

**NORTH HANOVER TOWNSHIP
TOWNSHIP COMMITTEE SPECIAL MEETING MINUTES
JULY 25, 2019, 4:00 P.M.**

CALL TO ORDER Mayor DeBaecke called the meeting to order at 4:00 p.m.

FLAG SALUTE: Led by Mayor DeBaecke

ROLL CALL: Mayor DeBaecke
Deputy Mayor O'Donnell
Committeeman DeLorenzo
Committeeman Doyle
Committeeman Kocubinski

Absent: None

Also Present: Township Clerk Picariello and Township Attorney Roselli

SUNSHINE STATEMENT: “The provisions of the Open Public Meetings Act have been met. Notice of this meeting has been transmitted by email to the Courier Post, Burlington County Times and The Trenton Times as well as given to those having requested same and posted on the Township bulletin board located in the foyer of the municipal building”.

EXECUTIVE SESSION RESOLUTION

2019-96 Authorizing a Closed Session Meeting to discuss the following matter(s) pursuant to N.J.S.A. 47:1A-1 and N.J.S.A. 10:4-12; NJNG Litigation Matter, Contract Matters, Personnel Matters and Litigation matters

**RESOLUTION 2019-96
TOWNSHIP OF NORTH HANOVER
COUNTY OF BURLINGTON**

AUTHORIZING A CLOSED SESSION MEETING

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 and P.L. 2001, C. 404, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee of North Hanover Township wishes to go into a closed Executive Session and is of the opinion that such circumstances presently exist which should not be discussed in public, and

WHEREAS, the Open Public Meetings Act pursuant to N.J.S.A. 47:1A-1 and N.J.S.A. 10:4-12 permits the Township Committee to discuss certain matter(s) in private, and in this case for the purpose of the Township Committee to discuss contract negotiations, litigation and personnel matters in this regard.

NOW, THEREFORE, BE IT RESOLVED by Township Committee of North Hanover Township that it will go into an Executive Session for the purpose of the Township Committee to discuss NJNG Litigation Matter, Contract Matters, Litigation and Personnel matters.

BE IT FURTHER RESOLVED that the results of such discussion may be revealed at such time as the matter(s) are resolved and/or a contract(s) is signed and/or the negotiations are formally settled. Interested parties may contact the Township Clerk anytime during normal business hours for periodic updates as to the availability in this regard.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Committeeman DeLorenzo		X	X			
Committeeman Doyle			X			
Committeeman Kocubinski			X			
Deputy Mayor O'Donnell	X		X			
Mayor DeBaecke			X			

BACK TO PUBLIC SESSION

Committeeman Doyle made a motion to reconvene; seconded by Deputy Mayor O'Donnell.

NON-CONSENT AGENDA

2019-97 Resolution to Approve Settlement of Township of North Hanover v. NJNG Litigation Matter

**RESOLUTION 2019-97
TOWNSHIP OF NORTH HANOVER
COUNTY OF BURLINGTON**

**APPROVING SETTLEMENT OF TOWNSHIP OF NORTH HANOVER, PLAINTIFF/INTERVENOR V.
NEW JERSEY NATURAL GAS COMPANY, DEFENDANT, DOCKET NO. BUR-L-332-16 LITIGATION
AND AUTHORIZING MAYOR TO SIGN SETTLEMENT AGREEMENT AND RELEASE ON BEHALF OF
THE TOWNSHIP OF NORTH HANOVER**

WHEREAS, in February and March 2016, the Board of Public Utilities (“BPU”) issued two Orders that, in combination, provided New Jersey Natural Gas Company (“NJNG”) with the authority to proceed with the construction of a natural gas pipeline known as the “Southern Reliability Link” (“SRL project”) along a specific designated route; and

