



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17 5 02

**TITLE:** Confidentiality and Privilege of Certain Documents

Commissioner Ed Lloyd moves and Commissioner Robert Jackson seconds the motion that:

WHEREAS, in the course of working toward settlement of pending OPRA litigation Pinelands Preservation Alliance v. Pinelands Commission (BUR-L-1744-14), certain Pinelands Commission documents were produced in full and certain Pinelands Commission documents were produced in redacted form or withheld due to the confidential and privileged nature of these documents;

WHEREAS, individual board members have asked to review the documents that were redacted and/or withheld due to the confidential and privileged nature of the documents; and

WHEREAS, the documents were redacted and/or withheld under OPRA and in the ensuing litigation because certain privileges, including attorney-client privilege and deliberative process, attach to the documents; and

WHEREAS, in addition to Pinelands Preservation Alliance v. Pinelands Commission (BUR-L-1744-14), the Pinelands Commission is also defending other litigation, to which the documents pertain, related to its January 10, 2014 vote on the proposed Memorandum of Agreement between the Pinelands Commission and the Board of Public Utilities, In the Matter of the Resolution Authorizing the Executive Director to Enter Into a Memorandum of Agreement With The Board of Public Utilities Regarding Construction of Approximately 15 Miles of 22-Mile, 24-Inch Natural Pipeline in the State Designated Pinelands Area (A-003035-13); and

WHEREAS, due to the pending litigation, there is a need to ensure there is no inadvertent waiver of confidentiality or any privileges associated with the documents.

NOW, THEREFORE BE IT RESOLVED that Pinelands Commission acknowledges that the subject documents are privileged and confidential;

BE IT FURTHER RESOLVED that the Commission does not intend to waive any privileges attached to the subject documents and is specifically not waiving any privileges that attach to these documents when an individual board member reviews them; and

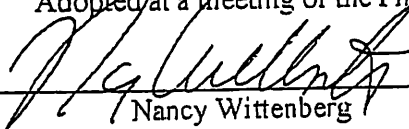
BE IT FURTHER RESOLVED individual board members remain under a duty to keep the documents and information contained in the subject documents confidential pursuant to N.J.S.A. 52:13D-25.

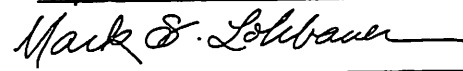
Record of Commission Votes

AYE NAY NP ABS				AYE NAY NP ABS				AYE NAY NP ABS						
Ashmun	X				Galletta	X				Prickett	X			
Avery	X				Jackson	X				Quinn			X	
Brown			X		Jannarone			X		Rohan Green			X	
DiBello			X		Lloyd	X				Witt			X	
Earlen		X			McGlinchey	X				Lohbauer	X			

Adopted at a meeting of the Pinelands Commission

Date: 1/30/15

  
 Nancy Wittenberg  
 Executive Director

  
 Mark S. Lohbauer  
 Chairman