

**December 27, 2018**

The Township Committee met on the above date with Mayor Romeu calling the meeting to order at 7:00 PM. The meeting opened with the flag salute and a moment of silence. Roll call was taken showing present: Mayor Rita Romeu, Deputy Mayor Jeremy Liedtka, Committee woman Andrea Katz and Committeewoman Denise Koetas-Dale. Also present John Gillespie and Katelyn McElmoyl Township Attorney; Chief/Township Administrator Kyle Wilson and Township Clerk Caryn Hoyer. Committeeman Sam Davis was absent.

The Open Public Meetings Act statement was read and compliance noted.

**AGENDA MATTER(S) REQUIRING RECUSAL(S)**

Mr. Liedtka recused himself from Resolution 2018-12-7.

**COMMENTS FROM THE PUBLIC MATTERS ON THE AGENDA ONLY**

None

**CONSENT AGENDA**

Ms. Koetas-Dale made a motion seconded by Ms. Katz to approve the December 13, 2018 minutes and department reports. All were in favor.

**TOWNSHIP ENGINEER REPORT**

2016 Municipal Parks Grant Application:

\$120,950.00 has been awarded for the playground improvements only.

FY 2019 CDBG Grant Application

Grant application has been submitted.

Traditions Update:

Surface course paving of Phase 3 has been completed w/ exception of retail area on Saddle Way.

Heritage at Chesterfield – North Side – Phases IV and V, and VI

Notified Developer last week of maintenance concerns at Galestown Playground (trash/mulching).

**ORDINANCES FOR PUBLIC HEARING**

Ms. Koetas-Dale made a motion to open the public hearing for Ordinance 2018-24 seconded by Ms. Katz. All were in favor. Hearing no comments, Ms. Koetas-Dale made a motion to close public hearing seconded by Ms. Katz. All were in favor. Ms.

Koetas-Dale made a motion to adopt Ordinance 2018-24 seconded by Ms. Katz. All were in favor.

**TOWNSHIP OF CHESTERFIELD**

**ORDINANCE NO. 2018 – 24**

**AN ORDINANCE TO AMEND ORDINANCE 2018-13 WHICH AMENDED CHAPTER 216 (“SEWAGE DISPOSAL SYSTEMS”), ARTICLE II (“SEWER USE AND USER CHARGE SYSTEM”) OF THE CODE OF THE TOWNSHIP OF CHESTERFIELD REGARDING USER SERVICE CHARGES**

**WHEREAS**, the Township Committee for the Township of Chesterfield adopted Ordinance No. 2018-13 on July 26, 2018, which amended Chapter 216 (“Sewage Disposal Systems”), Article II (“Sewer Use and User Charge System”) of the Code of the Township of Chesterfield regarding user service charges; and

**WHEREAS**, historically, sewer ratepayers in the Township have paid a flat quarterly rate for use of the system, but Ordinance No. 2018-13 revised rates and changed the way ratepayers would be billed by basing sewer service charges on metered water consumption, and maintaining a flat rate in some instances; and

**WHEREAS**, upon initial implementation of the new billing rates and procedures, the Township Clerk has brought to the Township Committee’s attention that the process of billing ratepayers based on water usage during spring and summer months, or the 2<sup>nd</sup> and 3<sup>rd</sup> quarters of the year, leads to unusually high sewer bills since water usage is generally elevated during this time of year due to the watering of flowers and lawns, filling up swimming pools, etc., and bills based on water consumption during those months are likely not an accurate reflection of a ratepayer’s use of the public sewer system; and

**WHEREAS**, the Township Clerk has determined it to be common practice for private water and wastewater utilities to base sewer service charges on water consumption, and to bill sewer ratepayers for actual water consumed during the 1<sup>st</sup> and 4<sup>th</sup> quarters of the year, but to bill for the 2<sup>nd</sup> and 3<sup>rd</sup> quarters using the combined average water consumption figure from a ratepayer’s prior 1<sup>st</sup> and 4<sup>th</sup> quarter water usage, as this process accounts and adjusts for higher than normal water usage during the 2<sup>nd</sup> and 3<sup>rd</sup> quarters of the year; and

**WHEREAS**, the Township Committee finds this recommended practice to be an efficient, accurate, and equitable method of calculating a ratepayer’s bill for sewer service based on water consumption during the entire year without penalizing ratepayers for elevated water usage during the 2<sup>nd</sup> and 3<sup>rd</sup> quarters that is likely unrelated to a ratepayer’s use of the public sewer system.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Township Committee of the Township of Chesterfield, County of Burlington and State of New Jersey, as follows:

Ordinance 2018-13, insofar as it amends Chapter 216, Article II, is hereby amended such that Section 216-14(E) through 216-14(K) shall now read as follows:

**SECTION ONE. Amended Sections.**

**§216-14. User charge system.**

**[subsections A. through D. to be remain unchanged]**

E. Metered services. Sewer service charges for all ratepayers (residential and nonresidential users) serviced by a water utility are calculated based on water consumption as measured by the ratepayer's water meter in the following manner, depending on the quarterly billing period, as follows:

