

CP15-558



Green Sergeant's Bridge  
New Jersey's Only Remaining Covered Bridge

# Delaware Township

Hunterdon County, New Jersey

OFFICE OF TOWNSHIP COMMITTEE

P.O. BOX 500

SERGEANTSVILLE, NJ 08557

(609) 397-3240

Direct FAX Number (609) 397-4893

ORIGINAL

John Gillooly, Director  
Integra Realty Resources  
80 S. Jefferson Road  
2<sup>nd</sup> Floor  
Whippany, NJ 07981

September 29, 2016

FILED  
SECRETARY OF THE  
COMMISSION  
2016 OCT -6 P 4: 27  
FEDERAL ENERGY  
REGULATORY COMMISSION

Re: Proposed PennEast Pipeline in Delaware Township, New Jersey

Dear Mr. Gillooly:

At the September 26, 2016 meeting of the Delaware Township Committee, members approved Resolution #2016-67 stating that the Committee does not approve of PennEast conducting real estate appraisal activities from the public right-of-way when residents have clearly prohibited such activities on their private properties. Resolution #2016-67 cites previous Resolutions passed by the Delaware Township Committee, opposing the pipeline and prohibiting PennEast from survey access on Township-owned land (Resolutions 2014-59, 2015-57 and 2015-58, attached).

As a reminder, PennEast and its affiliates should not contact any Delaware Township Department, Township Professional, or Township Agency directly. Instead, please contact the Township Committee with any question. All contact with Delaware Township should be done through the Township Committee.

Finally, the Delaware Township Committee requests advance notice of all overhead flights in the Township well in advance of the flights. This is a rural, farming community. Overhead planes and helicopters alarm residents. They terrify the livestock, especially horses. The Township will post notice of the flights so that residents and animal owners can prepare for them. That notice should be provided to Police Chief Chris Cane (609-397-8189) and Township Clerk Jodi McKinney 609-397-3240, Ext. 205. [jmckinney@DelawareTwpNJ.org](mailto:jmckinney@DelawareTwpNJ.org).

Very truly yours,

Susan D. Lockwood, Mayor

Enclosures: Resolution #2015-70  
Resolution #2014-59  
Resolution #2015-58  
Resolution #2015-57

cc: Peter J. Fontaine, Esq. Cozen O'Connor P.O. Box 5459 Cherry Hill, NJ 08002  
The Honorable Norman C. Bay, Federal Energy Regulatory Commission Chairman  
Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission w/ enclosure  
Ruth Foster at NJDEP  
Congressman Leonard Lance  
Senator Cory Booker  
Senator Robert Menendez  
Assemblyman Jack M. Ciattarelli  
Senator Christopher "Kip" Bateman  
Assemblyman-Elect Andrew Zwicker  
Kingwood Township Committee  
Holland Township Committee  
Hopewell Township Committee



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# Delaware Township

Hunterdon County, New Jersey

www.DelawareTwpNJ.org

Jodi McKinney, Acting Clerk  
OFFICE OF TOWNSHIP CLERK

PO BOX 500  
TOWNSHIP HALL  
SERGEANTSVILLE, NJ 08557  
(609) 397-3240, Ext. 205

Direct FAX Number (609) 397-4893

## DELAWARE TOWNSHIP

### RESOLUTION #2016-67

#### RESOLUTION CONCERNING PENNEAST

#### REAL ESTATE APPRAISALS FROM THE PUBLIC RIGHT-OF-WAY

WHEREAS, PennEast Pipeline Company LLC (PennEast) proposes to construct a natural gas pipeline through Delaware Township and across Township-owned land, environmentally fragile areas, preserved open space, preserved farmland and private property; and

WHEREAS, on September 29, 2014 and on August 10, 2015, the Delaware Township Committee adopted Resolutions #2014-59 and #2015-58 opposing the pipeline; and

WHEREAS, on October 11, 2016, the Delaware Township Committee adopted Resolution #2016-66 prohibiting PennEast from Real Estate access on Township-owned lands and informed PennEast that Delaware Township does not consent to PennEast using Township-owned properties; and

