

**TOWNSHIP OF CHESTERFIELD**

**RESOLUTION 2019-7-8**

**RESOLUTION AUTHORIZING EXECUTION OF SETTLEMENT AGREEMENT & RELEASE, AND CONSENT ORDER, WITH NEW JERSEY NATURAL GAS RELATING TO THE SRL PIPELINE PROJECT.**

**WHEREAS**, in both February 2016 and March 2016, the New Jersey Board of Public Utilities (“NJBPU”) issued Orders that jointly gave permission to New Jersey Natural Gas Company (“NJNG”) to proceed with the construction of a natural gas pipeline known as the “Southern Reliability Link” (“SRL”) along County Route 528 (Bordentown-Chesterfield Road) within the Township of Chesterfield; and

**WHEREAS**, following the issuance of said Orders, the Township of Chesterfield filed appeals with the State of New Jersey, Superior Court, Appellate Division, seeking review and reversal of the NJBPU’s two (2) Orders; and

**WHEREAS**, in or about February 2016, NJNG also filed suit in the Superior Court of New Jersey, Law Division, against the Burlington County Board of Chosen Freeholders (“Burlington County”) to challenge the County’s road opening policy which had been adopted by the County on December 28, 2015, and the Township of Chesterfield sought, and received, permission to intervene in said litigation with Burlington County as an “Intervening Party”; and

**WHEREAS**, the Township of Chesterfield also filed an appeal with the Appellate Division challenging a certain approval granted to NJNG for the SRL Pipeline, by the State of New Jersey Pinelands Commission, which appeal is also pending before the Appellate Division, but for which the Township of Chesterfield

has not submitted briefs in support of its position; and

**WHEREAS**, the Township of Chesterfield has been given access over the past several months by the County to review NJNG's submissions and plans for a County Road Occupancy Permit the SRL Pipeline Construction Project, in an effort to best protect the interests of the Township, its residents, and the traveling public; and

**WHEREAS**, representatives of the Township of Chesterfield and NJNG have recently engaged in discussions designed to address the Township's concerns with regard to the issues raised in the various lawsuits and appeals; and

**WHEREAS**, the Township of Chesterfield has also continued its discussions with Burlington County regarding the imposition of certain conditions that the Township feels are essential to be included on any Road Occupancy Permit issued by Burlington County for the use of County Route 528 for construction of the SRL Pipeline; and

**WHEREAS**, the County did issue a Road Opening Permit to New Jersey Natural Gas on July 15, 2019, which Permit includes numerous conditions intended to further protect the interests of the residents of the Township of Chesterfield; and

**WHEREAS**, the Township of Chesterfield has now reached agreement with NJNG on the issues important to the Township arising from and/or related to the SRL Pipeline Construction Project which issues include, but are not limited to:

1. Reimbursement to the Township of Chesterfield in the amount of Five Hundred Fifty Thousand Dollars (\$550,000.00) for all professional fees incurred by the municipality in its various lawsuits relating to the SRL Pipeline Construction Project;
2. Establishment of a One Million Dollar (\$1,000,000.00) Construction Compensation Fund for the to provide a fair mechanism for the payment of compensation to property owners in Chesterfield Township who suffer legally cognizable damages

to their property as a result of the construction work performed in installing the SRL Pipeline;

3. Payment to the Township of Chesterfield of Two Million Seventy One Thousand Four Hundred Forty Dollars (\$2,071,440.00) to compensate for foreseeable community impacts as a result of SRL Construction activities, including, but not limited to, road repair and repaving costs that may be incurred to, or suffered by, certain Detour Roads utilized during the course of the Project;
4. Limitations on the work schedule and the attendant requirement that security for same fall under the jurisdiction of the Chesterfield Township Police Department;
5. Other considerations that were important to the Township;

**WHEREAS**, a form of “Settlement Agreement and Release”, and a form of “Consent Order” (which addresses the Construction Compensation Fund) have been exchanged, and reviewed, by the Township Committee, the Township Attorney, the Township Administrator/Chief of Police, all of whom have approved the language and substance of said documents, as well as the dismissal of the pending appeals in the Appellate Division.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chesterfield, State of New Jersey that the Township Solicitor, Township Administrator, Township Clerk, and such other officials as may be required, are hereby authorized and directed to execute the attached “Settlement Agreement and Release”, and “Consent Order” (which governs the Construction Compensation Fund referenced above), and the Township Attorney is hereby directed, following execution of said documents by all necessary parties, to file dismissals with prejudice of the appeals currently pending in the Appellate Division relating to the two (2) NJBPU Orders, and the decision of the State of New Jersey

Pinelands Commission.

**CHESTERFIELD TOWNSHIP COMMITTEE**

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I, Caryn M. Hoyer, Clerk of the Township of Chesterfield in the County of Burlington and State of New Jersey do hereby certify the foregoing Resolution to be a true and accurate copy of the Resolution approved by the Township Committee at a duly advertised meeting held on July 25, 2019, at which a quorum was present.

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Caryn M. Hoyer, RMC  
Township Clerk

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