WHEREAS, the Township of North Hanover (hereinafter referred to as “North Hanover” or “Township”), opposed the SRL project and NJNG’s application to the BPU and the issuance of the Orders and in that regard, filed an appeal of the BPU’s determination in the matter of **In the Matter of the Petition of New Jersey Natural Gas Company for a Determination Concerning the Southern Reliability Link Pursuant to N.J.S.A. 40:55D-19 and N.J.S.A. 48:9-25.4**, BPU Docket No.: GE15040403, to the Superior Court of New Jersey, Appellate Division under Consolidated Docket Nos. A-3669-15T1; A-36672-15TI; and A-3921-15T (hereinafter “North Hanover Appeal”); and

WHEREAS, in February 2016, NJNG commenced an action (the “NJNG Action”) in lieu of prerogative writs against the Burlington County Board of Chosen Freeholders (“County”) in the matter entitled **New Jersey Natural Gas Company v. Burlington County Board of Chosen Freeholders**, Docket No. BUR-L-332-16 for the initial purpose of challenging a Road Opening Policy the County adopted on December 28, 2015, which NJNG claimed was unduly interfering with its right to proceed with the SRL project, and which the County disputed in the matter entitled; and

WHEREAS, North Hanover thereafter intervened in the NJNG Action as a Plaintiff / Intervenor; and

WHEREAS, as a consequence of the NJNG Action, the County of Burlington revised its Road Opening Policy that was adopted on December 28, 2015 such that it was acceptable to NJNG; and

WHEREAS, under the County of Burlington’s Road Opening Policy, the County Engineer is empowered and authorized to issue the appropriate road occupancy permit authorizing NJNG to proceed with SRL project within the County road system; and

WHEREAS, the County Engineer issued a road occupancy permit to NJNG on July 15, 2019; and

WHEREAS, after years of litigating with NJNG and the County of Burlington in the NJNG Action, there was no legal basis for the Township of North Hanover to prevent the County Engineer from issuing such a permit; and

WHEREAS, based upon the totality of the circumstances underlying the SRL project, including the fact that the SRL project proceeded in Ocean County and is nearing completion; the Township of North Hanover has no authority to prevent the County Engineer from issuing the road occupancy permit; the BPU issued two Orders that, in combination, provided NJNG with the requisite authority to proceed with the construction of the SRL project along a specific designated route; and advice of Counsel that there was little or no chance of preventing the SRL project from proceeding in Burlington County and North Hanover, it was both reasonable and necessary for the Township to reach an agreement with NJNG that would be in the best interest of all of the residents of North Hanover Township; and

WHEREAS, NJNG and North Hanover have reduced their agreement to writing in a Settlement Agreement and Release (the “Settlement Agreement”) that was negotiated by and between the Township Attorney on behalf of the Township of North Hanover and Counsel for NJNG and the Township Committee believes that it is in the best interests of the Township of North Hanover and the Township’s residents to

approve settlement of the NJNG Action and authorize the Mayor to execute the Settlement Agreement on behalf of the Township of North Hanover.

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of North Hanover, County of Burlington County, State of New Jersey that is does hereby approve settlement of the litigation matter entitled TOWNSHIP OF NORTH HANOVER, PLAINTIFF/INTERVENOR V. NEW JERSEY NATURAL GAS COMPANY, DEFENDANT, DOCKET NO. BUR-L-332-16 and the Mayor is hereby authorized to execute the Settlement Agreement and Release, in the form attached hereto and that was negotiated by and between counsel for NJNG and the Township of North Hanover.

BE IT FURTHER RESOLVED that the Township Attorney, Township staff and Township Officials, be and are hereby authorized to take all necessary actions to effectuate the terms and conditions of the Settlement Agreement and Release.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Committeeman DeLorenzo			X			
Committeeman Doyle		X	X			
Committeeman Kocubinski			X			
Deputy Mayor O'Donnell	X		X			
Mayor DeBaecke			X			

Mayor DeBaecke noted the BPU approvals and discussed North Hanover Township's oppositions. He stated that the County Engineer issued the road opening permit on July 15th and that legal avenues to prevent this had been exhausted. He stated the BPU orders and the County permit have given the authority to proceed with the installation of the pipeline. He stated that on advice of counsel and to ensure North Hanover was a part of the process; negotiations took place to settle in the best interests of the Residents of North Hanover while recognizing the installation was imminent. He noted the Township Committee had uniformly fought and opposed the project. He stated it was a very difficult decision to make but when confronted with the facts of the situation they tried to negotiate in the best interests of the Municipality and to be part of the process.