WHEREAS, on September 24, 2015, PennEast filed a formal application with the Federal Energy Regulatory Commission (FERC) to construct the pipeline; and

WHEREAS, on October 28, 2015, Delaware Township filed a Motion to Intervene in the FERC proceeding to oppose the construction of the pipeline; and

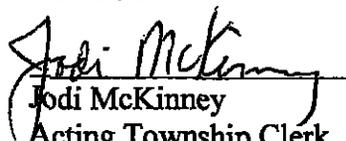
WHEREAS, on September 14, 2016, Integra Realty Resources sent letters to potentially affected residents in Delaware Township declaring that they would assess properties from the road if onsite access is denied; and

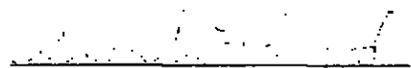
WHEREAS, on September 26, 2016, the Delaware Township Committee adopted Resolution #2016-66 denying access to PennEast for the purpose of real estate appraisals on Township-owned lands and on lands in which the township has a legal interest; and

WHEREAS, FERC has not granted PennEast a Certificate of Public Convenience and Necessity and unless or until it does there is no finding that the proposed pipeline is an authorized "public improvement".

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Delaware that it does not approve the use of public rights of way to conduct property appraisal activities. .

ATTEST:

  
Jodi McKinney  
Acting Township Clerk  
September 26, 2016

  
\_\_\_\_\_  
Susan D. Lockwood, Mayor



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# Delaware Township

Hunterdon County, New Jersey

www.DelawareTwpNJ.org

Judith A. Allen, RMC  
OFFICE OF TOWNSHIP CLERK

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(609) 397-3240, Ext. 205  
Direct FAX Number (609) 397-4893

**DELAWARE TOWNSHIP**  
**RESOLUTION #2015-70**  
**RESOLUTION CONCERNING PENNEAST**  
**SURVEYING IN THE PUBLIC RIGHT-OF-WAY**

WHEREAS, PennEast Pipeline Company LLC (PennEast) proposes to construct a natural gas pipeline through Delaware Township and across Township-owned land, environmentally fragile areas, preserved open space, preserved farmland and private property; and

WHEREAS, on September 29, 2014 and on August 10, 2015, the Delaware Township Committee adopted Resolutions #2014-59 and #2015-58 opposing the pipeline; and

WHEREAS, on August 10, 2015, the Delaware Township Committee adopted Resolution #2015-57 prohibiting PennEast from survey access on Township-owned lands and informed PennEast that Delaware Township does not consent to PennEast surveying Township-owned properties; and

WHEREAS, on September 24, 2015, PennEast filed a formal application with the Federal Energy Regulatory Commission (FERC) to construct the pipeline; and

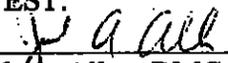
WHEREAS, on October 28, 2015, Delaware Township filed a Motion to Intervene in the FERC proceeding to oppose the construction of the pipeline; and

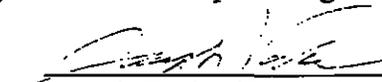
WHEREAS, on October 9, 2015, counsel to PennEast sent a letter "To Whom it May Concern" stating his opinion that New Jersey Statute 46:11-1, entitled "Right of Entry to Make Surveys in Certain Proceedings," gave PennEast surveyors the right to utilize the public right-of-way to perform surveys on behalf of the pipeline company; and

WHEREAS, FERC has not granted PennEast a Certificate of Public Convenience and Necessity and unless or until it does there is no finding that the proposed pipeline is an authorized "public improvement".

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Delaware that it does not approve of PennEast surveying activities in the public right-of-way.

