

WEST AMWELL TOWNSHIP ENVIRONMENTAL COMMISSION MEETING

January 14, 2021 – 7:00 p.m.

Meeting Minutes

Action Items

The following action items were agreed to in the meeting.

No.	Item	Owner	Detail
1	Well Data	Coyne	Mr. Coyne to research data on well locations within the Township
2	Outreach to conservation groups	Coyne, Spille	Mr. Coyne to continue outreach to regional groups like Sourland Conservancy and The Watershed Institute. Mr. Spille will reach out to NJ Conservation Foundation
3	Spotted Lantern Fly	Spille	Mr. Spille to find materials on Spotted Lantern Fly traps based on Mr. Beaumont's descriptions
4	Dead/Dying Ash Tress	Spille	Mr. Spille to continue census of dying Ash Trees in close proximity to power lines

1) Call to Order

The Meeting was called to order at 7:11pm.

Notice of this meeting has been provided to the Hunterdon County Democrat and was posted on the bulletin board at Town Hall according to the regulations of the Open Public Meetings Act. A copy of this notice is available to the public and is on file in the office of the Township Clerk.

2) Roll Call

Present:

Dave Beaumont (Member), Joel Coyne (Member), David Clapp (Member), Nella Hamtil (Member, Rep. to Planning Board), Mike Spille (Chair)

Absent:

Jennifer Andreoli (Member), Jill Haug (Member)

*Note: Jill Haug and John Dale were having difficulty with getting into the Zoom meeting, so could not attend only for technical reasons.

3) Opening Statement by Chairperson

Mr. Spille wished everyone a happy New Year, and while 2021 had not started quite as positively as all had hoped, hopefully the covid19 vaccines being rolled out will allow us to eventually return to normalcy. And once again, at least the vast reduction in people moving about has allowed the wildlife population to expand significantly in the past year.

With the slow return to normalcy, we are all looking forward to getting back to business and getting into a better cadence for the Environmental Commission once again.

4) Opportunity for Public Comment (*limited to 15 minutes*)

It is noted for the record that no members of the public were present at this portion of the meeting.

5) Approval of minutes;

All three members who were present at the last meeting approved the minutes.

6) Old Business;

a) PFNA Contamination

Mr. Spille re-iterated his findings of PFNA contamination from the prior meeting around the High School area. Ms. Hamtil indicated that she lives near the High School, and NJDEP tested her water once the high levels of PFNA were found at the school (her well passed). Mr. Spille noted that the Federal Environmental Protection Agency had very recently rolled back PFNA regulations, so that we were lucky that the NJDEP had the foresight to tighten its own regulations in this area.

b) PennEast Pipeline

The **Solicitor General of the United States** filed their amicus brief requested by the **Supreme Court of the United States regarding PennEast's writ of certiorari**. That brief was in favor of the Court hearing PennEast's case. On January 7th, 2021, **the Court scheduled** the PennEast writ for review **in conference on January 22, 2021**. Such conferences involve a subset of the court reviewing the motions before them, and determining whether or not the Court should take the case to hearing. There can be several outcomes of these conferences. They can choose to reject the case. They can choose to hear the case. Or they can postpone a decision until a later date. For the record, the Court ultimately takes only about 2% of all cases.

On other fronts, **the Delaware River Basin Commission received PennEast's application in May 2020**, but **has taken no action** since then, not even public hearings. This has completely upset PennEast's timeline, which asked for a quick decision by the end of the summer. DRBC has received a number of comments on the project, including a lengthy comment from Mr. Spille (writing privately) detailing dozens of issues and errors in PennEast's application.

In addition, the **Federal Energy Regulatory Commission (FERC) has scheduled** to announce its decision on PennEast's amended application to split the project into two pieces (Phase 1 only in PA, Phase 2 in the remaining portion of PA and NJ). **That decision will be announced on January 19th, 2020**. While we expect FERC to rule in favor of the project, there is a small chance that the new Chairman of FERC may push to reject it on procedural grounds. Specifically, the new Chairman has shown evidence that he puts far more emphasis on rigorous legal decision making than the prior Chairman displayed. This opens an opportunity for the project to be rejected because it does not follow the norms for pipeline amendment applications - the exact type of multiphase project in a single application that PennEast is proposing has no precedent within FERC.

Finally, two PennEast owners had their quarterly earnings calls and presentations with Wall Street at the end of November and beginning of December, 2020. In one, the **New Jersey Resources CEO announced** that, while they still supported the project, **they were removing PennEast from all of their future financial projections**. All of them out to 2024 and beyond. Further, NJR indicated that it was limiting expenditures to PennEast to an absolute bare minimum.

UGI also had an investor call and presentation. In that call, they were asked when they thought construction might start on PennEast. They indicated that "no construction would occur in [fiscal year 2021]". In response to another question, like NJR, UGI indicated that investments into PennEast for FY 2021 were planned to be immaterial. The **CEO added to the commentary**, stating that **endless delays on PennEast were not a significant problem for the company, because challenges with PennEast were opening up new opportunities for them**, such as creation of new LNG storage facilities and peaking services.

