

MINUTES

PRESENT: J. Golden
T. Kratzer
D. Haywood (7:40 PM)
S. Stryker
R. Patel, Alt. #1
J. Kopen, Attorney

ABSENT: R. Phillips

CALL TO ORDER

The meeting was called to order by S. Stryker 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 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

NJAR – Well Ordinance Comments

B. Shapiro, NJAR, and R. Daiuto, President Elect of the HSAR, were present for the meeting this evening.

B. Shapiro stated the NJAR and the HSAR have a few concerns with the ordinance amendments adopted in 2010, such as the inspection requirements and application fees. The Board will hear this evening from some of the local realtors about the effect of the ordinance amendments on local real estate transactions on vacant land.

R. Daiuto stated there have been no land sales in the past year since the ordinance took effect. She had a buyer who wanted to purchase land in Kingwood and build a home. The landowner had split up the parcel of land for herself. Her husband passed away and she wanted to sell the parcel she had created earlier. The buyer was told that he needed to put in a well on the property and that it would have to pass the test of 10 gpm. The buyer was told he had to do the testing twice. The current owner did not have the money to install the well and the buyer walked away. The reason the buyer walked away was because the owner did not have anything to provide to him should something fail and the well would not perform adequately. The buyer stated how can he spend 8-10 thousand dollars without a gain on his side. They are looking for some type of compromise and to do the right thing for the homeowner. The ordinance is not working for the homeowners in the long run.

B. Shapiro stated they are not looking for a repeal of the ordinance but some amendments to try and help out the local property owners who are dealing with the ordinance.

R. Daiuto stated there were two properties under contract and 17 expired listings. The farmers need to stay here and live here for the rest of their lives. The only way is to be able to allow them to subdivide their properties.

S. Stryker stated the Township is very amenable to their comments and appreciate them taking the time to make the comments. The Board has open ears and is more than willing to listen to their comments. Some resolution of the issues

may take place.

T. Kratzer inquired what particular sections do they feel need amendments. R. Daiuto stated her buyer was told if he came in he would have to drill the well. The seller could not afford to have the well installed. The buyer was informed it would be \$2,000 for the three part pump test and the well would have to produce 10 gpm. He would be able to get his construction permit but he would have to wait for the dry season to have the test done again to see if the well would pass the test and pay the \$2,000 fee again. If the well did not pass, he would have to put storage tanks on the property. The farmers here might not have that kind of money and not want to do it.

T. Kratzer inquired does the \$2,000 include the drilling and testing. R. Daiuto stated she had spoken to someone and it would cost him \$8-12 thousand dollars to install the well. A buyer would not want to invest \$12,000 in a property he does not own. The buyer had spoken to people in the town and there are areas that would not produce the appropriate water and he would have to go deeper. She cannot verify those statements.

T. Kratzer stated there are some wells throughout the Township that are 100' and provide a great yield and up to 50' away there is a problem. The Township has a fractured system.

K. Klymec, Caldwell Banker, agrees with the aforementioned comments. She understands that the Township has to protect the people and their health. She is asking the Township to keep the cost down for these people. The taxes are increasing. Townships have burdens. People have debts that are not paid for through the Township. There are regulations for cesspools. Many people do not understand what they are going to go through with a cesspool. With the testing and drilling of the well, no one will be able to sell. The Township keeps growing as a government and the cost goes up. She inquired if the ordinance provides for drilling to be done between July and October, what happens during the other months of the year if they want to buy a house and/or land.

T. Kratzer stated the previous speaker hit on the issue. July through October is the critical time of the year. The state has a seasonal time for septic, January through April, which is when there are the highest groundwater conditions. The Township wants to know what the well yield will be during critical conditions, July through October. If the purchaser/owner has the information upfront when they build a house or add water uses to the well, they will know the limitations.

