

**HOPEWELL TOWNSHIP COMMITTEE SPECIAL MEETING  
HOPEWELL TOWNSHIP MUNICIPAL BUILDING AUDITORIUM**

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**Thursday, January 25, 2018 – 4:06 p.m.**

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**PROPER STATEMENT OF NOTICE** – Mayor Kuchinski called the meeting to order stating that notice of the meeting had been posted on the municipal bulletin board and forwarded to the Hopewell Valley News, The Times, the Trentonian and the Hopewell Express (the official newspapers) on January 23, 2018, in accordance with the Open Public Meetings Act, Chapter 231, P.L. 1975.

**ROLL CALL:** Those answering the roll call of the Municipal Clerk:

**COMMITTEE MEMBERS PRESENT:** Blake, Hart, McLaughlin, Ruger, Mayor Kuchinski

**ABSENT:** None

**STAFF PRESENT:** Administrator/CFO Borges, Municipal Clerk Gompf, Health Officer English, Township Attorney Goodell

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**WORK SESSION**

Mayor Kuchinski outlined the reasons for the Work Session and stated that for those reasons he believed a Special Meeting was exigent. Committee Member Hart expressed his opposition to calling a special meeting for the issues listed on the agenda, having the meeting during the day when the public is not available, and the need for a longer time for notice. Mayor Kuchinski replied that the PennEast Pipeline issue is urgent because there is a deadline and that precursor steps were needed before the Township Committee takes action at their next meeting. Committee Member McLaughlin voiced her support for a special meeting so she may have information to make educated decisions at the next Township Committee meeting.

Attorney Goodell cited for the record that, in accordance with the Open Public Meetings Act, the meeting is required to be noticed 48 hours in advance, which it was. However, Mr. Goodell went on to state that meetings may occur with less than 48 hours' notice if there is an emergent issue, which the issues surrounding the PennEast Pipeline need direction immediately, due to the Court granting them a Certificate of Approval that Friday, which created a deadline to file any appeals. Mr. Goodell also addressed afternoon meetings as opposed to night meetings, which he stated was a policy for the Township Committee to debate, however, as to its legality, this meeting is legally constituted. Mr. Goodell suggested a 2/3 vote of the Committee for this Special Meeting to proceed.

Motion by Kuchinski, seconded by McLaughlin to obtain formal approval of the Township Committee that there was an exigent need to convene the meeting to discuss the Trenton Water Works and PennEast Pipeline.

**ROLL CALL VOTE:**

**AYES:** Blake, McLaughlin, Ruger, Mayor Kuchinski

**NOES:** Hart

**A. TRENTON WATER WORKS**

Committee Member Blake stated that there has been an unclear water restriction notice for a third of the town who uses and accesses Trenton Water Works and the flow of information from the Public Works Department from the City of Trenton has been problematic for the residents who utilize the service. Committee Member Blake stated that it has been hard to manage in a

way where the Committee feels it is in control and can appropriately, as users, respond in a timely manner. She imparted that it feels these issues need to be addressed very quickly because the Department of Environmental Protection (DEP) has responded to Trenton Water Works with a stern letter regarding their response to certain issues and their concerns with lead, turbidity, and how it is being communicated to other municipalities.

Committee Member Blake announced that the City of Trenton's City Council has asked Trenton Water Works to present and bring their certified, licensed officials, to speak at a meeting and she will be present to ask questions about their communication.

Committee Member Blake asked Robert English, Hopewell Township Health Officer, to describe what the notices from the Trenton Water Works have included and how it affects the residents of Hopewell Township. Mr. English explained there are essentially two paths that the Township has had to deal with: One involving the quality of the inflow water and the series of complicated occurrences that follow and the second involved lead and copper, which is a PH issue.

Mr. English noted that there is a NJ DEP Drinking Water Watch Report, which is a publicly accessible website for all public water systems' violations testing history. Mr. English proceeded to cite previous violations going back to 2016 and noted that the violations are repeats of the same issues. He then explained how some of these violations may be occurring and what it means for the Township. Mr. English explained that he has had difficulties in getting Trenton Water Works to come and test the Township's portion of the system and why that was.

Other problems cited by Mr. English were consumer confidence violations which include notifying the users about what they are getting and providing straight answers, which they are not doing. Mr. English said he believes that the Township does not have any water quality issues because the hydrants are flushed and looped, but Trenton Water Works has not taken samples from Hopewell Township. He explained that sampling kits have been given to residents to be taken by Trenton Water Works due to a lack of personnel, but when sampling a public water system for lead and copper it is imperative that the home be flushed before you take the sample or the results will not be correct.

