

Disclaimer

These minutes reflect the actions taken by the Commission during its September 12, 2014 meeting. Although these minutes have been approved by the Commission, no action authorized by the Commission during this meeting, as reflected in these minutes, shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of these minutes has been delivered to the Governor for review, unless prior to expiration of the review period the governor approves same, in which case the action shall become effective upon such approval. These minutes were delivered to the Governor on September 22, 2014.

PINELANDS COMMISSION MEETING¹
Richard J. Sullivan Center
Terrence D. Moore Conference Room
15 Springfield Road
New Lisbon, New Jersey

MINUTES

October 10, 2014

Commissioners Present

Candace Ashmun, Alan W. Avery Jr., Bill Brown, Joe DiBello, Sean Earlen, Ed Lloyd, Paul E. Galletta, Richard Prickett, Robert Jackson, Jane Jannarone, Ed McGlinchey, Gary Quinn, Fran Witt and Chairman Mark Lohbauer. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit Liaison Amy Herbold and Deputy Attorney General Kristen Heinzerling.

Commissioners Absent

D'Arcy Rohan Green.

Chairman Lohbauer called the meeting to order at 9:35 a.m.

DAG Heinzerling read the Open Public Meetings Act Statement.

Ms. Wittenberg called the roll and announced the presence of a quorum. (There were 14 Commissioners present.)

The Commission and public in attendance pledged allegiance to the Flag.

¹ Please note that all attachments are maintained with the original minutes, but are not attached to copies. For information about attachments, please contact the office.

Minutes

Chairman Lohbauer presented the minutes (open and closed session) from the September 12, 2014 Commission meeting. Commissioner Prickett moved the adoption of the minutes. Commissioner Jackson seconded the motion.

The minutes of the September 12, 2014 Commission meeting were adopted by a vote of 10 to 0, with Commissioner Avery, Commissioner McGlinchey, Commissioner Quinn and Chairman Lohbauer abstaining.

Committee Assignments

Chairman Lohbauer announced the new Committee assignments:

Policy and Implementation Committee—

Mark Lohbauer (Chairman), Ashmun, Earlen, Galletta, Jackson, Lloyd & Prickett
Alternates: DiBello (1st Alternate), McGlinchey (2nd Alternate)

Personnel and Budget Committee—

Avery (Chairman), Brown, DiBello, McGlinchey, Quinn, Rohan Green & Witt
Alternates: Jannarone (1st Alternate), Prickett (2nd Alternate)

Committee Chairs' Reports

Personnel & Budget Committee

Acting Committee Chairperson Prickett said the September 30, 2014 Personnel and Budget (P&B) Committee meeting was canceled.

Plan Review

Commissioner Ashmun said copies of the Plan Review Report have been distributed. She said the report contains a lot of good information and she thanked staff for their hard work in producing it.

Ms. Wittenberg said staff will present the report later in the meeting.

Policy & Implementation Committee

Chairman Lohbauer updated the Commission on the September 26, 2014 Policy and Implementation (P&I) Committee meeting:

The Committee adopted the minutes of the July 25, 2014 meeting

The Committee received the annual update on the Pinelands Permanent Land Protection programs. Both the presentation and a related map of preserved lands have been posted on the Commission's website.

The Committee received an update on the redesign of the Commission's website. New features will increase accessibility and expand the information available to the public. The implementation schedule is dependent upon the NJ Office of Information Technology's schedule and workload.

The Committee discussed public hearing and comment procedures.

Executive Director's Reports

Ms. Wittenberg updated the Commission on the following:

- The Pinelands Municipal Council met in Little Egg Harbor at the end of September. She said the Council continues to struggle to get a quorum.

Mr. Larry Liggett provided an update on the following:

- Staff continues to work on the next steps for the remaining efforts on the Kirkwood-Cohansey study.
- The New Jersey Department of Environmental Protection is considering new Water Quality Management Planning Rules.
- The Commission has been receiving a number of calls from Pinelands counties and municipalities, asking about the numbers provided to the Council on Affordable Housing (COAH). The Commission staff plans to hold a briefing session on the buildout numbers.

Mr. Chuck Horner provided an update on the following:

- A pre-application meeting was held with representatives from Joint Base McGuire-Dix-Lakehurst to discuss two solar facility proposals.
- Staff is reviewing an application for the demolition and reconstruction of a house dating back to the 1870's that was damaged by Superstorm Sandy in New Gretna.
- Staff recently reviewed two applications for wetlands mitigation.
- Staff is working with Egg Harbor City on a sidewalk project. The project has faced limitations because of stormwater regulations and wetland requirements.

Commissioner Avery asked if the solar project at the base would require Commission approval.

Mr. Horner said yes.

Commissioner Jackson asked if the military base was required to apply to the Commission for all development.

Mr. Horner said yes, however the CMP has a provision that states exceptions for national defense.

A discussion ensued about when and why the Joint Base uses this provision.

Commissioner Lloyd suggested that Ms. Roth contact the Department of Justice to further explore the issue.

Ms. Stacey Roth advised Commissioners that annual ethics training must be completed by mid-November.

Chairman Lohbauer added that Commissioner McGlinchey suggested the formation of an Agriculture Committee composed of Commission members only. Chairman Lohbauer said that the Tuckahoe Turf matter was a good example of something that could be reviewed by this Committee.

Commissioner Jackson suggested that farmers on the Commission should be on that Committee.

Chairman Lohbauer said he would speak with staff to discuss the possibility of the new Committee.

Public Development Projects and Other Permit Matters

Chairman Lohbauer said there were no Public Development applications or Waivers of Strict Compliance on this month's agenda.

Public Comment on Agenda Items and Pending Public Development Applications

No members of the public offered comment.