First Quarter (January, February, March) sewer service charges shall be billed by the Township in April, and invoices will be based on the actual amount of water used during the First Quarter, calculated using the ratepayer's water meter readings as such information is provided to the Township by the water utility;

Second Quarter (April, May, June) sewer service charges shall be billed by the Township in July, and invoices will be based on the ratepayer's average water usage during the immediately preceding First and Fourth Quarters;

Third Quarter (July, August, September) sewer service charges shall be billed by the Township in October, and invoices will be based on the ratepayer's average water usage during the immediately preceding First and Fourth Quarters;

Fourth Quarter (October, November, December) sewer service charges shall be billed by the Township in January of the following calendar year, and invoices will be based on the actual amount of water used during the Fourth Quarter, calculated using the ratepayer's water meter readings as such information is provided to the Township by the water utility.

F. Ratepayers with metered water service will be charged a minimum quarterly flat rate which will apply to all levels of water usage up to 10,000 gallons per quarter. For every additional 1,000 gallons, or any part thereof, used within a quarter, excess consumption fees will be assessed in accordance with this Section.

G. Minimum quarterly flat rate. The minimum quarterly flat rate for all ratepayers with metered water service is \$70.00.

H. Excess water consumption charge. Ratepayers with metered water service who use more than 10,000 gallons of water in a given quarter will be charged an excess consumption fee of \$5.25 for each additional 1,000 gallons, or any part thereof, used.

I. Unmetered services. The quarterly flat rate for ratepayers that utilize private wells and are not serviced by a water utility is \$96.25.

J. Senior citizens qualifying for the senior citizen tax deduction from the State of New Jersey shall receive a 15% reduction in their rate. Places of worship, not including any parsonage connection, shall be exempt.

K. The Township shall provide quarterly bills to all users of the system. Bills shall be payable within 30 days of mailing. Interest shall be charged on unpaid and overdue balances shall become liens, collectable with the property owner's taxes, with interest accruing at the rate of 1.5% per month or at a rate of interest at least equal to the monthly index for the immediately preceding month for twenty-year tax exempt bond yields as compiled by the bond buyer, whichever is greater.

**[remainder of Code is unchanged]**

**SECTION TWO. Repealer.** Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

**SECTION THREE. Severability.** In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

**SECTION FOUR. Effective Date.** This Ordinance shall take effect upon proper passage in accordance with the law and shall be effective as of January 1, 2019 for purposes of implementation of invoicing by the Township for the Fourth Quarter of 2018.

**CHESTERFIELD TOWNSHIP COMMITTEE**

Introduced: December 13, 2018

Adopted: December 27, 2018

RECORD OF VOTE													
INTRODUCTION							ADOPTION						
TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC	TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC
S Davis	X						S Davis				X		
A Katz	X					X	A Katz	X					X
D Koetas-Dale	X				X		D Koetas-Dale	X				X	
J Liedtka	X						J Liedtka	X					
R Romeu	X						R Romeu	X					
X – Indicates Vote    NV – Not Voting    AB – Absent    ORD – Motion    SEC - Seconded													

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Mr. Liedtka made a motion to open the public hearing for Ordinance 2018-25 seconded by Ms. Koetas-Dale. All were in favor. Hearing no comments, Ms. Koetas-Dale made a motion to close public hearing seconded by Mr. Liedtka. All were in favor. Mr. Liedtka a motion to adopt Ordinance 2018-25 seconded by Ms. Katz. All were in favor.

**TOWNSHIP OF CHESTERFIELD**

**ORDINANCE 2018-25**

**AN ORDINANCE REPEALING CHAPTER 33 OF THE TOWNSHIP CODE ENTITLED “LENGTH OF SERVICE AWARD PROGRAM”**

**WHEREAS**, by Ordinance No. 2000-16 adopted August 24, 2000, the Township Committee of the Township of Chesterfield established a Length of Service Awards Program (“LOSAP”) in accordance with N.J.S.A. 40A:14-183 et seq.; and

**WHEREAS**, the Township’s goal was to incentivize and reward members of the Chesterfield Township Emergency Squad for their service by providing fixed contributions to a deferred-income account; and

**WHEREAS**, on March 11, 2009, due to diminishing membership and service gaps, the Township contracted to receive Emergency Squad Service through Mansfield Township Ambulance Corps; and

**WHEREAS**, on May 3, 2016, the Chesterfield Township Emergency Squad voted to dissolve due to a lack of members; and

**WHEREAS**, due to the dissolution of the Township Emergency Squad, the LOSAP benefit is no longer appropriate or necessary, and no further contributions to same have been made since the dissolution of the Emergency Squad; and

**WHEREAS**, the Township Committee now desires to abolish the Length of Service Award Program.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the Township Committee of the Township of Chesterfield, County of Burlington, State of New Jersey that Chapter 33 of the Township Code of the Township of Chesterfield entitled “Length of Service Award Program” be and is hereby repealed in its entirety and the Length of Service Award Program is hereby abolished.

**BE IT FURTHER ORDAINED AND ENACTED** that all accumulated and vested proceeds shall remain in trust for those volunteer members whose accounts have vested, while all unvested funds shall be returned to the Township’s General Fund.

