

KINGWOOD TOWNSHIP COMMITTEE

Special Meeting Agenda

October 29, 2014 – 7:00 PM

Call to Order

Pledge of Allegiance

Adequate notice of this meeting was provided in accordance with the Open Public Meetings Act by publication of the notice in the Hunterdon Democrat and Courier News on October 9, 2014 and by telefaxing copies of the notice to the Express Times on October 6, 2014. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on October 6, 2014.

In order to ensure full public participation in this meeting, all members of this Committee or Board, and also 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.

Resolution No. 2014-97 - Support of Farmland Preservation for Bl 23 L 11

Public Comment – Privilege of the Floor

Resolution No. 2014-98 - Proposed PennEast Pipeline

Adjournment

2014 – 233

October 29, 2014

A Special Meeting of the Kingwood Township Committee was called to order at 7:00 P.M. at the Kingwood Township Fire House on Route 519, Frenchtown NJ, with Mayor Lubitz presiding.

Also present at the meeting were Committeepersons Dodds and Haywood, Attorney Cushing, Assemblyman Erik Peterson, Hunterdon County Freeholder Suzanne Lagay, Hunterdon County Freeholder John King and Clerk MacConnell. Mayor Lubitz read aloud the following:

NOTICE REQUIREMENTS

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Mayor Lubitz started the meeting by thanking the Kingwood Volunteer Fire Company for all they have done to help make this meeting happen. He explained to everyone present where the restrooms were located and also the emergency exits.

Resolution No. 2014-97 - Support of Farmland Preservation for Bl 23 L 11

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2014 – 97

APPROVAL OF APPLICATION FOR FARMLAND PRESERVATION FOR PROPERTY LOCATED AT BLOCK 23 LOT 11

WHEREAS, the Hunterdon County Agriculture Development Board informed Kingwood Township that it has received a farmland preservation application from a landowner in Kingwood Township; and

WHEREAS, the State Agriculture Development Committee provides between sixty and eighty percent of the funds to acquire a development easement on a farm; and

WHEREAS, for the balance of the easement purchase funds, Hunterdon County will determine the portion to be paid by the County; and

WHEREAS, the Hunterdon Land Trust has applied for federal funding to cover the Municipal portion of the preservation costs; and

WHEREAS, the Hunterdon County Agriculture Development Board requested confirmation from the Township that Kingwood Township approves of the farmland preservation application within the Township;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that Kingwood Township approves of the below application located within Kingwood Township:

Estate of Irma Perrotti Block 23 Lot 11

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Hunterdon County Agriculture Development Board.

It was moved by Mr. Dodds, seconded by Mrs. Haywood and carried to adopt the foregoing Resolution.

Roll Call Vote:	AYE	- Dodds, Haywood, Lubitz
	NAY	- None
	ABSTAIN	- None
	ABSENT	- None

Public Comment – Privilege of the Floor

Mayor Lubitz noted that there were several people in the audience that he would like to introduce. He introduced Assemblyman Erik Peterson, Hunterdon County Freeholder Suzanne Lagay, Hunterdon County Freeholder John King, Vice Chairwoman of the Planning Board Maureen Syrnick, and Environmental Commission Chairwoman Debbie Kratzer.

Mayor Lubitz explained that they are all at the meeting to show their support to the residents and they are very happy to hear everyone’s comments and take them to PennEast Pipeline to address.

Mayor Lubitz explained that Maureen Syrnick, Vice Chairwoman of the Planning Board is serving on a task force to combine efforts to battle the pipeline along with surrounding municipalities, and also to assist in the efforts for Kingwood Township.

Mayor Lubitz introduced Environmental Commission Chairwoman, Debbie Kratzer and explained that she will be working with others from the Commission on the environmental issues regarding the pipeline.