Mr. English explained how corrosives may cause issues which are not exclusive to those serviced by Trenton Water Works, and stated that he believed, depending on how Trenton Water Works conducts itself, it is likely there will be issues again.

Committee Member Blake spoke of the difficulties in relating this time sensitive information to residents. She also declared that the Township must advocate for testing within the municipality which is a conversation that will have to be persistent.

Mayor Kuchinski emphasized that communication must be clearer with Trenton Water Works and the Township Committee must help Mr. English establish a communication line so real-time information can be given to the residents. Mayor Kuchinski offered using the reverse 911 system to notify residents of the issues. Committee Member Blake interjected that currently the Township is receiving advisories two days after an issue and suggested working with other municipalities on how these issues are being communicated.

A discussion ensued regarding the issues and what should be done to ensure better communications and Hopewell Township testing. Mr. English also addressed the staffing issues at Trenton Water Works which he believes is leading to problems being unmanageable.

Mayor Kuchinski divulged that Mayor Jackson of Trenton advised him there is approval to hire for open positions and they are considering revising their residency hiring criteria. Additionally, the Mayor said that the DEP is looking to bring in an outside water expert to manage the system for a period of ten years or more, but said he believed the Township Committee owed it to the residents to get a much more granular-level assessment and also some milestones which will indicate if steps are being taken in the right direction.

Mr. Goodell referenced previous litigation with Trenton Water Works which ordered certain obligations to meet and confer with the Township on a regular basis. Committee Member Ruger

suggested that a representative from Trenton Water Works come to Hopewell Township, speak before the public, and answer questions. Committee Member Blake interjected that she has reached out to the DEP and asked someone to come speak about their concerns. Committee Member McLaughlin suggested putting questions to Trenton Water Works into a formal resolution. Mayor Kuchinski agreed and suggested relaying some of the obligations from the previous litigation into the Resolution as well.

Mayor Kuchinski solicited public comment. There was no comment from the public.

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## B. PENNEAST PIPELINE

Mayor Kuchinski announced that the Federal Energy Regulatory Commission (FERC) issued a conditional Certificate of Need for the PennEast Pipeline which cites there is a demonstrated need and gives them the power to pursue certain actions. Mayor Kuchinski stated that PennEast has made easement offers to property owners of lands in New Jersey that PennEast proposes to run the pipeline through.

The Mayor referred to a past public meeting for affected homeowners that provided information on their options on what to do when easement offers are made and how to prepare for eminent domain concerns. Mayor Kuchinski stated that the pipeline has been fought on a bipartisan basis since 2014 and enumerated the steps which have been taken to date to fight the pipeline; made suggestions on moving forward with challenging the pipeline; and cited the many steps that PennEast must make before being able to run the pipeline through New Jersey. He also stated that, although the governing body may not give specific legal advice to residents, they can point them to resources which include 'Homeowners Against Land Taking' (HALT) who have a helpful series of information online.

Mayor Kuchinski then spoke to the problem of premature tree clearing and steps that can reduce the risk of that happening in Hopewell Township. Mayor Kuchinski solicited public comment. There was no comment from the public.

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## PUBLIC SECTION

No comments from the public.

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**EXECUTIVE SESSION RESOLUTION.** Read into the record.

Mayor Kuchinski stated that the meeting may reconvene following the Executive Session.

Motion by Blake, seconded by McLaughlin to go to Executive Session to discuss PennEast Pipeline potential litigation.

**MOTION UNANIMOUSLY CARRIED**

## RESOLUTION #18-32

### EXECUTIVE SESSION RESOLUTION

**WHEREAS**, it is necessary for the Township Committee to discuss contract negotiations, real estate, legal, and/or personnel matters; and

**WHEREAS**, N.J.S.A. 10:4-12 permits the Township Committee to conduct a meeting from which the public is excluded in order to discuss such matters; and

**WHEREAS**, the Township Committee wishes to discuss the following:

- Litigation
  - PennEast Pipeline

**WHEREAS**, the time when and circumstances under which discussion conducted in executive session may be disclosed to the public is when appropriate.

**NOW, THEREFORE, BE IT RESOLVED**, on this 25<sup>th</sup> day of January, 2018 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the Township Committee shall forthwith conduct an executive session to discuss the above.

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At 4:51 p.m. the Executive Session was held.

At 5:37 p.m. the Special meeting reconvened.

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At 5:37 p.m., Motion by Blake, seconded by McLaughlin to adjourn the meeting.  
**MOTION UNANIMOUSLY CARRIED**

The detailed public meeting may be viewed at [www.hopewelltp.org](http://www.hopewelltp.org) in the video library.

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LAURIE E. GOMPF  
MUNICIPAL CLERK