**REPEALER, SEVERABILITY AND EFFECTIVE DATE.**

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

**Alternative No. 1**

- C. This Ordinance shall take effect upon proper passage in accordance with law.

**Alternative No. 2**

- C. Effective Date. This Ordinance shall take not take effect unless it is approved by voters as a public question at the next general election.

**CHESTERFIELD TOWNSHIP COMMITTEE**

Introduced: December 13, 2018  
 Adopted: December 27, 2018

| RECORD OF VOTE |     |     |    |    |     |     |               |     |     |    |    |     |     |
|----------------|-----|-----|----|----|-----|-----|---------------|-----|-----|----|----|-----|-----|
| INTRODUCTION   |     |     |    |    |     |     | ADOPTION      |     |     |    |    |     |     |
| TWP COMMITTEE  | AYE | NAY | NV | AB | ORD | SEC | TWP COMMITTEE | AYE | NAY | NV | AB | ORD | SEC |
| S Davis        | X   |     |    |    |     |     | S Davis       |     |     |    | X  |     |     |
| A Katz         | X   |     |    |    |     |     | A Katz        | X   |     |    |    |     | X   |
| D Koetas-Dale  | X   |     |    |    |     | X   | D Koetas-Dale | X   |     |    |    |     |     |
| J Liedtka      | X   |     |    |    | X   |     | J Liedtka     | X   |     |    |    | X   |     |
| R Romeu        | X   |     |    |    |     |     | R Romeu       | X   |     |    |    |     |     |

X – Indicates Vote    NV – Not Voting    AB – Absent    ORD – Motion    SEC - Seconded

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**RESOLUTIONS**

Ms. Koetas-Dale made a motion seconded by Ms. Katz to adopt Resolution 2018-12-7. All were in favor. Mr. Liedtka abstained.

**TOWNSHIP OF CHESTERFIELD  
 RESOLUTION 2018-12-7**

**RESOLUTION AUTHORIZING CANCELLATION  
 OF TAXES ASSESSED TO MUNICIPAL PROPERTY**

**WHEREAS,** Traditions at Chesterfield LLC transferred ownership of the following open space properties of phase 1 & 2 to the Township of Chesterfield in 2018; and

**WHEREAS,** the property remained on the tax rolls for 2018 and the 3<sup>rd</sup> & 4<sup>th</sup> quarter property taxes for 2018 should be cancelled as follows:

Block 206.200	Lot 1	\$ 74.70
Block 202.206	Lot 1	\$ 74.70
Block 202.206	Lot 5	\$ 747.00
Block 202.206	Lot 6	\$ 747.00
Block 206.206	Lot 15	\$ 149.40
Block 206.207	Lot 1	\$ 74.70
Block 206.208	Lot 1	\$ 74.70

**WHEREAS,** the 2019 preliminary taxes shall be cancelled as follows:

Block 206.200	Lot 1	\$ 73.80
Block 202.206	Lot 1	\$ 73.80
Block 202.206	Lot 5	\$ 738.00
Block 202.206	Lot 6	\$ 738.00
Block 206.206	Lot 15	\$ 147.60
Block 206.207	Lot 1	\$ 73.80
Block 206.208	Lot 1	\$ 73.80

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chesterfield in the County of Burlington and State of New Jersey that the Tax Collector is hereby authorized and directed to cancel the 2018 taxes as outlined above in the amount of \$1,942.20 and 2019 preliminary in the amount of \$1,918.80.

**CHESTERFIELD TOWNSHIP COMMITTEE**

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Mr. Liedtka made a motion seconded by Ms. Katz to adopt Resolution 2018-12-8. All were in favor.

**TOWNSHIP OF CHESTERFIELD  
RESOLUTION 2018-12-8**

**RESOLUTION CANCELLING GRANT FUNDS**

**WHEREAS,** the Township received grants over the last few years which have been completed; and

**WHEREAS,** it is necessary to formally cancel the receivable balance and the offsetting appropriation reserve balance from the balance sheet; and

**WHEREAS,** the CFO has provided the receivable balances and offsetting appropriation reserves as outlined below;

|                               | <u>Grants Receivable</u> | <u>Appropriation</u> |
|-------------------------------|--------------------------|----------------------|
| 2016 Municipal Alliance       | \$1,360.10               | \$ 1,450.09          |
| 2016 Municipal Alliance Match | -0-                      | \$ 250.03            |
| 2017 Municipal Alliance       | \$1,968.61               | \$ 1,896.24          |
| 2017 Municipal Alliance Match | -0-                      | \$ 474.06            |
| 2017 Safe & Secure            | -0-                      | \$ .22               |
| 2016 Safe & Secure            | -0-                      | \$ .06               |
| Green Team Grant              | -0-                      | \$ 2.04              |



|                        |            |                |
|------------------------|------------|----------------|
| 2012 Green Communities | <u>-0-</u> | \$ <u>5.00</u> |
| TOTALS                 | \$3,328.71 | \$4,077.74     |

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chesterfield in the County of Burlington and State of New Jersey that the grant receivable balances of \$3,328.71 and offsetting appropriation reserve balances of \$4,077.74 be cancelled.