Attorney Richard Cushing gave a lengthy background of the process PennEast must go through. He explained that the (FERC) Federal Energy Regulatory Commission controls the whole project and that the State has no control over it. He also described what PennEast is currently doing. Attorney Cushing noted that PennEast is asking for expedited environmental review by November 13, 2014, and then they will make their certification application.

He explained that they have an ambitious construction schedule and they are planning to do this in six months. They are also doing an environmental review, which involves crossing several bodies of water.

Public Comment – Privilege of the Floor

Mayor Lubitz opened up the floor for public comments and concerns.

The following persons commented:

Ted Olszyk, Horseshoe Bend Road – Asked why they need to come into New Jersey, and why not continue thru Bucks County. He also asked if they have the right to go on farmland. He also feels that our well water will be a very important issue.

Claire Taylor, Kingwood Locktown Road – Noted that this proposal for a pipeline has inspired her to make use of her rights. She suggested going to several websites to see their track record. She commented on how she feels it will affect everyone and noted that it is our responsibility to protect nature. She asked the Township Committee to oppose the pipeline.

Valerie Baker, Ridge Road – Expressed concerns about our well water being comprised.

Joe Zgurzynski – Explained that he has served on the township's Environmental Commission for many years. He also noted his qualifications and experience. He stated that he attended a meeting in Princeton NJ, last week and learned a lot about fracking. He stated that companies that search for gas have been exempt by the (EPA) Environmental Protection Agency from certain regulations. He described the process, and chemicals used in order to get gas. He explained the pollution from the pipeline currently in Pennsylvania, but it has not happened in New Jersey yet. He urged all of the Committee Members to put regulations in place against fracking. He explained that Princeton has this in place and that it was pretty easy to do. He stated that the township needs to find out if they will have pumping stations and compressing stations, which will cause a lot of disturbance around it.

Vincent DeGrado, Featherbed Road – He explained that he attended the meeting in Delaware Township and after listen to the representatives from PennEast, he feels that we are all very insignificant to these people and that they don't care about us.

He stated that he is very depressed for the fact that they will be going through his property and feels we need to unite and hire a lobbyist. He suggested that the township along with other municipalities get together and hire a lobbyist.

Carol Tistan, County Road 519 – She expressed herself and asked “Why did we invest money to keep our area clean?” Why did we do the “Open Air Act”? Why did we fight Riegel Paper when they were polluting the river? She feels that the environment will end up making us sick and killing us, and feels we must take care of it.

Maureen Syrinick – Explained the joint task force she is involved with the other townships, and stated they are also trying to include townships in Pennsylvania. She noted that each township was asked if two people would be able to join the force. She noted that she along with Mayor Lubitz, will be working together to represent Kingwood Township. She explained that this task force is about the townships’ sharing information and strategies with each other. She explained what everyone could do to help, and suggested going to the (FERC) Federal Energy Regulatory Commission website and register. She also mentioned the bank and credit for wetlands restorations.

Nancy Bond, Delaware Twp. – She explained that she received a letter from the PennEast Pipeline as they want to go thru her yard. She mentioned the Tocks Island Dam, the Great Swamp, the Airport Proposal, and the proposal for condos in the Pine Barrens. She stated that her point was that none of those things happened and if we all fight this pipeline, it will not happen either.

Lou Sailing, Warford Road – Noted that he believes this natural gas is our most abundant resource, and is not opposed to the pipeline. He feels that this may wean us off of other countries.

Deborah Kratzer, Hill Road – Chairwoman of the Township’s Environmental Commission, noted if anyone has property targeted to please e-mail her with their block and lots. She explained that this way it will help them get more targeted information to fight it.

Anthony Hauck, Spring Hill Road – Stated that a few years ago he served on the Township’s Environmental Commission. He noted why we have wetlands due to argillite. He feels any blasting will affect our own wells. He agrees it is our abundant resource, but that they need to use interstate highways to put them along. He noted that way it can then be policed if necessary and revenue can be used to repair interstates.

Joan Kaeger, Featherbed Road – She quoted some statistics from Wikipedia website, as far as, the dangers of transporting the gas.