ATTEST:

  
\_\_\_\_\_  
Judith A. Allen, RMC  
Township Clerk  
November 23, 2015

  
\_\_\_\_\_  
Joseph Vocke, Deputy Mayor



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## DELAWARE TOWNSHIP RESOLUTION #2014-59

WHEREAS, PennEast Pipeline Company, LLC, a joint project of AGL Resources, NJR Pipeline Company, a subsidiary of New Jersey Resources, South Jersey Industries, and UGI Energy Services, a subsidiary of UGI Corporation, proposed the construction of a new pipeline for the transfer and deliver of natural gas generated by deep well "fracking" in areas of Marcellus Shale in Pennsylvania; and

WHEREAS, the proposed pipeline is approximately one hundred (100) miles long of thirty inch (30") buried pipe crossing parts of Luzerne, Carbon, Northampton and Bucks Counties in Pennsylvania and Hunterdon and Mercer Counties in New Jersey; and

WHEREAS, as currently proposed, the pipeline cuts through Delaware Township, Hunterdon County, causing or contributing to the following:

1. The proposed route of the buried pipeline route crosses at least seventeen C-1 streams, namely, the Wickecheoke Creek and nine of its tributaries, the Alexauken Creek and five of its tributaries, and one tributary and headwater area of the Lockatong Creek; and
2. The proposed route impacts pristine woods and forests causing damage to wildlife and plant life; and
3. Said removal of trees and vegetation along creeks, streams and waterways will result in the loss of sediment filtration, thereby causing sediment buildup in these waterways and the waterways that flow into the Delaware and Raritan Canal, a source of drinking water for millions of New Jersey residents; and
4. The proposed route crosses properties that were purchased with New Jersey Department of Environmental Protection Green Acres Funds, New Jersey Department of Agriculture Funds, Hunterdon County Open Space Funds, Delaware Township Open Space Funds, Federal Farm and Ranch Protection Program Funds, New Jersey Water Supply Authority Funds, as well as other properties that are subject to conservation easements and/or deed restricted against development; and

5. The proposed route crosses or affects properties that were purchased by non-profit land conservation and protection organizations including the New Jersey Conservation Foundation, the D&R Greenway, and the Hunterdon Land Trust; and
6. The taxpayers of the State of New Jersey, Hunterdon County, Delaware Township as well as foundations and individual donors and farmers and landowners have invested \$7,375,601 to permanently preserve these properties in perpetuity; and
7. The proposed route crosses the Rosemont Ridge Agricultural District that received New Jersey and Federal Historic Designation in 2010, said district covering 20,360 acres, 169 buildings, and historic viewsheds as well as historic agricultural land use patterns and landscapes; and
8. The proposed route will impact Township owned open space, privately held open space, and scenic vistas; and
9. The proposed route and the construction of pump stations along the way will impact ground water that Delaware Township residents depend on for domestic consumption, wetlands, springs, vernal ponds, and C-1 designated streams, all of which are highly valued by residents and visitors, are necessary for Delaware Township's way of life, and are irreplaceable; and
10. The proposed route of the pipeline may invade habitats of species protected by the Endangered Species Act, such as eagles, the wood turtle, the long tailed salamander, and various plants and other animals protected by federal and state law; and
11. WHEREAS, the proposed pipeline causes damage to Delaware Township residents by lowering property values, raising health concerns, raising safety concerns, impacting farms and residences, and generally degrading their quality of life and the historic, environmental and cultural resources they have dedicated themselves to protecting.

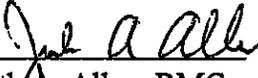
NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Delaware, Hunterdon County, New Jersey as follows:

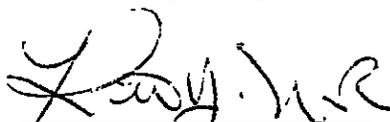
1. The Delaware Township Committee does hereby object to the design and construction of a 30 inch pipeline passing through and under Delaware Township, Hunterdon County. The construction and operation of the pipeline will significantly damage C-1 protected streams, wildlife habitat, existing farm operations, and the quality of life in Delaware Township.
2. The Delaware Township Committee calls for a moratorium on any and all planning for the PennEast Pipeline and requests that any such project, if approved, be removed from

the pristine reaches of Hunterdon and Mercer Counties in New Jersey and Luzerne, Carbon, Northampton and Bucks Counties in Pennsylvania

