

7:30 P.M.

MINUTES

PRESENT: J. Golden
I. Kyd
R. Phillips
T. Ciacciarelli
P. Mikes, Alt #1
N. Marmorato, Alt #2

ABSENT:

CALL TO ORDER

The meeting was called to order by J. Golden at 7:31 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 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

ORDINANCES

Ordinance Public Hearing and Adoption:

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 I. Kyd, seconded by P. Mikes and carried to open the public hearing on Ordinance No. BOH 2021-02. All members present voted **AYE**.

L. Voronin inquired why the Board was going to adopt Ordinance No. BOH – 2021-02 and not table it.

I. Kyd responded Ordinance No. BOH 2021-02 has nothing to do with the well ordinance and the Board has received correspondence from the Board's attorney.

J. Golden read the email from the Board's attorney, K. Campbell, received on November 1, 2021, into the record:

I have received your request to amend the well ordinance to, in essence, go back to the previous ordinance that we had in place. I have spoken to Mayor Dodds and we have discussed those revisions. One thing I pointed out to him was that the entire Township code book was reviewed while this ordinance was "off the books", and so the process of codification, in which they review all the ordinances against the rest of the Code, as well as the State statute, was not done for this well

ordinance. I recommended to Richard that my office should review this ordinance to ensure that there are no inconsistencies with other sections of the ordinance, as well as confirm that all statutes referenced are still in effect and good law. Richard agreed and also suggested to make sure that we take care to make sure that all schedules and attachments that need to be made part of this ordinance are accurate and properly attached. I agreed with him, and I have assigned this matter to an associate in my office who is currently reviewing the code and any relevant statutes and administrative codes, as well as reviewing the necessary attachments and schedules. I will forward a draft to the Board for its consideration as soon as it has been finalized by my office. I just wanted to explain the process is not as simple as just repeating what was in the code before.

K. Campbell email dated November 1, 2021:

I understand at the last meeting the Board did not adopt the ordinance to approve all the codification changes in light of the change to the well ordinance. I recommend that the Board treat these two items separately. The codification was done in conjunction with the rest of the code and the changes to the rest of the code were adopted by the Township Committee. In order for the code company to complete the codification, it needs to have the Board of Health changes adopted. A delay in the adoption of this ordinance delays the codification company's work and could potentially cost the Township more money as we had agreed to deadlines for completing this effort when we hired the code company and if this isn't finalized soon they may charge us extra. I understand that there is a concern that you will be codifying the existing well ordinance which you intend to change. However, this is the well ordinance that is currently on the books, and this is the ordinance that needs to be codified with the rest of the code. The codification date will be prior to this amendment of the well ordinance and, therefore, it needs to have the current well ordinance. The new ordinance will simply be attached and we can ask the code company to update the online code book. Even if we hurried up and finished amending the well ordinance, it would not be included in the codification, as the codification work has been completed by the code company already. This is why, as I explained in my previous email, that my office is reviewing the proposed amendment to the well ordinance because it was not done by the code company. For that reason, I recommend that you adopt the ordinance for the codification changes, and then we will move forward with the well ordinance change.

J. Golden inquired if there were any additional comments.

I. Kyd inquired of the public present if they had any questions or concerns regarding to the adoption of Ordinance No. BOH 2021-02.

It was moved by T. Ciacciarelli, seconded by I. Kyd and carried to close the public hearing on Ordinance No. BOH 2021-02. All members present voted **AYE**.

It was moved by P. Mikes, seconded by T. Ciacciarelli and carried to adopt Ordinance No. BOH 2021-02. All members present voted **AYE** on **ROLL CALL VOTE**.

Approval of Minutes

It was moved by I. Kyd, seconded by T. Ciacciarelli and carried to adopt the minutes of October 20, 2021 and place on file. All members present voted **AYE** on **ROLL CALL VOTE**, except P. Mikes and N. Marmorato, who **ABSTAINED**.

CORRESPONDENCE

PRIVILEGE OF THE FLOOR

D. Kratzer, Chair of the Environmental Commission (EC), wanted to comment that she missed a little bit of the discussion. At last month's meeting, she requested that the attorney prepare an ordinance to be introduced at this month's meeting. It has cost the taxpayers a lot of money. She was informed that the cost for V. Uhl was \$8,000.00. She stated maybe the attorney didn't review the changes originally. She is a little confused about it.

T. Ciacciarelli stated the Board's attorney reviewed it along with the Board's engineer in January.

D. Kratzer stated there was a lot of money spent that could have been avoided by having better communication when the changes of the well ordinance were being discussed. She inquired if the Board of Health (BOH) would like to have a sub-committee to discuss any changes they may want as well as address the issues from some of the residents. She would rather discuss the ordinance than be at odds with the BOH and the issue.