Dennis Kaeger, Featherbed Road – Noted that he has been in Kingwood Township for 24 years. He thinks if the pipeline comes through his property, it will then be worthless. He also commented on the dangers of explosions.

Kathleen O’Conner, Fairview Road – She noted they moved here three years ago, not because they wanted a pipeline. They don’t want to raise their children in fear. She urged everyone to go to the (FERC) Federal Energy Regulatory Commission website.

Stacey Tuzik, County Rt. 651 – Explained that her uncle purchased property here in 1958, and that she inherited the property from him. Her question was if we register on (FERC) Federal Energy Regulatory Commission, does that make us an intervener. Maureen Syrnick, Vice Chairwoman of the Planning Board responded.

Kirstin McCarthy, Delaware Township – Suggested the township contact (FERC) the Federal Energy Regulatory Commission and noted they will walk us through the process. She noted the website “citizen against pipeline” for everyone to go to.

Laurie Sabat, Warsaw Road – Asked if there is a centralized place for all of the information to be.

Kirstin McCarthy, Delaware Township – Commented that probably there will be several sites with links to each other. She noted that their organization in Delaware Township are working on a database from all the municipalities and several from Pennsylvania. She noted that hopefully in the future, they will have something organized.

Tim MacEbroy, Pennington – He stated that he felt compelled to attend this evening. He stated that there are a lot of grassroots and groups out there, such as, supportive Legislators like Rush Holt, Bonnie Watson Coleman, Reed Gusciora, and Leonard Lance. He noted that the Delaware River Keeper has good information on their website. He mentioned several groups and several things that were discussed at other meetings, which were the two mile blast zone, increases for homeowner’s insurance, wetland mitigation credits and that there are also signs at Rosedale Mills regarding stopping the pipeline for \$5.00 each.

Mayor Lubitz noted that Kingwood Township is working with the Township of Hopewell and Pennington.

Kirstin McCarthy, Delaware Township – State there are various legislatures in there district who are supportive. She explained some of the handouts.

Maureen Bydalek, State Hwy 12 – Stated that the pipeline will be going through her family’s farm. She stated that all the comments this evening have been excellent and feels that we have a chance of fighting it. She asked the Township Committee to put as much information as possible regarding the pipeline on the website. She also encouraged people to put up signs. She stated that the signs are also available in Frenchtown Hardware store. She noted that her family is opposed to the pipeline.

Jack MacConnell, Spring Hill Road – Explained that he is the township’s Emergency Management Coordinator. He noted where the pipeline is proposed with the Buckeye Pipeline and overhead transmission lines. He feels that we all need to think about safety and do everything we can to stop it.

Nancy Ponter, Everitts Farm Lane – Noted that after receiving a letter and phone calls, she finally caught up with the pipeline representative. She explained that she received daily phone calls, notes on the door and a lot of pressure from them. She stated that she lived in Colonia Township, which is close to Edison when there was a gas pipeline explosion. She remembers that her house shook and she lived several towns away. She encourages everyone to take a look at Edison.

Heather Haberle, Byram Lane – She explained that she lives along the river and just wanted everyone to know they are not alone. She explained that she gets propane delivered and believes the risk is too great and that we do not need the pipeline. She also asked if anyone in Kingwood Township will benefit from it.

Mayor Lubitz noted that there is a small portion of Kingwood Township that receives natural gas from Elizabethtown Gas.

Heather Haberle stated that she feels that it is too great of a risk.

Mayor Lubitz asked the public how many people would be interested in serving on a citizens group outside of the Government. He noted that there will be a sign up sheet for anyone that is interested this evening.

Mia Rossen, Delaware River Keeper – Commented on the damage that will be done to people’s property. She says they are lying and that they will not put the properties back the way there were. She commented on what they do to forests and the creeks. She explained that people she knows who live in gas land areas, don’t want the pipeline either, as it will fuel increased fracking. She commented on where the gas could go. She feels that it is about making money, not about protecting our country. She also noted that the Delaware River Basin Commission needs to be a part of the resolution to urge them to take action. She said “Stop PennEast Pipeline”.