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Mr. Liedtka made a motion seconded by Ms. Koetas-Dale to add Resolution 2018-12-9. All were in favor.  
Mr. Liedtka made a motion seconded by Ms. Koetas-Dale to adopt Resolution 2018-12-9. All were in favor.

**TOWNSHIP OF CHESTERFIELD**  
**RESOLUTION 2018-12-9**

**RESOLUTION URGING BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF BURLINGTON TO RESCIND RESOLUTION 2018-00634, ADOPTED DECEMBER 12, 2018**

**WHEREAS**, by Resolution 2018-00634, the Board of Chosen Freeholders of the County of Burlington, (“Freeholder Board”), authorized the closure of portions of County Routes 528 and 664 in Chesterfield and North Hanover Townships, specifically to facilitate the underground construction of the Southern Reliability Link (“SRL”) natural gas pipeline by New Jersey Natural Gas Company (“NJNG”), which closure is a substantial deviation from the County’s otherwise strictly enforced policy of not permitting County road closures throughout Burlington County; and

**WHEREAS**, the Freeholder Board endorsed not only the closure of these roads, but also NJNG’s use of extended work hours (beyond the otherwise limiting 9:00 am to 3:00 pm work schedule), and NJNG’s use of multiple crews operating in common work zones, which is also otherwise prohibited under the County’s Road Opening Policy; and

**WHEREAS**, the Township of Chesterfield understands that no other Resolutions authorizing road closures or extended work hours have been adopted by the Freeholder Board since the inception of its Road Occupancy policy without the utility in question having first met with the affected municipality and secured the municipality's approval for same; and

**WHEREAS**, some of the factual predicates upon which said determination was made were blatantly false, misleading and/or incomplete; and

**WHEREAS**, the Township of Chesterfield requested the Freeholder Board to table the Resolution based upon two (2) compelling reasons: (1) that neither Chesterfield nor North Hanover Townships had yet had an opportunity to review the road closure plans, since both the County and NJNG had refused those municipalities' requests for over a year; and (2) Freeholders Katie Gibbs and Latham Tiver possessed disqualifying conflicts-of-interest which precluded and barred their eligibility to vote on the matter; yet they did indeed vote against a motion first made to table the Resolution (which failed by a 2-3 vote), and then in favor of a motion to adopt the Resolution (which passed by a 3-2 vote); and

**WHEREAS**, Chesterfield Township has recently learned, as a result of representations made by the County attorney in a lawsuit pending in the Superior Court of New Jersey, Law Division, Burlington County, entitled: New Jersey Natural Gas Company v. Burlington County Board of Chosen Freeholders, et al, Docket No. BUR-L-000332-16, in which both Chesterfield and North Hanover Townships are intervening parties, that the County will not be issuing any road permits for this SRL project on these two (2) roads before the end of calendar year 2018, but instead, will likely await the outcome of meetings now scheduled between the County Engineer's office and the two (2) municipalities for early January 2019; and

**WHEREAS**, a new Freeholder Board will take office on January 1, 2019, and the Township of Chesterfield strongly and respectfully urges the new Freeholder Board to rescind

Resolution 2018-00634 immediately, and to not reconsider same until such time as the two (2) Townships have had an opportunity to meet not only with the County Engineer's office, but with representatives of the Freeholder Board itself.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chesterfield, County of Burlington, State of New Jersey as follows:

1. Freeholder Board's False Statement Regarding Joint Base McGuire-Dix-Lakehurst ("JBMDL"). For over three (3) years, the County of Burlington has accepted, and then espoused, the unsupported proposition by NJNG that this SRL Pipeline will "supplement existing supplies of natural gas to users in Ocean and Monmouth Counties, including service to the Joint Base McGuire-Dix-Lakehurst" (Resolution 2018-00634, first "Whereas" paragraph). However, in discovery which followed the adjudicatory hearing before the Board of Public Utilities ("BPU") on December 7, 2015, NJNG admitted to Chesterfield Township that the SRL will not supply gas to JBMDL at all, and will not supplement existing gas distribution lines to the Base. In fact, JBMDL is primarily serviced by Public Service Electric & Gas Company, not NJNG. Therefore, it has now been proven that the SRL Pipeline will simply traverse JBMDL, but will not tie into or serve the Base in any capacity. Evidence of this fact is attached hereto as Exhibit "A."
2. Municipal Need to Review Plans. For almost three (3) years, the Township of Chesterfield has asked NJNG to allow it to review the plans submitted to the County for the construction of the SRL along County Route 528. NJNG has refused that request. During the course of the litigation referenced in the above Recitals, the Township also asked the County of Burlington to allow it to review the plans which have been on file with the County Engineer's office for over two (2) years. The

County has also rebuffed the Township's request. Within the last ten (10) days, however, the County has offered Township officials the opportunity to review the plans, and a meeting is tentatively scheduled between Township representatives and representatives from the County Engineer's office, for January 8, 2019. It is unlikely that the Township will be able to offer full and meaningful input regarding the plans after just one meeting, particularly since the County Engineer's office has needed over two (2) years to review these plans. Nevertheless, the Township is hopeful that the ability to review the plans will provide it with greater insight into, and information about, the SRL. The Board of Chosen Freeholders should never have adopted the Resolution allowing closure of these roads, until such time as the Township of Chesterfield (along with the Township of North Hanover) had an opportunity to comment on these plans. It is appropriate, therefore, that the Resolution, which was hastily adopted on December 12, 2018, be rescinded, to restore the prior status quo, and allow the municipalities an appropriate opportunity to review, comment on, and then meet with the Freeholder Board, to discuss the construction plans for the SRL along County Route 528.