Ordinances Not Requiring Commission Action

Chairman Lohbauer asked if any Commissioner had questions regarding the ordinances not requiring Commission action:

- Woodland Township Ordinance 2014-4

No members of the Commission had questions.

Other Resolutions

Chairman Lohbauer presented a resolution To Approve the New Jersey Pinelands Commission's 2013 Annual Report. He said he was glad to see the report included a tribute to former Commissioner John Haas and Commissioner Richard Sullivan.

Commissioner Galletta moved the adoption of a resolution To Approve the New Jersey Pinelands Commission's 2013 Annual Report (See Resolution # PC4-14-35).
Commissioner Lloyd seconded the motion.

The Commission adopted the resolution by a vote of 14 to 0.

Other Agenda Items

Ms. Wittenberg said that Chairman Lohbauer directed staff to establish a Plan Review Committee. She said in June of 2012, work on the 4th Progress Report on Plan Implementation began. She said the report takes a snapshot beginning in July of 2001 and concludes at the end of June 2012. She said the report will be posted on the Website later today.

Link to the report:

<http://www.state.nj.us/pinelands/cmp/planreview/PR%20reports/PlanReviewReportFinalDraft.pdf>

Ms. Grogan reviewed the highlights of the Land Use and Planning chapter, which included charting the changes in acreage for each Pinelands Management Area and the multiple CMP Amendments that took effect during the plan review period. She also reported on the Permanent Land Protection efforts of the Commission between 2001 through June 30, 2013.

Mr. Horner reviewed the types and amounts of applications the Regulatory Programs office processed between 2001 and 2012.

Mr. Kim Laidig provided information on the Science office's main initiatives: the Long-term Environmental-monitoring Program, the Kirkwood-Cohansey Project and the Ecological Integrity Assessment.

Mr. Liggett briefed the Commission on the Memorandums of Agreement (MOA) that the Commission entered into from 2001-2012. He said the Commission entered into 12 streamlining MOA's and eight deviation MOA's. Mr. Liggett also discussed the Commission's Long -Term Economic Monitoring Program.

Mr. Paul Leakan described the efforts the Commission had undertaken in education and outreach.

Ms. Wittenberg said that although the report is complete, the work has just begun. She reviewed the recommendations portion of the report. (See presentation slides for further details (Attached)).

Chairman Lohbauer commended staff and Commissioners for the hard work that went into the Plan Review process.

Commissioner Ashmun congratulated staff for the years of work. She stated that she believed equal protection of the Pinelands had been achieved through the MOAs approved to date.

Commissioner Prickett said the report is proof that the CMP is working. He said the report is a great tool that can be used by people in the science and planning fields.

Public Comment on Any Matter Relevant to the Commission's Statutory Responsibilities

Brian Murphy, who spoke on behalf of the New Jersey Builders Association, said the staff at the Commission has always been a pleasure to work with and he hopes to continue the dialogue on the Pinelands Development Credit Program, stormwater management and the Kirkwood-Cohansey study. He said he was curious how the Commission accounts for the recharge of water from housing developments.

Marilyn Miller suggested a moratorium on building. She said she has participated in many plant surveys and said the work needs to continue.

Fran Brooks, a Tabernacle Township resident, said she appreciated the staff's efforts on the Plan Review report. She asked if violations stemming from MOA's are tracked and logged by Commission staff.

Mr. Horner said that all violations follow the same process.

Georgina Shanley of Ocean City recognized the work of both the Staff and the Commissioners on the Plan Review report. She said based on the figures in the report, there are still demands on the natural resources of the Pinelands.

Ms. Shanley asked for an update on the South Jersey Gas lawsuit.

Ms. Roth said the Court has not yet established a briefing schedule.

Ms. Shanley asked about the implications of the Van Drew Bill (A3257) in the assembly.

Chairman Lohbauer said there are no implications unless the bill is adopted and signed by the Governor. The Commission's counsel will advise us at that time.

Closed Session Resolution

DAG Heinzerling read a resolution to retire into closed session to discuss collective bargaining.

Commissioner Jackson moved to retire into closed session. Commissioner Earlen seconded the motion. The Commission agreed to retire into closed session by a vote 14 of 17, beginning at 11:28 a.m.

Return to Open Session

Commissioner Galletta made a motion to return to open session. Commissioner Lloyd seconded the motion. The meeting resumed at 12:28 p.m.

Ms. Roth said that in closed session the Commission discussed the ongoing collective bargaining negotiations and the fact finder's report. She read the resolution that was discussed in closed session into the record.

Commissioner Avery moved the adoption of a resolution To Authorize the Executive Director to Encourage to the Communications Workers of America, Local 1040 to Vote on the Fact Finder's Report and Recommendations (See Resolution # PC4-14-36).
Commissioner Witt seconded the motion.

Commissioner Earlen said he disagrees with the resolution. He said he feels it is in the best interest of the Commission and employees to take action on the fact finder's report today.

The Commission adopted the resolution by a vote of 9 to 4, with Commissioner Brown, Commissioner Earlen, Commissioner Jackson and Commissioner McGlinchey voting no. (Note: Commissioner Jannarone was not present for the vote.)

Adjournment

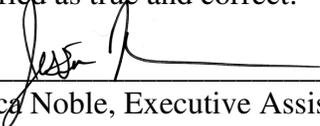
Commissioner Jackson said that despite the staffing constraints at the Commission and the lack of enforcement power, we are still able to accomplish great things.

Commissioner Lloyd said he was delighted to be a part of this. He thanked the Legislature and Governor Byrne for requiring the Plan to review both the past and the future.

Chairman Lohbauer closed by thanking the Plan Review Committee.

Commissioner Ashmun moved to adjourn the meeting. Commissioner Avery seconded the motion. The Commission agreed to adjourn at 12:37 p.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: October 17, 2014