She explained that on November 5, 2014 there is a meeting in West Amwell. She showed everyone pictures of what the pipeline does.

MaryAnn DeSapio, Ridge Rd – Explained that she has been here many years. She stated that she went to Scranton, Pennsylvania in May, and noted the desolation. She also commented on what she found out while she was visiting the area. She explained areas that were 20 miles away and how they are affected by the fracking. She noted how fragile our children are and how fragile our wells are.

She talked about the homes in Flemington and Annandale that blew up from natural gas. She also urged residents to look into solar. She supports everything the township is doing. She feels that we all make a difference.

Frank Conlon, Barbertown Point Brz. Road – Explained that he grew up in Metuchen and mentioned some things that happened there. He stands with everyone here against the pipeline. He has worked for the Star Ledger for a long time and feels that if the pipeline must come, then at least try to force as much out of them as we can.

William Pandey, Spring Hill Road – Chairman of the Agriculture Advisory Committee, thinks the Pipeline is proposing to cross at least six preserved properties. He described his family's issues with the Buckeye Pipeline, which is located on their property. He also feels that we should not go to their meetings, because they wouldn't come to ours.

Russ Pitzner, Slacktown Road – Explained that in 1950 his family lost their farm to the New Jersey Turnpike. He noted that this was a very painful experience. He was also at Rutgers University and watched the explosion in Edison from the gas lines and stated it was terrifying. He also noted that he has seen firsthand how Petro Chemicals can destroy our environment. He feels there is no reason for the pipeline to come through New Jersey. He also has fears about fracking coming to New Jersey and the fears of methane in our water.

Richard Peterson, Horseshoe Bend Road – Feels the real issue is where we are going to get political clout in Washington DC. He feels that this is a real fighting political battle.

Ian Slatas, Lower Oak Grove Road – Noted that his family absolutely loves it here and it is really heartbreaking to see they want a pipeline here. He has walked through refineries and feels it will always look terrible. He noted they don't clean up their own backyards.

Kathy Slatas, Lower Oak Grove Road – Asked why PennEast Pipeline cannot use Tranco's Pipelines right of way.

Claire Taylor, Kingwood Locktown Road – Asked the Committee who authorizes access for the Pipeline to enter properties. Mayor Lubitz responded by saying it would be the property owners.

Claire Chontofalsky, Spring Hill Road – Asked if there were guidelines about the distance the pipeline can be near a school. Deputy Mayor Dodds responded and stated that he and EMC, Jack MacConnell attended a pipeline meeting. He noted that the pipeline company said it is a high hazard area, but that they can still go through. It was noted that the Kingwood Township Board of Education will be contacted regarding this matter.

Tim Duggan, Lamberville Attorney – Stated that he is opposed to the pipeline. He noted that he has represented various clients in the past and stated that the pictures are accurate. He urged people to get really involved and make donations to organizations.

Dennis Kager, Featherbed Road – Noted that he seconded the idea of adopting the resolution to stop the pipeline.

Mayor Lubitz commented on the contents of the resolution that was being adopted. He also noted when the township makes comments to (FERC) the Federal Energy Regulatory Commission, they will be much more detailed. He read aloud the resolution that was prepared for adoption.