3. Freeholder Conflicts-of-Interest. During the December 12, 2018 Freeholder Board meeting, and prior to the adoption of Resolution 2018-00634, statements were made by numerous members of the public regarding the conflict-of-interest possessed by Freeholder Director Katie Gibbs and Freeholder Latham Tiver, in acting on Resolution 2018-00634 which, by its title and terms, is specifically directed to allowing NJNG's SRL Pipeline to be constructed in Burlington County. Both Director Gibbs and Freeholder Tiver are employed by the Engineers Labor-Employer Cooperative, Local 825 Operating Engineers, with Director Gibbs being responsible

for “business development”, which duties include her “focusing on promoting economic development and job creation in our region...” (See, Burlington County Freeholder website); and Freeholder Tiver being employed by the same Local 825. On July 28, 2015 representatives of Local 825, the direct employer of both of these Freeholders, spoke on behalf, and in direct support, of this Pipeline project. Local 825 representative Daniel Ortega told the Board of Public Utilities:

“I represent the Engineers Labor-Employer Cooperative. The ELEC is the labor management fund representing over 6,500 Local 825 operating engineers and the signatory contractors who employ them. ELEC focuses on promoting economic development, construction projects and investments and infrastructure.

The proposed Southern Reliability Link is a perfect example of the type of infrastructure investments that are so important to ELEC. The benefits of such a project are numerous, including, but not limited to, the jobs created for our members and contractors who will work on this project.”

Mr. Ortega finished by saying:

“ELEC strongly supports the proposed SRL and asks the BPU to approve this project.” (See, Exhibit “B”, portions of transcript of hearings before the BPU on July 28 and August 26, 2015).

In addition to Mr. Ortega’s comments, Matthew (“Matty”) White also spoke on July 28. White introduced himself as the “business rep” for IUOE Local 825, which he described as “...the heavy equipment operators out there that build and install the pipelines.” White then went on to explain the experience of Local 825 in constructing pipeline projects, and how this SRL project will provide its members with “many jobs during its construction phrase”. He finished his representation by “voicing the support of members of IUOE Local 825 and ask the Board of Public Utilities to approve the Southern Reliability Link.”

In addition to statements made before the Board of Public Utilities, members of Local 825 also spoke directly to the Freeholder Board at its meeting on December 12, 2018, expressly in support of the Resolution authorizing the closure of the roads. Among those who spoke on behalf of Local 825 was Chester Swernik, who had also testified on August 26, 2015 in front of the Board of Public Utilities, and voiced his support then, as he did on December 12, for the proposed action, on behalf of the members of the IUOE Local 825. Moreover, following adoption of the Resolution 2018-00634, ELEC 825 issued a press release announcing the action of the Freeholder Board approving the closure of these County Routes, and “applauding” the Freeholders for their decision. (See, Exhibit “C”).

a. Newly Discovered Evidence. Since the December 12, 2018 Freeholder Board meeting at which Resolution 2018-00634 was adopted, newly discovered evidence strongly suggests that Freeholders Gibbs and Tiver have possessed this conflict-of-interest for months. In a Certification dated December 26, 2018, John Wyckoff, P.E., Director of Engineering for New Jersey Natural Gas Company, certified as follows:

“8.... The SRL is being constructed by a contracted labor union force that possesses special skills necessary for safely building pipelines, including operators, welders and other gas pipeline specific trades persons. If the project were paused as a result of a stay, these workers will not remain idle; they will find other jobs on the numerous other pipeline projects being constructed in the region and be lost to the SRL project.

9. Finding and hiring the workforce to construct a project of the magnitude of the SRL has been a time-consuming project. Approximately two months elapsed between the award of the contract for the SRL and the date when the project was staffed and construction could begin...

16. NJNG began construction of the SRL on or about November 30, 2018. The first phase of the project is located underneath Fischer Road, in Plumsted Township, Ocean County, New Jersey.” (See, Exhibit “D”).

Compare Wyckoff's statements in paragraph 8, to the testimony of the above referenced Matty White, Business Rep. for Local 825, in front of the BPU on July 28, 2015:

“We are the heavy equipment operators out there that build and install the pipelines. Our Union represents over 6,500 members throughout the State of New Jersey and over 900 that live here in Ocean County and Burlington County...Our members are extremely skilled in pipeline construction, and this project will provide many jobs during its construction phase. We have successfully and safely built pipelines in all types of surroundings including environmental sensitive areas, our workforce is highly trained, and safety is our number 1 priority.” (See, Exhibit “B” transcripts).