Committeeman Kocubinski stated that it stems from the original BPU approvals. He stated the BPU supersedes anything the local and county officials tried to do. He noted he does not feel it is a proper route. He also noted he does not agree with the need that has been expressed by officials. He noted a meeting with JBMDL officials and still does not have an answer as to the benefit to the base operation. He discussed the conflicting Freeholder vote to allow for road closures. He noted Mayor Jim Durrs testimony (former Mayor) at the BPU meetings and the tremendous case that was made. He is very upset that this is the outcome after four years. He also expressed displeasure with comments made at the Freeholder's board meeting concerning a settlement that wasn't even reach yet.

Committeeman Doyle noted it was their duty to look out for the best interests of the residents in totality. He noted the Committee has done the best job it could do. He noted there was no legal basis to continue the fight and on the advice of counsel, whom we trust in, this settlement was the best option. He noted the documented history of the fight and will be relentless in having the settlement adhered to.

Committeeman DeLorenzo concurred with his fellow Township Committee members. He noted the four year battle and expressed displeasure with the route. He stated he believes we did the best can under the circumstances.

Deputy Mayor O'Donnell stated it was known that the project had no value to the Community and expressed displeasure with the destruction in Plumsted Township and is horrified. He stated this agreement will give us some oversight to prevent the destruction and is not happy having to vote on this matter but believes it is the right decision.

Attorney Roselli stated when this first started he relayed a situation when he previously served as Mayor, in a neighboring community. The fight was taken to the third circuit and ultimately was lost. He noted the laws are written to allow for this type of project. It was a lesson learned, as an elected official, that he was unable to provide benefits for his residents. He commended the Committee for negotiations that would benefit the Community. He noted the Christie administration and the current State administration had the power to stop it

but they did not. He noted North Hanover’s limited resources when facing the reality of the installation of the Pipeline. He noted there was no agreement in Ocean County and staying in the legal fight only assisted with negotiations. This settlement would enable the Community to hold NJNG accountable and enable being part of the process. He noted as elected officials decisions are not always easy but at least you have a seat at the table.

2019-98 Resolution to Appoint Custodian

**RESOLUTION 2019-98
TOWNSHIP OF NORTH HANOVER
COUNTY OF BURLINGTON**

APPOINTMENT OF PART-TIME CUSTODIAN

WHEREAS, N.J.S.A. Title 40 and Title 40A provide for the Appointment of Certain Officers, Appointees, and Employees to be appointed in Township Positions to carry out the lawful duties and responsibilities of the Township; and

WHEREAS, the Township Salary Ordinance provides for the rate of Compensation, Salary, or Wages of Certain Officers, Appointees and Employees of said Township.

NOW THEREFORE BE IT RESOLVED, that the following Officers, Appointees, and Employees are hereby appointed for their respective terms, as follows:

Part-Time Custodian/Maintenance/Groundskeeper ~ John Schoch

Effective Date of Employment: 07/29/2019 and upon completion of appropriate background check

BE IT FURTHER RESOLVED, that the above named position will be compensated at a rate of \$14.08 per hour, not to exceed 20 hours per week.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Committeeman DeLorenzo			X			
Committeeman Doyle		X	X			
Committeeman Kocubinski	X		X			
Committeeman O’Donnell			X			
Mayor DeBaecke			X			

PUBLIC COMMENT: Members of the public wishing to address the Township Committee must state their name and address for the record.

Mayor DeBaecke opened the meeting to the public. There were no public comments this evening.

MOTION TO CLOSE PUBLIC COMMENT

Proposed By: Deputy Mayor O’Donnell
Seconded By: Committeeman Kocubinski

MOTION TO ADJOURN

4:30 pm

Proposed By: Deputy Mayor O’Donnell
Seconded By: Committeeman Kocubinski

Respectively submitted,

**Mary Picariello, RMC/CMR/CTC
Township Clerk**