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2014 – 98

RESOLUTION CONCERNING PENNEAST PIPELINE

WHEREAS, PennEast Pipeline Company, LLC, a joint project of AGL Resources, NJR Pipeline Company, a subsidiary of New Jersey Resources, South Jersey Industries, PSEG Power and UGI Energy Services, a subsidiary of UGI Corporation, proposed the construction of a new pipeline for the transfer and delivery of natural gas generated by deep well "fracking" in areas of Marcellus Shale in Pennsylvania; and

WHEREAS, the proposed pipeline is approximately one hundred (108) miles long of buried pipe crossing parts of Luzerne, Carbon, Northampton and Bucks Counties in Pennsylvania and Hunterdon and Mercer Counties in New Jersey, with approximately 8 miles of pipeline being located in Kingwood Township; and

WHEREAS, there are at least seven pending proposals to build pipelines in the Delaware River Basin, and eleven such proposals have been approved since 2011, threatening the Delaware River and other critical water resources; and

WHEREAS, the proposed route crosses properties that were purchased with New Jersey Department of Environmental Protection Green Acres Funds, New Jersey Department of Agriculture Funds, Hunterdon County Open Space Funds, Kingwood Township Open Space Funds, Federal Farm and Ranch Protection Program Funds, New Jersey Water Supply Authority Funds, as well as other properties that are subject to conservation easements and/or deed restricted against development; and

WHEREAS, the proposed route crosses or affects properties that were purchased by non-profit land conservation and protection organizations including the New Jersey Conservation Foundation and the Hunterdon Land Trust; and

WHEREAS, the proposed PennEast pipeline poses a potential safety threat to our neighboring communities, in that the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation reports that incidents related to gas transmission lines have caused 41 deaths, 195 injuries, and \$1.6 billion in property damage over the past 20 years; and

WHEREAS, the proposed pipeline passes through the Crossroads of the American Revolution National Heritage Area, including the sites of two documented Revolutionary War encampments; and

WHEREAS, the Township is predominantly a rural municipality, relying almost solely on individual water supply wells and on-site septic systems; and

WHEREAS, most soils in Kingwood have limitations from at least one of the following factors: poor drainage, high water table, shallow bedrock or steep slopes, “Ground water is limited and barely adequate for residential wells”; and

WHEREAS, depth to bedrock is an important factor when determining the suitability of land for building roads, foundations and septic systems. Kingwood Township has very shallow depths to bedrock, ranging from zero (bedrock is exposed at the surface, with no soil above it) to 60 inches; and

WHEREAS, the majority of Kingwood Township has shallow depths to seasonal high water table which impact the effectiveness of septic systems, and the freeze/thaw cycles cause frost heaving, which damages structures and roads; and

WHEREAS, the majority of Kingwood Township is rated "potentially highly erodible", while some areas are "highly erodible", and erosion is often accelerated as a result of human activities; and

WHEREAS, Kingwood Township relies exclusively on ground water and Kingwood, like most of the Piedmont Physiographic Province, is underlain by dense, almost impermeable bedrock that yields water mostly from secondary porosity and permeability provided by fractures, and The Lockatong Formation is one of the poorest sources of ground water in New Jersey; and

WHEREAS, ground water is stored and transmitted in fractures. A contaminant could travel quickly through fractures, with little soil contact to allow for filtration or degradation of pollutants. Thus, a well located on a large fracture might have a very good yield, but may be highly susceptible to contamination; and

WHEREAS, Kingwood Township is designated as part of the stream-flow source zone for the Coastal Plain SSA. As defined by the U.S. Environmental Protection Agency (EPA), sole-source aquifers (SSA) are those aquifers that contribute more than 50% of the drinking water to a specific area, and the water would be impossible to replace if the aquifer were contaminated; and

WHEREAS, the proposed pipeline will intersect the C1 Locketong Stream that flows directly into the Delaware and Raritan Canal, a drinking water source for more than 1 million central New Jersey residents; and

WHEREAS, the proposed pipeline will also cross the Nishisakawick, Little Nishisakawick, Copper, Locketong and Wickecheoke Creeks, all of which empty into the Delaware River, the water source for five percent of the nation's population – over 15 million people; and

WHEREAS, State threatened long-tailed salamander have been reported in the Little Nishisakawick Creek. This creek, along with Nishisakawick Creek and Wickecheoke Creek, contain the second largest concentration of this amphibian in the State, next to the limestone regions of Warren and Sussex counties. The Nishisakawick Creek has reported State threatened wood turtle sightings, primarily in the upper portions of the drainage and the Wickecheoke Creek has also reported State threatened wood turtles; and