I. Kyd responded she is not sure what the Board decided. A sub-committee would be more difficult. She is in favor of the amendment that V. Uhl suggested in his memo.

D. Kratzer stated the suggestions made by V. Uhl were not discussed separately. She stated having a sub-committee would be easier. A sub-committee would be her preference. The Planning Board (PB) appointed L. Voronin as the PB sub-committee representative. The EC hasn't picked someone from their Commission to serve on the sub-committee. She is not sure what direction the Board is going in regard to a sub-committee.

J. Golden inquired about the membership of the sub-committee.

D. Kratzer stated the membership should not have so many members that a quorum is present. She stated L. Voronin from the PB and one or two members from the EC. The meetings would be to hash out the differences and look at V. Uhl's memo and compare it to what the issues were that prompted the amendment. She thinks a sub-committee would be an easier format to do that and then bring it back to the whole board.

R. Phillips stated he thinks it is reasonable and very good.

D. Kratzer stated December is difficult for people and they can set a meeting time in January.

R. Phillips stated it is a good idea to having D. Kratzer and L. Voronin on the sub-committee. He has been involved in the issue for decades.

G. Ashley, County Route 519, she is a member of the EC. She likes the idea of a sub-committee. There is a lot of talent in Kingwood. She stated having a sub-committee would be cheaper than hiring a professional.

A. Russano, Committeeman-elect, 315 Kingwood Stockton Road, thanked the BOH members this evening for their services as well as the other members in the room. He stated he thinks that they can agree that the well ordinance is one that assures the current and future residents a reliable and safe water supply. He is not an expert but he is a resident for the last 35 years. He stated each and everyone of them bring an unbelievable expertise to the matter. He stated the matter should be discussed in a professional manner and come to a solution. His understanding is that the cost of the installation of a well is between \$10k-\$20k. It is something that we as residents should come together and try to discuss. There are a lot of people interested in moving into the Township as it is one of the safest communities in America. The Township would not be doing a family due justice if they fall on fiscal hard times to install a well. The cost could be something that can be modified. The professionals and the residents should come together for a solution. It does create an economical impact on the Township itself. He agrees that the ordinance's technology aspect should be utilized. He thanked the Board for their time.

P. Lubitz, Federal Twist Road, stated he wanted to make it clear that the Board is discussing whether or not they are going to have a subcommittee that is going to look over the changes made to the well ordinance. The Board still plans, at the earliest possible date, to adopt the well ordinance that was in effect prior to February of 2021. He agrees with the idea of having a sub-committee. He stated that the hydrogeologist indicated that 10% of the wells had failed. Kingwood's housing is the cheapest in Hunterdon County. There are no individual families that

are coming and building their own house. The houses that were built in the last decade have been built by developers and sold. Even with the well ordinance, the cost of a house is still appreciable lower than any other house in the County. He is sensitive to the cost of houses but he doesn't think that the well ordinance is adding appreciably to a family in Kingwood that comes when the Board adopts the old ordinance.

J. Golden read the motion that was made authorizing the Board attorney to create the original ordinance that was in effect in January of 2021:

*It was moved by R. Phillips, seconded by I. Kyd and carried to authorize the Board attorney to recreate the original ordinance which was in effect in January of 2021 for introduction at the November meeting. All members present voted **AYE** on **ROLL CALL VOTE**.*

He stated the sub-committee is directed to study that question and the multiple of other concerns of the residents' issues. The sub-committee's purpose should be what the Board voted on at the October meeting.

P. Lubitz stated his recollection is that the sub-committee would reconcile the differences in the two ordinances.

J. Golden stated it was to re-create the old ordinance.

R. Phillips has sat on the Board for thirty years and it took 10 years to create the well ordinance.

P. Lubitz stated he thinks the Board voted at the last meeting to go back to the old ordinance. It wasn't a question. He inquired what would be the function of the sub-committee.

R. Phillips stated the Board should go back to the old ordinance and have L. Voronin, D. Kratzer and G. Ashley to work on V. Uhl's recommendations.

It was moved by J. Golden, seconded by R. Phillips and carried to authorize the forming of a sub-committee to recreate and rectify the well ordinance starting with the ordinance that was in effect in January of 2021. All members present voted **AYE** on **ROLL CALL VOTE**.

ADJOURNMENT

It was moved by T. Ciacciarelli, seconded by N. Marmorato and carried to adjourn the meeting at 8:30 PM. All members present voted **AYE**.

Respectfully submitted,

Diane Laudенbach, Secretary