Based upon the testimony of Matty White and others in 2015, and the Certification of John Wyckoff dated December 26, 2018, it certainly appears that the “labor union force” contracted by NJNG for the construction of the SRL is indeed Local 825.

Moreover, given Wyckoff's testimony that “NJNG began construction of the SRL on or about November 30, 2018” (See, Exhibit “D”, par. 16), and his further testimony that “approximately two months elapsed between the award of the contract for the SRL and the date when the project was staffed and construction could begin”, it is clear that the contract was awarded to this labor union force in either August or September 2018.

Thus, when both Gibbs and Tiver voted on December 12, 2018, it would certainly appear that their employer, Local 825, was in fact under contract with NJNG to construct the SRL project; and that the closure of these two (2) County Routes was necessary to facilitate that construction.

Although Burlington County residents (other than possibly some Local Union members) and businesses derive no benefit from the construction of the SRL, Local 825, the employer of both Ms. Gibbs and Mr. Tiver, clearly does derive benefits from its

construction. Freeholder Board Resolution 2018-00634 advances the ability of NJNG to begin construction of the SRL; which, in turn, advances the ability of the members of Local 825 to begin the construction work on the SRL. The Freeholder Board should revisit the issue of Freeholder Director Gibbs' and Freeholder Tiver's disqualifying conflicts-of-interest, and should rescind the Resolution pending a determination based upon legal advice from separate counsel, and not the former County attorney or the attorney representing the County in the above-captioned litigation between New Jersey Natural Gas, Burlington County and Chesterfield and North Hanover Townships, regarding said conflicts-of-interest.

4. Pending Litigation Challenging Various Approvals for the SRL Project. In its Resolution 2018-00634, and specifically in the second and third "Whereas" paragraphs, the Freeholder Board stated that "the BPU has approved NJNG's application to construct a 30-inch wide steel underground pressurized gas main..." and "the BPU has ordered that the pipeline be constructed in Burlington County within existing Routes 528 and 664..." However, the Resolution ignores the fact that the Townships of Chesterfield and North Hanover, along with other third parties, including the Pinelands Preservation Alliance, have appealed those decisions to the Superior Court of New Jersey, Appellate Division. Those appeals are still pending in the Appellate Division. In addition, the Township of Chesterfield, along with other third parties, including the Sierra Club and the Pinelands Preservation Alliance, have appealed the approval granted by the New Jersey Pinelands Commission for the SRL project. And, in the past few weeks, both the Pinelands Preservation Alliance and the Sierra Club have petitioned the Pinelands Commission and the Board of Public Utilities for a "stay" of their decisions, pending Appellate review, which stay petitions have not yet been decided, and await a determination by those State



agencies. The Township Committee of the Township of Chesterfield respectfully urges the Board of Chosen Freeholders to rescind Resolution 2018-00634, and to direct the Engineer's Office to not issue any road opening or road occupancy permits, for County Routes 528 and 664, until such time as these lawsuits are finally decided and both these municipalities, and the County, are able to rely upon final decisions of the Courts of the State of New Jersey regarding the appropriateness of the approvals granted by the Pinelands Commission and the BPU for this SRL project.

5. Comity Between County and Municipalities. There are only two (2) municipalities in Burlington County which will feel the impact, and bear the burden, of this SRL pipeline project, and they are Chesterfield and North Hanover Townships. As a matter of comity, between the County and two (2) of its constituent municipalities, Chesterfield Township urges the Freeholder Board to rescind Resolution 2018-00634 as a courtesy to, and in recognition of comity with, its constituent municipalities, until such time as all issues currently in litigation are finally and fully resolved.

**BE IT FURTHER RESOLVED**, by the Township Committee of the Township of Chesterfield, County of Burlington, State of New Jersey, that for all of the foregoing reasons, the Chesterfield Township Committee hereby respectfully urges the Freeholder Board to rescind Resolution 2018-00634, to direct its Engineer's Office to not issue any road opening or road occupancy permits pending the outcome and final resolution of all pending litigation regarding the SRL project, and to meet with, and secure the consent of, Chesterfield Township regarding this pipeline project, before any further action (other than the rescission of Resolution 2018-00634) is considered by the Freeholder Board.

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Ms. Koetas-Dale made a motion seconded by Mr. Liedtka to add Resolution 2018-12-10  
All were in favor.

Mr. Liedtka made a motion seconded by Ms. Koetas-Dale to adopt Resolution  
2018-12-10. All were in favor.

**TOWNSHIP OF CHESTERFIELD  
RESOLUTION 2018-12-10**

**RESOLUTION AUTHORIZING REFUND OF PROPERTY TAX  
OVERPAYMENT TO WELLS FARGO**

**WHEREAS**, Wells Fargo made payments on Block 206 Lot 25.04 in the amount  
of \$4,611.97 and Block 107.18 Lot 1 in the amount of \$3,472.80 on October 16, 2018;  
and

**WHEREAS**, the property taxes were prepaid in 2017; and

**WHEREAS**, the payments created overpayments in the amount of \$7,638.66;  
and:

**WHEREAS**, Wells Fargo has requested the overpayment be refunded to them;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the  
Township of Chesterfield in the County of Burlington and State of New Jersey that the  
Tax Collector is hereby authorized to refund the overpayment in the amount of  
\$7,638.66 to Wells Fargo, Financial Support Unit, 1 Home Campus MAC X2302-045,  
Des Moines, IA 50328-0001.

