

7:30 P.M.

**MINUTES**

**PRESENT:** J. Golden (7:35 PM)  
D. Haywood  
L. King  
E. Niemann, Alt #1  
N. Marmorato, Alt #2

**ABSENT:** R. Phillips

**CALL TO ORDER**

The meeting was called to order at 7:31 PM by E. Niemann.

**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**

**Reserve Septic Sites**

E. Niemann stated the matter was brought up by D. Haywood in December and again in January. In January the entire Board was not present so no discussion was held.

L. King stated since there are so many other options available for systems and it can be very expensive to establish a plan for a second site, which might be superfluous, the Board has to determine to either amend the ordinance or quash the discussion.

D. Haywood stated the request originally came from S. McNicol. The Board should issue a letter to the Planning Board and to the Township Committee that the Board reviewed the matter and with the new technology available for septic systems, there is no longer a need for a requirement of a reserve septic site.

**Fracking**

After some discussion on the matter, it was decided the Board will be reviewing other municipalities' ordinances to see if one would be most analogous to the Township's situation. D. Kratzer's paragraph can be added to any ordinance the Township may consider.

**Draft Ordinance – Geothermal Wells**

The Board reviewed the draft ordinance and made the following corrections/amendments:

Section 7 – The general message of the attorney's recommendations make sense because the Board would want to have the option to grant a waiver but a request was made if the attorney could make it a little easier to understand and read. Maybe some bullet points could be inserted.

Section 10 – Period at the end of Code on line 5 of the paragraph. It could also be said more simply so people can understand it.

Section 6, paragraph 5 – A comma should be added after the second “water” in the sentence.

Section 9 – Remove “thereon” and “therefor”. Place a period, 3<sup>rd</sup> sentence, after “applicant” and start a new sentence beginning with “Once the administrative .....”. The paragraph should be broken into two sentences. If the change cannot be made due to enforceability, the “thereon” and “therefor” can be left.

Section 7 – In the attorney’s memo regarding waiver criteria, the “i.e.” should be changed to “e.g.” and there should be more than one example.

Section 5, paragraph D – Casing grouting plan and Grouting plan for geothermal closed loop Piping. Do those two bullets points apply to both vertical and horizontal wells or should a specific type be indicated and clarified?

There were some comments made by the attorney to the hydrogeologist in the draft. Verification that the comments were incorporated into the draft is needed from both the attorney and hydrogeologist.

### **Approval of Minutes**

It was moved by L. King, seconded by N. Marmorato to approve the minutes of January 21, 2015 with the following corrections:

Page 4 – Paragraph 4, First Sentence – L. King made the following addition to the minutes (in bold):

E. Niemann stated she is the chairperson of CAP (**Citizens Against the Pipeline**) in Kingwood.

Page 4 – Under Approval of Minutes – N. Marmorato made the following corrections:

November 19, 2014 – Vote should indicate that N. Marmorato **ABSTAINED**.

December 17, 2014 – Vote should indicate L. King, R. Phillips and N. Marmorato **ABSTAINED**.

All members present voted **AYE** on **ROLL CALL VOTE**, except J. Golden and D. Haywood, who **ABSTAINED**.

### **Appointment of Attorney**

It was moved by D. Haywood, seconded by J. Golden and carried to appoint Gebhardt and Keifer as the Board of Health attorney for the same time period as they serve as attorney for the Township Committee. All members present voted **AYE**.

### **CORRESPONDENCE**

#### **Raritan Headwaters – Septic System Maintenance**

After a brief discussion, the Board decided that, if there is no objection from Raritan Headwaters, the Township would like to mail the brochure out to the residents in the Township’s annual mailing. There is one typographical error on the first page that should be corrected. D. Haywood will check with Raritan Headwaters if they wouldn’t mind sending us the brochure in a format that we can edit.

### **OTHER MATTERS**

#### **Request For Funding Expenses for Professionals**

E. Niemann stated she has not received a response from the Township Committee in regard to the Board's request for funding for the professionals in the opposition of the Penn East Pipeline. She stated that she has been on the phone with the neighboring communities and Delaware Township has not yet committed but is considering a \$15,000 budget line item for the pipeline fight. It may possibly be reduced to \$10,000. As far as Kingwood is concerned, the Township should plan on contributing \$10,000.

