It is really common sense that the Township has this problem. The ordinances will not serve the people who live in the Township. He stated without putting the clear effort of what we are doing or why we did what we did is a disservice to the Kingwood residents and BOH members. He thanked the Board members for coming to these meetings.

R. Dodds, Mayor, stated he is a homeowner who has a well. He stated especially in Kingwood there are educated and knowledgeable individuals who work in the field. He stated if you look at the EC many of the individuals work in these fields. It is how they make a living in both of the both sides, regulatory and who do this for a living. He inquired what was the next step. The BOH cannot table the ordinance. The ordinance is in place. The BOH should entertain a motion to repeal the ordinance and move from there. The BOH should repeal Ordinance No. 2021-01 and go back to the previous ordinance. The BOH made the decision to adopt Ordinance No. 2021-01 after 23 minutes of discussion in January. If the BOH wants to make any changes they have been given a great path to do that by having conversations with the Planning Board and EC. The Township fought the pipeline. Water is the hot issue.

L. Voronin stated she recently retired and gave her credentials. The really important slide is the one from the NJ Water Supply Plan. W. Ingram talked about the area in red. The Township does not have surface water in Kingwood. They have determined that the Township is currently 0-3 MGD at a loss. She explained how water allocation works. Companies go to the DEP and indicate the quantity of water of they will require and are granted that allocation. If companies are allowed to pump out what they are allocated, there will be a deficit.

J. Golden called for any other comments.

I. Kyd stated it looks like the discussion can go back and forth. She stated the BOH should agree to disagree and have a truthful discussion going forward. How does the Township solve the problem? There isn't enough data. Should the Board repeal the current ordinance and go back to square one?

N. Marmorato stated the BOH needs to hear from their hydrogeologist.

T. Ciacciarelli stated the BOH should wait until V. Uhl has the ability to review the data provided this evening. The Township currently has an ordinance in place. If they repeal the ordinance tonight it doesn't reinstate the previous ordinance but leave the Township without out any ordinance. The BOH should give V. Uhl the opportunity to review both memos and offer his opinion to the Board. The Board can have a liaison from the Planning Board and EC for this process. They could be present during the presentation from the BOH's hydrogeologist. T. Ciacciarelli stated when he had looked at the amendment he really did have the idea that the BOH was doing something that was helping out the Township. The BOH engaged the engineer. He will admit that he probably made a mistake and a couple of steps should have been taken but he had the best intentions for the Township. There were no nefarious intentions. He wished that it would have worked out a little bit better and hope that they can all work together. He stated V. Uhl should be given all of the information presented this evening and have him come to the next meeting. A subcommittee could then be formed to address the issue with W. Ingram, V. Uhl, J. Golden and members from the EC and Planning Board.

### **Approval of Minutes**

It was moved by J. Golden, seconded by T. Ciacciarelli and carried to approve the minutes of February 17, 2021 and place on file. All members present voted **AYE** on **ROLL CALL VOTE**, except N. Marmorato, who abstained.

### **CORRESPONDENCE**

### **PRIVILEGE OF THE FLOOR**

### **ADJOURNMENT**

It was moved by N. Marmorato, seconded by J. Golden and carried to adjourn the meeting at 9:23 PM. All members present voted **AYE**.

**Respectfully submitted,**

**Diane Laudенbach, Secretary**