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Ms. Koetas-Dale made a motion seconded by Mr. Liedtka to add Resolution 2018-12-11  
All were in favor.

Mr. Liedtka made a motion seconded by Ms. Koetas-Dale to adopt Resolution  
2018-12-11. All were in favor.

**TOWNSHIP OF CHESTERFIELD  
RESOLUTION 2018-12-11**

**RESOLUTION AUTHORIZING REFUND OF PROPERTY TAX  
OVERPAYMENTS TO LERETA TAX SERVICE**

**WHEREAS**, Lereta Tax Service made payments on Block 202.08 Lot 3 in the  
amount of \$3,176.24 on September 7, 2018 and Block 202.08 Lot 8 in the amount of  
\$3,116.48 on October 29, 2018; and

**WHEREAS**, these payments created overpayments of \$3,176.24 on Block 202.08 Lot 3 and \$2,965.74 on Block 202.08 Lot 8; and

**WHEREAS**, Lereta Tax Service has requested the overpayments be refunded to them;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chesterfield in the County of Burlington and State of New Jersey that the Tax Collector is hereby authorized to refund the overpayment in the amount of \$6,141.98 to Lereta Tax Service 1123 Park View Drive, Covina, CA 91724.

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Ms. Koetas-Dale made a motion seconded by Mr. Liedtka to add Resolution 2018-12-12 All were in favor.

Mr. Liedtka made a motion seconded by Ms. Koetas-Dale to adopt Resolution 2018-12-12. All were in favor.

**TOWNSHIP OF CHESTERFIELD  
RESOLUTION 2018-12-12**

**RESOLUTION AUTHORIZING REFUND OF PROPERTY TAX OVERPAYMENTS  
TO CORELOGIC FOR VARIOUS PROPERTIES**

**WHEREAS**, Corelogic is a servicing agent for real estate taxes for multiple mortgage companies; and

**WHEREAS**, the payments were part of bulk payments and the tax payment had to be applied; and

**WHEREAS**, Corelogic has made payments creating \$28,071.04 in overpayments on the following properties:

|               |           |            |
|---------------|-----------|------------|
| Block 103     | Lot 12    | \$ 382.24  |
| Block 107.08  | Lot 3     | \$2,671.65 |
| Block 107.11  | Lot 2     | \$3,291.98 |
| Block 107.17  | Lot 4     | \$ 611.39  |
| Block 202.03  | Lot 13    | \$3,003.73 |
| Block 202.32  | Lot 5     | \$2,105.09 |
| Block 202.43  | Lot 2     | \$ 399.57  |
| Block 202.45  | Lot 9     | \$3,015.34 |
| Block 206.208 | Lot 4     | \$2,896.69 |
| Block 302.02  | Lot 1     | \$3,324.63 |
| Block 600     | Lot 31.08 | \$2,369.30 |
| Block 700     | Lot 7     | \$2,258.52 |
| Block 1101    | Lot 2     | \$1,740.91 |

**WHEREAS**, Corelogic has requested the overpayment be refunded to them;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chesterfield in the County of Burlington and State of New Jersey that the Tax Collector is hereby authorized to refund the overpayment in the amount of \$28,071.04 to Corelogic, Attn: Refund Department, P. O. Box 9205, Coppell, TX 75019-9710.

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### **Payment of Bills**

Ms. Koetas-Dale made a motion seconded by Mr. Liedtka to approve the bill list. All were in favor.

### **Discussion**

#### **CTAA:**

Ms. Koetas-Dale suggested that the CTAA use Chief Wilson as their primary contact to the Township instead of going through the Recreation Committee. Chief Wilson and Mayor Romeu agreed. Ms. Katz suggested that Chief Wilson meet with the CTAA on a regular basis since they feel that they are not being heard lately based on their Face Book posts. Chief Wilson said that he is in constant communication with John Kelly, President of CTAA. Additionally, Rachel Fryc is in daily communication with the CTAA Board. Ms. Katz said that there was a post on the CTAA Facebook page stating they felt they were not included in the Recreation Survey. Chief Wilson asked Ms. Katz to share that post with him and he will speak with the CTAA.

#### **Solar:**

Chief Wilson has been looking into solar to offset some of the costs of the Township building. He met with three different vendors including PSE&G. Chief Wilson explained the different options to the Township Committee and asked if he can move forward. The Township Committee agreed that Chief Wilson should move forward looking into solar.

#### **Update on Pipeline Task Force:**

Mayor Romeu reported that the testing is complete. The monitors were sent out to be analyzed and we are waiting to hear back. Mayor Romeu reported that they have gathered 46 local participants to do the health assessments and we should get the reports back in February. Mayor Romeu thanked residents who volunteered to help. Additionally, they are working on testing the water around the compressor station. Ms. Katz thanked Tom Flaherty and Sara Dyson for all of their hard work.