She stated a municipality cannot simply hand out money to random vendors without going through a process. There are a couple of thoughts such as possibly a shared service with Delaware Township or an agreement directly with Princeton Hydro and Kratzer Environmental Services. Delaware Township's CAP (Citizens Against the Pipeline) has already raised some money on its own and has made some expenditures against those private donations. Delaware Township does not have an ERI (Environmental Resource Study) so they are further behind in their investigation than Kingwood. She stated Princeton Hydro has a level of expertise in groundwater, which is one of the main points of concern for the Township. Because the depth of bedrock being so shallow, the installation of the pipeline will require blasting. There is a concern that the blasting could disrupt the fractures from where the residents of Kingwood obtain their well water. The Township's residents' wells may be impaired, go dry or be enhanced. The current route is defined clearly but it could change. The Township learned the hard way through MEL and the groundwater contamination that resulted in the area. The plume of contamination extended out from the facility through the underground fractures. The fractures are long and the effects could be a distance from the blasting area. The Board's argument to the Township is that if the Township is willing to expend "x" amount of dollars and five years to develop a well ordinance, they should be willing to address an imminent threat to the township's well water supplies. It is possible that we may learn the threat is not as significant but it would be nice to have a professional make that investigation. She does not have any information on what has been done in Hopewell. The requested amount of \$10,000 is because that is the amount that Delaware is requesting from their Township. Her thought is that if additional funding is necessary there may be a need for private fundraisers. She feels that the community is concerned enough about this that Kingwood CAP will have their support. She stated she believes because Princeton Hydro is in our community and work here they are comping some of the work and giving a good rate. It is very difficult to assess the cost of such an undertaking. Right now they are crunched for time. If the amount provided by the Township is insufficient, the Township has a means by which they can approve emergency funding measures. In coordinating with neighboring municipalities there is a concern if the funds are pooled, will one municipality derive more of a benefit than another. Is the Township getting their fair share of the services? She is reluctant to dive in with a real big number. If the Township goes in with the \$10,000 it shows a sense of unification. Privately, it is all our money anyway. She feels that privately they can fill in some of the gaps in funding. In response to a comment made by D. Haywood regarding the services that Princeton Hydro is providing, she responded she will have to contact Hopewell, who is already a month in with Princeton Hydro, and she will email D. Haywood some information.

J. Golden stated he would think they would look at the aquifers, characteristics of the aquifers and look for similar circumstances of blasting and similar geology. He knows that the geology of the southern part of Kingwood is different from the northern part of the Township.

E. Niemann will get the Board any information about not just Princeton Hydro but other professional expenses that they think they will be incurring.

L. King inquired if V. Uhl will have a role to play in this perhaps. Does he know Kingwood Township better than anyone else? He is just asking. He doesn't know.

E. Niemann responded he does probably more so than Princeton Hydro. The thought would be that one firm would be involved in the opposition. She has a working relationship with Mark Gallagher at Princeton Hydro, where he has been accommodating, trying to discount, and trying to comp where he can in this sort of thing. She will ask that question of Mark Gallagher. She thinks he would be honest.

L. King inquired how much longer the window of opportunity is open.

E. Niemann responded the scoping meeting is planned for next week, February 27th. The meetings in Pennsylvania were held last week. Once the scoping meetings are completed, Penn East will have a lot of additional information they will have to collect because of the nature of the questions and concerns that are going to be raised at the scoping meetings. She is not certain of it but there is a clear time line that they have to follow. She does not know once the scoping meeting period is officially over what the next time line is but it is very tight. That is why she is trying to quickly get some sense of what the Township will do in financial support.

D. Haywood stated D. Kratzer has done an excellent job in putting the comments of the Environmental Commission together.

E. Niemann stated the Township is very fortunate to have D. Kratzer in the Township's midst and her willingness to help without charging. She can't calculate between Debbie and Todd how much we have benefited financially. Hopefully, someone can attend the Township Committee meeting from CAP in March. D. Haywood responded she will request to the matter placed on the March agenda for the Township Committee. E. Niemann stated Penn East's goal is to begin construction in July of 2016. She has a sense, from remembering, that if Penn East has not withdrawn their application by July the matter will proceed. July is the end of the line for the Township. The Township can continue to demand certain restoration and concessions, such as well testing and monitoring but she is not sure they will be obligated to comply. The Township's well ordinance may be an ally but may not since they are not drilling a well.

