

MINUTES

7:30 PM

PRESENT: T. Ciacciarelli
R. Dodds
D. Haywood
S. McNicol
L. Riggio
J. Strasser
M. Syrnick
L. Voronin, Alt #1 (7:34 PM)

ABSENT: J. Mathieu
C. Ely, Alt #2

CALL TO ORDER

The meeting was called to order by M. Syrnick at 7:30 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 and 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

Resolutions

It was moved by S. McNicol, seconded by L. Riggio and carried to adopt **Resolution No. 2016-02 – Tumble Partnership, Block 32, Lots 11 & 11.01 – Minor Subdivision – Tumble Idell Road**. All members present voted **AYE** on **ROLL CALL VOTE**, except T. Ciacciarelli, R. Dodds and M. Syrnick, who **ABSTAINED**.

It was moved by J. Strasser, seconded by S. McNicol and carried to grant a 3 month extension to file the deeds for **Hall – Schlachter - Block 9, Lots 13.01 and 13.03**. All members present voted **AYE** on **ROLL CALL VOTE**.

D. Pierce stated there was an issue with the deeds and the plat. The engineer had never reconciled the prior subdivision so the metes and bounds changes were not reflected. There was an acreage change. The application was conforming. He and T. Decker had conferred and they had decided to handle the adjustment to

the deeds and plat administratively. The resolution is to grant an extension of time to file the deeds at the county.

It was moved by D. Haywood, seconded by R. Dodds and carried to adopt **Resolution No. 2016-03 – Hall-Schlachter – Block 9, Lots 13.01 and 13.03 – Extension of Time to File**. All members present voted **AYE** on **ROLL CALL VOTE**.

Proposed Ordinance No. 18-07-2016 – Banning the use of Hydraulic Fracturing in Kingwood Township

D. Haywood stated the same ordinance is being proposed in both Alexandria and Franklin Townships. The ordinance does not prohibit fracking for water.

It was moved R. Dodds, seconded by L. Riggio and carried to recommend adoption of proposed **Ordinance No. 18-07-2016 – Banning the Use of Hydraulic Fracturing in Kingwood Township**. All members present voted **AYE** on **ROLL CALL VOTE**.

APPROVAL OF MINUTES

It was moved by L. Riggio, seconded by S. McNicol and carried to approve the minutes of April 14, 2016. All members present voted **AYE** on **ROLL CALL VOTE**, except T. Ciacciarelli, R. Dodds and M. Syrnick, who **ABSTAINED**.

APPLICATION STATUS

CORRESPONDENCE

PennEast Pipeline – Green Acres Diversion Process – Tract 1016-12-25;

PennEast Pipeline – Green Acres Diversion Process – Tracts 1016-24-13, 1016-24-13.08, 1016-24-13.09, 1016-24-14.01 and 1026-8-36;

M. Syrnick stated the Township has several tracts of property on which PennEast plans to run the pipeline. At Horseshoe Bend Park East they are proposing to use the driveway and Copper Creek to bring in construction equipment. PennEast has been writing to all of the townships for the Green Acres Diversion Process. They have released compelling public relations pieces. They are stating that they will be delivering more open space in the State because of the funds the Townships will be receiving. Such diversions are contrary. The pipeline has not received any approvals from DEP nor FERC. Diversions are usually done after approval.

Compensation ratios are set by law so there is no benefit by cooperating now. The Planning Board does not have any direct control on the outcome. The pipeline goes against the Township's Master Plan goals.

D. Haywood stated the Township Committee has sent the letters to the Township attorney to see the available options open to the Township.

M. Syrnick stated she believes that the judge in Somerville, with the regard to the trespassing issue, has asked PennEast to provide information on what properties they had surveyed. PennEast requested the case be dismissed. A second hearing has been scheduled. PennEast has admitted that 70% of the tracks in New Jersey have not been surveyed. They have been denied survey access. If the list of properties they have surveyed contains ones that did not provide access then they had to have trespassed in order to get the information. They are proposing to take land by eminent domain and be able to obtain the required information for filing.

R. Dodds stated if they don't complete the ecological survey they will not be able to get eminent domain. If they can't complete the surveys, they will not get their permit from FERC. Even if PennEast gets through the FERC process, DEP can stop them. If they get their approval from FERC in March of 2017 and obtain their Certificate of Public Convenience they will then have to apply to the DEP for a permit. DEP can require a two season study before the issuance of a permit.

D. Pierce stated in eminent domain if PennEast shows that there were good faith negotiations which failed they can file an action to condemn. They can take the land and later determine the value.

The Board had a lengthy discussion on the approval process, other proposed pipelines in New Jersey and the environmental impacts of the proposed pipeline.

M. Syrnick stated if a resident sells their easement, PennEast can sell that easement to have up to five pipelines installed in that specific easement. If a resident does not sell their easement and their property is taken by eminent domain, only that pipeline can be installed.

Sustainable Aquaculture

M. Syrnick stated they will have to restart their hearings in Franklin due to a lack of notice to Kingwood. The Township has requested documents through the OPRA process.

R. Dodds stated the OPRA law is very specific. Franklin knows it is in violation. Kingwood was officially noticed on December 1, 2015 but there were several hearings earlier in the year.

D. Pierce stated the Township should receive notice 10 days before the hearing. All the applicant has to prove is that they sent the notice not that Kingwood has received it. The Township should check their official newspaper.

R. Dodds stated Kingwood and Franklin's township attorney are the same person.

It was moved by L. Voronin, seconded by S. McNicol to file a complaint with the Government Records Council for Franklin's non-compliance with Kingwood's OPRA request. All members present voted **AYE**, except R. Dodds and D. Haywood, who **ABSTAINED**.

D. Haywood stated the objective is to get the information. The process of filing a complaint with the Government Records Council does not get the Township any closer to obtaining the information. The Township needs to get the information before the June hearing. Filing the complaint is not the only thing the Township should be doing.

J. Strasser was concerned about a conflict existing because both Kingwood and Franklin are represented by the same attorney.

It was moved by J. Strasser, seconded by S. McNicol and carried have the Township's attorney determine if there is a conflict of interest in her representing both Townships in this matter. All members present voted **AYE**, except T. Ciacciarelli, who voted **NAY**, and R. Dodds and D. Haywood, who **ABSTAINED**.

PRIVILEGE OF THE FLOOR

ADJOURNMENT

It was moved by L. Riggio, seconded by R. Dodds and carried to adjourn the meeting at 8:32 PM. All members present voted **AYE**.

Respectfully submitted,

Diane Laudenschick, Secretary