3. The Delaware Township Committee seeks the cooperation of other similarly located and affected municipalities, asking that all nearby affected municipalities adopt a similar resolution.
4. The Delaware Township Committee adopts, and calls upon similarly situated municipalities to adopt a resolution authorizing each municipality to join together to enter their appearance in any proceeding before the Federal Energy Regulatory Commission the Delaware River Basin Commission, the New Jersey Public Utility Commission, and any other regulatory authority, so that by the strength of numbers they may successfully oppose the PennEast Pipeline project and have the ability to cause the relocation or termination of the project so as to prevent environmental degradation and to project the environment envisioned by the State of New Jersey.
5. The Delaware Township Committee will appoint a Delaware Township subcommittee to help the governing body in its efforts as an intervenor in the FERC process and provide guidance in submitting written objections to FERC in opposition to the pipeline.
6. The Delaware Township Committee will act as an Intervener and/or Objector to the proposed PennEast Pipeline.
7. Working with its non-profit partners, local groups, and other municipalities, the Delaware Township Committee will exercise careful fiscal oversight in this opposition process.
8. The Delaware Township Committee recognizes that the pipeline could be beneficial to society through potentially lower natural gas prices in the national economy, though Delaware Township will not currently benefit from any of the natural gas being transported through this pipeline. The Delaware Township Committee determines that the damage to the Township outweighs any benefit the Township will gain.

ATTEST:

  
Judith A. Allen, RMC  
Township Clerk  
September 29, 2014

  
Kenneth J. Novak, Mayor



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New Jersey's Only Remaining Covered Bridge

# **Delaware Township**

**Hunterdon County, New Jersey**

[www.DelawareTwpNJ.org](http://www.DelawareTwpNJ.org)

Judith A. Allen, RMC  
OFFICE OF TOWNSHIP CLERK

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Direct FAX Number (609) 397-4893

## **DELAWARE TOWNSHIP** **RESOLUTION #2015-58**

WHEREAS, PennEast Pipeline Company, LLC, a joint project of AGL Resources, NJR Pipeline Company, a subsidiary of New Jersey Resources, South Jersey Industries, and UGI Energy Services, a subsidiary of UGI Corporation, proposed the construction of a new pipeline for the transfer and deliver of natural gas generated by deep well "fracking" in areas of Marcellus Shale in Pennsylvania; and

WHEREAS, the proposed pipeline is approximately one hundred (100) miles long of thirty inch (30") buried pipe crossing parts of Luzerne, Carbon, Northampton and Bucks Counties in Pennsylvania and Hunterdon and Mercer Counties in New Jersey; and

WHEREAS, as currently proposed, the pipeline cuts through Delaware Township, Hunterdon County, causing or contributing to the following:

1. The proposed route of the buried pipeline route crosses at least seventeen C-1 streams, namely, the Wickecheoke Creek and nine of its tributaries, the Alexauken Creek and five of its tributaries, and one tributary and headwater area of the Lockatong Creek; and
2. The proposed route impacts pristine woods and forests causing damage to wildlife and plant life; and
3. Said removal of trees and vegetation along creeks, streams and waterways will result in the loss of sediment filtration, thereby causing sediment buildup in these waterways and the waterways that flow into the Delaware and Raritan Canal, a source of drinking water for millions of New Jersey residents; and
4. The proposed route crosses properties that were purchased with New Jersey Department of Environmental Protection Green Acres Funds, New Jersey Department of Agriculture Funds, Hunterdon County Open Space Funds, Delaware Township Open Space Funds, Federal Farm and Ranch Protection Program Funds, New Jersey Water Supply Authority Funds, as well as other properties that are subject to conservation easements and/or deed restricted against development; and