WHEREAS, areas along the Nishisakawick, Little Nishisakawick, Copper, Locketong, and Wickecheoke Creeks experience frequent flooding; and

WHEREAS, the proposed pipeline will also cause damage to Kingwood Township residents by lowering property values, raising health concerns, raising safety concerns, impacting farms and residences, and generally degrading their quality of life and the historic, environmental and cultural resources they have dedicated themselves to protecting.

WHEREAS, the Township Committee's responsibility is to provide a safe environment for its residents, and this pipeline raises serious safety concerns as described above;

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, in the County of Hunterdon, in the State of New Jersey that:

1. Kingwood Township opposes the proposed PennEast pipeline; and
2. If the PennEast proposal is submitted to the Federal Energy Regulatory Commission ("FERC") as contemplated, FERC must consider it, Williams/TRANSCO'S Leidy Southeast Expansion and other pipelines proposed or being constructed in the Delaware Basin as part of one network requiring a full environmental impact statement, and not in segmented fashion.

3. The Delaware River Basin Commission is urged to exercise its authority and obligations under Section 3.8 of the Delaware River Basin Compact and the current Rules of Practice and Procedure.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Township Committee of the Township of Kingwood, Hunterdon County, New Jersey as follows:

1. The Kingwood Township Committee does hereby object to the design and construction of a pipeline passing through and under Kingwood Township, Hunterdon County.
2. The construction and operation of the pipeline will significantly damage C-1 protected streams, wildlife habitat, existing farm operations and the quality of life in Kingwood Township.
3. The Kingwood Township Committee calls for a moratorium on any and all planning for the PennEast Pipeline and requests that any such project, if approved, be removed from the pristine reaches of Hunterdon and Mercer Counties in New Jersey and Luzerne, Carbon, Northampton and Bucks Counties in Pennsylvania.
4. The Kingwood Township Committee calls upon the Delaware River Basin Commission to utilize its jurisdiction over the proposed PennEast Pipeline Project.
5. The Kingwood Township Committee seeks the cooperation of other similarly located and affected municipalities, asking that all nearby affected municipalities adopt a similar resolution.
6. The Kingwood Township Committee adopts, and calls upon similarly situated municipalities to adopt, a resolution authorizing each municipality to join together to enter their appearance in any proceeding before the Federal Energy Regulatory Commission, the Delaware River Basin Commission, the New Jersey Public Utility Commission, and any other regulatory authority, so that by the strength of numbers they may successfully oppose the PennEast Pipeline project and have the ability to cause the relocation or termination of the project so as to prevent environmental degradation and to protect the environment envisioned by the State of New Jersey.
7. The Kingwood Township Committee will act as an Intervener and/or Objector to the proposed PennEast Pipeline.
8. This resolution shall also be distributed to:

Senator Cory Booker
Senator Robert Menendez
Congressman Leonard Lance;
Senator Michael Doherty;
Assemblyman John DeMaio;
Assemblyman Eric J. Peterson;
The Hunterdon County Board of Chosen Freeholders
Delaware River Basin Commission
Hunterdon County Municipalities

It was moved by Mr. Dodds, seconded by Mrs. Haywood and carried to adopt the foregoing resolution with amendments discussed and agreed.

Roll Call Vote:	AYE	- Dodds, Haywood, Lubitz
	NAY	- None
	ABSTAIN	- None
	ABSENT	- None

Mayor Lubitz thanked everyone for coming out to this special meeting.

ADJOURNMENT

It was moved by Mr. Dodds, seconded by Mrs. Haywood and carried to adjourn the meeting at 9:15p.m. **All** voted **Aye** on **Roll Call Vote**.

Respectfully submitted,

**Cynthia L. Keller, RMC
Deputy Clerk**