The statements by both companies' indicate a waning interest in going forward with the project, which regulators may note and take into account in their decision making processes.

c) Well Data Discussion

Mr. Coyne indicated that, due to the length of time between EC meetings due to covid19, he had not had a chance to look into the well data information. A discussion ensued as to what data we were looking for, and what purpose it could be used for. Mr. Spille indicated that a general well census in the Township would be useful in the event of any kind of contamination event, above and beyond just the recent PFNA issues. Mr. Beaumont mentioned arsenic contamination as one sample concern, given the increased amounts of arsenic in the soil in Western Hunterdon County. Mr. Coyne will research potential data sources for this, starting with the NJDEP. Mr. Spille expressed some doubt if the NJDEP data was complete based on information he had heard. Mr. Coyne will see what he can find, and if there are other alternative sources of well data.

d) Recycling Committee Cooperation

The Commission continued discussion on potentially working with the Recycling Committee on publicizing changes in recyclable materials over the past few years. The number of plastics that are recyclable has dropped dramatically, all recycled materials must be completely cleaned, and China has stopped taking recyclables from the United States. It is likely that many residents do not know of the newer restrictions. There was some discussion of potential ways to incentivize residents in how they deal with recycling and general garbage, but these may be difficult to put into practical operation. Ms. Hamtil, who is on the recycling committee, has indicated that she will speak to the committee and see if there are any avenues for the EC to assist them.

e) Regional EC Websites

Discussion on this topic was postponed for a later date. Mr. Beaumont mentioned in an aside that the Township was still pushing ahead with a new website, but there was some pushback around the amount of work it might require of various individuals. Mr. Spille indicated he favored the new website approach, as it will make it easier for the Commission to communicate with residents on a variety of topics. Mr. Beaumont will keep the Commission informed as to progress or challenges on the new website work.

f) Outreach to Conservation Groups

Mr. Coyne indicated that he had reached out to The Watershed Institute (<https://thewatershed.org>) to discuss how we might work with them on Environmental Issues. The Watershed has a seminar on storm water management that we may pursue to better understand how best practices in this area have evolved in recent years. On this topic, we can both inform the Zoning board and Township Committee on potential improvements to our Stormwater Management ordinances, as well as potentially educate residents in how they can improve their properties using Green Infrastructure approaches. Mr. Coyne will keep in contact with the Watershed, and Mr. Spille will likewise investigate their programs and speak to some people he knows there. Mr. Spille also indicated that he would reach out to the New Jersey Conservation Foundation. While their mission is somewhat different (directly preserving and conserving land via easements and property acquisitions), they have a number of environmental experts who's input could be valuable to us.

g) Spotted Lantern Fly

Mr. Beaumont wasn't able to find his original source materials or pictures for a tree-based lantern fly trap, but said it should be easy to find video on the Internet. Mr. Spille will chase.

h) Dead & Dying Ash Trees in Township

Mr. Spille reached out to the Township Committee to speak out about this issue. Township Committeeman Bergenfeld said that he was in touch with a good contact with JCPL who had been very responsive to specific tree take-down requests near wires. He asked Mr. Spille to undertake a rough census of dead/dying ash trees in the Township, which Mr. Spille has begun. We should

have the census ready within the next week or two to pass along to JCPL. Mr. Beaumont indicated that the Township Public Works office had marked dead and dying ash trees near power lines on Rock Road West and Lakeview Road.

i) Sunoco Liquid Petroleum Pipeline in Pennington

For the members who were not present at the last meeting, Mr. Spille re-iterated the Sunoco LPG pipeline that had been unearthed in Jacobs Creek in nearby Pennington by storms. That section of pipeline is going to be abandoned and rerouted to a slightly different route. Mr. Spille is monitoring the situation as he has a special interest in Jacobs Creek.

7) New Business

a) Open Discussion

Dollar Tree Store Proposal

Mr. Spille mentioned that the proposed Dollar Tree store at the entrance to Music Mountain residential development had created a bit of controversy in the town. The site contains some wetlands, and while it is commercially zoned, it sits quite close to a number of houses in the development. The Environmental Commission will look for information on this proposal and evaluate it from an environmental perspective. Several members questioned how such a store could show a profit in that location, given the relatively low population density of West Amwell, Lambertville, and New Hope.

Commission Organization

Mr. Coyne asked if any additional organization of the Commission would be undertaken this year. Mr. Spille indicated that while the Chairmanship is set by the Mayor, we were free to create sub-structures under that. Mr. Coyne mentioned the possibility of having a Vice Chairman who could run meetings in the event the Chairman was absent. Mr. Spille indicated that this may be a good idea, and asked the Commissioners to think on who they might nominate for such a role in the next meeting.

Regarding Chairman appointments, here is the NJ code on Environmental Commissions:

<https://law.justia.com/codes/new-jersey/2013/title-40/section-40-56a-1/>

The relevant section states *“The commission shall consist of not less than five nor more than seven members, appointed by the mayor of the municipality, one of whom shall also be a member of the municipal planning board and all of whom shall be residents of the municipality; the members shall serve without compensation except as hereinafter provided. **The mayor of the municipality shall designate one of the members to serve as chairman and presiding officer of the commission.**”*

8) Discussion/Other Issues Not on Agenda

None.

9) Opportunity for public comment

For the record it was noted that no public was present.

10) Adjournment

The Meeting was adjourned at 8:33pm.