5. The proposed route crosses or affects properties that were purchased by non-profit land conservation and protection organizations including the New Jersey Conservation Foundation, the D&R Greenway, and the Hunterdon Land Trust; and
6. The taxpayers of the State of New Jersey, Hunterdon County, Delaware Township as well as foundations and individual donors and farmers and landowners have invested \$7,375,601 to permanently preserve these properties in perpetuity; and
7. The proposed route crosses the Rosemont Ridge Agricultural District that received New Jersey and Federal Historic Designation in 2010, said district covering 20,360 acres, 169 buildings, and historic viewsheds as well as historic agricultural land use patterns and landscapes; and
8. The proposed route will impact Township owned open space, privately held open space, and scenic vistas; and
9. The proposed route and the construction of pump stations along the way will impact ground water that Delaware Township residents depend on for domestic consumption, wetlands, springs, vernal ponds, and C-1 designated streams, all of which are highly valued by residents and visitors, are necessary for Delaware Township's way of life, and are irreplaceable; and
10. The proposed route of the pipeline may invade habitats of species protected by the Endangered Species Act, such as eagles, the wood turtle, the long tailed salamander, and various plants and other animals protected by federal and state law; and
11. WHEREAS, the proposed pipeline causes damage to Delaware Township residents by lowering property values, raising health concerns, raising safety concerns, impacting farms and residences, and generally degrading their quality of life and the historic, environmental and cultural resources they have dedicated themselves to protecting.

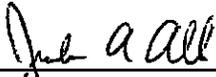
NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Delaware, Hunterdon County, New Jersey as follows:

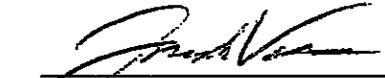
1. The Delaware Township Committee does hereby object to the design and construction of a 30 inch pipeline passing through and under Delaware Township, Hunterdon County. The construction and operation of the pipeline will significantly damage C-1 protected streams, wildlife habitat, existing farm operations, and the quality of life in Delaware Township.
2. The Delaware Township Committee calls for a moratorium on any and all planning for the PennEast Pipeline and requests that any such project, if approved, be removed from

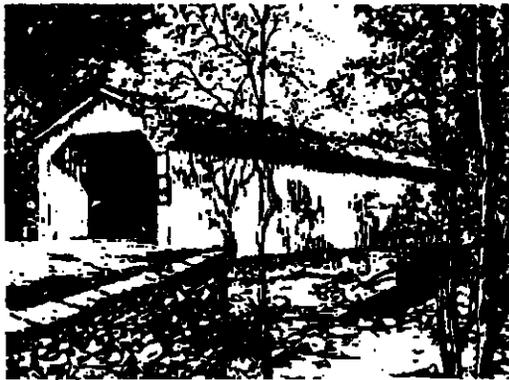
the pristine reaches of Hunterdon and Mercer Counties in New Jersey and Luzerne, Carbon, Northampton and Bucks Counties in Pennsylvania

3. The Delaware Township Committee seeks the cooperation of other similarly located and affected municipalities, asking that all nearby affected municipalities adopt a similar resolution.
4. The Delaware Township Committee adopts, and calls upon similarly situated municipalities to adopt a resolution authorizing each municipality to join together to enter their appearance in any proceeding before the Federal Energy Regulatory Commission the Delaware River Basin Commission, the New Jersey Public Utility Commission, and any other regulatory authority, so that by the strength of numbers they may successfully oppose the PennEast Pipeline project and have the ability to cause the relocation or termination of the project so as to prevent environmental degradation and to project the environment envisioned by the State of New Jersey.
5. The Delaware Township Committee will appoint a Delaware Township subcommittee to help the governing body in its efforts as an intervener in the FERC process and provide guidance in submitting written objections to FERC in opposition to the pipeline.
6. The Delaware Township Committee will act as an Intervener and/or Objector to the proposed PennEast Pipeline.
7. Working with its non-profit partners, local groups, and other municipalities, the Delaware Township Committee will exercise careful fiscal oversight in this opposition process.
8. The Delaware Township Committee recognizes that the pipeline could be beneficial to society through potentially lower natural gas prices in the national economy, though Delaware Township will not currently benefit from any of the natural gas being transported through this pipeline. The Delaware Township Committee determines that the damage to the Township outweighs any benefit the Township will gain.