K. Klymec inquired if the ordinance provides for testing during the dryer time. T. Kratzer stated the ordinance provides for the drilling of the well and obtaining the yield year round. If you have a yield of 10 gpm, even under critical conditions and five bedrooms or less, you will have an ample supply of water. If you want to make sure you will have sufficient water in the critical conditions, do the testing between July and October. He stated if you have that happen after you have your house in place, you would have to revisit the supply, bring in water, drill another well or extend the depth of the well. He stated he understands the situation with the cost and will definitely consider that issue.

J. Kopen clarified if the well yield is 10 gpm, there is still a requirement to do the seasonality pump test in the next season.

R. Czaskos, Weichert Realtors, stated he has a listing on Tinsman Road. He commented he tried to get on the website to obtain a copy of the well ordinance but could not find any reference to time periods or the current fee. Has the Township updated the code? J. Kopen stated she had just looked at it today and printed it out. It is Sections 153-20 through 153-27.

R. Czaskos inquired if he wanted to buy the vacant land on Tinsman Road and put a tent on it, why can't he buy it. T. Kratzer responded there are no limitations that will prevent anyone from buying a lot. J. Kopen responded the ordinance pertains to when there is a new water supply, new well or altered well. The ordinance does not address buying a lot.

R. Czaskos stated he could buy the lot and then being the owner of the lot, go ahead with the testing. It is untrue that the property cannot be transferred without this being done. It is not how he read the information that was distributed.

APPROVAL OF MINUTES

It was moved by T. Kratzer, seconded by J. Golden and carried to adopt the minutes of February 15, 2012 and place on file. All members present voted **AYE**, except D. Haywood, who **ABSTAINED**.

CORRESPONDENCE

DEP – Clean Watersheds Needs Survey

T. Kratzer stated he will review the survey and it should be listed on next month's agenda.

PRIVILEGE OF THE FLOOR

A. Belle inquired about the status of the revisions discussed at the October 19, 2011 meeting. T. Kratzer responded they were gone over when they were presented. A. Belle stated it was to be introduced that evening but was not. T. Kratzer suggested A. Belle bring up the questions to the Board and they will review them. A. Belle stated he will follow up next month.

T. Kratzer stated the well and septic committees have been organized into a joint subcommittee. There will be some information in May presented that will address some of A. Belle's comments and also a follow up on some other sections to see how the Board is going to modify them.

P. Barbieri stated he has several lots on Fairview Road. He constructed five prior to the ordinance. In 2010 the ordinance took effect and he followed the required process. He drilled the well and did the testing. The well's yield was 14 gpm. The testing did not affect any other wells. He obtained the well permit to get a building permit but has put the project on hold. Will he be required to do the process again on the wells already installed? Can he use the existing well without doing a pump test? J. Kopen stated the Board would have to look at the testing on the existing well. She cannot give him an off-the-cuff answer. She does not know all the specifics of the well testing on his lot/lots. She would like to review the file. She stated without having the documentation in front of her today, she cannot answer his questions.

E. Niemann, Mayor, stated she would like to address the people who have come to visit tonight. She wanted to make it very clear to the public present today that the well ordinance does not provide that you have to test a well to transfer property. It is a falsehood that was distributed to people who were selling their property. The information provided was patently false. She inquired if it would be possible to send a correcting letter to the same people who received the original distribution by Weichert Realtors indicating that well testing would be required before a property can be transferred. She has heard other concerns tonight. She stated the Township is actively working on amendments to the well ordinance. If a homeowner has no water then that home has no value. The idea of the ordinance was to make sure you have water and then build your house. You can buy a property without testing for water but you cannot build before testing for water.

B. Shapiro stated he just saw a copy of the letter today. He stated the Association did not send out that letter. He is aware there are inaccuracies in the letter but he does not have the ability to send corrected information. He apologized to the Township for the letters to the residents' selling their houses.

L. Spencer stated she is trying to sell a property and inquired if she has to do a well test to transfer the property to a new owner. T. Kratzer stated she will have to perform the state mandated well test required for real estate transactions.

ADJOURNMENT

It was moved by T. Kratzer, seconded by R. Patel and carried to adjourn the meeting at 8:08 PM. All members present voted **AYE**.

Respectfully submitted,

Diane Laudenschlager, Secretary