N. Marmorato inquired if Princeton Hydro should find that there is going to be significant impact on wells then what happens.

E. Niemann state if Penn East, for whatever reason, is still going to be allowed to come through, then the only road the Township would have to take at that point is to ask for Penn East to monitor all of our wells, which she doesn't think is a financially feasible thing. It costs quite a lot to do that type of monitoring.

D. Haywood stated, from her perspective, they should do it.

N. Marmorato suggested monitoring, possibly a distance from the blasting, that may encompass a certain number of wells.

D. Haywood is suggesting the whole Township.

E. Niemann stated, worst case scenario, the Township requests that type of monitoring and after Penn East receives their approval and says no she is not sure what the latitude is for them to say no to the Township on these types of requests.

D. Haywood inquired what is the Township's deadline if the 27<sup>th</sup> is the deadline for getting comments to FERC and we haven't engaged anyone by that time or even have any information.

E. Niemann stated they are working very hard to have comments at the scoping meeting on the 27<sup>th</sup>.

D. Haywood stated the Board is discussing putting money aside for professionals to come in and do an assessment. At what point does the Township have to have that done in order to make it meaningful. Do we have to rush and have something done now or do we have latitude?

E. Niemann responded the Township does not have a lot of latitude but the Township definitely has beyond the end of the scoping period. Based on a conversation she just had this evening, there is going to be a lot going on between now and next month or so. She needs to know better what the actual timing of these things are and she will share that information with the Board when she gets back to D. Haywood on those other things.

D. Haywood stated she thinks that will be the key in whether it is even reasonable to do this. If the Township does not have the time to do it, it doesn't want to spend money that will not help the fight against the pipeline.

E. Niemann stated if they refuse to do the well monitoring, the residents of Kingwood can do that themselves. Her thought was that if you find that your well is adversely affected then we individually would have the ability to litigate. You would have to have your well monitor in prior to the start of the blasting to get a baseline. The monitor device is installed into your well that measures the level of the water in your well. It relays the information to your computer.

J. Golden stated the Township would have to have a large number of wells being monitored to demonstrate the effect of the blasting.

D. Kratzer also pointed out that septic systems could also be damaged by the blasting.

D. Haywood stated it was important to take pictures before and after the blasting to be able to demonstrate any damage that may be done by the blasting.

N. Marmorato inquired from whom does Penn East get their approval to go ahead with the project. E. Niemann responded the Federal Energy Regulatory Commission.

L. King stated he had read that they denied only 2 applications last year. He stated that about 25% of the communities that fought succeeded by getting the pipeline company to withdraw their application not by winning through FERC.

E. Niemann stated the work they are doing is heading for that result. She stated that is what they would like to see happen that they would withdraw the application when they realize all of these hurdles that they will have clear. If Penn East hears there is enormous amount of data being collected that puts into question all of this plan they are putting into place and now there are going to have to go out and do the research and demonstrate that all of these impacts that we are saying could take place are not going to happen. The burden becomes on them to prove the impact is not going to be an issue. Fortunately with Delaware and Hopewell having such a well-organized, very talented core group of people that can donate enough of their time, this is not hugely expensive. They have a number of people who have made it their mission to take this fight. It has been very helpful.

D. Haywood expressed her concern about the Township being behind the eight ball in their opposition of the pipeline. Will the comments and professional investigation be done in time to be meaningful? She feels very pressured to take action very quickly.

E. Niemann will provide a timeline to D. Haywood and the Board members.

## **PRIVILEGE OF THE FLOOR**

## **ADJOURNMENT**

It was moved by L. King, seconded by D. Haywood and carried to adjourn the meeting at 8:55 PM. All members present voted **AYE**.

**Respectfully submitted,**

**Diane Laudenschick, Secretary**