#### **Dog License Fees:**

Chief Wilson is looking into increasing the dog license fees. He said that we will need to introduce an ordinance at the January 3<sup>rd</sup> meeting. Chief said we are not covering our

costs. We are thinking about moving from \$8.00 to \$11.00 and from \$11.00 to \$15.00. Additionally, we will need to have a dog census this year which the Township will pay for. Chief Wilson asked if we can tell the owners of the additional fee prior to the ordinance being passed in order to start on January 1<sup>st</sup>, 2019. Ms. McElmoyl agree.

#### Demolition of unsafe property:

Chief Wilson reported that Glenn Riccardi, Township Construction Official made him aware of 37 church street which is a single family dwelling has been vacant for a number of years. There have been numerous concerns and complaints made to the Township dating back to approaching a decade related to this building. On October 28<sup>th</sup>, 2018 Mr. Riccari issued a final notice for the property to be demolished and posted the structure as such. Demolition contractors have been solicited and proposals submitted awaiting the governing body permission to move forward.

Mr. Gillespie will look at all of the notices to make sure they are all current. Mr. Liedtka made a motion seconded by Ms. Koetas-Dale to move forward subject to Mr. Gillespie's review. All were in favor.

Ms. Katz asked for an update on the beavers. Mayor Romeu said that she reached out to Fish & Wild Life to find out if there are any other options than killing the beavers. Mayor Romeu said that in addition to wrapping the trees we can paint the trees with a deterrent paint. She believes this will be quicker and more effective. Chief Wilson said that trapping season starts December 26<sup>th</sup> and runs till the end of February. Ms. Koetas-Dale asked the Township Committee to make a decision at the next meeting.

#### Comments to the Public and Committee

Mr. Liedtka made a motion to open to public comment seconded by Ms. Katz. All were in favor.

Shreekant Dhopte from 18 Donlonton Circle asked if the solar panels would be for this building. Chief Wilson replied yes, and also for the Recreation Building, but that would be a separate project.

Mr. Dhopte said that we need to make a decision by the next meeting about the beavers.

Mr. Dhopte said that he heard that the commercial area of the development homes don't have basements and homeowners are afraid of flooding. He asked if this is something the builder is taken care of. Mr. Hirsh will reach out to the builders and to public works to find out if there are any issues with the homes as well as with the commercial buildings.

Agnus Marsala from 42 Cromwell want to know if she can see Resolution 2018-9. Mr. Gillespie said yes it is a public document. The Township Committee gave Ms. Marsala a copy of the resolution.

Ms. Marsala thanked Mayor Romeu for her leadership and everyone for their hard work.

Ron Niebo from 33 Church Street thanked the Township Committee for finally taking action on demolishing 37 Church Street. Mr. Niebo wanted to make the Committee aware that there is no access to that property unless it is through his property. He would like to be notified when the demolition happens so that he can remove his family. Mr. Niebo's children have asthma and he does not want them to be at home during the demolition. Chief Wilson will reach out and let Mr. Niebo know.

Hearing no further comments, Mr. Liedtka made a motion seconded by Ms. Katz to go into Executive Session at 8:23 PM. All were in favor.

### **RESOLUTION 2018-12-13**

#### **A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12**

**WHEREAS**, the Township Committee of the Township of Chesterfield is subject to certain requirements of the Open Public Meetings Act, NJSA 10:4-6, et. seq.; and

**WHEREAS**, the Open Public Meetings Act, NJSA 10:4-12 provides that an Executive Session not open to the public may be held for certain specified purposes when authorized by Resolution; and

**WHEREAS**, it is necessary for the Township Committee of the Township of Chesterfield to discuss, in a session not open to the public, certain matters relating to the item or items authorized by Resolution; and

**WHEREAS**, it is necessary for the Township Committee of the Township of Chesterfield to discuss, in a session not open to the public, certain matters relating to the item or items authorized by NJSA 10:4-12b and designated below:

- Matters required by law to be confidential.
- Matters where the release of information would impair the right to receive funds.
- Matters involving individual privacy.
- Matters relating to collective bargaining agreements.
- Matters relating to the purchase, lease, or acquisition of real property or the investment of public funds.
- Matters relating to public safety and property.
- Matters relating to litigation, negotiations and the attorney-client privilege.
- Matters relating to the employment relationship.
- Matters relating to the potential imposition of a penalty.
- Matters relating to deliberations on administrative and/or quasi-judicial matters.
- Matters relating to contract negotiations.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chesterfield, assembled in public session on December 27, 2018 that an Executive Session closed to the public shall be held at 8:23 PM in the

Chesterfield Township Municipal Building for the discussion of matters relating to the specific items designated above. It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

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Returned to regular session at 9:14 pm.

With no further comment Mr. Liedtka made a motion seconded by Ms. Koetas-Dale to adjourn the meeting. All were in favor. The meeting adjourned at 9:14 PM

Respectfully submitted,

Rachel Fryc, RMC  
Deputy Municipal Clerk