ATTEST:

  
\_\_\_\_\_  
Judith A. Allen, RMC  
Township Clerk  
August 10, 2015

  
\_\_\_\_\_  
Joseph Vocke, Deputy Mayor



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Hunterdon County, New Jersey

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## DELAWARE TOWNSHIP RESOLUTION #2015-57

### **RESOLUTION PROHIBITING SURVEY ACCESS BY PENNEAST PIPELINE COMPANY LLC**

WHEREAS, the PennEast Pipeline Company, L.L.C. ("Company") proposed to construct a 36" diameter natural gas pipeline within Delaware Township ( "Township" or "Delaware Township") and the Township has officially opposed the pipeline construction by Resolution #2014-59; and

WHEREAS, the Company has proposed two different pipeline routes through the Township which said proposed routes will cross preserved farmlands, open space, environmentally-constrained lands, Category One streams and tributaries, habitats of species protected by the Endangered Species Act, and properties of significant historic and cultural value; and

WHEREAS, the Township in partnership with County, State, Federal and non-profit agencies have invested \$15,414,546.70 in the preservation of 2,146 acres of open space and farmland with the understanding that said properties are to be preserved and undeveloped for no fewer than one hundred (100) years from the date said properties were preserved; and

WHEREAS, the Township has significant interests in the Wichecheoke, Lockatong, and Rosemont Valley preserves in whose path the PennEast Pipeline is proposed; and

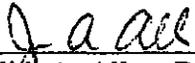
WHEREAS, any disturbance of the aforementioned lands, species and historic sites by survey work is deemed as potentially harmful and could result in irreparable harm; and

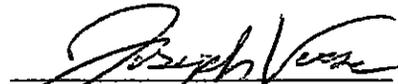
WHEREAS, on July 30, 2015 the New Jersey Conservation Foundation, a valued partner in the preservation of hundreds of acres of Township open space and farmland, issued a declaration to "cease and desist unauthorized entry and survey activities" on New Jersey Conservation's properties in response to the "discovery that PennEast surveyors entered land owned by New Jersey Conservation Foundation and Hunterdon Land Trust" without the permission of the owners.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Delaware, in the County of Hunterdon, as follows:

1. Delaware Township hereby denies any and all survey access to PennEast Pipeline Company, L.L.C., including denying access to its employees, agents, servants, representatives, consultants and contractors on any and all Township-owned property.
2. Delaware Township hereby denies any and all survey access to PennEast Pipeline Company, L.L.C., including denying access to its employees, agents, servants, representatives, consultants and contractors on any and property in which the Township has a legal interest.
3. Copies of this resolution be distributed to Governor Chris Christie, U.S. Senator Robert Menendez, U.S. Senator Cory Booker, Congressman Leonard Lance, Senator Christopher "Kip" Bateman, Assemblywoman Donna Simon, Assemblyman Jack M. Ciattarelli, the New Jersey Department of Environmental Protection, the New Jersey State Agricultural Development Commission, Hunterdon County Freeholders, Hunterdon County Agricultural Development Board, the New Jersey League of Municipalities, The New Jersey Conservation Foundation, the Sierra Club, the Delaware Riverkeeper Network, the Hunterdon Land Trust, the Delaware Township Citizens Against the PennEast Pipeline (DTCAP) and a copy posted on the Township web page for the benefit of its residents and for those affected communities in Hunterdon and Mercer counties in New Jersey as well as for those affected communities located within Luzerne, Carbon, Northampton, and Bucks Counties in Pennsylvania.
4. A copy of this Resolution shall be placed on file in the office of the Township Clerk.

ATTEST:

  
Judith A. Allen, RMC  
Township Clerk  
August 10, 2015

  
Joseph Vocke, Deputy Mayor

CERTIFICATION

I, Judith A. Allen, RMC, Clerk of the Township of Delaware, certify that the foregoing resolution was adopted by the Township Committee of the Township of Delaware at its meeting held on the 10<sup>th</sup> day August, 2015.

  
Judith A. Allen, RMC

Document Content(s)

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